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# Congressional Record

CONTAINING

THE PROCEEDINGS AND DEBATES

OF THE

## FIRST SESSION

OF THE

## SIXTY-FOURTH CONGRESS

OF

THE UNITED STATES
OF AMERICA

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# Congressional Record.

PROCEEDINGS AND DEBATES OF THE SIXTY-FOURTH CONGRESS, FIRST SESSION.

## SENATE.

FRIDAY, *February 4, 1916.*

*(Continuation of legislative day of Thursday, February 3, 1916.)*

The Senate reassembled at 12 o'clock meridian, on the expiration of the recess.

Mr. HITCHCOCK. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

| | | | |
|---|---|---|---|
| Ashurst | Hollis | Newlands | Smith, S. C. |
| Bankhead | Husting | Norris | Smoot |
| Brandegee | James | O'Gorman | Sterling |
| Bryan | Johnson, Me. | Overman | Stone |
| Catron | Johnson, S. Dak. | Page | Sutherland |
| Chamberlain | Jones | Phelan | Swanson |
| Chilton | Kenyon | Poindexter | Thomas |
| Clapp | Kern | Pomerene | Thompson |
| Clarke, Ark. | La Follette | Reed | Tillman |
| Colt | Lea, Tenn. | Robinson | Vardaman |
| Cummins | Lippitt | Saulsbury | Wadsworth |
| Curtis | Lodge | Shafroth | Walsh |
| Gallinger | McCumber | Sheppard | Williams |
| Gronna | Martin, Va. | Simmons | Works |
| Harding | Martine, N. J. | Smith, Ariz. | |
| Hardwick | Myers | Smith, Ga. | |
| Hitchcock | Nelson | Smith, Md. | |

Mr. CHILTON. I wish to announce the absence of my colleague [Mr. GOFF] on account of illness.

The VICE PRESIDENT. Sixty-five Senators have answered to the roll call. There is a quorum present.

### DESTRUCTION OF PARLIAMENT BUILDING AT OTTAWA.

Mr. THOMAS. Mr. President, I ask unanimous consent to introduce and have read the following resolution.

The VICE PRESIDENT. Is there objection? The Chair hears none. The Secretary will read.

The Secretary read the resolution (S. Res. 92), as follows:

Whereas the Parliament Building of the Dominion of Canada, one of the most expensive and beautiful architectural ornaments upon the North American Continent, has been reduced to ashes by an act of deliberately planned incendiarism; and

Whereas the destruction of public buildings dedicated to the purposes of civil administration is wanton, barbarous, and in conflict with every principle of enlightened justice: Therefore be it

*Resolved by the Senate of the United States,* That the destruction of the Parliament Building of the Dominion of Canada is condemned as an unpardonable crime against civilization.

Mr. GALLINGER. Mr. President, I ask the Senator introducing the resolution if he has conclusive proof that that catastrophe was of incendiary origin, and if so, from what source did it come? Was it a Canadian incendiary, a British incendiary, a German incendiary, or who was it? I read the dispatch, but I did not come to the conclusion the Senator from Colorado seems to have reached. There does not seem to be any proof as to the real cause of the catastrophe, and before making a declaration on the subject we certainly ought to wait until after an investigation has been made by the Canadian authorities.

Mr. THOMAS. I drew that inference and conclusion from the strength of the reports in the papers this morning.

Mr. GALLINGER. Let the resolution go over.

The VICE PRESIDENT. The resolution will go over under objection.

### FLOODS IN THE MISSISSIPPI VALLEY.

Mr. VARDAMAN. Mr. President, I wish to ask unanimous consent to have read a short telegram from the Legislature of Mississippi, containing a resolution adopted by that legislature on the flood situation in the Mississippi Valley.

Mr. LODGE. Are we going to transact morning business?

Mr. BRANDEGEE. I shall not object to this request for unanimous consent, but I give notice that I shall object to any further request.

Mr. VARDAMAN. I wish to say to the Senator——

Mr. BRANDEGEE. Just let me finish. I shall not object to this, but I shall object to any further request for unanimous consent to transact morning business. When the Senate recesses, as it did yesterday, for the purpose of cutting out morning business, we should either cut it out or else permit it to be transacted. I have no objection to this request.

Mr. VARDAMAN. I agree with the Senator in his view, but I am asking this extraordinary privilege——

Mr. BRYAN. Mr. President, I rise to a point of order.

The VICE PRESIDENT. The Senator from Florida will state it.

Mr. VARDAMAN. It is proposed that Congress shall take some action for the relief of the suffering in the flooded district of the Mississippi Valley, and I wish to have the resolution read for the information of the Senate and referred to the Committee on Appropriations.

Mr. BRANDEGEE. I have no objection. I so stated.

Mr. BRYAN. Mr. President, I rise to a point of order.

The VICE PRESIDENT. The Senator will state it.

Mr. BRYAN. The Journal and RECORD show that we are in the same legislative day as yesterday, and therefore it is not in order to receive morning business at this time.

The VICE PRESIDENT. It is a request for unanimous consent. Is there any objection? The Chair hears none and the Secretary will read the telegram.

The Secretary read as follows:

[Telegram.]

JACKSON, MISS., *February 3, 1916.*

Hon. JAMES K. VARDAMAN,
*United States Senate, Washington, D. C.:*

I have the honor to inform you that the Legislature of the State of Mississippi to-day passed the following concurrent resolution:

Whereas certain large areas of the Yazoo (Miss.) Delta in the counties of Sharkey, Warren, Issaquena, and Washington are now inundated or threatened with inundation; and

Whereas in consequence large numbers of people have been driven from their homes and are now without shelter: Therefore be it

*Resolved by the house of representatives (the senate concurring),* That the Congress of the United States be memoralized to take such immediate action as may be necessary in order to confer authority upon the adjutant general of the State of Mississippi to furnish tents, now in possession of the State National Guards, to destitute and homeless people in the flooded districts of the Yazoo (Miss.) Delta of this State.

GEORGE B. POWER,
*Clerk of the House of Representatives.*

The VICE PRESIDENT. The Chair is of the opinion that the telegram should go to the Committee on Military Affairs, it being a request for the loan of tents belonging to the Government of the United States.

Mr. VARDAMAN. I suggest that it go to the Committee on Appropriations, as a bill looking to conferring authority upon the Secretary of War to permit the use of tents is pending there. For that reason I would prefer to have it go to the Committee on Appropriations.

The VICE PRESIDENT. The Chair has no desire about it. It will go to the Committee on Appropriations.

### THE GOVERNMENT OF THE PHILIPPINES.

The Senate resumed the consideration of the bill (S. 381) to declare the purpose of the people of the United States as to the future political status of the people of the Philippine Islands, and to provide a more autonomous government for those islands.

The VICE PRESIDENT. The pending amendment is the amendment of the Senator from Nebraska [Mr. HITCHCOCK]. The question is on agreeing to the amendment.

Mr. HITCHCOCK. I should like to have the amendment read.

The VICE PRESIDENT. The Secretary will read the amendment.

The SECRETARY. In lieu of section 34, it is proposed to insert:

SEC. 34. That not less than two years nor more than four years from the meeting of the legislature provided for in this act the President shall withdraw the sovereignty of the United States from the Philippine Islands, except such necessary portions thereof as he may select for naval bases or coaling stations. He shall, however, before completing

the final steps of this withdrawal require of the Filipinos the establishment of a stable government, republican in form, and based upon the consent of the people, duly ascertained at an election called by act of the legislature, approved by the President. At this election shall be submitted for approval the form of constitution recommended by the legislature as well as the names of all candidates for elective office in the first provisional government. Said constitution shall provide that the new Philippine Republic shall fulfill the obligations of the United States concerning the Philippine Islands incurred by the treaty of Paris or arising out of the occupation of the islands, including the personal and property rights of individuals and corporations of the United States and other countries, and the safeguarding of such Philippine government loans and other obligations as have heretofore been authorized by act of Congress. Said constitution shall also provide that in all trade relations the United States shall have the benefit of the most-favored-nation clause. If the constitution is approved at said election and the provisional government created, the President shall then by proclamation recognize the independence of the Philippine Republic and turn over to the Philippine Government the control and sovereignty of the islands, except such naval bases and coaling stations as are above provided for. If, however, the President shall find at any time within the period of limitation provided above that the condition of the external or internal affairs of the islands or the international relations of the United States require it, or if a constitution as above provided be not adopted, he may by proclamation extend for the period of one year beyond the four years above provided the time for taking action under this act and thus afford to Congress an opportunity, in its discretion, to consider further the Philippine question, but any such extension of time by the President shall not otherwise suspend or nullify the operative force of this act unless Congress shall hereafter so direct.

Mr. HITCHCOCK. Mr. President, I do not wish to unduly take the time of the Senate, but I should like to draw the attention of my colleagues to what I think are serious defects in the Clarke amendment, from any standpoint, defects which, I think, are cured in the substitute I have offered.

I find that a number of Senators have not carefully considered the fact that in the amendment offered by the Senator from Arkansas no provision whatever is made for the creation of machinery by which a new government shall be created in the Philippine Islands into whose hands the United States shall turn over the control of those islands.

An examination of the Clarke amendment shows that its provisions as to that matter are entirely vague, that there is no provision indicating how the people of the Philippine Islands shall go about instituting a government there. The Clarke amendment provides that the President shall "recognize the independence of the said Philippines as a separate and self-governing nation and acknowledge the authority and control over the same of the government instituted by the people thereof." The question is, How are the people of the Philippine Islands to institute a government there? Shall that be left altogether to a disorganized people? Shall that be left altogether to chance? Shall it be left to the realm of controversy?

There exists in the islands no authority at the present time; there is nothing in the islands at the present time except a legislature, the upper branch of which is appointed by the President and the lower branch of which is elected. Even after the passage of this bill the only government in existence there will be an American government, a government with an American Governor General and a legislature, the veto power of which is in the hands of an American as well as in the hands of the President. How, then, are those Filipino people, to whom the President is required to turn over the government, to institute the new government into whose hands the control shall be turned over? If it is left in the vague way as provided in this amendment, it seems to me there will be a direct invitation to controversy and struggle. Rival parties may organize different governments; parties with rival ideas of government may each claim to be the new government; and there is no assurance from anything provided in the amendment that the President will be able to find a government to recognize in the Philippine Islands.

It is true that under this amendment the President is invested with full power and authority "to enter into negotiations with the authorities of the said Philippines." What authorities of the Philippines? If he is to enter into negotiations with the authorities in the Philippines, should this act which we are now passing not provide an orderly means by which those authorities can be brought into being?

Mr. President, I seek in my substitute to create the machinery in a prompt, orderly, and definite way to bring those Philippine authorities into being, and to give them a constitution as a foundation; a constitution based upon the consent of the governed, and a provisional government elected at the same time that the constitution is adopted.

I provide in my substitute that the legislature—the legislature provided for in the body of this bill, the legislature both houses of which are to be elected by the people—shall submit to the Philippine people, at an election called by an act of the legislature, a constitution. That is the orderly way to do it. I provide that at the same election at which the people vote upon the constitution submitted by the legislature they shall elect a provisional government to stand upon the constitution, a provisional government with which the United States can negotiate, and to which it can turn over the powers of government. I maintain, Mr. President, that this is the orderly way; this is the quick way; and only in this way can the United States leave the islands decently and in order, and avoid the almost certain dangers of confusion if not of revolution.

Mr. President, my substitute goes further than this. It provides that the constitution thus submitted by the legislature to the people of the Philippine Islands must have certain provisions incorporated within it; that it must have one provision for an obligation of the new Philippine government assuming the obligations of the United States, which we incurred by the treaty of Paris with Spain; the treaty by which we acquired our sovereignty in the Philippine Islands; a treaty in which we made certain promises to the Government and to the people of Spain.

Can we create a new government over there? Can we abandon those islands and withdraw our sovereignty without at least demanding of the new Philippine government that it shall assume the obligations that we made? One of those obligations is the guaranty of religious liberty in the islands; another of those obligations is a guaranty of the rights of Spanish citizens and subjects in the courts of those islands; another obligation is the guaranty of the rights of those Spaniards in the conduct of their business long established in the islands. I think that the constitution which the Filipinos are to adopt should include the obligation on the new government to assume the obligations of the United States.

Mr. President, my amendment goes further. It also provides that this government so created in this definite, prompt, and natural way shall also assume all the other obligations of the United States incurred during our 17 years occupancy. The Congress of the United States has authorized the Philippine government to sell bonds; and millions of dollars' worth of such bonds have been sold by authority of Congress at a very low rate of interest. They are held in the United States by savings banks; they are held, as I understand, by postal savings banks; they are held by investors, who bought them on the faith of the United States, believing that the authority of Congress was behind them. I say that in the very constitution of the Philippine people we should incorporate an obligation to see that those bonds are safeguarded.

That is not all. That same Philippine government, under the authority of Congress, has guaranteed the interest on $16,000,000 worth of railroad bonds, without which the railroads could not have been built. Those bonds also are a moral obligation of Congress, and Congress should see that the new government in the Philippine Islands incorporates in its very fundamental law, its constitution, provisions for the safeguarding of those investments.

Mr. President, this proposal of mine to require these matters to be incorporated in the constitution of the new republic is not without precedent.

Mr. SIMMONS. Mr. President——

The PRESIDING OFFICER (Mr. MARTINE of New Jersey in the chair). Does the Senator from Nebraska yield to the Senator from North Carolina?

Mr. HITCHCOCK. I do.

Mr. SIMMONS. Mr. President, I think there is great force in the general suggestion made by the Senator from Nebraska. I have always felt that there ought to be some authority created by law in the archipelago for the purpose of representing the Philippine people in any negotiations that might take place in carrying out the general program outlined in what is known as the Clarke amendment.

The Senator from Nebraska suggests that a constitution be formed by the present legislature, and that that be submitted to the people. I want to ask the Senator if he does not think it would be better, instead of submitting to them a constitution framed and promulgated by the present legislature, which he says is largely under American control and domination, to authorize a constitutional convention of the people of the Philippine Islands for the purpose of framing their own constitution, prescribing at the same time certain things that are essential to be embodied in that constitution, in order to meet the requirements of the United States?

Mr. HITCHCOCK. Well, Mr. President, I think I have made myself misunderstood if the Senator from North Carolina got the impression from me that the present legislature would submit the proposed constitution to the Philippine people. My substitute provides that the first legislature provided for in the bill, which is yet to be elected by the Philippine people, shall submit the constitution.

Mr. SIMMONS. But would not that legislature also be under the domination and control to a certain extent of this Government? It would be composed largely of the same membership as the present legislature in the popular branch and also in the upper house, of which the United States Government would have large control or large representation, to say the least. Then would it not also be more or less under the control of the Governor General of the islands?

Mr. HITCHCOCK. Mr. President, personally I would have no objection to providing for a constitutional convention, but inevitably that would lead to considerable delay; and it was partly for the purpose of cutting matters short that I proposed that the legislature to be elected at the first general election—which would possibly occur this year, if the bill passes soon enough—should perform the functions of a constitutional convention. I would not have the present legislature do that, but the legislature to be elected under this bill, the legislature consisting of 90 members in the lower house and 24 senators in the upper house. It was partly for the purpose of reducing the time that I made the suggestion of combining in the new legislature the functions of a constitutional convention as well as the functions of a legislature.

Mr. SIMMONS. Mr. President, I understand that, but I think the same objection would obtain as to the legislature to be hereafter elected that applies to the legislature now in existence so far as the matter we are discussing is concerned. What I had in mind was this: That the constitution that is finally to be adopted ought to be a constitution that is framed by the Filipino people in their own organic body, called a constitutional convention, so that there might not be any question that that constitution, subject to the qualifications which the Senator has just stated, growing out of the exactions of the United States, would be the sole, uninfluenced act of the Filipino people. If that were feasible, and the Senator's amendment were framed in that way, I should myself be in favor of it; but I want to ask the Senator this question: Why can not that be offered as an amendment to the Clarke amendment, which has already been adopted?

I am myself in favor of the general principles embodied in the Clarke amendment. I should like to see it amended in that particular; and if the Senator would offer his amendment as an amendment to the Clarke amendment, then I think I would be disposed to support it.

Mr. HITCHCOCK. I think if the Senator will examine the Clarke amendment he will find that there will be great difficulty in engrafting upon it any further amendments. It has been amended so much already that it is difficult to understand and the meaning of its sentences is involved and vague. I have endeavored here to incorporate in my substitute the real provisions and the intent of the Clarke amendment, with the exceptions which I have noted.

I want to suggest to the Senator that his criticism of the legislature as a body not responsible to the people would hold good as to the present legislature possibly, but it could not hold good as to the legislature elected with the view that it was not only to have legislative functions but also to frame a constitution and to submit that constitution to the people.

Mr. SIMMONS. Would it not be a legislature elected under the bill advocated by the Senator?

Mr. HITCHCOCK. It would be a legislature elected under the bill.

Mr. SIMMONS. But the bill was framed not with a view to the United States at present withdrawing, and that bill, I assume, retains certain power in the United States in connection with the Philippine Legislature.

Mr. HITCHCOCK. Well, the legislature would have full legislative power, with very few restrictions, and its power over the constitution would be absolute, except for the exceptions which I have specified here.

I want to call the Senator's attention to another fact. The Philippine Islands, of course, are inhabited by people that have had very little experience in popular government, and probably the men elected to the legislature would include about all the men who are capable of considering governmental affairs. In the United States, or in any State of the Union, it would be an easy matter to form a constitutional convention entirely outside of the legislature, but it would be a very difficult matter with the limited number of public men in the Philippine Islands.

Mr. SIMMONS. Mr. President, I understand the Senator's bill is intended to enlarge the control of the Filipino people over their legislature.

Mr. TOWNSEND. Mr. President, I should like to ask the Senators who are indulging in a joint debate on the other side to speak so that those of us on this side can hear. I assume it is a matter of some importance.

Mr. SIMMONS. I assume that the present bill was framed, in part, with a view to increasing the control generally of the Philippine people over their legislature and their government; but I assume also that the present bill was framed with a view to giving the United States some power and representation in connection with the next legislature, the legislature provided for by this bill. Is that not the fact?

Mr. HITCHCOCK. It is only true so far as the civilized tribes are concerned. Of the 90 members of the lower house, 81 are elected directly by the Philippine people; all of the members representing the Philippine people are elected by the Philippine people; but in the Moro country and in one of the other islands there are, as the Senator knows, about 600,000 belonging to non-Christian tribes, and, inasmuch as they are not yet capable of self-government, have never held any election, and have never participated in the government, it is provided that the Governor General may select a limited number of members to represent their interests. They do not represent the Filipino interests, and they are small in number. Only 2 senators, for instance, out of 24, and 9 members of the lower house out of 90, will be selected by the Governor General; so that it is a very insignificant representation, and they are not to represent the interests of the United States, nor to restrain the Filipino legislature in legislating over their own affairs, but only to advise the legislature so far as the affairs of the non-civilized or non-Christian tribes are concerned.

Mr. SIMMONS. The Senator is speaking now with reference to the lower branch and the upper branch also?

Mr. HITCHCOCK. Yes.

Mr. SIMMONS. What is the power given by the bill to the Governor General?

Mr. HITCHCOCK. The Governor General has the power to veto legislation.

Mr. SIMMONS. Exactly.

Mr. HITCHCOCK. But, of course, he would have no power to veto a constitution which they submitted.

Mr. SIMMONS. If they submitted a constitution to the Filipino people, would not that be an act of legislation that he would have the power to veto?

Mr. HITCHCOCK. No; I think not; I have no idea of that.

Mr. SIMMONS. I do not see how the Senator can draw that distinction. I take it that if the Governor General has the power of veto over the acts of that legislature, he would have the same power to veto a proposition submitting a constitution to the people that he would have to veto any other legislative act.

Mr. HITCHCOCK. I certainly have no intention of having such a provision in the bill; and if there is such a provision in the bill, I will be very glad to accept an amendment to it. My purpose was simply to economize time and economize material, for the material for statesmanship in the Philippine Islands is necessarily very limited. I thought the same body which will be called into existence by this bill, the same men who will be elected under the terms of this bill to represent the Filipino people, elected by themselves, might also act as a constitutional convention to submit to a vote of the Filipino people the constitution which they must have as a basis of their government.

Mr. SIMMONS. The Senator has said that on account of the amendments that have been made to the Clarke amendment it would be very difficult to fit this part of his amendment into that provision, so as to incorporate it as a part of it. Would there be any difficulty about offering it as a separate and independent section to the Clarke amendment?

Mr. HITCHCOCK. I think, if the Senator would read the Clarke amendment carefully—and I find that a good many Senators who have been voting for the Clarke amendment have not read it as yet——

Mr. SIMMONS. I have read it very carefully; but I can not see, I want to say to the Senator before I take my seat, any possible reason why the principle of his amendment, even though its language would not fit in very well at the present time, could not be very well and very pertinently incorporated as a separate and independent section in the Clarke amendment. I should myself like an opportunity to vote upon that proposition in that form.

Mr. HITCHCOCK. Well, the Senator, of course, might be able to present something.

Now, I want to read for the Senate the portions of the Platt amendment which apply to Cuba, which seem to me to afford a valuable precedent to be followed in this case. It was in the act of Congress passed March 2, 1901:

The President is hereby authorized to "leave the government and control of the island of Cuba to its people" so soon as a government shall have been established in said island under a constitution which, either as a part thereof or in an ordinance appended thereto, shall

define the future relations of the United States with Cuba, substantially as follows:

I. That the government of Cuba shall never enter into any treaty or other compact with any foreign power or powers which will impair or tend to impair the independence of Cuba, nor in any manner authorize or permit any foreign power or powers to obtain by colonization or for military or naval purposes or otherwise, lodgment in or control over any portion of said island.

II. That said government shall not assume or contract any public debt, to pay the interest upon which, and to make reasonable sinking-fund provision for the ultimate discharge of which, the ordinary revenues of the island, after defraying the current expenses of government shall be inadequate.

III. That the government of Cuba consents that the United States may exercise the right to intervene for the preservation of Cuban independence, the maintenance of a government adequate for the protection of life, property, and individual liberty, and for discharging the obligations with respect to Cuba imposed by the treaty of Paris on the United States, now to be assumed and undertaken by the government of Cuba.

IV. That all acts of the United States in Cuba during its military occupation thereof are ratified and validated and all lawful rights acquired thereunder shall be maintained and protected.

V. That the government of Cuba will execute and, as far as necessary, extend the plans already devised or other plans to be mutually agreed upon for the sanitation of the cities of the island, to the end that a recurrence of epidemic and infectious diseases may be prevented.

And then there are a few other provisions which were especially local to Cuba and which cut no figure in this case.

Mr. President, my contention is that in leaving these islands we should leave decently and in order. We should help, by suggestion, the Filipino people in organizing a new government, so that when we relinquish the power it may pass into the hands of a government established by peaceful and lawful means, and that there may not be destruction and disorder and perhaps bloodshed before the people themselves may be able to establish a government if left to themselves.

It seems to me, Mr. President, that anything less than this on the part of the United States would be reckless, and I think that the Congress which took the precautions I have read with regard to Cuba when it authorized the establishment of an independent government there ought to go at least as far as I have gone in the substitute which I present.

Mr. SUTHERLAND. Mr. President, before the Senator takes his seat, I should like to ask him a question.

The Senator's amendment provides that the Filipino people shall put certain provisions into their constitution. The Senator recognizes that a constitution is a domestic, fundamental law. It is not a contract between the United States and the Filipino people. It is a fundamental law binding upon the Filipinos alone. How would the Senator enforce provisions of that sort in the Philippine constitution?

Mr. HITCHCOCK. Mr. President, that is a bridge that we will have to cross when we come to it. My own first preference was for a treaty, and in the first substitute which I offered I provided for a treaty, which would be a contract. But it was objected here in the Senate that a treaty would have to be ratified by the Senate of the United States, and that the ratification of such a treaty would require a two-thirds vote, and that it might happen that an obstreperous third might prevent the ratification of the treaty and thus destroy or delay the effectiveness of the legislation. So I have done the next best thing in this substitute, and I have provided that the people shall incorporate it in their fundamental law, believing that if they do so they will live up to its obligations. It certainly is a precaution which can be taken, and which probably will serve the purpose.

Mr. SUTHERLAND. Mr. President, let me suggest to the Senator from Nebraska that in effect we shall have coerced these constitutional provisions from the Filipino people. We say that as a condition of giving them independence they must make a constitution providing certain things. The temptation is pretty great, it seems to me, for those people to insert these provisions in their constitution in order to obtain independence.

Mr. WALSH. Mr. President, I should like to inquire of the Senator from Utah if in the same sense the people of Utah were not coerced by the enabling act into putting certain provisions into their constitution?

Mr. SUTHERLAND. That was an entirely different thing, Mr. President.

Mr. WALSH. Is it not a fact, however different it may be?

Mr. SUTHERLAND. I am not at this moment complaining of the coercion, but I am insisting that, having coerced these people into making this sort of a constitution, we then leave ourselves without any power to enforce it. In the case of Utah, Utah is in the Union; Montana is in the Union; and we have some method of dealing with those Commonwealths, at least morally. But when a constitution for the Philippine Islands is made, the Philippine Islands become an absolutely independent, sovereign nation.

Mr. WALSH. Does the Senator from Utah feel that the term "coercion" is at all applicable to the conditions prescribed by Congress under which the States were admitted into the Union and the requirements that were exacted of them as to provisions in their constitutions?

Mr. SUTHERLAND. I did not apply the term "coercion" in the case of States of the Union. The Senator from Montana did that. I answered him that I was not considering that question.

Mr. CUMMINS. Mr. President——

Mr. SUTHERLAND. I yield to the Senator from Iowa.

Mr. CUMMINS. Mr. President, I want to suggest to the Senator from Utah that there is a precedent for such an engagement. If he will remember, when we adopted the Constitution of the United States we undertook to carry out all the engagements that had been made by the United States under the Articles of Confederation. There was no way, of course, to enforce that agreement, except through the honesty of purpose and the integrity of the courts in the United States.

Mr. SUTHERLAND. Well, Mr. President, that again is not at all a parallel case. There, precisely the same people who had made the original engagement made a subsequent engagement. They simply agreed, under a new form of government, that they would carry out the obligation they had entered into.

Mr. POINDEXTER. They themselves.

Mr. SUTHERLAND. Yes; as the Senator from Washington suggests, they themselves entered into the engagement. Under one form of government, the Confederation, they incurred certain obligations. When they adopted another form of government and made the Union, under the Constitution, they agreed to carry out these engagements. They were the same people. But here we are undertaking to impose responsibilities upon a people who the moment they have made the engagement become sovereign and independent of us; and it seems to me, with all due respect to the Senator from Nebraska, that we are doing a vain and idle thing.

I am not in favor of abandoning the Philippine Islands, but if we are going to get rid of them, let us get rid of them. Let us move out. Let us leave them there, a sovereign power, to make any sort of a constitution they please. We can not control it after they have acquired their independence. They can change their constitution the next day or the next year, and we have not any control over them.

Mr. HITCHCOCK. Mr. President, it would be all very well to move out if we had not assumed certain obligations. We assumed those obligations in Cuba; and before we recognized the Cuban Government, although we were pledged in advance to do so, we required the Cuban people to do far more in their constitution than I have required here; for what is the difference between the cases?

Mr. SUTHERLAND. A great deal of difference, Mr. President.

Mr. HITCHCOCK. What is it? Why should we require——

Mr. SUTHERLAND. Let me answer the Senator.

Mr. HITCHCOCK. Why should we require the people of Cuba to assume our obligations under the treay of Paris and not require the Philippine people to assume those obligations?

Mr. SUTHERLAND. I am not insisting that we shall not require the people of the Philippine Islands to assume these obligations, but I am insisting that if we do it we should do it in some effectual way. We reserved the right to intervene in Cuba. The Senator does not want us to reserve the right to intervene 7,000 miles away in the Philippines?

Mr. HITCHCOCK. And I have not provided for it. I have made no provision whatever for it. I am simply asking them to put in their fundamental law a provision that their government shall assume those obligations. If they fail afterwards to do it, that is another story; but the least we can do is to require them to assume those obligations.

Mr. SUTHERLAND. No, Mr. President; we can do more than that if we want to do it. The Senator, in his original amendment, which I thought in some respects was inartificially drawn—and I called attention to it—provided that a treaty should be made. That is an understandable thing. If we make a treaty, we have something to enforce. We have a contract, at least, between us and them. But if we simply provide that they shall write it into their domestic law, whether it is a constitution or a statute, we have no way in the world of enforcing it.

### FLOODS IN THE MISSISSIPPI VALLEY.

Mr. ROBINSON. Mr. President, out of order I ask unanimous consent to make a report from the Committee on Appropriations on the bill (S. 4155) to authorize the Secretary of War to supply tents for temporary use of destitute persons in flood-

stricken districts, and for other purposes, and I submit a report (No. 106) thereon.

The report relates to an emergency matter, otherwise I would not interrupt the procedure of the Senate.

This is a bill, Mr. President, providing for an appropriation of $100,000 and authorizing the Secretary of War to use Government tents and boats for the relief of flood sufferers in the valley of the Mississippi and its tributaries. An alarming condition is shown to exist in that section as the result of the overflow of the Mississippi River. It is stated in the morning paper that 16 lives were lost at one place on yesterday. Hundreds of persons are marooned and without food and threatened with death. The conditions are rapidly growing worse. The appropriation which this bill carries is a very small one, but it is thought that it will be adequate for present purposes, and if supplemental appropriations are required they can and will be made when the necessity therefor is disclosed.

I therefore ask unanimous consent to submit the report and ask for the present consideration of the bill.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the Senate as in Committee of the Whole, proceeded to consider the bill, which was read as follows:

*Be it enacted, etc.*, That the Secretary of War is hereby authorized to supply for temporary use, under such rules and regulations as he may prescribe, a sufficient number of tents to afford shelter for destitute persons in need of the same in the district overflowed by the Mississippi River and its tributaries.

That the sum of $100,000 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to be expended under the direction of the Secretary of War in the purchase and distribution of subsistence stores to such destitute persons as may require assistance in said overflowed districts.

The Secretary of War is hereby authorized to use the vessels belonging to or now employed by the Government upon the Mississippi River and its tributaries in the transportation and distribution of tents and supplies furnished by the United States or by individuals to and among said destitute and suffering people, and in the removal of them and their property to places of safety, and he may employ such other means of transportation as he may deem necessary to carry out the purposes of this act.

Mr. JAMES. Mr. President, supplementing the statement made by the Senator from Arkansas, I desire to send to the desk and have read a telegram from the mayor of Hickman, Ky., in regard to the flood situation at that point.

The VICE PRESIDENT. In the absence of objection, the Secretary will read as requested.

The Secretary read the telegram, as follows:

HICKMAN, KY., *February 3, 1916.*

Hon. OLLIE M. JAMES,
*Washington, D. C.:*

We expected the river to come to a stand at 53 feet on the Cairo gauge, but we have just received a message that it has passed this stage and will go to 54. This will be within a few inches of the 1913 flood, and there is no assurance that it will stop at this height. We have several hundred on our hands and have exhausted our resources. Have held off as long as possible, but must open a commissary to all to-morrow morning. Unless we receive outside aid at once, we will bankrupt every available resource; in fact, we are running in debt to-day, owing to the cold weather. This will be the most disastrous flood that we have ever experienced, and much suffering will necessarily exist.

TOM DILLON, Sr., *Mayor.*

Mr. JAMES. Mr. President, the situation is grave and the suffering great. There is urgent need for immediate relief, and I hope the bill reported by the Senator from Arkansas will meet with the generous approval of the Senate.

Mr. NEWLANDS. Mr. President, I wish, just in a sentence, to say that we have here another illustration of the very inadequate way in which we have been meeting, by legislation and administration, this great question of floods. Here we have a flood that threatens the devastation of the adjoining region, and that region embraces the lower portions of the Mississippi River. For years legislation upon this subject has been pending before Congress, looking to a comprehensive control of all the waters of the country, from the source streams down to the oceans and gulfs into which these streams enter. The only sensible and scientific way is to control this water as soon as it falls, and put it, through storage and irrigation canals and water-power development works, to some beneficial use while it is on its way to the ocean. In doing that we will slow up the progress of these flood waters in such a way that they will not choke up the channels of the rivers below and flood the adjoining areas.

I say this now because I observe that in the House of Representatives there is another method presented of feebly dealing with this subject by the appointment of a floods committee. We are only taking hold of piecemeal, disjointed portions of a great problem that ought to be met adequately and comprehensively by the American people.

I take this opportunity of calling attention again, as I have repeatedly called attention before, to the fact that these great cataclysms in the economic conditions of our country can be prevented if we only act wisely and sensibly and scientifically upon the subject in all its full breadth and comprehensiveness.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. ROBINSON. There has already been ordered published in the RECORD certain communications concerning this measure. I ask now to have printed the letter from the Secretary of War and sundry telegrams which I have received.

The VICE PRESIDENT. Without objection, it is so ordered.

The letter and telegrams referred to are as follows:

WAR DEPARTMENT,
*Washington, February 2, 1916.*

Hon. JOSEPH T. ROBINSON,
*United States Senate.*

MY DEAR SENATOR: Referring to your call at the War Department yesterday morning with regard to the issue of Army tents for the relief of the sufferers from the recent flood in the State of Arkansas, I have the honor to advise you that in the absence of authority from Congress the issue or loan of the property desired can not legally be made. The Constitution declares that "Congress shall have power to dispose of and make all needful rules and regulations respecting the territory and other property belonging to the United States," and in the practice of the department this provision has been construed to apply not only to the sale of public property but to an exchange or loan of the same. In support of this practice, see United States *v.* Nicoll, 1 Payne, 646 (Fed. Case No. 15, 879). The rulings and practice of the department in this matter are stated in the Digest of Opinions of the Judge Advocate General (Ed. of 1912, p. 908), as follows:

"Requests for the loan of tents, flags, and other public property under the control of the War Department have, as a rule, been denied on the ground that the Secretary of War had no authority to loan public property under his control unless authorized to do so by resolution or act of Congress."

In fact the practice of the department has been to make such loans only where authorized by act or resolution of Congress. The following are a few of the instances where the department has declined to loan property because of the want of authority to do so: January 16, 1881, a request for the loan of tents for a camp meeting; June 24, 1895, request for the loan of flags to be used at a Grand Army of the Republic encampment; July, 1895, request for the loan of an ambulance for use of the National Guard; June, 1901, loan of horses for use of militia at an encampment.

The foregoing practice was based on the want of authority for the loan of public property and on the general legislation with regard to the care of and accountability for such property. Since the act of March 2, 1913 (37 Stat., 1025), so far as Army tents are concerned, the matter no longer rests on the want of statutory authority for the loan but is regulated by the proviso to that act authorizing the loan of certain tents for use "at the meeting of the Imperial Council of the Ancient Arabic Order of the Nobles of the Mystic Shrine, at Dallas, Tex.," which proviso reads as follows:

"That hereafter no loan of tents shall be made except to the Grand Army of the Republic and the United Confederate Veterans."

It will appear, therefore, that the issue of tents as desired in this case is not only contrary to the practice of the department as stated above, but would be a direct viloation of the act of March 2, 1913, supra; and, as Congress is now in session, the emergency can be met by a resolution of that body, so that the department would not be excused in making the issue contrary to the terms of the statute without authority from that body.

Very respectfully,

HENRY BRECKINRIDGE,
*Acting Secretary of War.*

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LITTLE ROCK, ARK., *February 3, 1916.*

Senator JOE T. ROBINSON,
*Washington, D. C.:*

From information at hand, there will be some loss of life, unless boats immediately come up Arkansas from Mississippi to pick up the marooned. This is most needed aid now. Will keep you advised.

FRED HEISKEL.

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LAKE VILLAGE, ARK., *February 2, 1916.*

Senator JOE T. ROBINSON,
*Washington, D. C.:*

Water rising rapidly; spread 13 miles wide, Lake Village to Montrose. Highest stage in history. Expected emergency assistance will be badly needed. All possible efforts and all available men attempting to hold Mississippi River levees.

HARRY E. COOK.

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HELENA, ARK., *February 2, 1916.*

Senator J. T. ROBINSON,
*Washington, D. C.:*

Your telegram to Amos Jarman delivered to our organization. We consider situation critical; many homeless; stock and people suffering. Would suggest you have department send representative here to look into situation at once. We will appreciate your immediate attention and help.

JOS. L. SOLOMON,
*President Board of Trade.*

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HELENA, ARK., *February 3, 1916.*

JOE T. ROBINSON,
*United States Senate, Washington, D. C.:*

Mr. Straub just talked to Maj. Markham, Government engineer of this district. He advises against undertaking relief work, because he has his hands full in effort to protect levees. We agree with him.

JOS. L. SOLOMON,
*President Board of Trade.*

WASHINGTON, D. C., *February 3, 1916.*

To Hon. JOSEPH T. ROBINSON,
*331 Senate Office Building, Washington, D. C.:*

Referring to your telegram of even date. Special telegraphic instructions have been given all officers in affected district to use, in their discretion, the Government boats under their jurisdiction for the saving of life and property. All requests for assistance should be made direct to these officers.

HENRY BRECKINRIDGE,
*Acting Secretary of War.*

THE WESTERN UNION TELEGRAPH CO.,
*February 3, 1916.*

Senator ROBINSON:

Your telegram dated February 2, 1916, to C. W. Dixon, W. W. Douglas, and R. E. Lake, Douglas, Ark., is undelivered.

Reason: No connection to Douglas by wire, telephone, or mail service.

W. U. TEL., *Senate Office.*

Mr. NEWLANDS. I ask leave, out of order, to have read and inserted in the RECORD a telegram from the Merchants' Association of New York, protesting against the proposition to install a heat, light, and power plant on the Potomac Channel, adjacent to the Potomac Park and the Washington Monument. I ask unanimous consent that——

Mr. BRANDEGEE. I shall have to object to that. It is morning business.

The VICE PRESIDENT. There is objection.

## THE GOVERNMENT OF THE PHILIPPINES.

The Senate resumed the consideration of the bill (S. 381) to declare the purpose of the people of the United States as to the future political status of the people of the Philippine Islands, and to provide a more autonomous government for those islands.

The VICE PRESIDENT. The pending amendment is the amendment of the Senator from Nebraska [Mr. HITCHCOCK].

Mr. BRANDEGEE. I wish to ask the Senator from Nebraska just one question. The amendment of the Senator from Arkansas fixes the time within which the independence shall be granted at not less than two years from the date of the approval of the act, whereas the Senator from Nebraska provides not less than two years nor more than four years from the meeting of the legislature provided for in this act. The act provides that the legislature shall hold a session commencing on the 16th day of October. I wish to ask the Senator if he has any objection to the insertion of the word "first," so that it shall read "the first meeting of the legislature."

Mr. HITCHCOCK. No; there is no objection to that. That was my intention. It would be probably construed that way, but there can be no harm in inserting the word "first."

Mr. NEWLANDS. Mr. President, I have received a telegram from the Merchants' Association of New York, which reads as follows.

NEW YORK, *February 3, 1916.*

Hon. FRANCIS G. NEWLANDS,
*United States Senate, Washington, D. C.:*

The Merchants' Association of New York, taking pride in the preservation of the beauty of our National Capital, vigorously protest against the proposition to install a heat, light, and power plant on the Potomac channel adjacent to the Potomac Park and the Washington Monument. Such a plant with its tall chimneys and the necessary issuance of smoke therefrom would greatly detract from the beauty of the Mall of the park and of the Washington Monument. We, therefore, earnestly urge that the legislation pending for the erection of the plant on that site be not enacted and that some other site be selected which will not interfere with the beauty of the city of Washington, and particularly of the monument to our first President.

THE MERCHANTS' ASSOCIATION OF NEW YORK,
By S. C. MEAD, *Secretary.*

Mr. SUTHERLAND. I should like to ask the Senator from Nevada whether that relates to the Hitchcock amendment or the Clarke amendment.

Mr. NEWLANDS. It relates to the general welfare, I will state to the Senator.

The VICE PRESIDENT. The question is on the amendment of the Senator from Nebraska [Mr. HITCHCOCK].

Mr. CLARKE of Arkansas. Mr. President, the pendency of the amendment in its present form is significant of progress. It shows that at least one Senator who in the beginning was opposed to incorporating any provision in the bill which even remotely looked at the withdrawal from the Philippine Islands has seen a light, or, at all events, he has made very decided progress. I think that is commendable; I think it is hopeful. It is a question that grows upon one who thinks about it seriously, who thinks not only of the benefits conferred on this country but the dangers that will be avoided; and I expected nothing less than that from my very learned friend from Nebraska. He said a few days ago, on the floor, the time had not arrived when Congress should deal with this question; that it would be competent for Congress hereafter to assemble to take the matter up and deal with it in the light of developments as conditions then existed. He subsequently proposed an amendment to fix six years as the limit. After a short debate here he found that he was the period of two years too long; so he cut two years off that.

He has likewise adopted some of the provisions of the amendment that had already been adopted and did not need to be offered again. The differences between the phraseology that he employed to express those ideas is largely the difference between tweedledum and tweedledee. No two persons competent to perform any work involved in the expression of an idea would employ exactly the same language. Lawyers trying the same case on different occasions will not ask witnesses the same questions and will not employ the same language covering a view of the law which they desire to have presented to the jury. Those little differences will creep in inevitably, and properly so.

There are some things about the amendment of the Senator from Nebraska that are not objectionable, because they have the approval of the Senate. They are substantially what the Senate has already done. There are some things, however, which show that it was prepared by the Senator from Nebraska because he is a newspaper man, a very excellent one. The mistakes are not quite so apparent to journalists as to lawyers who have been compelled to devote a certain part of their lives to the acquisition of a knowledge of the technicalities of that profession.

In the first place, the amendment adopted by the Senate, and which is no longer the Clarke amendment but the Senate amendment, provides that the authority shall begin to run from the approval of the act. That is definite. Everybody knows exactly what that is, and no sort of combination of circumstances nor conspiracies can postpone it. The amendment offered by the Senator from Nebraska provides that it shall begin not less than two or more than four years after the meeting of the legislature provided for in this act. I have known legislatures in some American States never to meet, to sit during a whole session in a useless filibuster over an organization. I do not believe the inducement should be held out to the disturbed population of a new country to break themselves up into factions where each contends for its own control. I think everything about it which devolves a duty upon those people should be definitely stated, that they may know exactly what it is that is expected of them.

On the other hand, when we come to delegate power to the President of the United States, we have knowledge of the traditional importance of that office and the character of men who occupy it, so that a very broad delegation of power is all that is required. In the amendment adopted by the Senate it is provided that the President is authorized on behalf of the United States to "fully recognize the independence of the said Philippines, and as a separate and self-governing nation, and acknowledge the authority and control over the same of the government instituted by the people thereof." That is amply definite to invest the President of the United States and the Philippine people with all the authority necessary to make that general direction an accomplished fact. It is as much a part of the law as any other provision in it that a command to perform a given act carries with it as an incident the power necessary to consummate it in a proper way. So I take it for granted that the President of the United States would confer with the Philippine Legislature, or with some representative body of the Philippine people, with a view of erecting a government, giving to the people of the Philippine Islands the right to choose their form of government.

Of course, in so far as it could be influenced by suggestions or advice on the part of the President of the United States, I have not any doubt but what he would insist or urge or at least advise that it should be substantially republican in form. But that is a matter the Filipino people must determine for themselves. It is a government they have to live under when they are cast upon their own responsibility. They may see proper to invest it with such power of defense over the islands as to deprive it of some of the aspects of the republican form of government that we understand in Arkansas or some of the other States of the Union. An unfriendly President might be dissatisfied with the particular form in which the government had been submitted as to whether or not it was republican in fact.

The distinguished Senator from Idaho [Mr. BORAH] the other day called our attention to the fact that a very perfect constitution, so far as its mere phraseology was concerned, had been prepared by a gentleman who did not know what a writ of habeas corpus was. And so it goes. This thing of what constitutes a republican form of government is a matter of viewpoint. We understand it one way and other people may understand it otherwise. Indeed, this Government of our own has not progressed to that degree of republicanism which my friend from Oklahoma [Mr. OWEN] would insist, and has insisted suc-

cessfully in some localities, where the initiative and referendum has been installed to supplement what was considered before as a republican form of government. If the Senator from Oklahoma, for instance, was President of the United States and had to pass on the question he would probably say in this day and time a constitution that did not provide for the initiative and referendum is not in fact a republican form of government, and the legislature—the exclusive law-making power vested in the legislative branches of the government—would not fulfill the full measure of republicanism in that respect. So I do not think that has improved it very greatly. It is not such a defect as makes the sentence very obscure, although I make no very great profession to clearness in some of the expressions I occasionally employ.

I am not aware of any particular enlargement of the scope of the bill that has been made by the amendment except the introduction of a provision at the instance of a person who had a right to be consulted about it, and that is the proviso that if the stability of the government proposed to be established was not so demonstrable as that he could find it secure he would probably view that as a defect and postpone proceedings until Congress could take a hand in the controversy if they saw proper to do so. We had to be careful in the language employed in conferring that authority on the President, because it is not probable that the power to suspend existing laws can be conferred upon any administrative or executive officer. The courts have granted a limited authority as to existing facts. We therefore limited his right in this case, and probably went as far as we could safely go to find a condition of internal or external affairs in the Philippines in respect to the efficiency and stability of the proposed government such as to justify him in saying there ought to be a delay and Congress should pass on the question again. He can not be invested with authority to set it aside if he saw proper, he could not be invested with authority to say the international relations were such we do not care to interfere with the Philippines at this time. If that was a matter involving the Philippine government or the stability of the government and incidentally would involve ourselves, of course he could do that under the authority we confer here. It is not necessary to enumerate; it does not make conceivable conditions, that anything can happen in the Philippine Islands which can so seriously interfere with the affairs of the United States that the United States will stop the whole machinery until they settle that. In the great group of things committed to this magnificent Government the Philippine Islands are a minor proposition in so far as their ability to complicate our international relations are concerned.

The amendment of the Senator from Nebraska requires a stable government, republican in form. A republic may be stable one day and not stable another. Among the people in that part of the world and elsewhere that very change in conditions takes place. An unfriendly President might say, "I do not think that a government is stable until it has been in operation for a considerable length of time; I will assume that it is not stable; and therefore I will refuse to issue a proclamation announcing the separation of the government," although it may be in a perfect state of peace at that time. Then the whole thing is made subject to the future action, the discretionary action, of the President of the United States, because the legislature can only authorize that election upon an act passed and approved by the President of the United States. You can not contract away the right of the President of the United States to approve any act. He has the veto power, and the right to withhold his signature from any given act of the legislature is conferred on him by the Constitution of the United States.

In the so-called Clarke amendment we make a system that will completely separate the islands at a given time unless the President shall find as a fact that the stability or efficiency of the government is such as to justify him in making a finding to that effect and issuing a proclamation delaying the matter until another Congress may come and go.

The amendment of the Senator from Nebraska provides that the constitution shall be submitted to a popular election, and at the same time the claims of all candidates for elective offices in the provisional government. If it had been his purpose to provide a system that would cut the throat of the effective part of it, he could not find a more ingenious success, more ingenuity, than he did there.

The first thing to do would be to settle the form of government. In the States of the Union where they substitute a new constitution for the old one, and deal with due and orderly society, there is no particular reason why that should not be done; but the system of government ought to be determined independently of the personal aspirations of those who care to administer it. That very condition could be demoralized to a point where any President would have a foundation for saying there is no such condition of quietude in those islands as would justify him in saying that they have a stable government. It is always to be understood that in making a law it ought to be capable of enforcement, without having to pass another law to help it out.

I take it that the serious objection now presented by the Senator from Nebraska is that he thinks he has not provided specifically for every debt and obligation that the Philippine government has assumed or that the United States has authorized. I made that just as comprehensive as it could be. I not only provided for all property rights but for all other relations. I will read it:

> For the purpose of a complete and prompt compliance with this direction, the President is hereby invested with full power and authority to make such orders and regulations and to enter into such negotiations with the authorities of said Philippines or others as may be necessary to finally settle and adjust all property rights and other relations as between the United States and the said Philippines.

There will be no difficulty whatever in the President of the United States in commission calling to his aid whoever he might choose in that behalf to ascertain to the very utmost limits whatever differences might exist either to create a pecuniary obligation or to disturb the existing relation or to reestablish another. It intends to vest him with power so comprehensive that no enumeration would limit the President of the United States entitled to represent us in our international relations. He has peace, and that is greater than everything else combined in this country, in his hands. When he comes to deal with foreigners we sit here largely to back up and support anything that he does, to maintain any position that he takes. It will not do to say that the President, who habitually exercises any such wise and comprehensive and important authority, is to be limited by mere enumeration of the particular debt which he is to include. He is just as intelligent, just as patriotic, and desirous in undertaking to carry out the direction of Congress as any Member of Congress would be. I do not believe that to refer to any particular treaty or to any particular debt or to any particular railroad or anything else is necessary in this case. If the United States is morally bound by anything, it will recognize its obligation. If services can be rightfully transferred to the Filipino people, consistent with the right of both the creditor and debtor, that can be done.

The Hitchcock amendment is, as some one said, concerning something else. Some parts of it are new; some parts of it are good. The new parts are not good, and the good parts are not new.

I had no particular reason in introducing this amendment except that no one else would do it. The Democratic Party at all times, in season and out of season, for 16 years has made a demand that this should be done by somebody. The committee did not do it; the Senator from Nebraska did not do it, because he was opposed to its being done. Either I or some one else had to do it. I am getting as much salary as anybody else and doing about as little, and I did not know but that I had better get busy right along that line. I presented the amendment to the Senator from Nebraska. It might have been the Hitchcock amendment if he had seen proper to introduce it. Because it was introduced by me I hope it will not carry any weight or be subjected to any disabilities on that account.

The Hitchcock amendment may get us rid of the Philippine Islands, but if it is to be administered by an unfriendly President it never will; but the Clarke amendment will, unless the President violates his oath and refuses to discharge his duty under the act of Congress, which nobody has a right to assume that he will do.

This occasion is one of the most momentous and important that has ever been presented to an American Congress. If this matter is not now disposed of in some definite form, and some policy laid down that is to be followed up and consummated into final action, you will probably never again hear this question discussed—at least not for many years, I think. The psychological time has arrived. The question may again come under discussion here, and probably will. Some of these days it may be necessary to amplify the boundaries of this Union and the Senate may find itself engaged in a proposition to admit the island of Luzon as one of the States of the American Union. That was predicted 20 years ago by a man now prominent in the service of another branch of this Congress in a speech that has not been excelled by anybody since that time. Again, the matter may come under discussion here when we come to ratify a treaty of peace whereby we cede to some victorious enemy these distant and useless islands. Those are all possibilities of the case.

The Democratic enthusiasm, manifested in three or four campaigns, has been chloroformed by some process, until we find ourselves here now divided over the little phraseology by which the great purpose is sought to be accomplished, and as little done as can by possibility be done, higgling over nonessentials, and allowing a great duty to pass unattended to and unrespected. But our friends on the other side will say that the very fact that you find a thing in the Democratic platform in modern times is evidence of the fact that that is one of the things which the Democratic Party is going to keep away from. Well, there is some little foundation for a quip of that kind; but I think we shall fool them about some things that are in the platform, and I think this is one of them.

I habitually refuse, however, to give a partisan turn to international matters here, and I did that the first day I came here. I found myself in opposition to every Democrat on this side of the Chamber when we sought to ratify the treaty with Colombia to establish the Panama Canal. When you reach the water line, you reach the boundary of partisan obligation with me; and it ought to be so with everybody. Still, the Democratic Party is a great group of citizens of this country, and leaving out the political aspects or all of the political advantages that they seek to bring to themselves by reason of that declaration, it is a promise made on behalf of 7,000,000 voters, and repeated not once, but four times. We profess sympathy and association with that body of voters, and we have offered to deal with questions about which they have committed themselves so distinctly, as that we at least ought to give some attention to what they say, regardless of its partisan and political value to us.

Now I want to say a word about our friends on the Pacific coast and the immediate adjacent territory. A great power has arisen in the East. The progress made by the Japanese people is the most remarkable in the history of mankind. No nation ever did for itself in 60 years what the Japanese have done for themselves. Thirty years ago we were maintaining courts in their territory because they were not competent to administer justice where our citizens were involved. A man was convicted in Japan before a consul and three assessors, whom he called to his assistance, and sentenced to be hanged; and the Supreme Court of the United States said it was a correct decision. The argument of the court was that that country did not understand our civilization and could not administer it, and, therefore, we had to establish courts there to do it. Do you suppose we could establish a court there now? We have gone into that country to establish our civilization and to introduce our people there; and, on the other hand, we have said to them, "Your people can not come to California; they can not come to our country; they can not attend our schools; they can not do anything which the citizens of the other enlightened nations of the earth can do." Those people are not going to submit to that anomaly. We can justify the proposition when we say, "Your civilization is different from ours; we do not bottom our objection on any proposition of superiority, but we can not maintain both civilizations on this continent." Then they have a right to say, "You can not maintain both of them in Asia, either; if you have got a right to come to Asia, it will not be long until you begin to boast there the superiority of your race over ours, and you will be taunting us because we can not come up to your so-called standards and ideals"; and yet when one of them puts his foot on our shores, no matter how enlightened he may be, no matter how industrious he may be, he has to carry some weight of race discrimination.

I thoroughly approve of a proposition that will in a respectful way make known to those Asiatic nations the fact that our people can not maintain our civilization here and their's also, and that it is better for all of us to have an understanding on that subject, and let us get out of their territory and ask them to let us run our own. That is a bargain that seems fair on its face. You can maintain that, but you can not maintain the other; and those who now undertake to maintain by their votes American control over the Philippine Islands have no right to appeal to American citizens to pledge every life and every dollar we have to maintain a policy of forcible exclusion from our borders of those Asiatic races. We have just simply got to have a policy that is consistent with itself. It is not a question of discriminating against races on account of their supposed inability to understand our standards. They have standards of their own with which they are just as well satisfied as are we with our standards.

If the Filipino people should undertake to move over in a body to California to-day, there would be just as much objection to them as if the Japanese should seek to go in there. The sensible thing, the American thing, and, although it may sound offensive, the Democratic thing to do, is to get out of there as quickly and as decently as we can. We do not want to run out of there with such precipitancy as to lead people to believe that we went out in fear; but we do want to set our own house in order, to adjust our own policies, and to engraft upon them the principle of growth, so that every time we do anything it will be along the line of extending a policy that will ultimately satisfy the growth, progress, and demands of this country. We have not any such policy now.

We have two Monroe doctrines—one in Japan, which says that nobody shall go into the Philippine Islands unless we say he can go there. We are not going there; the white people of America are not going to the Philippine Islands. There are only three or four thousand of them there now, and they have gone there as the mere beneficiaries of an artificial commerce which the taxes the people of this country have raised and expended over there in connection with the Army and Navy make for them. Take that prop out from under them and they would leave there. We can not hold those islands for that purpose indefinitely and we can not maintain the right to say that no European Government shall erect governmental establishments in the Western Hemisphere. I believe our field of activity is here. I believe that it will furnish opportunities and motives of self-interest for the next 200 years for all the expansion that we see proper to undertake. After that, it is then a give-and-take proposition with the great Governments of the world as to whether or not we will hold our own with them in the peaceful rivalries of commerce.

I say again I am not obsessed with the idea that there is anything extraordinary about the amendment which I have offered, because the Senator from Nebraska in a way detailed the true condition of affairs when he said that it was submitted to many people and that many had a share in it, but when it was finally written out it seemed to represent all that was required. I think it ought to pass, but it is for Senators to say what they think about it. I do not want anybody to vote for it on my account, and I do not want anybody to vote against it on my account. I have one vote, and all I want is to cast that one vote; and when I do that I shall have discharged my duty, and that is all I came here to do.

Mr. REED. Mr. President, there can be no difference of opinion between the Senator who has just taken his seat and myself upon one proposition, namely, that it is desirable that our Government get out of the Philippine Islands. I favored that policy as a member of the committee. Neither ought there to be any time expended in discussing the question as to the authorship of a bill or an amendment. It certainly is immaterial whose name shall be attached to a particular amendment. But it is important that when we relinquish the islands we shall leave them in the best possible shape, and that the obligations of this Government, moral and legal, shall be safeguarded.

I can not follow the logic of the Senator from Arkansas—who, I am sorry, has left the Chamber. In one breath he declares that the Hitchcock amendment vests power and discretion in the President, and that the President may abuse that power, so that the Filipinos will not be granted independence at all; and yet he argues that his own amendment has the virtue that all our rights can be safeguarded, because the authority is vested in the President to safeguard them. Both of these amendments do, in fact, vest in the President a discretion. Either of them can be substantially nullified by a President who would disregard the plain mandate of his duty or the plain language of the law which we are about to enact.

I am not prepared, in dealing with a question of this importance, to start with the assumption that the President of the United States is not going to undertake honestly to carry out the terms of the law; but if such a President ever sits in the White House and if this proposition ever comes before him, he can more effectively abuse the powers conferred upon him by the Clarke amendment than he can those granted by the Hitchcock amendment, because his powers are not so clearly defined by the Clarke as by the Hitchcock amendment. Therefore I think the Senator's logic is faulty.

Mr. President, I am going to take but a moment. I simply want to say to the Senator from Arkansas that if the Hitchcock amendment is defeated and no other amendment which I think is better than the one the Senator from Arkansas has proposed is brought forward, I am going to vote for the Clarke amendment, because I want to get out of the Philippine Islands. I am willing to go, even though we do not go as I think we ought to go. I, however, believe there are virtues in the Hitchcock amendment that ought to be recognized, and I am a little surprised that there is serious opposition to the propositions made by the chairman of the committee.

Now I appeal to the Senate. The Chairman of the Committee on the Philippines [Mr. HITCHCOCK] has given to the questions involved here a great amount of time and study. It is true

that his conclusion was that it would be better to confer a limited liberty upon the Philippine people and to retain a control over them for a period of years than it would be to turn them loose at once. In coming to that conclusion, I have no doubt he was influenced to a large extent by the opinion that any other proposition might meet with disastrous consequences at the other end of the Capitol.

However that may be, the chairman of the committee, after the intention or the desire of a majority of the Senate had been manifested, undertook to draw an amendment, and he drew that amendment in the light of all the information and investigation and knowledge he had on this subject.

One thing is in the Hitchcock amendment that I do not believe any Democrat or any Republican ever ought to vote against, and that is that the Filipino people shall originally set up a republican form of government. We have expended $400,000,000 on the Philippine Islands, a part of it for internal improvements, a part of it for education, a part of it in preserving peace, and a part of it in establishing a colonial government. We have expended it all for the sake of the Philippine people. Is this Republic now to walk away from the islands without taking a single step toward preserving for their people the chance, at least once in his life, to vote for the establishment of a free government? Are we to go away from the Philippine Islands, having expended $400,000,000, leaving only an alleged government, which may have been set up by military force, which may be established by some usurper or some dictator, which may represent all that is bad in government; or are we, as we leave, to have the satisfaction of knowing that we gave the Philippine people the opportunity to establish a free government, and that such a government has in fact been created? Or, on the other hand, shall be leave behind a military government, a dictatorship, an autocracy, or a condition of general anarchy?

The Hitchcock amendment provides for a stable republican government. The Clarke amendment does not.

That is one of the great differences between these two bills. While I will vote for the Clarke amendment, if there is nothing else to vote for, I shall blush when I think that this Government, which has expended $400,000,000, did not even guarantee to the Philippine people as it left them the chance for one popular election, one chance to adopt a constitution, one chance to establish a representative government, and that we did not insure them that kind of government to begin with. If, afterwards, they want to vote for a different form of government; if, after they have been once established, they permit their government to be overthrown, that is a matter then for them. But to-day we are charged with the duty, as we leave them, of leaving them with a government erected by the Philippine people and not one set up by fraud or force. Does not so great a question appeal to the conscience and the democracy of every man here?

The Senator says that there may be disputes as to what constitutes a stable government; that a President may arbitrarily declare that the government set up is not stable. He says that the government may be "set up to-day and be stable to-day and unstable to-morrow," and therefore he argues against the Hitchcock amendment. Yet, when you turn to his own amendment, you find exactly the same phraseology in his own amendment, the same discretion.

There are other differences between these two propositions. The Hitchcock amendment absolutely insures these people a constitution which shall recognize human rights and property rights, and which shall bind the Philippine people to assume the obligations of this Government. The Senator from Arkansas argues that the same thing is accomplished under his proposition and that it will work out in that way. If so, what becomes of the argument that the Hitchcock amendment undertakes to vest in the President a dangerous discretion. We arrive at the same end, according to the Senator from Arkansas, under his own amendment, and yet he must admit that the language of the Hitchcock amendment is more clear, definite, and specific than is that employed in his amendment.

There ought to be no pride of authorship. This matter ought to be voted on upon its merits, and I simply say this in conclusion:

If the Democratic Party or the Republican Party desires to walk out of the Philippine Islands without undertaking to guarantee to those people the opportunity for a republican form of government, if they are willing to walk out of the islands without requiring that a reasonably stable form of government shall be established, and that that government shall assume the obligations of the United States, and shall give those guaranties of life and religious liberty and of property which are ingrained in the conscience of every Democrat and of every lover of liberty—if we want to walk away in that way, let us do it; but why should we do it? Why should we not endeavor to preserve to these people the blessings of liberty.

Mr. SAULSBURY. Mr. President, I had anticipated, during the debate upon this question, presenting some views I have had for some time, and have either strengthened or modified, as the case may be, during the last summer by coming slightly in touch with conditions in the east so far as they affect our politics and policy.

The Senator from Arkansas [Mr. CLARKE] expressed very forcibly some of the views I hold about what should be our policy and our action so far as the situation in the Eastern Hemisphere, and particularly in the neighborhood of China and Japan, is concerned. We have heard much talk from time to time of the "yellow peril." Personally, I do not believe in the existence of such a peril; but I think that this Congress has possibly heard all too little of what, from the standpoint of a nation existing in the east, able to take care of itself, only recently having acquired the power to do so, may be termed by them, in contradistinction, the "white peril."

It was only a little more than 100 years ago, Mr. President, when this great country of ours was a handful of separated small communities on the Atlantic seaboard, claiming rights to territory extending back as far as the Mississippi. It is just about a hundred years since, under Jefferson, we acquired that great territory of Louisiana which stretched out nearly, or possibly quite, by exploration, to a small portion of the Pacific coast. It is only 75 years since we acquired from Mexico the whole of our Pacific coast—I think about 1848. It was 20 years later than that, even, when from Russia we acquired that great territory of Alaska, stretching almost to the Asiatic mainland, and reaching down from the north toward the only independent, self-reliant nation of Asiatics now able to govern their own affairs without fearing foreign invasion. But we continued. Hawaii came to us; our portion of the Samoan Islands came in; and only less than 20 years ago we reached out far to the southwest and took to ourselves dominion over a foreign people with whose affairs I do not believe we should have any concern, reaching up in that way from the south toward this nation of whom one Senator has said we are afraid.

Mr. President, I do not believe the people of this country are afraid of any nation. Neither do I think that the people of Japan are afraid of this Nation. I have no idea, from what my observation has been—I confess it has been to myself all too insufficient, and I can only express my impressions—I have no idea that the Japanese desire any more to come into armed conflict with us than we do with them, and that of course is not at all. But I do know, Mr. President, that by reason of our conduct in extending our dominion over lands in Asia near to the mainland—I do know that because in the last one hundred years we have progressed in obtaining territory for ourselves which seems to have been our manifest destiny—there is great reason why that nation, with a history of 2,500 years, should think that this Nation is encroaching on its proper sphere.

Only a short time ago we saw in the press that there was an attempt on the part of Japan to acquire a lodgment at Turtle Bay. Of course it was an effort of the yellow press to excite our feelings. Nobody, I fancy, believed it; and yet here we have gone on until we have acquired lands in the Eastern Hemisphere within a few hundred miles—twelve hundred, I think, to be accurate about it—of the greatest port in the whole of Japan and nearer than that to much of her territory.

Japan has no particular reason to be without fear of what she might term the "white peril." From the northwest the colossus of European and Asiatic nations has reached down toward her. Germany has seized a lodgment on the Chinese coast, from which Japan has sought the opportunity, and at last found it, to drive her. England has her sphere of influence over the mainland of Asia very near to Japan. France, on the south, may threaten her at some time. Japan has had to fight for her existence, for her real, essential national interests, in two wars, and has won them both. As to the attitude of the Japanese toward this country, they undoubtedly resent any intent or effort, possibly entirely unconscious, to impute racial inferiority to her people, when they have manifested in peace and war that such an imputation is unjust. I believe there is much reason in their fear of what they would term, and might properly term, in contradistinction to what we term the "yellow peril," the "white peril" of the Occident.

I think it is most important, Mr. President, that we should evidence, and possibly evidence as soon as we can, the honest intent and policy of this Government not to become involved in the political affairs, and particularly in the territorial acqui-

sition, of portions of the Eastern Hemisphere. We have shown many indications of the friendly feeling which we have toward those people, and they have appreciated it. I believe that to-day the feeling of the Japanese nation is as friendly toward us as toward any other country in the world. They have had reason to fear the white nations of this earth. They are the only independent, self-governing, upstanding, self-reliant nation in the whole of Asia. India is under the domination of the English; large portions of the southern and southeastern portion of Asia are under the dominion of other western nations; and here, from north and south, and from the east, comes this great Republic, acquiring in the course of one-twenty-fifth of the history of Japan all these great territories, as I have attempted to describe.

But there is a brighter view concerning our relations which the Japanese undoubtedly appreciate. I fancy to-day, Mr. President, that China thinks of us as the one true, honest, and reliable friend to whom she can appeal and on whom she may rely under all circumstances for disinterested friendship. The same conditions that have brought about that feeling in China, finally and lastly shown by the return to her of the Boxer indemnity, which we could not conscientiously use, which we had exacted in concert with other nations, is precisely duplicated in our relations with Japan in the case of the Shimonoseki treaty. Those people, Mr. President, if I mistake not, are passionately patriotic, determined to resent any imputation of racial inferiority upon themselves; but I do not know from personal observation or from anything I can read in history any people who are more willing to return kindness for kindness, appreciation for appreciation, friendliness for friendliness, than those people who are now controlling their own destiny, and intend to do so—and, from my standpoint, properly intend to do so—who inhabit that chain of islands and who have had to fight for their unhampered possibility of progress in their own land and in the land immediately adjoining them which was necessary for their self-respect and to maintain their nationality.

This country has shown, and they have appreciated in many ways, the friendship that we feel toward them. No man's name stands higher among the statesmen of Japan than that of our first representative who was sent there after Japan had been really opened to foregn trade and travel—Townsend Harris. They have recently, I think, erected a monument to his memory, showing his great friendliness to Japan and their appreciation of it. This country in many ways—notably in the case of the abolishment of the extraterritorial courts in Japan—has shown her willingness to interfere as little as possible with their affairs, and always has advanced ahead of other nations in recognizing the national aspirations, the reasonable aspirations, of the Japanese people.

It is said by them—and one of them told me this—that when negotiations were proceeding among several western nations as to certain demands which should be made upon Japan, the American representative said to them, "Why, gentlemen, I would not treat a dog in the way you propose to treat this nation; I have many friends among the statesmen of that nation whom I should feel I was personally insulting if I submitted such propositions to them." There are many instances of that kind—instances, Mr. President, which I had desired to collect; instances which I had desired to cite to the Senate as showing the friendliness which has been exhibited by this country toward Japan, and which has been appreciated by Japan. I do not believe the Japanese are in feelings and aspirations essentially different from ourselves. I believe that the Japanese will be friendly and appreciative of everything we do which is friendly to them; but I do think it is most important that they shall know by the act of this country in withdrawing our sovereignty in the Philippine Islands that we do not intend to essay the rôle of the dominant power in eastern Asia.

I have heard speeches made by Members of this Congress in Asia and Japan, and on the boats plying between their ports and to and from their ports this summer, which are calculated to make alive again suspicions of our action; speeches which declared that we would make a Helgoland of Guam. Think of our establishing almost at their doors, while we are endeavoring to be at peace with all the earth, a great naval fortification or base which could be of no use except for offense!

Speeches, Mr. President, have declared our intention to dominate the Pacific Ocean, and what a puerile pretense, what a miserable effort we are making at dominating the Pacific Ocean when we are trying to agitate all the unfriendly feelings of those nations which are the greatest bordering on the Pacific.

For the reasons that I have in part given, Mr. President, I shall vote for this bill, no matter what amendment is put upon it, because I think it is most important to indicate to those people beyond question what is our true intent regarding their affairs and our affairs when they come in conflict. I may at some future time more greatly enlarge upon these few remarks, but when the Senator from Arkansas so forcefully stated some of his reasons I desired to give a few others of those which control me in voting for this bill.

Mr. OWEN obtained the floor.

Mr. MARTINE of New Jersey. Will the Senator pardon me a second in connection with the thought advanced by the Senator from Delaware [Mr. SAULSBURY]?

Mr. OWEN. I yield to the Senator.

Mr. MARTINE of New Jersey. I have in my hand a clipping some days ago cut from the New York Herald wherein a distinguished Japanese, Dr. Toyokichi Iyenaga, declares that only fools think of American war. He says:

> For a fool he must be who sees Japan's readiness to commit harakiri in waging war against her best customer.

He speaks in an address before the Traffic Club of New York City some weeks ago in the most kindly way and in most kindly words toward America. He says it is furthest from the dream of any rational Japanese to declare war or to engage in war or to take any steps that lead to war.

I feel very much in harmony with the thought just expressed by the Senator from Delaware. I believe we magnify our troubles and will bring troubles on us by the tenor of many of the addresses we have heard, endeavoring in a way to belittle the Japanese. I recognize them as being a great nation and as a great power for good in the great Pacific.

I do not ask to have this clipping printed, but it is well worthy of mention.

Mr. OWEN. Mr. President, I am glad to have the opportunity to support this bill providing for the independence and self-government of the Philippine people. I do not believe that the United States is at all fitted to conduct the affairs of a distant and alien people or to manage their government for them. I am glad to see the United States relieved of this responsibility and to see the Philippine people entirely free.

I approve section 34, which represents the so-called Clarke amendment, and if it were not already in the bill, I should be glad to support the proposal now made by the Senator from Nebraska, although I prefer the Clarke amendment to that of the Senator from Nebraska.

What I rose to say was that I think the United States has a very great opportunity in the passage of this bill in dealing with this matter generously, in recognizing the ability and the power of the people in the Philippines to manage their own affairs, to set an example to the world of a true spirit of altruism.

The United States never in its history did a finer thing than to give complete independence of government to the people of Cuba. It went far to establish in the minds of the nations of the world that our Republic was moved by a high and noble spirit.

Our attitude toward our distressed neighbor in Mexico; the moderation which our Government has shown; the extreme patience under great individual wrong, visited upon our citizens by the brigandage in that country; our refraining from military intervention in Mexico, has given us the confidence of South American Republics, who were greatly opposed to military intervention in Mexico. We have established our prestige throughout South America and Central America by the self-restraint of our people and their obvious desire to permit the Mexican people to govern themselves and settle the disturbed conditions among themselves in their own way.

Our attitude toward the negro slaves in our own country in giving them independence, putting them upon a plane of citizenship where they are permitted to earn their own living in their own way under the safeguard of national law has further helped to give us prestige throughout the world, because of our humane attitude toward this weak and dependent race.

Our attitude toward China in giving back the $20,000,000 of Boxer indemnity has made the Chinese believe in the disinterested friendship of the United States. It is well established that the people of China have a greater regard for the Government of the United States than they have for any other Government in the world, because of our just and generous conduct in this matter.

Our people hardly realize the conditions in China. We often think of China as an enormous aggregation of people without any power of self-direction, when in truth China is one of the great democracies in the world—and I measure my words in saying it—because they have fundamental democracy. Each village manages its own affairs, and the families manage their own business, by custom so strong, so intrenched in time, by century after century, of established usage as common law, that

no imperial edict from Peking dare to interfere with the democratic control of even the villages of China.

There need be no fear of the Chinese people ever being dominated by other nations. That great nation is awakening. It is certainly influenced by humane sentiments, by wise and just principles; and as it makes available for itself the material opportunities which European and American civilization has brought into being, it will become more and more a great and stable and very rich power in the Far East.

In the Orient there has been so small a quantity of gold and silver that the relation of human labor measured in dollars and cents is utterly at a disparity with the like measure in Europe and America. Just in the degree that you have a large per capita of gold, the wealth of a man's labor measured in gold will rise. In China, where there is little or no gold, and where you measure human labor in terms of gold, a man is content to work for what appears to us to be a compensation in money utterly negligible and contemptible. Yet in China that small amount which he receives will, nevertheless, sustain life and buy for him the food, clothing, and shelter that are necessary.

I do not mean to say or to be understood as saying that with the enormous concentration of population in that country they live as well as men do in our own country, but what I call attention to is that that condition in the Orient, in Japan and in China, makes a laborer content to receive in gold a very small return for his day's labor as measured by American and European standards. The consequence is that when the Chinese come or the Japanese come upon the California coast they are content to work for a wage, measured in gold, upon which an American citizen of American birth or European extraction does not feel willing to live, and, as it is expressed in this country, it lowers ruinously the standard of living in this country. In other words, these laborers from the Orient, being content to receive a smaller reward in gold for their labor, compel American laborers in competition with them to receive a like sum, and because of that there has arisen a very mischievous conflict of interest between the laboring men of American or European extraction on the Pacific and the laborers who come in from the Orient.

The gold per capita circulation of Japan is about $1.30, and the gold in banks, including bullion, is only about $2 additional per capita in Japan, while in the United States there is about $38 per capita; in France, $48; in the British Empire, $47; in Germany, $20.10; and in Spain, $22 per capita; and it is therefore ten times more difficult to get $1 gold by labor in Japan than in our country. Japanese laborers are, therefore, willing to do the same amount of labor as an American in California for much less money than an American voter; and as the American laborer and American voter are one and the same person and exercise political control of the State's affairs, we have been disturbed nationally by the so-called Japanese problem on the Pacific.

It is because the Japanese can and will work for less than an American that this conflict of interest has arisen, and therefore that steps have been taken to prevent an ingress into our country of oriental laborers by the Chinese exclusion act and the gentlemen's agreement by which the Japanese should not enlarge their numbers in our country.

Some of the Japanese have appeared to think that protesting California citizens were moved by a mere race hostility to them, and from a fancied superiority to the Japanese as such, whereas if there is in the world a country which has shown a freedom from race hostility it is America, that has not hesitated to open its doors to all laborers throughout the world who have been accustomed to a high gold per capita and who have demanded an American wage, and who were not so skillful in competition and so economical in habits as to compel the American laborers to lower their wage. It is the good qualities of very economical habits and efficiency that has made the American voter unwilling to suffer this damaging competition.

I believe there is no race hostility in any true sense against the Japanese in our country. There has been undoubtedly a spirit of very warm admiration for these people who since the recent days of Commodore Perry have come out of their seclusion and have availed themselves so rapidly of the inventions of modern times taken from our country and from Europe. Our people wish the Japanese well, wish them happiness and success, but many of our people on the Pacific coast fear their economic competition and are unwilling to be distressed by it.

I think that in the passage of this bill we have the opportunity to show to the people of the Orient our disinterestedness in dealing with the Philippines, and in that way to attract the attention of the world to the Government of the United States and its nobility of purpose, and to attract their attention favorably to the manner in which we govern ourselves in this Republic. By our present action we may greatly promote throughout the world the sound principles of government which we have built up here in the last hundred years, principles which have been so useful in promoting human life and human happiness and establishing the stability of government that best guarantees freedom, individual liberty, and the happiness of the people governing themselves.

Mr. President, as far as I am concerned, I prefer section 34 of the present bill to the amendment proposed in lieu thereof by the Senator from Nebraska, but if section 34 were not already in the bill I should prefer any amendment that would carry out as promptly as possible the establishment for the Philippines of their complete right of self-government.

Mr. BRANDEGEE. Mr. President, I have listened with considerable interest to the remarks of the Senator from Delaware [Mr. SAULSBURY] and the Senator from Oklahoma [Mr. OWEN]. The Senator from Delaware made a trip to the Orient last summer and, of course, was received with the distinction which ought to have been accorded to him by the oriental powers and their people. I am inclined to think that many people sometimes mistake for a national friendship individual expressions of friendship and the hospitalities that are tendered to them when they are traveling for pleasure and the improvement of their minds.

I certainly hope, of course, as every Senator does, that the relations of the United States and the oriental powers and, indeed, of all other powers will always continue to be friendly, but, Mr. President, it is not at all certain that they always will.

The Senator from Oklahoma has stated that in his opinion no nation will ever dominate China. I hope no nation except the Chinese nation will ever dominate China, but I am not sure that that hope will be realized. We all know that within the last year the Japanese Empire has made demands upon China which China was compelled by reason of its defenseless situation and its lack of a national feeling and its helplessness in a military way, both as to an army and a navy, to accede to in large measure; and we all know that within the last month by the same group of demands, which I believe were known as group 7, if the public prints are correct in their report of those demands, the Japanese Empire insists that it shall be allowed the exclusive right to build railroads in China; that Japanese advisers shall be put in Chinese cities; that Japanese police shall police China; and that exclusive franchises to develop the resources of China shall be given to Japan.

Mr. President, the other powers of the world are distracted at this time, as everyone knows. The Senator from Oklahoma says that we are the best friend that China has. As I understand it, China has appealed to us to protect them against those demands made upon them by Japan. Whether this Nation is going to respond to that appeal or not to the satisfaction of China any Senator can form as good an opinion as I can.

We are all friendly to the Japanese and we all admire them. I cordially concur in the expressions which Senators have given as to their ability and the wonderful progress made by the Japanese people in the last half century. It does not follow from that that cause of friction will never arise between us and the Japanese Empire. Suppose Japan does take possession of China actually, though perhaps not nominally. Suppose the Chinese are compelled to accede to the Japanese demands now pending for adjudication and Japan controls the Chinese Empire, as well as its own. Suppose, then, that what we had considered to have been settled so far as we were concerned, the policy known as the open door, should be repudiated by Japan. Suppose we should be excluded from trading with China by Japan. Is any Senator prepared to say we would always be upon terms of friendliness and peace with Japan if that should take place?

It has been stated here upon the floor of the Senate by the Senator from Arkansas, if I understood his remarks, that if we insist upon the Monroe doctrine in this country, if we insist upon excluding Japanese from the Pacific coast it is certain that Japan will insist upon excluding us from the Orient, thereby setting up their own Asiatic Monroe doctrine. It seems to me if those things are done it might introduce a slight element of discord into the happy family of nations.

These remarks of mine are, of course, not in the nature of prophesying evil or prophesying trouble, but simply to emphasize my notion that it is one thing for individuals who owe allegiance to their own sovereignties to be friendly with each other when they meet upon summer trips and when they mingle on their foreign trips, but it is entirely a different proposition as to whether the nations to which they belong and whose policies are not always controlled by the individual citizens are always to be friendly to each other.

I do not think it does any good to shut our eyes or to decline to realize that there probably will be international complications

and rival national policies until the brotherhood of man and the millenium are established, and the present outlook is that that is not immediately at hand.

Mr. WALSH obtained the floor.

Mr. STONE. Mr. President——

The PRESIDING OFFICER (Mr. POMERENE in the chair). Does the Senator from Montana yield to the Senator from Missouri?

Mr. WALSH. I do.

Mr. STONE. Mr. President, I suppose the Senator rises to address himself to the pending question. It is half past 2, and I should think Senators had pretty well finished their lunch. I should like to have a little something approximating a quorum present.

The PRESIDING OFFICER. The absence of a quorum has been suggested, and the Secretary will call the roll.

The Secretary proceeded to call the roll, and the following Senators answered to their names:

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|---|---|---|---|
| Ashurst | Gallinger | Lodge | Smith, Ariz. |
| Bankhead | Gronna | McCumber | Smith, Ga. |
| Beckham | Harding | McLean | Smith, S. C. |
| Borah | Hardwick | Martin, Va. | Smoot |
| Brandegee | Hitchcock | Martine, N. J. | Sterling |
| Bryan | Hollis | Nelson | Stone |
| Catron | Hughes | Norris | Sutherland |
| Chamberlain | Husting | O'Gorman | Swanson |
| Chilton | James | Overman | Thomas |
| Clapp | Johnson, Me. | Owen | Thompson |
| Clark, Wyo. | Johnson, S. Dak. | Page | Tillman |
| Clarke, Ark. | Jones | Pittman | Townsend |
| Colt | Kenyon | Pomerene | Wadsworth |
| Cummins | Kern | Reed | Walsh |
| Curtis | La Follette | Robinson | Warren |
| Dillingham | Lea, Tenn. | Shafroth | Weeks |
| du Pont | Lee, Md | Sheppard | Williams |
| Fall | Lewis | Shields | |
| Fletcher | Lippitt | Simmons | |

Mr. KERN. I desire to announce the unavoidable absence of my colleague [Mr. SHIVELY]. He is paired with the junior Senator from Maine [Mr. BURLEIGH]. This announcement may stand for the day.

Mr. CHILTON. I wish to announce the absence of my colleague [Mr. GOFF] on account of illness.

The PRESIDING OFFICER. Seventy-four Senators having answered to their names, a quorum is present.

Mr. WALSH. Mr. President, obviously every Senator in the effort to perfect this bill, now in the last stages of its consideration, ought to divest himself, so far as he can at least, of any partisan feeling which may have been generated through this protracted debate. I want to offer to the Senator from Arkansas [Mr. CLARKE] for his consideration the suggestion—because I am sure he is desirous of having this bill in the best possible shape, if it does pass—that there is an idea embeded in the Hitchcock amendment which, upon further reflection, I think he ought to be quite willing to see incorporated in the bill in some shape. I think it can find a place very properly in section 34, which is the Clarke amendment, by an amendment to that section; and that is, the idea that we ought to prescribe the machinery by which the new government in the Philippines is to come into existence. When we admit a Territory as a State into the Union, we do not say that the Territory shall be admitted into the Union by proclamation of the President on the 1st day of January next, allowing the people of the Territory, in some form or other by initative acts of their own, to gather together for the purpose of forming a constitution and organizing a government. We prescribe the method by which the people shall assemble, adopt a constitution, and organize a government. If we take that precaution with self-governing communities in the American Union when they are to assume the dignity of statehood, when we are providing for men who are trained in the art of self-government, when we think it is injudicious and inadvisable to leave them to their own resources, how much more so ought we to make similar provision when a government is to be launched in the Philippine Islands? No provision of that character is made in the Clarke amendment.

Mr. CLARKE of Arkansas. Mr. President——

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from Arkansas?

Mr. WALSH. I do.

Mr. CLARKE of Arkansas. Of course not, because of the fact that the government must be created by competent authority; and my contention is that the direction to set up a self-governing nation carries with it the power to do it in some appropriate and proper way.

Mr. WALSH. Let me ask——

Mr. CLARKE of Arkansas. The Senator from Montana is too good a lawyer to have any suggestion that he seriously makes swept aside by a wave of the hand. Then what objection could there be to putting at the end of line 21, after the word "thereof"——

Mr. WALSH. I had something to propose.

Mr. CLARKE of Arkansas. I propose to insert at the end of line 21, after the word "thereof," the words "full power to do so being hereby conferred upon the said Philippines acting through existing governmental agencies therein." That is all we need.

Mr. WALSH. That would in a general way express the idea I had in mind, but I was going to propose, if the Senator——

Mr. CLARKE of Arkansas. I insist it is already in the amendment; that it is no compromise with conviction.

Mr. WALSH. I do not think so.

Mr. CLARKE of Arkansas. What does the Senator think about it? I very frequently take his opinion on a matter like that rather than my own. What would he suggest?

Mr. WALSH. I have a draft of an amendment here to be incorporated at exactly that place which I think will serve.

Mr. CLARKE of Arkansas. If the Senator from Montana will be good enough to read it, it might be that we could shorten the discussion on that point.

Mr. WALSH. I would suggest that the following words be there inserted:

The authority and control over the same of the government instituted by the people thereof, which shall be republican in form——

Mr. CLARKE of Arkansas. Why put that in?

Mr. WALSH (continuing)—

and established under a constitution to be submitted to and approved by the people of the islands, by the legislature of the same first elected under this act, or by a convention to be called by virtue of an act of such legislature.

Mr. CLARKE of Arkansas. The amendment goes too largely into details for an organic act; that is the objection to it. It binds them down to methods when it is not at all necessary. The enlargement I have suggested will answer the purpose of the Senator, I am sure.

So far as the republican form of government is concerned, that is going to be a matter of contract between the parties acting independently and in their own right. I think the President will insist upon a very close conformity to a republican form of government. Those people, however, must be consulted as independent factors in the negotiation. They may desire some modification of the form of government; I do not know what they would be; but if we are going to concede to them absolute independence, we must concede independence to do with their own local affairs what they think will best safeguard their interests for the immediate future. I think the Senator from Montana amplifies it beyond the necessities of safety.

Mr. WALSH. Well, I should think not, for I should think that the Senator from Arkansas would quite agree with me that, unless we give specific authority to the Philippine Legislature to set up a new government there, it would have no such power.

Mr. CLARKE of Arkansas. The amendment does that, because it authorizes them to treat with the United States Government as a separate entity. Of course, by implication, it confers on them the right to exist as an entity for that which is a specific purpose. If the Senator is satisfied with this, or anything like it——

Mr. SIMMONS. Will the Senator from Arkansas again read his proposed amendment?

Mr. CLARKE of Arkansas. I propose to insert after the word "thereof," on page 34, line 21, the words "full power to do so being hereby conferred upon the said Philippines acting through existing governmental agencies therein," so as to read: "As a separate and self-governing nation and acknowledge the authority and control over the same of the government instituted by the people thereof, full power to do so being hereby conferred upon the said Philippines acting through existing governmental agencies therein."

That is to say, the legislature, the governor, and such other things as may be necessary to formulate the necessary details. If they want a constitutional convention, let them call one; and if they do not want it, they need not call it.

Mr. WALSH. I should not agree to that. That is what I am afraid of. That language is altogether too comprehensive in its character. I think we ought not to recognize any government of the Philippine Islands except a government that is established in pursuance of provisions made by the present government under a constitution which shall be adopted by the people of that country.

I am not particularly captious about the republican form of government, but I do think that we ought to provide for the calling of a constitutional convention in the Philippine Islands

or that we ought to provide that the legislature itself may constitute such constitutional convention, and that that convention shall submit to the people a constitution which shall be their organic act.

Mr. CLARKE of Arkansas. We would then be following them down after they should have been established. That is the trouble, and there is the vice in the Senator's suggestion. We are dealing with them as equals; we are erecting them into an independent nation, fit to be dealt with as such, and we must concede to them the power and discretion to do in that behalf as they may see proper.

Mr. WALSH. Exactly; but I think at the same time we may very properly prescribe some orderly procedure by which——

Mr. CLARKE of Arkansas. We do provide that the President of the United States shall supervise the whole transaction, from beginning to end; and I take it for granted that he will have some patriotic interest not only in the Philippine Islands but in the dignity and self-respect and prestige of his own Government, and that he will not consent to anything being done which ought not to be done. In all our external relations we are represented by the President.

Mr. WALSH. It is quite evident that I shall not be able to convince the Senator from Arkansas that we ought to prescribe in a general way the method by which——

Mr. CLARKE of Arkansas. I desire to make one suggestion more. There is nothing in the amendment which prohibits the Filipinos from adopting a constitution and a republican form of government in the most ultra sense of the term, if they see proper to do so. That is a discretion I want to leave them.

Mr. WALSH. I agree with the Senator fully about that; but the act does not prescribe the method by which they shall go about doing that. It leaves the Filipinos without any provision at all and with no power in the existing government of the Philippine Islands, unless the amendment proposed by the Senator from Arkansas——

Mr. SHAFROTH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from Colorado?

Mr. WALSH. I do.

Mr. SHAFROTH. I want to suggest to the Senator from Montana that when we attempt to make specific provisions with relation to procedure we are apt to get into difficulty. For instance, there is a suggestion here that the constitution should be framed by the Legislature of the Philippine Islands; and another suggestion is that it shall be made by a constitutional convention, the delegates to which shall be selected by the people. In all of the States which have adopted constitutions, we have found that the legislature does not frame them. The people select men for the purpose of going to a constitutional convention; and oftentimes they do not select the same kind of men they send to the legislature. The legislature is elected on different principles, whereas for a constitutional convention the very highest order of talent is selected—men who would not think of holding an office such as that of a legislator.

Mr. WALSH. Will the Senator from Colorado allow me to interrupt him?

Mr. SHAFROTH. Yes, sir.

Mr. WALSH. The draft of the amendment which I have proposed here provides that the constitution shall be framed either by the legislature or that the legislature may call a constitutional convention.

Mr. SHAFROTH. That would be better than designating either one.

Mr. WALSH. That is the way it is here.

Mr. SHAFROTH. My judgment is that it ought to be left to their discretion. They are going to try to frame a good government for themselves.

Mr. WALSH. That is what I propose.

Mr. SHAFROTH. It would seem to me that the modification of the amendment of the Senator from Arkansas [Mr. CLARKE], which he has read, embodies all the means necessary to that end; at least I think the less specific procedure which is prescribed, the less difficulty those people will have in establishing a government.

Mr. WALSH. I thought I was making it so general that no one could find any fault with it, namely, a simple provision that the legislature to be elected under this act should frame a constitution and submit it to the people; or, if they chose to do so, should call a constitutional convention to frame a constitution to be submitted to the people. It seems to me that that much we ought to do, and we ought to do it because that is the way we have always done it when we have launched new self-governing communities within the bounds of our own country.

Now, there is another thing which I should like to submit to the Senator from Arkansas. His amendment provides to this effect:

> For the purpose of a complete and prompt compliance with this direction, the President is hereby invested with full power and authority to make such orders and regulations and to enter into such negotiations with the authorities of said Philippines or others as may be necessary to finally settle and adjust all property rights and other relations as between the United States and the said Philippines, and to cause to be acknowledged, respected, and safeguarded all of the personal and property rights of citizens or corporations of the United States and of other countries resident or engaged in business in said Philippines—

And so forth.

That, of course, refers to such accidental conditions as may exist attendant upon the withdrawal of our sovereignty. I think that we ought not to omit to require of the Philippine people a provision in their constitution under which the government of those islands shall assume all of the obligations that we undertook in the treaty of Paris, and that likewise is in accordance with the practice that has been universally observed in the admission of the States into the Union.

I have before me here the enabling act under which the four great States of North Dakota, South Dakota, Montana, and Washington were admitted into the Union, and in the case of every one of those States we required that they should provide in their constitution that the new State should assume all obligations of the Territory. This is the language:

> The third condition of the constitution was that the debts and liabilities of said Territories shall be assumed and paid by said States, respectively.

Now, why should we not exact of the Philippines that they put such a provision as that in their constitution? Of course they may change it; they may amend it at some time subsequently; after we have lost all control of them they may choose to repudiate these obligations. Of course, such a thing is scarcely to be expected; but we ought, it seems to me, to require them to do as much in the way of promises as was required of the Territories of this Union when we admitted them into the Union of States.

This language was not incorporated in this enabling act because we were fearful that the new States would repudiate the obligations of the Territories, but it was incorporated so as to give a sort of assurance to the creditors and to put the new States financially and with respect to their credit upon as safe a footing as we could possibly do. So, I suggest to the Senator that it would be wise to incorporate in this provision such an amendment as I have suggested.

Mr. CLARKE of Arkansas. I supposed that we could hardly use terms more comprehensive than—

> To cause to be acknowledged, respected, and safeguarded all of the personal and property rights of citizens or corporations of the United States and other countries.

By that provision we have practically done for the creditor about all that we can do in dealing with a sovereign. I do not know of any other way to deal with a debt with a view to securing it than to require that it shall be respected, safeguarded, and acknowledged.

Mr. WALSH. Let me ask the Senator, as he is a very excellent lawyer, if that does not give the President power to make rules and regulations by which——

Mr. CLARKE of Arkansas. "Orders and stipulations" would be a good substitute for that; but it just happened that I thought of those words when I wrote out the amendment. There are many other words in the English language which would express the same idea. Of course, as able and critical a lawyer as is the Senator from Montana could make a play on any particular words we might use. If the Senator simply wants this bill made plainer in respect to the things that I now insist are in it, I have not any objection to his framing the language. If his intention is to go beyond that for the purpose of introducing matters that will complicate the effort to put the new government in the Philippines promptly into effect, I will reserve the right to call his attention to the fact in the hope that I may convince him that it is not good policy to do so.

Mr. WALSH. Of course, if the Senator from Montana had any such purpose, he would not appeal to the Senator from Arkansas to incorporate these provisions in the bill.

Mr. CLARKE of Arkansas. The Senator might safely do so, I am sure, because he could hardly make a suggestion that I would not treat respectfully, even if I was unable to agree with it.

Mr. WALSH. I thought so. Now, if the Senator will give me his attention, I should like to inquire of him just exactly what kind of rules and regulations the President of the United States could make under the provisions to which he has referred

which would be in the nature of an obligation upon the part of the new government to pay its debts?

Mr. CLARKE of Arkansas. I will suggest one. The President could say, "I think it essential to the efficiency and stability of your government that you shall deal honestly with everybody who has incurred a debt against you; and in order that that may be made manifest, I say that in any instrument that you adopt as your charter of government you shall make that recognition."

Mr. WALSH. Exactly.

Mr. CLARKE of Arkansas. That is rule and regulation enough.

Mr. WALSH. Then, it is my purpose to put that in the act in this way——

Mr. CLARKE of Arkansas. If the Senator wants to enumerate everything the President may do, the Revised Statutes would be a very small volume compared to what we must write.

Mr. WALSH. After the amendment which I suggested a moment ago, I would add this language:

Said constitution shall provide—

Taking this from the Hitchcock amendment—

Said constitution shall provide that the new Philippine government shall fulfill the obligations of the United States concerning the Philippine Islands incurred by the treaty of Paris or arising out of the occupation of the islands, including the personal and property rights of individuals and corporations of the United States and other countries, and the safeguarding of such Philippine government loans and other obligations as have heretofore been authorized by act of Congress.

Mr. CLARKE of Arkansas. Is the Senator authorized to say that if we shall include after the word "thereof," in line 21, some general language such as he indicated a moment ago, or the provision he now reads at the place he indicates, it will stop this discussion so far as he and his friends are concerned? We have taken up a good deal of time on nonessentials and we are getting further apart as we undertake to discuss them, overlooking the great purpose that we are all supposed to have in view.

Mr. WALSH. I hope not.

Mr. CLARKE of Arkansas. If the Senator has something there that is in the nature of an ultimatum we will agree about it or disagree and take the time to settle it.

Mr. WALSH. The Senator from Montana is not authorized to speak for anybody but himself, but I trust that we shall very speedily reach a conclusion, because I am anxious about getting up the bill next on the calendar.

Mr. CLARKE of Arkansas. At what point in the bill does the Senator propose the amendment requiring the assumption by the Philippine government of the obligations imposed on the United States by the treaty of Paris?

Mr. WALSH. I suggest that it go in just where the Senator indicated that an amendment might be acceptable to him, to follow the word "thereof," in line 21.

Mr. CLARKE of Arkansas. I will ask the Senator to read what he proposes to incorporate there.

Mr. WALSH. "Said constitution"——

Mr. CLARKE of Arkansas. I think it is preferable not to put in anything about the constitution or the form of government. That is implied. That, I think, could be looked after. I do not know what the Philippine people will want to do with that when they get to it. I take it for granted that the President of the United States will insist very vigorously that some decided respect shall be paid to the form of government in which we have trained them up to this time; and I think the provision the Senator suggests would limit the scope of his authority and induce complications that may create delay.

Mr. WALSH. I will say to the Senator that, if the amendment which I have suggested were adopted, then this language as it stands in the so-called Hitchcock amendment would be entirely appropriate:

Said constitution shall provide that the new Philippine government shall fulfill the obligations of the United States concerning the Philippine Islands incurred by the treaty of Paris or arising out of the occupation of the islands, including the personal and property rights of individuals and corporations of the United States and other countries, and the safeguarding of such Philippine government loans and other obligations as have heretofore been authorized by act of Congress.

But if the amendment proposed by the Senator from Arkansas is incorporated, all we would have to do would be to change a word or two at the commencement by saying "any constitution adopted"——

Mr. CLARKE of Arkansas. Where would the Senator put that?

Mr. WALSH. I would put that immediately after what the Senator has proposed there.

Mr. CLARKE of Arkansas. "Any constitution"?

Mr. WALSH. But I do not think the language proposed by the Senator from Arkansas meets the situation, and I shall reserve the right to tender the language which I have drafted here. I thought it would be quite acceptable to the Senator.

Mr. CLARKE of Arkansas. It forecloses the negotiations up to that point and proposes to lay down a rule that involves several elections and much delay. We have limited the period here so that it does not leave much time for preliminaries; they must be gotten out of the way promptly.

Mr. WALSH. Mr. President, I have expressedly provided that the legislature first elected shall do this.

Mr. CLARKE of Arkansas. Well, "first elected." That comes out of the four-year period. It may be possible that the present legislature can start into operation some part of the machinery necessary to consummate this withdrawal, and I would not care to hinder them from doing so. If we should say "until a legislature can be elected under the law we are now about to pass," a considerable part of the four-year period might be gone before all that could be done.

Mr. SIMMONS. Why could not the Senator provide for the present legislature to do this work, instead of the legislature first elected?

Mr. CLARKE of Arkansas. Any legislature.

Mr. WALSH. I will tell the Senator why. The present legislature, as the Senator knows, is appointive in the upper chamber.

Mr. SIMMONS. That is a serious objection.

Mr. WALSH. That is the only objection I have; otherwise, I would be quite willing to provide that the present legislature might take the action proposed; but it does not by any means follow that the members of the upper branch are really the members that would be chosen by the people. I should like to have this constitution emanate from the representatives chosen by the people, and to have it drafted either by the legislature or by a constitutional convention which that legislature may call.

Mr. CLARKE of Arkansas. Mr. President, the differences between us are that the Senator wants a constitution adopted and he wants a republican form of government to somebody's satisfaction. I think that is a matter that is involved in the general power delegated to the President of the United States. I take it for granted that he will have some interest in the matter and will bring to the consideration and disposition of it all the information that is obtainable, and that he will conform as nearly to our traditions and sympathies as he can in dealing with the independent government which is then to start out upon the supreme mission of looking after its own affairs in a part of the world where republics are not the rule.

Mr. WALSH. Well, I ask the Senator just exactly how that will operate? There may be two or three rival governments set up in the Philippine Islands. What will the President do in a case of that kind?

Mr. CLARKE of Arkansas. The President will decide which one is the government that should be recognized. That is an old question in our history and policy.

Mr. WALSH. Yes.

Mr. CLARKE of Arkansas. The President represents the United States Government. This act is not going to send out the Philippine Islands to be administered exclusively by the Filipinos or by any faction of them. The strong hand of the United States Government, represented by the President of the United States, will be there at every minute of time and in control over the events necessary to consummate the operation that we are to provide for now.

The objections raised by the Senator from Montana present the same line of objection that has been urged all along, and they carry with them mistrust on the part of the President to meet the responsibilities that are imposed upon him. The inference is that, unless we watch him and follow him down to the utmost details of his final action, he is likely to do something wrong, or is likely to do something that would meet the condemnation of the Congress of the United States. I do not take that view of the Presidency, no matter who occupies the presidential office. I think the President of the United States will comprehend in its clearness the purpose that the people of the United States have in view when such legislation as this is passed; that it will be carried out in good faith; and that, as nearly as he can, he will conform to the traditions and policies of this country and will reflect its principles in the new Philippine government when it is handed over to its own people; and when he shall have done that he has done about all he can do, no matter how ample we might make the terms of this proposed statute.

I can imagine conditions that would require, to be completely dealt with, a volume of laws as large as the Revised Statutes of the United States and there would still be something that

would not be covered. In dealing with great international and national problems of this character a very simple and comprehensive authority is all that is required. The President of the United States represents us in all our foreign relations; he receives ministers from foreign Governments, and thereby recognizes their existence. It is an old subject matter in the group of powers that are lodged with the President, and I find no more difficulty in assuming that he will do what he ought to do in this particular connection than in many other important matters where power has been intrusted to him and successfully exercised by him. You can take any section, you can take any phrase, you can take any provision of this amendment and add something to it or substitute something for it and it will be just as good as it is now, but we can keep that up eternally if it is our purpose to do so.

Mr. STONE. Mr. President, I ask the attention of the Senate for a short while. My anxiety to see this business brought to a close is such that I venture reluctantly to occupy any of the time of the Senate now, but I wish to make one last appeal for good faith and just treatment of the Philippine people.

I have no intention of attempting to compare the relative merits of the Clarke amendment and the Hitchcock substitute. I have examined and compared them with such care as I could, and I feel obliged to say that I am unable to detect any essential difference between them. I have not been consulted in any practical or potential way by anybody in the preparation of either of these proposals. I make no complaint of that; of course there was no reason why I should have been consulted any more than another. I refer to that fact now merely to emphasize the statement that I have neither directly nor indirectly any pride of authorship to influence my judgment or action. As between the distinguished authors of these rival propositions I take no side, and as between their suggestions I make no invidious comparisons. I look upon both with an absolutely impartial eye.

There is one provision in the Hitchcock substitute which is almost identical with a like provision in the Clarke amendment to which I object and against which I protest now, as I have heretofore, and it is to that one proposition that I desire to address myself at this time. After I have read the provision to which I refer and have briefly expressed my views with respect to it I shall offer an amendment. I do not care whether the amendment is offerel to the Hitchcock proposal or to the Clarke proposal; it is, of course, equally objectionable in either. If we had already voted upon the Hitchcock substitute and it had been lost, I would offer my amendment to the Clarke amendment. All I have in mind to do is to take the judgment of the Senate, and I do not care whether it be taken upon the one or the other of these propositions.

The amendment to which I advert is this: I am reading now from the Hitchcock substitute, but it is almost a literal reproduction of a similar provision in the Clarke amendment:

> If, however, the President shall find at any time within the period of limitation provided above that the condition of the external or internal affairs of the islands or the international relations of the United States require it, or if a constitution as above provided be not adopted, he may by proclamation extend for the period of one year beyond the four years above provided the time for taking action under this act and thus afford to Congress an opportunity, in its discretion, to consider further the Philippine question, but any such extension of time by the President shall not otherwise suspend or nullify the operative force of this act unless Congress shall hereafter so direct.

As I have said, with slight changes in the phraseology the provision I have just read from the so-called Hitchcock substitute is to be found in the Clarke amendment.

Mr. President, I have heard much said here on the floor in praise and support of the Democratic policy, as announced repeatedly in national platforms, in favor of releasing our domination of the Philippine Islands and conferring independence upon them. Senators on the other side have likewise repeatedly referred to those platform declarations, but with disapproval. I well recall that in 1900 we Democrats fought a national battle on that very issue, which we then called the paramount issue. I am unqualifiedly and unconditionally in favor of carrying out that policy. I do not hesitate to return to the Senator from Arkansas my acknowledgments for the service he has rendered in projecting this question in the form that he has. He took a step in advance of what I was trying to do when I counseled with the Senator from Nebraska about so changing the "whereas" in the bill he reported as to hold out a distinct promise, a distinct declaration, of our purpose to confer independence upon the Philippines. While that very matter was pending the Senator from Arkansas took his advanced step and proposed to embody the proposition in this bill as a positive enactment. It was, from my point of view, a sensible thing to do, a wise thing to do, and undoubtedly a Democratic thing to do.

Mr. President, if the provision which I have read is to remain in this law, in my opinion we will accomplish little in the way of conferring independence on the Philippines. We certainly would not confer independence on the Philippines if that provision is left in. We would put the matter up in the air, where it would float in a condition of uncertainty. The President, no matter who he may be now or hereafter, is given power, in both the amendment of the Senator from Arkansas and the proposed substitute of the Senator from Nebraska, whenever, in his opinion, formed at any time within four years, that the internal or external affairs of the Philippine Islands are such that he thinks he should do so, he can issue a proclamation postponing the operation of this section 34 and send the whole business back to Congress. To do what? Here is the language of the bill:

> And thus afford to Congress an opportunity, in its discretion, to consider further the Philippine question, but any such extension of time by the President shall not otherwise suspend or nullify the operative force of this act—

Now, listen—

> unless Congress shall hereafter so direct.

If the unfortunate event should happen in November of the election of a Republican President, considering the attitude of the Republican Party upon this question as often expressed, does the Senator doubt that that President would find good reason for sending the matter back to Congress? And have you any reason to think, even though the Congress itself should remain Democratic, that the Filipinos would ever enjoy the supposed benefits of this section? And if the Republicans had control of both branches of Congress you know what would happen.

Mr. President and Senators, I tell you it seems to me that we are not acting in good faith and fairly, so far as the Philippine people are concerned. As I said the other day, we are but breathing into their ears promises which in all probability will be broken to the hope. And what would that signify? It would leave the people of the Philippines in a disturbed condition—a disturbed condition that might be in its effects dangerous to the peace.

For myself I want now, unconditionally and certainly, to confer independence upon the Philippine people. I do not want any strings to the proposition to be held in the hands of a President to pull as he pleases. We would not confer independence by this act as it stands. We are merely making a suggestion of independence to the President of the United States and a future Congress. I really believe, sir, that I would prefer a declaration such as the "whereas" to the bill as originally reported, declaring our purpose, than this legislative proposal. I believe the effect of such a declaration, the probable eventualities of it, would be fuller of hope.

Now, sir, the motion I am about to make is to strike out that clause in the bill to which I object. At this time I shall be obliged to offer the amendment to the substitute. I would offer it just as willingly—and perhaps it might be better, if the parliamentary situation permitted—to the amendment agreed to on yesterday.

Just a word before I offer the amendment. On day before yesterday the junior Senator from Iowa [Mr. KENYON] moved to strike out this clause of the Clarke amendment. I had started to read it, but it is hardly worth while. Everybody is familiar with it. It is the clause which authorized the President to enter into treaties with foreign nations to guarantee the independence of the Philippines against outside force. I voted for that clause on the day before yesterday not because I liked it or approved it, for I stated on the floor of the Senate more than once that I did not altogether approve it, and offered suggestions to amend it. I did not offer any motion to amend, but merely suggestions to the Senators in charge of the bill and the amendments to the bill, and left it at that; but I propose now to offer an amendment.

I voted for the proposition to authorize the President to make such treaties as I have indicated—that is, to safeguard the sovereignty of the Philippines against outside interference or force; in other words, to neutralize them—because there was nothing else better presented, and I would rather have that than nothing. In fact, I would rather have had that than anything I proposed, or what I now propose, if I believed there was the least probability or possibility of getting such treaties. I have never believed that foreign nations like Great Britain, Germany, or Japan would enter into an agreement with the United States obligating themselves to use, if need be, their armies and navies to uphold the independence of the Philippines against foreign assault. I was willing to give the President an opportunity to

try to make such conventions, although I had little faith that he would succeed.

The Senator from Iowa [Mr. KENYON] moved to strike out that clause, and I followed the leadership of the author of the amendment in voting against that motion; but it was carried. The clause was stricken out, and there is now nothing in the bill on that subject.

What are we about to do? There seems to be prevalent in this Chamber a mad desire or passion to shake ourselves loose from the Philippines, to get rid of them at all hazards, without much regard for the consequences either to ourselves or to them. How often have I heard it said, and how often have you heard it said, "Let us get rid of the Philippines; no matter how, but get rid of them." It is like that old fellow who said to his son, "Make money; no matter how, but make money." "Get rid of the Philippines; no matter how, but get rid of them; no matter what happens."

Mr. President, I can not sympathize with that view. I need not repeat what I have said on this floor and off of this floor so often, that no man laments more deeply than I the fact that we ever thrust our hand into the Philippines to hold them; but we did. They did not ask us to do it. We did it against their will and at the point of the sword. We have exercised sovereignty and power over them for half a generation. It does not matter how beneficial or advantageous our administration there has been to them. I think it has been in many ways most helpful, but I think also many things have been done which we would have been glad to have left undone. But the point is, Mr. President, that we have held the people of the islands under our sovereignty. They were at war to shake off the power of Spain. Their soldiers fought with ours to accomplish that result. They did not fight with our soldiers in order that there might be an exchange of one foreign power for another to rule over them. We held them by superior force, by a power they were not able to withstand, for 17 years. However some Senators may regard this matter, I can not escape the profound belief that we owe these people a moral obligation to do what we can for them at this moment, to do everything we can to guard them against the dangers that will lie lurking about them. Before we turn them loose to strive to work out their own destinies, in God's name why should we not do what we can for their safety? We would do nothing in that way by this bill as it now stands.

Mr. SIMMONS. Mr. President, will the Senator permit me to ask him one question?

The PRESIDING OFFICER (Mr. SAULSBURY in the chair). Does the Senator from Missouri yield to the Senator from North Carolina?

Mr. STONE. Surely.

Mr. SIMMONS. Suppose the Senator's amendment should be adopted——

Mr. STONE. The Senator has not heard the amendment.

Mr. SIMMONS. I thought I heard the Senator state what he was going to do. He said he would move to strike out——

Mr. STONE. I said I would move to strike out and substitute.

Mr. SIMMONS. Oh! I had not heard the substitute.

Mr. STONE. No; I am going to present it in a moment.

Mr. SIMMONS. I did not understand the Senator to say he would offer a substitute. I understood him to say he was going to move to strike out that clause.

Mr. STONE. I did, and then to insert.

Mr. SIMMONS. Then I will withhold my question.

Mr. STONE. Yes.

Now, Mr. President, I send this amendment to the desk and ask to have it read. It refers to the Hitchcock substitute, because that happens to be the matter now before the Senate, and I wish merely to take the judgment of the Senate on it. Afterwards, notwithstanding the substitute may be voted down, if there should prove to be any substantial support for the idea embodied in the amendment I am offering, I would feel at liberty to propose it to the Clarke amendment if it should come before the Senate.

I ask the Secretary to read it.

The PRESIDING OFFICER. The Secretary will read the amendment.

The SECRETARY. In the amendment offered by the Senator from Nebraska [Mr. HITCHCOCK], beginning at page 2, line 18, with the word "If," strike out the remainder of the proposed amendment and in lieu of the words stricken out insert:

As soon after the passage of this act as he may deem advisable the President shall invite the cooperation of the principal nations especially interested in the affairs of that part of the world in which the Philippine Islands are located to enter into a treaty or convention, jointly or severally, with the United States obligating or pledging the high contracting parties to any such treaty or convention to recognize and respect the sovereignty and independence of the said Philippine Islands and the government thereof.

Mr. STONE. I am now ready to hear an expression from the Senator from Nebraska.

Mr. HITCHCOCK. I suggest that the Senator divide his amendment into two parts. First, there is the proposition whether the latter part of the substitute proposed by me shall be stricken out. Some might vote for that who would not vote for the Senator's provision. Others might vote for the Senator's provision as an addition to the substitute. So I suggest to the Senator that he divide his amendment.

Mr. STONE. Mr. President, if this amendment which I have proposed should be agreed to and written into whatever we may adopt here, whether it be the Clarke amendment as it stands now or the substitute of the Senator from Nebraska, it would have two effects. It would eliminate the provision I move to strike out, which provides that the President shall have power and authority under certain conditions named to withhold the grant of independence, issue a proclamation postponing it, and sending the whole question back to Congress to be acted upon in his discretion. Getting rid of that, the remainder of the Clarke amendment or the Hitchcock substitute would grant unconditional independence to the Philippines, and that is what I wish to do.

Secondly, if what I propose should be consented to it would enable the President to negotiate with the principal powers interested in the Orient, those most likely to feel interested in intruding upon the sovereignty and independence we confer, to the end that they will agree with the United States that the powers signing the treaty, including the United States, to pledge themselves to observe, to regard, to respect the independence and sovereignty that we have granted to the people there. That would be the effect. In the name of heaven, why should we not make the effort? If the President should fail, certainly we have not lost anything, and it would put those nations to the test. We might not be able to make that agreement with all of them, but if we made it with some of them the great powers whom we might imagine would be especially interested in grasping these possessions and appropriating them, there would be a tremendous moral influence that would sweep the world. I say a moral influence would prevail if that agreement should be made with only some of the great powers. Those failing would put themselves under suspicion at once, and I think they would hesitate for a good while to justify that suspicion by aggressive action.

Mr. HITCHCOCK. Mr. President——

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Nebraska?

Mr. STONE. I do.

Mr. HITCHCOCK. I think probably the Senator did not understand the purport of my suggestion. I will illustrate it to him. I would be willing to take this amendment, if it were a separate amendment, as an addition to my substitute. I could not vote for it if it were conditional upon striking out a part of the substitute. Therefore I suggested to the Senator that we first vote upon striking out the portion he objected to, and, after that vote, upon the adoption of the amendment proposing to insert certain words.

Mr. STONE. Mr. President, the part I move to strike out is the part I have an insuperable objection to, because if you leave it in the law it would be but a shadowy offering that would disappear like the mists of the morning. It would not be realized, in my opinion. It is a dream, but it would be a most disturbing dream in the minds of the Philippine people. They would be agitated by it; they would be expecting it; they would be watching for events; and if in a year or two years the President should issue his proclamation postponing the operation of this act and send it back to Congress, I can well imagine the storm of passion that would sweep over the people there.

No, sir; I can not personally agree to the separation of my amendment. In God's truth, I care as much for the amendment which I propose as a substitute. If the original text which I move to eliminate is kept in, I think we accomplish nothing.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Missouri [Mr. STONE] to the amendment of the Senator from Nebraska [Mr. HITCHCOCK].

Mr. SUTHERLAND. Let the amendment be read again.

The PRESIDING OFFICER. The Secretary will read it.

The Secretary again read Mr. STONE's amendment to the amendment.

Mr. CLARKE of Arkansas. Mr. President, I think we had better define the parliamentary status of the question before we proceed much further. I have not any objection to voting

on the proposition to amend the substitute, but I want it understood that we are not thereby precluded from offering an amendment to the original. I take it for granted that we are proceeding under Rule XVIII, which provides that—

> If the question in debate contains several propositions, any Senator may have the same divided, except a motion to strike out and insert—

Which is the case here—

> which shall not be divided; but the rejection of a motion to strike out and insert one proposition shall not prevent a motion to strike out and insert a different proposition; nor shall it prevent a motion simply to strike out; nor shall the rejection of a motion to strike out prevent a motion to strike out and insert. But pending a motion to strike out and insert, the part to be stricken out and the part to be inserted shall each be regarded for the purpose of amendment as a question; and motions to amend the part to be stricken out shall have precedence.

In the regular course an amendment to the original text would be first in order, but it may facilitate the attainment of a basis of opinion to take this vote. However, I want it distinctly understood that by permitting the vote to be taken without that reservation we are not precluded from offering an amendment to the original text before the final vote is taken.

Mr. McCUMBER. Mr. President, I should like to have the amendment to the amendment stated.

The PRESIDING OFFICER. It will be again read.

The Secretary again read the amendment to the amendment.

Mr. LIPPITT. Mr. President, as I understand the proposition of the Senator from Missouri, he is now trying to perfect the amendment of the Senator from Nebraska, and he is doing that with the intention, if the improvement is adopted, and the amendment is not carried, that he will move a similar amendment to the so-called Clarke amendment which is now contained in the bill.

I should like to say to the Senator, speaking personally for myself, I shall vote against the proposed improvement of the Hitchcock amendment; because I do not myself believe that the submission of such a question to the voters in the Philippine Islands as the adoption of a constitution can, under any circumstances within the period of the next two or four years, be anything but a farce. That electorate at that time, under the terms of this bill, will be composed of some 800,000 or 900,000 voters, two-thirds of whom will have never before cast a vote, who do not have any common language of communication, and who would be utterly unable from their lack of knowledge of a republican form of government to express an intelligent opinion upon it.

I therefore do not want to take any steps toward improving the Hitchcock amendment, as that would leave it perhaps to be adopted as a substitute for the provision in the bill as it stands. On that ground I shall vote against the amendment of the Senator from Missouri to the amendment. I do not know what I will do later on.

The VICE PRESIDENT. The question is on agreeing to the amendment of the Senator from Missouri [Mr. STONE] to the amendment of the Senator from Nebraska [Mr. HITCHCOCK].

Mr. POINDEXTER. I ask for the yeas and nays.

Mr. VARDAMAN. I ask that the amendment be stated.

The VICE PRESIDENT. The amendment will be again read.

The SECRETARY. The Senator from Missouri proposes to amend the amendment offered by the Senator from Nebraska as follows:

Beginning with the word "If," in line 18, page 2, strike out down to and including line 5, page 3, in the following words:

> If, however, the President shall find at any time within the period of limitation provided above that the condition of the external or internal affairs of the islands or the international relations of the United States require it, or if a constitution as above provided be not adopted, he may by proclamation extend for the period of one year beyond the four years above provided the time for taking action under this act and thus afford to Congress an opportunity, in its discretion, to consider further the Philippine question, but any such extension of time by the President shall not otherwise suspend or nullify the operative force of this act unless Congress shall hereafter so direct.

And in lieu of the words thus stricken out insert:

> As soon after the passage of this act as he may deem advisable the President shall invite the cooperation of the principal nations especially interested in the affairs of that part of the world in which the Philippine Islands are located to enter into a treaty or convention, jointly or severally, with the United States obligating or pledging the high contracting parties to any such treaty or convention to recognize and respect the sovereignty and independence of the said Philippine Islands and the government thereof.

The VICE PRESIDENT. The Senator from Washington calls for the yeas and nays on agreeing to the amendment to the amendment.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. FALL (when his name was called). I have a general pair with the Senator from West Virginia [Mr. CHILTON]. In his absence I refrain from voting.

Mr. TILLMAN (when his name was called). I transfer my pair with the Senator from West Virginia [Mr. GOFF] to the Senator from New Jersey [Mr. HUGHES] and vote "nay."

Mr. WILLIAMS (when his name was called). I have a general pair with the senior Senator from Pennsylvania [Mr. PENROSE], which I transfer to the senior Senator from Texas [Mr. CULBERSON] and vote "nay."

The roll call was concluded.

Mr. LEWIS. I am paired with the Senator from Oregon [Mr. LANE], who is absent on official business.

Mr. HARDING. I will transfer my general pair with the junior Senator from Alabama [Mr. UNDERWOOD] to the senior Senator from Illinois [Mr. SHERMAN] and vote "nay."

Mr. CHAMBERLAIN (after having voted in the negative). I have a general pair with the junior Senator from Pennsylvania [Mr. OLIVER]. He is not present, though I have voted. I will transfer that pair to the junior Senator from Louisiana [Mr. BROUSSARD] and let my vote stand.

Mr. MARTINE of New Jersey. I was requested to announce the absence of the Senator from Oklahoma [Mr. GORE] and to state that he has a general pair with the Senator from Idaho [Mr. BRADY].

Mr. CHILTON. I wish to inquire whether the Senator from New Mexico [Mr. FALL] has voted?

The VICE PRESIDENT. He has not.

Mr. CHILTON. I have a pair with that Senator, and therefore withhold my vote.

Mr. CURTIS. I was requested to announce that the Senator from Maine [Mr. BURLEIGH] is paired with the Senator from Indiana [Mr. SHIVELY].

Mr. JAMES. I desire to inquire if the junior Senator from Massachusetts [Mr. WEEKS] has voted?

The VICE PRESIDENT. He has not.

Mr. JAMES. I have a pair with that Senator, and therefore withhold my vote.

The result was announced—yeas 17, nays 60, as follows:

YEAS—17.

| | | | |
|---|---|---|---|
| Fletcher | Lee, Md. | Phelan | Thomas |
| Husting | McCumber | Pittman | Walsh |
| Johnson, Me. | McLean | Pomerene | |
| Kern | Martine, N. J. | Reed | |
| Lea, Tenn. | Owen | Saulsbury | |

NAYS—60.

| | | | |
|---|---|---|---|
| Ashurst | du Pont | Nelson | Smith, Md. |
| Bankhead | Gallinger | Newlands | Smith, Mich. |
| Beckham | Gronna | Norris | Smith, S. C. |
| Borah | Harding | O'Gorman | Smoot |
| Brandegee | Hardwick | Overman | Sterling |
| Bryan | Hitchcock | Page | Sutherland |
| Catron | Hollis | Poindexter | Swanson |
| Chamberlain | Johnson, S. Dak. | Ransdell | Thompson |
| Clapp | Jones | Robinson | Tillman |
| Clark, Wyo. | Kenyon | Shafroth | Townsend |
| Clarke, Ark. | La Follette | Sheppard | Vardaman |
| Colt | Lippitt | Shields | Wadsworth |
| Cummins | Lodge | Simmons | Warren |
| Curtis | Martin, Va. | Smith, Ariz. | Williams |
| Dillingham | Myers | Smith, Ga. | Works |

NOT VOTING—19.

| | | | |
|---|---|---|---|
| Brady | Fall | Lane | Shively |
| Broussard | Goff | Lewis | Stone |
| Burleigh | Gore | Oliver | Underwood |
| Chilton | Hughes | Penrose | Weeks |
| Culberson | James | Sherman | |

So Mr. STONE'S amendment to Mr. HITCHCOCK'S amendment was rejected.

The VICE PRESIDENT. The question recurs on the amendment of the Senator from Nebraska [Mr. HITCHCOCK].

Mr. HITCHCOCK. I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CHAMBERLAIN (when his name was called). I have a pair with the junior Senator from Pennsylvania [Mr. OLIVER], which I transfer to the junior Senator from Louisiana [Mr. BROUSSARD] and vote "nay."

Mr. FALL (when his name was called). I have a pair with the Senator from West Virginia [Mr. CHILTON]. In his absence I withhold my vote.

Mr. HARDING (when his name was called). I have a pair with the junior Senator from Alabama [Mr. UNDERWOOD], which I transfer to the senior Senator from Illinois [Mr. SHERMAN] and vote "nay."

Mr. LEWIS (when his name was called). I desire again to announce my pair with the Senator from Oregon [Mr. LANE].

Mr. WILLIAMS (when his name was called). Repeating the announcement made on the last roll call, I vote "nay."

The roll call was concluded.

Mr. CHILTON. I wish to inquire whether the Senator from New Mexico [Mr. FALL] has voted?

The VICE PRESIDENT. The Chair is informed that he has not.

Mr. CHILTON. I have a pair with that Senator, and therefore withhold my vote.

Mr. JAMES (after having voted in the negative). I transfer my general pair with the junior Senator from Massachusetts [Mr. WEEKS] to the junior Senator from New Jersey [Mr. HUGHES] and will allow my vote to stand.

Mr. MARTINE of New Jersey. Before the result of the roll call is announced I desire to again state the pair between the Senator from Oklahoma [Mr. GORE] and the Senator from Idaho [Mr. BRADY].

Mr. SMITH of Arizona. I desire to announce the pair between the Senator from South Carolina [Mr. TILLMAN] and the Senator from West Virginia [Mr. GOFF].

The result was announced—yeas 25, nays 52, as follows:

YEAS—25.

| | | | |
|---|---|---|---|
| Beckham | Hitchcock | Phelan | Sterling |
| Brandegee | Hollis | Pittman | Townsend |
| Clapp | Kenyon | Pomerene | Wadsworth |
| Cummins | Lea, Tenn. | Ransdell | Walsh |
| Fletcher | Martine, N. J. | Reed | |
| Gallinger | Myers | Smith, Md. | |
| Gronna | O'Gorman | Smoot | |

NAYS—52.

| | | | |
|---|---|---|---|
| Ashurst | Hardwick | Martin, Va. | Simmons |
| Bankhead | Husting | Nelson | Smith, Ariz. |
| Borah | James | Newlands | Smith, Ga. |
| Bryan | Johnson, Me. | Norris | Smith, Mich. |
| Catron | Johnson, S. Dak. | Overman | Smith, S. C. |
| Chamberlain | Jones | Owen | Sutherland |
| Clark, Wyo. | Kern | Page | Swanson |
| Clarke, Ark. | La Follette | Poindexter | Thomas |
| Colt | Lee, Md. | Robinson | Thompson |
| Curtis | Lippitt | Saulsbury | Vardaman |
| Dillingham | Lodge | Shafroth | Warren |
| du Pont | McCumber | Sheppard | Williams |
| Harding | McLean | Shields | Works |

NOT VOTING—19.

| | | | |
|---|---|---|---|
| Brady | Fall | Lewis | Stone |
| Broussard | Goff | Oliver | Tillman |
| Burleigh | Gore | Penrose | Underwood |
| Chilton | Hughes | Sherman | Weeks |
| Culberson | Lane | Shively | |

So Mr. HITCHCOCK's amendment was rejected.

The VICE PRESIDENT. The question recurs on concurring in the amendment of the Senator from Arkansas [Mr. CLARKE] made as in Committee of the Whole.

Mr. SMITH of Michigan. Mr. President, I have taken no part in this discussion and, owing to unavoidable absence, have not been privileged to listen to all of the debate. I feel, however, a very deep concern in what we are about to do, and I rise reluctantly to say that I regard this unnecessary controversy as a very great misfortune if, indeed, it is not a national calamity at the present time.

I was here when the events leading up to the Spanish-American War took place. Together with some of the Senators now on the floor, I became intimately familiar with some of the reasons which led up to the declaration of war against Spain. Spain had governed her colonies in this hemisphere with a cruel and relentless hand; the people of Cuba were being starved to death; their lives imperiled; their homes destroyed; their land devastated; their government a mockery, a relic of the Middle Ages. I saw thousands of orphan children, made so by the cruel blows of the machete. I saw them in the last stages of starvation in Habana and in Matanzas. My friend the senior Senator from New Hampshire [Mr. GALLINGER] and myself witnessed wrongs there that should never be forgotten. President McKinley was forced into war against his will. Congress reflecting the general sentiment of the country at that time sought to put an end to such misrule.

As a result of war those Spanish islands fell into our hands, not by design, but by accident. Who can say that it was not providential? We have administered the delicate affairs which fell to our lot as a result of war with a just and kindly disposition toward those people. We have perhaps done more for them in the brief period of our government than was done for them in the preceding hundred years. Our soldiers have given their lives upon countless battle fields that those people might have larger liberty and a fairer opportunity in the world, and now, as we begin to see the results of our labors, and now, as the full fruition of our prayers are beginning to be realized, our work is to be ruthlessly undone to satisfy party expediency. Is there a Senator upon the other side of the Chamber who will now rise and say that our Government has been harmful to the Filipino? Is there a Senator upon the other side of the Chamber who will charge the administration of Filipino affairs with delinquency or crime? No. Has not our Government been wholesome and helpful to those people? If so, why should these islands be cast like a derelict upon the high seas, a temptation to international selfishness and greed, perhaps to be claimed under the first possible excuse by ambitious empire builders for purposes of subjugation and exploit.

The attitude of Senators upon the other side of the Chamber now is not new. The Paris commission had scarcely made its report, the parchment ink was scarcely dry, before you began to bombard this Government with complaints. Almost the first party platform of your party after the Spanish-American War expressed doubt and fear of our administration of these distant islands. It is fitting that this measure should be brought into the Chamber by the Senator from Nebraska [Mr. HITCHCOCK], for the cradle of discontent in the Philippine Islands was first rocked by the hand of a Nebraskan, who spread the doctrine of discontent before our wards and assailed our motives in a language familiar in the Archipelago. In three national conventions he attempted to overturn the policy of the beloved McKinley; in three national campaigns we were assailed for misgovernment of the Philippines, our motives misinterpreted and our purposes belied. Hundreds of American soldier boys went to their death because of the encouragement given to the rebels in the Philippine Islands by our friends upon the other side of the Chamber. You begged for votes that the $20,000,000 might be paid as bonus money to Spain, and the voices that answered "Aye" were the first to distrust and complain of the administration of the Philippine Islands.

Mr. President, these doleful forebodings of Democracy were unheeded by the American people. One after another of the champions of surrender of the Philippines went to their political death unmourned and unremembered. You even charged that McKinley wanted to be an emperor and wear a crown. How little you thought he would so soon wear a crown, not made by human hands but woven out of the fabric of the human heart; and the man you slandered and villified and traduced became the idol of your country, while those who slandered him were pushed into oblivion by an outraged public opinion; and when he died every industry that had sprung into being by his magic power was stopped for a full five minutes during the moment of his burial as a tribute to his memory, while people of every tongue tenderly sang his requiem. All the world recognized in him a saintly martyr, and yet your party went up and down the country charging that that kindly man wanted to be an emperor of the Philippine Islands and wear a crown! Scarcely a single Democrat of any prominence that gave utterance to that thought survived it; and, in my humble judgment, you will not survive this shameless crime against a dependent people which you are committing to-day.

You believe in pulling down the flag, and yet you never pulled one down that the people did not make you put it up again, and you never put one up that the people did not make you pull it down. When I came to Congress Paramount Blount had just pulled down the flag in Hawaii, and the American people forced Mr. Cleveland to put it back. You are flag pullers, and every time you exercise your temporary prerogative you displease your own countrymen and astonish the world. And you are pulling down the flag in the East just at the moment when the President "proposes to have the biggest navy in the world" to insure its protection; just on the eve of our international mastery of the seas you are acknowledging your inability to manage our affairs in the Far East, weakly scurrying for cover, and pulling down our flag where it was placed by the valor and the patriotism of American soldiers and sailors upon land and upon sea. Shades of gallant Dewey and brave Lawton, where are we drifting in this night of gloom?

No thought of conquest in the Philippines. The news of Dewey's victory in Manila Bay I will never forget. Our Asiatic Fleet had been instructed to strike the enemy. The people of Washington had gone apprehensively to their beds, but with a prayer upon their lips for our sailor boys in distant seas.

Suddenly there rang out upon the midnight air the cry of "Extra papers!" and instantly, as though by magic, homes were lighted, lamps shone from the windows, men, women, and children, with blanched and anxious faces, rushed to their doors to get the news from Dewey which should determine the weal or woe of our sailor boys. My God, how our hearts thrilled and our eyes filled with joyous tears as our hopes were realized! Dewey had met the Spanish fleet and silenced the guns of Cavite without the loss of a ship or a man!

And America found herself in Manila Bay. The fleets of other nations were there ready to take advantage of any fortuitous opportunity. The German Admiral von Dietrich was there, active, alert, and determined, with well-defined purpose

in his mind, and his conduct at every step betokening opposition to our authority, doing everything he could to annoy and hamper Commodore Dewey. He was finally "called," and his conduct emphasized the necessity of following up the victory just achieved! Protection must be given the people of Manila, natives and foreigners, and the American forces were equal to every emergency, and our country rang with enthusiastic approval. Then that memorable interview between Dewey and Admiral von Dietrich, which has become historic, took place, when Commodore Dewey said to the German admiral, "You act very much as though you wanted war with the United States; and if you want war with the United States, Admiral, you can have it, and you can have it now." There was nothing for Dewey to do but to bring order out of chaos or prove himself utterly unequal to a great American responsibility. Congress made him an admiral for life, and he grimly met every crisis with honor.

Democrats North and South gave comfort to Aguinaldo, who was in rebellion against our authority in the Philippines. You furnished him most of the comfort and all of the enthusiasm that he possessed. Your criticisms of your own Government, your unkindly reference to the President, your denunciation of our plans, gave comfort to the enemies of the United States in the Philippine Islands. You made our task more difficult than it would have been, and scores of American boys went to their death because of the resistance to our plans which you encouraged.

Mr. President, after 16 years of kindly, intelligent, generous supervision of their affairs, after we have taught them the beneficent aspects of government, and lifted them out of the gloom and misery of their serfdom, you propose to scuttle and pull down the flag and turn them adrift. God knows where or to whom they will be accountable in the future.

If we can not govern the Philippine Islands because of their geographical location, in the name of Heaven why do you not release the Aleutian Islands and Hawaii, where problems of serious import becloud our pathway. If it is a mere question of geography, get back to your continental territory, be consistent, again pull down the flag in Hawaii, and tell the people of Porto Rico that, if they are lawless and rebellious and do not conform to the desires of our Government, you will make a place for them in the family of nations, if you can persuade the American people to trust you further with public authority.

Oh, Mr. President, I can not believe that this is the present judgment of Senators in this Chamber. I think it is a recurrence of their early malady; I think it is the inherited tendency of those Democrats who tried to poison the public mind regarding the Philippines 16 years ago.

Mr. MYERS. Mr. President, may I ask the Senator a question?

Mr. SMITH of Michigan. Pardon me, I must decline to yield.

The PRESIDING OFFICER (Mr. ROBINSON in the chair). The Senator from Michigan declines to yield.

Mr. SMITH of Michigan. Mr. President, I ask the other side to be consistent. You are extending your suzerainty over the countries of the Western Hemisphere; you are encroaching upon the islands of the sea; you already have your soldiers in Santo Domingo and in Haiti; you are already taking the first step toward the "benevolent assimilation" of the Central American States to the south of us. Treaties now pending in this body provide for a closer relationship with them than has ever existed before; you are making us responsible for their misgovernment. If you are consistent, you will get back to your continental territory at one stroke of the pen. We have more territory than the Democratic Party can govern happily or prosperously.

Mr. President, the American people, in my judgment, will repudiate your action to-day. The American people do not want their flag taken down in the Philippines. Millions of our countrymen thought that we would have been vastly better off if we had kept Cuba under our flag as we kept Porto Rico.

No, Mr. President, this is an unjustifiable and uncalled for surrender of American rights. You will be called to account for this crime against your own people, and you will answer for this crime against the Filipino people who will suffer untold wrongs by reason of your course to-day, when anarchy and bloodshed follow, as it will, these warring tribes of ignorant and defenseless children in their weary march of empire, without compass or rudder or chart. You have cowardly abandoned them to fate, and left them as the prize of every chance wind that blows across the sea. I do not believe this course is demanded from any point of view.

I had hoped, since my return to the Senate, as the votes have been taken on the various amendments, that something would occur to prevent this great wrong. But these islands are to be left a floating derelict upon the sea by the mere accident of Democratic ascendency. Let us hope it will be their last.

Mr. STONE. Mr. President, I do not know whether the speech of the Senator from Michigan has crushed him or those on this side the most. In his closing utterances he expressed such deep sorrow that he seemed about to yield himself to a flood of weeping. Personally I feel frightfully crushed. I do not know, when I have been so regaled with such a wild, vociferous, far-scattered, inane, and dreary partisan harangue. I have no doubt that brilliant performances of that nature will be repeated hereafter, if not on the floor of the Senate, then on the stump all through the campaign of this year.

After listening to that speech—which I confess myself a little surprised at being delivered here at this time—I am compelled to the reflection that if the amendment which I proposed, to give immediate independence to the Philippines with the hope of making some arrangements with other nations to safeguard them, had been agreed to, this whole question would have been a closed incident in our history. Of course the wisdom of a majority of Senators on this side, aided by an almost unanimous vote on the other side, has left it an open question, and it can now be made a campaign issue this year. I have no particular dread of that, only I will admit that I should have preferred if it could have been made a closed incident. You can not very well make an issue of an accomplished fact. You make issues of things which are lying in futuro, policies that are to be completed in the hereafter.

I accept gracefully and willingly the judgment of my colleagues in this matter, and I shall say nothing further now about it, but leave it where it is.

Mr. President, I desire to offer an amendment to section 34 of the bill as reported from the Committee of the Whole to the Senate. At the close of that section, which closes at line 7, page 36, I move to insert what I send to the desk.

The PRESIDING OFFICER. The Secretary will state the amendment.

The SECRETARY. It is proposed to add, at the end of the bill, the following words:

As soon after the passage of this act as he may deem advisable the President shall invite the cooperation of the principal nations especially interested in the affairs of that part of the world in which the Philippine Islands are located to enter into a treaty or convention, jointly or severally, with the United States obligating or pledging the high contracting parties to any such treaty or convention to recognize and respect the sovereignty and independence of the said Philippine Islands and the government thereof.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Missouri.

Mr. SHAFROTH. Mr. President, we have had a test of that question by a vote.

Mr. STONE. Not this question.

Mr. SHAFROTH. Yes; there has been a test, and it was voted by a two-thirds majority to eliminate that provision.

In the formation of a bill, of course, compromises must be made. The reason why this is not important is because the President has full power and authority now to negotiate with any nation that he may deem proper, or any number of nations that he may deem proper, for the very purpose of establishing the provision which the Senator from Missouri desires to put into the bill.

Of course, in trying to form a bill we must take into consideration the objections that are made by some. There are some who will not vote for the bill unless a provision of that kind is contained therein, and I have heard expressions on the part of others to the effect that they would not vote for the bill if it were in. That being the case, it seems to me that we ought to be willing to give and take, and that whenever the Senate has made a direct determination of this question, as it did under the motion which was made by the Senator from Iowa [Mr. KENYON], we who want to enact legislation of this kind should be content. Then if afterwards some one desires to introduce a resolution to the same effect and have it referred to the Committee on Foreign Relations, so that it will not interfere in any manner with the passage of this bill, all right and good.

I have no objection to the proposition that is made, except that it comes here during the consideration of a bill in the passage of which we may lose votes, if it should be adopted. We had better either trust the President to make these negotiations upon his own initiative, without any direction of Congress, or else embody it in a separate resolution which should be referred to the Committee on Foreign Relations, which could report it to the Senate, and thus make it an independent question without any relation whatever to whether or not this bill as a whole is going to pass.

It seems to me it is unwise to inject this provision into the bill at this time.

Mr. ASHURST. Mr. President, in the coming campaign this fall we can truthfully charge the Republicans with many sins of omission and commission, but I hope we will not charge them with a filibuster against the Philippine bill. That has been done by Democrats. Why not vote?

Mr. STONE. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Missouri will state it.

Mr. STONE. Under the order, is the Senate required to adjourn at 5 o'clock?

The PRESIDING OFFICER. The Chair is informed that that order was vacated by a proceeding of the Senate on yesterday. The question is on the amendment of the Senator from Missouri.

Mr. POINDEXTER. On that I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. O'GORMAN. I ask to have the amendment stated.

The PRESIDING OFFICER. In the absence of objection, the Secretary will state the amendment.

The Secretary again read Mr. STONE's amendment.

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. COLT (when his name was called). Although I have a general pair with the junior Senator from Delaware [Mr. SAULSBURY], I am at liberty to vote on this amendment, and vote "nay."

Mr. FALL (when his name was called). I have a general pair with the senior Senator from West Virginia [Mr. CHILTON], and therefore withhold my vote.

Mr. HARDING (when his name was called). I transfer my pair with the junior Senator from Alabama [Mr. UNDERWOOD] to the senior Senator from Illinois [Mr. SHERMAN] and will vote. I vote "nay."

Mr. WILLIAMS (when his name was called). Again making the same announcement that I made on the last vote, I now vote "nay."

The roll call was concluded.

Mr. CHAMBERLAIN. I transfer my general pair with the junior Senator from Pennsylvania [Mr. OLIVER] to the junior Senator from Louisiana [Mr. BROUSSARD] and will vote. I vote "nay."

The result was announced—yeas 17, nays 59, as follows:

YEAS—17.

| | | | |
|---|---|---|---|
| Fletcher | Lee, Md. | Phelan | Thompson |
| Hitchcock | McCumber | Pittman | Walsh |
| Husting | McLean | Pomerene | |
| James | Newlands | Reed | |
| Lea, Tenn. | Norris | Stone | |

NAYS—59.

| | | | |
|---|---|---|---|
| Ashurst | du Pont | Myers | Smith, Mich. |
| Bankhead | Gallinger | Nelson | Smith, S. C. |
| Beckham | Gronna | O'Gorman | Smoot |
| Borah | Harding | Overman | Sterling |
| Brandegee | Hardwick | Page | Sutherland |
| Bryan | Hollis | Poindexter | Swanson |
| Catron | Hughes | Ransdell | Thomas |
| Chamberlain | Johnson, S. Dak. | Robinson | Townsend |
| Clapp | Jones | Shafroth | Vardaman |
| Clark, Wyo. | Kenyon | Sheppard | Wadsworth |
| Clarke, Ark. | La Follette | Shields | Warren |
| Colt | Lippitt | Simmons | Weeks |
| Cummins | Lodge | Smith, Ariz. | Williams |
| Curtis | Martin, Va. | Smith, Ga. | Works |
| Dillingham | Martine, N. J. | Smith, Md. | |

NOT VOTING—20.

| | | | |
|---|---|---|---|
| Brady | Fall | Lane | Saulsbury |
| Broussard | Goff | Lewis | Sherman |
| Burleigh | Gore | Oliver | Shively |
| Chilton | Johnson, Me. | Owen | Tillman |
| Culberson | Kern | Penrose | Underwood |

So Mr. STONE's amendment was rejected.

The VICE PRESIDENT. The question now recurs on the amendment of the Senator from Arkansas [Mr. CLARKE].

Mr. WALSH. Mr. President, I offer the amendment which I send to the desk, being in substance the amendment I suggested a while ago.

The VICE PRESIDENT. The Secretary will state the amendment.

The SECRETARY. After the word "thereof," in line 21, page 34, it is proposed to insert "which shall be republican in form and established under a constitution to be submitted to and approved by the people of the islands, by the legislature of the same first elected under this act, or by a convention to be called by virtue of an act of such legislature."

The VICE PRESIDENT. The question is on the amendment of the Senator from Montana.

Mr. WALSH. On that I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CHAMBERLAIN (when his name was called). I have a general pair with the junior Senator from Pennsylvania [Mr. OLIVER]. In his absence I withhold my vote for the present.

Mr. COLT (when his name was called). Making the same announcement that I did before, and being at liberty to vote on this amendment, I will vote "nay."

Mr. HARDING (when his name was called). I again transfer my pair with the junior Senator from Alabama [Mr. UNDERWOOD] to the senior Senator from Illinois [Mr. SHERMAN] and will vote. I vote "nay."

Mr. WILLIAMS (when his name was called). Repeating the same announcement, I vote "nay."

The roll call was concluded.

Mr. CHILTON. I desire to announce the pair of my colleague [Mr. GOFF] with the Senator from South Carolina [Mr. TILLMAN].

Mr. MARTINE of New Jersey. I beg again to announce the pair existing between the Senator from Oklahoma [Mr. GORE] and the Senator from Idaho [Mr. BRADY].

The result was announced—yeas 33, nays 46, as follows:

YEAS—33.

| | | | |
|---|---|---|---|
| Brandegee | Husting | Norris | Smoot |
| Clapp | Kenyon | O'Gorman | Sterling |
| Cummins | La Follette | Owen | Stone |
| Dillingham | Lea, Tenn. | Phelan | Thompson |
| Fletcher | Lewis | Pittman | Walsh |
| Gallinger | Lodge | Pomerene | Works |
| Gronna | McLean | Reed | |
| Hitchcock | Martine, N. J. | Saulsbury | |
| Hollis | Myers | Sheppard | |

NAYS—46.

| | | | |
|---|---|---|---|
| Ashurst | Fall | Newlands | Smith, S. C. |
| Bankhead | Harding | Overman | Sutherland |
| Beckham | Hardwick | Page | Swanson |
| Broussard | Hughes | Poindexter | Thomas |
| Bryan | James | Ransdell | Townsend |
| Catron | Johnson, Me. | Robinson | Vardaman |
| Chilton | Johnson, S. Dak. | Shafroth | Wadsworth |
| Clark, Wyo. | Jones | Shields | Warren |
| Clarke, Ark. | Kern | Smith, Ariz. | Weeks |
| Colt | Lippitt | Smith, Ga. | Williams |
| Curtis | McCumber | Smith, Md. | |
| du Pont | Nelson | Smith, Mich. | |

NOT VOTING—17.

| | | | |
|---|---|---|---|
| Borah | Goff | Oliver | Tillman |
| Brady | Gore | Penrose | Underwood |
| Burleigh | Lane | Sherman | |
| Chamberlain | Lee, Md. | Shively | |
| Culberson | Martin, Va. | Simmons | |

So Mr. WALSH's amendment was rejected.

Mr. WALSH. I offer another amendment to be inserted in the same place.

The VICE PRESIDENT. It will be read.

The SECRETARY. It is proposed to insert the following:

The constitution under which sovereignty is to be assured shall provide that the new Philippine Government shall fulfill the obligations of the United States concerning the Philippine Islands incurred by the treaty of Paris or arising out of the occupation of the islands, including the personal and property rights of individuals and corporations of the United States and other countries, and the safeguarding of such Philippine Government loans and other obligations as have heretofore been authorized by act of Congress.

Mr. CLARKE of Arkansas. Mr. President, of course if it was necessary to add that to include the provisions contained in it, it would have to go in, but I maintain it is covered by the amendment now in language somewhat broader than that. For that reason I think it ought not to be adopted, because it would simply duplicate a provision that is already in the bill.

Mr. POINDEXTER. Mr. President, I was very much in hopes the Senator from Montana [Mr. WALSH] would explain his amendment and give us his idea as to how it would be carried out. The mere exacting of an agreement from the Philippine government that these important obligations were to be fulfilled simply imposes upon this Government a contract and responsibilities without any way whatever of enforcing the contract.

I should like to hear from the Senator as to what he expects this Government will do to fulfill its obligations under the treaty with Spain.

Before he speaks I will make just one suggestion. The United States can not perform its obligations under its treaty with Spain with reference to the Philippine Islands by shouldering them on the Philippine government. We did not say in that treaty that these rights would be protected by the successor of the United States in the Philippines. We agreed with Spain that certain rights, certain liberties, should be established there, and the obligation is upon us, and we can not shift it by securing such an agreement as the Senator from Montana referred to.

Mr. CHILTON. Mr. President, I rise to a point of order. The Senator from Washington has not any right to invite another Senator to speak, much less to tell him what to say. [Laughter.]

Mr. WALSH. Mr. President, I think it is but courteous to the Senator from Washington that I should say that when I had the floor some time ago I set forth the reasons why, in my judgment, this kind of an amendment ought to find a place in the bill. The question as to how it is going to be enforced, it seems to me, is quite irrelevant now.

Mr. President, can we escape any obligation that we have entered into by the treaty of Paris by endeavoring to shove it off on the Philippine government? We simply ask the Philippine government or insist that the Philippine government shall assume the responsibility of those obligations. If they do not fulfill them, the obligation is still upon us.

Now, a word with reference to the reason. I can not agree with the Senator from Arkansas that this provision is taken care of in the bill. The bill does provide that the President of the United States shall make rules and regulations by which rights of property shall be taken care of. Let us suppose that the Philippine inhabitants adopt a constitution which does not assume these obligations, by what means could the President of the United States by any rules or regulations which he might prescribe impose that obligation upon the Philippine government?

Mr. CLARKE of Arkansas I am sure the Senator overlooked another provision in the same clause, which says that—

The President is hereby invested with full power and authority to make such orders and regulations and to enter into such negotiations with the authorities of said Philippines or others.

Mr. WALSH. Yes; but the Philippine authorities may not be empowered by their constitution to assume, on the part of the Philippine government, any such obligation as that. The only way you can get the Philippine government to assume these obligations is either by a provision in their constitution or by an act of their legislature, and of course the act of the legislature would be subject to change. I have endeavored to set forth the reasons which prompted me in offering the amendment.

Mr. POINDEXTER. Mr. President, one of the obligations which the United States assumed, which the amendment of the Senator from Montana refers to, set out in the treaty with Spain, is the following:

The civil rights and political status of the native inhabitants of the territories hereby ceded to the United States shall be determined by the Congress.

That obligation can not be performed under the construction of the amendment of the Senator from Arkansas that the President shall devise some way by which the civil rights of the native inhabitants shall be established and protected. It is an extremely important provision of the treaty with Spain, in view of the great variety of the native inhabitants of those islands.

That matter has already been very fully discussed, and it is thoroughly understood by the Senate. We have agreed with Spain in regard to the Moros and the Negritos, and all the various races and varieties of races that inhabit those islands, that their civil rights and their political status shall be established by the Congress of the United States. Does the Senator propose to repudiate that obligation? If they refuse to carry out the agreement, what answer will the Senator give to Spain for its violation?

There is also this provision in the treaty with Spain. I have no doubt these agreements were entered into after the most careful consideration of the conditions existing in those islands, and their terms were based upon necessity. Article 11 of the treaty provides that—

The Spaniards residing in the territories over which Spain by this treaty cedes or relinquishes her sovereignty shall be subject in matters civil as well as criminal to the jurisdiction of the courts of the country wherein they reside, pursuant to the ordinary laws governing the same, and they shall have the right to appear before such courts and to pursue the same course as citizens of the country to which the courts belong.

Does the Senator assume that this treaty, which was made in perpetuity, can be performed by securing an agreement from the Philippine government which the President is authorized to recognize by this bill, regardless of whether that government shall keep the agreement?

There are many Spaniards still living in the Philippines. They are one of the important commercial elements in the population there; they are as important as the Americans who reside there. This provision in the treaty was intended for their protection, to guarantee to them the same rights as the native inhabitants of the islands as to their persons and property and business. Now, it is proposed by the Senator from Montana to shift this obligation by securing an agreement with the Philippine Government washing our hands of it and saying that it is not now a matter which concerns us.

I say, Mr. President, it does concern us, because we are dealing with matters that are provided for in this treaty, and the treaty is now in force.

Some reference has been made to the manner in which we have guarded these obligations in Cuba. The Senator from Nebraska [Mr. HITCHCOCK] this morning at some length described what the United States had done and what its powers were in regard to the property rights and constitutional liberties of the people of Cuba. But what is the status of Cuba in reference to the United States? Do the Senator from Nebraska and the Senator from Montana propose that the status existing between Cuba and the United States shall exist between this country and the Philippine Islands after this astonishing amendment of the Senator from Arkansas has been adopted? When the treaty with Spain was formulated and agreed to it was expected and understood that the occupancy of the United States in Cuba was to be temporary. There was express provision made in regard to treaty obligations as to that island. Article 16 provides that—

It is understood that any obligations assumed in this treaty by the United States with respect to Cuba are limited to the time of the occupancy thereof; but it will—

That is, the United States Government will—

upon the termination of such occupancy, advise any government established in the island to assume the same obligations.

Now the Senator proposes to apply that provision to the Philippine Islands. He proposes to fulfill our obligations as to those islands by advising the government to be established there to assume these obligations. We could have done that in regard to Cuba, because there was an express provision in the treaty with Spain providing it; but the very fact that there was an express provision in regard to Cuba in that respect proves conclusively that no such principle applies to the Philippine Islands and the other territory concerned in this treaty. The obligation was not permanent as to Cuba; it only related to the time of our occupancy of the islands.

But, Mr. President, notwithstanding the right which we had under our treaty with Cuba to relieve ourselves of any obligation to secure personal and property rights and the constitutional liberty of the people, because of a special provision to that effect, we have provided in a law of the United States a means by which those rights will be secured in the island of Cuba.

In regard to the Philippine Islands, in which we have bound ourselves unconditionally to guarantee these rights, the Senator proposes no plan of performance, as though the treaty were of no effect—to ignore not only our moral but our legal obligations under it.

The law to which I referred relating to Cuba, passed in 1901, provides:

That the Government of Cuba consents that the United States may exercise the right to intervene for the preservation of Cuban independence, the maintenance of a Government adequate for the protection of life, property, and individual liberty, and for discharging the obligations with respect to Cuba imposed by the treaty of Paris on the United States, now to be assumed and undertaken by the Government of Cuba.

In dealing with these great matters, those who were responsible for framing the treaty and the law in pursuance thereof, which I have read, realized and anticipated the responsibilities which those provisions involved and provided for them in the most solemn and careful manner. Now, it is dealt with here on the floor of the Senate hurriedly and carelessly, with doubt and uncertainty. Amendment after amendment has been produced during the debate, ill considered and ill understood. The whole question of immediate independence has originated on the floor of the Senate during the debate after the bill left the committee. This question has never been referred to a committee. We propose in this offhand manner to repudiate national obligations which we assumed with Spain when we acquired this territory. We can not escape them in that way. We may deceive ourselves into believing that we relieve ourselves of these agreements in this light and indifferent manner, but the world will hold us responsible—the American public will hold us responsible.

Now, what have we done in regard to Cuba? In framing the laws which fixed her status with the United States we not only compelled her to consent that we could intervene for the purpose of carrying out our treaty obligations, but when the occasion arose we did intervene. Although it is said that Cuba is an independent country, yet for two years after that independence was established, from the latter part of 1906 until January, 1909, the United States was in possession of the Government; it was in control of Cuba.

Now, does the Senator from Montana or the Senator from Nebraska who proposed a similar provision to this bill, after

depriving ourselves of all power to direct the internal or external affairs of the Philippine Islands, propose that we should do as we have done with Cuba, and when disorder appears, when troubles with other countries arise, are we to go there as we did in the case of Cuba and take possession of the government? I assume that they do, and yet there is no provision made for it in the transaction.

I am not going to occupy the time of the Senate on this matter. It ought to go over until to-morrow, because we have been sitting here five and one-half hours continuously. There is no need of any such haste in giving independence to the Philippines; there is no such peril in our occupation of the islands that we can not take a recess for a few hours. I very much hope that the matter will go over.

However, before taking my seat, I want to say that I am in entire accord with the general principles expressed in regard to this matter by the Senator from Arkansas, with the exception that he believes we ought to get out of the Philippines, and I think we ought to stay in. Otherwise I am all right [laughter]; but, if we are going to get out, the way that he proposes to get out is the right way.

What I have said with regard to treaty obligations in which we are involved indicates the difficulties of giving up our great work in the islands. That matter, however, has already been fully argued. But even the Senator from Arkansas does not propose to get out altogether. Consequently we ought to stay in altogether. He proposes to keep naval and coaling stations there. Nobody proposes to give up Guam. If the Philippine Islands, on account of their distance from the United States are a strategic weakness to us, why not get out of the island of Guam?

The Senator from Michigan [Mr. SMITH] here this afternoon in a very forceful way referred to the Aleutian Islands and Hawaii. He did not mention the island of Guam. That is 5,500 miles from our coast. We propose to abandon the Philippine Islands because they are far away, and yet keep Guam. Why not give up Guam and so still further contract our growth and reduce our possessions in the interest of solidifying our military strength?

Mr. GALLINGER. Tutuila is still farther away.

Mr. POINDEXTER. As the Senator from New Hampshire suggests, Tutuila is still farther away, and we are going to keep Tutuila. I do not know much about Tutuila; but I have the greatest confidence in the Senator from New Hampshire, and I accept his statement with regard to that. [Laughter.]

The Senator from Arkansas says that we on the Pacific coast object to Japanese immigration and that we ought not to emigrate into the Orient. With that general principle I am in entire accord. The Senator from Arkansas, however, is more familiar than am I with the meaning of the Monroe doctrine in its full scope and extent, and therefore thoroughly understands that it never was construed to interfere in any way whatever with the existing status of European countries on the Western Hemisphere. Most of them own territory here. The purpose was to prevent its extension, to prevent further colonization. When we went into the Philippine Islands there was no Monroe doctrine there; there was no Japanese doctrine corresponding to the Monroe doctrine which forbade our entrance into the Orient. So far as any evidence was given, we went there with the consent of the Japanese. We have been there for 17 years. I venture to say, if Japan had established a government in any territory in Mexico or in South America, or anywhere on the Western Hemisphere, for 17 years with our recognition and consent, and had performed what we have performed in the government of the Philippine Islands, and brought order out of chaos and security out of insecurity, there would be no objection on the part of the United States to her remaining there.

I agree fully with the idea of the Orient for the orientals, perhaps even to the extent of our nonconcern with Japanese activities in China, although that is entirely removed from this question. It is a far call for the United States to concern itself about what Japan does in the Orient. But our established government in the Philippine Islands is not within that rule any more than the British possession of Jamaica is a violation of the Monroe doctrine. These questions were determined in full debate before the entire American public 16 years ago. Conditions have become fixed and permanent in those islands in accord with that policy, and the worst crime that can be committed against their government—the very opposite of the "stable government" which is spoken of so often in this debate—is, after all these years, to overturn it and to set those people adrift without guide or compass among the hostile nations of the world.

I do not care to say anything more at this time, Mr. President, but I hope this matter will go over.

The VICE PRESIDENT. The question is on the amendment proposed by the Senator from Montana [Mr. WALSH].

The amendment was rejected.

The VICE PRESIDENT. The question is on concurring in the amendment made as in Committee of the Whole.

Mr. CLARKE of Arkansas. Mr. President, out of abundant caution, and to please at least one Senator, I offer the amendment which I send to the desk. I think authority to do the things commanded is implied; but it is best to have it expressed, at least, as I say, to please one Senator, and so I offer the amendment. If there is no amendment pending to my amendment, it might be accepted on my offering it. I ask that the Secretary read the amendment.

The VICE PRESIDENT. The amendment proposed by the Senator from Arkansas will be stated.

The SECRETARY. After the word "thereof," on page 34, line 21, it is proposed to insert a comma, and the following:

And full power to take the several steps necessary to institute such government is hereby conferred upon said Philippines, acting by and through existing governmental agencies therein.

The VICE PRESIDENT. If there be no objection, the amendment will be agreed to.

Mr. LIPPITT. Mr. President, I inquire exactly what that amendment means?

Mr. CLARKE of Arkansas. I will call the Senator's attention to the wording of the amendment. The provision of the amendment as heretofore agreed to is as follows:

SEC. 34. The President is hereby authorized and directed to withdraw and surrender all right of possession, supervision, jurisdiction, control, or sovereignty now existing and exercised by the United States in and over the territory and people of the Philippines, and he shall on behalf of the United States fully recognize the independence of the said Philippines as a separate and self-governing nation and acknowledge the authority and control over the same of the government instituted by the people thereof.

Then it goes on to provide that full authority to do these things is hereby conferred upon the Philippine people.

Mr. LIPPITT. Do I understand that that authority is conferred upon the existing Filipino Legislature?

Mr. CLARKE of Arkansas. No, sir; but upon whatever happens to be the government at the time. Of course it will be existing when this bill is passed; and if this bill is not passed, of course it will not exist.

Mr. LIPPITT. It is the government of the Filipinos which exists at the time this bill is passed?

Mr. CLARKE of Arkansas. There might be incorporated in the amendment, instead of "the existing governmental agencies," the words "governmental agencies created by this act."

Mr. LIPPITT. That is what I was going to suggest.

Mr. CLARKE of Arkansas. I ask the Secretary to make that modification.

Mr. LIPPITT. The words "existing governmental agencies" are entirely inconsistent with the provisions of this bill.

Mr. CLARKE of Arkansas. Very well; I ask the Secretary to make that modification. I think it is a good one. Instead of the words "existing governmental agencies" insert "governmental agencies created by this act."

Mr. LIPPITT. Mr. President, I should like to say that this little simple conversation which has gone on here in the last two minutes shows the unwisdom of trying to perfect such an important bill as this—one dealing with the rights of 8,000,000 people—on the floor of the Senate. This bill, if the Clarke amendment is to be added to it, ought to be recommitted to the committee and made harmonious.

Mr. CLARKE of Arkansas. I think the words "existing government" would mean existing at the time the amendment spoke. Of course that would be the government created by this bill. I conceded the proposition for the sake of clearness, but not because it was at all essential.

Mr. SUTHERLAND. Let the amendment be again read.

The VICE PRESIDENT. The amendment proposed by the Senator from Arkansas will be stated.

The SECRETARY. After the word "thereof," on page 34, line 21, it is proposed to insert a comma and the following:

And full power to take the several steps necessary to institute such government is hereby conferred upon said Philippines, acting by and through governmental agencies created by this act.

The VICE PRESIDENT. The question is on the amendment to the amendment.

The amendment to the amendment was agreed to.

The VICE PRESIDENT. The question recurs on concurring in the amendment as amended.

Mr. CLARKE of Arkansas. On that I ask for the yeas and nays, Mr. President.

Mr. NORRIS. Mr. President, a day or two ago, in discussing the so-called Clarke amendment I called attention to what I believed to be two objections to it. One was that the amendment

provided for a guaranty of the independence of the government of the Philippines by our Government for five years after we had recognized their independence. That objection has been remedied by striking out the objectionable language. Another objection which I pointed out at that time was that the so-called Clarke amendment provided that the President should retain coaling stations and naval bases in the Philippine Islands.

In my judgment, Mr. President, either one of these objections, unless amendments were made to obviate them, would be sufficient to bring about the defeat of the bill so far as my vote was concerned; but the Senator from Arkansas in that debate signified his willingness to change the language relating to the retention of a naval base by striking out the word "shall" and inserting the word "may," so that the President could use his discretion. That, it seems, was done while I was temporarily absent from the Chamber; and when the so-called Clarke amendment was adopted as in Committee of the Whole I voted against it without knowing that the Senator from Arkansas had actually made the change that he signified his willingness to make when we were having the debate. So that, as the amendment stands now, that part of it relating to naming the bases and coaling stations reads as follows:

> In any such settlement or adjustment so made in respect to the rights and property of the United States as against the said Philippines the President may reserve or acquire such lands and rights and privileges appurtenant thereto as may, in his judgment, be required by the United States for naval bases and coaling stations within the territory of said Philippines.

I would be very much better pleased if that language were stricken out; but, Mr. President, I made a motion the other day to strike out the language that retained naval bases in one of the amendments that was pending, and upon a roll call it only secured 14 votes. I noticed the next day that some of the newspapers announced that the Senate of the United States was in favor of retaining naval bases in the Philippine Islands, and that a motion to strike out of the bill a provision in that behalf only obtained 14 votes. Since we have voted on that question there have been between 15 and 20 Senators who voted against the motion which I made to strike out the language providing for the retention of a naval base who have said either to me or in my hearing that they were in favor of turning over the islands to the Philippine people, when we did turn them over, without the retention of any naval base or coaling station. So that the vote in reality was not expressive, in my humble opinion, of the judgment in the aggregate of this body. I believe if every Senator here should vote his sentiments on a motion to strike that provision out of the bill, it would carry by a large majority.

I fear the language that is left in the bill allowing the President to use his discretion. I fear that, in carrying out that discretion, the President may look back to the vote on the direct proposition before us, to strike it out, and may say from that vote, as the newspapers did, "There were only 14 Senators in the Senate who favored the striking out of that language."

As I have said—and I obtained this information without hunting for it; I have made no canvass of the Senate or of any of its Members to find out how many were opposed to the retention of a naval base in the Philippines—I do not believe there is any doubt in the mind of any Senator that if every Senator here voted his real conscientious convictions, that language would be stricken out of this bill by an overwhelming majority. So, we have here in the shape of an amendment a part of the bill that nobody wants and yet everybody is for.

Mr. TOWNSEND. Mr. President——

Mr. NORRIS. I yield to the Senator.

Mr. TOWNSEND. Might I ask the Senator what there is about that amendment which induces the Senator to believe that Senators would stultify themselves in voting for it when their convictions are against it?

Mr. NORRIS. I do not want the Senator to get the idea that I impute that to any Senator. I do not believe that any one is stultifying himself. Senators have various reasons, and a great many reasons, for their action. The Senators to whom I refer are not confined to either side of the Chamber. There are both Republicans and Democrats who feel that way, and, as I have said, various reasons have been given. I have not tried to find out their reasons, and I am not questioning the motives of any Senator; I can conceive that they may have good reasons for their action. For instance, I suppose there are some Democratic Senators who voted against striking that language out, although believing that it ought to be stricken out, because they felt under some obligation to carry out, and they thought that in that way they could better carry out, the provision of the Democratic platform which says that we shall retain naval bases and coaling stations in the Philippine Islands. There are other reasons——

Mr. WORKS. Mr. President, I should like to ask the Senator from Nebraska if it has not been stated by Senators who voted upon this proposition that they are not well enough informed now to determine whether or not such a provision ought to be in the bill.

Mr. NORRIS. Yes.

Mr. WORKS. And therefore it had better be left to the discretion of the President?

Mr. NORRIS. There are some who have said, in substance, what the Senator from California has mentioned. I did not intend to go into that. I concede every Senator's right to vote as he pleases and for any reason that to him may be sufficient, but I did not want it to go out that the vote on the proposition indicated the real sentiment of the Senate. I believe myself the retention of a naval base will in the future cause a great deal of difficulty. I think as long as that provision remains in the law it is going to be a peg upon which appropriations will be demanded for the increase of our Navy, for the increase of our military establishment. If we retain a naval base, we will have to fortify it, if it is to be of any consequence.

If I believed that the President in the exercise of the discretion vested in him would not retain any naval base, I would not have any hesitancy in voting for the amendment of the Senator from Arkansas; in fact, I am going to vote for it notwithstanding that provision, because the Senator has modified his amendment in many respects in which I have found fault with it. I am going to vote for it with the hope that when the President comes to act, if he be a Democratic President, he will consult with the Democratic Senators and find out how few among them there are who are really in favor of retaining a naval base in the Philippine Islands. If he be a Republican, I hope he will do the same with the Republicans. I have not any objection to the Democrat inquiring of the Republicans, or to the Republican inquiring of the Democrats, so far as I am concerned; but I believe it will be found that this sentiment exists almost universally. If we go out of the Philippine Islands, we ought to go out without any strings tied to our departure. We ought to go out bag and baggage. We have no more use for a naval base in the Philippine Islands than a wagon has for a fifth wheel if we give up the Philippine Islands, unless at some time in the future we are going to engage in a war of conquest.

I believe that the President has been changing quite rapidly in his ideas about preparedness. But a short time ago he was a man of peace and he has gradually grown to be a man of military belief. He has announced a program of preparedness contrary to what he believed in and announced but a short time ago, and in the last few days he has changed that plan materially. It has been multiplying, until the last time we heard from the President he had announced that he was in favor of America having the largest Navy in the world. If that be his idea, he will want to retain not one but a dozen naval stations in the Philippine Islands, and this bill gives him the right to retain as many as he sees fit. I hope—and there is a good deal of consolation in that hope—that the man who changed so rapidly in one direction, showing that he can be changed, will change rapidly in the other direction, and that when he comes to act on this bill, if it becomes a law, he will have gotten back to his starting point, and probably will not be in favor of such a large Navy or such a large Naval Establishment.

Mr. LIPPITT. Mr. President, I should like to ask the Senator about where he thinks a human pendulum such he describes would be apt to stop?

Mr. NORRIS. Well, if it goes on, if the President makes another trip and it has the same effect on him that this trip has had, when he gets through with it, or if in this trip he had gone clear across the country instead of half way, he would then have been in favor of a Navy not larger than that of any other nation but larger than the navies of all the other nations of the world combined; and, of course, when we get that far we will start out on a system of taxation that will make us all wonder before we get through with it.

Mr. BORAH. Mr. President——

Mr. NORRIS. I yield to the Senator from Idaho.

Mr. BORAH. But the President has been out to see those who pay the taxes; and if they feel that way——

Mr. NORRIS. But in no speech that the President made has he talked to them about the taxes.

Mr. BORAH. Well, they undoubtedly are of sufficient intelligence to know that somebody has got to pay for it.

Mr. NORRIS. And the President will probably find that out before he gets through with his preparedness program, if he carries out what he announced at St. Louis he wants to carry out.

The VICE PRESIDENT. The question is on concurring in the amendment as amended.

Mr. CUMMINS obtained the floor.

Mr. HITCHCOCK. Mr. President, will the Senator yield to me to prefer a request for a unanimous-consent agreement for a vote upon the bill not later than 4 o'clock to-morrow, so that we can take a recess now?

Mr. CUMMINS. I will yield to the Senator from Nebraska for that purpose.

Mr. HITCHCOCK. I ask unanimous consent that the bill and all amendments be put to a final vote not later than 3 o'clock to-morrow.

Mr. LIPPITT. I hope the Senator will make that 4 o'clock.

Mr. HITCHCOCK. Well, 4 o'clock.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

| | | | |
|---|---|---|---|
| Ashurst | Gronna | McCumber | Shields |
| Bankhead | Harding | McLean | Smith, Ariz. |
| Beckham | Hardwick | Martin, Va. | Smith, Ga. |
| Borah | Hitchcock | Martine, N. J. | Smith, Md. |
| Brandegee | Hollis | Myers | Smith, S. C. |
| Bryan | Hughes | Nelson | Sterling |
| Catron | Husting | Norris | Stone |
| Chilton | James | O'Gorman | Sutherland |
| Clapp | Johnson, Me. | Overman | Swanson |
| Clark, Wyo. | Johnson, S. Dak. | Page | Thomas |
| Clarke, Ark. | Jones | Pittman | Thompson |
| Colt | Kenyon | Poindexter | Townsend |
| Cummins | La Follette | Pomerene | Vardaman |
| Curtis | Lea, Tenn. | Ransdell | Wadsworth |
| Dillingham | Lee, Md. | Robinson | Walsh |
| du Pont | Lewis | Saulsbury | Warren |
| Fletcher | Lippitt | Shafroth | Williams |
| Gallinger | Lodge | Sheppard | Works |

Mr. CHILTON. I make the same announcement as heretofore in regard to my colleague [Mr. GOFF]. I also announce the absence of the senior Senator from Oregon [Mr. CHAMBERLAIN]. He is detained on account of official business, and is paired with the junior Senator from Pennsylvania [Mr. OLIVER].

The VICE PRESIDENT. Seventy-two Senators have answered to the roll call. There is a quorum present. The Senator from Nebraska [Mr. HITCHCOCK] presents a request for a unanimous-consent agreement, which will be stated by the Secretary.

The Secretary read as follows:

It is agreed by unanimous consent that at not later than noon on to-morrow, February 5, 1916, the Senate will proceed to the consideration of Senate bill 381, known as the Philippine bill, and during that day shall vote upon any amendment that may be pending, any amendment that may be offered, and upon the bill through the regular parliamentary stages to its final disposition; and that after the hour of 4 o'clock p. m. on said day no Senator shall speak.

The VICE PRESIDENT. Is there objection to the proposed unanimous-consent agreement?

Mr. CLARKE of Arkansas. Mr. President, I do not understand the agreement.

Mr. LIPPITT. What is the last of it?

Mr. CLARKE of Arkansas. What is the agreement? What are we asked to agree to?

The VICE PRESIDENT. The Secretary will read it again.

The Secretary again read the proposed unanimous-consent agreement.

Mr. CLARKE of Arkansas. Some hour ought to be fixed at which to begin voting. Of course, Senators will stop speaking then.

Mr. LODGE. Four o'clock is fixed.

Mr. CLARKE of Arkansas. Then, let us say that the voting shall begin at 4 o'clock.

Mr. LODGE. That is necessarily implied. Debate ceases at 4 o'clock, and there is nothing else to do but vote.

Mr. CLARKE of Arkansas. But, for instance, we may begin voting to-morrow morning. However, we will interpret it ourselves. With the understanding that at 4 o'clock, if there is anything pending that requires further attention at the hands of the Senate, we shall begin to vote; very well.

Mr. CUMMINS. Mr. President, I ask one construction. What does the word "day" mean? Is it the legislative day or the calendar day?

Mr. CLARKE of Arkansas. It ought to say "the calendar day."

Mr. CUMMINS. We stop at 4 o'clock, I understand.

The VICE PRESIDENT. It says "to-morrow, February 5."

Mr. CUMMINS. That would be the calendar day.

Mr. SMOOT. Why not say "the calendar day of February 5"?

Mr. CLARKE of Arkansas. No; we are going to take a recess this afternoon and take up the bill to-morrow.

The VICE PRESIDENT. There can be no doubt about what "February 5" means.

Mr. LIPPITT. Mr. President, do I understand that after 3 o'clock the speaking is limited to five-minute speeches?

Mr. LODGE. No.

Mr. LIPPITT. But the vote is to be taken at 4 o'clock. Is that it?

Mr. JAMES. That is right.

The VICE PRESIDENT. As the Chair understands, under the unanimous-consent agreement as requested—and the Chair will so construe it now—the Senate will take up the bill at 12 o'clock to-morrow, and will proceed in the regular parliamentary way to vote or talk, as Senators please, until the hour of 4 o'clock, at which time Senators will cease talking and will vote on anything that may be then pending.

Mr. NEWLANDS. Mr. President, I will ask whether there is any objection to having the additional understanding that no speech shall exceed 10 minutes or 20 minutes?

Mr. GALLINGER. Yes; there is objection.

Mr. LODGE. Let it go as it is.

The VICE PRESIDENT. Is there any objection to the proposed unanimous-consent agreement?

Mr. POINDEXTER. I object to it, Mr. President.

The VICE PRESIDENT. Objection is made. The question is on concurring in the amendment made as in Committee of the Whole.

Mr. GALLINGER. I ask for the yeas and nays on that amendment.

The yeas and nays were ordered.

Mr. CUMMINS. Mr. President——

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the name of Mr. ASHURST, and he voted in the affirmative.

Mr. CUMMINS. Mr. President——

The VICE PRESIDENT. The roll call has started.

The Secretary resumed the calling of the roll.

Mr. CHILTON (when Mr. CHAMBERLAIN'S name was called). The senior Senator from Oregon [Mr. CHAMBERLAIN] is necessarily detained from the Chamber on official business. He is paired with the junior Senator from Pennsylvania [Mr. OLIVER].

Mr. CHILTON (when Mr. GOFF'S name was called). I make the same announcement as to my colleague that I made on the former vote.

Mr. HARDING (when his name was called). I transfer my pair with the junior Senator from Alabama [Mr. UNDERWOOD] to the senior Senator from Illinois [Mr. SHERMAN] and will vote. I vote "nay."

Mr. LEWIS (when his name was called). I desire to announce my pair with the junior Senator from Oregon [Mr. LANE], but as he favors the amendment designated as the Clarke amendment, and as I favor it, I therefore have the right to vote. I vote "yea."

Mr. TILLMAN (when his name was called). I transfer my pair with the junior Senator from West Virginia [Mr. GOFF] to the senior Senator from New Jersey [Mr. MARTINE] and will vote. I vote "yea."

Mr. WILLIAMS (when his name was called). I am paired with the senior Senator from Pennsylvania [Mr. PENROSE]. I transfer that pair to the senior Senator from Texas [Mr. CULBERSON] and will vote. I vote "yea."

The roll call was concluded.

Mr. JAMES (after having voted in the affirmative). I transfer my general pair with the junior Senator from Massachusetts [Mr. WEEKS] to the junior Senator from Oregon [Mr. LANE] and will allow my vote to stand.

Mr. CHILTON. I desire to announce the pair of the Senator from Oklahoma [Mr. GORE] with the Senator from Idaho [Mr. BRADY].

The roll call resulted—yeas 48, nays 27, as follows:

YEAS—48.

| | | | |
|---|---|---|---|
| Ashurst | Husting | Newlands | Smith, Ariz. |
| Bankhead | James | Norris | Smith, Ga. |
| Borah | Johnson, Me. | Overman | Smith, Md. |
| Broussard | Johnson, S. Dak. | Pittman | Smith, S. C. |
| Bryan | Kenyon | Pomerene | Stone |
| Chilton | Kern | Reed | Swanson |
| Clapp | La Follette | Robinson | Thomas |
| Clarke, Ark. | Lea, Tenn | Saulsbury | Thompson |
| Fletcher | Lee, Md. | Shafroth | Tillman |
| Hardwick | Lewis | Sheppard | Vardaman |
| Hollis | Martin, Va. | Shields | Williams |
| Hughes | Myers | Simmons | Works |

NAYS—27.

| | | | |
|---|---|---|---|
| Brandegee | Gronna | Nelson | Sterling |
| Clark, Wyo. | Harding | O'Gorman | Sutherland |
| Colt | Jones | Page | Townsend |
| Cummins | Lippitt | Poindexter | Wadsworth |
| Curtis | Lodge | Ransdell | Walsh |
| Dillingham | McCumber | Smith, Mich. | Warren |
| Gallinger | McLean | Smoot | |

NOT VOTING—21.

| | | | |
|---|---|---|---|
| Beckham | du Pont | Martine, N. J. | Shively |
| Brady | Fall | Oliver | Underwood |
| Burleigh | Goff | Owen | Weeks |
| Catron | Gore | Penrose | |
| Chamberlain | Hitchcock | Phelan | |
| Culberson | Lane | Sherman | |

The VICE PRESIDENT. Before announcing the result of this vote the Chair feels constrained to say that the Chair, in his opinion, has unintentionally done the Senator from Iowa [Mr. CUMMINS] an injustice. The Senator from Iowa was recognized, and he yielded the floor for the purpose of allowing the Senator from Nebraska to offer a unanimous-consent agreement. Then came the consideration of the proposed unanimous-consent agreement, and some confusion, and the Chair entirely forgot that the Senator from Iowa desired recognition, and ordered the roll to be called.

The Chair has never had any desire, and has none now, to take advantage of a Senator. The Chair believes that the Senator from Iowa was entitled to the floor, for what purpose the Chair does not know; but there is no way for the Chair to rectify that wrong, unless the Senate will rectify it.

On the question to concur in the amendment made as in Committee of the Whole the yeas are 48, the nays are 27. The amendment is concurred in, unless the vote be reconsidered and the Chair can have the privilege of recognizing the Senator from Iowa.

Mr. CUMMINS. Mr. President, I have no desire to speak upon the amendment after it has been voted upon. That would seem to me to be rather a useless and unnecessary thing. I rose to speak upon the amendment proposed by the Senator from Arkansas, but since it has been adopted I would not want to consume the time of the Senate in discussing it.

The VICE PRESIDENT. The Chair can only say that it was with very great regret that this occurred, and the Chair has done all he can to clear it up.

Mr. WILLIAMS. I move that the Senate take a recess until 12 o'clock to-morrow.

The VICE PRESIDENT. The question is on the motion of the Senator from Mississippi. [Putting the question.] The Chair is in doubt.

Mr. WILLIAMS. I call for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. JAMES (when his name was called). Making the same transfer of my pair as on the former roll call, I vote "nay."

Mr. WILLIAMS (when his name was called). I transfer my general pair with the senior Senator from Pennsylvania [Mr. PENROSE] to the senior Senator from Texas [Mr. CULBERSON], and I vote "yea."

The roll call was concluded.

Mr. HARDING. I announce the transfer of my general pair with the junior Senator from Alabama [Mr. UNDERWOOD] to the senior Senator from Illinois [Mr. SHERMAN], and vote "yea."

Mr. DILLINGHAM (after having voted in the affirmative). I observe that the Senator from Maryland [Mr. SMITH] did not vote, being absent from the Chamber. I therefore transfer my pair to the Senator from Delaware [Mr. DU PONT] and allow my vote to stand.

The result was announced—yeas 34, nays 42, as follows:

YEAS—34.

| | | | |
|---|---|---|---|
| Borah | Gallinger | McCumber | Sterling |
| Brandegee | Gronna | McLean | Sutherland |
| Clapp | Harding | Myers | Townsend |
| Clark, Wyo. | Hardwick | Nelson | Wadsworth |
| Clarke, Ark. | Jones | Norris | Warren |
| Colt | Kenyon | Page | Williams |
| Cummins | La Follette | Poindexter | Works |
| Curtis | Lippitt | Smith, Mich. | |
| Dillingham | Lodge | Smoot | |

NAYS—42.

| | | | |
|---|---|---|---|
| Ashurst | James | Pittman | Smith, Ga. |
| Bankhead | Johnson, Me. | Pomerene | Smith, S. C. |
| Beckham | Johnson, S. Dak. | Ransdell | Stone |
| Broussard | Kern | Reed | Swanson |
| Bryan | Lea, Tenn. | Robinson | Thomas |
| Chilton | Lee, Md. | Saulsbury | Thompson |
| Fletcher | Lewis | Shafroth | Tillman |
| Hitchcock | Martin, Va. | Sheppard | Vardaman |
| Hollis | Newlands | Shields | Walsh |
| Hughes | O'Gorman | Simmons | |
| Husting | Overman | Smith, Ariz. | |

NOT VOTING—20.

| | | | |
|---|---|---|---|
| Brady | du Pont | Martine, N. J. | Sherman |
| Burleigh | Fall | Oliver | Shively |
| Catron | Goff | Owen | Smith, Md. |
| Chamberlain | Gore | Penrose | Underwood |
| Culberson | Lane | Phelan | Weeks |

So the Senate refused to take a recess.

The VICE PRESIDENT. The bill is in the Senate. Are there any further amendments? [After a pause.] The question is shall the bill be ordered to be engrossed for a third reading and read the third time?

The bill was ordered to be engrossed for a third reading and was read the third time.

The VICE PRESIDENT. Shall the bill pass?

Mr. BRANDEGEE, Mr. GALLINGER, Mr. CLARKE of Arkansas, and Mr. SHAFROTH called for the yeas and nays, and they were ordered.

The Secretary proceeded to call the roll.

Mr. DILLINGHAM (when his name was called). I transfer my pair with the Senator from Maryland [Mr. SMITH] to the Senator from Delaware [Mr. DU PONT] and vote. I vote "nay."

Mr. HARDING (when his name was called). Again announcing the transfer of my general pair with the Senator from Alabama [Mr. UNDERWOOD] to the senior Senator from Illinois [Mr. SHERMAN], I vote "nay."

Mr. JAMES (when his name was called). I transfer my general pair with the junior Senator from Massachusetts [Mr. WEEKS] to the junior Senator from Oregon [Mr. LANE] and vote "yea."

Mr. LEWIS (when his name was called). I again announce my pair with the Senator from Oregon [Mr. LANE]. He would vote "yea" on the passage of the bill and I therefore vote. I vote "yea."

Mr. KERN (when Mr. SHIVELY's name was called). I desire to announce the unavoidable absence of my colleague [Mr. SHIVELY]. He is paired with the Senator from Maine [Mr. BURLEIGH].

Mr. TILLMAN (when his name was called). I transfer my pair with the Senator from West Virginia [Mr. GOFF] to the Senator from New Jersey [Mr. MARTINE] and vote "yea."

Mr. WILLIAMS (when his name was called). Repeating the previous announcement of my pair with the Senator from Pennsylvania [Mr. PENROSE] and its transfer to the Senator from Texas [Mr. CULBERSON], I vote "yea."

The roll call was concluded.

Mr. CHILTON. I transfer my pair with the Senator from New Mexico [Mr. FALL] to the Senator from California [Mr. PHELAN] and vote "yea."

I wish to announce the necessary absence of my colleague [Mr. GOFF] on account of illness, and also to announce the pair of the Senator from Oregon [Mr. CHAMBERLAIN] with the Senator from Pennsylvania [Mr. OLIVER].

Mr. CURTIS. I wish to announce that the Senator from New Mexico [Mr. CATRON] is paired with the Senator from Oklahoma [Mr. OWEN]; also that the Senator from Idaho [Mr. BRADY] is paired with the Senator from Oklahoma [Mr. GORE].

The result was announced—yeas 32, nays 24, as follows:

YEAS—32.

| | | | |
|---|---|---|---|
| Ashurst | Hughes | Newlands | Simmons |
| Bankhead | Husting | Norris | Smith, Ariz. |
| Beckham | James | O'Gorman | Smith, Ga. |
| Borah | Johnson, Me. | Overman | Smith, S. C. |
| Broussard | Johnson, S. Dak. | Pittman | Stone |
| Bryan | Kenyon | Pomerene | Swanson |
| Chilton | Kern | Ransdell | Thomas |
| Clapp | La Follette | Reed | Thompson |
| Clarke, Ark. | Lea, Tenn. | Robinson | Tillman |
| Fletcher | Lee, Md. | Saulsbury | Vardaman |
| Hardwick | Lewis | Shafroth | Walsh |
| Hitchcock | Martin, Va. | Sheppard | Williams |
| Hollis | Myers | Shields | Works |

NAYS—24.

| | | | |
|---|---|---|---|
| Brandegee | Gallinger | McCumber | Smoot |
| Clark, Wyo. | Gronna | McLean | Sterling |
| Colt | Harding | Nelson | Sutherland |
| Cummins | Jones | Page | Townsend |
| Curtis | Lippitt | Poindexter | Wadsworth |
| Dillingham | Lodge | Smith, Mich. | Warren |

NOT VOTING—20.

| | | | |
|---|---|---|---|
| Brady | du Pont | Martine, N. J. | Sherman |
| Burleigh | Fall | Oliver | Shively |
| Catron | Goff | Owen | Smith, Md. |
| Chamberlain | Gore | Penrose | Underwood |
| Culberson | Lane | Phelan | Weeks |

So the bill was passed.

Mr. LEA of Tennessee. Mr. President, I wish to make a favorable report from the Committee to Audit and Control the Contingent Expenses of the Senate.

Mr. CLARKE of Arkansas. Mr. President, a parliamentary inquiry. We are not through with the bill. The preamble has not been disposed of.

Mr. HITCHCOCK. I desire to withdraw the preamble, Mr. President.

Mr. CLARKE of Arkansas. All right.

The VICE PRESIDENT. Without objection, the preamble is withdrawn.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed the bill (H. R. 8234) to prevent interstate commerce in the products of child labor, and for other purposes, in which it requested the concurrence of the Senate.

PETITIONS AND MEMORIALS.

Mr. PHELAN presented a petition of the Chamber of Commerce of Sacramento, Cal., praying for a readjustment of the compensation allowed railroads for carrying the mail, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of the Chamber of Commerce of Los Angeles, Cal., praying for the enactment of legislation to limit the output of the proposed leased phosphate lands, which was referred to the Committee on Public Lands.

Mr. COLT presented a petition of the Woman's Christian Temperance Union of Rhode Island, praying for Federal censorship of motion pictures, which was referred to the Committee on Education and Labor.

Mr. SHIVELY presented a petition of Victory Council, No. 22, Sons and Daughters of Libertry, of Muncie, Ind., praying for the enactment of legislation to further restrict immigration, which was referred to the Committee on Immigration.

Mr. BRANDEGEE presented a petition of the Tweedy Silk Mills (Inc.), of Danbury, Conn., praying for the enactment of legislation to establish and maintain the manufacture of dyestuffs, which was referred to the Committee on Finance.

Mr. WADSWORTH presented a petition of the Standard Oil Cloth Co., of New York City, N. Y., praying for a protective tariff on dyestuffs, which was referred to the Committee on Finance.

Mr. PAGE presented a petition of 50 citizens of East Barnard, Vt., praying for national prohibition, which was referred to the Committee on the Judiciary.

REPORTS FROM COMMITTEE ON CONTINGENT EXPENSES.

Mr. LEA of Tennessee, from the Committee to Audit and Control the Contingent Expenses of the Senate, to which was referred Senate resolution No. 20, for the appointment of a committee of Senators to examine into the questions relating to the acquisition or construction of manufacturing plants to supply the Army and Navy with arms, armaments, and munitions of War, reported it with amendments.

He also, from the same committee, to which was referred Senate resolution No. 81, authorizing the Committee on Transportation Routes to the Seaboard to employ an additional clerk, etc., reported it with an amendment.

He also, from the same committee, to which was referred Senate resolution No. 82, authorizing the Committee on the Census to employ an additional clerk temporarily, reported it with an amendment.

He also, from the same committee, to which was referred Senate resolution No. 90, authorizing the Committee on Interstate Commerce to employ a stenographer to report hearings before the committee, reported it without amendment.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. HOLLIS:

A bill (S. 4245) for the relief of George A. Tarbox; to the Committee on Military Affairs.

A bill (S. 4246) granting an increase of pension to William Blair; to the Committee on Pensions.

By Mr. SMOOT:

A bill (S. 4247) granting a pension to Eliza P. Gullihur (with accompanying papers); to the Committee on Pensions.

By Mr. SHIVELY:

A bill (S. 4248) granting an increase of pension to Daniel Brown; and

A bill (S. 4249) granting a pension to Martha Nutter; to the Committee on Pensions.

By Mr. OWEN:

(By request.) A bill (S. 4250) for the relief of the Ottawa Indian Tribe of Blanchard Fork and Roche de Boeuf;

A bill (S. 4251) to authorize the Ponca Tribe of Indians to appear in and be made parties to any suits filed in the Court of Claims by the Omaha Tribe (with accompanying papers);

(By request.) A bill (S. 4252) relating to the payment of royalties on coal leases in the Choctaw and Chickasaw Nations; and

A bill (S. 4253) conferring jurisdiction on the Court of Claims to hear, determine, and render judgment in claims of the Iowa Tribe of Indians against the United States; to the Committee on Indian Affairs.

A bill (S. 4254) to amend the act approved February 2, 1901, entitled "An act to increase the efficiency of the permanent military establishment of the United States" relating to the appointment of chaplains in the Regular Army; to the Committee on Military Affairs.

A bill (S. 4255) to confer jurisdiction on the Court of Claims to try and adjudicate the claims of individual Shawnee and Delaware Indians on account of depredations committed by soldiers and white citizens of the United States (with accompanying papers); to the Committee on Claims.

A bill (S. 4256) to amend section 5146 of the Revised Statutes of the United States, so as to permit national banks located near the boundary line of adjoining States, subject to the discretion of the Comptroller of the Currency, to select only a majority, instead of three-fourths, of their directors from residents of the State in which they are respectively located; to the Committee on Banking and Currency.

A bill (S. 4257) to secure to women the right to vote for Senators and Representatives in the Congress of the United States of America; to the Committee on Privileges and Elections.

A bill (S. 4258) to reimburse William Blair for losses and damages sustained by him by the negligent dipping of his cattle by the Bureau of Animal Industry, Department of Agriculture; to the Committee on Agriculture and Forestry.

A bill (S. 4259) granting a pension to Neal England, alias Joseph England; to the Committee on Pensions.

By Mr. ROBINSON:

A bill (S. 4260) granting a pension to John S. Hope; to the Committee on Pensions.

By Mr. CATRON:

A bill (S. 4261) to provide for the purchase of a site and for the erection of a public building thereon at Silver City, N. Mex.; to the Committee on Public Buildings and Grounds.

A bill (S. 4262) granting a pension to Maria Isabel S. de Gallegos; to the Committee on Pensions.

By Mr. BANKHEAD:

A bill (S. 4263) for the relief of the St. Louis & Cairo Railroad Co.; to the Committee on Claims.

A bill (S. 4264) granting a pension to Victor F. Marshall; to the Committee on Pensions.

By Mr. CHILTON:

A bill (S. 4265) granting an increase of pension to Rosa Matheny;

A bill (S. 4266) granting a pension to Jennie Duncan; and

A bill (S. 4267) granting a pension to J. M. Berry; to the Committee on Pensions.

OIL AND GAS LANDS.

Mr. PHELAN submitted an amendment intended to be proposed by him to the bill (H. R. 406) to authorize exploration for and disposition of coal, phosphate, oil, gas, potassium, or sodium, which was referred to the Committee on Public Lands and ordered to be printed.

PREVENTION OF SPREAD OF LEPROSY.

Mr. LEA of Tennessee. From the Committee to Audit and Control the Contingent Expenses of the Senate I report Senate resolution 91 with an amendment, and I call the attention of the Senator from Louisiana [Mr. RANSDELL] to it.

Mr. RANSDELL. I ask that the resolution may be read.

The resolution was read as proposed to be amended, namely, to insert after the word "law," in line 10, the words "the same not to exceed $225," so as to make the resolution read:

*Resolved*, That the Committee on Public Health and National Quarantine, or any subcommittee thereof, be, and is hereby, authorized during the Sixty-fourth Congress to hold hearings on the bill (S. 4086) to provide for the care and treatment of persons afflicted with leprosy and to prevent the spread of leprosy in the United States; to send for persons, books, and papers; to administer oaths; to employ a stenographer, at a cost not exceeding $1 per printed page; to pay the expenses of witnesses under the limitations provided by law, the same not to exceed $225; and to report such hearings as may be had in connection with any subject which may be pending before said committee; the expenses thereof to be paid out of the contingent fund of the Senate, and that the committee, or any subcommittee thereof, may sit during the sessions or the recess of the Senate.

Mr. RANSDELL. I ask unanimous consent for the consideration of the resolution. The purpose is to permit the Committee on Public Health and National Quarantine to summon witnesses on the bill to provide for the care and treatment of persons afflicted with leprosy, and to prevent the spread of leprosy in the United States. That bill is one of the most important matters in a way that could come before us. The investigation will

involve an expense not exceeding $225. I ask unanimous consent for the present consideration of the resolution.

Mr. SMOOT. I am a member of the committee reporting the resolution. I thought we had stricken from the resolution the provision authorizing the chairman of the committee to summon witnesses and require papers to be presented. I should like to know what persons the Senator wants summoned here to testify.

Mr. RANSDELL. I want to summon several of the best experts on leprosy in the United States—Dr. Frank Parker, of Boston; Dr. Isadore Dyer, of New Orleans; and a famous doctor in Minnesota. The cost is not to exceed $225.

Mr. SMOOT. The only thing that I was thinking of, Mr. President, was that in the case of every other hearing we have had upon any of these questions, doctors have been here at their own expense to testify; and are they not ready to come here now and testify?

Mr. RANSDELL. I do not think they are, Mr. President. Some of the doctors are willing to come, but others are not, unless their expenses are paid. They are very busy men, and we ought at least to pay their fair traveling expenses; and that is all this resolution provides for.

Mr. SMOOT. I am not going to object, Mr. President, but I am going to say that my experience in the past has been that persons interested have never had to receive an invitation to be here to attend any investigation of this kind; but they have always been on hand forcing the committees to have a hearing. I shall, however, not object to the resolution.

Mr. RANSDELL. Mr. President, let me say just a word. Dr. Dyer, of Louisiana, certainly is not forcing it, and Louisiana is not back of it. Louisiana has a leprosarium of its own, where it takes care of 105 of the most unfortunate beings in this world, and they are as happy as people of that kind can be; but right in the city of Washington there is a poor man afflicted with leprosy who is in solitary confinement and is suffering terribly. In many other parts of this country there are poor people afflicted with leprosy in solitary confinement, because there is no place to take them and no place to put them. The bill on which we are seeking to get light proposes to establish a national leprosarium. All we are trying to do now is to obtain authority to summon witnesses here, and to pay their expenses, not exceeding $225. I hope there will be no objection to this request.

Mr. BRANDEGEE. There will be no objection unless the Senator continues to discuss it, Mr. President.

Mr. RANSDELL. The Senator from Louisiana will not occupy any longer time.

The VICE PRESIDENT. The question is on agreeing to the amendment reported by the committee.

The amendment was agreed to.

The resolution as amended was agreed to.

HEARINGS BEFORE THE COMMITTEE ON THE LIBRARY.

Mr. LEA of Tennessee. From the Committee to Audit and Control the Contingent Expenses of the Senate, I report back favorably, without amendment, Senate resolution No. 89, authorizing the Committee on the Library to employ a stenographer to report hearings held before the committee.

Mr. NEWLANDS. Is the report at the desk with reference to the Committee on the Library?

Mr. LEA of Tennessee. It is.

Mr. NEWLANDS. Then, it is simply a resolution authorizing the employment of a stenographer?

Mr. SMOOT. I object to the consideration of any further business by unanimous consent at this time of day.

Mr. KERN. Mr. President——

The VICE PRESIDENT. The Senator from Indiana.

Mr. NEWLANDS. I move that Senate resolution No. 60, being Order of Business No. 33, be taken up and made the unfinished business.

Mr. SMOOT. I object, Mr. President.

Mr. LODGE. The Senator from Tennessee [Mr. SHIELDS] has given notice, which is on the calendar, of his intention to move to take up another bill; and I think he has the right of way.

Mr. NEWLANDS. I will not press my request under those circumstances.

ADJOURNMENT TO MONDAY.

Mr. KERN. I move that the Senate adjourn until Monday next at 12 o'clock m.

The motion was agreed to; and (at 6 o'clock and 20 minutes p. m.) the Senate adjourned until Monday, February 7, 1916, at 12 o'clock m.

## HOUSE OF REPRESENTATIVES.

FRIDAY, *February 4, 1916.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

O Thou great Spirit, who hast ever been the inspiration of men to high and noble achievements, help us to realize that it is not what we get out of the world but what we put into it that counts for righteousness. Inspire us, therefore, with great thoughts and help us to noble endeavors that we may leave the world a little better than we found it. In the spirit of Him who came that we might have life and that we might have it more abundantly. Amen.

The Journal of the proceedings of yesterday was read and approved.

WILL H. JOYNER.

Mr. LLOYD. Mr. Speaker, I present the following privileged resolution from the Committee on Accounts.

The SPEAKER. The gentleman from Missouri offers a resolution, which the Clerk will report.

The Clerk read as follows:

House resolution 119 (H. Rept. 119).

*Resolved*, That the Clerk of the House be, and he is hereby, authorized and directed to pay, out of the contingent fund of the House, to Will H. Joyner, clerk to Samuel A. Witherspoon, late a Representative from the State of Mississippi, at the time of his death, November 24, 1915, the sum of $125, being an amount equal to one month's salary of a clerk of a Member of the House.

Mr. LLOYD. Mr. Speaker, this is the usual resolution in cases of this kind.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

DAVID W. HEMLER.

Mr. LLOYD. Mr. Speaker, I also offer the following privileged resolution from the Committee on Accounts.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House resolution 48 (H. Rept. 117).

*Resolved*, That the Clerk of the House be, and he is hereby, authorized and directed to pay, out of the contingent fund of the House, to David W. Hemler, clerk to Joseph A. Goulden, late a Representative from the State of New York, at the time of his death, May 3, 1915, the sum of $125, being an amount equal to one month's salary of a clerk of a Member of the House.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

WIDOW OF JUNIUS B. HOLLOWAY.

Mr. LLOYD. Mr. Speaker, I also present the following privileged resolution from the Committee on Accounts.

The SPEAKER. The Clerk will report it.

The Clerk read as follows:

House resolution 95 (H. Rept. 118).

*Resolved*, That there shall be paid out of the contingent fund of the House to the widow of Junius B. Holloway, late clerk to continue digest of claims, an amount equal to six months of his salary as such employee, $1,250, and an amount not exceeding $250 to defray the funeral expenses of said Junius B. Holloway.

Mr. LLOYD. This is a similar resolution to the ones usually passed in such cases.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

LEAVE OF ABSENCE.

Mr. WEBB. Mr. Speaker, I ask unanimous consent for leave of absence until next Monday, on account of public business, for my colleague, Mr. BRITT.

The SPEAKER. Is there objection?

There was no objection.

PREPAREDNESS.

Mr. ALLEN. Mr. Speaker, I would like to ask unanimous consent to proceed for three minutes.

The SPEAKER. Is there objection to the request of the gentleman from Ohio [Mr. ALLEN] proceeding for three minutes?

Mr. STEPHENS of Texas. I shall not object to this, Mr. Speaker, but I will object to any others. The gentleman only asks for three minutes.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. ALLEN. Mr. Speaker, in the time allotted to me I would like to have read from the Clerk's desk a letter on the subject of preparedness which I received this morning from former Gov. Harmon, of Ohio.

The SPEAKER. Without objection, the Clerk will read it.

The Clerk read as follows:

CINCINNATI, OHIO, *February 2, 1916.*

HON. ALFRED G. ALLEN,
*House of Representatives, Washington, D. C.*

FRIEND ALLEN: I thank you for your kind letter of 31st ultimo, and for the copy of the Congressional Directory containing the committees.

I hope the opposition to preparedness is subsiding. The more I think of it, the more indignant I become, that anybody with pretensions to the rank of patriot should oppose the President's policies in this respect.

I have been reading, for the third time in my life, Gibbon's "Decline and Fall of the Roman Empire." The other night I came to the fall of Constantinople before Mohammed II—the wiping out of the Eastern Empire. I was struck by the part that wealth and unpreparedness together played in it. When Constantine asked the people for contributions for defense, Gibbon says they preferred to keep their wealth for the Turks, who took it all, rather than give a part of it to defend the country. And when the Emperor sent men all over the city to take a list of citizens who were capable to serve as defenders he found only between four and five thousand, out of the great population of the city.

As you will recall, these few, with Constantine at their head, showed great courage and perished at last before the vast numbers of the Turks; but this fact will never redeem the people from the reproach, which will stain their memory to the end of time, that they folded their hands, closed their purses, shut their eyes, and dreamed of peace when the danger of war was written across the sky.

Very truly, yours,

JUDSON HARMON.

Mr. ALLEN. Mr. Speaker, I yield back the balance of my time.

The SPEAKER. The gentleman yields back the balance of his time.

## AMENDING HOUSE RULE—FLOOD CONTROL.

On motion of Mr. GARRETT, a motion to reconsider the vote by which the House resolution 122 was passed on yesterday was laid on the table.

## INDIAN APPROPRIATION BILL.

Mr. STEPHENS of Texas. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 10385, the Indian appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the Indian appropriation bill, with Mr. FOSTER in the chair.

Mr. HAYDEN. Mr. Chairman, before the California item is reached I desire to offer an amendment.

The CHAIRMAN. The recollection of the Chair is that California was reached last night. The Clerk informs me that that word "California" had been read.

Mr. HAYDEN. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The gentleman from Arizona offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend, on page 20, after line 9, by inserting as a new paragraph:

"For the construction of three additional steel spans, with abutment and piers, to extend the bridge across the Gila River on the San Carlos Indian Reservation, near San Carlos, Ariz., $17,000, or so much thereof as may be necessary, to be immediately available."

Mr. HAYDEN. Mr. Chairman, in support of my amendment I desire to say that I have lately received from the clerks of the boards of supervisors of Graham and Gila Counties copies of a letter from Superintendent Stecker, of the San Carlos Indian Agency, as follows:

SAN CARLOS INDIAN AGENCY,
*San Carlos, Ariz., January 28, 1916.*

To the BOARD OF SUPERVISORS OF GILA AND GRAHAM COUNTIES, ARIZ.

GENTLEMEN: I am very sorry to be compelled to notify you that the Gila River flood waters have about cut off the bridge on the Gila River near Natches, and, from the present rate of cutting, it will, in all probability, require three more spans of bridging to connect the bridge with the new river banks. Mr. Perry McMurren, with a large detachment of Indians, fought the water all night, but their efforts were of no avail.

I suggest that you notify Representative CARL HAYDEN accordingly, in order that he may take such action as may be necessary to provide the new bridge work made necessary on account of the flood damage.

Very respectfully,

ERNEST STECKER, *Superintendent.*

The necessity for a bridge across the Gila River at this point was first ascertained by a report made pursuant to the Indian appropriation act of August 24, 1912, by John Charles, supervisor of construction in the Indian Service. His report is found in House Document No. 1013, Sixty-second Congress, on page 7 of which are the specifications for this bridge, as follows:

The work included in this project is the building, complete and ready for use, of seven 138-foot steel spans with a 16-foot roadway, two concrete abutments, and six tubular piers, as shown on the accompanying plans.

Forty-five thousand five hundred dollars was appropriated for the construction of this bridge by an item in the Indian appropriation act of June 30, 1913, and it was built by the Omaha Structural Steel Co. at a contract price of $38,800.

You will note that the specifications call for seven 138-foot spans, and by dividing the contract price by seven we ascertain that the cost of a single span is $5,443. Three new spans at this price would cost $16,629, so that I have asked for a total appropriation of $17,000, which I believe sufficient to do the work. If there should be any deficit, I am sure that the boards of supervisors of Graham and Gila Counties will find a way to raise any additional funds that may be necessary.

In order that the House may be aware of the serious difficulties that encumber bridge building on the Gila, I offer this illuminating article from the pen of one of the foremost editors of the Southwest, Col. Fred S. Breen, of the Coconino Sun:

THE ONLY BRIDGE-SHY RIVER IN THE WORLD.

While the flood situation is serious at Florence, the actions of the Gila River toward the bridges that have been built across it are exceedingly peculiar, not to say coy, shy, and hard to please. Once the river sidestepped the bridge and wandered off a mile or so to keep from running under it, and latest reports indicate that the river has every symptom of endeavoring to meander around the new bridge completed by the State a year or so ago. Along at this point the Gila seems to be the most irritable and finicky stream of wet in the country. About the last resort seems either to serve an injunction on the durned damp lane or build a whole scatterment of bridges to bewilder it into not running around or over one of them. There are very few conservative and respectable rivers that persistently refuse to run under a bridge, and it seems strange to see a river run off a mile or two and leave a perfectly good bridge covering a sand hill. Many tourists look at the bridge under such circumstances and wonder what the natives went to so much expense for in covering up the sand hill, while the river is a mile away gurgling along to itself, only a few inches deep, waiting for some other sucker to build a bridge over it. At present it looks like the only safe method would be to build a bridge around the Gila and let nature take its course.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Arizona.

Mr. MANN. Mr. Chairman, will the gentleman yield for a question?

Mr. HAYDEN. Certainly.

Mr. MANN. This is on an Indian reservation, is it?

Mr. HAYDEN. Yes, sir.

Mr. MANN. Is it reimbursable?

Mr. HAYDEN. I have an amendment here that I prepared yesterday in connection with another bridge appropriation, which I think will accomplish that purpose. Mr. Chairman, I offer to amend the amendment by adding at the end the following language.

The CHAIRMAN. The Clerk will report it.

The Clerk read as follows:

Amend the amendment offered by Mr. HAYDEN by adding at the end thereof the following:

"Reimbursable to the United States by the Indians having tribal rights on said reservation and to remain a charge and lien upon the land and funds belonging to said Indians until paid."

Mr. STAFFORD. Mr. Chairman, will the gentleman yield?

Mr. HAYDEN. Certainly.

Mr. STAFFORD. Is this proposition similar in its purpose to that which was objected to yesterday, and which went out on a point of order, concerning a bridge over the Gila River?

Mr. HAYDEN. No, sir. As I have already stated, this bridge was built by the Indian Office under the direction of Congress and was completed about a year ago. It is wholly within the San Carlos Indian Reservation. This appropriation has nothing to do with the matters that were stricken from this bill on points of order made yesterday.

Mr. STAFFORD. The bridge has been constructed, and this is mainly for maintenance and repair, is it?

Mr. HAYDEN. Yes. The high water on the Gila washed out the southern abutment, so that three new spans are necessary to connect the bridge with the bank of the river.

The CHAIRMAN. The question is on agreeing to the amendment to the amendment offered by the gentleman from Arizona.

The amendment to the amendment was agreed to.

The CHAIRMAN. The question now is on agreeing to the amendment as amended.

The amendment as amended was agreed to.

Mr. HAYDEN. Now, Mr. Chairman, I offer another amendment.

The CHAIRMAN. The gentleman from Arizona offers another amendment, which the Clerk will report.

The Clerk read as follows:

Amend, on page 20, after line 9, by inserting as a separate paragraph:

"That the Secretary of the Interior be, and he is hereby, authorized to expend not exceeding $10,000 from the proceeds from the sale of town lots on the Colorado River Reservation, arising under the act of April 30, 1908 (35 Stat. L., p. 77), for the examination and final loca-

tion surveys of a dam site on the Colorado River, and the investigation and survey of an irrigation system to supply the land of the Colorado River Reservation from said dam, and for the design, preparation of maps, plans and detailed specifications for said works, and estimate of cost thereof, for the utilization of the reserved rights to water from the Colorado River in the State of Arizona for the irrigation of approximately 150,000 acres of land on said reservation.

Mr. STEPHENS of Texas. I reserve the right to object, Mr. Chairman.

Mr. CAMPBELL. Mr. Chairman, I make a point of order on that.

Mr. HAYDEN. Will the gentleman from Kansas permit me to explain my amendment?

Mr. CAMPBELL. Oh, let us get on. We have thrashed out these matters in good faith and have cut out of the bill every item of legislation that other Members had, and I am going to make points of order on the floor, as I did in committee, against proposed amendments.

Mr. HAYDEN. If the gentleman will hear me, this proposition was approved by our committee, except that $5,000 was to be appropriated directly from the Treasury, while the pending amendment permits the use of $10,000 of the funds received from the proceeds of town sites on the Colorado River Indian Reservation. The gentleman from Kansas will find this appropriation of $5,000 on page 15 of the bill, beginning with the proviso at line 19. He will remember that this proviso was stricken from the bill on a point of order made by the gentleman from Illinois [Mr. MANN].

In order that we may understand this situation, I desire to present the following article, which was printed in the Parker Post on September 11, 1915:

It is now a little over five years ago since Uncle Sam's real estate agents slipped into Parker and sold about $100,000 worth of sandy desert lots to the people of this community, and other investors, who relied upon the implied promises of the Government that the surplus lands of the Colorado River Indian Reservation would be open to settlement and entry within a reasonable time.

At the time of the auction sale of lots in the Parker town site a horde of deputy United States marshals accompanied the receiver of the Phoenix Land Office for the purpose of guarding the treasure chest which Uncle Sam accumulated here through the enterprise of his real estate sharks. Before the week ended our good uncle cleaned us up a la Wallingford, the guardians of the money chest departed, and not a peep has been heard from his fly-by-night agents since.

Any cheap real estate grafter who had gotten away with one one-hundredth part of the amount which Uncle Sam filched from the Parker people would now be serving a term in the penitentiary. Yet, in view of the rotten deal we have had from our Government, our Senators and Congressman have been powerless to do anything toward making the Government fulfill its promises or make restitution to the investors in town lots, which are absolutely worthless until such time as the surplus lands of the reservation are opened to settlement.

On page 165 of the hearings you will find the following statement relative to the sale of town lots at Parker:

*Proceeds of town sites, Colorado River Indian Reservation, Ariz.*

| | |
|---|---|
| Total receipts to Sept. 30, 1915 | $62,103.00 |
| Amount reimbursed to the United States on account of expenditures from reimbursable appropriations for survey, etc | 7,089.08 |
| Balance in Treasury Dec. 22, 1915 | 55,013.92 |

The Indian Bureau sought to obtain authority to expend not exceeding $50,000 of this amount in continuing the construction of the pumping plant and irrigation system on the Colorado River Indian Reservation, but in the committee I made a point of order against this proposal and stated that I intended to see that this money is not used for any such purpose.

Objection having been made to a direct appropriation from the Treasury for the purpose of preparing plans and estimates for the construction of the necessary irrigation works on this reservation, I am now seeking to use some of the money that was obtained under false pretenses for this purpose. Nobody would have paid a dollar for any lot at Parker except under the belief that the reservation was to be opened to settlement and the lands irrigated in the near future. I know that every lot owner would be glad to see his money used in a way that will ascertain the facts and open the way to an agreement on a definite policy respecting the reclamation and settlement of the agricultural lands on the Colorado River Indian Reservation.

The amendment that I have offered is identical in its terms with a Senate amendment to the Indian bill which failed last year, except that I now propose to use some of the money received from the sale of lots at Parker instead of asking for a direct appropriation from the Treasury.

Mr. CAMPBELL. Mr. Chairman, I make a point of order against the amendment.

Mr. HAYDEN. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD by printing a memorial passed by the Arizona Legislature on this subject.

The CHAIRMAN. The gentleman from Arizona asks unanimous consent to extend his remarks. Is there objection?

There was no objection.

The memorial is as follows:

*To the Senate and House of Representatives of the Congress of the United States of America in Congress assembled:*

Your memorialists, the Second Legislature of the State of Arizona, in regular session convened, respectfully represent:

That during the years of 1908 and 1909 the then Indian agent of the Colorado River Indian Reservation under authority of the Department of the Interior granted numerous permits to persons to settle upon certain lots in the Parker town site, Yuma County, Ariz.

That an appraisement was made of the lots of said town site under the direction of the Department of the Interior during the year 1909, and the persons occupying lots under permits granted by the department were given a preference right to purchase said lots.

That about 90 days thereafter a second appraisement of all lots in the Parker town site, including those occupied by permittees, was ordered by the Department of the Interior, and the valuation was raised from 300 to 600 per cent above the figures set forth in the first appraisement. That this raise in appraised values was made because of the fact that the town site of Parker is within a short distance of the allotted Indian land on the Colorado River Indian Reservation, the surplus area of which was planned by the Department of the Interior to be opened to purchase and settlement at an early date.

That the said permittees occupying lots upon the Parker town site have paid to the United States under the valuations of town lots under the second appraisement the sum of $24,562.

That on May 19, 1910, the authorities of the United States held an auction sale of lots within the Parker town site and $56,698 worth of said lots were sold to residents of Parker and other investors. That $37,623 have been paid to the United States for lots purchased at said auction sale and there is still owing to the United States upon said sales the sum of $19,075.

That immediately prior to the auction sale of town-site lots at Parker Congress passed an act as follows:

"For the construction of a pumping plant to be used for irrigation purposes on the Colorado River Reservation, together with the necessary canals and laterals, for the utilization of water in connection therewith, for the purpose of securing an appropriation of water for the irrigation of approximately 150,000 acres of land, $50,000, to be reimbursed from the sale of the surplus lands of the reservation."

That the above act was, in effect, a representation by the United States that the surplus land of the Colorado River Indian Reservation was soon to be opened to settlement and entry by bona fide settlers. That the lots put up for sale at said auction had a prospective value only upon the assumption that said surplus lands would be opened to settlement at an early date. That the enormous increase in the valuation of lots in the Parker town site by the second appraisement above referred to was only justified by the carrying out of the implied promise contained in the above act that the surplus lands of the Colorado River Indian Reservation would be open to settlement.

That the town site of Parker is a barren desert, on land having an intrinsic value of less than $1 an acre. That whatever added value it may have arises from the fact that it is adjacent to the bottom lands of the Colorado River Indian Reservation, in which the surplus lands above referred to lie; and unless said lands are opened to settlement and entry the town site of Parker is worth little, or not more than any other desert land.

That the residents of Parker and numerous other residents of the State of Arizona interested therein, who were induced to purchase lots in the Parker town site by reason of the implied promise of the United States above set forth to open the reservation lands to entry, have repeatedly petitioned Congress and the Department of the Interior for the opening of said surplus lands.

That said purchasers of lots in Parker have further evidenced their reliance upon said implied promise of the United States to open said lands by investing large sums of money in buildings and improvements in said town of Parker, all of which will be worthless unless the said lands are opened to settlement.

That the allotments of land to the Indian belonging on said reservation have been approved by the Department of the Interior and the surplus land, amounting to approximately 125,000 acres, which might be open to entry is segregated.

That, to the best knowledge and belief of your memorialists, there exists a sufficient flow of underground water for the irrigation and reclamation of the surplus lands.

That the surplus Indian lands above described are highly desirable as prospective farms, and hundreds of energetic and enterprising citizens of this State alone are awaiting the opportunity to secure tracts of lands for the purpose of making their homes thereon. That to the best knowledge and belief of your memorialists a large amount of the delay in opening the surplus lands of said reservation to settlement in accordance with the said implied promise of the United States has been caused by unnecessary entanglements of official red tape in the various bureaus at Washington having charge of reclamation work and Indian affairs.

That another reason which has been assigned for the delay in opening said lands for settlement is the fact that people having large cattle interests have leased certain of the lands involved and have been exerting their influence to delay the opening of said lands for settlement: Therefore be it

*Resolved by the Senate and the House of Representatives of the Legislature of the State of Arizona*, That the Congress of the United States be, and it is hereby, urged to enact any legislation which may be necessary for the opening for settlement of said lands, to the end that the implied promise of the United States, made to the settlers and purchasers of lots within the Parker town site, to the effect that Indian lands within the Indian reservation would be opened for settlement, be carried out.

*Resolved further*, That a copy of this memorial and these resolutions be forwarded to the President of the United States, the President of the Senate, the Speaker of the House of Representatives, the Secretary of the Interior, and to the Representatives of Arizona in Congress; and that our Representatives in Congress be, and they are hereby, requested to do all in their power to accomplish the enactment of such legislation.

Passed the senate March 6, 1915, by a vote of 17 ayes; 2 absent.

W. P. SIMS, *President.*
OSCAR COLE, *Secretary.*
By C. P. CRONIN,
*Assistant Secretary.*

Passed the house March 4, 1915, by a vote of 28 ayes; 7 absent.

WM. E. BROOKS,
*Speaker of the House.*

The CHAIRMAN. A point of order is made. The point of order is sustained. The Clerk will read.

The Clerk read as follows:

CALIFORNIA.

SEC. 3. For support and civilization of Indians in California, including pay of employees, $42,000.

Mr. RAKER. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from California moves to strike out the last word.

Mr. RAKER. Mr. Chairman and gentlemen, the purpose for which I rise now is to ask the chairman if there would be any objection to fixing this item in the same amount that the department reported it for?

Mr. STEPHENS of Texas. I could not agree to that. In fact, this bill has been agreed upon as it stands, and I could not yield. I would not have the right to change the will of the committee for that of some person interested in a State. Therefore, candidly, I can not accede to the gentleman's request.

Mr. RAKER. The only thing I wanted to say was that it will be noticed by the report that all the money was used last year. After making personal investigation in a number of counties in California I found blind, poor, destitute Indians unprovided for. The counties were assisting them, and many of the destitute Indians were provided for by charity, to my own personal knowledge. The matter was taken up with the department, but they said they had no funds to assist in the relief of these Indians. They said, however, that they would attempt in this legislation this year to provide for them.

Mr. STEPHENS of Texas. Mr. Chairman, I will say to the gentleman from California that the facts in regard to this very important item are not sustained by the statement that he makes. The record is contrary to it. There is an unexpended balance here of $1,430.79 for the fiscal year ending June 30, 1915. The amount appropriated was $42,000 even. The amount expended was $40,569.21, leaving an unexpended balance of $1,430.79, so that the gentleman is mistaken.

Mr. RAKER. No; I am not mistaken.

Mr. STEPHENS of Texas. Then the department is mistaken.

Mr. RAKER. No; the department covers it. On page 185 of the hearings they exhibit the financial statement. The unexpended balance is covered by obligations. Now they have expended all of the money. After a personal interview with the commissioner and the assistant commissioner, as well as with the superintendents of the agency, and after a personal trip with the superintendent in charge, with the physicians of the various districts, I took a number of days and went to these Indian camps. I saw there blind, aged, destitute Indians that were being provided for by the charity of the local communities. We presented a report to the department, and they said they would attempt to provide for it in this legislation.

Mr. NORTON. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. NORTON. What is being discussed?

Mr. RAKER. I moved to strike out the last word and asked a question of the chairman, if there would be any objection to raising this amount up to the amount that was placed in the estimates by the department.

Mr. STEPHENS of Texas. I would state to the gentleman that I certainly shall object to raising the amount fixed by the committee.

The CHAIRMAN. Without objection, the pro forma amendment is withdrawn. The Clerk will read.

The Clerk read as follows:

For the purchase of lands for the homeless Indians in California, including improvements thereon, for the use and occupancy of said Indians, $10,000, to be immediately available and to remain available until expended, said funds to be expended under such regulations and conditions as the Secretary of the Interior may prescribe.

Mr. MANN. Mr. Chairman, I reserve a point of order on the item.

The CHAIRMAN. The gentleman from Illinois reserves a point of order.

Mr. MANN. What is the reason for making this fund available until expended? It is a current item of appropriation.

Mr. CARTER of Oklahoma. That is an amount provided for the purpose of purchasing homes for homeless Indians, as it shows. It was explained to us that contracts are sometimes made in one year for the purchase of homes, but owing to the delay in making titles, and so forth, it is necessary to carry the deal over into the next fiscal year or even longer, sometimes until the appropriation expires.

Mr. MANN. I do not think that is the real reason.

Mr. CARTER of Oklahoma. Perhaps not; but that was the explanation given us as I remember.

Mr. MANN. We have carried this item in appropriation bills for many years, authorizing the department at its discretion to purchase lands for Indians in California. There has never been a very satisfactory explanation, although there have been explanations of it which may be reasonable. Last year I think the item was stricken out on a point of order, on the ground that it was not wise to give the department authority over a fund with which it could go out and buy land; and I assume that the real reason for the insertion of these words is that the department fear that if the item stays in this year it may go out next year, and they still want this fund. Perhaps they have gone ahead and arranged to buy land notwithstanding there was no intention to make an appropriation last year.

Mr. CARTER of Oklahoma. I think the gentleman is perhaps correct about that, and if any contracts were made for the purchase of land, the title to which had not been cleared up, it would perhaps be necessary to use this money next year if we had no subsequent appropriation.

Mr. MANN. If there have been any contracts made for the purchase of lands, they are illegal contracts, because the department is directly and expressly forbidden by law to make contracts for such purpose where there is no appropriation.

Mr. CARTER of Oklahoma. Yes.

Mr. MANN. And there is no appropriation, unless it is under the resolution continuing the appropriation made two years ago. That may be true. I do not know.

Mr. CARTER of Oklahoma. If the gentleman will permit, perhaps when the bureau makes these contracts it thinks the title to the land can be completed during the fiscal year, but sometimes finds that the title can not be cleared until after the appropriation has expired.

Mr. MANN. If they make a contract under this appropriation, they can still use the money after the end of the fiscal year for the purpose of carrying out the contract. The gentleman understands that very well. The money is not covered back into the Treasury until the expiration of two years. Mr. Chairman, I make the point of order against the language on page 20, lines 15 and 16—

To be immediately available and to remain available until expended.

And I will make the point of order against the entire item, unless the gentleman is satisfied to let that language go out of the bill.

Mr. CARTER of Oklahoma. Oh, that is clearly subject to the point of order.

Mr. MANN. The whole item is subject to the point of order if made.

Mr. CARTER of Oklahoma. There is no contention about that language being subject to the point of order.

The CHAIRMAN. The gentleman makes the point of order on the language indicated by him and not on the entire paragraph.

Mr. MANN. That is correct.

The CHAIRMAN. The Chair sustains the point of order. The Clerk will read.

The Clerk read as follows:

For support and education of 700 Indian pupils at the Sherman Institute, Riverside, Cal., including pay of superintendent, $119,500; for general repairs and improvements, $10,000; in all, $129,500.

Mr. NORTON. Mr. Chairman, I move to strike out the last word. I wish to say to the committee in reference to the previous paragraph that one of the chief objections to the expenditure of money by the Indian Bureau for the purchase of land for the Indians was found by the Committee on Indian Affairs to be this, that where $10,000 has been appropriated for the purchase of land the Indian Bureau has in some cases expended about 50 per cent of it for paying officials of the bureau to go about the country to see where they can buy land. The committee exacted a promise from the Assistant Commissioner of Indian Affairs that in the future this policy of extravagance would not be pursued, and that the expenses in connection with the purchase of the land for Indians would in the future be very much less than in the past and that the work would be done with real regard to business methods and economy.

The CHAIRMAN. The pro forma amendment will be considered as withdrawn, and the Clerk will read.

The Clerk read as follows:

For reclamation and maintenance charge on Yuma allotments, $10,000, to remain available until expended and to be reimbursed from the sale of surplus lands or from other funds that may be available, in accordance with the provisions of the act of March 3, 1911.

Mr. MONDELL. Mr. Chairman, I move to strike out the last word for the purpose of asking the chairman of the committee what Yuma allotments are referred to in this item.

Mr. STEPHENS of Texas. On page 195 of the hearings, in the justification for this item, it is stated that—

This appropriation is for payment of building charges for the area which may be supplied with water under completed lateral system. By the approval of the Secretary of the Interior to an agreement between the Indian Bureau and the Reclamation Service, the Indian lands are to take advantage of the law permitting payment of building charges over a longer period. The amount here requested will be sufficient to cover that required for the fiscal year 1917, on account of credits which will result from adjustments of the maintenance and operation charges already paid.

Mr. MONDELL. Are these the allotments under the Yuma reclamation project?

Mr. STEPHENS of Texas. I understand that they are.

Mr. MONDELL. These Indians have some funds, have they not?

Mr. STEPHENS of Texas. They may have funds, but they are not available at the present time.

Mr. MONDELL. I understand that the Indians are located on the lands. Why should we be called upon to maintain their irrigation system, which has been built at very large cost, when the Indians themselves are upon the lands and supposed to be engaged in farming.

Mr. STEPHENS of Texas. I understand from what the gentleman says he desires that this money should be reimbursible. He will see that it is, under the language of the bill.

Mr. MONDELL. The money should be reimbursible if these Indians have any funds, or are likely to have any funds, from which the Government could be reimbursed.

Mr. STEPHENS of Texas. By examining the language here the gentleman will see that it is reimbursible.

Mr. MONDELL. As a matter of fact, have these Indians any resources, so that this item could be reimbursed?

Mr. NORTON. If the gentleman will yield, I will say that the fiscal report of the Bureau of Indian Affairs for the year ending June 30, 1915, shows that the Indians of the Yuma Reservation had on hand the sum of $10,728.22, from the proceeds of their irrigable lands.

Mr. MONDELL. That they have that on hand at this time?

Mr. NORTON. That they had it on hand June 30, 1915.

Mr. MANN. Mr. Chairman, will the gentleman yield?

Mr. NORTON. Certainly.

Mr. MANN. Is this $10,000 to pay all the maintenance charges of all the Indians on this irrigation scheme?

Mr. NORTON. I can not give the gentleman that information.

Mr. MANN. Or if it is not, is the charge against a part of the Indians to be paid out of the funds due to all of the Indians?

Mr. NORTON. I do not know for a certainty, but I would judge that under the law this would be reimbursed out of the funds belonging to those who had received the benefits from it.

Mr. STEPHENS of Texas. Will the gentleman permit me to state that it is my understanding that this language here covers this exact question:

For reclamation and maintenance charge on Yuma allotments, $10,000, to remain available until expended and to be reimbursed from the sale of surplus lands or from other funds that may be available, in accordance with the provisions of the act of March 3, 1911.

I have not that act before me, but my recollection is that it required these funds to be turned into the Treasury, and that it required an appropriation to get the money out of the Treasury. The gentleman will find in the fiscal statement of the Indian Office for the year ending June 30, 1915, this statement:

Proceeds of irrigible lands, Yuma Reservation, Cal., $10,728.22.

Under the heading "How and when created," in another column appears:

April 21, 1904, Thirty-third Statutes at Large.

Mr. MANN. I take it that that fund that is on hand, a little over $10,000, belongs to all the Indians, and not to a few of them.

Mr. STEPHENS of Texas. That is turned into the Treasury and requires an act of Congress to reach it.

Mr. MANN. What I want to know is, is the maintenance charge against a few Indians to be paid out of the money belonging to all the Indians, or is it to be paid only out of the funds belonging to a part of the Indians?

Mr. STEPHENS of Texas. That is controlled by the rules and regulations of the department.

Mr. MANN. It is controlled by act of Congress.

Mr. STEPHENS of Texas. The act of Congress makes the funds available, but as to the bookkeeping, I do not know whether it is to be charged up against the individual Indians or to the tribe.

The Clerk read as follows:

For support and education of 160 Indian pupils at the Fort Bidwell Indian School, Cal., including pay of superintendent, $18,200; for general repairs and improvements, $3,600; in all, $21,800.

Mr. RAKER. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Amend, on page 21, line 7, by striking out the figures "18,200" and inserting the figures "22,375."

Mr. STEPHENS of Texas. I reserve a point of order against that.

Mr. STAFFORD. You can not reserve a point of order against it.

Mr. MANN. It is not subject to a point of order.

The CHAIRMAN. The Chair overrules the point of order.

Mr. RAKER. Mr. Chairman, this particular matter was estimated for by the Indian Service and approved by the Secretary of the Interior and by the Treasury Department. Justification given by the hearings shows that they need this amount of money. I had the pleasure of investigating this school at least three times when home, and they are much in need of this money for the purpose of keeping up and maintaining the school to a proper degree of efficiency. The commissioner, Mr. Sells, was before the committee yesterday and made the statement that this amount of money is needed very much and he hoped the committee would permit it to be inserted in the bill.

Mr. STEPHENS of Texas. Mr. Chairman, I find from Report No. 87, a special report made on all the school estimates, that the Indian school at Fort Bidwell, Cal., is a gratuity, and that $24,100 is the current law. The estimate for this school was $33,500, and the committee, after a full investigation of the matter, reduced it to $21,800. You will find that on page 195 of the hearings. We think we gave that school all that we possibly could give it under the statements made by the department. The amount per capita of this school is excessive. The cost per capita, based on the enrollment, is $271.04. Based on the average attendance it is $318.87. These two schools in California are the highest cost in the United States. A few years ago the law was repealed which before that time set the amount of the per capita cost at $167 on nonreservation schools such as this, and that is all they would be entitled to. The limit was raised afterwards for some purpose. Now we find they have climbed up to $318.87. They have only a few pupils. The average attendance is only 61, and the school is costing entirely too much. I hope this amount will not be raised. If we continue to educate these children it would be better to send them to a larger school where it will not cost the Government more than $167 per capita. There is a very bad showing made here. We find the salaries and wages amount to $9,934 for 60 pupils. Transportation of supplies, $535. I understand they are some distance from the railroad. We can not reduce this expense unless we have a larger attendance at the school. I hope the amendment will not prevail.

Mr. NORTON. Mr. Chairman, I will say to the committee that the Committee on Indian Affairs has made a practice of allowing to each school $167 for each pupil, in addition to the salary of the superintendent. If that allowance were made to this school instead of the amount being $18,200, as in the bill, it would be $13,350. So, under the rule, the Committee on Indian Affairs has granted a very liberal amount for this school.

Mr. STAFFORD. Does the gentleman think that one would be justified in moving a reduction of the amount carried in the bill?

Mr. NORTON. The gentleman may draw his own conclusions from the statements that have been made.

Mr. CAMPBELL. Will the gentleman yield?

Mr. NORTON. Yes.

Mr. CAMPBELL. Last year the expense of every pupil in this school was $318. We are trying to keep the expense down to $167 per pupil after the superintendent's salary has been paid.

Mr. CARTER of Oklahoma. Will the gentleman yield?

Mr. CAMPBELL. Yes.

Mr. CARTER of Oklahoma. I call the gentleman's attention to the hearings, page 197, in which Mr. Meritt, the Assistant Commissioner of Indian Affairs, makes this statement:

In view of the showing made here of the per capita cost, I will not ask for an increase in this school.

Mr. CAMPBELL. I recall that when we went into this matter the estimate was reduced with the assent of the Assistant Commissioner of Indian Affairs.

Mr. RAKER. Will the gentleman yield?

Mr. CAMPBELL. Yes.

Mr. RAKER. The Secretary of the Interior made a special report to the committee upon this bill, recommending the full amount in addition to the estimate. Day before yesterday Commissioner Sells was before the committee and the matter came up. He stated that this amount should be allowed.

Mr. CAMPBELL. The committee can not change its mind as often as some people may or wish it to. The committee thrashed this out thoroughly, went into every detail with the Assistant Commissioner of Indian Affairs and his aids. We analyzed this matter, and the gentleman from California should be thankful that this is not a reduction below the amount carried in the bill.

Mr. RAKER. I want to call the gentleman's attention to the fact that in other schools the estimates run above $167.

Mr. CAMPBELL. But in no instance does it run to the amount in that school.

Mr. RAKER. That is true; but this school is off the railroad, and they have for the school what was once a fort.

Mr. CAMPBELL. And there has been some talk of abolishing this school because it is off the railroad and because it is so expensive. If the gentleman insists upon it, he will probably lead to that action.

Mr. RAKER. I insist upon it because I believe it is right. Investigation shows it; and if the committee sees fit to increase it, it ought to be increased. If they do not, I shall have to submit to the judgment of the committee. I hope the committee will increase it, as it ought to be, for the protection of these Indians.

Mr. CAMPBELL. Mr. Chairman, this school is provided for with a larger per capita than any other Indian school in the bill.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from California.

The amendment was rejected.

Mr. RAKER. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Amend, on page 21, line 8, by striking out, on line 8, all after the word "improvements," and insert in lieu thereof the following: "$5,000; for new school building, $8,000; in all, $35,375."

Mr. MANN. Mr. Chairman, on that I reserve the point of order.

Mr. STEPHENS of Texas. Mr. Chairman, I make the point of order.

Mr. RAKER. Mr. Chairman, I would like to be heard on it. I hope that the gentleman will not make the point of order.

Mr. STEPHENS of Texas. Mr. Chairman, I reserve the point of order for a moment.

Mr. RAKER. Mr. Chairman, the item for a new school building of $8,000 has been recommended by the department after a thorough investigation in the field and a report to the department by the agent, as well as by the report from the superintendent. The present school building, now occupied and used by the school, is an old building that has been there in the neighborhood of 40 or 45 years, and was used as a hospital by the fort when they had the soldiers there. This is the only place they have. It is on the hill back three or four hundred yards from the rest of the buildings; that is, the dormitory and the main building of the school. It is necessary; it ought to be provided for; it will give the superintendent and the teachers a better opportunity to get results. We are improving the other school; and it seems to me from all of the facts as presented, recommended, and requested by the department that it ought to be allowed. I hope the committee will see fit to place it in the bill.

Mr. STEPHENS of Texas. Mr. Chairman, I insist upon the point of order.

The CHAIRMAN. The Chair understands that this is not authorized by law, and sustains the point order.

The Clerk read as follows:

For support and education of 90 Indian pupils at the Greenville Indian School, Cal., including pay of superintendent, $16,530; for general repairs and improvements, $3,600; for purchase of additional land for school farm, $1,500; in all, $21,630.

Mr. RAKER. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Amend, on page 21, line 11, by striking out the figures "16,530" and inserting "18,400."

Mr. RAKER. Mr. Chairman, the department has recommended the increase in this to $18,400, so as to give a sufficient amount of means so that the school might be maintained in an efficient way as the other schools are. Along in September I visited this school, went over the situation, and after the matter had been thoroughly investigated by the department they came to the conclusion unhesitatingly that this amount of money should be added. In other words, the prior appropriation should be increased so as to make it $18,400, to make the school efficient and give them a sufficient amount of money to run it as the other schools, and I trust that the committee may see its way clear to grant this increase.

Mr. KONOP. Mr. Chairman, I hope the committee will not adopt this amendment. In the justification by the Assistant Commissioner of Indian Affairs, it will be seen that 100 pupils were provided for. The capacity of the school at Greenville is only 90 pupils, and furthermore there is an enrollment of only 71 pupils and an average attendance of 61. So the committee was fully justified in reducing the number of pupils asked for by the department from 100 to 90. The cost of educating 90 pupils would be only $16,530, as provided in the bill. Furthermore, this is another one of the schools that has a high per capita expense. The cost per capita based upon the enrollment is $240.23 and the cost per capita based on the average attendance reaches up to the sum of $279.62. So I think the committee has been very liberal in allowing for the support of 90 pupils when there is an enrollment of only 71 and an attendance of only 61. I therefore hope the amendment will not be agreed to.

Mr. RAKER. Mr. Chairman, the conditions there are as in the other schools. The school is in the mountains, away from the railroad, and built so as to accommodate the Indians. There are in this neighborhood about twenty-five hundred Indians. They claim there are 100 pupils, the same number last year, contemplated to be provided for by this money, $18,400. It does not seem as though the committee should figure on depriving a school of the amount of money to run it so that it will compare with a school where there are 600 or 700 pupils, where they can get provisions more cheaply and everything else. We ought not to deprive those who live in the more remote districts from the same opportunities obtained by those who are at a place where you put your school in the center of population. For instance, they have taken a number of schools—and I shall not refer to them particularly for I do not want to be invidious—and have placed them in the center of some large population, taking the children from their homes and parents, instead of placing the school right among the Indians near by, where they have lived for years, and give them a better opportunity to be educated, so that they may have better conditions surrounding them, and because the expense is a little larger than the other school it does not seem hardly fair that that particular school should be so cut down as to deprive it of its efficiency.

Mr. KONOP. Mr. Chairman, we are not cutting down the appropriation; we are simply cutting down the number of pupils to the capacity of the school, and that necessitated a cut in the appropriation. Now, the enrollment at that school has been only 71, and the attendance has been only 61. We are providing for the education of 90 pupils. The department asked for 100, and we reduced it by 10, thinking that 90 was ample for the capacity of the school. That is all they have the capacity for, and I think we are providing very liberally for the school.

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. MANN. Mr. Chairman, I would like to ask the gentleman from California, if I may, how long has this school been maintained by the Government?

Mr. RAKER. It has been maintained, to my recollection, between seven and eight years.

Mr. MANN. Only eight years?

Mr. RAKER. I think that is about all.

Mr. MANN. And the number of pupils is going down?

Mr. RAKER. Well, not necessarily; no. Of course they are not all attending the school. This school was built, according to my recollection, by a missionary society, and the Government then bought it and took it over; and for a number of years—I think about seven years—the Government has owned, controlled, and run it.

Mr. MANN. How long did the missionary society run it?

Mr. RAKER. They only had it a couple of years.

Mr. MANN. Just as soon as they started it they turned it over to the Government for the Government to pay the expense.

Mr. RAKER. They had it a couple of years.

Mr. MANN. And then when they found it did not pay they loaded it onto the Government to pay the expense.

Mr. RAKER. No; I do not think that is it. I believe they had the idea that the Indians in that locality should be given the same treatment and consideration that they were given in other localities in the United States, and that a school there, near by the homes of their fathers and mothers, should be provided for these young Indians.

Mr. MANN. Is this on an Indian reservation?

Mr. RAKER. It is not. It is a nonreservation Indian school.

Mr. MANN. Do the Indians own their land there?

Mr. RAKER. A few of them do—have allotments—but a good many do not.

Mr. MANN. Have they contributed anything at all to the school expenses?

Mr. RAKER. I think not. It is a school that is maintained like the one at Carlisle and the Sherman Institute and many others which are maintained for the purpose of giving the Indians a better opportunity——

Mr. MANN. If it is like the school maintained at Carlisle and at the Sherman Institute we ought to abolish this because there is no object in maintaining this and the others, too. If the gentleman is correct, then this item ought to go out entirely.

Mr. RAKER. This is like a dozen schools which are maintained by the Government and on which the Government expends money for their maintenance.

Mr. MANN. Is there any place where the Government has maintained a school for years for the benefit of the Indians to which they contribute no portion of the expense; where they have not been able in the course of time to contribute to the expense of the school and the education we give to the young Indians to enable them in the course of time to take care of themselves; where they do not contribute anything toward the expense of educating their children?

Mr. RAKER. I think and I believe that the purpose of the school is to assist them in maintaining themselves after they have left the school, and I know of no place where they have contributed afterwards to the maintenance of the school. Now, the committee may inform the gentleman in reference to that fact, but personally I do not know.

Mr. MANN. The gentleman has a wide experience about Indians. He has never heard of such a case and probably will not, if he stays here 40 years.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California.

The question was taken, and the amendment was rejected.

Mr. RAKER. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend, page 21, by striking out, in lines 12 and 13, the language "$3,600; for purchase of additional land for school farm, $1,500; in all, $21,630" and insert in lieu thereof "including purchase of additional land for school farm, $8,000; for new school building, $8,000; for installation of laundry equipment, $12,000; in all, $35,600."

Mr. KONOP. Mr. Chairman, I reserve a point of order on the amendment.

Mr. MANN. I reserve a point of order, Mr. Chairman, on the amendment.

Mr. RAKER. Mr. Chairman, I would like to be heard on the matter.

The CHAIRMAN. The Chair will hear the gentleman.

Mr. RAKER. Mr. Chairman, this school has about 200 acres of land. Now, I am not responsible for this location as purchased by the Government. It is a school that has been recognized for the purpose of sending Indian children to for education the same as the other schools that have been provided for by this bill. The department recommended these items and recommended that they be placed upon the bill the same as the other items contained in the bill, with the same justification and no more than the other items for barns and for new school buildings, septic tank, and what not for the other Indian schools. The Secretary of the Interior made a special report upon this particular improvement, and I believed that without question as the others have been allowed that it would be allowed. I do not care to refer to what has been allowed to the other schools. I do not care to call the attention of the committee to the building of a barn for the other schools for practically $5,000, but practically the same justification and no more is provided for in this, and I took it for granted; and when I appeared before the committee last Friday I believed, from what gentlemen told me that there would be no question of points of order being raised, and under the statement then made by the Commissioner of Indian Affairs, Mr. Sells, to the committee, that the matter would be allowed, without a point of order.

Mr. CARTER of Oklahoma. Will the gentleman yield?

Mr. RAKER. I yield.

Mr. CARTER of Oklahoma. The gentleman must recognize the fact that when he appeared before the committee on Friday the Indian bill had had final action by the Committee on Indian Affairs and had been reported.

Mr. RAKER. I do.

Mr. CARTER of Oklahoma. I think what the gentleman was told was that if he could get all the members of the committee to agree to it and justify it sufficiently there would be no objection.

Mr. RAKER. I thought I had.

Mr. CARTER of Oklahoma. But certainly it would take almost unanimous action in the House Committee on Indian Affairs to change a recommendation already made before the gentleman appeared before that committee.

Mr. RAKER. Well, I do not care and am not going to say anything about the appearance before the committee or anything of that kind, because I suppose it could be justified and could be disposed of here, and I do not care to go into those matters. I want to get into the merits of this particular place.

I want to call the committee's attention to this, that this tract of land and the buildings are back at least 400 yards from the public road, without any access from the public road to these grounds or to this building. In front of the building are two houses, owned by others and upon their land, to the inconvenience of the Indian Service, and they ought to be purchased and owned by the Government. With these scholars there they have no land upon which they may maintain a dairy; they have no land upon which they can raise stock; they have no water right for the purpose of irrigating that land which they have. They have been putting in a small tank for the purpose of water for the school building only, and the main building is the greater part of wood. The boys and girls are in the same building, with no separate place in the school building for the boys or for the girls, and it has been the desire of the service for the last four years to have a new building, so that they can keep the boys in one building and the girls in the other, and then have a main classroom or classrooms for the purpose of giving both instruction.

The CHAIRMAN. The time of the gentleman has expired.

Mr. RAKER. Mr. Chairman, I ask unanimous consent that I may proceed for five minutes more.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. RAKER. In regard to the purchase of the land, the very object and the very purpose of the Indian Service and of these schools ought to be and is unquestionably to give these young men and women some instruction in the everyday occurrences of life, so that they may be of some benefit to themselves or their parents when they leave school, so that they will not be simply going out with the rudimentary education that they receive in the school. Education in regard to farming and in regard to dairying, and other matters connected therewith, might be of some value to them, and they might themselves assist in maintaining the school in the way of helping to farm, in the way of learning how to handle horses, and in the way of learning how to dairy. Here is a school for which we simply ask for $1,200 for the laundry equipment.

Now, unquestionably, if you build a barn for $5,000 for a few cows and horses you ought to expend at least $1,200 to put a laundry into a school of this kind, to the end that they might do their own work. They could then do their own washing, their own ironing, their own laundering. And this committee ought not to deprive this institution of the opportunity of having them keep their clothes clean, their bedding clean, and the various kitchen and dining-room linen clean.

Mr. STEPHENS of Texas. Will the gentleman yield?

Mr. RAKER. I yield.

Mr. STEPHENS of Texas. Does not the gentleman think it would be very bad legislation on the part of Congress, when it costs $279 to educate a pupil at Fort Bidwell and when they can get better schools for $167, much better schools, and pay the transportation, too?

Mr. RAKER. I do not.

Mr. STEPHENS of Texas. I disagree with you.

Mr. RAKER. I do not believe it, but I believe that these country schools, with just as good teachers as they have in the larger places, where the pupils are close to the surroundings in which they were born, where they can go home if they want to, at the proper time and where they can learn some of the things relative to agriculture, where they can become familiar with cattle and horses, and with dairying, and all similar kinds of work, make them more self-supporting, and you give them a better opportunity than you do if you take them off a thousand or five hundred miles and put them into a school where they are confined in an inclosure of 8 or 10 acres, as compared with the open country and as it would be in a country school. They have the same books and they have the same teachers and ought to have the same program. Here is a program printed by this school which, if carried out, is as efficient, will give as good results, will give the young Indian as much opportunity to become a self-supporting individual as those at the larger places.

And therefore from all considerations and conditions you ought not to be gathering the Indian from the place of his nativity and taking him off to some particularly large locality where you have a large school.

Mr. MOORE of Pennsylvania. The gentleman seeks to increase the appropriation for this school at Greenville, Cal., as I understand it?

Mr. RAKER. Yes.

Mr. MOORE of Pennsylvania. Well, what sort of training on the farm is done at these schools?

Mr. RAKER. They have not a farm. That is what we are trying to get.

Mr. MOORE of Pennsylvania. The gentleman spoke a while ago of cattle and horses.

Mr. RAKER. I said they had not any. That is what we want the appropriation for. We have not any land.

Mr. MOORE of Pennsylvania. That is what I want to ask the gentleman about.

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. MOORE of Pennsylvania. Mr. Chairman, I move to strike out the last word. I am interested in this paragraph.

Mr. STEPHENS of Texas. Mr. Chairman, I ask unanimous consent that all debate on this item close in five minutes.

The CHAIRMAN. The gentleman from Pennsylvania can not strike out the last word.

Mr. STAFFORD. You can not do that until the point of order is disposed of.

The CHAIRMAN. The gentleman from Texas [Mr. STEPHENS] asks unanimous consent that debate upon this paragraph and all amendments thereto close in five minutes. Is there objection?

Mr. STAFFORD. I raise the question of the propriety of that, for there is a point of order pending.

Mr. KONOP. I reserve the point of order, Mr. Chairman, for five minutes.

Mr. STAFFORD. You can not close debate with a point of order pending.

Mr. MOORE of Pennsylvania. I want to speak on the merits of the proposition.

Mr. STAFFORD. I have no objection to unanimous consent for gentlemen to go ahead, but you can not close debate with a point of order pending.

Mr. CAMPBELL. The gentleman from Pennsylvania [Mr. MOORE] is not insisting upon making his remarks on this particular paragraph, and I suggest we dispose of this in one way or another.

The CHAIRMAN. The point of order is pending. Does the gentleman make the point of order?

Mr. STEPHENS of Texas. I make the point of order.

The CHAIRMAN. The gentleman from Texas makes the point of order, and the point of order is sustained.

Mr. MOORE of Pennsylvania. Are all pro forma amendments exhausted?

The CHAIRMAN. They are all exhausted.

The Clerk read as follows:

That the proceeds arising from the sale of said lands shall constitute a fund to be used under the direction of the Secretary of the Interior for the maintenance and education of the Indians and their children now residing on said lands, and for the construction of roads, trails, and other improvements, and for other purposes, for their benefit.

Mr. STAFFORD. Mr. Chairman, I reserve a point of order on that.

The CHAIRMAN. The gentleman from Wisconsin reserves a point of order.

Mr. MOORE of Pennsylvania. Mr. Chairman, my inquiries of the gentleman from California [Mr. RAKER] a moment ago were for the purpose of calling attention to sheep raising in the United States. I desired to find out whether in this matter of educating the Indians any attention was being paid to the encouragement of the sheep industry. If Indians are to be taught the use of cattle and their availability for the market, I think it would be important also to direct their attention to the cultivation of sheep. This question is not sectional to California and not applicable particularly to the gentleman's district, and maybe not to this particular paragraph, but my attention has recently been called to the fact that the sheep industry is not making that progress that it ought to make in the United States.

Mr. RAKER. Mr. Chairman, may I answer that question?

The CHAIRMAN. Does the gentleman yield?

Mr. MOORE of Pennsylvania. Yes.

Mr. RAKER. I do not refer to the particular appropriation, but I notice that they are providing for the cultivation of hogs and sheep by an appropriation of $8,000, by building a barn for the purpose of housing 2 boars and 1 bull and 24 cows and 8 horses and 1 mule and 1 man. Now, of course, that object to the Indians, at an expense of $8,000, is more necessary than to provide $1,200 to institute and put in a laundry equipment for their cleanliness.

Mr. MOORE of Pennsylvania. My point was that while we were discussing the education of the Indian, and making appropriations for him, we might direct his attention to that particular education which is comprehended in the raising of sheep. If you are going to make appropriations for him for horse culture and cattle culture, you might also have him think a little bit about the opportunities that present themselves in the raising of sheep.

Mr. RAKER. In the Fort Bidwell Indian School they have about 10,000 acres of the military reservation that belongs to the school. They are raising horses and cattle and hogs there, and they can go into the raising of sheep if they are encouraged to do it.

Mr. MOORE of Pennsylvania. The gentleman knows that there is a very large demand at the present time for wool?

Mr. RAKER. Surely, and also for mutton.

Mr. MOORE of Pennsylvania. And that war conditions have increased that demand?

Mr. RAKER. Yes. There is an increased demand for horses, just the same. The war conditions have raised the demand for horses and their prices.

Mr. MOORE of Pennsylvania. The gentleman knows that the price of mutton has gone up in recent years.

Mr. RAKER. There is no question about that. I think the committee has made many provisions in the bill in other places to give the Indians opportunity to go into the sheep business. They are in the sheep business down in New Mexico and in Arizona, and very properly so.

Mr. MOORE of Pennsylvania. I am dealing with the sheep question now, as it relates to the wool clip, and as it relates to sheep meat for food. The gentleman would not compare horse meat with sheep meat for food, would he?

Mr. RAKER. No; I certainly would not. I will answer the gentleman's question the best I can. It would be good business for the school to have sheep in connection with their institution and reservation, for wool and for meat, beyond all question.

Mr. MOORE of Pennsylvania. I am glad that the gentleman agrees with me that it would be a good thing for the Indian, as well as the white man, to pay a little attention to sheep raising, particularly at the present time.

Mr. NORTON. Mr. Chairman, will the gentleman yield?

Mr. MOORE of Pennsylvania. Yes.

Mr. NORTON. The gentleman probably knows that at this time it is generally conceded that there is a greater return of profit for money invested in sheep than in either horses or cattle or any other live stock; that is, a dollar invested in sheep to-day will, in returns, not taking into consideration the cost of herders, bring 100 per cent in a year.

Mr. MOORE of Pennsylvania. I am very glad the gentleman from North Dakota has made that statement. It confirms the statement made by the gentleman from California, and sets the word of a good Republican alongside that of a good Democrat. But, Mr. Chairman, my people are very much interested in the sheep industry. We want more wool, and we want to reduce, if possible, the price of sheep food. Therefore I ask unanimous consent, Mr. Chairman, to extend my remarks in the RECORD on this subject.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent to extend his remarks in the RECORD on the subject of wool and mutton. Is there objection?

There was no objection.

In extension of remarks Mr. MOORE of Pennsylvania said:

The sheep industry is one of the bonds of union between the Western and Southern States and the East. It helps as much as any other to prove our mutual interest and interdependence. The farmer sometimes feels that the city stands aloof and that undue prejudices exist. This question frequently arises in the discussion of the tariff—a suggestion which it would be well to remember in connection with the present desire of the eastern or wool manufacturing States to encourage the production of raw wool in the West.

That the eastern consumers of the products of sheep have no undue advantage over the producers of sheep is demonstrated by the prices they are compelled to pay for lamb and mutton and for clothing made of wool. The consumer of the East surely has no advantage over the consumer of the South and West in this regard; but the manufacturer of wool and the consumer of sheep meat in foreign countries where sheep are raised in more favorable climates and at less expense than they are raised in the rigorous climate of the Northwest, for instance, undoubtedly

have a great advantage over the producers and consumers, as well as the manufacturers, of the United States. This, of course, presuming that no duties are laid upon foreign imports coming into the United States to compete with American products.

But, Mr. Chairman, I do not raise this question for the purpose of discussing the tariff upon wool or upon the products of wool. The people of my city and State are progressive and they desire to improve their trade relations with the people of other States. If the sheep-raising industry is developed in Ohio or Idaho or Montana, or in other sections where we are dispensing public lands, it will be just as helpful to the people of my city in providing us with a better supply of raw materials, as it will be helpful to the people of these Western States to obtain from us the woolen garments which protect them from the blasts of winter.

The wool people of Philadelphia, in particular, have been giving thought to this subject, and in order that their views as expressed by the Philadelphia Wool and Textile Association may be laid before Congress I submit the following letter and brief just received from them:

PHILADELPHIA WOOL AND TEXTILE ASSOCIATION,
*Philadelphia, February 3, 1916.*

Hon. J. HAMPTON MOORE,
*House of Representatives, Washington, D. C.*

DEAR SIR: At a special meeting of this association, the executive committee was instructed to inaugurate a campaign to arouse interest in all directions and to make an effort to get action for the purpose of developing the industry of raising sheep. Resolutions were passed, a copy of which it is intended will be mailed to each Member of the Congress in Washington. I inclose herewith a general statement which covers our position. We desire that this matter shall be taken up energetically and expect to obtain a general cooperation, especially of trade interests, for that purpose. * * * From your connections with us we look to you for assistance. Will you please advise me what is the best manner in which this can be presented to the Congress and what action you would recommend in connection therewith.

With best regards personally, I am,
Yours, respectfully, A. C. BIGELOW, *President.*

REASONS WHY THE SHEEP-RAISING INDUSTRY SHOULD BE PROTECTED AND ENCOURAGED—ARGUMENT OF THE PHILADELPHIA WOOL AND TEXTILE ASSOCIATION.

The Philadelphia Wool and Textile Association, being intimately acquainted by their trade requirements with the sheep industry of the world and especially of the United States, feel it to be their duty to arouse the attention of the people of the United States to the decrease in the number of sheep in the United States, and in consequence thereof to the decreased supply of wool and meat available for the needs of our population. From the facts regarding this matter which comes to our knowledge we not only have evidence of decreased production, but it appears to us that this decrease will continue unless some effective efforts are made to interest and encourage our farming population to engage more generally in the maintenance of sheep. Moreover, we are aware that these supplies available from foreign sources are evidently also on the decline, and we have seen what serious effect a foreign war can produce on such foreign sources of supply.

The meat and clothing supply of our people is a vital necessity, and with an ever-increasing population, any decrease in said supply should engage the most serious attention of everyone. The needs of our people in peace and a reasonable preparedness for possible war makes it imperative that this country shall at once take steps to increase our domestic production.

It is a fact that sheep are profitable on almost any farm, and the size of the flocks will depend upon varying conditions. As both wool and mutton realize high prices now and are likely to do so in the future, there is no doubt that a proper campaign of education will be effective to induce our farmers to engage more generally in this industry. One of the great factors which has operated in the past to discourage our eastern farmers from keeping sheep on the farm has been the wanton killing of sheep by dogs. It will be absolutely necessary to have stringent laws passed and enforced which will be effective to protect the flocks from the ravages of these animals.

It appears decidedly illogical that so little protection is given to the sheep which can supply us with food and clothing, while all States have laws for the protection of game animals and fish, whose value to the community is relatively insignificant.

There is scarcely any part of our country where at least a few sheep can not be kept on each farm to advantage, and there is now a very large area of practically unproductive lands on the hill and mountain ranges which stretch along our entire eastern section which is especially adapted to the grazing of sheep. It is in this section that we see the best opening for a large increase in our flocks of sheep. There is here a wonderful opportunity for developing an industry profitable to those engaged therein and absolutely essential to our economic needs. It is more than an economic proposition, however; it is a patriotic one, which fits in with that conservation of resources making for national preparedness.

This is a matter which affects the common good of all, and we desire to awaken the interest of the public to its importance. We solicit the cooperation of organized trade bodies generally with the view to concerted action in the matter. We ask the attention of our Representatives who make our laws to an investigation of this subject, that they may be prepared to develop action and pass laws which shall protect and encourage this important industry.

Mr. STAFFORD. Mr. Chairman, I reserved a point of order to this paragraph for the purpose of obtaining some information. I would like to inquire of some member of the committee whether this is not the same proposition that was reported to the House in the last Congress in the form of a separate bill?

Mr. CARTER of Oklahoma. Yes; I think it is.

Mr. STAFFORD. As I recall the discussion anent that measure, it showed that a few of these Indians living somewhat removed from civilization have a surplus fund of something like $25,000, which was proposed by that bill to be expended on roads and bridges. By observation of the new language, I notice that you contemplate incorporating in this paragraph here a provision to build a road and bridges leading somewhere outside the reservation.

As I recall the discussion at that time, there was not sufficient showing made to justify the expenditure of all the surplus funds of those poor Indians for the purpose of building roads that would be utilized by the public generally.

Mr. CARTER of Oklahoma. I do not recall that fact now. I think I was perfectly satisfied with the justification at that time, but it has been two or three years, and some phases have escaped my mind at this time.

Mr. STAFFORD. The purpose of this change of phraseology is to enable the department to utilize the surplus funds of these Indians in the construction of wagon roads and bridges on this narrow reservation, which is somewhat removed from civilization?

Mr. CARTER of Oklahoma. Yes. If the gentleman will permit me, the sum of $25,000 has been derived from the sale of the surplus lands, but under existing law these funds can not be used for any purpose except support and education. It is now desired to construct roads on the reservation, and in order to do that this item has been inserted.

Mr. STAFFORD. The surplus derived from those lands, now amounting to about $25,000, can, under the law, be used only for the maintenance and education of the Indians. It was proposed in the last Congress by a separate bill not to utilize that fund for the maintenance and education of these poor Indians, but to have it expended in the construction of roads and bridges for the benefit of outsiders. I question, Mr. Chairman, the propriety of opening this small fund of $25,000, the only balance that these Indians have for their maintenance and support, and utilize it for the building of some roads and bridges under the direction of some Indian agent, and therefore I make the point of order.

Mr. CARTER of Oklahoma. Before the gentleman makes the point of order——

Mr. STAFFORD. I will reserve it, to allow the gentleman to make a further explanation.

Mr. CARTER of Oklahoma. I should like to call the gentleman's attention to the fact that the bureau officials stated that the object of the expenditure of this money was to build a road so that the Indians might get to the school. An appropriation of money for the education of the Indians will do them very little good unless they can have a road to reach the school.

Mr. STAFFORD. Did not the hearings disclose that this fund is not sufficient to complete the road? I believe the gentleman will find that they just merely wished to utilize this work on a part of the road and that it will not be completed with this $25,000.

Mr. CARTER of Oklahoma. Oh, yes; it does say they can not complete the entire system, but they propose to use it to the maximum advantage in getting results and to complete the distance with a trail, which would give them access to the school.

Mr. STAFFORD. As I recall the discussion of the bill a year ago, at which time we went into it very thoroughly, it was the opinion of quite a few members of the committee that it was not advantageous to divert this money from maintenance and education to the building of a road. They have a trail at present. Therefore I make the point of order.

The CHAIRMAN. The gentleman from Wisconsin makes a point of order which the Chair sustains. The Clerk will read.

The Clerk read as follows:

FLORIDA.

SEC. 4. For relief of distress among the Seminole Indians in Florida, and for purposes of their civilization and education, $8,000.

Mr. STAFFORD. Mr. Chairman, I move to strike out the last word, for the purpose of ascertaining the real purpose of this item. It is something new in the Indian appropriation bill, and I think there should be some explanation of the reason for it.

Mr. CARTER of Oklahoma. I think the gentleman from Florida [Mr. SEARS] can explain that.

Mr. SEARS. Mr. Chairman, this is not a new proposition.

Mr. STAFFORD. It has not been carried in the bill recently. It was not carried last year.

Mr. SEARS. There has been an unexpended balance.

Mr. STAFFORD. Perhaps 10 years ago there was an appropriation of $10,000, and the unexpended balance of that original

appropriation has been made available each year for the use of these Seminole Indians. Here you are appropriating $8,000 in one year, when it is disclosed that it requires only about $2,000 to support them in any one year. I would like to have some explanation as to the reason for this additional appropriation, if the gentleman will give it.

Mr. SEARS. Mr. Chairman, as I understand it, there was an appropriation of $10,000 made some years ago. Of that appropriation an unexpended balance remains. We have had a great deal of difficulty in doing anything with the Seminoles of Florida, but they are beginning to realize that the white men are their friends, and last year the superintendent of that agency was successful in getting six Indians to go to a public white school. That shows that he is accomplishing something. There was an unexpended balance last year of $2,000, and the department practically asked for $10,000, but my idea was to keep the appropriation at $10,000, the amount made some years ago. As the gentleman from Wisconsin no doubt knows, or will learn by referring to the hearings, the agent who has been working with the Seminoles was criticized because of the policy he was pursuing. I want to state to the gentleman frankly that I indorse the policy of the agent of the Seminoles of Florida. That policy has been not to give a Seminole one dollar in the way of support unless the Seminole actually needed it. These Indians are making a poor living, but they are able so far to do so. They do not mind work such as they are use to, and we of Florida do not want them to be put in the position of begging this Government for assistance or to be taught that the Government will support them whether they try to help themselves or not. I only want to keep this fund up to the sum of $10,000 in order that we may take care of any case of helplessness, sickness, or poverty that may come before this agent; that we may continue the work which we have thus begun; have these children go to the public schools, and if necessary build a school for their education.

Mr. STAFFORD. The gentleman states that about $2,000 is all that is necessary for their care. Here is an appropriation of $8,000; not a continuing appropriation, but merely for the coming fiscal year—much more than is necessary for their support. I should like to address the gentleman on another subject, and inquire whether, as has been suggested, this additional appropriation is not for the purpose of purchasing lands?

Mr. SEARS. It is not. On my own motion I had that stricken from the item.

The CHAIRMAN. The time of the gentleman has expired.

Mr. STAFFORD. I ask unanimous consent to proceed for five minutes.

The CHAIRMAN. The gentleman from Wisconsin asks unanimous consent to proceed for five minutes. Is there objection?

There was no objection.

Mr. STAFFORD. I yield to the gentleman from Florida.

Mr. SEARS. Mr. Chairman, upon my motion the committee struck out the provision for the purchase of land. I do not want to include that in the bill, because I feel that if the purchase of land should be desired for the Seminoles, it should be authorized by a special bill introduced for that purpose.

For the information of the gentleman, I will state that I introduced a bill with that end in view, and I myself asked the committee not to include it in this appropriation for the support, civilization, and education of the Seminoles. Last year practically nothing was spent for the support of about 800 Seminoles. I think that is a good showing. I hope that will always be the case, but we can not tell. The Seminoles are being gradually crowded out.

Mr. STAFFORD. Will the gentleman explain why he does not believe it is feasible to purchase land for these Seminoles to work?

Mr. SEARS. It is not feasible with this small amount.

Mr. STAFFORD. But with the original recommendation of $10,000 there was a provision including the purchase of such lands as the Secretary might deem proper. I should like to inquire why the gentleman did not favor the purchase of lands for these Indians.

Mr. SEARS. I do favor it; but I was informed by the committee that it was subject to a point of order, and I stated that I would bring that matter up before Congress at a later date.

Mr. STAFFORD. There are many things which are subject to points of order carried in this bill, which get through because there is merit in the propositions.

Mr. SEARS. That may be true; but I did not want to tack it onto this bill and try to get it through in that way. Unless I can convince the Members of the House that the purchase of land is a meritorious proposition, I do not want it.

Mr. STAFFORD. The gentleman certainly takes a very commendable position; and, in view of what he has said, I will not go any further, and will withdraw the pro forma amendment.

The CHAIRMAN. The pro forma amendment is withdrawn, and the Clerk will read.

The Clerk, proceeding with the reading of the bill, read as follows:

SEC. 7. For clearing the title to lands owned or possessed by the Chettimanchi Band of Indians of Louisiana, for purchase of such lands as may be required to place them on a basis of self-support, and for such other relief as may be needed in the discretion of the Secretary of the Interior, $1,500: *Provided*, That the Secretary of the Interior may, in his discretion, require that the legal title to all property purchased, or the title to which is to be cleared, with the funds hereby appropriated shall be in the name of the United States for the use and benefit of the Indians.

Mr. MILLER of Minnesota. Mr. Chairman, I reserve a point of order to the paragraph. I would like to inquire of the chairman in reference to this paragraph. This is a new paragraph in the bill. Will the chairman kindly state who the Indians are designated by the title Chettimanchi, how many there are, and where they are?

Mr. STEPHENS of Texas. I understand there are about 500 Indians in the band. Under the provisions of the act of Congress approved June 17, 1844, to provide for the adjustment of land claims within the States of Missouri, Arkansas, and Louisiana, to enable the claimants to land within certain States to institute proceedings to try the validity of their claim, the Chettimanchi Indians, through Alexander Bertin, acting as their chief, and Joseph Yoyo, on the 15th of June, 1846, filed their petition in the district court of the United States for the district of Louisiana, praying for certificate of title to a tract of land in the parish of St. Mary claimed by the Chettimanchi Indians, of which they had been in possession more than 70 years preceding the present suit.

Mr. MILLER of Minnesota. I am aware of what is generally in the hearings, but what I want to ask is, is this band related to the Choctaws?

Mr. STEPHENS of Texas. It is a band of Indians closely allied, I think, to the Five Original Tribes across the Mississippi River who settled in Louisiana.

Mr. MILLER of Minnesota. With the Choctaws?

Mr. STEPHENS of Texas. No; I think not.

Mr. MILLER of Minnesota. To which tribe of Indians did they belong? What is their racial classification?

Mr. STEPHENS of Texas. The Indians belong to the same racial classification as the Five Civilized Tribes, I think.

Mr. MILLER of Minnesota. But the five tribes do not all belong to the same race.

Mr. STEPHENS of Texas. They were semicivilized Indians. The five tribes were known originally as the Five Civilized Tribes. We have the old Alabama Tribe in my State and the Chettimanchis in Louisiana, and it seems as if there might be some racial connection between those Indians and others that followed farming.

Mr. MILLER of Minnesota. I would like to ask the gentleman from Oklahoma if these Indians are Choctaws?

Mr. CARTER of Oklahoma. Mr. Chairman, I never heard of these Indians until last year, when after this bill had passed the House and Senate we went into conference, and I found this provision in the bill. It was explained then by the managers on the part of the Senate and by the Commissioner of Indian Affairs that land had been purchased for these Indians and there was some defect in the title which required about $1,500 to cure. That amount had been placed in the bill on the floor of the Senate and was finally agreed to in conference. I do not think the conference report ever got to the House.

I do not know what the racial classification of these Indians is, but I do not think they are any part of the Five Civilized Tribes. They seem to be a separate band of Indians. I have not looked up to see what stock of the Indian race they came from.

Mr. MILLER of Minnesota. The gentleman from Oklahoma well knows that numerous bands belonging to the Choctaws moved from their home in Mississippi; that some have gone into Texas and some into Louisiana, and small bands elsewhere, who did not like to join the large band in what is now Oklahoma. Is it the gentleman's opinion that this is one of those wandering bands?

Mr. CARTER of Oklahoma. No. If I recollect correctly, it was explained that they were a separate tribe.

Mr. MILLER of Minnesota. They can not be Creeks or Chickasaws.

Mr. CARTER of Oklahoma. No; they are Chettimanchis, a tribe I never heard of until last year; but that is the explanation made by the Commissioner of Indian Affairs.

Mr. STEPHENS of Texas. The United States Government on the 15th of June, 1846, recognized them as Chettimanchis, and as having occupied the land for 70 years before.

Mr. MILLER of Minnesota. I understand there are about 500 of these Indians, whatever may be their racial classification, for whom provision was made many years ago by the purchase of land; that some defect in title has developed, and this $1,500 is for the purpose of curing the defects in the title. Now, Mr. Chairman, if there is a defect in the title such as will require the purchase of somebody else's rights, does the gentleman think that $1,500 will go very far toward the purchase of these rights?

Mr. CARTER of Oklahoma. I will say to the gentleman that the commissioner stated to us that this $1,500 would protect the Indians completely in the lands and would cure any defect in title. If my memory serves me right, this land was given to the Indians by some philanthropic institution or person, and was taken care of for them, but in some way or other the title was not quite complete, and it took $1,500 to cure it. I asked the commissioner especially, when before the conference committee, if this contemplated the establishment of a new bureau, and he said it would not; he said that the Indians were self-supporting.

Mr. MILLER of Minnesota. Mr. Chairman, I withdraw the point of order.

Mr. MONDELL. I renew the point of order, Mr. Chairman, and will withhold it for the time being.

The CHAIRMAN. The Chair is ready to rule on the matter.

Mr. MONDELL. I do not know that I shall want to insist on the point of order. I want to call attention to the fact that this appropriation is for the purpose, as I see from the statement on page 220 of the hearings, of paying an attorney's fee. It seems that these Indians way back in 1848 filed their petition in the district court of the United States for the district of Louisiana for the purpose of securing a certificate of title to a tract of land in the Parish of St. Mary claimed by them.

There was some litigation running along for a number of years and finally the litigation was settled in favor of the Indians. An attorney who represented the Indians in some of these proceedings had a claim against the Indians for $1,200. The Indians not paying it, judgment was secured and the lands were to be sold to settle the judgment, but as no offer was made equal to two-thirds of the appraised price they were not sold, whereupon a Miss McIlhenny, of New Orleans, came forward and paid the judgment. The amount appropriated would, I presume, be used for the purpose of reimbursing Miss McIlhenny for the sum she paid out to satisfy the judgment of the attorney. It may be an entirely proper thing for us to go about over the land searching out cases where persons having Indian ancestry or some strain of Indian blood have gotten into debt and are in hard luck and pay the judgments against them and their debts generally.

Mr. STEPHENS of Texas. Mr. Chairman, will the gentleman yield?

Mr. MONDELL. Of course it is very patent that if we are going to start in on that sort of policy we will go far afield and spend a great deal of money before we get through. There are 500 of these Indians, or there were, and it would seem that among 500 Indians enough money could be raised to pay a judgment of $1,200. I yield to the gentleman from Texas.

Mr. STEPHENS of Texas. Mr. Chairman, there are 260 acres of this land, I believe, in controversy, and the land of the Indians was valued at a little more than $30 per acre. The improvements thereon are valued at from two to three thousand dollars, and if we take $1,200 to pay the judgment there would be little left for the purchase of additional lands. An appropriation at this time will serve to save the Indians their property and will save a larger draft upon the public at a later date.

Mr. MONDELL. Mr. Chairman, I am not denying that a proposition of this kind appeals to one's generosity. I think the lady who paid the judgment and thus saved the Indians their home is entitled to a great deal of credit, but it is a question whether the Government of the United States should assume to pay every claim or judgment or debt against people of Indian blood.

The CHAIRMAN. The time of the gentleman from Wyoming has expired.

Mr. MONDELL. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. STEPHENS of Texas. Mr. Chairman, I hope the gentleman will withdraw his point of order. These are poor Indians, and he well knows that all of the Indians in the United States—and the United States has recognized these people as Indians—are the wards of the Government. These particular Indians are the wards of the Government just as much as any other Indian, and they are about to lose their lands for the amount of $1,200, and I think the Government ought to take care of them.

Mr. MONDELL. Mr. Chairman, I am discussing this because it involves an important question. When does an Indian or an individual with some Indian blood cease to be a ward of the Government, or, never having been in fact a ward of the Government, how long is the Government responsible for their debts? These Indians acquired their lands in 1848, or at least proceedings were instituted at that time under which they secured the lands. They had then been in possession of this land for 70 years. I know nothing about them, but I presume it is altogether likely that if you were to go down into that community you would have some difficulty in segregating these so-called Indians from the people of the community generally. So far as we have any information to the contrary, they may be Indians in name only. The probability is that they are people who have largely intermarried with the whites. At least they have lived there now for nigh onto 100 years without having any official relationship with the Federal Government. After 100 years we find that an attorney who attended to some business for them secured a judgment against them in the sum of $1,200, whereupon some sympathetic folks concluded that it would be a very fine thing to relieve these so-called Indians, or these alleged Indians, from their burden of indebtedness by saddling it on the Federal Government. I shall not make the point of order, but I do want to suggest that unless we draw the line somewhere we will ultimately be called upon to pay the debts of people all over the country upon the theory that they have some Indian blood. Upon the theory that their forefathers having at one time been wards of the Government, or competent to be considered wards of the Government, we are under obligation to relieve them whenever we find them in trouble or distress.

For quite a good many years it was the policy of the Indian Bureau to endeavor to make the Indian a self-supporting citizen, and to sever his connection with the Federal Government and withdraw our responsibility from these people. Here are Indians that, so far as we know, have not for four or five generations had any official relationship with the Federal Government, so far at least as being considered wards of the Government is concerned. The probability is that at no time were these Indians or their ancestors recognized as wards of the Government in the sense in which we use that term with regard to reservation Indians, and yet inasmuch as they have some Indian blood and could not pay a little claim and are in debt, not disposed to pay, it is proposed to unload the burden on Uncle Sam.

The CHAIRMAN. The time of the gentleman from Wyoming has again expired. The point of order is withdrawn, and the Clerk will read.

The Clerk read as follows:

MINNESOTA.

SEC. 9. For support and education of 225 Indian pupils at the Indian school, Pipestone, Minn., including pay of superintendent, $33,175; for general repairs and improvements, and for remodeling building for dormitory purposes, $7,000; for mechanical and general utility shop building, $10,000; for septic tank, $5,500; in all, $61,675.

Mr. MONDELL. Mr. Chairman, I move to strike out the last word. It is my recollection that this item is about $25,000 above the estimate. I presume there is a very good reason for that increase, but I should like to inquire what the increase above the appropriation is to be used for?

Mr. ELLSWORTH. Mr. Chairman, the amount used in the fiscal year preceding was $55,000. The estimate that came in from the department was $51,000, and that was changed by increasing it about $10,000 for the purpose of remodeling a building to make a dormitory, and at the same time building a shop building to be used for general utility purposes, such as plumbing, carpentering, tailoring, and various vocations taught at that school. I think that is the best of any of the Indian schools in the country possibly outside of Carlisle, and it is for the purpose of an inexpensive way arriving at a solution of the problem of getting further dormitory accommodations at this school.

I think it is a most economical proposition, because better facilities can be offered there than anywhere else for the same money.

Mr. MILLER of Minnesota. Mr. Chairman, I move to strike out the last two words. I am very glad the gentleman from Wyoming recognizes the propriety of this slight increase, and I have made this pro forma amendment for the sole purpose of calling attention to certain facts relative to Minnesota. This school is located in the State at Pipestone, practically on the

border line between South Dakota and Minnesota. It is the only school in the State of any character receiving a gratuity from the United States Government. There is scarcely an Indian in the State of Minnesota who is deriving any benefit from the school. There are a few, but very few indeed. The great majority of the students of the school come from distant places—South Dakota, even Nebraska and other States. The climate is splendid, the community one of the best in the world, the morale of the school extraordinarily high, and it is a school that is serving not a local but a general purpose. Therefore it seems to me that the committee was extremely well advised when it made the slight increase in the appropriation for repairs.

Mr. MONDELL. Will the gentleman yield?

Mr. MILLER of Minnesota. I will.

Mr. MONDELL. It is true some of the Minnesota Indians attend this school?

Mr. MILLER of Minnesota. I looked into that three or four years ago, and the number was so ridiculously small that it was almost negligible. This school is located in the Sioux country, and practically all the Sioux Indians of our State have left or were driven out subsequent to 1862. The Indians of our State are almost exclusively of the Chippewa Band and do not go to the school. I think I am correct in that statement; if not, the gentleman from Minnesota [Mr. ELLSWORTH] can correct me. This school is doing an exceedingly valuable work for the Indians of that entire region and not for those particularly from Minnesota.

Mr. NORTON. Mr. Chairman, the increase in this item was very carefully considered by the committee and it was agreed to on the very fine showing for the need of an increase that was presented by the gentleman from Minnesota [Mr. ELLSWORTH]. The gentleman from Minnesota [Mr. ELLSWORTH] has been at the school and he has carefully investigated the work done by the school and the needs of the school. The agreement to increase this appropriation was unanimous in the committee, and I think I am safe in saying that there was no better showing made by anyone before the committee for an increase in the amount recommended by the Indian Bureau than was made in this particular case by the very affable, able, and energetic gentleman from Minnesota [Mr. ELLSWORTH].

The CHAIRMAN. Without objection the pro forma amendment will be withdrawn.

There was no objection.

The Clerk read as follows:

The Secretary of the Initerior is hereby authorized to withdraw from the Treasury of the United States, at his discretion, the sum of $185,000, or so much thereof as may be necessary, of the principal sum on deposit to the credit of the Chippewa Indians in the State of Minnesota, arising under section 7 of the act of January 14, 1889, entitled "An act for the relief and civilization of the Chippewa Indians in the State of Minnesota," and to use the same for the purpose of promoting civilization and self-support among the said Indians in manner and for purposes provided for in said act.

Mr. MILLER of Minnesota. Mr. Chairman, I move to strike out the figures "$185,000" and insert in lieu thereof the figures "$100,000."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 24, line 10, strike out the figures "$185,000" and insert in lieu thereof "$100,000."

Mr. MILLER of Minnesota. Mr. Chairman, in support of this offered amendment I would like to have the attention of the committee while I present certain facts which I think are worthy of serious consideration. The Indians in Minnesota are paying their own bills. At no time within a great many years have any gratuities been extended by the United States to the Chippewas of Minnesota. The treaty which was made between the United States and the Chippewa Bands, assembled into one, acting as a unit, in 1889 provided that thereafter the property of the Indians should be placed in the hands of the United States, a part to be distributed for certain purposes at a certain time and a part to be distributed at the discretion of the Secretary of the Interior from time to time, not exceeding a certain amount, and the residue to be distributed among the people living and members of the tribe at the end of 50 years. The justification for this paragraph is found in that part of the treaty which says that Congress can appropriate from time to time sums of money not exceeding 5 per cent of the annual income on the trust fund held by the United States belonging to these Indians, such sums to be turned over to the Secretary of the Interior, by him to be expended for the support and civilization of the Indians. Under that large sums of money have been spent in the past. It seems that every year there has been an increase in the expenses connected with this administration, notwithstanding the fact that every year has shown a decrease in the number of Indians actually to be supervised and a large increase in the number of Indians who have become self-supporting and registered among the competents. It seems easy to add an official, to begin an expense, but mighty difficult ever to stop or to cut it off. I was extremely surprised to find what it is costing to spend the money of the Indians of Minnesota.

For four years I have been trying to get a detailed statement from the Indian Office showing the items that come out of this appropriation annually made, but by reason of lack of clerical assistance or by reason of bookkeeping not being such as to make the figures easily ascertainable I have never yet been able to get that detailed account, although they have supplied me with certain lump sums or general subjects of appropriations so that we may know what the general sums and general purposes are which are cared for out of these funds. I find from the letter of the Secretary of the Interior transmitted December 6 last, the year just closed, there were expended for the support and civilization of the Indians of Minnesota out of their own funds $274,000. If you gentlemen will recall, last year the bill carried not only this $185,000 but an additional appropriation of $25,000 for a hospital and some other minor appropriations. I think there was also one of $40,000 with which to purchase land for the Mille Lacs Lake Indians. Now, do you know what it cost——

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. MILLER of Minnesota. Mr. Chairman, I ask unanimous consent to proceed for five minutes.

The CHAIRMAN. The gentleman from Minnesota asks unanimous consent to speak five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. STEPHENS of Texas. Mr. Chairman, I would like to have an understanding with the gentleman as to the length of debate. Will the gentleman from Minnesota consume more than 10 minutes?

Mr. STAFFORD. Mr. Chairman, this is a very important item. The gentleman is seeking to save the Government $85,000 and to save the Indian funds at the same time.

Mr. MILLER of Minnesota. I do not expect that I shall ask for more than 10 minutes myself, but I would like to get consent for as much time as may be necessary.

Mr. STAFFORD. Say at the end of 25 or 30 minutes; that will be entirely acceptable.

Mr. STEPHENS of Texas. Mr. Chairman, I ask unanimous consent that at the end of 25 minutes all debate on this section and amendments thereto close.

The CHAIRMAN. The gentleman from Texas asks unanimous consent that at the end of 25 minutes all debate on this paragraph and all amendments thereto close. Is there objection? [After a pause.] The Chair hears none.

Mr. MILLER of Minnesota. Gentlemen, I was about to inquire if any of you could imagine what it costs the Indians for the United States officials to spend $274,000 for their benefit. I tell you it costs $215,000. Here is the letter from the Secretary of the Interior containing the figures. In other words, if a man has to pay rent for his house of $50 a month, if he were an Indian it would cost another $50 to make the transaction. In other words, it would cost him about $100 for his rent. If an Indian wants to buy a team of horses for $500, it would cost him about $1,000 before he got it.

Mr. COOPER of Wisconsin. Who pays that?

Mr. MILLER of Minnesota. The Indian pays it out of his own money.

Mr. COOPER of Wisconsin. That is, he pays $274,000?

Mr. MILLER of Minnesota. And he pays the $215,000.

Mr. COOPER of Wisconsin. Out of his own money?

Mr. MILLER of Minnesota. Out of his own money. And I feel justified in making this statement, because there is generally a wide dissatisfaction among the Indians of my State over the rapid depletion of their trust funds. They feel they are not getting their money's worth. They are not getting value received. Now, the inquiry naturally comes, are those Indians incompetent? Are they of such a character that we must spend their money for them—and for every dollar that we invest for their benefit it will cost them a dollar because of our work?

Mr. NORTON. Will the gentleman yield there?

Mr. MILLER of Minnesota. I will be pleased to do so, but I was about to complete the statement.

Mr. NORTON. A general complaint was made before the committee on this item. A delegation, as the gentleman probably knows, appeared before the committee, and appeared by an attorney, or by a so-called attorney.

Mr. MILLER of Minnesota. He was an attorney. That was Ed Rogers, the best football player in the United States—a perfect gentleman and a first-class lawyer.

Mr. NORTON. No; I do not refer to Ed Rogers. I know Mr. Rogers well and most favorably. The delegation and the one who addressed the committee as their attorney were asked to make charges as to some particular misuse of these funds. They were unable to do so. Now, can the gentleman present to this committee any specific charges of misuse of the funds?

I desire to say that I quite agree with the gentleman that about 90 per cent of these Indians should be released from the control of the Government and be given the funds that are now in the Treasury belonging to them, but has the gentleman any bill of particulars to present in the case other than the general statement he makes here now and has made before?

Mr. MILLER of Minnesota. No; I have no bill of particulars to file that would be complete. I desire to direct the attention of the committee to certain items illustrative of what I think the general condition is. I, of course, have not taken the time or opportunity to make a detailed investigation of this matter.

I was a little bit incorrect when I said it cost the Indians $215,000 to have spent for them $274,000. It costs them more than that. The $215,000 was paid out of their money for salaries alone, for employees, according to the letter of the Secretary of the Interior. You have got to add to this the cost of transportation of their supplies and things of that kind, which will make the amount much larger.

Mr. COOPER of Wisconsin. Will the gentleman permit an interruption?

Mr. MILLER of Minnesota. Certainly.

Mr. COOPER of Wisconsin. By what names do these employees go?

Mr. MILLER of Minnesota. Some are superintendents, some are teachers, some are farmers, some are laborers, and some are Indian policemen. I think those classes include them all.

Mr. CAMPBELL. In your judgment, would the reduction you have suggested in this item in any way cripple the real work that ought to be done among the Indians in their schools or in other directions?

The CHAIRMAN. The time of the gentleman from Minnesota [Mr. MILLER] has again expired.

Mr. CAMPBELL. Mr. Chairman, I ask unanimous consent that he may proceed for five minutes more.

The CHAIRMAN. The gentleman from Kansas asks unanimous consent that the gentleman from Minnesota may proceed for five minutes more.

Mr. STEPHENS of Texas. To be taken out of the time they have got.

Mr. CAMPBELL. To be taken out of that time.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. MILLER of Minnesota. That question has been in my mind ever since I have considered the advisability of making this motion. And I am frank to say I do not know. I have been requested to make the reduction very much greater than I have made it by this motion. I thought it would be wise not to reduce it below $100,000. I am not certain but that to reduce it by $85,000 at one blow might work some disadvantage, and I certainly do not want to cripple any needed work for these Indians. Some of the work I know is splendid. I do not want to be captious about it, but I do not know. It seems to me if the sum is reduced to $100,000, and there is reasonable attention given to the necessities of the situation, no great harm will result. I was about to make a further inquiry. What is the condition of these Indians whose money is thus being expended year after year? I find from the hearings the statement of the Assistant Indian Commissioner, Mr. Meritt, that there are practically 11,200 Indians in Minnesota subject to the jurisdiction of the Government. In these 11,000, however, 6,000 are unallotted. That means 6,000 Indians no longer having tribal relations, or who are children born since the date when the allotments were made, and, of course, small children. There are only 2,000 of them having trust patents. Three thousand five hundred of them have been adjudged competents by the Indian Office itself, and patents in fee have hitherto been issued to them. However, we must modify that by the further statement that some of these patents in fee were secured under the so-called Clapp Act and some of them are now involved in litigation, it being claimed they were issued full-blood and therefore presumably to incompetent Indians. Especially the commissioner before the Indian Committee, I am informed, and the chairman will correct me if I misstate the facts, as I was not there and can not state them of my own knowledge. The Indian Commissioner or his assistant before the Indian Committee a few days ago said that at least 60 or 70 per cent of the Indians in Minnesota are perfectly competent to manager their own affairs.

Therefore, it seems to me, it is very safe to say that of the 11,000 Indians who are subject to the jurisdiction of the Federal Government, not more than 4,000 or 5,000 at the outside need the care of the United States Government in any degree. Personally I think the number is not over 2,500. If 2,500, it is costing them about $100 apiece each year to have the Government manage their affairs for them. It is costing these men who are competent, under any consideration or aspect of the case, almost as much to have their business done for them as the value of the business is when it is done.

Now, to cite some illustrations, I made some statements before the Committee on Indian Affairs the other day to the effect that I had learned to my infinite surprise that at the White Earth Indian Reservation alone there were six Indian farmers, and I venture to say that of the six there was not one who could make his living on a piece of land in the woods if he were left there. There is no use for six. Nobody contends that there is use for the six. I understand that since that time five of them have been taken away—that is, in the last 10 days. I also am advised that certain other employees of that agency who certainly were supernumerary have been taken away. I do not know how many ought to be taken away from the service, but I do know that there are still too many of them there now.

I do not want to cripple the service. I do not want to stifle any of the good work that has been done, or that ought to be done; but I do not like to see the substance of these Indians, the property that they have in the hands of the Government, over which they are helpless to exercise any control, year by year frittered away and wasted in salaries of unnecessary employees. Consequently, I place these facts before the committee that they may receive consideration. If not now, some day soon something should be done.

Mr. COOPER of Wisconsin. Mr. Chairman, will the gentleman yield there?

Mr. MILLER of Minnesota. Yes.

Mr. COOPER of Wisconsin. Can the gentleman give the aggregate number of employees to whom that $214,000 is paid?

Mr. MILLER of Minnesota. I wish I could, but I can not. There are some places in the State where excellent work is being done.

I will say to the committee that if this motion prevails I am going to follow it with another amendment, appropriating $35,000, to be used exclusively in the building of roads.

The CHAIRMAN. The time of the gentleman from Minnesota has again expired.

Mr. CAMPBELL. Mr. Chairman, I will recognize the gentleman from Minnesota [Mr. ELLSWORTH].

The CHAIRMAN. The gentleman from Minnesota [Mr. ELLSWORTH] is recognized.

Mr. ELLSWORTH. Mr. Chairman and gentlemen of the committee, being from the State of Minnesota, where these Chippewa Indians are situated, and a member of the Committee on Indian Affairs, I feel that it is my duty when an amendment of this kind is pending in the House, in the consideration of the measure in the Committee of the Whole, to say something about it.

I sat through the hearings of the committee, and I heard all that was said in the hearings before the Committee on Indian Affairs in reference to the $185,000 item of the Chippewas, coming from their fund; and I want to say now not only as to this amendment but, so far as my service in this House is concerned, I hope at any time I shall not rise or strike out the last word or ask for time on the floor of this House for the purpose of making a speech. I have no speech to make upon this question, but I want to say a few things in reference to it, because I feel, coming as I do from this State and having a membership on this committee, that it would not be proper for me to remain silent and refuse to speak on an amendment which, I want to say at this time, I do not favor. I do not favor it because this committee, I believe, is a fair-minded committee. It has stood ready to reduce the amount to be taken from the Chippewa Indians' fund in Minnesota upon proof submitted to it of a tangible nature of the fact that the money has been squandered.

There were a great many things said before the committee of a sort of ethereal type about the money being squandered in different ways. There was a great deal of time spent before the committee upon these items, but when it was finally simmered down to the last analysis it amounted to this—that one man who said he was an attorney, and appeared for the Chippewas, charged that there was a superintendent hired in one of the schools—which was one of the several dozen or scores of items making up the amount—who drew $1,000 salary, and he did not know but that that superintendent's services could be dispensed with. Thereupon I called this football player of Carlisle and Minnesota, concerning whom my colleague has

made such an eloquent speech, and asked him if he wanted to have this item of $1,000 stricken out, and he said he would talk with his colleagues on the reservation about it; and after doing so he did not know whether they wanted to do that or not. Deducting the tangible part of that sum of $185,000 that this man wanted stricken out, would leave $184,000, and they were not sure that they wanted that stricken.

I am for anything tangible that is submitted to the committee. I want everything reasonable in the reduction of this fund when the suggestion comes from a responsible source, but, as a new Member of this House, I think the committee should be sustained, and as a member of the committee I shall stand for what that committee stands for, no matter what the political complexion of the majority of the committee may be, unless those who want changes made come before the committee and present evidence in some kind of tangible form. Notwithstanding the fact that my colleague from Minnesota urges it, I believe that the committee's report and the bill should be sustained, and I believe that this amendment should fail, because there is nothing tangible upon which to base it. [Applause.]

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Minnesota [Mr. MILLER]

The question was taken, and the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

That the Secretary of the Interior, under such rules and regulations as he may prescribe, is hereby authorized to advance to any individual Chippewa Indian in the State of Minnesota entitled to participate in the permanent fund of the Chippewa Indians of Minnesota one-fourth of the amount which would now be coming to said Indian under a pro rata distribution of said permanent fund: *Provided*, That the Secretary of the Interior, under such rules and regulations as he may prescribe, may use for or advance to any Chippewa Indian in the State of Minnesota entitled to share in said fund who is blind, crippled, decrepit, or helpless from old age, disease, or accident, one-fourth of the amount which would now be coming to said Indian under a pro rata distribution of said permanent fund: *Provided further*, That any money received hereunder by any member of said tribe or used for his or her benefit shall be deducted from the share of said member in the permanent fund of the said Chippewa Indians in Minnesota to which he or she would be entitled: *Provided further*, That no funds paid hereunder to Indians shall be available for paying the debts of said Indians incurred prior to the passage of this act.

Mr. STAFFORD. Mr. Chairman, I reserve a point of order on the paragraph.

Mr. ELLSWORTH. Mr. Chairman, I move to strike out the proviso from the last paragraph.

The CHAIRMAN. That can not be done when a point of order is pending.

Mr. STAFFORD. I made the reservation of the point of order, Mr. Chairman, for the purpose of obtaining information which was the basis of the motion which I assume the gentleman was going to make. That was to know the occasion for this last proviso, "That no funds paid hereunder to Indians shall be available for paying the debts of said Indians incurred prior to the passage of this act."

Mr. CARTER of Oklahoma. I yield to the gentleman from Minnesota [Mr. ELLSWORTH].

Mr. STAFFORD. Before the gentleman from Minnesota proceeds I will say that I understood from his preliminary remark that he was going to move to strike that out. I am asking for some justification for the retention of this proviso.

Mr. CARTER of Oklahoma. It was represented to the committee, as I recall, that this language should be placed in the bill for the purpose of preventing the collection of these Indians' debts while the money was in the hands of the Secretary of the Interior. There was some considerable discussion about it before the committee. I am not quite clear myself that that will be a good thing to do. I think the Indian should certainly be permitted to pay his debts after the money gets into his hands, which perhaps this might seek to prevent.

Mr. STAFFORD. How can you attach any such condition to the funds that will be distributed to these Indians, as to their use after they are in the hands of the Indians?

Mr. CARTER of Oklahoma. Undoubtedly you can not control that by such language as this, except that it might be used as a kind of persuasive force to influence the Indian.

Mr. STAFFORD. But I wish to direct attention to a change in the phraseology from that recommended by the department. In the phraseology as submitted to the committee by the department it might have had some force; but under the change made by the committee, in striking out some of the language, I question its operation at all. Last year and also this year, in the recommendation of the department, in the second line of the paragraph, it carried the language not only "to advance," but the Secretary was authorized "to use for or advance." You have seen fit to strike out the words "use for or." I assume that the idea of the Secretary was that he wanted to have control of these funds for certain indigent Indians and not allow the money to be spent pell-mell by them and be absorbed not for their use. If he had the control over this one-fourth of their quota, he would have some disposition as to the payment perhaps of some unwarranted debts which were not justified. So I ask the gentleman, Why did the committee change the language as carried last year and as recommended by the Secretary this year?

Mr. CARTER of Oklahoma. I yield to the gentleman from Minnesota [Mr. ELLSWORTH] for such statement as he desires to make. He has taken considerable interest in this item, and on account of it being in his State he is quite familiar with it.

Mr. ELLSWORTH. I will say to the gentleman from Wisconsin that under the treaty of 1889 there is a certain specified time within which the Government is to pay back to the Chippewa Indians their fund, and the fund has been replenished from time to time by the sale of timber from their lands. The Chippewa Indians of the State of Minnesota have something over $6,000,000 in their fund in the United States Treasury, and it is the disposition of this fund which has been considered by the department and by the committee. In part 4 of the hearings you will see that Mr. Meritt and the Commissioner of Indian Affairs appeared before the committee. They showed that they were perfectly willing to have this one-fourth paid to the Chippewa Indians at this time, as a per capita distribution.

Mr. STAFFORD. What objection could there be to leaving it in the discretion of the Secretary, or of the Commissioner of Indian Affairs, to determine whether the one-fourth should go as a right to some of the Indians or be held for their use?

Mr. ELLSWORTH. Do you mean "used for or paid to"?

Mr. STAFFORD. "Use for or advance to."

Mr. ELLSWORTH. The original thought of the department in reference to the distribution of this money was that the department be allowed to use for blind, decrepit, and indigent Indians a certain amount, and then that they were to pay to all the Indians one-fourth of the fund which they had on hand.

Mr. STAFFORD. Are all these Indians restricted Indians?

Mr. ELLSWORTH. They are not all restricted Indians.

Mr. STAFFORD. Why should not that condition attach to those who are restricted?

Mr. ELLSWORTH. Will the gentleman from Wisconsin allow me to answer his question as to why a part was withheld? It was for this reason: It was thought that these old, blind, and decrepit Indians, who may need some help, ought not to have the money paid to them for various obvious reasons, but that it ought to be put into the hands of the department under such control that they could pay any amount which would be necessary, to help those Indians in case of temporary distress, and so there was a provision allowing a certain amount to be used for or paid to indigent, decrepit, or blind Indians who could not handle the whole sum themselves.

Mr. STAFFORD. I am still waiting for an explanation from the gentleman as to the reason why the committee did not retain the limitation as to unrestricted Indians and why they adopted language that would compel the Secretary to pay to the unrestricted Indians who are not blind, crippled, or decrepit the one-fourth part of the fund.

Mr. ELLSWORTH. I think the purpose is to pay absolutely to all the Chippewa Indians in Minnesota one-fourth of the amount, except as to those who are decrepit, and by this measure the department can use that amount for them.

Mr. STAFFORD. Does the gentleman state that all the Indians who are not blind, crippled, or decrepit or helpless are capable of administering their own affairs, and so dispose of this fund?

Mr. ELLSWORTH. There are individual instances, as there are among the same number of whites. There are some 11,000 Chippewa Indians, and, with the exception of perhaps a slightly less degree of capacity, they are as capable as are the same number of whites.

Mr. STAFFORD. What is the percentage of unrestricted and the percentage of restricted?

Mr. ELLSWORTH. I can not tell the gentleman that.

Mr. STAFFORD. Can the gentleman from Minnesota [Mr. MILLER] or any other gentleman give us some reason why we should take off the check on the Secretary of the Interior in paying this money to the Indians whom he believes have not sufficient competency to use the money for their own benefit?

Mr. MILLER of Minnesota. If the gentleman will permit me, I think unquestionably 75 per cent of the Indians in Minnesota are perfectly competent to manage their own affairs. The Indian Office fixes the number at 60 or 70 per cent.

Mr. STAFFORD. Why should we not, then, retain the restriction as to the other 40 per cent, so as to protect their interests, as the department has recommended? The language is not

susceptible of a construction which would enable the Secretary to withhold from giving this one-quarter directly to those who are not competent.

Mr. MILLER of Minnesota. If the gentleman will read that carefully, I think he will see that it is not intended that the Secretary should pay to incompetents.

Mr. STAFFORD. The only restriction is as to those who are blind, crippled, decrepit, or helpless from old age, disease, or accident. As to all the others, he is obliged by the changed phraseology to pay the one-fourth, whether they are competent or incompetent.

Mr. MILLER of Minnesota. I should like to invite the attention of the gentleman to this language:

*Provided*, That the Secretary of the Interior, under such rules and regulations as he may prescribe, may use for or advance to any Chippewa Indian in the State of Minnesota entitled to share in said fund who is blind, crippled, decrepit, or helpless from old age, disease, or accident one-fourth of the amount which would now be coming to said Indian under a pro rata distribution of said permanent fund.

Mr. STAFFORD. The language is "may use for or advance to any Chippewa Indian." The word "any" will have a very broad construction.

Mr. MILLER of Minnesota. It gives him the legal authority to advance one-quarter to those Indians who are blind, crippled, decrepit, or helpless from old age, disease, or accident.

Mr. STAFFORD. The committee has for some reason changed the language, and I am trying to ascertain the reason.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. STAFFORD. I ask, Mr. Chairman, for five minutes more.

The CHAIRMAN. The gentleman from Wisconsin asks for five minutes; is there objection?

There was no objection.

Mr. ELLSWORTH. Will the gentleman yield?

Mr. STAFFORD. Yes.

Mr. ELLSWORTH. I want to say that my understanding of this language is that the words "under such rules and regulations as he may prescribe," the Secretary, having in his office the data, could determine what Indians are competent or incompetent, and fully provide for what the gentleman requires.

Mr. STAFFORD. But why should you strike out that saving and protecting language so that the Secretary of the Interior could have the power to protect the Indians that were not competent?

Mr. ELLSWORTH. The language used applies to those blind, decrepit, and sick Indians.

Mr. STAFFORD. I am seeking to apply the logic of the gentleman's argument to the 40 per cent incompetents to protect their own funds. Yet in this bill you take the authority away from the Secretary that he desires.

Mr. ELLSWORTH. As to all other Indians not sick, blind, and decrepit, under the rules of the department, such as they may make, they can separate the competent from the incompetent Indians and not pay the one-quarter to the incompetents.

Mr. STAFFORD. I question the construction of the gentleman merely as to the words "rules and regulations," when Congress directs without any further limit that he can not restrain the use of the money.

Mr. ELLSWORTH. Will the gentleman yield?

Mr. STAFFORD. Yes.

Mr. ELLSWORTH. Otherwise it would be necessary for the bill to provide for a commission for the purpose of ascertaining the competents and the incompetents.

Mr. STAFFORD. No; not when you delegate the authority to the Secretary of the Interior to make rules and regulations in reference to the incompetents, but you go contrary to the request of the Secretary of the Interior, and no member of the committee has advanced any reason or justification, but have simply supplemented the argument that I am making why it should be retained.

Mr. CAMPBELL. Mr. Chairman, I assume that the second and third provisos are the ones to which the gentleman from Wisconsin is directing his inquiry.

Mr. STAFFORD. No; I am directing my present inquiry to the reason the committee changed the language as recommended by the department, carried in the bill last year, and have stricken out the words in line 2, on page 25, "used for or." No member of the committee has given a reason why it was stricken out.

Mr. NORTON. Will the gentleman yield?

Mr. STAFFORD. Certainly.

Mr. NORTON. I trust that the gentleman understands the purpose of this proviso, and that is that one-quarter of the amount now in the Treasury of the funds of the Chippewa Tribe be paid to them by the Secretary of the Interior.

Mr. STAFFORD. One-quarter of the amount coming due them under the treaty of 1889.

Mr. NORTON. That is one-quarter of the amount now in the Treasury.

Mr. STAFFORD. No; not one-quarter of the $6,000,000; it does not intend to give them a windfall like that.

Mr. MILLER of Minnesota. It will amount to about that—one-quarter belonging to each one and the total amount belonging to all.

Mr. NORTON. It amounts to a payment to the Chippewas of one-quarter of the funds now belonging to them in the Treasury less what is kept separate and apart for school purposes.

Mr. STAFFORD. Will the gentleman state what one-quarter will amount to paid to each one?

Mr. MILLER of Minnesota. About $150 apiece.

Mr. NORTON. It will amount to about one million and a half dollars, and, I think, about $150 to each Indian. Now, the proviso contained in the section gives the Secretary of the Interior the right to withhold the amount that is to be paid to any Indian who is blind, crippled, decrepit, or helpless from old age or disease or accident.

Mr. STAFFORD. But not to withhold any to be paid an incompetent.

The CHAIRMAN. The time of the gentleman from Wisconsin has again expired.

Mr. STAFFORD. Mr. Chairman, I ask for five minutes more.

Mr. CARTER of Oklahoma. Mr. Chairman, I ask unanimous consent that all debate on this paragraph and amendment thereto close in 25 minutes.

The CHAIRMAN. That can not be done while a point of order is pending. The gentleman from Wisconsin asks unanimous consent that his time be extended five minutes. Is there objection?

There was no objection.

Mr. STAFFORD. Mr. Chairman, I will yield to the gentleman from Minnesota for a question.

Mr. ELLSWORTH. I want to say in answer to the gentleman that so far as there being anything in the law, as I understand it, which would enable the department to differentiate between competent and incompetent Indians, there is nothing except the language that it may be withheld by reason of blindness, decrepitude, and so forth. There is not any authority to restrict the payment to incompetent Indians except under the words "may make such rules and regulations as he may prescribe."

Mr. STAFFORD. Would the members of the committee have any objection to inserting before the word "blind" the word "incompetent," so as to throw the protecting arm of the Secretary over those who are incompetent? I understand the members of the committee on this side would be willing to accept it. Mr. Chairman, I reserved the point of order to the last proviso and the paragraph in general. I would like to ask the gentleman on the other side who has charge of the bill if he would have any objection to inserting the word "incompetent" in line 11 before the word "blind"?

Mr. CARTER of Oklahoma. No; I have no objection; I think that is all right.

Mr. STAFFORD. Then, Mr. Chairman, I withdraw the point of order.

Mr. MANN. Mr. Chairman, I renew and reserve the point of order. I would like to make an inquiry about the last proviso.

Mr. STAFFORD. Mr. Chairman, is there any understanding as to the action of the committee respecting the last proviso? The gentleman from Minnesota [Mr. ELLSWORTH] is about to move to strike that out.

Mr. CARTER of Oklahoma. I have no objection to that.

Mr. MILLER of Minnesota. Mr. Chairman, I trust the gentleman will agree to that, because I think the language is very inadvisable, and for this reason: Under the large revolving fund which we have given to the disposal of the Secretary the Secretary has loaned to many individual Indians of that State money with which to buy horses and cattle and make improvements, only a part of which has been returned. They certainly ought to have the opportunity to pay that back out of this fund, if they desire to.

Mr. MANN. Mr. Chairman, I withdraw the point of order.

Mr. STAFFORD. Mr. Chairman, I offer to amend, by inserting after the word "is," in line 11, page 25, the word "incompetent."

The CHAIRMAN. The gentleman from Wisconsin offers an amendment which the Clerk will report.

The Clerk read as follows:

Amend, page 25, line 11, by inserting after the word "is" the word "incompetent."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. ELLSWORTH. Mr. Chairman, I move to amend the section by striking out the last proviso, being all in the paragraph after the colon in line 11.

The CHAIRMAN. The gentleman from Minnesota offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 25, line 18, after the word "entitled," strike out the word "*Provided*" and all of lines 19, 20, and 21, as follows: "*Provided further*, That no funds paid hereunder to Indians shall be available for paying the debts of said Indians incurred prior to the passage of this act."

Mr. CAMPBELL. Mr. Chairman, it is doubtful if that amendment should be agreed to. The purpose of this proviso, in very large measure, is to protect the fund that may be paid to the Indians from liens that may have been heretofore created by the Indians on any funds that might be paid to them out of their funds in the Treasury. The probabilities are that many of these Indians have given contracts to attorneys for a certain percentage of any moneys that these attorneys may be instrumental in getting out of the Treasury for them, and it was the intention of members of the committee that the funds should be protected from any such use by the Secretary of the Interior or by anyone under him, and that any payments that should be made should be made wholly to the Indians.

Mr. MANN. May I ask whether this language was submitted by the department in the estimates?

Mr. CAMPBELL. Some language of that import was. I think there was a slight change made in it.

Mr. MANN. Does the gentleman happen to have handy a statement which any department official made in regard to the matter? The gentleman can examine and reply later if he desires.

Mr. CAMPBELL. Mr. Chairman, I am not particular about this matter. I think the gentleman from Minnesota [Mr. ELLSWORTH] is more interested than any other member of this committee, and that what he desires ought to prevail. I am simply advising him and the members of the committee what the purpose of the committee was when the matter was put in the bill, when we were making up the bill originally, and when the matter was under consideration in the whole committee. It was to protect the funds from any liens or contracts that may be outstanding against the funds.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota to strike out the proviso.

The amendment was agreed to.

Mr. NORTON. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 25, line 18, after the word "entitled," insert the following: "That the funds hereunder to be paid to Indians shall not be subject to any lien or claim by attorneys or third parties until after the same have been actually paid by the Government and received by said Indians."

Mr. NORTON. Mr. Chairman, I ask unanimous consent to amend that amendment by changing the word "by" to the word "of," making it read "claim of attorneys" instead of "claim by attorneys."

Mr. MILLER of Minnesota. Mr. Chairman, does not the gentleman think that the law now existing covers all possible cases that might arise?

Mr. NORTON. I will say to the gentleman that I am not certain that the law does cover that provision, but it was the intention and it is the desire of the Committee on Indian Affairs to have these funds paid out by the Government to these Indians without having the funds subject while in the hands of the Government to any claim or lien by attorneys or by others. The purpose of that amendment is to carry out that idea and the desire of the committee.

Mr. MILLER of Minnesota. Mr. Chairman, I do not see any objection to the gentleman's amendment unless it is a repetition of the general law already existing. It can do no harm to incorporate it.

Mr. NORTON. If there is a general law that would provide for what is intended to be provided for by this amendment, the amendment, of course, is surplusage. I understand that in some cases now funds to be paid out to Indians are being held up in the Treasury Department by attorneys who maintain that they have claims against these funds.

Mr. CARTER of Oklahoma. Mr. Chairman, will the gentleman yield?

Mr. NORTON. Yes.

Mr. CARTER of Oklahoma. I notice the gentleman's amendment provides that these funds shall not be subject to any lien of attorneys or other parties until after the same have actually been paid by the Government and received by said Indians.

Mr. NORTON. Yes.

Mr. CARTER of Oklahoma. Does he not think it would be a little better legislation for us to leave out the words "until after the same have been paid by the Government or received by said Indians," because in stating the proposition positively I believe we might have here a proposition that would perhaps approve of some attorneys or permit suit to be brought for attorney's fees after the funds have passed into the hands of these Indians.

Mr. NORTON. Well, that is not the intention. I doubt if it would work out as the gentleman suggests.

Mr. CARTER of Oklahoma. Mr. Chairman, while the gentleman from North Dakota is looking over his amendment with a view to perfecting it——

Mr. NORTON. Mr. Chairman, I ask unanimous consent to withdraw the amendment.

The CHAIRMAN. The gentleman from North Dakota asks unanimous consent to withdraw the amendment. Is there objection? [After a pause.] The Chair hears none.

Mr. NORTON. I now desire to offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows.

Page 25, line 8, amend by inserting after the word "entitled" the following: "That the funds hereunder to be paid to Indians shall not be subject to any lien or claim of attorneys or other third parties."

Mr. CAMPBELL. That is the fourth proviso, and the words "*Provided further*" should be inserted.

The Clerk read as follows:

*Provided further*, That the funds hereunder to be paid, etc.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

That the Secretary of the Interior be, and he is hereby, authorized and directed to cause an examination to be made by experts of the Geological Survey of the ceded lands, for which the United States has not conveyed title, in the State of Minnesota, embraced within the provisions of an act entitled, "An act for the relief and civilization of the Chippewa Indians in the State of Minnesota," approved January 14, 1889 (25 Stat. L., p. 642), and if there be found any lands bearing valuable deposits of iron ore or other valuable minerals, the said Secretary is hereby authorized to reserve, for the use and benefit of the Chippewa Indians in Minnesota, the minerals and the mineral rights pertaining to any of the such lands; and the said Secretary is hereby authorized to withdraw from the Treasury $10,000, or so much thereof as may be necessary, of the principal sum on deposit to the credit of the Chippewa Indians in Minnesota in order to make the geological examination herein provided for.

Mr. MILLER of Minnesota. Mr. Chairman, I do not care to make a point of order against the paragraph, but I would like to offer the following amendment. Strike out after the semicolon, in line 10, page 26, the remainder of the paragraph and insert, "and there is hereby appropriated out of the Treasury of the United States the sum of $10,000 for the purpose of carrying out the provisions of this paragraph."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Strike out after the semicolon, in line 10, page 26, the remainder of the paragraph and insert, "and there is hereby appropriated out of the Treasury of the United States the sum of $10,000 for the purpose of carrying out the provisions of this paragraph."

Mr. STEPHENS of Texas. Mr. Chairman, I reserve a point of order against the amendment. It is clearly subject to the point of order.

Mr. MILLER of Minnesota. Mr. Chairman, I ask to be heard on the point of order.

Mr. STEPHENS of Texas. I will yield to the gentleman.

Mr. MILLER of Minnesota. What is the point of order?

Mr. STEPHENS of Texas. The point of order is the original draft of the bill before the House. Lines 10 and 11 says:

And the said Secretary is hereby authorized to withdraw from the Treasury $10,000, or so much thereof as may be necessary, of the principal sum on deposit to the credit of the Chippewa Indians in Minnesota.

Now, the gentleman takes it directly out of the Treasury of the United States.

Mr. MILLER of Minnesota. Certainly. The whole section is subject to the point of order; but if the point of order is not made, then any germane amendment to the paragraph is in order. This is certainly germane to the paragraph.

Mr. STEPHENS of Texas. The objection I have to this amendment is that these Indians have $6,000,000 in the Treasury with which to pay for such a geological examination.

Mr. MILLER of Minnesota. That may prevail among the membership of the House as the reason why they should vote down my amendment, but it is not a reason why my amendment is not in order.

Mr. STEPHENS of Texas. Mr. Chairman, I will withdraw the point of order, as I understand that would take the entire section out, and I do not desire to do that.

Mr. MILLER of Minnesota. Mr. Chairman, I only want to say a few words. I would like to be heard on the amendment for a moment. The chairman of the committee, the gentleman from Texas [Mr. STEPHENS], has distinctly stated the purport of the amendment. The provision in the paragraph is that $10,000 of the Indians' money shall be expended for the purpose of exploring these lands by the Geological Survey. My amendment says that this $10,000 shall come out of the funds of the United States. Now, is there any reason why it should? I think there is, and I would like to give it to the committee. These lands are surplus lands governed by the terms of the treaty to be sold by the United States or homesteaded; rather, part homesteaded and part sold by the United States, the proceeds thereof to go to the benefit of the Indians. Now, I do not believe that there is an acre of this land that is worth less than $5 an acre. If the Indians should sell the land they could get $5 an acre. The United States Government, however, sells to its own white citizens for $1.25 an acre, and that is all the Indians get out of it. The purpose of this paragraph is to reserve to the benefit of the Indian owners the mineral rights in the lands, which, I think, is a very good provision; but it seems to me that inasmuch as the Federal Government is handling this acreage mostly for the benefit of its white citizens it should pay the sum of $10,000, if any sum is to be paid, out of its own pockets for the purpose of making these explorations by the Geological Survey. Now, Mr. Chairman, the fact is that this paragraph is inaptly drawn. It should be a straight reservation to the Indians of the mineral rights in the surplus lands and stop there. The only way you can find an iron mine is to drill for it. I think I know something about exploring for iron mines. All the experts in the world could go over that land and not tell whether it contained a mine or not. They can say whether from the formation and geological character there is indicated the presence of iron through the entire territory, but as far as telling whether they had merchantable iron ore there or not, they can not do it, so that the $10,000 will, in a way, be a sum wasted, and the Indians are entitled to a straight reservation, and that is what ought to have been done. It seems to me this is absolutely wasting $10,000 of the Indians' money, and that is the reason why I make this motion.

Mr. KONOP. Mr. Chairman, I think that this amendment ought not to be agreed to. These Indians have in the Treasury of the United States in the neighborhood of $6,220,000. They have these mineral rights there which will give them probably many million dollars' worth of property more, and if this investigation is to do any good it will be for the benefit of the Indians. I can not see why this money should not be taken out of the funds of the Indians now in the Treasury of the United States.

Mr. MILLER of Minnesota. The gentleman is living up pretty close to an iron-mining region, and does he think that the exploration provided for here by the geologists is worth $10, or 10 cents, to the Indians?

Mr. KONOP. I think it would be worth a good deal to the Indians to find out if there were any mineral deposits there.

Mr. MILLER of Minnesota. All this area has been gone over by geologists, and reports have been made absolutely covering this region.

Mr. KONOP. I was not informed of that fact, but when we considered this proposition we considered it very thoroughly in the committee, and we thought it best to ascertain by means of the Geological Survey what is there, or whether anything is there.

Mr. MILLER of Minnesota. Does not the gentleman think that the only way to reach the situation is to make a general mineral reservation? That does not cost any money and it is effective.

Mr. KONOP. But I think Congress and the people ought to know whether there is anything there, and if there is, what is there, and I think the Geological Survey is the proper agency to determine that question.

Mr. MILLER of Minnesota. Will the gentleman permit another inquiry?

Mr. KONOP. Yes, sir.

Mr. MILLER of Minnesota. We had a very fine geologist in our State, a professor in the State university, and State geologist, and reputed to be one of the best in the country. He made an investigation of what is now the Mesabi iron-ore district and said it was commercially valueless; that while there was ore there it was soft, and, because mixed with other ingredients, could not be used in a furnace. And that statement went out in a report and was published. That is the richest single mining spot in the world to-day. For that reason I think that a geological opinion is valueless on the question of whether iron mines exist or not.

Mr. KONOP. I will say to the gentleman that there may have been mistakes made in many instances like that, where geologists have said that mining ore was commercially valueless. But I think this investigation will do a whole lot of good. Mistakes might be made like those that have been made by previous geologists, but I think this money ought to be taken out of the Indian money now in the Treasury of the United States instead of from the money of the people in the Treasury of the United States.

Mr. MANN. Would the gentleman yield?

Mr. KONOP. I will.

Mr. MANN. I understand from the gentleman and from the item in the bill that the committee thinks there may be very valuable iron ore or other mineral deposits there?

Mr. KONOP. That is true.

Mr. MANN. And desire to retain that land for the use of the Indians, if that be the case, rather than to give it away or sell it for a song?

Mr. KONOP. That is the opinion of the committee.

Mr. MANN. And that the only method you can pursue to ascertain that is to make some investigation, and that the only branch of the Government that can make that investigation is the Geological Survey?

Mr. KONOP. That was the contention of the committee.

Mr. MANN. If it should prove that there are valuable mineral deposits there, those will inure to the benefit of the Indians, will they?

Mr. KONOP. Yes.

Mr. MANN. They will get the benefit of them?

Mr. KONOP. Yes; it will be all for the benefit of the Indians.

Mr. MANN. Will the Government of the United States derive any financial benefit from it?

Mr. KONOP. None whatever. It is all for the benefit of the Indians.

Mr. MANN. It is a very liberal proposition, then, to offer to pay the expenses out of the General Treasury and give the benefit, if any, to the Indians. I mean, liberal with Government money.

Mr. KONOP. This is for the investigation of Indian property for the purpose of finding out for the Indians whether there are any mineral deposits that belong to the Indians, and I think the Indians' money ought to be used to pay for that.

Mr. NORTON. Mr. Chairman, this money to be appropriated here is clearly for the benefit of the Indians, and it appears to me should be, without any question, paid out of the funds of the Indians. It is not maintained that the Geological Survey can determine definitely whether there is any mineral in a particular tract of land or not. All it is expected the Geological Survey will be able to determine is whether, from the examination made by geologists, the indications are that there are valuable mineral deposits in certain parts of this reservation that are of value. This examination that is proposed to be made by the Geological Survey may result in the disclosure of mineral deposits that will in the future bring to the Indians hundreds of thousands of dollars; yes, millions of dollars. It was thought by the committee that it would be better to have a geological survey made of this reservation than to indiscriminately reserve the mineral rights in all the Indian lands on the reservation.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota [Mr. MILLER].

The question was taken, and the amendment was rejected.

The Clerk read as follows:

That the Secretary of the Interior be, and he is hereby, authorized to withdraw from the Treasury of the United States $500, or so much thereof as may be necessary, of the principal sum on deposit to the credit of the Chippewa Indians in the State of Minnesota, arising under section 7 of the act of January 14, 1889, entitled "An act for the relief and civilization of the Chippewa Indians in the State of Minnesota," and to use said withdrawn sum in the purchase and fencing of burial grounds for the Fond du Lac Band of Chippewa Indians of Minnesota.

Mr. MANN. Mr. Chairman, I reserve a point of order on the paragraph. I would like to find out about this item. Five hundred dollars will not purchase a very large burial ground.

Mr. STEPHENS of Texas. In justification for this item I will say that it was the unanimous opinion that it should be paid. Mr. Meritt offered the following justification for the item:

The superintendent reports that a permanent cemetery for the Indians of the Fond du Lac Reservation is urgently required; that those living in the vicinity of Sawyer, Minn., have been burying their dead on the allotment of Kato Zoway, and that this site, comprising about 6 acres, should be purchased and retained as a tribal cemetery; that the Indians living near Cloquet have appropriated for burial purposes a part of the allotment of Z. Burton Coffey, and that 10 acres of this allotment should be likewise purchased, said area covering all the bodies already buried and furnishing room for further burials. This tract he

reports can be purchased for $30 an acre, and the 6 acres on the other allotment for $20 an acre. He estimates the cost of fencing at $80.

For the reason that no appropriation is available for these purposes legislation has been prepared.

Mr. MANN. Have not the Indians any other land there that has not been allotted?

Mr. STEPHENS of Texas. They have both been allotted according to the statement. The names of the Indians to whom allotments have been made are given.

Mr. MANN. Are there any other lands of the Chippewas that have not been allotted?

Mr. STEPHENS of Texas. I suppose so, but it would cost more to remove the bodies elsewhere than this would amount to.

Mr. MILLER of Minnesota. Is there any money provided in the bill to take care of the graves of the deceased members of the Fond du Lac Band over at Superior Point? That has been a subject of controversy for years. I thought this was the same thing.

Mr. MANN. I understood the gentleman to say 6 acres, at $30 an acre. That would be $180. If you expended $320 for fencing it, that would take the entire amount.

Mr. STEPHENS of Texas. The gentleman will observe that it is for the purchase and fencing of burial grounds.

Mr. KONOP. The fencing, it is estimated, will cost $80.

Mr. MANN. Mr. Chairman, I withdraw the point of order.

The CHAIRMAN. The point of order is withdrawn. The Clerk will read.

The Clerk read as follows:

That the Secretary of the Interior be, and he is hereby, authorized and directed to issue to the Northern Minnesota Conference of the Methodist Episcopal Church a patent in fee for 5 acres, to be legally described, in the southeast corner of lot 1, section 19, township 65 north, range 21 west of the fourth principal meridian, on the Nett Lake Indian Reservation, Minn., said action to be in lieu of that authorized and directed in the act of August 1, 1914 (38 Stat. L., 591).

Mr. MILLER of Minnesota. Mr. Chairman, I reserve a point of order on the paragraph.

The CHAIRMAN. The gentleman from Minnesota [Mr. MILLER] reserves a point of order on the paragraph.

Mr. STEPHENS of Texas. Does the gentleman desire to make a point of order, or reserve it? I admit that it is subject to a point of order.

Mr. MILLER of Minnesota. I would like to reserve the point of order and make a little statement of about three minutes, but I will not do so if the gentleman wishes to proceed.

Mr. STEPHENS of Texas. Let the gentleman proceed.

Mr. MILLER of Minnesota. Mr. Chairman, this is proposed to change existing law, and therefore it is subject to a point of order.

The Nett Lake Indian Reservation in Minnesota is far in the interior, in the neighborhood of the lakes and woods. The only missionary in there permanently has been a Methodist missionary, and his work has been of the highest character. The Methodists have maintained a mission there for many years. They now have an additional missionary, making two, one of whom spends all his time there, and the other travels around and covers other reservations as well. They had a parsonage that was built out of logs, and they were about to build a church when the parsonage burned down. They found they could not build a church under the rules of the Methodist Home Mission Society, unless they had a title in fee to the land. The site selected was a very excellent one for that purpose, and certaintly not needed for any other purpose connected with the agency. There are about 480 acres of land reserved for agency purposes at this place. There are about 270 Indians who actually live in that vicinity, not on their allotments, because they are trespassers, but occupying the land in this region by the courtesy of the Government. This site was back of the lake, up the crest of the hill and beyond.

The agent who was there previous to the present agent recommended that the site be granted to the church at that place. The church wanted 40 acres. I think it has been customary in most of the reservations to give these church mission societies anywhere from 160 acres down to 40 acres. One hundred and sixty acres is not needed, and I hardly think that 40 acres is needed, but they thought they wanted it. A provision was put through some years ago, deeding this lot, a fraction under 40 acres, to the Methodist church. Funds were appropriated, and they accumulated materials with which to build the church and the parsonage, but the Secretary of the Interior refused to issue a patent.

Another agent arrived and took the place of the preceding agent, and for some reason that I can not possibly understand he seems to be entirely hostile to the presence of that church institution, and has made reports that to me seem so wild and far from the existing facts that it does not seem to be possible that he could have carefully investigated the facts before he made the report. Its substance is contained in the "justifications" here.

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. MILLER of Minnesota. I would like to have five minutes more, Mr. Chairman, because this item will bob up again, and I think the committee ought to understand it.

The CHAIRMAN. The gentleman from Minnesota asks unanimous consent to proceed for five minutes more. Is there objection?

Mr. STEPHENS of Texas. Mr. Chairman, can we get an agreement?

Mr. MILLER of Minnesota. I do not think anybody else wants to say a word. I am going to make a point of order.

Mr. STEPHENS of Texas. Let the gentleman make the point of order.

Mr. MILLER of Minnesota. I think the committee should investigate this matter. I have had personal knowledge of this for three years.

Mr. STEPHENS of Texas. At the bottom of page 234 of the hearings I find this statement:

Five acres should be amply sufficient for church, parsonage, and garden purposes.

Mr. MILLER of Minnesota. Of course that is perfectly ridiculous. That is the opinion of the agent who is there now. It was not the opinion of the agent who was there before.

Mr. STEPHENS of Texas. That is the opinion of the agent; yes. Would the gentleman be opposed to letting this church get any part of the land?

Mr. MILLER of Minnesota. They have 40 acres now.

Mr. STEPHENS of Texas. That has been the custom for many years, has it not, that when a denomination of any kind or character has a tract of land for church purposes on an Indian reservation it is, before the land is allotted, given to that church?

Mr. MILLER of Minnesota. Yes; the gentleman is entirely correct, and believes with me on that subject, I think. This agent reported adversely on the whole proposition, and suggested that the church be given 5 acres of land. The land that he has picked out is situated in a swamp.

Mr. MANN. He is a liberal.

Mr. MILLER of Minnesota. Yes; he is the most enthusiastic liberal I ever saw in my life. The place he has picked out is away from the village and away from the meeting place. It is claimed by the agent—and the report is in the "justifications"—that the United States has built several cabins for indigent Indians on this tract. That is true. I investigated the matter myself during the past fall. About a dozen houses have been constructed on this tract; also there is an Indian burial ground on the tract. That statement in the report is true.

In order to meet this the Methodist conference, which was in session at the time in my State, at my request, authorized their representatives in a legal way to deed back to the United States Government the whole northerly 10 acres upon which are located all these buildings. We could not find another building located on any of this tract excepting that of one man named George Otter, who was a trespasser, and who, of course, is entitled to remain there if he wants to, so far as the church is concerned, as long as he wishes; but he is preparing to move to his allotment at the present time. These dead Indians' bodies have, nearly every one of them, been put into the ground with the prayers of the Indian missionary, for whom it is proposed a site shall be given upon which to build a church and a home that he may live in. This is in the woods. It will not be a beautiful frame house or a beautiful frame church. It will be a log house and a log church, on a spot that is not very near an Indian school or an Indian office or an Indian agency. It is some distance away from all. The council hall of the Indians is upward of half a mile away. It is the strategic place for a church or mission, and they ought to have a space big enough on which to build a church and to build a home for the missionary, and have a garden spot on which he can grow something upon which to live.

Mr. KONOP. Will the gentleman yield?

Mr. MILLER of Minnesota. Certainly.

Mr. KONOP. As I understand, this organization, the Missionary Society of the Minnesota Conference of the Methodist Episcopal Church, will have not only the 5 acres that will be given them by this provision, but——

Mr. MILLER of Minnesota. What else would they have?

Mr. KONOP. It seems as though there was something inserted here in the language of the justification that the missionary authorities, on receipt of a patent for the whole 40 acres, should reconvey.

Mr. MILLER of Minnesota. I have just made that statement. They have the title to it now. As a legal proposition, I would say that the Methodist Church now has the title to this land, and this will be purely negative. It was granted to them two years ago. They accepted it in good faith and went ahead and built the church; and they propose, in order to meet this objection by the department, which I think is a valid objection, that they will deed back to the Government 10 acres, leaving themselves but 30.

Mr. Chairman, I insist on the point of order.

Mr. NORTON. Mr. Chairman——

The CHAIRMAN. Does the gentleman from North Dakota desire to be heard on the point of order?

Mr. NORTON. Yes. In the committee I made the same argument that the gentleman from Minnesota [Mr. MILLER] made, that this conference of the Methodist Episcopal Church now has title to this 40 acres of land. I do not see under what authority the Commissioner of Indian Affairs has refused to issue the patent to the church. It occurs to me that there has been no good showing as to why part of this land should be taken back. The church has been very reasonable——

The CHAIRMAN. Will the gentleman address himself particularly to the point of order?

Mr. MANN. The gentleman evidently desires to argue the facts before arguing the law.

Mr. MILLER of Minnesota. The gentleman from North Dakota is addressing himself to the facts.

Mr. NORTON. I merely intend to preface my discussion of the point of order by stating first the facts as I have found them to be. The church has proposed to the Indian Bureau to redeed to the Interior Department 10 acres of this land. These 10 acres include the grounds on which is located the school buildings and the cemetery. It occurs to me that the church has been most liberal in its offer to redeed this 10 acres, and that a patent should issue at once for the entire 40 acres to the church, as already provided by law. I trust that if a vote is taken on this item it will be stricken out. As to the point of order, I do not think there is any question at all but that the paragraph is subject to the point of order made against it.

The CHAIRMAN. The Chair sustains the point of order. The Clerk will read.

The Clerk read as follows:

For maintenance and operation, including repairs, of the irrigation systems on the Fort Belknap Reservation, in Montana, $20,000, reimbursable in accordance with the provisions of the act of April 4, 1910.

Mr. MANN. Mr. Chairman, I move to strike out the last word. How many irrigation systems are there now on the Fort Belknap Reservation? What irrigation system is there besides the Milk River system?

Mr. STEPHENS of Texas. Page 239 of the hearings contains a statement with reference to that.

Mr. MANN. If I recall correctly, we used to appropriate this sum of money for the operation of the Milk River irrigation system. I notice this year you describe it as "systems," and I just wondered what other systems they had there and whether we were maintaining the other systems.

Mr. KONOP. On page 241 of the hearings the gentleman will find the information which he wants. It is there stated that the projects are the Milk River system, the White Bear system, the Three Mile Coulee system, the People's Creek system, and the Lodge Pole and Big Warm systems.

Mr. MANN. I think possibly they used all to be called the Milk River system.

Mr. KONOP. Now they are all included under the Fort Belknap Reservation project.

Mr. STOUT. There are three Indian reclamation projects in the State, if the gentleman desires that information.

Mr. MANN. No; I am inquiring about the Fort Belknap Reservation.

Mr. STOUT. The units which have been read by the gentleman from Wisconsin [Mr. KONOP] are the units under the Fort Belknap Reservation.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn, and the Clerk will read.

The Clerk read as follows:

That the Secretary of the Interior be, and he is hereby, authorized to withdraw from the Treasury of the United States not to exceed the sum of $100,000, or so much thereof as may be necessary, of the principal sum on deposit to the credit of the Indians on the Blackfeet Reservation in Montana, for the purpose of purchasing and caring for cattle for the use of individual Indians, seeds, and necessary farming equipment, to enable them to become self-supporting: *Provided*, That said sum shall be expended under conditions to be prescribed by the Secretary of the Interior for its repayment and placed into the Treasury to the credit of the said tribe on or before June 30, 1925: *Provided further*, That the Secretary of the Interior shall submit to Congress annually on the first Monday in December a detailed statement as to the expenditure of this fund.

Mr. MANN. Mr. Chairman, I move to strike out the last word, for the purpose of making an inquiry of some member of the committee, if he will state briefly what the department says about this experimental work of furnishing seeds, stock, farm implements, and so forth, to the Indians, to encourage them in habits of industry, in stock raising, and so forth. Of course I know the department must think it is successful, or they would not be asking for further appropriations; but if any member of the committee can state how successful they think it is, I wish he would tell us.

Mr. KONOP. On pages 246 and 247 there is this statement in reference to that item:

The amount of $100,000 requested to be set aside from the principal sum on deposit to the credit of the Indians of the Blackfeet Reservation is for the purpose of purchasing live stock to assist the Indian in embarking in the live-stock industry. There are at the present time about 2,500 Indians living on that reservation, a number of whom are already successful stockmen and have good herds, but there is also quite a number who have no stock at all. The land on the Blackfeet Reservation is especially adapted to the grazing of live stock, and, owing to the shortness of the summer season, is not especially suitable for agricultural purposes. The allotments of this reservation comprise 280 acres of grazing land and 40 acres of irrigable land each. Owing to the impracticability of conducting successful farming operations a large portion of these Indians seek employment elsewhere at day labor and their homes and allotments are therefore badly neglected.

If the reservation is properly stocked with cattle, beneficial use can be made of the grazing facilities available and the general condition of the Indians can be improved by harvesting hay and raising alfalfa and other forage which can be utilized in feeding the live stock and for which a ready market can be had at home on account of the need of providing winter feed for them.

Mr. MANN. I was not referring to this particular item so much as to the general subject. I think we have appropriated for these same people heretofore, however.

Mr. KONOP. In the hearing it is stated that the balance of this fund available July 1, 1915, including refunds, was $162,933.47.

Mr. MANN. I have all that information. I will not bother the gentleman further.

Mr. NORTON. In reply to the gentleman's question I will say that the department consider that they are doing a good work under these appropriations; that they are each year encouraging the Indians to cultivate more land; and that each year they are getting better results through the Indians from the cultivation of their farm lands. That is what the department says in substance about this.

Mr. MANN. Can the gentleman say how many acres of land are under actual cultivation by the Indians, outside of the irrigation systems, or including the irrigation systems, in the United States?

Mr. NORTON. I think I can give the gentleman that information.

Mr. MANN. I am afraid not.

Mr. NORTON. As reported by the Commissioner of Indian Affairs.

Mr. MANN. I do not think they report that information. I have been over that report. I may be mistaken, but I do not think they give that information. On the contrary, I think they carefully refrain from giving it.

Mr. NORTON. The report for the fiscal year ended June 30, 1915, of the Commissioner of Indian Affairs, on page 119, gives the statement that the amount of the allotted lands cultivated by the Indians in 1915 was 532,009 acres, and the amount of unallotted lands cultivated by the Indians was 132,144 acres. That has reference only to agricultural land. The same table gives the amount of allotted lands cultivated by the Indians in 1911 as 265,000 acres. In 1915 there was almost twice as much allotted lands cultivated by the Indians as was cultivated in 1911.

There was in 1915, 20,000 acres more unallotted lands cultivated by the Indians than was cultivated by them in 1911. This shows what appears to me to be a splendid increase in the acreage being cultivated by the Indians of the country.

Mr. MANN. I may be mistaken, but I do not think that when they give the amount of land cultivated by Indians they mean the actual number of acres cultivated. I may be wrong about that.

Mr. NORTON. That is apparently what is intended by this report, because in another column is given the area of allotted agricultural land. This land does not include grazing land. In 1915 the report stated that there were over six millions of allotted land and 969,441 acres of unalloted land belonging to Indians.

Mr. MANN. I think, however, it does include land where the Indian is raising stock, notwithstanding it says that it does not

include grazing land. If an Indian allottee has a stock farm where he cultivates very little, the whole farm is included as cultivated land. I do not say that is an improper inclusion. What I would like to know, if anybody can find out, is how much land they can get the Indians to turn over and plant in preference to raising stock.

Mr. STEPHENS of Texas. I have never seen an estimate of that kind. We know how much land is allotted, but whether they are farmers, and how many acres of each farm is cultivated, we can not tell.

Mr. NORTON. If table No. 11, page 119, of the commissioner's report does not give the actual acreage cultivated and actually used for farming it is a table that is misleading. Table No. 12 of that report, page 124, gives the acreage of grazing land used by the Indians. The report states that in 1915 there were 8,702,245 acres of allotted land grazed by Indian stock. In 1915 there were 21,894,890 acres of unallotted land grazed by Indian stock; in 1911 there were 4,696,446 acres of allotted land grazed by Indian stock, and 18,729,124 acres of unallotted land grazed by Indian stock.

I read these tables quite carefully some time ago, and was of the impression that table No. 11 gave the actual number of acres cultivated. If that is not the information contained in this statement, I quite agree with the gentleman from Illinois that it would be well to have such information furnished by the Indian Bureau.

Mr. CAMPBELL. Mr. Chairman, the wisdom of this item was questioned when the matter was presented to the committee, but upon investigation it was learned that the lands in this reservation or agency here were very rich grazing lands. Each Indian has as his share 40 acres for irrigation and 280 acres for grazing purposes. Cattle raising is a very successful industry by many of the Indians. Some of them are not provided with stock. It is proposed by this appropriation to enable those who do not now have stock to embark in a small way in the stock business. Last year some 1,800 heifers and 60 bulls were purchased for the Indians, and the venture has been a success as an industry in that immediate section.

There is a large range there now, used by cattle rangers, which belongs to the Indians. They are getting very little out of it. They are getting very little out of the real grazing value that is paid to them in money. If they can own the cattle and raise the cattle on their own land it will be of much more benefit to them than the small amount they get for the use of the land.

The CHAIRMAN. Without objection, the pro forma amendment is withdrawn.

The Clerk read as follows:

That lands on the Flathead Indian Reservation in Montana valuable for agricultural or horticultural purposes, heretofore classified as timberlands, may, in the discretion of the Secretary of the Interior, be appraised and opened to homestead entry under regulations prescribed by him, upon condition that homestead entrymen shall at the time of making their original homestead entries pay the full value of the timber found on the land at the time that the appraisement of the land itself is made, such payment to be in addition to the appraised price of the lands apart from the timber.

Mr. MANN. Mr. Chairman, I reserve a point of order on the last paragraph; I do not quite understand it. Have we bought the land?

Mr. KONOP. As I understand the provision, it provides that when the land is turned over to the person making the homestead entry the timber shall be valued and sold together with the land.

Mr. MANN. I know; but what is the authority for selling the land, or giving it away, as a homestead? It says "the land on the Flathead Indian Reservation heretofore classified as timber may be appraised and opened to homestead entry," and it makes no reference to any existing law on the subject.

Mr. KONOP. The present law requires that timber shall be cleared off before the lands are open to entry.

Mr. MANN. I understand that part of it; but what authority is there to open it for entry other than this provision here?

Mr. KONOP. There must be a law for opening it. Does the gentleman from Illinois make the point of order?

Mr. MANN. No; I reserved the point of order.

Mr. KONOP. The gentleman from Montana [Mr. STOUT] says there is law.

Mr. STOUT. I can not recall the section, because I am not a lawyer.

Mr. MANN. Oh, that is the very reason the gentleman ought to recall it. A lawyer would know how to find it, and hence would not carry it in his head.

Mr. STOUT. I do not carry it in my head or anywhere else, unlike a great many lawyers in that respect; but there is a law whereby part of the Flathead Indian Reservation has been opened up for homestead entry, and certain timber provisions whereby they should pay for the timber.

Mr. MANN. I may be in error, but I had the impression that the timberland, under the law authorizing entries to be made on this reservation, was reserved from homestead entry. There is no provision here in reference to that except this language. It may be sufficient, and I will not say that it is not.

Mr. STOUT. I think the law provides that the timber shall be appraised and sold to the homestead entrymen.

Mr. MANN. That is the purpose of this provision.

Mr. STOUT. It was my idea that that was always the provision.

Mr. MANN. I withdraw the point of order.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. SHACKLEFORD having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Waldorf, one of its clerks, announced that the Senate had passed bill of the following title, in which the concurrence of the House was requested:

S. 4155. An act to authorize the Secretary of War to supply tents for temporary use of destitute persons in flood-stricken districts, and for other purposes.

INDIAN APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

NEBRASKA.

SEC. 11. For support and education of 400 Indian pupils at the Indian school at Genoa, Nebr., including pay of superintendent, $66,175; for general repairs and improvements, $5,000; for new boilers at power plant, extension of lighting system and of water and sewer main, and for construction of septic tank, $10,800; in all, $81,975.

Mr. STEPHENS of Texas. Mr. Chairman, the gentleman from Nebraska [Mr. STEPHENS] has an amendment which we have agreed to.

Mr. STEPHENS of Nebraska. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 30, line 7, after the word "superintendent," strike out the figures "66,175" and insert in lieu thereof the figures "66,800"; and at the end of line 10 strike out "$1,975" and insert "$4,600."

Mr. STEPHENS of Nebraska. Mr. Chairman, this amendment was offered for the purpose of making a correction.

Mr. STEPHENS of Texas. I understand that there was a mistake made by the Clerk in adding up the figures?

Mr. STEPHENS of Nebraska. That is correct. The correction was made last year in this item, but since the appropriation bill failed last year, it was not noticed this year in making up the new estimates, and this amendment simply provides for the $167 per capita, the same as at all of the other schools.

Mr. MANN. What did we carry in the bill last year?

Mr. STEPHENS of Nebraska. The amendment last year provided for $167 per capita, but the bill failed, and in figuring the estimate this year they took no note of the correction that was made last year and simply took the amount of the increased enrollment of 25 pupils, which accounts for the difference.

Mr. MANN. The bill last year in that place carried $64,500?

Mr. STEPHENS of Nebraska. That is correct.

Mr. MANN. For 375 pupils. They have added to that nearly $2,000.

Mr. STEPHENS of Nebraska. Yes; they have added 25 pupils.

Mr. STEPHENS of Texas. It is to take care of the 25 additional pupils.

Mr. STEPHENS of Nebraska. The attendance in the school has increased so that the school is allowed 400 in the bill instead of 375.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Nebraska.

The amendment was agreed to.

The Clerk read as follows:

For the purchase of land and water rights for the Washoe Tribe of Indians, the title to which is to be held in the United States for the benefit of said Indians, $10,000, to be immediately available and to remain available until expended; for the support and civilization of said Indians, $5,000; in all, $15,000.

Mr. MANN. Mr. Chairman, I reserve the point of order. Would it be entirely satisfactory to the gentleman to strike out the language "to be immediately available and to remain available until expended"?

Mr. STEPHENS of Texas. I have no objection to that.

Mr. MANN. Mr. Chairman, I make the point of order against the language in lines 6 and 7, "to be immediately available and to remain available until expended."

The CHAIRMAN. The gentleman from Illinois makes the point of order against the language referred to.

Mr. STEPHENS of Texas. Mr. Chairman, it is subject to the point of order.

The CHAIRMAN. The Chair sustains the point of order, and the Clerk will read.

The Clerk read as follows:

NEW MEXICO.

SEC. 13. For support and education of 450 Indian pupils at the Indian school at Albuquerque, N. Mex., and for pay of superintendent, $77,400; for general repairs and improvements, $8,000; for the purchase of additional acreage adjoining the school farm, $12,000; in all, $97,400.

Mr. STAFFORD. Mr. Chairman, I move to strike out the last word for the purpose of obtaining information. What is purposed in increasing the acreage at the school at Albuquerque?

Mr. STEPHENS of Texas. I will state to the gentleman that that is quite a large school.

Mr. STAFFORD. I had the pleasure of visiting the institution, and I will state that it is an up-to-date school.

Mr. STEPHENS of Texas. They have recently changed that school into an industrial school and they are teaching agriculture to the students to a very great extent. It is very beneficial to them. They only had a small plat of land, for the reason that the location of the school is near the town of Albuquerque, and they have not sufficient ground, as we are informed and as the committee thinks, to run this industrial correctly. We have a statement here in reference to the matter:

The amount of $12,000 is requested for the purchase of additional land adjacent to or in the vicinity of the school farm. With an attendance of 400 pupils the school has available for the purposes of agricultural and dairy instructions only 40 acres of land. It is desired to add to this tract so as to provide adequate instruction for the pupils.

Mr. STAFFORD. How many acres is it desired to add?

Mr. STEPHENS of Texas. The gentleman from New Mexico [Mr. HERNANDEZ] can give the gentleman more information about the value of the land.

Mr. MANN. Oh, the gentleman from Wisconsin [Mr. STAFFORD] made a special trip there, and he ought to be able to give more information than anyone else. [Laughter.]

Mr. STAFFORD. Not as much as the gentleman from Illinois.

Mr. MANN. We were there together.

Mr. HERNANDEZ. I will say to the gentleman that land around Albuquerque is very valuable, as perhaps the gentleman knows.

Mr. STAFFORD. I am quite well acquainted with the school. It is an up-to-date school, which is being attended by a large number of the youth of both sexes—more girls than boys or young men. I am inquiring as to the question of the acreage that is proposed to be purchased with this additional amount of $12,000.

Mr. HERNANDEZ. The amount of $12,000 is recommended for the purchase of additional land adjacent or in the vicinity of the school farm.

Mr. KONOP. It is to purchase 40 acres more.

Mr. STAFFORD. That is the information I desire. I hardly think the price is at all exorbitant, if it is approximate to the present school.

Mr. KONOP. On page 264 of the hearing Mr. Meritt makes the statement that they expect to purchase a tract of 40 acres of irrigated land.

Mr. STAFFORD. That explains it in an entirely satisfactory manner, Mr. Chairman, and I withdraw the pro forma amendment.

The Clerk read as follows:

For the pay of one special attorney for the Pueblo Indians of New Mexico, to be designated by the Secretary of the Interior, and for necessary traveling expenses of said attorney, $2,000, or so much thereof as the Secretary of the Interior may deem necessary.

Mr. TAYLOR of Colorado. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 31, line 25, insert the following as a new paragraph:

"For construction work on the Indian highway extending from Mesa Verde National Park to Gallup, N. Mex., on the Navajo Reservation, $15,000, said sum to be reimbursed from any funds which are now or hereafter may be placed in the Treasury to the credit of said Indians: *Provided*, That such sum shall be expended under the direction of the Secretary of the Interior in such manner and at such times and places as he may deem proper and in the employment of Indian labor as far as possible for the construction of said highway."

Mr. STEPHENS of Texas. Mr. Chairman, I reserve a point of order against the amendment.

Mr. TAYLOR of Colorado. Mr. Chairman, on the opening day of this session I introduced H. R. 24, which reads as follows:

That the sum of $15,000, or so much thereof as may be necessary, is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, for the construction of a wagon road under the Navajo Agency on the Navajo Indian Reservation in the State of New Mexico.

The amendment that I have just offered is practically the same as H. R. 24. I have changed the language somewhat to conform to the phraseology of a similar item in this general Indian appropriation bill.

I may say, Mr. Chairman, that this is a matter I have been working on for over a year. The people of southwestern Colorado are very much interested in the construction of this Indian highway from Cortez, Montezuma County, Colo., through the Mesa Verde National Park and down to the Navajo Indian Reservation past Shiprock to the town of Gallup, on the Santa Fe Railroad, in New Mexico. The hope of the people of that section of the country is that this road may be made an auto-truck road and a good highway for automobiles and all kinds of travel. I know of no section of country where a good road would be of more service to the people or be of more importance toward the improvement and development of the country than the construction of this road. While it will be of great service to the farmers of Montezuma County, it will also furnish an outlet for the people of La Plata County and the city of Durango through Farmington, by way of Shiprock to Gallup, and make an outlet to that entire country down to the Santa Fe Railroad.

In pursuance of my efforts in behalf of this measure the Commissioner of Indian Affairs had an elaborate investigation made of this entire route last fall, and the superintendent of construction, Mr. E. D. Kinney, made a detailed report on September 22, 1915, to the Hon. H. F. Robinson, superintendent of irrigation, who in turn, on October 2, 1915, made a full report to the Commissioner of the Bureau of Indian Affairs upon the subject. Those reports are here before the committee for inspection. They are too long to insert in the RECORD.

I certainly hope the chairman of the committee [Mr. STEPHENS of Texas] will not insist upon his point of order and that there may be no other objections to the adoption of this amendment. I will include in my remarks some correspondence which I have had with the office of the Commissioner of Indian Affairs. But I more particularly want to call your attention to the official report to the Indian Affairs Committee upon my bill, H. R. 24, prepared by the Secretary of the Interior, under date of January 28, 1916. Secretary Lane makes a very forcible argument in support of this bill and urges that this amount of $15,000 be appropriated for expenditure on this highway each year until the total amount of the estimated cost of $54,253.28 has been appropriated and the project completed.

The Secretary shows that this road will be of great benefit both to the Indians and white people. It will enhance the value of Indian lands and afford them much better facilities for their development, and owing to the excessive freight rates on the Denver & Rio Grande Railroad through Colorado and New Mexico it will afford a wonderfully beneficial outlet for the farmers of southwestern Colorado. It will benefit the Government of the United States also in making a convenient and readily accessible road for the tourists to visit the Mesa Verde National Park, the home of the ancient cliff dwellers, one of the most marvelous and interesting parks in the world, which has heretofore been difficult of access. I visited the ruins of the cliff dwellers last fall again, and I hope some day to take time to describe them to this House. In fact, there are a great many reasons why this road should be constructed. It will before many years be one of the great highways of this country, traveled by thousands of people every year.

I have a large number of letters and petitions and resolutions from the citizens and business men's organizations and city and county officials and others, urging Congress to pass this bill, and I am confident that there is no other item in this entire Indian appropriation bill that will, in proportion to the amount of money expended, be as beneficial to as many people as will the adoption of this amendment.

My colleague, the gentleman from New Mexico [Mr. HERNANDEZ], I am confident will corroborate what I say, and he has personal knowledge of the Navajo Indians and of the reservation through which this highway runs that I know will be interesting to the committee, and I will leave it to him to make a statement, if he will, in support of my amendment.

Mr. STEPHENS of Texas. May I ask the gentleman is this road to be built upon the Indian reservation entirely for the benefit of the Indians, or for the benefit of some white people?

Mr. TAYLOR of Colorado. It will benefit both the white men and the Indians on the Navajo Indian Reservation. That reservation contains all told about 9,000,000 acres of land, and this road will be the main outlet for the Navajoes. I may say that the Navajo Indians are fairly good workers. They have done most of the work on this road thus far, and the Government ought to help them, and also help the white people, by building this highway across this reservation, which is now a great barrier between the people and a good railway outlet.

Mr. HICKS. Might I ask the gentleman how near does this road go to Pueblo Bonita?

Mr. TAYLOR of Colorado. I do not know exactly, but the gentleman from New Mexico [Mr. HERNANDEZ] can tell you.

Mr. HERNANDEZ. It goes through it.

Mr. STEPHENS of Texas. I desire to ask the gentleman if the Indians have recommended that the funds be used for this purpose? As it is made reimbursable it must come out of the Indians' funds.

Mr. TAYLOR of Colorado. My understanding of these reports from the Indian agencies is to that effect. There are a number of reports upon this road from the Indian agents, as well as from Mr. Meritt, Mr. Sells, and the Secretary of the Interior.

Mr. STEPHENS of Texas. Will the gentleman from New Mexico [Mr. HERNANDEZ] give information as to whether the Indians favor an appropriation of their own money for this purpose?

Mr. HERNANDEZ. Yes; as far as I know.

The CHAIRMAN. The time of the gentleman from Colorado has expired.

Mr. TAYLOR of Colorado. Mr. Chairman, I will insert some reports upon this subject as a part of my remarks, as follows:

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
*Washington, March 18, 1915.*

MY DEAR MR. TAYLOR: The receipt is acknowledged of your letter dated March 9, 1915, submitting a resolution adopted at a meeting held by the farmers of Montezuma County, Colo., at which it was urged that action be taken to agitate the construction of roads across the Navajo and Ute Indian Reservations to Gallup, N. Mex.

Good roads are recognized to be an important factor in the industrial progress of the Indians, and the office has had under consideration the improvement of conditions on the Navajo Reservation and the construction of a road entirely across the reservation from Gallup to Farmington by way of Shiprock. The superintendents of the various agencies having jurisdiction over the reservation have filed reports and plans giving an estimate of the cost of the work and showing that the proposed improvements would result in materially benefiting the Indians.

Owing to the depleted condition of funds applicable for the work, it has been impossible to take any direct action, and it appears that unless a special appropriation is made for the purpose the office would be unable to undertake any extensive work at this time.

The resolution submitted by you has been placed on file and will be given consideration in connection with the other papers in the case at any time funds become available.

Very truly, yours,

E. B. MERITT,
*Assistant Commissioner.*

Hon. EDWARD T. TAYLOR,
*House of Representatives.*

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DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
*Washington, September 11, 1915.*

MY DEAR MR. TAYLOR: The receipt is acknowledged of your letter dated September 2, 1915, with further regard to the construction of roads across the Navajo and Ute Indian Reservations.

Since the reports were made by the superintendents of the various agencies having jurisdiction over the reservations, the superintendent of the San Juan Agency has been able to improve road conditions under his jurisdiction. Various road organizations and other bodies adjacent to the reservation have just recently presented resolutions regarding the improvement of the remainder of the route across the reservation toward Gallup. There are not yet funds available for extensive improvements, but with the view of doing everything possible to better the present conditions, an engineer has been detailed to make an investigation to ascertain the cost of necessary roads and bridges.

The investigation has not yet been completed. As soon as possible you will be advised of the information obtained and furnished with copies of the reports desired, as well as a draft of legislation in the event an appropriation seems advisable.

Very truly, yours,

E. B. MERITT,
*Assistant Commissioner.*

Hon. EDWARD T. TAYLOR,
*Glenwood Springs, Colo.*

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DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
*Washington, January 13, 1916.*

MY DEAR MR. TAYLOR: I am returning herewith the copies of correspondence which were left in the office some time ago, with a copy of H. R. 24, providing for an appropriation of $15,000 for the construction of a wagon road on the Navajo Reservation in New Mexico.

This is only one of many proposed road and bridge projects in northwestern New Mexico for which appeals have been made for Government funds. There has been agitated the proposition of constructing a bridge across the San Juan River near Farmington, N. Mex., at a cost of approximately $20,000. Efforts have also been made to provide for the construction of a highway across the Jemez and Zia pueblos; also for the construction of a bridge across the Jemez River at a site within the Zia pueblo. I doubt the wisdom of pushing all these projects, and think it most advisable to decide which is the most urgent and then make concerted efforts to obtain an appropriation for the one.

The reports obtained on the San Juan River Bridge are somewhat conflicting in that there is a difference of opinion regarding the proper proportion of the cost which should be borne by the Indians. The data obtained regarding the Jemez River Bridge and the road across the Zia and Jemez pueblos is not definite enough to justify the making of a recommendation without further investigation.

As a survey has been made, data prepared, and all preliminary details arranged in the case of the Shiprock-Gallup Road, I feel that that project should receive preference.

Very truly, yours,

CATO SELLS, *Commissioner.*

Hon. E. T. TAYLOR,
*House of Representatives.*

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DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
*Washington, October 15, 1915.*

MY DEAR MR. TAYLOR: Referring again to your letter regarding the improvement of a road across the Navajo Reservation on a line between Shiprock and Gallup, N. Mex., you are informed that the investigation referred to in office letter of September 11, 1915, has now been completed by an engineer of the Indian Irrigation Service. According to a survey made and an estimate prepared by him, it will require between $50,000 and $55,000 to construct a permanent highway over that part of the course that is yet unimproved. These figures far exceed superficial estimates of $20,000 or thereabouts heretofore made for the work. This may be accounted for by considering that all former estimates were not based on surveys but rather on observations taken while traveling over the country, which, though very smooth apparently, is in reality more or less broken by swales, to cross which it will be necessary to raise the roadbed for drainage.

The superintendent of the Navajo Agency suggests that a certain sum be set aside each year, in case the road is built, in order that the project may be completed within two or three years. Under this arrangement an appropriation of about $15,000 should be made annually.

The various organizations which took up the matter with this office have been advised that on account of the fact that the estimate for the Indian appropriation bill for the fiscal year 1917 has been completed all that can be done by this office is to keep the matter on file for consideration when preparing the estimate for the Indian bill for 1918. They have also been advised that if the commercial clubs and other organizations interested in the improvement of the road because of the benefit to be derived by tourists and white residents of the State shall see fit to urge legislation for this project this office will be glad to make such report thereon as conditions appear to justify and also furnish all the information and data at its command.

As suggested by you, there are inclosed copies of the reports made on this subject by the superintendents of the San Juan and Navajo Agencies, also a draft of legislation for your use in the event you see fit to introduce a bill providing for an appropriation.

Very truly, yours,

E. B. MERITT,
*Assistant Commissioner.*

Hon. E. T. TAYLOR,
*House of Representatives.*

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JANUARY 28, 1916.

MY DEAR MR. STEPHENS: Referring to your letter of January 14, requesting a report on H. R. 24, appropriating $15,000 for the construction of a wagon road on the Navajo Reservation, in New Mexico, I wish to give you a statement of the facts which demand attention in considering this bill.

The valley drained by the San Juan River lies partly in New Mexico and partly in Colorado. It is a fertile valley, with an abundance of water, and several thousand acres of land are under irrigation. Excellent crops are produced, but there is only one railroad entering the valley, and this has to cross the high mountains north and east of Durango, Colo. Freight rates are unusually high, and the inhabitants of the valley suffer from the inaccessibility of good markets. The Navajo Reservation in New Mexico forms the southern part of the valley, and as there is a railroad running through the towns located just south of the reservation in New Mexico, this vast stretch of Indian country acts as a barrier between the rest of the valley and these railroad towns.

Gallup is the most accessible railroad station south of the reservation, being located on the main line of the Atchison, Topeka & Santa Fe Railroad, while Farmington, near the center of the valley, is the terminal of the railroad entering the valley from Colorado. At the present time, to ship by rail from Farmington to Gallup, a distance of a little more than a hundred miles in an air line, the supplies must pass over a long circuitous route of some 600 miles via Albuquerque, N. Mex. It now requires about four days for mail to go from Shiprock, the agency for the San Juan jurisdiction, about 35 miles from Farmington, to Gallup by rail. From this it can be seen that the shipment of products from the valley by rail is made under most unsatisfactory conditions.

A large amount of traffic goes to Gallup at the present time from the valley by way of an overland route, running from Farmington to Shiprock and thence to Gallup. The route has been maintained for years by Indian labor, and it is in such shape that automobiles can make the trip during certain parts of the year. However, the summer rains in this region are torrential in character, and there are times when the arroyos run bank full, often carrying as high as 10 feet depth of water. After such rains large ditches are washed and travel is exceedingly difficult for any kind of vehicle. Water stands on the roads, and the surface is so rutted as to be impassable for long periods. When automobiles can travel on the road the trip from Shiprock to Gallup can be made in from 10 to 12 hours, while teams can make the trip in from 2 to 2½ days.

On the section of the road under the jurisdiction of the San Juan School, from Shiprock south to the Navajo jurisdiction, work has been done and the condition so improved that it is not believed advisable to make the large expenditure necessary to provide a permanent, first-class road. The route under the jurisdiction of the Navajo Agency, commencing at a point where the road enters the southern boundary of the reservation and running in a northerly direction to the San Juan jurisdiction, must be improved, however, before the route from Farmington to Gallup will be open at all times to all kinds of traffic.

There has been a great deal of agitation for good roads throughout this section. The people of San Juan County and southern Colorado are

building good roads from Durango and farther north to the reservation line, while McKinley County is constructing a good road from the southern reservation line on to Gallup. The people of the valley are very desirous of having established a good, permanent highway which will permit the operation of automobile mail service between Farmington and Gallup by way of Shiprock, across the Navajo Reservation for a distance of about 100 miles, which will give an outlet for the sale of fruit and other products and connect the San Juan Valley with the main line of the Santa Fe system at Gallup. It is believed that the improvement of the stretch of road under the Navajo jurisdiction and the other improvements by the counties will permit the operation of seven-hour mail service between Gallup and Farmington. The Navajo population in the valley is considerable, which means that a large amount of Indian freight goes over the road annually, the Indians doing the freighting for the different traders on the reservation, and the Indians will share with the other inhabitants of the valley in the benefits to be derived from such an outlet.

The white people all request that the Government do its share by making the road passable across the reservation. No great amount of funds have been available, and maintenance work on the route now used is all that has been done. An engineer recently made a survey of the bad stretch of road, approximately 40 miles in length, and estimated that $54,253.25 would be needed to establish a first-class road. The Indians are unable to repair the road and there is no prospect of obtaining funds for the work unless an appropriation is made by Congress.

I believe that in a situation of this sort the Government should not let the Indian country prove a drawback to the other part of the San Juan Valley and a bar to the progress of the whole valley. I therefore recommend that the bill receive favorable consideration and that approximately $15,000 be appropriated for expenditure each year until the amount estimated has been appropriated and the project completed.

The report of the engineer is inclosed for the information of your committee, and return after its purpose has been served.

Cordially, yours,

FRANKLIN K. LANE,
*Secretary.*

Hon. JOHN H. STEPHENS.
*Chairman Committee on Indian Affairs,*
*House of Representatives.*

Mr. HERNANDEZ. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman can not move to strike out the last word.

Mr. HERNANDEZ. I ask unanimous consent to speak for five minutes.

The CHAIRMAN. The gentleman from New Mexico asks unanimous consent to speak for five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. HERNANDEZ. Mr. Chairman, I fully agree with what the gentleman from Colorado [Mr. TAYLOR] has said about this proposed amendment. The Navajo Indian Tribe is one of the largest Indian tribes of the Southwest. They are self-supporting altogether. They are good stockmen and the best blanket weavers in the United States.

Mr. STEPHENS of Texas. Does the gentleman mean the female portion of the tribe?

Mr. HERNANDEZ. Yes; the female portion. Well, the females among all Indians are the best part of the Indian population. [Laughter and applause.]

Mr. CARTER of Oklahoma. And so they are with the white folks.

Mr. HERNANDEZ. Well, even among our people, the present company excepted, of course. We must do that. This will operate to induce the Indians to build the road so that they can do their trading at Gallup. The Navajo Indians have quite a number of sheep. If I am not mistaken, the number of sheep the Navajo Indians have to-day in New Mexico is close to 100,000. That is very valuable property and makes them self-supporting in a great measure. The $15,000, Mr. Chairman and gentlemen of the House, is a very small sum to go toward constructing a road about a hundred miles long, but I apprehend that this $15,000 will be used mainly to buy tools such as scrapers and road machines.

Mr. TAYLOR of Colorado. For tools, powder, and so forth, for the Indians to work with.

Mr. HERNANDEZ. And it would encourage them in road building. These Indians, as I have said, are not only self-supporting, but they are trying to make good in earning their own living and advancing in education, and in all lines. They are within a very large reservation in Arizona and New Mexico, and the idea of making this item reimbursable is so that it will only be a short time until it will be reimbursed, because besides having good land that can be put under cultivation, they have a large area of coal land that will develop in time.

Mr. TAYLOR of Colorado. They have a large amount of very valuable and rich land, have they not, with coal, and iron, and oil, and everything else?

Mr. HERNANDEZ. Particularly coal and oil land.

Mr. TAYLOR of Colorado. Something like 9,000,000 acres?

Mr. HERNANDEZ. Nine million acres is all they have. Perhaps one-tenth of that amount is classified coal land to-day. So I will say that the adoption of this amendment would be a very valuable thing for these Indians, and then it would help the whites in their trading with them also. We are not supposed to let the Indians build all the roads. The county of McKinley, of which Gallup is the county seat, has already raised a fund to assist in making the roadway across the Indian reservation, as provided for in this amendment. [Applause.]

Mr. STEPHENS of Texas. I withdraw the point of order, Mr. Chairman.

The CHAIRMAN. The gentleman from Texas withdraws the point of order. The question is on the amendment offered by the gentleman from Colorado [Mr. TAYLOR].

The amendment was agreed to.

The Clerk read as follows:

For support and education of 400 Indian pupils at Fort Totten Indian School, Fort Totten, N. Dak., and for pay of superintendent, $68,500; sinking wells and making improvements of the water system, $4,000; for horse barn, $5,000; for general repairs and improvements, $5,000; in all, $82,500.

Mr. MANN. Mr. Chairman, I reserve a point of order on that. I would like to inquire how many horses we educate at this school.

Mr. STEPHENS of Texas. The gentleman from that State can give a better estimate of that matter than I can.

Mr. NORTON. Mr. Chairman, I am very much surprised that the gentleman from Illinois should make such an inquiry.

Mr. MANN. Such a request.

Mr. NORTON. Such an inquiry. The school at Fort Totten is one of the best Indian schools in the country. It is one that has turned out within the past 20 years more bright, intelligent, progressive Indian young men and women that have taken up life and work in different sections of the country, I believe, than any other Indian school in the West; and I make that statement from certain personal knowledge and after careful consideration and comparison. The need of a horse barn at that place at this time is, as stated by the superintendent, due to the fact that the horse barn they have had there was destroyed by fire and the building they are now using for a horse barn is an old one and wholly unfitted for its present use. A number of the buildings that are now being used by the Indian school at Fort Totten were formerly used by the troops that were stationed there. Government troops were removed from Fort Totten about 1892, and many of the buildings there are frame buildings of long standing. It is proposed now to construct a new, modern horse barn with this appropriation of $5,000.

Mr. MANN. What is the necessity? The gentleman has not yet answered my question as to how many horses they educate at this institution of learning. How many do they educate?

Mr. NORTON. Well, I think the inquiry is rather a facetious one.

Mr. MANN. Perhaps the gentleman has not worked on the same kind of a farm as the one on which I work. They educate horses. I think farmers usually educate their horses; but perhaps they do not endeavor to have horses on this farm that know anything. But how many do they have of any kind, educated or uneducated?

Mr. NORTON. I can not tell the gentleman the number of horses that are at the agency there.

Mr. MANN. It is not at the agency. This is at the Fort Totten Indian School. This has nothing to do with the agency.

Mr. NORTON. The agency and the school are located in the same place, and I take it that this barn will be used for both the school and the agency.

Mr. STEPHENS of Texas. Will the gentleman be satisfied with this matter if we strike out the word "horse"?

Mr. MANN. I think it ought to go out.

Mr. STEPHENS of Texas. So it will read "for barn."

Mr. MANN. "For barn." What is the object in saying it is for a horse barn? They may need a barn there. I should think they would have much more use for some other animals than horses at the school.

Mr. STEPHENS of Texas. I ask unanimous consent to strike from the paragraph the word "horse."

Mr. NORTON. That will be entirely satisfactory to me.

Mr. MANN. I withdraw the point of order.

The CHAIRMAN. The gentleman from Texas asks that the word "horse" be stricken out from line 9, page 33. Is there objection?

There was no objection.

The Clerk read as follows:

For support and education of 200 Indian pupils at the Indian school, Wahpeton, N. Dak., and pay of superintendent, $35,200; for general repairs and improvements, $5,000; in all, $40,200.

Mr. BENNET. Mr. Chairman, I move to strike out the last word in order to ask the chairman of the committee or some

member of the committee a question. Are these schools in these various States open to the Indians from all over the United States, as, for instance, the Indians in New York State?

Mr. STEPHENS of Texas. That is in the discretion, as I understand it, of the Secretary of the Interior.

Mr. BENNET. I would like to ask the gentleman another question. Is the General Government doing anything for the education of the Indian children in the State of New York?

Mr. STEPHENS of Texas. I understand so.

Mr. BENNET. Does that appear anywhere in this bill?

Mr. CARTER of Oklahoma. A great many of the New York Indians go to the Carlisle School, one of the best and largest Indian schools in the United States.

Mr. STEPHENS of Texas. I have been there a great many times and find a great number of them from New York.

Mr. BENNET. So the welfare of the Indian children in New York State is being cared for in adjacent States rather than in the State of New York?

Mr. MANN. I will say to the gentleman from New York that we carry an item of $1,500,000 in this bill for the education of Indians not especially provided for. Where it goes I have never been able to discover, but doubtless the gentleman will find it in the report. Perhaps if the usual "live wire from New York" were here on that job, as on all others that I know of, the New York Indians would get their share.

Mr. BENNET. I accept the compliment of the gentleman from Illinois on the part of Representatives from New York.

Mr. KONOP. We also provide for their transportation to and from the schools.

Mr. BENNET. And that applies, of course, to the Indians residing in New York State as well as those residing in other States?

Mr. KONOP. Yes.

Mr. BENNET. Can the gentleman answer the inquiry of the gentleman from Illinois as to what becomes of this million and a half dollars every year that is not specifically appropriated?

Mr. KONOP. The department furnishes an itemized statement of those expenditures, and I think the gentleman can get it upon request.

Mr. BENNET. I have no doubt of that. I thought perhaps the gentleman carried the figures in his head.

Mr. KONOP. No; I do not carry them in my head.

Mr. BENNET. Mr. Chairman, I withdraw my amendment.

The CHAIRMAN. The gentleman from New York withdraws his amendment.

Mr. FESS. Mr. Chairman, may I ask the chairman of the committee how many Indian schools we have in the United States?

Mr. STEPHENS of Texas. The school at Carlisle, Pa., is a large school; so is the Sherman Institute in California, and the Haskell School in Kansas, and the Chilocco School in Oklahoma. Those are the four main Indian schools.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

To enable the Secretary of the Interior to redeem a mortgage on the allotment selection of Starr McGillis, a Turtle Mountain Chippewa Indian, described as the northwest quarter of section 34, township 164 north, range 70 west, of the fifth principal meridian, North Dakota, $1,500, or so much thereof as may be necessary, the said sum to be reimbursed from the rentals of said allotment not to exceed 50 per cent of the amount of rentals received annually: *Provided*, That in the event a patent in fee shall be issued for this land before the United States shall be wholly reimbursed as herein provided, the amount remaining unpaid shall become a first lien on such allotment, and the fact of such lien shall be recited on the face of the patent in fee and the amount of the lien set forth thereon, and the receipt of the Secretary of the Interior, or of the officer, agent, or employee duly authorized by him for that purpose, for the payment of the amount of the mortgage, when duly recorded by the recorder of deeds in the county wherein the land is located shall operate as a satisfaction of such lien.

Mr. MANN. Mr. Chairman, I reserve a point of order on the paragraph.

The CHAIRMAN. The gentleman from Illinois reserves a point of order on the paragraph.

Mr. MANN. I would like to inquire whether, if this should be done, the same will be reimbursed, with or without interest to the Government?

Mr. STEPHENS of Texas. What was the gentleman's question?

Mr. MANN. As I understand this item, it is proposed to have the Government inaugurate the policy of paying off a mortgage which some one has been bright enough or foolish enough to take, and that the Government in the course of time is possibly to be reimbursed the principal of the mortgage, but not the interest.

Mr. STEPHENS of Texas. The language here is:

The said sum to be reimbursed from the rentals of said allotments, not to exceed 50 per cent of the amount of rentals received yearly.

Mr. MANN. I have read that language. That only indicates the reimbursement of the principal. The principal amount is to be reimbursed in 20 or 25 years.

Mr. KONOP. I think the committee would be satisfied to have the legal rate of interest. It did not occur to the committee at the time they were considering this. I do not think there would be any objection to the suggestion made by the gentleman from Illinois.

Mr. MANN. Has the committee really considered the proposition as to whether we ought to inaugurate the policy of paying off mortgages which men who have become unfortunate had previously made? What is the necessity of paying this mortgage off?

Mr. KONOP. I think the "justifications" fully justify this particular case, but I would not agree to a general policy of that kind, as suggested by the gentleman from Illinois, and the committee did not consider it; they thought it was a very small matter. In this particular case they thought it was a just case, and simply left it in as recommended by the department; but I would not agree to such a policy.

Mr. MANN. I think as a rule a mortgagee owning a piece of farm land, if he is willing to do any work at all—in this case he is apparently not willing to work—has no trouble in renewing the mortgage. Why should we pay off the mortgage?

Mr. NORTON. Mr. Chairman, I desire to explain to the committee the situation here. In 1881 this Indian, McGillis, settled upon the land in question. Later, in 1898, one Hooker was allowed to make entry on the land. Hooker was not only allowed to make entry on the land, but allowed to make proof on the land, and a patent to the land was issued to Hooker in 1907. McGillis contested the right of Hooker to this land, and the matter was taken into the Federal court, and a final decree was rendered in May, 1913, in favor of McGillis.

The court held that McGillis's prior settlement and his residence on this land entitled him to a patent, and the claims of Hooker to the land were set aside. But by a strange part of this decision, it was held that the mortgage given by Hooker to one Steele was a valid lien against the land. The purpose of this item of appropriation is to pay that mortgage with accrued interest, which was made by Hooker to Steele. McGillis never received the benefits of this mortgage. It was through an error on the part of the Department of the Interior that Hooker was permitted to make entry and make proof upon the land. It seems to me that if an appropriation is to be made, it should be made outright and not reimbursable.

The CHAIRMAN. The time of the gentleman from Illinois [Mr. MANN] has expired.

Mr. MANN. Mr. Chairman, I ask for two minutes more.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. MANN. Mr. Chairman, it seems to me that the gentleman from North Dakota [Mr. NORTON] proves either too little or too much as to this item in the bill.

Mr. NORTON. I can not see why McGillis, under the facts in the case, should be required to pay the amount of this mortgage, $1,500.

Mr. MANN. As long as it is purely a claim against the Government, I can not see what jurisdiction the Committee on Indian Affairs has over the matter at all.

Mr. NORTON. Well, the committee has taken jurisdiction of it.

Mr. MANN. Well, temporarily. It will not last long.

Mr. KONOP. It was clearly a mistake on the part of the Secretary of the Interior in granting the patent.

Mr. MANN. If we should pay off the mortgage because a mistake was made in granting the patent, that is one thing; but it is not proposed to do that. But if McGillis is charged with the mortgage at all, he is quite competent to take care of it when it becomes due. Therefore I make a point of order against the item.

Mr. DEMPSEY. Mr. Chairman——

Mr. MANN. I reserve it for a moment, Mr. Chairman.

Mr. DEMPSEY. Mr. Chairman, I have just looked at this report, and this seems to be the situation: It seems to have been the fault of the Government that this situation exists. The patent was issued through mistake of the Government, and while the patent was in force a bona fide mortgagee, relying on the patent, loaned $1,100, which became $1,500 by the accrual of interest.

Now, the Government is really chargeable with the entire amount, and the question is to find some way of relieving this Indian. The Indian should not suffer, and it seems to me the gentleman from North Dakota [Mr. NORTON] is right in his contention that the Government having ignorantly issued a patent,

and an innocent mortgagee having advanced the money, the Government itself should make that amount good, and not charge it to this Indian at all.

Mr. MANN. There are two sides to that question, but that could come up when a bill came before the House properly. It is one of those peculiar things that men who give away property are often charged with having given it away erroneously, and it is said that they ought not only to give away their property, but ought to be held in damages for not giving it away correctly. That is the theory. We have these claims constantly before the House, and very seldom allow any of them. But that is a matter for the Committee on Claims.

Mr. DEMPSEY. The conclusion of the justification is a letter from the attorney representing the Department of Justice who had charge of this claim.

Mr. MANN. If he was so woefully negligent about it, he ought to pay the money. Let the fellows up there who made the mistake pay it out of their salaries.

Mr. DEMPSEY. He did not make the mistake. The Land Office made the mistake; and he, as the attorney for the Department of Justice, recovered the land for the Indian. Now, reporting on the case he says this:

I now have the honor to advise you that on March 21, 1914, the land was sold under the mortgage held by Rachel Stockdale, an innocent assignee thereof. The period of redemption expires one year from that date.

It is apparent that nothing further can be done by this department for the relief of Starr McGillis. The case, however, has impressed me as one of extreme hardship and injustice to this Indian, and I would be glad to know that there is some means by which your department can aid him in the redeeming of the land from the mortgage sale. If some action by Congress is necessary to that end, this department will be glad to join you in recommending appropriate legislation.

As I understand it, the man who makes that report is simply the man who prosecuted the action to redeem from a mortgage sale. He had nothing to do with the erroneous issue of the patent at all, but represented the Indian in the annullment proceeding as a Government attorney.

Mr. MANN. After all, you know, it is not hard ever to be sympathetic at the expense of somebody else; and even the attorneys of the Government frequently think something ought to be done by somebody else, to be paid for from the General Treasury.

Mr. DEMPSEY. But the court says that this patent was improperly and erroneously issued, and the Government is the one that was improvident and made the error. Now, if the Government improperly and erroneously issued this patent, then the Government should make good its mistake.

Mr. MANN. Not at all. The Government is not a guarantor.

Mr. DEMPSEY. No; but if it makes a mistake at the expense of one of its citizens, and, much more, if it makes a mistake at the expense of one of its wards, it ought to make good to that ward for the mistake it has made.

Mr. MANN. Not at all. If we should pay out of the Treasury for any part of the mistakes made by this body, individually and collectively, we would have to start printing presses to print greenbacks much more rapidly than has ever yet been devised. We do not do that.

Mr. DEMPSEY. The Government ought to correct its mistakes.

Mr. MANN. We will correct one mistake this fall. [Applause on the Republican side.] I make the point of order against the paragraph.

The CHAIRMAN. The point of order is sustained. The Clerk will read.

The Clerk read as follows:

For support and civilization of the Cheyennes and Arapahoes who have been collected on the reservations set apart for their use and occupation in Oklahoma, including pay of employees, $35,000.

For support and civilization of the Kansas Indians, Oklahoma, including pay of employees, $1,500.

For support and civilization of the Kickapoo Indians in Oklahoma, including pay of employees, $2,000.

For support and civilization of the Ponca Indians in Oklahoma and Nebraska, including pay of employees, $8,000.

Mr. MANN. Mr. Chairman, I move to strike out the last word. Were these items for the Cheyennes and Arapahoes in Oklahoma, the Kansas Indians in Oklahoma, and the Ponca Indians in Oklahoma and Nebraska, in the bill last year?

Mr. STEPHENS of Texas. They have been carried in the bill for a number of years, as I remember.

Mr. MANN. They were not in the bill last year.

Mr. STEPHENS of Texas. A point of order was made against the language for their support and civilization, and the point of order was sustained; but the language was put back in the bill before it was finally approved. We reported it just as it is now, and just as it has been in the law before.

Mr. MANN. Are not these Indians ever going to get civilized? What is the trouble with them? Is it the whites who surround them?

Mr. STEPHENS of Texas. We are bringing them around to that point as fast as possible, and making some progress.

Mr. MANN. You do not seem to make any rapid progress, because we appropriate the same amount of money every year, and do not seem to make any headway at all.

Mr. STEPHENS of Texas. A good many of the Indians are self-supporting, and have had lands allotted to them like white men. Some of them make an excellent living at farming, and some do not work, and hence they have but little to subsist upon.

Mr. MANN. I dare say if we would advertise in advance that we would take care of any number of white persons in the United States—and I would not exclude those in this Chamber—that we would take care of them forever at Government expense, you would not get any of them to work.

Mr. STEPHENS of Texas. The gentleman is to a great extent correct about that, because if a man can make a living without work, he is usually inclined to get along without working.

Mr. MANN. We advertise to these Indians that we will continue to make appropriations year after year. It says, "For support and civilization." I do not know whether it is really for the support and civilization of the Indians, or for the support of the Indian agent, though I suspect that the support of the Indian agent has a good deal to do with it. But is there to be no end to taking care of the Indians down there and elsewhere, by supporting and civilizing them, educating them at great public expense? Then, when they own land, we divide it up among them and let them sell it; and then we will start in again supporting, educating, and civilizing those Indians, if we continue the policy which we are now pursuing.

Mr. KONOP. I will state to the gentleman that most of these appropriations that he has mentioned are eaten up by the agencies. That is, the agents are the people who really get the civilization and support. They get the actual cash. The committee spent quite a lot of time on this subject, and wondered whether some of these agencies could not be discontinued, and let the Indians take care of themselves, instead of having some superintendent there, paid by the Government, looking after them to see whether they are working right or wrong.

Mr. MANN. Here is that item right above there:

For support and civilization of the Kansas Indians, Oklahoma, including pay of employees, $1,500.

To begin with, you would suppose that an Indian that reveled in the name of a Kansas Indian would realize that he was civilized. [Laughter.]

Mr. KONOP. Let me say that there was appropriated last year $1,500, and of that amount salary and wages was $1,008.50.

Mr. MANN. Is the gentleman from Wisconsin sure that as much as $9 was expended for the Indian?

Mr. KONOP. The traveling expenses were $19.16; telephone service, $24.15; printing, binding, and advertising, $24.70; forage, $35.80; fuel, $58.50; station and office supplies, $3.42; equipment material, $78.75; miscellaneous, $6.85; making in all, $1,259.83.

Mr. MANN. That was all for the agency.

Mr. KONOP. All for the agency. I do not think any Indian got a cent.

Mr. MANN. I do not think they got as much as $9. It seems to me it is high time, while we are willing to appropriate for the Indians, for their so-called civilization and support when necessary, that we ought to be willing to stop the appropriation when the benefit to the Indian ceases.

Mr. KONOP. That is my contention.

Mr. STEPHENS of Texas. That is what we are trying to do. We have provided for a competency commission, and the Commissioner of Indian Affairs in his report says:

The competency commission appointed by you has entered on its duties. The personnel of the commission, consisting of Maj. James McLaughlin, an inspector of the department, and Mr. F. A. Thackery, superintendent of the Pima School, each of whom has had large and varied intimacy with the Indians, is a guaranty that its purpose will be carried out with a sincere determination to make its findings dependable. In connection with the superintendent of the reservation on which its sittings are being held, it will carefully consider the qualifications of each Indian who may apply for a severance of tribal relations, or who, in its judgment, has arrived at the degree of business competency that he should assume the duties of citizenship. I am hopeful, from the wide experience of the members of the commission, that permanent good not only to the individual but to the tribe as well will result from its labors.

Mr. MANN. The personnel of that commission are now on the Government pay roll.

Mr. STEPHENS of Texas. Yes; they are inspectors, and of course on the pay roll; but they have been appointed to this particular duty, and they are doing it as fast as they can.

The Clerk, proceeding with the reading of the bill, read as follows:

For support of Quapaws, Oklahoma: For education (art. 3, treaty of May 13, 1833), $1,000; for blacksmith and assistants, and tools, iron, and steel for blacksmith shop (same article and treaty), $500; in all, $1,500: *Provided*, That the President of the United States shall certify the same to be for the best interests of the Indians.

Mr. MANN. Mr. Chairman, I move to strike out the last word. What does this language mean, that "the President of the United States shall certify the same to be for the best interests of the Indians"?

Mr. STEPHENS of Texas. That is the language of the treaty, as I understand it.

Mr. MANN. It is very certain that the President of the United States is not going to certify that it is for the best interests of the Indians to have a blacksmith.

Mr. STEPHENS of Texas. They do not have any blacksmith at the present time, and under the rules and regulations it is required that it shall be certified that this amount of money is necessary to carry on the blacksmith shop.

Mr. MANN. I understand. Treaties provide, and I presume this does, for certain specific employees—blacksmiths, and so forth; and then it contains a provision that the money for that purpose may be used for other purposes, providing the President of the United States shall certify that the change to be made is for the benefit of the Indians. That is not this provision. This is that you will make an appropriation for a blacksmith providing the President of the United States certifies that it shall be for the best interests of the Indians.

Mr. STEPHENS of Texas. That is the language of the treaty.

Mr. MANN. I beg the gentleman's pardon; it is not the language of the treaty.

Mr. STEPHENS of Texas. What is it?

Mr. MANN. I do not know; I have not the treaty before me.

Mr. MURRAY. It is the purpose that the treaty specifies; it is the language specified in the treaty.

Mr. KONOP. I have the language of the treaty, which I will read:

Article 3 of the treaty of May 13, 1833 (7 Stat. L., 424), with the Quapaw reads, in part, as follows:

"The United States agree to provide a farmer to reside with them and to aid and instruct them in their agricultural pursuits, and a blacksmith to do their necessary work, with a shop and tools and iron and steel, not exceeding 1 ton per year. The United States also agree to appropriate $1,000 per year for educational purposes, to be expended under the direction of the President of the United States; the farmer and blacksmith and the above appropriation for educational purposes to be continued only as long as the President of the United States deems necessary for the best interests of the Indians."

Mr. MANN. We have not carried this item heretofore and they have got the money just the same. I withdraw the pro forma amendment.

Mr. BENNET. Mr. Chairman, I move to strike out the last word. I want to say to the gentleman from Illinois that probably the reason the language was put in this year was because of the additional interest there is in preparedness, that they may have a blacksmith's shop out there to make rifles and such things. I am surprised, in view of the gentleman's remarks the other day, that he should detain the House for three minutes on anything that might be so important. I withdraw the pro forma amendment.

Mr. MANN. Mr. Chairman, I rise to resist the withdrawal of the pro forma amendment, which the gentleman can not do without unanimous consent. I am endeavoring to protect the Treasury of the United States, a thing which my friend from New York is never engaged in, hoping that we may have some money left to prepare for an emergency which may arise and which may be a matter of almost life and death to this country.

Mr. BENNET. Mr. Chairman, in view of the fact that that is the reason for the attitude of the gentleman from Illinois, I will ask unanimous consent that my amendment be withdrawn.

The CHAIRMAN. Without objection, the pro forma amendment is withdrawn.

The Clerk read as follows:

To pay the Women's Board of Domestic Missions, Reformed Church in America, $10,000 to reimburse said board for buildings on the Fort Sill Military Reserve in the State of Oklahoma, constructed by said board with the consent of the Government and utilized for the education and civilization of the Fort Sill Apache prisoners of war until the removal of said Indians from said Fort Sill Military Reserve.

Mr. MANN. Mr. Chairman, to that paragraph I reserve a point of order.

When are we going to get through with these appropriations on account of Apache Indians? We have been appropriating for them and apologizing to them and doing everything else since their outbreak years ago. Why should we have to reimburse for this item? Certainly no one constructed buildings on this military reservation for the benefit of the Indians and then had the Indians leave earlier than was expected. They stayed there until most of them died off.

Mr. FERRIS. Mr. Chairman, of course the gentleman is very familiar with the Apache Indian matter, and so is the rest of the House. About 25 years ago a band of Apaches headed by old Geronimo, one of the most famous outlaw Indians in the country, committed all sorts of depredations along the Indian Territory line and in Texas and in New Mexico. They were later captured as prisoners of war and first sent over to Florida, where a great many of them were inflicted with tuberculosis. They were later brought back and placed on the Fort Sill Military Reservation immediately adjoining my home town. They were kept there on the reservation for about 25 years. A good many of the old ones died, including old Geronimo himself. A good many of the young ones were born in captivity. Several years ago this Woman's Domestic Board, Mrs. Rowe, of Colony, Okla., being one of the active members, constructed $13,500 worth of school houses, dormitories, and churches for the purpose of educating these so-called prisoners of war who had been held there for a great many years. About two years ago the people of my district and all up through New England, every one who could not write a magazine article upon anything else proceeded to write one about the atrocity of keeping the Apache Indians longer in captivity on the Fort Sill Military Reservation. I brought the matter to the attention of the Committee on Indian Affairs, and the Congress did then what I think they ought to have done, released the Indians and allotted them land, part of them going back to New Mexico as they chose to do, retaining part of them in Oklahoma, allotting them lands.

Mr. MANN. Buying land for them?

Mr. FERRIS. That is true. That was certainly full-handed justice to the Indians, and the Government has been very generous with them.

Mr. MANN. The gentleman does not mean full-handed justice; he means full-handed generosity.

Mr. FERRIS. I guess I will join the gentleman in that. That brings us up to this matter: These women went among the Indians and they did a great deal of good. They educated them. They gave them training. They helped civilize them. They did a good work. They expended $13,500 in building dormitories, schoolhouses, church houses, and homes for the teachers who were to train them. They were really trying to do something for these 200 or 300 Indians.

Mr. MANN. Did they do that intending to get the money back?

Mr. SLAYDEN. Was the fund made up of public donations, or did they take their own money?

Mr. FERRIS. Their own money.

Mr. MANN. Oh, no; public donations; secured for this purpose.

Mr. SLAYDEN. We might give them their buildings back.

Mr. FERRIS. This is the situation as I see it: Congress properly let the Indians loose, and did full-handed generosity with the Indians, as the gentleman says. Here are these buildings. I have seen them. There are five or six of them in number—a dormitory for the boys, a dormitory for the girls, a schoolhouse and a church house, and some other little buildings there on the Fort Sill Military Reservation. The Indians are off the Fort Sill Military Reservation, and the buildings, of course, are no longer of any value to the women.

Mr. MANN. As I understand the gentleman, if the Indians had remained as prisoners on this reservation, the ladies would not have asked to have this money reimbursed?

Mr. FERRIS. That is true. They would still be helping to educate them and make good citizens of them.

Mr. MANN. But as long as we have done better by the Indians, and bought farms for them and located them on the land and let them out of prison, therefore we ought to pay the ladies for that privilege which we have given to the Indians.

Mr. FERRIS. The gentleman's philosophy may be right, although I confess I can not follow it. This is not for the Indians, but for the ladies who have done so much for the Indians. He always knows what is going on, and it is right that the House should know. In any event, here are the buildings on the middle of the Fort Sill Military Reservation, 4 or 5 miles from any privately owned land, that are a dead loss to the women. It is not a large sum. I feel they are entitled to it. I do not think it is more than Congress should do.

Mr. MANN. But of no value to the Government.

Mr. FERRIS. Not quite so. They are a little too far removed to be of full value to the Government, although every one of them is now occupied by certain of the military officers. There

is a letter in the Committee on Indian Affairs, in the possession of the chairman, that I turned over to him from Col, Adams, Gen. Mann approving this matter. Last Congress Gen. Leonard Wood also approved. It is also approved by Gen. Scott, the present Chief of Staff.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FERRIS. Mr. Chairman, I ask unanimous consent to continue for five minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Oklahoma. [After a pause.] The Chair hears none.

Mr. FERRIS. The name of Gen. Mann, in command down at Fort Sill. A very good name, as the gentleman from Illinois will appreciate.

Mr. MANN. I hope the name is not the best part of him.

Mr. FERRIS. He is a very good man. He has a very delightful name, so far as that is concerned. I do not desire to go outside of the question, although they do recommend that these very estimable ladies, engaged in a noble work, be paid for their buildings, and state that every one of the buildings is now occupied by the overflow from the force of Army officers. The letter referred to gave their names. I am sorry I do not have the letter here; but the chairman of the Committee on Indian Affairs will bear me out that every one of these buildings is occupied by Army officers. Of course the buildings are not perhaps really worth the full $10,000 to the Government. It is in a measure partly, at least, a donation—not quite so—but I believe it is not too much for the Congress to do to pay these old ladies this money for their buildings. The Clerk has now handed me the letter, and the names of the soldiers occupying the buildings are Sergt. Horne, Hospital Corps; Sergt. Herman, School of Musketry; First Sergt. Little, Fifth Field Artillery; and Cook Sparlin, Fifth Field Artillery. I think Congress would not go very far amiss if they let these old ladies be paid for their buildings. The item is, of course, subject to the point of order. Anyone can strike it out if they care to do so; any one of the members of the committee could have stricken it out if he wanted to do so; but I believe it is the proper thing to do. I hope no one will pursue that course.

Mr. MANN. Now, Mr. Chairman, it really offends my sensibilities to have the gentleman constantly refer to these estimable women as "old ladies."

Mr. FERRIS. I will change it to "dear ladies."

Mr. MANN. Surely they can not be very old. These beautiful women never grow old.

Mr. FERRIS. I agree with the gentleman about that.

Mr. MANN. But it does seem to me that where good people as these were and are go on Government land to help educate or take care of Indian prisoners or other Indians that they ought not to expect when they do it voluntarily to come in afterwards and stultify their very action by asking Congress to pay them for it. However, if these buildings are of value to the Government on the Fort Sill Military Reservation, that is a matter that ought to come before the House on a report from the Committee on Military Affairs. The Committee on Indian Affairs has absolutely nothing to do with this question.

Mr. FERRIS. Let me ask the gentleman the question——

Mr. MANN. These people are on a military reservation that belongs to the Government of the United States.

Mr. FERRIS. Let me make a suggestion right there.

Mr. MANN. Certainly.

Mr. FERRIS. I think there is much truth in what the gentleman says, but the Committee on Indian Affairs has dealt with the Apache situation from the start to the finish.

Mr. MANN. And I understand that is the very reason why some other committee ought to take up the matter from a disinterested standpoint and——

Mr. FERRIS. I can not go that far with the gentleman.

Mr. MANN. The Committee on Indian Affairs is one of the best committees in the House and one of the ablest Committees on Indian Affairs that has been here since I have been here. My friend from Oklahoma [Mr. FERRIS] succeeded in getting the committee to think that the Apache prisoners were almost godlike.

Mr. FERRIS. Oh, I did not say that.

Mr. MANN. I do not say that the gentleman himself thought so. Oh, no; he did not; but we proceeded to do for these prisoners, who had engaged in one of the most outrageous outbreaks ever known in this country——

Mr. FERRIS. That part of the statement about the outbreak is true.

Mr. MANN. What we have never done for anybody else, and having kept them in fine condition for years when we got ready to kick them out, at the instance of good people, we bought farms in the best State in the Union—I am sure the gentleman will agree with me in that statement—in Oklahoma——

Mr. FERRIS. I can agree by unanimous consent with the gentleman on that point. We have no difficulty on a meeting of minds on that subject, but what I want is you to let these ladies be paid.

Mr. MANN. This proposition ought to come from the proper committee, either the Committee on Military Affairs or the Committee on Claims. Mr. Chairman, I make the point of order.

Mr. STEPHENS of Texas. Will the gentleman reserve the point of order in order for me to make this statement?

Mr. MANN. I will reserve the point of order.

Mr. STEPHENS of Texas. We are informed that these ladies owned this property and they desired to get the money out of their property so as to follow these Indians into New Mexico and rebuild their school and take care of the Indians just as they have been doing heretofore. They can not move the buildings, but the Government can pay for these buildings and let them erect buildings in New Mexico.

Mr. MANN. Are we not educating these Indians in New Mexico?

Mr. STEPHENS of Texas. Not to the full extent.

Mr. MANN. Are we not building irrigation plants for them?

Mr. STEPHENS of Texas. They have the same right for their money now as they had when those ladies had charge of them.

Mr. MANN. But we put them on a place—part of them in New Mexico—where we have an irrigation plant, where we are doing everything that can be done for the Indians. We have given them a large amount of land. They are in affluence there. Those that did not wish to go there we bought farms for in Oklahoma.

Mr. STEPHENS of Texas. There are 200 of them there, and those particular farms in Oklahoma are a great many miles away from the buildings, and they are no use whatever to the Apache Indians.

Mr. MANN. I hope the gentleman will not contend that these Indians who have farms in Oklahoma and receive all the civilizing influences of Oklahoma require the special attention of these ladies?

Mr. BENNET. Mr. Chairman, will the gentleman reserve the point for two or three minutes?

Mr. MANN. I reserve the point of order.

Mr. BENNET. Mr. Chairman, I hope the gentleman from Illinois will not insist on this point of order. I happen to know something about the Reformed Church in America, which in the days of my boyhood, and long before that, was more commonly known as the Dutch Reformed Church. They have been engaged at the expense of the good people of that rather small denomination in attempts, and successful ones, to educate the Indians in all parts of the country, at first in the East, where their record in the district of my colleague, Mr. HICKS, the first district, is most admirable, and then going west and along the line of travel out into Allegheny County, and then into Michigan, and now into Oklahoma. And these good and sincere people, believing it to be a practical application of the twenty-fifth chapter of Matthew, with which my friend from Illinois [Mr. MANN] is familiar, have been year after year collecting this money and using it for this purpose.

And I want to thank my friend from Illinois for one thing right now, and that is for objecting, as I would have objected if he had not, to the characterization of the women who make up this board as "old ladies." They are not. They are fine, excellent, and, a good many of them, good-looking women. They are not old. No lady ever becomes old. And I do most sincerely hope that this small item, the first item of reimbursement of which I am aware, that this good old Dutch Reformed Church, with its fine old motto of "Eendracht maakt macht," of which any man from Michigan knows the meaning, has ever asked for from the Government after 300 years of excellent work among the Indians and the oldest church on this continent to do good, effective work among the Indians, will not be killed upon this floor by a point of order.

Mr. SLAYDEN. Will the gentleman from New York permit a question?

Mr. BENNET. Certainly.

Mr. SLAYDEN. As I understand the proposition set forward by these gentlemen, it is the purpose of these ladies, if the Government no longer needs the building in Oklahoma, to take the proceeds and go to New Mexico and construct new ones and train the Indians there?

Mr. BENNET. I have not the slightest doubt of it.

Mr. SLAYDEN. Suppose the Indians move again, will we have to keep following them?

Mr. BENNET. Before that comes the gentleman will be in the Senate and I will be back in private life. I do not worry about that. [Laughter.]

Mr. SLAYDEN. I thought your conscience would prick you now in your present duty.

Mr. BENNET. My conscience has a good many worse things on it than that. When a denomination has been working for 300 years amongst the Indians at its own expense, I do think that an item, which, of course, would be large for me, but which is a mere incident for the Government of the United States, ought to be killed by a point of order, however good it is.

Mr. MANN. Will the gentleman yield for a question?

Mr. BENNET. Certainly.

Mr. MANN. Does not the gentleman think that the record of this church for 300 years is one of the most noble examples of philanthropy in the world?

Mr. BENNET. Certainly.

Mr. MANN. And does not he think that we ought not to mar the record now?

Mr. BENNET. I think if there is any question as to that, it ought to come from the other side and not from ours. We have a high duty and a high privilege of showing some appreciation of all the work these people have done in three centuries. I hope a point of order will not be made.

Mr. CAMPBELL. Mr. Chairman, I want to supplement what has been said by the gentleman from Oklahoma [Mr. FERRIS] and the gentleman from New York [Mr. BENNET] in regard to the splendid work done by these women. No work was done amongst these Indians by the United States. We furnished them no chaplain. We furnish a chaplain in the penitentiary at Leavenworth and in the penitentiary at Atlanta and here. [Laughter.] There was absolutely no sort of religious training furnished for these criminal Indians. These women, following their good instincts and carrying out the purposes of their good church, went into Oklahoma many, many years ago, when it was out beyond the borders of civilization, when it was in the very wildest part of the Indian country, and constructed these buildings and established a mission among these Indians. It was on a military reservation, to be sure, but they constructed the buildings with the consent of the United States. We came along about two years ago and took the Indians away. The Indians were attached to this mission and to the work it was doing. They have been moved, some of them, to New Mexico, and there is no further use for these buildings as a mission school in Oklahoma. The Government of the United States is now using these buildings. Army officers are occupying them.

It is said that that fact gives jurisdiction to the Committee on Military Affairs. On a matter of this kind a mere question of committee jurisdiction ought not to delay the time when these women shall get the money that they have expended for these buildings, and they should have the opportunity, without delay, of utilizing that money further in mission work among the Indians. This money will not be spent foolishly or for any other purpose than for use in mission work among Indians.

A friend has asked me what was the original cost of these buildings. I understand it was $13,500. The buildings are substantially worth to-day the amount of this appropriation. I sincerely hope the gentleman from Illinois will not make a point of order.

The CHAIRMAN. Does the gentleman from Illinois insist on the point of order?

Mr. MANN. Oh, certainly, Mr. Chairman.

The CHAIRMAN. The point of order is sustained. The Clerk will read.

The Clerk read as follows:

That the Atchison, Topeka & Santa Fe Railway Co. be, and is hereby, authorized to reconstruct its line of railroad through the Chilocco Indian School Reservation in the State of Oklahoma to eliminate, where necessary, existing heavy grades and curves, and for such purpose to acquire the necessary right of way, not exceeding 200 feet in width, subject to the approval of the Secretary of the Interior and to the payment for the land so taken and occupied by such new right of way of such an amount as may be determined by the Secretary of the Interior to be fair and adequate compensation therefor, including all damage which may be caused by the reconstruction of said line of railroad to adjoining lands, crops, and other improvements, said amount to be paid to the Secretary of the Interior for the use and benefit of the Chilocco Indian School.

Mr. STAFFORD. Mr. Chairman, I reserve a point of order.

The CHAIRMAN. The gentleman from Wisconsin [Mr. STAFFORD] reserves a point of order on the paragraph.

Mr. STEPHENS of Texas. Mr. Chairman, I will say to the gentleman from Wisconsin that the gentleman from Kansas [Mr. CAMPBELL] is more familiar with this matter than any other Member on the floor.

Mr. STAFFORD. Mr. Chairman, I notice from the hearings that the gentleman at that time regarded this amendment as a proper one for the omnibus bill, rather than the Indian appropriation bill, and the committee dismissed for the time being the consideration of the merits of the proposition. Will the gentleman from Oklahoma [Mr. CARTER] or some other member of the committee advise us what change of heart came over the committee so as to have this item made a portion of this bill?

Mr. CARTER of Oklahoma. The gentleman from Kansas [Mr. CAMPBELL] can answer the gentleman.

Mr. CAMPBELL. I did not catch the first part of the gentleman's question.

Mr. STAFFORD. I said that the chairman of the committee at the hearing suggested that this was a proper item for the omnibus bill rather than this bill, and dismissed all further consideration of the proposition. Now, I ask what change of attitude has come over the committee to warrant their incorporating it in the bill?

Mr. CAMPBELL. Mr. Chairman, at the time the chairman of the committee made that statement I think I was temporarily absent from the committee room.

Mr. STAFFORD. That was a rare occasion.

Mr. CAMPBELL. Very rare. But as soon as the matter was discussed in the committee it was agreed unanimously in the committee that the item should remain in the bill.

Mr. STAFFORD. May I ask the gentleman if this item has ever received consideration in the House before? I recall that last session there was some proposal of a change of route.

Mr. CAMPBELL. It passed the House unanimously last session and was put in the appropriation bill.

Mr. STEPHENS of Texas. I will say to the gentleman that this provision was written into the bill by the department, and that when it was discussed before the committee every man was in favor of it.

Mr. STAFFORD. The printed hearings disclose that the gentleman took an entirely different position then than he is taking now.

Mr. MANN. Well, even the President changes his mind.

Mr. STAFFORD. I assume that the printed hearings are correct; and it there appears that when this item was reached the gentleman stated that he thought it was more proper for some other bill than for the appropriation bill. I have been seeking information why it should be incorporated, and having been furnished that informatien by the gentleman from Kansas [Mr. CAMPBELL], I withdraw the point of order.

Mr. STEPHENS of Texas. We had two committees, first a subcommittee that passed upon the bill, and then the full committee, who considered the bill after it was reported from the subcommittee. I am speaking of the full committee and the gentleman is speaking of the subcommittee.

Mr. STAFFORD. I am speaking of what is reported in the hearings.

Mr. STEPHENS of Texas. The gentleman is correct about that, but the full committee took up the matter and considered it, and of that action by the committee there is no printed record. The action of the full committee was subsequent to the hearing before the subcommittee.

Mr. STAFFORD. The gentleman from Kansas [Mr. CAMPBELL] has informed me as to the reason why this was incorporated in the bill, and in view of it having been considered last year I have no objection, and I withdraw the point of order.

Mr. STEPHENS of Texas. It is for the benefit of the Indians instead of the railroad, I will say to the gentleman.

Mr. STAFFORD. I have just stated that I would withdraw the point of order. If the gentleman continues, he may cause me to change my mind and insist on the point of order.

Mr. STEPHENS of Texas. It puts the railroad half a mile nearer the school.

Mr. STAFFORD. Do I understand the gentleman that the railroad is going to be brought nearer to the school by this change of line?

Mr. STEPHENS of Texas. Somewhere about half a mile nearer.

Mr. STAFFORD. Will that interfere with the use of the school building?

Mr. STEPHENS of Texas. Not at all. There are 8,000 acres that belong to the school, and I think it is a very excellent piece of land.

Mr. STAFFORD. On hearing the additional information which the gentleman has furnished me, I think there is some reason for insisting on the point of order, but the gentleman from Kansas had satisfied me that there was no reason for insisting on it, and I withdraw the point of order.

Mr. STEPHENS of Texas. Mr. Chairman, we have now reached the Five Civilized Tribes, and it is evident that we

will need an agreement as to time on the next item, because there will be quite a controversy over it. Therefore I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. FOSTER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the Indian appropriation bill (H. R. 10385) and had come to no resolution thereon.

ENROLLED BILL SIGNED.

Mr. LAZARO, from the Committee on Enrolled Bills, reported that they had examnied and found truly enrolled bill of the following title, when the Speaker signed the same:

H. R. 4954. An act directing the Secretary of War to reconvey a parcel of land to the Anshe Chesed Congregation, Vicksburg, Miss.

SENATE BILL REFERRED.

Under clause 2, Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. 4155. An act to authorize the Secretary of War to supply tents for temporary use of destitute persons in flood-stricken districts, and for other purposes; to the Committee on Appropriations.

ADJOURNMENT.

Mr. STEPHENS of Texas. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 54 minutes p. m.) the House adjourned until Saturday, February 5, 1916, at 12 o'clock noon.

## EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, reports on preliminany examination and survey of Duluth-Superior Harbor, Minn. and Wis. (H. Doc. No. 651); to the Committee on Rivers and Harbors and ordered to be printed, with illustration.

2. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report on preliminary examination of Dominguez Creek Channel, Los Angeles Harbor, Cal. (H. Doc. No. 652); to the Committee on Rivers and Harbors and ordered to be printed.

3. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report on preliminary examination of Neuse River, N. C., between Goldsboro and Newbern (H. Doc. No. 653); to the Committee on Rivers and Harbors and ordered to be printed, with illustrations.

4. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report on preliminary examination of Napa River, Cal. (H. Doc. No. 654); to the Committee on Rivers and Harbors and ordered to be printed.

5. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report on preliminary examination of Shallow Bayou, La. (H. Doc. No. 655); to the Committee on Rivers and Harbors and ordered to be printed.

6. A letter from the Secretary of the Treasury, transmitting a revised estimate, in connection with the sundry-civil appropriation bill, for the appropriation "Mechanical equipment for public buildings," increasing the amount from $450,000 to $543,365 (H. Doc. No. 656); to the Committee on Appropriations and ordered to be printed.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. TINKHAM, from the Committee on the District of Columbia, to which was referred the bill (H. R. 9803) to emancipate from certain disabilities children who have judgments of conviction for crime of record against them in the juvenile court of the District of Columbia, reported the same without amendment, accompanied by a report (No. 121), which said bill and report were referred to the House Calendar.

He also, from the same committee, to which was referred the bill (H. R. 8348) to amend an act entitled "An act to create a juvenile court in and for the District of Columbia," and for other purposes, reported the same with amendment, accompanied by a report (No. 120), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. HOOD, from the Committee on Immigration and Naturalization, to which was referred the joint resolution (H. J. Res. 79) authorizing the Secretary of Labor to permit the South Carolina Naval Militia to use the Charleston Immigration Station and dock connected therewith, reported the same with amendment, accompanied by a report (No. 122), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

## CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Pensions was discharged from the consideration of the bill (H. R. 4044) granting an increase of pension to Carrie B. Phillips, and the same was referred to the Committee on Invalid Pensions.

## PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. DARROW: A bill (H. R. 10829) to provide that commissioned chiefs of the United States Navy now on the retired list who had creditable Civil War service shall, as an equitable reward for said service, receive the rank and pay of lieutenant of the United States Navy, retired; to the Committee on Naval Affairs.

By Mr. FOSTER: A bill (H. R. 10830) to provide for the uniform selection and purchase of fuel to be used in the United States; to the Committee on Mines and Mining.

By Mr. EVANS: A bill (H. R. 10831) authorizing the Court of Claims to hear and consider all claims of certain tribes or nations of Indians in the State of Montana; to the Committee on Indian Affairs.

Also, a bill (H. R. 10832) for the relief of certain nations or tribes of Indians in Montana; to the Committee on Indian Affairs.

By Mr. FORDNEY: A bill (H. R. 10833) to provide revenue for the Government and to establish and maintain the manufacture of chemical glassware in the United States; to the Committee on Ways and Means.

By Mr. ELSTON: A bill (H. R. 10834) for the erection of a public building at Oakland, Cal.; to the Committee on Public Buildings and Grounds.

By Mr. CARY: A bill (H. R. 10835) to amend the present method of collecting garbage, ashes, and other refuse in the District of Columbia; to the Committee on the District of Columbia.

By Mr. DILLON: A bill (H. R. 10836) granting the consent of Congress to the Yankton County Bridge Co., a corporation, to construct a bridge across the Missouri River at a point between Yankton County, S. Dak., and Cedar County, Nebr.; to the Committee on Interstate and Foreign Commerce.

By Mr. PRICE: A bill (H. R. 10837) for the purchase of a site and the erection of a public building thereon at Elkton, Md.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 10838) for the purchase of a site and the erection thereon of a public building at Easton, Md.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 10839) to acquire the manuscript of Charles Chaille-Long, containing an account of the unveiling of the McClellan Statue; to the Committee on the Library.

By Mr. McLEMORE: A bill (H. R. 10840) providing for a survey of Turtle Cove Channel; to the Committee on Rivers and Harbors.

By Mr. SLEMP: A bill (H. R. 10841) providing for the appointment of a board of survey for the purpose of selecting a suitable site for a naval armor plant at or near Roanoke, Pulaski, or Bristol, Va., and submitting an estimate of the cost thereof; to the Committee on Naval Affairs.

By Mr. HEFLIN: A bill (H. R. 10842) for the disposition of the proceeds of the illegal cotton taxes collected in 1862, 1864, and 1866; to the Committee on War Claims.

Also, a bill (H. R. 10843) to require agents, brokers, and members of cotton exchanges and other persons in reporting or publishing notices of interstate or foreign sales of cotton to state specifically whether the sale is that of cotton futures or of actual cotton; to the Committee on Agriculture.

By Mr. DAVENPORT: A bill (H. R. 10844) to confer jurisdiction on the Court of Claims to try and adjudicate the claims of individual Shawnee and Delaware Indians on account of depredations committed by soldiers and white citizens of the United States; to the Committee on Indian Affairs.

By Mr. GARD: A bill (H. R. 10845) to establish a reserve officers' training corps; to the Committee on Military Affairs.

By Mr. RAKER: A bill (H. R. 10846) authorizing that certain lands heretofore set apart for a bird reserve in California and Oregon be restored to disposition under the public-land laws, and for other purposes; to the Committee on the Public Lands.

Also, a bill (H. R. 10847) to provide for the purchase of a site and for the establishment of a naval and aviation academy on the Pacific coast of the United States, and making an appropriation therefor; to the Committee on Naval Affairs.

By Mr. RANDALL: A bill (H. R. 10848) making appropriations for furthering direct dealing between the producer and the consumer through means of the Parcel Post Service; to the Committee on Appropriations.

By Mr. GOODWIN of Arkansas: A bill (H. R. 10849) granting the consent of Congress to Ashley County, Ark., to construct a bridge across Bayou Bartholomew; to the Committee on Interstate and Foreign Commerce.

By Mr. OLDFIELD: Joint resolution (H. J. Res. 139) making appropriations for the relief of sufferers from floods in the State of Arkansas; to the Committee on Agriculture.

By Mr. ABERCROMBIE: Joint resolution (H. J. Res. 140) authorizing the appointment of a commission in relation to the investigation and promotion of various phases of education by the executive departments and bureaus thereof; to the Committee on Rules.

By Mr. GOODWIN of Arkansas: Joint resolution (H. J. Res. 141) to amend joint resolution No. 11, authorizing the Secretary of War to loan tents in certain cases, approved March 2, 1913; to the Committee on Military Affairs.

## PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BURGESS: A bill (H. R. 10850) for the relief of J. O. King; to the Committee on Claims.

Also, a bill (H. R. 10851) for the relief of the estate of John R. Brantley; to the Committee on Claims.

By Mr. BYRNS of Tennessee: A bill (H. R. 10852) granting a pension to Elsa Thompson; to the Committee on Invalid Pensions.

By Mr. CANNON: A bill (H. R. 10853) granting an increase of pension to Henry C. Miller; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10854) granting a pension to Samuel R. Breedlove; to the Committee on Pensions.

By Mr. CAPSTICK: A bill (H. R. 10855) for the relief of Ora Seavey; to the Committee on Claims.

By Mr. CARY: A bill (H. R. 10856) for the relief of the heirs of Stephen Casey, deceased; to the Committee on Claims.

By Mr. CHARLES: A bill (H. R. 10857) for the relief of James Folmsbee; to the Committee on Military Affairs.

By Mr. DARROW: A bill (H. R. 10858) for the relief of William A. Hutson; to the Committee on Claims.

By Mr. DAVENPORT: A bill (H. R. 10859) granting a pension to Margaret M. Smith; to the Committee on Pensions.

By Mr. DYER: A bill (H. R. 10860) granting a pension to Laura Hilgeman; to the Committee on Pensions.

Also, a bill (H. R. 10861) granting a pension to George Fredericks; to the Committee on Pensions.

Also, a bill (H. R. 10862) granting a pension to George C. Emmert; to the Committee on Pensions.

Also, a bill (H. R. 10863) granting a pension to Margaret Cassidy; to the Committee on Pensions.

Also, a bill (H. R. 10864) granting a pension to Emma Potts; to the Committee on Pensions.

Also, a bill (H. R. 10865) granting a pension to Thomas F. Hassett; to the Committee on Pensions.

Also, a bill (H. R. 10866) granting an increase of pension to Bertha Herder; to the Committee on Pensions.

Also, a bill (H. R. 10867) granting an increase of pension to John A. Spann; to the Committee on Invalid Pensions.

By Mr. GALLIVAN: A bill (H. R. 10868) granting a pension to Frank H. McCoy; to the Committee on Pensions.

By Mr. GANDY: A bill (H. R. 10869) for the relief of the Mission Farm Co., Peter Volondra, and others; to the Committee on Indian Affairs.

By Mr. GOOD: A bill (H. R. 10870) granting an increase of pension to Albert Fife; to the Committee on Invalid Pensions.

By Mr. GREEN of Iowa: A bill (H. R. 10871) granting a pension to Nicholas Schiller; to the Committee on Invalid Pensions.

By Mr. HASTINGS: A bill (H. R. 10872) making an appropriation to Stuart, Lewis, Gordon & Rutherford, in payment of legal services rendered by them to the Creek Nation; to the Committee on Indian Affairs.

By Mr. HAWLEY: A bill (H. R. 10873) granting a pension to Bridget E. Williams; to the Committee on Pensions.

Also, a bill (H. R. 10874) granting an increase of pension to Charity Isabelle Beeson; to the Committee on Invalid Pensions.

By Mr. KELLEY: A bill (H. R. 10875) granting an increase of pension to Sarah C. Taylor; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10876) granting a pension to John C. Graves; to the Committee on Pensions.

Also, a bill (H. R. 10877) granting a pension to Mary E. Fowler; to the Committee on Invalid Pensions.

By Mr. KINCHELOE: A bill (H. R. 10878) for the relief of Thomas S. Pettit; to the Committee on War Claims.

By Mr. LOFT: A bill (H. R. 10879) for the relief of Watson B. Dickerman, adminstrator of the estate of Charles Backman, deceased; to the Committee on Claims.

By Mr. McCLINTIC: A bill (H. R. 10880) granting an increase of pension to James L. Saling; to the Committee on Invalid Pensions.

By Mr. McGILLICUDDY: A bill (H. R. 10881) granting a pension to Patrick A. Galvin; to the Committee on Pensions.

By Mr. McLEMORE: A bill (H. R. 10882) granting an increase of pension to Frank E. Hill; to the Committee on Invalid Pensions.

By Mr. MANN: A bill (H. R. 10883) to correct the military record of Sylvester De Forest; to the Committee on Military Affairs.

By Mr. MATTHEWS: A bill (H. R. 10884) granting a pension to Robert S. Peterson; to the Committee on Pensions.

Also, a bill (H. R. 10885) granting a pension to Susan L. Zuver; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10886) granting an increase of pension to Eleanor Jane Bowman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10887) granting an increase of pension to David Johnson; to the Committee on Invalid Pensions.

By Mr. COOPER of West Virginia (for Mr. Moss of West Virginia): A bill (H. R. 10888) granting an increase of pension to William Harper; to the Committee on Invalid Pensions.

By Mr. MOTT: A bill (H. R. 10889) granting an increase of pension to James H. Durham; to the Committee on Invalid Pensions.

By Mr. OVERMYER: A bill (H. R. 10890) granting a pension to William E. Crozier; to the Committee on Pensions.

Also, a bill (H. R. 10891) granting an increase of pension to Fred J. Wagner; to the Committee on Pensions.

Also, a bill (H. R. 10892) granting a pension to John A. Bockheim; to the Committee on Pensions.

Also, a bill (H. R. 10893) granting an increase of pension to Albert Schouten; to the Committee on Invalid Pensions.

By Mr. ROBERTS of Massachusetts: A bill (H. R. 10894) granting an increase of pension to Almira Cole; to the Committee on Invalid Pensions.

By Mr. RUSSELL of Missouri: A bill (H. R. 10895) granting an increase of pension to Samuel Saunders; to the Committee on Invalid Pensions.

By Mr. SHALLENBERGER: A bill (H. R. 10896) for the relief of Patrick Hughes; to the Committee on Military Affairs.

Also, a bill (H. R. 10897) granting an increase of pension to Jacob Galley; to the Committee on Invalid Pensions.

By Mr. SUTHERLAND: A bill (H. R. 10898) granting an increase of pension to Mary Jane Lee; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10899) granting a pension to Ida M. Goolwin; to the Committee on Pensions.

Also, a bill (H. R. 10900) granting a pension to Edward D. Hamrick; to the Committee on Pensions.

By Mr. TAGGART: A bill (H. R. 10901) granting a pension to Sarah M. Patterson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10902) granting a pension to John Shannon; to the Committee on Pensions.

By Mr. TEMPLE: A bill (H. R. 10903) granting a pension to Pleasa Anna Spencer; to the Committee on Invalid Pensions.

By Mr. THOMAS: A bill (H. R. 10904) granting a pension to E. J. Hobdy; to the Committee on Pensions.

Also, a bill (H. R. 10905) granting an increase of pension to Simeon Kelley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10906) granting a pension to Hester Lamson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10907) granting an increase of pension to William Chapman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10908) granting a pension to Drue Halsell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10909) granting a pension to Emma Perry; to the Committee on Pensions.

Also, a bill (H. R. 10910) granting a pension to Jane Alexander; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10911) granting a pension to Ella Perry; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10912) granting a pension to Amelia Milliken; to the Committee on Invalid Pensions.

By Mr. TRIBBLE: A bill (H. R. 10913) for the relief of the heirs of Thomas Hollis; to the Committee on Claims.

By Mr. WALKER: A bill (H. R. 10914) granting an increase of pension to John W. Bolt; to the Committee on Pensions.

Also, a bill (H. R. 10915) for the relief of A. A. Burney; to the Committee on War Claims.

By Mr. THOMAS S. WILLIAMS: A bill (H. R. 10916) to correct the military record of Robert W. Fitch; to the Committee on Military Affairs.

## PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ANTHONY: Petition of H. C. Hyder and others, of Bancroft, Kans., against stamp tax on bank checks; to the Committee on Ways and Means.

By Mr. BAILEY: Petition of F. G. Albright, Ginter Bros., H. C. Sprankle, Ackiin Jewelry Co., and H. L. Orr, all of Tyrone, Pa., for a tax on mail-order houses; to the Committee on Ways and Means.

Also, protests of Pittsburgh Brewing Co., E. J. Vilsack, W. P. Heckman, A. H. Behrenberg, and Edw. H. Straub, all of Pittsburgh, against prohibition in the District of Columbia; to the Committee on the District of Columbia.

By Mr. BYRNS of Tennessee: Papers to accompany bill (H. R. 10852) granting a pension to Elsa Thompson; to the Committee on Invalid Pensions.

By Mr. CARY: Petition of Wilmanns Bros. Co., William Franzen & Son, and the Daniel D. Weschler & Sons Co., all of Milwaukee, protesting against the passage of Senate bill 1082; to the Committee on Ways and Means.

Also, petitions of Wisconsin Aluminum Foundry Co.; National Distilling Co.; Local No. 9, International Union of the United Brewery Workmen, numbering 1,054 men; Baum & Loeb Co.; George J. Meyer Co.; M. Bloch & Co.; Frank Krafizyk; W. W. Georg; Joseph J. Canty; and Harry Meurer, all of Milwaukee, urging the defeat of Senate bill 1082; to the Committee on Ways and Means.

By Mr. CASEY: Petitions of 440 people of Wilkes-Barre, Pa., favoring national prohibition; to the Committee on the Judiciary.

By Mr. CHARLES: Petition of Larabee & Co., of Amsterdam, N. Y., for 1-cent postage; to the Committee on the Post Office and Post Roads.

By Mr. DALE of New York: Petition of W. Marvin, New York, favoring passage of House bill 9814, relative to land of Oregon & California Railroad; to the Committee on the Public Lands.

Also, petition of Mrs. C. M. Ray, of New York, favoring passage of House bill 9814; to the Committee on the Public Lands.

Also, petition of Oil Industry Association of California, relative to legislation for oil industry of the Pacific coast; to the Committee on the Public Lands.

By Mr. DYER: Petition of National Association of Drug Clerks, favoring Stevens standard-price bill; to the Committee on Interstate and Foreign Commerce.

Also, petition of Woman's Republican Club, of New York, relative to suffrage for women; to the Committee on the Judiciary.

Also, petition of the Kansas City (Mo.) Millers' Club, opposing the repeal of the mixed-flour law; to the Committee on Ways and Means.

By Mr. ESCH: Petition of the National Association of Drug Clerks, favoring passage of the Stevens standard-price bill; to the Committee on Interstate and Foreign Commerce.

By Mr. FLYNN: Petition of Mrs. C. M. Ray, of New York City, favoring passage of House bill 9814; to the Committee on the Public Lands.

Also, petition of Frederic E. Kip, of New York, favoring tax on dyestuffs; to the Committee on Ways and Means.

Also, petition of W. Marvin, of New York, favoring House bill 9814, relative to land of Oregon & California Railroad; to the Committee on the Public Lands.

By Mr. GORDON: Letter of Sherwin-William Co., urging enactment of legislation protecting dyestuff industry; to the Committee on Ways and Means.

Also, letter of Messrs. Hull, Smith, Vrock, and West, patent attorneys, urging enactment of legislation calculated to extend to citizens of belligerent nations certain reciprocal rights in connection with patents which our citizens now enjoy in the belligerent countries; to the Committee on Patents.

Also, letter of Mike Steffany, of Cleveland, asking for legislation increasing salaries of post-office laborers; to the Committee on the Post Office and Post Roads.

Also, letters of the Robert F. Mackenzie Co. and the Hall-Van Gorder Co., of Cleveland, Ohio, urging enactment of a standard-price law; to the Committee on Interstate and Foreign Commerce.

By Mr. HAMILTON of New York: Papers to accompany House bill 10800, granting a pension to Mae Crockett; to the Committee on Invalid Pensions.

Also, papers to accompany House bill 10801, granting a pension to John R. Jordon; to the Committee on Invalid Pensions.

By Mr. HILL: Petition of Bridgeport Steam Dyeing & Cleaning Co., the Crawford Laundry Co., and 8 other firms of Bridgeport; Salisbury Cutlery Handle Co., of Salisbury; the Model Laundry Co., and 5 other firms, and the Metropolitan Dye Works, of Waterbury, all in the State of Connecticut, in favor of House bill 702, the dyestuff bill; to the Committee on Ways and Means.

Also, petition of Imperial Laundry Co. and 9 other laundry companies of New Haven, Conn., in favor of House bill 702; to the Committee on Ways and Means.

Also, petition of 6 citizens of New York City and Mersner Lumber & Manufacturing Co., of Wittenberg, Mo., favoring tax on dyestuff; to the Committee on Ways and Means.

By Mr. JAMES: Memorial of Marquette Chapter, Daughters of the American Revolution, favoring preparedness; to the Committee on Military Affairs.

By Mr. KENNEDY of Rhode Island: Petition of P. B. Johnson, of Pawtucket, R. I., favoring passage of House bill 6915, granting indefinite leave to superannuated employees of the Post Office Department; to the Committee on the Post Office and Post Roads.

Also, memorial of Woman's Christian Temperance Union of Rhode Island, favoring censorship of motion pictures; to the Committee on Education.

Also, memorial of Rhode Island Equal Suffrage Association, favoring child-labor bill; to the Committee on Labor.

Also, petition of Narragansett Bay Oyster Co., of Providence, R. I., favoring appropriation for inquiry into propagation, etc., of oysters; to the Committee on Appropriations.

Also, petition of H. E. Pettingill, of Pawtucket, R. I., favoring passage of House bill 5792, classification of salaries in Bureau of Animal Industry; to the Committee on Agriculture.

By Mr. LAFEAN: Memorial of National Association of Drug Clerks, favoring passage of the Stevens standard-price bill; to the Committee on Interstate and Foreign Commerce.

Also, memorial of American Federation of Labor, opposing repeal of the seamen's law; to the Committee on the Merchant Marine and Fisheries.

By Mr. LEHLBACH: Evidence in support of House bill 5906, for the relief of Frederick W. Duncker; to the Committee on Military Affairs.

By Mr. LIEB: Petition of Eva K. Froelick, member of the city public library board, of Evansville, Ind., protesting against provision in House bill 4715 which would prevent libraries from getting good books at reasonable rates; to the Committee on Interstate and Foreign Commerce.

Also, petition of Globe-Barse-World Furniture Co.; the Evansville Furniture Co., by E. W. Ploeyer, secretary; the Burchell Chair Co.; and the American Pharmacal Co., all of Evansville, Ind., favoring House bill 702—the dyestuffs bill; to the Committee on Ways and Means.

By Mr. LOUD: Petition of 23 members of Coleman Grange, Midland County, Mich., against preparedness; to the Committee on Military Affairs.

By Mr. MAGEE: Petition of the Paragon Plaster Co., of Syracuse, N. Y., favoring tax on dyestuffs; to the Committee on Ways and Means.

By Mr. MEEKER: Petition of International Union of the United Brewery Workmen, of St. Louis, Mo., against national prohibition; to the Committee on the Judiciary.

Also, petitions of John Deere Plow Co.; F. R. Rice Mercantile Cigar Co.; J. A. Lewis, cashier National Bank of Commerce, all of St. Louis, Mo., favoring the passage of House bill 6883 relative to payment to Indians of Oklahoma; to the Committee on Indian Affairs.

By Mr. MOORE of Pennsylvania: Petitions of Pennsylvania Branch, Pennsylvania State Branch, and Philadelphia Branch, of the German-American Alliance; German Society of Philadelphia; and Harmonie Society of Philadelphia, Pa., favoring bill to prohibit sale of arms, etc.; to the Committee on Foreign Affairs.

By Mr. MURRAY: Petition of Society of Friends of Oklahoma, against preparedness; to the Committee on Military Affairs.

By Mr. OAKEY: Memorial of Winthrop Council, No. 7, of New Britain, Conn., Sons and Daughters of Liberty, in favor of the Burnett immigration bill; to the Committee on Immigration and Naturalization.

Also, petition of East Hartford Manufacturing Co., of Burnside, and 23 other business firms of the State of Connecticut, favoring House bill 702—the dyestuffs bill; to the Committee on Ways and Means.

By Mr. PAIGE of Massachusetts: Papers to accompany House bill 10727, for relief of Edgar W. Preble; to the Committee on Military Affairs.

By Mr. ROBERTS of Massachusetts: Papers to accompany House bill 10079, granting a pension to Charles H. Avery; to the Committee on Invalid Pensions.

Also, papers to accompany a bill (H. R. 10894) granting an increase of pension to Almira Cole; to the Committee on Invalid Pensions.

By Mr. ROWE: Petition of Chamber of Commerce of Sacramento, Cal., in favor of submitting the railway mail pay controversy to the Interstate Commerce Commission; to the Committee on the Post Office and Post Roads.

Also, memorial of St. Louis United Spanish War Veterans, in favor of preparedness; to the Committee on Military Affairs.

Also, petition of Pate & Robb, of New York, protesting against any curtailment of mail deliveries in New York City; to the Committee on the Post Office and Post Roads.

By Mr. SCHALL: Petitions of J. S. McCurdy and others, of Stacy; J. E. Lindstrom and others, of Ogilvie; Braham, Stampfield, Dalbo, and Fred Merchant and others, of Hopkins; St. Louis Park; John Nygren and others, of Cokato, all of Minnesota, favoring embargo on war munitions; to the Committee on Foreign Affairs.

By Mr. SNELL: Petition of T. B. Wiley, Bert Buckley, Charles Gonya, Charlie Lucia, A. S. Matott, David Newton, Sydney G. Potter, Delor Rock, and Henry Olina, of Chazy, N. Y., protesting against the preparedness plan; to the Committee on Ways and Means.

By Mr. SNYDER: Petition of Horrocks Desk Co., Herkimer, N. Y., favoring tax on dyestuffs; to the Committee on Ways and Means.

By Mr. STINESS: Memorial of Woman's Christian Temperance Union of Rhode Island, favoring the Keating child-labor bill; to the Committee on Labor.

Also, petition of Washington Council, Junior Order United American Mechanics, of Providence, R. I., favoring passage of the Burnett immigration bill; to the Committee on Immigration and Naturalization.

Also, petition of First Division Railway Mail Association, favoring legislation in interest of Postal Service employees; to the Committee on the Post Office and Post Roads.

By Mr. WARD: Petition of William O. Schwarzwaelder, of Chichester, N. Y., favoring tax on dyestuffs; to the Committee on Ways and Means.

Also, petition of International Union of the United Brewery Workmen of America, local union No. 31, against national prohibition; to the Committee on the Judiciary.

## HOUSE OF REPRESENTATIVES.

### SATURDAY, *February 5, 1916.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer.

O Thou who art never far from any of us, we would draw near to Thee in faith and confidence, that we may be inspired by the contact to fulfill the duties devolving upon us this day faithfully, conscientiously, that Thy purposes may be fulfilled in us and redound therefore to the good of mankind. For Thine is the kingdom and the power and the glory forever. Amen.

The Journal of the proceedings of yesterday was read and approved.

#### EXTENSION OF REMARKS.

Mr. RAMSEYER. Mr. Speaker, I desire to ask unanimous consent to extend my remarks in the RECORD on the subject of preparedness.

The SPEAKER. The gentleman from Iowa asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

#### THE LATE REPRESENTATIVE GOULDEN.

Mr. BENNET. Mr. Speaker, I ask unanimous consent to print in the RECORD, in connection with the Goulden memorial exercises, a very brief letter from Mr. Goulden's predecessor, ex-Congressman Ayres.

The SPEAKER. The gentleman from New York asks unanimous consent to print in the RECORD a letter from Mr. Goulden's predecessor, ex-Congressman Ayres. Is there objection?

There was no objection.

The following is the letter referred to:

DEAR MR. BENNET: It is a privilege to be allowed to add a few words which can only too feebly express the regret we all have felt at the untimely removal from earthly scenes of activity of Hon. Joseph A. Goulden. His sudden death was a shock to the district, to the city, and to the State of New York.

He was indeed a most useful Representative, and in his death the twenty-third congressional district of New York City sustained an irreparable loss. He was enthusiastically faithful to his duties as a Representative in Congress. No project for the benefit of the Borough of The Bronx failed to receive his prompt sanction and his unwavering support.

His wide acquaintance, his unvarying cheerfulness, and his great ability made him not only personally popular but exceedingly useful to every project to which his attention was turned.

STEVEN B. AYRES.

To Hon. WILLIAM S. BENNET,
*House of Representatives, Washington, D. C.*

#### INDIAN APPROPRIATION BILL.

Mr. STEPHENS of Texas. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 10385, the Indian appropriation bill. And pending that, I desire to ask the gentleman from Mississippi and the gentleman from Oklahoma whether we can agree upon a time for debate on the Mississippi Choctaw item.

Mr. HARRISON. Mr. Speaker, I am of the opinion that the whole thing will be stricken out, and that we will not need any time for argument beyond the point of order. I think at this time it would be premature to fix the time.

Mr. STEPHENS of Texas. I do not think it would be premature. I desire to limit the debate to 1 hour, 30 minutes on a side.

The SPEAKER. The gentleman from Texas asks unanimous consent that debate on the Mississippi Choctaw item be limited to one hour, one-half to the controlled by himself and one-half by the gentleman from Mississippi [Mr. HARRISON]. Is there objection?

Mr. HARRISON. I shall have no objection to that if we need the time.

The SPEAKER. If the committee does not need the time, it need not consume it. Is there objection?

Mr. MANN. I object.

The motion of Mr. STEPHENS of Texas was then agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. FOSTER in the chair.

The CHAIRMAN. The House is now in Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 10385, the Indian appropriation bill, and the Clerk will read.

The Clerk read as follows:

For carrying out the provisions of the Atoka agreement, adopted by Congress June 28, 1898 (30 Stat. L., p. 495), and the supplemental agreement adopted by Congress July 1, 1902 (32 Stat. L., p. 716), the Secretary of the Interior is hereby authorized to pay to the enrolled members of the Choctaw and Chickasaw Tribes of Indians of Oklahoma entitled under existing law to share in the funds of said tribes, or to their lawful heirs, out of any moneys belonging to said tribes in the United States Treasury or deposited in any bank or held by any official under the jurisdiction of the Secretary of the Interior, not to exceed $300 per capita in the case of the Choctaws and $200 per capita in the case of the Chickasaws, said payment to be made under such rules and regulations as the Secretary of the Interior may prescribe: *Provided*, That in cases where such enrolled members, or their heirs, are Indians who by reason of their degree of Indian blood belong to the restricted class, the Secretary of the Interior may, in his discretion, withhold such payments and use the same for the benefit of such restricted Indians: *Provided further*, That the money paid to the enrolled members as provided herein shall be exempt from any lien for attorneys' fees or other debt contracted prior to the passage of this act.

Mr. CARTER of Oklahoma. Mr. Chairman, I reserve a point of order.

Mr. HARRISON. I make the point of order.

Mr. CARTER of Oklahoma. I reserved it because I thought that perhaps the gentleman from Mississippi would make it. I want to reserve it in order that my friend from North Dakota may make a statement.

Mr. NORTON. Mr. Chairman, I trust that the point of order will not be made on the paragraph or any part of it. The provision in the last part of the paragraph which reads as follows—

*Provided further*, That the money paid to the enrolled members as provided herein shall be exempt from any lien for attorneys' fees or other debt contracted prior to the passage of this act—

is probably subject to a point of order. That matter was brought up in the committee, and I suggested that this provision be added to the paragraph. It is a provision to safeguard the funds of the Indians which are to be paid to them. It was maintained in the committee that the present provisions of law would provide a sufficient safeguard, and if that be so this, of course, would be surplusage and unnecessary. I think it should be the object of the House to safeguard in every way possible and make certain that these funds will not be liable to attorneys' fees or paid out for fictitious claims made against them.

Mr. HARRISON. Mr. Chairman, if the gentleman will allow me, I do not object to that provision in itself, and while it would make it clearly subject to a point of order, I think there are other provisions here to which the point of order ought to be sustained. I would say to the gentleman that in the event that this paragraph should be ruled out on a point of order and that the paragraph should then be perfected or cured, this latter provision should be inserted, and I would have no objection to it.

Mr. NORTON. I am pleased the gentleman takes that attitude, for I strongly feel that the provision should be left in the paragraph. The substance of the paragraph is the per capita payment to be made of the funds of the Choctaws and Chickasaws. It seems to me that every safeguard should be placed around it.

Mr. STEPHENS of Texas. I think that this is a necessary provision in the event that this money is paid out, because it ought not to be subjected to the enormous attorney fees that the Indians have contracted for.

Mr. NORTON. I do not know but that it is provided for by existing law, but I think it should be specifically safeguarded.

Mr. CARTER of Oklahoma. Since talking with the gentleman from North Dakota this morning, I have drawn a paragraph which I think comes within the rules of the House. I have changed the latter proviso to read:

*Provided further*, That no part of the sum appropriated by this paragraph shall be paid to attorneys.

I think that will protect the Indians and come within the rules of the House, because it is strictly a limitation.

Mr. NORTON. I would say to the gentleman that I think the provision as it stands now in the paragraph is better than that provision.

Mr. CARTER of Oklahoma. I agree with the gentleman that it is better, but I drafted this paragraph to get by the point of order.

Mr. NORTON. I do not think the point of order will be made to the provision I have proposed, as the gentleman from Mississippi says that he will make no objection to it.

Mr. CARTER of Oklahoma. The gentleman may not make the point of order against the proviso, but the gentleman from Mississippi makes a point of order against the entire paragraph on account of the proviso, and the point of order must be conceded if the proviso is not changed.

Mr. HARRISON. I want it understood that I do not object to that particular provision. There are matters in the paragraph that I think are subject to a point of order.

The CHAIRMAN. The point of order is sustained.

Mr. CARTER of Oklahoma. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Insert immediately after line 19, page 37:

"That the Secretary of the Interior be, and he is hereby, authorized to pay to the enrolled members of the Choctaw and Chickasaw Tribes of Indians of Oklahoma entitled under existing law to share in the funds of said tribes, or to their lawful heirs, out of any moneys belonging to said tribes in the United States Treasury, or deposited in any bank, or held by any official under the jurisdiction of the Secretary of the Interior, not to exceed $300 per capita in the case of the Choctaws and $200 per capita in the case of the Chickasaws, said payment to be made under such rules and regulations as the Secretary of the Interior may prescribe: *Provided*, That in cases where such enrolled members or their heirs are Indians who by reason of their degree of Indian blood belong to the restricted class, the Secretary of the Interior may, in his discretion, withhold such payments and use the same for the benefit of such restricted Indians: *Provided further*, That no part of the sum appropriated by this paragraph shall be paid to attorneys."

Mr. HARRISON. Mr. Chairman, on that I reserve the point of order.

Mr. STEPHENS of Texas. Mr. Chairman, I desire to ask the gentleman from Oklahoma whether the amendment he offers is the same in language as the provision of the bill which went out down to the words "*Provided further*"? I understood from the reading that it is the same. Is the language the same down to the end of line 16, page 38?

Mr. CARTER of Oklahoma. It is just the same, with the provision for attorneys' fees stricken out, and the words "*Provided further*, That no part of the sum appropriated by this paragraph shall be paid to attorneys" added. It is the same as was carried in the bill last year and the year before.

Mr. STEPHENS of Texas. I have no objection to it.

The CHAIRMAN. Does the gentleman from Mississippi make the point of order?

Mr. HARRISON. Mr. Chairman, I think the amendment as now perfected changes very materially the provisions carried in the present bill. While I did not agree with the ruling of the Chair last year and the year before that it is in order, yet I feel that I must bow to the ruling of the Chair, and I withdraw the point of order and offer an amendment.

Mr. STEPHENS of Texas. Mr. Chairman, there is one amendment pending now.

Mr. HARRISON. I offer an amendment to the amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend the amendment after the word "attorneys" by inserting the following:

"*Provided, however*, That the provisions of this paragraph with respect to the Choctaw Tribe shall not be operative until the Court of Claims shall determine the rights of the Mississippi Choctaws who have been identified as Mississippi Choctaws by the Dawes Commission in its report of March 10, 1899, and commonly known as the McKinnon roll, and also all Mississippi Choctaws who have been identified as Mississippi Choctaws by the Dawes Commission from March 10, 1899, to March 4, 1907, whose names do not appear upon the final rolls of the Choctaw Tribe in Oklahoma."

Mr. CARTER of Oklahoma. Mr. Chairman, I reserve the point of order on the amendment.

Mr. CAMPBELL. Mr. Chairman, I suggest that the point of order be made.

Mr. CARTER of Oklahoma. Mr. Chairman, I make the point of order.

The CHAIRMAN. Does the gentleman from Mississippi desire to be heard on the point of order?

Mr. HARRISON. Yes. Mr. Chairman, this amendment that I have offered is merely a limitation upon the amendment offered by the gentleman from Oklahoma [Mr. CARTER]. Last year the chairman of the Committee of the Whole, the gentleman from Tennessee [Mr. BYRNS] passed on practically this amendment, and held it in order. The only difference between the amendment that was at that time offered and which was held, under a ruling of the Chair, to be in order, and the amendment now offered is that the amendment at that time read as follows:

*Provided, however*, That the provisions of this paragraph in respect to the Choctaw Tribe shall not be operative until the Congress shall determine the rights of the Mississippi Choctaws whose names do not appear upon the final rolls of the Choctaws in Oklahoma.

And the amendment now only withholds the payments until the Court of Claims shall do what was proposed in that amendment Congress should do, namely, determine the rights of the Mississippi Choctaws.

The Chair at that time, after listening to a long discussion of the question, ruled that the provision was simply a limitation upon the paragraph in the bill, and the Chair at that time based his reasoning largely on a decision that had been cited to the Chair of February 23, 1907. That decision is based on the following facts:

On February 23, 1907, the sundry civil appropriation bill was under consideration in Committee of the Whole House on the state of the Union, when the following amendment was offered to the paragraph providing appropriation for the National Homes for Disabled Volunteer Soldiers:

"Add the following:

"'*And provided further*, That no part of this appropriation shall be apportioned to any National Home for Disabled Volunteers that contains a bar or canteen where intoxicating liquors are sold.'"

Mr. Richard Barthold, of Missouri, made the point of order that the amendment proposed legislation.

In the course of the debate Mr. JAMES R. MANN, of Illinois, argued:

"Here is a situation now proposed where Congress by law is creating soldiers' homes. It has by law provided for the government of soldiers' homes. At soldiers' homes it has vested the government in a board of managers in accordance with the provisions of the statute. It is true that Congress can refuse to appropriate, but, Mr. Chairman, it is also true that the Chair has frequently ruled that Congress can not, against a point of order, by a limitation change the organic law. Here is a provision—"

Argued Mr. MANN—

"that although Congress has created these soldiers' homes by an organic law, although it has provided for the government of the soldiers' homes by a board of managers, a proposition through the form of a limitation to take away the control of the board of managers and by affirmative legislation in the guise of a limitation to change the statute upon that subject. While limitations are usually favored by the Chair, properly, still it is true that the Chair might well rule, it seems to me, that a limitation in this guise, changing the law, giving the board of managers the discretion over the management of the homes, is positive affirmative legislation, as it undoubtedly would be construed by the Comptroller of the Treasury, and therefore subject to a point of order. It is perfectly manifest that an item of this kind in the bill would be construed by the Comptroller of the Treasury as positive legislation, although it be in the form of a limitation."

After further debate the Chairman ruled:

"The language used in the amendment offered by the gentleman from Kansas is as follows:

"'*And provided further*, That no part of this appropriation shall be apportioned to any National Home for Disabled Volunteers that contains a bar or canteen wherein intoxicating liquors are sold.'"

The Chairman said:

"This very proposition was presented in regard to the State Soldiers' Homes in 1904, and the Chair at that time overruled the point of order and held it in order as a limitation. If the Chair were only following the precedent, he would be constrained to overrule the point of order in this case. One year ago this whole question, as most of the Members will remember, was taken up and discussed thoroughly and elaborately, and at that time the gentleman from Kansas offered this proviso:

"'That this appropriation shall be available only under the condition that no bar or canteen shall be maintained at said homes for the sale of beer, wine, or other intoxicating liquors.'

"In legislation we look to the substance, and not to the form; and unless there is an affirmative attempt to restrict the administrative power or departmental function, it has always been held that a limitation in negative language is in order.

"The present occupant of the chair went fully into the authorities and quoted a large number of decisions by Mr. Hemenway, of Indiana; Mr. Burton, of Ohio; Mr. Payne, of New York; and other eminent parliamentarians who had occupied this chair when questions of similar import had been raised, all sustaining the theory that limitations of this character are clearly in order.

"The Chair does not care to go fully into this line of decisions again, because the Chair believes that the ruling at that time was acquiesced in and believed to be the proper ruling under the circumstances. Therefore the Chair overrules the point of order."

The Chairman at that time, Mr. BYRNS, held, as will be seen in the RECORD of that date, that an amendment that is practically the same as this amendment was in order. The only difference between the amendment that is now proposed and the one that Chairman BYRNS held to be in order at that time is that this one provides that the per capita payments to the Oklahoma Choctaws shall not be made until the matter is determined by the Court of Claims. The other amendment imposed the limitation that the per capita payments should not be made until Congress determined the rights of the Mississippi Choctaws, and the only difference, therefore, in the limitation is, one provides that the Court of Claims shall determine it and the other that Congress shall determine it. In each instance there is no affirmative matter; in each instance there is merely a limitation on this distribution of the per capita payments; and I submit that under the ruling of the Chair last year in holding the other amendment to be a limitation when it gave full power to Congress to determine when the money was to be expended, clearly the Chair ought to rule that this amendment is in order.

Mr. MURRAY. Mr. Chairman, the principle on which the gentleman from Mississippi [Mr. HARRISON] claims that this is in order is that it is a "limitation upon expenditures." If it were merely a limitation, he would be correct, but there is quite a distinction between a limitation on expenditure and negativing any expenditure at all. This provides that when the Court of Claims passes upon the question it shall be paid. There is no provision of law by which the Court of Claims can pass upon the question. It has no jurisdiction to do so, and this amendment does not give that jurisdiction. If it were not given jurisdiction directly, the time would pass in which this payment could be made. I apprehend the Chair would not rule that a negative amendment would be in order; in other words, if the provision provides for a payment, it would not be in order to provide that the payment should "not" be made, because that would be the reverse. That is clear in general principles of parliamentary law and, as I understand, the practice of the House.

Now, there might be one formal amendment on the assumption that there shall not be any payment until the House provides for it, if the House would do so; but it is quite distinct to say until the Court of Claims, because the Court of Claims can not pass upon it, and, therefore, there could be no payment. For that reason I do not see how the Chair can hold this provision in order, even basing it upon a former decision.

Mr. CAMPBELL. Mr. Chairman, if this were a mere limitation upon the payment of money there is no question that it would be subject to the point of order, but it is not a limitation. This is an act of affirmative legislation that changes existing law. This amendment would change the law which fixes the rolls of the Choctaw and Chickasaw Tribes of Indians under which annuities and per capita payments have been made and under which they took their allotments in the Indian country. The Thirty-fourth Statutes, page 137, provides:

That after the approval of this act no person shall be enrolled as a citizen or a freedman of the Choctaw, Chickasaw, Creek, Cherokee, or Seminole Tribes of Indians in the Indian Territory, except as herein otherwise provided unless application for enrollment was made prior to December 1, 1905, and the records in charge of the Commissioner to the Five Civilized Tribes shall be conclusive evidence as to the fact of such application.

This law is changed by the proposed amendment when it proposes that the Court of Claims shall add to the rolls aside from the conditions which I have just read, authorizing the Court of Claims to ignore the provisions of the law that fixes the rolls in the possession of the Dawes Commission on the 1st day of December, 1905, as the rolls of the Choctaw and Chickasaw Tribes of Indians. That law has been standing now for years as the law that has governed all payments and all allotments made to the Choctaws and Chickasaws. The amendment proposes a further violation of law. A proviso in the same act I have just read reads:

That the rolls of the tribes affected by this act shall be fully completed on or before the 4th day of March, 1907, and the Secretary of the Interior shall have no jurisdiction to approve the enrollment of any person after that date.

The rolls were closed on the 4th day of March by acts of Congress. This is a proposition that will open the rolls and is clearly a change of existing law. I do not think there can be any sort of question as to the amendment being subject to the point of order.

Mr. FERRIS. Mr. Chairman, I want to submit one or two suggestions only to the Chair. The Curtis Act creating the Dawes Commission created a board to determine this enrollment matter. On April 26, 1906, Congress passed an act formally and forever closing these rolls on March 4, 1907. That act has never been repealed; it is still the law. No one has sought to repeal it until this time. The amendment offered by the gentleman from Mississippi [Mr. HARRISON], traveling in the guise of a limitation, is in truth, in effect and reality, a repeal of that act. Why? Because it proposes a new trial and change of the law for all of these cases that have heretofore been adjudicated, fairly bringing it within the rule of changing existing law by an amendment on an appropriation bill. To call a thing by the name of a limitation, when in truth and in fact it is another thing, does not bring it within the rule of a limitation.

Mr. STEPHENS of Texas. Will the gentleman yield?

Mr. FERRIS. I will.

Mr. STEPHENS of Texas. Is it not a fact that if this amendment passes it would reopen the rolls, subject to the jurisdiction of this court?

Mr. FERRIS. Precisely; and, if the Chair will bear with me further, in addition to that, in addition in effect to repealing a solemn act of Congress of April 26, 1906, it does more than that. It prescribes a new tribunal, that never had anything to do with these rolls. In addition to repealing that it creates a new tribunal to try these cases, which is clearly legislation. It is a repeal of the law, in the first instance; it is new legislation, in the second instance; and in neither instance is it is truth and in fact a limitation. I think the Chair would be entirely right, would be entirely authorized, and entirely justified to hold it to be the thing which it actually is, and I hope the Chair can agree with us on the proposition. It certainly does two things—repeals a solemn act of Congress that is still in full force and effect and establishes a new tribunal—either of which clearly subjects it to the point of order, and it ought to go out.

Mr. HASTINGS. Mr. Chairman, in addition to what has been already said, I desire to call the attention of the Chair to section 21 of the act of June 28, 1899, which provides as follows:

The rolls so made, when approved by the Secretary of the Interior, shall be final, and the persons whose names are found thereon, with their descendants hereafter born to them, with such persons as may intermarry according to tribal laws, shall alone constitute the parties which they represent.

Now, there is a provision also in the Indian appropriation bill approved March 3, 1901, which provides:

The rolls made by the Commission for the Five Civilized Tribes, when approved by the Secretary of the Interior, shall be final, and persons whose names are found thereon shall alone constitute the rolls which they represent.

In addition I desire to again invite the attention of the Chair to this provision of section 2 of the act of April 26, 1906, which closed the rolls on March 4, 1907, and clearly this amendment offered by the gentleman from Mississippi changes existing law. Let me repeat, Mr. Chairman, that if that sort of amendment could go on here and was not subject to the point of order and was in order the same sort of amendment could be placed after each clause in this appropriation bill.

Mr. HARRISON. Mr. Chairman, the gentlemen who have just preceded me have not discussed the point of order, but have argued, or attempted to argue, the merits of this controversy.

Now, the gentleman called the attention of the Chair to the act of 1898, known as the Curtis Act. I want to read to the

Chair one provision of the act of 1898 that the gentleman overlooked, and that was:

*Provided, however*, That nothing contained in this act shall be so construed as to militate against any of the rights or privileges which the Mississippi Choctaws may have under the laws or treaties of the United States

Mr. FERRIS. Will the gentleman yield right there?

Mr. HARRISON. No; the gentleman has already spoken.

The CHAIRMAN. The Chair would like to ask the gentleman from Mississippi a question.

Mr. HARRISON. Yes.

The CHAIRMAN. If this amendment should be placed in this bill, and become a law, is it the gentleman's idea that then the Mississippi Choctaws have the right to go to the Court of Claims and argue their right to be enrolled and secure a part of this?

Mr. HARRISON. I do not think so, and that is the point I want to present. During the consideration of this paragraph the last time there was an amendment offered, and held in order, that provided this money should be withheld—this money that is proposed to be distributed among these Indians—until Congress should determine whether or not they are entitled to enrollment. That amendment did not give any affirmative action. That amendment only put a limitation on that distribution. It said this payment is withheld from being distributed until Congress shall determine whether or not the Mississippi Choctaws are entitled to enrollment. By the terms of that provision it did not set up affirmatively that Congress had to do anything for the Mississippi Choctaws. It did not say in that provision that there should be a law passed to open the rolls of the tribe and take care of the Mississippi Choctaws, but it only said this, that here you are proposing to distribute the funds of the Choctaw Nation among the Indians who are now in Oklahoma on the rolls of the tribe, and we want that withheld, not to do it now, because there is a controversy between the Indians of Mississippi and the Indians of Oklahoma, and to withhold this distribution until Congress shall determine whether or not the Mississippi Choctaws will have a right to enrollment. It was merely a limitation, and whenever Congress determines whether or not the Mississippi Choctaws were entitled to enrollment, then the per capita payments should be made under the provisions of the bill.

Now, here you have the same proposition, and there can not be any question as to that, because here the same argument is advanced against the amendment that was advanced last time to the other amendment. The gentleman from Oklahoma [Mr. CARTER] and all of these gentlemen argued then that the amendment included affirmative matter—the reopening of the roll—just as they now argue, but the Chair did not accept that contention. We argued that the amendment was merely a limitation. It did not state any affirmative matter, but was merely negative—a limitation pure and simple.

May I read to the Chair what the Chairman then said in ruling on that amendment?

There is nothing in the amendment seeking to force the Congress or compel the Congress to determine the rights of the Mississippi Choctaws. It simply provides that a per capita tax shall not be paid until the Congress shall have determined such rights.

The CHAIRMAN. Does this amendment of the gentleman now seek to change the status of the Mississippi Choctaws, or has their claim been adjudicated?

Mr. HARRISON. This amendment does not give the Court of Claims jurisdiction to try these cases, but it presents an opening so that Congress can during this session or next session pass a law that would send this whole question to the Court of Claims for adjudication.

And so, Mr. Chairman, I submit, as the provision last time, which was held in order, only limited this distribution until Congress should have determined these claims, that now they should be withheld until the Court of Claims shall determine these claims. And, I say, there is nothing in this provision that gives the Court of Claims authority to go ahead and try them. We have got to give that authority later. We have got to pass another bill on that that will be affirmative matter, and this amendment only seeks to withhold these funds until the Court of Claims does determine the rights in the premises. And I submit the Chair must overrule Chairman BYRNS, if he does not overrule the point of order here presented.

Mr. CARTER of Oklahoma. What the gentleman has said to-day might apply to the amendment he offered one or two years ago, but it certainly can not be said to apply to this amendment, for the very language of this amendment itself attempts to change existing law by referring these matters to the Court of Claims. What does it say?—

It shall not be operative until the Court of Claims shall determine the rights of the Mississippi Choctaws—

And so forth.

If it is not a clear attempt to reopen a matter which is now res adjudicata and send this adjudicated claim to the Court of Claims, a new tribunal never before dealing with the case, then what is its purpose?

The gentleman's amendment not only seeks to change existing law but it seeks to overturn the decisions of our courts, the decisions of specially authorized commissions, and the decisions of Congress itself.

If adopted it would overturn the decision of Federal Judge Clayton in the Jack Amos case, in which it was held that the Mississippi Choctaws must make bona fide settlement in the Choctaw Nation before they could participate in the estate of the Indian Territory Choctaws, a case never reversed by any competent tribunal to this good day. It would overturn the decision of the Supreme Court of the United States in the case of the Cherokee Nation against Stephens, which decided a similar contention. It would overturn the decision of Federal Judge Townsend in the case of Ikard against Minter, in which it was held in effect that before a right could establish they must move on the land.

This amendment undertakes the repeal of the act of July 1, 1902, a solemn treaty between this Government and the Choctaws, which provides that the Oklahoma estate shall be divided between the members of the tribe enrolled under its provisions and no others. It undertakes the repeal of the act of April 26, 1906, which declared the Choctaw rolls should be closed on March 4, 1907, and no name should be added thereto after that date. It would overthrow 11 years of careful, painstaking work employed by the Dawes Commission in making the Choctaw rolls, reverse the decisions of no less than five Cabinet officers, and nullify the judgment of the House in the Sixty-third Congress as expressed by overwhelming majorities on three or four different occasions. This latter might not, of course, affect the parliamentary status, but the reversal of court decisions, decisions of the Dawes Commission, and repeal of the acts above referred to certainly would render this amendment obnoxious to the rules of the House.

Mr. FERRIS. Mr. Chairman, will the Chair allow me a moment to present a proposition of law?

The CHAIRMAN. Yes.

Mr. FERRIS. The gentleman from Mississippi [Mr. HARRISON] a moment ago called your attention to the provision in the act of 1898 which seemed to preserve the rights of the Mississippi Choctaws. If the Chair will hear me just one moment, I desire to submit that the act of April 26, 1906, says this:

*Provided*, That the rolls of the tribe affected by this act shall be fully completed on or before the 4th day of March, 1907, and the Secretary of the Interior shall have no jurisdiction to approve the enrollment of any person after said date.

That is the act of 1906. The gentleman read the act of 1898. The later act, of course, supplants the act referred to by the gentleman from Mississippi. In addition to that, Mr. Chairman, the concluding paragraph of the act of April 26, 1906, was this, in section 29:

That all acts and parts of acts inconsistent with the provisions of this act be, and the same are hereby, repealed.

I make these two points, Mr. Chairman: The provision referred to by the gentleman from Mississippi is, first, repealed by the act of 1906 in specific language, and, second, it is done in so many words—the words just presented. It specifically provides that the rolls are closed on March 4, 1907, and that thereafter no names shall be added. So that both by specific repeal and by actual language of part of section 2 of the act of April 26, 1906, it overrides and overturns the authority presented by the gentleman. So it is clearly a change of the existing law, and is not a limitation, and consequently not in order.

The CHAIRMAN. The gentleman from Oklahoma offers an amendment, to which the gentleman from Mississippi [Mr. HARRISON] proposes an amendment, which has been read at the Clerk's desk. The original amendment provides for the payment of so much per capita of the Indians of the Five Civilized Tribes, the Choctaws and Chickasaw Tribes of Indians in Oklahoma. The gentleman from Mississippi offers an amendment to this amendment, as follows:

*Provided, however*, That the provisions of this paragraph with respect to the Choctaw Tribe shall not be operative until the Court of Claims shall determine the rights of the Mississippi Choctaws, who have been identified as Mississippi Choctaws by the Dawes Commission in its report of March 10, 1899 and commonly know as the McKinnon roll, and also all Mississippi Choctaws who have been identified as Mississippi Choctaws by the Dawes Commission from March 10, 1899, to March 4, 1907, whose names do not appear upon the final rolls of the Choctaw Tribe in Oklahoma.

In last year's Indian appropriation bill there was a provision to the effect that—

The provisions of this paragraph, with respect to the Choctaw Tribe, shall not be operative until Congress shall determine the rights of the Mississippi Choctaws whose names do not appear on the official rolls of the Choctaws in Oklahoma.

As the Chair understands, these funds are held as trust funds by the Government, not paid out annually but only at such times as Congress shall determine to do so. The Chair is not here to pass upon the motives of the gentleman from Mississippi or what he may have in his mind when he offers this amendment. He only judges of the amendment itself as it appears.

This question was argued very fully, as the Chair remembers, in 1915, when the Indian appropriation bill of that year was under consideration. The gentleman from Tennessee [Mr. BYRNS] then occupied the chair—a very able man and a man who had served on the Indian Affairs Committee—and he decided that, in his judgment, this did not change existing law.

This does not at this time refer this matter to the Court of Claims. If it did, the Chair would sustain the point of order without any question. The Congress has the right, of course, to make an appropriation according to law, but before that appropriation shall be paid, Congress has the right to put any limitation that it may see fit on it. For instance, it could be provided that it should not be made until it was determined that the moon was made of green cheese; so that the Chair thinks that under these circumstances—and he quotes here from the Chairman of last year—the amendment is not open to the objection that it is new legislation or that it changes existing law.

The ruling of the Chair last year was as follows:

The CHAIRMAN. The gentleman from Mississippi [Mr. HARRISON] offers an amendment to add the following language to the paragraph:

"*Provided, however*, That the provisions of this paragraph in respect to the Choctaw Tribe shall not be operative until Congress shall determine the rights of the Mississippi Choctaws whose names do not appear upon the final rolls of the Choctaws in Oklahoma."

The gentleman from Texas [Mr. STEPHENS] made the point of order that this amendment is not germane and is new legislation.

Mr. STEPHENS of Texas. And will repeal existing laws, Mr. Chairman.

The CHAIRMAN. And that it repeals existing laws. The purpose of the paragraph under consideration is to direct a per capita payment of a given sum to certain tribes of Indians, the payment to be made out of trust funds belonging to the Indians and within the control of the United States Government. It provides for an unconditional per capita payment. The fact that under existing law Congress has the right in an appropriation bill to make a per capita payment to the Indians does not, of course, carry with it the absolute requirement on the part of the Congress to make the appropriation.

In other words, it is entirely within the discretion of the Congress whether or not it will make the appropriation. It may make all or a part of the appropriation, or it may adopt a provision making the appropriation entirely nugatory, provided such provision is germane and does not change existing law. The amendment offered by the gentleman from Mississippi seeks to delay the payment of any per capita payment until Congress shall have determined the rights of the Mississippi Choctaws whose names do not now appear upon the final rolls of the Choctaws in Oklahoma. There is nothing in the amendment seeking to force the Congress or to compel the Congress to determine the rights of the Mississippi Choctaws. It simply provides that a per capita tax shall not be paid until the Congress shall have determined such rights. Now, it seems to the Chair that Congress, having the right to make the appropriation in any amount it deems proper, may also adopt a provision rendering the entire appropriation nugatory. The wisdom of such a course is for the committee and not the Chair to determine. The Chair does not think the amendment open to the objection of being new legislation or that it changes existing law. The Chair has not been furnished with any treaty or statute providing specifically for an annual per capita payment. If there was any such statute, the Chair apprehends that it would not be necessary to have the provision which has been reported as a part of the pending bill. The Chair is of opinion, however, that there is ample authority for Congress to make such annual payment in an appropriation bill if it sees fit to do so. On the other hand, Congress may withhold it, as has been done in the past. The Chair therefore does not think that the amendment changes existing law, nor does it propose new legislation. It is, in the opinion of the Chair, only a condition or limitation on the appropriation, the effect of which and the advisability of which the committee and not the Chair must determine.

The Chair thinks the amendment in order, and therefore overrules the point of order.

There is in volume 4 of Hinds' Precedents, page 636, paragraph 3942, this elucidation:

3942. While it is not in order to legislate as to qualifications of the recipients of an appropriation, the House may specify that no part of the appropriation shall go to recipients lacking certain qualifications. On January 30, 1901, the Agricultural appropriation bill was under consideration in Committee of the Whole House on the state of the Union, and the Clerk had read the paragraph relating to agricultural colleges, when Mr. Charles B. Landis, of Indiana, proposed this amendment:

"*Provided*, That no part of the appropriation shall be available for the agricultural college of Utah until the Secretary of Agriculture shall be satisfied, and shall so certify to the Secretary of the Treasury, that no trustee, officer, instructor, or employee of said college is engaged in the practice of polygamy or polygamous relations."

Some debate having taken place, and Mr. William H. King, of Utah, having suggested a point of order, the Chairman said:

"There are two reasons why the Chair would be inclined to overrule the point. In the first place, it comes rather late, and in the second place the amendment seems to be a limitation upon this appropriation."

The amendment having been agreed to, Mr. King offered the following amendment:

"And that no person shall be appointed a teacher or trustee in any of said colleges who has been engaged in any lynching, and until proof shall have been furnished, to the satisfaction of the Secretary of Agriculture, that such teacher or trustee has not been guilty of adultery or fornication."

Mr. Charles H. Grosvenor, of Ohio, made the point of order that the amendment was not in order.

The Chairman said:

"Let the Chair state to the gentleman that the ruling on the other amendment was that that was a limitation upon the appropriation—providing that no part of this appropriation shall be paid to the agricultural college, in general terms, until it was ascertained that no teacher or trustee was a polygamist. That is a general statement of that amendment. That was a limitation upon the appropriation. Then comes this independent proposition, involving legislation. * * * The Chair sustains the point of order."

Thereupon Mr. King offered the following:

"*Provided*, That no part of this appropriation shall be available for the agricultural college of Indiana or any other State or Territory until the Secretary of Agriculture shall be satisfied, and shall so certify to the Secretary of the Treasury, that no trustee, officer, instructor, or employee of said college is engaged in the practice of polygamy or polygamous relations or is guilty of adultery or fornication."

Mr. Grosvenor made the point of order against the amendment.

The Chairman overruled the point of order and held that the amendment was in order.

The Chair thinks that this does not change existing law, but provides that these provisions of this appropriation, which clearly is an appropriation, shall not be carried out until this matter shall be referred to the Court of Claims, and thinks it is in order, and therefore overrules the point of order.

Mr. STEPHENS of Texas. Mr. Chairman, I desire to ask the gentleman from Mississippi [Mr. HARRISON] whether we can agree beforehand on the time this matter shall be discussed. I fear there will be unnecessary discussion unless we limit the debate. Will 30 minutes on a side satisfy the gentleman?

Mr. HARRISON. I do not know who wants to speak on the proposition, but I should think 30 minutes on a side would do.

Mr. CARTER of Oklahoma. What does the gentleman from Kansas desire with reference to this?

Mr. CAMPBELL. What was the proposition?

Mr. STEPHENS of Texas. The proposition was that we have 30 minutes in favor of the payment and 30 minutes against it.

Mr. CAMPBELL. Do I understand that the proposition is to debate the amendment offered by the gentleman from Mississippi [Mr. HARRISON] and the item in the appropriation bill all as one item?

Mr. STEPHENS of Texas. All as one item.

Mr. CAMPBELL. And the time for debate is to be 30 minutes on a side?

Mr. STEPHENS of Texas. Thirty minutes on a side.

Mr. CAMPBELL. And that covers the entire proposition?

Mr. STEPHENS of Texas. That is correct.

Mr. CAMPBELL. The amendment of the gentleman from Oklahoma and the amendment to the amendment of the gentleman from Mississippi?

Mr. HARRISON. Unless someone else has some amendment to offer that I know nothing about.

Mr. CARTER of Oklahoma. Let us close the debate on the paragraph and all amendments thereto.

Mr. CAMPBELL. The probabilities are that we shall desire 40 or 45 minutes.

Mr. STEPHENS of Texas. Then I will change the request—that each side have 45 minutes.

Mr. CAMPBELL. On this paragraph and all amendments thereto?

Mr. STEPHENS of Texas. On this paragraph and all amendments thereto.

The CHAIRMAN. The gentleman from Texas asks unanimous consent that the debate on this paragraph and all amendments thereto be closed in 1 hour and 30 minutes—half the time to be controlled by the gentleman from Texas [Mr. STEPHENS] and one half by the gentleman from Kansas [Mr. CAMPBELL].

Mr. STEPHENS of Texas. The gentleman from Oklahoma [Mr. CARTER] to control half the time and the gentleman from Kansas half the time.

Mr. NORTON. May I inquire of the gentleman from Texas and the gentleman from Mississippi if I will have the opportunity of offering an amendment at the end of the paragraph to perfect that part of the paragraph?

Mr. HARRISON. That will be entirely satisfactory to me.

Mr. STEPHENS of Texas. What does the gentleman from Oklahoma say about that?

Mr. CARTER of Oklahoma. The agreement as to time does not cut off any amendment that may be proposed. It simply stops the debate.

Mr. NORTON. May I have five minutes to discuss that amendment?

Mr. CARTER of Oklahoma. Five minutes additional?

Mr. NORTON. That will be all right, if I may offer the amendment.

The CHAIRMAN. The gentleman from Kansas [Mr. CAMPBELL] and the gentleman from Mississippi to have control of the time.

Mr. CAMPBELL. I suggest that the hour and a half be divided, 45 minutes to the gentleman from Mississippi [Mr. HAR-

RISON] and 45 minutes to the gentleman from Oklahoma [Mr. CARTER].

Mr. STEPHENS of Texas. That is what I desire.

The CHAIRMAN. The request for unanimous consent, then, is that the debate be limited to 1 hour and 30 minutes, one half the time to be controlled by the gentleman from Oklahoma [Mr. CARTER] and the other half by the gentleman from Mississippi [Mr. HARRISON]. Is there objection?

Mr. STEPHENS of Texas. On the paragraph and all amendments thereto?

The CHAIRMAN. On the paragraph and all amendments thereto. Is there objection?

There was no objection.

Mr. HARRISON. Mr. Chairman, a parliamentary inquiry. The amendment that I have proposed being pending, has the proponent of the amendment the right to close the debate?

The CHAIRMAN. The first amendment is offered by the gentleman from Oklahoma.

Mr. HARRISON. And mine is an amendment to the amendment.

Mr. CARTER of Oklahoma. The gentleman in charge of the bill ought to have the right to close the debate.

The CHAIRMAN. The gentleman from Mississippi will recall that his amendment is an amendment to the amendment offered by the gentleman from Oklahoma [Mr. CARTER], who will have the right to close the debate.

Mr. HARRISON. Mr. Chairman, there has been and is now a great deal of confusion over the question that is now before the House, and we who come from Mississippi realize full well the solicitation that has been indulged in upon the part of the delegation from Oklahoma to the membership here to vote with them on this question. We do not in the least minimize the importance of this matter to the Oklahoma Representatives, because we realize full well that the Indians of Oklahoma vote and that this is a question of political as well as material significance. It is very important to them. But there is much confusion over the question.

It will be argued in the course of this discussion that courts, that commissions, that Congresses, that Secretaries of the Interior have passed upon this question and that the matter has been thrashed out and is settled. I say to you that the facts do not bear out that contention. I say to you that there has never been a court of respectable jurisdiction that has passed upon this question. The only court of any authority that has passed primarily upon the question of whether or not the Indians of Mississippi should remove to Oklahoma in order to be enrolled was a Territorial court in the Indian Territory of no higher authority than that which Federal district judges usually have. The Court of Claims, the Circuit Court of Appeals, and the Supreme Court of the United States have never passed upon the question at all, and so when gentlemen argue to you that the question has been determined judicially, I say to you that the record does not bear out the statement at all. It is true that the Dawes Commission at one time, in 1896, passed upon this proposition to the extent that they said that in order for a Mississippi Indian to be enrolled he must move to the Indian Territory; and after that, mind you, the same commission in a report to Congress said that they thought the question was so complicated, so intricate, so important that it ought to go to the Court of Claims to be thrashed out and there determined.

Now, all that we ask you to do in this matter—because it is a question that has been up here for four years—is to withhold the payment until the question has been passed upon by the Court of Claims. Every year this per capita payment comes up. You can understand why it comes. The gentlemen from Oklahoma know that when they make these per capita payments among the Indians of Oklahoma that it will be only a little while when the fund will be gone and there will be nothing left, and then if the Mississippi Choctaw is ever permitted to be enrolled he will and can obtain nothing. So this provision that is offered by the gentleman from Oklahoma [Mr. CARTER] proposes to pay out $300 to each Indian now upon the rolls. All we are asking you to do is not to reopen the rolls, but to withhold that payment, withhold these payments until this matter can go to the Court of Claims and there be thrashed out and all the questions of law and equity decided.

Is that asking too much? Do not you think it is time for a court of respectable authority to pass upon it? That is all in the world we are asking you to do now. Withhold the payments, not make them now, so that this Congress can pass a bill sending the whole matter to the Court of Claims for adjudication.

In the Fifty-sixth Congress the Senate of the United States passed a bill sending it to the Court of Claims. It was reported out of the House Committee on Indian Affairs, but that bill did not come upon the floor of the House. I say to you gentlemen with all candor, with all sincerity, the best way to settle this question—because it is intricate; it is complicated—is to send it to the Court of Claims and let them pass finally upon it.

Now, they will say, in the course of argument, that this is in the interest of attorneys and grafters; that it will help a lot of people who ought not to be placed upon the rolls. I want to say to you that there are a lot of people who would like to be benefited by it but will not be. There are about 1,200 full-blood Indians left in Mississippi. They are poor, they are needy, they have as much right to share in the funds in Oklahoma as have the Oklahoma Indians. These are the people that we want to take care of.

So in the argument used by the gentleman from Oklahoma do not be swept off your feet by the assertion that attorneys are going to reap the benefit of it. We can write a provision in the law that will safeguard it, just as the provision that the gentleman from North Dakota proposed a few moments ago to write into it. I ask you, I appeal to you, not to vote against us in this matter but to give it the most serious and careful consideration. Do not vote against it simply because some man from Oklahoma has asked you to, simply because you have received a letter from some one in Oklahoma. My God! Do not let us decide matters here by such methods, let us deal justly and fairly with the question. We are not asking you to do an unjust thing by withholding the funds until the Court of Claims can pass upon it, and I submit the amendment I have offered should be adopted. [Applause.]

Mr. KONOP. Mr. Chairman, I yield eight minutes to the gentleman from Virginia [Mr. SAUNDERS].

Mr. SAUNDERS. Mr. Chairman, I had an opportunity to become familiar with this question during my four years of service on the Committee on Indian Affairs. I think I am reasonably informed as to the law and the facts of this case.

It is necessary to go a long way back to find the origin of this controversy. Some time in the year 1830, the Choctaw Indians then living in Mississippi entered into an agreement with the United States to move to the Indian Territory, and there take up their residence under the conditions provided by the treaty. In the course of time, as we all know, the United States determined to break up the tribal governments. They approached the tribes with that end in view, and by a variety of arguments finally induced them to agree to the proposed plan. One inducement that was offered to the Choctaws in the Indian Territory to become consenting parties to the arrangement to abrogate the tribal government, was that a portion of the lands then held in common should be allotted in severalty to the members of the tribe as ascertained by properly authenticated rolls. In addition it was provided that any fund that should belong to the tribes, or should arise from the sale of the unallotted lands of the Choctaw Indians, should be divided per capita among the Choctaws entitled thereto.

The Mississippi Choctaws never moved to the Indian Territory, but claim the right to participate in this division by virtue of the concluding sentence of what is known as the Dancing Rabbit treaty. This treaty was made in 1830. Permit me to call the attention of the committee to this sentence, because it presents a question of law which you are competent to pass on, and one which has been passed on a number of times. Its meaning seems to me to be clear beyond peradventure. This sentence is as follows:

> Persons who claim under this article shall not lose the privilege of a Choctaw citizen, and if they have removed, are not to be entitled to any portion of the Choctaw annuity.

When the Choctaws moved to the Indian Territory, there was a considerable portion of the tribe refused to go. Provision was made that these Choctaws desired to become citizens of the State of Mississippi, after giving certain notices within a prescribed period of six months, they could do so, and would be allotted 640 acres of land in that State. A portion of the Choctaws remaining in Mississippi something like 300, received this allotment, while the remainder received scrip under circumstances that I will recite a little later.

Now what was the main intent and purpose of this agreement between the Choctaw Nation and the United States? It was in order for the white man's civilization to develop in Mississippi without the embarrassment and retarding influences of a large Indian settlement in that State. The inducements offered to the Choctaws to go to the Indian Territory, were intended to make the change of location attractive to the members of the entire tribe. The United States was interested in effecting a wholesale removal. It will be noted that every Indian who refused to take advantage of the Government proposition was, to that extent, opposing and thwarting the policy of the United States.

The Indians who went to the Indian Territory underwent all the troubles and vexations of a pioneer life in that country and lived there for a long time under conditions that history tells us, were in many instances, far from agreeable. These were the Indians who carried out and conformed to the policy of the United States, and in the result when the time arrived for the breaking up of the tribal arrangement, it would seem to be a remarkable contention that the people who remained and continued to live in Mississippi, and who either received 640 acres of land or scrip in that State, should have the same right to participation in the property of the tribe in the Indian Territory, as the Indians who went to that distant locality, established their government, and maintained their tribal rolls.

The Mississippi Choctaws could not be put on the tribal rolls of the Indians in Indian Territory, unless they removed to that country, took up their residence and conformed to the tribal requirements. However all the Mississippi Choctaws who went to the Indian Territory prior to the closing of the rolls, took up their residence with the tribe, and established their blood kinship were duly admitted into the tribe and enrolled. I wish to call the attention of the committee to one compelling fact, and that is that the Choctaw Indians in the Indian Territory, as the record shows, made every possible effort to induce their brethren in Mississippi to come across the Mississippi and live with them. They passed resolution after resolution to that effect. They invited them to come, they wanted them to come, and as I have stated all who did come, take up their residence with their blood brethren, were put upon the tribal rolls, and admitted to the same benefits in the division of the tribal property, as the descendants of those Indians who went out in 1830. There was a great deal of trouble, as I happen to know, and as every member of the Committee on Indian Affairs knows, with respect to the final make-up of the tribal rolls. There were many scandals in connection with the task, and difficulties that at times seemed to be almost insuperable. However after an infinity of trouble and controversy, the rolls were completed. About this time some of the Mississippi Choctaws who had never moved to the Indian Territory claimed that they had the right to participate in the allotment of the tribal property, and in the per capita distribution precisely upon the footing of the descendants of those who had gone to the Indian Territory and settled, and remained there. What is the foundation of this claim? They rest their claim on the concluding sentence of the section which I read, and which I will read again, because this is the very crux, the very storm center of this controversy. In this connection I desire to call attention to the fact that various tribunals have passed upo this contention. I read again the concluding sentence of the section:

> Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity.

The Mississippi Choctaws claim that under this provision they could stay at home in Mississippi, and still have the same rights as the people who moved to the Indian Territory. In other words, to use a homely old illustration, they contend that they could run with the hare, and hold with the hounds. A Mississippi Choctaw presented this contention to the Dawes Commission which rejected it. An appeal was then taken to the district court of the United States. That court dismissed the appeal.

This is Jack Amos case. In that case the court held that a Choctaw who had remained in Mississippi, who had done homage to the Government of that State, and was a citizen of that State, was not entitled to participate in the per capita distribution of the proceeds of the sale of the unallotted lands or to have an allotment made to him. That decision stands unreversed to the present time.

The CHAIRMAN. The time of the gentleman from Virginia has expired.

Mr. CARTER of Oklahoma. Does the gentleman desire to have two minutes more?

Mr. SAUNDERS. There are other matters in this connection that I could not hope to present in a couple of minutes. If there is no more time available than two minutes I might as well stop at this point. There are quite a number of points that as yet, I have been unable to present.

Mr. CARTER of Oklahoma. I can yield the gentleman five minutes more.

Mr. SAUNDERS. Very well.

In addition to the adverse ruling of the Dawes Commission, and of the district court, in the Jack Amos case, rejecting the contention that a Mississippi Choctaw was entitled to participate in the distribution of the tribal property, while remaining a citizen of Mississippi, there was another case, known as the Ikard case. This was a decision by Judge Townsend who held to the same effect as Judge Clayton. Then the Secretary of the Interior, Mr. Lane, was called upon to determine from the law and the records in the Department of the Interior whether there was any merit in the contention that the nonresident Mississippi Choctaws could participate in the distribution of the property of the Choctaw Tribe in the Indian Territory.

Mr. HASTINGS. Mr. Chairman, will the gentleman yield?

Mr. SAUNDERS. Certainly.

Mr. HASTINGS. With reference to the Ikard case, I desire to suggest that that went up to the court of appeals of the Indian Territory and was affirmed by the full bench in a decision written by Judge Guild.

Mr. SAUNDERS. I thank the gentleman for the interruption. On January 8, 1915, the Secretary of the Interior, in response to an inquiry from the chairman of the Indian Committee, made a written response which I shall now read in part to the members of the committee. Mr. Lane said:

> In view of the facts as presented by me, I am of opinion that no legislation should be enacted for the reopening of the rolls of the Choctaw Nation for the benefit of the Mississippi Choctaws.

Now if the concluding sentence of the section to which I have referred, gives a clear right of participation to the Mississippi Choctaws then we ought to reopen the rolls and admit them, because they have been denied solely and exclusively upon the ground that the section cited gave them no right to live in Mississippi, and participate in the distribution of the tribal funds. That section is before you to-day, and will be fully discussed by other speakers. It is perfectly competent for any Member to determine, for me to determine, for this committee to determine the meaning of this section and ascertain whether it bears out the contention of the Mississippi Choctaws. All the judicial and other rulings have been against this contention. I desire to call the attention of this committee to one other fact. The Mississippi Choctaws were parties to the Dancing Rabbit treaty, but they were not parties to the treaty made by their brethren in the Indian Territory known as the Atoka agreement. Under the Dancing Rabbit treaty they were entitled to take, if they felt so disposed, 640 acres of land in Mississippi. The reason that most of them did not get their 640 acres was that they were misled by a drunken official of the United States Government. Only a comparatively small proportion of the Mississippi Choctaws received land. To show you that the Federal Government recognized that the failure of these people to get the land to which they were entitled, was due to the misconduct of a representative of the Federal Government they took this matter up later, and issued scrip to a large proportion of the Mississippi Choctaws, to compensate them for the lands which they had lost. Permit me to call attention to this, because I have the list here, showing the amount of scrip that was issued. This communication from the Secretary of the Interior gives the names, and the number of the Mississippi Choctaws to whom lands were allotted, and of the others who received scrip. I have made a rapid calculation of the names and I think there are something like 3,700 of these scrippers. These Indians were badly treated, but the authors of their wrongs are not their brethren in Oklahoma. It would be grossly unjust to compensate them out of the property of the Oklahoma tribe. If there is an obligation for compensation here, and I do not deny that one may exist, that obligation rests upon the Federal Government. It was their agent, not an agent of the Choctaws who is the fons et origo, of all this trouble.

The CHAIRMAN (Mr. RUSSELL of Missouri). The time of the gentleman has again expired.

Mr. SAUNDERS. There is a great deal more that might be said in this connection, but time forbids.

Mr. CARTER of Oklahoma. Will the gentleman from Mississippi use some of his time now?

Mr. HARRISON. I will yield three minutes to the gentleman from Mississippi [Mr. QUIN].

Mr. QUIN. Mr. Chairman, the gentleman from Virginia [Mr. SAUNDERS] admits that the United States Government recognized the fact that the Mississippi Choctaws have been unfairly dealt with. He admits that only a few of those Choctaws received what was coming to them under the Dancing Rabbit treaty. He further admits that a disreputable agent, an officer of the Federal Government, was the cause of these Mississippi Choctaw Indians not receiving what was due them. Then, if the Federal Government itself had an irresponsible agent who caused the ignorant and credulous Choctaw Indians of Mississippi to be imposed on in 1830, why is it not honest and right for the American Congress in 1916 to adopt this amendment offered by the gentleman from Mississippi [Mr. HARRISON], which allows it to go to the Court of Claims and be adjudicated by a reputable court of this Nation? Why can not this money be withheld from the Indians of Oklahoma from distribution until this Court of Claims shall pass on this fact and say

whether or not the rolls should be reopened and the Choctaw Indians and their descendants of the State of Mississippi come into their rights? I want to say to this House that these Indians were poor and ignorant. They did not understand the treaty. They did not understand what the gentleman from Virginia calls "scrip." A lot of land sharks in Oklahoma and elsewhere defrauded the Choctaw Indians out of everything that was intended to go to them. Only 143 Choctaw Indians received what was coming to them under the Dancing Rabbit treaty. Should this Congress now say that thousands of these Indians and their descendants should be barred from receiving what is due them when the American Government made a solemn treaty promising 640 acres of land to Indians who have not received a single dime? And yet the gentleman from Oklahoma, who represents the Indians of that section, seeks to deprive our citizenry of the State of Mississippi of what belongs to them under a solemn pledge of this great Government.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HARRISON. I will yield the gentleman two minutes more.

Mr. QUIN. I thank the gentleman for giving me more time. In reference to the great case known as the Jack Amos case the gentleman from Oklahoma knows it is not a parallel case. He knows that it does not cover the provisions announced in the amendment offered here to-day, and in the name of honor how could any agent or Representative of the Government oppose a rehearing and fair adjudication of the real issue?

Mr. HASTINGS. Will the gentleman from Mississippi yield?

Mr. QUIN. I have not time to yield. I take all the little time I have to give to the poor Choctaws of Mississippi who have been robbed all these years. Now, the gentleman from Virginia states a wrong was committed by the American Government through its agent, and that great error and wrong and injustice is what this amendment proposes to correct. Was there ever a chancery court that would not let a palpable error, a great injustice, an irreparable wrong be corrected? Is it possible that this great Congress of America can not permit this to be corrected, will not permit its representatives to correct that which is admitted was a wrong to the great tribe of Indians in the State of Mississippi? Is it possible that this body will allow precedent and technicality to give more money to the rich Indians of Oklahoma by taking it out of the pockets of the poor Indians in Mississippi, who have not yet received one dime of what this Government owes to them? Mr. Chairman, the Choctaw Indians always stood with the white men of the South. They went out with old Andrew Jackson and waded through mud and blood up to their navels and fought for the American flag, and yet this Congress can not give them justice. [Applause.]

All of these millions of dollars in the Treasury awaiting for distribution among the Choctaw Indians of Oklahoma belongs to the Choctaws and their descendants in Mississippi just as much as to the Indians of Oklahoma. We know if you distribute this money per capita to the Oklahoma Choctaws the time will come when all of the money will be gone, and even if the Mississippi people are enrolled they could get nothing, on the plea that the money has all been distributed. Now is the time to protect us by adopting this amendment. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. CARTER of Oklahoma. How does the time stand, Mr. Chairman?

The CHAIRMAN. The gentleman from Oklahoma has 32 minutes and the gentleman from Mississippi [Mr. HARRISON] has 34 minutes remaining.

Mr. CARTER of Oklahoma. Mr. Chairman, I yield five minutes to the gentleman from North Dakota [Mr. NORTON].

Mr. NORTON. Mr. Chairman, the gentleman from Mississippi [Mr. HARRISON] referred to the fact that the Indians in Oklahoma vote, and that this question was of considerable importance to the delegation from Oklahoma. Now, I can say in all candor that so far as I know, the Indians of Oklahoma do not vote in the State which I have the honor in part to represent, nor do the Indians from Mississippi vote there. I have made some careful study of this subject during the past few months—in fact, during the past two years. In my study of the question involved I approached the subject with a free and open mind. I have talked with the Members from Mississippi and with the Members from Oklahoma. I know the members of the delegation from Oklahoma and I also know the members of the delegation from Mississippi. I must admit, to be further candid, that my prejudice toward this question, if I have any at all, would be in favor of the contentions made for the Mississippi Choctaws. That prejudice, if any such existed, would arise out of my very high regard, respect, and personal friendly feeling for the gentleman from Mississippi [Mr. HARRISON]. I have hoped in the beginning of the study of this question that I might discover some sound law and facts that would warrant me in arraigning myself upon the same side of the question as that taken by the gentleman from Mississippi [Mr. HARRISON].

A few days ago I asked the gentleman from Mississippi in the committee on what he based his claim. It is well understood that attorneys in making arguments for or against a proposition usually, when they have a poor case, keep as far away as possible from the law and the facts really governing the case. They make glittering general statements of facts and law so that it becomes necessary in order to get down to the real gist of the subject, to gradually cut away and illuminate the irrelevant facts and the unapplicable law. Then by this process of elimination there is usually found to stand out clear and distinct the one principal fact or condition on which the case hangs. I desired to get the ideas of the gentleman from Mississippi [Mr. HARRISON] as to what he really based his case on, and to accomplish this I asked him when he appeared a few days ago before the Committee on Indian Affairs this question:

"May I ask one question here? If your contention that the Mississippi Choctaws—the Choctaws of Mississippi who remained in Mississippi—have a right to the tribal property in Oklahoma is not sustained by the court, does your case fail?"

The gentleman answered the question squarely in these words: "Absolutely. I think it ought to be decided in some way." And my further question to the gentleman from Mississippi [Mr. HARRISON] was, "Your case entirely falls then?" And Mr. HARRISON's reply was, "That is my idea about it. There has never been a court, in my opinion, of competent authority which has passed upon this question. The highest authority which has passed upon it was Judge Clayton in the Territorial district court, a judge whose duties are about the same as those of a Federal judge."

And that is my idea from the study I have given the case; that the only claim the Mississippi Choctaws can have to this fund is the claim under the treaty of 1830. Section 3 of that treaty provides for the removal of the Mississippi Choctaws as a condition precedent to their obtaining the land in Oklahoma. Section 14 of the treaty provides certain grants and payments to the Choctaws who remained in Mississippi.

When the deed to the Oklahoma land was given to the Choctaw Nation by the Federal Government on March 3, 1842, it provided that if the Indians removed from the land the property would revert to the United States.

This deed, in part, ran in the following terms:

> That the United States of America, in consideration of the premises, and in execution of the agreement and stipulation in the aforesaid treaty, have given and granted, and by these presents do give and grant, unto the said Choctaw Nation the aforesaid "tract of country west of the Mississippi"; to have and to hold the same, with all the rights, privileges, immunities, and appurtenances of whatsoever nature thereunto belonging, as intended "to be conveyed" by the aforesaid article, "in fee simple to them and their descendants, to inure to them, while they shall exist as a nation and live on it" liable to no transfer or alienations except to the United States or with their consent.

In all the treaties from the Dancing Rabbit treaty of 1830, in all early legislation bearing on the question, it was strongly emphasized that a Mississippi Choctaw must remove to and reside in the Oklahoma country in order to be entitled to have a share in the lands and other property of the Choctaw Nation there.

From 1830 to 1892 the free, open, and unrestricted privilege was allowed any Mississippi Choctaw to remove to Oklahoma and to take up his residence there and to then have a full and equal share in the lands and other property of the Choctaw Nation in Oklahoma. Every court that has passed directly upon this matter, four different Secretaries of the Interior, several Commissioners of Indian Affairs, the majority membership of several different Committees on Indian Affairs, in fact, as far as I have read or have heard, every judicial authority, every departmental authority, and every committee that has considered the question has found and has held that under the treaty of 1830 it is made a condition precedent for any Mississippi Choctaw to have any right or claim to a share in the tribal property of the Choctaw Nation in Oklahoma he must first remove to and reside in Oklahoma.

The CHAIRMAN. The time of the gentleman has expired.

Mr. NORTON. I realize that I probably shall not be able to secure any more time, although I should like to continue for a little longer as I have in mind a few particular thoughts on this subject which I should like to state to the committee.

Mr. CARTER of Oklahoma. I would like to have the gentleman have more time, but we are limited to time, as you know.

Mr. HARRISON. Mr. Chairman, I yield three minutes to the gentleman from Mississippi [Mr. VENABLE].

Mr. VENABLE. Mr. Chairman, I have recently come from a campaign in the fifth district of Mississippi, where a very large number of these Mississippi Choctaws live, and so I am thoroughly cognizant of their pitiable condition, the absolute want and privation in which they live and move and have their being.

Now, as I understand the proposition, it is to hold up the distribution of the tribal funds until such time as the Court of Claims shall adjudicate upon the question as to whether or not the Mississippi Choctaws in Mississippi are entitled to share in the distribution. It is rather a novel proposton to me that where there is any serious dispute as to a legal right and a vested legal right under a treaty, that gentlemen should refuse to have this legal right adjudicated upon.

I have heard the argument advanced that the reasons why they want it done, or one reason, was because that this matter has been in abeyance for a number of years and that the adjudication of the rights of the Mississippi Choctaws would take some further time. In other words, the argument when reduced to its last analysis is this, that possibly it may be thought an injustice will be done to the Mississippi Choctaws and a liability fixed upon the National Government by the distribution of these funds at this time; yet, since it will take some time for the adjudication, it is better to work an injustice and fix a liability upon the National Government than to take the time necessary for the adjudication of the rights of these people. As I understand it, under the Dancing Rabbit treaty a provision was inserted, the Indians refusing to remove until that was inserted, providing that they could stay in Mississippi under certain conditions, and providing that they should be given an allotment to certain lands in the State, and that was followed by this proviso:

Persons who come under this article shall not lose the privileges of a Choctaw citizen. But if they ever remove they are not entitled to any portion of the Choctaw annuity.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HARRISON. Mr. Chairman, I yield two minutes more to the gentleman.

Mr. VENABLE. If I understand it, a rule of construction that is well settled is that the mention of one thing is the exclusion of others. This article specifically provides that the persons who claim under this article shall not lose the privileges of a Choctaw citizen. Now, what would be the necessity and what would be the use of that provision, if, as a matter of fact, they did not remove they would lose the privileges of a Choctaw citizen?

Is not this a fair construction of that language that it means exactly what it says; that they retained, though they stayed in Mississippi, all the privileges of a Choctaw citizen, one of which was a right to share in the tribal funds?

Now, is that construction changed by the last sentence, "But if they ever remove, they are not entitled to any portion of the Choctaw annuity"? The Choctaw annuity is a separate and distinct fund, as I understand it, from these tribal funds that are sought to be distributed at this time. If they intended under this treaty to provide that the Choctaw Indian, if he did not remove, could not share in the distribution of the tribal funds and had no part or parcel or interest in those funds, why should the United States Government in this treaty specifically specify annuities?

Mr. NORTON. Mr. Chairman, will the gentleman yield for a brief question?

The CHAIRMAN (Mr. RUSSELL of Missouri). Does the gentleman yield?

Mr. VENABLE. I have but a very few minutes, and I regret I can not.

The CHAIRMAN. The gentleman declines to yield.

Mr. VENABLE. In other words, if there was an evident intention—the mention of one thing being an exclusion of the other—if it was intended that they should forfeit all their rights, why mention specifically the annuity? Is it not a fair inference and a just inference and a righteous construction that when you say that if they ever afterwards removed they should not share in the annuity, you meant that they had an interest in the tribal funds which would not be lost even if they did not remove? In other words, a failure to remove then would only forfeit their interest in the annuity, and not in the special funds.

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

Mr. CARTER of Oklahoma. Mr. Chairman, I yield two minutes to the gentleman from Oklahoma [Mr. MORGAN].

The CHAIRMAN. The gentleman from Oklahoma [Mr. MORGAN] is recognized for two minutes.

Mr. MORGAN of Oklahoma. Mr. Chairman and members of the committee, I can not, of course, in this brief allotment of time enter into any argument upon this proposition. There are no Choctaw and Chickasaw Indians within my congressional district, so that from a personal or political viewpoint I am not so deeply interested as are my colleagues from Oklahoma on the other side. I have, however, during the last Congress and during this Congress heard the discussions upon this subject. I must say that, so far as the distribution of these funds are concerned, the Mississippi Choctaws do not present either a legal claim or a claim founded upon right and justice.

I am interested in the State of Oklahoma and her people, and I feel that the time has come when the Congress of the United States should distribute these funds in accordance with the laws and treaties made with the Indians. The Republican Party is largely responsible for these treaties and for this work that has been going on in changing the Indian form of government to statehood. It has been largely our legislation. We have appointed these commissions; we have treated with these Indians; and while I believe that this great Government in these difficult and dangerous times ought to stand by our treaties with the nations of the world, I also believe that we should hold sacred the treaties that we have made with the Indians of the United States. To delay this matter, to postpone it, or to tie it up for further court decisions means only that we are not doing justice to these Indians, not doing justice to the State of Oklahoma, and not keeping the sacred treaties that we have made with the Choctaw and Chickasaw Indians of Oklahoma. [Applause.]

The CHAIRMAN. The time of the gentleman from Oklahoma has expired.

Mr. CARTER of Oklahoma. Mr. Chairman, I yield to the gentleman from Oklahoma [Mr. THOMPSON].

The CHAIRMAN. The gentleman from Oklahoma [Mr. THOMPSON] is recognized.

CHOCTAW AND CHICKASAW PAYMENT.

Mr. THOMPSON. Mr. Chairman, accepting the remarks of the gentleman from Mississippi [Mr. VENABLE] at their full value, I would answer by saying that, according to the report of the Indian Commissioner, there is $31,503,954.95 in money and property of the Choctaws and Chickasaws to be divided among those people, or $9,354,463.72 in money and $22,549,491.23 in property. So after making this payment you see there will be $24,503,553.94 in money and property left with which to pay these Mississippi Choctaws, if they are entitled to anything.

Mr. Chairman, the provision of the Indian appropriation bill reported by the committee having been stricken from the bill, the provision offered by the gentleman from Oklahoma [Mr. CARTER] to be inserted immediately after line 19, page 37, is as follows:

That the Secretary of the Interior be, and he is hereby, authorized to pay to the enrolled members of the Choctaw and Chickasaw Tribes of Indians of Oklahoma entitled under existing law to share in the funds of said tribes, or to their lawful heirs, out of any moneys belonging to said tribes in the United States Treasury, or deposited in any bank or held by any official under the jurisdiction of the Secretary of the Interior, not to exceed $300 per capita in the case of the Choctaws and $200 per capita in case of the Chickasaws, said payment to be made under such rules and regulations as the Secretary of the Interior may prescribe: *Provided*, That in cases where such enrolled members or their heirs are Indians who, by reason of their degree of Indian blood belonging to the restricted class, the Secretary of the Interior may, in his discretion, withhold such payments and use the same for the benefit of such restricted Indians: *Provided further*, That no part of the sum appropriated by this paragrah shall be paid to attorneys: *Provided further*, That the money paid to the enrolled members as provided herein shall be exempt from any lien for attorneys' fees or other debt contracted prior to the passage of this act: *Provided further*, That the Secretary of the Interior is hereby authorized to use not to exceed $8,000 out of the Choctaw and Chickasaw tribal funds for the expenses and the compensation of all necessary employees for the distribution of the said per capita payment.

This is the provision that the members of the Oklahoma delegation desire incorporated in this bill. The amendment to this provision offered by the gentleman from Mississippi [Mr. HARRISON] reads as follows:

Amend, after the word "attorneys" by inserting the following:

"*Provided, however*, That the provisions of this paragraph with respect to the Choctaw Tribe shall not be operative until the Court of Claims shall determine the rights of the Mississippi Choctaws who have been identified as Mississippi Choctaws by the Dawes Commission in its report of March 10, 1899, commonly known as the McKennan rolls, and also the Mississippi Choctaws who have been identified as Mississippi Choctaws by the Dawes Commission from March 10, 1899, to March 4, 1907, whose names do not appear on the final rolls of the Choctaw Tribe in Oklahoma."

This is no new contest. Ever since the fund accumulated in the hands of the Secretary of the Interior from the sale of Choctaw and Chickasaw lands and other tribal property has grown into a sufficient sum so that large lawyer fees could be paid out of it, a lot of unscrupulous lawyers have been busy trying to get a part of it for the Choctaws who remained in Mississippi and

refused to move with the tribe in 1830 to the Indian Territory. These lawyers inaugurated the fight and carried on the fight until about 1911, at which time it had become agitated to such an extent in Mississippi, and the chance for securing a large fund to be distributed among the Mississippi Choctaws had become so bright, that public sentiment brought pressure to bear on the Mississippi Members in Congress, and since that time the fight has been continued by the Mississippi delegation. This is not intended as a reflection on the Mississippi delegation in Congress. They are perhaps doing no more than the delegation from any other State would do if there were a chance of securing the distribution of two and one-half million dollars to a part of the citizenship of their State. This is not a contest to enroll the Choctaws in Mississippi. The whole purpose of this fight is to take out of funds in the hands of the United States belonging to the Choctaws and Chickasaws in Oklahoma about two and one-half million dollars and pay it in money to the Choctaws in Mississippi. It is not an effort to open the rolls and permit the claimants who live in Oklahoma to come in and try their cases. This fight is not intended for their benefit.

Now, let us see if in law or good conscience the Choctaws in Mississippi, who voluntarily separated themselves from the Choctaw Tribe and have lived separate from that tribe for nearly 100 years, are entitled to participate with the membership of that tribe who left Mississippi, braved all the perils of an unknown wilderness, endured all the hardships of frontier settlers, and built up the civilization of the Choctaw and Chickasaw Nations to where it was prepared to become, and did become, a part of the splendid citizenship of Oklahoma.

REVIEW OF TREATIES.

In this connection a brief review of the treaties entered into between the Choctaws and the United States would not be out of place. The Choctaw and Chickasaw Indians have always been the friends of the white man. From the time Columbus discovered America until they were removed to the Choctaw and Chickasaw Nations in Oklahoma, beginning in 1831, the membership of these two tribes acted as the advance guard of white civilization, interposing itself between the white frontier settlements and the warlike tribes that lived farther West. In 1820 the Choctaws owned and lived on about 15,000,000 acres of land in Mississippi. The white man wanted these lands. The United States, under pressure from the white man, prevailed upon the Choctaws to enter into a treaty whereby they conveyed to the United States about 4,000,000 acres of their land in Mississippi for 22,000,000 acres, which constitutes at the present time a large portion of the State of Oklahoma, but which was at that time a wild, unsettled land, except that it was occasionally occupied and hunted over by the fierce and warlike tribes that made their homes in this far western country. The 22,000,000 acres comprised not only the Choctaw and Chickasaw Nations as known to Oklahomans, but it also comprised all that part of the present State of Oklahoma west of the counties of Grady, Stephens, and Jefferson and south of the Canadian River.

Under the provisions of this treaty the Choctaws retained 11,000,000 acres in Mississippi, and it was also provided that the heads of families residing on the 4,000,000 acres ceded to the United States should have the right to select 1 square mile of land, including their then residence. In 1825 the United States prevailed upon the Choctaws to enter into another treaty, by the provisions of which the United States acquired the additional 11,000,000 acres of land belonging to the Choctaws in Mississippi. It does not appear that the United States gave the Choctaws any consideration for this additional land, but the Choctaws did not remove to their reservation in Oklahoma. They continued to reside in Mississippi. In 1830 the United States prevailed upon the Choctaws to enter into still another agreement—commonly known as the Dancing Rabbit treaty. It was provided in this treaty that the Choctaws should be removed from their homes in Mississippi to the reservation in Oklahoma, but all those who did not choose to move were permitted to remain, and by informing the Indian agent of their intention, each head of a family was to receive 640 acres of land, each child residing with the family over 10 years of age was to receive 320 acres of land, and each child under 10 years of age was to receive 160 acres of land. There were about 19,000 members of the Choctaw Tribe at that time. Approximately 15,000 of them moved to their new homes in the West and 4,000 remained in Mississippi.

It seems that the United States had an agent in Mississippi at that time by the name of Ward, a drunken and irresponsible party, and though these 4,000 Choctaws who remained notified him of their intentions, he failed to keep a record of the number so notifying him with the exception of 143. It seems that the record of these 143 was kept by cutting notches in a stick and other equally crude methods. So the final result was that only 143 heads of families out of the 4,000 Indians who remained in Mississippi secured the land provided for them in the treaty. Every fair-thinking man will agree that a great outrage was perpetrated on those Choctaws who remained in Mississippi and were not permitted to receive a patent to their land as provided in the treaty of 1830. But who is to blame for that? Certainly not the Choctaws who went West. The United States was to blame because it had as its agent an incompetent and drunken man. The outrage was so apparent that Congress passed an act immediately—I believe it was in 1842—giving those Choctaws in Mississippi, who did not get their land, scrip which authorized them to take land in three or four adjoining States. One of the conditions of the grant of scrip was that before it could be used the Indians must move to the Choctaw Nation in the West. Three thousand eight hundred and eighty-five Indians received scrip under this act. The weak point in connection with this act was that it did not make the scrip nontransferable, and a lot of enterprising grafters, as usual, got hold of the Indians, took them to the Choctaw Nation West where they received their scrip and immediately took back to Mississippi such as wanted to return and purchased practically all of the scrip. So the Indians were cheated again. Certainly, the Oklahoma Choctaws ought not to have their moneys taken from them because the Mississippi Choctaws did not get their land and were chiseled out of their scrip.

In 1855 the United States leased from the Choctaws 11,000,000 acres of land lying south of the Canadian River and west of the ninety-eighth meridian—the western boundary of the old Chickasaw Nation—for the purpose of locating thereon the Kiowas and affiliated bands; $80,000 was paid for this lease. In 1866 the United States entered into another treaty with the Choctaws and Chickasaws, agreeing to pay them $300,000 additional for an absolute title to this leased district, but reserved the $300,000 and agreed to use it to remove the Choctaw and Chickasaw freedmen. As usual, the United States failed to comply with the provisions of this treaty, left the freedmen in the Choctaw and Chickasaw Nations, and finally compelled the tribes to allot each of them 40 acres of land.

The United States, in all of the treaties with the Choctaws and Chickasaws, agreed to protect them from the encroachment of noncitizens, but this provision also it failed to keep and white noncitizens continued to move into the Choctaw and Chickasaw Nations until 1896, when there were, perhaps, 10 noncitizens to 1 Indian living in the two nations. These noncitizens were without any kind of government, had no schools except such as they maintained by voluntary contributions. This condition brought about such agitation that in 1893 the United States created what is known as the Dawes Commission for the purposes expressed in the act, which provides:

But said commissioners shall, however, have power to negotiate any and all such agreements as, in view of all the circumstances affecting the subject, shall be found requisite and suitable to such an arrangement of the rights and interest and affairs of such nations, tribes, bands, or Indians, or any of them, to enable the ultimate creation of a territory of the United States with a view to the admission of the same as a State in the Union.

The commission went to the Indian Territory and began its negotiations. A controversy arose as to who were members of the tribes. Some persons residing in and others outside of the Territory claimed to be citizens and their claim was denied by the tribes, so in 1896 Congress provided:

That said commission is further authorized and directed to proceed at once to hear and determine the application of all persons who may apply to them for citizenship in any of said nations, and after such hearing they shall determine the right of such applicant to be so admitted and enrolled: *Provided, however*, That such application shall be made to such commissioners within three months after the passage of this act. The said commission shall decide all such applications within 90 days after the same shall be made.

The United States thereby took from the tribes the right to make their own rolls of citizenship and assumed the right to make the rolls for them. The roll was made, first, by the Dawes Commission and subsequently, on appeals from the commission, by the United States courts located in the Indian Territory. By act of May 31, 1900, specific provision was made for the enrollment of the Mississippi Choctaws. It was there enacted:

*Provided*, That any Mississippi Choctaw duly identified as such by the United States Commission to the Five Civilized Tribes shall have the right, at any time prior to the approval of the final rolls of the Choctaws and Chickasaws by the Secretary of the Interior, to make settlement within the Choctaw-Chickasaw country, and on proof of the fact of bona fide settlement may be enrolled by the said United States commission and by the Secretary of the Interior as Choctaws entitled to allotment.

Congress again, by the act of July 1, 1902, section 41, provided for the enrollment of the Mississippi Choctaws. From

1830 to 1896—a period of 66 years—the Mississippi Choctaws had a right, under article 14 of the treaty of 1830, to remove from Mississippi to the Choctaw Nation, and something like 3,400 did remove and take up their residence in the Choctaw Nation. All who removed were allotted land in the Choctaw Nation. The Choctaw Tribe in Oklahoma did not in any way attempt to prevent their removal. On the contrary it did everything it could to get them to come West and reunite with the tribe. It admitted everyone who did move West and appropriated money out of the tribal treasury to assist some in moving West.

CARE EXERCISED TO PROTECT MISSISSIPPI CHOCTAWS.

From 1896, when the Government of the United States took away from the Choctaw Nation the right to make its own roll of citizens and assumed that duty, until March 4, 1907, when the rolls were finally closed, two acts were passed, as I have shown, providing for the identification and enrollment of the Mississippi Choctaws and their removal to the Choctaw Nation, and the United States appropriated many thousands of dollars and sent many agents to Mississippi to hunt up, identify, and remove the Choctaws still there to the Choctaw Nation. During this period 1,660 moved West, 420 of them at the expense of the United States, and every one of them received an allotment the same as native Choctaws and Chickasaws. Now, after all these opportunities extended them to voluntarily remove West, and all these efforts on the part of the Choctaw Nation and the United States to induce them to remove West, 1,252 yet remain in Mississippi.

THIS NOT AN EFFORT TO SECURE LAND FOR MISSISSIPPI CHOCTAWS.

If the lands of the Choctaws were not all allotted and if it were possible to remove these Mississippi Choctaws to the Choctaw Nation and allot them land, we would not be bothered with this contest. It is not an effort to secure land for them; it is an effort to take money that belongs to the Choctaws in Oklahoma and pay it to the Choctaws in Mississippi; an effort to turn them over a large sum of money in order that they may be grafted out of it again.

PROMISE BY UNITED STATES TO PAY TRIBAL FUNDS TO INDIANS.

In order to induce the Choctaws to abolish their governments, which were established immediately on their removal from Mississippi in 1830, to surrender their system of holding land in common and each individual Indian to take a certain amount in severalty, the United States, in various acts of Congress relating to these tribes and treaties made with them, promised and agreed that all funds and royalties arising by reason of the sale of unallotted lands and from timber and mineral rights should be paid out and distributed among the members of the tribe. It was provided in the act of June 28, 1898—

That whenever the members of the Choctaw and Chickasaw Tribes shall be required to pay taxes for the support of schools, then the fund arising from such royalties shall be disposed of for the equal benefit of their members (freedmen excepted) in such manner as the tribes may direct.

And, again, in the same act—

It is further agreed that all of the funds invested in lieu of investment, treaty funds, or otherwise, now held by the United States in trust for the Choctaw and Chickasaw Tribes, shall be capitalized within one year after the tribal governments shall cease, so far as the same may legally be done and be appropriated and paid, by some officer of the United States appointed for the purpose to the Choctaws and Chickasaws (freedmen excepted), per capita, to aid and assist them in improving their homes and lands.

And a like provision was carried in section 17 of the act of April 26, 1906.

FINAL CLOSING OF THE ROLLS.

Congress also provided in these various acts and treaties for the final closing of the rolls of these tribes. In the act of March 3, 1901, it was provided:

The rolls made by the Commission to the Five Civilized Tribes, when approved by the Secretary of the Interior, shall be final, and the persons whose names are found thereon shall alone constitute the several tribes which they represent; and the Secretary of the Interior is authorized and directed to fix a time by agreement with said tribes or either of them for closing said rolls, but upon failure or refusal of said tribes or any of them to agree thereto, then the Secretary of the Interior shall fix a time for closing said rolls, after which no name shall be added thereto.

And, again, in the act of July 1, 1902, it was provided:

SEC. 28. The names of all persons living on the date of the final ratification of this agreement entitled to be enrolled as provided in section 27 hereof shall be placed upon the rolls made by said commission, and no child born thereafter to a citizen or freedman and no person intermarried thereafter to a citizen shall be entitled to enrollment or to participate in the distribution of the tribal property of the Choctaws and Chickasaws.

And, finally, Congress enacted that the rolls should be closed on March 4, 1907, and required the Secretary of the Interior to print the roll in a permanent record book and deposit one copy in the office of the recorder in each of the recording districts of the Indian Territory for inspection, and constituted the same evidence of citizenship in the tribes.

THE RIGHTS OF THE MISSISSIPPI CHOCTAWS.

I have called attention to these various treaty stipulations and acts to disclose the care and patience with which these rolls have been made and the efforts, both on the part of the Choctaw Nation and the United States, to have the Mississippi Choctaws reunite with their tribe and participate in the distribution of tribal property. Article 14 of the treaty of 1830, by virtue of which whatever right, legal, equitable, or otherwise, the Mississippi Choctaw claim is urged, reads as follows:

Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of 640 acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over 10 years of age; and a quarter section to such child as may be under 10 years of age, to adjoin the location of the parent. If they reside upon said land intending to become citizens of the State for five years after the ratification of this treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity.

It is under the last clause of this article of the treaty that their rights are urged. The clause reads:

Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity.

It is perfectly apparent that in order to participate in the distribution of the Choctaw tribal property under the provisions of this article of the treaty, the Mississippi Choctaws would have to remove to the Choctaw Nation and take up their residence with the tribe. Any other construction would be an outrage on common sense. To permit those Choctaws who remained in Mississippi and separated themselves from their tribal brethren to share equally with those Choctaws who left their homes, the graves of their ancestors, and civilization itself and moved west, surrounded by tribes of hostile Indians, and there built up a new civilization, would be nothing less than an outrage. It might as well be contended that if all the Choctaws had remained in Mississippi they would have been entitled to lands in the West. Such a construction would be in direct conflict with the provisions of article 2 of that treaty, which provides:

The United States, under a grant specially to be made by the President of the United States, shall cause to be conveyed to the Choctaw Nation a tract of country west of the Mississippi River in fee simple to them and their descendants, to inure to them while they shall exist as a nation and live on it.

And this same provision was carried into the patent executed by the President to the Choctaw people. They were required to live on the land. It can not be contended—and I do not understand that it is contended—that the Choctaws in Mississippi, under the provisions of that treaty and of the patent, have a right to participate in the allotment of the Choctaw lands. But the claim is made that they are Choctaw Indians. This is not denied; that they have been euchred out of their property back in Mississippi, and this is not denied; that they are poverty stricken, and this again is not denied. But these contentions do not constitute a just claim for a part of the proceeds of the Choctaw tribal property in the West which they had no part in acquiring and which would have been forfeited had all the Choctaws acted as they did.

CONDITIONS ON WHICH CHOCTAW INDIANS COULD PARTICIPATE IN DISTRIBUTION OF TRIBAL FUNDS.

In order to participate in the distribution of tribal property two conditions must be found to exist; First, the person so entitled must be a member of the tribe by blood, marriage, or adoption, and his name must appear on the tribal roll; second, he must reside with the tribe on its reservation.

It has always been agreed that an Indian, like a citizen of any other country or nation, could expatriate himself and lose his tribal status by abandoning the tribe, removing from the reservation, taking up his residence and becoming a citizen of some other State or country. If the facts in any case ever disclosed that such a situation existed, it certainly is disclosed in the case of the Mississippi Choctaws.

FUNDS SUFFICIENT LEFT TO PROTECT MISSISSIPPI CHOCTAWS AFTER MAKING THIS PAYMENT.

There are approximately 20,000 Choctaws and 7,000 Chickasaws who will receive a per capita payment under the provisions of this bill, and it will require about $6,000,000 to pay the Choctaws and $1,400,000 to pay the Chickasaws, approximately $7,500,000 to make the payment provided for. There were a few more than 300 Indians—Choctaws and Chickasaws—enrolled by the Sixty-third Congress, after all of the lands of the two

tribes had been allotted. In lieu of the allotments that the acknowledged members received and which were estimated to be of the average value of $1,041 each, provision was made that those so enrolled should receive, in lieu of the allotment, money in double this amount, or $2,082 each. If it should be finally decided that $2,082 each should be paid to the 1,252 Choctaws in Mississippi, the amount required to make the payment would be $2,606,564.

In order to present this matter to the Committee on Indian Affairs, when this provision was under consideration by that committee, I called personally on the Commissioner of Indian Affairs and asked him to give me a detailed and itemized statement of the funds held by the United States to the credit of these two tribes jointly and severally, together with the estimated value of such property held by them, not yet disposed of. Under date of January 19, 1916, the Assistant Commissioner of Indian Affairs, Mr. Meritt, submitted a letter, accompanied by a detailed statement giving the moneys on hand and the estimated value of the property yet to be disposed of. His letter to me and the statement accompanying the letter are as follows:

MY DEAR MR. THOMPSON: In compliance with your informal request concerning the tribal lands and funds of the Choctaw and Chickasaw Nations, there are transmitted herewith a statement showing the tribal funds in the United States Treasury and in banks in Oklahoma to the credit of the Choctaw and Chickasaw Nations, and a statement showing the estimated value of the unsold Choctaw and Chickasaw tribal land and other tribal properties.

It appears from said statements that the total funds to the credit of the Chickasaw Nation is $1,922,110.48 and that the total funds to the credit of the Choctaw Nation is $7,432,353.24, making the aggregate fund of the Choctaw and Chickasaw Nations $9,354,463.72.

It appears from the report of the Superintendent for the Five Civilized Tribes that the deferred payments on the Choctaw and Chickasaw tribal lands heretofore sold approximate $6,000,000.

The total estimated value of the unsold land and other property of said nation approximates $16,149,491.23. Thus the total funds and other property of the Choctaw and Chickasaw Nations approximate $31,503,954.95.

Very truly, yours, E. B. MERITT,
*Assistant Commissioner.*

*Funds of Choctaw Nation.*

(Dec. 15, 1915.)

| | |
|---|---|
| Fulfilling treaties with Choctaws, Oklahoma | $42,080.00 |
| Interest on Choctaw general fund | 3.76 |
| Choctaw orphan fund | 39,710.69 |
| Interest on Choctaw orphan fund | 7,942.16 |
| Choctaw school fund | 49,472.70 |
| Interest of Choctaw school fund | 9,894.56 |
| Choctaw 3 per cent fund | 241,949.13 |
| Interest of Choctaw 3 per cent fund | 40,545.51 |
| Interest on Choctaw moneys on deposit in banks | 311,376.88 |
| Judgment, Court of Claims, Choctaw and Chickasaw Nations | 86.08 |
| Indian moneys, proceeds of labor: | |
| Choctaw cattle tax | 1,006.42 |
| Choctaw right of way | 6,521.18 |
| Choctaw royalties, grazing, etc | 436,928.72 |
| Choctaw stone and timber | 28,967.85 |
| Choctaw town lots | 41,322.95 |
| Choctaw unallotted lands, etc | 2,092,811.52 |
| Balance in Treasury | 3,360,620.11 |
| In Oklahoma banks | 4,071,733.13 |
| Grand total | 7,432,353.24 |

*Funds of Chickasaw Nation.*

| | |
|---|---|
| Chickasaw national fund | $152,629.56 |
| Interest of Chickasaw national fund | 11,691.98 |
| Interest on Chickasaw moneys on deposit in banks | 104,722.41 |
| Indian moneys, proceeds of labor: | |
| Chickasaw right of way | 11,747.61 |
| Chickasaw royalties, grazing, etc | 133,723.42 |
| Chickasaw stone and timber | 12,668.53 |
| Chickasaw town lots | 10,593.84 |
| Chickasaw unallotted lands, etc | 340,694.16 |
| Balance in Treasury | 776,471.51 |
| In Oklahoma banks | 1,143,638.97 |
| Grand total | 1,922,110.48 |

*Estimated value of Choctaw and Chickasaw tribal land and other tribal property.*

| | |
|---|---|
| 215,203 acres segregated coal and asphalt land, estimated value of surface of 215,203 acres | $1,847,604.09 |
| Estimated value of coal deposits and asphalt deposits in 431,080 acres segregated area | 12,319,000.00 |
| 823,521.84 acres tribal timberland, estimated value of land and timber | 1,806,887.14 |
| 25,600 acres other surplus unallotted tribal land | 75,000.00 |
| Unsold town lots | 51,000.00 |
| Other tribal property | 50,000.00 |
| Total estimate of unsold property | 16,149,491.23 |
| Deferred payments on Choctaw and Chickasaw land heretofore sold, approximately | 6,000,000.00 |
| Total funds and other property of Choctaw and Chickasaw Nations, approximately | 31,503,954.95 |

After deducting the $7,500,000 necessary to make the per capita payment provided for in this bill there will yet remain in the hands of the United States moneys and property to the amount of $24,003,954.95 out of which the $2,606,564 gratuity could be paid to the Choctaws in Mississippi if this or any subsequent Congress ever sees fit to perpetrate on the Choctaws and Chickasaws of Oklahoma such an outrage.

Mr. Chairman, while it is admitted that Congress has the power to take this amount of money from the Oklahoma Choctaws and give it to the Choctaws in Mississippi, it is submitted that it has no right to do so, and if it is done it will be another blot on the treatment of a helpless and dependent people by the Government such as it has not been guilty of toward any other race or people. Might never makes right, and I have an abiding faith that in the end justice will triumph.

Mr. Chairman, I submit in conclusion that a great injustice is being done the Choctaws and Chickasaws by withholding this payment. Oklahoma is a new State. Its people are made up largely of the pioneer class—poor, but brave and honest. For this reason money is scarce and the bank deposits are small. Being a new State, and just beginning its marvelous development, and the demand for money being keen, interest rates are high; so high, in fact, that if they were mentioned, the Members of this House from the North and East would be startled. It is not fair; it is not just; it is not right to hold $7,500,000 of Choctaw money and $2,000,000 of Chickasaw money in the Treasury of the United States and pay the Indians from 2 to 4 per cent interest on it, while these same Indians are compelled to borrow money at a rate of interest from five to ten times those rates. Congress can not perform a greater act to a needy, helpless, and dependent people than by providing for this per capita payment.

Mr. MORGAN of Oklahoma. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. CARTER of Oklahoma. Mr. Chairman, may I ask the gentleman from Mississippi [Mr. HARRISON] how many speeches remain to be made on his side?

Mr. HARRISON. Three speeches on our side. One of our speakers, the gentleman from Minnesota [Mr. MILLER], has gone out, but will return soon.

Mr. CARTER of Oklahoma. I would like the gentleman to dispose of one of his speeches, since we have the close anyway.

Mr. STEPHENS of Texas. Mr. Chairman, if there is no further debate, let us have a vote.

Mr. CARTER of Oklahoma. Does the gentleman from Mississippi not desire to debate it any further?

Mr. HARRISON. No; I ask the gentleman to use some of his time.

The CHAIRMAN. If there is no further discussion, the question will be put.

Mr. CARTER of Oklahoma. How does the time stand, Mr. Chairman?

The CHAIRMAN. The gentleman from Oklahoma has 25 minutes, and the gentleman from Mississippi has 29 minutes.

Mr. CARTER of Oklahoma. I think the gentleman from Mississippi, in view of the fact that he is going to have three more speeches, should use some of his time now. He has more time than we have, and we have the closing.

Mr. QUIN. Mr. Chairman, I make the point of no quorum.

The CHAIRMAN. The gentleman from Mississippi [Mr. QUIN] makes the point of no quorum. The Chair will count.

Mr. CARTER of Oklahoma. Mr. Chairman, I hope the gentleman will withdraw that point.

The CHAIRMAN (after counting). One hundred and seven Members are present—a quorum. If there is no further discussion upon this amendment——

Mr. STEPHENS of Texas. In that case, Mr. Chairman, I ask for a vote on the question.

Mr. HARRISON. Mr. Chairman, the gentleman from Virginia [Mr. SAUNDERS] a few moments ago, in presenting this matter, said that the Indians in Mississippi had received each 640 acres of land and that they had received scrip.

Mr. SAUNDERS. No; will the gentleman pardon me? I said some of them had received land, and those that had not received land had received scrip.

Mr. HARRISON. That statement very clearly illustrates the misinformation that gentlemen who oppose my amendment have on this question. The facts about that matter are these: When the treaty of 1830 was signed, containing the fourteenth article, giving the Mississippi Indians the right to remain in Mississippi and take up these allotments, the Government sent a man by the name of Ward down there supposedly for the purpose of allowing those who desired to avail themselves of the fourteenth article to do so; but, mind you, only 143 of them received patents to this land, whereas the facts show, and all the gentlemen who have investigated this matter will concede it to be true, because the facts are uncontradicted on the proposition, that there were

hundreds of them who went to Ward and tried to make application for allotment under article 14 of the treaty who failed to do so. Why, sirs, the facts show that Ward would get drunk, would keep no records, was a disreputable individual, destroyed what applications he did take, and at times even made shaving paper out of the applications. His actions were inexcusable and cost hundreds of Mississippi Choctaws their allotments under this article. No; the gentleman is wrong; only 143 actually received their patents.

Mr. NORTON rose.

Mr. HARRISON. I can not yield to the gentleman. I am sorry I have not the time. Talking about the scrip, that scrip was issued on this condition, that one half of it was to be given to the Mississippi Indian in Mississippi before he left for the Indian Territory and the other half to be delivered to him when he got to the Territory. Therefore the Indians who did receive any scrip went to Oklahoma and are now a part of the tribe there. Consequently none of the Indians in Mississippi have received the scrip, unless it were some wandering fellow who came back because the attorneys of the tribe drove him back; and later on I will show this committee where and how they did drive them back.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. The gentleman used 2 minutes of his 29.

Mr. CARTER of Oklahoma. How does the time stand now, Mr. Chairman?

The CHAIRMAN. The gentleman from Mississippi has 27 minutes and the gentleman from Oklahoma 25 minutes.

Mr. CARTER of Oklahoma. The gentleman from Mississippi still has more time than we have. Will the gentleman use some more of his time?

Mr. HARRISON. There is no one in the Hall at this moment to whom I can yield.

The CHAIRMAN. If no further debate is desired, the question is on the amendment.

Mr. CARTER of Oklahoma. Mr. Chairman, of course if the gentleman from Mississippi does not care to proceed any further at this time I am ready to take a vote.

Mr. HARRISON. I yield five minutes to the gentleman from Minnesota [Mr. MILLER], who I see has just come into the Hall.

Mr. MILLER of Minnesota. Mr. Chairman, unfortunately I have been temporarily absent from the Chamber during the discussion which has just occurred, and therefore am not advised as to what has already been stated. Therefore I am somewhat in danger of making a possible repetition of arguments that have been presented already.

The subject of the Mississippi Choctaws is one to which, as the Members of the House know, I have given a good deal of study and personal attention during a period of three or four years. It is one of the largest and most important Indian questions that exists in the country. To my mind it is one that should no longer be postponed to some future day, or put off to some indefinite time, but should be seized hold of by Congress and disposed of for all time.

After the discussions and debates that have occurred in this Chamber during the last three consecutive years, I think there can exist in no man's mind the slightest doubt but that the Indians known and described as the Mississippi Choctaws suffered a very serious and great injustice at the hands of the United States Government on account of the action of the duly accredited agent of the United States Government. The wrongs that were then committed have never yet been repaired.

I do not share the feeling expressed by some who discussed this matter before the committee when I was a member of it, that great blame rests upon the Choctaws now resident in Oklahoma. They have some obligations in connection with this matter, which obligations they have always hitherto recognized, even to the extent of inviting their brethren remaining in Mississippi and unprovided for to journey to the Eden-like land of what is now Oklahoma, and share with them the property in that region which became theirs. Many of them did not go because they could not go. Some of the provisions in bills that I have no doubt have been cited here already contemplate that the Indians in Mississippi shall journey over to Oklahoma, become members of the tribe in Oklahoma and share in the property of the whole tribe there; but no provision was made for their migration over, excepting on one occasion, when the sum of $20,000 was appropriated, which was totally insignificant for the purpose. That, however, was not the fault of the Choctaws in Oklahoma. I do not think that I have ever yet formulated into words the exact conclusion which I myself have reached on this question. I have hesitated about expressing it, because of the natural feeling that I am far from certain and convinced that I am right, although I feel in my own mind that I am right.

The main wrong was committed by the United States Government. The wrong when committed should be righted by the wrongdoer. After going over the records of all the years I can not in my own mind find where the Choctaws in Oklahoma have been responsible for the wrong excepting in one instance, and that instance was when an action was brought in the name of the Choctaws resident in Oklahoma against the Government of the United States, and a recovery had for the wrongs that were admittedly done to the Choctaws in Mississippi, and the money that was recovered was paid, not to the Choctaws in Mississippi but to the Choctaws in Oklahoma. It is not, perhaps, quite fair to say that it was paid and went to the tribe of Choctaws in Oklahoma. As a matter of fact, a court was established, which court picked out the beneficiaries to receive the amount appropriated to pay the judgment, and as anybody can ascertain who looks at the record, there probably was a miscarriage of a large part of the fund.

Mr. NORTON. Will the gentleman yield?

Mr. MILLER of Minnesota. I have only a moment.

Mr. NORTON. Was any of that money paid to the Mississippi Choctaws?

Mr. MILLER of Minnesota. Some of it was paid to Mississippi Choctaws then in Oklahoma, but, as far as I could get information from the Indian Office, or from any other source, none of it was paid to an Indian resident in Mississippi.

I am not in favor of opening up the rolls of the Five Civilized Tribes. Some people have thought that I have been in favor of that because of the report which I wrote and which was adopted by the subcommittee. I do not think any member of that subcommittee that joined me in the report was in favor of opening up the rolls of the Five Civilized Tribes. We simply recognized that a wrong had been done these Indians, and that it ought to be righted. The main wrongdoer is the United States Government. As partial wrongdoers, the Choctaws of Oklahoma ought to assume their part of the burden and make it good.

Not all those who claim to be Mississippi Choctaws are such, and those who are not Mississippi Choctaws should not enjoy any of the benefits of any remedial legislation. There are something like 22,000 to 28,000 who claim that they have a right to share in any beneficial legislation that may be enacted. I do not believe there are any such number as that. In fact, I doubt if there is a number greater than 2,000. It may be less than that. I know there is a roll in the Indian Office to-day, that was prepared under the direction of the Dawes Commission, to ascertain who were the full-blood Mississippi Choctaws entitled to share as such in any distribution of property or wealth that may be made, and the number on that roll is about 1,900.

So I have believed, and I firmly now believe, that this Congress at this session or some other session should make up its mind to dispose of the Mississippi Choctaw matter once and for all. They thought they had disposed of it in 1858 when they authorized the suit to which I have already called attention, but by reason of the lack of familiarity, I am willing to say on the part of Congress, with conditions in the Southwest—because at that time conditions were little known in the Indian country—there was a substantial miscarriage of justice. Therefore it seems to me that we should ascertain who are full-blood Mississippi Choctaws who were defrauded out of their rights guaranteed to them under the treaty of 1830.

Mr. NORTON. Will the gentleman yield?

Mr. MILLER of Minnesota. I will.

Mr. NORTON. Does the gentleman take this position—that the full-blood Choctaws who resided in Mississippi who have failed to remove to Oklahoma are, under the treaties, entitled to a share equal with the Choctaws in Oklahoma in the property and funds of the Oklahoma Choctaws?

Mr. MILLER of Minnesota. I do not believe any such thing. There are some who maintain that, but I do not. I do not think the gentleman from Mississippi [Mr. HARRISON] for a moment suggests that the Choctaw Indians in Mississippi are entitled to all the rights that have been given to the Choctaws in Oklahoma to share equally in their property. If he did, he would have to have them all allotted, and some other things.

Mr. NORTON. That is the position I think the gentleman from Mississippi takes.

Mr. MILLER of Minnesota. I did not know that he took that position, but I would not join him in that. There are Indians in Mississippi, some in Louisiana, some in Texas belonging to the original parent band of Choctaws who elected under the treaty of 1830 to remain where their ancestors had always lived, an election which was given to them by the terms of the treaty; and without that election the treaty never would have been made. They elected to remain, but by the treatment they received at the hands of the Government agents they were prevented from securing lands guaranteed by the treaty. Therefore,

that being the basis of wrong, I think Congress should take proper steps to right it, and I do not think it would run into any large sum of money.

Mr. CARTER of Oklahoma. Mr. Chairman, we will use the balance of the time on this side in one speech.

Mr. HARRISON. Mr. Chairman, I yield to the gentleman from Illinois [Mr. MANN] such time as he may want.

Mr. MANN. Mr. Chairman, I shall vote for the amendment offered by the gentleman from Mississippi [Mr. HARRISON], although I do not think that it offers an ideal solution of the problem. He can not offer an ideal solution of the problem under the rules of the House at this time, but has offered an amendment which is a limitation on the appropriation made, because that is the only amendment he can offer.

What is the situation? We have a large fund in the Treasury belonging to these Choctaw Indians. They have considerable property in addition, which sooner or later will be sold. The Oklahoma Indians claim all of the money and the property, and the Choctaw Indians of Mississippi claim that they are entitled to participate in the funds. There are a great many old claims floating around this House based upon old Indian treaties, and every little while we pay out a large sum of money upon one of these old claims. Usually we pay it out of the General Treasury because there are no funds left over which the dispute arises.

What will we do here? What we ought to do, as it seems to me, is to pay the Oklahoma Choctaws the amount of money they are now asking for, and at the same time refer the claims of the Mississippi Choctaws to the Court of Claims. Then if the Court of Claims should find that the Mississippi Choctaws were entitled to a portion of the fund which the Oklahoma Choctaws claim, which still remains, or a part of it in the Treasury, together with other property, the Mississippi Choctaws in the end would receive their share out of the funds of the Indians. But if we refuse to refer these claims to the Court of Claims, in the end this is what will happen: It is perfectly plain to an old legislator. As soon as the Oklahoma Choctaws have received all the funds which the Government has belonging to the Indians, both sides will then join in a demand to right the wrong which my friend from Minnesota just referred to and to pay the claims to the Mississippi Choctaws out of the General Treasury, because there will be no Indian money left out of which it could be paid.

If it were a private individual in a case like this he would file a bill of interpleader, saying he had the money claimed by two sets of people, and he would let them settle up in the court to which it belonged. But the gentleman from Oklahoma now refuses at this time to agree to the proposition to let the claim of the Mississippi Choctaws be passed upon by the courts. Personally, with what little information I have absorbed upon this subject through a series of years that it has been up, I do not think the claims of the Mississippi Choctaws are good. [Applause.] I think the Court of Claims will find against them, but I am quite certain that after the money is all gone it never will be referred to the Court of Claims, but we will then be told how dreadfully these Indians have been treated by the General Government and how we should recompense them out of the General Treasury.

Mr. NORTON. Mr. Chairman, will the gentleman yield?

Mr. MANN. Yes.

Mr. NORTON. Does the gentleman know of any bill that has been introduced by any of the delegation from Mississippi to submit this matter to the Court of Claims?

Mr. MANN. Mr. Chairman, I can not see that that is a pertinent question, with all due respect to the gentleman from North Dakota. I can not see what difference that makes. We are acting upon this subject now. The gentleman has not introduced a bill, although he is on the Committee on Indian Affairs, and I do not criticize him for that; but the only way we will ever get a solution of this proposition in the interest of the people of the United States, as distinguished from the Indians who are in dispute, is to force this into the Court of Claims, and the only thing we can do now which tends to bring that about is to agree to the Harrison amendment.

If this committee or this House will agree to the Harrison amendment, you can be sure that when this bill becomes a law it will provide two things: First, for the payment of the money they are now asking for to the Oklahoma Choctaws; and, second, a reference of the Mississippi Choctaw's claim to the Court of Claims, where it can easily be determined before they expect to get the balance of the money. That is the sensible thing to do. I do not know whether Congress or the House, in view of the frailty of us all, and the very active lobbying that has been going on on this claim both inside and outside of the halls of this House, can be influenced by anything that can be said here, or that anything that can be said will have any very great weight, but it seems to me that we ought to guard to some extent the Treasury of the United States, and before we have paid out all of the money determine whether the Mississippi Choctaws have a just claim. In my judgment the court will find that they have no claim, and if we can get a decision of the Court of Claims to that effect we will never have to pay their claim. If we do not get such a decision, in the end we will pay it out of the money belonging to our own constituents. [Applause.]

Mr. CARTER of Oklahoma. Mr. Chairman, does the gentleman from Kansas [Mr. CAMPBELL] desire to use some time?

Mr. CAMPBELL. I understand the gentleman from Oklahoma [Mr. CARTER] to state that there would be only one speech more and that that would be made by the gentleman from Oklahoma [Mr. FERRIS].

Mr. CARTER of Oklahoma. I did say that there would be only one, but the gentleman from Mississippi [Mr. HARRISON] suggested that I get the gentleman from Kansas to use five minutes.

Mr. CAMPBELL. If it is agreeable to the gentleman from Mississippi——

Mr. CARTER of Oklahoma. I do not want to do that, because I expect it would not be quite agreeable to the gentleman from Illinois [Mr. MANN].

Mr. MANN. Mr. Chairman, I have no objection, although I do not like to have gentlemen say that there will be but one speech, with no intention of keeping the agreement.

Mr. CAMPBELL. Mr. Chairman, there will be only one speech, so far as I am concerned. I have spoken upon this subject so many times for so many years that I can easily refrain from discussing the matter at this time in violation of any agreement made on the floor.

Mr. CARTER of Oklahoma. I will say to the gentleman from Illinois that the suggestion was made by the gentleman from Mississippi [Mr. HARRISON], and that was why I made it. There will be only one speech upon our side, Mr. Chairman.

The CHAIRMAN. The gentleman from Mississippi is recognized for nine minutes.

Mr. HARRISON. Mr. Chairman, I did not expect to say anything more on this question, as I thought the gentleman from Illinois [Mr. MANN] might utilize the balance of the time. I agree with him thoroughly that if this money is now distributed among the Indians of Oklahoma, in the course of time the Government of the United States will have to respond to the Indians of Mississippi. In the closing argument that will be delivered by the gentleman from Oklahoma [Mr. FERRIS] in this discussion—and I have heard the speech so often that I know practically what he is going to say—I hope gentlemen of the committee will not be influenced by any picture which he may draw, to the prejudice of the Mississippi Choctaws, of some six negro convicts in Oklahoma who were used as witnesses in order to get some claimant upon the rolls of the tribe. I heard him make that argument before the Committee on Indian Affairs, and I think it is the argument of an amateurish lawyer before an ignorant jury. I know that you gentlemen of good judgment and sound reason will not allow such an argument as that to influence you if he should so far forget himself as to make it. If he does make it, remember that they live in Oklahoma, they are used by Oklahoma attorneys, and in behalf of Oklahoma claimants. It is not all of the claimants who are claiming rights for enrollment in the Choctaw Nation whom we desire to see enrolled. There are thousands of them who have no right to enrollment, but there are hundreds of full-blooded Choctaw Indians, of the same blood and kith and kin as the Choctaw Indians of Oklahoma, who to-day roam the wilds of Mississippi, fishing in the waters of the Tallahalla or hunting in the forests of the Okahay, who ought to be taken care of by this Congress.

In 1898, after the decision in the Jack Amos case, which was rendered by Judge Clayton, a little territorial judge in Indian Territory, and after the decision of the Dawes Commission that gentlemen have talked about had been rendered—both of them in 1896 and 1897—the Congress of the United States passed a law requesting the Dawes Commission to look into the status of these Mississippi Choctaw claimants and report back to Congress immediately. The Dawes Commission, notwithstanding the decision they had formally rendered, as well as the Clayton decision, among other things, said in their report:

It seems to the commission that the importance of a correct decision of this question both as to the Mississippi Choctaws and the Choctaw Nation justifies a provision for a judicial decision in a case provided for that purpose. They therefore suggest that in proper form jurisdiction may be given the Court of Claims to pass judicially upon this ques-

tion in a suit brought for that purpose by either of the interested parties.

And acting on this report in part, Congress passed the Curtis Act of June 28, 1898, directing the Dawes Commission to go to Mississippi and identify the Mississippi Choctaws. There was another provision incorporated in this act, saying that no provisions of this act shall in any way affect the rights of the Mississippi Choctaw. Acting under the provisions of this law, Mr. McKinnon, one of the commissioners, went to Mississippi and identified about 2,500 Mississippi Choctaws. This roll excluded about 1,100 Mississippi Choctaws whose names are not now on the final rolls of the tribe.

They thought that they were there. They had as much right to be there as any Oklahoma Choctaw Indian. But they are not there. There has been no reason advanced why they should not be there. They are of the same kith and kin as these Indians in the district of my friend. They can not show any reason why they should not be enrolled. "Ah, but," they say, "they ought to have moved to Oklahoma and they have failed to do it." Let me tell you what the facts are in this matter. It is borne out in the brief that was presented by Senator OWEN when he was attorney for these Indians. He said that these full-blooded Choctaws of Mississippi went to Oklahoma; that in many instances the attorneys representing the tribe procured injunctions against them and prevented them from taking up their allotments. They could not stay out there under the circumstances and had to return to Mississippi, where they had friends, and for doing that my friend there, the gentleman from Oklahoma [Mr. MORGAN], knows that these attorneys, McMurray, Mansfield, and Cornish, under the contract they had with the Choctaw Nation, received a fee of $750,000, which was a fee based upon contingencies and the condition that the more they kept off the rolls the higher the fee was to be. That is the way they treated these poor Choctaws from Mississippi.

These gentlemen say that under the treaty they had to go West, but when they did go West they were met by some sharp attorney of the nation, who used all the weapons of the law to prevent them from being enrolled. And again, sirs, in 1903, after the McMurray Act of Congress was passed that restricted the rights of the Mississippi Choctaws, that limited their rights, while ostensibly being passed for their benefit, Congress said, "Well, we are going to try to get these Indians over to Oklahoma," and a provision was written into the law appropriating $20,000 to take these Mississippi Choctaws that had been identified over to Oklahoma. Do you know how much that $20,000 would do? Why, we appropriate hundreds of thousands of dollars in this very bill for carrying Indian children to the schools and back. That $20,000 only carried 263 of them from Mississippi to Oklahoma, and in doing it there was a deficit created of $1,000. That was the only money that Congress appropriated to carry these poor Indians over into Oklahoma. And, mind you, under the restricted law passed in 1902 that my friend will talk about, that restricts their rights, there were only 17 days' notice given to these Indians. Why, Mr. Chairman, they live in five counties, miles and miles apart; they live in huts and in valleys and in woodlands; they are far separated from one another; they can not read nor write; they are ignorant, and notices to them meant nothing. But it was impossible within the time of the notices—from July 27, the day they were posted, to August 14, when they were to be in Oklahoma—to get ready and depart. Then, too, the $20,000 could not have carried any more than did go, as $1,000 deficit was created in carrying the 263. Gentlemen, I submit to you that the Congress of the United States has never been fair with these Indians. The laws which have been passed by Congress have restricted their rights.

If under the treaties and laws they should have moved to Oklahoma, I submit to you that the Government of the United States has not appropriated the money to pay their transportation expenses, and I submit to you that the Choctaw Nation, through its attorneys, has neither dealt fairly, justly, or honestly with them. They got them there and then kept them, by injunctions and otherwise, from the rolls. These Mississippi Choctaws are good people. They are Indians. Do not be misled by men saying that they are half-breeds and negroes and all that. Why, I presume that upon the rolls of the Choctaw Tribe to-day they have men without a drop of Indian blood who will get their per capita payment if this provision should become a law. The people you ought to take care of, whom we ought to legislate in behalf of, are these full-blood Choctaw Indians, who have just as much right to enrollment as the Choctaws who left Mississippi and went to Oklahoma. And, mind you, too—I have only a minute of time remaining; I must be brief—in 1881 the Choctaws in Oklahoma sued the Government of the United States for wrongs committed against the Mississippi Choctaws back in Mississippi; and do you know that the Indians in the State of my friend [Mr. FERRIS] got a judgment of $8,000,000 against the Government of the United States for wrongs committed not against them but against the Indians of Mississippi, and there were $3,000,000, after all expenses were paid, which was distributed among the members of the Choctaw Tribe in Oklahoma? None of it went to the Indians in Mississippi, and I submit to you that they have never received anything from the Government, and it is time that something should be done for them. I appeal to you to help them. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. CARTER of Oklahoma. Mr. Chairman, how much time have I remaining?

The CHAIRMAN. The gentleman from Oklahoma has 25 minutes remaining.

Mr. CARTER of Oklahoma. Mr. Chairman, I yield 25 minutes to the gentleman from Oklahoma [Mr. FERRIS].

Mr. FERRIS. Mr. Chairman and gentlemen of the committee, I apologize to you gentlemen to-day because Oklahoma has consumed so much of the time of House this year, last year, and the year before; but I must in fairness to myself, I must in fairness to my State, I must in fairness to almost half of all the Indians in the Republic who live in my State, say that this row is not of our choosing. The gentleman from Mississippi [Mr. HARRISON], able, genial, courageous, and warm-hearted, tells you one thing and tells you what he thinks you ought to do. The Oklahoma Representatives, with all the earnestness that we have, tell you that you should do another thing. Under such a state of facts, why would it not be the decent thing to do to see what the Federal court, to see what the Dawes Commission, to see what the Secretary of the Interior, to see what the Committee on Indian Affairs, headed by the chairman, JOHN STEPHENS, say, who really know something about it, who are really nonpartisan, who are really not affected in any way, and I shall proceed to tell you what they hold. If the Mississippi Choctaw Indians have any right, it is under the fourteenth article of the Dancing Rabbit treaty. There is an agreed statement of facts, as far as that one proposition is concerned.

Mr. CAMPBELL. May I interrupt the gentleman?

Mr. FERRIS. Certainly.

Mr. CAMPBELL. May I call the attention of the gentleman from Oklahoma to the fact that this is a unanimous report from the Committee on Indian Affairs?

Mr. FERRIS. It is. That is very true, and after a long hearing. And it was the opinion of the Indian Committee last year, and the year before, and the year before that, and each year for nine consecutive years.

Mr. HARRISON. Will the gentleman yield?

Mr. FERRIS. I will.

Mr. HARRISON. May I ask if in the Sixty-second Congress, a committee composed of Mr. MILLER, Judge RUSSELL, and Mr. SMITH of New York, disinterested persons, did not unanimously report in favor of the Mississippi Choctaws?

Mr. FERRIS. They did not. That was only a subcommittee, and the report referred to was turned down flatly by the full committee. So there can be no question about that.

Let me leave one word with you on the historical phase of the question. You are entitled to know it all. In 1820, 18,000 Choctaw Indians lived in Mississippi. All but 4,000 of them, under a treaty, moved west to Oklahoma, pursuant to a treaty stipulation, and did what the Government wanted them to do. Four thousand of them remained in Mississippi to receive, what? To receive what article 14 proceeded to give them, and that was 640 acres for every head of a family, 320 acres for every child over 10 years of age, and 160 acres for every child under 10 years of age. I open the book, gentlemen of the committee, and I show you the names, in Indian, of every one of the 4,000 that received their land or the land scrip that Congress gave them. They received it. There was no mythology about it. They received it, and if you get part No. 4 of the hearings before the Indian Committee for this year you will find that the Indian Office states that they got it; that they received it; and there is no question about it. Where did the Government err?

The Government allowed these fourteenth-article claimants who remained, at the end of five years, to have their restrictions removed, and they proceeded to sell and dissipate their lands, and are now "broke" Indians. The Oklahoma Choctaws are not to blame for this, and never were to blame. Of the 4,000 that remained, 143 families, embodying about 400 or 500 people, got the full amount of land under the 640-acre provision in the fourteenth article of the treaty of 1830. There are the names of those who got land scrip in lieu of land. Their names are all in the hearings. These names are from Indian Office files.

They are all available or I would insert them in the RECORD at length.

From 1830 to 1842 all but 700 journeyed to Oklahoma. Each and every one of them were promptly adopted and became full-fledged Oklahoma Choctaws. This thing happened 98 years ago. For 60 years—from 1830 to 1893—every Mississippi Choctaw was welcome to come to Oklahoma, and by removing to Oklahoma and enrolling became an Oklahoma Choctaw and received his full quota of the land and money in Oklahoma, notwithstanding he had already received his patrimony in Mississippi. The Oklahoma tribes passed resolutions beckoning them to come, and Congress appropriated $20,000 to bring them, from Mississippi to Oklahoma. Still they would not come—at least 700 of them would not. Then, what happened? I hope the committee will follow me. It means a great deal to my State; it means more to the Indians; it means Congress ought to do full justice to a people that they have been operating on themselves for nearly a hundred years. What did they do? They passed the Curtis Act, creating the Dawes Commission. The President appointed three eminent lawyers to go down there and do what? To make these tribal rolls. A Member of the House, the Hon. HENDERSON M. JACOWAY, of Arkansas, was the secretary of this Dawes Commission. From 1893 to 1907, a period of 14 years, these rolls were in the hands of the Government, and they were beckoning and trying to get the Mississippi Choctaw Indians to come there and enter on the Oklahoma rolls. They would not come; they did not come; and they will not come to-day. They are still in Mississippi.

What happened? In 1842 President Tyler issued a patent to these Indians. I have that provision here. Let me read it. These people have held a patent to their lands since 1842, a period of more than 70 years. They have held a patent from the Government of the United States, the Oklahoma Choctaws have, for three-quarters of a century, and still by an amendment offered by the gentleman from Mississippi [Mr. HARRISON], that has the approval of no one but himself, bears the approval of no committee, of no Indian Commissioner, of no Secretary of the Interior, asks this House to do what? To do the revolutionary thing of turning the hands of Indian history back 100 years. Let us see what the patent says. Here is a clause in the patent issued in 1842 by President Tyler to these identical Oklahoma Choctaws:

That the United States of America, in consideration of the premises, and in execution of the agreement and stipulation in the aforesaid treaty, have given and granted, and by these presents do give and grant unto the said Choctaw Nation (the aforesaid "tract of country west of the Mississippi"; to have and to hold the same, with all the rights, privileges, immunities, and appurtenances of whatsoever nature thereunto belonging, as intended "to be conveyed" by the aforesaid article, "in fee simple to them and their descendants, to inure to them, while they shall exist as a nation and live on it" liable to no transfer or alienations except to the United States or with their consent.

Mr. THOMPSON of Oklahoma. Will the gentleman permit just a question? I want to ask the gentleman if the Choctaws who went west had remained in Mississippi, like the Mississippi Choctaws, would there be any land out there for anybody?

Mr. FERRIS. Surely not; and, more than that, if they had moved away even after they established residence on the land they would have lost their title.

Still, in the face of all this, my able, genial, and delightful friend from Mississippi [Mr. HARRISON] would have you do for the people who disobeyed the treaty something he would not do for those who obeyed the treaty.

Mr. HARRISON. Will the gentleman yield?

Mr. FERRIS. I can not yield. The gentleman has had four or five speeches, and I have only a short time.

He would have the people who do not live on the land to-day, who do not propose to ever live there, take this property away by a revolutionary and undigested amendment, indorsed by no one, bearing the favorable consideration of no department or committee. How many can there be who are willing to work so much mischief and do so much injury to our Oklahoma wards, whose only crime was to do always what the Government desired.

But let me proceed a little further. I told you a few minutes ago that when a controversy comes in before this House busy Members can not run down all the details. The proponents of this claim contend that these people ought to be enrolled, but I beg of you to agree with us that neither in law, equity, or morals they should not be, and are not, entitled to be enrolled. The Federal court, Justice Clayton sitting, acted upon this identical question, and I present to you the decision of the court in the Jack Amos case. I have the decision right here, reported in One hundred and ninetieth United States, page 873.

But let me first give you the facts, as I will not have time to read the whole case. Jack Amos in 1896, before these rolls were closed, and 96 others, full-blood Choctaws, then residing in Mississippi, came before the Dawes Commission and said—what? They said that under the fourteenth article of the Dancing Rabbit treaty they were entitled to participate and be enrolled and still remain in Mississippi. They there contended exactly what the gentleman from Mississippi now contends. Their contention is identical. Now hear what the court says; hear what Judge Clayton, a Federal judge in the Federal court, appointed by the President, and not under local influence, not a Territorial court, says.

Mr. MANN. Mr. Chairman, will the gentleman yield there?

The CHAIRMAN. Does the gentleman from Oklahoma yield to the gentleman from Illinois?

Mr. FERRIS. Yes.

Mr. MANN. What does the gentleman mean by a "Federal court"?

Mr. FERRIS. A regularly constituted Federal court, which by Congress was given final jurisdiction to pass upon these rolls.

Mr. SAUNDERS. Mr. Chairman, if the gentleman will permit me, I wish to say that, as showing that he occupied that relationship to the Federal Government, an appeal was taken from his decision to the Supreme Court of the United States.

Mr. FERRIS. Precisely. Now let me read to you what the court says. I read:

I am disposed to the opinion, however, and will so hold, that the descendants of the Mississippi Choctaws, by virtue of the fourteenth article of the treaty of 1830, are entitled to all of the rights of Choctaw citizenship, with all of the privileges and property rights incident thereto, provided they have renounced their allegiance to the sovereignty of Mississippi by moving into the Choctaw Nation in good faith to live upon their lands, renewing their allegiance to that nation, and putting themselves in an attitude whereby they will be able to share in the burdens of their government. The reason for this conclusion is, to my mind, made morally certain when it is remembered that ever since the treaty of 1830, now for the period of nearly 67 years, with the exception of the past 2 or 3 years, the Choctaw Nation, by its legislative enactments, and by its acts so long continued that by custom they have become crystallized into law, have universally admitted all who should remove to this country and rehabilitate them in all of the rights and privileges of citizenship enjoyed by themselves.

Now let me read the concluding paragraph. Let me read to you what he finds. Remember that this is the Federal court talking. This is not the gentleman from Mississippi. This is not the opinion of any Member of Congress from Oklahoma. This will not be a misleading statement; it will be a safe authority to follow.

Mr. MANN. Mr. Chairman, will the gentleman yield there?

Mr. FERRIS. Yes.

Mr. MANN. Was this Judge Clayton a United States district judge or a Territorial district judge?

Mr. FERRIS. He was a United States district judge, appointed by the President for Indian Territory. He was also given final jurisdiction of these cases.

Mr. MANN. Appointed for life?

Mr. STEPHENS of Texas. He was appointed by the President and confirmed by the Senate.

Mr. MANN. I am sure the gentleman is in error.

Mr. DAVENPORT. Mr. Chairman, if my colleague will yield to me for a moment, I will answer the gentleman's question.

Mr. FERRIS. Yes. I can not understand what difference it was whether for four years or for life he was a Federal judge, and he did decide this case.

Mr. DAVENPORT. Judge Clayton was appointed for four years. We had only an Indian Territory. We had only a Federal court. We had no State or district court.

Mr. MANN. I want to call the attention of the gentleman from Oklahoma to the fact that this was before Oklahoma was admitted to statehood, and consequently it must have been a Territorial court. That judge was not a United States Federal district judge.

Mr. FERRIS. Congress gave him final jurisdiction. He was appointed by the President of the United States. He, of course, was assigned to a Territory, but that did not make him a Territorial court at all. Let me read what he holds. I hope the House will hear this. It is important enough. He says:

To permit men with, perchance, but a strain of Choctaw blood in their veins who 65 years ago broke away from their kindred and their nation and during that time, or the most of it, have been exercising the rights of citizenship and doing homage to the sovereignty of another nation, who have borne none of the burdens of this nation, and have become strangers to the people, to reach forth their hands from their distant and alien home and lay hold of a part of the public domain, the common property of the people, and appropriate it to their own use would be unjust and inequitable.

Now, listen. I read:

It is, therefore, the opinion of the court that absent Mississippi Choctaws are not entitled to be enrolled as citizens of the Choctaw Nation.

The action of the Dawes Commission is therefore affirmed, and a decree will be entered for the Choctaw Nation.

Mr. WOOD of Indiana. Mr. Chairman, will the gentleman yield there for a question?

The CHAIRMAN. Does the gentleman yield?

Mr. FERRIS. Yes.

Mr. WOOD of Indiana. The gentleman says that decision was appealed from?

Mr. FERRIS. Yes. From that decision Jack Amos and his fellow Choctaws in Mississippi appealed to the Supreme Court. You will find it in One hundred and ninetieth United States. It was dismissed by the appellants and became a final judgment.

Mr. HARRISON. The gentleman does not intend to say that the Supreme Court settled the merits of the case?

Mr. FERRIS. I do not yield to the gentleman from Mississippi, Mr. Chairman. He makes too many speeches and interrupts without permission too frequently. The Supreme Court was interrupted in its duty by the appellants dismissing their own case, which shows they, at least, were willing to abide the decision of the lower court.

Mr. DAVENPORT. It did settle the principle that Congress by legislation gave Judge Clayton of that court the right to pass upon it. It settled the contention that Congress had that right.

Mr. FERRIS. Mr. Chairman, it would take hours to present this case adequately, and I am trying my best to present it in 25 minutes.

Mr. BUTLER. Mr. Chairman, will the gentleman yield for a moment?

Mr. FERRIS. Yes.

Mr. BUTLER. The gentleman can probably shorten his speech a little bit by the answer which he can give to the question I will propound.

Mr. FERRIS. Certainly; I yield.

Mr. BUTLER. The question I wish to ask the gentleman is this: Has anything happened to change the minds of men on this question?

Mr. FERRIS. Yes; two things. The Secretary of the Interior has again reported that these rolls should not be opened, and the Committee on Indian Affairs has made a unanimous report that they should not be opened; and there is no minority report, and there is no minority vote. [Applause.] If there ever was a case of res judicata by courts, by cabinets, by commissioners, by Congress, it is this one. Still it comes here. Still the gentleman from Mississippi will every year put on this vaudeville and take up the time of the House. After 60 years they asked that these rolls remain open to all that would come to Oklahoma. Fourteen years the Congress of the United States held these rolls open and they came not. Congress said to the Oklahoma Choctaws, "We will enroll your people if you will move here," but they refused to move. It has been tried in the courts, it has been tried before the Dawes Commission, it has been tried before three Secretaries of the Interior. President Taft wrote an open letter on this proposition, saying that these rolls should never be reopened. President Roosevelt, President Wilson, Secretary Fisher, Secretary Ballinger, Secretary Garfield, Secretary Lane, and four Indian Commissioners have all refused to agree with the contention of the gentleman. This Congress has voted upon it five or six times. Still the gentleman from Mississippi [Mr. HARRISON] injects it in here again. Might we not in good humor, but in earnestness, ask when will this fiasco end?

Again I apologize to the House for consuming so much time on Oklahoma matters, but this is distinctly not of our choosing. Our State was made the assembling point for all the Indians in the Republic. They were most all brought there together. These Oklahoma Indians are entitled to their peace. They are entitled to their own money that Congress and the Atoka agreement agreed to give them. Article 14 of the Atoka agreement said, We will pay you for your surplus land within a year after we collect it. The Curtis Act said, section 19, We will pay you your money as soon as we collect it, or within a year after it is collected. Last summer I went to a Blue and Gray reunion right over in the midst of these people, and I saw a once proud people, the Oklahoma Choctaws, reduced to chain harness and rags as they drove in to attend that reunion, and this while the Federal Government holds on to their millions and refuses to give them their own money. They have their allotments, but they have little or nothing in the way of houses. They have no teams to work with, they have no implements to work with. Still the gentleman from Mississippi [Mr. HARRISON] comes in with his so-called limitation, and proposes to limit this payment until all the negroes and mixed breeds can have their case tried by the Court of Claims. Such a course is unjust. It is unfair. It will teach a proud people to hate their Government for broken and blasted faith.

How much time have I, Mr. Chairman?

The CHAIRMAN (Mr. FOSTER). The gentleman has five minutes.

Mr. FERRIS. There is a reason for all this noise, and a good one. Sometimes we can observe the reason for unreasonable requests, but how fortunate are we to-day. I hold in my hand the printed copy of the hearings before the Indian Committee for the House for this year. Here is the picture of Nelson Durant, a full-blood negro who has had service in the Oklahoma penitentiary, whose lapel number is 803. I exhibt to you the picture of another negro, Ben Grayson.

Mr. BUTLER. What is his number?

Mr. FERRIS. His lapel number is 1739 in the Oklahoma penitentiary. I hold in my hand the picture on another full-blood negro whose lapel number is 6087, and still another whose lapel number is 6069 in the Oklahoma penitentiary; still another one whose lapel number is 6422. In 45 of these enrollment cases where the evidence was taken in Muskogee this summer, that negro, Alec Nail, appeared 33 times as a witness to swear people onto the rolls who are no more Indians than I am an Indian. Another one, Webster Burton, appeared 20 times. W. M. James, 5 times. Let me read what the Government inspector says about this, on page 59 of the hearings in his report. I will show you a little later what is going on down in Mississippi as well as in Oklahoma. I will show you why there are so many people who want these rolls opened. Listen to this inspector:

I find that the affidavits filed in support of practically all of these Choctaw cases were made by the professional negro witnesses, Webster Burton, Alec Nail, and William James. These negroes followed no other occupation for months, and were in constant attendance in the Muskogee office of Mr. Ballinger, prepared at all times to make their thumb marks upon and swear to every affidavit prepared and put before them by Mr. Ballinger's associates in this office. These witnesses were paid from 50 cents to $2.50 each by every applicant for whom they made an affidavit, and exacted a promise of additional consideration from many. I obtained exhaustive statements from each of these negro witnesses, and I attach complete copies of such testimony.

The affidavits of these witnesses as they appear attached to the applications filed by Mr. Ballinger are relied upon to prove that the applicant is of Choctaw blood, purporting to show clearly the ancestry from which this blood was derived, identifying, by roll number, many alleged blood relatives who were enrolled as Choctaws by blood, and going into detail as to why such applicant had failed of enrollment by the Dawes Commission. With not one exception, every affidavit filed by Mr. Ballinger in support of the petitions of these so-called Choctaws by blood, purporting to have been executed by these witnesses, is false in its entirety. These negroes testify, in the first place, that they had not known one of the applicants before they met such applicant in Mr. Ballinger's office at the time they made the affidavits.

This is Mr. William L. Bowie, an inspector of the Indian Office, who is making this statement. He has no local interest, is doing his duty, is doing a great service. These cases are—

made by the professional negro witnesses, Webster Burton, Alec Nail, and William James et al.

Alec Nail appeared in 33 out of 45 cases. William James was another convict. Let me just dissect this Government report and show what is going on down there:

These negroes followed no other occupation for months, and were in constant attendance in the Muskogee office of Mr. Ballinger, prepared at all times to make their thumb marks upon and swear to every affidavit prepared and put before them by Mr. Ballinger's associates in this office.

They can not read a word.

These witnesses were paid from 50 cents to $2.50 each by every applicant for whom they made an affidavit, and exacted a promise of additional consideration from many. I obtained exhaustive statements from each of these negro witnesses, and I attach complete copies of such testimony.

It is all in here.

The affidavits of these witnesses, as they appear attached to the applications filed by Mr. Ballinger, are relied upon to prove that the applicant is of Choctaw blood, purporting to show clearly the ancestry from which this blood was derived, identifying, by roll number, many alleged blood relatives who were enrolled as Choctaws by blood—

What would they do in the Court of Claims with four exconvicts appearing to swear men's property away for 50 cents? Listen to this:

and going into details as to why such applicant had failed of enrollment by the Dawes Commission.

Let us see what the reply is. Here is Mr. Bowie, continuing:

With not one exception, every affidavit filed by Mr. Ballinger in support of the petitions of these so-called Choctaws by blood, purporting to have been executed by witnesses, is false in its entirety.

They impeach themselves in the first question in every instance.

These negroes testify, in the first place, that they had not known one of the applicants before they met such applicant in Mr. Ballinger's office at the time they made the affidavits.

I wish I could read the rest of it or I wish the House could read what we heard before the Indian Committee.

Mr. CARTER of Oklahoma. Does the gentleman know what will be the fees of this firm of which Mr. Ballinger is a member?

Mr. FERRIS. I have the statement right here. It is approximately over $4,000,000. I will print a statement of their fee so the House can know what a diabolical scheme this is. This whole matter ought to be presented to the Federal grand jury, and the Indian Office ought to do it.

Lee's proposed sale of 40 per cent of his individual shares, or fee, is figured as follows:

| | |
|---|---|
| 2,051 | persons. |
| $3,000 | Value of individual share. |
| $6,153,000 | Total value of shares of 2,051 persons. |
| 40 | per cent basis of fee. |
| $2,461,200 | Estimated fee. |
| 487 | persons. |
| $3,000 | Value of share. |
| $1,461,000 | Total value of shares of 487 persons. |
| 12½ | per cent basis of fee of Ballinger & Lee. |
| $183,023 | Total estimated fee of Ballinger & Lee for 487 persons. |
| 1,200 | persons. |
| $500 | Ballinger & Lee's fee per person. |
| $600,000 | Total estimated fee for 1,200 persons. |
| $2,461,200 | |
| $183,023 | |
| $600,000 | |
| $3,244,223 | Total of Ballinger & Lee's fee. |
| Less $150,000 | Estimated expense of collection. |
| $3,094,223 | |
| 45 | per cent with which assistance was contracted. |
| $1,392,400 | Estimated cost of assistance. |
| $3,094,223 | Net fee. |
| Less $1,392,400 | Cost of assistance. |
| 2) $1,701,823 | Net fee to Ballinger & Lee. |
| $850,911 | Net fee to Lee. |
| 40 | per cent proposed assignment. |
| $340,364 | Fee which will go to owners of the 40 per cent to be sold. |

Mr. BUTLER. Four million dollars!

Mr. FERRIS. It is estimated at that. I said I would tell you what was going on in Oklahoma. If I had the time I would tell you what was going on in Mississippi.

Mr. MORGAN of Oklahoma. Some gentlemen are asking who Mr. Ballinger is.

Mr. FERRIS. Mr. Ballinger is a lawyer here in Washington, who went down to Oklahoma and picked up two fellows who practice law along the same lines that he does, and they are constantly at this task. They work at it in season and out. They are the ones who back-fire Congressmen and who put on this program. Another firm goes down to Mississippi and employs three negroes, one of whom has since gone to the penitentiary, to do the same thing in Mississippi. Let me exonerate the gentleman from Mississippi [Mr. HARRISON] before my time is gone. I know he does not stand for this; but if he keeps on pulling in the same direction much longer, he will be like the Irishman who yoked himself up with a calf, and when the calf began to run away somebody asked him where he was going, and he said darned if he knew, but they could ask the calf; and if this warm-hearted, faithful, brilliant Representative from Mississippi does not stop traveling in the same direction with these perjured negroes, who will perjure themselves for $2.50, somebody will ask him where he is going, and he will not be able to answer the question. This proceeding has gone on long enough. It is the duty of the House to stamp it out once and for all. The vote should be so decisive that we will not be troubled with this claim every year. I thank the House for their attention.

The CHAIRMAN. The time of the gentleman has expired. The question is on the amendment offered by the gentleman from Mississippi to the amendment offered by the gentleman from Oklahoma [Mr. CARTER].

The question was taken; and on a division (demanded by Mr. HARRISON) there were 37 ayes and 117 noes.

So the amendment to the amendment was lost

Mr. HARRISON. Mr. Chairman, I want to offer another amendment to the amendment. I move to strike out the figures "300" and insert the figures "200."

The CHAIRMAN. The Clerk will report the amendment to the amendment.

The Clerk read as follows:

Amend the amendment by striking out the figures "300" and inserting the figures "200."

The CHAIRMAN. The question is on the amendment to the amendment.

The question was taken, and the amendment to the amendment was lost.

The CHAIRMAN. The question now is on the amendment offered by the gentleman from Oklahoma [Mr. CARTER].

The question was taken, and the amendment was agreed to.

Mr. HASTINGS. Mr. Chairman, I ask unanimous consent to offer this amendment at the end of the paragraph.

The Clerk read as follows:

Add at the end of the amendment just adopted:

"*Provided further*, That the Secretary of the Interior is hereby authorized to use not to exceed $8,000 out of the Chickasaw and Choctaw tribal fund for the expenses and compensation of all the United States employees for the distribution of the said per capita payments."

Mr. STEPHENS of Texas. I reserve a point of order to that.

Mr. MADDEN. Mr. Chairman, I object.

The CHAIRMAN. The gentleman from Illinois objects.

Mr. HASTINGS. Will not the gentleman reserve it so that I can make a statement in regard to it?

Mr. MADDEN. The gentleman from Oklahoma asked unanimous consent, and I objected.

The CHAIRMAN. There is no more debate on the proposition.

Mr. HASTINGS. Mr. Chairman, I offer it as a separate paragraph.

Mr. MADDEN. The gentleman asked unanimous consent, and I entered my objection.

Mr. MANN. The gentleman from Oklahoma did not have to ask unanimous consent.

Mr. MADDEN. But he did. Then, Mr. Chairman, I will make a point of order against the amendment.

The CHAIRMAN. The Chair is ready to rule on this amendment. The Chair thinks that it is entirely new legislation, and sustains the point of order.

Mr. NORTON. Mr. Chairman, I move to strike out the last proviso of the amendment that was adopted and add the following.

The CHAIRMAN. The committee has already adopted that, and it is not in order to strike it out.

Mr. NORTON. That was the understanding, that we should perfect this by adopting this proviso. I ask unanimous consent that I may offer this proviso.

Mr. MANN. It is still in order to add something.

The CHAIRMAN. The Chair understood the gentleman's first offer was to strike something out of a provision that had already been adopted.

Mr. NORTON. Mr. Chairman, I move to add this provision to the amendment already adopted.

The CHAIRMAN. The Clerk will report it.

The Clerk read as follows:

Add to the amendment the following:

"*Provided further*, That the money paid to the enrolled members as provided herein shall be exempt from any lien for attorneys' fees or other debts contracted prior to the passage of this act."

Mr. STEPHENS of Texas. I think that amendment should be adopted, for it is for the protection of the Indians.

The CHAIRMAN. The question is on the amendment offered by the gentleman from North Dakota.

The question was taken, and the amendment was agreed to.

The Clerk, proceeding with the reading of the bill, read as follows:

For salaries and expenses of such attorneys and other employees as the Secretary of the Interior may, in his discretion, deem necessary in probate matters affecting allottees or their heirs in the Five Civilized Tribes and in the several tribes of the Quapaw Agency, and for the costs and other necessary expenses incident to suits instituted or conducted by such attorneys, $85,000.

Mr. HASTINGS. Now, Mr. Chairman, I ask unanimous consent to return to the last paragraph and reoffer my amendment. I have explained it to the gentleman from Illinois [Mr. MADDEN] who made the objection, and I think he sees clearly that it ought to be adopted.

The CHAIRMAN. The gentleman from Oklahoma asks unanimous consent to return to the previous paragraph for the purpose of offering an amendment, which the Clerk will report.

The Clerk read as follows:

Add to the last paragraph the following:

"*Provided further*, That the Secretary is hereby authorized to use not to exceed $8,600 out of the Chickasaw and Choctaw tribal fund for the expense and compensation of all United States employees for the distribution of the said per capita payment."

The CHAIRMAN. Is there objection to the request of the gentleman from Oklahoma?

Mr. STEPHENS of Texas. I object. But let me ask the gentleman from Oklahoma, does it come out of the tribal fund?

Mr. HAYDEN. It comes out of the tribal fund.

Mr. STEPHENS of Texas. Then I do not object.

Mr. KONOP. I would like to ask the gentleman a question.

The CHAIRMAN. All debate on this paragraph has been closed.

Mr. KONOP. I ask unanimous consent that I may ask the gentleman a question.

The CHAIRMAN. The gentleman from Wisconsin asks unanimous consent to ask the gentleman from Oklahoma a question. Is there objection?

There was no objection.

Mr. KONOP. I would like to ask whether or not there are not Government agents down there that could distribute the money without further expense?

Mr. HASTINGS. I think that is true, but this is likely to run through 8 or 10 months, and there would only be a few persons placed upon this job, whereas if a part of their own fund is used to help distribute this money more quickly, because they need it badly, and need it now, they would be glad to have part of their fund so used. Then a great number of clerks could be placed on this so that the distribution could be made much more speedily and expeditiously.

Mr. HARRISON. What has been the practice heretofore when per capita payments are made relative to the distribution?

Mr. CARTER of Oklahoma. Mr. Chairman, if the gentleman from Oklahoma [Mr. HASTINGS] will permit me to answer that, I will say that it has been done both ways. Up until about 1908 the expenses for per capita payments were taken out of the tribal funds, and then the Comptroller of the Currency ruled that that could not be done. Since that time the expenses have been met from the Federal Treasury, as they will be met in this case, and there is not a particle of doubt that some new men will be put upon the work to do this, and it will take extra expense.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired. Is there objection to the request of the gentleman from Oklahoma [Mr. HASTINGS]?

There was no objection.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Oklahoma [Mr. HASTINGS].

The amendment was agreed to.

The Clerk read as follows:

For the support, continuance, and maintenance of the Cherokee Orphan Training School, near Tahlequah, Okla., for the orphan Indian children of the Five Civilized Tribes belonging to the restricted class, to be conducted as an industrial school under the direction of the Secretary of the Interior, including repairs and improvements, $40,000: *Provided*, That the unexpended balance of $7,500 appropriated by the act of August 1, 1914, is hereby reappropriated for the purchase of additional land not to exceed 60 acres.

Mr. MANN. Mr. Chairman, I reserve the point of order. In the great confusion in the Hall a moment ago I did not ask a question about the preceding paragraph, which I would like to ask at this time. Is this $85,000 which we appropriate for salaries and expenses of attorneys in connection with probate matters reimbursable to the Government?

Mr. HASTINGS. No; the $85,000 is not reimbursable to the Government.

Mr. MANN. Do I understand, then, that we have just voted to pay out about $7,000,000 to a portion of these Indians and that they have large sums of money left to their credit in the Treasury, besides a very large amount of land, but that when we do anything for them we have to pay it out of the General Treasury?

Mr. CARTER of Oklahoma. Mr. Chairman, if my colleague will permit me to answer that, I will say that under the agreements of 1898 and 1902 it is provided that certain tribal funds shall be used for some purposes and for no others. Those two agreements provide that the tribes shall pay for their schools, providing the amount does not exceed the amount used in the year previous——

Mr. MANN. But the gentleman and I are talking about different matters. I am talking about the matter in respect to the probate attorneys.

Mr. CARTER of Oklahoma. No; my remarks are applicable. We are trying to comply with the agreements with the Choctaws and Chickasaws and other of the Five Civilized Tribes in making up this bill, so far as Oklahoma is concerned. The agreement provides that all that money except the money used for schools shall be distributed per capita among the Indians. That was an agreement made between the United States and the Indians, was adopted by the Congress, and was approved by the vote of the Choctaw and Chickasaw people.

Mr. MANN. Does that agreement require the Government of the United States to pay for probate proceedings out of the General Treasury?

Mr. CARTER of Oklahoma. No.

Mr. MANN. Is there any reason why we should pay it out of the Federal Treasury when it is for the Indians and not reimbursable? I understand that we do a lot of probate work down there, but that some of it is reimbursed to the Government when the estates are settled?

Mr. CARTER of Oklahoma. That is true.

Mr. MANN. Is that true of this $85,000?

Mr. CARTER of Oklahoma. It is not.

Mr. MANN. Ought it not to be true?

Mr. CARTER of Oklahoma. I think it might be reimbursed from the estate that is settled, and I am glad the gentleman called attention to that. I think a provision might be inserted to that effect, because that is the same way we deal with every other tribe, except the Five Civilized Tribes, under the Burke Act.

Mr. MANN. It seems to me that if we do that work—and it is probably done more cheaply by our agent than by any one else—it is proper that the estates should pay the money for it.

Mr. HASTINGS. There are some of the estates that have nothing out of which to reimburse.

Mr. MANN. Then they would not reimburse.

Mr. CARTER of Oklahoma. If there is an estate to be settled by the court, there would probably be something with which to reimburse the cost.

Mr. MANN. I do not object to the item.

Mr. CARTER of Oklahoma. The Burke Act provides that from ten to twenty dollars, if I remember it correctly, shall be taken out of the settlements of each probate matter, out of the funds after the settlement has been made, for the settlement of the matter by the United States Government; but the Burke Act does not apply to the Five Civilized Tribes.

Mr. MANN. Ten or fifteen dollars, or something of that sort.

Mr. CARTER of Oklahoma. I think that ought to be done.

Mr. MANN. In reference to this matter which is under consideration, the orphan training school at Tallequah, that is to be made into an industrial school?

Mr. HASTINGS. I will say to the gentleman that that is the purpose of it. Congress two years ago appropriated $8,000 for the purpose of buying an additional 80 acres of land. Out of that $8,000, $500 was used. Twenty acres of land were purchased. There is a tract of land consisting of 20 acres which it is desired to use the remainder of this money unexpended of the appropriation of two years ago to purchase.

Mr. MANN. How much land have the Cherokees left down there?

Mr. HASTINGS. None. Every foot of it has been distributed.

Mr. MANN. I thought they had some coal and oil lands?

Mr. HASTINGS. None whatever.

Mr. MANN. The moment they get all of the land away by allotment or sale then they come to the General Treasury and want us to buy more land for them. Is not that rather going it some?

Mr. HASTINGS. This is for the orphan children of the restricted members of the Five Civilized Tribes.

Mr. MANN. Oh, it is for the orphan children. They all get their allotment.

Mr. HASTINGS. The Cherokee Nation gave the Government this property of $50,000 for $5,000 a year ago.

Mr. MANN. Possibly so, and yet they want us to pay $40,000 besides $7,500, that is $47,500, out of the Treasury for their benefit right here. I do not see we are the gainers.

Mr. HASTINGS. I will say the gentleman from Illinois must appreciate that no better appropriations have been made than to protect the orphan children of the restricted class of Indians.

Mr. MANN. Oh, that is very true, and no better appropriation can be made of the Indians' property than to do it. What we do is, and that is my complaint usually here, we go ahead and give the Indians all of their property and all of their money, and just as soon as that is done we say that we have to support them out of the General Treasury. Of course, there will always be Indian orphans as long as there are Indian people, and there will be white orphans as long as there are white people; but when we give them their money in large sums, then, as soon as they have it, we turn around and pay out of the General Treasury and do everything which they ought to do themselves.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HASTINGS. Mr. Chairman, I am going to say in reply to the gentleman from Illinois I do not desire to consume the time of the committee, but Congress took up this policy a number of years ago in reference to the Indians, and, unfortunately for me, or maybe fortunately for Congress, I was not in Congress, and I did not have anything to do with that policy of Congress; but Congress has provided, however, for the distribution of all the Cherokee funds and for the allotment of all their lands, and their lands have been allotted and their funds have been distributed just as the gentleman from Illinois has stated.

The CHAIRMAN. Does the gentleman from Illinois make the point of order?

Mr. MANN. Well, I think I ought to make the point of order, but I will not.

Mr. STEPHENS of Texas. Mr. Chairman, I hope the gentleman will withdraw his point of order.

Mr. MANN. If the gentleman talks about it, I will make the point of order; but I withdraw the point of order.

The Clerk read as follows:

The sum of $275,000, to be expended in the discretion of the Secretary of the Interior, under rules and regulations to be prescribed by him, in aid of the common schools in the Cherokee, Creek, Choctaw, Chickasaw, Seminole, and Osage Nations and the Quapaw Agency in Oklahoma, during the fiscal year ending June 30, 1917: *Provided*, That this appropriation shall not be subject to the limitation in section 1 of this act limiting the expenditure of money to educate children of less than one-fourth Indian blood.

Mr. MANN. Mr. Chairman, I make the point of order.

Mr. HASTINGS. I wish the gentleman from Illinois would be kind enough to reserve the point of order.

Mr. MANN. Mr. Chairman, I will reserve the point of order.

Mr. CARTER of Oklahoma. How much time is desired on this, Mr. Chairman?

Mr. HASTINGS. I do not want over five minutes.

The CHAIRMAN. The gentleman from Oklahoma.

Mr. HASTINGS. Mr. Chairman, there is this kind of condition which exists in eastern Oklahoma. There were 19,500,000 acres, in round numbers, of Indian lands. As Congress has heard to-day, these lands by various treaties were allotted. Under the Atoka agreement with the Choctaws in 1897 all of their lands were made nontaxable. Under the agreement with the Creek Indians their homesteads were nontaxable for 21 years. The homesteads of the Seminole Indians are made nontaxable in perpetuity. The homestead allotments to the Cherokee Indians were made nontaxable as long as held by the original allottee. Now, Congress, recognizing that that would be an injustice to the new State, as early as the appropriation bill of 1907, appropriated $300,000 in aid of the schools in a provision in language similar to this provision. The same sort of provision was carried in the Indian appropriation bill of 1908. Then Congress, by the act of May 27, 1908, attempted to remove restrictions upon certain Indian lands and attempted to make those lands taxable. Suits to test the constitutionality of the act of 1908 were brought in the courts. The courts of the State of Oklahoma sustained the constitutionality of the act of Congress approved May 27, 1908, making these lands taxable. Appeals were taken to the Supreme Court of the United States, and in the leading case of Choate against Trapp, May 13, reported in Two hundred and twenty-fourth United States Reports, page 665, the Supreme Court of the United States held that the provision of the act of Congress making these lands taxable was unconstitutional. Now, what is the result? Since that time, by the act of 1912, Congress appropriated $300,000 to aid the public schools in Oklahoma in lieu of these nontaxable lands. By a provision of the act of 1913 Congress appropriated $300,000. By a provision of the act of 1914 Congress appropriated $275,000, and the resolution of last year continued that in the appropriation of this year. Now, Mr. Chairman and gentlemen of the committee, there are something like 2,200 or 2,300 of these public schools throughout eastern Oklahoma aided out of this appropriation, and the Indian Department has a school supervisor and other officers and clerical force who are working in harmony with the State superintendent and county superintendent of schools, and these Indian children——

The CHAIRMAN. The time of the gentleman has expired.

Mr. HASTINGS. Mr. Chairman, I ask for one minute more.

The CHAIRMAN. Is there objection to the request of the gentleman from Oklahoma? [After a pause.] The Chair hears none.

Mr. HASTINGS. These Indian children are being specially looked after and are placed in these schools. If this appropriation is not made, a great many of these schools can not run more than two or three months in the year, by reason of the fact that there is so much restricted land in a great many of the school districts; and that is the reason why, Mr. Chairman and gentlemen of the committee, that I appeal in behalf of the restricted Indian children of eastern Oklahoma, who are receiving the direct benefit of what, I admit, is a gratuity from the Congress of the United States, to the gentleman to withdraw his point of order and allow the House to have a vote upon this amendment.

Mr. CALLAWAY. Mr. Chairman, what is the allowance that has just been given by the House for a per capita to the Indians?

Mr. HASTINGS. Let me say to the gentleman from Texas that that applies exclusively to the Chickasaw and Choctaw Tribes. It does not apply to the Cherokees, it does not apply to the Seminoles, nor does it apply to the Creeks. It is a distribution of a part of their own funds to the amount which the gentleman has heard.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. CALLAWAY. I will take five minutes of my own time. Have the Cherokees, Seminoles, and Creeks had all their allotments and allowances heretofore?

Mr. HASTINGS. I am not so familiar with the Creeks and the Seminoles. The Cherokees are now having distributed among them $3.30 each, which the Indian Office says is the last penny that is due them. Their last foot of land has been allotted and last fractional piece of land sold, so that they have not a foot of tribal land and not a penny of tribal money. And it is my information that when the existing law is carried out with the Creeks, they will not have any, and perhaps do not have enough to equalize their allotments under existing law.

Mr. CALLAWAY. The Creeks, Choctaws, and Seminoles do not come within this allowance?

Mr. HASTINGS. No, sir.

Mr. CALLAWAY. They have had all their allowances and allotments heretofore?

Mr. HASTINGS. The provision for the distribution of this money per capita made to-day does not apply to the Creeks, Cherokees, or Seminoles.

Mr. CALLAWAY. The Creeks, Cherokees, and Seminoles have heretofore had their allotments and allowances, and the Government does not now hold anything that belongs to them?

Mr. HASTINGS. I have answered you particularly in reference to the Cherokees. It is my information when the funds in the hands of the Government are used, and when the obligations of the Government are met with reference to the Creeks and the Seminoles, the Government will have no funds belonging to them. I would not like to say that the Government has no funds belonging to them. For instance, it has certain money with which to equalize allotments. I think that money belongs, instead of to the tribe, to the individuals of the tribe. It is like a man who has a sum of money and owes some debts. After his debts are paid he perhaps will have none. And that is what I think is true with reference to these tribes.

Mr. STEPHENS of Texas. Is it not a fact that they have not enough money on hand with which to equalize?

Mr. HASTINGS. That is my idea. They have not enough money with which to equalize. I refer to the Creeks.

Mr. CALLAWAY. Does your State make provision in its common-school system to take care of their schools, or does their exemption from taxation exempt them from the benefits of the public-school system?

Mr. HASTINGS. No; they are not exempt from the benefits of it. The State goes as far as it can. It taxes what land it can tax, and taxes all the property it can tax, and Congress by the act of 1908 said that a lot of this land should be taxed, and the State supreme court upheld the act of Congress, but when it came up to the Supreme Court of the United States that court said that this act of Congress making these Indian lands taxable was, in violation of the treaties and agreements made with the several tribes, unconstitutional, and since that time, of course, we have not attempted to tax those lands.

Mr. CALLAWAY. But they get the same privileges and benefits under your public-school law that any other children of Oklahoma get?

Mr. HASTINGS. Well, the way in which they are doing it now is that a part of this money is used to aid the common schools, to supplement the school district funds and give them about eight months out of the year. For instance, none of the appropriation goes to an incorporated city or town—not a penny. It goes to the rural schools exclusively, and in some school districts the land is practically all nontaxable. Where there would be little or no school funds at all, a part of the school fund is apportioned in order to enable the district to have a school for a reasonable length of time.

Mr. CALLAWAY. Do you mean to say that under your law, where there is a range of territory and land all exempt from taxation in that territory, the State does not provide any public schools at all?

Mr. HASTINGS. We do not have exactly that kind of a case. There is hardly any school district in Oklahoma but has a little taxable land; some of them have a good deal and some have but little. Now, there is no extra provision made by the State of Oklahoma for those particular districts.

Mr. CALLAWAY. Are your schools in the respective districts dependent on the taxable localities for their support?

Mr. HASTINGS. Largely. There are some State taxes which go to them.

Mr. CALLAWAY. But the schools depend on the local tax of that community?

Mr. HASTINGS. Largely. They have a State school fund, but that is a small matter.

The CHAIRMAN. The time of the gentleman from Texas [Mr. CALLAWAY] has expired.

Mr. THOMPSON of Oklahoma. Mr. Chairman, I would like to say in further response to the gentleman from Texas [Mr. CALLAWAY] and in further amplification of the statement of my colleague from Oklahoma [Mr. HASTINGS] that we have a number of districts in the State where there are a large number of Indian pupils and a large number of white pupils attending the schools. Now, all of this Indian land is nontaxable and the land that has been alienated and sold to the noncitizen is taxable. But the property of the noncitizens subject to taxation in that State is not sufficient to carry on the schools, as provided under the constitution and laws of that State, for six months in the year, and in order to do that it is necessary to have this additional appropriation. For instance, in my own county of Garvin, in the western part of the old Chickasaw Nation, and one of the counties that is least occupied by Indians, we have some 30 districts that have not a sufficient amount of taxable property to carry on the schools for six months. This money is used to aid those schools and to carry them on for the constitutional period required in the State.

Mr. CALLAWAY. Mr. Chairman, will the gentleman yield?

Mr. THOMPSON. I do.

Mr. CALLAWAY. How much was appropriated for this purpose a year ago?

Mr. HASTINGS. Two hundred and seventy-five thousand dollars.

Mr. CALLAWAY. How long has this appropriation been running?

Mr. HASTINGS. Since 1907.

Mr. CALLAWAY. What is the reason for it?

Mr. HASTINGS. It is in lieu of making the lands nontaxable. Congress has done that since 1907, except in one year, and that was pending a decision of the case in the Supreme Court of the United States.

Mr. CALLAWAY. If the Government is exempting them from taxes, does the gentleman think it should also give them $275,000 a year to school them?

Mr. THOMPSON. Mr. Chairman, I believe I have the floor. We submit that we ought to have an amount in addition to this, because this land is made nontaxable by an act of Congress and by a treaty with the Indians. We are simply asking this to help out the schools. The burden of taxation is placed upon the lands that are taxable and on the personal property, which belongs largely to the noncitizen element in our country. We are not asking anything unreasonable in this bill, and we are taking care of that in this bill.

Mr. CALLAWAY. I agree with the gentleman that they all ought to be required to pay taxes, State and county and municipal alike; but I do not agree with the gentleman in his idea that since the Government has benefited the Indians by exempting them from taxation, it ought also to benefit them in maintaining their schools on that account.

Mr. THOMPSON. If the gentleman were familiar with the various treaties made by the United States with the Choctaws, whereby they ceded to the Government their right to hold their lands in severalty, when they formerly held them in common, and surrendered their government and council to the government of the white man, I am satisfied he would not hold that opinion. When that treaty was made that was one of the inducements offered to the Indians—that the property of the Indians should not be taxable for 25 years.

Mr. CALLAWAY. Not taxable by the localities?

Mr. THOMPSON. Not taxable at all.

Mr. CALLAWAY. I can understand how the Congress could exempt the territory from taxation by the Government itself, but I do not understand how it could exempt them from local taxation.

Mr. THOMPSON. That was in accordance with the provisions of the treaty.

Mr. STEPHENS of Texas. This appropriation has been carried for about 10 years. I recall that I offered the first amendment that secured the first appropriation.

Mr. MANN. The gentleman from Oklahoma [Mr. HASTINGS] said this had been done since 1907. I do not think his recollection is very good, unless my own is extremely poor, because I think we have carried it only three or four years, when we passed the act making the Indian lands taxable.

Mr. DAVENPORT. That was on May 27, 1908.

Mr. MANN. We passed the law in 1908, making it taxable, did we not?

Mr. HASTINGS. Yes.

Mr. MANN. Well, that act went before the Supreme Court of the United States, and we did not begin to make an appropriation until that case had gone through the Supreme Court of the United States, so that the gentlemen, both of them, are in error about this. I think they are in error also about some other things.

Mr. HASTINGS. I have the provision here.

Mr. MANN. It would not make any difference. I have made a point of order on it several times before.

Mr. CARTER of Oklahoma. Mr. Chairman, if the gentleman will yield to me, I will say that I have no idea on earth that I can persuade him not to withdraw the point of order on this, but——

Mr. MANN. I am trying to get some information; that is all.

Mr. CARTER of Oklahoma. I have argued with him often before on this same proposition, and on only one occasion he did not insist on his point of order. On that occasion I won my point without arguing.

Mr. MANN. Then the gentleman should not argue too much now. [Laughter.] Let me ask the gentleman how much did we pay the State of Oklahoma when she was admitted to the Union because of the fact that a lot of the land there was nontaxable?

Mr. CARTER of Oklahoma. When the State of Oklahoma was organized, Congress very generously endowed the new Commonwealth with $5,000,000 in lieu of sections 16 and 36, which could not be given because all the land on Indian Territory side belonged to the Indians.

Mr. MORGAN of Oklahoma. It was in lieu of public land used for Indian purposes.

Mr. MANN. It was for school purposes. You were paid $5,000,000 because the Indian lands were not taxable. Now, how much do we carry in this bill which could be used for the payment of tuition of Indian pupils in those schools in addition to this item?

Mr. CARTER of Oklahoma. Does the gentleman mean the Five Civilized Tribes?

Mr. MANN. I mean exactly what I said. How much do we carry in this bill now, outside of this item, which could be used for the payment of tuition for Indian pupils in those schools? Oh, well, if the gentleman does not know——

Mr. CARTER of Oklahoma. None of it has been used in the past.

Mr. MANN. We appropriate $1,550,000 which can be used for that purpose.

Mr. CARTER of Oklahoma. Not one dollar of that is to be used in the Five Civilized Tribes, I will say to the gentleman.

Mr. MANN. It has never been used, because it has never been available for that purpose. For the first time we have inserted a provision in the bill making it available for the payment of tuition of children in white schools—$1,550,000—and the amount of the item has been much increased. There are three items in the bill, each designed for Oklahoma schools. Of course I appreciate the difficulties there. I grant you that there is quite a difficult situation down there in Oklahoma. Yet the situation there is not so different from what it has been elsewhere throughout the United States. When these original treaties were made, everybody knew in the end what would be the result.

Here is this very valuable land in Oklahoma which people have obtained, much of it, and at very low prices, and some of it, I fear, at prices above what it was worth when it was purchased, and——

Mr. STEPHENS of Texas. Mr. Chairman, will the gentleman yield there?

Mr. MANN. I will when I get through my statement.

Mr. STEPHENS of Texas. I want to give the gentleman the exact figures he asked for.

Mr. MANN. I have given the gentleman the exact figures. I doubt if he can give them to me. I have read the item from the bill—$1,550,000. If the gentleman admits that those are the exact figures, all right. If not, he is mistaken.

Mr. STEPHENS of Texas. The figures I propose to give the gentleman are from House Document 121——

Mr. MANN. Oh, that has nothing to do with this bill. House Document 121 is not legislation.

Mr. STEPHENS of Texas. The Sixty-fourth Congress has something to do with this bill.

Mr. MANN. The Sixty-fourth Congress has had nothing to do with it, except as it is up before it now. No House document has anything to do with it. We carry in this bill for the first time—

And for tuition of Indian children in public schools, $1,550,000.

Mr. STEPHENS of Texas. Not one cent goes to the Civilized Tribes.

Mr. MANN. I am reading from the bill. That money is not all for this purpose.

Mr. STEPHENS of Texas. If the gentleman will wait a moment, I will explain this matter.

Mr. MANN. If the gentleman will give me an opportunity, I will explain it, or I will yield and let him do it.

Mr. STEPHENS of Texas. I will give you all day, if you want it.

Mr. MANN. No; I am glad to let the gentleman explain it.

Mr. CARTER of Oklahoma. Mr. Chairman, I know the gentleman from Illinois [Mr. MANN] wants to be perfectly fair about this matter. Not one dollar of this $1,550,000 is spent among the Five Civilized Tribes.

Mr. MANN. Not one dollar of it is appropriated yet.

Mr. CARTER of Oklahoma. Not one dollar of the amount of the appropriation carried in this item last year was spent for the Five Civilized Tribes.

Mr. MANN. Certainly; and this language was not in the bill:

And for tuition of Indian children in public schools.

It could not be utilized, nor was the amount the same that it is in this bill.

Mr. CARTER of Oklahoma. I will say to the gentleman that I have no hope that any of this money will be spent among the Five Civilized Tribes. The Federal Government has never spent any money for education among the Five Civilized Tribes, except this $275,000 last year and the appropriation of, I believe, $35,000 for the Cherokee Orphan Training School.

Mr. HASTINGS. Mr. Chairman, the gentleman from Illinois [Mr. MANN], in my judgment, is more often correct about details than any other man I ever saw: but I want to invite his attention to the Indian appropriation act of 1907, which I hold in my hand, and which does carry a provision in it for $300,000.

I call the gentleman's attention to the Indian appropriation act of 1908, which I hold in my hand, and which does carry an appropriation of $300,000.

I also call the gentleman's attention to the Indian appropriation act of 1912, and I will say that it does carry an appropriation of $300,000.

The appropriation act of 1913 carries an appropriation of $300,000.

For 1914 it was cut down to $275,000. The resolution of last year continued that, so this year it is $275,000. So I am correct in saying that the appropriation of 1907 was $300,000; the appropriation of 1908 was $300,000; the appropriation of 1913 was $300,000; and the appropriations for 1914 and 1915 were $275,000 each.

But I find that Congress began, even before that time, and appropriated in the Indian appropriation bill of 1906, long before statehood, $150,000 in aid of the public schools of the then Indian Territory.

Mr. MANN. Why, certainly; before statehood we did it, but we have not done it for 10 years, not even on the gentleman's own statement.

Mr. HASTINGS. The appropriations which I have read to the gentlemen since 1907 are all within 10 years, and the appropriation has been made in varying amounts every year except 1911, and that was while the tax case referred to was pending in the Supreme Court. The case of Choate versus Trapp was decided in the Supreme Court of the United States on the 13th day of May, 1912, and immediately thereafter the Indian appropriation bill of that year carried this appropriation of $300,000 again. It did not carry it in 1911, because we were taxing the lands down there during that year, and that was pending a decision of this matter by the Supreme Court of the United States. Those are really the facts.

Mr. MANN. Mr. Chairman, I make the point of order.

Mr. STEPHENS of Texas. The point of order is well taken, Mr. Chairman.

The CHAIRMAN. The point of order is sustained.

The Clerk read as follows:

That the Secretary of the Interior be, and he is hereby, authorized to use not exceeding $35,000 of the proceeds of sales of unallotted lands and other tribal property belonging to any of the Five Civilized Tribes for payment of salaries of employees and other expenses of advertising and sale in connection with the further sales of such tribal lands and property, including the advertising and sale of the land within the segregated coal and asphalt area of the Choctaw and Chickasaw Nations or of the surface thereof as provided for in the act of Congress approved February 19, 1912 (37 Stat. L., 67), and of the improvements thereon, which is hereby expressly authorized, and for other work necessary to a final settlement of the affairs of the Five Civilized Tribes: *Provided*, That not to exceed $10,000 of such amount may be used in connection with the collection of rents of unallotted lands and tribal buildings: *Provided further*, That during the fiscal year ending June 30, 1917, no moneys shall be expended from tribal funds belonging to the Five Civilized Tribes without specific appropriation by Congress, except as follows: Equalization of allotments, per capita and other payments authorized by law to individual members of the respective tribes, tribal and other Indian schools for the current fiscal year under existing law, salaries and contingent expenses of governors, chiefs, assistant chiefs, secretaries, interpreters, and mining trustees of the tribes for the current fiscal year at salaries at the rate heretofore paid, and attorneys for said tribes employed under contract approved by the President, under existing law, for the current fiscal year: *Provided further*, That the Secretary of the Interior is hereby authorized to pay the cost of maintenance during the current fiscal year of the tribal and other schools and to continue during the ensuing fiscal year the tribal and other schools among the Choctaw, Chickasaw, Creek, and Seminole Tribes from the tribal funds of those nations, within his discretion and under such rules and regulations as he may prescribe.

Mr. HARRISON. Mr. Chairman, I reserve a point of order on this paragraph. May I ask the chairman of the committee, is this in the exact language of former appropriation bills, except the last proviso?

Mr. CARTER of Oklahoma. I think it is the same language, with the exception of the last proviso.

Mr. HARRISON. Is the gentleman practically sure of that?

Mr. CARTER of Oklahoma. I have not compared it word for word, but I am reasonably sure it is practically similar.

Mr. MANN. There is a provision in there that is legislation, and is new.

Mr. CARTER of Oklahoma. Yes; the last proviso?

Mr. MANN. No; language which expressly authorizes the sale of the land and improvements. The language is, on page 40, line 8—

which is hereby expressly authorized.

I take it that is an express authorization of the sale. The grammar is not very good, but I think that is what it refers to.

Mr. CARTER of Oklahoma. As I indicated, I had not compared the paragraph word for word with last year's bill, and it is barely possible that there is some slight change in the verbiage.

Mr. MANN. It was not in the bill last year. Whether it was in the law two years ago, I am not sure.

Mr. CARTER of Oklahoma. I am looking now to see if it was in the law two years ago.

Mr. MANN. And there is a difference in the language as to the rate paid to clerks, and so forth. I suppose it means the same thing. While the gentleman from Mississippi is looking up the matter, may I ask about the expenditure of funds for the maintenance of the tribal schools, how much money is expended for that purpose, and what limitation there is on it, and what control Congress has over the subject?

Mr. CARTER of Oklahoma. The only limitation is that they shall not expend any more than was expended in the year ending June 30, 1905.

Mr. MANN. And that provision is not in the last proviso.

Mr. CARTER of Oklahoma. No; the act of April 26, 1906, which transferred the schools from the tribal to the Federal authorities, set out that there should not be used in any fiscal year thereafter more than had been used in the fiscal year preceding. That is in section 10, act of April 26, 1906.

Mr. MANN. Those are salaries and contingent expenses, and so forth, but that does not govern the last proviso.

Mr. CARTER of Oklahoma. The question I understood the gentleman to ask was, How much was authorized to be used for the school?

Mr. MANN. Yes; how much has been used for the school.

Mr. CARTER of Oklahoma. I do not know what the authorization is, because I do not know how much was used in the year ending June 30, 1905.

Mr. MANN. You carry an item in this bill in reference to certain employees, that they shall not be paid salaries in excess of those for the last fiscal year, the rate heretofore paid.

Mr. CARTER of Oklahoma. No, no; I had no reference to the limitation contained in this paragraph. What I called attention to was section 10 of the act of April 26, 1906, which reads as follows:

SEC. 10. That the Secretary of the Interior is hereby authorized and directed to assume control and direction of the schools in the Choctaw, Chickasaw, Cherokee, Creek, and Seminole Tribes, with the lands and all school property pertaining thereto, March 5, 1906, and to conduct such schools under rules and regulations to be prescribed by him, retaining tribal educational officers, subject to dismissal by the Secretary of the Interior, and the present system so far as practicable, until such time as a public-school system shall have been established under Territorial or State government, and proper provision made thereunder for the education of the Indian children of said tribes, and he is hereby authorized and directed to set aside a sufficient amount of any funds, invested or otherwise, in the Treasury of the United States, belonging to said tribes, including the royalties on coal and asphalt in the Choctaw and Chickasaw Nations, to defray all the necessary expenses of said schools, using, however, only such portion of said funds of each tribe as may be requisite for the schools of that tribe, not exceeding in any one year for the respective tribes the amount expended for the scholastic year ending June 30, 1905.

Mr. MANN. Has that law expired?

Mr. CARTER of Oklahoma. No.

Mr. MANN. Does not that give the Secretary authority to use the tribal funds?

Mr. CARTER of Oklahoma. The comptroller, under a ruling which seemed to me to be erroneous, decided that the Secretary did not have authority to use these funds for these schools unless specific appropriation was made by Congress.

Mr. MANN. So the purpose here is to let him use the tribal funds to take care of white schools down there.

Mr. CARTER of Oklahoma. No; but to let him use the funds for paying the Indians who attend tribal and contract boarding schools.

Mr. MANN. That does not say so here. It says tribal and other schools. You want the money to help support the white schools. I suppose you prefer to get it out of the General Treasury rather than the Indian treasury, but you want some money to support the white schools.

Mr. CARTER of Oklahoma. The gentleman is mistaken.

Mr. MANN. Why, we just struck out an item on a point of order where it was admitted that the money was wanted for that purpose.

Mr. CARTER of Oklahoma. If the gentleman from Illinois will permit me—I know he wants to be fair——

Mr. MANN. That goes without saying.

Mr. CARTER of Oklahoma. The $275,000 which has just been stricken from the bill on a point of order was to be used for the Indian children in white schools. To that extent it was in support of the white schools and no more, and I am very sorry it went out. It was not to be used for the education of white children. This amount is to be used for Indians going to tribal and contract schools which are operated almost exclusively for the Indians.

Mr. MANN. The gentleman satisfies me, but it was the gentleman from Mississippi [Mr. HARRISON] who reserved a point of order.

Mr. HARRISON. Mr. Chairman, the reason that I make the point of order is because I think there is new legislation in the provision. The language, in lines 8, 9, and 10, "which is hereby expressly authorized, and for other work necessary to a final settlement of the affairs of the Five Civilized Tribes," is, I think, new legislation. The wording of that clause or provision might give authority to the Secretary after selling these lands to pay out the money as it came in and wind up the affairs of the Five Civilized Tribes without further legislation.

Mr. MANN. I think this does not authorize the expenditure of any money.

Mr. HARRISON. It authorizes the sale of the land and for other work necessary for final settlement.

Mr. MANN. Yes; but the appropriation is only $35,000. Last year it was $40,000. All of that money is to be paid into the Treasury except $35,000, and there could not be paid out by the Secretary any more than that sum.

Mr. HARRISON. I think the language suggested in lines 8, 9, and 10 is new legislation, and I make the point of order to that part of the provision.

Mr. MANN. There is no doubt but that it is subject to a point of order, but I think the gentleman may not understand what the purpose of this is, and I may not either. There is some land down there that ought to be sold. We have been carrying a provision of this kind authorizing the sale of this land. I take it that some question has arisen by reason, perhaps, of the want of express authority. But the Secretary does not spend the money.

Mr. HARRISON. What I object to are the words "for other work necessary to a final settlement of the Five Civilized Tribes."

Mr. MANN. But that is all within the $35,000 appropriation.

Mr. CARTER of Oklahoma. That was in the bill of last year.

Mr. MANN. The bill of last year did not become a law, but it was in the bill as it passed the House.

Mr. STEPHENS of Texas. And it is not law at the present time.

Mr. HARRISON. Do I understand the gentleman from Illinois to say that he thinks the unallotted lands can be sold under this provision, and that there is nothing in this provision that would give the Secretary the right to do any other work that might be necessary toward a final settlement of the affairs of the Five Civilized Tribes?

Mr. MANN. They could not spend any more than the $35,000.

Mr. HARRISON. No; but if that should be sufficient to sell all of the unallotted land and get into the Treasury, say, five or ten million dollars, then might there not be some danger under that wording of giving him the right to distribute the money?

Mr. MANN. Oh, no; he can not pay a dollar out without an authorization, and that is not an authorization.

Mr. HARRISON. That has been my idea about the law, and that is why I do not want any provision incorporated in the bill that will change existing law.

Mr. MANN. This does not change existing law. This is only an appropriation and it is not an authorization.

Mr. HARRISON. Mr. Chairman, in view of what the gentleman from Illinois [Mr. MANN] says, I withdraw the point of order. All I desire to do is to play safe against the Secretary being authorized to make any per capita payment without express authorization.

The Clerk read as follows:

For the salaries and expenses of not to exceed six oil and gas inspectors, under the direction of the Secretary of the Interior, to supervise oil and gas mining operations on allotted lands leased by members of the Five Civilized Tribes from which restrictions have not been removed, and to conduct investigations with a view to the prevention of waste, $15,000.

Mr. MANN. Mr. Chairman, I reserve the point of order on the paragraph. I would like to get information on two points: First, these oil lands being very profitable to the owners, why should we pay for their inspection out of the Federal Treasury? Second, why should we create a new mining bureau in the Indian Service when we have the statement of the Director of Mines now that they know a good deal about the subject of oil?

Mr. STEPHENS of Texas. Mr. Chairman, I do not think this creates a new bureau. As I understand it, those six inspectors are there now.

Mr. MANN. I think that to conduct investigations with a view to the prevention of waste would be the creation of another bureau of mines in the Indian Service. That is one of the duties of the present Bureau of Mines in the Interior Department at the present time.

Mr. STEPHENS of Texas. It was not so represented to us in the statements made before the committee by Mr. Meritt, who represented the department.

Mr. KONOP. Mr. Chairman, these inspectors are acting both under the Bureau of Indian Affairs and under the Bureau of Mines.

Mr. MANN. Why does the Indian Committee bring them in there and have them paid out of the Federal Treasury? If the Indian Committee provided that they be in the Bureau of Mines, to be paid out of the Indian money, where it ought to come from, I would have no objection to it.

Mr. STEPHENS of Texas. I would not have any objection to that.

Mr. MANN. These oil and gas wells down there are of immense value and it is perfectly proper undoubtedly for the Government to have somebody there to advise and inspect, but with the enormous profits coming from them, why should we take the money from the rest of the people and expend it for their benefit, and they get all of the profit they make out of the wells?

Mr. HASTINGS. Mr. Chairman, let me say to the gentleman that this is to supervise the lands of restricted Indians that have been leased. Under the law a restricted Indian can not make a lease of his oil lands without the approval of the Secretary of the Interior. That has always been the law. It would be difficult to charge that up to any one particular lease, because there are a number of counties, 6 or 8 or 10, in which there is a great amount of oil development, and I do not have any idea how many of those Indians have oil lands. It would be difficult for me to estimate. It would be very difficult to say that an hour or two of some man's salary for to-day shall be charged up to this particular Indian and an hour or two of the man's salary next week charged up to some other particular Indian. It seems to me that is entirely impracticable, and it could not be reimbursed out of any particular Indian's royalty that is coming in. The purpose of this is to see that the Indian gets all that is coming to him. The purpose of it is to see that there is no waste committed on the land, that the oil is properly run, that the oil is not stolen, and things of that kind. In other words, it is to protect the interest of the Indian. As I suggested a moment ago, by early legislation these leases were made only with the consent of the Secretary of the Interior. He has supervision over the making of them and the approval of them, and he has supervision over the royalties that come in and their disbursement. It would be exceptionally difficult to say what part you are going to take out of one and what part of the expense out of another. It would be impracticable in my judgment.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. STEPHENS of Texas. Mr. Chairman, I move to strike out the last word for the purpose of giving the information that the gentleman from Illinois desires. I read from page 353 of the hearings. Mr. Meritt is speaking:

You will observe, Mr. Chairman, we are broadening the scope of this work so as to include other reservations outside of the Five Civilized Tribes but in the State of Oklahoma. Oil has been discovered on other reservations besides the lands of the Five Civilized Tribes. This appropriation has been very helpful in conserving the gas supply. There was a very large amount of gas going to waste. It has also resulted in improving the operations of the oil men.

Mr. CARTER. Who are these inspectors, Mr. Meritt?

Mr. MERITT. They are civil-service employees, Mr. Carter, and one of the requirements was that they should have had practical experience in oil and gas operations.

Mr. CARTER. What are their names?

Mr. MERITT. The following list gives the information requested.

| | Salary. |
|---|---|
| Carl H. Beal | $2,160 |
| William F. McMurray | 3,000 |
| Harry D. Aggers | 2,500 |
| George W. McPherson | 2,500 |
| John C. Fowler | 2,500 |
| Louis W. Courtney | 2,500 |

Mr. CARTER. What are they paid?

Mr. MERITT. About $2,500 a year.

Mr. CARTER. And their expenses?

Mr. MERITT. Yes, sir.

The CHAIRMAN. Do they put in all of their time on this work?

Mr. MERITT. Yes, sir.

The CHAIRMAN. They are regular Government employees?

Mr. MERITT. Yes, sir. They are operating under the directions of the Bureau of Indian Affairs and the Bureau of Mines and under the general direction of the Secretary of the Interior.

I think that answers the gentleman's question.

Mr. MANN. If they are paid a salary of $2,500 and expenses, besides, the $15,000 is not sufficient to take care of six of them.

Mr. KONOP. We cut that amount down because there was an unexpended balance of $11,826 from last year.

Mr. MANN. There was no appropriation last year for this purpose, was there?

Mr. KONOP. Oh, yes. The last bill carried $25,000, and we cut that down to $15,000.

Mr. MANN. These oil wells, as I understand it, are very valuable and the royalties are quite large, and, I suppose, are paid very promptly. They are no smaller to-day probably than they were yesterday, and it looks as though they would not be any less to-morrow than they are to-day. Now, why should we pay for this out of the General Treasury? Why should not this work be done by the Bureau of Mines?

Mr. KONOP. Well, I catch the point of the gentleman. I think the reason for that is the Secretary of the Interior has charge over this. He has charge of the approval of these leases. The whole matter goes through the Indian Bureau, and having it all in the same department is probably the reason for it; I do not know.

Mr. DAVENPORT. Mr. Chairman, I can answer the question of the gentleman, I think, so far as our section of the State is concerned. The Interior Department was unable, so much being restricted land and leased subject to the approval of the Interior Department, to draw any distinction as to just what part they could apply to the work done on each allotment, so as to apportion the money to those owning the respective leases, and the operators were permitting much oil to flow from the wells and waste. There were also the gas wells, where gas was going to waste, and the representatives of the Government there requested that some one be designated to look after this waste and to prevent the same.

The CHAIRMAN. The time of the gentleman has expired.

Mr. DAVENPORT. I will take the floor in my own right. It was represented by those who had knowledge of the facts that it could not be done without making it general and look after the entire part of the lands which were restricted in Oklahoma.

Mr. MANN. I want to say to my friend from Oklahoma that if we save the money for the Indians, then we must do so at our expense, not at theirs. It is a great saving, no doubt, to have this waste prevented, and yet, if we make them $1,000 at a cost of $10, we must pay the $10 ourselves and not take it out of them.

Mr. HASTINGS. If the gentleman will permit, Congress has supervision over their property without their consent. They do not want Congress to have any supervision.

Mr. MANN. The gentleman is mistaken about that.

Mr. DAVENPORT. There is a saving in two ways. One is the prevention of waste and to prevent an injury that might be done to the adjoining properties, because if the oil is permitted to flow down the streams it destroys what few fish are in them, and often they have a great many fires. It is true it was a saving to the party who had a right to a royalty from the production, but the Government had assumed that responsibility in looking after that for the restricted Indian.

Mr. MANN. The Government has to send people down and teach them how to operate the oil wells, how to handle them and prevent waste, and to save enormous quantities of oil and gas, which means an enormous amount of money for the benefit of the Indians. Every time you do something for the benefit of the Indians we must put our hands in our own pockets and pull out the money and pay the expense.

Mr. DAVENPORT. But when we started in we voluntarily agreed to assume to do that.

Mr. MANN. Oh, not at all; the gentleman is mistaken. We did not agree to do anything of the kind.

Mr. DAVENPORT. In every treaty and in every restriction placed upon the Indian, when we sought to distribute to him his property, we said that we would allot it for him, and as long as it was restricted we would administer the property for him free of costs to the restricted Indian.

Mr. MANN. We did not say we would do this.

Mr. DAVENPORT. We will not permit him to make a lease without the approval of the Government.

Mr. MANN. We will not permit you gentlemen down in Oklahoma to get all of it away from right away, because we know you will get it sooner or later, but not at the moment.

Mr. DAVENPORT. We congratulate the gentleman upon that, because a great many of the gentleman's constituents from Illinois and all over the country generally, all of them are coming down there seeking the same thing, to accomplish the same result.

Mr. MANN. We sent some of our best men, not to mention others, down there to help you to get it away from the Indians, and we know that they are pretty smooth at the business, and that is the reason I am somewhat suspicious.

Mr. DAVENPORT. I am glad the gentleman made the confession he has, that some of his constituents and others went to Oklahoma to assist in getting the property from the Indian. Many good men come to Oklahoma to better their condition and have done so.

Mr. STEPHENS of Texas. Does the gentleman withdraw his point of order?

Mr. MANN. I will; but we did not get anywhere.

Mr. CALLAWAY. Mr. Chairman, I will make the point of order.

Mr. STEPHENS of Texas. It is too late.

The CHAIRMAN. The gentleman from Texas makes the point of order. The point of order is sustained.

Mr. STEPHENS of Texas. Mr. Chairman, is it not too late after the former point of order was withdrawn?

The CHAIRMAN. No; the gentleman had the right to renew the point of order.

The Clerk read as follows:

That no farming or grazing lease executed by a member or members of the Five Civilized Tribes for a longer period than one year or with stipulations for a renewal thereof covering lands from which restrictions upon alienation have not been removed shall be valid unless approved by the superintendent for the Five Civilized Tribes in the State of Oklahoma, under such rules and regulations as he may prescribe: *Provided*, That all such leases shall be either approved or disapproved by the said superintendent within 30 days after said leases shall have been completed and filed with the officer.

Mr. CALLAWAY. Mr. Chairman, I will reserve a point of order on that paragraph.

Mr. STEPHENS of Texas. Mr. Chairman, it is evident it is subject to the point of order; it is new legislation.

Mr. STAFFORD. Mr. Chairman, will the gentleman explain the reason for the change of law? I understand there is no provision of law now restricting leases on——

The CHAIRMAN. The gentleman from Texas made the point of order.

Mr. CARTER of Oklahoma. Mr. Chairman, the gentleman from Texas reserved the point of order.

The CHAIRMAN. The Chair understood the gentleman from Texas to make the point of order and then he got up and left the Chamber.

Mr. CARTER of Oklahoma. No; he reserved the point of order.

Mr. STEPHENS of Texas. That is true; the gentleman reserved the point of order.

The CHAIRMAN. That is all right; the point of order is reserved.

Mr. CARTER of Oklahoma. The gentleman from Arkansas was asking me a question and my attention was diverted at the time.

Mr. STAFFORD. As I understand, there is some provision of law protecting the rights of the Indians on restricted lands

so far as leased lands are concerned for grazing purposes. Does this amplify the power of the Secretary? If it does, I am in favor of it; but if it restricts the power I am opposed to it.

Mr. CARTER of Oklahoma. The present law provides that the restricted homestead allotments in the Five Civilized Tribes may not be leased without the consent of the Secretary of the Interior, but that all surplus allotments may be leased for five years without the consent of the Secretary of the Interior. This item, as the gentleman will notice, provides that no restricted land shall be subject to lease unless approved by the Superintendent for the Five Civilized Tribes, which is an official of the Secretary of the Interior in Oklahoma.

Mr. STAFFORD. Then, the purpose of the provision is to further protect the Indian?

Mr. CARTER of Oklahoma. The paragraph clearly prevents the leasing of the restricted surplus for longer than one year without the approval of the Superintendent for the Five Civilized Tribes, a condition which does not now exist. Furthermore it gives the same official in Oklahoma full authority to finally approve leases on the restricted homestead, which can not now be done without the red tape of having the applications come all the way to Washington for final action which sometimes requires several months.

Mr. STAFFORD. For my part, I am in favor of the provision.

Mr. DAVENPORT. I would like to ask the gentleman if this is intended to change that law so that every time you make an agricultural lease with an Indian for a longer period than 12 months you will wait the process of approval that it goes through?

Mr. CARTER of Oklahoma. No. This changes the law in that respect. There are two propositions here. One is to restrict the surplus allotment, and the other is to place that authority with the superintendent of the Five Civilized Tribes in Oklahoma.

Mr. DAVENPORT. The point I want to get at is, if it is intended now that they can not lease for agricultural or grazing purposes for a longer period than 12 months unless it is approved by the Secretary of the Interior?

Mr. CARTER of Oklahoma. Unless it is approved by the superintendent of the Five Civilized Tribes—the local office in Oklahoma.

Mr. DAVENPORT. Mr. Chairman, I make a point of order on it, but I withhold it.

Mr. NORTON. Will the gentleman withhold it?

Mr. DAVENPORT. I withhold it.

Mr. NORTON. The purpose of this provision is this: At the present time, without the permission of the Secretary of the Interior or the Superintendent for the Five Civilized Tribes, a lease can be made by any Indian of his surplus allotted lands for a period of five years.

It has been the practice of the people in Oklahoma to secure five-year leases on the surface rights of some of this land, and after the lease had run about a year they would take another five-year lease, always holding the Indian surplus lands under lease for about five years. Then, if the Indian should desire to sell his land, this five-year lease would be found to be outstanding against it and would tend to depreciate the selling price of the land, and would depreciate it.

The purpose of this paragraph is to put an end to that kind of practice. I recall that in Minneapolis a man who owned a great amount of very valuable real estate, and who was somewhat of an eccentric character, gave leases on his property for 25 years. Then he was approached by some scheming speculators, who urged him to give to them leases on all his property for a term of a thousand years at such rental as he might name. He, business man as he was, fell for the scheme. In giving this thousand-year lease he usually remarked facetiously: "Gentlemen, when this lease expires come around and I shall be glad to renew it." He died a few years ago. After his death it was found that those outstanding thousand-year leases on his property which he had given to scheming speculators for nothing it was practically impossible to sell that property until the leases had been canceled. And, as you may well understand, it cost a great deal of money to secure their cancellation.

Mr. STEPHENS of Texas. The reason I think this amendment would be beneficial to the Indians is simply this: They have a good many farming lands, and they have to rent the land in order to get anything from it. A great many men come in from Kansas and Missouri and rent the land. They go to the Indians and find the land and make a trade with them. Heretofore it took 60 or 90 days to get the lease recognized, and, therefore, not wishing to wait, would then pass on to Texas, and that State has benefited by it. I think they should stop in Oklahoma and that there should be an office there where this one-year rental contract could be approved. Benefit would result to the Indian and also to the people who are searching for some work to do and are leasing lands.

The CHAIRMAN. Does the gentleman from Texas [Mr. CALLAWAY] make the point of order?

Mr. CALLAWAY. I make the point of order.

The Clerk read as follows:

SEC. 3. That when such lands are surveyed and platted they shall be appraised and sold, except land reserved for water-power sites as provided in section 2 of this act, under the provisions of the Revised Statutes covering the sale of town sites located on the public domain. That the proceeds derived from the sale of any lands hereunder, after reimbursing the United States for the expense incurred in carrying out the provisions of this act, in the discretion of the Secretary of the Interior, shall be deposited in the Treasury to the credit of said Indians.

Mr. STAFFORD. Mr. Chairman, I reserve a point of order on the paragraph just read. We ought to have some explanation of the purpose to be attained by the change of law as indicated by the provision in the bill. I tried to obtain some information from the hearings, but they seem to be rather obscure, and not only obscure, but rather vapid.

Mr. KONOP. I will say to my colleague from Wisconsin that I was looking at the hearings and I see nothing in the hearings upon the proposition except a justification from the assistant commissioner.

Mr. STAFFORD. That "justification" is no justification at all. I would like to have some explanation of this. The hearings do not disclose one word in justification of this change of law.

Mr. KONOP. I think the gentleman from Oregon appeared before the committee on this item.

Mr. CARTER of Oklahoma. I thought it went out of the bill.

Mr. STEPHENS of Texas. It is subject to a point of order.

Mr. KONOP. The gentleman from Oregon [Mr. HAWLEY] appeared before the committee about some item. I do not know whether it was this or not.

Mr. STAFFORD. The gentleman is temporarily out of the Chamber. I do not want to take any unfair advantage of him. I ask unanimous consent, Mr. Chairman, to have the item passed over without prejudice.

The CHAIRMAN. The gentleman from Wisconsin [Mr. STAFFORD] asks unanimous consent that the item may be passed over without prejudice. Is there objection?

There was no objection.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

For the construction of two bridges on the Umatilla Indian Reservation, in Oregon, suitable for wagon and other purposes, across the Umatilla River, at a limited cost of $28,500, the first at or near Thorn Hollow Station, the second at or near Mission Station, the sum of $19,000 is hereby appropriated to be expended under the direction of the Secretary of the Interior, and to be reimbursable from any funds now or hereafter placed in the Treasury to the credit of said Indians: *Provided*, That no part of the money herein appropriated shall be expended until the Secretary of the Interior shall have obtained from the proper authorities of the State of Oregon, or from the county of Umatilla, at least one-third of the cost of said bridges, and that the proper authorities of the said State of Oregon or the said county of Umatilla shall assume full responsibility for, and will at all times maintain and repair, said bridges and construct and maintain the approaches thereto: *Provided further*, That any and all expenses above the amount herein named in connection with the building and maintenance of said bridges shall be borne by the said State of Oregon or the said county of Umatilla.

Mr. SINNOTT. Mr. Chairman, I desire to offer an amendment to that paragraph.

The CHAIRMAN. The gentleman from Oregon [Mr. SINNOTT] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 44, line 25, strike out "$28,500" and insert in lieu thereof "$28,000," and on page 45, line 1, strike out "$19,000" and insert in lieu thereof "$18,866."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Oregon.

The amendment was agreed to.

Mr. MANN. Mr. Chairman, I move to strike out the last word. I wish the gentleman from Oregon would explain his item a little bit further. It is a somewhat novel proposition.

Mr. SINNOTT. Mr. Chairman, I introduced a bill providing for the construction of the bridges referred to, and my bill did not have the reimbursible feature which this paragraph has.

Mr. MANN. Of course the gentleman knows that he could not get this through without the reimbursible feature.

Mr. SINNOTT. Yes; I understand. The bill was referred to the department, and the Secretary of the Interior and the Indian Bureau approved the bill and recommended its passage to the committee. The committee inserted the provision of my bill in this appropriation bill, with the change of the reimbursable feature.

Now, in justification of the matter, I would state that the two bridge sites are on the Umatilla Indian Reservation, Oreg-

This Indian reservation contains the very cream of the wheat lands of Oregon. They raise from 45 to 60 bushels of wheat per acre upon this reservation. The wheat raised in the vicinity of these bridge sites is hauled to the market at the stations of Mission and Thorn Hollow. These two stations are across the Umatilla River from where the wheat is raised. At the station of Mission there is hauled 150,000 bushels of grain every year. At the other station there is hauled to market some 250,000 bushels of grain every year. The Umatilla River has to be crossed at these stations. There is no bridge at either station.

Mr. STEPHENS of Texas. It is a deep, swift stream.

Mr. SINNOTT. Yes. The river is a swift stream and a changeable stream. The grain has to be hauled over a river bed from 250 to 300 feet in width, which changes yearly and is full of bowlders. The Indians and the white renters every year put up temporary structures at these points. The floods come and wash away the structures. During a part of the year it is impossible to haul any grain to market.

Mr. STEPHENS of Texas. Mr. Chairman, will the gentleman yield there?

Mr. SINNOTT. Yes.

Mr. STEPHENS of Texas. I understand the Indians desire this, and the amount is reimbursable from their funds?

Mr. SINNOTT. Yes. The amount is reimbursable, and the item has the approval of the Indian Bureau. There are now Indian funds to the amount of $150,000, but those funds belong to minors on the reservation. The department is averse to using the funds of the minors. In addition to that there are some 72,000 acres of tribal land unallotted.

Mr. STEPHENS of Texas. What is the value of those lands?

Mr. SINNOTT. Those lands are conservatively worth $500,000.

Mr. MANN. Mr. Chairman, I move to amend, page 44, line 24, by striking out the word "limited" and inserting in lieu thereof the words "limit of."

Mr. STEPHENS of Texas. That only corrects the language, as I understand it. I have no objection to it.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Illinois.

The Clerk read as follows:

Page 44, line 24, strike out the word "limited" and insert the words "limit of."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. MANN. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Illinois moves to strike out the last word.

Mr. MANN. This reads, in line 11, page, 45, in reference to the county and State, "and will at all times maintain and repair said bridges." Should not that read "and agree to maintain," and so forth?

Mr. KONOP. I think that would be better language. We do not know whether they will or not.

Mr. MANN. It is impossible to wait for the construction of the bridges to see whether they will at all times repair and improve them.

Mr. KONOP. I think that change should be made.

Mr. MANN. I move, Mr. Chairman, to amend, on page 45, line 11, by striking out the word "will" and inserting the word "agree" and to insert the word "to" before the word "maintain."

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Illinois.

The Clerk read as follows:

Page 45, line 11, strike out the word "will" and insert in lieu thereof the word "agree," and after the word "time" insert the word "to."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

PENNSYLVANIA.

SEC. 20. For support and education of Indian pupils at the Indian school at Carlisle, Pa., including pay of superintendent, $132,000; for general repairs and improvements, $20,000; in all, $152,000.

Mr. STEPHENS of Nebraska. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The gentleman from Nebraska offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. STEPHENS of Nebraska:
Page 45, line 20, after the word "superintendent," strike out "$132,000" and insert in lieu thereof "$119,550."

Mr. STEPHENS of Texas. Mr. Chairman, I hope the amendment will not be adopted. This is one of our best schools, and the amount per capita is lower than $167, as I remember.

Mr. STAFFORD. The gentleman from Nebraska [Mr. STEPHENS] wishes to explain his amendment. There may be some reason advanced by him that will convince the chairman of the committee.

Mr. STEPHENS of Nebraska. If the gentleman will permit, I desire to call the attention of the committee to the fact that this bill carries an appropriation of $240 per capita for support and superintendent's salary for the 550 pupils that should be appropriated for in this bill. There are 513 pupils in attendance, and in my amendment I have allowed an appropriation of $167 per capita for 700 pupils. Now, if we should allow an appropriation for 550 pupils at $167 per capita, we would have approximately the exact basis upon which all these largs schools are appropriated for in this bill. My amendment, instead of reducing the amount of this appropriation to what it ought to be, is still $25,000 above what is appropriated for these other schools.

Mr. CARTER of Oklahoma. Will the gentleman yield?

Mr. STEPHENS of Nebraska. I yield to the gentleman from Oklahoma.

Mr. CARTER of Oklahoma. Has the gentleman ever been at th Carlisle School?

Mr. STEPHENS of Nebraska. I have not.

Mr. CARTER of Oklahoma. Does the gentleman know anything about how that school is conducted?

Mr. STEPHENS of Nebraska. I suppose it is an industrial school, of the same character as the other schools.

Mr. CARTER of Oklahoma. Does the gentleman know anything about the outing system that is practiced at the Carlisle School?

Mr. STEPHENS of Nebraska. Yes; I do.

Mr. CARTER of Oklahoma. For the gentleman's benefit I will say that the enrollment of the Carlisle School is 911.

Mr. STEPHENS of Nebraska. Yes; but more than 300 of them are out on farms, and not costing the school anything except for their clothes and supervision.

Mr. CARTER of Oklahoma. It costs money to supply them with clothes. It costs money to send them out and to bring them back. They are sent out to private families. The girls are given an opportunity to learn to do housework, to learn to cook, to learn to keep house, to learn to launder, and to learn the other things necessary for a housewife to do, opportunities which the children do not have in any other school, so far as I know. The boys are sent out to shops, to get actual experience in different kinds of shopwork. All of this costs money. All of this means expense. There are 911 pupils enrolled at Carlisle; only 513 in actual attendance, but that means in actual attendance at the school in pursuance of their literary studies. That does not mean, as has been the practice sometimes in the past, that those 513 children are out in private families learning to do housework or out in factories learning shopwork, but it means 513 children who are actually in the school every day, having their expenses paid. The gentleman must remember that the expenses of the others who are out in families and in shops are still going on and must be paid, so that the figures as to the actual attendance, set out at 513, is not a fair test when compared with other schools which do not have to carry a portion of the expenses of pupils not in actual attendance at the school.

Mr. STEPHENS of Nebraska. The gentleman's statement is entirely correct, but it does not dispute the claim I make here that this school should not be appropriated for at the rate of $240 per capita, when other schools—the gentleman's school at Chilocco, and the school at Haskell, and at Sherman Institute, and other schools just as large as this school at Carlisle, and having a greater attendance than the school at Carlisle—are appropriated for at the rate of $167 per capita. The 341 pupils out in the country, working for farmers for their board and for what they can learn, are not costing the school at Carlisle anything except their transportation and clothing; and I want to submit to the committee whether or not it is reasonable that we should pay $100 per capita more for the education of the children at Carlisle than we pay for the education of the children at Haskell, a larger school, and at Chilocco, and at Sherman Institute, all as large or larger schools than the Carlisle School? Is it reasonable that we should carry Indian pupils across the continent, from 1,000 to 2,000 miles, at an expense of $10,000 annually for traveling expenses, for the sake of educating them in a school costing $101 per capita more than other schools of like character are costing this Government?

Mr. TILLMAN. I will ask the gentleman if it is not true that Carlisle is the ranking school for Indians in the country,

and that it costs more to employ an instructor to teach higher mathematics, or to teach Greek or Latin, than it does to teach the lower branches or the high-school branches?

Mr. STEPHENS of Nebraska. If it is true, as the gentleman says, that they are teaching Greek and Latin at Carlisle, it is the biggest argument you can produce for the reduction of this appropriation. The idea of giving a Greek and Latin education to an Indian at Carlisle is absurd and ridiculous.

Mr. TILLMAN. Waiving that for the time being, is it not also true that it costs more to employ instructors in engineering——

Mr. STEPHENS of Nebraska. It does not employ such instructors.

Mr. TILLMAN. And in the higher branches?

Mr. STEPHENS of Nebraska. There are no higher branches taught there. I will call the gentleman's attention to a statement that was made to me this morning by the commissioner himself in answer to the question I submitted to him asking why it should cost more at Carlisle. He said, "They do more work." Why do they do more work? Do they teach a higher class of studies? Is their curriculum more extended? If it is, it is a criticism against the department and against any committee who advocate that a school should teach that class of stuff to an Indian, who needs the rudiments, needs to know how to feed and clothe himself, and not to secure an ornamental education.

Mr. TILLMAN. I will say to the gentleman from Nebraska——

The CHAIRMAN. The time of the gentleman has expired.

Mr. STEPHENS of Nebraska. I ask unanimous consent that my time may be extended five minutes.

The CHAIRMAN. The gentleman from Nebraska asks unanimous consent that his time be extended five minutes. Is there objection?

There was no objection.

Mr. TILLMAN. My information is that they confer the degree of A. B. and that they employ a high class of faculty there for teaching. They teach advanced scientific studies, and as a matter of course——

Mr. STEPHENS of Nebraska. But they ought not——

Mr. TILLMAN. I do not want to get into any controversy with the gentleman as to what they ought to teach there.

Mr. STEPHENS of Nebraska. But I am stating what they ought not to do, and we ought not to appropriate $101 per capita more to support that school than we do for the good practical schools in the Indian country.

Mr. FESS. Will the gentleman yield?

Mr. STEPHENS of Nebraska. Yes.

Mr. FESS. I have been to the school at Carlisle, and it is really an unusual plant. The course is quite extended, way beyond anything like the high school. As a school grows in equipment, in spite of all we can do, the cost increases.

Mr. STEPHENS of Nebraska. I should say it did.

Mr. FESS. In other words, the highly endowed universities cost the student per capita very much more than it costs in a small institution like the one of which I am president, where the equipment is not nearly so great. I do not believe it is fair to say that a school of the type of the Carlisle could be run on as cheap a per capita basis as a school less in equipment.

Mr. STEPHENS of Nebraska. It could not, and I will say that the school at Carlisle has absolutely no excuse for existence; it can not be justified by a single fact. Here we are transporting pupils from right under the shadow of Haskell Institute, a great school, and the Sherman Institute, and other large, well-equipped Indian schools that are giving the Indians the sort of education they ought to have, in the environment in which they must live. If this is true it is proof in itself that that school has no excuse for its existence.

There are now in attendance there 2 pupils from Arizona, under the shadow of the Phoenix school; 6 from California; 2 from Idaho; 4 from Kansas; 30 from Michigan; 40 from Minnesota—good schools in both States—18 from Montana; 23 from Nebraska; 1 from Nevada; 33 from New Mexico; 89 from New York, the only legitimate territory the school has got; 59 from North Carolina; 7 from North Dakota; 184 from Oklahoma, right under the shadow of the Chilocco School; 92 from South Dakota; 88 from Wisconsin; and 9 from Wyoming, all transported at a $10,000 expense to the United States Government. This $10,000 is apparently appropriated for transportation of pupils for the purpose of paying $101 per capita more for their education than it would cost in schools near their homes.

Mr. FESS. Is there not a reason why the students from the West and South go to the great institutions like Yale and Harvard?

Mr. STEPHENS of Nebraska. Oh, you are talking about whites and not about the Indians, who do not need that kind of an education. These Indians need a rudimentary education, to know how to clothe and feed themselves, and not the sort of education you get at Yale and Harvard.

Mr. KONOP. Will the gentleman yield?

Mr. STEPHENS of Nebraska. Yes.

Mr. KONOP. If you have an Indian who wants to pursue a high course of study, I say let him have it.

Mr. STEPHENS of Nebraska. I say let him pay for it. The Government should give him only a practical education.

Mr. KONOP. They want to go to the Carlisle institution and get this high-class education, and then go back among their own people; and they will be an influence toward a higher education.

Mr. STEPHENS of Nebraska. Oh, I have seen students come back from Carlisle and be repudiated by their own people. They have had a sort of education that unfits them to live among their own people and the environment where they grew up. I tell you that the school has no justification whatever.

Mr. KONOP. There are 88, the gentleman says, from Wisconsin. They go to this school, and you will see them come back from Carlisle and teach in other schools. You will find Indian lawyers, Indian doctors, who were educated at Carlisle. I am willing to educate the Indian just as far as he wants to go.

Mr. STEPHENS of Nebraska. Well, give him the education, but give it to him in his own neighborhood.

The CHAIRMAN. The time of the gentleman from Nebraska has expired.

Mr. STEPHENS of Nebraska. I ask for five minutes more.

The CHAIRMAN. The gentleman from Nebraska asks for five minutes more. Is there objection? The Chair hears none.

Mr. STEPHENS of Texas. Mr. Chairman, I ask that all debate on this item close in 20 minutes.

The CHAIRMAN. The gentleman from Texas asks unanimous consent that all debate on the paragraph and amendments thereto close in 20 minutes. Is there objection?

There was no objection.

Mr. HOWARD. Will the gentleman from Nebraska yield?

Mr. STEPHENS of Nebraska. I will yield to the gentleman from Georgia.

Mr. HOWARD. I would like to call the attention of the gentleman from Nebraska to the fact that I have heard recently in another body the Filipino bill debated, allowing certain privileges to the Filipinos. I have heard the District bill debated as to the privileges that the negroes get in the District of Columbia. I have heard here for three or four days debated the Indian bill, and my observation is that it is a pretty poor thing in this country to be a white man. I do not think the white folks are getting what is due them in comparison to what the Negroes, the Filipinos, and the Indians are getting. [Laughter.]

Mr. STEPHENS of Nebraska. I thank the gentleman for his observation. I want to call attention to a comparison of the per capita cost for salaries and wages at Carlisle and show that it is $101 more than the per capita cost in other schools of similar size.

Mr. CARTER of Oklahoma. Since the gentleman looks directly at me, will he yield?

Mr. STEPHENS of Nebraska. In a moment—almost twice as much as some of the schools. Now, the per capita cost of subsistence, an important factor, is $48 at Carlisle, while it is $32 at the Sherman Institute, and runs along from $32 to $39 and $40 at the other eight large schools. Forty-eight dollars at Carlisle. I am trying to show that this school is most extravagant in every way, and that this reduction in the appropriation, which I have proposed in an amendment is justifiable. The per capita cost of fuel, I want you to particularly notice. At Carlisle it is $25, while up at Fort Totten, where it is 20 degrees below zero three months in the year, approximately the per capita cost is $15. Fifteen dollars as against $25. At Genoa and other schools in the same latitude the per capita cost runs from $10 to $13 as against $25 at this school. Coming to the matter of equipment, the per capita cost of equipment and supplies is $20.80 at Carlisle and an average of $10 at all of the other similar-sized schools. No one can justify that. Do you know what I find in that item of equipment? I find that there is an item of $11,000 for paper and other supplies for their printing press. Can you justify that?

Mr. KONOP. Why, they get out a paper up at that institution, and a good one.

Mr. STEPHENS of Nebraska. Yes; and I find another item of $26,000 for athletics. Can you justify that?

Mr. KONOP. Yes; because I think athletics is a good thing.

Mr. STEPHENS of Nebraska. And then they expend $37,000 from the products of the school that they sell or consume. I want to tell you that when you come to justify these things you will not find the facts, and that you will have to admit that this appropriation should be cut to the figures I have suggested; and even when that is done this school has $25,000 more than any other school of like size and character. I submit also that the statement made in regard to the curriculum of that school and the quality of education there is an error. That school gives practically no better education than is given at Haskell, at Genoa, and the Sherman Institute. It should not give any better, either. I object to this school being favored of all others.

The CHAIRMAN. The time of the gentleman from Nebraska has expired.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. COLLIER having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Waldorf, one of its clerks, announced that the Senate had passed bill of the following title, in which the concurrence of the House was requested:

S. 381. An act to declare the purpose of the people of the United States as to the future political status of the people of the Philippine Islands, and to provide a more autonomous government for those islands.

INDIAN APPROPRIATION BILL.

The committee resumed its session.

Mr. KREIDER. Mr. Chairman, the gentleman from Nebraska [Mr. STEPHENS] has made a very fine speech, but the facts are that the essential features of the school and the expenses necessary to the successful conduct of the school have not been touched upon by the gentleman from Nebraska [Mr. STEPHENS]. The facts are that this school stands perhaps head and shoulders above any other Indian school in the United States to-day, and I do not say that in a disparaging way to any other school. But it stands higher because the pupils from that school receive a practical training. They are not only taught to read and write but are taught agriculture, carpentering, blacksmithing, and so forth; in short, are educated and trained in such a manner that they are qualified to go out, and do go out, a credit to themselves and the school. A majority of them perhaps do not go back to the reservation and stay there, but prefer to engage in useful occupations, some in business, others in various lines of manufacturing activities. Many of them enter the professions. There are teachers and doctors and lawyers. Some of our best citizens and business men to-day are Indians graduated at the Carlisle School. This school above all others brings the Indian into actual contact in daily life with the civilized people of the United States. I do not say this only because this school is located in my district, but it is a fact that to civilize an Indian you must take him out of his environment, off of the Indian reservations, and he must see something of civilized life and must come in daily contact with it. The Indian boy must come into actual contact with the tradesman if he is to become a mechanic; with the practical farmer if he is to become an agriculturist, one that is up to date, who makes a profit out of farming.

The girls must come in contact with women who know how to do housework. They must be taught how to cook and how to take care of the home, to be neat, tidy, and clean, and they can learn that in no better environment than in eastern Pennsylvania, than which there is no section of the United States superior. [Applause.] There are perhaps a few dollars more expense attached to bringing an Indian into Carlisle, but the question is, What do we get for the money that we spend? Are we not getting a hundred cents on the dollar? I have looked over the wage scale, and I do not see anyone overpaid, and I do not see any necessity for cutting down the wages of anyone. If there is any waste or mismanagement it should be stopped. The management should be held strictly accountable for every dollar expended, but I submit to you that in order to ascertain whether there is a possibility of effecting a saving it is not a proper procedure to cut down the appropriation and thereby destroy the efficiency of the school. The men who are responsible for the conduct of the schools, the men who manage the finances of the school, must be held strictly accountable and see to it that every dollar is expended fairly, honestly, and economically, and for the best interest of the students.

Mr. STEPHENS of Nebraska. Will the gentleman yield?

Mr. KREIDER. Not just at this moment. The management must see to it that there is no waste and that every dollar that is appropriated by the Congress in this bill is used to good advantage. There seems to be a disposition to criticize this school because it costs a few dollars more per student than it does in some of the schools located close to and on the reservations. It costs something to bring the boys and girls from the West to Carlisle, and there is not only the item of transportation, but there is another item of expense which is charged to the Indian school at Carlisle which the gentleman has entirely overlooked, that is the expense of looking after these boys and girls who are sent out under contract, or let out, whatever the term used may be.

Mr. STEPHENS of Nebraska. Farmed out.

Mr. KREIDER. They have some one, and he must be paid, who is constantly going around seeing to it that these girls have proper homes, that they are instructed in the domestic arts, that they are properly clothed and fed, and receive decent, humane treatment. It is the same with the boys; they all require looking after; the management must keep in touch with them, and of course it costs a little money. The boys and girls who have come under my observation were well educated; they were taught to act and behave like ladies and gentlemen fit to mingle with the people in any community, and while this costs money and the Carlisle School is charged with the expense, I insist that it is a very proper expense, and brings a tremendous return upon the investment.

Mr. STEPHENS of Texas. I will say to the gentleman that it is called the "outing system," and the report is that 346 pupils were under the outing system, and those have not been counted in the attendance. It seems the amount based on the enrollment is $157 per capita, while based on the average attendance it is $275; and then there are 346 pupils in the outing system.

Mr. KREIDER. The gentleman from Nebraska has, I think, unconsciously paid the school the very highest possible compliment when he said that boys and girls from Carlisle do not mix as well with their people when they return home from Carlisle as they do when they return from other schools. Very true. In Carlisle we sow the seeds of civilization into their minds and hearts, showing them by actual example a better way, and as this seed grows its influences are seen in their every act and conduct; in fact, their very lives are changed; they have different ideals, and of course are not willing to go back to Indian customs, habits, and practices; they have become civilized, and now they desire to be useful and honored citizens, and they engage in agriculture, in arts and sciences, in the professions, and many stand at the very top of their chosen profession or calling to-day, a living monument to the Indian School at Carlisle, Pa.

Mr. FESS. Mr. Chairman, I think that the purpose of the amendment of the Member from Nebraska was expressed when he said that there was no need whatever of this school. If I understand why the school ought to be discontinued, from his standpoint, it is because there is no need of work being done there; and if that be the purpose, then the amendment is simply to cripple the institution beyond what it is now able to do, and I do not think that that amendment ought to be offered in that way for the purpose of discontinuing——

Mr. STEPHENS of Nebraska. Will the gentleman yield?

Mr. FESS. Yes.

Mr. STEPHENS of Nebraska. It is not the purpose of crippling the work that is being done at that school now, but simply for the purpose of reducing the amount to something like a reasonable basis. The school is now getting, under my amendment, $25,000 more than it is entitled to have according to the pro rata apportionment that is given to all the other schools of this size.

Mr. FESS. I would say, if it is the gentleman's purpose to reduce it to the same basis of cost of the other schools, the gentleman ought not to agree to $25,000 more than the other schools get.

Mr. STEPHENS of Nebraska. I hope to accomplish something. I hope to make my amendment do a great deal if I can get it through.

Mr. FESS. Now, Mr. Chairman, I think that it would be an unwise thing to do anything that would cripple this institution, which I have visited more than once and which I think is doing a wonderful work. I admit that a school in the East is, as a rule, more expensive than a school in the Middle West or in the far West. There seems to be a different standard of expenditure, of cost. As we ascend the scale in education the cost increases. That is why the Carlisle School is more expensive than schools of less rank. I do not think that that means that it is useless or extravagant, but there is a greater expenditure, and I know this is true, that as you increase in the equipment, in the plant, the expenditure is bound to be more than where you have not made the improvement; and that

being the case, it is not a useless expenditure. It is an inevitable expenditure and in most cases a most justifiable one, and I do not believe that we ought to do anything to reduce the efficiency of this work nor ought we to limit the increase in the equipment or in the course of study. I do not think there is any reason whatever why an Indian wanting to be educated should be throttled in his aspirations and ambitions to go on and take an increased course so that he might go back to his people and the school that is near where he came from and do work in advance of what he possibly could have done had he not had this advance training. I think it is fundamentally wrong to take that position.

Mr. STEPHENS of Nebraska. The gentleman would not yield to me?

Mr. FESS. Yes; I will yield to the gentleman.

Mr. STEPHENS of Nebraska. The gentleman is an educator. He knows what it means to educate a child out of the environment in which he must live. It is well known to a man who has lived in an Indian country that the taking of boys and girls from Indian reservations to other schools outside of that environment and educating them is impracticable in the results obtained, because when they come back they do not fit into the scheme. I know a great many discredited students of Carlisle in the West, because they are out of harmony with their people, out of tune with them. They are taken when they are 15 or 16 years old to Carlisle, and after several years taken back to a raw reservation to live.

Mr. KREIDER. Is it the gentleman's idea, or his objection to the Carlisle School, that when a student goes there he comes back changed, showing the evidence of his education? Is it his desire to send a boy or girl to school and have them returned showing that no change has been effected?

Mr. KONOP. Mr. Chairman, this is a higher institution of learning, and every person knows that it necessarily costs more to educate Indians in a higher institution than in a lower institution of learning. As to the point the gentleman talks about, to the effect that the Indian does not fit into this environment, I wish to state to the committee that we are appropriating hundreds of thousands of dollars for the purpose of educating and civilizing the Indians. If we want to civilize him, we want to take him from the Indian-reservation environment and put him among white people, and civilize him by having him associate with the white people. That is the only way we can civilize the Indian. It is a well-known fact that where an Indian is educated away from the reservation, and goes back to the Indian reservation, if he stays with the Indians again for any length of time he usually takes up with Indian customs and goes back to the old life. So, I say, the only way by which you can civilize an Indian and make him like a white man is to make him associate among white men, no matter in what part of the country—the West, or anywhere else.

Mr. FESS. It is not true, as a rule, is it, that when they come to Carlisle and are educated in that atmosphere they go back and are useless? That is not the rule?

Mr. KONOP. That is not the rule. Mr. Rogers, one of the Chippewa Indians, of Minnesota, is a prosecuting attorney in a county in Minnesota, where there are only 600 Indians who vote and over 3,000 white people who vote. He is a man of intelligence, a good lawyer, and capable of holding such a position intrusted to him by white men. He was educated at Carlisle. We have an attorney in the State of Wisconsin, Mr. Denison Wheelock, who was educated at the Carlisle School, who is practicing law and competing with white lawyers, and is a very capable man.

If we want to civilize the Indian, I believe the way to do so is to take him and place him among the white people, and in that way educate him industrially, intellectually, and every other way. I think the Carlisle School is a higher institution of learning, and every dollar that this committee has provided is necessary to run it in a proper and efficient manner.

Mr. STEPHENS of Texas. Mr. Chairman, I ask for a vote.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Nebraska [Mr. STEPHENS].

The question was taken, and the amendment was rejected.

Mr. STEPHENS of Texas. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. FOSTER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 10385, the Indian appropriation bill, and had come to no resolution thereon.

RESIGNATION FROM COMMITTEE.

The SPEAKER laid before the House the following communication:

Hon. CHAMP CLARK,
*Speaker of the House of Representatives of the United States.*

SIR: I hereby tender my resignation as a member of the Committee on Invalid Pensions.

Respectfully, yours, W. R. OGLESBY.

The SPEAKER. Without objection, the resignation is accepted.

There was no objection.

MEXICO AND NATIONAL DEFENSE.

Mr. DAVIS of Texas. Mr. Speaker, I ask unanimous consent that I be allowed to extend my remarks in the RECORD touching the Mexican war problem and national defense.

The CHAIRMAN. The gentleman from Texas asks unanimous consent to extend his remarks in the RECORD on the subject of the Mexican situation and the national defense. Is there objection? [After a pause.] The Chair hears none.

RELIEF IN FLOODED DISTRICTS.

Mr. FITZGERALD. Mr. Speaker, a number of Members of the House have been very much interested in the passage of a joint resolution extending relief to persons in what is described as the "flood area" as the result of the rise in the Mississippi River. A few days ago the Chief of Engineers sent telegrams to all of the United States district engineers along the river requesting reports upon the situation in their respective districts. I have copies of five telegrams, dated, two of them, on the 3d of February, one on the 4th, and two on the 5th. They are from the Army engineers at Memphis, New Orleans, and Vicksburg, and they not only show there is no necessity for any action at this time, but they express the hope that it be made clear that there is no possibility that free rations will be provided by Congress, in order that they may effectually control the situation. So long as hope is held out that there will be free rations, or so long as appropriations are made providing rations for the people in the flooded district, they can not get the labor under favorable conditions, and it completely demoralizes the labor situation.

I ask that these telegrams be printed in the RECORD, with this statement, so that Members will understand the situation as ascertained from responsible official sources.

Mr. CARAWAY. Reserving the right to object, Mr. Speaker, I want to ask the gentleman a question. Do they not deal altogether with the situation of the levee?

Mr. FITZGERALD. They refer to the situation regarding the levees, of course.

Mr. CARAWAY. Of course, the engineers say they have sufficient money to care for the levee. They do not deal at all with the question of distress?

Mr. FITZGERALD. They deal with the question of distress. They say there are ample provisions to take care of persons in distress. They notified different parties that Government boats will be sent wherever there is any danger, and one representative planter has asked that no favorable recommendation be made for the furnishing of free rations, as they are amply able to take care of the situation. The telegrams show that there is no need for Government aid in that respect any more than there is need for Government aid in regard to the maintenance of the levee. A number of telegrams have been sent to various Members of the House from different persons in various parts of the affected area, and this request is made so as to put at the disposal of Members representing the districts affected accurate official information as to the real conditions.

The SPEAKER. The gentleman from New York [Mr. FITZGERALD] asks unanimous consent to extend his remarks in the RECORD by printing certain telegrams from certain Government engineers. Is there objection?

There was no objection.

Following are the telegrams referred to:

MEMPHIS, TENN., *February 3, 1916.*

To the CHIEF OF ENGINEERS,
*War Department.*

Have every hope and reason to believe that the flood will pass these districts without levee break, except at the extreme lower end of the White River district, in the vicinity of Laconia Circle, which will almost certainly be flooded. The Government levee at Hickman protecting the Reelfoot district is in prime condition, without the slightest indication of prospective trouble. This levee is due not more than an additional foot to 18 inches of water, to resist which the system is generally above this morning's stage from 4 to 6 feet. A small private levee at Hickman, entirely divorced from Federal responsibility or supervision, broke several days ago, with the result of flooding a few acres of the low portion of the town, as well as the yards and plant of the Mengel Box Co. This break bears no relation to the Government levee

in rear. Unless something untoward occurs, the assumption is reasonable that these districts will escape overflow, except in vicinity of Laconia Circle.

MARKHAM, *Engineers.*

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MEMPHIS, TENN., *February 3, 1916.*

CHIEF OF ENGINEERS,
*War Department, Washington, D. C.*

Reference to conditions at Hickman, the flooded area is a small sector between the Government levee and the Hickman Hills of about one hundred-odd acres area. Of this amount, less than one-third involves small scattered town property and factory houses at the base of the Hickman Hills. The balance is farm land, mill sites, storage yards, etc. About 200 cottages, mainly one storied, have been vacated, the occupants being cared for by their friends in other portions of the town or in a tent camp established on the hills. Those requiring assistance, including 100 or more refugees from the backwater country across the river, total between six and seven hundred. Red Cross has representative on the ground, as has also the State of Kentucky, which has provided tents. Provisions are at hand in ample amount and can be readily augmented. The situation is, of course, distressing to those immediately involved, but is purely local and is in no sense or degree acute. No suffering of any kind exists, nor at present is there any possibility of such. The problem is of such relatively small magnitude as to be squarely and exclusively a responsibility for the community and the State, by which it should be readily handled. Assuming your desire for an expression of opinion, I see no possible occasion for intervention by the Federal Government at this time.

MARKHAM, *Engineers.*

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NEW ORLEANS, LA., *February 4, 1916.*

CHIEF OF ENGINEERS,
*United States Army, Washington:*

Senator RANSDALL and Representative MARTIN request telegraphic information of levee situation below New Orleans. Wired them information telegraphed to your office, situation as follows: Am giving high-water protection as far as Socola Canal, 50 miles right bank, and Nestor Canal, 55 miles, left bank below New Orleans. Prospects are that levees will hold as far as protected; available balances approximately $10,000 for each bank, but too small to justify extension of protection; possible to protect further on right bank at heavy expense, but would require more funds. Levees below Socola Canal are deficient in grade and section and are exposed to wave action. Prospects of holding these levees depend largely upon winds on left bank; only sea marsh and oyster industry affected by crevasses now flowing; conditions are due to September storm and subsequent rises.

CAPLES, *Engineers.*

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VICKSBURG, MISS., *February 5, 1916.*

CONGWAR, *Washington, D. C.:*

Levees being subjected to severe test but no point specially endangered yet. Excellent chance of holding line if white population will put up proper fight. Can give employment and subsistence to all persons in flooded parts of Arkansas. Have already offered such assistance and am extending further offers. At present am having to pay fancy prices for labor to hold commission levees on Arkansas River. Arkansas authorities advised by my assistant several days ago that Government boats would proceed to any point where life was in danger. It would materially help situation if all hope of free rations were squelched.

SLATTERY.

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MEMPHIS, TENN., *February 5, 1916.*

CHIEF OF ENGINEERS,
*War Department, Washington, D. C.:*

Cairo crested last night at 53 4/10 and shows fall this morning of one-tenth. Upper Mississippi and entire Ohio falling except at Paducah, which should be at a stand to-day. Cairo gauge should continue to fall. Weather conditions throughout drainage basins suggest no probability of any resumption of rainfall in a number of days. Reports from levees throughout these districts are uniformly most favorable and suggest no probability of levee breaks or overflow. Lower White River district is, of course, covered with back water. As to this backwater situation, relief measures are understood to be in progress and to be satisfactorily effective. I am in receipt of the following telegram from planter of standing in White River district, which is indicative of the sentiment of substantial representatives of the community:

"The representative farmers of this county are unalterably opposed to any plan providing free rations or tents for refugees at Helena, as all are capable of taking care of themselves or their tenants. Government aid only serves to demoralize labor now working on levees, and makes it difficult to handle the labor after water goes down. Our chief interests is in holding the levees and not in selling supplies to the Government. Kindly oppose any such plan if presented for your recommendation."

MARKHAM, *Engineers.*

Mr. CARAWAY. Mr. Speaker, I want to ask unanimous consent to extend my remarks in the RECORD by printing a telegram from the governor of the State of Arkansas, dealing with the situation.

The SPEAKER. The gentleman from Arkansas [Mr. CARAWAY] asks unanimous consent to extend his remarks in the RECORD by printing a telegram from the governor of Arkansas respecting the flood situation. Is there objection?

There was no objection.

### ADJOURNMENT.

Mr. STEPHENS of Texas. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 2 minutes p. m.) the House adjourned until Monday, February 7, 1916, at 12 o'clock noon.

### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of the Treasury, transmitting a supplemental estimate for the increase of an appropriation under "Expenses of Public Health Service" over the amount originally estimated therefor on page 821 of the Book of Estimates for 1917 (H. Doc. No. 658); to the Committee on Appropriations and ordered to be printed.

2. A letter from the Secretary of the Treasury, transmitting copy of communication from the Secretary of State, submitting an estimate of reappropriation in the sum of $2,000 for the expenses of two officers of the United States Public Health Service to represent the United States in the Sixth International Sanitary Conference of American States, held at the city of Montevideo, Uruguay, in December, 1914 (H. Doc. No. 659); to the Committee on Foreign Affairs and ordered to be printed.

3. A letter from the Commissioner of Patents, transmitting report of business of the Patent Office for the year ended December 31, 1915 (H. Doc. No. 660); to the Committee on Patents and ordered to be printed.

4. A letter from the president of the Commissioners of the District of Columbia, transmitting report of consulting engineer upon the collection and disposal of garbage and other city waste originating in the District of Columbia for the fiscal year ended June 30, 1915 (H. Doc. No. 661); to the Committee on the District of Columbia and ordered to be printed.

5. A letter from the Secretary of Labor, transmitting list of useless papers in the Department of Labor (H. Doc. No. 662); to the Committee on Disposition of Useless Executive Papers and ordered to be printed.

6. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, reports on preliminary examination and survey of Ogdensburg Harbor, N. Y. (H. Doc. No. 663); to the Committee on Rivers and Harbors and ordered to be printed, with illustrations.

7. A letter from the Secretary of the Treasury, transmitting amended estimate of appropriation "General expenses of public buildings," as carried in the Book of Estimates, 1917, page 533 (H. Doc. No. 664); to the Committee on Appropriations and ordered to be printed.

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### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. McKENZIE, from the Committee on Military Affairs, to which was referred the bill (H. R. 9547) authorizing the acceptance by the United States Government from the Kenesaw Memorial Association of Illinois of a proposed gift of land on the Kenesaw battle field, in the State of Georgia, reported the same with amendment, accompanied by a report (No. 123), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. TAYLOR of Colorado, from the Committee on the Public Lands, to which was referred the bill (H. R. 28) to amend an act entitled "An act granting to the city of Durango, in the State of Colorado, certain lands therein described for water reservoirs," approved March 1, 1907, reported the same without amendment, accompanied by a report (No. 125); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the bill (H. R. 9691) authorizing leave of absence to homestead settlers upon unsurveyed lands, reported the same with amendment, accompanied by a report (No. 126), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

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### REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. STEPHENS of Mississippi, from the Committee on Claims, to which was referred the bill (H. R. 7862) for the relief of New England Coal & Coke Co., owner of the American barges *Emilie* and *Cassie*, and Bruusgaard, Kiosterud Dampskibsaktieselskab, owner of the Norwegian steamship *Hesperos*, reported the same with amendment, accompanied by a report (No. 124), which said bill and report were referred to the Private Calendar.

## CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 10644) to satisfy the findings of the Court of Claims in the claim of Bettie L. Pankey, J. W. Longacre, and T. D. Longacre, heirs of William I. Longacre, deceased; Committee on Claims discharged, and referred to the Committee on War Claims.

A bill (H. R. 10063) to satisfy the findings of the Court of Claims in the claim of Annie M. Bradshaw, Beulah B. Dingle, Clara Belle Bergeron, and George William Bradshaw, heirs of William H. Bradshaw, deceased; Committee on Claims discharged, and referred to the Committee on War Claims.

## PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. BAILEY: A bill (H. R. 10917) to authorize the acceptance and administration of savings by the Postal Savings Bank Service of the Post Office Department for crescent life annuities; to the Committee on the Post Office and Post Roads.

By Mr. KELLEY: A bill (H. R. 10918) authorizing the Secretary of War to make certain donations of condemned cannon and cannon balls; to the Committee on Military Affairs.

By Mr. ASHBROOK: A bill (H. R. 10919) to amend an act entitled "An act to increase the pension of widows, minor children, etc., of deceased soldiers and sailors of the late Civil War, the War with Mexico, the various Indian wars, etc., and to grant a pension to certain widows of the deceased soldiers and sailors of the late Civil War," approved April 19, 1908; to the Committee on Invalid Pensions.

By Mr. BUCHANAN of Texas: A bill (H. R. 10920) to remodel the old post-office building at Austin, Tex.; to the Committee on Public Buildings and Grounds.

By Mr. STOUT: A bill (H. R. 10921) authorizing leave of absence to homestead settlers upon unsurveyed lands; to the Committee on the Public Lands.

By Mr. MORGAN of Louisiana: A bill (H. R. 10922) authorizing the purchase of a site and the erection of a public building thereon at Covington, La.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 10923) authorizing the purchase of a site and the erection of a public building thereon at Plaquemine, La.; to the Committee on Public Buildings and Grounds.

By Mr. GILLETT: A bill (H. R. 10924) to prohibit exportation of rum and other intoxicants to Africa, and for other purposes; to the Committee on Alcoholic Liquor Traffic.

By Mr. GOODWIN of Arkansas: A bill (H. R. 10925) authorizing Ashley County, Ark., to construct a bridge across Bayou Bartholomew; to the Committee on Interstate and Foreign Commerce.

By Mr. VINSON: A bill (H. R. 10926) to amend an act approved June 8, 1906, entitled "An act to amend section 1 of an act entitled 'An act relating to the Metropolitan police of the District of Columbia,' approved February 28, 1901"; to the Committee on the District of Columbia.

By Mr. LANGLEY: A bill (H. R. 10927) to amend an act entitled "An act to increase the pensions of widows, minor children, etc., of deceased soldiers and sailors of the late Civil War, the War with Mexico, the various Indian wars, etc., and to grant a pension to certain widows of the deceased soldiers and sailors of the late Civil War," approved April 19, 1908; to the Committee on Invalid Pensions.

By Mr. WATKINS: A bill (H. R. 10928) appropriating $100,000 for the use of the United States Public Health Service in encouraging rural sanitation, with special reference to the prevention and suppression of pellagra and typhoid fever; to the Committee on Appropriations.

By Mr. KELLEY: Resolution (H. Res. 126) directing the Secretary of the Navy to ascertain and report to the House certain information relative to time and cost of completing naval vessels now authorized or in course of construction; to the Committee on Naval Affairs.

## PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ALMON: A bill (H. R. 10929) for the relief of John Scott; to the Committee on Claims.

Also, a bill (H. R. 10930) granting a pension to Moses A. Coleman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10931) for the relief of Blair & Blake; to the Committee on Claims.

By Mr. BARCHFELD: A bill (H. R. 10932) granting an increase of pension to Frederick B. Lewis; to the Committee on Invalid Pensions.

By Mr. BLACK: A bill (H. R. 10933) for the relief of the estate of Paul A. Swink; to the Committee on Claims.

By Mr. BUCHANAN of Illinois: A bill (H. R. 10934) granting a pension to Edwin L. Barker; to the Committee on Pensions.

By Mr. COLEMAN: A bill (H. R. 10935) granting an increase of pension to Walter S. Hood; to the Committee on Pensions.

By Mr. CONNELLY: A bill (H. R. 10936) granting an increase of pension to George W. Jacobs; to the Committee on Invalid Pensions.

By Mr. CRAMTON: A bill (H. R. 10937) granting a pension to Guy W. Johnson; to the Committee on Invalid Pensions.

By Mr. DUPRÉ: A bill (H. R. 10938) for the relief of the Citizens' Homestead Association, of New Orleans, La.; to the Committee on Claims.

By Mr. ESTOPINAL: A bill (H. R. 10939) granting an honorable discharge to John Proctor, alias John Neal; to the Committee on Military Affairs.

By Mr. FLOOD: A bill (H. R. 10940) for the relief of Anastasios Argyros; to the Committee on Foreign Affairs.

Also, a bill (H. R. 10941) for the relief of Arete, Aiketerini, and Christos Nicolaos Gikas, children of Nicolaos D. Gikas, deceased; to the Committee on Foreign Affairs.

By Mr. FREEMAN: A bill (H. R. 10942) granting an increase of pension to Etta J. Knowlton; to the Committee on Invalid Pensions.

By Mr. GALLAGHER: A bill (H. R. 10943) granting a pension to Edward E. Clapp; to the Committee on Invalid Pensions.

By Mr. GOODWIN of Arkansas: A bill (H. R. 10944) authorizing the Secretary of the Interior to enroll Mrs. L. F. Burke as a Choctaw Indian; to the Committee on Indian Affairs.

By Mr. GUERNSEY: A bill (H. R. 10945) granting an increase of pension to Howard Grant; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10946) granting a pension to Alphonsine Babin; to the Committee on Pensions.

By Mr. HAYES: A bill (H. R. 10947) for the relief of William Richard Hogg; to the Committee on Military Affairs.

By Mr. HELM: A bill (H. R. 10948) for the relief of John P. Miller; to the Committee on Claims.

By Mr. JOHNSON of Washington: A bill (H. R. 10949) granting an increase of pension to Carlos E. Scales; to the Committee on Invalid Pensions.

By Mr. KEARNS: A bill (H. R. 10950) granting a pension to Dana A. Smalley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10951) granting a pension to Wilhmina Porste; to the Committee on Pensions.

Also, a bill (H. R. 10952) granting an increase of pension to James L. P. Estle; to the Committee on Invalid Pensions.

By Mr. KETTNER: A bill (H. R. 10953) granting an increase of pension to George J. Richards; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10954) granting an increase of pension to Frederick Flescher; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10955) granting an increase of pension to James G. Doane; to the Committee on Invalid Pensions.

By Mr. LANGLEY: A bill (H. R. 10956) granting an increase of pension to Thomas W. Elliott; to the Committee on Invalid Pensions.

By Mr. LESHER: A bill (H. R. 10957) to correct the military record of James C. Connelly; to the Committee on Military Affairs.

By Mr. LITTLEPAGE: A bill (H. R. 10958) granting a pension to Gus Born; to the Committee on Pensions.

By Mr. McANDREWS: A bill (H. R. 10959) granting a pension to Mary Wallace; to the Committee on Pensions.

By Mr. MANN: A bill (H. R. 10960) granting an increase of pension to Henry C. Hoffman; to the Committee on Invalid Pensions.

By Mr. MONDELL: A bill (H. R. 10961) granting a pension to Frank Bradley; to the Committee on Invalid Pensions.

By Mr. MOON: A bill (H. R. 10962) granting a pension to Louisa Wilson; to the Committee on Pensions.

By Mr. OAKEY: A bill (H. R. 10963) granting an increase of pension to Fannie Davis; to the Committee on Invalid Pensions.

By Mr. PETERS: A bill (H. R. 10964) granting an increase of pension to John W. Bigelow; to the Committee on Invalid Pensions.

By Mr. PORTER: A bill (H. R. 10965) granting an increase of pension to Albert McHenry; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10966) granting an increase of pension to James W. Maloy; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10967) granting a pension to Elizabeth Weisenburn; to the Committee on Invalid Pensions.

By Mr. RAMSEYER: A bill (H. R. 10968) granting an increase of pension to Avery T. Lawrence; to the Committee on Invalid Pensions.

By Mr. SANFORD: A bill (H. R. 10969) granting an increase of pension to Richard Blackburn; to the Committee on Invalid Pensions.

By Mr. SLOAN: A bill (H. R. 10970) granting an increase of pension to Esther Phoebus; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10971) granting a pension to Edward Waldo; to the Committee on Pensions.

Also, a bill (H. R. 10972) granting an increase of pension to Thomas Armstrong; to the Committee on Invalid Pensions.

By Mr. SMITH of Michigan: A bill (H. R. 10973) to correct the military record of Israel Boyer; to the Committee on Military Affairs.

By Mr. SPARKMAN: A bill (H. R. 10974) granting a pension to Marvin E. Brandon; to the Committee on Pensions.

By Mr. STEELE of Iowa: A bill (H. R. 10975) granting an increase of pension to George W. Alt; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10976) granting an increase of pension to Elias C. Decker; to the Committee on Invalid Pensions.

By Mr. STEPHENS of California: A bill (H. R. 10977) granting a pension to Ora May Larkin; to the Committee on Pensions.

Also, a bill (H. R. 10978) granting an increase of pension to Orway C. Chase; to the Committee on Invalid Pensions.

By Mr. SULLOWAY: A bill (H. R. 10979) granting an increase of pension to Silas H. Avery; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10980) granting an increase of pension to Ellen J. McIntire; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10981) granting an increase of pension to Minnie N. Emerson; to the Committee on Invalid Pensions.

By Mr. SUTHERLAND: A bill (H. R. 10982) for the relief of the estates of Aaron Van Camp and Virginius P. Chapin; to the Committee on Claims.

By Mr. THOMAS S. WILLIAMS: A bill (H. R. 10983) granting an increase of pension to Harve Huff; to the Committee on Pensions.

By Mr. WOODS of Iowa: A bill (H. R. 10984) granting an increase of pension to Hermund Gudmandson; to the Committee on Invalid Pensions.

## PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BARCHFELD: Petition of Hartje Paper Manufacturing Co., of Pittsburgh, Pa., favoring tax on dyestuffs; to the Committee on Ways and Means.

Also, petition of Rev. A. P. Mihm and 50 citizens, of Allegheny County, Pa., favoring embargo on arms; to the Committee on Foreign Affairs.

Also, papers to accompany House bill for relief of Frederick B. Lewis; to the Committee on Invalid Pensions.

By Mr. BAILEY: Petitions of C. Liebegott, Jerry W. Leedom, L. McMaster, L. W. Delozier, and Howard Mauk, all of Duncansville, Pa., for a tax on mail-order houses; to the Committee on Ways and Means.

Also, petitions of Sloters & Little, T. C. Fulton & Co., J. C. Elchelberger, J. H. Benner, and J. F. Emgeart & Son, all of Saxton, Pa., for a tax on mail-order houses; to the Committee on Ways and Means.

By Mr. BURNETT: Memorial of Thomas Jefferson Council, No. 12, Junior Order United American Mechanics, and Golden Rule Council, No. 10, Daughters of America, favoring legislation for restriction of foreign immigration; to the Committee on Immigration and Naturalization.

Also, memorial of Lincoln Council, No. 20, Independent Sons and Daughters of Liberty, in favor of the Burnett bill; to the Committee on Immigration and Naturalization.

Also, memorial of United Spanish War Veterans, of St. Louis, Mo., for preparedness; to the Committee on Military Affairs.

Also, memorial of Columbia Council, No. 11, of Hartland, Vt., in favor of the Burnett immigration bill; to the Committee on Immigration and Naturalization.

Also, memorial of Revere Council, No. 102, Sons and Daughters of Liberty, of Brooklyn, N. Y., in favor of the Burnett immigration bill; to the Committee on Immigration and Naturalization.

By Mr. CARY: Petitions of Kenneth W. Jacobs Co. and Milwaukee-Western Fuel Co., of Milwaukee; Coopers' Union, No. 35; Manitowoc Central Labor Council; and Retail Liquor Dealers of Kenosha, all in the State of Wisconsin, protesting against the passage of Senate bill 1082; to the Committee on Ways and Means.

By Mr. CASEY: Petition of 1,050 people of Luzerne and 486 of Wilkes-Barre, Pa., favoring national prohibition; to the Committee on the Judiciary.

By Mr. COOPER of Ohio: Petition of sundry citizens of Youngstown, Ohio, protesting against tax on tooth paste in the emergency war-tax bill; to the Committee on Ways and Means.

By Mr. CURRY: Petitions by the Allied Business Men's Association of San Joaquin County; the El Dorado Brewing Co., of Stockton; F. J. Ruhstaller, of Sacramento; and the Importers & Wholesale Liquor Merchants' Association of San Francisco, all in the State of California, opposing prohibition in the District of Columbia; to the Committee on the Judiciary.

By Mr. DALE of New York: Memorial of Chamber of Commerce of the State of New York, relative to appropriation for training ship *Newport;* to the Committee on the Merchant Marine and Fisheries.

Also, petition of George W. H. Andrews, of Brooklyn, N. Y., favoring passage of House bill 9814, relative to sale of Oregon and California railway lands; to the Committee on the Public Lands.

Also, petitions of sundry citizens of Brooklyn, N. Y., against tax on tooth paste; to the Committee on Ways and Means.

Also, memorial of Chamber of Commerce of the State of New York, relative to reducing to budget form the appropriations, etc.; to the Committee on Appropriations.

Also, petition of Salts' Textile Co., favoring tax on dyestuffs; to the Committee on Ways and Means.

By Mr. DALE of Vermont: Petitions of N. D. Phelps Co. and others, of Barre; F. R. Graham and others, of White River Junction; Dwinell Hardware Co. and others, of Montpelier; H. D. Allen and others, of Wilmington; C. W. & C. S. Seaver and others, of North Troy; H. P. Silsby and others, of Lyndonville; H. T. Seaver and others, of Barton; F. C. Lamb and others, of Waterbury; C. S. Dole and others, of Danville; G. H. Pillsbury and others, of Groton; Whipple, French & Co. and others, of Orleans; S. E. Clark and others, of Wells River; George E. Welch & Son and others, of Bellows Falls; C. A. Leland & Son and others, of Springfield; Robbins & Cowles and others, of Brattleboro; C. F. Mann & Co. and others, of Ludlow; F. C. Locke and others, of Chester; Cook & Wells and others, of Proctorsville; B. W. Abbott and others, of Fairlee; A. E. Hale and others, of Bradford; W. W. Hartwell and others, of Northfield; Ordway, Holmes & Co. and others, of Chelsea; J. O. Belknap Sons and others, of South Royalton; J. H. Lamson & Sons and others, of Randolph; James A. Graham and others, of Bethel; E. A. Spear and others, of Woodstock; La Fountain Woolson Co. and others, of Windsor; Campbell, Greeley & Co. and others, of Rochester; J. F. McLam and others, of South Ryegate; True & Blanchard Co. and others, of Newport; C. F. Davis and others, of Hardwick; the Peck Co. and others, of St. Johnsbury, all in the State of Vermont, urging legislation to compel concerns selling goods by mail to contribute to the development of the local community; to the Committee on Ways and Means.

By Mr. DUNN: Petition of Vogt Manufacturing & Coach Lace Co., of Rochester, N. Y., in favor of House bill 702, the dyestuff bill; to the Committee on Ways and Means.

By Mr. FLYNN: Memorial of Chamber of Commerce of State of New York, relative to budget form for entire scheme of appropriations; to the Committee on Appropriations.

Also, memorial of Chamber of Commerce of State of New York, relative to training ship *Newport;* to the Committee on the Merchant Marine and Fisheries.

By Mr. FULLER: Petition of the Travelers' Protective Association of America, favoring the Stevens standard-price bill; to the Committee on Interstate and Foreign Commerce.

Also, petition of James S. Hinchman Camp, Sons of Veterans, of Somerset, Pa., favoring House bill 463, to increase pensions of Civil War widows; to the Committee on Invalid Pensions.

By Mr. GARDNER: Petition of Helburn Leather Co., of Salem, Mass., in favor of House bill 702, the dyestuff bill; to the Committee on Ways and Means.

Also, petition of 128 residents of Salem, Beverly, Danvers, Gloucester, Haverhill, Amesbury, West Newbury, South Grove-

land, and Merrimac, Mass., protesting against the tax on tooth paste; to the Committee on Ways and Means.

By Mr. GREENE of Massachusetts: Memorial against that provision of the so-called emergency war-tax bill which imposes a tax on tooth paste; to the Committee on Ways and Means.

By Mr. GILLETT: Petition of many residents of the second congressional district of Massachusetts for the removal of tax on tooth paste by the so-called war revenue act; to the Committee on Ways and Means.

By Mr. HAYES: Petition of Burbank district people and Woman's Christian Temperance Union of San Jose, Cal., favoring national prohibition; to the Committee on the Judiciary.

Also, petitions of sundry citizens of California, favoring embargo on arms, etc.; to the Committee on Foreign Affairs.

Also, petition of Canners' League of California, favoring House bill 651, to regulate commerce; to the Committee on Interstate and Foreign Commerce.

Also, petition of Woman's Christian Temperance Union, Pacific Grove, Cal., relative to censorship of moving pictures; to the Committee on Education.

Also, petitions of Mrs. Clara Lajannette, of Gilroy, and Charles E. Cox, of San Jose, Cal., against preparedness; to the Committee on Military Affairs.

Also, petition of San Francisco Labor Council, favoring the Federal bill relative to payment to hospitals; to the Committee on Interstate and Foreign Commerce.

Also, petition of San Francisco Labor Council, relative to publication of reports of Industrial Relations Commission; to the Committee on Printing.

By Mr. HILLIARD: Memorial of Associated Chambers of Commerce of the Pacific Coast, urging the appropriation of money for the completion of the Alaskan railroad; to the Committee on Appropriations.

Also, memorial of executive committee of the Colorado Board of Agriculture, favoring the extension of roads and trails in or near Estes Park, Colo.; to the Committee on Roads.

Also, petition of Ralph E. Finnicum, of Denver, Colo., urging the passage of the Smith-Hughes motion-picture censorship bill; to the Committee on Education.

Also, memorial of Associated Chambers of Commerce of the Pacific Coast, favoring an appropriation to improve the equipment of the Coast and Geodetic Survey; to the Committee on Appropriations.

By Mr. IGOE: Petition of 78 druggists and doctors of St. Louis, Mo., protesting against war tax on tooth paste; to the Committee on Ways and Means.

Also, petition of St. Louis Health Department, by Assistant Health Commissioner Dr. G. A. Jordan, favoring bill for a national leprosarium or Government hospital; to the Committee on Interstate and Foreign Commerce.

Also, petition of Mrs. John Trigg Moss, regent of Cornelia Green Chapter, Daughters of the American Revolution, of St. Louis, Mo., on behalf of herself and 34 other members, favoring preparedness; to the Committee on Military Affairs.

Also, petition of Hon. Howard A. Gass, State superintendent of education of Missouri, favoring House bill 57, to eliminate illiteracy; to the Committee on Education.

By Mr. JAMES: Petition of Legione Giuseppe Garibaldi, of Laurium, Mich., against passage of the immigration bill; to the Committee on Immigration and Naturalization.

By Mr. JOHNSON of Washington: Memorial of Highway Board of the State of Washington, favoring House bill 3715, relative to State highways; to the Committee on the Public Lands.

By Mr. KETTNER: Resolution of Alameda County Medical Association, asking adequate provision for medical officers in any reorganization of Army; to the Committee on Military Affairs.

Also, resolution of Berkeley Chamber of Commerce, advocating investigation to ascertain whether railroads are receiving adequate compensation for carrying mails; to the Committee on the Post Office and Post Roads.

Also, resolution of Chamber of Commerce of Oakland, Cal., asking proper remedial legislation for oil industry of California; to the Committee on the Public Lands.

Also, resolution of Woman's Christian Temperance Union of California, favoring interstate gambling law, etc.; to the Committee on the Judiciary.

By Mr. KENNEDY of Rhode Island: Petition of Local Union No. 114, International Union of United Brewery Workers, of Providence, R. I., protesting against national prohibition legislation; to the Committee on the Judiciary.

Also, petition of Sheim-Williams Co., of Boston, Mass., in favor of House bill 702, the dyestuff bill; to the Committee on Ways and Means.

By Mr. KELLEY: Petition of A. B. Robertson and 38 other citizens of Lansing and Jackson, Mich, against revenue tax on dental preparations; to the Committee on Ways and Means.

By Mr. KING: Petition of Mr. L. L. Anderson, president of class 8, Presbyterian Church of Canton, Ill., and other members of said class and voters of the fifteenth congressional district, urging an adequate national defense; to the Committee on Military Affairs.

By Mr. LIEB: Petition of Eva K. Froelich, member of the city public library board of Evansville, Ind., protesting against provision in House bill 4715 which would prevent libraries from getting good books at reasonable rates; to the Committee on Interstate and Foreign Commerce.

Also, petition of Globe-Bosse-World Furniture Co.; the Evansville Furniture Co., by E. W. Ploeger, secretary; the Buehner Chair Co.; and the American Pharmacal Co., by J. H. Rohsenberger, secretary, all of Evansville, Ind., favoring House bill 702, the dyestuffs bill; to the Committee on Ways and Means.

By Mr. MAPES: Petition signed by William Loving and 14 others, protesting against the adoption by Congress of any plan of military or naval expansion providing for a larger expenditure annually, except in case of actual war, than has been appropriated and used for that purpose in recent years; to the Committee on Appropriations.

By Mr. McFADDEN: Petition of American Chair Manufacturing Co., Hallstead, Pa., favoring tax on dyestuff; to the Committee on Ways and Means.

By Mr. MOON: Papers to accompany bill (H. R. 10962) for the relief of Louisa Wilson; to the Committee on Pensions.

By Mr. MOORE of Pennsylvania: Memorial of National Association of Drug Clerks, favoring Stevens standard-price bill; to the Committee on Interstate and Foreign Commerce.

Also, petition of Pennsylvania State Federation of Labor, against repeal of seamen's law; to the Committee on the Merchant Marine and Fisheries.

Also, petition of Drueding Bros. Co., of Philadelphia, Pa., favoring tax on dyestuffs; to the Committee on Ways and Means.

Also, petitions of Harry Little and others, of Philadelphia, Pa., against war tax on tooth paste; to the Committee on Ways and Means.

Also, petition of Philadelphia Branch of the National German-American Alliance, favoring passage of bills to amend the naturalization laws; to the Committee on Immigration and Naturalization.

By Mr. NORTH: Memorial of Joseph A. Blakeley Camp, No. 71, United Spanish War Veterans, of Indiana, Pa., urging the passage of the Key bill; to the Committee on Pensions.

By Mr. PAIGE of Massachusetts: Petition of Brown Bur Co., of Gardner, Mass., favoring tax on dyestuffs; to the Committee on Ways and Means.

Also, petition of Guy P. Howe and 39 others, of Athol, Mass., protesting against any revenue tax on tooth paste; to the Committee on Ways and Means.

By Mr. SCULLY: Letter favoring resolution ordering embargo on war material from L. Lisam, Albert G. Peterson, Julius Roth, Karl Carlson, Charles Nordstram, and A. A. Greib, all of Elberon, in the State of New Jersey, and Alfred J. Mason, favoring Stevens-Ayers bill; to the Committee on Foreign Affairs.

By Mr. SMITH of Michigan: Protest of George Russell and 26 other citizens of Athens, Mich., against military or naval expansion; to the Committee on Military Affairs.

Also, protest of D. Messenger and 10 other citizens of Olivet, 28 citizens of Montgomery, and 1 citizen of Vicksburg, all in the State of Michigan, against military or naval expansion providing for larger expenditure annually, except in case of actual war, than sum appropriated in recent years; to the Committee on Military Affairs.

Also, protest of Charles H. Palmer, Alamo, Mich., against any extensive preparations for war; to the Committee on Military Affairs.

Also, petition of Jackson County Ministerial Association, of Jackson, Mich., favoring Federal retirement law; to the Committee on Labor.

Also, protest of Pomona Grange, of Hillsdale County, Mich., against any extensive program of preparation for war; to the Committee on Military Affairs.

Also, protest of the Organized Liquor Dealers, of Detroit, Mich., against Senate bill 1082; to the Committee on the Judiciary.

By Mr. STEELE of Pennsylvania: Petition of F. G. Semple, South Bethlehem, Pa., favoring tax on dyestuffs; to the Committee on Ways and Means.

By Mr. STINESS: Petition of Edward F. McElroy, of Providence, R. I., favoring the bill granting indefinite leave of absence to superannuated postal employees; to the Committee on the Post Office and Post Roads.

Also, memorial of the Woman's Christian Temperance Union of Rhode Island, favoring the bill to create a Federal motion-picture commission; to the Committee on Education.

Also, petition of Narragansett Bay Oyster Co., of Providence, R. I., favoring an appropriation for the scientific propagation of oysters; to the Committee on Appropriations.

Also, petition of Sherwin-Williams Co., of Boston, Mass., favoring House bill 702—the dyestuffs bill; to the Committee on Ways and Means.

Also, memorial of Rhode Island Equal Suffrage Association, favoring the child-labor bill; to the Committee on Labor.

By Mr. SULLOWAY: Memorial of Glory Council, Sons and Daughters of Liberty, of Center Barnstead, N. H., favoring passage of the immigration bill; to the Committee on Immigration and Naturalization.

By Mr. TAYLOR: Petition of W. M. Crook and other citizens of Lincoln County, Ark., in favor of House bill 478; to the Committee on War Claims.

By Mr. TEMPLE: Petition of citizens of New Castle, Pa., favoring abolishing polygamy in United States; to the Committee on the Judiciary.

Also, petition of Louis Zelt, jr., and 43 members of Local Union No. 315, Washington, Pa., against national prohibition; to the Committee on the Judiciary.

Also, petitions of citizens of Charleroi, Pa., against prohibition in the District of Columbia; to the Committee on the District of Columbia.

Also, papers to accompany House bill 10903, granting a pension to Anna Pleasa Spencer; to the Committee on Invalid Pensions.

By Mr. VARE: Petition of citizens of Philadelphia, Pa., favoring tax on dyestuffs; to the Committee on Ways and Means.

## SENATE.

### MONDAY, *February 7, 1916.*

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

We come before Thee, Almighty God, to ask for Thy highest and best gift, the gift of the spirit of Thy Son. With Thy holy spirit within us our darkness is turned to light, our sorrow is turned to joy; death is but the entering into life. We seek Thy spirit, which is grace in our hearts, that we may perform the duties of life with Thy spirit and walk as heroes and conquerors through all the difficulties of the life that Thou hast given to us. Guide us this day with Thy spirit's grace and power. For Christ's sake. Amen.

The Journal of the proceedings of the legislative day of Thursday, February 3, 1916, was read and approved.

FRIGATE "CONSTITUTION" (S. DOC. NO. 314).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Navy, transmitting, in response to a resolution of January 25, 1916, certain information relative to the present condition of the frigate *Constitution* and the amount of money estimated to put it in a condition of good repair, which was referred to the Committee on Appropriations and ordered to be printed.

DISPOSITION OF USELESS PAPERS.

The VICE PRESIDENT. The Chair lays before the Senate a communication from the Secretary of Labor, transmitting a list of documents and files and papers useless to the Department of Labor and which have no historical value. The communication will be referred to the Joint Select Committee on the Disposition of Useless Papers in the Executive Departments, and the Chair appoints the Senator from Washington [Mr. JONES] and the Senator from New Jersey [Mr. MARTINE] the committee on the part of the Senate. The Secretary will notify the House of Representatives of the appointment thereof.

The VICE PRESIDENT. The Chair lays before the Senate a communication from the Secretary of the Interior, transmitting a list of documents and files and papers useless to the Department of the Interior and which have no historical value. The communication will be referred to the Joint Select Committee on the Disposition of Useless Papers in the Executive Departments, and the Chair appoints the Senator from Washington [Mr. JONES] and the Senator from New Jersey [Mr. MARTINE] the committee on the part of the Senate. The Secretary will notify the House of Representatives of the appointment thereof.

ANNUAL REPORT OF COMMISSIONER OF PATENTS (H. DOC. NO. 669).

The VICE PRESIDENT laid before the Senate the annual report of the Commissioner of Patents for the year ended December 31, 1915, which was referred to the Committee on Patents and ordered to be printed.

CLAIM OF FRANCIS HART (S. DOC. NO. 315).

The VICE PRESIDENT laid before the Senate a communication from the chief clerk of the Court of Claims, transmitting a certified copy of the findings of fact and conclusion filed by the court in the cause of Francis Hart, administrator of the estate of John Hart, deceased, which, with the accompanying paper, was referred to the Committee on Claims and ordered to be printed.

PRODUCTS OF CHILD LABOR.

H. R. 8234. An act to prevent interstate commerce in the products of child labor, and for other purposes, was read twice by its title.

The VICE PRESIDENT. The Chair is of opinion that this bill should be referred to the Committee on Interstate Commerce, but has been informed that there is a desire to make a motion to refer it to another committee.

Mr. LA FOLLETTE. I move that the bill be referred to the Committee on Interstate Commerce.

The VICE PRESIDENT. The bill will be referred to the Committee on Interstate Commerce.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented a petition of the First Independent Odesser Sick Benefit Association, of New York City, N. Y., praying for the passage of the joint resolution to convene a congress of neutral nations to offer mediation to the belligerent nations of Europe, which was referred to the Committee on Foreign Relations.

Mr. LODGE. I present resolutions adopted at a mass meeting of citizens of Massachusetts held in Boston, January 30, 1916, in favor of preparedness and in opposition to the embargo on munitions of war. I ask that the resolutions be printed in the RECORD and referred to the Committee on Military Affairs.

There being no objection, the resolutions were referred to the Committee on Military Affairs and ordered to be printed in the RECORD, as follows:

BOSTON, MASS., *February 1, 1916.*

Hon. HENRY C. LODGE,
*United States Senate, Washington, D. C.*

DEAR SIR: At a meeting called at Tremont Temple, Sunday January 30, 1916, to consider "The duty of Americans in the war," the following resolutions were adopted, with a vote of 2,300 to 3:

"*Resolved*, That we, American citizens, spared from the horrors of war by conditions which we can not attribute to our own virtue, deem it incumbent upon us to make public declaration of those principles of faith and purpose which sustain the cause of civilization.

"*Resolved*, That we pledge to the President our support and service in any action that the fearless protection of our national interests may require, or that our rightful place among nations may demand.

"*Resolved*, That while we approve the firm and open action by our Government aiming to preserve the rights of neutrals, we deplore any appearance of valuing commercial interests as highly as human lives; and especially do we repudiate the suggestion that any monetary payment can compensate for the murder of noncombatants at sea.

"*Resolved*, That a national neutrality does not forbid us, either as individuals or as a Nation, to express our condemnation of any warfare that outrages international treaties or violates the territory of nations which seek only to maintain their independence and to protect their homes.

"*Resolved*, That we protest against every effort, whether among the people or in the Government, to restrict or suppress the export of munitions of war to any belligerent, since such restriction or suppression of commerce must, under the conditions which the war has developed, constitute an evident, if not an avowed, act of national partisanship.

"*Resolved*, That we are inflexibly opposed to any policy which may represent that we dare not protest against wrongs which we condemn, or that we hesitate, at the risk of life, to defend our flag, and those who have the right to its protection, or to take our just part in the enforcemen of those principles of humanity without which there can be no peace or justice."

RICHARD C. CABOT,
*Chairman.*
HENRY COPLEY GREENE,
*Secretary.*

Mr. LODGE presented petitions of the Woman's Christian Temperance Unions of Lawrence, Bolton, and Blackstone, all in the State of Massachusetts, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented a petition of the Massachusetts State Board of Trade, praying for the establishment of a permanent, nonpartisan tariff commission, which was referred to the Committee on Finance.

He also presented a petition of the Political Equality Association, of Cambridge, Mass., praying for the adoption of an amend-

ment to the Constitution granting the right of suffrage to women, which was ordered to lie on the table.

He also presented a memorial of sundry citizens of Lowell, Mass., remonstrating against prohibition in the District of Columbia, which was ordered to lie on the table.

He also presented petitions of sundry citizens of Boston, Mass., praying for the imposition of a duty on dyestuffs, which were referred to the Committee on Finance.

Mr. FLETCHER presented petitions of sundry citizens of Florida, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented memorials of sundry citizens of Florida, remonstrating against an increase in armaments, which were referred to the Committee on Military Affairs.

Mr. MYERS. I present a letter in the nature of a petition in favor of the passage of Senate bill 1738, to promote instruction in forestry in States and Territories which contain national forests. I ask that the letter may be printed in the RECORD and referred to the Committee on Public Lands.

There being no objection, the petition was referred to the Committee on Public Lands and ordered to be printed in the RECORD, as follows:

UNIVERSITY OF MONTANA,
*Missoula, January 30, 1916.*

Hon. HENRY L. MYERS,
*United States Senate, Washington, D. C.*

DEAR SIR: My attention has recently been directed by State Auditor William Keating to Senate bill 1738, which was introduced by you in the Senate of the United States under date of December 13, 1915. The Montana Forest School is, of course, deeply interested in the proposed enactment of this law, and it is, in connection with Senator WALSH'S bill to appropriate public lands to the State of Montana for the benefit of the school, the most important matter which has ever affected our school.

This matter is receiving a great deal of publicity in Montana, and the proposal that through these acts the Government shall aid the Montana Forest School seems to meet with the enthusiastic approval of the press of the State, regardless of the partisan nature of many of the newspapers.

It occurs to me that it might be of some assistance to you in furthering the passage of this act if you had some of the facts regarding the value of this school to the Government, and particularly to the Forest Service of the Department of Agriculture.

There is every reason why the Federal Government should assist the Montana Forest School. This school more than any other school in the United States has for a primary object the training of forest officers of the United States Forest Service. We have enrolled this year 92 students, of whom nearly one-half are forest rangers and forest guards and other employees of the Forest Service.

Three of the professors of the faculty of the forest school were formerly forest supervisors of national forests, and our school is particularly well equipped for the training of forest officers. The location of the school is also peculiarly favorable for this purpose. The school is within 50 miles of 8 national forests and the timber reserve of the Flathead Indian Reservation and the timber reserve of Fort Missoula, and is within 100 miles of 17 national forests, 2 Indian timber reservations, and a national park.

In connection with the regular four years' course in forestry, each winter a short course of 14 weeks is offered, known as the ranger school, for the sole purpose of training forest officers who are in the employ of the Government. The 1915 session of the ranger school enrolled 30 forest rangers, forest guards, and other employees of the Government, and the school this winter enrolls 42 such students. Although the Department of Agriculture allows the district forester and his subordinates to deliver a total of not to exceed 30 lectures each year in the school, the State has absolutely no other aid from the Government in this work of training Government employees.

Apart from the work which we are actually doing in training employees of the Government, the forest school is performing a very important duty in the way of building up public sentiment in favor of forest conservation and the protection of national forests, and in improving the relations between the Forest Service and the people of Montana.

Forest officers who come to the forest school at the University of Montana do so entirely at their own expense and with a complete loss of salary while they are in attendance at our school and with, in fact, very little encouragement from the Forest Service. As you well know, it is with considerable difficulty that the State of Montana has been able to afford the present cost of the forest school. We have had to get along with only a very little of the equipment which we actually need, and all of our work is being carried on in a small frame building which was erected at a cost of only $2,650, although the school now enrolls 92 students, and will enroll next year about 150 students. In another year we shall need room very badly and shall also need an increased teaching force to give the training which is planned.

I have recently sent to Senator WALSH a large number of newspaper clippings, news items, editorials, press notices, and the like, all of which show the relation between the forest school and the Government Forest Service, or which refer to the training which is being given by this school to officers and employees of the Government.

Unfortunately I had only one copy of each of these clippings, and am unable to furnish a set for each of the Montana Senators. If such data and information is of any assistance to you in securing the passage of your bill you can probably secure the clippings from Senator WALSH.

I shall be very grateful indeed to you if you will inform me of anything that I can do to help you secure the enactment of this proposed law, or to assist you in any way by furnishing information, detailed data, and the like. I am sending to you under separate cover copies of the bulletin or catalogue of our school, which show very plainly the value to the Government of the training which we are giving to forest officers.

Very sincerely, yours, DORR SKEELS, *Dean.*

Mr. MYERS. I present resolutions of the Havre, Mont., Chamber of Commerce, in favor of the passage of Senate bill 2381, granting to various States public lands for the construction, repair, and maintenance of public roads. I ask that the resolutions may be printed in the RECORD and referred to the Committee on Public Lands.

There being no objection, the resolutions were referred to the Committee on Public Lands and ordered to be printed in the RECORD, as follows:

*Resolved*, That we, the directors of the Havre Chamber of Commerce (Inc.), of Havre, Hill County, Mont., are strongly in favor of the passage of Senate bill No. 2381 introduced in the United States Senate by Senator HENRY L. MYERS, of Montana, deeming it to be highly beneficial to the interests of the citizens of Montana.

*Resolved*, That the secretary be instructed to furnish a copy of this resolution to each of Montana's Representatives in Congress.

H. ARCHIBALD, *President.*
T. E. MCCROSKEY, *Secretary.*

Mr. MYERS. I also present a letter in the nature of a petition from J. C. Howser praying for an appropriation of $1,000,000 for the Flathead reclamation project in that State. I ask that the petition be printed in the RECORD and referred to the Committee on Indian Affairs.

There being no objection, the petition was referred to the Committee on Indian Affairs and ordered to be printed in the RECORD, as follows:

To the PRESIDENT AND CONGRESS OF THE UNITED STATES,
*Washington, D. C.*

GENTLEMEN: As one of the unit holders, occupying land within the Flathead Project, I desire to submit for your consideration the following:

At the invitation of the Government I entered upon an irrigable unit embraced in the Flathead Project, under promise by the Government that my land would be irrigated either in whole or in part, and after more than five years of watchful and patient waiting this project is now about 25 per cent completed, and as a result of the Government's failure to carry out its express and implied pledges made to us at the time we made entry, many of the unit holders have been compelled to temporarily or permanently abandon their homes.

We maintain that the treatment accorded to us has been very unfair and not in harmony with the promises made us when we settled upon these arid lands, and we can see no good reason for the Government's procrastinating methods in dealing with this project up to this time. It is to the interest of both the Indian and white man that this project be prosecuted more vigorously, and the lands will amply stand for all construction and maintenance charges provided the work is carried on in an economical and businesslike manner.

All funds expended in connection with the project are reimbursable either to the Indian or the Government, and the sooner this reclamation scheme is completed the sooner the Indian will be reimbursed for the money he has invested on account of same.

In view of the foregoing facts, I respectfully request that Congress grant an appropriation for at least a million dollars for construction work on this project during the ensuing year.

Respectfully submitted.

J. C. HOWSER.

Mr. SAULSBURY presented a petition of the Board of Trade of Delaware City, Del., praying for the establishment of a fish hatchery on the Delaware River, which was referred to the Committee on Fisheries.

Mr. SHEPPARD presented a petition of the Yellow Pine Paper Mill Co. and the Lutcher & Moore Lumber Co., of Orange, Tex., praying for the imposition of a duty on dyestuffs, which was referred to the Committee on Finance.

He also presented a petition of the Yoakum (Tex.) Branch of the American Embargo Conference, praying for the placing of an embargo on munitions of war, which was referred to the Committee on Foreign Relations.

He also presented a petition of the Sunday school of the Metropolitan Memorial Methodist Episcopal Church, of Washington, D. C., praying for prohibition in the District of Columbia, which was ordered to lie on the table.

Mr. GALLINGER presented a petition of A. V. Stolpe, of Concord, N. H., praying for the enactment of legislation to grant pensions to railway mail clerks, which was referred to the Committee on Post Offices and Post Roads.

Mr. NELSON presented petitions of sundry citizens of Minnesota, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented a memorial of the Commerce Club of Mankato, Pa., remonstrating against a tax on gasoline, which was referred to the Committee on Finance.

Mr. THOMPSON presented memorials of sundry citizens of Seneca, Brazilton, Hewins, Arlington, and Bushton, all in the State of Kansas, remonstrating against the placing of a stamp tax on bank checks, which were referred to the Committee on Finance.

He also presented a memorial of sundry citizens of Altoona, Kans., remonstrating against an increase in armaments, which was referred to the Committee on Military Affairs.

Mr. SMITH of Georgia. Mr. President, I have a letter from the supervisor of the Atlanta high schools expressing a desire to obtain the services of an Army officer and equipment that the 1,300 boys now in attendance in those schools may be drilled

for military service. The letter is short, and I think the suggestion is worth printing in the RECORD.

Mr. SMOOT. Does the Senator ask to have it read?

Mr. SMITH of Georgia. No; I do not care to have it read.

There being no objection, the letter was referred to the Committee on Military Affairs and ordered to be printed in the RECORD, as follows:

ATLANTA, GA., *January 31, 1916.*

Hon. HOKE SMITH,
*United States Senator, Washington, D. C.*

MY DEAR SIR: The board of education of the city of Atlanta is considering the advisability of introducing military training in the public high schools for boys.

I have written The Adjutant General and the commanding general, Eastern Department, to inquire if the Government will furnish the city an officer and the necessary guns and equipment.

If it is not legal for the Government to furnish an officer and equipment for public high schools, can you not have the law so amended that it can be done?

There are approximately 1,300 boys now in attendance in the high schools of Atlanta. Any aid that you may give the city in establishing this department will be greatly valued.

Very truly, yours,

W. F. DYKES,
*Supervisor Atlanta High Schools.*

Average age about 16 years.

Mr. KERN presented a petition of 200 citizens of Logansport, and a petition of the German Alliance of Laporte, Ind., praying for the enactment of legislation to prohibit the issuance of passports to Americans sailing on belligerent vessels, which were referred to the Committee on Foreign Relations.

He also presented a petition of sundry citizens of Auburn, Ind., praying for national prohibition, which was referred to the Committee on the Judiciary.

Mr. PAGE presented a petition of 100 citizens of Lincoln, Vt., praying for national prohibition, which was referred to the Committee on the Judiciary.

Mr. WADSWORTH presented a petition of the Keystone Varnish Co., of Brooklyn, N. Y., praying for the imposition of a duty on dyestuffs, which was referred to the Committee on Finance.

Mr. PHELAN presented a petition of the Associated Chambers of Commerce of the Pacific Coast, praying that increased appropriations be made for the maintenance of the Coast and Geodetic Survey, which was referred to the Committee on Appropriations.

He also presented a petition of the Associated Chambers of Commerce of the Pacific Coast, praying that increased appropriations be made for construction work on the Government railroad in Alaska, which was referred to the Committee on Appropriations.

Mr. PENROSE presented a petition of the Vessel Owners' and Captains' Association, of Philadelphia, Pa., praying for the purchase by the Government of the Chesapeake & Delaware Canal, which was referred to the Committee on Commerce.

Mr. OLIVER presented a petition of the Woman's Christian Temperance Union of Honesdale, Pa., and a petition of sundry citizens of Easton, Pa., praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented a petition of the Pride of Lehigh Council, No. 194, Sons and Daughters of Liberty, of Allentown, Pa., and a petition of Golden Star Council, No. 6, Sons and Daughters of Liberty, of Middletown, Pa., praying for the enactment of legislation to further restrict immigration, which were referred to the Committee on Immigration.

He also presented a petition of the congregation of the Union United Presbyterian Church, of Gayly, Pa., praying for the adoption of an amendment to the Constitution to prohibit polygamy, which was referred to the Committee on the Judiciary.

He also presented a petition of Canadolita Chapter, Daughters of the American Revolution, of Titusville, Pa., praying for an increase in armaments, which was referred to the Committee on Military Affairs.

He also presented a memorial of the Society of Friends of Swarthmore, Pa., remonstrating against an increase in armaments, which was referred to the Committee on Military Affairs.

He also presented a petition of Joseph A. Blakeley Camp, No. 71, United Spanish War Veterans, of Indiana, Pa., praying for the enactment of legislation to grant pensions to widows and orphans of veterans of the Spanish War, which was referred to the Committee on Pensions.

He also presented petitions of 72 citizens of Allegheny, Pa., praying for the adoption of an amendment to the Constitution acknowledging Christianity as the source of all authority, etc., which were referred to the Committee on the Judiciary.

He also presented memorials of Local Union No. 206, International Union of the United Brewery Workmen, of Lancaster, Pa., remonstrating against national prohibition, which were referred to the Committee on the Judiciary.

Mr. McLEAN presented a petition of the Woman's Christian Temperance Union of Warehouse Point, Conn., praying for national prohibition, which was referred to the Committee on the Judiciary.

He also presented a memorial of the Local Union, United Brewery Workmen, of Meriden, Conn., remonstrating against national prohibition, which was referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of Guilford, Conn., praying for the adoption of an amendment to the Constitution granting the right of suffrage to women, which was ordered to lie on the table.

He also presented a petition of Putnam Hill Chapter, Daughters of the American Revolution, of Greenwich, Conn., praying for the enactment of legislation to prohibit interstate commerce in the products of child labor, which was referred to the Committee on Interstate Commerce.

He also presented a petition of the Druggists' Association of Danbury, Conn., praying for the enactment of legislation to fix a standard price for patented and trade-marked articles, which was referred to the Committee on Education and Labor.

Mr. CLAPP presented a petition of sundry citizens of Minneapolis, Minn., praying for the enactment of legislation to provide for the Federal supervision of grain inspection, which was referred to the Committee on Agriculture and Forestry.

He also presented a memorial of sundry citizens of Mankato, Minn., remonstrating against a tax on gasoline, which was referred to the Committee on Finance.

He also presented a petition of sundry citizens of Mankato, Minn., praying for the enactment of legislation to relieve the congested condition of freight on the eastern seaboard, which was referred to the Committee on Commerce.

Mr. BURLEIGH presented a petition of sundry employees in the Immigration Service at Vanceboro, Eastport, Calais, Van Buren, and Fort Kent, in the State of Maine, praying for the enactment of legislation to grant pensions to civil-service employees, which was referred to the Committee on Civil Service and Retrenchment.

Mr. JAMES. I have received a letter from the chief clerk of the Senate of Kentucky, transmitting a copy of a resolution adopted by the senate of that State asking support of the measure in regard to nation-wide prohibition under certain conditions. I ask that the letter and accompanying resolution be printed in the RECORD and referred to the Committee on the Judiciary.

There being no objection, the letter and accompanying resolution were referred to the Committee on the Judiciary and ordered to be printed in the RECORD, as follows:

COMMONWEALTH OF KENTUCKY,
CLERK STATE SENATE,
*Frankfort, January 28, 1916.*

Hon. OLLIE M. JAMES, *Washington, D. C.*

DEAR SIR: You will find inclosed herewith copy of a resolution adopted by the Kentucky Senate, in which you are petitioned to support the measure calling for nation-wide prohibition under certain conditions.

Sincerely, yours,

J. M. ALVERSON,
*Chief Clerk Kentucky Senate.*

*Resolved by the Senate of Kentucky*, That our United States Senators and Representatives in Congress are hereby requested to vote for and urge the passage of legislation favoring nation-wide prohibition.

2. That the chief clerk of the senate mail a copy of this resolution to Senators OLLIE M. JAMES and J. C. W. BECKHAM and Congressmen ALBEN W. BARKLEY, DAVID H. KINCHELOE, ROBERT Y. THOMAS, JR., BEN JOHNSON, SWAGAR SHERLEY, ARTHUR B. ROUSE, JAMES C. CANTRILL, HARVEY HELM, WILLIAM J. FIELDS, JOHN W. LANGLEY, and CALEB POWERS. Amend by adding at end of paragraph 1 the following words: "whenever the United States agrees to pay all people affected a fair cash value of their propery."

Attest:

GATES YOUNG,
*Assistant Clerk of Kentucky Senate.*

## REPORTS OF COMMITTEES.

Mr. RANSDELL, from the Committee on Commerce, to which was referred the bill (S. 2719) providing for the purchase or construction of cutters for the Coast Guard, reported it without amendment and submitted a report (No. 109) thereon.

Mr. SHIELDS. From the Committee on the Judiciary I report back favorably the bill (S. 377) providing for the establishment of a term of the District Court for the Middle District of Tennessee at Winchester, Tenn., with an amendment striking out the second section, and as amended the committee recommends that the bill be passed.

The VICE PRESIDENT. The bill will be placed on the calendar.

Mr. JONES, from the Committee on Commerce, to which was referred the bill (S. 1460) to reinstate Frederick J. Birkett as third lieutenant in the United States Revenue-Cutter Service, reported it with amendments and submitted a report (No. 112) thereon.

He also, from the same committee, to which was referred the bill (S. 1259) to restore to the active list First Lieut. of Engineers Henry O. Slayton, retired, United States Revenue-Cutter Service, reported it with amendments and submitted a report (No. 111) thereon.

Mr. FLETCHER, from the Committee on Commerce, to which was referred the bill (S. 1222) to amend section 4464 of the Revised Statutes of the United States, reported it with an amendment and submitted a report (No. 110) thereon.

Mr. VARDAMAN, from the Committee on Commerce, to which was referred the bill (S. 1225) to amend section 4433 of the Revised Statutes of the United States, relating to working steam pressure allowable on boilers in steam vessels, and section 4418 of the Revised Statutes of the United States, relating to hydrostatic test of steam boilers, reported it without amendment and submitted a report (No. 113) thereon.

SUSQUEHANNA RIVER BRIDGES, PENNSYLVANIA.

Mr. SHEPPARD. From the Committee on Commerce I report back favorably, without amendment, the bill (S. 3977) to authorize the Shamokin, Sunbury & Lewisburg Railroad Co., its lessees, successors, and assigns, to construct a railroad bridge across the Susquehanna River from the borough of Sunbury, Northumberland County, Pa., to Monroe Township, Snyder County, Pa., and I submit a report (No. 107) thereon. I ask unanimous consent for the present consideration of the bill.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. SHEPPARD. From the Committee on Commerce I report back favorably, without amendment, the bill (S. 3978) to authorize the Catawissa Railroad Co., its lessees, successors, and assigns, to construct a railroad bridge across the west branch of the Susquehanna River from the Borough of Milton, Northumberland County, Pa., to the Borough of West Milton, Union County, Pa., and I submit a report (No. 108) thereon. I ask unanimous consent for the present consideration of the bill.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate, without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PRODUCTION AND CONSUMPTION OF GASOLINE (S. DOC. NO. 310).

Mr. FLETCHER. From the Committee on Printing I report a resolution to print the report on the production, consumption, and price of gasoline. As there is quite a demand for the report, I ask unanimous consent for the present consideration of the resolution.

The resolution (S. Res. 93) was read, considered by unanimous consent and agreed to, as follows:

*Resolved*, That the report on production, consumption, and price of gasoline, submitted by the Secretary of the Interior, on February 2, 1916, in response to Senate resolution No. 40, Sixty-fourth Congress, be printed as a Senate document, together with accompanying illustrations.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. BRYAN:

A bill (S. 4268) to satisfy certain claims against the Government arising under the Navy Department; to the Committee on Claims.

By Mr. PENROSE:

A bill (S. 4269) to provide a suitable memorial to the memory of Abraham Lincoln at Gettysburg, Pa.; to the Committee on the Library.

A bill (S. 4270) authorizing the Secretary of the Treasury to sell the old post-office building and site thereof at York, Pa.; to the Committee on Public Buildings and Grounds.

A bill (S. 4271) for the relief of John Lindsay; to the Committee on Naval Affairs.

A bill (S. 4272) granting an increase of pension to Christian W. Klare;

A bill (S. 4273) granting a pension to Thomas G. Lindsay;

A bill (S. 4274) granting an increase of pension to Hugh McDonald; and

A bill (S. 4275) granting a pension to Mahlon Bostwick; to the Committee on Pensions.

By Mr. PHELAN:

A bill (S. 4276) providing for the erection and completion of a building for post office and other purposes at Oakland, Cal., and making appropriation therefor; to the Committee on Public Buildings and Grounds.

By Mr. MARTINE of New Jersey:

A bill (S. 4277) for the relief of George B. Hughes; to the Committee on Claims.

By Mr. MYERS:

A bill (S. 4278) granting a pension to Sophie Lizotte; to the Committee on Pensions.

By Mr. SHEPPARD:

A bill (S. 4279) to authorize the President, on recommendation of the Secretary of Agriculture, to accept lands donated to the United States as refuges for wild game animals and wild birds, and for other purposes; to the Committee on Agriculture and Forestry.

A bill (S. 4280) authorizing the payment of damages to persons for injuries inflicted by Mexican federal or insurgent troops within the United States during the insurrection in Mexico in 1911, and making appropriation therefor, and for other purposes; to the Committee on Foreign Relations.

By Mr. RANSDELL:

A bill (S. 4281) to promote the efficiency of the Public Health Service; to the Committee on Public Health and National Quarantine.

By Mr. WARREN:

A bill (S. 4282) to permit the State of Wyoming to relinquish to the United States lands heretofore selected and to select other lands from the public domain in lieu thereof (with accompanying papers); to the Committee on Public Lands.

By Mr. GALLINGER:

A bill (S. 4283) for the relief of Frank Ferrin; to the Committee on Military Affairs.

By Mr. SMITH of Arizona:

A bill (S. 4284) to authorize the Secretary of the Interior to cause to be appraised and to sell the Boise & Arrowrock Railroad, and for other purposes (with accompanying papers); to the Committee on Irrigation and Reclamation of Arid Lands.

A bill (S. 4285) granting an increase of pension to Sarah J. Lewis; to the Committee on Pensions.

By Mr. OVERMAN:

A bill (S. 4286) granting a pension to Katie Brown; to the Committee on Pensions.

By Mr. NELSON:

A bill (S. 4287) to grant unsurveyed islands to the State of Minnesota for forestry purposes; to the Committee on Public Lands.

By Mr. LODGE:

A bill (S. 4288) relating to the maintenance of actions for death on the high seas and other navigable waters; to the Committee on the Judiciary.

A bill (S. 4289) for the relief of the officers of the Philippine Scouts; to the Committee on Military Affairs.

A bill (S. 4290) for the relief of the Tudor Co.; to the Committee on Claims.

By Mr. JAMES:

A bill (S. 4291) granting an increase of pension to James K. Wesley (with accompanying papers); to the Committee on Pensions.

By Mr. KERN:

A bill (S. 4292) granting an increase of pension to William Banta; to the Committee on Pensions.

By Mr. JONES:

A bill (S. 4293) granting an increase of pension to Erastus T. Bowers (with accompanying papers); to the Committee on Pensions.

By Mr. OLIVER:

A bill (S. 4294) granting an increase of pension to Samuel B. McBride (with accompanying papers); to the Committee on Pensions.

By Mr. CLAPP:

A bill (S. 4295) granting a pension to Jennie E. Arthur; to the Committee on Pensions.

By Mr. POINDEXTER:

A bill (S. 4296) granting an increase of pension to David McLean; to the Committee on Pensions.

By Mr. LIPPITT:

A bill (S. 4297) granting an increase of pension to Louise M. Wilson; to the Committee on Pensions.

By Mr. BURLEIGH:

A bill (S. 4298) granting a pension to Della R. Rowe;

A bill (S. 4299) granting an increase of pension to Charles G. Delano; and

A bill (S. 4300) granting an increase of pension to Otis B. Patterson; to the Committee on Pensions.

By Mr. STONE:

A bill (S. 4301) granting an increase of pension to Mabel P. Jewett;

A bill (S. 4302) granting a pension to Philip Weller;

A bill (S. 4303) granting a pension to Daniel J. Begley;

A bill (S. 4304) granting a pension to Margaret J. McBride (with accompanying papers); and

A bill (S. 4305) granting an increase of pension to William Herndon (with accompanying papers); to the Committee on Pensions.

By Mr. CHAMBERLAIN:

A bill (S. 4306) granting a pension to Waldo Taylor (with accompanying papers); to the Committee on Pensions.

By Mr. POMERENE:

A bill (S. 4308) to purchase a site and erect thereon a suitable building for post office and other governmental offices at Sandusky, Ohio, and for other purposes; to the Committee on Public Buildings and Grounds.

By Mr. NEWLANDS:

A bill (S. 4309) to authorize and regulate special rates on interstate transportation for persons directed to employment by the Department of Labor; to the Committee on Interstate Commerce.

NATIONAL-DEFENSE SECRETS.

Mr. TILLMAN. Mr. President, I introduce a bill to prevent the disclosure of national-defense secrets, which I ask may be referred to the Committee on Naval Affairs. To accompany the bill I present a letter from the Secretary of the Navy, which I ask to have printed and referred to the same committee.

The bill (S. 4307) to prevent the disclosure of national-defense secrets was read twice by its title.

There being no objection, the bill and accompanying letter were referred to the Committee on Naval Affairs and ordered to be printed in the RECORD, as follows:

A bill (S. 4307) to prevent the disclosure of national-defense secrets.

*Be it enacted, etc.*, That the act entitled "An act to prevent the disclosure of national-defense secrets," approved March 3, 1911, be, and the same is hereby, amended to read as follows: That whoever without proper authority procures or attempts to procure, either individually or by collusion, information of any kind in any form relating to the national defense at any place within the United States or subject to the jurisdiction thereof; or so receives or assents to receive any such information from any unauthorized person; or whoever, having possession of or control over any such information, communicates or attempts or agrees to communicate the same to any person not authorized to receive it, shall be punished by a fine of not more than $1,000 or by imprisonment for not more than one year, or by both such fine and imprisonment.

SEC. 2. That all information of a confidential character communicated by any officer, representative, agent, or employee of the Government to any contractor or any officer, agent, or employee of any contractor for constructing, manufacturing, or supplying for the Military or the Naval Establishments any vessel, building, structure, article, supplies, or thing shall be regarded as included in information respecting the national defense within the meaning of this act.

SEC. 3. That whoever communicates, or agrees or attempts to communicate, information of any kind in any form respecting the national defense to any foreign Government or to any officer, representative, agent, or employee of any foreign Government, shall be imprisoned for not more than 10 years.

SEC. 4. That offenses against the provisions of this act committed upon the high seas or elsewhere outside of a judicial district shall be cognizable in the district where the offender is found or into which he is first brought; but offenses hereunder committed within the Philippine Islands shall be cognizable in any court of said islands having original jurisdiction of criminal cases with the same right of appeal as is given in other criminal cases where imprisonment exceeding one year forms a part of the penalty; and jurisdiction is hereby conferred upon such courts for such purpose.

NAVY DEPARTMENT,
*Washington, January 25, 1916.*

MY DEAR SENATOR: Pursuant to understanding, I send you herewith a draft of a proposed amendment of the national defense secrets act of March 3, 1911.

It is believed that every provision of value that is embodied in the existing law is included in the proposed amendment, which has been made much simpler in language, and shorter.

The last provision in the first section of the existing law relating to breach of trust by anyone intrusted with information relating to the national defense has been omitted because its object seems to have been to define an offense separate in designation but not in substance from offenses specified in the previous parts of the same section, while it does not provide a separate or special punishment for the special offense. Moreover, presumably, it was designed to cover the cases of officers or enlisted men of the Army and the Navy who might betray secrets. Such a provision is not only not necessary, because such persons are amenable to court-martial for offenses of that kind and would in all probability receive condign punishment at the hands of a court-martial, but such a provision here would give ground for the contention by an accused person that the offense specified was thereby removed from the cognizance of courts-martial.

The second section of the proposed amendment covers in what is believed to be the best form the case of any person who might improperly divulge information furnished by the Government to a contractor for munitions or other things embodying confidential matters.

Sincerely, yours,

JOSEPHUS DANIELS, *Secretary.*

Hon. BENJAMIN R. TILLMAN,
*Chairman Committee on Naval Affairs,*
*United States Senate, Washington, D. C.*

REGENT OF THE SMITHSONIAN INSTITUTION.

Mr. LODGE. Mr. President, I desire to ask unanimous consent for the present consideration of a joint resolution providing for the appointment of a Regent of the Smithsonian Institution. It will take only a moment.

The joint resolution (S. J. Res. 97) to appoint Alexander Graham Bell a member of the Board of Regents of the Smithsonian Institution, was read the first time by its title and the second time at length, as follows:

*Resolved, etc.*, That the vacancy in the Board of Regents of the Smithsonian Institution of the class "other than Members of Congress" shall be filled by the appointment of Alexander Graham Bell, a citizen of the District of Columbia.

The VICE PRESIDENT. Is there objection to the present consideration of the joint resolution?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. GALLINGER submitted an amendment proposing to appropriate $40,000 for the improvement of Massachusetts Avenue NW. from the intersection of Nebraska Avenue to the District line, intended to be proposed by him to the District of Columbia appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. SMOOT submitted an amendment proposing to appropriate $9,000 to construct an interstate wagon road or highway through the Kaibab Indian Reservation, Utah, etc., intended to be proposed by him to the Indian appropriation bill, which was referred to the Committee on Indian Affairs and ordered to be printed.

He also submitted an amendment proposing to appropriate $3,000 for the preservation and repair of prehistoric Pueblo ruins and cliff dwellings under the Smithsonian Institution, etc., intended to be proposed by him to the Indian appropriation bill, which was referred to the Committee on Indian Affairs and ordered to be printed.

Mr. ASHURST submitted an amendment proposing to appropriate $200,000 for the construction of a dam with bridge superstructure and necessary controlling works for diverting water from the Gila River for the irrigation of Indian land and allotments on the Gila River Indian Reservation, etc., intended to be proposed by him to the Indian appropriation bill, which was referred to the Committee on Indian Affairs and ordered to be printed.

He also submitted an amendment proposing to appropriate $175,000 for the construction of a dam and necessary controlling works for diverting water from the Gila River at a site above Florence, Ariz., for the irrigation of Indian lands on the Gila River Indian Reservation and public and private lands in Pinal County, Ariz., etc., intended to be proposed by him to the Indian appropriation bill, which was referred to the Committee on Indian Affairs and ordered to be printed.

He also submitted an amendment proposing to expend not exceeding $10,000 from the proceeds derived from the sale of town lots on the Colorado River Indian Reservation, etc., intended to be proposed by him to the Indian appropriation bill, which was referred to the Committee on Indian Affairs and ordered to be printed.

Mr. RANSDELL submitted an amendment proposing to appropriate $215,000 for investigations of methods of wood distillation and for the preservative treatment of timber, for timber testing, etc., intended to be proposed by him to the Agricultural appropriation bill, which was referred to the Committee on Agriculture and Forestry and ordered to be printed.

LANDS IN NEVADA.

Mr. POINDEXTER submitted an amendment intended to be proposed by him to the bill (S. 2520) granting to the State of Nevada 7,000,000 acres of land in said State for the use and benefit of the public schools of Nevada and the State university of the State of Nevada, which was ordered to lie on the table and be printed.

PRODUCTION OF BINDING TWINE.

Mr. RANSDELL submitted the following resolution (S. Res. 94), which was referred to the Committee on Agriculture and Forestry:

Whereas binding twine is one of the large items of expense in the production of grain; and

Whereas it has been alleged in the public press and by individuals that the present price thereof is exorbitant and is fixed and controlled by certain persons and corporation: Therefore be it

*Resolved*, That the Committee on Agriculture and Forestry of the Senate, or any subcommittee appointed by said committee, be, and is hereby, authorized and instructed to investigate and report to Congress what companies and corporations are engaged in the importation of said sisal and manila hemp and the production of binding twine, and to what extent, if any, they control the price thereof, and whether there are any combinations or agreements to fix and control the wholesale or retail prices of sisal and manila binding twine in the United States.

The committee is authorized to administer oaths, subpœna witnesses, and send for persons and papers in the prosecution of the said investigation.

THE COTTON BLOCKADE.

Mr. SMITH of Georgia. Mr. President, I also have a short article from the Daily Trade Record, of New York. It contains some extracts from the Newcastle Illustrated Chronicle, of England, showing that in Great Britain it is now recognized that cotton is no longer necessary in Germany for the manufacture of powder. It is also an English concession that the British Government placed cotton upon a contraband list as the result of popular clamor based upon a misapprehension of the facts. The article is quite short, but the information is valuable, and instead of presenting it in the shape of a discussion on the floor I should like to have it printed in the RECORD. I think we will all be interested to have this valuable information.

There being no objection, the article was referred to the Committee on Foreign Relations and ordered to be printed in the RECORD, as follows:

[From the Daily Trade Record, New York, Feb. 5, 1916.]

ENGLAND BASED COTTON BLOCKADE ON OBSOLETE CHEMISTRY, SAYS BRITON—GERMAN SCIENTIFIC ADVANCEMENT SUCH THAT SUBSTITUTES FOR POWDER MAKING WERE DEVELOPED LONG AGO, ASSERTS DR. BUDDE—SIR WILLIAM RAMSAY ALSO ADMITS THAT CAMPAIGN TO MAKE COTTON CONTRABAND PROBABLY WAS FOUNDED ON FALSE PREMISES—A GERMAN VIEWPOINT.

Great Britain made cotton absolute contraband of war several months ago on the theory that the cutting off of cotton supplies would diminish Germany's stocks of one of the essential constituents of smokeless powder.

The contraband order was issued following a vigorous campaign, led by the veteran English chemist, Sir William Ramsay, whose insistence that the cotton supply was vital to Germany's military needs won over practically every section of the British press to the support of the contraband order.

Since the contraband order was issued, the impression has been steadily gaining ground in Great Britain that this step was based upon false assumption, as it has been thoroughly demonstrated that Germany is making gunpowder not out of cotton but of wood pulp.

It has been ascertained that German chemists knew a great deal more about the manufacture of explosives from wood pulp than they had revealed prior to the war, and that they were fully prepared to eliminate cotton from their calculations altogether, it having been assumed by them that the cotton supply probably would be cut off by a British blockade.

Notwithstanding this belated knowledge on the part of the Britons, they have refrained from acknowledging possible error in their conclusions as to the military necessity of cotton to the Germans.

To admit that the alleged primary cause of the cotton blockade—military necessity—is based upon error due to poor chemical knewledge, would lead to a reopening of the entire contraband agitation, in the opinion of Great Britain, and would weaken the British position decidedly.

Nevertheless, the British press is gradually printing the facts about the cotton fiasco, but without much ado, though there seems to be a disposition to criticize the authorities because they did not know of Germany's success with wood pulp.

It is entirely probable that the British authorities did know of the German use of wood pulp, and, in fact, the Government repeatedly endeavored to dodge the contraband order and was sponsor for the publication of a statement that cotton had been supplanted by wood pulp in German powder factories, but the British people and press refused to accept this information as true and raised such a vigorous cry that the contraband order was issued.

The British newspapers, particularly the provincial journals, have just printed a syndicated interview with Dr. C. Budde, of Sunderland, chief research chemist of the Hendon Paper Works Co. (Ltd.), an authority on wood pulp. The following extracts from this interview are republished from the Newcastle (England) Illustrated Chronicle:

"Dr. Budde stated the Germans are nothing if not thorough; they have been preparing for this war, and it becomes more and more evident that they have considered no detail too unimportant to take its proper place in their great and elaborate military system. It is, then, absolutely inconceivable that they should have overlooked such an important contingency as that they might be cut off from their supply of cotton.

"Dr. Budde believes that they not only considered this possibility, but provided against it in such a manner that the declaration of cotton as contraband has had very little, if any, effect on their producing explosives, whatever may have been the effect of it in other directions.

"When cotton became contraband the Germans were evidently prepared; but Dr Budde thinks they were perhaps not prepared to manufacture explosives on the scale the war has proved to be necessary.

"ONLY TEMPORARILY HAMPERED.

"Because of the extra demand, Germany may have been temporarily hampered by the loss of cotton, as the process of producing the gunpowder with the wood-pulp substitute is more involved and more gradual. More plant and more apparatus is required, but he has no doubt whatever that the Germans are now employing such methods on a large scale.

"'I myself,' he observed, 'have made a fairly large number of experiments and can, from personal experience, testify to the fact that excellent powder can be made from wood pulp and is in every respect equal to that made from cotton. I will even go so far as to say that, although straw pulp is inferior to wood pulp, it is still possible to make quite satisfactory powders from straw pulp, which is available to the Germans in very large quantities.'

"Dr. Budde quoted the evidence of eminent scientists to support his views, one of whom, W. F. Reid, F. I. C., F. C. S., of Fieldside, Addlestone, asserts it is ridiculous to state explosives can not be manufactured without cotton, for, as a matter of fact, one of the most popular smokeless powders has been made from wood pulp for more than 30 years.

"SIR WILLIAM RAMSAY ON THE 'TRAGEDY.'

"It has been stated that Dr. Budde's views are in conflict with those of the eminent scientist, Sir William Ramsay, but Dr. Budde produced to our representative an article wherein Sir William observes: 'I quite agree that it is highly probable that the Germans are making nitrolignose from wood pulp. This is the tragedy of our always being too late. I quite agree that we should declare wood pulp contraband.'

"And then, laments the famous scientist, he has not the time to lead an agitation for such a declaration.

"Herein Dr. Budde points a difficulty which leads him to think the declaration of wood pulp as contraband would make little difference to the Germans, as in the case (apparently) of a similar step with regard to cotton.

"Germany is a country rich in its supplies of wood and will also be able to receive supplies from certain outside sources so long as German shipping is at liberty to use the Baltic Sea. German chemists know more than they would publish.

"WOOD PULP CHEAPER.

"Advancing his theory on a new ground, quite apart from the possibility or otherwise of obtaining cotton, Dr. Budde said the question was obviously one of economy, and economy is a particularly strong point with the Germans. The value of cotton is something about £50 per ton—more than double the prewar price—while that of wood pulp is approximately £11. If the statement be correct that the market value of cotton in Germany at present is over 1s. per pound and that they are daily using about 3,000 tons of cellulose in the form of explosives, then they would be able to save more than £250,000 per day by using wood instead of cotton. Great Britain would save about half of this amout if the same quantity of nitrocellulose were manufactured here.

"EMBARGO OF NO CONSEQUENCE.

"'Then,' added the pressmen, 'you don't think the embargo on cotton has had much effect on the duration of the war?'

"'In my opinion, it has not been of the slightest consequence,' answered the doctor."

A GERMAN VIEW.

The Manchester Textile Mercury publishes the following note on the cotton blockade from a German viewpoint:

"According to the Local Anzeiger, Herr Alfred Lohmann, speaking as president of the Bremen Chamber of Commerce, stated with regard to the cutting off of Germany's supply of raw materials by the British Navy, that 'the production of ammunition is not being impeded by the cotton shortage. Germany's forests supply cellulose, which is much more suitable for manufacturing powder than is cotton. Indeed, after the war, the munition factories will buy no more cotton in America.'"

ADDRESS BY SAMUEL GOMPERS (S. DOC. NO. 311).

Mr. CHAMBERLAIN. Mr. President, I desire to ask to have printed as a public document two papers. One is an address delivered by Mr. Samuel Gompers on the 18th of January, 1916, on the subject of adequate preparedness for national defense. The other is a letter written by him on the next day, January 19, to the president of the National Security League, on the same subject. I ask that they be printed together as one document.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

ADDRESS BY G. H. PERRIS (S. DOC. NO. 312).

Mr. KENYON. Mr. President, I ask to have printed as a public document a very short address delivered at the World's Peace Conference at The Hague, in 1913, by Mr. G. H. Perris, on the peril of private munitions plants. It consists of but a few pages.

The VICE PRESIDENT. Without objection, it is so ordered.

PUBLIC BUILDINGS.

Mr. GALLINGER. Mr. President, I have had a statement prepared showing the public buildings occupied, in course of construction, and authorized, used, or intended for use in whole or in part as post offices, also sites for same, purchased or authorized. It has been compiled from the annual report of the Supervising Architect of the Treasury Department for the fiscal year ending June 30, 1915. I ask that it be referred to the Committee on Printing with a view to having it printed as a public document.

The VICE PRESIDENT. That action will be taken.

SPEECH BY SENATOR PORTER J. M'CUMBER (S. DOC. NO. 313).

Mr. GRONNA. I ask unanimous consent to have printed as a Senate document a speech delivered by my colleague [Mr. MCCUMBER] at the Tri-State Grain Growers' Convention, at Fargo, N. Dak., January 20, 1914.

The VICE PRESIDENT. Is there objection? The Chair hears none.

WATER-POWER DEVELOPMENT.

Mr. SHIELDS. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Senate bill 3331, known as the water-power development bill.

The VICE PRESIDENT. Is there objection to the request of the Senator from Tennessee?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 3331) to amend an act entitled "An act to regulate the construction of dams across navigable waters," approved June 21, 1906, as amended by the act approved June 23, 1910, and to provide for the improvement and development of waterways for the uses of interstate and foreign commerce.

Mr. SHIELDS. I ask that the bill may be read.

The VICE PRESIDENT. The Secretary will read the bill.

The Secretary read the bill, as follows:

*Be it enacted, etc.*, That the act entitled "An act to regulate the construction of dams across navigable waters," approved June 23, 1910, be, and the same is hereby, amended to read as follows:

"SECTION 1. That the United States hereby authorizes any of the persons as hereinafter defined, after obtaining the permit of the Secretary of War, as hereinafter provided, to construct, maintain, and operate a dam or dams or diversion structures and accessory works for the development and improvement of navigation and for water power or other purposes across, in, or along any of the navigable waters of the United States; and such grantee and such permit shall at all times be subject to the provisions of this act, and also subject to such conditions as the Secretary of War shall, in accordance with the provisions of this act, make a part of such permit; that the word 'persons' as used in this act shall be construed to mean both the singular and plural, as the case demands, and shall be construed to mean political subdivisions of States, municipal corporations, corporations, companies, and associations; and the term 'grantee' herein shall mean any such persons to whom shall be granted a permit as herein provided: *Provided*, That when the power to be developed by the project and improvement of the stream for navigation is used or to be used for a public utility purpose or purposes the grantee must be a municipal corporation, or a political subdivision, or other agencies of a State, or a public-service agent of a State, or a public-utility corporation created and organized under the laws of a State or the United States, authorized to engage in the business of furnishing water, heat, or electric energy for public or private use, and whose rates and charges and service shall be subject to regulation by the laws of the State or a duly constituted commission or other agency of said State; but in any case where the State has not made provision for authorizing municipal corporations, political subdivisions, or other agencies of the State or public-utility corporations or agencies to engage in said business, the qualifications of the grantee prescribed in this proviso shall not apply; and no transfer of any such permit or of the rights thereunder granted, except by trust deed or mortgage issued for the bona fide purpose of financing the business of such grantee, shall be made by any grantee, without the approval of the Secretary of War, to any transferee not having the qualifications herein specified for a grantee hereunder; and any successor or assign of the rights of any such grantee, whether by voluntary transfer, judicial sale, or foreclosure sale, or otherwise, shall be subject to all the conditions of the permit under which such rights are held by such grantee, and also subject to all the provisions and conditions of this act to the same extent as though such successor or assign were the grantee hereunder.

"SEC. 2. That the Secretary of War may grant a permit or permits for such dam or dams and accessory works upon the following conditions:

"First. The plans and specifications for such dam and all accessory works, together with such drawings of the proposed construction and such maps of the proposed location as may be required for a full understanding of the subject, shall be submitted to the Secretary of War and the Chief of Engineers, and when approved shall be made a part of such permit; and thereafter no change in such plans or specifications shall be made except as such change shall be approved and made a part of such permit by the Secretary of War and the Chief of Engineers.

"Second. The project adopted, including the plans, specifications, and location for any dam and accessory work, shall be such as in the judgment of the Secretary of War shall be best adapted to a comprehensive plan for the improvement of the waterway in question for the uses of navigation and for the full development of its water power and for other beneficial public purposes, and best adapted to conserve and utilize the water resources of the region in the interests of navigation, the needs of the Government, and the public welfare.

"Third. As part of the conditions of such permit the Secretary of War may, in so far as he deems the same reasonably necessary to promote the present and future interests of navigation and consistent with a reasonable investment cost to such grantee, include any or all of the following provisions or requirements: (a) That such grantee shall, to the extent necessary to preserve navigation facilities at least equivalent to those existing prior to the construction of such dam, construct, in whole or in part, without expense to the United States, in connection with any such dam a lock or locks, booms, sluices, or other structures for navigation purposes, in accordance with plans, specifications, and conditions approved by the Secretary of War and made a part of such permit; (b) that such grantee shall furnish free of cost power for the operation of the same; (c) that in case such navigation facilities shall not be made a part of such original construction at the expense of the grantee, then, whenever the United States shall deem such navigation facilities necessary, the grantee shall convey to the United States free of cost such of its land and its right of way, and permit such control of pools as may be required for such navigation facilities, and shall furnish free of cost power for the operation of the same; (d) that such grantee shall reimburse the United States for the cost of any investigation necessary for the approval of the plans as herein provided and for such supervision of construction as may be necessary in the interest of the United States; (e) that such grantee shall pay to the United States reasonable charges in consideration of the benefits accruing to and used by such grantee through the construction, operation, and maintenance by the United States of headwater improvements, including storage reservoirs, on any such waterway, such charges to be fixed from time to time by the Secretary of War and to be based upon a reasonable compensation proportionate to the benefit actually received by the grantee by reason of any increase of flow past or over the water-power structures artificially caused by such headwater improvement, and all moneys received from such charges are hereby reserved and appropriated as a special fund in the Treasury to be known as 'the headwater improvement fund,' from which fund expenditures for headwater improvements and maintenance may be made by and in the discretion of the Secretary of War; (f) that such grantee in the construction, maintenance, and operation of such dam or diversion structure and accessory works may, with the authority of the Secretary of War, occupy and use, to the extent necessary for the project, any lands of the United States, including the public lands; and any part of the public lands may, on certification by the Secretary of War that the same is required for navigation purposes, be withdrawn by the President for said purpose as provided in the act entitled 'An act to authorize the President of the United States to make withdrawal of public lands in certain cases, approved June 25, 1910'; and for any land of the United States so used and occupied the grantee shall pay to the United States such reasonable charges, based upon its value as land, as may be fixed by the Secretary of War; and in fixing such charges consideration shall be taken of the benefits accruing from the use and occupation of such lands to the interests of navigation, as well as to the business of said grantee.

"In fixing such conditions, or any of them, the Secretary of War shall also take into consideration the probable cost to such grantee of construction and maintenance and operation and the probable consumers' rate required to produce a reasonable return upon the investment required of such grantee. As between contesting applicants for a permit hereunder having the legal qualifications required by this act, and being equally well qualified to improve or develop waterways for the uses of interstate or foreign commerce, preference shall be given to that applicant which is best qualified to expedite and realize the maximum useful development of all the water resources of the region; and as between such contesting applicants which appear equally well qualified in such respect, then preference shall be given to that applicant which has first complied with the laws of the State or States in which the dam or diversion structure is to be constructed. In granting permits hereunder and fixing conditions thereof, and in prescribing rules and regulations as to the maintenance and operation of any structure to which this act is applicable, the Secretary of War, before acting, shall have the report and advice of the Chief of Engineers.

"SEC. 3. That the control of the level of the pools above and below such dam and of the currents developed therein and of the flow of the water over and past such dam and the operation of navigation facilities which shall be constructed as a part of or in connection with any such dam, whether at the expense of such grantee or of the United States, shall at all times be subject to such rules and regulations as shall be deemed by the Secretary of War to be reasonable and necessary in the interests of navigation. Such rules and regulations may include the maintenance and operation by such grantee, at its own expense of such lights and other signals as may be directed by the Secretary of War and such other lights and signals and such fishways as may be prescribed by the Secretary of Commerce, and for failure to comply with any such rule or regulation such grantee shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished as provided in section 8 of this act.

"SEC. 4. That any such permit shall not have the effect to relieve the grantee from liability for any damage occasioned to the property of others by the construction, maintenance, or operation of any dam or of the works appurtenant or accessory thereto, and the United States shall in no event be liable therefor. When a grantee hereunder is a municipal corporation, or a political subdivision of a State, or a public-service agent of a State, or a public utility or service corporation, it may acquire the right to use or damage any lands or property of others necessary to the construction, maintenance, or operation of any such dam or diversion structure or of the works appurtenant or accessory thereto by the exercise of the right of eminent domain in the district court of the United States for the district in which such land or other property may be located, or in the State courts. The practice and procedure in any action or proceeding brought for that purpose in the district court of the United States shall conform as nearly as may be with the practice and procedure in similar actions or proceedings in the courts of the State where the property is situated.

"SEC. 5. That unless revoked for cause as provided in section 8 of this act the rights under any such permit shall continue for a period of 50 years from and after the date of the completing and putting into commercial operation of the initial installation required by the Secretary of War, as provided in section 9 of this act, and after the expiration of said 50 years such rights shall continue until revoked for cause as provided in section 8 of this act or until terminated and compensation has been made to such grantee for its property as provided in section 6 of this act.

"SEC. 6. That at any time after the expiration of said 50 years the United States may terminate the rights hereunder granted upon the giving to the grantee of one year's notice in writing of such termination, and upon the taking over by the United States of all the property of the grantee dependent in whole or in part for its usefulness upon the rights hereunder granted, which are necessary and appurtenant, or acquired and valuable or serviceable in the distribution of water, or in the generation, transmission, and distribution of power, and upon paying to the grantee the fair value of said property, together with the cost to the grantee of the lock or locks, or other aids to navigation, and all other capital expenditures, required by the United States, and assuming all contracts entered into by the grantee which have the approval of the duly constituted public authority having jurisdiction thereof, or which were entered into in good faith and at a reasonable rate, in view of all the circumstances existing at the time such contracts were made. The fair value of said property and the reasonableness and good faith of such contracts shall be determined by agreement between the Secretary of War and the grantee, and in the event of their failure to reach unanimous agreement, then by proceedings in equity instituted by the United States in the district court of the United States in the district within which any portion of such dam may be located. In the determination of the value of said property for any purpose as between such grantee and the United States or any State no value shall be claimed by or allowed to the grantee for the rights hereunder granted.

"SEC. 7. That whenever all or any part of the power produced at any dam or diversion structure authorized hereunder is offered or disposed of by the grantee to the public, or for a public-utility purpose, all charges, rates, and service by any grantee hereunder shall be subject to regulation in accordance with the laws of the State within which the service is rendered: *Provided*, That where the said power or any part of it shall enter into interstate or foreign commerce, the rates, charges, and services made and rendered, shall be

reasonable, nondiscriminatory, and adequate to the public; and jurisdiction is hereby conferred upon and vested in the Interstate Commerce Commission to enforce this provision, upon the complaint of any person aggrieved, in the manner and according to the procedure and practice of that commission in fixing and regulating the rates and charges of railway companies, the grantee to have the same rights of hearing, defense, and review as said companies in such cases: *And provided further*, That in the valuation for rate-making purposes of the property of any such grantee there shall be included the cost to such grantee of the construction of the lock or locks, or other aids to navigation, and all other capital expenditures required by the United States, but no value shall be claimed or allowed for the rights hereby granted: *And provided further*, That nothing in this act shall be construed to prevent any State in which such dam with its appurtenant property is located, or in which such business is to be conducted, from making and enforcing any lawful regulations, with respect to the property or business of such grantee; and the plant and its appurtenances of the grantee, including, real, personal, and mixed property, constituting the same and used for the generation and distribution of power, or for other purposes, shall be subject to taxation under the laws of the State where situated as other similar property within the State, while owned by the grantee, or any subsequent owner who may acquire the same by purchase from the grantee, or other person, or under any proceeding herein authorized and provided for; but in the assessment of the property for taxation the value of the dam or dams and other structures and appurtenances constructed or used primarily for the purpose of developing and improving navigation shall not be estimated and included.

"SEC. 8. That any grantee who shall fail or refuse to comply with any of the provisions of this act or any of the conditions made a part of any permit issued hereunder or any regulation or lawful order of the Secretary of War, made in accordance with the provisions of this act, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine not exceeding $1,000, in addition to other penalties herein prescribed or provided by law and in such proceedings each party shall have the right of appeal as in other cases; and every month such grantee shall remain in default after written notice from the Secretary of War shall be deemed a new offense and subject such grantee to additional penalties therefor; and in addition to said penalties the Attorney General may, on request of the Secretary of War, institute proper proceedings in equity in the district court of the United States in the district in which such structure or any of its accessory works are, in whole or in part, situated, for the purpose of having such violation stopped by injunction, mandamus, or other process; and any such district court shall have jurisdiction over all such proceedings and shall have the power to make and enforce all writs, orders, and decrees necessary to compel the compliance with the lawful orders and regulations of the Secretary of War and the performance of any condition imposed under the provisions of this act; and if the unlawful maintenance and operation continues after such conviction has been affirmed on appeal or the right of appeal has expired and is deemed by the court to be such as shall require, in the public interest, a decree revoking all rights and privileges held under authority of this act, the court may decree such revocation, and in case of such a decree the court may wind up the business of such grantee conducted under the rights in question and may decree the sale of the dam or diversion structure and all appurtenant property constructed or acquired under authority of this act, and distribute the proceeds to the parties entitled to the same, and may make and enforce such other and further orders and decrees as equity and justice may require; and in case of such sale the vendee shall take the rights and privileges and shall perform the duties which belonged to the grantee, and shall assume all outstanding obligations and liabilities of the grantee which the court may deem equitable in the premises; and in case no purchaser be found the court shall, by the appointment of a receiver or otherwise, exercise all jurisdiction necessary for the protection and administration or disposition of the property and for the equitable execution of this act.

"SEC. 9. That the grantee shall commence the construction of the dam and accessory works within two years from the date of the permit herein provided, and shall thereafter, in good faith and with due diligence, prosecute such construction; and shall, within such time as may be provided in the permit, complete and put in commercial operation such part of the ultimate development as the Secretary of War shall deem necessary to supply the reasonable needs of the then available market; and shall, from time to time thereafter, construct such portion of the balance of such ultimate development as said Secretary of War may direct and within the time specified by him so as to supply adequately the reasonable market demands until such ultimate development shall be completed; and extensions of the periods for the commencement and completion of the construction may be granted by the Secretary of War, when, in his judgment, the same are not incompatible with the public interest. In case the grantee shall not commence actual construction within the time herein prescribed, or as extended by the Secretary of War, then the authority as to such grantee shall terminate, and in case any dam or diversion structure and accessory works be not completed within the time specified in the permit or extended as herein provided, then the Attorney General, upon the request of the Secretary of War, shall institute proper proceedings in the proper district court of the United States for the revocation of said authority, the sale of the works constructed, and such other equitable relief as the case may demand, as provided for in section 8 of this act.

"SEC. 10. The Secretary of War may lease to any applicant having the capacity of grantee as herein defined, and having complied with the laws of the State in which a dam is constructed or to be constructed by the United States, the right to utilize the surplus water power over and above that required for navigation at any navigation dam now or hereafter constructed, either with or without contribution by the applicant, and owned by the United States, and on such terms as may be deemed by the Secretary of War for the best interests of the United States, and reasonable and fair to both parties, and in awarding such lease preference shall be given to a municipal corporation, a political subdivision of a State or a public service agent of a State, or any part thereof, provided the plans of the same are deemed by the Secretary of War to be adapted to conserve and utilize in the public interest the navigation and water resources of the region; and in contests between other applicants the Secretary of War shall likewise give preference to the applicant whose plans he finds and determines are best adapted to develop, conserve, and utilize in the public interest the navigation and water resources to be affected; and all such leases and the parties thereto and the terms and conditions thereof shall be reported annually to Congress. The charges and rents arising from such lease or leases are hereby reserved and appropriated as a special fund in the Treasury to be expended for the maintenance of said dams and the further improvement of waterways in which the same may be situated under the direction of the Secretary of War.

"SEC. 11. That this act shall not affect the rights of any person, company, or corporation as to the construction, maintenance, or operation of any structures heretofore constructed or upon which construction has been begun, under permit or approval of the Secretary of War and Chief of Engineers or other authority heretofore lawfully granted: *Provided*, That in the operation of any such structures and accessory works the provisions of sections 3, 7, 8, 12, and 13 of this act shall apply to the same extent as if such structures had been authorized under this act, and all conflicting provisions relating to the operation of said structures and accessory works contained in any authority heretofore lawfully granted are hereby altered, amended, or repealed so as to conform with the provisions of said sections 3, 7, 8, 12, and 13 of this act: *Provided further*, That upon application by any person, company, or corporation having the capacity of grantee as herein defined, which is now constructing or operating any structures herein specified across, in, or along any navigable waters of the United States under authority heretofore lawfully granted, the Secretary of War may issue to such applicant a permit in accordance with the provisions of this act, and in such a case the provisions of this act shall become extended to such applicant as a grantee hereunder: *And provided further*, That the provisions of this act shall not apply to irrigation or power dams or grants to municipal corporations affecting the use of water or water power for municipal purposes or to other projects approved or erected under the jurisdiction of the Secretary of the Interior or the Secretary of Agriculture upon the public lands of the United States.

"SEC. 12. That the works constructed and maintained under authority of this act shall not be owned, leased, trusteed, possessed, controlled, or operated by any device or in any manner so that they form part of or in any way effect any combination in the form of an unlawful trust or monopoly, or form the subject of any unlawful contract or conspiracy to limit the output of electric energy or in restraint of trade with foreign nations or between two or more States or Territories, or within any one State or Territory, in the generation, sale, or distribution of electric energy.

"SEC. 13. That the right to alter, amend, or repeal this act is hereby expressly reserved: *Provided*, That in case any grantee hereunder shall, at the time of such alteration, amendment, or repeal, have exercised rights in accordance with this act, such rights and the property used thereunder shall be deemed property rights of such grantee, of which such grantee shall not be deprived by such alteration, amendment, or repeal, except upon the conditions provided in case of termination by section 6 of this act.

"SEC. 14. That all acts and parts of acts inconsistent with the provisions of this act are hereby repealed."

Mr. PITTMAN. Mr. President, I ask unanimous consent that the water-power bill be temporarily laid aside and that we take up for consideration Order of Business No. 3, being Senate bill 2520.

Mr. SMITH of Georgia. Mr. President——

The VICE PRESIDENT. Does the Senator from Nevada yield to the Senator from Georgia?

Mr. SMITH of Georgia. No; I will wait until he gets through. I do not want him to yield. I wish the floor when he is through.

The VICE PRESIDENT. The Senator from Nevada asks unanimous consent that the water-power bill be temporarily laid aside and that the Senate proceed to the consideration of Senate bill 2520.

Mr. SMOOT. Both requests can not be acted upon at the same time.

Mr. SMITH of Georgia. Mr. President, as soon as that request is submitted to the Senate, or before it is submitted, I wish the floor. I was watching when the request was made as to the original bill, and I never heard that request for unanimous consent submitted. If it was done, of course it was done, but I was listening and did not hear it.

Mr. President, I am unwilling to yield to the proposition that a mere notice that a particular bill is to be called up gives it any precedence over the bills on the calendar. I think we are entitled to go through the calendar and take up the bills as they are reached.

I have a bill ahead of this power bill in which I am very much interested. In fact, there are two or three bills in which I am very much interested. I have been waiting for the Senator from Nevada to get through with his bill, because it is ahead of the one I wished to press, and I thought he was entitled to finish it first. I wish to call attention to No. 18 of the Senate Calendar, being Senate bill 706. If the policy is to give notice that bills are to be called, I give notice that I will ask the consideration of Senate bill No. 706 immediately after the consideration of the bill now before the Senate; but I am not seriously intending to give notice, because I think we are entitled to dispose of bills on the calendar, and a mere notice should give no precedence.

If we are to give notice, and notice is to give precedence, then every Senator who has a bill he desires pressed, should give notice, and we should make up a new calendar by notices and not as the matters stand on the regular calendar. I give notice, but I do not desire it noted on the calendar, that hereafter I shall object to any precedence on account of a notice, and shall insist upon pressing Senate bill 706 in its order upon the calendar.

I will not object to the unanimous consent asked for by the Senator from Nevada, as I did not object to the unanimous consent asked for by the Senator from Tennessee. I do not object in the case of the Senator from Nevada because his bill heads our list, and I think it is entitled to precedence.

Mr. SHIELDS. Mr. President, in view of the motion of the Senator from Nevada, I ask unanimous consent that the bill now under consideration be laid aside until 2 o'clock, and that it then be proceeded with as the unfinished business.

Mr. STONE. That the bill be laid aside until what hour?

Mr. SHIELDS. Until 2 o'clock.

Mr. SMITH of Georgia. Mr. President, I can not consent to that. I am willing that it shall be laid aside, and that we shall dispose of the bill of the Senator from Nevada, and then return to the power bill; but let us get through with something. Let us get through with the bill of the Senator from Nevada, if we take it up.

Mr. SHIELDS. I will amend my request, and ask unanimous consent that the present bill may be laid aside until the bill of the Senator from Nevada is disposed of, and that then it be proceeded with as the unfinished business.

Mr. SMOOT. Mr. President, why should not the Senator simply ask unanimous consent that the water-power bill be temporarily laid aside? Afterwards he can call it up at any time he desires; and I think that is the fairest notice to Members of the Senate. Then no Senator can say that it was brought up under a notice and that he was not present. I think the Senator ought to make his request in that way.

Mr. FLETCHER. Mr. President, I agree that the proper request would be, as the Senator from Utah suggests, that the bill be laid aside temporarily. Perhaps the Senator may state that it is his purpose to call it up at 2 o'clock.

Mr. SMOOT. That is all right.

Mr. FLETCHER. I do not want to stand in the way of the request of the Senator from Nevada to take up the bill proposed by him, but I do want to say that the resolution to print the report on the development of water power in the United States is a matter which I desire to ask to have considered at the earliest moment. I think it ought to be considered and disposed of now. It is a very important matter. If this material is to be printed at all it ought to be printed now, and I desire the Senate to act on the resolution just as soon as we can possibly reach it.

I do not know how long the bill the Senator from Nevada proposes to take up now will consume, and I do not feel inclined to object to it; but if I can do so, I propose, as soon as I can get the floor after that matter is out of the way, to ask for the consideration of the resolution to print the department's report on this subject.

Mr. SUTHERLAND. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator from Utah will state it.

Mr. SUTHERLAND. The bill which has just been read, as I understand, is not now the unfinished business.

Mr. SMITH of Georgia. We have no unfinished business now. At the close of the day——

Mr. SMOOT. This will be the unfinished business.

Mr. SMITH of Georgia. It will if we are considering it when we adjourn. I do not understand that unfinished business is established by order. It is a physical condition, is it not?

Mr. SUTHERLAND. The question I desire to submit is whether or not this bill would become the unfinished business unless it were under consideration at the hour of 2 o'clock.

Mr. BORAH. Mr. President, as I understand, any proceedings had on this bill prior to 2 o'clock would not make it the unfinished business. You can not make it the unfinished business, as I understand, by proceedings on it prior to 2 o'clock; neither can you make it the unfinished business by motion. If we take it up and it is still under consideration after 2 o'clock it becomes the unfinished business.

Mr. SUTHERLAND. That was my inquiry—whether it would not be necessary that the bill should be under consideration at the hour of 2 o'clock in order that it might become the unfinished business.

Mr. SHIELDS. If there is an objection to the motion I made, I move, then, that the bill be temporarily laid aside.

Mr. STONE. Mr. President, I have no desire whatever to antagonize the consideration of the water-power bill; but I should like to say to the Senator from Tennessee and to the Senator from Nevada and to the Senate that as soon as the morning business is over—that is, at the hour of 2 o'clock—I should like the Senate to have a very short executive session. The Senator from South Carolina [Mr. TILLMAN] has just called my attention to a matter in which he is interested that must be acted upon somewhat early to-day to make it worth while to be acted upon at all. The executive session, if agreed to, I am sure will not occupy more than 5 or 10 minutes.

Mr. SHIELDS. I have no objection to an executive session at any time.

Mr. STONE. I should like very much, at 2 o'clock, to have a brief executive session.

The VICE PRESIDENT. The Senator from Utah has propounded an inquiry to the Chair, which the Chair will answer with the proviso that upon additional light the Chair may be compelled to recede from its position. The Chair finds that once before while the present occupant has been here the Chair ruled that when there was no unfinished business before the Senate, and a bill was taken up prior to 2 o'clock, it was proper to continue the consideration of the bill beyond 2 o'clock, and that it became the unfinished business unless displaced by something else.

The present opinion of the Chair is that if the bill should be temporarily laid aside and something else taken up, and if the consideration of it should be resumed prior to the adjournment this evening, unless displaced on a motion to take up something else, the so-called power bill would be the unfinished business of the Senate.

That is the present opinion of the Chair. The Senator from Tennessee asks unanimous consent to temporarily lay aside the bill. There being no objection, it is temporarily laid aside.

## LANDS IN NEVADA.

The VICE PRESIDENT. The Senator from Nevada [Mr. PITTMAN] asks unanimous consent to proceed to the consideration of Senate bill 2520.

Mr. SMOOT. Why not modify the request so as to proceed to the consideration of the calendar under Rule VIII, and, of course, the Senator's bill being the first one, we can then proceed with it under Rule VIII until the other bill is taken up for consideration?

Mr. PITTMAN. That would be satisfactory to me, but I renew my request for the immediate consideration of Senate bill 2520, because it is the same as the modification suggested by the Senator from Utah, the bill being at the head of the calendar.

The VICE PRESIDENT. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 2520) granting to the State of Nevada 7,000,000 acres of land in said State for the use and benefit of the public schools of Nevada and the State University of the State of Nevada.

Mr. PITTMAN. Mr. President, I am going to be as brief as I possibly can in regard to this bill. It has been debated for several days in a desultory way, but I wish to impress on the Senate that the measure is one of more than local importance. It means the development of millions of acres of land in the West.

I realize that when we ask for 7,000,000 acres of land to be granted to a western State for the purpose of education it sounds like an enormous grant, but when you realize that there are 70,000,000 acres of land in that State the grant does not appear so large. When you realize also that the unoccupied public lands in that State are larger than all the New England States and that the property held in private ownership is only about the size of the State of Connecticut the condition we are in is apparent. Imagine, for instance, all the New England States having to depend entirely upon the single State of Connecticut to support a government for that whole area. You have placed us in this position, and you have compelled us to accept a form of State government. It is essential that we carry on that State government and provide the laws to protect it, build roads, and incur all the other obligations that any other State must incur; and yet you deprive us of the only possible means of supporting the government, and that is the power of taxation.

Think for one instant of a State as large as all the New England States and only 5 per cent of the property in that State in private ownership. That is not just to the people of that State. The Government has not devised any means by which that property can go into private ownership. The Government has not devised any means that will induce individuals to acquire that land.

I wish Senators to understand that it is not the character of land that some of you are familiar with. It is fine soil, but there is no water. A man can not homestead land where there is no water. As a matter of fact, it can not be entered as desert land, because the records disclose the fact that there have been only about 300 desert-land entries taken up in that State since 1872. To be exact in the matter, there were 384 desert-land

entries allowed since 1872 in the State of Nevada, where we have 70,000,000 acres of land.

It must be apparent from that record that the existing law will not induce the private ownership of land. You say to us, Why, then, grant it to the State if it is of that character? For this reason: In the first place, the State wants that land settled. It wants it made available for taxation. In the next place, it is entitled to the utilization of that land for the purpose of education.

There is a movement through this country, or rather through the western part of the country, looking to a demand for the transfer of all the public lands to the States. I want to state to you emphatically that I believe it is right. I am satisfied that the people of the Western States know better how to develop that land than people who have never been west of the Mississippi River.

We had a wild, crazy era of conservation sweep across this country. It started on a right theory and then the pendulum swung until instead of being conservation it was obstruction. To-day any effort that we make for legislation to develop that land is met by a charge that we are making an assault upon the public domain.

In a recent issue of the Washington Times I find this attack made upon all the western Senators. It is headed:

GENERAL ASSAULT UPON PUBLIC LANDS IN WEST ORGANIZING IN SENATE—WESTERN MEMBERS HAVE EYES ON BUNG OF BRAND-NEW PORK BARREL—BILLS INTRODUCED PROVIDE FOR TURNING OVER TO STATES 30,000,000 ACRES OF PUBLIC DOMAIN.

[By Judson C. Welliver.]

The Senate has its eye fixed on the bung of a brand-new pork barrel that is seemingly being set up by the Western States with the purpose of piping off a big layer of cream from the Federal milk can.

Uncle Sam having for a number of years manifested indisposition to separate himself from the remaining parts of the public domain with his old-time amiability, the Western States are organizing to get the public lands turned over to them for their administration and disposal.

GENERAL ASSAULT ORGANIZING.

The campaign has now developed to the point where it becomes apparent that a general assault on the public domain is organizing. Already bills have been introduced in the present Congress which provide for turning over to Western States about 30,000,000 acres of public lands. This is not a great area when compared to the 800,000,000 acres which still remain within the public domain. But when it is considered that perhaps half the public lands are of no practical value, and that these proposed grants would be selected from the good lands, it becomes evident that a considerable inroad on the remaining national estate is in sight.

For a number of years after the conservation movement had gained strength enough to command respect there was little effort at getting control of the public lands. But the last few years have seen a decline of interest in conservation measures. Something like a shock was given to advocates of this policy when the Senate Committee on Public Lands reported favorably a bill by Senator KEY PITTMAN, of Nevada, to cede to his State 7,000,000 acres of the public lands within the State. The bill was introduced on December 16 and reported the very next day. Then its progress was checked, and the other day, when it came up in the Senate, there developed a discussion which made clear that at least there will be a determined effort to block the general assault on the remaining national treasure.

That is the character of attacks that are being made upon Senators from the West because they are striving to make homes for people on those arid lands.

Yet this same writer a day after having written this attack upon the western Senators finds no difficulty at all in taking exactly the opposite view of the case, and his argument is so splendid in the last one that I want to read it:

CALIFORNIA OIL VICTIM ASKS AID OF CONGRESS—ATTEMPTS AT CONSERVATION BRING ABOUT SITUATION DEMANDING SPEEDY RELIEF IF IRREPARABLE DAMAGE IS TO BE AVERTED.

[By Judson C. Welliver.]

The oil industry of California is in a critical condition, appealing to Congress for relief. Its crisis has been brought about by a bad bungling of executive orders, legislative efforts, and judicial determinations, presumably aimed to conserve oil supplies, and now threatening to destroy them.

In all the history of the public domain's dissipation there could hardly be found an instance of more unfortunate results from bad administration.

Attempts at conservation unintelligently directed have precipitated this situation from which relief is acutely needed. The business interests of California are making a strong effort to get Congress and the national administration to understand the precise facts, feeling confident that once fully appreciated the situation will promptly be remedied. Unless this is accomplished at the present session irreparable damage will be sustained not only by the oil industry, but by Pacific coast business in general.

DATES TO HYSTERIA ERA.

This whole muddle dates back to that period of hysteria about conservation, when enthusiasm outran understanding of the subject. There was a time when anybody attempting to make the public lands useful was presumed to be a grafter, and when it was assumed that the way to get the most out of the natural resources was to lock them up and not let anybody use them. There has been a veering of sentiment toward a more reasonable understanding in recent years, but some of the unfortunate products of the hysteria era are still observable, and the California oil calamity is one of these.

That simply illustrates the inconsiderateness of the attacks that are made on those who simply disagree with regard to the best method of the development of this country.

I want to say to Senators that in 10 years the amount of property that has gone into private ownership in that State out of the 70,000,000 acres has been only 149,000 acres. We have in farms in our State less than 3,000,000 acres, including both the improved and the unimproved. During the last 10 years the amount of land that has gone into private ownership has not increased 6 per cent.

Now, what remedy are you going to give us? What is your proposition? If you are to maintain control over the 67,000,000 acres of public land in the State of Nevada, what are you going to do for us? Are you going to do nothing? Have you any proposition to offer us? Is there any means by which you can develop that land?

Is it not an outrage that 67,000,000 acres of land, an area as large as the whole of the New England States, should remain idle, as it has since that State was admitted into the Union in 1864? No effort has been made by the Government to develop it at all, and yet the Government will not permit individuals to develop it. Is not that condition wrong?

We have had our homestead laws, and yet the people have not homesteaded that land. We have had our desert-land laws, and yet in all the years since 1872 only 384 entries have been allowed. We have had the Carey Act, and it did not develop it. There is not on the statute books to-day an act that will ever bring that land into private ownership or ever develop it.

We are entitled for two reasons to have that land go into private ownership. In the first place, it is essential to the support of the State government, and, in the second place, no one except a private individual owning the land will ever develop it.

We are constantly trying to protect somebody against the acquiring of a monopoly of land. In all the history of this Government there is not a case of the monopoly of land. There is not such a thing as monopolizing land. A man who gets a large tract of land is constantly trying to colonize it. Take the State of Texas, for instance. It is a splendid illustration. When they got ready to build their capital they gave away 3,000,000 acres of land, and hundreds and thousands of people at that time said that that was going to be a great monopoly. Those men acquired the land. What did they have to do? They had to develop it so as to get their money out of it. The result is that to-day those 3,000,000 acres are in small holdings and is the garden spot of Texas.

I know you will say, if this land is not fit for homesteads and not fit for desert-land entries, what good is it to anyone? Here is a farmer who has 320 acres of land irrigated. He has sufficient water to irrigate that land. He has a little surplus in the spring that he might put on some adjoining land to help make pasture land out of it. Being only a small tract of land adjoining his irrigated land, he could so govern the grazing that it would assume some value. He would purchase it from the State; the money would go into the educational fund, and the land would be subject to taxation.

Now, then, we come back to the question as to whether the other Western States are being unfairly treated with regard to this matter, and by comparison.

I do not want to take up much of the time of the Senate in arguing that character of question; I do not think it is sufficiently material; but I want to say this: The Western public-land States have received two forms of assistance from the Federal Government with regard to educational and other public purposes. They have been in the form of a certain percentage of the proceeds of sales of public lands and direct grants of land. Nevada has received less than 4 per cent of its public land; the State of Utah has received more than 14 per cent of its public land; the State of Arizona has received more than 14 per cent of its public land; the State of California has received 8 per cent of its public land; but, in addition to that 8 per cent, it has received $1,108,688 in cash out of the percentages from the sales of public land. Take the State of Washington, for instance. While it has received only about 7 per cent of its public land, it has received in cash from the sale of public land $404,940, while the State of Nevada has received from the sale of public land only $35,631.

Mr. POINDEXTER. Mr. President, that is because the lands in the State of Washington are worth more than are those in Nevada.

Mr. PITTMAN. That is absolutely true. Those lands in the State of Washington were more valuable than were the lands in the State of Nevada. In the State of Washington you had plenty of water, you had a heavy rainfall. Therefore I leave it

to the Senator from Washington, in considering the amount of the land grant to a State, that the value of the land should be taken into consideration; in other words, the 7 per cent of the land granted to the State of Washington was probably worth more than 25 per cent of the land that is now subject to grant in the State of Nevada.

Mr. FALL. Mr. President——

The VICE PRESIDENT. Does the Senator from Nevada yield to the Senator from New Mexico?

Mr. PITTMAN. I do.

Mr. FALL. In addition to the statistics which the Senator from Nevada is now giving as to the lands which the other States have received, I desire to say that I have not heard any reference from him to lands received directly from the United States by Illinois, Alabama, Florida, Louisiana, Arkansas, Missouri, Iowa, Michigan, Wisconsin, Minnesota, and Kansas. If the Senator will permit me, I will at this point call his attention to the amount, as shown in the official report, though I have no desire to interrupt him.

Mr. PITTMAN. I have no objection at all, but shall be very glad to have the Senator do so.

Mr. FALL. Mr. President, I notice that various States, those that I have mentioned particularly, in addition to the lands referred to by the Senator from Nevada as being given for general purposes, have received special grants of land in aid of intrastate railroads and wagon roads. Illinois has received from the United States gifts and donations of land to the amount of 2,595,133 acres; Mississippi, 1,075,345 acres; Alabama, 2,746,440 acres; Florida, 2,216,980 acres; Louisiana, 371,768 acres; Arkansas, 2,562,095 acres; Missouri, 1,837,728 acres; Iowa, 4,929,769 acres; Michigan, 3,133,231 acres; Wisconsin, 3,649,749 acres; Minnesota, 8,030,839 acres; Kansas, 4,633,709 acres.

If the Senator from Nevada at this point will permit me, and if I am not interfering with his remarks, I want, Mr. President, to read another table. In 1836 the Congress of the United States, on the insistence of the then President of the United States, passed an act under which the States of the Union at that time received on deposit from the Treasury of the United States more than $74,000,000, the proceeds of the public-land sales then in the Treasury of the United States. With the Senator's permission, if I am not encroaching too much upon his time, I will read the amounts now due from each of those States for the sums then received by them.

Mr. PITTMAN. I shall be very glad to have it read.

Mr. FALL. Maine received $955,838.25, which is still due to the United States. She never paid a dollar of interest nor returned a dollar of the principal. New Hampshire received $669,086.79; Vermont, $669,086.79; Massachusetts, $1,338,173.58; Connecticut, $764,670.60; Rhode Island, $382,335.30; New York, $4,014,520.71; Pennsylvania, $2,867,514.78; New Jersey, $764,670.60; Ohio, $2,007,260.34; Indiana, $860,254.44; Illinois, $477,919.14; Michigan, $286,751.49; Delaware, $286,751.49; Maryland, $955,838.25; Virginia, $2,198,427.99; North Carolina, $1,433,757.39; South Carolina $1,051,422.09; Georgia, $1,051,422.09; Alabama, $669,086.79; Louisiana, $477,919.14; Mississippi, $382,335.30; Tennessee, $1,433,757.39; Kentucky, $1,433,757.39; Missouri, $382,335.30; and Arkansas, $286,751.49.

Mr. President, that was cash deposited with the different States in 1836, following the message of President Jackson in December of that year, out of the surplus funds arising from the sale of public lands to the amount of $28,101,644.91, to be returned by them upon demand of the Treasurer of the United States from time to time. Not one dollar of that sum has ever been returned, and those States still owe the public-land fund the original $28,101,644.91 with interest, not one cent of which has ever been paid from that day to this, and no act of Congress has ever been passed discharging those States from the liability. With interest at 5 per cent, doubling itself every 20 years, those States would owe to the Treasury of the United States $392,000,000 upon the public-land funds received by them 80 years ago. With simple interest they would owe to the Treasury of the United States $90,000,000, and they now owe it.

I simply desired to call the attention of the Senator from Nevada to that.

Mr. PITTMAN. I thank the Senator from New Mexico for his information.

Mr. JOHNSON of South Dakota. Mr. President——

The VICE PRESIDENT. Does the Senator from Nevada yield to the Senator from South Dakota?

Mr. PITTMAN. I do.

Mr. JOHNSON of South Dakota. I should like to ask the Senator from Nevada if all, or a great part, of the lands asked for are arid lands?

Mr. PITTMAN. They are all arid lands. We have no land now left in our State that has any available water supply.

Mr. JOHNSON of South Dakota. What is the probable normal value of those lands?

Mr. PITTMAN. These lands vary in value from a dollar an acre to two or three dollars an acre.

As I said a while ago, Mr. President, that which best indicates the character of the lands is the extent of the acquisition of them under the public-land laws. In 1900 there were 2,565,647 acres of farms in private ownership in Nevada; in 1910 there were 2,714,757. In the 10 years there was an increase of less than 6 per cent; and yet there was more public land subject to settlement under all the public-land laws in that State than in any other State in the West. It simply goes to show that the existing laws will never result in settling that land. For pasturage purposes or for a lot adjoining a ranch where there is a water right the land has a value. It has a value to a farmer as a corral.

We are asking for 7,000,000 acres. As I have stated, that sounds like an enormous grant; but what does it amount to in comparison with the 70,000,000 acres of land in that State? What does it amount to in comparison with the 67,000,000 acres which are not in private ownership, which have brought no money to the Government and no money to the State since its admission to statehood in 1864?

I have a table here—which I am going to ask leave to insert in the RECORD, as I do not desire to read it all—giving the total area of the public-land States, the amount of lands granted to each one, and the amount of money also received by each one of the public-land States as a percentage upon the sale of public lands. It will be found that Nevada has received less in land than any other public-land State, although it was admitted into the Union in 1864, and admitted into the Union for the purpose of passing an amendment to the Constitution of the United States. The vote of Nevada was absolutely essential to the passage of the thirteenth amendment. Yet during all that time since 1864 the Government has only placed at the disposal of the State for educational and all other purposes 2,723,647 acres out of the 70,000,000 acres of public land there, while the Government has turned over to Arizona 10,484,000 acres; to New Mexico, 12,000,000 acres; to Utah, 7,408,000; and in many cases the land that was granted to the other Western States was far more valuable than the land which was granted to the State of Nevada. It was far more valuable than the land which now would be granted under this bill. The land which would be granted under this bill has not any real value, except possibly in conjunction with an irrigated ranch as a pasture or as a corral. The Senate should take into consideration the value of the land when considering the efficacy of a grant to a State.

I desire to call attention to another consideration. For instance, the State of Washington has received, and there is in private ownership, under the timber-and-stone act, 2,135,000 acres. The State of Nevada has only received under that act 6,222 acres. Under the desert-land act, the State of Utah has received 357,000 and odd acres, while the State of Nevada has received only 80,000 acres under that act. Under all of the public acts you will find that the other western States have had from five to ten times as much of their public lands go into private ownership, to be subjected to taxation, as has Nevada. I do not believe, Mr. President, that in asking a grant of 7,000,000 acres of land for the benefit of the university and the public schools of Nevada we are asking anything unfair of the Federal Government.

I am not going to argue as to whether or not some other States should have a grant. I want to say that I am in favor of the public lands in the West being devoted to the development of the West. I am absolutely and firmly convinced that the people of the Western States know better how to handle that land than do people who have never been out in that country; and I have absolute confidence not only in their ability but in their integrity with regard to the handling of that domain. It seems to me that it is indisputable that the granting of this land would be a great benefit to the schools, to the State, and to the Federal Government, because every time you place land under cultivation it is bound to inure to the benefit of the whole country; and I take it that any act looking to the placing of 7,000,000 acres of land under cultivation is a matter worthy of consideration by this body. I sincerely hope that they will pass this bill.

Mr. President, I ask unanimous consent that the table to which I referred a few moments ago be printed in the RECORD.

The VICE PRESIDENT. In the absence of objection, permission is granted.

The table referred to is as follows:

| States. | Land surface in acres. | Grant in acres. | Percentage. | Net proceeds from sale public lands by Government. |
|---|---|---|---|---|
| Arizona | 72,838,400.00 | 10,484,116.00 | 0.14+ | $11,194.96 |
| California | 99,617,280.00 | 8,331,878.18 | .08+ | 1,108,488.50 |
| Colorado | 66,341,120.00 | 4,432,169.00 | .06+ | 477,249.80 |
| Idaho | 53,608,560.00 | 3,628,827.00 | .06+ | 256,023.20 |
| Montana | 93,296,640.00 | 5,869,094.00 | .06+ | 453,734.12 |
| Nebraska | 49,157,120.00 | 3,456,809.00 | .07+ | 563,419.08 |
| New Mexico | 78,401,920.00 | 12,409,014.86 | .15+ | 120,400.56 |
| North Dakota | 44,917,120.00 | 3,163,084.00 | .07+ | 535,224.54 |
| Oklahoma | 44,424,960.00 | 3,094,000.00 | .06+ | 62,062.31 |
| Oregon | 61,188,480.00 | 4,355,324.00 | .07+ | 731,924.83 |
| South Dakota | 49,195,520.00 | 3,433,153.00 | .07— | 329,778.25 |
| Utah | 52,597,760.00 | 7,408,018.00 | .14+ | 96,217.31 |
| Washington | 42,775,040.00 | 3,042,906.00 | .07+ | 404,940.27 |
| Wyoming | 62,460,160.00 | 4,137,076.00 | .06+ | 228,922.09 |
| Average | | | .08+ | |
| Nevada | 70,285,440.00 | 2,723,647.00 | .03+ | 35,631.19 |

Lands in farms in Nevada, 1900, 2,565,647 acres.
Lands in farms in Nevada, 1910, 2,714,757 acres.

Mr. NORRIS. Mr. President, before the Senator yields the floor I wish to say that when this bill was up the other day, as I remember, there were several amendments, at least, suggested. I think one was proposed by the Senator from New Mexico [Mr. FALL].

The PRESIDING OFFICER (Mr. HOLLIS in the chair). Two amendments have been suggested, and one is pending. The Chair thinks the Senator from Nevada has an amendment pending.

Mr. PITTMAN. Yes.

Mr. NORRIS. What I rose to ask was whether the Senate had adopted any of the amendments? I have forgotten now what they were.

The PRESIDING OFFICER. They have not been adopted, but one is pending, and it would now be in order to have that amendment stated. The Chair will ask the Secretary to read it.

The SECRETARY. In section 3, page 2, line 7, after the words "shall be disposed of," it is proposed to insert:

To citizens of the United States, by sale to the highest bidder at public auction, upon due notice, and at not less than $1.25 per acre, and a comma.

Mr. NORRIS. Mr. President, I do not know that I would object to that amendment, but I am satisfied that there are some Senators who would. I have forgotten now who they are. There are only a few Senators here, and I wonder if it would not be a good idea——

Mr. FALL. Mr. President, if the Senator will yield for a moment, there would be objection to that amendment in the case of the homestead bill or any other general law; but as this bill is applicable entirely to the State of Nevada, if it suits the Senators from Nevada I shall not make any objection. My own judgment, Mr. President, is that the restriction as to the sale of 640 acres will be found to be such that it will render the act largely inoperative; but, of course, the Senators from that State are much more familiar with the conditions than I am. In my State the ownership of 640 acres would be an additional liability rather than an asset.

Mr. NEWLANDS. Mr. President——

The PRESIDING OFFICER. Does the junior Senator from Nevada yield the floor?

Mr. PITTMAN. I yield the floor.

Mr. NEWLANDS. Mr. President, I wish to say only a few words.

Senators will observe that thus far Nevada has received less than 3,000,000 acres, while Arizona has received 10,000,000 acres and New Mexico 12,000,000 acres, although the area of each of those two States is about that of Nevada. These grants exceed in the number of acres the grants made to other States, and the natural inquiry is, Why? So far as the number of acres is concerned, there would seem to be an inequality in the cases of Arizona and New Mexico and an inequality in the case of Nevada if we have an extra grant of 7,000,000 acres above the 3,000,000 acres already granted. The answer is that the land is not so valuable. The States of Arizona, New Mexico, and Nevada are the most arid States in the Union, and whilst the land is fruitful, there is a lack of water, and the land is worthless without water.

The very fact that for years this vast territory of Nevada has been open to entry under the most liberal land laws—the homestead law, the desert law, and other laws—and that a very small area has been taken up during that period, demonstrates that the lands are almost valueless unless water can be applied. The engineering situation and the climatic situation are such as to make it evident that Nevada has almost reached the limit of its water development unless underground waters can be found. So in the case of Arizona, though 10,000,000 acres were granted, as compared with the 4,000,000 acres that were granted to the State of Wyoming, those 10,000,000 acres are not nearly so valuable as the 4,000,000 acres granted to Wyoming, where part of the State is humid and a part semiarid and hardly any part of it really arid.

It is upon those grounds that we say that a total ultimate grant of 10,000,000 acres, less than that received by Arizona and New Mexico, would be a reasonable grant.

I wish to say, with reference to the security of this grant in the future and the probability that it will be adapted to the real requirements of that community, that whilst many of the States have been in the past quite wasteful of the grants that have been made to them and have not exercised proper providence in taking care of these grants and husbanding them in such a way as to receive as large an amount of money as possible, that era has gone by. This grant is made to the State for school purposes and for university purposes. We have the good fortune to have in that State a university that is closely identified with the welfare of the people. The professors in that university are men of high scientific attainments and great regard for the promotion in every way of social efficiency. The university is a power in the State by reason of its fine spirit, its information, and its intelligence. I believe that this grant will be most carefully administered under the auspices of the university and that the young men in the legislature who are the graduates of that university and subject to its influence will see to it that it is not wasted.

I was asked by one of the Senators on the floor to what immediate use this land could be put. I can not say just now. Certainly the water can not be found for its irrigation; but the State university now has an appropriation from the State for the development of underground waters. Something may be done in that direction. I imagine that all the State can do, probably, until the process of development is scientifically worked out, will be to lease these lands at a very small rental for sheep and cattle. From that use it can get a moderate revenue.

Senators will see, obviously, that the disadvantages under which that State labors are very great. It was coaxed into the Union rather against its will, and it yielded to persuasion as a patriotic duty at a most critical time, when its vote was needed to meet conditions with reference to such constitutional amendments as the fourteenth and fifteenth amendments. It has had a heavy burden to bear ever since. The railroad situation was such, unfortunately, that though the great road running through that State was part of a great transcontinental line, consisting of the Union Pacific and the Central Pacific, the ownership was not united for many years. The owners of the Central Pacific, becoming interested in the Southern Pacific, running through Arizona, lent their energies to the development of that road rather than the Central Pacific, running through Nevada; and so that State lacked the stimulus that other States had in the existence of great railway systems whose future absolutely depended upon an increase of population and the building up of the State.

Fortunately, those conditions are now in large degree remedied. The transportation system of that coast is bent upon the larger development of the State as a matter or self-interest; but the work before the State is a hard one. I appeal to Senators that the Nation can well be as just—not generous—to the State of Nevada as it has been to the States of Arizona and New Mexico, to which States a larger grant has already been made than the one proposed to be made to Nevada.

Mr. JONES. Mr. President, I should like to ask the Senator a question.

The PRESIDING OFFICER. Does the Senator from Nevada yield to the Senator from Washington?

Mr. NEWLANDS. Certainly.

Mr. JONES. The Senator from Nevada, of course, is very familiar with the situation in his State, and the character of the lands that are likely to be selected by the State under this grant. As I understand, there are no lands that can be selected under this bill except grazing lands.

Mr. NEWLANDS. That is my opinion.

Mr. JONES. And these are rather poor grazing lands, too?

Mr. NEWLANDS. The land is rich enough, if we could only get the moisture.

Mr. JONES. Yes; I understand that; but I was assuming from the statements made that the moisture is not available, or at least that nobody knows of any source of moisture at the present time, taking the lands as they are.

Mr. NEWLANDS. Yes.

Mr. JONES. There is an amendment pending, I understand, that fixes $1.25 per acre as the minimum price at which these lands can be sold. Does the Senator think that the lands that will be selected under this bill can be sold at $1.25 an acre?

Mr. NEWLANDS. I should doubt it; but I yield to the judgment of my colleague regarding that matter. I believe my colleague has assented to the amendment.

Mr. PITTMAN. Mr. President, I think most of the lands would bring $1.25 an acre. I do not know.

Mr. JONES. As I understand, the original sales at any rate can not exceed 640 acres to any one person?

Mr. PITTMAN. That is correct.

Mr. JONES. Does the Senator think that a person would buy such grazing lands as there are there and pay $1.25 per acre for them unless he had the hope of buying up a lot of this land from other people and getting it into a large body?

Mr. PITTMAN. I think it would be bought largely by people who already have irrigated farms, as an adjunct to their farms.

Mr. JONES. Does the Senator think that most of this land would be selected adjacent to or near irrigated sections?

Mr. PITTMAN. I think so; yes.

Mr. JONES. The 7,000,000 acres?

Mr. PITTMAN. I think so.

Mr. JONES. How many different irrigated sections are there in the State?

Mr. PITTMAN. In the whole State, wherever they have any farms at all, it is through irrigation.

Mr. JONES. Yes; I know that. I had the impression that there were not very many irrigated sections in Nevada.

Mr. PITTMAN. I will say to the Senator from Washington that that would hardly express it, because there are small streams all over the State—not extensive ones, but they are found in a great many places in the State. In fact, there are farms in every valley in the State, but they are not large. There are mountain streams. Our State is divided by 8 or 10 mountain ranges running north and south, and the valleys are fed by mountain streams, snow streams.

Mr. JONES. So it is the Senator's opinion, then, that most of this 7,000,000 acres of land will be purchased by persons who are already farming lands there?

Mr. PITTMAN. I will say to the Senator that in my opinion they would be the chief purchasers of this land.

Mr. JONES. Of course the Senator knows more about Nevada than I do. I had an impression that that would not be the case at all. I think it would be very desirable if that situation would follow. The only thing that occurred to me, from what little I have seen of Nevada, was that I thought this limitation of $1.25 an acre would probably nullify the purposes of the act or result in the land eventually going into large ownerships.

Mr. PITTMAN. No; I think not. That is not our view of it.

Mr. FALL. Mr. President, before the Senator takes his seat I wish to say that he has asked some interesting questions, and I have here the rainfall statistics for the State of Nevada, which will possibly give the Senator from Washington an idea of the great difference between the lands in Nevada generally and those in the States of heavier rainfall.

I notice that the State is divided into various districts, of course, and the bureau has stations at the places named, and generally the elevation is given. Of course, the elevation cuts a very material figure in the amount of precipitation.

I notice that the station at Austin, in Lander County, had an elevation of 6,500 feet and the average annual rainfall from 1877 to 1908 was 11 inches. At Battle Mountain, during the same period—that being at an elevation of 4,843 feet—the average rainfall was 6.71 inches. At Belmont, Nye County, at an elevation of 8,000 feet, the average annual rainfall from 1889 to 1905 was 8.67 inches. In Eureka County the average annual rainfall was 6.48 inches. In Humboldt County the average annual rainfall was 3.83 inches. In Esmeralda County the average annual rainfall was 4.98 inches. In Elko County, the average annual rainfall from 1870 to 1909, a period of 39 years, was 7.22 inches; and so it goes all through the State.

Mr. JONES. Mr. President, that really confirms the impression I had, and that impression led me to ask the questions that I did ask, because I am not opposed to the proposition of the Senator from Nevada. I am in favor of it.

Mr. FALL. I am in favor of it; and it was the figures here and my knowledge of the western country that caused me to make the remark that, in so far as New Mexico was concerned, the limitation of land of this kind to one ownership of 640 acres constituted a liability rather than an asset.

Mr. JONES. Yes; and I think the limitation that it can not be purchased for less than $1.25 an acre has the same effect.

Mr. FALL. Very likely.

Mr. JONES. I should like to see them get all the money they possibly can out of it. I am inclined to think that would be a handicap on accomplishing the purposes desired by this legislation rather than a help to it.

Mr. WALSH. Mr. President, I should like to inquire of the Senator from Washington whether it is not altogether likely that lands that will not bring $1.25 an acre will not sell at all?

Mr. JONES. That is what I think. I do not think they will sell at all. I think the State will simply have them on its hands and get nothing out of them.

Mr. WALSH. What I mean is, would the Senator feel that if a minimum price of 50 cents were put on the land the situation would be any different?

Mr. JONES. I think it would be a little bit different; but as to much of the land I have seen in Nevada, I doubt if it would bring 50 cents an acre.

Mr. WALSH. The point I am making is that beyond question there are some of these lands that are worth more than $1.25 an acre, and this simply restrains the sale of lands that are valuable for less than that. My idea is that if land will not sell for $1.25 an acre it will not sell for anything.

Mr. JONES. I doubt if there is any very considerable amount of this land, from the descriptions given by the Senator from Nevada, and what I know myself in a general way of the territory, that will sell for $1.25 an acre.

Mr. FALL. Mr. President, referring to the remarks of the Senator from Montana, we have found in western Texas, for instance, between the Pecos and the Rio Grande—which, together with the southern part of New Mexico and Arizona, we were taught when I was in school constituted the "Great American Desert"; that portion of the country lying southwest of the State of Nevada, the Llano Estacado, that we used to read about in the old geography, was the "Great American Desert" at that time—we discovered this: That Texas, retaining to herself when she came into this Union all her own lands, handling them as she pleased, so that she was not embarrassed by the diversity of opinion existing as it does at present between the Representatives in Congress and the Senators from the different States where different conditions exist—Texas, not being so embarrassed, but handling her own lands, by disposing of lands in eight-section tracts, approximately 5,000 acres, granting first the prior right of homestead, and attached to that the right to purchase eight sections on 40 years' time at 4 per cent interest, has developed a State of independent, prosperous cattle farmers upon just such lands as are embraced in a great portion of the area of the Southwest which compares in annual rainfall with the figures which I have just read for Nevada. That is, in the plains between the Pecos and the Rio Grande, extending up into New Mexico south of an east-and-west line drawn through the middle of my State, for instance, the average rainfall in that plains country is about 8.62 inches, entirely too little, of course, to justify trying to raise forage crops. But we have discovered there that we can sell lands by selling them on long time, and we can sell land provided we are allowed to sell them in tracts of sufficient size to enable the purchaser to keep from 100 to 250 head of cattle upon a tract of land.

These statistics, and I have them here if any Senator would desire to read them, and my own judgment is confirmed by the report of the Department of Agriculture here and also from the Interior Department, show that in that section of the country it requires 40 acres on an average for one cow, so that 640 acres would simply mean that the average purchaser owning the land could only run 16 head of cattle. You can not run dairy cattle on dry land of that character. You must have feed to produce milk, cheese, and butter. The consequence is that you can only run range cattle.

The people of the United States generally do not understand what we in this arid region are attempting to secure. The interesting part is that the great Southwest, the remaining portion of the great American desert, constitutes a great cattle-raising portion of the United States. There is your breeding ground. By some policy which will enable the settlers in that country to acquire a sufficient amount of land to graze 100 or 150 head of cattle, they can raise the calves which go north and constitute the feeders, and they can feed the people of this country.

EXECUTIVE SESSION.

Mr. STONE. The hour of 2 o'clock has arrived. I should like to make an inquiry. There is not any unfinished business?

The PRESIDING OFFICER. The Chair understands that there is not.

Mr. STONE. I move that the Senate proceed to the consideration of executive business for the reason I stated a while ago.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 10 minutes spent in executive session, the doors were reopened.

LANDS IN NEVADA.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 2520) granting to the State of Nevada 7,000,000 acres of land in said State for the use and benefit of the public schools of Nevada and the State University of the State of Nevada.

Mr. PITTMAN obtained the floor.

Mr. FLETCHER. Mr. President——

The PRESIDING OFFICER (Mr. WALSH in the chair). The Senator from Nevada [Mr. PITTMAN] has the floor. Does the Senator yield?

Mr. PITTMAN. I yield.

Mr. FLETCHER. I wish to make a parliamentary inquiry. What is the state of business? Is the bill that was under consideration when we went into executive session before the Senate?

The PRESIDING OFFICER. The Chair is of the opinion that, under the ruling made by the Vice President earlier in the session to-day, the bill under consideration when the hour of 2 o'clock arrived is now the unfinished business. The question is on agreeing to the amendment offered by the Senator from Nevada [Mr. PITTMAN] to that bill. The amendment will be stated.

The SECRETARY. On page 2, line 7, after the word "of" and before "under," insert "to citizens of the United States by sale to the highest bidder at public auction upon due notice, and at not less than $1.25 per acre."

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

Mr. POINDEXTER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Washington desire to address the Senate?

Mr. POINDEXTER. I understand that the amendment has been adopted. I do not wish to speak to that amendment but to the bill. I wish to inquire——

Mr. PITTMAN. There is another amendment to perfect the text which I wish the Senator would allow to be acted on first.

Mr. POINDEXTER. Is that other amendment pending or has it been submitted?

Mr. PITTMAN. It is pending.

The PRESIDING OFFICER. The amendment has been offered, and it will be stated.

The SECRETARY. On page 2, line 12, after the word "land" and before the period, insert "under the terms and in the manner provided in this act."

Mr. POINDEXTER. I wish to say——

Mr. SMOOT. Before that is voted on——

The PRESIDING OFFICER. The Senator from Washington has the floor.

Mr. POINDEXTER. Just a moment, and then I will yield to the Senator. In line 9, page 1 of the bill, after the word "unappropriated," there ought to be inserted the words "and unreserved." Will the Senator from Nevada consent to make that change in the bill?

Mr. PITTMAN. Yes; I consent to it.

The PRESIDING OFFICER. The amendment is agreed to, without objection.

Mr. POINDEXTER. Now I should like to inquire of the Senator from Nevada whether any change has been made in the amount of land donated by the bill.

Mr. PITTMAN. There has been no amendment offered of that character.

Mr. POINDEXTER. I should like the Senator to offer an amendment. I think the amount specified in the bill is entirely too large and ought to be cut down.

Mr. PITTMAN. I hope the Senator will not offer such an amendment. I tried to explain to-day very carefully the condition and the character of the land. It seems to me that——

Mr. SMOOT. Mr. President, I should like to have the pending amendment read.

The PRESIDING OFFICER. It will be stated.

The SECRETARY. In section 3, page 2, line 12, after the word "land" insert "under the terms and in the manner provided in this act."

Mr. SMOOT. I will say to the Senator that in my opinion that is not necessary because in the very section he is undertaking to amend the provision is "that the land herein granted shall be disposed of under such laws, rules, and regulations as may now or hereafter be prescribed by the Legislature of the State of Nevada not inconsistent herewith." The section itself provides perfectly how the land shall be disposed of, and it seems to me it is entirely useless to have this amendment added to the text. If the Senator will give his attention to that phase of the bill, I believe he himself will admit that there is no necessity for the amendment.

Mr. PITTMAN. The object of placing it there is simply a precaution. I may say that there are laws existing in the State of Nevada to-day for the disposal of this character of land, and at the time the million acres were granted to our State they passed an act in the legislature for the disposal of that land by subsequent grants of that character. I do not want this land or any of it to be conveyed under that former act of Nevada. That is the reason why I took the precaution to put this language in by way of amendment.

Mr. SMOOT. I can not see that that obviates the difficulty the Senator speaks of because it provides for the disposition of the land provided for in this bill, and the same section that the amendment is offered to specifically prescribes how the land shall be disposed of. It seems to me it is perfectly useless to put that amendment in section 3. Of course if the Senator wants to have it go in, I shall not object as far as that is concerned, but I do know it will do the bill no good, and it may muddle the decision if it ever goes before the court, as to what was really meant.

The PRESIDING OFFICER. Without objection, the amendment is agreed to. The bill is as in the Committee of the Whole and open to further amendment.

Mr. POINDEXTER. In section 1, page 1, line 4, I move to strike out "7,000,000 acres" and to insert "3,000,000 acres."

Mr. NEWLANDS. I should like to ask the Senator from Washington whether he does not regard the grant of 3,042,000 made to the State of Washington as very much more valuable than a grant of 7,000,000 or 10,000,000 acres to the State of Nevada, knowing, as he does, the difference in climate, the scarcity of water in Nevada, the fact that these lands have been open for years under liberal land laws and have not as yet been entered upon? Will it be possible for any such condition to exist in the State of Washington, and was not the grant of 3,000,000 acres to the State of Washington a very much more valuable grant than the proposed grant of 7,000,000 acres or than even a grant of 10,000,000 acres would be to the State of Nevada?

Mr. POINDEXTER. Mr. President, if any such grant as that has been made to the State of Washington, it undoubtedly would be more valuable, because the lands in the State generally, as has been stated by the Senator from Nevada, are more valuable. But there has been no such grant as that made to the State of Washington. The State of Washington has received from the Federal Government grants which contained that many acres of land, perhaps, but it was not granted as 3,000,000 acres of land. It was granted as sections 16 and 36, and the State of Washington took it, whether it was a glacier on the top of a mountain, or a burned-out forest, or a desert, whereas in the bill here proposed you are granting to the State of Nevada the privilege of selecting, out of all the public domain in the State, the very best there is. If there is a water hole or a stream or if there is a fertile piece of land in the State, it will be taken by the State under this grant. The State of Washington never had any such privilege.

Furthermore, Mr. President, the State of Nevada, I will say in answer to the Senator's question, has already received from the Federal Government the same grant which the State of Washington received, which the Senator is referring to now. The grant proposed in this bill is in addition to that. The State of Nevada received section 16 and section 36, and the State of Nevada was of the opinion that it was more advantageous to the State to take the privilege of selecting, out of the public domain, 3,000,000 acres of land, and that bargain was made between the Federal Government and the State of Nevada. The State surrendered sections 16 and 36 and selected 3,000,000 acres, so that it has had the benefit of the same grant that the State of Washington has had, and disposed of it through the agreement which their own legislature proposed in a manner which they thought most advantageous.

Mr. NEWLANDS. But does the Senator contend that the 3,000,000 acres heretofore granted to the State of Nevada compare at all in value with the 3,000,000 granted to the State of Washington?

Mr. POINDEXTER. I did not hear the first part of the Senator's question.

Mr. NEWLANDS. I ask whether the Senator regards the 3,000,000 acres heretofore granted to the State of Nevada as at all comparable in value to the 3,000,000 acres granted to the State of Washington?

Mr. POINDEXTER. That would be rather a haphazard matter, because ours was taken as it came, regardless of the descrip-

tion of land, whereas the State of Nevada, I assume, took the best 3,000,000 acres there were in the public domain in the State. So I am not able to say how it could compare. All I can say is that I prefer the State of Washington to the State of Nevada, and I am glad I live there instead of in Nevada. There is a better climate and there is better land generally speaking, although——

Mr. NEWLANDS. I wish to state to the Senator that with the 3,000,000 acres heretofore granted to the State of Nevada by the Government it has taken 20 years or more to dispose of that land grant at the price of $1.25 an acre. Does not the Senator regard that as an indication that the land has very little value? Does the Senator suppose for a moment that a grant of 3,000,000 acres made to the State of Washington 30 or 40 years ago would not have been exhausted by this time?

There is another thing I wish to call to the attention of the Senator.

Mr. POINDEXTER. I am inclined to think, Mr. President, that a grant made 30 or 40 years ago in the State of Washington would have been exhausted by this time.

Mr. NEWLANDS. I will ask the Senator further——

Mr. POINDEXTER. Let me answer that question, if the Senator please.

Mr. NEWLANDS. Certainly.

Mr. POINDEXTER. I think that is a distinct proposition, and it leads to a thought that goes to the principles underlying this bill or similar bills. The Senator asked if a grant of land to the State of Washington 30 or 40 years ago would not have been exhausted by this time. One of the great misfortunes in the conduct of the public lands owned by the State has been that they have been exhausted too rapidly, and that the returns have not been adequate, so that, generally speaking, there has grown up a great body of public opinion which, while it is in favor of the full use and development by the public of the public lands prefers that the distribution shall be made by the Federal Government and not by the State government.

The Senator knows the great private interests that are concerned in securing the valuable resources of the public domain, and the greater opportunity that they have in dealing with the State government in subserving their purposes, and often selfish purposes, compared with the opportunity which they would have in dealing with the Congress of the United States. Consequently, it has been considered a wise public policy to ordinarily work out through Congress than through the State legislature, not that the people who think in that way are opposed to the beneficial use and distribution of the land. They are in favor of that, but they prefer that it shall be under the control of the Federal Government.

Mr. NEWLANDS. Mr. President, I will ask the Senator another question. He doubtless knows that a grant of 10,000,000 acres was made to the State of Arizona and about 12,000,000 acres to the State of New Mexico, whilst to the other Western States grants were made of from 3,000,000 acres to 8,000,000 acres. Does not the Senator know that the reason for the larger grants to Arizona and New Mexico was because those States had a larger area of land without moisture, without water, than any of the other States and that the lands themselves were not as valuable as those granted to the other States? Does not the Senator admit that?

Mr. POINDEXTER. I do not deny it, Mr. President. I do not regard it as very essential, whatever the facts may be in that regard, but I am not particularly advised in the matter.

Mr. NEWLANDS. The report of the committee shows the fact that 10,000,000 acres were granted to Arizona and 12,000,000 acres to New Mexico, and it is a matter of common knowledge that, on the average, the lands in those States are of less value, simply because they have not moisture, than in the other States, and that that condition justified the larger grant to those States. Now, I ask the Senator if we acted justly toward those States in granting them ten and twelve million acres, respectively, does not equal justice require that similar grants should be made to the State of Nevada, which ranks with those States in the matter of aridity and is far behind all the surrounding States in water supply?

I should like to have an answer from the Senator. It seems to me to be perfectly conclusive that justice requires that Nevada should have the same number of acres as the other two States which stand upon a par with it as to aridity, these three States being exceptional in their aridity among all the States of the Union.

Mr. POINDEXTER. Mr. President, I do not agree with the Senator in the conclusion which he draws. Of course we know how much grant has been made to Arizona and to New Mexico, and also the area of public lands within those States; but as to the bearing of that fact upon the policy of granting large quantities of lands to the States I differ entirely with the Senator. The State of Nevada, as has been so often remarked in this debate, has already had its selection, and in that respect it had an advantage, so far as I am informed, over any other State.

The fact that there is a large area of public land in the State and that the land is of small value does not involve in any way whatever the policy which should direct the United States in dealing with the public domain. The same policy should apply whether the land is valuable or whether it is cheap. There is no reason why a distinction should be made between the State of Nevada and other States.

Our State has never had the advantage which the Senator speaks of, and never asked for it. We do not propose to ask for it, so far as I am concerned. If I knew a bill would pass Congress granting the State of Washington 3,000,000 acres of land out of the public domain if I would introduce it, I would not introduce it.

Mr. NEWLANDS. The Senator doubtless realizes that the 3,000,000 acres already granted the State of Washington are much more valuable than the 7,000,000 acres proposed to be granted to the State of Nevada.

Mr. POINDEXTER. Mr. President, that matter has been gone over entirely. I do not know that that is the case. I know that, generally speaking, the lands in the State of Washington are more valuable, but whether the chance selections of sections by numbers that come on the map would produce lands more valuable than the privilege of selecting 3,000,000 acres after examining the character of the land I am not able to say, and I do not suppose the Senator from Nevada is able to say.

Mr. PITTMAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Nevada?

Mr. POINDEXTER. I yield to the Senator.

Mr. PITTMAN. I desire to call the Senator's attention to certain facts in regard to the land, which I believe will indicate to him the value of the land. There are 67,000,000 acres of unoccupied and unowned land. When I say "unowned land," I mean land not in private ownership. In 1900 there were 2,565,647 acres in farms, improved, and unimproved; and in 1910—10 years later—with all of this vast amount of land open to acquisition under the homestead laws, the desert-land laws, the Carey Act, and the enlarged homestead act, we find that the amount was only 2,714,757 acres; in other words, the land taken up in those 10 years was only 149,110 acres of those 67,000,000 acres. I simply call that to the attention of the Senator as an indication of the undesirability of that land. From personal knowledge of the State, I know it is a fact that all of the known supply of water has been taken up and is now held and owned, and the land that is left, which is subject to selection, is simply arid land without any known water supply.

Mr. McCUMBER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nevada yield to the Senator from North Dakota?

Mr. PITTMAN. I do.

Mr. McCUMBER. Mr. President, if I understand, then, the conclusion of the Senator from Nevada, it is that all of this land is arid or semiarid, and that practically none of it is agricultural land. Am I correct in that?

Mr. PITTMAN. I do not know that it would be a correct definition to say that it is not agricultural land. So far as the soil is concerned, it is quite rich, but the land is not capable at the present time of any great agricultural development because of the lack of water.

Mr. McCUMBER. Two things are necessary to make it agricultural land—one is the soil and the other is the water. If it can not receive the water, either from the streams in the mountains or from the sky, no matter what the soil may be, I would suppose it could scarcely be denominated agricultural land. The Senator from Nevada has information on that subject and I have not; hence my question.

Mr. PITTMAN. I have stated the character of the land. The character of the soil is good, but it is without water.

Mr. McCUMBER. I understand that the Senator's bill provides that not more than one section of this land may be sold by the State to any one person or corporation?

Mr. PITTMAN. That is correct.

Mr. McCUMBER. We will say it is all, or practically all of it, nonirrigable, nonagricultural land, fit only for stock raising. I do not know much about the State; I have been through it a few times and have seen considerable of the stretch in its territory, but my observation would lead me to believe that as to most of this land one section would not be sufficient to make stock raising profitable. Therefore, if the State sells this land a section at a time to one individual, that person must take it

necessarily not for his own use, but for the purpose of selling it to some one else. If that were in an agricultural section there would be no danger of the land falling into the hands of two or three corporations or a very few persons, because in an agricultural State the business is not so profitable that it can be carried on on a large scale where all of the help must be hired. Hence we naturally get down to small farms in the end, though there may be big ones in the beginning of the development of a State. Exactly, it seems to me, the opposite rule now prevails; and that, under the provisions of this bill, in a very few years, if the land were sold in a few years, it would practically all fall into the hands of a few cattle companies or corporations. It may be that that would be better for the State—at least, the land would be used. I am not criticizing it; but having something of a wholesome fear about such an immense tract of territory falling into the hands of a very few people, I inquire of the Senator from Nevada if he himself does not also join in that apprehension?

Mr. PITTMAN. Mr. President, I am very glad the Senator has asked that question. I think it is very pertinent in this consideration. I believe this land will be purchased by existing farmers. In our section of country, as I explained a while ago, we have a great many mountain streams. They are small. We find probably one or two or sometimes three ranches, three farms, at the mouth of one of these gulches. Those one or two or three farms consume all of the water in those little streams on which they are located. There is no question but that 640 acres of this arid land adjoining an irrigated ranch would have value to the farmer, and considerable value.

In the first place, in the early spring when the snow is melting in that mountainous country there is generally a surplus of water, but as the spring goes on the water decreases until there is not sufficient to irrigate any more than the farm which would be at the mouth of the gulch; but by fencing in 640 acres of this arid land adjoining the irrigated farm it is found in the early spring that there will be a small amount of water to put on the adjoining tract; and while it would not be sufficient to raise a crop of hay, it would stimulate the growth of grass on those 640 acres. By handling your stock on those 640 acres of land in a judicious way you would get a great deal of benefit out of it, and, in my opinion, it would be a great boon to the farmers in my State.

Mr. McCUMBER. Right here I wish to ask, does the Senator from Nevada think that there are many 640-acre tracts so connected with water holes or springs or streams that they could be slightly irrigated and which also would pay to be operated as stock-raising farms?

Mr. PITTMAN. No; I will say to the Senator I do not think so.

Mr. McCUMBER. It would require considerably more than that?

Mr. PITTMAN. Yes. I think that such a tract, except as an adjunct to an existing irrigated ranch, would have very little value; and I have, therefore, in mind the sale of this land to existing farmers as a lot or a corral adjoining such a ranch. Of course, as the Senator from North Dakota knows, we have no right to fence in the public domain, and very properly should not have a right to do so. A farmer who has homesteaded a piece of land at the mouth of one of those streams has no known way to-day of acquiring any additional land adjoining his place, and yet for the purpose of a corral, for the purpose of handling his stock during the haying season and during times while they are being fed and taken care of, it would be valuable.

So far as the land dropping into the hands of a few persons is concerned, I do not fear that. The Senator from North Dakota asked me that question and I want to answer it. I do not fear it for this reason: The method of selection of land is such that I do not fear that danger, because the land is nearly always taken up in the vicinity of some existing ranch, some farm, as I have stated. That was the disposition which was made of the first 2,000,000 acres of land which we had in the State.

Mr. McCUMBER. Possibly the Senator can draw upon his knowledge of conditions in New Mexico. His colleague [Mr. NEWLANDS] just stated that there had been some ten or twelve million acres of land of like character granted to the State of New Mexico. Well, what has been the result of that grant? Has it been sold? If it has been sold, has it fallen into the hands of a few so that immense tracts of many thousands of acres are held by one corporation or by one man?

Mr. PITTMAN. I can not answer that question from my personal knowledge. I wish, however, to say that in our State the 2,000,000 acres which we have heretofore received did not fall into the hands of a few people, but its ownership is scattered all over the State. We have some 2,000 people there who have participated in the purchase.

Mr. McCUMBER. Mr. President, I have been reading during some years past of the immense tracts of land, we will say, in Texas, where one man would own two or three hundred thousand acres, and, as I understood, similar tracts were owned in New Mexico by one individual or corporation, and that it was as though one man would own an entire county or, indeed, several large counties. I do not know how much truth there is in that; I do not even know that it has been detrimental to those States; but certainly it is against the present spirit of the American people to allow the public domain to fall into the hands of a comparatively few people.

Mr. PITTMAN. I want to say to the Senator from North Dakota that in our State of Nevada we have not been annoyed very much by the public domain falling into the hands of anybody, because of our 70,000,000 acres of land we only have a little over 3,000,000 acres of it in private ownership. About 18,000,000 acres of it are reserved for forest reserves, and there is some of it in Indian reservations. All of the inducements that the Government has held out to settlers have failed to entice people because the land subject to irrigation had been taken up at an early date. The land that is now there is not enticing to homesteaders; it is not subject to being taken up under the desert-land act, because that act requires that you must show that you own sufficient water to irrigate the tract, and they have not the water. Therefore all of those acts have failed. For instance, in 1872 we passed the desert-land act, which at first allowed a man to take up 640 acres; the act was then amended to make it 320 acres of land; and yet in all those years since 1872 there have only been 384 entries. We have not had any monopolization of land in our State.

This proposed act would be of great benefit to existing farmers in Nevada because it would enable them to obtain some of this arid land next to their irrigated homesteads; it would give them a corral; it would allow them to fence it off next to their ranch; and it would stimulate the growth of grass on it. There is grass on this land, though not a great deal of it, but we have found out that by fencing this arid land you can enormously increase the growth of grass by keeping the stock off it at certain seasons of the year and by not letting them stay on the land too long at one time. They can take this original 640 acres and make it produce something; they can make it produce some meat. This legislation will help our farmers; it will help develop our State, for it will bring under semicultivation land that could not be brought under cultivation in any other way.

Mr. WEEKS. Mr. President, before the Senator takes his seat I should like to ask him a question. He understands the subject of public lands much better than I do, so I want to ask him if the main purpose of this bill is not to turn something over to the State of Nevada which it can dispose of and make useful in providing education for the children of the State? That is the main purpose of the bill, is it not?

Mr. PITTMAN. The main purpose of the bill, of course, is to improve our schools in the State and to endow our State university. That is the main purpose of the bill; but, in addition to that, there is the benefit, I will say to the Senator, of bringing under cultivation land that would not be brought under cultivation by any other method of disposal of which I know.

Mr. WEEKS. It seems to me that one of the difficulties with this bill is that it is based on the proposition that some of the States have received more land than has the State of Nevada. If this additional grant of public land is made to the State of Nevada, then some other State may very properly come in here and say, "Nevada has been granted more than I have in the shape of Government lands," and thus we will have a constant repetition of bills of this kind without knowing definitely whether or not absolute justice is being done in all cases. Why would it not be better to have a general bill applying to all of the States, if it is good policy to turn over the public lands to the States for school purposes, so that each State might be treated as it should be treated on the basis of the number of children to be educated? On that basis, it seems to me, Nevada has already received more than its fair share of the public lands, because I notice from the report that in the case of some of the States they have not received more than 3,000,000 acres of land, although they have twenty times as many children to educate as there are in Nevada. What I should like would be to have some proposition which would do absolute justice in all cases and which would cover all the public-land States instead of an individual State as in this instance.

Mr. PITTMAN. It is true, Mr. President, that the population of Nevada is very small, and it would occur very naturally to one that population would determine the amount of money

that would be needed; but that is not entirely true. I wish to call the attention of the Senator to the fact that we have 360 schools in our State, and we have not half enough now. We have a school for three children, for instance. If we can not get any more than three children in a school, we have a school for that number just the same. It is our theory in Nevada that no child should be deprived of education simply by reason of the misfortune of not being close to some settlement. Therefore the school system in our State is very expensive. We have little isolated communities off in the mountains and in the valleys, and I will say to the Senator that to-day the chief portion of our State tax is for school purposes.

I think that it will be agreed that we have a right to desire to build up a big university out in that section of the country. In that section of the country there should be a big university. There are greater opportunities for agricultural research in Nevada than in nearly any other portion of the West. There is greater opportunity for mining research in that country than nearly anywhere in the West. We are building up now a great agricultural university, and we are going to build up a great mining university. We are going into research investigations of all kinds and character. We are now sending to other universities and picking out the very best men we can obtain from those universities, and we are indulging the hope that the Government will at least aid us in that work to the extent of this grant of 7,000,000 acres out of 67,000,000. The land is not valuable; it will not bring much, and the amount of 7,000,000 acres will enable us to do no more than should be done.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Washington [Mr. POINDEXTER].

Mr. SMOOT. Mr. President, the bill provides that only 640 acres of land can be sold to any citizen or individual, but there is nothing to prevent 20 citizens buying from the State of Nevada 640 acres of land each, and just as soon as title from the State is passed to the 20 individuals, or the very next day, they can transfer that land to one corporation or to one individual.

Mr. PITTMAN. If the Senator will pardon me, is not that true with regard to all lands?

Mr. SMOOT. Yes, Mr. President, that is true in regard to all lands; but it is also true that whenever a man goes upon the public domain and makes a homestead entry he has got to comply with the law; he has got to live upon the land; he has got to do improvements upon the land; and he has got to show that the land is capable of cultivation and a fit place for a home before he can secure title to it. In this case it is entirely different. The State makes the selection; the State sells the land to an individual; but the individual is not required to live on the land a second; the individual is not required to make any kind of improvements upon the land; the individual is not supposed to make a home on the land; and therefore it is quite different from the case of the entryman who goes upon a piece of public land for the purpose of making a home.

That is why I call attention to this matter. I do not see why the Senator from Nevada objects to saying plainly and bluntly to the Senate of the United States that the character of the land in Nevada is such that the only way it can be used is for grazing purposes, and that the State intends to sell this land, and that it will be used for grazing purposes in large tracts. I know the State well enough, Mr. President, to say that the land is not going to be held in 640-acre tracts.

Mr. PITTMAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Nevada?

Mr. SMOOT. Certainly.

Mr. PITTMAN. I have already stated my views in regard to this land, so that it becomes unnecessary for me to answer the Senator again. I believe that this land will be purchased by existing farmers as an adjunct to their existing ranches. I think that is the chief value of it; and, that being its chief value, it will go to that source.

Mr. SMOOT. Mr. President, I merely want to say that the idea of the situation as stated by the Senator from North Dakota [Mr. MCCUMBER]—who I regret is temporarily absent from the Chamber—is, in my opinion, correct. However, I am not going to complain at all about that, knowing that to be the condition; but I think it ought to be stated plainly and frankly exactly what the land will be used for, and that will be for grazing purposes.

Mr. FALL. Mr. President, will the Senator yield to me for a moment?

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from New Mexico?

Mr. SMOOT. Certainly.

Mr. FALL. The Senator from North Dakota [Mr. MCCUMBER] asked a question a few moments ago with reference to New Mexico. The Senator from Utah is now referring to the use of these lands. I will say to the Senator that I will be more than glad to explain to the Senate exactly how New Mexico is availing herself of the donated lands, how she has found it possible to utilize them to some benefit, why she is so utilizing them, and why we are opposed to a grant to an individual limited to 640 acres. I will explain the necessity for large acreages when an opportunity arises, now or at any other time.

Mr. SMOOT. Mr. President, I thought I could turn to the Statistical Abstract and ascertain the amount paid per annum for educating each student in the various States. I have been unable to find the table, but, if my memory serves me right, Nevada does not pay any more per capita for the education of her children than many of the other States of the Union pay, and there are a great many that pay more per capita; so that the reference made by the Senator from Massachusetts [Mr. WEEKS] is, to my mind, very pertinent and has a bearing upon the situation.

Mr. President, I have no idea of discussing this bill beyond what I said when it was under discussion several days ago; but I do believe that the amendment offered by the Senator from Washington [Mr. POINDEXTER], now pending, ought to be adopted. I believe that would be more just to the other States, and I believe that at least Nevada would be placed on an equal footing in every respect and on a footing a great deal more than equal if 3,000,000 acres of land are granted to that State. Taking everything into consideration, the population, the value of the land, and every other question that has been discussed affecting this bill—taking them all into consideration, weighing them in any way that you please, I can not see, for the life of me, why, if Nevada receives 3,000,000 acres, she would not be in just as good a position, and perhaps a better position, than the other States.

Mr. FALL. Mr. President, I want to make a statement. I am in favor of the principle of the bill now before the Senate, and I shall at the proper time go somewhat at length into figures and details, which might not prove very interesting at this time, but which will shed some light, I think, upon the matter of the value to the United States of the remaining public lands in the United States and of the proper method of handling those lands.

The Senator from Nevada [Mr. PITTMAN] has referred in his table to the fact that New Mexico received quite a large donation of land. That fact has been referred to upon several occasions, and the Senator from North Dakota [Mr. MCCUMBER] asked as to how New Mexico was handling her land. The receipts of the commissioner of public lands in New Mexico for the last fiscal year amounted to $710,000. The income to the public schools was $258,000, and that will continue, I think, as a permanent income or will increase.

New Mexico received altogether from the United States at various times, including the donation when she finally came into the Union, a total of approximately 12,000,000 acres. She proceeded to locate that land as soon as possible. Of course this includes, Mr. President, school sections 2, 32, 16, and 36. We were enabled to locate our lieu lands, as we call them, in rather large bodies; that is, in the Spanish land grants, Indian reserves, and other reserves. For the school sections which we were entitled to within the area covered by those reserved lands we were allowed under the act of Congress to locate lieu lands wherever we pleased. In that way we have been able to locate lands in larger bodies than would otherwise have been the case.

Now, sir, there has been as much as 47,000 acres of these lands in New Mexico sold to one individual or to one corporation. Those lands were added to the lands donated in 1898. They were located, possibly by misunderstanding or mistake, in an area where it would require 100 acres or more of such lands to furnish grazing for one head of cattle, one cow. They were located in what we call the Malpi country, or the lava-bed country, and the salt flats in southern New Mexico, largely in my county in New Mexico. They were possibly the least valuable of any lands so located or any of the donated lands. As I say, they were located in 1898. There was a portion of this tract which was fit for colonization, approximately 5,000 acres out of the total of 47,000 acres. The largest number of cattle which has ever been grazed upon that land, or which it will carry, is less than 1,500.

To illustrate, to give the Senators here some idea of the area required for grazing, I will state that three years or more ago, through the Agricultural Department, a reservation was made in my State, New Mexico, by the then President of the United States for the purpose of establishing a grazing experiment.

Under a contract made at that time—a contract then in existence and afterwards signed and now being carried out—a cattleman was allowed to graze his cattle upon this acreage, cutting out 10,000 acres of the total upon which stock should not be grazed, so that the natural grasses might be allowed to grow without being eaten, while the adjoining area should be utilized by this stockman, not overstocked, but the number of cattle per annum kept upon it that were necessary, in the opinion of the expert of the Agricultural Department, to enable him to ascertain how the grasses would reseed themselves or how many cattle a given area in New Mexico would carry with safety. The number is limited in the contract to 1,500 head. The area set aside for the purpose is 232,000 acres. This will possibly be somewhat enlightening to the Senate as to the area which it is necessary to set aside for cattle-grazing purposes in that remaining portion of the "great American desert."

I have here, and I will read into the RECORD, at the proper time, the official letters and correspondence with the Agricultural Department, the Interior Department, and the Forestry Department, relating to New Mexico, as to the area necessary to use for the grazing of stock. I have received a letter on the subject since I made a statement a few days ago in the Senate, in which I said that we calculated 40 acres to a cow. I have had a confirmation from the Forestry Department as to the number of acres necessary for an animal, according to their statistics, in the State of New Mexico. They say that, cutting out from the reserves to which they refer possibly one-third to one-half of the total area as unfit for grazing, they find that it is necessary to provide 38.4 acres for a cow. Now, in our calculations of 40 acres to an animal, we, of course, have not the privilege that the Forest Service has of excluding from the total area lands which are entirely unfit for grazing. In other words, we figure that out of 200,000 or 47,000 acres, as the case may be, possibly a third or a fourth of it is entirely unfit for any purpose; but we include that in the entire area in estimating 40 acres per cow, while the Forest Service's estimate of 38 acres is cutting out such area as that, setting it aside.

As to New Mexico, sir, our conditions were these: Embraced within our exterior limits was a total acreage of 78,485,760. Of this there was embraced in Spanish land grants, confirmed by the Congress of the United States long prior to the establishment of the court of private-land claims, 9,882,000 acres. Those Spanish land grants are held in acreages running from, we will say, 100,000 to a million and a half or more. They were obtained possibly by speculators or by investors in the early days. New Mexico is 300 years old, Mr. President. These grants, made by the Crown of Spain prior to the acquisition of New Mexico by this country, and, in fact, prior to the date of the Mexican revolution in 1810, and confirmed by the treaty stipulations between this country and old Mexico, went into the hands of comparatively a few individuals. With the exception of the community grants along the Rio Grande, which were irrigable grants, the greater area was an arid country, and the grants were made in very large acreage, because New Mexico was understood to be purely a stock country, as it is yet, aside from a comparatively few acres.

The railroad land grants made directly by Congress were 4,035,000 acres. In the Indian reserves in the State of New Mexico there are embraced 3,766,000 and a fraction acres. In the Pueblo Indian reservations, which were Spanish land grants in themselves, granted to something like 20 different communities of sedentary or Pueblo Indians, there are embraced 985,000 acres. In the withdrawals by Executive orders and others, including the withdrawal to which I have just referred of 232,000 acres for cattle-grazing purposes, national monuments, military reserves, horse-breeding ranches, forest reserves, and so forth, there are withdrawn and held by the United States Government, of our total area, 16,029,105 acres. The remaining public lands in New Mexico now, out of 78,000,000 acres, total 27,788,000 acres, or much less than a third of the area.

Now, sir, for 60 years our citizens have been entitled to avail themselves of the public-land laws of the United States, just as the citizens of any other public-land State have been. Now, remember that we had 78,000,000 acres to start with. We have now 22,000,000 acres of public domain; and in 60 years, under the land laws as made by the Congress of the United States, while the Territory of New Mexico had no voice or vote in the Congress, the pioneers of New Mexico have been able to segregate from the public domain and acquire title to 3,700,000 acres out of a total of 78,000,000 acres.

It was absolutely impossible for the people of New Mexico to acquire the lands under the present laws or customs. Therefore they gladly availed themselves of the opportunity afforded by the terms of the enabling act to locate the lands in tracts where they could be leased and where they could be sold to actual settlers, constituting stock ranches, enabling us to continue our cattle breeding in the greatest cattle-breeding section of this country; and there is not a man in New Mexico who does not know that it is necessary, to enable any homesteader to support a family, for him to secure at the least estimate 4,000 acres of land in private ownership. Otherwise he can not make a living for himself and educate his children.

Mr. BRANDEGEE. Mr. President——

The PRESIDING OFFICER. Does the Senator from New Mexico yield to the Senator from Connecticut?

Mr. FALL. I do.

Mr. BRANDEGEE. In cases such as the Senator is discussing now—lands that are semiarid and more or less unfitted for agricultural purposes—does the Senator know why the lands should not be allowed to be taken in large quantities, even by a cattle company, if it is necessary to have a good many acres to support one cow?

Mr. FALL. If you do not work it out in just that practicable way, Mr. President, the price of beef will continue to go up in these United States from day to day until we will be a nation of fish eaters, in my opinion, instead of a nation of beef eaters. This is where you are breeding cattle, where you are feeding cattle that come from the great ranges of the West.

The settling up of this country, the cutting of the cattle away from the streams by the settlement upon such lands as can be used for agriculture, has left the great table-lands—the dry, arid portion of the country—without even water facilities. In my State we have hundreds of wells in which it has been necessary to go to a depth of 1,500 or 2,000 feet to obtain water with which to supply from 200 to 300 head of cattle at a prohibitive cost to a homesteader. Think of the condition! Water unavailable for any possible purpose within 1,000 to 1,500 or 2,000 feet of the surface; a well costing, without equipment of engines, etc., for lifting the water but simply for the excavation of the well alone, from five to ten or fifteen thousand dollars!

The Senator asks, "Why not allow cattle-raising corporations or individuals owning large herds of cattle to acquire more than 640 acres?" It is absolutely necessary that they should acquire it. What man with 640 acres can spend five, ten, fifteen, or twenty thousand dollars to develop water for the purpose of watering 16 head of cattle? Sixteen head of cattle, with an 80 per cent calf stock, would mean 12 calves a year. One-half of those calves would be for sale. Six calves bringing at the outside price, the very best which it is possible to realize, $30 each at the age of 8 months or $40 at the age of 11 months would bring in a total income, a magnificent income for this homesteader, of $180, not counting his expenses.

What American citizen can educate a family of children on such an income, or can invite a wife to go with him to acquire such a homestead? Why, sir, it is necessary that those lands should be handled in large tracts.

Of the total of 12,069,000 acres donated to New Mexico under the different acts by the Congress—I shall go into the statement more fully later—of that amount the State has acquired title to 7,816,000 acres. It has not acquired title to the balance because of the red tape necessary to go through in the offices, in the bureaus, of this Government. The Congress made the grant absolutely. It is a grant in presenti, but with such restrictions as to mineral lands and as to reserved lands and as to surveyed lands—only a fraction of our remaining lands being surveyed—that before we can get them clear listed we make our application in the local land office just as an individual would; that application is passed upon and forwarded to the Commissioner of the General Land Office; from the Commissioner of the General Land Office it goes formally to the Geological Bureau, and they must say whether there is any mineral upon these lands; and if they are not clear listed, as nearly one-half of our lands are not, that department holds them up there for years, subject to examination as to whether they are of a mineral character. So that we have been able so far to acquire title to only 7,800,000 acres out of a total of 12,000,000 acres.

Of that total, Mr. President—I think these figures are somewhat enlightening—of the total of 7,816,000 acres we have now under lease, paying an income to the public schools, assisting in the education of the children of New Mexico, 6,109,065 acres, producing a regular annual income approximating $258,000 for the education of the public-school children of New Mexico. We have disposed of 304,964 acres. The greater portion of the land which could be disposed of under the donations has not as yet been clear listed so that it can be sold. We had 1,000,000 acres of land in the grant given to us to reimburse the State of New Mexico for some railroad bonds, which the Congress of the United States, by special act, forced us to assume and pay,

The Congress then, in its generosity, gave the State of New Mexico a million acres of land with which to pay off these bonds which it had forced upon us.

That land, or a great portion of it, we have not as yet been able to get clear listed. Applications are in for the sale of it. It will be sold. It will help to make homes. I want to say to you now, Mr. President, that in the State of New Mexico the citizens of that State and those coming in there desiring to make homes had rather give to the State of New Mexico $3 an acre than to take the homesteads from the United States free of cost.

Mr. JONES. Mr. President——

The PRESIDING OFFICER. Does the Senator from New Mexico yield to the Senator from Washington?

Mr. FALL. I do.

Mr. JONES. I just wondered if the State had been able to sell very much of those lands.

Mr. FALL. Mr. President, if we should offer those lands for sale at the minimum price fixed by Congress of $3 per acre for the greater portion of the area and $5 per acre on what we call the Pecos Valley side, I believe every foot of the land can be sold.

Mr. JONES. Then there was a minimum price?

Mr. FALL. But we must sell it in bodies of five to ten or fifteen or twenty thousand acres.

Mr. JONES. What does the Senator think it would sell for in maximum parcels of 640 acres?

Mr. FALL. Mr. President, I will answer the Senator by giving him a little historical data. At the last election a candidate for Congress, who had been a Member of Congress from New Mexico, a gentleman of great attainments and fine character, thoroughly sincere and earnest, had offered in the House a 640-acre bill which passed that body. In the last campaign, in every county in the State of New Mexico, an issue against that Member of Congress was his 640-acre homestead bill, and he was defeated. He had been elected to Congress before and he was defeated by 5,000 majority; and in every precinct, in every county in that State, an issue was made against him of his advocacy of the 640-acre homestead bill.

Mr. President, the conditions differ in the different States. New Mexico is, from her taxable property, building roads and supporting courts and educating children, and doing her duty as a State of this great Union to the best of the ability of her citizens. She is taxing herself, issuing bonds, placing a mortgage upon the prosperity of future generations of New Mexico for the purpose of building roads, for example. I want to say to you just here that for every acre of land in private ownership in New Mexico benefited by this taxation, which we have voted upon ourselves for the construction of these public roads, there are 1,000 acres of the public domain benefited, and the Government of the United States gives us not one cent. And then, Mr. President, when we ask to be unhampered, to be allowed to handle the resources of our State in order that we may progress, that we may continue to educate the children of the coming generation, that we may continue to build good roads, that we may continue to be worthy of citizenship in this great Nation, we are almost invariably met by just such expressions as were read into the RECORD from a newspaper article by the Senator from Nevada [Mr. PITTMAN] this morning. Some one in the United States seems to think the people of the West are anxious to take from the people of this country a magnificent domain, of immense value to the people throughout the different States of this Union, for the purpose of conferring it upon a few bloated bondholders or a few soulless corporations!

Why, sir, we have the same interest in our State that the citizens of any of the older States have. We ask to be allowed the same privileges that the people of the older States have been allowed. We ask that our conditions be taken into consideration, and that you do us the justice to believe that we are just as honest, just as thorough and conscientious and loyal American citizens, as are the citizens of Connecticut or any of the older States of the North or South in this Union; that the citizenship of this great Western country of ours is American citizenship, exactly the same as that which was found in the original 13 Colonies. And, Mr. President, when we come to you and say that we know our conditions, we know what it is necessary for us to do, we ask you to place the same confidence in us; but I want to describe to your, sir, the reception that we meet with at the hands of the bureaucrats who are at the present time running this Government.

A poor homesteader applies for 160 acres upon the public domain in the State of New Mexico. He at once becomes an object of suspicion. Every little sixty-dollar clerk who has been sent out from Washington as an inspector of public lands or of public-land entries makes it his business to watch this homesteader, because the moment the application is filed apparently the suspicion is aroused in the minds of some of the gentlemen who are in control of one branch of the administrative departments of this Government—that is, the Department of the Interior—that a thief is attempting to steal, not from the people of the United States but from the Department of the Interior, 160 acres. Why, sir, they seem to think, and actually the idea seems to rest in the minds of some of the gentlemen who are engaged every week in sending out plate matter to the weekly newspapers from the city of Washington in the name of "conservation," and in the minds of many good citizens of the country, that when a man secures 160 acres of land he takes it away with him somewhere. Why, sir, the land remains there. It can not be carried away. It is there yet. It is paying taxes to the local government.

Instead of inviting the homesteader to go upon the public domain the tendency now is to throw every possible obstacle in his way to prevent him from acquiring a home; and this is shown in the matter of desert lands. If the Senators will read what is said in this report of 1915 from the General Land Office with reference to the desert lands, they will see that it has been made harder and harder and harder and harder for the settler to obtain a title, until now I say to you, sir, that under the rules and regulations issued within the last year or two—not under the act of Congress, because that has not been changed—a man who makes application for a 320-acre desert-land entry takes his liberty in his hands and the penitentiary doors stare him in the face from the day that he makes his application to the day upon which 9 out of 10, as shown by these statistics, are rejected by some local inspector of the public-land office who knows nothing in the world about the conditions.

Sir, this Government of ours should do as the Canadian Government is doing, as the Government of India is doing, as the Australian Government and the other Governments are doing. It should invite the people of the United States to acquire in private ownership the remaining public lands instead of throwing obstacles around the acquisition of these lands and their settlement. But, Mr. President, instead of the inspector from the public-land office being welcomed, as he should be, by the homesteader desiring to settle his family upon the public domain; instead of his being received with pleasure by the children of that man, when he arrives in sight, as their friend, who is able to show them how to comply with the law and how to acquire their homes; instead of his being received in that way, the old frontiersman feels, sir, that if he could carry out his wishes in the matter he would receive him at the point of a Winchester rifle when he gets within rifle shot of the front door, because he comes as an enemy.

I am stating these as facts from thirty-odd years of personal experience and familiarity with this southwestern country. I may say, in passing, that it has been my fortune to be associated with some of the larger private irrigation projects in my country and with some of the railroads seeking to develop that country with the various development enterprises, and I think I know somewhat of what I am speaking in this instance. I have on file here, filed several years ago, appeals to the then Secretary of the Interior—not the present incumbent of that office—to modify in some way, if possible, the feeling that existed, at least through instructions to the special agents and the investigators of his department in our portion of the country.

It is hard enough for any man from Nevada, from New Mexico, from Arizona, or from one of the other public-land States to impress the real situation upon Senators who have no knowledge, and could have no personal knowledge, of the conditions existing in each of these States. It is hard enough to get any kind of remedial legislation; and in every effort made by such a Senator there is always an amendment or some proposed compromise or something offered which possibly unfits the bill for his purposes. For that reason I have said that the Senator from Nevada, of course understanding the conditions there, may know that his people can dispose of 640 acres without inviting the charge of collusion or fraud; they may be able to dispose of 640-acre tracts to individuals. I will say to him, however, that our experience under the act of 1898 was this:

A great domain, 2,000,000 acres or more, was granted to New Mexico. With the exception of 22,000 acres sold by collusion, as it is claimed, in one of the timber districts in New Mexico to a lot of entrymen, each securing 160 acres—on this land there was no residence required—with the exception of that tract and one or two other tracts of similar character obtained in a similar way, it was absolutely impossible for New Mexico to dispose of a foot of that land. Eighty acres, I think, out of 2,000,000 acres of land, went to actual settlers! They were such lands as could not be used unless they could acquire more than

160 acres. So the only disposition made of this land was under such methods as brought about suits by the United States Government to see that the purposes of the law were carried out, paralyzing the industry of New Mexico for years. They were finally compromised, and the parties did not go to the penitentiary. That is as much as I can say for them. But so far as the beneficial results were concerned, they were absolutely nil. We had the lands, but we could not dispose of them.

I believe firmly that in New Mexico a 640-acre limit would only result in this: We would take it, of course, and then come back to Congress at the next session and ask it to relieve the 640-acre limit still more, and we would keep coming to Congress until we finally persuaded it in one way or another to give us more; and in the meantime we would be looking with some little degree of partiality to the sale of those lands and with not too much strictness to the manner or method of sale. In other words, I say to you frankly the land could not be utilized if the law was strictly enforced and only 640 acres could be acquired by the individual.

I have offered, and I shall call the attention of the Senate later to a bill for New Mexico donating or selling to New Mexico 27,000,000 acres of unreserved and reserved land still remaining. I will say to the Senator from Montana that one of the provisions of the bill is that there shall be a guaranty that the State of New Mexico will pay out of the proceeds of those lands 62½ cents per acre to the United States Government for the benefit of its Reclamation Service. If we have those lands sold, we will pay to the Government of the United States $15,000,000 for the 27,000,000 acres.

Mr. President, I have figures here, taken from the records of the Land Department itself, which show that for every acre of land in the State of New Mexico disposed of by this great Government of the United States for the last five years the taxpayers of the United States have paid more than one cent per acre and the land has paid nothing to the United States; in other words, that the expenses of the administration of the public lands in New Mexico have been greater than the entire income from the disposition of such lands. Instead of being a great asset for the taxpayers of the United States, the citizens of the old States and the other States of the Union are being taxed for the support of the Land Department across the way in the city of Washington. The report of the Secretary himself and the report of the Commissioner of the General Land Office, when dissected, will show to you that the administration of the public lands in the United States to-day is being paid for by the taxpayers and that the proceeds of the public domain are being eaten up by clerks in the Public Land Office. Instead of there being $2,000,000 as shown in this report, I say to you that there is not one dollar of receipts above expenditures. The report itself does not show that the last Congress for the purpose of paying these expenses, as set forth in this report, appropriated more than $3,000,000 which was expended by the Land Office itself or by the Interior Department.

I am not reflecting, Mr. President, I want it understood. Some Senators always fear that in remarks of the kind I am making there is intended some reflection, political or otherwise, upon the present incumbent of some office. Nothing is further from my thoughts. The present administration is pursuing exactly the course which has been pursued by former administrations. It is pursuing exactly the same methods of bookkeeping which they found in force when this administration took charge of the Land Office. They are disposing of lands in the same way they have been disposed of for years and years. Under the method of bookkeeping it is shown that $4,000,000 were placed to the credit of the reclamation fund of the United States out of the sale of public lands. The Treasury report shows nothing like so much placed in the hands of the Secretary of the Treasury. The Interior Department's report shows nearly a million dollars less; but these mistakes were made and have been made for years, not simply by this administration.

Mr. President, it may be that we can not get a general measure which would be satisfactory to the Senators from the different States. For my State, or my portion of the country, the only satisfactory method of handling the public lands is to let the local people handle them themselves. It costs too much in overhead charges to handle them from Washington. You can not do it without a loss. You can turn them over to the people of New Mexico and they will handle them at a profit, but they must not be restricted in handling such lands as the Senator is now asking in regard to those to be donated to his State. The tracts must not be restricted to 160 acres or 320 acres or 640 acres. The only object in making a restriction would be to prevent lands from going into private ownership through some collusion and fraud, and the object is that they shall become taxable and help out the revenue of the local government.

Mr. President, I have said much more than I expected to say on this occasion. I shall ask the indulgence of the Senate later to present some further figures upon this interesting subject.

Mr. POINDEXTER. Mr. President, in voting upon the amendment I do not want to have that act construed as differing from the general attitude taken by the Senator from New Mexico [Mr. FALL]. In a great deal of what the Senator from New Mexico has said with regard to the administration of public lands I agree entirely. I think the real difference is rather a difference of opinion as to what the remedy is.

I admit that there are many faults in the administration of the public domain. I know that the great principle, as I regard it, of conservation is being injured and brought into more or less ill repute in the country by the manner in which it is administered through the Land Office. In saying this I repeat what the Senator from New Mexico has just said, that I do not intend to reflect upon any administration or any individual.

The proposition of the Senator from New Mexico, however, to remedy this situation by a bold and comprehensive stroke of turning over the entire public domain to the administrations of the States I deny would remedy it; at least we have no evidence that it would remedy it. Mr. President, if we should grant, as is proposed in this bill, 7,000,000 acres of land to the State of Nevada, or if we should grant all of the public domain that is left in the State of New Mexico outside of the 12,000,000 acres which have already been granted, what evidence have we that homesteaders would have a better opportunity of acquiring homes than they have now, or that there would be any homestead law at all or anything corresponding to it? What evidence have we, Mr. President, that if the land is proposed to be sold by the State in 640-acre tracts it will be put to any beneficial use and not held for speculative purposes? None whatever. There is no provision in the bill to that effect.

It seems to me that a more sane and reasonable attitude to take in regard to this great question would be that Senators from the public-land States should all stand here without division and say that the laws we place on the statute books should be administered in the spirit in which they are written.

Mr. FALL. Mr. President——

Mr. POINDEXTER. I will yield in just a second. The law provides for the beneficial use of every resource that there is on the public domain. It provides for the homesteading of agricultural lands that are within the forest reserves, and it should be administered and construed liberally to encourage homesteaders to settle there and improve this uninhabited land, not as the Senator has very truly said to discourage them and put obstructions in their way.

But the Senator, I very much fear, could not get support for the proposition of divesting the Federal Government of the title to its public domain and vesting it in the States. I will yield to the Senator.

Mr. FALL. Mr. President, in reference to the last remark, the Senator from New Mexico will assure the Senator from Washington that during his entire remaining term in the Senate he will worry some Senators until he gets support for the proposition, because otherwise the State of New Mexico is going to ask the taxpayers of the United States for an annual appropriation for its support unless we are allowed to have our resources, our wealth, ourselves.

What I wanted to call the attention of the Senator to is the fact that exists under the law as it stands to-day, even if it was administered in the most liberal spirit. I do not think the Senator was here when I read some statistics with reference to the annual precipitation in Nevada. Land where there are 3 to 6 or 8 or 9 or 10 inches of rainfall unquestionably can not be used, as the Senator knows, under the agricultural homestead or the desert-land act.

Mr. POINDEXTER. I think that is very true; but there ought to be some plan worked out by which it can be used. When the Federal Government parts with the title of the land it ought to fix that policy; and that is the fundamental difference between what might be called the two schools of thought on the question of the disposition of the public domain, whether the policy shall be fixed by the National Government or whether it shall be turned over without restriction at all to the local legislature and allow them in each State to determine the policy on which the land shall be granted.

Mr. FALL. If the Senator will just pardon me a moment, I wish to say to the Senator that in the bill which I have proposed and which is now pending before this body for the disposition of those lands, turning them over to New Mexico for handling, the method by which they shall be handled is suggested in the bill itself and runs with the title. There is a provision that as much as eight sections can be sold to an individual for a grazing homestead, but no more can be acquired by that person from

any other individual so long as he holds the eight sections; that there shall be a condition of forfeiture in his deed so that if a corporation or an individual, directly or indirectly, acquires more than eight sections at any time the entire holding shall be forfeited absolutely and become again the property of the State, and the United States Government shall have a right to enforce the law in the court.

Mr. POINDEXTER. Mr. President, such a bill as that is far more coherent and rational, it seems to me, than a mere unrestricted grant to the State without any conditions attached to the grant whatever.

I have not seen the bill of the Senator from New Mexico, but from his statement of it it answers some of the objections which have occurred to me to the bill which is now under consideration, which contains no such provision.

I had not expected to take any extensive part in this debate. The speech which the Senator from New Mexico has made, raising the general question of the administration of the land laws and arraying and arraigning those who are opposed to the grant of the public domain to the States, as though that question were involved in this bill, almost impels those of us to whom this question is a great practical and political issue to state their position in regard to it. I do not expect to do so, except as I have already done at this time. It seems to me that that is rather afar from the question which is now before the Senate. The question of homestead is not involved. The general policy, however, of the Federal Government in regard to the public domain is involved.

I agree with the Senator from New Mexico that there is no reason why there should be a restriction limiting the holding of these lands to 640 acres. It seems to me a proposition of that kind is simply a sop to the general cry against monopoly of public lands without any regard to the existing conditions. It ought to be dealt with in view of the necessities of the case. Everyone familiar with the conditions knows that those make it impossible for a man to make a living on 640 acres of land in a desert. Yet here it is proposed to grant 7,000,000 upon that basis.

The Senator from New Mexico is entirely right in regard to that, and, Mr. President, while, as I said before, I differ with him as to whether the State or Federal Government should fix this policy, he believing that the State should do it, I believing that the Federal Government should do it, he is right in saying that under whichever jurisdiction the law is fixed and the granting of the land is passed, the policy under which it shall be sold ought to be fixed in the law.

If we are granting 7,000,000 acres of land to the State of Nevada, one thing that occurs to me as I stand upon the floor that ought to be put into the law is some provision against the acquisition and the holding of those lands for speculative purposes. There ought to be something there which would carry out what the Senator from Nevada says his intention is, that the lands shall be used; that they should contribute to the support of the schools of the State. How do we know that they will contribute to the support of the schools of the State? It may be that they will be dealt with as many of the more valuable lands in the State of Washington have been in times past. Great areas of timberland, whether acquired in one way or another by large companies, were held for speculative purposes, not developed, not put to any beneficial use, the owners of them in constant protest and a state of war against the taxing power of the State and the counties, so as to evade paying taxes and to put the taxes down to the lowest possible sum, allowing them to accumulate from year to year and then making a compromise at one-tenth of what the taxes ought to be.

There ought to be some provision which would prevent that state of affairs if we are going to grant to the State of Nevada the right to pick up 7,000,000 acres of the cream of the public domain. What is the Federal Government going to do with the desert which is left after the State of Nevada has picked it over and selected all that was worth anything? We might as well grant the State the entire domain as to grant them the privilege of selecting 7,000,000 acres of the best land that there is in the State.

The senior Senator from Nevada [Mr. NEWLANDS] pelted me with a great many questions this morning as to whether the lands in the State of Washington are not better than those in the State of Nevada. Generally speaking they are, but the mistake of the senior Senator from Nevada was that he seemed to assume that the worst lands in the State of Washington are better than the best lands in the State of Nevada. That may be true; I do not know but what it is; but I do not know that it is. Yet that will be the situation. We had to take the worst along with the best. Here it is proposed that the Federal Government shall keep the worst and give the best to the State of Nevada, and that, too, after Nevada has had ten times the same opportunity to select that other States have had—not the same opportunity to select, because the other States have not had the opportunity to select, but they had the same grant, because the State of Nevada preferred the right to select to the grant which the other States had, and it was given that right in exchange for the original grant.

The VICE PRESIDENT. The question is on the amendment of the Senator from Washington [Mr. POINDEXTER]. [Putting the question.] The noes seem to have it. The noes have it.

Mr. POINDEXTER. I ask for the yeas and nays.

The yeas and nays were not ordered.

Mr. POINDEXTER. I suggest the absence of a quorum.

The VICE PRESIDENT. The amendment is rejected. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

| | | | |
|---|---|---|---|
| Ashurst | Husting | Norris | Sterling |
| Bankhead | James | Oliver | Stone |
| Beckham | Johnson, Me. | Overman | Sutherland |
| Brandegee | Johnson, S. Dak. | Owen | Thomas |
| Bryan | Jones | Page | Thompson |
| Catron | Kenyon | Phelan | Tillman |
| Chamberlain | Kern | Pittman | Underwood |
| Chilton | La Follette | Poindexter | Vardaman |
| Clapp | Lane | Pomerene | Wadsworth |
| Cummins | Lea, Tenn. | Robinson | Walsh |
| du Pont | Lee, Md. | Saulsbury | Warren |
| Fall | McCumber | Shafroth | Wecks |
| Fletcher | Martin, Va. | Sheppard | Williams |
| Gallinger | Martine, N. J. | Shields | Works |
| Gronna | Myers | Smith, Ariz. | |
| Hitchcock | Nelson | Smith, Ga. | |
| Hollis | Newlands | Smith, Mich. | |

Mr. CHILTON. I wish to announce the absence of my colleague [Mr. GOFF] on account of illness.

The VICE PRESIDENT. Sixty-five Senators have answered to the roll call. There is a quorum present. The bill is still as in Committee of the Whole and open to further amendment.

Mr. LA FOLLETTE. Mr. President, I offer the amendment which I send to the Clerk's desk.

The VICE PRESIDENT. It will be read.

The SECRETARY. On page 2, line 9, after the word "herewith," insert:

*Provided further*, That no portion of said lands shall be disposed of by the State for a period of 25 years from and after the passage of this act.

The VICE PRESIDENT. The question is on the amendment proposed by the Senator from Wisconsin.

Mr. LA FOLLETTE. Mr. President, with the general purposes of this bill I am in entire sympathy. It is proposed here to set aside or donate out of the common property of the people of this country 7,000,000 acres of land to the State of Nevada. Such a proposition, Mr. President, could not be entertained for a moment excepting it were made for the purposes set forth in the bill, namely, for the benefit of the public schools and of the university of that State. The people of all the country have an interest in the education of the citizens of every State. In this interest lies the justification of legislation of this character.

But, Mr. President, if we are to take any lesson from the experience with measures of this character which have heretofore been passed, we ought to provide for the largest possible gain to the educational fund of the State that is to receive a donation of the public lands. I am not prepared to say that the history of every one of the States that have received donations of this sort out of the public funds is a history of betrayal of trust, but I do know such to be the history in many States that have been the recipients of such donations. In many States the lands donated by the Federal Government to aid education by action of the legislatures have been put upon the market and sold at once and but paltry sums realized, although in many cases the very terms of the grant implied that the State should get out of it the largest possible measure of benefit to secure to the State educational funds.

I know a few of the States have conserved the land so granted to them. Minnesota is one and that State to-day has a university with an endowment which will forever relieve the people of the State from any taxation to support that great institution.

In Wisconsin, Mr. President, the record shows very badly for those in control of the State government at the time the lands of this grant were sold. We had a donation from the Federal Government amounting to something over a million acres, largely valuable pine timberland—240,000 acres to the agricultural college, 92,000 acres to the university, and the remainder to the common schools of the State. The record of its disposition is one of shame and disgrace to the State. A great part of those lands were sold and speculated in, with the result that our schools have an annual income of a paltry

sum, instead of an income of half a million dollars annually, which we might have derived from those lands had they been handled pursuant to the spirit, if not the letter, of the act which donated them. The income from the university fund amounts to $15,000 only, hardly enough to pay for printing the annual catalogue of the institution. From the sale of the 240,000 acres given to the agricultural college, an annual income of only $12,000 is realized.

Mr. President, I would cheerfully vote for this appropriation of 7,000,000 acres of land to Nevada, not to be sold to the big cattle companies at $1.25 an acre, but to put ultimately into the school fund of the State a great sum of money, which would forever relieve the taxpayers of Nevada from contributing one dollar to the support of their public-school system, including all the schools from the common school up to the university. I have been informed by one of the Senators from that State that out of three million and odd acres already donated to Nevada, title to all of which has been parted with by the State, they have a fund which produces an annual income approximately of only $100,000 to support the State university.

To maintain any great educational institution such as Nevada will ultimately build up as a State university will, of course, require many times the amount of the income derived at the present time from the sale of all the land donated to the State for these purposes. The State of Nevada finds itself with this small income, Mr. President, because those lands have been sold too cheaply. Michigan, one of the States that received a liberal donation of public lands for the benefit of its educational institutions, held on to those lands until they have reached a high value, and the State now is building up from the sale of these lands a large fund for the support of the university.

Mr. President, I was a Member of the other House when the enabling act was passed for the States of North Dakota and South Dakota, and, as I recall, these acts fixed a minimum price at which the lands set apart for school purposes should be sold. As I recall, the minimum was $10 per acre.

Mr. STERLING. The Senator from Wisconsin is correct in that statement.

Mr. LA FOLLETTE. As a result of that wise action those States are now in the possession of enormous school funds for the support of their educational systems. The amounts realized overtops the funds of those of other States the public-land donations of which were not similarly safeguarded.

I do not think it would be wise, and I considered that in drafting this amendment, to put such a limitation upon the sale price per acre of the land to be granted to Nevada. This land is varied in character; much of it doubtless will be rough land that would not attain to the minimum which it would be proper to fix, if one were to propose an amendment to raise the minimum price.

Mr. WARREN. Will the Senator permit me to interrupt him?

Mr. LA FOLLETTE. Just let me conclude. So I have thought best to provide rather that the land shall not be sold until after a lapse of a period of 25 years. By that time, Mr. President, the population of Nevada will have increased; the demand for these lands will have likewise increased; and no one knows what development there will be in the possibilities for irrigating those lands. No one can forecast the progress that will be made in the next quarter of a century. It is not unlikely, Mr. President, that by that time those lands can be put upon the market, and such as are irrigable can be sold at a very high figure.

I now yield to the Senator from Wyoming.

Mr. WARREN. Mr. President, if the Senator will permit me, he was enumerating some of the States and the manner in which they had disposed of their public lands, and he spoke of cattle ranches absorbing the State lands at extremely low prices. I wish to say as to Wyoming, which is known as one of the cattle-range States, that her constitution, which she adopted before she applied for statehood, provided the minimum of $10 per acre; that no land should be sold for less than $10 per acre. The money—all of it from sales and from leasing—is kept in a permanent fund, and only the income from it is used, and that for the schools.

Mr. LA FOLLETTE. A very proper and wise provision.

Mr. FALL. Mr. President, will the Senator from Wisconsin yield to me for a moment?

The PRESIDING OFFICER (Mr. SAULSBURY in the chair). Does the Senator from Wisconsin yield to the Senator from New Mexico?

Mr. LA FOLLETTE. Certainly.

Mr. FALL. I have been very much interested, Mr. President, in the line of thought just suggested by the Senator from Wisconsin, but I desire to suggest what would be the result if he would carry it a little further. My native State of Kentucky was at one time very heavily timbered with walnut timber. To-day it is almost denuded of walnut timber. If the State of Kentucky had retained its walnut timber, that timber would now be worth possibly $1,000 an acre; but, Mr. President, Indians, I presume, would still be roaming there; white people would not have lived there. You can not have your pie and eat it, too.

Now, carrying further the suggestion of the Senator from Wisconsin with reference to Nevada, if Nevada, by the restriction upon the sale of this 7,000,000 acres of land, would be so very greatly benefited, then it would be benefited if the sale of any of its land were prohibited for 25 years. In that case, where would be your population, which is going to make the lands increase in value? It would have to remain somewhere else outside of the State of Nevada, because it could not find homes there.

Mr. LA FOLLETTE. Mr. President, the suggestion of the Senator from New Mexico brings me back to the suggestions made and arguments used, as history records, when the legislative acts in Wisconsin were passed to put its school lands upon the market; that to encourage the settlement of the State it was necessary the lands should be sold. Nevada has a very large expanse of territory outside of this 7,000,000 acres of land upon which people who are looking for homes may settle.

Mr. FALL. Will the Senator from Wisconsin yield further?

Mr. LA FOLLETTE. I yield.

Mr. FALL. Of course, I understand the Senator from Wisconsin is sincere, as is the Senator from New Mexico, in the discussion of this matter. I see the thing possibly from the other side, but I should like to know if those lands which have been disposed of have not been paying taxes for counties, municipalities, the State, public schools, and all other purposes, and have they not been settled by actual residents and settlers of the State who have gone there, raising families and forming a part of the population?

Mr. LA FOLLETTE. Oh, yes; Mr. President, that is true; and the people who bought the lands at the low price fixed by the legislature at that time held the lands for years before they would sell to actual settlers, and thus made large sums of money by the speculation. That is exactly what can be done under the terms of this bill. The purchasers of these 640-acre tracts, if they succeed in acquiring the water holes and the places of vantage for the control of large areas about them, will be able to hold on to them until the other unoccupied lands of the State are occupied, and then demand a very high price and secure an enormous profit out of this donation made by the Federal Government to that State ostensibly for the purpose of benefiting its common schools and university.

Now, Mr. President, let us look at this matter exactly as it is. Here is a proposition to give 7,000,000 acres of land to the State of Nevada for the benefit of its common schools and State university. If the Federal Government were to be taxed to support those schools, and had this land which it might use with good business judgment to build up a fund to relieve itself of taxation in the future, what would it do? It would hold on to the lands until such time as it could create such a fund as would relieve it forever from taxation for the support of those schools.

Certainly the lands in Wisconsin that belonged to the Wisconsin University and the agricultural school and the common schools are being taxed in the State, and the people in that State are being taxed more than $2,000,000 a year to maintain the university, and besides they are being taxed, of course, very heavily for the support of the common schools. Had the lands been held pursuant to the spirit of the trust which donated them to the State, the whole State would to-day be relieved to a very large extent of the burdens of taxation that are now laid upon it to maintain those educational institutions.

Mr. President, I trust the amendment which I have offered will be adopted.

Mr. FALL. Mr. President, before the Senator takes his seat, and in line with the suggestion that I was interjecting, I want to say that I can understand how the argument of the Senator might apply to some extent to an old settled State; that is, where there are in private ownership sufficient lands and sufficient resources to support the people, to support educational institutions, and to support the Government, or where there is sufficient income for all those purposes, his argument is all right. I can not, however, agree with the argument that in building up a new country there is any possible process by which you can keep the land away from the people and at the same time build up the population of the State. I can not conceive any possibility, in a State like mine, for instance, of holding the lands for 25 years to get additional profit on them, and at the same time secure a population for the State, unless I am willing to agree

with the idea entertained by some people, apparently, in this day that we should now constitute the relationship between this Government and its citizens of landlord and tenant, and that we should constitute the people now building up the remaining portion of the great West into communities of tenant farmers. I can not agree to that view.

Mr. LA FOLLETTE. Mr. President, just a word in answer, and it will of necessity be something of a repetition of what I said before.

The grant proposed here is one-tenth only of the area of the State of Nevada. Nine-tenths of the acreage of that State will be open to settlement. We would not be keeping the land out of the reach of the people.

Mr. FALL. Mr. President, does not the Senator know that any business man would locate these 7,000,000 acres on the best remaining portion? They would necessarily be cut out of the heart of the public domain in Nevada, out of the most valuable remaining portion, and the Senator would have that vast acreage tied up for 10 or 25 years.

Mr. LA FOLLETTE. Mr. President, I would either vote for it to be used in the largest possible measure of benefit for the school fund or I would not vote for it at all. I would not make that donation to the cattle companies of that State, for that is practically what it amounts to if it is to be sold to them at $1.25 an acre.

The VICE PRESIDENT. The question is on the amendment offered by the Senator from Wisconsin [Mr. LA FOLLETTE].

Mr. WALSH. Mr. President, I think a word should be said on the amendment offered by the Senator from Wisconsin.

Of course it is very easy to understand that the Senator from Wisconsin should be exceedingly apprehensive about the manner in which the Western States will handle grants made to them by the General Government, in view of the record made by his own State, which has not been, as he suggests, particularly creditable to it; but I should like to suggest to the Senator from Wisconsin that it is not very fair or very sound to assume that any such prodigality will be exhibited by States receiving land grants at this time. We should not guide our action by what was done by a State such as the State of Wisconsin, which disposed of its munificent grant during the time when millions of acres were being granted to the railroads and other corporations of that character. I say it is not fair to assume, and it is not sound to assume, that the States to-day having grants of public lands from the Government are going to dispose of those lands with that degree of prodigality and want of foresight that characterized the elder States in the disposition of their grants.

We ought to consider what the States are doing to-day with their grants. Take the State of Oregon, for instance. It was likewise entirely unfrugal in the disposition of its land grant, while the State of Washington, on the other side, has made a most creditable record. Washington, however, did not get its grant until 1889, while the State of Oregon got its grant when it came into the Union 30 years before. So it is with my own State. The grant to it likewise was made subject to restriction in the disposition of the land, so that the State was unable to sell any of the land at less than $10 an acre. I advised the Senate the other day that the lands granted to that State for university purposes have been disposed of at an average price of upward of $16 per acre, showing that the State does not feel disposed to sell even at the limited price of $10 an acre, but that the State is carefully husbanding its grant and disposing of it at the very best possible prices obtainable and with much business prudence and judgment. The same thing characterizes all of the Western States in the disposition of their land grants. So that I think we may well intrust to them a larger measure of discretion in the disposition of these lands than would be warranted if we were guided solely by the experience of the older States.

So I say to the Senator from Wisconsin that, if he thinks that the limit of $1.25 an acre placed upon the price of these lands is too small, he ought to urge that it be increased; but certainly, upon reflection, he will give no countenance to his own amendment; which proposes, Mr. President, to tie up 7,000,000 acres of the best lands in the State of Nevada so that they can not be utilized for any purpose whatever, forcing settlers who come into that State to take the inferior lands, in the hope that by development of the inferior lands the lands thus set apart, after the lapse of 25 years, will constitute a great fund for the public schools of that State.

Mr. FALL. Mr. President——

The VICE PRESIDENT. Does the Senator from Montana yield to the Senator from New Mexico?

Mr. WALSH. I yield.

Mr. FALL. Mr. President, along the line which the Senator is now speaking, I wish to say that at the time Wisconsin was disposing of its public lands, for I do not know what price, but evidently getting something for them, this great Government, which is so much better able apparently to handle our resources than are we, the people of the States, disposed of 81,193,000 acres in railroad grants absolutely without a dollar of return. For instance, the Union Pacific was granted 11,000,000 acres; the Oregon Branch of the Central Pacific, 3,000,000 acres; and the Northern Pacific, 36,000,000 acres.

I merely call the attention of the Senator to the fact that that was the policy; and to the further fact that I think, if the Senator would make a simple calculation for the Senator from Wisconsin, he would find that if these lands in Nevada were sold now for $1.25 an acre and the money was put out at 4 per cent interest, compounding it annually, as could be done, there could be bought back in 25 years, at the rate of $10 per acre, double the 7,000,000 acres which it is proposed to grant to the State.

Mr. WALSH. I want to add, Mr. President, that the effect of the amendment of the Senator from Wisconsin, if adopted, will be, of course, to nullify the grant, because the State of Nevada will not select 7,000,000 acres of land to be tied up for 25 years, and ask the settlers in that State to take the inferior lands. The State will not make the selection; and consequently the land will be open to appropriation exactly as it is now, and the grant will in effect be nullified.

Mr. NORRIS. Mr. President, I want to inquire of the Senator whether, in his judgment, under this amendment, if it were adopted, it would not be possible and proper for the State of Nevada to lease these lands during the 25 years in such quantities, so far as acreage is concerned, as she might see fit?

Mr. WALSH. Yes, Mr. President.

Mr. NORRIS. Such leases would not even be restricted, as I understand the amendment, by the 640-acre prohibition, which applies in the case of sale?

Mr. WALSH. Yes, Mr. President; the Senator is quite right. A restriction upon the sale in all probability would not be a restriction upon the right to lease; but the Senator is from a public-land State himself and he knows that no Western State undertakes to lease its lands as a permanent, desirable system. It simply leases until it can dispose of the lands, because the State has exactly the same purpose in encouraging settlement as has the Federal Government. The State does not want persons to lease its lands if others are willing to buy those lands and make permanent homes on them; and I need not say to the Senator that nobody is going to lease land for the purpose of making a home on it, however much any great cattle company might desire to pursue that system in order to carry on its business.

Mr. NORRIS. Mr. President, if the Senator will permit a further interruption, it seems to me that it would be very practicable for the State of Nevada to lease this land in quantities for the purpose of grazing. I presume that if it were sold it would not be sold to men who would go upon the land as they have gone upon homesteads to make homes. It would have to be disposed of in reasonably large quantities, embracing at least several sections, and would then be used for grazing purposes. If I understand correctly, about the only use to which these lands in Nevada can be put now is for grazing purposes.

In my State for a great many years we have been leasing school lands. We have had no difficulty in leasing them, and we have provided in the leases for an appraisement every five years, as I remember now, during the term of the lease, which has run for 20 years. It seems to me that it would be practicable for the State of Nevada to provide, for instance, for the leasing of four, six or seven sections of land for a term of 10, 15, or 20 years.

The only object that I can see in the pending amendment—and I think it is the one intended by the Senator from Wisconsin—is that between now and the expiration of the 25-year period it may be that these lands will be very valuable. There may be some method by which they can be cultivated or irrigated or put to some use, about which we know nothing at the present time, the idea being to hold them until the State can get the benefit of them, and in the meantime the State can lease them.

Mr. FALL. I should like to ask the Senator if the lands would not still be there, and, if they are going to be valuable, if the value would not attach to them?

Mr. NORRIS. Exactly.

Mr. FALL. There is no difference if they go in there as individuals; the State would get its income from taxation.

Mr. NORRIS. Oh, yes; but it would be much better if the State of Nevada owned a million acres of land that was worth only $1.25 an acre now, and she knew that 25 years from now that land would be worth $50 an acre, if she would hold the land, and in the meantime lease it and get out of it what she could.

Mr. FALL. Why, Mr. President, just as I suggested a moment ago, if the State sells it at $1.25 an acre, it pays taxes at once. The interest at only 4 per cent would be 5 cents an acre a year. Aside from that, it collects its local, municipal, county, and State taxation upon that land. It gets the settler upon that land if it is four or five thousand acres just as much as if he only occupied 10 acres. If the Senator will look a little into the matter, he will find that computing that interest annually, letting it rest and draw interest for 25 years, he could pay $50 an acre and more if he could buy it.

Mr. NORRIS. But the Senator knows that if the State of Nevada leased these lands, the probabilities are that the lease money that she took in would be applied to and used in the school fund of the State, if the lands were retained.

Mr. FALL. Yes.

Mr. NORRIS. And out of that she could get a very large sum of money that would be permanent. I am assuming that it would not be lost or misappropriated. It would be there forever, the same as the land would be, and she would get the income from it; but in the meantime, as the land became more valuable, if it did become more valuable, she would get an increased rental from it. It would be used for the same purpose, namely, grazing, that it would be used for in case she sold it; and, as far as getting additional settlers is concerned, I do not see any difference between one plan and the other.

Mr. FALL. Mr. President, if you can just work out some scheme here by legislation by which you can have a magnificent undeveloped domain and can settle that domain without settling it, and can make it valuable without doing anything to make it valuable, but can just sit down here in your seat in the Senate and see your property increase and increase and increase in value with people living somewhere else, and with no use being made of it at all—if that scheme can be worked out by legislation, then I, for one, am willing to admit that the old theory of government under which I was brought up was a delusion and a snare, and that all you have to do is to legislate and create heaven on earth.

Mr. WALSH. Mr. President, I desire to say only a word in answer to the line of argument pursued by the Senator from Nebraska [Mr. NORRIS].

Of course all of the Western States are leasing their unsold lands wherever they can lease them. Many of them have leased them ever since they came into the Union, or after the selections were made, only a few years after the year 1889, for instance, in the case of the four great northwestern States. But in every case they lease subject to the right of the State to sell whenever the circumstances seem to justify putting the lands up for sale; and I shall regard it as exceedingly unfortunate if any considerable body of lands shall go into the control of the States with a restriction upon their right to dispose of them when the conditions are ripe for their disposal. Whenever the time comes that settlers desire to go upon those lands and take them up and cultivate them the State ought to be permitted to sell them.

I should listen with considerable sympathy to a suggestion that the minimum price ought to be increased so that the lands would be sold only to those who could use them in connection with agricultural development and not be sold in great tracts simply for the purpose of making grazing ground for great cattle companies; but I submit that the amendment offered by the Senator from Wisconsin is a nullification of the grant.

Mr. SHAFROTH. Mr. President, I wish to say a word with relation to this matter.

I have no doubt that the suggestion made by the Senator from Wisconsin is made in the utmost good faith and that he believes it would be to the interest of Nevada to limit the time in which they can sell only after 25 years. But I must say that I have had a little experience on a land board in the State of Colorado, and we found there a condition which, it seems to me, is directly antagonistic to the position which the Senator from Wisconsin has taken.

We have large grants of land for school purposes in the State of Colorado. We have a leasing system with respect to those grazing lands. The amount that is paid is 5 cents an acre upon absolutely dry land and 8 cents an acre upon land that has a spring on it or a stream running through it. That is a very small amount, and yet it is impossible to get more than that amount. Even under that system there is nearly a million acres of land that nobody leases at all. The amount which is thus realized by leasing is not equal to the amount of taxes which that land would pay for State and county and school purposes if it were in the hands of private owners; and the result is that, so far as income is concerned, it would be to the advantage of the State of Colorado, if this were going to be a permanent policy for hundreds of years, absolutely to give away its land in order to raise taxes upon it.

Mr. President, the boards of these Western States are just as anxious to get good prices for their lands as anyone can be. They generally consist of the high officials of the State, and they are just as anxious to make a record in regard to the amount that can be realized as anyone in this body possibly can be. Sometimes they are mistaken; but, nevertheless, it is one of the things that we generally recognize as true that it does not pay to hold vacant land for a long period of time. That is true to such an extent that a calculation of the small cost of some pieces of land running a series of years shows the absolute loss there is in holding vacant land.

For instance, there is a calculation that I made upon a statement—I saw it in a book many years ago, and I made a calculation on it—with regard to the island of Manhattan, which was bought from the Indians for $37 three hundred years ago. The prevailing rate of interest in my country at the time I made the calculation was 8 per cent. I calculated how much $37 would amount to in 300 years at 8 per cent, compounded every year, and I found that the sum amounts to the entire value of all of the real estate of the United States, with all the property that has been built on it, all the houses and all of the railroads thereof. It amounts to that enormous total by this process of doubling every 10 years. Double $37 thirty times and you will find that it runs up into the billions and billions of dollars.

That simply illustrates the fact that it does not pay to hold vacant lands. Of course, the land in New York City has paid for itself. Why? By reason of the fact that houses have been built upon it and great rents have been obtained; but if the land had remained vacant you would have found that it would have been a loss, unquestionably, even at the low original price of $37.

Mr. President, we have a difficulty in our State by reason of holding some of the State lands. We put a pretty good price on them, and tried to get it. They sell for all the way from $8 an acre to about $15 or $16 an acre for dry lands. Lands that may be the subject of irrigation run up as high as $54 and $55 an acre. We are eager to get it, and if we think the price can not be obtained at the moment, sometimes a considerable length of time is taken to try to get that price. But the difficulty with the situation is that the counties in which these lands lie can not tax them, and the result is a great loss to those communities and to the school districts in which they are located.

We have continual petitions to the State board to this effect, "Why is it that you take thousands of acres in our county"—and they have clustered those lands by lieu selection—"and have them not subject to taxation? It is crippling our school fund here. You can make from that land by reason of taxation alone a great deal more than you can possibly get from any rents that you might obtain, even if you rented it all." Inasmuch as they never rent it all, and never can rent it all, although they advertise occasionally for it and try to make as much of the land leasing as they possibly can, yet, notwithstanding that, a very small percentage on the value of the land is obtained. If this were a permanent policy of leasing in the State of Colorado it would pay the State to deed away the land as a gift to somebody, in order to make him pay taxes upon it for State, county, and school purposes.

Mr. NORRIS. Mr. President——

The VICE PRESIDENT. Does the Senator from Colorado yield to the Senator from Nebraska?

Mr. SHAFROTH. I do.

Mr. NORRIS. I should like to ask the Senator whether there is a limitation in the grant of the Colorado lands that prevents Colorado from selling them below a certain price?

Mr. SHAFROTH. Oh, no. We can sell for any price, I think.

Mr. NORRIS. How long has Colorado had those lands?

Mr. SHAFROTH. We have had those lands ever since we were admitted to statehood, in 1876.

Mr. NORRIS. If it has been such a loss to hold them, I wish the Senator would explain why Colorado did not give them away when she first got the lands.

Mr. SHAFROTH. Because the State officials are always hoping, year after year, that they will be able to sell them, and they have sold a great deal.

Mr. NORRIS. They ought to have realized by this time the fact that they have made a mistake, and sell them very cheaply.

Mr. SHAFROTH. Not necessarily. Of course, there is an increase—there is not any doubt about that—but the increase does not equal the rate of interest that you would get. For instance, with some State lands we make the most favorable terms. The purchasers have to pay only 5 per cent for the cash payment, and then they have 17 years in which to pay the balance. But the rate of interest that we charge on the deferred payments is 7 per cent, and that 7 per cent on these lands brings a great, big income to the State. There is no doubt about that in the case of a sale. In the case of a lease they do not seem to give anything for the lease. Five cents an acre and 8 cents an acre is about all they give, and that, of course, would be an insignificant sum compared with the interest that you could get upon the amount for which the property sells.

Mr. President, this land will be segregated. It will be segregated in large tracts in some counties; and it is going to cripple those counties in their development, I have not any doubt. The State board is going to look after the matter in the most careful manner, and is going to seize the opportunity of selling for the very best price it can, and is going to refuse prices that are ridiculously low.

Those people are the ones who know the conditions. They know what is to the best interests of their State. At least, their judgment is better than that of us who are here in Washington. That being the case, it seems to me we ought to let them sell within a reasonable discretion as to what the lands are worth. If the Senator from Wisconsin would fix a little higher minimum price on the matter, I think it would be much more favorably considered than the question of exempting this land from any sales for 25 years.

Mr. SMOOT. Mr. President, I desire to ask the senior Senator from Nevada a question.

Some two or three years ago the Senator from Nevada introduced into the Senate a bill, which was referred to the Public Lands Committee, for the purpose of acquiring water holes in the State of Nevada. If this bill passes with its provisions today and becomes a law thereafter, would it not be possible for a cattleman desiring to purchase a water hole to purchase the land and thereby have absolute control of the water upon the land? And is it not also true that the water holes of Nevada are such that the water can not be used for irrigating the lands, but used only for stock-watering places, and that the person buying the land on which the water hole is located would control thousands of acres of grazing land adjacent to the land so purchased?

Mr. NEWLANDS. Mr. President, I think the Senator is mistaken in saying that I introduced a bill for the acquisition of water holes in Nevada. My recollection is that there was one water hole there that was a very serious bog, into which the cattle on the free range of the country were constantly blundering, resulting in the destruction of hundreds of cattle every year; and I introduced a bill intended to provide for fencing this hole in such a way as to keep the cattle out. Some of my friends from the West, however, thought that was an unwise policy, and the bill temporarily failed. But my recollection is that ultimately that menace became so serious that that bill passed, putting the protection of this hole under the control of either the Secretary of Agriculture or the Forestry Service, or somebody else, so that it would be well administered.

As to the general question whether or not water holes will be acquired under this bill, I will state that I imagine that these water holes, as a rule, are simply springs, and my impression is that almost every water hole in the State of Nevada has already been acquired. We have a grant there of 3,000,000 acres, and it has taken about 65 years to exhaust that grant. We have in that State only 2,700,000 acres as against only 11,000,000 acres in the State of Washington, which came into the Union about 25 or 30 years later. I think that shows how slow the demand for lands in that State has been, simply because of the scarcity of water. Unless they can discover subterranean waters there or enlarge to a very great extent the use of the waters now in the State, I do not see to what use these lands can be put except for grazing, at least temporarily.

I have no doubt the energies of the State will be applied in their development under very scientific direction. They are disposed there to submit these matters to the direction of the skilled and scientific men in the university, and I have no doubt that every effort will be made for the proper development of this 7,000,000 acres of land. I have not the slightest doubt that if any legislation is necessary to protect such localities as the Senator refers to that legislation will be adopted by the State.

The Legislature of Nevada is now largely composed of young men who are graduates of the university of the State. They are disposed to make the university a great factor in the civil life of the State. I have not the slightest doubt that it will have the most intelligent direction and that there will be nothing of the profligacy that has characterized many of the older States, which were much more careless about these matters in the administration of their landed estates.

Mr. SMOOT. Is it the idea of the Senator that the land that will be sold will be fenced?

Mr. NEWLANDS. Oh, no; I think not. It would not pay to fence it. The Senator can realize that thus far we have only been able to sell in that State, with the freest land laws, providing for homesteads and desert entries and everything of that kind, 2,700,000 acres in a period of 60 years of statehood.

Mr. SMOOT. The reason why I asked the question of the Senator was that the junior Senator from Nevada [Mr. PITTMAN] said that this land would be taken up largely by farmers who were already there, and that they would fence the 640-acre tracts.

Mr. NEWLANDS. I thought the Senator asked whether the State itself would fence them.

Mr. SMOOT. Oh, no.

Mr. NEWLANDS. No. I imagine that there will be some cases, where a man gains 640 acres as an adjunct to some existing irrigated farm of from 40 to 100 acres that he now has, where he will endeavor to put up some kind of a fence—a cheap fence, because there is not sufficient value there to warrant a strong fence.

Mr. SMOOT. If all the water within the State has been acquired, I do not see how it is possible to use these lands for grazing purposes. There must be some water developed somewhere in order that the land may be of use even for grazing purposes.

Mr. NEWLANDS. The State has made an appropriation for developing artesian wells. In some valleys there are water developments. That is being done under the direction of a professor of the university now. All I can say is that I am sure these lands will be much better developed in the hands of the State than they will be in the hands of the Federal Government, and I look for no mistaken policy in the future regarding them.

Mr. McCUMBER. Mr. President, with the permission of the Senator from Utah, may I ask a question of the Senator from Nevada right here?

Mr. SMOOT. Certainly.

Mr. McCUMBER. The Senator understands the character of that land pretty well. With a minimum price of $1.25 an acre, I wish to ask the Senator if he is not morally certain that at least 95 per cent of that land will be still in the hands of the State 25 years from now without any restriction in the legislation.

Mr. NEWLANDS. I should hope it would not be in the possession of the State for so long a period as that, but I think it will be for a considerable period.

Mr. SMOOT. I will say to the Senator from Nevada that, in my opinion, no such percentage of the land will be held by the State for that length of time. In my opinion these lands will be sold to individuals, and immediately the individuals will transfer the lands to cattlemen who desire to graze cattle upon the lands. That is what the lands are fit for, if they are fit for anything. That is the use that is going to be made of the lands. If the statement that has just been made by the Senator is correct, that the great majority of these lands are to be held by the State, then the amendment of the Senator from Wisconsin will not hurt the State in any way, shape, or form.

Mr. NEWLANDS. Oh, I do not think they will be held for any such period as that.

Mr. SMOOT. I do not, either, as far as that is concerned; but the question is, Mr. President, whether it is the best policy for Nevada to allow these lands to be sold for $1.25 an acre.

Mr. NEWLANDS. I think that can best be left to the State of Nevada. I am sure she will exercise wise judgment regarding it.

Mr. SMOOT. If it is to be left to Nevada, then it ought to be left with no limitation whatever, and the limitation of $1.25 an acre ought to be taken off. I do not see why there should be any limitation, unless we are going to have a limitation that the Congress of the United States deems wise.

Mr. President, I am sorry to say that the school lands that were granted to my own State were in many, many cases sold for next to nothing. I know of lands that have been sold that did not bring the State 10 cents an acre after the expenses of making the examinations required under the law were paid; and I am sorry that in our enabling act there was not a limitation placed upon the granted lands to be sold within my State of $10 an acre, the same as in the case of Idaho, Montana, and

several other of the Western States, and, I think, South Dakota. It is true that there would not have been as many acres sold, but it is also true that the State would have had more money in the school fund to-day, with less acres sold, by hundreds of thousands of dollars, than it has at the present time. I can not for the life of me see, if we are going to make any limitation at all, why we ought not to make a reasonable limitation instead of one that it seems to me is hardly worth considering.

This bill provides that Nevada can select the very best lands that are left in the State. It does not make any difference where they are, whether next to a farm or lands that can be irrigated by the establishment of dams. There is no restriction at all upon the State in selecting the lands. I think if there is going to be a restriction as to price there ought to be also an amount fixed that would justify Congress in acting, and that the land when sold would amount to something to the State.

Mr. BORAH. Mr. President, seriously, the Senator from Utah would not want the State of Utah so handicapped and circumscribed that it could not select the best lands in that State, would he?

Mr. SMOOT. Of course, the State of Utah, Mr. President, in the case of the school lands that have been granted to her, has no right whatever to select. They are in place. It is quite different in this bill.

Mr. BORAH. But the Senator from Utah knows the conditions in the State of Nevada with reference to the land, and it would be utterly useless to give this right to the State of Nevada unless it were going to have some discretion as to selecting the best lands there, because the worst lands would be utterly useless.

Mr. SMOOT. The Senator must have misunderstood me if I made any statement that would lead him to such a conclusion. I simply say that under the provisions of this bill, of course, Nevada will take the very best lands; the State will select the very best lands within the State.

Mr. BORAH. And they are very poor.

Mr. SMOOT. Well, some are and some are not.

Mr. SMITH of Arizona. Are there 7,000,000 acres of good land there?

Mr. SMOOT. I did not say how many million acres there are that are good or how many acres that are not good, but I know that all the lands that are left in the State of Nevada that could be selected under this bill are not poor lands.

Mr. FALL. Mr. President, will the Senator yield for a question?

Mr. SMOOT. Certainly.

Mr. FALL. Does not the Senator know that there are two great irrigation projects in the State of Nevada, and the Government of the United States has reserved the irrigable lands under those projects and the State could not take them? Is it not the law now that the United States can reserve lands under any project where it proposes to establish irrigation works and that the State can not take it?

Mr. SMOOT. Why, Mr. President, of course the Senator from Utah knows that there are two irrigation or reclamation projects in the State of Nevada, and the Senator knows also that the Government has withdrawn certain lands under those projects. But that is not all the land there is in the State of Nevada that is capable of irrigation, and who can tell under investigations that are at present being made in Nevada but that there will be water discovered from underground sources that will change conditions in Nevada completely.

Mr. FALL. Will the Senator yield for another question?

Mr. SMOOT. Certainly.

Mr. FALL. Upon what assumption does the Senator proceed to draw the inference that the people of Nevada have not just as much intelligence as has the Senator from Utah, and that if those lands are worth more than $1.25 an acre they will not proceed to get more than $1.25 for them? They are not limited here to selling them at $1.25; they are granted the privilege of selling them at a minimum of $1.25; and they can do as the people of New Mexico are doing, they can get as much more as the purchaser will pay, and the people of New Mexico have just as much intelligence as the Senator from Utah.

Mr. SMOOT. Mr. President, I am not going to discuss the question as to the intelligence of the Senator from Utah or the people of Nevada, but I do know that it has been the late practice of Congress to put a limit to the price of lands which are granted by the United States to a State, and I know there is not a State where a limit has been fixed that does not to-day believe it was the best thing possible for the State itself and for its educational institutions.

Mr. FALL. Mr. President, I do not agree with the Senator from Utah that that statement is correct at all. I have made some little study also of the land laws, and I have noticed that the statutes of the United States are full of special land laws for the benefit of the State of Utah.

Mr. SMOOT. Mr. President, I made the statement, and I will ask the Senators representing States that have a minimum price named in their land grants whether they would like to have the minimum price at which the land could be sold removed and whether it has been a detriment to the State. I will ask the Senator from Montana [Mr. WALSH] if he had his way to-day whether he would like to have the $10 minimum price removed?

Mr. PITTMAN. Mr. President, I want to say that if I had my way about it I would have no limit in the bill at all.

Mr. SMOOT. There would be consistency in that.

Mr. PITTMAN. I would have no limit there. I only placed it there because some of the Senators were very much in favor of it and thought it ought to be fixed at $1.25. I know that the people of our State made a mistake with regard to their early grant. They are perfectly conscious of that fact now. I know the people who constitute the legislature of our State to-day are enacting some of the most progressive legislation in the United States. I know that their legislature now could be trusted to devise rules and regulations governing the disposal of the land which would be based upon intelligence and a knowledge of existing conditions, and I believe they would get more for the land and more for the school fund than from anything we can do here, because we do not know the conditions sufficiently to protect them in that way. The only protection I have put in the bill is a provision that the land must be sold at public auction so as to get at the price. The legislature will place such other restrictions on it as they see fit.

Mr. SMOOT. I should like to ask the Senator from Montana [Mr. WALSH] if he desires to answer my question.

Mr. WALSH. Mr. President, I am pleased to answer the Senator from Utah. I am very glad that the limitation is in the grant, and I never would countenance any effort to remove it. It meets with universal approval in my State and no one could get a public hearing there to remove it. I am in favor of placing a limitation upon the price of the lands in the State of Nevada, but as it would be most unfortunate, to my mind, that 7,000,000 acres of land in the State of Nevada should be obtained by a private individual, who would hold it and not dispose of it for 25 years, in order that he might at the end of that time reap some profit by the transaction, I think for that and for additional reasons it would be most unfortunate to put 7,000,000 acres of land in the hands of the State of Nevada and tie it up so that it could not be disposed of during all that period.

Mr. SMOOT. Of course, Mr. President, I heard the Senator from South Dakota [Mr. STERLING] this afternoon speak of the minimum price for which land could be sold in his State, and he spoke of it in terms of commendation. I do not know a State, as I said before, that has a minimum that does not approve of such a limitation.

Mr. GRONNA. Mr. President——

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from North Dakota?

Mr. SMOOT. I do.

Mr. GRONNA. It is manifest, Mr. President, that Congress, or at least the Senate, has not been able to learn what is the real value of public lands. I have had pending before the Committee on Public Lands the bill providing for the classification of all public lands, but it seems that it is impossible to have any action taken. I wish to ask the Senator from Utah if he does not think that the Government and the States might derive some benefit from legislation of that kind?

Mr. SMOOT. I will say to the Senator that, in my opinion, it would be a splendid step forward if all the public lands of the United States were classified.

Mr. GRONNA. That bill has been pending before the committee of which the Senator is a member, and I should be very glad to see that something is done with it.

However, I rose, Mr. President, to say that the Senator from Utah is right in his statement that when the States were admitted at the same time some years ago—North and South Dakota, Montana, and Washington—there was a limitation made in the enabling act. We provided in our State constitution that no land should be sold for less than $10 an acre. At that time nearly all the land west of the Missouri River in our State was not worth to exceed 80 cents an acre. Some of the railroad lands were sold at that time for 80 cents an acre. Only last month some of those lands were sold for $40 an acre. So it is evident it was a good thing for our State that there was at least a minimum fixed. The minimum at that time, of course, seemed to be very large.

I simply wish to say this, if the Senator will permit me. If the lands in the State of Nevada are not worth more than $1.25 an acre, I doubt if they are worth enough for anybody to go upon them, even for grazing purposes. I believe that we should fix a higher minimum than $1.25, but there is much of merit in the amendment offered by the Senator from Wisconsin.

I believe, as the Senator from Nebraska [Mr. NORRIS] said a moment ago, that you would derive as much if the lands could be leased in large areas. I believe the State would derive as much from that source as it would by selling them at $1.25 an acre. In the course of 25 years, if the land had any value at all, the State would get all the benefit from the advance in the price of the land.

Mr. SMOOT. Mr. President, I do not desire to detain the Senate longer, but I wish to say that if we are going to put a limit upon these lands it ought to be a higher limit than $1.25 an acre. If we are not going to put a limit upon the lands and allow the disposition of the land to entirely rest with the State, then it seems to me that the bill ought to be amended by striking out the provision which has already been acted on by the Senate.

I know, as far as the State is concerned, its school fund will receive more money with a higher limit than $1.25 than it will if that limit is taken off. I know there will be applications made to the State for the land, and if no limit of price is provided for political pressure will be brought upon the officials of the State to sell the lands as cheaply as possible, and if not complied with there is the temptation. The school fund of Nevada should receive every dollar possible from whatever amount is granted the State.

Mr. SMITH of Arizona. How does the Senator know?

Mr. SMOOT. I speak from past history of other States.

Mr. SMITH of Arizona. We have waked up. If the Senator will permit me, I, for one from the West, protest against the assumption by the Senator from Utah, with my long years of acquaintance with him and my confidence in his position on the western question, to come to-day and dispute and fight a bill coming from our committee. I do not believe the Senator was there on that day, but without a dissenting voice, as far as I know, the committee reported to make Nevada equal to the States of Arizona and New Mexico, similarly situated, giving her a chance to educate her children, giving her a chance to get a school fund now. The Senator is assuming that the State is going to steal from its own school fund, when the world has already awakened. No man knows better than the Senator from Utah that you can not do to-day the things complained of that have been done there, nor can such things be done any more in any other State of the Union.

I for one want to say now and forever that, as far as the Western States are concerned, and I am fairly well acquainted with most of them, there is more safety, and a long way more safety, for a State from her own resources, used by her own people, than there is from all the red tape and the enormous expense and the time that is taken up in attempting to govern these States 3,000 miles away by a many headed monarchy. It is only giving liberty to our State; it is showing some confidence in our own legislature. We are certainly as competent to take care of Arizona in Arizona as I am here or as any other Senator on the floor.

Then, another thing, most of those States have allayed all this fear. Some of them have what is known as the referendum. How can you dispose of land if the people say you shall not, and at a price cheaper than they want?

I for one express my disappointment at the diversion from the old rule the Senator and I have so long tried to follow; that is, to liberate, as far as we could, our Western States from the domination of the Federal Government.

Mr. McCUMBER. Mr. President——

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from North Dakota?

Mr. SMOOT. In just a moment I will yield.

Mr. President, if all the Senator from Arizona has said is true, then it is not going to hurt the State of Nevada to put a reasonable sale limit on the land. I am fully aware, Mr. President, that I have been well disposed toward the Western States in their land difficulties, in the question of protecting the lands of Western States, but whatever action is taken by Congress ought to be taken to apply to all the States and not to one particular State.

Mr. SMITH of Arizona. There is one difference, and it is a wide difference. An agreement applied to Arizona would not apply to Washington at all, and no one knows it better than the Senator from Utah.

Mr. SMOOT. There is nothing in this bill that would not apply to Arizona just as well as to Nevada. There is no question about that. That is the objection I have to the bill. The bill is dealing with a question that, if dealt with at all, ought to be dealt with in a general way and not apply it to any specific State. I yield to the Senator from North Dakota [Mr. MCCUMBER].

Mr. McCUMBER. Allow me to suggest to the Senator right here that he might cure one of the defects in the bill by providing for an appraisement of the lands before any of them shall be sold, and then a provision that they shall not be sold for less than the appraised value. This would cover those classes that have special value by reason of irrigation. For instance, while we have a minimum price fixed in our own State in the grant, none of our lands that I know of were sold as low as the minimum price; but the legislature provided that they should be appraised, and in nearly every instance where there has been an appraisement at all the appraisement has been considerably more than the minimum price, and nearly every sale has been above the price fixed by the appraisers.

So if the Senator felt that there was danger in some tracts being sold too cheap at this minimum price, a little provision which would require their appraisement would meet that objection. From what I have seen of a considerable quantity of these lands my own opinion is that it will be many a long year before the greater proportion of them will ever be sold for $1.25 an acre; but there are some that are more valuable.

Mr. SMOOT. The Senator, of course, has passed through Nevada on the railroad, but I want to say to the Senator that there are valleys in Nevada that are very beautiful valleys. Perhaps the Senator has not visited those valleys. I do not expect that the State will ever select the lands that are adjacent to the railroad passing through Nevada.

Another thing I want to say is that if we are going to donate to Nevada 7,000,000 acres of land there ought to be every precaution that is possible made in the bill so that Nevada educational institutions will receive just as much benefit from it as is possible.

Mr. McCUMBER. Let me ask the Senator, then, if he does not think there should be a provision in the bill for an appraisement and a prohibition of sale for less than the appraised value?

Mr. SMOOT. I think, Mr. President, that that would be a splendid provision to put in the bill. I have no doubt of it.

### EXECUTIVE SESSION.

Mr. STONE. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 30 minutes in executive session the doors were reopened.

### WATER-POWER DEVELOPMENT.

Mr. SHIELDS. I move that the Senate proceed to the consideration of the so-called water-power bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 3331) to amend an act entitled "An act to regulate the construction of dams across navigable waters," approved June 21, 1906, as amended by the act approved June 23, 1910, and to provide for the improvement and development of waterways for the uses of interstate and foreign commerce.

Mr. STONE. I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 47 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, February 8, 1916, at 12 o'clock meridian.

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## NOMINATIONS.

*Executive nominations received by the Senate February 7, 1916.*

### COLLECTOR OF CUSTOMS.

Alexander Morrison, of Bathgate, N. Dak., to be collector of customs for customs collection district No. 34, to succeed Judson La Moure, jr., whose term of office expired by limitation January 31, 1916.

### APPOINTMENTS IN THE NAVY.

Arthur L. Myrland, a citizen of Wisconsin, to be an assistant paymaster in the Navy from the 1st day of February, 1916.

Howard N. Hartley, a citizen of New York, to be an assistant paymaster in the Navy from the 4th day of February, 1916.

## CONFIRMATIONS.

*Executive nominations confirmed by the Senate February 7, 1916.*

CONSUL GENERAL, CLASS 5.

Francis B. Keene to be a consul general of class 5.

SECOND ASSISTANT POSTMASTER GENERAL.

Otto Praeger to be Second Assistant Postmaster General.

DEPUTY COMMISSIONER.

H. Frank Moore to be Deputy Commissioner in the Bureau of Fisheries.

RECEIVER OF PUBLIC MONEYS.

Frank B. Kinyon to be receiver of public moneys at Boise, Idaho.

APPOINTMENTS IN THE NAVY.

Arthur L. Myrland to be an assistant paymaster.
Howard N. Hartley to be an assistant paymaster.

POSTMASTERS.

CONNECTICUT.

Daniel A. Smith, Moosup.

DISTRICT OF COLUMBIA.

Merritt O. Chance, Washington.

FLORIDA.

John H. Collins, Milton.
E. L. Powe, De Land.

GEORGIA.

Louis J. Leavy, jr., Brunswick.

ILLINOIS.

Joseph S. Senglar, Woodriver.
Molly Webster, Salem.

IOWA.

Dorothy Parden, George.

MICHIGAN.

Riley L. Compton, Rockford.
Murray J. Hoppock, Frankfort.
Frederick H. Miller, Remus.
Emmett Pullman, Tustin.
Alle Toppen, Holland.
J. S. Walling, Coopersville.

MINNESOTA.

Henry J. Bock, Delano.
Frank M. Clark, Wells.
W. C. Galbraith, Balaton.
P. J. Johnson, Boyd.
J. H. Pelham, Menahga.
Joseph A. Schoenhoff, Sauk Center.

NEBRASKA.

William A. Nyrop, Elgin.

NEW JERSEY.

John H. Lindemann, Closter.

NEW YORK.

Thomas R. McGinley, Stapleton.
Emil J. Trimpin, Prince Bay.

NORTH DAKOTA.

C. D. Rittenhouse, Wahpeton.

OKLAHOMA.

Charles M. Hirt, Pawhuska.
C. C. Kidd, Wanette.

OREGON.

R. P. Wirtz, Forest Grove.

PENNSYLVANIA.

Michael C. Bermingham, Blossburg.

SOUTH CAROLINA.

Ellison Capers, Summerton.
Landrum Padgett, Pelzer.

SOUTH DAKOTA.

James R. Dunlap, Vermilion.
Otto Engelbrecht, Elkton.

TEXAS.

August Kleinecke, Hitchcock.

WASHINGTON.

J. F. Lavigne, Chewelah.

## HOUSE OF REPRESENTATIVES.

### MONDAY, *February 7, 1916.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Infinite Spirit, of whom we are each an integral part, we bless Thee for that holy influence which brings us to Thee in prayer, where life meets life, faith is enhanced, hope burns brightest, and that profound and subtle quality of the soul which we call love pours itself out in all its fullness, holds us close to Thee, and makes the whole world akin. Prayer is the highest expression of our religious nature, sweeps away all creeds, all conventionalities, makes us one with Thee, and fits us, therefore, for the smallest and greatest tasks of life. Give us that religion in its full power that we may serve Thee and our fellow men with perfect fidelity. In His name. Amen.

The Journal of the proceedings of Saturday, February 5, 1916, was read and approved.

LEAVE TO EXTEND REMARKS.

Mr. DILLON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the poem "Growing Old," which was referred to in the memorial exercises in the House on Sunday, January 23.

The SPEAKER. The gentleman from South Dakota [Mr. DILLON] asks unanimous consent to extend his remarks in the RECORD on the subject of the poem entitled "Growing Old." Is there objection?

There was no objection.

CALENDAR FOR UNANIMOUS CONSENT.

The SPEAKER. This is Unanimous Consent Calendar day. The Clerk will report the first bill.

PATENTS.

The first business on the Calendar for Unanimous Consent was the bill (S. 900) amending sections 476, 477, and 440 of the Revised Statutes of the United States.

The bill was read.

The SPEAKER. Is there objection?

Mr. MANN. Reserving the right to object——

The SPEAKER. Who is in charge of this bill?

Mr. MANN. The gentleman from Indiana [Mr. MORRISON] would have charge of the bill. I think he is absent because he was called away on account of an operation performed on his brother a short time ago up in Minnesota.

Mr. CLINE. His brother died, and the gentleman from Indiana is absent on that account. In his absence I desire to see his rights protected.

Mr. MANN. I should like to say to somebody on the Committee on Patents that the gentleman from Indiana [Mr. MORRISON] told me when he went away that probably somebody would look after this bill on Calendar Wednesday. This committee will be on call next Wednesday.

Mr. CLINE. If he has arranged for that, I have no objection.

Mr. MANN. The gentleman can ask to have the bill passed without prejudice.

Mr. CLINE. I ask that this bill be passed without prejudice.

The SPEAKER. The gentleman from Indiana asks unanimous consent to have the bill just read passed without prejudice. Is there objection?

There was no objection.

BRIDGE ACROSS ST. LOUIS RIVER, MINN. AND WIS.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 3032) authorizing the county of St. Louis to construct a bridge across the St. Louis River between Minnesota and Wisconsin.

The bill was read.

Mr. LENROOT. Mr. Speaker, I ask that this bill be passed without prejudice.

The SPEAKER. The gentleman from Wisconsin [Mr. LENROOT] asks that this bill be passed without prejudice. Is there objection?

There was no objection.

NAVY YARDS AT NEW YORK AND MARE ISLAND.

The next business on the Calendar for Unanimous Consent was House joint resolution 98, making part of the appropriation, "Increase of the Navy, construction and machinery," in the naval act approved March 3, 1915, available for the extension of building ways and equipment at the navy yards at New York and Mare Island, Cal.

The joint resolution was read, as follows:

*Resolved, etc.*, That the money heretofore appropriated under the appropriation "Increase of the Navy, construction and machinery," in the act making appropriations for the naval service for the fiscal year ending June 30, 1916, approved March 3, 1915, the sums of not exceeding $100,000 for navy yard, New York, and not exceeding $500,000 for navy yard, Mare Island, Cal., are hereby made available for the extension of building ways and equipment necessary for the construction of battleships or battle cruisers in those yards.

The SPEAKER. Is there objection?

Mr. MANN. Reserving the right to object, who is in charge of this bill?

The SPEAKER. It was introduced by the gentleman from Tennessee [Mr. PADGETT], but the gentleman from Illinois [Mr. MANN] seems to be in charge of it.

Mr. MANN. I will withdraw the objection.

Mr. SHERLEY. Mr. Speaker, I suggest that the chairman of the Naval Affairs Committee not being present, the matter be passed without prejudice.

The SPEAKER. The gentleman from Kentucky asks unanimous consent to pass the joint resolution without prejudice. Is there objection?

Mr. MANN. I object. No excuse is given for the absence of the gentleman. This will probably come up later.

Mr. BUTLER. The chairman of the Naval Affairs Committee has been engaged all the morning on a hearing before that committee, and has started over here from the Office Building. I have no doubt he will be here in a few moments. I am not authorized to move to suspend the rules or to ask anything.

The SPEAKER. Is there objection to the present consideration of the joint resolution?

There was no objection.

The SPEAKER. The Clerk will report the joint resolution.

Mr. MANN. This is on the Union Calendar.

Mr. FITZGERALD. I ask unanimous consent that the joint resolution be considered in the House as in Committee of the Whole House on the state of the Union.

The SPEAKER. Is there objection?

Mr. MANN. I object.

Mr. FITZGERALD. I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of this joint resolution.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of House joint resolution 98, with Mr. HOWARD in the chair.

The CHAIRMAN. The Clerk will report the joint resolution.

The Clerk read the title of the joint resolution.

Mr. FITZGERALD. I ask unanimous consent to dispense with the first reading of the joint resolution.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. FITZGERALD. Mr. Chairman, in the absence of the gentleman from Tennessee [Mr. PADGETT], the chairman of the Committee on Naval Affairs, and of other members of that committee, because of a meeting of that committee, I desire to state that this bill makes available the money necessary to equip the navy yard at New York and the navy yard at Mare Island with building ways and other equipment to permit the construction of the two battleships which were authorized at the last session of Congress. When bids were opened for the construction of those battleships, the bids of the private contractors, taking into account items which they proposed to eliminate, the expense of which they proposed to place on the Government, exceeded the limit of cost. The bids submitted by the Mare Island and New York Navy Yards were within the limit of cost. Those ships are of a size in excess of any ships which have heretofore been built for the Navy. At the navy yard in New York the building ways are not sufficiently long to accommodate those ships, and it is necessary to lengthen them. At the Mare Island Navy Yard the building ways are inadequate, and the money asked for at the Mare Island Navy Yard is to equip the plant with building ways and equip it for battleship construction. The Secretary of the Navy decided, under the naval appropriation act, to assign those ships to the navy yards for construction; first, because the bids of the private contractors were in excess of the limit of cost fixed by Congress; and, secondly, because of the indefinite proposals made by private plants as to the time within which the ships could be completed. Those battleships are to be constructed as soon as possible, and this bill is to expedite their construction, and it is essential that the money be available at this time, if delay is to be eliminated. Mr. Chairman, I reserve the balance of my time.

Mr. BUTLER. Mr. Chairman, I regret very greatly, indeed, that the chairman of the Naval Affairs Committee is not here. He intended to be here, and the occasion for his absence I am unable to explain.

The gentleman from New York [Mr. FITZGERALD] has made a statement which is accurate, that the purpose of this legislation is to enable the Secretary of the Navy to take out of the funds already provided for ships of war *43* and *44*, in one case that for New York to rebuild and strengthen the ways, and at the Mare Island Navy Yard the construction of the ways.

One year ago, Mr. Chairman, this Congress directed that two great ships of war should be constructed. They are unnamed, because they are unbuilt; they are unnamed, because construction is not yet begun, although they were authorized a year ago. It is true, as the gentleman from New York stated, that when the bids were submitted to the Secretary of the Navy they exceeded the limit imposed by Congress, and therefore he concluded to build the two ships in the navy yards. On the slip in the New York Navy Yard is a ship provided for two years ago, which has been named the *California*, one of the largest ships in the service probably in the time of any now living.

That ship is 14 per cent completed, but will not be launched until she is 64 per cent completed, and when she will be launched nobody knows. It is simply a guess. It may be next fall, it may be next winter, it may be next spring, but it is enough to know that she is now 14 per cent completed and within a year she will be 64 per cent completed.

But we are anxious by the passage of this bill to give the Secretary of the Navy authority to proceed immediately and construct and build ships, not upon paper, but ships that will sail on the water and carry guns. If we delay longer, nothing will be accomplished. The President has recommended to the world that the largest navy should be built. Therefore, in order to hasten the completion of ships *43* and *44*, the two great dreadnaughts, it is hoped that Congress will authorize the Secretary of the Navy to deduct from the stipulated price of the ships, in the case of New York, $100,000, and in the case of Mare Island, $500,000. It does not add any additional cost to the ships, but it is only to hasten their construction. If we were to wait until the regular naval appropriation bill passes the House, I presume the authority he asks for would not be given until next summer. I am not authorized by the Naval Committee of the House to say when this regular appropriation bill will be reported. But even if it is two or three months in the future, it is not well to wait that time, inasmuch as we have to construct one building way and reconstruct another. The construction of a vessel in New York can be anticipated to begin soon, and certainly on the completion of the *California*. In the judgment of the Secretary of the Navy this is absolutely necessary to assist him to do what Congress has directed him to do to complete these two great battleships.

Mr. BORLAND. Will the gentleman yield?

Mr. BUTLER. Yes.

Mr. BORLAND. I understand from the report that the estimated cost is $1,400,000 under the amount authorized by Congress.

Mr. BUTLER. The figures stated in the report of the Secretary of the Navy I have no doubt are correct. I have not read that part of the report.

Mr. BORLAND. So this amount of $600,000 will not bring the cost of the ship above the estimate?

Mr. BUTLER. No; I have stated that if the House will agree to this resolution the cost of the ships will not thereby be increased. However, I do not pretend to say that it will not cost more to build these ships in the navy yard.

Mr. CANNON. Will the gentleman yield for a question?

Mr. BUTLER. I will.

Mr. CANNON. The gentleman spoke of a ship being completed in the New York Navy Yard; it was begun how long ago?

Mr. BUTLER. Mr. Chairman, to make my best effort to answer the gentleman from Illinois, I should say about one year ago. It was authorized two years ago.

Mr. CANNON. And is 14 per cent completed?

Mr. BUTLER. In answer to the question by me to the Chief Constructor, he said last week that it was 14 per cent completed; but to be absolutely accurate on this Monday morning, I will say that perhaps it may be 15 per cent.

Mr. CANNON. It is a battleship?

Mr. BUTLER. A battleship.

Mr. CANNON. Does the gentleman have any idea how long it will take to complete it?

Mr. BUTLER. I have a decided idea.

Mr. CANNON. What is it?

Mr. BUTLER. If we have extraordinary luck in the construction of the ship, if we double up the help, we may be able to launch it in nine months. I hope it will be next fall.

Mr. CLARK of Missouri. Will the gentleman yield?

Mr. BUTLER. Certainly.

Mr. CLARK of Missouri. How is it that in England they build a battleship so much quicker than we do?

Mr. BUTLER. Because they use the money.

Mr. CLARK of Missouri. Do not we appropriate the money?

Mr. BUTLER. Yes; but we cut dollar bills in two and weigh nickels, while the English do not.

Mr. GARDNER. Mr. Chairman, will the gentleman yield to me?

Mr. BUTLER. First let me answer the distinguished gentleman from Missouri [Mr. CLARK], for this is something that touches me deeply. The Speaker knows and I know that if we want anything badly we have to pay the price demanded.

Mr. CLARK of Missouri. That is true; but suppose we paid the full price, what is the reason we can not build a battleship as quickly as England can?

Mr. BUTLER. We can.

Mr. CLARK of Missouri. We have never done so.

Mr. BUTLER. Let me answer the question, because I have inquired myself, officially, and the information will be in the hearings. We will be able to show this, that if we will begin to build and supply the necessary money and push aside private construction we can build 22 ships in two years and put them to sea if we can find the men to put on them.

Mr. GARDNER. Mr. Chairman, will the gentleman yield there?

Mr. BUTLER. Is the gentleman from Missouri through?

Mr. CLARK of Missouri. I am through. I was asking for information.

Mr. BUTLER. I have given the gentleman the best that I have. I now yield to the gentleman from Massachusetts.

Mr. GARDNER. Is it not true that the British meaning of the word "construct" is quite different from ours; that if we would say that it would take us three years to construct we would mean three years from the time of the laying of the keel to the commissioning of the vessel, whereas the British call the last part of the process the completion and outfitting?

Mr. CLARK of Missouri. Mr. Chairman, will the gentleman allow me to ask the gentleman from Massachusetts a question?

Mr. BUTLER. Certainly.

Mr. CLARK of Missouri. Do not the English build a battleship much more quickly than we do?

Mr. GARDNER. Yes; but not so much.

Mr. CLARK of Missouri. Why?

Mr. FITZGERALD. They do not.

Mr. GARDNER. Not so much quicker as is usually thought. For instance, the *Texas* and the *New York*, which are the last two of our dreadnaughts, were completed in about 2 years and 9 months and 2 years and 11 months from the date of the laying of the keel. The last dreadnaught before the war that was completed for Great Britain took only about two years, but when you casually hear that Great Britain can construct a dreadnaught in one year it means that they can construct the ship, but not complete and outfit it. They can do it more quickly, but not so much more quickly as is usually thought.

Mr. BUTLER. Mr. Chairman, I am obliged to the gentleman from Massachusetts for his information. I have reached the point in my life where I want the proof. I am tired of guessing. If we are to have a fleet, let us know what we can do in the future in the way of building it. I doubt very much whether the gentleman has the information, but I hope that he will be able to give it to us later. I doubt very much whether England can build one ship in one year. We are told that since the beginning of the war England has built and has ready to put in the sea 15 additional ships of war.

Mr. CLARK of Missouri. How did they do it if it takes two years to build one of them?

Mr. BUTLER. Let me make an effort to answer the gentleman from Missouri. I assure him of the pleasure it will give me to make the effort. I have no doubt that those ships are built with three shifts, that the men are paid the highest wages, and the greatest premiums are given for haste in construction. We have always asked, as we should in times of peace, and even in time of war, for competition among the shipbuilders. We have given them plenty of time to build the ship—three years usually in its completion. I do not want to commit myself for the future; I do not propose to do it. I have spent too long on this subject to commit myself without knowing more, and I am looking for the light; but I believe that if we are to have a fleet, a great fleet, we will have to adopt the ways and means as we understand they have been adopted by nations that secure these fleets at a very early date.

Mr. HILL. Mr. Chairman, will the gentleman yield?

Mr. BUTLER. Yes.

Mr. HILL. The gentleman stated that we could build 22 battleships in two years. What would it cost?

Mr. BUTLER. Mr. Chairman, I am very greatly indebted to the gentleman from Connecticut for assuming that I have so much information.

Mr. HILL. What does the gentleman think?

Mr. BUTLER. If we will duplicate ships and not take six months or nine months in which to make the plans, and spend $250,000 in the making of the plans for each battleship, but build a good ship like, say, the *California*, the best ship that we have ever built and which we could put against anything—if we will duplicate that ship, we can build 22 ships in less than two years, and we will show you the figures later on, and they will cost from eighteen to twenty million dollars each, I presume.

Mr. HILL. I am for the 22 ships if necessary, and will help to raise the money to pay for them. [Applause on the Republican side.] But what I would like to know now in regard to this bill, for which I intend to vote, is whether if the ways are built at Mare Island it would be then possible to take a ship of this size after she is launched and get her away from there on account of slack water?

Mr. BUTLER. Oh, please do not! I want to rest in peace for one week at least. Do not ask that question. You will never get away from it. Here sits the gentleman from Illinois [Mr. Foss], for so long a time chairman of the Committee on Naval Affairs, and he knows that we have worried over that subject for 20 years.

Mr. HILL. If we are going to spend half a million dollars for a set of ways so far up in the country that we can not get a ship away from them when it is built, I think we ought to know it.

Mr. BUTLER. I would ask the gentleman not to criticize me. Go to the authority, go to the source from which this authority came—the Secretary of the Navy. I have nothing at all to do about it.

Mr. FOSS. Mr. Chairman, will the gentleman yield?

Mr. BUTLER. I yield to the gentleman.

Mr. HILL. Mr. Chairman, I will renew my question. Is it possible now to take a ship of this size, after she is launched, from the ways that we propose to build and get her away from Mare Island?

Mr. BUTLER. Let me answer the gentleman. If the gentleman will possess his soul in patience until we can furnish him a hearing that was recently had upon this very subject, he will then have no doubt when he has read it. But if after reading it he still has a doubt, go to the gentleman from California [Mr. CURRY], who will remove it.

Mr. HILL. Is it not possible for the committee to say whether these ways are simply to be constructed for ornamental purposes or useful purposes?

Mr. FITZGERALD. Will the gentleman yield for a question?

Mr. BUTLER. I intend to finish——

The CHAIRMAN. To whom does the gentleman yield?

Mr. BUTLER. I am going to answer—I think probably I will yield to nature and drop out if they do not let me alone. [Laughter and applause.]

Mr. FITZGERALD. Mr. Chairman——

Mr. BUTLER. I am not surprised at finding the suggestion of a gun stirs the blood of all of you, but I suggest that you compose yourselves, as there is something larger ahead for you to consider.

Mr. FOSS. Mr. Chairman, I do not know that I understood the gentleman in his opening statement; but if I do, it was this, that these ships were authorized by Congress nearly a year ago.

Mr. BUTLER. These ships were authorized the 3d of March, 1915, and in three or four weeks more we will have run the year out.

Mr. FOSS. A year?

Mr. BUTLER. Yes, sir.

Mr. FOSS. Now, as I understand the gentleman, this bill proposes to extend the ways at New York and also at Mare Island Navy Yards for the purpose of building these ships. There are, as I understand, at the present time ships now under construction on those ways at those two yards?

Mr. BUTLER. Yes.

Mr. FOSS. And, according to the gentleman, it will take nine months before the ships now on the ways will be out of the way when the keels of these two ships can be laid. Is that correct?

Mr. BUTLER. Yes. I fear the gentleman is correct in his figures; I fear he is.

Mr. FOSS. After we begin to get ready to commence to lay the keels of these ships, which were authorized a year ago, how long does the gentleman think it is going to take to build the ships?

Mr. BUTLER. Now, my good friend, you and I have worked along this line for many many years. We have not since you ceased—and we miss you a great deal—as a member of that committee; we have not progressed along this line, and the gentleman knows it will be three years.

Mr. FOSS. Then, that will make nearly five years before we get a ship. Is that right?

Mr. BUTLER. Then we will be lucky if we get it in five years, the gentleman will understand. Now, listen: If Congress will pay the bill, and give these shipbuilders three times the men at work, and keep them at work, we can build them in these two navy yards within two years. [Applause.]

Mr. FOSS. Does not the gentleman think there has been unusual delay in the construction of these ships?

Mr. BUTLER. I do not want to criticize anybody until I am sure that I am standing on a foundation from which I can not be knocked.

Mr. FITZGERALD. The gentleman had better be careful.

Mr. PADGETT. Mr. Chairman——

The CHAIRMAN. Does the gentleman from Pennsylvania yield?

Mr. BUTLER. In one minute. I intend to finish with my old chairman. It is the same delay which the gentleman from Illinois is well acquainted with, not any more, in my judgment; but the same old delay, and the same old method, and in the same old manner. I do not believe there has been any improvement in this line since the gentleman and I came to Congress 20 years ago.

Mr. FOSS. I want to say to the gentleman——

Mr. FITZGERALD. That is the fifth time——

Mr. FOSS. These ships are to be built in a navy yard——

Mr. BUTLER. Yes.

Mr. FOSS. If they were built by private contract, does not the gentleman think they could be built within three years?

Mr. BUTLER. Yes; I think they could.

Mr. PADGETT. Will the gentleman permit me———

Mr. BUTLER. Mr. Chairman, I will yield to the gentleman from Tennessee and reserve the balance of my time. I was only endeavoring in my poor way to explain this measure until the gentleman from Tennessee could reach here.

Mr. FITZGERALD. Will the gentleman yield for a question?

Mr. BUTLER. Before I yield I would like to answer the question of the gentleman from New York.

Mr. FITZGERALD. The gentleman said the *California* is 14 per cent completed. Will the gentleman state when the keel was laid?

Mr. BUTLER. I could not tell. I could if I had the book here. Somebody must have it.

Mr. FITZGERALD. It was laid in October.

Mr. BUTLER. I think it was earlier than that, but it may have been in October.

Mr. FITZGERALD. It was in October.

Mr. BUTLER. If the gentleman says it was in October, I will accept it. Excuse me; how long will that be from the time that we appropriated for it? That is what I am thinking about.

Mr. FITZGERALD. The gentleman states that since he has been in Congress there has been no progress made in the time of the completion of ships. Does not the gentleman recall that he is in error in that statement?

Mr. BUTLER. It may be.

Mr. FITZGERALD. Does the gentleman know that before the Government constructed ships in navy yards no contractor, although he agreed to finish a battleship in 36 months, had ever finished one inside of double the time of contract, and that the first time they were ever built within the authorized time was when the Government yards were utilized for such construction?

Mr. BUTLER. I guess I have a little bit of time left in which to reply to that. This old bone we have chewed over for years, and we will chew over it again in a few months.

Mr. FITZGERALD. Does the gentleman know that the contract has already been let for materials for these ships, and the material can not be commenced to be delivered and put into them until the time that the ships that are now on the ways go overboard, some time next September?

Mr. BUTLER. The gentleman——

Mr. FITZGERALD. Will the gentleman answer that question?

Mr. BUTLER. Yes. Let me ask first—I am not a soloist, but I do hate to sing in concert. [Laughter and applause.]

Mr. FITZGERALD. All that kind of facetiousness does not give any information. The gentleman is supposed to know, having served for 16 years on the Naval Committee, but he does not seem to have much knowledge of the situation.

Mr. BUTLER. If the gentleman will take the time to tell what he knows, which would take a long time, it would not take a long time to tell what I know.

Mr. FITZGERALD. Sure.

Mr. BUTLER. Having admitted that, there is no discussion over it.

The gentleman from Massachusetts [Mr. GARDNER] brings the information that on the 1st day of November, 1915, there had been no percentage of work done on the *California*.

Mr. CLARK of Missouri. Mr. Chairman——

The CHAIRMAN. Does the gentleman from Pennsylvania [Mr. BUTLER] yield to the gentleman from Missouri?

Mr. FITZGERALD. I was stating a fact that I supposed the gentleman knew, because I was present when it was laid.

Mr. BUTLER. That is all right, and I suppose it was well laid if the gentleman was present. [Laughter.]

Mr. FITZGERALD. Is it not a fact that the argument of the gentleman from Pennsylvania here, as has been his whole attitude during his service on the Naval Committee, is opposed to Government construction in favor of private construction in the interest of the private manufacturers?

Mr. BUTLER. I have not a yard in my district. No; it is not so. I voted in favor of building ships in the navy yard. I voted, as I vote now, for keeping these shipyards up to the highest state of efficiency. But does not the gentleman know that we can not build two ships of war in the New York Navy Yard at one time? Does not the gentleman know the extent of our machine shops in the navy yards? It is not only necessary to have the ways, but to have the necessary machinery by which the ships can be built.

Mr. CLARK of Missouri. I want to ask the gentleman two questions, because it is a matter of a great deal of importance. Now, I understood the gentleman from Pennsylvania to say that the *California* is the best ship afloat?

Mr. FITZGERALD. She is not launched yet.

Mr. CLARK of Missouri. How do you know, if she is not launched, it is the best of all of them?

Mr. BUTLER. Now, that is a hard question to answer.

Mr. CLARK of Missouri. What I am trying to get at is this——

Mr. BUTLER. Let me answer the question.

Mr. CLARK of Missouri. Yes.

Mr. BUTLER. Mr. Chairman, I believe that she is the best, because she is the newest. She will have the very best and latest improvements of all kinds on her. She is one of the very heaviest, and, gaining by an answer to a question which I propounded to one of our naval officers, she is among the very best ships that could be built.

Mr. HAMILTON of Michigan. What is her displacement?

Mr. BUTLER. Thirty-two thousand tons and more.

Mr. CLARK of Missouri. Is there any battleship afloat that all of these naval experts agree is the best battleship?

Mr. BUTLER. It is a pleasure to answer the gentleman's question if he will allow me to go a step further. They do not agree to anything.

Mr. CLARK of Missouri. Is there any way to expedite the building of the battleships of the United States over this slow, poky way we have been using?

Mr. BUTLER. Yes.

Mr. CLARK of Missouri. What is it?

Mr. BUTLER. To put up 30 to 40 per cent more money.

Mr. CLARK of Missouri. What has been done with the money we have put up?

Mr. BUTLER. It has been going into ships.

Mr. Chairman, let me call the gentleman's attention to what a gentleman before the committee said—and he is one of the best men I have ever known in public life, Admiral Blue—"Heretofore we have built a Navy according to the size of the cloth." I told him I knew that, but would he tell me the "size of the cloth" for the future? He said he could not tell me about the future. But if you appropriate $1,000,000,000 you will obtain your greatest Navy within two years.

Mr. CLARK of Missouri. Can anyone tell which is the best battleship we have?

Mr. BUTLER. Yes.

Mr. CLARK of Missouri. Who is it?

Mr. BUTLER. I do not know. In answer to the gentleman, there is some one who can tell us which is the best. There is some one who would tell us it is not the best, and therefore we will take our own guess at it. She is being built very carefully by high-skilled men. I believe it will be among the best, because it may be among the longest completed. I believe that the work

on this ship will be in no way stinted. I believe this will be a fine ship, because of the place and the manner and the care taken to construct it. She is the very latest. She is the *California*. She is designed by the best men we have in the naval service. She is designed by men like Admiral Taylor, who has intelligence and knowledge and genius; and therefore I am ready to say she is going to be our best.

Mr. CLARK of Missouri. If we could just ascertain what is the best battleship, then Congress ought to pass a resolution that all the rest of these battleships should be built upon that model, and so shorten up this process six months. [Applause.]

Mr. BUTLER. Now, Mr. Chairman——

Mr. FITZGERALD. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman yield?

Mr. BUTLER. Yes; in a moment. I have repeatedly asked the question—often delaying the ordinary proceedings before our committee—I have asked repeatedly the very question which the gentleman from Missouri has in his mind: Can we not duplicate? But men hesitate, my dear Mr. Speaker, because of the improvements made every year. If you do not know—perhaps you do not—let me tell you: It is even now understood that the English propose, and even the Germans, to put on their battleships 17-inch guns, and we have 14-inch guns on ours. What shall we do?

Mr. CLARK of Missouri. Put on our battleships 17-inch guns. Put the biggest gun that is attainable or that ever was attainable on every one of these battleships that we build. [Applause.]

Mr. BUTLER. That we build hereafter.

Mr. GARDNER. Mr. Chairman, will the gentleman yield there?

The CHAIRMAN. Does the gentleman yield to the gentleman from Massachusetts?

Mr. BUTLER. In a moment. The statement made in answer to my question was this, that probably in two years the size of the gun might be increased. One of the reasons, Mr. Speaker, why we build slowly, perhaps, and cautiously is that we might build wisely and as well as other nations build. Now, if we duplicate all these ships, we can build them more cheaply and more hurriedly, and it is so admitted by the constructors.

Mr. CLARK of Missouri. And more rapidly?

Mr. BUTLER. Yes; and more rapidly. But what will we have when we have completed them? If it is necessary to make this great preparation—I do not know, and my mind is open—I would build them all alike and be ready with the fleet anyhow; but I would not be satisfied in five years after this fleet was completed that it was the best fitted for defense. I do not know that I would be willing to rely upon the character of the ships we would then have. Here comes one of the bothers that I mentioned.

Mr. GARDNER. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman yield?

Mr. BUTLER. Yes.

Mr. GARDNER. In answer to the Speaker, is not the real reason why we have been putting on 14-inch guns while Great Britain has been installing 15-inch guns that you get a greater number of 14-inch guns on that size of ship than we thought available, to wit, a 31,000 or a 32,000 ton ship? It is a question of balancing. The bigger the ship, the bigger the displacement and the bigger the heavy guns; but, on the other hand, the less rapidly it can travel through the water, so that the mere fact that we have 14-inch guns while the other countries have 15-inch guns is made up, in the opinion of the constructors, by the fact that with the same displacement we have a greater number of 14-inch guns than they have of 15-inch guns to a broadside.

Mr. BUTLER. Mr. Chairman, I can not pretend, and do not pretend, to fully answer the inquiry of the Speaker. I can not fully reply, and can not reply intelligently, to the queries that he has in his mind. But let me make this statement, that if you put a larger gun on one of the ships already constructed, you must begin at the bottom and rebuild the ship. We can in the future put on larger guns, but right there the military men differ. Please tell me what an ordinary-day man like myself will know about it? They insist, some of them, that the gun that we should install is the 14-inch gun. I understand, and have understood, that the longer reach you have the greater the protection you would have. I do not know about all this, but I promise the Speaker that within the next few weeks we shall endeavor to work something out of it, so that when we come here with the naval appropriation bill for one I hope to be able more intelligently and definitely to answer the questions that may be propounded.

Mr. KELLEY. Mr. Chairman, will the gentleman yield there?

The CHAIRMAN. Does the gentleman yield?

Mr. BUTLER. Yes.

Mr. KELLEY. Is it not true, referring to the proposition put by the Speaker, that in many cases where foreign Governments have put on the 15-inch guns they have subsequently abandoned those and returned to the 14-inch guns on their newest ships?

Mr. BUTLER. Yes; and, as I am told, for the reason that they can approach closer and have better aim, and can deliver more broadsides with the lighter gun, and from the military standpoint many of them advocate the continuance of the 14-inch guns. A good many of them, however, advocate the 17-inch gun. Between the two I do not know what to do.

Mr. SHERLEY. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman yield to the gentleman from Kentucky?

Mr. BUTLER. I wanted to give our chairman [Mr. PADGETT] an opportunity.

Mr. FITZGERALD. Mr. Chairman, will the gentleman yield?

Mr. CLARK of Missouri. The chairman can get an hour of his own.

Mr. BUTLER. I know; but I am embarrassed here in talking while he waits the time he should have. I will answer the gentleman from New York.

Mr. FITZGERALD. There are two sister ships of the *California*—the *Idaho* and the *Mississippi*. Three were authorized together?

Mr. BUTLER. Yes.

Mr. FITZGERALD. That is a fact, is it not?

Mr. BUTLER. Yes.

Mr. FITZGERALD. The *Idaho* and the *Mississippi* are being constructed by private contractors?

Mr. BUTLER. Yes.

Mr. FITZGERALD. And the *California* is being constructed in a Government yard?

Mr. BUTLER. Yes.

Mr. FITZGERALD. The gentleman has intimated that there is very serious delay in the construction of this ship—the *California*?

Mr. BUTLER. Will the gentleman permit me?

Mr. FITZGERALD. Yes.

Mr. BUTLER. It was only in a general way that I was speaking. I have no reflection to cast upon the management, or on the construction of the ship, or on the delay.

Mr. FITZGERALD. The point is this, that the report shows that the ship under construction in the Government yard is six months behind the two other ships authorized at the same time, and Admiral Taylor, the Chief of the Bureau of Construction and Repair, stated that the delay is due to two causes: First, that the ways are occupied by the *Arizona*, which delayed it four months.

Mr. BUTLER. Yes.

Mr. FITZGERALD. And that the other two months' delay was occasioned by the lack of sufficient draftsmen to get out the plans. There should be no misunderstanding that because the ship is built in a Government yard it is being delayed unnecessarily.

Mr. BUTLER. Mr. Chairman, I have yielded around everywhere, and I now intend to yield to the chairman of the committee [Mr. PADGETT], and I apologize for having taken the floor when he was away. But I do say to the gentleman from New York [Mr. FITZGERALD] that I am in favor of building another way in the New York Navy Yard if it is thought desirable.

I do not mean to criticize the department or the management over the construction of this ship. You can not put two big ships on ways only 1,000 feet long when the ships are each over 600 feet long. We can all understand that.

Mr. CURRY. Will the gentleman yield me five minutes?

Mr. BUTLER. I will after the chairman of the committee has spoken. I reserve the remainder of my time.

The CHAIRMAN. The gentleman from Pennsylvania reserves 35 minutes. The gentleman from Tennessee [Mr. PADGETT] is recognized.

Mr. CURRY. Will the chairman of the committee yield me five minutes?

Mr. PADGETT. I will later, in connection with the gentleman from Pennsylvania.

The CHAIRMAN. The gentleman from Tennessee [Mr. PADGETT] is recognized for one hour.

Mr. PADGETT. Mr. Chairman, I want to make a statement free from interruption, and then, after I have completed my statement, I shall be glad to answer any question that I can. By the naval appropriation bill, passed on the 3d of March last, we authorized the construction of two ships. The estimated

cost of the two ships complete, with armor, armament, and full equipment, is about $15,000,000.

Mr. MANN. Fifteen million dollars apiece?

Mr. PADGETT. Fifteen million dollars apiece. That was the estimate. The limit of cost fixed by the bill for the hull and machinery, which is the ship exclusive of armor and armament, is $7,800,000. The Secretary of the Navy advertised for bids, as provided by law, and the private shipyards of the country, with the exception of one yard, put in bids, and every bid that was put in by the private yards was several hundred thousand dollars above the limit of cost fixed by the act of Congress.

In addition, these bids made certain exclusions, taking out that which the Government would have had to do in its own yards in order to complete the ships, which would have still further added to the cost, so that under the law it was impossible for the Secretary to award a contract to private shipbuilders.

Another point: One of the private yards submitted in its bid 40 months for the construction of the ship. The others submitted bids, if I remember, for 36 months, but reserving the exception that they were to have an extension of time if they had any unexpected difficulties or unlooked-for delays in getting materials, or if they had labor troubles. So that meant an indefinite limit of time for the completion of the ships.

The Secretary also called upon the navy yards to submit estimates of what they could construct the ships for. The New York yard submitted an estimate, and the navy yard at Mare Island submitted an estimate, and these two estimates in the aggregate were $1,100,000 under the joint limit of cost fixed by the act of Congress. The Mare Island yard included $248,000—if I am not mistaken as to the exact figures—for the enlargement of the ways; but that money would not be available. It was appropriated and authorized by Congress for the construction of the ship, so that if you deduct the $248,000 that was included by the Mare Island yard and add it to the saving, the estimates of the two yards were something like $1,300,000 under the limit of cost.

Now, the Secretary of the Navy assigned the construction of these ships, one to the New York yard and one to the Mare Island yard. This resolution is introduced for the purpose of making available not an additional appropriation but an authorization out of the appropriation already made for the construction of the ships; $500,000 for extension of the ways at Mare Island and for equipment, and $100,000 for the New York yard; in other words, to use $600,000 of this $1,300,000 for the purpose of constructing the ways and furnishing the equipment to build the ships. So that this amount is not an additional appropriation but is a part of the amount already fixed by the previous act.

As I stated a moment ago, the yards say that they can complete these ships in less than three years from the time they get their material ready. The department has not waited for the clearing of the ways. There is a ship on the ways at New York, and there is also one on the ways at Mare Island; but the department has already undertaken to secure the materials and have them assembled, so that by the time the materials are made ready and assembled it is hoped that the department will be well prepared on the way toward begining the construction of these ships. The contracts are all under way for the steel and materials of all kinds. So that when you are counting the delay that appears, it is misleading unless you take into consideration that if a contract was awarded additional time would have to be consumed in gathering together and assembling the materials that go into the construction of the ships.

The Secretary stated to me, and I believe to the committee also, that it is his purpose, if he receives this authorization, to put on additional force early in the spring, as soon as the weather permits, so that the clearing of the ways will be in progress, and he told me that he hoped to have the ways clear in one case in September and in the other case in October, so that the keels of the new ships could be laid. But pending that apparent delay, the Secretary is proceeding to have the materials all gathered and assembled ready for that work.

The question was asked by the Speaker a moment ago as to which is the better ship. It is the aim and the ambition of the men in the department who make the plans and details of our ships to make each ship that is laid down better than the ship that was completed preceding it. In other words, we are making progress and development in the military value, in the fighting efficiency of each ship, over all ships that preceded it. Last year I had a very interesting statement from Admiral Dewey, president of the General Board. He took the *Delaware*, which represents our first dreadnaught. He gave that a military value of 100. The *New York* represented a military value of 157.65. In 1898 the *Oregon* was justly the pride of the American Navy, but in that table the *Oregon* represented in fighting value and military efficiency only 13.13, as compared with the *Delaware*, representing 100, and the *New York*, representing 157.65. That gives us an illustration of the progress that is being made in our shipbuilding.

I think it is fair to the department to make another statement; that is, that since last March, when the ships were authorized, the department has been using all the ingenuity and skill of the expert men of the department to make ships *43* and *44*, which were authorized on March 3 last, superior to all other ships in the world against torpedo attack. They have been studying and taking advantage of all the information they can get and all the lessons that can be learned from the European war to make our ships as far as possible immune to torpedo attack.

Admiral Taylor, Chief of the Bureau of Construction and Repair, a man who has an international reputation in matters of that character, states that ships *43* and *44* will have marked advantages in methods of protection against ships now on the ways, the *California*, *Idaho*, and *Mississippi*, authorized two years ago. I do not believe that under all the conditions that exist the lessons that were to be learned as to what was going on in the war, the lessons that might be gathered from it, that that time has been wasted or ill spent, because they say to us that the improvements and changes in design and in internal construction, matters which properly are not disclosed, were not even told to us in detail; that the construction of these ships is such that they would be superior in a marked degree above the ships authorized the year preceding because of the lessons learned and the improvements suggested by the warfare in Europe.

Mr. BUTLER. Will the gentleman yield?

Mr. PADGETT. Certainly.

Mr. BUTLER. Will the gentleman assist me in the feeble attempt which I made to reply to the question which the Speaker put to me as to why we did not duplicate the *California?*

Mr. PADGETT. Because if we had duplicated the *California* we would have left out all the improvements that are going into ships *43* and *44*, gathered from the lessons we have learned during the war up to the time of these designs. Admiral Taylor stated still further that he had plans even in advance of these last two ships, *43* and *44*, that would be incorporated into the ships that would be authorized at this session of Congress that would make them improvements over the ships authorized on the 3d of last March. That is the reason we do not duplicate. Whenever you duplicate you have reached the limit, and there is no hope for improvement. I do not want the time to ever come when the Navy will be satisfied in what it has accomplished, but will always have its aim and purpose, its desire and ambition, for something a little better than what it has done. [Applause.]

Mr. CLARK of Missouri. Will the gentleman yield?

Mr. PADGETT. Certainly.

Mr. CLARK of Missouri. Do the naval authorities agree that any one particular ship is better than any other ship?

Mr. PADGETT. I think so.

Mr. CLARK of Missouri. How many have we authorized now?

Mr. PADGETT. We have 42 battleships built, building, and authorized.

Mr. CLARK of Missouri. How many in process of construction?

Mr. PADGETT. There are 17 of those that are dreadnaughts.

Mr. CLARK of Missouri. The gentleman is talking about what we already have now?

Mr. PADGETT. Yes.

Mr. CLARK of Missouri. How many are there authorized to be constructed?

Mr. PADGETT. Nine that are not fully completed.

Mr. CLARK of Missouri. How many have not been begun?

Mr. PADGETT. Two.

Mr. CLARK of Missouri. Why not pass a resolution through the House ordering the Navy Department to complete those two, duplicating the very best one you have got in the Navy? [Applause.]

Mr. PADGETT. Simply because the Chief of the Bureau of Construction told us that he had plans already worked out that would make decided improvements against torpedo attack, and so forth.

Mr. CLARK of Missouri. Why do not they put those plans into operation?

Mr. PADGETT. They will do it as soon as they get authority under this resolution to proceed with the building of the ways and the repair of the ways.

Mr. CLARK of Missouri. We shall all die of old age before they are completed at this rate. [Laughter and applause.]

Mr. BUTLER. Will the gentleman yield?

Mr. PADGETT. Yes.

Mr. BUTLER. Is not the gentleman's argument that we improve, and we do improve every year?

Mr. PADGETT. We do.

Mr. BUTLER. Is not that an argument itself against building too many ships at one time?

Mr. PADGETT. No; I think not, against a proper number.

Mr. CLARK of Missouri. Will the gentleman yield for one more question?

Mr. PADGETT. Certainly.

Mr. CLARK of Missouri. This is purely for information. What is the reason that these naval experts can not agree on anything?

Mr. PADGETT. They do agree on some things. They agree on substantials.

Mr. CLARK of Missouri. They have kept the whole country puzzled, including myself. [Laughter.]

Mr. PADGETT. They do agree on the fundamentals pretty well.

Mr. BUCHANAN of Illinois. Will the gentleman from Tennessee yield?

Mr. PADGETT. I will.

Mr. BUCHANAN of Illinois. If this money is made available for the repair and construction of the ways, will it not be of great advantage to the building of other ships hereafter?

Mr. PADGETT. Oh, of course; they are permanent ways, and when one ship is completed another will be put upon the same ways.

Mr. BUCHANAN of Illinois. And so it will be of great advantage to the building of subsequent ships after those that are now building are completed?

Mr. PADGETT. Of course. Now, another thing. After our experts have given the matter the very best consideration, we have placed twelve 14-inch guns on our ships as against eight 15-inch guns upon some of the foreign ships. Our men say that the value; that is, the military value of twelve 14-inch guns is more than eight 15-inch guns. In the first place, it gives 50 per cent increase in the opportunity of striking. You have 12 projectiles fired at a hostile ship instead of 8, and either one of them, if it lands, will be destructive.

Mr. COOPER of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. PADGETT. Certainly.

Mr. COOPER of Wisconsin. How much longer is the range of a 15-inch gun than the range of a 14-inch gun?

Mr. PADGETT. Practically nothing, so they tell us.

Mr. COOPER of Wisconsin. Then why do they prefer the 15-inch gun to the 14-inch gun, if it will not shoot any further?

Mr. PADGETT. It is not the distance. Our 14-inch 50-caliber guns shoot as they are placed on our ships 24,000 yards. If you will take 1,760 yards as a land mile or 2,000 yards as a sea mile, you will have 12 sea miles and nearly 14 land miles, the distance that the 14-inch 50-caliber gun will shoot, and that is away beyond where you can see or pick out a ship or anything else.

Mr. COOPER of Wisconsin. Is the range of a 17-inch gun greater than that of a 14-inch gun?

Mr. PADGETT. I do not know of any 17-inch guns.

Mr. COOPER of Wisconsin. But I read in the papers that the Germans are putting 17-inch guns on their new ships.

Mr. PADGETT. Well, we have not any authentic information of anything of that kind.

Mr. GARDNER. Mr. Chairman, will the gentleman yield?

Mr. PADGETT. Yes.

Mr. GARDNER. Is it not a little unfair comparison to take the eight 15-inch guns on vessels that were in commission in the British navy before the war and compare them with the twelve 14-inch guns which we propose to put on vessels not yet begun? Is it not a fact that our most powerful dreadnaughts in existence to-day, in commission, are the *Texas* and the *New York*, and that they have only ten 14-inch guns?

Mr. PADGETT. Yes; but we have made improvements, and we have put 12 of them on.

Mr. GARDNER. And the *Oklahoma* uses 50-caliber guns?

Mr. PADGETT. Forty-five caliber.

Mr. GARDNER. I know, and that makes all the difference in the range, as the gentleman knows full well.

Mr. PADGETT. Oh, I said that we were making improvements in our ships, in their design and in their armament, and that was the answer that I gave to the question before that, as against any fixed standard. We are improving right along.

Mr. SHERLEY. Mr. Chairman, will the gentleman yield?

Mr. PADGETT. Yes.

Mr. SHERLEY. I just wanted to call to the gentleman's mind what he already knows, that the diameter of a gun is not necessarily the controlling thing in determining its power.

Mr. PADGETT. The muzzle velocity.

Mr. SHERLEY. The muzzle velocity, the weight of a projectile, the velocity with which it is fired—and that involves not only the diameter, but the powder, the charge, and the caliber.

Mr. PADGETT. Oh, certainly, all of those things enter into it.

Mr. COOPER of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. PADGETT. Yes.

Mr. COOPER of Wisconsin. Would not all of these elements of which the gentleman from Kentucky [Mr. SHERLEY] has spoken be taken into account in considering the 15-inch gun just the same as in the 14-inch gun?

Mr. PADGETT. With the 15-inch gun the muzzle velocity is less than with the 14-inch gun.

Mr. COOPER of Wisconsin. Why, then, if one will not shoot farther than the other, is not any more effective than the other, should anyone prefer the 15-inch to the 14-inch?

Mr. PADGETT. Either one will shoot beyond any needed range, so far as that is concerned. A 15-inch gun carries a projectile that weighs, in round numbers, 2,000 pounds. A 14-inch gun carries a projectile that weighs 1,400 pounds. There might be, if you made a hit, greater destruction following a 15-inch shell than a 14-inch shell, but the 14-inch shell, going with greater muzzle velocity, going, as I stated, with our most improved guns, 24,000 yards, away beyond any fighting distance or seeing distance, if it strikes a ship it produces destruction anyway; so that it is a question with our experts and our military men to say whether or not they would rather have eight 2,000-pound shells fired or twelve 1,400-pound shells. They have 50 per cent more chance of striking with the 14-inch shell than they have with the 15-inch shell, and if they strike with either it will be destructive.

Mr. KREIDER. Mr. Chairman, will the gentleman yield?

Mr. PADGETT. Yes.

Mr. KREIDER. I would like to know whether the experts have ever expressed an opinion as to whether it would be possible to improve or remount guns on the vessels now constructed, and thereby increase their fighting efficiency. Whether it would not be possible, if a 14-inch gun is desirable as against a 12-inch gun, so far as fighting efficiency of the battleship is concerned, to replace the 12-inch gun with the 14-inch gun, and thus increase the efficiency of the ship rather than consign it to the scrap heap.

Mr. PADGETT. We have had that up before our experts a number of times, and they have all agreed that it could not. A ship is constructed, designed, and built for certain weights and certain carrying capacity for bunker coal, for oil, and so forth; so that you can not put a 14-inch gun upon a ship that was built and designed for a 12-inch gun.

Mr. LINTHICUM. Mr. Chairman, will the gentleman yield?

Mr. PADGETT. In just a moment. Another matter I want to call attention to that was suggested by Mr. ROBERTS of Massachusetts. The erosion of the 15-inch gun is greater than that of the 14-inch gun. In other words, the life of the 15-inch gun is less than that of the 14-inch gun, if fired at the same high muzzle velocity.

Mr. LINTHICUM. I would like to ask about the speed of our ships as compared with those of other nations.

Mr. PADGETT. Their speed is the same as ships of like character except that several years ago England went from the battleship dreadnaughts, from about 21 or 22 knots to about 26 knots, or something like that, but Admiral Taylor told us that his information was that in the later types they had abandoned that speed of battleships and had come back to the old speed of 21 or 22 knots.

Mr. LINTHICUM. Did the gentleman see that statement in the papers the other day that the *Bluecher*, which was sunk by the British, was 3 knots faster than the *Oklahoma*, the fastest boat we have?

Mr. PADGETT. The *Bluecher* is a cruiser and not a battleship. Cruisers are all fast ships and are lightly armored for cruising and commerce-destroying purposes, and they are not put in the first line to fight against battleships. They are intended more for commerce-destroying purposes.

Mr. GARDNER. Will the gentleman yield?

Mr. PADGETT. I do.

Mr. GARDNER. The gentleman does not mean to say that dreadnaught cruisers of 30-knot speed are not considered capital ships in the first line?

Mr. PADGETT. I say they are not considered as fighting ships to fight against battleships. They will fight against cruisers and they serve a capital purpose. They are very valuable ships, but a battle cruiser with armor of 6 or 7 inches would not go up against a battleship with armor of 12 or 14 inches.

Mr. GARDNER. That is assuming her guns did not have a longer range, is not that true?

Mr. PADGETT. Assuming that they have guns that will shoot as far as either one can shoot at the other. It is no farther from the battleship to the cruiser than from the cruiser to the battleship.

Mr. GARDNER. May I ask one or two questions about this bill?

Mr. PADGETT. Certainly.

Mr. GARDNER. We appropriate $600,000——

Mr. PADGETT. Not appropriate, but we make it available.

Mr. GARDNER. We make available $600,000, of which $100,000 is for the New York Navy Yard and $500,000 for the Mare Island Navy Yard?

Mr. PADGETT. Yes, sir.

Mr. GARDNER. And half of the money for Mare Island is for the improvement of the ways at that yard. What is the other half for?

Mr. PADGETT. It is for additional equipment, for larger cranes, machinery, etc., to handle material.

Mr. GARDNER. Is it the same for New York?

Mr. PADGETT. At New York I think it is for equipment altogether.

Mr. GARDNER. What I want to get at is this: The Secretary of the Navy says that we have got to put on double shifts both at Mare Island and New York. Is any part——

Mr. PADGETT. Weather permitting.

Mr. GARDNER. Is any part of it for double shifts?

Mr. PADGETT. No, sir; because it does not come out of this appropriation. It comes out of the appropriation for these specific ships.

Mr. GARDNER. One or two other questions on the same line. The Secretary of the Navy says that at the Mare Island Yard they will be able to get *No. 44* on the ways in September.

Mr. PADGETT. That is what is expected.

Mr. GARDNER. And *No. 43* in New York in the later summer. Now, assuming that he is right, how long a time does the gentleman expect to elapse from the time these vessels have their keels laid up to the time they are commissioned?

Mr. PADGETT. If I remember correctly the yard's estimate, I think, approximately it was 32 or 33 months.

Mr. BUTLER. Thirty-two months is my recollection.

Mr. GARDNER. In one case it is from the date of the assembling of the material and the other from the date of the signing of the contract for the material, but what I want to get at is the date from the actual laying of the keel, how long would it take it to be——

Mr. PADGETT. To be completed?

Mr. GARDNER. To be commissioned.

Mr. PADGETT. Around 30 or 32 months.

Mr. GARDNER. The gentleman takes it that it can be done under three years from the actual date of the laying of the keel?

Mr. PADGETT. They expect to do so.

Mr. GARDNER. They have not been doing it recently.

Mr. PADGETT. No, sir; neither have the other countries. Now it has been stated here about other countries building ships. Where we build our ships we have been building them under one shift. Of course, if we put on two shifts——

Mr. BUTLER. Or three.

Mr. PADGETT. We could build them in less time. If we put on three, we could build them in still less time, but that would add very appreciably to the cost by putting on the third shift, because that is nightwork and it is always pretty costly and is not so efficient as daywork.

Mr. CANNON. Will the gentleman yield for a question?

Mr. PADGETT. Yes, sir.

Mr. CANNON. The country believes, and the President from his speeches as well, that we can not tell what may take place in a day——

Mr. FITZGERALD. And never could.

Mr. CANNON. And that it is very desirable that we should have speedy preparation. Now, the gentleman has been talking about its taking three years to build these ships.

If we be in danger within the next three years, these battleships, or dreadnaughts, are of no account. I ask the gentleman if his committee has taken into consideration, under the stress that we seem to be under now, what we can get in six months, what we can get in a year, of the different types of construction, if you please? Of course, I acknowledge that I am a tenderfoot; but it seems to me, if we are in danger from day to day, we should govern ourselves accordingly, both for the Army and the Navy. And I make this remark in the greatest of good faith.

Mr. PADGETT. Yes.

Mr. FOCHT. Mr. Chairman——

The CHAIRMAN. Will the gentleman from Tennessee yield to the gentleman from Pennsylvania [Mr. FOCHT]?

Mr. PADGETT. I desire to make a short reply to the gentleman from Illinois at present. The *Oklahoma* and the *Nevada* and the *Pennsylvania*, three very valuable and efficient ships, regarded as the three best in the world at the time they were designed and keel laid, will be completed and put in commission during the present year, two of them in the early summer and one a little later, in the fall. The other ships, of course, could be expedited very much if an emergency should arise calling for putting on two shifts or three shifts. We have been making appropriations heretofore on the theory we have always proceeded upon—that we will give the amount that is estimated according to the usual procedure of one shift. If any emergency should arise, a very small resolution of Congress, carrying the necessary appropriation, could provide for the extra shifts.

Mr. CANNON. Will the gentleman allow me just one remark in the shape of a question?

Mr. PADGETT. Yes, sir.

Mr. CANNON. It seems, so far as we can ascertain, that, as an insurance policy or for defense, the emergency is now here.

Mr. PADGETT. That is for the Congress to determine when we have before us the appropriations. The committee has not yet taken up that part of the bill which relates to the increase of the Navy. Under our procedure that is the last item that we take up and pass upon and the last one we have before the committee. We have not yet taken up in the committee that part of the estimates. We have been dealing with the administration estimates.

Mr. CANNON. Will the gentleman just pardon me one other short question?

Mr. PADGETT. With pleasure.

Mr. CANNON. I stand ready to vote for the increase of the Navy and the increase of the Army. Now, if there is no necessity for not waiting three years, no necessity for hasty action, well and good. The interrogation point is in the head of many people in this country whether this means actual preparation under the leadership of the Committee on Military Affairs and the Committee on Naval Affairs, or whether it is a "good-enough Morgan" for the next six months. [Applause.] I do not intend to criticize the President or anybody else, but as a Representative and as an American citizen I am anxious touching the matter I have referred to.

Mr. FITZGERALD. The gentleman says he does not intend that as a criticism. Does the gentleman think anybody would construe it as a compliment?

Mr. CANNON. After all, I will say again, if my friend will indulge me, I am profoundly impressed with the necessity for action. If there be a necessity, I agree with the gentleman from Pennsylvania [Mr. BUTLER]. I am ready to help furnish the money by my vote, either by an increase of taxation, by the borrowing of money, or both, and so the gentleman from New York [Mr. FITZGERALD] does not do himself justice, or me either, in saying that perhaps this is a criticism.

Mr. FITZGERALD. Will the gentleman yield? The gentleman wanted to know whether this was just a sham performance here for campaign purposes. That was the subject of his comment.

Mr. CANNON. Precisely.

Mr. FITZGERALD. And then he said he did not intend it as a criticism of the President. How else can it be construed? The gentleman was trying to put in a nice way a very nice criticism of the President, but he did not get away with it.

Mr. CANNON. Right to that question here and now. The President of the United States is my President as well as your President, and if I can find out what is the proper thing to do, if it is necessary to do anything, I stand ready to help do it. [Applause.] But, as a Representative, I have the right, with the interrogation point in the heads of many men, to ask that question, and I hope I am not guilty of lese majesty when I ask it. [Applause.]

Mr. FOCHT rose.

The CHAIRMAN. Will the gentleman from Tennessee [Mr. PADGETT] yield to the gentleman from Pennsylvania [Mr. FOCHT]?

Mr. PADGETT. Just a moment, first. I am not authorized yet to say what the committee is going to report, because we have not yet passed upon it, but I think I am justified in saying that the committee will act in perfect good faith with the House and with the country, and will bring in a bill that will address itself to the intelligence and patriotism of the House, and if the House wishes to do more or less than the committee recommends, there will be full opportunity to do so.

Mr. NORTON, Mr. KELLEY, Mr. STEPHENS of California, and Mr. HICKS rose.

The CHAIRMAN. To whom will the gentleman yield?

Mr. STAFFORD. Will the gentleman permit an inquiry?

The CHAIRMAN. To whom does the gentleman from Tennessee yield?

Mr. PADGETT. I yield to the gentleman from Wisconsin [Mr. STAFFORD].

Mr. STAFFORD. Are we to understand by the statement made by the gentleman that the department has not been expediting the finishing of the battleships now in progress by asking the navy yards or the private contractors to put on extra men, so as to have these battleships completed at an earlier date than was originally contemplated?

Mr. PADGETT. The construction of the ships in the navy yards to be expedited?

Mr. STAFFORD. You stated there were three ships that would be ready for commission this year, the *Oklahoma*, the *Nevada*, and the *Pennsylvania?*

Mr. PADGETT. Yes; they are practically completed.

Mr. STAFFORD. And there are other ships building that could be finished much sooner if there was pressing demand for their completion. Has the department considered that such a condition existed as to hurry the completion of any of these ships, either in the navy yards or in the private building yards?

Mr. PADGETT. The Secretary of the Navy has not yet appeared before the committee, and we have received no communication on that line so far.

Mr. STAFFORD. But the gentleman stated that they could have been completed sooner. Now, has any work been undertaken to complete those ships sooner than was originally intended?

Mr. PADGETT. The ships that are being built under contract have their time limit, and I know of nothing that has changed the time limit so far.

Mr. STAFFORD. And the gentleman knows nothing that the administration has done to expedite the completion of those ships?

Mr. PADGETT. It would require an additional appropriation by Congress to increase the limit of cost that has been fixed, as shorter time of construction involves greater cost of construction.

Mr. STAFFORD. Would it require an additional act of Congress if those contracts were under an authorization previously granted by Congress?

Mr. PADGETT. But they are just within a few dollars of the appropriation.

Mr. STEPHENS of California. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman yield?

Mr. STAFFORD. Are not some of them several hundred thousand dollars beneath the appropriation?

Mr. PADGETT. No; not when you take into account the little additions that are to be put on by the department.

Mr. STAFFORD. Has the Secretary of the Navy in his estimate asked at any time, by letter or other communication, for an appropriation to expedite the completion of the ships now building?

Mr. PADGETT. I have stated that he has not thus far.

Mr. STEPHENS of California. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Tennessee yield to the gentleman from California?

Mr. STEPHENS of California. Just for a short statement.

Mr. PADGETT. I yield to the gentleman from California.

Mr. STEPHENS of California. Mr. Chairman, I favor a larger Navy; indeed, I favor a much larger Navy, and, in my judgment, if we are at all in need of a larger Navy we should have it as quickly as possible. I believe we should authorize every vessel necessary to the completion of an adequate Navy. We should authorize now and require the earliest possible construction.

Mr. Chairman, regarding the construction of a battleship at Mare Island, I want to say this, the Mare Island Navy Yard put in an estimate of something like $600,000 less than the bid of any private yard. Included in that estimate, which was $600,000 less than any private yard, was the sum of $248,000 for the building of additional ways at Mare Island.

Mr. SNYDER. Mr. Chairman, will the gentleman yield there?

The CHAIRMAN. Does the gentleman from California yield to the gentleman from New York?

Mr. STEPHENS of California. Not at this time.

Mr. PADGETT. I yielded, Mr. Chairman, to the gentleman from California.

Mr. STEPHENS of California. I can not yield at this time. It was later discovered that this $248,000 could not legally be expended for building ways; hence this resolution for authority to use a part of the money already appropriated for battleship 44.

Mr. KELLEY. Mr. Chairman, will the gentleman yield there?

The CHAIRMAN. Does the gentleman yield?

Mr. STEPHENS of California. Not at this time. Now, the Mare Island estimate of about $600,000 less than any other yard, coupled with $248,000 for ways, which sum was included in the Mare Island estimate, and a further $70,000 which the yard proposes to save, makes a total saving of over $900,000 in constructing this one battleship. And when these building ways at Mare Island are constructed out of the money saved, that yard will be forever available for the building of other battleships.

Now, Mr. Chairman, I would like to call the attention of the House to the fact that the navy yard at Mare Island has promised to construct this ship within 31 or 32 months, and never yet in the construction of any ship at the Mare Island Navy Yard has it exceeded the estimate of time or money made to the Navy Department.

Now, Mr. Chairman, it was asked a moment ago whether or not, after the construction of a battleship at Mare Island, the ship could be floated to sea? Admiral Stanford has answered that question on pages 23, 28, 29, and 158 of the hearings. He has said—and I shall, at the end of this paragraph, include his answers to my questions—that there were hours within each 24 when the largest battleships of our Navy could be floated to sea from the Mare Island Navy Yard. He has also stated that there is no other navy yard in the United States, except the one at Puget Sound, at which there were not hours in every 24 when it is impossible to float out a battleship. Listen to this:

Mr. STEPHENS. Admiral, then it is not absolutely necessary that we have 30 or 35 feet of water in order to take in and bring out of the navy yard the war vessels of deepest draft?

Admiral STANFORD. No; for the reason that those depths are ordinarily understood to mean from low tide conditions, and by moving the vessel under more favorable tidal conditions there would be a correspondingly greater depth of water.

Mr. STEPHENS. At practically all our yards, then, Admiral, there are conditions of tide when we could not float out or float in the deepest draft battleships we have?

Admiral STANFORD. Yes, sir.

* * * * * * *

Mr. STEPHENS. It is your belief that a vessel of the greatest depth on the Pacific Ocean to-day or in the Navy could, under certain conditions of the tides——

Admiral STANFORD (interposing). And under certain conditions of loading.

Mr. STEPHENS (continuing). Could safely go up to Mare Island and depart again?

Admiral STANFORD. Yes, sir.

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Mr. STEPHENS. Did you not state yesterday and is it not true that you have trouble with shoaling conditions in the channel at New York Harbor and at various other navy-yard harbors on the Atlantic coast?

Admiral STANFORD. Periodic dredging is required at the New York Navy Yard, is required at the Boston yard, and is required at the Norfolk yard.

Mr. STEPHENS. Then there are hours within each 24-hour period when it might not be safe for a vessel to approach any Atlantic coast navy yard?

Admiral STANFORD. Tidal conditions are always an important factor in the movement of the deeper-draft vessels.

Mr. STEPHENS. And there are hours——

Admiral STANFORD (interposing). There are hours when vessels can be moved to those yards.

Mr. STEPHENS. And when they can not be moved?

Admiral STANFORD. And when they can not be moved to those yards.

* * * * * * *

Mr. STEPHENS. There are certain Government yards which could be prepared to construct dreadnaughts within six months time, are there not?

Admiral STANFORD. Yes, sir.

Mr. STEPHENS. Will you please name them?

Admiral STANFORD. You mean as far as extending the slips may be concerned?

Mr. STEPHENS. I mean prepared to build dreadnaughts for the Government within six months, provided, of course, the money was at hand.

Admiral STANFORD. I hesitated an instant in replying to that question from consideration of the present condition at Mare Island and at New York, where they are building ships which are now on the ways, which might not be launched within six months. But, subject to that——

Mr. STEPHENS (interrupting). Take for granted the ways were unoccupied; then what yards could be prepared within six months to build our largest dreadnaughts?

Admiral STANFORD. The New York yard, the Philadelphia yard, the Mare Island yard, and I presume the Puget Sound yard.

Mr. STEPHENS. The Government would be perfectly safe in going ahead with such constructions, so far as getting the dreadnaughts to the ocean after they were built?

Admiral STANFORD. Yes, sir.

Now, the United States Government has authorized the War Department to dredge a channel 30 feet deep from Mare Island to the sea. That project is now under way. It has not been completed, but the engineers assure us it can be accomplished.

Mr. Chairman, not an extra dollar is called for. All we ask is that Mare Island be forever equipped for building the largest battleships out of the money saved by Mare Island in the construction of this one battleship only.

Mr. FOSS. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Tennessee yield to the gentleman from Illinois?

Mr. PADGETT. I wanted to see if we could reach an agreement for general debate. There is another bill that I want to bring before the House this afternoon, under general suspension, for increasing the number of midshipmen at Annapolis.

Mr. MANN. And there are several others on the Unanimous Consent Calendar.

Mr. PADGETT. Yes. There are several other bills on the Unanimous Consent Calendar before that, and I wanted to see if we could not reach an agreement on general debate.

Mr. FOCHT. Mr. Chairman——

Mr. MANN. Suppose we say 40 minutes on a side now?

Mr. PADGETT. That will be agreeable to me.

Mr. BUTLER. I shall not object to it, provided I have an opportunity to yield to the gentleman from California [Mr. CURRY] and to the gentleman from Illinois [Mr. CANNON] 10 minutes.

Mr. CANNON. I would say to my friend that I have no desire to consume further time of the House now.

Mr. PADGETT. I ask unanimous consent, Mr. Chairman, that the general debate close in 80 minutes—40 minutes of the time to be controlled by myself and 40 minutes to be controlled by the gentleman from Pennsylvania [Mr. BUTLER], the ranking member of the minority on the committee.

The CHAIRMAN. The gentleman from Tennessee [Mr. PADGETT] asks unanimous consent that all debate close on this bill in 80 minutes—40 minutes to be controlled by himself and 40 minutes to be controlled by the gentleman from Pennsylvania [Mr. BUTLER]. Is there objection?

Mr. FOCHT. Mr. Chairman, I am not going to object, but I have been trying for some time to ask the gentleman one question.

Mr. MANN. The gentleman will have that opportunity.

Mr. PADGETT. We will give the gentleman that opportunity.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. FOCHT. Now, Mr. Chairman, in order that there may be no misapprehension about the question I am about to ask the chairman of the Committee on Naval Affairs, I want to say that I am for any and every measure of preparedness sufficient and ample to maintain and preserve the integrity of this country.

Mr. GORDON. As is everybody else. [Applause.]

Mr. FOCHT. Certainly. But I want to ask the gentleman from Tennessee [Mr. PADGETT] this question, Whether it is the conclusion of the experts to whom he has referred this morning, and of himself and of his committee, in the presence of the fact that nearly all of the great dreadnaughts of the belligerent nations now at war are in hiding behind fields of mines or in bays or protected by one means or another—that battleships or dreadnaughts or superdreadnaughts are ample and sufficient to protect the coasts of this country in time of attack, and what relationship in point of efficiency does the U-boat, or submarine, bear to the dreadnaught costing forty times as much?

Mr. PADGETT. In the first place, the gentleman's statement is inaccurate. While the dreadnaughts of one nation may be behind mines and in bays, the dreadnaughts of Great Britain and of France and the allies are in the open sea, commanding the sea.

Mr. FOCHT. I do not understand that to be a fact, however, and with no reference to the *Appam* incident.

Mr. PADGETT. That is the fact. They are not behind protections at all, and the situation is that England has absolute command of the sea to-day with her fleet, in cooperation with her allies.

Mr. FOSS. Mr. Chairman——

The CHAIRMAN. Does the gentleman from Tennessee yield to the gentleman from Illinois [Mr. Foss]?

Mr. PADGETT. Yes; I yield for a question.

Mr. FOSS. The gentleman was speaking a moment ago about navy-yard estimates versus private bids, and he stated certain things that were excluded in the private bids. I do not know how these recent navy-yard estimates were made up, but I do know that in the past our navy yards have usually excluded things which were included in private bids. So I should like to ask the gentleman in regard to these navy-yard bids, Have they pursued the same course which has been pursued heretofore?

Mr. PADGETT. Pursuant to a provision in the naval appropriation bill, of a year ago I believe, or preceding that—I have forgotten just the date, but recently—the cost-accounting system, with reference to overhead charges, and so forth, has been revised, and the Secretary attempts to charge to the cost of the ship every item of increased cost at the navy yard caused by and incident to the construction of the ship. It must be borne in mind that there are certain costs and expenses that are maintained at a navy yard whether you build a ship or do not build a ship. If a ship is built in a navy yard, it does not bear any part of those costs, as I understand it, which are incident to the yard, which would have to be paid whether there was any ship built there or not, but all of those costs that are occasioned by the construction of the ship in the yard are charged to the cost of the ship.

Mr. FOSS. What I meant to refer to particularly was the cost of the plans. Are not those costs paid out of a separate appropriation in the naval bill, and not included as a part of the cost of the ship?

Mr. PADGETT. Very likely so. I think perhaps that cost is paid out of the administration charges.

Mr. FOSS. And the draftsmen and the pay of the officers.

Mr. PADGETT. Some of the draftsmen, perhaps, are paid out of the cost of the ship.

Mr. FITZGERALD. They are all charged in the cost of the ship under the system of cost accounting which the gentleman from Illinois [Mr. Foss] helped to have installed in order to hinder the building of ships for the Navy in Government yards when he was chairman of the Naval Affairs Committee.

Mr. FOSS. Are not leave of absence and holidays paid out of a separate appropriation in the bill?

Mr. PADGETT. I think not. I was going to say this, that when ships are built in private yards, it is proper for the shipbuilding companies to insure the ships. The contract provides that the Government shall be insured against loss, so as to protect it against loss in making payments from time to time. Now, they charge that in the cost of the ship, and properly so. And private yards would pay taxes that the Government does not pay. But they have no charges to meet the leaves and holidays and half holidays, and disabilities, and things of that kind which offset those charges.

Mr. FOSS. Does the gentleman expect that the navy yards will be able to complete these ships within their estimates? He knows our experience in times past. For instance, the *Florida* was built in a navy yard, and her sister ship, the *Utah*, was built in a private yard; and the *Florida* cost nearly $2,000,000 more than the privately built ship. He also knows the experience we had with the *New York* and the *Texas*. The *New York* was built in the New York Navy Yard, and I think it was built under a provision of law which excluded the indirect charges; yet the *New York* cost a great deal more than the *Texas*. Now, does the gentleman think, in view of the experience of the past, that the navy yards will be able to complete these ships within the estimate? In every case the cost of the private-contract ship was a great deal less than the cost of the Government-built ship.

Mr. PADGETT. I will state to the gentleman that he makes his statement rather broader than the experience in the past shows. Years ago, and up until three or four years ago, the cost of navy-yard construction was materially more than that of private-yard construction; but as a result of continued work and greater experience in the navy yards they have been reducing their cost, so that they have been coming nearer and nearer together; and recently in the Mare Island Navy Yard they completed their contracts for less than their estimates and turned back some money into the Treasury.

Mr. FOSS. That was in the case of a small ship, was it not?

Mr. PADGETT. Yes, sir.

Mr. FITZGERALD. Is it not a fact that the cost charges to which the gentleman from Illinois refers were shown to include a large number of maintenance items for the yard itself which were not properly included in the cost of the ship?

Mr. PADGETT. That was true under the old system, but was corrected in the legislation of one or two years ago.

Mr. FITZGERALD. And that accounted very largely for the discrepancy in the cost of the *Florida*, referred to by the gentleman.

Mr. PADGETT. That was an essential element that went into it; but the present Secretary has felt that there should not be charged against the cost of the ship those items for the maintenance and operation of the yard which would exist and be paid regardless of whether a ship was built in the yard or not. The yard is maintained for military purposes largely, as well as for industrial purposes, and the industrial work should not be charged with those items that are and would be maintained on account of the military character of the yard.

Mr. NORTON. Will the gentleman yield?

Mr. PADGETT. Yes.

Mr. NORTON. It has appeared to me that there has not been any particular speeding up in the building of ships for the Navy during the last year. In fact, the only speeding up that appears in enlarging the Navy, as I have read the reports, is the speeding up in talk. Now, will the gentleman tell me the number of submarines that have been authorized that have not been constructed and the number of submarines authorized and under contract that are being constructed?

Mr. PADGETT. There were 18 submarines authorized in the bill we passed on the 3d of March, 1915. Sixteen of them were coast-defense submarines and two of them were large seagoing submarines. Contracts have been awarded for the 16 coast-defense submarines, and the work is supposed to be in progress.

Mr. NORTON. They are being built, are they?

Mr. PADGETT. I do not know whether the contractors have started or not, but contracts have been awarded and the time has been fixed for the construction. The two seagoing submarines have not yet been awarded. It has been very difficult to find a contractor who would undertake to meet the requirements of the specifications.

Mr. NORTON. Can the gentleman tell the House whether the Secretary of the Navy or the President has done anything toward speeding up the completion of the submarines?

Mr. PADGETT. The Secretary of the Navy has got the very best terms he could make with the contractors.

Mr. DILLON. Will the gentleman yield?

Mr. PADGETT. Yes.

Mr. DILLON. Can the gentleman give, for the benefit of the committee, the amount of the private bids on these two ships?

Mr. PADGETT. It was stated in the hearings; it was several hundred thousand dollars more than the limit of cost.

Mr. DILLON. Will the gentleman put it in the RECORD for the benefit of the committee?

Mr. PADGETT. Yes.

Mr. REAVIS. Will the gentleman yield?

Mr. PADGETT. I will yield to the gentleman from Nebraska.

Mr. REAVIS. How many ships are now being constructed and already constructed?

Mr. PADGETT. Sixty-six or 68—submarines, torpedo boats, and all.

Mr. BUTLER. Sixty-eight.

Mr. REAVIS. If these ships were all completed, what would be the comparison between our Navy and the foreign navies?

Mr. PADGETT. That is a question that will be opened up when we come to discuss the regular naval appropriation bill.

Mr. REAVIS. Would we not stand fourth?

Mr. PADGETT. My individual opinion is that we are third.

Mr. REAVIS. What would we be if all the ships were constructed, I ask?

Mr. PADGETT. I have stated that we would be third, in my opinion.

Mr. REAVIS. Provided the foreign navies were in the same condition they were at the beginning of the war.

Mr. PADGETT. Yes; we have no reliable information as to what the program has been since the war began. There are newspaper reports of a substantial increase.

Mr. REAVIS. But we have some reliable information that some of them have been sunk.

Mr. PADGETT. None of their capital ships have been lost, except England lost one big, new battleship.

Mr. GARDNER. Will the gentleman yield?

Mr. PADGETT. Yes.

Mr. GARDNER. I hold in my hand a document prepared by the Office of Naval Intelligence, United States Navy Department, in October, 1915. It is entitled "Information Concerning Some of the Principal Navies of the World." On page 7 I find a table showing the figures on July 1, 1914, just before the European war broke out. It appears that at that time the United States was fourth, a shade below France, in war tonnage built plus war tonnage then building. In war tonnage actually completed at that time we were third.

Mr. PADGETT. That is true, but I never believed in tonnage as a determinate factor of efficiency.

Mr. GARDNER. No; but that is the fact, is it not?

Mr. PADGETT. That is true as far as tonnage is concerned.

Mr. GARDNER. It was inferior to France, was it not?

Mr. PADGETT. Yes; so far as tonnage is concerned; but, in my opinion, as far as efficiency, I found that the United States was third.

Mr. GARDNER. This was based on tonnage built and building.

Mr. PADGETT. Yes; but in my statement I counted on built, building, and authorized that we were third.

Mr. GARDNER. I want to say that the Navy Department had some incomplete figures which would answer the gentleman from Nebraska [Mr. REAVIS]. It shows the extent to which the foreign navies have lost tonnage during the war. They are only made up from newspaper accounts.

Mr. PADGETT. Yes; that is published in two or three documents. Mr. Chairman, I will reserve the remainder of my time.

Mr. BUTLER. Mr. Chairman, how much time has the gentleman from Tennessee used?

The CHAIRMAN. Fifteen minutes.

Mr. BUTLER. I yield 10 minutes to the gentleman from Michigan [Mr. KELLEY].

Mr. KELLEY. Mr. Chairman, I think this resolution has served a very useful purpose because it has developed two important questions, one propounded by the distinguished ex-Speaker, Mr. CANNON, and the other by the present Speaker, Mr. CLARK. The House faces this situation. The world is in a great conflict. We may be facing an immediate crisis in our international relations. Our need of defense may be an immediate one. If our need is immediate, what should we do about it? That is the first proposition in relation to this subject which, it seems to me, the House should consider. All of these questions which relate to our present needs should precede questions of what we ought to provide some five or more years hence.

The whole trouble, I think, with our Navy Department has been that we have been proceeding all along, right through this war, on the theory that we had plenty of time to do what we wanted to do, while other nations have been proceeding on the theory that they should hasten to completion all the fighting craft heretofore authorized by them. As a result of that policy Germany has undoubtedly added to her navy all the ships she had under construction when we passed the last appropriation bill. The best obtainable information is that England and France have done the same. I presume that was the information upon which the President predicated his statement that our Navy is now fourth.

Assuming that England, France, Germany, and Japan have rushed their ships to completion and that we have simply moved along in the even tenor of our way, just as though we were living in a time of profound peace, I dare say that the President's assertion is correct, that we are fourth among the nations of the world in naval strength.

Mr. GORDON. Will the gentleman yield?

Mr. KELLEY. Yes.

Mr. GORDON. Does the gentleman say that we ought to proceed with the same speed that these nations that are engaged in war are proceeding?

Mr. KELLEY. I will say that personally all along I have not thought that we would be drawn into the great conflict across the sea. I still cling to that idea. But during the last week or two the President of the United States has made a trip out through the Middle West, in which he said it is growing daily more and more difficult to keep out of this war. He said that nearly the whole world abroad is on fire, and that sparks are dropping everywhere.

Mr. GORDON. Dropping in the water, though.

Mr. KELLEY. Mr. Chairman, I have assumed, let me say to the gentleman from Ohio [Mr. GORDON], as a Representative here, whatever my partisan view may be, that the President of the United States is telling the country what he believes to be the true situation, and if what he says is true, then the Congress of the United States is derelict in its duty in not putting into the active service of the Navy every available gun and every available craft. [Applause on the Republican side.] There is at this moment under construction for the Navy of the United States $185,000,000 worth of fighting ships, and, so far as I am concerned, if we are living in a time of great danger, and we are, the first consideration of Congress should be to get those ships completed and into commission.

Mr. BUTLER. Mr. Chairman, will the gentleman yield?

Mr. KELLEY. Yes.

Mr. BUTLER. Does the gentleman know from his service on this committee whether or not we have been asked to facilitate in any way the completion of those ships?

Mr. KELLEY. So far as I know, and the chairman will be able to answer that better than I, there has been no request for additional sums of money for the purpose of facilitating the completion of any ship now building for the Navy. We have 9 dreadnaughts under construction at the present time, and we have only 8 dreadnaughts completed; 10, if you count the *Michigan* and the *South Carolina*. So that if we had the 9 we are now building, we would double our dreadnaught strength, and yet with "sparks flying" all around us, we can not start dreadnaught *No. 44*, assigned to the New York Navy Yard, until the *California* is off the ways. I was in the New York Navy Yard the other day, and they told me there that the *California* would not be ready to be launched until next September, and that we can not begin dreadnaught *No. 44* until late next fall. It does not seem to me that, in view of all the trouble there is in the world, that we ought to take these long chances of delaying the construction of ships months and months, when they might be completed at an earlier date.

Mr. GORDON. Mr. Chairman, will the gentleman yield?

Mr. KELLEY. Yes.

Mr. GORDON. Are these ships being constructed under contract, these $185,000,000 worth?

Mr. KELLEY. Some of them are, and some are being constructed by the Government in Government yards.

Mr. GORDON. Does the gentleman believe in complying with our contracts?

Mr. KELLEY. I was going to tell you——

Mr. GORDON. Well, tell me about that.

Mr. KELLEY. I have just explained that some of these ships are being constructed in Government navy yards. They told me up at the New York yard that they are working only 8 hours a day out of the 24—only one shift. Can the gentleman from Ohio give me any reason why at a time like this, when the President of the United States says that we are in the midst of a great conflagration, we should not put on another shift of 8 hours or two shifts of 16 hours? [Applause on the Republican side.] In that way we could get the *California* off the ways and we could begin *No. 44* within a reasonable time, instead of waiting until next September.

Mr. GORDON. Yes; I will tell you. Has Congress appropriated any money for that; have you introduced any bill appropriating additional money to facilitate this work?

Mr. KELLEY. Why, the chairman of the committee has explained that it would not cost any more to construct the ships working two shifts than working one, but the time would be materially reduced.

Mr. PADGETT. Mr. Chairman, will the gentleman yield?

Mr. KELLEY. Yes.

Mr. PADGETT. The Secretary stated that he expected to put two shifts on the New York and the California yards.

Mr. KELLEY. I know; but with the "sparks flying all around," expectations are not what we want. We want performance. [Applause on the Republican side.]

Mr. BUTLER. And I understand that he expects to put them on as soon as the weather permits!

Mr. GORDON. Bunk! Bunk! That is all. [Laughter.]

Mr. KELLEY. So much for the dreadnaughts.

Mr. HENSLEY. Mr. Chairman, will the gentleman yield?

Mr. KELLEY. Yes; I will yield, of course.

Mr. HENSLEY. The gentleman is perfectly right in supporting this proposition. It is only a business matter, and it ought to be supported. There is no question about that. But I understood the gentleman a few minutes ago to assume that these countries that are engaged in war abroad had been adding to their naval craft since the beginning of the war. My understanding from experts who appeared before the committee is that they are absolutely at sea and have no information upon which to predicate a conclusion.

Mr. KELLEY. Mr. Chairman, I will say to the gentleman from Missouri that if he will consult the records he will find the date when nearly all of these ships of foreign Governments were laid down, and he will find, as I have found, that in almost every instance they have had plenty of time within which to finish the ships, even upon a peace basis.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. KELLEY. Mr. Chairman, I will ask the gentleman from Pennsylvania to give me five minutes more.

Mr. BUTLER. I will try to find the time for the gentleman. I have allotted all of mine.

Mr. BRITTEN. Mr. Chairman, I will yield two minutes to the gentleman.

Mr. PADGETT. Mr. Chairman, I will yield the gentleman five minutes.

Mr. BUTLER. I thank the gentlemen very much.

Mr. KELLEY. Mr. Chairman, as to the submarines, we have 39 submarines now authorized, and some of them have been authorized since 1911. I do not know of any effort that has been made to speed up the construction of these small but very valuable ships. On the contrary, the Navy Department has awarded contracts for submarines to be delivered a year and a half hence.

Those that we authorized last year will not be delivered until some time in 1917. Those contracts have been awarded since the war in Europe began, and it seems to me that the part of wisdom would have been to make the contract date of delivery at the earliest time possible.

Mr. NORTON. Will the gentleman yield?

Mr. KELLEY. I would if I could, but I want to make this statement before my time expires again: The submarine concern which has been building a large number of the submarines for this country has, I am reliably informed, built 10 submarines for a foreign government. These submarines were built in Montreal, in a yard fitted up over there to do the work, the material being sent from the United States to Montreal. They constructed the 10 submarines of sufficient size, so that they went across the Atlantic Ocean under their own power. These ships were completed in a period of five months from the date of the order. Now, if that is true, it seems to me that the Government of the United States in a time of profound danger ought not to be awarding contracts for submarines to be delivered a year and a half or two years hence. [Applause.] Now, the other day I introduced a resolution, a very simple resolution (H. Res. 126), which was designed to call attention to this particular situation. The resolution in its concluding words is as follows:

*Resolved*, That the Secretary of the Navy be, and he is hereby, directed to enter into such negotiations with contractors and Government yards as may be necessary to determine the earliest time within which all ships for the Navy now authorized or under construction can be completed, and report his findings to this House within 30 days from and after the adoption of this resolution, together with an estimate of any additional cost to the Government incident to the completion and delivery of ships prior to the contract date.

[Applause.]

We ought to have the information called for by this resolution, and then we can take such action as circumstances seem to warrant. I sincerely hope that none of these ships which we are building, or have built, or will build, will ever be called upon to fire a shot except in target practice, but at the same time, when the world is inflamed and the President himself says he does not know what dangers may be but a single hour away, I believe that it is the duty of Congress to put in the hands of the President and the Secretary of the Navy such authority as may be necessary to get these 68 ships heretofore authorized into the Navy at the very earliest possible moment. [Applause.]

The full text of the resolution, which I introduced a few days ago, relating to this subject follows:

Whereas the President of the United States in recent addresses in the the cities of New York, Pittsburgh, Cleveland, Milwaukee, and Chicago is reported by the press of the country to have said:

"The world is on fire. * * * Sparks are likely to drop anywhere. * * * Things are getting more and more difficult to handle. * * * If all could see the dispatches I read every hour, they would know how difficult it has been to maintain peace. * * * New circumstances have arisen for which the country must prepare itself. * * * I know that we are daily treading amidst the most intricate dangers and that the dangers that we are treading amongst are not of our own making and are not under our control; and that no man in the United States knows what a single week or a single day or a single hour may bring forth. * * * These are solemn things to say to you, but I would be unworthy of my office if I did not come out and tell you with absolute frankness just exactly what I understand the situation to be"; and

Whereas the President is further reported to have said that while our Navy is our first arm of defense it ranks fourth in strength among the navies of the world; and

Whereas on March 4, 1911, Congress authorized the construction of two dreadnaughts (the *Nevada* and *Oklahoma*); on August 2, 1912, one dreadnaught (the *Pennsylvania*); on March 4, 1913, one dreadnaught (the *Arizona*); on June 30, 1914, three dreadnaughts (the *California*, *Mississippi*, and *Idaho*); and on March 4, 1915, two dreadnaughts (*Nos. 43* and *44*); and

Whereas the *Nevada*, *Oklahoma*, *Pennsylvania*, *Arizona*, *California*, *Mississippi*, and *Idaho* are in various stages of completion, ranging from less than 10 per cent, in the case of the *California*, to 98 per cent, in the case of the *Oklahoma*; and

Whereas dreadnaughts *Nos. 43* and *44*, authorized nearly one year ago, have been assigned for construction to the navy yards at Brooklyn and Mare Island, respectively; and

Whereas the navy yard at Mare Island is not equipped for the construction of battleships, and no appropriation for such equipment has as yet been made by Congress, and therefore the actual work of construction on dreadnaught *No. 44* can not be undertaken until late in the fall of 1916; and

Whereas the dreadnaught *California* is now on the ways at the Brooklyn Navy yard and dreadnaught *No. 43* can not be laid down until the California is launched some months hence; and

Whereas on March 4, 1913, Congress authorized the construction of five destroyers (the *Tucker, Conyngham, Porter, Jacob Jones,* and *Wainwright*); on June 30, 1914, six destroyers (the *Sampson, Rowan, Davis, Allen, Wilkes,* and *Shaw*); and on March 3, 1915, six destroyers (*Nos. 69, 70, 71, 72, 73,* and 74); and

Whereas the destroyers *Tucker, Conyngham, Porter, Jacob Jones, Wainwright, Sampson, Rowan, Davis, Allen, Wilkes,* and *Shaw* are in various stages of completion, ranging from less than 20 per cent, in the case of the *Shaw,* to about 90 per cent, in the case of the *Tucker;* and

Whereas although destroyers *Nos. 69, 70, 71, 72, 73,* and 74 were authorized nearly a year ago, the actual work of construction has not yet begun and the contracts for same do not call for delivery until late in 1917; and

Whereas on August 22, 1912, Congress authorized the construction of the fuel ship *Maumee;* on March 3, 1915, the fuel ship *Cuyama;* on June 30, 1914, one transport; and on June 30, 1914, one supply ship, none of which is yet completed; and

Whereas on March 3, 1909, Congress authorized the construction of submarine *G–3,* not yet completed; on August 22, 1912, 8 submarines (*L–1, L–2, L–3, L–4, L–5, L–6, L–7,* and *M–1*); on March 4, 1913, 4 submarines (*L–8, L–9, L–10,* and *L–11*); on June 30, 1914, 8 submarines (the *Schley, N–1, N–2, N–3, N–4, N–5, N–6,* and *N–7*); on March 3, 1915, 18 submarines (*O–1, O–2, O–3, O–4, O–5, O–6, O–7, O–8, O–9, O–10, O–11, O–12, O–13, O–14, O–15, O–16,* and 2 seagoing submarines); and

Whereas the *L* and *N* submarines were authorized from one and one-half to three and one-half years ago, are not yet completed but are in various stages of completion, ranging from less than 40 per cent in the case of the *N* boats to 99 per cent in the case of *L–1* and *L–2,* while the *Schley,* authorized more than a year and one-half ago, has not yet been started; and

Whereas the 16 *O* submarines were authorized nearly a year ago, the contracts for same have only recently been awarded, and the date of delivery fixed therein for April 15, 1917, while the 2 seagoing submarines have been authorized since March 3, 1915, bids have only recently been invited; and

Whereas it is reported upon reliable authority that an American shipbuilding company has constructed, in Canada, within a period of five months from the date of the order, 10 submarines for a foreign Government, of a type having a steaming radius sufficient to cross the Atlantic Ocean under their own power; and

Whereas 67 ships for the United States Navy are now authorized or under construction and the work on same is being carried forward as though ordinary peace conditions prevailed in the world and although "sparks are falling everywhere," no effort has been put forth since the beginning of the war in Europe to hasten the construction of any ship for the United States Navy: Therefore be it

*Resolved,* That the Secretary of the Navy be, and he is hereby, directed to enter into such negotiations with contractors and Government yards as may be necessary to determine the earliest time within which all ships for the Navy now authorized or under construction can be completed, and report his findings to this House within 30 days from and after the adoption of this resolution, together with an estimate of any additional cost to the Government incident to the completion and delivery of ships prior to the contract date.

Mr. BUTLER. Mr. Chairman, I yield five minutes to the gentleman from California [Mr. CURRY].

Mr. CURRY. Mr. Chairman and gentlemen, I represent the district in which the Mare Island Navy Yard is located, but I am not a special pleader for the Government yard. I am not one of those who say that all naval construction should be in Government yards. I believe that the private yards should be given enough work so that their organization and equipment should be maintained at a point of efficiency that is almost perfect, so that if trouble should come this country could use both the public as well as the Government yards. I do, however, believe that at least 50 per cent of all new construction work should be done in Government navy yards.

Now, the proposition of the time in which these ships could be constructed has been brought before this House, and I wish to call the attention of the House to the fact that Admiral Bowles a number of years ago went before the Naval Affairs Committee and stated that it would take $1,000,000 more and a year longer to construct a battleship in a Government yard than in a private yard, and the fact of the matter is, when Congress has authorized the construction of battleships in a Government yard, that the ships have been constructed for $1,000,000 less and in a year's less time.

Mr. QUIN. Will the gentleman yield for a question?

Mr. CURRY. I will.

Mr. QUIN. Can the gentleman tell why it is that all of these ships, submarines, and so forth, authorized have not been built? Congress put up the money to construct them.

Mr. CURRY. That is a question the gentleman ought to ask the chairman of the committee. My personal opinion is that submarines can be built cheaper in a private yard than in a public yard, because nearly all their parts are covered by patents, but the chairman of the committee can answer better than I can.

Capt. Bennett, commandant at the Mare Island Navy Yard, in a statement estimating for the construction of battleship *No. 44,* stated that he could lay the keel at the Mare Island Navy Yard by the 1st of August of this year, and that it would take not to exceed 32 months to complete that ship.

Now, the Mare Island (Cal.) yard has always built within the time limit and within the estimate. During the past three years new construction has been awarded to Mare Island Navy Yard under estimates of $3,623,000. It was completed for $3,134,600, a saving to the Government under the estimate of $488,400. In addition to the saving of $488,400 the Mare Island Navy Yard has thus saved the Government, you should add the difference between the estimates of the Mare Island Navy Yard and the next lowest bid to find the real saving to the Government. The money provided for in this resolution, which is not an appropriation but simply a transfer, is to purchase new machinery and to lengthen the ways. The machinery that is necessary is a boring mill, planers, lathes, cranes, and the lengthening of the ways; and all of these would have to be provided for at the Mare Island Navy Yard regardless of whether we construct a battleship or not, with the possible exception of the lengthening of the ways. Now, under the estimate for the construction of this battleship the officials of the Mare Island Navy Yard include the cost of this equipment, and it does not cost the Government anything excepting the transfer from their estimate and to make it immediately available.

Mr. COOPER of Wisconsin. Will the gentleman yield?

Mr. CURRY. I will.

Mr. COOPER of Wisconsin. Inasmuch as the Mare Island Navy Yard is in the gentleman's district, will not he please reply to the charge made here to-day that a dreadnaught constructed in the Mare Island Navy Yard could not find its way to the sea?

Mr. CURRY. I will. The Fore River yard is one of the great shipbuilding yards of the United States. The shipbuilding yard on the Clyde at Glasgow, Scotland, is the greatest shipbuilding yard in the world. The channels to those two yards are 22 feet deep and they are not near so wide as the Mare Island channel. They are narrower and shallower than the Mare Island channel. On the Clyde they have built the greatest battleships in the British Navy and greyhounds that cross the Atlantic. There is no person on the floor of this House——

The CHAIRMAN. The time of the gentleman has expired.

Mr. CURRY. May I have five minutes more?

Mr. BUTLER. I would like to extend it to the gentleman, but what I have not I can not dispose of.

Mr. CURRY. Will the gentleman permit me to answer this question?

Mr. PADGETT. Mr. Chairman, I will give the gentleman two minutes; that is all I can spare.

Mr. CURRY. None of them has ever stated for a moment that it would be against the public policy to permit those shipyards to construct battleships for the Nation.

Now, in the channel of the Mare Island Navy Yard, from the front of the ways to the sea, there is not one single spot that is not 30 feet at low tide. There are some spots in the channel above the ways that are shoaled up to 24 feet. The reason for that is there is what is known as the Pinole Shoals in San Pablo Bay that have not been kept open by the War Department. The War Department has a project adopted to maintain a channel for the purpose of commerce 600 feet wide and 30 feet deep through the Pinole Shoals.

Mr. COOPER of Wisconsin. How much at tide rise?

Mr. CURRY. The tide rises 6 feet.

Mr. COOPER of Wisconsin. That would give 36 feet?

Mr. CURRY. Thirty-six feet. When this channel is open through the Pinole Shoals there will be a straight sweep of the tide from the bay that will help scour the Mare Island channel. At the present time the outgoing tide deposits débris against the shoals, and the incoming tide sweeps the débris from the shoals into the channel and deposits some of it in depressions, and, to a certain extent, shoals the channel above the ways.

Mr. COOPER of Wisconsin. So that all during high tide there would be no difficulty whatever in taking any battleship from the navy yard down to the sea?

Mr. CURRY. The greatest battleship afloat draws 28 feet 5 inches.

Speaking of the channel, Commandant Bennett, of the Mare Island Navy Yard, on January 8, said:

> There is no better site in San Francisco Bay for a navy yard, which must be sufficiently inland to preclude hostile attack and destruction by shell fire in time of war. This, obviously, is impossible at Goat Island, and any other site in the bay would require as much or more dredging than Mare Island. The minimum depth from here to the Golden Gate is 30 feet, and the maximum draft of the superdreadnaughts is 29 feet. The fact that Mare Island has just been awarded the contract to build battleship *No. 44* seems to dispose of all objections to it.

A suction dredge for the War Department to be used on Pinole Shoals will be completed next month. Following is a letter I received from the Chief of Engineers Office on the subject:

> WAR DEPARTMENT,
> OFFICE OF THE CHIEF OF ENGINEERS,
> *Washington, January 12, 1916.*
>
> Hon. CHARLES F. CURRY,
> *House of Representatives.*
>
> SIR: 1. In reply to your verbal inquiry at this office, I have the honor to inform you that the present project for the improvement of San Pablo Bay, Cal., provides for a channel 500 feet wide and 30 feet deep. The principal obstruction to navigation in this bay was a shoal known

as Pinole Shoal, which before improvement had a minimum depth of 19 feet at mean lower low water. The channel has been dredged to the full project dimensions, but on the 30th of June, 1915, had shoaled at one point so that the maximum draft which could be carried through it was 24.7 feet at mean lower low water.

2. The project contemplates the construction of a seagoing suction dredge to maintain the full depth in the channel. This dredge is being built under contract and will be completed in February of this year. The dredge has ample capacity to obtain and maintain the full project depths in the channel. The commerce passing through the channel during the calendar year 1914 amounted to nearly 4,000,000 tons, valued at about $115,000,000.

3. When the project was originally considered great weight was given to the fact that the Mare Island Navy Yard was located above this shoal, and that the depth recommended would be very beneficial to naval vessels using the yard. It is somewhat doubtful whether the project would have been favorably recommended at that time had it not been for the existence of the navy yard. But since the project has been under way there has been so much development on the water front above this shoal that commercial interests are now so great that the project would have to be maintained for these interests alone.

4. There is a minimum tidal range in San Pablo Bay of 5 feet, so that at high tide there will be at least 33 feet of water throughout the channel when completed.

By direction of the Chief of Engineers.

Very respectfully,

W. KELLY,
*Major, Corps of Engineers.*

I am firmly of the opinion that the policy of the Secretary of the Navy to have some of the battleships built in Government yards is in the interest of the public. It will reduce the cost of battleships and the time in which they will be constructed.

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. KELLEY. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Michigan asks unanimouse consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. BUTLER. Mr. Chairman, I yield five minutes to the gentleman from Illinois [Mr. BRITTEN], a member of the committee.

Mr. BRITTEN. Mr. Chairman, I desire to call to the attention of the House the remarks of our distinguished President, made about one year ago, when he said that he was unalterably opposed to any material increase in the Army or in the Navy, and then to compare that statement with his statement of to-day, that the world is on fire, and that we are surrounded by all sorts of enemies, and that sparks are flying.

I wonder if he has in mind the little altercation between this Government and the then President of Mexico, Victoriana Huerta, when the two countries were practically plunged into war because the then President of Mexico refused to fire but 9 or 11 shots in salute of our flag, and our President insisted on having 21? And then it occurs to me that to-day our State Department is quibbling with Germany over the word "disavow" or "illegal" in connection with the sinking of the *Lusitania*. I am just a little inclined to think that the President has good reason for believing that the world is on fire and demanding this additional program of preparedness.

Now, let us see if his words and the actions of the Navy Department—and I am particularly interested in the Navy, because of my being a member of the Committee on Naval Affairs—agree. Notwithstanding that a terrible conflict has been tearing Europe asunder for a year and a half and seriously jeopardizing our peace, what has the Secretary of the Navy done toward improving the personnel or the matériel of the Navy during that time?

Mr. GORDON. Will the gentleman yield right there?

Mr. BRITTEN. No; I have only five minutes.

What has he done with reference to the recommendation of the Naval General Board more than a year ago, that indicated there was a shortage of 17,500 men in our fleet? Admiral Badger came before our committee a year ago and said there was a shortage of 18,000 enlisted men, and referring to the remark of the chairman of our committee—for whom I have the very highest regard—when he said that tonnage did not indicate the value or efficiency of a fleet. That is very true, but what is the value of tonnage if you have not the men with which to man the ships And that is the situation in the Navy to-day.

We have not had a war mobilization of the ships of our Navy, because we have not the men to put on them. What is the use of talking about having so many tons of battleships if you are going to keep them in reserve because you have no seamen? Almost a year ago the Naval General Board said that we were short 17,500 men. This year they say we need at least 15,000 men. And the Secretary of the Navy has recommended 7,500 ordinary seamen and 2,500 apprentice seamen, and this in the face of an emergency. The Atlantic Fleet, of 35 battleships, is to-day at Guantanamo, and as late as December 30 the Navy Department received a radiogram from the commander in chief stating that he was short 510 coal passers and any number of petty officers, running the list of vacancies to-day up to 1,000 men in the 15 ships down there. Now, in the name of heaven, how are we going to man the other 15 battleships while we are surrounded by fire and sparks?

The CHAIRMAN. The time of the gentleman has expired.

Mr. BUTLER. I yield half a minute more to the gentleman.

Mr. BRITTEN. I merely desire to call the attention of the House and the country to the fact that notwithstanding the terrible war going on in Europe, into which we may any day be drawn, not one single recommendation of an emergency character from the Secretary has come before our committee up to the present time and none is provided in the appropriation bill supposed to go through the House this year. The administration five-year program, so called, is not a five-year program. It is a 10-year program. It will take us 10 years to complete the ships provided in the program that will be presented to the House in the next appropriation bill. All our plans are proceeding just as they would if the world were at peace.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BUTLER. Mr. Chairman, I yield four minutes to the gentleman from Massachusetts [Mr. GARDNER].

Mr. GARDNER. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. GARDNER. I make that request for the purpose of printing a statement published in the Boston Herald at the time these contracts for battleships *No.* 43 and *No.* 44 were awarded to the Government navy yards.

Now, I agree with the gentleman from California [Mr. CURRY] that it is wise to encourage both Government navy yards and private navy yards. This Boston Herald editorial contains the best and clearest statement which I have seen, showing the difference in bookkeeping and overhead charges between the Government and the private navy yards. For that reason I am offering this statement for the information of anyone who chooses to examine into it. Here it is:

[From the Boston Herald, Saturday, Nov. 20, 1915.]

WHY THE PRIVATE YARDS LOST THE BIDS FOR NEW SHIPS.

The American public has just learned that the private shipyards, which submitted competitive bids for the construction of battleships 43 and 44, failed to offer so low prices as the Government-owned yards. This must strike our readers as odd. They see the Government do little at a less expensive rate than privately owned concerns. How, then, does it happen that Uncle Sam is so successful in shipbuilding by contrast with private enterprise?

The answer involves a little explanation. The New York Navy Yard makes up its estimate by entering $745,357 for "overhead" charges. The private yards have found by experience that they must rate this factor at approximately $2,000,000. And there is no necromancy by which the United States gets away with it for 1 cent less. It simply does not need to charge it, because it has no responsibility for making ends meet. Let us look over the items that go to overhead charges and see how the two bidders respectively regard them.

Depreciation of plant in private yards for the three years in which a battleship would be building is a factor of undoubted consequence. The private yards ordinarily estimate 5 per cent per annum of the total building and machinery value for the period the ship is under construction. The Government enters nothing for this item. But does Uncle Sam buy machinery or building material at any less than do private yards? By no means. Is there, then, any reason why his depreciation should be rated at a lower figure, or disregarded? Yes: there is one reason. Because the Government estimators do not have to come out square. They do not have to make a battleship carry all the charges of building a battleship, but may distribute the charge over the operations of sovereignty.

When a building or a machine wears out Congress appropriates money for new ones, instead of distributing the depreciation as a charge over the work as it is performed. The private yard must either maintain such a scrutiny or go into the bankruptcy court, and that is all there is to the astounding disparity which Secretary Daniels has uncovered. For it should be understood, first and last, that an entity which keeps no real accounts can always make a showing of effective competition with bidders who do comply with the hard conditions of actual business. Let us examine a few cases.

The private yard has to pay for its drawings and plans, and charges these costs direct against the ship where they belong. This with a battleship amounts of $250,000. The navy yards carry this in a separate appropriation, as one of the general charges of conducting a government, and never think of leveling it against the building of a particular ship. But we have to pay for it just the same.

The cost of clerks, timekeepers, and other minor officials comes out of this general expense of the Navy as a part of governmental sovereignty. In the case of the private shipbuilder these items amount to $125,000 during the construction of ships like those for which bids were recently invited. Government yards get their moderate bids by omitting such items altogether.

The salaries of officers detailed for duty in connection with the construction Uncle Sam charges to the Navy pay roll and not to the ship. These amount to $30,000 with Uncle Sam, and to quite a little more in private yards, which regularly utilize, as competitive rivalry compels, a higher order of business talent.

The item of insurance and indemnity bonds amounts to $100,000 to a private company. But the Government does not worry about such things. It does not insure a battleship in construction, since if any-

thing happens to it another appropriation from Congress will build a new one. Nor does it consider the liability of loss by fire, or otherwise, as a factor in its estimates.

The Government allows all employees in the navy yards sick leave, holidays, vacation, etc., during the year, and these are charged to a separate appropriation and not to item of labor on the particular job in question. These would amount to $350,000 in the construction of the ship. But any gratuities that the private yard gives in the way of vacations, holidays, etc., must be lodged in overhead charges and borne in the cost of the ship. The private shipbuilder allows in his estimate the sum of $100,000 for trials, but the navy yard completes and commissions its ships, and after the crew has become accustomed thereto, holds the trial, but the cost of it is charged against operation and not construction. Thus the dice are loaded.

No Government yard carries any part of the burden of local taxation. The Charlestown Navy Yard, for example, makes no contribution in taxes toward the surfacing of Chelsea Street by its side, as a private establishment of the same size and value would do. And yet this street-repair cost must come out of the people in one form if not in another. Any private yard hereabouts would pay in municipal taxation in the construction of one battleship not less than $50,000. This would be the sum which would go to the municipal government for taxes on the plant and machinery thus represented during the years of construction. Even if we technically save this in building by the Government, the municipality loses it and so must take it out of the people.

The private contractor takes a ship at a fixed price and gets no more unless the purchaser orders some changes from the schedule. In the case of a Government-built ship the only limit is the total of the appropriation, and when that is gone Congress passes another appropriation to finish the job. That has been done, not once but several times. In other words, the Government yard has absolutely no responsibility to live up to. If any material change in the prices of materials or of labor comes to pass, the Government simply uses up the money at hand and then asks for more. If a Government yard, on the other hand, completed a ship, even with all these advantages, at less than the bid, such an event would be heralded broadcast as a triumph of Government ownership. But such a contingency has never arisen in the history of Government shipbuilding.

Secretary Daniels a year ago made a ruling whereby certain indirect charges which had been borne on the ship should thereafter be carried on other accounts. This served to make the competition more difficult for the private yard, but in the long run Uncle Sam must pay in one form if not in another. Why should we as a people "fool ourselves" about these things? Why should we debate over what Government ownership means, and question whether it pays or not? Only one experience ever goes on the records, in postal operations or in shipbuilding or anything else.

Another big factor in the competition is the Government's total lack of responsibility for completing a ship within a prescribed time. But a private yard must measure all these things very minutely, for every day of delay costs it a penalty. Two private bidders in the case under review offered to construct either ship in 34 months. The Mare Island yard offered to construct one in 31 months after receipt of structural material; the Philadelphia Navy Yard, in 36 months after awarding of contract for structural material; and the New York Navy Yard, in the same time as the Philadelphia. But if past performances carry any lesson, none of these Government yards has any intention of fulfilling its contract within the time limit which it proposes. These estimates by the navy yards as to time of completion are misleading, because they hinge on the delivery of structural steel, an entirely unknown quantity under present market conditions, and will result in at least a year being added to the promised time of completion.

The colliers constructed at the Government's Mare Island yard took nearly twice as long to build as did similar ships at the Maryland Steel Co. in Baltimore. The battleships *California*, *Mississippi*, and *Idaho*, for which contracts were let in 1914, afford examples of the contrast. The *Idaho*, building at the New York Shipbuilding Co., on November 1 was 45 per cent complete. The *Mississippi*, building at the Newport News Co., was 33.1 per cent complete. Now see the difference. The *California*, building at the New York Navy Yard, had not been yet begun, nor had the materials which are to go into her been assembled. And yet a year has passed.

Last December the department let contracts for six torpedo-boat destroyers. *Nos. 63* and *64*, building at Fore River, were, on November 1, 61.1 and 57.5 per cent, respectively, complete. *Nos. 65* and *66*, building at the Bath Iron Works, were at the same time 57.5 and 53.8 per cent complete. *No. 67*, building at Cramps, was 34.1 per cent complete. Now, listen, and *No. 68*, building at Uncle Sam's Mare Island, was 12.5 per cent complete.

Perhaps Boston people will recall that in the municipal election here two years ago a supply ship, which various politicians were attempting to secure for the Charlestown Navy Yard, played a prominent part. In the end, when the contract was let, Mr. Curley, then a candidate for mayor, and every other Democratic politician in Boston, at once claimed the honor of having brought it here. This ship is now but 31.1 per cent completed. At a private yard she would have been put into commission long ago. The same is true of a transport now building at the Philadelphia Navy Yard, which is only 36.1 per cent completed. Of the last four submarine contracts, three went to the Electric Boat Co. and one to the Portsmouth Navy Yard. On November 1 *L–9* was 86.4 per cent complete, *L–10* was 83.9 per cent complete, and *L–11* was 80.3 per cent complete. Now comes the other. *L–12*, at Uncle Sam's Portsmouth yard, was but 56.2 per cent complete, and practically no work had been done on her engines—a long and costly undertaking. And yet in all these things time is of the highest importance.

Preparedness is in the air. Do we really want it? If so, we must abandon this Government-ownership folly and trust to the enlightened efficiency of private enterprise, under the spur of real competition. If we want a supply ship we should build her under conditions of demonstrated capacity; if we want to provide wages and contracts under the conditions that professional politics decree, we should hug to Government ownership and pretend to believe that Secretary Daniels could actually get ships built more economically in Uncle Sam's own yards. But if we want truth and reality in this world of ours we should dismiss these conclusions which Josephus reaches as the sheerest nonsense, unworthy of a moment's consideration by any intelligent being.

There are certain other facts which I want to make a matter of record, because there is so much confusion of mind as to this question of how long it takes to build dreadnaughts in England and how long it takes to build them here. If you gentlemen will get the United States Navy Yearbook for 1915, recently published by the Senate, you will find on page 524 a table showing just how long it actually takes to build dreadnaughts in England, and on page 523 you will find a table showing just how long it actually takes to build them here in the United States. So far as our records show, the last two dreadnaughts completed in England before the war were the *Audacious* and the *Iron Duke*. The *Audacious* took 2 years and 2 months and the *Iron Duke* took 2 years and 2 months to complete from the time of the laying of the keel. The last two dreadnaughts completed by the United States prior to the breaking out of the European war were the *Texas* and the *New York*. The *New York* took 2 years and 7 months and the *Texas* took 2 years and 11 months to complete from the date of the laying of the keel. So we see that in the United States we build more slowly than the British, but the difference is not so great as is ordinarily supposed. In one case it took us five months longer and in the other case it took us nine months longer between the laying of the keel and the actual commissioning of the dreadnaughts. The fact is that our amazing delay comes before the keel is laid.

As to the statements made here that Great Britain can build a dreadnaught in a year, I have talked with men who worked on the *Queen Elizabeth*, and they have told me that it took only a year to build her. I found when I got to the root of the matter that they referred to the time required for actual building, not counting the time for fitting the ship out. This fitting out always takes a long time. Unless I am mistaken, putting on a dreadnaught's armor and installing her armament takes a long time after she is actually built.

When you hear that Great Britain has built 16 dreadnaughts since the war broke out, that is another misleading statement which is very easily explained. Take your United States Navy Yearbook for 1915 and turn to page 525 and to page 526, and you will find that when the European war broke out Great Britain had 16 dreadnaughts then building and one battle cruiser then building. When I hear that Great Britain has built 16 dreadnaughts since the war broke out, I strongly incline to the belief that they are the very same 16 dreadnaughts which she was already building when the war began.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. BUTLER. Mr. Chairman, I yield five minutes to the gentleman from Illinois [Mr. Foss].

The CHAIRMAN. The gentleman from Illinois [Mr. Foss] is recognized for five minutes.

Mr. FOSS. Mr. Chairman, there are two points I desire to make in connection with this bill. In the first place, I greatly regret that there has been so much delay in getting started the construction of these ships. They were authorized a year ago, nearly, and yet there has been very unusual delay. It would seem as though the Navy Department were extremely desirous that these ships should be built in the navy yards. After we pass this resolution the Navy Department is to get the ways in order. The ships which are now on our present ways must first be completed, and it means nine months away before we can lay the keels on ships that were authorized one year ago.

Now, I am in favor of ships, but I want ships now. I want ships just as soon as we can get them. If there is an emergency, or even if there is not an emergency, but a great necessity for building up the Navy, then I want to see it built speedily.

That is the first point I desire to make—the unnecessary delay which has been occasioned. It would be better to-day if we could give these ships to private yards and then allow those which will be authorized this session of Congress to be built at the Government yards. We would then be months ahead.

I have had more or less experience with the building of ships in Government yards. I know how much they cost. I remember that we built the *Florida* in the New York Navy Yard, and she cost $2,000,000 more than her sister ship *Utah*. I recall that we built the *New York* in the New York Navy Yard, and that she cost a great deal more than her sister ship the *Texas*; and yet we excluded by law what are known as overhead or indirect charges against the cost of the battleship *New York*. And while the gentleman from Tennessee [Mr. PADGETT] says that the navy yard estimates are less than the private bids, yet I think he will find that after this ship is built the navy yard has not been able to live up to its estimates.

I recall the fact that in the case of the *Florida* we were obliged here in this House to raise the limit of cost, and that was a Government-built ship; and also in the case of the *New York*, if I remember correctly, we raised the limit of cost. And so we could here to-day raise the limit of cost and give these ships to private contractors, and, in my judgment, they would build them cheaper than they will be built in Government navy yards.

All past experience goes to prove it. And, then, if it is the policy of the administration to build ships in navy yards, those authorized this year in the naval appropriation bill could be put into the navy yards, and we would be that much further along in the construction of our Navy.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. BUTLER. Mr. Chairman, I yield five minutes to the gentleman from Wisconsin [Mr. STAFFORD].

The CHAIRMAN. The gentleman from Wisconsin [Mr. STAFFORD] is recognized for five minutes.

Mr. STAFFORD. Mr. Chairman, there is a practical question confronting the Navy Department and the Congress in the consideration of this bill. Private shipyards are naturally pressed to capacity with orders for building ships for the merchant marine. They are also unable to meet the original estimate placed by Congress as to the outside cost of the proposed battleships, by reason of the increased cost of materials, particularly steel, which has resulted by reason of the great and enormous demands for munitions manufactures. It is not surprising that the private contractors could not come within the original estimate of cost, in view of the price of steel mounting 20 per cent to 30 per cent; and not only that, but being unable to obtain the steel even at the increased price for early delivery. Automobile manufacturers have been kept back in their orders largely because of inability to obtain the required amount of steel. If my opinion, based on my little knowledge of conditions existing in the steel industry, is worth anything, I do not think that even these Government yards, like the Mare Island Navy Yard, not heretofore equipped for such a large building program, are going to be able to complete the ships within the estimated time, simply because they will not be able to obtain the material. There is a greater demand for fabricated steel to-day than at any time before in recent history. But it is a sane policy to equip not only the New York yard but the yard on the Pacific with ways to build a large battleship. It is a lamentable fact that on the Pacific Ocean to-day there is not one modern battleship afloat. They all belong to the second line of defense; and in case of eventualities occurring on the Pacific, with the canal blocked as it is, we would have to follow the same course as that followed by the *Oregon* in the Spanish-American War of sending our battleships through the Straits of Magellan.

So in that great yard out on the Pacific coast, where they have been building vessels of less capacity than battleships, it is well that, with the wonderful equipment which they have there, we should install ways so that they can build battleships. When I visited that yard last summer I was much impressed with its organization and with the man at the head of it, a thorough business man, Capt. Bennett, who had such a perfect organization that everything about the yard seemed to impress me as if it was being managed by a private business head.

There has been some questions here as to whether there is sufficient draft of water in the channel of San Pablo Bay to enable a battleship when constructed to reach the sea. I asked Capt. Bennett, the commandant of the yard, that special question, and he said that until recently they had some difficulty on occasions by reason of the accumulation of silt in the channel of navigating the larger ships down to the ocean, but that since the building of certain bulkheads, whereby the waters of the Sacramento scour the deepened channel, the largest battleship has no difficulty whatever in reaching the yard or the ocean. The location of the Mare Island yard is far superior to that of any other that I know of on the Pacific coast. It is located about 25 miles from the Golden Gate, far removed from attack and the intermediate channels favorable for receiving. The new yard at Bremerton is hampered for the lack of available land. The new foundry, only 5 years old, is backed up into a hill, where they have no capacity whatever for the depositing of stores, such as coke, pig, and rock, that are needed in operating a steel or iron foundry. The available space for new buildings is limited, unless a separate tract considerably removed from the main plant and now partly occupied as a site for a marine hospital is utilized, but at Mare Island they have a large extent of yardage, which will enable them to launch into this building program and meet the demands of the hour.

Mr. BUTLER. I will ask the gentleman from Tennessee [Mr. PADGETT] to use 10 minutes of his time now, and then I will yield to the gentleman from Illinois [Mr. MANN] 5 minutes.

The CHAIRMAN. The gentleman from Tennessee [Mr. PADGETT] has 18 minutes remaining and the gentleman from Pennsylvania [Mr. BUTLER] has 5 minutes remaining.

Mr. PADGETT. I yield 3 minutes to the gentleman from Texas [Mr. CALLAWAY].

The CHAIRMAN. The time of the gentleman is running.

Mr. PADGETT. In the temporary absence of the gentleman from Texas [Mr. CALLAWAY] I will yield 5 minutes to the gentleman from Alabama [Mr. OLIVER].

Mr. OLIVER. Mr. Chairman, the resolution now before the House is one reported by the Committee on Naval Affairs without a dissenting vote. Its sole purpose is to make available at this time for permanent improvement of two of our Government navy yards a part of the amount appropriated by the last Congress for the building of battleships *No. 43* and *No. 44*. These battleships are to be built in the two Government navy yards referred to in the resolution at a net saving to the Government from the estimated cost of more than $1,300,000. The resolution in no sense calls for a new or additional appropriation, but simply authorizes the use of funds already appropriated, so as to materially hasten the building of the two battleships, and at the same time will greatly improve these two important navy yards, so that they can more efficiently handle the present as well as future work assigned to them.

In the discussion of such a resolution it is to be regretted that there should occur a display of narrow partisanship or a desire to advertise the purely selfish and mercenary claims of private shipyards. We had been assured by Members on the other side that consideration of meritorious measures like this would be placed on a broad, patriotic plane, free from all partisanship, but the speeches of some of the Members on the other side of the aisle, to which we have just listened, do not bear out this promise.

The Secretary of the Navy and those in charge of the two navy yards are to be congratulated and warmly commended for having secured by their united action a saving of this large sum in the estimated cost of the two battleships authorized by the last Congress.

It is also gratifying to state, as a member of the Committee on Naval Affairs, that the hearings before that committee have shown conclusively that this large saving to the Government has in no wise affected the fighting efficiency of these great war vessels, and that when completed each will be the equal, if not the superior, of any battleship afloat.

Mr. PADGETT. I desire to yield 5 minutes to the gentleman from New York [Mr. FITZGERALD], but he is not here.

Mr. BUTLER. I yield to the gentleman from Illinois [Mr. MANN] 5 minutes.

Mr. MANN. Mr. Chairman, I do not think that I am very hysterical. I have found that my main trouble in life was caused by my being too cold-blooded, and I have no hysteria now; but I believe that an emergency exists, owing to the conditions in the world, which ought to cause the United States to put itself in a condition where it can defend its shores, its people, and its property. I think the emergency exists now, and that the sooner we make preparations the cheaper and the more effective it will be in the long run.

It is doubtless true that the construction of the battleships already authorized has been somewhat delayed, but that has always been the case. The emergency did not exist before. There was no reason then for speeding up.

Now that the emergency not only exists but is seen by the President of the United States and his administration, I have no doubt that there will be speeding up as to the ships already authorized. In my opinion this is not the time for crimination or recrimination. It is not the time to find fault with that which has been. It is the time for all who foresee what may come to join hands in preparation for that which may come. [Applause.] It is easy to find fault, as we are ourselves find. Other people find fault with us. I believe that the President of the United States is thoroughly sincere and patriotic in the utterances which he has made and in the foresight which he has gained as to the possibilities of the future, and that we, represented as we are by the President in our foreign affairs, ought to aid him in preparing the country for trouble, which we all hope will not come, but which may still come in spite of us. [Applause.] I think our distinguished Committee on Naval Affairs may well speed up, along with other things, and the sooner we have a bill from that committee which will authorize additions to the Navy the better off the country will be. In these matters we may well speed up, not merely in the executive and administrative branches of the Government but in the legislative branches of the Government. I am not in favor of war. I believe in maintaining peace. I am opposed to anything which will drag us into war. But just now the sensible thing for us to do is to put our country in a state of ample preparation for defense against any other nation or people in the world. [Applause.]

Mr. PADGETT. Mr. Chairman, I speak my real sentiments when I say that I concur in the patriotic words and sentiments of the gentleman from Illinois, who has just taken his seat.

He stated that this is an hour of patriotism and not a time for faultfinding. I will detain the House but a moment. The gentleman from Illinois [Mr. BRITTEN] stated that Admiral Blue said that Admiral Fletcher in December had sent a radio message saying that they were 500 short in coal passers.

Mr. BRITTEN. Will the gentleman yield?

Mr. PADGETT. Yes.

Mr. BRITTEN. I know the gentleman wants to be correct; I did not mention Admiral Blue.

Mr. PADGETT. No; but Admiral Blue's statement is in the hearings to-day that he received the message. The gentleman from Illinois should have stated also that Admiral Blue stated that when the ships went south they went with a surplus of 150 to 200 men, and this radio had relation to the allotment to the different ratings in the fleet. The men were on the ship training to fill in as coal passers, and of those they had 150 to 200 surplus men aboard.

Mr. BRITTEN. Did not Admiral Blue also state that he did not understand what training was necessary for a coal passer?

Mr. PADGETT. Yes; and he said that the ordinary seaman might become a coal passer.

Mr. BRITTEN. But the radio said there was a shortage of 510 on December 30.

Mr. PADGETT. Admiral Blue said that the shortage was in the apportionment to the ratings, but there was a surplus of 150 to 200 men on the ship to make up the coal passers as they were trained.

Mr. BRITTEN. The radio did not say anything about a surplus of men.

Mr. PADGETT. No; the radio had simply a relation to the ratings.

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. PADGETT. Yes.

Mr. MOORE of Pennsylvania. I intend to vote for the resolution because I think it timely; but I would like to ask the gentleman if he will not explain why more navy yards than the one at New York and the one at Mare Island are not included in this resolution.

Mr. PADGETT. Because there is no other money available. In the estimates there is $150,000 submitted for extension and enlargement of the ways at the Philadelphia Navy Yard.

Mr. MOORE of Pennsylvania. I am very glad to hear that.

Mr. PADGETT. Now, Mr. Chairman, my good friend, the gentleman from Illinois [Mr. FOSS], for whom I have a very warm personal friendship and a high regard and esteem, who was the prior chairman of the Naval Committee and rendered a distinguished service as such, stated that while he was in favor of the building of the ships and for an increase of the Navy, that it was a source of great regret to him to see the unusual delay between the date of the authorization and the time of the laying of the keel. I want to give you some ships that were authorized and keels laid while he was chairman of the committee.

I take the *Georgia*, that was authorized March 3, 1899, and the keel was laid August 31, 1901. The *Indiana* was authorized June 30, 1890, keel laid May 7, 1891; the *Iowa*, authorized July 19, 1892, keel laid August 5, 1893; the *Kearsarge*, authorized March 2, 1895, keel laid June 30, 1896; the *Missouri*, authorized May 4, 1898, keel laid February 7, 1900; the *Nebraska*, authorized March 3, 1899, keel laid July 4, 1902; the *New Jersey*, authorized June 7, 1900, keel laid April 2, 1902; the *Rhode Island*, authorized June 7, 1900, keel laid May 1, 1902; the *Vermont*, authorized March 3, 1903, keel laid May 31, 1904.

Mr. BRITTEN. Will the gentleman yield?

Mr. PADGETT. No; I can not yield now. So it does not appear that from the 3d of March, 1915, to the present time there has been that great unusual delay that has characterized the building of vessels heretofore.

Now, Mr. Chairman, I shall not detain the House longer. I have stated all the essential and material facts that occur to me in the discussion. These ships have been assigned to the navy yards. The department wishes to expedite it all it can, and is asking to make available this portion of the appropriation heretofore authorized in order that it may use it for the construction of the ways and for the equipment, in order to expedite the building of the ships. I ask that the resolution be read under the five-minute rule.

The CHAIRMAN. The Clerk will read.

The Clerk read the resolution, as follows:

*Resolved, etc.*, That of the money heretofore appropriated under the appropriation "Increase of the Navy, construction and machinery," in the act making appropriations for the naval service for the fiscal year ending June 30, 1916, approved March 3, 1915, the sums of not exceeding $100,000 for navy yard, New York, and not exceeding $500,000 for navy yard, Mare Island, Cal., are hereby made available for the extension of building ways and equipment necessary for the construction of battleships or battle cruisers in those yards.

Mr. PADGETT. Mr. Chairman, I move that the committee do now rise and report the resolution to the House with the recommendation that it do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. HOWARD, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration House joint resolution 93 and had directed him to report the same back with the recommendation that it do pass.

Mr. PADGETT. Mr. Speaker, I move the previous question.

The previous question was ordered.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. PADGETT, a motion to reconsider the vote whereby the joint resolution was passed was laid on the table.

BRIDGE ACROSS THE MAHONING RIVER, OHIO.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 8233) granting the consent of Congress to the Republic Iron & Steel Co. to construct a bridge across the Mahoning River in the State of Ohio.

The Clerk read the bill, as follows:

*Be it enacted, etc.*, That the consent of Congress is hereby granted to the Republic Iron & Steel Co., and its successors and assigns, to construct, maintain, and operate a bridge and approaches thereto across the Mahoning River at a point suitable to the interests of navigation at or near the city of Youngstown, in the county of Mahoning, in the State of Ohio, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER. The question is on the engrossment and third reading.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. BARKLEY, a motion to reconsider the vote by which the bill was passed was laid on the table.

STEAMBOAT-INSPECTION SERVICE.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 449) to provide for the appointment of 11 supervising inspectors, Steamboat-Inspection Service, in lieu of 10.

The Clerk read the bill as follows:

*Be it enacted, etc.*, That section 4404, Revised Statutes of the United States, be, and the same is hereby, amended so as to read as follows:

"SEC. 4404. There shall be 11 supervising inspectors, who shall be appointed by the President, by and with the advice and consent of the Senate. Each of them shall be selected for his knowledge, skill, and practical experience in the uses of steam for navigation, and shall be a competent judge of the character and qualities of steam vessels and of all parts of the machinery employed in steaming. Each supervising inspector shall be entitled to a salary of $3,000 a year, and his actual and reasonable traveling expenses incurred in the performance of his duties, together with his actual and reasonable expenses for transportation of instruments, which shall be certified and sworn to under such instructions as shall be given by the Secretary of Commerce."

SEC. 2. That section 4405, Revised Statutes of the United States, be, and the same is hereby, amended by striking out the following words:

"The supervising inspector of the district embracing the Pacific coast shall not be under obligation to attend the meetings of the board oftener than once in two years; but when he does not attend such meeting he shall make his communications thereto, in the way of a report, in such manner as the board shall prescribe."

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER. This bill is on the Union Calendar.

Mr. CURRY. Mr. Speaker, I ask unanimous consent that the bill be considered in the House as in Committee of the Whole House on the state of the Union.

The SPEAKER. The gentleman from California asks unanimous consent that the bill be considered in the House as in the Committee of the Whole House on the state of the Union. Is there objection?

There was no objection.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. CURRY, a motion to reconsider the vote by which the bill was passed was laid on the table.

RECLAMATION EXTENSION ACT.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 6057) to amend section 14 of the reclamation extension act approved August 13, 1914.

The Clerk read the bill, as follows:

*Be it enacted, etc.*, That section 14 of an act entitled "An act extending the period of payment under reclamation projects, and for other purposes," approved August 13, 1914, be amended so as to read as follows:

"SEC. 14. That any person whose land or entry has heretofore become subject to the reclamation law, who desires to secure the benefits of the extension of the period of payments provided by this act, shall, within six months after the issuance of the first public notice hereunder affecting his land or entry, notify the Secretary of the Interior, in the manner to be prescribed by said Secretary, of his acceptance of all the terms and conditions of this act, and thereafter his lands or entry shall be subject to all of the provisions of this act: *Provided*, That upon sufficient showing the Secretary of the Interior may, in his discretion, permit notice of acceptance of all the terms and conditions of this act to be filed at any time after the time limit hereinbefore fixed for filing such acceptance shall have expired, conditioned, however, upon the construction charge affecting said lands being increased 1 per cent for each 30 days or fraction thereof which may elapse between the expiration of the time limit hereinabove fixed, and the date of filing, or making application to file, acceptance under this proviso, and thereafter the lands or entry of any such persons so filing such notice of acceptance shall be subject to all the provisions of this act."

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, I wish the gentleman from Texas would briefly explain what the effect of this bill will be and the necessity for it.

Mr. SMITH of Texas. Mr. Speaker, if the gentleman from Illinois will recall, we passed an act last year changing the terms of the irrigation law, which, of course, if accepted, affected all the existing contracts between water users under the reclamation act and the Government, and it required the acceptance on the part of the water users, under the terms of the act, to make it effective. There were certain conditions in the old law that we found it was impracticable for the water users to comply with, and we put a limit of six months on the time within which they would be required to accept. The Secretary of the Interior advised our committee that a good many of the water users, not having their especial attention called to this new act, not understanding the terms of it, and perhaps overlooking the notice that had been given them, failed within the time given to take advantage of the new act; and the purpose of this bill is solely to give the Secretary of the Interior the right, upon showing, to extend further time to these water users who still want to come in and accept the new terms.

Mr. MANN. The gentleman refers to the act by which we extend the time for making payments?

Mr. SMITH of Texas. Yes.

Mr. MANN. For 20 years?

Mr. SMITH of Texas. That is the act.

Mr. MANN. And they were required, if they wished to take advantage of it, to make acceptance of it within six months of the passage of the act?

Mr. SMITH of Texas. After receiving notice, as I remember it.

Mr. MANN. Did not the Interior Department notify them all, either directly or through the newspapers, or otherwise?

Mr. SMITH of Texas. I do not know whether he gave notice to all. I suppose he intended to do so, but he says that a great many did not understand the advantages to be derived by acceptance of the provisions of the act, and it was possible that some of them overlooked the issuance of the public notice.

Mr. MANN. I recall that statement of the Secretary, and it seemed to me a great reflection upon these settlers out there, that a settler would not understand the advantage of taking 20 years within which to pay his bills, without interest, rather than to pay them now. A man who does not understand enough about that to appreciate it will never understand how to make crops on the soil.

Mr. SMITH of Texas. On the other hand, it seems to me that if those people had understood it they certainly would have accepted.

Mr. MANN. Possibly it ought to be forced on them anyway. I do not reserve the right to object, Mr. Speaker.

Mr. BORLAND. Mr. Speaker, reserving the right to object, can the chairman tell us about how many have taken advantage of the law and how many have not?

Mr. SMITH of Texas. I am not able to state that.

Mr. BORLAND. Is not that a rather important piece of information?

Mr. SMITH of Texas. My information is that the larger portion of them have taken advantage of it, but I could not give the gentleman the exact proportion.

Mr. BORLAND. Has the gentleman any figures at all as to the number that have not yet accepted the law?

Mr. SMITH of Texas. I have not. This bill is at the instance and at the request of the Secretary of the Interior. It was pretty clearly shown when the bill was under consideration—that is, the bill of last year—that it was to the interest of the Government as well as the water users that that act should be passed and that everybody under these projects should accept it; and I take it for granted that these water users, as farmers sometimes do, did not keep up with the acts of Congress, had no means of informing themselves as to the exact terms of an act of this length, and neglected within the time prescribed to take advantage of it by accepting it.

Mr. BORLAND. That being true, in another six months there would still be some who had neglected to take advantage of it.

Mr. SMITH of Texas. There is a penalty here prescribed that they must pay 1 per cent per month on the construction charges as long as they neglect to do it. From the standpoint of the Interior Department it is very desirable that these people all come in, and some of them are now desirous of doing so who did not within the time prescribed.

Mr. BORLAND. I think there are some projects out there where it is desirable they should come under the new law, and especially where the project has been formally opened and the price was satisfactory and where there was opportunity to find out the real cost of the project. In those particular cases it is better for the settler to come under the law as far as the Interior Department is concerned. These are cases in which the settler will not probably come under the law, cases where they have neglected or cases where the project has not been formally opened, and so they have never been called upon to pay anything.

Mr. SMITH of Texas. I will say there is no way to compel them to come in unless we make it to their interest to do so, and we thought we had by the act of August, 1914.

Mr. BORLAND. Could not that result be accomplished by an amendment which would provide that when the project was formally opened that they must then come under the law? Now, that is the only class it is going to refer to, projects not formally opened.

Mr. SMITH of Texas. I think this refers to any project.

Mr. BORLAND. The people who have not come under the law are those who never had to pay anything or were called upon to pay anything.

Mr. SMITH of Texas. I do not think that is true. I think that those people who have not come in merely have not done so on account of——

Mr. BORLAND. I do not see how the Government could suffer if this was adopted in view of the 1 per cent a month penalty, but it is very doubtful to me whether it is going to bring about the result in cases where the project has been formally opened. I withdraw the objection.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. This bill is on the Union Calendar.

Mr. SMITH of Texas. Mr. Speaker, I ask unanimous consent to consider the bill in the House as in Committee of the Whole House on the state of the Union.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. Unless some gentleman desires to debate the bill the Chair will put the question.

Mr. CANNON. Mr. Speaker, I would be glad to be recognized. I would like to ask the gentleman from Texas what this bill does. It extends the time of payment for these lands referred to.

Mr. SMITH of Texas. No, sir; this only extends the time within which water users may accept the terms of the act passed last August extending the time of payment.

Mr. CANNON. That was extended for how long?

Mr. SMITH of Texas. From 10 to 20 years.

Mr. CANNON. That was without interest?

Mr. SMITH of Texas. Without interest.

Mr. CANNON. Well, that act has been passed.

Mr. SMITH of Texas. Yes; that act has been passed.

Mr. CANNON. And it is now the law?

Mr. SMITH of Texas. As the gentleman will recollect, the original law gave the water users 10 years without interest, and the act of last year extended the time to 20 years.

Mr. CANNON. Yes.

Mr. SMITH of Texas. Within which payment might be made.

Mr. CANNON. I was not familiar with the last act.

Mr. SMITH of Texas. This is intended to give the water users further time, within the discretion of the Secretary, to accept the terms of the new act.

Mr. CANNON. When it is paid it then gives a new "round robin" under the law to go back for further reclamation.

Mr. SMITH of Texas. Yes, sir; exactly.

Mr. CANNON. In five minutes, Mr. Speaker, I only desire to say I was one of the men in Congress when this original act was passed who did not vote for it. It had not been a great while since the free-homes bill had been passed under the leadership of the then Delegate from Oklahoma, Representative Flynn. That extension took in desert and good lands at a very high price, and no one could go in there unless it was thrown open to homestead entry, the homesteader to pay what

the Government had to pay. Well, that ran along until we paid up to forty million. Then a combination was formed to give free homes, and that thirty-five or forty million dollars did not go into the Treasury, and never will, of course, because it was released. Now, I say this not for the purpose of antagonizing this bill, because the legislation has already been had; but I want to say while they are doing some good work I have no doubt in the reclamation business that the Government will never, in my judgment, receive a cent for these lands for their improvement or the use of the water. I think we loaned $20,000,000——

Mr. SMITH of Texas. If the gentleman will permit, I will say to him we are already receiving money back every year.

Mr. CANNON. You are already receiving something from that, and I presume you intended it under the act which was passed last session and I assume that where you are giving 20 years of time without payment of interest you will not receive it. I think I was in Congress when that legislation was enacted for the reimbursement to the reclamation fund, but there are many States, 96 Senators, 434 or 435 Representatives, and in the end I think it will be equivalent to free homes again.

Mr. MONDELL. Mr. Speaker, I rather regret that the gentleman from Illinois [Mr. CANNON] has seen fit to express the opinion that full repayments will not be made under the reclamation projects. I said a few days ago, when a similar statement was made on this side——

Mr. CANNON. I was not present.

Mr. MONDELL (continuing). That gentlemen would not make such statements if they knew the facts and realized the effect of their words. The only suggestions we hear in the regions where these projects are located to the effect that full repayment should not be made are based on statements just such as that which my friend from Illinois makes. When our farmers see in the press that men of prominence and long service in the House express the opinion that they will never make their payments, those who are not disposed to make payments—and I suppose none of us are disposed to pay if some one will relieve us of the necessity of doing so—quote statements made here and suggest that Congress does not expect them to repay the charges.

They say distinguished gentlemen on both sides are voicing that opinion, and it is not expected we should pay. The fact is that if my good friend from Illinois and all others on this floor will stop expressing these doubts these repayments will in a very great measure be made. There is only one reclamation project in my State that is well under way, and my present information is that there are very few on that project behind in payments. They have been making payments right along for several years, and a very considerable sum has been repaid, from what was an absolutely raw desert when those people went there. Several million dollars have been repaid in all, I think something like three-quarters of a million in the last year on building charges, in addition to the very considerable repayments for maintenance and for upkeep. There will be some losses on some of these projects, because it will be developed, and it has been developed now, that we have attempted to irrigate some lands that can not be successfully irrigated. Alkali will develop in some locations where it will be impossible to get it out of the lands. We will find areas here and there on which people can not afford to pay the high cost of the building charge. There will be some loss on a number of projects, but if our good friends will let us alone and not keep sounding these doubts, I feel very confident that the major portion of all these sums will be eventually returned. Our people expect to make repayment. They are now making repayment, and the only reason why we are not getting more this year than we are is that the Interior Department has, in my opinion, been a little bit too easy and a little bit too considerate on some of the projects, has not called for or insisted on payments where they could be easily met.

The SPEAKER. The time of the gentleman has expired.

If nobody else desires to speak, the Chair will put the question. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. SMITH of Texas, a motion to reconsider the vote by which the bill was passed was laid on the table.

### M'KINLEY SOUVENIR DOLLAR.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 2) for the coinage of a McKinley souvenir silver dollar, in commemoration of the erection of a memorial to William McKinley, late President of the United States.

The bill was read as follows:

*Be it enacted, etc.*, That for the purpose of aiding in defraying the cost of completing in a suitable manner the work of erecting a memorial in the city of Niles, Ohio, to William McKinley, late President of the United States of America, the Secretary of the Treasury shall be, and is hereby, authorized to purchase in the market so much silver bullion as may be necessary for the purpose herein provided for, from which there shall be coined at the United States Mint, Philadelphia, standard silver dollars of the legal weight and fineness, to the number of not exceeding 100,000 pieces, to be known as the McKinley souvenir dollar, struck in commemoration of the erection of a memorial to William McKinley, late President of the United States of America, in the city of Niles, Ohio, his birthplace, the devices and designs upon which coins shall be prescribed by the Secretary of the Treasury; and all provisions of law relative to the coinage and legal-tender quality of the standard silver dollar shall be applicable to the coins issued under this act, and when so coined said souvenir dollars shall be delivered, in suitable parcels, at par, to the National McKinley Birthplace Memorial Association and the dies shall be destroyed.

Also the following committee amendments were read:

Page 1, line 8, strike out the word "silver" and insert "gold."
Page 2, line 1, strike out the word "silver" and insert "gold."
Page 2, line 9, strike out the word "silver" and insert "gold."
Page 2, lines 12 and 13, insert after the word "par": "and without cost to the United States."

The SPEAKER. Is there objection to the consideration of the bill?

There was no objection.

The SPEAKER. This bill is on the Union Calendar.

Mr. ASHBROOK. Mr. Speaker, I ask unanimous consent that this bill be considered in the House as in the Committe of the Whole.

The SPEAKER. The gentleman from Ohio [Mr. ASHBROOK] asks unanimous consent that the bill be considered in the House as in the Committee of the Whole. Is there objection?

There was no objection.

Mr. COOPER of Ohio. Mr. Speaker, I move to strike out the last word.

There is involved in this measure, Mr. Speaker, the name of one whose life and character have always been an inspiration to the people who live in the district which I have the honor to represent in this Congress. Long, long ago the people of Ohio learned to love and revere the name of William McKinley, and I believe that I voice the sentiment of every person of northeastern Ohio when I say that we will, indeed, be grateful to this Congress if you will pass this bill.

America feels proud of her great men, and we all feel proud of the grand, noble patriots who have so ably guided our ship of state during the greater part of the last 150 years, and their names will shine as the stars forever and ever in the history of our Nation. But we may search the history of these great men from the beginning to the end, from Washington to Wilson, and nowhere will be found any better, none greater, none nobler or more gentle, than William McKinley. [Applause.]

And so we come here to-day and ask you to pass this bill, so that the people who live in the district where he was born can have this little souvenir in memory of him, and at the same time you will be creating an endowment fund which will help to maintain this grand memorial which is being erected in the city of Niles, Ohio, in honor and commemoration of one of America's greatest and noblest men. [Applause.]

The SPEAKER. The question is on agreeing to the amendments.

The question was taken, and the amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended so as to read: "A bill for the coinage of a McKinley souvenir gold dollar, in commemoration of the erection of a memorial to William McKinley, late President of the United States."

On motion of Mr. ASHBROOK, a motion to reconsider the vote by which the bill was passed, was laid on the table.

### BRIDGE ACROSS GRAND CALUMET RIVER, IND.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 9213) to authorize the Gary Land Co. to construct a bridge across the Grand Calumet River, in the State of Indiana.

The bill was read as follows:

*Be it enacted, etc.*, That the Gary Land Co., a corporation organized under the laws of the State of Indiana, is hereby authorized to construct, maintain, and operate a bridge and approaches thereto across the Grand Calumet River at a point suitable to the interests of navigation, in the northwest quarter of the northwest quarter of section 4, township 36 north, range 8 west of the second principal meridian, in Lake County, in the State of Indiana, said bridge to be built across the Grand Calumet River in accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is expressly reserved.

Also, the following committee amendment was read:

Page 1, after the word "Indiana," strike out the words "said bridge to be built across the Grand Calumet River."

The SPEAKER. Is there objection to the consideration of the bill? [After a pause.] The Chair hears none.

The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. DILLON, a motion to reconsider the vote by which the bill was passed was laid on the table.

EXTENSION OF REMARKS.

Mr. AUSTIN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the bill which has been passed, providing for the coinage of the McKinley souvenir.

The SPEAKER. The gentleman from Tennessee asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

FEDERAL BUILDING SITE, NEWARK, DEL.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 6442) to provide for the exchange of the present Federal building site in Newark, Del.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Treasury be, and is hereby, authorized, in his discretion, to acquire by exchange for the present Federal building site in Newark, Del., a new site for said building, and to convey the present site to be given in exchange therefor, by the usual quitclaim deed. Such new site shall be centrally and conveniently located and of such size that an open space of such width, including streets and alleys, as the Secretary of the Treasury may determine may be maintained about the Federal building when constructed for the protection thereof from fire in adjacent buildings.

Also, the following committee amendment was read:

Page 2, after the word "buildings," in line 2, add: "*Provided further*, That the United States Government be placed to no additional expense should the aforesaid exchange be consummated."

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. This bill is on the Union Calendar.

Mr. MILLER of Delaware. Mr. Speaker, I ask unanimous consent that the bill may be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Delaware asks unanimous consent that the bill may be considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

The SPEAKER. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. MILLER of Delaware, a motion to reconsider the vote whereby the bill was passed was laid on the table.

The SPEAKER. The Clerk will report the next one.

SALE OF POST OFFICE AND SITE AT DAYTON, OHIO.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 322) to authorize the Secretary of the Treasury of the United States to sell the old post office and site thereof in the city of Dayton, Ohio.

The Clerk read the bill, as follows:

*Be it enacted, etc.*, That the Secretary of the Treasury be, and he is hereby, authorized, in his discretion, to sell and convey the old Federal building and the site thereof in the city of Dayton, Ohio, located at the southwest corner of Fifth and Main Streets, in such manner and upon such terms as he may deem to be to the best interests of the United States, and to convey such property to the purchasers thereof by the usual quitclaim deed, the proceeds of such sale to be deposited in the Treasury as a miscellaneous receipt.

The SPEAKER. This bill is on the Union Calendar.

Mr. ASHBROOK. Mr. Speaker, I ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Ohio [Mr. ASHBROOK] asks unanimous consent that the bill be considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. GARD, a motion to reconsider the vote whereby the bill was passed was laid on the table.

The SPEAKER. The Clerk will report the next one.

LOAN OF TENTS AND COTS FOR ENCAMPMENT, UNITED CONFEDERATE VETERANS.

The next business on the Calendar for Unanimous Consent was the resolution (S. J. Res. 76) authorizing the Secretary of War to loan 1,000 tents and 1,000 cots for the use of the encampment of the United Confederate Veterans to be held at Birmingham, Ala., in May, 1916.

The Clerk read the resolution, as follows:

*Resolved, etc.*, That the Secretary of War be, and he is hereby, authorized to loan, at his discretion, to the entertainment committee of the United Confederate Veterans, whose encampment is to be held at Birmingham, Ala., in the month of May, 1916, 1,000 tents and 1,000 cots: *Provided*, That no expense shall be caused the United States Government by the delivery and return of said property, the same to be delivered to said committee designated at such time prior to the holding of said encampment as may be agreed upon by the Secretary of War and the chairman of said entertainment committee: *Provided further*, That the Secretary of War, before delivering said tents and cots, shall take from said chairman of the entertainment committee a good and sufficient bond for the safe return of said property in good order and condition, and the whole without expense to the United States.

The SPEAKER. Is there objection?

Mr. MANN. Reserving the right to object, Mr. Speaker, I see this resolution is on the House Calendar. I do not recall and I have not examined to see whether it belongs on the House Calendar, but on its face I suppose, or should have supposed, that it would be a Union Calendar bill. Does the gentleman from Alabama happen to know?

Mr. HUDDLESTON. Mr. Speaker, I am unable to advise the gentleman from Illinois with any certainty on that subject, but I am rather inclined to think he is correct.

Mr. MANN. It is not a material matter, and I am not making a point of order on it.

Mr. HUDDLESTON. I think the gentleman is correct.

Mr. MANN. I am making no objection.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, I think we ought to have a statement from the gentleman from Alabama [Mr. HUDDLESTON] in regard to it.

The SPEAKER. The gentleman from Alabama [Mr. HUDDLESTON] is recognized for five minutes.

Mr. HUDDLESTON. Mr. Speaker, I understand there is a general law which permits the department to lend to encampments of the Grand Army and of the United Confederate Veterans tents and cots for their temporary use during encampments. This resolution is for the purpose of enabling the Secretary of War to avail himself of that general law. The rights of the Government are amply safeguarded by the provisions of the resolution. The opinion of the Secretary of War has been taken and will be found in the report of the committee, which is an unanimous report.

I would like to call especial attention to the fact that this resolution makes the loan discretionary upon the part of the Secretary, so that if any event should transpire between this and the time the property will be required the Secretary will have power to withhold it.

Mr. MANN. The gentleman refers to the report for information. I have read the report, and the only information in the report is in a letter from the Secretary of War, in which he makes this valuable statement:

If Congress so orders or directs, it is believed the property in question can be furnished at the time stated.

Mr. HUDDLESTON. Mr. Speaker, I concede that the gentleman's criticism, that the report is very skimpy, is well founded. But we have ample precedents for this resolution, and I trust——

Mr. MANN. This is the gentleman's district?

Mr. HUDDLESTON. It is.

Mr. MANN. Is it in the gentleman's own city?

Mr. HUDDLESTON. Yes.

Mr. MANN. How extensive an encampment is it to be? Does the gentleman happen to know? Is it local or a State matter?

Mr. HUDDLESTON. Oh, it will be held for the entire Confederate Veterans' Association. It is expected that the Confederate veterans from everywhere will assemble at this encampment.

Mr. MANN. I see that no large number is expected, and I regret to see we are not offering to give them more than 1,000 tents. I wish there were more of them to be there. [Applause.]

Mr. HUDDLESTON. I also regret that there is not a larger demand for this property and that there will not be a larger number of old men at that reunion. I lament they are becoming very scarce; the old men are passing away. I am sure that they will appreciate the fact that the Government is extending to them in a certain sense the recognition that they are honored citizens of the great country, and that they are beloved by the people from whom they come. They are passing away; it will be only a few years before they will be no longer among us, the brave men who wore the gray and their gallant adversaries who wore the blue. I rejoice that there is no one here who will object to extending this courtesy and this hospitality to these old soldiers of the sixties. [Applause.]

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The question is on the third reading of the resolution.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. HUDDLESTON, a motion to reconsider the vote whereby the Senate joint resolution was passed was laid on the table.

JUDICIAL DISTRICTS IN IOWA.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 73) to amend chapter 231, known as the Judicial Code, act of March 3, 1911, volume 36, United States Statutes at Large, section 81, page 1111.

The bill was read, as follows:

*Be it enacted, etc.*, That section 81, act of March 3, 1911, known as the Judicial Code, be, and the same is hereby, amended to read as follows:

"The State of Iowa is divided into two judicial districts, to be known as the northern and southern districts of Iowa. The northern district shall include the territory embraced on the 1st day of July, 1910, in the counties of Allamakee, Dubuque, Buchanan, Clayton, Delaware, Fayette, Winneshiek, Howard, Chickasaw, Bremer, Blackhawk, Floyd, Mitchell, and Jackson, which shall constitute the eastern division of said district; also the territory embraced on the date last mentioned in the counties of Jones, Cedar, Linn, Johnson, Iowa, Benton, Tama, Grundy, and Hardin, which shall constitute the Cedar Rapids division; also the territory embraced on the date last mentioned in the counties of Emmet, Palo Alto, Pocahontas, Calhoun, Carroll, Kossuth, Humboldt, Webster, Winnebago, Hancock, Wright, Hamilton, Worth, Cerro Gordo, Franklin, and Butler, which shall constitute the central division; also the territory embraced on the date last mentioned in the counties of Dickinson, Clay, Buena Vista, Sac, Osceola, O'Brien, Cherokee, Ida, Lyon, Sioux, Plymouth, Woodbury, and Monona, which shall constitute the western division. Terms of the district court for the eastern division shall be held at Dubuque on the fourth Tuesday in April and the first Tuesday in December and at Waterloo on the second Tuesday in May and September; for the Cedar Rapids division, at Cedar Rapids on the first Tuesday in April and the fourth Tuesday in September; for the central division, at Fort Dodge on the second Tuesdays in June and November; and for the western division, at Sioux City on the fourth Tuesday in May and the third Tuesday in October. The southern district shall include the territory embraced on the 1st day of July, 1910, in the counties of Louisa, Henry, Des Moines, Lee, and Van Buren, which shall constitute the eastern division of said district; also the territory embraced on the date last mentioned in the counties of Marshall, Story, Boone, Greene, Guthrie, Dallas, Polk, Jasper, Poweshiek, Marion, Warren, and Madison, which shall constitute the central division of said district; also the territory embraced on the date last mentioned in the counties of Carroll, Crawford, Harrison, Shelby, Audubon, Cass, Pottawattamie, Mills, and Montgomery, which shall constitute the western division of said district; also the territory embraced on the date last mentioned in the counties of Adair, Adams, Clarke, Decatur, Fremont, Lucas, Page, Ringgold, Taylor, Union, and Wayne, which shall constitute the southern division of said district; also the territory embraced on the date last mentioned in the counties of Scott, Muscatine, Washington, and Clinton, which shall constitute the Davenport division of said district; also the territory embraced on the date last mentioned in the counties of Davis, Appanoose, Mahaska, Keokuk, Jefferson, Monroe, and Wapello, which shall constitute the Ottumwa division of said district. Terms of the district court for the eastern division shall be held at Keokuk on the sixth Tuesday after the fourth Tuesday in February and the eighth Tuesday after the third Tuesday in September; for the central division, at Des Moines on the tenth Tuesday after the fourth Tuesday in February and the tenth Tuesday after the third Tuesday in September; for the western division, at Council Bluffs on the fourth Tuesday in February and the sixth Tuesday after the third Tuesday in September; for the southern division, at Creston on the fourth Tuesday after the fourth Tuesday in February and the third Tuesday in September; for the Davenport division, at Davenport on the eighth Tuesday after the fourth Tuesday in February and the second Tuesday after the third Tuesday in September; and for the Ottumwa division, at Ottumwa on the second Tuesday after the fourth Tuesday in February and the fourth Tuesday after the third Tuesday in September. The clerk of the court for said district shall maintain an office in charge of himself or a deputy at Davenport and at Ottumwa for the transaction of the business of said divisions."

With the following committee amendments:

Page 2, line 8, after the word "Calhoun," insert the word "Carroll."
Page 3, line 8, strike out the word "Carroll."

The SPEAKER. Is there objection?

There was no objection.

The amendments were agreed to.

Mr. MANN. Mr. Speaker, I should like to call attention to one thing in this bill, not for the purpose of opposing it but in the hope that it may be practicable to leave out such things in future bills.

We have certain days in the House. This is the first Monday in February, which makes it unanimous consent and suspension day; yet there were various gentlemen of the House who came in this morning thinking that it was District of Columbia day. It is rather difficult for the Members of the House now to keep track of the various days, when we set apart certain Mondays and other days in the month for certain things. But if we should fix a certain day, which was the sixth Tuesday after the fourth Tuesday in February, or the eighth Tuesday after the third Tuesday in September, or the tenth Tuesday after the third Tuesday in September, or the eighth Tuesday after the fourth Tuesday in February, it would keep this House busy all the time figuring out what it was going to do on certain days. I think there is no place anywhere in the Revised Statutes or in the Judiciary Code where similar language occurs. It has been the invariable practice to fix dates for holding courts on certain days, the first or second Tuesday of a month, or whatever it was. I think it has never been proposed before that a court shall be held on the tenth Tuesday after the fourth Tuesday of a month.

I have no doubt the distinguished judge who probably prepared this bill wanted to fix the days in this way for the holding of court, in order to fix definitely the length of time between holding court at different places, a very logical and plausible reason; but which will inevitably lead to a good deal of trouble and confusion sooner or later. A lawyer out there will need to have somebody travel around with him with an almanac to advise him, so that he may know where he is at. We could not do it here. I have no doubt that the members of the legal fraternity in Iowa are exceptionally bright; yet I question the desirability of commencing the scheme of providing that you shall hold court on the forty-fourth Tuesday after the twenty-ninth Tuesday of a certain year. It would be just as feasible as this, and would be more definite in the long run, because then you could fix the number of days absolutely between holding court at one place and another. Of course, I know the gentleman from Iowa [Mr. TOWNER], who introduced this bill, would not himself have proposed such a plan, and that he has undoubtedly followed the desire of the bench and bar out there, which I take it means some one who got up the scheme, one which will no doubt work very well. But I hope to goodness that other Members of Congress who bring in bills to amend these various sections of the Judicial Code for holding court will not follow this plan, which seems to me to be objectionable.

Mr. TOWNER. Mr. Speaker, the gentleman from Illinois [Mr. MANN] speaks very truly when he says that while it may bother the Members of Congress, it will not bother the lawyers of Iowa to determine the times of holding court out there. In fact, this schedule was worked out, not by the judge of this district alone, but by the members of the bar. In the past a difficulty has occurred because of the fact that originally there were three divisions in the southern district of Iowa. Subsequently there were three other divisions added, so that now there are six divisions and six places in the southern district of Iowa where a United States district court is held. In these subsequent creations of divisions the terms of court were fixed by the act which created the division. Those sometimes overlapped. It was found that in some of these divisions not more than a week of court could be held. It was also found, in working out this schedule between the district judge and the members of the bar—and they all cooperated in it—that this was the only way in which it could be arranged so that in every one of these divisions a term of court could be held that should be at least two weeks long, and so this schedule was worked out. It has the approval of the judge. It has the unanimous approval of the bar, and is desired by all of them. There is no particular difficulty with regard to the times of holding court, because every year, as members of the bar know, the schedule for that particular year is made out for the year, giving definitely the dates for that particular year when each term of court is to commence. So that the difficulty which the gentleman finds inaccurately determining from this language—which I confess is new and novel and seems somewhat strange—when the terms will be held will be entirely obviated.

Mr. NORTON. Will the gentleman yield?

Mr. TOWNER. Certainly.

Mr. NORTON. Has it occurred to the gentleman that possibly if not probably there are some people in Iowa other than lawyers who may want to know when the terms of court are to be held out there? And does the gentleman think that this language is subject to the criticism that is made of lawyers, that they usually try to employ language in the statutes that requires a lawyer to interpret?

Mr. TOWNER. I think perhaps the gentleman's observation might be true if it were not for the statement which I think he did not hear, in which I said that the terms of court were published every year, giving definitely the dates for the commencement of each term.

Mr. NORTON. Sometimes there are others than lawyers who read the statutes, and they might get confused about this.

Mr. DILLON. Will the gentleman from Iowa yield?

Mr. TOWNER. I yield to the gentleman from South Dakota.

Mr. DILLON. What is the necessity of these words, appearing upon lines 8 and 9 of page 1, "the 1st day of July, 1910"? Why should not those words be stricken out? Why are they material to this bill?

Mr. TOWNER. I will say to the gentleman that in amending this statute it was thought better to reenact the words of the entire section of the Judicial Code, with such changes as are made by the proposed amendment. The only amendment proposed in this case is to fix the times of holding court in the southern district of Iowa. The rest of the section is just exactly as it is in the Judicial Code; and while, perhaps, there is no necessity for keeping those words, there is also no necessity for striking them out.

Mr. DILLON. They are certainly superfluous and immaterial. It seems to me they ought to be stricken out. This same phraseology appears in lines 4, 7, and 12.

Mr. TOWNER. The reason which I have stated is the only one I can suggest to the gentleman.

Mr. COOPER of Wisconsin. Will the gentleman yield?

Mr. TOWNER. I yield to the gentleman.

Mr. COOPER of Wisconsin. I call the attention of the gentleman to the language in line 5, page 4—

For the southern division at Creston on the fourth Tuesday after the fourth Tuesday in February and the third Tuesday in September.

Does that mean after the fourth Tuesday of September? Should it not be on the third Tuesday in September?

Mr. TOWNER. Where is the language the gentleman is speaking of?

Mr. COOPER of Wisconsin. On page 4, line 5, after the semicolon, it says—

For the southern division at Creston on the fourth Tuesday after the fourth Tuesday in February and the third Tuesday in September.

The gentleman will notice that the language in line 11, just below, is—

on the second Tuesday after the fourth Tuesday in February and the fourth Tuesday after the third Tuesday in September.

Ought not the word "on" to be inserted in line 7, so that it would read "on the third Tuesday in September"?

Mr. TOWNER. No; I think not; for the reason that it is quite clear that one term is to be held on the fourth Tuesday after the fourth Tuesday in February, while the other is to be held on the third Tuesday in September.

Mr. COOPER of Wisconsin. I think it would be almost impossible for a client to go to a lawyer and tell when the term of court is to be held; the lawyer would have to take the statutes and hunt it up.

Mr. TOWNER. That is not the case, because every year the terms of court for that year are published by order of the court. No one, not even members of the bar, go to the statutes to find out when a term of court is to be held.

Mr. SLOAN. Will the gentleman yield?

Mr. TOWNER. I will.

Mr. SLOAN. Is it a fact that the bar credited with the authorship of this bill arranged a schedule of fees, and in that schedule is a certain amount for advice to clients when courts are to be held? [Laughter.]

Mr. TOWNER. I will say to the gentleman from Nebraska that his doubts are entirely justified from his standpoint, being a distinguished member of the bar from Nebraska. Such a thing would never be hinted at by a member of the bar from Iowa.

Mr. SLOAN. I will say to the gentleman that the bar of Nebraska was never guilty of proposing any such bill as this.

The SPEAKER. The question is on the amendment.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

INCREASE OF MIDSHIPMEN AT UNITED STATES NAVAL ACADEMY.

Mr. PADGETT. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 9224) providing for an increase in the number of midshipmen at the United States Naval Academy.

The SPEAKER. The gentleman from Tennessee moves to suspend the rules and pass the bill which the Clerk will report.

The Clerk read the bill, as follows:

*Be it enacted, etc.*, That hereafter there shall be allowed at the United States Naval Academy 3 midshipmen for each Senator, Representative, and Delegate in Congress, 1 for Porto Rico, 2 for the District of Columbia, 10 appointed each year at large, and 15 appointed annually from enlisted men of the Navy as now authorized by law.

SEC. 2. That all acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

The SPEAKER. Is a second demanded?

Mr. BUTLER. Mr. Speaker, inasmuch as I am in favor of this measure, I presume I can not demand a second.

Mr. MANN rose.

The SPEAKER. Is the gentleman from Illinois against the bill?

Mr. MANN. I shall vote for it, but there are some parts that I would like changed.

The SPEAKER. Is there any gentleman opposed to the bill who wants to demand a second? If not, the Chair will recognize the gentleman from Pennsylvania [Mr. BUTLER].

Mr. BUTLER. I demand a second.

Mr. PADGETT. I ask unanimous consent, Mr. Speaker, that a second be considered as ordered.

Mr. MANN. I object.

The SPEAKER. The gentleman from Illinois objects, and the Chair appoints as tellers the gentleman from Tennessee [Mr. PADGETT] and the gentleman from Illinois [Mr. MANN].

The House divided, and the tellers reported that there were 128 in the affirmative and none in the negative.

So a second was ordered.

The SPEAKER. The gentleman from Tennessee [Mr. PADGETT] has 20 minutes and the gentleman from Pennsylvania [Mr. BUTLER] has 20 minutes.

Mr. PADGETT. Mr. Chairman, I shall use but a minute or two on this matter. This bill simply provides that each Senator and each Representative shall have three appointees at Annapolis instead of two, under existing law. It does not change the law in any other respect. It becomes operative as soon as it becomes a law, and if passed in time, nominations can be made for the spring examinations which are to be had in April.

Mr. STAFFORD. Will the gentleman yield?

Mr. PADGETT. Yes.

Mr. STAFFORD. Does it not change the law in this particular, that under the existing law it grants the appointment of two cadets to the academy, and that provision of the law expires on a limitation?

Mr. PADGETT. Yes; in 1919.

Mr. STAFFORD. Whereas this makes it permanent for all time.

Mr. PADGETT. That is true.

Mr. BORLAND. Will the gentleman yield?

Mr. PADGETT. Yes.

Mr. BORLAND. Is the chairman of the committee able to state how much it costs to put a young man through the Naval Academy at Annapolis?

Mr. PADGETT. That is estimated in various ways. It has been estimated that it costs from $12,000 to $15,000 or $20,000, depending on whether you count the interest or not.

Mr. BORLAND. Take the overhead charges, the operation of the academy, the pay of the cadets, and how much does it cost?

Mr. PADGETT. That is not a great deal; the appropriations for the academy annually are only $400,00 or $500,000. But you must notice that officers are detailed for duty there, and they are paid out of the pay for officers and not out of the academy appropriations.

Mr. BORLAND. The gentleman's estimate is about $12,000, exclusive of interest?

Mr. PADGETT. No; it would not be that much exclusive of interest and officers' charges.

Mr. BORLAND. Counting the officers' charges and exclusive of interest, it would be $12,000 or $15,000?.

Mr. PADGETT. It might be around $12,000. I have not figured it out, but I think it is much less.

Mr. BORLAND. Is not that a pretty large sum to educate an officer?

Mr. PADGETT. No, sir; I think not, for the character of the education that they get there.

Mr. BORLAND. Does not the gentleman think that on an average $5,000 is enough to educate a boy?

Mr. PADGETT. The estimates that I have stated were made on a basis of an investment at the academy of $12,000,000. The total appropriation for the Naval Academy last year was $498,650, exclusive of pay of officers and pay of midshipmen.

Mr. BORLAND. And that is divided into about 900 cadets?

Mr. PADGETT. Yes.

Mr. BORLAND. Meaning about $5,000 a year a cadet?

Mr. PADGETT. Not so much as that, but that is for the maintenance of the property and the upkeep and the repairs and other expenses.

Mr. BORLAND. Oh, of course that would have to be figured in.

Mr. PADGETT. And all of those items.

Mr. BORLAND. And that does not figure the amount paid to instructors who are carried on the regular Navy pay roll?

Mr. PADGETT. Not the officers. It cares for the civilian instructors.

Mr. BORLAND. Is it not possible to have a naval academy and a military academy at which a man can be well educated at an approximate of $1,200 or $1,500 a year?

Mr. PADGETT. I think not.

Mr. BORLAND. A great many young men are educated for less than that.

Mr. PADGETT. That is true; but you do not give them the character of education, the style of education they have there—the equipment and the various kinds of work, electricity, mechanics, the academic education, the special training, the drills, everything that relates to the equipment of an officer to handle the greatest mechanism that the world ever saw, which is a modern battleship.

Mr. BORLAND. Mr. Speaker, it seems to me——

Mr. PADGETT. Mr. Speaker, I have promised so much of my time that I must ask the gentleman to hurry on.

Mr. BORLAND. Mr. Speaker, it seems to me that the price of educating these officers ought to be materially reduced, and I hope the gentleman's committee will be able to do something along that line.

Mr. HOWARD. Mr. Speaker, will the gentleman yield?

Mr. PADGETT. Yes.

Mr. HOWARD. I want to know if the gentleman knows the maximum capacity of the Naval Academy for the reception of students?

Mr. PADGETT. The statement of the Secretary and Supt. Eberly, before our committee, was that they could conveniently care for 1,200.

Mr. HOWARD. And the very reason that the per capita cost of young men at Annapolis is so high is the fact that that plant is not run at its full capacity.

Mr. PADGETT. Of course; the more you have to divide into the total cost the more you would reduce the per capita cost.

Mr. HOWARD. It would reduce the per capita cost of those young men's education.

Mr. PADGETT. Certainly.

Mr. HOWARD. That is all.

Mr. PADGETT. Mr. Speaker, I yield five minutes to the gentleman from Missouri [Mr. CLARK]. [Applause.]

Mr. CLARK of Missouri. Mr. Speaker, it so happened that on the 27th day of July last I delivered the liberty-bell speech at the Panama Exposition at San Francisco, and in that speech I touched briefly on this question of preparedness, which is so agitating the public mind. Among other things, I stated that if we ever have another war, which I do not believe we will have if we attend to our own business, as we have forced every war that we ever did have, what we will need more than anything else will be officers. We can get all of the volunteers we want in 30 days. If the fact could be ascertained, I have no sort of doubt that at least 25,000 men, the very flower of the country, died the first year of the Civil War, not by bullets but by disease, which deaths were absolutely unnecessary, because while the officers were good men in a general way, yet they did not know anything about sanitation or how to take care of themselves or to show the men how to take care of themselves. I announced in that speech and, I suppose, in something like 50 lectures throughout the land, that I intended to introduce a bill to double the number of cadets at Annapolis and another bill to double the number of cadets at West Point. Brother PADGETT was a little quicker on the trigger than I and introduced this bill; but there is no jealousy on that account. I am going to introduce one to double the number of cadets at West Point. [Applause.]

Mr. Speaker, even though we never have another war, the money expended on educating these cadets is not thrown away. [Applause.] Within a limited curriculum, because that is what the curricula at these two institutions are, they get as fine an education as any set of men on the face of the earth. Of course it is not a university education, but it is a valuable, practical education.

I also suggested in that speech at San Francisco that in addition to doubling the number of these cadets, if I had the ingenuity, or if I could find anyone else who had the ingenuity, if I could not do it myself, I would draft a law to the effect that outside of these cadets appointed by the President, by the Senators, and the Representatives, any boy in the United States who had the qualifications, mental, moral, physical, and educational, should be permitted to go to these institutions and get an education at exact cost. [Applause.] I am inclined to think that that would have a tendency to democratize, if you want to use that word, or popularize those institutions. There is abundance of space at Annapolis for this increased number. I was talking to the gentleman from Virginia [Mr. HAY], the able chairman of the Committee on Military Affairs, the other day about the matter in respect to West Point. He does not think there is room over there for very many more. In calculating the cost, of course, if you figure in the interest charge on the plant, it runs up pretty high, but the plant is there, and it is not going to be torn down.

Mr. QUIN. Mr. Speaker, will the gentleman yield?

Mr. CLARK of Missouri. Certainly.

Mr. QUIN. I want to say to the gentleman that Gen. Scott, the Chief of Staff, stated before our committee, in his statement the day before yesterday that they could double up the capacity at West Point Military Academy without any cost beyond about $40,000 a year. He stated it might annoy some of them to have so many.

Mr. CLARK of Missouri. They can afford to be crowded to get a good education. Mr. Speaker, if you take 12 men of the same age, substantially, and the same size, substantially, dress them all precisely alike and start them down Pennsylvania Avenue, 11 of them civilians and 1 of them a West Pointer, a man who knows anything can pick out the West Pointer by the graceful way in which he walks. [Applause.]

There is another thing. I am not in favor of bankrupting the United States about this business. I am going to make a whole speech here some day before very long and round up the whole situation. [Applause.] But I am in favor of doing those things first which do not cost much.

The SPEAKER pro tempore. The time of the gentleman from Missouri has expired.

Mr. MANN. Mr. Speaker, I ask unanimous consent that the gentleman from Missouri may proceed without it being taken out of the time.

The SPEAKER pro tempore. The gentleman from Illinois asks unanimous consent that the gentleman from Missouri may proceed without it being taken out of the time under the rule. Is there objection? [After a pause.] The Chair hears none. [Applause.]

Mr. CLARK of Missouri. I thank the gentleman from Illinois [Mr. MANN] and the House. Now, if those two bills do pass, and this one is going to pass, and I am rather inclined to think, if the statement of my friend from Mississippi [Mr. QUIN] is correct, the one as to the West Point cadets will pass, then I am in favor of making it obligatory, not optional, with the Secretary of War, and the Secretary of the Navy, if need be, to detail one of these officers, if we have a surplus, to any school, college, or university that will furnish a minimum of 200 boys who will volunteer to drill. [Applause.] And there is another thing it seems to me might be worked out; I do not know how to do it myself, but these military gentlemen can. There ought to be a standard fixed by the War Department for an articulation of the military schools of this country with West Point. [Applause.] Of course that would take the best ones and would soon drive the others into becoming among the best, and the War Department should make a roll of a certain number of the top students from each one of those military schools to be kept here in the War Department with a guaranty that if we had a necessity for officers in this country those men should have a commission, before taking Tom, Dick, and Harry from over the country elected by the men because they are popular men or good stump speakers. [Applause.]

There is one other thing I would do if I knew how. I am not certain whether it is feasible or not. I have been investigating it somewhat, and some say it is not and some say it is, but the trouble about this whole business seems to be that no two men agree about anything, and it puzzles me constantly. I will read what one general says, and I think he is right. I will read what another one says, and it is precisely opposite to that, and the same way about these admirals. I am a good deal in the fix of the old justice down in Texas, who said he would rather decide a case when he had only heard one side of it. [Laughter and applause.] But this other thing I was about to suggest. I thought if you cut down the term of enlistment from four years to two years or one year that you would send an annual stream of 100,000 drilled men back into the body of the people [applause], and men of that training ought to be fit to be lieutenants or captains. There is another thing. The only thing that prevents one-year enlistment generally in this country, as I understand it, is the fact that when we send soldiers to the Philippines—which, if we adopt the Senate proposition, will only be for four years more, thank the Lord [applause]—that when we send soldiers over there they go for two years; that we can not afford to ship them backward and forward, but unless somebody could differentiate the standing Army into two classes, of course the one-year business would not work. Another thing is, I would have skeleton regiments; they are somewhat that way now——

Mr. ROBERTS of Massachusetts. Very much so.

Mr. CLARK of Missouri. No; not very much so, as I understand, they are recruited up to 60 per cent of their strength. I would have skeleton regiments, a good many more than now, with a full complement of officers. I like to read books of reminiscences, as I think they constitute the most entertaining

reading in the world, and that you get really more history out of them, too. So during some of these cut sales of books down here my son bought me two very interesting books of reminiscences, one by Gen. Basil W. Duke, the second in the command of Gen. John H. Morgan's cavalry, and the other one, Senator Thomas Collier Platt's Reminiscences on an entirely different subject. [Laughter.]

Mr. BUTLER. First in command.

Mr. CLARK of Missouri. He was first in command in New York. Well, I was exceedingly interested in Duke's book because he was writing about many scenes and hundreds of men I knew, one company of his regiment having been raised in the neighborhood where I was working as a chunk of a boy. He goes more extensively into the race between Buell and Bragg from northern Georgia to Louisville than any other part of the book. They both started about the same time from northern Georgia, both of them headed for Louisville, and Duke's contention is—there is no use going into it except to state it—that if Bragg had done what he might have done he would have turned Kentucky and Tennessee both over to the Confederacy for good, and if that had happened it would have been independent to-day. Now, here is what he says. When they got to the neighborhood of Moundsville, Bragg had about 5,000 more soldiers than Buell had, and Bragg could have intervened and forced him to fight at Mumfordsville and defeated him and taken both of those States; but for some reason Bragg deflected from the line to Louisville. Then, he said, if Bragg had had all his army at Perryville—which was one of the bloodiest battles of the war; he only had half of his men there—he would have defeated Buell, and thereby have captured and held both Kentucky and Tennessee.

At Mumfordsville he would have had about 5,000 more men than Buell. At Perryville, if both had had all their armies there, all of them, Buel would have had 5,000 or 6,000 or 7,000 more than Bragg had. Here is the nub of the whole business, so far as this reminiscence is concerned. He said that Bragg's army would have won at Perryville if he had had the others there, nothwithstanding that Buell was 5,000 men numerically stronger, because Buell had picked out 20,000 greenhorns at Louisville, who were organized into greenhorn regiments, as green as a gourd, while Bragg had picked up about 7,000 Kentuckians, all greenhorns, on that route; he distributed them in little bunches among these seasoned troops, and he said that greenhorns located in that way in a seasoned regiment would learn what was to be learned by privates in the art of war in one-fourth of the time they would if they were organized into regiments as greenhorns.

Now, gentlemen, all of these things that I have mentioned can be done, every one of them, at the minimum of cost with the maximum of results. They are good things to do within themselves, and if we are going to prepare—and that is a question I am going into very shortly, some day, all about it, so far as I am concerned—if we are going to do it at all, here is an easy way of accomplishing a large part of what it is desired to accomplish.

I hope this bill will pass without a dissenting voice. [Applause.]

Mr. BUTLER. Mr. Speaker, I demanded a second, so that an opportunity might be given to anyone who wishes to speak on the proposition. [Cries of "Vote!" "Vote!"]

Mr. PLATT. Mr. Speaker, I would like to know why there could not be more than 10 men appointed at large. I would like to know why the President should not be allowed to appoint more than 10 for examination.

Mr. BUTLER. That is more than he used to have. He ought to have, perhaps, more, and perhaps he will have more.

Mr. PLATT. That is the present law, I know, but that gives the boy who does not get a congressional appointment a chance for appointment.

Mr. BUTLER. I am not going to detain the House but a minute, but let me answer the gentleman's question. The very subject about which you inquire we inquired about this morning, within an hour before we came into the House. Some method must be worked out, some plan, and in the near future, by which these academies can be filled and kept filled with young men. One of the plans is in your mind, and that is to permit the President to make the nomination. I had it in my mind that the regulation that is now in the department, authorized by an act of Congress, should be changed, and where these vacancies were not filled and kept filled the civil-service people might examine young men, irrespective of the districts, all over the United States, and the President appoint them after competition. However, that is a question that we will consider, and I hope we will have some plan to recommend to the House before very long.

Mr. MANN. Will the gentleman yield for a question?

Mr. BUTLER. Yes.

Mr. MANN. Is the gentleman informed as to the correctness of the newspaper report that 200 of the boys over in Annapolis have been, or would be, plucked for failure to pass the mental examination?

Mr. BUTLER. Yes; I have some information. I do not think it is as direct information as the chairman has. I have it from the chairman of the committee, but he will give it to the gentleman direct.

Mr. PADGETT. I have a letter from the Secretary, dated to-day, in which he states that the total number of young men found unsatisfactory in one or more studies was 223. Upon reconsideration of the matter and considering all of their work and the work they had done through the year the academic board has reduced that number to 82, so that the number recommended for dropping is 82.

Mr. MANN. That is about 10 per cent.

Mr. PADGETT. A little under 10 per cent. There are about 890 in the academy.

Mr. MANN. Are there that many there now?

Mr. ROBERTS of Massachusetts. Mr. Speaker——

Mr. MANN. It is about 10 per cent.

Mr. PADGETT. About 9 per cent.

Mr. ROBERTS of Massachusetts. Mr. Speaker, I learned from another source that they will expect to reduce that number to about 40.

Mr. MANN. How often do these examinations take place?

Mr. PADGETT. The Secretary has not acted. He says this report has just been received and has not yet been acted upon, but that it will receive the department's careful consideration.

Mr. MANN. That is about 10 per cent. How often do these examinations take place?

Mr. PADGETT. Well, sir, they have daily recitations, and the young man is marked. At the end of the week he gets from those marks a weekly mark, and then at the end of the month he gets his monthly mark of the recitations, and then he has at the end of these four months, which is called the semiannual examinations, his marks, and they are all put together and the average of those examinations taken.

Mr. MANN. This plucking takes place once, twice, three, or four times a year, or what?

Mr. PADGETT. Twice a year.

Mr. MANN. Ten per cent at one time would be about 15 to 20 per cent a year. It seems to me they need reforming over at Annapolis more in the way of the professors than they do in the way of the students. [Applause.]

Mr. SLOAN. Mr. Speaker——

The SPEAKER. Does the gentleman from Tennessee yield to the gentleman from Nebraska [Mr. SLOAN]?

Mr. PADGETT. Yes.

Mr. SLOAN. I would like to ask the chairman of the committee if in increasing the number of midshipmen it is their intention to relax the conditions on entering the academy? We read letters that are sent to us by the preparatory or finishing schools boasting of the number they prepare. It seems to me the technical preparation required of these young men for entrance is altogether too severe.

Mr. PADGETT. I will state to the gentleman that when the present Secretary of the Navy became Secretary he sent out letters to many hundreds of the preparatory schools throughout the country——

Mr. ROBERTS of Massachusetts. And the high schools——

Mr. PADGETT. Yes; and high schools, and got from them statements as to their standards of examination, and he based his examinations upon the aggregate of the results of those reports that came from all parts of the country from these many, many high schools and preparatory schools. Now, the passing mark is 62½. That is not a high passing mark—62½ out of a possible 100. That is not a high mark. Now, then, it was disclosed that upon the average about two-thirds of the class graduates. Upon our investigation we are informed that that is about the average in the universities and the colleges.

Mr. SLOAN. What is the objection to the conditions being relaxed for the Annapolis Academy from what they are in the West Point Academy, where they take the grades, as granted, I understand, from the leading high schools and academies of the country without examination, upon certificates?

Mr. PADGETT. There are certain schools whose work and study the West Point Academy officials have examined, and they take their certificates, and admit the young men upon those certificates.

Mr. SLOAN. Yes.

Mr. PADGETT. But that does not have anything to do with the standards of the West Point school or their examinations afterwards. The young man has to make a grade and maintain the position.

Mr. SLOAN. I understand that. What is the objection to the system of taking the certification of those accredited schools at Annapolis as they do at West Point? I think it is a very proper method.

Mr. PADGETT. I suppose that might be done, but the examinations, as I said, are based upon the average of the schools, and the passing mark is 62½. It is not a severe examination.

Mr. SLOAN. Does not the suggestion I make appeal to the chairman of the committee, who doubtless has something to do and some influence with the Naval Academy authorities?

Mr. PADGETT. I think in some cases it might be well to do it, but that addresses itself to the academic board.

Mr. SMITH of Michigan. Mr. Speaker, will the gentleman answer me a question?

Mr. PADGETT. I am speaking in the time of the gentleman from Pennsylvania [Mr. BUTLER].

Mr. BUTLER. I yield, Mr. Speaker, to the gentleman from Tennessee, who is best equipped to answer these questions.

Mr. SMITH of Michigan. The gentleman says that if a young man passes, 62½ is the standard?

Mr. PADGETT. Yes. That is the standard in passing and in graduation and all.

Mr. SMITH of Michigan. By that does the gentleman mean he passes on the general average of 62½, or is he plucked if he falls below 62½ on any one subject?

Mr. PADGETT. The regulations read that if he is unsatisfactory in a study—not the general average—he may be dropped.

Mr. SMITH of Michigan. For instance, he may pass at 100 in all the rest, but may have only 62½ in something in particular. Would that pluck him?

Mr. PADGETT. As a matter of fact, in practice, I am informed they never dismiss a young man if he is slightly under in one study. It has got to be a good deal more than that. We have an illustration of that right here. There were 223 young men that were unsatisfactory in one or more of the studies in one of these recent examinations. There were 223 that were unsatisfactory in one or more of their studies. The academic board, upon considering their work and their course in the academy, has reduced that number to 82, and the number recommended for dismissal is 82. As I understand, 40 of those are young men who have just entered.

Mr. BUTLER. That is very clear.

Mr. PADGETT. Forty-two of them are young men who have been in one or more years, and the superintendent said to me to-day that the reason those 82 were recommended for dismissal was because the passing of judgment upon their whole work and their service while connected with the academy satisfied them that they would not be valuable men to continue in the academy.

Now, I also asked the superintendent this question. I said, "Suppose those young men were kept on for the remainder of this academic year and the question was determined at the final examination?" "Well," he said, "if they then go out, the Members of Congress will be deprived for a whole year of the opportunity of making another appointment, because in June all of the examinations have been held. They enter the 1st of July, and there will be no opportunity to hold an examination for the Senators and Representatives to supply those vacancies; but if they go out now, and Members of Congress wish to appoint them, they can be reappointed and enter the academy again in the fourth class, the new-beginning class in July, without another examination, because having once been examined for entrance that examination is credited and accepted; so that these men, if Members and Senators desire to reappoint them, can be reappointed and enter the 1st of July."

Mr. DOWELL and Mr. WINGO rose.

The SPEAKER. To whom does the gentleman yield?

Mr. PADGETT. I yield to the gentleman from Iowa [Mr. DOWELL].

Mr. DOWELL. Under the rule there are two examinations in one year, the last examination being in April?

Mr. PADGETT. Yes; and one in February.

Mr. DOWELL. If the vacancy is not filled in April, there is a vacancy, as I understand it, during the entire year; is that true?

Mr. PADGETT. Yes.

Mr. DOWELL. Is there any reason why there should not be other examinations, in order to admit young men to fill these vacancies?

Mr. PADGETT. Unless the school is filled, I presume the Secretary would hold an examination later, as was done once before, when so many young men failed and there were vacancies, and they held an examination in June. Unless the school is filled up, the Secretary could have an examination in June.

Mr. DOWELL. They are not usually called to fill vacancies?

Mr. PADGETT. No; because they have 896 young men there now.

Mr. BUTLER. They are held to prevent vacancies.

Mr. GARDNER and Mr. MOORE of Pennsylvania rose.

The SPEAKER. To whom does the gentleman yield?

Mr. PADGETT. I yield to the gentleman from Massachusetts [Mr. GARDNER].

Mr. GARDNER. In case this bill passes, how soon does the chairman expect that these new midshipmen who are appointed in consequence of the passage of this bill will enter the academy?

Mr. PADGETT. In July, the beginning of the next session.

Mr. GARDNER. How many of them does he expect will go in?

Mr. PADGETT. Based upon the averages of past years, about 300.

Mr. GARDNER. He thinks that 300 extra ones will qualify—will go in in July.

Mr. PADGETT. Yes; making a total complement of something like 1,200.

Mr. GARDNER. They will graduate in July, 1920?

Mr. PADGETT. Yes; four years later.

Mr. GARDNER. How many of those 300 on an average will graduate?

Mr. PADGETT. Admiral Blue, Chief of the Bureau of Navigation, told us that taking the averages for a number of years past, about two-thirds of the class that entered graduated.

Mr. GARDNER. Therefore, we may expect to have 200 additional officers in 1920 in consequence of the passage of this law. Am I correct?

Mr. PADGETT. On the basis of the averages of the past.

Mr. GARDNER. Am I correct also in saying that in the report of the General Board of the Navy they called for twenty-seven hundred line officers, not including flag officers, which means an increase of 800 or thereabouts over the present establishment for the fiscal year 1917? Is that a correct statement?

Mr. PADGETT. I believe about that number, sir. I do not recall the exact number.

Mr. GARDNER. And is it safe to say that the Navy Department takes the ground that we need only about 650 more in the year 1919? Is that correct?

Mr. PADGETT. I believe those are the correct figures.

Mr. GARDNER. If by the lowest estimate we need about 650 more, and you get 200 out of this new legislation, where are you going to get the others?

Mr. PADGETT. We are getting them, double that number, out of the present equipment of the academy.

Mr. GARDNER. How many enlisted men do you expect you will promote and how many retired officers do you expect you will bring back into the service in that period?

Mr. PADGETT. I do not know how many retired officers will be brought back. If an emergency should arise, every retired officer would be subject to active duty under the law.

Mr. BUTLER. They are all subject to active duty, then?

Mr. GARDNER. But I have not been able to make up these figures so that they fit in my own mind. I see that there is a great allowance made in your report for an increase in the officers, but meanwhile is there not a great loss going on in the actual officers at the present time?

Mr. PADGETT. But these figures set out in the report are the net increases, allowing so much for the deductions each year from the officers and then the additions under the present equipment of the academy. There are calculated to be so many net additions each year.

Mr. GARDNER. But am I not correct in saying that in making out your figures you lump together the promotions from warrant officers and the graduations from the academy?

Mr. PADGETT. I do not so understand.

Mr. GARDNER. What I want to get at is how many warrant officers they expect to promote?

Mr. PADGETT. There are some few warrant officers, but not a great many. The law provides for those.

Mr. BUTLER. Three or four every year.

Mr. PADGETT. I think last year there were about six who went from the ranks into the commissioned grades.

Mr. BUTLER. Half a dozen.

Mr. PADGETT. There is opportunity for them to go, if they qualify themselves.

Mr. GARDNER. To get it clear in my own mind, assuming that the estimate of the Secretary of the Navy is correct—that is, assuming that the general board have exaggerated the number required—is the chairman himself satisfied that by the passage of this bill we shall be supplied with sufficient officers to meet the minimum requirements for war strength asked for by the Secretary of the Navy?

Mr. PADGETT. No; I do not think this would meet war conditions. The gentleman will notice that that calculation sets out the requirements for peace and war complements.

Mr. BUTLER. I should like to ask the chairman of the committee a question.

Mr. PADGETT. Certainly.

Mr. BUTLER. Is the gentleman speaking in his time or in mine?

Mr. PADGETT. I am speaking in the gentleman's time.

Mr. BUTLER. The gentleman is doing better than I could do, but I wish he would let me have a minute or two. [Laughter.]

Mr. PADGETT. Certainly. I have only been trying to answer the questions that have been asked me.

Mr. BUTLER. There is no one more generous than the chairman, but I should like to have a minute or two of my time.

Mr. PADGETT. Certainly.

Mr. BUTLER. Mr. Speaker, let gentlemen understand that when they vote on this measure they are in nowise committing themselves to any sort of a military program. I asked the question distinctly, and I got from the Secretary of the Navy an admission that these officers will be needed for the ships which Congress has authorized. Therefore I cheerfully vote to increase this class at Annapolis. If the program should be enlarged, it is my judgment that the American people will need another Naval Academy, because the accommodations we have there now will be largely absorbed by the appointments made within the next three or four years.

Mr. MANN. Will the gentleman yield?

Mr. BUTLER. Yes.

Mr. MANN. Does the law permanently provide now for two cadets at Annapolis?

Mr. BUTLER. Let me understand the gentleman.

Mr. MANN. We passed a law some time ago providing for two cadets, and we recently extended the time two years. This proposes to make the appointment of three cadets permanently. Is that on account of the present war? Only last Congress we extended the appointment of two for a very short period of time. We knew then what the needs of the Navy would be, as we know now, which may not be very definite.

Mr. TILSON. I wish to ask the gentleman if there is any explanation why we do not get more officers from the ranks, and why it is not possible to get more admissions to Annapolis from the ranks.

Mr. BUTLER. If I answered that it would take more time than I have at my disposal. They can not pass this examination. It is a hard, difficult examination, and it is too much to expect of them. I am not criticizing the instructors nor the examinations. I would not vote to put anybody in command of a battleship that was not well educated in seamanship, gunnery, and navigation. Now, I would like to answer the gentleman from Illinois. The purpose of this law is to make for all time to come the appointment of three midshipmen at the academy for each congressional district. However, it will require all of this number of midshipmen to officer the ships that will have been built or which I hope we will have built—I can not promise to have them built—in 1919. I voted for the ships already authorized. I stood for them all, and therefore I am going to vote to put officers on the ships, because I am of the opinion that ships without men are valueless.

Mr. TILSON. Then I understand the gentleman to say that these officers have to pass an examination of such high requirements, to which he does not object, of course, that it is impossible for the men from the ranks, or the ordinary man, to pass.

Mr. BUTLER. I am pleased to state that I was one of the first men to advocate and encourage the appointment of enlisted men. Of course, I have nothing to do with their mental qualifications or prescribing the examinations. I wish some way could be worked out by which worthy enlisted men could be promoted, but the examination given to them is the same as that given to the young men who are appointed to the academy.

Mr. TILSON. It ought to be, of course.

Mr. PADGETT. Mr. Speaker, I yield two minutes to the gentleman from Maryland [Mr. LINTHICUM].

Mr. LINTHICUM. Mr. Speaker, I am heartily in favor of the passage of this bill providing for an increase in the number of midshipmen at the United States Naval Academy at Annapolis.

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| The estimated number of line officers required in time of peace by July 1, 1919, to keep in full commission and in reserve the ships of the Navy now built, building, and authorized, and to care for shore stations | 2,538 |
| Line officers available Jan. 1, 1916 | 1,978 |
| Additional required by July 1, 1919 (peace complements) | 560 |
| Estimated number required to commission all of above (war complements) | 3,528 |
| Line officers available Jan. 1, 1916 | 1,978 |
| Additional required by July 1, 1919 (war complements) | 1,550 |
| Required by July 1, 1921, for ships under new building program | 873 |
| Total required by July 1, 1921 (peace complements) | 3,411 |
| Total required by July 1, 1921 (war complements) | 4,401 |
| Total now in service | 1,978 |
| Additional required by July 1, 1921 (peace complements) | 1,433 |
| Additional required by July 1, 1921 (war complements) | 2,423 |
| Estimated increase by graduates of the Naval Academy and commissioning warrant officers to July 1, 1919 | 528 |
| Same to July 1, 1921 | 792 |

We have heard a great deal of late about the increase of the Navy and the increase of the Army. Much has been said about building more battleships and the speeding up of work on those already under construction.

I am in favor of preparedness in both branches of our defense, but there is little use to talk about the construction of more battleships or more cruisers and submarines and all those ships which go to make up a better and greater Navy unless we provide the men to man them after they are constructed.

The Naval Academy at Annapolis has been doing wonderful work in the education and training of officers for the Navy. It has accomplished splendid results. It is a college highly equipped with magnificent buildings, every requisite, and a site unsurpassed by any in this country.

The men go from this institution not alone as line officers competent of doing good work in the Navy, but as men well educated in the various branches of knowledge, which makes them greater, better, and more efficient citizens—men competent to operate the most complicated construction and mechanism the world has ever known—the modern battleship or cruiser. The country is enriched by the graduation from this school in every way.

This bill contemplates an increase of appointments from 1,169 to 1,704, but in actual attendance it would be an increase of from 900 to 1,200.

I find upon examination of the report that in order to place in full commission ships already built, building, and authorized, we must obtain by July 1, 1919, 1,022 line officers; and if the new building program is adopted, 1,451 more line officers than allowed by existing law will be needed by July, 1921. In other words, our shortage under present law would be as follows:

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|---|---|
| By July 1, 1919 (peace complements) | 32 |
| By July 1, 1919 (war complements) | 1,022 |
| By July 1, 1921 (peace complements) | 461 |
| By July 1, 1921 (war complements) | 1,451 |

There is no other source to obtain a supply of line officers than through the graduates of the Naval Academy and the promotions from the enlisted force. These promotions from enlisted force amount to only 12 annually, and even that full number the Navy Department has not been successful in obtaining from the enlisted men.

We can readily see, therefore, that if we would properly man the ships now built, building, and authorized a much larger number of men must be prepared at the Naval Academy. You can educate soldiers in the various schools and colleges of this country and in all localities, but you can not educate line officers for the Navy at any place other than the Naval Academy at Annapolis—there and there alone can they receive naval instruction.

There is abundant provision at the Naval Academy to take care of all the midshipmen which this bill would allow. It may be that they would have to be given about the same space for living quarters as that allowed in other colleges, but the accommodations would be ample and sufficient. Bancroft Hall at the academy can accommodate 976 students easily and can readily be arranged to accommodate 1,200, which this bill would no doubt furnish. When we realize, therefore, Mr. Speaker, that the thing essential in the construction of a larger and more adequate Navy is the men to man the ships, we can see the importance of this bill. I only wish that the bill went further and that the accommodations at the college were sufficient that a larger number of men could be educated, so that when the Navy is even further increased, as it no doubt will be, we might have sufficient line officers to man the entire equipment.

The great need of the country is officers not only for the Navy but officers for the Army. The mortality of officers in the European war has been almost twice as great as that of the private soldier, and certainly if there is one responsibility resting upon Congress and the administration, it is to provide a sufficent number of these men to officer our ships when the time arrives that we shall need them. I therefore hope, Mr. Speaker, that the bill will pass and that it may be put speedily into force. It is of imperative necessity if we would have a Navy ready for an emergency, if we would have one ready and prepared to meet the requirements of a country with a great and growing population of a hundred million souls. The National Government was delegated the duty of providing the national defense, and it up to Congress to meet its requirements in the proper manner and spirit.

Mr. PADGETT. I yield to the gentleman from Kansas [Mr. CONNELLY].

Mr. CONNELLY. Mr. Speaker, I am one of those who voted to favorably report this bill out of the committee, and hope to see it pass. I will not enthuse over the great preparedness program that will be brought into this House, and I reserve the right to meet that emergency when it comes. Sufficient to say at this time that there appears to be a chance here to increase the attendance at the Naval Academy at Annapolis, with what appears to me to be a very reasonable additional expense, and I want to use our national schools to their capacity for the training of our young men who seek to enter them and prepare themselves to be of use to the country should the emergency come when their services are desired. Mr. Speaker, I have dared to indulge in the hope that it will be some time before the ultra military element in the United States will be advocating that in order to be absolutely secure that a battleship shall be in readiness for the command of every boy who goes through Annapolis at the moment that he is graduated.

I know some very good men in this House, men whom I personally respect very much, but whose opinions on preparedness is much below par with me, whose ideas on the matter of an adequate Navy are done very little injustice when I suggest that they would go this far. However, I do not think that we can afford to withhold from our young men the fine educational advantage that the school at Annapolis gives and I want to train the young men in such a way that our Navy may always be efficiently and effectively handled. True, Mr. Speaker, there have been some increases of recent years that would appear to be quite adequate. It has only been a few years since the number of boys that were appointed to Annapolis were doubled, then the membership of this House was increased very materially and still we are told that we have not enough. While I am discussing the matter, however, Mr. Speaker, I want to speak about the recent announcement that comes to us through the press that there is soon to be 220 young men, some of whom have spent one year, some two years, and some who have even pursued their studies three years at the Naval Academy who are now soon to be sent back to their homes because they can not meet the test and come up to the standards that the school has set. I am sure that all want to see the standards of this school kept high, but I am also of the opinion that a course there might easily be made so impractical and so technical that but few would be able to complete it, and should they be able to finally make a passing grade it would be at the danger of impairment of health. I doubt the practical value of a school where the average young man with good health and good mind and a fair degree of industry and intelligence and application, finds that he can not make the grades or meet the requirements. What I would have is a school that has such a course that the average American boy, raised in the average American home, and endowed with an average amount of good sense can meet the requirements.

If we, at our schools of this character, are graduating only freaks and phenomena, then I am in favor of some revision of the curriculum, for I have never placed much importance on the practical side of this class of people. Another thing I have also observed, Mr. Speaker, and that is this: That these military schools fit boys for the Army and the Navy, but unfit them for about every other usefulness in life. I wish that some way could be found to obviate this. Why is it necessary to take a young fellow who has some ability, some initiative, some independence, and make out of him an automaton who spends the rest of his life strutting around as a fashion plate or a clotheshorse? Why not school him in the military tactics and lengthen the course until something could be learned that would make him of some value in the arts of peace as well as in the arts of war; make him a force to care for himself, instead of becoming a dead weight on the social fabric of a nation and only useful when the curse of war falls? The weakness of our system is that when we educate a boy for the Army or the Navy we so unfit him for any other walk or work in life. The Government finds that it must provide him a job and take care of him the balance of his life.

Mr. Speaker, I would educate him, pay for his schooling, his board, and then when he has accepted this gratis from the Government have him feel that he need not spend the rest of his life in the unproductive life of a soldier or sailor. I would have him accept this training with the understanding that when he has done so he shall go back to the useful vocations of life, ready at any time to be called to the defense of the colors in times when his country needs his services with his training.

Mr. Speaker, I do not care to enter into an extended discussion of the matter of preparedness at this time. That can wait until a later date when the various bills are being discussed that more nearly affect this subject. I want to say, however, that I do not believe that there is in the country any considerable number of men who are for peace at any price. I know, and so do you, that the question of profits to manufacturers of war munitions has played a great part in the agitation that has swept the country, and there are a very considerable class of men who claim to want to prepare for peace when they are in reality wanting to prepare for profits. I want, however, to be fair enough and charitable enough to refuse to believe that such a motive is any considerable factor in forming the opinions of those Members here who will want to go further in the matters than will I. It is always well to be fair in such matters, and it is well for the charges of ulterior motives to be left out of the discussion, for I have lived long enough to observe that men are prone to see in other people the faults that are sometimes unconsciously their own.

I have, I hope, all respect for those who are high up in the Army and the Navy, and I want to exercise that respect. I know, as a rule, that these men are a high class of individuals and that they are patriotic, even if they are at times inclined to be hysterical and impractical. I have indulged in the hope that we could look to these men to keep us serene and unexcited, and have expected them to give us such information that we could pass such practical and needed legislation as would enable us to be very well prepared without launching into the maelstrom of that preparedness which has always led to the very thing that we are wanting to avoid. I find, however, that, no matter how visionary may be the danger depicted by some of the writers who have labored to excite the country, these visionary writers have seldom been unable to have their views sanctioned by men high up in our defense organizations.

If a Bernard Walker tells of some enemies who could devastate our coasts, despoil our cities, lay waste to our country, and levy tribute upon our people, and all the time our people sit supinely by and allow all of this to be done, with scarcely a protest and with practically no resistance, I find that even this story of frenzy and fear finds an indorser in the person of one of our honored and best known admirals, who says that this very foolish and freakish thing that Mr. Walker tells about could very well happen. It is indorsements of such insane vaporings as these that causes a distrust of the opinions of some of those whose counsels would be of much value to us at this time, when the war scare has been heralded to the remotest village and hamlet in all this fair land. I say to you that the greatest impeachment that could be placed on those who have had the building of the Navy in years past is, after all the fabulous sums of money that have been spent on the Navy, that it is now so insufficient and inefficient as those who have had much to do with the spending of the money and directing this preparation declare it to be. So reluctant have some of our men high up in the Navy been to defend the efficiency of the Navy that it has only been after some layman on the Naval Committee, like that grand man, Samuel Witherspoon, whose recent death was a distinct loss to the Nation, had compelled them, with overwhelming evidence as to the efficiency of our Navy, that they have given a grudging indorsement to the facts that he marshaled before them in such an array that they thought too much of their standing as men and officials to deny.

Mr. Speaker, I am agreed with those who say that there should be no politics, no partisanship, no sectionalism in this matter. I have been accused of representing a people who reside far from the coast and who are, because of this fact, less interested in the Nation's defenses than are those who would first feel the impact of the conflict. I deny, sir, such a sentiment exists or that there is any just ground for such base insinuation.

The history of the people of Kansas and the other States of the Central West is such as to leave no room to doubt their bravery, their patriotism, or their loyalty to every section of

this great Republic. Kansas sent a greater number of men to the defense of the flag in the days of sixty-one, according to her population, than any State in the Union. Again in 1898, when the call was made to repel the atrocities of Spain from the islands near our shores, the young men of Kansas dropped their working tools, and from the farms and fields and factories and mills and mines there came such a number that thousands had to be refused the chance to go to the front. The loyalty of these people of the great prairies of the West shall not be challenged and that challenge go unheeded here. They are loyal, they are generous, they are fair. They ask you, who would take advantage of this propitious time to rush this Nation off her feet onto the dangerous shoals of militarism, what have you done with the millions that have been given you through the years of the past and what assurance will you give for the future expenditure that you ask for? In the 10 years from 1901 to 1912 these United States spent on her Navy the sum of $1,331,821,032; Germany spent for that same period $354,055,078, and France spent but $789,242,168. In other words, we spent on our Navy nearly $200,000,000 more than both Germany and France, and still the men who had much to do with the spending of these fabulous sums stand idly by and allow the insinuations to go unchallenged that we have no Navy that amounts to anything and that we are a helpless people, waiting as a prize for some other nation to pounce upon and destroy. I deny the statement that we have not a good Navy, and I deny that there is any considerable people who are not willing to make it better; but what I object to is this campaign of calumny and slander, through moving pictures, subsidized press, and frenzied speakers, who alarm our people and give a false hope to those, if any there be, who would come to our shores and challenge our power.

Mr. Speaker, are we to understand that this great program of military preparation is to be used in some conflict that is now immediately pending? It can not be so, for battleships that were authorized a year ago will not be begun building until next fall, and then will not be ready to take their place in our line of defense for more than two years from that time. Certainly the ships that will be authorized at this session of Congress can not reasonably be expected to be of service to us much before the year 1920. If that is so—and I find no material difference of opinion upon this matter—why are the people led to believe that our preparation is for some emergency that is liable to come to us soon? If this Congress would authorize the building of a hundred battleships, by no plan placed before the Naval Committee by the experts of the Navy could one of these ships be ready for service in less than two years. Have those who have gone out and worked the people up to a frenzy by telling of some danger that is now upon us been careful to tell the people these very important facts? If they have, I have been unfortunate in not having been able to find such statements in their speeches.

Mr. Speaker, I know that all patriots hope that the time may never be when war will come to our shores or when the ideals that have come to us as a legacy from the martyrs of the past will ever have to be defended or preserved by the sword or battle line. I am fully convinced that preparation for war does not prevent war. I am rather of the opinion that nations, like individuals, do what they prepare to do. I have read since I was a boy about Germany's building up the greatest army of any nation in the world, and it was to preserve peace. I have heard that England had builded the greatest navy in the world, and it was to insure peace. A glimpse across the waters to these blood-drenched countries, these great nations where fire and sword scatter lives of men like the autumn winds scatter the leaves of the forest, makes me rather believe that other sentiment, that has stood the test of ages and is to-day as unchallenged as it was when the Master spoke it centuries ago. That saying is: "Be not deceived, God is not mocked; for whatsoever a man soweth, that shall he also reap."

Mr. PADGETT. Mr. Speaker, I yield five minutes to the gentleman from Texas [Mr. CALLAWAY].

Mr. CALLAWAY. Mr. Speaker, the question of how many officers we need in the Navy or how many we are short is a matter that bobs in and out like a shuttlecock—now you see it and now you do not see it; it is one thing to-day and another thing to-morrow. It varies according to what officers think the the Congress will stand for or the people will back them in demanding.

A year ago Admiral Blue, Chief of the Bureau of Navigation, before the Naval Affairs Committee, stated that the "following shortage in line officers exists at the present time: Required to commission all serviceable vessels, 161; to remain ashore in time of war, 160; total, 321; to be released from gunboats, survey ships, and Fish Commission, 118; net shortage to place all vessels serviceable for war purposes in commission, 203."

Mr. ROBERTS then asked this question: "Are you leaving out any battleships?" Admiral Blue answered, "All the battleships, even the very oldest, are included, as well as all the cruisers, all the destroyers, and submarines." Mr. ROBERTS then asked, "Are your figures based on the number of men required for the ships now actually in commission or the ships that would be commissioned?" Admiral Blue answered, "The ships that can be commissioned, as well as those now in commission." Mr. ROBERTS then asked, "You did not include ships under construction?" Admiral Blue answered, "I also included those that will be built during the next year."

It was at that time 203, according to his statement, for "all the ships that can be commissioned, including those that will be completed during the next year," and yet we are now confronted "during the next year" with this statement from the Secretary of the Navy. He says:

> We require at the present time 2,520 line officers. As we now have 1,978 line officers, we are short 542 for peace basis. This estimate does not include all the ships now building, but only those ships which are near completion and for which we are now assembling the officers and men.

The Naval Board says:

> The total number of line officers should number 2,700.

We have at this time, if the statement of Admiral Blue was true, a shortage of 203. We should have this year about 175 graduates from the Naval Academy. If Admiral Blue's statement was correct a year ago that to man all the ships for the service, built and building, which would be completed within a year, we should now be short only 203 less the number of graduates we have from Annapolis this year. However, if we are to follow Secretary Daniels, we will be short a different number; if we follow the Naval Board, we will still be short a different number, or 722. Now you see it, now you don't see it.

Mr. HENSLEY. Mr. Speaker, will the gentleman yield for a question?

Mr. CALLAWAY. Yes.

Mr. HENSLEY. Does the gentleman recall that last year there were eliminated by the operation of the plucking board a number of the very best and most efficient officers of the Navy?

Mr. CALLAWAY. I do not know that they eliminated the best and most efficient officers of the Navy. However, they had a plucking board which plucked 15 officers a year, provided there was not as many as 40 died or resigned within the year. They seemed to have officers up to that time they wanted to get rid of. Last year the plucking-board provision was repealed, and we also increased the membership of the House of Representatives from 391 to 435, increasing the Annapolis appointees 88. They save the plucked officers, 15, and added at Annapolis 88, because of the increased membership of the House, and continued last year the appointment of 2 which had theretofore been only 1 a year. Yet all of this increase is not sufficient to answer the present requirement. Last year it was 203; this year I do not know where it is, and you do not, either. The board says one thing, the Secretary of the Navy says another, and Admiral Blue says they want all they can get.

The SPEAKER. The time of the gentleman from Texas has expired.

[By unanimous consent Mr. CALLAWAY was granted leave to extend his remarks in the RECORD.]

The SPEAKER. The gentleman from Tennessee has one minute remaining.

Mr. PADGETT. Mr. Speaker, I agreed to yield that to the gentleman from South Carolina [Mr. RAGSDALE].

Mr. RAGSDALE. Mr. Speaker, few, if any, Members on this side of the House have shown more independence than I as to winning the approval or disapproval of the Chief Executive by their votes on the matters considered by a Democratic caucus or the Democratic platform. In all questions affecting the interests of my people on which the platform is silent or on which the party has not caucused I shall determine whether or not they are for the interests of my district, unless it be those matters growing out of our relation to foreign Governments in which the national honor or the national safety is involved. In those matters I am willing to trust our President and our Secretary of State. Mistakes they will make, for their efforts to represent this country will often find opposition from the ablest diplomats of the world and unwise interference from those in power in this country. Because a condition now exists which the President has said demands immediate relief, and because I consider this but one of the steps we should take to give that relief and to put this country on a proper footing to avert war and protect our flag, our Government, and our people in war, I shall support this bill. [Applause.]

The SPEAKER. The question is on suspending the rules and passing the bill.

Mr. MANN. Mr. Speaker, I ask for a division.

The House divided; and there were—ayes 173, noes none. [Applause.]

So, two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

RESIGNATIONS FROM COMMITTEES.

The SPEAKER. The Chair lays before the House the following resignations from committees:

The Clerk read as follows:

FEBRUARY 7, 1916.

Hon. CHAMP CLARK,
*Speaker House of Representatives,*
*Washington, D. C.*

MY DEAR SIR: Having been placed upon the Committee for Flood Control, I hereby tender my resignation as a member of Committee on Elections No. 1.

Very truly, yours, JEFF: MCLEMORE.

Mr. MANN. Mr. Speaker, I shall not object; but that is certainly previous.

The SPEAKER. The Chair thinks it is a little premature.

Mr. MANN. The Committee on Flood Control has not been yet elected.

The SPEAKER. In about five minutes from now it will be fixed.

Mr. MANN. I thought the members of this Committee on Flood Control were elected under the rules of the House and not appointed by will in advance.

The SPEAKER. There is no question but what the suggestion of the gentleman is correct.

Mr. CANNON. I would like to ask my colleague just a single question, and that is if he does not think that is as bad as when I tripped the other day and took Thursday for Calendar Wednesday?

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The Chair lays before the House another resignation.

The Clerk read as follows:

FEBRUARY 7, 1916.

Hon. CHAMP CLARK,
*Speaker House of Representatives,*
*Washington, D. C.*

DEAR MR. SPEAKER: I hereby resign my membership on the Committee on Enrolled Bills for the reason that I have been appointed on the new Committee on Flood Control.

Yours, very respectfully,

ROBERT CROSSER.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. MANN. But, Mr. Speaker, not for the reasons given.

The SPEAKER. No; the reasons are premature.

WITHDRAWAL OF PAPERS.

By unanimous consent, Mr. SHOUSE was granted leave to withdraw from the files of the House, without leaving copies, the papers in the case of Alice Whaley, Sixty-second Congress, no adverse report having been made thereon.

EXTENSION OF REMARKS.

Mr. LEHLBACH. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. LEHLBACH. I ask unanimous consent to extend my remarks in the RECORD by printing a letter written by myself to the New York American.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey? [After a pause.] The Chair hears none.

The letter is as follows:

FEBRUARY 7, 1916.

EDITOR NEW YORK AMERICAN,
*New York City.*

SIR: My attention has been called to an alleged poll of Congress on the subject of the eight-hour law on railways, in which I am represented as having expressed myself against this measure. I have never expressed myself with reference to its merits, nor has your correspondent or any other person ever spoken to me on the subject. As a matter of fact, I am on principle in favor of an eight-hour working-day in all occupations, and unless I can be convinced that the application of this policy to railroad employees is practically impossible shall give my support to this measure.

Yours, truly, FREDERICK R. LEHLBACH.

ADJOURNMENT.

Mr. KITCHIN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 8 minutes p. m.) the House adjourned to meet to-morrow, Tuesday, February 8, 1916, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, a letter from the Secretary of the Treasury, transmitting supplemental estimates of appropriation required by the Treasury Department for the service of the fiscal year ending June 30, 1917 (H. Doc. No. 665), was taken from the Speaker's table, referred to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. RAKER, from the Committee on Irrigation of Arid Lands, to which was referred the bill (H. R. 384) to amend the act of June 23, 1910, entitled "An act providing that entrymen for homesteads within the reclamation projects may assign their entries upon satisfactory proof of residence, improvement, and cultivation for five years, the same as though said entry had been made under the original homestead act," reported the same with amendment, accompanied by a report (No. 127), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. FERRIS, from the Committee on the Public Lands, to which was referred the bill (H. R. 9525) to establish a national park in the Territory of Hawaii, reported the same with amendment, accompanied by a report (No. 131), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. GARD, from the Committee on the Judiciary, to which was referred the bill (H. R. 755) to incorporate the Boy Scouts of America, and for other purposes, reported the same without amendment, accompanied by a report (No. 130), which said bill and report were referred to the House Calender.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. RAKER, from the Committee on the Public Lands, to which was referred the bill (H. R. 540) for the relief of settlers within the limits of the grant to the New Orleans, Baton Rouge & Vicksburg Railroad Co., reported the same with amendment, accompanied by a report (No. 128), which said bill and report were referred to the Private Calendar.

Mr. FERRIS, from the Committee on the Public Lands, to which was referred the bill (H. R. 7804) to authorize the issuance of patent to Oscar R. Howard, and for other purposes, reported the same without amendment, accompanied by a report (No. 129), which said bill and report were referred to the Private Calendar.

Mr. STEPHENS of Mississippi, from the Committee on Claims, to which was referred the joint resolution (H. J. Res. 87) authorizing and directing the Secretary of the Treasury to credit the stamp account of Edward B. Craig, as collector of internal revenue of the collection district of Tennessee, in the sum of $2,034.89, being the representative value of certain internal-revenue documentary stamps which were taken from the office of said collector by an act of burglary, reported the same with amendment, accompanied by a report (No. 132), which joint resolution and report were referred to the Private Calendar.

Mr. EDMONDS, from the Committee on Claims, to which was referred the bill (H. R. 6651) providing for the payment for certain services arising under the Navy Department, reported the same without amendment, accompanied by a report (No. 133), which said bill and report were referred to the Private Calendar.

Mr. RUSSELL of Ohio, from the Committee on Claims, to which was referred the bill (H. R. 9172) for the relief of the M. Kondo Fisheries Co., reported the same without amendment, accompanied by a report (No. 134), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (H. R. 9082) for the relief of Frank P. Sammons, reported the same with amendment, accompanied by a report (No. 135), which said bill and report were referred to the Private Calendar.

Mr. EDMONDS, from the Committee on Claims, to which was referred the bill (H. R. 9377) for the relief of Cyntha Ramey, reported the same without amendment, accompanied by a report

(No. 136), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (H. R. 5729) for the relief of Dr. E. E. Johnson, reported the same without amendment, accompanied by a report (No. 137), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (H. R. 9375) for the relief of J. M. Potter, reported the same without amendment, accompanied by a report (No. 138), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (H. R. 9378) for the relief of Ella Slone, reported the same without amendment, accompanied by a report (No. 139), which said bill and report were referred to the Private Calendar.

Mr. FOSTER, from the Committee on Claims, to which was referred the bill (H. R. 9173) for the relief of the Union Oil Co., reported the same without amendment, accompanied by a report (No. 140), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (H. R. 1685) for the relief of John R. Monteith, reported the same without amendment, accompanied by a report (No. 141), which said bill and report were referred to the Private Calendar.

Mr. SWIFT, from the Committee on Claims, to which was referred the bill (H. R. 2241) for the relief of Oscar Frommel & Bro., reported the same without amendment, accompanied by a report (No. 142), which said bill and report were referred to the Private Calendar.

Mr. MILLER of Delaware, from the Committee on Claims, to which was referred the bill (H. R. 9291) for the relief of the estate of Thomas J. Mellon, reported the same with amendment, accompanied by a report (No. 143), which said bill and report were referred to the Private Calendar.

Mr. CAPSTICK, from the Committee on Claims, to which was referred the bill (H. R. 2235) for the relief of the widow and heirs at law of Patrick J. Fitzgerald, deceased, reported the same without amendment, accompanied by a report (No. 144), which said bill and report were referred to the Private Calendar.

Mr. POU, from the Committee on Claims, to which was referred the bill (H. R. 2960) for the relief of the heirs of John Howard Payne, deceased, late United States consul at Tunis, reported the same without amendment, accompanied by a report (No. 145), which said bill and report were referred to the Private Calendar.

Mr. PRICE, from the Committee on Claims, to which was referred the bill (H. R. 6732) for the relief of Joseph A. Jennings, reported the same with amendment, accompanied by a report (No. 146), which said bill and report were referred to the Private Calendar.

Mr. PETERS, from the Committee on Claims, to which was referred the bill (H. R. 8093) for the relief of Wilson M. Dent, reported the same with amendment, accompanied by a report (No. 147), which said bill and report were referred to the Private Calendar.

Mr. STEPHENS of Mississippi, from the Committee on Claims, to which was referred the bill (H. R. 5864) for the relief of Thomas P. Sorkilmo, reported the same without amendment, accompanied by a report (No. 148), which said bill and report were referred to the Private Calendar.

## ADVERSE REPORTS.

Under clause 2 of Rule XIII, adverse reports were delivered to the Clerk and laid on the table, as follows:

Mr. CAPSTICK, from the Committee on Claims, to which was referred the bill (H. R. 6195) conferring jurisdiction on the Court of Claims to hear, determine, and render judgment in the claim of James W. Pearce against the United States, reported the same adversely, accompanied by a report (No. 149), which said bill and report were laid on the table.

He also, from the same committee, to which was referred the bill (H. R. 1317) to authorize the payment of the claim of Cynthia R. Ball, reported the same adversely, accompanied by a report (No. 150), which said bill and report were laid on the table.

Mr. RUSSELL of Ohio, from the Committee on Claims, to which was referred the bill (H. R. 5372) for the relief of Hattie C. Derrenbacher, reported the same adversely, accompanied by a report (No. 151), which said bill and report were laid on the table.

Mr. EDMONDS, from the Committee on Claims, to which was referred the bill (H. R. 8205) to carry out the findings of the Court of Claims in the case of the Sanford & Brooks Co., reported the same adversely, accompanied by a report (No. 152), which said bill and report were laid on the table.

## CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 8882) granting a pension to Minnie Nordyke; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 7001) granting an increase of pension to Charles C. Eckert, alias Conrad Eckert; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 1794) granting an increase of pension to William F. Minnich; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 10882) granting an increase of pension to Frank E. Hill; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

## PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. TAGGART: A bill (H. R. 10985) to amend the acts of July 1, 1862, and July 2, 1864, relating to the construction of a railroad from the Missouri River to the Pacific Ocean, to declare a forfeiture of certain public lands granted as a railroad right of way, and for other purposes; to the Committee on the Judiciary.

By Mr. TAVENNER (by request): A bill (H. R. 10986) to provide for the reimbursement to the emigrant Cherokees by blood for lands allotted to the negro freedmen (Cherokees) from the lands granted to the emigrant Cherokees by blood under treaty of 1835; to the Committee on Indian Affairs.

By Mr. RUCKER: A bill (H. R. 10987) authorizing the Secretary of War to donate to the city of Trenton, in the State of Missouri, four iron cannon or fieldpieces; to the Committee on Military Affairs.

By Mr. BELL: A bill (H. R. 10988) to provide for the erection of a public building at the city of Winder, Ga.; to the Committee on Public Buildings and Grounds.

By Mr. TAGGART: A bill (H. R. 10989) making appropriation for the preservation, improvement, and perpetual care of Huron Cemetery, a burial place of the Wyandotte Indians, in the city of Kansas City, Kans.; to the Committee on Indian Affairs.

By Mr. HOWARD: A bill (H. R. 10990) to prevent the transportation of misbranded articles, etc.; to the Committee on Interstate and Foreign Commerce.

By Mr. ANTHONY: Resolution (H. Res. 127) authorizing the printing of the report of the Pennsylvania Commission on the Gettysburg Reunion; to the Committee on Printing.

## PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ALMON: A bill (H. R. 10991) for the relief of the estate of Joseph D. McCleskey, deceased; to the Committee on Claims.

Also, a bill (H. R. 10992) for the relief of L. A. Weaver, administrator of the estate of Joseph Weaver, deceased; to the Committee on Claims.

Also, a bill (H. R. 10993) granting a pension to Harrison Cook; to the Committee on Invalid Pensions.

By Mr. ASHBROOK: A bill (H. R. 10994) granting a pension to Henry Puder; to the Committee on Pensions.

Also, a bill (H. R. 10995) granting a pension to George Van Sickle; to the Committee on Invalid Pensions.

By Mr. CANNON: A bill (H. R. 10996) granting an increase of pension to Myron Corwin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10997) for the relief of Sylvester W. Quackenbush; to the Committee on Military Affairs.

Also, a bill (H. R. 10998) for the relief of John Geiger; to the Committee on Military Affairs.

Also, a bill (H. R. 10999) granting a pension to George A. Springet; to the Committee on Invalid Pensions.

By Mr. CANTRILL: A bill (H. R. 11000) granting an increase of pension to Kate Ridgway; to the Committee on Invalid Pensions.

By Mr. CHARLES: A bill (H. R. 11001) granting a pension to Mary Roberts; to the Committee on Pensions.

Also, a bill (H. R. 11002) for the relief of Cathrine E. Morris; to the Committee on Claims.

By Mr. CLINE: A bill (H. R. 11003) granting a pension to Benjamin W. Skelton; to the Committee on Invalid Pensions.

By Mr. DALE of New York: A bill (H. R. 11004) granting a pension to John Coffey; to the Committee on Pensions.

By Mr. DECKER: A bill (H. R. 11005) granting a pension to Naomi Landers; to the Committee on Pensions.

Also, a bill (H. R. 11006) granting a pension to Elmer D. Hopper; to the Committee on Pensions.

Also, a bill (H. R. 11007) granting a pension to William L. Church; to the Committee on Pensions.

Also, a bill (H. R. 11008) granting a pension to John A. Neff; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11009) granting a pension to Annie McCaw; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11010) granting a pension to Samuel D. Lee; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11011) granting a pension to Lutisha A. Carpenter; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11012) granting a pension to William Collins; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11013) granting a pension to Willis P. McCampbell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11014) granting an increase of pension to Salinda Ragsdale; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11015) granting an increase of pension to William H. Koffman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11016) granting an increase of pension to Lucius S. Hitchcock; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11017) granting an increase of pension to Mordecai M. Duke; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11018) granting an increase of pension to Wyatt L. Starrett; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11019) granting an increase of pension to Francis Ashens; to the Committee on Invalid Pensions.

By Mr. DENT (by request): A bill (H. R. 11020) granting an annuity to Harriett Chiverton Carroll; to the Committee on Military Affairs.

By Mr. DEWALT: A bill (H. R. 11021) granting an increase of pension to Henry A. Kline; to the Committee on Invalid Pensions.

By Mr. DILL: A bill (H. R. 11022) granting a pension to Mary Buckley; to the Committee on Pensions.

Also, a bill (H. R. 11023) granting an increase of pension to Alice E. Pangborn; to the Committee on Invalid Pensions.

By Mr. DOOLITTLE: A bill (H. R. 11024) granting an increase of pension to Melvina A. Horner; to the Committee on Invalid Pensions.

By Mr. EMERSON: A bill (H. R. 11025) to pay the heirs of John Byrnes, deceased, for losses during the War of 1812; to the Committee on War Claims.

By Mr. FERRIS: A bill (H. R. 11026) for the correction of the military record of Isaac N. Nance; to the Committee on Military Affairs.

By Mr. FOCHT: A bill (H. R. 11027) granting an increase of pension to John T. Cox; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11028) granting a pension to Alice Hamilton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11029) granting an increase of pension to George Rhule; to the Committee on Invalid Pensions.

By Mr. FORDNEY: A bill (H. R. 11030) granting a pension to William F. Comstock; to the Committee on Pensions.

By Mr. GLASS: A bill (H. R. 11031) for the relief of the widow of H. C. Wade; to the Committee on Claims.

Also, a bill (H. R. 11032) for the relief of the heirs of Nathan M. Hancock; to the Committee on Claims.

Also, a bill (H. R. 11033) granting a pension to Mrs. E. L. Markham; to the Committee on Pensions.

By Mr. GOOD: A bill (H. R. 11034) granting an increase of pension to William J. Conrad; to the Committee on Invalid Pensions.

By Mr. GRAY of Indiana: A bill (H. R. 11035) granting an increase of pension to Sarah E. Pitman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11036) granting an increase of pension to Charlotte Robison; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11037) granting an increase of pension to Mary E. Tingle; to the Committee on Invalid Pensions.

By Mr. HENSLEY: A bill (H. R. 11038) granting an increase of pension to Susan G. Graham; to the Committee on Invalid Pensions.

By Mr. HUDDLESTON: A bill (H. R. 11039) granting an increase of pension to William B. Gere; to the Committee on Invalid Pensions.

By Mr. LANGLEY: A bill (H. R. 11040) granting an increase of pension to Sarah Jane Clarke; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11041) granting an increase of pension to William H. Williams; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11042) granting an increase of pension to Mathias Seaborn; to the Committee on Pensions.

By Mr. LITTLEPAGE: A bill (H. R. 11043) granting a pension to Bernia B. Lucas; to the Committee on Pensions.

By Mr. MONDELL: A bill (H. R. 11044) granting a pension to Albert O. Henley; to the Committee on Pensions.

Also, a bill (H. R. 11045) granting a pension to Thomas G. McEwan; to the Committee on Pensions.

By Mr. MONTAGUE: A bill (H. R. 11046) to appoint Edward Everett Capehart a rear admiral on the retired list of the Navy; to the Committee on Naval Affairs.

By Mr. POWERS: A bill (H. R. 11047) granting an increase of pension to Pollie W. Smith; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11048) granting an increase of pension to Julia A. Cook; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11049) granting a pension to Taylor Hubbard; to the Committee on Pensions.

By Mr. PRATT: A bill (H. R. 11050) granting an increase of pension to William H. Dayton; to the Committee on Invalid Pensions.

By Mr. RAGSDALE: A bill (H. R. 11051) granting a pension to Edwin C. Gasque; to the Committee on Pensions.

By Mr. REILLY: A bill (H. R. 11052) granting an increase of pension to Jane A. Ward; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11053) granting a pension to Catherine R. Reader; to the Committee on Invalid Pensions.

By Mr. RUBEY: A bill (H. R. 11054) granting an increase of pension to Jonathan B. Davis; to the Committee on Invalid Pensions.

By Mr. RUSSELL of Missouri: A bill (H. R. 11055) granting an increase of pension to Christopher S. Alvord; to the Committee on Pensions.

By Mr. SCHALL: A bill (H. R. 11056) granting an increase of pension to Albert E. Joslin; to the Committee on Invalid Pensions.

By Mr. SELLS: A bill (H. R. 11057) granting a pension to Almeda Jones; to the Committee on Invalid Pensions.

By Mr. SMITH of Idaho: A bill (H. R. 11059) granting a patent to Joseph Robicheau; to the Committee on the Public Lands.

Also, a bill (H. R. 11060) granting an increase of pension to Henry F. Bailey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11061) granting an increase of pension to George W. Zigler; to the Committee on Invalid Pensions.

Mr. SMITH of Michigan: A bill (H. R. 11062) granting an increase of pension to John R. Roe; to the Committee on Invalid Pensions.

By Mr. SMITH of Minnesota: A bill (H. R. 11063) for the relief of the Northwestern National Bank; to the Committee on Claims.

By Mr. TILSON: A bill (H. R. 11064) granting a pension to Mary E. Cram; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11065) granting an increase of pension to Ophelia A. Comstock; to the Committee on Invalid Pensions.

By Mr. WOOD of Indiana: A bill (H. R. 11066) granting an increase of pension to Andrew C. McCorkle; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11067) granting a pension to Millie B. Cook; to the Committee on Invalid Pensions.

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## PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Memorial of City Committee of the Socialist Party of Duluth, Minn., urging support of the resolution of Mr. LONDON offering aid to the belligerent nations to establish peace in Europe; to the Committee on Foreign Affairs.

Also (by request), memorial of United Cloth Hat and Cap Makers, urging Congress to intercede in the European war and establish peace, and ask the warring nations to recognize the Jews in their respective countries; to the Committee on Foreign Affairs.

By Mr. ASHBROOK: Resolutions of Noble Council, Daughters of America, of Shelby, Ohio, in favor of the Burnett immigration bill; to the Committee on Immigration and Naturalization.

Also, petition of the Barnes Manufacturing Co., of Mansfield, Ohio, favoring tax on dyestuffs; to the Committee on Ways and Means.

By Mr. BAILEY: Petition of George Blatchford, M. V. Zeth, D. F. Harclerode, and S. F. Fluke, of Hopewell; W. A. Figard and William Woellung, of Riddlesburg; and A. Frank Gump & Sons, D. A. Whetstone, F. S. Lucas, A. H. Whetstone, J. R. Fulton, F. A. Claycomb, D. A. Bloomfield, and A. C. Mann & Co., of Everett, all in the State of Pennsylvania, for the taxation of mail-order houses; to the Committee on Ways and Means.

By Mr. CARY: Petition of Maltsters' Local Union No. 89, Brewery Engineers and Firemen's Union No. 25, Beer Drivers' Union No. 72, Herman Toser Co., and the Milwaukee Vinegar Co., all of Milwaukee, Wis., protesting against the passage of prohibition legislation; to the Committee on Ways and Means.

By Mr. CHARLES: Petition of E. W. Starr Co., of Gloversville, and Gloversville (N. Y.) Leather Corporation, favoring tax on dyestuff; to the Committee on Ways and Means.

By Mr. DALE of New York: Petition of John R. Haynes, Los Angeles, Cal., favoring passage of House bill 476—compensation to injured Government employees; to the Committee on the Judiciary.

Also, petition of F. Howard Smith, Miss Caroline Marvin, S. M. Hewitt, and William J. E. Turnbull, of Brooklyn, N. Y., favoring passage of House bill 9814, relative to land of Oregon & California Railroad Co.; to the Committee on the Public Lands.

Also, petition of New York State Court, Guardians of Liberty, favoring passage of Burnett immigration bill; to the Committee on Immigration and Naturalization.

Also, petition of Federal Milling Co., Lockport, N. Y., favoring passage of grain grades bill, H. R. 10405; to the Committee on Agriculture.

By Mr. DYER: Memorial of Col. John Jacob Astor Camp, No. 28, United Spanish War Veterans, of Atlantic City, N. J.; Harry W. Lawton Camp, No. 1, Department of California, United Spanish War Veterans; Nelson A. Miles Camp, United Spanish War Veterans, of Alva, Okla.; George H. Tortson Camp, No. 2, United Spanish War Veterans of Seattle, Wash.; Walter I. Chadboune Camp, No. 24, United Spanish War Veterans, of Chelsea, Mass.; J. C. Brown Camp, No. 31, Department of Michigan, United Spanish War Veterans; Henry W. Lawton Camp, No. 6, Department of Oklahoma, of Lawton, Okla., in favor of bill pensioning widows and orphans of Spanish-American War veterans; to the Committee on Pensions.

Also, memorials of John C. Durst Camp, No. 40, Department of Michigan, United Spanish War Veterans; Stephen J. Ryan Camp, No. 7, of Lawrence, Mass., United Spanish War Veterans; M. C. Casberg Camp, No. 11, Department of Michigan, United Spanish War Veterans; O'Neil Camp, No. 15, of Buffalo, N. Y., United Spanish War Veterans; Siboney Bay Camp, No. 8, United Spanish War Veterans, of Rock Island, Ill.; Sergeant Fred Thomas Camp, No. 48, United Spanish War Veterans, of Haverhill, Mass.; Scout Young Camp, No. 2, United Spanish War Veterans, of Portland, Oreg., in favor of bill granting pensions to widows and orphans of veterans of the Spanish-American War; to the Committee on Pensions.

Also, petition of Majestic Manufacturing Co., of St. Louis, Mo., and Buxton & Skinner Printing & Stationery Co., of St. Louis, in favor of the passage of House bill 6885, a bill to provide a per capita payment to the Choctaws and Chickasaws; to the Committee on Indian Affairs.

Also, memorial of Whitman Agricultural Co., of St. Louis, Mo., in reference to Canadian tariff discrimination and establishment of an American merchant marine; to the Committee on Ways and Means.

Also, petition of Sherwin-Williams Co., of St. Louis, Mo., favoring House bill 702—the dyestuffs bill; to the Committee on Ways and Means.

Also, memorial of First Regiment National Guard of Missouri, favoring militia pay bill; to the Committee on Military Affairs.

Also, petition of Regina Flour Mill Co., of St. Louis, Mo., opposing repeal of the so-called mixed-flour law; to the Committee on Ways and Means.

Also, petition of W. S. Dearmont, president Missouri State Normal School, of Cape Girardeau, Mo., favoring national aid in vocational education; to the Committee on Education.

Also, memorial of International Union of the United Brewery Workmen, protesting against national prohibition by a constitutional amendment; to the Committee on the Judiciary.

Also, petition of the National Bank of Commerce of St. Louis, Mo., in favor of distribution of the funds of the Choctaw and Chickasaw Indians, of Oklahoma, now in the United States Treasury; to the Committee on Indian Affairs.

Also, petition of F. R. Rice Mercantile Cigar Co., of St. Louis, Mo., urging distribution of $5,000,000 of the Choctaw and Chickasaw Indian funds now in the United States Treasury; to the Committee on Indian Affairs.

By Mr. FOCHT: Evidence in support of House bill 10797, for the relief of Jacob F. Schild; to the Committee on Military Affairs.

By Mr. FULLER: Petition of Rockford (Ill.) Musical Association, favoring repeal of the tax on theaters; to the Committee on Ways and Means.

By Mr. GALLIVAN: Petition of citizens of Massachusetts, against war tax on tooth paste; to the Committee on Ways and Means.

By Mr. GARRETT: Memorial of West Kentucky and Tennessee Millers' Association, against the repeal of the mixed-flour law; to the Committee on Ways and Means.

By Mr. GRIEST: Memorial of Lancaster Central Labor Union, Lancaster, Pa., urging the printing and distribution of the report of the Commission on Industrial Relations; to the Committee on Printing.

Also, memorial of National Headquarters, United Spanish War Veterans, declaring in favor of national preparedness and adequate national defense; to the Committee on Military Affairs.

Also, memorial of New York Zoological Society, indorsing a plan for game sanctuaries in national forests; to the Committee on the Public Lands.

By Mr. HOWELL: Petition of Retail Dry Goods Association, of Salt Lake City, Utah, against the so-called Stephens price-maintenance bill; to the Committee on Interstate and Foreign Commerce.

Also, petition of Peter Siddell, J. T. Turner, and 60 other citizens of Wellington, Utah, against increasing the Army and Navy; to the Committee on Military Affairs.

By Mr. HUTCHINSON: Petition of Morris & Co. and Hussong Dyeing Machine Co., favoring tax on dyestuffs; to the Committee on Ways and Means.

By Mr. IGOE: Petition of St. Louis Chapter, Knights of Columbus, on behalf of 10,000 members of Knights of Columbus of Missouri, favoring October 12 as legal holiday in District of Columbia; to the Committee on the District of Columbia.

Also, petition of International Union of United Brewery Workmen, against national prohibition; to the Committee on the Judiciary.

Also, petition of Merchants' Exchange of St. Louis, Mo., favoring passage of House bill 651, concerning freight charges; to the Committee on Interstate and Foreign Commerce.

By KENNEDY of Rhode Island: Memorial of Rhode Island Retail Liquor Dealers' Association, against additional tax on beer, etc.; to the Committee on Ways and Means.

By Mr. LEHLBACH: Petition of Max Hertz, of Newark, N. J., in favor of House bill 702—the dyestuffs bill; to the Committee on Ways and Means.

By Mr. LEWIS: Petition of First Methodist Protestant Church of Washington, D. C., favoring prohibition in District of Columbia; to the Committee on the District of Columbia.

By Mr. LOUD: Petititon of six members of Tustin Grange, No. 1553, Osceola County, Mich., against preparedness; to the Committee on Military Affairs.

By Mr. MATTHEWS: Evidence in support of House bill 10885, a bill to restore the pension of Susan L. Zuver; to the Committee on Invalid Pensions.

Also, evidence in support of House bill 10884, to grant a pension to Robert S. Peterson; to the Committee on Pensions.

Also, evidence supporting House bill 10886, to increase the pension of Eleanor Jane Bowman; to the Committee on Invalid Pensions.

Also, evidence supporting House bill 10887, a bill to increase the pension of David Johnson; to the Committee on Invalid Pensions.

By Mr. MILLER of Delaware: Memorial of Delaware Leather Co., of Wilmington, Del., favoring tax on dyestuffs; to the Committee on Ways and Means.

By Mr. MORIN: Petition of International Union of United Brewery Workmen, against national prohibition; to the Committee on the Judiciary.

Also, memorial of the Pennsylvania Federation of Labor, against repeal of the seamen's law; to the Committee on the Merchant Marine and Fisheries.

Also, petition of Oliver P. Nicola, against censorship of motion pictures; to the Committee on Education.

Also, petition of H. W. Noren, of Pittsburgh, Pa., favoring bill to investigate expenditures of Army and Navy; to the Committee on Military Affairs.

Also, petition of H. W. Ochse, favoring bill for relief of California oil interest; to the Committee on the Public Lands.

Also, petition of Lawrence Litchfield, of Pittsburgh, Pa., favoring passage of workman's compensation bill; to the Committee on the Judiciary.

Also, petition of the Ph. Hamburger Co., of Pittsburgh, Pa., against prohibition in the District of Columbia; to the Committee on the District of Columbia.

By Mr. OVERMYER: Petition of the Women's Federation of Clubs of Norwalk, Ohio, favoring Federal censorship of motion pictures, etc.; to the Committee on Education.

Also, petition of Bellevue (Ohio) Savings Bank, favoring 1-cent letter postage; to the Committee on the Post Office and Post Roads.

Also, petition of the Ohio Cultivator Co., of Bellevue, and Ohio Manufacturers' Association, against the Burnett immigration bill; to the Committee on Immigration and Naturalization.

Also, memorial of Huron County (Ohio) Democratic Executive Committee, favoring preparedness; to the Committee on Military Affairs.

By Mr. PRATT: Petition of Schuyler County (N. Y.) Society of Friends, protesting against any further increase in armaments; to the Committee on Military Affairs.

Also, petition of John A. Mathews, Esq., of Elmira, N. Y., favoring the President's program with respect to the appropriation for the Army and the Navy; to the Committee on Military Affairs.

Also, petition of Allan H. Gilbert, of Ithaca, N. Y., favoring the passage of the Keating-Owen bill with respect to child labor; to the Committee on Labor.

Also, petition adopted by a mass meeting of 30 people (E. E. Winchester, chairman) of Cohocton, N. Y., favoring national constitutional prohibition; to the Committee on the Judiciary.

Also, petition of John A. Mathews, Esq., of Elmira, N. Y., favoring the passage of the Keating-Owen bill with respect to child labor; to the Committee on Labor.

By Mr. SMITH of Idaho: Papers to accompany House bill 9647, for the relief of Aaron Kibler; to the Committee on Military Affairs.

Also, papers to accompany House bill 9025, granting an increase of pension to Richard Harris; to the Committee on Invalid Pensions.

By Mr. STEPHENS of California: Petitions of the Braun Corporation, Spohn Cook Co., and Stetson, and others, of Los Angeles, Cal., favoring Alaskan appropriations; to the Committee on Appropriations.

Also, petitions of A. C. F. Dee and 8 others, of Los Angeles, Cal., favoring restriction of immigration; to the Committee on Immigration and Naturalization.

Also, memorial of Labor Council of San Francisco, Cal., favoring anticontract labor laws; to the Committee on Labor.

Also, petition of United Workmen of Los Angeles, Cal., against national prohibition; to the Committee on the Judiciary.

Also, petition of Emanuel Presbyterian Church and 50 citizens of Los Angeles; Woman's Christian Temperance Union of San Jose; Church of the Nazarene and Woman's Christian Temperance Union of Whittier; Woman's Christian Temperance Union of Alhambra; and E. G. Evans, of Pasadena, all in the State of California, favoring national prohibition; to the Committee on the Judiciary.

Also, memorial of California Civic League, of San Francisco, Cal., favoring woman suffrage; to the Committee on the Judiciary.

Also, memorial of Chambers of Commerce of Sacramento and Berkeley, Cal., favoring increased railway-mail pay; to the Committee on the Post Office and Post Roads.

Also, petition of American Institute of Architects, of Los Angeles, Cal., against House bill 743, for building for Department of Justice; to the Committee on Public Buildings and Grounds.

Also, memorial of Consumers' League of San Francisco, Cal., favoring merchant marine; to the Committee on the Merchant Marine and Fisheries.

Also, memorial of Chamber of Commerce of Oakland, and California Development Board, of San Francisco, Cal., favoring remedial oil legislation; to the Committee on the Public Lands.

Also, memorial of State Federation of Labor and Labor Council of San Francisco and Labor Council of Alameda County, Cal., favoring Federal aid for tuberculosis hospitals; to the Committee on Interstate and Foreign Commerce.

Also, memorial of Chamber of Commerce of Santo Monica, Cal., against Federal tax on gasoline; to the Committee on Ways and Means.

Also, memorial of Los Angeles Labor Council, indorsing House bill 5763, to reduce night work of post-office clerks; to the Committee on the Post Office and Post Roads.

Also, petitions of Hoover Spring Co., Western Pipe & Steel Co., and Chamber of Commerce of San Francisco, Cal., against the Taylor system; to the Committee on Reform in the Civil Service.

Also, memorial of United Spanish War Veterans, favoring preparedness; to the Committee on Military Affairs.

Also, memorial of Ministerial Union and John M. Benjamin and 20 others, of Los Angeles, Cal., against preparedness; to the Committee on Military Affairs.

Also, petition of L. E. Rice and others, of Los Angeles, Cal., favoring reorganization of Indian affairs; to the Committee on Indian Affairs.

Also, petitions of California Bakers' Association and Spring Flour Co., of San Francisco, Cal., opposing repeal of mixed-flour law; to the Committee on Ways and Means.

Also, memorials of Labor Councils of San Francisco and Los Angeles and Typographical Union of San Francisco, Cal., favoring printing Industrial Commission report; to the Committee on Printing.

Also, memorial of C. F. Kuhnle, secretary German Ministerial Association, and 185 citizens of Los Angeles, Cal., favoring embargo on arms and ammunition; to the Committee on Foreign Affairs.

By Mr. STINESS: Petition of Local Union No. 114, of Providence, R. I., International Union of the United Brewery Workmen of America, against national prohibition; to the Committee on the Judiciary.

By Mr. SULLOWAY: Memorial of Molly Stark Council, No. 1, Sons and Daughters of Liberty, Manchester, N. H., favoring Burnett immigration bill; to the Committee on Immigration and Naturalization.

By Mr. TILSON: Petition of Victor S. Skinner and others, of Guilford, Conn., favoring woman suffrage; to the Committee on the Judiciary.

Also, petition of Meriden Branch of International Union of the United Brewery Workmen, opposing national prohibition; to the Committee on the Judiciary.

By Mr. WINSLOW: Petition of Wachusett Thread Co., of Worcester, Mass., favoring tax on dyestuffs; to the Committee on Ways and Means.

Also, memorial of lodges of Good Templars of Worcester, Mass., against preparedness; to the Committee on Military Affairs.

## SENATE.

### TUESDAY, *February 8, 1916.*

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, it is not by our merit but by Thy grace that we are preserved in peace and plenty amid the world's great alarm. We have come to know that human wisdom is not sufficient for human life. Our life opens out toward God and eternity, and our chief concern is in the keeping of Thy law. Teach us Thy law, not in its letter that killeth but in its spirit that maketh alive, and in the life that Thou dost impart to us through the law of life may we live and perform our duties this day and always. For Christ's sake. Amen.

The Vice President being absent, the President pro tempore took the chair.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. VARDAMAN, and by unanimous consent, the further reading was dispensed with, and the Journal was approved.

#### LIST OF CLAIMS (S. DOC. NO. 317).

The PRESIDENT pro tempore laid before the Senate a communication from the chief clerk of the Court of Claims, transmitting a list of three cases which have been dismissed by order of the court under the act of March 4, 1915, known as the Crawford amendment, which was referred to the Committee on Claims and ordered to be printed.

#### PETITIONS AND MEMORIALS.

The PRESIDENT pro tempore presented a telegram in the nature of a petition from sundry citizens of Sterling, Kans., praying for national prohibition, which was referred to the Committee on the Judiciary.

Mr. LEA of Tennessee presented petitions of 150 citizens of Daisy, 51 citizens of Kenton, 1,000 citizens of Lebanon, and of sundry citizens of Franklin, all in the State of Tennessee, pray-

ing for national prohibition, which were referred to the Committee on the Judiciary.

Mr. CURTIS. I present a telegram in the nature of resolutions adopted at the eleventh annual convention of the Kansas division of the Farmers' Educational and Cooperative Union of America, which I ask may be printed in the RECORD.

There being no objection, the telegram was ordered to be printed in the RECORD, as follows:

SALINA, KANS., *February 5, 1916.*

Senator CHARLES CURTIS,
*Washington, D. C.*

SIR: The following resolutions were unanimously adopted by the eleventh annual convention of the Kansas division of the Farmers' Educational and Cooperative Union of America:

"We are unalterably opposed to a large standing army and to any change in our military system tending to compulsory military service. As the fathers and mothers of the boys attending the Kansas State Agricultural College, we refuse our consent that our boys be forced to enlist in any military organization. We are opposed to militarism and to any preparedness program involving excessive expenditure of National and State revenues in time of peace. We favor the manufacture of all necessary military and naval supplies and equipments by the Government. We commend the position of our Senators and Representatives who are opposing the plans for excessive military preparedness now pending in Congress, and we instruct our president, Maurice McAuliffe, to telegraph these resolutions to the congressional delegation from Kansas."

I have the honor to remain,
Your most obedient servant, the president,
MAURICE MCAULIFFE.

Mr. SHEPPARD presented a petition of sundry citizens of Texas, praying for an increase in armaments, which was referred to the Committee on Military Affairs.

Mr. JAMES. I present a petition signed by a large number of Confederate soldiers in the Kentucky home at Pewee Valley, Ky., praying for the passage of the bill for the benefit of old Confederate soldiers and their widows. I ask that the petition, together with the signatures, be printed in the RECORD and referred to the Committee on Pensions.

There being no objection, the petition was referred to the Committee on Pensions and ordered to be printed in the RECORD, as follows:

We, the undersigned Confederates, respectfully petition our worthy Senator, OLLIE M. JAMES, to exhibit this list of old Confederate soldiers who are deeply concerned in the passage of Hon. JOHN N. TILLMAN'S bill, No. 478, which was introduced by the Hon. BENJAMIN R. TILLMAN in the United States Senate, for the exclusive benefit of old Confederate soldiers and their widows:

Jas. T. Stagmar; John Bowman; A. S. Henderson; P. A. McManon; E. O. Martin; John T. Jones; J. W. Crockett; Ed. Harris; Thos. A. Fain; John F. Furnish; Wm. W. Monahan; John F. Davis; R. J. Rabb; Jas. G. Griffin; J. A. Ritch; John Yong; W. L. Herriser; Dr. G. A. Harrel; T. R. Tyer; R. J. Grace; L. C. Hays; T. P. Baker; L. L. Presmitt; C. A. Hamlet, Company C, Eighth Kentucky Cavalry; Burr Ford, First Confederate Cavalry; Hazel Bridsed, Wheeler's Cavalry; Frank Hart, Company H, Third Arkansas Infantry; Wm. B. Mooklar; M. F. H. Westby, Company C, Kentucky; Jno. F. Wisotzki, Company B, First Kentucky Cavalry; J. T. Berriman; W. S. Watson; W. A. Meller; B. J. Wesson; Sam W. Davis; G. W. O'Bannon; Jas. McEvoyh; H. O. Sheater; H. M. Bakewell; Miles B. James; T. H. Burch; I. L. Smith; R. T. Mingo; R. M. Miles; Ed. O'Brien; C. F. Keesee, Company D, Eighth Kentucky Cavalry; Greenberg D. Olson; Jas. A. Phirl; Wm. Pearce; D. F. Johnson, Company A, Second Kentucky Cavalry; B. F. Cottman; Isaac Glascock; Jake Keet; J. John Cox; Robert B. Seat; W. P. Williams; Jesse Markwell; James Hines; Ed. E. Browder, Fulton, Ky.; A. J. Kirtley, Paradise, Ky.; P. E. Heckensmith; Joe C. Scott; John T. Jones; Linville; Dick Skillman.

Mr. PHELAN presented a telegram in the nature of a petition from the Chamber of Mines and Oil, Los Angeles, Cal., praying for the enactment of legislation for the relief of the oil operators of California, which was referred to the Committee on Public Lands.

He also presented a petition of the board of trustees of the town of Sisson, Cal., praying that an appropriation be made for the construction of a highway on Mount Shasta, Cal., which was referred to the Committee on Agriculture and Forestry.

Mr. LODGE presented a petition of the Massachusetts Branch of the Congressional Union for Woman Suffrage, praying for the adoption of an amendment to the Constitution granting the right of suffrage to women, which was ordered to lie on the table.

He also presented petitions of the Paine Furniture Co., the Carpenter-Morton Co., and the Shedd Leather Co., all of Boston, in the State of Massachusetts, praying for the imposition of a duty on dyestuffs, which were referred to the Committee on Finance.

Mr. GALLINGER presented the petition of Edward F. Miller, of Keene, N. H., and the petition of Rev. G. E. Crouse, of Cheeham, N. H., praying for prohibition in the District of Columbia, which were ordered to lie on the table.

He also presented a petition of the congregation of the First Christian Church, of Newton, N. H., praying for national prohibition, which was referred to the Committee on the Judiciary.

Mr. BROUSSARD presented a petition of the School League of South Crowley, La., praying for Federal censorship of motion pictures, which was referred to the Committee on Education and Labor.

Mr. NELSON presented a petition of the Commercial Club of Two Harbors, Minn., praying that an appropriation be made for the construction of a highway through the Superior National Forest, in that State, which was referred to the Committee on Agriculture and Forestry.

Mr. WORKS presented a memorial of sundry citizens of San Luis Obispo, Cal., remonstrating against an increase in armaments, which was referred to the Committee on Military Affairs.

Mr. WADSWORTH presented petitions of the Barnet Leather Co., of Longman & Martinez, and of Charles Meyer, all of New York City, N. Y., praying for the imposition of a duty on dyestuffs, which were referred to the Committee on Finance.

He also presented a petition of the Chamber of Commerce of Rome, N. Y., praying for the enactment of legislation to limit the time within which carriers may file claims for undercharges, which was referred to the Committee on Interstate Commerce.

Mr. BRANDEGEE presented a petition of the Scovill Manufacturing Co., of Waterbury, Conn., praying for the imposition of a duty on dyestuffs, which was referred to the Committee on Finance.

## FLOODS IN THE MISSISSIPPI VALLEY.

Mr. JAMES. Mr. President, I have a telegram here from the mayor of Hickman, Ky., sent to me yesterday, in regard to the flood situation. The Senate passed a bill last Friday appropriating $100,000 for the relief of the flood sufferers. It seems that an officer of the Army stationed at Memphis has made a report that no necessity exists for such an appropriation.

I desire to have this telegram read to the Senate.

The PRESIDENT pro tempore. Such will be the order, unless there is objection. The Chair hears none.

The Secretary read the telegram, as follows:

HICKMAN, KY., *February 7, 1916.*

Senator OLLIE M. JAMES,
*1746 K Street NW., Washington, D. C.:*

We have fed 1,500 people to-day; also have clothed those that were in absolute destitute circumstances. The report sent out by Col. Markham, of Memphis, is without foundation. I have inquired and made diligent search for the author, but have been unsuccessful. Therefore it must be a misrepresentation, as Fulton, Union City, Martin, Mayfield, Paducah, and Louisville are all responding to our distress call, and it certainly stands to reason that the sister cities right close to us have investigated the situation and know more about what we need than a man 125 miles away from here that has never proffered assistance.

TOM DILLON, Sr., *Mayor.*

Mr. ROBINSON subsequently said: Mr. President, I desire permission to have printed in the RECORD a number of telegrams which I have received and one or two which I have sent touching the flood situation in the valleys of the Mississippi and its tributaries.

A few days ago the Senate passed a measure appropriating $100,000 and authorizing the use of Government tents and boats for relief purposes. That measure is still pending at the other end of the Capitol.

I am in receipt of information this morning from the county judge of Chicot County, State of Arkansas, who I know to be a reliable and truthful citizen, stating that at different places—and he names the places—there are hundreds, aggregating in all several thousand people, who are driven from their homes by the flood; that all able-bodied men whose services are needed are at work on the levees; and that there is great suffering and necessity for immediate relief. I hope action will be speedily taken in the other branch of Congress.

I ask that these several telegrams be printed in the RECORD.

There being no objection, the telegrams were ordered to be printed in the RECORD, as follows:

WASHINGTON, D. C., *February 6, 1916.*

Hon. LINDLEY M. GARRISON,
*Secretary of War, Washington, D. C.:*

Am just in receipt of the following telegrams:

"LITTLE ROCK, ARK., *February 5, 1916.*

"Hon. JOE T. ROBINSON,
"*Washington, D. C.:*

"Clarendon levee broke to-night. Water over town by morning. Water 4 to 8 feet deep in Arkansas City. Four feet more coming.

"FRED HEISKELL.

"LAKE VILLAGE, ARK., *February 5, 1916.*

"Senator JOE T. ROBINSON,
"*Washington, D. C.:*

"Most disastrous flood in history of Chicot County is now on us. The water higher and covers greater area than ever before. Four thousand people hungry, homeless, and destitute, and need immediate aid and sustenance. Several hundred at Gaines Landing to-night shivering on the levee, without food and shelter. Unless Congress makes provision for immediate relief many will perish from cold, hunger, and neglect.

Local authorities and organizations totally unable to cope with the situation. Confer with War Department and secure requisition rations for 4,000 people for two weeks, to be delivered at Vanciuse Landing as quickly as possible. Other requisitions must necessarily follow.

"M. M. Norton, M. D., county health officer; George E. Booth, M. D., county coroner; J. B. Sims, vice president Chicot Bank & Trust Co.; William Yerger, mayor of Lake Village; Sam Epstein, manager; Percy Sanders, manager, Gaines Landing; Wilson Bros., merchants, Luna Landing; W. H. Carpenter, manager; F. O. Anders, manager, Macon Lake; Roy Johnson, planter, Sunnyside; F. H. Dantzler, planter, Red Leaf; Jones & Dunn, mills and timber, Jennie; A. L. Mills, Chicot; Harry E. Cook, county judge."

JOE T. ROBINSON,
*United States Senator.*

—

FEBRUARY 6, 1916.

Hon. HARRY COOK,
*Lake Village, Ark.:*

Replying to telegram signed by yourself and others, War Department insists that it has no authority to permit use of tents, and that no necessity exists for legislation. Notwithstanding the Senate passed bill Friday authorizing same and $100,000 for provisions, Engineer Markham, at Memphis, and Engineer Slattery, Vicksburg, have reported to the department that substantial citizens and representative planters of flooded community are unalterably opposed to providing free rations, and Markham says they are unalterably opposed to permitting use of tents for refugees, and that Government aid will demoralize labor. Markham urges department to oppose legislative relief, and Slattery says that it would materially help situation if all hope of free rations were squelched. Both these engineers insist that adequate relief is being given flood sufferers. Bill held up in House. Inform engineers fully. Insist upon necessary action and reports by them and wire me fully.

JOE T. ROBINSON,
*United States Senator.*

—

LAKE VILLAGE, ARK., *February 7, 1916.*

Senator JOE T. ROBINSON,
*Washington, D. C.:*

Replying to your telegram of this date, after conferring with the most representative and best-informed citizens of affected areas beg to advise that the following numbers of needy, destitute, and deserving people, rendered homeless by the present unprecedented flood now upon us, will need aid and sustenance, and that the local authorities and organizations are totally unable to render the assistance required: Gaines Landing, 500; Luna Landing, 700; Redleaf, 500; Jennie, 400; Chicot, 400; Lake Village, 800; Readland, 800; Grand Lake, 800; Portland, 600; with Eudora, Harwood, and Sunnyside unreported. Attitude of Maj. Slattery vacillating and inefficient. Every able-bodied man either on levee saving human and animal life and ready to go to front upon moment's notice. Slattery first refuses aid, then grants insufficient aid; arbitrary and dictatorial in every instance. Government rations have always been refused where anyone refuses levee or other emergency work, and Maj. Slattery can not truthfully assert the contrary. The citizens of the many counties of Arkansas and nine parishes of Louisiana deserve some consideration. Water just reached southern end of county and northern Louisiana. Unless immediate relief is granted thousands of stock and many human lives will perish. Maj. Slattery unacquainted with suffering of people and too brutal and inhuman to conserve their dire necessities. County has dispatched physicians to aid sick and exposed on levee fronts. Women and children, hundreds in number, cribbed up; over 6 to 15 feet of water; three-fourths of county submerged.

HARRY E. COOK, *County Judge.*

—

BRINKLEY, ARK., *February 7, 1916.*

Senator JOE T. ROBINSON,
*Washington, D. C.:*

Clarendon all under water and being washed away. Can you please have a portion of appropriation sent there quick?

T. C. SIMMONS,
*Chairman Relief Committee.*

## REPORTS OF COMMITTEES.

Mr. OWEN, from the Committee on Indian Affairs, to which was referred the bill (S. 1099) to authorize the Atchison, Topeka & Santa Fe Railway Co. to change its line of railroad through the Chilocco Indian Reservation, State of Oklahoma, reported it without amendment and submitted a report (No. 114) thereon.

Mr. FLETCHER. From the Committee on the Judiciary I report back favorably without amendment the bill (S. 1809) to create an additional judge in the district of New Jersey. I ask leave to file a formal report later. (S. Rept. 116.)

The PRESIDENT pro tempore. Such will be the order. The bill will be placed on the calendar.

Mr. TILLMAN. From the Committee on Naval Affairs I report back favorably by way of a substitute the bill (S. 1417) to erect a factory for the manufacture of armor. I will submit a report on the bill later. (S. Rept. 115.)

The PRESIDENT pro tempore. Leave will be granted and the bill will be placed on the calendar.

## COURT AT WINCHESTER, TENN.

Mr. LEA of Tennessee. Mr. President, I ask unanimous consent for the present consideration of Order of Business No. 103, being Senate bill 377, providing for the establishment of a term of the district court for the middle district of Tennessee at Winchester, Tenn.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The amendment of the committee was to strike out section 2 of the bill in the following language:

SEC. 2. That this act shall take effect and be in force from the date of its ratification.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

## BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. LEA of Tennessee:

A bill (S. 4310) to provide for recognizing the services of certain officers of the Army for their services in connection with the Philippine Government;

A bill (S. 4311) for the promotion of J. H. McCall; and

A bill (S. 4312) to enlarge the military post of Fort Oglethorpe, Ga., and making appropriation therefor; to the Committee on Military Affairs.

A bill (S. 4313) for the relief of Robert Walls; to the Committee on Claims.

A bill (S. 4314) granting a pension to Joseph Owen Dennison; to the Committee on Pensions.

By Mr. MARTINE of New Jersey:

A bill (S. 4315) granting an increase of pension to Gilbert J. Jackson (with accompanying papers); to the Committee on Pensions.

By Mr. SWANSON:

A bill (S. 4316) granting 30 days' leave of absence in each year without forfeiture of pay during such leave to employees at United States navy yards, gun factories, naval stations, and arsenals; to the Committee on Naval Affairs.

By Mr. KENYON:

A bill (S. 4317) granting an increase of pension to Thomas J. Lowery (with accompanying papers); to the Committee on Pensions.

By Mr. LANE:

A bill (S. 4318) granting an increase of pension to Jeu Rody Chauncey; to the Committee on Pensions.

By Mr. OVERMAN:

A bill (S. 4319) to amend section 195 of the act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911; to the Committee on the Judiciary.

By Mr. JAMES:

A bill (S. 4320) granting a pension to Thomas R. Peak (with accompanying papers); to the Committee on Pensions.

By Mr. BROUSSARD:

A bill (S. 4321) for the relief of the Citizens' Homestead Association of New Orleans, La.; and

A bill (S. 4322) for the relief of the Teutonia Loan & Building Co., of New Orleans, La. (with accompanying papers); to the Committee on Claims.

A bill (S. 4323) granting an increase of pension to Eugenia L. Williams; to the Committee on Pensions.

By Mr. NELSON:

A bill (S. 4324) to increase the pensions of those who have lost a limb or limbs or have been totally disabled in the same in the military or naval service of the United States; and

A bill (S. 4325) granting an increase of pension to John Kern; to the Committee on Pensions.

By Mr. JOHNSON of Maine:

A bill (S. 4326) for the relief of Moses Quarter (with accompanying papers); to the Committee on Military Affairs.

A bill (S. 4327) granting a pension to Cecil D. Moody;

A bill (S. 4328) granting an increase of pension to Edward Mason (with accompanying papers);

A bill (S. 4329) granting an increase of pension to Madison K. Mabury (with accompanying papers);

A bill (S. 4330) granting an increase of pension to Alonzo E. Martin (with accompanying papers);

A bill (S. 4331) granting a pension to Celestia M. Lull (with accompanying papers);

A bill (S. 4332) granting an increase of pension to Frederick N. Ames (with accompanying papers);

A bill (S. 4333) granting an increase of pension to John Murphy (with accompanying papers);

A bill (S. 4334) granting a pension to Edwin W. Clark (with accompanying papers);

A bill (S. 4335) granting an increase of pension to Charles M. Bradbury (with accompanying papers);

A bill (S. 4336) granting an increase of pension to Lloyd Roberts (with accompanying papers);

A bill (S. 4337) granting an increase of pension to Marion K. P. Sellmer (with accompanying papers);

A bill (S. 4338) granting an increase of pension to Joseph Lyman (with accompanying papers); and

A bill (S. 4339) granting an increase of pension to Samuel Mercer (with accompanying papers); to the Committee on Pensions.

WITHDRAWAL OF PAPERS—JOHN RAINS.

On motion of Mr. CURTIS, it was

*Ordered*, That the papers in the case of John Rains (S. 6819, 62d Cong., 2d sess.) be withdrawn from the files of the Senate, no adverse report having been made thereon.

LANDS IN NEVADA.

The PRESIDENT pro tempore. The morning business is closed.

Mr. PITTMAN. The regular order is Senate bill 2520, which was under consideration yesterday, the first bill on the calendar, Order of Business No. 3. I ask unanimous consent that the Senate now proceed to the consideration of the bill.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 2520) granting to the State of Nevada 7,000,000 acres of land in said State for the use and benefit of the public schools of Nevada and the State University of the State of Nevada.

The PRESIDENT pro tempore. The question is on the amendment offered by the Senator from Wisconsin [Mr. LA FOLLETTE].

Mr. SMOOT. The Senator from Wisconsin [Mr. LA FOLLETTE] is not in the Chamber, and I know he expects to be here in a very few moments. In order to give him time to get here, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Senator from Utah suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

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| Bankhead | Hollis | Newlands | Smith, Mich. |
| Beckham | Hughes | Norris | Smith, S. C. |
| Borah | Husting | Oliver | Smoot |
| Broussard | James | Overman | Sterling |
| Bryan | Johnson, Me. | Owen | Stone |
| Catron | Johnson, S. Dak. | Page | Sutherland |
| Chamberlain | Jones | Phelan | Swanson |
| Chilton | Kenyon | Pittman | Thomas |
| Clapp | Kern | Poindexter | Thompson |
| Clark, Wyo. | La Follette | Pomerene | Tillman |
| Clarke, Ark. | Lane | Ransdell | Underwood |
| Colt | Lea, Tenn. | Reed | Vardaman |
| Dillingham | Lee, Md. | Robinson | Wadsworth |
| Fall | Lodge | Saulsbury | Walsh |
| Fletcher | McCumber | Shafroth | Warren |
| Gallinger | McLean | Sheppard | Williams |
| Harding | Martine, N. J. | Simmons | Works |
| Hardwick | Nelson | Smith, Ga. | |

The VICE PRESIDENT resumed the chair.

Mr. LANE. I wish to announce the necessary absence of the Senator from Arizona [Mr. ASHURST] on official business.

Mr. MARTINE of New Jersey. I was authorized to state that the senior Senator from New York [Mr. O'GORMAN] is absent on official business.

Mr. SMITH of Michigan. My colleague [Mr. TOWNSEND] is unavoidably absent from the Senate on account of illness in his family.

The VICE PRESIDENT. Seventy-one Senators have answered to the roll call. There is a quorum present.

Mr. PITTMAN. I offer a substitute for the amendment proposed by the Senator from Wisconsin.

The VICE PRESIDENT. It will be read.

The SECRETARY. On page 2, insert the following additional proviso at the end of section 3:

*Provided further*, That none of the lands herein granted shall be sold or disposed of until their value shall have been appraised and fixed by the "State Commission of Industry, Agriculture, and Irrigation of the State of Nevada," or such other board or commission as may hereafter be created or designated for such purposes by the Legislature of the State of Nevada; and none of said lands shall be sold for less than the price so appraised and fixed by said commission or board.

Mr. PITTMAN. Mr. President——

The VICE PRESIDENT. The Chair will state that this is not a substitute for the amendment of the Senator from Wisconsin. It does not come in the bill at the point where the Senator from Wisconsin has proposed an amendment. It will not affect the result, however, as the amendments may be voted upon separately.

Mr. PITTMAN. That is perfectly satisfactory. I did not have the amendment of the Senator from Wisconsin before me at the time, and could not designate at what point it was moved to amend the bill.

Mr. President, I wish to invite the attention of the Senator from Wisconsin to this amendment. I thoroughly realize the interest that he has taken in this matter. I know that he is attempting to accomplish exactly the same result that I am attempting to accomplish. I am willing at any time to accept any suggestion from any Senator that will apparently accomplish that purpose better.

The Senator from Wisconsin is afraid that the public schools and the University of Nevada will not be protected under this bill. If he is right in that, then the bill should be amended. There is no question of that.

The question is as to whether or not that protection should be vested in some authority in the State or attempted to be exercised by this body. The Senator from Wisconsin has called attention to a great many wrongs that have been committed against the public lands through acts of Congress; he is afraid now that if this matter is left to the States they will commit similar wrongs. I want to call the attention of the Senator from Wisconsin to the fact that this body itself has changed its methods and its views since the time of the examples recited by the Senator from Wisconsin. There was a time when the Senator from Wisconsin was complaining against the action of this very body; he was complaining that this body did not represent the best sentiments of the people of this country. Whether he was right or wrong in that, the fact is that the methods and sentiments of this body have undergone a certain change in the last 10 or 15 years; but the same sentiment that caused the change of method in this body has also affected every State legislature of which I know in the United States.

There was a time when public lands were so plentiful that their value was little realized and they were probably sacrificed. I do not think there is anyone to-day in any State but realizes the value of land. The people in our State have the same realization of that as has the Senator from Wisconsin. We received 2,000,000 acres of land a great many years ago, and those lands were not sold for a sufficient price; there was not a sufficient fund created. I know it, and the Senator from Wisconsin knows it; but we are not the only people that know it; everyone in our State who is paying taxes to-day to keep up the public schools knows it.

There may be a few big cattle concerns, as the Senator suggests, that may want to grab the public lands; but every man and woman in our State pays taxes. On one side you have five or six men trying to grab the public lands, while on the other you have our whole people who are paying taxes to support the university and the public-school system, who will be fighting those 10 or 12 men. Have you any doubt about how a fight of that character will come out? The Senator from Wisconsin smiles; I assume that he has a doubt; but I want to say that I have not any doubt. We have had our fights in our State just the same as the Senator has had in his State, and I want to tell you that the people of our State have won out. An examination of our statute books will convince you that they have won out. Our State is not dominated by any institution to-day; it is dominated by no faction; it is not controlled by any special interest.

A review of our statutes will show to the Senator from Wisconsin that the enactments of the last years in that State indicate most plainly that the people are not only awake to their own necessities, but that they have the power to legislate. As the Senator from Arizona said the other day, why should we be afraid that we are going to steal from ourselves?

The greatest part of our State tax to-day is for education; 66⅔ per cent of our State tax is for education, for the upkeep of our public schools and our university, and yet the people of that State are demanding greater facilities for education, and they have come to Congress and asked that out of this vast area of lands—sixty-seven odd million acres—that have been lying idle there for 50 years the State may be allowed to utilize some of it. Now this body wants to assume to tell them the best method of utilizing that land.

You can not classify that land as timberland, as mineral land, as agricultural land; that classification has gone as far as it can go. The timberland has been reserved; the mineral lands have been reserved; the only lands that are subject to this bill are the unappropriated, unreserved, nonmineral, nontimberlands, but the lands that are subject to this bill vary every half mile. Here you will find 640 acres that may be worth $10 an acre, and a half mile farther on you will find 640 acres that are not worth a dollar an acre. How are you going to classify that kind of land? Yet, if you are going to attempt to assist the State of Nevada in its educational purposes, you want the land to be utilized and you want it to bring the best price that can be obtained.

I have offered this amendment for this purpose: We have in our State a board that has been created by statute known as

the State commission of industry, agriculture, and irrigation. That board is composed of the governor, the surveyor general, the attorney general, the State engineer, and one other member appointed by the governor. The duties of that board are to classify the lands of the State and to aid in the building up of agriculture in the State. They are qualified for that purpose; they understand it; and there is no question but it is the intent of that board to obtain just as much as possible for lands that are to benefit the State.

I have provided in the amendment that none of this land shall be sold until the value of such land has been appraised and fixed by this commission, and that it shall not be sold for less than the appraised value fixed by the commission. Is there any reason to fear that that board is going to appraise those lands at less than they are worth? Why should they? Here are the highest officers of our State on this board; here is a man appointed by the governor on this board with presumably the knowledge of the conditions of the State, who, it is proposed, shall go and examine it. Why would that board appraise this land for less than it is worth, unless we assume that the governor of our State, the attorney general, the surveyor general, and all of them are dishonest, which I can not assume, but which I would deny; which I know is untrue, and which I do not believe that any Senator here wants to insinuate? Does not that offer all the protection that can be offered for faithfully carrying out the provisions of this bill?

The Senator from Wisconsin not only attempts by the amendment which he has proposed to protect the public schools and the University of the State of Nevada, but he goes further—and this, I may say, is my objection to his amendment—he goes to the extent of proposing a different system of property tenure in our State. I can not agree to that. I want to say to the Senator that I am not fanatical on the question of leasing. I do not go to the extent of some of the western Senators with regard to that matter. Take minerals, for instance. Minerals become exhausted. A man acquires an interest in a coal mine, and it terminates; he acquires an interest in a gold mine, and it ends; he acquires an interest in an oil well, and it ends. He goes into those pursuits as a temporary matter; he goes into them solely for the profit that is in them; but it is not so with regard to land. The ownership of land in this country is the very foundation of our patriotism. Deprive a man of his home, deprive a man of the opportunity of improving it for his children; say to a man, "You are here temporarily; you are here simply at the sufferance of the State or of another individual," and what character of citizenship will you have?

I want to say to you that if this provision is imposed upon this bill I will be compelled to vote against my own bill. I would rather have the injustice that has been suffered by the State of Nevada for 50 years to continue than to place upon it a greater injustice. For 50 years since you took that State into the Union you have compelled 3,000,000 out of 70,000,000 acres of land to support the State government. You say to the 90,000 people there, "You have a State which you must upkeep, but we own the land in your State." What on earth is there to support a State except the land within the State? You grant to them the privilege of government, but at the same time you take away from them the means of government, and then you come to us and say, "We will not let the people establish homes there; we will lease the land to them; we will let them stay there as long as we want them to stay there, but no longer." That is not the kind of citizenship that we want in the West.

True, the State might make some money. I am not going to argue the financial question. I do not know whether the State would make more money by holding the lands for 25 years and leasing them or whether it would make more money by selling the lands and drawing interest on the money. That is simply a financial problem and any estimate would only be a guess. I do know that if you take 7,000,000 acres of land out of our State and say that no one shall ever establish a home on it, that no man shall ever build a house there that will descend to his children, you will be perpetuating the injustice that you have already imposed on our State.

We come here and because we ask an opportunity to develop a small fraction of the public lands in our State, to develop lands that you have failed and refused to develop, you assume that we are demanding something of you; you assume that we are asking a great boon of the Federal Government. I refuse to put it upon the ground of asking a gift from the Federal Government. We are not asking a gift of the Federal Government; we are asking the Federal Government to do that which it should do, to do that which it should have done years and years ago.

Can you not trust a State board composed of the governor, attorney general, surveyor general, and a commissioner to determine the best way of disposing of this property? I wonder if the distinguished Senator from Utah [Mr. SMOOT] would trust the governor, the attorney general, the surveyor general, and a commissioner of his own State. I wonder if the distinguished Senator from Utah has anyone in his State that he would trust to protect the public schools of his State except himself. I have not heard him say so.

Mr. SMOOT. Mr. President, of course I hardly consider the question worthy of an answer, but inasmuch as the Senator has so referred to the Senator from Utah, the Senator from Utah is perfectly willing to answer the Senator.

In the first place, the Senator from Utah has never undertaken in any way, shape, or form to impute to the people of Nevada or the people of any other State motives of wrong. He has no other idea than that they would do the same as other people would do under similar circumstances. The Senator from Utah has stated that it has been of late the practice of Congress in granting lands to the States to establish a minimum price at which they should be sold. I believe that such provisions are wise, and I know that the States are well satisfied with them. The people of the States are well satisfied in cases where that minimum has been imposed.

Mr. PITTMAN. Is that a recent view of the Senator's? Has it been recently formed or has he had that view for some time?

Mr. SMOOT. I have had that view for some time, so far as my own State is concerned, and I have said so.

Mr. PITTMAN. The distinguished Senator on yesterday stated to the Senator from Nevada that if we were going to establish a minimum price on the lands under this bill the minimum should be a fair one, and not as low as $1.25 an acre.

Mr. SMOOT. I think so; and the Senator from Utah has not changed his mind a particle on that question.

Mr. PITTMAN. I hold in my hand a bill which the Senator from Utah introduced in this body and which is now before the Committee on Public Lands, which reads as follows:

*Be it enacted, etc.*, That there is hereby granted to the State of Utah 1,000,000 acres of unappropriated nonmineral public lands within said State to aid in the construction and maintenance of public roads in the State of Utah.

SEC. 2. That such lands shall be selected under the authority of the governor of said State, and may be designated and selected from any lands that belong to the United States Government within such State, whether such lands be within or without forest reserves. The Secretary of the Interior is hereby authorized and directed to issue patent to said State as soon as the designation thereof has been certified to his office by the governor of said State, and such designation shall be made by legal subdivisions of surveyed land and by metes and bounds of unsurveyed land.

SEC. 3. That the said land shall be sold by the proper authority of said State, at not less than $1.25 per acre, and not in greater amount than 640 acres to any one individual or corporation, and under such rules and regulations for the disposal thereof as may hereafter be provided by the legislature of the State.

Mr. SMOOT. Mr. President, I will state to the Senator that similar bills have been introduced for Nevada, for Arizona, for Wyoming, and for nearly every Western State. The Senator from Utah, in that bill, followed exactly the language employed in all of the bills introduced for the Western States. The Senator from Nevada is a member of the Committee on Public Lands, and the Senator from Nevada knows that if any bill shall be reported from that committee granting lands to the Western States for the building of roads, it will be a general bill, and will not be a bill for any one particular State.

Mr. SMITH of Arizona. Mr. President, if the Senator will permit me, the point which I apprehend the Senator from Nevada is making, is that the Senator from Utah on yesterday joined issue with me on the statement that pretty largely in the disposition of the public lands Congress has made no limitation as to price. He has introduced a bill himself just such as I wanted for my State, granting land to the State for public roads, without any limitation on it, just as I would give to Nevada for educational purposes the same land without a limitation on it.

It seems to me that if the Senator from Utah can vote to report from the committee without restriction a bill for public roads, there is something underneath all these bills for public education, and that is that you had better have an educated man walking through the mud than to have an ignorant man riding in an automobile.

Mr. SMOOT. Mr. President, that is true.

Mr. PITTMAN. I decline to yield any longer, Mr. President.

Mr. SMOOT. I want to say to the Senator——

Mr. PITTMAN. Not in my time. I will ask the Senator to take his own time.

Mr. SMOOT. Of course the Senator can make the statement that he has just made, and I shall have to respect it, but I will say to the Senator from Nevada that I do not think it is altogether fair.

Mr. PITTMAN. I will yield to the Senator, then. I simply did not want a colloquy to break in on the consideration of the bill; that is all. I yield.

Mr. SMOOT. I want to say to the Senator that the Senator from Utah did not break in on the consideration of the bill until the Senator himself invited it, and asked the direct question; nor would I have interrupted the Senator for a moment if it had not been that way.

I want to say to the Senator from Arizona that there is not a Senator but that will heartily agree to all he has said in relation to the education of the people. When I tell the Senate of the United States that 87 per cent of all the taxes raised in the State of Utah go to the education of her children, they will understand how the people of Utah regard the education of her citizens. I want it understood that I am not opposed to the granting of lands for educational purposes in the State of Nevada. I would vote to-day to give Nevada sections 2 and 32, the same as the State of Utah received, besides sections 16 and 36, for educational purposes; but, Mr. President, this bill is not that. This bill does not reach that point at all.

I want the Senator from Nevada and every other Senator to know that I am not here opposing the granting of lands to the State of Nevada for educational purposes. All I am trying to insist upon is that whatever we do for one State we ought to do for another, and they ought to be equal. The Senator reporting this bill knows full well that the report states that the bill is for the purpose of making Nevada equal with the other western land States; and I know, as well as I know I am alive, that if the bill passes in the shape it is now, carrying 7,000,000 acres, the balance of the public-land States of the West would not be equal to the State of Nevada in grants of land for educational purposes.

Mr. PITTMAN. Mr. President, I understand the position of the Senator now. He does not oppose the principle of the bill, but he is opposing it because his State is not getting as much. That theory of argument may appeal to some, but I do not feel that it is worthy of much consideration.

On yesterday, however, the Senator took up the bill that I had presented, and he said: "Where is the protection to keep this land from falling into the hands of a few people?" I hold in my hand a bill that he introduced, proposing to grant a million acres to the State of Utah, and I ask him where is the protection in that bill to prevent that land from falling into the hands of a few people? Why did he not think at the time about his own State? He does not object to the land falling into the hands of a few people in Utah, but he is very solicitous in regard to the State of Nevada.

Oh, yes; on yesterday the Senator said: "Why not be fair with this thing? If you are going to put a minimum price in there, do not put it at $1.25 an acre. Put it in at a fair price. Make it higher." And yet why did not the Senator, who claims that the lands of Utah are better than those of Nevada, put his lands in at a higher price than $1.25 an acre? That is the price put in there. I suppose the Senator thinks he is a bad example for the Senator from Nevada to follow.

Mr. SMOOT. I have stated to the Senator why I put it in there, Mr. President.

Mr. PITTMAN. If I had copied the bill of the Senator from Utah, his argument would have been much more appropriate than the attack made upon the bill which I have here.

I have only a few more words to say with regard to this matter. I have offered here an amendment that says that none of this land shall be sold until it is appraised by the board of agriculture and industry of our State, and that it shall not be sold for a cent less than the appraised value that they put upon it. That board is composed of the governor of our State, the attorney general, the surveyor general, and the State commissioner. I have absolute confidence in the ability and integrity of the members of that board, and I defy anyone in this body to question it.

Mr. President, I have taken up more of the time of the Senate than I intended to take up. I simply ask the Senators, if they are going to assist the State of Nevada in the education of her children, to do it in a way that will accomplish something. Do not impose upon us a system of leasing. Do not take the best that is remaining of our lands now and say that no one shall ever build a home on them.

If that is what you want to do with our public land, then leave it as it is. Leave it idle. It has been idle for 50 years, and our people have suffered under the burden of taxation by reason of it; but they would rather suffer under the burdens of taxation for 50 years more than to have the settlers on 8,000,000 acres of land without a home.

That is not the class of people we want. That is not the class of legislation we want. We want to build up our university. We want to build up our public schools. We want to make them more efficient. We want to give every child in that State an opportunity to go to school. We want a part of the 67,000,000 acres of land devoted to that purpose—and it can not be devoted to any higher purpose—but we want it devoted to that purpose in an intelligent way. We want the people who are to be benefited by it, the people there who are paying the taxes to keep up those institutions, and who know the conditions of that country, to be allowed to get the very best they possibly can get out of that land.

The Senator from Wisconsin [Mr. LA FOLLETTE] does not think 7,000,000 acres of land is too much. The only difference is that he thinks it should be leased instead of being sold. I am willing to submit to the Senate at any time the proposition as to whether it should be leased or whether it should be sold.

There is but one question involved in this matter now, and that is the question as to whether you are going to let the State board of agriculture in our State fix the price of this land and regulate the sale of it or whether you in this body, with your little information, with your lack of knowledge of those conditions, are going to attempt to legislate with regard to that matter.

Mr. ROBINSON. Mr. President, will the Senator from Nevada answer a question or two concerning this bill?

Mr. PITTMAN. With pleasure.

Mr. ROBINSON. If I remember correctly, the Senator stated that there have been heretofore granted to the State of Nevada by the Government 3,000,000 acres of public land?

Mr. PITTMAN. Practically so; a little less.

Mr. ROBINSON. When was that grant made?

Mr. PITTMAN. That grant was made in 1864 and perfected in 1866.

Mr. ROBINSON. Has that 3,000,000 acres passed into private ownership?

Mr. PITTMAN. It has.

Mr. ROBINSON. All of it?

Mr. PITTMAN. All of it.

Mr. ROBINSON. What disposition was made of it? Was it sold, or how was it disposed of by the State?

Mr. PITTMAN. An individual would go upon the public domain and find 640 acres that he considered worthy of purchase. He would then designate that land to the surveyor general of the State. The surveyor general of the State would examine it and determine whether or not it was mineral or of such character that it could not be acquired under the act, and then the State would select that land from the Government, and the title would then pass into private ownership.

Mr. ROBINSON. Can the Senator state the total amount that was received by the State of Nevada for the 3,000,000 acres that have heretofore been granted?

Mr. PITTMAN. One dollar and twenty-five cents an acre.

Mr. ROBINSON. Has that fund been invested, or what use was made of the fund?

Mr. PITTMAN. That fund was invested in bonds, and is a permanent fund, and the schools are supported from the interest.

Mr. ROBINSON. I believe the Senator stated that the total area of the land in the State of Nevada is about 70,000,000 acres?

Mr. PITTMAN. Seventy million acres.

Mr. ROBINSON. And only about 3,000,000 acres have heretofore passed into private ownership?

Mr. PITTMAN. Only about 3,000,000 acres have gone into private ownership.

Mr. ROBINSON. Is the remainder of the 70,000,000 acres that is still in public ownership open to homestead entry?

Mr. PITTMAN. It is, and has been ever since those acts were passed.

Mr. ROBINSON. Are the lands suitable for homestead entry?

Mr. PITTMAN. They are not.

Mr. ROBINSON. That is the reason why they have not been taken up, is it?

Mr. PITTMAN. That is the reason why they have not been taken up. A man could not acquire that land under the homestead act, because it requires that you go upon the land and stay there practically continuously, which is impossible on land that has no water upon it. It can not be acquired under desert-land act, because that act requires that you shall show that you have sufficient water to irrigate it, and the water is not there. There is no act applicable to this peculiar condition in our State.

Mr. ROBINSON. Then, if those remaining public lands are ever utilized by the public, there will have to be some additional legislation?

Mr. PITTMAN. Undoubtedly. That is proven by 50 years' experience.

Mr. MARTINE of New Jersey. Mr. President, may I ask the Senator from Nevada a question?

Mr. PITTMAN. Certainly.

Mr. MARTINE of New Jersey. I am very much interested in this land question. I feel that it is a problem that confronts us. I very often feel that you gentlemen of the far West, blessed with lavish acres, are rather profligate in disposing of them, while we people in the East, in narrower and more circumscribed geography, are wonderfully solicitous about the land question.

The thing that rankles in my mind, generally, is the infinitely large holdings of public lands in a few hands. So I should like to ask the Senator whether he can tell us approximately how many owners there are of the 3,000,000 acres that have been disposed of. My point is that if it is a liberal number of owners I would feel very kindly about it, but if the ownership is confined to a very few persons then I rebel.

I feel that the land question is a very serious problem. The matter of leasing generally appeals to me. Whether or not in this particular instance it may appeal to me I do not know. I feel that the evil in our own State of New Jersey has been that with profligate hand we have literally thrown away the riparian rights on our shore front to great wealthy corporations; and to-day I am a stickler, and so are many others in my State, in favor of a system of leasing for 25 years the riparian lands on our ocean front.

So I feel solicitous in this matter. If I could be assured that this would mean granting the privilege liberally to owners to hold these lands for homes, very well; but if by some uncanny and devious methods the land finally all dribbles back into the hands of two or three wealthy operators, then I am teetotally and unqualifiedly opposed to it.

I should like to ask whether the Senator can give me an approximate idea in regard to that.

Mr. PITTMAN. Yes; I think I can. There are over 2,000 people that have acquired this land.

Mr. MARTINE of New Jersey. Three million acres?

Mr. PITTMAN. And they hold it to-day. I do not believe you will find in our State to-day an individual who owns 20,000 acres of land. There are three big stock concerns, so I am informed, in the northern part of our State that have acquired more land than that, but it has been acquired by scripping. The Senator knows what that means, no doubt.

Mr. MARTINE of New Jersey. Well, I can imagine.

Mr. PITTMAN. It consists of the purchase of lieu-land scrip, and things of that kind, and placing it upon the land. But the land grant was not grabbed up in that way, because of the nature of our State.

As I tried to explain yesterday, our State is composed of mountain ranges running north and south. The valleys between the mountains are agricultural in their character. There are numerous little streams running down to the valleys. They are not large in capacity, but they are numerous. The land adjacent to these streams was the land taken up by the homesteaders in the early days of our State. It was more valuable to the man who had a ranch. He would take it up as an addition to his ranch. Probably he would not have any water for it, or not enough water for it, but he would have water in the spring that would help raise grass, and he would make a pasture out of it.

I have maps of the distribution of that land in the State. The distribution shows on the face of it that the land was not acquired by big cattle interests or big sheep interests, because when those classes of people acquire land they want it in a block, or largely so. You will find from the maps in this matter that these holdings are scattered in tracts of 640 acres from one end of the State to the other.

Mr. MARTINE of New Jersey. I am glad to know that.

Mr. PITTMAN. And the Senator will find that 90 per cent of that land is owned and used to-day by farmers in that State. I have said before, and I say now, that the men who will acquire the land under this bill will be that character of people, because it is most valuable to them, and they can afford to pay more for it than anyone else.

Mr. MARTINE of New Jersey. I am glad of that.

Mr. PITTMAN. When I ask for this grant, I ask you to throw precautions around it to the extent of taking our board of industry and agriculture, which is composed of the best men in our State—the governor, the attorney general, the surveyor general, and the commissioner—and allowing them to appraise this land. Here may be a piece of land worth $10 an acre, and half a mile from it another piece of land not worth a dollar an acre. We can not fix those prices here. It is impossible. We know nothing about it. This board has been created by statute of the State for that very purpose. The bill now provides, under my amendment, that none of this land shall be sold until it is appraised, and then not sold for less than its appraised value. It goes further, and puts it open to competitive bidding. Even after a man has made his selection of 640 acres it must be advertised, and his neighbor may bid, if he wants to, on that property. It seems to me that we have taken every precaution about the matter that we possibly can. I know of nothing else that we can do in this respect.

We only have 90,000 people there in a State as big as all the New England States. Think of that—90,000 people! The total amount of property in private ownership is only the size of Connecticut, and yet our State is as big as all the New England States. Is not that condition awful?

Mr. MARTINE of New Jersey. It is unfortunate.

Mr. PITTMAN. Do we not need a remedy? Why have we not a larger population than 90,000 in our State, which was admitted to the Union in 1864? Why is it that we have only 3,000,000 in private ownership out of 70,000,000 acres of land? I want some one to answer. It has been open to the homestead laws for 50 years. It has not been grabbed away from the homesteader in the 50 years. It has been open to desert-land entry, and yet it has not been acquired.

I submit that you have not any right to say to us that such condition shall last forever. It is not fair. We are to-day paying higher taxes for public education—higher than any other State in the Union.

Mr. MARTINE of New Jersey. I am not arguing against the Senator. I only wanted to know whether it might be surrounded by the conditions which I have portrayed.

Mr. ROBINSON. I wish to ask the Senator from Nevada one further question before he quits the floor. Is there any logical basis for the amount of 7,000,000 acres, or is it just an arbitrary figure?

Mr. PITTMAN. No; it is not an arbitrary figure. I will say to the Senator that when this matter was considered by the president of the university and by the governor and by our superintendent of public instruction they all thought that the quantity should be 10,000,000 acres. Then I advised them with regard to this matter. They made an estimate of what they thought they required, and they believed the character of the land there justified the demand for 10,000,000 acres. I said no; we will simply place it so that when the bill is passed the percentage of our own public domain will be in accordance with the prior legislation with regard to Arizona and New Mexico, where the conditions are similar. That was the reason why we fixed the quantity at 7,000,000 acres. It was designed so as not to go beyond what had been granted to them; but not meaning it was enough, because the educational officers of our State do not believe it is enough, and I doubt whether it is enough.

Mr. WORKS. Mr. President, generally speaking, I am in favor of a grant of public lands to States for educational purposes. Indeed, I am leaning strongly to the opinion that it might be better for the National Government to surrender its entire rights in the public domain to several States in which the lands are located. But we have not come to that time yet.

The question here is whether a donation of land such as is asked for by the Senator from Nevada should be granted in this instance. It may be that the Senator is asking something more than his State is justly entitled to when he asks for the donation of the large amount of 7,000,000 acres of land. I know something about the State of Nevada and something of its necessities. It may be that, taking the value of the land in that State, the request of the Senator is not an unreasonable one.

A comparison has been made here sometimes between the donations that have been given to the Eastern States in money and the grant of land to the Western States. Computations have been suggested here with respect to the amount that might be realized by a State if a certain amount of money were donated instead of the land.

I have here a tabulated statement of the donations that have been made to the several States. It was prepared by Mr. A. M. Fisher, a competent and reliable accountant here in the city of Washington. It is denominated "Deposits of surplus funds of the United States with the several States and Territories in the year 1837, with amounts which would be due if interest were accrued for 78 years, at 4 per cent simple and compound. (See acts of Congress as follows: June 23, 1836, sec. 13—5 Stat., p. 55; Oct. 2, 1837—5 Stat., p. 201; and June 25, 1910—36 Stat., p. 776.)"

First is given geographical division and State or Territory, next the estimated population as of 1914, next the amount of deposit originally, and then the amount of the interest if computed as I have stated. The States are classified into New England, Middle Atlantic, East North Central, West North Central, South Atlantic, East South Central, and West South Central.

It is quite an interesting and, I think, instructive document. Take, for example, without taking up the entire statement, the

New England group of States: The estimated population is 6,962,079. The amount deposited originally with these States is $4,779,188. The total amount at 4 per cent simple interest would be $19,690,252, or a per capita of $2.83. Computed at compound interest at 4 per cent the amount would be $110,157,146, and the per capita would be $15.82. The amounts deposited with the several States are set out separately and carried out in totals.

I ask, Mr. President, to submit this tabulated statement as a part of my remarks, and that it be printed in the RECORD.

The VICE PRESIDENT. Without objection, it is so ordered.

The statement referred to is as follows:

*Deposits of surplus funds of the United States with the several States and Territories in the year 1837, with amounts which would be due if interest were accrued for 78 years at 4 per cent simple and compound.*

[See acts of Congress as follows: June 23, 1836, sec. 13 (5 Stat., p. 55); Oct. 2, 1837 (5 Stat., p. 201); and June 25, 1910 (36 Stat., p. 776).]

| Geographical division and State or Territory. | Estimated population as of 1914 (U. S. census). | Amount of deposit originally (cents omitted). | Amount in 78 years at 4 per cent interest. | | | |
|---|---|---|---|---|---|---|
| | | | Simple. | | Compound. | |
| | | | Total. | Per capita. | Total. | Per capita. |
| New England | 6,962,079 | $4,779,188 | $19,690,252 | $2.83 | $110,157,146 | $15.82 |
| Maine | 702,787 | 955,838 | 3,938,052 | 5.16 | 22,031,492 | 28.88 |
| New Hampshire | 438,662 | 669,086 | 2,756,634 | 6.28 | 15,421,897 | 35.16 |
| Vermont | 361,205 | 669,086 | 2,756,634 | 7.63 | 15,421,897 | 42.69 |
| Massachusetts | 3,605,522 | 1,338,173 | 5,513,272 | 1.53 | 30,844,084 | 8.55 |
| Rhode Island | 591,215 | 382,335 | 1,575,220 | 2.66 | 8,812,592 | 14.90 |
| Connecticut | 1,202,688 | 764,670 | 3,150,440 | 2.62 | 17,625,184 | 14.65 |
| Middle Atlantic | 20,961,391 | 7,646,704 | 31,504,419 | 1.50 | 176,251,938 | 8.41 |
| New York | 9,899,761 | 4,014,520 | 16,539,822 | 1.67 | 92,532,277 | 9.35 |
| New Jersey | 2,815,663 | 764,670 | 3,150,440 | 1.12 | 17,625,184 | 6.26 |
| Pennsylvania | 8,245,967 | 2,867,514 | 11,814,157 | 1.43 | 66,094,477 | 8.01 |
| East North Central | 19,215,892 | 3,632,184 | 14,964,597 | .89 | 83,719,660 | 4.99 |
| Ohio | 5,026,808 | 2,007,260 | 8,269,911 | 1.64 | 46,266,138 | 9.20 |
| Indiana | 2,779,467 | 860,254 | 3,544,246 | 1.27 | 19,828,338 | 7.13 |
| Illinois | 5,986,781 | 477,919 | 1,969,026 | .33 | 11,015,746 | 1.84 |
| Michigan | 2,976,030 | 286,751 | 1,181,414 | .40 | 6,609,438 | 2.22 |
| Wisconsin | 2,446,716 | | | | | |
| West North Central | 12,187,879 | 382,335 | 1,575,220 | .47 | 8,812,592 | 2.61 |
| Minnesota | 2,213,919 | | | | | |
| Iowa | 2,221,755 | | | | | |
| Missouri | 3,372,886 | 382,335 | 1,575,220 | .47 | 8,812,592 | 2.61 |
| North Dakota | 686,966 | | | | | |
| South Dakota | 661,583 | | | | | |
| Nebraska | 1,245,873 | | | | | |
| Kansas | 1,784,897 | | | | | |
| South Atlantic | 12,941,280 | 6,977,617 | 28,747,779 | 2.76 | 160,829,883 | 15.45 |
| Delaware | 209,817 | 286,751 | 1,181,414 | 5.63 | 6,609,438 | 31.50 |
| Maryland | 1,341,075 | 955,838 | 3,938,052 | 2.94 | 22,031,492 | 16.43 |
| District of Columbia | 353,378 | | | | | |
| Virginia | 2,150,009 | 2,198,427 | 9,057,519 | 4.21 | 50,672,423 | 23.57 |
| West Virginia | 1,332,910 | | | | | |
| North Carolina | 2,339,452 | 1,433,757 | 5,907,078 | 2.52 | 33,047,238 | 14.13 |
| South Carolina | 1,590,015 | 1,051,422 | 4,331,858 | 2.72 | 24,234,646 | 15.24 |
| Georgia | 2,776,513 | 1,051,422 | 4,331,858 | 1.56 | 24,234,646 | 8.73 |
| Florida | 848,111 | | | | | |
| East South Central | 8,777,312 | 3,918,935 | 16,146,010 | 1.84 | 90,328,965 | 10.29 |
| Kentucky | 2,350,731 | 1,433,757 | 5,907,078 | 2.51 | 33,047,238 | 14.06 |
| Tennessee | 2,254,754 | 1,433,757 | 5,907,078 | 2.62 | 33,047,238 | 14.66 |
| Alabama | 2,269,945 | 669,086 | 2,756,634 | 1.21 | 15,421,897 | 6.79 |
| Mississippi | 1,901,882 | 382,335 | 1,575,220 | .83 | 8,812,592 | 4.63 |
| West South Central | 9,744,350 | 764,670 | 3,150,440 | .91 | 17,625,184 | 5.09 |
| Arkansas | 1,686,480 | 286,751 | 1,181,414 | .70 | 6,609,438 | 3.92 |
| Louisiana | 1,773,482 | 477,919 | 1,969,026 | 1.11 | 11,015,746 | 6.21 |
| Oklahoma | 2,026,534 | | | | | |
| Texas | 4,257,854 | | | | | |
| Mountain | 3,042,142 | | | | | |
| Montana | 432,614 | | | | | |
| Idaho | 395,407 | | | | | |
| Wyoming | 168,736 | | | | | |
| Colorado | 909,537 | | | | | |
| New Mexico | 383,551 | | | | | |
| Arizona | 239,053 | | | | | |
| Utah | 414,518 | | | | | |
| Nevada | 98,726 | | | | | |
| Pacific | 4,948,999 | | | | | |
| Washington | 1,407,865 | | | | | |
| Oregon | 783,239 | | | | | |
| California | 2,757,895 | | | | | |
| Total | 98,781,324 | 28,101,644 | 115,778,717 | 1.64 | 647,725,368 | 9.16 |

Per capita items of geographical divisions and total are based on populations of States participating in the deposits.

The VICE PRESIDENT. The question is on the amendment offered by the Senator from Wisconsin [Mr. LA FOLLETTE]. [Putting the question.] The noes seem to have it. The noes have it.

Mr. POINDEXTER. I ask for the yeas and nays.

The yeas and nays were not ordered.

Mr. CLARK of Wyoming. May the amendment be stated?

Mr. POINDEXTER. I ask for a division on the request for the yeas and nays.

The VICE PRESIDENT. The Chair does not recognize any such parliamentary practice as that. The amendment is lost. The question recurs on the amendment of the Senator from Nevada [Mr. PITTMAN].

Mr. CHILTON. Let that be stated.

The VICE PRESIDENT. The Secretary will state the amendment.

Mr. POINDEXTER. Mr. President, a parliamentary inquiry. Was the amendment submitted to the Senate?

The VICE PRESIDENT. It was, and no one voted in the affirmative and there was but one vote in the negative.

Mr. POINDEXTER. The Chair is mistaken about that, because I myself voted in the affirmative.

The VICE PRESIDENT. The Chair could not hear it.

Mr. POINDEXTER. The Senator from Wisconsin who proposed the amendment is not present. I make the point of no quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names.

| | | | |
|---|---|---|---|
| Ashurst | Hitchcock | Martine, N. J. | Smith, Ariz. |
| Bankhead | Hollis | Nelson | Smith, Ga. |
| Borah | Hughes | Newlands | Smith, S. C. |
| Brandegee | Husting | Norris | Smoot |
| Broussard | James | Oliver | Sterling |
| Bryan | Johnson, Me. | Overman | Stone |
| Catron | Johnson, S. Dak. | Page | Sutherland |
| Chilton | Jones | Penrose | Swanson |
| Clapp | Kenyon | Pittman | Thomas |
| Clark, Wyo. | Kern | Poindexter | Thompson |
| Clarke, Ark. | La Follette | Pomerene | Underwood |
| Curtis | Lane | Ransdell | Vardaman |
| Dillingham | Lea, Tenn. | Robinson | Wadsworth |
| du Pont | Lewis | Saulsbury | Walsh |
| Fall | Lodge | Shafroth | Warren |
| Fletcher | McCumber | Sheppard | Weeks |
| Gallinger | McLean | Shields | Williams |
| Gronna | Martin, Va. | Simmons | Works |

Mr. KERN. I desire to announce the unavoidable absence of my colleague [Mr. SHIVELY], who is paired with the Senator from Maine [Mr. BURLEIGH]. This announcement may stand for the day.

The VICE PRESIDENT. Seventy-two Senators have answered to the roll call. There is a quorum present. The question is on the amendment of the Senator from Nevada [Mr. PITTMAN].

Mr. LANE. Mr. President, I would like to have the attention of the Senator from Nevada [Mr. PITTMAN]. The Senator from Nevada has lived in the West. He has been in Alaska. That is one bond of affection between us, for I have been there, too. The Senator knows as well as I do that when they strike a good pay streak a man or a coterie of men will go out and by power of attorney, assumed or genuine, stake that strike and that pay streak and all the good ground around it for 50 miles, excluding every honest miner who wants to mine it, and hold it until the day that they want to operate it.

The State of Oregon had land granted to it for school purposes. It is a good State, and I think the citizens of it are as intelligent as any in the Union. Yet they lost most of it. They lost it by one scheme or another, and it went into the hands of people who made profit out of it, who pursued it as a profession and profited by the ignorance of the people concerning it.

I wish to see Nevada get this land. I am in hearty sympathy with the Senator. I should like to see the people of Nevada have it for the purposes for which he has drawn this bill, but I want to ask him if he would not consent to have the people of Nevada allowed to sell it in parcels, dividing the sales into periods of five or six years or four or five years, so that in the second sale and the third and fourth and the fifth, if necessary, they might profit by their experience in selling the other installments.

The Senator knows as well as I do that land which to-day is considered the least valuable may in the course of time prove to be the most valuable. It was so with us. The land which my ancestors settled on in 1849 proved to be in some respects the least valuable land they could have taken. They could have gone to what was then considered the poorer lands and profited a thousandfold more than they did.

Mr. PITTMAN. Will the Senator state his amendment?

Mr. LANE. Yes. I think the Senator will best serve the interests of the people whom he represents by giving them an opportunity to take advantage of the experience which they will obtain in the disposition of this land.

If the Senator will permit me—and I hope he will consent to it for the benefit of his own people and to his own credit in the future when time shows what has happened—I will offer an amendment providing—

That not more than one-fourth part of said lands shall be disposed of by said State until after a period of 5 years, not more than one-fourth part until after a period of 10 years, not more than one-fourth part until after a period of 15 years, and the remainder of said grant shall not be disposed of until after a period of 20 years from and after the passage and approval of this act.

If the Senator will accept that amendment, it will be of value to Nevada. He will, by its adoption, gain millions of dollars for the educational fund which he wishes to provide.

Mr. PITTMAN. I should like to have the amendment again read, at least.

Mr. LANE. As the Secretary has a better voice than mine, I will ask that the amendment be read from the desk.

The VICE PRESIDENT. The Secretary will read the amendment proposed by the Senator from Oregon.

The SECRETARY. It is proposed to insert the following proviso:

*Provided*, That not more than one-fourth part of said lands shall be disposed of by said State until after a period of 5 years, not more than one-fourth part until after a period of 10 years, not more than one-fourth part until after a period of 15 years, and the remainder of said grant shall not be disposed of until after a period of 20 years from and after the passage and approval of this act.

Mr. BRANDEGEE. The Senator from Oregon does not want to have the amendment read "after the passage and approval of this act." They might be on different dates. It should read "after the approval of this act."

Mr. LANE. I will accept that modification, if it makes the amendment any clearer.

The VICE PRESIDENT. The Chair will state that the first question is on the amendment proposed by the Senator from Nevada [Mr. PITTMAN].

Mr. STONE. Let it be stated, Mr. President.

The VICE PRESIDENT. The amendment proposed by the Senator from Nevada will be stated.

The SECRETARY. On page 2, line 12, at the end of section 3, it is proposed to insert the following proviso:

*Provided further*, That none of the lands herein granted shall be sold or disposed of until their value shall have been appraised and fixed by the "State Commission of Industry, Agriculture, and Irrigation of the State of Nevada," or such other board or commission as may hereafter be created or designated for such purposes by the Legislature of the State of Nevada; and none of said lands shall be sold for less than the price so appraised and fixed by said commission or board.

The amendment was agreed to.

Mr. CURTIS. Mr. President, I thought the Senator from Oregon [Mr. LANE] had offered an amendment to that amendment.

The VICE PRESIDENT. He has done so, and his amendment will now be stated. The amendment of the Senator from Nevada is adopted. The pending question is on the amendment proposed by the Senator from Oregon.

Mr. LANE. Mr. President, with the consent of the author of the bill, I will modify my amendment so as to provide that not more than half a million acres shall be sold each year. To that I think the Senator from Nevada will agree.

Mr. PITTMAN. I accept that amendment.

Mr. LANE. That will give the people of Nevada time to look into the matter and protect themselves.

The VICE PRESIDENT. The amendment proposed by the Senator from Oregon will be stated.

The SECRETARY. On page 2, line 9, after the word "herewith," it is proposed to insert:

*Provided*, That not more than one-half million acres of said lands so granted shall be disposed of each year by said State.

The VICE PRESIDENT. The question is on the amendment proposed by the Senator from Oregon [Mr. LANE].

The amendment was agreed to.

The VICE PRESIDENT. The bill is before the Senate, as in Committee of the Whole, and open to amendment.

Mr. CHAMBERLAIN. Mr. President, I desire to suggest an amendment to the bill. In reference to the investment of the funds that arise from these grants section 5 of the bill provides:

SEC. 5. That the proceeds of such sale shall be placed in a special fund for the sole use and benefit of the public schools of Nevada and the State University of the State of Nevada, and whenever there are $20,000 in the fund such moneys shall be immediately invested in interest-bearing bonds, notes, or securities of the United States, the State of Nevada, or any other State of the Union, or of any county in the State of Nevada—

I want to add after the word "Nevada" the words:

or in notes secured by first mortgage upon farm lands in sums not greater than one-third of the actual value thereof, exclusive of improvements thereon, with interest at the current legal rate.

The reason for that suggestion is this: My colleague [Mr. LANE] has spoken of the moneys which Oregon has realized from the sale of her school lands. Many of the lands of the State have been squandered, but the moneys that have been received from them have been absolutely conserved and taken care of. We have over $6,000,000 in the irreducible school fund of the State, and every dollar of it is invested in farm securities. There never has been a loss in all the years that that fund has been so invested, nor an occasion when the men who have borrowed it have not paid back the money to the State. It not only brings a better rate of interest ordinarily than can be obtained from the bonds that are mentioned in the bill, but it assists likewise in building up the State, because the money is loaned right there at home; the current legal rates are usually fair, and the security offered is perfectly safe. That is my reason for suggesting the amendment, Mr. President.

Mr. PITTMAN. Mr. President, I accept that amendment. I see no objection to it.

The VICE PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Oregon.

The amendment was agreed to.

Mr. POINDEXTER. Mr. President, I offer the amendment which I send to the desk.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 1, line 4, it is proposed to strike out "7,000,000 acres" and insert "4,000,000 acres."

Mr. PITTMAN. Mr. President, a parliamentary inquiry. Is that the amendment which has been heretofore offered by the Senator?

Mr. POINDEXTER. It is not.

The VICE PRESIDENT. The amendment offered by the Senator from Washington yesterday proposed to reduce the amount to 3,000,000 acres. The amendment now offered proposes to reduce it to 4,000,000 acres. The question is on the amendment of the Senator from Washington. [Putting the question.] The Chair is in doubt.

Mr. POINDEXTER. I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CATRON (when his name was called). I have a pair with the Senator from Oklahoma [Mr. OWEN]. In his absence I withhold my vote.

Mr. CHAMBERLAIN (when his name was called). I have a general pair with the junior Senator from Pennsylvania [Mr. OLIVER]. In his absence I withhold my vote. If permitted to vote, I should vote "nay."

Mr. CLAPP (when his name was called). In the absence of my general pair I withhold my vote. If at liberty to vote, I should vote "nay."

Mr. CLARKE of Arkansas (when his name was called). I have a pair with the junior Senator from Utah [Mr. SUTHERLAND]. As I see he is not present, I withhold my vote.

Mr. GALLINGER (when his name was called). I have a general pair with the Senator from New York [Mr. O'GORMAN], which I transfer to the Senator from Michigan [Mr. TOWNSEND] and I vote "yea."

Mr. MYERS (when his name was called). I ask if the Senator from Connecticut [Mr. MCLEAN] has voted?

The VICE PRESIDENT. The Chair is informed that he has not voted.

Mr. MYERS. I have a pair with that Senator, and therefore withhold my vote.

Mr. OVERMAN (when his name was called). I have a general pair with the junior Senator from Wyoming [Mr. WARREN]. In his absence I withhold my vote. I should vote "nay" if I were at liberty to vote.

Mr. THOMAS (when his name was called). I have a general pair with the senior Senator from North Dakota [Mr. MCCUMBER]. In his absence I withhold my vote. If at liberty to vote, I should vote "nay."

Mr. TILLMAN (when his name was called). I have a general pair with the Senator from West Virginia [Mr. GOFF], who is detained from the Senate on account of illness. In his absence I withhold my vote. If at liberty to vote I should vote "nay."

Mr. UNDERWOOD (when his name was called). I have a general pair with the junior Senator from Ohio [Mr. HARDING]. If he were present, I should vote "nay." In his absence I withhold my vote.

Mr. WALSH (when his name was called). I have a general pair with the Senator from Rhode Island [Mr. LIPPITT]. I

transfer that pair, in his absence, to the Senator from Arkansas [Mr. ROBINSON], and vote "nay."

Mr. WEEKS (when his name was called). I inquire if the senior Senator from Kentucky [Mr. JAMES] has voted?

The VICE PRESIDENT. The Chair is informed that he has not voted.

Mr. WEEKS. I have a general pair with that Senator. If he were present and voting, I should vote "yea." In his absence I withhold my vote.

Mr. WILLIAMS (when his name was called). I wish to inquire whether the senior Senator from Pennsylvania [Mr. PENROSE] has voted?

The VICE PRESIDENT. The Chair is informed that he has not voted.

Mr. WILLIAMS. I have a pair with that Senator. I transfer that pair to the junior Senator from Louisiana [Mr. BROUSSARD] and vote "nay."

The roll call was concluded.

Mr. SAULSBURY (after having voted in the negative). I inadvertently voted, not observing that the junior Senator from Rhode Island [Mr. COLT], with whom I have a general pair, had not voted. I will, however, transfer that pair to the senior Senator from Indiana [Mr. KERN] and allow my vote to stand.

Mr. MYERS. I transfer my pair with the Senator from Connecticut [Mr. MCLEAN] to the Senator from New Jersey [Mr. HUGHES] and vote "nay."

Mr. THOMAS. I transfer my pair with the senior Senator from North Dakota [Mr. MCCUMBER] to the senor Senator from Ohio [Mr. POMERENE] and vote "nay."

Mr. BRYAN. I have a general pair with the junior Senator from Michigan [Mr. TOWNSEND] and therefore withhold my vote.

Mr. PAGE. I desire to announce the absence of my colleague [Mr. DILLINGHAM] and to state that he is paired with the senior Senator from Maryland [Mr. SMITH].

Mr. CATRON. I transfer my pair with the Senator from Oklahoma [Mr. OWEN] to the senior Senator from California [Mr. WORKS] and vote "nay."

Mr. MARTINE of New Jersey. I desire again to announce the unavoidable absence of the senior Senator from New York [Mr. O'GORMAN] on official business of the Senate.

Mr. CHILTON. I wish to announce the absence of my colleague [Mr. GOFF] on account of illness. I ask that this announcement stand for the day.

Mr. GALLINGER (after having voted in the affirmative). I desire to withdraw the announcement I made of the transfer of my pair with the Senator from New York [Mr. O'GORMAN] to the Senator from Michigan [Mr. TOWNSEND], the Senator from Michigan having been paired with another Senator, and I withdraw my vote.

I am requested to announce that the Senator from Idaho [Mr. BRADY] is paired with the Senator from Oklahoma [Mr. GORE]; that the Senator from Maine [Mr. BURLEIGH] is paired with the Senator from Indiana [Mr. SHIVELY]; and that the Senator from Illinois [Mr. SHERMAN] is paired with the Senator from Texas [Mr. CULBERSON].

Mr. JOHNSON of South Dakota. Mr. President, I think I am in favor of this bill, but I should like to ask the Senator from Nevada a question or two with reference to it.

The VICE PRESIDENT. Debate is not in order at this time.

Mr. JOHNSON of South Dakota. Then, Mr. President, I shall withhold my vote on the pending amendment and repeat the question later.

The result was announced—yeas 12, nays 40, as follows:

YEAS—12.

| | | | |
|---|---|---|---|
| Brandegee | du Pont | Kenyon | Page |
| Clark, Wyo. | Gronna | Lodge | Poindexter |
| Curtis | Husting | Norris | Smoot |

NAYS—40.

| | | | |
|---|---|---|---|
| Ashurst | Hollis | Nelson | Simmons |
| Bankhead | Johnson, Me. | Newlands | Smith, Ariz. |
| Beckham | Jones | Phelan | Smith, Ga. |
| Borah | La Follette | Pittman | Smith, S. C. |
| Catron | Lane | Ransdell | Thomas |
| Chilton | Lea, Tenn. | Reed | Thompson |
| Clapp | Lee, Md. | Saulsbury | Vardaman |
| Fall | Lewis | Shafroth | Wadsworth |
| Fletcher | Martine, N. J. | Sheppard | Walsh |
| Hitchcock | Myers | Shields | Williams |

NOT VOTING—44.

| | | | |
|---|---|---|---|
| Brady | Culberson | Hardwick | McLean |
| Broussard | Cummins | Hughes | Martin, Va. |
| Bryan | Dillingham | James | O'Gorman |
| Burleigh | Gallinger | Johnson, S. Dak. | Oliver |
| Chamberlain | Goff | Kern | Overman |
| Clarke, Ark. | Gore | Lippitt | Owen |
| Colt | Harding | McCumber | Penrose |
| Pomerene | Smith, Md. | Sutherland | Underwood |
| Robinson | Smith, Mich. | Swanson | Warren |
| Sherman | Sterling | Tillman | Weeks |
| Shively | Stone | Townsend | Works |

So Mr. POINDEXTER's amendment was rejected.

The VICE PRESIDENT. The bill is in Committee of the Whole and open to amendment. If there be no further amendments to be proposed, the bill will be reported to the Senate.

The bill was reported to the Senate as amended, and the amendments were concurred in.

Mr. LA FOLLETTE. Mr. President, I understood that an amendment was offered by the Senator from Nevada [Mr. PITTMAN], in charge of the bill—it was quite early in the discussion yesterday, according to my recollection—by the terms of which a minimum price of $1.25 an acre is placed upon this land. I will inquire of the Senator from Nevada whether I am right about that?

Mr. PITTMAN. That is correct.

Mr. LA FOLLETTE. And that provision is now in the bill?

Mr. PITTMAN. It is.

Mr. LA FOLLETTE. I move to strike out "$1.25" and insert "$3," so that the minimum price at which this land is to be sold shall be $3 an acre.

Mr. PITTMAN. I sincerely hope the Senator will not do that.

Mr. LA FOLLETTE. Mr. President, if the amendment has been stated I should like to address myself to it.

The VICE PRESIDENT. The Secretary will state the amendment.

The SECRETARY. In the amendment proposed by the junior Senator from Nevada, in line 7, page 2, it is proposed to strike out "$1.25" and insert "$3," so that, if amended, it will read:

That the land herein granted shall be disposed of to citizens of the United States by sale to the highest bidder at public auction upon due notice, and at not less than $3 per acre.

Mr. LA FOLLETTE. Mr. President, I am satisfied that many of the Senators upon this floor do not understand the terms of this bill. That is not strange, because during much of the time the bill has been under discussion the attendance upon the Senate has been very light, as it often is at the lunch hour of the day.

I make that statement because, as I offered my amendment and it was being read by the Clerk, one of the Senators suggested to me that much of this land would be worth a very great deal less than $1.25 an acre. I am sure that the Senator who made that suggestion to me, and perhaps many other Senators, do not understand that the 7,000,000 acres of land set aside from the public domain for the benefit of the school fund of Nevada will be selected land. The very best Government lands that can be found by the State will thus be selected and constitute the 7,000,000 acres within this grant.

Mr. SMITH of Arizona. Mr. President, will the Senator permit a suggestion right there?

Mr. LA FOLLETTE. Certainly.

Mr. SMITH of Arizona. I know there is no man who is fairer than the Senator from Wisconsin in his deliberations here. Does not the Senator know that the first lands in all these States were taken up by the Federal Government, and that when the people came to make homes there they were left in the position of the third-table banquet, and that that is about the condition of these Western States where the lands are now left? I know that the Senator would not want to cripple any of these States.

Mr. LA FOLLETTE. I certainly do not desire to cripple this grant or the State in the enjoyment of this donation to its school fund.

Mr. SMITH of Arizona. I know that; and that is the reason I am making the suggestion.

Mr. LA FOLLETTE. The suggestion is not very timely from the Senator, however, in view of the fact that the Senator from Nevada—who must know the values of land in Nevada—stated, in the course of the debate, that much of this land is worth at least $10 per acre. Now, in fixing a minimum price of $3 per acre——

Mr. SMITH of Arizona. Mr. President, I resent the suggestion of the Senator. I approached him in perfectly good humor and with proper consideration; and I do not like to be taken from the floor by the suggestion of impropriety on the part of a man who probably knows as much about that particular country as the Senator from Wisconsin can possibly know. So I hope he will not feel the least resentment toward a proper approach in a very proper manner.

I am suggesting to the Senator that, in my judgment, he does not know what he is talking about; that is all. I was trying to do it in a most parliamentary and appropriate way.

I do know what I am talking about, for I live there. I am a close neighbor to the Senator from Nevada, and I know the conditions of that country as well as I do those of my own State. The conditions in Wisconsin, if the Senator will permit me, without making any criticism, never were the same; and I have no fear now but that the Wisconsin school funds have gotten full payment for all the lands would be worth if the State had held them to this day from the taxation of the people who have settled upon those lands and made that great State.

That is all I was suggesting to the Senator.

Mr. SMITH of Arizona. Mr. President——

Mr. LA FOLLETTE. The Senator has assumed to himself, not only a knowledge of all the lands of the State of Arizona and of the State of Nevada, but a better knowledge of the conditions of Wisconsin than anybody else.

Mr. SMITH of Arizona. If the Senator will permit me right there——

Mr. LA FOLLETTE. No; I do not yield just now.

Mr. SMITH of Arizona. That is not courteous. The Senator has that right, of course; but I will take the floor later.

Mr. LA FOLLETTE. I will give the Senator the opportunity in a very few moments, Mr. President.

Mr. SMITH of Arizona. I am entitled to the opportunity, and I will get it.

Mr. LA FOLLETTE. I only wish to say, Mr. President, that it has been the experience of every one of the States of the Union down to the present time, where limitations have not been fixed by Congress upon the sale of lands, that the school funds in the name of which the donation is made have suffered by the lands being sold at a very low price to speculators. That that is so, Mr. President, is attested by the fact that some 10 or 15 or 20 years ago Congress recognized it, and began to put into these grants a minimum price below which the lands should not be sold. You can not otherwise account for the fact that when the grants were made to North and South Dakota, and when the grants were made to Wyoming and to Colorado and to Montana and to Utah, I think, as well, there was a minimum price fixed below which the State, in carrying out the grant that was made to it by the Federal Government, should not sell those lands.

Mr. President, while I have no doubt that there is a progressive population in Nevada and that there is in that State to-day a recognition of public rights as against special privileges, yet I know also that these movements have their lapses; that periods of reaction overtake periods of progress. Whatever may be the conditions in Nevada at this particular moment, no one can foretell what the conditions may be two years or four years or six years hence.

Mr. President, I think that uniformly for the last twenty-odd years every grant of this character made by Congress to any State in the Union for educational purposes has had imposed upon it a minimum price—and I doubt if it would be found from an examination of the records that the minimum had been below the price of $10 an acre. But, sir, I recognize the fact that this is a different soil and that there is a larger measure of aridity in this section of the country than in the Middle West; I do think that the minimum price should be less than $10 per acre. But the Senator in charge of the bill himself stated on yesterday that he thought the minimum price fixed in the bill should be more than $1.25 an acre.

Mr. PITTMAN. Mr. President——

Mr. LA FOLLETTE. I will yield to the Senator in just a moment. Since that statement was made by the Senator, if I am correct in my recollection of his admission——

Mr. PITTMAN. The Senator is mistaken. That is what I rose to say.

Mr. LA FOLLETTE. Very well. It was my recollection, however, that in a colloquy which occurred between the Senator from Nevada and the Senator from Utah [Mr. SMOOT], that the Senator from Nevada agreed with the Senator from Utah that the minimum price of $1.25 named in this bill was too low. But whether he did or not, Mr. President, so long as we keep in mind the particular language of section 2, contained in lines 1 and 2 of that section—

That the lands herein granted shall be selected by the State authorities of said State from any unappropriated and unreserved nonmineral public land in said State—

In the execution of this provision of the bill the choicest lands that can be found by the agents of the State will be taken out of the public lands of that State. I do think it worthy of the very serious consideration of the Senate at this time in the discharge of its obligation to its own broad constituency. This is a part of the public domain, and it is given upon the principle, I suppose, that the entire country is interested, as we all are, in the promotion of education in each of the States of the Union, and that this is a proper grant for that purpose. I say that in donating this public land, that belongs to all the people of this Union, for a specific purpose, it behooves us to see to it that this trust is made as highly beneficial as it can be, not only to that State but to the whole country, by imposing a reasonable minimum price below which the land should not be sold.

I think that the amendment offered by the Senator from Nevada this morning, providing for an appraisal of these lands, with a provision added that there should be no sale of the lands below the appraised value, emphasizes the necessity of putting on a reasonable minimum price here. It has been the experience of this country in the administration of the public-land laws that a minimum price so fixed in the law has been construed as though the provision read that the lands should not be sold for more than the minimum price. I think the records of the sale of the mineral lands through the Interior Department down to about the year 1908 will show that those lands which were sold under a similar provision were not sold for a price above the minimum fixed. Then, through the administrative arm of the Government, responding to public sentiment, there having been considerable agitation upon that question, and evidence having been submitted to the Interior Department that lands were being sold at $2.50 an acre—the minimum fixed in the law—that were worth $100 and $150 per acre, a different policy was adopted; and vastly more has been realized, I think, from the sale of those lands under that provision, since that time than before.

Mr. President, if the amount that I have named here, $3 per acre, as a minimum price to be fixed in this bill, is not a proper amount—and I do not assume to know the value of those lands—then I would be very willing to accept an amendment as to the minimum price.

Mr. PITTMAN. Mr. President, I want to say that the Senator is mistaken, as I said before, with regard to a statement attributed to me. The RECORD will not disclose that statement. We have this provision in the bill, however:

*Provided further,* That none of the lands herein granted shall be sold or disposed of until their value shall have been appraised and fixed by the State Commission of Industry, Agriculture, and Irrigation of the State of Nevada, or such other board or commission as may hereafter be created or designated for such purposes by the Legislature of the State of Nevada; and none of said lands shall be sold for less than the price so appraised and fixed by said commission or board.

That commission or board consists of the governor, the surveyor general, the attorney general, the State engineer, and one other member appointed by the governor. It is a large board, and quite a dignified board. I think that what I said yesterday, as the Senator will find out, in my colloquy with the Senator from Utah, was that the price of $1.25 an acre would be too much for some of the land and not enough for other parts of it; but the $1.25 was simply a minimum. I meant that the State undoubtedly would ask more for some of the land. I think it will. I am not prepared to say, however, that the great majority of that land would be worth $3 an acre, and, in fact, I am afraid it would not.

The Senator is afraid of a lapse in the progressiveness of the people of the State. There is another provision in this bill, and that is that not to exceed half a million acres of this land shall be sold in any one year. That means that it is continued over a period of 14 years. Therefore there is ample opportunity to protect against any wrong step. We have separate, successive legislatures to view this matter. We have the initiative and referendum in our State, whereby they can initiate and inquire into a matter of this kind if the legislature itself will not do so.

It seems to me that we have thrown every protection around this measure that we can throw around it without practically nullifying what we are attempting to accomplish.

Mr. WILLIAMS. Mr. President, I believe the amendment offered by the Senator from Wisconsin will defeat the very purpose which he has in view. He said a very true thing while he was on his feet a moment ago, that wherever you fix a minimum it has been construed to mean a maximum as well as a minimum.

Mr. LA FOLLETTE. Mr. President——

The VICE PRESIDENT. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (S. 3331) to amend an act entitled "An act to regulate the construction of dams across navigable waters," approved June 21, 1906, as amended by the act approved June 23, 1910, and to provide for the improvement and

development of waterways for the uses of interstate and foreign commerce.

The VICE PRESIDENT. Does the Senator from Mississippi yield to the Senator from Wisconsin?

Mr. WILLIAMS. Yes; for a question.

Mr. LA FOLLETTE. Then I take it the Senator from Mississippi would readily agree that the minimum of $1.25 an acre named in the bill as it now stands, for which I have offered a substitute, ought to be stricken out.

Mr. WILLIAMS. Mr. President, that is just what I think, for I do not believe that any minimum ought to be named at all. If we have gotten to a point where the authorities of a sovereign State can not be trusted to do an honest thing, then the naming of any minimum would amount to naming a minimum which would also be a maximum. If you name $3, let us say, some of those lands are worth more, and all the land which is worth $3 or worth more would be disposed of at some price, and most of it, if we are to judge human nature in the future by what human nature has done in the past, would be sold at $3.

I know nothing very much about the lands in Nevada, except in just passing through the State and looking at them from the car window. It seemed to me I saw more land proportionately in the State of Nevada that looked like it was not worth 50 cents an acre than I ever saw in any other State of the Union. No one would give that for it unless he wanted to make a show place of it, and some of it was right spectacular and picturesque; but that was about all.

I think it would be wiser to strike out all the minimum and leave the State board, men who have the best interests of the people of Nevada at heart, and who have at heart also the honor of the State of Nevada, or if they have not it must be a queer sort of State board, do just what this bill says in another part of it, appraise these lands and set a value upon them and not sell them at less than the value itself. Those of them that are worth $10 should be valued at $10; those that are worth $15, if any there be, at $15; those worth $3 at $3; those worth $1.25 at $1.25. Meanwhile the lands that will be worth less than $3 could be sold. Under the Senator's amendment all lands worth less than $3 would never be sold, would never be converted to the public use, but under this the lands could be sold for the purposes of production of some sort, I do not know what. Some of those that I saw could not be converted to any purpose of production, if I could judge by the way they looked to me. Of course, if you could put water on them they would be valuable.

Mr. LA FOLLETTE. Those would not be likely to be selected.

Mr. WILLIAMS. How much public land have they to select from?

Mr. GALLINGER. Seventy million acres.

Mr. WILLIAMS. If the bill is open for amendment, Mr. President, I am going to move as a substitute for the amendment offered by the Senator from Wisconsin to strike out the minimum altogether and leave it to the State board to appraise these lands and sell them upon their merits at what they are worth. Does not the Senator from Wisconsin himself think that that would be wiser?

Mr. LA FOLLETTE. I think it would be very much wiser than to leave it standing at $1.25 an acre.

Mr. WILLIAMS. Then I shall move that as a substitute.

Mr. FALL. Mr. President——

Mr. WILLIAMS. I will yield in one moment. I shall move as a substitute for the amendment of the Senator from Wisconsin that the words on page 2, line 7, fixing the minimum at $1.25 be stricken out.

Mr. GALLINGER. Mr. President, I rise to a parliamentary inquiry.

Mr. WILLIAMS. Now I yield to the Senator from New Mexico.

The PRESIDING OFFICER (Mr. CHILTON in the chair). The Senator from New Hampshire will state his inquiry.

Mr. GALLINGER. As I understand the matter, the unfinished business is before the Senate and has not been laid aside. Can we proceed to consider another bill and act upon amendments under those conditions?

The PRESIDING OFFICER. We can not if the point is raised.

Mr. GALLINGER. I make the point.

Mr. WILLIAMS. I ask unanimous consent that the unfinished business be temporarily laid aside.

The PRESIDING OFFICER. The Senator from Mississippi asks that the unfinished business be temporarily laid aside.

Mr. SHIELDS. I will offer no objections to unanimous consent, provided the vote is to be had on this measure, and it is not going to take all the afternoon, the unfinished business to be taken up again immediately after the vote.

Mr. WILLIAMS. Of course that is what I mean.

Mr. SHIELDS. I understand it is expected that a vote will be reached in the next few minutes. With that understanding, I have no objection to the unanimous consent.

The PRESIDING OFFICER. The Chair has no way of gauging how long "temporary" means, of course. Is there objection to the request of the Senator from Mississippi? The Chair hears none, and the unfinished business is temporarily laid aside.

Mr. WILLIAMS. Now I yield for a question to the Senator from New Mexico.

Mr. FALL. I think that the minimum price of $1.25 an acre was fixed possibly in this bill because that is the minimum price fixed by the United States Government upon its public lands.

Mr. WILLIAMS. I have no doubt that is the case. I think the whole principle of it is wrong, or unwise, rather.

Mr. FALL. I agree with the Senator. The Senator yields the floor, I understand.

Mr. President, the remark has been made here that there are periods of progression and retrogression in legislation when dealing with matters of this kind. I want to say, sir, for the great number, at least, of the people of the western countries that they are not consciously guilty of retrogression in the matter of dealing with the public lands and with other questions also. However, Mr. President, some gentlemen come into the Congress of the United States or in the press or into office and imagine that they discover some new theory. The land policy, with the mining policy of the United States, was discussed years and years ago and definitely decided by the Congress of the United States. Some of the greatest debates that have ever been listened to in the Congress of the United States have arisen over just such questions as are presented here now.

I call the attention of the Senator from Mississippi to the fact that some Senators and some Congressmen and other public men imagine that they have discovered new theories. Every generation apparently forgets to some extent what the former generation has done; that these land matters and the land policy of the United States have been discussed here in former years time and time again and a policy fixed; that we started out upon the policy of the reservation of the natural resources, of attempting to hold even the mines of this great country as a treasure for the people of the United States rather than to dispose of them for the benefit of those who might acquire them and assist in building up the States of the Union.

Sir, one of the most noted debates that was ever heard in these Halls was that known as the Webster-Hayne debate, originating over exactly the same subject which is now under discussion. Although in that magnificent speech made by the greatest orator possibly ever known as a Member of this body, Mr. Webster maintained as against Hayne's insistence the rights of the Union as a trustee for this great estate that these lands should remain as the property of the United States to be administered by them; yet, sir, he announced that it had always been his policy by his vote and by his voice, and it would continue to be his policy, to see that they were so disposed of as to build up the States in which they were situated.

The entire policy of reservation was overthrown in 1836 and 1837, after due consideration by the Congress of the United States, and the system adopted under which we have progressed to a population of 110,000,000 people, making homesteads where it was claimed that no one could subsist and support a family. This great western country has been developed under the system established after due consideration in overturning all the former systems back in the year 1836.

Now, we have had recently in the last few years a new discovery—conservation of our national resources. We do not object to it in the West. I want to say now that I, for one, do not object to conservation, but I do object to reservation. I insist that the people of the State of Nevada and of other States should have the same opportunity to develop their resources that the people of the other States of the Union have enjoyed and through which they have been enabled to build up their States.

We do not object to the reservation of the forests, but we object to the administration of the forest reserves by which now timber under 6 inches in diameter is being cut and thrown upon the market, wastefully dissipating the inheritance of this great people which some are so anxious to conserve upon every occasion.

But more than all, Mr. President, the people of the West object to the guardianship of self-appointed guardians from other States. Just as has been remarked by the Senator from Missis-

sippi, it is a violent presumption to suppose that the people of Nevada will not get for their public schools all that it is possible for them to realize from the proceeds of the sale or the disposition of these lands. It is preposterous to advance such an argument.

In respect to the donation of land to my State of New Mexico, there was a limitation that a certain character of land which might be considered to be irrigable land, or thereafter subject to irrigation, should be appraised and not disposed of for less than $25 per acre. Of all the lands which we have had in New Mexico, of all the lands given to us by the State, not one acre of such land has been disposed of. It has been impossible for it to receive any such price; yet those are the lands referred to in speeches here yesterday as land worth $25 and $50 per acre.

On the other hand, the very land, such as has been referred to in the bill now pending, we have sold in New Mexico without any direction of Congress and derived a price as high as $90 per acre—some lands which were situated in the outskirts of a city, for example, where such a price could be derived from the land.

We invariably sell the land at public auction to the highest bidder after advertisement. We have a board in New Mexico whose business it is to call the attention of the people of the different States of the Union to the advantages of New Mexico as a place of residence and the advantages offered by these lands as an investment. We spend $15,000 a year in advertising these lands for the very purpose of securing the best price possible.

Mr. President, we are building that country. We will want all the money from this land that we can possibly receive.

It is provided here—and it is already provided in New Mexico, without the insistence of Congress upon it—that land shall be appraised and sold to the highest bidder upon such terms as the legislature may prescribe. I think if a Senator proposes to give lands to the State for State purposes, it is rather presumptuous that that Senator should say that the people of the State of Nevada do not know how to dispose of the gift. If they do not, then do not give it to them, but handle it yourself; and if you choose, in your charity, give them the proceeds. But if you are going to give them the land, the people of Nevada are just as shrewd, just as good financiers, just as good managers, just as honest, just as conscientious as the people of any other State in the Union. If the Senate is going to give those people lands for these purposes, do not accompany the gift with a sneer or an insult by providing that the State shall realize a certain price from the sale.

### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed the following bills and joint resolution, in which it requested the concurrence of the Senate:

H. R. 2. An act for the coinage of a McKinley souvenir gold dollar in commemoration of the erection of a memorial to William McKinley, late President of the United States;

H. R. 73. An act to amend chapter 231, known as the Judicial Code, act of March 3, 1911, volume 36, United States Statutes at Large, section 81, page 1111;

H. R. 322. An act to authorize the Secretary of the Treasury of the United States to sell the old post office and site thereof in the city of Dayton, Ohio;

H. R. 449. An act to provide for the appointment of 11 supervising inspectors, Steamboat-Inspection Service, in lieu of 10;

H. R. 6057. An act to amend section 14 of the reclamation-extension act, approved August 13, 1914;

H. R. 6442. An act to provide for the exchange of the present Federal building site in Newark, Del.;

H. R. 8233. An act granting the consent of Congress to the Republic Iron & Steel Co. to construct a bridge across the Mahoning River, in the State of Ohio;

H. R. 9213. An act to authorize the Gary Land Co. to construct a bridge across the Grand Calumet River in the State of Indiana;

H. R. 9224. An act providing for an increase in number of midshipmen at the United States Naval Academy; and

H. J. Res. 98. Joint resolution making part of the appropriation, "Construction and machinery, increase of the Navy," in the naval act, approved March 3, 1915, available for the extension of building ways and equipment at the navy yards at New York and Mare Island, Cal.

### ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (H. R. 4954) directing the Secretary of War to reconvey a parcel of land to the Anshe Chesed Congregation, Vicksburg, Miss., and it was signed by the Vice President.

### NAVY YARDS AT NEW YORK AND MARE ISLAND.

The PRESIDING OFFICER (Mr. CHILTON in the chair). The Chair lays before the Senate a joint resolution from the House of Representatives.

H. J. Res. 98. Joint resolution making part of the appropriation, "Construction and machinery, increase of the Navy," in the naval act approved March 3, 1915, available for the extension of building ways and equipment at the navy yards at New York and Mare Island, Cal., was read the first time by its title.

Mr. TILLMAN. The Senate Committee on Naval Affairs this morning considered the joint resolution, and I ask for its immediate consideration and passage. I hope the Senate will give permission.

The PRESIDING OFFICER. The Senator from South Carolina asks unanimous consent for the immediate consideration of the joint resolution. Is there objection?

Mr. GALLINGER. The Senator reports it from the Committee on Naval Affairs, I understand?

Mr. TILLMAN. Yes, sir. The Committee on Naval Affairs unanimously agreed to the passage of the joint resolution. It is a very important measure.

Mr. SMOOT. Let it be read.

The PRESIDING OFFICER. It will be read.

The joint resolution was read the second time at length, as follows:

*Resolved, etc.*, That of the money heretofore appropriated under the appropriation "Increase of the Navy, construction and machinery," in the act making appropriations for the naval service for the fiscal year ending June 30, 1916, approved March 3, 1915, the sums of not exceeding $100,000 for navy yard, New York, and not exceeding $500,000 for navy yard, Mare Island, Cal., are hereby made available for the extension of building ways and equipment necessary for the construction of battleships or battle cruisers in those yards.

The PRESIDING OFFICER. Is there objection to the present consideration of the joint resolution?

Mr. SMOOT. That the RECORD may be correctly understood, I will state that I asked the Senator from South Carolina if this particular measure was referred to the Committee on Naval Affairs. He assures me that it was. Therefore I have no objection to its consideration, but I should object if it had just come from the House and had not been considered by the committee. Without a reference to the committee, I would object, of course.

Mr. TILLMAN. The Senator is in error as to its being formally referred. I said the committee considered it. The committee, knowing it had passed the House yesterday, considered it without having had it referred.

Mr. SMOOT. The committee instructed the Senator from South Carolina to report the joint resolution?

Mr. TILLMAN. The committee instructed me to do just what I am doing now—to ask for the immediate consideration of the joint resolution and that it be passed.

Mr. SMOOT. I have no objection.

Mr. GALLINGER. I raised that question.

Mr. SMOOT. I did not hear the Senator.

The PRESIDING OFFICER. Is there objection to the present consideration of the joint resolution?

Mr. LA FOLLETTE. Mr. President, I think it is a matter of such importance that it ought to be accompanied by a report——

Mr. TILLMAN. There is a report here.

Mr. LA FOLLETTE. And there ought to be some opportunity to examine the joint resolution and its provisions and the report before it is taken up for consideration. Therefore I object.

The PRESIDING OFFICER. There is objection, and the joint resolution will be placed on the calendar.

### HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles and referred to the Committee on Commerce:

H. R. 449. An act to provide for the appointment of 11 supervising inspectors, Steamboat-Inspection Service, in lieu of 10;

H. R. 8233. An act granting the consent of Congress to the Republic Iron & Steel Co. to construct a bridge across the Mahoning River, in the State of Ohio; and

H. R. 9213. An act to authorize the Gary Land Co. to construct a bridge across the Grand Calumet River in the State of Indiana.

The following bills were read twice by their titles and referred to the Committee on Public Buildings and Grounds:

H. R. 322. An act to authorize the Secretary of the Treasury of the United States to sell the old post office and site thereof in the city of Dayton, Ohio; and

**H. R. 6442. An act to provide for the exchange of the present Federal building site in Newark, Del.**

**H. R. 2. An act for the coinage of a McKinley souvenir gold dollar, in commemoration of the erection of a memorial to William McKinley, late President of the United States, was read twice by its title and referred to the Committee on Banking and Currency.**

H. R. 73. An act to amend chapter 231, known as the Judicial Code, act of March 3, 1911, volume 36, United States Statutes at Large, section 81, page 1111, was read twice by its title and referred to the Committee on the Judiciary.

H. R. 6057. An act to amend section 14 of the reclamation extension act approved August 13, 1914, was read twice by its title and referred to the Committee on Irrigation and Reclamation of Arid Lands.

H. R. 9224. An act providing for an increase in number of midshipmen at the United States Naval Academy, was read twice by its title and referred to the Committee on Naval Affairs.

LANDS IN NEVADA.

Mr. LA FOLLETTE. Mr. President——

The PRESIDING OFFICER. The unfinished business was laid aside but Senate bill 2520 has never been formally laid before the Senate. This is the first opportunity the Chair has had to do it, and he now lays before the Senate the pending bill.

The Senate resumed consideration of the bill (S. 2520) granting to the State of Nevada 7,000,000 acres of land in said State for the use and benefit of the public schools of Nevada and the State University of the State of Nevada.

Mr. NEWLANDS. Mr. President——

The PRESIDING OFFICER. The Senator from Wisconsin has been recognized.

Mr. LA FOLLETTE. I will yield in just a moment. I rose to say, regarding the colloquy which I had with the Senator from Arizona [Mr. SMITH], that I think I trenched upon the courtesies of proper discussion in my references to his personal deportment in debate, and I wish to withdraw that portion of my remarks, although I submit that the Senator in a measure provoked me to say what I did.

Mr. NEWLANDS. Mr. President, I can understand the solicitude of Senators like the Senator from Wisconsin [Mr. LA FOLLETTE] with reference to the ultimate realization by the people of the benefit of this grant. I am quite prepared to admit that in the past some of the grants to the States, particularly the swamp-land grants, have been improvidently administered. All I contend is that there has been a growing watchfulness in the various States in reference to these grants and that this bill affords all the guards that are necessary in the fixing of the price at which they are to be sold by a board organized under the law, and in its provision that no more than half a million acres in each year shall be sold, thus providing a period of 14 years for their ultimate disposition. If during that time wastefulness or lack of vigilance is displayed we can rest assured that the watchfulness of the people will be aroused.

The period of controlled legislatures has practically passed in the far West. The initiative and the referendum and the recall place weapons in the hands of the people which enable them to protect themselves against spoliators should they by chance be put into power.

I should regret any high limitation upon the price to be required, because experience has shown us that it is exceedingly difficult to dispose of these lands. Over 60 years ago a land grant of over 3,000,000 acres was made to the State of Nevada, and though liberal terms of sale were made, the State has not been able to complete the disposal of its lands until recently. So it has taken a period of over 50 years to dispose of a grant of 3,000,000 acres. It is therefore apparent that inasmuch as the State of Nevada had the choice of selection in the past and has been able during that period to dispose of only 3,000,000 acres at $1.25 an acre, there will be no rush for this land at the price limited in the bill. It seems to me we should not put the State in a strait-jacket, but we should give the officials and the boards of the State the opportunity of exercising their best business judgment with reference to the situation, whatever it may be.

We can rest assured that the university of that State will be on watch to see that every dollar possible is realized. The regents of that university will be watchful, the professors of the university will be watchful, the friends of the entire public-school system of the State will be watchful; and if there is any weakness shown in the administration of these lands by any official connected with them it will be the subject of an immediate and active political agitation, which will result in the rectification of any injudicious course.

Mr. GALLINGER. Mr. President, when this bill was first presented to the Senate it did not commend itself to me, as I thought it was very loosely drawn and that it was rather a wasteful way in which to dispose of the public lands of the United States. The debate has been very interesting and instructive, illuminating, I will say, and I am very much gratified that amendments have been made to the bill which have entirely changed the view I held concerning it.

I think as it has been amended the provision for valuing the lands and the care that will necessarily be exercised as a result of that procedure safeguards it in such a way that the money which will be received from the sale of the lands will be used for the laudable purposes of educating the children of the State of Nevada, which I trust some day will be one of the great States of the American Union.

I still think that the quantity of land granted is larger than is necessary, but that has been tested by two votes, and the majority of the Senate has voted down the amendments. Therefore, Mr. President, having withheld any factious opposition to the bill, it will give me pleasure to give my vote in favor of it when the question comes on the passage of the bill.

Mr. McCUMBER. Mr. President, I understand there have been several amendments offered and some adopted. I should like to have the amendments which have been adopted read before voting on the measure. May I ask the Chair if there is an amendment now pending?

The PRESIDING OFFICER. There is an amendment pending.

Mr. McCUMBER. I will defer, then, my request until that is voted upon.

The PRESIDING OFFICER. The pending amendment will be stated.

The SECRETARY. The senior Senator from Wisconsin [Mr. LA FOLLETTE] proposes to strike out of the amendment heretofore agreed to on page 2, line 7, "$1.25" and insert "$3." The senior Senator from Mississippi [Mr. WILLIAMS] proposes as a substitute to that amendment to strike out of the amendment heretofore agreed to the following words: "and at not less than $1.25 per acre."

Mr. GALLINGER. Mr. President, it seems to me that the question ought first to be put upon the amendment offered by the Senator from Wisconsin. The amendment to that amendment is rather incongruous, it appears to me. I submit it to the Chair.

The PRESIDING OFFICER. It seems to the Chair that that would be the logical way. Without objection, the Chair will put the question first on the amendment offered by the Senator from Wisconsin.

Mr. McCUMBER. Now let us have that amendment read.

Mr. GALLINGER. It fixes a minimum of $3.

The PRESIDING OFFICER. The Secretary will state the amendment.

The SECRETARY. On page 2, line 7, in the amendment, which is as follows:

That the land herein granted shall be disposed of to citizens of the United States by sale to the highest bidder at public auction upon due notice and at not less than $1.25 per acre.

The Senator from Wisconsin proposes to strike out "$1.25 per acre" and to insert "$3 per acre."

Mr. WILLIAMS. I move to strike out the entire limitation.

The PRESIDING OFFICER. The Chair suggests that the logical way would be first to vote on the amendment of the Senator from Wisconsin, and then upon the Senator's motion to strike out.

Mr. WILLIAMS. Very well.

Mr. McCUMBER. Before the matter is voted upon, I judge by the statement made by the Senator from New Hampshire [Mr. GALLINGER] that there has been adopted an amendment providing for the appraisement of the land.

Mr. GALLINGER. Yes.

Mr. McCUMBER. If there is such an amendment, I should like to hear it read, for I think it might govern my vote upon the amendment offered by the Senator from Wisconsin [Mr. LA FOLLETTE].

The PRESIDING OFFICER. For the information of the Senate, the Secretary will read the portion of the bill to which the Senator from North Dakota refers.

The SECRETARY. On page 2, line 12, after the word "land," there has been inserted an amendment which reads "under the terms and in the manner provided in this bill." Following that, an amendment has been agreed to, as follows:

*Provided further*, That none of the lands herein granted shall be sold or disposed of until their value shall have been appraised and fixed by

the State Commission of Industry, Agriculture, and Irrigation of the State of Nevada, or such other board or commission as may hereafter be created or designated for such purposes by the Legislature of the State of Nevada; and none of said lands shall be sold for less than the price so appraised and fixed by said commission or board.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Wisconsin [Mr. LA FOLLETTE].

Mr. LA FOLLETTE. Mr. President, upon that question I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. GALLINGER (when his name was called). I have a general pair with the Senator from New York [Mr. O'GORMAN]. For that reason I withhold my vote.

Mr. SAULSBURY (when his name was called). I have a general pair with the junior Senator from Rhode Island [Mr. COLT] and therefore withhold my vote.

Mr. WILLIAMS (when his name was called). Having a general pair with the senior Senator from Pennsylvania [Mr. PENROSE], who is absent, I am unable to get a transfer and must, therefore, withhold my vote.

The roll call was concluded.

Mr. SMITH of Michigan. My colleague [Mr. TOWNSEND] is unavoidably absent from the Chamber on account of illness in his family. I wish this announcement to stand for the day.

Mr. CATRON. I transfer my pair with the Senator from Oklahoma [Mr. OWEN] to the junior Senator from Kansas [Mr. CURTIS] and vote "nay."

Mr. MYERS. Has the Senator from Connecticut [Mr. MCLEAN] voted?

The PRESIDING OFFICER. The Chair is informed that he has not.

Mr. MYERS. I have a pair with that Senator, but I transfer that pair to the Senator from Illinois [Mr. LEWIS] and vote "nay."

Mr. SUTHERLAND (after having voted in the affirmative). I observe, upon the recapitulation of the vote, that the Senator from Arkansas [Mr. CLARKE] has not voted. I have a general pair with that Senator and therefore withdraw my vote.

Mr. SMITH of Georgia (after having voted in the negative). I have a general pair with the senior Senator from Massachusetts [Mr. LODGE], but I see that he has not voted. I transfer that pair to the Senator from Indiana [Mr. KERN] and will let my vote stand.

The result was announced—yeas 16, nays 47, as follows:

YEAS—16.

| | | | |
|---|---|---|---|
| Borah | Gronna | Lane | Oliver |
| Clapp | Husting | McCumber | Page |
| Cummins | Kenyon | Nelson | Poindexter |
| du Pont | La Follette | Norris | Smith, Mich. |

NAYS—47.

| | | | |
|---|---|---|---|
| Ashurst | Hitchcock | Pittman | Sterling |
| Bankhead | Hughes | Pomerene | Stone |
| Beckham | Johnson, Me. | Ransdell | Swanson |
| Brandegee | Jones | Reed | Thomas |
| Broussard | Lea, Tenn. | Robinson | Thompson |
| Catron | Lee, Md. | Shafroth | Underwood |
| Chamberlain | Martin, Va. | Sheppard | Wadsworth |
| Chilton | Martine, N. J. | Shields | Walsh |
| Clark, Wyo. | Myers | Simmons | Warren |
| Fall | Newlands | Smith, Ariz. | Weeks |
| Fletcher | Overman | Smith, Ga. | Works |
| Hardwick | Phelan | Smith, S. C. | |

NOT VOTING—33.

| | | | |
|---|---|---|---|
| Brady | Goff | Lodge | Smoot |
| Bryan | Gore | McLean | Sutherland |
| Burleigh | Harding | O'Gorman | Tillman |
| Clarke, Ark. | Hollis | Owen | Townsend |
| Colt | James | Penrose | Vardaman |
| Culberson | Johnson, S. Dak. | Saulsbury | Williams |
| Curtis | Kern | Sherman | |
| Dillingham | Lewis | Shively | |
| Gallinger | Lippitt | Smith, Md. | |

So Mr. LA FOLLETTE's amendment was rejected.

Mr. GRONNA. Mr. President——

The PRESIDING OFFICER. There is an amendment pending which was offered by the Senator from Mississippi [Mr. WILLIAMS], which will be stated.

The SECRETARY. It is proposed to strike out the words "and at not less than $1.25 per acre."

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Mississippi.

Mr. WILLIAMS. Let us have the yeas and nays, Mr. President.

The yeas and nays were not ordered.

The amendment was rejected.

The PRESIDING OFFICER. The question is on concurring in the amendments made as in Committee of the Whole.

Mr. PITTMAN. Mr. President, on page 2, line 9, after the word "*Provided*," I move to insert the word "*further*."

The amendment was agreed to.

The amendments made as in Committee of the Whole were concurred in.

The bill was ordered to be engrossed for a third reading.

Mr. JOHNSON of South Dakota. Mr. President, I rose a moment ago to say that I have felt favorably disposed toward the bill, but I should like to ask the Senator from Nevada a question or two, to see that I fully understand it. I should like to ask the Senator about how many acres of unappropriated land will remain in Nevada after this grant has been made?

Mr. PITTMAN. About 60,000,000 acres.

Mr. JOHNSON of South Dakota. And is the remaining unappropriated land practically all desert land with no water supply?

Mr. PITTMAN. That is true.

The bill was read the third time and passed.

REPORT ON ELECTRIC POWER DEVELOPMENT (S. DOC. NO. 316).

Mr. FLETCHER, Mr. LA FOLLETTE, and Mr. SHIELDS addressed the Chair.

The PRESIDING OFFICER. The Chair thinks he ought to recognize the Senator from Tennessee [Mr. SHIELDS]. The Senator from Tennessee was on the floor and is in charge of the bill which was laid aside.

Mr. FLETCHER. The Chair ought to recognize whoever addressed the Chair first.

The PRESIDING OFFICER. Then the Chair ought to recognize the Senator from Florida.

Mr. FLETCHER. Mr. President, I want to move to take up the resolution providing for the printing of the report entitled "Electric power development in the United States and concentration in its ownership and control." I think we can probably dispose of it in a short time.

The PRESIDING OFFICER. The Chair is of the opinion that that can not be done unless the unfinished business is laid aside. The unfinished business was laid aside temporarily, with the understanding that it should be resumed on the passage of the bill advocated by the Senator from Nevada [Mr. PITTMAN].

Mr. SMITH of Georgia. Mr. President, the unanimous consent was, I think, that the unfinished business be temporarily laid aside until the bill of the Senator from Nevada [Mr. PITTMAN] was disposed of. Under that unanimous consent, the bill of the Senator from Nevada having been disposed of, the unfinished business is before the Senate.

The PRESIDING OFFICER. That is what the Chair stated.

Mr. NORRIS. Mr. President, is it not in order at any time, even though the unfinished business is before the Senate, to move to take up any other bill on the calendar? I understood such a motion was always in order. If it is not, there is no way, except by unanimous consent, to get the unfinished business out of the way.

The PRESIDING OFFICER. The Chair presumes that is right. The Chair does not know anything to the contrary.

Mr. BORAH. Mr. President, the fact is the motion of the Senator from Florida is perfectly in order. The effect of it would be, however, to displace the unfinished business.

Mr. SMITH of Georgia. Exactly.

Mr. NORRIS. That would only be temporary. I should like to inquire of the Senator from Tennessee whether he has any objection to that?

Mr. SHIELDS. I can not give consent to take up any other subject.

Mr. FLETCHER. It is not a question of the Senator's consenting. It is a question of whether the Senate will proceed to the consideration of the resolution which I have indicated. I will say to the Senator that I am not antagonistic to this bill; I want to proceed with it; but this is a matter which I am sure will take only a very few minutes. I myself will not take two minutes to present it, and it is a matter that ought to be disposed of. It is immaterial to me whether it is disposed of in one way or the other. My motion is to proceed to the consideration of Senate resolution 87.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Florida.

Mr. GALLINGER. Let the resolution be stated.

Mr. NELSON. Mr. President, I suggest to the Senator from Florida that the best way would be to ask that the unfinished business be temporarily laid aside. The Senator can then ask the Senate to consider his resolution without interfering with the unfinished business, but leaving it with that status.

Mr. FLETCHER. I will say to the Senator that there was objection to that course.

Mr. NELSON. But if the resolution to which the Senator referred is taken up by motion, it will displace the unfinished business.

Mr. FLETCHER. There was objection to laying aside the unfinished business.

Mr. NELSON. I suggest to the Senator that he ask to have the unfinished business temporarily laid aside in order to consider the resolution to which he has referred. If that is agreed to, then it leaves the bill of the Senator from Tennessee the unfinished business, and the Senator from Florida can proceed with his resolution.

Mr. FLETCHER. That has been asked, and that request has been denied.

Mr. NELSON. I was not aware of that fact.

Mr. FLETCHER. So that there is nothing for me to do but to make this motion.

Mr. BANKHEAD. Mr. President——

The PRESIDING OFFICER. The Senator from Florida has the floor. Does the Senator from Florida yield to the Senator from Alabama?

Mr. FLETCHER. I yield to the Senator from Alabama.

Mr. BANKHEAD. Mr. President, I should like to inquire if the motion of the Senator from Florida prevailed, would it not displace the unfinished business?

The PRESIDING OFFICER. The Chair thinks it would.

Mr. BANKHEAD. Then I hope the motion will not prevail.

Mr. MYERS. Mr. President, will the Senator from Florida yield to me just for a moment without giving up the floor?

The PRESIDING OFFICER. Does the Senator from Florida yield to the Senator from Montana?

Mr. FLETCHER. I do. I will say, however, before yielding that while the statement of the Senator from Alabama [Mr. BANKHEAD] is true, I do not think the displacement will last very long, so far as that is concerned.

Mr. MYERS. With the consent of the Senator from Florida, and thanking him for giving me the opportunity, I now give notice that when the unfinished business of the Senate, Senate bill 3331, shall have been finally disposed of, I shall move that the Senate proceed to the consideration of the bill (H. R. 408) to provide for the development of water power and the use of public lands in relation thereto, and for other purposes, and that it be made then the unfinished business of the Senate.

Mr. SMITH of Georgia. Mr. President, I want, in reply, to say that I trust the Senate will not agree to any such motion. I think we are entitled to dispose of our business as it stands on the calendar. I gave notice on yesterday that I should urge, immediately after the disposition of the present unfinished business, that the Senate take up Calendar No. 18, which is the next bill following the bill which we have just disposed of relating to the State of Nevada.

Mr. WALSH. Mr. President, will my colleague permit me?

Mr. JONES. I ask for the regular order.

The PRESIDING OFFICER. The regular order is the unfinished business, but there is a motion pending to take up Senate resolution No. 87.

Mr. FLETCHER. Mr. President——

Mr. MYERS. With the consent of the Senator from Florida——

The PRESIDING OFFICER. The Senator from Florida has the floor.

Mr. MYERS. If the Senator from Florida will permit me one more word, I give notice that at the proper time I shall make the motion I have indicated.

The PRESIDING OFFICER. It will be for the Senate to determine what effect it may give to the notice when the time comes.

Mr. FLETCHER. Mr. President, I have no objection to including in my motion, if the Senator from Minnesota [Mr. NELSON] thinks that preferable, that the unfinished business be temporarily laid aside and that the Senate proceed to the consideration of Senate resolution 87.

Mr. JONES. I ask for the regular order, Mr. President.

Mr. FLETCHER. This is the regular order.

The PRESIDING OFFICER. The regular order is the motion of the Senator from Florida to take up Senate resolution No. 87. The question is on that motion. [Putting the question.] The Chair is in doubt.

Mr. FLETCHER. I ask for a division.

Mr. NORRIS. I ask for the yeas and nays.

Mr. FLETCHER. I ask for the yeas and nays.

The PRESIDING OFFICER. Is the demand for the yeas and nays sustained?

Mr. BANKHEAD. Mr. President, I wish to make a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state his parliamentary inquiry.

Mr. BANKHEAD. If the motion of the Senator from Florida prevails and his resolution is taken up for consideration by the Senate, does it not displace the unfinished business?

The PRESIDING OFFICER. The Chair does not think there is any doubt about that. There is not any doubt in the mind of the Chair. The Chair may be wrong, but that is his judgment.

Mr. NORRIS. Mr. President, that is the second time that question has been submitted. I want to make a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. NORRIS. If this motion prevails and the resolution to print the document pertaining to the concentration in the ownership and control of electric power, which concerns the bill that is now the unfinished business, is discussed and passed this afternoon, will it not then be in order to take up the water-power bill?

Mr. GALLINGER. On motion.

Mr. NORRIS. On motion; and will that not be the unfinished business to-morrow under those conditions?

The PRESIDING OFFICER. There is no doubt that it will be the unfinished business when the Senate makes it such.

Mr. FLETCHER. I will say, Mr. President, in that connection, and in reply to the remark of the Senator from Georgia [Mr. SMITH], that the reason for presenting this request is because it has to do with a subject which has a bearing upon the pending bill. I do not say that the bill ought to wait until all the material is printed, but certain material here has an important bearing on that bill, and for that reason I think it ought to be printed now.

Mr. WALSH. Mr. President——

The PRESIDING OFFICER. The Senator from Montana.

Mr. WALSH. With the permission of the Senator from Florida, I desire to inquire of the Senator whether it would not be possible to secure unanimous consent that the document referred to in the resolution be printed in the manner which the chairman has indicated?

Mr. FLETCHER. I should be very glad to pursue that course, and, if there is no objection, I will prefer that request. The suggestion is made that I ask unanimous consent to have the material referred to in the resolution printed. It is in three parts—part 1, part 2, and part 3. Part 1, which is the real report, could be printed in 24 hours, and parts 2 and 3 could be printed probably in a short time thereafter.

The PRESIDING OFFICER. The Chair will state the request. The Senator from Florida now asks unanimous consent that the unfinished business be temporarily laid aside for the purpose of taking up Senate resolution 87.

Mr. FLETCHER. No; I did not ask that, Mr. President. The motion is pending; but I ask unanimous consent that the document covered by the resolution be printed, as I have stated.

Mr. GALLINGER. The resolution is on the calendar. The Senator can not well ask that the document shall be printed. The Senator can ask unanimous consent to have it considered; that is all.

Mr. FLETCHER. Very well.

Mr. SHIELDS. Mr. President, I object to unanimous consent to take up the resolution because it would displace the unfinished business. I have no objection to the resolution; on the contrary, I favor it. If unanimous consent can be given for a motion to order it printed, so as not to displace the pending unfinished business, I have no objection to it; but, on the contrary, as I have said, I favor it.

Mr. FLETCHER. Then I ask unanimous consent to temporarily lay aside the unfinished business, and then to take up Senate resolution 87, and agree to it.

Mr. SHIELDS. I understood the Senator's proposition was to ask unanimous consent for an order that the material covered by the resolution be printed.

Mr. FLETCHER. The Senator from New Hampshire [Mr. GALLINGER] raised the point that there is a resolution reported by the committee providing for the printing of this document, and therefore we have to act upon the resolution. I have no objection to taking either course.

Mr. SHIELDS. Unanimous consent would obviate that, would it not?

Mr. GALLINGER. No; it would not.

Mr. FLETCHER. Yes; if the unanimous consent to pass the resolution included unanimous consent to print the document.

Mr. SHIELDS. Then I suggest to the Senator to withdraw that request and make a motion to take up the resolution, laying aside the unfinished business temporarily.

Mr. CLARKE of Arkansas. Mr. President, there is not any difficulty about the situation presented by the request of the Senator from Florida. Of course the first action of the Senate

would be to temporarily lay aside the unfinished business. An unconditional request to lay it aside would carry it over until to-morrow at 2 o'clock; but if it is laid aside subject to a specific condition, such, for instance, as the right to consider Senate resolution 87, upon the conclusion of that I think the unfinished business would automatically come before the Senate. It would be necessary for the Senator to make a request that the unfinished business be temporarily laid aside for the consideration of the resolution. I doubt if he could make a compound motion that the unfinished business be laid aside and that the other resolution be passed. So I think our difficulty is more of form than of substance. If the Senator from Tennessee is of the opinion that I inferred him to be from the statements made by him, there is no difficulty in making the two requests—first, to temporarily lay aside the unfinished business, and then to consider the resolution referred to by the Senator from Florida.

The PRESIDING OFFICER. That is the usual way.

Mr. FLETCHER. I make that request, Mr. President.

The PRESIDING OFFICER. The Senator from Florida asks unanimous consent to lay aside the unfinished business temporarily for the purpose of taking up and considering Senate resolution 87. Is there objection? The Chair hears none, and it is so ordered.

The Chair lays before the Senate Senate resolution 87, which the Secretary will read.

The Secretary read the resolution (S. Res. 87), as follows:

*Resolved*, That the report entitled "Electric power development in the United States and concentration in its ownership and control," transmitted to the Senate by the Secretary of Agriculture on January 20, 1916, in response to Senate resolution No. 544, Sixty-third Congress, be printed as a Senate document, together with accompanying tables and illustrations.

Mr. FLETCHER. Mr. President, in reference to the resolution I will state very briefly that when we had it up several days ago there were some objections raised to printing the report on the idea that the material was not at all new and that it had been previously printed. I do not care to debate the matter, but I should like to state that the Forester, Mr. Graves, who submitted the report to the Secretary of Agriculture, states that it is substantially new and is based upon much data that was not available when previous statements were made to the Public Lands Committees of the Senate and the House. The report has never been printed in the form now submitted to the Senate and only fragmentary portions of it have been printed in any other form. The entire report was prepared and completed after the resolution adopted by the Senate calling for such a report. Of course a portion of the report was based upon data already in the possession of the Forest Service, but, in addition thereto, much new information was gathered especially for this report. The Forester believes it is highly important that the entire report should be printed, that the public may have the benefit of the full information upon which the conclusions contained in part 1 are based. There are innumerable references in part 1 to the text, maps, charts, and diagrams printed in the two other parts, and to print part 1 separately would make public only the conclusions of the report, which contain frequent specific references to the other parts that would be called to the attention of the public but would thus be withheld from its consideration.

The following paragraph is from the introduction to the report:

In order that anyone who may not agree with the conclusions reached in this report may have the information from which to draw his independent conclusions, the entire data upon which the report is based are presented in detail in part 2 and part 3.

So that part 1, which is now available and which can be printed, as I have said, within 24 hours, or within a short time at any rate, would cover practically the real and the immediate needs of the report, and parts 2 and 3 could come along as it might be possible to complete them. Therefore I ask that the resolution be adopted as it has been reported.

Mr. SHAFROTH. Mr. President, is there not pending an amendment offered by the Senator from Montana?

The PRESIDING OFFICER. There is.

Mr. SHAFROTH. Mr. President, it seems to me that the amendment ought to be discussed. I am heartily in favor of the proposition to print the manuscript portion of the report, and then, after examination of that part by Senators, I am perfectly willing to take a vote on the question as to whether the illustrations should be printed. I may say that I earnestly want the manuscript part of the report before the Senate, but I am opposed to printing the illustrations, involving an expenditure of $13,000, until we can examine the report and see whether it is necessary to print the illustrations.

Mr. GALLINGER. Let the amendment be stated.

The PRESIDING OFFICER. The Secretary will state the amendment.

The SECRETARY. On page 1, lines 7 and 8, it is proposed to strike out the words "together with accompanying tables and illustrations," and insert "without accompanying illustrations."

Mr. HUGHES. Mr. President, a day or two ago I objected to a request for unanimous consent for the publication of this report. It seemed to me, at that time, that it was a useless expenditure of the public money. I am not quite sure yet that it is not a useless expenditure of the public money. I am satisfied that so far as the purposes of this debate are concerned the printing of the report in the shape suggested a day or two ago will not be worth the money that we will have to pay for it. Some suggestion has been made, however, to the effect that the document will be of great value in itself.

I am animated simply by a desire to save the public money. I understand that is not a popular pastime, and not one very largely engaged in by the Members of this body. In conversations I have had with the chairman of the Printing Committee, the Senator from Florida [Mr. FLETCHER], the man who is charged with the responsibility in these matters, he has stated to me that in his opinion it is vitally important to have this document printed. Therefore I did not object to the request for unanimous consent.

Mr. STERLING. Mr. President, I think when this matter was under discussion the other day, and at the time when the Senator from Montana [Mr. WALSH] offered his amendment, the pending amendment, the desire was expressed that part 1, or the printed portion of the report, should be printed; and I think the amendment of the Senator from Montana was offered with that in view, and not because he objected to the printing of the entire report. To my mind, the entire report will be a very valuable report, and will not only serve us in this discussion on the pending bill, or the bill relating to water power derived from navigable waters or streams, but will also serve us when we come to the discussion of the other pending water-power bill. Besides that, I think it will be a work of great value in the future, and for other purposes, as a reference work. Where a sum amounting to $20,000, with so much labor, has been expended in a work of this kind, I think it highly fitting that that work should be published, not only for the use of the Senate but for the public generally.

In view of what I have said in regard to the intent of the Senator from Montana in offering his amendment the other day, I offer as a substitute the amendment which I send to the desk.

The PRESIDING OFFICER (Mr. ROBINSON in the chair). The Senator from South Dakota offers an amendment in the nature of a substitute for the amendment of the Senator from Montana, which the Secretary will state.

Mr. WALSH. Mr. President, upon a more careful examination of this matter made by myself I am satisfied that the report without the illustrations, at least in part 1, would be of comparatively little value. Upon reflection, I am satisfied that the amendment which I offered ought not to be adopted.

Mr. SMOOT. Then, Mr. President——

The PRESIDING OFFICER. Let the Chair understand: Does the Senator ask leave to withdraw his amendment?

Mr. WALSH. I do.

The PRESIDING OFFICER. The Senator from Montana asks unanimous consent to withdraw his amendment. Without objection, that may be done.

Mr. STERLING. Then I offer my amendment as an original amendment. It is applicable.

The PRESIDING OFFICER. The Senator from South Dakota offers an amendment, which the Secretary will state.

The SECRETARY. On page 1, line 8, after the word "illustrations" and before the period, it is proposed to insert a colon and the following:

*Provided*, That Part I of said report be first printed and furnished to the Senate at the earliest practicable day.

Mr. FLETCHER. I have no objection to that, Mr. President.

The PRESIDING OFFICER. The question is on the amendment of the Senator from South Dakota.

Mr. SMOOT. Mr. President, the amendment offered by the Senator from South Dakota does not change in any particular the cost of printing the document. If the amendment offered by the Senator is agreed to, it simply means that the first part will be printed as soon as possible, and the second part the same way, and the third part the same way. The cost to the Government will be $21,000, with the amendment that has been offered now by the Senator from South Dakota, just the same as it would have been if the original resolution was agreed to. It does not in any way change the original resolution, because that pro-

gram would have been followed no matter whether this amendment is agreed to or not.

If the Senate wants to print Part I for the use of the Senate, without the great bulk of illustrations that constitutes the real cost, then that can be accomplished by a simple amendment offered to this resolution, and will not exclude the illustrations in Part I; or, in other words, it can be accomplished by offering an amendment, after the word "That" on line 1 of the resolution, to insert the words "Part I of," so as to read:

That Part I of the report entitled "Electric power development in the United States and concentration of its ownership and control"—

And so on; but leaving in the words "together with accompanying tables and illustrations."

As I understand, in Part I there are tables and illustrations that are necessary to explain the report itself; that is, the meaning of the report. The other illustrations are entirely different from the illustrations that are in Part I. That would be the amendment which the Senate ought to adopt, if they are going to simply print Part I of the report, with illustrations in that report to explain, perhaps, some of the questions in that particular part of the report.

Mr. President, the Senator says he has a letter from the Forester, in which the Forester states that this matter never has been printed in the form now presented. Nobody has ever claimed that it has been; but I do claim that the great bulk of the testimony has been printed in the form of committee hearings. All the information that ever will be needed in the discussion of any bill that is before Congress affecting the water powers of this country, whether it be the Shields dam bill or the so-called Ferris water-power bill, can be found in the three volumes of the printed hearings. Senators have asked if information has been printed covering the following questions: "We would like to know where the water powers of the country are located, and how much of the power is developed and how much undeveloped." All any Senator has to do to secure that information is to turn to page 891 of the volume of hearings and he will find it complete, as reported by Mr. Merrill, the author of the report that we are now asked to have printed.

And so I could go on and take the time of the Senate, if I wanted to, and point to the testimony that has been given and printed by the Senate upon every question that is involved in the bill. In these printed hearings are illustrations, though not as many as are now asked to be printed; and any Senator who is at all interested in the questions involved, and wants to get at the very meat of them, is not going to wade through a lot of diagrams, tables, and pictures that will be printed if this resolution passes, and will cost the Government some $14,000.

Mr. President, I want the Senate to understand distinctly that this $21,000 is only the beginning of the cost. There is no question but that just as soon as this report is printed as a public document there will be a request for the printing of additional copies, and they will not be for the information of the Members of the Senate or the House; not at all. They will make rather an elegant set of books when printed. I think some 17 volumes, and when bound will be put into libraries throughout the country and never opened nor looked at unless the children look at the pictures contained therein. Nobody can tell what the expense is going to be.

I say now that I have about come to the conclusion that it is next to useless to try to prevent the waste of public money by the Senate. It is not a very pleasant thing to undertake, if I mistake not the feeling that is sometimes expressed upon the floor of this Chamber.

Mr. JONES. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Washington?

Mr. SMOOT. I do.

Mr. JONES. I understood the Senator to say that there would be 17 volumes of this water-power report. Is that correct?

Mr. SMOOT. I do not remember just how many volumes there would be. I will ask the Senator from Florida whether an estimate has been made of the number of volumes?

Mr. FLETCHER. There would not be over three volumes. This volume is Part I, and there are two others, but the others are maps and drawings and diagrams. Put into smaller shape, I should not think the whole report would make over three times this amount.

Mr. JONES. I know that the Senator from Utah is generally very accurate, and I wondered if he had made a mistake in saying "17 volumes."

Mr. FLETCHER. I think the Senator from Utah is thinking about the report of the Industrial Commission.

Mr. SMOOT. I will say to the Senator from Washington that I did have in mind the report of the Industrial Commission, which no doubt will be printed by the Senate at a cost of at least $129,000, and perhaps $220,000. It might just as well be a million dollars as $10, because it is voted just as easily. Nobody pays it but the people of the United States, and poor Uncle Sam can stand it.

Mr. NORRIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Nebraska?

Mr. SMOOT. I do.

Mr. NORRIS. The Senator, then, did not have reference to this report when he said it was going to consist of 17 volumes?

Mr. SMOOT. No; I did not. When I referred to the 17 volumes I had in mind the Industrial Commission's report, which, no doubt, will be reported to the Senate for printing at an early date.

Mr. NORRIS. What the Senator was discussing lately when he was talking about an expenditure of $200,000 was that report, was it not?

Mr. SMOOT. Yes; I said that that had reference to the Industrial Commission's report.

Mr. NORRIS. I will suggest to the Senator also, in that respect, that a battleship costs $18,000,000, and we had better cut this out so that we will have enough money left to build one, if that is the line of his argument.

Mr. SMOOT. The Senator from Nebraska is not making this argument.

Mr. NORRIS. You can tell that from the argument.

Mr. SMOOT. When he speaks upon this question he can speak about battleships or anything else that he desires to, or what they cost or what they may not cost. The only question now before the Senate is the question of whether we shall print the report and pay $21,000 as a beginning—and I warn you it is only a beginning.

As far as volume 1 is concerned I think it will be referred to by Senators. I have no objection at all to its being printed. That volume contains all the information that any Senator, in my opinion, will ever desire to look at.

If the Senate of the United States wants to vote this money, well and good. I have done my duty in calling attention to the expense attached to it, and what the advantage will be to the Senate if it is printed.

I know, Mr. President, that it would be much easier for me, and perhaps for every Senator here, to say: "Why, yes; print it. Print as many of them as you want." We would then have the commendation of a certain publicity bureau that is running here in Washington and has been for years. We would be commended for it and patted upon the back; whereas I expect, of course, as in the past, that everything that is done that is not absolutely in accord with the bureau's views will be criticized in the most severe terms, and literature will be sent broadcast all over the United States telling what a reactionary the man objecting to the expenditure of money is.

Why, after the volumes are printed it is not only a question of printing; they will be sent through the mail to friends of Senators that may hear of the printing and who will write to the Senators and have copies of the report sent to them. We will have to pay for carrying these copies through the mail. I can not tell now what the expense will be, but in my opinion it will be $50,000 at the very least.

I suppose the Senators have made up their minds. I do not think anything I could say, or anything anybody else could say, would change a vote. I do want a vote upon the matter, however, and I do want to know whether the Senate of the United States desires to expend the public money for what I consider, in the main, a waste of money.

Mr. FLETCHER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Florida?

Mr. SMOOT. Yes.

Mr. FLETCHER. I will ask if the Senator does not agree that the further expense of which he speaks will depend altogether on the further action of Congress? Neither House could order additional copies or a reprint of this document, because the amount involved would exceed what either House is permitted by its own action to expend. It would depend altogether on the further action of Congress.

Mr. SMOOT. The same power that is trying to force it to be printed now will be here for a reprint, and I have no doubt that they will be yielded to, just the same as they are yielded to in their demand that the report be printed as a public document.

Mr. President, with what little I have said on this subject before, and with the few words that I have spoken to the Sen-

ate to-day, I shall leave it entirely to the Senate to vote as they please, whether they want to vote for part 1—I shall offer an amendment to that effect—or whether they want to vote to print all the report and to send these illustrations and beautiful lithographic pictures, that amount to nothing, broadcast throughout this country.

Mr. THOMAS. Mr. President, I had perhaps unduly congratulated myself that the difference between us upon the subject of this resolution had been compromised by the resolution offered—I think last Friday—by the Senator from Montana [Mr. WALSH]. Upon that day we had a renewal of the discussion of the subject, and shortly before it ended the Senator introduced an amendment to the pending resolution providing for printing what is known, I think, as volume No. 1 of the proposed document. That was more than acceptable to me; and I am satisfied that if we could have reached a vote at that time, as then seemed probable, the matter would have been disposed of, at least for the time being.

Mr. President, I am painfully conscious of the fact that the opposition which I shall make to the printing of the entire document may be ascribed to invidious motives. Indeed, I have been painfully conscious also of the fact that objections to the expenditure of money, and particularly small sums, are frequently supposed to be actuated by some other motive than the desire to prevent needless expense. It is, therefore, with some degree of reluctance that I still object to the printing of this document with the proposed exhibits.

Of course my views with regard to the subject of leasing the public lands, and converting the Government of the United States into a landlord of a vast estate, are well known here. Because they are well known in this body, it is obvious that an objection upon my part to the publication of a document of this sort might be thought to be prompted more by a desire to hamper the discussion of the situation, and the successful outcome of the bills that are soon to be introduced upon the subject, than to a desire to save money. Notwithstanding that, Mr. President, I feel impelled, not only by my sense of duty as a Senator but because of the attitude which my party ostensibly, at least, has assumed upon the subject, to protest against needless expenditures of the public money when they seem to me to be needless.

I do not believe in a parsimony which is actuated only by a desire to be penurious or to refuse to spend money where it may be necessary. There are multitudes of objects for which the expenditure of the public treasure is absolutely necessary; and it would be most unwise to present objections, whether specious or substantial, to appropriations that are needed for the operation of the Government and for the welfare of the public. But the very fact that these demands are here and that they are constantly increasing suggests to me the necessity of objecting wherever a proposed expenditure, however small it may be, either absolutely or relatively, is unnecessary.

In this instance the amount which is involved is comparatively small; but it is the accumulation of these small amounts which in the aggregate presents such an appalling figure at the close of a Congressional session. It is due to the comparative ease with which an insignificant sum may be voted out of the Treasury, for purposes which, of course, are entirely legitimate, that the public is confronted with an enormous aggregate sum when our labors are at an end and we have adjourned. It is therefore necessary, if we are going earnestly and honestly to reduce the expenditures of the Government, to look as well to those which are insignificant in amount as to those which are very large; perhaps more so, because the latter, by the very fact of their size, attract public attention, while those which are small do not do so.

Mr. President, I want to say with regard to this particular matter that if it were necessary, in my judgment, in order to establish the existence of a monopoly in water power, that we should issue a report accompanied by illustrations, maps, and diagrams, whatever the cost was I should be in favor of it. But I am unable—perhaps because of my obtuseness—to understand how a proposition of that sort can be supported or proven by illustrations, by tables, by diagrams, or by other accessories to the results of an investigation. There are some things, perhaps, which may be demonstrated in that way, and in that way only, but certainly not a proposition of this kind.

I do not think any man who has studied the subject to the extent that I have—and I think most Senators have—can doubt for a moment the fact that there is in the United States a monopoly or series of monopolies in hydroelectric power, in its generation, and in its sale. It is here; it has been with us for some time, and it always will be with us, because it is one of those elements which necessarily form the nucleus of a monopoly. You can no more avoid a monopoly in the generation and distribution of electric power than you can avoid the operation of the law of gravity.

Water, gas, transportation, lines of communication, and methods of communication, this great element known as the electric current—these, Mr. President, are inseparable from monopoly; and as a consequence they all should be in control of and owned by the public, through their governmental agencies, and operated for the benefit of the public. That is a condition which can be neither added to nor subtracted from by all the diagrams in the world.

Why, then, should we expend the sum of twenty-odd thousand dollars in embellishing and illustrating a report in order to prove something that is self-evident, in order to establish something which is so apparent? No man can avoid the acknowledgment of the fact who will look at the situation as it is from one end of this country to the other. In any legislation by this body, whether it take the form of a leasing bill or whether we go back to the old system which prevailed before a leasing bill was designed or suggested, whether we legislate or fail to legislate, that monopoly is going to continue. No power on earth can break it except the power of the Government exercised on its own account, which will not break it, but will transfer and transpose it from private into public hands.

Mr. SMOOT. Mr. President——

Mr. THOMAS. Now, Mr. President, feeling that way, I object, and object most strenuously, to the publication of anything connected with this report except what is called "volume 1."

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Utah?

Mr. THOMAS. I yield.

Mr. SMOOT. I simply wish to ask the Senator a question. Is it not a fact that the action of the Government of the United States in withdrawing water-power sites and preventing the development of water power in all the Western States has had the effect of giving a monopoly to those who were first in the business?

Mr. THOMAS. I think, Mr. President, it has accelerated that process of monopoly which was an inevitable operation. There is no question but that it has strengthened and solidified a situation which perhaps would not have become so complete at so early a period of time.

Why, then, Mr. President, should we expend this money? "Oh," Senators say, and the argument is made outside, "it is necessary that we should incur this expense in order to give circulation to this document, and thereby demonstrate to the people the existence of a monopoly, legislation to correct which is needed."

Mr. President, I think it was said by President Taft that the way to bury a fact, in Washington at least, is to put it in a report or in a mass of testimony going with the report. That is the statement of an obvious truth which the experience of all of us, I think, justifies.

There is not one man out of ten thousand who, on receiving a copy of this report, will pay any attention whatever to this huge mass of diagrams and illustrations. On the contrary, their number and extent will repel rather than attract his attention.

I saw the other day I think it was six or eight volumes, perhaps more, of a report of an industrial commission, composed of Members of the House of Representatives, which visited different parts of the country and took vast masses of testimony upon the industrial and economic condition of the country. It was a commission which at that time attracted much attention. Indeed it was quite as important and quite as prominent in 1901 as the so-called Walsh Industrial Commission in more recent times. Yet I venture to say that 90 per cent of the people of the United States not only never read it or anything else except the report, but that 95 per cent of the people have forgotten that there ever was such a commission.

Mr. FLETCHER. Mr. President——

Mr. THOMAS. The cost of the publication of the document certainly mounted into the thousands of dollars. It was a complete and absolute waste, and was done for the identical purpose which it is now proposed to publish this document, to enlighten the people with reference to a matter which has already been so exploited both in Congress and in the public press as that no definite information can very well be obtained about it. I yield to the Senator from Florida.

Mr. FLETCHER. I was going to say to the Senator that my impression is the report he refers to consists of 19 volumes and it cost some $140,000. I quite agree with the Senator that that amount was exorbitant and that there was a waste of money in that connection. This is an entirely different situa-

tion. I should like to draw the attention of the Senator to this thought. Here was a resolution offered in the Senate:

*Resolved*, That the Secretary of Agriculture be, and he is hereby, directed to furnish the Senate with all information in his possession as to the ownership and control of the water-power sites in the United States, showing what proportion of such water-power sites is in private ownership and by what companies and corporations such sites in private ownership are owned and controlled; what horsepower has been developed and what proportion of it is owned and controlled by such private companies and corporations; and any facts bearing upon the question as to the existence of a monopoly in the ownership and control of hydroelectric power in the United States.

That resolution was passed by the unanimous consent of the Senate, and the department was directed to do this great work. It has gone on at an enormous expense and done the work. Here is the result of it. Is it right that we should order this printing to be done? Shall it be treated as something done that it is not worth while to print and chuck it in a pigeonhole and let it rest? It is better to say that it is worth while to print it and that the information is important, that it concerns one of the greatest resources of the country, and that the material ought to be put in a shape where it can be of useful service.

Mr. THOMAS. Mr. President, I thank the Senator for the information which he has given us concerning the extent, both in volume and in expense, of the report to which I had just referred. I saw about five or six volumes of the document at the time mentioned, and assumed, as it seems, erroneously that the number of volumes then apparent constituted the entire report. I am now informed that that report consisted of 19 volumes and cost somewhere in the neighborhood of $140,000. The Senator says, and says very properly, that much of that money was squandered; and this, he thinks, will not be the case, because our methods of printing are more economic, and also, I presume, because of this resolution——

Mr. FLETCHER. There is not so much of it.

Mr. THOMAS. And because there is not so much of it; but that is simply a difference in degree. If it is unnecessary to spend one dollar, it is just as much incumbent upon this body to decline to do it as would be the case if the amount involved were a million dollars; the principle is the same. The sum, though insignificant, frequently results, of course, in the accomplishment of a measure or the carrying out of a purpose, whereas the larger defeats itself by reason of its magnitude and the evident effect upon the public sentiment of the expenditure.

Mr. President, coming to the resolution to which the Senator kindly called my attention at the time he was reading, I approached his desk with a view of obtaining a momentary possession of the document itself and exhibiting it to the Senate; but I see that it is not there and that I can not do it. This resolution is one which requires that the Secretary of Agriculture be—

directed to furnish the Senate with all information in his possession as to the ownership and control of the water-power sites in the United States, showing what proportion of such water-power sites is in private ownership—

I will stop right there. Is it necessary to print this huge document, which has been furnished by the Secretary in compliance with this resolution, in order to show what proportion of water-power sites are in private ownership? Will not that appear in the volume that it is proposed by us to publish? Suppose that instead of the report which has been furnished here the report to the Secretary of Agriculture of everyone of his subordinates had been added to it and the proposition be made to print it, could it in any wise add to the information which the Senate desires? What the Senate wants to know and what the people through the Senate are supposed to want to know is the proportion of the water-power sites that are in private ownership, a matter which can be stated in a few dozen pages at least—

and by what companies and corporations such sites in private ownership are owned and controlled—

Mr. President, that could be included within the limits of certainly not more than 25 or 26 pages, and it is also information that has been embodied in other reports and in other printed forms more than once, and which are in the possession of the Senate—

what horsepower has been developed and what proportion of it is owned and controlled by such private companies and corporations—

Mr. President, a proposition of that kind made by one concerning another would bring conclusions, statements, and figures, not a vast mass of illustrations and diagrams which at most can only confirm the report that will be taken as true as a matter of course from one of the departments of the Government until the contrary appears—

and any facts bearing upon the question as to the existence of a monopoly in the ownership and control of hydroelectric power in the United States.

If the Secretary of Agriculture is possessed of facts bearing upon this question not included in the things which are specifically requested, I suppose it will be his duty to comply, and that he has complied with the order; but is there any corresponding duty upon us to publish these facts in the shape of diagrams and illustrations at an expense which is altogether out of proportion to the importance of the subject and which will not accomplish any purpose whatever? A man who does not know that there is a monopoly of water power in the United States never can learn that fact from diagrams and illustrations.

Mr. SMOOT. I might say to the Senator, if he will refer to page 703 in the volume of the hearings before the committee he will find not only the testimony but the diagrams as well.

Mr. THOMAS. Yes; and I have seen these illustrations in the public press [exhibiting]. Mr. President, that looks something like a spider's web in a state of ruin. Some pages are perhaps not so complex. The object of the particular illustration which the Senator called to my attention is designed to show the existence of one director in 10 companies and that on the opposite page the existence of one director in 4 companies. We all know, Mr. President, what the system of interlocking directorates is without a lot of cobwebs to illustrate it, and the man who does not know it will never learn it from his examination of these cobwebs.

That is a simple proposition. We know that one of the economic abuses of the twentieth century and the latter part of the nineteenth century has been the so-called system of interlocking directorates by means of which vast interests are associated and combined together, actually although ostensibly independent, and that through the operation of such a situation a condition of economic and industrial monopoly has been created that has threatened the social and the political future of the country. We knew that, Mr. President, before the genius who drew this illustration ever designed it. We knew that just as well before examining it as afterwards, and we do not examine it at all. It is an illustration. It costs something to print it.

I come back to the plea, Is it necessary in order that this resolution should be complied with that we should print everything the Secretary has sent in when the things that are mentioned specifically are already in print?

Mr. President, I have no desire to delay a vote upon this subject. Perhaps, as a matter of fact, we are losing more money in discussing it than we would by take a vote and getting rid of it. It costs a little something to run the Senate of the United States in this day. But I want nevertheless to renew the motion made by the Senator from Montana [Mr. WALSH]. I will ask the Senator if he has a copy of that motion? If not, I will state my motion orally.

Mr. WALSH. I have not a copy of it.

The PRESIDING OFFICER. The Chair will state that there is an amendment now pending. The amendment of the Senator from South Dakota [Mr. STERLING] must first be voted upon. The amendment of the Senator from South Dakota will be stated.

The SECRETARY. It is proposed to add at the end of the resolution the following proviso:

*Provided*, That Part I of said report be first printed and furnished to the Senate at the earliest practicable day.

Mr. THOMAS. That, of course, assumes the printing of the entire document. The amendment offered by the Senator from Montana was for printing Part I. I want to offer, as a substitute, that the committee be authorized to print Part I only of the document. The Senator from Utah suggests to me that my substitute read as follows:

*Resolved*, That the first part——

Mr. FLETCHER. I suggest to the Senator to insert, after the word "the," the words "Part I of the report."

Mr. THOMAS. I will not insist upon any substitute. I will offer to amend the resolution of the Senator from Florida by inserting the words "Part I of" after the word "That," on the first line of the resolution.

Mr. FLETCHER. The first question is, I think, on the amendment of the Senator from South Dakota [Mr. STERLING].

The VICE PRESIDENT. There is a pending amendment now.

Mr. FLETCHER. The Senator from Colorado can offer his amendment afterwards.

The VICE PRESIDENT. The Chair understands that the Senator from South Dakota has a pending amendment.

Mr. THOMAS. I offer it now, because it goes to the heart of the resolution, while the amendment of the Senator from South Dakota is merely designed to determine the manner in which the entire document shall be printed.

Mr. STERLING. I wish simply to say that my amendment was offered with a view to the printing of the entire report.

Mr. THOMAS. I so understood it.

Mr. STERLING. Yes; but in the discussion the other day it was stated that the part most needed would be part 1 of the report, which would contain the printed matter. It was understood, too, that it would take some time to print the entire report, and in that way we might not have it for use in the discussion of the two water-power bills. Hence I offered this amendment providing for the printing of part 1 and furnishing the same to the Senate at the earliest practicable day.

Mr. SMOOT. Mr. President——

Mr. STERLING. If the Senator will just excuse me for a moment, in regard to the general proposition, Mr. President, I wish simply to say that here is the report of the Secretary of Agriculture made upon a resolution passed by the Senate at the last Congress calling for full information upon this great question. The report has been produced at considerable expense; at an expense, I understand, of about $20,000, and after great labor in gathering the data, and now when we most need it for use in these discussions comes the proposition to make the report of no use by not having it printed.

I think, Mr. President, it is a mistake, and there ought to be no objection to the printing of the entire report. I believe these maps and illustrations will be of great value, not only now but hereafter. This entire report will indicate the present development of water power throughout the United States. It will be a work for reference in all future discussions of this subject when Congress comes to the consideration of such development

It seems to me that the report ought to be printed. As I said, my amendment was offered with a view to getting that portion that would be of most practical use to us as soon as possible.

Mr. NORRIS. Mr. President, I trust that this entire report may be printed, and I want to take up a few of the objections which have come mostly from the Senator from Utah and the Senator from Colorado on the ground that it is an expense and is going to cost the Government money. However, in their discussion they wandered off and talked about something else that was expensive. We can get quite nearly to the expense we have already put the Government to and what it will cost us now to print the entire document.

Let me say that, in my judgment, if it be printed as a document it will become in the future a handbook on this subject. It is the most concise and the greatest collection of data upon the question of water power that has ever been printed anywhere at any time by anybody. I gather that from the review that has been made of it by the official who has had charge of the collection and the gathering of this evidence.

First, as to the cost. The Secretary of Agriculture has done this work in pursuance of a resolution of the Senate.

Mr. THOMAS. If the Senator will allow me, my understanding is that it was done by the Secretary of Agriculture long before, or at least a considerable time before, the resolution was introduced and passed.

Mr. NORRIS. The Senator, in the main, is mistaken.

Mr. THOMAS. I may be. That is my information. It comes from an authoritative source.

Mr. NORRIS. The Senator probably was not here when the Senator from Florida read a letter showing about what proportion is new and what had been gathered up before. He probably was not here the other day when I put into the RECORD a letter from the Chief Forester showing what is new and what had been printed before.

Now, we have an estimate of cost here up to date. The Secretary's office said it has cost now up to date to comply with the order of the Senate in gathering together this information $22,700. That includes the salaries of the men who are regularly engaged in the department and who have been detailed to this work.

Mr. BRANDEGEE. Mr. President——

Mr. NORRIS. If the Senator will please let me finish this statement, I will be obliged to him.

Mr. BRANDEGEE. I want to ask a question on that very point.

Mr. NORRIS. I want to finish this point and then I will be glad to have the Senator interrupt me.

Of this amount $19,500 has been apportioned chargeable to employees who are already in the service and whose salary we would have paid anyway, whether they were engaged in this or in nothing or in some other work, so that the extra expense was only $3,200.

In the estimate, that it will cost in round numbers $20,000 to print this document in the entirety, there is contained the salary and the expense of paying men who are already in the Government employ whom we would have to pay anyway if this was not ordered printed.

There would be some extra expense, which would be comparatively small, perhaps in the same proportion as the expense that has already been incurred.

Now, I will be glad to yield to the Senator from Connecticut.

Mr. BRANDEGEE. I wanted to get in mind, if the Senator is able to give me the information, how much it cost the Government after the Senate had passed the resolution directing the department to furnish the report for the plans and the illustrations?

Mr. NORRIS. I judge from the report I have here, from the outline of the work and when it was done, that nearly all the amount that I have given here has been expended after the resolution authorizing the Secretary to gather the facts was passed.

Mr. BRANDEGEE. That may be, but I do not know and the Senator only infers, as I understand it.

Mr. NORRIS. I could not draw any other inference.

Mr. BRANDEGEE. I will state the reason why I ask the question. On one of the several occasions when the Senate has entertained itself and others in the rolling of this delicate morsel about from place to place, I understood the Senator from Utah to say that the plans, illustrations, diagrams, and drawings, or whatever they are, referred to in part as cobwebs by the Senator from Colorado [Mr. THOMAS], had all been made before the Senate passed the resolution directing the department to collect this information.

Mr. NORRIS. No; they had not. That is incorrect, I will say to the Senator.

Mr. BRANDEGEE. I should like to know whether that is true, one way or the other.

Mr. SMOOT. Will the Senator yield?

Mr. NORRIS. I will yield to the Senator.

Mr. SMOOT. I want to say that the statement I made was that the great bulk of the illustrations had been prepared by the Department of Agriculture before the introduction of the resolution.

Mr. NORRIS. Now, just a moment. The Senator from Connecticut asked me the question whether it had all been done. My answer was in reply to the question of the Senator from Connecticut. I do not claim that all the diagrams were made afterwards, but I do claim that the great bulk of the work was done and the expense incurred after the Senate passed its resolution.

Mr. BRANDEGEE. In fact, I asked the Senator two questions: First, I asked him how much had been spent since we passed the resolution for the plans and diagrams, and the Senator could not answer the question.

Mr. NORRIS. The Senator never asked me that before.

Mr. BRANDEGEE. Yes; I beg the Senator's pardon.

Mr. NORRIS. Whether he did or not, I could not state how much has been spent for the plans.

Mr. BRANDEGEE. And the preparation of the plans.

Mr. NORRIS. I do not know that they have spent anything for plans. In my judgment they do not have any plans.

Mr. BRANDEGEE. My conception of the matter was drawn from the statement of the Senator from Utah. I understood him to say the other day that almost all the work upon the plans had been done by the department before the Senate passed its resolution. I may have been wrong; I may not have understood the Senator.

Mr. NORRIS. The Senator from Utah has said in the main that was true. He has repeated that a good many times. I have no personal knowledge—I was not following these men around when they were doing the work—but I have their written word, and, if they are correct, the Senator from Utah is vastly mistaken.

Mr. SMOOT. Mr. President——

Mr. NORRIS. The Senator from Utah may have some personal knowledge of it, but his opinion is in direct conflict with what has been placed in the record from the department coming from the Senator from Florida and what has been placed in the record from the same department coming to myself. I am only offering the evidence that was in my possession. I do not claim to know anything about it personally.

Mr. SMOOT. I wish to say to the Senator from Connecticut that the statement I made here is made from my own personal knowledge.

Mr. NORRIS. I will ask the Senator, has he ever seen any of the plans that are included in the document we are trying to print?

Mr. SMOOT. Of course I have.

Mr. NORRIS. Has the Senator read what the report contains?

Mr. SMOOT. Does the Senator mean——

Mr. NORRIS. The document we are trying to print and the Senator is trying to prevent from being printed.

Mr. SMOOT. I have not read every word of it. I have read most of it.

Mr. NORRIS. Then how does the Senator know from his personal knowledge that the plans and everything are simply a reprint?

Mr. SMOOT. This is how the Senator knows: The report was prepared by Mr. Merrill. Mr. Merrill prepared the table and illustrations; that is, they were prepared under his directions. Mr. Merrill was before the Public Lands Committee, not once but twice, and perhaps three times. He was before the Lands Committee of the House.

I want to say to the Senate that many of these illustrations were presented to the Public Lands Committee to emphasize the testimony that Mr. Merrill gave before the committee. Mr. Merrill, I am informed—I do not say this upon my own knowledge—asked the Senator from Idaho [Mr. BORAH] to introduce the resolution in order that those interested might have it printed as a public document and get it into shape, so that Mr. Merrill could distribute it wherever he desired, and not only Mr. Merrill but the officials of the department who are interested in the subject. That is why I say that I know that the bulk of the information was collected before the introduction of the resolution. I do not know the cost of collecting it; I do not know whether or not it has been stated here what was the cost of collecting the whole of the information contained in the tables and illustrations; but I do know that the great bulk of it was collected before the resolution was introduced into this body.

Mr. NORRIS. Well, of course, if this work were all done before then, everybody in the department who has furnished this information has at least been mistaken.

Mr. SMOOT. I do not say "all." I do not want the Senator to place me in that position.

Mr. NORRIS. Well, they have been mistaken in the main, then. Let me read something of what they say, for the Senator has denied it so many times that it will be necessary to read some things which I have read before.

However, before I do that, I want to say that this streak of economy which has now taken possession of the Senator from Utah, if applied to this body—and that is where he is trying to apply it—in the consideration of this particular resolution, it would be found that it has cost the taxpayers more money by the fight and the delay that has taken place up to this hour upon this resolution by the Senator from Utah than it would cost to print this document. Three times this resolution has been up, and three times it has been delayed by the Senator from Utah until either an adjournment came or until the morning hour expired. If we count expense, as the Senator wants to count expense in the Government Printing Office, we shall have already spent more than $20,000 in resisting the cost of the printing of a publication that would not cost more than that.

Mr. SMOOT. Of course, if the Senator's argument holds good, no Senator should ever open his mouth in this body to oppose anything or to approve of anything, but should swallow down whatever is presented.

Mr. NORRIS. No; that would not be the fact, by any means; and the Senator from Utah, if he were consistent, instead of taking the time of the Government Printing Office employees in printing what he says of the taxpayers having to pay all this money, would know that, as a matter of fact, as to three-fourths, or perhaps four-fifths, of that money, the taxpayers would have to pay anyway, whether this document is printed or not. That is on an exact par with my illustration, and I offer it only for that purpose. I offer that illustration of such expense to stand side by side with the Senator's illustration of expense as applying to the Government Printing Office; and it is an exact parallel.

Mr. SMOOT. Mr. President, I wish to say to the Senator from Nebraska that the Government Printing Office is not run in that way. The Government Printing Office has a certain number of people employed, it is true, but they print each day everything that they can possibly print; and as the Senator knows the RECORD has to be printed every day.

Mr. NORRIS. Yes.

Mr. SMOOT. Now, all of the other printing which can be put off by way of public documents and the reprint of such documents the printing of which is authorized by Congress is put off until the summer time. Every em that is set, every line that is printed, would cost the United States just as much if it were printed to-day as it would if it were left to be printed during the summer time.

Mr. NORRIS. I have not disputed that.

Mr. SMOOT. I want to say to the Senator, then——

Mr. NORRIS. We propose to print this document if we can get the resolution through while Congress is in session. We want to print it now.

Mr. SMOOT. If we print this report while Congress is in session, it will require just that much more printing to be done when Congress is not in session, and will then cost the Government just as much as it would if printed now.

Mr. NORRIS. The same argument would apply to the Senator's speeches to-day, yesterday, and the day before, and a few days before that, when this resolution was up. If he had not said anything, the employees of the Government Printing Office would not have had to set up the type by which his speech was printed.

Mr. SMOOT. That is true.

Mr. NORRIS. They could have been doing something else and have thereby saved the taxpayers some money.

Mr. SMOOT. That is also true.

Mr. NORRIS. While the Senator from Utah was talking we were paying the salaries of all these pages around here, the other Senators, and everybody else. Their salaries have been going right along.

SEVERAL SENATORS. "The other Senators!"

Mr. NORRIS. I say advisedly "the other Senators," because the other day when some of the older Senators were not here I understand the pages organized a new Senate; that they raised their salaries to $7,500 a year and lowered ours to $2.50 a day [laughter]; and I am not sure but what they were wise, and that the country would approve their action if it got a chance to do so.

Mr. President, about this matter being new, I do not believe I will repeat all that I have before read, but I am going to read some of it. Here is something that is contained in the document that the Senator from Utah does not want printed:

> There are given in part 3 charts and tables showing the relations of individuals to various public-utility electric companies and to banking institutions, the relations of these public-utility electric companies to each other and to certain banking institutions. This material is almost entirely new. It has never, except in very minor degree, been presented hitherto in any Government publication.

Mr. SMOOT. Mr. President——

Mr. NORRIS. I will not yield now, and I will tell the Senator why I will not yield.

Mr. SMOOT. All right.

Mr. NORRIS. I want to get a vote. I am just a little bit inclined to think that there is some filibustering tactics that are being used to delay this matter, because it has been put off three times, and I do not want to be the means of talking it to death.

Mr. SMOOT. There is no filibustering on my part.

Mr. NORRIS. If it is talked to death, it will be the Senator from Utah who has to do it.

Mr. SMOOT. I repeat, there has been no filibustering on my part.

Mr. NORRIS. The Senator from Utah is going to start to do it now, in the face of his denial and in the face of my refusal to yield. I suppose I am helpless to prevent it, and the Senator can go ahead.

Mr. SMOOT. What I was going to say is this——

Mr. NORRIS. Exactly.

Mr. SMOOT. That the statement which has just been read by the Senator from Nebraska certainly can not be absolutely true.

Mr. NORRIS. I know that the Senator does not believe it, and, of course——

Mr. SMOOT. I desire to say to the Senator——

Mr. NORRIS. Of course, it is not coming from me, but it is coming from the department, the men who have done this work. The Senator from Utah denies all of it; I understand that. I want to put both sides in evidence. We have the Senator's word that there is in the report practically nothing new, and I am reading statements from the officials of the department of what they claim. Now, if they are all false, if they do not tell the truth, then the Senator from Utah clearly is right.

Mr. SMOOT. The Senator from Utah does not ask anybody to take his word. The Senator from Utah can show the Senator from Nebraska——

Mr. NORRIS. Exactly.

Mr. SMOOT. And also the Senate that the information has heretofore been printed.

Mr. NORRIS. And the Senator from Utah will claim that we can get everything somewhere else. If we had a bill here to take the census of mules and hogs in Utah, I suppose the Senator from Utah would get up and say, "Why, I can get that information in Utah; we do not need any census; we will save the money. If anybody wants to know how many mules

and hogs there are in Utah, let him go to Utah and count the hogs and count the mules, and he can get all that information." That is true also as to this information; you can get it all. Those who collected it had to go somewhere else to get it, but they have gathered it together here in a publication for the use not only of the Senate but of the entire country. I want to say to you that if this information is printed it will be a handbook, it will be an authority. It is the gathering together of information on the question of water never before collected in one document. As the Senator from Colorado said, although opposing the resolution, there is no doubt that there have been great combinations and monopolies in the development of hydroelectric power; but this is the first time that information relative thereto has been all gathered together and put in concise form, so that not only Senators but the people of the United States can read it. I anticipate there will be a great demand for it. I would not be surprised if it should be necessary to make a reprint of it. If we do, it will be because of the demand coming from people who want to know something about the combination of hydroelectric powers with financial institutions and banking institutions.

Mr. CLAPP. Mr. President——

Mr. NORRIS. I yield to the Senator from Minnesota.

Mr. CLAPP. Do I understand the Senator from Nebraska to claim, upon the authority of the department, that there is matter in this report bearing on the question of the monopoly and monopolization of these powers which is not in the printed report already made?

Mr. NORRIS. Yes, sir.

Mr. CLAPP. It seems to me that that is a vital question. If true, the report should be published. If, on the other hand, as the Senator from Utah [Mr. SMOOT] says, this all appears, not by going to Utah to get it, but in a public document which we have already printed, then there is no necessity for republishing it.

Mr. NORRIS. I suppose, for instance, the information I have read as to the connection of these various water-power corporations with the banking institutions, and the connection of public utility electric companies with each other all exists, but these people have gone out and obtained it, and they say here:

This material is almost entirely new. It has never, except in very minor degree, been presented hitherto in any Government publication.

They went all over the United States to get it.

Mr. CLAPP. That is the real issue. I do not think people should go to various divergent sources apart from one another, but if, as the Senator from Utah says, the information read by the Senator from Nebraska as coming from the department is already in governmental or congressional publications, it might be a serious question whether or not we wanted to reprint it.

Mr. NORRIS. I will say to the Senator that as to some of this information that is true. For instance, a man came before the Public Lands Committee of the Senate year before last and last year and testified and gave some information. You can go into those reports and dig it out if you have time, or if you have a sufficient number of employees they may dig it out for you, perhaps. It may be that the year before somebody else testified before the House Committee on Public Lands and somebody else testified at some hearings in New York City, and somebody may have put it in some public document somewhere. You might gather most of it together, but if you should bring it down to date and should gather it together and put it in one volume, under one head, I contend that that would be the only way in which it could be of any practical use to us or to any of the people.

Mr. CLAPP. It is not a question of the report containing some of the information. The question is, Does the document which the Senator from Utah has—and I suppose it relates to this subject—contain all of the information? If that claim is correct, that is one thing. The department seems to claim that some of this material that relates to the matter of monopoly and monopolistic relations has not been printed. If it has not, undoubtedly it ought to be printed.

Mr. NORRIS. That is what I am trying to say. The department says it has not been printed. Now I will read just a little further.

In the hearings before the Public Lands Committee of the House and Senate—

I should like to have the attention of the Senator from Minnesota to this, and I hope the Senator from Utah will not interrupt him while I am giving him this information—

In the hearings before the Public Lands Committee—

That is in various hearings—

of the House and Senate, certain material has been presented by representatives of this department along the lines of Part III of this report—

That is the part relating to the financial connection between banking institutions and various other corporations with interlocking directorates.

Mr. CLAPP. That is part 3?

Mr. NORRIS. Yes.

But such material as was presented in the hearings involved only a few corporations and amounted to less than one-tenth of the data presented in this report, while the data concerning the relations of public utility electric companies to banking institutions has never been presented before.

That is what is said by the men who have gathered together this information and presented it to the Senate in answer to a command of the Senate, and I am offering their word as against that of the Senator from Utah, who says that a great portion of it has been presented and that he can show various diagrams that have been presented not only by men from the department but by water-power men and bankers and bond dealers who have appeared before the committee. I listened to them myself for weeks in the Public Lands Committee, and they gave a great deal of valuable information, but if the Senator wanted to get some information on one particular phase of the subject and had to search through 40 or 50 volumes to get it, he would find that it was difficult. The men who have made this report say that a great deal of it can not be found anywhere else; that it is entirely new. Less than one-tenth, they say, has been presented to the committees.

Mr. President, I think we ought to have a vote on the resolution. So far as I am concerned, I am willing, of course, to abide by the judgment of the Senate. I hope it will print the report in full; but if it does not do so, I will have to take my medicine like anybody else. We have had this matter up three times, and on every occasion it has been talked to death. On each occasion it has been discussed until we had to adjourn or until the morning hour was over. It is not fair to stifle this resolution. Let us come to a vote on it, and whatever may be the decision of the Senate we will all have to abide by it, whether it be to print all of the report or to print part of it or none of it.

I desire, in conclusion, to call attention to the fact that even though $20,000 would have to be paid out in cash—which it would not to print this information, which has been gathered together at an expense of over $20,000—even though that were all true, it would be a mere bagatelle compared with the importance of the subject to which it relates. There is undeveloped water power throughout the United States running into the millions. The question of water power in all parts of the United States is a live issue; people want information upon it; Senators and Representatives in Congress want information upon it; and here is something to give light on a question which is being agitated everywhere and which involves millions of dollars and the happiness of millions of people. I submit that it is penny-wise and pound-foolish to stop now, after we have gathered this information and not put it in such shape that it will be usable.

Mr. CLAPP. Mr. President, I should like to make an inquiry of the Senator. Of course, it is a vital question; there is no doubt about that; and I do not think we should stand upon the cost of information to the American public. The question that now presents itself, to my mind, is whether—and that is what I ask the Senator from Nebraska because of his familiarity with the matter—the proposed material to be published is such a complete review of the subject that it should be printed, or whether it is incomplete, and we will still want more information in order to put before the public in one concise body the information that is desired on this question?

Mr. NORRIS. Mr. President, in answer to that question, I will state what is my understanding of the matter. Of course, the Senator must understand I get my information from such documents as I have been reading from, from the department, and from those who have been engaged in this work; I have not had an opportunity to examine the document itself; but I give it to the Senator as my honest conviction and judgment that, if it shall be published, it will be the most complete publication of its kind in the world. While, perhaps, in the future it may get out of date, as the Senator can well understand, up to date it is the most complete compendium on the subject that has ever been published, and a great deal of it is not now in print, never has been, and can not be obtained in any other way than in that which is now proposed.

Mr. CLAPP. Mr. President, my sympathies are very much with the Senator from Utah [Mr. SMOOT] in his effort to avoid expense. Of course, I realize that, unless somebody makes that his business, extravagance will result for which there is no excuse. The task of one who takes upon himself that burden is not a pleasant one. I tried it for a few years, until I got the reputation of being a common scold, and practically abandoned the effort. So, as I have said, my sympathies are with

the Senator from Utah. At the same time, I believe that it is always important that the public have the fullest information, especially on a subject of this kind, and, in view of the plain, unequivocal declaration of the department that a small percentage only of this material has already been published, I feel constrained to vote for the full publication of it.

Mr. STONE. Mr. President, this very matter of the publication of this report or document has been before the Senate three or four times within the last week or 10 days, and hours of the time of the Senate have been wasted in discussions that have been one day after another repetitions of what was said the day before. There is not a Senator who has given any attention to this matter who does not know enough about it to vote on it intelligently.

We proceed like amateurs. The Senator from Nebraska said that the pages had organized a new legislature here, and had just raised their salaries to $7,500 a year and reduced those of Senators bearing commissions to $2.50 a day. I do not think the pages could do much worse than the Senators themselves are doing in taking hours on three or four days merely to repeat what has been said by them the day before. Why, my friend from Utah has made the same speech on this subject several times. I am not criticizing him, because he is not alone in that; others have done the same thing.

Now, Mr. President, I rise to inquire whether the Senate is ready to vote on this question now?

SEVERAL SENATORS. Vote!

Mr. SMOOT. I am perfectly willing to vote, so far as I am concerned, but I merely wish to ask the Senator from South Dakota [Mr. STERLING] if he will not withdraw his amendment, so that the amendment offered by the Senator from Colorado [Mr. THOMAS] may be first voted on? That would not complicate matters at all; and if the amendment of the Senator from Colorado should be voted down, then the amendment of the Senator from South Dakota could be adopted if the Senate so desired.

Mr. STONE. Let us not start another discussion.

Mr. SMOOT. There will be no discussion about it.

Mr. OVERMAN. I think that course would save time.

Mr. SMOOT. That would save time, and I suggest it in order to save time.

Mr. STERLING. I consent that the amendment of the Senator from Colorado may be first disposed of.

The VICE PRESIDENT. Then the question is on the amendment proposed by the Senator from Colorado [Mr. THOMAS], which the Secretary will state.

The SECRETARY. After the word "that," in line 1, it is proposed to insert "Part I of," so as to read: "That Part I of the report be printed," and so forth.

Mr. FLETCHER. I ask for the yeas and nays on that.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. OVERMAN (when his name was called). I have a general pair with the Senator from Wyoming [Mr. WARREN]. I do not see him in his seat, and therefore I will withhold my vote.

Mr. THOMAS (when his name was called). I have a general pair with the senior Senator from North Dakota [Mr. MCCUMBER]. In his absence I withhold my vote.

The roll call was concluded.

Mr. KERN. I desire to announce the unavoidable absence of my colleague [Mr. SHIVELY]. I ask that this announcement may stand for the day.

Mr. CHILTON. I inquire if the Senator from New Mexico [Mr. FALL] has voted?

The VICE PRESIDENT. The Chair is informed that the Senator from New Mexico has not voted.

Mr. CHILTON. I have a pair with that Senator, and therefore withhold my vote.

Mr. JOHNSON of Maine. I inquire if the Senator from North Dakota [Mr. GRONNA] has voted?

The VICE PRESIDENT. The Chair is informed that he has not voted.

Mr. JOHNSON of Maine. I have a general pair with that Senator. In his absence, I withhold my vote.

Mr. THOMAS. I transfer my pair with the Senator from North Dakota [Mr. MCCUMBER] to the Senator from Arizona [Mr. SMITH] and vote "yea."

Mr. GALLINGER. I have a general pair with the Senator from New York [Mr. O'GORMAN], who is absent, and for that reason I withhold my vote.

Mr. CHILTON. I desire to announce the pair of the Senator from Montana [Mr. MYERS] with the Senator from Connecticut [Mr. MCLEAN].

Mr. BRYAN. I have a general pair with the junior Senator from Michigan [Mr. TOWNSEND] and therefore withhold my vote.

Mr. WILLIAMS. I have a pair with the senior Senator from Pennsylvania [Mr. PENROSE]. He is not present and I am not at liberty to vote. If he were present and I were at liberty to vote, I should vote "yea."

Mr. STONE (after having voted in the negative). I have a general pair with the Senator from Wyoming [Mr. CLARK]. He seems not to be present on the roll call, and I ask leave to withdraw my vote.

Mr. DILLINGHAM. I am informed that the senior Senator from Maryland [Mr. SMITH] is not present. I therefore withhold my vote, being paired with him.

Mr. WALSH (after having voted in the negative). When I voted I did not observe that the Senator from Rhode Island [Mr. LIPPITT], with whom I have a pair, was absent from the Chamber. I transfer that pair to the Senator from California [Mr. PHELAN] and allow my vote to stand.

Mr. MARTINE of New Jersey. I desire again to announce the absence of the senior Senator from New York [Mr. O'GORMAN] on official business.

The result was announced—yeas 17, nays 39, as follows:

YEAS—17.

| | | | |
|---|---|---|---|
| Bankhead | Jones | Smoot | Vardaman |
| Brandegee | Lodge | Sutherland | Wadsworth |
| Clarke, Ark. | Martin, Va. | Swanson | |
| du Pont | Oliver | Thomas | |
| Harding | Shafroth | Thompson | |

NAYS—39.

| | | | |
|---|---|---|---|
| Ashurst | Hollis | Nelson | Robinson |
| Beckham | Hughes | Newlands | Sheppard |
| Broussard | Husting | Norris | Shields |
| Catron | Kenyon | Owen | Simmons |
| Chamberlain | Kern | Page | Smith, Ga. |
| Clapp | La Follette | Pittman | Smith, S. C. |
| Cummins | Lane | Poindexter | Sterling |
| Fletcher | Lea, Tenn. | Pomerene | Underwood |
| Hardwick | Lewis | Ransdell | Walsh |
| Hitchcock | Martine, N. J. | Reed | |

NOT VOTING—40.

| | | | |
|---|---|---|---|
| Borah | Fall | McCumber | Smith, Ariz. |
| Brady | Gallinger | McLean | Smith, Md. |
| Bryan | Goff | Myers | Smith, Mich. |
| Burleigh | Gore | O'Gorman | Stone |
| Chilton | Gronna | Overman | Tillman |
| Clark, Wyo. | James | Penrose | Townsend |
| Colt | Johnson, Me. | Phelan | Warren |
| Culberson | Johnson, S. Dak. | Saulsbury | Weeks |
| Curtis | Lee, Md. | Sherman | Williams |
| Dillingham | Lippitt | Shively | Works |

So the amendment of Mr. THOMAS was rejected.

Mr. STERLING. Mr. President, I now renew my amendment.

The VICE PRESIDENT. The Senator from South Dakota offers an amendment, which will be stated.

The SECRETARY. At the end of the resolution it is proposed to add the following:

*Provided*, That part 1 of said report be first printed and furnished to the Senate at the earliest practicable day.

Mr. FLETCHER. As far as I am concerned, I see no objection to the amendment.

The VICE PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from South Dakota.

The amendment was agreed to.

The resolution as amended was agreed to, as follows:

*Resolved*, That the report entitled "Electric power development in the United States and concentration in its ownership and control," transmitted to the Senate by the Secretary of Agriculture on January 20, 1916, in response to Senate resolution No. 544, Sixty-third Congress, be printed as a Senate document, together with accompanying tables and illustrations: *Provided*, That part 1 of said report be first printed and furnished to the Senate at the earliest practicable day.

EXECUTIVE SESSION.

Mr. STONE. Mr. President, I rise for the purpose of moving an executive session. In the meantime, before I make the motion, I should like to have it understood, in the event the motion to go into executive session is agreed to, whether the unfinished business retains its status without a further request to lay it aside.

The VICE PRESIDENT. The Chair has no doubt but that the unfinished business goes over as the unfinished business of to-morrow. All intervening business is out of the way.

Mr. BRYAN. Mr. President, let me ask the Senator from Missouri if he has any objection to the Senate remaining in session a while longer so that a bill in which the Post Office Department is very much interested, and which will not take a great deal of time, may be taken up and considered? So far as the unfinished business is concerned, if that bill should become

the unfinished business temporarily the Senate could change it. There is no disposition on the part of anybody to displace the unfinished business by a request to consider a bill in which the Post Office Department is very much interested.

I made the suggestion to the Senator from Missouri in the hope that this bill could be taken up and disposed of within a very short time.

Mr. STONE. Mr. President, if there were any prospect of that hope being realized, I would not put any obstacle, if I could, in the way of the Senator from Florida. I am very anxious to get some executive business before the Senate, particularly the pending treaties; and unless some time is taken for that purpose in the evening we can not do it at all. I wish the Senator would not object to the course I propose.

Mr. BRYAN. I am not going to object.

Mr. STONE. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 1 hour and 40 minutes spent in executive session the doors were reopened, and (at 6 o'clock and 18 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, February 9, 1916, at 12 o'clock meridian.

## CONFIRMATIONS.

*Executive nominations confirmed by the Senate February 8, 1916.*

COLLECTOR OF CUSTOMS.

Charles M. Sleeper to be collector of customs for customs collection district No. 1, with headquarters at Portland, Me.

POSTMASTERS.

FLORIDA.

J. D. Argyle, West Palm Beach.

KANSAS.

George E. Bentley, Burr Oak.
Vardie V. Goeden, Lakin.
D. G. M. Keen, Greenleaf.
L. M. Rich, Coldwater.

NEW MEXICO.

James W. Harmon, Melrose.
Skillman C. Hunter, Texico.

PENNSYLVANIA.

William Critchfield, Herminie.

WISCONSIN.

Henry E. Steinbring, Fall Creek.

## HOUSE OF REPRESENTATIVES.

TUESDAY, *February 8, 1916.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

O Lord of life and light, love and happiness, help us to raise the curtains and windows of our souls that the light of heaven and its pure air may come in; that with patience, firmness, courage, and nobility of soul we may meet the circumstances and trials of everyday life unperturbed. "'Tis easy to be pleasant when life flows along like a song, but the man worth while is the man with a smile when everything goes dead wrong." Give us the heart that brings the smile that we may go on our way rejoicing, assured that all things work together for good to them that love God. Amen.

The Journal of the proceedings of yesterday was read and approved.

THE LATE HON. WILLIAM P. HEPBURN.

Mr. TOWNER. Mr. Speaker, I ask unanimous consent to address the House for a few minutes.

The SPEAKER. The gentleman from Iowa [Mr. TOWNER] asks unanimous consent to address the House for two minutes.

Mr. STEPHENS of Texas. Mr. Speaker, I give notice that I will not object to the gentleman, but I will to any other similar request.

The SPEAKER. Is there objection to the request of the gentleman from Iowa? [After a pause.] The Chair hears none.

Mr. TOWNER. Mr. Speaker, it is my sad duty to announce to the House the death of Hon. W. P. Hepburn, of Iowa, formerly and for many years a most distinguished and able Member of this House. Col. Hepburn died yesterday at his home in Clarinda, Iowa. His death was unexpected and comes as a shock to his friends, for, although he had been seriously ill for months, lately he had rallied, and believed he would soon be able to return to his work here in Washington. It will not be possible for me at this time adequately to review his distinguished career, but later I shall present to the House an appreciation of his life and service.

Mr. ADAMSON. Mr. Speaker, in connection with the announcement of Col. Hepburn's death, I ask unanimous consent to address the House for three minutes.

The SPEAKER. The gentleman from Georgia asks unanimous consent to address the House for three minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. ADAMSON. Mr. Speaker, we, of course, are all deeply distressed by the loss of this great man, the Hon. William P. Hepburn, of Iowa, who was a leader in this House so long, during which time he presided over the Committee on Interstate and Foreign Commerce with great dignity, ability, and impartiality, and for a longer period than any other man who occupied the chair.

I send to the Clerk's desk and ask that a resolution be read which was adopted by that committee this morning on hearing of his death.

The SPEAKER. Without objection, the Clerk will read the resolution in the time of the gentleman from Georgia.

The Clerk read as follows:

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE,
HOUSE OF REPRESENTATIVES, UNITED STATES CONGRESS,
*Washington, D. C., February 8, 1916.*

In regular session the committee adopted the following resolution, offered by Mr. SIMS, of Tennessee:

"*Resolved*, That this committee has learned with profound sorrow of the death of Hon. William P. Hepburn, of Iowa, our former distinguished chairman, who so long presided with dignity, impartiality, and ability over the deliberations of this committee and contributed so much to the valuable legislation of this Republic. He has left his impress upon the legislation and the lives of his fellow men as few men have ever done in the history of the world. His loss is a source of individual grief to each of us. We appreciated his fine qualities of heart and mind, and we rejoice that he was spared by a merciful Providence so long to bless his country, to encourage and uplift his fellow men, and to accomplish such great things in enacting and enforcing our laws. We realize that a great man has fallen this day, and we extend to his family and his neighbors our profound and heartfelt sympathy."

We direct the clerk of this committee to transmit a copy of this resolution to Mrs. Hepburn, for whom this committee has always felt tender affection, as well as high admiration, and we request the chairman to have this resolution read in the House, where our great deceased friend so long exemplified his power and fairness as a leader in legislation.

Unanimously adopted.

W. C. ADAMSON, *Chairman.*
WILLIS J. DAVIS, *Clerk.*

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Waldorf, one of its clerks, announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 3978. An act to authorize the Catawissa Railroad Co., its lessees, successors, and assigns, to construct a railroad bridge across the west branch of the Susquehanna River from the borough of Milton, Northumberland County, Pa., to the borough of West Milton, Union County, Pa.; and

S. 3977. An act to authorize the Shamokin, Sunbury & Lewisburg Railroad Co., its lessees, successors, and assigns, to construct a railroad bridge across the Susquehanna River from the borough of Sunbury, Northumberland County, Pa., to Monroe Township, Snyder County, Pa.

The message also announced that the Vice President had appointed Mr. JONES and Mr. MARTINE of New Jersey members of the joint select committee on the part of the Senate as provided for in the act of February 16, 1889, as amended by the act of March 2, 1895, entitled "An act to authorize and provide for the disposition of useless papers in the executive departments," for the disposition of useless papers in the Department of Labor.

The message also announced that the Vice President had appointed Mr. JONES and Mr. MARTINE of New Jersey members of the joint select committee on the part of the Senate as provided for in the act of February 16, 1889, as amended by the act of March 2, 1895, entitled "An act to authorize and provide for the disposition of useless papers in the executive departments," for the disposition of useless papers in the Department of the Interior.

The message also announced that the Senate had passed joint resolution of the following title, in which the concurrence of the House was requested:

S. J. Res. 97. Joint resolution to appoint Alexander Graham Bell a member of the Board of Regents of the Smithsonian Institution.

EXTENSION OF REMARKS—COLOMBIAN TREATY.

Mr. MOORE of Pennsylvania. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from Pennsylvania rise?

Mr. MOORE of Pennsylvania. To ask unanimous consent to extend my remarks in the RECORD on the subject of the Colombian treaty.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent to extend his remarks in the RECORD on the Colombian treaty. Is there objection?

There was no objection.

CHANGE OF REFERENCE.

The SPEAKER. There is a bill—H. R. 540—that was referred to the Private Calendar by some kind of a twist, but which ought to go to the Union Calendar. The title of the bill is "For the relief of settlers within the limits of the grant to the New Orleans, Baton Rouge & Vicksburg Railroad Co.," and it involves to some extent the Government's right to grant. Without objection, it will be referred to the Union Calendar.

There was no objection.

SENATE BILLS REFERRED.

Under clause 2, Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 381. An act to declare the purpose of the people of the United States as to the future political status of the people of the Philippine Islands, and to provide a more autonomous government for those islands; to the Committee on Insular Affairs.

S. 3978. An act to authorize the Catawissa Railroad Co., its lessees, successors, and assigns, to construct a railroad bridge across the west branch of the Susquehanna River, from the borough of Milton, Northumberland County, Pa., to the borough of West Milton, Union County, Pa.; to the Committee on Interstate and Foreign Commerce.

S. 3977. An act to authorize the Shamokin, Sunbury & Lewisburg Railroad Co., its lessees, successors, and assigns, to construct a railroad bridge across the Susquehanna River, from the borough of Sunbury, Northumberland County, Pa., to Monroe Township, Snyder County, Pa.; to the Committee on Interstate and Foreign Commerce.

RESIGNATIONS FROM COMMITTEES.

The SPEAKER laid before the House the following communications:

HOUSE OF REPRESENTATIVES OF THE UNITED STATES,
*Washington, D. C., February 7, 1916.*

Hon. CHAMP CLARK,
*Speaker of the House of Representatives,*
*Washington, D. C.*

MY DEAR MR. SPEAKER: I beg to tender my resignation as a member of the Judiciary Committee of the House of Representatives.

Yours, very truly,

H. GARLAND DUPRÉ.

HOUSE OF REPRESENTATIVES OF THE UNITED STATES,
*Washington, D. C., February 8, 1916.*

To the SPEAKER:

I hereby request to be relieved from further service on the Committee on Rivers and Harbors.

Respectfully,

B. G. HUMPHREYS.

The SPEAKER. Without objection, the resignations will be accepted.

There was no objection.

FLOOD SUFFERERS.

Mr. BARKLEY. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from Kentucky rise?

Mr. BARKLEY. To ask unanimous consent to address the House for five minutes.

The SPEAKER. Is there objection?

There was no objection.

Mr. STEPHENS of Texas. This is no emergency, I presume?

The SPEAKER. The gentleman from Kentucky [Mr. BARKLEY] is recognized.

Mr. BARKLEY. Mr. Speaker, on last Friday, I think it was, or Thursday, the Senate passed a bill appropriating the sum of $100,000 for the relief of flood sufferers in the Mississippi Valley and its tributaries. That bill was, of course, referred to the Committee on Appropriations of the House. Those of us who represent districts that are affected by this flood, which is almost as great as, if not greater, than that which existed three years ago, have been appealing to the Committee on Appropriations to report to the House the bill passed by the Senate. On last Saturday the chairman of the Committee on Appropriations [Mr. FITZGERALD] made a statement in the RECORD explaining his opposition to the appropriation, and presented a telegram from Col. Markham, I believe, an Army officer located in Memphis, claiming there was no relief needed, and, in fact, that representations had been made to him that people did not want relief in the shape of rations or provisions. I have in my hand a telegram which I have just received from the mayor of Hickman, Ky., a city of about 6,000 inhabitants, in which he states the conditions there. I desire to have this telegram read from the Clerk's desk in my time.

The SPEAKER. The Clerk will read the telegram as a part of the remarks of the gentleman.

The Clerk read as follows:

HICKMAN, KY., *February 7, 1916.*

ALBEN W. BARKLEY,
*Washington, D. C.:*

We have fed 1,500 people to-day, also have clothed those that were in absolute destitute circumstances. The report sent out by Col. Markham, of Memphis, is without foundation. I have inquired and made diligent search for the author but have been unsuccessful. Therefore it must be a misrepresentation, as Fulton, Union City, Martin, Mayfield, Paducah, and Louisville are all responding to our distress call, and it certainly stands to reason that the sister cities right close to us have investigated the situation and know more about what we need than a man 125 miles away from here that has never proffered assistance.

TOM DILLON, Sr., *Mayor.*

Mr. BARKLEY. Mr. Speaker, I put that telegram in the RECORD for the purpose of contradicting the statement of Col. Markham that no provisions or assistance was needed in the section of the country that is affected by the flood. Furthermore, I desire to controvert the statement contained in the telegram that the gentleman from New York [Mr. FITZGERALD] placed in the RECORD that assistance was not needed because it demoralized the negro labor in the sections that are affected. I desire to say that the situation at Hickman and other places in Kentucky and in Missouri and Arkansas, where relief has been sought and the appeals daily made in Congress for their relief, are not affected in any way by the situation with respect to colored labor.

The people for whom we speak and in whose behalf we seek assistance are not simply colored laborers on levees, but white people who work for their living, who have been compelled to abandon their homes and lose their property because of the floods in the Mississippi Valley. I think that the gentleman from New York has been misinformed and imposed upon by those who represent to him or to his committee that the only people who are seeking relief in the Mississippi Valley are colored laborers, whose labor would be disorganized by the giving of free rations to them, and I hope that the gentleman from New York will open up his mind and become a little more generous toward the suffering people of the Mississippi Valley who have been driven from their homes, who have lost their property, whose homes are now under water, whose household furniture has been destroyed, whose stock and cattle have been drowned because of the floods that have driven them out of their homes in Arkansas, Missouri, and Kentucky; but the fact that some of those who need aid are colored ought not to operate to defeat an appropriation for saving life and prevent suffering, regardless of color. I hope the gentleman will be constrained not to go merely upon the word of Army officers who may be situated 125 miles away from the scene, who get their information through the telephone and from indirect and irresponsible sources and not from the people directly involved in this situation. I do not know what the disposition of the whole Committee on Appropriations is, but it is my earnest hope that they will at once report to this House a bill for the relief of those suffering people. [Applause.]

Mr. FITZGERALD. Mr. Speaker, I ask unanimous consent to address the House for five minutes.

The SPEAKER. The gentleman from New York is recognized for five minutes.

Mr. FITZGERALD. Mr. Speaker, the information furnished and submitted in the RECORD in the shape of telegrams came through the Secretary of War. It consisted of telegrams sent by district engineers of the United States Government to the Chief Engineer of the United States in response to requests for information sent to them. I have in my office later messages from those officers, as well as a report from the Mississippi River Commission.

All of those reports urge that no appropriation may be made by Congress at this time to furnish free rations. At some places difficulty is being encountered because of the fancy prices demanded for labor. In other places, where persons have been driven from their homes, ample provisions and supplies are on hand to care for them, and if they are compelled to work for the subsistence instead of having it furnished to them free, the work of protecting the levees will be continued. I made no statements——

Mr. BARKLEY. Mr. Speaker, will the gentleman yield?

Mr. FITZGERALD. I made no statements to the effect that only colored persons were affected by the conditions. Whites as well as colored people are affected. There is a duty, Mr. Speaker, incumbent upon the States under such conditions, and something must be done to let it be known that every time the Mississippi River rises reliance upon the Federal Government alone can not be had to take care of distressed and needy persons. It has been the policy of this Government that whenever a situation exists that is beyond the capacity of the State and of local communities to care for, to take some action toward extending aid to the persons in distress.

Mr. BARKLEY. Mr. Speaker, will the gentleman yield?

Mr. FITZGERALD. In a moment. Communities affected, however, must realize that the Federal Government is not a great eleemosynary institution existing and waiting for an opportunity to give out of its Treasury money to do things that ought to be done by the people of the respective localities.

I yield to the gentleman.

Mr. BARKLEY. Does the gentleman think that where a flood situation covers a considerable portion of four or five congressional districts, that is purely a local flood, and that the Government ought not to do anything in the way of relief?

Mr. FITZGERALD. It may be that the State of Kentucky ought to do something for its own people in the way of taking care of them. At any rate, Mr. Speaker, for a number of years I have seen these situations arise. Congress has always acted upon information furnished by responsible Government officials, and whenever a condition existed that was beyond the control of the State and local authorities, Federal aid has been given. It has not been the habit to act upon appeals made by individuals, who have frequently selfish and often other ulterior motives in asking the Government to appropriate money. They make these appeals to the Representatives of their districts, and naturally the Representatives present them to Congress. Some one has some responsibility in determining what should be done by the Federal Government. I know no reason, in the absence of customary information from the Army engineers, who are wholly impartial and have no desire that any affliction should be visited upon any distressed people in any part of the country, for acting without information that would justify such action.

Mr. BARKLEY. Mr. Speaker, will the gentleman yield there?

Mr. FITZGERALD. I ask unanimous consent, Mr. Speaker, to print as part of my remarks the additional telegrams to which I have referred and the report of the Mississippi River Commission, so that Members may have available information that is at our command.

The SPEAKER. The gentleman from New York [Mr. FITZGERALD] asks unanimous consent to extend his remarks by printing certain telegrams. Is there objection?

There was no objection.

Following are the telegrams and report referred to:

WAR DEPARTMENT,
MISSISSIPPI RIVER COMMISSION,
*St. Louis, Mo., February 4, 1916.*

From: The president Mississippi River Commission.
To: The Chief of Engineers, United States Army, Washington, D. C.
Subject: Flood conditions.

1. I have just returned from an inspection of levee conditions on the lower Mississippi, and report as follows:

2. The gauge at Cairo, according to this morning's report, reads 53.4, within five-tenths of the height of the flood of 1912. In the third district, from Arkansas City to Vicksburg, the flood stage is now within 6 inches of that attained in 1912 and nearly 5 feet higher than the stage that existed in 1912 when 53.4 passed Cairo. At New Orleans it is nearly 3 feet higher than on a similar date in that year.

3. In the St. Francis Basin the levees are showing no serious signs of weakness, and the only danger I apprehend is an overconfidence on the part of the people which may lead to a careless patrolling of their levee line. The officer in charge of the first and second districts has made arrangements for promptly sending men and material to any threatened point.

4. In the White River district the waters from the Arkansas and White Rivers have flooded the country behind the levee for a long distance, so that it is impossible to obtain earth for levee protection without carrying it from one portion of the levee line to another, and I have limited high-water protection to the upper 40 miles and authorized an immediate expenditure of $25,000.

5. The Yazoo district should be able to stand a flood 3 feet higher than that of 1912 to Greenville, in its present condition. Below Greenville the local authorities are topping the levees at several localities, and for a number of miles the cross section is weak, but there is a reasonable chance of holding the line.

6. In the Tensas Basin the breaks in the Arkansas River levees have caused an overflow into Bayous Bartholomew, Bœuf, and Mason. I estimate about 300,000 second-feet is flowing over the country, but that it will be principally confined in Louisiana to the portion of the basin west of Lake Providence Ridge. The Arkansas portion of the basin above Lake Village is now under water. The Ouachita and Red will add at least 200,000 second-feet to this flow when it reaches the Atchafalaya River.

7. The local authorities did not at first appreciate their danger and were inclined to leave everything to the General Government. They are now aroused and are topping their levees to 3 feet above the flood of 1912. The levee section is, however, generally weak, and it will require extreme exertion, combined with good luck, to hold the line without a crevasse. The district officers have made arrangements to ship men and material to any threatened point in the shortest possible time and have distributed their fleet with this object in view.

8. Between the mouth of Red River and New Orleans there is a good margin to the levee line. The danger to be apprehended here is also overconfidence and carelessness in patrolling the levees. The same optimistic feeling permeates the community, including the levee boards, that existed in 1912.

9. Below New Orleans conditions are bad. At several of the crevasses caused by the storm of September 29 the contractors have abandoned their contracts and have rendered it necessary for the General Government to concentrate every available levee machine at these threatened points. I have instructed the fourth district officer to confine his operations to the upper ends of the districts, extending about 45 miles below New Orleans, and it is only by the most strenuous efforts that this portion of the line can be held. Without dredges levee construction below is limited to wheelbarrow work, and the State has put a convict force on this portion of the line. Many of the residents do not appreciate their danger and are opposing the taking of earth from in front of their houses. There is a strong effort being made to induce the United States to handle the work with levee machines, but if the machines are taken from the upper river and an attempt made to spread over the entire district, certain disaster is invited. There is not time to construct additional dredges.

10. No attempt is being made to hold the small levee districts on the east bank of the river below Vicksburg. It would be a hopeless proposition.

CURTIS MCD. TOWNSEND,
*Colonel, Corps of Engineers, United States Army.*

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LITTLE ROCK, ARK., *February 5, 1916.*

CENGWAR, *Washington, D. C.:*

Conditions in lower Arkansas Valley as stated in telegram of this date. Two packets running and one tied up at Pine Bluff. Problem is to get people in overflowed section south of river to high ground. Ample supplies of food and shelter in high towns scattered through flooded districts. No refugees brought to Pine Bluff or Little Rock. No serious attempt to raise relief fund here. See no necessity of Federal aid. Governor knows no place where Government river boat was needed this afternoon. Clarendon White River levee broke at 9 o'clock to-night. *Quapaw* ready, if needed there.

DENT.

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LITTLE ROCK, ARK., *February 5, 1916.*

CENGWAR, *Washington, D. C.:*

Arkansas River at Little Rock began falling February 3; levees of south bank overtopped or breached at many points below Pine Bluff. Water flowing across country to Bayou Bartholomew in vicinity of Gould and Grady. Principal danger along railroad. Relief train left here this morning. Urgent need of rowboats and launches many miles from river. Believe river packets fully able to handle situation along river banks. Will verify this. No United States boat available for relief work in Arkansas River until current drops so snag boat *Arkansas* can maneuver. About 1,500 feet revetment lost at Pine Bluff. Letter already in mail. White River reached highest stage on record. Lower lock gates lost on Dam No. 2. Towboat *Allen* rescued about 70 persons below Batesville February 1. No further calls for help in that vicinity. Have steam up on snag boat *Quapaw* now at Devall Bluff. Have been in touch with editor of Arkansas Gazette.

DENT, *Engineers.*

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VICKSBURG, MISS., *February 5, 1916.*

CENGWAR, *Washington, D. C.:*

In order to provide adequate shelter for persons flooded in Arkansas will need 200 tents. Can furnish employment which will permit all to subsist themselves without Government or charitable assistance. Would urge that matter be handled through this office in order not to demoralize labor and poorer class of whites.

SLATTERY.

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LITTLE ROCK, ARK., *February 6, 1916—2.55 p. m.*

CENGWAR, *Washington, D. C.:*

*Quapaw* ordered to Clarendon. Should arrive 4 o'clock.

DENT.

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LITTLE ROCK, ARK., *February 6, 1916—9.06 p. m.*

CENGWAR, *Washington, D. C.:*

Nothing alarming in situation at Clarendon. Inhabitants living in upper stories. No food shortage.

DENT.

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ST. LOUIS, MO., *February 7, 1916.*

CENGWAR, *Washington, D. C.:*

Crest of flood passed upper St. Francis and Reelfoot districts. Only serious condition below is Chicot, Ark. Awaiting report from Slattery on its condition. Break reported above Laconia Circle was in portion abandoned by Government.

TOWNSEND, *Engineers.*

Mr. BARKLEY. Does the gentleman from New York think that the Senate did not have in its possession this information by which he is actuated when they passed this bill last week?

Mr. FITZGERALD. I am not speaking of the Senate. I simply say I know what happened in the Senate.

The SPEAKER. It is out of order to speak of what has happened in the Senate.

Mr. FITZGERALD. But the mere fact, Mr. Speaker, that the Senate of the United States passes some legislation under a persuasive argument will never convince this House that action should be taken.

Mr. BARKLEY. If that is true, the Senate ought to be abolished.

The SPEAKER. The Chair agrees with the gentleman, but the whole thing is out of order. [Laughter.]

LEAVE OF ABSENCE.

Mr. DOREMUS, by unanimous consent, obtained leave of absence for 10 days, on account of important business.

INDIAN APPROPRIATIONS.

On motion of Mr. STEPHENS of Texas the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the Indian appropriation bill (H. R. 10385), with Mr. FOSTER in the chair.

The Clerk read as follows:

For support and education of 250 Indian pupils at the Indian school at Pierre, S. Dak., including pay of superintendent, $43,750; for general repairs and improvements, $6,000; for steel water tank, $2,000; for new boiler and installation thereof, $3,000; for addition to shop building, $1,000; in all, $55,750.

Mr. MANN. Mr. Chairman, I move to strike out the last word.

A few days ago I made a few remarks in the House in reference to certain traveling expenses of the Bureau of Animal Industry, paid out of the appropriation for the foot-and-mouth disease. While it is not in order, I ask unanimous consent to have read in my time a letter from the Secretary of Agriculture, giving what seems to me to be a valid and reasonable explanation of what was done.

The CHAIRMAN. If there be no objection, the letter will be read in the gentleman's time.

The Clerk read as follows:

DEPARTMENT OF AGRICULTURE,
*Washington, February 5, 1916.*

Hon. JAMES R. MANN,
*House of Representatives.*

DEAR MR. MANN: From the CONGRESSIONAL RECORD of February 1, 1916 (pp. 2078 and 2079), it is noted that during consideration by the House of the urgent deficiency bill you called special attention to certain items appearing in this department's report of expenditures for travel during the fiscal year ended June 30, 1915 (H. Doc. No. 113, 64th Cong., 1st sess.), stating that the payment of these items was charged to a special appropriation for the eradication of the foot-and-mouth disease, notwithstanding the fact that the work involved in each instance related to operations in no way connected with the objects specified in that appropriation. It is further noted you state that you do not regard such expenditures as proper, inasmuch as it appears that funds appropriated for a specific object were devoted to matters entirely different from the object for which the appropriation was made. I am satisfied that your remarks on this matter were made without having at hand complete information as to the action of the department in paying the items under consideration.

With a view of correctly informing you of the situation, I desire to submit the following statement, in order that you may see that the action of the department in making such payments was entirely proper.

The outbreak of the foot-and-mouth disease occurred in October, 1914. At that time the only funds available for use in combating the disease were those carried in the agricultural appropriation act for the fiscal year ending June 30, 1915, under the heading, "General Expenses, Bureau of Animal Industry." The several items under this appropriation aggregated $1,597,996, of which amount $466,047.37 had been expended in furtherance of the regular lines of work authorized by that appropriation. It will thus be seen that there was available a balance of $1,131,948.63 for expenditure in carrying on the routine work covered by such appropriation and in carrying on the work involved in the eradication of the foot-and-mouth disease. When this outbreak occurred, Congress was not in session and it, therefore, became necessary for the department to draw largely upon such balance successfully to combat the foot-and-mouth disease. Payment of the expenses of the work involved in the foot-and-mouth disease project from the appropriation referred to necessarily embarrassed the other lines of activities, the expenses of which were exclusively chargeable thereto. In order to carry on the several lines of work outlined in said appropriation, it was necessary to reimburse that appropriation practically to the extent of the amount paid therefrom in furtherance of the foot-and-mouth disease project. When Congress convened, the situation confronting the department was fully explained to the Committee on Appropriations. As a result of presenting the matter to that committee, an item was embodied in the deficiency bill of January 25, 1915, reading as follows:

"For the arrest and eradication of the foot-and-mouth disease, the payment of claims arising out of past and future purchases and destruction of animals affected by or exposed to the foot-and-mouth disease, and for a deficiency in the objects specified under the head 'General expenses, Bureau of Animal Industry,' in the Agricultural appropriation act for the fiscal year 1915, $2,500,000, to be expended by the Secretary of Agriculture."

The objects of this bill were twofold—(1) to defray the expenses incident to the suppression of the foot-and-mouth disease and (2) to reimburse the appropriation "General expenses, Bureau of Animal Industry," for the deficiency in the objects specified thereunder occasioned by the outbreak of that disease. In conformity with this authorization, the various subappropriations under "General expenses, Bureau of Animal Industry," which had been heavily drawn upon for defraying the expenses of the work connected with the eradication of the foot-and-mouth disease, were reimbursed from the deficiency item of $2,500,000, as such action became necessary, by charging items of expense subsequently incurred for dairy, animal husbandry, or other regular work to the emergency appropriation. In all such cases the vouchers for such items bore the title of the emergency appropriation, together with the title of the subappropriation under "General expenses, Bureau of Animal Industry," to which the expense was chargeable, thus clearly showing that the subappropriation was reimbursed from the emergency appropriation to the extent of the amount covered by such items, and accounts of these reimbursements were taken up and carried on the official records in this way. The items to which you referred on the floor of the House were items of this nature.

I may add, also, that in no instance was there a reimbursement of the original subappropriations beyond the amount appropriated by Congress in the appropriation act for the fiscal year ended June 30, 1915; indeed, owing to the interruption in the regular work of the Bureau of Animal Industry, it was not necessary to reimburse the regular subappropriations for all of the money which had been withdrawn for use in the foot-and-mouth disease work between the date of the outbreak of the disease and January 25, 1915. The total amount withdrawn during that period from the regular subappropriations was $807,170.63, while the total reimbursement from the emergency appropriation amounted to but $529,135.63.

It is believed that this explanation clearly shows that the expenditures for travel in connection with the several lines of work covered by the appropriation "General expenses, Bureau of Animal Industry," which were charged to and paid from the deficiency appropriation of January 25, 1915, were properly paid under the authority contained in the latter appropriation. If you desire any further information on the subject, I will be pleased to furnish it.

Very truly, yours,

D. F. HOUSTON, *Secretary.*

The CHAIRMAN. If there be no objection, the pro forma amendment will be withdrawn, and the Clerk will read.

The Clerk read as follows:

For support of Sioux of different tribes, including Santee Sioux of Nebraska, North Dakota, and South Dakota: For pay of five teachers, one physician, one carpenter, one miller, one engineer, two farmers, and one blacksmith (art. 13, treaty of Apr. 29, 1868), $10,400; for pay of second blacksmith and furnishing iron, steel, and other material (art. 8 of same treaty), $1,600; for pay of additional employees at the several agencies for the Sioux in Nebraska, North Dakota, and South Dakota, $95,000; for subsistence of the Sioux, other than the Rosebud, Cheyenne River, and Standing Rock Tribes, and for purposes of their civilization (act of Feb. 28 1877), $200,000: *Provided*, That hereafter this sum shall include transportation of supplies from the termination of railroad or steamboat transportation, and in this service Indians shall be employed whenever practicable; in all, $307,000.

Mr. MANN. Mr. Chairman, I reserve a point of order on that paragraph.

I see that the proviso on the top of page 47 says:

*Provided*, That hereafter this sum shall include transportation of supplies.

I hope the gentleman will have no objection to striking out the word "hereafter," which has no place in this sort of an item.

Mr. STEPHENS of Texas. I have no objection whatever.

Mr. MANN. When we want to make permanent law we say "hereafter." We could not very well make permanent law with reference to a particular sum in an appropriation. I make the point of order on the word "hereafter," in line 2, page 47.

Mr. STEPHENS of Texas. I concede the point of order, Mr. Chairman.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

For support and maintenance of day and industrial schools among the Sioux Indians, including the erection and repairs of school buildings, $200,000, to be expended under the agreement with said Indians in section 17 of the act of March 2, 1889, which agreement is hereby extended to and including June 30, 1917.

Mr. CANNON. Mr. Chairman, I make a point of order on the paragraph.

Mr. TRIBBLE. Mr. Chairman, I make a point of order on the paragraph.

The CHAIRMAN. Does the gentleman from Texas want to be heard on the point of order?

Mr. STEPHENS of Texas. Will the gentleman state his point of order?

Mr. CANNON. It is under an agreement made in a certain year—

Which agreement is hereby extended to and including June 30, 1917.

Now that agreement has been fully performed. It takes legislation to perpetuate it.

Mr. STEPHENS of Texas. In 1889 there was an agreement made between the United States and the Sioux Indians, which extended 20 years. Under that treaty the Indians were to have $200,000 a year for educational purposes. In 1909 that treaty expired. Since that time up to the present it has been renewed annually, so that the Indians get the benefit of the $200,000 each year for the schools.

Mr. CANNON. But there is no law for it.

Mr. STEPHENS of Texas. The question has been before the House more than once, but it is my opinion that it is subject to a point of order.

Mr. CANNON. I am under that impression.

The CHAIRMAN. Does the gentleman from Texas concede the point of order?

Mr. STEPHENS of Texas. I think all after "$200,000," in line 8, page 47, is subject to a point of order.

Mr. CANNON. I think the whole paragraph is subject to the point of order.

The CHAIRMAN. If anything in the paragraph is subject to the point of order, it makes the whole paragraph subject to the point of order.

Mr. STEPHENS of Texas. Does the Chair sustain the point of order?

The CHAIRMAN. The Chair sustains the point of order.

Mr. STEPHENS of Texas. Then the gentleman from South Dakota [Mr. GANDY] desires to offer an amendment.

Mr. GANDY. Mr. Chairman, I offer the amendment which I send to the Clerk's desk.

The CHAIRMAN. The gentleman from South Dakota offers an amendment, which the Clerk will report.

The Clerk read as follows:

On page 47, after line 5, insert the following as a new paragraph:
"For support and maintenance of day and industrial schools among the Sioux Indians, including the erection and repair of school buildings, $200,000, in accordance with the provisions of article 5 of the agreement made and entered into September 26, 1876, and ratified February 28, 1877 (19 Stats., 254)."

Mr. MANN. I reserve a point of order on that amendment.

Mr. GANDY. Mr. Chairman, I will give a little chronological statement with respect to this item:

In 1868 the Sioux Nation gave up to this Government that part of their reservation east of the Missouri River in South Dakota and certain lands in Nebraska. The Government then undertook, as a valuable consideration for that cession, to do certain things. One of those things was to provide educational facilities for the Sioux.

In 1876 the Sioux were called upon to cede other lands to the Government, known as the Black Hills lands, and at that time there was an agreement made with the Sioux by which they did cede the Black Hills. Then the Government undertook to do certain other things, one of which was to guarantee to them without limitation school privileges to educate their children. Under that provision this Government has expended for the Sioux Nation less than $6,000,000, whereas from the territory that the Sioux then ceded to this Government there has been taken nearly $200,000,000 of gold and put into circulation in this country.

This question has been before the House before, and it has been held from the Chair that article 5 of the agreement of 1876, wherein the Sioux ceded the Black Hills, is without limitation. That being true, it is but proper that we should carry out our portion of the agreement.

And further, in this connection, I want to say that I have before me the report of the Commissioner of Indian Affairs——

Mr. MADDEN. Will the gentleman yield?

Mr. GANDY. I will.

Mr. MADDEN. I understood the gentleman to say that about $200,000,000 in gold has been taken from land ceded by the Sioux Indians to the Government of the United States under a certain treaty. What has that to do with the merits of this case?

Mr. GANDY. Nothing except to show that the Indians ceded valuable land and were entitled to a valuable consideration.

Mr. MADDEN. Who got the gold, how much did it cost to get it out, and who paid that cost?

Mr. GANDY. The Government took the land——

Mr. MADDEN. The people who dug the gold paid the money, and it probably cost more to get the two hundred millions than the gold was worth after they got it.

Mr. GANDY. I have here a report of the Commissioner of Indian Affairs for 1915, and by that report I am informed that as to the tribes which entered into that agreement the Government at this time still lacks over 1,500 of having provided sufficient school facilities for the children of school age. The Government as yet has not made good its guaranty of educational facilities for the people that ceded so much land to the Government.

Mr. TRIBBLE. Will the gentleman yield?

Mr. GANDY. I will.

Mr. TRIBBLE. I rose and made the point of order just as the gentleman from Illinois [Mr. CANNON] made the point of order on the section as originally presented. There is subject to the point of order $28,920 in this item. That is to say, this amount was diverted from the legal channel in previous years. I have no desire to deprive the Indians of any amount they should have, and the point of order made by the gentleman from Illinois and by me having been sustained, I have no further complaint.

Mr. GANDY. If I understand the gentleman, in view of the fact that we are short 1,500 of having school facilities, the gentleman would like to increase that deficiency, so that if his proposition should go through we would be short over 2,200.

Mr. TRIBBLE. The committee has asked for $200,000. The gentleman has it before him, and he knows the situation. There is $28,290 that has been going through improper channels, as I contend. My only purpose in making the point of order was to strike out the section and prevent the renewal of a treaty which has expired. I am not opposed to Indian schools, but I oppose mission schools with Government support.

Mr. GANDY. I am not willing to cripple any of the schools among the Sioux. If the gentleman had his way, 750 pupils would be deprived of the school facilities they now have, and in the face of the fact that the Government is already short over 1,500 of having school facilities for the children.

Mr. TRIBBLE. The gentleman does not want them to receive it contrary to the laws of the statutes of the United States.

Mr. GANDY. No, sir.

Mr. TRIBBLE. That is all I am asking for.

Mr. GANDY. That is all we are asking for, the schools which the Sioux are entitled to under treaties and agreements with this Government for the cession of land.

Mr. CANNON. Mr. Chairman, I merely reserved the point of order. I have listened to the gentleman from South Dakota, and I do not care to make the point of order. I will move to strike out the last word.

Mr. Chairman, many years ago I was familiar with the treaties with the Sioux Indians, as well as many other treaties. In 1885 I was a member of a committee, headed by Judge Holman, now deceased, Representative Ryan, since dead, a gentleman from Arkansas whose name now escapes me, and a gentleman from Missouri representing the Hannibal district. It was the beginning of Cleveland's first administration. That committee crossed the continent twice visiting these tribes, holding councils and making investigations, and it made a thorough investigation touching the Indian Service at that time. We went to the Rosebud Agency in South Dakota, and we also went to the Pine Ridge Agency in South Dakota, where perhaps the most interesting council was held during our whole journey. The investigations extended over five months. There were 10,000 Indians at Pine Ridge, among them Red Cloud, the Medicine Man, Rain in the Face, who shot Custer. They were divided into two factions, one under Young Man Afraid of his Horses, since dead, and the other under Red Cloud, since dead. I expect that most of the people who were present at that council have since died. It was a very interesting council. There was an Indian agent there by the name of McGillicuddy, and an Indian trader, a very competent man, who resigned soon afterwards.

Without describing what happened during that council with the Indians, I found and had brought vividly to my mind, the great possessions of the Sioux. There had been a treaty made east of the Missouri River extinguishing their title, but west of the Mississippi it was not extinguished. I guess there is enough territory out there now in South Dakota that the Indians still own to make a State much larger than a middle-sized State. But many things have happened since then. At that time these Indians were receiving by appropriations under a treaty made with them much better subsistence than the ordinary farmer or the ordinary skilled laboring man had. The result was that they did not make much progress. But if you take a similar number of white men, clothe them, feed them, and house them, you will pauperize them. That is true as to white man as well as to Indian.

As to what modifications have been made since that time, as to the treaty with the Sioux, I am not clear. I have an impression, however, that there are many paragraphs in the bill that do not come within the law or treaty. I think the next paragraph, and, perhaps, the second one do not come within either the law or the treaty. Generally the Indians in the Indian Territory and, I think, in the Dakotas, many of them—I was going to say most of them, but I will not say it because I do not know—many of them vote. They are citizens, receiving relief, I take it, through this bill, still under the treaty. How long is that to continue? If we are bound under the treaty I suppose we ought to keep the treaty, but as long as we keep the treaty supporting these people, conferring upon them as we do citizenship as they receive their lands in severalty, just so long, unless the Government gets rid of the treaty, will you continue to pauperize them. I think that is all I desire to say about the matter.

Mr. JOHNSON of Washington. Mr. Chairman, will the gentleman yield?

Mr. CANNON. Yes.

Mr. JOHNSON of Washington. In the district I have the honor to represent there are quite a large number of old men

and women, who are 20 years older than the distinguished gentleman himself——

Mr. CANNON. Oh, that would make them a hundred years old. [Laughter.]

Mr. JOHNSON of Washington. Yes; they are a hundred years old, and even older than that. They themselves are the signers of some of the treaties with this Government along about 1854–55. At the time the then governor of the Territory of Washington held out his hat and took gold out of his pocket and put it into the hat, indicating to them that they were to have a hat full of gold, and then Gov. Stevens took another hat, made signs as to the filling of it, indicating two hats full of gold, and those poor Indians, now a hundred years old or older, are still waiting for the Government to fulfill that promise literally. True, they have timberlands held for them, but they are not allowed to sell the land.

Mr. CAMPBELL. Or the timber.

Mr. JOHNSON of Washington. Or the timber. They are just waiting to die, waiting for the two hats full of gold. It is not fair on the part of the Government, and I think the gentleman will agree with me.

Mr. CANNON. The Indians out in Washington are not included in the item which inspired my remarks, being upon the Pacific coast. Are they citizens and voters?

Mr. JOHNSON of Washington. No; they do not vote. The point is here. I heard the distinguished gentleman say a moment ago that this method of bounty was neither fair to the Indian nor the white man.

Mr. CANNON. That is true.

Mr. JOHNSON of Washington. Nor is this method of a withheld bounty fair.

Mr. CANNON. Are they citizens?

Mr. JOHNSON of Washington. No; they are not.

Mr. CANNON. They have not had allotments?

Mr. JOHNSON of Washington. Over 600 allotments are held up now, and have been for the last five years.

Mr. CANNON. How many are there not held up? How many allotments?

Mr. JOHNSON of Washington. Oh, a few hundred in one reservation I have in mind.

Mr. CANNON. A few hundred allotments! There are that many voters.

Mr. GANDY. Mr. Chairman, will the gentleman from Illinois yield?

Mr. CANNON. Yes.

Mr. GANDY. I just want to say to the gentleman from Illinois that within the district which I have the honor to represent there are five counties, unorganized, unceded, wholly and absolutely controlled by this Government, where no local taxes are raised of any kind and where there are no public schools, for the Indians are in charge of the Federal Government and the Government has not at any time opened those counties for settlement. But a very small portion of the Sioux as a whole receive any rations from the Government, as they did in the time concerning which the gentleman from Illinois speaks.

Mr. CANNON. Has the treaty been repealed?

Mr. GANDY. No.

Mr. CANNON. The treaty that was made after the killing of Custer.

Mr. GANDY. That treaty contains this provision:

Such rations or so much thereof as may be necessary shall be continued until the Indians are able to support themselves.

As the families have grown self-supporting they have been dropped from the ration roll, until to-day just a small per cent are on the ration roll of what was there when the gentleman from Illinois was out there.

Mr. CANNON. Mr. Chairman, I do not care to occupy the time of the committee further. I believe that the sooner these Indians have their allotments the sooner the community title is extinguished, the sooner they are placed upon their own responsibilities for a living the sooner you will cease to pauperize them. [Applause.]

Mr. NORTON. Mr. Chairman, I rise to oppose the amendment offered by the gentleman from Illinois. I desire to say to the gentleman from Illinois [Mr. CANNON] that the policy of the Indian Department, as I understand it, is as he would have it at the present time. The department is working as rapidly as it can to that point where it may no longer be necessary to issue rations to any Indians. The amount of rations issued to the Indians of the country to-day is very small, as compared with that issued to them 20 years ago. In South Dakota now, to the Indians there, the rations issued each year are of the value of about $75,000. A few years ago the value of the rations issued was greatly in excess of this amount. In 1915 the rations issued to all Indians in the country amounted to $267,472. Three years ago the value of the rations issued was $363,470. Those in charge of the supervision of the Indians of the country find that the amount of rations required to be issued from year to year to the Indians is practically in inverse ratio to their increase in civilization and education. The incentive to work for themselves and to support themselves is steadily growing greater. As this incentive to do for themselves grows stronger they are better able to care for themselves and better able to meet the conditions with which they have to contend upon the reservations where they may live. It is, as the gentleman from Illinois [Mr. CANNON] and other members of the committee must know, a tremendously difficult problem to do what we have been and now are attempting to do in this country—to change in a short generation or two the very lives and very nature of a strong people like the American Indians from that of hunters, trappers, and warriors to that of steady, industrious, hard-working farmers.

Mr. MANN. Mr. Chairman, this is an estimate with respect to schools for the Sioux Indians, and is not an item in reference to schools for Indians in Oklahoma, yet perhaps the two are so connected that a remark about the Oklahoma schools is pertinent to the subject under consideration. The other day I made a point of order against an item of $300,000 contribution to public schools in Oklahoma. One of the new Members of the House, who I think is one of the brightest of the lot, the gentleman from Oklahoma [Mr. HASTINGS], made some statements which rather overwhelmed me at the time. He put his positive facts, which he had in his hand, against my recollection, which is very often faulty, and stated that we had carried this item in the bill for 10 years, and that he held in his hand acts for years past, including 1906, 1907, and 1908, which carried an appropriation for this purpose. He stated:

Now, Congress, recognizing that that would be an injustice to the new State, as early as the appropriation bill of 1907 appropriated $300,000 in aid of the schools in a provision in language similar to this provision. The same sort of provision was carried in the Indian appropriation bill of 1908.

Again he stated:

Mr. Chairman, the gentleman from Illinois [Mr. MANN], in my judgment, is more often correct about details than any other man I ever saw——

I regret to read that—

but I want to invite his attention to the Indian appropriation act of 1907, which I hold in my hand, and which does carry a provision in it for $300,000—

And so forth.

I do not know whether my distinguished friend at that time did have the appropriation act of 1908 in his hand, but evidently he did not look at it. There was no item of this kind in any of those appropriation acts to which the gentleman refers; and the appropriation act of 1908, which my distinguished friend said he held in his hand, carried an item of $150,000 for the maintenance, strengthening, and enlarging of the tribal schools of the Cherokee, Creek, Choctaw, Chickasaw, and Seminole Nations, and there had been no item in any appropriation act which the gentleman referred to at that time carrying any item similar to the one in the bill which we were discussing at the time. The act of 1908, which my friend said he held in his hand and which carried $300,000, carried $150,000 only for another purpose entirely and did not carry one cent for a provision similar to the one in the bill we had under consideration.

Mr. CARTER of Oklahoma. Will the gentleman yield?

Mr. MANN. Certainly.

Mr. CARTER of Oklahoma. I take it the gentleman is referring to the remarks of the gentleman from Oklahoma, Mr. HASTINGS. I did not hear the first of his statement.

Mr. MANN. I stated that.

Mr. CARTER of Oklahoma. Well, I think the misapprehension of Mr. HASTINGS, if the gentleman will permit, came about from the fact that this money really has been used for the same purpose that it was used for before. It is perhaps carried in different language, but I think that the department administered it in the same way it did before.

Mr. MANN. Well, I am not going to assume that the department violated the law, because I do not think they have done so. The appropriation in all of these acts was for the tribal schools of these Five Civilized Tribes.

Mr. CARTER of Oklahoma. Prior to the time we had statehood, I will say to the gentleman, we had no public-school system at all in the Indian Territory; no schools at all but tribal schools.

Mr. MANN. I understand.

Mr. CARTER of Oklahoma. The distinction is perhaps this: It was used then for Indian children of these tribal schools which were joined together with some of the white children for the establishment of some new schools where they had not suffi-

cient Indian children to operate without a lot of white children coming in and bearing part of the expense.

Mr. MANN. We were not appropriating money at that time; we did not commence until three or four years ago to appropriate money, as I recall it, and give it to the schools of Oklahoma, a State. While Oklahoma was a Territory and we were governing the Territory we appropriated money for the Indian schools, and it is true that the white people living in those localities patronized those schools, but it is an entirely different proposition. However, I am not endeavoring to criticize the gentleman from Oklahoma [Mr. HASTINGS], but rather to compliment him upon putting one over upon me in reference to the statement I had made that we had not made this appropriation for five years, and the gentleman stated we had, and when the gentleman rose and said he held in his hand the act carrying the item I thought probably he was right, though I was not sufficiently satisfied to let the matter go, because I took the trouble to look it up, and I find, while my recollection is often faulty, in this case it was better than the eyesight of the gentleman from Oklahoma reading from the act. [Laughter.]

Mr. CAMPBELL. Mr. Chairman, before making an inquiry as to the parliamentary situation I want to state that I was quite as much surprised as the gentleman from Illinois at the statement of the gentleman from Oklahoma [Mr. HASTINGS], as to the length of time that the appropriation or the gratuity had been made by the United States for the Cherokee and other schools. It had been my recollection that the gratuity appropriation had only been carried since the Supreme Court held that the act of 1906, removing restrictions on certain Indian lands, exceeded the authority of Congress, and that the Oklahoma delegation after that decision appealed to Congress for money to enable them to continue their schools because of a lack of authority on the part of Oklahoma to tax these lands or lands in that State for school purposes. That was my recollection, and I was surprised when the gentleman from Oklahoma stated that he held in his hand the statute showing that the appropriation had been made for so many years.

Mr. CARTER of Oklahoma. The gentleman means, of course, the gentleman from Oklahoma, Mr. HASTINGS?

Mr. CAMPBELL. I mean the gentleman from Oklahoma, Mr. HASTINGS.

Mr. Chairman, I understand the parliamentary situation to be that the gentleman from Illinois [Mr. CANNON] reserved the point of order, then stated after some discussion that he would not make it, and then made a pro forma amendment which we have been discussing?

The CHAIRMAN. That is as the Chair understands it.

Mr. CARTER of Oklahoma. Now, if the gentleman will yield.

Mr. STEPHENS of Texas. I insist that the gentlemen confine themselves to the point before the Chair.

Mr. CAMPBELL. There is an amendment pending about the Sioux schools. That is all that is before the Chair that I know of.

Mr. STEPHENS of Texas. I do not see what that has to do with this Oklahoma matter.

Mr. CAMPBELL. I think that is probably correct.

Mr. CARTER of Oklahoma. I hope, Mr. Chairman, the gentleman from Texas [Mr. STEPHENS] will not insist upon that, because I think that every gentleman who has spoken is practically correct about this matter; if not correct about the language of the item carried in this bill and carried on other bills, at least correct about the administration of this amount that has been carried in the bill. And if the committee will bear with me just a moment I will give the history of this proposition. Along about 1902 or 1904, I think it was, at the solicitation of my friend from Texas [Mr. STEPHENS] and the gentleman from Arkansas, Mr. Little, an item was put in the Indian appropriation bill for the support of schools in the Five Civilized Tribes. That was carried along until 1907, if I remember correctly. In 1908, as the gentleman from Kansas [Mr. CAMPBELL] has correctly stated, we passed an act providing for the removal of the restriction on certain Indian lands. These lands had already been made taxable conditioned upon the removal of restrictions by the act of April 26, 1906.

Mr. MANN. That still carried an item for the tribal schools.

Mr. CARTER of Oklahoma. I understand. I will get to that. This committee brought in an item carrying half the amount it had carried before, because it was thought that some of these lands had been made taxable. But there was a decision which came from the Supreme Court of the United States, known as the Choate against Trapp case, which held that the treaty guaranteeing that these lands should not be made taxable as long as title to the lands remained with the original allottees, created a vested right which Congress could not divest those Indians of, and that land was taken from the tax roll.

Soon after the decision was rendered another item was placed in the bill for schools in Oklahoma. The language may be different, and is different, but my information is that it is administered in exactly the same way as it was before, to wit, for Indian children in white and other schools.

Mr. MANN. The gentleman does not mean to say that the maintenance of a tribal school by a Government appropriation is the same as the payment by the Government to a local public school of money for its maintenance?

Mr. CARTER of Oklahoma. The difference is this, Mr. Chairman: The new schools were created, as I attempted to explain a while ago, where there had been no schools before, where there had not been sufficient Indian children to establish a school. Now, schools were created under this item that was put in the bill at that time to which the Indian and white children all went together, a condition which had not existed prior to that time. But by the time the decision was rendered in the Choate against Trapp case the State had established public schools, and this amount has been used for the payment of Indian children in public schools, as I have been informed by the department.

Mr. STEPHENS of Texas. Did the gentleman from Illinois [Mr. CANNON] withdraw his point of order?

Mr. CANNON. I did not make the point of order. I merely reserved it.

Mr. TRIBBLE. I only made the point of order on the language following "200,000," which has already gone out.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

For the equipment and maintenance of the asylum for insane Indians at Canton, S. Dak., for incidental and all other expenses necessary for its proper conduct and management, including pay of employees, repairs, improvements, and for necessary expense of transporting insane Indians to and from said asylum, $45,000.

Mr. CHIPERFIELD. Mr. Chairman, I move to strike out the last word.

I desire in this connection, and perhaps in a parliamentary sense, somewhat with the indulgence of the committee, to call its attention to a condition existing among the Chippewa Indians of northern Minnesota that is deplorable in the extreme, and that tends further to illustrate the condition described by the gentleman from Illinois [Mr. CANNON].

As an excuse and justification for what I am about to say, permit me to suggest that for many years I have been upon terms of very close and friendly intimacy with the Chippewa Tribe of Indians in the State of Minnesota. At different intervals during that time, knowing that I was friendly inclined to them, they have called me in to counsel, and at such councils I have heard their grievances and their complaints and have had their requests presented to me that in some way some relief might be afforded to them.

The gentleman from Illinois [Mr. CANNON] well said that to much longer continue the relationship of guardian and ward means to further reduce these Indians in their condition of helplessness.

I agree with that entirely.

In the State of Minnesota, with reference to the lands that have been allotted to these Indians, it has been the position of the Indian Department that in almost all cases they can not alienate such lands.

The Indian Department, and perhaps with some degree of truth, holds that these Indians are not competent and asserts that they are dependent.

It surely is a strange situation where, with a far greater degree of incompetency years ago, the Government dealt with these tribes and with a grasping hand made treaty with them that deprived them practically of every foot of land they owned on the face of the earth, and emphatically held at that time that they were competent to make treaties for the purpose of parting with all that they had.

Now, the department says to these Indians: "Go upon your allotments; cultivate them; become farmers and agriculturists, and make them earn you a living." The advice, no doubt, is good, but in its practical effect and operation it is bad, for these people are not agriculturists nor will they become agriculturists in a hundred years.

To send the Indians onto one of these allotments that is so overgrown with timber and brush that it resembles a jungle more than anything, and say to them, "Clear it and make it pay you," is a proposition that is indeed staggering to these people. And it occurs to me, Mr. Chairman, that the time has

come when action should be accelerated upon the part of the Indian Department and that it should say to those who have the lands that if they can not operate them to advantage, at least they may derive a benefit from them by their sale.

I am further impelled to make that remark for this reason: In the northern part of Minnesota to-day the ravages of tuberculosis and trachoma and syphilis are deplorable to the greatest degree and threaten to exterminate these people. The Egyptian eye disease (trachoma) is depriving many of their sight, and is doing vast damage to this race. It is extremely regrettable and requires prompt and intelligent action.

Men, women, and children upon the Leech Lake and the White Earth Indian Reservations are dying, and dying for want of attention; dying because they have no money available wherewith to get relief, and the Government, while holding them in guardianship, is doing absolutely nothing for them. There is only one physician in the Leech Lake Reservation, with a territory of many hundred square miles. The Government officials are unable to get to the humble homes and huts and tepees of these Indians. Hospital facilities are almost unknown. These Indians suffer and die in their rude homes unattended.

I received a few days ago a letter from the son of one of these Indian chiefs, a man who is as fine a specimen of Indian manhood as ever I saw in my life, in which he says, "I have been attacked by trachoma," the Egyptian eye disease, "and I am helpless and starving, and no help is given to us." Upon this situation the Government looks with apparent indifference. At least, it gives no help. These people ask the Government for bread and it gives them a stone.

I say, Mr. Chairman, that if the Government of the United States holds these Indians under guardianship and deprives them of the means of helping themselves, then in the name of humanity and in the name of God it is the duty of the United States Government to help them in some way.

There is, it is true, a fund of something like $6,000,000 which is to be distributed among the 8,000 persons comprised in those Indian bands, but the Government withholds that at the present time, and refuses to distribute it. The expense of administration all comes from the tribal funds and the interest thereon.

We talk about sending missionaries abroad. We should send relief and missionaries to those people. It is an imperative need to which the Indian Department should respond, and I take this opportunity to present the matter in this way. Great wrongs have been perpetrated on these Indians. There should be some slight attempt to make restitution while it will do some good.

I view a wrong on the part of the Government with no greater composure than I do a wrong committed by an individual. Does the Government propose to let these people die while it holds them under guardianship? If it does not, then action must be speedy and be not long delayed. [Applause.]

Mr. STAFFORD. Mr. Chairman, on Saturday I asked that the paragraph beginning on line 20, page 43, be passed over without prejudice in order that the gentleman from Oregon [Mr. SINNOTT] might obtain further information. I now ask unanimous consent that we return to that item.

The CHAIRMAN. The gentleman from Wisconsin asks unanimous consent to return to the item on page 43, line 20. Is there objection?

There was no objection.

Mr. STEPHENS of Texas. I understand the gentleman from Oregon has another committee that he desires to attend in a short time.

Mr. STAFFORD. Mr. Chairman, I would like to ask the gentleman from Oregon whether he has examined the proposal in connection with the original law and will say what its purpose is?

Mr. SINNOTT. Yes; I have to a certain extent. The act of 1910 provided for the sale of certain lands belonging to the Siletz Indians, the lands amounting to something like 3,000 acres. Section 3 of that act, referred to on page 44, which it is proposed to amend, provides for the disposition of the proceeds from the sale of those lands. Section 3 of the act of 1910 provides that the proceeds from the sale of these lands, after reimbursing the Government, should be used for the purpose of purchasing sites for day schools, erecting the necessary buildings, and equipping and supporting and maintaining the same.

This amendment proposes to do away with that provision, devoting the proceeds for the purpose of purchasing school sites and the education of the children, for the reason that the Siletz Indians have their lands allotted. Their lands are patented to them. They are taxpayers. There are 14 schools on the site of this Indian reservation. The Indian children attend the schools——

Mr. STAFFORD. Public schools?

Mr. SINNOTT. Yes; public schools. The Indian children attend these public schools, so that there is no longer the necessity of devoting this fund for school sites and educational purposes.

Mr. STAFFORD. When I reserved the point of order I was aware of the fact that the change of phraseology was for the diversion of money from the school fund. I was not aware that the Indian children were receiving their education in the public schools. I therefore withdraw the point of order, Mr. Chairman.

The CHAIRMAN. The point of order is withdrawn. The Clerk will read.

The Clerk read as follows:

For a proportionate share of the amount required to construct a wagon road or highway through the Standing Rock Indian Reservation in Corson County, S. Dak., from a point on the Missouri River north of Pontis, S. Dak., thence in a northwesterly direction to the town of Tatanka, the sum of $5,000, in accordance with the report of the Secretary of the Interior of December 7, 1914, made in pursuance of the provisions of section 20 of the act entitled "An act making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1915," approved August 1, 1914: *Provided*, That such sum shall be expended under the direction of the Secretary of the Interior in such manner and at such times as he may deem proper, in the employment of Indian labor for the construction of said road or highway, and that the same shall be reimbursable from the Standing Rock Reservation 3 per cent fund under the act of February 14, 1913 (37 Stat. L., p. 675).

Mr. MANN. Mr. Chairman, I reserve a point of order on the paragraph.

The CHAIRMAN. The gentleman from Illinois reserves a point of order on the paragraph.

Mr. MANN. Is this road to be constructed for the benefit of the Indians?

Mr. JOHNSON of South Dakota. Yes, sir; it is. That would be but a small portion of the expense.

Mr. MANN. Is it a part of a through road?

Mr. JOHNSON of South Dakota. Yes; it is part of a through road from Chicago to Seattle, going through the Standing Rock Reservation.

Mr. MANN. Is it a wagon road?

Mr. JOHNSON of South Dakota. Yes.

Mr. MANN. Is it the purpose of this proposition to build a road for the benefit of the local Indians there or for the white Indians throughout the United States who want to travel by automobile routes?

Mr. JOHNSON of South Dakota. If the gentleman would permit me, I think I could explain the entire situation in a few minutes.

Mr. MANN. I would be glad if the gentleman would do so.

Mr. JOHNSON of South Dakota. Mr. Chairman, this road is in the Standing Rock Reservation, in North and South Dakota. In 1914 this House made an appropriation of $1,000 to investigate the necessity and practicability of constructing a wagon road or highway through this reservation. The report of the Department of the Interior, of Secretary Lane, of date September 7, 1914, is to the effect that it is practicable. As a matter of fact, during the past year and a half $10,000 has been expended from the funds of these Indians in that reservation, when they needed work and money, in building roads that are lateral to and run into this road, but there is no good highway that will let these Indians get to the towns.

This appropriation, coming out of their funds, to be reimbursable, is intended to be used on this main highway, which will give them access to all the towns of South Dakota and connect up with the laterals previously made from money derived from the Indian funds.

Mr. MANN. Do I understand that the Interior Department has gone ahead building roads for the Indians, lateral roads, with no place for the roads to run to?

Mr. JOHNSON of South Dakota. The money was expended not so much on account of the roads as to give the Indians work. It will cost $27,000 to construct this road across the reservation. Eighteen thousand dollars of this amount will be paid under an agreement made by the Yellowstone Trail Association. Nine thousand dollars is to be paid by the county of Corson, and half of that is covered by the appropriation of $5,000.

Mr. MANN. So that the Indians pay only a small proportion.

Mr. JOHNSON of South Dakota. Only a very small proportion of the $27,000. Now, the county of Corson is absolutely unable to build this road, because this Indian land is there, which is not taxable; and the Indians will get as much benefit out of the road as anyone else. Again, it is going to be necessary to give work to some of these Indians who are poor, and

we simply want to put the work on a road where it will do them some good.

Mr. MANN. I can hardly appreciate the argument that we have got to appropriate money for the purpose of giving somebody work that they are willing to do. There is plenty of work that they could do if they were willing to work. However, I think the gentleman's explanation is a good one, if only a small amount is to be expended. I have no doubt the Indians will receive benefits to the extent of $5,000 if the road through their reservation is to cost a great deal more, and the larger part of the expense is to be paid by somebody else, and I will withdraw the point of order.

The CHAIRMAN. The gentleman from Illinois withdraws the point of order, and the Clerk will read.

The Clerk read as follows:

UTAH.

SEC. 22. For support and civilization of Confederated Bands of Utes: For pay of 2 carpenters, 2 millers, 2 farmers, and 2 blacksmiths (art. 15, treaty of Mar. 2, 1868), $6,720; for pay of 2 teachers (same article and treaty), $1,800; for purchase of iron and steel and the necessary tools for blacksmith shops (art. 9, same treaty), $220; for annual amount for the purchase of beef, mutton, wheat, flour, beans, and potatoes, or other necessary articles of food and clothing, and farming equipment (art. 12, same treaty), $30,000; for pay of employees at the several Ute agencies, $15,000; in all, $53,740.

Mr. TAYLOR of Colorado. Mr. Chairman, I move to strike out the last word. I want to ask the chairman of the committee a few questions.

Mr. STEPHENS of Texas. To what item does the gentleman refer?

Mr. TAYLOR of Colorado. The first item, under the head of "Utah."

I have no objections to this bill nor any desire to modify it and much less any intention to inflict any hardship on the Utes, because these Ute Indians originally came from Colorado and their reservation at the present time is in part across the line over in Utah. But I want to ask whether or not those Indians are at present wards of the Government or are they residents and citizens of the State of Utah?

Mr. STEPHENS of Texas. Some of them, those who have had lands allotted to them and the restrictions removed, are voters and citizens of the State. Those who have not had their tribal relations dissolved under the laws in force are still the wards of the Nation.

Mr. TAYLOR of Colorado. Have you any lists of those who are citizens and those who are not, and at what agencies are they and how many Ute agencies are there?

Mr. STEPHENS of Texas. Three—the Southern Ute, the Uintah and Ouray, and the Ute Mountain Agency.

Mr. TAYLOR of Colorado. Is there not one over at Fort Duchesne also?

Mr. STEPHENS of Texas. That may be a subdivision of one of the bands. I do not know enough about the geography of that country to state, but those are the names carried on the books—the Southern, the Uintah and Ouray, and the Ute Mountain.

Mr. TAYLOR of Colorado. Every year there are some Ute Indians come over into Colorado hunting, and the citizens of that part of the State would much prefer that they keep out. They do not intend any harm; but they will kill game, and we have had trouble with them. In 1887 we had a war with them which cost the State of Colorado some several hundred thousand dollars. Last fall a number of them came over into Colorado, and when we appealed to the commissioner and the Indian agents to remove them, they claimed they had no authority over them; that they were citizens of the United States, and residents and voters of Utah. I received a letter just a few days ago from the Commissioner of Indian Affairs upon this subject. The Colorado game and fish commissioner and his assistants and the sheriff of Rio Blanco have appealed to me to induce the Federal officials to keep those Indians out of Colorado, and I have taken the matter up with the Federal officials. But they disclaim any authority to do anything with those Utes, as is shown by this correspondence. I will insert four or five short letters for reference, as follows:

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
*Washington, January 15, 1916.*

Hon. EDWARD T. TAYLOR,
*House of Representatives.*

MY DEAR MR. TAYLOR: There is returned herewith your file of correspondence relative to the band of Ute Indians which left their reservation in Utah and went over into the western part of Rio Blanco County, Colo.

As heretofore pointed out, these Indians went there on the invitation, solicitation, or encouragement of a resident or residents of that locality. While the agent has been instructed to do what he can to get these Indians to return to the reservation, and he has been doing as much apparently as he can to accomplish that end, it should be borne in mind that these Indians are citizens of the State of Utah, and it is not believed that the Government has a right to compel them to return. (See United States *v.* Crook, 5 Dillon, 453.)

I have been advised that these Indians are not killing game or doing any other wrongs in the county where they are sojourning, and it is also understood that they are not trespassing on any privately owned land. If they are doing any wrong there, such acts would come under the jurisdiction of the State of Colorado and not the Federal Government.

In view of the absence of authority in me to compel their removal by force, there appears to be nothing more to do than to continue to advise the Indians to return, as is now being done by Supt. Kneale, as shown in his letter to Mr. W. B. Frazier, dated October 5, 1915, one of the inclosures of your letter.

Supt. Kneale has been ordered to Washington and will arrive some time next week. Should you desire to talk the situation over with him during his stay in the city, kindly advise me and I will arrange for a conference.

Sincerely, yours,
CATO SELLS, *Commissioner.*

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DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
*Washington, November 9, 1915.*

MY DEAR MR. TAYLOR: With further reference to your letter of September 28, relative to the band of Ute Indians going into the western part of Rio Blanco County, Colo., you are advised that I am now in receipt of a communication from Supt. Kneale, of the Uintah and Ouray Reservation, Utah, and a copy of his letter is inclosed herewith for your information.

Very truly, yours,
E. B. MERITT,
*Assistant Commissioner.*

Hon. EDWARD T. TAYLOR,
*Glenwood Springs, Colo.*

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DEPARTMENT OF THE INTERIOR,
UNITED STATES INDIAN SERVICE,
UINTAH AND OURAY SCHOOL,
*Fort Duchesne, Utah, October 26, 1915.*

COMMISSIONER OF INDIAN AFFAIRS,
*Washington, D. C.*

SIR: This acknowledges receipt of the above-cited office letter, dated October 9, 1915, together with inclosed copy of letter from the Hon. EDWARD T. TAYLOR, referring further to certain Ute Indians of this jurisdiction being in western Colorado.

Relative to this matter I desire to state that in the spring of 1915, when this matter was first agitated, it was widely reported that several hundred heavily armed Ute Indians from this jurisdiction were unlawfully in the country about Rangely, Colo. Diligent inquiry locally convinced me that these reports were largely exaggerated, and complying with instructions from the Indian Office I sent trustworthy representatives into that country to ascertain just how many Indians from this jurisdiction were over there, and further to endeavor to secure their return to the reservation. These representatives returned to Fort Duchesne and reported that there were approximately 20 or 30 Indians from this jurisdiction over there; that they had advised these Indians that it was my desire and the desire of the Commissioner of Indian Affairs that they return to their homes on the reservation. These Indians refused to do this, stating that they were citizens of the United States and citizens of the State of Utah; that they were violating no laws of Utah, of Colorado, or of the United States; that they were camping on the public domain, and that they had a perfect right so to do. Shortly thereafter these Indians began to return to the reservation, and about the middle of August one of the agency physicians visited in that country and ascertained that about three families of Indians, a total of about 12 souls, were remaining in western Colorado. Since that time this office has learned of but one family going over there, and the head of this family became sick soon after he had got there and they returned to their homes on the reservation.

At the present writing, to the best of my knowledge and belief, not to exceed three families of those that went early in the season are remaining in that country. The heads of these three families are somewhat obstinate and declare that they intend to remain there. However, it is my opinion, and the opinion of the Indian friends and relatives of these three families, that they will in the very near future return to the reservation of their own accord.

It it is probably true that for the past two weeks or three weeks Indians from this jurisdiction have been on the border between Utah and Colorado hunting. This locality is their old hunting ground, and every fall various parties go to these hills for the purpose of getting a little venison. The season is open, and in all probability the only violation of law that occurs is that the Indian has not obtained a formal license. These Indians who are hunting over there will return to their own grounds in a very few days, and in my opinion the matter in its present aspects is not entitled to any very serious attention.

Respectfully,
ALBERT H. KNEALE, *Superintendent.*

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STATE OF COLORADO,
DEPARTMENT OF GAME AND FISH,
*Denver, November 12, 1915.*

Hon. EDWARD T. TAYLOR,
*Glenwood Springs, Colo.*

MY DEAR MR. TAYLOR: As per our conversation of yesterday, I am inclosing herewith the last letter I received from the superintendent of the Uintah and Ouray Indian Agency, same being self-explanatory. The agent's name is Albert H. Kneale. This I ascertained from a mimeograph circular letter touching upon Indian lands, which was inclosed.

Colorado certainly desires some assistance in the matter of protecting our game animals from these Indians, and I wish to thank you in advance for any effort you may make in our behalf.

Assuring you of my readiness to reciprocate, I am, with kindest personal regards,

Yours, very truly,
W. B. FRASER,
*Game and Fish Commissioner.*

DEPARTMENT OF THE INTERIOR,
UNITED STATES INDIAN SERVICE,
UINTAH AND OURAY SCHOOL,
*Fort Duchesne, Utah, October 5, 1915.*

Mr. W. B. FRASER,
*Game and Fish Commissioner,*
*Capitol Building, Denver, Colo.*

DEAR SIR: In response to yours of September 29 relative to certain Indians visiting in the Rangeley district, I desire to advise you that I will do everything in my power to secure the return of these Indians to the reservation. However, the Indians in question are all citizens of the State of Utah, voters, and this office has no jurisdiction over them other than it has over any other citizen of the State of Utah. The Indians advised me that they are not unlawfully killing any game and that it is not their intention so to do. However, I would much prefer that they should return to the reservation, and I will do everything, as I have said before, to bring about the result.

Respectfully,

ALBERT H. KNEALE,
*Superintendent.*

Mr. STEPHENS of Texas. As I understand the matter, the Uncompahgre or Southern Ute Tribe have part of their territory in Utah and part of it in Colorado.

Mr. TAYLOR of Colorado. The part in Colorado is down at the extreme southwestern corner of the State. I am referring to the Utes that are in eastern Utah, the former White River Utes. It would seem as though the agencies ought to have a little better control over them in some way.

Mr. STEPHENS of Texas. This whole thing is a treaty item, as I understand it. These three different bands of Indians were all known as the Ute Indians at first. Before they were segregated they owned a tract of land in common, part of the Ute Nation being in Utah, and, I think, some of them as far south as New Mexico; and their land included a great deal of the western portion of the gentleman's State of Colorado. Then they were segregated and the Indians were divided into different bands, with three different agencies over the country. Under the treaties made with the Indians I do not know whether they reserved the right to go into Colorado to hunt or not.

Mr. TAYLOR of Colorado. They have no treaty or legal right to do that; but they do so, and the people complain about it. We have a close season on game in Colorado. Nobody has a right to kill deer in my State. We are trying to preserve the game in Colorado, and the people and officials do not like the idea of these little bands of roaming Indians slaughtering our deer. They ought not to be encouraged to violate the law nor encouraged in asserting rights to occupy or hunt upon Colorado territory, when they have no such right. The sooner the Indians clearly understand this the better it will be for both them and the whites.

Mr. CARTER of Oklahoma. Does the gentleman consider Indians as game?

Mr. TAYLOR of Colorado. Oh, no; but the Indians come over there and kill our deer. White men would be sent to jail for four years if they killed as many deer as these Indians killed in my State last fall. Yet the agencies claim they have no jurisdiction over them, because they are citizens and voters in Utah. The Indians are not civilized very fast that way.

Mr. CARTER of Oklahoma. Has not the gentleman's State jurisdiction over them?

Mr. TAYLOR of Colorado. That is what I am trying to find out. If they are citizens of Utah, then, of course, we have a right to treat them as citizens and arrest them and put them in jail; but if they are wards of the Government, we would have some hesitancy about interfering with them. If they are citizens of Utah—and that is conceded—we can and will hereafter treat them accordingly and punish them for violating our laws.

Mr. CARTER of Oklahoma. Is it not a fact that these Ute Indians at one time owned by right of cession a part of Colorado?

Mr. TAYLOR of Colorado. Oh, yes; prior to 1880; about 11,000,000 acres.

Mr. CARTER of Oklahoma. They ought to have some rights there yet, I think, which ought to be respected by the white men. I think, perhaps, the gentleman's remarks should be directed to another item. This is a treaty item.

Mr. TAYLOR of Colorado. I think that is probably so. I was just speaking generally about the Ute situation.

The CHAIRMAN. The time of the gentleman has expired.

Mr. TAYLOR of Colorado. Then I will wait until the Clerk reads the next paragraph.

The CHAIRMAN. The gentleman withdraws the pro forma amendment, and the Clerk will read.

The Clerk read as follows:

For the support and civilization of detached Indians in Utah, including pay of employees, $10,000.

Mr. TAYLOR of Colorado. Mr. Chairman, I move to strike out the last word. I should like to inquire who are the detached Indians who are referred to in this item?

Mr. STEPHENS of Texas. They are roving bands of Indians who will not stay on either one of these reservations. Here is what the department says about them:

Previous to the activities made possible by this legislation there were a number of roving bands of Indians, altogether about 1,200, scattered throughout the State not under jurisdiction. Many of these were in a destitute condition and in many cases annoyed the white people of the State through depredations.

That is what we were talking about.

It became necessary, therefore, to establish some some of jurisdiction over these Indians the origin of the legislation being an appropriation for the relief of certain bands in the vicinity of Skull Valley and Deep Creek, reports of their condition having reached the office.

Since the appointment of a responsible official much has been accomplished in the way of building Indian houses, instruction in farming, supplying agricultural implements, seed, fencing material, etc., but not nearly all that needs being done. The value of the crops raised during the past fiscal year approximates $4,562. Rations are not issued. Many of these Indians have valuable water rights, which require protection and use. Supervision is a difficult task because they are so widely scattered and much traveling is necessary.

Mr. TAYLOR of Colorado. Are any of these Indians working anywhere or in any manner? I mean those Utah Indians.

Mr. STEPHENS of Texas. They seem to be raising crops valued at $4,562.

Mr. TAYLOR of Colorado. Where did they raise them?

Mr. HOWELL. If the gentleman will pardon me, I want to say that these detached Indians number about 1,200. They are located in various settlements and are engaged in the work of agriculture, and are in the way of civilization. The appropriation has been very helpful, because it relieves the people of the burden of these roaming bands of Indians, and it has also induced them to settle in different locations by themselves where they have lands, with water rights, and they are now pursuing the ways of industry and civilization.

Mr. TAYLOR of Colorado. When the Indian agents disclaim any power to compel these Indians to return to the reservation or do anything with them, and tell us that they are not responsible at all for them, what are these agents doing?

Mr. HOWELL. The roaming bands of Indians do not trouble the gentleman in Colorado, they are not located in or near Colorado.

Mr. TAYLOR of Colorado. Some of them come into Colorado nearly every year and kill the deer in our State. If they can not be stopped, there will not be a deer left in Colorado five years from now. They kill them in the fall when the deer go down out of the mountains to the lower lands in western Colorado.

Mr. HOWELL. The Indians against whom the gentleman complains are living on the Indian reservation and are under the supervision of the agency. His complaint ought to be directed toward the agent in charge of the Indian reservation. They have 2,000,000 acres in that reservation, and the most of it has been thrown open to settlement. They have some land in common, and they have an allotment of 160 acres for the head of a family and 80 acres to each member of the tribe for agricultural purposes.

Mr. TAYLOR of Colorado. We are spending all this money on them. Why do not the agents exercise some control over them?

Mr. KONOP. Will the gentleman yield?

Mr. TAYLOR of Colorado. Yes.

Mr. KONOP. Does the gentleman contend that if an Indian comes into the State of Colorado, whether he comes from an Indian reservation or somewhere else, and violates the laws of Colorado, that they can not prosecute him?

Mr. TAYLOR of Colorado. I think that is true; but in former years whenever we have tried to do anything with them we were told that they were the wards of the Government and we could not rightfully punish them.

Mr. KONOP. But if they violate the laws of Colorado they are liable to arrest and punishment.

Mr. TAYLOR of Colorado. I think so, and at the same time our authorities have not felt like dealing harshly with them. We would rather they would stay away. They ought not to be encouraged in idleness and bad habits.

Mr. KONOP. If the State authorities are lenient, that is a matter to settle with the State authorities.

The Clerk read as follows:

The Secretary of the Interior is hereby authorized to withdraw from the Treasury of the United States, within his discretion, the sum of $300,000 of the principal funds to the credit of the Confederated Bands of Ute Indians and to expend the sum of $50,000 of said amount for the benefit of the Ute Mountain (formerly Navajo Springs) Band of said Indians in Colorado, and the sum of $200,000 of said amount for the Uintah, White River, and Uncompahgre Bands of Ute Indians in Utah, and the sum of $50,000 of said amount for the Southern Ute Indians in Colorado, which sums shall be charged to said bands, and the Secretary of the Interior is also authorized to withdraw from the Treasury the accrued interest to and including June 30, 1916, on the funds of the

said Confederated Bands of Ute Indians appropriated under the act of March 4, 1913 (37 Stat. L., p. 934), and to expend or distribute the same for the purpose of promoting civilization and self-support among the said Indians, under such regulations as the Secretary of the Interior may prescribe: *Provided*, That hereafter the said Secretary of the Interior shall report to Congress, on the first Monday in December, 1917, a detailed statement as to all moneys expended as provided for herein.

Mr. TAYLOR of Colorado. Mr. Chairman, I move to strike out the last word. I would like to ask the chairman of the committee where all this Ute Indian money comes from.

Mr. STEPHENS of Texas. It is a part of a judgment obtained in the Court of Claims under an amendment put onto the Indian appropriation bill in the Senate, January, 1909, by Senator Teller. That amendment became a law. The Court of Claims, years afterwards, found a judgment in favor of these Indians and against the United States in the sum of $3,305,275.19, to remain in the Treasury of the United States to the credit of the Indians, bearing 4 per cent interest from February 13, 1911. That was the date of the judgment, both principal and interest to be available under annual appropriations by Congress for cash payment to said Indians, or for expenditure for their benefit in the discretion of the Secretary of the Interior. The money comes from the tribal fund.

Mr. TAYLOR of Colorado. I do not believe for a minute that Senator Teller ever knowingly did anything wrong. But if that bill directing the Court of Claims to render that judgment was rushed through the Senate and House, as it seems to have been, on March 3, 1909, the last day that Senator Teller served in the Senate, and if that amendment was passed in his name, I can not resist the belief that the old gentleman was imposed upon by somebody. The treaty by which the Ute Indians were removed from Colorado to Utah provided that whenever these Colorado lands were sold by the Government of the United States the Indians should receive $1.25 an acre for the land as it was sold. The Indians were not to get $1.25 an acre for it until the land was sold.

Mr. STEPHENS of Texas. That is true. What was the date of the treaty?

Mr. TAYLOR of Colorado. June 15, 1880 (21 U. S. Stats., 199).

Mr. STEPHENS of Texas. That was the origin of this suit, and that is why it was submitted to the Court of Claims.

Mr. TAYLOR of Colorado. It seems that that law was a rider put on in the Senate submitting it to the Court of Claims and virtually directing the Court of Claims to render a judgment against the United States for millions of dollars that I do not think was at all authorized by that treaty or any other way.

Mr. STEPHENS of Texas. It directed this suit to be submitted to the Court of Claims and the Court of Claims found that this amount of money was due.

Mr. TAYLOR of Colorado. And that is the source of all this money that is being now appropriated to those Indians?

Mr. STEPHENS of Texas. That is correct.

Mr. TAYLOR of Colorado. Have you any authorizations like this judgment referred to herein, Thirty-seventh Statute at Large, page 934, in this bill?

Mr. STEPHENS of Texas. None whatever.

Mr. TAYLOR of Colorado. What I can not understand is why, when a treaty provides very plainly that whenever the land is sold, and not otherwise, the Indians shall get $1.25 an acre, and then when something like 3,000,000 acres of that land are merely put into a forest reserve, not sold, and the Government has not parted title to it, when it is in law subject to entry under the homestead and preemption law and the mineral-land law, how the Indians can rightfully or legally get a judgment from the Court of Claims against the United States for $1.25 per acre for all of that forest reservation.

Mr. STEPHENS of Texas. The gentleman will have to try that out with the Court of Claims. The Indians seem to have been successful in getting it.

Mr. TAYLOR of Colorado. How much of a fee did some attorneys get out of it?

Mr. STEPHENS of Texas. The attorneys got $210,973.86.

Mr. TAYLOR of Colorado. Is it not true that there never were any hearings before the committee or any testimony offered and that it was practically a judgment entered by consent of the Government attorneys? Virtually a default judgment. I can not find any record of any hearing on this matter before any committee.

The CHAIRMAN. The time of the gentleman from Colorado has expired.

[By unanimous consent, the time of Mr. TAYLOR of Colorado was extended five minutes.]

Mr. CARTER of Oklahoma. Mr. Chairman, I think the gentleman from Colorado must be mistaken about that. It would be the duty of the Department of Justice to appear on behalf of the Government. Certainly the Department of Justice would not have permitted a default in judgment to be taken against the United States.

Mr. MANN. Mr. Chairman, I read the opinion of the court in that case several years ago. I do not know whether there was any evidence taken; I doubt if there was.

Mr. TAYLOR of Colorado. There was no hearing before the committee.

Mr. CARTER of Oklahoma. It was not before the committee, it was decided in the Court of Claims.

Mr. MANN. It was inserted in the Indian bill in the Senate, and it is not the first one that was improperly inserted in a bill in the Senate by the distinguished gentleman who represented that State at the other end of the Capitol. The opinion in the case, which came as a sort of shock to the Members of the House, entering judgment of several million dollars against the United States, is rather a well-reasoned opinion. I think, however, that the gentleman from Colorado can see some equity in the proposition. If the United States agrees to take the land of the Indians and pay them for that land when sold, and then the Government instead of offering it for sale segregates it as Government property to keep for the Government so that it can not be sold directly to settlers, that there is some basis of a claim that the Indians are entitled to be paid by the Government for the value of the property which they would have received if the Government had sold it. And while I do not wholly agree with that opinion, still there is the judgment of the Court of Claims, and there is nothing we can do except to say that that money belongs to the Indians. There was a strong demand when the judgment was rendered to have the money turned over to the Indians.

Mr. TAYLOR of Colorado. The lawyers got their fee, did they not, a long time before the Indians got any?

Mr. MANN. Oh, well, the lawyers ought to get their fees, and usually do, if they have anything to say about it. I do not know whether there was an exorbitant fee in this case or not. Doubtless, however, it was a fee that was approved in advance by agreement with the Secretary of the Interior. It might have been too much.

Mr. STEPHENS of Texas. Mr. Chairman, my remembrance is that it was approved by the court.

Mr. CARTER of Oklahoma. I will say that this fee was authorized to be fixed by the Court of Claims that tried the case, by the act which sent the matter to the Court of Claims.

Mr. TAYLOR of Colorado. It looks to me as though the mistake is in the act itself rather than in the judgment of the Court of Claims.

Mr. MANN. If my distinguished friend from Colorado, instead of looking at the past, although that is good information, will watch a lot of these bills that are floating around here, which will shortly be reported by the Committee on Indian Affairs, to refer a lot of other old claims that have not half the basis of this claim, and will help kill those bills, he will render the Treasury of the United States a great service.

Mr. TAYLOR of Colorado. I will try to kill them if I can.

Mr. KONOP. That is, if they do not apply to the gentleman's State.

Mr. TAYLOR of Colorado. It makes no difference what State they apply to, if they are apparently without any justice, as this looks to me. That bill was apparently rushed through this House on the night of the 3d of March, the last night of the session, when they were about to adjourn.

Mr. MANN. You can not get anybody in this House to defend the methods by which that legislation got into the Indian appropriation act. The conferees of the House doubtless were not informed upon the subject and were forced to agree to a proposition to refer a claim to the Court of Claims.

Mr. TAYLOR of Colorado. The treaty was plain itself, and it seems to me the claim ought not to have been referred to the Court of Claims. I do not see why that court should have had anything to do with the matter. If there was any sums due the Indians, Congress would have appropriated the amount to them. There was no necessity of resorting to the Court of Claims.

Mr. MANN. The usual method is to assume that to refer a matter to the Court of Claims is fair upon its face, but the trouble is that they usually couple with it—and I do not know whether it is so in this case or not—some regulation controlling the Court of Claims which gives the case of the Government away in advance, and the gentleman will find that in all of these bills now pending.

Mr. TAYLOR of Colorado. I think somebody must have been asleep or hornswoggled into doing something of that kind in this case. But nobody can watch everything that passes on

the last day of the last session of Congress. That is the time when most of the things pass that ought not to pass.

The CHAIRMAN. The time of the gentleman from Colorado has expired.

Mr. TAYLOR of Colorado. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. TAYLOR of Colorado. Mr. Chairman, I want to make another suggestion to the gentleman from Illinois [Mr. MANN]. My thought about the matter is that if it is the policy of the Committee on Indian Affairs or the Court of Claims in the face of a plain treaty that says that they shall be paid $1.25 an acre when the land is sold and nothing more, to charge for the use of the land and make the people who live upon it—and I live in Glenwood Springs upon the old Ute Indian Reservation myself—pay for, or pay a royalty upon, all the coal, timber, oil, gas, grazing, and everything else that they take off of that land or use it for, it is for many years to come going to be a very great hardship upon the users of and consumers upon that original Ute territory in my State. I am looking to the future instead of to the past. I am not trying to get or thinking about getting back any of that money, but thinking about how much more we may have to pay if that kind of a scheme can be enacted again.

Mr. MANN. This is the Uintah Reservation?

Mr. TAYLOR of Colorado. Yes.

Mr. MANN. It has been a matter of active dispute, bitter dispute, in this House ever since I have been a Member of the House. I think one of the first bitter debates I ever heard in the House was in reference to some disposition of lands in this reservation, and it has been running along ever since. How this got to the Court of Claims I do not know, except that doubtless it looked like a reasonable proposition to some gentleman.

Mr. TAYLOR of Colorado. There are only 2,021 Utes altogether. Here is a judgment against the United States for $6,203,767.21, and after graciously allowing the Government the credits they had to, the balance or final judgment against the Government was $3,516,231.05. I do not believe the Government ever owed them any such sum. That is $1,739.85 apiece for every Ute Indian in the United States. Moreover, it looks to me as though there is such a thing among the Indians as well as the whites of having too much money for their own welfare.

Mr. MANN. Of course that does not apply to either the gentleman from Colorado or myself.

Mr. TAYLOR of Colorado. Certainly not; but I think it is a notorious fact that there is mighty little work being done by the Ute Indians, and comparatively little advancement being made by them, whereas with the Navajoes, where they do not have so much money, they are working; they have to work; and as a result they are progressing faster, if my information is correct. Of course I assume that the Bureau of Indian Affairs is wisely and beneficially expending that money.

Mr. CARTER of Oklahoma. What would the gentleman suggest should be done with the money?

Mr. NORTON. Mr. Chairman, will the gentleman yield?

Mr. TAYLOR of Colorado. Yes.

Mr. NORTON. Do I get the gentleman's complaint to be that those Indians in his neighborhood have too much money?

Mr. TAYLOR of Colorado. Not if they will use it for any proper or beneficial purpose; but if they are squandering these large sums in idleness and dissipation, they have. They might be better off with less money and more work. I do not mean to imply that the money is being wasted or unwisely expended. My impression is that the Utes in southwestern Colorado are doing better than those Utah Utes.

Mr. NORTON. Is the gentleman complaining that the opportunity out there is not free for the white settlers to get part of the money readily enough?

Mr. TAYLOR of Colorado. We do not want those Utah Indians or their money in Colorado; we want them to keep out of the State; but they come over there and idle around for months and months and are more or less of a nuisance to our people. It seems to me as though there is some lax methods in the handling of those Indians, as well as in the manner in which this enormous grab, as it looks to me, upon the Federal Treasury for their benefit was obtained. I want to see the Indians treated right, and I will go as far as anyone in seeing that they get all that is coming to them, and I want to see them properly cared for, whether there is anything coming to them or not; but I think Congress can treat the Indians fairly without tolerating any more claims or judgments of that kind.

Mr. HOWELL. Will the gentleman yield?

Mr. TAYLOR of Colorado. Certainly.

Mr. HOWELL. I just want to suggest to the gentleman from Colorado that these Indians originally belonged to Colorado and by some means or other they were transplanted to Utah, so if they wander back to their original home once in a while the gentleman ought not to complain, inasmuch as Colorado was able to get rid of them altogether.

Mr. MANN. Are they hyphenated citizens?

Mr. TAYLOR of Colorado. I am complaining more particularly about Congress allowing what looks to me as though it were utterly outrageous claim against the Government of the United States for over $3,500,000 without any foundation for it in justice, law, or treaty, as I understand it.

Mr. CARTER of Oklahoma. Will the gentleman yield?

Mr. TAYLOR of Colorado. I will.

Mr. CARTER of Oklahoma. The gentleman has spoken of this matter several times as being a grafting, outrageous claim——

Mr. TAYLOR of Colorado. I say it looks to me that way.

Mr. CARTER of Oklahoma. And for which there is no foundation of fact or equity. Let me tell the committee what I know of this matter. The first I remember hearing of this matter was when I went into a conference some three or four years ago on the Indian appropriation bill. We found a paragraph in that bill which, as I remember now, presented an adjudicated claim or judgment on behalf of these Indians for several million dollars. The paragraph provided that all of it should be made available for the Indians. In justification of this paragraph the managers on the part of the Senate presented the judgment of the Court of Claims, and also the statement that the white man had taken the Indians' land away from them, the Federal Government agreeing to give the Indians the amount of money which had not at that time been paid and for which this judgment was to be the satisfaction. So the status of the matter appeared to us to be that the Indians claimed to have been wronged by the white man, and asked to go into the white man's court to adjudicate the matter. The white man has permitted the Indians to go into his court, and the white man's court has given the judgment for the amount of money, all of which, as I remember now, we were asked at that time to appropriate and turn into the hands of the Indians. It was agreed by some of the conferees that such policy as this would not be beneficial to the Indians, so the paragraph was rewritten, providing that a certain part of the judgment should be paid to the Indians per capita and used for their civilization and the other part to be paid by later appropriations.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CARTER of Oklahoma. I ask to be recognized in opposition to the amendment of the gentleman. But the gentleman from Colorado says it is graft. I am not assuming to say that the Court of Claims rendered an unjust judgment, and I am not assuming to say that they rendered a just judgment, but this I do say: The adjudication of this matter in the Court of Claims was certified to Congress, and the amount was reduced at the suggestion of the managers on the part of the House, placed in the bill, and it was clearly shown, without contravention, so far as I can remember, that this was compensation for lands which had been taken from these Indians at $1.25 per acre.

It is, Mr. Chairman, indeed surprising to me, coming from a State that has honored an Indian citizen with its governorship, coming from a State that has honored an Indian citizen with a seat in the United States Senate, coming from a State which has honored an Indian citizen with a lieutenant governorship, coming from a State which has honored a full-blooded Indian with the speakership of our State house of representatives; I repeat, it is more than passing strange to me that a Representative on the floor of this House would regale himself in this manner with reference to the same Indians who originally owned the larger portion of the State which he now enjoys the privilege of living in.

Mr. McKENZIE. Will the gentleman yield?

Mr. CARTER of Oklahoma. I do.

Mr. McKENZIE. I believe Indians in the State of Oklahoma have the right to vote.

Mr. CARTER of Oklahoma. Yes, sir.

Mr. McKENZIE. Do they have the same privilege in the State of Colorado?

Mr. CARTER of Oklahoma. As I am now advised, I would say not.

Mr. McKENZIE. I would like to know.

Mr. TAYLOR of Colorado. I do not know of any Indians in Colorado who are voters.

Mr. CARTER of Oklahoma. Mr. Chairman, this presents just another case of mistreatment and contempt of the Indian. It

presents the same old story of the great Genoese navigator when he landed on the sunny shores of San Salvador. He asked to be permitted to land and spend the night. Having planted his tent, the next morning he planted a cross, and under the guise of a pretended Christianity, he claimed the island for his own. It is the same mistreatment which has followed the Indian all through the country until he is crowded down on a small reservation in the West, and I am surprised that the gentleman, warm-hearted, congenial, and sympathetic, as I know my friend from Colorado to be, after these Indians have surrendered more than 10,000,000 acres of land for the benefit of his State, now used, not for the benefit of the Indian but as a forest reserve for all the citizens of the United States; I am surprised, I say, that the distinguished gentleman should continually denominate the judgment of the Court of Claims, his own court, in rendering a judgment in favor of paying for these lands, of which they were deprived, as graft and fraud. His court has passed upon it and said the Indians were entitled to it. That ought to operate as a complete estoppel from any such charge. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. TAYLOR of Colorado. Mr. Chairman, I ask unanimous consent to speak for five minutes.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. TAYLOR of Colorado. Mr. Chairman, I want to say to the gentleman from Oklahoma that I have just as much sympathy for the Indians as anybody. I want to see them treated fairly and justly. In fact, we in Colorado have rather a kindly feeling toward the Ute Indians, notwithstanding they have caused us a great deal of trouble and expense and notwithstanding they killed some of our citizens last fall, and I have a bill here now for a claim for a death caused by them. I am not complaining of the Utes, but of the whites. I am criticizing what I believe was an unwarranted act of Congress, because I do not want it to occur again, if I can prevent it. There was a treaty of June 15, 1880, with these Ute Indians. They were given lands in Utah in lieu of lands in Colorado, and in addition the Government was to give them $1.25 an acre for land whenever it was sold. That is, whenever the Government issued a patent to a settler for 160 acres, the Utes got $200. There were about 11,000,000 acres in the entire former Ute Indian Reservation in western Colorado and about 3,200,000 acres of that were several years ago put into forest reserves. Now, it seems that some ingenious and enterprising lawyers conceived the scheme of claiming that because some of that Indian reservation was put in a forest reserve that that was the same as a sale of that territory by the Government and rendered the Government liable to its Utes for $1.25 an acre for all of that land. Notwithstanding that the Government had not sold an acre of it, had not parted with the title of an acre of it, and had not received a dollar's worth of benefit from it. It costs the Government twice as much as it gets out of the forest reserve to administer them. Moreover, those forest-reserve lands are subject to entry under the homestead law and the mineral-land laws, and every year large tracts of forest-reserve lands are being eliminated from these reserves.

The Government made a fair and square treaty with the Ute Indians and has paid them their money as fast as it was due them, and if claims of that kind can be sustained, I am wondering where this thing is going to end.

The Secretary of the Interior and the Commissioner of the General Land Office have recently rendered decisions based upon that judgment of the Court of Claims, and those decisions are seriously and, I think, unjustly affecting the citizens upon that former Ute Indian reservation, whom I represent, and I fear that those decisions are soon going to form the basis for some more enterprising attorneys to attempt another gigantic haul on the Federal Treasury.

The Interior Department is assuming that that judgment is valid and is based upon the law; that is, that it is the actual determination of the Court of Claims upon the justness of the matter, whereas my contention is that that decision was rendered by the specific direction of a wrongful act of Congress, without any regard for the merits or justness of the claims in law.

Mr. NORTON. Will the gentleman yield?

Mr. TAYLOR of Colorado. Yes.

Mr. NORTON. What does he complain they are charging for, the 3,000,000 acres in the reservation or the land outside of the reservation?

Mr. TAYLOR of Colorado. Both of them. The Indians are getting double pay. They are collecting the $1.25 an acre for all the lands sold and for all in the forest reserves that have not been sold and are also now trying to charge us for the use of the timber and everything else, both on the outside and inside of the forest reserves.

Mr. NORTON. Outside of the forest reserve?

Mr. TAYLOR of Colorado. Yes.

Mr. NORTON. Have the Indians parted by treaty with their mineral rights in the land?

Mr. TAYLOR of Colorado. Yes; they parted by and in their treaty with all their rights in the land, excepting that they were to be credited with $1.25 an acre whenever the Government sold any of it. They have no right to collect a royalty off of us people for all time for the land that is too worthless to be sold.

Mr. NORTON. Does the gentleman maintain this, that the Indians are securing from the whites land they are entitled to under their treaties?

Mr. TAYLOR of Colorado. I think the Utes are getting more money from the Government out of that former reservation than the treaty entitled them to, and I think the Government is getting the worst of it. I am not criticizing the Utes for taking it. I congratulate them upon their good luck, and I want to see them get the money, but I do not want to see them get any more that way.

Mr. NORTON. I want to tell the gentleman if that is true, and I do not think it is, it is the first time in all the history of this country that any Indians obtained more from the whites than they are entitled to under their treaty.

Mr. TAYLOR of Colorado. Well, this is once when the Indians have got the best of Uncle Sam. They are getting something over $3,500,000 more than, I think, their treaty provides for, and that is not the end of it. I have nothing against the Indians, but that judgment does not look right to me.

Mr. CHIPERFIELD. If the gentleman will pardon me, in the case of these forest reserves, where the Indian is practically excluded from the land, and certainly deprived of all use of it, and it is set apart in perpetuity for that purpose, is it not right that the Indian should receive pay for the land taken from him?

Mr. TAYLOR of Colorado. They receive pay for all land sold. The land is not set apart in perpetuity. The Government is selling it all the time and turning over the proceeds to the Indians, in accordance with the treaty.

Mr. CHIPERFIELD. I do not know under what particular terms the forest reserve you have reference to is held, but I do know in the case of the other forest reserves it is practically set apart in perpetuity in many instances, and under those circumstances is it not right that they should receive pay for that land that belonged to them?

Mr. TAYLOR of Colorado. They have already been paid for all the land the Government has sold, and there was no authority for paying the Indians for the use of the land before it was sold. What right have the Ute Indians, either by law or by treaty or in justice or equity, to charge white settlers for the use of the land outside of the forest reserve and come in here every few years by a bunch of attorneys with a new bill referring some unjust claim to the Court of Claims, with instructions to enter judgment against the United States? Is there no limit to this thing?

Mr. CHIPERFIELD. In what manner is this land subject to the homestead entry?

Mr. TAYLOR of Colorado. Under the law authorizing homesteads in forest reserves.

Mr. CHIPERFIELD. Very good. Then the Indian is deprived of the use of it or the benefit of it?

Mr. TAYLOR of Colorado. Oh, no. When the Government parts title to any of that land by homestead entry or mineral entry, or otherwise, the Ute Indians get $1.25 an acre for it; but they have, in my judgment, no legal right to charge the United States Government for the use of any of that land prior to the time that the Government parted with title to it. Whenever the Government sells the land, when it goes into private ownership, then under the terms of that treaty the Ute Indians are entitled to receive $1.25 an acre for the land, and they have always received it. That is the way I understand that treaty, and that is what I have been trying to explain.

I am not charging anybody connected with this entire transaction with any corruption or with knowingly doing anything wrong. I understand that several distinguished Colorado citizens, who have since passed away, were active in bringing about this judgment. And if I did not fear that a repetition of this judgment was in contemplation, I would not take up the time of the House this long in calling attention to the matter. I personally do not agree with the justness of that claim, and if it is going to be repeated on some pretext or other for the purpose of getting another judgment against the Government and inflicting an unjust hardship upon the people who reside now upon

the former Ute Indian Reservation in my district, I feel it my duty to prevent that action if I can.

After the Meeker massacre and the Thornburg massacre of the whites by the Ute Indians on this reservation about the year 1879, the Ute Indians were removed by the Government from that territory. They were given lands principally in Utah. The Government entered into a treaty with them, which treaty is dated June 15, 1880, appearing in the Twenty-first United States Statutes at Large, at page 199, providing that the land formerly held by the Ute Indians—

shall be subject to cash entry only, in accordance with the existing law, and when sold the proceeds of said sale shall be first sacredly applied to reimburse the United States for all sums paid out or set apart under this act by the Government for the benefit of said Indians, and then to be applied in payment for the lands, at $1.25 per acre, which may be ceded to them by the United States outside of their reservation in pursuance of this agreement. And the remainder, if any, shall be deposited in the Treasury, as now provided by law, for the benefit of said Indians, in the proportion hereinbefore stated, and the interest thereon shall be distributed annually to them in the same manner as the funds provided for in this act.

My understanding of that language and that treaty is that as fast as the former Ute Indian Reservation is sold by the Government, the Indians are to be credited with $1.25 an acre, and the interest upon that amount was to be distributed to them annually. There was no other value fixed upon the land, or any provision for charging rental for the use of the land, or for water rights, or for timber, or coal, or anything else. The Government has already parted with title to practically all of that land that was very valuable, and the Utes have been paid for it. What there is left of it, both in and out of the forest reserves, is, generally speaking, rough and comparatively of inferior quality. But be that as it may, there is a small portion of it every year that goes into private ownership by preemption law, or homestead or desert-land claims, or otherwise, and the Indians are entitled to $1.25 an acre accordingly.

But notwithstanding the provisions of that treaty, there was an amendment, a rider, put on the general Indian appropriation bill after it left the House and was in the Senate in the closing days of the Sixtieth Congress, and it passed on March 3, 1909, in the final rush apparently of the last night of that session, and was enacted into law. That is what is referred to as the jurisdiction act (35 Stat., p. 788). That act, in my judgment, directly misconstrued that treaty with the Indians. It confers jurisdiction upon and directs the Court of Claims to hear, determine, and render final judgment in favor of the Ute Indians as to—

the value of all lands ceded by the said Indians which have been set apart and reserved from the public lands as public reservations, or for other public uses under existing laws and proclamations of the President, as if disposed of under the public-land laws of the United States, as provided by said agreement, and the money due therefor.

I can not understand what right Congress had to direct the Court of Claims to render a judgment against the United States for the value of that land that was put in the forest reserves, the same as if it had been sold under the public-land laws. The Indians were never to be paid for the land in accordance with its value. Probably two-thirds of all that land in the forest reserves had no value whatever, or at least comparatively little. That jurisdictional act, in my opinion, directed the Court of Claims to do something they had no legal right to do under the treaty, and as the gentleman from Illinois [Mr. MANN] has said, I do not agree that the judgment is just. Nevertheless the opinion carries out the instruction of that act of Congress. The judgment was rendered on May 23, 1910, and a supplementary judgment on February 13, 1911. The court gave judgment against the United States and in favor of the Ute Indians for $6,203,767.21, and allowed an offset of $2,795,155.81, being a net judgment against the United States of $3,516,231.05, and the court allowed the attorneys for their services in the matter 6 per cent of that judgment, which amounted to a fee of $210,973.86.

In fixing the amount of the lawyers' fees the court says, with apparent irony, that—

It doubtlessly took considerable patience and persistent work on the part of the claimants' attorneys to impress upon the committees of Congress the justness of a law which would regard such (forest) reservations as land actually sold.

My inference from that language is that the court took the same view of the treaty with the Indians that I do, that they were only entitled to receive pay for the land when it was actually sold, and that a presidential proclamation putting several million acres of the poorest part of that reservation into forest reserves could not by any stretch of the imagination be called a sale of it by the Government. To explain how this affects western Colorado I want to call attention to one instance.

Some of the Members of the House may remember that about a year and a half ago I had a bill pending before this House (H. R. 17263, 2d sess. 63d Cong.) providing for the adding of a portion of this former Ute Indian Reservation to the Uncompahgre National Forest for the purpose of protecting the water supply of the city of Montrose, Colo. There was no objection to the bill. The object of it was exceedingly meritorious—to prevent the pollution of the water supply of that city by a lot of migratory bands of sheep—and the bill had the hearty approval of the Forest Service. The land was vacant and of comparatively little value. But when the measure came up on the floor of the House and I was confronted with this judgment of the Court of Claims, and when the Interior Department rendered an opinion on the bill, that the placing of this tract of land in the forest reserve would at once, under that decision, creating a liability on the part of the Government to pay the Ute Indians $1.25 an acre for all of that land, I was unable to pass the bill, because the House was not in favor, nor was I myself, of putting something over a hundred thousand acres in the forest reserve for the protection of the water supply of a city, and thereby creating an obligation against the Government to pay to the Ute Indians over $125,000 for that land. The people are prevented from making a beneficial use of that land. That is merely one illustration of the injurious manner in which that decision of the Court of Claims is already affecting the inhabitants upon that former Indian reservation.

Recently there is being made an effort to charge for some scrubby timber on and also for grazing and generally for the use of this land outside of the forest reserves, and I prophesy now that there will be in the near future another effort made by some more enterprising attorneys to pass an act through Congress in some way further obligating the Government to pay claims that are in no way whatever provided for or contemplated in that original Ute treaty. And if Congress passes other acts like that, as the gentleman from Illinois [Mr. MANN] has intimated they have done in the past, virtually directing and compelling the Court of Claims to render judgments that there is no prior law or authority for, that the people of my district will be ultimately compelled to pay, directly or indirectly, or burdened with the amounts of those judgments.

I can not find any report of any committee on this matter at or prior to the time that act was passed on March 3, 1909, and there does not seem to have ever been any report by the House Committee on Indian Affairs upon this subject, because it has always been put in in the Senate. But I will extend my remarks by inserting in the RECORD a portion of a report which I made from the Public Lands Committee on the Montrose bill, to which I have referred, in the Sixty-third Congress, which contains a statement upon this subject by the Commissioner of the General Land Office and also incorporates the judgment of the Court of Claims referred to.

I will also insert a report which I have found of the Senate Committee on Indian Affairs of the Sixty-second Congress, third session, made on January 25, 1913, on Senate bill 7738—which bill was introduced "by request." That report contains quite an amount of data upon this subject and is an interesting and ingenious document, containing arguments in favor of these so-called Indian claims, and seems to have resulted in the jurisdictional act that is referred to here in this pending bill as the act of March 3, 1913 (37 Stats., 934). I think this information or material should be preserved for future reference:

[House of Representatives, Rept. No. 1073, 63d Cong., 2d sess.]

ADDITION TO UNCOMPAHGRE NATIONAL FOREST IN COLORADO.

Mr. TAYLOR of Colorado, from the Committee on the Public Lands, submitted the following report (to accompany H. R. 17263):

The Committee on the Public Lands, to whom was referred the bill (H. R. 17263) to reserve certain lands, to incorporate the same, and make them a part of the Uncompahgre National Forest in Colorado, having had the same under consideration, respectfully recommend that the bill be amended as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

* * * * * * *

And as so amended the committee recommend that the bill do pass.

The committee submitted this bill to the Secretary of Agriculture and Secretary of the Interior for reports, and those reports are as follows:

DEPARTMENT OF AGRICULTURE,
*Washington, July 10, 1911.*

Hon. SCOTT FERRIS,
*Chairman Committee on the Public Lands,*
*House of Representatives.*

DEAR SIR: I wish to acknowledge receipt of a copy of the bill (H. R. 17263), introduced by Mr. TAYLOR, to reserve certain lands, to incorporate same, and make them a part of the Uncompahgre National Forest in Colorado, with the request that your committee be sent a report thereon.

The lands proposed to be added to the Uncompahgre National Forest are in two tracts. Those in townships 46, 47, and 48 north, ranges 4, 5, 6, and 7 west, are chiefly valuable for timber production, and much of it is covered with merchantable timber. It is of a character

to warrant inclusion in a national forest under the act of March 3, 1891 (26 Stat., 1095), and amendments thereto. These areas are similar to the forest lands in the Uncompahgre, to which they are contiguous. Their description was not known at the time the national forest was first created. Since the passage of the act of March 4, 1907 (34 Stat., 1256), which provides that no forest reserves shall be created nor additions made to any heretofore created, in Colorado, among other States, the lands can not be added by presidential proclamation. Because these areas are chiefly valuable for timber production and are of such a character and cover as to warrant their inclusion, it is believed that they should be made a part of the Uncompahgre National Forest.

The other tract described in the bill, in townships 47, 48, 49, and 50 north, ranges 7 and 8 west, is not potential forest land like the areas above described. At the present time it is used for grazing purposes. The local forest officers report that during recent years there have been serious conflicts between those grazing sheep and cattle upon the lands. It is now open to unrestricted grazing, and this has brought about the conflicts. It is also stated that a part of this watershed will be needed by the town of Gunnison for municipal water supply protection, and that certain officials are desirous of having the land placed under Government control so that the grazing of live stock there may be regulated and the contamination of the water supply prevented.

Several additions to the national forests have been made in other States in order to protect the waters needed by municipalities for domestic uses and in order to prevent the pollution of the water supplies. The administration of the two areas mentioned in the bill would not add materially to the cost of administering the Uncompahgre National Forest as a whole. If, therefore, your committee decides to add both areas to the existing Uncompahgre National Forest, this department will have no objection to the passage of the bill.

Very truly, yours,

C. F. MARVIN,
*Acting Secretary.*

—

DEPARTMENT OF THE INTERIOR,
*Washington, July 18, 1914.*

Hon. SCOTT FERRIS,
*Chairman Committee on the Public Lands,*
*House of Representatives.*

MY DEAR MR. FERRIS: In response to your request therefor, I have the honor to submit the following report on H. R. 17263:

The bill proposes to add certain therein-described lands in Colorado to the Uncompahgre National Forest.

I am advised by the Commissioner of the General Land Office that such lands adjoin the said national forest and extend northward therefrom, and have an estimated area of 110,630 acres, 65,030 acres thereof being surveyed. Such surveys were made between 1889 and 1902, and the field notes thereof show the greater portion to be mountainous or mesa land, with scattering spruce and aspen timber, dense undergrowth, and grasses; that the lands described in the bill in T. 48 N., R. 6 W., and in T. 47 N., R. 6 W., except the southeastern portion in Trident Mesa and those in the eastern portion of T. 47 N., R. 7 W., are fine grazing and agricultural lands, and that all the surveyed land is well watered by Willow, Pine, and Blue Creeks and the Cimarron River and their tributaries.

Twelve thousand eight hundred and forty acres of the area proposed to be reserved are included within entries and claims under the public-land laws of record, 9,280 acres thereof in entries upon which final certificate or patent has issued and 3,560 acres in unperfected entries, the location of such entries therein being indicated upon the accompanying diagram. Certain of the lands are subject to approved rights of way for reservoirs, canals, etc., under the act of March 3, 1891 (26 Stat., 1095). A tract of 520 acres in sections 9 and 16, T. 47 N., R. 7 W., was reserved by the act of May 9, 1914 (Public, No. 97), to be purchased by the city of Montrose at $1.25 per acre for park purposes, and 29,330 acres are under withdrawal for coal classification.

The lands described in the bill are within that portion of the former Ute Indian Reservation ceded under agreement ratified by the act of June 15, 1880 (21 Stat., 199), subject to cash entry under said act and that of July 28, 1882 (22 Stat., 178), the proceeds of such sales to be deposited for the benefit of the Indians after deducting certain expenditures as therein provided. The act of June 13, 1902 (32 Stat., 384), extended the homestead laws over such lands and provided that any money lost to the Indian fund by virtue thereof should be made up by the Government.

Certain lands within such cession have been heretofore included within national forests. On May 23, 1910, the Court of Claims, in the case of the Confederated Bands of Ute Indians of Colorado *v.* The United States, under the jurisdiction conferred by the act of March 3, 1909 (35 Stat., 788, 789), held that the Indians should be credited with $1.25 an acre for such of said lands in forest reservations as had not been entered and paid for.

The area to be added to the Uncompahgre National Forest thereby is more extensive than its principal purpose, the protection of the water supply of Montrose, would seem to warrant, and includes agricultural lands, as hereinbefore stated, and certain areas that are heavily alienated, as shown by the accompanying diagram. No facts have been presented to me which, in my judgment, justify the creation of this proposed forest reservation and eliminating from homestead and similar uses these lands.

Should Congress deem it proper and wise to enact the proposed legislation, I would respectfully suggest the following changes in the segregation of the surveyed from the unsurveyed lands, and amendments.

* * * * * * *

Respectfully,

FRANKLIN K. LANE.

The committee has adopted all of the amendments suggested by the Secretary of the Interior, and the one amendment set forth above presents the bill in the form as it would read with the adoption of the recommendations of the Secretary.

As stated in the report of the Secretary of Agriculture, Colorado is one of the six States in which, since the act of March 4, 1907 (34 Stat., 1256), no forest reserves can be created nor additions made thereto by presidential proclamations. The only way any forest reserves can be enlarged in Colorado is by an act of Congress. This bill was introduced by Mr. TAYLOR of Colorado, and reported by the committee at the earnest request of the authorities and citizens of the city of Montrose, who desire to have all of the western portion of this land incorporated in the forest reserve for the protection of the water supply of that city. They desire to guard or police the land adjacent to their city water supply canal and reservoir, in conjunction with the Forest Service officials at the expense of the city, for the purpose of preventing the pollution of the water. There is no way at the present time of regulating the use of the public domain upon which the city reservoir is situated and through which its water-supply canal runs for about 15 miles; and the city authorities and citizens have had so much annoyance with nomadic flocks of sheep and other indiscriminate use of that territory that they have for many years been appealing to Congress to incorporate all of that land in the forest reserve, and allow them under regulations which are now in use under the Forest Service to cooperate with them in the protection of their water supply. This bill is similar to a number of others that have been passed for the same purpose.

The eastern portion of the land sought to be incorporated in the forest reserve is more particularly for the protection of the grazing rights of the local settlers in and adjacent to that territory. There have been, in former years, very serious conflicts and strife between the sheep and cattle men for the control of that range, and the permanent citizens of that portion of the country have repeatedly petitioned Congress and the Colorado Representatives to add that territory to the Uncompahgre National Forest, and it is in compliance with those requests, as well as in conformity with the wishes and approval of the Forest Service, that the committee has included that territory in this bill.

It may be added that the Forest Service officials have made an exhaustive investigation and report upon the character of the land in that territory. This bill does not include all of the land sought by the settlers to be added to the reserve, but only such portions thereof as the Agriculture Department and the Forest Service recommend as being suitable for incorporation within the reserve.

* * * * * * *

The following petition, addressed to the author of the bill, from citizens and county officials of Gunnison County, adjacent to this forest reserve:

"PETITION.

"Hon. EDWARD T. TAYLOR,
"*Congressman at Large for Colorado:*

"We, the undersigned residents of Cimarron and Gunnison County, would respectfully ask you to push the recommendation of the Secretary of the Interior for the extension of the Uncompahgre Forest Reserve. While it does not embrace as much as we had hoped, the addition as proposed will help some."

The city of Montrose also adopted a resolution in the nature of a memorial to Congress on this subject over two years ago, which reads as follows:

"RESOLUTION.

"Whereas the Uncompahgre National Forest Reserve as now established and maintained by the United States Government, as shown on the blue print hereto attached and made a part hereof, protects only a portion of the watershed of the Cimarron River and the Big and Little Cimarron Creeks; and

"Whereas the water supply of the city of Montrose for all uses, and especially for domestic use, is obtained from the said Cimarron River and its tributaries, and the health of the inhabitants of said city is greatly dependent upon a pure water supply; and

"Whereas the said city of Montrose also has a right to use water from the Gunnison Tunnel, whose source of supply is the Gunnison River, which at present is not under the control of the Government; and

"Whereas the city council of the city of Montrose believes it would greatly benefit the city and help it to secure and maintain a pure water supply for said city if the United States Government and Forest Service were in control of the watershed of the Cimarron River and Gunnison River, as shown on said blue print, and by the extension of said Uncompahgre National Forest, as shown by the red lines along the section and township lines marked on said map: Therefore be it

"*Resolved by the city council of the city of Montrose*, That the plan of enlarging the Uncompahgre National Forest, as shown by the red lines on the blue print hereto attached, be heartily indorsed, and that our Senators and Representatives in Congress be urged to immediately introduce and use their best endeavors to secure the passage of whatever legislation might be necessary to accomplish the enlargement of said Uncompahgre National Forest, as shown on said blue print, and that it is the belief of said city council that if the territory as indicated on said blue print were added to said Uncompahgre National Forest it would greatly benefit the health of all of the people of the city of Montrose and be a means of preventing much unnecessary sickness; and be it further

"*Resolved*, That a certified copy of this resolution be attached to said blue print and forwarded to our Representative in Congress.

"STATE OF COLORADO, *County of Montrose, ss:*

"I, S. V. Hobaugh, city clerk in and for the city of Montrose, State of Colorado, do hereby certify the above and foregoing to be a true, perfect, and complete copy of a resolution passed in the regular session of the city council, held at the city hall, in said city of Montrose on Thursday evening, February 2, 1911, as the same appears on file in my office.

"In testimony whereof I have hereunto set my hand and affixed the seal of the city of Montrose, at Montrose, in said county, this 3d day of February, A. D. 1911.

"[SEAL.] "S. V. HOBAUGH, *City Clerk.*"

In view of the importance of the protection of the water supply for the city of Montrose your committee recommend the expeditious passage of this bill.

After receipt by the committee of the opinion of July 18, 1914, of the Interior Department upon this bill as above set forth, containing a reference to the Ute Indian treaty and the decision of the Court of Claims of May 23, 1910, and the possible effect that the passage of this act might have in relation thereto, the matter was again taken up with the Department of the Interior and an exhaustive research was made and careful consideration given to the legislation pertaining to the Ute Indians and decisions of the court and treaties of the Government with those Indians. The Commissioner of the General Land Office has determined that the addition to the Uncompahgre National Forest of the land embraced within this bill, which was formerly a part of the Ute Indian Reservation, would not create any additional liability against the Government in the absence of some special legislation to that effect. In other words, that decision of the Court of Claims was authorized by an act of Congress and was for the express purpose of creating a trust fund in lieu of the former trust fund, and with the understanding that the fund itself should not be

paid to the Indians, but that the interest thereon at 4 per cent should be paid to them.

The decisions of the Court of Claims of May 23, 1910, and February 13, 1911, give such a complete statement of the rights of the Indians and the Government that they are herewith incorporated, together with the commissioner's letter to the author of this bill, as follows:

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
*Washington, August 4, 1914.*

Hon. EDWARD T. TAYLOR,
*House of Representatives.*

MY DEAR MR. TAYLOR: In response to your personal inquiry, I have the honor to inform you that the jurisdiction of the Court of Claims in the case of The Confederated Bands of Ute Indians of Colorado *v.* The United States had its source in a special act authorizing it to take action and, so far as this office is able to construe such decision, would probably not extend to additional forest reservations in the absence of additional legislation.

I inclose herein copy of the court's decision in said case of May 23, 1910, and modification of February 13, 1911. Under the jurisdiction conferred upon it by the act of March 3, 1909 (35 Stat., 788, 789), the Court of Claims was to determine and render final judgment on the claims and rights of such Indians under the agreement of June 15, 1880, "including the value of all lands ceded by the said Indians which have been set apart and reserved from the public lands as public reservations * * * as if disposed of under the public-land laws of the United States, as provided by said agreement, and the money due therefor."

The deficiency act of March 4, 1913 (37 Stat., 934), appropriated $3,305,257.19 for paying the net amount of the judgment of the Court of Claims in said suit into the Treasury.

Section 3 of the act of June 15, 1880 (21 Stat., 199), provided that lands within the cession ratified thereby should be subject to "cash entry only in accordance with existing law," the proceeds of such sales to be deposited for the benefit of the Indians, after deducting the amount necessary to reimburse the Government for all sums paid out or set apart under said act and $1.25 an acre for the lands allotted the Indians outside their reservation. The act of July 28, 1882 (22 Stat., 178), reaffirmed the provision of the act of June 15, 1880, that the ceded lands should be disposed of under cash entry only.

The act of May 17, 1900 (31 Stat., 179), known as the "free-homestead act," provided for homestead entries on lands acquired by treaty or agreement from the various Indian tribes, and relieved settlers from the conditions of payment for such lands, but provided "that all sums of money so released which if not released would belong to any Indian tribe, shall be paid to such Indian tribe by the United States."

Section 2 of the special act of June 13, 1902 (32 Stat., 384), extending the provisions of the homestead laws over the lands within the former Ute Indian Reservation in Colorado, provides "that all sums of money that may be lost to the Ute Indian fund by reason of the passage of this act shall be paid into the fund by the United States."

The money received from cash entries within the cession of 1880 is turned into the Treasury to the credit of the Ute fund.

Senate amendment No. 152 to the Indian appropriation bill, H. R. 12579, page 81, provided that the Commissioner of Indian Affairs should enter into an agreement with the Confederated Bands of Ute Indians for a final adjudication and settlement of all their claims against the United States arising under the agreement of June 15, 1880, or otherwise, but I am informally advised by the Indian Office that the bill was reported out of conference and passed without such provision.

Very respectfully, CLAY TALLMAN, *Commissioner.*

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[Court of Claims of the United States. No. 30360. Decided May 23, 1910.]

THE WHITE RIVER UTES, THE SOUTHERN UTES, THE UNCOMPAHGRE UTES, THE TABEGUACHE, MUACHE, CAPOTE, WEEMINUCHE, YAMPA, GRAND RIVER, AND UINTA BANDS OF UTE INDIANS, KNOWN ALSO AS THE CONFEDERATED BANDS OF UTE INDIANS OF COLORADO, *v.* THE UNITED STATES.

This case having been heard by the Court of Claims, the court, upon the evidence, makes the following

FINDINGS OF FACT.

I. The plaintiffs are a confederated band of Ute Indians between whom and the Government of the United States the relation of guardian and ward has existed since February 2, 1848. On June 30, 1908, the total number of Indians composing the plaintiff confederated bands was as follows:

| | |
|---|---|
| White River Utes, known also as the Yampa and Grand River Bands | 295 |
| Uinta Utes | 427 |
| Southern Utes, known also as the Muache, Capote, and Weeminuche Bands | 808 |
| Uncompahgre Utes, known also as the Tabeguache Band | 470 |
| Total | 2,000 |

In their tribal relations they are known as the Uncompahgre, the Tabeguache, Muache, Capote, Weeminuche, Yampa, Grand River, and Uinta Bands of Ute Indians, and also as the Confederated Bands of Ute Indians of Colorado; also as the White River Utes and the Southern Utes and the Uncompahgre Utes.

By an act of Congress approved March 3, 1909 (35 Stats., 788–789), jurisdiction was conferred upon the Court of Claims as follows:

"That to carry into effect the agreement between the Confederated Bands of Ute Indians of Colorado and the United States, ratified by the act of Congress approved June 15, 1880, being 'An act to accept and ratify the agreement submitted by the Confederated Bands of Ute Indians in Colorado for the sale of their reservation in said State, and for other purposes, and to make the necessary appropriations for carrying out the same' (21 Stat., p. 199), jurisdiction is hereby conferred upon the Court of Claims to hear, determine, and render final judgment, with right of appeal as in other cases, on the claims and rights of said Indians under said agreement, including the value of all lands ceded by the said Indians which have been set apart and reserved from the public lands as public reservations or for other public uses under existing laws and proclamations of the President, as if disposed of under the public-land laws of the United States, as provided by said agreement, and the money due therefor; and the court shall set off against any sum found due said Indians the amount paid to them under the fifth section of said act of June 15, 1880, being $50,000 per annum up to the date of rendition of final judgment in this cause, also any other sum or sums that shall be found to be properly chargeable under the terms of said agreement, and also any sum or sums paid by the United States to or for the benefit of said Indians, whether as a gratuity or otherwise, except such sums as have been paid for a specific purpose and an adequate consideration; and the credit of $1,250,000 set apart in the Treasury by the terms of said agreement upon which said annuity has been estimated, shall, upon the rendition of final judgment in this cause, cease to exist as a trust fund, and from and after the date of said judgment no annuity shall be estimated or paid therefrom; and the action herein authorized shall be consolidated with cause congressional No. 11248, now pending in said court, for the purpose of using at the trial thereof all evidence which has been adduced in said pending cause, and shall be commenced by petition under the title of said pending cause and shall be conducted by the attorney of record now appearing therein or by any attorney by him specifically authorized to appear; and the Attorney General shall continue to appear and represent the United States; and in rendering judgment herein the court shall fix upon a quantum meruit and set apart just and reasonable compensation to the attorneys on behalf of plaintiffs who have rendered actual service in prosecuting said claim before the committees of Congress and in conducting the said cause before the courts in the name of the attorney of record in said pending cause, or any attorney by him specifically authorized, and said compensation shall be paid to such attorney by the Secretary of the Treasury out of any money in the Treasury arising from the sale of said ceded lands or from the proceeds of said judgment, and the balance of said judgment shall be held in the Treasury for the benefit of said Indians as a trust fund, and the interest thereon shall be distributed annually to them in accordance with the terms of said act of June 15, 1880; and the said cause shall be advanced in hearing by the Court of Claims and by the Supreme Court of the United States if the same shall be appealed."

III. By Senate resolution of December 11, 1903, No. 52, Fifty-eighth Congress, second session, this cause was sent to the Court of Claims and was numbered "Congressional, 11248"; that upon the hearing thereof the same was dismissed for want of jurisdiction; that thereupon a motion for a new trial was filed, which motion was pending at the time of the passage of the jurisdictional act referred to in Finding II herein, which action is now consolidated with the cause now on hearing.

IV. By the second article of a treaty by and between the plaintiffs and the United States, concluded at the city of Washington, in the District of Columbia, March 2, 1868, whereof ratification was requested with amendment July 25, 1868, and which amendment was accepted by the Indians August 15, September 1, 14, 24, and 25, 1868, and which treaty was proclaimed November 6, 1868 (15 Stat. L., Treaties, pp. 619 et seq.), certain territory was set apart for the absolute and undisturbed use and occupation of plaintiffs, and for such other friendly tribes and individual Indians as from time to time they might be willing, with the consent of the United States, to admit among them; the United States solemnly agreeing that no persons except those by said treaty authorized so to do, and except such officers, agents, and employees of the Government as might be authorized to enter upon the said Indian reservation in the discharge of duties enjoined by law, should ever be permitted to pass over, settle upon, or reside in the territory described therein; that the territory so set apart to plaintiffs is described in said second article of said treaty as follows:

"Commencing at that point on the southern boundary line of the Territory of Colorado where the meridian of longitude 107° west from Greenwich crosses the same, running thence north with said meridian to a point 15 miles due north of where said meridian intersects the fortieth parallel of north latitude; thence due west to the western boundary line of said Territory; thence south with said western boundary line of said Territory to the southern boundary line of said Territory; thence east with said southern boundary line to the place of beginning."

Afterwards, to wit, on the 13th day of September, 1873, the plaintiffs, by the name and style of "Certain Ute Indians in Colorado by the chiefs and headmen of the Tabeguache, Mauche, Capote, Weeminuche, Yampa, Grand River, and Uintah Bands of Ute Indians," entered into a duly ratified convention at Los Pinos Agency for the Ute Indians in the State of Colorado, whereby, by the first article of said convention, plaintiffs relinquished to the United States all right, title, claim, and interest in and to the following-described portion of the reservation conveyed to them by the United States by the treaty proclaimed November 6, 1868, hereinbefore set forth; that is to say: "Beginning at a point on the eastern boundary of said reservation 15 miles due north of the southern boundary of the Territory of Colorado, and running thence west in a line parallel to the said southern boundary to a point on said line 20 miles due east of the western boundary of Colorado Territory; thence north by a line parallel with the western boundary to a point 10 miles north of the point where said line intersects the thirty-eighth parallel of north latitude; thence east to the eastern boundary of the Ute Reservation; thence south along said boundary to the place of beginning." The consideration for the said cession was a sufficient amount of United States bonds at 5 per cent per annum to produce the sum of $25,000 per annum, to be held in perpetual trust for the said Ute Indians, subject to disbursement or investment at the discretion of the President or as he may direct, for the use and benefit of the Ute Indians, annually forever.

The annuity provided under the terms of the act of April 29, 1874 (18 Stats., 41), was accepted by plaintiffs in full compensation for the territory ceded under that act, the interest being 5 per cent per annum.

The cession of 1873 and the consideration paid therefor by the terms of the act of April 29, 1874, concluded that transaction.

Afterwards, by the terms of an agreement between petitioners and the United States, which is embraced in and made part of "An act to accept and ratify the agreement submitted by the Confederated Bands of Ute Indians in Colorado, for the sale of their reservation in said State, and for other purposes, and to make the necessary appropriations for carrying out the same," approved June 15, 1880 (21 Stats., 199), the chiefs and headmen of the Confederated Bands of Ute Indians, being these plaintiffs, promised and agreed to use their best endeavors with their people to procure their consent to cede to the United States all remaining territory of these petitioners in Colorado, being the remainder of the lands set apart to the permanent use and occupation of petitioners by the treaty of 1868, as in this finding first set forth; that said agreement was duly assented to and ratified by plaintiffs.

In pursuance of section 2 of said act the President appointed, by and with the advice and consent of the Senate, five commissioners to carry into effect the provisions of said act.

By the third section of said act of cession, approved June 15, 1880, it was provided as follows:

"That the Secretary of the Interior be, and he is hereby, authorized to cause to be surveyed, under the direction of said commissioners, a sufficient quantity of land in the vicinities named in said agreement to secure the settlement in severalty of said Indians as herein provided. And upon completion of said survey and enumeration herein required, the said commissioners shall cause allotments of lands to be made to each and all of said Indians, in quantity and character as set forth in the agreement above mentioned; and whenever the report and proceedings of said commissioners, as required by this act, are approved by the President of the United States, he shall cause patents to issue to each and every allottee for the lands so allotted, with the same conditions, restrictions, and limitations mentioned therein as are provided in said agreement; and all lands not so allotted the title to which is, by said agreement of the Confederated Bands of Ute Indians, and this acceptance by the United States, released and conveyed to the United States, shall be held and deemed to be public lands of the United States and subject to disposal under the laws providing for the disposal of the public lands at the same price and on the same terms as other lands of like character, except as provided in this act: *Provided*, That none of said lands, whether mineral or otherwise, shall be liable to entry and settlement under the provisions of the homestead law, but shall be subject to cash entry only in accordance with existing law; and when sold the proceeds of said sale shall be first sacredly applied to reimbursing the United States for all sums paid out or set apart under this act by the Government for the benefit of said Indians, and then to be applied in payment for the lands at $1.25 per acre, which may be ceded to them by the United States outside of their reservation in pursuance of this agreement, and the remainder, if any, shall be deposited in the Treasury as now provided by law for the benefit of said Indians, in the proportion hereinbefore stated, and the interest thereon shall be distributed annually to them in the same manner as the funds provided for in this act: *Provided further*, That the subdivisions upon which are located improvements to be appraised, as provided for in section 2 of this act, shall be offered to the highest bidder at public sale, after published notice of at least 30 days by the Secretary of the Interior, and the same shall be absolutely reserved from occupation or claim until sold."

In accordance with section 2 of said act, a census of the plaintiffs was thereafter made by said commissioners, and the plaintiffs were separated thereunder into three divisions, as follows:

First. Those known in the agreement above referred to as "Southern Utes."

Second. Those known as "Uncompahgre Utes."

Third. Those known as "White River Utes."

Subsequently, in conformity with the provisions of section 2 of said act, said commissioners, after due examination, reported that they had examined the land on the Grand River near the mouth of the Gunnison and found it to be unsuitable for the plaintiffs for agricultural or grazing purposes, and that there was no other land suitable for agricultural purposes within a reasonable distance which could be used in connection with that near the mouth of the Gunnison River and give the plaintiffs the quantity contemplated.

UNCOMPAHGRE UTES.

Accordingly said commissioners, in conformity with said act, selected a tract of land in the valleys of the White and Green Rivers in Utah, which was subsequently surveyed and defined by metes and bounds, containing about 1,933,440 acres, for the Uncompahgre Utes. Said selection was approved by the Secretary of the Interior, and said Uncompahgre Utes were all removed thereto by the United States by October, 1881.

Under the acts of August 15, 1894 (28 Stats., 337), June 7, 1897 (30 Stats., 87), March 1, 1899 (30 Stats., 940), and joint resolution June 15, 1902 (32 Stats., 744), 75,978.19 acres of land have been allotted in severalty to said Uncompahgre Utes from the tract of land in Utah thus selected by said commissioners.

WHITE RIVER UTES.

The White River Utes were removed by the United States to the Uintah Agency, Utah, after much difficulty in November, 1881. Under said agreement and act of June 15, 1880, and also under the acts of May 27, 1902 (32 Stats., 263, 264), and joint resolution, June 10, 1902 (32 Stats., 744), 39,589.84 acres of land have been allotted in severalty to the White River Utes in Utah.

SOUTHERN UTES.

The Southern Utes were not removed from their former reservation in Colorado, but remained on a tract of land about 110 miles long, east and west, and 15 miles in width, containing a total area of about 483,750 acres, of which approximately 406,000 acres is in Colorado and the balance in New Mexico. Under section 6, act of February 20, 1895 (28 Stats., 677), with the consent of said Southern Utes, a portion of the above lands was opened to settlement and entry, allotments in severalty having been previously made in accordance with said act to 371 Southern Utes, comprising a total of 72,810.65 acres of land, all in Colorado.

V. Of the lands ceded to the United States as set forth in the fourth finding, 4,126.57 acres have been applied to reservoir sites by authority of sections 18, 19, and 20 of the act of Congress approved March 3, 1891 (26 Stats., 1095), and the plaintiffs have been deprived of the sale thereof.

1. The Government received no compensation on account of rights of way granted by this department over lands within the limits of the former Ute Indian Reservation in Colorado under the act of March 3, 1891, sections 18, 19, and 20, or the act of February 15, 1901. (31 Stats., 190.)

2. Any person entering a tract of land to part of which a right of way is attached for a canal, ditch, or reservoir takes the same subject to such right of way and at the full area of the subdivision entered, and is required to pay therefor, their being no authority to make deduction in such cases.

VI. Prior and up to March 2, 1868, the plaintiffs occupied as hunting grounds territory comprising a part of the public domain, a portion of which was embraced within the lines of the Louisiana Purchase, a portion was acquired by the annexation of Texas in 1845, and the balance by cession from Mexico by the treaty of Guadaloupe Hidalgo of February 2, 1848.

The lands so occupied as hunting grounds by the plaintiffs included the reservation provided for by the agreement of 1880.

VII. Of the lands ceded to the United States under the terms of said agreement of June 15, 1880 (21 Stats., 199), the following have been set apart and reserved from the public lands as public reservations under existing laws and proclamations of the President:

The White River National Forest was established by proclamation of the President October 16, 1891 (27 Stats., 993), under the designation "White River Plateau Timber Land Reserve," by virtue of section 24 of the act of Congress approved March 3, 1891, entitled "An act to repeal timber-culture laws, and for other purposes." (26 Stats., 1103.) The area of said reservation as originally defined was 930,240 acres. Subsequently said reservation was modified by proclamation of the President date June 28, 1902 (32 Stats., 2008), and was then designated the "White River Forest Reservation"; afterwards said reservation was further modified by proclamation of the President dated May 21, 1904. (33 Stats., 2361.)

Deducting the area restored under the act of June 11, 1906 (34 Stats., 233), and areas pending and paid for under the public-land laws, the remaining public land contained in said reservation is found to be 823,733 acres.

The Battlement National Forest was originally set apart by proclamation of the President dated December 24, 1892 (27 Stats., 1053), and was by that proclamation designated "The Battlement Mesa Forest Reserve," and by proclamation dated May 16, 1904 (33 Stats., 2359), the same was modified, and said reservation was again modified by proclamation dated June 5, 1905. (34 Stats., 3076.) By Executive order bearing date July 1, 1908, the said reservation was further modified and the designation thereof was changed to "Battlement National Forest."

Deducting the area restored under the act of June 11, 1906 (34 Stats., 233), and areas pending and paid for under the public-land laws, the remaining public land contained in said reservation is found to be 739,112 acres.

The Uncompahgre National Forest was originally set apart by proclamation of the President dated June 14, 1905 (34 Stats., 3109), under the designation "The Uncompahgre Forest Reserve." The said reservation was modified by proclamation dated March 1, 1907 (34 Stats., 3282), and designated by Executive order dated July 1, 1908, "Uncompahgre National Forest."

Deducting the area restored under the act of June 11, 1906 (34 Stats., 233), and areas pending and paid for under the public-land laws, the remaining public land contained in said reservation is found to be 645,124 acres.

The Holy Cross National Forest was first reserved under the designation "The Holy Cross Forest Reserve" by proclamation of the President dated August 25, 1905. (34 Stats., 3144.) The reservation was modified by proclamation dated March 1, 1907 (34 Stats., 3286), and by Executive order dated July 1, 1908 (No. 870), the said reservation was designated the "Holy Cross National Forest."

Deducting the area restored under the act of June 11, 1906 (34 Stats., 233), and areas pending and paid for under the public-land laws, the remaining public land contained in said reservation is found to be 289,489 acres.

The Gunnison National Forest was originally set apart under the designation "The Gunnison Forest Reserve" by proclamation of the President dated May 12, 1905 (34 Stats., 3025), and by Executive order of July 1, 1908 (No. 891), the designation of said reservation was changed to "Gunnison National Forest."

Deducting the area restored under the act of June 11, 1906 (34 Stats., 233), and areas pending and paid for under the public-land laws, the remaining public land contained in said reservation is found to be 520,836 acres.

The Montezuma National Forest was originally established by proclamation of the President dated June 13, 1905 (34 Stats., 3106), and was thereafter modified by proclamation dated March 2, 1907 (34 Stats., 3307), and by Executive order dated July 1, 1908 (No. 889), said reservation was designated "Montezuma National Forest."

Deducting the area restored under the act of June 11, 1906 (34 Stats., 233), and areas pending and paid for under the public-land laws, the remaining public land contained in said reservation is found to be 102,595 acres.

The San Juan National Forest was originally established by proclamation dated June 3, 1905 (34 Stats., 3070), and was afterwards, on the 2d of March, 1907, modified by proclamation (34 Stats., 3308), and on July 1, 1908, by Executive order (No. 886) the same was designated "San Juan National Forest."

Deducting the area restored under the act of June 11, 1906 (34 Stats., 233), and areas pending and paid for under the public-land laws, the remaining public land contained in said reservation is found to be 49,594 acres.

The La Sal National Forest was created by proclamation dated January 25, 1906. (34 Stats., 3190.)

Deducting the area restored under the act of June 11, 1906 (34 Stats., 233), and areas pending and paid for under the public-land laws, the remaining public land contained in said reservation is found to be 28,775 acres, making a total of 3,199,258 acres of the lands ceded to the United States by the agreement of June 15, 1880, se tapart and reserved as public reservations.

VIII. The value of all lands ceded by the plaintiff Indians which have been set apart and reserved from the public lands as public reservation or for other public uses under existing laws and proclamations of the President is found to be $3,999,072.50.

Of the lands ceded to the United States by plaintiffs under the terms of said agreement of June 15, 1880 (21 Stats., 199), 1,310,686.38 acres have been sold and disposed of between the 15th day of June, 1880, and the 30th day of June, 1908, for the sum of $2,204,694.71.

IX. In accordance with the provisions of the act of June 15, 1880, and the jurisdictional act, March 3, 1909, under which this suit is brought, the court finds the following sums to have been expended by the United States to or for the benefit of the plaintiffs, and states the account between the United States and the plaintiffs as follows:

*Credits.*

| | |
|---|---|
| To proceeds of all cash sales of lands ceded by the plaintiffs to the United States under the act of June 15, 1880, up to July 1, 1908 | $2,204,694.71 |
| To the value of all ceded lands, at $1.25 per acre, set apart and reserved from the public lands as public reservations or for other public use under existing laws and proclamations of the President | 3,999,072.50 |
| Total | 6,203,767.21 |

*Debits.*

| | |
|---|---|
| To annuity of $50,000 per annum under section 5, act of June 15, 1880, to July 1, 1908 | $1,390,239.75 |
| To allotments in severalty accruing to White River and Uncompahgre Utes, at $1.25 per acre | 144,469.04 |

| | | |
|---|---|---|
| To salaries paid to members of Ute Tribe under section 6, act of June 15, 1880 | | $39,687.94 |
| To payment of expenditures of commissioners, as authorized and directed by section 9, act of June 15, 1880, and supplementary acts of Mar. 3, 1881 (21 Stats., 453), Aug. 5, 1882 (22 Stats., 267), and Aug. 7, 1882 (22 Stats., 327) | | 55,340.94 |
| To cost of removal and settlement of Utes, surveying lands, building houses, establishing schools, building mills and agency buildings, purchasing stock, agricultural implements, etc., under section 9, act of June 15, 1880 | | 349,351.14 |
| To per capita payments, section 2, of agreement of 1880, and section 9, act of June 15, 1880 | | 15,000.00 |
| To payment of appraised value of individual improvements, section 9, act of June 15, 1880 | | 10,900.00 |
| To care and support of Utes in Colorado for balance of fiscal year | | 12,000.00 |
| To cost of surveys of all lands within the boundaries of plaintiffs' former reservation in Colorado, to July 1, 1908 | | 644,251.00 |
| To probable cost of survey of unsurveyed area | | 133,925.00 |
| Total | | 2,795,155.81 |

At no time before the passage of the jurisdictional act did the cash receipts for lands sold within the reservation exceed the amount expended by the United States to or for the benefit of the plaintiffs under the act of 1880.

X. There has also been expended by the United States to or for the benefit of the plaintiffs under the treaty of 1863 (13 Stats., 673) the sum of $239,335.66.

Under the treaty of March 2, 1868 (15 Stats., 619) there has been expended by the United States for the benefit of the plaintiffs the following sums:

| | | |
|---|---|---|
| To amount appropriated and expended under Article XI of the treaty of Mar. 2, 1868 (15 Stat. L., 619), for clothing, blankets, and other articles of utility for Utes from Apr. 10, 1869, to July 1, 1898 | | $855,516.91 |
| To amount appropriated and expended under Article XII, same treaty, for food for Indians from Apr. 10, 1869, to June 30, 1908 | | 1,086,924.62 |
| To amount appropriated and expended under Article XIII, same treaty, for cattle for Indians | | 39,536.69 |
| To amount appropriated and expended under act of Aug. 15, 1894 (28 Stat. L., 337), for expenses of commissioners to allot lands to the Uncompahgre Utes | | 16,128.25 |
| To amount appropriated and expended for expenses of Ute Commission, act Jan. 28, 1898 (30 Stat. L., 238) | $12,617.56 | |
| To amount expended from other appropriations in making allotments to Uncompahgres | 4,259.87 | |
| | 16,877.43 | |
| Less amount included in expenditures of funds appropriated by the act of Aug. 15, 1894, above mentioned | 2,458.70 | |
| Actually expended | | 14,418.73 |
| To amount appropriated by act of May 27, 1902 (32 Stats., 263), for payment to the Uintah and White River Utes | | 70,064.48 |

XI. The area of the territory described in and set apart for the plaintiffs under section 2 of the treaty of 1868 comprised 14,784,000 acres of land.

The area ceded by the plaintiffs to the United States under the agreement of September 3, 1873, ratified by the act of April 29, 1874 (18 Stats., 36), contained 3,059,200 acres of land.

The area of land disposed of by the United States for cash and set apart and reserved from the public lands as public reservations or for other public uses under existing laws and proclamations of the President is 4,509,944.38 acres, leaving a balance still undisposed of on July 1, 1908, of 7,569,144.38 acres.

CONCLUSION OF LAW.

Upon the foregoing findings of fact the court decides as a conclusion of law that the plaintiffs are entitled to judgment against the United States on statement of the account up to July 1, 1908, for the sum of $3,408,611.40.

OPINION.

Barney, J., delivered the opinion of the court:

The plaintiffs are 10 tribes of Indians, known as the Confederated Bands of the Ute Indians (referred to hereinafter as the Ute Indians), who sue herein for an accounting to them under the agreement made by them with the defendant by an act of Congress approved June 15, 1880 (21 Stats., 199).

The same claim, known as Congressional case No. 11248, was referred to this court by resolution of the Senate under the fourteenth section of the Tucker Act, but was dismissed on defendant's motion in March, 1908, for want of jurisdiction. (43 Ct. Cls., 260.)

The case is now here by virtue of a provision in the Indian appropriations act approved March 3, 1909 (35 Stats., 788, 789), conferring jurisdiction on this court to adjudicate the claim to final judgment, with right of appeal as in other cases, with a direction to allow certain set-offs and counterclaims therein mentioned. A consolidation is directed with the congressional case above mentioned, still pending on a motion for a new trial, for the purpose of using the evidence therein adduced at this trial. The jurisdictional proviso is given in full as Finding II in the findings of fact, supra, and will not be here repeated.

The territory within which the lands in question are located, and out of which the Territories of New Mexico, Utah, and Colorado were subsequently created, was mostly acquired from Mexico by the treaty of Guadaloupe Hidalgo, concluded February 2, 1848 (9 Stats., 922, 930). This treaty contained no provision affecting or recognizing the rights of the Indian tribes to any of the lands within the cession, unless such recognition can be gathered from the opening words of the eleventh article of that treaty, which are: "Considering that a great part of the territories which, by the present treaty, are to be comprehended for the future within the limits of the United States, is now occupied by savage tribes," etc. It should be said, however, that a portion at least of the lands covered by the treaties between the Utes and the United States, hereinafter mentioned, were acquired under the Louisiana Purchase or by the annexation of Texas.

December 30, 1849, the first treaty was made with the "Utah" Indians (doubtless the claimants), which involved no cession of lands and did not set apart any reservation to the Indians (9 Stats., 984). It did, however, clearly recognize some rights of the Indians to the occupation of certain lands. For instance, Article V of that treaty is as follows:

"V. The people of the United States, and all others in amity with the United States, shall have free passage through the territory of said Utahs, under such rules and regulations as may be adopted by authority of said States."

Expressions of similar import are used in the seventh article of the same treaty.

September 9, 1850, a Territorial government for Utah was established (9 Stats., 453), including within its boundaries that part of the present State of Colorado west of the summit of the Rocky Mountains. February 28, 1861, the Territory of Colorado was organized (12 Stats., 172).

On October 7, 1863, a treaty with the Tabeguache Band of the plaintiff Indians was concluded and proclaimed December 14, 1864 (13 Stats., 673). By this treaty, when first signed, the Indians asserted the exclusive right to certain lands therein described, but all assertions of that character were stricken out by the Senate before ratification, and the treaty was further amended by adding the following provision:

"Nothing contained in this treaty shall be construed or taken to admit on the part of the United States any other or greater title or interest in the lands above excepted and reserved in said tribe or band of Indians than existed in them upon the acquisition of said territory from Mexico by the laws thereof."

By Article II of the treaty as amended by the Senate the Tabeguache Band of Utes ceded and relinquished to the United States all "claim, right, title, and interest in and to any and all lands within the territory of the United States," excepting certain lands described, which are reserved to them "as their hunting grounds."

Provision was made in this treaty for payment to the Indians of an annuity for 10 years, $10,000 in goods and $10,000 in provisions. Provision was also made for the allowance to them of certain agricultural stock, and for the establishment of a blacksmith shop for their benefit upon the lands thus reserved.

March 2, 1868 (15 Stat., 619), a treaty was concluded at Washington with the plaintiff Indians, including the Tabeguache Band, the only Indian party to the treaty of 1863, just mentioned. This treaty reaffirmed the provisions of the treaty of 1863, and, in fact, so far at least as the Tabeguache Band was concerned, superseded it.

Article II of this treaty set apart a district within what is now the State of Colorado, and embracing about 15,000,000 acres of land, as a reservation for the plaintiff Indians and such other friendly tribes and individual Indians as they, with the consent of the United States, might be willing to admit among them for their "absolute use and occupation." Article III of the treaty is as follows:

"Article III. It is further agreed by the Indians parties hereto that henceforth they will and do hereby relinquish all claims and rights in and to any portion of the United States or Territories except such as are embraced in the limits defined in the preceding article."

The treaty also provided for the establishment of two agencies on said reservation; for the construction thereon by the United States of schoolhouses and other buildings; for the selection of tracts of land thereon not exceeding 160 acres in extent by Indian heads of families desirous of commencing farming, to be held in the exclusive possession of the person selecting it and his family so long as cultivation should continue, and 80 acres to persons not heads of families; for supplying seeds and agricultural implements to the Indians, and for instructions by a practical farmer; for the establishment of blacksmith shops for their benefit; also for the establishment of schools, by building schoolhouses and supplying competent teachers.

Provision was also made for payment to the Indians of annuities, (1) not to exceed $30,000 per annum for clothing, blankets, etc., (2) and not to exceed $30,000 for food. For the purpose of inducing the Indians to adopt the habits of civilized life and becoming self-sustaining the Secretary of the Interior was authorized to expend the sum of $45,000 for them for the first year after the treaty.

Article XVI of said treaty was as follows:

"Article XVI. No treaty for the cession of any portion or part of the reservation herein described, which may be held in common, shall be of any validity or force as against the said Indians unless executed and signed by at least three-fourths of all the adult male Indians occupying or interested in the same; and no cession by the tribe shall be understood or construed in such manner as to deprive the tribe, without his consent, any individual member of the tribe of his right to any tract of land selected by him, as provided in article seven of this treaty."

By act of Congress April 23, 1872 (17 Stats., 55), the Secretary of the Interior was authorized to enter into negotiations with the plaintiff Indians for the purchase from them of the south part of said reservation, a district estimated to contain about 3,450,000 acres. Commissioners were appointed for that purpose and they entered into an agreement with the Indians which was ratified by Congress April 29, 1874 (18 Stats., 36), by the terms of which the plaintiff Indians surrendered all right, title, and interest to said 3,500,000-acre tract of land, in consideration of which the Indians were to be paid a perpetual annuity of $25,000. The area of the remaining reservation as thus diminished comprised about 11,724,800 acres of land.

In the late seventies the advance guard of civilization seeking new homes in the far West began to press upon the borders of this Ute Reservation, and in 1878 Congress, through a commission appointed for that purpose, made an effort to purchase it from the Utes and to secure their removal to another locality, but without success.

AGREEMENT OF JUNE 15, 1880 (21 STATS., 199).

During the winter of 1879–80 a delegation of the chiefs and head men of the plaintiff Indians visited the city of Washington, and on March 6, 1880, entered into an agreement with the United States whereby they undertook to use their best endeavors with their people to procure their consent to cede to the United States the remainder of the reservation set apart to them by the treaty of 1868. This agreement was afterwards duly assented to by the plaintiff Indians and thereafter ratified by Congress and embraced in the act of Congress of June 15, 1880 (21 Stats., 199). Some amendments to the agreement were proposed by Congress in the act referred to, and the agreement as thus amended was afterwards consented to by three-fourths of the adult male plaintiff Indians as required by the treaty of 1868 and by section 10 of the act containing the agreement.

By that agreement the plaintiffs ceded to the United States the entire remainder of their reservation in the State of Colorado reserved to them under the treaty of November 6, 1868, containing approximately 11,784,800 acres of land, and agreed to remove, settle upon, and accept individual allotments of unoccupied agricultural and grazing lands in certain designated localities to be selected for them by a commission authorized by the act, which lands should be free from taxation and not subject to alienation for a period of 25 years or longer in the discretion of the President.

It was further agreed by section 3 of said act that all lands within the ceded limits not allotted in severalty to the plaintiffs should be deemed to be public lands of the United States subject to disposal under the public-land laws for cash only in accordance with existing law at the same price and on the same terms as other lands of like character, and contained the following proviso:

"That none of said lands, whether mineral or otherwise, shall be liable to entry and settlement under the provisions of the homestead law, but shall be subject to cash entry only in accordance with existing law; and when sold the proceeds of said sale shall be first sacredly applied to reimbursing the United States for all sums paid out or set apart under this act by the Government for the benefit of said Indians, and then to be applied in payment for the lands, at $1.25 per acre, which may be ceded to them by the United States outside of their reservation in pursuance of this agreement. And the remainder, if any, shall be deposited in the Treasury as now provided by law for the benefit of the said Indians, in the proportion heretofore stated, and the interest thereon shall be distributed annually to them in the same manner as the funds provided for in this act."

The act provided for the appointment of commissioners for the purpose of carrying out the contract by selecting and allotting lands to the Indians, locating agencies, furnishing estimates of the number of schoolhouses and teachers required, etc. It also directed the Secretary of the Treasury to set apart and hold as a perpetual trust fund for the benefit of the plaintiffs an amount of money sufficient at 4 per cent to produce annually $50,000, to be paid to them per capita in cash annually as provided in said agreement. It provided for salaries of certain members of the Ute Indians under existing treaty stipulations for a period of 10 years, and authorized the distribution of $4,000 per annum for the same term by the President to such of said Indians as proved themselves worthy of such recognition.

The act made appropriations for the purpose of carrying the agreement into effect, (1) for the payment of the commissioners, $25,000; (2) for cost of removal of the Utes, surveying their lands, building houses, establishing schools, building mills, purchasing stock, etc., as provided in said agreement, $350,000; (3) $15,000 in addition to the $60,000 then due and provided for to be paid to them per capita; (4) for the payment of the appraised value of individual improvements within the reservation as provided in the agreement, $20,000; (5) for the care and support of the Utes for the balance of the then current fiscal year, $12,000.

In compliance with the provisions of the act all of the plaintiffs were removed to Utah, and allotments were there made to them, except the southern Utes who remained upon the reservation and received allotments along and within its southern border and partly within New Mexico. The sum total of lands thus allotted was 115,568.03 acres.

With this preliminary statement of the history of the transactions between the United States and the plaintiff Indians, we come to the discussion of the sum due said Indians under the agreement of 1880 in the light of the directions contained in the jurisdiction act under which this suit comes to this court.

I. We will first take up the sums for which the plaintiffs should be credited. As some date must be taken up to which this account must be stated, we have followed both parties in this suit and taken June 30, 1908.

The findings show, and that fact is undisputed, that up to said date the defendants had received $2,204,694.71 as cash proceeds for lands sold located within the Ute Reservation, and it is not and can not be denied that the plaintiffs should be credited with that sum. It is contended, however, by the plaintiffs that they should be credited in addition thereto with interest compounded semiannually upon the amount of the quarterly sales of said land since 1880, which interest would amount to $2,444,779.95 more. We will leave this question of interest to be discussed hereafter in connection with the credits to be allowed the defendants.

The jurisdictional act provides that this court in this suit is "to hear, determine, and render final judgment, with right of appeal as in other cases, on the claims and rights of said Indians under said agreement [agreement of 1880, supra], including the value of all lands ceded by the said Indians which have been set apart and reserved from the public lands as public reservations or for other public uses under existing laws and proclamations of the President, as if disposed of under the public-land laws of the United States," etc. Thus in making up this account we are to credit the plaintiffs with the value of the forest reservations set apart out of the Ute Reservation. The areas so set apart, less such portions of the same as have been disposed of by the defendants and for which credit has been given to the plaintiffs in the first item, embrace 3,199,258 acres. The value to be set upon this land is necessarily somewhat problematical, but that duty has been imposed upon this court, and with the best light obtainable must be done.

Section 3 of the act of 1880 provides that all the ceded lands "shall be held and deemed to be public lands of the United States and subject to disposal under the laws providing for the disposal of the public lands, at the same price and on the same terms as other lands of like character, except as provided in this act: *Provided*, That none of said lands, whether mineral or otherwise, shall be liable to entry and settlement under the provisions of the homestead law, but shall be subject to cash entry only in accordance with existing law."

The act of July 28, 1882 (22 Stats., 178), restored the Ute Reservation to the public domain with the following proviso:

"*And further provided*, That none of said lands shall be disposed of for any other than cash, nor for a less price than $1.25 per acre."

The act of April 24, 1820 (3 Stat., 566), now section 2357 Revised Statutes, fixes the minimum price at $1.25 per acre for all public lands offered at public or private sale for cash in the following terms:

"The price at which the public lands are offered for sale shall be $1.25 an acre, and at every public sale the highest bidder, who makes payment as provided in the preceding section, shall be the purchaser; but no lands shall be sold, either at public or private sale, for a less price than $1.25 an acre; and all the public lands which are hereafter offered at public sale according to law, and remain unsold at the close of such public sales, shall be subject to be sold at private sale, by entry at the land office at $1.25 an acre, to be paid at the time of making such entry."

A similar question was involved in an appeal from this court to the Supreme Court in the case of United States *v.* Blackfeather (155 U. S., 180; 28 C. C., 447). In commenting upon the obligation of the United States to expose the lands in question at public sale, Mr. Justice Brown, in delivering the opinion of the court, said:

"In the absence of any proof of the actual value of these lands at this time, there would seem to be no method of estimation except by taking the price at which public lands were subject to be sold at private sale, namely, $1.25 per acre. Not only is there some presumption that the Government would not sell them for less than they were worth, but the very fact that at that time all public lands were subject to entry at $1.25 per acre would render it impossible to sell them at a greater price unless by reason of their peculiar location, abundant timber, or extraordinary fertility they were exceptionally valuable. (Id., 191.)"

The average price at which the lands within the Ute Reservation were sold between the date of the agreement (1880) and June 30, 1908, was $1.68 per acre. Presumably the choicest lands were selected by the purchasers. The forest reservations were set apart at different dates between 1891 and 1905. While it is doubtless true that considerable of the land within these forest reservations is quite valuable, on the other hand, the official reports show, and it is a fact so well known as to come within judicial notice, that considerable portions of them are valueless and can never be sold at any price.

In view, therefore, of the law and the facts as stated, we have found the value of the lands thus set apart in forest reservations to be $1.25 per acre, amounting to $3,835,323.75.

II. We next come to consider the sums to be charged against the plaintiffs and set off against the amount credited to them in this suit. Upon that subject the jurisdictional act gives this court the following direction:

"* * * and the court shall set off against any sum found due said Indians the amount paid to them under the fifth section of said act of June 15, 1880, being $50,000 per annum up to the date of rendition of final judgment in this cause; also any other sum or sums that shall be found to be properly chargeable under the terms of said agreement, and also any sum or sums paid by the United States to or for the benefit of said Indians, whether as a gratuity or otherwise, except such sums as have been paid for a specific purpose and an adequate consideration, * * *."

We are first specifically directed to charge to the plaintiffs the annuities which they have received under the agreement of 1880, $50,000 per annum, amounting to $1,350,000, and about this sum there is and can be no dispute; in fact, the agreement itself in explicit terms so provides. "Also any other sum or sums that shall be found to be properly chargeable under the terms of said agreement [1880]." Under this direction it should be borne in mind that by the terms of said agreement the plaintiffs were to receive all of the proceeds of said reservation, with the provision, however, that "when sold the proceeds of said sale shall be first sacredly applied to reimbursing the United States for all sums paid out or set apart by the Government for the benefit of said Indians," etc. It will thus be seen that the transaction was of no benefit to the United States, except the indirect benefit received by opening up to civilization a desirable territory. In view of this fact we think the plaintiffs are "properly chargeable" (1) with the allotments received outside the reservation; (2) the cost of the survey of the reservation, establishing schools, building houses, etc.; (3) additional per capita payments and the amount expended for the support of the Utes for the balance of the fiscal year, as provided and appropriated for in section 9, as well as salaries paid to selected individual Utes, as provided in section 6; (4) and also the expenses incurred by the United States in negotiating the agreements. In general, for the reasons stated, we think the plaintiffs should be charged with all the benefits of every name and nature which they have received under the agreement of 1880.

We do not think, however, they are properly chargeable with the cost of the survey of the lands allotted to them outside of the reservation under the agreement. They have been charged for these lands at the price of $1.25 per acre, and that should include the cost of survey, the same as to other purchasers of lands within the public domain.

We are further directed, in addition to moneys paid under the agreement of 1880, to charge the plaintiffs with "any sum or sums paid by the United States to or for the benefit of said Indians, whether as a gratuity or otherwise, except such sums as have been paid for a specific purpose and an adequate consideration."

It is contended by the defendants that under this instruction we should charge the plaintiffs with all such sums as have been paid to them under the treaties of 1863 and 1868, on the ground that no "adequate consideration" was ever received by the defendants for moneys so expended. For this contention much reliance is placed upon the decision of this court in the case of Hayt *v.* United States (38 C. Cls., 455), wherein it was decided that the territory ceded by Mexico to the United States by the treaty of Guadalupe Hidalgo was not "Indian country," and it is claimed that all of the lands involved in the treaties of 1863 and 1868 were within that cession.

While it may be true that the Indian title of the plaintiffs to any territory prior to the treaty of 1863 was not such a title as the defendants would recognize, yet the plaintiffs were located within this territory and had the usual claim of occupancy of other Indians. Their claim was considered of such importance that the defendants, during the year following the Guadalupe Hidalgo treaty, entered into a treaty with them and secured from them a concession for the right of free passage through their territory. (9 Stats., 984.) By the treaty of 1863 (13 Stats., 673), the defendants considered these claims to territorial occupancy of sufficient importance to obtain from them a cession of all "claim, title, etc., to lands within the territory of the United States," excepting certain lands which were set apart to them as their hunting grounds. By the treaty of 1868 (15 Stats., 619), the reservation in question was set apart to the plaintiffs, and by the third article of the treaty the plaintiffs relinquished "all claims and rights in and to any portion of the United States or territories except" such reservation. Even if we may admit that they had no valid title to any lands, yet they claimed some title and honestly claimed it, and the yielding of such a claim to a party who wishes to purchase it is a good consideration.

In the case of Sykes *v.* Chadwick (18 Wall., 141) the Supreme Court, in discussing the sufficiency of consideration, said:

"If any release is deemed requisite to confirm the title of lands with which one has been connected, though by a proper construction of the law he has no interest in them whatever, still such release will be a good consideration for a promise or for the payment of money."

Congress, from time to time, made appropriations of money to the plaintiffs which in terms were made in pursuance of the treaties of 1863 and 1868. (13 Stats., 560; 17 id., 457.) After such treaty stipulations with the plaintiffs and after such recognition of their validity for more than 40 years we do not think the defendants can successfully set up the claim that these payments were made without adequate consideration. Certainly no such claim would ever be made against any people other than Indians. We do not think, therefore, that the plaintiffs are properly chargeable with any payments made to them under and pursuant to the treaties of 1863 and 1868.

We are also asked to charge the plaintiffs with $70,064.78, appropriated by act of Congress May 27, 1902 (32 Stats., 263), to be paid to the Uinta and White River Utes. This appears to relate to an entirely different transaction than the one under consideration. At the time of this appropriation the Uinta and White River Utes were located upon a reservation in Utah, and the portions of those bands to which this appropriation relates were located there prior to the agreement of 1880, and were not parties to the said agreement. The act referred to, supra, provided for the restoration to the public domain of all the lands in this reservation not to be allotted to these Uinta and White River Utes, and that the proceeds of such lands should be first applied to the reimbursement of the United States for any moneys advanced to said Indians to carry into effect the provisions of said law; and said sum of $70,064.78 was appropriated to be paid said Indians for relinquishing their title to such unallotted lands, the same to be reimbursed in the manner before stated. This appears to be a matter for future adjustment between said Uinta and White River Utes and the United States, and said sum is disallowed as a set-off in this suit.

III. We now come to the question of interest to be allowed to the plaintiffs upon the sums found due to them in the findings. We will first take up the question of interest upon the value of the lands set apart in forest reservations.

By the terms of the agreement of 1880 no interest was to be paid except upon the proceeds of cash sales within the reservation. It was unquestionably within the political power of Congress to authorize the withdrawal of these forest reserves from the market indefinitely, or for such periods as it should see fit, notwithstanding the agreement, and thus deprive the Utes of the proceeds of sales which otherwise would have been made, and interest upon the same. Having done so, their claim for the proceeds of lands deemed to have been sold by the setting apart of the forest reserves, and interest thereon, must be derived entirely from the language of the jurisdictional act.

The jurisdictional act directs this court to hear, determine, and render final judgment on the claims and rights of the Utes under the agreement of 1880, including the value of all lands—

"Which have been set apart and reserved from the public lands or public reservations or for public uses under existing laws and proclamations of the President, as if disposed of under the public-land laws of the United States, as provided by said agreement."

Section 1091 of the Revised Statutes provides:

"No interest shall be allowed on any claim up to the time of the rendition of judgment thereon by the Court of Claims, unless upon a contract expressly stipulating for the payment of interest."

We are told to render judgment for the value of these lands, "as if disposed of under the public-land laws of the United States, as provided by said agreement." The agreement referred to contained directions as to the manner in which these lands were to be disposed of, i. e., they were to be surveyed, were not to be liable to entry and settlement under the provisions of the homestead law, but were to be sold for cash only. Hence the direction that we are to render judgment for the value of these lands as if disposed of "as provided by said agreement," evidently means that we are to regard them as having been sold for cash at the date of entry of judgment, and this sum is to be placed to the credit of the plaintiffs. If Congress had intended that interest should be allowed upon this sum it would have so provided, and without such specific provision such intention can not be inferred. When we remember, as already stated, that it was within the power of Congress to have kept these lands out of the market indefinitely, this conclusion will appear all the more clear.

In considering this question it should also be borne in mind that if these lands had never been withdrawn from the market but a small percentage of them would have been sold before the passage of the jurisdictional act. This is shown by the fact that in the 24 years elapsing between 1880 and 1904, after which date the greater number of these reserves were created, less than 9 per cent of the total area of the reservation had been sold for cash. If Congress had intended to have this court consider the whole area of these forest reserves to have been sold as of the date when withdrawn from the market and to place their value ($3,835,323.75) to the credit of the plaintiffs as of such dates, it would have said so in unmistakable terms. In making up this account, therefore, no interest has been allowed upon the value given to the lands within the forest reservations.

As before stated, it is contended by the plaintiffs that they should be allowed compound interest upon the separate sums which appear quarterly to have been received by the defendants for the lands sold within the reservation from the date of receipt, and also upon the value of the lands withdrawn from sale and set apart in the forest reservations, reckoned from the time of such withdrawal, without allowing the defendants any credit for annuities and other sums paid by the defendants under the agreement of 1880. We have already disposed of the question of interest upon the value of the lands set apart in forest reservations, and that question requires no further consideration here.

The jurisdictional act provides:

"That to carry into effect the agreement between the Confederated Bands of Ute Indians of Colorado and the United States, ratified by the act of Congress approved June 15, 1880, being 'An act to accept and ratify the agreement submitted by the Confederated Bands of Ute Indians in Colorado for the sale of their reservation in said State, and for other purposes, and to make the necessary appropriations for carrying out the same' (21 Stats., p. 199), jurisdiction is hereby conferred upon the Court of Claims to hear, determine, and render final judgment, with right of appeal as in other cases, on the claims and rights of said Indians under said agreement," etc.

Hence we are to find what sum is legally due to the plaintiffs under said agreement, subject only to such modifications as were made further on in the act as to credits to be allowed the defendants. The agreement of 1880 provides that after the United States shall have been reimbursed "for all sums paid out or set apart" under the act, "the remainder, if any, shall be deposited in the Treasury * * * and the interest thereon shall be distributed annually to them in the same manner as the funds provided for in this act."

As to the contention regarding interest, that no credit should be allowed the defendants under the agreement of 1880, as we interpret the jurisdictional act, it forbids this method of computing interest. We are instructed to set off against any sum found due the Indians certain payments made to them by the defendants. When these sums are credited to the defendants, they, obviously, should be credited as of the date when paid. It appears from the account, as stated in Finding IX, that at no time before the passage of the jurisdictional act did the cash receipts of the defendants for lands sold within the reservation exceed the amount paid out for the benefit of the claimants under the act of 1880. Hence, having decided that the claimants are not entitled under the jurisdictional act to any interest upon the value of the lands withdrawn from sale and set apart in forest reservations, no interest whatever appears to be due to the claimants. This being our conclusion, the discussion of the question of compound interest, as contended for by the claimants, is somewhat academical, but will be briefly considered.

No interest, either simple or compound, can be collected from a sovereign except by its consent. (United States v. North Carolina, 136 U. S., 211.) In the case at bar the sovereign has agreed to pay interest, and that means simple interest only. But the plaintiffs seek to charge the defendants with compound interest in this case, on the ground that the money so received constituted a trust fund, and that in such cases, where the fund has been improperly withheld, the trustee is penalized with compound interest. It is elementary as a general proposition, in the absence of a contract to that effect, that interest upon interest is not recoverable for the detention of money, and that is a general rule either at law or equity. (Perley on Law of Interest, 159, 160; In re Ward's estate, 73 Mich., 220, 228.) It is only where a trustee, guardian, or executor has acted in bad faith, in abuse of his trust, or has been guilty of such gross negligence as to be evidence of a corrupt intention that compound interest will be charged against him. (Barney v. Saunders, 16 How., 535; Perrin v. Leper, 72 Mich., 446; Vaughan v. Bibb, 46 Ala., 153; Smith v. Kennard, 38 Ala., 695.)

The Government only acts through its officers and agents and thus in law can never be guilty of fraud, bad faith, or negligence; hence it can never be penalized by being charged compound interest.

As already stated, the account herein between the plaintiffs and defendants, as directed to be made under the jurisdictional act, is stated up to June 30, 1908, as that is the latest date to which full returns have been made by the proper Government officials. The jurisdictional act seems to contemplate that this account should be stated up to the date of the entry of judgment herein; hence, before entrance of judgment further returns will be necessary. This supplemental account will be made in accordance with this opinion and will be a mere matter of computation.

Judgment, therefore, will be entered herein for the claimants for the sum of $3,408,611.40, with the modification hereafter to be made as above indicated.

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[Court of Claims of the United States. No. 30360. Decided Feb. 13, 1911.]

THE WHITE RIVER UTES, THE SOUTHERN UTES, THE UNCOMPAHGRE UTES, THE TABEGUACHE, MAUCHE, CAPOTE, WEEMINUCHE, YAMPA, GRAND RIVER, AND UINTA BANDS OF UTE INDIANS, KNOWN ALSO AS THE CONFEDERATED BANDS OF UTE INDIANS, OF COLORADO, v. THE UNITED STATES.

In accordance with the opinion of the court herein and the jurisdictional act of March 3, 1909, under which this suit was brought the court makes the following supplemental finding of fact, and the former conclusion of law and judgment is modified accordingly:

SUPPLEMENTAL FINDING OF FACT.

The following additional sums have been received by the United States from the sale of lands ceded by the plaintiffs to the United States under the act of June 15, 1880:

| | |
|---|---|
| For the fiscal year ending June 30, 1909 | $70,628.23 |
| For the fiscal year ending June 30, 1910 | 136,826.98 |
| Total | 207,455.21 |

The following sums have been expended of the annuity of $50,000 per annum under section 5 of the act of June 15, 1880:

| | |
|---|---|
| For the period from July 1, 1908, to June 30, 1910 | 99,835.56 |
| Leaving a balance due the plaintiffs for said period of | 107,619.65 |

CONCLUSION OF LAW.

Upon the previous findings of fact and including the above supplemental finding, the former judgment is set aside and the court now decides as a conclusion of law that the plaintiffs are entitled to judgment against the United States in the sum of $3,516,231.05, as and for the sum due to them up to and including June 30, 1910, out of which judgment, as provided by the jurisdictional act and the stipulation of the parties, there shall be paid to Josiah M. Vale, Esq., attorney of record in said cause, for himself and all other attorneys and counsel interested in the prosecution of said cause before committees of Congress and this court 6 per cent thereof, amounting in the aggregate to $210,973.86.

OPINION.

Per CURIAM:

This is a motion of the claimants' attorneys to have the court fix the amount of fees to be allowed to them for services in this case. The jurisdictional act provides that such fees are to be allowed for services before committees of Congress in the matter of this claim as well as for services before the courts.

It appears that the principal services rendered in this matter were before committees in Congress. Such services can hardly be allowed for on the basis of the professional services of a lawyer, and this fact renders it somewhat difficult to determine the amount properly to be fixed. The fact also should be noted that there was no appeal from the decision of this court in this suit, which would necessarily involve considerably more labor and expense; neither were any witnesses examined on either side. In fact, the whole case was tried upon the record as made up by official reports and public documents. The jurisdictional act by which the suit comes to this court provides that upon the rendition of judgment herein the payment to the claimants of the annuity of $50,000 per annum shall cease, and the fund of $1,250,000 set apart for them in the Treasury shall no longer exist as a trust fund for their benefit. This fact materially reduces the actual benefit which the claimants are to receive by virtue of the judgment.

The claim of the Ute Indians depended upon the contract of 1880, and there would have been but little controversy as to the amount due them under that contract had it not been for the setting apart of the forest reserves within the territory, the proceeds of the lands within which they were to receive. It doubtless took considerable patient and persistent work on the part of the claimants' attorneys to impress upon the committees of Congress the justice of a law which would regard such reservations as land actually sold. Notwithstanding this fact, we think the allowance to the claimants' attorneys should be rather upon a basis of fees for a collection of moneys actually due than upon the basis of a doubtful claim or a claim for unliquidated damages.

After due consideration of the matter, we have concluded to allow 6 per cent of the amount of the judgment, or $210,973.86, to the attorneys for the claimants for their services in this matter. Accordingly, the judgment heretofore rendered in this cause is modified as provided by the supplemental finding and the opinion respecting said fees this day filed.

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[Committee on Indian Affairs, 62d Cong., 3d sess.]

MODIFIED AGREEMENT WITH THE CONFEDERATED BANDS OF UTE INDIANS.

Mr. MCCUMBER, from the subcommittee on S. 7738, submitted the following report [to accompany S. 7738]:

The subcommittee on S. 7738, to whom was referred the bill (S. 7738) proposing a modified agreement with the Confederated Bands of Ute Indians for the purpose of making a compromise settlement of all their affairs, having had the same under consideration, report as follows:

The bill provides for a modification of an existing agreement between the United States and the Confederated Bands of Ute Indians, which was ratified by an act of June 15, 1880 (21 Stat., 199), to be submitted to the Indians, and to become effective only upon their ratification of the same.

This proposed modified agreement provides for a full and final settlement, by way of compromise, of all claims and demands of the said Ute Indians of every name and nature, arising under the said existing agreement of 1880, by a reference of such matters to the Court of Claims for final settlement and determination.

The act of June 15, 1880, embracing the agreement for cession of said lands, provides that the lands embraced within the reservation, not allotted to the Indians, shall be sold under the public-land laws, for the benefit of said Indians, at the same price and on the same terms as other lands of like character, and when sold the proceeds of sale shall be deposited in the Treasury, as provided by law, for the benefit of said Indians, after reimbursing the Government for all sums paid out or set apart for the benefit of said Indians, and the interest thereon to be paid to the Indians.

Every year since the ratification of said agreement, in 1880, the Government has sold more or less of said lands under the public-land laws for cash, and has deposited the money received therefor in the Treasury to the credit of said Indians, but no accounting was ever made to the Indians for the same, it being contended by the Government that the amount of money which had been expended in the meantime for the benefit of said Indians exceeded the amount received and placed to their credit. The Indians, after waiting a number of years, employed counsel to represent them as to all of their said interests under the agreement. Failing to secure an accounting up to date, the Indians applied to Congress for authority to bring an action in the Court of Claims under the terms of the agreement for an accounting and for judgment for the amount already accrued and due, if any. The Indians were granted this authority under act of Congress approved March 3, 1909 (35 Stats., 788), and as a result of the suit recovered a net judgment in excess of the advance made by the Government to them of $3,305,257.19, including not only the value of the land sold for cash, but also the forest reserves which had been taken and set apart by the Government out of their ceded lands.

The record of the case before the court shows that the land ceded in 1880 was over 12,000,000 acres (12,079,089.76 acres), and that of this amount over 1,000,000 acres (1,310,686.38 acres), including agricultural, timber, mineral, and coal lands, had been sold for cash at the price fixed by the public-land laws of the United States, and that over 3,000,000 acres (3,199,258 acres) had been placed in forest reserves, leaving over 7,000,000 acres (7,569,144.38 acres) unsold. Under the existing agreement it will be necessary for the Government to continue to sell this remaining land under the public-land laws of the United States and deposit the money received therefor in the Treasury to the credit of said Indians.

It appears from the records of the Geological Survey that of this remaining 7,000,000 acres there have been classified as coal lands about 700,000 acres, of the average appraised value of $70 an acre, amounting to $50,000,000 for the coal alone. The remainder of this 7,000,000 acres is composed of timberlands, mineral lands, agricultural lands, and quite an area of barren mountain peaks. Thus it will appear that while some of this tract of land is of little value and might never be sold under the public-land laws, yet, on the other hand, that some of it is extremely valuable, providing it can be sold under existing land laws and at the appraised valuation placed upon the coal by the Government.

The bill before your committee proposing a compromise settlement at this time of all the interests of the Indians in these lands provides that all the coal, mineral, and timber lands shall be taken over by the Government as public land, at one-half the minimum statutory value of the same, under the public-land laws, which would be $5 an acre for the coal lands instead of $70 an acre and $1.25 an acre for timberlands instead of $2.50, and the same proportionate reduction on all mineral lands.

The bill also provides that the court shall determine not only the area of the coal, timber, mineral, and agricultural lands and their value under the above proposed compromise settlement, but that the court shall determine the area of the remaining land which is not included in any of the above classes, and that such land shall be taken out from under the operation of the public-land laws as provided in the existing agreement, and the court be given full jurisdiction to determine the fair value of the same. The area of this class of land to be determined by the court is probably very great.

The bill further provides that the court shall set off against the value of these lands as so found any and all sums which the Government has advanced to these Indians since the date of the judgment of the Court of Claims, and also consider and pass upon any items of account between these Indians and the Government, occurring before the date of said judgment, which has not been considered and passed upon by the court.

The Interior Department claims that there are a number of items of set-off, amounting to between two and three hundred thousand dollars, that should have been considered by the court at the trial above referred to, but which the department overlooked and failed to present at that time. Among the items of set-off will be money advanced by the Government for irrigation, which is probably about one million and a quarter dollars.

Finally, the bill provides that this proposed compromise settlement shall be ratified by a majority of the adult male Indians before the same shall become effective.

The purpose of the proposed settlement (which will result in an amount very much smaller than the amount which the Indians would ultimately receive under the existing agreement) is to furnish them at once a fixed and continuous income, sufficient for the support and civilization of the present as well as future generations. Under the existing agreement these Indians can not be paid the principal of the fund in the Treasury to their credit, but can be paid only the interest. The interest on the judgment rendered by the Court of Claims is inadequate for such purposes. Thus the Government, in its effort to carry out its Indian policy of civilization, is confronted with a situation where these Indians are now suffering for want of sufficient support, to say nothing of the want of sufficient funds for preparing and establishing them for civilization, in spite of the fact that they have over 7,000,000 acres of land, which ultimately will be sold for the enormous sum of from fifty to sixty million dollars. The trouble is that it will take 50 years or longer to sell all of this land and realize all of this sum. Under existing law, when this 7,000,000 acres of land is ultimately sold, these Indians, if their number should remain practically the same, would have an annual income of at least $1,200 per capita, while in the meantime the present generation is suffering and the Government is forced to appropriate money from time to time for their support and civilization.

The present condition with respect to these Indians which now confronts the Government is so grave that the Interior Department has prepared and had introduced a bill (S. 5203, 62d Cong., 2d sess.) providing for the appropriation and use of their principal as the same may be needed on account of their needs and because the interest upon the present judgment is totally inadequate. The existing agreement with these Indians prohibits the use of their principal; it is to meet this situation that the present modified agreement in the form of a compromise settlement is proposed, in order that the balance of their lands may be converted into a cash fund in the Treasury that will yield an amount of interest, in addition to the interest accrued from the judgment of the Court of Claims, sufficient for the support and civilization of the present as well as all future generations. It is clear that under the existing agreement the present generation will necessarily continue to suffer, while future generations will receive an income vastly beyond their needs.

Therefore the question for consideration is this:

Shall Congress authorize the expenditure of both the principal and interest of said judgment, or, on the other hand, shall Congress pass this bill and thereby make the Indians self-supporting for all time, the Government to recoup itself many times over when all of the land shall be sold? It would seem that in view of the policy of the Government to lease instead of sell all mineral and coal lands, the present necessities of the Indians, and of exigencies incident to the advancement of the Indians toward civilization, there should be a final adjustment of their rights as provided in this bill. Without legislation the ceded mineral and coal lands can not be leased.

For a complete history of this case, reference is had to Senate Report No. 2032, Fifty-seventh Congress, first session, Appendix 3, pages 8 and 9; Senate Report No. 267, Sixtieth Congress, first session; and the findings of fact, opinion, and judgment of the Court of Claims in case No. 30360, under its general jurisdiction, hereto attached.

It is therefore recommended that the bill do pass.

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[Senate Rept. 2032, 57th Cong., 1st sess. Appendix 3.]

CLAIMS AND DEMANDS OF THE UTE INDIANS.

The Tabaguache, Muache, Capote, Weeminuche, Yampa, Grand River, and Uinta Bands of Ute Indians, known also as the Confederated Bands of Ute Indians of Colorado, claim as follows:

First. Compensation for all lands set apart from the lands of their reservation, as defined by the treaties and agreements of 1868, 1874, and 1880, to the use of the United States for forest or timber reservations, or to other purposes.

Second. Interest on such compensation from the date of the appropriation of the lands by the United States.

Third. Proceeds of the sale of lands within their reservation as defined by the treaty of March 2, 1868 (15 Stats., Private Laws, 1867-68, p. 119), as said reservation was diminished by the agreement ratified by Congress by act approved April 29, 1874 (18 Stats., p. 36), with annual periods of rest from which interest shall be computed and allowed on the fund as the same has accumulated.

Fourth. Interest on the several balances annually found to be due the Indians since June 30, 1881.

Fifth. Proceeds of the sale of subdivisions on which improvements were located at the time of the removal of the Indians.

Sixth. Compensation for all lands appropriated under the authority of the United States for rights of way of railroads or other public highways.

Seventh. An accounting and the right to contest any claim or demand on the part of the United States against said Indians for moneys alleged to have been paid out for or set apart to the use of said Indians or for their benefit, claimed to be a set-off against the claims of said Indians under the treaty and agreements herein referred to, including the right to contest the cost of removal, any charge or demand of the United States for the payment for lands at $1.25 per acre, which may have been set apart to said Indians, or any of them, outside of the State of Colorado, if set up in set-off or counterclaim against the demands of said Indians, and the right to contest and call for an accounting upon the funds paid out by the United States as annuities to white persons incident to the "Meeker massacre."

Respecting the first item set out in the claims of these Indians, your committee have carefully examined its wording to avoid committing the Government to the theory that the Indians are entitled to any compensation whatever for lands set apart by the United States for timber or forest reserves, or, that if any compensation be due to them, that such compensation shall be at the rate of $1.25 per acre for all of said lands, good and bad alike. Much of the lands in these timber reserves are high mountain peaks, having little or no market value. There are, therefore, two questions to be submitted to the courts in connection with this branch of the claims:

First. Whether the Government is liable in any case for the lands set apart; and

Second. If liable, what rate of compensation shall be paid.

These questions may safely be left to the courts by the Government, whose interests will be protected by the Attorney General, and they should go to the courts, in the opinion of your committee. The questions thus presented are defined in the bill herewith reported.

The claim for interest rests upon a clause in the third section of the act approved June 15, 1880 (21 Stats., p. 204), to the effect that the interest arising on the fund accruing from the sale of lands shall be distributed annually to the Indians. The Indians have an undoubted right to a judicial construction of this clause and an award in accordance with the law; wherefore the several claims for interest are deemed by your committee as proper to be referred to the courts.

While there can be no doubt of the right of the Indians to the proceeds of the sale of their lands, there is a question as to whether these proceeds should have been carried to their credit annually, as is claimed by the Indians; but the right of the Indians to a judicial determination of that question can not be disputed, in the opinion of your committee. Besides, the Indians should have opportunity to scrutinize before a court of competent jurisdiction what has been done in the sale and disposition of their lands; that is a right no Indian who has a good prima facie claim should be denied, and common business prudence demands such scrutiny on the part of the Indian. The period covered by the sale of these lands has been over 20 years, and many questions such as are common to the disposition of the public domain have doubtless arisen affecting the rights of the Indians, and it is their undoubted right to know that such questions have been justly determined.

The right of the Indians to compensation for lands appropriated under the authority of the United States for rights of way for railroads and other public highways would seem to be resolved against the Indians by their consent to such rights of way under the fourteenth article of the treaty of 1868, but it is contended by them that by such consent to such rights of way they did not abandon their right to reasonable compensation therefor when the land came to be so appropriated. It is an important question and one that should be submitted to the courts.

Your committee entertains no doubt of the right of the Indians to contest the various matters of set-off and counterclaims against the Indians urged on the part of the United States, such as the cost of removal, the payment for lands at $1.25 per acre set apart for some of these Indians outside of the State of Colorado, and the moneys expended for annuities to white persons, the victims of the Meeker massacre.

The whole case presents important questions of law and of fact as well as of accounting, and the claims of these Indians can only be finally and justly determined by and through a reference to the courts.

Treaties, laws, and Executive orders bearing upon these claims of the Ute Indians are cited as follows:

Treaty of March 2, 1868 (15 Stats., Private Laws, 1867–68, p. 119).

Agreement ratified by act of Congress approved April 29, 1874 (18 Stats., p. 36).

Agreement ratified by act of Congress approved June 15, 1880 (21 Stats., p. 199), and ratified by Indians as reported by the Commissioner of Indian Affairs in his annual report for 1880, page 21.

Proclamation by the President of the United States defining the White River Plateau Timber Reserve, October 6, 1891 (27 Stats., p. 993), under section 24, act of March 3, 1891 (26 Stats., p. 1103).

Proclamation of the President of the United States, dated December 24, 1892, defining the boundaries of the Battle Mountain Reserve (26 Stats., p. 1053).

The accompanying bill guards the rights of the Indians in each case respecting attorneys' fees by providing in the third section thereof that the Court of Claims, at the time of rendering judgment in each case, shall, as part of its findings and as a part of such judgment, fix the fees of attorneys and counsel not to exceed 15 per cent of the judgment.

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[Senate Report No. 267, Sixtieth Congress, first session.]

The Committee on Indian Affairs, to whom was referred Senate bill 5038, having considered the same, report as follows:

Formerly the Confederated Bands of the Ute Indians occupied western Colorado and adjacent territory.

On March 2, 1868, a treaty was entered into between the said Indians and the United States, which was proclaimed November 6, 1868. (15 Stat. L., pp. 619 et seq.)

By this treaty a part of the territory which had been occupied by said Indians in Colorado was set apart for their absolute and undisturbed use and occupation, and for such other friendly tribes and individual Indians as from time to time they might be willing to admit among them. This territory was bounded on the east by the one hundred and seventh degree of longitude, on the north by a line 15 miles north of the fortieth parallel of north latitude, on the west by the western boundary of the then Territory of Colorado, and on the south by the southern boundary of said Territory.

A part of this reservation was ceded to the United States by agreement dated September 13, 1873, ratified April 29, 1874 (18 Stat. L., 36), for the consideration of an annuity of $25,000 per annum perpetually.

The balance of the indicated reservation was ceded to the United States under an agreement ratified by act of Congress approved June 15, 1880 (21 Stat. L., 199), by which the United States agreed to hold the lands ceded as public lands of the United States, subject to disposal under the laws providing for the disposal of public lands, at the same price and on the same terms as other lands of like character, except as provided in the indicated act; and it was specifically provided in accordance therewith that none of said land, whether mineral or otherwise, should be liable to settlement under the provisions of the homestead law, but should be subject to cash entry only in accordance with existing law; and when sold, the proceeds of such sale should be first sacredly applied to reimbursing the United States for all sums paid out or set apart under the indicated act by the Government for the use and benefit of said Indians, and then so much thereof as might be necessary was to be applied in payment of lands at $1.25 per acre which might be ceded to them outside of their reservation by the United States in pursuance of that act and agreement, and that the remainder should be deposited in the Treasury, as now provided by law, for the benefit of said Indians.

The act separated the Indians occupying the territory into those to be known as "Southern Utes," "Uncompahgre Utes," and "White River Utes." The Southern Utes now occupy the reservation at the Southern Ute Agency in Colorado; the Uncompahgres occupy the lands of the former reservation at the Ouray Agency in Utah, and the White River Utes occupy lands on the former Uintah Reservation in Utah.

Of the lands so ceded many thousand acres have been sold by the United States and the money has been received therefor, but no part thereof has been paid to said Indians.

The White River Forest Reservation, the Battlement Mesa Reservation, the Uncompahgre Forest Reserve, and parts of two other reservations have been set aside from the said ceded lands.

By the terms of the act of 1880 certain credits are to be allowed by the Indians, and expenses incurred by the Government under the treaty, including the lands which the Government has bought for said Indians.

Under date of November 16, 1903, a bill for the relief of the Confederated Bands of Ute Indians was introduced by the Senator from Colorado (Mr. Teller) and referred to the Committee on Indian Affairs. That bill provided for an accounting of the sum now in the Treasury due the Indians for the part of the ceded lands sold by the United States, and for a report to Congress of all the rights of the Indians under said treaty, including the value of the forest reserves created out of said ceded lands, with such set-offs as are chargeable against the Indians under the treaty. The bill was favorably reported by the committee and was subsequently, under date of December 11, 1903, considered by the Senate, and by Senate resolution the same was referred to the Court of Claims under the Tucker Act.

Thereupon, on the 6th day of January, 1904, a petition was filed in said court, which petition the United States moved to dismiss on the 13th day of August, 1904, upon the ground of lack of jurisdiction, because the bill referred to the court failed to provide for the payment of a claim against the United States as provided by act of Congress of March 3, 1887, under which act the bill was referred.

On the 26th day of August, 1904, plaintiffs filed a reply brief contesting the motion to dismiss, to which the Government answered on October 14, 1904.

The motion to dismiss was submitted to the court October 17, 1904, and thereupon the court overruled the defendants' motion to dismiss without prejudice to consider the motion with the case on its merits; so that the question of jurisdiction of the court, under the resolution referring the same to the Court of Claims, can not be fully considered and disposed of until disposition of the cause, and the same is now pending.

The progress of the case has made it necessary to file two amended petitions, and voluminous documentary evidence has been filed involving great research and constant labor during a period of five years. So that the case now stands upon the record of the court subject to possible dismissal or an inadequate finding for want of complete jurisdiction on the part of the court.

If the petition of plaintiffs shall be dismissed thus for want of jurisdiction, or if the court shall so modify its findings as not to afford full and complete relief as was the intent of the Senate, the expense, time, and labor bestowed upon the case will be lost, and the plaintiffs will be placed in a position but very little better than when they commenced their efforts to enforce their right.

The matter has been reported once from the Senate Committee on Indian Affairs with a view to sending the case to the Court of Claims, with full jurisdiction to hear and determine all the questions involved. (See S. Rept. No. 2032, 57th Cong., 1st sess., Appendix No. 3.)

The case has progressed far enough under the Senate reference of December 11, 1903, to disclose questions which can only be determined by a final judgment, with right of appeal by either party to the Supreme Court of the United States, and the report of the findings to Congress and action thereon, in the opinion of your committee, will require a re-reference to the court before the questions involved can be settled, and will necessarily delay the final adjustment of the rights of these Indians, already too long postponed.

No one will deny that the Government has received and has in its possession money due these Indians. No one will deny that they have valuable interests under the treaty which they should have the right to take to the court for full and final determination, and justice demands that the faulty jurisdiction shall now be cured, so that the Indians may have all their rights under the treaty fully and finally adjudicated.

This claim was favorably reported in the Fifty-ninth Congress, second session (Rept. No. 5689, p. 13), as follows:

"Under date of November 16, 1903, a bill for the relief of the Confederated Bands of Ute Indians was introduced by Senator Teller and referred to the Committee on Indian Affairs, which bill was subsequently, under date of December 11, 1903, considered by the Senate, and by Senate resolution the same was referred to the Court of Claims under the Tucker Act.

"Thereupon, on the 6th day of January, 1904, a petition was filed in said court, which petition the United States moved to dismiss, on the 13th day of August, 1904, upon the ground of lack of jurisdiction because the bill referred to the court by the said resolution of the Senate failed to provide for the payment of a claim against the United States as provided by act of Congress March 3, 1887, under which act the bill was referred. The bill, in part, required a report to Congress upon certain forest reserves for which payment was not provided. On the 25th of August, 1904, plaintiffs filed a reply brief contesting the motion to dismiss, to which the Government answered on October 14, 1904.

"The motion to dismiss was submitted to the court October 17, 1904, and thereupon the court overruled the defendants' motion to dismiss without prejudice to consider the motion with the case on its merits, so that the question of the jurisdiction of the court, under the resolution reporting the same to the Court of Claims, can not be finally considered and disposed of until final disposition of the cause as the same is now pending.

"The progress of the case has made it necessary to file two amended petitions, and voluminous documentary evidence has been filed, involving great research and constant labor during a period of four years. Since the closing of the case, the completion of the testimony therein, and the filing of plaintiffs' brief for request of findings of fact, the Government has taken no action; so that the case now stands upon the record of the court subject to possible dismissal or an inadequate finding after final hearing for want of complete jurisdiction on the part of the court. If the petition of plaintiffs shall be dismissed thus for want of jurisdiction, or if the court shall so modify its findings as not to afford full and complete relief as was the intent of the Senate, the expense, labor, and time incident to conducting the case will be lost, and the plaintiffs will be placed in a position but very little better than when they commenced their effort to enforce this right.

"The matter has been reported once from the Senate Committee on Indian Affairs, with a view to sending the same to the Court of Claims with full jurisdiction to hear and determine all the questions involved.

"The case has progressed far enough under the Senate reference of December 11, 1903, to disclose questions which can only be determined by a final judgment, with right of appeal by either party to the Supreme Court of the United States. The delay incident to the court proceed-

ings, the report of the findings to Congress and action thereon, which, in the opinion of your committee will require a rereference to the court before the question involved can be settled, will necessarily delay the final adjustment of the rights of these Indians, already too long postponed. Senate Report No. 2032, Fifty-seventh Congress, first session, Appendix No. 3, upon the same subject matter, is referred to in connection herewith.

"The commissioner says:

"'The case concerned is pending in the Court of Claims, which was instructed by Senate resolution No. 52, Fifty-eighth Congress, second session, to proceed as directed and report to the Senate.

"'If this proposed legislation prevails, the findings of the court will be morally binding upon the Congress, and an appropriation will have to be made to meet its judgment. But this item proposes to give authority to the attorney of record, J. M. Vale, to control the conduct of the suit and employ other attorneys for the plaintiffs, and authorizes the court to fix the compensation, not exceeding 15 per cent of the judgment, which shall be awarded to the attorneys "who have rendered actual services in conducting the said cause upon a quantum meruit," and the Treasury is to be reimbursed "from the funds of the Confederated Bands of the Ute Indians."

"'Now, Mr. Vale is not attorney for the Confederated Utes, but only for certain bands. Other attorneys obtained similar contracts from other bands, and all appear to have "pooled their issues," so that each might be interested in every contract.

"'In the request for findings of facts and argument submitted to the court the eleventh finding asked for shows four contracts, the attorneys being J. M. Vale, C. C. Clements, William C. Shelley, Kie Oldham, Adair Wilson, and W. S. Peabody, and says: "The services so rendered to each of the said bands of Indians are identical, and the compensation moving from each thereof should be the same. There is allowed and set apart to the said attorneys 12½ per cent of the amount awarded to the said Indians in these findings of fact, which is the minimum compensation named in the said contracts." This item, however, proposes to raise the award to 15 per cent and let in other attorneys.

"'Furthermore, this bill proposes to pay the attorneys out of moneys in the Treasury, without regard to whether the Indians ever obtain anything or not. As the amount involved is from $9,000,000 to $25,000,000, it can be seen clearly that the attorneys will fare very well, no matter what happens to the Indians. The entire business should, in my judgment, be suspended till the case in the Court of Claims has been determined.'"

There is no controversy about the amount of land sold and the amount of money received by the Government, but there is a serious controversy as to the charges and set-offs against the same provided for by the agreement of cession. Questions thus raised will never be satisfactorily settled without a judicial determination thereof. Therefore, it would seem to your committee that there is no reason for further delaying an adjustment of this matter. The amount involved has nothing to do with the question, because the Indians are simply to be paid whatever is due them under the agreement by which they ceded an empire. As to what should be paid their counsel, the court, before whom much of the labor of counsel has been and will be rendered, is the proper tribunal to determine the measure of such compensation.

Therefore your committee recommend the passage of this bill.

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[Court of Claims of the United States. No. 30360. Decided May 23, 1910.]

THE WHITE RIVER UTES, THE SOUTHERN UTES, THE UNCOMPAHGRE UTES, THE TABEGUACHE, MUACHE, CAPOTE, WEEMINUCHE, YAMPA, GRAND RIVER, AND UINTA BANDS OF UTE INDIANS, KNOWN ALSO AS THE CONFEDERATED BANDS OF UTE INDIANS OF COLORADO, v. THE UNITED STATES.

This case having been heard by the Court of Claims, the court, upon the evidence makes the following

FINDINGS OF FACT.

I. The plaintiffs are a confederated band of Ute Indians between whom and the Government of the United States the relation of guardian and ward has existed since February 2, 1848. On June 30, 1908, the total number of Indians composing the plaintiff confederated bands was as follows:

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|---|---|
| White River Utes, known also as the Yampa and Grand River Bands | 295 |
| Uinta Utes | 427 |
| Southern Utes, known also as the Muache, Capote, and Weeminuche Bands | 808 |
| Uncompahgre Utes, known also as the Tebaguache Band | 470 |
| Total | 2,000 |

In their tribal relations they are known as the Uncompahgre, the Tabeguache, Muache, Capote, Weeminuche, Yampa, Grand River, and Uinta Bands of Ute Indians, and also as the Confederated Bands of Ute Indians of Colorado; also as the White River Utes and the Southern Utes and the Uncompahgre Utes.

II. By an act of Congress approved March 3, 1909 (35 Stats., 788, 789), jurisdiction was conferred upon the Court of Claims as follows:

"That to carry into effect the agreement between the Confederated Bands of Ute Indians of Colorado and the United States, ratified by the act of Congress approved June 15, 1880, being 'An act to accept and ratify the agreement submitted by the Confederated Bands of Ute Indians in Colorado for the sale of their reservation in said State, and for other purposes, and to make the necessary appropriations for carrying out the same' (21 Stats., 199), jurisdiction is hereby conferred upon the Court of Claims to hear, determine, and render final judgment, with right of appeal as in other cases, on the claims and rights of said Indians under said agreement, including the value of all lands ceded by the said Indians which have been set apart and reserved from the public lands as public reservations or for other public uses under existing laws and proclamations of the President, as if disposed of under the public-land laws of the United States, as provided by said agreement, and the money due therefor; and the court shall set off against any sum found due said Indians the amount paid to them under the fifth section of said act of June 15, 1880, being $50,000 per annum up to the date of rendition of final judgment in this cause, also any other sum or sums that shall be found to be properly chargeable under the terms of said agreement, and also any sum or sums paid by the United States to or for the benefit of said Indians, whether as a gratuity or otherwise, except such sums as have been paid for a specific purpose and an adequate consideration; and the credit of $1,250,000 set apart in the Treasury by the terms of said agreement upon which said annuity has been estimated, shall, upon the rendition of final judgment in this cause, cease to exist as a trust fund, and from and after the date of said judgment no annuity shall be estimated or paid therefrom; and the action herein authorized shall be consolidated with cause congressional No. 11248, now pending in said court, for the purpose of using at the trial thereof all evidence which has been adduced in said pending cause, and shall be commenced by petition under the title of said pending cause and shall be conducted by the attorney of record now appearing therein or by any attorney by him specifically authorized to appear; and the Attorney General shall continue to appear and represent the United States; and in rendering judgment herein the court shall fix upon a quantum meruit and set apart just and reasonable compensation to the attorneys on behalf of plaintiffs who have rendered actual service in prosecuting said claim before the committees of Congress and in conducting the said cause before the courts in the name of the attorney of record in said pending cause, or any attorney by him specifically authorized, and said compensation shall be paid to such attorney by the Secretary of the Treasury out of any money in the Treasury arising from the sale of said ceded lands or from the proceeds of said judgment, and the balance of said judgment shall be held in the Treasury for the benefit of said Indians as a trust fund, and the interest thereon shall be distributed annually to them in accordance with the terms of said act of June 15, 1880; and the said cause shall be advanced in hearing by the Court of Claims, and by the Supreme Court of the United States if the same shall be appealed."

III. By Senate resolution of December 11, 1903, No. 52, Fifty-eighth Congress, second session, this cause was sent to the Court of Claims and was numbered "Congressional, 11248," that upon the hearing thereof the same was dismissed for want of jurisdiction; that thereupon a motion for a new trial was filed, which motion was pending at the time of the passage of the jurisdictional act referred to in finding II herein, which action is now consolidated with the cause now on hearing.

IV. By the second article of a treaty by and between the plaintiffs and the United States, concluded at the city of Washington, in the District of Columbia, March 2, 1868, whereof ratification was requested with amendment July 25, 1868, and which amendment was accepted by the Indians August 15, September 1, 14, 24, and 25, 1868, and which treaty was proclaimed November 6, 1868 (15 Stat. L., Treaties, pp. 619 et seq.), certain territory was set apart for the absolute and undisturbed use and occupation of plaintiffs and for such other friendly tribes and individual Indians as from time to time they might be willing, with the consent of the United States, to admit among them, the United States solemnly agreeing that no persons except those by said treaty authorized so to do and except such officers, agents, and employees of the Government as might be authorized to enter upon the said Indian reservation in the discharge of duties enjoined by law, should ever be permitted to pass over, settle upon, or reside in the territory described therein; that the territory so set apart to plaintiffs is described in said second article of said treaty as follows:

"Commencing at that point on the southern boundary line of the Territory of Colorado where the meridian of longitude 107° west from Greenwich crosses the same, running thence north with said meridian to a point 15 miles due north of where said meridian intersects the fortieth parallel of north latitude; thence due west to the western boundary line of said Territory; thence south with said western boundary line of said Territory to the southern boundary line of said Territory; thence east with said boundary line to the place of beginning."

Afterwards, to wit, on the 13th day of September, 1873, the plaintiffs by the name and style of "Certain Ute Indians in Colorado by the chiefs and headmen of the Tabeguache, Mauche, Capote, Weeminuche, Yampa, Grand River, and Uintah Bands of Ute Indians," entered into a duly ratified convention at Los Pinos Agency for the Ute Indians in the State of Colorado, whereby, by the first article of said convention, plaintiffs relinquished to the United States all right, title, claims, and interest in and to the following-described portion of the reservation conveyed to them by the United States by the treaty proclaimed November 6, 1868, hereinbefore set forth, that is to say:

"Beginning at a point on the eastern boundary of said reservation 15 miles due north of the southern boundary of the Territory of Colorado, and running thence west on a line parallel to the said southern boundary to a point on said line 20 miles due east of the western boundary of Colorado Territory; thence north by a line parallel with the western boundary to a point 10 miles north of the point where said line intersects the thirty-eighth parallel of north latitude; thence east to the eastern boundary of the Ute Reservation; thence south along said boundary to the place of beginning;" the consideration for the said cession was a sufficient amount of United States bonds at 5 per cent per annum to produce the sum of $25,000 per annum to be held in perpetual trust for the said Ute Indians subject to disbursement or investment at the discretion of the President or as he may direct, for the use and benefit of the Ute Indians, annually forever.

The annuity, provided under the terms of the act of April 29, 1874 (18 Stats., 41), was accepted by plaintiffs in full compensation for the territory ceded under that act; the interest being 5 per cent per annum.

The cession of 1873 and the consideration paid therefor by the terms of the act of April 29, 1874, concluded that transaction.

Afterwards, by the terms of an agreement between petitioners and the United States, which is embraced in and made part of "An act to accept and ratify the agreement submitted by the Confederated Bands of Ute Indians in Colorado, for the sale of their reservation in said State, and for other purposes, and to make the necessary appropriations for carrying out the same," approved June 15, 1880 (21 Stats., 199), the chiefs and headmen of the Confederated Bands of Ute Indians, being these plaintiffs, promised and agreed to use their best endeavors with their people to procure their consent to cede to the United States all remaining territory of these petitioners in Colorado, being the remainder of the lands set apart to the permanent use and occupation of petitioners by the treaty of 1868, as in this finding first set forth; that said agreement was duly assented to and ratified by plaintiffs.

In pursuance of section 2 of said act the President appointed, by and with the advice and consent of the Senate, five commissioners to carry into effect the provisions of said act.

By the third section of said act of cession approved June 15, 1880, it was provided as follows:

"That the Secretary of the Interior be, and he is hereby, authorized to cause to be surveyed, under the direction of said commissioners, a sufficient quantity of land in the vicinities named in said agreement to secure the settlement in severalty of said Indians as herein provided.

And upon completion of said survey and enumeration herein required, the said commissioners shall cause allotments of lands to be made to each and all of said Indians, in quantity and character as set forth in the agreement above mentioned, and whenever the report and proceedings of said commissioners, as required by this act, are approved by the President of the United States, he shall cause patents to issue to each and every allottee for the lands so allotted, with the same conditions, restrictions, and limitations mentioned therein as are provided in said agreement; and all lands not so allotted the title to which is, by said agreement of the Confederated Bands of Ute Indians, and this acceptance by the United States, released and conveyed to the United States, shall be held and deemed to be public lands of the United States and subject to disposal under the laws providing for the disposal of the public lands, at the same price and on the same terms as other lands of like character, except as provided in this act: *Provided*, That none of said lands, whether mineral or otherwise, shall be liable to entry and settlement under the provisions of the homestead law, but shall be subject to cash entry only in accordance with existing law; and when sold the proceeds of said sale shall be first sacredly applied to reimbursing the United States for all sums paid out or set apart under this act by the Government for the benefit of said Indians, and then to be applied in payment for the lands at $1.25 per acre, which may be ceded to them by the United States outside of their reservation in pursuance of this agreement, and the remainder, if any, shall be deposited in the Treasury as now provided by law for the benefit of said Indians, in the proportion hereinbefore stated, and the interest thereon shall be distributed annually to them in the same manner as the funds provided for in this act: *Provided further*, That the subdivisions upon which are located improvements to be appraised, as provided for in section 2 of this act, shall be offered to the highest bidder at public sale after published notice of at least 30 days by the Secretary of the Interior, and the same shall be absolutely reserved from occupation or claim until sold."

In accordance with section 2 of said act a census of the plaintiffs was thereafter made by said commissioners, and the plaintiffs were separated thereunder into three divisions, as follows:

First. Those known in the agreement above referred to as "Southern Utes."

Second. Those known as "Uncompahgre Utes."

Third. Those known as "White River Utes."

Subsequently, in conformity with the provisions of section 2 of said act, said commissioners, after due examination, reported that they had examined the land on the Grand River near the mouth of the Gunnison and found it to be unsuitable for the plaintiffs for agricultural or grazing purposes and that there was no other land suitable for agricultural purposes within a reasonable distance which could be used in connection with that near the mouth of the Gunnison River and give the plaintiffs the quality contemplated.

*Uncompahgre Utes.*—Accordingly said commissioners, in conformity with said act, selected a tract of land in the valleys of the White and Green Rivers in Utah, which was subsequently surveyed and defined by metes and bounds, containing about 1,933,440 acres, for the Uncompahgre Utes. Said selection was approved by the Secretary of the Interior, and said Uncompahgre Utes were all removed thereto by the United States by October, 1881.

Under the acts of August 15, 1894 (28 Stats., 337), June 7, 1897 (30 Stats., 87), March 1, 1899 (30 Stats., 940), and joint resolution, June 15, 1902 (32 Stats., 744), 75,978.19 acres of land have been allotted in severalty to said Uncompahgre Utes from the tract of land in Utah thus selected by said commissioners.

*White River Utes.*—The White River Utes were removed by the United States to the Uintah Agency, Utah, after much difficulty, in November, 1881. Under said agreement and act of June 15, 1880, and also under the acts of May 27, 1902 (32 Stats., 263, 264), and joint resolution, June 10, 1902 (32 Stats., 744), 39,589.84 acres of land have been allotted in severalty to the White River Utes in Utah.

*Southern Utes.*—The Southern Utes were not removed from their former reservation in Colorado, but remained on a tract of land about 110 miles long, east and west, and 15 miles in width, containing a total area of about 483,750 acres, of which approximately 406,000 acres is in Colorado and the balance in New Mexico. Under section 6, act of February 20, 1895 (28 Stats., 677), with the consent of said Southern Utes, a portion of the above lands was opened to settlement and entry allotments in severalty having been previously made in accordance with said act to 371 Southern Utes, comprising a total of 72,810.65 acres of land, all in Colorado.

V. Of the lands ceded to the United States, as set forth in the fourth finding, 4,126.57 acres have been applied to reservoir sites by authority of sections 18, 19, and 20 of the act of Congress approved March 3, 1891 (26 Stats., 1095), and the plaintiffs have been deprived of the sale thereof.

1. The Government received no compensation on account of rights of way granted by this department over lands within the limits of the former Ute Indian Reservation in Colorado under the act of March 3, 1891, sections 18, 19, and 20, or the act of February 15, 1901 (31 Stats., 790).

2. Any person entering a tract of land to part of which a right of way is attached for a canal, ditch, or reservoir takes the same subject to such right of way and at the full area of the subdivision entered and is required to pay therefor, there being no authority to make deduction in such cases.

VI. Prior and up to March 2, 1868, the plaintiffs occupied as hunting grounds territory comprising a part of the public domain, a portion of which was embraced within the lines of the Louisiana purchase, a portion was acquired by the annexation of Texas in 1845, and the balance by cession from Mexico by the treaty of Guadaloupe Hidalgo of February 2, 1848.

The lands so occupied as hunting grounds by the plaintiffs included the reservation provided for by the agreement of 1880.

VII. Of the lands ceded to the United States under the terms of said agreement of June 15, 1880 (21 Stats., 199), the following have been set apart and reserved from the public lands as public reservations under existing laws and proclamations of the President.

The White River National Forest was established by proclamation of the President October 16, 1891 (27 Stats., 993), under the designation "White River Plateau Timber Land Reserve," by virtue of section 24 of the act of Congress, approved March 3, 1891, entitled "An act to repeal timber-culture laws, and for other purposes" (26 Stats., 1103). The area of said reservation as originally defined was 930,240 acres. Subsequently said reservation was modified by proclamation of the President dated June 28, 1902 (32 Stats., 2008), and was then designated the "White River Forest Reserve." Afterwards said reservation was further modified by proclamation of the President dated May 21, 1904 (33 Stats., 2361).

Deducting the area restored under the act of June 11, 1906 (34 Stats., 233), and areas pending and paid for under the public-land laws, the remaining public land contained in said reservation is found to be 823,733 acres.

The Battlement National Forest was originally set apart by proclamation of the President dated December 24, 1892 (27 Stats., 1053), and was by that proclamation designated "The Battlement Mesa Forest Reserve," and by proclamation dated May 16, 1904 (33 Stats., 2359), the same was modified, and said reservation was again modified by proclamation dated June 5, 1905 (34 Stats., 3076). By Executive order bearing date July 1, 1908, the said reservation was further modified and the designation thereof was changed to "Battlement National Forest."

Deducting the area restored under the act of June 11, 1906 (34 Stats., 233), and areas pending and paid for under the public-land laws, the remaining public land contained in said reservation is found to be 739,112 acres.

The Uncompahgre National Forest was originally set apart by proclamation of the President dated June 14, 1905 (34 Stats., 3100), under the designation "The Uncompahgre Forest Reserve." The said reservation was modified by proclamation dated March 1, 1907 (34 Stats., 3282), and designated by Executive order dated July 1, 1908, "Uncompahgre National Forest."

Deducting the area restored under the act of June 11, 1906 (34 Stats., 233), and areas pending and paid for under the public-land laws, the remaining public land contained in said reservation is found to be 645,124 acres.

The Holy Cross National Forest was first reserved under the designation "The Holy Cross Forest Reserve" by proclamation of the President dated August 25, 1905 (34 Stats., 3144). The reservation was modified by proclamation dated March 1, 1907 (34 Stats., 3286), and by Executive order dated July 1, 1908 (No. 870), the said reservation was designated the "Holy Cross National Forest."

Deducting the area restored under the act of June 11, 1906 (34 Stats., 233), and areas pending and paid for under the public-land laws, the remaining public land contained in said reservation is found to be 289,489 acres.

The Gunnison National Forest was originally set apart under the designation "The Gunnison Forest Reserve" by proclamation of the President dated May 12, 1905 (34 Stats., 3025), and by Executive order of July 1, 1908 (No. 891), the designation of said reservation was changed to "Gunnison National Forest."

Deducting the area restored under the act of June 11, 1906 (34 Stats., 233), and areas pending and paid for under the public-land laws, the remaining public land contained in said reservation is found to be 520,836 acres.

The Montezuma National Forest was originally established by proclamation of the President dated June 13, 1905 (34 Stats., 3106), and was thereafter modified by proclamation dated March 2, 1907 (34 Stats., 3307), and by Executive order dated July 1, 1908 (No. 889), said reservation was designated "Montezuma National Forest."

Deducting the area restored under the act of June 11, 1906 (34 Stats., 233), and areas pending and paid for under the public-land laws, the remaining public land contained in said reservation is found to be 102,595 acres.

The San Juan National Forest was originally established by proclamation dated June 3, 1905 (34 Stats., 3070), and was afterwards, on the 2d of March, 1907, modified by proclamation (34 Stats., 3308), and on July 1, 1908, by Executive order (No. 886), the same was designated "San Juan National Forest."

Deducting the area restored under the act of June 11, 1906 (34 Stats., 233), and areas pending and paid for under the public-land laws, the remaining public land contained in said reservation is found to be 49,594 acres.

The La Sal National Forest was created by proclamation dated January 25, 1906 (34 Stats., 3190).

Deducting the area restored under the act of June 11, 1906 (34 Stats., 233), and areas pending and paid for under the public-land laws, the remaining public land contained in said reservation is found to be 28,775 acres, making a total of 3,199,258 acres of the lands ceded to the United States by the agreement of June 15, 1880, set apart and reserved as public reservations.

VIII. The value of all lands ceded by the plaintiff Indians which have been set apart and reserved from the public lands as public reservations or for other public uses under existing laws and proclamations of the President is found to be $3,999,072.50.

Of the lands ceded to the United States by plaintiffs under the terms of said agreement of June 15, 1880 (21 Stats., 199), 1,310,688.38 acres have been sold and disposed of between the 15th day of June, 1880, and the 30th day of June, 1908, for the sum of $2,204,694.71.

IX. In accordance with the provisions of the act of June 15, 1880, and the jurisdictional act, March 3, 1909, under which this suit is brought, the court finds the following sums to have been expended by the United States to or for the benefit of the plaintiffs, and states the account between the United States and the plaintiffs as follows:

*Credits.*

| | |
|---|---|
| To proceeds of all cash sales of lands ceded by the plaintiffs to the United States under the act of June 15, 1880, up to July 1, 1908 | $2,204,694.71 |
| To the value of all ceded lands at $1.25 per acre, set apart and reserved from the public lands as public reservations or for other public use under existing laws and proclamations of the President | 3,999,072.50 |
| Total | 6,203,767.21 |

*Debits.*

| | |
|---|---|
| To annuity of $50,000 per annum under section 5, act of June 15, 1880, to July 1, 1908 | $1,390,239.75 |
| To allotments in severalty accruing to White River and Uncompahgre Utes, at $1.25 per acre | 144,460.04 |
| To salaries paid to members of Ute Tribe under section 6, act of June 15, 1880 | 39,687.94 |
| To payment of expenditures of commissioners, as authorized and directed by section 9, act of June 15, 1880, and supplementary acts of Mar. 3, 1881 (21 Stats., 453), Aug. 5, 1882 (22 Stats., 267), and Aug. 7, 1882 (22 Stats., 327) | 55,340.94 |

| | | |
|---|---|---|
| To cost of removal and settlement of Utes, surveying lands, building houses, establishing schools, building mills and agency buildings, purchasing stock, agricultural implements, etc., under section 9, act of June 15, 1880 | | $349,351.14 |
| To per capita payments, section 2 of agreement of 1880, and section 9, act of June 15, 1880 | | 15,000.00 |
| To payment of appraised value of individual improvements, section 9, act of June 15, 1880 | | 10,900.00 |
| To care and support of Utes in Colorado for balance of fiscal year | | 12,000.00 |
| To cost of surveys of all lands within the boundaries of plaintiffs' former reservation in Colorado, to July 1, 1908 | | 644,251.00 |
| To probable cost of survey of unsurveyed area | | 133,925.00 |
| Total | | 2,795,155.81 |

At no time before the passage of the jurisdictional act did the cash receipts for lands sold within the reservation exceed the amount expended by the United States to or for the benefit of the plaintiffs under the act of 1880.

X. There has also been expended by the United States to or for the benefit of the plaintiffs under the treaty of 1863 (13 Stats., 673) the sum of $239,335.66.

Under the treaty of March 2, 1868 (15 Stats., 619), there has been expended by the United States for the benefit of the plaintiffs the following sums:

| | | |
|---|---|---|
| To amount appropriated and expended under Article XI of the treaty of Mar. 2, 1868 (15 Stat. L., 619), for clothing, blankets, and other articles of utility for Utes from Apr. 10, 1869, to July 1, 1898 | | $855,516.91 |
| To amount appropriated and expended under Article XII, same treaty, for food for Indians from Apr. 10, 1869, to June 30, 1908 | | 1,086,924.62 |
| To amount appropriated and expended under Article XIII, same treaty, for cattle for Indians | | 39,536.69 |
| To amount appropriated and expended under act of Aug. 15, 1894 (28 Stat. L., 337), for expenses of commissioners to allot lands to the Uncompahgre Utes | | 16,128.25 |
| To amount appropriated and expended for expenses of Ute Commission, act Jan. 28, 1898 (30 Stat. L., 238) | $12,617.56 | |
| To amount expended from other appropriations in making allotments to Uncompahgres | 4,259.87 | |
| | 16,877.43 | |
| Less amount included in expenditures of funds appropriated by the act of Aug. 15, 1894, above mentioned | 2,458.70 | |
| Actually expended | | 14,418.73 |
| To amount appropriated by act of May 27, 1902 (32 Stats., 263), for payment to the Uintah and White River Utes | | 70,064.48 |

XI. The area of the territory described in and set apart for the plaintiffs under section 2 of the treaty of 1868 comprised 14,784,000 acres of land.

The area ceded by the plaintiffs to the United States under the agreement of September 3, 1873, ratified by the act of April 29, 1874 (18 Stats., 36), contained 3,059,200 acres of land.

The area of land disposed of by the United States for cash and set apart and reserved from the public lands as public reservations or for other public uses under existing laws and proclamations of the President is 4,509,944.38 acres, leaving a balance still undisposed of on July 1, 1908, of 7,569,144.38 acres.

CONCLUSION OF LAW.

Upon the foregoing findings of fact the court decides as a conclusion of law that the plaintiffs are entitled to judgment against the United States on statement of the account up to July 1, 1908, for the sum of $3,408,611.40.

OPINION.

Barney, J., delivered the opinion of the court.

The plaintiffs are 10 tribes of Indians, known as the Confederated Bands of the Ute Indians (referred to hereinafter as the Ute Indians), who sue herein for an accounting to them under the agreement made by them with the defendant by an act of Congress approved June 15, 1880 (21 Stats., 199).

The same claim, known as Congressional case No. 11248, was referred to this court by resolution of the Senate under the fourteenth section of the Tucker Act, but was dismissed on defendant's motion in March, 1908, for want of jurisdiction (43 Ct. Cls., 260).

The case is now here by virtue of a provision in the Indian appropriation act approved March 3, 1909 (35 Stats., 788, 789), conferring jurisdiction on this court to adjudicate the claim to final judgment, with right of appeal as in other cases, with a direction to allow certain setoffs and counterclaims therein mentioned. A consolidation is directed with the Congressional case above mentioned, still pending on a motion for a new trial, for the purpose of using the evidence therein adduced at this trial. The jurisdictional proviso is given in full as Finding II in the findings of fact, supra, and will not be here repeated.

The territory within which the lands in question are located, and out of which the Territories of New Mexico, Utah, and Colorado were subsequently created, was mostly acquired from Mexico by the treaty of Guadalupe Hidalgo, concluded February 2, 1848 (9 Stat., 922, 930). This treaty contained no provision affecting or recognizing the rights of the Indian tribes to any of the lands within the cession unless such recognition can be gathered from the opening words of the eleventh article of that treaty, which are: "Considering that a great part of the territories which by the present treaty are to be comprehended for the future within the limits of the United States is now occupied by savage tribes," etc. It should be said, however, that a portion at least of the lands covered by the treaties between the Utes and the United States, hereinafter mentioned, were acquired under the Louisiana Purchase or by the annexation of Texas.

December 30, 1849, the first treaty was made with the "Utah" Indians (doubtless the claimants), which involved no cession of lands and did not set apart any reservation to the Indians (9 Stats., 984). It did, however, clearly recognize some rights of the Indians to the occupation of certain lands. For instance, Article V of that treaty is as follows:

"V. The people of the United States and all others in amity with the United States shall have free passage through the territory of said Utahs, under such rules and regulations as may be adopted by authority of said States."

Expressions of similar import are used in the seventh article of the same treaty.

September 9, 1850, a Territorial government for Utah was established (9 Stats., 453), including within its boundaries that part of the present State of Colorado west of the summit of the Rocky Mountains. February 28, 1861, the Territory of Colorado was organized (12 Stats., 172).

On October 7, 1863, a treaty with the Tabeguache Band of the plaintiff Indians was concluded, and proclaimed December 14, 1864 (13 Stats., 673). By this treaty, when first signed, the Indians asserted the exclusive right to certain lands therein described, but all assertions of that character were stricken out by the Senate before ratification, and the treaty was further amended by adding the following provision:

"Nothing contained in this treaty shall be construed or taken to admit on the part of the United States any other or greater title or interest in the lands above excepted and reserved in said tribe or band of Indians than existed in them upon the acquisition of said territory from Mexico by the laws thereof."

By Article II of the treaty as amended by the Senate the Tabeguache Band of Utes ceded and relinquished to the United States all "claim, right, title, and interest in and to any and all lands within the territory of the United States," excepting certain lands described which are reserved to them "as their hunting grounds."

Provision was made in this treaty for payment to the Indians of an annuity for 10 years, $10,000 in goods and $10,000 in provisions. Provision was also made for the allowance to them of certain agricultural stock and for the establishment of a blacksmith shop for their benefit upon the lands thus reserved.

March 2, 1868 (15 Stat., 619), a treaty was concluded at Washington with the plaintiff Indians, including the Tabeguache Band, the only Indian party to the treaty of 1863 just mentioned. This treaty reaffirmed the provisions of the treaty of 1863, and, in fact, so far at least as the Tabeguache Band was concerned, superseded it.

Article II of this treaty set apart a district within what is now the State of Colorado, and embracing about 15,000,000 acres of land, as a reservation for the plaintiff Indians and such other friendly tribes and individual Indians as they, with the consent of the United States, might be willing to admit among them for their "absolute use and occupation." Article III of the treaty is as follows:

"Article III. It is further agreed by the Indians parties hereto that henceforth they will and do hereby relinquish all claims and rights in and to any portion of the United States or Territories, except such as are embraced in the limits defined in the preceding article."

The treaty also provided for the establishment of two agencies on said reservation; for the construction thereon by the United States of schoolhouses and other buildings; for the selection of tracts of land thereon not exceeding 160 acres in extent by Indian heads of families desirous of commencing farming, to be held in the exclusive possession of the person selecting it and his family so long as cultivation should continue, and 80 acres to persons not heads of families; for supplying seeds and agricultural implements to the Indians, and for instructions by a practical farmer; for the establishment of blacksmith shops for their benefit; also for the establishment of schools, by building schoolhouses, and supplying competent teachers.

Provision was also made for payment to the Indians of annuities, (1) not to exceed $30,000 per annum for clothing, blankets, etc., and (2) not to exceed $30,000 for food. For the purpose of inducing the Indians to adopt the habits of civilized life and becoming self-sustaining the Secretary of the Interior was authorized to expend the sum of $45,000 for them for the first year after the treaty.

Article XVI of said treaty was as follows:

"Article XVI. No treaty for the cession of any portion or part of the reservation herein described, which may be held in common, shall be of any validity or force as against the said Indians, unless executed and signed by at least three-fourths of all the adult male Indians occupying or interested in the same; and no cession by the tribe shall be understood or construed in such manner as to deprive the tribe, without his consent, any individual member of the tribe of his right to any tract of land selected by him, as provided in article 7 of this treaty."

By act of Congress April 23, 1872 (17 Stats., 55), the Secretary of the Interior was authorized to enter into negotiations with the plaintiff Indians for the purchase from them of the south part of said reservation, a district estimated to contain about 3,450,000 acres. Commissioners were appointed for that purpose and they entered into an agreement with the Indians, which was ratified by Congress April 29, 1874 (18 Stats., 36), by the terms of which the plaintiff Indians surrendered all right, title, and interest to said 3,500,000-acre tract of land, in consideration of which the Indians were to be paid a perpetual annuity of $25,000. The area of the remaining reservation as thus diminished comprised about 11,724,800 acres of land.

In the late seventies the advance guard of civilization seeking new homes in the far West began to press upon the borders of this Ute reservation, and in 1878 Congress, through a commission appointed for that purpose, made an effort to purchase it from the Utes and to secure their removal to another locality, but without success.

AGREEMENT OF JUNE 15, 1880 (21 STATS., 199).

During the winter of 1879–80 a delegation of the chiefs and headmen of the plaintiff Indians visited the city of Washington, and on March 6, 1880, entered into an agreement with the United States whereby they undertook to use their best endeavors with their people to procure their consent to cede to the United States the remainder of the reservation set apart to them by the treaty of 1868. This agreement was afterwards duly assented to by the plaintiff Indians and thereafter ratified by Congress and embraced in the act of Congress of June 15, 1880 (21 Stats., 199). Some amendments to the agreement were proposed by Congress in the act referred to, and the agreement as thus amended was afterwards consented to by three-fourths of the adult male plaintiff Indians, as required by the treaty of 1868 and by section 10 of the act containing the agreement.

By that agreement the plaintiffs ceded to the United States the entire remainder of their reservation in the State of Colorado reserved to them under the treaty of November 6, 1868, containing approximately 11,784,800 acres of land, and agreed to remove, settle upon, and accept individual allotments of unoccupied agricultural and grazing lands in certain designated localities to be selected for them by a commission authorized by the act, which lands should be free from taxation and not subject to alienation for a period of 25 years, or longer in the discretion of the President.

It was further agreed by section 3 of said act that all lands within the ceded limits not allotted in severalty to the plaintiffs should be deemed to be public lands of the United States, subject to disposal under the public-land laws for cash only, in accordance with existing law, at the same price and on the same terms as other lands of like character, and contained the following proviso:

"That none of said lands, whether mineral or otherwise, shall be liable to entry and settlement under the provisions of the homestead law, but shall be subject to cash entry only in accordance with existing law, and when sold the proceeds of said sale shall be first sacredly applied to reimbursing the United States for all sums paid out or set apart under this act by the Government for the benefit of said Indians and then to be applied in payment for the lands, at $1.25 per acre, which may be ceded to them by the United States outside of their reservation in pursuance of this agreement. And the remainder, if any, shall be deposited in the Treasury as now provided by law for the benefit of the said Indians, in the proportion hereinbefore stated, and the interest thereon shall be distributed annually to them in the same manner as the funds provided for in this act."

The act provided for the appointment of commissioners for the purpose of carrying out the contract by selecting and allotting lands to the Indians, locating agencies, furnishing estimates of the number of schoolhouses and teachers required, etc. It also directed the Secretary of the Treasury to set apart and hold as a perpetual trust fund for the benefit of the plaintiffs an amount of money sufficient at 4 per cent to produce annually $50,000, to be paid to them per capita in cash annually as provided in said agreement. It provided for salaries of certain members of the Ute Indians under existing treaty stipulations for a period of 10 years, and authorized the distribution of $4,000 per annum for the same term by the President to such of said Indians as proved themselves worthy of such recognition.

The act made appropriations for the purpose of carrying the agreement into effect, (1) for the payment of the commissioners, $25,000; (2) for cost of removal of the Utes, surveying thier lands, building houses, establishing schools, building mills, purchasing stock, etc., as provided in said agreement, $350,000; (3) $15,000 in addition to the $60,000 then due and provided for, to be paid to them per capita; (4) for the payment of the appraised value of individual improvements within the reservation as provided in the agreement, $20,000; (5) for the care and support of the Utes for the balance of the then current fiscal year, $12,000.

In compliance with the provisions of the act all of the plaintiffs were removed to Utah and allotments were there made to them, except the Southern Utes, who remained upon the reservation and received allotments along and within its southern border and partly within New Mexico. The sum total of lands thus allotted was 115,568.03 acres.

With this preliminary statement of the history of the transactions between the United States and the plaintiff Indians, we come to the discussion of the sum due said Indians under the agreement of 1880 in the light of the directions contained in the jurisdiction act under which this suit comes to this court.

I. We will first take up the sums for which the plaintiffs should be credited. As some date must be taken up to which this account must be stated, we have followed both parties in this suit and taken June 30, 1908.

The findings show, and that fact is undisputed, that up to said date the defendants had received $2,204,694.71 as cash proceeds for lands sold located within the Ute Reservation, and it is not and can not be denied that the plaintiffs should be credited with that sum. It is contended, however, by the plaintiffs that they should be credited in addition thereto with interest compounded semiannually upon the amount of the quarterly sales of said lands since 1880, which interest would amount to $2,444,779.95 more. We will leave this question of interest to be discussed hereafter in connection with the credits to be allowed the defendants.

The jurisdictional act provides that this court in this suit is "to hear, determine, and render final judgment, with right of appeal as in other cases, on the claims and rights of said Indians under said agreement [agreement of 1880, supra], including the value of all lands ceded by the said Indians which have been set apart and reserved from the public lands as public reservations or for other public uses under existing laws and proclamations of the President, as if disposed of under the public-land laws of the United States," etc. Thus, in making up this account, we are to credit the plaintiffs with the value of the forest reservations set apart out of the Ute Reservation. The areas so set apart, less such portions of the same as have been disposed of by the defendants and for which credit has been given to the plaintiffs in the first item, embrace 3,199,258 acres. The value to be set upon this land is necessarily somewhat problematical, but that duty has been imposed upon this court and with the best light obtainable must be done.

Section 3 of the act of 1880 provides that all the ceded lands "shall be held and deemed to be public lands of the United States and subject to disposal under the laws providing for the disposal of the public lands, at the same price and on the same terms as other lands of like character, except as provided in this act: *Provided*, That none of said lands, whether mineral or otherwise, shall be liable to entry and settlement under the provisions of the homestead law, but shall be subject to cash entry only in accordance with existing law."

The act of July 28, 1882 (22 Stats., 178), restored the Ute Reservation to the public domain with the following proviso:

"*And further provided*, That none of said lands shall be disposed of for any other than cash, nor for a less price than $1.25 per acre."

The act of April 24, 1820 (3 Stats., 566), now section 2357, Revised Statutes, fixes the minimum price at $1.25 per acre for all public lands offered at public or private sale for cash in the following terms:

"The price at which the public lands are offered for sale shall be $1.25 an acre, and at every public sale the highest bidder, who makes payment as provided in the preceding section, shall be the purchaser; but no lands shall be sold, either at public or private sale, for a less price than $1.25 an acre; and all the public lands which are hereafter offered at public sale according to law, and remain unsold at the close of such public sales, shall be subject to be sold at private sale, by entry at the land office at $1.25 an acre, to be paid at the time of making such entry."

A similar question was involved in an appeal from this court to the Supreme Court in the case of United States *v.* Blackfeather (155 U. S., 180; 28 C. Cls., 447). In commenting upon the obligation of the United States to expose the lands in question at public sale, Mr. Justice Brown, in delivering the opinion of the court, said:

"In the absence of any proof of the actual value of these lands at this time, there would seem to be no method of estimation except by taking the price at which public lands were subject to be sold at private sale, namely, $1.25 per acre. Not only is there some presumption that the Government would not sell them for less than they were worth, but the very fact that at that time all public lands were subject to entry at $1.25 per acre would render it impossible to sell them at a greater price unless by reason of their peculiar location, abundant timber, or extraordinary fertility they were exceptionally valuable. (Id., 191.)"

The average price at which the lands within the Ute Reservation were sold between the date of the agreement (1880) and June 30, 1908, was $1.68 per acre. Presumably the choicest lands were selected by the purchasers. The forest reservations were set apart at different dates between 1891 and 1905. While it is doubtless true that considerable of the land within these forest reservations is quite valuable, on the other hand, the official reports show, and it is a fact so well known as to come within judicial notice, that considerable portions of them are valueless and can never be sold at any price.

In view, therefore, of the law and the facts as stated, we have found the value of the lands thus set apart in forest reservations to be $1.25 per acre, amounting to $3,835,323.75.

II. We next come to consider the sums to be charged against the plaintiffs and set off against the amount credited to them in this suit. Upon that subject the jurisdictional act gives this court the following direction:

"* * * and the court shall set off against any sum found due said Indians the amount paid to them under the fifth section of said act of June 15, 1880, being $50,000 per annum up to the date of rendition of final judgment in this cause; also any other sum or sums that shall be found to be properly chargeable under the terms of said agreement, and also any sum or sums paid by the United States to or for the benefit of said Indians, whether as a gratuity or otherwise, except such sums as have been paid for a specific purpose and an adequate consideration, * * *."

We are first specifically directed to charge to the plaintiffs the annuities which they have received under the agreement of 1880, $50,000 per annum, amounting to $1,350,000, and about this sum there is and can be no dispute; in fact, the agreement itself in explicit terms so provides. "Also any other sum or sums that shall be found to be properly chargeable under the terms of said agreement (1880)." Under this direction it should be borne in mind that by the terms of said agreement the plaintiffs were to receive all of the proceeds of said reservation, with the provision, however, that "when sold the proceeds of said sale shall be first sacredly applied to reimbursing the United States for all sums paid out or set apart by the Government for the benefit of said Indians," etc. It will thus be seen that the transaction was of no benefit to the United States, except the indirect benefit received by opening up to civilization a desirable territory. In view of this fact we think the plaintiffs are "properly chargeable" (1) with the allotments received outside the reservation; (2) the cost of the survey of the reservation, establishing schools, building houses, etc.; (3) additional per capita payments and the amount expended for the support of the Utes for the balance of the fiscal year, as provided and appropriated for in section 9, as well as salaries paid to selected individual Utes, as provided in section 6; (4) and also the expenses incurred by the United States in negotiating the agreements. In general, for the reasons stated, we think the plaintiffs should be charged with all the benefits of every name and nature which they have received under the agreement of 1880.

We do not think, however, they are properly chargeable with the cost of the survey of the lands allotted to them outside of the reservation under the agreement. They have been charged for these lands at the price of $1.25 per acre, and that should include the cost of survey, the same as to other purchasers of lands within the public domain.

We are further directed, in addition to moneys paid under the agreement of 1880, to charge the plaintiffs with "any sum or sums paid by the United States to or for the benefit of said Indians, whether as a gratuity or otherwise, except such sums as have been paid for a specific purpose and an adequate consideration."

It is contended by the defendants that under this instruction we should charge the plaintiffs with all such sums as have been paid to them under the treaties of 1863 and 1868, on the ground that no "adequate consideration" was ever received by the defendants for moneys so expended. For this contention much reliance is placed upon the decision of this court in the case of Hayt *v.* United States (38 C. Cls., 455), wherein it was decided that the territory ceded by Mexico to the United States by the treaty of Guadelupe Hidalgo was not "Indian country," and it is claimed that all of the lands involved in the treaties of 1863 and 1868 were within that cession.

While it may be true that the Indian title of the plaintiffs to any territory prior to the treaty of 1863 was not such a title as the defendants would recognize, yet the plaintiffs were located within this territory and had the usual claim of occupancy of other Indians. Their claim was considered of such importance that the defendants, during the year following the Guadalupe Hidalgo treaty, entered into a treaty with them and secured from them a concession for the right of free passage through their territory. (9 Stats., 984.) By the treaty of 1863 (13 Stats., 673) the defendants considered these claims to territorial occupancy of sufficient importance to obtain from them a cession of all "claim, title, etc., to lands within the territory of the United States," excepting certain lands which were set apart to them as their hunting grounds. By the treaty of 1868 (15 Stats., 619) the reservation in question was set apart to the plaintiffs, and by the third article of the treaty the plaintiffs relinquished "all claims and rights in and to any portion of the United States or Territories except" such reservation. Even if we may admit that they had no valid title to any lands, yet they claimed some title and honestly claimed it, and the yielding of such a claim to a party who wishes to purchase it is a good consideration.

In the case of Sykes *v.* Chadwick (18 Wall., 141) the Supreme Court, in discussing the sufficiency of consideration, said:

"If any release is deemed requisite to confirm the title of lands with which one has been connected, though by a proper construction of the law he has no interest in them whatever, still such release will be a good consideration for a promise or for the payment of money."

Congress, from time to time, made appropriations of money to the plaintiffs which in terms were made in pursuance of the treaties of 1863 and 1868 (13 Stats., 560; 17 id., 457). After such treaty stipulations with the plaintiffs and after such recognition of their validity for more than 40 years, we do not think the defendants can successfully set up the claim that these payments were made without adequate consideration. Certainly no such claim would ever be made against any people other than Indians. We do not think, therefore, that the plaintiffs are properly chargeable with any payments made to them under and pursuant to the treaties of 1863 and 1868.

We are also asked to charge the plaintiffs with $70,064.78, appropriated by act of Congress May 27, 1902 (32 Stats., 263), to be paid to the Uinta and White River Utes. This appears to relate to an entirely different transaction than the one under consideration. At the time of this appropriation the Uinta and White River Utes were located upon a reservation in Utah, and the portions of those bands to which this appropriation relates were located there prior to the agreement of 1880, and were not parties to the said agreement. The act referred to, supra, provided for the restoration to the public domain of all the lands in this reservation not to be allotted to these Uinta and White River Utes, and that the proceeds of such lands should be first applied to the reimbursement of the United States for any moneys advanced to said Indians to carry into effect the provisions of said law; and said sum of $70,064.78 was appropriated to be paid said Indians for relinquishing their title to such unallotted lands, the same to be reimbursed in the manner before stated. This appears to be a matter for future adjustment between said Uinta and White River Utes and the United States, and said sum is disallowed as a set-off in this suit.

III. We now come to the question of interest to be allowed to the plaintiffs upon the sums found due to them in the findings. We will first take up the question of interest upon the value of the lands set apart in forest reservations.

By the terms of the agreement of 1880 no interest was to be paid except upon the proceeds of cash sales within the reservation. It was unquestionably within the political power of Congress to authorize the withdrawal of these forest reserves from the market indefinitely, or for such periods as it should see fit, notwithstanding the agreement, and thus deprive the Utes of the proceeds of sales which otherwise would have been made, and interest upon the same. Having done so, their claim for the proceeds of lands deemed to have been sold by the setting apart of the forest reserves, and interest thereon, must be derived entirely from the language of the jurisdictional act.

The jurisdictional act directs this court to hear, determine, and render final judgment on the claims and rights of the Utes under the agreement of 1880, including the value of all lands—

"Which have been set apart and reserved from the public lands or public reservations or for public uses under existing laws and proclamations of the President, as if disposed of under the public-land laws of the United States, as provided by said agreement."

Section 1091 of the Revised Statutes provides:

"No interest shall be allowed on any claim up to the time of the rendition of judgment thereon by the Court of Claims, unless upon a contract expressly stipulating for the payment of interest."

We are told to render judgment for the value of these lands, "as if disposed of under the public-land laws of the United States, as provided by said agreement." The agreement referred to contained directions as to the manner in which these lands were to be disposed of, i. e., they were to be surveyed, were not to be liable to entry and settlement under the provisions of the homestead law, but were to be sold for cash only. Hence the direction that we are to render judgment for the value of these lands as if disposed of "as provided by said agreement" evidently means that we are to regard them as having been sold for cash at the date of entry of judgment, and this sum is to be placed to the credit of the plaintiffs. If Congress had intended that interest should be allowed upon this sum, it would have so provided, and without such specific provision such intention can not be inferred. When we remember, as already stated, that it was within the power of Congress to have kept these lands out of the market indefinitely, this conclusion will appear all the more clear.

In considering this question it should also be borne in mind that if these lands had never been withdrawn from the market but a small percentage of them would have been sold before the passage of the jurisdictional act. This is shown by the fact that in the 24 years elapsing between 1880 and 1904, after which date the greater number of these reserves were created, less than 9 per cent of the total area of the reservation had been sold for cash. If Congress had intended to have this court consider the whole area of these forest reserves to have been sold as of the date when withdrawn from the market and to place their value ($3,835,323.75) to the credit of the plaintiffs as of such dates, it would have said so in unmistakable terms. In making up this account, therefore, no interest has been allowed upon the value given to the lands within the forest reservations.

As before stated, it is contended by the plaintiffs that they should be allowed compound interest upon the separate sums which appear quarterly to have been received by the defendants for the lands sold within the reservation from the date of receipt, and also upon the value of the lands withdrawn from sale and set apart in the forest reservations, reckoned from the time of such withdrawal, without allowing the defendants any credit for annuities and other sums paid by the defendants under the agreement of 1880. We have already disposed of the question of interest upon the value of the lands set apart in forest reservations, and that question requires no further consideration here.

The jurisdictional act provides:

"That to carry into effect the agreement between the Confederated Bands of Ute Indians of Colorado and the United States, ratified by the act of Congress approved June 15, 1880, being 'An act to accept and ratify the agreement submitted by the Confederated Bands of Ute Indians in Colorado for the sale of their reservation in said State, and for other purposes, and to make the necessary appropriations for carrying out the same' (21 Stat., p. 199), jurisdiction is hereby conferred upon the Court of Claims to hear, determine, and render final judgment, with right of appeal as in other cases, on the claims and rights of said Indians under said agreement," etc.

Hence we are to find what sum is legally due to the plaintiffs under said agreement, subject only to such modifications as were made further on in the act as to credits to be allowed the defendants. The agreement of 1880 provides that after the United States shall have been reimbursed "for all sums paid out or set apart" under the act, "the remainder, if any, shall be deposited in the Treasury * * * and the interest thereon shall be distributed annually to them in the same manner as the funds provided for in this act."

As to the contention regarding interest, that no credit should be allowed the defendants under the agreement of 1880, as we interpret the jurisdictional act, it forbids this method of computing interest. We are instructed to set off against any sum found due the Indians certain payments made to them by the defendants. When these sums are credited to the defendants, they, obviously, should be credited as of the date when paid. It appears from the account, as stated in Finding IX, that at no time before the passage of the jurisdictional act did the cash receipts of the defendants for lands sold within the reservation exceed the amount paid out for the benefit of the claimants under the act of 1880. Hence, having decided that the claimants are not entitled under the jurisdictional act to any interest upon the value of the lands withdrawn from sale and set apart in forest reservations, no interest whatever appears to be due to the claimants. This being our conclusion, the discussion of the question of compound interest, as contended for by the claimants, is somewhat academical, but will be briefly considered.

No interest, either simple or compound, can be collected from a sovereign except by its consent. (United States *v.* North Carolina, 136 U. S., 211.) In the case at bar the sovereign has agreed to pay interest, and that means simple interest only. But the plaintiffs seek to charge the defendants with compound interest in this case on the ground that the money so received constituted a trust fund, and that in such cases where the fund has been improperly withheld the trustee is penalized with compound interest. It is elementary as a general proposition, in the absence of a contract to that effect, that interest upon interest is not recoverable for the detention of money, and that is a general rule, either at law or equity. (Perley on Law of Interest, 159, 160; In re Ward's estate, 73 Mich., 220, 228.) It is only where a trustee, guardian, or executor has acted in bad faith, in abuse of his trust, or has been guilty of such gross negligence as to be evidence of a corrupt intention, that compound interest will be charged against him. (Barney *v.* Saunders, 16 How., 535; Perrin *v.* Leper, 72 Mich., 446; Vaughan *v.* Bibb, 46 Ala., 153; Smith *v.* Kennard, 38 Ala., 695.)

The Government only acts through its officers and agents, and thus in law can never be guilty of fraud, bad faith, or negligence; hence it can never be penalized by being charged compound interest.

As already stated, the account herein between the plaintiffs and defendants, as directed to be made under the jurisdictional act, is stated up to June 30, 1908, as that is the latest date to which full returns have been made by the proper Government officials. The jurisdictional act seems to contemplate that this account should be stated up to the date of the entry of judgment herein; hence before entry of judgment further returns will be necessary. This supplemental account will be made in accordance with this opinion and will be a mere matter of computation.

Judgement, therefore, will be entered herein for the claimants for the sum of $3,408,611.40, with the modification hereafter to be made as above indicated.

[Court of Claims of the United States. No. 30360. Decided Feb. 13, 1911.]

THE WHITE RIVER UTES, THE SOUTHERN UTES, THE UNCOMPAHGRE UTES, THE TABEGUACHE, MUACHE, CAPOTE, WEEMINUCHE, YAMPA, GRAND RIVER, AND UINTA BANDS OF UTE INDIANS, KNOWN ALSO AS THE CONFEDERATED BANDS OF UTE INDIANS OF COLORADO, *v.* THE UNITED STATES.

In accordance with the opinion of the court herein and the jurisdictional act of March 3, 1909, under which this suit was brought, the court makes the following supplemental finding of fact, and the former conclusion of law and judgment modified accordingly:

SUPPLEMENTAL FINDING OF FACT.

The following additional sums have been received by the United States from the sale of the lands ceded by the plaintiffs to the United States under the act of June 15, 1880:

| | |
|---|---|
| For the fiscal year ending June 30, 1909 | $70,628.23 |
| For the fiscal year ending June 30, 1910 | 136,826.98 |
| Total | 207,455.21 |

The following sums have been expended of the annuity of $50,000 per annum under section 5 of the act of June 15, 1880:

| | |
|---|---|
| For the period from July 1, 1908, to June 30, 1910 | 99,835.56 |
| Leaving a balance due the plaintiffs for said period of | 107,619.65 |

CONCLUSION OF LAW.

Upon the previous findings of fact and including the above supplemental finding, the former judgment is set aside and the court now decides as a conclusion of law that the plaintiffs are entitled to judgment against the United States in the sum of $3,516,231.05, as and for the sum due to them up to and including June 30, 1910, out of which judgment, as provided by the jurisdictional act and the stipulation of the parties, there shall be paid to Josiah M. Vale, Esq., attorney of record in said cause, for himself and all other attorneys and counsel interested in the prosecution of said cause before committees of Congress and this court, 6 per cent thereof, amounting in the aggregate to $210,973.86.

OPINION.

PER CURIAM:

This is a motion of the claimants' attorneys to have the court fix the amount of fees to be allowed to them for services in this case. The jurisdictional act provides that such fees are to be allowed for services before committees of Congress in the matter of this claim as well as for services before the courts.

It appears that the principal services rendered in this matter were before committees in Congress. Such services can hardly be allowed for on the basis of the professional services of a lawyer, and this fact renders it somewhat difficult to determine the amount properly to be fixed. The fact also should be noted that there was no appeal from the decision of this court in this suit, which would necessarily involve considerably more labor and expense; neither were any witnesses examined on either side. In fact, the whole case was tried upon the record as made up by official reports and public documents. The jurisdictional act by which the suit comes to this court provides that upon the rendition of judgment herein the payment to the claimants of the annuity of $50,000 per annum shall cease, and the fund of $1,250,000 set apart for them in the Treasury shall no longer exist as a trust fund for their benefit. This fact materially reduces the actual benefit which the claimants are to receive by virtue of the judgment.

The claim of the Ute Indians depended upon the contract of 1880, and there would have been but little controversy as to the amount due them under that contract had it not been for the setting apart of the forest reserves within the territory, the proceeds of the lands within which they were to receive. It doubtless took considerable patient and persistent work on the part of the claimants' attorneys to impress upon the committees of Congress the justice of a law which would regard such reservations as land actually sold. Notwithstanding this fact, we think the allowance to the claimants' attorneys should be rather upon a basis of fees for a collection of moneys actually due than upon the basis of a doubtful claim or a claim for unliquidated damages.

After due consideration of the matter, we have concluded to allow 6 per cent of the amount of the judgment, or $210,973.86, to the attorneys for the claimants for their services in this matter. Accordingly, the judgment heretofore rendered in this cause is modified, as provided by the supplemental finding and the opinion respecting said fees this day filed.

[Memorandum in re Ute Indians.]

HISTORY OF THE CONFEDERATED BANDS OF UTE INDIANS, OF COLORADO, EMBRACING THE TABEGUACHE, MUACHE, WEEMINUCHE, YAMPA, GRAND RIVER, AND UINTAS, OF COLORADO, SUBSEQUENTLY SEPARATED INTO AND KNOWN AS THE WHITE RIVER UTES, THE UNCOMPAHGRE UTES, AND THE SOUTHERN UTES.

These Indians originally occupied the territory extending from the eastern base of the Rocky Mountains, westward to Salt Lake, Utah, and from approximately the present south line of Colorado to the present north line of said State. They contacted and generally were at war with the Cheyennes, Arapahoes, and Comanches on the east, with the Sioux on the north and northeast; they affiliated with the Snakes on the north; to the west were their own tribe and kindred, the Uinta Utes of Utah. To the south they shaded off into occupancy with the Navajoes and Apaches.

Between 1850 and 1863 efforts were made to induce these various bands to enter into treaty relations with the Government with a view to the cession of their lands; this effort was successful in part by a treaty made with the Tabeguaches, dated October 7, 1863 (13 Stats., 673). By this treaty the Tabeguaches ceded to the Government all of the territory claimed by them, being the heart of the Rocky Mountains north of the thirty-seventh parallel of latitude, and accepted a defined reservation within the boundary of their original occupancy.

But the Tabeguaches claimed only a small part of the Ute country, and negotiations were continued to bring about a treaty of cession by all the bands. This was accomplished by the treaty of March 2, 1868 (15 Stats., 619), with the Tabeguache, Muache, Capote, Weeminuche, Yampa, or Grand River, and the Uinta Bands.

By article 1 of the said treaty of 1868, the treaty of 1863 was confirmed and all the title of said Indians was extinguished except to an area in the western part of Colorado, which by the second article of said treaty was defined as follows:

"Commencing at that point on the southern boundary line of the Territory of Colorado where the meridian of longitude 107° west from Greenwich crosses the same, running thence north with said meridian to a point 15 miles due north of where said meridian intersects the fortieth parallel of north latitude; thence due west to the western boundary line of said Territory; thence south with the western boundary line of said Territory; thence east with said boundary line to the place of beginning."

This is the reservation which was subsequently ceded by the Indians to the United States under the treaty of 1880 (21 Stats., 199), under which agreement the Indians were designated as White River Utes, Uncompahgre Utes, and Southern Utes.

This reservation had, however, been diminished by a cession of lands under a treaty of April 29, 1874 (18 Stats., 36–41).

TERMS OF THE UTE TREATY OF 1880.

By the terms of the treaty of 1880 the ceded lands were to be sold as public lands of the United States and the proceeds thereof deposited in the Treasury and the interest thereon paid to the Indians, as set out in the proposed committee report hereto attached, which contains a brief statement of the whole case.

FACTS AND ARGUMENTS IN SUPPORT OF THE PROPOSED COMMITTEE REPORT.

In answer to the question as to why the Indians in this proposed compromise settlement should agree to receive $5 an acre for coal lands which have been appraised by the Government to be worth an average of $70 an acre, it is submitted:

First. As disclosed by the records of the General Land Office, the lands are unsalable at the classified prices; that the classified price is from $10 to $400 per acre, averaging about $70 per acre.

Second. That patented coal lands of equal value in that section of the State can be bought at one-half the price fixed by the Government for these classified lands.

Third. That in the opinion of those best informed it will require 50 years or more to dispose of these lands at anything like their classified price.

Fourth. Such acceptance by the Indians will make them self-supporting and independent for all time, and they will cease to call upon the Government for large appropriations, as they are now doing, to relieve their needs.

In response to the suggestion that the Indians should receive at least $10 an acre for the coal lands, that being the minimum statutory price, it is submitted that in so much as the statutory value of coal lands was $10 an acre at the time the agreement of June 15, 1880, was made, and in so much as the area of the nonmerchantable coal at that time was much less than that now known to exist, and inasmuch as the Government has recently developed this coal area at its own expense, it is thought that a compromise settlement at $5 an acre at the present is fair to the Indians and will be beneficial to the United States and enable it to carry out its settled policy respecting the public lands.

The number of these Indians is about 2,000; they are decreasing, under present conditions, from want, instead of increasing. That the present generation should suffer for the absolute needs of existence, to say nothing for their needs of civilization, while the Government holds under its control an immense estate which promises fabulous wealth to future generations, is both improvident and unjust. But experience has shown that there grows up great hesitancy on the part of those administering on Indian affairs to fulfill in the future such promises when the amount involved is so vast and the number of beneficiaries so small.

The per capita distribution under such conditions might, when the time of final settlement shall come, be so great as to shock even the judicial mind. Therefore, it is submitted that a fair and just settlement made now on the line of the proposed modified agreement will be not only the best thing possible for the advancement of the present generation, but will guarantee an equally just settlement for the generations of the future.

AS TO THE POINT OF ORDER.

The provisions of this proposed settlement as an amendment to the Indian appropriation bill are not subject to a point of order. It does not provide for increasing an appropriation, but, on the other hand, it will result in reducing an appropriation which the Government is already under contract to pay from time to time to these Indians. A point of order has never been made against an amendment to an appropriation bill which reduces an item of appropriation. The fact that the rule makes a proposition to increase appropriations subject to a point of order especially leaves the proposition of decreasing an appropriation outside the rule.

Such an amendment does not change an existing law within the spirit and meaning of the rule; the purpose of the rule making new legislation, or amendments changing existing law, on an appropriation bill, subject to a point of order, is to prevent hasty, crude, and new legislation from being enacted. This amendment is not new or hasty or ill-considered legislation, but it is a compromise proposition, that is within, and not outside of, the terms of existing law. The purpose of the amendment is, by mutual agreement between the Government and the Indians, to facilitate through a compromise the carrying out of the intents and purposes of the agreement of 1880. It is, in fact, a proposition not only to facilitate the carrying out of the existing agreement, but especially to enable the Government to carry out effectively its present governmental policy of Indian civilization. Conditions have arisen which could not be foreseen when the agreement of 1880 was made, and so to-day the strict letter and terms of that agreement stands in the way of the present Indian policy of the Government. The proposed modifications of this agreement are made to enable the Government to deal with and adjust the relations of these Indians to present conditions. In short, what this amendment proposes to do is exactly the purpose behind every Indian appropriation bill, and therefore its fitting and proper place is upon this bill.

It has been the custom of the Senate to not only authorize the making of agreements, but also to ratify agreements which modify and make operative existing agreements on the Indian appropriation bill.

We know of no case where such a proposition has ever been ruled off of the Indian appropriation bill on a point of order. This proposition is not one that is new or one that enlarges an existing agreement, but one that modifies an existing agreement, and does it for the mutual benefit of the Government and the Indians and with the consent of both.

If this amendment should be held to be subject to a point of order, and go off the bill, then the only other method of affording relief to these suffering Indians is by offering another amendment providing for the appropriation of part of their principal. Existing law prohibits the appropriation of their principal for their support and civilization, therefore such an amendment will be clearly subject to a point of order and these Indians will be left destitute and the Government powerless to come to their relief, and also to carry out its Indian policy of civilization.

Mr. MANN. Mr. Chairman, I move to amend by striking out, on page 50, line 3, the word "said."

The CHAIRMAN. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend, on page 50, by striking out, in line 3, the word "said."

Mr. MANN. It refers to the "said Secretary of the Interior."

Mr. STEPHENS of Texas. I have no objection to the amendment. It improves the language. I ask for a vote.

Mr. BLACK. Mr. Chairman, I would like to be heard in opposition to this. I see that this appropriates $300,000 for the Confederated Band of Ute Indians. I would like to know how many Indians there are?

Mr. CARTER of Oklahoma. Two thousand and twenty-one.

Mr. BLACK. Now, that would be about $1,500 per capita by this appropriation?

Mr. CARTER of Oklahoma. No; this would not be that much. It would not be used per capita.

Mr. BLACK. I know that; but in figuring it out——

Mr. CARTER of Oklahoma. I have not run through the figures. There are 2,021 Indians and $300,000.

Mr. BLACK. Now, does not the gentleman think that is rather an excessive amount?

Mr. CARTER of Oklahoma. It would be about $150 per capita, I am advised by a gentleman who has made the calculation.

Mr. KONOP. Two thousand into 300,000 would make only about $150 per capita.

Mr. BLACK. In what way is that money expended?

Mr. CARTER of Oklahoma. Part of it is placed to their credit in the banks as per capita payment, to be used in buying implements, stocks, improving their land, and, in one case, in the case of the Ute Mountain Indians, to provide a water supply for their stock. It is all out of their own funds.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

Mr. MANN. Mr. Chairman, I move to strike out, in the same line, the word "hereafter."

The CHAIRMAN. The gentleman from Illinois offers an amendment which the Clerk will report.

The Clerk read as follows:

Page 50, line 3, strike out the word "hereafter."

Mr. STEPHENS of Texas. That is conceded, Mr. Chairman.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

For continuing the construction of lateral distributing systems to irrigate the allotted lands of the Uncompahgre, Uintah, and White River Utes, in Utah, and to maintain existing irrigation systems, authorized under the act of June 21, 1906, reimbursable as therein provided, $10,000, to remain available until expended.

Mr. HOWELL. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Utah [Mr. HOWELL].

The Clerk read as follows:

Page 50, line 19, after the word "provided," strike out "$10,000" and insert "$40,000."

Mr. STEPHENS of Texas. Mr. Chairman, I find a statement at the head of page 387, of our hearings, in which Mr. MERITT states:

Mr. Chairman, that amount should be $40,000, in accordance with our estimates—

instead of $10,000. It was an error in the printing.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Utah.

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

WASHINGTON.

SEC. 23. For support and civilization of the D'Wamish and other allied tribes in Washington, including pay of employees, $7,000.

Mr. JOHNSON of Washington. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Washington [Mr. JOHNSON] moves to strike out the last word.

Mr. JOHNSON of Washington. Mr. Chairman, we are nearing the end of the consideration of the Indian appropriation bill, and I presume the House is tired of the subject. A good deal of time has been spent in wrangling over the affairs of the Oklahoma Indians, and I presume that in previous Congresses it has been the same. When we get toward the last stage of the bill, matters go by without much discussion.

In the last Congress I moved to strike out a paragraph containing an appropriation of $10,000 for the special board of Indian commissioners. I was moved to do that because no member of that commission since the time of President Grant had ever been out to the States of Oregon and Washington, so far as I could learn. My motion was voted down, but the discussion of it reached the commissioners, because one of them at once wrote to me that my criticism was correct. That commissioner, Dr. Samuel A. Eliot, visited the State of Washington and went to the Quinaielt Indian Reservation, which is probably the hardest to reach of any reservation in the country, and he published this little pamphlet, entitled "Conditions Among the Indians of the Northwest Coast." This pamphlet—28 pages—is a portion of the $10,000 expended for the work of that commission, and the pamphlet is worth the money spent. In a word, it says conditions out there among the Indians are bad. But as soon as the Indian appropriation bill, now under consideration, is passed, Dr. Eliot's pamphlet will become a useless Government publication, and will be ready for action on the part of the Committee for the Disposition of Useless Government Papers. Why? Because, although Dr. Eliot made, after that long, hard, and expensive trip, a few modest recommendations, no one of them has been acted upon. The doctor, however, deserves credit for good intentions and so do others of the board.

Mr. STEPHENS of Texas. Is it not a fact that not one of those men lives within 2,000 miles of your place?

Mr. JOHNSON of Washington. At least 2,000 miles, and some of them live more than 3,000 miles from there. One of these men, as I have said, Dr. Samuel A. Eliot, went out there and looked a little after the affairs of these numerous small bands of Indians, which, as I have said, are rich in timber but starvation poor in money. He makes a number of recommendations to the Committee on Indian Affairs and to the Commissioner of Indian Affairs.

One recommendation that he makes is for a 10-mile road in an Indian reservation which is as large as an eastern State and has now only about 5 miles of road, except that along the ocean beach at low tide. Another recommendation is for the expenditure of $2,500 for a bridge to replace one which was built on the Indian reservation by the county commissioners and which was washed out. He describes the broken-down buildings in which the superintendent, doctors, and teachers live on that reservation and recommends new buildings. Nothing has come of any of these recommendations.

Mr. MANN. May I ask the gentleman from whom he is quoting?

Mr. JOHNSON of Washington. From the pamphlet of Dr. Samuel A. Eliot, of the special board of Indian commissioners.

Mr. MANN. The gentleman means the Board of Indian Commissioners. There is no special board of Indian commissioners.

Mr. JOHNSON of Washington. Yes; I am glad to be corrected. Dr. Eliot calls attention to the fact that where these leaky buildings are located the rainfall is between 12 and 14 feet a year; not inches, but feet. There is some need for shingling the roofs of those buildings. [Laughter.]

Mr. MANN. I should think they would learn to be like fish. [Laughter.]

Mr. JOHNSON of Washington. In one place Dr. Eliot discusses the aged Indians whom I mentioned a few moments ago in a short discussion with the gentleman from Illinois [Mr. CANNON]. Dr. Eliot says:

As on many reservations, the condition of the old and infirm Indians at Quinaielt is deplorable. Many of these people own allotments and valuable stands of timber, but they are not able to obtain any ready money on the security of these possessions. I recommend that the office be asked to consider ways and means by which loans can be made to these destitute Indians, reimbursable upon the timber of their allotments. It is a cruel misfortune that people owning this valuable property must suffer destitution and look forward to a pauper burial when they know that the property held in their names has real and considerable value.

Dr. Eliot further says:

With proper care and intelligent supervision there is no reason why the Indians on the Quinaielt Reservation, if they are temperate and fairly industrious, should not live in reasonable comfort and prove worthy and useful members of society.

The present task of the Government at Quinaielt is to provide proper transportation facilities, suitable agency buildings, to maintain a good school, to furnish medical aid and to enforce sanitary regulations, to protect the Indians from liquor and from trespasses on their fishing grounds, to care for the aged and infirm, and to provide for the prompt settlement of the estates of the dead—

And so on. I regret that I have not time to read the statement in full. What I particularly wanted to call attention to, however, was the matter of allotment on this great Quinaielt Reservation, a reservation which is so dense in timber growth and in the growth of the underbrush that a surveying crew can only make a progress of 1 mile or so in a day. There are about 1,000 Indians on the Quinaielt Reservation. That reservation was designed to care for all the fish-eating Indians that had not received separate reservations in western Washington. To-day, wherever you find an Indian in any part of western Washington now roaming around, helpless and homeless, he is told to go on the Quinaielt Reservation and ask for an allotment. Dr. Eliot writes concerning this unfortunate situation, as follows:

It is true that there are still some 34,000 acres of unallotted land on the Quinaielt Reservation, and the landless Indians on the sound have not infrequently been advised to apply for allotment there. This advice has been given without an understanding of the nature of the Quinaielt Reservation. It is covered by a dense and almost impenetrable forest growth. An Indian seeking to make a home there would find himself confronted with an impossible task. Even if he could find his allotment, it would be only to discover that no means of getting a living existed there. The timber will ultimately be valuable, but for the present it is not marketable and there is not a square yard of ground for a house or garden. Clearing the forest can only be done at a cost vastly beyond the resources of the richest Indian. No sensible Indian can regard the advice to remove to Quinaielt as anything but a grim joke. He can pick up a meager living along the beaches of the sound. At Quinaielt he could do nothing but starve to death.

Now, Mr. Chairman, the question of allotments on the Quinaielt Reservation is one of great importance. Dr. Eliot intimates that there are about 600 tracts of land surveyed and ready for allotment, but that the allotting has been stopped on the ground that the Indians were to be allotted lands that were valuable for agriculture, whereas this land is not suitable for agriculture, but is entirely timberland, and is valuable for the timber.

The CHAIRMAN. The time of the gentleman from Washington has expired.

Mr. JOHNSON of Washington. Mr. Chairman, I ask unanimous consent for an additional five minutes.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. STEPHENS of Texas. I desire to say to the gentleman from Washington that if he will examine the bill, on page 2, he will find that the very first item there provides for surveying, classifying, and allotting Indian lands, $100,000—

to be repaid proportionally out of any Indian moneys held in trust or otherwise by the United States and available by law for such reimbursable purposes and to remain available until expended.

Mr. JOHNSON of Washington. Yes; I know about that. Here in this bill, for allotment of Indian lands in the United States, is appropriated $100,000, to be reimbursable. And I am talking of a reservation the size of which——

Mr. STEPHENS of Texas. Does not the gentleman think a great many surveying parties could be put in the field for $100,000 annually?

Mr. JOHNSON of Washington. Yes; some headway could be made.

Mr. STEPHENS of Texas. They have to survey one reservation only once. Would they not in a short time survey all the

Indian lands in the United States? We have been carrying this item for 20 years that I know of.

Mr. JOHNSON of Washington. Well, they have not gone very far in the Quinaielt Reservation. But, be that as it may, previous surveying parties have made 600 tracts of land in this one reservation ready to allot, the allotting agent has done his work, and yet nothing comes from it. Why not fix up what is ready? Further, let me say, the sale of a few tracts of timberland on this Quinaielt Reservation would bring in enough money to provide a fund for the pensioning of these Indians for all time to come.

Mr. STEPHENS of Texas. Has the gentleman from Washington introduced any bill for that purpose?

Mr. JOHNSON of Washington. I have introduced bills, written letters, and have been before the commissioner and tried in every possible way to get some relief for them.

Mr. STEPHENS of Texas. If the gentleman will introduce a bill of that character and send it to the Committee on Indian Affairs he will hear from it.

Mr. JOHNSON of Washington. I have had promises of that kind on so many bills for relief for the Indians that if I should put them all into one bill it would be quite a staggering omnibus Indian bill.

Mr. STEPHENS of Texas. I desire to call the gentleman's attention to another item on page 11:

For the purpose of encouraging industry and self-support among the Indians and to aid them in the culture of fruits, grains, and other crops, $300,000, or so much thereof as may be necessary, to be immediately available, which sum may be used for the purchase of seed, animals, machinery, tools, implements, and other equipment necessary, in the discretion of the Secretary of the Interior, to enable Indians to become self-supporting.

Mr. JOHNSON of Washington. Oh, lots of money is spent for the good of the Indians. I will tell the gentleman where some of that money goes. I have a letter right here from a teacher of a public school out there, stating that he has five starving Indian children who are begging their food from the white children; that these children live in a shack, with a fire in the middle of the room, and asking me to get the department to telegraph aid to them. And I have put in a portion of my time in getting money telegraphed out to starving Indians there, or Indians with sick and dying wives, who own timberlands which, if they could realize on them, would make them independently rich.

Mr. STEPHENS of Texas. Can not the gentleman go into the slums of this city or any city in the United States and find parallel cases?

Mr. JOHNSON of Washington. Not of persons who own valuable property, as these Indians do. I am making these remarks, Mr. Chairman, not to criticize the Committee on Indian Affairs, which has a hard, endless, and thankless task always before it. I appreciate the courtesy and kindness of the chairman, the gentleman from Texas [Mr. STEPHENS]. Neither do I criticize the Office of Indian Affairs. But I hope that these remarks will be read by the many who have the affairs of the Indians at heart and that others will do as Dr. Eliot has done—go to the far Northwest and see the distress of these unfortunates in the midst of plenty. Their affairs can be straightened out, and they must be straightened out.

Mr. MANN. Mr. Chairman, will the gentleman yield for a question?

Mr. JOHNSON of Washington. Yes; with pleasure.

Mr. MANN. As I understand, many of these Indians are practically in a starving condition.

Mr. JOHNSON of Washington. A good many.

Mr. MANN. How many years has that state of affairs existed there?

Mr. JOHNSON of Washington. The old Indians who signed these treaties have been dependent ever since I have been in the West, which is upward of 20 years. It is marvelous what age some of these Indians reach. I know Indians out there who are thought to be 120 years old; and only last summer I met the case of Old Deaf George, about 110 years old, and his wife, Aunt Patty, about 100 years old, both of them owners of timber lands, but so poor that they had to move across country 50 or 60 miles on the Quinaielt to live with their nephew, who is 90 years old, and he is a chief, owning timber worth $300,000 or $400,000, but who has not a nickel to his name.

Mr. MANN. I wondered whether, if we could get them to live to be 120 years old by starving them, it would not be advisable to adopt a similar system applicable to ourselves.

Mr. JOHNSON of Washington. There is a good deal in what the gentleman says.

Mr. MANN. If you can get a man to live so much longer by starving him than by feeding him, what complaint has he got?

Mr. COOPER of Wisconsin. It would reduce the cost of living. [Laughter.]

Mr. JOHNSON of Washington. Yes; but he has the fear of going to a pauper's grave.

Mr. MANN. Maybe that is the reason why he stays alive so long. [Laughter.]

Mr. JOHNSON of Washington. Well, these old Indians keep alive and are waiting for the Government to settle with them, by allotment or otherwise.

The CHAIRMAN. The gentleman's time has expired.

The Clerk read as follows:

For support and education of 350 Indian pupils at the Cushman Indian School, Tacoma, Wash., including repairs and improvements, and for pay of superintendent, $50,000, said appropriation being made to supplement the Puyallup school funds used for said school.

Mr. JOHNSON of Washington. Mr. Chairman, I move to strike out the last word. I did not quite finish my statement in regard to these Indians. In the State of Washington there are Indian lands amounting to 2,953,000 acres, or practically 3,000,000 acres, of which there have been allotted only 580,000 acres, or about one-quarter. The value of these lands is shown on page 156 of the Report of the Commissioner of Indian Affairs for 1914, particularly the value of the timberlands, running up on the Quinaielt Reservation alone into millions of dollars. These are the Indians whose children receive little or no care. The Cushman school is supposed to be equipped for 350 pupils, but every time a case is found where there are four or five starving children, the grandchildren of the old chiefs, when an attempt is made to put them into the school the statement is made that the school is overcrowded.

The Siwash Indians, living on the Straits of Fuca and along the shores of Puget Sound, when the white people went there and made treaties with them, presumed that they were to receive reservations running all along the west side of Puget Sound, but they find themselves now in some cases on tracts too small to be of any value, and when we offer to put them on the large reservation we know they could not find their allotment if it was marked out for them or earn a living if they did find it.

Mr. Chairman, I ask unanimous consent to extend my remarks.

The CHAIRMAN. The gentleman from Washington asks unanimous consent to extend his remarks. Is there objection?

There was no objection.

Mr. TAYLOR of Colorado, by unanimous consent, was given leave to extend his remarks in the RECORD.

Mr. HAYDEN, by unanimous consent, was given leave to extend his remarks in the RECORD.

The Clerk read as follows:

For construction of a dam across the Yakima River for the diversion and utilization of water provided for 40 acres of each Indian allotment on the Yakima Reservation, Wash., and such other water supply as may be available or obtainable for the irrigation of a total of 120,000 acres of alloted Indian land on said reservation, and for beginning the enlargement and extension of the distribution and drainage system on said reservation, $200,000 to be immediately available and to remain available until expended: *Provided*, That the cost of the entire diversion works and distribution and drainage system shall be reimbursed to the United States by the owners of the lands irrigable thereunder in not to exceed 20 annual payments, and the Secretary of the Interior may fix operation and maintenance charges which shall be paid as he may direct.

Mr. MANN. Mr. Chairman, I reserve a point of order to the paragraph. What does this reimbursable provision mean?

Mr. DILL. The appropriation is made in conformity with the act of Congress directing the irrigation of 40 acres each of 1,800 Indian allotments. The Indian Department sent one of the reclamation engineers there to make a report, and he recommends this amount of money—$200,000—to be spent, to be reimbursable from the funds of the Indians that will be received from these lands.

Mr. MANN. Why should we say the funds of the Indians shall reimburse the expenditure in 20 annual payments?

Mr. DILL. For the reason that this is a reclamation project, and the money will be made by the Indians out of the lands reclaimed.

Mr. MANN. There is a very great difference between reimbursing an expenditure out of the funds belonging to the Indians and making a charge against the settlers upon the land. The two propositions are entirely separate.

Mr. LA FOLLETTE. Will the gentleman yield?

Mr. MANN. Certainly.

Mr. LA FOLLETTE. It was originally intended that this reimbursement should be made from the tribal funds, but the engineer in making the report saw that these lands were very valuable, and thought that the Indians owning the lands ought to pay it instead of those having no interest in the land at all, namely, those interested in the tribal fund not interested in the

land having to pay for something they could get no benefit from. It looks to me as if the engineer is right in that respect. This is reimbursable out of the funds of the Indians having the land to reclaim.

Mr. MANN. That looks like a fair proposition; but why should we advance the money for 20 years without interest on what the gentleman says is very valuable land?

Mr. LA FOLLETTE. There is no question about the value of the land. I do not know why it should be advanced without interest unless they wanted to give time for the land to be put into good condition.

Mr. MANN. I know why they put in the 20 years; it was because we did that in the act we passed in the last Congress.

Mr. DILL. I think, if the gentleman will pardon me, that the next paragraph explains in part the gentleman's question, and I would ask to have that read in connection with this.

Mr. MANN. I am willing that the two should be considered as one paragraph, but that can only be done by unanimous consent.

Mr. DILL. Mr. Chairman, I ask unanimous consent that the next paragraph may be read and the two considered together as one paragraph.

The CHAIRMAN. The gentleman from Washington asks unanimous consent that the next paragraph be read, beginning on line 19, and that the two paragraphs be considered as one, with the point of order pending against them. Is there objection?

There was no objection.

The Clerk read as follows:

In the apportionment of charges against Indians, due allowance shall be made for such amounts as may have been repaid the United States on account of reimbursable appropriations heretofore made for this project, and for the construction of the irrigation system prior to the passage of the act of December 21, 1904 (33 Stats. L., 595), as therein provided. All charges against Indian allottees herein authorized unless otherwise paid may be paid from individual shares in the tribal fund when the same is available for distribution, and if any allottee shall receive patent in fee to his allotment before the amount so charged against him has been paid to the United States, then such amount remaining unpaid shall be and become a lien upon his allotment, and the fact of such lien shall be recited in such patent and may be enforced by the Secretary of the Interior by foreclosure as a mortgage, and should any Indian sell any part of his allotment with the approval of the Secretary of the Interior, the amount of any unpaid charges against the land sold shall be and become a first lien thereon and may be enforced by Secretary of the Interior by foreclosure as a mortgage, and delivery of water to such land may be refused within the discretion of the Secretary of the Interior until all dues are paid: *Provided further*, That no right to water or to the use of any irrigation ditch or other structure on said reservation shall vest or be allowed until the owner of the land to be irrigated as herein provided shall comply with such rules and regulations as the Secretary of the Interior may prescribe, and he is hereby authorized to prescribe such rules and regulations as he may determine proper for making effective the foregoing provisions, and to require of owners of lands in fee such security for the reimbursement herein required as he may determine necessary, and to refuse delivery of water to any tract of land until the owners thereof shall have complied therewith.

Mr. MANN. Mr. Chairman, I reserve a point of order on the paragraph, and I would like to ask how much this is to cost.

Mr. DILL. I think the estimate of the engineer is something like $600,000.

Mr. MANN. My recollection is that we had this matter up before the House one time and it was said that it would cost a million or several million dollars. I know that we ordered a commission appointed some years ago.

Mr. DILL. A congressional commission was appointed and recommended the building of the dam and the reservoir.

Mr. MANN. Now, this is for beginning this project, with no limit of cost. It is almost always customary to provide a limit of cost for anything of this kind. This appropriation of $200,000 is for the beginning of the enlargement and extension of the system, and under that language it might cost $40,000,000.

Mr. LA FOLLETTE. The engineer in charge, making the estimate for this project, segregates the items, and it is in the report—House Document 1472, Sixty-third Congress, third session—under the heading "Irrigating the Yakima Indian Reservation," containing a letter from the Secretary of the Interior and the report and estimates of the superintendent of irrigation, Mr. L. M. Holt. He gives a table that shows that the complete cost would be $2,919,062.

Mr. MANN. That is quite a different sum from the $600,000 stated by the gentleman from Washington.

Mr. DILL. I was mistaken.

Mr. MANN. The difficulty about the proposition is this: In many cases, and practically in all cases of river and harbor improvement, we make a reference to some report of the engineers and that is taken as a limit of cost. But in this bill the department in preparing this item very carefully omitted any reference to the report which the gentleman from Washington [Mr. LA FOLLETTE] refers to. There is no semblance of a limit of cost imposed in this item under consideration.

Mr. LA FOLLETTE. I would like to say to the gentleman from Illinois that this land is very valuable, and will undoubtedly pay back the amount of money expended for this project. It is land that with water will be as valuable as any land for agricultural purposes in the entire State, as far as the richness of its soil is concerned. All that is needed is the water that is due these Indians under treaty and under law already passed, but for which purpose insufficient money has been appropriated to make these lands immensely productive. And the estimates are here itemized, showing what the expenditures are to be made for all the way through, and it also shows the amount of money that has been expended for ascertaining all of these facts. Of course, not being on the Indian Committee, I am not able to say why there has not been any reference to the matter of ultimate cost; but, I presume, not because there was any desire that the House should not be informed, but simply because it was not called to the attention of the chairman.

Mr. MANN. I assume that the committee in this matter puts into the bill the language in the estimate of the Department of the Interior, but it is never safe to assume that the man who drew the language in the department did not have in mind avoiding any limit of cost when he deliberately leaves out the language which is customary in such cases. It might be thought, "What difference does it make to the Government; the money is reimbursable and all we need do is to advance it," but the advance of several million dollars without interest for 20 years is not wholly a business proposition. It is not proposed that this money shall be paid back until the end of 20 years, and there will be, say, a period of 10 years without interest, which amounts to quite a tidy sum of money presented to the Indians to improve land of great value now and from the start.

Mr. LA FOLLETTE. Mr. Chairman, I would like to say to the gentleman that 40 acres of each one of these tracts is what was provided in a law sometime ago should be irrigated, but no provision has ever been made to put those 40 acres in each tract under irrigation, so that it could be cultivated. There has been some little work, but nothing like what was promised, and this is only carrying out the provisions already made, trying to show good faith.

Mr. MANN. I can not see how this item has anything to do with the irrigation of 40 acres free. It is supposed in the end to be theoretically reimbursable. If we are under obligation to irrigate 40 acres free, that is one thing, and we ought to keep our promise.

Mr. LA FOLLETTE. I beg the gentleman's pardon, but I do not think the 40 acres were to be irrigated free.

Mr. MANN. Then I misunderstood the gentleman.

Mr. LA FOLLETTE. I meant that the 40 acres should be irrigated, and as the Government has all of their funds in its hands, it is up to us whether we will do it or not. We promised to do it, and that it should be paid for ultimately out of the tribal funds.

The engineer having charge of the matter says that these lands are very valuable; that the tribal funds belong to all of the Indians; and the lands to be irrigated not belonging to all of the Indians, he thought it would be more equitable if it was charged against the lands to be paid from proceeds of the lands instead of from the tribal funds, and the Indians themselves are willing to have that done. I have never heard any complaint against that plan.

Mr. MANN. I should not think anybody would complain. If one could get the Government to appropriate the money to irrigate his land which is valuable without charging interest, I do not see how anyone could complain of that, so far as the individual is concerned. I would be very glad indeed if I could buy a piece of land some place and have the Government prepare it from its raw state to a place where it is fertile and subject to cultivation, without interest.

Mr. LA FOLLETTE. Mr. Chairman, I do not think the gentleman really means to imply that the Government would have anything to do with bringing this land under cultivation any more than furnishing the water.

Mr. MANN. I do not.

The CHAIRMAN. The time of the gentleman has expired.

Mr. LA FOLLETTE. Mr. Chairman, I would like to be heard for a moment on the point of order. I hope that the committee will allow this item to remain in the bill. Some two years ago there was an item in the Indian appropriation bill which came over from the Senate, put on there by Senator JONES, of Washington, and when that was opposed here there was a promise made to send out a commission from the two Houses to examine

into this project, and my recollection is that on the part of the House the gentleman from Arkansas, Mr. Robinson, and the gentleman from South Dakota, Mr. Burke, were sent as our representatives. They went out and looked over this project and came back and reported to the House and recommended this very policy. I do not know as to this nonpayment of interest. I am sure the Indians themselves never had any desire to put anything over on Uncle Sam to keep from paying any interest. Unfortunately the Indians have not yet arrived at that point of civilization. I do think, in order to show good faith toward these Indians who were promised by Congress some time ago that the Government would see to the irrigating of 40 acres out of each allotment of their land, that we should allow this to go through under the recommendations of our own committee, in conjunction with the Senate committee, for the supplying of this reservation with water to irrigate these 120,000 acres of land, and I hope the gentleman from Illinois [Mr. MANN], if he does not like the provision respecting interest, will ask for some amendment whereby interest shall be paid, rather than to object to this on a point of order and to throw it out and thus prevent those Indians from getting the relief that they are entitled to in equity and justice.

Mr. MONDELL. Mr. Chairman, I trust the point of order will not be made upon this item. It seems to me the House has not gotten a very clear view of just what it is that we are proposing to do here, unless I misunderstand the situation. I was on the Yakima Indian Reservation and over these irrigated lands last summer. I remember we crossed the river below Toppenish and then through Toppenish and then some 20 miles over irrigated lands, crossing the Yakima near the point of diversion of the main canals irrigating the lands between that point and Toppenish.

At that time we went down to the river to examine the old headgate and found that it was in a very unsatisfactory condition, and we were told that efforts would be made to secure an appropriation for a new dam and headgate at that point. Now, this item of $200,000 is for a dam and for a headgate, I assume, across the Yakima River at that point. Is that true?

Mr. DILL. This is the beginning——

Mr. MONDELL. Well, it is scarcely the beginning, it is toward the end, if it is for the irrigation of the Yakima Indian Reservation above Toppenish, where the lands have been under irrigation for years.

Mr. DILL. If the gentleman will permit, at the beginning of the construction of this project——

Mr. MONDELL. At the beginning of the construction of a dam; this is not a new project.

Mr. DILL. It is an addition, I understand, to the existing project.

Mr. MONDELL. I do not so understand it at all, unless you are proposing to put a dam in the Yakima River, that I have never heard of. Our attention was called last year to the fact that the old headgate, the temporary dam, the headworks, were in a bad condition, and that a diversion dam was needed at that point, and I have assumed in respect to this item that this appropriation was for the purpose of putting in a diversion dam and a headgate for the irrigation of those lands that are already under irrigation on this reservation. Of course there are additional lands that will be brought in.

Mr. DILL. There are 120,000 acres that eventually will be brought into this project.

Mr. MONDELL. What I want to know is this: There was, according to the report of the Secretary, some 30,000 acres of land under irrigation. I should say there was certainly that much land under irrigation, for we drove for miles through grain and alfalfa fields, and good ones, and we finally reached the headgate, the diversion point of these canals, and our attention was called to the necessity for a permanent dam and headgate there instead of the temporary brush and rock dam that had been used. I would like to find some gentleman who will tell me where this dam is to be located, and if it is the work I have referred to.

Mr. LA FOLLETTE. If the gentleman wants to know——

Mr. MONDELL. Let me conclude this, as I want the gentleman to understand this, and then the gentleman can reply. We rode along these canals that are now used for the irrigation of Indian lands—thirty thousand and odd acres—and that will eventually be carried farther down the valley, and our attention was called to the bad condition of that head gate, and we were told every effort would be made to secure an appropriation for a permanent dam with a permanent head gate. This is that dam, is it?

Mr. CARTER of Oklahoma. Yes; as the gentleman knows that the dam now simply consists of throwing a lot of rocks in the creek.

Mr. MONDELL. They have had a combination rock and brush dam there, but gradually it has been washed out and washed away. Further than that, we were told, I believe, that unless the main canal is lowered, which would be difficult, it is necessary by means of a diversion dam to raise the water of the river a few feet in order to get it high enough so it will go into the main canal at all seasons of the year.

Mr. CARTER of Oklahoma. It is about equivalent to that. That old dam is a temporary affair, made by just throwing some rocks into the river, and the proposition with this amount is to build a permanent dam.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MONDELL. I ask for five minutes more.

The CHAIRMAN. Is there objection to the request of the gentleman from Wyoming? [After a pause.] The Chair hears none.

Mr. CARTER of Oklahoma. I will answer the gentleman——

Mr. MONDELL. I thought the gentleman had concluded. I beg the gentleman's pardon.

Mr. CARTER of Oklahoma. The purpose for which this money is to be used is to build a dam somewhere in the neighborhood of the old temporary dam.

Mr. MONDELL. Yes.

Mr. CARTER of Oklahoma. In order to raise the water, as the gentleman said, so as to have the water pass into the canal at all seasons of the year.

Mr. MONDELL. And thus better the entire system.

Mr. CARTER of Oklahoma. That is true.

Mr. LA FOLLETTE. Mr. Chairman, in conformity with the law that was passed allowing the irrigation of 40 acres to each allotment on these reservations, there was spent for this dam of which the gentleman is now speaking the sum of $4,354.38 between the years 1910 and 1912. It was only a temporary dam and has been washed out from time to time and repaired, and this is to put in a permanent dam at a little better location, so that they will not be continually having to repair and can take care of more land from that dam.

Mr. MONDELL. Now, I am glad we understand the situation. This is not a new project at all.

Mr. LA FOLLETTE. Not this part of it.

Mr. MONDELL. This is not a new project; it is an old one. We have had it in course of construction and have been appropriating for it for years, and I doubt if the point of order is good, even if it were made. The proposition is simply to put a permanent dam where we have had a temporary dam for years. Over 30,000 acres of the land of that reservation are already irrigated, and last year they were growing wonderful crops. It is true that white men largely were growing the crops.

Mr. CARTER of Oklahoma. On leases, I will say to the gentleman.

Mr. MONDELL. Under leases, and also on lands owned by them, the gentleman tells me; but, at any rate, the white men were growing the greater part of the crops. However, some Indians were growing crops, and very good ones. It is a good project and ought to be extended, but it has been a rather expensive project.

I presume we will find somewhere this year—perhaps on the sundry civil bill—an item of $100,000, the second or third appropriation toward $500,000, which was the sum that the committee that the gentleman from Washington has referred to decided the Government should contribute to these Indians by reason of the fact that in taking out a reclamation project in the Yakima River Reservation and dividing the water of the river, we did not leave enough for the uses of the Indians. The committee's proposition was—and that proposition has been adopted and the first appropriations have been made—that we should appropriate $500,000 as a gratuity for the purpose of aiding in the construction of storage dams in connection with the national reclamation project known as the Yakima project. We are contributing $500,000 to these Indians in that way to enlarge, extend, and amplify their water supply.

Mr. LA FOLLETTE. Will the gentleman yield?

Mr. MONDELL. Yes.

Mr. LA FOLLETTE. The gentleman has been in the House a long time, and no doubt is familiar with the fact that the treaty with these Yakima Indians guaranteed that.

Mr. MONDELL. I am not quarreling with the fact; I am simply stating it.

Mr. LA FOLLETTE. That is all right. I will explain that we are simply giving what we promised them under treaty and deprived them of.

Mr. MONDELL. Nevertheless it was extraordinary that when we started a reclamation project we did charge the people under the project for enough storage for their project rather than to take from the Indians the water we now say belongs

to them. The result was to load on the Government $500,000 that otherwise would have been paid by the people under the Yakima project.

This feature of the matter has no bearing on this particular item, except to illustrate the fact that we have been spending a great deal of money and are going to spend a great deal of money for the irrigation of these lands for the benefit of these Indians.

Now, I am not so sure that it is going to be possible to get this money back under this reimbursable provision; but, at any rate, the reimbursable provision should be in the legislation. The land is good; the project is good. It will be extended, and it ought to be extended.

Mr. LA FOLLETTE. Will the gentleman yield?

Mr. MONDELL. Yes.

Mr. LA FOLLETTE. This estimate, made by the engineers, said that the estimated distribution cost is nearly $25 an acre. The gentleman has seen that land. Does he not think that the land would bear a cost of $25 per acre?

Mr. MONDELL. I think so. It is very good land and it is a very good country, and the water supply, now that we have agreed to pay $500,000 for storage, should be sufficient.

The CHAIRMAN. The gentleman's time has expired. Does the gentleman from Illinois [Mr. MANN] insist on the point of order?

Mr. MANN. Mr. Chairman, this matter had been pending a long time, and while I think Congress has gone crazy on this subject in advancing money to the people without interest, and adopted a policy which will soon land us in national bankruptcy if we keep it up, I am not going to insist on the point of order, even though this money is raised by putting stamps on things now in a way that practically is destroying the business of a great many people in the country. We are continually appropriating money to help out somebody where it is not a commercial proposition. Money ought not to be advanced to aid a private industry unless it is a paying concern, because there can be concerns enough running in the country to keep people occupied if we have a proper protective tariff, at least.

I withdraw the point of order.

The CHAIRMAN. The gentleman withdraws the point of order, and the Clerk will read.

The Clerk read as follows:

The Secretary of the Interior is hereby authorized to withdraw from the Treasury of the United States, in his discretion, the sum of $300,000, or so much thereof as may be necessary, of the tribal funds of the Menominee Indians in Wisconsin, arising under the provisions of the acts of June 12, 1890 (26 Stat. L., p. 146), and March 28, 1908 (35 Stat. L., p. 51), and to expend the same for the purpose of promoting civilization and self-support among said Indians, in such manner and under such regulations as he may prescribe.

Mr. BROWNE of Wisconsin. Mr. Chairman, I wish to offer an amendment.

The CHAIRMAN. The gentleman from Wisconsin offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 57, line 17, after the word "same," strike out the words "for the purpose of promoting civilization and self-support among said Indians in such manner and" and insert in lieu thereof the following: "in the clearing of land, the erection of sanitary homes, and the purchase of building material, seed, teams, farming equipment, dairy stock, machinery, tools, implements, and other equipment and supplies necessary to enable said Indians to become self-supporting."

Mr. STEPHENS of Texas. I agree to the amendment. I believe it is better legislation than that we have in the bill, because it specifies what the money is to be used for.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

Mr. BROWNE of Wisconsin. Mr. Chairman, I move to strike out the last word.

The Menominee Indians have something over $2,000,000 in the United States Treasury. They have never asked for anything at the hands of this Government and are making considerable progress in civilization. There are about 300 Menominees on the Indian reservation in Wisconsin that are engaged in agricultural pursuits, and they are tilling between 2,500 and 2,700 acres of land, from which they raised approximately $33,000 worth of products. They own live stock of the value of between forty and fifty thousand dollars. I had the pleasure of visiting the Menominee fair, conducted by the Indians on the reservation, in September, 1915, and I was surprised to see what these Indians were doing. They had very fine exhibits of grain, corn, potatoes, and dairy products, besides the handiwork of their women and their children in their industrial school. They are making considerable progress in dairying and stock raising, and if this bill passes, which I believe it will, and they are allowed money from their own funds to buy stock, clear land, build sanitary homes to live in, as my amendment provides, they will have an opportunity of making more rapid progress. The act of 1908 gave the Secretary of the Interior the right to build a sawmill on the Indian reservation, and he is employing a good many Indians in running this sawmill, and as fast as the land is cleared the Secretary proposes to give these Indians allotments. And if this appropriation passes, he will advance money to them, which is reimbursable, to help them in clearing lands and get them started as farmers. Cut-over lands which were formerly covered with heavy timber are hard to clear, and it requires, besides hard work, teams, stump pullers, and heavy equipment. No race of people without help, money, or equipment could make any progress in agriculture on such lands. When these lands are cleared they are wonderfully fertile and will outlast the easier-cleared prairie lands.

I believe the Menominee Indians, if given the aid that this bill contemplates, will make great progress in agriculture and civilization, and if they do, and I am given an opportunity, I will ask for double the amount of this appropriation for them in the next Congress.

The Menominee Indians have been practically on this reservation for several hundred years. Away back in 1638, when Nicolet, the explorer, discovered the Menominee River, he found the Menominee Indians there. They assisted him as they did Marquette and Joliet a little later in navigating the Fox and ultimately finding the Mississippi River. Their lands extended at that time down to the Fox River and the Wolf. In 1848 they were placed upon this reservation on the Wolf River in the district I represent, and they have been there ever since that time. The Menominee Reservation embraces a territory of 350 square miles and abounds in beautiful streams and lakes and picturesque scenery.

The Menominees have never caused the Government any trouble, and during the sixties, when President Lincoln called for volunteers, that call penetrated the wilderness of Wisconsin, and the patriotic Menominees responded and raised over a company of soldiers from this reservation. These volunteer Indian soldiers gave a good account of themselves in the war and were as brave men as ever shouldered a gun. To-day they have their Grand Army posts and their Women's Relief Corps, and it shows that they are not only patriotic, but they are progressive, and they have given an excellent account of themselves working in the woods logging and in the Indian sawmill and wherever they have been given a chance.

A number of their prominent men wrote me a letter some time last February, asking that they might have some of their funds, to be used in the way my amendment specifies. They have on this reservation something between two billion and two and one-half billion feet of virgin timber, probably the finest tract of timber in the world. There are between 1,700 and 1,800 of these Menominees, and each of them is worth from $10,000 to $15,000. They think it is no more than right that they be given their own money and be allowed to build sanitary homes and have enough money to buy teams and farming equipment, so that they can start in and make some progress in agriculture.

Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD, and also to put into the RECORD a letter from some of the Menominees asking that this appropriation of $300,000 be given them.

The CHAIRMAN. The gentleman from Wisconsin [Mr. BROWNE] asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Following are the papers referred to:

NEOPIT, WIS., *February 10, 1915.*

Hon. EDWARD E. BROWNE,
*Washington, D. C.*

DEAR SIR: At various times our superintendent has brought to our attention the desires of the United States Indian Office for progress of the Indian. He, through his farmers, has inaugurated and is pushing a campaign for increase of farming activities amongst our people, and is, no doubt, aiding them to such an extent as is possible with the implements furnished him.

We desire very much as Indians representative of the efforts the Government has put forth in the past to set out to you some facts which are vital to the success of any plan concerning our welfare and in which you must be interested. We aim not to represent any feeling or faction. What we propose is a consensus of the very best thought of we Indians, who have been reared on our reservation, educated in the Indian schools of the Nation, returned home to make our own way and blaze a path for our people.

First, we shall consider our people, numbering to-day 1,726 members. Of this number 70 per cent may be considered of various degrees of Indian blood, 50 per cent or more one-half blood and less. Our people can be safely divided into three classes:

Competent.—Embracing those who earn their own living by daily wage or farming and have such degree of education as to be able to read, write, and speak English, and understand ordinary business transactions.

Semicompetent.—Those who earn a living, but through lack of education, with no understanding of English, could be imposed upon enough so as to make it not yet the time to let them handle financial affairs without supervision.

Incompetent.—The old and aged, the widow, the orphan, children, the helpless through disease or accident, and those Indians not self-supporting or those who through habits would waste financial resources and then become a burden on others.

Sixty per cent of our people have some part of an education, acquired either through schools or by residence amongst whites have picked up English so that they can converse intelligently.

We have at Keshena Government school giving industrial training to our children, as well as mission school doing the same under contract.

At Neopit is the timber operation of the reserve, embracing large mill and manufacturing 40,000,000 feet of lumber yearly, and two day schools, Government and mission, for educational purposes.

The reservation consists of 10 townships of land, the western portion heavily timbered and the eastern part cut-over lands or open stands.

Two facts face us: That of earning a living by daily labor at the Menominee Lumber Mills plant; while not detracting a moment from its value as a center for industrial and social development, we have to consider this—that it but teaches the Indian to labor, which earnings are principally spent for subsistence. The other opening left to the Indian for development is agriculture in all its various phases—stock, dairy, general farming.

We have provided educational facilities for our children, industrial education and wages for the able-bodied who desire work, but for the class who should be of the most value to all there is no way out.

A remedy for this would be the depositing to the individual credit of each member of the tribe justly on the rolls by right of descent by blood as a Menominee Indian of a sufficient sum that would at once give him a good start.

If each member had to his credit $500, this would give a man and wife $1,000 between them—ample means for a good start in farming. It would be an inducement to young people coming of age to take hold and they, too, make a start. It would provide the aged or totally helpless, the widow, and the orphan child with ample to live out their lives.

With close supervision, every interest would be protected; those whom it might be feared would waste their share could be restrained until individual effort on their part showed they had mended their habits and would not become a dependent on their more careful brother members—regulation carefully prescribed that would induce or reward good agricultural or industrial effort.

We have here a certain number of members who farm in a way, and outside of the small number each year who can obtain aid through reimbursable fund—about 25 or 30—none can go ahead through lack of means, and even these, when they should be enlarging and clearing, have to turn out to work to earn money to meet reimbursable payments.

For 10 years past and longer our children have been coming back from the Indian schools, and, excepting ordinary labor, they have nothing or means with which to start in to display what has been taught them and learned at school.

Common labor soon takes initiative away from men. Indian boys learning farming and dairy work at school have no chance to start in on return home, because old folks not able to give them a chance. Young women educated in home making and the woman's part on a farm have nothing to start themselves, and when they take a husband he has nothing to look forward to but a job some place at which he can earn wages.

Some of our people will no doubt always be workmen, but from birth, this and several generations past first saw light in the little farmhouse. Before 1908 we were all an agricultural people; from early times our people tilled the soil in some degree. Agricultural pursuits mean independence to the Indian. We would be a producer rather than a consumer. We have the land but lack the individual means.

We ask and solicit your aid in thought and action for us for real first aid in line with our wish. We present you in crude form our idea in shape of a proposed bill, which is capable of improvement, no doubt. If something in this line could be pushed through, a long start would be made in accomplishing what the United States Indian Office here wishes, what you wish, and what we desire to see and know will happen, a permanent improvement in every single condition on the reservation—health, wealth, and real progress.

Sincerely and respectfully,

PETER LOOKAROUND.
JAMES MARTIN.
REGINALD OSHKOSH.
PETER LA MOTTE.
LOUIS LA MOTTE.
CHAS. J. FRECHETTE.

PROPOSED AMENDMENT SUGGESTED AS WAYS AND MEANS.

An act making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian Tribes, and for other purposes, for the fiscal year ending June 30, 1916.

The Secretary of the Interior is hereby authorized to withdraw from the Treasury of the United States, at his discretion, the sum of $600,000, or so much thereof as may be necessary, of the principal sum on deposit to the credit of the Menominee Tribe of Indians in the State of Wisconsin, to make a pro rata share $500 each, arising under act of Congress approved June 12, 1890 (26 Stat., 146), and to use the same for the purpose of promoting civilization and self-support among said Indians in manner and for purposes provided for in this act: *Provided*, That not to exceed $30,000 of this amount may be used in building of homes and clearing of land for deserving and needy Indians, to encourage them in agriculture and stock pursuits, and that not to exceed the sum of $10,000 of this amount may be used to purchase such stock, seeds, implements, and household goods, to encourage and improve home condition and aid in self-support: *Provided further*, That the balance of this sum appropriated, as hereinbefore named, shall be distributed pro rata to the present enrolled members of the tribe at the time of passage of this act, and that this pro rata share shall be deposited to the individual credit of each member of the tribe as individual Indian moneys are now deposited, and under the regulations for same.

Mr. HASTINGS. Mr. Chairman, I move to strike out the last two words.

The CHAIRMAN. The gentleman from Oklahoma moves to strike out the last two words.

Mr. HASTINGS. Mr. Chairman, on last Saturday, when the school item for Oklahoma was under consideration, there was some discussion as to how long the appropriations had been made in aid of the schools of eastern Oklahoma. The statement I made at that time was that appropriations for similar purposes in aid of schools had been made for the past 10 years. This statement was called in question, and I stated then that I held in my hand a book containing the act of 1908 and other acts, and that, with the exception of the appropriation act of 1911, in those acts appropriations had been made in aid of schools for the past 10 years. I understand that during my absence from the Chamber there was a recurrence to the discussion of this question this afternoon.

Now, in order that there may be no mistake about it, I looked it up. There may be a little difference in the language of these appropriations; one may be to aid the Indian schools which the whites attended, or the other may be to aid the white schools to which the Indians were admitted, but it was for exactly the same purpose. And let me say, Mr. Chairman, that I have verified my statement—it was correct—and that these appropriations had been made for the length of time that I have indicated. And I know personally, Mr. Chairman, that these appropriations have been disbursed under the direction of the Secretary of the Interior by exactly the same officers and for the same purposes in eastern Oklahoma.

Now, I desire to call attention to a book entitled "Laws Relating to the Five Civilized Tribes." On page 514 of that book is an extract from the Indian appropriation act approved June 21, 1906, which is 10 years ago, which reads as follows:

For the maintenance, strengthening, and enlarging of the tribal schools of the Cherokee, Creek, Choctaw, Chickasaw, and Seminole Nations, and making provision for the attendance of children of parents of other than Indian blood therein, and the establishment of new schools under the control of the Department of the Interior, the sum of $150,000, or so much thereof as may be necessary, to be placed in the hands of the Secretary of the Interior and disbursed by him under such rules and regulations as he may prescribe.

Now I will read from page 528 of the same book, which is a part of the Indian appropriation bill approved March 1, 1907, and it has a provision where the language, I believe, is exactly the same, providing for an appropriation of $300,000 for this same purpose.

I invite attention to page 538, which contains an extract from the Indian appropriation bill of the next year, 1908, making an appropriation for $300,000, and I believe the language is exactly similar to that of the year previous.

I invite attention also to page 552, which is an extract from the Indian appropriation bill of the next year, approved March 3, 1909, and that is an appropriation of $150,000.

I invite attention, further, to page 557 of this book, which contains the Indian appropriation bill approved April 4, 1910, and that has an appropriation of $75,000.

Mr. NORTON. In what words?

Mr. HASTINGS. That is on page 557. I stated the other day there was no appropriation carried in the act of 1911. Now I desire to call attention to page 574, which is the Indian appropriation bill approved August 24, 1912, which contains the following language:

The sum of $300,000, to be expended in the discretion of the Secretary of the Interior, under rules and regulations to be prescribed by him, in aid of the common schools in the Cherokee, Creek, Choctaw, Chickasaw, and Seminole Nations in Oklahoma, for the fiscal year ending June 30, 1913.

I desire also to call attention to an item in the appropriation bill for the year 1914, found on page 577. That bill was approved June 30, 1913. It contains an appropriation of $300,000.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HASTINGS. I ask unanimous consent to continue for two minutes.

The CHAIRMAN. The gentleman asks unanimous consent to continue for two minutes. Is there objection?

There was no objection.

Mr. HASTINGS. Mr. Chairman, I desire to call attention to page 583 of this book, which contains a provision appropriating $275,000. This is from the Indian appropriation bill approved August 1, 1914.

Now, Mr. Chairman, I also call attention to the resolution of last year, which continues this same item into this year. So it will be seen that I am not mistaken about it when I say that appropriations were made, beginning as early as 1906, and even prior to that time, and that these provisions were made in aid of the common schools. Sometimes they might have been for the strengthening of tribal schools where whites attended; others may have been made for white schools where the Indians attended; but in each instance these appropriations have been

used in eastern Oklahoma under the direction of the Secretary of the Interior for the purpose of strengthening the common schools in the rural districts of eastern Oklahoma. And I want to say that my statements are all substantially correct, as shown by these various items in these Indian appropriation bills to which I have called attention; and while I have not had time to look up the exact amounts, appropriations were made even before 1906, or more than 10 years ago.

Mr. MANN. Mr. Chairman, no one has questioned the fact that appropriations have been made for schools in Oklahoma for many years. We carry a great many items in this bill for Indian schools in many States. We carried items for Indian schools in Oklahoma and in the Five Civilized Tribes for many years. No one has questioned that statement. The proposition in the bill against which I made a point of order the other day was to appropriate $300,000 for aid to the common public schools of Oklahoma, and the distinguished gentleman from Oklahoma [Mr. HASTINGS] who has just taken his seat, speaking of that made this statement:

> Now, Congress, recognizing that that would be an injustice to the new State, as early as the appropriation bill of 1907—

Which, by the way, was before there was a State there—

> appropriated $300,000 in aid of the schools in a provision in language similar to this provision.

Now, as a matter of fact, the language in the appropriation act of 1907 distinctly stated that it was for the tribal schools of certain tribes, naming them. If that is language similar to the language in this bill, appropriating money for aid of the public schools in Oklahoma, then I must admit that I fail to understand properly the English language. The gentleman was inaccurate. I do not think he intentionally misled the House, nor do I think that what he said had any final effect upon whether the point of order would be made, so the gentleman is not chargeable in any way with misleading anyone except myself. But when my distinguished friend, holding something in his hand, said that he held in his hand the act of 1908, which carried an item of $300,000 in language similar to the provision of this bill, I assumed that he was completely accurate, though the language is not similar to this language in this bill nor was the appropriation $300,000.

Mr. HASTINGS. How much was the appropriation?

Mr. MANN. One hundred and fifty thousand dollars.

Mr. HASTINGS. The gentleman is mistaken.

Mr. MANN. I am not mistaken.

Mr. HASTINGS. I call the gentleman's attention to the act of 1908. The appropriation was $300,000. I have the act here in my hand. I know the gentleman wants to be correct about it, but he is mistaken, and if he will let me do so, I will read it.

Mr. MANN. Go ahead and read it.

Mr. HASTINGS. This is the act approved April 30, 1908:

> For the maintenance, strengthening, and enlarging of the tribal schools of the Cherokee, Creek, Choctaw, Chickasaw, and Seminole Nations, and making provision for the attendance of children of parents of other than Indian blood therein, and the establishment of new schools under the control of the Department of the Interior, the sum of $300,000, or so much thereof as may be necessary, to be placed in the hands of the Secretary of the Interior and disbursed by him under such rules and regulations as he may prescribe.

So you can see it was for the purpose of allowing white people to attend the Indian schools; and it is just a question whether you appropriate it and use it in the Indian schools and let the white children attend, or whether, since statehood, you call them white schools and let the Indians attend. It is one and the same thing, disbursed by the same department, and by exactly the same officers in eastern Oklahoma as it has always been in the past 10 years.

Mr. MANN. The gentleman may see no distinction, and evidently he does not, between appropriating money for Indian schools to which whites are permitted to go under a Territorial form of government and appropriating money for the maintenance of the public schools of the State, to which Indians are admitted. I can see a very great distinction.

Mr. HASTINGS. If the gentleman will permit me, before statehood the appropriations, I think, usually ran for tribal schools, but since statehood and since the tribal schools were abolished—as members of the Indian Committee will remember, the tribal schools ran for a few years after statehood—then the provision was modified in its language.

The CHAIRMAN. The time of the gentleman has expired.

Mr. LENROOT. Mr. Chairman, before leaving the items relating to Wisconsin I would like to say just a word about the Indian reservations in that State in the district which I represent.

Much has been said during the consideration of this bill, and much is said every year, of the lack of progress of the Indians, and that it is impossible for the Indians to become farmers or to engage successfully in agricultural pursuits. That lack of progress does exist to a large degree in the Indian reservations in Wisconsin. I have four of those reservations in my district. That lack of progress, however, is not primarily due to a lack of desire upon the part of the Chippewa Indians to enter upon farming. It is largely due to the fact that while every Indian has an allotment of land, there are no roads to his allotment, the lands are not taxed, and there is no way by which roads can be provided through taxation. The Government will not provide any money for the building of roads, either through gratuities or otherwise, and the consequence is that, except where there happens to be a road built by a lumber company or by a county, there is no possibility of the Indians in that section becoming farmers.

The few roads we do have I have traveled over, and the Indian allotments upon them are occupied by good houses and good clearings, and the Indian is developing splendidly; but that is probably not more than 1 per cent of the territory affected by the Indian reservation, and the time must soon come when we must either provide some means of building roads on the Indian reservations or abolish the reservations and allow taxation of lands in order that the roads and facilities may be constructed on them. We appropriate money in every bill for furnishing farmers, teaching the Indians how to farm; we give them an allotment, and it is absolutely valueless to the Indian, and would be to a white man, if we gave them an allotment and provided no means whatever by which we could reach that allotment.

I see no reason why a scheme could not be devised with reference to the building of roads on reservations similar to that which we provide for the irrigation of allotted lands—the Government advancing the money and making it a lien on the allotments benefited, to be repaid to the Government at such time as the property may be disposed of by the Indians.

I have had that matter up with the Bureau of Indian Affairs a number of times, but so far it has not received favorable consideration. I have not offered any amendment to this bill, because I realized it would be subject to a point of order and go out, and I also realized that to attempt to secure such legislation without a favorable report from the Indian Department would be fruitless. But I do hope that before another year rolls around some means can be devised to build roads on these reservations so as to make the allotments accessible and enable the Indian who desires to use the allotment for agricultural purposes to do so.

Mr. BRITT. Mr. Chairman, I ask unanimous consent to return to page 32 for the purpose of offering an amendment.

Mr. CAMPBELL. Will the gentleman from North Carolina wait until the bill is concluded?

Mr. STEPHENS of Texas. Mr. Chairman, I shall be obliged to object.

Mr. CAMPBELL. I ask the gentleman to defer the request until the bill is completed.

Mr. BRITT. Mr. Chairman, I withdraw the request.

The Clerk read as follows:

> For continuing the work of constructing an irrigation system within the diminished Shoshone or Wind River Reservation, in Wyoming, including the maintenance and operation of completed canals, $50,000, reimbursable in accordance with the provisions of the act of March 3, 1905, and to remain available until expended.

Mr. MONDELL. Mr. Chairman, I offer an amendment, as a separate paragraph, following the paragraph just read.

The Clerk read as follows:

> Insert as a new paragraph, page 58, following line 21, the following: "To enable the Secretary of the Interior to have prepared and submitted to Congress at the beginning of the next regular session plans and estimates of the character and cost of structures necessary for completing the irrigation of all the irrigable land of the Shoshone or Wind River Reservation, in Wyoming, $3,000."

Mr. STEPHENS of Texas. To that, Mr. Chairman, I reserve a point of order.

Mr. MONDELL. Mr. Chairman, I think the item is not subject to a point of order. It calls on the Secretary of the Interior to make a report in regard to a work in progress, and for which we appropriate $50,000 in the item that precedes this one.

I want to discuss very briefly the irrigation situation on the Wind River Reservation. The reservation contains about 750,000 acres of land of which about 75,000 acres are irrigable. We began about 16 years ago the construction of a general system covering all these lands, and as time has gone on the appropriations being comparatively small each year, the work has been done almost wholly on the part of the system lying south of the Little Wind River which divides the reservation. The time has arrived when it is very important in the development of this general project that we shall speed up a little and begin working on ditches upon which little work has been done up

to this time. My understanding is that it will cost $300,000 to $400,000 to complete the project on the diminished reserve. We ought to know from the Secretary just what the cost will be in order that it may be speedily completed.

I introduced a bill, which went to the Committee on Indian Affairs, asking for an additional appropriation of $200,000 in order that we might have the work expedited on this general project, especially on the Big Wind River ditch. The bill was adversely reported upon by the Secretary of the Interior on the ground that some of their maps and plans of surveys had been destroyed by fire.

The Secretary further stated that the funds are more needed elsewhere. It is evident that the Secretary has been pretty liberal in his estimates elsewhere, but I have no complaint to make of that. I have no complaint to make of the large sums in this bill or those that will be in the sundry civil bill for Indian irrigation, but I was surprised that this project did not receive more favorable consideration at the hands of the Secretary. This is a splendid project, in a good country. It is good land. Twenty thousand acres are being irrigated largely by the Indians, and if this item be adopted the Secretary of the Interior will inform us next fall what it will cost to complete the project as a whole. I then hope for goodly appropriations to put it through.

Mr. STEPHENS of Texas. The gentleman's amendment says "complete the irrigation of all the irrigable lands in the Shoshone or Wind River Reservation." Does that imply that there are other irrigable lands not under ditches?

Mr. MONDELL. Not to any great extent. The irrigable land on this reservation is mostly under ditches that at one time and another have been surveyed out.

Mr. STEPHENS of Texas. Has it been approved of by Congress?

Mr. MONDELL. Yes; by continuous appropriations.

Mr. STEPHENS of Texas. I call the gentleman's attention to the fact that this must first be approved by Congress, and before it can be presented to Congress for approval it must be presented to the department.

Mr. MONDELL. The treaty with the Indians cited in the previous paragraph provided for the irrigation of the irrigable lands on the reservation, and immediately after the treaty was adopted we continued the construction—we had begun upon it before—of a system for the irrigation of the irrigable lands of the reservation.

Mr. STEPHENS of Texas. Then the law authorizing this work to be done was in a treaty and not a special act of Congress.

Mr. MONDELL. It was in a treaty which was embraced as part of the legislation.

Mr. STEPHENS of Texas. I accept the amendment.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Wyoming.

The amendment was agreed to.

The Clerk concluded the reading of the bill.

Mr. MANN. Mr. Chairman, I move to strike out the last word. I was out of the Chamber for a moment when the paragraph on page 58, lines 11 to 14, was passed. That makes appropriation of $1,700 from the amount "heretofore collected as rentals of buildings at said post." I think that language "from the amount heretofore collected as rentals of buildings at said post" should go out. That would come in as miscellaneous receipts. Beginning with the first page of the bill, it is providing that the "following sums be, and they are hereby, appropriated out of any money in the Treasury not otherwise appropriated." The money that comes in from these rentals has been put into the Treasury as miscellaneous receipts. There is no separate account kept out of which you can pay the particular appropriation provided for in lines 11 to 14 on page 58. Such moneys go into the Treasury as miscellaneous receipts. We appropriate money not out of specific funds but out of funds in the Treasury not otherwise appropriated. This would cause a complicated set of bookkeeping in the Treasury that would be much more costly than the sum of money that is here appropriated.

Mr. STEPHENS of Texas. Then the gentleman's amendment would simply strike out the words "from the amount heretofore collected as rentals of buildings at said post"?

Mr. MANN. Yes.

Mr. STEPHENS of Texas. I accept the amendment.

Mr. MANN. Then, Mr. Chairman, I ask unanimous consent to return to that paragraph for the purpose of offering the amendment.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to return to the paragraph indicated for the purpose of offering an amendment. Is there objection?

There was no objection.

Mr. MANN. Mr. Chairman, I move to amend by striking out, on page 58, in lines 13 and 14, the words "from the amount heretofore collected as rentals of buildings at said post."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 58, line 13, strike out the following language:
"From the amount heretofore collected as rentals of buildings at said post."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. IGOE. Mr. Chairman, I ask unanimous consent to return to page 8, line 20, for the purpose of offering an amendment which I send to the desk and ask to have read.

The CHAIRMAN. The gentleman from Missouri asks unanimous consent to return to page 8, line 20, for the purpose of offering an amendment, which the Clerk will report.

The Clerk read as follows:

Page 8, line 20, amend the paragraph as amended by striking out the word "one," in line 20, and inserting in lieu thereof the word "two."

The CHAIRMAN. Is there objection?

Mr. STEPHENS of Texas. Mr. Chairman, I can not consent to that, for the reason that it raises the question that would take us hours to discuss. I object.

The CHAIRMAN. The gentleman from Texas objects.

Mr. BRITT. Mr. Chairman, I ask unanimous consent to return to page 32 of the bill for the purpose of offering the amendment which I send to the desk.

The CHAIRMAN. Before that is read by the Clerk, the Chair desires to call the attention of the committee to the paragraph on page 8, beginning on line 14. That paragraph has been amended so as to provide for one warehouse instead of three. On page 20 the word "warehouses" occurs, and it should be "warehouse."

Mr. NORTON. Then, Mr. Chairman, I ask unanimous consent that that amendment be made.

The CHAIRMAN. Without objection, the amendment will be agreed to.

Mr. IGOE. Mr. Chairman, reserving the right to object, I shall have to object unless the gentlemen want to return and open up the paragraph for amendment.

The CHAIRMAN. This is simply an error in spelling.

Mr. IGOE. I am perfectly willing that the gentleman should return to the paragraph.

Mr. STEPHENS of Texas. Mr. Chairman, I would rather let the bill remain as it is than to return to the paragraph.

Mr. MANN. It does not make any difference. The law says the singular is the same as plural.

The CHAIRMAN. The gentleman from North Carolina asks unanimous consent to return to page 32 for the purpose of offering an amendment which the Clerk will report.

The Clerk read as follows:

Amend by inserting at the end of line 13, on page 32, the words:
"For the construction of a bridge across the Ocona Lufty River as an approach to said school, $15,000, said amount to be reimbursed from any funds which the Cherokee Indians in North Carolina may now have or may hereafter have to their credit in the Treasury of the United States."
And in line 15, on page 32, by striking out "$36,000" and inserting in lieu thereof "$51,000."

The CHAIRMAN. Is there objection?

Mr. STEPHENS of Texas. Mr. Chairman, I reserve a point of order against the amendment.

Mr. BRITT. Mr. Chairman, a bill was introduced by me asking for an appropriation of $15,000 for the purpose of constructing a bridge across the Ocona Lufty River, which runs between the lands of the Cherokee Indians in North Carolina and the Government lands on which the Indian school at the village of Cherokee is located, the object being to get a bridge across which the Indians may pass in going to and from their reservation to the school and the Indian village. I took up the matter informally with the Indian Bureau and an investigation was made, and it was informally indicated that the bureau would approve the bill, as it was regarded as a necessity, but by some inadvertence the chairman of the Committee on Indian Affairs did not forward the bill to the bureau. The chairman of the Committee on Indian Affairs told me it would be sent to the bureau, but by some inadvertence, unintentional, I know, it was not forwarded and a report on the measure was not made.

Mr. STEPHENS of Texas. Mr. Chairman, I insist on the point of order.

The CHAIRMAN. The gentleman from Texas makes the point of order against it. Does the gentleman reserve the point of order or insist on it?

Mr. STEPHENS of Texas. I object to returning to this point in the bill, and I raise the point of order against it.

The CHAIRMAN. Objection is heard.

Mr. NORTON. Mr. Chairman, I ask unanimous consent to return to page 37, line 1, to offer an amendment, which I send to the Clerk's desk.

The CHAIRMAN. The gentleman from North Dakota asks unanimous consent to return to page 37 for the purpose of offering an amendment. Is there objection?

Mr. IGOE. Mr. Chairman, reserving the right to object——

Mr. MANN. It should be read first.

Mr. IGOE. But the gentleman is asking unanimous consent.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 37, line 1, strike out the next to the last proviso in the paragraph beginning on page 37, line 1, and adopted by the committee, said proviso being in words as follows:

"*Provided further*, That no part of the sum appropriated by this paragraph shall be paid to attorneys."

Mr. IGOE. Mr. Chairman, I reserve the right to object.

Mr. NORTON. Mr. Chairman, in explanation——

Mr. IGOE. Mr. Chairman, I just want to say I do not see why the committee should return to various places in the bill and will not permit me to return. I am not making objection to this, but it seems strange that they can return and offer amendments whereas I can not.

Mr. STEPHENS of Texas. I will state to the gentleman that this is for the purpose of perfecting the bill.

Mr. IGOE. So is mine; to make the bill better.

Mr. NORTON. Mr. Chairman, in explanation of the amendment I offered I desire to say this, that instead of the paragraph beginning on line 20, page 37, which was stricken out on a point of order, the committee adopted an amendment containing two provisos. The last, being the one I desire to have stricken out, is in these words:

*Provided further*, That no part of the sum appropriated by this paragraph shall be paid to attorneys.

That is the proviso I propose to have stricken out, because following that the committee adopted this proviso, which appeared to the committee at the time to better cover the purpose intended:

*And provided further*, That the money paid to the enrolled members as provided herein shall be exempt from any lien or attorneys' fees or other debt contracted prior to the passage of this act.

Mr. STEPHENS of Texas. Is not the gentleman wrong as to the page; should it not be page 38 of the bill?

Mr. NORTON. It may be on page 37 or on page 38. The amendment I offer is to strike out a portion of the amendment adopted by the committee in place of the paragraph beginning on page 37, line 20, which went out on a point of order.

Mr. STEPHENS of Texas. Mr. Chairman, I reserve the right to object.

Mr. NORTON. Will the Clerk report the amendment again?

The CHAIRMAN. The Chair understands the gentleman from North Dakota offers an amendment to a paragraph that was stricken out. Is this correct, or was a new paragraph inserted in its place?

Mr. NORTON. A new paragraph was inserted in its place, and I have offered an amendment to this.

Mr. STEPHENS of Texas. I reserve the right to object to returning to this part of the bill for the purpose of offering an amendment.

The CHAIRMAN. The gentleman from Texas objects.

Mr. MANN. Mr. Chairman, will the gentleman yield?

Mr. NORTON. My amendment is offered simply to correct the language in the paragraph. As it now stands, there is a duplication of language in the two last provisos.

Mr. MANN. Mr. Chairman, there is a duplication there, which is rather a reflection upon the committee which agreed to it; that is all.

Mr. STEPHENS of Texas. Mr. Chairman, I will not object to return for that purpose, but I reserve the right to object for any other.

Mr. NORTON. Mr. Chairman, that is all I desire. I desire to return to the paragraph for the purpose of offering this particular amendment and for no other purpose.

Mr. STEPHENS of Texas. Will the Clerk report it again?

Mr. MANN. The last language in the amendment offered by the gentleman from Oklahoma is "that no part of the money should be paid for attorneys' fees," and afterwards we adopted another amendment, and it is the last part of the amendment of the gentleman from Oklahoma that the gentleman wants to strike out.

Mr. CARTER of Oklahoma. The part of the amendment to which the gentleman refers which I offered was not subject to the point of order.

Mr. MANN. It was held not subject to the point of order.

Mr. CARTER of Oklahoma. That is it, and then, after the amendment was not objected to, when inserted afterwards we had passed the paragraph and could not move to strike out.

Mr. HARRISON. I do not think this change is going to bring up the same discussion on that paragraph.

Mr. MANN. Ask the Clerk to read the last two provisos.

Mr. NORTON. I have not the matter before me, because it has not been printed since we passed it in committee.

Mr. MANN. Let the Clerk read the last two provisos.

The Clerk read as follows:

*Provided*, That in cases where such enrolled members, or their heirs, are Indians who by reason of their degree of Indian blood belong to the restricted class, the Secretary of the Interior may, in his discretion, withhold such payments and use the same for the benefit of such restricted Indians.

Mr. MANN. That is not it. Read the last clause of the amendment.

Mr. NORTON. If the Clerk will report my amendment, I think it specifies exactly.

Mr. CARTER of Oklahoma. Report the amendment as proposed by the gentleman from North Dakota [Mr. NORTON].

The Clerk read as follows:

*Provided further*, That no part of the sum appropriated by this paragraph shall be paid to attorneys.

*Provided further*, That the money paid to the enrolled members as provided herein shall be exempt from any lien for attorneys' fees or other debt contracted prior to the passage of this act.

The CLERK. The amendment offered by Mr. NORTON proposes to strike out the first proviso just read, which is as follows:

*Provided further*, That no part of the sums appropriated by this paragraph shall be paid to attorneys.

Mr. STEPHENS of Texas. I have no objection to that. I think it is better language than the other.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. RAKER. Mr. Chairman, I ask unanimous consent to return to page 20, line 15.

Mr. STEPHENS of Texas. I object to that. I move that the committee do now rise and report the bill favorably to the House.

Mr. RAKER. I want to ask unanimous consent to let the amendment be reported.

Mr. STEPHENS of Texas. I object to that.

The CHAIRMAN. The gentleman from Texas objects. The gentleman moves that the committee do now rise and report the bill to the House with amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The motion was agreed to; and Mr. IGOE having taken the chair as Speaker pro tempore, Mr. FOSTER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 10385, the Indian appropriation bill, and had directed him to report the same to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. STEPHENS of Texas. Mr. Speaker, I move the previous question on the bill and all amendments thereto to final passage.

The previous question was ordered.

The SPEAKER pro tempore. Is a separate vote demanded on any amendment? If not, the Chair will put them in gross.

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. STEPHENS of Texas, a motion to reconsider the vote by which the bill was passed was laid on the table.

## PRISON LABOR.

Mr. MORIN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing a short editorial from the Pittsburgh Dispatch of January 29, 1916, at the request of Col. Rook, editor of that paper, on the prison-labor problem.

The SPEAKER pro tempore. The gentleman from Pennsylvania asks unanimous consent to extend his remarks in the RECORD by printing an editorial of January 29 from the Pittsburgh Dispatch. Is there objection? [After a pause.] The Chair hears none.

Following is the editorial referred to:

### PRISON-LABOR PROBLEM.

Five bills have been introduced in Congress seeking to abolish the interchange of prison-made goods between States. On their surface they seem well intentioned, but further consideration of the results of their enactment shows that the public effects would be most undesirable.

Too often in such discussion the infinitesimal output of prison labor is magnified out of all proportion, while the cost to the State of maintaining prisoners in idleness, both in money and in moral effect, is scarcely thought of. Flatly the question comes to this: The prisoners must have something to do. State-controlled institutions can not take enough of the products to keep the prisoners busy. The Pennsylvania law already prohibits the sale of the products either outside the State, as these bills in Congress do, or to any buyers within the State other than State institutions. Without an outlet for their labor the prisoners must be locked up in their cells in solitary confinement, which leads to insanity in time. Is the State to support these prisoners in idleness and turn them out worse than they entered or is it better to give them employment and turn them out better fitted to make their way in the world? Idleness and mischief have been traditionally associated, just as work is known to be a reforming influence.

Much could be done if the schools, hospitals, and institutions not controlled by the State and counties could supply their needs from the Prison Labor Association, which is doing its utmost to find a solution for the problem. As it is, prisoners are condemned to enforced idleness a large portion of their time, to the greater burdening of the taxpayers and the moral and physical detriment of the inmates, not to speak of the eventual cost to the community of dealing with hardened offenders who, by humane and judicious treatment, might have been made useful citizens.

## POST OFFICE APPROPRIATION BILL.

Mr. MOON. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 10484, the Post Office appropriation bill. And pending that motion, Mr. Speaker, I ask unanimous consent that eight hours be granted to a side for general debate, and that it be divided between the chairman of the committee and the ranking member on the other side, the gentleman from Minnesota [Mr. STEENERSON].

The SPEAKER pro tempore. The gentleman from Tennessee moves that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 10484, and pending that motion, the gentleman asks unanimous consent that general debate be limited to 16 hours, 8 hours to be controlled by himself and 8 hours by the gentleman from Minnesota [Mr. STEENERSON]. Is there objection to the request of the gentleman from Tennessee as to the time for general debate? [After a pause.] The Chair hears none, and the question is on the motion of the gentleman from Tennessee that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the Post Office appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 10484) making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1917, and for other purposes, with Mr. RAINEY in the chair.

The CHAIRMAN. The Clerk will report the bill by title.

The Clerk read as follows:

A bill (H. R. 10484) making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1917, and for other purposes.

Mr. MOON. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent to dispense with the first reading of the bill. Is there objection?

Mr. MANN. Reserving the right to object, I suppose that then we will go ahead with general debate this evening?

Mr. MOON. I rather think we had better do so; yes.

Mr. MANN. Very well. To run until about 5 o'clock, I suppose?

Mr. MOON. Well, yes; we ought to adjourn by that time. We can not tell, though. It may be a little bit longer.

The CHAIRMAN. Is there objection to the request of the gentleman from Tennessee to dispense with the first reading of the bill?

There was no objection.

The CHAIRMAN. The gentleman from Tennessee [Mr. MOON] is recognized.

Mr. MOON. Mr. Chairman, I desire to confine myself in this general discussion as briefly as possible to the features of the bill.

We all realize the importance of the Post Office Department of this Government, and its close touch with the American people, and the necessity, I hope, for that consideration on the part of this House that will bring about the most efficient service in the department, and for that latitude of discretion in executive officers that is essential to that purpose.

The report sets forth the facts as to the appropriations in this bill, and I will ask that it be made an appendix to the remarks that I may make. In order that the House, however, may understand the scope of this legislation, I will read the following from the report:

The Committee on the Post Office and Post Roads, in presenting this bill making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1917, and for other purposes, submits the following:

The appropriation for the fiscal year ending June 30, 1916, was $313,364,667. The estimates of the Post Office Department for the fiscal year ending June 30, 1917, amount to $316,364,879. The committee recommends appropriations to the amount of $320,509,879.

The body of the report states the items contained in the bill and the jurisdiction of the various officers over those items, and it also sets forth in detail the amounts appropriated each year for each specific purpose; so that I deem it unnecessary that I should go at this time into details of the features of the appropriation.

It will be observed, however, that the estimates by the department for the service are probably $4,500,000 less than the amount which this committee has recommended. That is due to certain decreases and increases, and they are very few in this bill, for the estimates have been very close. The increase is especially due to the fact that the committee did not approve a suggestion of the Postmaster General, appropriating $48,500,000 for the Rural Delivery Service. The bill for the last fiscal year carried $53,000,000 for that purpose. The committee felt that that service ought to be perfected and extended, and therefore that the appropriation ought to be ample, and they restored to the bill the amount in the previous appropriation.

There are a vast number of minor amendments in the body of this bill, perfecting the legislation that has heretofore been had in the interest of the administrative features of the department. The suggestions of the department in part as to various features of legislation will be appended. There is but little increase in the way of salaries, the increase in the bill being due to the normal increase in the service and to the item especially on rural delivery heretofore mentioned. But we felt that so far as the laborers connected with the Post Office Department were concerned, there ought to be an increase in their wages. We have now 1,800 laborers. Nine hundred of them receive $720 each per annum. Nine hundred receive $840 each per annum. The committee has reported an item, "1,800 laborers, at $840 each." In other words, we have increased the salaries of 900 of them from $720 to $840. This is just about as little money as a man can live on decently in our country in these times.

The question of village experimental delivery has been before this House on various occasions heretofore.

Mr. COOPER of Wisconsin. Mr. Chairman, will the gentleman permit an interruption right there?

The CHAIRMAN. Does the gentleman yield?

Mr. MOON. Yes.

Mr. COOPER of Wisconsin. What was that increase to of $840?

Mr. MOON. Laborers in the Post Office Department.

Mr. COOPER of Wisconsin. Does that include janitors?

Mr. MOON. Yes, sir. And I might mention, in that connection, a slight increase that I omitted to mention, that in the wages of some printers connected with the department. We felt it wise to take care of this laboring force a little better than it has been taken care of before.

But to return to the suggestion I made: The committee is satisfied that there has been sufficient experiment in the village-delivery service. The sum of $200,000 has been appropriated heretofore for several sessions for experiments. The experiments have proven not only very successful but very beneficial to the villages. They have brought about an improvement in the lighting of the towns and an improvement in the pavements and sidewalks, and better conditions generally; and the committee now have an amendment striking out the word "experimental," so as to make this service a continuous service, like any other service connected with the department. We have not, however, for this fiscal year raised the amount beyond $200,000.

There are also a number of amendments to this bill which were heretofore passed by Congress, amending the law on the subject of depredations and robberies and granting to the railroad companies an increase of pay, or, rather, an adjustment of the basis on which the pay could be made in the Ohio Valley and other sections where, by reason of the great floods, the mails were diverted out of their ordinary course. The provision affords a foundation upon which this pay can be based and the general weight that can be taken at normal periods and used in determining the normal factor of the pay of the roads during the period of floods. The House has already passed on that question heretofore. That measure has been passed in a previous bill, in the bill to which the Senate failed to give final

action in the last Congress because of the fact that it was not reached on the conference report until the closing hours of the session, when they did not have time to consider it.

Now, I will not review all of those amendments. They are set forth very fully, and in the reports you will find the reasons of the Postmaster General for the amendments suggested.

We have also made provision in this bill by which there can be no difference between the carriers and collectors as to compensation in the City Delivery Service.

The two features of this bill that will challenge the attention and the consideration of this House, in my judgment, those in which you will be most interested, are the railway mail pay section and the bonding section. The railway mail pay section has heretofore been passed by this body in a form a little different from that now presented to you and concurred in by the conference committee of the House and the Senate at the last session. The other is the section of the bill that provides for the bonding, by the Government of the United States, of the officers of the department and of the contractors for the screen-wagon service and the service on star routes. I call your attention to the language of that bill. I read:

SEC. 2. That hereafter the Postmaster General shall have authority and he is hereby empowered to assess and collect a sum of money, or fee, not in excess of 75 per cent of the present rates of bonds now in force, from each officer and employee of the Postal Service with the United States of America through the Post Office Department who are now, or hereafter may be, required by law to give bond, and to create and establish with the money or moneys derived from such assessments and collections a guaranty fund to indemnify the United States of America for losses incurred because of, or by reason of, the failure of any of the said officers or employees to faithfully perform and discharge, or for improperly performing and discharging, the duties and obligations imposed on the said officers or employees by reason of their acceptance of such office or employment, and a sum of money or fee not in excess of the rates of bonds now in force from each contractor with the United States of America through the Post Office Department who are now, or hereafter may be, required by law to give bond by reason of their acceptance or execution of such contract.

And the Postmaster General is further authorized and empowered to prescribe such regulations as may be necessary to create and maintain a guaranty fund and to pay in full from such guaranty fund any person or persons who have incurred or suffered loss or losses for which the United States is liable: *Provided*, That any officer or employee may give bond, with surety or sureties approved by the Postmaster General, in lieu of and in the place of an assessment for or contribution to the said guaranty fund: *Provided further*, That the Postmaster General may, in his discretion, require and secure a bond for the faithful and proper performance and discharge of the duties and obligations of any office or employment in addition to the assessment for and contribution to the said guaranty fund: *And provided further*, That the premium of such bond shall be charged against and paid from the said guaranty fund: *And provided further*, That the establishment and operation of said system shall be without additional cost to the Government.

Mr. GARRETT. Mr. Chairman, will the gentleman yield?

Mr. MOON. Yes.

Mr. GARRETT. Under the proviso, if an employee of the department gives bond there will be no assessment collected from him.

Mr. MOON. None at all if he gives bond. I will desist from the further reading of that section.

The cost to the employee is 75 per cent of the amount that he would be required by the indemnity companies to pay if he gives them as bondsmen.

Now, there is a great deal connected with this question, more than would appear in the beginning. I can not conceive why there should be any opposition to the Government of the United States establishing a system by which it can bond its own officers for less than indemnity companies charge, and a system by which it can secure a fund, holding the indemnity in its own hands for its own protection against losses—I say, I can not conceive why there should be any opposition to this, unless selfish motives lie at the bottom of that opposition.

You may ask me why it is that this Government now proposes to enter upon a system of that kind. In the light of this proof it is well that I be frank with you and state to you the controlling motive and purpose of the Government in asking this legislation.

These bonds have been furnished in the contract service, and the fidelity bonds for the employees have been furnished by the companies in the United States that are engaged in that line of business. They have an attorney who spends the most of his time in the Post Office Department looking into conditions there, obtaining information that the Government alone ought to have in caring for its private business. He represents a large number of these companies. The proof is that a large number of them have been in combination for the purpose of raising the price, on contracts to be performed under the law in the screen-wagon service and in the star-route service, above the point that is legitimate and proper for this Government to pay. An investigation was had. Two of the most capable inspectors in the Post Office Department were detailed to ascertain the facts and the cause of the interruption and the interference of the bonding companies with the business of the Government in making its contracts. It was found that the attorneys representing the various companies that were in collusion would give the information in reference to the conditions existing in the department and would give advice as to the amount of the bid. In the city of San Francisco a bidder was willing to take a contract for $44,000——

Mr. COX. For $41,000.

Mr. MOON. I thank the gentleman. The bonding companies refused to bond him to the Government if he took the contract at that sum, but said to him, "We will bond you if your bid is $64,000." Well, it appeared that there was no competition to bring down the bid. The Government ascertained these facts and attempted to protect itself against the loss, and did so in a measure in that case. The loss to the Government would have been $20,000 upon that one contract. As a matter of fact, by reason of the failure of the bonding company to execute the bond for the contractor at the lower figure, the Government did lose about $14,000.

I have not the time to read all these cases and the facts to you, but if you will look on pages 144 to 147 of the hearings before the Post Office Committee upon this bill, you will find a most interesting state of facts. You will find there the statement of the necessity for the passage of this law for the protection of the Government from frauds of this sort. Why, these things run into the hundreds of thousands of dollars. It must be apparent to you that something ought to be done to protect the Government in some way.

It is said that the Government is going into a private business and therefore that this is a wrong policy. Can it be said that the Government is in error when it goes into the printing business for the purpose of printing documents for its own use? Is this great printing establishment down here the result of an erroneous piece of legislation? If the Government should go out and advertise for bids for printing outside of that establishment it would be subject to the objection, if it be an objection, that the Government was going into private business. Is it private business for the Government to establish its munition plants? Is it private business for the Government to have this great Engraving Bureau in this city? These are the necessary adjuncts of a great business department. It is not entering into private business, it is not contesting with bonding companies for the Government to see to it that its employees are not imposed upon and that it is not imposed upon in the execution of contracts covering this public service.

But they say you can not do that. The answer is that it has been done. In Canada it was done, and after 15 years the surplus was so great there that it was absolutely unnecessary to make a bond at all.

They say, further, that these bonding companies have complied with their contracts and that there has been no loss to the Government under the old system. The answer in the record, in cases stated by the department, shows that to be utterly false. There are hundreds of thousands of dollars that this Government can not collect on indemnity bonds.

Mr. Chairman, there has been much discussion and feeling about this question, but it can be very clear that there can be and is no opposition to it except from selfish motives. Briefly stated, the position of the department in offering this legislation is that such action will result in material saving of money which is now paid in premiums to surety companies.

Second. It will stimulate bidding and competition and restore confidence in the minds of the public.

Third. It will prevent collusion among bidders and unwarranted and unfair action by surety companies and their agents.

Fourth. It will enable the department to handle and keep within its control confidential information which is now furnished to surety companies by bidders long before it reaches the department, as well as to decide for itself whether or not a competitor is competent or qualified to perform service on proposals submitted by him.

Fifth. It will prevent the restriction and dictation of the amount of bids, such as has been referred to in this report.

They therefore recommend that the present system of bonding of star-route, screen-wagon, and other contracts be abolished, and in lieu thereof that a law be enacted containing such provisions as may be deemed necessary in order to have such contracts in the future bonded by the Government.

These companies have appeared in the hearings, not only before the Post Office Committee but before the Committee on Rules, before which is pending an application for a rule on this question. One gentleman in the most pleasant suave manner possible

states with adroit ability every fact that stands in support of his proposition, but none in support of the other proposition. Another gentleman becomes violent and indignant whenever the suggestion is made that fraud has been practiced, not by his company, but by some of the companies in collusion, as shown in this report. Yet there stands before this House and before these two committees the unquestioned and positive proof of a combination between some of these companies to defraud the Government of the United States.

Mr. STAFFORD. Will the gentleman yield?

Mr. MOON. Certainly.

Mr. STAFFORD. The gentleman has stated one instance where one bonding company of San Francisco for some reason refused to bond its screened-wagon contractor unless he would increase the amount of his bid. Were there any other instances of a similar nature called to the attention of the committee?

Mr. MOON. Yes; there are a number of instances where it has occurred. I read from the statement of Mr. Cortelyou:

> In the New York case the Monahan Express Co. had submitted a bid of $500,000 through the National Surety Co., of New York. The National was not able to write the full amount of the bond and applied to the American to act as coinsurer. Mr. Monahan, at the time he submitted a bid, intended to submit a bid at $500,000, but he was under the impression that he would have to pay the ferriage charges between New York and New Jersey. Later he learned that the Government would assume those charges and he decided to reduce his bid to $450,000. At the time he made his application for a bond of $500,000 he submitted indemnity to cover the entire contract, which appeared to be satisfactory to both surety companies. He claims that he was not permitted to reduce his bid to $450,000, but was permitted to reduce it to $498,000.

Mr. STAFFORD. I understand the reason for that was——

Mr. MOON. I am going to state the reason, if the gentleman will not interrupt me. The bonding companies said they have insisted on the higher bids for the reason that it furnished a better indemnity, that they were better protected; but we are not as much interested in that as we are in the protection of the Government. We can secure the protection and indemnity at a less figure. Now, the American Surety Co. and others interested in this matter have brought about, if I may use the mildest term, the disarrangement of the business of the Government with the contractors by interference of this character, which has cost the Government a large sum of money.

It is shown that one Cassidy had contracts in cities of the United States under which he pressed up the contention that the companies should put in higher bids, and so far did Cassidy interfere with making contracts and conspiring with others against the Government along these lines to defraud it, that he and three other men who were interested with him were indicted in the Federal court in the State of New York, tried and convicted, and sent to the penitentiary at Atlanta, and are now serving in that prison.

Mr. STAFFORD. Can the gentleman give some information as to the number of concrete instances where these practices were indulged in?

Mr. MOON. There is the record, I have read you three of them. There are a number of others. I do not want to take up my time by reading them.

Mr. STAFFORD. I am not wishing to take up the gentleman's time, but I thought that perhaps he might give the total number of concrete cases.

Mr. MOON. I can not tell the total number. The Government reports that are here show the number of instances, but if there was only one, it would demonstrate to this House the necessity of closing the door to that class of fraud and the adoption of a policy that would enable the Government to protect itself against any such condition.

Mr. SMITH of Michigan. Will the gentleman yield?

Mr. MOON. Yes.

Mr. SMITH of Michigan. Does it appear that this class of business is undesirable to the bonding company? That seemed to crop out before a committee of which I am a member. They did not care to bond public building contractors.

Mr. MOON. The facts show that on Fidelity bonds, where they charge a dollar for each thousand, the loss if paid in full, which would not be the case, would be 26 cents on every dollar received. In other words, there is a profit of 74 per cent on each thousand dollars of the bond less legitimate charges to the bonding company in every little bond. Now, if the bonding company with their expense can make a net profit of 3 to 1, can not the Government give a reduction of 25 per cent and establish a fund of 2 to 1 to protect it. In a number of large contracts running over a period of four years the bonds are $5,000 to $7,000. Vast sums of money are involved in this. Of course it is natural that the bonding companies shall do as they have done; it is natural that they should take a position that will prevent the Government from protecting itself by a fund created in this way if they profit thereby. But I insist that whatever interest the bonding company may have in a question that so closely affects the Government of the United States, it is the duty of Congress to take an interest in the protection of the people of the United States against such actions upon the part of the bonding companies, and it is not entering into private business to do so but in the business of protecting ourselves.

Mr. GARRETT. Mr. Chairman, will the gentleman yield?

Mr. MOON. Certainly.

Mr. GARRETT. If this provision, as written in the bill, should become a law, there will be collected from employees only 75 per cent of what they are now paying.

Mr. MOON. That is correct.

Mr. GARRETT. And so the employees would not be hurt in any way?

Mr. MOON. They could not. They would be benefited 25 per cent.

Mr. OGLESBY. Mr. Chairman, will the gentleman yield?

Mr. MOON. Yes.

Mr. OGLESBY. The gentleman may have answered my question when I was called out of the Hall; but are not these bonding companies secured in some way by the contractors whose bonds they sign?

Mr. MOON. They are often protected by the contractors from loss, and they have a system of protecting each other and sharing the profits, as I understand it.

Mr. OGLESBY. These contractors who furnish protection to the bonding companies by going on the bonds could furnish the same protection to the company established by the Government for that purpose.

Mr. MOON. Oh, yes; the Government will have the fund in its hands. This matter has all been solved in the Canadian Government, and the feasibility of it is fully demonstrated. If it had not been done, if no experiment had ever been made, we would be derelict in our duty in the face of the fact that these bonding companies go right into the office of the Government and force a contract of $20,000 on a $40,000 proposition above the legitimate and proper compensation that the contractor should have for the service.

Mr. TILSON. Mr. Chairman, will the gentleman yield?

Mr. MOON. Yes.

Mr. TILSON. Do all of the bonding companies charge the same price for a bond; and if they do not, how are you going to arrive at the amount?

Mr. MOON. I suppose they do charge the same amount. There may be a few that do not, but practically all do.

Mr. TILSON. Suppose some company should cut its rate and go down below the others?

Mr. MOON. Of course that would cut the rate of compensation.

Mr. TILSON. It would cut the guaranty bond down.

Mr. MOON. But when they have as good a thing as this there is no cut rate in the proposition.

But, Mr. Chairman, I had not intended to dwell so long upon a simple proposition of this sort. It is clear that if we want to aid the Government that none of these specious pleas in objection will be permitted to influence us, and if we want to sanction the possibility of such fraud as this we can decline its enactment.

The more important question before this House is the question of railway mail pay. That question has been with us a long time. It ought now to be settled. There have been many hearings upon the question. They began after the passage of the act of 1873, first, and in 1876, and then there were other hearings up to 1897, which changed but slightly the enactment of 1873 for railway mail pay. There have been reports by commissions appointed by this House, I believe, three times upon that question. Months and years have been spent in the hearings. The committees have heard the railroads and the hearings have been complete. They have been full. Every fact that could be developed before these commissions by experts was brought out. Expert statisticians have passed upon the question, and now, in my humble judgment, the time has come when the question should be settled. I take it that no just man has any desire to do injustice to the railroad companies. I believe none of us entertains, or has the right to entertain, any prejudice against those great corporations, which have been, whatever charges may have been brought against them or may be, the principal factors in the development of our commerce and the material and social interest of the American people.

So it is rather with a feeling of friendship and of liberality that we approach the consideration of a question like this, not

that we want any injustice done them, because we want ample justice done them, but because we want to save our country from the injustice of a law under which we are now operating. Before going into the discussion of those material facts which are essential always in every case to be thoroughly established before a sound judgment can be given on the proposition, it may be well that we review some of the incidental or collateral facts as throwing some light upon the status of this question. There is to-day, as appears from the hearings, an agreement, a combination, solemnly entered into by the railroads of the United States, the great trunk lines and the little short lines, for the purpose of maintaining the present law, for the prevention of a law by which we go from the present method of compensation of pay upon weights to one for compensation for space. They are to a man arraigned against the policy. They have the greatest lobby to-day at work ever known to the American people. Since a similar bill was passed in the House of Representatives and did not pass the Senate, although concurred in by the Senate conference committee, for the reasons heretofore stated, there never was such a propaganda promulgated among a civilized people against the Government as these railroads have carried on against this measure. First, a falsification of every fact that is material for consideration. All through the summer an abuse of the Postmaster General and of the committee that had this matter in charge. And what have they done?

They have presented not one single fact in justification of the charge that this law ought not to be changed, not a single one. They have gone to the newspapers; they have gone to all the commercial bodies of this country, and they have a stereotyped set of resolutions denouncing this measure as unfair and unjust to the railroad companies and a request that the whole question be submitted for adjudication to the Interstate Commerce Commission. That has been their position for the last 12 months. Not only to delay—a delay that has already run since 1876 to this time—but they would further extend that delay by the abrogation of the power and the authority of the Congress over this question and its concession to the Interstate Commerce Commission. That is their attitude. And every one of these commercial bodies—and they contain our most intelligent citiezns, too—have all along sanctioned the application of some railroad attorney or some of the friends of the railroads for these resolutions, denouncing the action of Congress two years ago and denouncing this bill now. Look at them. Is a resolution of any value that states no fact upon which its conclusion is based? Is a mere charge that the railroads are earning insufficient money and ought to have more pay sufficient to establish the fact that this Government is not giving just compensation for the carrying of these mails? This much, Mr. Chairman, for the purpose of removing the underbrush in this case that we may get down to the facts and ascertain the truth, for the truth, its power to sustain, can on no dubious fact lean. Now, let us see if we are right or if we are wrong. If we are wrong, let us recede, and too quickly it can not be done. If we are right, let us press this measure to its conclusion in behalf of decency and national honor. What is the law? You can not tell whether a law should be repealed or altered or in any way amended until you first know the law. You can not tell whether the amendment proposed is just until the policy upon which it is based is discussed in connection with the existing law. And what is the existing law on the subject of railway mail pay. I shall not undertake to give you the figures, though they lie on the table here before me.

Under the law to-day compensation for railway mail pay is ascertained by a quadrennial weighing of the mails. In other words, the United States is divided into four sections, and in one of those sections each year the mail is weighed, and upon the weight there ascertained for 100 days' weighing, the weight for the whole four years is fixed in that division. Now, is that a fair method of ascertaining, to begin with? What may be done—I do not say what can be done or what has been done, although it has been frequently charged, but what may be done? Mails may be diverted from the section in which there is no weighing into a section where there is weighing, and the basis fixed upon a false weight made in that way, and if there were no fraud it must be clear to every intelligent man that there is a constant and continued diversion of mails on all competitive lines, and that one line may carry the mail for three-fourths of the year, and two other lines have a credit equal with it for the amount of mail carried during that period where each has a contract to carry. Therefore injustice must operate either to one or two or three lines or to the Government in the settlement of that question, if the facts could be ascertained upon which to settle it. It is too unwise and unscientific and indefinite and inaccurate a method of computing the mail weight and pay. I asked Postmaster General Cortelyou once, and I have asked others since, if upon the method under the act of 1873 of computng the pay for railway carriage of mail it would be possible for his department by any method of calculation to come within $15,000,000 per annum of the amount that ought to be paid for the transportation of mails, and invariably the answer has been that it can not be done. It is impossible of demonstration, but the railroads say, "Expend another million dollars every year to weigh them annually and then we will have better results." It is, however, conceded that the results would be possibly more accurate; yet, on account of legal or illegal diversion of the mails the results must continue wholly indefinite. It is at best only a guess for 4 years' pay on 100 days' weighing. What other feature is there connected with this? Under the present law the railway companies that carry a full R. P. O. car, a rolling post-office car, in which the Government distributes through its agents the mails, and a storage car in which the mail is carried simply in bulk, the railway companies not only have pay for every pound of that unhandled mail at the high, exorbitant figure they now have—a figure which Mr. Hitchcock's administration said plundered this Government of $11,000,000 annually—they not only have the benefit of that pay, but they have the benefit of the pay for the receptacle in which that mail is carried.

For each of those cars, which cost from $5,000 to $11,000 apiece, dependent upon whether they are wood or steel superstructure or whole steel, is paid for at the annual rental of about $5,000 in a year in addition to the weight that it carries. And the testimony before this committee is that there is a net profit on that $5,000 of $3,750, after the hauling of the cars and the paying for the fires and the water and lights, per annum. Of course the long-line railroads in the United States are unwilling to abandon the project by which they get twice as much as they ought to have for carrying the mail by weight and, in addition, get the pay for these cars, about 1,500 of which, I believe, are in use to-day in the United States. These are the facts, and the law on that side of the case in favor of the existing statute, or against it, as in your judgment you may conclude. But the railroad companies say, "We perform another service which ought to be considered, namely, the side-line service. You require us to deliver the mail within 80 rods of the railroad when there is a post office within 80 rods of the railroad." We do. But that charge is included and involved in the compensation fixed for the weight carried in the cars.

Now, here come other petitioners, agents of the railroads of the United States, backing their masters in this contention, and protest against this law. But, unfortunately, they make one statement. They say, "We are not paid by the railroads for this service." An examination of the railroad people shows that but very few of them are paid. It is unfortunate for these men, but the railroads are paid and they are demanding a credit actually for services performed by employees whom they do not pay for that service, as they insist.

Look at the other side of this question a moment. So unsatisfactory has been this law that since its existence the abnormal growth of the pay has been wonderful. Our country has progressed; railroad transportation has largely increased. The first carriage under the present act cost the Government seven million and odd dollars. To-day it is $60,000,000. Can you justify a system that will give you an increase of $1,000,000 to $2,000,000 yearly, by reason of its very indefiniteness, above that which is normal?

But I will not further digress but go back and state the case of the Government to-day in its position on this question. There has been no uncertainty in fixing the space basis which we now contend for. There has been no indefiniteness in fixing the car rates or the terminal charges. We are not standing here with a broad declaration, with no fact behind it, that the railroads are not consistent. What has our commissions done? What have they concluded? We put in this bill as compensation for the railroad companies on the space basis the highest figure ever suggested by any commission upon this question. How did we reach this conclusion? We are giving rates here of 21 cents for each mile a car is hauled for the whole space that is in it, 11 cents where one-half of the car is taken, and 6 cents where one-fourth of it is taken. Now, how is that arrived at? Through the aid and instrumentality of the Interstate Commerce Commission, through the statisticians of the Post Office Department, an estimate of the right of way of the railroads in the United States, of the trackage of the roads, the cost of construction, the cost of the rolling stock, the cost of operation, the amount of the bonds involved, the amount of mortgage, the interest carried, the value of overhead and

operating charges—all brought into consideration in determining this question, in passing from the weight to the space basis. What was the result of it all? The result was these figures that we fix in this bill. There has been no uncertainty about it.

Well, they say, "How do you know after all that is done it is certain the position you have taken is correct?" We can only answer that upon all of those calculations the Interstate Commerce Commission and the postal commission concluded that 23.4 cents per mile, or about that sum, for the hauling of a full car for passengers was compensation. Now, we reduced that 10 per cent, and add initial and terminal charges, because the hauling of mail is not as expensive as the hauling of passengers in this, that there is no risk incurred in the hauling of their mails; there are no operators to be paid for by the railroads in the handling of the mails, as there is in the handling and hauling of passengers. They insist that that is a legitimate reduction of the passenger rate and that that ought to be the rate that is paid. Some of the commissions have thought that the rate should be less, but we do not want to be unfair to the railroads. We want to be just to them. We fixed the highest rate that any commission—charged with the examination of this question—has ever suggested. We fixed the highest railroad initial and terminal charges.

Mr. ADAMSON. I do not wish to break the continuity of the gentleman's argument, but at some place where it would be convenient I would like to ask him about the short-line railroads.

Mr. MOON. I am going to talk about the short-line road rates.

Now, this is the basis of compensation that is proposed: Let us see; that is, taking it in detail; that is, reaching the conclusion by a comparison between the passenger and mail rates. Let us see what effect that has upon the measure before the House. Under the bill that is before you, the railroad companies will, in round figures, receive about $60,000,000 for carrying the mail during the next fiscal year under the weight, or the old system.

What are they getting under the proposition that we propose to you in this bill to pass from the weight to the space system? Nearly $64,000,000. Is it possible that they could complain when we are giving them now, under the provisions of the new bill, nearly $4,000,000 more than they have ever gotten under any bill? That is a demonstration of the fact that there is no injustice done the railroads. What more are we doing? How about these short-line railroads, that are under the dominion and control of these great trunk lines, that do not get paid for any space, under the present law, in the car, though the Government uses a part of the space and does not pay them for it, because they are said to be paid sufficiently by weight, notwithstanding the great trunk lines get paid in full for cars aside from the weight? What do we say to those little roads that will make frequent trips per day under the new law, the Government paying for space contracted for, going and coming, whether the car is loaded or not loaded, the Government paying for the whole space? To answer in the inverse order, Where you are making such frequent trips as to earn more than you are entitled to, we will limit the number of your trips through Executive order under the contract so as to give you just compensation.

But they say the vast number of these roads throughout the country, those west of the Rocky Mountains particularly, make only one trip per day; they can not make more, and they are inadequately paid, because they get nothing for the space, and get paid only for the weight, and the weight is such as not to compensate them. We answer that that is true. You ought to have relief. But the law must be made for the general average. You can not, where there are thousands of railroads, make a separate law for each one. The law must be made to cover the whole. If we do justice to the average in fixing the maximum rate, we have done justice as far as legislation can go, so far as rate fixing is concerned. But we say to these little roads in this bill, and to the large ones, "If the compensation that is accorded you by this measure is not complete and adequate, then you have the right to go to the Postmaster General and make a special contract with him for a higher rate than that which is in this bill, so that you shall have compensation."

But that is not all. We say, "If the Government, with its plenary power under this bill, does not give you justice, then file your complaint, as you have been insisting you desired to do for years; file your complaint with the Interstate Commerce Commission; require the Government to produce its facts, and you do the same and let that tribunal determine what the rate shall be."

Is not that a fair proposition? And we confer, by this bill, jurisdiction upon the Interstate Commerce Commission to deal with this question as it does with the question of rates everywhere. Is that unfair to them? I think not.

They insisted for a long time that that should be done, but now they say, "You should abrogate your power to fix the maximum rate; you should place the whole question without consideration on your part into the Interstate Commerce Commission, and let them settle it." They know that means long delay and further profits.

Now, there is no phase—and I challenge any man to present it—of this question under which these roads are not fairly dealt with and are not getting full compensation and remuneration for the full service. Let me review for just a little the facts. When we get right close down to the bottom of this question—I have been coming down to it as gradually as I could and trying to demonstrate to you the truth of the position we have taken and the error of the law that exists—we will find the true cause of opposition to this bill. It is contained in the hearings, the record in the case.

There is Mr. Ralph Peters, the president of the Railway Mail Association of the United States, that includes nearly every road in this country—even the little short lines that can not help themselves, which are impressed into a fight against the Government on this question under a bill which gives them relief—whose testimony we will examine. What does he say? We ask Mr. Peters, in substance, "Are your roads not in a combination to prevent the adoption of the space basis?" "Not in a combination," I will say, "but we have an association for that purpose, and we bitterly oppose the space basis." We say, in substance, "Mr. Peters, if we change from the weight basis to the space basis and give you the highest figure ever yet recommended by a commission for car movement on space rates, and also the highest figure for initial and terminal charge, and then give you the right to contract with the Government for a still higher rate, if that does not suit you; and then give you the right, if that does not suit you, of appeal to the Interstate Commerce Commission for a rate; and, if that does not suit you, you can exercise your power under the Constitution to refuse to carry these mails because, you say, the rate is confiscatory—and you can not be made, it is true, under the Constitution to carry them if the rates are confiscatory—under all these advantages, Mr. Peters, would you object to going from the weight basis to the space basis?"

I would most emphatically object. We would not agree to the space basis under any circumstances.

Then, Mr. Peters, is not this the point of the whole thing: That under the space rate, for which you are to be paid full and adequate compensation, whether the space is occupied or not, that the Government may load those cars with its parcel post and other matter and in a measure recoup and maintain annually the same rate on the railroads, except where they add additional burdens by demanding additional space?

The answer is, Absolutely; yes.

Read that record. I asked every man who came upon the stand a similar question. I asked even a man who said that his road, a little Tennessee and western North Carolina road, would be paid under the new basis two or three times what it is now getting, and he, too, said he would never take the space basis, although paid two or three times as much as under the old law. Why? He did not want any interference, by low rates on the parcel post, with express and freight.

Gentlemen, that is all there is in this question. Under the low rates to the people in the first and second zones the parcel post in those zones is barely paying, if at all. You can make that the great profit business of your whole department if you will have the courage to pass a law that will protect the people of the United States against the combinations and depredations of public carriers. If we pay, as I have demonstrated to you that we do pay, full and adequate compensation for the space we use, why shall the railroad companies say that we may not have the benefit of that which we have purchased? They have no right to demand more than full and adequate compensation for that which they give us.

But, you may ask me, if it is costing more by three or four million dollars, in the first place, to go to the space basis than to remain on the weight basis, why should we make the change? My answer is that under the weight basis, by the manipulations and the changing of the mails and the conditions and the deflection of mails, the railway mail pay is gradually increased from year to year from $2,000,000 to $3,000,000, as it has been in a number of years past. But my more reasonable answer to

you is that it is because of the benefits which would come to the people. Your department can handle the cars in which they pay for the space and can so adjust the loading and the unloading and the transportation as to recoup within a year or two every dollar that is lost by this change in the basis of compensation from weight to space.

Then it makes it fixed and definite and absolutely certain. Your Postmaster General will not have to answer the committee that he can not come within $15,000,000 per annum of the legitimate pay, but he can tell your committee what the pay is for transportation of the mails in the United States at the end of each month.

Mr. SMITH of Michigan. Mr. Chairman, will the gentleman yield for a question?

Mr. MOON. Yes.

Mr. SMITH of Michigan. I understand that there is a uniform agreement, or an adjustment, to maintain prices for the carriage of the mails at the present time?

Mr. MOON. Among the railroads?

Mr. SMITH of Michigan. Yes.

Mr. MOON. Oh, yes.

Mr. SMITH of Michigan. Is not that in violation of existing statutes?

Mr. MOON. I presume it may be, but I am not prosecuting them under that statute. I am trying to get our mail matter out of the hands and control of the railroads.

Now, as I was about to remark, the advantages come to us in that way. The department estimates that in a few years, by the control and ownership of this space, your parcel-post system can be extended and prices probably reduced in the first and second zones, and the benefits come to the people that ought to come from the transportation of this matter.

This is nothing but the covert fight of the express companies through the railroad companies, whose officials in some instances, I am informed, own the express companies, against the Government of the United States in its effort to establish and maintain a parcel post that will give lower rates to the people upon small packages when carried in the mails. It is a question of whether you will surrender your power, and whether you will defer relief to the people under the laws already passed for the parcel post, or whether you will submit to the dictation and judgment of these corporations. I say it in no offensive sense, because in many respects they are great and beneficent, but they exercise a part of the sovereign power of States. They are no mere individuals. They exercise the right of eminent domain. And, more than that, you can not demand from the Government compensation in your line of business. You must exercise your individual judgment, and rise or fall upon it.

These are more than extra individuals; and why do they have these powers? It is not to advance them in profit alone; they have that right and take that benefit; but it is to subserve the interests of a great people that has conferred these powers and this jurisdiction upon them. We ought to hold a strong hand over these powers that are greater than the individual; and while we should not, out of our own self-respect, do them any injustice, we ought to see to it that they do to our people no wrong. [Applause.]

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## APPENDIX.

### POST OFFICE APPROPRIATION BILL.

Mr. MOON, from the Committee on the Post Office and Post Roads, submitted the following report [to accompany H. R. 10484].

The Committee on the Post Office and Post Roads, in presenting this bill making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1917, and for other purposes, submits the following:

The appropriation for the fiscal year ending June 30, 1916, was $313,364,667. The estimates of the Post Office Department for the fiscal year ending June 30, 1917, amount to $316,364,879. The committee recommends appropriations to the amount of $320,509,879. The increase in the estimates of the department over the appropriation for the fiscal year ending June 30, 1916, is due to the normal growth of the service. The increase of recommendations by the committee over the estimates of the department is due largely to the fact that the committee was not content with the appropriation of $48,500,000 for the maintenance and extension of the Rural Delivery Service and increased the amount to $53,000,000, the same as carried in the appropriation for 1916. There were some other increases and decreases, which brought about the result as above stated.

The report of the Postmaster General sets forth fully the use of the money heretofore appropriated and the revenues to be expected and expended in the fiscal year ending June 30, 1917.

The following tables show the appropriations for 1916, the estimates of the department for the year 1917, and the recommendations of the committee for 1917, in the office of the Postmaster General, and the First, Second, Third, and Fourth Assistant Postmasters General, and in them may be found the separate items of appropriations under the jurisdiction of each of these offices, and the total of all appropriations, estimates, and recommendations.

*Post Office appropriation bill, 1917.*

| | Appropriated, 1916. | Estimate for 1917. | Committee recommends for 1917. |
|---|---|---|---|
| POSTMASTER GENERAL. | | | |
| Rent building, supplies, and mail-bag repair shop | $32,000 | $32,000 | $32,000 |
| Gas, electric light, and power, mail-bag repair shop | 4,500 | 4,000 | 4,000 |
| Post-office inspectors: | | | |
| Salaries | 779,500 | 783,700 | 783,700 |
| Per diem | 261,400 | 262,860 | 262,860 |
| Post-office inspectors' clerks: | | | |
| Division headquarters | 134,000 | 134,000 | 134,000 |
| Traveling expenses | 43,750 | 43,850 | 43,850 |
| Livery hire | 45,000 | 45,000 | 45,000 |
| Miscellaneous expenses | 7,500 | 7,500 | 7,500 |
| Payment of rewards | 25,000 | 25,000 | 25,000 |
| Acting employees for those injured, etc | 134,500 | 234,000 | 234,000 |
| Travel expenses, Postmaster General | 1,000 | 1,000 | 1,000 |
| Total | 1,468,150 | 1,572,910 | 1,572,910 |
| FIRST ASSISTANT POSTMASTER GENERAL. | | | |
| Compensation to postmasters | 30,750,000 | 31,000,000 | 31,000,000 |
| Compensation to assistant postmasters | 3,200,000 | | 3,200,000 |
| Clerks and employees at first and second class post offices | 46,082,100 | 50,700,000 | [1]47,900,000 |
| Compensation to printers, mechanics, etc | 44,600 | 59,000 | 62,000 |
| Compensation to watchmen, messengers, etc | 1,404,000 | 1,350,000 | 1,400,000 |
| Clerks in charge contract stations | 1,100,000 | 1,160,000 | 1,160,000 |
| Substitutes for clerks on vacation | 450,000 | | |
| Temporary and auxiliary clerk hire | 2,000,000 | 1,800,000 | 1,800,000 |
| Separating mails | 675,000 | 710,000 | 710,000 |
| Unusual conditions | 90,000 | 90,000 | 90,000 |
| Allowance to third-class offices | 1,700,000 | 1,775,000 | 1,775,000 |
| Rent, light, and fuel, first, second, and third class post offices | 5,200,000 | 5,500,000 | 5,500,000 |
| Miscellaneous items, first and second class post offices | 350,000 | 350,000 | 350,000 |
| Operation, maintenance, and extension Washington-Alaska military cable and telegraph system | | 300,000 | |
| Letter carriers | 37,700,000 | 38,800,000 | 39,100,000 |
| Substitutes for letter carriers | 2,975,000 | 3,675,000 | 3,675,000 |
| Letter carriers, new offices | 100,000 | 75,000 | 75,000 |
| Horse-hire allowance (screen-wagon service) | 4,900,000 | 5,565,000 | 5,565,000 |
| Mail-messenger service | 2,000,000 | 2,193,000 | 2,193,000 |
| Car-fare and bicycle allowance | 525,000 | 625,000 | 625,000 |
| Pneumatic-tube service | 966,800 | 976,000 | 976,000 |
| Street-car collection service | 10,000 | 10,000 | 10,000 |
| Marine postal service, Detroit, Mich | 6,500 | 7,250 | 7,250 |
| Car fare, special-delivery service | 13,000 | 13,000 | 13,000 |
| Fees, special-delivery messengers | 2,225,000 | 2,000,000 | 2,000,000 |
| Travel expenses | 1,000 | 1,000 | 1,000 |
| Total | 144,468,000 | 148,734,250 | 149,187,250 |
| SECOND ASSISTANT POSTMASTER GENERAL. | | | |
| Inland transportation: | | | |
| Star routes, Alaska | 304,000 | 306,000 | 305,000 |
| Steamboats | 1,049,400 | 1,060,000 | 1,060,000 |
| Mail-messenger service (transferred to First Assistant) | | | |
| Pneumatic-tube service (transferred to First Assistant) | | | |
| Screen-wagon service (transferred to First Assistant) | | | |
| Inland transportation, railroads | 56,188,000 | 59,300,000 | 59,185,000 |
| Freight or expressage, postal supplies | 510,000 | 645,000 | 645,000 |
| Railway post-office car service | 5,412,000 | 4,412,000 | 4,397,000 |
| Railway Mail Service | 28,521,440 | 29,725,050 | 29,725,050 |
| Traveling expenses, railway mail clerks | 1,534,500 | 1,498,336 | 1,488,336 |
| Temporary clerk hire, railway mail clerks | 67,500 | 60,000 | 60,000 |
| Substitutes, railway mail clerks | 143,900 | 193,900 | 193,900 |
| Actual necessary expenses, division superintendent | 55,200 | 55,000 | 55,000 |
| Rent, light, and fuel, etc., Railway Mail Service | 770,000 | 606,723 | 606,723 |
| Per diem allowance, assistant superintendents | 3,607 | 2,660 | 2,660 |
| Electric and cable car service | 784,000 | 660,000 | 660,000 |
| For experimental aerial mail service | | 50,000 | |
| Transportation, foreign mails | 4,000,000 | 3,930,000 | 3,430,000 |
| Assistant superintendent, foreign mails | 2,500 | 2,500 | 2,500 |
| Balances due foreign countries | 681,800 | 681,700 | 681,700 |
| Travel expenses | 1,000 | 1,000 | 1,000 |
| Total | 100,028,847 | 103,179,869 | 102,499,869 |
| THIRD ASSISTANT POSTMASTER GENERAL. | | | |
| Manufacture adhesive postage stamps, etc | 810,000 | 806,000 | 806,000 |
| Manufacture stamped envelopes, etc | 1,650,000 | 1,516,000 | 1,516,000 |
| Agent and assistants to distribute stamped envelopes | 20,500 | 15,500 | 15,500 |
| Manufacture postal cards | 385,000 | 360,000 | 360,000 |
| Ship, steamboat, and way letters | 250 | 150 | 150 |
| Limited indemnity: | | | |
| Domestic | 110,000 | 238,000 | 200,000 |
| International | 15,000 | 10,000 | 10,000 |
| Travel expenses, Third Assistant Postmaster General | 1,000 | 1,000 | 1,000 |
| Traveling expenses, Postal Savings System | 500 | 500 | 500 |
| Total | 2,999,250 | 2,947,150 | 2,909,150 |

[1]Revised estimates.

*Post Office appropriation bill, 1917*—Continued.

| | Appropriated, 1916. | Estimate for 1917. | Committee recommends for 1917. |
|---|---|---|---|
| FOURTH ASSISTANT POSTMASTER GENERAL. | | | |
| Stationery, money-order offices, etc | $312,500 | $260,000 | $260,000 |
| Official and registry envelopes | 85,520 | 72,700 | 72,700 |
| Blank books, etc., Postal Savings System | 100,000 | 100,000 | 75,000 |
| Supplies, City Delivery Service | 250,000 | 225,000 | 225,000 |
| Postmarking, rating, and other stamps | 40,000 | 30,000 | 30,000 |
| Letter balances, etc | 100,000 | 50,000 | 50,000 |
| Wrapping paper | 15,000 | 15,000 | 15,000 |
| Twine, and tying devices | 500,000 | 225,000 | [1] 250,000 |
| Facing slips, etc., intaglio seals, etc | 87,000 | 120,000 | 120,000 |
| Purchase, exchange, and repair of typewriting machines, etc | 120,000 | 135,000 | 135,000 |
| Supplies, Rural Delivery Service | 45,000 | 12,000 | 12,000 |
| Expenses, shipment of supplies | 145,000 | 140,000 | 125,000 |
| Miscellaneous expenses, Division of Supplies | 30,000 | 25,000 | 25,000 |
| Miscellaneous items | 125,000 | 70,000 | 70,000 |
| Miscellaneous equipment, etc | | 40,000 | 40,000 |
| Canceling machines | 300,000 | 300,000 | 250,000 |
| Mechanical and labor-saving devices | 50,000 | 100,000 | 75,000 |
| Mail bags, etc | 378,000 | 480,000 | 480,000 |
| Compensation to labor, mail-bag shop, etc | 148,400 | 155,000 | 155,000 |
| Inland transportation, star routes | 8,675,000 | 8,675,000 | 8,675,000 |
| Pay of rural letter carriers | 53,000,000 | 48,500,000 | 53,000,000 |
| Experimental village delivery service | 200,000 | 200,000 | 200,000 |
| Travel and miscellaneous expenses | 1,000 | 1,000 | 1,000 |
| Total | 64,407,420 | 59,930,700 | 64,340,700 |

RÉSUMÉ.

| | | | |
|---|---|---|---|
| Office of the Postmaster General | $1,468,150 | $1,572,910 | $1,572,910 |
| Office of the First Assistant Postmaster General | 144,468,000 | 148,734,250 | 149,187,250 |
| Office of the Second Assistant Postmaster General | 100,028,847 | 103,179,869 | 102,499,869 |
| Office of the Third Assistant Postmaster General | 2,992,250 | 2,947,150 | 2,909,150 |
| Office of the Fourth Assistant Postmaster General | 64,407,420 | 59,930,700 | 64,340,700 |
| Total | 313,364,667 | 316,364,879 | 320,509,879 |

[1] Revised estimates.

| | |
|---|---|
| Estimates for 1917 over appropriations for 1916 | $3,000,212 |
| Recommendations of committee over estimates | 4,175,000 |

It is not regarded as necessary by the committee to enter into any discussion in this report of the new legislation presented in the bill, as it must be discussed in the House if a rule is made making it in order. Then, too, the hearings heretofore held in the consideration of this bill set forth fully and concisely the reasons for the legislation, and the reports of the department on the same are also printed in the hearings, which are available to each Member of the House. This legislation is familiar to a large majority of the Members of the House, having heretofore been enacted in its main features by the House, but failed to become a law by reason of the fact that the Senate did not reach it in time in the last session for its consideration.

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RAILWAY MAIL PAY—AN OUTLINE OF THE POST OFFICE DEPARTMENT'S POSITION.

This booklet is issued by the Post Office Department in response to many requests from individuals, business men, publications, boards of trade, and Members of Congress for the facts relating to the proposed change in the method of adjusting railway mail pay.

It tells what the railway mail transportation service is, what the proposed law seeks to accomplish, and it shows why the space basis is preferable to the weight basis of computing pay, why public interest demands a prompt settlement of the question, why the new rates of pay proposed by the Post Office Department are just and reasonable; and it answers some of the many erroneous statements that have been circulated about this question.

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THE WEIGHT BASIS—AN ANTIQUATED, COMPLEX, UNBUSINESSLIKE, INEQUITABLE SYSTEM.

The law now governing railway mail pay provides for pay on the basis of the average daily weights of mails carried over authorized routes. It dates back to 1873.

Maximum rates of pay are prescribed in the law. These are applicable to the average daily weights carried upon authorized mail routes ascertained by weighings held once every four years. On each route the mails are weighed for a period of 105 successive days. The rates are arranged on a sliding scale, whereby as the weights increase the rates decrease.

The country is divided into four contract sections, and the mails weighed successively in each section. That is to say, while a weighing occurs once in every four years on each particular route and in each contract section, a weighing occurs in one section each year. The average annual cost to the department for weighing the mails is $250,000.

In addition to the pay for weights, the present law authorizes additional pay for railway post-office cars, 40 feet and more in length, at specified rates. This constitutes partial recognition of the space principle as a proper factor in making mail transportation rates.

The plan of 1873 has never been changed, although the rates were somewhat reduced by Congress in 1876, 1878, and 1907.

The weighings are costly and annoying and interfere seriously with the operation of the service in the field. Compensation thus determined is not fairly distributed according to service rendered. The system lacks the elasticity to meet changing conditions and fluctuations of traffic that, with the growth of the parcel post, have been frequent and far-reaching.

Computation of pay under the old law with its several amendments is a complex process, little understood, and productive of endless and vexatious disputes.

The whole plan is unscientific, inequitable in results, and needlessly complex.

—

THE SPACE BASIS.

A SIMPLE, PRACTICAL, ACCURATE, JUST METHOD.

As far back as 1876 so much dissatisfaction with the weight system of determining railway mail pay existed that Congress provided for a commission, to be appointed by the President, to investigate the subject. A succession of inquiries by congressional commissions, by appointive commissions, and by the Post Office Department have followed.

Practically every such investigation, including that made by the joint committee of Congress which reported in 1914, resulted in the conclusion that the present system is inadequate, complex, cumbersome, and unbusinesslike, and in recommendations for the substitution either in whole or in part of the space basis for the weight basis.

HAULING A CAR 1 MILE MADE "UNIT OF SERVICE."

The space method now proposed by the Post Office Department adopts the "car-mile units of service" as the basis upon which to make authorizations of and payments for the major part of the railroad mail service. This would mean rates of pay—which have been ascertained after thorough inquiry to be fair rates—for hauling standard full railway post-office, apartment, and storage mail cars 1 mile.

The new plan contemplates additional compensation in the form of terminal allowances for services not covered by the space payment, representing charges for loading mails, and for heating, lighting, cleaning, and switching mail cars at the terminals of car runs, and provides for the retention of the weight basis for "closed-pouch service." The latter comprises a very small per centage of the mail traffic and requires so little space in trains and fluctuates in quantity to such an extent that the space system could not be easily adapted to it. By far the bulk of mail pay would be determined by the space-and-distance gauge.

DIFFERING RATES FOR VARIOUS TYPES OF CAR.

The standard mail car is 60 feet long, and is usually 9 feet wide and 8½ feet high, inside measurements. Only the length is to figure, however, in determining pay.

There are two kinds of full mail cars—railway post-office cars and mail-storage cars.

The former, as the name signifies, are traveling post offices in which the mail is "worked"—that is, opened, distributed, assembled in packages or bags for individual post offices, other railway routes, and for stations and carrier routes in large cities. When an entire car is thus utilized, it is called a "full railway post-office car."

The storage cars, as the name also implies, are traveling storehouses in which the mail is stored before and after being worked or for through carriage.

The railway post-office cars are equipped by the railroad companies, and must be heated and lighted while en route at the expense of the railroads. These expenses do not apply in the same degree to storage cars, which require only light and heat in a limited degree and provision for making stall separations. Hence, for R. P. O. car service, as it is called, a somewhat higher rate of pay should be allowed than for storage-car service. This is amply provided for in the scale of rates proposed.

APARTMENT CARS GET PROPORTIONATE RATES.

The volume of mail passing over the thousands of railway mail routes varies. On the heavy routes—New York to Chicago, New York to St. Louis, etc.—a number of full cars and storage cars are needed each trip. On other routes one full car, with or without a storage car, meets the need. On the majority of routes a half car or a quarter car suffices. To fit this condition a third class of railway mail car service is operated known as apartment-car service. This requires combination cars, used in part for mail and in part for baggage or other railway business. At present these are of various lengths, but the proposed law provides for two standard sizes, viz, 30 feet and 15 feet.

Under the space system apartment-car service would be paid for at a rate proportionate to the full-car rate; for a 30-foot apartment, one-half the full-car pay; for a 15-foot apartment, slightly more than one-fourth the full-car rate.

CLOSED-POUCH SERVICE RETAINS WEIGHT BASIS.

"Closed-pouch" service is the carriage of United States mail pouches locked or sealed containing letter and paper mail, or sacks containing paper mail only, transported over a route without breaking bulk. As performed by the railroads this service consists of the transportation of one, two, three, or more closed mail bags over routes or on trains upon which the mail traffic is not heavy enough to require special accommodations for distribution en route. These mails are in the custody of the baggageman, who receives and delivers them without the intervention of postal employees.

Manifestly, because of its fluctuating character and the fact that in many cases the mail involved consists of simply a pouch or sack, computation of pay for closed-pouch service on the space basis would be exceedingly difficult, hence the retention of the weight basis for this class of business. It is provided that the weighings of closed-pouch mails and readjustment of pay for their carriage shall be made annually instead of quadrennially as at present. The annual weighing, it is estimated, will cost the Post Office Department about $100,000.

NEW PLAN FAILED LAST YEAR BY A NARROW MARGIN.

The desirability of a revision of the laws governing railway mail pay has been recognized by postal administrations for many years, but no definite proposition was presented to Congress until August, 1911, when the department reported the results of an exhaustive inquiry commenced in 1907, and submitted a tentative plan for revising the laws upon the basis of space, with rates based upon the cost of the service to the companies plus a reasonable rate of profit.

Subsequent study and further information obtained during the progress of the investigations of the joint congressional committee having demonstrated that the cost basis was impracticable under present conditions, the department changed its view and submitted a new plan essentially identical with the proposed law now advocated.

In June, 1914, this plan was presented by the chairman of the House Committee on Post Offices and Post Roads, Hon. JOHN A. MOON. Hearings on this bill were had before the proper committees of Congress.

PASSED THE HOUSE TWICE; AGREED TO IN CONFERENCE.

Twice, by large majorities, the House, in August, 1914, and January, 1915, approved the plan proposed by the Post Office Department. This plan carried the essential features of the recommendation of the joint congressional committee for a change to the space basis, except that it provided for retaining the weight basis for closed-pouch service. The joint committee advocated the space basis for all service. The plan provided for a scale of pay exceedingly liberal in the light of every factor that justly enters into the question of fixing reasonable compensation for carrying the mails, and assured the railroads a somewhat larger revenue per car mile for carrying the mails than they are now receiving.

On the occasion of its first passage in the House, the mail-pay measure was incorporated, along with other needed postal legislation, in the Moon bill. Because of the congestion of legislation during the short session, it became apparent that the Moon bill could not be enacted, and, hence, the mail-pay section of the Moon bill was incorporated in the annual Post Office appropriation bill.

In essentials the department's plan was agreed to in the conference committee of House and Senate upon the appropriation, but a final vote upon the conference committee's report was not reached in the Senate.

NEW RATES COMPENSATE ALL CLASSES OF SERVICE.

Under the department bill the rates of railway mail pay are divided into two classes: (1) Car-mile line rates; (2) initial and terminal rates.

The former provide compensation for hauling the different sizes of standard mail cars and will constitute the bulk of the pay. The latter cover expenses of loading and unloading mails, switching, heating, lighting, and cleaning cars and other station expenses at the termini of the car runs.

This division of compensation into two parts, one of which provides special allowances for costs of terminal station service at points of origin and destination on all runs regardless of distance, for the first time allots pay with equitable recognition of long and short hauls. Initial and terminal costs vary little, whether the car run is 100 miles or 1,000 miles. The terminal allowances which are the same regardless of the length of car run will increase the pay per mile according to the length of run, the longer the trip the smaller the increase per mile.

The following is a schedule of rates proposed by the Post Office Department:

*Car-mile line rates.*

| Class. | Unit. | Car-mile rate. |
|---|---|---|
| Full R. P. O. cars | 60-foot cars | $0.21 |
| Apartment cars | 30-foot apartment | .10½ |
| Do | 15-foot apartment | .05½ |
| Storage cars | 60-foot cars | .20 |

*Initial and terminal rates.*

| Class. | Unit. | Initial and terminal allowance per single trip. |
|---|---|---|
| Full R. P. O. cars | 60-foot cars | $4.00 |
| Apartment cars | 30-foot cars | 2.00 |
| Do | 15-foot cars | 1.00 |
| Storage cars | 30-foot cars | 4.00 |

PASSENGER REVENUE LESS 10 PER CENT IS BASIS OF RATES.

The car-mile line rates are based primarily upon the average car-mile revenue earned by the passenger service of the country as reported to the Interstate Commerce Commission, with a suitable reduction to offset the difference in character between passenger and mail services. Many considerations applying to the carriage of the mails do not apply to the carriage of passengers, and facilities furnished by the railroads for passenger service differ materially from facilities furnished for mail service.

There is no justification for the claim that the mail service should participate fully in the enormous costs of elaborate terminals and station structures. The mails neither seek nor need housing in $100,000,000 buildings; in fact, the least expensive parts of stations are devoted to the mails, and very rightly so.

The initial and terminal rates are based upon estimates of the initial and terminal costs—loading, unloading, switching, etc., as stated above.

THE NEW SCHEDULE IS RESULT OF LONG STUDY.

The determination of the rates was a most difficult problem. Numerous bases were suggested, considered, and rejected.

The conclusion was reached after long and thorough inquiry that a 10 per cent reduction would approximately represent the proper difference between the passenger-service revenue and an adequate mail revenue.

Applied to 25.43 cents, the passenger car-mile revenue for 1911 (the latest figure available at the time the rates were constructed), the 10 per cent reduction produced 22.89 cents as a fair mail revenue per 60-foot car mile. Applied to the passenger car-mile revenue for 1912, 24.29 cents, the result is 21.87 cents. The 60-foot car-mile revenue received by the railroads at the rates provided in the department bill, based upon the service estimated as being necessary for the fiscal year of 1915, would be 22.96 cents.

TOTAL PAY WOULD BE INCREASED BY CHANGE.

The total mail pay upon the present basis, including both pay for weight and pay for space, for the fiscal year of 1915, was more than $59,000,000. The rates carried in the proposed law would have resulted in a payment for that year of about $62,000,000, estimated on the basis of the service in operation. For service as of present date the expenditure would probably be somewhat greater, although legitimate economies in the way of concentrated loading and dispatches and along other lines would it is believed, tend to reduce such increase materially.

Although the facts would warrant a reduction of railway mail compensation, the Post Office Department has not advocated this action.

"NOT EXCEEDING" CLAUSE IS UNJUSTLY ATTACKED.

The proposed law authorizes the Postmaster General to pay not exceeding the rates specified in it.

The railroads have contended that this and other phraseology of the bill give the Postmaster General arbitrary rate-making power which, it is insinuated, he would use to compel the roads to carry the mails for less than the maximum rates designated. By inference, the charge is made that the Postmaster General is seeking power he does not now possess, and it has been declared in so many words that he would use this power to oppress the railroads.

In every law enacted by Congress on the subject of railway mail pay, since Congress first legislated 77 years ago in regard to the carriage of mails on railroads (July 7, 1838), the Postmaster General has been given free and full power to contract with a railroad for the carriage of mails at any rate within the maximum rates named in the several laws if he should be able to do so.

During the life of the present railway mail pay statute, passed in 1873, no Postmaster General has arbitrarily reduced rates, though under the law he has had full power to do so. The history of the service for the last 40 years sufficiently refutes the charge that the inclusion of the words "not exceeding" will give the Postmaster General power which he would use in an autocratic or unfair manner.

OPERATES TO PROTECT DEPARTMENT AND ROADS.

The flexibility of the provision "not exceeding" is absolutely necessary for practical administration, and works both in the interest of the Government and many of the railroads. If rates were absolutely fixed, the Government would be compelled to use the short line between the large mailing centers, and could not give the competing roads having longer lines the privilege, as is done now, of hauling a part of the mails at the rate for the short line.

Also, if the rates were inflexible there would be innumerable instances in the conduct of the service involving disputes between the railroad companies and the department as to the precise amount due for service, and the usual order of the Postmaster General, which, if it fixes the rate within the maximum prescribed by law, has been held by the courts to be final, would only mark the beginning of numerous and vexatious lawsuits.

WHAT MAIL PAY MEANS TO PARCEL POST SERVICE.

In little more than two years the parcel post has grown so rapidly that its annual traffic is now estimated at 1,000,000,000 parcels a year. This expansion demonstrates the public need and demand in this country for a service which for years has been provided in every other advanced nation on earth.

This tremendous burden of service has been successfully assumed by the postal establishment, and is being performed at a margin of profit for the Government notwithstanding the inordinately heavy transportation costs—at times amounting to double the transportation costs borne by the express companies upon a great part of their traffic—which the Government has been compelled to shoulder.

In the face of the unequal conditions the Government is doing an enormous parcel business at charges to the public much lower on the whole than were made by the express companies before the coming of the parcel post, and is giving express facilities alike to practically every township, hamlet, village, and city, great or small, in the United States.

Upon the majority of these great mail routes mail and express transportation conditions are practically identical. The cost to the railroads of the incidental services rendered in transporting the mails on these routes is inconsiderable as compared with the great disparity in the returns from the two services. It follows from the inequality of transportation costs that the parcel post rates to the public, for the higher weights, greatly exceed the express rates. Between New York and Chicago parcel postage is $1.20 for 20 pounds, as compared with an express rate of 68 cents. A more equitable scale of mail pay would make possible a readjustment of parcel postage upon the higher weights and long hauls, would expand the public's transportation facilities and would still give the railroads adequate compensation under their own standard of what constitutes adequate compensation—to wit, a "commercial rate."

The railroads are receiving from the Government amounts which, for hauls of any considerable length, exceed by about two to one the amounts they receive from the express companies for like and similar service.

ADVANTAGES OF THE SPACE BASIS—INCREASE OF SERVICE IS AUTOMATICALLY PAID FOR—JUSTICE TO ALL THE RAILROADS—BETTER FACILITIES FOR HANDLING PARCEL-POST MATTER ASSURED.

Under the space basis of payment provided in the Moon bill and in the appropriation bill, and agreed to by the conference committee on the latter, fluctuations in service would be promptly recognized and compensated.

If the expansion of the parcel post resulted in need of additional space, it would be paid for. At the same time the department would have opportunity for economies in the utilization of the authorized space to its maximum capacity, which entirely proper action would work no injustice to the railroad companies, because they would still be paid for all space provided.

It is the belief of the department officials, and of many railroad officials as well, that the space plan would enable all service furnished according to the needs to be properly compensated; in other words, the department would pay for what it receives, and the railroads would receive pay for all service furnished.

SQUARE DEAL ASSURED TO ALL THE RAILROADS.

Under the space plan, each company will receive compensation for all service performed by it, and changes in service requiring additional space will be immediately recognized by authorization of additional space and pay. This will eliminate complaints regarding cases wherein heavy diversions of mail are made from one route to another without changes in pay, which are continually occurring under the existing weight system.

Under the present law it is often asserted that the pay is inequitable between companies, in that there may be two routes carrying the same weight of mail, upon one of which the space and facilities required may greatly exceed those required on the other route, notwithstanding which each company receives the same pay. The new plan will correct inequalities of this kind.

EXISTING RATES PAY FOR FOUR-YEAR INCREASE OF MAIL.

Under the present law, one of the principal complaints of the companies has been that during the four-year period between adjustments the increased weights of mails carried by them are transported without compensation. The railroads advance this as their principal argument for annual instead of quadrennial weighings, asserting that it is inequitable and unjust to require them to carry the accretions without additional pay.

The department has taken the position that the rates provided in the existing law were fixed high enough to cover the increased regular mails to be carried during the term. Nevertheless, cases have arisen where schedule changes or unusual conditions have resulted in diverting to a line a considerable quantity of mails not theretofore carried and not weighed on that line, with a corresponding reduction in weights carried on the line from which diverted. Unless the weights diverted equal at least 10 per cent of the average daily weight on any of the routes involved, the department is without authority to restate the pay and correct the inequity.

The proposed law corrects these inequalities, and the administration of the service under its provisions will enable the department to compensate the railroads for all service performed. Fluctuations in the volume of mail which require the furnishing of a greater or lesser amount of space than regularly authorized can be met by the authorization on lines where such conditions obtain of a certain amount of space beyond the regular authorizations to be used and paid for when needed. This extra space would, of course, not be used if surplus space is available on another line affording equal service for the mails involved.

SAVES $600,000 A YEAR ON RETURNING EQUIPMENT.

There is usually a preponderance of mail tonnage in one direction, and the space required in that direction is necessarily greater than is needed in the return movement. Under the provisions of the proposed law the maximum space needed in either direction is to be determinative of the space to be paid for in return.

On account of the heavier movement of mails in one direction the equipment used to inclose the mails naturally accumulates, after use, at points remote from the centers where the mails originate. Under existing law, this equipment is returned to points where needed by freight at considerably less expense than if returned by mail. The annual cost of such service aggregates about $600,000.

Under the new plan, which specifies that the companies shall be paid for the round-trip movement of a car of the maximum size needed in either direction, there will probably be a surplus of unsued space available in the return movement which may be utilized for the carriage of a greater part, if not all, of this returning empty equipment without additional cost and with a saving of its transportation cost by freight. Other opportunities for the use of return empty space paid for and not needed for mails will no doubt present themselves in the carriage of supplies and stamped paper for the service, and of periodicals now sent by fast freight.

CARS WILL BE USED TO THEIR CAPACITY.

The tendency under the space plan will be to load authorized cars to the maximum consistent with the conditions required for distribution and handling. Under the weight basis, where the weight is paid for no matter whether transported in postal cars, baggage cars, or storage cars, the tendency is to relieve the distributing cars wherever possible and carry mails in baggage or storage cars.

Under the space basis the space in the authorized railroad post-office cars will be utilized to capacity before authorizing additional space in storage or baggage cars, thus relieving the baggage cars of their loads. The new plan also affords opportunity for consolidating mails for transportation between large centers where more than one line is available and the utilization of all authorized space to capacity before it will be necessary to authorize additional space for additional mails.

In cases where several partly loaded cars are now carrying the mails, it will be practicable to concentrate the mails in a less number of cars, thus securing the most economical loading and reducing the car mileage to be paid for to the minimum. This will provide an entirely proper economy with no burden on the railroads.

POSTAL EXPRESS SHIPMENTS—EMPTY MAIL BAGS SHIPPED BY EXPRESS TO AVOID THE HIGH MAIL RATE.

The department is authorized by law to ship by mail from November 15 to January 15 empty mail bags ordinarily sent by freight. Mail bags may go by express at any time, but are customarily shipped by freight unless an emergency arises, as the express rate is usually more than double that of the freight rate.

During the recent holiday period it was found that shipments could be made by express at a lower rate than by mail between many points, and the express service was utilized to a considerable extent at an average saving of 37½ cents per hundred pounds over the cost had they been sent in mail trains, and the railroad companies get only 50 per cent of the express rate.

The following table shows some of the points between which the department shipped mail bags by express during the holiday season of 1915, the mail and express rates, and the amount saved in each case by using express:

| Points. | Rates per 100 pounds. | | Excess of mail rate over express rate. | Amount saved. |
|---|---|---|---|---|
| | Express rate. | Mail rate. | | |
| Burlington, Vt.–Boston, Mass. | $1.15 | $1.52 | $0.37 | $16.17 |
| Cincinnati, Ohio–Washington, D. C. | 1.90 | 2.07 | .17 | 4.07 |
| Corinth, Miss.–Mobile, Ala. | 1.55 | 2.08 | .53 | 42.22 |
| Corinth, Miss.–Nashville, Tenn. | 1.55 | 2.79 | 1.24 | 194.74 |
| Corning, N. Y.–Boston, Mass. | 1.50 | 1.86 | .36 | 32.65 |
| Decatur, Ill.–Chicago, Ill. | 1.00 | 1.09 | .09 | 43.64 |
| Elmira, N. Y.–Boston, Mass. | 1.25 | 1.79 | .54 | 65.70 |
| Hornell, N. Y.–Boston, Mass. | 1.50 | 2.04 | .54 | 176.34 |
| Hornell, N. Y.–New York, N. Y. | 1.30 | 1.37 | .07 | 4.19 |
| Huron, S. Dak.–St. Paul, Minn. | 1.80 | 4.95 | 3.15 | 45.08 |
| New York, N. Y.–Chicago, Ill. | 2.40 | 2.51 | .11 | 29.92 |
| Ohio City, Ohio–Cincinnati, Ohio. | .75 | 1.99 | 1.24 | 117.17 |
| Parkersburg, W. Va.–New York, N. Y. | 1.90 | 1.93 | .03 | 3.72 |
| Parkersburg, W. Va.–Pittsburgh, Pa. | 1.00 | 1.10 | .10 | 18.01 |
| Phoenix, Ariz.–Kansas City, Mo. | 6.50 | 6.85 | .35 | 17.98 |
| Rouses Point, N. Y.–Boston, Mass. | 1.15 | 1.40 | .25 | 7.74 |
| Rutland, Vt.–Boston, Mass. | .90 | 1.08 | .18 | 18.51 |
| Salida, Colo.–St. Louis, Mo. | 4.65 | 7.40 | 2.75 | 81.36 |
| Vanceboro, Me.–Boston, Mass. | 1.50 | 1.59 | .09 | 4.99 |
| Watertown, N. Y.–Boston, Mass. | 1.25 | 1.49 | .24 | 81.36 |
| Watertown, N. Y.–New York, N. Y. | 1.20 | 1.31 | .11 | 8.34 |
| | | | | 1,014.19 |

KEEN COMPETITION LEADS ROADS TO TAKE LESS THAN MAXIMUM PAY.

To share in mail transportation between competitive points many railroads enter into "equalization agreements" with the Post Office Department under which they perform service for less than the maximum pay under the law. Under these agreements, the companies accept the low rate in order to retain the carriage of the mails.

The following table shows the companies now carrying mail under "equalization agreements," the points between which mail is carried under these agreements, the maximum pay authorized by law in each such case, the pay accepted by the carriers to meet competition, and the resulting per cent of reduction from the maximum pay.

| Companies. | Points. | Maximum pay per annum under the law. | Pay per annum accepted to meet competition. | Decrease, per cent. |
|---|---|---|---|---|
| Atlantic Coast Line | Washington-Jacksonville | $39,691.68 | $38,459.15 | 3.11 |
| Western Ry. of Alabama—Louisville & Nashville | Lynchburg-New Orleans | 12,082.50 | 11,698.63 | 3.28 |
| Pennsylvania Lines | Washington-Pittsburgh | 4,165.34 | 3,215.34 | 22.81 |
| Southern Pacific—El Paso & Southwestern—Rock Island Lines | Los Angeles-Kansas City | 5,475.80 | 4,492.20 | 17.96 |
| Burlington—Northern Pacific | Chicago-Spokane | 22,186.57 | 20,991.38 | 5.39 |
| San Pedro, Los Angeles & Salt Lake City—Oregon Short Line. Union Pacific—Chicago & Northwestern. | Los Angeles-Chicago | 35,133.36 | 31,798.36 | 9.49 |
| Great Northern | St. Paul-Butte-Spokane-Seattle | 102,833.46 | 93,690.06 | 8.89 |
| Baltimore & Ohio | Chicago-Pittsburgh | 14,389.52 | 13,228.46 | 8.70 |
| New York Central | New York-Chicago | 1,385,207.90 | 1,310,745.11 | 5.38 |
| Michigan Central | Detroit-Chicago | 9,713.51 | 9,503.05 | 2.17 |
| Wabash | Cleveland-Granite City | 28,712.65 | 27,990.04 | 2.52 |
| Burlington | Chicago-Union Pacific Transfer | 451,573.26 | 444,228.33 | 1.63 |
| Illinois Central | Chicago-Evansville | 11,986.58 | 8,520.46 | 28.91 |
| Northern Pacific | St. Paul-Minneapolis-Boundary Line | 18,255.78 | 14,514.35 | 20.49 |
| Detroit, Toledo & Ironton | Springfield-Lima | 655.31 | 223.50 | 65.89 |
| Minneapolis & St. Louis | St. Paul-Minneapolis-Des Moines | 7,923.34 | 7,124.54 | 10.08 |
| Minneapolis, St. Paul & Sault Ste. Marie | St. Paul-Minneapolis-Boundary Line | 11,162.12 | 8,878.41 | 20.46 |
| Milwaukee | Chicago-St. Paul | 779,296.76 | 667,238.05 | 14.38 |
| Missouri, Kansas & Texas | St. Louis-Sedalia | 4,987.99 | 3,672.57 | 26.36 |
| Wabash | St. Louis-Kansas City | 34,133.49 | 31,768.85 | 6.93 |
| Chicago & Eastern Illinois | Chicago-St. Louis | 157,631.18 | 137,254.03 | 12.93 |

The space basis eliminates troublesome and expensive weighing, provides a system of rates definite and understandable, utilizes facilities paid for to maximum capacity, pays for service actually rendered and for space furnished, and will enable the department to proceed with its plans for the expansion of the parcel post.

Mr. MOON. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and Mr. FERRIS having taken the chair as Speaker pro tempore, Mr. RAINEY, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 10484, the Post Office appropriation bill, and had come to no resolution thereon.

EXHIBITION OF PICTURES OF OREGON SCENERY.

Mr. MCARTHUR. Mr. Speaker, the Chamber of Commerce of the United States, now in session in the city of Washington at the New Willard Hotel, has set aside to-morrow evening to

be devoted to the Portland Chamber of Commerce from the district which I have the honor to represent. The commercial bodies of the city of Portland, including the chamber of commerce and other bodies, have sent to Washington and other eastern cities what are known as the Berger-Jones colored pictures of the Columbia River Gorge, Mount Hood, Crater Lake Park, and other Oregon northwest scenery. I have been asked to extend an invitation to Members of the House and their families to be present at the exhibition of these pictures at the New Willard Hotel to-morrow evening at 8 o'clock.

WITHDRAWAL OF PAPERS.

Mr. FARR, by unanimous consent, was given leave to withdraw from the files of the House, without leaving copies, papers in the case of Henry R. Mercer, House bill 11836, Sixty-third Congress, no adverse report having been made thereon.

RESIGNATION FROM COMMITTEE.

The SPEAKER pro tempore laid before the House the following communication:

Hon. CHAMP CLARK,
*Speaker of House of Representatives.*

DEAR SIR: I hereby tender my resignation to the House as a member of the Committee on Expenditures in the Treasury Department, and respectfully request that the same be accepted.

Yours, very truly,

M. E. BURKE.

ADJOURNMENT.

Mr. KITCHIN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly the House (at 5 o'clock and 15 minutes p. m.) adjourned until to-morrow, Wednesday, February 9, 1916, at 12 o'clock noon.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. DILLON, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 5767) to authorize the construction of a bridge across the Mississippi River between Anoka and Hennepin Counties, in the State of Minnesota, reported the same without amendment, accompanied by a report (No. 154), which said bill and report were referred to the House Calendar.

Mr. DEWALT, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 9666) to authorize the Catawissa Railroad Co., its lessees, successors, and assigns, to construct a railroad bridge across the West Branch of the Susquehanna River, from the borough of Milton, Northumberland County, Pa., to the borough of West Milton, Union County, Pa., reported the same with amendment, accompanied by a report (No. 155), which said bill and report were referred to the House Calendar.

He also, from the same committee, to which was referred the bill (H. R. 9667) to authorize the Shamokin, Sunbury & Lewisburg Railroad Co., its lessees, successors, and assigns, to construct a railroad bridge across the Susquehanna River from the borough of Sunbury, Northumberland County, Pa., to Monroe Township, Snyder County, Pa., reported the same with amendment, accompanied by a report (No. 156), which said bill and report were referred to the House Calendar.

## REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. BURKE, from the Committee on Invalid Pensions, to which was referred the bill (H. R. 11078) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War, etc., reported the same without amendment, accompanied by a report (No. 153), which said bill and report were referred to the Private Calendar.

## CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 7001) granting an increase of pension to Charles C. Eckert, alias Conrad Eckert; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 9957) granting an increase of pension to William A. Jones; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 10935) granting an increase of pension to Walter S. Hood; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

## PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. FAIRCHILD: A bill (H. R. 11058) to amend the provisions of an act relating to certain railway corporations owning or operating street railways in the District of Columbia; to the Committee on the District of Columbia.

By Mr. HAYDEN: A bill (H. R. 11068) to provide for the advancement of funds to survey, construct, and maintain roads and trails within any State or the Territory of Alaska within which national forests are located; to the Committee on Agriculture.

By Mr. KING: A bill (H. R. 11069) to increase the pensions of those who have lost limbs or have been totally disabled in the same in the military service of the United States; to the Committee on Invalid Pensions.

By Mr. EDWARDS: A bill (H. R. 11070) to enlarge, extend, remodel, and modernize the customhouse building at Savannah, Ga.; to the Committee on Public Buildings and Grounds.

By Mr. ESCH: A bill (H. R. 11071) for the appointment of a commission for the investigation and consideration of the conflicting claims of the State of Wisconsin and its grantees, and the Menominee, Munsee, and Stockbridge Tribes, and the Lac du Flambeau, La Pointe, and Lac Courte Oreille Bands of Chippewa Indians to certain school and swamp lands in the reservations of said Indians in Wisconsin, and for other purposes; to the Committee on Indian Affairs.

By Mr. DOREMUS: A bill (H. R. 11072) to provide a Tariff Commission and to prescribe its powers and duties; to the Committee on Ways and Means.

By Mr. CHURCH: A bill (H. R. 11073) providing for the leasing of mineral lands within Indian reservations in California; to the Committee on Indian Affairs.

By Mr. LOBECK: A bill (H. R. 11074) to provide for the survey of Missouri River from the city of Florence, Nebr., to the northern limits of Decatur, Nebr.; to the Committee on Rivers and Harbors.

By Mr. TINKHAM: A bill (H. R. 11075) granting pensions to certain members of the so-called Treasury Guards, who served in the Civil War, and to their widows; to the Committee on Invalid Pensions.

By Mr. LINTHICUM: A bill (H. R. 11076) to provide for the erection of a pedestal and base for a monument to William Procter, jr., in the Smithsonian grounds, at Washington, D. C.; to the Committee on the Library.

By Mr. AUSTIN: A bill (H. R. 11077) to levy a tax upon the issuance of coupons, prize tickets, and other devices, and on the redemption, payment, purchase, or exchange of coupons, prize tickets, tags, bands, or other articles, things, or parts of articles or things, that shall have been attached to or packed in, or with, or formed a part of, or encircling, or given with any manufactured goods, merchandise, or wares; to the Committee on Ways and Means.

By Mr. KAHN: A bill (H. R. 11079) providing for an investigation into the extent and conditions of the practice of experimentation on living animals; to the Committee on Agriculture.

By Mr. VAN DYKE: A bill (H. R. 11080) to establish a fish-cultural station in the county of St. Louis, in the State of Minnesota; to the Committee on the Merchant Marine and Fisheries.

By Mr. HAYES: A bill (H. R. 11081) to exempt from cancellation certain desert-land entries in Riverside County, Cal.; to the Committee on the Public Lands.

Also, a bill (H. R. 11082) to amend the naturalization laws; to the Committee on Immigration and Naturalization.

By Mr. BARCHFELD: A bill (H. R. 11083) to provide for voluntary admissions to the Government Hospital for the Insane, and for other purposes; to the Committee on the District of Columbia.

By Mr. DOOLITTLE: A bill (H. R. 11084) providing for the inspection, grading, and weighing of interstate shipments of hay and straw, authorizing the Secretary of Agriculture to appoint inspectors for such purposes, to fix standards for grading hay and straw, and for other purposes; to the Committee on Agriculture.

By Mr. PLATT: A bill (H. R. 11085) authorizing the Secretary of the Treasury to accept contributions to provide public buildings of better material than would otherwise be constructed; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 11086) to provide for the appointment to the United States Military Academy of honor graduates of military schools; to the Committee on Military Affairs.

By Mr. HENRY: Resolution (H. Res. 128) governing the consideration of House bill 10384; to the Committee on Rules.

Also, resolution (H. Res. 129) governing the consideration of House bills 9419 and 10405; to the Committee on Rules.

By Mr. HUMPHREYS of Mississippi: Resolution (H. Res. 130) authorizing the chairman of the Committee on Flood Control to appoint a clerk and a messenger for said committee; to the Committee on Accounts.

By Mr. KEATING: Joint resolution (H. J. Res. 142) authorizing the President to appoint a commission to inquire into the causes of child poverty and suggest remedies therefor; to the Committee on Military Affairs.

By Mr. CARY: Joint resolution (H. J. Res. 143) providing for removing the Capital of the United States to Milwaukee, Wis.; to the Committee on the Judiciary.

By Mr. HAYDEN: Joint resolution (H. J. Res. 144) providing for the repair and rebuilding of the Roosevelt Road in Arizona; to the Committee on Appropriations.

By Mr. LINTHICUM: Joint resolution (H. J. Res. 145) authorizing the erection on the public grounds in the city of Washington, D. C., of a statue of James Buchanan, a former President of the United States; to the Committee on the Library.

By Mr. GOODWIN of Arkansas: Joint resolution (H. J. Res. 146) authorizing the Secretary of War to loan, issue, or use quartermaster's and medical supplies for the relief of destitute persons in the districts overflowed by the Mississippi River and its tributaries; to the Committee on Military Affairs.

## PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BURKE: A bill (H. R. 11078) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war; to the Committee of the Whole House.

By Mr. ALLEN: A bill (H. R. 11087) granting an increase of pension to Elizabeth A. Shaw; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11088) granting an increase of pension to Caroline Kaney; to the Committee on Invalid Pensions.

By Mr. BLACKMON: A bill (H. R. 11089) granting an increase of pension to Mary M. Force; to the Committee on Pensions.

Also, a bill (H. R. 11090) granting a pension to James Harrison; to the Committee on Invalid Pensions.

By Mr. BORLAND: A bill (H. R. 11091) granting a pension to Rowena Kabrick; to the Committee on Pensions.

By Mr. BURGESS: A bill (H. R. 11092) for the relief of the heirs of H. Heard; to the Committee on Claims.

By Mr. BURKE: A bill (H. R. 11093) granting an increase of pension to Henrietta Bown; to the Committee on Invalid Pensions.

By Mr. COLEMAN: A bill (H. R. 11094) granting a pension to Elizabeth Byers; to the Committee on Pensions.

Also, a bill (H. R. 11095) to correct the military record of Charles L. Penny; to the Committee on Military Affairs.

Mr. CRAGO: A bill (H. R. 11096) granting a pension to Robert E. Griffith; to the Committee on Pensions.

Also, a bill (H. R. 11097) granting an increase of pension to Solomon G. Krepps; to the Committee on Invalid Pensions.

By Mr. DARROW: A bill (H. R. 11098) for the relief of James T. Hickman, jr.; to the Committee on Claims.

By Mr. DOREMUS: A bill (H. R. 11099) authorizing and directing the Secretary of the Treasury to pay certain moneys to the officers and crew of the steamer *Hancock*, or their legal representatives; to the Committee on Claims.

By Mr. DYER: A bill (H. R. 11100) granting a pension to Charles F. Lang; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11101) granting an increase of pension to Julia F. Wagner; to the Committee on Invalid Pensions.

By Mr. EAGAN: A bill (H. R. 11102) granting a pension to William Connell; to the Committee on Invalid Pensions.

By Mr. EDWARDS: A bill (H. R. 11103) for the relief of the estate of Joseph Lippman, deceased; to the Committee on War Claims.

Also, a bill (H. R. 11104) for the relief of the estate of Joseph Lippman, deceased; to the Committee on War Claims.

By Mr. FITZGERALD: A bill (H. R. 11105) granting a pension to Joseph F. Reilly; to the Committee on Pensions.

By Mr. GUERNSEY: A bill (H. R. 11106) for the relief of Charles W. Libby; to the Committee on Claims.

By Mr. HICKS: A bill (H. R. 11107) for the relief of Mary B. Edmonds; to the Committee on Claims.

By Mr. HILL: A bill (H. R. 11108) granting an increase of pension to Mary Quinlan; to the Committee on Invalid Pensions.

By Mr. JOHNSON of Kentucky: A bill (H. R. 11109) granting an increase of pension to James H. Mayes; to the Committee on Invalid Pensions.

By Mr. JOHNSON of South Dakota: A bill (H. R. 11110) granting an increase of pension to Patrick H. Guhin; to the Committee on Pensions.

By Mr. KAHN: A bill (H. R. 11111) for the relief of Victor A. Emerins; to the Committee on Claims.

By Mr. KENT: A bill (H. R. 11112) for the relief of Cornelia M. A. Tower; to the Committee on Claims.

By Mr. KING: A bill (H. R. 11113) granting a pension to Mary E. Harris; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11114) to remove the charge of desertion from the military record of Henry Harding; to the Committee on Military Affairs.

Also, a bill (H. R. 11115) to remove the charge of desertion from the military record of C. C. Cummins; to the Committee on Military Affairs.

By Mr. LAFEAN: A bill (H. R. 11116) granting an increase of pension to Joseph Baldwin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11117) granting an increase of pension to Andrew J. Frederick; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11118) granting an increase of pension to Eliza A. Spangler; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11119) granting an increase of pension to Thornton R. Hendrickson; to the Committee on Invalid Pensions.

By Mr. LONGWORTH: A bill (H. R. 11120) granting a pension to Katherine E. Brewer; to the Committee on Pensions.

By Mr. McCRACKEN: A bill (H. R. 11121) granting an increase of pension to Robert A. Johnson; to the Committee on Invalid Pensions.

By Mr. MAHER: A bill (H. R. 11122) granting an increase of pension to Nellie McDonald Grimshaw; to the Committee on Invalid Pensions.

By Mr. MILLER of Delaware: A bill (H. R. 11123) granting an increase of pension to Anna L. Cooper; to the Committee on Invalid Pensions.

By Mr. MUDD: A bill (H. R. 11124) to appropriate a sum of money to Herman Rehn for injuries sustained while in the employ of the naval authorities of the United States at the Naval Academy, Annapolis, Md.; to the Committee on Claims.

Also, a bill (H. R. 11125) for the relief of Charles C. Serrin; to the Committee on Military Affairs.

Also, a bill (H. R. 11126) to correct the military record of Charles C. Serrin; to the Committee on Military Affairs.

By Mr. MURRAY: A bill (H. R. 11127) granting a pension to John Murphy; to the Committee on Invalid Pensions.

By Mr. PAIGE of Massachusetts: A bill (H. R. 11128) granting a pension to Lorenzo Harris; to the Committee on Invalid Pensions.

By Mr. PETERS: A bill (H. R. 11129) for the relief of the owners of the barkentine *Mabel I. Meyers* and her master and crew, and for the relief of the owners of cargo of molasses late on board said barkentine; to the Committee on Claims.

Also, a bill (H. R. 11130) granting a pension to Viola Merry; to the Committee on Invalid Pensions.

By Mr. PHELAN: A bill (H. R. 11131) granting a pension to Margaret Tierney; to the Committee on Invalid Pensions.

By Mr. POU (by request): A bill (H. R. 11132) for the relief of W. B. Drake and J. R. Rogers; to the Committee on Claims.

Also, a bill (H. R. 11133) to satisfy certain claims against the Government arising under the Navy Department; to the Committee on Claims.

By Mr. POWERS: A bill (H. R. 11134) granting an increase of pension to William J. Girdler; to the Committee on Invalid Pensions.

By Mr. ROGERS: A bill (H. R. 11135) granting a pension to Julia O'Leary; to the Committee on Pensions.

By Mr. SCHALL: A bill (H. R. 11136) granting a pension to Frank L. Anderson; to the Committee on Pensions.

By Mr. SMITH of Idaho: A bill (H. R. 11137) for the relief of the Snare & Triest Co.; to the Committee on Claims.

Also, a bill (H. R. 11138) granting a pension to Charles H. Reed; to the Committee on Pensions.

By Mr. STEELE of Iowa: A bill (H. R. 11139) granting an increase of pension to James W. Tucker; to the Committee on Invalid Pensions.

By Mr. SULLOWAY: A bill (H. R. 11140) granting an increase of pension to Alonzo Knox; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11141) granting an increase of pension to Isabella Reiley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11142) granting an increase of pension to Arophine C. Knox; to the Committee on Invalid Pensions.

By Mr. TAGGART: A bill (H. R. 11143) granting a pension to Sarah A. Day; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11144) granting an increase of pension to George W. Wilt; to the Committee on Invalid Pensions.

By Mr. TAGUE: A bill (H. R. 11145) for the relief of Jacob Barger; to the Committee on Military Affairs.

Also, a bill (H. R. 11146) for the relief of Humphrey J. Mahoney; to the Committee on Military Affairs.

By Mr. VAN DYKE: A bill (H. R. 11147) granting an increase of pension to Maria L. Farnsworth; to the Committee on Invalid Pensions.

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PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Memorial of Charleston (S. C.) Central Labor Union, protesting against passage of House bill 9678; to the Committee on Interstate and Foreign Commerce.

By Mr. ASHBROOK: Petition of Rev. J. W. Boyer and 46 others, of Outville, Ohio, in favor of House joint resolutions 84 and 85; to the Committee on the Judiciary.

Also, evidence to accompany House bill 10321, for relief of John R. Tallentire; to the Committee on Invalid Pensions.

By Mr. ALLEN: Petition of Henry Schmidt and sundry others, of Hamilton County, Ohio, favoring embargo on munitions, etc.; to the Committee on Foreign Affairs.

By Mr. AYRES: Petitions of citizens of Douglass, Clearwater, and Whitewater, Kans., against stamps on bank checks; to the Committee on Ways and Means.

By Mr. BAILEY: Petition of Columbia Paint Co., of Johnstown, Pa., favoring tax on dyestuffs; to the Committee on Ways and Means.

Also, petition of Trades Union Liberty League, against national prohibition; to the Committee on the Judiciary.

By Mr. BARCHFELD: Petition of Valentine Breit and 108 others, of Pittsburgh, Pa., favoring resolution to prohibit the shipping of munitions of war to belligerent countries of Europe; to the Committee on Foreign Affairs.

Also, petition of citizens of Pittsburgh, against the emergency war tax; to the Committee on Ways and Means.

By Mr. BROWNING: Petition of J. B. Van Sciver, of Camden, N. J., favoring passage of House bill 702, the dyestuffs bill; to the Committee on Ways and Means.

By Mr. CAMPBELL: Petitions of sundry bank depositors of Kansas, against stamps on bank checks; to the Committee on Ways and Means.

By Mr. DALE of New York: Petitions of Emma B. Reif, of Brooklyn; Archibald M. Seymour, and Bertha M. Latham, favoring passage of House bill 9814, relative to land of Oregon & California Railway; to the Committee on the Public Lands.

Also, petition of Frederick Loeser & Co., New York, favoring tax on dyestuffs; to the Committee on Ways and Means.

By Mr. DARROW: Memorial of Kenderton Council, No. 221, Junior Order United American Mechanics, of Philadelphia, Pa., in favor of the Burnett immigration bill; to the Committee on Immigration and Naturalization.

Also, memorial of Lancaster (Pa.) Branch of the National Security League, in behalf of adequate national defense; to the Committee on Military Affairs.

By Mr. DOREMUS: Petition of the Young People's Society of Christian Endeavor of the First Methodist Protestant Church of Detroit, Mich., favoring legislation to establish the Randall bill, to prohibit mailing liquor ads in newspapers or other forms, so far as the jurisdiction of the Federal Government over the District of Columbia and the Territories and interstate commerce permits; to the Committee on Education.

Also, petition of the Young People's Society of Christian Endeavor of the First Methodist Protestant Church of Detroit, Mich., favoring legislation to establish prohibition for the Philippines, so far as the jurisdiction of the Federal Government over the District of Columbia and the Territories and interstate commerce permits; to the Committee on Education.

Also, petition of the Young People's Society of Christian Endeavor of the First Methodist Protestant Church of Detroit, Mich., favoring legislation to establish prohibition for District of Columbia, also for all Territories and territory in which Congress now has power to prohibit, so far as the jurisdiction of the Federal Government over the District of Columbia and the Territories and interstate commerce permits; to the Committee on Education.

Also, petition of the Young People's Society of Christian Endeavor of the First Methodist Protestant Church of Detroit, Mich., favoring legislation to establish the prohibition of exportation of rum to Africa, so far as the jurisdiction of the Federal Government over the District of Columbia and the Territories and interstate commerce permits; to the Committee on Education.

Also, petition of the Young People's Society of Christian Endeavor of the First Methodist Protestant Church of Detroit, Mich., favoring legislation to establish a Federal motion-picture commission for the efficient and economical censorship of motion-picture films, so far as the jurisdiction of the Federal Government over the District of Columbia and the Territories and interstate commerce permits; to the Committee on Education.

Also, petition of the Young People's Society of Christian Endeavor of the First Methodist Protestant Church of Detroit, Mich., favoring legislation to establish effective prohibition of sectarian appropriations in appropriation bills and by constitutional amendment, so far as the jurisdiction of the Federal Government over the District of Columbia and the Territories and interstate commerce permits; to the Committee on Education.

Also, petition of the Young People's Society of Christian Endeavor of the First Methodist Protestant Church of Detroit, Mich., favoring legislation to establish the Sims-Kenyon bill, to prohibit transmission of race-gambling odds and bets, so far as the jurisdiction of the Federal Government over the District of Columbia and the Territories and interstate commerce permits; to the Committee on Education.

Also, petition of the Young People's Society of Christian Endeavor of the First Methodist Protestant Church of Detroit, Mich., favoring legislation to establish the amendment to the National Constitution for prohibition, so far as the jurisdiction of the Federal Government over the District of Columbia and the Territories and interstate commerce permits; to the Committee on Education.

By Mr. EAGAN: Petition of the Federal Milling Co., of Lockport, N. Y., favoring passage of the grain grades bill; to the Committee on Agriculture.

Also, petition of the German-American Alliance, New Jersey Branch, relative to mail matter to any foreign country; to the Committee on Foreign Affairs.

Also, petition of Ferguson Bros. Manufacturing Co., of Hoboken, N. J., favoring tax on dyestuffs; to the Committee on Ways and Means.

Also, petition of New York Zoological Society, favoring game sanctuaries in national forests; to the Committee on Agriculture.

Also, petition of Associated Chambers of Commerce of the Pacific Coast, favoring appropriation for two new vessels for United States Coast and Geodetic Survey; to the Committee on Appropriations.

Also, memorial of Associated Chambers of Commerce of the Pacific Coast, relative to appropriation for railroad in Alaska; to the Committee on Appropriations.

Also, petition of New Jersey Branch of German-American Alliance, favoring embargo on arms, etc.; to the Committee on Foreign Affairs.

By Mr. FESS: Resolution adopted by the National Federation of Implement and Vehicle Dealers' Associations, favoring a nonpartisan tariff commission; to the Committee on Ways and Means.

Also, resolution of the congregation of the Methodist Episcopal Church of Yellow Springs and the Methodist Episcopal Sunday School of Yellow Springs, Ohio, petitioning Congress to pass the Sheppard-Gallinger national prohibition resolution and prohibition for the District of Columbia; to the Committee on the Judiciary.

Also, petition of 39 citizens, United Presbyterian Church, Clifton, Ohio, for national prohibition constitutional amendment; to the Committee on the Judiciary.

By Mr. FLYNN: Petition of Woman Suffrage Party of New York City, favoring votes for women; to the Committee on the Judiciary.

Also, petition of Emma B. Reif, of Brooklyn, N. Y., indorsing House bill 9814; to the Committee on the Public Lands.

Also, memorial of Caroline Marvin, of New York, indorsing House bill 9814; to the Committee on the Public Lands.

Also, memorial of New York State Court, Guardians of Liberty, indorsing the Burnett immigration bill; to the Committee on Immigration and Naturalization.

Also, memorial of New York State Court, Guardians of Liberty, protesting against House bills 491 and 6468; to the Committee on the Post Office and Post Roads.

Also, memorial of Federal Milling Co., of Lockport, N. Y., favoring correction of abuses in grain-inspection system; to the Committee on Interstate and Foreign Commerce.

By Mr. FITZGERALD: Memorial of United Spanish War Veterans, favoring national preparedness and national defense; to the Committee on Military Affairs.

Also, memorial of Travelers' Protective Association of America, favoring the Stevens bill; to the Committee on Interstate and Foreign Commerce.

By Mr. FULLER: Petition of Moline (Ill.) Plow Co., favoring the Stevens standard-price bill; to the Committee on Interstate and Foreign Commerce.

By Mr. GORDON: Petitions of D. W. Roberts and 13 other citizens of Cleveland, Ohio, asking enactment of legislation aiding dyestuff industry; to the Committee on Ways and Means.

Also, letter of Fetzer & Spies Leather Co., of Cleveland, Ohio, urging enactment of a standard-price law; to the Committee on Interstate and Foreign Commerce.

Also, letter of Commercial Club of Painesville, Ohio, in the matter of a Federal building for that city; to the Committee on Public Buildings and Grounds.

Also, letter of Ralph E. Huntington, of Painesville, Ohio, protesting against any tax on seed industry; to the Committee on Ways and Means.

By Mr. HOLLINGSWORTH: Petitions of Charles Paisley and 7 citizens of Bergholz and 42 citizens of East Palestine; First United Presbyterian Church, of East Liverpool; Rev. Jason B. Manley and 42 citizens of Carrollton; Rev. John H. Blackburn and 60 citizens of Steubenville and 20 citizens of Lisbon, Ohio, favoring national prohibition; to the Committee on the Judiciary.

Also, memorial of Bridgeport (Ohio) Branch of German-American Alliance, against national prohibition; to the Committee on the Judiciary.

Also, petition of the Methodist Church and 59 citizens of Salem, Ohio, in favor of national constitutional prohibition amendment; to the Committee on the Judiciary.

Also, petition of 25 citizens of Knox Township, Jefferson County, Ohio, for national constitutional prohibition amendment; to the Committee on the Judiciary.

Also, petition of United Presbyterian Sabbath School of Knoxville, Ohio, in favor of national constitutional prohibition amendment; to the Committee on the Judiciary.

Also, petition of First Evangelical Church, of Wellsville, Ohio, for national constitutional prohibition amendment; to the Committee on the Judiciary.

Also, petition of United Presbyterian Church of Cadiz, Ohio, in favor of national constitutional prohibition amendment; to the Committee on the Judiciary.

By Mr. HILL: Petition of Lookout Print Manufacturing Co., of Chattanooga, Tenn.; Ellis Lumber Co., of Milwaukee, Wis.; Irwin & Casson; A. H. Davenport Co., of Boston, Mass.; Anchor Color & Gum Works, of North Dighton, Mass.; and Newburgh Carpet Co., of Newburgh, N. Y., in favor of House bill 702, the dyestuffs bill; to the Committee on Ways and Means.

Also, petition of Bayes Tanning Co., of Des Moines, Iowa, in favor of House bill 702, the dyestuffs bill; to the Committee on Ways and Means.

Also, petition of Star Furniture Co., of Jamestown, N. Y., in favor of House bill 702—the dyestuffs bill; to the Committee on Ways and Means.

Also, petition of Woman's Christian Temperance Union of Bridgeport, Conn., in favor of Federal censorship of films; to the Committee on Education.

By Mr. IGOE: Petition of St. Louis Local, International Union of United Brewery Workmen, against national prohibition; to the Committee on the Judiciary.

By Mr. JAMES: Petition of Delft Theaters and Marquette Opera House, of Marquette, Mich., against censorship of moving pictures; to the Committee on Education.

By Mr. KENNEDY: Memorial of Local Union 245, International Union of the United Brewery Workmen of the United States, of Providence, R. I., against national prohibition; to the Committee on the Judiciary.

By Mr. LAFEAN: Memorial of Johnstown Branch of German-American Alliance, relative to amending naturalization laws; to the Committee on Immigration and Naturalization.

Also, memorial of Oakland (Cal.) Chamber of Commerce, relative to railway mail pay; to the Committee on the Post Office and Post Roads.

Also, memorial of Johnstown Branch of German-American Alliance, favoring national prohibition; to the Committee on the Judiciary.

By Mr. LONGWORTH: Petition of sundry citizens of Cincinnati, Ohio, favoring national prohibition; to the Committee on the Judiciary.

By Mr. LOUD: Petition of 16 members of Studley Grange, No. 1174, Midland County, Mich., against preparedness; to the Committee on Military Affairs.

By Mr. McARTHUR: Petition of sundry citizens of Portland, Oreg., favoring tax on dyestuffs; to the Committee on Ways and Means.

By Mr. McFADDEN: Petition of J. O. Frost's Sons, Tonawanda, Pa., favoring tax on dyestuffs; to the Committee on Ways and Means.

By Mr. MAHER: Petition of Brooklyn College of Pharmacy, of Brooklyn, N. Y., in favor of the Stevens bill; to the Committee on Interstate and Foreign Commerce.

Also, petition of New York Quinine & Chemical Works, of New York, N. Y., protesting against any curtailment of mail deliveries in New York City; to the Committee on the Post Office and Post Roads.

By Mr. McLEMORE: Memorial of sundry citizens of Galveston, Tex., indorsing the President's preparedness program; to the Committee on Military Affairs.

By Mr. MEEKER: Petitions of Local No. 18, International Brotherhood of Bookbinders; Local No. 223, United Garment Workers; Local No. 18, Bridge and Structural Iron Workers; Albert C. C. Friederich; and Albert Haas, all of St. Louis, Mo.; and Commercial Union Assurance Co., of Kansas City, Mo., praying for the passage of the Burnett immigration bill; to the Committee on Immigration and Naturalization.

By Mr. MOORE of Pennsylvania: Memorial of Lancaster (Pa.) Branch of National Security League, in favor of preparedness; to the Committee on Military Affairs.

Also, petition of C. J. Matthews, of Philadelphia, in favor of House bill 702, the dyestuffs bill; to the Committee on Ways and Means.

By Mr. MORIN (by request): Petition of J. T. and A. Hamilton, Mason Oil Co., Independent Brewing Co., W. P. Heckman, A. H. Behrenbeny, Edw. H. Straub, and E. J. Vilsack, all of Pittsburgh, Pa., against Senate bill 1082, which provides for liquor prohibition in the District of Columbia; to the Committee on the District of Columbia.

Also (by request), petition of John A. Davis, of Irwin, Pa., and T. J. Hughes, of Washington, Pa., against any increase in the Army or Navy; to the Committee on Military Affairs.

Also (by request), memorial of Darlington Brick & Mining Co., of Pittsburgh, Pa., in favor of House bill 651; to the Committee on Interstate and Foreign Commerce.

Also (by request), memorial of Pittsburgh-Hungarian Political Club, of Pittsburgh, Pa., that the United States maintain postal intercourse with all countries in Europe; to the Committee on Foreign Affairs.

Also (by request), petition of Ancient Order of Hibernians in America, Philadelphia, asking permission to erect a monument to the "Nuns of the battle field" in Arlington Cemetery; to the Committee on Public Buildings and Grounds.

Also (by request), petition of Salts Textile Co., of New York, in favor of the dyestuffs bill, H. R. 702; to the Committee on Ways and Means.

Also (by request), memorial of Estate Stone Co., of Hamilton, Ohio, favoring congressional aid of the American Red Cross; to the Committee on Appropriations.

Also (by request), papers to accompany bill for relief of Peter C. Lawyer; to the Committee on Invalid Pensions.

Also (by request), petition of J. A. Bursley, of Ann Arbor, Mich., against the Deitrick amendment to the Army appropriation bill; to the Committee on Military Affairs.

Also (by request), petition of E. Rieger, of Bryn Mawr, Pa., in favor of the Susan B. Anthony amendment; to the Committee on the Judiciary.

Also (by request), memorial of Jovian Order, of Pittsburgh, Pa., in favor of preparedness; to the Committee on Military Affairs.

Also (by request), petition of Thomas E. Coale Lumber Co., of Philadelphia, Pa., in favor of the Senate pilotage bill; to the Committee on Interstate and Foreign Commerce.

Also (by request), memorial of National Veterans' Relief Corps of New York, in reference to aiding needy widows and

orphans of Spanish-American War Veterans; to the Committee on Pensions.

Also (by request), petition of J. G. McMillan, of Pittsburgh, Pa., in favor of House bill 5792; to the Committee on Expenditures in the Department of Agriculture.

Also (by request), memorial of the Wild Life League of Pennsylvania, indorsing the Chamberlain-Hayden bill; to the Committee on the Public Lands.

Also (by request), memorial of Trades Union Liberty League of Pittsburgh, Pa., protesting against a national prohibition amendment; to the Committee on the Judiciary.

Also (by request), memorial of Federal Milling Co., of Lockport, N. Y., in favor of correcting abuses in grain-inspection system; to the Committee on Interstate and Foreign Commerce.

By Mr. PAIGE of Massachusetts: Petition of Brown-Hadley Co., of Templeton, Mass., in favor of House bill 702, the dyestuffs bill; to the Committee on Ways and Means.

By Mr. POWERS: Petitions of 260 people of Pineville, Ky., favoring national prohibition; to the Committee on the Judiciary.

By Mr. RAKER: Petition of Andy Nargaar, of Ruth, Cal., and others, that Congress enact a law authorizing the War Department to conscript all bank deposits over the sum of $5,000 and all stocks and bonds over the value of $5,000 held by any individual, all railroads, factories, mines, mills, or other means of producing and distribution of war supplies to feed the people of the United States in case of war, the same to be put at the disposal of the War Department for use in any way it may see fit, without compensation to the original owner; to the Committee on the Judiciary.

By Mr. SCULLY: Petitions of Charles Liebscher, of New Jersey; Harry E. Heckman and Titus Heckman, favoring passage of the Stevens bill; to the Committee on Interstate and Foreign Commerce.

Also, memorial of National Security League, favoring preparedness; to the Committee on Military Affairs.

Also, petitions of citizens of New Jersey, favoring national prohibition; to the Committee on the Judiciary.

By Mr. SMITH of Idaho: Papers to accompany House bill 6358, granting a pension to Mary K. Plowman; to the Committee on Pensions.

Also, papers to accompany bill granting a patent to Joseph Robicheau; to the Committee on the Public Lands.

Also, papers to accompany House bill 11061, for relief of George W. Zigler; to the Committee on Invalid Pensions.

By Mr. SNELL: Memorial of 27 merchants of Plattsburg, N. Y., in favor of the so-called Stevens price-maintenance bill; to the Committee on Interstate and Foreign Commerce.

Also, petition of Shields Bros., F. M. Dana, F. J. Dimond, F. L. Cross, William E. Maxfield, and L. C. Sweet, all of Bombay, N. Y., favoring the passage of House bill 702; to the Committee on Ways and Means.

By Mr. SNYDER: Memorial of Astenrogen Chapter, Daughters of the American Revolution, relative to formation of a national park at the scene of the Battle of Oriskany; to the Committee on Military Affairs.

By Mr. SULLOWAY: Petition of Christian Church of Newton, N. H., favoring national prohibition; to the Committee on the Judiciary.

Also, petition of I. B. Williams & Sons, of Dover, favoring tax on dyestuffs; to the Committee on Ways and Means.

By Mr. TEMPLE: Petition of B. W. Bridgeman and other citizens of New Wilmington, Pa., favoring national prohibition; to the Committee on the Judiciary.

Also, petition of Adam Herst and others, of Charleroi, Pa., and Peter Bollenbacher and others, against national prohibition; to the Committee on the Judiciary.

Also, petition of Oscar Ekstadt and other citizens, of Rochester, Pa., favoring House bill 6871; to the Committee on Labor.

By Mr. TIMBERLAKE: Memorial of Local Union No. 549, Brotherhood of Railroad Trainmen, Grand Junction, Colo., against increase in Army and Navy; to the Committee on Military Affairs.

Also, petition of Local Union No. 44, International Union of United Brewery Workmen of America, Denver, Colo.; to the Committee on the Judiciary.

By Mr. WALSH: Petition of Fred J. Bentley, of New Bedford, Mass., and 23 other citizens of said city, opposing tax on tooth paste; also petitions of Edward J. Bellenoit and others, Alexander A. Petit and others, Frank M. Braza and others, on the same subject; to the Committee on Ways and Means.

By Mr. WASON: Resolutions of Hope Council, No. 3, Sons and Daughters of Liberty, of Milford, N. H., favoring the passage of the Burnett immigration bill; to the Committee on Immigration and Naturalization.

By Mr. WINSLOW: Petitions of citizens of Milford, Mass., against censorship of moving pictures; to the Committee on Education.

By Mr. YOUNG of North Dakota: Petition of Woman's Study Club, of Wimbledon, N. Dak., for nonpartisan commission for Indian affairs; to the Committee on Indian Affairs.

## SENATE.

### WEDNESDAY, *February 9, 1916.*

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, we take Thy name reverently and come before Thee with godly fear. We pray Thee to help Thy servants in the Senate to keep the heart of this Nation true and good. Our friendships are created, our interests are conserved, our patriotism deepened by the touch of God upon the life of the people. May Thy servants in the Senate lead the way, remembering that forgetfulness of God is the sacrifice of the highest interests both for this life and the world to come. So may we hold to Thee that we may know Thee and well discharge the sacred duties imposed upon us in Thy fear and with Thy favor. For Christ's sake. Amen.

The Journal of yesterday's proceedings was read and approved.

#### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed the bill (S. 900) amending sections 476, 477, and 440 of the Revised Statutes of the United States.

The message also announced that the House had passed a bill (H. R. 10385) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1917, in which it requested the concurrence of the Senate.

#### PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented a telegram in the nature of a petition from the Pikes Peak Ocean-to-Ocean Highway Association, in convention at St. Joseph, Mo., praying for an appropriation for the construction of a military highway across the country, which was referred to the Committee on Military Affairs.

Mr. GRONNA. I present a memorial of sundry citizens of Fordville, N. Dak., which I ask to have printed in the RECORD, It is a short memorial and is in opposition to the President's preparedness program.

There being no objection, the memorial was referred to the Committee on Military Affairs and ordered to be printed in the RECORD, as follows:

FORDVILLE, N. DAK., *January 29, 1916.*

Hon. A. J. GRONNA,
*United States Senate, Washington, D. C.:*

Believing that the present program of preparedness now before the Congress of the United States, entailing as it does a tremendous increase in the appropriations of the Nation, is unnecessary at this time, and realizing that the danger of war and the menace of militarism are increased by copying the war policy of Europe, we, the petitioners herewith subscribed, respectfully request you to use all honorable means at your command to defeat the administration plan of preparedness. We would further urge that if it is found necessary to adopt a preparedness program of any kind that you exert your influence toward having the Government of the United States own and operate its own plants for the building and manufacturing of every particle of war equipment needed.

Mr. GRONNA presented memorials of sundry citizens of North Dakota, remonstrating against a tax on gasoline, which were referred to the Committee on Finance.

He also presented a memorial of sundry citizens of Woodworth, N. Dak., remonstrating against an increase in armaments, which was referred to the Committee on Military Affairs.

He also presented a petition of the Commercial Club of Fargo, N. Dak., praying for the construction of good roads in the public domain, which was referred to the Committee on Public Lands.

He also presented a petition of the North Dakota Agricultural College, praying for the enactment of legislation to fix a standard price for patented and trade-marked articles, which was referred to the Committee on Education and Labor.

He also presented a petition of the Sixth District Medical Society, of Bismarck, N. Dak., and a petition of the Sheyenne Valley Medical Society, of Valley City, N. Dak., praying for the enactment of legislation to increase the Medical Corps of the Army, which were referred to the Committee on Military Affairs.

He also presented a petition of the Electrical Supply Jobbers' Association, of Chicago, Ill., praying for the enactment of legislation to fix a standard price for patented and trade-marked articles, which was referred to the Committee on Education and Labor.

He also presented a petition of the National Council of Congregational Churches, praying for national prohibition, which was referred to the Committee on the Judiciary.

Mr. SMITH of Maryland presented petitions of sundry citizens of Catonsville, Md., praying for Federal censorship of motion pictures, which were referred to the Committee on Education and Labor.

Mr. McCUMBER presented memorials of sundry citizens of North Dakota, remonstrating against a tax on gasoline, which were referred to the Committee on Finance.

He also presented a petition of sundry citizens of Bismarck, N. Dak., praying for the adoption of an amendment to the Constitution granting the right of suffrage to women, which was ordered to lie on the table.

He also presented a petition of Kotana Medical Society, of Williston, N. Dak., and a petition of the Sheyenne Valley Medical Society, of Valley City, N. Dak., praying for the enactment of legislation to increase the Medical Corps of the Army, which were referred to the Committee on Military Affairs.

He also presented a memorial of sundry citizens of Niagara, N. Dak., remonstrating against an increase in armaments, which was referred to the Committee on Military Affairs.

Mr. GALLINGER presented a petition of the Men's Class of the First Methodist Episcopal Church of Laconia, N. H., praying for national prohibition, which was referred to the Committee on the Judiciary.

He also presented the petition of Rev. G. F. Rouillard, of North Stratford, N. H., praying for prohibition in the District of Columbia, which was ordered to lie on the table.

He also (for Mr. BURLEIGH) presented a petition of sundry citizens of Portland, Me., praying for the imposition of a duty on dyestuffs, which was referred to the Committee on Finance.

He also (for Mr. GOFF) presented petitions of sundry citizens of West Virginia, praying for the printing of the report of the Commission on Industrial Relations, which were referred to the Committee on Printing.

He also (for Mr. GOFF) presented petitions of sundry citizens of West Virginia, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also (for Mr. GOFF) presented a petition of the Interwoven Mills, of Martinsburg, W. Va., praying for the imposition of a duty on dyestuffs, which was referred to the Committee on Finance.

Mr. IENROSE presented a petition of the Philadelphia (Pa.) Maritime Exchange, praying for the suspension of sections 4, 13, and 14 of the so-called seamen's act, and also for the enactment of legislation to develop the merchant marine, which was referred to the Committee on Commerce.

Mr. HARDWICK presented a petition of the Federation of Trades of Atlanta, Ga., praying for the printing of the report of the Commission on Industrial Relations, which was referred to the Committee on Printing.

Mr. MARTINE of New Jersey presented petitions of sundry citizens of Gloucester, N. J., praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. JAMES. I present a resolution adopted at a meeting of the Trigg County Good Roads Association, held in Cadiz, Ky., favoring the passage of the so-called Shackleford good-roads bill which appropriates $25,000,000 for the use and benefit of the roads of our country. I ask that the resolution be printed in the RECORD and referred to the Committee on Post Offices and Post Roads.

There being no objection, the resolution was referred to the Committee on Post Offices and Post Roads and ordered to be printed in the RECORD, as follows:

CADIZ, KY., *February 7, 1916.*

Senator OLLIE M. JAMES,
*Washington, D. C.*

DEAR SIR: At a meeting of the Trigg County Good Roads Association, held in Cadiz, Ky., on Saturday afternoon, February 5, 1916, the following resolution was unanimously adopted:

"*Resolved*, That we earnestly request both of our United States Senators, Hon. J. C. W. BECKHAM and Hon. OLLIE M. JAMES, to vote for and do whatever they can for the passage of the Shackleford good-roads bill, appropriating $25,000,000 for the use and benefit of the roads of our country, through the United States Senate, which bill was recently passed by the National House of Representatives."

Witness our hands, as president and secretary of the Trigg County Good Roads Association, this February 7, 1916.

W. C. WHITE, *President.*
JOHN S. LAURENCE, *Secretary.*

Mr. WARREN presented a petition of Rock Lake Grange, No. 13, Patrons of Husbandry, of Wheatland, Wyo., praying for an increase in armaments, which was referred to the Committee on Military Affairs.

He also presented a petition of Rock Lake Grange, No. 13, Patrons of Husbandry, of Wheatland, Wyo., praying for the repeal of certain sections of the statutes concerning mixed flour, which was referred to the Committee on Finance.

Mr. O'GORMAN presented petitions of sundry citizens of New York, praying for the imposition of a duty on dyestuffs, which were referred to the Committee on Finance.

Mr. CURTIS presented memorials of 10,858 citizens of Kansas, remonstrating against an increase in armaments, which were referred to the Committee on Military Affairs.

He also presented memorials of sundry citizens of Kansas, remonstrating against the enactment of legislation to place a tax on bank checks, which were referred to the Committee on Finance.

He also presented a petition of sundry citizens of Chapman, Kans., praying for an increase in armaments, which was referred to the Committee on Military Affairs.

He also presented a petition of the Central Labor Union of Hutchinson, Kans., and a petition of the Central Labor Union of Coffeyville, Kans., praying for the enactment of legislation to prohibit interstate commerce in convict-made goods, which were referred to the Committee on Education and Labor.

He also presented a petition of sundry citizens of Natoma, Kans., praying for national prohibition, which was referred to the Committee on the Judiciary.

He also presented a petition of sundry members of the Grand Army of the Republic of Lost Springs, Kans., praying for the enactment of legislation to provide for a monthly payment of pensions, which was referred to the Committee on Pensions.

He also presented a petition of sundry citizens of Manhattan, Kans., praying for the enactment of legislation to pay the National Guard, which was referred to the Committee on Military Affairs.

He also presented a petition of the Merchants and Farmers' Association of Johnson County, Kans., praying for the enactment of legislation to provide 1-cent postage on first-class mail, which was referred to the Committee on Post Offices and Post Roads.

Mr. KERN presented memorials of sundry citizens of Indianapolis, Fort Wayne, Terre Haute, South Bend, Evansville, Indian Harbor, Elkhart, Michigan City, Elwood, Hammond, Vincennes, and South Bend, all in the State of Indiana, remonstrating against national prohibition, which were referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Waldron, Bicknell, Elkhart, Greentown, Indianapolis, Peru, Red Key, Crown Point, Eden, Crawfordsville, Connersville, Richmond, Fort Wayne, Vincennes, and Columbus, all in the State of Indiana, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. PHELAN presented a petition of the City Council of Oakland, Cal., praying for the inclusion of the western water front of Oakland, Cal., in the so-called Oakland Harbor project for the improvement of San Francisco Bay, which was referred to the Committee on Appropriations.

Mr. PAGE presented a petition of 200 citizens of Orleans, Vt., praying for national prohibition, which was referred to the Committee on the Judiciary.

Mr. WEEKS presented memorials of sundry citizens of Fitchburg and Worcester, in the State of Massachusetts, remonstrating against an increase in armaments, which were referred to the Committee on Military Affairs.

He also presented memorials of sundry citizens of Lowell and New Bedford, in the State of Massachusetts, remonstrating against national prohibition, which were referred to the Committee on the Judiciary.

He also presented a petition of the Massachusetts Branch of the Congressional Union, praying for the adoption of an amendment to the Constitution granting the right of suffrage to women, which was ordered to lie on the table.

He also presented petitions of sundry citizens of Boston, Roslindale, Newton, Newtonville, and Cambridge, all in the State of Massachusetts, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented a memorial of sundry citizens of Lowell, Mass., remonstrating against prohibition in the District of Columbia, which was ordered to lie on the table.

He also presented a petition of sundry citizens of Walpole, Mass., praying for the enactment of legislation to prohibit inter-

state commerce in the products of child labor, which was referred to the Committee on Interstate Commerce.

He also presented a petition of the New England Shoe & Leather Association, praying for the creation of a nonpartisan tariff board, which was referred to the Committee on Finance.

He also presented a petition of the New York Zoological Society, praying for the enactment of legislation to set aside forest reserves for game refuges, which was referred to the Committee on Forest Reservations and the Protection of Game.

Mr. McLEAN presented a petition of sundry citizens of Danbury, Conn., praying for the enactment of legislation to fix a standard price for patented and trade-marked articles, which was referred to the Committee on Education and Labor.

He also presented a petition of the Baptist Ministers Conference of New London, Conn., praying for an increase in armaments, which was referred to the Committee on Military Affairs.

He also presented a petition of the congregation of the Methodist Episcopal Church, of Warehouse Point, Conn., praying for Federal censorship of motion pictures, which was referred to the Committee on Education and Labor.

He also presented a petition of the congregation of the South Methodist Episcopal Church, of Middletown, Conn., praying for national prohibition, which was referred to the Committee on the Judiciary.

He also presented a memorial of Local Union No. 40, International Union of United Brewery Workmen, of Bridgeport, Conn., remonstrating against national prohibition, which was referred to the Committee on the Judiciary.

REPORTS OF COMMITTEES.

Mr. BRYAN, from the Committee on Claims, to which was referred the bill (S. 1428) to reimburse certain fire insurance companies the amounts paid by them for property destroyed by fire in suppressing the bubonic plague in the Territory of Hawaii in the years 1899 and 1900, reported it without amendment and submitted a report (No. 119) thereon.

He also, from the same committee, to which was referred the bill (S. 3466) for the relief of the estate of Moses M. Bane, reported adversely thereon, and the bill was postponed indefinitely.

Mr. GRONNA, from the Committee on Indian Affairs, to which was referred the bill (S. 585) conferring jurisdiction on the Court of Claims to hear, determine, and render judgment in claims of the Sisseton and Wahpeton Bands of Sioux Indians against the United States, reported it with an amendment and submitted a report (No. 123) thereon.

Mr. HARDING, from the Committee on Claims, to which were referred the following bills, reported them each with an amendment and submitted reports thereon:

S. 922. A bill for the relief of Mary E. Nicolson (Rept. No. 121); and

S. 2720. A bill for the relief of Frank Payne Selby (Rept. No. 122).

Mr. WADSWORTH, from the Committee on Claims, to which was referred the bill (S. 3436) for the relief of John Alexander Besonen, reported it without amendment and submitted a report (No. 124) thereon.

Mr. BECKHAM, from the Committee on Claims, to which was referred the bill (S. 3255) for the relief of B. H. Harrison, submitted an adverse report (No. 118) thereon, which was agreed to, and the bill was postponed indefinitely.

Mr. STONE, from the Committee on Foreign Relations, reported an amendment proposing to appropriate $3,000 to enable the Government of the United States to pay, through the American Embassy at Berlin, its quotas as an adhering member of the International Geodetic Association for the Measurement of the Earth for the calendar years 1914 and 1915, etc., intended to be proposed to the Diplomatic and Consular appropriation bill, and moved that it be printed and, with the accompanying papers, referred to the Committee on Appropriations, which was agreed to.

FRIGATE "CONSTITUTION"—CHANGE OF REFERENCE.

Mr. GALLINGER. Mr. President, day before yesterday a letter from the Secretary of the Navy regarding the condition of the frigate *Constitution* was laid before the Senate. At my suggestion it was sent to the Committee on Appropriations. Manifestly it should go to the Committee on Naval Affairs, and I ask for that change of reference.

The VICE PRESIDENT. Without objection, it is so ordered.

PUBLIC BUILDING AT SANDUSKY, OHIO.

Mr. SWANSON. From the Committee on Public Buildings and Grounds I report back favorably without amendment the bill (S. 4308) to purchase a site and erect thereon a suitable building for post office and other governmental offices at Sandusky, Ohio, and for other purposes, and I submit a report (No. 117) thereon. I call the attention of the senior Senator from Ohio [Mr. POMERENE] to the bill.

Mr. POMERENE. Mr. President, I ask unanimous consent for the present consideration of this bill, and I will state my reason for it very briefly.

On March 4, 1913, Congress authorized the construction of a new building on the old site in the city of Sandusky, Ohio. On March 3, 1915, Congress appropriated $92,000, to be made immediately available, $80,000 to be applied toward the construction of the new building and $12,000 to provide temporary quarters for the Government offices. After this legislation was enacted the citizens of Sandusky decided that they wanted to change the site. It is the purpose of the bill to authorize this change—the construction of the building upon the new site, and the sale of the old site, for which they have now a bid guaranteed of not less than $70,000.

The bill increases the appropriation only $15,000, and the reason for asking its immediate consideration is because the citizens have options on two available sites which will expire March 1, and they fear they could not get a site so satisfactory on as good terms if these options were permitted to expire.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CARLOS HEVIA Y REYES GAVILÁN.

Mr. STONE. From the Committee on Foreign Relations I report back favorably without amendment the joint resolution (H. J. Res. 95) authorizing the Secretary of the Navy to receive for instruction at the United States Naval Academy at Annapolis Mr. Carlos Hevia y Reyes Gavilán, a citizen of Cuba.

A similar joint resolution was passed by the Senate some time since. It was introduced in the House at practically the same time it was introduced in the Senate, and the House joint resolution having been passed and sent here, I now ask unanimous consent for its present consideration.

The VICE PRESIDENT. Is there objection to the present consideration of the joint resolution?

Mr. PHELAN. I ask that it be read.

The VICE PRESIDENT. The joint resolution will be read.

The Secretary read the joint resolution, as follows:

*Resolved, etc.*, That the Secretary of the Navy be, and he hereby is, authorized to permit Mr. Carlos Hevia y Reyes Gavilán, a citizen of Cuba, to receive instruction at the United States Naval Academy at Annapolis: *Provided*, That no expense shall be caused to the United States thereby, and that the said Carlos Hevia y Reyes Gavilán shall agree to comply with all regulations for the police and discipline of the academy, to be studious, and to give his utmost efforts to accomplish the course in the various departments of instruction, and that the said Carlos Hevia y Reyes Gavilán shall not be admitted to the academy until he shall have passed the mental and physical examinations prescribed for candidates from the United States, and that he shall be immediately withdrawn if deficient in studies, of conduct, and so recommended by the academic board.

Mr. PHELAN. I have no objection to the present consideration of the joint resolution.

There being no objection, the joint resolution was considered as in Committee of the Whole.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. STONE. Mr. President, I enter a motion to reconsider the vote by which the Senate passed Senate joint resolution No. 81, authorizing the Secretary of the Navy to receive for instruction at the United States Naval Academy at Annapolis Mr. Carlos Hevia y Reyes Gavilán, a citizen of Cuba, and that the House be requested to return to the Senate the joint resolution.

The VICE PRESIDENT. The notice will be entered.

THE PATENT OFFICE.

Mr. JAMES. From the Committee on Patents I report back favorably, without amendment, the bill (S. 683) prohibiting the use of the name of any Member of either House of Congress or of any officer of the Government by any person, firm, or corporation practicing before the Patent Office in advertising his business, and I call the attention of the Senator from Washington [Mr. POINDEXTER] to the bill.

Mr. POINDEXTER. Mr. President, this bill is identical with one which passed during the last session of Congress. It is very much desired by the Commissioner of Patents, in order to relieve his office of the abuses to which the bill refers. I ask for its immediate consideration.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

*Be it enacted, etc.*, That it shall be unlawful for any person, firm, or corporation practicing before the Patent Office to use the name of any Member of either House of Congress or of any officer of the Government in advertising the said business.

SEC. 2. That this act shall take effect three months after its date.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

INCREASE OF MIDSHIPMEN—UNITED STATES NAVAL ACADEMY.

Mr. TILLMAN. From the Committee on Naval Affairs I report back favorably, without amendment, the bill (H. R. 9224) providing for an increase in number of midshipmen at the United States Naval Academy, and I ask unanimous consent for its present consideration. It is a House bill. I tried to get the bill through on yesterday, but the Senator from Wisconsin [Mr. LA FOLLETTE] objected. He has since withdrawn his objection.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

Mr. SMOOT. I do not object, because I have no objection to the consideration of the bill at this time, but——

Mr. TILLMAN. I have seen the Senator from Wisconsin, and he told me he had withdrawn all objection; that he did not know what the bill was when I asked for its consideration on yesterday.

Mr. SMOOT. He has no objection?

Mr. TILLMAN. The Senator from Wisconsin has no objection at all to the passage of this bill. He is very anxious for it to go through.

Mr. LODGE. Which bill is this, Mr. President?

Mr. POINDEXTER. The bill providing for an increase in the number of midshipmen at the United States Naval Academy.

The VICE PRESIDENT. Is there any objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read as follows:

*Be it enacted, etc.*, That hereafter there shall be allowed at the United States Naval Academy 3 midshipmen for each Senator, Representative, and Delegate in Congress, 1 for Porto Rico, 2 for the District of Columbia, 10 appointed each year at large, and 15 appointed annually from enlisted men in the Navy as now authorized by law.

SEC. 2. That all acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

NEW YORK AND MARE ISLAND NAVY YARDS.

Mr. TILLMAN. Mr. President, I ask unanimous consent for the present consideration of House joint resolution 98, making part of the appropriation "Construction and machinery, increase of the Navy," in the naval act approved March 3, 1915, available for the extension of building ways and equipment at the navy yards at New York and Mare Island, Cal.

Mr. LODGE. That joint resolution is on the calendar.

Mr. TILLMAN. It is on the calendar, and I ask for its immediate consideration.

Mr. JONES. Let the joint resolution be read.

The VICE PRESIDENT. The Secretary will read the joint resolution.

Mr. NEWLANDS. Mr. President, I will ask if this measure will lead to any debate?

Mr. TILLMAN. I do not think so.

Mr. LODGE. No; I do not think so.

The VICE PRESIDENT. Is there any objection to the present consideration of the joint resolution?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution, which was read as follows:

*Resolved, etc.*, That of the money heretofore appropriated under the appropriation "Increase of the Navy, construction and machinery," in the act making appropriations for the naval service for the fiscal year ending June 30, 1916, approved March 3, 1915, the sums of not exceeding $100,000 for navy yard, New York, and not exceeding $500,000 for navy yard, Mare Island, Cal., are hereby made available for the extension of building ways and equipment necessary for the construction of battleships or battle cruisers in those yards.

Mr. LODGE. Mr. President, I will say to the Senator from Nevada that this joint resolution is on the calendar, and, of course, it can be taken up on motion.

I shall detain the Senate for only a moment. This is an emergency measure of the strongest kind. It ought to be passed at once as it came from the House. It makes no new appropriation. It simply makes available money already appropriated.

Battleships *43* and *44* were authorized one year ago at this time. They were sent by the Secretary of the Navy to Mare Island and New York. The ways in both of those yards are occupied, and the ways at Mare Island are not big enough to take a superdreadnaught, and there is no money with which to extend them. If this money is not given, they will not be extended. Therefore it is of the utmost importance that this money shall be made available at once for the purpose of extending the Mare Island ways and getting equipment to the New York ways.

What I want to call attention to is the fact that by the time the keels of those ships are laid it will be 18 months from their authorization. Now, we build a battleship in three years. That is a little longer, though not so much longer, as is commonly said, than the English or German rates; but we waste a whole year and a half before we begin to build them. If we need any increases in the Navy, we need them now. This is a step toward getting as quickly as possible the ships authorized last year, which can not be begun before September or October. I hope the joint resolution will pass immediately.

Mr. PHELAN. Mr. President, I desire in this connection to have printed in the RECORD at this point a letter I have just received from the Secretary of the Navy that throws some light upon the bids of private contractors upon the battleships *43* and *44*, and so forth, and the advantage in these instances of construction in Government yards.

The VICE PRESIDENT. Without objection, the letter will be received and printed in the RECORD.

The matter referred to is as follows:

FEBRUARY 8, 1916.

DEAR SENATOR PHELAN: Complying with your verbal request for information concerning the bids, etc., for battleships *43* and *44*, the bids from the private contractors were as follows:

NEW YORK SHIPBUILDING CO.

One vessel, in accordance with the department's design, subject to certain exceptions enumerated hereinafter..... $7,700,000

NEWPORT NEWS SHIPBUILDING & DRY DOCK CO.

One vessel, in accordance with the department's design, subject to certain exceptions enumerated hereinafter..... 7,775,000

FORE RIVER SHIPBUILDING CORPORATION.

Bid 1. One vessel in accordance with the department's design..... 7,638,000

Bid. 2. One vessel in accordance with the department's design..... 7,684,000

Bid 3. One vessel in accordance with the department's design..... 7,750,500

Bid 4. One vessel in accordance with the department's design..... 7,229,500

These prices are subject to certain exceptions, differing in each case, as described below.

The following table gives the items which the respective bidders propose to omit from the contract plans and specifications, as originally contemplated by the department, and opposite each item is given an estimate of the cost of including that item. In some cases these figures have been stated in the bids, but in some instances have been estimated by the bureaus:

*Estimated value of omissions.*

| Items. | New York Shipbuilding Co. | Newport News Shipbuilding & Drydock Co. | Fore River Shipbuilding Corporation. | | | |
|---|---|---|---|---|---|---|
| | | | Bid 1. | Bid 2. | Bid 3. | Bid 4. |
| 1. Insurance | $70,000 | $70,000 | ..... | $96,500 | ..... | ..... |
| 2. Bond | 10,000 | ..... | ..... | 10,000 | ..... | ..... |
| 3. Trial trip | 75,000 | 75,000 | ..... | 75,000 | | |
| 4. Docking and painting | 12,500 | 12,500 | ..... | 12,500 | | |
| 5. Oregon pine for teak | 40,000 | 40,000 | ..... | 40,000 | | |
| 6. Metal furniture and lockers | 68,000 | 68,000 | ..... | 68,000 | (1) | (2) |
| 7. Water ejecting system | 25,000 | ..... | ..... | 25,000 | | |
| 8. Spare shaft | 7,600 | ..... | ..... | 7,600 | | |
| 9. Propellers | 6,900 | ..... | ..... | 13,800 | | |
| 10. Shop tools | 17,000 | ..... | ..... | 17,000 | | |
| 11. Pneumercators | 11,000 | ..... | ..... | ..... | ..... | ..... |
| 12. Laundry and sterilizer | 8,000 | ..... | ..... | 8,000 | ..... | ..... |
| 13. Hose | 3,000 | ..... | ..... | 3,000 | ..... | ..... |
| 14. Finished plans | 13,500 | ..... | ..... | 15,000 | ..... | ..... |
| 15. Nickel steel for steel turret structure | ..... | 200,000 | ..... | ..... | ..... | ..... |
| 16. Forgings (hull), on 1910 specifications | ..... | ..... | ..... | ..... | ..... | ..... |
| 17. Cork instead of noninflammable insulation | ..... | ..... | ..... | ..... | ..... | ..... |
| 18. All steel turret structure | ..... | ..... | $521,000 | ..... | ..... | $521,000 |
| 19. Inclining experiment | ..... | ..... | ..... | 1,000 | ..... | ..... |
| 20. Electric winches and capstan | ..... | ..... | ..... | 20,000 | ..... | ..... |

[1] Same as bid 2, except insurance is included.

[2] Same as bid 3, except Government to supply steel turret structure.

*Estimated value of omissions*—Continued.

| Items. | New York Shipbuilding Co. | Newport News Shipbuilding & Drydock Co. | Fore River Shipbuilding Corporation. | | | |
|---|---|---|---|---|---|---|
| | | | Bid 1. | Bid 2. | Bid 3. | Bid 4. |
| 21. Printing office and carpenter shop | | | | $3,500 | | |
| 22. Speed gears in boat cranes | | | | 80,000 | | |
| 23. Evaporators as on Nevada | | | | 15,000 | | |
| 24. Fireroom hoist | | | | 1,500 | | |
| 25. Torsion meters | | | | 3,500 | | |
| Total | $368,100 | $465,500 | $521,000 | 407,000 | $340,500 | $861,500 |
| Bids as submitted | 7,700,000 | 7,775,000 | 7,638,000 | 7,684,000 | 7,750,500 | 7,229,500 |
| Total for ship in accordance with department's plans and specifications | 8,068,100 | 8,240,500 | 8,159,000 | 8,091,000 | 8,091,000 | 8,091,000 |

Time of construction: The department's circular to prospective bidders on these vessels stated that no bids would be considered which proposed a period for construction in excess of 34 months. Prior to the opening, several of the prospective bidders protested against this provision, stating that under the prevailing conditions of the labor and material markets it would be impracticable to guarantee completion in that period. The contractors were then informed that a bid containing a time guarantee in excess of 34 months would not be thrown out on that account, but preference in consideration would be given to bids proposing the shortest time for construction.

The Newport News Shipbuilding & Dry Dock Co. in their proposal offered a constructional period of 40 months. The Fore River Shipbuilding Corporation proposed 34 months, but in a letter forming a part of their bid stated:

"Referring to our proposal herewith submitted for the construction of one of battleships Nos. 43 and 44 and to paragraph 12 of the confidential circular of requirements for bidders, which states that the maximum time allowed for completion of these vessels will be limited by the department to 34 months, and that no bid that proposes to exceed this limit will be considered, we beg to invite attention to our letter of the 28th ultimo to the Secretary of the Navy, specifying in detail why we do not consider it practicable to construct this vessel within the limitation of time as specified by the department. In spite of this fact we are able to put in a proposition that will comply with the department's circular, because we know that the steel market is at present in such condition that after the receipt of our orders for structural material a time that would ordinarily be unreasonable will be required for its delivery. Paragraph 9 of the contract distinctly provides that this shall be a reason for extension of contract time, and it is because of this clause of the contract and of our knowledge of the steel situation that we are submitting this bid.

"We are convinced that there will be delay on the part of the Government in providing the material that it furnishes under the third clause of the contract, because this is affected by the same conditions that render it impracticable for us to obtain structural material within the time necessary to carry this vessel to completion in 34 months. The third clause of the contract provides that such delay shall entitle the contractor to an extension of time for the completion of the vessel."

The New York Shipbuilding Co. likewise proposed 34 months, but in a similar letter stated:

"In making our proposal to deliver this vessel in 34 months we make special reference to the provisions of the form of contract, clauses 3 and 9, for the protection of the builder, for the reason that, should existing conditions in obtaining materials continue, it is extremely likely that there will be considerable delay in the delivery of the ship, unavoidable and quite beyond the control of the builder."

The pertinent portions of the contract clauses 3 and 9 referred to above provide that if armor and ordnance supplied by the Government shall be delayed in delivery to the contractor and thereby delay the construction of the ship, he shall be entitled to a corresponding extension of the contract time. Also that he shall be entitled to extension of the contract time for delays caused by the act of the department or by fire or water or by strikes or by other circumstances beyond his control, but that such circumstances shall not be deemed to include delays in obtaining material unless the contractor failed to obtain delivery after having ordered the material in proper time and used every reasonable effort to get delivery.

In view of the fact that the amount authorized by Congress for the construction of these ships was $7,800,000 each, and the lowest cost of construction by private contractors was $8,068,100, or $268,100 in excess of the sum the Secretary of the Navy was authorized to expend, no recourse was open but to decline to make an award at a figure above the legal authorization.

Added to this insuperable reason why the contract could not be awarded to either of the private shipbuilding concerns upon their bid was the additional fact that neither company guaranteed to complete the ship at any fixed date within a reasonable time. The Newport News Co. frankly placed 40 months as the shortest time for delivery, and the other bidders were equally frank in pointing out that delay must be expected, so that they could give no assurance of early completion. On the contrary, as will be seen above, the companies pointed out the reason why, if awarded the contract, the Government must expect delay in the completion of the ships.

The New York Navy Yard estimated that it could build a ship within 36 months at a cost of $7,069,923. It is estimated that $100,000 will be needed for plant improvements. The Mare Island Navy Yard estimated that it could build a ship for $7,413,156, including certain necessary preparations for construction estimated at $244,748. It also stipulated that other money would be needed to further equip the yard during construction. Their estimates showed a saving of $654,944 over the lowest bid of the private shipbuilding companies and a time of construction of 31 months after receipt of structural material. Even with the necessary delay to extend the slip and provide other equipment at Mare Island it is believed that the Government can complete the ships at as early a date as any of the private shipbuilding yards, all of which are crowded with private contracts.

Before awarding the building of these ships to the navy yards I took the precaution of making contracts for steel and armor plate, with guaranties of prompt delivery, and directions have been given to make like contracts for all material needed, so there will be no unnecessary delays. The machinery is now under advertisement. The price quoted for the steel needed in construction was slightly lower than the estimate previously made by the two yards awarded the contract.

The prompt action by the House of Representatives in authorizing the expenditure of $600,000 of the $1,920,769 between the lowest bids of the private shipbuilders and the navy-yard estimates will enable the Navy Department to lose no time in making every preparation so that the work can be pushed to the utmost as soon as the ways are clear.

Sincerely, yours,

JOSEPHUS DANIELS.

Hon. JAMES D. PHELAN,
*United States Senate.*

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

### MAHONING RIVER BRIDGE, OHIO.

Mr. SHEPPARD. From the Committee on Commerce I report back favorably, without amendment, the bill (H. R. 8233) granting the consent of Congress to the Republic Iron & Steel Co. to construct a bridge across the Mahoning River, in the State of Ohio, and I submit a report (No. 120) thereon. I ask unanimous consent for the present consideration of the bill.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

### ADDITIONAL DISTRICT JUDGE FOR NEW JERSEY.

Mr. HUGHES. I ask unanimous consent for the present consideration of Order of Business 109, being Senate bill 1809, to create an additional judge in the district of New Jersey.

Mr. NEWLANDS. Mr. President, is there likely to be any discussion on this measure?

Mr. HUGHES. I think not.

The VICE PRESIDENT. Is there objection to the present consideration of the bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

*Be it enacted, etc.*, That the President of the United States be, and he hereby is, authorized and directed, by and with the advice and consent of the Senate, to appoint an additional judge of the district court of the United States for the district of New Jersey, who shall reside in said district, and whose term of office, compensation, duties, and powers shall be the same as now provided by law for the judge of said district.

SEC. 2. That this act shall take effect immediately.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

### BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. CURTIS:

A bill (S. 4340) providing for the inspection, grading, and weighing of interstate shipments of hay and straw, authorizing the Secretary of Agriculture to appoint inspectors for such purposes, to fix standards for grading hay and straw, and for other purposes; to the Committee on Agriculture and Forestry.

A bill (S. 4341) for the relief of Franklin Bannon; to the Committee on Military Affairs.

A bill (S. 4342) granting a pension to Daniel B. Waggoner (with accompanying papers);

A bill (S. 4343) granting an increase of pension to Ludwell J. Mosher (with accompanying papers);

A bill (S. 4344) granting a pension to Rhoda E. Ross (with accompanying papers);

A bill (S. 4345) granting an increase of pension to James W. Dougherty (with accompanying papers);

A bill (S. 4346) granting an increase of pension to William R. Brooks (with accompanying papers);

A bill (S. 4347) granting an increase of pension to Alfred H. Guest (with accompanying papers);

A bill (S. 4348) granting a pension to Mrs. M. A. Campbell (with accompanying papers);

A bill (S. 4349) granting a pension to Joseph Warner (with accompanying papers);

A bill (S. 4350) granting an increase of pension to Francis M. Choat (with accompanying papers);

A bill (S. 4351) granting an increase of pension to Hamilton Rogers (with accompanying papers);

A bill (S. 4352) granting an increase of pension to Stephen Patterson;

A bill (S. 4353) granting an increase of pension to James H. Gunion (with accompanying papers); and

A bill (S. 4354) granting an increase of pension to Gustavus A. Kindblade (with accompanying papers); to the Committee on Pensions.

By Mr. SMITH of Maryland:

A bill (S. 4355) to promote efficiency of instruction at the Naval Academy by providing for the systematic appointment and compensation of professors and instructors on the teaching staff (with accompanying paper); to the Committee on Naval Affairs.

A bill (S. 4356) to enlarge, extend, remodel, and repair the United States post office and courthouse building located at Baltimore, Md.; to the Committee on Public Buildings and Grounds.

By Mr. SIMMONS:

A bill (S. 4357) to correct the military record of Joseph J. Mitchell (with accompanying papers); to the Committee on Military Affairs.

A bill (S. 4358) granting a pension to Hillory M. Wilder (with accompanying papers); and

A bill (S. 4359) granting an increase of pension to Robert H. Cowan (with accompanying papers); to the Committee on Pensions.

By Mr. CHAMBERLAIN:

A bill (S. 4360) authorizing the President to exchange land set aside for military purposes in the Territory of Hawaii for private land; to the Committee on Military Affairs.

By Mr. OLIVER:

A bill (S. 4361) to amend the provisions of an act relating to certain railway corporations owning or operating street railways in the District of Columbia, approved June 5, 1900, and for other purposes; to the Committee on the District of Columbia.

By Mr. GALLINGER (for Mr. BURLEIGH):

A bill (S. 4362) granting an increase of pension to Corydon B. Lakin; to the Committee on Pensions.

By Mr. GALLINGER (for Mr. GOFF):

A bill (S. 4363) granting an increase of pension to Emma Jane Wannaling (with accompanying papers);

A bill (S. 4364) granting an increase of pension to Isaac Gour (with accompanying papers);

A bill (S. 4365) granting an increase of pension to Isabel T. Congo; and

A bill (S. 4366) granting an increase of pension to Roxalina Kinney (with accompanying papers); to the Committee on Pensions.

A bill (S. 4367) for the relief of James H. Kelly; to the Committee on Military Affairs.

A bill (S. 4368) for the relief of D. A. Barbour and Andrew Ghidden; to the Committee on Claims.

By Mr. O'GORMAN:

A bill (S. 4369) to develop and promote the industry of utilizing the natural resources of the United States which are useful for chemical products; to the Committee on Industrial Expositions.

By Mr. HUSTING:

A bill (S. 4370) granting an increase of pension to Henrietta Bown; to the Committee on Pensions.

By Mr. JOHNSON of South Dakota:

A bill (S. 4371) authorizing the Sioux Tribe of Indians to submit claims to the Court of Claims; to the Committee on Indian Affairs.

By Mr. LA FOLLETTE:

A bill (S. 4372) to reimburse in the Treasury the funds of the Stockbridge and Munsee Indians for amounts illegally distributed; and

A bill (S. 4373) to authorize the Secretary of the Interior to dispose of the timber on the so-called "school lands" and "swamp lands" within the Bad River and Lac du Flambeau Indian Reservations in the State of Wisconsin; to the Committee on Indian Affairs.

By Mr. PENROSE:

A bill (S. 4374) granting an increase of pension to Timothy D. Gallagher; to the Committee on Pensions.

By Mr. LODGE:

A bill (S. 4375) granting a pension to Mary Lahey Murphy (with accompanying papers);

A bill (S. 4376) granting an increase of pension to Horace J. Poland (with accompanying papers); and

A bill (S. 4377) granting an increase of pension to Harriet A. Mills (with accompanying papers); to the Committee on Pensions.

By Mr. THOMPSON:

A bill (S. 4378) granting an increase of pension to David McConnell (with accompanying papers); to the Committee on Pensions.

By Mr. McCUMBER:

A bill (S. 4379) granting a pension to Mattie Jackson; and

A bill (S. 4380) granting an increase of pension to Robert B. Stafford; to the Committee on Pensions.

By Mr. WEEKS:

A bill (S. 4381) for the relief of Maxwell Carpenter (with accompanying papers); to the Committee on Military Affairs.

By Mr. DU PONT:

A bill (S. 4382) granting an increase of pension to Thomas E. Sharp; to the Committee on Pensions.

By Mr. HUGHES:

A bill (S. 4383) for the relief of the Modern Building & Loan Association of Newark, N. J.; and

A bill (S. 4384) providing for the refund of duties collected on flax-preparatory machines, parts, and accessories imported subsequently to August 5, 1909, and prior to January 1, 1911; to the Committee on Finance.

By Mr. SHIVELY:

A bill (S. 4385) granting a pension to Emily Thompson;

A bill (S. 4386) granting a pension to Mary B. Mappin;

A bill (S. 4387) granting an increase of pension to Thomas S. Black;

A bill (S. 4388) granting an increase of pension to Irving Pershing; and

A bill (S. 4389) granting an increase of pension to William L. Fields; to the Committee on Pensions.

By Mr. ASHURST:

A bill (S. 4390) authorizing a report upon the feasibility of constructing the Colorado River Indian irrigation project; to the Committee on Indian Affairs.

AMENDMENT TO ARMY APPROPRIATION BILL.

Mr. DU PONT submitted an amendment authorizing the President to appoint to the rank of major general on the retired list of the Army, without increase of pay, any brigadier general of the Army now on the retired list who throughout the entire Civil War served continuously and with credit in the field with Regular and Volunteer troops of the line, etc., intended to be proposed by him to the Army appropriation bill, which was referred to the Committee on Military Affairs and ordered to be printed.

HEARINGS BEFORE COMMITTEE ON AGRICULTURE AND FORESTRY.

Mr. SMITH of South Carolina submitted the following resolution (S. Res. 95), which was read and referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

*Resolved*, That the Committee on Agriculture and Forestry, or any subcommittee thereof, be, and hereby is, authorized during the Sixty-fourth Congress to send for persons, books, and papers, to administer oaths, and to employ a stenographer, at a cost not exceeding $1 per printed page, to report such hearings as may be had in connection with any subject which may be pending before said committee, the expense thereof to be paid out of the contingent fund of the Senate, and that the committee, or any subcommittee thereof, may sit during the sessions or recess of the Senate.

MANUFACTURE OF ARMOR.

Mr. TILLMAN. Mr. President, I desire to give notice that on Monday next, February 14, 1916, immediately after the conclusion of the routine morning business, I shall ask the Senate to consider Senate bill 1417, a bill to erect a factory for the manufacture of armor. I shall file a report on the bill some time to-day or to-morrow.

NATIONAL CHILD-LABOR LAW.

Mr. KENYON. Mr. President, I desire to give notice that on Friday next, the 11th instant, following the routine morning business, I shall address the Senate on the question of a national child-labor law.

HOUSE BILL REFERRED.

H. R. 10385. An act making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1917, was read twice by its title and referred to the Committee on Indian Affairs.

IMPROVEMENT OF ROADS.

Mr. BANKHEAD. Mr. President, three or four days ago, when the hour of 2 o'clock arrived the Senate was considering

a motion which I made requesting the Committee on Agriculture and Forestry to return a certain bill to the Senate in order that it might be referred to the appropriate committee.

Mr. President, I have no pride of opinion as to what a good-roads bills shall contain, provided it will lead to the improvement of roads, and I have no pride of opinion whatever as to the person who shall offer such a bill; but this bill—a House bill which came over here—I am persuaded was referred to the Committee on Agriculture and Forestry through an inadvertence or a mistake, created perhaps by the caption or title of the bill itself. If Senators will read the title of the bill and then will read the first section of the bill, they will conclude at once, necessarily, that the title of the bill was carefully prepared with the purpose of misleading the Chair and the clerks at the desk. I am going to read the title of the bill, Mr. President, in order that the Senate may understand it.

The VICE PRESIDENT. What is the number?

Mr. BANKHEAD. H. R. 7617, an act to provide that in order to promote agriculture, afford better facilities for rural transportation and marketing farm products, and encourage the development of a general system of improved highways, the Secretary of Agriculture, on behalf of the United States, shall in certain cases aid the States in the construction, improvement, and maintenance of roads which may be used in the transportation of interstate commerce, military supplies, or postal matter.

For a number of years, Mr. President, this question has been before the Senate. It has been discussed on the floor of the Senate. A number of bills have been introduced in each session of Congress providing for what is commonly called national aid in support of building and maintaining post roads. There are a half dozen bills of that character now before the Committee on Post Offices and Post Roads. They are being there considered. Of course we do not desire any conflict; we do not desire any precipitate action; we do not desire an effort on the part of one committee to rush into the Senate and put a bill on the calendar in advance of the other. All I am asking is that the Senate shall consider this question in connection with the title of this bill and the body of the bill, in which no reference is made to agriculture and the improvement of roads for the transportation of agricultural products. It was understood from the beginning in the other House and in this Chamber that this bill, or a bill on this subject, was intended purely and exclusively to aid in the building and maintenance of post roads, roads over which the mails of the country were to go, and in order that the rural service might be extended to every part of the country where it was practical to go with a road over which the carriers could travel. That is the only purpose of the bill.

I do not care to say any more on the subject. I am entirely willing to leave the matter to the Senate. This bill has only the purpose to aid in the construction of post roads. I do not know that Congress has authority to appropriate money for the building of any roads except post roads. That is a question, however, that I do not propose to discuss here and now. The only question, Mr. President, is whether or not the Post Office Committee of the Senate, having had these matters under consideration, which have always been regarded as within their proper jurisdiction, shall consider this bill and report it at an early day, as I am sure the committee will, and let the Senate dispose of it. On the other hand, if the Senate shall conclude that the question may be more successfully and wisely handled by the Agricultural Committee, of course I shall have nothing further to say.

Mr. SMITH of Georgia. Mr. President, it is true that there have been road bills referred to the Post Office Committee; it is also true that road bills have been referred to the Agricultural Committee. There have been bills upon this subject before each of those committees, I think, for the past four years. I would say that ordinarily a bill upon this subject might be referred to either committee, but this particular House bill not only through its title, which the Senator from Alabama indicates should carry it to the Agricultural Committee, but all through the bill contains provisions that should carry it to the Committee on Agriculture. When the bill came from the other House the Presiding Officer saw the title of the bill and referred it to the Committee on Agriculture. It is true that several friends of the measure believed that the Committee on Agriculture was the proper committee to which it should be referred, and would have moved to so refer it, but the President of the Senate referred it to the Committee on Agriculture without a motion.

Mr. SUTHERLAND. Mr. President, will the Senator from Georgia permit me to ask him a question?

The VICE PRESIDENT. Does the Senator from Georgia yield to the Senator from Utah?

Mr. SMITH of Georgia. Yes.

Mr. SUTHERLAND. Under what provision of the Constitution does the Senator from Georgia think that Congress has power to provide for the building of roads to promote agriculture?

Mr. SMITH of Georgia. Under the same provision of the Constitution under which Congress had power to establish the Agricultural Department and to establish a bureau in the Agricultural Department that has charge of road work. The Senator from Utah can answer that question himself.

Mr. SUTHERLAND. Under what provision of the Constitution is that done?

Mr. SMITH of Georgia. The Senator from Utah has been here longer than I have and has been voting upon these questions, and therefore I do not think he needs any information from me.

Mr. SUTHERLAND. Well, Mr. President, if the Senator from Georgia will permit me to say so, I asked the question in absolute good faith, because I am myself unable to see on what theory Congress can appropriate money to build roads to promote agriculture. We can undoubtedly build roads for post-office purposes, as the Constitution has authorized Congress to establish post offices and post roads; we may build military roads under the war power; and perhaps—though I am not sure about that—we may build roads under the commerce clause of the Constitution as a regulation of interstate commerce; but certainly Congress has not any power to expend money for the mere purpose of promoting any branch of industry within a State.

The point that I was finally coming to was to suggest to the Senator from Georgia that, after all, whatever committee this bill was referred to, it ought to be one of the committees that deals with the subject matter which the Constitution recognizes. The bill ought to go to the Committee on Post Offices and Post Roads, perhaps, because that committee has jurisdiction over that subject, or it might go to the Committee on Military Affairs, if a military road is contemplated; but I can not see——

Mr. SMITH of Georgia. It might go to the Committee on Commerce.

Mr. SUTHERLAND. Or possibly it might go to the Committee on Commerce.

Mr. SMITH of Georgia. The Committee on Interstate Commerce.

Mr. SUTHERLAND. But it seems more appropriately to belong to the Committee on Post Offices and Post Roads.

Mr. SMITH of Georgia. Mr. President, I concede that the bill might go to the Committee on Post Offices and Post Roads; that it might go to the Committee on Military Affairs; that it might go to the Committee on Interstate Commerce—each of those three propositions is submitted in the remarks of the Senator from Utah—but where does the Government administer its work in connection with roads? It administers none of its work under either of those three departments; it does no road construction or road supervision in the Post Office Department; it does none in the Department of Commerce; it does none in the military department; but Congress has established as a branch of the Agricultural Department a Good Roads Bureau. It has an organization, to which appropriations have from time to time been made to stimulate the construction of better roads and to teach the mode of constructing better roads.

Mr. SUTHERLAND. Mr. President, will the Senator from Georgia permit an interruption?

Mr. SMITH of Georgia. I will for a question.

Mr. SUTHERLAND. Congress is not undertaking to build the roads; Congress is simply undertaking to determine whether or not the roads ought to be built. If I am correct in saying that money expended for this purpose must be under one or the other of the clauses of the Constitution to which I have referred, namely, under the post-office clause or the war power or the commerce clause, or all of them, perhaps; in any event, Congress must determine whether or not there is a military necessity for such road construction if it is put upon that clause of the Constitution.

Mr. SMITH of Georgia. I am willing to yield to the Senator from Utah for a question, but I am not willing to yield for him to make a speech.

Mr. SUTHERLAND. I am not going to make a speech.

Mr. SMITH of Georgia. If the Senator will ask the question, I will yield; otherwise I shall not.

Mr. SUTHERLAND. Of course, if the Senator from Georgia is to dictate to me the precise length of my question, I shall have to yield.

Mr. SMITH of Georgia. If it is a question, well and good; but it did not sound like a question.

Mr. SUTHERLAND. It is a question.

Mr. SMITH of Georgia. Then I yield, Mr. President, and agree that the Senator from Utah shall shape his question in his own way.

Mr. SUTHERLAND. Mr. President, I was simply laying the foundation for the question. As I was saying, if the expenditure of this money is to be justified under the war power as a necessity, then that question should be passed upon by the committee which deals with that subject, namely, the Military Committee. If it is to be a road to be built under the post-office clause of the Constitution, then the appropriate committee should determine whether there is good reason for calling into exercise that power, the necessity for post roads, and so on, with reference to the other clause of the Constitution, namely, the commerce clause.

What I desire to ask the Senator is, upon what theory, if I am correct about that, can either of those questions be submitted to the Committee on Agriculture, namely, the military necessity for roads, the necessity for them in connection with post-office affairs, or their use to carry out the interstate-commerce clause of the Constitution? Neither of them presents an agricultural question.

Mr. SMITH of Georgia. Mr. President, the bill is based on all three, so that if the selection of the committee to which the bill should go were to be governed by the line of thought suggested by the Senator from Utah, two-thirds of his reason would die, because only one of the three committees could have it. In point of fact, it is no reason at all. We should select a committee that will have supervision of the work after the bill is passed. We should select to consider the question a committee which has under its supervision the organization provided by the acts of Congress to administer the bill.

Now, let us see what that is; let us see what the bill provides. The Postmaster General has nothing to do with its execution; the Secretary of Commerce has nothing to do with its execution; the Secretary of War has nothing to do with it. The Senator from Alabama reads the first paragraph of the bill, and says that under that paragraph the bill should go to the Committee on Agriculture and Forestry.

Mr. BANKHEAD. No; I did not say that. I said that the title of the bill and that paragraph were prepared in order to mislead the President of the Senate. That is what I said.

Mr. SMITH of Georgia. I would regret to say that a bill was drawn by a Member of either House with language put in it that was intended to mislead the President of this body. It certainly could not mislead the Senate.

Now, let us turn to section 2, which reads:

SEC. 2. That out of any appropriation made under the provisions of this act the Secretary of Agriculture shall deduct the sum which he shall deem necessary to defray the expenses of his department in the administration of this act—

And so forth.

The bill is to be administered under the Secretary of Agriculture. The Secretary of Agriculture reports to the Committee on Agriculture.

Now, let me read from another section of the bill:

SEC. 3. That as soon as may be after the passage of any act making appropriations under the provisions of this act the Secretary of Agriculture shall prepare and file in his office a statement showing the amount of such appropriation he has set apart to defray the expense of his department in the administration of this act and the amount of the balance which will be available for expenditure in each State—

And so forth.

The State highway department of any State, after receiving the statement, may apply to the Secretary of Agriculture for aid.

The Secretary of Agriculture is required to examine the surveys, and he supervises the work. It is the discretion of the Secretary of Agriculture that is exercised in passing upon the roads suggested by any State to determine whether the appropriation contemplated by this bill may be used in their improvement. The Secretary of Agriculture may make, or cause to be made, inspection and examination of the roads constructed. He is required to pass upon the question as to whether they are constructed according to the requirements of the bill. So, Mr. President, everything to be done under this bill will be done, so far as the Government is concerned, by the Secretary of Agriculture and by the forces of the Agricultural Department.

There is now a bureau in the Agricultural Department devoted to good roads. As the Department of Agriculture will execute this bill, surely the proper committee to which to send it is the committee which is in constant relationship with the Department of Agriculture. As the requirements of the bill are complied with the reports will come to, and examinations be made by, the Committee on Agriculture. I submit, Mr. President——

Mr. BANKHEAD. Will the Senator permit me to interrupt him?

Mr. SMITH of Georgia. I yield to the Senator.

Mr. BANKHEAD. I think the bill provides that the Secretary of Agriculture shall make reports to Congress and not to the Committee on Agriculture.

Mr. SMITH of Georgia. The Secretary of Agriculture does make his reports to Congress, but the reports are referred to the Committee on Agriculture. Senators upon committees know that the head of a department whose work is performed in connection with a particular committee comes before that committee; his associates come before that committee; they cooperate with that committee; they study the problems with the committee; and the committee of the Senate upon which will fall the responsibility for the administration of this bill will be the committee that deals with the Department of Agriculture.

Mr. President, the bill has been sent to the Committee on Agriculture and Forestry. The committee has had two meetings with reference to the bill. They were in session this morning, and they have adjourned to meet on Saturday. The committee this morning unanimously passed a resolution expressing the opinion that they had begun work upon the bill; that the bill had been properly referred to them, and advising that the Senate be requested to leave it there.

Of course it is a matter for the Senate. If you wish to discharge the Committee on Agriculture after it has commenced work upon this bill, those of us upon that committee are ready to give up the bill; but we think that if the bill becomes a law the Committee on Agriculture will be called on to administer the bill, and, therefore, it is the proper committee to which the bill ought to have been referred.

Mr. GALLINGER. Question!

The VICE PRESIDENT. The question is on the motion to discharge the Committee on Agriculture and Forestry from the further consideration of House bill 7617 and to refer it to the Committee on Post Offices and Post Roads.

Mr. SHAFROTH. Mr. President, I want to say a few words with relation to this matter before the question is submitted. The suggestion has been made that the bill should go to the Committee on Post Offices and Post Roads because of the fact that the authority to construct roads by the Federal Government is found in the clause of the Constitution relating to the transmission of the mails of the United States. As the Senator from Georgia has said, authority equally is found in the interstate-commerce clause, and also in the power to construct military roads, and both are also mentioned in this bill; but, Mr. President, I do not take it that the constitutionality or unconstitutionality of a bill makes it referable on that account to any particular committee.

When the act comes to be construed by the courts, the sole question will be as to whether or not it is constitutional. If any committee whatever has jurisdiction of the question of whether a bill is constitutional, it is the Judiciary Committee, and that committee is composed of eminent lawyers, capable of determining the question of the constitutionality of any measure that is presented; yet bills naturally belonging to other committees are not referred to the Committee on the Judiciary. Therefore it seems to me that the determining factor as to where the bill should be referred does not depend upon whether the bill is constitutional or unconstitutional.

When the Committee on Post Offices and Post Roads was created there was never any intention in the mind of anybody that the Government should build roads for the postal routes; nobody ever suggested that. There never has been but one road, as I understand, to which the Government has ever contributed.

Mr. HARDWICK. Mr. President, will the Senator yield just for a moment?

Mr. SHAFROTH. I yield.

Mr. HARDWICK. Does not the Senator know that both of the great parties of this country—practically all three of them, for that matter—have pledged their aid to the construction and maintenance of post roads in those words?

Mr. SHAFROTH. Oh, well, that may be; but they did not declare that bills on the subject should be referred to the Committee on Post Offices and Post Roads.

Mr. HARDWICK. No; they were for building post roads, not agricultural roads.

Mr. SHAFROTH. Well, it is absurd to suppose that the roads are to be solely for the transmission of the mails. We know that the object underlying them all is to get good roads. There is no doubt about that. The Government would be very foolish to expend millions and millions of dollars simply to let one carrier go over the road once a day or once every two days. While that may be the hinge upon which you can justify the constitutionality of the act, the ultimate purpose of it, as everybody knows, is to get good roads, so that the farmers can get their products to market, and so that in every way rural life

will be made more attractive to those who wish to pursue the occupation of farming.

The fact that a measure is constitutional or unconstitutional does not determine the committee to which it should be referred. There is contained in this bill a statement that it is also for the purpose of building roads for interstate commerce, and also for the purpose of building military roads. You can not segregate one object and say that one is of any greater importance than the other, as determining the committee to which a bill of this kind should be referred.

Mr. HARDWICK. Mr. President, will the Senator yield for one more question?

Mr. SHAFROTH. Yes, sir; I will.

Mr. HARDWICK. When a bill of similar import to this came over during the last Congress, was it not referred without objection to the Committee on Post Offices and Post Roads?

Mr. SHAFROTH. Oh, that may be; but the fact is that the body of that bill and the body of this bill should not have been referred to the Committee on Post Offices and Post Roads, because they deal with the subject of the Agricultural Department. Every line that is contained in this bill makes some reference to the Department of Agriculture, and provides that the Secretary of that department shall control the matter of building and approving the roads, the payment of the money, and all the other detail work that is necessary in order to complete a road.

Mr. President, from what fund is the money going to be appropriated to pay for the construction of these roads?

Mr. SIMMONS. Mr. President——

The VICE PRESIDENT. Does the Senator from Colorado yield to the Senator from North Carolina?

Mr. SHAFROTH. Does the Senator desire to ask me a question?

Mr. SIMMONS. I do.

Mr. SHAFROTH. I yield.

Mr. SIMMONS. I want to make a suggestion to the Senator. The Agricultural Department deals with a great many different questions. Its jurisdiction is very broad. It deals with questions with respect to which we derive our power of action from various and probably sundry provisions of the Constitution. Now, if before we refer a bill we must determine the source of our constitutional power to enact the proposed legislation, would we not necessarily have to deny the Committee on Agriculture the right to consider bills that relate to subjects the authority to legislate with respect to which is derived from some power in the Constitution other than that which authorizes the creation of an Agricultural Department?

Mr. SHAFROTH. It seems to me the position of the Senator is well taken. I can not conceive why, because there is a reference to the Constitution, one committee should have any preference over the other with relation to the measure. The bill may indirectly affect something within the jurisdiction of that committee, but what committee does it most affect?

Here is a bill which provides that the Secretary of Agriculture shall do certain things. What committee has to pass upon the measures appropriating the amount of money that is to be spent in the building of roads? Is it the Post Office Committee? Is it proposed in any of these measures that the money shall be taken out of the postal receipts of the United States? Oh, no. If it were provided in any of these bills that the roads should be paid for out of the receipts of the Post Office Department, then there might be some reason, it seems to me, in sustaining the position that it should be referred to the Post Office Committee; but no such suggestion has ever been made, either in the bill that came to this body at the last session or in this bill or in any of the bills that I have seen.

The name of this committee is absolutely the only thing upon which those who advocate referring the bill to the Post Office Committee can hang a proposition of reference. What did that name mean at the time the committee was created? Did anybody ever think of building a post road by the Government at that time? Oh, no. It was not expected. They were expected to select routes and provide that the mail should be transported over those routes; but such a thing as taking money out of the Treasury and appropriating it for that purpose was never dreamed of by anyone. Is it possible, where a committee was named under the state of facts that existed at that time, that, therefore, it should sweep within its jurisdiction everything that relates to roads? I think not.

When this bill is enacted you will find that the Secretary of Agriculture, under this bill, will send to the Congress of the United States a report and a statement with reference to the amount of money needed each year for certain roads, and that communication will be referred to the Committee on Agriculture, where recommendations will be made to the Congress as to what should be done in the presentation of a bill for the appropriations necessary. For that reason, it seems to me, the bill ought to go there.

We have a bureau on good roads in the Agricultural Department now. Was the measure providing for that bureau referred to the Post Office Committee? If not, is it possible that the bureau is not constitutionally organized? Evidently the bill was referred to the Committee on Agriculture, and unquestionably that committee had jurisdiction, and has provided the moneys for the bureau each year and keeps in touch with it. But the Post Office Department would never keep in touch with the bill which is now under consideration if it should become a law. It would have nothing to do with it. We would simply pass the bill and thereafter refer the communications and the appropriations to the Agricultural Committee.

It seems to me, Mr. President, that this bill is clearly within the jurisdiction of the Agricultural Committee, and that the reference ought to stand.

Mr. SUTHERLAND. Mr. President, the Senator from Colorado [Mr. SHAFROTH] is never more delightful than when he is engaged in the pleasant pastime of imagining an argument as having been made, in order that he may demolish it.

I do not think anybody has suggested that because this bill may involve a constitutional question therefore it should go to the Committee on Post Offices and Post Roads, or to any other particular committee. I am not sure whether this bill involves a constitutional question or not. What I do say, however, is that in my judgment Congress has no power to build roads or highways except under one or the other of the constitutional provisions to which I have directed attention.

Congress may build a post road under the provision of the Constitution which gives it the power to establish post offices and post roads. If we are passing this bill under that power, then I say it is appropriate that the bill should go to the committee which deals with that subject matter.

Why do we create committees, and apportion jurisdiction to them, if it is not because they are to deal with those particular subjects—because they are constituted in such a way as to deal intelligently with those particular subjects?

Of course, it is perfectly apparent that the ingenious gentlemen who drew this bill wrote in the provision that it should be administered by the Agricultural Department in order that it might go to the Agricultural Committee, for some reason or other. Does the Senator from Colorado suppose that if an equally ingenious gentleman were to write into the shipping bill a provision that the Agricultural Department should administer that bill, it would thereby become an agricultural question, and the bill should go to the Agricultural Committee? If so, then it is a very simple thing to have nearly anything go to the Agricultural Committee which a Senator is interested in having go to that committee.

Mr. SHAFROTH. Mr. President, let me ask the Senator a question. Has the Senator ever seen a bill for the construction of roads which provided that the revenue should come out of the postal receipts, or that the Postmaster General should have any connection whatever with it?

Mr. SUTHERLAND. Mr. President, I am not familiar with the details of the various bills, and I do not care whether they so provide or not, because the question the Senator is asking me is wholly aside from the argument which I am making. I am making the argument that this appropriation can be justified only because it involves an expenditure for a post road or for one of these other matters I have named. If it involves an expenditure for a post road, obviously the Committee on Post Offices and Post Roads is the fit committee to determine whether or not such an expenditure is justified. The Agricultural Committee is not.

Mr. SHAFROTH. That depends entirely upon what is in the bill, what the detail of it is. The most important thing to be determined in this case is the detail of this bill as to what power shall be vested in the man who is to contract with the States with relation to building these roads.

Mr. SUTHERLAND. Oh, no, Mr. President.

Mr. SHAFROTH. And inasmuch as the Post Office Department has nothing whatever to do with it, but according to this and all the other bills the Agricultural Department has, it seems to me there should be no question as to the appropriate reference of this bill.

Mr. SUTHERLAND. Now, the Senator from Colorado has made his argument twice—once in his own time and once in my time. Let me reply to it by saying that that is not, in my judgment, the important part of the bill. The details are unimportant compared with the main question which is involved, as to whether or not we should make the expenditure at all. The details can be worked out.

It is a matter of a good deal of immateriality, to my mind, whether, when we have determined to make the expenditure, we intrust the expenditure to the Agricultural Department or the Interior Department or some other department. But I insist that if we provide for this appropriation it must be under one or the other of these clauses of the Constitution.

If it is a military necessity that justifies the expenditure of this much money, then the Military Committee knows more about that than the Agricultural Committee does. If it is to regulate or facilitate interstate commerce, then the Committee on Interstate Commerce knows more about the subject than the Agricultural Committee. The main question is to determine whether or not we want to make the expenditure at all.

Mr. SMITH of Georgia. Mr. President——

Mr. SUTHERLAND. I will ask the Senator to pardon me for a moment. The bill should go, however, to one or the other of these three committees. Of course it very often happens that the subject matter of a bill is such that it may be appropriately referred to one of two committees or one of three committees; but the fact that it can only be referred to one of those two or one of those three committees does not justify us in referring it to a committee entirely outside of any of the three.

I now yield to the Senator from Georgia.

Mr. SMITH of Georgia. If, however, the Post Office Committee could only consider its application to post roads and the Military Affairs Committee its application to the necessity for military roads and the Interstate Commerce Committee its application to interstate-commerce transportation, as you could not get the benefit of a committee that would handle all these necessities, is it not eminently proper that it should go where we do our road building?

Mr. SUTHERLAND. Mr. President, one of the things that inevitably must happen, no matter what the roads are used for, will be that they are to be used for post-office purposes. That will be one of them. The bill itself recognizes that, because it says:

> Shall in certain cases aid the State in the construction, improvement, and maintenance of roads which may be used in the transportation of interstate commerce, military supplies, or postal matter.

The bill further along allots the money as follows:

> Sixty-five thousand dollars to each State and one half of the remainder in the ratio which the population of each State bears to the population of all of the States as shown by the latest available Federal census and the other half of such remainder in the ratio which the mileage of rural free delivery and star mail routes in such State bears to the mileage of rural free delivery and star mail routes of all the States.

The roads are to be constructed with reference to that item; and among the three uses that I have mentioned, their use for post-office purposes clearly will be primary.

Of course it is possible to refer a bill to two committees jointly, or a subcommittee of two committees, to consider it, and that might be done; but certainly it ought to go to one or the other. As it seems to me that the question of the use for postal purposes predominates, the Post Office Committee, in my judgment, is the appropriate committee to which it should be referred.

Mr. BANKHEAD. Mr. President, as I have said, and as I think the Senate understands, the purpose of this bill is to maintain post roads. The provisions of all of these bills require that there shall be a division; that the State shall put up so much money and the Government so much money; and that the amount appropriated to each State shall be determined by the number of miles of post roads in that State. That is one of the facts that must be ascertained. That, of course, can be done only by the Post Office Department; and there are other things as to which it is absolutely essential that information shall come from other departments. For instance, the Census Department must be consulted as to population, and so forth.

I do not think there can be any doubt that the Post Office and Post Roads Committee should have this bill. They have made the only appropriation that ever has been made by Congress to aid in the building of post roads. The Committee on Post Offices and Post Roads reported that appropriation. Nobody objected to it. The money was appropriated and expended under the direction of the Postmaster General and the Secretary of Agriculture.

Mr. SMITH of Georgia. It was expended under the direction of the Secretary of Agriculture.

Mr. BANKHEAD. No, it was not.

Mr. SMITH of Georgia. Yes; I think it was. That is my clear recollection.

Mr. SIMMONS. Mr. President, the Senator from Alabama [Mr. BANKHEAD] has referred to the fact that we have once made an appropriation for building roads. I suppose he refers to the $500,000 appropriated for experimental legislation.

Mr. BANKHEAD. Yes; I referred to that.

Mr. SIMMONS. Does not the Senator know that long before that appropriation was made there had been organized in the Department of Agriculture a Bureau of Good Roads?

Mr. BANKHEAD. Oh, everybody knows that, Mr. President.

Mr. SIMMONS. Does not the Senator know that every Congress since the establishment of this bureau has been providing appropriations, in the Agricultural appropriation bill, for the purpose of enabling that bureau to assist in the construction of good roads in the States in conjunction with the States and communities, under the supervision of Government engineers, and that these roads were not technically constructed for the purpose of aiding the Post Office Department in connection with the transportation of mails, but chiefly for the purpose of demonstrating to the communities in which these roads were built the value and importance of improved, modernized roads?

Mr. BANKHEAD. Mr. President, I should like to ask the Senator from North Carolina a question. Am I mistaken when I state that that appropriation, recommended by the Post Office and Post Roads Committee, was made on an amendment offered by the Senator from North Carolina?

Mr. SIMMONS. No; the Senator is not mistaken about the $500,000 appropriated for experimental roads referred to by him.

Mr. BANKHEAD. Did not the Senator have the amendment referred to that committee?

Mr. SIMMONS. There was a bill pending before that committee and it was offered as an amendment.

Mr. BANKHEAD. There is one pending there now.

Mr. SIMMONS. Yes; there was a bill pending before that committee, and this amendment was referred, of course, to the committee having charge of that bill; but that does not answer the question. I have admitted that that particular bill, providing for the construction of an experimental road, was referred to the Post Office Committee; but the question which I ask the Senator, and which the Senator has not answered, is if it is not a fact that anterior to the passage of that bill for years there had been organized in the Department of Agriculture a Good Roads Bureau?

Mr. BANKHEAD. I answered that.

Mr. SIMMONS. And that that Good Roads Bureau has been, during all these years, receiving appropriations through the Agricultural appropriation bill for the purpose of aiding in the construction work of good roads in various States and communities.

Mr. BANKHEAD. Mr. President, the Senator is entirely mistaken. I answered his question.

Mr. SIMMONS. I did not understand it.

Mr. BANKHEAD. I answered it by saying that every man in the United States, not only in the Senate but everywhere else, knew that the bureau was organized for that purpose.

Mr. SIMMONS. Every person in the United States knows that there is in the Agricultural Department now, and that there was in the Agricultural Department before the passage of this $500,000 appropriation, a Bureau of Good Roads; but that was not the question I asked the Senator——

Mr. BANKHEAD. We all admit that. I have stated that there was.

Mr. SIMMONS. That is not the question at all.

Mr. BANKHEAD. I answered it in the beginning by saying that everyone knew it, and I supposed the Senator from North Carolina also knew it.

Mr. SIMMONS. I know it and everyone else knows it. But the question I asked the Senator was whether Congress, through the appropriations made in the Agricultural bill, has not been raising money for roads purposes for years and years before the passage of the bill appropriating $500,000 for experimental road construction?

Mr. BANKHEAD. I never heard of it.

Mr. SIMMONS. I should like to ask the Senator, then, if he does not know that that bureau in the Department of Agriculture has for years been spending from $25,000 to $30,000 a year for the purpose of helping the States, by way of supervision and otherwise, of this Union in the construction of standardized roads and that this money is carried in the Agricultural and not in the Post Office bill?

Mr. BANKHEAD. May I ask the Senator a question?

Mr. SIMMONS. Certainly.

Mr. BANKHEAD. I should like to ask the Senator from North Carolina which department of the Government administers the pure-food law?

Mr. SIMMONS. The Agricultural Department.

Mr. BANKHEAD. Did the Committee on Agriculture and Forestry have anything to do with that?

Mr. SIMMONS. Yes; the Agricultural Committee recommends the appropriations for that purpose.

Mr. BANKHEAD. I am not talking about that. I am talking about the legislation itself.

Mr. SIMMONS. I asked the Senator if any amendment or bill should be offered respecting the execution of our pure-food law or looking to the execution of our laws with reference to meat inspection, would it not go to the Agricultural Committee?

Mr. BANKHEAD. There is no telling what committee it would go to.

Mr. SIMMONS. Mr. President, as a matter of fact, the Agricultural Department has now and has had, and the Senator from Alabama knows it as well as I do, the control of appropriations for the purpose of carrying out the provisions of law with reference to pure food and with reference to meat inspection. The Senator knows, too, that we do not get our power to legislate with respect to these subjects from any law with reference to the Agricultural Department, but that we get that power from the commerce clause of the Constitution. The Agricultural Committee has charge of legislation to execute these purposes, and yet the power to legislate upon those questions can not be found anywhere in the Constitution except in the commerce clause.

Mr. BRYAN. Mr. President——

The VICE PRESIDENT. Does the Senator from North Carolina yield to the Senator from Florida?

Mr. SIMMONS. The Senator from Alabama was on his feet.

Mr. BANKHEAD. I was simply on my feet to ask the Senator from North Carolina if he was through.

Mr. SIMMONS. No; I am not.

Mr. BANKHEAD. I just wanted to ask for a vote if he were through.

Mr. SIMMONS. No; I am not through.

Mr. BRYAN. I wish to make a very good-natured suggestion to the Senator from North Carolina. I think the Senator will not be offended at it.

Mr. SIMMONS. No one can be offended at anything the good-natured Senator from Florida does.

Mr. BRYAN. Let me ask the Senator from North Carolina under what clause of the Constitution we have the power to build roads?

Mr. SIMMONS. Under the clause with reference to post offices and post roads, with reference to military roads and interstate commerce. Those are the three sources of power.

Mr. BRYAN. That is all, is it not?

Mr. SIMMONS. It is enough. Is it not enough when you can assign three different sources of power? That would seem to be sufficient.

Mr. BRYAN. The Senator does not contend that there is any pork-barrel clause of the Constitution to which this could be referred.

Mr. SIMMONS. No; I have no acquaintance with pork-barrel legislation whatever.

Mr. BRYAN. The Senator evidently has not read this bill.

Mr. SIMMONS. The Senator has read this bill very carefully, and the Senator discovered this in the reading of the bill, that the title of the bill declares that the legislation is in part for the purpose of promoting agriculture. Where did Congress get the power to create an Agricultural Department? If we have no constitutional power to promote agriculture, why have you instituted and established a Department of Agriculture. The title of the bill says—

> To promote agriculture, afford better facilities for rural transportation and marketing farm products, and encourage the development of a general system of improved highways.

That is declared to be the purpose of the bill. And then, Mr. President, after the purpose of the bill is thus specifically declared, it says when the roads are constructed they may be used as postal routes and for the transportation of interstate commerce.

Now, Senators say that there is no constitutional power for this legislation except the power to establish postal roads, and because of that they contend that this bill can not be appropriately referred except to the Committee on Post Offices and Post Roads. I maintain that if an unconstitutional bill is introduced in this body it is entitled to reference, and in determining the question of reference the Senate does not undertake to decide that question. That question, in the first instance, is for the committee, and it is a question for the Senate after the committee has acted and reported. The bill is, in the first instance, referred to the committee that seems to have jurisdiction of the subject matter and purpose as declared in the bill.

This bill provides for roads for the promotion of agriculture, and so on, to be used for transportation in interstate commerce or in carrying the mails, and confers all power and jurisdiction in the execution of the mandate of Congress upon the Secretary of Agriculture. At no place in the bill, as the Senator from Georgia has said, is the Postmaster General mentioned, and no duties in its execution are imposed upon him.

Mr. President, in the other House they have as we have a Post Roads Committee, but they have also a committee known as the Committee on Roads. When this bill was presented in that body it was not sent to the Committee on the Post Office and Post Roads, but to the Committee on Roads.

Mr. President, I have said this much about the matter because I think it is one of very great interest. I do not say that the Senator from Alabama wants this bill referred to his committee because he is opposed to the principle involved in it. I will not be as ungenerous to the Senator from Alabama as he has been to the author of this bill. The Senator intimates that the author of the bill wrote in the title the provision as to its purposes, to which I have called attention, with a view to depriving his committee of jurisdiction and sending it to some other committee supposed to be more favorable to the legislation. I can not believe that; but if he did, Mr. President, it must have been because he felt that the Post Roads Committee was hostile to the legislation, and he wanted to get the legislation before a committee that had not already prejudged the case. I do not know any more justification for this intimation than there would be for an intimation that the Senator from Alabama wants to get it before his committee for the purpose of smothering it, and, of course, I would make no such imputation against the honorable Senator from Alabama.

The VICE PRESIDENT. The question is on the motion of the Senator from Alabama [Mr. BANKHEAD] to discharge the Committee on Agriculture and Forestry from the further consideration of House bill 7617 and to refer the bill to the Committee on Post Offices and Post Roads.

Mr. JAMES. I suggest the absence of a quorum, Mr. President.

Mr. SMITH of Georgia. I ask for the yeas and nays on the question.

Mr. GALLINGER. I demand the yeas and nays.

Mr. JAMES. I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

| | | | |
|---|---|---|---|
| Ashurst | Hollis | Myers | Simmons |
| Bankhead | Hughes | Nelson | Smith, Ariz. |
| Beckham | Husting | Newlands | Smith, Ga. |
| Borah | James | Norris | Smith, S. C. |
| Brandegee | Johnson, Me. | O'Gorman | Smoot |
| Bryan | Johnson, S. Dak | Oliver | Sterling |
| Catron | Jones | Overman | Sutherland |
| Chamberlain | Kenyon | Poindexter | Thomas |
| Chilton | La Follette | Pomerene | Thompson |
| Clapp | Lea, Tenn. | Ransdell | Underwood |
| Curtis | Lee, Md. | Reed | Wadsworth |
| du Pont | Lippitt | Robinson | Walsh |
| Fall | Lodge | Saulsbury | Warren |
| Gallinger | McCumber | Shafroth | Weeks |
| Harding | McLean | Sheppard | Williams |
| Hardwick | Martine, N. J. | Shields | |

Mr. CHILTON. I wish to announce that my colleague [Mr. GOFF] is absent on account of illness. I will let this announcement stand for the day.

Mr. BORAH. I desire to announce the absence of my colleague [Mr. BRADY] on account of illness. I will let this statement stand for the day.

Mr. SMOOT. I desire to announce the absence of the junior Senator from Michigan [Mr. TOWNSEND]. He is compelled to be away on account of illness in his family.

The VICE PRESIDENT. Sixty-three Senators have answered to the roll call. There is a quorum present.

The Senator from Alabama moves to discharge the Committee on Agriculture and Forestry from the further consideration of House bill 7617, and that it be referred to the Committee on Post Offices and Post Roads.

Mr. SUTHERLAND. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. SMITH of South Carolina. Mr. President, before the vote is taken by yeas and nays I think, in justice to myself, I should say just a word.

The other day when I took the attitude I did in reference to the bill I was not as familiar with the bill and all the circumstances surrounding it as I am now. In view of the fact that we have a Bureau of Good Roads under the Agricultural Department, and this legislation has already passed the House and been under discussion in the Agricultural Committee, and in view of the fact that it is the object of this legislation to get

good roads, no matter from what committee it may come, and it will ultimately have to stand upon its own merits before this body, I shall not vote for the reference of the bill to the Committee on Post Offices and Post Roads.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. JOHNSON of Maine (when his name was called). I have a general pair with the junior Senator from North Dakota [Mr. GRONNA], and, in his absence, I withhold my vote.

Mr. SUTHERLAND (when his name was called). I inquire whether the Senator from Arkansas [Mr. CLARKE] has voted?

The VICE PRESIDENT. He has not voted.

Mr. SUTHERLAND. I have a pair with that Senator, and therefore withhold my vote.

Mr. WALSH (when his name was called). I have a pair with the Senator from Rhode Island [Mr. LIPPITT], who is absent, and in view of that fact I shall not vote. If I were at liberty to vote, I should vote "nay."

The roll call was concluded.

Mr. SAULSBURY. I have a pair with the junior Senator from Rhode Island [Mr. COLT], but I transfer that pair to the junior Senator from Nevada [Mr. PITTMAN] and vote "yea."

Mr. DILLINGHAM. I inquire whether or not the senior Senator from Maryland [Mr. SMITH] has voted?

The VICE PRESIDENT. The Chair is informed that the Senator from Maryland has not voted.

Mr. DILLINGHAM. Then I withhold my vote, having a pair with that Senator. If at liberty to vote, I should vote "yea."

Mr. TILLMAN. I transfer my pair with the Senator from West Virginia [Mr. GOFF] to the Senator from Illinois [Mr. LEWIS] and vote "nay."

Mr. CATRON. I have a general pair with the Senator from Oklahoma [Mr. OWEN]. In his absence I withhold my vote. If I were permitted to vote, I should vote "yea."

Mr. WALSH. I transfer my pair, which I announced a moment ago, with the Senator from Rhode Island [Mr. LIPPITT] to the Senator from Mississippi [Mr. VARDAMAN], and vote "nay."

Mr. FALL (after having voted in the affirmative). I voted thinking that the Senator from West Virginia [Mr. CHILTON] had voted. Noticing that he has not voted, and having a pair with that Senator, I withdraw my vote.

Mr. SUTHERLAND. I transfer my pair with the Senator from Arkansas [Mr. CLARKE] to the Senator from Michigan [Mr. TOWNSEND] and vote "yea."

Mr. JOHNSON of Maine. I transfer my general pair with the junior Senator from North Dakota [Mr. GRONNA] to the junior Senator from Indiana [Mr. KERN] and vote "yea."

Mr. CURTIS. Mr. President, I am requested to announce the following pairs:

The Senator from Idaho [Mr. BRADY] with the Senator from Oklahoma [Mr. GORE];

The Senator from Maine [Mr. BURLEIGH] with the Senator from Indiana [Mr. SHIVELY]; and

The Senator from Illinois [Mr. SHERMAN] with the Senator from Texas [Mr. CULBERSON].

The result was announced—yeas 42, nays 30, as follows:

YEAS—42.

| | | | |
|---|---|---|---|
| Bankhead | du Pont | Lodge | Shields |
| Beckham | Fletcher | McCumber | Smoot |
| Borah | Gallinger | McLean | Sterling |
| Brandegee | Harding | Martine, N. J. | Sutherland |
| Broussard | Hardwick | Myers | Thomas |
| Bryan | Hitchcock | Nelson | Underwood |
| Chamberlain | Hughes | O'Gorman | Weeks |
| Clapp | Johnson, Me. | Oliver | Williams |
| Clark, Wyo. | Jones | Penrose | Works |
| Cummins | Lane | Pomerene | |
| Curtis | Lippitt | Saulsbury | |

NAYS—30.

| | | | |
|---|---|---|---|
| Ashurst | Lee, Md. | Reed | Stone |
| Hollis | Martin, Va. | Robinson | Swanson |
| Husting | Newlands | Shafroth | Thompson |
| James | Overman | Sheppard | Tillman |
| Johnson, S. Dak. | Page | Simmons | Walsh |
| Kenyon | Phelan | Smith, Ariz. | Warren |
| La Follette | Poindexter | Smith, Ga. | |
| Lea, Tenn. | Ransdell | Smith, S. C. | |

NOT VOTING—24.

| | | | |
|---|---|---|---|
| Brady | Culberson | Kern | Shively |
| Burleigh | Dillingham | Lewis | Smith, Md. |
| Catron | Fall | Norris | Smith, Mich. |
| Chilton | Goff | Owen | Townsend |
| Clarke, Ark. | Gore | Pittman | Vardaman |
| Colt | Gronna | Sherman | Wadsworth |

So the motion to discharge the Committee on Agriculture and Forestry from the further consideration of House bill 7617 and refer it to the Committee on Post Offices and Post Roads was agreed to.

RELIEF OF THE ARMENIANS.

Mr. LODGE. I present a concurrent resolution, and ask for its present consideration.

The VICE PRESIDENT. The Secretary will read the concurrent resolution.

The concurrent resolution (S. Con. Res. 12) was read, as follows:

Whereas in countries now engaged in war there are several hundreds of thousands of Armenians in need of food, clothing, and shelter; and

Whereas great numbers of them have been required by conditions growing out of the state of war to leave their homes and their property, deprived of opportunity to make provision for their most elementary wants, causing starvation, disease, and untold suffering; and

Whereas the people of the United States of America have learned with sorrow of this terrible plight of great numbers of human beings and have most generously responded to the cry for help whenever such an appeal has reached them: Therefore be it

*Resolved by the Senate (the House of Representatives concurring)*, That, in view of the misery, wretchedness, and hardships which these people are suffering, the President of the United States be respectfully asked to designate a day on which the citizens of this country may give expression to their sympathy by contributing to the funds now being raised for the relief of the Armenians in the belligerent countries.

The VICE PRESIDENT. Is there objection to the present consideration of the concurrent resolution?

Mr. BORAH. Mr. President, I am not going to object to the concurrent resolution, but I send to the desk a newspaper clipping, which I ask the Secretary to read in connection with it.

The VICE PRESIDENT. Is there objection to the consideration of the concurrent resolution?

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. NEWLANDS. Mr. President, I wish to reserve the right to object. I am anxious to proceed with the consideration of the calendar regularly.

Mr. LODGE. I can not think that this resolution will cause any debate whatever. It is precisely similar to the resolution relative to the Polish people and the one in relation to the Jews. The Armenians are in an equally evil plight.

Mr. NEWLANDS. With that understanding, I make no objection.

The VICE PRESIDENT. In the absence of objection, the newspaper clipping which has been sent to the desk by the Senator from Idaho [Mr. BORAH] will be read.

The Secretary read as follows:

SAYS TURKS MADE TORCH OF AMERICAN—ESCAPED MEDICAL MISSIONARY RECOUNTS GHASTLY CRIMES AGAINST CHRISTIANS.

PETROGRAD, *January 18.*

Dr. Jacob Sargis, an American Methodist medical missionary, who has arrived in Petrograd after narrowly escaping death at the hands of the Turks and Kurds in Urumiah, Persian Armenia, asserts that among the outrages committed against the Christian refugees was the burning to death of an American doctor named Simon, or Shimmun, as he was known there. His identity was not further established, but the story of the outrage, as told by Dr. Sargis, was as follows:

"Dr. Shimmun was in the village of Supurghan when the Turks attacked that place. He was among those who took refuge on a mountain near the lakes. He was captured and told that since he had been a good doctor and had helped the wounded, they would not kill him, but that he must accept the Mohammedan faith. He refused.

"They poured oil on him and, before applying the torch, they gave him another chance to forsake his religion. Again he refused, and they set his clothes afire. While running in agony from the flames the Turks shot him several times. After he fell to the ground unconscious they hacked his head off."

Mr. STONE. Mr. President, I am a little astonished that a newspaper clipping of that character—from what source it comes we are not advised—should be presented in connection with this resolution. The resolution is a very proper appeal to the generosity, the sympathy, and the liberality of the American people in the hope of affording some measure of succor to a large number of men, women, and children who are suffering from the sad effects of the war. This clipping, I presume, is intended to give to this resolution—a resolution of high character and noble purpose—a kind of partisan color.

Mr. LODGE. The Senator is aware that I did not present the clipping.

Mr. STONE. It is in line with some other things which have been presented here from time to time, but it seems to me that it is wholly out of place, especially at this time.

Mr. LODGE. Mr. President, I offered the resolution; I did not present the newspaper clipping.

Mr. STONE. I know the Senator did not present the clipping; the Senator from Idaho sent it to the desk, but for what purpose he sent it it is difficult to say.

Mr. BORAH. Mr. President, I simply wanted to accentuate the situation in that country. I trust it has not become improper for the Senate of the United States to know how citizens of the United States are being treated in other countries. I trust, Mr.

President, we have not become so supinely cowardly as to dread publicity of facts concerning the treatment of our citizens abroad.

Mr. STONE. Mr. President, I do not think we have become so supinely cowardly, or so cowardly in any other way, as to desire to conceal from the American people any facts showing mistreatment of American citizens by any power in the world. The clipping which the Senator from Idaho has sent up to be read in this connection, however, is from, or is supposed to be from, a newspaper, and the American people get their information very largely from newspapers. There can be no question in my mind that the purpose of the Senator from Idaho in sending that paper here at this time was not to inform the American people so much as to give, even to a resolution of this character, some partisan coloring, and I do not think it a proper or even a creditable thing to do.

Mr. BORAH. Mr. President, this article can not possibly reflect upon one more than another. There is not a word in it nor an insinuation in it which reflects upon anybody.

Mr. STONE. What did the Senator send it up for?

Mr. BORAH. I sent it to the desk for the very reason that I stated. I think it is well for us to know and well for the public to know precisely what is transpiring. It has to do with a great many things which are before Congress.

Mr. STONE. What paper is that clipping from?

Mr. BORAH. It is from a New York paper; I have forgotten which one; but it was published in several.

Mr. STONE. The Senator does not even know the paper that printed it, and even the account itself is not very well verified. It leaves a question even as to whether the man was an American citizen.

Mr. BORAH. Mr. President, there is absolute proof.

Mr. STONE. It was a partisan purpose, Mr. President, the Senator had in view and in line with other things that he has been doing here in the Senate.

Mr. BORAH. Mr. President, if the Senator from Missouri wants to assume that that is a reflection upon his party, I have nothing to say as to that. If he is going to rise here whenever anything of that kind is put in the RECORD without any reference to the administration and assume that it is a reflection upon the administration, that is the business of the Senator from Missouri.

Mr. STONE. I merely meant to say, Mr. President, that the intention of the Senator from Idaho manifestly was to make some reflection.

Mr. BORAH. The only one here who has accentuated the partisanship of the matter or suggested it is the Senator from Missouri, and it must be by reason of the fact that there is some consciousness upon his part that it is a reflection on his party to have these facts revealed.

Mr. STONE. I am quite conscious that it is partisan in purpose.

Mr. GALLINGER. Mr. President, I am strongly in favor of this resolution, and I desire to say just a word. We had a day set apart to raise funds for the Poles, a people who are in dire distress. Unless the newspaper press has been wrong in the statement, the relief for those people has been held up by the British Government, the British Government not allowing that relief to be sent to the Polish people. I trust that if this resolution is agreed to Great Britain will not interpose to prevent relief being sent to the Armenians.

The VICE PRESIDENT. The question is on agreeing to the resolution.

The resolution was agreed to.

### RAILROAD LANDS IN ARIZONA, NEW MEXICO, OR CALIFORNIA.

Mr. CATRON. Mr. President, I wish to call up Order of Business 78, Senate bill 3391, and ask for its immediate consideration. The bill is absolutely necessary or the statute of limitations will run by the 4th of March next, against the law which is now standing, which the bill proposes to extend for two years.

The bill is very short and provides that land belonging to the Atchison, Topeka & Santa Fe Railroad may be exchanged for scrip and the scrip located before the 4th of March next, and as that time will soon run out this bill extends the time for allowing it to be done. The land that they want to exchange is land upon which Indians are living, and the department wants it for the use of the Indians. That land is generally coal land, and the lands which they ask to have taken in exchange for them are not allowed to have coal. The bill is for the benefit of the Government, and I hope that it will be allowed to pass at once so that it can be promptly taken up in the House.

Mr. NEWLANDS. Mr. President, I shall be compelled to ask for the regular order. A resolution has been pending here for some days, which has been debated and ought to be disposed of.

Mr. CATRON. This bill will take but a minute.

Mr. GALLINGER. The morning business is not closed.

The VICE PRESIDENT. There seems to be an objection.

Mr. NEWLANDS. I object.

The VICE PRESIDENT. Are there any further resolutions to be submitted? [A pause.] Morning business is closed, and the calendar under Rule VIII is in order. The Secretary will state the first bill on the calendar.

### THE CALENDAR.

The bill (S. 1053) to provide for stock-raising homesteads, and for other purposes, was announced as first in order on the calendar.

Mr. SMOOT. Mr. President, I will say that a bill has already passed the House with the same object as this bill. The Committee on Public Lands is holding hearings upon the same bill. For that reason I ask that this bill may go over, because I think the program will be that whenever the Public Lands Committee agrees upon the House bill it will report it and ask that it be substituted for this bill.

The VICE PRESIDENT. The bill will be passed over.

### INTERSTATE AND FOREIGN COMMERCE.

Mr. NEWLANDS. Mr. President, I move that Order of Business 33, Senate joint resolution 60, which has been debated at some length, be taken up. It is a joint resolution creating a joint subcommittee from the membership of the Senate Committee on Interstate Commerce and the House Committee on Interstate and Foreign Commerce.

The VICE PRESIDENT. The Senator from Nevada moves that the Senate proceed to the consideration of Senate joint resolution 60.

The motion was rejected.

The VICE PRESIDENT. The Secretary will state the next bill on the calendar.

### NEWSPAPER PUBLICATION OF LAND-OFFICE NOTICES.

The bill (S. 1062) relating to the duties of registers of United States land offices and the publication in newspapers of official land-office notices was considered as in Committee of the Whole.

The VICE PRESIDENT. The pending amendment is the amendment of the Senator from New Mexico [Mr. FALL], which will be stated.

The SECRETARY. On page 1, line 5, after the word "him," it is proposed to insert "or, in case of a public-land entry, by the entryman."

The amendment was agreed to.

Mr. SMOOT. Mr. President, I desire to ask whether the amendment offered by the Senator from Colorado [Mr. THOMAS] has been acted upon, or whether it is pending?

The VICE PRESIDENT. It has been agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. MYERS subsequently said: I move that the vote by which Senate bill 1062 was passed a few minutes ago be reconsidered. It is my bill; I am the author of it. I was much interested in it and in a number of amendments which were pending. It was called on the calendar during my absence, when I was not here, and I knew nothing about it. I very earnestly desire to have the vote reconsidered.

The PRESIDING OFFICER (Mr. MARTINE of New Jersey in the chair). Without objection, the motion to reconsider will be entered.

Mr. MYERS. Can the vote be reconsidered now?

The PRESIDING OFFICER. Without objection, the Chair will put the question. The question is on the motion to reconsider the votes by which the bill was ordered to a third reading and passed.

The motion to reconsider was agreed to.

Mr. MYERS. I ask that the bill take its place on the calendar where it was before.

The PRESIDING OFFICER. It will be so ordered.

Mr. MYERS. I also ask unanimous consent that the vote by which each one of the two amendments to Senate bill 1062 was adopted be reconsidered.

The PRESIDING OFFICER. Is there objection?

Mr. BRANDEGEE. The action of the body in passing the bill has been reconsidered, has it not?

Mr. MYERS. The action of the Senate in passing the bill was reconsidered, but not the action of the Senate in adopting the amendments.

Mr. BRANDEGEE. Personally I know nothing about the merits of the amendments, but the Senator by the reconsideration of the bill has left it on the calendar. Many Senators who

spoke about the bill heretofore are not present, and I do not want to give unanimous consent to reconsider the action of the Senate on the amendments.

Mr. MYERS. I think the bill ought to be allowed to go on the calendar in exactly the same condition it was on the calendar, without any amendment, before it was considered to-day. I think that is only fair to all parties.

Mr. SMOOT entered the Chamber.

Mr. BRANDEGEE. The Senator from Utah is now on the floor, he having just entered the Chamber, and I leave it to him.

Mr. SMOOT. Mr. President, there is no objection whatever to the request made by the Senator from Montana to reconsider the bill and place it upon the calendar in the same position it held before.

The PRESIDING OFFICER. The amendments will be reconsidered, without objection.

Mr. MYERS. And that the vote upon the amendments as well be reconsidered and the bill be placed on the calendar just as it was before.

Mr. SMOOT. Yes.

Mr. MYERS. That is unanimously agreed to.

Mr. SMOOT. The request, I understand, is not, then, to consider the bill further.

Mr. MYERS. Oh, no.

Mr. SMOOT. Then I have no objection.

Mr. SHAFROTH. The position which the Senator from Montana takes is that it is necessary to reconsider the amendments that were adopted, and I think it is.

Mr. MYERS. That has been done by unanimous consent.

Mr. SHAFROTH. If that has been done, that puts it in a situation that is all right.

Mr. MYERS. I ask the Chair if the bill is on the calendar now in exactly the same condition it was at the close of business yesterday.

The PRESIDING OFFICER. It is.

Mr. SMOOT. In other words, the bill will go back as No. 9 on the calendar.

The PRESIDING OFFICER. The Chair understands the votes by which the bill was passed and the amendments agreed to have been reconsidered.

Mr. MYERS. And the bill is on the calendar as it was yesterday.

The PRESIDING OFFICER. It will be. The clerks at the desk inform the Chair that the bill came before the Senate this morning with the amendment of the Senator from New Mexico [Mr. FALL] pending.

Mr. MYERS. I know that.

The PRESIDING OFFICER. The amendments of the Senator from Colorado had already been agreed to.

Mr. GRONNA. Mr. President, I simply want to say in this connection that the Senator from New Mexico [Mr. FALL] was very much interested in the bill.

Mr. MYERS. This is not depriving him of any right. It is simply having the bill go on the calendar in the same way it was at 12 o'clock to-day, when the Senate opened.

The PRESIDING OFFICER. The Chair so holds.

Mr. SMOOT. That will leave the amendment offered by the Senator from New Mexico [Mr. FALL] pending when the bill comes before the Senate again.

Mr. MYERS. I am not trying to take away any right from anyone, and I do not want any of my own rights taken away in my absence.

Mr. GRONNA. I have no objection to the course proposed.

The PRESIDING OFFICER. The Chair understands that the bill goes to the calendar in the same position as though it had not been reached and considered to-day.

### BILLS AND JOINT RESOLUTIONS PASSED OVER.

The bill (S. 706) to amend section 260 of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, was announced as next in order.

Mr. SMOOT. Let that bill go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 609) to aid in the erection of a monument to Pocahontas at Jamestown, Va., was announced as next in order.

Mr. SMOOT. Let that bill go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 611) for the erection of a monument to the memory of Matthew Fontaine Maury, of Virginia, was announced as next in order.

Mr. SMOOT. Let that bill go over.

The VICE PRESIDENT. The bill will be passed over.

The joint resolution (S. J. Res. 1) proposing an amendment to the Constitution of the United States conferring upon women the right of suffrage, was announced as next in order.

Mr. SMOOT. Mr. President, I have been asked by my colleague [Mr. SUTHERLAND] to state to the Senate, if that joint resolution should come up in his absence, that he would not like to have it considered. For that reason I ask that the joint resolution go over.

The VICE PRESIDENT. The joint resolution will be passed over.

### BEVERLY E. WHITEHEAD.

The bill (S. 707) for the relief of Beverly E. Whitehead, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Post Offices and Post Roads, with an amendment, on page 1, line 13, after the date "1903" to insert "*Provided*, That not exceeding 25 per cent attorney's fee is allowed," so as to make the bill read:

*Be it enacted, etc.* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $102.60 to Beverly E. Whitehead for the balance due him for the transportation of the United States mails under contract prior to May 31, 1861, on route No. 6199, Georgia, said balance having been found due by the Auditor for the Post Office Department and reported to the Senate by the Auditor for the Post Office Department on January 17, 1903: *Provided*, That not exceeding 25 per cent attorney's fee is allowed.

The amendment was agreed to.

Mr. GALLINGER. Mr. President, is there a written report in this case?

The VICE PRESIDENT. There is not.

Mr. GALLINGER. I think there ought to be reports in all such cases, Mr. President.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

### SAN ANTONIO BICENTENNIAL EXPOSITION.

The joint resolution (S. J. Res. 72) to provide for holding the San Antonio Bicentennial Exposition in 1918 was announced as next in order.

Mr. SMOOT. Mr. President, when this joint resolution was reached before, I objected to its consideration. The junior Senator from Texas [Mr. SHEPPARD] is temporarily absent from the Chamber. I have some amendments to offer which I think the Senator from Texas will accept, and therefore I simply ask that it may be temporarily passed over. If the Senator comes into the Chamber before 2 o'clock, it can then be considered, so far as I am concerned.

Mr. MARTINE of New Jersey subsequently said: Mr. President, I desire to ask what was done with Senate joint resolution 72. I did not hear it called.

The VICE PRESIDENT. It was passed over temporarily, at the request of the Senator from Utah [Mr. SMOOT], on account of the absence of the Senator from Texas [Mr. SHEPPARD].

Mr. MARTINE of New Jersey. That is satisfactory. I did not happen to catch that.

Mr. SMOOT. I will say to the Senator from New Jersey that if the Senator from Texas had been in the Chamber at the time I would not have objected to the consideration of the joint resolution.

Mr. MARTINE of New Jersey. That is satisfactory.

Mr. SMOOT. I have no objection to considering it at this time, now that he is here.

Mr. SHEPPARD. Mr. President, I was called out of the Chamber temporarily. I wish to say that it is satisfactory to me to have the joint resolution go over for to-day.

### BILLS, ETC., PASSED OVER.

The bill (S. 2406) to amend section 162 of the act to codify, revise, and amend the laws relating to the judiciary, approved March 3, 1911, was announced as next in order.

Mr. GALLINGER. I ask that the bill go over.

The VICE PRESIDENT. The bill will be passed over.

The joint resolution (S. J. Res. 60) creating a joint subcommittee from the membership of the Senate Committee on Interstate Commerce and the House Committee on Interstate and Foreign Commerce to investigate the conditions relating to interstate and foreign commerce, and the necessity of further legislation relating thereto, and defining the powers and duties of such subcommittee was announced as next in order.

Mr. BORAH. Mr. President, I have no desire to postpone or delay the consideration of this joint resolution, but it will be impossible to dispose of it in five minutes.

Mr. NEWLANDS. I will state to the Senator from Idaho that whilst the bill of the Senator from Tennessee [Mr. SHIELDS] has been made the unfinished business, I believe he has indicated a willingness, when it comes up at 2 o'clock, to allow me to dispose of this matter, provided it can be done within a reasonable time.

Mr. BORAH. Very well.

Mr. SHIELDS. I will state, Mr. President——

Mr. CATRON. I object to the consideration of the bill.

Mr. JONES. I ask that the bill may go over.

The VICE PRESIDENT. Objection is made, and the bill will be passed over under the rule.

PROTECTION OF GAME IN YELLOWSTONE NATIONAL PARK.

The bill (S. 3205) to amend "An act to protect the birds and animals in Yellowstone National Park, and to punish crimes in said park, and for other purposes," approved May 7, 1894, was considered as in Committee of the Whole.

The Secretary read the bill, as follows:

*Be it enacted, etc.*, That the following paragraph, forming part of section 4 of an act entitled "An act to protect the birds and animals in Yellowstone National Park, and to punish crimes in said park, and for other purposes," approved May 7, 1894, to wit:

"Any person found guilty of violating any of the provisions of this act or any rule or regulation that may be promulgated by the Secretary of the Interior with reference to the management and care of the park, or for the protection of the property therein, for the preservation from injury or spoliation of timber, mineral deposits, natural curiosities, or wonderful objects within said park, or for the protection of the animals, birds, and fish in the said park, shall be deemed guilty of a misdemeanor, and shall be subjected to a fine of not more than $1,000 or imprisonment not exceeding two years, or both, and be adjudged to pay all costs of the proceedings," be amended to read as follows:

"Any person found guilty of violating any of the provisions of this act or any rule or regulation that may be promulgated by the Secretary of the Interior with reference to the management and care of the park, or for the protection of the property therein, for the preservation from injury or spoliation of timber, mineral deposits, natural curiosities, or wonderful objects within said park, or for the protection of the animals, birds, and fish in the said park, shall be deemed guilty of a misdemeanor, and shall be subjected to a fine of not more than $500 or imprisonment not exceeding six months, or both, and be adjudged to pay all costs of the proceedings."

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

WATER-POWER DEVELOPMENT.

The VICE PRESIDENT. The hour of 2 o'clock having arrived the Chair lays before the Senate the unfinished business, which is Senate bill 3331.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 3331) to amend an act entitled "An act to regulate the construction of dams across navigable waters," approved June 21, 1906, as amended by the act approved June 23, 1910, and to provide for the improvement and development of waterways for the uses of interstate and foreign commerce, which had been reported from the Committee on Commerce with amendments.

Mr. SHIELDS addressed the Senate. After having spoken, with interruptions, for nearly two hours and a half he said: Mr. President, I think I shall have to decline to yield further. If allowed to proceed, I can finish in a very few minutes.

Mr. STONE. Mr. President, may I ask the Senator from Tennessee a question? I am very anxious, as the Senator knows, to move an executive session. How long does the Senator think it will take him to conclude?

Mr. SHIELDS. I thought when I began that I would finish in less than an hour, and I myself have occupied only about that time, although it has been nearly three hours since I took the floor. In view of the Senator's desire to move to go into executive session I will ask that the pending bill be laid aside temporarily, and I will yield the floor.

[The speech of Mr. SHIELDS is printed in the Appendix.]

EXECUTIVE SESSION.

Mr. STONE. I am very much obliged to the Senator.

I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 1 hour and 35 minutes spent in executive session the Senate, in executive session (at 6 o'clock and 10 minutes p. m.), took a recess until to-morrow, Thursday, February 10, 1916, at 12 o'clock meridian.

## HOUSE OF REPRESENTATIVES.

### WEDNESDAY, *February 9, 1916.*

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

We lift up our hearts in gratitude and praise to Thee, O God our heavenly Father, for Thy goodness and for Thy wonderful works to the children of men, the intellectual gifts with which Thou hast endowed us, the tender and sweet affections which hallow our homes, for our great and growing Republic, for the religion which makes for righteousness in the soul. Help us to show our appreciation of these gifts and inestimable blessings by using but never abusing them, that we may be worthy of Thy love and protection. Through Jesus Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. HAMILTON of Michigan, on account of serious illness in his family.

COMMITTEE ON FLOOD CONTROL.

Mr. KITCHIN. Mr. Speaker, I ask unanimous consent to be permitted to move the election of the members of the Committee on Flood Control, and also the election of other members to fill some vacancies on other committees, a list of which I send to the desk.

The SPEAKER. Is there objection to the consideration of the business to which the gentleman from North Carolina refers on Calendar Wednesday?

There was no objection.

The SPEAKER. The Clerk will read the list.

The Clerk read as follows:

Committee on Flood Control: Benjamin G. Humphreys of Mississippi (chairman), Finis J. Garrett of Tennessee, Martin D. Foster of Illinois, Cyrus Cline of Indiana, Joseph J. Russell of Missouri, Robert Crosser of Ohio, Carl Vinson of Georgia, Jeff: McLemore of Texas, Riley J. Wilson of Louisiana, William A. Rodenberg of Illinois, Charles F. Curry of California, Charles C. Kearns of Ohio, James W. Husted of New York, William R. Wood of Indiana, and Whitmell P. Martin of Louisiana.

To fill vacancies on the following committees:

Elections No. 1: Joseph B. Thompson of Oklahoma.
Rivers and Harbors: H. Garland Dupré of Louisiana.
Judiciary: J. Randall Walker of Georgia.
Foreign Affairs: Joseph B. Thompson of Oklahoma.
Indians Affairs: William Webb Venable of Mississippi.
Expenses in the Department of Commerce: William Webb Venable of Mississippi.
Patents: William Webb Venable of Mississippi.
Invalid Pensions: Robert L. Doughton of North Carolina, and Warren Worth Bailey of Pennsylvania.
District of Columbia: Michael E. Burke of Wisconsin.
Industrial Arts and Expositions: William Webb Venable of Mississippi.

Mr. KITCHIN. Mr. Speaker, I move the election of these gentlemen to the committees named.

Mr. BENNET. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BENNET. Mr. Speaker, I have been out of Congress for four years and have only an indefinite recollection of the new rules. Is there not a provision in the rules of the Congress that the committees shall elect their own chairmen?

The SPEAKER. There is not. Are there any other nominations? If not, they will be closed. Without objection, these various gentlemen will be considered as elected to the committees named.

There was no objection.

CONGRESS OF NEUTRAL NATIONS.

Mr. CLARK of Florida. Mr. Speaker, I ask unanimous consent to proceed for five minutes.

The SPEAKER. The gentleman from Florida asks unanimous consent to proceed for five minutes. Is there objection?

There was no objection.

Mr. CLARK of Florida. Mr. Speaker, the world has stood aghast for a year and a half or more at the horrible war prevailing in Europe, and I desire now to read a resolution (H. J. Res. 147) which I propose to offer. It is as follows:

*Resolved, etc.*, First. That the people of the United States of America, being a peace-loving people, opposed to oppression and aggression of every character and form, and thoroughly wedded to the governmental idea that each and every nation of the earth, weak or strong, should be allowed to work out its own destiny without molestation on the part of any other nation, do hereby declare an absolute and strict neutrality as between each and all the nations of the earth now engaged in war.

Second. That the people of the United States view with horror the awful war now being waged across the seas and sincerely desire, in the interest of humanity and civilization, that the said war may be brought to an end at as early a day as possible in a manner which will be honorable to each and all the contending parties.

Third. That, with a view to seeking such an honorable termination of hostilities, the President of the United States be, and he is hereby, authorized and requested to invite the supreme magistrate or ruler of each and every nation of the earth not engaged in the present war and, like the United States, neutral as between the contending parties, to send two representatives each to a congress of neutral nations, to be held at the city of Washington, D. C., United States of America, at such time as the President may name, to take counsel with each other and consider in what manner the neutral nations may be of service in bringing the war to an end and restoring peace to the distressed lands of our brothers across the seas, and for the further purpose of taking counsel together in order to agree upon and define the rights of citizens of neutral nations upon the high seas during the continuance of hostilities should their efforts to secure peace prove unavailing.

Fourth. That the President is hereby authorized to appoint two able and discreet persons to represent the United States at said congress.

Fifth that the sum of $25,000, or so much thereof as may be necessary, out of any money in the Treasury not otherwise appropriated, is hereby appropriated to pay any and all appropriate expenses in and about said congress properly chargeable to the United States.

Mr. Speaker, I know of no other way officially that the United States and the neutral nations of the earth can do their duty in the premises in endeavoring to secure peace among these nations across the water. I therefore ask unanimous consent for the present consideration of the resolution.

The SPEAKER. The gentleman from Florida asks unanimous consent for the present consideration of the resolution which he has read. Is there objection?

Mr. MANN. Mr. Speaker, I object.

The SPEAKER. The gentleman from Illinois objects.

ABRAHAM LINCOLN.

Mr. WHEELER. Mr. Speaker, I ask unanimous consent to address the House for 20 minutes on next Saturday, the anniversary of the birth of Abraham Lincoln, after the Journal has been approved and the business on the Speaker's table disposed of.

The SPEAKER. The gentleman from Illinois asks unanimous consent that on Saturday next, the anniversary of the birth of Abraham Lincoln, he be allowed to address the House for 20 minutes on the life and character of Abraham Lincoln after the Journal has been approved and the business on the Speaker's table disposed of. Is there objection?

Mr. RUSSELL of Missouri. Mr. Speaker, reserving the right to object—and I do not intend to object finally—I will ask to have coupled with that the consent of the House to first read the address of Abraham Lincoln delivered at Gettysburg.

Mr. WHEELER. Mr. Speaker, I would have no objection to that.

The SPEAKER. The gentleman from Missouri asks leave to read the Gettysburg address of Abraham Lincoln on Saturday next, before the gentleman from Illinois [Mr. WHEELER] addresses the House. Is there objection to either one of these requests?

There was no objection, and it was so ordered.

THE LATE REPRESENTATIVE WITHERSPOON.

Mr. VENABLE. Mr. Speaker, I ask unanimous consent that Sunday, March 5, 1916, be set aside for appropriate memorial exercises on the life, character, and work of Hon. S. A. WITHERSPOON, late a Representative from the State of Mississippi.

The SPEAKER. The gentleman from Mississippi asks unanimous consent that Sunday, March 5, 1916, be set aside as a day on which to memorialize his predecessor in Congress, Mr. WITHERSPOON. Is there objection?

There was no objection, and it was so ordered.

REORGANIZATION IN THE PATENT OFFICE.

The SPEAKER. The Clerk will call the committees.

The Clerk proceeded with the call of committees.

Mr. ALEXANDER (when the Committee on Patents was called). Mr. Speaker, the gentleman from Indiana [Mr. MORRISON], chairman of the Committee on Patents, is absent, and as ranking member of that committee and by direction of the committee, I call up the bill S. 900, amending sections 476, 477, and 440 of the Revised Statutes of the United States.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

*Be it enacted, etc.*, That section 476 of the Revised Statutes be, and the same is hereby, amended to read as follows:

"SEC. 476. There shall be in the Patent Office a Commissioner of Patents, one first assistant commissioner, one assistant commissioner, and five examiners in chief, who shall be appointed by the President, by and with the advice and consent of the Senate. The first assistant commissioner and the assistant commissioner shall perform such duties pertaining to the office of commissioner as may be assigned to them, respectively, from time to time by the Commissioner of Patents. All other officers, clerks, and employees authorized by law for the office shall be appointed by the Secretary of the Interior upon the nomination of the Commissioner of Patents, in accordance with existing law."

SEC. 2. That section 477 of the Revised Statutes be amended to read as follows:

"SEC. 477. The salaries of the officers mentioned in the preceding section shall be as follows:

"The Commissioner of Patents, $5,000 a year.

"The First Assistant Commissioner of Patents, $4,500 a year.

"The Assistant Commissioner of Patents, $3,500 a year.

"Five examiners in chief, $3,500 a year each."

SEC. 3. That so much of section 440 of the Revised Statutes as follows the words "In the Patent Office," and refers to said office only, be amended to read as follows:

"One chief clerk, who shall be qualified to act as a principal examiner.

"One librarian, who shall be qualified to act as an assistant examiner.

"Five law examiners.

"One examiner of classification.

"One examiner of interferences.

"One examiner of trade-marks and designs.

"One first assistant examiner of trade-marks and designs.

"Six assistant examiners of trade-marks and designs.

"Forty-three principal examiners.

"Eighty-six first assistant examiners.

"Eighty-six second assistant examiners.

"Eighty-six third assistant examiners.

"Eighty-six fourth assistant examiners; and such other examiners and assistant examiners in the various grades as the Congress shall from time to time provide for."

The SPEAKER. This bill is on the Union Calendar and the House automatically resolves itself into the Committee of the Whole House on the state of the Union, and the gentleman from Tennessee [Mr. GARRETT] will take the chair.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (S. 900), with Mr. GARRETT in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill, which the Clerk will report.

The Clerk read as follows:

Senate bill 900, an act amending sections 476, 477, and 440 of the Revised Statutes of the United States.

Mr. ALEXANDER. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from Missouri asks unanimous consent that the first reading of the bill be dispensed with. Is there objection?

Mr. MOORE of Pennsylvania. Mr. Chairman, reserving the right to object, I would like to know what this bill is. The Clerk has just gotten to the point where we are enabled to tell.

Mr. ALEXANDER. It is a bill to revise the inspector force in the Patent Office.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. ALEXANDER. Mr. Chairman, this bill proposes to reorganize the examining corps of the Patent Office by amending sections 476, 477, and 440 of the Revised Statutes of the United States so as to put into the Revised Statutes certain provisions which have been carried in appropriation bills, and other changes which I will undertake to point out specifically. The bill makes no change in salary from the salaries carried in the appropriation bills for some years past and creates no new offices. But, as will be indicated, it changes the number of employees. The greatest and most important change proposed is to equalize the number of first, second, third, and fourth assistant examiners. At present there are 110 fourth assistants, 88 third, 73 second, and 63 first. Now, the Commissioner says this is objectionable for the following reasons:

Each primary examiner has to supervise the work of twice as many assistants as was the case 30 years ago. It is not practicable to increase the number of primary examiners, because it splits up the classes to an inadvisable extent, and the only relief for an excessive number of assistants relatively to the number of primary examiners is to have more assistants of higher grades and therefore better trained in their work and with better knowledge of their classes. There are on an average 2½ fourth assistants and 1½ first assistants to each division. I am proposing to equalize this and to have 2 for each division in each grade.

The proposed change will also tend to keep the assistants longer in the office, because of the increase of the rate of promotion. During the first two or three years the assistants are of comparatively slight value. The present minimum salary is necessary to get the class of men we need, but it is only by keeping them here for 8 or 10 years that the average quality of service that is required can be secured. The increase in the appropriation per annum by reason of the equalization of the number of assistants is less than $23,000, and as the total appropriations for salaries for the whole number of assistants is more than $600,000, this slight increase in salary of the assistants will be far outweighed by the percentage of increase of efficiency.

There are other changes which I will indicate:

First. The bill provides specifically for the post of first assistant commissioner, an office created by the appropriation act of 1909, and fixes his salary at $4,500, which has been the salary since the office was established.

This office has been created and the office provided for in the appropriation bills, but has not been written into the Revised Statutes.

Second. It states the duties of the two assistant commissioners.

Third. It increases the number of examiners in chief from three to five. The reason for this amendment is that the board passes on appeals aggregating about 1,100 per year. This is more than three men can properly pass upon. The delay and inadequate consideration of cases which naturally follow create unnecessary further appeals with consequent expense and loss of time for applicants and a diversion of the attention of the commissioner from other useful work.

Mr. RAYBURN. Will the gentleman yield?

Mr. ALEXANDER. Yes.

Mr. RAYBURN. I notice here in line 16, page 2——

Mr. ALEXANDER. If the gentleman will permit, I prefer to make my statement first and then I will answer his question.

Mr. RAYBURN. The gentleman is on the very point about which I desired to ask.

Mr. ALEXANDER. Very well; ask the question.

Mr. RAYBURN. I was just going to question the necessity of these five examiners in chief. There are three now, as I understand.

Mr. ALEXANDER. Yes.

Mr. RAYBURN. And I am informed by folks who have to do with this department that these men are now and have been absolutely up with their work, and they question very strenuously the necessity of adding these two new examiners in chief and say that if they are not absolutely needed they would gum the work up more than to have only three when they contend that the three examiners are up with their work entirely.

Mr. ALEXANDER. Now, I will give you the statement of the commissioner in that regard. Commissioner Ewing, at the hearing before the committee, in answer to a question, made this statement:

The examiners in chief are charged with the duty of hearing appeals from the primary examiners and from the examiners on interferences. There are three of them, and there is no provision of law whereby an examiner can be assigned to sit with them; therefore if one of them is sick their work is badly handicapped. If two of them are ill, as happened about a year ago, the board is put out of business. As a matter of fact, there is ample work for five men if the work is properly done and done as thoroughly as it ought to be done, and three would make a quorum, and there would always be a body of three sitting. That is why I have asked for five examiners in chief.

Mr. RAYBURN. Just one word further. I do not notice that the commissioner states, nor is the assertion made, that they have been behind, except when two of them happened to be sick a little while. It seems to me that somebody ought to know if they are behind with their work there before it would be necessary to add these two members to that corps.

Mr. ALEXANDER. My information from the commissioner is to the effect that this increase was desired in order to facilitate the work of the department and prevent unnecessary delays. Does the gentleman from Tennessee [Mr. BYRNS] desire to ask me a question?

Mr. BYRNS of Tennessee. I simply wanted to ask a question suggested by the gentleman from Texas [Mr. RAYBURN].

Now, I understand that the work performed by these examiners in chief is practically, if not entirely, current at the present time, taking into consideration the fact that two years ago two of these examiners were ill. If I am correctly informed, the work performed by these examiners in chief is current or as near current as it is possible to make it, taking into consideration the fact that they have to set these hearings and give lawyers who want to be heard time and opportunity to make their argument. Now, if their work is practically current, or is as nearly so as it can be, I do not see any real necessity for adding to the board and making it five instead of three. As a matter of fact, the entire board has to pass upon every single, individual case that comes before it whether you make it five or make it ten.

Mr. ALEXANDER. Under the law I suppose a majority of the board can sit and hear these cases and pass on them.

Mr. BYRNS of Tennessee. If one of these members should happen to be sick, of course it is for a limited period, and in a contested case, or where two members disagree, the case can be set over as it is in cases of appellate courts where there are only three members. But to make the board five, in order to take care of the possibility of some member being sick, seems to me is creating a force that is not needed, judging from the information I have had on the subject, and that is what I wanted the gentleman to enlighten the committee on.

Mr. ALEXANDER. I believe the gentleman is a member of the subcommittee of the Committee on Appropriations, before whom the commissioner appeared recently with reference to the provision for these various officers. Did the gentleman inquire of him as regards the necessity for this increase?

Mr. BYRNS of Tennessee. The commissioner made a statement, and a very strong one, in favor of having five instead of three, but, as I gather, the reason for it is the same reason as given by the gentleman now, and that is that there is a possibility that some one of these present examiners in chief may become ill or for some other reason may not be able to attend the meeting of the board, and if he had five he would always have the guaranty that at least three would be present. But I am frank to say that reason did not appeal to me very much.

Mr. ALEXANDER. Here is what the commissioner stated in his letter to the committee, reenforced by his statement before the committee. He said:

It increases the number of examiners in chief from three to five. The reason for this amendment is that the board passes upon appeals aggregating about 1,100 per year.

Mr. BYRNS of Tennessee. How many of those, if you will pardon me, are interference cases and how many of the kind that are more or less informal?

Mr. ALEXANDER. I do not know. He says:

This is more than three men can properly pass upon. The delay and inadequate consideration of cases which naturally follow create unnecessary further appeals, with consequent expense and loss of time to applicants and a diversion of the attention of the commissioner from other useful work.

Mr. BYRNS of Tennessee. Now, as I understand it, it is not proposed to create a new board, but these appeals will come before this same board, consisting of five instead of three members, if this law is passed. Now, I could see some reason for that, and really I could understand how it would expedite the work, if there were to be two boards instead of one; but under this law we have one board and five gentlemen sitting upon that board. I take it that every one of the five would insist on knowing what is in the particular case before that board, and they will insist upon investigating and knowing the facts, naturally, before they sign an opinion as members of the board. Now, I fail to see how the appointment of additional examiners in chief will serve to expedite the business before the board in disposing of these appeals.

Mr. ALEXANDER. If the gentleman's argument is sound, there would be no reason for increasing the number of judges on the bench, for the reason that it is assumed, and properly so, that all judges should familiarize themselves with the record in each case. I understand that it is a fact that these chief examiners, on account of the pressure of the work, sometimes O. K. the opinions of law clerks which are presented to them and promulgate them as the opinions of the board. Now, I think that was stated by the commissioner somewhere in the hearings. I would think each examiner should examine the record for himself before writing or concurring in an opinion.

Mr. BYRNS of Tennessee. I have never understood that these present examiners in chief were complaining of the work they have to do. With such a court as that to which the gentleman refers, it is always possible to relieve the members of the court of a great burden of work they have to perform. But I do not understand that to be the proposition here. It is not to relieve these three men of the work they have to do, but, as I say, to provide a quorum in case one is ill.

Mr. ALEXANDER. I believe there have been delays in having these cases adjudicated. Just where the fault lies I do not know. The commissioner wishes to organize the examining corps to facilitate the work of the Patent Office and have the cases disposed of more promptly; and he regards this increase in the number of examiners in chief made as essential in order to do so.

Mr. BYRNS of Tennessee. Now, these three officers are presidential officers, as I understand it. If any one of these three are incapable of doing the work, or are not performing the work properly, there is a way to get at that without adding the burden of $7,000 in salaries.

Mr. ALEXANDER. There is no complaint that they are not properly performing their duties.

Mr. BYRNS of Tennessee. As the gentleman from Texas [Mr. RAYBURN] stated a while ago, the answer as to whether or not they are doing their work lies in the fact that the work is current to-day, if I am correctly informed.

Mr. FOSTER. Will the gentleman from Missouri yield?

Mr. ALEXANDER. I yield.

Mr. FOSTER. As I understand, the gentleman says there are one or two of these men, assistants, who are appropriated for but not established by law?

Mr. ALEXANDER. Not of this grade.

Mr. FOSTER. I mean of these assistant commissioners—two additional examiners in chief.

Mr. ALEXANDER. None of these. The chief examiners——

Mr. FOSTER. I mean the commissioners. They are fixed by law now, are they not? If they were appropriated for last year, they are.

Mr. ALEXANDER. If the gentleman refers to the two assistant commissioners, he is right; but that is not what we are talking about now. We are talking about examiners in chief.

Mr. FOSTER. I understand that.

Mr. ALEXANDER. Of course, the first assistant and assistant commissioner are already provided for. These officers have been provided for in appropriation bills, but the statute does not provide for them.

Mr. FOSTER. I call the gentleman's attention to the appropriation bill of last year, which did fix these officers as permanent.

Mr. ALEXANDER. Well, we are writing the amendment into the statute now by amending the statute itself; that is all.

Mr. Chairman, the only reasons for these additional chief examiners, as stated by the commissioner, are, first, that in the absence of one of the chief examiners there is no provision of law by which another may be substituted for him; and, second, in the absence of two and the failure of a quorum, the hearing of appeals by the board would be temporarily suspended. The purpose of providing for these two additional

chief examiners is to make the work more efficient and to provide for its continuance and to facilitate the disposition of these appeals and avoid delay and complaint on the part of the public; and, after hearing the Commissioner of Patents, the committee were unanimous in the opinion that these additional examiners should be provided for.

For a number of years the appropriation act has provided that the chief clerk shall be qualified to act as principal examiner, and we have simply put that provision into the statute. This is regarded as very important, because an enormous amount of mail reaching the office contains inquiries which can be answered by the chief clerk if he is thoroughly familiar with the work of the office.

Then, fifth, the librarian should be qualified to act as assistant examiner, because the library is primarily intended for use in making searches. Sixth, while there are at present two law examiners provided by the statute, they are both designed to supervise the initiation of interferences. The commissioner asks that they be increased to five, the other three being needed to do supervisory work. Two of the three have already been provided for. They were provided for in the last appropriation bill. The commissioner is asking, therefore, for one additional law examiner.

Then, seventh, the post of examiner in charge of classification work was established by the appropriation act of 1909 and has been continued ever since. There is no work of the office that is more difficult, and it is a continuing work, since the classification must always be under revision. We have simply written that into the statute. There is no increase of offices.

Eighth, the changes of salary indicated are all merely fixing salaries which have been in appropriation acts for a number of years past.

Ninth, the omission of the provision that two of the second assistant examiners shall be women is not intended to exclude them, but to remove the possible limitation upon the commissioner. Women make excellent assistant examiners, and are appointed whenever opportunity arises. The existing law says two of them may be women. That provision is simply stricken out for that reason.

Tenth, the grades of first, second, third, and fourth assistant examiners, heretofore made a part of the appropriation act, but for several years omitted—the difference being indicated only by the difference of salary—are reestablished, and the grade of fourth assistant examiner will for the first time be placed in the Revised Statutes, it having so far been carried in the appropriation act only.

Under the law there are now 63 first assistant examiners at a salary of $2,500 a year each. This bill increases the number to 86, making an increase of 23. The number of second assistant examiners under the existing law is 73. This bill increases the number by 13. Their salary is $2,100 a year. There are now 88 third assistant examiners. This bill decreases the number by 2. The salaries are $1,800 a year. There are 110 fourth assistant examiners, and we decrease the number to 86, which is a net decrease of 24. The increases are 36 and the decreases 26, making the net increase of assistant examiners 10, but the salaries in the aggregate are not disturbed. They continue or remain as under existing law. The result is that the average salary of the assistant examiners is now $1,880. The average salary of assistant examiners, if this bill is enacted into law, will be $1,950, or $70 increase per examiner. That is because there are more examiners provided for in the higher grades than heretofore, which will somewhat increase the average salary.

Of course the Patent Office is maintained by the fees paid by parties applying for patents, and the surplus revenue from this source is about $200,000 per annum. The net increase in cost under the provision of this bill will be between $54,000 and $55,000, because two of the three additional law examiners have heretofore been provided for in appropriation bills, and will be provided for, I presume, in the appropriation bill this year; and hence, if you take that from the $61,000, it will leave between $54,000 and $55,000 increase.

Mr. Chairman, I reserve the balance of my time.

Mr. CANNON. What is the increased number of employees?

Mr. ALEXANDER. Thirteen—10 assistant examiners, 1 law examiner, and 2 chief examiners.

Mr. CANNON. And about $60,000 increase of pay?

Mr. ALEXANDER. About $54,000 increase.

### MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. CRISP having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Waldorf, one of its clerks, announced that the Senate had passed bills of the following titles, in which the concurrence of the House was requested:

S. 2520. An act granting to the State of Nevada 7,000,000 acres of land in said State for the use and benefit of the public schools of Nevada and the State university of the State of Nevada; and

S. 377. An act providing for the establishment of a term of the district court for the middle district of Tennessee at Winchester, Tenn.

### REORGANIZATION IN THE PATENT OFFICE.

The committee resumed its session.

Mr. MANN rose.

The CHAIRMAN. The gentleman from Illinois [Mr. MANN] is recognized for an hour.

Mr. MANN. Mr. Chairman, this is a bill with reference to certain employees in the Patent Office, exactly similar, with the exception of five words, to the bill that was passed by the House in the last Congress and afterwards passed by the Senate without objection. Unfortunately, in the closing days of the Congress, it got mislaid somewhere on the Vice President's table or some other place, and was not sent to the President for his signature.

It makes a slight increase in the number of employees in the Patent Office, and makes some increase in the salaries by certain promotions which are authorized, by reason of increasing the number of employees of the higher grades and lessening the number of employees at the lower grades in the positions of assistant examiners.

The Patent Office is not as expensive, probably, as it ought to be. It is one of those offices which more than pays its way, because it turns into the Treasury more than we appropriate for the maintenance of the office. While that is not a sufficient reason for making an increase in the force of the office, still an increase in the patent business in the office warrants some increase in the force, and I think the fact that so many of the third or fourth assistant examiners, after a little experience in the office, resign to take places in private houses at higher salaries, may be a sufficient reason for giving a little additional inducement for assistant examiners to remain there in the Government service, after they acquire the experience, by giving them additional opportunity for promotion.

Under the existing law there are 66 first assistant examiners. This bill proposes to increase the number by 20. They draw salaries of $2,400 each.

There are now 73 second assistant examiners who draw salaries of $2,100 each. It is proposed to increase the number by 13.

There are now 88 third assistant examiners at salaries of $1,800 each, and it is proposed to reduce that number by 2.

There are now 110 fourth assistant examiners at salaries of $1,500 each, and it is proposed to reduce that number by 24, so that it would leave 86 of each of these classes, first, second, third, and fourth assistant examiners.

Of course that results in some promotions, and hence some increases in salaries, and it is a total of 10 assistant examiners over those now employed in the office.

There has been some criticism or discussion in reference to increasing the number of examiners in chief. There are now three examiners in chief drawing salaries of $3,500 each. The bill proposes to increase the number to five, and there has been some opposition to that, emanating, I think, from one or more gentlemen in the Patent Office. I myself am not competent to judge of the desirability of that; but Mr. Ewing, the Commissioner of Patents, who is a very excellent commissioner, and who has not been extravagant in his demands for increases in his office, has stated that after very full consideration of the subject he thinks it is quite necessary to increase the number of examiners in chief from three to 5, in order to expedite the business and make sure that the examiners in chief will be able to act. My understanding is, though I did not acquire that information from Mr. Ewing, that each examiner in chief takes a case and writes an opinion upon it. When that opinion is written it is passed to the other two examiners. If one of them agrees with it, he signs the opinion, and it requires the signature of two examiners to put a decision in force, the work, of course, being done primarily by the individual examiners, and it is thought that by increasing the number to five it will give a better opportunity for the different examiners to give careful consideration to the propositions which they are to decide.

Mr. HILL. I know very little about the matter, but this objection is presented to me that the increase in the number of examiners from three to five will make a large duplication of the work. The gentleman just made an explanation as to the

way in which the work is done. I should like to ask this question: If it required the approval of another examiner, making two out of three to make a report effective, would it not require three out of five, and consequently is not the criticism a genuine one that it would require a great duplication of work, and would really accomplish nothing toward perfecting or improving the work of the Patent Office?

Mr. MANN. No; I do not think so; because there will be no more cases for the five to examine than there are for the three to examine, and each one who examines his case in the first instance will be able to give more consideration to it than he is now able to give, because each examiner individually will have a fewer number of cases to pass upon in the first instance. Of course, in the end each one goes theoretically over all these cases, or is supposed to.

Mr. HILL. But as a matter of fact they do not. Is not that so? As a matter of fact, the opinion of two out of three is now considered to be the opinion of the whole board, whereas if this change is made it will hereafter require three out of five to carry the opinion of the board, and consequently will create a great deal of duplication.

Mr. MANN. Why, no; I can not see how it will create any duplication. I think the fact is that when one examiner prepares his opinion it is now submitted to the other two examiners, and it requires the approval of two out of the three to put the decision into force; when if five examiners are provided for it will be submitted to all five; but that is no duplication of the work, because each one has to examine all of these cases in some way, either originally, or when an original decision is presented for approval.

Mr. HILL. Is this a unanimous report from the committee?

Mr. MANN. Yes. The bill was unanimously reported in the last House and in this House. I think it was more fully considered in the last House than it has been in this, for the reason that as a rule when a matter has been very fully considered by one House or one committee or one Congress, it does not always receive as much consideration in the next, where there has been no objection raised. I myself think this bill is unobjectionable, and ought to pass.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. SIMS having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed without amendment joint resolution of the following title:

H. J. Res. 95. Joint resolution authorizing the Secretary of the Navy to receive for instruction at the United States Naval Academy, at Annapolis, Mr. Carlos Hevia y Reyes Gavilán, a citizen of Cuba.

The message also announced that the Senate had passed the following resolution:

*Resolved*, That the Secretary be directed to request the House of Representatives to return to the Senate Senate joint resolution 81, entitled "Joint resolution authorizing the Secretary of the Navy to receive for instruction at the United States Naval Academy, at Annapolis, Mr. Carlos Hevia y Reyes Gavilán, a citizen of Cuba.

REORGANIZATION IN THE PATENT OFFICE.

The committee resumed its session.

The CHAIRMAN. The Clerk will read the bill under the five-minute rule.

The Clerk read as follows:

SEC. 2. That section 477 of the Revised Statutes be amended to read as follows:

"SEC. 477. The salaries of the officers mentioned in the preceding section shall be as follows:

"The Commissioner of Patents, $5,000 a year.

"The First Assistant Commissioner of Patents, $4,500 a year.

"The Assistant Commissioner of Patents, $3,500 a year.

"Five examiners in chief, $3,500 a year each."

Mr. RAYBURN. Mr. Chairman, I move to strike out the word "five," in line 16, on page 2, and insert the word "three."

The CHAIRMAN. The gentleman from Texas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 2, line 16, strike out the word "five" and insert the word "three."

Mr. RAYBURN. Mr. Chairman, if there is any dissension in the Patent Office, I know nothing whatever about it. I never was in the Patent Office in my life, and if I ever saw anyone who worked in the Patent Office I do not know it; but I have been informed by people who have business in the Patent Office that this board is up with its work as it is now constituted, having three members. I do not doubt that there are many worthy gentlemen in the Patent Office who deserve promotion if a vacancy existed, and many who would make splendid examiners if a vacancy existed on that board now. But I do not think their demands or their desires are so pressing that we should make this increase, when not even the Commissioner of Patents himself or anyone speaking for him will say that this board is not up with its work, or will say that that is a sufficient reason why we should create two new jobs at a cost of $7,000 to the Government. Of course, $7,000 is a small matter, but it is that much.

One other thing and then I am through. They argue that in case somebody upon that board gets sick, possibly two will be sick at the same time, and the board can not act. I call attention to the fact that when you increase the number of examiners upon this board, you increase the percentage of liability that some one upon that board will be sick. And if this court as it is constituted now is up with its work, you will increase the possibility of its getting behind with its work by putting two more men on the court when they all have to sit finally on every question that comes before them. I believe this is unnecessary. I do not think there has been a reason advanced here why these two examiners should be added to the board. The only argument that could be advanced that ought to influence us to increase the court is that the court is now overworked and that they need to have additional examiners to divide the work among, but this has not been shown, and I am therefore opposed to putting the Government to this additional and unnecessary expense.

Mr. SMITH of New York. Mr. Chairman, the appropriation for the Patent Office is approximately $2,000,000 a year. The Patent Office turns back into the Treasury $2,200,000 a year, leaving a surplus of $200,000. The gentleman from Illinois [Mr. MANN] has well stated that is not a sufficient reason for increasing the appropriation in the Patent Office; but in the case of these examiners in chief being discussed there are three, and an additional assistant has been assigned to help those now doing the work. So actually four men are now performing this service, although the fourth man has not the standing or authority of the other three members. The Commissioner of Patents states that if there were five, the work would be done more thoroughly. The Patent Office is an office where the question is almost entirely one of efficiency. You could do the work there with half the men, but you could not do it efficiently. The reason for having five instead of three is to improve the service in the office. The Commissioner of Patents believes that five men are necessary, and I believe, inasmuch as he has reorganized the office and is trying to increase and improve the service of the office, his judgment ought to be accepted, and the amendment should not prevail.

Mr. BYRNS of Tennessee. Mr. Chairman, there is no man for whom I have a higher respect than the Commissioner of Patents. He is an able and exceedingly capable official, but merely because the Commissioner of Patents makes the statement that he believes the work can be done more thoroughly by five rather than three examiners in chief, I must confess does not appeal very strongly to me. Unless the Commissioner of Patents or some one representing him can show that increasing the number of chief examiners from three to five will secure more efficient work, it seems to me that this increase should not be made. It has been stated, and I have not heard it denied, that this work is current and up to date at this time. If that be true, I fail to see why it is necessary to add $7,000 to the expense of the Government merely to provide for a contingency in case of sickness.

Mr. CARTER of Massachusetts. Will the gentleman yield?

Mr. BYRNS of Tennessee. Yes.

Mr. CARTER of Massachusetts. The Commissioner of Patents said there were 2,000 cases now pending. That does not seem to me to support the statement that they are up with their work.

Mr. BYRNS of Tennessee. The gentleman in charge of this bill a while ago made the statement that this board passes upon appeals aggregating a thousand a year.

Mr. ALEXANDER. Eleven hundred.

Mr. BYRNS of Tennessee. How many appeals have they during the year?

Mr. ALEXANDER. I am not able to inform the gentleman as to the number.

Mr. BYRNS of Tennessee. I am informed that it is the number of applications to which the gentleman from Massachusetts refers and not the appeals that are taken to the examiners. There are two classes of appeals, and, if my memory is correct, there are less than 200 appeals in interference cases, and that constitutes the bulk of the work for the examiners in chief. I repeat that I have not heard a statement made, either here or before the committee, showing that the work performed by the examiners in chief is not now practically up to date. The

work is as current as it is possible for a board of that kind to make it current.

Mr. KENT. Will the gentleman yield?

Mr. BYRNS of Tennessee. Yes.

Mr. KENT. In what way will there be any greater expedition in the service if this board has five chief examiners instead of three?

Mr. BYRNS of Tennessee. I am not able to see why five men can more expeditiously decide cases than three under their rules of procedure. As a matter of fact, as the gentleman from Texas said a moment ago, it would really serve to delay the work rather than to expedite it, for the reason that all of the members of this appellate court in the Patent Office necessarily must examine these cases. They must necessarily look into them. I can not see, since no new board is to be appointed, how five instead of three will expedite the business.

Mr. ALEXANDER. Will the gentleman yield?

Mr. BRYNS of Tennessee. Yes.

Mr. ALEXANDER. Why not have three judges of the Supreme Court of the United States? Why is it necessary to have nine judges to facilitate the transaction of business of the court or add to the efficiency of the tribunal? Yet we know that in the United States court and in the several States we have increased the number of judges in order to increase the efficiency and dispatch the work. I am told that in this department the law clerks prepare the cases and present them to the board, and in many cases they are O. K'd and go out as the opinion of the board. That may or may not be true; but there ought to be enough examiners in chief, so that the work can be properly transacted.

Mr. BYRNS of Tennessee. I venture the opinion that if we establish a board of five examiners in chief instead of three we will have the same practice of the law clerks looking into the questions that may be before the board. Now, with reference to the Supreme Court of the United States or of the supreme courts in the States, in those cases the number of judges was increased because the judges complained that they were overworked, that they could not dispatch the business before the court and were unable to give proper consideration to the cases before them. But this is not a case, so far as I have heard, of anybody on this board being overworked. It is not a case where the examiners in chief are unable to dispose of the business which comes before the board in due time and proper course.

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. BYRNS of Tennessee. Mr. Chairman, I ask unanimous consent to proceed for two minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. BYRNS of Tennessee. Something has been said here with reference to the amount of money paid in by the Patent Office in excess of the cost of the office. The gentleman from New York stated probably $200,000; but I submit that is not a satisfactory argument for increasing the expenses of the office, unless they are absolutely needed. This bill proposes to increase the expenses of the Patent Office by $61,000, as shown by the report submitted by the committee. I am not prepared to say that these other increases are not necessary and are not proper; but it does seem to me that here is one case, in view of all the facts and in view of the failure to show any necessity for it, where $7,000 of that $61,000 may be saved to the Government without any detriment to the service being rendered by the Patent Office. The Patent Commissioner, for whom, as I say, I have the highest regard, who is administering his office in such a splendid and efficient manner, states that there is a way by which the revenues derived from the Patent Office may be increased by $125,000, in addition to the sum now paid in, and that is by revising the fees so as to provide for a $20 fee with the filing of an application and $15 for the final fee, whereas it is now $15 for the filing and $20 for the final. I simply make that suggestion to the gentleman from Missouri [Mr. ALEXANDER] because it came out in the hearings before a subcommittee of which I am a member, and I hope the Committee on Patents will take that matter up and see if the law can not be amended in accordance with the views of the commissioner.

Mr. HILL. Mr. Chairman, I do not object to the increase of the salary of the assistant examiners. If they are not worth $1,800 a year, they have no business to be there.

Mr. ALEXANDER. There are no increases provided for.

Mr. HILL. I do not object to the $7,000 additional for the chief examiners, but the criticism which comes to me and which impresses itself upon me, Mr. Chairman, is that five men who are to do the work which three now do, requiring at least a majority of the board, however it may be constituted, will increase and delay the continuance of the work in the future. I believe it would be a great deal wiser—and, if left to the board itself, that they would vote for it—if their salaries should be increased from $500 to $1,000 each and the number continued as it is, at three. So believing, I shall vote for the amendment of the gentleman from Texas.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Texas.

The question was taken; and on a division (demanded by Mr. ALEXANDER) there were—ayes 22, noes 44.

So the amendment was rejected.

The Clerk concluded the reading of the bill.

Mr. RICKETTS. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD of January 29.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent to extend his remarks in the RECORD. Is there objection.

There was no objection.

Mr. ALEXANDER. Mr. Chairman, I move that the committee do now rise and report the bill with a favorable recommendation.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. GARRETT, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill S. 900 and had directed him to report the same back to the House without amendment, with the recommendation that the bill do pass.

Mr. ALEXANDER. Mr. Speaker, I move the previous question on the bill to final passage.

The motion was agreed to.

The SPEAKER. The question is on the third reading of the bill.

The bill was ordered to be read a third time, was read the third time, and passed.

### BIDS FOR BATTLESHIPS "43" AND "44."

Mr. PADGETT. Mr. Speaker, I ask unanimous consent to insert in the RECORD a letter from the Secretary of the Navy giving information relative to the bids on the battleships 43 and 44, in pursuance of a statement I made the other day in response to an inquiry whether I would furnish them.

The SPEAKER. The gentleman from Tennessee asks unanimous consent to insert in the RECORD the letter referred to from the Secretary of the Navy. Is there objection?

There was no objection.

### ARMY AND NAVY MEDAL OF HONOR HONOR ROLL.

The SPEAKER. The Clerk will call the next committee.

The Clerk called the Committee on Invalid Pensions.

Mr. RUSSELL of Missouri. Mr. Chairman, at the request of the chairman of the Committee on Invalid Pensions, I call up the bill (H. R. 4701) to establish in the War Department and in the Navy Department, respectively, a roll designated as the Army and Navy medal of honor honor roll, and for other purposes, and I ask unanimous consent that the bill may be considered in the House as in the Committee of the Whole House on the state of the Union.

The SPEAKER. The gentleman from Missouri calls up the bill H. R. 4701, to establish an Army and Navy medal of honor honor roll, which is on the Union Calendar, and asks unanimous consent that the bill be considered in the House as in the Committee of the Whole House on the state of the Union. Is there objection?

Mr. MANN. I object.

The SPEAKER. The gentleman from Illinois objects, and the House will automatically resolve itself into the Committee of the Whole House on the state of the Union.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 4701, with Mr. GARRETT in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 4701), which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 4701) to establish in the War Department and in the Navy Department, respectively, a roll designated as the Army and Navy medal of honor honor roll, and for other purposes.

Mr. RUSSELL of Missouri. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from Missouri asks unanimous consent that the first reading of the bill be dispensed with. Is there objection?

Mr. STAFFORD. Mr. Chairman, this is a short bill, and I think it ought to be read for the information of Members.

The CHAIRMAN. The gentleman from Wisconsin objects, and the Clerk will read the bill.

The Clerk read as follows:

*Be it enacted, etc.*, That there is hereby established in the War Department and Navy Department, respectively, a roll designated as "the Army and Navy medal of honor honor roll." Upon written application made to the Secretary of the proper department, and subject to the conditions and requirements hereinafter contained, the name of each surviving person who has served in the military or naval service of the United States in any war, who has attained or shall attain the age of 65 years, and who has been awarded a medal of honor for having in action involving actual conflict with an enemy distinguished himself conspicuously by gallantry or intrepidity, at the risk of his life, above and beyond the call of duty, and who was honorably discharged from service by muster out, resignation, or otherwise, shall be, by the Secretary of the proper department, entered and recorded on said roll. Applications for entry on said roll shall be made in such form and under such regulations as shall be prescribed by the War Department and Navy Department, respectively, and proper blanks and instructions shall be, by the proper Secretary, furnished without charge upon request made by any person claiming the benefits of this act.

SEC. 2. That it shall be the duty of the Secretary of War and of the Secretary of the Navy to carry this act into effect and to decide whether each applicant under this act in his department is entitled to the benefit of this act. This act and the evidence in favor of each claimant's claim shall be liberally and favorably construed in favor of the applicant, and in cases of doubt the applicant shall be given the benefit of the doubt. If the official award of the medal of honor to the applicant, or the official notice to him thereof, shall appear to show that the medal of honor was awarded to the applicant for such an act as is required by the provisions of this act, it shall be deemed sufficient to entitle the applicant to such special pension without further investigation. Otherwise all official correspondence, orders, reports, recommendations, requests, and other evidence now on file in any public office or department shall be considered, and it shall be liberally construed and considered in favor of the applicant as aforesaid and without regard to technical requirements; but no evidence not now on file as aforesaid shall be admitted or considered. A certificate of service and of the act of heroism, gallantry, bravery, or intrepidity for which the medal of honor was awarded, and of enrollment under this act, and of the right of the special pensioner to be entitled to and to receive the special pension herein granted, shall be furnished each person whose name shall be so entered on said roll. The Secretary of War and the Secretary of the Navy shall deliver to the Commissioner of Pensions a certified copy of each of such of said certificates as he may issue, as aforesaid, and the same shall be full and sufficient authority to the Commissioner of Pensions for the payment by him to the beneficiary named in each such certificate the special pension herein provided for.

SEC. 3. That each such surviving person whose name shall have been entered on said roll in accordance with this act shall be entitled to and shall receive and be paid by the Commissioner of Pensions in the Department of the Interior, out of any moneys in the Treasury of the United States not otherwise appropriated, a special pension of $10 per month for life, payable quarter yearly. The Commissioner of Pensions shall make all necessary rules and regulations for making payment of such special pensions to the beneficiaries thereof.

Such special pension shall begin on the day that such person shall file his application for enrollment on said roll in the office of the Secretary of War or of the Secretary of the Navy after the passage and approval of this act, and shall continue during the life of the beneficiary.

Such special pension shall not deprive any such special pensioner of any other pension or of any benefit, right, or privilege to which he is or may hereafter be entitled under any existing or subsequent law, but shall be in addition thereto.

The special pension allowed under this act shall not be subject to any attachment, execution, levy, tax, lien, or detention under any process whatever.

SEC. 4. That in case any person has been awarded two or more medals of honor, he shall not be entitled to and shall not receive more than one such special pension.

Rank in the service shall not be considered in applications filed hereunder.

Mr. RUSSELL of Missouri. Mr. Chairman, this bill was introduced by the chairman of the Committee on Invalid Pensions, the gentleman from Ohio [Mr. SHERWOOD], but at his request I have called it up for him. At the last session of Congress this bill was favorably reported by the House Committee on Invalid Pensions and was upon the calendar. It was also favorably reported by the Committee on Pensions in the Senate and was upon the calendar, but was not considered by either body. This bill provides for an Army and Navy medal of honor roll to be selected upon examination of those who can qualify under this act under regulations provided by the Secretary of the Navy and Secretary of War. From the best investigation we were able to make about two years ago it was found that there would be only about 100 of those now upon the roll of honor under the law who could qualify under this act, and if so, the pension provided for in this bill of $10 per month would amount to about $12,000 per annum and that, I think, would be about the total cost of the bill if it should be passed. I will now yield to the gentleman from Ohio [Mr. SHERWOOD] that he may more fully explain the provisions of the bill and state the reasons why it should be enacted.

Mr. SHERWOOD. Mr. Chairman, as has already been stated, this bill was unanimously reported by the Committee on Invalid Pensions last year and went on the calendar. This bill only applies to soldiers of past wars including Indian wars, the Civil War, and the Spanish-American War. There have been issued since the organization of the Government about three thousand some two hundred medals of honor. Now, this bill provides that in order to obtain this medal of honor the applicant must have distinguished himself by gallantry and intrepedity beyond the call of duty in the presence of the enemy in actual conflict with the enemy. There are about 101 soldiers living who would be entitled to this medal of honor. There have been issued, as I said before, over 3,000, and let me illustrate: A whole regiment during the engagement at Gettysburg were doing duty in the city of Washington and were awarded medals of honor under the provisions of existing law. The soldiers who escorted the remains of Abraham Lincoln from Washington to his final burial place in the State of Illinois were issued medals of honor.

Mr. STAFFORD. Will the gentleman yield?

Mr. SHERWOOD. Yes.

Mr. STAFFORD. Do I understand that all the members of the regiment performing duty at Washington were awarded medals of honor?

Mr. SHERWOOD. Of one regiment.

Mr. STAFFORD. That the entire membership of that regiment were awarded medals of honor?

Mr. SHERWOOD. That is what I understand. I understand the reason for that was this: Of course they were 70 miles away from that engagement, but their time was up, and because they agreed to serve after their time was up they were awarded these medals of honor.

Mr. STAFFORD. That was not by any special act, but by departmental authorization under existing law?

Mr. SHERWOOD. At that time.

Mr. STAFFORD. Will the gentleman inform the House what is the existing law as to the awarding of medals of honor?

Mr. SHERWOOD. The law has been so variously interpreted by the different departments that it would be very difficult to answer that question. I am only speaking now of this bill. I do not want to say that heretofore medals of honor have been issued to unworthy soldiers, and I am only going to say this, that none of those soldiers mentioned could obtain medals of honor under this bill. The late Senator from Alabama, Senator Johnston, and the Representative from Virginia, Mr. HAY, have introduced bills similar to this to take care of future wars. Now, I will give you an illustration of soldiers who would be entitled to medals of honor under this bill.

Mr. STAFFORD. Will the gentleman permit there? Do the bills referred to also provide a pension of $10 per month to those who are awarded medals of honor?

Mr. SHERWOOD. Yes; $10 a month.

Mr. STAFFORD. The other bills referred to carry a pension?

Mr. SHERWOOD. To illustrate: The Legion of Honor of France, the Victoria Cross of Great Britain, the Iron Cross of Germany, and, I believe, every decoration of every country in the Old World awarding medals of honor carry pensions, and it is on the basis of all the medals of honor that have been issued in all countries of the Old World that we make this very low pension.

It has been said before our committee in the hearing that I would be entitled to a medal of honor under this bill; but I would say, as I said when the dollar-a-day pension bill was pending when it was claimed that I would get the largest pension of any soldier in the United States under that bill—I said that I would never apply for a pension under the bill and never accept it; and I will say the same now. [Applause.] I would not apply for a pension and would not accept it, although I could get a medal of honor on six different occasions during the war. [Applause.]

Mr. MANN. Will the gentleman yield?

Mr. SHERWOOD. I will.

Mr. MANN. If the gentleman is entitled to go on the medal-of-honor roll, would not he ask to do that?

Mr. SHERWOOD. Well, I do not say I would not go on the medal-of-honor roll, but I would not accept a pension.

Mr. MANN. The gentleman could not help it.

Mr. SHERWOOD. That would be a matter up to the Secretary of War by orders from the War Department.

Mr. MANN. They would have to send the gentleman a pension check every quarter, whether he accepted it or not. Of course the gentleman could return it.

Mr. SHERWOOD. No; never until I applied for it. Now, I will give you an illustration of a soldier who would be entitled to a medal of honor under this bill.

Mr. STAFFORD. Before the gentleman proceeds, will he explain what the practice is of other countries in awarding pensions to those who have been placed on their rolls of honor?

Mr. SHERWOOD. I have that down in my office. I did not know that this matter was coming up. But they award very large pensions, comparatively. Different countries award different pensions—some of them are munificent ones—under those medals of honor. In the Franco-Prussian War the old Kaiser issued medals of honor to 40,000 soldiers, and that war lasted only seven months. In this war in Europe, according to an

article in Munsey's Magazine for February, the Kaiser has issued nearly 500,000 of the iron crosses to his soldiers. The number of medals that have been issued by England and by France I have been unable to ascertain.

Mr. STAFFORD. Do those awards of the iron cross by the Kaiser and those medals awarded in Great Britain carry with them a pension?

Mr. SHERWOOD. Certainly they do.

Mr. STAFFORD. I was not aware of that fact.

Mr. DYER. And big ones, too.

Mr. SHERWOOD. The iron cross is not continuous. It has to be revived in every war. It has been revived in this war.

Now, I was going to give you an illustration. For instance, at the Battle of Chickamauga, when Thomas's right was threatened and was really demoralized, Gen. James D. Stedman, in the rear, who was commanding a division of volunteers, voluntarily marched to the support of Gen. Thomas. When they encountered that terrific fire and the line wavered, Gen. Stedman snatched the colors from the color bearer of an Illinois regiment and led that line into battle. He was riding a horse that had been captured from Gen. Zollicoffer at the Battle of Mill Springs. His horse was shot, he was thrown over his head, and his right hand was lacerated. He was stunned, but he still remained on that field and maintained that line. And during a lull in the battle he visited the "Rock of Chickamauga," Gen. "Pap" Thomas, who took his bloody hand and said to him, "Gen. Stedman, you have saved my army."

That is one case where a man would get a medal of honor. [Applause.]

Again, at the Battle of Atlanta, on the 22d of July, 1864, I was in a position where I could see the whole movement. After Gen. McPherson was killed, when his line had become demoralized before his death, it was Gen. John A. Logan, of Illinois—and I saw him make that ride on his war horse "Blackjack"—who rallied the staggering battalions of that army and saved the day. He would be entitled to a medal of honor under this bill. [Applause.]

Again, at the Battle of Franklin, there was not a horse alive on the whole line on our side after the battle. There were 12 Confederate generals that marched abreast the battle line just before our line was reached. Gen. Pat Cleburne rode diagonally across the line between the hostile armies. Of course his horse was shot, and he was pierced perhaps by 40 Minié bullets. If he had been alive, he would have been entitled to a medal of honor.

The late Gen. George W. Gordon, of Tennessee, was captured on my immediate left at Franklin, right in front of the works, and was pulled over the works, wounded in that awful charge, and taken prisoner. Gen. Cockrell, of Missouri, who died a few days ago, was wounded on the front line, in front of my command, at the famous Locust Grove. He would be entitled to a medal of honor under this bill. [Applause.]

We have sifted down, and we find about 101 soldiers, all told, who would be entitled to this medal of honor under this bill, at a cost of about $12,200. The cost is merely insignificant. I think it is an incentive in case of a future war to know that the Congress of the United States has recognized valor and gallantry on fields of battle.

That is all I care to say now. [Applause.]

Mr. RUSSELL of Missouri. Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. The gentleman reserves 45 minutes.

Mr. MANN. Mr. Chairman, undoubtedly it is not difficult to find or recite innumerable instances of valor and bravery in battle or in war, or, for that matter, in private life and in peaceful pursuits.

I shall not vote for this bill myself. I do not think there is any occasion for it. I think the main purpose of it is to pay an additional pension to a small number of men who, if they have individually good cases, could easily get the pension provided by a special act of Congress. The distinguished gentleman from Ohio [Mr. SHERWOOD], whom we all revere and love, and whom all of us hesitate to oppose on any matters relating to the old soldier boys, stated that there are about 101 persons who would be affected by this bill. It draws the line pretty close when you say "about 101." I could understand "about 100," but "about 101" is very definite and particularly definite in view of the provisions of the bill, because the bill itself assumes that no one can tell how many persons will be affected by it. I will read from the language of the bill:

> This act and the evidence in favor of each claimant's claim shall be liberally and favorably construed in favor of the applicant, and in cases of doubt the applicant shall be given the benefit of the doubt.

That looks as though no one could tell. Even if you say that the evidence shall be "favorably" considered, that is a direction to a court that seems rather queer.

Mr. SHERWOOD. I am going to offer an amendment to strike out the word "favorably."

Mr. MANN. I am glad I have produced that result thus far. It is not reported by the committee to strike out.

Then they go ahead and say that certain things:

> Shall be deemed sufficient to entitle the applicant to such special pension without further investigation.

And then follows:

> Otherwise all official correspondence, orders, reports, recommendations, requests, and other evidence now on file in any public office, etc., shall be considered.

It is very evident from this language in the bill that the gentleman who construed the bill did not anticipate that anyone could say how many people might be affected by it, although the distinguished chairman of the committee thinks it would affect only about 101. I do not think anybody can tell how many would be affected. There were innumerable instances of valor on both sides in the Civil War. There are innumerable instances of valor in every war, but I do not believe that that is the reason why now we should pay an additional pension to those who performed those acts of valor, unless we act upon the cases individually. No one can know after all this length of time what particular cases ought to be acted upon, except as we give them the opportunity to present the case. And then we say that the evidence shall be liberally construed, even if you strike out the word "favorably."

Mr. COOPER of Wisconsin. Mr. Chairman——

The CHAIRMAN. Does the gentleman from Illinois yield to the gentleman from Wisconsin?

Mr. MANN. I yield to the gentleman.

Mr. COOPER of Wisconsin. Will the gentleman inform the committee what his construction is of the language in line 11 on the first page and at the top of page 2, reading:

> And who has been awarded a medal of honor for having in action involving actual conflict with an enemy distinguished himself conspicuously by gallantry or intrepidity—

And so forth.

That does not say that a medal of honor shall have been awarded by the Government or who awarded it. He may have gotten the medal of honor from any source. What does that mean?

Mr. MANN. Well, I do not know just what the term "awarded a medal of honor" means. They constantly give medals to soldiers which they call "congressional medals of honor," and people are thereby led to believe that it is because Congress has especially provided in some case that a medal of honor shall be granted, or a congressional medal.

But that is not the case at all. There may be, and probably is, some provision of law lost in the statute books, but resurrected for the purpose, and properly, which authorizes the granting of congressional medals for valor in war. I do not desire to make any objection to that. I think the number of congressional medals which have been granted is very large indeed, much larger in some cases than the facts warranted. It was not by special acts of Congress, although they are called "congressional medals," granted supposedly for special services.

Mr. TILSON. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman yield?

Mr. MANN. I yield.

Mr. TILSON. Has the gentleman noted the language, "above and beyond the call of duty"? Does the gentleman understand what is meant in the bill by the words "above and beyond the call of duty"?

Mr. MANN. I do not understand, but that is a matter to be construed.

Mr. MOORE of Pennsylvania. Mr. Chairman, has the gentleman finished his answer?

Mr. MANN. Yes.

Mr. MOORE of Pennsylvania. Will the gentleman yield a moment?

Mr. MANN. Yes.

Mr. MOORE of Pennsylvania. Will the gentleman look at the language on line 5 of the first page, "the Army and Navy medal of honor honor roll"? Would not that raise a very serious question as to the honor of those who would not come upon the "honor honor roll"? That is to say, would we not be dealing unfairly with men who held medals of honor which they worthily won if we should differentiate between those men and those who might be selected for this "honor honor roll"?

Mr. MANN. Well, if there is a small number now, it seems to me a very unjust discrimination to grant this privilege now

to those who remain as against those who have passed away. To hold a medal of honor is principally valuable to hand down to one's descendants, but here is a proposition that proposes to place a small number now on a medal of honor roll which will not contain the names of Gen. John A. Logan or the other brave men to whom my distinguished friend from Ohio [Mr. SHERWOOD] has referred. They are all dead and gone. They can not have their names placed upon this medal of honor honor roll, and in the future it will be said, if this bill be passed, that this small number of men were the men who received the honor of being placed on the medal of honor honor roll, while the larger number, who mainly performed the feats of valor, will never have the distinction of having their names on the roll.

Many of us, not myself, still take great delight in what our ancestors did in the Revolutionary War or the War of 1812, or other wars of that character in the early days, and in the Indian wars. Children or descendants of our children a hundred years from now, some of them, may point with great pride, if this bill be passed, to the fact that their ancestor was upon the medal of honor roll, while the children or descendants of one who performed a much greater feat of valor will not have that honor or distinction. A hundred years from now, if this bill be passed, there will be a national society incorporated of descendants of those who in the Civil War were entitled to be placed upon the medal of honor roll, but the great number of people who received a medal of honor will not be on the roll.

However, I do not know whether it is possible to stop any sentimental proposition of this sort which gets into this House. We are unduly influenced at times by sentiment, and sometimes probably not sufficiently influenced. But when it comes to the giving of something where you vote upon it in the House with sentiment attached, it always or almost always goes through. But it is not fair to those who have passed away; I do not think it is fair to those who are living, to say that we propose to give them pay in money for the valor and the valorous deeds which they exhibited. These men were glad and proud to receive the medal of honor which they have received. They were glad and proud to perform the service which they rendered; and now some one is trying to place it upon a financial basis, that we pay this in money. They are paid in the pride of what they did. They do not ask or deserve to be relegated to the idea of performing the feats in order to receive a few paltry extra dollars. [Applause.]

Mr. Chairman, I reserve the balance of my time.

Mr. SHERWOOD. Mr. Chairman, I move to amend on line 9——

Mr. RUSSELL of Missouri. We have not reached that point yet.

Mr. SHERWOOD. I will move to amend when we reach it.

The CHAIRMAN. The Clerk will read.

Mr. RUSSELL of Missouri. Mr. Chairman, I yield five minutes to the gentleman from Arkansas [Mr. TILLMAN].

The CHAIRMAN. The gentleman from Arkansas [Mr. TILLMAN] is recognized for five minutes.

Mr. TILLMAN. Mr. Chairman, as the son of an ex-Confederate soldier I want to ask the Members from the South to vote for this measure. [Applause.] I am pleased by the feeling reference that the distinguished gentleman from Ohio [Mr. SHERWOOD] made to the chivalrous Pat Cleburne, a Confederate general from Arkansas. I think the time has come when the North and South should shake hands across the border. [Applause.]

Give the brave men who have earned this distinction the small pension and the medal contemplated by this measure. As far as the southern soldier is concerned, the only medal he has received is the medal of scars. [Applause.] But he should receive something more.

Later in the session I want to ask the indulgence of the House and the patient hearing of the gentlemen on that side of the Chamber to the bill which I had the honor to introduce on the 6th of December providing pensions for Confederate soldiers. For the first time in the history of the House a serious effort will be made to pass a bill of this kind. I want to give my reasons in a perfectly serious way at the proper time why I think that bill should pass.

I see no reason why the paltry financial aid carried in this bill should not be extended to the veterans entitled to it. I hope this bill will pass without a dissenting vote from the gentlemen on the Democratic side of the Chamber.

I merely wanted to state my position with reference to this measure. The time has come when the whole country should lay aside the bitter sectional feeling that existed years ago growing out of the Civil War.

Mr. KONOP. Will the gentleman yield?

Mr. TILLMAN. Yes.

Mr. KONOP. Will there not be many cases, where deeds of valor were performed by privates, that will not come in under this bill?

Mr. TILLMAN. I think that is true; but no soldier who does not merit the medal will be placed upon this roll of honor.

Mr. KONOP. I think every northern soldier who was brave enough to obey the command of his superior officer and march forth to battle or to a charge ought to be put on that roll, and I do not think there ought to be any special legislation of this kind. I think that those who, as citizens of the country that they loved, fought to save it should have every honor, and I do not think that any few of them ought to be selected and given any special honor. [Applause.]

Mr. TILLMAN. I think a man who specially distinguished himself by a rare exhibition of courage is entitled to more credit than a man who did not do so. [Applause.]

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. FERRIS having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Waldorf, one of its clerks, announced that the Senate had passed without amendment bills and joint resolution of the following titles:

H. R. 8233. An act granting the consent of Congress to the Republic Iron & Steel Co. to construct a bridge across the Mahoning River, in the State of Ohio;

H. R. 9224. An act providing for an increase in number of midshipmen at the United States Naval Academy; and

H. J. Res. 98. Joint resolution making part of the appropriation "Construction and machinery, increase of the Navy," in the naval act approved March 3, 1915, available for the extension of building ways and equipment at the navy yards at New York and Mare Island, Cal.

ARMY AND NAVY MEDAL OF HONOR HONOR ROLL.

The committee resumed its session.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

*Be it enacted, etc.*, That there is hereby established in the War Department and Navy Department, respectively, a roll designated as "the Army and Navy medal of honor honor roll." Upon written application made to the Secretary of the proper department, and subject to the conditions and requirements hereinafter contained, the name of each surviving person who has served in the military or naval service of the United States in any war, who has attained or shall attain the age of 65 years, and who has been awarded a medal of honor for having in action involving actual conflict with an enemy distinguished himself conspicuously by gallantry or intrepedity, at the risk of his life, above and beyond the call of duty, and who was honorably discharged from service by muster out, resignation, or otherwise, shall be, by the Secretary of the proper department, entered and recorded on said roll. Applications for entry on said roll shall be made in such form and under such regulations as shall be prescribed by the War Department and Navy Department, respectively, and proper blanks and instructions shall be, by the proper Secretary, furnished without charge upon request made by any person claiming the benefits of this act.

Mr. MOORE of Pennsylvania. Mr. Chairman, I move to strike out the word "honor" before the word "roll," in line 5, page 1.

The CHAIRMAN. The gentleman from Pennsylvania offers an amendment which the Clerk will report.

The Clerk read as follows:

Page 1, line 5, strike out the word "honor" before the word "roll."

Mr. MOORE of Pennsylvania. Mr. Chairman, if this amendment is agreed to, the line will read "Army and Navy medal of honor roll," rather than "Army and Navy medal of honor honor roll."

I offer this amendment because to use the word "honor" as it is used here twice will unjustly and unfairly discriminate as between medal of honor men. There are many of them living, and as the gentleman from Illinois [Mr. MANN] has indicated, many medal of honor men have long since died. To raise a question as between those who are now entitled to the standing of medal of honor men would, it seems to me, be unfortunate. We would at once make it appear that one man holding a badge of honor was not as much entitled to it as another man holding a badge of honor. By striking out the second "honor," as proposed in my amendment, we will create a medal of honor roll, rather than a "medal of honor honor roll." That means the law granting a special pension or special honor to certain men whose services were specially distinguished will not be affected at all, but, at least so far as the law is concerned, we will not undertake to underestimate the services of those men who creditably and honorably hold medals of honor.

Mr. RUSSELL of Missouri. Mr. Chairman, personally I would have no objection to that word being stricken out. When the committee was before our committee we asked them

about the necessity for that. As I understand, this is to be an honor roll within the other honor roll, and if the second word "honor" should be stricken out, then the bill would include all those who have been placed on the honor roll. The purpose of this bill was to place upon a special honor roll within the general honor roll certain men who by reason of distinguished bravery in the presence of the enemy had gone far beyond the call of duty and exhibited extraordinary bravery in battle.

Mr. MOORE of Pennsylvania. I understand that this makes a wheel within a wheel, as it were.

Mr. RUSSELL of Missouri. Yes.

Mr. MOORE of Pennsylvania. That is to say, one man having distinguished himself for bravery upon the field of battle, and having received the medal of honor, would to a certain extent be discredited, because he could not enter this new circle of medal of honor men created by this bill. It seems to me that would be very unfortunate.

Mr. RUSSELL of Missouri. Will the gentleman yield for a question?

Mr. MOORE of Pennsylvania. Yes.

Mr. RUSSELL of Missouri. The gentleman heard the statement of the gentleman from Ohio, Gen. SHERWOOD, that there were an entire regiment in the city of Washington during the Battle of Gettysburg who were placed upon this honor roll.

Mr. MOORE of Pennsylvania. Yes.

Mr. RUSSELL of Missouri. Does not the gentleman think there should be some distinction between the members of that regiment, who were not in the presence of the enemy at all, who were placed upon that roll, and the other men that he referred to, who distinguished themselves by bravery in the presence of the enemy? Is there not some reason for that distinction?

Mr. MOORE of Pennsylvania. If that entire regiment could qualify under the conditions imposed by this act I would say to the gentleman that there might then be reason for creating a separate roll; but that entire regiment could not qualify as this bill provides, and therefore the bill would properly protect the men whom the gentleman from Ohio [Mr. SHERWOOD] desires especially to protect and honor in this instance.

The CHAIRMAN. The time of the gentleman has expired. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. MOORE].

The question was taken, and the amendment was agreed to.

Mr. MANN. Mr. Chairman, I move to strike out the enacting clause of the bill.

The CHAIRMAN. The gentleman from Illinois moves to strike out the enacting clause.

The question was taken; and on a division (demanded by Mr. RUSSELL of Missouri) there were—ayes 16, noes 34.

Accordingly the motion was rejected.

The Clerk read as follows:

SEC. 2. That it shall be the duty of the Secretary of War and of the Secretary of the Navy to carry this act into effect and to decide whether each applicant, under this act, in his department is entitled to the benefit of this act. This act and the evidence in favor of each claimant's claim shall be liberally and favorably construed in favor of the applicant, and in cases of doubt the applicant shall be given the benefit of the doubt. If the official award of the medal of honor to the applicant, or the official notice to him thereof, shall appear to show that the medal of honor was awarded to the applicant for such an act as is required by the provisions of this act, it shall be deemed sufficient to entitle the applicant to such special pension without further investigation. Otherwise all official correspondence, orders, reports, recommendations, requests, and other evidence now on file in any public office or department shall be considered, and it shall be liberally construed and considered in favor of the applicant as aforesaid and without regard to technical requirements; but no evidence not now on file, as aforesaid, shall be admitted or considered. A certificate of service and of the act of heroism, gallantry, bravery, or intrepidity for which the medal of honor was awarded, and of enrollment under this act, and of the right of the special pensioner to be entitled to and to receive the special pension herein granted, shall be furnished each person whose name shall be so entered on said roll. The Secretary of War and the Secretary of the Navy shall deliver to the Commissioner of Pensions a certified copy of each of such of said certificates as he may issue, as aforesaid, and the same shall be full and sufficient authority to the Commissioner of Pensions for the payment by him to the beneficiary named in each such certificate the special pension herein provided for.

Mr. RUSSELL of Missouri. Mr. Chairman, at the request of the chairman of the committee, I offer an amendment to strike out the words "and favorably," in line 19, page 2.

The CHAIRMAN. The gentleman offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 2, line 19, strike out the words "and favorably."

The motion was agreed to.

Mr. RUSSELL of Missouri. Mr. Chairman, at the request of the chairman of the committee, I offer the following amendment: Strike out the language beginning with the word "but," in line 7, and ending with the word "considered," in line 8.

The CHAIRMAN. The gentleman from Missouri offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 3, lines 7 and 8, strike out the following language: "but no evidence now on file, as aforesaid, shall be admitted or considered."

Mr. MANN. Suppose that language goes out, the gentleman would want to modify his statement that there are about 101 who would be benefited by this act.

Mr. RUSSELL of Missouri. I did not make that statement.

Mr. MANN. Oh, yes.

Mr. RUSSELL of Missouri. I said about 100.

Mr. MANN. I understood the gentleman to say about 101. I may have misunderstood him.

Mr. RUSSELL of Missouri. I may be mistaken myself, but I think not.

Mr. MANN. If you take that language out, it will change the number very much.

Mr. RUSSELL of Missouri. It will admit other testimony; what the effect will be I can not say.

Mr. MANN. That of itself is an admission that no one can tell how many will be affected by it.

Mr. RUSSELL of Missouri. I think it is indefinite, but the best judgment we could get from the authorities was that the number would be about 100.

Mr. BOOHER. Will the gentleman yield?

Mr. RUSSELL of Missouri. Yes.

Mr. BOOHER. In estimating that there would be 100 men placed on the roll under this bill, the department based its estimate on the fact that the evidence was now in the department.

Mr. RUSSELL of Missouri. I can not say upon what they based it. Of course, under this bill no one could be placed on this roll that had not distinguished himself for extraordinary bravery in the presence of the enemy, and he must be 65 years of age and must have distinguished himself by going beyond the requirements of his duty.

Mr. BOOHER. But by striking this out you permit the applicant to introduce any testimony he pleases, not record evidence, but his affidavit and the affidavit of others, and there is no telling how many he will place on the roll.

Mr. SHERWOOD. The estimate was based upon the number now on the rolls and the number that would be entitled to medal of honor under this bill. Then we took the number of deaths up to last September and estimated how many would be alive entitled to this medal of honor when it shall have passed.

Mr. BOOHER. Does the gentleman think that they ought to permit evidence to be introduced indiscriminately?

Mr. SHERWOOD. We ought to allow men who have evidence to file it.

Mr. BOOHER. If the amendment is adopted, it will open the door to all kinds of evidence. I think that clause ought to remain in the bill.

Mr. SHERWOOD. The Secretary of War will scrutinize the evidence very carefully.

Mr. BOOHER. If the bill is to pass, I think that clause should remain in it. The cases ought to be confined to where the evidence is now in the possession of the department.

Mr. MOORE of Pennsylvania. If the gentleman from Missouri will look at paragraph 1, he will find that the whole matter of submitting evidence is to be left to the rules and regulations prescribed by the War and Navy Departments.

Mr. BOOHER. If this clause remains in the bill, they will have to take the evidence now on file; but if you strike the clause out, any kind of evidence can be introduced, and the department must consider it.

Mr. MOORE of Pennsylvania. The clause says "no evidence not now on file shall be admitted or considered." The presumption is that, 50 years having elapsed since the Civil War, the department has in its possession full information, and no new evidence can be adduced.

Mr. BOOHER. If you strike the language out, any kind of evidence can be introduced.

Mr. SHERWOOD. Take the Battle of Franklin as an illustration. Here is an order issued by the commanding general complimenting a soldier for gallantry in that charge. He distinguished himself for gallantry over and above the line of duty. That order was put in the mail to go to the War Office, but was destroyed and never got there. If that evidence is now available, and that fact can be demonstrated, why should that soldier be excluded from filing his evidence?

The CHAIRMAN. The question is on the amendment offered by the gentleman from Missouri.

The question was taken; and on a division (demanded by Mr. RUSSELL of Missouri) there were 29 ayes and 8 noes.

So the amendment was agreed to.

Mr. MOORE of Pennsylvania. Mr. Chairman, I move to strike out, on page 3, beginning with line 4, the words "and it shall be liberally construed and considered in favor of the applicant as aforesaid and without regard to technical requirements."

The CHAIRMAN. The gentleman from Pennsylvania offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 3, beginning with line 4, strike out the following language:
"And it shall be liberally construed and considered in favor of the applicant as aforesaid and without regard to technical requirements."

Mr. MOORE of Pennsylvania. Mr. Chairman, I understood the gentleman from Ohio, in presenting the matter, to say that he intended to offer an amendment of this kind. It ought to be adopted, because in the first paragraph of the bill we have provided what qualifications a man shall have who applies for special consideration, he being a medal of honor man. We have assigned to the War and Navy Departments the duty of preparing rules and regulations governing evidence.

Mr. SHERWOOD. Let me say to the gentleman from Pennsylvania that there is no objection to his amendment.

Mr. MOORE of Pennsylvania. I did not think that the gentleman wanted to prejudge the claim, as this first paragraph would do.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. MOORE].

The question was taken, and the amendment was agreed to.

Mr. MOORE of Pennsylvania. Mr. Chairman, in view of the acceptance of that amendment, I offer another, which I think the committee will accept, to strike out, on page 2, beginning with line 18, the words:

This act and the evidence in favor of each claimant's claim shall be liberally and favorably construed in favor of the applicant, and in cases of doubt the applicant shall be given the benefit of the doubt.

The CHAIRMAN. The gentleman from Pennsylvania offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 2, line 17, strike out the following language:
"This act and the evidence in favor of each claimant's claim shall be liberally and favorably construed in favor of the applicant, and in cases of doubt the applicant shall be given the benefit of the doubt."

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. SHERWOOD. Mr. Chairman, we do not object to that.

Mr. MOORE of Pennsylvania. The committee does not object to the striking of this out?

Mr. SHERWOOD. No.

Mr. SLOAN. Mr. Chairman, I object to the provision being stricken out. I object to anything further being done to this bill, if we expect to pass it, which will make it difficult for anybody entitled to obtain benefits under its provisions.

Mr. MOORE of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. SLOAN. Yes.

Mr. MOORE of Pennsylvania. I think if the gentleman had listened to me he would have better understood the purport of this amendment. The first section provides how the applicants shall apply and imposes the qualifications. It also provides that the two Departments of War and Navy shall provide regulations. Everything has been done in the bill that gives the applicant the right to distinguish himself from other medal of honor men, except that in these two paragraphs, one of which has just been stricken out——

Mr. SLOAN. Mr. Chairman, I refuse to yield further. My point is this. We are reducing the provisions of this bill so far as they may relate to the private soldier, one of whom I have specially in mind who had an ambition to obtain one of these medals of honor. When he made his application at the department he was given to understand that the evidence was not there to warrant his request, and because it was not on file, because it was not a matter of record, he was therefore not entitled to it. The door was closed to him in his efforts to obtain this medal.

Mr. MOORE of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. SLOAN. If there is any virtue in this bill at all, it ought to be so thoroughly liberalized that every one of the hundreds of thousands of private soldiers of the Union Army who live to-day shall have the right and opportunity, not only to make this application, but to use whatever evidence there is on file in the department, and in addition then to obtain evidence from his comrades or from whatever source he may, and further have the benefit of it throughout its introduction, its construction, and determination so liberally construed, that he will have fair opportunity to establish his claim.

Mr. MOORE of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. SLOAN. Yes.

Mr. MOORE of Pennsylvania. We have just voted out of the bill this provision:

But no evidence not now on file as aforesaid shall be admitted or considered.

Mr. SLOAN. I understand that no outside evidence can come in.

Mr. MOORE of Pennsylvania. Oh, yes, it can. That is the very point. The amendment the gentleman is discussing is an amendment which prejudges the case. We ought to leave the department some discretion.

Mr. SLOAN. If we are going to have this, I would be glad to have it prejudged in favor of most of them.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Pennsylvania.

The amendment was agreed to.

Mr. BOOHER. Mr. Chairman, I move to strike out of section 2 the language contained in the last sentence of that section on page 3.

The CHAIRMAN. The gentleman from Missouri offers an amendment which the Clerk will report.

The Clerk read as follows:

Page 3, line 14, after the word "roll," strike out the following:
"The Secretary of War and the Secretary of the Navy shall deliver to the Commissioner of Pensions a certified copy of each of such of said certificates as he may issue, as aforesaid, and the same shall be full and sufficient authority to the Commissioner of Pensions for the payment by him to the beneficiary named in each such certificate the special pension herein provided for."

Mr. BOOHER. Mr. Chairman, I thoroughly agree with the gentleman from Illinois that placing a man's name on a roll of honor, that roll being kept in the War or the Navy Departments, is a sufficient reward above his other comrades, who probably would have performed the same feat if the opportunity had been presented to them. Why give the man $10 pension extra? Why say, in addition to keeping his name on a roll of honor, always open to the inspection of everyone, that in addition thereto we will add to his pension $10 a month above those received by men who suffered just as great hardships as he did during the war? I am in favor of a roll of honor, but I am not in favor of making a roll of honor to be assured by dollars and cents in the shape of a pension. I believe that the roll of honor is enough within itself when he gets the same pension as his comrades get for like service without this addition. I hope the amendment to strike out all reference to pensions in this bill will be sustained.

Mr. RUSSELL of Missouri. Mr. Chairman, of course the effect of this will be to strike out the pension of $10 a month that this bill carries to this roll of honor that is proposed to be composed of about 100 men, and, if we are correctly informed by the authorities, is to cost the Government approximately $12,000 a year.

Now, of course, this strikes at the very life of the bill. If the committee desires to strike it out they have the right to do so, but this is a very insignificant amount of money to be paid to men who have exhibited extraordinary bravery in the presence of the enemy on the field of battle. This bill requires they must have gone not as far as their duty called them to go, but beyond the call of duty in the service of their country. I think this amendment ought not to be adopted.

Mr. SHERWOOD. Mr. Chairman, here we are discussing a bill for an appropriation of about $12,000 for the most gallant and intrepid men in the service at a lower pension than any country around the world pays for medal-of-honor heroes. I was on the floor of this House when the appropriation went through for $400,000 in three minutes to suppress the hog cholera. I believe God made man erect with head and heart above his belly and that that kind of a human being is entitled to more consideration than the unthinking hog, whose head is on a level with his belly. [Applause.]

Mr. KONOP. Will the gentleman yield?

The CHAIRMAN. The question is on the amendment offered by the gentleman from Missouri.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

SEC. 3. That each such surviving person whose name shall have been entered on said roll in accordance with this act shall be entitled to and shall receive and be paid by the Commissioner of Pensions in the Department of the Interior, out of any moneys in the Treasury of the United States not otherwise appropriated, a special pension of $10 per month for life, payable quarter-yearly. The Commissioner of Pensions shall make all necessary rules and regulations for making payment of such special pensions to the beneficiaries thereof.

Mr. MILLER of Minnesota. Mr. Chairman, I would like recognition to strike out the last word. I would like to ask the chairman of the committee, the gentleman in charge of the bill, if they would view with favor an amendment looking toward the raising of that $10, which looks pitiably small and insig-

nificant to me. I do not want to be foolish enough to try to increase it, if the matter has been carefully considered by the committee.

Mr. SHERWOOD. What is the amendment?

Mr. MILLER of Minnesota. A proposition to increase the amount from $10 to $18 a month. Mr. Chairman, I move to strike out the figures "$10," in line 1, page 4, and insert in lieu thereof the figures "$18."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 4, line 1, strike out the figures "$10" and insert in lieu thereof "$18."

Mr. MILLER of Minnesota. Mr. Chairman, in all seriousness I offer this amendment. I have been pleased beyond that which I ordinarily feel in the way of pleasure by the remarks made by the gentleman from Ohio [Mr. SHERWOOD], in charge of the bill, to-day calling attention to specific instances in which these medals of honor could be granted and membership upon this roll attained. While I do not believe we should in general exalt deeds in time of war above the deeds of our citizenry in time of peace, yet there do come critical moments when the heart and nerve of the soldier must rise supreme over every consideration if the Nation he serves is going to be saved. It is not that this man or that man is willing to risk his life, the happiness of his family, and his children and his future that his country may be benefited or saved. It is something a little beyond that. When you combine those qualities of heart and courage with that intellectual keenness, that quickness of judgment, that exaltation of soul that literally lifts mind above matter, lifts a man to the highest point he ever reaches, then heroism and achievement are combined and should be recognized. This combination must exist in order that membership on this roll of honor may be secured. Not every brave man combines the other qualities essential to necessary achievement under this act. When, however, the qualities of heart and mind are present, and the deed—heroism—is performed, I think this Nation, the greatest and richest in the world, can well afford to recognize such achievement and patriotism beyond $10 a month—less than the amount we pay to widows to-day. A man must be 65 years old before he can enjoy the benefits of this act——

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. MILLER of Minnesota. In a moment.

Mr. MOORE of Pennsylvania. It is on the amount. Of course, the gentleman understands this is in excess of existing pensions?

Mr. MILLER of Minnesota. I understand that thoroughly. But this is supposed to be in direct consideration of what he has done, in direct recognition of the merits of his achievement. As I was saying to you, a man must have attained the age of 65 years before he can enjoy any of the benefits of this act, and if he has lived through the hours that made possible his heroism he probably has not many years to live beyond the 65, and it will be a recognition during but a few months at best. Therefore, it seems to me, that $18 a month will be more in keeping with the dignity of the country and more in keeping with a proper recognition of his services, and yet I share the feeling which is expressed that no monetary consideration can measure heroism and bravery. No man living would think to risk and to do that which this bill requires him to do because he thought in his old age he would get a pension of $10 a month. That is not his part. The payment of the pension is our part. Our part is the $10 or $18 a month, and let us measure it up somewhere in keeping with the dignity of our Nation and our country. As the chairman of the committee has already stated, the amount we give in such pensions is less than given by any other nation of the world, so while we are not exalting the deeds of the battle field above the deeds of the lives of our citizens, let us make it commensurate with our dignity by increasing this amount from $10 to $18. [Applause.]

Mr. RUSSELL of Missouri. Mr. Chairman, the committee opposes this proposed amendment for the very good reason that the committee that represented these men who expected to be placed upon this holl of honor, if this act should pass, did not ask it. They stated to our committee that they did not want to add a large pension to the present pensions they now draw, because it would look too much like it was a matter of pay and pensions instead of a matter of honor. They only asked that $10 be allowed as pension under this bill, and we placed it at this amount in obedience to the request that was made by these soldiers when they came before our committee.

I can agree with all that my friend from Minnesota [Mr. MILLER] says of his admiration of these gallant soldiers. We want to do them justice. We recognize the great service that they have rendered in preserving this Union during the Civil War and their great service in other wars, but I am not in favor of giving them large pensions now in addition to the liberal pensions they are already drawing. I am opposed to this amendment, and I hope the committee will vote it down.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota.

The question was taken, and the amendment was rejected.

The Clerk concluded the reading of the bill.

Mr. RUSSELL of Missouri. Mr. Chairman, I move that the committee do now rise and report the bill to the House with the amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The motion was agreed to; and the Speaker having resumed the chair, Mr. MOON, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 4701) to establish in the War Department and in the Navy Department, respectively, a roll designated as the Army and Navy medal of honor honor roll, and for other purposes, and had directed him to report the same to the House with certain amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. RUSSELL of Missouri. Mr. Speaker, I move the previous question on the bill and all amendments thereto to final passage.

The previous question was ordered.

The SPEAKER. Is a separate vote demanded on any amendment? [After a pause.] If not, the Chair will put them en gross.

The amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The question was taken, and the Speaker announced that the ayes seemed to have it.

Mr. MANN. Mr. Speaker, I make the point that there is no quorum present.

The SPEAKER. Evidently there is not. The Doorkeeper will close the doors, the Sergeant at Arms will notify absentees, and the Clerk will call the roll. Those in favor of the bill will, as their names are called, answer "yea," those opposed will answer "nay," those present and not voting will answer "present," and the Clerk will call the roll.

The question was taken, and there were—yeas 211, nays 108, answered "present" 1, not voting 114, as follows:

YEAS—211.

| | | | |
|---|---|---|---|
| Alexander | Emerson | Kettner | Rowe |
| Allen | Esch | Key, Ohio | Rowland |
| Ashbrook | Evans | Kless, Pa. | Rubey |
| Austin | Fairchild | King | Russell, Mo. |
| Ayres | Farr | Kinkaid | Russell, Ohio |
| Bailey | Ferris | Kreider | Schall |
| Barchfeld | Fess, Ohio | Lesher | Scott, Mich. |
| Barnhart | Focht | Lieb | Sells |
| Beakes | Fordney | Lobeck | Shackleford |
| Bennet | Foss, Ill. | McAndrews | Sherwood |
| Britt | Foster | McArthur | Shouse |
| Britten | Freeman | McCracken | Sinnott |
| Brown, W. Va. | Fuller | McCulloch | Sloan |
| Bruckner | Gallagher | McDermott | Smith, Idaho |
| Brumbaugh | Gandy | McFadden | Smith, Mich. |
| Buchanan, Ill. | Gardner | McKenzie | Smith, N. Y. |
| Burke | Gillett | McKinley | Snell |
| Caldwell | Glynn | McLaughlin | Snyder |
| Cantrill | Good | Madden | Steele, Iowa |
| Capstick | Gray, Ind. | Magee | Stephens, Cal. |
| Carter, Mass. | Gray, N. J. | Mapes | Stephens, Nebr. |
| Cary | Green, Iowa | Matthews | Sterling |
| Casey | Greene, Mass. | Mays | Stone |
| Chandler, N. Y. | Griest | Meeker | Stout |
| Charles | Guernsey | Miller, Minn. | Sulloway |
| Chiperfield | Hadley | Moon | Sutherland |
| Cline | Hamilton, N. Y. | Mooney | Sweet |
| Conry | Hamlin | Moore, Pa. | Swift |
| Cooper, Ohio | Hart | Morgan, Okla. | Switzer |
| Cooper, W. Va. | Hastings | Moss, Ind. | Taggart |
| Copley | Haugen | Mudd | Tague |
| Costello | Hayden | Murray | Tavenner |
| Cox | Heaton | Neely | Taylor, Colo. |
| Crago | Helvering | Nichols, Mich. | Thomas |
| Cramton | Henry | North | Thompson |
| Crosser | Hernandez | Oakey | Tillman |
| Curry | Hicks | Overmyer | Timberlake |
| Dale, Vt. | Hinds | Paige, Mass. | Tinkham |
| Danforth | Hollingsworth | Parker, N. Y. | Towner |
| Darrow | Hopwood | Phelan | Treadway |
| Davenport | Howell | Platt | Van Dyke |
| Dempsey | Hulbert | Porter | Vare |
| Dewalt | Humphrey, Wash. | Pou | Volstead |
| Dillon | Husted | Powers | Wason |
| Dixon | Hutchinson | Pratt | Watson, Pa. |
| Dooling | Igoe | Rainey | Wheeler |
| Doolittle | Johnson, S. Dak. | Raker | Williams, T. S. |
| Dowell | Johnson, Wash. | Ramseyer | Williams, W. E. |
| Drukker | Kearns | Randall | Williams, Ohio |
| Dunn | Keating | Rauch | Wilson, Ill. |
| Dyer | Keister | Ricketts | Wood, Ind. |
| Eagan | Kennedy, Iowa | Roberts, Nev. | Woods, Iowa |
| Ellsworth | Kennedy, R. I. | Rogers | |

NAYS—108.

| | | | |
|---|---|---|---|
| Abercrombie | Dickinson | Kincheloe | Rucker |
| Adamson | Dies | Kitchin | Sears |
| Aiken | Dupré | Konop | Sherley |
| Almon | Eagle | La Follette | Sims |
| Anderson | Edwards | Lee | Sisson |
| Aswell | Elston | Lenroot | Slayden |
| Bacharach | Frear | Lever | Smith, Minn. |
| Barkley | Garland | Lloyd | Smith, Tex. |
| Bell | Garner | London | Stafford |
| Black | Garrett | McClintic | Steagall |
| Blackmon | Godwin, N. C. | McLemore | Stedman |
| Booher | Goodwin, Ark. | Mann | Stephens, Miss. |
| Borland | Hardy | Martin | Sumners |
| Buchanan, Tex. | Harrison | Miller, Del. | Taylor, Ark. |
| Burnett | Heflin | Miller, Pa. | Tilson |
| Byrnes, S. C. | Helgesen | Morgan, La. | Tribble |
| Byrns, Tenn. | Helm | Nicholls, S. C. | Venable |
| Caraway | Hill | Norton | Vinson |
| Carter, Okla. | Holland | Oldfield | Walker |
| Clark, Fla. | Hood | Oliver | Walsh |
| Coleman | Houston | Page, N. C. | Watkins |
| Collier | Huddleston | Park | Watson, Va. |
| Cooper, Wis. | Hughes | Parker, N. J. | Wilson, La. |
| Crisp | Humphreys, Miss. | Price | Wingo |
| Davis, Tex. | Jacoway | Quin | Winslow |
| Decker | Johnson, Ky. | Rayburn | Young, N. Dak. |
| Dent | Kent | Rouse | Young, Tex. |

ANSWERED "PRESENT"—1.

James

NOT VOTING—114.

| | | | |
|---|---|---|---|
| Adair | Finley | Langley | Ragsdale |
| Anthony | Fitzgerald | Lazaro | Reavis |
| Beales | Flood | Lehlbach | Reilly |
| Browne, Wis. | Flynn | Lewis | Riordan |
| Browning | Gallivan | Liebel | Roberts, Mass. |
| Burgess | Gard | Lindbergh | Rodenberg |
| Butler | Glass | Linthicum | Sabath |
| Callaway | Gordon | Littlepage | Sanford |
| Campbell | Gould | Loft | Saunders |
| Candler, Miss. | Graham | Longworth | Scott, Pa. |
| Cannon | Gray, Ala. | Loud | Scully |
| Carew | Greene, Vt. | McGillicuddy | Shallenberger |
| Carlin | Gregg | McKellar | Siegel |
| Church | Griffin | Maher | Slemp |
| Coady | Hamill | Mondell | Small |
| Connelly | Hamilton, Mich. | Montague | Sparkman |
| Cullop | Haskell | Moores, Ind. | Steele, Pa. |
| Dale, N. Y. | Hawley | Morin | Steenerson |
| Dallinger | Hay | Morrison | Stephens, Tex. |
| Davis, Minn. | Hayes | Moss, W. Va. | Stiness |
| Denison | Hensley | Mott | Talbott |
| Dill | Hilliard | Nelson | Temple |
| Doremus | Howard | Nolan | Ward |
| Doughton | Hull, Iowa | Oglesby | Webb |
| Driscoll | Hull, Tenn. | Olney | Whaley |
| Edmonds | Jones | O'Shaunessy | Wilson, Fla. |
| Estopinal | Kahn | Padgett | Wise |
| Farley | Kelley | Patten | |
| Fields | Lafean | Peters | |

So the bill was passed.

The Clerk announced the following pairs:

On the vote:

Mr. HAYES (for) with Mr. HOWARD (against).

For the session:

Mr. SCULLY with Mr. BROWNING.

Mr. FIELDS with Mr. LANGLEY.

Mr. GLASS with Mr. SLEMP.

Until further notice:

Mr. HILLIARD with Mr. STINESS.

Mr. HAY with Mr. KAHN.

Mr. WEBB with Mr. CANNON.

Mr. MAHER with Mr. MOTT.

Mr. GRIFFIN with Mr. SANFORD.

Mr. RIORDAN with Mr. HAMILTON of Michigan.

Mr. OLNEY with Mr. GREENE of Vermont.

Mr. MORRISON with Mr. RODENBERG.

Mr. TALBOTT with Mr. DAVIS of Minnesota.

Mr. DOOLING with Mr. MOSS of West Virginia.

Mr. DOREMUS with Mr. JAMES.

Mr. DALE of New York with Mr. GRAHAM.

Mr. GALLIVAN with Mr. GOULD.

Mr. ADAIR with Mr. ANTHONY.

Mr. BURGESS with Mr. BROWNE of Wisconsin.

Mr. CANDLER of Mississippi with Mr. BEALES.

Mr. CARLIN with Mr. CAMPBELL.

Mr. STEPHENS of Texas with Mr. DALLINGER.

Mr. COADY with Mr. DENISON.

Mr. CULLOP with Mr. EDMONDS.

Mr. DOUGHTON with Mr. HAWLEY.

Mr. ESTOPINAL with Mr. HULL of Iowa.

Mr. FITZGERALD with Mr. LONGWORTH.

Mr. GREGG with Mr. HASKELL.

Mr. HULL of Tennessee with Mr. NELSON.

Mr. LAZARO with Mr. MOORES of Indiana.

Mr. LINTHICUM with Mr. MORIN.

Mr. MCGILLICUDDY with Mr. PETERS.

Mr. O'SHAUNESSY with Mr. REAVIS.

Mr. PADGETT with Mr. ROBERTS of Massachusetts.

Mr. PATTEN with Mr. NOLAN.

Mr. RAGSDALE with Mr. SCOTT of Pennsylvania.

Mr. SABATH with Mr. LOUD.

Mr. SMALL with Mr. LAFEAN.

Mr. SPARKMAN with Mr. MONDELL.

Mr. WILSON of Florida with Mr. LEHLBACH.

Mr. WISE with Mr. TEMPLE.

Mr. FLYNN with Mr. SIEGEL.

Mr. MONTAGUE with Mr. WARD.

The result of the vote was announced as above recorded.

The SPEAKER. The Doorkeeper will open the doors.

On motion of Mr. RUSSELL of Missouri, a motion to reconsider the vote whereby the bill was passed was laid on the table.

Mr. MANN. Mr. Speaker, an amendment was offered and agreed to, to the body of the bill, which would require an amendment of the title.

The SPEAKER. Without objection, the title will be amended to conform to the text.

There was no objection.

Mr. THOMAS S. WILLIAMS. Mr. Speaker, my colleague, Mr. DENISON, is unable to be present because of illness. He requested me to announce that if present he would have voted "aye."

Mr. CARY. Mr. Speaker, I would like to ask unanimous consent to extend my remarks in the RECORD on this subject.

The SPEAKER. The gentleman from Wisconsin [Mr. CARY] asks unanimous consent to extend his remarks in the RECORD on the bill just passed. Is there objection?

There was no objection.

Mr. ASHBROOK. Mr. Speaker, I make the same request.

The SPEAKER. The gentleman from Ohio [Mr. ASHBROOK] asks unanimous consent to extend his remarks in the RECORD on the bill. Is there objection?

There was no objection.

The SPEAKER. Has the Committee on Invalid Pensions any more business? If not, the Clerk will call the next one.

The Clerk called the Committee on Pensions.

PENSIONS, WAR WITH SPAIN, ETC.

Mr. KEY of Ohio. Mr. Speaker, I call up the bill H. R. 54.

The SPEAKER. The Clerk will report the bill by title.

The Clerk read as follows:

A bill (H. R. 54) to pension widows and minor children of officers and enlisted men who served in the War with Spain, Philippine insurrection, or in China.

The SPEAKER. The House automatically resolves itself into Committee of the Whole House on the state of the Union, with the gentleman from Tennessee [Mr. GARRETT] in the chair.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 54, with Mr. GARRETT in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 54, which the Clerk will report.

The Clerk read the bill, as follows:

*Be it enacted, etc.*, That from and after the passage of this act any officer or enlisted man who served 90 days or more in the Army, Navy, or Marine Corps of the United States, either as a regular or volunteer, during the War with Spain or the Philippine insurrection or in China, between April 21, 1898, and July 4, 1902, inclusive, service to be computed from date of enlistment to date of discharge, and who has been honorably discharged therefrom, has died or shall hereafter die leaving a widow without means of support other than her daily labor, and an actual net income not exceeding $250 per year, or leaving a minor child or children under the age of 16 years, such widow shall upon due proof of her husband's death, without proving his death to be the result of his Army or Navy service, be placed on the pension roll from the date of the filing of her application therefor under this act, at the rate of $12 per month during her widowhood, and shall also be paid $2 per month for each child of such officer or enlisted man under 16 years of age, and in case of the death or remarriage of the widow, leaving a child or children of such officer or enlisted man under the age of 16 years, such pension shall be paid such child or children until the age of 16: *Provided*, That in case a minor child is insane, idiotic, or otherwise permanently helpless, the pension shall continue during the life of said child, or during the period of such disability, and shall commence from the date of application therefor after the passage of this act: *Provided further*, That said widow shall have married said officer or enlisted man previous to the passage of this act: *Provided, however*, That this act shall not be so construed as to reduce any pension under any act, public or private.

SEC. 2. That no agent, attorney, or other person engaged in preparing, presenting, or prosecuting any claim under the provisions of this act shall, directly or indirectly, contract for, demand, receive, or retain for such services in preparing, presenting, or prosecuting such claim a sum greater than $10, which sum shall be payable only on the order of the Commissioner of Pensions; and any person who shall violate any of the provisions of this section, or shall wrongfully withhold from the pensioner or claimant the whole or any part of a pension or claim allowed or due such pensioner or claimant under this act, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall, for each and every offense, be fined not exceeding $500 or be im-

prisoned at hard labor not exceeding two years, or both, in the discretion of the court.

Mr. KEY of Ohio. Mr. Chairman, this bill in its present form is designed to pension the widows and minor children of all volunteer soldiers and sailors who served 90 days or more during the War with Spain and received an honorable discharge therefrom, all furloughs to be computed as service, and to certain soldiers of the Regular Establishment.

The committee intended and, after an exhaustive discussion of the matter, believe that this bill in its present shape provides for the following beneficiaries:

First. The sum of $12 per month to every widow of a volunteer soldier or sailor who served 90 days or more during the War with Spain, including the period of all furloughs in such service (the Philippine insurrection and Boxer uprising in China are included), provided she married the soldier prior to the passage of this act and has a net annual income not in excess of $250 a year. Such widow would also receive $2 per month additional for each minor child under 16 years of age.

Second. In event such a volunteer soldier or sailor dies leaving no widow, but leaving minor children under 16 years of age, the bill would allow $12 per month to such minor children, to be equally divided between them, plus $2 per month additional for each minor child as long as they were under 16 years of age.

Third. The amendment to the bill would make the same provision for widows and minor children of soldiers or sailors who served in the Regular Establishment between April 21, 1898, and July 4, 1902, who rendered 90 days or more actual military or naval service in connection with the above-mentioned hostilities. Your committee does not believe that the provisions of this bill should extend to the widows or minors of soldiers or sailors of the Regular Establishment whose service was rendered entirely within the confines of the United States and was in no manner connected with any of the above-mentioned hostilities, and the amendment was drawn for the purpose of excluding all such.

The pension is limited to such widow who is without means of support other than her daily labor and who has not an actual net income exceeding $250 a year. This monthly allowance is the same as that allowed by statute to the widows and orphans of veterans of other wars and Indian campaigns, only that the existing statute does not exempt any on account of the income she might possess. This greatly lessens the number who would be benefited by the proposed law.

The number of widows and orphans who would come within the provisions of this bill can not be definitely estimated.

The United Spanish War Veterans made an investigation and reported that there are about 4,000 widows of men who served in the Spanish and Philippine Wars; but how many of them would be excluded from a pension under this bill on account of not being dependent on their own labor or for having an income of more than $250 a year could only be conjectured. Destitute widows and orphans of these veterans are now assisted by the United Spanish War Veterans; but surely no one will claim that those who went forth to fight should now carry the burden of those dependent ones while the great mass of our people who stayed at home should be exempt from contributing their just share.

Under the existing law it is necessary for a widow to prove that her husband died from disabilities incurred in the service, and this in many cases is an impossible task. You will recall that for the first time in the history of our country large numbers of men served in the Tropics under the most unfavorable conditions. The summer of 1898 was one of the hottest ever known. Most of our men were called suddenly from the peaceful walks of life and were sent into the swamps and jungles of Cuba, where the drinking water was unfit for a human being and the food supply was of a very questionable quality. Their constitutions were quickly undermined, and the vast majority were never again as strong and robust as they had been before. Conditions in the Philippine campaign were nearly as bad. These men, returning again to the civil walks of life, were not as well able to care for themselves or families as though they had not been soldiers. Finally, who can say how much their Army experiences shortened their days? No one. Under these circumstances it is impossible for the widow to prove her right to a pension, and it is to do away with the necessity of proof under these circumstances that this bill was drawn.

There were about 434,000 men who served in these wars, of whom about one-fourth were in the regular service. Between 75,000 and 100,000 were assigned to the Philippine Islands. There were 826 battles and skirmishes, and the total mortality was about 12,000 lives. Of course, a far greater number died of sickness in those fever-laden tropical countries than were killed in battle.

Mr. MILLER of Minnesota. Mr. Chairman, will the gentleman yield?

Mr. KEY of Ohio. Yes.

Mr. MILLER of Minnesota. I would like to inquire if the number given there, 12,000, is the total number of killed in battle and died of wounds and from sickness? That included all those classes?

Mr. KEY of Ohio. Yes. It included those who died from sickness or other causes incident to service.

Mr. MILLER of Minnesota. That is an interesting fact.

Mr. KEY of Ohio. These men were not drafted into the service, but went at their country's call without even a bounty. Now for us to refuse to care for their dependents, as well as we care for the dependents of the veterans of other wars, would be discriminating against our brave and worthy men.

When the National Government made provision for pensioning the soldiers of the Civil War, the public debt was, in round numbers, $2,300,000,000, or $60 per capita. To-day it is $1,027,000,000, or $10 per capita. Then the national wealth was thirty billions while now it is nearly two hundred billions, so that the burden to be borne is exceedingly small.

Your committee has tried hard to obtain an accurate estimate of the cost if this bill should become a law. This has been a difficult matter, as there are uncertain elements entering into it. In 1912 the then Commissioner of Pensions furnished data to the Secretary of the Interior, who gave an estimate of the cost of a bill quite similar to this one as being $2,500,000 annually. The same estimate was given by the present Secretary of the Interior on information furnished by the Commissioner of Pensions. That is, the cost would be $2,500,000 for the first year and small increases for a number of years. The statement was made in both cases that it was impossible, from the data in the Pension Office, to give an accurate estimate. The reason is that the subject of dependence has never entered into any of the claims of widows and orphans of these veterans, and so they have no accurate data to guide them.

Your committee could not agree with this estimate, and for a time was at a loss to know how the estimate was made. On inquiry it was learned that the officer who made it used as his basis what he termed "a law of average." He secured a table of the average number of marriages among men of a given age, and then applied it to the maximum number of men who served between April 21, 1898, and July 4, 1902. Following out this rule showed that there would be 15,000 claims the first year at a cost of $2,500,000 and a gradual increase for some years afterwards.

Mr. DYER. Mr. Chairman, will the gentleman yield?

Mr. KEY of Ohio. Yes.

Mr. DYER. This bill, then, would lessen the probable cost?

Mr. KEY of Ohio. Yes; materially.

Mr. DYER. Below the bill in the Sixty-third Congress?

Mr. KEY of Ohio. Yes, sir.

Mr. DYER. I will ask the gentleman if the bill which was favorably reported in the Sixty-third Congress passed the House?

Mr. KEY of Ohio. Yes; it passed the House by a vote of about 3 to 1.

Mr. DYER. And also in the Sixty-second Congress?

Mr. KEY of Ohio. Yes; and by a vote of substantially 3 to 1 in the Sixty-second Congress.

Mr. MOORE of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. KEY of Ohio. Yes.

Mr. MOORE of Pennsylvania. In the matter of Civil War pensions there is a law providing that widows shall not have pensions who married the veterans after the year 1890?

Mr. KEY of Ohio. Yes; after June 27, 1890.

Mr. MOORE of Pennsylvania. What is the provision in this law respecting marriages?

Mr. KEY of Ohio. I will come to that. I have it all set out in this statement.

Mr. MOORE of Pennsylvania. Has any date been fixed, or does it take effect from the passage of the act?

Mr. KEY of Ohio. Under this bill, widows will have the same pensionable status as the widows of all soldiers and sailors of other wars, with the exception of the dependency clause in this bill of $250 per annum and marriage prior to date of passage of act.

Mr. MOORE of Pennsylvania. Up to the passage of the act?

Mr. KEY of Ohio. Yes.

Mr. MOORE of Pennsylvania. So that the sooner the bill is passed the more the Government will save on marriages?

Mr. KEY of Ohio. Yes.

Mr. SWITZER. Mr. Chairman, will the gentleman yield there?

Mr. KEY of Ohio. Yes.

Mr. SWITZER. I understand this bill will not cost as much annual appropriation as the bill that passed in the Sixty-second Congress and in the Sixty-third Congress?

Mr. KEY of Ohio. Yes.

Mr. SWITZER. I understand so.

Mr. KEY of Ohio. If the gentleman will wait a moment, I will make it clear to Members of the House why this bill will not cost as much as the bill that was passed in the Sixty-second Congress.

We could see no warrant for this peculiar method of arriving at this conclusion. We believed that a fairer plan would be to have an estimate upon the number of claims filed. In the Bureau of Pensions there are about 5,000 rejected claims of widows and orphans affected by this law. The Spanish War veterans give some aid to these people and have a list of about 4,000 of them. If we base our estimate on 5,000, the cost for the first year would be $720,000, but, in order to be absolutely safe, we will say there are twice that number, or 10,000. This would bring the cost up to $1,440,000. This is the reason that we have placed the maximum cost for the first year at about $1,500,000.

The official report of the Commissioner of Pensions for the fiscal year 1913 shows that there were 59,852 persons removed from the pension rolls, and 19,758 were added during that year, leaving a net loss of 40,094. There was an unexpended balance during that year of $5,348,215.65. Reports of the Commissioner of Pensions for the fiscal years 1914 and 1915 show that there was about the same decrease each of those years. Those on the pension rolls are decreasing, from death, remarriage, minors attaining the age of 16 years, failure to claim pensions, and other causes, nearly 60,000 a year, or 5,000 a month. The amount remaining unexpended from the appropriation runs about $5,000,000 a year.

We take the position that if this bill would cost twice as much as the estimate of the Interior Department, which I think I have shown to be much too high, still this rich and prosperous country should not refuse to help the widows and orphans of those who risked their lives in defense of their country. If we have to scrimp in anything, let it not be with the helpless and dependent ones of those who faced bullets and tropical fevers when called upon by their country to do so.

Mr. Chairman, I wish to call your attention to an important change in this bill from the one introduced in the Sixty-third Congress. That bill did not make an exception for the men in the Regular Establishment who did not take part in our foreign wars between April 21, 1898, and July 4, 1902. The Committee on Pensions in the Sixty-third Congress had this matter up for consideration and made an effort to obtain some exact data that would be a guide in shaping this provision of the bill. No information could be obtained from the War Department, however, and the committee was informed that no such data could be secured.

From all the information the committee could secure from various sources at that time, it came to the conclusion that there was not a very large number of the Regular Establishment affected, and therefore they were all included in the provision of the bill.

When this bill was under consideration the committee again attempted to obtain this information, and was officially advised by the Adjutant General of the War Department that there were 24,400 in the Army alone who would be affected. As this bill is intended to relieve only the widows and minor children of those serving in the Regular Establishment who actually took part for at least 90 days in the military service in Cuba, the Philippine Islands, or China, we have excluded from its provisions all sailors, soldiers, and marines of the Regular Establishment who were not actually so engaged.

We have placed the attorney fee at $10, which is the same as that allowed under the act of June 27, 1890. In many cases there will be considerable correspondence in the case, so if we made the fee less than this amount the better class of attorneys would not handle the cases. In a large share of the cases no attorney will be needed, so no fee will be required.

Nearly 18 years have rolled by since war was declared on Spain, and the young men who flocked to the colors are now passing middle life. They have a splendid organization, known as the United Spanish War Veterans. It numbers among its members a large share of those still living who upheld our standard in that war. They have never made a single request for legislation in their own behalf, but they stand solidly behind this measure. It is not for themselves, but for the dependent ones of those who are sleeping their last long sleep. I think we should heed this one request and grant this pension.

About a dozen Members have introduced bills for about the same purpose. This committee has given careful consideration to all of them, and we believe we have adopted the best ideas they contain. We hope this bill will cover the field so thoroughly that it will not be necessary to pass private pension bills to relieve the distress of widows in any case.

In our country we have adopted the policy that we actually owe something to those who have defended their country and also to those women who gave up their husbands for service at the front and who often suffered privations and many hardships as a result. It is no longer considered a gift or a donation from the Government, but simply payment for services rendered. The vast majority of the men who went as volunteers to the Spanish War were young and just commencing to build homes and rear their families. Most of them had no accumulations whatever, so you can imagine what each family would have to live on from what a soldier could save from his very meager salary. In most cases it was not over one-fourth what he could have earned if he were at his regular vocation. He gave up his salary and the comforts of home when President McKinley called for volunteers to uphold the Nation's honor. He went into tropical lands, under a blazing summer sun, endured the pests of flies, mosquitoes, and deadly vipers, drank swamp water, and ate food so bad the dogs would not eat it at home, and all for a compensation of $16 a month. In times of peace those men could not have been hired to endure the miseries of that service, aside from the danger of the battle, for $100 a month. Then who can say the Government does not owe their families something? During the absence of their husbands many of these poor women went out to work as servants to support their little ones, and, no doubt, a large number of them are working to-day trying to take the place of both father and mother that those children might be educated and started aright on the great highway of life. Let us lighten that burden for them a little. Out of the superabundance of this great country, with its accumulated wealth of nearly $200,000,000,000, let us give a little to those widows and orphans. The amount for each is very little. Only $2 a month for each child and $12 a month for each widow, and this only on condition that she does not have an income of $250 a year, or about $21 a month. Even that amount is small for anyone to live on during these times of high cost of living, without supporting any children, so imagine what it must mean for the widow and several helpless children. This is not a charity; it is simply plain justice to the needy dependents of our brave soldiers.

I want to call the attention of the committee to a typographical error in the bill. At the proper time I shall offer an amendment to correct it. By referring to the bill on the first page, and to the report accompanying the bill, you will see that where "1908" appears it should be "1898." It is my purpose to correct this by an amendment at the proper time. Manifestly it was a typographical error.

Now, the gentleman from Ohio, my colleague [Mr. SWITZER], asked me a while ago why we thought this bill would not require as much of an appropriation as the bill passed in the Sixty-third Congress. My opinion is based on these grounds: When we passed the bill in the Sixty-third Congress, as I stated a while ago, we made an effort to learn the number of members of the Regular Establishment who had served abroad. I ought to go back and preface my remarks by the statement that on February 2, 1901, it was decided to increase the Regular Establishment up to 100,000. At that time we had a standing army numbering about 50,000, so that there were about 50,000 men added to the Regular Establishment at that time.

In the Sixty-third Congress we endeavored to secure from the Interior Department, through the Bureau of Pensions, some estimate as to the number of men in the Regular Establishment who actually took part in these wars; that is, those members of the Regular Establishment who left the confines of the United States and who participated in these hostilities either in Cuba, the Philippines, or the Boxer uprising. We were not able to get that information, but we were assured that there were just a very small number, just a mere handful, and we decided to cover those in and let them go in with the volunteers. This year we asked for the same information, and if the gentleman will refer to the report he will see in the letter of The Adjutant General that he states that there are about 24,400 members of the Regular Army who did not leave the confines of the United States. These men were doing post duty, and it is not the intention of the committee to have the members of the Regular Establishment who were doing post duty, and who did not actually participate in these wars, come under the provisions of this bill. So therefore if we have 24,400 less, of course it will not take as much money to carry out the pro-

visions of this bill as it would have taken to carry out the provisions of the bill passed in the Sixty-third Congress.

Mr. SWITZER. As I understand it, only the widows of soldiers who saw some foreign service or who were being trained for the purpose of taking part in the foreign service will receive pensions. Is that correct?

Mr. KEY of Ohio. This bill provides that every volunteer soldier who was honorably discharged—all furloughs to be included—that the widows of such soldiers shall receive pensions of $12 a month, but it includes only those members of the Regular Establishment who left the confines of the United States and actually participated in those hostilities.

Mr. SMITH of Michigan. Will the gentleman yield?

Mr. KEY of Ohio. Yes.

Mr. SMITH of Michigan. I should like to ask the gentleman whether or not any service was performed in those wars by any other soldiers except those who volunteered?

Mr. KEY of Ohio. Yes; when the War with Spain broke out there were a number of members of the Regular Establishment who were covered in. These members of the Regular Establishment were rushed to Cuba at that time, and they, of course, participated in that war just as much, if not more, than some of the volunteers; and the committee felt that it would not be right to discriminate against those members of the Regular Establishment who went to Cuba and the Philippines and actually participated in those hostilities, and we thought they should be included; but the committee did not feel that the members of the Regular Establishment who were taken in after the War with Spain had practically closed and who were merely doing post duty within the United States should be included.

Mr. SMITH of Michigan. What is meant by "soldiers of the Regular Establishment"?

Mr. KEY of Ohio. The Regular Army and Navy of the United States.

Mr. SMITH of Michigan. Is it necessary that a soldier should have been engaged in battle in order to come within the terms of this bill?

Mr. KEY of Ohio. No; but rendered service in connection with hostilities.

Mr. ASHBROOK. Will the gentleman yield for a question?

Mr. KEY of Ohio. I will.

Mr. ASHBROOK. I have endeavored to follow my colleague very closely in his statement concerning this bill, but I failed to catch it, if he made the statement how many soldiers there were who were engaged in the Philippines or in the war in Cuba or the Boxer uprising. I would like to know just how many soldiers' widows might be beneficiaries, if every soldier married and left a widow—in other words, how many soldiers were engaged in these three services?

Mr. KEY of Ohio. All told, in the regular establishment and the volunteers there were about 434,000.

Mr. ASHBROOK. Four hundred and thirty-four thousand?

Mr. KEY of Ohio. Yes; including those in the Regular Army and those in the Volunteer Service during our war with Spain, those who participated in the Boxer uprising and in the war in the Philippines, and those who went to Cuba.

Mr. ASHBROOK. Then, do I understand that if all those 434,000 soldiers married and then died and left widows, it would be possible for that many widows at some time to become beneficiaries under this law?

Mr. KEY of Ohio. No; that would not be the case.

Mr. ASHBROOK. What would be the case? I should like to know what are the possibilities under this bill, as to the number of beneficiaries?

Mr. KEY of Ohio. If the gentleman will bear with me a moment, I think I can answer that. I will say to my colleague that that is set out in the report, which gives all of the information from every source the committee could obtain.

Mr. ASHBROOK. I do not think the gentleman understands my question. There are not 430,000 soldiers who saw service on foreign soil whose widows might be beneficiaries, are there?

Mr. KEY of Ohio. I did not say that all saw service on foreign soil.

Mr. ASHBROOK. How many soldiers saw service during the period mentioned in this bill on foreign soil?

Mr. KEY of Ohio. I can not tell the gentleman how many living within the confines of the United States saw service on foreign soil. It would be a difficult matter to get this information.

Mr. SMITH of New York. How many pensionable widows can there possibly be under this provision?

Mr. ASHBROOK. That is what I am trying to find out.

Mr. KEARNS. If the gentleman will allow me, there were 443,000 men who would have a pensionable status under the bill. If everyone left a widow, there would be 443,000 of them.

Mr. KEY of Ohio. Less 24,400 that we have excluded, which was in the bill in the Sixty-third Congress.

Mr. ASHBROOK. Mr. Chairman, I may be very obtuse on this subject, but surely there were not 443,000 soldiers who saw service on foreign soil.

Mr. KEARNS. No; 443,000 soldiers whose widows might be entitled to a pension if this becomes a law. The widow of every man who was a volunteer would get a pension, but if she was the widow of a Regular Army soldier she would not get a pension unless the Regular Army soldier had seen service in the Philippines, Cuba, or in China.

Mr. ASHBROOK. What I would like to know is how many beneficiaries there can possibly be under this bill?

Mr. KEARNS. No one can tell, for you do not know how many are married.

Mr. ASHBROOK. Assume that they were all married.

Mr. KEARNS. Then it would be the difference between 443,000 and 24,200.

Mr. DYER. There is a provision that they must not have a net income of over $250.

Mr. ASHBROOK. That would not exclude many.

Mr. DYER. It would exclude mine.

Mr. LOBECK. Will the gentleman yield?

Mr. KEY of Ohio. Yes.

Mr. LOBECK. On page 3 of the report it says:

> Of the 443,000 who served in these warfares, about one-fourth were in the regular service, and from 75,000 to 100,000 were assigned to duty in the Philippine Islands.
>
> In these warfares there were 826 battles and skirmishes, in 515 of which men were killed or wounded. The whole mortality of the campaigns was 12,000 lives.

Mr. KEY of Ohio. The larger part of the soldiers who lost their lives lost them on account of climatic conditions which were unusual at that time.

Mr. LOBECK. That ought to give you some idea of how many pensions would come by reason of this bill. A good many men have died since and left no widows.

Mr. KEY of Ohio. And a good many would not marry.

Mr. SMITH of New York. And a good many wives may have died first.

Mr. BENNET. Will the gentleman yield?

Mr. KEY of Ohio. Yes.

Mr. BENNET. In my part of the country there are many fine young men who rushed into the Regular Army at the very first of the War with Spain, with the idea that they could get to the front quicker that way than by going into the volunteer organization. I understand that some of those organizations were not ordered outside of continental America. Are they covered by this bill?

Mr. KEY of Ohio. The bill covers every volunteer soldier, but only the regular soldier who rendered some actual service in connection with that war.

Mr. BENNET. The gentleman did not understand my question. I will make it specific. There was a young man from Port Jervis, in Mr. PLATT'S district, who enlisted in the Fifth Regular Artillery organization, that had been in the Regular Army for a hundred years, his idea being that in that way he would get into actual service quicker than by going with the Volunteers. I do not think his battery was ordered out of the United States. What I want to know is whether this bill would, if he died, give his widow a pension.

Mr. KEY of Ohio. It was an exceedingly difficult matter to frame this bill so as to cover in all of the Regular Army soldiers. When the war was declared there was a small number of the Regular Establishment that did not leave continental America, and it is barely possible that a few of those soldiers might not benefit by this bill. But the great majority of the Regular Establishment, when war was declared, were sent off to Cuba, and a very small percentage of the members of the Regular Army covered in who did not leave continental America. Many of these, however, were engaged in actual military duty in connection with this war.

Mr. BENNET. If, as a matter of fact, this Artillery was not ordered out of the country, the widow of this young man I have mentioned would not come in under this bill.

Mr. KEY of Ohio. I do not think she would, the way the bill is drawn.

Mr. GARDNER. Will the gentleman yield?

Mr. KEY of Ohio. Yes.

Mr. GARDNER. Suppose a man was in the Coast Artillery in the Spanish War, does the gentleman mean to say that his widow would not have the benefit of the bill?

Mr. KEY of Ohio. The way the bill is drawn, if the member of the Regular Army left the confines of the United States and participated in——

Mr. GARDNER. I am not talking about that. Suppose he stayed in the coast defense where if any ships came across he would be under fire. Is not his widow just as much entitled to the benefit of the bill as if he went down to Camp Thomas?

Mr. KEY of Ohio. The amendment to this bill is intended to cover the widows and minor children of every soldier and sailor of the Regular Establishment whose record shows that he rendered actual military or naval service in connection with this war. In my opinion the provisions of this bill cover the case which you have just mentioned and would give a pension to such a man's widow.

The committee felt that those men were not to be considered in the same class as the others who had gone into Cuba and actually participated in those hostilities unless they show actual military or naval service in connection with this war.

Mr. LENROOT. Mr. Chairman, will the gentleman yield?

Mr. KEY of Ohio. Yes.

Mr. LENROOT. When did the House first pass a bill on this subject—in 1912?

Mr. KEY of Ohio. It was in the Sixty-second Congress. It was substantially the same bill as was passed last year.

Mr. LENROOT. In the Sixty-second Congress that bill confined the benefits to widows who had married soldiers prior to the passage of that act, which the gentleman says was in 1912?

Mr. KEY of Ohio. Yes.

Mr. LENROOT. This will bring it down to the passage of this act. I want to ask the gentleman, if the committee was of opinion that only widows would be entitled to the benefits of the act who married prior to 1912, what condition has arisen since that time to change that so that it should be extended?

Mr. KEY of Ohio. This bill was patterned after the act of June 27, 1890, and that bill when it passed pensioned all widows up until the passage of the act, June 27, 1890. The beneficiaries of this bill have the same pensionable status as the widows of every other war, with the exception that there is a dependency clause in this bill of $250 a year.

Mr. LENROOT. If that is a good reason, it would be to the benefit of the widows of the Spanish soldiers to postpone the operation of this bill for two years more, if it is to be extended every two years.

Mr. KEY of Ohio. If the bill should become a law, of course, that bar would remain there.

Mr. LENROOT. And if two years from now we apply the same rule, we would let in that many more widows.

Mr. KEY of Ohio. Yes; the longer you defer the passage of the bill, that would be true.

Mr. LENROOT. Then, the fact is, the committee has not undertaken to fix any time that would be just on the merits to cut off widows from the benefits of this bill?

Mr. KEY of Ohio. No, they have not, except those who marry after the passage of the act.

Mr. LENROOT. Does the gentleman not think the committee ought to?

Mr. MANN. Mr. Chairman, will the gentleman yield there?

Mr. KEY of Ohio. Yes.

Mr. MANN. Is it not a fact that however just or unjust it may be, the theory of the act of 1890 and the theory of this bill is that it will not offer a premium to women to marry these old soldiers, thinking that in case of widowhood they would be entitled to a pension, a thing that they can not know before the bill becomes a law. I do not say whether it is just or unjust, but that was the theory of the act of 1890 and undoubtedly the theory of this.

Mr. KEY of Ohio. You state the case exactly.

Mr. POWERS. Mr. Chairman, will the gentleman yield?

Mr. KEY of Ohio. Yes.

Mr. POWERS. I would like to know whether the provisions of the gentleman's bill cover widows of soldiers who married after their service in the Army was over?

Mr. KEARNS. Yes.

Mr. BENNET. Mr. Chairman, will the gentleman yield?

Mr. KEY of Ohio. Yes.

Mr. BENNET. I read from the top of page 2 of the bill:

Or any officer or enlisted man of the Regular Establishment who rendered 90 days or more actual military or naval service in the United States Army, Navy, or Marine Corps in the War with Spain or the Philippine insurrection or in China between April 21, 1898, and July 4, 1902, inclusive.

Is the gentleman from Ohio of the opinion that the words "actual military or naval service" mean that a man must have gone out of the country and have actually participated in a battle?

Mr. KEY of Ohio. That is the construction that the committee felt would be placed upon it when they had the bill worded as it is.

Mr. BENNET. I am very frank to say that I think the committee is wrong, and that any officer or enlisted man in the Regular Establishment who answered one single bugle call is covered by that, and I am glad they are.

Mr. KEATING. Mr. Chairman, will the gentleman yield?

Mr. KEY of Ohio. Yes.

Mr. KEATING. I want to say, Mr. Chairman, that the Committee on Pensions was informed that the Pension Bureau would construe that language to mean that the soldier must have served outside of the United States; that that was the construction which would be put upon it under their decisions.

Mr. BENNET. If the Pension Bureau puts that construction upon it, I will leave it to any lawyer on this floor whether the Pension Bureau in some way will not be reversed, because actual military service means that when a man has taken the oath and comes under authority he is doing actual military service.

Mr. KEATING. Who would reverse the Pension Bureau?

Mr. BENNET. The Secretary of the Interior might. He has the power.

Mr. KEATING. The Secretary of the Interior is the head of the Pension Bureau, as a matter of fact.

Mr. BENNET. He is over the Pension Bureau.

Mr. KEATING. He is bound by the decisions of the Pension Bureau. The Pension Bureau has interpreted similar language in other bills.

Mr. KEY of Ohio. I would call the gentleman's attention to line 3 on page 1 of the bill. Please understand the way the bill is worded:

That from and after the passage of this act if any volunteer officer or enlisted man who served 90 days or more in the Army, Navy, or Marine Corps of the United States during the War with Spain—

Now, just note the reading of the bill on page 2, where it says that members of the Regular Establishment are to be affected "who rendered 90 days or more actual military or naval service in the Army or Navy of the United States," and so forth. Now, before this bill was drawn I had the examiner of the committee to discuss with the construing officials of the Bureau of Pensions this amendment, and it was their opinion it would require some actual military or naval service of the Regular Establishment to give title.

Mr. BENNET. All I can say is that while I was out of this House on a temporary recess, owing to reasons over which I had absolutely no control, I participated in several courts-martial and had occasion to look up the statutes in reference to actual military service, and while it is absolutely bootless for the gentleman and myself to argue back and forth I want to say to the gentleman it is my hope, based on my experience, which I think justifies the hope, that the young man whose case I instanced will be covered by this language.

Mr. MANN. "Actual military service" would, of course, cover any service and would cover any service in the War with Spain. It does not say "during the War with Spain," but it says "military service in the War with Spain." Now, say a man was out here on the plains in the Army, was he in the War with Spain until——

Mr. KEY of Ohio. The gentleman from Illinois expresses it better than I could myself.

Mr. BENNET. Mr. Chairman, take the case which the gentleman from Massachusetts [Mr. GARDNER] stated of a man who was in the Regular Establishment and was put in the Coast Artillery at Fort Wadsworth—I do not know he used the name, but I will use the name—he was put there to man the coast defenses during the War with Spain, in the War with Spain, prepared to man that battery against the fleet which at one time was thought to be coming to this country to attack our coast ports. What is the other instance the gentleman cited?

Mr. MANN. I gave an instance of a man on the plains, and if the War Department holds that man was serving in the War with Spain, his widow is entitled to a pension under this bill.

Mr. BENNET. That is what I say.

Mr. MANN. Oh, no.

Mr. BENNET. The gentleman says unless he went out of the country.

Mr. MANN. He would have to go out of the country in a War with Spain.

## MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. RUSSELL of Missouri having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Waldorf, one of its clerks, announced that

the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 4308. An act to purchase a site and erect thereon a suitable building for post office and other governmental offices at Sandusky, Ohio, and for other purposes.

PENSIONS, WAR WITH SPAIN, ETC.

The committee resumed its session.

Mr. SELLS and Mr. MILLER of Delaware rose.

The CHAIRMAN. Does the gentleman from Ohio yield the floor?

Mr. KEY of Ohio. The gentleman from Ohio yielded to the gentleman from Illinois. I desire to ask how much time I have remaining?

The CHAIRMAN. The gentleman has 10 minutes remaining.

Mr. KEY of Ohio. I reserve the balance of that time.

Mr. SELLS. Mr. Chairman, am I recognized for one hour?

The CHAIRMAN. Is the gentleman opposed to the bill?

Mr. SELLS. No; I am not.

The CHAIRMAN. The Chair calls attention to the new rule under which we operate on Calendar Wednesday, which provides that there shall be only two hours of general debate, to be divided equally between those in favor and those opposed to a measure. Now, the gentleman from Ohio [Mr. KEY] is in favor of the measure, and has occupied 50 minutes. If there is any gentleman who is opposed to the bill, the Chair will recognize him for one hour at this time. If not, the Chair recognizes the gentleman from Tennessee.

Mr. SELLS. I understood that if any gentleman was opposed to the bill he was entitled to time. I was simply asking to be recognized because some gentlemen on this side desired to be heard in behalf of the bill. I yield 10 minutes now to the gentleman from Minnesota [Mr. MILLER].

Mr. MILLER of Minnesota. Mr. Chairman and gentlemen, this is the third time that a bill of this character has been before the House, twice having been passed, and this time it will also be passed without question. I was interested to note that no Member of the House at the present time feels disposed to take the hour offered to him in opposition to the bill. I think it speaks well for the sentiment among the membership of the House and in addition reflects the sentiments of the constituencies from which they come. There are two or three things in this bill I think worthy of special commendation, and I desire to address myself to one of the features wherein I do not quite agree with the gentleman from Illinois [Mr. MANN]. I understood the gentleman to say—and if I am incorrect in my understanding he will correct me—that if the language on the top of page 2 read "during the War with Spain" and not "in the War with Spain," as it does, it might make a difference. I do not know just what distinction the gentleman sought to draw by his statement, and I can not see any difference there whatever, and it seems to me that the gentleman from New York [Mr. BENNET]——

Mr. MANN. Will the gentleman yield?

The CHAIRMAN. Does the gentleman from Minnesota yield?

Mr. MILLER of Minnesota. Certainly.

Mr. MANN. "During the War with Spain" would be a matter of time. We have had this matter discussed several times before, as the gentleman remembers. I only speak from an impression and an indefinite recollection, but my recollection is that there was deliberate intent on the part of the House here before, while this is now proposed as an amendment to say that in the war meant in the military service engaged in some way in the war. Originally the bill did not contain any provision in reference to service in China.

Mr. MILLER of Minnesota. I agree with the gentleman entirely in that respect. The service rendered must be in the Army, Navy, or Marine Corps that was engaged in some way, directly or indirectly, in the War with Spain, but he might simply have had military service during that period.

Mr. COOPER of Wisconsin. Will the gentleman yield for a question?

Mr. MILLER of Minnesota. Certainly.

Mr. COOPER of Wisconsin. What does the gentleman understand to be the difference, if any, between "actual" military or naval service in the war and the expression without the use of the word "actual."

Mr. MILLER of Minnesota. No difference, in my judgment. The legal effect is the same whether the word "actual" is there or not. If a man is engaged in the Military or Naval Establishment of the United States, he is actually in it.

Mr. COOPER of Wisconsin. Suppose he belonged to the Regular Army and was in a hospital.

Mr. MILLER of Minnesota. During the entire period of time?

Mr. COOPER of Wisconsin. Yes.

Mr. MILLER of Minnesota. He would be engaging either actually or by construction in the War with Spain.

Mr. COOPER of Wisconsin. He would be in the military service?

Mr. MILLER of Minnesota. He would not be in the military service.

Mr. COOPER of Wisconsin. He would be in the hospital. He would be drawing pay, and as a member of the military service he would not be in the actual service in the sense that this bill contemplates.

Mr. MILLER of Minnesota. The word "actual" means something——

Mr. COOPER of Wisconsin. I do not agree with the gentleman, although he may be correct.

Mr. MILLER of Minnesota (continuing). If he belongs to the Regular Army, even though he is in the hospital all the time.

Mr. GARRETT. Will the gentleman from Minnesota yield?

Mr. MILLER of Minnesota. I will.

Mr. GARRETT. I do not know the language of the law or upon what the construction was based, but I wish to call the attention of the gentleman from Minnesota and of the committee to a construction that was made of the Civil War pension act. There were a number of regiments made up at Rock Island prison from Confederate soldiers who had been captured and who were prisoners of war. They enlisted in the Union Army, or in the Army of the United States, with the understanding that they should not be sent back South to fight their former comrades in arms, but would go West to operate on the plains and guard the frontier against Indians. And for many years those gentlemen sought to obtain a pension, and for many years they were refused on the ground that they were not actually engaged in the service. But finally—I hope I am not taking up too much of the gentleman's time——

Mr. MILLER of Minnesota. The gentleman is taking it up to good advantage. He can take all he wants.

Mr. GARRETT. But finally there was a construction given the law by the Secretary of the Interior—I have forgotten whom now. I think the first construction given favorable to them was by a Pension Commissioner from Kansas—I think his name was Ware—and that was sustained by the then Secretary of the Interior, whose name I have forgotten for the moment, whereby it was held that inasmuch—at least this was the logic of their holding—inasmuch as they went out there and released soldiers in the Regular Army who could go down and engage in what was technically called in the act "the War of the Rebellion," they had a pensionable status; and they are drawing pensions to-day under that construction.

Mr. MILLER of Minnesota. I thank the gentleman for his statement, which is very pertinent to this subject.

Mr. LINTHICUM. A parliamentary inquiry, Mr. Chairman. I would like to know how we are proceeding. If there is no one opposed to this bill, how is the extra hour allowed? I understood by the rule which we adopted the other day that if there was no opposition to the bill it was but one hour.

Mr. MANN. I submit, Mr. Chairman, that a parliamentary inquiry is not in order when anyone has the floor.

Mr. MILLER of Minnesota. I am sure if the gentleman from Maryland had been in when the question was put by the Chair he would be aware of the parliamentary situation.

Mr. KEY. Mr. Chairman, a parliamentary inquiry. I can not understand why——

The CHAIRMAN. The gentleman from Minnesota [Mr. MILLER] has the floor.

Mr. MILLER of Minnesota. Referring again to the question propounded by the gentleman from Wisconsin [Mr. COOPER], I think the distinction, if there is any to be made, is that this man, who was in the hospital, would not be engaged in a war with Spain any more than he would have engaged in the War with Spain if he had been in Sitka, Alaska, or temporarily in Siberia. He would not have been engaged in that war. If he were in a military organization that was engaged in the War with Spain, then he would be in that war, whether the word "actual" were used or otherwise.

Mr. COOPER of Wisconsin. I will say to the gentleman that if he will look at line 7 he will find this language, following that which we have been discussing:

And who has been honorably discharged therefrom.

It does not make any difference whether you say you honorably discharged the man from actual service or honorably discharged a man from the military service. The word "actual," as demonstrated by that language, is superfluous.

Mr. MILLER of Minnesota. I agree with the gentleman. Now, Mr. Chairman——

Mr. CARY. Will the gentleman permit an interruption?

Mr. MILLER of Minnesota. Yes.

Mr. CARY. I would like to ask the gentleman if a man in a regiment or company which was ordered to Cuba or the Philippines was taken sick and placed in a hospital, and could not follow his company, is entitled to a pension under this act?

Mr. MILLER of Minnesota. Certainly. There is no question about that.

Mr. GARDNER. I did not get the gentleman's answer.

Mr. MILLER of Minnesota. Certainly. He would be entitled to a pension.

Mr. GARDNER. May I put a question to the gentleman? In his State during the Spanish War, if I mistake not, there was an Indian uprising, in which there were a number of regular soldiers killed. Unless I am mistaken, they belonged to some Infantry companies in a regiment that did see service. Are the widows of the soldiers who were engaged in putting down those Indian uprisings pensionable under this bill?

Mr. MILLER of Minnesota. I do not think any such condition as that existed during the period of time specified in the bill.

Mr. GARDNER. I think so.

Mr. MILLER of Minnesota. I should say that was not a part of the War with Spain.

Mr. GARDNER. Say that Companies A, B, and C, were sent to Camp Thomas as part of the headquarters detachment, the widows of the men serving in those companies would be pensionable; but the widows of men in Companies D, E, and F, who were fighting the Indians in Minnesota during that time, would not be pensionable?

Mr. MILLER of Minnesota. That is true. Mr. Chairman, again let me say——

Mr. GREEN of Iowa. Mr. Chairman, will the gentleman yield to me for a moment?

Mr. MILLER of Minnesota. How much time have I left, Mr. Chairman?

The CHAIRMAN. The gentleman's time has expired.

Mr. SELLS. Mr. Chairman, I yield five minutes more to the gentleman.

The CHAIRMAN. The gentleman from Minnesota is recognized for five minutes more.

Mr. LINTHICUM rose.

The CHAIRMAN. For what purpose does the gentleman from Maryland rise?

Mr. LINTHICUM. I rise to make a point of order that the debate is not in order, because the gentleman from Minnesota is not opposed to the bill; that under the rule we adopted the other day, if there is no one opposed to the bill, there is but one hour given for debate, and unless the gentleman is opposed to the bill he is not entitled to the floor.

Mr. MILLER of Minnesota. Mr. Chairman, I am opposed to the word "actually" in the bill. [Applause.]

Mr. LINTHICUM. That rule will be found in the last paragraph of Rule XXIV as amended, that not more than two hours of general debate shall be permitted on any measure called up on Wednesday, and all debate shall be confined to the subject matter of the bill. The time is to be equally divided between those for and against the bill. Now, if the gentleman is not opposed to the bill, I make the point of order that he is not entitled to the floor.

Mr. MANN. Well, Mr. Chairman, the gentleman from Maryland [Mr. LINTHICUM], while he has read the rule loudly enough has not read it carefully. The rule provides that there shall not be more than two hours' general debate. This is the limitation. It provides that debate is to be divided between those in favor of the bill and those against the bill. The Chair correctly stated the case. The limitation is for two hours' debate. There is no rule that says the debate shall be one hour, but that it shall not exceed two hours.

Mr. LINTHICUM. How can the two hours be equally divided between those for and against the bill if there is nobody against the bill?

Mr. MANN. It can not be, and hence that shows that it can not be done. [Laughter.] If there is nobody opposed to the bill, it is impossible to divide an hour equally between those for and those against.

But that is not the gentleman's point of order. The point of order was to the effect that the general debate ceased in an hour if no one was opposed to the bill. That is not the rule. The rule is that the general debate shall not exceed two hours. If anyone desired to take the floor in opposition to the bill, he had the opportunity. So the point of order does not lie.

Mr. MURRAY. Mr. Chairman, the reading of the rule is that not more than two hours shall be consumed. That is the limitation. If the rule had said that they must have two hours, the gentleman from Illinois would be correct, but it is limited to two hours. In what way? If there are those who are in favor of the bill and those opposed to it, the time must be divided equally. The rule is mandatory that it shall be divided equally. The House must sit for an hour if no one is opposed to it, if he be correct. The House must sit for an hour in the absence of an express declaration that you must debate two hours. In the event there is no one against the bill, the time is up when the hour is exhausted.

The CHAIRMAN (Mr. GARRETT). The Chair is prepared to rule. This rule crystallizes into parliamentary law what has been a long-continued practice of the House; that is, that debate shall be——

Mr. SLAYDEN rose.

The CHAIRMAN. For what purpose does the gentleman from Texas rise?

Mr. SLAYDEN. I want to correct one declaration that was made, at least, that there is nobody opposed to the bill. I am opposed to the bill. [Laughter.] I am opposed to any more pension bills now. We have been prodigal already in that respect, and while I recognize the utter hopelessness of defeating a bill for pensions with an organized vote for it, I want to protest that there is somebody in the House who is opposed to the existing pension system.

Mr. MANN. Nobody said that nobody opposed to the bill had come into the House.

The CHAIRMAN. The Chair called attention to the rule under which we are operating, and announced his readiness to recognize anyone opposed to the bill. No one then arose asking for recognition for purposes of debate, and therefore the Chair recognized the gentleman from Tennessee [Mr. SELLS]. The Chair thinks that the point of order made by the gentleman from Maryland [Mr. LINTHICUM] is not well taken.

Without going into refinements about it, it would arbitrarily limit the debate otherwise than as fixed by the rule itself. If a case should arise where no one was opposed to the bill and no one demanded recognition, then there could in fact be only one hour of debate. The Chair does not think that was the purpose or the spirit or the intention of the rule, and the Chair therefore overrules the point of order made by the gentleman from Maryland [Mr. LINTHICUM].

Mr. MILLER of Minnesota. Mr. Chairman, I am recognized for five minutes.

The CHAIRMAN. The Chair does not know how much time the gentleman has consumed. The gentleman from Tennessee [Mr. SELLS] yielded to the gentleman 10 minutes.

Mr. SELLS. I then yielded to him five minutes more.

The CHAIRMAN. Then the gentleman from Minnesota is recognized for five minutes.

Mr. MILLER of Minnesota. Mr. Chairman, as the membership of the House well knows, under the law as at present the veteran of the Spanish-American War or of the insurrection in the Philippines, in order that he may secure a pension for disabilities incurred in that service must be able to prove, and prove in a very satisfactory way, too, first, that the disability exists, and secondly, that it did result from his military service.

This bill goes a little step further when it treats with the widow of the veteran. It says that should the soldier die, then his widow shall not be compelled to establish that the disability from which he died was incurred in the military service.

Is there reason for this? I say yes, and I say it with all the feeling that I can command. When we engaged in the war against Spain and proceeded to put down the insurrection in the Philippines, we wrote a new chapter in American achievement and American experience. We sent our boys, who had lived all their lives in a temperate land, where climate and health conditions were as nearly perfect as they can well be anywhere in the world, into tropical lands, East and West, where health conditions and sanitation are the worst of any place in the world. Not only did we send these boys from this healthful climate to fight for the flag, to fight for the principles we hold dear to humanity, but as we all know, they were largely volunteer organizations, and one of the first things that a volunteer military organization does is to fail to keep its health records very accurately or very well.

Why, cases have been called to my personal attention where the men in the Philippine Islands were marching day in and day out, in the heat of the tropical sun, in the downpour of the tropical torrents, many of them sick, some of them moving on, almost sick unto death, and no record whatever was kept of hospital treatment, because there were no hospitals there. No record was kept by the physicians of the treatment they gave to those men on the march and in the camp; so that I am sure it is within the knowledge of every Member of this House that there are many of these cases wherein it is absolutely impossible to establish the connection between the disability and the military service, although that connection does in fact exist.

If it is impossible for the man when he is living, it is certainly impossible—more impossible, if such a thing could be—for his widow to establish it when he is dead. So I think it is needful that we take this additional step now and for all time, so that the widow of a Spanish-American War veteran, or of a veteran of the Philippine war, shall have the same status before the law as the widow of a veteran of the Civil War.

Mr. COOPER of Wisconsin. Will the gentleman yield?

Mr. MILLER of Minnesota. Yes.

Mr. COOPER of Wisconsin. I was not in the Hall when the bill was first presented this afternoon. The gentleman mentioned the fact that two or three bills of a similar character have previously passed the House. He and I both voted for those bills.

Mr. MILLER of Minnesota. Yes.

Mr. COOPER of Wisconsin. Can the gentleman, in a few words, tell the committee whether there is any essential or important difference between the pending bill and the other two measures?

Mr. DYER. No.

Mr. MILLER of Minnesota. There is no essential difference, as I am informed, except that this bill is a little more restrictive than the bill which passed in the Sixty-third Congress. The Sixty-third Congress included both regular and volunteer soldiers who had participated in these campaigns. This one gives to the widows of all volunteer soldiers the opportunities of the bill, but as to the Regular Establishment restricts it to the widows of those who served outside of the United States. I think that is a correct statement.

Mr. DYER. Yes.

Mr. MILLER of Minnesota. So, Mr. Chairman, I am heartily in favor of this bill. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. SELLS. Mr. Chairman, I yield to the gentleman from Kentucky [Mr. POWERS].

Mr. POWERS. Mr. Chairman, I shall give this bill my hearty support. Its purpose is to pension widows and minor children of officers and enlisted men who served 90 days or more in the War with Spain or the Philippine insurrection and who were honorably discharged. Under its provisions the widow during her widowhood will get $12 per month and her minor children $2 per month until they reach the age of 16 years. The widow, however, to use the language of the bill, must be "without means of support other than her daily labor and actual net income not exceeding $250 per year."

Under the present law, the widows of the veterans of other wars get this allowance of $12 per month whether they be rich or poor and whether the death of their husbands was caused by disabilities or injuries incurred in the service or not. It is nothing but right that the widows of soldiers who served in the War with Spain or in the Philippine insurrection be put upon an equal footing with the widows of veterans of other wars, which this bill seeks to do. I favor this bill, because in its passage we say to the young manhood of our country who rush to the defense of the flag in days of its peril that "should you lose your lives in defending the honor, the integrity, and the safety of our common country, fear not that the widows and orphan children that you leave behind you will not be cared for by the Government you defended."

Under the provisions of this bill it will not be necessary for the widow to show that which she is at times unable to show, that the death of her husband was caused by injuries received in line of duty while in the service, but all that she will need to prove is that her husband served his country 90 days or more in the War with Spain or the Philippine insurrection. This is as it should be.

Our country is devoted to peace. It is not the desire of our people to engage in wars. War spells death and destruction. It means misery and want and woe. It is not to the liking of our people to engage in it, and I dare say that if the peoples of other lands and countries would but do us right we would never engage in another war. But wars there have been and wars there will be. Sad to say, the history of the world is largely composed of them. The millennium is not yet. The day will come, and possibly at no distant date, when our country will again be called to arms. When that call is made, the best blood and brains of the land will rush to the defense of the colors as in days gone by, and I for one want them to know that they will be fighting for a grateful country, for a country that will not force their loved ones to seek the poorhouses of the country after their defenders are no more.

Mr. SELLS. I yield to the gentleman from Oregon [Mr. MCARTHUR].

Mr. MCARTHUR. Mr. Chairman and gentlemen, this bill is designed to pension the widows and minor children of volunteer soldiers and sailors and of certain soldiers and sailors of the regular establishment who served in the War with Spain, the Philippine insurrection, or the Boxer uprising. It provides that such widows must have been married to the soldiers or sailors prior to the passage of this act and it establishes automatically a pension of $12 per month, upon satisfactory proof of the death of the soldier or sailor, provided the widow has a net annual income of less than $250 a year. It also provides that widows may draw $2 per month additional for each minor child of the deceased under the age of 16 years.

If such widows remarry, their pensions will automatically cease or will be divided among the children of the deceased until they attain the age of 16 years. There are numerous other provisions as to details, but they have been pretty thoroughly explained by the gentleman from Ohio [Mr. KEY], the author of this bill and the chairman of the Committee on Pensions, of which I have the honor of being a member.

RESEMBLES EXISTING LAWS.

In a general way this bill resembles the existing laws relative to pensions for widows of men who fought in other wars, although these other laws do not contain the restrictive clause prohibiting the payment of a pension to a widow whose income is more than $250 per year. This restrictive clause, however, will confine the operation of the proposed measure to cases where widows and orphans are practically destitute, but will deny benefits to those who are in reasonably good circumstances. In this respect the pending measure is an improvement over the existing laws, as it can not be charged that pensions will be paid to widows who are not really in need of financial assistance. There have been many criticisms of our pension system, but these criticisms have been directed at the abuses of the system rather than at the great mass of just and meritorious cases. There have been some fraudulent claims in the past, but these have been the exception rather than the rule, and I do not believe that there exists in this country any person so narrow or penurious who would withhold pensions in meritorious cases.

MEN ASK NOTHING FOR THEMSELVES.

Although nearly 18 years have elapsed since the outbreak of the War with Spain, this is the first general legislation that has ever been urged by the United Spanish-American War Veterans. These men, you will observe, are asking nothing for themselves, but only for provision and protection for their widows and orphans. For a number of years many of these widows and orphans have been cared for by the United Spanish-American War Veterans and its subordinate branches, but is it fair to ask those who risked their lives for our country to make this financial sacrifice when the burden should be borne by the great body of the people who are enjoying the blessings of life, liberty, and property under our flag and by virtue of our Constitution? All fair-minded people will agree that there is but one answer to the question.

VICTIMS OF TROPICAL DISEASES.

I was very much interested in the remarks of the gentleman from Minnesota [Mr. MILLER]. I well remember the outbreak of the Spanish-American War and the splendid fashion in which the young men from my State volunteered and went to the front.

The regiments from Oregon and other Western and Northwestern States were ordered to the Philippine Islands, and were there for more than a year. These young men were taken from a mild, temperate climate into the intense heat of the Tropics, and required to undergo strenuous compaigns in a country which was reeking with malaria and other tropical diseases disastrous to the health of people who are accustomed to the climatic conditions of the Temperate Zone. Many of them fell on the field of battle, others died of disease, and many more were so shattered in health that they died within a few years or became permanently disabled. They represented the very best type of our young manhood and the patriotic citizenship of our Republic, and to refuse to pass this bill in the interest of their widows and orphans would be a wanton disregard of our public trust and our country's obligations. The small amount of these proposed pensions will not seriously embarrass the Public Treasury, but even if it should prove a burden, it will be borne ungrudgingly, for the American people will not deny or evade the payment of their just debts and obligations.

MUST DEFINE OUR PENSION POLICY.

The passage of this bill will add another chapter to our general pension policy and will further establish and define the attitude of the Government toward our soldiers and sailors and

their widows and orphans. We must make this policy clear and well defined, not only for those who have already defended our country, but for others who may fight for us in the future. In this connection, however, I hope and pray that we will never again be engaged in a war of any character, although we should prepare ourselves for any emergency which may arise and be ready to defend our country from invasion. [Applause.]

WE MUST "CARE FOR HIS WIDOW AND HIS ORPHANS."

Our country has never maintained a large standing army. I do not say this with any reference to the program of preparedness, which I intend to support, but only as a matter of history. In time of war we have summoned large numbers of men to the colors. They have left their homes, their loved ones, their vocations, their all; in many instances, never to return; and in others, to be crippled and maimed for life. It is the history of all wars in this and every other country, that the brunt of work falls upon the men in the ordinary walks of life—on the great body of the common people who are the bone and sinew of the Nation. The average man who enlists is not independent financially, and in a position to leave his loved ones a competence. He should be assured at the time of his enlistment that when he is gone the strong arm of the Government will, in the language of the immortal Lincoln, "care for his widow and for his orphans."

SPANISH-AMERICAN WAR DEVELOPED NEW PATRIOTISM.

I honor and revere the brave men, living and dead, who fought through the great Civil War and wrote an epoch-making page in the world's history. They belong to a distinctive class and their deeds of valor and bravery will never be erased from the memory or the affections of the American people. The Spanish-American War drew together and healed all elements of discord that existed in this country by reason of the Civil War, and the courage and patriotism of the sons of the North and the courage and patriotism of the sons of the South, as they fought shoulder to shoulder at San Juan and Malabon, became the common heritage of the American people. The Spanish-American War was a war for humanity and we must not forget the brave boys who fought under our flag in that war and, as a tribute to their valor and patriotism, I trust that the pending bill will pass without a dissenting vote. [Applause.]

Mr. SELLS. Mr. Chairman, I agreed to yield five minutes to the gentleman from Texas [Mr. SLAYDEN], who desires to be heard against the bill.

Mr. SLAYDEN. Mr. Chairman, I am very much obliged to the gentleman for his courtesy; but are the rights of those who are opposed to the bill forfeited by the present parliamentary status?

The CHAIRMAN. The Chair is of the opinion that that is probably true. At the conclusion of the remarks of the gentleman from Ohio [Mr. KEY] the Chair inquired if there was anyone opposed to the bill who desired time. No one rose, and thereupon the Chair recognized the gentleman from Tennessee [Mr. SELLS] for an hour, and under that particular parliamentary status, the gentleman from Tennessee having recognition and being entitled to the floor, the time has passed from the control of the Chair.

Mr. SLAYDEN. I thought I was filing a claim on behalf of the rights of the opponents of the measure when I addressed the Chair and disagreed to the declaration that there was no opposition to the bill.

Mr. MANN. But that was half an hour too late; that was all.

Mr. SLAYDEN. I was asking if I was too late.

The CHAIRMAN. The Chair will state to the gentleman that what he has recited as having occurred at the conclusion of the remarks of the gentleman from Ohio [Mr. KEY] was some time before the inquiry by the gentleman from Texas.

Mr. SLAYDEN. I am very much obliged to the gentleman from Tennessee [Mr. SELLS] for his courtesy, and I will avail myself of it for a few minutes, probably not for five minutes, as I have expressed myself on this legislation in previous Congresses. I want to call attention to one or two facts that I think ought to be considered, and particularly in view of conditions as they exist at this time.

This body is charged with being persistently, flagrantly, notoriously extravagant, and it takes no man's experience in the marshaling of evidence to prove it. This is a grossly extravagant body, and, as I said a few minutes ago, I now repeat with deliberation that I do not believe it is possible to bring before this Congress any pension bill supported by any important number of the people back home, clothed with the franchise, that it will not pass.

Now, there are one or two lines in this bill to which I want to call attention, wherein I think there should be changes if the bill is to pass, as of course it will pass, being a raid upon the Treasury.

After defining those who shall have pensions it says:

Such widow shall, upon due proof of her husband's death, without proving his death to be the result of his Army or Navy service, be placed on the pension roll from the date of the filing of her application therefor under this act, at the rate of $12 per month during her widowhood.

Not as a result of injuries received in the war, but upon due proof of the death of her husband. It specifically states that she shall not be called upon to prove that the death was due to any service rendered the country. Under the terms of this bill, if I do not misunderstand it, an ex-soldier of the Spanish War may marry a buxom young woman to-day and get run over by a motor car to-morrow, or fall off a stepladder, or get drowned, and his 18 or 20 year old bride, if she does not marry again, will be pensioned for life.

Now, the widows of the Civil War veterans were not treated with that large liberality. I speak from memory, but my recollection is that in order to cure abuses of old men getting married to young women, putting them on the pension roll and making them a burden to taxpayers for a long life, the law said that they must have married the soldier prior to June 27, 1890. Now you are setting a premium on this thing, and, Mr. Chairman, I shall offer an amendment to this bill—I think two—if I can get recognition, specifically requiring that there shall be proof that the soldier's death is due to disease incurred or wounds or hurts received in the military service. That I shall offer in lines 13 and 14, on page 2, and then, on page 3, line 3, I shall move to strike out the words "passage of this act" and substitute the words "termination of said service," so that it will read "the widow shall have married said officer or enlisted man previous to the termination of said service."

I recognize the uselessness of opposition to this bill. I am only offering a very feeble protest, pitching a straw against the cyclone of extravagance, and trying to save a few dollars out of the hundreds of millions that we are going to be called upon to expend. [Applause.]

Mr. SELLS. Mr. Chairman, I yield to the gentleman from Illinois [Mr. CANNON] five minutes.

Mr. CANNON. Mr. Chairman, I shall vote for this bill. A considerable number of people who are beneficiaries of the bill were never outside of the United States proper. I do not speak slightingly of them on that account because really, under the insanitary conditions where volunteers assemble, there is often more disease and death than there is to the soldier in the field of battle.

This bill pensions the widows of the Spanish War soldiers and the war in the Philippines, on the soldier's death, without regard as to whether he died from injuries received in the Army or in the line of duty. I am willing to vote for that, although that was never the case with the widow of the soldier of the Civil War up to 1890. After 1890 the widow was not required, provided she married prior to that time, to prove that the death of the veteran was due to Army service in the line of duty. But that was 26 years ago. There has been much talk in the sensational magazines and in the newspapers about young women, sometimes not of good character, marrying old soldiers in order that they might be pensioned. Gentlemen, I think probably I represent as large a soldier district as any in the United States, and I want to say to you that wives of men who fought for the Union died, and many of the soldiers remarried. Children were born, and yet no pension comes to them unless the death is traced to the line of service between sixty-one and sixty-five. This bill is not subject to amendment in that regard, and I have no desire to try to amend it, because it treats of the War with Spain, and such an amendment would not be germane. I am willing that it should pass, and that it should rest on its own merits, but I want to appeal to the chairman of the Committee on Pensions which reported this bill, or the Committee on Invalid Pensions, and his colleagues, to report a bill for the consideration of the House to care for the widows who married 26 years ago and subsequently. [Applause.] I do not know whether the committee will do it or not, but I hope that it will, and I believe that the House would pass it almost unanimously. [Applause.]

Mr. KEY of Ohio. Mr. Chairman, I yield to the gentleman from Ohio [Mr. OVERMYER].

Mr. OVERMYER. Mr. Chairman, I only wish to say a word in favor of this bill on behalf of the very large number of Spanish War widows and Spanish War veterans in my district. I believe that the destitute widow of a Spanish War veteran is just as destitute as any other destitute widow of a soldier. In other words, her needs, if she is destitute, are just as great as if she were the widow of a veteran of any other war. I believe that the test of patriotism to which a soldier must submit is determined not by the length of the service rendered, but the test is really made when he enlists and offers that service, and the

fact that the Spanish War soldier did not serve so long or see so many battles is not the test by which to determine his patriotism.

At this time when talk of preparedness is heard on every hand it is especially proper that this Congress say to the young men of this country that if the necessity arises for them to offer their service this Government holds out the promise that in case of their death in that service the widow and orphans will be provided for.

Therefore, speaking for the very large number of Spanish War widows, some of whom I know are destitute, and speaking also for a very large number of Spanish War veterans, some of whom are inmates of the soldiers' home in my district and in such physical condition that in a few years more they will leave widows in very bad circumstances, I ask your support for this measure.

Mr. KEY of Ohio. Mr. Chairman, I yield two minutes to the gentleman from Maryland [Mr. LINTHICUM].

Mr. LINTHICUM. Mr. Chairman, I am in favor of this bill. I feel that the widows of the men who rushed to the colors at the time of need, although they may marry the soldier, as some one has just said, just prior to the passage of this bill, are entitled to consideration at our hands. The same situation existed with reference to the widows under the Civil War pension bill, except that we have now moved away from 1890. After a while we will have moved away from the date this bill is passed, and then we will be looking back and will think the widows who married since that time ought to be pensioned. I think we have moved so far away from 1890 that there ought to be some provision, as the gentleman from Illinois [Mr. CANNON] has said, made for the widows who married soldiers since that date. I have in mind the case of a woman who married an old soldier in 1896. She is precluded from having a pension. We have been unable to get her one; and yet that poor woman to-day, having nursed her soldier husband for 18 years through a long spell of sickness, is dependent upon the aid of her friends and the city of Baltimore for support. I feel, therefore, that we have moved so far away from 1890 that some provision ought to be inserted, either in this bill or in some other one, which will make the provision suggested by the gentleman from Illinois [Mr. CANNON]. The Spanish War veterans rushed in at a time when the country was not prepared for war, and because of insanitary conditions which they had to live through many of them were disabled for life. I am in favor of this bill and hope that it will pass.

Mr. SELLS. Mr. Chairman, I yield two minutes to the gentleman from South Carolina [Mr. RAGSDALE].

Mr. RAGSDALE. Mr. Chairman, I am opposed to this bill for the reason that, to my mind, it is unjust to the men in the regular service. Let us take two men, say, living in the same community. One of them elects to go into civil life and one feels that the call of his country justifies his going into the regular service in time of peace. Each of them go about their respective vocations. A war breaks out. One of them has become prepared to render service to his country and goes on the battle field. The other is unprepared to render service, but goes to the colors. After the war is over neither one of them has been scratched; neither one has been injured; neither one has seen a battle field. Yet, Mr. Chairman, when both die we say that the widow and children of the man who went in time of peace and prepared himself to defend the flag and his country is entitled to no consideration, but that the family of the man who stayed in the quiet walks of life, who tried to amass a fortune, who disregarded the needs of his country, and who sought in no way to prepare himself, is entitled to consideration. I think that is very unjust. At this time, when this country, as the President has said, needs to put itself in condition to defend itself against the world, I ask if this Congress ought not to hesitate before heaping another burden of debt upon it, before increasing this pension list. This is no sectional speech that I am making. The people of my country will get the same benefits that the people of other parts of the Union will under this bill. I am besought from people in my country to engage with you in enacting this bill into law; but, Mr. Chairman, while I believe this country ought to stand for protecting the flag in the future, ought to stand for the men who to-day are enlisting and who are putting the country in a condition to protect itself in the future, because I honor and respect the men in the Regular Army, privates in the Army, and sailors in the Navy, and because I think legislation of this kind discriminates against them in favor of volunteers I oppose the legislation and think it is manifestly unjust and unfair.

Mr. SELLS. Mr. Chairman, I would like to ask how much time I have remaining?

The CHAIRMAN. The gentleman has 28 minutes remaining.

Mr. SELLS. Mr. Chairman, I yield five minutes to the gentleman from Illinois [Mr. MANN].

Mr. MANN. Mr. Chairman, a country like ours will never maintain a great standing army. There is no danger of so-called militarism in a people of our kind or in a country situated as we are, and yet the time may come when the people of a country like ours must fight, must be prepared to fight, and in the end whatever provision we may make for a Regular Army, or even for a National Guard, if we ever have much war we must depend upon the young boys who volunteer to give their lives for their country. [Applause.] And especially at this time, with the possibility—although I believe and hope not a probability—of entanglements abroad, it is quite appropriate that we should say to the people of our country, and especially to the younger men upon whom we must rely, "You offer us your lives when you enlist voluntarily, and, by the eternal, if you die we will take care of your widows." [Applause.]

Mr. SELLS. Mr. Chairman, I yield two minutes to the gentleman from Nebraska [Mr. REAVIS].

Mr. REAVIS. Mr. Chairman, I very much approve of the provision in this bill that eliminates the necessity of the widow of a veteran of the Spanish-American War or of the Philippine insurrection proving that the death of her husband was occasioned by reason of disabilities incurred in the war. I have in mind one young man from my home town who enlisted in that service. In the Philippine Islands he was attacked with malaria and was in a hospital approximately six months. When he left his home with his company he was as fine a specimen of manhood as I ever saw. When he returned he was merely the shadow of his former self. Eventually in the course of time he contracted tuberculosis and died, leaving his family in absolute poverty. If that widow were compelled to prove that he died as the result of disability occasioned by his service in the Philippine Islands, she would not be able to do so, and yet, Mr. Chairman, death touched him in the islands. His vitality was destroyed; he was unable to combat the germs of tuberculosis that he might have mastered if he had been in his original health, and while she would have been unable to prove that his death was the result of a disability incurred in the islands, as a matter of fact his death was primarily caused by his service in that insurrection. More than that, the absolute poverty in which his family now live is the direct result of the illness that he contracted in the Philippines and that prevented him for months from such labor as he performed before his enlistment.

I agree with the gentleman from Illinois [Mr. CANNON] in that I would like to see returned to this House from the proper committee a bill which makes provision for the widows of soldiers of the War of the Rebellion who have married since the passage of the last pension law. I feel, Mr. Chairman, that there are many cases, probably every Member of this House is more or less familiar with them, of soldiers of the War of the Rebellion who would have been a public charge if it had not been for the kindness, the solicitous care, and attention that has been given them by wives whom they have married in recent years.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SELLS. Mr. Chairman, I yield five minutes to the gentleman from Missouri [Mr. DYER].

Mr. DYER. Mr. Chairman and gentlemen, I believe that I can perhaps speak for as many of the men who served their country in the War with Spain as anyone here. I have the honor to be at the head of the United Spanish War Veterans, the organization that is composed of those who thus served, and which includes the campaigns in Cuba, Porto Rico, the Philippines, and China, as well as the thousands who did not get an opportunity to leave this country. They were ready to go and were anxious to do so, but were not needed. They are entitled to as much consideration as those who did. Those who stayed suffered more than those who were fortunate to go. The fever-stricken camps in this country were worse for the men than the bullets. Many have died, and many more have lost their health due to those insanitary and ill-arranged camps. Yet the men who are living to-day are not here in this bill asking for themselves anything, but they ask you to remember the widows and the orphans of those who have died and who are in want. Many of the men who served their country with honor and credit and who are living to-day are broken in health as a result of that service, and but few of them are getting a pension. The Government should do justice to these men also, and without the asking and begging. The Government has failed in this respect in many deserving cases.

This bill, however, is not for them. It is only for the widows and orphans, and some of you, perhaps, would be surprised to know that there are many deserving of this consideration. You would be surprised to know of cases that have come to my attention of widows of soldiers who served their country with honor and credit in the Philippines, in Cuba, and in Porto Rico, too, who are to-day in dire poverty and distress.

We are hearing calls upon every hand to-day—from the President of the United States, from the Secretary of War, from the Secretary of the Navy, and from others high in official life—asking us to prepare our country for defense, and we understand and know that if we prepare our country for defense we must have men with which to do it. We may have the battleships, we may have the best guns it is possible to make, but, my colleagues of the House, unless you have men of character and of intelligence, such as we had in 1898 to 1902, to man these guns and ships, we can accomplish but little with them. [Applause.] And it is because the American Congress in the past and because it is to-day standing up for patriotism and for the men who served their country with honor that we are able in time of peace to raise an army as large as we want and need in this country. The War with Spain was not a very long war and it did not take a very great time to recruit all the men that were needed. The fact is, gentlemen, if we had had a trained army for this service against Spain the war would not have lasted so long. You can not recruit a well-drilled, disciplined, and efficient army in a little time, and especially when the equipment has been badly neglected.

And while I appeal to you to-day to vote for this bill in recognition of these women and children who are deserving, we also urge upon you, in the name of these men who served their country in the Spanish War and in the Philippines, we urge upon you in the name of 400,000 or more, to not wait until war comes before you start to prepare, but start now to train your men and get things ready in case war does come, so that diseases and the results of service will not be so serious to the men as they were to those who served in the Spanish War and the Philippines because of the conditions they had to encounter. [Applause.]

Mr. SELLS. I yield three minutes to the gentleman from Ohio [Mr. FESS].

Mr. FESS. Ours is the one great country that does not depend upon a great military establishment. I do not think the country ever will assume any such atmosphere of defense. While I believe in an increase of our national defense and will vote for any reasonable program of that kind, yet I am convinced we never will become a country whose defense depends wholly upon the regular arm. We will always have to depend upon the volunteer soldier, I am sure, in the midst of a great crisis. And while the volunteer does not hesitate on his duty nor ask whether there is going to be a pension given him when he returns, should he be so fortunate, I am sure that everyone does desire to know what may happen to his family, his wife and children, in case of his death. I think that this bill is in the right direction in continuing the policy we have always followed, to care for those dependent upon the soldier who, when he is gone, can no longer give support to those who have been dependent upon him. And for that reason I am sure that this legislation will meet with the approval of the American people. [Applause.]

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

*Be it enacted, etc.*, That from and after the passage of this act if any officer or enlisted man who served 90 days or more in the Army, Navy, or Marine Corps of the United States, either as a regular or volunteer, during the War with Spain or the Philippine insurrection or in China, between April 21, 1898, and July 4, 1902, inclusive, service to be computed from date of enlistment to date of discharge, and who has been honorably discharged therefrom, has died or shall hereafter die leaving a widow without means of support other than her daily labor, and an actual net income not exceeding $250 per year, or leaving a minor child or children under the age of 16 years, such widow shall upon due proof of her husband's death, without proving his death to be the result of his Army or Navy service, be placed on the pension roll from the date of the filing of her application therefor under this act, at the rate of $12 per month during her widowhood, and shall also be paid $2 per month for each child of such officer or enlisted man under 16 years of age, and in case of the death or remarriage of the widow, leaving a child or children of such officer or enlisted man under the age of 16 years, such pension shall be paid such child or children until the age of 16: *Provided*, That in case a minor child is insane, idiotic, or otherwise permanently helpless, the pension shall continue during the life of said child, or during the period of such disability, and shall commence from the date of application therefor after the passage of this act: *Provided further*, That said widow shall have married said officer or enlisted man previous to the passage of this act: *Provided, however*, That this act shall not be so construed as to reduce any pension under any act, public or private.

Mr. KEY of Ohio. Mr. Chairman, I offer the following committee amendment in order to correct a typographical error.

The CHAIRMAN. The Clerk will report the first committee amendment as it appears in the bill.

The Clerk read as follows:

Page 1, line 3, at the end of the line insert the word "volunteer."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

Also the following committee amendment was read:

Page 1, lines 5 and 6, strike out the words "either as a regular or volunteer."

The CHAIRMAN. The question is on agreeing to the committee amendment.

Mr. GARDNER. Mr. Chairman, I am opposed to that amendment. By it you do a grave injustice to the soldiers of the Regular Army. I find that in the Spanish War no less than 234,000 enlisted men and officers of the Regular and Volunteer forces were not employed or failed to serve abroad. Of this number about 200,000 were volunteers. This bill makes the widows of every one of them pensionable, but the proposed amendment denies a pension to the widow of the Regular soldier who enlisted, prepared to face the music. Most of the Regulars, except the coast artillerymen, were sent to the front, but some were held back to do their duty at Army posts or for recruiting purposes and some were held back to suppress Indian disturbances. Can you offer any reason why widows of the latter should not be entitled to a pension, while widows of the 200,000 volunteers who did not leave their country should be entitled to a pension?

A good many of those volunteers never entered the service until July, and then, when the protocol was signed they were furloughed; and that furlough counts as service under this bill. Let me call your attention to the case I spoke of when the gentleman from Minnesota [Mr. MILLER] was speaking. I find that the Indian disturbance at Leech Lake, Minn., took place in October, 1898. I find that eight companies, or parts of eight companies, of the Third United States Infantry suppressed those Indian disturbances. Now, if any of those men have since died, unless they also saw service elsewhere, their widows will have no pensionable status under this amendment, whereas the widows of men in the other companies of the Third United States Infantry that were sent to Mobile and became part of the Fourth Army Corps, and subsequently were sent to Cuba, I believe, would be entitled to a pension.

Mr. KEY of Ohio. Mr. Chairman, will the gentleman yield?

Mr. GARDNER. Certainly.

Mr. KEY of Ohio. Is it not true that the soldiers that the gentleman has in mind, who helped put down this rebellion, had just returned from Cuba? Had not all, or nearly all, of those soldiers seen service in Cuba before going up to Minnesota?

Mr. GARDNER. I have not any idea whether they had or had not been down to Cuba.

Mr. KEY of Ohio. I think the gentleman will find that they had been.

Mr. GARDNER. I think it highly unlikely. But be that as it may, it would be unjust to draw a distinction between the widow of a regular soldier who did not serve outside of the United States and the widow of the volunteer just because there were 200,000 of us. Now, do justice to the widows of the Regulars.

Mr. MANN. Mr. Chairman, it is necessary to draw a line somewhere always. My friend from Massachusetts [Mr. GARDNER] draws a much more arbitrary line than the bill does. It would be a much more arbitrary line to say that the Regular Army soldier who took no part at all in the War with Spain should be able to marry and leave a widow, who should draw a pension, but that the widow of the Regular Army soldier who happened to go into the Regular Army the next month, and who might have had just as much military service as the other one, should not have a pension. Unless we propose to pass a law giving to the widow of every Regular Army soldier at any time a widow's pension you have got to draw a line somewhere. I do not know any line that is safer to draw than to say: "We will grant a pension to the Regular Army soldier if he had service in the War with Spain; and if he did not, we will leave him on the same footing as we leave all other Regular Army soldiers."

Mr. GARDNER. Mr. Chairman, will the gentleman yield?

Mr. MANN. Certainly.

Mr. GARDNER. Then why not leave the Volunteer who did not have actual service in the War with Spain on the same basis with those Regulars who were not fortunate enough to have been ordered to the front?

Mr. MANN. That is so easy to answer that I am going to answer it. We pay, or propose to pay, and have paid, pensions to widows of Volunteer soldiers, because we want it known that it is the policy of this country to take care of the widows of men who stepped into the Army out of private life, with no desire to make it their vocation, but solely to meet an emergency. [Applause.]

Now, the question of the Regular Army soldier is entirely different. If some one wishes to propose that, in order to induce men to enter the Regular Army, we shall pay pensions to their widows, that is a proposition which may be worthy of consideration. But it has nothing to do with the question now pending before the House. We inserted the provision last year that is now carried in this bill, for the Regular Army soldier who actually served in the war, as a concession, not desiring to draw the distinction at that time between the men who volunteered to go into the Volunteer service and the men who volunteered to go into the Regular Service; and those who volunteered to go into the Regular Service, in the main, received the benefit of this act, as they ought to. [Applause.]

Mr. GARDNER. Mr. Chairman, I move to strike out the last word. These men who went into the regular service offered their lives just exactly the same as any volunteer offered his life. Many of them when they enlisted could foresee that trouble with Spain was ahead of us. Do you suppose it was the pitiful $13 a month that these Regulars got which induced them to enter the service? Was it the fault of certain companies of the Third Infantry that they were held in Minnesota while other companies of the Third Infantry were incorporated into the Fourth Army Corps at Mobile? When a man was held back by his Government while his fellows were sent to Mobile, when he found that he must risk his life putting down an Indian outbreak, is his widow not to be pensioned when you are going to give pensions to the widows of some 200,000 of us Volunteers who, in spite of our readiness to do so, never received the coveted order to leave the United States during the Spanish War?

Mr. RAGSDALE. Mr. Chairman, I move to strike out the last word.

Mr. DYER. I make the point of order that the amendment before the committee has been debated on both sides.

The CHAIRMAN. The Chair will recognize the gentleman from South Carolina [Mr. RAGSDALE] in opposition to the pro forma amendment.

Mr. DYER. Mr. Chairman, a parliamentary inquiry. Is there not also pending before the committee now a committee amendment which has not been disposed of?

The CHAIRMAN. The gentleman from Massachusetts [Mr. GARDNER] moved to strike out the last word.

Mr. DYER. He rose first to speak in opposition to the committee amendment, which has not been voted upon, and then he made another motion to strike out the last word.

Mr. RAGSDALE. The motion of the gentleman from Massachusetts [Mr. GARDNER] is still before the committee. I would like to be recognized to speak on that.

The CHAIRMAN. The Chair recognizes the gentleman from South Carolina.

Mr. RAGSDALE. Mr. Chairman, it seems to me that in the consideration of this bill we are dividing the men who served in the United States Army, even in time of war, who rallied to the support of the flag, who offered their bodies in defense of their country, into two classes. The man who prepares himself, the man who gives up his money making, the man who goes in and equips himself, as the greatest military experts of this country are urging our young men to do, in time of peace, is treated as a machine and is to have no consideration. When the war breaks out, the call to the colors may take him right on the battle front. These men see service such as that in which they are engaged on the Mexican border to-day. They may be called to any part of the world to serve this Government. They may have to leave everything that they have behind them, and with the absolute knowledge that if they are in the service they can not escape. Yet we make this difference between them: The man who avoids preparing himself, who deliberately refuses to go into the Army or into the Marine Corps or into the Navy, the man who avoids giving any of his time to the country for the small pittance that we pay, that man is made a hero and a martyr, and we protect his widow and his children; but we say to the man who goes into the Army in time of peace and fits himself to be really efficient, the first man who goes to the front in time of war, the man who braves the dangers, and, as in the case of Mexico, settles the difficulty before the volunteer can even be called, we say to that man, "Unless you are absolutely wounded or killed you are entitled to no consideration." Why, Mr. Chairman, how can we have the Army that we ought to have? I have heard gentlemen on this floor state here that we could never have an Army unless service was made compulsory; that we could never have a larger Navy unless by conscription. I say, Mr. Chairman, that it is not fair that the men who give up professions and trades and agriculture to go into the service and fit themselves to be finished soldiers or sailors should be treated as machines, when they have qualified themselves to defend this country if the spark that the President has told us about should fall and set our country on fire, while to the man who delays and hangs back and does not fit himself we say, "Do not do anything for your country until the time comes, when you can not equip yourself in time, and then we will make of you a martyr and a hero and we will put your family on the pension roll." [Applause.]

The CHAIRMAN. The question is on the committee amendment.

The question was taken; and on a division (demanded by Mr. GARDNER) there were 89 ayes and 18 noes.

So the amendment was agreed to.

The CHAIRMAN. The Chair is informed that there is an amendment at the desk to the next committee amendment, and that will be considered first. The Clerk will read.

The Clerk read as follows:

Amendment to the committee amendment:

Page 2, line 5, after the word "twenty-first," strike out all down to and including the word "eight," in line 6, and insert in lieu thereof the words "eighteen ninety-eight," so that the amendment as amended will read, "or in China between April 21, 1898, and July 4, 1902, inclusive."

The CHAIRMAN. The question is on the amendment to the committee amendment.

The question was taken, and the amendment to the committee amendment was agreed to.

The CHAIRMAN. The Clerk will now report the committee amendment as amended.

The Clerk read as follows:

On page 1, line 10, after the word "discharge," insert "including all furloughs, or any officer or enlisted man of the Regular Establishment who rendered 90 days or more actual military or naval service in the United States Army, Navy, or Marine Corps in the War with Spain or the Philippine insurrection or in China between April 21, 1898, and July 4, 1902, inclusive."

The CHAIRMAN. The question is on the committee amendment as amended.

The committee amendment as amended was agreed to.

Mr. SLAYDEN. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Amend by striking out the words "passage of this act," in line 3, page 3, and insert in lieu thereof the words "termination of said service."

Mr. SLAYDEN. Mr. Chairman, the purpose of that amendment is to take away the handicap of an early marriage by these young widows, to encourage matrimony, and perhaps to save a little money for the Treasury of the United States. [Laughter.] I hope the amendment will be unanimously agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas.

The question was taken, and the amendment was rejected.

Mr. MILLER of Delaware. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

In line 7, on page 1, after the word "insurrection," strike out the words "or in China."

Mr. MILLER of Delaware. Mr. Chairman, I would not offer the amendment if it were not for the fact that the committee's first amendment has been adopted, and therefore, in my opinion, warrants the amendment I have just offered. It will be observed that in the first paragraph in line 3, the word "volunteer" is inserted, and in lines 5 and 6 the words "either as a regular or volunteer" are stricken out. According to the language in the paragraph just referred to, it would read as follows: "That from and after the passage of this act if any volunteer, officer or enlisted man, who served 90 days or more in the Army, Navy, or Marine Corps of the United States during the War with Spain or the Philippine insurrection or in China," and so forth.

There were no volunteers serving in China during the Boxer rebellion in 1900, and my attention was called to that fact when I read the first paragraph. I have just returned from the telephone, where I consulted with The Adjutant General. He informs me that the only troops that served in China were the Sixth Cavalry, two squadrons; one battery of the Third Field Artillery; one battery of the Fifth Field Artillery; the Ninth Infantry; eight companies of the Fourteenth Infantry; four companies of the Eighteenth Infantry; and the Engineer, Signal,

and Hospital Corps. All of these were regulars, and a gentleman from my own State, Brig. Gen. James H. Wilson, was second in command of the expedition, the late Gen. Chaffee being the first in command.

I ask the chairman of the committee, the gentleman from Ohio [Mr. KEY], if he will adopt this amendment, because, as it is now worded, the words "in China" are utterly superfluous and might lead to confusion. There were no volunteer troops serving in China. I would not have offered the amendment without consulting people who have served in this House longer than I have, and also the proper authority in the War Department. Of course if the gentleman from Ohio [Mr. KEY] does not care to accept the amendment, I shall not press it. I offer it because I think the words are superfluous.

Mr. REAVIS. Does it apply also to the words in line 5, on page 2?

Mr. MILLER of Delaware. In reply to the gentleman from Nebraska, I will state that this does not apply to the words in line 5, on page 2, because the gentleman will observe the italics there deal with the Regular Army Establishment.

Mr. KEY of Ohio. Mr. Chairman, if the information the gentleman received is correct, I would have no objection; but if there should be some mistake about the information he received, it might be an injustice to some volunteer who might have had that service.

Mr. MANN. I think it is quite certain that there were no Volunteers serving in China.

Mr. KEY of Ohio. I have no objection to the amendment, and I accept it.

Mr. CARY. Mr. Chairman, I would like to ask the gentleman what harm it would do if the words were left there?

Mr. KEY of Ohio. I can not see what harm it would do.

Mr. MANN. It would be superfluous; but it would certainly be a reflection upon the intelligence of this House to pass a bill to provide for volunteer service of soldiers in China when there were no Volunteers there.

Mr. CARY. Suppose I were in China at that time and volunteered to join the Regulars?

Mr. MANN. The gentleman's case would not be covered by this provision. It would be covered by the other provision.

Mr. KEY of Ohio. Mr. Chairman, I accept the amendment.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Delaware.

The amendment was agreed to.

Mr. REAVIS. Mr. Chairman, I move to strike out the last word. I think the language contained in lines 18 and 19, page 2, is a little ambiguous, and I doubt whether it states exactly what the committee intended. I refer to the language "and in case of the death or remarriage of the widow, leaving a child or children." How would the remarriage of a widow leave a child or children?

Mr. MANN. Mr. Chairman, I will say to the gentleman that I think this is an exact copy of the law in reference to the Civil War and that language has been construed until people now know what it means, though I am frank to confess that no one can read the language of that section and tell what it means offhand. It has been construed until the language is understood.

Mr. REAVIS. I offer the suggestion that it would be better to say "in case of the remarriage of the widow or the death of a widow leaving a child or children." There would be no ambiguity about that and it would not be subject to construction.

Mr. MANN. The whole language is ambiguous, but it has been construed until they know what it means.

Mr. KEY of Ohio. Mr. Chairman, the wording of this bill was taken verbatim from the act of June, 1890, and that has stood the test ever since the passage of the act. This is an identical copy of that. I do not see how they could go wrong on this.

Mr. REAVIS. May I ask the gentleman what construction was placed on the language "in case of the death or remarriage of the widow, leaving a child of children"?

Mr. KEY of Ohio. If the widow should remarry, the $12 which she would be receiving would go to the child, plus the $2 that the child would receive.

Mr. REAVIS. Then the construction placed upon it is that if the widow with children remarries the payment of the pension is transferred from the widow to the child?

Mr. KEY of Ohio. Exactly; together with the $2 that the child would receive until the child arrives at the age of 16 years.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn.

Mr. POWERS. Mr. Chairman, I move to strike out the last word. I would like to inquire of the chairman of the committee if the words "daily labor," on page 2, line 9 of the bill, have been construed in other pension acts heretofore?

Mr. KEY of Ohio. Yes.

Mr. SLOAN. Mr. Chairman, I move to amend section 1——

Mr. KEY of Ohio. Mr. Chairman, I move that the committee do now rise.

The CHAIRMAN. The gentleman from Ohio moves that the committee do now rise.

The motion was agreed to; accordingly the committee rose, and Mr. RUSSELL of Missouri having assumed the chair as Speaker pro tempore, Mr. GARRETT, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 54 and had come to no resolution thereon.

## RESIGNATION FROM A COMMITTEE.

The SPEAKER pro tempore laid before the House the following resignation from a committee.

The Clerk read as follows:

Hon. CHAMP CLARK,
*Speaker House of Representatives.*

MY DEAR MR. SPEAKER: I beg to herewith tender you my resignation as a member of the Committee on Foreign Affairs, to take effect immediately. With great respect, I am,

Sincerely and cordially, yours, J. R. WALKER.

FEBRUARY 9, 1916.

The SPEAKER pro tempore. Without objection, the resignation is accepted.

There was no objection.

## RETURN OF SENATE JOINT RESOLUTION 81.

The SPEAKER pro tempore laid before the House the following resolution of the Senate.

The Clerk read as follows:

IN THE SENATE OF THE UNITED STATES,
*February 8, 1916.*

*Resolved*, That the Secretary be directed to request the House of Representatives to return to the Senate Senate joint resolution 81, entitled "Joint resolution authorizing the Secretary of the Navy to receive for instruction at the United States Naval Academy, at Annapolis, Mr. Carlos Hevia y Reyes Gavilán, a citizen of Cuba.

Attest:

JAMES M. BAKER, *Secretary.*

The SPEAKER pro tempore. Without objection, the request is granted.

There was no objection.

## SENATE BILLS AND JOINT RESOLUTION REFERRED.

Under clause 2, Rule XXIV, Senate bills and joint resolution of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 2520. An act granting to the State of Nevada 7,000,000 acres of land in said State for the use and benefit of the public schools of Nevada and the State University of the State of Nevada; to the Committee on the Public Lands.

S. 377. An act providing for the establishment of a term of the district court for the middle district of Tennessee at Winchester, Tenn.; to the Committee on the Judiciary.

S. 4308. An act to purchase a site and erect thereon a suitable building for post-office and other governmental offices at Sandusky, Ohio, and for other purposes; to the Committee on Public Buildings and Grounds.

S. J. Res. 62. Joint resolution extending the time for filing the final report of the Joint Committee to Investigate Rural Credits; to the Committee on Banking and Currency.

## ENROLLED JOINT RESOLUTION SIGNED.

The SPEAKER announced his signature to enrolled joint resolution of the following title:

S. J. Res. 76. Joint resolution authorizing the Secretary of War to loan 1,000 tents and 1,000 cots for the use of the encampment of the United Confederate Veterans to be held at Birmingham, Ala., in May, 1916.

## ENROLLED BILL PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. LAZARO, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bill:

H. R. 4954. An act directing the Secretary of War to reconvey a parcel of land to the Anshe Chesed Congregation, Vicksburg, Miss.

## ADJOURNMENT.

Mr. KITCHIN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 30 minutes p. m.) the House adjourned to meet to-morrow, Thursday, February 10, 1916, at 12 o'clock noon.

## EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of the Treasury, transmitting a supplemental estimate of an appropriation required by the United States Public Health Service for the fiscal year ending June 30, 1917 (H. Doc. No. 666); to the Committee on Appropriations and ordered to be printed.

2. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report on reexamination of Grand River, Mich. (H. Doc. No. 667); to the Committee on Rivers and Harbors and ordered to be printed, with illustrations.

3. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report on reexamination of Arcadia Harbor, Mich. (H. Doc. No. 668); to the Committee on Rivers and Harbors and ordered to be printed, with illustrations.

4. A letter from the Secretary of State, transmitting a report and a supplemental report made by the commissioner in charge of the water work of the Mexican Boundary Commission in compliance with the requirements of the Diplomatic and Consular appropriation act approved March 4, 1915; to the Committee on Foreign Affairs.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. HENRY, from the Committee on Rules, to which was referred the resolution (H. Res. 129) governing the consideration of H. R. 9419 and H. R. 10405, reported the same without amendment, accompanied by a report (No. 158), which said resolution and report were referred to the House Calendar.

He also, from the same committee, to which was referred the resolution (H. Res. 128) governing the consideration of H. R. 10384, reported the same without amendment, accompanied by a report (No. 159), which said resolution and report were referred to the House Calendar.

Mr. TAYLOR of Colorado, from the Committee on the Public Lands, to which was referred the bill (H. R. 2744) to correct title to certain lands in Colorado, reported the same with amendment, accompanied by a report (No. 161), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. FIELDS, from the Committee on Military Affairs, to which was referred the joint resolution (H. J. Res. 146) authorizing the Secretary of War to loan, issue, or use quartermaster's and medical supplies for the relief of destitute persons in the districts overflowed by the Mississippi River and its tributaries, reported the same with amendment, accompanied by a report (No. 162), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

## REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. SHERWOOD, from the Committee on Invalid Pensions, to which was referred the bill (S. 3518) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors, reported the same with amendment, accompanied by a report (No. 157), which said bill and report were referred to the Private Calendar.

Mr. YOUNG of North Dakota, from the Committee on Claims, to which was referred the bill (H. R. 2534) to adjust the claims of certain settlers in Sherman County, Oreg., reported the same with amendment, accompanied by a report (No. 160), which said bill and report were referred to the Private Calendar.

## CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on the Public Lands was discharged from the consideration of the bill (H. R. 4296) for the relief of Alexander Read, and the same was referred to the Committee on Claims.

## PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. DAVENPORT: A bill (H. R. 11148) transferring the counties of Osage and Pawnee from the western judicial district of the United States court in the State of Oklahoma to the eastern judicial district of said court in said State, for judicial purposes; to the Committee on the Judiciary.

By Mr. CARTER of Oklahoma: A bill (H. R. 11149) to establish a fish-hatching and fish-cultural station in the State of Oklahoma; to the Committee on the Merchant Marine and Fisheries.

By Mr. ASWELL: A bill (H. R. 11150) for the relief of mail contractors; to the Committee on Claims.

By Mr. SMITH of Texas: A bill (H. R. 11151) authorizing the Secretary of the Interior to make further survey of the Pecos River and Valley in Texas and New Mexico, to determine the feasibility and cost of an irrigation project thereon, and to make an appropriation for such survey; to the Committee on Irrigation of Arid Lands.

By Mr. KALANIANAOLE: A bill (H. R. 11152) to provide retirement pay in certain cases for judges of United States district courts in the Territories; to the Committee on the Judiciary.

By Mr. HASTINGS: A bill (H. R. 11153) to provide for an annual per capita payment to the Choctaws and Chickasaws; to the Committee on Indian Affairs.

Also, a bill (H. R. 11154) making an appropriation in aid of the common schools in the Cherokee, Creek, Choctaw, Chickasaw, Seminole, and Osage Nations and the Quapaw Agency in Oklahoma; to the Committee on Indian Affairs.

By Mr. DARROW: A bill (H. R. 11155) to amend section 1754 of the Revised Statutes of the United States; to the Committee on Reform in the Civil Service.

By Mr. SMITH of Texas: A bill (H. R. 11156) to authorize the Secretary of the Interior to cause to be appraised and to sell the Boise & Arrowrock Railroad, and for other purposes; to the Committee on Irrigation of Arid Lands.

By Mr. EDWARDS: A bill (H. R. 11157) to amend an act entitled "An act to supplement existing laws against unlawful restraints and monopolies, and for other purposes," approved October 15, 1914; to the Committee on the Judiciary.

By Mr. KING: A bill (H. R. 11158) establishing an armory plant for the purpose of manufacturing firearms at or near the city of Quincy, Ill.; to the Committee on Military Affairs.

By Mr. ADAMSON: A bill (H. R. 11159) extending certain privileges to the judge, the district attorney, and the marshal of the Canal Zone; to the Committee on the Judiciary.

By Mr. WALKER: A bill (H. R. 11160) to repeal an act to establish a uniform system of bankruptcy throughout the United States, approved July 1, 1898, and all amendments thereto; to the Committee on the Judiciary.

By Mr. STEPHENS of Nebraska: A bill (H. R. 11161) providing for the taxation of the lands of the Winnebago Indians and the Omaha Indians in the State of Nebraska; to the Committee on Indian Affairs.

By Mr. TAYLOR of Colorado: A bill (H. R. 11162) to amend an act entitled "An act to authorize entry of the public lands by incorporated cities and towns for cemetery and park purposes," approved September 30, 1890, and for other purposes; to the Committee on the Public Lands.

By Mr. CLARK of Missouri: A bill (H. R. 11163) increasing the number of cadets at the United States Military Academy; to the Committee on Military Affairs.

By Mr. KEARNS: A bill (H. R. 11164) authorizing the Secretary of War to deliver to the village of Russellville, Brown County, Ohio, one condemned bronze or brass cannon, with the carriage and a suitable outfit of cannon balls; to the Committee on Military Affairs.

By Mr. GARDNER: A bill (H. R. 11165) to provide suitable medals for the officers and crew of the United States vessel of war *Kearsarge;* to the Committee on Naval Affairs.

Also, a bill (H. R. 11166) to provide badges and ribbons for officers and men now or formerly of the Volunteer and Regular Army who participated in engagements or campaigns deemed worthy of such commemoration; to the Committee on Military Affairs.

By Mr. AIKEN: A bill (H. R. 11167) to provide for the construction of a public building at Greenwood, S. C.; to the Committee on Public Buildings and Grounds.

By Mr. TALBOTT: A bill (H. R. 11168) granting 30 days' leave of absence in each year, without forfeiture of pay during such leave, to employees at the United States navy yards, gun

factories, naval stations, and arsenals; to the Committee on Naval Affairs.

By Mr. CROSSER: Resolution (H. Res. 131) authorizing a subcommittee of the Committee on the District of Columbia to make certain investigations relative to the central heating, lighting, and power plant in the District of Columbia; to the Committee on Rules.

By Mr. OLNEY: Resolution (H. Res. 132) authorizing the printing of the annual report of the Chief of Bureau of Foreign and Domestic Commerce to the Secretary of Commerce for the fiscal year ended June 30, 1915; to the Committee on Printing.

By Mr. HUMPHREYS of Mississippi: Resolution (H. Res. 133) authorizing the chairman of the Committee on Flood Control to appoint a clerk and a messenger for said committee; to the Committee on Accounts.

By Mr. HAYDEN: Resolution (H. Res. 134) authorizing the codification of the laws relating to Indian affairs; to the Committee on Indian Affairs.

By Mr. NORTON: Resolution (H. Res. 135) to discharge the Banking and Currency Committee from further consideration of H. R. 393 and H. R. 6838, providing for a system of rural credits, and to consider said bills in the House; to the Committee on Rules.

By Mr. CLARK of Florida: Joint resolution (H. J. Res. 147) looking to the restoration of peace; to the Committee on Foreign Affairs.

By Mr. MILLER of Delaware: Memorial from the General Assembly of the State of Delaware, relative to the Federal migratory bird act; to the Committee on Agriculture.

## PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ADAIR: A bill (H. R. 11169) granting an increase of pension to Harry R. Buckmaster; to the Committee on Invalid Pensions.

By Mr. ALMON: A bill (H. R. 11170) granting a pension to Sarah M. Harris; to the Committee on Pensions.

Also, a bill (H. R. 11171) for the relief of Henry C. Armistead, sr.; to the Committee on War Claims.

Also, a bill (H. R. 11172) granting a pension to Mary Elizabeth Presnell; to the Committee on Invalid Pensions.

By Mr. BORLAND: A bill (H. R. 11173) granting an increase of pension to Emily Whitney; to the Committee on Invalid Pensions.

By Mr. CARLIN: A bill (H. R. 11174) granting an increase of pension to John H. Agner; to the Committee on Pensions.

By Mr. CARTER of Oklahoma: A bill (H. R. 11175) granting an increase of pension to William F. McLean; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11176) granting a pension to Mrs. J. T. Bottoms; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11177) to remove the charge of desertion from the name of George W. Smith; to the Committee on Military Affairs.

Also, a bill (H. R. 11178) for the relief of James M. Ray; to the Committee on Military Affairs.

Also, a bill (H. R. 11179) granting an increase of pension to Malinda K. McGowen; to the Committee on Invalid Pensions.

By Mr. CASEY: A bill (H. R. 11180) granting an increase of pension to Ellen M. Hoover; to the Committee on Invalid Pensions.

By Mr. CULLOP: A bill (H. R. 11181) granting a pension to Sarah F. Reed; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11182) granting an increase of pension to Stephen Skeen; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11183) granting a pension to Virgile O. Adams; to the Committee on Pensions.

By Mr. DIES: A bill (H. R. 11184) for the relief of the heirs of the late Seymore White; to the Committee on Claims.

Also, a bill (H. R. 11185) for the relief of the heirs of the late A. B. Pedigo; to the Committee on Claims.

Also, a bill (H. R. 11186) for the relief of Joshua H. Truitt and the legal representative of James Truitt, deceased; to the Committee on Claims.

By Mr. DOOLING: A bill (H. R. 11187) granting a pension to Anna Cole; to the Committee on Invalid Pensions.

By Mr. DYER: A bill (H. R. 11188) granting a pension to Fritz Hintermeier; to the Committee on Pensions.

By Mr. FINLEY: A bill (H. R. 11189) for the relief of the heirs of James Henry Taylor and Angie Taylor, deceased; to the Committee on War Claims.

By Mr. FOCHT: A bill (H. R. 11190) granting an increase of pension to William Hockenbroucht; to the Committee on Invalid Pensions.

By Mr. GALLAGHER: A bill (H. R. 11191) for the relief of Daniel D. Dorsey; to the Committee on Military Affairs.

By Mr. GANDY: A bill (H. R. 11192) granting a pension to Michael Nelson; to the Committee on Pensions.

Also, a bill (H. R. 11193) granting a pension to Ernest Blaseg; to the Committee on Pensions.

By Mr. GILLETT: A bill (H. R. 11194) for the relief of Albert W. Phelps; to the Committee on Claims.

By Mr. HICKS: A bill (H. R. 11195) for the relief of Jennette Hooker Powell; to the Committee on the Public Lands.

By Mr. HOLLINGSWORTH: A bill (H. R. 11196) granting a pension to Emory French; to the Committee on Pensions.

Also, a bill (H. R. 11197) granting a pension to Conrad Pearch; to the Committee on Invalid Pensions.

By Mr. KEARNS: A bill (H. R. 11198) granting an increase of pension to Mary Fieber; to the Committee on Invalid Pensions.

By Mr. LITTLEPAGE: A bill (H. R. 11199) granting a pension to William E. Crookshanks; to the Committee on Pensions.

Also, a bill (H. R. 11200) granting an increase of pension to W. D. Medley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11201) granting an increase of pension to George W. Conley; to the Committee on Invalid Pensions.

By Mr. LLOYD: A bill (H. R. 11202) granting an increase of pension to James F. Dowis; to the Committee on Invalid Pensions.

By Mr. LOBECK: A bill (H. R. 11203) granting an increase of pension to Margaretha R. Schnake; to the Committee on Invalid Pensions.

By Mr. McCLINTIC: A bill (H. R. 11204) for the relief of John H. McAtee; to the Committee on Military Affairs.

Also, a bill (H. R. 11205) granting a pension to Charity E. Armstrong; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11206) granting a pension to Henry T. Barnard; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11207) granting a pension to Robert E. Jones; to the Committee on Pensions.

By Mr. McCULLOCH: A bill (H. R. 11208) granting a pension to Anna D. Johnson; to the Committee on Pensions.

Also, a bill (H. R. 11209) granting a pension to Mary C. Kaiser; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11210) granting an increase of pension to George B. Cock; to the Committee on Invalid Pensions.

By Mr. McKENZIE: A bill (H. R. 11211) granting a pension to Anna Schmieg; to the Committee on Pensions.

By Mr. MAHER: A bill (H. R. 11212) granting a pension to Elizabeth McGuiness; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11213) granting a pension to Mary Julian Conway; to the Committee on Pensions.

By Mr. MILLER of Delaware: A bill (H. R. 11214) granting an increase of pension to John E. Louer; to the Committee on Pensions.

By Mr. MORGAN of Louisiana: A bill (H. R. 11215) for the relief of the heirs of Isabella Ann Fluker; to the Committee on Claims.

Also, a bill (H. R. 11216) for the relief of the heirs of Henry Ware, deceased; to the Committee on War Claims.

By Mr. NORTH: A bill (H. R. 11217) granting a pension to David W. Craft; to the Committee on Invalid Pensions.

By Mr. OAKEY: A bill (H. R. 11218) granting an increase of pension to Lucinda Atwood; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11219) granting a pension to Charles C. Dougherty; to the Committee on Pensions.

By Mr. OLNEY: A bill (H. R. 11220) granting an increase of pension to Mary I. Toothaker; to the Committee on Invalid Pensions.

By Mr. POU (by request): A bill (H. R. 11221) granting a pension to George M. Griffith; to the Committee on Pensions.

Also, a bill (H. R. 11222) granting an increase of pension to Frederick M. Hood; to the Committee on Pensions.

By Mr. PRICE: A bill (H. R. 11223) for the relief of the heirs of William W. Quinn; to the Committee on War Claims.

By Mr. RUBEY: A bill (H. R. 11224) granting an increase of pension to Charles H. Shreeve; to the Committee on Invalid Pensions.

By Mr. RUCKER: A bill (H. R. 11225) granting an increase of pension to Harriet Francis; to the Committee on Invalid Pensions.

By Mr. RUSSELL of Missouri: A bill (H. R. 11226) granting a pension to Columba Long; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11227) granting a pension to Rosa Long; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11228) granting a pension to James Capehart; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11229) granting a pension to E. G. Friend; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11230) granting an increase of pension to William R. Whittaker; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11231) granting a pension to Thomas Lathrop; to the Committee on Invalid Pensions.

By Mr. SHERLEY: A bill (H. R. 11232) granting an increase of pension to Mary Rice; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11233) granting a pension to Martin Fahey; to the Committee on Pensions.

Also, a bill (H. R. 11234) granting an increase of pension to Catherine Hogg; to the Committee on Invalid Pensions.

By Mr. SHERWOOD: A bill (H. R. 11235) granting an increase of pension to Anna Z. Monson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11236) granting an increase of pension to Kate M. Miller; to the Committee on Invalid Pensions.

By Mr. SMITH of Minnesota: A bill (H. R. 11237) granting a pension to John C. Swalm; to the Committee on Pensions.

By Mr. STEPHENS of Texas: A bill (H. R. 11238) to repeal the act of January 1, 1889 (25 Stat. L., 639), entitled "An act granting to Citrous Water Co. right of way across Papago Indian Reservation, in Maricopa County, Ariz."; to the Committee on Indian Affairs.

By Mr. STINESS: A bill (H. R. 11239) granting an increase of pension to Amelia S. Smith; to the Committee on Invalid Pensions.

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## PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Memorial of Synod of the Episcopal Church of the Southwest, urging that more chaplains be provided for the Army and Navy; to the Committee on Military Affairs.

Also (by request), petition of Council of the Jefferson Street Presbyterian Church, of St. Charles, Mo., for national constitutional prohibition amendment; to the Committee on the Judiciary.

Also (by request), memorial of Christian Endeavor Union, urging prohibition in the District of Columbia; to the Committee on the District of Columbia.

Also (by request), memorial of Christian Endeavor Union of the District of Columbia, remonstrating against passage of House bill 10625; to the Committee on the District of Columbia.

Also (by request), memorial of Christian Endeavor of the District of Columbia, favoring Federal censorship of motion-picture films; to the Committee on Education.

By Mr. ALLEN: Memorial of Ohio State Association of Architects, relative to the Barber contract, Department of Justice; to the Committee on Public Buildings and Grounds.

By Mr. ASHBROOK: Evidence to accompany House bill 5839, for relief of Nancy J. Debolt; to the Committee on Invalid Pensions.

Also, petition of the Chatham (Ohio) Men's Club, the Fredericktown (Ohio) Methodist Episcopal Church, Rev. Alfred C. Kace and 37 other citizens, of Keene, Ohio, in favor of House joint resolutions 84 and 85; to the Committee on the Judiciary.

Also, petition of L. B. Blackledge and 56 other citizens, of Fredericktown, Ohio, in favor of national prohibition; to the Committee on the Judiciary.

Also, petition of Henry H. Carter and 19 other citizens of Hebron, Ohio, against House bills 491 and 6468; to the Committee on the Post Office and Post Roads.

By Mr. BACHARACH: Petition of firemen of Atlantic City, N. J., in re House bill 433; to the Committee on the District of Columbia.

By Mr. BAILEY: Petition of Johnstown (Pa.) branch of the German-American Alliance of Pennsylvania, in re the contemplated changes in the judicial code of the United States; to the Committee on the Judiciary.

Also, petition of Johnstown (Pa.) branch of German-American Alliance, favoring an embargo on arms and ammunition; to the Committee on Foreign Affairs.

Also, petition of Johnstown (Pa.) branch of German-American Alliance, opposing national prohibition; to the Committee on the Judiciary.

Also, petition of Johnstown (Pa.) branch of German-American Alliance, favoring House bill 702, the dyestuff bill; to the Committee on Ways and Means.

Also, petition of Fred C. Pate, M. E. Slagenhoupt, W. H. Straub, J. F. Murdock, George T. Jacobs & Bro., Harold S. Smith Co., Blackburn Hardware Co., and John R. Dull, of Bedford; M. H. Kramer, William J. Sheavly, Diehl & Hershiser, Charles R. Rhodes, E. B. Bruner, E. W. Light, A. G. Crabbe, O. D. Blair, and H. H. Deaver, of Hyndman, all of the State of Pennsylvania, for the taxation of mail-order houses; to the Committee on Ways and Means.

By Mr. BROWNING: Petition of Castle Kid Co., manufacturers of leather, Camden, N. J., for passage of House bill 702, the dyestuff bill; to the Committee on Ways and Means.

By Mr. CANNON: Petition of sundry citizens of Oakland, Ill., in favor of national constitutional prohibition amendment; to the Committee on the Judiciary.

Also, memorial of Local Union No. 335, International Union of the United Brewery Workmen of America, protesting against any national prohibition constitutional amendment; to the Committee on the Judiciary.

By Mr. COOPER of Ohio: Petitions of sundry citizens of Mahoning and Columbiana Counties, and Methodist Episcopal Church of Barber Center, all in the State of Ohio, favoring national prohibition; to the Committee on the Judiciary.

By Mr. CURRY: Petition by B. B. Davis, N. L. Watton, and Nat. Holt, of Stockton, Cal., against Federal censorship of motion pictures; to the Committee on Education.

By Mr. DALE of New York: Petition of Foreign Service Camp, No. 87, United Spanish War Veterans, relative to Army field clerks and their pay; to the Committee on Military Affairs.

Also, petition of citizens in Cooper Union, relative to revenue by income tax upon large incomes; to the Committee on Ways and Means.

By Mr. DEWALT: Petition of the Allentown Manufacturing Co., favoring tax on dyestuffs; to the Committee on Ways and Means.

By Mr. DRUKKER: Petition of S. Garelich, George J. Lichenstein, John Roberts, Joseph Walls, Charles K. Lichenstein, Patrick J. O'Neill, and Manuel Miller, favoring a tariff on dyestuffs; to the Committee on Ways and Means.

By Mr. DYER: Petition of Missouri Grain Dealers' Association, Mexico, Mo., favoring the grain grades bill; to the Committee on Agriculture.

By Mr. ESCH: Petition of International Union of the United Brewery Workmen of America, against national prohibition; to the Committee on the Judiciary.

By Mr. FESS: Petitions of 51 citizens of Xenia and Center Monthly Meeting of Friends, of Wilmington, Ohio, favoring national prohibition; to the Committee on the Judiciary.

By Mr. FINLEY: Papers to accompany bill for the relief of James Henry Taylor and Angie Taylor, deceased; to the Committee on War Claims.

By Mr. FLYNN: Petition of Foreign Service Camp, No. 87, United Spanish War Veterans, relative to Senate bill 2526 and House bill 632, for Army field clerks; to the Committee on Military Affairs.

Also, petition of Schenectady (N. Y.) Board of Trade, relative to Federal waterway improvements in upper Hudson River; to the Committee on Rivers and Harbors.

Also, petition of Archibald M. Symons, of New York City, in re House bill 9814; to the Committee on the Public Lands.

Also, petition of Bertha M. Latham, of New York City, in re House bill 9814; to the Committee on the Public Lands.

Also, memorial of citizens in Cooper Union, N. Y., relative to raising additional revenue by income tax upon large incomes; to the Committee on Ways and Means.

By Mr. FOCHT: Evidence in support of House bill 10609, for the relief of Della A. Daubenspeck; to the Committee on Pensions.

Also, evidence in support of House bill 11029, for the relief of George Rhule; to the Committee on Invalid Pensions.

By Mr. FOSS: Petition of Indianapolis Life Insurance Co., favoring preparedness; to the Committee on Military Affairs.

Also, petition of sundry citizens of Wilmette, Ill., favoring the Stevens standard-price bill; to the Committee on Interstate and Foreign Commerce.

By Mr. FULLER: Petition of Illinois Manufacturers' Association, favoring restoration of a protective tariff, to be followed by a permanent tariff commission; to the Committee on Ways and Means.

By Mr. GARNER: Memorial of the Synod of the Province of the Southwest of the Protestant Episcopal Church, relative to

chapels at all Army posts; to the Committee on Military Affairs.

Also, petition of business men of Cibolo, Tex., relative to tax on mail-order houses; to the Committee on Ways and Means.

By Mr. GILLETT: Petition of 47 citizens of Turners Falls, Mass., against tax on tooth paste as in war-revenue bill; to the Committee on Ways and Means.

By Mr. HOLLINGSWORTH: Petition of pastor and members of Slavic Presbyterian Church, of Mingo Junction, Ohio, for national constitutional prohibition amendment; to the Committee on the Judiciary.

Also, petition of Epworth League of Bergholz, Ohio, for national prohibition constitutional amendment; to the Committee on the Judiciary.

Also, petition of Rev. William Yenser and 11 citizens of Columbiana, Ohio, for national constitutional prohibition amendment; to the Committee on the Judiciary.

Also, petition of 35 citizens of East Liverpool, Ohio, and Chester, W. Va., against proposed emergency tax on tooth paste; to the Committee on Ways and Means.

Also, memorial of United Presbyterian Church and 32 citizens of St. Clairsville; Methodist Episcopal Church of Freeport; First Methodist Protestant Church and 38 citizens of Steubenville; Rev. Edwin A. Jester and 46 citizens of Wellsville, all in the State of Ohio, favoring national prohibition; to the Committee on the Judiciary.

Also, papers to accompany bill to pension Emory French; to the Committee on Pensions.

By Mr. HILL: Petition of George H. Meigs, of Rochester, and W. C. V. Duirin, of Olean, all in the State of New York, favoring tax on dyestuffs; to the Committee on Ways and Means.

Also, petition of Richards & Co., Celluloid Zapan Co., and Boston Artificial Leather Co., of Stamford, Conn., in favor of House bill 702, the dyestuff bill; to the Committee on Ways and Means.

By Mr. LONGWORTH: Petitions of Mount Lookout Methodist Episcopal Church, young men and women of First Presbyterian Church, and citizens of Cincinnati, and citizens of Newton, all in the State of Ohio, favoring national prohibition; to the Committee on the Judiciary.

By Mr. LOUD: Petition of 17 members of Mount Vernon Grange, No. 992, of Isabella County, Mich., against preparedness; to the Committee on Military Affairs.

By Mr. MAGEE: Petition of F. E. Allen and others, of Syracuse, N. Y., favoring preparedness; to the Committee on Military Affairs.

By Mr. MATTHEWS: Petitions of Presbyterian Sunday School and 35 citizens of Delphos; First Methodist Episcopal Church and 58 citizens of Van Wert; First Baptist Church of Defiance; Methodist Episcopal Church and 46 citizens of Leipsic, all in the State of Ohio, favoring national prohibition; to the Committee on the Judiciary.

By Mr. MEEKER: Petitions of the Phelan-Faust Paint Manufacturing Co. and California Tanning Co., of St. Louis, Mo., favoring tax on dyestuffs; to the Committee on Ways and Means.

Also, petitions of International Brotherhood of Blacksmiths and Helpers, Local 12; George W. Davis; Fred Voss, jr.; Arthur Hoelzer; F. Klages; Charles W. Robbins; and William Friederich, all of St. Louis, Mo., praying for the passage of the Burnett immigration bill; to the Committee on Immigration and Naturalization.

Also, petitions of 2,500 citizens of St. Louis, Mo., members of the United Brewery Workmen, against national prohibition; to the Committee on the Judiciary.

Also, petition of citizens of St. Louis, Mo., favoring militia pay bill; to the Committee on Military Affairs.

Also, petition of 75 citizens of St. Louis, Mo., protesting against an emergency tax on tooth paste; to the Committee on Ways and Means.

Also, petition of the Koeber-Brenner Co., St. Louis, Mo., favoring Stevens standard-price bill; to the Committee on Interstate and Foreign Commerce.

By Mr. MOORE of Pennsylvania: Petitions of George Krents, August Snyder & Sons, and others, of Philadelphia, Pa., favoring embargo on arms, etc.; to the Committee on Foreign Affairs.

By Mr. MILLER of Delaware: Evidence in support of House bill 11123, granting an increase of pension to Anna L. Cooper; to the Committee on Invalid Pensions.

By Mr. PAIGE of Massachusetts: Papers to accompany House bill 11128, for relief of Lorenzo Harris; to the Committee on Invalid Pensions.

By Mr. PHELAN: Petitions of Donohoe Bros. Tea Co. and Clinton G. Mills, of Lynn; Plymouth Mills, of Lawrence; and Nathan H. Poor & Co., of Lawrence, Mass., favoring tax on dyestuffs; to the Committee on Ways and Means.

By Mr. ROWE: Petition of Central Union Label Council of Greater New York, in favor of the Booher bill (H. R. 6871); to the Committee on Interstate and Foreign Commerce.

Also, petition of Richard Young Co., of New York City, for House bill 702, the dyestuffs bill; to the Committee on Ways and Means.

Also, petitions of John T. Barry, of New York City, and William M. Carroll, also of New York, protesting against any curtailment of mail deliveries in New York; to the Committee on the Post Office and Post Roads.

By Mr. RUSSELL of Ohio: Petition of the Piqua (Ohio) Handle & Manufacturing Co., favoring tax on dyestuffs; to the Committee on Ways and Means.

Also, petitions of United Brethren Church, of Piqua, and Lutheran Sunday School and 26 citizens of Tippecanoe City, Ohio, favoring national prohibition; to the Committee on the Judiciary.

By Mr. SHACKLEFORD: Memorial of D. C. Hardy and 150 other business men of Missouri, favoring tax on mail-order houses; to the Committee on Ways and Means.

By Mr. SMITH of Idaho: Papers to accompany House bill 11060, granting an increase of pension to Henry F. Bailey; to the Committee on Invalid Pensions.

By Mr. STINESS: Memorial of Rockville (R. I.) Sabbath School, favoring national prohibition; to the Committee on the Judiciary.

Also, petition of Local Union No. 245, of Providence, R. I., International Union of the United Brewery Workmen of America, against national prohibition; to the Committee on the Judiciary.

Also, memorial of Rhode Island Retail Liquor Dealers' Association, against any additional tax on beer, etc.; to the Committee on Ways and Means.

Also, petition of Brown Bros. Co., of Providence, R. I., favoring tax on dyestuffs; to the Committee on Ways and Means.

By Mr. TILSON: Petition of citizens of Glenbrook, Conn., favoring preparedness; to the Committee on Military Affairs.

Also, petition of Pasquale Marcello and others, of New Haven, Conn., favoring the Kern-McGillicuddy workmen's compensation bill; to the Committee on the Judiciary.

By Mr. WASON: Resolutions of Mount Pleasant Council No. 7, Sons and Daughters of Liberty, of Nashua, N. H., favoring the passage of the Burnett immigration bill; to the Committee on Immigration and Naturalization.

## SENATE.

### THURSDAY, *February 10, 1916.*

*(Continuation of the legislative day of Wednesday, Feb. 9, 1916.)*

The Senate reassembled in executive session at 12 o'clock meridian, on the expiration of the recess.

After 5 hours and 25 minutes spent in executive session the Senate, in executive session (at 5 o'clock and 25 minutes p. m.), took a recess until to-morrow, Friday, February 11, 1916, at 12 o'clock meridian.

### NOMINATIONS.

*Executive nominations received by the Senate February 10 (legislative day of February 9), 1916.*

SOLICITOR FOR THE DEPARTMENT OF THE INTERIOR.

Alexander T. Vogelsang, of San Francisco, Cal., to be Solicitor for the Department of the Interior, vice Preston C. West, whose resignation takes effect at the close of business February 10, 1916.

PROMOTIONS IN THE ARMY.

CAVALRY ARM.

First Lieut. Richard W. Walker, Twelth Cavalry, to be captain from February 9, 1916, vice Capt. Douglas H. Jacobs, Cavalry, unassigned, who died February 8, 1916.

Second Lieut. Elbert E. Farman, jr., Second Cavalry, to be first lieutenant from February 9, 1916, vice First Lieut. Richard W. Walker, Twelfth Cavalry, promoted.

PROMOTIONS IN THE NAVY.

Lieut. (Junior Grade) Archibald D. Turnbull to be a lieutenant in the Navy from the 7th day of September, 1915.

Ensign Willard E. Cheadle to be a lieutenant (junior grade) in the Navy from the 8th day of June, 1915.

Paymaster's Clerk John J. Lynch to be a chief pay clerk in the Navy from the 1st day of July, 1915.

## HOUSE OF REPRESENTATIVES.

THURSDAY, *February 10, 1916.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

O Lord, our God and our Savior, in whom there is no shadow of turning, make us faithful to the great principles of our religion that our "virtue may be the courage of faith, our cheerfulness the patience of hope, and our life the example of charity," that when we shall be called upon to quit the familiar scenes of this earthly life we shall hear the words, sweeter than all music, "Well done, good and faithful servant; enter thou into the joy of thy Lord." In the spirit of Him who said, "I am the way, and the truth, and the life; no man cometh unto the Father but by Me." Amen.

The Journal of the proceedings of yesterday was read and approved.

### MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Tulley, one of its clerks, announced that the Senate had passed bills and concurrent resolution of the following titles, in which the concurrence of the House was requested:

S. 707. An act for the relief of Beverly E. Whitehead;

S. 3205. An act to amend "An act to protect the birds and animals in Yellowstone National Park and to punish crimes in said park, and for other purposes," approved May 7, 1894;

S. 683. An act prohibiting the use of the name of any Member of either House of Congress or of any officer of the Government by any person or corporation practicing before the Patent Office in advertising his business;

S. 1809. An act to create an additional judge in the district of New Jersey; and

Senate concurrent resolution 12.

Whereas in countries now engaged in war there are several hundreds of thousands of Armenians in need of food, clothing, and shelter; and

Whereas great numbers of them have been required by conditions growing out of the state of war to leave their homes and their property, deprived of opportunity to make provision for their most elementary wants, causing starvation, disease, and untold suffering; and

Whereas the people of the United States of America have learned with sorrow of this terrible plight of great numbers of human beings and have most generously responded to the cry for help whenever such an appeal has reached them: Therefore be it

*Resolved by the Senate (the House of Representatives concurring)*, That, in view of the misery, wretchedness, and hardships which these people are suffering, the President of the United States be respectfully asked to designate a day on which the citizens of this country may give expression to their sympathy by contributing to the funds now being raised for the relief of the Armenians in the belligerent countries.

### SENATE BILLS AND RESOLUTION REFERRED.

Under clause 2 of Rule XXIV, Senate concurrent resolution and bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below;

Senate concurrent resolution 12.

Whereas in countries now engaged in war there are several hundreds of thousands of Armenians in need of food, clothing, and shelter; and

Whereas great numbers of them have been required by conditions growing out of the state of war to leave their homes and their property, deprived of opportunity to make provision for their most elementary wants, causing starvation, disease, and untold suffering; and

Whereas the people of the United States of America have learned with sorrow of this terrible plight of great numbers of human beings and have most generously responded to the cry for help whenever such an appeal has reached them: Therefore be it

*Resolved by the Senate (the House of Representatives concurring)*, That, in view of the misery, wretchedness, and hardships which these people are suffering, the President of the United States be respectfully asked to designate a day on which the citizens of this country may give expression to their sympathy by contributing to the funds now being raised for the relief of the Armenians in the belligerent countries—

to the Committee on Foreign Affairs.

S. 1351. An act providing for the discovery, development, and protection of streams, springs, and water holes in the desert and arid public lands of the United States in the State of California, for rendering the same more readily accessible, and for the establishment of and maintenance of signboards and monuments locating the same; to the Committee on the Public Lands.

S. 2519. An act to encourage the reclamation of certain arid lands in the State of Nevada, and for other purposes; to the Committee on Irrigation of Arid Lands.

S. 683. An act prohibiting the use of the name of any Member of either House of Congress or of any officer of the Government by any person, firm, or corporation practicing before the Patent Office in advertising his business; to the Committee on Patents.

S. 707. An act for the relief of Beverly E. Whitehead; to the Committee on Claims.

### FLOOD SUFFERERS.

Mr. GOODWIN of Arkansas. Mr. Speaker, I ask unanimous consent for the present consideration of the House joint resolution 146, which I send to the Clerk's desk.

The SPEAKER. The gentleman from Arkansas asks unanimous consent for the present consideration of a resolution which the Clerk will report.

The Clerk read as follows:

House joint resolution (H. J. Res. 146) authorizing the Secretary of War to loan, issue, or use quartermaster's and medical supplies for the relief of destitute persons in the districts overflowed by the Mississippi River and its tributaries.

*Resolved, etc.*, That the Secretary of War be, and he is hereby, authorized to loan, issue, or use such tents, provisions, and supplies pertaining to the Quartermaster's and Medical Departments of the Army from any stores now on hand as he may deem necessary for the temporary relief of destitute persons in need of the same in the districts overflowed by the recent floods of the Mississippi River and its tributaries under such regulations for the care and return of articles not consumed in the use as he may deem necessary.

The SPEAKER. Is there objection?

Mr. MANN. Reserving the right to object, Mr. Speaker, a similar matter is pending before the Committee on Appropriations, being a bill or resolution coming over here from the Senate. I understand that the Committee on Rules also has authorized the report of a rule to make this in order, and I do not think it ought to be considered by unanimous consent.

The SPEAKER. The gentleman from Illinois [Mr. MANN] objects.

Mr. HENRY. Mr. Speaker, I offer a privileged resolution from the Committee on Rules.

The SPEAKER. The Clerk will report it.

The Clerk read as follows:

House resolution 136 (H. Rept. 164).

*Resolved*, That immediately upon the adoption of this resolution it shall be in order to consider in the House, as in the Committee of the Whole, House joint resolution 146.

Mr. HENRY. Mr. Speaker, the resolution is intended to take up immediately for consideration the resolution just offered by the gentleman from Arkansas [Mr. GOODWIN]. Of course, the effect of it is understood by every Member and that the House will proceed at once to consider House joint resolution No. 146.

Mr. SHERLEY. Will the gentleman permit an interruption?

Mr. HENRY. Yes.

Mr. SHERLEY. I have just been able to come on the floor, having been in committee. I understand the gentleman is proposing a rule to make in order a resolution authorizing the War Department to issue certain supplies and sustenance to people in the flooded area in the South. Is that true?

Mr. HENRY. Yes. This resolution No. 146.

Mr. SHERLEY. The gentleman from Arkansas [Mr. GOODWIN] came to the committee yesterday to see Mr. FITZGERALD, who was absent, and I undertook, through the medium of the Red Cross, to get accurate information touching the situation at certain places, because the information that we obtain from the War Department is not at all in harmony with the information that is being received by Members of the House from their respective communities. I hope to have that information very shortly. It seems to me, perhaps it might be wise if this matter could be held up pending some of this information. The War Department has had an understanding with the Committee on Appropriations, which is similar to that which has been had before in matters of this kind, whereby in case of need they would issue tents and supplies, not rations, and such issuance would be ratified and taken care of by subsequent action of the committee and Congress. I question whether we ought to now proceed without getting some of this information.

Mr. ASWELL. Does not the gentleman think the War Department would still exercise its judgment?

Mr. SHERLEY. Here is what I frankly think: The War Department is now exercising its judgment. It has an understanding by which it has acted heretofore and will act now, except as to rations. The passage of this resolution will be considered by the War Department practically as an instruction by Congress to go ahead and grant relief, whether the circumstances are such as to warrant national relief being given or not.

Mr. ASWELL. The gentleman does not think the War Department would act in that way?

Mr. HENRY. Mr. Speaker, just one moment. I think some gentlemen are acting under misapprehension in regard to this. Now, I want the House to have the benefit of full information. This resolution, No. 146, was reported to the House by unanimous consent from the Committee on Military Affairs. If action is to be taken at all it is necessary to take immediate action. Representatives came before the Committee on Rules this morn-

ing and made this case so strong, showing the urgent necessity for very prompt action, that the Committee on Rules, without any objection, authorized the report of this special rule for the immediate consideration of the resolution reported unanimously by the Committee on Military Affairs.

Mr. KETTNER. Will the gentleman yield?

Mr. HENRY. Yes.

Mr. KETTNER. In answer to my friend from Kentucky [Mr. SHERLEY] I received several telegrams from San Diego. I think the Members have all seen in the daily papers in Washington that San Diego County has been washed out from one end to the other. I took the matter up with the War Department, and here is a letter that I received from there. I will send it to the Clerk's desk.

Mr. HENRY. This is not the San Diego case.

Mr. KETTNER. But this answers the same purpose.

The SPEAKER. Without objection, the Clerk will read the communication.

The Clerk read as follows:

WAR DEPARTMENT,
*Washington, January 22, 1916.*

Hon. WILLIAM KETTNER,
*House of Representatives.*

MY DEAR MR. KETTNER: I beg leave to acknowledge receipt of your letter, without date, received in the department on January 21, 1916, quoting a telegram received by you from San Diego, Cal., requesting that the War Department loan 50 tents, with full equipment for living purposes, to the flood sufferers at San Ysidro, Cal., and to inform you that, in view of the joint resolution approved March 2, 1913, published in paragraph I, Bulletin No. 32, War Department, October 13, 1913, copy herewith, which limits the loan of tents to the Grand Army of the Republic and the United Confederate Veterans, it is impracticable to meet the wishes of the flood sufferers of San Ysidro.

Regretting my inability, under the circumstances, to give you a more favorable response, I am,

Very sincerely, yours,

HENRY BRECKINRIDGE,
*Assistant Secretary of War.*

Mr. HENRY. Then, Mr. Speaker, I understand the gentleman contends that action by Congress is necessary in order to do this?

Mr. SHERLEY. The gentleman is mistaken, notwithstanding the letter of the Assistant Secretary. I called Gen. Aleshire up yesterday, who has this matter directly in charge, and who is at the head of the Quartermaster Department, and I did that in the presence of the gentleman from Arkansas [Mr. GOODWIN]. We have had an understanding with that department. It is true it is informal and strictly not legal, but it has been the practical way of dealing, because at times circumstances arise by which a resolution would not be prompt enough. They did it in the past, and the gentleman will find from an examination of the RECORD that Congress twice has ratified action by the Quartermaster Department in issuing tents and supplies under that sort of understanding.

Mr. HENRY. What sort of supplies, may I ask?

Mr. SHERLEY. Tents and clothing and cots. The whole thing here involved is whether the Federal Government shall now determine to issue rations, and upon that I think the Congress is entitled to know whether the situation is a State and local matter that ought to be attended to by the State or whether it is a Federal matter that we ought to deal with.

Mr. HENRY. That will come up when the resolution is taken up for consideration.

Mr. SHERLEY. But the trouble with that is that at the instance of the gentleman from Arkansas [Mr. GOODWIN] I had a request made of the Red Cross to inquire particularly into certain counties where he claimed the situation is acute and where our information was not to that effect. Now, I think that the House ought to be in a position to receive that latest information.

Mr. GOODWIN of Arkansas. Mr. Speaker, will the gentleman yield?

Mr. SHERLEY. Yes.

Mr. GOODWIN of Arkansas. The gentleman certainly does not mean to indicate to the House that I requested him to seek information from the Red Cross in the face of the flood of telegrams that I have received?

Mr. SHERLEY. No. I said that the information we had was contrary to that which he has been receiving. There have been put into the RECORD by the chairman of the Committee on Appropriations repeated statements from the War Department. I said in view of that fact I believed we ought to get the latest information, and then asked of the gentleman from Arkansas, and the gentleman gave me, names of counties in his district and some in districts of his colleagues, in order that we might make specific inquiry and get specific answers.

Mr. GOODWIN of Arkansas. Well, Mr. Speaker, I will say in reply to the gentleman that I have no disposition to cut him off from any information that he may receive. I am not, however, responsible for his lack of information, because these matters have been pressing upon me, as well as upon other Members from that part of the country, and the situation has assumed not a local, but, as we think, a national aspect.

Mr. SHERLEY. Mr. Speaker, if the gentleman will permit, there is no absence of information except of the very latest; and the information that has been put in this RECORD, and the information that was carried in one of the newspapers that the gentleman from Mississippi [Mr. HUMPHREYS] brought to the attention of the chairman of the committee, was to the effect that there was no need of rations at this particular time. Other information came that men who were able to help were refusing to work except at the extreme prices they were asking for their labor.

Now, every man wants to do the proper thing. I know the pressure that comes upon individual Members. I have had to stand up under it for a week past, when telegrams from my State have come to me concerning the flood; and yet the localities there have largely taken care of that situation, some of them with the help of voluntary contributions from my own city.

Mr. KETTNER. Mr. Speaker, will the gentleman yield?

Mr. HENRY. I yield.

Mr. KETTNER. Mr. Speaker, if the War Department has the discretionary power that the gentleman from Kentucky [Mr. SHERLEY] claims it has, I want to bear personal testimony to the fact that it will not use it. On the receipt of that letter I called upon the Assistant Secretary of War——

Mr. HENRY. Let me ask the gentleman this question.

Mr. KETTNER. I explained to him the situation in San Diego County. They have an Army post there. They had the tents and everything there, within 20 miles of this flood. There were hundreds of families that were swept down the river, with no place to go, and he told me personally that he could not let us have the tents.

Mr. HENRY. Mr. Speaker, the point I want to make is this: If the War Department should take action without Congress passing this resolution it would have to be reimbursed for the funds expended, and therefore it would be exceeding its authority, and therefore this legislation is necessary. Is that the idea?

Mr. SHERLEY. Not necessarily. It is not only the issuing of the tents and cots, but issuing rations. The War Department will consider action on this resolution as a direction to issue, whether in their judgment the circumstances warrant it or not.

Mr. HENRY. I think the circumstances warrant it, and I think they should act at once.

Mr. SHERLEY. That is a matter for debate.

Mr. GOODWIN of Arkansas. Mr. Speaker, will the gentleman yield?

Mr. HENRY. Yes; I yield.

Mr. GOODWIN of Arkansas. Mr. Speaker, in reply to the gentleman from Kentucky [Mr. SHERLEY], I will say that Members of Congress from the stricken districts have frequently gone to the War Department in person and have telephoned down there repeatedly for tents and cots, and upon every occasion we have been told that owing to the act of Congress referred to in the letter by Mr. Breckinridge, the Assistant Secretary of War, the issue of such tents and cots upon all occasions has been forbidden, except upon one or two occasions when Congress granted the specific authority to lend the tents to ex-Confederate veterans and posts of the Grand Army of the Republic. They have cited to me the letter written to Mr. KETTNER. I am familiar with that letter. On every occasion they have told us they could not supply us with their tents and cots.

Mr. SHERLEY. Does not the gentleman know that yesterday we had a talk with the Quartermaster General, after which he made the statement that he had that understanding with the committee?

Mr. GOODWIN of Arkansas. Yesterday afternoon, I will say in reply to the gentleman from Kentucky, he talked with one arm of the War Department and so did I, and officials of that department said that under authority of the Committee on Appropriations it had power to grant tents and cots when it was in an emergency necessary. Still, prior to that time, we repeatedly conferred with the War Department, both in person and by phone, and we have been told repeatedly that these things could not be supplied by the War Department.

Mr. OLDFIELD and Mr. BARKLEY rose.

The SPEAKER. To whom does the gentleman yield?

Mr. HENRY. I will yield to the gentleman from Arkansas [Mr. OLDFIELD].

Mr. OLDFIELD. Mr. Speaker, there seems to be some question here as to the need of supplies in the overflowed districts,

and also some question as to whether or not the War Department has authority to take care of the situation.

Now, Mr. Speaker, I want to say that the most serious situation confronts the people of parts of Arkansas that has confronted us since the Civil War. Here is a telegram that I have just received:

CLARENDON, ARK., *February 8, 1916.*

W. A. OLDFIELD,
*Washington, D. C.:*

If appropriation for flood sufferers is made, we speak for Monroe County. Property loss is enormous all over south end of county. Clarendon almost washed away. Water from 6 to 15 feet over entire town. Prospects are it will stay up two or three weeks. Conditions awful. We need money to care for sufferers. Can we hope for any aid? Answer.

R. F. MILWEE,
*Sheriff.*
J. P. LEE.
H. B. BATEMAN.
T. E. BATEMAN.
J. F. HURST,
*Postmaster.*
JNO. B. MOORE.
W. L. JEFFRIES.

Mr. Milwee is the sheriff of Monroe County; Mr. Lee is ex-lieutenant governor of Arkansas; Mr. Hurst is the postmaster of Clarendon; and Mr. H. B. Bateman, Mr. T. E. Bateman, Mr. John B. Moore, and Mr. W. L. Jeffries are distinguished citizens of Monroe County. These gentlemen are on the ground and know the situation. They do not ask alms, but the flood conditions have gotten beyond their control, and the people need Federal aid.

Now, Mr. Speaker, these gentlemen know the situation at Clarendon. It is a town of 4,000 people, the county seat of Monroe County. The water is from 6 to 15 feet deep over the city. It will take several days for the water to subside.

Mr. Speaker, no better people live anywhere than those whose names are signed to this telegram and I know they would not try to mislead Congress on this question which is so vital to our people. It makes no difference what the War Department says. The War Department has no representative at Clarendon. I think the officers of the War Department spend the most of their time on the Mississippi River, trying to keep the levees from breaking. I do not blame them because they no doubt are doing their duty as they see it, but they ought not to come here and try to prevent this House from giving needed and immediate relief.

Mr. Speaker, I hope this rule will be adopted, and then I trust the House will adopt the resolution providing for relief, and do it to-day. [Applause.]

Mr. BENNET. Will the gentleman yield?

Mr. HENRY. I yield to the gentleman from New York.

Mr. BENNET. Mr. Speaker, the distinguished officers of the War Department down in that section do request exactly what is covered by this joint resolution. I read from a letter inserted in the RECORD of February 8 by my colleague [Mr. FITZGERALD], chairman of the Committee on Appropriations, found on page 2571:

VICKSBURG, MISS., *February 5, 1916.*

CENGWAR, *Washington, D. C.:*

In order to provide adequate shelter for persons flooded in Arkansas will need 200 tents. Can furnish employment which will permit all to subsist themselves without Government or charitable assistance. Would urge that matter be handled through this office in order not to demoralize labor and poorer class of whites.

SLATTERY.

That is precisely what this resolution does.

Mr. SHERLEY. Will the gentleman yield?

Mr. BENNET. Yes.

Mr. SHERLEY. There is a request for tents. This resolution authorizes rations, and they say they do not need them. Now, what is being urged here is that we should supply money to feed these people.

Mr. BENNET. This resolution authorizes all that is necessary, including rations, and if at a later time rations as well as tents become necessary, the resolution covers that. There is no use coming into this House twice with the same thing. I was somewhat surprised at the suggestion of the gentleman from Arkansas that an officer of this Government said that upon the authority of a committee of this House he would proceed——

Mr. SHERLEY. The gentleman ought to be fair.

Mr. BENNET. I am fair.

Mr. SHERLEY. It is not fair to do Gen. Aleshire an injustice. Gen. Aleshire did not seek such an understanding; but if the gentleman had had the experience that had come to the committee on previous occasions of this kind he would have realized the advantage of an understanding of that sort. Frequently a situation is only local. It may overnight develop into one where aid must be given, and the department could not give it unless it had an understanding that its action would be ratified, or unless it waited until Congress acted. The purpose of this understanding was really to facilitate the giving of relief when relief was necessary.

Mr. BENNET. I will repeat that I was surprised at the statement made by the gentleman from Arkansas, and I was about to say to the House that I presumed that what the Quartermaster General probably meant was this, which happens in well-regulated governments, that if he had the assurance of the committee having to do with appropriations that the item would be taken care of in a deficiency appropriation, he would cover it, because he would know very well, if he had that assurance, that this House would in the future, as it always has in the past, back up the Committee on Appropriations when it reported that deficiency. And, of course, he would also know that the other remedy would not be applied against him, and that there would be no attempt to impeach him for doing what he had no right to do with Government supplies; but I absolutely deny that any officer of the Government, without authority of Congress, has a right to divert one single ration from the purpose to which it is devoted by the statute. Now, what these gentlemen from Arkansas are trying to do is to proceed in a regular, legal way to accomplish what heretofore, under administrations with which I have had more political sympathy, we have gone ahead and done. I do not criticize anyone for doing it, because sometimes an emergency makes one wink at the exact statute, where the demands of humanity require it; but these gentlemen from Arkansas are seeking to go ahead in a legal way to do what this Government has done time and time again in the past, by forgetting the statute for a moment, relying on the good sense, patriotism, and judgment of the House of Representatives to make it good afterwards, as the House of Representatives has always done. We ought not to criticize the gentlemen from Arkansas, because they are seeking to have us go ahead legally, instead of going ahead extra legally.

Mr. SHERLEY. Nobody is criticizing the gentlemen from Arkansas. The whole question is one of fact, and it is perfectly manifest from the experience of every man who has had a situation of this kind in his own district that the telegrams which he gets always overstate instead of understating the situation, and that Congress, if it is not to be swept off its feet, must look somewhat to impartial reports touching the magnitude of the situation before it acts. Now, it is not a question simply as to whether there is suffering there. We all admit that. It is a question whether a sovereign State has such suffering in its midst that it is not able properly to take care of it, and should not be asked to take care of.

Mr. BENNET. I will read what Col. Townsend, the engineer officer in charge of the district, says. Certainly he can not be accused of sending an emotional appeal. This is the report of the Government officer:

In the White River district—

That is the district of the gentleman from Arkansas [Mr. OLDFIELD]—

the waters from the Arkansas and White Rivers have flooded the country behind the levee for a long distance, so that it is impossible to obtain earth for levee protection without carrying it from one portion of the levee line to another, and I have limited high-water protection to the upper 40 miles and authorized an immediate expenditure of $25,000.

If the Government officer in charge of that work has authorized the immediate expenditure of $25,000, which evidently he has the statutory authority to do, for labor on the levees, the conditions there must be pretty bad.

Mr. SHERLEY. That does not prove anything.

Mr. BENNET. We are not putting the expenditure of this money into the hands of these local people at all. This joint resolution puts it in the hands of the Secretary of War and the Quartermaster General; and I, for one, am willing to trust the Quartermaster General of the United States that he will not improperly dispose of Government property. Of course, he will depend upon the reports of his officers on the ground, and I do not see how you can get any better evidence.

Mr. SHERLEY. If the gentleman will permit, he misses the whole point. It is not a question as to whether these people should be fed, but who shall feed them. The passage of this resolution will be taken by the War Department as an indication of the view of Congress that the Federal Government should feed them, and then the only question that they will determine will be whether there are people to be fed, and not the primary question whether the locality and the State are able to feed them.

Mr. BENNET. I know Col. Townsend and some of the other officers slightly. I do not think they are going to be swayed by emotion, or that they will consider this a direction by Congress. This is a permission. I will be frank to say in answer to the gentleman from Kentucky that if it does waste a few extra

rations, I, for one, prefer to err on the side of humanity than to stand here and quibble over the question whether a few crackers are going to be wasted, when people are suffering for food.

Mr. HENRY. Mr. Speaker, it seems to me that we are trying to proceed in an orderly way. My recollection is that when the war broke out in Europe we were prompt in appropriating money to send over there and bring a lot of globe-trotters back home. I think the gentleman from Kentucky helped to pass that legislation through the House. The people at home are suffering, and they are entitled to relief which has been accorded hundreds of times. Let us do it with the authority of Congress, use the power of the people to extend relief to these people, and do it now. There is no use for any delay.

Mr. COX. And several years ago we sent $800,000 over to Italy.

Mr. HENRY. Yes; as the gentleman says, several years ago we sent $800,000 to Italy. Why should anybody halt and quibble one minute about this House exercising its authority. [Applause.] I yield now to the gentleman from Wisconsin [Mr. LENROOT].

Mr. LENROOT. Mr. Speaker, I want to supplement what the gentleman from New York [Mr. BENNET] said. He read a telegram from Col. Townsend, whose headquarters are at St. Louis. If he had read the next telegram, which is one from Col. Dent, who is at Little Rock, Ark., on the ground, it would have shown this. He says:

No serious attempt to raise relief funds here. See no necessity for Federal aid.

Mr. SHERLEY. Now, Mr. Speaker, I want to give the House some information which I have just received. I have just received through the committee the following statement which I have not yet myself read:

The Red Cross has a man in Arkansas in the Desha County district who has money. He is handling the situation as best he can. Local committee has some money, and it looks as though the situation can be taken care of. The number of destitute not reported as very great.

Also a man in the White River country at Peach Orchard and Cotton Plant with money.

An appeal from Perry, Mo., being handled by a man in southern Illinois, with money, and relief being given to five towns above Cairo that are in distress.

Hickman, Ky.: Sent money to local committee and had a man there. Relief given to six places in that vicinity. Flood going down at Hickman and report that mills will soon open and give employment.

A call from Natchez, Miss., on the Mississippi side. Committee there with money and have made tentative appeal to Red Cross.

The sums of money sent to the field have not been large.

Mr. ASWELL. Where is the money coming from?

Mr. SHERLEY. From the Red Cross people; some for Hickman County comes from Louisville.

Mr. ASWELL. Has the gentleman any idea of the amount of money that is there?

Mr. SHERLEY. I have not.

Mr. BARKLEY. The Louisville Courier-Journal of this morning contains an appeal to people of Louisville for money for Hickman County.

Mr. SHERLEY. And I have no doubt it will be met with the same generous spirit that has characterized my city in behalf of the people who are suffering.

Mr. BARKLEY. I hope it will.

Mr. ASWELL. I have just had a personal conference, Mr. Speaker, with the War Department, and I was informed that that department had no authority to act in this situation. I asked the pointed question, What effect would the passage of this resolution have on the situation? and I was informed that the passage of this resolution would immediately clarify the situation, and the War Department would welcome it. I do not for a moment believe that the War Department would do anything other than the wise and proper thing, and I think it unfair to suggest that the War Department would use any of the tents or provisions or spend any money unwisely. I earnestly urge the passage of this resolution.

Mr. SHERLEY. Nobody has made any such suggestion. The suggestion is whether they shall furnish the provisions or the localities.

Mr. HENRY. Mr. Speaker, I yield to the gentleman from Kansas [Mr. CAMPBELL].

Mr. CAMPBELL. Mr. Speaker, whether in an emergency of this kind the War Department has authority or has not ought not to be raised in the House or elsewhere, and in the past such a question has not been raised. If the War Department hesitates to exercise its discretion in the interest of humanity at this time, there should be no delay whatever in hastening this resolution to a speedy passage.

I recall that within recent years the War Department has exercised its discretion and has acted, and that action has not been questioned on the floor of the House or in any other body. I recall that during the fire in San Francisco the general in command there, Gen. Funston, took charge at once and used rations and tents and other equipment under that command for the needy individuals who were the victims of that great calamity. If there are camp equipments and rations within the reach of any of the sufferers of this flood, which is an incident of nature similar to an earthquake in its destruction, I see no reason why immediate action should not be taken by the department; and if the department hesitates, Congress should not hesitate to pass speedily a resolution granting the authority.

Mr. HENRY. I yield to the gentleman from Arkansas [Mr. JACOWAY].

Mr. JACOWAY. Mr. Speaker, in discussing this resolution I desire to say to this House that the people of Arkansas are not beggars nor mendicants. The resolution presented to the House this morning is a resolution of vital interest to the people of the flooded districts of Arkansas, to the people of Missouri, to the people of Kentucky, to the people of Mississippi, and to the people of Louisiana. In these States recently the floods have wrought intense devastation to the people of these great Commonwealths.

I wish to say, further, that from the testimony adduced relative to this issue, in the form of telegrams from the governor of Arkansas and other State officers and daily press reports, when fully known and appreciated by this House and as recited in the CONGRESSIONAL RECORD and reflected in the daily press, show that we have a condition in these States that has gone far beyond the control of the people of these States. We feel that the National Government should give us the assistance as requested in the resolution, and give it to us now. [Applause.]

It has been given in times past to other sections of the country. I am not here to grudge the Federal aid given on former occasions to other great sections of our country. When you go into the record and let this body, sitting as a jury, judge what the testimony shows, you will be unalterably driven to the conclusion that the resolution is most meritorious and should pass and that we are justly entitled to same.

Mr. Speaker, in my district, in the city of Little Rock, we have two daily newspapers, both of them standing high in journalistic integrity, and what is reflected in the reports in those daily papers comes as a message to this House. I will not attempt to read all that is said in these newspapers, but I desire to quote a few of the headlines. In the Arkansas Gazette of February 6, 1916, I find on the front page the following headline:

Arkansas City inundated; may be swept away. All depends on whether weakened Mississippi River levees hold. Steamers stand by.

They are ready to give aid. In the Arkansas Democrat of February 5, 1916, I find the following:

Flood water now covers Lake Village.

Lake Village is a town of several thousand inhabitants.

Arkansas Gazette, February 7, 1916:

Fifteenth death in flood in Arkansas reported.

Mr. BORLAND. Mr. Speaker, will the gentleman yield?

Mr. JACOWAY. In just a minute. In another column I find the following: "Get out of Clarendon, Cole warns." Clarendon is a populous and representative city of several thousand inhabitants. The people in that town are preparing to leave the city, and in fact are leaving, because they face a condition which is not local or provincial, but which is national in its scope. There are many more, but I think to quote same is unnecessary.

Mr. BORLAND. Mr. Speaker, will the gentleman now yield?

Mr. JACOWAY. Yes.

Mr. BORLAND. The gentleman is reading from some newspapers from Arkansas, and they are probably dated two or three days back.

Mr. JACOWAY. Yes; two or three days old.

Mr. BORLAND. What is the date of them?

Mr. JACOWAY. The 6th and 7th of February, 1916.

Mr. BORLAND. Did not the gentleman just hear the statement read from the Red Cross that the flood at Hickman was going down?

Mr. JACOWAY. That is down the river below.

Mr. BORLAND. Is not that much later than the information the gentleman has in those newspapers?

Mr. JACOWAY. Mr. Speaker, I want to submit, further, that the Arkansas delegation in a body went down to the War Department and had a conference with Mr. Kingman, Chief of Engineers. Mr. Kingman stated that he did not want us to think that he was ungracious or unsympathetic, but stated he did not have the authority and said that before the War Department could act we would have to come first to this body

and first pass the resolution clothing the War Department with proper authority to act.

Mr. STAFFORD. Mr. Speaker, will the gentleman yield?

Mr. JACOWAY. Yes.

Mr. STAFFORD. The gentleman has cited conditions at Clarendon as published in the local papers of the 6th. I wish to call his attention to a telegram from one of our Army officers at that point concerning this same place, Col. Dent, as published in the RECORD and found at page 2276:

LITTLE ROCK, ARK., *February 6, 1916—9.06 p. m.*

CENGWAR, *Washington, D. C.:*

Nothing alarming in situation at Clarendon. Inhabitants living in upper stories. No food shortage.

DENT.

I would like to ask the gentleman how that jibes with—well, I will not say sensational newspaper reports, but of course we all know that newspapers do indulge in sensationalism sometimes. Will the gentleman accept the statement of an officer of the Government or that which he finds in a newspaper?

Mr. JACOWAY. Mr. Speaker, I will say in answer to the question of the gentleman from Wisconsin that when the people of any Commonwealth in this country are living in the upper stories of buildings as a result of flood conditions in their home town that the situation is grave and tends to show that the situation has gone beyond a condition local and in a way has become national. I take this bit of testimony he has presented himself, and on that alone I believe that the relief sought in this resolution should be given and accorded at once.

Mr. SHERLEY. Will the gentleman from Texas yield so that I may quote some information that has just come to me?

Mr. HENRY. First I desire to yield to the gentleman from Iowa [Mr. DOWELL].

Mr. DOWELL. Mr. Speaker, I desire to say just a few words on this resolution. It occurs to me that if there is the necessity that all of us believe exists at the present time for the care of these sufferers, we ought not to be occupying the time of the House quibbling over the question as to who will feed these starving people. This Government ought not to stand upon any technicality when people are suffering and starving for the want of shelter and food. For one, I support this resolution, because I think it is one of humanity, and this Government ought to feed and shelter these people who are starving while we are here quibbling over the question of who shall give them food and shelter. [Applause.] It seems to me we ought not to be quibbling over these things, but we ought to pass this resolution promptly, and leave it to the War Department of our Government as to what is necessary and what should be furnished. [Applause.]

Mr. HENRY. Mr. Speaker, I yield now briefly to the gentleman from Kentucky [Mr. BARKLEY].

Mr. BARKLEY. Mr. Speaker, I desire to corroborate the testimony of the gentlemen who have spoken here with respect to the attitude which the War Department has assumed or occupied all of the time since this flood started, until perhaps yesterday, when, as my colleague from Kentucky [Mr. SHERLEY] said, they yielded somewhat in their position. Last week almost daily I went to the department seeking assistance. The Assistant Secretary of War took the position that under the law he had no authority to do anything except to instruct the men in the Mississippi Valley to use whatever boats they might have to carry people out of the flood district. Repeatedly I carried telegrams to the War Department urging relief, and I was shown telegrams from Col. Markham and Col. Dent, purporting to give a report of the situation, which was entirely different from that given by the officers and others in the different localities where the flood existed. In the telegram from Col. Dent which has just been read, he seems to take the position that these people ought not to be assisted because the houses in which they live are two-story houses and they are in the upper stories, the lower stories being occupied by water.

In the telegram that Col. Markham sends from Memphis he takes the position that the people in Hickman ought not to be assisted because, for one reason, their houses are one-story houses, and they have been driven out of them entirely up into the hills back of the town. If there is that much difference of opinion between the Army officers as to the condition that would justify assistance by the Federal Government, I think, in view of the position the War Department has taken, that they have no authority to come to the rescue, either with tents or provisions, except by authority of Congress; that no harm can come and much good will result by the passage of this resolution. I am not willing to admit that the War Department officers who have been so vigilant and so punctilious in protecting the Federal Government without authority will abuse the authority that we propose to give them in the resolution now under consideration.

That has been the attitude they have taken heretofore, and, in view of the lack of any emotion that has been displayed by them in handling the situation thus far, I am not afraid that they will become unduly emotional and waste provisions or tents or other supplies of the Government if this joint resolution should become a law. I hope the resolution will be adopted, so that relief may go to those who are now suffering, or who may hereafter be caused to suffer, on account of the floods now devastating the valley of the Mississippi and her tributaries.

Mr. HENRY. Mr. Speaker, I yield to the gentleman from Kentucky [Mr. SHERLEY] to read a telegram.

Mr. SHERLEY. Mr. Speaker, I just received over the phone the following as a copy of a telegram received from Pittsburg, Miss., from Col. Beach. The telegram is as follows:

PITTSBURG, MISS., *February 10.*

CHIEF OF ENGINEERS:

Everything appears well in hand. Slattery's arrangement excellent, and handling of labor and aid situation superb. Morning paper reports resolution reported favorably by House Military Committee for tents and supplies. Earnestly recommend that measure either be not passed at this time or be so modified as to read "in discretion of Secretary of War," for prospect of free rations will demoralize labor situation and seriously interfere with success of fight to hold levees. Since starting this telegram report from Arkansas City received, containing following:

"Reports as to starving refugees at Arkansas City are unfounded. Local levee boards are paying high wages to get labor at all. It is claimed with some foundation that the previous issue of free rations to negroes demoralized labor for such emergencies as this flood fight. The negroes have been holding back, expecting free rations. In fact that has been the expectation of negroes in Arkansas City. This to my knowledge"

Col. BEACH.

Mr. HENRY. Mr. Speaker, just one moment. Now, all these things can be discussed on the merits of the joint resolution, and these gentlemen from Arkansas, Louisiana, and other States affected will have an abundance of convincing evidence on that question. We do not want the War Department to abuse their discretion in this matter. There is no controversy about the great suffering in Arkansas and other parts of the country, according to the telegrams received here to-day. Now I yield to the gentleman from Mississippi [Mr. QUIN] for just a moment.

Mr. QUIN. Mr. Speaker, I have a telegram from Adams County, on the Mississippi River, in my district. This is dated Natchez, Miss., and is as follows:

NATCHEZ, MISS., *February 7.*

Hon. PERCY E. QUIN, M. C.,
*Washington, D. C.:*

Western portion of Jefferson County overflowed for past two weeks. Water still rising. Conditions growing worse daily, and will continue indefinitely. Supplies exhausted and people without shelter or means. Tents and rations needed immediately. Have Secretary of War wire adjutant general to ship 100 tents to Fayette. Please confer with our Senators and wire prospects of relief.

J. D. FRAZIER.
DUNBAR HUNT.
SANDY WOOD.
JEFF TRULY.

Here is another telegram:

NATCHEZ, MISS., *February 7, 1916.*

PERCY E. QUIN,
*House of Representatives, Washington, D. C.:*

Hundreds of families destitute on overflowed lands in Jefferson, Adams, and Wilkinson Counties. Can't you possibly get some immediate Government relief?

C. R. BYRNES.

Now, gentlemen, these lands are overflowed by water. The levee across on the Louisiana side of the river is high, and the water rising up is washed down on the Mississippi side, and these people are destitute. These telegrams come from gentlemen of repute and character, and on such an occasion as this it strikes me Congress should give immediate relief.

Mr. HOWARD. Will the gentleman yield?

Mr. QUIN. I do.

Mr. HOWARD. Is this the first time this immediate section has been overflowed?

Mr. QUIN. No, sir; whenever the water gets high it overflows, because there is no levee there.

Mr. HOWARD. As a matter of fact, is it not true that the residents who live along on both the Louisiana and Mississippi side are temporary sojourners and expect a flood and can move out their belongings at any time?

Mr. QUIN. The gentleman is altogether mistaken. These people of these little villages and farms have their permanent residence there, and this water has risen and washed them away, and they have to go out into the hills, with nothing to eat and no shelter to cover them. What is the Federal Government for if it is not to give aid in such a distressed condition as those people are? [Applause.]

Mr. HENRY. Mr. Speaker, I yield to the gentleman from Arkansas [Mr. TAYLOR].

Mr. TAYLOR of Arkansas. Mr. Speaker, three counties of my district are largely within this submerged section. The Arkansas River and the Mississippi River are both throwing water over those counties or parts of them. The gentleman from Kentucky [Mr. SHERLEY] has read here a telegram from Col. Somebody as conveying flood information from Arkansas City. We have no Arkansas City in Arkansas. We have Arkansaw City. Arkansas City is in Kansas. We are about three or four hundred miles from that point. Now, I hold in my hand a telegram from Col. J. C. Cross, who is reputable, a high-class man, a gentleman standing equal if not superior to the gentleman who signed the message read by the gentleman from Kentucky. I want to read this message from Col. Cross and other gentlemen from Desha County, Ark. They are planters down in that flooded district. They say:

PINE BLUFF, ARK., *February 7, 1916.*

Hon. S. M. TAYLOR,
*Member of Congress, 362 House Office Building,*
*Washington, D. C.:*

Many thousand acres of land in Desha and Lincoln Counties entirely submerged by overflow of the Arkansas and Mississippi Rivers. Twenty-five hundred people at least and 1,000 head of mules and cattle now on the levee with nothing to eat and no shelter. Unless assistance can come at once, they must starve and die from exposure to weather. The greater part of people are negroes, who have been living in the lowlands, where the water is now from 6 to 15 feet deep. There are no boats to take them to high ground and they must stay where they are until waters recede sufficiently to enable them to get out. This will take at least three weeks if food can not be furnished.

They state it will take at least three weeks for the water to recede. I hold in my hand a newspaper from my district saying that it will take a month. The telegram from Col. Cross and others further says:

We fear that the loss of life and property will be appalling. We appeal to you to see if food can not be supplied at once. Pendleton Landing is about the only place where distribution can be made. The larger part of the sufferers are within a few miles of it.

J. C. CROSS.
C. R. CROSS.
T. F. CROSS.
JAMES HOLCOMBE.
AND. RAINWATER.
HAL LENNOX.
MRS. LUCY FLOURNEY.
JOHN POUNDERS.
JOHN DAVIS.
MCGRAW BROS.
JOHN MORGAN.
WM. MORGAN.

I also call attention to the following telegrams sent to Senator ROBINSON and which he has just handed me:

LAKE VILLAGE, ARK., *February 5, 1916.*

Senator JOE T. ROBINSON,
*Washington, D. C.:*

Most disastrous flood in history of Chicot County is now on us. The water is higher and covers greater area than ever before. Four thousand people hungry, homeless, and destitute, and need immediate aid and sustenance. Several hundred at Gaines Landing to-night shivering on the levee, without food and shelter. Unless Congress makes provision for immediate relief many will perish from cold, hunger, and neglect. Local authorities and organizations totally unable to cope with the situation. Confer with War Department and secure requisition rations for 4,000 people for two weeks, to be delivered at Vaucluse Landing as quickly as possible. Other requisitions, rations for 4,000 people for two weeks, to be delivered at Vaucluse Landing as quickly as possible. Other requisitions must necessarily follow.

M. M. Norton, M. D., county health officer; George E. Booth, M. D., county coroner; J. B. Sims, vice president Chicot Bank & Trust Co.; William Yerger, mayor of Lake Village; Sam Epstein, manager; Percy Sanders, manager, Gaines Landing; Wilson Bros., merchants, Luna Landing; W. H. Carpenter, manager; F. O. Anders, manager, Macon Lake; Roy Johnson, planter, Sunnyside; F. H. Dantzler, planter, Red Leaf; Jones & Dunn, mills and timber; Jennie A. L. Mills, Chicot; Harry E. Sook, county judge.

The gentleman from Kentucky [Mr. SHERLEY] talks about the demoralization of labor. Of course it is demoralized, because they are in flood water. In such condition the Kentuckian would be demoralized. They are unable to get anywhere or to do anything. There is no work for them to do, and when the gentleman who wrote the message read by the gentleman from Kentucky talks about labor being demoralized he is talking through his hat. [Applause.] These people are fighting for life and for subsistence [applause] and trying to care for their wives and their children. [Applause.]

Such is the situation, gentlemen. Now, this affliction extends for 150 or 200 miles up and down the Mississippi River and nearly from the city of Pine Bluff down to the Mississippi, a distance of ninety and odd miles. It is a hard and mournful situation, as indicated to me by telegrams from the stricken section.

Mr. Speaker, I have stood upon this floor and voted for every appeal for suffering humanity that has come before the Congress since I have been honored with a seat in this House. Here is a helpless people, composed of white citizens and negroes, some, I am told, sitting on the tops of floating houses, some lying on the shelves of stores that are flooded. If you will turn to my remarks in the CONGRESSIONAL RECORD on the 3d of this month and read there the telegrams I have placed in the RECORD, you will have some idea of the awful situation. I have dozens of other telegrams I might read. I do not think it necessary to do so. Adopt this rule and pass the resolution. [Applause.]

The SPEAKER. The time of the gentleman has expired.

Mr. HENRY. Mr. Speaker, I yield to the gentleman from Ohio [Mr. BRUMBAUGH].

Mr. BRUMBAUGH. Mr. Speaker, I want to say, gentlemen, that regardless of any letters or reports of any kind from the War Department or from men on the ground, regardless of all that, I will take great pleasure in voting for this resolution. No man who has ever seen or lived in a flood-swept district can have the heart to do otherwise. I want to call your attention to this fact, gentlemen, that after the waters have subsided and the earth appears to view again, you will then witness an awful condititon of affairs, such as we had at Columbus, and many other places in Ohio, when 3 miles wide of that beautiful city was swept by an awful flood, leaving not a building of any description that anyone could occupy. These unfortunate people in Arkansas, Mississippi, Kentucky, Louisiana, and elsewhere will have nothing left to them but destroyed property, destroyed homes, and destroyed lives when the sky kisses the earth again. In such an emergency as this, happen anywhere it may, there is nothing too good for this Government to do for its stricken people whenever any calamity of this kind befalls any part of our common country. Here and now is the time to show that one touch of human nature that makes the whole world akin. Let us vote and not talk longer, and vote to send a ray of hope and a helping hand to our suffering neighbors in a stricken land.

Mr. HENRY. Mr. Speaker, I yield to the gentleman from Arkansas [Mr. CARAWAY].

Mr. CARAWAY. Mr. Speaker, I only wish to make a statement. The people that we represent are not beggars. They are not asking relief in the sense that they are begging charity. They want merely that we shall tell you their condition, and then you shall be the judge of whether you want to relieve that condition or let them die of want. Take the part of our State which is devastated by this flood, you will find there are points that are 25 miles from any town with a population of 2,000 people, and of that population possibly not 20 per cent are white. The rural population is practically all colored. They are a rather improvident people. They do not lay up much for a condition such as this. And we are not now asking you to relieve to any very large extent the misfortune that has overtaken the white people in that country. We are asking you to help care for the people who live so remotely from the towns and in parts of the country where the entire resources have been swept away and where local resources can not relieve the condition. A third of the county in which I live is under water, but we have a part of it which is inhabited by white people that is not overflowed, and we do not want there a cent of relief from the Federal Government. I have people in my district who have gone into their pockets and paid out for relief of distressed people under this condition, where the entire relief went to the colored race, a greater sum than the profits of a year's labor. We ask only that those who are entirely destitute be helped. No other would accept it.

The SPEAKER. The time of the gentleman has expired.

Mr. HENRY. Mr. Speaker, I yield to the gentleman from Wisconsin [Mr. LENROOT].

Mr. LENROOT. Mr. Speaker, I am not opposed to this rule, because I think that this resolution to which it relates, if amended, should be adopted, because I think the War Department ought to have authority not only in this particular case but in all cases of flood suffering, to loan the tents and equipment of the Government. But, Mr. Speaker, it is well now to call attention to the fact that the State of Arkansas, so far as any evidence appears that has been brought before this House, has not attempted to do anything as a State government to relieve the situation there. And I do insist, that so far——

Mr. TAYLOR of Arkansas. The Legislature of the State of Arkansas is not in session and the governor has no authority in the absence of the regular session of the legislature.

Mr. LENROOT. How about the adjutant general of your State?

Mr. TAYLOR of Arkansas. He has no funds in his hands.

Mr. LENROOT. It is a most curious situation if there is any State in this Union where there is no way of calling a special session of the legislature to take care of a special emergency in that State. So far as the evidence before the House is concerned, there has been no attempt in the State of Arkansas by anybody to furnish relief to take care of this situation. I am speaking of the gentleman's telegrams.

Mr. GOODWIN of Arkansas. Will the gentleman yield?

Mr. LENROOT. If I have time enough.

Mr. HENRY. Mr. Speaker, how much time have I left?

The SPEAKER. The gentleman has two minutes remaining.

Mr. HENRY. I can not yield further in two minutes.

Mr. LENROOT. I am stating this preliminarily, so that the House when it comes to the consideration of the resolution itself and the amendments that I hope will be proposed to it, will have in mind some facts in connection with this matter.

Now, Mr. Speaker, a great many telegrams have been produced from the State of Arkansas asking for relief.

One of the Arkansas Members two or three days ago showed me a number of those telegrams. He did not show them to me in confidence, nor for the purpose of informing me of the fact I am about to refer to; but I feel perfectly at liberty to state one fact in connection with those telegrams. With one exception, every telegram that the gentleman showed me, appealing to this Government for relief, was sent "Collect, Government," and a telegram from the governor of the State of Arkansas himself was sent "Collect." [Applause.] This means that the Government has to pay even for the telegrams asking for relief.

Now, the Members of this House can draw their own inferences from those telegrams. I am not criticizing the Arkansas delegation in making this effort to get all the money they can and relieve their own State and the people of their own State from doing what they ought to do in a case like this; but it is due to the House to know that apparently the appeal comes primarily from the activities of the Arkansas delegation in this House and not from the spontaneous appeal of the people of the State of Arkansas. [Applause.]

The SPEAKER. The time of the gentleman from Wisconsin has expired.

Mr. HENRY. Mr. Speaker, I move the previous question on the rule.

The SPEAKER. The gentleman from Texas [Mr. HENRY] moves the previous question on the rule.

The previous question was ordered.

The SPEAKER. The Clerk will report the resolution embodying the rule.

The Clerk read as follows:

House resolution 136.

*Resolved*, That immediately upon the adoption of this resolution it shall be in order to consider in the House as in the Committee of the Whole House joint resolution 146.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

The SPEAKER. The Clerk will report the House joint resolution.

The Clerk read as follows:

Joint resolution (H. J. Res. 146) authorizing the Secretary of War to loan, issue, or use quartermaster's and medical supplies for the relief of destitute persons in the districts overflowed by the Mississippi River and its tributaries.

Whereas the recent disastrous floods of the Mississippi River and its tributaries have overflowed certain districts, causing the loss of much property and rendering many persons homeless and temporarily without means of support: Therefore be it

*Resolved, etc.*, That the Secretary of War be, and he is hereby, authorized to loan, issue, or use such tents, provisions, and supplies pertaining to the Quartermaster's and Medical Departments of the Army, from any stores now on hand, as he may deem necessary for the temporary relief of destitute persons in need of the same in the districts overflowed by the recent floods of the Mississippi River and its tributaries, under such regulations for the care and return of articles not consumed in the use as he may deem necessary.

Mr. MANN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MANN. How does this resolution now come before the House?

The SPEAKER. Under the rule. The rule was that immediately upon the passage of the resolution the House joint resolution should be taken up and considered.

Mr. MANN. The Speaker had better look at the rule.

The SPEAKER. The rule says:

*Resolved*, That immediately upon the adoption of this resolution it shall be in order to consider in the House, as in the Committee of the Whole, House joint resolution 146.

Mr. MANN. Does not that require somebody to call it up? It is in order.

The SPEAKER. The gentleman is right.

Mr. GOODWIN of Arkansas. Mr. Speaker, I call up House joint resolution 146, and ask its immediate consideration.

The SPEAKER. The Clerk will report it.

House joint resolution 146 was again read, with a committee amendment striking out the preamble.

Mr. HUMPHREYS of Mississippi rose.

The SPEAKER. For what purpose does the gentleman from Mississippi rise?

Mr. HUMPHREYS of Mississippi. I want to offer an amendment. I will do it after the committee amendment is disposed of.

Mr. MANN. Mr. Speaker, the committee amendment is to the preamble. It will be acted upon after the other.

The SPEAKER. The question is on agreeing to the committee amendment.

Mr. SHERLEY. Mr. Speaker, I suggest that the question of the amendment is not yet in order. General debate has not been had on the resolution at all.

The SPEAKER. There will not be any general debate on it, either. The rule provides that it shall be considered in the House as in Committee of the Whole.

Mr. SHERLEY. That would not interfere with debate.

Mr. GOODWIN of Arkansas. Mr. Speaker, the committee amendment merely strikes out the preamble.

Mr. KETTNER rose.

The SPEAKER. For what purpose does the gentleman from California rise?

Mr. KETTNER. To inquire if it is in order to offer an amendment at this time.

The SPEAKER. It will be as soon as we dispose of this other one. The gentleman from Mississippi [Mr. HUMPHREYS] offers an amendment, which the Clerk will report.

Mr. GARRETT. Mr. Speaker, has the committee amendment been agreed to?

The SPEAKER. No. It has not been voted on. The committee amendment is to the preamble. If the gentleman from Mississippi [Mr. HUMPHREYS] wishes to offer an amendment, we will hear him.

Mr. HUMPHREYS of Mississippi. Mr. Speaker, I move to amend, by striking out, in line 4, page 1, the word "provisions."

The SPEAKER. The Clerk will report it.

The Clerk read as follows:

Amend, page 1, line 4, by striking out the word "provisions."

Mr. HAY. Mr. Speaker, I would like to ask the gentleman why he wants to strike that out.

Mr. HUMPHREYS of Mississippi. Am I recognized, Mr. Speaker, to speak to the amendment?

The SPEAKER. Yes.

Mr. HUMPHREYS of Mississippi. Mr. Speaker and gentlemen, I yield to no man in my interest in the subject matter of this resolution. I will state to the House that I live now and have always lived in the overflowed section of the Yazoo Delta. My home is about four blocks from the levee, and the water stands to-day on the outer side of that levee 12 feet higher than the town. All the property I own is within a few miles of the Mississippi levee. I have lived there, as I say, all my life. It is 65 miles from my home to the first hill. I have passed through many floods. No man on the floor of this House has had more personal experience in these disastrous floods than I have had.

I recognize the frightful conditions that obtain in these great deltas whenever the floods in the Mississippi River occur, involving a loss of life and a loss of property, and I have devoted 13 years of service in this House to an effort to obtain from the Federal Government that assistance which I thought was due from the Federal Government, in cooperation with the people of those lower deltas, to make impossible, or at least remotely possible, the recurrence of such disasters as have come down the river in the past and such as is upon us to-day.

But, Mr. Speaker, we have it from a poet 2,000 years ago that "the gods have destroyed whole families by answering their prayers." I have seen Government rations issued time and time again.

Mr. GOODWIN of Arkansas. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman from Mississippi yield to the gentleman from Arkansas?

Mr. HUMPHREYS of Mississippi. Yes.

Mr. GOODWIN of Arkansas. Is the gentleman aware of any similar resolution having passed this House striking out "provisions," providing food and provisions in the past in the case of disasters like this?

Mr. HUMPHREYS of Mississippi. Am I aware that such a thing was done?

Mr. GOODWIN of Arkansas. Yes; is the gentleman aware of a case where the Government did not provide provisions on former occasions?

Mr. HUMPHREYS of Mississippi. I am not aware of such action.

Mr. GOODWIN of Arkansas. On sundry occasions the Government did buy rations for the Mississippi flood sufferers. Has not the Government always done that?

Mr. HUMPHREYS of Mississippi. I think it is almost universal. I do not know of any exception.

Mr. GOODWIN of Arkansas. Does the gentleman give any reason why he thinks the Congress at this time should make an exception to that time-honored rule?

Mr. HUMPHREYS of Mississippi. If the gentleman will possess his soul in patience, I will endeavor to do that, as I was endeavoring to do it when he interrupted me.

I have seen these floods come time and again, and I say there is no man upon this floor who has had the personal experience in this matter through as many years as I have. Many times we have issued rations, and it may be that it will be necessary for us to do so hereafter; but it has been my experience, observation, and information from innumerable sources among the people in that section that the issuance of Government rations has done more harm than good.

The SPEAKER. The gentleman's time has expired.

Mr. FOSTER. I ask unanimous consent that the gentleman may have five minutes more.

The SPEAKER. The gentleman from Illinois asks unanimous consent that the time of the gentleman from Mississippi be extended five minutes. Is there objection?

There was no objection.

Mr. HUMPHREYS of Mississippi. The district which I represent in Congress is, 95 per cent of it in area, subject to overflow from the Mississippi River.

Mr. GOODWIN of Arkansas. Will the gentleman yield at that point?

Mr. HUMPHREYS of Mississippi. No; not just at present. There is but one part of 1 county out of 10 counties in my district that is not subject to overflow. It is my deliberate opinion that the great mass of the people in those deltas do not want the Government to issue rations or to hold out the expectation that it is going to issue rations; certainly not until this disaster becomes so universal that the people and authorities in that district and the State authorities proclaim to the world that they have done all that it is possible for them to do, and that they now ask us for help. In my opinion, the resolution ought to be adopted if this provision for the issuance of rations is stricken out, because it will authorize the Secretary of War to use tents and supplies in the quartermaster's and medical department that are necessary; and if that is done I believe the Congress will have done all that can reasonably be asked of it.

The legislature of my State is in session, and it passed a resolution the other day setting out that whereas three counties—naming them; counties in my congressional district—were overflowed, and so forth, therefore be it resolved that the Representatives in Congress are requested to get authority granted the War Department, so that the National Guard of the State may use its tents, equipment, and so forth, in case of need. Nothing was mentioned about rations. No request came from them for rations. So far as I know, no request was preferred to the legislature of the State even for rations.

I hesitate, of course, to stand here and appear to be willing to deprive needy people anywhere of assistance of this sort, if it is really necessary, and if it is up to the Federal Government to do it; but I feel that I have a responsible duty to perform here to the House. I have lived there, as I say, all of my life. I believe I know what the conditions are, and I do not believe rations ought to be provided. If that one word were stricken out, I have no doubt this resolution would pass by a unanimous vote, and I hope the House will so pass it.

Mr. DUPRÉ. Will the gentleman yield?

Mr. HUMPHREYS of Mississippi. In a moment. I could read newspaper reports, if reliance is to be placed on such information. I notice here a telephone message from the sheriff at Clarendon, Ark., to the Memphis Commercial Appeal of February 7, in which he says, among other things:

> Supplies are apparently sufficient. Insufficient time has elapsed to develop a food famine. From what I can learn everybody is well fixed in this respect.

A telegram in the issue of the same paper of the 8th instant from McGehee, Ark., says the same thing. A telegram from the commercial club at Marianna, Ark., says the same thing. But I am not taking issue with the gentleman on that score. I believe I speak with as much personal knowledge on the subject as any gentleman can, and I say that this is not the time to announce that we are going to furnish Government rations; and I remind gentlemen once more that we may be repeating the experience of long ago, when the gods destroyed whole families by answering their prayers.

Mr. DUPRÉ. Will the gentleman yield?

Mr. HUMPHREYS of Mississippi. I yield for a question.

Mr. DUPRÉ. I simply want to ask the gentleman whether, in opposing Government rations to flood sufferers at the present time, it would shut off himself and others who sympathized with him at this juncture from asking aid in the future?

Mr. HUMPHREYS of Mississippi. Nobody is doing that. This may be necessary in the future, but I say it is not necessary now.

Mr. GOODWIN of Arkansas. Mr. Speaker, my colleagues have stated here that the people of our State are not beggars nor mendicants. I have not read into the RECORD nor have I shown to Members of the House one tithe of the telegrams and letters which I have received which reflect that not a local, but a national disaster is upon the people of that section of the country. The people of southeastern and eastern Arkansas are not only overwhelmed by floods, but portions of Kentucky, Tennessee, Louisiana, Missouri, and Mississippi are likewise afflicted. I have telegrams here galore from people as reliable and truthful and honorable as any Army colonel the opposition may quote who say that thousands of people are on housetops and on the levees and living in tree tops. Their property has been swept away, their live stock lost and destroyed, their storehouses and all have been swept away, and one whole county in my district is now under water. Nine or ten parishes of Louisiana south of that county are likewise inundated.

The people down there are not alarmists. They are not beggars. They are paying from year to year a most heavy levee tax. Since I came here five years ago this is the third flood that has swept over Chicot County. In 1911 and 1912 they made very little, if any, crops in some sections of my district.

In the western part of my district, on the Red River, the same condition exists. The Red River has been on a rampage, on a veritable spree, so to speak, for the past 12 months. Last year there were six big overflows in Arkansas and in parts of Louisiana from Red River, and in the year 1915 I am told that not 1,000 acres of crops were grown between Fulton, Ark., and Shreveport, La., a distance of 260 miles. That country to-day is likewise inundated, and the property owners down there have been supporting not only themselves but their tenants and the negroes upon the farms. They are not asking alms and gratuities from this Government. They are great, big, broad, generous people, who would scorn the alms of the Federal Treasury unless an emergency existed.

Four years ago there were some supplies sent in there, in a part of Ashley County, which adjoins Chicot on the east, and some of those people wrote me that they did not appreciate the fact that the Government had sent those supplies in there, because they were well enough prepared to take care of their own, and they scorned the beneficence of the Government. But those same people to-day, Mr. Speaker, and the people all over that section of the country are knocking at the doors of Congress for relief.

Many people have been drowned already in that section of the country. The live stock has practically all perished, and women and children are on the levees, on the tops of houses exposed to the raging winds and the rainfalls. It has been awfully cold down there for the past 10 days. Little children are clinging to their mothers' breasts and mothers are clinging to anything they can lay hands upon to sustain themselves. Little children are crying in the night with no language but a cry, and yet gentlemen stand here on this floor turning a deaf ear to their importunities, while the great strong arm of the Government could reach out and rescue these people thus distressed if permitted so to do.

I am surprised at the attitude my good friend and neighbor from Mississippi [Mr. HUMPHREYS] has taken. As suggested by the gentleman from Louisiana [Mr. DUPRÉ], he is setting a precedent and forever foreclosing the door against his own people who may at some future time be likewise afflicted. Fortunately the people on the Mississippi side have levees bigger, broader, and higher than they are on our side. But, Mr. Speaker, it is not merely a local situation on the Mississippi River that confronts us. The Mississippi River carries down all the water that flows between the Alleghenies and the Rockies.

The SPEAKER. The time of the gentleman from Arkansas has expired.

Mr. GOODWIN of Arkansas. I ask for five minutes more.

The SPEAKER. The gentleman from Arkansas asks that his time be extended five minutes. Is there objection?

There was no objection.

Mr. BARKLEY. May I ask the gentleman a question?

Mr. GOODWIN of Arkansas. Certainly.

Mr. BARKLEY. Does the gentleman think it would be fair to permit thousands of people to suffer merely because the Government rations might disorganize a few colored laborers?

Mr. GOODWIN of Arkansas. Why, certainly not. That is a puerile argument. I am a white man, but there are some men in this country who think just because a negro is a negro he must never be permitted to get his head above water, although by his labor he may create wealth for others. I do not think that that argument should be dignified by an answer.

I was about to say, when interrupted, that this is not a local question. Nearly one-half of the water that falls in the United States comes down that great artery, the Mississippi River. It carries the water of 31 States, and therefore it is not a local question, it is not a provincial question, but it is a great national proposition, and it behooves this body of men whose impulse of generosity should go out to a stricken people to aid them in their distress. I have some pride, I think, in the district I represent. I think I represent a pretty broad-gauged, liberal, and intelligent constituency. I voted to come to the rescue of the stricken people of Salem, Mass., when that great fire swept over the city and threw thousands of poor people out of employment by burning the factories in which they labored and driving them from their homes which had been consumed by the flames, and I did it gladly. This Congress has repeatedly come to the rescue of people who have been bereaved and stricken by the hand of Providence, not only in the United States but in countries abroad. In our liberality we have looked across the seas into the lands of all climes where humanity has been afflicted.

Mr. WALSH. Will the gentleman yield?

Mr. GOODWIN of Arkansas. Yes.

Mr. WALSH. I want to ask the gentleman, if conditions are as serious as he describes, does he not think it of sufficient importance for the governor to call a special session of the legislature to take some action?

Mr. GOODWIN of Arkansas. Under our constitution down there no legislature of our State can be convened without first giving notice of 30 days, and by that time some of the people would be swept from the earth and buried face downward for all time.

Now, it is said that the governor of our State sent a telegram up here without paying the charges. That may possibly be so, and if so, doubtless it was an oversight in giving it to his clerk without prepaying same. Such things are frankable. But that is a puerile argument that does not arise to the dignity of this occasion. I have a telegram that shows that in Chicot County alone, where five towns were not able to be heard from on account of the wires being down, there are 5,500 people who are on the levees and on tops of houses—men, women, and children, with their property swept away, their live stock gone, and in want of food. I only speak of one county in describing that aspect of the case. North of my county is Desha, through which the Arkansas River runs, going through the very heart of Arkansas, and which finds its confluence just above Arkansas City. Thus far the levees of the Mississippi have remained intact, but the great body of water coming down from the Arkansas has swept over a part of Jefferson, Desha, and Chicot Counties, and a part of Ashley County, and a dozen or so parishes in northeastern Louisiana, at least that is my information. I submit that this is not a local proposition but is a national question. It is a part of that great question of conservation, to conserve the lives of the people. In times past, Mr. Speaker, we have sought to protect the property rights of the people, and legislation has gone far to conserve property rights, but, unfortunately, legislators have not been so generous in conserving human rights. [Applause.]

Mr. LENROOT. Mr. Speaker, I am in favor of the adoption of this amendment, and if the amendment is adopted it will permit the Secretary of War to loan the tents of the Government and such supplies other than provisions as he may think necessary to relieve the situation in the State of Arkansas from the floods of the Mississippi River. But it will not permit the Secretary of War to furnish provisions, and the Secretary of War ought not to be permitted to go to that extent on the showing made to-day. Before the National Government should be called upon to go to the extent of feeding the people of the State in which the situation arises, the State itself should do something.

The State of Arkansas has not even attempted to take care of what these gentlemen claim is a great emergency. The gentleman states that under their constitution it would require 30 days' notice to call a special session of the legislature. Why, if any such emergency as the gentlemen would have us believe exists, does anyone believe that the governor of any State, Arkansas or any other, would not find means to get men of wealth in that State to come together and advance money to help take care of the situation, knowing that in such emergency the legislature as soon as it was called would reimburse them?

Mr. GOODWIN of Arkansas. Mr. Speaker, will the gentleman yield?

Mr. LENROOT. I can not yield in the time I have.

In any State other than Arkansas, at least, with any such emergency as gentlemen would have us believe exists, organized relief societies would be formed and provision made for relief of those who are suffering and destitute, and yet not one word of evidence is placed before this House that anything of the kind is attempted. It means just this: We might as well realize the fact that if because of a local situation the State and the people of the State are to be relieved of all responsibility of taking care of their own people, then we will meet this situation not only this year but next year and every year, not only in the Mississippi Valley, but wherever a flood occurs.

In San Diego County, Cal., there has been a situation within the past two weeks infinitely worse than anybody has attempted to show exists in the State of Arkansas to-day, and yet there has been no attempt to secure the issue of food and rations there; and until these gentlemen show that their State and the people of their State have, at least, done something to relieve the situation that exists they are not justified in calling upon the Federal Government to take care in whole of what they should at least have taken care of in part themselves. It has been said there have been hundreds of cases of a similar nature to this. I have before me the cases where relief has been given since 1812. There are some 30 of them. Only once in the last 19 years has any relief of this kind been granted, and yet every Member of this House knows that within that time there have been many floods in the Mississippi River very much greater than that which exists to-day.

Mr. RUSSELL of Missouri. Mr. Speaker, will the gentleman yield?

Mr. LENROOT. I can not yield in the time I have. If we are going to start out on this policy, including the furnishing of rations, then we ought, whenever there is any suffering anywhere in any part of the country, to adopt the same plan and say now that wherever there is any destitution or suffering we will relieve the States and the people of the States from attempting to relieve that suffering and they can come to the Federal Treasury and get all they need. Therefore, Mr. Speaker, I am very much in favor of adopting the amendment striking out the word "provisions."

Mr. HEFLIN. Mr. Speaker, I very much sympathize with those destitute and distressed people down along the Mississippi River, and it makes me weary to listen to a speech like that just delivered by the gentleman from Wisconsin [Mr. LENROOT]. I saw this House appropriate $200,000 for relief at Salem, Mass., and I never heard the gentleman from Wisconsin call for the State Legislature of Massachusetts to be assembled on that occasion. I saw money appropriated, I believe $3,000,000, for relief for the earthquake sufferers of San Francisco, and the gentleman's lips were sealed upon that occasion, for he did not ask that the Legislature of California be assembled to provide for relief out there. I saw the people in the Ohio Valley in distress, when the flood raged there a year or so ago, and Congress granted relief, but the gentleman's eloquent voice was not heard then asking that the Legislature of Ohio be called in extra session. [Applause.] I voted for these relief measures. Gentlemen on this side voted in the main for those relief measures. I have no prejudice in my heart against any section of our great country. If I know my own heart, I would vote for relief for any of our people in distress anywhere beneath Old Glory's folds in this Republic. [Applause.] I have proven it by my conduct; and it makes me weary, I repeat, to have the gentleman from Wisconsin stand up here and undertake to split hairs when people are working day and night, without taking their clothes off, in the water, wet and hungry, doing their best to save themselves and their homes, while gentlemen here are burning time and halting about giving the relief that they ask. Why, the Senate passed a resolution a day or so ago granting them $100,000 for immediate relief, and did it by a unanimous vote. No voice there was raised in opposition to it. But at this end of the Capitol gentlemen must stand here and hinder in every way that they can this meritorious measure of relief. I am in favor of this resolution as it stands. I am opposed to striking out the word "provisions." The resolution provides that the Secretary of War shall use these things for the temporary relief of the destitute persons in the Mississippi Valley. Gentlemen, will you grant this relief or will you refuse to go to the rescue of white men and negro men who are doing their utmost to keep these floods from their doors and from sweeping away their property and destroying human lives? Let us rise to our duty and join hands about a common center for the relief of these sorely distressed people in the Mississippi Valley. [Applause.]

Mr. QUIN. Mr. Speaker, I have sat here in absolute amazement and listened to the speeches of these men who have the

temerity to oppose relief to the people in that flooded district who are in distress, driven from their homes, their beds washed out from under them in the nighttime, provisions all gone, water destroying them, fleeing up into the hills with their children and little babies in arms, with nothing to eat, no place to sleep. It amazes me to know that men would not want the Government to protect and succor such distress. The gentleman said he did not object to these people having tents.

My distinguished colleague whom I love, Mr. HUMPHREYS of Mississippi, said he was willing to let them have tents and medicine, but he is opposed to them getting provisions. My God, gentlemen, what good will tents do a man, what good will medicine do a child, when their bellies are empty, gnawing, and hungry? [Applause.] Why, nothing. We had better have some common sense about it. This great Government has reached out its strong arm and protected our citizens across the seas. This great Government sent a great sum of money to Europe last year to bring back the globe trotters into this Republic, and you know thousands of them have never yet paid a dollar of it back. Who of you voted against that resolution and that appropriation, but here in this country, where the people are in distress, where real starvation is staring them in the face, you can not give a little pittance to feed them while they are hungry and to shelter them in this cold and bleak winter. It seems to me that it is heartless. I do not want to refer to my distinguished friend here, but he said that in his judgment it disorganizes labor. Do you mean to say that some great employer does not want the poor people to receive relief simply because some of his labor might not be there to go to work on Monday morning? That kind of sentiment, gentlemen, ought not to reach the Halls of the United States Capitol.

Mr. SMITH of Minnesota. Will the gentleman yield?

Mr. QUIN. I have not the time; excuse me. I wish to say that these hundreds of families in my district that have been run out of their homes, and often in the nighttime, by the Mississippi River floods, are not mendicants nor beggars. Some of them are white people and some of them are black people. They are poor, and by the love of God I am going to vote for the aid of the poor in distress on every occasion and everywhere. I voted, I want to say to the gentleman from Massachusetts, to give Government aid, and we did it, to the poor people who had been burned out of their homes in a tenement city of Massachusetts.

Mr. WALSH. Mr. Speaker——

Mr. QUIN. Mr. Speaker, I have not the time to yield. I voted for giving aid and to send seed into the State of Texas when the flood waters had wrecked and ruined the poor farmers along one of its rivers.

The SPEAKER. Does the gentleman yield to the gentleman from Massachusetts?

Mr. QUIN. I have not the time. In this case we have water instead of fire, and I wish to ask the gentleman which is worse, fire or water? If your house burns down, you can get out of it, but whenever the great Mississippi starts down with its great torrents people ofttimes are drowned and their live stock is drowned and their land has great gullies and sand bars washed into it; and while that great river—more than a mile wide down in my district—has levees on the west, there are none on the east side of the river, and when it rises up the high banks the levees on the west sweep the water down over the fertile lands on the east side, comprising a portion of my district, and washes these people out of their homes, washes away their dwelling houses and their barns, and while their little children are crying for food Congressmen here heckle and stickle over technicalities while the people are starving. The Humphreys amendment ought to be defeated and the resolution passed right now. [Applause.]

The SPEAKER. The time of the gentleman has expired.

Mr. BORLAND. Mr. Speaker——

[Cries of "Vote!"]

The SPEAKER. All time has expired on this amendment.

Mr. GOODWIN of Arkansas. Mr. Speaker, I ask unanimous consent that I may extend my remarks and also to incorporate certain telegrams.

The SPEAKER. The gentleman from Arkansas asks unanimous consent to extend his remarks. Is there objection?

Mr. MANN. Mr. Speaker, I object.

Mr. BORLAND. Mr. Speaker, I move to strike out the last word.

Mr. MANN. If gentlemen will not observe the rule they will have to take the consequences. Mr. Speaker, I make the point of order that that motion is not in order. There is a motion to strike out one word and that is all there is.

Mr. SHERLEY. Mr. Speaker, I ask unanimous consent that the gentleman from Missouri may proceed for five minutes.

The SPEAKER. The gentleman from Kentucky asks unanimous consent that the gentleman from Missouri may proceed for five minutes. Is there objection?

Mr. MANN. Mr. Speaker, I object.

The SPEAKER. The gentleman from Missouri moves to strike out the last word.

Mr. MANN. Mr. Speaker, I make the point of order that that motion is not in order. A motion to strike out the last word of the bill is not in order. There is only one word in the amendment which is before the House.

Mr. BORLAND. Mr. Speaker, I offer a substitute to the amendment, to strike out the words "provisions and supplies."

The SPEAKER. The gentleman from Missouri is recognized for five minutes.

Mr. BORLAND. Mr. Speaker, I have no idea of urging the striking out of the word "supplies," because they will want tents, medical supplies, and so forth, but I do want to say something on this principal resolution, this amendment. Unless the House is swept away by this torrent of oratory and sentiment it will certainly vote to adopt the amendment to strike out the word "provisions." There is extreme difference of opinion between the experts who are on the ground representing the Red Cross and the Federal Government and political officials of the different communities as to the necessity for this relief. The demand comes in urgent, imperative, and mandatory terms from the political officials of these communities that the Federal Government must give relief, but the officials of the Federal Government who are on the ground say that relief, especially to the extent of granting provisions, will be demoralizing to the work they have in hand, so that there is a very distinct difference of opinion.

The officials of the War Department who are stationed in the flooded district telegraph to our Appropriations Committee that they are in dire need of labor to save the levees from destruction, and that they can not get the labor because word has gone out among the colored people there that the Federal Government is about to issue free rations. We know that the emergency work of protecting levees requires prompt action and hard work at long hours and under disagreeable conditions, and these colored men do not seem disposed to accept the employment while they have a prospect of being fed free by the Government. The officers say it will be harder in the future to control flood conditions if the practice is started of issuing free food. The officials of the Red Cross say the same thing. These telegrams were read on the floor of Congress this morning. If this resolution passes, the word "provisions" ought to be stricken out and the issuance of provisions be left to the wisdom and responsibility of the local authorities of the State or county.

The Red Cross officials who are on the ground say that in all localities in which inquiries were made the situation is well in hand. But let us assume that these people are homeless. Most of us who live in the Southwest have been through floods and know what the situation is, and let us assume that they are homeless. The Federal Government, then, might reasonably be called upon to furnish tents and cots, because it is a work that can not be performed by these communities. In great cities during a season of flood I have seen the churches, the public halls, and schoolhouses packed with refugees from flooded districts. But there is no necessity for feeding the refugees out of the Federal Treasury. The minute you begin it you will have the same demand added and augmented by political pressure from every locality where any disaster occurs.

It will be irresistible upon the men representing those localities on the floor of this Congress. They will be able to point to the precedent already established, that the Federal Government has extended it in this case and in that case. Torrents of oratory will be turned loose here to the effect that "I voted for that measure," and "I voted for this measure, and now we must vote for the measure under consideration." The same argument will lend to the adoption of a resolution of this kind every time there is a call from the political officials of the district for this kind of aid.

Now, the Federal Government, fortunately, is equipped with Army tents and Army cots, and if we extend aid we ought to extend it in giving shelter to these people; but the local authorities of Arkansas, Kentucky, Missouri, and Mississippi unquestionably are able to take care of the destitution as far as food and supplies are concerned; and if they have the aid that the Federal Government can promptly give, the facilities the Government has at hand and they have not, in the way of shelter and cots, they can certainly, out of the accumulated wealth of those great communities, take care of the urgent needs of the districts. If, on the other hand, they are successful in

their request, and Congress can have supplies of rations issued without limit and without investigation, there will be a constant abuse of that kind of power. There is no way to check the abuse of it—absolutely none. The local authorities, feeling that they are expending their own money and accountable to their own taxpayers, may put some restraint on the money they spend for temporary aid in the way of food, but they will put none upon the demand on the Federal Government.

Mr. OGLESBY. Will the gentleman yield?

Mr. BORLAND. I will.

Mr. OGLESBY. Is it not a fact that the passage of this resolution will afford an opportunity to planters all over the South, who have from 30 to 50 or 100 families on their place, to relieve themselves from the burden of feeding these families and shift that burden to the Federal Government?

Mr. BORLAND. I should not be at all surprised. It is open to that abuse as well as to a great many other abuses. If the gentlemen are really sincere and honest, and so profoundly impressed, as they would have us believe, with the helplessness of these communities, they can certainly ask the Federal Government for aid so far as the tents and cots are concerned, but they certainly can respond, out of the depth of that sentiment, by local effort toward the feeding of the people who need relief.

Mr. WALSH. Mr. Speaker, reference has been made here to the fact that some of these gentlemen from sections of the country that are always anxious to dip into the Federal Treasury, whether for charitable purposes or otherwise, that Massachusetts received an appropriation because of the great Salem fire. One gentleman stated the sum as $400,000. The sum was $200,000, but if those gentlemen will investigate, I think they will find that that money was not called for and that Massachusetts took care of that catastrophe herself. [Applause.] And let me also state to the gentleman from Alabama [Mr. HEFLIN] that if the States and communities which have been inundated by these waters, if the public-spirited citizens of those communities, will open their subscription lists for aid from charitably disposed people, they will find that the people of Massachusetts, in common with the people of New York and Pennsylvania and other communities in that section of the country, will lead the list in opening their purses to aid these communities, as they have in the past.

Mr. HEFLIN. Will the gentleman yield?

Mr. WALSH. Yes.

Mr. HEFLIN. Did Massachusetts send back that $200,000 that was appropriated?

Mr. WALSH. It was never taken out of the Treasury, and it is there to-day. This Congress simply made an appropriation, and I voice the sentiment here, my personal sentiment, that it was a mistake that Massachusetts, apparently appalled, swept off its feet by the horror of that situation, came to this Federal Government and asked for that appropriation. I think it would have been much better if Massachusetts had been content to handle the situation herself, as she ultimately did. And so I say that until this Congress is shown that the State of Arkansas, through its public officials or by some organized movement, has made some attempt to cope with this situation, we should not be asked to appropriate money, at least, for foods and foodstuffs to feed these stricken people and grant that sort of relief. There may be need for tents and medical supplies, but even the need for them has not been shown this morning by the reading of this promiscuous assortment of telegrams that have been sent, I believe, as the gentleman from Wisconsin [Mr. LENROOT] said, with one exception, at Government expense. [Applause.]

Mr. CARAWAY. Mr. Speaker——

Mr. MANN. Mr. Speaker, I make the point of order that there have been two speeches of five minutes each on this.

The SPEAKER. That is correct, and unless the House grants——

Mr. CARAWAY. Mr. Speaker, just a minute. There was an amendment offered by the gentleman from Missouri [Mr. BORLAND].

The SPEAKER. There have been 10 minutes consumed on that. When the rule is strictly considered, which it hardly ever is, there are 5 minutes on each side of an amendment. Now, were both of these speeches on one side?

Mr. MANN. One was made by a gentleman in favor of the amendment, and the other in opposition.

Mr. BORLAND. Mr. Speaker, I withdraw my amendment.

Mr. MANN. He can not withdraw it.

Mr. BORLAND. I ask unanimous consent to withdraw it.

The SPEAKER. What is the reason he can not withdraw it?

Mr. MANN. Possibly he can do so in the House.

Mr. BORLAND. Mr. Speaker, I withdraw it.

The SPEAKER. The gentleman withdraws the amendment.

The question is on the other amendment, to strike out the word "provisions."

The question was taken, and the Speaker announced that the noes seemed to have it.

Mr. HUMPHREYS of Mississippi. Division, Mr. Speaker.

The House divided; and there were—ayes 61, noes 76.

So the amendment was rejected.

Mr. LENROOT and Mr. KETTNER rose.

The SPEAKER. For what purpose does the gentleman from California [Mr. KETTNER] rise?

Mr. KETTNER. Mr. Speaker, I move to amend, on page 2, line 4, after the word "tributaries," by adding "San Ysidro and Otay Valley, Cal."

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Page 2, line 4, after the word "tributaries," insert the words: "And Ysidro and Otay Valleys, San Diego County, Cal."

Mr. BORLAND rose.

The SPEAKER. For what purpose does the gentleman from Missouri rise?

Mr. BORLAND. For the purpose of making a point of order against the amendment.

The SPEAKER. What is the point of order?

Mr. BORLAND. The point of order is that it is not included in the rule under which the resolution is considered.

Mr. MANN. It is not germane to the resolution.

Mr. BORLAND. It is not germane to the original resolution to extend the territory to be covered.

The SPEAKER. The Chair will state to the gentleman from Missouri that the rule has nothing to do with it, whether it is in order or not; but if he makes a point of order——

Mr. BORLAND. I also make the point of order, Mr. Speaker, that it is not germane. An amendment extending it to a different place or locality is not germane.

The SPEAKER. The Chair will hear the gentleman from California [Mr. KETTNER].

Mr. KETTNER. Mr. Speaker, I think the point of order is well taken, but I will ask the House for five minutes to explain our condition.

The SPEAKER. The gentleman has the right to proceed on the point of order anyhow.

Mr. BORLAND. Mr. Speaker, I will withhold the point of order so that the gentleman from California can make a statement if he wishes.

Mr. KETTNER. Mr. Speaker, I hope the House will bear with me for a few moments. On January 19 I received this telegram:

SAN DIEGO, CAL., *January 19.*

Hon. WILLIAM KETTNER,
*House of Representatives, Washington:*

Tiajuana floods swept homes of San Ysidro. Must have 50 tents, with full equipment for living purposes, earliest possible moment, to shelter sufferers. Beg you to have War Department rush orders that effect Fort Rosecrans. Don't delay a moment. We shall all be very grateful for prompt and generous action.

WM. E. SMYTHE.

Mr. MANN. What date is that?

Mr. KETTNER. January 19. That is from William E. Smythe. Later I received this telegram:

SAN DIEGO, CAL., *January 21, 1916.*

Hon. WILLIAM KETTNER,
*Congress Hall Hotel, Washington, D. C.:*

Just returned from San Ysidro. Conditions very bad. About 150 people homeless, needing shelter. Rush War Department, authorizing Fort Rosecrans deliver tents and equipment, as requested by Smythe's Wednesday's telegram to you; also large mess tent and field kitchen, if available. Commander Fort Rosecrans has been awaiting orders all day yesterday. If not received Saturday noon we must buy tents from our own relief funds. We must take care of the people for 30 days or more. Wire answer immediately whether department complies.

ISAAC IRWIN,
*Treasurer Relief Committee.*

Now, Mr. Speaker, let us see what were the conditions that these people found themselves in. The flood came on them overnight, as it were. All of the roads were washed out. The railroads were washed out. The telephone and telegraph lines were washed out, and I received these messages by wireless. It was impossible for the people to help themselves. Everyone in that community knew that right there in the city the War Department had lots of tents that were not being used, and they thought that I could secure permission to use these tents, to let the families live in them for a time until the railroads could be repaired and they could help themselves.

We did not ask for any provisions, nor would we have asked for the tents if the railroads had not been washed out. I want it distinctly understood that we did not ask for any provisions. We were ready to help ourselves, and it was only in consequence

of the conditions that existed that it was impossible for us to get outside aid, as everything was washed out. The railroad is still washed out, and we will not have any communication with the outside world for at least three weeks, except by water. So you can imagine what floods we had.

I have a letter here which I received this morning, which may throw some light on the subject. I read:

SAN DIEGO, CAL., *February 1, 1916.*

HON. WILLIAM KETTNER,
*257 House Office Building, Washington, D. C.*

DEAR WILLIAM: * * * I will not attempt to write you fully regarding the floods which we have had, as I know you have read the accounts in the daily papers. The section of the country lying in the river beds has been completely wiped out. I can not estimate the amount of loss at this time, but it has been tremendous. I do not know of a bridge in the county that is standing. The report of deaths I believe has been exaggerated, and I think 50 will cover the entire death roll.

The first report was that it was 100. I believe they claim now it was 50. I read further:

The greatest loss of life and property was in the Otay Valley, which is a clean sweep to the bay. The Lakeside and Foster country has suffered considerable damage, and the river is now running a mile wide in that vicinity and has changed its course entirely abandoning the old river bed. News from the San Luis Valley is very meager, although we have heard of three deaths just in back of the old mission and reports indicate a vast amount of damage to the valley lands and improvements. The river has changed its course in many places. The pumping plant belonging to the South Coast Land Co., situated in the valley near Goldbaum's store, was swept away, also all bridges from Oceanside to Pala including the Government bridge at Pala. I am reliably informed by Mr. Westfall that it will be impossible to repair the roads and bridges from Oceanside to Pala so that freight can be hauled over it for at least two months. The road from Perris to Elsinore is completely gone. For the Pala store we are shipping freight to Perris and hauling from there by team to Pala.

Mr. Westfall is the supervisor of the county. I read further:

The relief committee is working night and day raising money and collecting clothing for the immediate help of the sufferers. The people of San Diego will take care of all sufferers without outside assistance. One hundred thousand dollars will probably be raised for this purpose. There should be a relief fund provided at once for the Indians in San Diego and Riverside Counties and placed to the credit of the different Indian agents with as little delay as possible. * * *

FRANK A. SALMONS.

Mr. Speaker, that is all I care to say, but I wanted the House to know that all we asked for was the use of the tents.

Mr. HEFLIN. Mr. Speaker, will the gentleman yield before he sits down?

Mr. KETTNER. I will yield to the gentleman from Alabama.

Mr. HEFLIN. A few moments ago the gentleman from Massachusetts [Mr. WALSH] stated that the city of Salem, Mass., got no part of the $200,000 which was appropriated. The Quartermaster General's Department informs us that they actually got $47,000 and used it for the relief of the people of Salem, Mass. I am glad, again, that I voted for the relief of those people. [Applause.]

Mr. CARAWAY. Mr. Speaker, will the gentleman from Missouri withhold his point of order?

Mr. BORLAND. I withhold it, if the gentleman from Arkansas wants to make a statement.

Mr. CARAWAY. Mr. Speaker, I want to answer the insinuations of one or two gentlemen, particularly the statement of the gentleman from Wisconsin [Mr. LENROOT] and the answer of the gentleman from Missouri [Mr. BORLAND] to the question of the gentleman from New York [Mr. OGLESBY] about the planters wanting to get these Government rations down there in order to take care of their tenants and their families. It so happens that neither of them knows anything about the conditions in my State, or the question would not have been asked, nor would the answer have been made as it was.

The gentleman from Missouri also said that it is the political influences down there, the political pressure that is brought by local politicians, that cause us to act here. Now, gentlemen, I want to tell you something about that situation. We do not want a cent of your money for the white people of our country. They can feed themselves. And it so happens that the white people in that country cast all the votes, and therefore when the gentleman from Missouri says it is a political question with us, he shows he is absolutely ignorant, and unfair, too. [Applause.] They—the negroes—do not cast any votes in our country. There is not a man who walks the earth who could look for political advantage through distributing rations to the destitute in my State.

I want to tell you another thing. If you ever lived in that country you would know that the kitchen of anybody who was born and raised there and lives on a plantation is open to every negro on the place as long as there is a bite to eat. You can not fool a negro about that. [Applause.] You folks do not quite understand him. I know of a gentleman who had to sell his plantation last year for less than half what it was worth because he called his help "Mr." and "Mrs.," and then tried to cheat them when they came to a settlement. He could get no labor. We treat our negroes with absolute fairness. [Applause.]

I was born and raised in that country. I never saw a civil suit between a negro and a white man involving a dollar's worth of property in my life where the white man was raised in that country. [Applause.] I did see a gentleman who came down there and pretended to practice law—and, by the way, he came from the State of the distinguished gentleman from Missouri—who got a contract out of a negro woman and pretended to defend her husband, who was prosecuted for some offense. He had a written bill of sale of her sewing machine, and the negro, her husband, whom he pretended to defend, went to the penitentiary. The woman then refused to give up her sewing machine, and the so-called lawyer tried to replevin it, and came into court, and a jury of white men raised in that community turned his claim down so quickly that he never knew he had a lawsuit. They gave the woman her machine. [Laughter.] We deal absolutely fair with those people, and if you go down there and try to win them away from their allegiance you will find out that is the truth. We are asking this relief for them. Talk about giving them tents, when it is 40 miles from where they sit in the trees or on the roofs of houses to the nearest foot of dry land! [Laughter.]

Mr. RUSSELL of Missouri. Will the gentleman yield?

Mr. CARAWAY. Yes.

Mr. RUSSELL of Missouri. The gentleman seemed to be making some reflection on Missouri lawyers. I want to ask him if he did not come from Missouri himself?

Mr. CARAWAY. Oh, well, I was only 6 weeks old when I got out of Missouri, and I would have left sooner if I had known where I was. I was not a very precocious child. I had the misfortune to be born in Missouri; but before I ever spoke a word I got up and got out of it. [Laughter.] Now, let me just state to you gentlemen who want to open a subscription list for charity in Massachusetts that you do not understand our situation down there.

The SPEAKER. The time of the gentleman has expired.

Mr. CARAWAY. Will you grant me just five minutes more time?

Mr. GOODWIN of Arkansas. I ask unanimous consent that the gentleman have five minutes more.

Mr. FOSTER. Reserving the right to object, I think we ought to go ahead with this.

Mr. CARAWAY. Give me two minutes.

Mr. BORLAND. I ask unanimous consent that the gentleman's time be extended two minutes.

Mr. FOSTER. I shall not object, but if there are any more requests for extensions of time I shall object.

The SPEAKER. If there be no objection, the gentleman is recognized for two minutes.

Mr. CARAWAY. I want to tell you that nobody on God's earth gives more liberally of his means than our people do. You do not have to open subscription lists so you can get your name published in the paper in order to get relief, either. There is not a home in that country where there is a bite to eat or a bed in which people can sleep where those who are in distress can not come as freely as you can in your own home. I know that to be the fact. I have seen my own town caring for as many refugees from overflowed districts as there were white people living in the town. I never saw anybody go hungry at any time. I have seen them do more than give of their means. The acid test of a man's charity is whether he is willing to open his home and take people within its portals when those people do not move in his exact stratum of society, regardless of race or color. I have seen every home in my town open to refugees, and the tables were never cleared away. There was food day and night. I have seen women who never went into their kitchens on ordinary occasions to cook a meal stand from morning until night handing out cups of coffee and loaves of bread to people of opposite color who had been driven out of their homes by floods. We do not want your charity; we do not ask it; we do not come of that kind of white people, bless your hearts. If you defeat this legislation, the result to some poor, helpless people is going to be death, and if you can escape your moral responsibility for sending some of them down to death by voting against this resolution and justify it in your consciences, bless your hearts, go ahead and do it and we will know what sort of white people you are. [Applause.]

The SPEAKER. The Chair is ready to rule on the point of order.

Mr. HARRISON. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from Mississippi rise?

Mr. HARRISON. I desire to be heard on the point of order. I do not want to discuss the merits of the proposition.

The SPEAKER. The Chair is ready to rule on the point of order, but will hear the gentleman.

Mr. HARRISON. I merely want to suggest to the gentleman from Missouri [Mr. BORLAND], who is always fair and wants to do the right thing in all matters, that while the point of order will very probably be sustained by the Chair, as it is, in my opinion, subject to the point of order, that if the facts as presented by the gentleman from California [Mr. KETTNER] are true, and no one doubts the accuracy of his statements, there is a very bad situation presented at San Diego, one that is deserving of our very immediate consideration. He states that they do not desire rations, but merely authority to use the tents and obtain the forces of the Federal Government's organization; and it does not seem to me that it could possibly affect anything to give the authority the gentleman requests to the Secretary of War to loan these tents to this locality. I hope the gentleman, out of the goodness of his heart, will not make the point of order, but will withdraw it so that this amendment can be adopted. Both of these urgent necessities can now very easily be, and I think wisely, taken care of in this one bill.

Mr. BORLAND. I will say in reply to the gentleman——

Mr. MANN. Mr. Speaker, I ask for a ruling.

Mr. OGLESBY. Before the Speaker rules, I should like to call one matter to his attention.

Mr. MANN. I object to the gentleman reserving the point of order.

The SPEAKER. What does the gentleman from New York desire to say?

Mr. OGLESBY. I should like to call the attention of the Speaker to one phase of this matter as affecting the point of order, and that is that the joint resolution does not relate to the Mississippi River alone, but to its tributaries as well.

The SPEAKER. But the rivers of California are not tributary to the Mississippi.

Mr. OGLESBY. That is true; but I wish to ask whether the inclusion of the word "tributaries" does not put this in that category of cases which apply to a general class, where an amendment adding another proposition is germane?

Mr. MANN. Oh, no.

The SPEAKER. The Chair does not think that. The Chair thinks the Mississippi River and its tributaries constitute a unit—one system. Does the gentleman from Missouri [Mr. BORLAND] insist on his point of order?

Mr. BORLAND. I insist on the point of order.

The SPEAKER. The Chair sustains the point of order. The question is on the engrossment and third reading of the joint resolution.

Mr. LENROOT. Mr. Speaker, I desire to offer an amendment.

The SPEAKER. The gentleman from Wisconsin offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. LENROOT: Page 1, line 3, after the word "authorized," insert the words "in his discretion."

Mr. GOODWIN of Arkansas. Mr. Speaker, the joint resolution itself, on page 1, lines 6 and 7, contains the words:

As he may deem necessary for the temporary relief of destitute persons.

I submit that that is cared for by the resolution itself.

The SPEAKER. The question is on the amendment offered by the gentleman from Wisconsin.

The question was taken; and on a division (demanded by Mr. GOODWIN of Arkansas) there were—ayes 93, noes 44.

Accordingly the amendment was agreed to.

The joint resolution as amended was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

The SPEAKER. The question is on the amendment striking out the preamble.

The question was taken, and the preamble was stricken out.

On motion of Mr. GOODWIN of Arkansas, a motion to reconsider the vote by which the joint resolution was passed was laid on the table.

## POST OFFICE APPROPRIATION BILL.

Mr. MOON. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 10484, the Post Office appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. RAINEY in the chair.

The CHAIRMAN. The House is now in Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 10484, the Post Office appropriation bill.

Mr. MOON. Will the gentleman from Minnesota now occupy some of his time?

Mr. STEENERSON. Mr. Chairman and gentlemen of the committee, I want to compliment the chairman and the gentlemen on the Post Office Committee for the good work they have done in preparing this appropriation bill, and to say that I think our side of the House highly appreciates the fact that they did not put into the bill the provision for doing away with the assistant postmasters, over which we had so much contention one and two years ago. I also want to compliment the new Members on the Post Office Committee on both sides for their diligence and ability in aiding in the preparation of this bill.

This bill carries $320,000,000 in appropriations. It is the largest appropriation bill ever brought into this House, and is the largest that will be brought in during this session. The expenditures were estimated by the department at $316,000,000, but on account of the increased appropriation for the Rural Free Delivery Service the committee raised the appropriation to $320,000,000.

Now, while this bill is before you, it may be instructive to consider the question of postal statistics, and I will try to do so in a fair and unbiased manner, for it is only in that way that we can really benefit from such a labor. The appropriation for the Postal Service in the bill of 1914—that is, for the fiscal year of 1915—carried $313,000,000. The bill reported to the House a year ago, owing to the action of the committee and the Committee on Rules in encumbering that appropriation bill with legislative matter which brought on such a dispute that it was almost unprecedented, finally failed of passage and died in conference. The result was a good deal of inconvenience and demoralization to the Postal Service, inasmuch as more than 1,200 employees, faithful and true, in the positions of city carriers and clerks of the Railway Mail Service were deprived of their regular promotions, which they otherwise would have obtained. We hope that no similar fate will overtake the appropriation bill this year.

Owing to the fact that we made no appropriations last year, but were compelled to rely on a joint resolution continuing the appropriations of the previous year, it so falls out that these appropriations, which under ordinary circumstances would have become sufficient, were more than was required to pay the expenses of the service. We find here that the Post Office Department states that they have an unexpended balance of $14,000,000, a very creditable showing indeed. But it is not quite so gratifying as might seem at first sight, because of the fact that the Postal Service, which ordinarily ought to be and, when properly managed, is self-sustaining, this year has incurred the staggering deficit of over $11,300,000, the expenditures being $298,550,000 and the receipts being $287,248,165. This brings me to the discussion of a somewhat familiar subject, postal deficits and surpluses.

### POSTAL FINANCES.

The Post Office Department reports for the last two or three years have devoted considerable space to the discussion of this subject, but I am bound to state that it has been somewhat of an unsatisfactory nature. Unfortunately the literature we find in departmental reports, especially the Post Office Department under the present administration, seems to be of an extremely partisan and biased character.

Mr. LLOYD. Will the gentleman yield?

Mr. STEENERSON. Yes.

Mr. LLOYD. To what literature does the gentleman refer?

Mr. STEENERSON. I will refer to it more specifically, and the gentleman will have his fill. We are all liable to more or less bias. That is perfectly natural. But I say without fear of contradiction that reports of the Post Office Department are unfair and colored by political bias to such an extent as to be misleading in the extreme.

To be specific, if the gentleman from Missouri wants an indictment, take the report of two years ago of the Postmaster General about the surplus. You know that in 1911 under the last Republican administration the Postmaster General reported a surplus of $218,000. Upon a transaction of $240,000,000 a surplus of $218,000 is a small infinitesimal fraction of 1 per cent, and is very little, but it happened to be a great and significant fact because three years before when the department was turned over to the Taft administration there was a postal deficit of $17,000,000, the largest deficit in the history of the country, and Postmaster General Hitchcock in these years wiped out the deficit and reported a surplus of $218,000.

The next year, however, 1912, as he states, on account of the presidential campaign with enormous amounts of political franked literature, there was a deficit of more than $2,000,000. When the new administration came in on the 4th day of March, 1913, that fiscal year was in the ninth month, yet the new Postmaster General at the end of that year, when he had been in office only 3 months and 26 days, made a report lauding his administration for the surplus, which he says was four and one-half millions, but really, according to the new method of computation, three and a half millions, and he said it was the first postal surplus since 1883.

This annual report, the first one made by Mr. Burleson and his subordinates, arrived at that result by adopting a new method of stating the balance, somewhat after the manner of the Treasury, which showed an increase of the general balance from $40,000,000 to $128,000,000 overnight. This Postmaster General's report said that the true way of arriving at a surplus or deficit was not to take the audited receipts and expenditures and striking a difference one way or the other, as had been the practice since the foundation of the Government, with one single exception, up to that time, because, he said, there were payments on account of prior years, and that some of the debts incurred during the fiscal year would not be paid till the next. The appropriations are available two years after the year expires. In his elaborate explanation the Postmaster General said that the true way of arriving at a deficit or a surplus was to estimate how many bills would be audited and paid the next year and then exclude those which were paid on account of business of the previous year. After estimating—and you know what an estimate is; it is a guess—he was able to guess that instead of a surplus in 1911 of $218,000 there was a deficit of $720,000. He then said that for 1913 the audited surplus was $4,500,000, but that according to the new method it was $3,800,000, and that the Postal Service was self-supporting for the first time since 1883. The impression sought to be conveyed was that the Wilson administration was entitled to all of the credit for this satisfactory showing.

Any thinking man would upon reflection see that this administration was entitled to little, if any, credit for what was accomplished in the fiscal year 1913. Eight months and 4 days—up to March 4—was under a Republican administration and only 3 months and 26 days was under Democratic rule, while the laws in force were Republican laws. They simply carried out the postal policy of the Republican Party. The Underwood bill was not passed until October 3, four months after the close of the fiscal year, so that if the country was enjoying prosperity, as they say was indicated by the postal receipts, it could not possibly be due to Democratic policies. [Applause on the Republican side.]

I discussed that matter a year ago, and I think I referred to it two years ago. And it seems to me that the officials of the Post Office Department ought to read the debates on the appropriation bill and should have noticed that criticism then. But they are still repeating this unfounded claim of credit for the 1913 surplus. In 1914, they again reported a surplus amounting to $3,500,000, but according to the claim of the railroads they have not paid for the extra weight of the mails due to increase in the weight limit of parcel post, after the last weighing. If this claim is just it is a question whether there was any real surplus for that year. But for the sake of argument let us say that there was a surplus for that year as stated. That is the only one they can claim any credit for. How about 1915? There is a deficit of more than $11,000,000. This wipes out the former surplus, and leaves this administration with a net deficit of $7,800,000.

I will now call attention to another misleading item in these reports. Statistics on postal revenues and expenditures are used for another purpose. They are used as an index to the prosperity or otherwise of the country.

The Third Assistant Postmaster General deals with the subject in his last annual report. He says:

It is a noteworthy fact that in no other activity, governmental or private, are conditions of prosperity or depression more quickly reflected than in the revenues of the Postal Establishment. Having a close relation to the affairs of all the people, the postal receipts may be used as a thermometer, as it were, to ascertain existing conditions of business, and as a barometer to forecast those to come.

Mr. Chairman, I am perfectly satisfied with that statement. I approve every word of it. It is a maxim in political truth, because in a country like ours a very large part of the business is transacted with the aid of the mail, and therefore the lack of business activity or industrial depression is reflected in the postal receipts. In attempting to explain the deficit of eleven million last year and the falling off of receipts he continues:

The evidence is conclusive that the postal deficit for the year just closed was caused by the European war. Up to the close of the fiscal year 1914 the postal receipts were satisfactory. The average yearly rate of increase during the fiscal years 1910 to 1914—

Mind you, those were Republican years, and he continues—

inclusive, was 7.21 per cent. For the fiscal year 1914 the increase was 7.99 per cent. For the month of June, 1914, reports received in this bureau from the 50 post offices of the United States having the largest receipts, and at which are collected slightly more than one-half of the postal revenues, showed an increase in receipts at those offices of 7.11 per cent.

In July, 1914, the first month of the fiscal year just closed, the rumblings which preceded the declaration of war in Europe were plainly heard, and postal receipts declined perceptibly, the percentage of increase at the 50 offices having the largest receipts being only 4.7. In August, coincident with the outbreak of hostilities in Europe and the closing of stock exchanges, the scarcity of money and the general stagnation of business affairs in this country, postal receipts fell sharply, previous increases were lost, and a decrease of 1.2 per cent was shown.

Now, these same rumblings in July, 1914, are mentioned also by the first assistant. On page 7 he mentions the same thing—that the postal receipts fell in July, 1914, because of the rumblings of the European war.

Mr. FOCHT. Will the gentleman yield for a question.

Mr. STEENERSON. Yes.

Mr. FOCHT. I would just like to ask the gentleman whether those rumblings had anything to do with the ill treatment of the railway postal clerks and the confused condition of the Rural Free Delivery Service at this time?

Mr. STEENERSON. I will come to that in due course. I am speaking now of the partisan and biased form of departmental reports. The Postmaster General makes this same statement, for on page 5 of his report he says:

In July, 1914, the first month of the fiscal year 1915, when the rumblings of the approaching European conflict were heard, the percentage of increase of receipts at the 50 largest offices fell to 4.7 per cent,

Now, what was the purpose—what is the purpose—of these arguments? It is to prove that because the postal receipts grew in 1913 and 1914, the fiscal year before the war in Europe, that therefore there was prosperity in the land. For no other purpose did he refer to the fact that the amount of the receipts was a true index of depression or prosperity. That was the purpose, was it not? It could have been no other. That statement is, as I have already said, generally true, but it has an important qualification. The postage rates and rules as to mailable matter must be the same for the periods compared; otherwise there is no foundation for any comparison. Note the deceptiveness of these arguments. Both the postage rate on parcels and the limit of weight had been changed during the fiscal year 1914. Order increasing weight limit from 11 to 20 pounds, August 15, 1913; to 50 pounds, January 1, 1914; and as to books, March 16, 1914. These changes attracted an immense traffic, which the department estimated amounted to 889,675,728 pieces, with postage amounting to $52,859,862. Yet this new kind of business was ignored. To have made a fair comparison the effect of these changes should have been allowed for. Of course the postal receipts increased, but they did not explain that it was due to business that was formerly excluded from the mail and reducing parcel rates so as to attract new business. Oh, no; they studiously avoid that.

The revenue for 1914 was $287,934,565, but of this they estimate that $52,000,000 was parcel-post revenue, and if we deduct this $52,000,000 we have only $235,934,565 left. But postal revenues for 1913 were $266,000,000, so that, excluding parcel-post revenue, the receipts for 1914 were $30,000,000 less than 1913, a decrease of 12 per cent. This would show business depression. You have either got to fish or cut bait. You must either say it is new revenue and exclude it when you compare the two years, or you must admit that you did parcel business for nothing. If you say that you received $52,000,000 from a new class of business, the other classes of postal business must have fallen off about 12 per cent, showing business depression of great acuteness.

Something should be added because of the fact that a part of the parcel post was always mailable, though at a higher rate. The packages that were less than 4 pounds were mailable, but at a higher rate of postage; so there was not very much of it moved. A computation was made by the Hughes Commission as to the different classes of matter that constitute the whole volume of the mail in 1908, based upon actual weighing for six months. And they found, I believe, that the fourth-class matter constituted about 5½ per cent of the total revenue of the mail at that time.

How much of the reported parcel-post revenue is attributable to the old fourth-class matter?

In 1908 fourth-class mail brought in 5.56 per cent of the total revenue. The rates were then 16 cents per pound. That same matter now goes at an estimated rate of 4 cents a pound. It would therefore be a liberal estimate to say that the old fourth-class matter now produces 3 per cent of the total postal revenues.

If we deduct this 3 per cent from the parcel-post revenue, we have the following:

| | Total revenue. | 3 per cent thereof. | Parcel-post revenue. | New parcel revenue. |
|---|---|---|---|---|
| 1913 | $266,600,000 | $7,998,000 | $39,490,000 | $31,492,000 |
| 1914 | 287,900,000 | 8,637,000 | 52,859,000 | 44,222,000 |
| 1915 | 287,250,000 | 8,617,500 | 61,559,000 | 52,941,500 |

The figures under the heading "New parcel revenue" would represent income upon matter which in 1912 was not mailable, and therefore should be excluded from the comparison between postal revenues for that year and subsequent years. After making these deductions we have the following:

| | Revenue for fiscal year. | New parcel revenue. | Revenue less new parcel revenue. | Decrease. |
|---|---|---|---|---|
| *1912 | $246,744,000 | | $246,744,000 | |
| 1913 | 266,619,000 | $31,492,000 | 235,127,000 | $11,617,000 |
| 1914 | 287,934,020 | 44,222,000 | 243,712,000 | 3,032,000 |
| 1915 | 287,848,000 | 52,941,000 | 234,306,000 | 12,438,000 |

*Parcel post did not begin until 1913; hence no deduction for the year 1912.

There is an absolute falling off. [Applause on the Republican side.]

Now, that is probably all that needs to be said. It seems to me that must be convincing to any reasonable mind. Suppose that the recommendations of the Postmaster General should be adopted? He has a recommendation that we take over all the telegraph and all the telephones in the United States. The receipts of the telegraph and telephone companies of the United States last year were more than the whole postal receipts. Now, suppose that Congress took over these things, then next year the postal receipts, instead of being in the neighborhood of $300,000,000, would be about $700,000,000, then we would have the Postmaster General and his assistants contending that because postal receipts had doubled, this country would be twice as prosperous as it was the year before. [Applause on the Republican side.]

It is plain it can be reduced to an absurdity, and I charge the department with lack of candor and fairness in making this kind of an argument, which is misleading.

"The rumblings of the European war during July, 1914!" Why, I had the honor of being appointed a delegate on the part of the American group of the Interparliamentary Union to a peace conference in Europe to be held August 19, 1914, and I landed in Liverpool the day before the war. Naturally, being about to make a trip, I wanted some money, and I walked into the Bank of England branch in Liverpool with a letter of credit, and I got 100 pounds sterling in gold without any question. I arrived in London and two days later you could not get a dollar in gold for any kind of paper. I had travelers' checks on the White Star Line and went into their own office, but they refused to pay them, and you could not get any money for two weeks. The postmaster general of England had to issue paper money in small denominations because metal money disappeared. The war came unexpectedly to England, that was evident.

Now, what a fortune these gentlemen could have made if they had utilized their knowledge when they heard these "rumblings in July." Why, Col. Sellers's millions, which he was going to make out of eyewater, would be like a kernel of corn to the Capitol building, as compared to the fabulous wealth that these men could have made if they had been able to hear the rumblings of the European war 30 days before it broke out. So much for the "rumblings."

Mr. COOPER of Wisconsin. Mr. Chairman, does the gentleman recall what date it was he left this country for Europe?

Mr. STEENERSON. Yes; I left, I think, about the 21st day of July.

Mr. COOPER of Wisconsin. Up to that time had their been the slightest symptoms in this country of a foreign war?

Mr. STEENERSON. No, indeed. Everything was perfectly lovely. Nobody, either here or where I went, ever supposed such a thing. I do not believe there ever was a more surprised people in the world than the English people were when that war broke out. I saw them there by the thousands marching new recruits upon the streets, a look of sadness on their faces. There was not a cheer. It came like a clap of thunder from a clear sky, and was looked upon as one of the greatest of calamities, as it truly is, that ever happened to the civilized world. They did not know anything about any "rumblings." I am sure of that.

From the appended table of postal receipts by months, of fifty of the largest post offices, from 1910 to 1915, it would appear that the "rumblings of the European War," which the department claims caused the revenues to fall from the normal rate of increase of 7 per cent to 4 per cent in July, 1914, must have been at work much earlier, for we find the rate of increase in January, 1914, only 1 per cent, in February 3 per cent, March 3 per cent, and in May, 1914, only 1 per cent.

The fact is that the value of this "index" to prosperity is greatly lessened by the change in postage rates and rules of mailability. When these are constant its value is restored.

The European war has been the Democratic goat ever since it began, as long as there was depression of business and lack of prosperity, but as soon as our foreign orders for food products, munitions, and other manufactures at good prices brought revival of prosperity, they forgot all about the war and claimed credit for our wonderful foreign trade and favorable balance of trade as due to Democratic policies. When in the fall of 1914 and 1915 war orders began to come in for our grain and food products, munitions, and other manufactured goods at good prices, and our balance of trade began to grow to immense proportions, everyone else knew the cause of the revival of business except the Democrats, but they refused to credit the war with anything. It caused depression before it existed, but after it was in full progress it had no effect on our trade and industries.

That must be their view, for on no other theory can we account for their failure to mention the war in this connection in their numerous reports and official announcements touching the conditions of trade and our foreign and domestic commerce. The American people believe that the hard times of 1914 were due to the Democratic free-trade tariff and blundering fiscal legislation, and that the war has acted as a tariff wall more effectual than the highest duties, and that the foreign demand for foods and munitions has caused the revival, but no Democrat seems willing to admit it.

POSTAL POLICY.

Now, I am going to quit discussing that feature of postal receipts. I am now going to discuss the general policy of the Post Office Department. I have no grievance against that department. As I have said repeatedly, I have always received the fairest treatment, the most courteous attention, and the greatest consideration; and I have repeatedly denied, so far as my knowledge goes, that they treated Members of Congress differently because of political affiliation. I do not believe that they do. I do not find fault with them for partisanship in that sense. I find fault with the management of the Post Office Department in the last three years for a broader and a greater reason. I find fault with the management and policy of that department because it has not been based upon sound business principles. It shows in every way that it is managed by politicians for the purpose of manufacturing campaign material. [Applause on the Republican side.] That is the way it seems to me.

Now, we must remember that the Postal Service was not a governmental function originally. The Postal Service is taken on by the Government because it can do it more economically and better than private enterprise. It was originally performed by private enterprise. It is a business activity. It requires business sense and business judgment, and the minute that you inject partisan politics into the plan or policy that governs that great business institution you spoil it. And you are not playing good politics, either.

Let me give you a little secret of 13 years of service in Congress. I served for many years under Republican rule and had the right to recommend the appointment of a great many postmasters, and sometimes I was weak enough to appoint a political friend, because of political obligations; but I soon learned that that was an egregious blunder. If a man is not appointed postmaster by reason of his fitness and by reason of the satisfactory service he can give to the people—not Republicans, but people of all parties and creeds—then he is a poor postmaster, and the Congressman who is responsible for his appointment suffers.

Mr. BLACK. Will the gentleman yield for a question?

Mr. STEENERSON. Yes.

Mr. BLACK. Did you recommend any Democrats for postmasters in presidential offices?

Mr. STEENERSON. Yes, sir.

Mr. BLACK. How many?

Mr. STEENERSON. One. That is all that I recall. We have only a few Democrats up there. I recall I appointed Mr. Frazee, of Pelican Rapids, in Otter Tail County, and he has served there now for 16 years. I may have appointed other Democrats, but I can not recall any other second or third class offices. I know

that quite a number of fourth-class postmasters held over from Cleveland's time and were not disturbed.

Mr. CAMPBELL. Have there been any Republicans appointed up there within the last two or three years? [Laughter.]

Mr. STEENERSON. Not that I have heard of.

Mr. SLOAN. Mr. Chairman, will the gentleman yield?

Mr. STEENERSON. I will yield to my friend from Nebraska.

Mr. SLOAN. Were there other Democrats qualified for the post offices in your district?

Mr. STEENERSON. That is beyond me. [Laughter.]

I was about to say that the Postal Service is a business activity, and that the experience I had in appointing postmasters showed me that whenever I appointed a politician who was not an efficient postmaster I suffered, because if there is one thing that the people of the United States demand it is a good Postal Service. [Applause.] It must not be tinctured with politics or partisanship.

Now the trouble with this administration has been, not the small partisanship that I have referred to—I acquit them of that, as discriminating between Members of Congress—but in the conception of what the function of the Postal Service is. The function of the Postal Service is to render the people service at the lowest practicable cost and to treat the employees fairly. It is not the object and purpose of the postal department to accumulate a surplus. A surplus is just as objectionable to the real friend of the Postal Service as is a deficit, because the underlying idea is that this service shall be as efficient and cheap as possible and shall be self-sustaining.

When this administration came into power it did not have the right idea, to my notion, of what the Postal Service was and what it was to do, because, according to their official statements and reports, which I commented on a year ago, and I think two years ago, they were engaged in the effort to save money in order to accumulate a large fund—for what? To make up for the general deficit in the Treasury, due to the blundering fiscal legislation of their own party. [Applause on the Republican side.]

They wanted, so to speak, to milk the Postal Service and the poor, humble, hard-working, and faithful employees of a few dollars here and there in order to make up for the deficiencies of the Underwood tariff law. That was not the business of the Post Office Department, and yet we find it in written reports and in the evidence before the Post Office Committee. And that idea is still prevalent.

Why, at the hearings before the committee the other day a gentleman—a Member of this House and a Democrat—came and advocated legislation about the Rural Free Delivery Service so as to restrain the discretion of the department over it and to fix flat salaries and to prevent motorization of routes. He said that as soon as he was elected he came down from Nebraska to Washington and spent three or four weeks with the Fourth Assistant Postmaster General to persuade him that he was doing the people of his district an injustice in rearranging the routes. He contended that their rural service was wrong and it was hurting him politically and inconveniencing the people.

I asked him why he did not go to the Postmaster General with his grievances, and if unsuccessful why did he not go from the Postmaster General to the President? "Oh," he said, "I am a new Member and I was not on to that." I said, "That is the way to correct a mistaken policy." Any President who finds out that the policy that is being pursued by heads of departments is unwise and detrimental to the people will endeavor to correct it. But nobody seems to have had the courage, whether Members of the House or of the Senate, to go to the President with this grievance which they bring before Congress. They are administrative matters and should be corrected by the executive branch and not imposed on Congress.

As I said, it was a policy to save money to put into the General Treasury. The first proposition was to save some twenty or thirty million dollars on the Rural Free Delivery Service. They brought an estimate in here to cut the appropriation for rural carriers about twenty millions.

The estimate was below what was required to pay the rural carriers' salary, and their explanation was that they had put in a clause in the legislative part of the bill that authorized them to let out the rural routes on contract. Some suspected it was an attack on civil service; that it would create 44,000 vacancies to be filled under the spoils system. We may have been mistaken, but we suspected it. But the plan was to save money by deteriorating, if not destroying, the rural service by the substitution of a contract system. Well, the House of Representatives and the Senate, Democrats and Republicans together, put a veto upon that immediately. That ought to have been a warning to the Post Office Department that they were on the wrong track, but they still kept on; they renewed the recommendation before the committee this year in another form—the proposition which they have carried into effect in some of the States, the substitution of motor vehicles for horse-drawn vehicles in the rural service. I do not want to discuss that. I presume there will be many to do so before we get through with this bill. I know the gentleman from Ohio [Mr. FESS], whom I see on the floor, discussed it with great ability before the committee.

This idea of saving money in order to get a large surplus influenced their administration and was felt by the railway mail clerks, the clerks in the city post offices, first and second class, and the other departmental employees, because instead of being promoted they were either kept stationary or demoted. A good business man, managing an immense institution like this, would try to encourage the employees, especially those in the lower grades.

Imagine yourself a rural mail carrier, or a city mail carrier, or a railway mail clerk, and that the employer for whom you are working is taking every advantage of you to reduce your pay and make your working conditions as uncomfortable and unfortunate as possible in order to save money, to make up some deficit for which neither you nor the service is responsible. It has a demoralizing effect. The duty of the Postmaster General and of all his subordinates should be to encourage these faithful employees and make them feel that they have a friend instead of an enemy at the head of the department. If they felt that way they would not be coming here to Congress and before the committee at every session appealing for relief.

I have no doubt that the gentleman from New York [Mr. GRIFFIN] or the gentleman from Massachusetts [Mr. TAGUE], when the time comes, will explain the treatment of some of the postal employees in New York and Boston. It ought not to be necessary to come here to get that kind of relief. It ought to be obtainable in the executive branch.

So much for the policy of the Post Office Department with regard to the service.

PARCEL POST.

Now I will discuss another feature of the parcel post.

Congress in authorizing the parcel post put this clause in the law:

The classification of articles mailable, as well as of weight limit, rates of postage, zones, and other conditions of mailability under this act, if the Postmaster General shall find on experience that they or any of them are such as to prevent the shipment of articles desirable, or to permanently render the cost of the service greater than the receipts of revenue therefrom, is hereby authorized, subject to the consent of the Interstate Commerce Commission after investigation, to reform from time to time such classification, weight limit, rate, or zone conditions, or either of them, in order—

I want you to mark these words, now—

in order to promote the service to the public or to insure the receipt of revenue from such service adequate to pay the cost thereof.

Adequate to pay the cost thereof. It is the same idea that underlies the whole Postal Service, as I have already explained, that it must be self-sustaining. Some people may think that by advocating a parcel post to carry packages weighing a ton they are doing a service to the common man. But a man who advocates an unsound policy never renders a service to the public. I am a friend of rural service, city service, the railway mail service, and all branches. I want to encourage them all. I want to inspire them with a spirit of ambition and faithfulness, because they have a hard task to perform. But when I impose a new element of service, like the parcel post, I want it based upon sound economic principles. Otherwise it will not be popular in the long run. The people are not asking for a cripple who can not stand on his own feet. They want a parcel post that pays its way.

Does the parcel post as now administered pay? That is the question. I do not believe it does, and I will show you the reason why. The parcel post to-day, according to the departmental figures, constitutes a volume of mail weighing 1,640,000,000 pounds, one-half in weight of all the matter carried in the mails. You remember that in 1908, when the Postmaster General began to agitate against carrying second-class matter in the mails at 1 cent a pound, he stated that it constituted 63 per cent of the total weight and yielded but 5.19 per cent of the revenue. Ever since then the department has been trying to devise some way either to reduce the cost of transportation of newspapers and magazines, which constitute second-class mail matter, or raise the postage. Well, it is pretty hard work to raise the postage. No man ever saw it done. So it must be difficult. But they can economize in the transportation, and they have. They have economized a great deal in the transportation of second-class mail matter, because they send a large part of it by freight, under the blue-tag system. That is, some second-class matter is tagged with a blue tag and it does not go into

the railway mail cars, where the rate of railway-mail pay is high, but it goes by freight.

Now, the parcel post constitutes one-half of the total weight of the mails. I am not contending that parcel post ought to bear one-half of the burden of cost of the service. I admit that it does not cost as much to handle the parcel-post matter as it does to handle and transport first-class mail, because the pieces of the latter are so small. I would go further, and admit that it costs less to transport parcels than to transport second-class mail matter, but I do not believe that difference is very great, for the reason that magazines and papers are handled largely in bundles. Newspapers are largely handled in bundles, although there are large numbers which come singly, requiring a good deal of the time of the clerks to handle them.

Now, the parcel-post revenue as estimated by the department was for 1913 $39,490,000, for 1914 $52,000,000, and for 1915 $61,559,000.

Now, the total postal expenditures are in the neighborhood of $300,000,000; and if we get $60,000,000 from the parcel post, then the parcel revenue amounts to 20 per cent, perhaps. It constitutes one-half of the weight of the mail and brings in about one-fifth of the income, according to the department estimates. But I do not believe it brings in anything like sixty or sixty-one million. They say it costs about fifty millions, but it is merely a guess by interested guessers. Why should it cost two hundred and fifty million for one half of the volume of mail when the other half is handled and transported for fifty?

If it costs only one-third as much per pound as the other sixteen hundred million pounds, it would cost $83,000,000, which would be a loss of over thirty millions annually. This is conservative. But why did they abolish the distinctive parcel-post stamp? It would seem as though the law commanded its use in order to know just what the income was, but they abolished it in violation of law. Was it to conceal the amount of revenue derived from the business? They say they made $10,000,000 on parcel post last year. If so, the other mail must have fallen off greatly since 1912.

From the above it appears that, outside of parcel post, the revenues of the department for 1913 were $11,000,000 less than for 1912, for 1914 they were $3,000,000 less than for 1912, and for 1915 they were $12,000,000 less than for 1912. In other words, but for the new business created by the parcel-post law, the postal revenues have absolutely fallen off each and every year as compared with 1912.

If the revenue of the Post Office Department is eleven or twelve millions dollars less, then business must now be poor, because they say that it is an index of business prosperity, or the contrary.

We are confronted with this dilemma: If parcel post is as profitable as they say, then the other mail business must have been unusually unprofitable. In spite of $10,600,000 profit on that class there was a loss of $11,300,000, so loss on the other mail business was $21,900,000—nearly twenty-two million.

I am forced to the belief that the departmental reports are unreliable, and their statistics made with a preconceived purpose to prove that they have made a success of parcel post, when it is not so.

If transportation by rail costs 10 cents per ton-mile, and the average haul is 600 miles, it costs 3 cents for railroad haul alone. Then there is star-route haul; a large part goes by star route into remote regions. That costs ten times as much. Then there is handling—say, 3 cents per pound—and you have a cost of 6 or 7 cents per pound, with receipts of only 4 cents.

If there is a loss of only 1 cent per pound on 1,600,000,000 pounds it amounts to $16,000,000. That would account for the whole postal deficit and leave $4,500,000 surplus, about the same surplus as appeared the year before.

According to the information I have, only 1.7 per cent of the parcel post goes to the rural routes; 98.3 per cent of it is in the cities. So that when gentlemen think this service is largely carried on for the farmer, they are mistaken.

From the tables at end of the speech it will be seen that the receipts fell off month by month long before July, 1914.

Mr. LLOYD. Will the gentleman yield?

Mr. STEENERSON. Yes.

Mr. LLOYD. The gentleman obtained that information from the Post Office Department?

Mr. STEENERSON. Yes; I obtained it from Mr. Koontz, at the suggestion of the Postmaster General, who told me to go to him for the information.

Mr. LLOYD. That is very interesting information.

Mr. STEENERSON. Yes; and I think I am not mistaken, for I have a memorandum of it, although not over any signature. Now, I want to explain why I believe these estimates of the department are wrong, and also why the estimates of other gentlemen are wrong. It is the same in estimating as it is in the testimony in a lawsuit. The biased witness gives wrong information, wrong testimony, although he may not willfully falsify. In all I have said I hope the gentleman will understand me; I am not charging any department officials or any gentleman that I have referred to with willfully falsifying; but I say that by reason of their bias, preconceived notions, and partisanship they are mistaken in their conclusions.

Take my distinguished friend from Maryland, Mr. LEWIS. A more industrious and intelligent student of social conditions I have never known; but no one can listen to him without seeing that he is intensely interested, and that he regards himself, honestly and sincerely, as the special friend of the common people, as opposed to what he calls the superman. That is creditable to him. He says in the speech he delivered the other day that he believed the parcel post is immensely profitable at the present time. He believes that if we only would take over all of the express business and increase the limit to 150 pounds, I think he said, we would reap a golden harvest in profits of from thirty to forty million dollars. He says that he figures that the revenue per piece is 18 cents over 3 pounds. He never explained why he took pieces of 3 pounds in weight, because the Post Office Department reports the average weight as 1 pound and 11 ounces. Possibly it was upon the theory that he was going to exclude all the matter that formerly was transportable under the old law; but he did not explain it, nor did he explain how we got 18 cents per piece. He did explain that it cost 5 cents per piece for handling. That must be it is for handling the large pieces of 3 pounds and over, because if he means all pieces, then there will be nothing left for general expenses, if you are going to charge 5 cents apiece all-around. There is nothing left. So it must be that he distinguished between the small pieces and the large pieces, but he did not explain. He was particular in emphasizing the conviction that public-service corporations were inefficient, and that the Post Office Department was the best exhibition of efficient Government service and management of a public utility that existed in the world. He said in one place:

> The House to-day realizes its great need for additional revenue. If the Post Office Department will expand the parcel post to its normal dimensions as is done in other countries there is awaiting it a profit of from $30,000,000 to $35,000,000.
>
> Somebody asked, Does the parcel post pay?—a very proper question. Let us see about that. We have 5 cents, the cost of handling the parcel. Then we have railway pay for 5½ pounds, which costs 6 cents more. You can compute it yourself. The new traffic is costing about 6 cents a ton-mile, or a cent a pound for 333 miles. That is the out-of-pocket expense, for under the sliding scale this is the rate we are paying the railways on parcel traffic.

I asked him during the debate how he arrived at 6 cents per ton-mile for railway mail pay, and he said it was because the parcel post had increased the volume of mail to such an extent that it brought the quantity in most instances to over 48,000 pounds daily average weight. You know under the sliding scale of railway mail pay it is highest for a low quantity until you get up to 48,000 average daily weight. Above that there is no reduction, but he contends that until you reach that point it is 6 cents a mile. I asked the department officials during the hearings and I asked the railroad men that appeared before us, and they said the lowest estimate they got was 7½ cents or 7 cents on the very densest route of mail traffic, and they said the average would be more, but they could not tell. I asked the former Assistant Postmaster General Stewart to look it up, and he said the average railway mail pay per ton-mile was nine and a fraction cents, but that you must add 1 cent and another fraction for railway post office pay. It seems that in the computation my friend from Maryland had overlooked the railway post office car pay, which amounts to a cent a mile a ton. Mr. Chairman, I do not think for a moment that my friend wanted to mislead, but he is a patriotically inclined gentleman. He loves the people and the people love him, or they would not send him here so regularly, and he believes honestly and earnestly that he is rendering a great service as the father, or the putative father, of the parcel post and destroying the traffic of the express companies, although, as we all know, the express companies are now under the regulation of the Interstate Commerce Commission, so that any interstate rates they charge must be sanctioned as reasonable.

Lately they have had extensive hearings upon the question of whether the express rates were too low, and the express companies have been permitted for reasons shown, evidence produced, to raise them. Yet, in view of the fact that these express companies—and the gentleman does not dispute it—have been doing business at a loss, it is claimed that we can make $30,000,000 by taking over the major part of their business, because it is contended the Government agency is so much more efficient. The only explanation I can give of such contention is that the man is enthusiastic and is carried away by his enthu-

tions, like most of these Democrats that we like to listen to with all of their flowery oratory and impulsive speech, such as we had an evidence of this morning. I am glad to see it, for I always enjoy listening to it—and he is led to a conclusion which he desires without sufficient reason to support it. He says here that 25 per cent at least of the revenues of the parcel post is clean profit now. Well, if it is, if we made $15,000,000 clean profit on the new business derived from the parcel post last year, how, may I ask, does it happen that there was a deficit in the post-office receipts of $11,000,000? Business throughout the country must certainly be bad if, after making a clean profit of fifteen or sixteen million dollars on this new line of business, this new activity that the Postal Service has assumed, the other receipts from other mail matter—letters, third class, and everything of that kind—is so small that it dwindles below the postal figures of 1912.

But let us see about the wonderful ability of the Postal Service. I want to sanction every word that has been said by the Postmaster General and his assistants in praise of the employees, the clerks, and the faithful laborers in every field in the Postal Service, but I criticize the management. I will cite an instance:

Up to March 16, 1914, books, including catalogues, were in the third class and carried a postage rate of at least 8 cents per pound. It was 2 cents for each 4 ounces or fraction, which means it was nearer 10 cents on the average. On this date an order was made placing them in the fourth class as parcel post. This gave them a local and first and second zone rate of 5 cents for the first pound and 1 cent for each additional pound. Mail-order houses, like Sears, Roebuck or Montgomery Ward, send out catalogues by the million, each weighing about 5 pounds. When sent by mail the Government received at least 40 cents per catalogue. The Executive order placing books in the fourth class made it possible for these catalogue houses to withdraw them from the mail and ship them by freight to distributing points and then have the Government deliver them to their customers for the local or first or second zones. What is the result? A catalogue that weighs 5 pounds is put in the mail at Baltimore and within a radius of 150 miles is delivered by the United States Government at 5 cents for the first pound and 1 cent for each additional pound, or 9 cents for the 5 pounds, or at a rate of 1.8 cents per pound. Now, if you write to Sears, Roebuck & Co., at Chicago, for a catalogue you will not get that catalogue from Chicago but you will get it from Baltimore. Why? Because they print such an immense quantity of them and they distribute so many of them within 150 miles from Washington, or any other central city, that they can ship them in entire carload lots at a rate of 15 or 20 cents per hundred. They can ship them from Chicago to Baltimore; then for 1.8 cents per pound it is delivered. How much do they save? Formerly they had to put them in the mail if they did not send them by express and pay 40 cents, and they now pay 9 cents. The railroad transportation would be a little over 2 mills, and add that to the 1.8 cents a pound it would be about 10 cents. They have 30 cents left as a clean profit on every catalogue of 5 pounds.

I have been told that there are 40 mail-order houses in the United States that distribute large catalogues and that the postage on those catalogues before they were put in the fourth class amounted to in the neighborhood of $10,000,000; and that after they went into the fourth class, being transported a long distance by rail as freight and distributed to the first and second zones and the locality at 1.8 cents per pound, the Post Office Department lost that much in revenue. It would appear from this that the mail-order houses profited all the way from five to ten million dollars per annum by that transaction.

Mr. LLOYD. Will the gentleman yield at that point?

Mr. STEENERSON. I do.

Mr. LLOYD. The gentleman would not claim that was a total loss to the Government?

Mr. STEENERSON. No; of course, it cost the Government something to transport them in the mail. When I asked the department official, "Why did you do that when you were getting 8 cents a pound? Why did you voluntarily turn around and get less than 2 cents a pound?" He said, "Of course, we save railroad transportation." "Yes," I said, "I know, but the railroad transportation is only on the average 10 cents per ton-mile, which for a thousand miles only amounts to 5 cents." "Well," he said, "We figured that perhaps many of these catalogues had a long haul, because if they were shipped from Chicago to Portland, Oreg., or to San Francisco, there would be 1,600 or 1,800 or 2,000 miles, and the railway transportation would eat up a great deal."

I said, "Well, the revenue fell off." He said, "Yes."

Mr. LLOYD. Will the gentleman yield in that connection?

Mr. STEENERSON. Yes.

Mr. LLOYD. Is it not true that under former administrations it was ascertained, in the apportionment of the cost of the several classes of mail, that the third-class mail, to which catalogues formerly belonged, was carried at a slight loss?

Mr. STEENERSON. No; I think the revised figures show it was not.

Mr. LLOYD. Eight and a fraction cents per pound; and that the Government received 8 cents per pound?

Mr. STEENERSON. Well, those estimates were based on weighings in 1907; and after that the decree, or order, was made which cut railroad pay about 10 per cent, and there were reductions by the law of 1906. The result of the quadrennial weighings under new rule and statutory reductions could not take full effect until 1911 or 1912, so that the estimates referred to would not be applicable in 1914. I do not believe the average haul of catalogues exceeded the average of other classes, say, 620 miles; and at that distance the railways get 3 cents a pound. I am satisfied that there was a profit on the catalogues of about 2 cents a pound, or 10 cents apiece. But if they can make money in sending this matter 150 miles and delivering it at 1.8 cents per pound, it does not seem to me that it is possible that they could lose money when they got 8 cents, because the vast number of catalogues would be delivered within a small radius of the place where they came from; because they are sent to the place where their merchandise is in demand, and their rates are such that Sears, Roebuck & Co. can not compete very successfully up in the wildernesses of Oregon and northern California with the local houses. It is more in the immediate vicinity of 500 or 1,000 miles. There may be exceptional cases, but the bulk of the business is done within perhaps a radius of 600 or 700 miles.

It is said that the mail-order houses capitalized the profits that were derived from the new way and issued stock and sold about ten millions and are paying good dividends on it. I do not know how true it is, but it seems quite probable. I cite this as an instance of the efficiency of the United States as a business man in the transportation business. They say they can make money at 1.8 cents a pound and lose money on 8 cents a pound. That is a wonderful thing. Where do they get the 5 cents per piece that is sometimes claimed it has cost to handle, when they charge only 9 cents? That leaves 1 cent a pound. And, as I indicated to the gentleman from Missouri [Mr. LLOYD] a while ago, I believe that, inasmuch as this mail matter constitutes half of the total volume of mail, it ought to bear a larger percentage of the expenses than they attribute to it.

Now, let me suggest something that they could have done. If they said it was so expensive to transport catalogues by rail that there was no profit in 8 cents a pound, as has been intimated, why did they not do the same with catalogues as they did with magazines and ship them by freight? We are shipping magazines under the blue-tag law by first-class freight at the same rate as Sears, Roebuck & Co. are shipping their catalogues. If the Post Office Department had adopted that system, as with magazines, and shipped catalogues by freight and still charged the 8 cents postage, they could have reaped $10,000,000 profit instead of the mail-order houses. It seems to me that the best friend that the Democratic Party possibly can have in the world must be the mail-order houses, because they certainly got a big bonus by the changing of the postage on that kind of matter. If they are not all Democrats, they are ingrates.

RAILWAY MAIL PAY.

I want to say a word about railway mail pay. I have stated repeatedly, and stated last year, that I am not opposed to the space plan. It was recommended by President Taft and Mr. Hitchcock, his Postmaster General. I have never been able to share in the great expectations about the results of that plan expressed by the distinguished chairman of the Committee on the Post Office and Post Roads. I so stated a year ago. You remember at that time that the special rule making the railway mail pay law a part of the appropriation bill was also mixed up with another legislative provision affecting the assistant postmasters, rural carriers, and so forth, and when it was brought in here we fought that rule. It went like wildfire among the Members of the majority party that if that provision we had incorporated as a rider on the appropriation bill went in the salaries of their newly appointed postmasters would be reduced and the salaries of the rural carriers would be affected; and they rebelled. And I had the distinguished honor of leading a fight, the first successful fight I ever made on a rule brought in by the Rules Committee; and I defeated it.

The gentleman from Tennessee [Mr. MOON], the distinguished chairman of the committee, upbraided his fellow Democrats for voting against that rule, because, he said, they were apparently

influenced by the railroads, and he stated that if they could get that law they would save ten or fifteen million dollars a year in railway mail pay. I said at that time I did not think they would save that much, although I was in favor of the bill. I say so yet. And I think the gentleman was unjust to his Democratic colleagues; in fact, it was proven he was unjust, because when the Rules Committee brought in a new rule and kept the railroad provision in but left out the rural carriers' salaries and the postmasters' salaries it was carried easily. That showed that, for political influence, give me the third and second class postmasters and rural carriers throughout the United States every time. The railroads are not in it.

How is it now? I am not opposed, but I do not want to be so uncandid as to promise any great saving from the space plan. I was willing to vote for it because it was supported by the postal officials, who have made a life study of this matter. It was recommended by the Bourne commission, which was composed of three Senators—two Republicans and one Democrat—and three Members of the House, of whom two were Democrats and one a Republican. My distinguished friend from Missouri, Mr. LLOYD, was one of them; Mr. Tuttle, of New Jersey, a former Member of this House, was another; and Mr. WEEKS, of Massachusetts, who was formerly chairman of the Committee on the Post Office and Post Roads, was the other member. They made a unanimous report recommending the space plan. And that is substantially the provision that we have put into this bill.

Now, the chairman of the committee discussed that plan. It is a technical subject. I would like to discuss it, for I just revel in railway mail pay law. It is so complicated that it beats the new puzzle all to pieces.

But I think I can make some parts of it plain by showing you why the railroads are so violently opposed, and their reasons, and why I do not think the benefits from the law are as great as they are claimed to be.

The parcel post is responsible for all this agitation of railway mail pay. Very little was heard of it before, but in view of the fact that 1,600,000 pounds of merchandise is carried through the mail now—and the volume is increasing—it becomes a very important question of transportation. Under the law as it is the pay of the railroad is fixed by weighing to determine the daily average amount carried over the road, and the law says that these weighings shall occur not less frequently than once in four years.

I want to emphasize that. The department has the discretion to weigh every week or every day if they want to, if they have a reason for it; but they must weigh once in four years. The trouble with the railroads seems to be that the parcel post came on in some sections right after a weighing, and this new matter was put in and they carried it four years without getting any pay.

Of course that was wrong. Every person will admit that if you hire a man to carry all your wheat from your farm for four years and then you load on, in addition, an equal quantity of barley and corn he ought to have extra pay, because it is outside of the contract. But of course you could not very well sue the Government, and so they appealed to Congress. The change from 4 to 11 pounds in weight limit was made by Congress, and we passed an act authorizing the department to allow extra pay not exceeding 5 per cent, and we left it to be distributed by the Post Office Department. They distributed most of it, but had some left. They said that the increased volume of business did not require them to distribute it all.

But here afterwards come the Executive orders increasing it to 20 pounds and 50 pounds, and admitting books. That added an immense volume to the local mail. It added especially to the volume of the mail in that part of the country where the railroad transportation was high. Out in the West and some sections of the South there are what are called short-line railroads, that are feeders for the trunk lines. Some of them run into the mountains, where the grades are 4 per cent, where they are required to have double engines climbing the mountains. It is expensive to carry freight there, and the freight rates were high. I think they showed us one road 80 miles long, where the freight rates for the highest class were something like twice or three times as high as the first and second zone parcel-post rates. Well, of course, if a merchant can ship his goods by mail cheaper than he can by freight, he will put them into the post office, and under the law these railroads could not refuse, could not stop carrying the mail. That would destroy the towns along their lines and the country, too. They were loaded up with business in freight cars—cement, lumber, ore, grain, cheese, butter, in large quantities, 48-pound packages. That, of course, took away the freight receipts of the railroads, and gave them no pay for their work for four years, and they complained. That is one of the grievances they presented before the committee.

I say, and I have said to the Post Office Department officials when they came before the committee, that they ought not to bring that kind of a grievance before Congress, because it is a matter of administration and not of legislation. There was authority in the department, where an injustice was done, by reason of an Executive order made by them to reweigh the mail anywhere in the United States, and Mr. Stewart, the former Second Assistant Postmaster General, admitted it, and you will find it in the last page or two of the hearings.

The general law authorized them to reweigh mail, and they ought to have reweighed it when they admitted as mailable matter something that was unmailable before.

If they had done that, I do not think there would have been these complaints on the part of the railroads, and no such agitation. The old law would have done justice if only properly administered. The Government can not afford to be unjust to anyone.

Mr. GREEN of Iowa. Mr. Chairman, will the gentleman yield there?

Mr. STEENERSON. Yes.

Mr. GREEN of Iowa. Are those amounts very large?

Mr. STEENERSON. Oh, they amount to a good many millions, I think. I have made no computation, but I have no doubt they amount to several millions.

Even if we have no space plan, I see no reason why nonperishable parcels could not be shipped by freight the same as magazines under the blue-tag system.

Mr. BLACK. Mr. Chairman, will the gentleman yield there?

The CHAIRMAN. Does the gentleman from Minnesota yield to the gentleman from Texas?

Mr. STEENERSON. I do.

Mr. BLACK. Does not the gentleman think that one of the most important things in the Postal Service is the expediting and delivery of the mails?

Mr. STEENERSON. Certainly. That is exactly right. Expedition is important. Now, these men that are so ardent of their advocacy of a high-weight limit of parcel-post packages forget that we must look out for the first-class mail, the letter mail, which is the most important of all and pays 65 per cent of the postal receipts. We do not want to load down the mail so as to impede first-class mail and destroy the expedition that we now effect in that line.

Have you ever noticed how soon the business world detects a slight delay in the delivery of first-class mail? A business man from the West, who is stopping up at my hotel, said to me yesterday, "Why is it that there are only three mail deliveries at the hotel now? I heard you were on the Post Office Committee."

Mr. AYRES. Can you expedite the parcel post by carrying it by freight?

Mr. STEENERSON. No. But by separating the first-class mail from the bulky parcels we can expedite that mail. The expeditious transportation in heavy distributing railway post-office cars is costly. And I am coming now to the very crux of the railway mail pay question.

They say that a railway post-office car carries on the average 3½ tons, or 7,000 pounds of mail matter. That car weighs 110,000 pounds; that is, the car weighs sixteen or seventeen times as much as the load it carries. The load of an ordinary freight car weighs as much as the car itself. Economy in transportation consists in getting as heavy a load as you can on a light vehicle.

In 1901, when the Wolcott Commission was investigating railway mail pay, it employed Henry C. Adams, the statistician of the Interstate Commerce Commission, professor of economy in the University of Michigan, one of the ablest men in that line. His report is a classic, and is worth reading at any time. The question was, Are the railroads overpaid for carrying the mail? He said, "That depends upon what load that is carried in these railway post-office cars and the compartment cars." He said that if you could increase the average load to 9,000 or 10,000 pounds, then there was such economy in that that they would be overpaid. If you could increase the average load to 10,000 pounds, you would be justified in cutting down the railway mail pay, according to Mr. Adams. But he says the difficulty then was that they did not have evidence to establish the average load.

Mr. GREEN of Iowa. Will the gentleman yield there?

Mr. STEENERSON. Yes.

Mr. GREEN of Iowa. Has not the average load increased largely of late?

Mr. STEENERSON. I am coming to that. That is the very thing I am coming to. At that time the employment of storage cars was rare. Since the volume of mail has increased with the development of the country, the trunk lines carry special mail trains, with what they call storage cars, several of them in each train. These cars carry 20,000, 30,000, or 40,000 pounds of mail, like freight cars. All they do is to fill the car with packages. Now, mind you, there may be two or three of them in a special mail train on these heavy routes. The R. P. O., the railway post-office car, weighing over 100,000 pounds, has a lot of space for distribution, for the railway mail clerks, for sorting the mail, and consequently the car carries only 3 or 4 tons. Well, you say that is a heavier car to pull than the freight car or the storage car. A railroad man who was before the Post Office Committee objected to this space plan. I said to him, "If there is economy in it, what objection is there? What difference does it make to the railroad? Is not the tension on the drawbar the same when you pull a storage car with 20,000 pounds, the car itself weighing 80,000 pounds, as there is when you pull a railway post-office car that weighs 95,000 pounds with a load of 5,000 pounds, there being 100,000 pounds to move on the wheels in each case?" He admitted that, but he answered that there ought to be overhead charges. Whatever he meant by that, I am not sure. Now, you see, inasmuch as the cost of doing this business turns upon the load carried in the car, the Government, by proposing the space plan, expects to get the benefit of that economy in transportation. The Post Office Department expects to wait until it gets enough parcels to fill a storage car, and then put that car into the train with a railway car, and then the department will pay 21 cents per mile traveled by that car with its load. There, you see, they will move 20 tons of mail for the same price they move 3 tons of mail in a railway postal car.

First-class mail, which needs expeditious distribution and sorting before it arrives at its destination, will go into railway post-office cars. The parcels are sorted at the station before the car starts, and they will wait until they get a large enough quantity to make a carload. That is the plan, and it is said that that is no injustice to the railroads, because it is just as hard to pull the railway post-office car with 5,000 pounds of load as it is to pull the storage car with 20,000 pounds of load, as both cars with their loads weigh the same, and that the cost is the same in the amount of coal consumed, wear and tear of the track, and so forth. "But," say the railroads, "what we fear is an interference with our freight business. If you carry 42,000 pounds in a freight car for 21 cents a mile, you pay us only a cent per ton-mile." Well, that is correct.

Mr. GREEN of Iowa. Does the gentleman mean that on the space plan you would be paying 1 cent per ton-mile?

Mr. STEENERSON. It would be paying 21 cents per mile for the car whether it was a railway post-office car or anything else.

Mr. GREEN of Iowa. Estimating it on the space plan?

Mr. STEENERSON. There is no space about it; the law says that you are to pay 21 cents a mile on any load that you see fit to put in it. It is just like a contract with the ocean mail; we have a steamship leaving New York on which we pay $4 a mile for the mail, and it does not make any difference whether you put on 1,000 pounds or 10,000 pounds. So with these cars we pay by the mile for hauling them and we load them as we please.

Mr. OGLESBY. Will the gentleman yield?

Mr. STEENERSON. Yes.

Mr. OGLESBY. I understand that for the heavily loaded cars the present bill would reduce the compensation.

Mr. STEENERSON. I hope I have explained that.

Mr. OGLESBY. For the railway post-office cars the compensation would be materially increased, would it not, so that, as a matter of fact, the average would substantially be the same?

Mr. STEENERSON. That would depend on the load; if you had a light load it would be increasing it, but the increased space plan does not lie in that direction. I think the increase in pay comes on the space plan in paying for the terminal service and in the Government paying for carrying the mail to the station within 80 rods and for space in compartment and baggage cars.

The result, you see, is that the railroads contend that if you can carry merchandise freight at 1 cent per ton-mile, they would have a lower rate than the freight rate. They say we will lose the freight traffic, and people will send all the freight they can gather up by mail. That is the argument that they make. They say that it will destroy their freight business and make so much more of a burden upon them that they could not carry it for that money.

The bill appropriates $3,000,000 more for space plan next year than was estimated as required on the weight plan, but it is expected by the department that even at that they will be able to economize. I believe that the present law, if administered properly, and using the blue-tag system more than they do, would largely reduce the present railway mail pay, and they could so economize without any injustice to the railroads.

However, I am not opposed to the change. I am willing to take the opinion of men who have studied this for years and take their judgment upon it.

Mr. OGLESBY. Will the gentleman yield?

Mr. STEENERSON. Yes; I will yield to the gentleman from New York.

Mr. OGLESBY. In reading the literature of the railroads on the subject, I find they contend that a change from weight to space system will enable the Government to have carried parcel post and other mail matter at a rate much less than they now get for first-class freight. I would like to ask the gentleman whether or not any evidence was introduced before the committee to substantiate that claim.

Mr. STEENERSON. If the gentleman had followed me he would see that I answered that. If you carry freight at 1 cent per ton-mile, that is very low. The average for all classes of freight in the United States—coal, cement, and so forth—is 0.73 cent per ton-mile. This makes it 21 cents per mile for a car that may be loaded as much as you please.

Mr. LLOYD. The gentleman stated the railroad contention. Is it not true that under the space plan there must be paid the full rate of 21 cents a mile from the initial point until the car returns to that initial point; in other words, you must pay the same price for outgoing mail as for the incoming mail?

Mr. STEENERSON. That is correct.

Mr. LLOYD. The incoming car will probably not be loaded to half as much as the outgoing car. For example, mail going west from New York will go in full cars, and the same cars will come back not half loaded, and they get 21 cents per mile for every mile traveled.

Mr. STEENERSON. That is correct.

Mr. BEAKES. Mr. Chairman, will the gentleman yield?

Mr. STEENERSON. Yes.

Mr. COX. Mr. Chairman, the gentleman just said a moment ago that the average freight haul for coal, stone, and all kinds was 72 or 73 cents per ton-mile.

Mr. STEENERSON. No, no; 73 mills.

Mr. COX. That is what I thought the gentleman intended to say.

Mr. STEENERSON. Mr. Chairman, I do not propose to spend any more time on the railway mail pay question. I want to say a few words in closing as a sort of résumé of this whole argument; and that is, that it has been a great shortcoming in the present administration that they have injected so much partisanship into a business proposition like the Postal Service, and, in fact, I believe that this administration has shown more partisanship than any of their predecessors.

PARTISANSHIP—THE PSYCHOLOGY OF.

Mr. COX. Mr. Chairman, will the gentleman yield?

Mr. STEENERSON. Yes.

Mr. COX. Will not the gentleman be concrete and put in the RECORD where the present Post Office Department has played politics?

Mr. STEENERSON. Mr. Chairman, if the gentleman has not discovered it now I am afraid that I will never make it plain to him. Have I not shown that they are making these changes, motorizing the rural routes, proposing to change to the contract system, reducing the pay of the employees for the purpose of raising a surplus because of a general deficit in the Treasury? That was politics.

Mr. COX. In doing that, has it not hit the Democrats as well as the Republicans?

Mr. STEENERSON. I never claimed anything else. I said that the whole policy was unwise. It was and is an egregious blunder.

It has fallen alike on the just and the unjust, but their policy is dictated by an undue desire to be popular and to make a showing, to make campaign material.

Mr. COX. According to the gentleman's own argument, it must make it unpopular.

Mr. STEENERSON. Eventually it will be, because the people will understand.

The gentleman from Nebraska, who appeared before the committee, said Gen. Blakeslee appeared to be "obsessed" with the idea of making money. The gentleman from Indiana [Mr. Cox] heard him say so—obsessed with the idea of earning a surplus, and would sacrifice the Rural Service to every other

branch of the service. This administration is not fairly representative of the people of the United States. Look at the Cabinet. There are three from the State of New York—the Secretary of State, the Secretary of the Treasury, and the Secretary of Commerce. There is one from New Jersey, the Secretary of War; one from North Carolina, the Secretary of the Navy; one from Missouri, the Secretary of Agriculture; two from Texas, the Attorney General and the Postmaster General; one from California, the Secretary of the Interior; and one from Pennsylvania, the Secretary of Labor. Taking them by sections from which they hail, we find that the North is very poorly represented.

But if we take the States or countries in which they were born, then we find as to their nativity that three—Lansing, Redfield, and Garrison—are from the North, five—McAdoo, Daniels, Houston, Burleson, and Gregory—are from the South, Lane is from Canada, and Wilson, the Secretary of Labor, from Scotland. This is the first instance since Carl Schurz, a German-American, was appointed a member of Hayes's Cabinet that naturalized citizens have been so recognized, and undoubtedly they appreciate it most highly.

But the fact remains that, with the President also born and educated in the South, the South is in the saddle, and completely dominates the policies of the whole Government.

Now, I have the greatest admiration for the people of the South. I am not conscious of any prejudice against them. I have many friends from that section; and although my father, at the time of the Civil War, left his home on the frontier, bid good-bye to his wife and nine children, the smallest in its mother's arms, and shouldered his gun and went into the war to fight for the Union, I have no ill will toward anybody from the South. In fact, I sympathize with their difficulties. I know their trials during the days of reconstruction, and they are wrestling now with the race problem, and it has affected them in certain peculiar ways. They are a little different when it comes to politics. They are what they call "born Democrats." They are not easily changed by argument. A Democratic friend of mine, a southern man, was in my office the other day, and I said to him in a good-natured way: "Why is it that the people of the South—take a State, for instance, like Louisiana, where they are intensely interested in a protective-tariff policy, for which the Republican Party has stood, their main product being sugar—why is it that they still, in spite of their economic interests, vote the Democratic ticket?" I said their interest is the other way. Look at Indiana, a doubtful State, sometimes Republican and sometimes Democratic; look at New York; look at Massachusetts, which has just elected our friend McCall, which sometimes has a Democratic governor and sometimes a Republican governor; look at my own State, Minnesota, which elected our beloved Mr. Hammond as governor, who recently died, and which is a Republican State. If they find a good reason, they change from one party to the other. They do not do that in Louisiana and many of the other Southern States, even for a good reason. Now, then, I asked him, "Why is it?" "Why," he said, "my friend, it is fear. They fear negro domination through the Republican Party, and they will not vote for that party if they were to be benefited ever so much economically." They are born Democrats, and that is the reason why they are politically solid throughout the South. No argument could change them. We never hear of Texas going Republican.

Now, then, this solidarity of the South is little understood in the North because when they do understand it to be founded on race difficulties, on the race question, I do not think they will think so harshly of them, and that will explain why you find that the people of many of the Southern States seem to be very anxious for a protective tariff on their own products. Did it ever occur to you that when Mr. UNDERWOOD, the chairman of the Committee on Ways and Means, brought in his report on his bill he referred to two schedules and said that they were the same as the Republican schedules—the tobacco and the liquor schedules? He said that the committee had made no change in those two schedules; that they were the same as the Republican Party because, as he said, they were luxuries. Why, those schedules contain some of the highest protective duties ever written on the statute books. I think leaf tobacco is protected by a tariff of about 700 per cent ad valorem. Did you hear anybody from North Carolina or Maryland, tobacco States, raise any objection to that? Oh, no. Why, if you put those two schedules on a free-trade basis to-morrow Maryland would have half a million people out of employment. And still the gentleman referred to the protective tariff with all the emotion of which he is capable, and called it "the beast."

I recently read a speech by James J. Hill, one of the leading financiers of the United States and a Democrat, in which he criticized the new Reserve Board for the reason "that there was too strong a sprinkling of politics in it."

And I recall the eloquent words of the gentleman from Virginia [Mr. GLASS] in advocating the bill, when he said, "If you enact this law no President who values his place in history will ever dare to manipulate it in the interest of politics."

Mr. GLASS. Will the gentleman permit an interruption? It does not necessarily follow, does it, that because a man says a thing it is so?

Mr. STEENERSON. Oh, no; but I quoted good Democratic authority. We have noticed that the reserve bank reports from the different parts of the country, describing the recent prosperity that has come through war orders for ammunition, reads like a Democratic stump speech, and I am afraid that, seeing that the Reserve Board is composed of all Democrats except one, there is a sprinkling of politics in it.

The South has an undue prominence in the make-up of the Cabinet and dominates the whole Government. Those men are not representative of the whole country, and lack the breadth of view that would be there if we had representation from all sections of the country like we had under Roosevelt or Taft. They seem to be influenced by their emotional side rather than their reason. They seem to be spellbinders rather than logicians; and for that reason I think it would be well if we had some good sound business men from other sections, especially in the business branches of the Government, such as the Post Office Department.

The control of the emotions over the opinions of men has been strikingly illustrated since the European war began—one sides with the allies because, perhaps, his mother or his grandfather was born in England; another with Germany because his mother, father, or grandfather perhaps was born in Germany. This domination of opinion by the emotions is said to have been much stronger in years gone by.

I was interested in this question and examined it scientifically from a psychological point of view. Herbert Spencer, in "The Principles of Psychology" (New York, 1902, p. 505jj), says:

> That feeling is a large, if not the larger, factor in determining belief, is shown by the fact that, in controversies concerning even matters the most remote from human interests, men will commit themselves to impossibilities of thought, rather than surrender hypotheses on behalf of which their amour propre has been enlisted.

To the same effect see: "Essays on the Formation and Publication of opinions, and on Other Subjects (Samuel Bailey, Philadelphia, 1831, pp. 49, 50, 53, 54), "The Principles of Psychology" (William James, New York, 1890, v. II, p. 309), "The Will to Believe, etc. (William James, New York, 1897, p. 10), "What Should I Believe?" (George Trumbull Ladd, New York, 1915, pp. 54, 55), "The Human Mind" (James Sully, London, 1892, v. 1, pp. 491–492; v. 2, pp. 276–277), "The Psychology of Reasoning" (W. B. Pillsbury, New York, 1910, p. 56). I have here, for instance, a citation from "Wigmore on Evidence." I want to read this because it is illuminating. Prof. Wigmore has written the most monumental work upon the law of evidence that has even been written. He gives a history of every rule of evidence as applied to the trial of causes. He discusses here the rule that was in vogue up to within 75 years ago, of excluding from the witness stand all parties that are interested in an action, even to the smallest amount of pecuniary value. They could not testify. The same thing with regard to parties. Now, this exclusion by reason of interest, he says, had its foundation in the theory that where a man was interested, even to the extent of only a few dollars, he could not tell the truth; that he was moved by his interest, by his emotions, and that he would be utterly unreliable. Now, he says that this rule was abolished in England in 1842, and it was abolished in Michigan about 1846, and in other Northern States, but lingered for a long time in the South. He says:

> It is not easy nowadays to appreciate why these plain objections remain so long without recognition. (1) One reason certainly is found in the much stronger influence, up to the eighteen hundreds, of the emotional element in all human conduct. The belief that a partisan would likely falsify—or, at least, destroy unconsciously—the truth was then much closer than now to the facts of life, because partisanship did then have an influence which has now largely given place to cooler and more rational motives of action. This may be gathered from various features of life in those days. Partisanship then colored the whole existence and committed one to set views and courses of conduct which had no relation to a discriminating choice. Speech and action were more passionate and violent. Witness Burke's speeches against Warren Hastings and the enormous excess of libel actions over their present number, as well as the extremities of abuse which were indulged in between gentlemen; compare the almost incredible vituperation employed against such majestic characters as Washington and Jefferson with the decline of political personalities in the last few decades. Motives then rested more on sentiment. Witness the rise of romanticism in literature and politics; the careers of Byron and Shelley; the vogue of "Paul and Virginia" and "Thaddeus of Warsaw."

Note, too, that these features are still found surviving in the traditions of precisely that portion of our community—the South—where we may see with our own eyes that the emotional element, both in its highest and its lowest forms, predominates in the character. During the eighteen hundreds this predominance was gradually disappearing; the influence of scientific research and of industrial invention and organization made for a more rational and less emotional life. That influence, no doubt, has in part had its degrading effect in strengthening the calculative, sordid, and commercial standards of action; but it has also had the effect of establishing, in general, cool reason as the orthodox test of conduct. Thus, with the diminution of the control of mere emotions and partisanship over conduct and opinion, the rules of law, which were natural enough while that domination existed, ceased gradually to correspond to the facts of life and survived as anachronisms. It became possible to see their fallacies as soon as their moral basis disappeared, but not till then. In short, not before the second half of the eighteen hundreds could it have been fairly expected that public opinion would demand or even support the abolishing of disqualification by interest; nor yet, perhaps, does that abolishing in a few communities (chiefly in the South) correspond to the facts of life and public opinion, as it certainly does in most. (In 1898 Mr. N. J. Hammond, an accomplished and thoughtful member of the bar of Georgia, at one time attorney general, said to the writer that the abolition of parties' incompetency had, in his opinion, been a mistake.)

He refers here especially to the South. There is a footnote, in which he says that the attorney general of Georgia very recently said he regretted the rule had been abolished in that State.

Mr. LLOYD. Mr. Chairman, may I interrupt the gentleman at that point?

Mr. STEENERSON. Yes.

Mr. LLOYD. Does the gentleman intend to conclude his remarks to-night?

Mr. STEENERSON. I am perfectly willing. How much time have I occupied, Mr. Chairman?

The CHAIRMAN (Mr. RAINEY). The gentleman has occupied 2 hours and 40 minutes.

Mr. STEENERSON. I think I shall conclude now. I have taken up all the time I ought to take.

President Wilson has shown himself to be an extreme partisan in appointments, and has refused to recognize the Republicans, the opposition party in both House and Senate, despite the law requiring such recognition. It is interesting to compare his course with the magnanimity and patriotism displayed by his predecessors. President Roosevelt even went so far as to appoint a Democrat in the person of Luke Wright to a position in the Cabinet, as Secretary of War, and Mr. Taft appointed Jacob M. Dickinson to the same office. President Roosevelt appointed ex-Senator Blackburn, a Democrat, as Governor of the Canal Zone; Thomas G. Jones, a Democrat, to the Federal Bench; Edwin S. Bragg, a Democrat, consul general at Havana; reappointed Judson Clements to the Interstate Commerce Commission; made James C. McReynolds, now Justice, an Assistant Attorney General; F. Carter Tate, of Georgia, a district attorney. President Taft appointed a great many Democrats, and among some of these were Julian Mack, judge of the commerce court; Marion De Vries, judge of the customs court; Gordon Russell, of Texas, United States district attorney; Mr. Adams, Assistant Secretary of the Interior; Mr. Lloyd S. Bryce, minister to the Netherlands; and Mr. C. G. Lehmann, Solicitor General.

Unquestionably the most important body of men whom President Wilson has been called upon to appoint is the Federal Reserve Board, as it is that instrument of government which should be freest from partisan bias. Contrary to the best judgment of the Democratic framers of the Federal reserve act, although they dared not oppose the omnipotent power the President then enjoyed in Congress, Mr. Wilson insisted that the Secretary of the Treasury (his son-in-law) and the Comptroller of the Currency be made ex officio members of the board, and he then submitted to the Senate the names of the other five members. Every one of his nominees was a Democrat. One of them was so offensive to influential men in the Senate that the President withdrew his name and submitted that of Frederick A. Delano, a Republican, and he was confirmed—one lone Republican among six Democrats.

As a striking contrast to the above, take the Tariff Board appointed by President Taft. It included Prof. Henry C. Emory, a Republican, who was appointed solely for his scientific attainments; Alvin H. Sanders, a Republican, who was chosen because of his familiarity with the production of live stock and wool; James B. Reynolds, a Republican, who had administered the tariff law in the Treasury Department; and Thomas W. Page, of North Carolina, and William M. Howard, of Georgia, both avowed and active Democrats.

Nearly every ambassador and minister has been removed to give place to a Democrat. President Wilson appointed two Democrats and no Republicans to the special commission to consider Mexican mediation at Niagara Falls. The two Democrats appointed were the late Justice Lamar and former Solicitor General Lehmann. When by law he was required to name a nonpartisan Federal Trade Commission he violated the spirit of the act by choosing, in addition to three Democrats—Messrs. Davies, Hurley, and Harris—two Progressives, W. H. Perry, of Washington, and George Rublee, of New Hampshire. Where required to name a member of the opposition party for the Civil Service Commission, Mr. Wilson evaded the law by appointing Hermon E. Craven, of Washington, a Progressive. To this commission of three members President Roosevelt had appointed two Democrats, Gen. John C. Black, of Illinois, and John McIlhenny, of Louisiana, giving the Democratic Party control of the commission. In filling vacancies on the Interstate Commerce Commission Mr. Wilson has appointed Mr. Henry Clay Hall and Mr. Winthrop M. Daniels, both Democrats. President Roosevelt appointed ex-Senator Cockrell and Franklin K. Lane, both Democrats, and Mr. Taft reappointed Charles C. McChord, a Democrat. On the Alaska Boundary Commission President Roosevelt appointed Senator George Turner, of Washington, a Democrat, and later Mr. Taft appointed Mr. Turner on the Canadian Boundary Commission. Mr. Wilson has filled two vacancies on the last-named commission, and has appointed two Democrats, ex-Senator Gardner, of Maine, and ex-Gov. Glenn, of North Carolina. On the Rio Grande commission he has appointed ex-Representative John Wesley Gaines—a purely political appointment. To the Supreme Court President Taft appointed Justice White Chief Justice and Justices Lurton and Lamar, both Democrats. President Wilson has appointed Louis D. Brandeis.

I received a letter yesterday from Mr. Hilles, the chairman of the National Republican Committee, containing other matters, but in it he comments upon the reason why the President has proposed the new tariff commission:

> Let us analyze the action of the Democratic administration respecting the tariff board or tariff commission. Is it probable that the fickleness and folly of starving a tariff board in 1913 and creating a tariff commission in 1916 is mere change of front on the President's part? In the light of Mr. Wilson's stubborn refusal to retain or appoint Republicans, isn't it clear that they discontinued the board, and now propose to recreate it, in order to separate Republicans from the service and make way for Democrats? The President's recommendation that the Congress should now create a "nonpartisan" tariff board, and delegate to him the authority to choose the personnel, only serves to emphasize the fact that during the three years of his administration Mr. Wilson has effectually demonstrated that he is too narrow a partisan to be intrusted with the selection of any nonpartisan board or commission, for even where the law has required that he appoint one or more members of the opposite party he has violated its spirit, even while observing its letter.

Now, Mr. Chairman, with apologies to the House for detaining it so long, I will close my remarks. [Applause.]

## APPENDIX.

*Statement of postal receipts at the 50 largest post offices, by months, from January, 1910, to December, 1915, inclusive, showing the percentage of increase or decrease.*

| | Year. | Receipts. | Per cent increase. | Per cent decrease. |
|---|---|---|---|---|
| Month of January | 1910 | $9,006,960 | | |
| | 1911 | 9,642,523 | — 6.1 | |
| | 1912 | 10,374,610 | — 7.5 | |
| | 1913 | 12,386,358 | —10.7 | |
| | [1] 1914 | 12,629,225 | — 1.1 | |
| | 1915 | 11,586,330 | | —8.0 |
| Month of February | 1910 | 8,732,830 | | |
| | 1911 | 9,360,872 | — 6.0 | |
| | 1912 | 10,127,769 | — 8.1 | |
| | 1913 | 11,242,080 | —10.9 | |
| | 1914 | 11,607,402 | — 3.2 | |
| | 1915 | 11,074,330 | | —4.8 |
| Month of March | 1910 | 10,729,133 | | |
| | 1911 | 11,175,486 | — 4.1 | |
| | 1912 | 11,361,515 | — 1.6 | |
| | 1913 | 12,833,338 | —12.9 | |
| | [2] 1914 | 13,257,925 | — 3.3 | |
| | 1915 | 13,223,870 | | — .25 |
| Month of April | 1910 | 9,075,224 | | |
| | 1911 | 9,715,129 | — 6.9 | |
| | 1912 | 10,612,765 | — 9.2 | |
| | 1913 | 11,565,746 | — 8.9 | |
| | 1914 | 12,456,547 | — 7.7 | |
| | 1915 | 12,183,884 | | —2.2 |
| Month of May | 1910 | 8,561,262 | | |
| | 1911 | 9,237,842 | — 7.9 | |
| | 1912 | 9,988,187 | — 8.1 | |
| | 1913 | 11,484,103 | —15.9 | |
| | 1914 | 11,519,727 | — 1.1 | |
| | 1915 | 11,485,139 | | — .3 |
| Month of June | 1910 | 8,706,743 | | |
| | 1911 | 9,325,118 | — 5.0 | |
| | 1912 | 9,341,831 | — .01 | |
| | 1913 | 10,568,012 | —13.2 | |
| | 1914 | 11,324,912 | — 7.1 | |
| | 1915 | 11,558,467 | — 2.5 | |

[1] Limit raised 50 pounds.

[2] Books admitted.

*Statement of postal receipts at the 50 largest post offices, by months, from January, 1910, to December, 1915, inclusive, etc.*—Continued.

| | Year. | Receipts. | Per cent increase. | Per cent decrease. |
|---|---|---|---|---|
| Month of July | 1910 | $7,471,548 | | |
| | 1911 | 7,827,425 | — 4.7 | |
| | 1912 | 8,769,176 | —10.7 | |
| | 1913 | 10,053,371 | —14.7 | |
| | 1914 | 10,526,394 | — 4.7 | |
| | 1915 | 10,529,001 | — .02 | |
| Month of August | 1910 | 8,511,822 | | |
| | 1911 | 9,111,302 | — 7.0 | |
| | 1912 | 9,803,385 | — 7.5 | |
| | [1] 1913 | 10,374,217 | — 5.8 | |
| | 1914 | 10,250,204 | | —2.6 |
| | 1915 | 10,663,912 | — 4.8 | |
| Month of September | 1910 | 9,920,635 | | |
| | 1911 | 10,228,787 | — 3.1 | |
| | 1912 | 10,233,005 | — .00 | |
| | 1913 | 12,077,730 | —18.0 | |
| | 1914 | 11,775,702 | | 2.6 |
| | 1915 | 12,341,479 | 4.8 | |
| Month of October | 1910 | 9,720,406 | | |
| | 1911 | 10,246,147 | — 5.4 | |
| | 1912 | 11,785,753 | —15.0 | |
| | 1913 | 13,278,774 | —12.7 | |
| | 1914 | 12,751,040 | | —4.2 |
| | 1915 | 13,207,259 | — 3.5 | |
| Month of November | 1910 | 9,979,477 | | |
| | 1911 | 10,295,412 | — 3.1 | |
| | 1912 | 10,757,250 | — 4.4 | |
| | 1913 | 12,001,539 | — 1.1 | |
| | 1914 | 11,316,311 | | —6.0 |
| | 1915 | 13,349,450 | —17.9 | |
| Month of December | 1910 | 11,562,216 | | |
| | 1911 | 11,858,917 | — 2.6 | |
| | 1912 | 12,387,422 | — 4.4 | |
| | 1913 | 14,973,479 | —20.8 | |
| | 1914 | 14,243,922 | | 5.1 |
| | 1915 | 15,905,241 | 11.6 | |

[1] Weight limit raised to 20 pounds.

The CHAIRMAN. The gentleman from Missouri [Mr. DICKINSON] is recognized.

Mr. DICKINSON. Mr. Chairman, in aid of preparedness and for a more adequate national defense, an increase in the military arm of the Government is advocated.

In the discussions that have arisen some doubt has been expressed as to the power of the Federal Government over the militia under the Constitution, and as to the right of the President to call on the military organizations of the several States for service beyond the borders of the State and of the United States in time of war, and on that question and subject I ask leave to extend my remarks and to print in the RECORD an argument and brief by the military council of the State of Missouri, on the absolute power of Congress, under the Constitution and decisions of the Supreme Court of the United States, to provide for the organization, discipline, and control of the National Guard, and for its Federal service within or without the United States.

The CHAIRMAN. The gentleman from Missouri asks unanimous consent to extend his remarks in the RECORD as indicated. Is there objection?

There was no objection.

Following is the brief referred to:

THE POWER OF THE FEDERAL GOVERNMENT TO ORGANIZE, DISCIPLINE, GOVERN, AND USE THE NATIONAL GUARD UNDER THE CONSTITUTION.

1. THE POWER OF CONGRESS TO PRESCRIBE THE ORGANIZATION, ARMAMENT, AND DISCIPLINE OF THE MILITIA.

Section 8 of Article I of the Constitution of the United States reads as follows:

"Congress shall have power to raise and support armies; to make rules for the government and regulation of the land and naval forces; to provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions; to provide for organizing, arming, and disciplining the militia, and for governing such part of them as may be employed in the service of the United States, reserving to the States, respectively, the appointment of the officers and the authority of training the militia according to the discipline prescribed by Congress; to make all laws necessary and proper for carrying into execution the foregoing powers."

Section 2 of Article II:

"The President shall be Commander in Chief of the Army and Navy of the United States and of the militia of the several States when called into the actual service of the United States."

Section 10 of Article I:

"No State shall, without the consent of Congress, * * * keep troops * * * in time of peace."

The Constitution contemplates two classes of land forces. One a full-paid force of professional soldiers, commonly denominated the Regular Army, and the other a force consisting of all other able-bodied male citizens, trained or untrained, who could be called upon to defend the country and enforce its laws in any emergency requiring a larger force. This latter force consists of all citizens liable to military duty but who follow peaceful avocations and devote their time to civilian pursuits. This great body, constituting the real physical strength of the country, is termed the militia. The untrained portion of it is called the unorganized militia, and that part of it which is organized is called in the several States the National Guard. It will be noted that the right to organize, arm, equip, and maintain a militia is not one of the reserved rights of the States, but that the organization, armament, discipline, government, and use of such force for national purposes is vested solely in Congress. The power of Congress to organize, arm, and discipline the militia and to govern such part of them as may be employed in the service of the United States, reserving only to the States the appointment of the officers and the authority of training according to the discipline prescribed by Congress, is so clearly declared in the Constitution that it would seem the meaning of the constitutional words require no explanation. If there be those who have doubts upon the subject, let them read the case of Houston *v.* Moore (5 Wheat., l. c. 21), in which Mr. Justice Washington, speaking for the Supreme Court of the United States, said:

"Congress has power to provide for organizing, arming, and disciplining the militia; and it is presumable that the framers of the Constitution contemplated a full exercise of all these powers. If Congress had declined to exercise them, it was competent to the State governments to provide for organizing, arming, and disciplining their respective militias, in such manner as they might think proper. But Congress has provided for all these subjects, in the way which that body must have supposed the best calculated to promote the general welfare, and to provide for the national defense."

And again, on page 16:

"The manner in which the militia is to be organized, armed, disciplined, and governed is fully prescribed; provisions are made for drafting, detaching, and calling forth the State quotas, when required by the President. The President's orders may be given to the chief executive magistrate of the State, or to any militia officer he may think proper; neglect or refusal to obey orders is declared to be an offense against the laws of the United States and subjects the offender to trial, sentence, and punishment, to be adjudged by a court-martial, to be summoned in the way pointed out by the articles and rules of war; and the mode of proceeding to be observed by these courts is detailed with all necessary perspicuity."

If any doubt could be entertained as to the sweeping powers of Congress under the Constitution to organize and discipline the militia, this decision forever sets such doubts at rest. The power to prescribe the organization means that Congress may not only require the various units to be the same as those of the Regular Army, but it can prescribe the number of officers and men in each unit and their physical and mental qualifications. Congress can require that the physical qualification of officers and men shall be the same as that of the Regular Army; it can provide that all officers of the National Guard shall be examined touching their mental and military qualifications, and the standard may be made the same as that required for commission as officers in the Regular Army. The effect of this would be practically to give the State merely power to nominate, because with power in Congress to fix the standard, this standard must be met. Congress has power to prescribe the system of disciplining the militia. The discipline can by law be made the same as that of the Regular Army, and the States must train the guard in accordance with this system of discipline. A careful reading of this clause of the Constitution and of the construction placed upon it by the Supreme Court in the case of Houston *v.* Moore (5 Wheat., 1) makes it clear that Congress has unquestioned power to organize the militia according to any system it desires and to discipline it according to any system of discipline it sees proper. And while to the States is left the selection of the officers, this does not, of course, affect the control of Congress over the militia, even in time of peace, nor does it impair its efficiency; certainly not when such officers can be required to meet the standard of efficiency required by the Federal authorities. Senators and Representatives in Congress are lawmakers for a national body and yet their fidelity and efficiency for the national good can hardly be questioned, because they are selected by the States.

Save and except the appointment of officers reserved to the States, but one power remains in the States, and that is to train the militia according to the discipline prescribed by Congress. What does this mean? It means that while the State shall superintend the actual drill and instruction of the National Guard, such instruction must be according to the discipline prescribed by Congress; that is to say, the method of drill and instruction, and the observance of all things which go to make up military discipline must be according to Federal standards. To use a homely illustration, the case is as though the Federal Government should say to the States: "You must educate your children in certain schools; you may name the teachers, provided such teachers possess the qualifications we prescribe; these teachers may instruct your students, provided they use our textbooks, the course of study we prescribe, the length of hours of recitation we elect, examine them according to our requirements and mete out such punishment for their delinquencies as we designate." It would seem that under these conditions, the school would be rather largely controlled by the Federal head master.

It will be seen that the so-called weakness of the militia system is not the weakness of the system at all; but whatever deficiency exists in organization, personnel or discipline is due wholly to the failures of Congress to exercise its rights and legislate along lines which will give the militia the unquestioned Federal status contemplated by the Constitution, and make it the efficient force which, with proper legislation, it can be made.

The officers of the General Staff of the Army who have appeared before one of the congressional committees recently have criticized the National Guard because the different States have different regulations, systems of selection of officers, etc. This is in part true, but it is true only because Congress has failed to exercise its full power in the premises. As before stated, it possesses the most far-reaching power and authority over the militia, and certainly the National Guard is not to be condemned for not doing the things complained of when Congress has taken no sufficient steps to provide for the exercise of its constitutional powers over the Organized Militia. The Secretary of War speaks of the National Guard of the several States as 48 separate armies. It is true that there are 48 military subdivisions, all comprising the one National Guard, exactly as there might be 48 or any number of subdivisions of any army comprising the entire organization. The effect of these statements is to make it appear that the militia of the various States is entirely dissimilar in armament, equipment, and organization. This is not true; and if it was true, the answer to such statement is that Congress should, by the exercise of the legislative powers conferred upon it by the Constitution, conform these 48 so-called separate armies to the same system of armament, equipment, organization, and discipline. If Congress passes appropriate laws in which it exercises its full rights under the Constitution, the National Guard of the United States can be made an effective force, the different

parts of which will articulate with each other and with the general plan; and when this is done, the fact that they happen to be stationed in the territory of the several States would not make them any more separate and distinct armies than are the several divisions of the Regular Army stationed in the different territorial departments of the country. In all these arguments the power of Congress over the militia is entirely lost sight of, and the National Guard is criticized for what Congress and the War Department have failed to do. The Secretary of War complains because some of the States have not organized sufficient auxiliary troops; that is to say, artillery, cavalry, and Signal Corps troops, etc. This complaint is based upon facts, but it should not be lodged against the National Guard, because the remedy lies with Congress; Congress has the right to say, or to vest the Secretary of War with power to say, what States shall organize auxiliary troops and in what proportion such auxiliary troops shall be distributed among the States. Let them do with the various States as was done with Rhode Island. In that case the War Department said to the State of Rhode Island that its militia ought to be coast artillery troops, and all infantry troops of that State were accordingly transformed into coast artillery.

II. THE POWER TO REQUIRE ITS USE FOR FEDERAL PURPOSES.

There being no question, therefore, of the right of Congress to provide for the organization and discipline of the National Guard by suitable laws which will make it a thoroughly efficient force, organized in exact conformity to that of the Regular Establishment, with an enlisted and commissioned personnel meeting Federal requirements, trained according to the system of discipline prescribed by Congress, and constituting, therefore, a reserve army thoroughly organized, equipped, officered, trained, and ready for immediate service, it may be inquired under what circumstances this force is available for national purposes. The words of the Constitution are:

"To provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions."

The primary purpose of maintaining any force is to defend the country against invasion, but in view of the timidity with which some of the opponents of a real citizen soldiery seemingly shrink from the contemplation of the use of the National Guard unless a large hostile army is actually marching through the country, it will be interesting to note the manner in which the Supreme Court of the United States has met and dispelled these fears.

In the case of Martin *v.* Mott (12 Wheaton, 29) Mr. Justice Story, speaking for the court, said:

"It has not been denied here that the act of 1795 is within the constitutional authority of Congress, or that Congress may not lawfully provide for cases of imminent danger of invasion as well as for cases where an invasion has actually taken place. In our opinion there is no ground for a doubt on this point, even if it had been relied on, for the power to provide for repelling invasions includes the power to provide against the attempt and danger of invasion, as the necessary and proper means to effectuate the object. One of the best means to repel invasion is to provide the requisite force for action before the invader himself has reached the soil.

"The power thus confided by Congress to the President is doubtless of a very high and delicate nature. A free people are naturally jealous of the exercise of military power; and the power to call the militia into actual service is certainly felt to be one of no ordinary magnitude. But it is not a power which can be executed without a correspondent responsibility. If it be a limited power the question arises by whom is the exigency to be judged of and decided. Is the President the sole and exclusive judge whether the exigency has arisen or is it to be considered as an open question, upon which every officer to whom the orders of the President are addressed, may decide for himself, and equally open to be contested by every militiaman who shall refuse to obey the orders of the President? We are all of opinion that the authority to decide whether the exigency has arisen belongs exclusively to the President, and that his decision is conclusive upon all other persons. We think that this construction necessarily results from the nature of the power itself, and from the manifest object contemplated by the act of Congress. * * * If the power of regulating the militia, and of commanding its services in time of insurrection and invasion, are (as it has been emphatically said they are) natural incidents to the duties of superintending the common defense and of watching over the internal peace of the confederacy, these powers must be so construed as to the modes of their exercise as not to defeat the great end in view."

Clearly, then, under the wording of this article of the Constitution and the interpretation of the same placed upon it in the Supreme Court, Congress has power to provide for calling forth the militia for the purposes therein mentioned and to punish its members for failure to respond to the call. There can be no question of the absolute right of Congress to make laws requiring the militia to serve in case of Federal call, and any member of the same failing to respond to such call can be punished in such manner as Congress may provide. It is significant in this connection—that is, calling out the militia—the President need not direct his order to the governor of the State, but can direct it in the first instance to the commanding officer of the militia troops he desires to call for. To quote the language of Judge Wishington in Houston *v.* Moore (5 Wheaton, l. c. 16), holding valid a statute providing for calling forth the militia:

"Provisions are made for drafting, detaching, and calling forth the State quotas when required by the President. The President's orders may be given to the chief executive magistrate of the State or to any militia officer he may think proper; neglect or refusal to obey orders is declared to be an offense against the laws of the United States, and subjects the offender to trial, sentence, and punishment, to be adjudged by a court-martial, to be summoned in the way pointed out by the articles and rules of war."

This would seem to dispose of the argument that the militia is not a dependable force because its membership would not respond if the President, under the authority vested in him by Congress, ordered them so to do.

But it is argued that the President could not under the Constitution use the National Guard for service in a foreign country in case it was desired not only to repel invasion but to invade foreign territory. The underlying purpose in the program for preparedness should, of course, be the defense of the country from the assaults of a hostile power. Our situation is such that such assaults can only seriously menace us if an invasion is attempted by the hostile power. Indeed, at all of the hearings before the House committee the officers from the General Staff of the Army have pointed out what ought to be done to properly defend against these possible invasions, and so serious have they made the danger to be apprehended from such attacks it is quite apparent our first consideration should be to provide against the same, rather than to organize for purposes of aggression, either on this continent or abroad. In case of war with a foreign country it may be apprehended that if such country is of sufficient size to make it necessary for us to use a large force and the war is to be a serious one, such power would contemplate sending some of its forces in large or small numbers into our territory. In short, certainly a part of its campaign would contemplate an invasion of this country in some form. Let us suppose that the President should mobilize the National Guard on, say, the Mexican or Canadian border; that, having mobilized this force to resist invasion, he concludes that it is the purpose of the enemy to send troops into this country in large or small numbers, and that in his discretion he decides that the invasion can best be repelled by meeting the invaders on their own territory before they reach ours; under such circumstances would it be questioned that he has the right to order the National Guard across the boundary line for this purpose? It would seem there can be but one answer to this question. And the Supreme Court of the United States gave a sufficient answer in the language of Mr. Justice Story, in Martin *v.* Mott (12 Wheat., l. c. 29), when it said:

"In our opinion, there is no ground for a doubt on the point, even if it had been relied on, for the power to provide for repelling invasions includes the power to provide against the attempt and danger of invasion as the necessary and proper means to effectuate the object. One of the best means to repel invasion is to provide the requisite force for action before the invader himself has reached the soil. * * * We are of the opinion that the authority to decide whether the exigency has arisen belongs exclusively to the President, and that his decision is conclusive upon all other persons. We think that this construction necessarily results from the nature of the power itself and from the manifest object contemplated by the act of Congress. If the power of regulating the militia and commanding its service in time of insurrection and invasion are (as it has been emphatically said they are) natural incidents to the duties of superintending the common defense and of watching over the internal peace of the Confederacy, these powers must be so construed as to modes of their exercise as not to defeat the great end in view."

Again, if the question of the right of the President to order the National Guard outside the bounds of the United States be regarded as other than a purely academic one, under the power to raise and maintain armies Congress can provide for the drafting of any or all of the citizens of the country, and the power to draft carries with it the power to say who shall be drafted. Congress can by legislation provide that when war is imminent the President shall have power to draft into the military service all persons of military age who have passed the physical examination prescribed for officers and enlisted men of the Regular Army, who have had military training in the National Guard and who have been armed, equipped, and trained at Federal expense. The power to draft has been specifically upheld by the Supreme Court, and the power of Congress to so draft the National Guard will not be seriously questioned. It is not an objection to the draft of the National Guard in this way to say that they are likewise members of the State militia. It will not be contended for a moment that, if Congress should decide in 1916, as it decided in 1863, to raise troops by conscription, a man of military age and sound of body would be exempt from Federal service because he was a member of the militia. Under conscription there are no exemptions, except those made by the act of Congress.

Finally, the National Guard can be made available for Federal service without the United States, exactly as Volunteers are raised for Federal service. With legislation along the line of the provisions of the pay bill now before Congress, this can be accomplished without resorting to the draft or without further frightening those who seem so fearful that the ghost of the Constitution will rise up to oppose the National Guard, should it be ordered across the boundary, by simply requiring that the officers and men serving with organizations of the National Guard who receive Federal support shall sign an agreement to respond to the call of the President for service without the country when called upon. This contract can have all the force and effect of the contract, verbal or written, entered into between the Volunteers and the Government in 1861 and in 1898. The fact that the officers and men thus enlisted are likewise in the militia does not alter the case in the least. It could hardly be urged that a citizen could not contract to serve the Nation because such service might conflict with some service with the State, and particularly when the State continued him in its service with full knowledge of his obligation to the Federal Government in case of war. No such question was or could be raised when the National Guard of all the States entered the Volunteer service in 1898.

Some who oppose the use of the National Guard as the real bulwark of our reserve military strength profess to hinge their objection upon the ground that the Constitution forbids its effective use for national purposes, basing their views upon an opinion given by Attorney General Wickersham on February 17, 1912. This opinion has been so generally misquoted and its application to the question in hand so grossly misrepresented that it is thought proper to mention it here. The opinion, which will be found in Opinions of Attorneys General, volume 29, page 322, was given by Mr. Wickersham in response to a question from Secretary of War Stimson, which question so answered he quotes in the opinion as follows:

"Whether or not under existing laws the President has the authority to call forth the Organized Militia of the States and send it into a foreign country with the Regular Army as a part of an army of occupation, especially should the United States intervene in the affairs of such country under conditions short of actual warfare?"

This question had reference, of course, to the use of the militia for the purpose of occupying Mexico at a time when the United States was not at war with the people or Government of that country. The opinion holds, in effect, that in the situation suggested in the question of the Secretary of War—that is, where we are at peace with a foreign country—in his judgment, the President would not have the right to send the militia into such country with which we are at peace for the purpose of occupation. It is hardly necessary to say that the question as to whether or not the militia can be ordered into a foreign country with which we are at peace for purposes either of conquest or of policing it, is quite different from the question as to whether or not the militia can be used against a country with which we are at war. In the case suggested by the Secretary of War, should Congress decide to intervene between the Mexican factions in an effort to restore order and we were and continued to be after the announcement of such purpose on friendly terms with both factions, perhaps the proper procedure would be that said to have been contemplated by the War Department, to wit, to mobilize the National Guard on the Mexican boundary and then enlist it as Volunteers under the provisions of the Volunteer bill, it being well known in advance that the National Guard would volunteer to a man for service of this kind. But it is interesting to note that the opinion of the Attorney General

does not conflict with the views above given; indeed, the right to send the militia into foreign territory under conditions which would actually exist if Congress decided either to declare war on Mexico or intervene in its affairs, is conceded in this language of the opinion, which will be found on page 324:

"The term 'to repel invasion' may be, in some respects, more elastic in its meaning. Thus, if the militia were called into service of the General Government to repel an invasion, it would not be necessary to discontinue their use at the boundary line, but they might pursue and capture the invading force, even beyond that line, and just as the Regular Army might be used for that purpose. This may well be held to be within the meaning of the term 'to repel invasion.'

"Then, too, if an armed force were assembled upon our border, so near and under circumstances which plainly indicated hostility and an intended invasion, this Government might attack and capture or defeat such forces, using either the Regular Army or the militia for that purpose. This also would be but one of the ways of repelling an invasion."

It is respectfully submitted that a careful reading of the Constitution and the interpretation placed upon the powers it grants to Congress by the Supreme Court of the United States in the cases of Houston v. Moore (5 Wheat.) and Martin v. Mott (12 Wheat.) leaves no room for question as to the absolute power of that body to arganize, arm, discipline, and control the National Guard according to its own standards, and to provide for its use within or without the country under any and all circumstances which will ever require the use of a force to supplement the Regular Establishment. Every argument against the use of the militia as a defensive force is based upon the Wickersham opinion, and yet when this opinion is read it will be found to affirm every proposition herein contended for. The trouble is that those who would know the law did not read the opinion, but took it for granted that the reply to a question predicated upon conditions which we all know as a practical proposition would never exist, answered the question which was in the public mind, whereas such live question was not asked or answered at all. The peculiar phraseology of the question propounded by the Secretary of War calling for an opinion upon an abstract proposition of law, based upon highly improbable, if not an impossible, state of facts, certainly indicated a purpose not altogether compatible with perfect frankness.

The militia system has enabled Switzerland to preserve her neutrality and Australia to send more than a hundred thousand troops to the Dardanelles, the splendid efficiency of which has been commented upon by friend and foe alike. The military system of these countries is identical with that of our militia system, save and except service there is compulsory, while here it is voluntary. Switzerland is composed of a number of Cantons, which are civil subdivisions corresponding to our States. Under the Swiss system each Canton raises and trains its own force and selects the officers therefor. The Cantons furnish the equipment and meet the other expenses of maintenance and are reimbursed therefor by the General Government. The regular army of Switzerland consists of one brigadier general, a small general staff, and a supply department. The Swiss Government prescribes the system of training, but the Canton trains its own troops. The Australian system is the same. Australia is composed of a number of Provinces, corresponding to our States. Each Province raises its own troops and selects the officers thereof. The authority of the general government over the militia of the Provinces is exactly the same as that of Congress over the militia. Australia has no regular army. As stated, in both these countries militia service is compulsory, while here it is voluntary. In Australia military drill and instruction is given in the public schools.

Mr. MOON. I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. RAINEY, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the Post Office appropriation bill, H. R. 10484, and had come to no resolution thereon.

### ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED.

Mr. LAZARO, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills and resolutions of the following titles, when the Speaker signed the same:

H. J. Res. 95. Joint resolution authorizing the Secretary of the Navy to receive for instruction at the United States Naval Academy at Annapolis Mr. Carlos Hevia y Reyes Gavilán, a citizen of Cuba;

H. R. 9224. An act providing for an increase in number of midshipmen at the United States Naval Academy;

H. J. Res. 98. Joint resolution making part of the appropriation "Construction and machinery, increase of the Navy," in the naval act approved March 3, 1915, available for the extension of building ways and equipment at the navy yards at New York and Mare Island, Cal.; and

H. R. 8233. An act granting the consent of Congress to the Republic Iron & Steel Co. to construct a bridge across the Mahoning River, in the State of Ohio.

The Speaker announced his signature to enrolled bill of the following title:

S. 900. An act amending sections 476, 477, and 440 of the Revised Statutes of the United States.

### ADJOURNMENT.

Mr. KITCHIN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 25 minutes p. m.) the House adjourned until to-morrow, Friday, February 11, 1916, at 12 o'clock noon.

### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, a letter from the Acting Secretary of the Treasury, transmitting copy of a communication from the Secretary of War submitting a supplemental estimate of appropriation required by the War Department for the service of the fiscal year ending June 30, 1917 (H. Doc. No. 669), was taken from the Speaker's table, referred to the Committee on Appropriations, and ordered to be printed.

### REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. KEY of Ohio, from the Committee on Pensions, to which was referred the bill (H. R. 11240) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, reported the same without amendment, accompanied by a report (No. 163), which said bill and report were referred to the Private Calendar.

### CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 5574) for the relief of David W. Stockstill; Committee on Claims discharged, and referred to the Committee on War Claims.

A bill (H. R. 9657) granting a pension to Frances W. Rumbolz; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 8904) for the relief of A. M. and R. A. Darling; Committee on Claims discharged, and referred to the Committee on War Claims.

### PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. JOHNSON of Kentucky (by request): A bill (H. R. 11241) providing that street railway crossing policemen shall be made members of the Metropolitan police force of the District of Columbia, etc.; to the Committee on the District of Columbia

By Mr. CALDWELL: A bill (H. R. 11242) creating an Army reserve; to the Committee on Military Affairs.

By Mr. STERLING: A bill (H. R. 11243) to amend an act entitled "An act to promote the safety of employees and travelers upon railroads by compelling common carriers engaged in interstate commerce to equip their locomotives with safe and suitable boilers and appurtenances thereto," approved February 17, 1911; to the Committee on Interstate and Foreign Commerce.

By Mr. ROWLAND: A bill (H. R. 11244) to provide for a site and public building at Philipsburg, Pa.; to the Committee on Public Buildings and Grounds.

By Mr. RAKER: A bill (H. R. 11245) to authorize the establishment of an auxiliary or field fish-cultural station on the Klamath River in the State of California; to the Committee on the Merchant Marine and Fisheries.

By Mr. BYRNES of South Carolina: A bill (H. R. 11246) to reduce the mileage of Members of Congress, Resident Commissioners, and Delegates; to the Committee on Mileage.

By Mr. EDMONDS: A bill (H. R. 11247) to provide a minimum age for officers in the merchant marine; to the Committee on the Merchant Marine and Fisheries.

By Mr. HELM: A bill (H. R. 11248) authorizing the purchase of a site for a public building at Stanford, Ky.; to the Committee on Public Buildings and Grounds.

By Mr. CHARLES: A bill (H. R. 11249) for deeper harbors on the Great Lakes as an adjunct of preparedness; to the Committee on Rivers and Harbors.

By Mr. HUGHES: A bill (H. R. 11250) to provide for the promotion of vocational education; to provide for cooperation with the States in the promotion of such education in agriculture, the trades, industries, and home economics; to provide for cooperation with the States in the preparation of teachers of vocational subjects; and to authorize the appropriation of money and to regulate its expenditure; to the Committee on Education.

By Mr. GODWIN of North Carolina: A bill (H. R. 11251) providing for a survey with a view to cutting a channel from the Waccamaw River at Simmons's landing to the ocean at Tubbs's

landing, Brunswick County, N. C.; to the Committee on Railways and Canals.

By Mr. PORTER: A bill (H. R. 11252) to amend an act entitled "An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," known as H. R. 28180, approved by the President March 4, 1913, in relation to the further improvement of the Allegheny River; to the Committee on Rivers and Harbors.

By Mr. NEELY: A bill (H. R. 11253) to provide for the erection of a public building at New Martinsville, W. Va.; to the Committee on Public Buildings and Grounds.

By Mr. HINDS: A bill (H. R. 11254) to conduct investigations and experiments for ameliorating the damage wrought to the fisheries by predaceous fishes and aquatic animals; to the Committee on the Merchant Marine and Fisheries.

By Mr. OGLESBY: A bill (H. R. 11255) to amend the interstate-commerce act, giving and granting unto the Interstate Commerce Commission power and authority to fix and determine rates, charges, and compensation to be allowed a controlled common carrier by the controlling common carrier; to the Committee on Interstate and Foreign Commerce.

By Mr. CASEY: A bill (H. R. 11256) to provide an industrial alcohol commission, under the general direction of the Secretary of Agriculture, devoted to aiding in developing denatured-alcohol production in farm distilleries and its use for light, heat, and power, and other industrial purposes; to the Committee on Agriculture.

By Mr. BUCHANAN of Illinois: A bill (H. R. 11257) authorizing an increase in the compensation of Federal civil-service employees who at the time of the passage of this act are receiving less compensation than $900 per annum; to the Committee on Reform in the Civil Service.

By Mr. TAYLOR of Colorado: A bill (H. R. 11258) to provide for the sale and development of certain public lands and for the construction and maintenance of public roads; to the Committee on the Public Lands.

By Mr. MOORE of Pennsylvania: Joint resolution (H. J. Res. 148) providing for the appointment of a commission to consider the need of and to report a plan for the revision of the navigation laws of the United States; to the Committee on the Merchant Marine and Fisheries.

## PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. KEY of Ohio: A bill (H. R. 11240) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors; to the Committee on Pensions.

By Mr. ADAIR: A bill (H. R. 11259) granting an increase of pension to Eli Hancock; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11260) granting an increase of pension to George W. Bowers; to the Committee on Invalid Pensions.

By Mr. AIKEN: A bill (H. R. 11261) for the relief of Mary S. Corbin; to the Committee on Claims.

Also, a bill (H. R. 11262) for the relief of Mrs. C. D. Corbin; to the Committee on Claims.

By Mr. ALLEN: A bill (H. R. 11263) granting an increase of pension to Sarah L. Sheaff; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11264) granting an increase of pension to Mary Pross; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11265) granting a pension to Rudolphus Cavanaugh; to the Committee on Pensions.

Also, a bill (H. R. 11266) granting a pension to Mary Pavy; to the Committee on Invalid Pensions.

By Mr. ASHBROOK: A bill (H. R. 11267) granting an increase of pension to Sanford P. Clark; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11268) granting an increase of pension to Mary M. Barton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11269) granting an increase of pension to Lovina Hissong; to the Committee on Invalid Pensions.

By Mr. BENNET: A bill (H. R. 11270) granting an increase of pension to David H. Tobin; to the Committee on Invalid Pensions.

By Mr. BRUMBAUGH: A bill (H. R. 11271) granting an increase of pension to Thomas Outcalt; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11272) granting an increase of pension to William H. Zombro; to the Committee on Invalid Pensions.

By Mr. CAMPBELL: A bill (H. R. 11273) granting an increase of pension to David B. Stockton; to the Committee on Invalid Pensions.

By Mr. COOPER of Wisconsin: A bill (H. R. 11274) granting a pension to Anna M. Dixson; to the Committee on Invalid Pensions.

By Mr. EDMONDS: A bill (H. R. 11275) granting a pension to Eleanor T. Kelley; to the Committee on Pensions.

By Mr. FINLEY: A bill (H. R. 11276) for the relief of W. H. Flenniken, jr.; to the Committee on Military Affairs.

By Mr. GLASS: A bill (H. R. 11277) for the relief of the heirs of Edward S. Brown; to the Committee on War Claims.

By Mr. GRAHAM: A bill (H. R. 11278) to carry out the findings of the Court of Claims in the case of Kate Reaney Zeiss, administratrix of William B. Reaney, survivor of Thomas Reaney and Samuel Archbold, against the United States; to the Committee on War Claims.

Also, a bill (H. R. 11279) granting a pension to John F. Cassedy; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11280) for the relief of John F. Cassedy; to the Committee on Military Affairs.

By Mr. GUERNSEY: A bill (H. R. 11281) for the relief of Charles K. Bolster; to the Committee on Military Affairs.

By Mr. DOOLITTLE: A bill (H. R. 11282) granting an increase of pension to Hampton B. Farmer; to the Committee on Invalid Pensions.

By Mr. HASTINGS: A bill (H. R. 11283) to correct the military record of Charles M. Lewallen; to the Committee on Military Affairs.

By Mr. HAYES: A bill (H. R. 11284) for the relief of the Gilroy Winery & Distillery Co., Gilroy, Cal.; to the Committee on Claims.

Also, a bill (H. R. 11285) granting an increase of pension to Francis M. Lamb; to the Committee on Pensions.

By Mr. HULL of Iowa: A bill (H. R. 11286) for the issuance of a patent for certain Government land to Benjamin F. Robinson and John Dows; to the Committee on the Public Lands.

By Mr. HULL of Tennessee: A bill (H. R. 11287) granting an increase of pension to Sarah J. Sadler; to the Committee on Pensions.

By Mr. JOHNSON of Kentucky (by request): A bill (H. R. 11288) for the relief of S. S. Yoder; to the Committee on the District of Columbia.

Also (by request), a bill (H. R. 11289) for the relief of the Jewish Foster Home (Inc.), of Washington, D. C.; to the Committee on the District of Columbia.

By Mr. KELLEY: A bill (H. R. 11290) for the relief of Henry P. Kinney; to the Committee on Military Affairs.

Also, a bill (H. R. 11291) granting an increase of pension to Harriett H. Howlett; to the Committee on Invalid Pensions.

By Mr. KIESS of Pennsylvania: A bill (H. R. 11292) to correct the military records of the United States Army as to muster-in service of John A. Brimmer; to the Committee on Military Affairs.

By Mr. KONOP: A bill (H. R. 11293) for the relief of the Barkhausen Coal & Dock Co., of Green Bay, Wis.; to the Committee on Claims.

By Mr. LAFEAN: A bill (H. R. 11294) granting an increase of pension to Joseph E. Wierman; to the Committee on Invalid Pensions.

By Mr. LANGLEY: A bill (H. R. 11295) granting an increase of pension to Jackson Allen; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11296) granting an increase of pension to Eliza Milam; to the Committee on Invalid Pensions.

By Mr. MILLER of Delaware: A bill (H. R. 11297) granting an increase of pension to Elvira Pierce; to the Committee on Invalid Pensions.

By Mr. MOONEY: A bill (H. R. 11298) granting an increase of pension to William H. Brown; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11299) granting a pension to Flora I. Siggins; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11300) granting an increase of pension to Henry W. Wilson; to the Committee on Invalid Pensions.

By Mr. OAKEY: A bill (H. R. 11301) granting a pension to Charles Malley; to the Committee on Pensions.

By Mr. OVERMYER: A bill (H. R. 11302) granting an increase of pension to Orlo G. F. Marvin; to the Committee on Invalid Pensions.

By Mr. PADGETT: A bill (H. R. 11303) granting an increase of pension to Cornelia A. Cliffe; to the Committee on Invalid Pensions.

By Mr. PAGE of North Carolina: A bill (H. R. 11304) for the relief of Martha A. Moffitt; to the Committee on Claims.

By Mr. PARKER of New York: A bill (H. R. 11305) granting a pension to Julia Barteau; to the Committee on Invalid Pensions.

By Mr. PLATT: A bill (H. R. 11306) granting a pension to Sarah K. Vail; to the Committee on Invalid Pensions.

By Mr. PORTER: A bill (H. R. 11307) granting a pension to Elizabeth Dumont; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11308) for the relief of Daniel Jordan; to the Committee on Military Affairs.

Also, a bill (H. R. 11309) for the relief of Peter Gallagher; to the Committee on Military Affairs.

By Mr. PRATT: A bill (H. R. 11310) granting an increase of pension to Wallace Orcutt; to the Committee on Invalid Pensions.

By Mr. SELLS: A bill (H. R. 11311) granting a pension to D. J. Owens; to the Committee on Pensions.

By Mr. SHACKLEFORD: A bill (H. R. 11312) for the relief of J. H. Livingston; to the Committee on Claims.

Also, a bill (H. R. 11313) for the relief of Annie Martin; to the Committee on War Claims.

By Mr. SPARKMAN: A bill (H. R. 11314) granting a pension to Lydia S. Lowry; to the Committee on Invalid Pensions.

By Mr. SULLOWAY: A bill (H. R. 11315) granting an increase of pension to Sylvia M. Cummings; to the Committee on Invalid Pensions.

By Mr. TAGGART: A bill (H. R. 11316) for the relief of the University of Kansas; to the Committee on Claims.

Also, a bill (H. R. 11317) granting an increase of pension to Mary Keeny; to the Committee on Invalid Pensions.

By Mr. TAVENNER: A bill (H. R. 11318) granting an increase of pension to Marshall Furnald; to the Committee on Invalid Pensions.

By Mr. WATKINS: A bill (H. R. 11319) for the relief of the heirs of Robert F. Moore; to the Committee on War Claims.

## PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Petition of Methodist Episcopal Church and citizens of Fulton, Mo., for national constitutional prohibition amendment; to the Committee on the Judiciary.

Also (by request), memorial of Washington Retail Merchants Association urging that the referendum be submitted on the question of prohibition for the District; to the Committee on the District of Columbia.

Also (by request), memorial of Chamber of Commerce of Washington, D. C., favoring a referendum on the question of prohibition; to the Committee on the District of Columbia.

By Mr. ASHBROOK: Petition of Rev. E. O. Buxton and 55 others, of Coshocton, Ohio; Rev. Carl Lautermilch and 93 others, of Savannah, Ohio, favoring national prohibition; to the Committee on the Judiciary.

By Mr. AYRES: Petition of citizens of Wichita, Kans., protesting against the proposed law requiring revenue stamps to be placed on bank checks; to the Committee on Ways and Means.

By Mr. BAILEY: Petition of Yellow Run Supply Co., Harry Goldstein, and Logan Supply Co., of Dunlo; Logan Valley Stove Co. (H. W. Black, manager) and Beaver Stove Co. (H. L. Heishman, manager), of Beaverdale; John H. Spangle, Jamestown Supply Co., Portage Supply Co., Roberts & Palmer, Bantley & Moore, A. B. Goldstein, Corner Drug Store, Griest & Anna, and J. W. Mock, of Portage, all in the State of Pennsylvania, favoring a tax on mail-order houses; to the Committee on Ways and Means.

By Mr. BEALES: Petition of Logansville and Springfield Farmers' Club, of Logansville, Pa., urging the delivery of mail on rural routes on holidays; to the Committee on the Post Office and Post Roads.

Also, petition of Horace A. Reeves, jr., of Philadelphia, Pa., urging passage of the Small bill, regulating compulsory pilotage on barges; to the Committee on Interstate and Foreign Commerce.

Also, petition of Trades Union Liberty League of Pennsylvania, protesting against passage of the national prohibition amendment; to the Committee on the Judiciary.

By Mr. BENNET: Papers to accompany bill for relief of David H. Tobin; to the Commitee on Invalid Pensions.

By Mr. BROWNING: Petition of citizens of Westville, N. J., for national constitutional prohibition amendment; to the Committee on the Judiciary.

Also, petition of citizens of Westville, N. J., for national constitutional amendment; to the Committee on the Judiciary.

By Mr. BURKE: Communication from Local Union No. 277 of United Brewery Workmen, of Sheboygan, Wis., protesting against the passage of a constitutional amendment for national prohibition; to the Committee on the Judiciary.

By Mr. BYRNS of Tennessee: Petitions of citizens of Nashville, Tenn., relative to prohibition in the District of Columbia; to the Committee on the District of Columbia.

By Mr. CAMPBELL: Petition of sundry depositors in the banks of Kansas protesting against any stamp tax on bank checks; to the Committee on Ways and Means.

By Mr. COLEMAN: Petition of 71 citizens of Allegheny County, Pa., for amendment to the Constitution to express our national acknowledgment of Almighty God; to the Committee on the Judiciary.

By Mr. DALE of New York: Petition of New York Produce Exchange, against passage of United States grain grades bill; to the Committee on Agriculture.

Also, petition of Anna C. Henning, of Brooklyn, N. Y., favoring passage of House bill 9814, relative to land of the Oregon & California Railway; to the Committee on the Public Lands.

Also, petition of citizens of Wisconsin, against Senate bill 1082, relative to liquor traffic; to the Committee on the Judiciary.

By Mr. DUNN: Petition of Rochester Button Co. and Crosby Frisian Fur Co., of Rochester, N. Y., favoring tariff on dyestuffs; to the Committee on Ways and Means.

By Mr. DYER: Petition of the Synod of the Province of the Southwest of Protestant Episcopal Church, favoring chapels at all Army posts; to the Committee on Military Affairs.

Also, petition of Foreign Service Camp, No. 87, United Spanish War Veterans, relative to bill for Army field clerks; to the Committee on Military Affairs.

Also, memorial of Louis W. Carlisle Camp, No. 56, United Spanish War Veterans, favoring preparedness; to the Committee on Military Affairs.

Also, petitions of citizens of Wisconsin, against Senate bill 1082, relative to liquor traffic; to the Committee on the Judiciary.

Also, petition of National Society for the Promotion of Industrial Education, favoring passage of House bill 457, relative to vocational education; to the Committee on Education.

By Mr. ESCH: Petition of J. H. Carnahan and 17 other residents of Black River Falls, Wis., protesting against passage of Senate bill 901 and House bills 26, 677, 6823, and 6871, regarding goods manufactured by convict labor; to the Committee on Interstate and Foreign Commerce.

By Mr. FINLEY: Papers to accompany bill for the relief of W. H. Flenniken, jr.; to the Committee on Military Affairs.

By Mr. FLYNN: Petition of citizens of Wisconsin, against Senate bill 1082, relative to liquor traffic; to the Committee on the Judiciary.

By Mr. FULLER: Petition of presidents and trustees of the Illinois State normal schools, favoring House bill 457—vocational education; to the Committee on Education.

By Mr. GREENE of Vermont: Petition of H. M. Davis, Leslie Shedd, Richard Buffum, H. Ray Hall, and Pauline Roland of the first congressional district of Vermont, urging the adoption of national prohibition; to the Committee on the Judiciary.

By Mr. GRIEST: Memorial of Lancaster (Pa.) Branch National Security League, favoring preparedness; to the Committee on Military Affairs.

Also, memorial of Watertown Chamber of Commerce and Berkeley (Cal.) Chamber of Commerce, relative to railway-mail pay; to the Committee on the Post Office and Post Roads.

Also, petition of Lancaster (Pa.) Local Union, No. 206, International Union of United Brewery Workmen of America, against national prohibition; to the Committee on the Judiciary.

By Mr. HAYES: Memorial of Woman's Christian Temperance Unions of Mayfield and Los Gatos, Cal., favoring censorship of moving pictures; to the Committee on Education.

By Mr. KENNEDY of Rhode Island: Petition of 29 clerks in Pawtucket (R. I.) post office, favoring House bill 6915, for indefinite leave for aged employees of Postal Service; to the Committee on the Post Office and Post Roads.

By Mr. KINKAID: Petition of citizens of Dannebrog, Howard County, and of Valley County, Nebr., against preparedness; to the Committee on Military Affairs.

Also, petition of citizens of Oconto, Custer County, Nebr., favoring the Stevens standard-price bill; to the Committee on Interstate and Foreign Commerce.

By Mr. LAFEAN: Memorial of Federation of Trades Unions and City Council of York, Pa., favoring bill for indefinite leave of absence to aged employees of the Postal Service; to the Committee on the Post Office and Post Roads.

Also, memorial of Chamber of Commerce of Zanesville, Ohio, relative to railway mail pay; to the Committee on the Post Office and Post Roads.

Also, petition of Enterprise Furniture Co., of Glen Rock, Pa., and others, favoring tax on dyestuffs; to the Committee on Ways and Means.

By Mr. LOUD: Petition of 14 members of Larkin Grange, No. 1222, of Michigan, against militia or naval expansion or increased expenditures; to the Committee on Military Affairs.

By Mr. MOORE of Pennsylvania: Petitions of Pennsylvania and Philadelphia Branches of German-American Alliance, against prohibition in the District of Columbia; to the Committee on the District of Columbia.

Also, petition of Philadelphia Maritime Exchange, relative to suspension of sections 3, 13, and 14 of seamen's bill and creation of Federal shipping board; to the Committee on the Merchant Marine and Fisheries.

Also, petition of Methodist Preachers' Meeting of Philadelphia, Pa., favoring national prohibition; to the Committee on the Judiciary.

By Mr. NORTH: Petitions of Presbyterian Church, Edenburg; Methodist Episcopal Church, Brookville; Clarion South Church and 12 citizens; Methodist Episcopal Church and 26 citizens of Summerville; 26 citizens of Sligo; 4 of Indiana and Jefferson Counties; and 35 of Jefferson, all in the State of Pennsylvania, favoring national prohibition; to the Committee on the Judiciary.

By Mr. OAKEY: Petition of Plantsville (Conn.) Woman's Christian Temperance Union, favoring establishment of a Federal motion-picture commission; to the Committee on Education.

Also, petition of Hermann Roser & Son, of Glastonbury, Conn., for House bill 702, the dyestuffs bill; to the Committee on Ways and Means.

By Mr. OVERMYER: Petition of Hollinger Cutlery Co., of Fremont, Ohio, favoring tax on dyestuffs; to the Committee on Ways and Means.

Also, petition of Methodist Episcopal Circle of Fitchville and First Universalist Sunday School of Norwalk, all in the State of Ohio, favoring censorship of motion pictures; to the Committee on Education.

Also, petition of First Universalist Sunday School of Norwalk and Methodist Episcopal Church of Fitchville, all in the State of Ohio, relative to amending pure food and drugs law; to the Committee on Agriculture.

Also, petitions of Fitchville Union Sunday School and Methodist Episcopal Circle of Fitchville; 24 citizens of Fremont; 26 of Pemberville; citizens of Tiffin; Methodist Episcopal Sunday School of New London; United Brethren Church of Fremont; First Presbyterian Sunday School of Fremont, all in the State of Ohio, favoring national prohibition; to the Committee on the Judiciary.

Also, petition of the First Universalist Sunday School of Norwalk, Ohio, favoring prohibition in the District of Columbia; to the Committee on the District of Columbia.

By Mr. POWERS: Memorial of John G. Eve Post, No. 221, Grand Army of the Republic, asking that the peace of our country be safeguarded by having the strongest and best Navy in the world; to the Committee on Naval Affairs.

Also, memorial of directors of New Orleans Association of Commerce, asking that the question of railway mail pay be referred to the Interstate Commerce Commission for settlement; to the Committee on the Post Office and Post Roads.

By Mr. SNELL: Petition of Rev. E. J. Goodell, Homer M. Labare, Maud Gilmore, Gertrude Hobbs, Mrs. Cecil Cashman, Kate Lillie, Augusta Cashman, Henry Cashman, Alfred Floyd, Lynn Hoff, Harry DeLong, Arthur Goodell, Cornelia McPherson, Mrs. Essie Hutchins, Mrs. Maria Welch, Mrs. E. E. Hoobs, Mrs. Florence Vorce, Mrs. Arthur Goodell, Mrs. Ed Cubit, Mr. Ed Cubit, W. W. McKinney, Mr. Gilda Arnold, Mrs. Edna Smald, F. L. Curry, Mrs. Grace Curry, Eldworth Curry, Mrs. S. Curry, W. H. Coolidge, Mrs. W. H. Coolidge, L. L. McKinney, Mrs. W. W. McKinney, Miss Sylvia McPherson, Miss Hazel Hindes, Miss Lottie Bond, E. E. Hobbs, Julia Dengate, Maggie McBreson, Mrs. Sarah Stafford, Mrs. R. S. Stafford, Carrie Goodell, Alonzo N. Hall, Mrs. Cora M. McKinney, Charles Goodell, Mrs. E J. Goodell, and Ruth Goodell, all of Ellenburg Center, N. Y., favoring national prohibition; to the Committee on the Judiciary.

By Mr. STINESS: Papers to accompany House bill 11239, granting an increase of pension to Amelia S. Smith; to the Committee on Invalid Pensions.

By Mr. SULLOWAY: Petition of Central Labor Union of Portsmouth, N. H., against national prohibition; to the Committee on the Judiciary.

Also, petitions of First Methodist Episcopal Church of Laconia and Endeavor Society and Sunday school of First Christian Church of Newton, N. H., favoring national prohibition; to the Committee on the Judiciary.

By Mr. SNYDER: Petitions of Schenectady (N. Y.) Board of Trade, favoring deeper harbors on Great Lakes as adjunct for preparedness; to the Committee on Rivers and Harbors.

By Mr. TILSON: Petition of Woman's Christian Temperance Union of Wallingford, Conn., favoring national prohibition; to the Committee on the Judiciary.

Also, petition of Wallingford Branch of the Congressional Union for woman suffrage for the passage of the Sutherland-Mondell amendment; to the Committee on the Judiciary.

By Mr. YOUNG of North Dakota: Petition of J. M. Eberle and 74 others of Kulm, N. Dak., favoring embargo on arms, etc.; to the Committee on Foreign Affairs.

## SENATE.

### FRIDAY, *February 11, 1916.*

*(Continuation of the legislative day of Wednesday, Feb. 9, 1916.)*

#### EXECUTIVE SESSION.

The Senate reassembled in executive session at 12 o'clock meridian, on the expiration of the recess.

After 2 hours and 55 minutes spent in executive session the doors were reopened.

#### WATER-POWER DEVELOPMENT.

The PRESIDING OFFICER (Mr. WALSH in the chair). The Chair lays before the Senate the unfinished business, which the Secretary will state.

The SECRETARY. A bill (S. 3331) to amend an act entitled "An act to regulate the construction of dams across navigable waters," approved June 21, 1906, as amended by the act approved June 23, 1910, and to provide for the improvement and development of waterways for the uses of interstate and foreign commerce.

Mr. SMOOT. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

| | | | |
|---|---|---|---|
| Ashurst | Hughes | Norris | Smith, Md. |
| Bankhead | Husting | O'Gorman | Smith, S. C. |
| Beckham | James | Oliver | Smoot |
| Borah | Johnson, Me. | Page | Sterling |
| Brandegee | Johnson, S. Dak. | Phelan | Stone |
| Broussard | Jones | Pittman | Sutherland |
| Bryan | Kenyon | Poindexter | Swanson |
| Chamberlain | Lane | Pomerene | Thomas |
| Clapp | Lea, Tenn. | Ransdell | Vardaman |
| Clark, Wyo | Lodge | Robinson | Wadsworth |
| Clarke, Ark. | McCumber | Saulsbury | Walsh |
| Colt | McLean | Shafroth | Warren |
| Curtis | Martin, Va. | Sheppard | Williams |
| Fletcher | Martine, N. J. | Shields | Works |
| Gallinger | Nelson | Smith, Ariz. | |
| Gronna | Newlands | Smith, Ga. | |

Mr. SMOOT. I desire to announce the unavoidable absence of the junior Senator from Michigan [Mr. TOWNSEND].

The VICE PRESIDENT. Sixty-two Senators have answered to the roll call. There is a quorum present.

#### PROHIBITION IN THE DISTRICT OF COLUMBIA (S. DOC. NO. 318).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, calling attention to the fact that Senate bill No. 1082, to prevent the manufacture and sale of alcoholic liquors in the District of Columbia, and for other purposes, contains no provision permitting the executive departments of the Government to receive, store in the District of Columbia, or issue grain alcohol for medicinal purposes to Government stations outside the District of Columbia, which was referred to the Committee on the District of Columbia and ordered to be printed.

#### DISPOSITION OF USELESS PAPERS.

The VICE PRESIDENT. The Chair lays before the Senate a communication from the Secretary of the Navy, transmitting, pursuant to law, lists of papers, documents, and so forth, on the files of the Navy Department which are not needed in the transaction of the public business and have no permanent value or historical interest. The communication and accompanying papers will be referred to the Joint Select Committee on the Disposition of Useless Papers in the Executive Departments, and the Chair appoints the Senator from Washington [Mr. JONES] and the Senator from New Jersey [Mr. MARTINE] members of the committee on the part of the Senate. The Secretary will notify the House of Representatives of the appointment thereof.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed the following bill and joint resolution, in which it requested the concurrence of the Senate:

H. R. 4701. An act to establish in the War Department and in the Navy Department, respectively, a roll, designated as "the Army and Navy medal of honor roll," and for other purposes; and

H. J. Res. 146. Joint resolution authorizing the Secretary of War to loan, issue, or use quartermaster's and medical supplies for the relief of destitute persons in the districts overflowed by the Mississippi River and its tributaries.

The message also returned to the Senate in compliance with its request the joint resolution (S. J. Res. 81) authorizing the Secretary of the Navy to receive for instruction at the United States Naval Academy, at Annapolis, Mr. Carlos Hevia y Reyes Gavilán, a citizen of Cuba.

ENROLLED JOINT RESOLUTION SIGNED.

The message further announced that the Speaker of the House had signed the enrolled joint resolution (S. J. Res. 76) authorizing the Secretary of War to loan 1,000 tents and 1,000 cots for the use of the encampment of the United Confederate Veterans to be held at Birmingham, Ala., in May, 1916, and it was thereupon signed by the Vice President.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented a petition of the Christian Endeavor Union of the District of Columbia, praying for Federal censorship of motion pictures, which was referred to the Committee on Education and Labor.

He also presented a petition of the Christian Endeavor Union of the District of Columbia, praying for prohibition in the District of Columbia, which was ordered to lie on the table.

He also presented petitions of the Retail Merchants' Association and the Chamber of Commerce, of Washington, D. C., praying for a referendum vote on the question of prohibition in the District of Columbia, which were ordered to lie on the table.

He also presented a petition of a civic convention, held at Lihue, island of Kauai, Territory of Hawaii, praying for an appropriation for the construction of a breakwater at Nawiliwili, which was referred to the Committee on Commerce.

Mr. BRANDEGEE presented a petition of the Ansonia Electrical Co., of Ansonia, Conn., praying for the imposition of a duty on dyestuffs, which was referred to the Committee on Finance.

He also presented petitions of the Christian Endeavor Society of the Congregational Church of East Hampton, the Woman's Christian Temperance Union of Plantsville, and of sundry citizens of East Hampton, all in the State of Connecticut, praying for Federal censorship of motion pictures, which were referred to the Committee on Education and Labor.

Mr. WADSWORTH presented a petition of sundry citizens of Wellsville, N. Y., praying for Federal censorship of motion pictures, which was referred to the Committee on Education and Labor.

He also presented a petition of sundry citizens of Castile, N. Y., praying for national prohibition, which was referred to the Committee on the Judiciary.

He also presented the petition of Daniel Wile and Nathan Stegerwold, of Buffalo, N. Y., and the petition of Henry F. Eifert, of New York City, N. Y., praying for the imposition of a duty on dyestuffs, which were referred to the Committee on Finance.

Mr. OLIVER presented memorials of the Berks County Liquor Dealers' Protective Association, of Reading; the Trades Union Liberty League, of Pittsburgh; and of various local unions of the United Brewery Workmen, all in the State of Pennsylvania, remonstrating against national prohibition, which were referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Pennsylvania, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented memorials of sundry citizens of Pennsylvania, remonstrating against an increase in armaments, which were referred to the Committee on Military Affairs.

He also presented a petition of Local Branch National Security League of Lancaster, Pa., and a petition of Lieutenant James H. Hoskinson Camp, No. 31, United Spanish War Veterans, of Erie, Pa., praying for an increase in armaments, which were referred to the Committee on Military Affairs.

He also presented a petition of the Wholesale Grocers' Association, of Pittsburgh, Pa., praying for the repeal of the import duty on raw sugar after May 1, 1916, which was referred to the Committee on Finance.

He also presented a petition of Camp No. 52, United Spanish War Veterans, of Norristown, Pa., praying for the enactment of legislation to pension widows and orphans of veterans of the Spanish-American War, which was referred to the Committee on Pensions.

He also presented a petition of Council No. 190, Sons and Daughters of Liberty, of Forty Fort, Pa., praying for the enactment of legislation to further restrict immigration, which was referred to the Committee on Immigration.

He also presented a petition of the Dyers and Cleaners' Association of Allegheny County, of Pittsburgh, Pa., praying for an investigation into the increase in the price of gasoline and naphtha, which was referred to the Committee on Finance.

He also presented a petition of sundry citizens of Mount Jackson, Pa., praying for the adoption of an amendment to the Constitution to prohibit polygamy, which was referred to the Committee on the Judiciary.

Mr. McLEAN presented petitions of the Woman's Christian Temperance Union of Hartford; the Mill Plain Woman's Christian Temperance Union, of Danbury; and of the Beaver Brook Woman's Christian Temperance Union, of Danbury, all in the State of Connecticut, praying for Federal censorship of motion pictures, which were referred to the Committee on Education and Labor.

He also presented a petition of Hammond Camp No. 5, United Spanish War Veterans, of New Britain, Conn., praying for the enactment of legislation to grant pensions to widows and orphans of veterans of the Spanish-American War, which was referred to the Committee on Pensions.

He also presented a petition of the congregation of the Second Congregational Church of Greenwich, Conn., praying for the enactment of legislation to prohibit interstate commerce in the products of child labor, which was referred to the Committee on Interstate Commerce.

He also presented a memorial of Local Union, Brewery Workmen, of Waterbury, Conn., remonstrating against national prohibition, which was referred to the Committee on the Judiciary.

REPORTS OF COMMITTEES.

Mr. JOHNSON of Maine (for Mr. SHIVELY) from the Committee on Pensions submitted a report (No. 125) accompanied by a bill (S. 4399) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War, and certain widows and dependent relatives of such soldiers and sailors, which was read twice by its title, the bill being a substitute for the following Senate bills heretofore referred to that committee:

S. 93. Joanna E. Kiley.
S. 94. John Denton.
S. 98. Jacob Boyd.
S. 100. Stephen W. Cottingham.
S. 101. Samuel Franklin, jr.
S. 106. Robert Posey.
S. 110. Zachariah V. Purdy.
S. 113. Helen Morgan.
S. 116. Abraham Smith.
S. 117. Joseph H. Wilson.
S. 152. John Snider.
S. 172. Mary J. Thompson.
S. 178. John C. McNaight.
S. 216. Maria L. Roraback.
S. 222. Elizabeth Turner.
S. 224. Mary F. Weed.
S. 227. Lovina S. Remington.
S. 234. Grace S. Wood.
S. 240. Mary E. Starr.
S. 241. James K. Stebbins.
S. 246. Carrie M. Pierce.
S. 248. Lucy A. Pond.
S. 254. Jennie E. Puffer.
S. 257. Jerome S. Manchester.
S. 332. Mary G. Fox.
S. 361. Mary L. Case.
S. 370. Ervin Nye.
S. 372. Stephen Johnson.
S. 531. James Kephart.
S. 536. George C. Jones.
S. 687. James W. Lankford.
S. 690. Victoria G. McFadden.
S. 702. Anna Paden.
S. 754. Sarah H. White.
S. 764. Cyrus F. Martin.
S. 766. Mary M. Clark.
S. 804. Martin L. Fisher.
S. 1022. David R. Miller.

S. 1023. Artemisia McCowen.
S. 1024. Joel T. Booz.
S. 1028. Daniel M. Banks.
S. 1029. Matilda Bennett.
S. 1032. Charity E. Smith.
S. 1033. Alfred Hooker.
S. 1034. Henry L. Miller.
S. 1039. Leroy F. Morse.
S. 1111. John Ensley Hixon.
S. 1128. Henry Gathman.
S. 1137. John W. W. Craig.
S. 1141. Dewitt C. Burns.
S. 1145. John M. Barber.
S. 1250. Charles Thurston.
S. 1252. Charles A. Holmes.
S. 1253. Frank S. Mildram.
S. 1254. Ella Farnum.
S. 1303. John E. Gilmore.
S. 1304. John B. Goodie.
S. 1306. Jonas H. Munson.
S. 1420. Elmer M. Yocom.
S. 1437. Sarah J. Alling.
S. 1438. Charlotte A. Avery.
S. 1439. Jane A. Babcock.
S. 1441. Abbie C. Boardman.
S. 1445. Martha Crumb.
S. 1453. Mary Moriarty.
S. 1454. Nellie R. Palmer.
S. 1495. Ethan S. Anderson.
S. 1498. John A. Smith.
S. 1499. Emma McCue.
S. 1527. Mary E. Brown.
S. 1530. Clementine Williams.
S. 1589. John W. Detwiler.
S. 1718. Joseph E. Clough.
S. 1736. Virgil D. Keaton.
S. 1750. Mollie B. Crawford.
S. 1795. Zephaniah Roberts.
S. 1796. Mary C. Schellner.
S. 1800. Peter Williams.
S. 1813. Oliver E. Durrant.
S. 1942. Ellen Conley.
S. 1949. Merritt J. Hedges.
S. 1950. Julia Jackson.
S. 1954. William K. Griffith.
S. 1955. Mary R. Strayer.
S. 1956. Theodore A. Cox.
S. 1958. Mary S. Underhill.
S. 1959. Richard Whitten.
S. 1963. Louise Tischer.
S. 2240. Melissa J. Chandler.
S. 2242. Clara A. Estes.
S. 2253. Henry S. Moulton.
S. 2254. Ida M. McLaughlin.
S. 2257. Michael Hickey.
S. 2261. Benjamin F. Clifford.
S. 2356. David Walker.
S. 2462. Andrew A. Holmes.
S. 2499. Ebenezer Watson.
S. 2548. William O. White.
S. 2567. Ella Le Suer.
S. 2574. Jacob Schmidt.
S. 2591. Zernah A. Newell.
S. 2652. Robert O. Jones.
S. 2668. William J. Cottrell.
S. 2679. James A. McAllister.
S. 2723. Edward Mason.
S. 2751. Lucy L. Wessels.
S. 2840. Balser Minges.
S. 2884. Edward L. Curtis.
S. 2936. Elizabeth Sparling.
S. 2955. George W. Holdson.
S. 2956. Madeline Smith.
S. 2958. Lemuel Emmerson.
S. 2965. James Mosier.
S. 3041. Charles M. Smilie.
S. 3057. William C. Doak.
S. 3060. Joseph C. Tousley.
S. 3072. Minnie Holz.
S. 3100. Daniel C. Ehrhart.
S. 3107. Isaac Conner.
S. 3141. Anna S. Weaver.
S. 3164. Sarah R. Anderson.
S. 3213. Stephen B. Garrigus.
S. 3295. George F. Edmunds.
S. 3305. Olive L. Baldwin.
S. 3362. Gorham Tufts.
S. 3364. William H. Taylor.
S. 3413. Ernest E. M. Vinton.
S. 3415. Joseph M. Elliott.
S. 3456. Charles A. Pepper.
S. 3497. James L. Zeigler.
S. 3501. Zenas R. Detwiler.
S. 3530. Ozro F. Walker.
S. 3534. Nancy Miller.
S. 3545. Garrett C. Brewer.
S. 3548. John M. Rupert.
S. 3601. Robert C. Young.
S. 3629. Thomas Mullen (alias Maloney).
S. 3637. Lewis W. Graham.
S. 3667. John C. Gray.
S. 3668. Hanson Hutchings, jr.
S. 3711. Oliver P. Lockhart.
S. 3739. James Gallagher.
S. 3850. William P. McCartney.
S. 3854. William Wright.
S. 3859. Teodora Antonia Baca de Martinez.
S. 3943. Rosa L. Tobin.
S. 3944. Sophia E. Bissonett.
S. 4030. Ellen A. Sheehan.
S. 4031. George W. Miller.
S. 4089. Henry Collett.
S. 4130. Martha A. White.
S. 4188. Henry T. Raymond.
S. 4246. William Blair.
S. 4247. Eliza P. Gullihur.

Mr. SMITH of Maryland, from the Committee on the District of Columbia, to which was referred the bill (S. 3998) to amend an act relating to the Public Utilities Commission of the District of Columbia, approved March 4, 1913, reported it without amendment and submitted a report (No. 127) thereon.

He also, from the same committee, to which was referred the bill (S. 3023) to emancipate from certain disabilities children who have judgments of conviction for crime of record against them in the juvenile court of the District of Columbia, reported it with an amendment and submitted a report (No. 126) thereon.

Mr. LEA of Tennessee, from the Committee on Military Affairs, to which was referred the bill (S. 3191) to amend section 1342 and chapter 6, Title XIV, of the Revised Statutes of the United States, and for other purposes, reported it with amendments and submitted a report (No. 130) thereon.

He also, from the same committee, to which were referred the following bills, reported them severally with an amendment and submitted reports thereon:

S. 741. A bill to remove the charge of desertion from the military record of John H. Armstrong (S. Rept. 129);

S. 1818. A bill to correct the military record of Nelson T. Saunders (S. Rept. 131); and

S. 2564. A bill correcting the military record of Abram H. Johnson (S. Rept. 128).

Mr. TILLMAN submitted a report (No. 115) to accompany the bill (S. 1417) to erect a factory for the manufacture of armor.

## BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. TILLMAN:

A bill (S. 4391) granting a pension to Edwin C. Gasque; to the Committee on Pensions.

By Mr. JONES:

A bill (S. 4392) granting an increase of pension to William H. Wyckoff (with accompanying papers);

A bill (S. 4393) granting an increase of pension to Henry M. Bryant (with accompanying papers);

A bill (S. 4394) granting an increase of pension to Philip J. Wickard (with accompanying papers);

A bill (S. 4395) granting an increase of pension to Samuel D. Sherman (with accompanying papers); and

A bill (S. 4396) granting an increase of pension to Edward Patrick (with accompanying papers); to the Committee on Pensions.

By Mr. SMITH of Arizona:

A bill (S. 4397) granting a pension to Cora E. Gossin; to the Committee on Pensions.

By Mr. LA FOLLETTE:

A bill (S. 4398) for the refund of excess duties on steel blooms; to the Committee on Claims.

By Mr. MARTIN of Virginia:

A bill (S. 4400) to execute the findings of the Court of Claims in the case of the heirs of William Pollock, deceased; to the Committee on Claims.

By Mr. JOHNSON of Maine:

A bill (S. 4401) to conduct investigations and experiments for ameliorating the damage wrought to the fisheries by predaceous fishes and aquatic animals; to the Committee on Fisheries.

By Mr. OWEN:

A bill (S. 4402) for the relief of John Wood (with accompanying papers); to the Committee on Claims.

By Mr. PAGE:

A bill (S. 4403) granting a pension to Della W. Crane (with accompanying papers); to the Committee on Pensions.

By Mr. POINDEXTER:

A bill (S. 4404) to amend "An act providing for the reappraisement of certain suburban lots in the town site of Port Angeles, Wash.," approved May 2, 1906; to the Committee on Public Lands.

By Mr. O'GORMAN:

A bill (S. 4405) for the relief of Frances A. Bliss; to the Committee on Claims.

A bill (S. 4406) granting an increase of pension to George W. Fernald; to the Committee on Pensions.

By Mr. OLIVER:

A bill (S. 4407) for the relief of George W. Wood, late a commander in the United States Navy (with accompanying paper); to the Committee on Naval Affairs.

By Mr. SHAFROTH:

A bill (S. 4408) granting to the State of Colorado land in said State for the use and benefit of the public schools and State University of the State of Colorado; to the Committee on Public Lands.

By Mr. CHAMBERLAIN:

A bill (S. 4409) granting an increase of pension to Ann Kennedy (with accompanying papers); and

A bill (S. 4410) granting an increase of pension to Alfred Slippey (with accompanying papers); to the Committee on Pensions.

By Mr. LEA of Tennessee:

A bill (S. 4411) increasing the number of cadets at the United States Military Academy; to the Committee on Military Affairs.

A bill (S. 4412) to amend an act entitled "An act to regulate and improve the civil service of the United States," approved January 16, 1883, and all acts amendatory thereof; to the Committee on Post Offices and Post Roads.

A bill (S. 4413) granting a pension to Mary E. Ferrell; to the Committee on Pensions.

By Mr. OVERMAN:

A bill (S. 4414) carrying into effect the findings of the Court of Claims in the matter of the claim of T. L. Love, surviving partner of Robert Love & Son; to the Committee on Claims.

A bill (S. 4415) to authorize the president and directors of the Georgetown Gas Light Co. to lay a gas main in and along the Conduit Road from a point beginning at the existing gas main, in the Foxhall and the Conduit Roads, to the District line; to the Committee on the District of Columbia.

### AMENDMENTS TO APPROPRIATION BILLS.

Mr. JONES submitted an amendment proposing to appropriate $600,000 for building ways, sheds, and machinery necessary to complete the equipment of the Puget Sound Navy Yard for the construction of battleships and other naval vessels, etc., intended to be proposed by him to the naval appropriation bill, which was ordered to be printed and, with the accompanying paper, referred to the Committee on Naval Affairs.

Mr. SHAFROTH submitted an amendment providing for the establishment of an international tribunal or tribunals competent to secure peaceful determinations of all international disputes, etc., intended to be proposed by him to the naval appropriation bill, which was referred to the Committee on Naval Affairs and ordered to be printed.

Mr. SIMMONS submitted an amendment proposing to appropriate $50,000 to acquire a site at or near the town of Pembroke, Robeson County, N. C., and cause to be erected thereon suitable buildings for a school for the Indians in that county, etc., intended to be proposed by him to the Indian appropriation bill, which was referred to the Committee on Indian Affairs and ordered to be printed.

### RAILWAY POSTAL CLERKS.

Mr. MARTINE of New Jersey submitted an amendment intended to be proposed by him to the bill (S. 3950) governing hours of labor and mileage of railway postal clerks, which was referred to the Committee on Post Offices and Post Roads and ordered to be printed.

### NATIONAL CHILD-LABOR LAW.

Mr. KENYON. Mr. President, a few days ago I gave notice that I would address the Senate to-day after the routine morning business on the question of a national child-labor law. With the permission of the Senate, I desire to postpone my remarks until Monday next, when, at the conclusion of the morning business, I shall address the Senate on the same subject.

### HOUSE BILL REFERRED.

H. R. 4701. An act to establish in the War Department and in the Navy Department, respectively, a roll designated as "the Army and Navy medal of honor roll," and for other purposes, was read twice by its title and referred to the Committee on Military Affairs.

### CARLOS HEVIA Y REYES GAVILÁN.

The VICE PRESIDENT. The Chair lays before the Senate Senate joint resolution 81, authorizing the Secretary of the Navy to receive for instruction at the United States Naval Academy, at Annapolis, Mr. Carlos Hevia y Reyes Gavilán, a citizen of Cuba, which has been returned from the House of Representatives at the request of the Senate.

Mr. STONE. I move that the joint resolution be postponed indefinitely.

The motion was agreed to.

### FLOODS IN MISSISSIPPI VALLEY.

H. J. Res. 146. Joint resolution authorizing the Secretary of War to loan, issue, or use quartermaster's and medical supplies for the relief of destitute persons in the districts overflowed by the Mississippi River and its tributaries, was read twice by its title.

Mr. ROBINSON. I ask unanimous consent for the present consideration of the joint resolution.

The VICE PRESIDENT. Is there objection to the request of the Senator from Arkansas?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution, which was read, as follows:

*Resolved, etc.*, That the Secretary of War be, and he is hereby, authorized, in his discretion, to loan, issue, or use such tents, provisions, and supplies pertaining to the Quartermaster's and Medical Departments of the Army from any stores now on hand, as he may deem necessary for the temporary relief of destitute persons in need of the same in the districts overflowed by the recent floods of the Mississippi River and its tributaries under such regulations for the care and return of articles not consumed in the use as he may deem necessary.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

### RAILROAD LANDS IN ARIZONA, NEW MEXICO, OR CALIFORNIA.

Mr. CURTIS. Mr. President, I ask that the water-power bill be temporarily laid aside for the immediate consideration of the bill which I send to the desk. The Secretary of the Interior requests the passage of the bill.

Mr. NELSON. If it will not displace the unfinished business, I shall not object.

Mr. CURTIS. I ask that it be temporarily laid aside.

Mr. NELSON. Temporarily laid aside for the consideration of this bill?

Mr. CURTIS. Only.

Mr. NELSON. Very well.

The VICE PRESIDENT. Is there any objection to temporarily laying aside the unfinished business? The Chair hears none. The Senator from Kansas asks unanimous consent for the present consideration of a bill the title of which will be stated by the Secretary.

The SECRETARY. Senate bill 3391, a bill to amend an act entitled "An act for the relief of Indians occupying railroad lands in Arizona, New Mexico, or California," approved March 4, 1913.

The VICE PRESIDENT. Is there any objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It extends for a period of two years from and after the 4th day of March, 1916, all of the provisions of an act entitled "An act for the relief of Indians occupying railroad lands in Arizona, New Mexico, or California," approved March 4, 1913.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. CURTIS. I ask unanimous consent that the report in this case be printed in the RECORD.

The VICE PRESIDENT. In the absence of objection, that may be done.

The report, submitted by Mr. CURTIS January 27, 1916, is as follows:

Mr. CURTIS, from the Committee on Indian Affairs, submitted the following report (to accompany S. 3391):

The Committee on Indian Affairs, to whom was referred the bill (S. 3391) to amend an act entitled "An act for the relief of Indians occupying railroad lands in Arizona, New Mexico, or California," approved March 4, 1913, after having given the same very careful consideration, reports the same back and recommends that the same do pass without amendment.

The Secretary of the Interior recommends the passage of the bill and suggests the including of more lands in New Mexico and Arizona, but not having had time to consider the effect of the adding of more land, your committee have concluded that it would be best not to do so until further information could be obtained on the question. The letter of the Secretary of the Interior recommending the passage of this bill is hereto attached, marked "Exhibit A."

The act to be extended by the bill reads as follows, to wit:

[Public, No. 438.]

(S. 5674.)

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized, in his discretion, to request of the present claimant under any railroad land grant a relinquishment or reconveyance of any lands situated within the States of Arizona, New Mexico, or California passing under the grant which are shown to have been occupied for five years or more by an Indian entitled to receive the tract in allotment under existing law but for the grant to the railroad company, and upon the execution and filing of such relinquishment or reconveyance the lands shall thereupon become available for allotment, and the company relinquishing or reconveying shall be entitled to select within a period of three years after the approval of this act and have patented to it other vacant nonmineral, nontimbered, surveyed public lands of equal area and value situated in the same State, as may be agreed upon by the Secretary of the Interior, provided that the total area of land that may be exchanged under the provisions of this act shall not exceed 3,000 acres in Arizona, 16,000 acres in New Mexico, and 5,000 acres in California.

Approved March 4, 1913.

EXHIBIT A.

JANUARY 21, 1916.

MY DEAR SENATOR: I have received your letter of January 11, requesting a report on S. 3391, being a bill to amend an act entitled "An act for the relief of Indians occupying railroad lands in Arizona and New Mexico or California," which was approved March 4, 1913 (37 Stat. L., 1007).

The original act provides a means whereby Indians occupying lands within railroad land-grant areas in Arizona, New Mexico, or California, who have resided on a particular tract for five years or more, may receive the said tract as an allotment, if otherwise entitled, upon the execution and filing of a relinquishment by the railroad company. The act further provides that the area to be reconveyed to the United States for allotment purposes shall not exceed 3,000 acres in Arizona, 16,000 acres in New Mexico, and 5,000 acres in California.

Commissioner Sells advises me that many prospective allottees have taken advantage of the act to have confirmed to them the lands that they have been occupying for years, and that at this time more than the area authorized to be taken in New Mexico, namely, 16,000 acres, have been applied for; that for this reason it has been necessary for the General Land Office to suspend action on some applications filed in that State, with the view to their final disallowance unless some of the prior applicants are ascertained not to be entitled to allotment.

The records of the Indian Office show also that the area applied for in Arizona exceeds the authorized area by possibly 2,000 acres. No doubt other applications will be filed or are already filed in the local land offices.

The area provided for in California probably will be sufficient, as there has been difficulty in obtaining the consent of the land-grant road in that State mainly affected by the act to reconvey. I therefore suggest that S. 3391 be amended by a proviso substantially as follows:

"That there may be exchanged under the provisions of the act named herein a total area not exceeding 10,000 acres in Arizona and 25,000 acres in New Mexico."

The proposed extension in time is meritorious and probably will result in taking care of Indians who are entitled to protection and would be otherwise unprovided for. For the reasons given I should like to see the amendment enacted into law, and especially I shall be pleased if the suggested additions could be made, so that there may be nothing in the way of providing for any Indians in New Mexico and Arizona who have, no doubt, occupied particular tracts for many years.

A carbon of this report is inclosed.

Cordially, yours, FRANKLIN K. LANE, *Secretary.*

Hon. HENRY F. ASHURST,
*Chairman Committee on Indian Affairs, United States Senate.*

WATER-POWER DEVELOPMENT.

Mr. SHIELDS. Mr. President, I understand that Senate bill 3331 was temporarily laid aside?

Mr. SMITH of Georgia. It was laid aside by unanimous consent only to take up this one measure, and therefore it is now before the Senate.

Mr. SHIELDS. I ask the Senate to proceed with the consideration of the bill.

Mr. SMOOT. Mr. President, I will ask the Senator from Tennessee if he will not consent to have the bill laid aside temporarily to permit the consideration of the calendar, under Rule VIII, of bills to which there is no objection?

Mr. SMITH of Georgia. I object.

Mr. SMOOT. I was asking whether the Senator from Tennessee would object.

Mr. SMITH of Georgia. But anybody can object. It takes unanimous consent.

Mr. SHIELDS. I prefer to proceed with the unfinished business.

The VICE PRESIDENT. Is the Senator from Tennessee yielding the floor?

Mr. SHIELDS. I am not. I am asking to proceed with Senate bill 3331, the unfinished business. It will not take a great deal of time for me to finish my remarks on this bill, and I desire to proceed at this time.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 3331) to amend an act entitled "An act to regulate the construction of dams across navigable waters," approved June 21, 1906, as amended by the act approved June 23, 1910, and to provide for the improvement and development of waterways for the uses of interstate and foreign commerce.

[Mr. SHIELDS resumed and concluded the speech begun by him on the calendar day of Wednesday. The entire speech is printed in the Appendix.]

Mr. FLETCHER. Mr. President, I should like to submit some observations on this bill, but I do not wish to delay the bill at all, and I would rather see the bill proceeded with and passed without a speech, if that can be done.

Mr. BANKHEAD. Mr. President, will the Senator from Florida permit me to make a suggestion?

Mr. FLETCHER. Certainly.

Mr. BANKHEAD. In order that we may proceed in an orderly way, and make some progress with this bill, I suggest that it now be read, section by section, for amendment, and when we reach a section where debate is desired, and amendment is to be offered, that we shall stop there and consider that question, settle it, and go on. I think we would make more progress in that way, and I think it would be much more satisfactory to consider the measure in that way.

Mr. FLETCHER. Mr. President, I am perfectly willing to have that procedure adopted. I was only proposing now to use up the time in submitting my observations, on the assumption that there were other Senators who desired to discuss the bill, perhaps, at some later time, and that I might be conserving the time of the Senate by submitting my remarks at this time, but I had a great deal rather do whatever is necessary to speed the progress of the bill than take up any time in discussing it.

Mr. WALSH. Mr. President, I like the suggestion of the Senator from Alabama [Mr. BANKHEAD]. In all reasonable probability, a large number of amendments will be offered to this bill. I myself have some which I desire to submit for the consideration of the Senate. It is just possible, indeed it is not at all unlikely, that after the bill is perfected it will become unnecessary to discuss a great many features; and then, too, I think it would be very much more to the point if the discussion were directed to the amendments as they are proposed from time to time; and I am very sure they will develop whatever differences in principle there may be among us concerning the bill.

Mr. FLETCHER. Evidently there is no great desire to hear me discuss the bill. So I am perfectly willing to have it read section by section, although I think that has been done, and I think it is open to amendment now.

Mr. BANKHEAD. I hope the Senator from Florida does not suppose for a moment that I or any other Senator would not be delighted to hear him discuss this bill in every respect, and, with that in view, I withdraw my suggestion. My only idea was that if we proceeded as I have suggested when we reached a section where a Senator cared to discuss any of its provisions he could have all the time he might think necessary for that purpose.

The VICE PRESIDENT. The bill has been read and there are committee amendments now pending.

Mr. BANKHEAD. I understand the bill has been read, but my proposition was that the bill be read section by section for amendment.

Mr. FLETCHER. I think the suggestion is a good one.

Mr. BANKHEAD. However, I withdraw that suggestion.

Mr. FLETCHER. The Senator, of course, will recognize that I was speaking rather humorously than otherwise, but I think the bill has been read, and, as the Chair suggests, the question now is on the amendments offered by the committee.

The VICE PRESIDENT. There are certain committee amendments, and it has been the uniform practice of the Senate first to consider committee amendments.

Mr. FLETCHER. Then, I should think we had better proceed with those amendments.

Mr. SMOOT. Mr. President, I want to suggest to the Senator that I do not believe we would gain anything by reading the bill, because there are Senators who desire to offer amendments who at present are out of the city, and when they return to the Senate—and I think they will be here to-morrow or, in any event, on Monday—they would certainly desire to offer the amendments in which they are interested. If we are going to

take up the amendments, I think we ought first to take up the committee amendments, as suggested by the Chair. I can not see why the Senator from Florida [Mr. FLETCHER] should not now proceed with his remarks on the bill, as I take it for granted that he desires to discuss the principle of the bill, what the bill is for, the object of it, and not to confine himself to any one amendment that may be offered. I believe that the Senator ought to proceed now with what he has to say.

Mr. BANKHEAD. Mr. President, I have withdrawn my suggestion and it is not now before the Senate. The Senator from Florida is at liberty now to proceed to discuss the bill generally or anything pertaining to it or anything outside of it.

Mr. NELSON. Mr. President, it is frequently the practice when a bill is taken up to ask unanimous consent to dispense with the formal reading of the bill and simply to read it for amendment, the committee amendments to be first considered; but that was not done in this case. The bill has been once read in full, and now in regular order, according to custom, it would be proper to read the bill for the purpose of amendment. The bill is entitled to be taken up section by section for amendment, and to be read for that purpose. Of course I am not saying this to interfere with what the Senator from Florida desires to do. I am a member of the subcommittee on the bill, but for the purpose of expediting its consideration, while I could speak on it in a general way, I have concluded not to say anything except where it is necessary to discuss amendments which may be offered to it.

Mr. SHIELDS. Mr. President, I had understood that several Senators wished to address themselves to the bill, not only upon the merits of particular provisions of the bill but upon the general advantages and necessities of legislation of this character, and it was for that reason that I did not move to have it read section by section for amendment. I do not wish to do so while Senators wish to address the Senate upon the subject of the general merits of the bill.

Mr. FLETCHER. Mr. President, it is evident that there will be amendments offered to this bill and that there will be some considerable discussion of it. In view of what has been said I would at this time feel that I was not trespassing and, perhaps, not taking up unnecessarily the time of the Senate if I submitted some general observations with respect to the conditions in the country with regard to the need of legislation of this character. Therefore I want to say that this bill, in my judgment, is a most important measure; that it relates to one of the greatest natural resources of the country and to the means and methods of developing that resource.

Mr. President, the utilization of running water as an industrial force began in very remote times. It is a curious historical fact that the water mill was first invented by King Mithridates, in Cappadocia, about the year 70 B. C. Its use spread rapidly through Italy, and it is doubtless true that the invention was carried by the Romans to Scotland. At any rate, according to Irish tradition, Cormac got his millwright from Scotland about 250 A. D., and it appears the water mill has existed in Ireland from that day to this.

Among the earliest enterprises in this country we find the shoal or the dam and the constructed flume carrying the water to an overshot wheel with gearing attached, revolving stones grinding corn and wheat. Later came the woolen mill, the cotton gin, and other application of the power. Then came improvement on these mills, turbine wheels, and more extended use.

It was not until recent times, however, that the possibilities of this natural resource began to take hold upon our appreciation. We never seemed to grasp the full meaning of the principle, if we had really figured it out, that 1 foot of water falling 9 feet each second gives 1 truck horse power. Knowing that, the next inquiry is, What is that worth in dollars and cents? Generally speaking, we find it is worth $35. This makes it interesting, and we proceed to the next inquiry, Where and how can we find the conditions, ready-made, out of which we can obtain this power? That question is easily answered. We only wonder that men have not long ago rushed to these opportunities even as they hurried to the gold fields.

The conditions are found in a greater or less degree in every State of the Union, but I propose to refer particularly to some right here in the Appalachian chain. They have been here through the centuries, and will be here as long as the sun shines, winds blow, and rain falls. That is the feature especially attractive and valuable about these gifts of nature—they are everlasting. All man has to do is to put them to his service. He is learning to do that with effect, and the more he studies and works to that end the more the field broadens, both in respect to the development of this energy and the uses to which it can be applied.

What is said regarding the Appalachian chain applies and is true as to other portions of the country where water is flowing in any considerable volume from a higher elevation to a lower one. But I shall confine these observations to the region immediately about and to the south of the District of Columbia, because I have some knowledge based on personal investigations regarding the conditions in that section.

The discoveries in connection with electricity, its generation, transmission, and application, have increased many times the availability and value of the water powers.

Horsepower generated by electric power produced by the waters from rivers, creeks, and streams whose sources are found in these mountains, potential in Virginia, Tennessee, North Carolina, South Carolina, and Georgia, not to mention other States through which they flow, but with diminished fall, on their way to the Atlantic and the Gulf, will make this Appalachian region the most marvelous manufacturing area on this continent. Here we have the even and abundant rainfall, making the power available every day of the year, because the winters are not cold enough to freeze the waters, and these rivers never go dry.

Direct water power and steam power will eventually give way—that is the tendency—to hydroelectric power. The first is wasteful and localized. Steam power is more costly. Hydroelectric is as economical as steam if the coal costs nothing. By it the power can be transmitted 200 miles with small diminution. Think of transmitting millions of tons of coal on an electric wire hundreds of miles and doing the work of thousands of men that distance from the generating plant!

From Hales Bar, near Chattanooga, from Ocoee River, near Cleveland, this power is now being sent 180 miles into Nashville, and there, as well as in Chattanooga, Knoxville, Cleveland, and other cities, turns the wheels of factories, runs traction lines, and furnishes light and heat as needed.

Recently I saw at Rockwood, Tenn., iron furnaces which had been in continuous operation since 1865. This has no direct bearing on our subject, except in so far as it indicates some of the natural resources of the country. At Knoxville we visited at midnight marbleworks which had been in operation day and night without interruption for 10 years—employing electric power.

In Tennessee there has been enormous development in water power. The United States Census Bureau, according to a census taken in 1908, gives at that time the number of water wheels in operation in the State as 2,160, the distribution and horsepower developed being as follows:

| | Wheels. | Horsepower. |
|---|---|---|
| Tennessee River | 1,691 | 85,548 |
| Cumberland River | 397 | 8,576 |
| Green River | 10 | 140 |
| Mississippi River | 62 | 799 |
| Total | 2,160 | 95,063 |

The era of hydroelectric development and of long-distance power transmission, however, did not begin until 1912. According to Bulletin No. 17, by J. A. Switzer, hydroelectric engineer, issued in 1914, seven water wheels, capable of developing 29,200 horsepower, were put into operation in 1912. During 1913 14 more wheels, with a capacity of 63,000 horsepower, were added. Four additional wheels, with a capacity of 16,000 horsepower, were to be installed at Hales Bar, and it is stated that during the year 1914 construction would begin on a plant of 8,000 horsepower on the Little Tennessee. Since that report the Hales Bar project has been completed, and is referred to later.

Mention is made in the report of the project on the Hiawassee River, in Clay County, N. C., being the project of the Carolina-Tennessee Power Co., and which contemplated the building of two plants about 15 miles apart, with a combined rating of 50,000 horsepower, each dam to be 150 feet high and 1,200 feet long and each creating a lake about 15 miles in length. The location is approximately 60 miles south of Knoxville, 65 miles east of Chattanooga, and 100 miles north of Atlanta.

Important power companies, as given by Mr. Switzer, are—

First. The Tennessee Power Co., with an authorized capital of $50,000,000 preferred stock and $20,000,000 common stock, the bond issue to be $50,000,000, and the project owned, according to the report at that time, consisted of the 25,000-horsepower hydroelectric plant on the Ocoee River at Parksville, Tenn., now in operation, the transmission line of this plant by way of Cleveland to Chattanooga, and from Cleveland to Knoxville, and from Cleveland to the Georgia line; the Great Falls site and

reservation, at the junction of the Caney Fork and Collins Rivers, near Rock Island, Tenn., capable of development of 80,000 horsepower; two sites on the Ocoee River in addition to the first named, one capable of development of 16,000 horsepower and the other of 30,000 horsepower.

Last May I visited Hales Bar and saw a completed 40-foot dam, which makes navigable the Tennessee River for some 35 miles and produces hydroelectric power of 58,800 horsepower, which is transmitted over 150 miles.

I also saw the development on the Ocoee River, the first dam being 125 feet high, developing 20,000 horsepower. Some 15 miles up the river the power plant is located near the bed of the stream and the water is lifted 250 feet and carried through a flume 14 feet wide and 9 feet deep, a distance of 6 miles along the rocky cliffs, and then shot 250 feet into turbines generating 25,000 horsepower. Further development is taking place up the stream. Electric current is now carried to Nashville, a distance of 180 miles, with very little loss of power in transmission.

The Hales Bar development is located 20 miles below Chattanooga by road, 33 miles as the river winds. The capacity of the dam is 58,800 horsepower. Total length of the dam, including the lock, is 2,500 feet. The lock chamber measures 60 feet wide and 312 feet long. The concrete spillway measures 1,200 feet in length; power house, 350 feet long. The lock gates measure 58 feet in height and are operated by electric motors. Construction was begun in October, 1905, and the completion of the plant was announced November 13, 1913. The dam was built under the supervision of Government engineers by Mr. Anthony N. Brady, of New York, and the company has the use of the power for a term of 99 years. This dam makes navigable the river to and beyond Chattanooga. The lock lets down the boats and they proceed below as they did before the dam was built. The hydroelectric energy generated by the development is transmitted to cities over 150 miles away for service there.

WATAUGA POWER CO.

It appears the first development of the Watauga Power Co. was contemplated in September, 1911, and it was the first large hydroelectric plant to go into operation in Tennessee. It is situated on the Watauga River, about 6 miles from Elizabethton. The dam is of Cyclopean concrete, 50 feet high above low water. The installation is designed to consist of three units, developing 1,600 horsepower each.

THE TENNESSEE EASTERN ELECTRIC CO.

This development was completed in 1914, and consists of a dam and power house on the Nolichucky River 9 miles south of Greenville. The dam is 39 feet high and develops 3,600 horsepower.

The projected developments mentioned in this report are, to wit:

First. The Tennessee Hydroelectric Co., chartered April, 1912, proposes to develop all the power afforded by the Clinch and Powell Rivers, both in Tennessee and Virginia. The plan contemplates the erection of five dams—No. 1, 40 feet high, across the Clinch River, just above the mouth of the Emory River; No. 2, 60 feet high, on the Clinch River, just above the Louisville & Nashville Railroad crossing; No. 3, 150 feet high, on the Clinch River, just above Island Ford; No. 4, 260 feet high, on the Powell River, just above the Southern Railway bridge, in Claiborne County; No. 5, 260 feet high, on the Clinch River, between Claiborne and Grainger Counties. The plan contemplates the expenditure of $20,000,000, and the development will aggregate 400,000 horsepower.

THE ALUMINUM CO. OF AMERICA.

This company has been acquiring title to power rights and riparian privileges on the Little Tennessee River from Franklin, N. C., a distance of 65 miles, to a point 25 miles south of Maryville, Tenn. It has also acquired tributary streams, to wit, the Cheoah, the Tuckaseegee, and the Nanahala Rivers. There is a fall of some 1,200 feet on the Little Tennessee River alone, and the development of power will exceed 400,000 horsepower.

FRENCH BROAD RIVER POWER CO.

This company proposes to develop 30,000 horsepower at a site on the French Broad River, about 5 miles from Knoxville. It contemplates building a dam 70 feet high, causing slack water a distance of 24 miles. The location and plans for the dam must be submitted to and approved by the Chief of Engineers and by the Secretary of War.

The United States Geological Survey has undertaken to make a water-power survey of the Doe River, in connection with the State geological survey. "Enough has been done to establish the fact that Doe River has good water-power potentialities, and to show that there are many excellent power sites and storage sites of moderate capacity" on that river.

Some big things have been done since this report was published, even within the past two years, and yet this development is just beginning. It means an industrial progress exceeding all expectations.

We are dealing necessarily in a condensed sort of way with the use being made of rivers and streams in the development of hydroelectric power and with its demonstrated possibilities.

This particular resource abounding in the Appalachian region is of inestimable economic value. Its unfolding has begun. Its development and utilization means adding enormous manufacturing enterprises to the agricultural South, and an industrial and commercial advancement beyond our most sanguine calculations.

ALABAMA.

Let us glance at the situation in Alabama next. Alabama is extremely fortunate in the number and extent of her water powers and their location, with reference to transportation by rail and water.

Existing development and possibilities will be found on the Tallapoosa River and tributaries, Coosa River and tributaries, Alabama River and tributaries, Cahaba River and tributaries, Black Warrior River and tributaries, Tombigbee River and tributaries, and the Tennessee River.

In the document entitled "Water Powers of Alabama," and so forth, by Benjamin M. Hall, issued by the Department of the Interior, United States Geological Survey, 1904, it is stated that two large water powers have recently been developed on the Tallapoosa River—one at Tallassee, Ala., and the other 3 miles above Tallassee. Some of the undeveloped water powers were therein mentioned as site No. 3 on the Tallapoosa River, about 10 miles above Tallassee, where a dam 80 feet high was proposed. It is further stated that 31 locks on the Coosa River are capable of furnishing from 1,300 horsepower to 4,500 horsepower each, or an aggregate of 100,000 horsepower. Seven power sites on the Cahaba River are capable of furnishing from 500 to 1,100 horsepower each. The shoals on the Tennessee River are given as—

| | |
|---|---|
| Elk River, fall 26 feet, minimum horsepower | 15,600 |
| Mussel River, fall 85 feet, minimum horsepower | 51,000 |
| Little Mussel, fall 23 feet, minimum horsepower | 13,800 |
| Colbert, fall 21 feet, minimum horsepower | 12,600 |

On the Tallapoosa River there is a fall of 64 feet, utilized in the first power development above mentioned, and the 40-foot dam used in the second development.

The falls on the Coosa River from Marble Valley to Wetumka is 235 feet in 45 miles; Coosa River from Greensport to Marble Valley, 132 feet in 97 miles; Cahaba River above Centerville, 120 feet in 21 miles; Black Warrior River above Tuscaloosa has a fall of 100 feet in 30 miles; Tennessee River above Waterloo has a fall of 155 feet in 41 miles, 85 feet of which are in a distance of only 14 miles.

The report says further the Black Warrior River falls in the 92 miles from Warriortown to Tuscaloosa 158 feet.

Since this report development has been extraordinary on this river, particularly in the line of hydroelectric power. On the Tennessee River from the head of Mussel Shoals to Bainbridge the fall is 85 feet in 17 miles; from Bainbridge to Florence the fall is 23 feet in 7 miles; from Florence to the head of Colbert Shoals the fall is 3 feet in 11 miles; from the head of Colbert Shoals to Waterloo the fall is 21 feet in 6 miles. The total fall from Browns Ferry to Waterloo is, therefore, 160 feet in a distance of 57 miles. Sixteen miles of the distance, however, has a fall of only 5 feet, leaving a fall of 155 feet in 41 miles that cover the four shoals. The Elk River Shoals has a fall of 26 feet, minimum net power in average years, 30,550; Mussel Shoals has a fall of 85 feet, minimum net power in average years, 99,875; Little Shoals has a fall of 23 feet, minimum net power in average years, 27,025; Colbert Shoals has a fall of 21 feet, minimum net power in average years, 24,675; total fall, 155 feet, minimum net power in average years, 182,125.

The first use of water power in the State—about 1830—was in operating small sawmills. Followed the use in operating cotton gins, cotton mills, gristmills, ice factories, and various enterprises, until we have the enormous power plant of to-day generating thousands of horsepower and transmitting electric energy hundreds of miles to do the work of hundreds of men and thousands of tons of coal, in operating car lines, furnishing lights for cities and towns, the turning of the wheels of factories, in near and distant communities. The utilization of these water powers makes possible the generation of electric energy, which can be transmitted and applied many miles away, at a cost less than the same amount of power could be produced by the use of fuel of any kind or the best coal—for instance, if the coal were

taken from the ground and placed alongside the mine, free of cost.

Ninety-eight years ago the improvement of the Warrior River was begun. May 13, 1915, the dam at Lock 17 under the new project was completed, being 63 feet high, giving slack-water navigation above the dam for 100 miles, the main lake being 67 miles long, completing a waterway 450 miles in length, and developing at the same time a water power that will make itself felt as a constructive agency far beyond the State. This improvement has cost $12,000,000, and makes one of the largest canalized rivers in the world, running for 100 miles through the greatest coal deposit in the South, giving the cheapest form of transportation to the Gulf.

Coal can now be carried from mines above Lock 17 to Mobile for less than 50 cents a ton, whereas the rate by rail is $1.10. The completion of the inland waterway along the Gulf will give similar favorable rates to Pensacola, New Orleans, and other points, and from thence by ocean carriers to the markets of the world the steel, iron pipe, and other products of the Birmingham district will go. It is only 15 miles from Birmingham to this river, and high-class freight is now moving by water from New York to Maxine and thence by motor trucks to Birmingham. From Cordova, on this river, the Indian Head Cotton Mill is planning to ship its products to China by all-water route, the saving in freight rates amounting to a good profit on the business.

The proposed development at Muscle Shoals, on the Tennessee, will, when completed, give similar practical results of far-reaching importance, both with respect to navigation and the creation of hydroelectric energy.

One of the most important uses to which this power will be put is the taking of nitrogen from the air, fixing it in lime, and utilizing it in the manufacture of commercial fertilizers. Again, it will free us from dependence on Chile for nitrates, because it will enable us literally to extract saltpeter from the air. The electric spark has aroused the country, and, as in Germany, why should it not touch the blackness of anthracite, which we have in abundance, and bring forth the magic colors of aniline dyes?

GEORGIA.

A number of rivers in Georgia afford valuable water-power opportunities. Some of them have been highly developed, and the effect is shown in growing manufacturing and in various lines of industrial activity. Perhaps the Flint, Chattahoochee, Savannah, Ockmulgee, and Tallulah Rivers show the greatest power operations, but the Coosa, Etowah, Oconee, Altamha, Broad, Satilla, Ogeechee, Tallapoosa, Toccoa, and others, besides numerous streams designated as creeks, furnish conditions most favorable to the creation of power of vast commercial value.

The first successful cotton mill in the State was erected at Whitehall, near Athens, in 1828. There are now 145 with capital of $36,982,845. The first cotton factory was built on Upton Creek, near Washington, in 1811. The active cotton spindles in the United States in 1839 were 2,284,631. In 1913 there were 32,107,572. In the cotton-growing States they have increased from 180,927 in 1839 to 12,711,303 in 1913. The cotton gin did not appear until 1793. Our export of cotton that year was 975 bales, and Liverpool questioned that such an amount of cotton could be produced in this country. Now, it takes our best to hold the production down to 12,000,000 bales. Georgia also has woolen mills, knitting mills, silk mills, about one-fourth of which use water power, about one-half steam, and one-fourth electricity.

There are 53 electric-power plants in the State, with a capital and surplus of $39,066,086. She has 187 cotton oil mills with a capital and surplus of $14,120,000; 302 fertilizer factories, the value of the manufactured product of which amounted to $34,083,230 in 1914.

The development of hydroelectric power is in its early stages. Its growth from now on will be rapid and extensive. Manufacturing will increase in all directions, and industrial advancement will proceed with quickened pace.

SOUTH CAROLINA.

Mr. Frank S. Washburn, in an excellent article read before the Southern Commercial Congress, says:

Even this striking superiority in rainfall does not directly convey an adequate idea of the superiority of southern water-power possibilities, for it is the volume of water which actually finds its way into the streams that determines the measure of power, and this may be less than 2 per cent of the precipitation in a region of 20 inches average rainfall, and may exceed 50 per cent of the precipitation in a region of 65 inches average rainfall. A realization of these exceptional meteorological phenomena, coupled with the unparalleled surface conditions comprised in the towering mountain masses of the southern Appalachian, covered with close-set hardwood forests, nurtured in their birthplace, impels the mind to the belief that here is the spot nature selected to foster man's efforts to transform to his uses the exhaustless energy of falling water.

In "Water Powers of South Carolina," by August Kohn, a very instructive series of articles, the author says:

Fifty-five years ago William Gregg, then battling and urging South Carolina to recognize and encourage cotton mills, made these observations in the Charleston Courier: "The cheapness of water power, if not the chief, will at least constitute one important element of success with us. There is probably no State in the Union in which water power is more abundant. Leaving out the question, as being too tedious to enumerate, the great waterfalls on the tributary streams of the Pee Dee, Wateree, Broad, and Saluda Rivers, we will notice these only, in the immediate vicinity of our two lines of railroads to Columbia and Hamburg, that is within 5 miles of them. In the most healthy regions of the State, abounding with granite and building timber, water power may be found sufficient to work up half the crop of South Carolina, all of which is nearly valueless at the present time.

"God speed on the glorious result that may be anticipated from so great a change in our industrial pursuits.

"Were all our hopes in this particular consummated, South Carolina would present a delightful picture. Every son and every daughter would find healthful and lucrative employment; our roads, which are now a disgrace to us, would be improved; we would no longer be under the necessity of sending to the North for half-made wagons and carriages to break our necks; we would have, if not as handsome, at least as honestly and faithfully made ones, and mechanics always at hand to repair them. Workshops would take the place of the throngs of clothing, hat, and shoe stores, and the watchword would be from the seaboard to the mountains, 'Success to domestic industry.'"

Such was the prophecy and logic of William Gregg, the founder of the Graniteville Mills, and the one man above all others to whom is due the credit of the successful cotton-mill industry of South Carolina.

The State built the Columbia Canal and invested $198,788 in the Rocky Mount Canal, on the Catawba River. The largest water powers are to-day in the sites of these canals. The very shoals in the rivers which were such an obstruction to navigation are to-day the basis of wealth-producing water-power development, which individual effort, independent of any State aid, is accomplishing on a splendid scale.

From the sixth annual report of the commission of agriculture, commercial industries (1914), we find it set forth that the textile industry of the State continues to be several times the leading of all manufacturing industries of South Carolina. Of the $161,899,384 invested in manufacturing plants, the sum of $86,970,075 is represented by the textiles. The next largest investment of capital is in plants generating electricity, if this can be classified as a principal industry, the amount involved being very nearly $29,000,000. Of the industries proper, lumber, as usual, ranks second, with over $18,000,000 capital. Standing in third place is the fertilizer-manufacturing industry, with $13,610,440 net capital, and then comes the oil-mill industry, with $4,032,207 in capital. From the standpoint of product the textile industry leads all of the industries of the State, the oil mills coming second with $15,347,711. The fertilizer industry third, with $11,116,500, and lumber and timber coming fourth, with $10,164,566.

TURNING MORE TO ELECTRIC POWER.

As in recent years, there is a further decrease this year of horsepower derived from direct water power, the decrease being 1,379 horsepower. The steam power has decreased during the year by 3,495 horsepower. On the other hand, there has been an increase of horsepower generated by electric power from water of 1,656 horsepower, and of electric horsepower generated by steam of 6,145 horsepower.

NORTH CAROLINA.

Manufacturing in North Carolina is indicated by the following from the State report:

The total number of miscellaneous factories reporting to the department for the year ending June 30, 1914, is 755.

Aggregate capital reported by 639 factories, $88,811,810. Six hundred and forty-nine factories report the estimated value of plants to be $20,738,301. Six hundred and forty factories report the output to be $97,062,107. Six hundred and fifty-three factories report a pay roll of $14,601,563.

Seven hundred and twenty-three factories report power used as follows: Steam, 419; electric, 186; water, 21; hand, 19; gasoline, 26; steam and electric, 29; steam and gas, 2; gas, 4; steam and oil, 1; electric and gasoline, 1; kerosene, 1. These establishments, exclusive of the 19 using hand power, show the employment of 88,590½ horsepower.

COTTON MILLS.

The number of cotton mills reporting is 296. Of this number, 277 show an authorized capital of $54,482,662. The number of spindles reported is 3,704,709; looms, 62,056; cards, 8,913; employing 143,237 horsepower. The approximate amount of raw material used, 371,823,228 pounds; estimated value of yearly output, $80,602,743. The total number of employees reported is 54,960.

WOOLEN MILLS.

Six woolen mills reported in 1914. Three of these showed an authorized capital of $171,000. The number of spindles reported was 13,812; looms, 262; cards, 25; employing 805 horse-

power. The approximate amount of raw material used was 1,860,000 pounds; estimated value of yearly output reported, $755,000.

SILK MILLS.

The number of silk mills reported in 1914 was four. Of this number two mills reported capital to be $23,000. The number of spindles reported was 47,540; looms, 492; employing 1,110 horsepower. The approximate amount of raw material used was 242,000 pounds; estimated value of yearly output, $678,750. The total number of employees reported by three mills was 842.

CORDAGE MILLS.

The four cordage mills reporting showed a capital stock of $460,000. The number of spindles reported was 15,936; braiders, 250; cards, 52; employing 735 horsepower. The approximate amount of raw material used was 3,295,466 pounds; estimated value of yearly output, $1,211,467.

KNITTING MILLS.

Seventy-eight knitting mills are reported for 1914. Fifty-six of these showed capital stock of $4,762,196. The approximate amount of raw material used by 47 mills was 16,879,172 pounds. The estimated value of yearly output by 49 mills was $7,771,080.45. The number of spindles in use in these mills was given as 144,840; knitting machines, 10,760; sewing machines, 1,000; cards, 572—making use of 20,163 horsepower. Thirteen do not report horsepower.

Twenty-eight mills use steam for power, 36 use electricity, 2 gasoline, 2 steam and electricity, 2 water, 1 steam and water, 2 kerosene, 4 do not report power used.

FURNITURE FACTORIES.

The number of furniture factories reporting in 1914 was 84. Eighty-one of these reported capital stock of $3,327,205. Seventy-nine of them report the use of 10,078 horsepower.

Seventy-two factories use steam for power, 5 electric, 3 hand, 1 steam and electric, 1 steam and water. Estimated value of plants by 74 factories, $2,822,000. Estimated value of yearly output by all factories, $12,640,000; estimated yearly pay roll, $1,988,650.

The Southern Power Co., of North Carolina, has ten million invested in hydroelectric plants and is now building one of these to furnish 30,000 horsepower.

OTHER STATES.

Virginia has 12 cotton mills, with capital of $13,108,715.

Lumber mills in Mississippi and Florida operated by electricity, traction lines in West Virginia and elsewhere, shipbuilding at Sparrows Point, Newport News, Jacksonville, Pensacola, Mobile, and other southern yards, requiring electricity, show marked expansion and development, details of which might be cited to the point of weariness. But the water powers in these Southern States constitute an asset so valuable we can scarcely estimate or comprehend it. Their wise use will turn to account a resource of incalculable value, as permanent as the mountains, as inexhaustible as the rivers.

Large capital is required for the development and transmission of hydroelectric energy on a scale which natural conditions and industrial demands call for, and legislation such as contemplated in the pending bill will open the way and give opportunity for its profitable employment, thus utilizing for the service of man the forces now dormant or wasted. Released, these agencies will make for permanent growth and progress unlimited.

One other suggestion. We import annually more than $50,000,000 worth of materials for fertilizers and explosives, all of which could be produced in this country by proper development of our water power. About 70 per cent of our water powers are lying idle, and only about 30 per cent have been developed. Our undeveloped horsepower is estimated at 60,000,000.

Suppose we could profitably develop, under present conditions, only 15,000,000 horsepower. That would mean, if fully utilized, the conservation of 100,000,000 tons of coal per annum, it is claimed, estimated at this time to be worth $225,000,000 annually, in the boiler furnace, and the conservation of the labor of about 280,000 miners and operatives annually for other safer and better uses. This would buy, it is estimated, 2,250,000 acres of land. It would also mean the establishment of new industries, such as the manufacture of fertilizers, nitric acid for explosives, many electrochemical products, high-grade steel, and other industries requiring cheaper power than can now be obtained.

Mr. ROBINSON. Mr. President, at the request of the Senator from Indiana [Mr. KERN], who has been called from the Chamber, I move that the Senate adjourn.

The motion was agreed to; and (at 4 o'clock and 48 minutes p. m., Friday, February 11, 1916) the Senate adjourned until to-morrow, Saturday, February 12, 1916, at 12 o'clock meridian.

## NOMINATIONS.

*Executive nominations received by the Senate February 11 (legislative day of February 9), 1916.*

PUBLIC HEALTH SERVICE.

John Davis Reichard to be assistant surgeon in the Public Health Service, to take effect from date of oath, in place of Don C. Sutton, resigned.

PROMOTION IN THE ARMY.

FIELD ARTILLERY ARM.

Second Lieut. Edwin St. J. Greble, jr., Third Field Artillery, to be first lieutenant from February 2, 1916, vice First Lieut. Walter E. Prosser, Fourth Field Artillery, detailed in Signal Corps.

POSTMASTERS.

ALABAMA.

Hortense Rowe to be postmaster at Camp Hill, Ala., in place of Hortense Rowe. Incumbent's commission expired February 7, 1916.

ALASKA.

Charles H. Scheffler to be postmaster at Cordova, Alaska, in place of Harry G. Steel, resigned.

ARIZONA.

Letitia F. Cunningham to be postmaster at Pearce, Ariz. Office became presidential January 1, 1916.

Tula L. Humphreys to be postmaster at Casa Grande, Ariz. Office became presidential January 1, 1916.

CALIFORNIA.

Merton Blackford to be postmaster at Fullerton, Cal., in place of L. C. Edwards. Incumbent's commission expires March 1, 1916.

M. G. Callaghan to be postmaster at Livermore, Cal., in place of T. E. Knox. Incumbent's commission expires March 13, 1916.

George B. Coon to be postmaster at Dunsmuir, Cal., in place of Minnie R. Grist, resigned.

Samuel E. Crutcher to be postmaster at Maxwell, Cal. Office became presidential January 1, 1916.

W. H. Kerr to be postmaster at Coalinga, Cal., in place of Nettie L. Hefton. Incumbent's commission expired December 20, 1915.

L. P. Miller to be postmaster at Rio Vista, Cal., in place of Otto Jensen. Incumbent's commission expired February 8, 1916.

Rosanna M. Sharkey to be postmaster at Escalon, Cal. Office became presidential January 1, 1916.

COLORADO.

Samuel W. Baber, to be postmaster at Cheyenne Wells, Colo., in place of Jennie Ross. Incumbent' commission expired February 1, 1916.

FLORIDA.

G. W. Brown to be postmaster at New Smyrna, Fla., in place of C. L. Dohn. Incumbent's commission expired January 22, 1916.

GEORGIA.

W. W. Beard to be postmaster at Blakely, Ga., in place of W. J. Grist. Incumbent's commission expires February 14, 1916.

IDAHO.

William Laurensen to be postmaster at Downey, Idaho. Office became presidential January 1, 1916.

N. M. Talbott to be postmaster at Juliaetta, Idaho, in place of Albert Langdon. Incumbent's commission expired January 4, 1916.

ILLINOIS.

Lyle H. Boyd to be postmaster at Carmi, Ill., in place of William S. Rice, removed.

Thomas Comerford to be postmaster at Minooka, Ill., in place of C. A. Trowbridge. Incumbent's commission expired January 18, 1916.

H. V. Conover to be postmaster at Orion, Ill., in place of H. B. Conover, to correct name of appointee.

Edward P. Devine to be postmaster at Somonauk, Ill., in place of W. C. Brayton. Incumbent's commission expired January 25, 1916.

Grove Harrison to be postmaster at Viola, Ill., in place of Fred Frazier. Incumbent's commission expires March 8, 1916.

W. M. Humphreys to be postmaster at Alexis, Ill., in place of L. P. McKnight. Incumbent's commission expires March 8, 1916.

John J. McCluskey to be postmaster at Peru, Ill., in place of C. W. Corwin. Incumbent's commission expired December 20, 1914.

Charles F. McHenry to be postmaster at Hillsboro, Ill., in place of J. F. M. Greene. Incumbent's commission expired August 21, 1915.

Richard J. Marlaire to be postmaster at St. Anne, Ill., in place of G. W. Martin. Incumbent's commission expires February 21, 1916.

P. H. Langan to be postmaster at Odell, Ill., in place of W. D. Abbaduska. Incumbent's commission expires February 13, 1916.

George Reinemann to be postmaster at Madison, Ill., in place of C. N. Smith. Incumbent's commission expires February 21, 1916.

Charles L. Scott to be postmaster at Grayville, Ill., in place of William A. Mussett. Incumbent's commission expired February 18, 1914.

Lucy E. Ware to be postmaster at Barry, Ill., in place of Charles H. Ware, deceased.

A. L. White to be postmaster at Fairmount, Ill., in place of W. F. Temple. Incumbent's commission expired April 17, 1915.

INDIANA.

Harry M. Van Lear to be postmaster at Garrett, Ind., in place of Timothy De Brular. Incumbent's commission expires February 27, 1916.

IOWA.

Lloyd L. Anspach to be postmaster at Bussey, Iowa. Office become presidential January 1, 1916.

E. E. Cole to be postmaster at Woodbine, Iowa, in place of Bruce R. Mills. Incumbent's commission expired December 20, 1915.

Edgar W. Penly to be postmaster at Central City, Iowa, in place of C. B. Warner. Incumbent's commission expired January 24, 1916.

KANSAS.

Ella Braddock to be postmaster at Madison, Kans., in place of James T. Braddock, resigned.

KENTUCKY.

Joe Ely to be postmaster at Benton, Ky., in place of Robert I. Blagg, removed.

LOUISIANA.

Charles Janvier to be postmaster at New Orleans, La., in place of Joseph Voegtle, resigned.

MAINE.

Donald L. Brown to be postmaster at Milo, Me., in place of Josiah F. Davis, declined.

Elwin A. Sampson to be postmaster at Brownville, Me., in place of Carroll E. Herrick, declined.

George H. Williams to be postmaster at Alfred, Me., in place of Thomas T. Rankin. Incumbent's commission expired January 25, 1916.

MARYLAND.

Frank J. Shriner to be postmaster at Union Bridge, Md., in place of McC. C. Keefer. Incumbent's commission expired January 15, 1916.

MASSACHUSETTS.

Michael H. Lyons to be postmaster at Indian Orchard, Mass., in place of J. F. Shea. Incumbent's commission expired February 16, 1915.

John S. Powers to be postmaster at Millers Falls, Mass., in place of E. M. Ward. Incumbent's commission expired December 20, 1915.

MICHIGAN.

Harry F. Brainard to be postmaster at Elsie, Mich., in place of Charles Snelling, resigned.

Arthur E. Dann to be postmaster at Beaverton, Mich., in place of A. E. Campbell. Incumbent's commission expires February 20, 1916.

Ephraim S. Reist to be postmaster at Ashley, Mich., in place of M. W. Coon. Incumbent's commission expires March 8, 1916.

Patrick J. Scanlan to be postmaster at Hubbell, Mich., in place of Margaret C. Harry. Incumbent's commission expires February 20, 1916.

R. E. Vickers to be postmaster at Gobleville, Mich., in place of L. E. Churchill. Incumbent's commission expires March 1, 1916.

John G. Watson to be postmaster at Colon, Mich., in place of F. A. Fisk. Incumbent's commission expires March 8, 1916.

MINNESOTA.

T. A. Holtey to be postmaster at Hendricks, Minn. Office became presidential January 1, 1916.

Otto P. Miller to be postmaster at Welcome, Minn. Office became presidential January 1, 1916.

E. W. Rebstock to be postmaster at Buffalo Lake, Minn., in place of P. E. Schoeneman. Incumbent's commission expires February 20, 1916.

John E. Sweeney to be postmaster at Norwood, Minn. Office became presidential January 1, 1916.

MISSISSIPPI.

Thaddeus C. Barrier to be postmaster at Philadelphia, Miss., in place of Thaddeus C. Barrier. Incumbent's commission expired February 23, 1915.

Tamora C. Epperson to be postmaster at Raymond, Miss., in place of E. M. Harper. Incumbent's commission expires February 19, 1916.

B. F. Hill to be postmaster at Canton, Miss., in place of R. S. Powell. Incumbent's commission expires February 27, 1916.

William T. Smith to be postmaster at New Albany, Miss., in place of Wade H. Phyfer, resigned.

MISSOURI.

Cris Ogden to be postmaster at Oronogo, Mo., in place of Elmer Ogden, resigned.

John C. Payton to be postmaster at Queen City, Mo., in place of C. C. Crickette, removed.

Thomas B. Wilson to be postmaster at Ilasco, Mo., in place of Elsie Frost. Incumbent's commission expired February 1, 1916.

MONTANA.

Thomas Dowen to be postmaster at Chinook, Mont., in place of Louis V. Bogy. Incumbent's commission expires March 8, 1916.

NEBRASKA.

Essie M. Beatty to be postmaster at Brady, Nebr. Office became presidential January 1, 1916.

E. A. Brown to be postmaster at Friend, Nebr., in place of W. T. Morse. Incumbent's commission expired December 12, 1915.

A. R. Kovanda to be postmaster at Table Rock, Nebr., in place of Frank H. Taylor. Incumbent's commission expired January 15, 1916.

J. M. Liggitt to be postmaster at Farnam, Nebr., in place of Calvin Bradshaw. Incumbent's commission expired January 24, 1916.

NEVADA.

James Ritchie to be postmaster at Winnemucca, Nev., in place of John A. Rogers. Incumbent's commission expired January 29, 1916.

NEW JERSEY.

Frederick W. Borough to be postmaster at Zarephath, N. J. Office became presidential April 1, 1915.

Walter H. Fish to be postmaster at Beverly, N. J., in place of William A. Birkhead. Incumbent's commission expired January 11, 1916.

George E. Halladay to be postmaster at Manville, N. J. Office became presidential January 1, 1916.

Louis V. Ludlow to be postmaster at Far Hills, N. J. Office became presidential July 1, 1913.

Philip E. Rockafellow to be postmaster at Stockton, N. J., in place of Patrick H. Ledger, resigned.

Townsend D. Showell to be postmaster at Absecon, N. J. Office became presidential January 1, 1916.

NEW YORK.

Charles R. Dixon to be postmaster at Hobart, N. Y., in place of James B. Rich. Incumbent's commission expired December 21, 1915.

Abraham Harrison to be postmaster at Johnstown, N. Y., in place of George M. Deyoe. Incumbent's commission expired March 3, 1915.

Thomas A. Meeker to be postmaster at Waterford, N. Y., in place of John G. Cole. Incumbent's commission expired April 20, 1915.

Matthew J. Murtha to be postmaster at Irvington, N. Y., in place of N. C. Templeton. Incumbent's commission expired January 11, 1916.

William H. Nearpass to be postmaster at Port Jervis, N. Y., in place of Thomas J. Quick. Incumbent's commission expired February 10, 1914.

James E. Robinson to be postmaster at Hermon, N. Y., in place of William Johns. Incumbent's commission expired February 7, 1916.

Charles H. Stokes to be postmaster at Kerhonkson, N. Y., in place of Henry M. Anderson. Incumbent's commission expired February 1, 1916.

NORTH DAKOTA.

Alfred K. Cochrane to be postmaster at Finley, N. Dak., in place of Alfred K. Cochrane. Incumbent's commission expired May 2, 1914.

H. S. Davies to be postmaster at Devils Lake, N. Dak., in place of Richard Daeley. Incumbent's commission expired March 11, 1914.

OKLAHOMA.

Nettie C. Fluke to be postmaster at Boynton, Okla., in place of C. N. Fluke, deceased.

Allen E. Jennings to be postmaster at Perkins, Okla., in place of J. W. Ricketts. Incumbent's commission expired February 8, 1916.

J. A. Pfalzgraf to be postmaster at Coyle, Okla., in place of James G. Taylor. Incumbent's commission expired December 18, 1915.

OHIO.

Charles H. Dale to be postmaster at Troy, Ohio, in place of Elva A. Jackson. Incumbent's commission expires February 27, 1916.

O. D. Ellenwood, to be postmaster at Belpre, Ohio. Office became presidential January 1, 1916.

Gideon Locher to be postmaster at Bluffton, Ohio, in place of George H. Lewis. Incumbent's commission expired February 1, 1916.

PENNSYLVANIA.

Charles W. Krissinger to be postmaster at Berlin, Pa., in place of W. V. Marshall. Incumbent's commission expired December 14, 1915.

Milton A. Miller to be postmaster at Elizabethville, Pa., in place of Otto E. Enders. Incumbent's commission expired February 1, 1916.

Charles W. Rubendall to be postmaster at Millersburg, Pa., in place of Jacob H. Rowe. Incumbent's commission expired December 18, 1915.

J. T. Shipley to be postmaster at Meyersdale, Pa., in place of Joseph F. Naugle. Incumbent's commission expired December 14, 1915.

Laura Wood Weaver to be postmaster at Republic, Pa., in place of Laura Wood Weaver. Incumbent's commission expired February 1, 1916.

Alfred N. Yaughen to be postmaster at New Salem, Pa., in place of C. A. Davidson. Incumbent's commission expired January 11, 1916.

UTAH.

George A. Allen to be postmaster at Nephi, Utah, in place of Dennis Wood. Incumbent's commission expires March 13, 1916.

E. M. Tyson to be postmaster at Brigham, Utah, in place of L. W. Anderson. Incumbent's commission expires March 13, 1916.

VIRGINIA.

Robert L. Dudley to be postmaster at Rural Retreat, Va., in place of J. Henry Wilson. Incumbent's commission expires March 1, 1916.

WASHINGTON.

Guy G. Crow to be postmaster at White Salmon, Wash., in place of Guy G. Crow. Incumbent's commission expired April 8, 1913.

WEST VIRGINIA.

T. M. Conner to be postmaster at Harpers Ferry, W. Va., in place of M. E. Wentzell, removed.

WISCONSIN.

Bryon Chapel to be postmaster at Green Lake, Wis. Office became presidential July 1, 1915.

F. Y. King to be postmaster at Tigerton, Wis., in place of Bernard Roemer. Incumbent's commission expires February 20, 1916.

## CONFIRMATIONS.

*Executive nominations confirmed by the Senate February 11 (legislative day of February 9), 1916.*

COLLECTOR OF CUSTOMS.

Alexander Morrison to be collector of customs for customs collection district No. 34.

POSTMASTERS.

MASSACHUSETTS.

J. William Byron, Concord.
John P. McKay, Wellfleet.
James J. Murtaugh, Hopkinton.

NEW HAMPSHIRE.

John H. Dowd, Portsmouth.

NEW YORK.

John J. Shea, Frankfort.
George B. Van Valkenburgh, Catskill.

NORTH DAKOTA.

O. L. Toftner, Kenmare.
Lillian B. Totten, Bowman.
W. S. Town, Flaxton.

UTAH.

J. M. Blair, Logan.

## WITHDRAWAL.

*Executive nomination withdrawn February 11 (legislative day of February 9), 1916.*

W. D. Cromie to be postmaster at Woodbine, in the State of Iowa.

## HOUSE OF REPRESENTATIVES.

FRIDAY, *February 11, 1916.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

O Thou great Father Soul, infinite in wisdom, power, and goodness, "who will have all men to be saved and to come unto the knowledge of the truth," illumine our minds and help us to crystallize our thoughts into deeds of worthiness, assured if we live to our highest conceptions of truth to-day we shall be better prepared to live to-morrow; that if we live to our highest ideals in this life the next life will take care of itself. So inspire, encourage, and guide us to do Thy will now and evermore. In His name. Amen.

The Journal of the proceedings of yesterday was read and approved.

PEACE.

Mr. BARNHART. Mr. Speaker, I ask unanimous consent to proceed for six minutes.

The SPEAKER. The gentleman from Indiana asks unanimous consent to proceed for six minutes.

Mr. MANN. About what?

Mr. BARNHART. I want to have a resolution read by the Clerk relative to peace and to make a few brief remarks.

The SPEAKER. Is there objection?

Mr. MANN. I object. The gentleman can come in on general debate.

LINDLEY M. GARRISON.

Mr. HUMPHREY of Washington. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by having printed therein copies of the letters exchanged between the President of the United States and Secretary of War Garrison, leading up to the latter's resignation from the Cabinet.

The SPEAKER. The gentleman from Washington [Mr. HUMPHREY] asks unanimous consent to print in the CONGRESSIONAL RECORD copies of the correspondence between the President of the United States and Secretary of War Garrison leading up to his resignation. Is there objection?

Mr. BARNHART. Mr. Speaker, reserving the right to object, is the gentleman from Illinois [Mr. MANN] in favor of permitting this to go in?

Mr. MANN. I am in favor of always showing the division that constantly exists on the Democratic side within the Democratic Party.

Mr. BARNHART. Then I object.

Mr. HUMPHREY of Washington. Then the gentleman admits that is what this shows.

The SPEAKER. Remarks are out of order.

INDIAN AGENTS.

Mr. CHIPERFIELD. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by incorporating therein a memorial from citizens of Minnesota and a letter from a citizen of Minnesota in reference to the improper operation of Indian officers in that section of the country.

The SPEAKER. The gentleman from Illinois asks unanimous consent to extend his remarks in the RECORD by printing the remarks to which he refers. Is there objection?

Mr. FITZGERALD. Mr. Speaker, reserving the right to object, does this consist of some charges against some public officials?

Mr. CHIPERFIELD. It is in continuation of remarks which I made in the RECORD upon the subject a few days ago touching very aggravating and, I think, irritating actions on the part of public officers acting in that country. Let me say for the in-

formation of the gentleman—and I will not extend my remarks beyond the sentence—here is a petition signed by practically every business, professional, and other citizen of Brainerd, Minn., a town of about 15,000 inhabitants, protesting against these illegal actions, and I want to submit it in the RECORD in connection with what I have heretofore said upon the subject.

Mr. FITZGERALD. It ought to be sent to the committee.

Mr. STEPHENS of Texas. Mr. Speaker, I object.

The SPEAKER. The gentleman from Texas objects.

Mr. CHIPERFIELD. Mr. Speaker, I think I can present it in another form that will not be objectionable.

POST OFFICE APPROPRIATION BILL.

Mr. STEENERSON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the Post Office appropriation bill.

Mr. BARNHART. Mr. Speaker, I object.

Mr. STEENERSON. Does the gentleman understand that I want to extend my remarks on the Post Office appropriation bill which I made on yesterday?

Mr. BARNHART. Oh, I withdraw that objection. The gentleman did not say that he wanted to revise his remarks.

The SPEAKER. Is there objection?

There was no objection.

ABRAHAM LINCOLN.

Mr. RODENBERG. Mr. Speaker, to-morrow is the anniversary of the birth of Abraham Lincoln. I ask unanimous consent that upon the conclusion of the remarks of my colleague, Mr. WHEELER, I may be permitted to address the House for 20 minutes on the life and character of that great American.

The SPEAKER. The gentleman from Illinois [Mr. RODENBERG] asks unanimous consent that at the conclusion of the remarks of Mr. WHEELER, of Illinois, to-morrow he have 20 minutes in which to address the House on the life and character of Abraham Lincoln. Is there objection?

There was no objection.

THE PRIVATE CALENDAR.

Mr. BURKE. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole for the consideration of bills on the Private Calendar, and pending that motion I desire to arrange, if possible, the limit of general debate upon the first bill to be called up. So far as I know now, I think an hour and twenty minutes of general debate is all that has been asked for, and I desire to have that request included in the motion.

The SPEAKER. The gentleman from Wisconsin moves that the House resolve itself into the Committee of the Whole for the consideration of bills on the Private Calendar, and pending the motion asks unanimous consent that general debate be restricted to 1 hour and 20 minutes, one half to be controlled by himself and the other half by—whom?

Mr. BURKE. By the ranking Republican Member of the committee.

The SPEAKER. By the ranking Republican on the committee. Is there objection?

Mr. HUMPHREY of Washington. Mr. Speaker, reserving the right to object, what is the bill?

Mr. BURKE. An omnibus pension bill.

The SPEAKER. Is there objection?

Mr. MANN. What is the request?

The SPEAKER. That general debate be limited to an hour and twenty minutes. Is there objection?

Mr. MANN. Debate of an hour and twenty minutes on what?

The SPEAKER. On anything that comes up under the pension bill.

Mr. MANN. There are three pension bills, and the motion was to go into Committee of the Whole on the Private Calendar.

The SPEAKER. Which one of these bills does the gentleman from Wisconsin [Mr. BURKE] suggest that the hour and twenty minutes' debate be had on?

Mr. BURKE. On the first bill to be called up—H. R. 11078.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

RESIGNATION FROM A COMMITTEE.

The SPEAKER laid before the House the following resignation:

The Clerk read as follows:

FEBRUARY 11, 1916.

Hon. CHAMP CLARK,
*Speaker, House of Representatives, Washington, D. C.*

MY DEAR MR. SPEAKER: I hereby tender my resignation as a member of the Committee on Expenditures in the Post Office Department on account of having been appointed upon the Committee on Flood Control.

Respectfully,

JOE J. RUSSELL.

The SPEAKER. Without objection, the resignation is accepted.

There was no objection.

COMMITTEE ON FLOOD CONTROL.

Mr. LLOYD. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from Missouri rise?

Mr. LLOYD. Mr. Speaker, I wish to present a privileged report from the Committee on Accounts.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House resolution 133 (H. Rept. 165).

*Resolved*, That the chairman of the Committee on Flood Control be, and he is hereby, authorized to appoint a clerk for said committee at an annual salary of $2,500 and a messenger to said committee at an annual salary of $1,000, to be paid out of the contingent fund of the House until otherwise provided by law.

Mr. FITZGERALD. Mr. Speaker, I desire to ask the gentleman if other messengers receive $1,000.

Mr. LLOYD. Some receive $720, some receive $1,000, and it depends largely upon the work that is intended to be done by the messenger. In this instance we were assured by the chairman of the Committee on Flood Control that he wants the messenger also to perform duty as stenographer. You could not expect a stenographer to perform that duty at $60 a month.

Mr. FITZGERALD. Why does not the Committee on Accounts give him a stenographer, what you intend to give him?

Mr. LLOYD. Well, he performs both duties.

Mr. MANN. Will the gentleman yield?

Mr. LLOYD. I will.

Mr. MANN. What is the salary provided for the clerk?

Mr. LLOYD. $2,500.

Mr. MANN. Does the gentleman think that is the usual salary for clerks to committees of this class?

Mr. LLOYD. Some committees have clerks at $2,500 and some have them at $2,000. I would suppose this committee was one of those committees that is entitled to a clerk at a salary of $2,500. If it is going to investigate the floods and drainage of the country, it will require a good deal of work and will also require expert work, and I would suppose the salary was all right.

Mr. MANN. The Immigration Committee has a clerk at $2,000, and it does twice as much work as this committee ever will do; it has a janitor at $720. The Committee on Insular Affairs has a clerk at $2,000, and that committee does twice as much work as this committee will do, and it has a janitor at $720. The Committee on the Merchant Marine and Fisheries has a clerk at $2,000 and a janitor at $720, and does five times as much work as this committee will ever do. I might go through the list of the other committees in the same way. The Committee on Territories has a clerk at $2,000 and a janitor at $720, and they have a great deal of work to do. The Committee on Public Lands, which does ten times as much work as this committee will ever do, has a clerk at $2,000 and a janitor at $720. Now, if you are going to give all the committee clerks $2,500, very well; vote for it; and if you are going to give all the janitors $1,000, vote for it; but when you appoint a committee of the House to take the place of the Committee on Levees and Improvements of the Mississippi River and propose to give it employees at much higher salaries than the real working committees of the House, it seems to me that means that you have got to increase the others. The gentleman says this messenger is to be a stenographer. We have committee stenographers to whom we pay considerable salaries.

Mr. FITZGERALD. $5,000.

Mr. MANN. And no committee has any need of a special stenographer, and to employ a janitor who is a stenographer and say it is for a stenographer will be to inaugurate a policy here to give each committee a stenographer, which means an additional employee to each committee of the House. Now, if the gentleman wants to take the responsibility of doing that, do it on the square.

Mr. LLOYD. If we provided for a stenographer, then the other committees might ask for a stenographer, but if we provide for a messenger to the chairman of the committee, and if the chairman of the committee requires this individual to perform the duties of stenographer and he is willing to do it as a messenger and gets pay as a messenger and performs duty as a messenger, and in addition performs this duty——

Mr. MANN. We do not provide messengers for committees. We used to do so years ago, but we have stopped it. No committee has a messenger. They have janitors where it is necessary to do certain janitor work, but to say we are going to employ

a stenographer under the guise of the term "messenger" means that you will have to do that for all committees sooner or later, and it will not be much later. I think the chairman of this committee ought to be satisfied with a clerk at $2,000. I do not think he needs a janitor at all; but if he needs a janitor, take him at the ordinary janitor's salary.

Mr. LLOYD. Mr. Speaker, I yield five minutes to the gentleman from Mississippi [Mr. HUMPHREYS].

Mr. HUMPHREYS of Mississippi. Mr. Speaker, I do not agree at all to the statement that other committees of the House, as the gentleman claims, are going to do ten times as much work as the Committee on Flood Control. I believe there are very few committees that will have more work to do than that committee. The various committees, in addition to these $2,000 clerks, those that have a $2,000 clerk—and many of them have a $2,500 clerk—have not only a messenger but they have an assistant clerk.

Mr. MANN. Will the gentleman yield?

Mr. HUMPHREYS of Mississippi. In just a second.

The Committee on Accounts has a clerk at $2,500, assistant clerk at $1,800, and then a messenger; the Committee on Agriculture the same thing, namely, $2,500 and $1,800, plus the messenger; the Committee on Claims, clerk at $2,500, assistant clerk at $1,200, and then a messenger; Committee on the District of Columbia, a clerk at $2,500, an assistant at $1,800, and then a messenger; the Committee on Foreign Affairs, a clerk at $2,500, and an assistant clerk at $1,800, and a messenger; the Committee on Interstate and Foreign Commerce, a clerk at $2,500, assistant clerk at $2,000, and another assistant clerk at $1,500, and a messenger; the Committee on Indian Affairs, a clerk at $2,500, an assistant clerk at $1,800, and a messenger; the Committee on Invalid Pensions, a clerk at $2,500, one at $2,190, in addition to the expert from the bureau, plus the messenger.

Mr. MANN. The gentleman says "messenger," but of course there is no authority of law for saying that. They are janitors.

Mr. HUMPHREYS of Mississippi. The Committee on the Judiciary, a clerk at $2,500 and one at $1,600, plus this other employee, whatever you may term him; the Committee on Pensions, a clerk at $2,500 and one at $1,500, and then an expert, and then a messenger; the Committee on the Post Office and Post Roads, a clerk at $2,500 and one at $1,400, and a messenger; the Committee on Public Buildings and Grounds, a clerk at $2,500, an assistant clerk at $1,200, and a messenger; the Committee on Rivers and Harbors, a clerk at $2,500, an assistant clerk at $1,800, and a messenger; the Committee on War Claims, a clerk at $2,500, an assistant clerk at $1,200, and a messenger; the Committee on Naval Affairs, a clerk at $2,400, an assistant clerk at $1,500, and a messenger; the Committee on Banking and Currency, the Committee on the Public Lands, and the Committee on Rules, each a clerk at $2,000; but in addition to that they have an assistant at $1,200, plus this messenger.

Now, we have asked simply for the clerk and the messenger, without any assistant—$2,500 and $1,000. That is less than those other committees have, and I know this committee is going to have a great deal of work to do. We ought to have, I think, sufficient force to do the work of the House efficiently, and I can see no reason why we ought to be given less force than the others. We are not asking for any assistant clerk, but simply for a clerk at the salary that the other clerks have, without any assistant, and a messenger, and I hope the House will agree to it.

Mr. FITZGERALD. The Committee on Roads was created last year and it was given——

Mr. LLOYD. Mr. Speaker, I yield two minutes to the gentleman from New York [Mr. FITZGERALD].

Mr. FITZGERALD. Mr. Speaker, the Committee on Roads was created last session, and it was given a clerk at $2,000 and a messenger at $700. Most of the committees mentioned by the gentleman from Mississippi have appropriation bills or they are committees like the Committee on Pensions and the Committee on Claims, which have a very large number of bills to consider. I do not believe that at this time, without any information as to what the duties of this committee will be or how much work it will have to do, we should start it off on a plane different from the others. In order to test the House, Mr. Speaker, I intend to offer an amendment to fix the compensation of the clerk at $2,000 and the janitor, or messenger, at $720.

Mr. MANN. Will the gentleman yield me a few minutes?

Mr. LLOYD. How much time does the gentleman want?

Mr. MANN. Five minutes.

Mr. LLOYD. I yield to the gentleman from Illinois [Mr. MANN] five minutes.

The SPEAKER. The gentleman from Illinois [Mr. MANN] is recognized for five minutes.

Mr. MANN. Mr. Speaker, those committees of the House which have clerks at $2,500 and janitors at $1,000 are mostly appropriating committees, committees that bring in appropriation bills; and, in addition, the Committee on Pensions and the Committee on Invalid Pensions and the Committee on Claims and the Committee on War Claims, which have an immense number of bills referred to them. Practically it takes the time of the clerk to keep track of the bills that are referred to those committees; and we have in no instance for the ordinary committees of the House departed from the salary of $2,000 for the clerk and $720 for a janitor. We gave the Committee on Interstate and Foreign Commerce extra help and the Committee on the Judiciary extra help because of the immense amount of work that is referred to them. But we give to the Committee on Territories a clerk at $2,000 and a janitor at $720. That committee reports a great deal of legislation to the House. We give to the Committee on Roads a clerk at $2,000 and a janitor at $720. We give to the Committee on Rules a clerk at $2,000 and a janitor at $720. We give to the Committee on Printing a clerk at $2,000 and a janitor at $720. We give to the Committee on the Merchant Marine and Fisheries a clerk at $2,000 and a janitor at $720; to the Committee on Irrigation of Arid Lands a clerk at $2,000 and a janitor at $720; to the Committee on Insular Affairs a clerk at $2,000 and a janitor at $720. They have very important business before them, and have reported and will report a number of very difficult and complicated bills to the House. We give to the Committee on Immigration a clerk at $2,000 and a janitor at $720.

Now, there is no excuse for giving to the committee which never will have many bills before it the additional pay for their help, unless it is the intention to do it for all of the committees. We ought not to inaugurate a policy unless we propose to extend it to other committees. The Committee on Flood Control, just created, will not have any large number of bills before it. It can not make an appropriation. It has no jurisdiction over expenditure of money, and to put it above the Committee on Roads ought not to be done. Of course I understand that it is desired always by the chairmen of committees to be able to pay large salaries to their help. I have a committee clerk that is worth two of any that I know of around the House, and she gets $2,000 salary, and I guess is glad to get it. I think that ought to be increased to $2,500 or $3,000, and the pay would be well earned. I do not believe we ought to commence to do this thing. If the Committee on Accounts wants to provide all these clerks at $2,500 and all committee janitors at $1,000, let them bring in a proposition of that sort and let the House vote on it squarely and fairly, because you can not do it by piecemeal without creating very great feeling on the part of the other committees.

All of these committees that I have named do more work and have more bills before them than the Flood Control Committee can possibly do or have.

The SPEAKER. The question is on agreeing to the resolution.

Mr. FITZGERALD. Mr. Speaker, I wish to offer an amendment. I move to strike out "$2,500" and insert "$2,000," and to strike out "$1,000" and insert "$720."

The SPEAKER. The Clerk will report the amendments offered by the gentleman from New York [Mr. FITZGERALD].

The Clerk read as follows:

Amend the resolution, in line 3, by striking out "$2,500" and inserting "$2,000."

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the Speaker announced that the ayes seemed to have it.

Mr. HUMPHREYS of Mississippi. A division, Mr. Speaker.

The SPEAKER. The gentleman from Mississippi demands a division.

The House divided; and there were—ayes 80, noes 28.

So the amendment was agreed to.

Mr. LLOYD. There is another amendment, Mr. Speaker.

The SPEAKER. The Clerk will report it.

The Clerk read as follows:

Amend, line 5, by striking out "$1,000" and inserting "$720."

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER. The question is on agreeing to the resolution as amended.

The resolution as amended was agreed to.

THE PRIVATE CALENDAR.

The SPEAKER. The gentleman from Wisconsin [Mr. BURKE] moves that the House resolve itself into Committee

of the Whole House for the consideration of bills on the Private Calendar. The question is on agreeing to that motion.

The motion was agreed to.

The SPEAKER. The gentleman from Indiana [Mr. DIXON] will take the chair.

The House accordingly resolved itself into Committee of the Whole House for the consideration of bills on the Private Calendar, with Mr. DIXON in the chair.

The CHAIRMAN. The House is in Committee of the Whole House for the consideration of bills on the Private Calendar. The Clerk will report the first bill.

PENSIONS.

Mr. BURKE. Mr. Chairman, I call up the bill H. R. 11078.

The CHAIRMAN. The Clerk will report it.

The Clerk read the title of the bill, as follows:

A bill (H. R. 11078) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war.

Mr. BURKE. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The motion was agreed to.

Mr. BURKE. Now, Mr. Chairman, under the agreement entered into before coming into Committee of the Whole, I yield six minutes to the gentleman from Indiana [Mr. BARNHART].

The CHAIRMAN. The gentleman from Indiana [Mr. BARNHART] is recognized for six minutes.

Mr. BARNHART. Mr. Chairman, I ask the Clerk to read the resolution a copy of which he holds in his hand.

The CHAIRMAN. The Clerk will report the resolution referred to.

The Clerk read as follows:

House joint resolution.

Whereas the people of the United States are a peace-loving and a peace-seeking people, desirous of maintaining friendly relations with all the nations of the world so long as the same can be maintained with honor; and

Whereas the people of the United States are in favor of the world-wide limitation of armament, the establishment of an international tribunal for the settlement of disputes between nations, and the giving to that tribunal of sufficient power to enforce its decrees; and

Whereas the United States is about to consider the question of enlarging its military and naval forces that it may be in condition to maintain its honor and preserve the lives and property of its citizens, if assailed: Therefore be it

*Resolved, etc.*, That the adoption of this resolution is formal notice to the nations of the world that the United States has only the preservation of its vested rights on land and sea in contemplation in its preparedness-for-defense program and that it seeks only to maintain its principles of free government, unfettered by force of arms of any antagonistic power; and be it further

*Resolved*, That the President of the United States is hereby empowered, whenever in his judgment there is a possibility of its accomplishment, to invite the leading nations of the world to enter into a conference looking toward the limitation of armament and the establishment of an international tribunal for the settlement of disputes between nations and the enforcement of the decrees of such court. And for the purposes of defraying the preliminary expenses of arranging for such conference a continuing appropriation of $100,000 is hereby authorized, payable out of any moneys in the Treasury not otherwise appropriated, to be used in the discretion of the President of the United States.

Mr. BARNHART. Mr. Chairman, I have introduced this resolution in the sincere, and to me, sacred hope that it may be adopted by the Congress and signed by our President, thereby officially declaring to our people and to the world that we are preparing for adequate defense of our national rights and not for wars of aggression. I may be mistaken about it, but I believe that, at heart, no patriotic man or woman in our country desires that we engage in war or approves a program that will commit our country to militarism unless it is clearly necessary to do so to safeguard the property and lives of our people from attack.

The adoption of this resolution would do more than proclaim that we are a peace-loving people. It would guarantee to all nations that they need have no fear of trouble with us unless they wantonly invite it, and at the same time it would succinctly set forth that our honor and our vested rights must not be assailed.

My colleagues, war is a horrible thing, as we now see more clearly than ever before. It frequently comes from disagreements that are really trivial in patriotic importance; and that is not the worst of it by any means. It goes into the home and takes the father or the son, or both of them, and sends them to human slaughter pens there to fight relatives, or fellow members of fraternal organizations, or brethren in the same church, or even blood relations, to see which side can pile up the dead and wounded the highest in order to settle questions of diplomacy or the rights of possession.

This resolution seeks not only to openly define our policy of peace but proposes a plan for the ultimate establishment of world peace, and, as such, I beseech you to give it serious consideration. No act of any official head of a nation has ever done so much to declare peace with honor as our President's emphatic decision that our country must not be committed to militarism, and no national act in the history of the world has given so much comfort to the peace and happiness of hearts and homes everywhere as Woodrow Wilson's affirmation of the doctrine of peace on earth and good will to men by his action of yesterday in accepting the resignation of men in his official family out of harmony with the best interests of continued peace in our blessed country. [Applause.]

Mr. DYER. Mr. Chairman, will the gentleman yield?

Mr. BARNHART. Yes.

Mr. DYER. Did not the President approve the recommendations of the Secretary of War with reference to the continental army?

Mr. BARNHART. I do not so understand.

Mr. BURKE. Mr. Chairman, I yield five minutes to the gentleman from Oklahoma [Mr. MURRAY].

The CHAIRMAN. The gentleman from Oklahoma [Mr. MURRAY] is recognized for five minutes.

"FEDERATION OF THE WORLD."

Mr. MURRAY. Mr. Chairman, I did not intend to speak on the bill pending, and should not but because of the resolution read by the gentleman from Indiana [Mr. BARNHART].

I could not subscribe to the resolution offered or read in the discussion by the gentleman from Indiana in so far as it would attempt a world's legislative body and court to determine the world's relations. We now make up our international law by treaties and by precedents. The establishment of a world court would mean a world legislature, a world's court, a world's executive, a world's army, and, in the end, such a policy would limit the power of the nations to the detriment of some of them, and particularly the United States.

We remember how our citizens in the early days of the Republic gave up very reluctantly a portion of the State rights in order to make a supreme nationality; and yet that was for a Nation out of States with the same race, with the same religion. But here we are called upon to join the nations of the world, irrespective of race and religion, and many of the world's wars have grown out of race or religion. In doing so we would enter a compact where a majority of those not white would control, and where a majority of religions not Christian would control, and where a majority of those who did not believe in republican institutions would control; and in the end every right dear to us would be sacrificed.

We would first lose the Monroe doctrine in that world's court, because no other nation in the world has ever agreed to it, by treaty or otherwise, as a part of the international law. European nations have obeyed it because our Navy has been strong enough to compel obedience. We would have to abandon the exclusion immigration acts against China and Japan, and, ultimately, this world court would determine our tariff laws and every relation between the nations. To establish international armaments for peace would be a national mistake, suppressing the liberty of the various nations. Such a body appointed by the rulers of the nations of the world, fortified with the armies and navies of all nations, would grasp all national power. I do not know how you look upon it, but, so far as I am concerned, I hope the time will never come when an American soldier will be under the command of anyone or regard the command of any governmental power over and above "Old Glory" when he marches on the field of battle. [Applause.] You can no more determine by a world's court the questions between nations than you can arbitrate all questions. We could not arbitrate the Monroe doctrine or the provisions of our Constitution, containing some distinct principles not otherwise found in the republican governments of the world. We have two not found in other Republics—the right of trial by jury and the total separation of church and State. Who would want to give up one of these? We fought for them; we may need to fight for them again.

I would not risk this to any world's court or to arbitration. This doctrine of a world's court and all the other three propaganda are founded upon the assumption that war can be prevented. War can not and never will be prevented; I do not care what the race or religion or form of government or the degree of civilization. I grant you that the part of the resolution that would seek to disarm the nations of the world by agreement would be wise, but I warn you that until they lay down their gun you had better not lay down your pistol. [Applause.]

Nor can you determine these questions by an overtowering international armament in which the white race and Christianity and republican institutions are in the minority. The

only way that the white race can survive is to keep his council to himself. If we do not choose to prepare in advance, as the Anglo-Saxon race has never done, then we will have to meet the issues as best we can as they arise. It does not follow that war comes to any ntaion in proportion to its preparedness, because men fought when they had no armament except the bow and arrow. They have fought at every stage of their advancement up and down the line to the laying of the keel of the latest dreadnaught and the creation of the greatest gun in the world. The only difference has been that in the past the less the armament the more often they have fought and the greater the armament the longer the times of peace and the less the number of wars, but the greater the destruction when war does come. That is why in all the history of the past in all the nations of the world, comparing one century with another, there has been proportionately the same destruction of human life and property whatever the armament.

The CHAIRMAN. The gentleman's time has expired.

Mr. MURRAY. I ask unanimous consent to proceed for five minutes.

The CHAIRMAN. The time is in the control of the gentleman from Wisconsin [Mr. BURKE].

Mr. BURKE. I yield to the gentleman three minutes more.

Mr. MURRAY. You can never abolish war until you change human nature, and only God himself can do that, because human nature to-day is the same as it was among the ancient shepherd kings of Egypt who built the pyramids. Until you change human nature you can never abolish war, but you can meet it with intelligence, with a view to self-preservation, and self-defense—the first law and duty of nature. If you can get other warring nations to agree to disarm, so far, so good; but whenever you go to a world's court selected by the chief executive of each nation, responsible to no one, then you give to them the power to fix the international law of the world and the relation between nations, as this Nation fixes the relation between State and State, and you turn over to it all of the power over international affairs. And that not only involves armament, but it involves every principle dear to this Republic, every question that would involve a dispute; even the coming to our shores of aliens who do not agree to our institutions, the question of immigration itself would thus be controlled. Even the tariff laws sooner or later and all other questions must be surrendered; and if there should come a dispute between the religion of our Nation and the religion of another, this, together with all race differences, would be determined by that world's court. I repeat again, Mr. Chairman, that others may do as they desire. This propaganda by the Carnegie so-called peace foundation may be good for the men who want to do a world trade and do not want it disturbed by war, but it is dangerous to our race and to our Republic, and I for one will never subscribe to it. [Applause.] I am opposed to it, because I regard it as the most dangerous of them all. We have submitted to us as measures seeking to lead to peace, disarmament, arbitration, a board of inquiry, and wait 12 months before you fight, sometimes called the "grape-juice treaty," and the world's court. I regard the three first as worthy of adoption, but the last one a most dangerous thing to do. I think the other three are wise so far as we can reach them; but the world's-court idea is dangerous because inherently and fundamentally wrong. It is dangerous, too, because Carnegie, with his millions, is behind it. I shall never subscribe to it, because I see lurking therein the snake that would destroy the Republic, the race, and our civilization. [Applause.]

Mr. BURKE. Mr. Chairman, I yield to the gentleman from Ohio [Mr. SWITZER].

Mr. SWITZER. Mr. Chairman, the pending measure has my hearty support. When this bill becomes a law it will to some extent mete out partial justice to something like 155 Civil War veterans, their widows, and their dependent and helpless children. No general pension law can be passed that will not work out in its administration some gross inequalities on account of this or that technicality or some unforeseen condition, although the application of the old soldier may come not only within the spirit, but within the actual provisions of the act.

But, Mr. Chairman, I arose to call the attention of the Committee of the Whole and of the Invalid Pensions Committee to the appeals of thousands and thousands of widows of Civil War veterans who are prohibited from sharing in the benefits of the existing law granting pensions to soldiers' widows because of that provision which requires that the beneficiary shall have married the soldier prior to June 27, 1890. That is, the widow of the soldier who married a few days before that date, or 5 or 10 years prior thereto, is favored by the existing law, while the widow who married the soldier on that date or thereafter, although she may have lived with him as his wife for 5, 10—yes, 20 or 25 years—is excluded.

On the opening day of this session I introduced a bill which will correct, or to some extent ameliorate, this glaring wrong, accentuated by reason of the long lapse of time. This bill proposes to amend the existing law by eliminating this bar to the widows to whom I have just referred, and to reinsert it at a date corresponding to that of the passage of the proposed amendment. I introduced a similar bill in the last session of Congress, and during the closing days of that session I called the attention of the House to the universal sentiment throughout the country in favor of this proposed legislation, and as an evidence of that sentiment I stated that the Senate Committee on Pensions had recommended as an amendment to the Spanish-American War widows' bill, passed by the Sixty-second and Sixty-third Congresses, a provision along the lines that I have proposed.

As a further proof of this strong sentiment throughout the country in favor of this legislation, I now desire to call the attention of the House to the fact that a dozen or more bills have been introduced in this session of Congress providing for such an amendment. These bills start away up in New England, with the gentleman from Massachusetts [Mr. GARDNER], who has been in the forefront of the aggressive movement for preparedness, for a larger Army and Navy, who believes in being thoroughly prepared upon land and sea, who wants this country so prepared that we can resist the assault of all intruders and maintain our honor and dignity at all times and under all circumstances. The gentleman from Massachusetts [Mr. GARDNER] has introduced a bill similar to the one that I have introduced. So from Massachusetts comes a demand for this legislation. New York, the Empire State, represented in this respect by Mr. DALE, has introduced a similar bill. From the great State of Pennsylvania Mr. GRIEST and Mr. BARCHFELD have introduced similar bills, and from Michigan an old Member of this House, Mr. HAMILTON; from Illinois, Mr. FULLER; from Minnesota, Mr. STEENERSON; from Missouri, Mr. RUBEY; from New Hampshire, Mr. SULLOWAY, a member of the Committee on Invalid Pensions; from Iowa, Mr. GOOD; from Tennessee, Mr. AUSTIN; from Kentucky, another member of the Committee on Invalid Pensions, Mr. LANGLEY; and from Ohio, besides myself, two members of the Committee on Invalid Pensions, including its distinguished chairman, Gen. SHERWOOD, and Gen. HOLLINGSWORTH. The latter's bill would eliminate entirely this bar to any widow of a Civil War veteran.

Mr. Chairman, I have no criticism to make of the Committee on Invalid Pensions. I do not want anything I say to be taken as a reflection upon that committee, because I know they have been overwhelmed with work at this session, but, from the fact that four members of that committee have introduced bills along the line to which I have referred, it would seem there ought to be good team work in the matter. We should recollect, however, that while team work has received commendation from high official sources in the past, yet we ought to drive a little faster, for if some of the members of the team become balky it will not receive the high commendation that it would receive if it is pulling all together. We not only want a long, steady pull, but we want a speeding up. To those who are fearful that this might make a large increase in our annual appropriations for pensions, I desire to call their attention to the report of the Senate Pension Committee, in which the Secretary of the Interior states that it would probably entail an additional annual expenditure of $5,000,000, adding something like thirty-five or thirty-six thousand widows to the roll; but I want the committee to bear in mind that that estimate was made something like two years ago, and that since that time the last report of the Commissioner of Pensions showed that for the calendar year 1915, ending June 30 last, there was a decrease of 2,900 of those on the widows' pension roll from all additions thereto for the calendar year. I have no doubt that this calendar year, ending next June, will show a larger decrease, and, in my opinion, it will not entail an additional annual expense of to exceed three million or three million and a half dollars. But, whether it entails an increase or decrease of annual appropriations, I think the time is ripe to wipe out this outrageous discrimination by entirely eliminating or modifying the severity of the harsh bar in the existing law; and to those who favor giving encouragement to the young men to enlist under the call for an increase in the Army and Navy I would say that it is wise that this Congress deal not only liberally with the soldier, but as an assurance that his widow will be provided for in the event he serves in defense of his country, that this Congress pass an act granting pensions to all widows of Civil War veterans. [Applause.]

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. CRISP having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Waldorf, one of its clerks, announced that the Senate had passed without amendment joint resolution of the following title:

H. J. Res. 146. Joint resolution authorizing the Secretary of War to loan, issue, or use quartermaster's and medical supplies for the relief of destitute persons in the districts overflowed by the Mississippi River and its tributaries.

PENSIONS.

The committee resumed its session.

Mr. BURKE. Mr. Chairman, I yield 15 minutes to the gentleman from Massachusetts [Mr. GARDNER].

Mr. GARDNER. Mr. Chairman, as I do not think that the issue is in the least understood, I am going to say a word about the fundamental importance of the militia question, which has resulted in Secretary Garrison's resignation. I shall try to state the case with fairness, so that the House may understand the radical difference between the views of Secretary Garrison and, as I believe, the Regular Army on the one hand and the views of the Committee on Military Affairs and the officers of the National Guard Association on the other.

It is generally supposed that this is a contest between the continental army plan as outlined in the newspapers last fall and a federalized militia plan. That is not a fact. It is a contest between two radically different plans on which it is proposed to build up our secondary army, whether you call that secondary army a National Guard, a federalized militia, or a continental army.

It is true that at first Secretary Garrison outlined a plan for a continental army which to most of us seemed fantastical, and yet all along I, for one, felt that the Secretary was fundamentally right in insisting that the secondary citizen army, by whatever name called, should be beyond the shadow of a doubt absolutely in control of the National Government alone.

Whatever the original plan may have been, Secretary Garrison has long since expressed his willingness to abandon any preconceived superstructure so long as the fundamental idea of absolute Federal control is retained. Therefore the Secretary proposes that the citizen secondary army is to be built up under that clause of the Constitution of the United States which authorizes Congress to raise and support armies. The Secretary long since announced his willingness to take over the existing National Guard or militia of the various States and incorporate its organizations and officers intact in his proposed national militia, which he entitled the continental army.

There is, however, another clause of the Constitution under which the officers of the National Guard Association maintain that Congress by legislation can avail itself of the present Organized Militias of the various States and control them as a federalized force. This clause of the Constitution is known as the militia clause. It reserves to the States "the appointment of the officers and the authority of training the militia according to the discipline prescribed by Congress," and in other respects appears to give Congress extended powers over this militia, especially when employed in the national service. Under this militia clause of the Constitution the officers of the National Guard Association, and, if I am correctly informed, the Committee on Military Affairs, believe that the militia can be federalized so as to give control to the National Government to all intents and purposes. The Secretary of War takes the ground that the militia clause of the Constitution must be abandoned as a basis for any citizen army, for the reason that no legislation, no matter how ingenious, can possibly nullify the power of the States to appoint the militia officers and train the militia troops.

Both parties to this controversy have armed themselves with legal opinions and have marshaled court decisions. The Secretary of War and those who agree with him insist that the plans of the National Guard Association, if carried out, will result in the continuation of 48 armies instead of one single federalized army. The National Guard Association takes precisely the opposite point of view, and says that the passage of the militia pay bill, coupled with other legislation, will build up the National Guard, not as 48 different forces, but as one single force. To this the Secretary of War replies that the militia pay bill would simply intrench a system which, as he maintains, we have tinkered with unsuccessfully for the last 125 years.

The officers of the National Guard Association present one argument of a practical nature, which I confess is formidable. They point out the fact that if the National Guard is transported bodily to Federal control, it then becomes necessary for every State to create some new State force of its own, such as exists in Pennsylvania and in Texas, for the maintenance of public order. While I concede the force of this argument, I call attention to the fact that the commission recently appointed by former Gov. David I. Walsh, of Massachusetts, reported in favor of the complete severance of the national militia from State control, and advocated the creation of a separate force for the maintenance of order in the Commonwealth of Massachusetts.

As I said above, my own opinion is strongly on the side of the Secretary of War, and I believe that the rank and file of the National Guard would be found on the same side if the issue were thoroughly understood. I believe that the average State militiaman would prefer to be under Uncle Sam's control absolutely and unequivocally, without the possibility of any legal complications ensuing. No man wants a Federal army where a lawsuit goes with each order.

Mr. BURKE. Mr. Chairman, I yield five minutes to the gentleman from Illinois [Mr. CHIPERFIELD.]

Mr. CHIPERFIELD. Mr. Chairman, the other day I made some remarks upon the floor of the House with reference to certain outrages perpetrated by officers in the Indian Service. Inferentially there was some question as to the extent of those irritating and aggravating acts.

I desire now to ask unanimous consent to extend my remarks in the RECORD by incorporating therein a statement forwarded to me by State Senator Gardner, of the State of Minnesota, being a memorial signed by practically every business man of the city of Brainerd in the territory to which I have referred.

Brainerd is a town of some 15,000 inhabitants.

I also ask leave to incorporate some correspondence from one who has been a victim of the same kind of treatment. If that consent be allowed I will not now attempt to further consume the time of the House.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. CHIPERFIELD. Mr. Chairman, I yield back the balance of my time.

The matter is as follows:

The undersigned citizens and taxpayers of the city of Brainerd and county of Crow Wing do most vigorously protest against the continued enforcement of the so-called "Indian treaty of 1855," and do hereby petition and urge the Congress of the United States to at once abrogate or modify said treaty, especially so far as the same applies or affects Crow Wing County, State of Minnesota. We urge its abrogation or modification for the following reasons:

1. This is not "Indian country" any longer and calling it such and the notoriety it is getting on account of the enforcement of said treaty is greatly retarding the development of not only this county but practically the whole of northern Minnesota, and will continue to retard the same. The methods used for the enforcements of the provisions of said treaty by numerous so-called Indian agents operating throughout the affected country or territory searching men, women, and children on passenger trains and searching places of business are absolutely intolerable and violates our rights as citizens guaranteed to us under the Constitution of the United States.

2. The laws of the State of Minnesota are wholly adequate to protect its citizens and all others who may come within its confines, and we have the necessary means to enforce said laws.

3. After nearly 60 years of existence of said Indian treaty without enforcement of the same, and after conditions within the affected country or territory have wholly changed, it would seem to enforce the same now is ridiculous:

J. U. Koop, A. M. Opsahl, C. W. O'Brien, Jacob Kaupp, T. R. Dwyer, K. B. Ribbel, G. P. O'Brien, V. L. Hitch, W. V. Turcotte, George Schilb, C. L. Douant, J. D. Gile, A. G. Trommald, Earle W. Jenkins, C. W. Mahlenn, Henry Krause, S. R. Adair, J. F. Sanborn, D. M. Clark, W. I. Bissonett, J. P. Wise, F. Groshong, Van H. Groshong, Robert Pelley, T. H. Brecht, A. Blomberg, W. A. Lent, Wm. McGee, A. Mahlenn, J. F. Nelis, Joe Gabion, Paul Slipp, I. J. Nolan, E. J. Conway, Ed. F. Murphy, C. L. Burnett, Wm. Graham, J. D. McCall, Chas. A. Russell, George Frickee, A. H. Mantor, Geo. Rardin, Bertrand T. Dunn, W. H. Rordin, H. D. Steward, Joe Dubez, George Lyons, E. H. Huremann, Eugene Davidson, W. S. Orne, E. W. Huseman, E. B. Darling, Geo. Rappel, W. C. Manin, J. D. Armstrong, C. F. Halet, Ollbur F. Enguin, Albert J. Singer, E. Kleinschmidt, J. W. O'Brien, B. Caughey, Sam Basford, Bert O'Brien, Paul N. Heller, W. E. Fitzharris, Andrew R. Nordstrom, R. C. Craddock, Wm. Jordan, John P. Kaeppl, Arthur L. Koop, W. E. Brockway, J. Wright, Werner Hemstead, Edw. D. Grumhagen, J. H. Grumhagen, C. N. Cannon, Jas. R. Smith, Lewis F. Sandberg, C. J. Olsen, H. W. Summin, Elwood Tice, O. A. Kastinell, T. H. Polk, Henry Roberts, A. Nelson, Edw. Wickland, George H. Gardner, Geo. W. Larkin, F. W. Farror, John Carlson, Fred C. Cook, Wm. B. Castle, Louis W. Roth, Sam H. Parker, Chas. D. Johnson, Geo. R. West, Edward E. Keeley, E. S. Houghton, Geo. F. Murphy, John Ham. Koop, Peter Ougman, J. M. Graham, E. W. Simon, G. S. McCulloch, Jens Molstead, C. A. Nelson, Iver Holdin, H. D. Treglaway, L. T. Wilson, K. W. Lagerquist, T. H. Schaefer, John Ernster, J. Larner, Karl Killian, C. R. Johnson, Aug. Hauquist, John H. Novoting, Geo. H. Brown, August Peterson, Eric Ericsson, S. Johnson, Robert Bowrquin, L. Paulson, R. W. Sherlund, C. B. Rowley, E. C. Baker, A. P. Calberg, G. H. McIntyre, Henry B. VanSickel, Joe Beckwith, A. Purdy, M. B. Purdy, R. M. Sheets, H. Turcotte, Harry Betzold, Albert Zruhn, Val Durst,

Geo. Donant, J. T. Hartell, M. L. Morn, W. Schlange, L. J. Frazer, W. H. Conway, Philip Galvester, R. H. Warren, Matt Smith, Ray Bailey, H. McGinn, Geo. Kaupp, Henry Hurley, W. Wendt, L. Banana, Andrew Carlson, Hans Field, Fred Myer, W. T. Larrabee, J. D. Schleuter, L. Pamratz, D. Eagleoome, Wm. Ferguson, P. E. McCabe, A. M. Wallace, E. P. McCabe, Frank W. Fuller, G. T. Fenne, J. R. Munich, R. Sinclair, C. Bourarre, R. Hastings, Frank Whitford, Ole Olsen, Jas. Cullen, Edd. Albertsen, Elnar Hagen, M. Woodley, Isaac Hanson, Jno. M. Jackson, John A. Draymond, Louis Imgrund, Herman Bakkila, Otto Reinhardt, James H. Alderman, John Kaeppl, C. H. Smith, Alex. Johnson, J. M. Quinn, E. J. Pilgrim, Ch. Patek, C. H. Patek, H. E. Kundert, F. M. Koop, J. M. Maughton, Fred J. McMaughton, C. E. Peabody, G. E. Senn, Ed. Bappel, Jos. La Plant, P. H. Knutzen, G. A. Johnson, A. Baker, M. G. Thompson, A. A. England, H. A. Sheflo, D. E. Hamilton, Anton Rudd, Henry Squires, Louie Holsaffle, Geo. Frey, G. C. Frey, jr., Frank Thiene, J. H. Ernst, Carl Nelson, Wm. Thielen, F. Turcott.

Practically every business and professional office man and banker in the city of Brainerd in the above list. Thousands of others would sign petition if necessary.

LAPORTE, MINN., *February 1, 1916.*

Hon. B. M. CHIPERFIELD,
*Representative in Congress from Illinois, Washington, D. C.:*

DEAR SIR: Please allow me to congratulate you on your talk in Congress on the Indian bill question with regard to people being subject to all kinds of indignities by "special Indian agents." I was an agent of the Minnesota & International Railway Co. at this place and called upon by an Indian special officer and asked to allow an inspection of the station and books, and when I asked to be allowed to ask my superior for instructions, declining to allow search without proper credentials, they left without searching or inspecting the station, but wrote a letter to my superior and accused me of aiding parties to evade the Federal laws, and threatening to prosecute and various other things, causing my superior to discharge me, and this after nearly seven years in the company's service, and causing me trouble, so that I finally resigned my situation here after having built my home here and at the age limit, so I could not procure employment with other lines in my profession as station agent and operator, a calling I had followed for over 40 years. Not one of the charges they made against me is true. The name of the special Indian officer writing the letter is Brandt, and the letter was written to the general officers of the Minnesota & International Railway Co., Brainerd, Minn. I am now compelled to accept whatever temporary work I can get to get along the rest of my days, through such work as is around, because I made my home in this part of Minnesota, and it seems real good to have some one get up and defend the common people in this territory. I am in no way a liquor man or engaged in the business.

Yours, truly,

R. R. HURLBUT.

Mr. BURKE. Mr. Chairman, I yield to the gentleman from Texas [Mr. MCLEMORE] one minute.

Mr. MCLEMORE. Mr. Chairman, I simply desire to ask permission to extend my remarks in the RECORD by a short memorial from citizens of Texas.

The CHAIRMAN. The gentleman asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

The matter is as follows:

ENNIS, TEX., *February 9, 1916.*

Hon. JEFF: MCLEMORE,
*Congressman at Large, Washington, D. C.:*

At an enthusiastic meeting of the Ennis Commercial Club, with something like 150 members present, the following resolutions, indorsing the course of the President of the United States in his program for the enlargement of the Navy and Army, was adopted:

"That in view of the fact that most of the countries of the civilized world are at war with each other and that by reason of the passion and strife aroused solemn treaties and the laws of nations are being disregarded; that the rights of neutral countries have not been shown a proper and legal regard; that there is imminent danger of the United States being unwillingly dragged into the conflict; and that if this country should be dragged into this war, our Navy and Army are not adequate for the task that they would have to undertake:

"*Resolved*, That it is the duty of the President of the United States to uphold the dignity of his country and protect the right of its people and to do so, it is imperative that he have a Navy and Army adequate for that purpose;

"*Resolved*, That by reason of the inadequate force at his command, the President has not been in a position to demand of these countries at war a just recognition of our rights;

"*Resolved*, That it is not the desire of our President to build up a large Navy and Army for aggressive purposes, but for the benefits of peace, humanity, and the protection of the liberties of the people of the Western Hemisphere; that for the protection of those sacred rights this country should have a Navy and Army large enough to enforce the just and legal demands of the President of this country;

"*Resolved*, That we indorse the course of the President of the United States in his wise and patriotic efforts to place our Army and Navy on a basis adequate to meet the needs of the people of this country; we know that he is in a position to ascertain and realize what is best, and that we rely upon his wisdom and patriotism to do what is right, and we heartily indorse his efforts to uphold the rights and dignity of this Government and to protect the people in their just rights, and we request that our Senators and Representatives in Congress lend him their assistance and support in this important crisis."

Respectfully submitted.

W. D. FARRIS,
FRED ABRAMS,
J. R. MCMURRAY,
N. J. REYNOLDS,
JOHN H. SHARP,
*Committee.*

Mr. BURKE. Mr. Chairman, I yield to the gentleman from Missouri [Mr. DYER] five minutes.

Mr. DYER. Mr. Chairman and gentlemen of the House, a minute ago, when the gentleman from Indiana [Mr. BARNHART] was addressing the House upon peace, I asked him if it was not a fact that the President of the United States approved of the position of the Secretary of War upon the question of a continental army. He stated that it was his judgment that the President had not done so. I want to read to you from the message of the President delivered at the joint session of the two Houses on December 7 last, when he said this:

It is with these ideals in mind that the plans of the Department of War for more adequate national defense were conceived which will be laid before you, and which I urge you to sanction and put into effect as soon as they can be properly scrutinized and discussed. They seem to me the essential first step, and they seem to me for the present sufficient.

Going on, Mr. Chairman, he discusses the recommendation and the plans of the Secretary with reference to a continental army as follows:

By way of making the country ready to assert some part of its real power promptly and upon a larger scale should occasion arise, the plan also contemplates supplementing the Army by a force of 400,000 disciplined citizens, raised in increments of 133,000 a year throughout a period of three years. This it is proposed to do by a process of enlistment under which the serviceable men of the country would be asked to bind themselves to serve with the colors for purposes of training for short periods throughout three years, and to come to the colors at call at any period throughout an additional "furlough" period of three years. This force of 400,000 men would be provided with personal accouterments as fast as enlisted, and their equipment for the field made ready to be supplied at any time. They would be assembled for training at stated intervals at convenient places in association with suitable units of the Regular Army. Their period of annual training would not necessarily exceed two months in the year.

He goes on and says:

At least so much by way of preparation for defense seems to me to be absolutely imperative now. We can not do less.

Those, Mr. Chairman, are the words of the President, in which he, in my judgment, approved of the plan and scheme and recommendations of the Secretary of War with reference to the continental army. The President has recently made a tour of the great Central West. He has been to some of the places where the people think and act and know what they want. He made speeches in these various places. He has heard from the people upon the question of a continental army. He has heard from the people through their Representatives in Congress, from the Committee on Military Affairs, and all, and he knows to-day that the continental army is a most unpopular provision of the recommendations of the department with reference to increasing the Army. He knows that, and he knows that the National Guard, the militia of the States, is popular. He knows that their plans and schemes have the approval apparently of a great majority of the Representatives of the people of this country, and now we find that the President differs, apparently, according to the newspapers and according to the speech of the gentleman from Indiana [Mr. BARNHART], with the Secretary of War upon the continental army and is now against it, because he is in favor of peace.

Mr. Chairman, the question is now, as it has been at all times, Will we stand for the citizen soldiery of our country—the National Guard? That is known and understood by everybody as a proper thing to do, and I believe that the President has changed his position; that he would not in the recent past and will not now further continue to uphold the recommendations of the then Secretary of War upon this proposition, is the cause, apparently, of the trouble, and so we have him changing his position again, as he has changed it many times since he has been President, after having his ear to the ground trying to find out what the people want. [Applause.]

Mr. BURKE. Mr. Chairman, I yield the balance of my time to the gentleman from Arkansas [Mr. TILLMAN].

Mr. MANN. The gentleman can go ahead under the five-minute rule after the first paragraph is read.

Mr. TILLMAN. I will accept that.

The Clerk read as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pensions laws—

The name of Joshua R. Matchett, late of Company I, Sixth Regiment Indiana Volunteer Cavalry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

Mr. TILLMAN. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I have scant respect for the man who does not seek to win and merit the respect of his associates. I shall consider my service in this body disappointing if, by word or speech or conduct, I fail to acquire, or, having acquired, shall fail to retain to a fair degree the regard of my fellow Members. A Member must not only be honest in mate-

rial matters, but he must be possessed of mental integrity as well. The classic-faced presiding officer of this body, speaking from the peaks of experience, said early in the session that "a man soon finds his level in the House of Representatives." This bit of philosophy is indisputable. I beg to state, therefore, to the House that I am inspired by the highest of motives, and sincerely desire, insist, and believe that the bill which I am proposing should promptly pass both Houses of Congress.

My excuse for trespassing on the time of the House so early in the morning of my service lies in the fact that those whom I am seeking to serve are falling daily, as fall the ripe leaves when the autumn wind blows its icy breath upon them. In asking this body to pass House bill No. 478, introduced by me on the first day of the session, I do so sincerely believing in its justice, its equity, and its high purpose. Each Member of this body should count it a blessed privilege to support a measure which has for its object the payment of a debt long past due and which seeks to do credit to those splendid men who won the respect and admiration of the world during four years of struggle, but who, with others, were pilfered and punished by those who stalked through the stricken South at the end of the Civil War, not soldiers wearing the honored blue uniform of the Union, but plunderers clad in the drab vestments of greed, with a carpetbag in one hand and an official commission in the other, fattening upon the prostrate and bleeding South. Neither at that time nor since has the carpetbagger been a popular citizen.

Seriously and hopefully I call the attention of Members to the bill which I desire to read into the RECORD and discuss at some length:

A bill (H. R. 478) to pay to Confederate soldiers and to the widows of Confederate soldiers $500 and $30 per month during the remainder of their lives.

Whereas a large amount of money, approximating $100,000,000, was secured and collected from the people of the South during the Civil War and the reconstruction period that followed from the following-named sources: First, from captured and abandoned property; second, from confiscated property; and, third, from the collection of the cotton tax from 1863 to 1868;

Whereas what is known as the "cotton tax" was illegally collected;

Whereas the South, prior to the Civil War and since that time, abundantly proved her loyalty to the Union; gamely lost, without murmuring, 4,000,000 slaves, valued at $2,000,000,000; gave to the country much in military service; and added much territory by the genius and diplomacy of her statesmen;

Whereas 50 years after the unfortunate struggle between the States there exists only a scattered remnant of the gray chivalry that rarely lost a battle, many of whom are maimed and unable to work;

Whereas it is desirable to destroy the last vestige of sectional feeling and emphasize the fraternal spirit that should obtain in a happily reunited country, and to permit a generous and a just Government to recompense in part the South for her losses, not justified by the stern demands of war;

Whereas it is practically impossible to restore the "cotton tax" illegally collected or other property confiscated to the people from whom it was taken during and after the war; and

Whereas the surviving soldiers of the Confederacy are conspicuous and deserving representatives of said section: Therefore

*Be it enacted, etc.*, That upon the passage of this act there shall be paid to each soldier who served in the Confederate Army and to the widow of any Confederate soldier the sum of $500, and that in addition to such payment such soldiers and such widows shall be paid quarterly the sum of $30 per month each during the remainder of their lives.

SEC. 2. That this act shall be administered by the United States Pension Office.

SEC. 3. That to carry out the provisions of this act the sum of $100,000,000 be, and the same is hereby, appropriated.

SEC. 4. That this act shall be in force from and after its passage.

I am asking this membership to rise to the occasion and vote for this measure. It elevates a man's soul to rise above petty sectionalism and to reach the greater altitudes. The Nazarene on more than one occasion advised that this be done—when He advised the rich young ruler to give all he had to the poor and to follow Him; when He said that if a man should ask you to go with him a mile you should go with him two. When the United States gave to the Chinese Empire $10,000,000 from the Boxer indemnity fund it won the respect of that great oriental state, and China has ever since been our steadfast friend. Horace Greeley won the respect of the South when he signed the bond of Jefferson Davis. A former Speaker of this House rose to sublime heights on one occasion, the most dramatic, it has been said, that has occurred in this historic House, when he announced voluntarily that the motion to declare the speakership vacant was a question of the highest privilege. Senator WORKS, of California, a Union soldier, rose to great heights when he introduced a bill to donate to the Confederate soldiers the Union Soldiers' Home near Johnson City, Tenn., and to provide that in the future it should be maintained at the expense of the Government. For this graceful act to-day the name of Senator WORKS is spoken with love and reverence throughout the Southland. I am asking the Members of this body, especially those from the North, to perform a patriotic act, which will make history for themselves and make memorable the present Congress.

No man from the South should exhibit any pettiness by objecting to this bill on the ground that the South is not asking any favor from the North and will not accept its money. Such a sinister spirit would be reprehensible and will not be indorsed by the best people of the South nor by the Confederate soldiers. Men of the North, the Union soldiers are not adverse to this bill. [Applause.]

I quote the following editorial from the Union Labor Bulletin, which shows how labor feels toward the bill:

One of the bills introduced in Congress by Mr. TILLMAN, of Arkansas, is for a pension to ex-Confederate soldiers and to their widows. It would seem as if labor, North and South, could support a bill of this kind. At first thought it would seem as if this were rewarding disloyalty, and was so regarded for many years after the Civil War, but

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the passions engendered by that terrible civil strife have cooled with advancing age of the survivors of those times, and history has taught the generations of the present that if the people of the South erred, it was an error of the head and not of the heart, and an error that carried its own punishment with it.

And it could hardly be called an error of the head, for it was more a falling out among politicians than a difference between the masses of the people, and who can tell how soon we of the North and South may be plunged into just as unnecessary a bloody struggle with our fellow workmen of another nation?

We believe labor stands for an old-age pension bill. Now is an opportune time to commence work on it. A large proportion of the old men of our Nation are drawing a Federal soldier's pension. Let us add to this our Confederate soldiers and then continue the work until we have added to this roll of honor those whom old age has rendered incompetent to labor, those soldiers of industry who have given our Nation its grandeur and power.

Backed by this appeal I ask those Members who represent labor constituencies to support this measure. A pension is sometimes a curse to a young man, but it is a blessing to an old man.

The country has rapidly advanced in recent years in the blessed process of reconciliation. At the close of the Civil War, beautiful Arlington, the home of the Lees, was forfeited to the Federal Government and its high-souled owner driven from the home of his fathers never to return. The country grew, and a Republican Congress appropriated a large sum of money to recompense the descendants of Gen. Lee for the loss of Arlington. While Jefferson Davis was Secretary of War, Cabin John Bridge was built, and the name of Secretary Davis was placed upon the bridge. During the Civil War, when the lust of hate had gripped the souls of the two peoples, some one cut his name from the bridge. The country advanced, until a Republican President, long after the close of the war, ordered the name of Jefferson Davis to be replaced on this bridge. [Applause.]

I knew Union B. Hunt, of Indianapolis, the golden-hearted Pythian, who was loved by both North and South and who was born during the fierce struggle between the States. His people were so loyal to the flag of the Union that he was christened Union Banner Hunt. I remember at the supreme convention held in Boston a few years ago this great-hearted man nominated four southern men for elective positions in the great fraternity which at that time was meeting in Boston and urged their election in lieu of four men from his own section. I heard him state afterwards that a party friend of his in Indianapolis said to him, "Uny, I am afraid if you keep nominating and voting for the southern boys in the supreme lodge you will acquire the habit of scratching the Republican ticket out in Indiana." Later I heard this great Pythian on the floor of the grand lodge of my State, after having made a harmony speech, recite the stirring ode written by Wilbur D. Nesbit:

Your flag and my flag,
And how it flies to-day
In your land and my land
And half a world away.

Rose red and blood red,
Its stripes forever gleam;
Soul white and snow white
The good forefathers' dream.

Sky blue and true blue,
With stars that gleam aright,
The gloried guidon of the day,
A shelter through the night.

Your flag and my flag;
And oh, how much it holds;
Your land and my land
Secure within its folds.

Your heart and my heart
Beats happy at the sight,
Sun kissed and wind tossed,
The red and blue and white.

The one flag, the old flag
The flag for me and you;
Glorified all else beside,
The red and white and blue.

Your flag and my flag,
To every star and stripe,
Hear's beat as drum s beat,
And fifers shrilly pipe,

Your flag and my flag,
A blessing to the sky;
Your hope and my hope,
It never hid a lie.

Home land and far land
And half the world around
Old Glory hears our glad salute
And ripples to the sound.

After that speech this man of the North was smothered with congratulations, and there was not a dry eye in the House. [Applause.]

Not long since at Gettysburg the remnants of the two great armies of the Civil War met to celebrate the fiftieth anniversary of one of the decisive battles of the world, the battle that marked the beginning of the end of the effort on the part of the southern people to establish a government of their own. At Gettysburg, where Lee met Meade and the superb Hancock, on a field glittering with the pomp of war; where the fiery waves of battle tossed back and forth during three days of doubtful conflict; where Pickett's Virginians charged in the face of a blinding storm of shot and shell without faltering, planting their battle flags on the Union breastworks and making the most gallant charge in history. An old soldier from Virginia wrote me a few days ago indorsing this bill, stating that the feeling of harmony in evidence at this gathering at Gettysburg was beautiful and delightful and that there was much talk of pensions for Confederate veterans among the Union soldiers. All seemed to favor it.

To show that the war is over so far as the veterans are concerned, the papers and magazines published shortly after this reunion contained a story of human interest to the effect that on a certain part of this field there was a squad of Grand Army veterans while near by stood a group of Confederate soldiers. A member of the first group said to his fellows, "Boys, near this spot, while the battle was raging, I came upon a Confederate soldier who had been stricken by a musket ball and his life-blood was dyeing the ground around him. He begged for water and for help. I picked him up and carried him to one of our hospitals, and there a northern physician treated him and I am told that he fully recovered. How I would like to see that old boy now." At that moment in a near-by group of Confederate veterans, a tottering old Confederate soldier said to his comrades, "Boys, close to this place, if not right here, I was shot down by a musket ball from the enemy and a broad-shouldered, young Union soldier took me up and carried me to the hospital tent of his regiment, where I received medical treatment and recovered from my wounds. I would give all that I possess if I could see that old Union soldier now." The groups were close together, intent upon finding the same spot. The two old soldiers heard one another talking of the incident and in a few minutes were in each others arms crying like a couple of women. [Applause.]

There is but little feeling now between the men who wore the gray with credit and the men who honorably wore the blue. I have heard of a few who wore the blue inveigh against this species of legislation, but for the most part those splendid men who boldly bared their breasts to the hail of southern bullets, who were real soldiers, are too generous to object to this act of justice in behalf of the old Confederate soldier.

As to which side a man took in that great struggle depended much upon where he lived at the time the struggle began. Albert Pike was born in Massachusetts. He lived in my State at the time the Civil War began and enlisted in the Confederate Army, fighting to the end. My instructor in mathematics at college was Col. O. C. Gray, who was born in Maine, but who lived in Arkansas at the time war was declared, joined the Confederate Army, and fought until the conclusion of hostilities. We heard the gentleman from Kentucky [Mr. THOMAS] say on the floor of the House a few days ago that his father was a Union soldier, but that if he had been old enough he would have fought in the Confederate Army, and that he favored pensions for both Union and Confederate soldiers.

I prefer to place upon the high ground of justice and right the request for this species of legislation. This is no place to argue the question of which side was right in the war of the sixties. The war had to come, just as the crucifixion of the Nazarene had to come. It was horrible, but it was necessary. As to the right of a State to dissolve the Union, or to secede from the Union, Massachusetts early held the same view as did Virginia and South Carolina. I have always thought, and still think, that, under the Constitution, as it came from the hands of those who made it, as it was understood by those who wrote it and signed it and ratified it, the right of a State to withdraw from the Union was based on sound and constitutional authority. But I shall certainly not go into that issue now. The war settled the great questions submitted, and settled them forever. Slavery was abolished, and the right of a State to dissolve the Union was decided against the South's contention, and the costly verdict was accepted in good faith. The South bases its claim for this legislation upon the highest ground.

The Union owes the South much. Has the South served the Union well? It has. Through the diplomacy and statesmanship of a southern man the Louisiana Purchase was made, the country thereby acquiring a vast section of fertile lands for the small sum of $15,000,000. The Corsican and Jefferson entered into this large real estate transaction, Monroe attending to the details of the same, which resulted in adding an imperial empire to the Republic.

Ohio, Indiana, Illinois, Michigan, Wisconsin, who mothered you in your infantile, savage state? It was a Virginian who gave you to the Union and kept you out of the clutch of Canada.

California and Oregon, who first led white men to your borders? John C. Fremont, a Georgian of mixed French and Virginia blood. In 1846 he wrested you from Mexico and brought to your fertile valleys and golden hills the progressive Anglo Saxon.

Arizona, who was your first governor? This same Georgian, John Charles Fremont, soldier, teacher of mathematics, and civil engineer.

Way back in 1716 Alexander Spotswood explored the Shenandoah Valley, drove the Tuscaroras from the Carolinas, and the expansive spirit of the Virginians and the Carolinians resulted in the settlements of Tennessee and Kentucky.

Who fought the Indians with signal success? Who, on January 8, 1815, defeated Wellington's veteran Britons at New Orleans and drove them back to England? It was a certain Scotch Irishman, a tanner by trade, old "Hickory" Jackson, from the "Waxhaw Settlement" on the line between North and South Carolina.

Men of the North, who opened up the Mississippi River from the mouth to Vicksburg and forced the entrance to Mobile Bay, destroyed the Confederate vessels, silenced the forts, and closed the harbor to blockade runners? It was David Glasgow Farragut, of Knoxville, Tenn.

Men of the North, who was conspicuous for bravery in the service of his country at Monterey and Buena Vista, and who told a timorous company of American troops to get behind his Mississippi wall of men if they were afraid? It was Jefferson Davis, of Kentucky and Mississippi.

To-day the South is all American and is the most loyal section of the Republic.

South Carolina was settled by the Huguenots, who came from the Piedmont Valley in France. James Russell Lowell says of them—

> Wherever they dispersed themselves throughout the land, they were among the best citizens, ready to aid in every laudable enterprise.

From them sprang Gen. Marion, Mr. Hayne, John C. Calhoun, the Rutledges, and the Pinkneys.

North Carolina was settled by Scotch, and was the first State to protest against the British stamp act and the first to proclaim her independence. The Mecklenburg declaration is one year older than the Philadelphia declaration.

Virginia was settled by cavaliers and produced Washington, Jefferson, Monroe, and Madison, all of them of the best blood of the Republic. Jeb Stuart, the dashing cavalry officer, had royal blood in his veins, being a descendant of those who filled the Stuart's throne. Mr. Madison caused the Virginia Legislature to call the first general convention to organize a stronger government, and to provide for paying the war debt. The convention met at Annapolis, was not strong enough to accomplish the purpose for which it was called, but it called the convention which met at Philadelphia afterwards. "Light Horse Harry" Lee, the father of Robert E. Lee, offered the resolution in the Continental Congress declaring it to be the right of the States to be "free and independent." Mr. Mason, of Virginia, was the author of the Bill of Rights. Richard Henry Lee, with a face like an English lord, a farmer in Westmoreland County, Va., was one of the first to denounce the usurpation of the mother country. Patrick Henry sent George Rogers Clark into the great Northwest, which was discovered and possessed in the name of Virginia and the Southern States, including this territory, were a good three-fourths of the area of the United States. The South was therefore necessary to a great Federal Government, laid the foundations of the Union, and fittingly did its part in its establishment.

The South always loved the Constitution, and it was not a Southern man who characterized this same Constitution as an "agreement with death and a covenant with hell."

Madison purchased from Spain Florida for $5,000,000. Sam Houston captured Santa Anna at San Jacinto, and James K. Polk, with the help of Zachary Taylor, Gov. Yell, of Arkansas,

Gov. Henderson, of Texas, and other southerners of equal worth, fought the Mexican War and acquired the coasts of Texas and California, New Mexico, and Utah.

The South gave to the country its first great President, the leader of the Revolution, and its first great Secretary of State, afterwards President Jefferson. Edmund Randolph, a southern man, was the first Attorney General, and Madison, prominent in shaping legislation in the House. Virginia gave John Marshall, the first Chief Justice to construe the Constitution and to make it an immortal document, insuring a strong and growing Nation.

The South gave to the Nation some of its greatest literary men, Edgar Allen Poe, Mark Twain, Patrick Henry, Thomas Jefferson, Benjamin H. Hill, William L. Yancey, Robert Toombs, and Alexander H. Stephens.

The appropriation requested is not asked as charity. I have no disposition to stand as a representative of the old Confederate soldiers, poor and maimed, as most of them are, and ask a donation for them. I would dishonor them if I should stand in this body like a smirking, fawning mendicant, cap in hand, and ask a gift for them or in their name.

It is not a pension that I am asking, it is a payment. It is not charity, but justice. It is not a gift; it is a reparation. It is not an advance; it is a return. It is not largess; it is conscience money. Now, let me tell you why.

From 1863 to 1868 there was collected from citizens of the Southern States a cotton tax, amounting in the aggregate to $68,072,388.99, an itemized statement of which I submit herewith. This statement shows the sums of money realized by the Government under the various acts levying a tax on cotton:

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| 1863 | $351,311.48 |
| 1864 | 1,268,412.56 |
| 1865 | 1,772,983.48 |
| 1866 | 18,409,654.90 |
| 1867 | 23,769,078.80 |
| 1868 | 22,500,947.77 |
| Total | 68,072,388.99 |

The collection of this cotton tax was under the control of the Commissioner of Internal Revenue.

Mr. GOODWIN of Arkansas. I am very much interested in my colleague's discussion, as well as in the merits of the bill, and shall vote for his bill. I know he has given much thought and attention to it, because he has been quite industrious along that line. I rise to get some information upon this point. It is currently understood that this cotton tax of $68,000,000 is segregated and set aside in the Treasury and only awaits the action of Congress to bring about its disbursement. I made some investigation myself, and there is some conflict of opinion. I would like to get my colleague to answer that question, if the amount has been set aside, or if any money is segregated in the Treasury for any purpose.

Mr. TILLMAN. Oh, no; that is not true. The money was collected and has been expended. It is not segregated in the Treasury. You could not put your finger on the identical money, but it was collected without constitutional warrant and should be refunded for that reason.

Mr. THOMPSON. I should like to ask the gentleman if his bill simply provides for the repayment of this cotton-tax money, or if it provides for pensions.

Mr. TILLMAN. The bill simply provides for pensions, for the appropriation of money for that purpose out of the Federal Treasury. This money was expended long ago. But the fact remains that the cotton tax was illegally collected, and a big, just, and generous Government can not afford to keep it any longer.

My insistence is that this tax was illegally collected. The history of its levy and collection involves some curious history.

About four years after the Civil War one William M. Farrington brought suit in the Federal court for the western district of Tennessee against Rolph S. Saunders, collector of internal revenue, alleging in his complaint that Saunders had collected without legal right the cotton tax imposed by the Federal Government. The Tennessee court decided against him, and he appealed to the Supreme Court of the United States. A splendid array of counsel appeared in the case. Albert Pike, ex-Confederate soldier, poet, and lawyer, filed a brief that is a classic. Ex-Justice John A. Campbell; former Justice B. R. Curtis; Philip Phillips, who defended Gen. Daniel E. Sickles for killing Philip Barton Key, Phillips at that time being the leader of the Supreme Court bar; ex-Judge Sharkey, of Mississippi; Robertson Topp, of Tennessee; James M. Carlisle, leader of the Washington bar; W. P. Chilton; W. T. Otto; Hughes, Denver, and Peck, of Washington; and William M. Evarts, of New York, one of the great lawyers of the country, all appeared in the case, as well as Attorney General E. R. Hoar, brother of Senator Hoar, of Massachusetts, he appearing on behalf of the Government. This volume which I have in my hand contains copies of the briefs filed by these distinguished lawyers.

The Supreme Court at that time was composed of Chief Justice Chase, a Republican of Ohio, appointed by President Lincoln; Justice Nelson, a New York Democrat, appointed by President Tyler; Justice Clifford, a Maine Democrat, appointed by President Buchanan; Justice Swayne, a Republican from Ohio, appointed by President Lincoln; Justice Miller, a Republican of Iowa, appointed by President Lincoln; Justice Field, of California, a Republican, appointed by President Lincoln; David Davis, a Republican of Illinois, appointed by President Lincoln; Justice Strong, of Pennsylvania, a Republican, appointed by President Grant; and Justice Bradley, a Republican from New Jersey, appointed by President Grant—a court composed of seven Republicans and two Democrats, and all nothern men. Although it was a great case, ably argued by the greatest lawyers in the country, and although nearly $70,000,000 was involved directly or indirectly, I find only a short entry of the transaction in the official record of the Supreme Court kept at that period. On Monday, February 20, 1871, the following appears of record:

No. 6. December term, 1870. William M. Farrington v. Rolph S. Saunders, collector of internal revenue, Federal court, western district of Tennessee.

This case came on to be heard on the transcript of record from the Circuit Court of the United States for the Western District of Tennessee and was argued by counsel. On consideration whereof, the court being equally divided in opinion, it is now here ordered and adjudged by the court that the judgment of the said circuit court in the case be, and the same is hereby, affirmed by a divided court.

Chief Justice Chase did not sit in the case, and that is unfortunate. He could have been only temporarily sick or absent. It seems that in a case of such importance a full bench should have participated in the decision. I believe that if the Chief Justice had been present the plaintiff in error would have been given judgment. Of course no one knows how the judges divided; all are now dead, and all that is known of the facts is in the short and simple court annals above cited. In that case there was no decision at all—four for and four against the constitutionality of the tax. I find that Chief Justice Chase participated in the case to the extent of issuing at least one order on the 25th of September, 1867.

Mr. HOWARD. Was the cotton tax itself under discussion in that particular case? Was it the basis of that opinion of the Supreme Court just read by the gentleman from Arkansas?

Mr. TILLMAN. Yes. The suit was brought by Farrington against Saunders, revenue collector, to restrain him from collecting the tax, because it was illegal, as alleged in Farrington's complaint.

Mr. HOWARD. That was the Memphis case?

Mr. TILLMAN. Yes.

Mr. HOWARD. The court were evenly divided?

Mr. TILLMAN. Evenly divided.

The question involved in Farrington against Saunders was a question of whether or not the tax of 3 cents per pound on cotton produced in the United States levied by the act of July 13, 1866, was constitutional. The Constitution empowers Congress to levy and collect taxes, duties, imposts, and excises. No direct tax can be laid except in proportion to the census. No tax or duty can be laid on articles exported from any State. Such are the powers of taxation conferred on the United States. Any moneys collected as taxes, duties, imports, or excises under a law that violates any of these provisions or by any mode of taxation not authorized by them has been wrongfully collected, is not the money of the United States any more than if it had been taken by force, and can not be made their moneys by any act of limitation, which, if the time of limitation is so short as to virtually prevent suit, is only one of the means of making the illegal acquisition effectual and a gross abuse of the sovereign power of the Government.

Congress would have had no right to tax products peculiar to the Northern States. Such a tax if persisted in would dissolve the Union. Besides it was vastly more unconscionable, because the price of the cotton received by the taxpayer had also to be accounted for as cotton, and to be taxed again as such, and it was just as much a violation of the provisions that all duties, imposts, and excises should be uniform throughout the United States as if a tax should be laid on the wheat raised in the North. No union of States could exist in which a part of the States were thus treated and taxed, like Roman Provinces paying tribute to a purple-clad Cæsar. The Supreme Court in the income-tax case, in effect, held the cotton tax unconstitutional. (158 U. S. Rept.)

The only way to get back the cotton tax illegally collected is through just such an act as is proposed in this bill, as the matter is res adjudicata.

It was contended by the Government that this money ought not to be returned because the Treasury could ill afford to lose it. That is not argument at all. If this money was illegally and improperly collected, it is never too late to do the just thing, so the present Congress should return it, and inasmuch as it is difficult to find the parties entitled to this tax the best disposition to be made of it is, in my opinion, to make an appropriation of $100,000,000, which will be employed to pay the old soldiers and their widows the pension which they will get under the provisions of this measure, and which would represent the amount collected as a cotton tax, counting only a small interest on the same from the year 1868, the date of the last collection.

There is another item mentioned in the preamble of the bill, an item of dignity and worthy of consideration. The item represents a wrongful taking of a large amount of property from those unable to defend themselves from aggression. On March 2, 1863, Congress passed the captured and abandoned property act. Under this law the Secretary of the Treasury appointed agents to collect and dispose of such property. The Treasury Department soon developed an elaborate machinery for collecting and marketing all captured property. There was a general agent, and he had legions of supervising and local agents. All these were on the trail of property in the South. Transportation being difficult, the Treasury Department offered 25 per cent of the sales to anyone who would deliver cotton and other goods to the agent at a shipping point. A special permit was issued to anyone who would pass through the lines and seize property, and three-fourths of the proceeds were allowed to such. These permits gave license to great seizures of private property. It became such a scandal that the military leaders protested, but without avail. By May, 1868, the gross proceeds of these seizures, much of which property was taken from innocent and unoffending private families, amounted to $25,518,041, representing cotton seized, and $1,309,650, the gross proceeds from other property. Besides, the Federal Government took charge, especially in Mississippi and Louisiana, of all homes and plantations where the owners had fled from the Federal Army.

After the war, when all was confusion, only two years were allowed to prove the right of ownership before the Court of Claims. By this restriction practically all the property was kept by the Federal Government. Stringent tests of loyalty were imposed.

The Government can afford to restore this money also, separate as it is from the cotton tax, and distribute it to the veteran soldiers of the Confederacy, as the legal owners can not now get it.

The South has paid its share of pensions to Union soldiers, and if this bill should pass the South would receive only a small per cent of the amount that has been paid to those who fought on the side of the Union. Up to January 1, 1916, the total amount of money paid to survivors of the Civil War by the Government was $4,614,643,267.43. This amount has been paid in pensions and does not include the amount paid in support of soldiers' homes.

I want to see a continuance of liberal pensions to Union soldiers. I have already succeeded in getting through the House a bill to pension Harriet A. Voelz, a widow living at Garfield, in my district; the widow of a Union soldier and utterly without political influence. No Union soldier and no Union soldier's widow should ever have to go to the poorhouse. Neither should any Confederate soldier, and certainly no Confederate soldier's widow, should ever become an inmate of such a place.

I want to do my duty to this House by giving as much information as possible on the subject of this bill, with a view to ascertaining the facts that Congress is entitled to know. I have tried to ascertain as nearly as possible the number of living Confederate soldiers. About a year ago I wrote to the Confederate Veteran, of Nashville, Tenn., to Gen. Young, of Louisville, Ky., and to Gen. William E. Mickle, adjutant general and chief of staff, United Confederate Veterans, New Orleans, La., and asked for information upon the following items:

How many Confederate soldiers are now living?
How many widows of Confederate soldiers are now living?
How many of them are in soldiers' homes?
How many of them are dependent upon others?
What is their average age?

The editor of the Confederate Veteran writes me in part as follows:

I can not give you the exact information that you desire. We know that the Confederate veterans are dying very rapidly now, and the only records kept are the records of the different Confederate homes, and of course that would only show a small number. While we have no way of ascertaining the percentage of surviving Confederates who are in these homes, it is our belief that one-third will be a liberal estimate. The average age of the surviving Confederate soldiers might be put at 72 years. There are many still living under 70 years of age, still some are considerably advanced beyond three score years and ten. The average age of those in the homes is about 74½. About one-third are in straitened circumstances. The Veteran has always been interested in anything of this kind, and we would like very much to be able to give you definite information along these lines. There seems to be a renewed effort now in favor of an appropriation to secure some pay for the Confederate veterans who are in special need, and it seems but just that they should have a share in what they have so long contributed to the Government. Wishing you success, I am,

Yours, truly,

THE VETERAN,
By E. D. POPE, *Secretary.*

Gen. Mickle wrote me as follows:

It is a matter of guesswork to give the number of veterans still living. Under the constitution of the United Confederate Veterans all camps are compelled to pay an annual per capita tax of 10 cents. As an instance of how I guess at my results, I may say that last year I collected from all camps $3,335; that would mean about 35,000 men, counting a part of this for back dues, and a number of camps did not pay. I assume that the membership of the United Confederate Veterans is about 40,000. Then, there are veterans who do not belong to the camps, and increases the number, I should judge, to about 45,000 or 50,000 men.

If I can be of any assistance to you, call on me.

WM. E. MICKLE,
*Adjutant General and Chief of Staff U. C. V.*

These letters were written a year ago, and as the veterans are dying very rapidly, you can make your own estimate of the number living. I will say that my estimate of the number now living was in excess of the above figures.

I believe in complete reconciliation between the North and South. I believe that this measure, if passed, will wipe out the last vestige of sectional feeling between the once warring peoples. I notice a disposition on the part of this House to favor reconciliation. The uplifting classic delivered by the gentleman from Illinois [Mr. RAINEY] on the 8th day of January, on the subject of the return of the Pelican flag captured from Louisiana troops by Illinois soldiers, lately sent back by Illinois to the descendants of those who designed and made this flag 100 years ago, was well received by this body. The country is reunited. The flag of the Union is the flag of the South, and there is not a star upon its blue field that has not been made brighter by southern courage. There is not one of its red stripes that has not been made richer by southern blood. There is not one of its white lines that has not been made purer by southern character.

The South is doing her share of the work of this reunited country. As Chief Justice of the Supreme Court a Confederate soldier graces the bench once graced by Marshall and Taney. A gifted son of the South presides over the deliberations of this body. A Virginian occupies the White House and honors the chair filled by Washington, Jefferson, Adams, Monroe, Garfield, and McKinley.

The South is doing her share toward defending the country. During the War with Spain the soft-voiced lad from Georgia fought side by side with the Yankee boy from Vermont. The first American killed at Cardenas was Ensign Bagley, from North Carolina, a descendant of a Confederate soldier. Among many other southerners killed in this war was Stockley Morgan, of Arkansas, the son of a Confederate soldier. All that was left of the Mason and Dixon line was wiped off the map when the *Maine* blew up.

I have received from all over the South letters from those golden-hearted old veterans that are pathetic and will bring tears to the eyes of any man. They breathe the spirit of gratitude. They are for the bill without a single exception, and many of them assert they are in actual need of this relief. They thank and praise me for this poor effort upon my part to get for them what they believe is fairly due them. I have many letters from Confederate widows of the same tenor. I had rather a Confederate soldier would pronounce a blessing upon me for doing that which he indorsed than to have a blessing from any earthly potentate. I had rather be decorated with a blessing from a southern veteran than to have the Kaiser pin upon my breast the iron cross; than to receive from the proud French nation the historic cross of the Legion of Honor; than to receive from King George the decoration of the Star and Garter.

If we could call up the spirits of the mighty dead and marshal them in this Chamber to-day, grim old Stonewall Jackson and the princely Lee, face to face with the modest and magnanimous Grant and the efficient and gallant Sherman; Forrest, the wizard of the saddle, and Jeb Stuart, Cavalry leaders, face to face with the dashing Phil Sheridan; Beauregard, the Hills, Ashby, Ewell, Joseph E. Johnston, face to face with Meade, Siegel, Hancock, and Little Mac, and let them decide this question they would say, "Give the old boys in gray this pittance that they are asking and that is due them, and the God of your fathers will bless you."

Mr. SLOAN. Mr. Chairman, will the gentleman yield?

Mr. TILLMAN. Yes.

Mr. SLOAN. The gentleman mentioned one fact about a large amount of abandoned property.

Mr. TILLMAN. Yes.

Mr. SLOAN. And mentioned that large amount as an inducement for this pension appropriation?

Mr. TILLMAN. Yes.

Mr. SLOAN. Will the gentleman kindly develop how that which was taken from the loyal people of the South and transferred to the Government here should be used to pay the pensions of those who were in armed opposition to the Government?

Mr. TILLMAN. Mr. Chairman, a large number of these people are dead from whom this property was wrongfully taken. Many of the families have become extinct. They have not asserted their rights to this property in 50 years. These Confederate soldiers are conspicuous representatives of the southern people, and it would be an easier matter, a proper thing, it occurs to me, to return this money to the South in the form of pensions for Confederate soldiers than to attempt to find the identical people from whom this property was taken, or their heirs at law. That would involve tiresome and expensive litigation, the taking of proof and certain failure in the way of finding many of the beneficiaries of legislation providing for the return of the value of this property to those who lost it.

Should we, descendants of those who have gone before, presume to question the wisdom of what we know their verdict would be? Let us get together. The South accepts the result of the war as being a dispensation, not of the great god chance, but of the God of battles and the God of peace. The South wants its brethren of the North to think well of it. We prefer to say nothing that would disparage or discredit either section from this good day.

You will permit me, as the son of a Confederate soldier, who carried to his grave a withered arm caused by a bullet wound in the shoulder received while he was fighting under the flag of the South, to say kind words about the soldiers on both sides. I admire the record of those sturdy veterans of the lost cause who won deathless honor upon every battle field they fought upon, and I am not wanting in pride or respect for the splendid men who marched and fought under the great soldier statesman, Gen. Grant. I admire the courage of the Northern soldier, private and officer, but, notwithstanding the glory that shines on the victorious hosts of Grant and Sherman, it is in deed and in truth no brighter than the white light of the dazzling glory that sheds its golden splendor on the ragged columns of those who fought under the battle-smoked banners of the Confederacy.

I love the South and I love her people, as brave and as generous a people as God's sun ever shone upon. Ever since I have had a home of my own I have had hanging upon the wall two pictures which I greatly value. It is an inspiration to look at them. One is the portrait of a man with iron gray hair and beard, the kind and manly face of a Virginia gentleman. "When you look upon his face he looks a chief, who fears not human hate nor human guile; on his cheek the twilight of a grief, but in that grief the starlight of a smile." "He was a foe without hate and a friend without treachery; a public officer without vices and a private citizen without wrong." The other is the picture of a rugged and homely man, with black hair and beard, and with the firm lips of a fighter. He was a puritan in morals, but a cavalier in the saddle. He followed the injunction of Shakespeare, who said, "In peace there's nothing so becomes a man as modest stillness and humility, but when the blast of war blows in our ears, then imitate the action of the tiger." He prayed and fought and fought and prayed. Under his slouch cap was the brain of a remarkable military genius. Behind his gray coat beat the heart of a sincere patriot—the pictures of Lee and Stonewall Jackson, and as long as I have a roof to cover my head those pictures will continue to have a place in my home. [Applause.]

Sentiment is not unworthy and not a rare virtue of the people of the South. The South after the Civil War was a land of ruins, but men are brought solemnly together in ties of eternal friendship in a country that has been devastated and whose people's sufferings have been great. A land without ruins is a land without memories and a land without memories is a land without history. No one will quarrel with our people because they love the memory of their illustrious dead; because they refuse to forget Price or Forrest or Gordon or Beauregard or Albert Sidney Johnston.

Is it wrong to listen to the waves that still will glisten
Where the wreck we loved went down?
Is it wrong to watch the willows that are drooping o'er the grave?
Is it wrong to love our brave?

During the last 50 years, in the shadow of a blessed peace, the stout-hearted old Confederate soldiers have acted the part of men. They have rebuilt their burned homes; they have reared their families in comfort and in honor; they have respected the stranger and the stranger's rights; they have done their duty to their country, to their neighbors, and to their God; and they have wrought works that do them credit.

In speech and in conversation we are prone to extol the virtues of those who are dead, and it is a worthy sentiment, but we should not forget the living. Murphy, the great temperance lecturer, was very fond of a red rose and usually wore one in the buttonhole of his coat. He used to say, with rich Irish accent, "My friends, I would rather you would bring me one red rose while I live, that I may admire its beauty and inhale its fragrance, than to wait until I am dead and bring a whole wagon full of roses and shove them down on my grave and say, 'Murphy, shmell of them.'" We should not spend our time in idly and lavishly praising the dead to the hurt or neglect of the living. We are sometimes inclined to picture the dead greater than they really are.

A king once said of a prince struck down:
"Taller he seems in death."
And his speech holds true, for now, as then,
'Tis after death that we measure men;
And as mists of the past are rolled away,
Our heroes who died in their tattered gray
Grow taller and greater in all their parts.
Till they fill our minds as they fill our hearts.
And for those who weep in this belief,
That glory sits by the side of grief.

Now, let us not forget the rapidly diminishing band of living heroes, who fought through four bloody years of war, who have lived to be old, and who are now in want. [Applause.]

The country has progressed. Fifteen or twenty years ago a bill of this character would have had scant hearing in this body and in the country. Senator WORKS last year wrote to Gen. J. R. Gibbons, of my State, commenting on his bill, and, among other things, said:

I do not see why the South should have any feeling of injured pride on account of the Government furnishing aid and comfort and giving cheer to these old men. The time has certainly come when this can be done without offending the sense of patriotism on the part of any citizen. In the United States Senate at this time there are five Union veterans and five Confederate soldiers. One of the Confederate soldiers is a Member who has occupied the chair next to mine for a long time. I am glad, indeed, to do what I can to bring about this beneficial and patriotic act on the part of the Government of the United States. I hope that the people of the South will appreciate the fact that this is done only in the effort to do what seems to me to be a worthy and a patriotic act on the part of our Government.

He was speaking about his bill proposing to turn over the Federal soldiers' home, near Johnson City, Tenn., to the Confederate veterans.

As above stated, the bill I am discussing is growing rapidly in popularity. Many of the great papers of the South are calling attention to it. In a recent issue of the Montgomery Journal, an influential paper of Alabama, is a lengthy editorial indorsing the measure, a few sentences of which I beg to quote:

There could be no more fitting time than the present, while there are wars and rumors of wars, for a practical recognition of the South as an integral part of the United States.

Speaking of my bill the editor, Mr. Horace Hood, says:

This bill is most timely. It is timely in that it is a time for closing up the ranks; letting the dead past be forgotten, as it has long been forgiven; and let the North demonstrate in a practical way that there is no recognition of any section to the exclusion of any other or any sectional differences; that we are one and the same, not only in spirit and purpose, in loyalty and devotion to our country, but in sentiment that shows itself in a practical way that is being practically demonstrated, and is just recognition of as brave a foe as ever was met upon the bloodiest of battle fields.

If we mistake not, on one occasion, when the late President McKinley visited New Orleans, he was so royally treated by the Confederate veterans of Louisiana that he said in his address on that occasion that he had not dreamed that there was such a kindly and patriotic feeling among the Confederate veterans, and he was so gratified by his reception and the enthusiasm displayed that he promised when he returned to Washington he would have one of the Members of Congress from his State of Ohio to introduce a bill to put the Confederate veterans on the pension roll. And he tried to keep his word, but a few hot-headed southern Members of Congress, hot-headed at that time and pardonable, but not pardonable now, advised against the proposition, declaring it was an insult to the Confederate soldiers; that they did not have to be paid to be loyal to the Government; and, of course, the idea "died a bornin'" in the house of its friends.

I quote below extracts from the Macon Telegraph:

This bill appeals with great force to the veterans of the South. The Grand Army of the Republic favors pensions by the Government for surviving Confederate veterans. The Government can afford to restore the money improperly taken under the law governing seizures of cotton and other property. For its fame, for its social peace, for its pride of national honor, the Government should no longer refuse to return this money, and, as the legal owners can not now get it, let it be paid to the old soldiers and their widows.

Let us not forget the few remaining Confederate soldiers. They have received as medals only scars, and for their loss of time, blood, and money, their loss of the opportunity to obtain an education, no money compensation. They will soon pass away and shall dream no more of the glories they won in battle.

Out of the gloom of vanished years
A column is marching to-day;
Fling out your banners and greet them with cheers,
The heroes in jackets of gray.
Onward they march to the land of the blest,
Onward o'er life's dusty way;
Soon with their comrades in peace they shall rest,
Shall rest in their jackets of gray.

Brethren of the virile North, the South deserves your good opinion and is entitled to your hearty and fraternal "God speed and good luck." There is no fairer land. When God made Dixie he was in a particularly happy frame of mind. He swept the wide universe with his mighty eye, and reaching out his generous hand he gathered together, in the twinkling of an eye, a thousand square miles of blue sky and unrolled it like a scroll from the Ohio to the Gulf and from ocean to ocean. He lighted it by day with the same smiling sun that shed its brilliant rays over cultured Athens in the golden age of Pericles, and shone over happy Italy when Horace sang of the field and the vine. He sowed this blue sky with stars that look like angels' eyes. He planted in the south seas the Southern Cross and flooded the blessed land with flowers and sunshine. He peopled this section with a self-respecting manhood and a womanhood as pure as the pond lily's spotless leaf. He caused to develop here an "upright race who love the land because it is their own, and scorn to give another reason why, who would shake hands with a king upon his throne and think it a kindness to his majesty." [Applause.] The South has grown apace. It now has a population of over 27,000,000, 4,000,000 more than the United States had in 1860. In 1860 the capital invested in all American enterprises was one billion, while now the South alone has two and one-fourth billion invested. The total value of all agricultural products in 1860 in the United States was one billion seven hundred and fifty million. Now southern farms are turning out two and one-half billions of agricultural products annually. In 1860 the United States had a total wealth of sixteen billions. To-day the wealth of the South alone is estimated at twenty-one billions.

It is a land of orchard and grain, a land of rice and cotton, a land of golden Indian summers, a land of gorgeous sunsets, and the moon sails through the blue seas of her cloudless nights like a ship of pearl. It is a land of enchantment and variety, here a stately country home, there a big plantation, with its broad, fat acres laughing under a harvest of good things. The mockingbird sings until midnight among the fragant magnolias, the pink peach blooms, and the purple apple blossoms. Here is the fragrant pine, there the cedar, dusk and dim; here the virile white oak, there the branching elm, there the stately mountain range; there a lake of silver, there by the roadside a bubbling spring ever holding up its pouting lips to be kissed by the thirsty traveler. [Applause.]

God made the South, and when He had finished this masterpiece He saw it was good, and said, "Moreover this is my country, my South, and behold it was so."

Let no Harry Hotspur of the South say in this Chamber that he would scorn to accept from this Government any help for the Southern soldier. Why not leave this matter of acceptance to the soldier himself? And let no Member from the great North say that disloyalty should not be rewarded. Such declarations will tend to destroy the blessed peace that now hovers over the two sections, and "pour the milk of concord into hell."

In a war museum in Chicago there is a certain miracle in lead. It was made by the impact of two bullets fired in one of the battles of the Civil War. Two leaden messengers of death sped through the air from the opposing lines, hissing the hate felt by those who fired the shots, one from a Northern rifle, the other from a Southern musket. Meeting midway between the battle lines they melted into a solid leaden star. This leaden star now exemplifies the unity of the once hostile sections, now happily welded together, emblematic of the feeling prevailing among peoples now claiming one flag, one country, and one God. [Applause.]

At the beginning of the year there were some sharp passages between the gentleman from Missouri [Mr. SHACKLEFORD] and the gentleman from Wisconsin [Mr. STAFFORD] and the gentleman from Massachusetts [Mr. GARDNER]. I quite agree with the first two gentlemen, that we should not be hostile to these American citizens who were born under foreign flags, who now love America, but who have not forgotten the land of their birth. We have many loyal French-Americans, Russian-Americans, British-Americans, German-Americans, Scandinavian-Americans, who love our country and are a credit to it. Nor should we unduly criticize Massachusetts or Boston. I remember that a certain memorable and highly creditable tea party occurred at Boston, attended largely by Boston people. I remember the midnight ride of Paul Revere. I remember that the shot that was fired at Lexington was heard round the world. Nor should we forget a certain monument, piercing the sky like a giant's spearhead, attesting a very worthy enterprise occurring at Bunker Hill.

The cost of these pensions will be a mere bagatelle. This great Nation is now the richest in the world and well able to pay them. The Republic is too great to deny this relief. This Nation will live forever. Southern valor could not destroy it, and what southern valor could not destroy the world need not attempt.

We are partial to the South, and you would not respect us if we were not. Somehow "Dixie" raises more enthusiasm in the South than does "Yankee Doodle." "Dixie" is the best war tune ever written. [Applause.] It is such a stirring air and one so full of South-loving sentiment, and written by Dan Emmett, of Ohio; God bless him. There is that in the music that tells of the magnolia and the palmetto; that is eloquent of the cotton fields and the broad acres of the old plantation; that tells of the mocking bird, the violet skies, the land of beautiful women and gallant men, the land of flowers and sunshine and chivalry. God pity the man of the South who refuses to yell when the band plays "Dixie." Somehow "Down Where the Cotton Blossoms Grow" sounds better to us than does "John Brown's Body." Somehow "Down on the Cumberland" is a little more musical than "Up on the Wabash." Somehow "'Midst the Old Virginia Pines" suits our fancy better than "Way Down in Maine." Somehow "My Old Kentucky Home, Good Night," is more suited to our taste than "Marching with Sherman Through Georgia." Somehow "Surrey of Eagle's Nest" reads better, we think, than "Uncle Tom's Cabin." And the virile, brave, red-blooded men of the North commend us for this sentimental loyalty.

Men of the North and the West and the East and the South, the soldiers of the Confederacy are old and are rapidly growing older. Their ranks are thinning faster than when the men in blue poured deadly hail into their faces. One by one God is touching them with His finger and calling them home. The world is better for their having lived in it, and will miss them when they are gone. The cause they fought for was lost, but they will leave behind them a record of stainless honor more to be desired than victory. The red badge of courage has ever been a passport to respect, and courage they had to the point of recklessness. In a few years the sturdiest of them will strike his tent for the march which will end in the great hereafter. There he will meet the kingly Lee, who said at Appomattox, "Boys, I have done the best I could for you; go home and make good citizens." There he will meet the eagle-souled Stonewall, the peerless Albert Sidney Johnston, Price, Cleburne, Ewell, Pickett, the Hills, and Longstreet, as gallant a company of heroes as God's sun ever shone upon. There he will meet many a gallant spirit who fell in the ranks with his face to the foe. That will be a grand reunion.

Remembering the dead, let us not forget the living. Let us cleanse our souls by the act of justice contemplated by this bill. Let us pay an honest debt. Let us give over this conscience money to those who are entitled to it, to those who will appreciate it, to those who need it; and by this act of equity and generosity we will bind together with hooks of steel the North and South and thus form a "more perfect Union." [Applause.]

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

The name of George F. Lewis, late of Company A, Forty-second Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $27 per month in lieu of that he is now receiving.

The name of James D. Reed, late of Company F, Fourth Regiment Provisional Enrolled Missouri Militia, and pay him a pension at the rate of $27 per month in lieu of that he is now receiving.

The name of Mary E. Leavitt, widow of Alden C. Leavitt, late of Company G, Third Regiment Minnesota Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Allen Osborn, late of Company D, First Regiment Michigan Volunteer Heavy Artillery, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of George W. Bowser, late of Company C, Ninth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $27 per month in lieu of that he is now receiving.

The name of Eliza J. Michael, widow of Stephen J. Michael, late of Company I, Eleventh Regiment Missouri Volunteer Cavalry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Anna M. Healy, widow of Dennis Healy, late of Battery D, Second Regiment United States Artillery, and pay her a pension at the rate of $12 per month.

The name of Nannie J. McDowell, widow of James H. McDowell, late of Company B, Seventeenth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $24 per month in lieu of that she is now receiving.

The name of Frances M. Hammond, widow of George P. Hammond, of the United States Navy, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Mattie J. Johnson, former widow of Almon W. French, late of Company A, One hundred and eleventh Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Jacob Buzan, late of Company A, Twelfth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $27 per month in lieu of that he is now receiving.

The name of Noah C. Standiford, late of Company B, Sixty-sixth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Lucinda Findley, widow of George H. Findley, late of Company I, One hundred and sixty-eighth Regiment Pennsylvania Drafted Militia Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Henry H. Klock, late of Ninth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Cynthia M. Bowles, widow of Justus C. Bowles, late of Company K, Ninety-second Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Nancy J. Oaks, widow of Daniel Oaks, late of Company B, Eighth Regiment Kentucky Volunteer Cavalry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Starling B. Hendren, late of Company I, Nineteenth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Robert Darrah, late of Company E, Ninety-third Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Ezra Kramer, late of Company C, Sixteenth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $27 per month in lieu of that he is now receiving.

The name of William Runkel, late of Company F, Two hundred and first Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Daniel B. Morris, late of Company D, Seventh Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Hester Stephens, widow of Elijah Stephens, late of Company B, Ninety-first Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Wilson Jones, late of Company A, Thirteenth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Charles H. Holbrook, late of Company D, Coast Guards, Maine Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Francis H. Bailey, late of Company H, Twelfth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of David B. Averill, late of Company E, Tenth Regiment Michigan Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Matilda A. Hammond, widow of Jonathan Hammond, late of Company H, One hundred and thirty-second Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Francis M. Hockinbery, late of Company G, Fifteenth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Ann M. Goulding, widow of John Goulding, late of Battery G, First Regiment Rhode Island Volunteer Light Artillery, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Sanford B. Dickinson, late of Company B, One hundred and forty-eighth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $27 per month in lieu of that he is now receiving.

The name of Thomas J. Gray, late of Company F, Sixty-first Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Luther C Hitchcock, late of Company H, Sixth Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Mary E. Cox, now Wilson, former widow of Joseph S. Cox, late of Company E, One hundred and twenty-fourth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Julia McDade, former widow of John Coffey, late of Company B, Twenty-first Regiment New York Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Jennie Betts, now Corum, former widow of Sheldon Betts, late of Second Independent Battery, Ohio Volunteer Light Artillery, and pay her a pension at the rate of $12 per month.

The name of Solomon Goff, late of Company K, Seventy-eighth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Don C. Salisbury, late of Company C, Sixteenth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of James H. Stevens, late of Company C, One hundred and forty-ninth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Melissa A. Borland, widow of Joseph Borland, late of Companies A and I, Forty-eighth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $24 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Sadie Borland, helpless and dependent child of said Joseph Borland, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Melissa A. Borland the name of said Sadie Borland shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $12 per month from and after the date of death of said Melissa A. Borland.

The name of David McCrory, late of Company K, Eighty-fifth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $27 per month in lieu of that he is now receiving.

The name of Robert A. Evins, late of Company E, Thirtieth Regiment Kentucky Mounted Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Jacob Supinger, late of Company C, One hundred and seventy-fifth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Edgar J. Scott, late of Company B, One hundred and eighty-ninth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John T. Hatch, late of Company G, Forty-fifth Regiment Ohio Volunteer Infantry, and Company I, One hundred and thirty-fifth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $27 per month in lieu of that he is now receiving.

The name of Sarah A. Nichols, widow of Henry B. Nichols, late of Company C, Nineteenth Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The name of Annie Grady, widow of Edmund W. Grady, late of Company K, First Regiment Minnesota Volunteer Cavalry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Mary Mellor, widow of Albert C. Mellor, late of Company H, First Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that that she is now receiving.

The name of Maggie Barron, widow of Patrick Barron, alias Patrick Ryan, late of Company I, Eighty-eighth Regiment New York Volunteer Infantry, and Company G, Eighteenth Regiment Veteran Reserve Corps, and pay her a pension at the rate of $12 per month.

The name of Weltha A. Brown, widow of Edward O. Brown, late of Company E, Tenth Regiment Indiana Volunteer Infantry, and of the United States Volunteers, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The name of Fannie Smith, widow of Wesley P. Smith, late of Company D, Third Regiment Missouri Volunteer Cavalry, and pay her a pension at the rate of $12 per month.

The name of Jacob Skiles, late of Company A, One hundred and ninety-fourth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $27 per month in lieu of that he is now receiving.

The name of Susanah M. Fraker, widow of Robert M. Fraker, late of Company E, Sixth Regiment Missouri Volunteer Cavalry, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The name of Lodemia E. Kingsley, dependent mother of Henry Kingsley, late of Company A, One hundred and seventy-ninth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Guy C. Pierce, late of Company D, Fourth Regiment Wisconsin Volunteer Cavalry, and of Company D, Fourth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Robert Hunt, late of Company I, Fourteenth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Jacob Burnell, late of Company G, Tenth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Sarah F. Nicholas, widow of Horatio Nicholas, late of Company G, Fourth Regiment Provisional Enrolled Missouri Militia, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Sarah V. Howren, widow of Charles A. C. Howren, late of Company A, Eighty-fourth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $24 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Lillian May Howren, helpless and dependent child of said Charles A. C. Howren, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Sarah V. Howren, the name of said Lillian May Howren shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $12 per month from and after the date of death of said Sarah V. Howren.

The name of Elmanda Scott, widow of Thomas H. Scott, late of Company D, Ninety-eighth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Peter B. Wells, late of Company E, Forty-fifth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Asa W. Taylor, late of Company D, Eighty-third Regiment New York Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Elliott Barnett, late of Company K, Thirteenth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Mary A. Heckman, widow of Daniel Heckman, late of Company F, One hundred and forty-second Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Mathias Boberg, late of Company A, Thirty-seventh Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John J. Wolff, late of Company C, Sixty-eighth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Ida M. Prame, widow of Jerome B. Prame, late of Company C, Ninety-fourth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Rebecca J. Ross, former widow of Thomas H. B. Ross, late of Company K, Eighty-ninth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Louise K. Bard, widow of John P. Bard, late of Company K, Forty-second Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $24 per month in lieu of that she is now receiving.

The name of Mary A. Jolly, widow of Joseph Jolly, late of Company C, Thirty-fourth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of John D. Caswell, late of Company G, Ninety-fifth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $27 per month in lieu of that he is now receiving.

The name of William H. Hubbard, late of Company E, Thirty-sixth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Lizzie Hayes, widow of Joseph M. Hayes, late of Company G, Forty-fifth Regiment Illinois Volunteer Infantry, and pay her

a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Marcus Kenyon, late of Company C, Eighth Regiment New York Volunteer Heavy Artillery, and of Company I, Tenth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of George W. Hadley, late of Company C, Forty-first Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $27 per month in lieu of that he is now receiving.

The name of John P. Powell, late of Company K, One hundred and first Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Deborah J. Meek, former widow of Augustus Henry, late of Company H, Sixty-seventh Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Felix Allbaugh, late of Company C, Fifteenth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William Hall, late of Company F, Fourth Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Frank A. Pennington, late of Company M, First Regiment District of Columbia Volunteer Cavalry, and of Company D, First Regiment Maine Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Jacob G. Robinson, late of Company A, National Guards East Tennessee, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Sarah H. Benedict, widow of John Benedict, late of Company C, Nineteenth Regiment New York Volunteer Infantry, and Company C, Third Regiment New York Volunteer Light Artillery, and of Company D, Sixteenth Regiment New York Volunteer Heavy Artillery, and pay her a pension at the rate of $12 per month.

The name of Asa T. Brown, late of Company E, Fortieth Regiment Wisconsin Volunteer Infantry, and Forty-eighth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Eva Gerber, widow of Henry Gerber, late of Company A, Van Horn's Battalion United States Reserve Corps, attached to Thirteenth Regiment Missouri Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Victoria Goepfert, widow of John Goepfert, late of Company H, Twenty-eighth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of William F. Doran, late of Company G, One hundred and thirty-ninth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Dora A. Davis, former widow of George A. Davis, late of Company I, Twenty-eighth Regiment Michigan Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Hannah M. Lansing former widow of James Rogers, late of Company A, First Regiment Illinois Volunteer Light Artillery, and pay her a pension at the rate of $12 per month.

The name of John Rockwell, late of Company F, One hundred and twenty-first Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Josiah R. Sampson, late of Company D, Twenty-fifth Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Mary Carroll, helpless and dependent child of John Carroll, late of the United States Navy, and pay her a pension at the rate of $12 per month.

The name of Caroline Spragg, former widow of Jerome B. Heath, late of Company G, Thirteenth Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of John Stack, late of Company A, Seventy-fifth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Thomas Wetherall, late of the United States Navy, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Jasper Stoops, late of Company H, Fifty-fifth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $18 per month.

The name of Robert R. McCrory, late of Company A, One hundred and sixty-third Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John W. Burks, late of Captain Hawkins's independent company Missouri Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Donat Weissenberg, late of Company A, First Regiment Wisconsin Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Mary M. Varble, former widow of John H. Varble, late of Company A, Fiftieth Regiment Missouri Volunteer Infantry, and pay her a pension at the rate of $20 per month.

The name of George White, late of Company F, One hundred and forty-eighth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Orin Brewster, helpless and dependent child of Joel T. Brewster, late of Company G, Fourteenth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $12 per month.

The name of Alvira Slater, widow of Edgar Slater, late of Company F, Thirty-sixth Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Hiram Swank, late of Company G, One hundred and twenty-sixth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Henry Nye, late of Company D, Thirty-third Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Johanna Neil, widow of John Neil, late of Company E, Forty-third Regiment New York Volunteer Infantry, and Fifty-first Company, Second Battalion Veteran Reserve Corps, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Simeon J. Dalbey, late of Company B, Fortieth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of John R. Johnson, late of Company H, Fifty-ninth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Margaret J. Valentine, widow of Alfred Valentine, late hospital steward, United States Army, and Company F, Sixty-fourth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $24 per month in lieu of that she is now receiving.

The name of Azubath Srofe, widow of John V. Srofe, late of Company E, Seventh Regiment Ohio Volunteer Cavalry, and pay her a pension at the rate of $24 per month in lieu of that she is now receiving.

The name of Jacob L. Renshaw, late of Company D, One hundred and sixty-eighth Regiment Pennsylvania Drafted Militia Infantry, and pay him a pension at the rate of $27 per month in lieu of that he is now receiving.

The name of Theodore Ludwig, late of Company E, One hundred and eighty-sixth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $27 per month in lieu of that he is now receiving.

The name of Payton Blackburn, late of Company E, Thirty-ninth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Albert Thompson, late of Company D, Thirty-ninth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Maranda E. Fisher, widow of John W. Fisher, late of Company C, Twenty-fifth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Sarah Hollis, widow of Newton Hollis, late of Company C, First Regiment New Hampshire Heavy Artillery, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of James H. D. Goodwin, late of Company C, Thirty-third Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of James H. Bryan, late of Company B, Eighty-fifth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of David A. Sawyers, late a hospital steward, United States Army, and of Company C, Thirty-sixth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Elizabeth B. Dickman, widow of Charles B. Dickman, late acting ensign, United States Navy, and pay her a pension at the rate of $12 per month.

The name of John C. Gorman, late of Company G, Tenth Regiment Indiana Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Margaret Wolf, widow of Joseph W. Wolf, late of Company K, One hundred and fifty-eighth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Rebecca Reed, widow of Kennedy Reed, late of Company C, One hundred and eighty-fourth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Montivill Cooksey, late of Company G, Forty-fifth Regiment Kentucky Volunteer Mounted Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Ephraim B. Wilhoit, late of Company I, Twenty-second Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Cyrus A. Lewis, late of Company K, Fourth Regiment Michigan Volunteer Cavalry, and pay him a pension at the rate of $27 per month in lieu of that he is now receiving.

The name of Francis King, late of Company C, Seventh Regiment Michigan Volunteer Cavalry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of James P. Shewman, helpless and dependent child of Sidney A. Shewman, late of Company I, Twenty-third Regiment New York Volunteer Infantry, and pay him a pension at the rate of $12 per month.

The name of George W. Widener, late of Company K, One hundred and thirtieth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Jane Darling, widow of Charles P. Darling, late of Company F, Twenty-second Regiment New York Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Harvey Dittenhafer, late of Company I, Sixty-fourth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James D. Scoles, late of Company A, Third Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Thomas J. Rowlett, late of Company M, Sixteenth Regiment Missouri Volunteer Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Eliza S. Bowen, widow of Alexander S. Bowen, late of Company H, Forty-eighth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $24 per month in lieu of that she is now receiving.

The name of Elmer P. Shepherd, late of Signal Corps, United States Army, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Taylor Otis, late of Company G, Fortieth Regiment Kentucky Volunteer Mounted Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Caroline Simons, widow of Joshua B. Simons, late of Company H, One hundred and eighty-ninth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Henry Neely, late of Company E, Eighth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Ambrose Parish, late of Company K, Fifty-third Regiment, and Company D, Twenty-fourth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Lewis R. Morgan, late of Company E, Twelfth Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of $27 per month in lieu of that he is now receiving.

The name of Ellen Moffatt, helpless and dependent child of William Moffatt, late of Company F, One hundred and forty-fourth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Patrick Martin, late of Company G, Second Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Charles W. Bushnell, late of the Fourth Independent Battery, Wisconsin Light Aratillery, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Adalaide Wagner, widow of Lewis J. Wagner, late of Company H, Twenty-ninth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The name of Mariette Hathaway, widow of Gilbert B. Hathaway, late of Company E, One hundred and fifth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of John W. Bush, late of Company A, Seventeenth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $27 per month in lieu of that he is now receiving.

The name of Nancy M. Gray, widow of Abner S. Gray, late of Company F, One hundred and eleventh Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The name of William H. Brown, late of Company A, Twenty-seventh Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Sarah J. Miller, widow of James F. Miller, late of Company C, Ninth Regiment Missouri State Militia Cavalry, and pay her a pension at the rate of $24 per month in lieu of that she is now receiving: *Provided*, That in the event of the death or Elizabeth Miller, helpless and dependent child of said James F. Miller, the additional pension herein granted shall cease and determine; *And provided further*, That in the event of the death of Sarah J. Miller, the name of said Elizabeth Miller shall be placed on the pension roll, subject to the provisions and limitations of the pensions laws, at the rate of $12 per month from and after the date of death of said Sarah J. Miller.

The name of John Toner, late of Capt. Jones's company, Ninety-seventh Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $27 per month in lieu of that he is now receiving.

The name of Columbus W. Donnell, late of Company E, Fourteenth Regiment Missouri Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Anne E. Nolan, widow of James Nolan, late of Company I, Fifth Regiment Minnesota Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Hannah F. Blood, widow of Adorno Blood, late of Company F, One hundred and fifth Regiment, and Company E, Thirty-eighth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Jacob Hare, late of Company G, First Regiment West Virginia Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of George W. Jacobs, late of Company E, Eighth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

Mr. BURKE. Mr. Chairman, I move that the bill be laid aside with a favorable recommendation.

The motion was agreed to.

The foregoing bill is a substitute for the following House bills referred to the Committee on Invalid Pensions:

H. R. 786. Joshua R. Matchett.
H. R. 877. George F. Lewis.
H. R. 878. James D. Reed.
H. R. 923. Mary E. Leavitt.
H. R. 964. Allen Osborn.
H. R. 966. George W. Bowser.
H. R. 1003. Eliza J. Michael.
H. R. 1211. Anna M. Healy.
H. R. 1279. Nannie J. McDowell.
H. R. 1334. Frances M. Hammond.
H. R. 1365. Mattie J. Johnson.
H. R. 1368. Jacob Buzan.
H. R. 1403. Noah C. Standiford.
H. R. 1404. Lucinda Findley.
H. R. 1405. Henry H. Klock.
H. R. 1488. Cynthia M. Bowles.
H. R. 1583. Nancy J. Oaks.
H. R. 1601. Starling B. Hendren.
H. R. 1720. Robert Darrah.
H. R. 1759. Ezra Kramer.
H. R. 1785. William Runkel.
H. R. 1804. Daniel B. Morris.
H. R. 1834. Hester Stephens.
H. R. 1847. Wilson Jones.
H. R. 1907. Charles H. Holbrook.
H. R. 1911. Francis H. Bailey.
H. R. 1917. David B. Averill.
H. R. 1977. Matilda A. Hammond.
H. R. 2071. Francis M. Hockinbery.
H. R. 2146. Anna M. Goulding.
H. R. 2187. Sanford B. Dickinson.
H. R. 2244. Thomas J. Gray.
H. R. 2272. Luther C. Hitchcock.
H. R. 2302. Mary E. Cox, now Wilson.
H. R. 2562. Julia McDade.
H. R. 2685. Jennie Betts, now Corum.
H. R. 2704. Solomon Goff.
H. R. 2796. Don C. Salisbury.
H. R. 2986. James H. Stevens.
H. R. 3006. Melissa A. Borland.
H. R. 3115. Annie Grady.
H. R. 3125. David McCrory.
H. R. 3132. Robert A. Evins.
H. R. 3186. Jacob Supinger.
H. R. 3201. Edgar J. Scott.
H. R. 3252. Sarah A. Nichols.
H. R. 3276. Mary Mellor.
H. R. 3415. Maggie Barron.
H. R. 3422. Weltha A. Brown.
H. R. 3453. Fannie Smith.
H. R. 3759. Jacob Skiles.
H. R. 3779. Susanah M. Fraker.
H. R. 3812. Lodemia E. Kingsley.
H. R. 3822. Guy C. Pierce.
H. R. 3873. Robert Hunt.
H. R. 3876. Jacob Burnell.
H. R. 3892. Sarah F. Nicholas.
H. R. 3982. Sarah V. Howren.
H. R. 3987. Elmanda Scott.
H. R. 4085. Peter B. Wells.
H. R. 4324. Asa W. Taylor.
H. R. 4339. Elliott Barnett.
H. R. 4355. Mary A. Heckman.
H. R. 4372. Mathias Boberg.
H. R. 4376. John J. Wolff.
H. R. 4394. Ida M. Prame.
H. R. 4402. Rebecca J. Ross.
H. R. 4541. Louise K. Bard.
H. R. 4549. Mary A. Jolly.
H. R. 4627. John D. Caswell.
H. R. 4693. John T. Hatch.
H. R. 4858. William H. Hubbard.
H. R. 5061. Marcus Kenyon.
H. R. 5064. George W. Hadley.
H. R. 5083. Lizzie Hayes.
H. R. 5111. John P. Powell.
H. R. 5140. Deborah J. Meek.
H. R. 5285. Felix Allbaugh.
H. R. 5388. William Hall.
H. R. 5508. Frank A. Pennington.
H. R. 5523. Jacob G. Robinson.
H. R. 5592. Sarah H. Benedict.
H. R. 5597. Asa T. Brown.
H. R. 5709. Eva Gerber.
H. R. 5811. Victoria Goepfert.
H. R. 5813. William F. Doran.
H. R. 5917. Dora A. Davis.
H. R. 5969. Hannah M. Lansing.
H. R. 6123. John Rockwell.
H. R. 6133. Josiah R. Sampson.
H. R. 6165. Mary Carroll.
H. R. 6186. Caroline Spragg.
H. R. 6215. John Stack.
H. R. 6260. Thomas Wetherall.
H. R. 6283. Jasper Stoops.
H. R. 6494. Robert B. McCrory.
H. R. 6604. John W. Burks.
H. R. 6621. Donat Weissenberg.
H. R. 6686. Mary M. Varble.
H. R. 6703. George White.
H. R. 6968. Orin Brewster.
H. R. 6977. Alvira Slater.
H. R. 6991. Hiram Swank.
H. R. 7010. Henry Nye.
H. R. 7094. Johanna Nell.
H. R. 7101. Simeon J. Dalbey.
H. R. 7107. John R. Johnson.
H. R. 7153. Margaret J. Valentine.
H. R. 7169. Azubath Srofe.
H. R. 7170. Jacob L. Renshaw.
H. R. 7177. Theodore Ludwig.
H. R. 7191. Payton Blackburn.
H. R. 7195. Albert Thompson.
H. R. 7286. Maranda E. Fisher.
H. R. 7308. Sarah Hollis.
H. R. 7335. James H. D. Goodwin.
H. R. 7404. James H. Bryan.
H. R. 7500. David A. Sawyers.
H. R. 7719. Elizabeth B. Dickman.
H. R. 7913. John C. Gorman.
H. R. 8078. Margaret Wolf.
H. R. 8081. Rebecca Reed.
H. R. 8102. Montivill Cooksey.
H. R. 8106. Ephraim B. Wilholt.
H. R. 8144. Cyrus A. Lewis.
H. R. 8151. Francis King.
H. R. 8181. James P. Shewman.
H. R. 8219. George W. Widener.
H. R. 8284. Jane Darling.
H. R. 8306. Harvey Dittenhafer.
H. R. 8464. James D. Scoles.
H. R. 8595. Thomas J. Rowlett.
H. R. 8689. Eliza S. Bowen.
H. R. 8784. Elmer P. Shepherd.
H. R. 8864. Taylor Otis.
H. R. 8866. Caroline Simons.
H. R. 8964. Henry Neely.
H. R. 9063. Ambrose Parish.
H. R. 9067. Lewis R. Morgan.
H. R. 9072. Ellen Moffatt.
H. R. 9086. Patrick Martin.
H. R. 9169. Charles W. Bushnell.
H. R. 9198. Adelaide Wagner.
H. R. 9247. Mariette Hathaway.
H. R. 9491. John W. Bush.
H. R. 9609. Nancy M. Gray.
H. R. 9617. William H. Brown.
H. R. 9768. Sarah J. Miller.
H. R. 10000. John Toner.
H. R. 10280. Columbus W. Donnell.
H. R. 10293. Anne E. Nolan.
H. R. 10348. Hannah F. Blood.
H. R. 10353. Jacob Hare.
H. R. 10930. George W. Jacobs.

Mr. SWITZER. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. BURKE. Mr. Chairman, I call up the bill S. 3518.

The CHAIRMAN. The gentleman from Wisconsin [Mr. BURKE] calls up the bill S. 3518, which the Clerk will report.

The Clerk read as follows:

An act (S. 3518) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors.

Mr. BURKE. Mr. Chairman, I move that the first reading of the Senate bill be dispensed with.

The motion was agreed to.

The CHAIRMAN. The Clerk will report the bill for amendment.

The Clerk read as follows:

An act (S. 3518) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors.

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws—

The name of George Jaggers, late of Company F, Seventeenth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Barnet Hauver, late of Company B, Seventy-second Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of David Phillips, alias Charles Gray, late of U. S. S. *Key West*, *Great Western*, and *Naumkeag*, United States Navy, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of John R. Thompson, late of Company H, One hundred and forty-third Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Frederick Schnetzer, late of Company G, One hundred and twenty-third Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James H. Goldsborough, late of Company B, One hundred and fifty-fourth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Emma F. Webster, widow of George A. Webster, late of Company H, Tenth Regiment, and Company E, Sixth Regiment, New York Volunteer Heavy Artillery, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of John A. Morris, late captain and assistant quartermaster, United States Volunteers, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Spencer J. Dyer, late of Company B, Third Regiment Illinois Volunteer Cavalry, and second lieutenant Company K, Fifth Regiment United States Colored Volunteer Heavy Artillery, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Jane E. Bloss, widow of George E. Bloss, late of Company H, Fiftieth Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving and $2 per month additional on account of the minor child of the said George E. Bloss until she reaches the age of 16 years.

The name of Cyrus Spooner, late of Company K, Sixth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Delias W. Compton, late of Company F, Thirty-eighth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Catherine Scheibel, widow of William Scheibel, late of Company M, First Regiment Connecticut Volunteer Cavalry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Charlotte J. Smith, widow of Frederick L. Smith, late of Company F, Twenty-third Regiment Connecticut Volunteer Infantry,

and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Lydia A. Smith, widow of Augustus E. Smith, late of Company E, First Regiment Connecticut Volunteer Heavy Artillery, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Daniel L. Tallcott, late of Company G, Twenty-fifth Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Aurelia M. Todd, widow of Samuel D. Todd, late of Company D, Sixteenth Regiment Connecticut Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Emma M. Bowman, widow of Edward Bowman, late of Company E, Ninth Regiment Vermont Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Susie S. Flanders, widow of George J. Flanders, late of Company D, Eighteenth Regiment New Hampshire Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Josiah P. Hackett, late of Company A, Seventeenth Regiment United States Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Andrew Jewell, late of Company A, Eighteenth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of William J. Young, late of Company K, Thirty-sixth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Rebecca Hutton, widow of Michael Hutton, late of Company C, Twelfth Regiment Pennsylvania Volunteer Cavalry, and Company D, Two hundred and second Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Peter M. Miller, late of Company E, Forty-fifth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Thomas A. Carpenter, late of Company H, Twelfth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Mary Bresnahan, widow of John Bresnahan, late of Company F, Tenth Regiment New Hampshire Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Josiah A. Dadmun, late musician, Third Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Irving W. Coombs, late of Company H, Fifteenth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Samuel Hodgkins, late of Company C, Fifteenth Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Theophile A. Dauphin, late of Company K, Eighty-sixth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John W. Wooley, alias John Wilson, late of Company F, Third Battalion, Fifteenth Regiment United States Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William H. Steel, late of Company D, First Regiment Delaware Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Frederick Ickley, late of Company D, Fourteenth Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Caroline E. Beck, widow of George A. Beck, late of Company H, Thirteenth Regiment Illinois Volunteer Cavalry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Nicholas A. Bovee, late of Company E, Seventh Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Matilda J. Hampton, widow of John Hampton, late of Company H, First Regiment Iowa Volunteer Cavalry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Harvey E. Derrin, late unassigned, Fourteenth Regiment, and Company L, Sixth Regiment, New York Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Alverton H. Town, late of Company G, Ninety-sixth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Ruby L. Knapp, helpless and dependent child of William B. Knapp, late of Company D, Twenty-fourth Regiment Michigan Volunteer Infantry, and hospital steward, United States Army, and pay her a pension at the rate of $12 per month.

The name of Terance McGrath, late of U. S. S. *Ohio*, *Lockwood*, and *Hetzel*, United States Navy, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Bridget Prickett, widow of Milton Prickett, late of Company A, First Regiment Oregon Volunteer Cavalry, and pay her a pension at the rate of $12 per month.

The name of William Shaw, late of Company K, Thirtieth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Horace H. Lockwood, late of Company D, Second Regiment Kentucky Volunteer Infantry, and First Independent Company, Ohio Volunteer Cavalry, and pay him a pension at the rate of $21 per month.

The name of George W. Sargent, late of Company F, Twenty-seventh Regiment, and Company F, Twelfth Regiment, Iowa Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Mary B. Yerington, former widow of Almon Yerington, late of Company E, Sixth Regiment Michigan Volunteer Cavalry, and pay her a pension at the rate of $12 per month.

The name of Matilda Davis, widow of William H. Davis, late of Company D, Fifth Regiment Michigan Volunteer Cavalry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Henry Wagoner, late of Company D, Seventy-seventh Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Rufus S. Maxwell, late of Company F, Nineteenth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Herbert M. Starbird, late of Company M, First Regiment District of Columbia Volunteer Cavalry, and Company D, First Regiment Maine Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Abbie F. Dyer, widow of Ambrose S. Dyer, late first lieutenant Company H, Fifth Regiment Maine Volunteer Infantry, and pay her a pension at the rate of $25 per month in lieu of that she is now receiving.

The name of Henry J. McFadden, late second lieutenant Company D, Forty-third Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Harris B. Hubbell, late of Company D, First Regiment Illinois Volunteer Light Artillery, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Orin W. Goodale, late of Company A, First Regiment Michigan Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Eliza M. Watkins, widow of Joseph H. Watkins, late of Company K, One hundred and twenty-third Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $24 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Essie Watkins, helpless and dependent child of said Joseph H. Watkins, the additional pension herein granted shall cease and determine: *Provided further*, That in the event of the death of Eliza M. Watkins the name of the said Essie Watkins shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $12 per month, from and after the date of death of said Eliza M. Watkins.

The name of William Howard, late of Company B, One hundred and second Regiment United States Colored Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Isaac H. Bodenhamer, late of Company A, Seventy-eighth Regiment, Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Aliza A. Gordon, widow of Eli P. Gordan, late of Company E, Fifth Regiment Illinois Volunteer Cavalry, and pay her a pension at the rate of $12 per month.

The name of Americus V. Larrance, late of Company G, One hundred and twenty-fourth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Harriet A. Turnbull, widow of John M. Turnbull, late first lieutenant Company C, Thirty-sixth Regiment Illinois Volunteer Infantry, and former widow of Samuel R. Edwards, late of Company D, One hundred and thirty-eighth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $20 per month.

The name of Emma D. Phelps, widow of George W. Phelps, late of Company H, Sixtieth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Franklin H. Gillett, late of Company A, First Regiment Minnesota Volunteer Heavy Artillery, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of George W. Halsey, late of Company D, One hundred and thirtieth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Lavina Hunter, widow of William F. Hunter, late of Company A, Ninety-seventh Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Abraham Jones, late of Company I, Sixth Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of William Kenyon, late of Company I, Thirteenth Regiment Indiana Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Ebenezer C. Lafollett, late of Company F, One hundred and fortieth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Catharine Mayer, widow of Nikolas Mayer, late of Company I, One hundred and forty-third Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $24 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Clara Mayer, helpless and dependent child of said Nikolas Mayer, the additional pension herein granted shall cease and determine: *Provided further*, That in the event of the death of Catharine Mayer the name of the said Clara Mayer shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $12 per month from and after the date of death of said Catharine Mayer.

The name of George Ringle, late of Company K, Twenty-ninth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Alfred P. Williams, late of Company G, Fifty-ninth Regiment, and Company F, Sixty-sixth Regiment, Indiana Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of George E. Fleming, late of Company D, Sixty-ninth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Susan M. Lysinger, widow of Joseph H. Lysinger, late of United States Navy, and pay her a pension at the rate of $12 per month.

The name of George W. Aldrich, late of Company A, Fifth Regiment Indiana Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of August Baker, late of Company K, One hundred and twenty-third Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Samuel Dunham, late of Company G, Thirty-third Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William C. Fickas, late of Company L, Second Regiment Missouri Volunteer Light Artillery, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Hacker Davis, late of Company I, Thirty-first Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Amelia Hubbard, widow of Lucius F. Hubbard, late colonel Fifth Regiment Minnesota Volunteer Infantry, and brevet brigadier general United States Volunteers, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The name of James Wilson, late of Company L, Thirteenth Regiment Tennessee Volunteer Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of William R. Morrell, late of Company A, Thirteenth Regiment Tennessee Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Richard H. McWhorter, late first lieutenant Company C, Thirteenth Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George W. Hill, late of the U. S. ram *Queen of the West*, United States Navy, and pay him a pension at the rate of $21.50 per month in lieu of that he is now receiving.

The name of George Bond, late of Company C, Thirteenth Regiment Kansas Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of George W. Adams, late of Company B, Twenty-second Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Maria E. Bowers, widow of Ira M. Bowers, late second lieutenant Company H, First Regiment Maine Volunteer Heavy Artillery, and pay her a pension at the rate of $25 per month in lieu of that she is now receiving.

The name of Charles P. De Forest, late of Company A, Tenth Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Henry H. Geer, late of Company B, Eighteenth Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Margaret Semple, widow of James W. Semple, late of Company A, Eighteenth Regiment Connecticut Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Henry H. Klock, late first lieutenant and adjutant Ninth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of May Bell Anderson, widow of Thomas J. Anderson, late first lieutenant and aid-de-camp Gen. Lane's staff, United States Volunteers, and major and assistant adjutant general, United States Volunteers, and pay her a pension at the rate of $25 per month in lieu of that she is now receiving.

The name of Eugene B. Fisher, late of Company D, Twenty-third Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of James S. Ames, late of Company G, Eighty-seventh Regiment, and Company G, Forty-second Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Henry J. Mullins, late of Company A, Twenty-fourth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Hannah R. Linton, widow of James D. Linton, late of Company D, One hundred and twenty-fourth Regiment Pennsylvania Volunteer Infantry, and former widow of Benjamin Linton, late of Company F, Fourth Regiment New Jersey Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Sarah E. Hanes, widow of John Hanes, late of Company D, Twenty-fifth Regiment New Jersey Volunteer Infantry, and pay her a pension at the rate of $24 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Joseph H. Hanes, helpless and dependent child of said John Hanes, the additional pension herein granted shall cease and determine: *Provided further*, That in the event of the death of Sarah E. Hanes, the name of the said Joseph H. Hanes shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $12 per month from and after the date of death of said Sarah E. Hanes.

The name of Nancy C. Fouts, widow of William P. Fouts, late of Company B, Fifth Regiment Iowa Volunteer Infantry, and former widow of Norman J. Painter, late of Company B, First Regiment Michigan Engineers and Mechanics, and pay her a pension at the rate of $12 per month.

The name of Mary Norton, helpless and dependent child of Patrick Norton, late of Company A, Forty-second Regiment New York Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Napoleon Tulip, late of Company I, Seventeenth Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Ann L. Elliott, former widow of Jesse Elliott, late of Company H, Thirteenth Regiment Kansas Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Martha C. Igo, widow of Daniel Igo, late of Company E, Eleventh Regiment Pennsylvania Volunteer Infantry, and first lieutenant Company I, Two hundred and eleventh Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Jesse Thompson, late of Company E, Thirteenth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Bella Curry, widow of Amos P. Curry, late captain Company B, Tenth Regiment Missouri Volunteer Cavalary, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Susan Robinson, widow of Squire Robinson, late of Company G, Seventy-fourth Regiment Indiana Volunteer Infantry, and former widow of Robert G. Bloomfield, late of Company K, Thirtieth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Caroline J. Cromwell, widow of Charles W. Cromwell, late first lieutenant Company H, First Regiment Minnesota Volunteer Mounted Rangers, and pay her a pension at the rate of $25 per month in lieu of that she is now receiving.

The name of Gideon Mason, late of Company C, Ninety-second Regiment Ohio Volunteer Infantry, and One hundred and twenty-sixth Company, Second Battalion Veteran Reserve Corps, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Gabriel Anderson, alias Gabriel Oleson, late of Company D, Thirty-eighth Regiment, and Company H, Thirty-fourth Regiment, Iowa Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Joseph Lappler, late of Company D, Second Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Samuel M. Terry, late of Troops D and K, Second Regiment United States Cavalry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Louisa Gaither, widow of George Gaither, late of Company H, Sixth Regiment United States Colored Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of John Wiebel, late of Company F, Third Regiment Potomac Home Brigade, Maryland Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Elander R. Grant, late of Company D, Second Regiment Maine Volunteer Cavalry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Joseph Wentworth, late of U. S. S. *Ohio*, *Albatros*, and *Princeton*, United States Navy, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Edward A. Savage, late of Company E, One hundred and twenty-sixth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of William O. Freeman, late of U. S. S. *Sabine*, *Ohio*, and *Casco*, United States Navy, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Zadoc McFarland, alias Samuel G. West, late of Company G, Eighth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Robert R. Ferris, late of Company G, One hundred and seventy-ninth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Sarah E. Davis, widow of Benjamin F. Davis, late of Companies I and A, Fourteenth Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of John Kemmer, late of Company K, Forty-eighth Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Mary C. Estes, widow of Albert H. Estes, late captain Company E, Tenth Regiment Maine Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of George Osten, late leader of band, Ninth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Joseph L. Buckley, late of Company E, First Regiment West Virginia Volunteer Cavalry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Christopher C. Blake, late of Company G, Second Regiment United States Volunteer Sharpshooters, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of William Wilkins, late of Company D, Twelfth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of True W. Lovering, late of Company F, Thirteenth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Eli W. Adams, late of Company A, Ninety-seventh Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Lydia F. Goodaker, widow of Samuel C. Goodaker, late of Company M, Second Regiment California Volunteer Cavalry, and pay her a pension at the rate of $12 per month.

The name of Mary I. Fawcett, widow of Thomas Fawcett, late of the United States Navy, and pay her a pension at the rate of $12 per month.

The name of Thomas B. Carey, late of Company H, Sixteenth Regiment, and Company F, Seventieth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Jacob Conrad, late of Company E, Thirtieth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Rose A. Mooney, now Reed, former widow of Julius C. Mooney, late of Company K, One hundred and fifty-third Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Sallie A. Hawks, widow of Erastus L. Hawks, late of Company F, One hundred and twenty-first Regiment New York Volunteer Infantry, and major, Tenth Regiment United States Volunteer Infantry, War with Spain, and pay her a pension at the rate of $25 per month in lieu of that she is now receiving.

The following committee amendments were read and agreed to:

Page 6, strike out all of lines 17 to 20, inclusive (pension of Samuel Hodgkins).

Page 9, strike out the first four lines (pension of Horace H. Lockwood).

Page 9, strike out lines 13 to 16, inclusive (pension of Matilda Davis).

Page 15, strike out lines 11 to 15, inclusive (pension of Amelia Hubbard).

Page 17, strike out lines 23 and 24, and lines 1 and 2 on page 18 (pension of James S. Ames).

Page 25, line 5, strike out "$25" and insert in lieu thereof "$20" (pension of Sallie T. Hawks).

Mr. BURKE. Mr. Chairman, I move that the bill as amended be laid aside, with a favorable recommendation.

The motion was agreed to.

Mr. KEY of Ohio. Mr. Chairman, I call up the bill H. R. 11240.

The CHAIRMAN. The Clerk will report it.

The Clerk read the title of the bill, as follows:

A bill (H. R. 11240) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain

soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors.

Mr. KEY of Ohio. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from Ohio [Mr. KEY] asks unanimous consent that the first reading of the bill be dispensed with. Is there objection?

There was no objection.

The CHAIRMAN. The Clerk will read the bill for amendment.

The Clerk read as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws—

The name of Virgil Womack, late of Troop F, Fourth United States Cavalry, Regular Establishment, and pay him a pension at the rate of $12 per month.

The name of Annie Dougherty, widow of Daniel Dougherty, late machinist of the United States Navy, Regular Establishment, and pay her a pension at the rate of $12 per month.

The name of Jane M. Torrance, widow of Robert Torrance, late of Company D, Third Regiment Indiana Volunteers, War with Mexico, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Augustin Buhl, late of band, Sixth Regiment United States Infantry, War with Spain, and pay him a pension at the rate of $17 per month in lieu of that he is now receiving.

The name of Thomas Baxter, late of Battery A, Third Regiment United States Artillery, War with Spain, and pay him a pension at the rate of $17 per month.

The name of Ella V. Holliday, widow of Alexander G. Holliday, late of Company H, Sixth Regiment Illinois Volunteer Infantry, War with Spain, and pay her a pension at the rate of $12 per month.

The name of Edward H. Dalton, late of the Hospital Corps, United States Army, Regular Establishment, and pay him a pension at the rate of $17 per month.

The name of Nancy A. Sumner, widow of James Sumner, late of Company A, Fourth Regiment United States Infantry, Regular Establishment, and pay her a pension at the rate of $12 per month.

The name of Ellen M. Haney, widow of Charles R. Haney, late of Companies G and F, Tenth Regiment United States Infantry, War with Spain, and pay her a pension at the rate of $12 per month, and $2 per month additional on account of each of the three minor children of the said Charles R. Haney until they reach the age of 16 years.

The name of Leon P. Chesley, late of the One hundred and twenty-first Company, United States Coast Artillery Corps, Regular Establishment, and pay him a pension at the rate of $12 per month.

The name of Robert W. Ward, late of Troop D, Seventh Regiment United States Cavalry, Regular Establishment, and pay him a pension at the rate of $12 per month.

The name of Sarah Hill, widow of Isaac Hill, deceased, late of Company G, First Regiment Illinois Foot Volunteers, War with Mexico, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Martha Ann Benjamin, widow of Fordyce J. Benjamin, late of Company H, Seventh (subsequently First) Regiment New York Volunteers, War with Mexico, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Charles R. Hodges, late of the Eighty-fifth and Eighty-sixth Companies, United States Coast Artillery, Regular Establishment, and pay him a pension at the rate of $12 per month.

The name of Pierce B. Boyer, late of Company K, Second Regiment Tennessee Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Manuel S. Sams, late of Company G, Thirty-eighth Regiment United States Volunteer Infantry, War with Spain, and pay him a pension at the rate of $17 per month in lieu of that he is now receiving.

The name of Harlin L. Clark, late of Company L, Thirty-ninth Regiment United States Volunteer Infantry, and Sixty-third Company United States Coast Artillery, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Anna Phillips Shepherd, formerly widow of Orange H. Phillips, late of Company I, Second Regiment Illinois Volunteer Infantry, War with Mexico, and pay her a pension at the rate of $20 per month.

The name of Charles W. Clark, late of Companies E and M, Thirtieth Regiment United States Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Albert W. Kelley, late of Company M, Fourteenth Regiment Minnesota Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Laura N. Thomson, widow of James W. Thomson, late rear admiral and Chief Engineer, United States Navy, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The name of William F. Leach, late of Company B, Thirty-seventh Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of $12 per month.

The name of Willie C. Ball, late of Company K, First Regiment Alabama Volunteer Infantry, War with Spain, and pay him a pension at the rate of $50 per month.

The name of Vergus May, late of Company L, Twenty-first Regiment Kansas Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month in lieu of that he is now receiving.

The name of Mary A. Snipes, widow of Benjamin Snipes, late of Company G, Second Oregon Mounted Volunteers, Indian wars, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Peter Black, late of United States Navy, U. S. S. *Ohio*, War with Mexico, and pay him a pension at the rate of $20 per month.

The name of Thomas West, late of Company A, Forty-first Regiment United States Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Daniel Geyer, late of Battery F, Third Regiment United States Artillery, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Mayme Hall, widow of the late Harry C. Hall, late of Company G, Nineteenth Regiment United States Infantry, War with Spain, and pay her a pension at the rate of $12 per month, and $2 per month additional on account of the minor child of the said Harry C. Hall until it reaches the age of 16 years.

The name of Charles O. Woesner, late of Company B, Second Regiment Ohio Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Frederick W. Brown, late of Company L, Second Regiment Massachusetts Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of John W. Gahan, late of Company K, Second Regiment, and Company D, Fifty-third Regiment, Indiana Volunteer Infantry, War with Mexico, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Harry A. Merrill, late of Company E, Third Regiment United States Infantry, War with Spain, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of George Duryea, late of Company D, Fifty-second Regiment Iowa Volunteer Infantry, War with Spain, and pay him a pension at the rate of $17 per month.

The name of Rebecca Ramsey, widow of Thomas J. Ramsey, late second lieutenant of Company B, Crowson's battalion, Mississippi Riflemen, War with Mexico, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Julia Tomlin, dependent mother of Archie Tomlin, late of Company A, Fourth Regiment Missouri Volunteer Infantry, War with Spain, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Clara L. Vawn, widow of William A. Vawn, late of Troop M, Fourth Regiment United States Cavalry, Regular Establishment, and pay her a pension at the rate of $12 per month.

The name of Charles O. Saers, late of Company D, First Regiment District of Columbia Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Edward T. Conway, late of Company E, Twelfth Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of $30 per month.

The name of William W. Tinch, late of Company K, Sixteenth Regiment United States Infantry, War with Spain, and pay him a pension at the rate of $12 per month in lieu of that he is now receiving.

The name of Columbia A. Seaman, late of Troop H, Nineteenth Regiment Kansas Volunteer Cavalry, Regular Establishment, and pay him a pension at the rate of $17 per month.

The name of James McKoy, late of band, Fifth Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Mary E. Galbraith, widow of William W. Galbraith, late first lieutenant and captain, Fifth Regiment United States Artillery, Regular Establishment, and pay her a pension at the rate of $20 per month, and the sum of $2 per month additional on account of each of the three minor children of the said William W. Galbraith until they reach the age of 16 years.

The name of Martha S. Becker, dependent mother of John Becker, late of the United States Navy, Regular Establishment, and pay her a pension at the rate of $12 per month.

The name of William M. Weaver, late of Company G, Third Regiment Missouri Mounted Volunteers, War with Mexico, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Jacob Mercer, late of Troop F, Seventh Regiment United States Cavalry, Regular Establishment, and pay him a pension at the rate of $12 per month.

The name of Hannah Sawyer, widow of Joseph Sawyer, late of Company B, Third Regiment Ohio Volunteer Infantry, War with Mexico, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Samuel H. Glover, late of Company E, Forty-second Regiment United States Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of John Shanks (insane), late of Company H, First Regiment Idaho Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month, payments to be made to the duly appointed guardian.

The name of Elizabeth C. Lowd, widow of Howard D. Lowd, late of Company B, Second Regiment Mississippi Volunteer Infantry, War with Spain, and pay her a pension at the rate of $12 per month.

The name of Louis L. Jones, late of Company I, Second Regiment South Carolina Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Jay A. Griffith, late of Company D, First Regiment Washington Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of William A. Shively, late unassigned recruit, Foot Service, white, United States Army, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Rachel C. Waskom, widow of James Waskom, late unassigned recruit of Fourth Regiment Indiana Volunteer Infantry, War with Mexico, and pay her a pension at the rate of $20 per month.

The foregoing bill is a substitute for the following House bills referred to the Committee on Pensions:

| | |
|---|---|
| H. R. 799. Virgil Womack. | H. R. 4959. Daniel Geyer. |
| H. R. 1233. Annie Dougherty. | H. R. 5265. Mayme Hall. |
| H. R. 1397. Jane M. Torrance. | H. R. 5274. Charles O. Woesner. |
| H. R. 1418. Augustin Buhl. | H. R. 5738. Frederick W. Brown. |
| H. R. 1626. Thomas Baxter. | H. R. 5744. John W. Gahan. |
| H. R. 1662. Ella V. Holliday. | H. R. 5903. Harry A. Merrill. |
| H. R. 1716. Edward H. Dalton. | H. R. 6021. George Duryea. |
| H. R. 1831. Nancy A. Sumner. | H. R. 6315. Rebecca Ramsey. |
| H. R. 1852. Ellen M. Haney. | H. R. 6349. Julia Tomlin. |
| H. R. 1871. Leon P. Chesley. | H. R. 6580. Clara L. Vawn. |
| H. R. 2175. Robert W. Ward. | H. R. 6617. Charles O. Sears. |
| H. R. 2193. Sarah Hill. | H. R. 6624. Edward T. Conway. |
| H. R. 2202. Martha Anna Benjamin. | H. R. 7132. William W. Tinch. |
| H. R. 2386. Charles R. Hodges. | H. R. 7809. Columbia A. Seaman. |
| H. R. 2406. Pierce B. Boyer. | H. R. 7977. James McKoy. |
| H. R. 2445. Manuel S. Sams. | H. R. 8149. Mary E. Galbraith. |
| H. R. 2842. Harlin L. Clark. | H. R. 8152. Martha S. Becker. |
| H. R. 3144. Anna Phillips Shepherd. | H. R. 8415. William M. Weaver. |
| H. R. 3207. Charles W. Clark. | H. R. 8448. Jacob Mercer. |
| H. R. 3208. Albert W. Kelley. | H. R. 8508. Hannah Sawyer. |
| H. R. 3790. Laura N. Thomson. | H. R. 8883. Samuel H. Glover. |
| H. R. 3857. William F. Leach. | H. R. 9028. John Shanks. |
| H. R. 4310. Willie C. Ball. | H. R. 9083. Elizabeth C. Lowd. |
| H. R. 4401. Vergus May. | H. R. 9379. Louis L. Jones. |
| H. R. 4589. Mary A. Snipes. | H. R. 9947. Jay A. Griffith. |
| H. R. 4635. Peter Black. | H. R. 9966. William A. Shively. |
| H. R. 4875. Thomas West. | H. R. 10157. Rachel C. Waskom. |

Mr. KEY of Ohio. Mr. Chairman, I move that the bill just read be laid aside with a favorable recommendation.

The CHAIRMAN. The gentleman from Ohio moves that the bill just read be laid aside with a favorable recommendation. The question is on agreeing to that motion.

The motion was agreed to.

Mr. BURKE. Mr. Chairman, I move that the committee do now rise and report the several bills, with amendments, to the House, with the recommendation that the amendments be agreed to and that the bills as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. DIXON, Chairman of the Committee of the Whole House, reported that that committee, having had under consideration certain pension bills, had directed him to report the same back to the House with certain amendments, with the recommendation that the amendments be agreed to and that the bills as amended do pass.

The SPEAKER. The Clerk will report the first one.

The Clerk read as follows:

A bill (H. R. 11078) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The SPEAKER. The Clerk will report the next one.

The Clerk read as follows:

A bill (S. 3518) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors.

The SPEAKER. The question is on agreeing to the amendments.

The amendments were agreed to.

The SPEAKER. The question is on the third reading of the Senate bill as amended.

The Senate bill as amended was ordered to be read a third time, was read the third time, and passed.

The SPEAKER. The Clerk will report the next one.

The Clerk read as follows:

A bill (H. R. 11240) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

Mr. BURKE. Mr. Speaker, I move that the votes by which the last three pension bills were passed be reconsidered, and I move to lay that motion on the table.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

### POST OFFICE APPROPRIATION BILL.

Mr. MOON. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 10484, the Post Office appropriation bill.

The SPEAKER. The gentleman from Tennessee [Mr. MOON] moves that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 10484, the Post Office appropriation bill. The question is on agreeing to that motion.

The question was taken, and, pending the announcement of the result,

Mr. FOSTER. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Illinois [Mr. FOSTER] makes the point of order that there is no quorum present. Evidently there is not. The Doorkeeper will close the doors, the Sergeant at Arms will notify the absentees, and the Clerk will call the roll.

Mr. MANN. This is an automatic roll call?

The SPEAKER. Yes. It is an automatic call of the House to decide whether or not the House will go into Committee of the Whole House on the state of the Union.

The question was taken; and there were—yeas 309, nays 0, answered "present" 1, not voting 124, as follows:

YEAS—309.

| | | | |
|---|---|---|---|
| Abercrombie | Ashbrook | Beales | Brown, W. Va. |
| Adamson | Aswell | Bennet | Browne, Wis. |
| Aiken | Ayres | Black | Buchanan, Ill |
| Alexander | Bailey | Booher | Buchanan, Tex. |
| Allen | Barkley | Borland | Burke |
| Almon | Barnhart | Britt | Burnett |
| Anderson | Beakes | Britten | Byrnes, S. C. |
| Byrns, Tenn. | Garland | Linthicum | Sherley |
| Caldwell | Garner | Littlepage | Sherwood |
| Campbell | Garrett | Lloyd | Shouse |
| Candler, Miss. | Gillett | Lobeck | Sims |
| Cantrill | Glass | London | Sinnott |
| Caraway | Godwin, N. C. | Longworth | Sisson |
| Carlin | Good | McArthur | Slayden |
| Carter, Mass. | Goodwin, Ark. | McClintic | Slemp |
| Cary | Gordon | McGillicuddy | Sloan |
| Chandler, N. Y. | Gray, Ind. | McKenzie | Small |
| Charles | Gray, N. J. | McKinley | Smith, Idaho |
| Chiperfield | Green, Iowa | McLemore | Smith, Mich. |
| Church | Greene, Mass. | Madden | Smith, Minn. |
| Clark, Fla. | Greene, Vt. | Magee | Smith, N. Y. |
| Cline | Griest | Mann | Smith, Tex. |
| Coady | Guernsey | Martin | Snell |
| Collier | Hadley | Mays | Stafford |
| Connelly | Hamilton, N. Y. | Miller, Del. | Steagall |
| Conry | Hamlin | Miller, Pa. | Stedman |
| Cooper, Ohio | Hardy | Montague | Steele, Pa. |
| Cooper, W. Va. | Harrison | Moon | Stephens, Cal. |
| Cooper, Wis. | Hastings | Mooney | Stephens, Miss. |
| Costello | Haugen | Moore, Pa. | Stephens, Nebr. |
| Cox | Hay | Moores, Ind. | Stephens, Tex. |
| Crago | Hayden | Morgan, La. | Sterling |
| Cramton | Heflin | Morgan, Okla. | Stiness |
| Crosser | Helgesen | Moss, Ind. | Stone |
| Curry | Helm | Mudd | Sulloway |
| Dale, Vt. | Henry | Murray | Sumners |
| Danforth | Hernandez | Neely | Sweet |
| Davenport | Hicks | Nicholls, S. C. | Swift |
| Davis, Minn. | Hill | Nichols, Mich | Switzer |
| Davis, Tex. | Hinds | North | Taggart |
| Decker | Holland | Norton | Talbott |
| Dempsey | Hollingsworth | Oakey | Tavenner |
| Denison | Hood | Oglesby | Taylor, Ark |
| Dent | Hopwood | Oldfield | Taylor, Colo. |
| Dickinson | Houston | O'Shaunessy | Temple |
| Dies | Howard | Overmyer | Thomas |
| Dillon | Howell | Page, N. C. | Thompson |
| Dixon | Huddleston | Paige, Mass. | Tillman |
| Doolittle | Hughes | Park | Timberlake |
| Doughton | Hulbert | Peters | Tinkham |
| Dowell | Hull, Iowa | Phelan | Towner |
| Driscoll | Hull, Tenn. | Platt | Treadway |
| Dunn | Humphrey, Wash. | Porter | Tribble |
| Dupré | Humphreys, Miss. | Pou | Van Dyke |
| Dyer | Hutchinson | Pratt | Venable |
| Eagan | Jacoway | Quin | Vinson |
| Eagle | James | Ragsdale | Volstead |
| Edmonds | Johnson, Ky. | Rainey | Walker |
| Edwards | Johnson, S. Dak. | Raker | Walsh |
| Ellsworth | Johnson, Wash. | Ramseyer | Wason |
| Elston | Kearns | Randall | Watkins |
| Emerson | Keating | Rauch | Watson, Va. |
| Esch | Keister | Rayburn | Webb |
| Evans | Kennedy, Iowa | Reavis | Whaley |
| Farley | Kennedy, R. I. | Reilly | Wheeler |
| Farr | Kent | Roberts, Nev. | Williams, W. E. |
| Fields | Kettner | Rodenberg | Williams, Ohio |
| Finley | Key, Ohio | Rogers | Wilson, Ill. |
| Focht | Kincheloe | Rouse | Wilson, La. |
| Fordney | King | Rubey | Wingo |
| Foster | Kinkaid | Rucker | Wise |
| Frear | Konop | Russell, Mo. | Wood, Ind |
| Freeman | Lafean | Russell, Ohio | Woods, Iowa |
| Fuller | La Follette | Sabath | Young, N. Dak. |
| Gallagher | Lazaro | Schall | Young, Tex. |
| Gandy | Lesher | Scott, Mich. | |
| Gard | Lieb | Sears | |
| Gardner | Lindbergh | Shallenberger | |

ANSWERED "PRESENT"—1.

Williams, T. S.

NOT VOTING—124.

| | | | |
|---|---|---|---|
| Adair | Fairchild | Kreider | Padgett |
| Anthony | Ferris | Langley | Parker, N. J. |
| Austin | Fess | Lee | Parker, N. Y. |
| Bacharach | Fitzgerald | Lehlbach | Patten |
| Barchfeld | Flood | Lenroot | Powers |
| Bell | Flynn | Lever | Price |
| Blackmon | Foss | Lewis | Ricketts |
| Browning | Gallivan | Liebel | Riordan |
| Bruckner | Glynn | Loft | Roberts, Mass. |
| Brumbaugh | Gould | Loud | Rowe |
| Burgess | Graham | McAndrews | Rowland |
| Butler | Gray, Ala. | McCracken | Sanford |
| Callaway | Gregg | McCulloch | Saunders |
| Cannon | Griffin | McDermott | Scott, Pa. |
| Capstick | Hamill | McFadden | Scully |
| Carew | Hamilton, Mich. | McKellar | Sells |
| Carter, Okla. | Hart | McLaughlin | Shackleford |
| Casey | Haskell | Maher | Siegel |
| Coleman | Hawley | Mapes | Snyder |
| Copley | Hayes | Matthews | Sparkman |
| Crisp | Heaton | Meeker | Steele, Iowa |
| Cullop | Helvering | Miller, Minn. | Steenerson |
| Dale, N. Y. | Hensley | Mondell | Stout |
| Dallinger | Hilliard | Morin | Sutherland |
| Darrow | Husted | Morrison | Tague |
| Dewalt | Igoe | Moss, W. Va. | Tilson |
| Dill | Jones | Mott | Vare |
| Dooling | Kahn | Nelson | Ward |
| Doremus | Kelley | Nolan | Watson, Pa. |
| Drukker | Kiess, Pa. | Oliver | Wilson, Fla. |
| Estopinal | Kitchin | Olney | Winslow |

So the motion was agreed to.

The Clerk announced the following pairs:

For the session:

Mr. SCULLY with Mr. BROWNING.

Mr. FIELDS with Mr. LANGLEY.

Mr. DEWALT with Mr. MCFADDEN.
Mr. LIEBEL with Mr. ROWLAND.
Until further notice:
Mr. DOOLING with Mr. WATSON of Pennsylvania.
Mr. JONES with Mr. SIEGEL.
Mr. HART with Mr. WARD.
Mr. IGOE with Mr. SNYDER.
Mr. LEVER with Mr. VARE.
Mr. LEE with Mr. WINSLOW.
Mr. HELVERING with Mr. STEENERSON.
Mr. HILLIARD with Mr. THOMAS S. WILLIAMS.
Mr. OLIVER with Mr. SCOTT of Pennsylvania.
Mr. WILSON of Florida with Mr. SANFORD.
Mr. TAGUE with Mr. ROWE.
Mr. STOUT with Mr. RICKETTS.
Mr. STEELE of Iowa with Mr. PARKER of New York.
Mr. SPARKMAN with Mr. TILSON.
Mr. SHACKLEFORD with Mr. MONDELL.
Mr. SAUNDERS with Mr. MILLER of Minnesota.
Mr. RIORDAN with Mr. MOTT.
Mr. PRICE with Mr. MOSS of West Virginia.
Mr. PATTEN with Mr. MORIN.
Mr. PADGETT with Mr. ROBERTS of Massachusetts.
Mr. MORRISON with Mr. MCLAUGHLIN.
Mr. MAHER with Mr. MCCULLOCH.
Mr. MCDERMOTT with Mr. MAPES.
Mr. MCANDREWS with Mr. MATTHEWS.
Mr. LOFT with Mr. LEHLBACH.
Mr. LEWIS with Mr. LOUD.
Mr. GRIFFIN with Mr. KREIDER.
Mr. GREGG with Mr. KELLEY.
Mr. GALLIVAN with Mr. HUSTED.
Mr. FLYNN with Mr. HEATON.
Mr. FLOOD with Mr. HAYES.
Mr. FITZGERALD with Mr. GRAHAM.
Mr. FERRIS with Mr. HAWLEY.
Mr. ESTOPINAL with Mr. HASKELL.
Mr. DOREMUS with Mr. HAMILTON of Michigan.
Mr. DILL with Mr. GOULD.
Mr. CULLOP with Mr. FOSS.
Mr. CRISP with Mr. FAIRCHILD.
Mr. CARTER of Oklahoma with Mr. DARROW.
Mr. CASEY with Mr. DRUKKER.
Mr. CAREW with Mr. DALLINGER.
Mr. CALLAWAY with Mr. BUTLER.
Mr. BURGESS with Mr. COPLEY.
Mr. BRUMBAUGH with Mr. CAPSTICK.
Mr. BRUCKNER with Mr. BACHARACH.
Mr. BELL with Mr. BARCHFELD.
Mr. MCKELLAR with Mr. ANTHONY.
Mr. ADAIR with Mr. FESS.
Mr. DOUGHTON with Mr. BRITT.
Mr. DALE of New York with Mr. AUSTIN.
Mr. OLNEY with Mr. KAHN.
Mr. KITCHIN with Mr. CANNON.

Mr. THOMAS S. WILLIAMS. Mr. Speaker, I wish to withdraw my vote and to answer "present." I am paired with the gentleman from Colorado [Mr. HILLIARD].

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. ALLEN). A quorum is present. The Doorkeeper will open the doors. The House will resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the Post Office appropriation bill, H. R. 10484, with the gentleman from Illinois [Mr. RAINEY] in the chair.

The CHAIRMAN. The Chair recognizes the gentleman from Illinois [Mr. MADDEN] for one hour. [Applause.]

ADMINISTRATION.

Mr. MADDEN. Mr. Chairman and gentlemen, the bill now before the House for consideration carries an appropriation of $320,000,000, a large sum, representing more money than is expended by any other department of the Government.

The Post Office Department is one of the most important activities of the Government. It should be conducted by men having scientific knowledge of the subject. And while every man who has been in charge has done the very best he could to give a good account of himself, I still believe that in the conduct of a great business enterprise like this we ought to have men trained to the service to manage this wonderful institution. [Applause.]

The Committee on the Post Office and Post Roads, consisting of 21 Members of this House, have given serious consideration to every question affecting the welfare of this great department. In the course of our deliberations we have endeavored to do everything within our power to assist the management in reaching conclusions that will make for the efficiency of the department. In the work of this great committee there has been no politics, and there ought to be none. Everybody connected with the department, from the Postmaster General down to the most inconsequential laborer in the service, should cooperate. If we could have the kind of cooperation that might be brought about by a harmonious feeling in every branch, I believe it would redound to the benefit of the American people. The Postmaster General, whom I have known well and favorably for a good many years, is a patriotic man. He is doing the work imposed upon him in this great department as he believes it ought to be done. He is endeavoring not only to facilitate the movement of the mails, but he is also endeavoring to systematize the service so as to bring about the best results. I presume that all will not agree that he has accomplished the best results. No man in that place ever will, for his judgment may be totally different from the judgment of other men who are no less patriotic than he. Whether he has made mistakes or not, I am perfectly satisfied that it has been and is his purpose to serve the American people in the responsible position which he occupies to the very best of his ability.

There have been some rumblings of dissatisfaction heard in several quarters; some in the rural-delivery sections of the country on account of the action taken by the Postmaster General and his assistants. There have been rumblings of dissatisfaction heard among the clerks and carriers in the first and second class offices of the country; and I have no doubt that those rumblings of dissatisfaction have had some merit, for in many instances rural routes have been changed from what they formerly were, and some disturbances in the delivery of mail have resulted from these changes. But time alone can tell whether these changes will result in real benefit to the department. There have been in great cities reductions in the salaries of the men employed as carriers, and in many cases I believe these reductions were unjust. This committee recommend to the favorable consideration of the House a restoration of these men to their former status, and we provide, if our recommendation be adopted, that there shall in the future be no distinction made in the compensation of carriers, whether they be assigned to collection or delivery duty. [Applause.]

We have on former occasions recommended the enactment of legislation, which has been concurred in by this House and by the Senate, which provides that where men in the Postal Service have been injured while on duty they may be given full compensation for one year during their period of disability, one-half pay during the second year of disability, and that $2,000 may be paid to their heirs in case of death as a result of the injury.

The legislation heretofore enacted did not cover all the civil-service employees in the department, and this bill contains a provision that all other classified civil-service employees in the Post Office Service shall be covered by this provision.

SPECIAL CLERKS.

This bill provides that special clerks may be taken out of the supervisory class. It provides that clerks performing special duties—expert distributors, if you please—shall be promoted from twelve to thirteen hundred dollars and from thirteen hundred dollars to fourteen hundred dollars at the rate of 5 per cent of the number of clerks employed in that branch of the service during the coming year. This is a step in the right direction, for, as a matter of fact, while on its face it does not say so, in terms it increases the compensation of the clerks in the first-class offices from a maximum of twelve hundred dollars to a maximum of fourteen hundred dollars per annum. [Applause.] Then, too, this bill provides that clerks in second-class post offices may be promoted, 75 per cent of them, from the fourth to the fifth grade, which is from ten hundred dollars to eleven hundred dollars, and 5 per cent from the fifth to the sixth class, which will add a new class, or make the maximum salary paid to clerks in the second-class offices throughout the United States twelve hundred dollars instead of eleven hundred dollars as heretofore. So that we are endeavoring in the consideration of the great work in which we are engaged to recognize the importance of the employment of the men, for we realize that with the increased cost of living there is greater need than ever before for cooperation and encouragement, to the end that the American people may see a sense of satisfaction in the servants who are engaged in sunshine and in rain in bringing them their messages of love, of hope, and fear every day. [Applause.] This department alone is the one department that deals with every man, woman, and child in America, and it is more important than ever before that all that can be done to make the American people realize that the department is their department shall be done.

LABORERS.

The great laboring force of the department has been badly compensated in the past, and these men are employed at arduous and hazardous employment. They carry mail bags weighing from one to two hundred pounds from early morning until late at night, and from late at night until early morning, and up to this time 900 of them have been paid $720 a year and 900 of them $840 a year. This bill provides that there shall be no distinction, but that all men doing like work shall be paid like pay, and so we have increased the compensation to $840 a year, and we hope later on to report a bill to put them into the classified service. [Applause.]

CLERKS AND CARRIERS.

Letter-carrier substitutes and clerks have been heretofore paid 35 cents an hour for one kind of work and 40 cents an hour for another, and the department on this occasion recommended that they all be reduced to 35 cents an hour, but I am proud to say that without a dissenting vote the committee was unanimous against this reduction. I believe the men who have passed a civil-service examination for entry into this complicated service, who have specialized especially for the work, who are required to work from three to four years on a miserable compensation of $25 a month on the average while acting as substitutes, ought at least to be paid compensation commensurate with the sacrifices which they are obliged to make. No man entering the service is able, after he has been appointed as a substitute, to receive a permanent appointment until he has served from three to four years on the substitute list, and during all of that period he is required to report for duty every day and pay his car fare from his home to the post office and from the post office to his home, and in many cases without receiving any employment whatever. So that when he receives a permanent appointment, he owes every one from whom he can borrow money, and our duty to him is to make the necessity for borrowing as light as possible by paying not 35 cents an hour but 40 cents an hour. Heretofore clerks and carriers have been obliged to work on holidays without any additional compensation. They will undoubtedly be obliged to continue to do duty on holidays, but your committee feels that for all such work compensatory time off should be granted within the succeeding 30 days, and we have included a provision in the bill to that effect, which we submit to the consideration of the House.

Mr. SMITH of Idaho. Mr. Chairman, will the gentleman yield at that point?

Mr. MADDEN. If the gentleman will let me finish, I will be glad to yield when I am through. Up to this time railway mail clerks in charge of railway post-office cars have been required by the rules of the department to give three years' continuous service before they are entitled to promotion. If by any chance the train on which a man is serving as clerk in charge be laid off after the man had served two years and nine months as a clerk in charge, though it be laid off for only a week, and he is restored to duty, he is obliged under the former rules and laws to begin the service of a three-year period over again before he is entitled to promotion. This bill removes that inequality and that great injustice by striking out the word "continuous," and thus giving him credit for all time served, whether the train is running or not, which is a just measure of consideration to those men. [Applause.]

Mr. Chairman, I believe that the time has come in the management of this great department, which is increasing by leaps and bounds, whose revenues are going up so fast that we can not keep track of them, when in the consideration of the disciplinary measures among the men no man ought to have the power to make rules by means of which any injustice can be done to any patriotic, worthy man, and the time has come when I believe there ought to be a board, before whom men should be called when charges are preferred against them [applause], where they can have their cases tried in the open and where the record of a man may be reviewed, so that no such injustice can be done as has been done during the past year. In Chicago, my home city, we have more than 225 men who served faithfully for more than 20 years as carriers with records without a blemish, with no charge of any kind preferred against them during all the history of their service, whose efficiency rating averaged 95 per cent out of a possible 100 every day from the beginning of their service, and who by means of the rules in force found themselves at the end of a day's work, at 6 o'clock at night, with a record of 95 out of a possible 100, and when they reported for duty the next morning at 8 o'clock found their record to be 58, without rhyme or reason, without any cause, so far as they knew, except that they were considered not quite so rapid in the performance of the work which they had been doing as they were when they were a little younger.

Now, I believe that wise business management would dictate that where a man has given excellent service during the best of his life that when he begins to slow up a little on account of age that those places known as collectors' places, which are said to be easier than the places of carriers, ought to be given to those men as a reward for merit without a reduction of compensation. [Applause.] A wise business manager in all the commercial activities of life realizes the necessity of maintaining the confidence and the cooperation of the men who are employed in the institution, and wherever the institution is strong enough and its earning power sufficiently regular to justify the payment of pensions, the pension system is being inaugurated throughout the country and throughout the world. And if we have men in the Postal Service and other branches of the Government service who have given faithful service to the people of America during all their active lives, and they are getting along with their faces turned toward the setting sun, we ought to seriously consider the question of what we shall do for them, how we shall maintain the integrity and the efficiency of the service, and how we shall dispatch the business the most economically and to the greatest satisfaction of the American people. So, the time is coming, and it is not far off, when we must give serious consideration to the cases of men who are no longer qualified to do a young man's work, and it would seem more economical in my judgment to have a scientific method of retirement than it is to maintain men who are no longer qualified upon the Government pay rolls. [Applause.] There will be differences of opinion about this, and it is a question about which there ought be, and no action should be taken upon a question of this great importance until it has been thoroughly investigated from every angle, and for one, I want to be understood as being in favor of cooperating in every way I can with the executive officials of the Post Office Department to bring about better conditions among the men, to bring more satisfaction to the homes of the American people. And there is no politics in it with me, and there ought not to be any politics in the conduct of this, the greatest department in the American Government. [Applause.] I hope to see the day when every man will be held in office on his merit, when he will be an expert, when he will be a specialist, and when these men have qualified themselves as specialists and have given their very lives to the service of a great department of the Government, and have proved their worth and their right to confidence, I hope that no party will ever come into power which will not sustain these men in their right to occupy the places in which they have given satisfaction. [Applause.]

LIABILITY INSURANCE.

Now, I have dwelt a long time upon these problems. They are the most vital problems in connection with this bill. We have before us a proposition here to take over the liability insurance under which we have been insuring the contractors who have contracted with the Government of the United States for the transportation of mail by star route and by screen wagon, and we have, in the consideration to this important question, disclosed a condition which has led most of the men of this committee to believe that something ought to be done to prevent future scandals. We disclosed a condition in one case where a combination of contractors running all the way from San Francisco to Boston were being protected by certain liability insurance companies to the exclusion of other contractors who were attempting to offer bids. We disclosed a condition which to us seemed unjust and unfair to the American people, and it ought to be remedied, and the department placed at the disposition of our committee information which led us to conclude that legislation ought to be enacted by means of which the insurance of contracts to be let by the Post Office Department should be issued by the department itself, so that no future scandals could be developed. [Applause.] The result of the investigation disclosed the fact that three men, in order to obtain contracts, entered into a conspiracy with some men who were engaged in the insurance line that they would protect them against all other contractors, and this conspiracy became so manifest and the evidence developed was so glaring that, although the men who were engaged in this conspiracy as contractors were Democrats, the Postmaster General, notwithstanding that, notwithstanding the appeals of many of his own party followers, said that, regardless of any scandal that might occur as a result of the prosecution, those men must go to the penitentiary, and they are there. [Applause.]

And I congratulate the Postmaster General upon his action, and in the face of this I see no reason why this House should

not agree with, first, the Postmaster General in his recommendation to take over these insurances and allow the Government to do the work itself; and second, agree to the recommendation made by this committee which is the result of careful consideration. Then as to the fidelity insurance to be given by the men employed in the service, we provide in this bill that this service shall be taken over by the Post Office Department, that a fund shall be accumulated through levies of assessments upon the men; that those levies shall not exceed 75 per cent of the present cost of the insurance to the men; and that the men themselves can have the option of giving a personal bond or a surety company bond or they may contribute to the fund proposed by the department. And the provision further provides that there shall be no expense whatever to the Government of the United States in the administration of this fund. Although personally opposed under ordinary circumstances to this sort of thing, and generally opposed to the Government of the United States entering upon any enterprise that stops individual initiative or comes into competition with the individual citizens of the United States, I can conceive of no reason why under the present conditions this great business institution of ours known as the Post Office of the United States ought not to have the same right to carry its own insurance that any big business institution of the United States in private activity has and often assumes. [Applause.]

Now, I come to what I consider the most important question that has been before the House for a long time. It involves the transportation of the mails.

RAILWAY MAIL PAY.

It involves the expenditure of a vast sum of the money of the people. It involves the question of the integrity of the transportation companies of the United States. This is a great problem. I realize and gladly acknowledge that there is no instrumentality in America more entitled to credit for the advancement of the prosperity and civilization of the country than the railroads. I believe that they ought to be treated with every proper consideration. They ought to be maintained in a prosperous condition, if it can be done, without undue governmental aid. They ought to be given that consideration to which every great instrumentality in the fabric of American life is entitled, and so when we begin to consider the question of pay for the movement of mail I want every man here and every man in America to realize that we have considered this question with the end in view that whatever conclusion reached would be reached with the intention of doing ample justice to the railroads.

There is no man on this committee who has any antipathy to railroads. On the contrary, every man on the committee is the friend of railroads. When I say "the friend of railroads" I do not want to be understood to mean that we are in favor of paying a higher price to railroads for the work they do for the Government than we would pay to somebody else for doing like work. On the other hand, I do not believe that we ought to pay less to the railroads for doing the work they do for the Government than we would pay to anybody else for doing that work. Your committee has considered this question on the theory that we are speaking for all the people, recognizing the railroad companies as a part of the people, but realizing that if we gave the railroad companies more than they are justly entitled to receive that we would be unjustly increasing the burden of taxation on the rest of the people. On the other hand, we do not believe that we ought to lighten the burden of taxation on the rest of the people by taking away from the railroad companies anything to which they are entitled in compensation for the work they perform for the Government. We are here, in the first instance, as I said, to represent all the people, and we recognize the railroads as an important part of all the people. But they are not all the people. And we speak, if we speak justly, not for the railroads alone, but for all the people. And as the representatives of all the people dealing with a part of the people, we must be just to every interest.

We represent the buying power, so to speak. The railroad companies represent the selling power, dealing in commodities. We are trying to buy railroad transportation to move the mail, and we are offering a price that we believe is commensurate for their service. The railroad companies are offering to sell the service. Now, the question is, should the Congress have anything to do with fixing the price or should the railroads fix the price, or should the railroads and the Congress combined agree upon the price, or is there any power within the Congress to say what the railroads must do and the price at which they shall do it? This question has been given serious consideration. This consideration has covered a long period of time.

In 1912 Congress appointed a commission to investigate the question of railroad mail pay. That commission sat for two years. It heard evidence from every source. Every railroad man who wished to be heard was given an opportunity to present the railroad side of the case. The Post Office authorities were given an opportunity to present their side of the case. The joint commission, sitting for two years in the study of this question, called Dr. Loraine, the expert statistician of the Interstate Commerce Commission. He tabulated all the figures that were deduced as the result of these investigations, and he concluded, and the commission concluded, that the time had come when, instead of carrying mail by weight, we ought to carry the mail by space. [Applause.]

So when the commission was ready to report the question was taken up in the last Congress by the Post Office Committee. That committee did not agree exactly with the commission. They reported a bill which in many respects was similar to the commission bill, but the prices agreed upon by the committee were not as high as the prices agreed upon by the commission.

Suffice it to say that the bill reported by the committee to the House in the last session of Congress was approved. It was sent to conference. In the conference the conferees agreed to increase the rate over the bill passed by the House. These increases in rates amounted to $1,100,000. With those increases agreed upon in conference and all of the rest of the bill agreed upon, the conferees reported it back to the House. The House approved the conference report. The report went from the House to the Senate. It was during the last hours of the Congress. The Senate did not reach the consideration of the bill, and the bill failed. And we came to the consideration of this question again at the opening of this Congress, and the committee invited the railroad companies of the United States to come before them that they might present their case again. And we gave them three days in which to testify. The railroads were represented by able men. There were 227,000 miles out of 250,000 represented at these hearings. They talked for three days. They presented their case. They analyzed the conditions. They said they were not well paid; that they did not believe in space. They believed that the adoption of the space plan would take away from the railroads some of their high-class freight; that it would be sent by mail instead of by freight, and that the adoption of the space plan would enable the loading of storage cars with 20 tons of mail matter, whereas the average load on a storage car now is but 7½ tons. But, if anybody would stop to think, while the capacity of a storage car is 20 tons, it would be impossible to load the storage car with 20 tons of matter unless it was solid matter, like books. It would be absurd to believe the statements made by the railroads to the effect that we would take away from their first-class freight and carry in storage cars the things that ought to be paid for as freight and carried in other trains.

The Merchants' Association of New York, a very patriotic body, consisting of a great many prominent merchants, sought to analyze the railway mail proposition. They presented an analytical statement of the case to your committee. That analysis of the Merchants' Association was presented by Mr. Peters. He gave testimony. By the way, he is president of the Long Island Railroad and chairman of the Railway Mail Pay Committee of the United States. While Mr. Peters was testifying we reached the stage where I personally wanted to examine him with respect to this statement made by the Merchants' Association. Mr. Peters said that he would turn the answers to those questions over to Mr. De Berard, who was the expert statistician of the Merchants' Association, and you will find on page 643 of the hearings, Part III, this examination:

Mr. MADDEN. I would like to ask Mr. Peters some questions. I notice in the report made by the Merchants' Association of New York, on the first page, a lot of whereases, the first one of which says that it is shown by the analysis of the Interstate Commerce Commission that railroad revenues, as a whole, are insufficient and should be increased; and that the deficiency is mainly due to insufficient passenger-service earnings. Where is this analysis to be found of the Interstate Commerce Commission in which it sets forth the insufficiency of the pay?

Mr. PETERS. Can I ask Mr. De Berard, the director of research of the Merchants' Association of New York, to answer that? He is here.

Mr. MADDEN. Anybody; I do not care.

Mr. DE BERARD. That will be found in the report of the Interstate Commerce Commission in the matter of the application of the railroads for 5 per cent advance on all freight rates. The Interstate Commerce Commission, in that report, analyzed in sufficient detail the extent of the revenues of the railroads from all sources with reference to developing, if possible, whether or not the freight rates were sufficient. They made some analysis of the passenger rates in connection, and reached the conclusion, as stated in the report of the Merchants' Association, which is quoted in the supporting data in the following part of the report.

Mr. MADDEN. In reaching the conclusion that the passenger-traffic service was not profitable, did the Interstate Commerce Commission include in the passenger-traffic service the express traffic and the mail traffic as well?

Mr. DE BERARD. They included both.

Mr. MADDEN. So that, as a matter of fact, the analysis by the Interstate Commerce Commission is not an analysis of the passenger-traffic-service revenue at all?

Mr. DE BERARD. It is not an analysis in detail, for the reason that the commission——

Mr. MADDEN (interposing). No; just a moment. It is not a special analysis of the passenger-traffic service. It includes express traffic and mail traffic as well——

Mr. DE BERARD. Only it does not segregate the passenger service as a whole in these three elements. It treats it as a whole.

Then we go on. All this testimony is here printed in full. I asked him:

Have the railroads, in view of the fact that the Interstate Commerce Commission reached a conclusion that the passenger-service revenues of the railroads of the United States are deficient, ever made application to the Interstate Commerce Commission for an increase in the passenger-service rate?

He said:

No. No application has ever been made.

Now, the question is, What relation have the passenger-service rates to the railway mail pay, and why do I talk about the passenger-service rates? It is for the reason that in the consideration of the question of the mail pay on the space basis it was concluded to investigate what the revenue from passenger service was, and it was clearly shown that the average gross revenue per car-mile for passenger movement on all the railroads of the United States was about 25 cents per car-mile.

Then the question arose, whether it was more expensive and more complicated to move a mail car than it is to move a passenger car, and whether in the movement of the mail we ought not to take into account the revenues derived from the passenger service. And it was concluded by the commission that it was not more expensive to move a mail car than a passenger car, because there were not so many incidental expenses connected with the movement of the mail car as there are with the movement of the passenger car. And so the conclusion was reached by the joint commission that the cost of moving the mail should be, measured by space, at about 10 per cent less than the cost of moving a passenger car per mile. But in the final conclusion reached the commission reported in favor of giving to the railroad companies practically the same revenue for moving mail by space that they received for moving passengers by space. That is the way they carry passengers—by space.

Now, they are being paid to-day on the ton basis, and here are the rates: They are paid $42.75 per mile per annum for carrying 200 pounds; on land-grant roads they are paid $34.20 per annum; and between 200 and 500 pounds the railroads are paid 85 cents per mile per annum on nonland-grant roads and 68 cents per mile per annum for every 12 pounds additional between 200 and 500 pounds. For every 500 pounds to-day the railroads get $64.12 per annum and $51.30 per annum per mile on the land-grant roads, and for all mail between 500 pounds and 1,000 pounds for every 20 pounds additional they get 85 cents and 68 cents per mile per annum extra.

For a thousand pounds of mail they get $85.50 per mile per annum and $68.40 per mile per annum over land-grant roads, and between 1,000 and 1,500 pounds of mail for additional 20 pounds they get the figures that I have just stated previously, 85 and 68 cents, and for every 1,500 pounds of mail they get $106.87 per mile per annum and $85.50 per mile per annum on land-grant roads, and between 1,500 and 2,000 pounds for every 20 additional pounds they get 85 cents per mile per annum and 68 cents on land-grant roads. For every 2,000 pounds they get $128.25 per annum and $102.60 on land-grant roads, and between 2,000 and 3,500 pounds for every additional 60 pounds they get 85 cents and 68 cents, depending on whether it is a land-grant road or not.

Then for 3,500 pounds flat they would get $149.62 per annum per mile and $119.70 on the land-grant roads, and between 3,500 pounds and 5,000 pounds they would get for every additional 60 pounds 85 cents and 68 cents. And then for 5,000 pounds they would get $171 per mile per annum, or $136.80 on land-grant roads; and for each additional 2,000 pounds above 5,000 pounds and less than 48,000 pounds they would get $20.30 and $16.24 over land-grant roads, and 85 cents and 68 cents for every additonal 80 pounds; and for each additional 2,000 pounds in excess of 48,000 pounds they would get $19.24 and $15.39 over land-grant roads. This is on the theory that the Government of the United States is in the wholesale business and that when the weight of the mail increases the price of transportation of that additional weight will decrease in proportion, as would the prices decrease to the wholesale purchaser as against the retail purchaser.

The average haul by the railroads of the mail of the United States is 620 miles, ranging according to the character of the mail. Some classes of mail travel more than 620 miles and some less, but the average is 620.

There are 1,411 railroad post-office cars in the United States. These cars to-day are paid for space as well as weight. They are what are called traveling railroad post-office cars, and the United States Government pays about $5,000,000 for those 1,411 railroad post-office cars, which would amount to $3,543.59 each.

Now, we pay this sum of $3,543.59 for each car in addition to the price we pay for the tonnage in the car. This is space. The cars cost all the way from $5,000 to $12,000 each. The railroad companies are obliged to light and heat and clean the cars. There are 4,000 apartment cars on the railroads of the United States in which mail is hauled and distributed, but for which no space payment is made. Mail hauled in baggage cars or apartment cars or storage cars is hauled by weight altogether and no space is paid for.

The railroads of the United States contend that they ought to be paid not only for the weight of the mail they haul, but that they ought to be paid for all the space in all the cars they haul besides. We contend that that is not just. We contend that if they are paid for the weight, they ought not to be paid for the space; that if they are paid for the space, they ought not to be paid for the weight; that there ought to be but one class of payment, and that that class of payment should be sufficiently compensatory to be just.

The aggregate pay under the plan that I have just described amounts to about $63,000,000 per annum, and it is at the rate of 9.17 cents per ton-mile without space payment. Add the $5,000,000, or the $3,543.59 per car, to the tonnage payment and you have 10.17 cents per ton-mile for every ton of mail hauled by the American railroads for the Government of the United States. The question is, Is that a fair compensation? To answer that question one would have to revert to the question of how much they get for the movement of other commodities.

The average ton-mile charge for freight, except first-class freight, in less than carload lots moved by fast freight, is less than seventy-one one-hundredths of a cent per ton-mile, and the average payment for fast freight in less than carload lots, on high-class commodities such as silks and all high-grade materials that have great value, and in connection with the movement of which great risk is incurred by the railroads, is from 3 to 4½ cents per ton-mile. Now, 10.17 cents per ton-mile for the movement of mail, though in fast trains, compares very favorably with the figures that I have just given, it seems to me.

I am frank to say that the railroad companies do not agree with the plan that we are proposing. They are afraid that if we adopt the space plan we are going to encourage the diversion of freight from their high-class freight movement to the storage-car movement in the mails. Why do I say that? They contend that whereas we are only hauling 7½ tons on an average in a storage car now, we can haul 20 tons, and that if we pay by space—and we are proposing to pay 21 cents a car-mile, and to pay a terminal charge of $8.50 for the round trip—we will compel them to carry mail in the storage car for 1¼ cents per ton-mile, and that the commodities which they are now carrying in the fast freight cars, yielding them from 3 to 4½ cents, will go in the storage car.

Of course it is not fair to assume that you can load the storage car with 20 tons of commodities. Why? In the first place, while the car has that capacity, but being a closed box car, if you were to send a carload of men's hats or women's hats, straw hats in boxes, and you loaded the car to its full capacity, I do not suppose you would have 2 tons of hats, because you could not put any more in the car. If they were sent by parcel post, you could not load any more into the car. I will confess to you that if you loaded the car with books, you might put 20 tons in the car. But it is not always possible to load compact material into one of these cars, and I presume it is safe to say that if you undertook to do it you would not get one car out of every hundred loaded to its capacity.

I do not blame the railroads for making every contention they can. They are engaged in a legitimate enterprise, and these men who advocate their case are experts. It is their business to get all they can for their companies for doing the work they do. They have got to pay dividends. They have to pay interest on their bonds. They have to pay the salaries of their men, and I would be the last man in the world to take away any part of the earning power of a railroad so as to make it impossible for them to give their men the compensation to which they are entitled. I would be the last man in the world to make it impossible for the railroads to maintain their tracks as they ought to be maintained. I would be the last man in the world to prevent a railroad from accumulating a legitimate surplus. I would be the last man in the world to prevent the railroads from protecting life and giving the kind of service that the country demands.

So I come to you, not as the enemy of the railroads in presenting this case, but as the friend of the railroads, and I give it as my deliberate judgment that the bill that we report and recommend for the movement of the mail by space is not only legitimate and just, but that it gives the railroad companies just compensation for the work they do and that it will not injure them in any way.

Now, the railroads contend that they want this whole subject matter referred to the Interstate Commerce Commission. They ask that the Interstate Commerce Commission be given the right to decide the question of what the rates shall be, not now, but for all time. The railroad companies want to take this question away from Congress, away from the Postmaster General, away from the Post Office Department, and they want to turn the mail business of the United States over to the Interstate Commerce Commission. That is what they contend for.

We are not opposing a review of this case by the Interstate Commerce Commission. On the contrary, we recommend it. We want the commission to review the rates. We confess that we are not the experts we would like to be, but we do claim we have made an honest effort to reach a just conclusion. We claim that we have given honest effort and study to the question on its merits; that we have tried to get the railroad companies to tell us what their figures are and what they ought to be. No man has been able yet to tell us. The question is, Have we any knowledge on the subject, and have we obtained that knowledge as the result of careful study? Are we prejudiced? If we are not, and if we have given to the question the consideration to which it is entitled, then we ought to be heard favorably. If we have not given to this question that consideration which its importance demands, and if we are proved to be prejudiced against the railroads, then we ought to be set aside and our report should be rejected. But if we have reached a conclusion, and if it is your deliberate judgment that that conclusion is reached as the result of honest effort, with a determination to do justice to everyone concerned, then I submit that having given careful consideration over a period of years to this question, you can safely follow the recommendation that we make. [Applause.]

Now, what is our recommendation? It is that we shall move the mail by space. What is space? We say that we want to move the mail under the following plan: To pay to the railroad companies 21 cents a car-mile for a full railroad post-office car, and $8.50 terminal charges for each round trip, $4.25 at each end of the route.

The CHAIRMAN. The gentleman has used one hour.

Mr. MADDEN. I will ask permission to conclude.

Mr. MOON. Mr. Chairman, the gentleman from Minnesota [Mr. STEENERSON] seems to be absent temporarily, and I will yield to the gentleman from Illinois 30 minutes.

Mr. MADDEN. I will not take a very long time. We have recommended that for a 30-foot car there shall be paid to the railroads 11 cents a car-mile, and that shall be for the space and the contents; that for a 15-foot space in a car they shall be paid 6 cents a car-mile, for a 60-foot storage car 21 cents a car-mile, and for closed-pouch service we recommend the payment of 1½ cents a car-mile for a 3-foot space, and 3 cents a car-mile for a 7-foot space, with certain fixed terminal charges at each end of the line.

Mr. Chairman, there are 108,178,518 miles of 60-foot car units, which at 21 cents per car would amount to $22,717,489. The 30-foot cars run 168,530,856 miles per annum, based on last year's run, and at 11 cents would amount to $18,538,394. The 15-foot car would amount to 71,204,176 miles, and at 6 cents would aggregate $4,272,251; and a 60-foot storage car running 63,761,941 miles at 21 cents would amount to $13,390,007, or a total of $58,918,141, and pro rated into 60-foot car miles of 274,006,931 miles, so as to make a full car in the prorating, it would average 21.501 cents per car-mile.

The railway post office units, 60 feet, make 282,329 trips per annum one way, and the terminal charges on that each-way trip would be $4.25 for that number of trips, or $1,199,898. For a 30-foot car there would be 911,004 trips one-way run, at $2.75, which would be $2,505,261. A 15-foot car, 926,582 trips, at $2 a car, amounting to $1,853,164, and the 60-foot storage would run 120,435 one-way trips, at $4.25 terminal charges, making $511,849, making a total of $6,070,172 for terminal charges. So that that would make the total line charge, including the 21 cents a car-mile and the terminal charges, $64,988,313, or 23.717 cents per car-mile. The closed pouch, based on train per cent of weight, would give us $4,802,766, and prorated into 60-foot car-miles, including the closed pouch, we have 281,733,926 full car-miles per annum; and the amount of the payment would be $69,791,079. Deducting for land grant 20 per cent of the payment, it would amount to $1,339,989, leaving a balance of $68,451,090; and it would make the line charge per car-mile, including the terminal charges, 24.296 cents per car-mile, whereas the average railroad earning from the passenger service is less than 25 cents per car mile. So that when we come to make up this bill we are reaching the passenger car-mile pay for the movement of the mail. Then if we add the cost of the blue-tag service, which is magazines and that sort of mail that goes by freight, on which we just attach a blue tag to make it reach its destination, we have $800,000 more, making the total pay under the so-called Moon bill of $69,251,090, as compared with $63,000,000 under the present plan of moving the mail, or a difference of $6,000,000 per annum.

Under the present compensation the railroads are getting 10.17 cents per ton-mile. There is $6,000,000 difference between the pay under the proposed bill and under the present law, and if we move 281,733,926 car-miles per annum, you see, the difference between the $63,000,000 and the $69,000,000 would make 2 cents a ton-mile more, thus giving to the railroads under the Moon bill, so called, not 10.17 cents per ton-mile, but 12.17 cents per ton-mile; so that we are not doing any damage to the railroads. If, however, the Postmaster General should increase the weight of the parcel post from 50 pounds to 100 pounds, I am free to confess that it is just possible that it would divert some of this high-class freight business into the parcel post, and I do not believe that would be justified; but on the present weight of the parcel post—50 pounds—we are not going to do any damage to the railroads—and I do not want to see any damage done to the railroads, for they are an instrumentality in America's life that ought to be encouraged and sustained in every legitimate way. They are not entitled to any more than decent consideration; but they are entitled to that, and they ought to have it, and I would be the last man—and I know there is no man in this House—who would do them an injustice; and the American people do not want any injustice done to them. We are here to speak for the American people and the railroad companies—or those who own them are part of the American people—but I do believe that we ought not to reach our conclusions as a result of arguments of men who are paid to advocate given things. Why? In the first place, the railroad companies want more for moving the mails, and then other people want more compensation for the work they do; and there is still a very respectable class—a not inconsiderable number in the United States—who want to reduce the present postage rates; and between the men who are interested in the different things, who want to increase the compensation for the things they do and the people who want to decrease the amount they pay into the Treasury in the way of postal rates, if we grant them all we will not have any Post Office Department, and we will be compelled to levy new taxes and collect revenue from some other sources to meet the running expenses of the Post Office Department; and that, I say deliberately, is unjustifiable. [Applause.]

What do the railroad companies say? They say they want to go to the Interstate Commerce Commission. What have we done? We have done just what they wanted, but not in the way they want it. How do they want it? They want it to be turned over to the Interstate Commerce Commission, regardless of Congress or the Postmaster General, now and forever more. We maintain that this is a postal facility, that the Constitution of the United States gives the Congress the right to establish post offices and post roads, and, recognizing this authority, the Congress years ago passed a law giving the Post Office Department the monopoly of moving the mails and giving that department the authority to fix the rates under the law, and we are working under that law now, and we ought not to yield our rights to that monopoly by turning over its control and regulation to some department that has no technical knowledge of the conduct of the affairs of this great institution. But we have done this. We have sent the question up to the Interstate Commerce Commission, but not exactly in the way the railroads want it sent. The railroads wanted us to send the question to the Interstate Commerce Commission now and let them operate under current rates while the Interstate Commerce Commission is considering the question. In fact, they did not suggest we ever take it away from the Interstate Commerce Commission, but we have said we would give them the right to go to the Interstate Commerce Commission immediately after the adoption of these rates. Now, if the rates are wrong, they can be rectified. What is the language of the authority we give to the Interstate Commerce Commission? What is the authority to the railroad companies under that language? We say this. Here it is:

After the rates specified in this act shall have been adopted, the Interstate Commerce Commission shall, whenever requested by the Postmaster General or by the representatives of railroads with an aggregate mileage of at least 51 per cent of the mileage of railroads carrying mail, make an investigation of the justice and reasonableness of

rates then in effect, grant hearings to parties in interest, and report to Congress at the earliest practicable date thereafter the results of such investigation, making specific findings as to whether the rates fixed herein should be increased or decreased, and if either, how much. Such report shall show for each steam railroad operating company, if practicable, the amount of mail service rendered, the cost of performing same, and a comparison of the earnings of such railroad company from the mail traffic with those from express traffic and other passenger-train traffic. For the purpose of such investigations the Interstate Commerce Commission shall have all powers which it is now authorized to exercise in the investigation of the reasonableness of rates, and the Postmaster General shall supply such information regarding the mail service as may be requested by the Interstate Commerce Commission.

I submit to the judgment of the House that with this provision of the bill, giving the right to the Interstate Commerce Commission to review the rates and to recommend either an increase or a decrease to the Congress, that the rights of the railroads are properly protected and safeguarded and that no injustice is being done to them. And I submit further that in the face of the fact that this bill upon its face provides for the payment of 2 cents per ton-mile more than they are already receiving, the railroad companies are being, when this bill is enacted, compensated for every dollar's worth of service they render to the Government of the United States. [Applause.]

Mr. McKENZIE. Will my colleague yield to me for a question?

Mr. MADDEN. I will yield.

Mr. McKENZIE. Mr. Chairman, I desire to ask my colleague one or two brief questions simply to emphasize a point. If I understood my colleague, he stated that the railroad companies were cognizant of this schedule of rates which he has just read to us this afternoon?

Mr. MADDEN. Oh, yes.

Mr. McKENZIE. And that the railroad companies when asked to give what they believed would be a fair schedule of rates declined to file any schedule?

Mr. MADDEN. They do not know what it costs, they say.

Mr. McKENZIE. At any rate, they did not file any schedule.

Mr. MADDEN. No.

Mr. McKENZIE. Is it not a fact that in the gentleman's judgment the railroad companies are not so particularly interested in this schedule of rates as they are in the system which is to be adopted?

Mr. MADDEN. I presume they are opposed to the system, and that that is the only thing. They say that distinctly.

Mr. McKENZIE. Now, is the reason for their opposition, in the gentleman's judgment, due to the fact that there is a possibility they may in the future lose some of this high-class freight which the gentleman has mentioned this afternoon?

Mr. MADDEN. Oh, undoubtedly.

Mr. SIMS. Do they assign that as the real reason?

Mr. MADDEN. That is the only reason.

Mr. SIMS. That is the only possibility assigned that they will lose. In other words, they will get more under this new system than they possibly can under this——

Mr. MADDEN. I will say to the gentleman from Tennessee, in explanation of what I have already said, there is only one division in this service where it is possible to have any freight diversion, and that is in the storage car. The storage-car movement amounts, more or less, to 20 per cent of all the mileage, and it would not be under any circumstances, in my judgment, possible for more than 20 per cent of that 20 per cent under the most adverse conditions to be diverted. That is, supposing they had a storage-car movement of 20 per cent, making about $12,000,000, if 20 per cent of that $12,000,000 is diverted, it would only amount to $2,400,000, and the railroads would still have $3,600,000 more compensation under this bill than they have under the present law, even under the worst thing that could happen.

Mr. OGLESBY. Will the gentleman yield?

Mr. MADDEN. Yes.

Mr. OGLESBY. I understood the gentleman to say that the passenger rates are 25 cents per car-mile.

Mr. MADDEN. Yes.

Mr. OGLESBY. And under this bill they would receive on space the same?

Mr. MADDEN. 24.296 cents.

Mr. OGLESBY. Is it not a fact the railroads themselves fix their passenger rates?

Mr. MADDEN. The railroad companies in some cases claim, although they did not claim it to us, that they do not fix the passenger rates, but they claim that the State legislatures fix them, and when they were asked whether they had ever made application to the Interstate Commerce Commission for an increase in the passenger rates they replied they had not.

Mr. GARLAND. Will the gentleman yield?

Mr. MADDEN. I will.

Mr. GARLAND. The gentleman made a statement of existing possibilities of change of conditions as provided in the law. Does that apply also to the weight plan as it does to the space plan?

Mr. MADDEN. The bill recommends the space plan, and we are operating now under the weight plan.

Mr. GARLAND. The roads are now in operation under the weight plan. Now, does that apply to the new plan in reference to space?

Mr. MADDEN. I do not quite catch the gentleman's point.

Mr. GARLAND. The same law would not apply.

Mr. MADDEN. No; there would be no weight whatever under the space plan.

Mr. GARLAND. The reason I ask this is that I read a pamphlet gotten out by some one, entitled "Space versus Weight," and I find that they do not advise any change, that they will still have to use weight.

Mr. MADDEN. No weight whatever.

Mr. GARLAND. Not in less than carload lots?

Mr. MADDEN. Oh, no. That is all space.

Mr. GARLAND. Well, the pamphlet so states.

Mr. MADDEN. The man who wrote it does not know what he is talking about.

Mr. GARLAND. I wanted to get the expression of the committee on the subject, because I want to vote intelligently on it. The provision here is as to the possibility of changing the weight plan over to the space plan, and I would like to know about it so that I can vote correctly.

Mr. MADDEN. I do not quite catch the question; but I say, if by any chance it is possible for them to divert any part of it, to overload a storage car and carry a greater weight than they carry now, it could not under any circumstances affect more than 20 per cent of the storage-car mileage, which is 20 per cent of the total mileage.

Mr. GARLAND. I see your point.

Mr. HILL. Will the gentleman yield?

The CHAIRMAN. Will the gentleman from Illinois yield to the gentleman from Connecticut?

Mr. MADDEN. Yes.

Mr. HILL. Why does the committee object to the reference of a fair compensation for carrying the mails to what might be supposed to be an intelligent third party, the Interstate Commerce Commission?

Mr. MADDEN. We have not objected. We have referred it to them.

Mr. HILL. I know you have; but you have referred it to them without any power, and you simply require them to make a report back to you, you still holding the power to decide the question for yourselves as to the terms under which the mails are carried and the rate which shall be paid for it. What objection is there to leaving it to an independent third party, especially when that party is the representative of the Government itself?

Mr. MADDEN. We think we are just as competent to decide that question, speaking for all the people, as the Interstate Commerce Commission is, which speaks only for freight rates on the railroads. [Applause.]

Mr. HILL. If that is true, why leave it to them at all?

Mr. MADDEN. Well, because we want to give evidence of our fairness.

Mr. HILL. I do not think it gives any evidence of fairness, if you do not give them any power to decide the case.

Mr. MADDEN. We give it to the representatives of the American people. Now, the question is, Will the representatives of the American people act fairly?

Mr. HILL. That is the question. Why not leave it to the third party to decide?

Mr. MADDEN. Does the gentleman have any hope, as a representative of the American people, that the Interstate Commerce Commission would recognize an increase in the compensation? Does the gentleman doubt any gentleman of this House having equal integrity with himself?

Mr. HILL. Why should the buyer reserve to himself the cost of the goods he is going to buy and determine all the factors in the case, where there is a Government agency that determines that with reference to all other questions?

Mr. MADDEN. No such case entered into the factors the gentleman refers to, and the Post Office Department having by law the monopoly of the mails, ought to retain that monopoly of the mails, and not turn the jurisdiction of them over to any rate-making body that has jurisdiction simply over the railroads.

Mr. HILL. I agree absolutely with the gentleman, but let me ask him one more question. Having the monopoly, ought

they not to be willing to leave it to the justice of a coordinate branch of the Government?

Mr. MADDEN. I wish to say to the gentleman, in reply to the last question, that I maintain that no body of men ever acted more justly than the body of men that reported this bill to the House and recommend this bill to the consideration of the House, with the conscientious belief that we were doing in this matter what we would expect done to us if we were on the other side of the case.

Mr. HILL. Nobody doubts that.

Mr. BENNET. You spoke of what was called the Cassidy ring?

Mr. MADDEN. I did not mention the name.

Mr. BENNET. That was the name in the hearings. Did the gentleman intend to convey the impression that the persons convicted were connected with surety companies?

Mr. MADDEN. They had a combination with insurance companies by means of which they were able to bid to the exclusion of other people, and they had representatives of insurance companies before the Post Office Department speaking for them to the exclusion of everybody else, and we thought that was sufficient scandal and smelled bad enough to require us to do something to remedy it.

Mr. BENNET. Is it not a fact that no official of a surety company was indicted at all?

Mr. MADDEN. Oh, no; they were not indicted. They were not in conspiracy.

Mr. BENNET. Is it not a further fact——

Mr. MADDEN. And I did not make that statement, either.

Mr. BENNET. I know the gentleman did not. I think he rather made the implication.

Mr. MADDEN. I did not mean to do any injustice to anybody.

Mr. BENNET. Is it not a fact that while there are 40 surety companies qualified to do this sort of business the criticism as it appears in the hearing applies to but one, and that company a company located in my city, which had a representative here in Washington?

Mr. MADDEN. Yes; I think that is true, except as to this: All of the insurance companies, while not directly connected with this particular case—there being only one, and the one that the gentleman refers to that had that connection—it was proved that all the companies, every one of them, had a rate-making arrangement with the so-called Towner Bureau, of New York, that gave evidence to the committee that the rates were fixed through the instrumentality of Mr. Towner. He was the agent of the pool, so to speak.

Mr. BENNET. Is not the gentleman aware, if he will permit me one more question——

Mr. MADDEN. Yes.

Mr. BENNET. That of the 40 qualified surety companies, fewer than 20 are in the Towner rate-making association?

Mr. MADDEN. I do not know; I will say to the gentleman. I have no prejudice against any one of them.

Mr. BENNET. I just wanted to make the point clear, in justice to the other surety companies.

Mr. MADDEN. I wanted to say to the gentleman that I have no prejudice at all, except that I wanted to clear up what I think was a scandal.

Mr. BENNET. Mr. Chairman, will the gentleman permit me one more question?

Mr. MADDEN. Yes.

Mr. BENNET. The provision in the bill relative to the surety companies is not the provision that was recommended by the department?

Mr. MADDEN. No. It has been materially modified.

Mr. TOWNER. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Illinois yield to the gentleman from Iowa?

Mr. MADDEN. Yes.

Mr. TOWNER. Is it not the position of the committee that, in regard to this question of railroad rate making and the power of Congress, the gentleman believes the same position or relation ought to exist between the Congress and the Interstate Commerce Commission with regard to this matter as would exist between a tariff commission and Congress?

Mr. MADDEN. Yes.

Mr. TOWNER. And would it not be pertinent to ask the gentleman from Connecticut [Mr. HILL] whether or not he would be willing to divest Congress entirely of the power of legislating regarding the tariff and turn it entirely over to the tariff commission? [Laughter.]

Mr. HILL. No, no; Mr. Chairman, because of the Constitution. [Laughter.] It is very easy to ask the question if it is assumed that your question is based upon a correct understanding of the facts. The Constitution of the United States distinctly provides that all revenue questions or revenue legislation shall originate with the House of Representatives, and they have no power to delegate that function; they have no right to delegate that power. But this is a question, as it strikes me, where practically the House of Representatives has a right to make an appropriation to authorize the department to buy certain things, but it does not prescribe the rates which the State Department or the other departments shall pay for paper and string and all the other paraphernalia with which they carry on their offices. It provides that we should appropriate for an amount, and justice and reason should say that some third party should fix the prices.

Mr. MADDEN. I thank the House for its great courtesy to me and beg to apologize for taking so much of its time. [Applause.]

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. MOON. Mr. Chairman, I yield to the gentleman from Indiana [Mr. COX] one hour.

The CHAIRMAN. The gentleman from Indiana [Mr. COX] is recognized for one hour.

Mr. COX. Mr. Chairman, I have been a member of the Committee on the Post Office and Post Roads for the past six years. During that period of time, as a member of the committee, I have served with men as its chairman of my own political faith and with men of the opposing political faith.

I believe this is one of the best and cleanest Post Office appropriation bills that has come before the floor of this House for the past six or eight years. [Applause.] In the main, in our committee room politics in no way or manner enters into our investigations, and in the main I do not believe that politics has or should have any place or part in the administration of this great affair. It had not been my intention to discuss politics at all. I had made up my mind to refrain from even mentioning it. But on account of the fact that my esteemed friend the gentleman from Minnesota [Mr. STEENERSON] yesterday saw fit to criticize the present administration of the Post Office Department, in a few brief words I feel constrained to say something along that line.

But before I enter upon that I wish to compliment the gentleman from the city of Chicago, Hon. Mr. MADDEN, a member of our committee. I doubt if upon the floor of this House or in any committee room or before any commission there has ever been presented such a masterful construction and presentation of the question of railway mail pay as he has presented to-day. [Applause.] I doubt, and I doubt seriously, when this bill goes to the other end of the Capitol, where no doubt the question will be raised fiercely by the railroads upon one side and the Committee on Post Offices and Post Roads on the other, whether the railroads will ever be able to get away from his absolutely indisputable figures.

Like the gentleman from Illinois, I would be the last man who would willingly or knowingly do the railroads an injustice. But the time has come—it is now here—when this ever-vexatious question should be settled, and settled right. Let it be said to the credit of ex-Postmaster General Hitchcock that he was the first man who really started this move. From 1878 to 1909 there was an old statute upon the books, which down to that hour had been absolutely dormant and which gave to the Postmaster General the power to compel the railroads to furnish the Post Office Department with data showing the total cost borne by the railroads in the carrying of the mails.

It was in 1909 that Postmaster General Hitchcock asked Congress for an appropriation to compel the railroads to submit to the Congress of the United States a statement of the cost to them of the transportation of the mails. Six years ago the fight started. It has never stopped; it has never ceased; it never will stop until this question is settled, and settled right.

The present system of paying railroads is old, antiquated, out of date, unbusinesslike. The proposed system is a modern, up-to-date business proposition. Anyone who will read the postal laws from 1872 down to 1907 will quickly observe that Congress during that long period of time and the Post Office Department upon the one side and the railroads upon the other were involved in a constant, interminable fight and struggle as to how much the railroads should be paid for the transportation of the mails. At last, as the result of exhaustive work before committees of Congress, before commissions established by Congress, we have got this proposition down upon a tangible, intelligent, scientific basis.

On yesterday evening my friend from Minnesota [Mr. STEENERSON] saw fit to criticize the Postmaster General upon various grounds and for various reasons.

He said that the Postmaster General was in error when he stated that at the close of the Hitchcock administration there

was a deficit, because he said that in fact there was a surplus in the Post Office Department at the close of the Hitchcock administration.

I do not care very much about a deficit or a surplus in the Post Office Department. I recognize that it is next to a physical impossibility to run the Post Office Department as a great private enterprise would run private business. Sometimes the postal receipts will show a surplus and sometimes they will show a deficit. These conditions may be brought about and may be due to different and diverse facts. Exercising the sagacity of a good business man endeavoring to take an inventory of the situation to see where he was standing, the present Postmaster General, soon after he took his office, appointed a committee to investigate the postal affairs for the four preceding years. That committee was composed of some of the ablest men connected with the department—Hons. Daniel C. Roper, Joseph Stewart, A. M. Dockery, James I. Blakslee, and M. O. Chance. Two of these men had been in the employ of Mr. Hitchcock. One of them was his Second Assistant Postmaster General for four years. Mr. Chance had been for a few years his chief clerk and had later been taken by Mr. Taft and placed upon his Economy Commission.

These men reported to the present Postmaster General early in the fall of 1913 that instead of there being a surplus at the close of Mr. Taft's administration there was, in fact, a deficit of $750,000, as shown by the report of this committee, which is as follows:

POST OFFICE DEPARTMENT,
*Washington, May 7, 1913.*

Hon. A. S. BURLESON,
*Postmaster General.*

SIR: Your committee, appointed by Order 6933, dated March 19, 1913, to investigate and report the financial, physical, and working conditions throughout the department and the Postal Service with relation to June 30, 1912, and March 4, 1913, has the honor to submit its report herewith.

A very thorough inquiry has been made during which all available data in the department have been examined (see exhibits attached) and postmasters from important cities, inspectors, officials of the Railway Mail Service, and others have been consulted, from which your committee has assembled the following facts, conclusions, and recommendations:

POLICIES OF THE PREVIOUS ADMINISTRATION.

The all-absorbing program of the last administration was the placing of the Post Office Department on a paying basis. The policies pursued in the effort to succeed in this plan were overworked and resulted in defective administration and just criticism on the part of the public. That efficiency and economy should be substituted for wastefulness and extravagance needs no argument, but the Postal Service affects so vitally the interests of the entire population of the country that economy which means a curtailment of postal facilities operates as a check to the social and industrial progress of the country. The people are entitled to the best facilities administered in the most efficient manner. That the facilities furnished during the last four years were not the best is clearly established by the facts.

METHOD OF ACCOUNTING.

Notwithstanding the great zeal displayed in the effort to place the department on the so-called paying basis and the resultant injuries to the service, the claim of the former Postmaster General that the service actually yielded a profit in 1911 has no foundation in fact as is shown herein.

It is to be further noted that the balance sheet as heretofore prepared concerned itself entirely with the revenues from postage and the operations of the department and expenditures under the appropriations for the service of the Post Office Department. In addition to this the department should be able to make a complete statement of its financial status, which should include the administrative expenses of the department, the expenses of the auditor's office, and a fair charge for the maintenance of Federal buildings used exclusively or in part for post-office purposes as items of cost. It has not been the custom to include these in the balance sheet. Furthermore, due credit should be given the department for the service performed in handling and carrying franked and penalty mails.

DEPARTMENTAL SERVICE.

In line with the policy of unwise administrative economy which the former administration had adopted, vacancies in the clerical force of the department were permitted to remain unfilled, and the lapsed salaries were turned back to the Treasury. The withholding of deserved promotions caused dissatisfaction among the employees, and undoubtedly, to some extent, lowered their efficiency and contributed against keeping current the work of the department.

The failure to fill vacancies in the department in the latter part of 1910 and during 1911 was not justified. Instead of making deserving promotions, a considerable number of transfers from other departments were made, at salaries in excess of the entrance grade, of men untrained in the work of the Post Office Department.

In order to effect these transfers the Postmaster General certified in each case where the transfer was at a salary in excess of the entrance grade that the person recommended for transfer was specially equipped for the work to which it was intended to assign him, and that the vacant position could not be adequately filled by promotion. Many of these certifications were unjustified

The records show that during the four years from March 4, 1909, to March 4, 1913, vacancies which were allowed to exist for periods ranging from one month to more than one year aggregated the equivalent of 34 clerks employed continuously during the above period.

REVERSAL OF POLICIES.

It is interesting to note that immediately before March 4, 1913, there was a complete reversal of economic policies. In the department all available places that had remained vacant for months were filled.

On January 21, 1913, urgent verbal instructions were given by the Postmaster General to report for immediate final action every possible favorably approved rural route, and, acting under these instructions, over 100 rural mail-delivery establishments were authorized in three days. Directions were given to expedite as much as possible inspectors' reports on all cases then under investigation of rural delivery and of allowances, with instructions for favorable reports.

POST OFFICE SERVICE.

In the endeavor of the former Postmaster General to wipe out the deficit, it is evident from the examination by your committee of the internal and external working conditions of the department and the service that his constant efforts in exhorting postmasters and others connected with the service on the sole theme of cutting down expenses had a tendency to impair the service.

Immediately upon assuming office Postmaster General Hitchcock sent broadcast the announcement that economy would be the watchword of the administration. Notices to this effect were carried by the press, delivered personally by representatives of the department at postmasters' conventions, and in official letters to postmasters at first and second class post offices they were requested to exert every effort in the interest of utmost economy. Copies of some of these letters are attached to this report. It is believed that many postmasters in their zeal to carry out the wishes of the Postmaster General and to make records which they thought would be regarded favorably have extended their efforts beyond the proper limit and have more likely effected retrenchment than economy in the administration of the Postal Service. Repeated requests for closer cooperation in the matter of economy unquestionably influenced postmasters in numerous instances to curtail service where this could be done without too great complaint from the public and to withhold until the last possible moment requests for necessary additional help in the clerical and carrier forces and for allowances for other purposes. This practice has worked to the detriment of the service generally, and while it would be difficult in so large a service to point out specific instances in great numbers, the result has undoubtedly justified such complaints of imperfect and unsatisfactory service as have been received recently from New York, Philadelphia, and elsewhere. All such complaints are now receiving careful attention.

During the early part of the administration action was deferred on all cases involving the establishment of city delivery service in which there might be any excuse for delaying action, notwithstanding that the people were entitled to this service and its establishment had been recommended by post-office inspectors. Many such cases were acted upon only after persistent requests of Senators and Representatives.

Another practice of deferring action was that of referring requests from postmasters for additional clerks and carriers to inspectors for investigation before taking action thereon. It is safe to say that these requests were made in most cases only when the additional help had become absolutely necessary, especially in view of the Postmaster General's repeated injunction in regard to economy. While the investigations as to the real necessity for additional help were being conducted, temporary help, as a rule, was not granted, and frequently months elapsed between the receipt of the postmaster's request at the department and the completion of the inspector's investigation. Reorganizations worked out by the inspectors with a view to minimizing the additional help required were seldom in harmony with the postmaster's views, and as a consequence further time would be lost, and where additional help was actually needed the service would continue to suffer until the facts could be determined. It should not be assumed that these reorganizations were without value, for in many instances they have brought certain betterments to the service. The point is, however, that this practice served to further discourage postmasters from making applications for necessary help and extensions of the service, because the investigations sometimes brought to light the fact that the postmaster's knowledge of the work and his progressiveness were not of the best. It should be said that since June, 1911, the practice has been changed to the extent of allowing temporary assistance pending these investigations by inspectors.

The practice of delaying action until the pressure for it became too strong is even more noticeable by an examination of the records of the Division of Rural Mails. During the greater part of the fiscal year ended June 30, 1911, rural routes were apparently established only in cases of extreme emergency, except where a net saving to the Government was involved. Practically no extensions of existing routes were approved. On October 1, 1910, 1,184 approved petitions for rural-route establishments were held in the Division of Rural Mails awaiting final action. These continued to accumulate, and yet at the end of May following (May, 1911) the record for the 11 months of the fiscal year shows a net increase of only 210 routes. In the single month of June, 1911, 375 routes were established and 8 discontinued, making a net increase of 367 for the one month, or a net total for the year of 577 routes. The annual cost during the fiscal year for this increase of 577 routes was thus limited to $210,437, or fifty-seventh one-hundredths of 1 per cent of the annual appropriation.

In October, 1910, the Fourth Assistant's Bureau apparently faced a deficit on account of the star-route service, and instructions were issued to reduce the expenditures for existing service to such a figure as would avoid a deficit. The attention of Congress was not called to this condition and star-route service was discontinued or curtailed, and proposed additional service was not established. Protests and demands for restoration were so urgent and insistent, however, that in the early part of May, 1911, nearly all of the star-route service previously discontinued or curtailed was restored, effective June 1, 1911. These discontinuances and curtailments effected a saving or decrease of nearly $100,000 in the expenditures for star-route service during 1911.

FINANCIAL CONDITIONS.

Under the direction of the Third Assistant Postmaster General a comprehensive study has been made of the financial condition of the Post Office Department for the fiscal years 1909 to 1912, inclusive. The accounting methods used are described in detail and careful analysis presented of the balances reported for each fiscal year, particular attention being given to the alleged surplus of 1911. Instead of a surplus of $219,118.12 for that year, as claimed by your predecessor, it is clearly demonstrated that there was in reality a deficit of more than three-quarters of a million dollars. Furthermore, a close analysis of the financial statement for the fiscal year 1912 discloses the fact that the admitted deficit of $1,785,523.10 for that year was understated by nearly $100,000. A concise summary of this financial report, together with the detailed tabular statements, are submitted as a special exhibit.

PHYSICAL CONDITIONS.

DEPARTMENTAL QUARTERS.

While, in the main, it is probable that the Post Office Department quarters are as satisfactory as those occupied by other executive departments in Washington, it is noticeable that there are divisions or parts of divisions of each of the four bureaus where the space is entirely inadequate, the location of the rooms inconvenient for proper cooperative work with other branches of the same bureau, and where the light, ventilation, and sanitary conditions are a menace to the health and comfort of the employees. Numerous specific instances are brought to the committee's attention of rooms approximately 18 by 20 feet and with one window, occupied by six clerks, and of rooms approximately 22 by 20 feet, with one window, occupied by eight clerks. With the necessary desks, file cases, and other furniture and equipment for the use of this number of persons, it is easily seen that in rooms the size indicated the most efficient operations are impossible. Files which have to be referred to continuously are stored in dark and inaccessible rooms, many of them on the top floor of the building where there is neither sufficient light nor ventilation and where the cleaners seldom find their way.

By careful study of these conditions certain betterments will be brought about.

ASSIGNMENT OF SPACE TO THE SEVERAL BUREAUS.

It is noted that in the assignment of rooms to the different bureaus of the department serious inconvenience has resulted in many instances by the separation of the workrooms of important divisions from the main post-office building and their location in other parts of the city, in some cases at a considerable distance; also by the separation by several floors of divisions from the headquarters of the bureau in the same building. One division of the Second Assistant's office occupies rooms at Tenth and G Streets and one is located in the annex at First and K Streets NE.; two divisions of the Third Assistant's office occupy a building at First and K Streets NE., directly adjoining the railroad viaduct, where the noise and smoke from the constantly moving trains is a serious handicap to the work of the divisions; and two divisions of the Fourth Assistant's office also occupy a room in the annex at First and K Streets. This separation not only renders perfect supervision by the head of the bureau impossible, but necessarily retards the work to a considerable extent when action is dependent on personal exchange of views between the head of the bureau and his supervising officer, located at this distant point. The same is true, to a lesser degree, where the different divisions of a bureau are located on different floors in the main building. In the case of the Third Assistant Postmaster General's bureau many of the current files have to be kept on the ninth floor, thus causing a considerable loss of time of the clerks whenever a search into these files is required.

As long as it is necessary to rent outside buildings in the city in which to house a part of the department's force, particular care should be exercised to select for assignment to such outside buildings divisions or offices that have the least connection with other divisions or offices, and thus inconvenience as little as possible the general operations of the department.

The office of the Auditor for the Post Office Department, which is under the jurisdiction of the Treasury Department, occupies a considerable part of the Post Office Building. If the plan were carried out, as proposed several years ago, of erecting an office building for the auditor's use on the square south of the Post Office Building, which was purchased by the Government for that express purpose, it would relieve very greatly the present congested conditions. Some relief will be afforded when the new post office building near the Union Station is completed.

This matter of reassignment of space should receive prompt attention.

OFFICE FURNITURE AND EQUIPMENT.

Much of the furniture now in use throughout the department is unsuited to its purpose and insanitary. A few offices have received attention in this respect and during the last administration were newly furnished and equipped with modern furniture and fixtures, while others were neglected and little consideration given to requisitions of bureau officers.

WORKING CONDITIONS.

DEPARTMENTAL ORGANIZATION.

Legislative action from time to time has necessitated changes in the assignment of duties to the several bureaus of the department. Changes in business methods have suggested also certain reassignments that could be effected by order of the Postmaster General. The present organization, however, should be made the subject of special study, with a view to effecting a more logical distribution for bureau administration than now exists of the different features of postal activity. To accomplish this in its entirety congressional action is necessary.

POSTAL SAVINGS SYSTEM.

The Postal Savings System is so closely identified with other financial branches of the service, which are now assigned to the bureau of the Third Assistant Postmaster General, that it is believed that this work could be more effectively and more economically administered if it were placed under the supervision of the Third Assistant Postmaster General and the head of the system designated as superintendent, division of postal savings depositories, and this action is recommended.

POST-OFFICE SITES.

One of the most important changes which the present administration should endeavor to effect is in the method of selecting the sites of Federal buildings intended for post-office purposes. Unquestionably this department is better qualified than the Treasury Department to determine the proper location of these buildings. In many instances sites have been chosen for post-office buildings without due regard to the requirements of the service, the proper administration of the postal facilities, or the convenience to the commercial interests of the respective cities. In numerous cities by reason of the inappropriate location of the Federal buildings the Post Office Department finds it necessary to maintain an expensive station at the logical point for the main post office and a greater volume of business is done at some of these stations than at the main office. This condition adds materially to the aggregate cost of the service. This matter should be given prompt attention and authority obtained from Congress permitting the selection of these sites by the Post Office Department.

SUNDAY SERVICE AT POST OFFICES.

It is believed that the question of closing post offices on Sunday has not received the careful consideration which the importance of this matter merits. The Post Office appropriation act which became effective August 24, 1912, contained a provision not recommended or suggested by the department prohibiting the opening of post offices of the first and second classes on Sunday for the purpose of delivering mail to the general public. A literal interpretation of this paragraph would prevent a patron from receiving any mail at offices where no transit mail is handled and none dispatched on Sunday, no matter how important. At offices where mails are dispatched on Sunday or the office is open for handling transit mail, the postmaster is not prohibited from accommodating the patrons in the delivery of their mail to the extent that the necessary employees required to be on duty can be allowed compensatory time off on some day during the succeeding week. No uniform practice, however, is followed throughout the service in this regard and the complaints of persons who have had excellent reasons for getting important mail on Sunday and have been denied that privilege are undoubtedly justified. While the principle of reducing to the minimum the work required of postal employees on Sunday is undoubtedly a proper one, it is of vital interest frequently that important mail matter be delivered to the addressee on Sunday. When the apparent necessity for it is made known, the public should be accommodated as far as possible. Moreover, it is a serious question whether the business interests in important commercial cities do not demand that the mails received on Sunday be not allowed to accumulate unduly, which undoubtedly affects their prompt delivery on the following day. Such a condition is almost certain to result from the complete closing of post offices on Sunday. It is recommended that this question receive the early attention of this administration.

BACKSTAMPING OF LETTER MAIL.

Section 611 of the Postal Laws and Regulations requires incoming letter mail to be backstamped with the date of receipt at a post office. Except in the case of registered and special-delivery mail, it is not believed that this practice serves any useful purpose. Certainly the benefits derived from the practice in offices of any size are not commensurate with the time and labor involved. In 1908 or thereabouts the Postmaster General suspended the regulation experimentally at a number of the larger post offices. The number of offices has been added to from time to time, until there are now approximately 500 where this service is not performed. The public desires most of all the expeditious delivery of their mail. It has been found in numerous instances that by discontinuing backstamping the early morning deliveries could be advanced materially.

Furthermore the discontinuance of this practice in large offices has resulted in a considerable saving. According to a report on file, to resume the service at the New York post office would require 40 additional clerks and 20 high-power canceling machines, which would mean an expense of more than $35,000 annually for that office alone. Even in the small country offices it would mean a saving of time to the patrons who crowd into the lobby of the post office upon the arrival of the mail train and await the opening of the delivery window.

It is recommended that the regulations be amended by an order of the Postmaster General suspending at all post offices the backstamping of mail, except that which is registered or is intended for special delivery.

PARCEL POST.

In view of the enormous and steadily increasing volume of parcel-post mail handled since the inauguration of this service on January 1 last, this new extension of the service demands the immediate and earnest attention of this administration in order to insure the expeditious handling of these mails, especially in the larger cities, and the best and most economical methods of handling them in the railway post offices and en route.

The conditions of the service should be ascertained as soon as practicable in order that it may be determined whether the parcel-post rates may be safely reduced or changes in the present zones made.

MODEL POST-OFFICE SERVICE.

The study of conditions in post offices for the best method of handling parcel-post matter should extend to the handling of other classes of mail matter and to the general post-office conditions, in order that the department may determine just where the methods and conditions are of the best, and thus be used as models. Such information would be of immense value in the administration of the service. It is recommended that a committee of the department's best postal experts be appointed without delay to visit a number of representative post offices of each class for the purpose of ascertaining the various methods pursued with reference to the handling of parcel-post matter and also as to other branches of the work, and thus by comparison enable the department to adopt the best under each set of conditions.

PARCEL-POST STAMPS.

The distinctive stamps required by the parcel-post law for use on parcel-post mail matter serve no useful purpose, except possibly to determine more readily the amount of revenue from this particular branch of the service. This could be determined in some other way. Their discontinuance would save the public much annoyance and embarrassment and also effect a considerable saving in expense to the Government. Ordinary postage stamps should be sufficiently elastic for every postage purpose.

EQUALIZATION OF SALARIES.

Even the cursory survey made by your committee has disclosed the fact that marked inequalities in salaries exist throughout the department. Wide variations are found in the salaries paid clerks who are performing identical or very similar services, and in many instances employees engaged in work requiring exceptional skill are receiving less compensation than others whose duties are comparatively simple. It is urgently recommended that these conditions be thoroughly investigated, with a view to the establishment of an equitable scheme for standardization of work. Wherever the character of work permits of the adoption of fixed standards of quantity and quality the salaries paid should be regulated by the variations from such standards. It is further recommended that careful consideration be given to the compensation of the officers of the department, as it is believed that the salaries fixed by law do not in all instances bear a proper relation to the duties and responsibilities of these positions.

RAILWAY MAIL SERVICE.

Exhibit "B," upon the subject of the Railway Mail Service and the policy adopted by the former Postmaster General in relation to its reorganization and conduct, shows to what extent the policy resulted in impairment to the efficiency of the service. Economies which went beyond the requirements of good administration reduced the service to the minimum, leaving it unable to respond to normal changes. Besides the fact that the policy and method produced a widespread discontent and suspicion in the personnel of the service, materially affecting the esprit de corps, it left the service at the end of the adminis-

tration in poor condition to handle the normal increase in business and the large demands made upon it by the inauguration of parcel post, thus throwing upon the new administration the burden of restoring proper conditions at an unusual amount of expenditure. Since the advent of the present administration much has been done to improve the service and place it in the best condition, and these efforts are being continued.

BONDS OF POSTAL EMPLOYEES

The postal service of Canada adopted some years ago a plan for bonding its employees which from all reports has proven very satisfactory to the Canadian Government, besides costing the employees considerably less than the employees in the United States service are required to pay on bonds of equal amount. It is recommended that this matter be looked into.

PERFORMANCE OF DUTIES BY POSTMASTERS.

Too little attention has been given to the question whether postmasters at presidential offices were devoting sufficient time to their offices and were personally performing any of the duties. Aside from the periodical inspections of post offices by post-office inspectors, no effort seems to have been made to ascertain these facts; and even when reports of inspectors have disclosed that a postmaster was devoting a few hours only to his office, that he give it only perfunctory supervision, and that his lack of knowledge as to postal matters was such as to reflect discredit upon the department, no action appears to have been taken unless outside influences were brought to bear in the case.

The salaries of presidential postmasters, as a rule, are commensurate with the duties and responsibilities of the respective offices, and these officers should be required to give a fair return for the compensation paid them. If the postmaster, who is the highest salaried man in the office, fails to display a proper interest in his work, it can hardly be expected that the subordinate employees will do more. Post-office clerks and city letter carriers are required by law to perform eight hours service daily in order to receive a day's pay, and it is certainly only fair to the Government that postmasters should be required to devote an equal number of hours to their duties. If this were done, particularly at offices of the third class, it is confidently believed that a large saving would be effected in the cost of clerk hire, and that the efficiency of the service would also be increased materially, as frequently these small offices are left for hours at a time in charge of irresponsible children while the postmaster is giving his attention to personal business.

It is therefore recommended that the attention of postmasters now in the service be called to the requirement that eight hours' personal service shall be given by them to their respective offices, and that evidence which tends to show that this rule is not being complied with which may reach the department will be regarded as sufficient cause for the immediate appointment of their successor. Furthermore, it is recommended that now appointees, before being commissioned, be required to pledge themselves in writing to devote their full time and attention to their official duties and perform such service as would seem to be consistent with the size of the office.

CLASSIFICATION OF POSTMASTERS.

On November 30, 1908, and on October 15, 1912, Executive orders were issued covering into the classified civil service certain postmasters at offices of the fourth class. The first order included the postmasters at all such offices in the 14 States north of the Ohio and east of the Mississippi Rivers, and the order of October 15, 1912, included all remaining postmasters at offices of the above class in the United States, with the exception of those in Alaska, Guam, Hawaii, Porto Rico, and Samoa. The criticism to be made of these orders is that they classified more than 45,000 postmasters, who had been appointed solely upon political considerations, without any test whatever as to their qualifications for these positions. It would have been more in line with the fundamental principles of civil service, and also with the practice which has prevailed with reference to extensions of the service, to have first classified the positions, leaving the incumbents to be classified individually upon furnishing the Postmaster General satisfactory evidence of their fitness for the positions they occupied. It is recommended that the orders be amended so as to correct this injustice.

It is further recommended that steps be taken toward the classification of presidential offices.

NEW EIGHT-HOUR LAW.

It is apparent that a general readjustment of work was necessary in many post offices in order to bring the 8-hour-a-day service of post-office clerks and city letter carriers in all cases within the 10-hour period prescribed by the provision in the act of August 24, 1912. While an earnest effort is being made to impress upon postmasters at all first and second class offices the necessity of conforming strictly to the requirements of this new law, some confusion seems to still exist in certain quarters as to the department's attitude in the matter. There should be no doubt in this regard, as the efficiency and cost of the service is reflected in the manner in which this law is enforced. It is recommended, therefore, that a carefully prepared circular letter, setting forth in appropriate detail the purpose of the law and emphasizing the department's position in the matter, be addressed to all postmasters of the first and second classes.

COST STATISTICS.

The committee feels that the time has arrived when the Post Office Department should have a statistical bureau, charged with the duty of compiling statistical data for comparisons between the units of work and the units of cost for the different classes of work performed in the several branches of the service. With these data officers of the department would be able to determine where the service is being most economically administered and to apply suitable remedies for correcting lax and uneconomical methods. Such a bureau would be charged with the duty of preparing scientifically and furnishing to the officers of the department intelligent information regarding the adequacy and inadequacy of postage rates based on the cost of handling and carrying the several classes of mail matter and the rendering of special services with which this department is charged, all of which would look to a proper standardization of the department's methods and practices.

SUMMARY OF RECOMMENDATIONS.

That the department apply itself to a close study and a proper administration of the service as it now exists, keeping in close touch with the postmasters and others forming the framework of the postal organization, impressing upon them the fact that the department will expect them to give to their respective communities the best possible service and to report promptly their inability to do so with the facilities at their command, accompanying such report with suggestions and such other information as will enable the department to analyze the conditions and assist them toward the end desired.

That early attention be given to the question of a comprehensive method of postal accounting that will include all items that enter into the cost of conducting the Post Office Department.

That the matter of reassignment of rooms to the several bureaus and divisions be given prompt attention in order to effect a better working condition throughout the department.

That steps be taken to improve existing conditions in the department as to furniture and equipment.

That the Postal Savings System be assigned to the bureau of the Third Assistant Postmaster General as a separate division of that bureau.

That authority be obtained from Congress permitting the selection of sites for Federal buildings to be used for post office purposes by the Post Office Department.

That the matter of Sunday service at post offices be given careful attention.

That an order be issued by the Postmaster General discontinuing backstamping, except as to special delivery and registered mail, at all post offices.

That a committee of postal experts be appointed without delay to visit a number of representative post offices of each class for the purpose of studying the best method for handling parcel-post matter and also other features of post-office work.

That early attention be given to the question of discontinuing the use of distinctive stamps now required by law for parcel-post matter.

That an investigation be made with a view to the establishment of an equitable scheme for standardization of work in the department and the equalization of salaries.

That the department make further inquiry into the Canadian system for bonding postal employees with a view to adopting, if feasible, some such system in the United States service.

That postmasters at presidential offices be advised that they will be required to devote their full time and attention to their offices and perform service commensurate with the salary of the office.

That early steps be taken looking toward the classification of presidential offices.

That a circular letter be prepared and sent to all postmasters of the first and second class with reference to the law limiting the service of post-office clerks and city carriers to eight hours.

That a bureau of statistics be established.

Respectfully,

DANIEL C. ROPER,
*First Assistant Postmaster General.*
JOSEPH STEWART,
*Second Assistant Postmaster General.*
A. M. DOCKERY,
*Third Assistant Postmaster General.*
JAS. I. BLAKSLEE,
*Fourth Assistant Postmaster General.*
M. O. CHANCE,
*Chief Clerk Post Office Department.*

Does anyone believe for a moment that Mr. Stewart would dare attach his signature to a report which he knew to be false and erroneous? Does anyone believe for a moment that Mr. Chance, who had served Mr. Hitchcock as chief clerk for two or three years, would likewise do the same? I assert this evening without fear of successful contradiction that the first fiscal year of Postmaster General Burleson's term was the only year that has shown a surplus since 1884. There had been a deficit in the Post Office Department from 1884 down to 1914. For the benefit of the gentleman from Minnesota [Mr. STEENERSON] I want to read from the first report which Postmaster General Hitchcock made. It is very instructive, and certainly the gentleman from Minnesota will accept it as being authoritative. Says Mr. Hitchcock:

When the present postal administration entered upon the discharge of its duties last March, it was confronted with the largest deficit in the history of the department. The excess of expenditures over receipts for the fiscal year 1909 proved to be $17,441,719.82. To this sum should be added postal funds lost by fire, burglary, etc., to the amount of $37,750.65, making a total deficit of $17,479,470.47.

So far as I am personally concerned, as I said a moment ago, I do not care whether there was a surplus or a deficit in the department at the close of Mr. Hitchcock's administration. I want to stand and give testimony for him this evening that he worked wonders in reducing the deficit from $17,000,000 to $750,000 in four years' time.

Mr. REAVIS. Mr. Chairman, will the gentleman yield?

Mr. COX. I will yield for a question only.

Mr. REAVIS. Does the gentleman consider it of importance as to whether a surplus or a deficit existed, if the money was judiciously expended and required for the efficiency of the service?

Mr. COX. As I said a moment ago, as far as I am concerned, I do not think it amounts to anything. Of course, if we can make it self-sustaining, so as to prevent taxation upon the people to supply the deficiency, so much the better. But I put these figures in the RECORD for the purpose of answering the criticism made by the gentleman from Minnesota [Mr. STEENERSON] yesterday against the present Postmaster General.

Reading from the Third Assistant Postmaster General's report yesterday, the gentleman from Minnesota [Mr. STEENERSON] thought he had found a "mare's-nest," because he said that the report showed that in 1914 the rumblings of a European war were heard, and that the present postal deficit, amounting to approximately $11,000,000, was attributed to the European war.

Were there any rumblings of a European war in 1909? Was there any war anywhere? That was at the close of Mr. Roose-

velt's administration, to which the gentleman from Minnesota [Mr. STEENERSON] and every Republican points with pride as being the greatest era of prosperity this country ever saw.

But Mr. Hitchcock in his report explains the reason why or, at least, partially explains the reason why there was such an enormous deficit. Says Mr. Hitchcock:

> Simultaneously with the great deficit in the Postal Service the Nation's income suffered last year a serious depletion incident to financial depression.

If the postal revenues suffered a depletion because of financial depression, is it not fair, is it not legitimate, to say that the postal revenues suffered a great depletion because of the foreign war that is now going on? But that is not all, that is not the high-water mark that has been reached. The high-water mark of postal deficit was reached at the close of the fiscal year 1908, again under Mr. Roosevelt's administration, when it reached the enormous and appalling sum of upward of $19,000,000. Here I repeat that since the year 1884 down to the present time, or down until 1914, every fiscal year has concluded with a postal deficit ranging from three to ten million dollars.

The gentleman took Mr. Burleson to very severe task because of Mr. Burleson's issuing an order permitting third-class matter to the mail. If I remember correctly, and I do not want to misquote him, he answered Mr. LLOYD that third-class mail matter was carried at a profit before the order of the Postmaster General was issued, some time in 1914, permitting catalogues to be carried through the mails. Again I want to call the gentleman's attention to Mr. Hitchcock's report made in 1909, which plainly shows that third-class matter, which includes catalogues, was carried in the year 1908 at a loss of $3,229,512.12. Even under the former regulations, when catalogues did pay a higher rate of postage than they pay now, third-class matter was carried at a loss.

I do not know anything about the workings of the order permitting catalogues to be sent through the mail, whether it has had a tendency to deplete the postal revenues or not; but if it has I undertake to say that there has been a corresponding benefit in the way of increased fourth-class matter or parcel post. I believe it was unfair for the gentleman from Minnesota [Mr. STEENERSON] to leave the impression that the present Post Office Department is being administered solely for political purposes. I do not believe politics has any place in this discussion, and had it not been for the remarks that the gentleman injected into his speech respecting it I should not have referred to it.

So far as the present bill is concerned there are not very many new things in it, except what is known as the bonding feature and the railway-mail pay, with a few things recommended by the Post Office Department. The bonding feature is, of course, a new proposition, not so new, but new in this sense, that it is the first time it has ever reached the floor of this House in its present tangible form. If you will go back and read Mr. Hitchcock's report in 1909, you will find that he advocated it in most vigorous language at that time and assigned unanswerable reasons why a law of that kind should be passed. The Members who were here in the Sixtieth Congress, or, perhaps, the Sixty-first, I am not quite sure which, will remember the time when the bonding companies got together and automatically raised the rate of insurance from $1.26 to $2.43. It created such a storm of abuse, it aroused such fierce and frightful opposition, that Congress quickly passed a joint resolution appointing three Members of the House and three Members of the Senate to investigate it. Hon. James A. Tawney, then chairman of the Committee on Appropriations, was head of the commission so far as the House was concerned. After sitting for weeks and months and hearing testimony on the subject the commission reported back to Congress that there was no necessity, no use, for the automatic increase in bonding rates of 100 per cent. The result was, if I recall correctly, they were permitted to increase the rates 35 per cent. Not content with that, unable to do directly a thing they wanted to do at that time, they are now endeavoring to do the same thing indirectly.

It is a maxim of law, too well established to be repeated, that a man can not do indirectly what he can not do directly. As the bonding companies were frustrated from increasing their rates 100 per cent, they have sought to do the same thing, in a measure, indirectly.

For instance, they have sought out certain bidders or would-be bidders handling the United States mails. They have endeavored to fix the contracts. They have said to this bidder and to that bidder, "We will not bond you for $40,000." The bidder says, "I can handle that mail for $40,000; I know what I can do, and am willing to undertake it." But the bonding companies say, "You must bid $50,000 or $55,000 upon the contract; otherwise we refuse to bond you." That condition became so notorious that last November Postmaster General Burleson assigned two of his best post-office inspectors to look up this matter. One of them was Mr. Cortelyou, a brother of the ex-Postmaster General and at one time Secretary of the United States Treasury, and the other was Mr. Kinyoun, from the State of New York. After weeks and months of patient and careful investigation these inspectors reported to the Post Office Department an exceedingly nasty condition of affairs, so far as the bonding companies are concerned. While before our committee Mr. Lyman, if I remember correctly, the vice president of the bonding company, when asked by the chairman of our committee, or perchance by the gentleman from Illinois [Mr. MADDEN]—I am not sure which—"Suppose the Government can, by a guaranty fund, safeguard itself and do it cheaper than you can do it, would not you be willing to let the Government do it?" The answer was, "No." What was the reason? Because the Government had no right to enter into private business in competition with private individuals! I am always for the individual man if the individual man acts squarely with his fellow man; but where individual men combine for the purpose of defrauding a vast number of the people of this country, then I am in favor of the Government stepping in and taking charge of the situation and protecting the mass of the people.

Why, gentlemen, this same argument was used here for 30 years to defeat the establishment of postal savings banks. They said that the Government had no right to enter into a private business; that it would be going into the banking business, if we ever established the postal savings banks. And by one argument and another for 30 years special interests were able to defeat the enactment of postal savings bank laws. And be it said to the credit of the gentleman from Massachusetts [Mr. WEEKS], who is now holding a seat at the other end of the Capitol, while he was chairman of this committee we reported out of that committee a postal savings bank law that has not hurt private interests at all, but is benefiting, yes, hundreds and thousands of American citizens. The same identical argument was used here for 30 years to prevent Congress from passing a parcel-post law. It was said that the parcel post would hurt local business, and for 30 years they were able to keep that law off the statute books. It was said that it put the Government in competition with private business. And be it said to the credit of the chairman of our committee, the gentleman from Tennessee, the Hon. JOHN A. MOON, in the Sixty-third Congress introduced a bill for a parcel post, and he never ceased to fight until it was finally enacted into law. To him, more than anyone else, credit should be given for the enactment of this legislation.

So when they answer us that the Government has no right to go into private business, I answer back that if the Government is the only institution in the country that can break up a monopoly, let the Government go into it. [Applause.]

I rejoiced sincerely in seeing in the papers this week that the other end of the Capitol, in the very face and in open defiance of the Armor Plate Trust of the country, reported a bill out appropriating $11,000,000 to build an armor-plate plant in this country. [Applause.] They did that when they were distinctly told by the trust that if they did so they, the trust, would raise the price of armor plate $200 a ton upon the Government. They might perhaps increase the cost of the construction of our present battleships a little, but as soon as the armor plant gets to running we will recoup and recover it manyfold over. In my judgment, the only wise and intelligent thing to do is for Congress to pass this bonding feature.

The only criticism I have upon that part of the bill at all is that it is not strong enough, that it does not go far enough. If I had it in my power and I were writing a bill to that effect, I would compel every postal employee who is required to render a bond to enter into this guaranty fund. The bonding of employees and of contractors is just as much of a function of the Post Office Department as the raising of an army, as the making of munitions of war. The Post Office Department can not run, it can not operate, without postal buildings, post roads, railroads, employees, and many of its employees have to be bonded; and when we require bonds of our employees or contractors it is as much a function of the Post Office Department to do that as it is to transport the mails.

Why, for five years, gentlemen, the average loss to the Government of the United States on account of defaulted bonds, or where the bonds were not sufficiently high, has been $50,000 per year. That $50,000 has to be made up in some way, somehow, by some one. Why, they got so bold and audacious about this thing that one of the attorneys here in the city of Washington by the name of Finley, this last summer, proceeded to send out over the United States circulars to proposed bidders on star-

route mail service and screen-wagon city service, warning them to be careful about their bid this year. The last I heard of that gentleman the other day he was cited to appear before the Post Office Department and show cause why he should not be debarred from appearing before it. And, knowing the Postmaster General as I do, I have no hesitancy in saying that the gentleman will never again be permitted to inspect the files of the Post Office Department so far as the bonding of employees or contractors is concerned.

Gen. Blakslee, the Fourth Assistant Postmaster General, estimates that on account of and by reason of the conduct of the bonding companies we have lost approximately one and one-half million dollars per year. These are facts, gentlemen. They are stubborn facts, from which there can possibly be no escape, and from which there can be no appeal. So the time has come, in my judgment, for this House to line up as a unit, as man to man, and put this bonding feature over and settle it, and settle it forever, and when it is settled that way it will be settled right. It is left optional with the postal employees as to whether they want to give a fidelity and guaranty bond or whether they want to come into this fund to be collected by the Government, out of which the losses will finally be made good. That is the part to which I referred a moment ago, which, in my judgment, is not right. But my criticism upon that is a friendly criticism. I would compel every employee who is required to be bonded by the Government in the handling of mails to come into this guaranty fund. It might be—I do not know—necessary and essential in order to start this fund in the first instance that Congress be required to make a small appropriation. It is estimated that probably $50,000 may have to be appropriated in order to start it, and that after it is started it will be self-sustaining, and out of which fund, when it finally accumulates, the Government can recoup the $50,000 which it has made in the way of appropriation to start it. So if we are called upon even to vote an appropriation of $50,000 to start this fund, in my judgment the department ought to have it. I think we will soon get it back.

As I said awhile ago, after listening to the splendid analytical argument of the gentleman from Illinois [Mr. MADDEN], I am rather slow and somewhat loath to enter upon a discussion of that branch of this bill. I think he has demonstrated, and demonstrated conclusively, that the railroads under this provision will get from $5,000,000 to $6,000,000 per year more than they are getting under the old system. I say to you frankly, while I do not want to err against a railroad any more than I would dislike to err against my fellowman, if I felt that the time could never come when the Government would recoup in some way that extra $6,000,000 which to my mind the railroads will get under this bill, I could not conscientiously support it. But I think that the time will come—I do not know just when, nor do I know just how—when the railroads will be paid approximately exactly what they are entitled to be paid, and that the people will not be overcharged to pay them more than they ought to be paid for it.

Of course parcel post is yet in its infancy. It is, in a measure, undeveloped. We started it at first with a 11-pound limit. Within a short period of time we went to 20 pounds. A little bit later we went to 50 pounds from the first to, and including, the second zone; and I imagine that ere long we will see the parcel-post package growing possibly to 100 or 150 or 160 pounds. If that time comes, then, as the gentleman from Illinois [Mr. MADDEN] explained, in the storage cars carrying from 20 to 30 tons of fourth-class matter, I believe the Government will recover some of the extra pay and extra money which we will pay to the railroads under this bill. Why, you can not get the railroads down to a business proposition on this to save your life. Those who are interested in the hearings, if they will get them and read them, will find where member after member of the committee propounded this question to various representatives of the various railroads: "How much do you think you ought to have over what we propose to give you in this bill?" There was not but one man who appeared before our committee who would even venture an opinion upon that proposition. He said he thought the railroads ought to have 30 per cent more than we propose to give them in this bill.

Mr. MADDEN. No; 30 per cent of the revenues.

Mr. COX. I stand corrected. Yes; 30 per cent of the total revenues of the Post Office Department. That was his idea about it, and that was just as near as any representative of any railroad ever came to making a statement before our committee, that he thought they ought to have 30 per cent of the total postal receipts of the Post Office Department of the United States, which would mean, if it were given them, between ninety and one hundred million dollars a year for the handling of the mails.

You noticed, no doubt, in this morning's Post, and you have noticed, probably, in all the daily newspapers that reach the city of Washington, one whole page of advertising, addressed to the Speaker of the House, addressed to various Members of the House, to the effect that they are not satisfied with the provisions of pay contained in this bill, saying that the pay is too low, that it is confiscatory, that it is dangerous to the railroads. And yet not one of them before our committee, or before the commission, ever came down and said, "We can haul the mails for this," or "We can haul them for that." For them it is all guesswork, and their guesswork is on the big side. They say, "Give us all you have got, and we will be satisfied with it."

The Government of the United States is paying, if I remember correctly, 21 cents a mile for the transportation of fish cars, distributing fish from various Government fish hatcheries in the United States to other points in the United States. They accept that pay from the Government at the rate of 21 cents a mile. We do not stop at 21 cents a mile. We give them 21 cents a mile for every full railway postal car, 21 cents a mile for storage cars, and terminal fees in addition.

That they are paid to-day as much as they are entitled to be paid, I entertain no doubt whatever, but for fear that we might be mistaken. We have placed in this bill a provision which says to them, "You can go now, as soon as this bill becomes a law, to the great Interstate Commerce Commission, and let them fix the rate; let them determine in a measure the amount of appropriation which Congress shall make to you for the transportation of the mails." If they can not trust the Interstate Commerce Commission to do this fairly for them, in the name of common sense whom can they trust?

They have made this a baffling question since 1872, particularly since 1876. This fight has been on from that date down to the present hour; and at last, like a lion in its lair, they are at bay, unwilling to give any figures, unwilling to give any data, unwilling to give even an intelligent estimate of the amount of money which they should receive. But they say boldly and blandly, "Give us 30 per cent of the postal revenues and we will accept it."

To me this extra $5,000,000 or $6,000,000, which I feel sure we are going to give them, does not sound very well. But in order to get away from this old, ancient, antiquated, worn-out system of handling the mails of the United States, I am willing to vote for it, and I am willing to give it my most earnest and loyal support. It is the only intelligent way to fix it. Why, the very idea of paying the railroads on the weight basis, as we are doing, and in addition to that paying them $5,000,000 a year rent for 1,400 post-office cars, there is no business about it; it is cumbersome and it is clumsy, and the bare fact that the railroads fit up and equip these railway post-office cars and accept so much rent is to me a recognition on the part of the railroads of the space basis as being the sound and logical basis on which to pay them. They have never kicked upon that; they have never objected to it in any way whatever, because they have gotten on an average of from $3,500 to $3,800 a year rental for each car, the maximum cost of which does not exceed $12,000.

But, in my opinion, Mr. Chairman, the railroads are willing to accept this proposition, and I am not sure but that they are even anxious to accept it. I am not sure but that they are talking to us in the voice of Jacob, but holding out to us the hand of Esau. But, be that as it may, I voted for this bill in the committee, and I give it my unqualified and loyal support from now on, because I think the theory is right. I am convinced that it is right, and that if we have made any mistake there is a commission to whom the people of the United States can appeal who will do right by the people. If the time ever comes when we can not trust the Interstate Commerce Commission on this little question, we had better abolish it; because it has brought order out of chaos, and the result is that to-day the Interstate Commerce Commission are handling the freight and passenger rates upon 250,000 miles of steam railroads in the United States in the most satisfactory manner. That commission is open to the railroads and open to the people through the Postmaster General. If injustice, injury, or wrong be done by us against the railroads or against the people, I am thoroughly convinced that the commission will rectify the wrong.

Now, Mr. Chairman, as I said a moment ago, these two provisions, the bonding feature and the railway-mail pay, are about all the new features that there are in it. If Members will carefully and conscientiously read the hearings—as to this bonding feature they are not voluminous—I think every Member of this House will unanimously support it. I hope the Members who have time will read the hearings as to railway-mail pay; that they will take the speech of the gentleman from Illinois [Mr. MADDEN], analyze it, study it, think about it in the light of

reason; and if they will do that I do not believe there will be a dissenting vote upon the floor of the House, on either side of the Chamber, upon the question of railway-mail pay.

Mr. STAFFORD. Mr. Chairman, will the gentleman yield at this point?

Mr. COX. I will yield for a question.

Mr. STAFFORD. On what theory does the committee proceed in recommending this bonding indemnity feature, in making a charge against all the postal employees of the country for the misdeeds or defalcations of some other employees?

Mr. COX. The Government is losing at the present time from $50,000 to $60,000 a year——

Mr. STAFFORD. I do not know that the gentleman understands my question.

Mr. COX. I think I will get to it. I think I understand it.

Mr. STAFFORD. I hope the gentleman will do so before he concludes.

Mr. COX. That defalcation or loss, as I said a while ago, is due to different things, particularly to two things. First the bond may not be sufficient to cover the loss. Second, the surety may not be solvent. The Government may not be able to collect on the bond. The Government can not collect from a surety any more than the penalty expressed in the bond, because the penalty expressed in the bond becomes a contract between the Government on the one side and the bonded employee and his surety on the other. In other words, the liability of the bond can not be increased. Now, by collecting a fund and putting it, as it were, into a common reservoir, out of which the Government will pay all defalcations and all shortages, we believe it will be impossible for the Government ever to be defrauded out of anything. I do not know that I have answered the gentleman's question.

Mr. STAFFORD. The idea that was running in my mind, and has been for several years, is this: Why should the Government, responsible, as it is, to meet all defalcations, charge up to the individual postal employee a pro rata expense in the way of a tax for the defalcation of some other postal employee?

Mr. COX. That is exactly what the bonding companies are doing to the employees to-day.

Mr. STAFFORD. I realize that; but why should the Government, which can meet all its obligations, inaugurate the practice now of taxing the postal employees generally for the defalcation of some one employee?

Mr. COX. I know of no way in the world by which the Government can segregate that.

Mr. MADDEN. If the gentleman will allow me, it does not do what the gentleman from Wisconsin thinks it does. Every man in the Postal Service has the right to give an individual bond or a surety bond, or he has the choice to contribute to this indemnity fund.

Mr. STAFFORD. Yes; but why make the individual postal employee contribute to this fund, which is for the protection of the Government? By so doing he pays a tax to the Government to protect it against the defalcations and shortcomings of other employees.

Mr. COX. The gentleman will certainly agree that it would be almost impossible for the Government to run 75,000 separate accounts, if it has 75,000 bonded employees, and the only way to do it is to make a common fund for all of them.

Mr. STAFFORD. Going back still further to the essence of the question, why should not the Government itself bear the loss, without taxing the individual employee?

Mr. COX. Is it the gentleman's position that the Government ought to stand this loss without bonding its employees?

Mr. STAFFORD. I will say to the gentleman that the theory of insurance is merely to protect the insured against loss, when the individual concern is not in a position to stand the loss itself.

Mr. COX. I do not know of any private business, where occasion requires it, but what bonds it employees.

Mr. STAFFORD. Here is the Government, strong enough to stand any loss by its power of taxation, levying a portion of that loss under this system on all postal employees.

Mr. MOON. The Government is not levying it on all employees. Under the present bonding system each employee of the Government pays to a bonding company $1 on a thousand dollars of his bond to make his bond. The Government proposes to charge him 75 cents on a thousand to make his bond.

Mr. STAFFORD. I am well aware of that, but here the Government is undertaking a new system of indemnification, and I now put the question directly to the gentleman, Why should the Government tax the individual employee for the defalcation of some other employee?

Mr. COX. Would it be the gentleman's idea that the Government ought not to bond any of its employees at all?

Mr. STAFFORD. Has the committee considered that phase of the question?

Mr. COX. I do not think we ever did for a moment.

Mr. STAFFORD. Taxing every employee for the defalcation of one.

Mr. MOON. We do not do that.

Mr. STAFFORD. You do it so far as they undertake to avail themselves of this system.

Mr. COX. That is exactly what the employees are doing now.

Mr. GARLAND. Why not carry the same system through all the departments of the Government, the Internal-Revenue System, and the customhouses, and every other department?

Mr. COX. With all due deference to the gentleman, if he will wait a little while we will soon do that. I have no doubt that this will be so satisfactory to the Government in this department that it will carry it to the other departments. [Applause.]

Mr. MOON. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. RAINEY, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 10484, the Post Office appropriation bill, and had come to no resolution thereon.

Mr. COX. Mr. Speaker, I ask unanimous consent to revise and extend my remarks in the RECORD.

The SPEAKER. The gentleman from Indiana asks unanimous consent to revise and extend his remarks in the RECORD. Is there objection?

There was no objection.

### ENROLLED JOINT RESOLUTION SIGNED.

Mr. LAZARO, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled joint resolution of the following title, when the Speaker signed the same:

H. J. Res. 146. Joint resolution authorizing the Secretary of War to loan, issue, or use quartermaster's and medical supplies for the relief of destitute persons in the districts overflowed by the Mississippi River and its tributaries.

### URGENT DEFICIENCY APPROPRIATION BILL.

Mr. FITZGERALD. Mr. Speaker, I ask unanimous consent for the present consideration of the following concurrent resolution, which I send to the Clerk's desk and ask to have read.

The Clerk read as follows:

House concurrent resolution 16.

*Resolved by the House of Representatives (the Senate concurring)*, That the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9416) making appropriations to supply urgent deficiencies in certain appropriations are authorized to change the text of the paragraph in the bill for payment of judgments in Indian depredation claims, so as to correct errors in the certified description of two of the judgments provided for therein.

The SPEAKER. Is there objection?

Mr. STAFFORD. Mr. Speaker, reserving the right to object——

Mr. FITZGERALD. Mr. Speaker, I will ask that the Clerk also read the letter of the Attorney General explaining this.

The Clerk read as follows:

DEPARTMENT OF JUSTICE,
*Washington, February 11, 1916.*

Hon. JOHN J. FITZGERALD,
*Chairman Committee on Appropriations,*
*House of Representatives, Washington D. C.*

SIR: Referring to House Document No. 564, Sixty-fourth Congress, first session, containing a list of judgments in favor of claimants in Indian-depredation cases for which no appropriation has heretofore been made, which judgments, I understand, will be appropriated for in the pending urgent deficiency bill, I beg to call your attention to errors in two of the cases included therein.

"Andrew D. Everett, administrator Thomas W. Everett, deceased," should read "Thomas W. Everett, administrator Andrew D. Everett, deceased." This error was corrected by order of the Court of Claims dated February 10, 1916, and entered nunc pro tunc as of October 11, 1915.

"Mrs. Joseph E. Winn, administratrix John Winn, deceased," should read "John M. Winn and Mrs. Joseph E. Winn, administrators John Winn, deceased."

These judgments can not be paid by the Treasury Department unless the document is corrected as indicated; and if the corrections are made, it will obviate the necessity of reporting these two cases again to Congress.

For the Attorney General.
Respectfully,

HUSTON THOMPSON,
*Assistant Attorney General.*

Mr. STAFFORD. Mr. Speaker, will the gentleman inform the House whether the Department of Justice since this bill has been drafted has examined all the items to see whether

they are correct in phraseology along the lines indicated by the letter just read?

Mr. FITZGERALD. Mr. Speaker, these judgments are certified to the House and are included in the deficiency appropriation bill. Since the certification of the documents the Court of Claims by order corrected the title in one of the cases and made the correction in the other which is mentioned. This concurrent resolution is merely to permit the conferees to modify the text, which is not in dispute, and therefore can not be modified otherwise, so as to provide a proper reference to the persons entitled to the money and avoid the necessity of amending this bill by some other bill later in the session.

Mr. STAFFORD. I understand it is quite necessary for the conferees to have this authority if they are going to change the phraseology which is not in dispute.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The question is on agreeing to the concurrent resolution.

The concurrent resolution was agreed to.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. DALLINGER for two days, on account of illness.

ADJOURNMENT.

Mr. KITCHIN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 22 minutes p. m.) the House adjourned until to-morrow, Saturday, February 12, 1916, at 12 o'clock noon.

## EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Attorney General, submitting facts relative to certain claims for refund of corporation taxes wrongfully collected, and recommending that immediate appropriation be made to pay the same (H. Doc. No. 670); to the Committee on Appropriations and ordered to be printed.

2. A letter from the Assistant Attorney General, transmitting a letter from the United States attorney stating the attitude of claimants in New York, relating to refund of corporation taxes wrongfully collected (H. Doc. No. 671); to the Committee on Appropriations and ordered to be printed.

3. A letter from the Assistant Attorney General, transmitting a letter from the district attorney of the United States Court for China, calling attention to a clerical error in the second paragraph of section 3 of the act of February 23, 1887, and submitting draft of an amendment to correct said error (H. Doc. No. 672); to the Committee on Foreign Affairs and ordered to be printed.

4. A letter from the Secretary of War, submitting draft of legislation to more clearly and definitely define the duties of the shipping commissioner in the Panama Canal Zone (H. Doc. No. 673); to the Committee on Interstate and Foreign Commerce and ordered to be printed.

5. A letter from the Secretary of War, transmitting draft of a bill to amend section 6 of the act to incorporate the American National Red Cross, approved January 5, 1905 (H. Doc. No. 674); to the Committee on the Judiciary and ordered to be printed.

6. A letter from the Secretary of the Navy, transmitting lists of papers in the department that have no permanent value or historic interest (H. Doc. No. 675); to the Committee on Disposition of Useless Executive Papers and ordered to be printed.

7. A letter from the Secretary of War, transmitting letter from the governor of the Panama Canal, with petition from civilian employees of the Panama Canal and Panama Railroad Co., requesting recognition of their services in connection with the construction of the canal (H. Doc. No. 676); to the Committee on Interstate and Foreign Commerce and ordered to be printed.

8. A letter from the Acting Secretary of War, transmitting amendment to estimate of appropriation for "Signal Service of the Army" for the year 1917 (H. Doc. No. 677); to the Committee on Military Affairs and ordered to be printed.

9. A letter from the Secretary of the Treasury, transmitting copy of a communication from the Secretary of Agriculture submitting a supplemental estimate of appropriation for the service of the fiscal year ending June 30, 1917 (H. Doc. No. 678); to the Committee on Agriculture and ordered to be printed.

10. A letter from the Secretary of the Treasury, transmitting copy of a communication from the Secretary of Agriculture submitting a supplemental estimate of appropriations for the service of the fiscal year ending June 30, 1917 (H. Doc. No. 679); to the Committee on Agriculture and ordered to be printed.

11. A letter from the Secretary of the Treasury, transmitting copy of communication from the Secretary of Agriculture submitting an increase in the estimate of appropriation, page 229 of the Annual Book of Estimates for the fiscal year 1917 (H. Doc. No. 680); to the Committee on Agriculture and ordered to be printed.

12. A letter from the Secretary of the Treasury, transmitting copy of a communication from the Secretary of Agriculture submitting supplemental and additional estimate of appropriation under the head of "General expenses, Bureau of Entomology," for the fiscal year ending June 30, 1917 (H. Doc. No. 681); to the Committee on Agriculture and ordered to be printed.

13. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, reports on preliminary examination and survey of Smith Creek, Md. (H. Doc. No. 682); to the Committee on Rivers and Harbors and ordered to be printed, with illustrations.

14. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, reports on preliminary examination of Arkansas River at Bradens Bend, about 7 miles above Fort Smith, Ark. (H. Doc. No. 683); to the Committee on Rivers and Harbors and ordered to be printed, with illustrations.

15. A letter from the Acting Secretary of the Treasury, transmitting copy of a communication from the chairman of the Interstate Commerce Commission, submitting a supplemental estimate of appropriation required by the commission in prosecuting its work in connection with valuation of properties of carriers under the act of March 1, 1913, during the fiscal year ending June 30, 1917 (H. Doc. No. 684); to the Committee on Appropriations and ordered to be printed.

16. A letter from the Secretary of the Treasury, transmitting copy of communication from the president of the Board of Commissioners of the District of Columbia, submitting a supplemental estimate of appropriation under the title "Buildings and grounds, public schools, District of Columbia," for the fiscal year 1917 (H. Doc. No. 685); to the Committee on Appropriations and ordered to be printed.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. MONTAGUE, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 759) to provide for the removal of what is now known as the Aqueduct Bridge, across the Potomac River, and for the building of a bridge in place thereof, reported the same with amendment, accompanied by a report (No. 166), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. PLATT, from the Committee on Banking and Currency, to which was referred the bill (H. R. 3575) to amend section 5234 of the Revised Statutes of the United States so as to permit the Comptroller of the Currency to deposit upon interest the assets of insolvent national banks in other national banks of the same or of an adjacent city or town, reported the same without amendment, accompanied by a report (No. 167), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. JOHNSON of Kentucky, from the Committee on the District of Columbia, to which was referred the bill (H. R. 10490) to prevent fraudulent advertising in the District of Columbia, reported the same without amendment, accompanied by a report (No. 169), which said bill and report were referred to the House Calendar.

Mr. VINSON, from the Committee on the District of Columbia, to which was referred the bill (H. R. 7571) to provide for the appointment of the recorder of deeds of the District of Columbia by the Commissioners of the District of Columbia, reported the same with amendment, accompanied by a report (No. 170), which said bill and report were referred to the House Calendar.

Mr. MAPES, from the Committee on the District of Columbia, to which was referred the bill (H. R. 7585) to provide for the appointment of the register of wills of the District of Columbia by the justices of the supreme court of said District, reported

the same with amendment, accompanied by a report (No. 171), which said bill and report were referred to the House Calendar.

Mr. ADAMSON, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 9818) providing that the Panama Canal rules shall govern in the measurement of vessels for imposing tolls, reported the same without amendment, accompanied by a report (No. 173), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

## REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. McCLINTIC, from the Committee on the Public Lands, to which was referred the bill (H. R. 4297) for the relief of Frances L. Llewellyn, reported the same with amendment, accompanied by a report (No. 168), which said bill and report were referred to the Private Calendar.

Mr. DILL, from the Committee on Indian Affairs, to which was referred the bill (H. R. 8092) confirming patents heretofore issued to certain Indians in the State of Washington, reported the same without amendment, accompanied by a report (No. 172), which said bill and report were referred to the Private Calendar.

## CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Claims was discharged from the consideration of the bill (H. R. 11215) for the relief of the heirs of Isabella Ann Fluker, and the same was referred to the Committee on War Claims.

## PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. SMITH of Idaho: A bill (H. R. 11320) granting the consent of Congress to the counties of Twin Falls and Minidoka, State of Idaho, to construct a bridge across Snake River; to the Committee on Interstate and Foreign Commerce.

By Mr. RANDALL: A bill (H. R. 11321) to establish the Sierra Madre National Park in the State of California; to the Committee on the Public Lands.

By Mr. GRAHAM: A bill (H. R. 11322) for the reduction of the rate of postage chargeable on first-class mail matter for local delivery; to the Committee on the Post Office and Post Roads.

By Mr. SMITH of Texas: A bill (H. R. 11323) to amend section 108, chapter 5, of the act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911; to the Committee on the Judiciary.

By Mr. ROWLAND: A bill (H. R. 11324) to create in the War and Navy Departments, respectively, a roll to be known as the "Civil War officers' annuity honor roll," to authorize placing thereon with pay certain surviving officers who served in the Volunteer or Regular Army, Navy, or Marine Corps of the United States in the Civil War, and who are not now on the retired list of the Regular Army, Navy, or Marine Corps, and for other purposes; to the Committee on Military Affairs.

By Mr. BYRNES of South Carolina: A bill (H. R. 11325) authorizing the President of the United States to transfer to the Department of Commerce vessels belonging to the Naval Establishment and to the War Department that are suitable for commercial purposes; to the Committee on Naval Affairs.

By Mr. SUTHERLAND: A bill (H. R. 11326) providing for an increase in compensation to fourth-class postmasters and rural carriers; to the Committee on the Post Office and Post Roads.

By Mr. LEVER: A bill (H. R. 11327) to tax the privilege of dealing on exchanges, boards of trade, and similar places in contracts of sale of cotton for future delivery, and for other purposes; to the Committee on Agriculture.

By Mr. WATKINS: A bill (H. R. 11328) to establish and maintain a fish-hatching and fish-culture station in the State of Louisiana; to the Committee on the Merchant Marine and Fisheries.

By Mr. CROSSER: A bill (H. R. 11329) to authorize the Secretary of Labor to cooperate with other departments of the Government in fostering, promoting, and developing the welfare of the wage earners of the United States by creating new opportunities for permanent and profitable employment, and for other purposes; to the Committee on the Public Lands.

By Mr. FERRIS: A bill (H. R. 11330) authorizing the Secretary of War to donate condemned cannon and balls; to the Committee on Military Affairs.

By Mr. KENT: A bill (H. R. 11331) for the encouragement and relief of might-have-been heroes; to the Committee on Pensions.

By Mr. GODWIN of North Carolina: A bill (H. R. 11332) to acquire a site and erect buildings for a school for the Indians of Robeson County, N. C., and for other purposes; to the Committee on Indian Affairs.

By Mr. BUCHANAN of Texas: A bill (H. R. 11333) authorizing the collection and publication of statistics of the production and consumption of cotton and cotton goods in foreign countries; to the Committee on Appropriations.

By Mr. LEVER: A bill (H. R. 11334) authorizing the collection and publication of statistics of the production and consumption of cotton and cotton goods in foreign countries; to the Committee on Appropriations.

By Mr. LINTHICUM: Resolution (H. Res. 137) providing for a committee to investigate the sanitary conditions of dairies; to the Committee on Rules.

By Mr. RANDALL: Joint resolution (H. J. Res. 149) authorizing the President to negotiate for purchase of land in Mexico; to the Committee on Foreign Affairs.

## PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ADAIR: A bill (H. R. 11335) granting a pension to Julia E. Dike; to the Committee on Pensions.

Also, a bill (H. R. 11336) granting an increase of pension to Silas W. Dudley; to the Committee on Invalid Pensions.

By Mr. ALEXANDER: A bill (H. R. 11337) granting a pension to Charles A. Wilkerson; to the Committee on Pensions.

Also, a bill (H. R. 11338) for the relief of the heirs of Thomas Estes; to the Committee on War Claims.

Also, a bill (H. R. 11339) to correct the military record of Edwin Collar; to the Committee on Military Affairs.

By Mr. ALLEN: A bill (H. R. 11340) granting a pension to Charles A. Huelsebusch; to the Committee on Pensions.

By Mr. ALMON: A bill (H. R. 11341) for the relief of Sterling McCleskey, administrator of the estate of Joseph D. McCleskey, deceased; to the Committee on Claims.

Also, a bill (H. R. 11342) granting a pension to Nancy J. Wigginton; to the Committee on Invalid Pensions.

By Mr. ASHBROOK: A bill (H. R. 11343) granting an increase of pension to Louisa Hissong; to the Committee on Invalid Pensions.

By Mr. AYRES: A bill (H. R. 11344) granting a pension to Ella J. Brewster; to the Committee on Invalid Pensions.

By Mr. BORLAND: A bill (H. R. 11345) granting an increase of pension to Martha L. Moore; to the Committee on Invalid Pensions.

By Mr. CARAWAY: A bill (H. R. 11346) granting a pension to Clara J. Shoemaker; to the Committee on Invalid Pensions.

By Mr. CARLIN: A bill (H. R. 11347) granting a pension to James G. Dunn; to the Committee on Pensions.

By Mr. CARTER of Massachusetts: A bill (H. R. 11348) for the relief of Thomas F. Veno; to the Committee on Claims.

By Mr. CLINE: A bill (H. R. 11349) granting an increase of pension to Sarah E. McKee; to the Committee on Invalid Pensions.

By Mr. CONRY: A bill (H. R. 11350) granting an increase of pension to Thomas H. Ivers; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11351) granting an increase of pension to Henry Reens; to the Committee on Invalid Pensions.

By Mr. CRAMTON: A bill (H. R. 11352) granting an increase of pension to Kate H. Vosburgh; to the Committee on Invalid Pensions.

By Mr. DECKER: A bill (H. R. 11353) granting a pension to Jonathan Toliver; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11354) granting an increase of pension to W. H. Jenkins; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11355) granting a pension to D. W. Snyder; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11356) granting an increase of pension to Elizabeth Kelly; to the Committee on Invalid Pensions.

By Mr. DENISON: A bill (H. R. 11357) granting an increase of pension to John E. Buehler; to the Committee on Invalid Pensions.

By Mr. DRISCOLL: A bill (H. R. 11358) for the relief of John F. Delamarter; to the Committee on War Claims.

By Mr. DRUKKER: A bill (H. R. 11359) granting an increase of pension to Hannah M. Styles; to the Committee on Invalid Pensions.

By Mr. FORDNEY: A bill (H. R. 11360) granting a pension to Ida M. Bryant; to the Committee on Invalid Pensions.

By Mr. FOSTER: A bill (H. R. 11361) reinstating Robert Burns Parker to his former rank and grade in the United States Army; to the Committee on Military Affairs.

By Mr. GORDON: A bill (H. R. 11362) granting a pension to Susan A. Burton; to the Committee on Invalid Pensions.

By Mr. GUERNSEY: A bill (H. R. 11363) granting an increase of pension to James Bowley; to the Committee on Invalid Pensions.

By Mr. HUMPHREY of Washington: A bill (H. R. 11364) to remove the charge of desertion from the military record of William H. Grayson; to the Committee on Military Affairs.

Also, a bill (H. R. 11365) granting an increase of pension to John A. Vanderhoff; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11366) to remove the charge of desertion from the military record of Phillip Miller; to the Committee on Military Affairs.

By Mr. HUTCHINSON: A bill (H. R. 11367) for the relief of James E. Van Horne; to the Committee on Claims.

By Mr. KINKAID: A bill (H. R. 11368) for the relief of Thomas Lynch and others; to the Committee on Indian Affairs.

By Mr. McCLINTIC: A bill (H. R. 11369) granting an increase of pension to William W. Blair; to the Committee on Invalid Pensions.

By Mr. McCULLOCH: A bill (H. R. 11370) granting a pension to Harry C. Donald; to the Committee on Pensions.

By Mr. McGILLICUDDY: A bill (H. R. 11371) granting an increase of pension to Mary H. Dunham; to the Committee on Invalid Pensions.

By Mr. McKINLEY: A bill (H. R. 11372) granting an increase of pension to Mary E. Winegardner; to the Committee on Invalid Pensions.

By Mr. PRICE: A bill (H. R. 11373) granting an increase of pension to Josephine L. Fairbank; to the Committee on Invalid Pensions.

By Mr. RUSSELL of Ohio: A bill (H. R. 11374) granting a pension to William B. Clouse; to the Committee on Pensions.

Also, a bill (H. R. 11375) for the relief of the Peoples Building & Savings Association Co., of Troy, Ohio; to the Committee on Claims.

By Mr. SCOTT of Michigan: A bill (H. R. 11376) to remove the charge of desertion against Orison Kingman; to the Committee on Military Affairs.

Also, a bill (H. R. 11377) for the relief of Thomas J. Bye; to the Committee on Claims.

Also, a bill (H. R. 11378) granting a pension to Henry Wachter; to the Committee on Pensions.

By Mr. SEARS: A bill (H. R. 11379) granting a pension to Martha Tyler; to the Committee on Pensions.

Also, a bill (H. R. 11380) for the relief of Frank A. Kopp; to the Committee on Claims.

By Mr. SLAYDEN: A bill (H. R. 11381) for the relief of D. C. Darroch; to the Committee on Military Affairs.

By Mr. SLOAN: A bill (H. R. 11382) granting an increase of pension to Oscar E. Bartlett; to the Committee on Pensions.

Also, a bill (H. R. 11383) granting a pension to Andrew S. Gardner; to the Committee on Pensions.

Also, a bill (H. R. 11384) granting an increase of pension to Joseph Erit; to the Committee on Pensions.

Also, a bill (H. R. 11385) for the relief of Benjamin F. Willis; to the Committee on Claims.

Also, a bill (H. R. 11386) for the relief of James M. Brown; to the Committee on Military Affairs.

Also, a bill (H. R. 11387) for the relief of Martin Hagarity; to the Committee on Military Affairs.

Also, a bill (H. R. 11388) for the relief of Dudley Walton; to the Committee on Military Affairs.

Also, a bill (H. R. 11389) for the relief of William H. Phillips; to the Committee on Military Affairs.

Also, a bill (H. R. 11390) granting a pension to Mark Powers; to the Committee on Pensions.

Also, a bill (H. R. 11391) granting a pension to Charles Simacek; to the Committee on Pensions.

Also, a bill (H. R. 11392) granting a pension to Rutherford B. H. Kinback; to the Committee on Pensions.

By Mr. SMITH of New York: A bill (H. R. 11393) to correct the military record of John Wooster, alias John Woles; to the Committee on Military Affairs.

By Mr. SNELL: A bill (H. R. 11394) for the relief of Thomas Debuke; to the Committee on Military Affairs.

By Mr. SWEET: A bill (H. R. 11395) granting a pension to Angeline E. Holt; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11396) granting an increase of pension to David Johnson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11397) granting an increase of pension to James Jerolaman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11398) granting an increase of pension to James H. Porcupile; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11399) granting an increase of pension to Ervilla L. Blenis; to the Committee on Invalid Pensions.

By Mr. WATKINS: A bill (H. R. 11400) for the relief of the heirs of Isham Butterworth; to the Committee on Claims.

Also, a bill (H. R. 11401) for the relief of the heirs of Dennis Sullivan; to the Committee on War Claims.

Also, a bill (H. R. 11402) for the relief of Mattie A. Applewhite; to the Committee on Claims.

By Mr. THOMAS S. WILLIAMS: A bill (H. R. 11403) granting a pension to Mary T. Kington; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11404) granting an increase of pension to Dempsey O. Allen; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11405) granting a pension to William W. Fuller; to the Committee on Pensions.

Also, a bill (H. R. 11406) granting a pension to William Alden; to the Committee on Pensions.

By Mr. WILSON of Illinois: A bill (H. R. 11407) granting an increase of pension to Homer Day; to the Committee on Invalid Pensions.

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## PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Memorials urging support of House joint resolution 38; to the Committee on Foreign Affairs.

Also (by request), memorial of executive board of Farmers' Cooperative Union, against the abolishment of the office of the Comptroller of the Currency; to the Committee on Banking and Currency.

Also (by request), memorial of New Jersey State Society, pledging support to the President in the question of preparedness; to the Committee on Military Affairs.

Also (by request), memorial of the Joplin Theatrical Employees Association, urging a tax on war munitions; to the Committee on Ways and Means.

By Mr. ASHBROOK: Papers to accompany House bill 11269, for relief of Louisa Hissong; to the Committee on Invalid Pensions.

Also, papers to accompany House bill 10995, for relief of George Van Sickle; to the Committee on Invalid Pensions.

Also, papers to accompany House bill 9239, for relief of William A. Miller; to the Committee on Invalid Pensions.

Also, petition of the German-American Alliance, of Mansfield, Ohio, against House bills 394, 718, and 9435; also Senate bills 1082, 1257, and 1352; to the Committee on the Judiciary.

By Mr. AYRES: Petition of citizens of Elbing, Kans., protesting against proposed law requiring revenue stamps to be placed on bank checks; to the Committee on Ways and Means.

By Mr. CRAMTON: Petition of Lorenz Block and others, of Minden City, Mich., for embargo on shipment of arms; to the Committee on Foreign Affairs.

Also, petition of J. C. Liken & Co., of Sebewaing, Mich., in opposition to Rainey bill to repeal mixed flour law; to the Committee on Ways and Means.

Also, petitions of members of Lapeer Grange, of Lapeer County, Mich., and of Colfax Grange, of Huron County, Mich., protesting against increased expenditures for Army and Navy; to the Committee on Appropriations.

By Mr. CULLOP (by request): Petition of citizens of Puinly, Ind., for national constitutional prohibition amendment; to the Committee on the Judiciary.

Also (by request), petition of sundry citizens of Sullivan, Ind., and members of the Presbyterian and Methodist Episcopal Churches of Sullivan, Ind., favoring national constitutional prohibition amendment; to the Committee on the Judiciary.

Also, petitions of citizens of Wheatland and First Baptist Sunday Schools of Bicknell and Sullivan, all in the State of Indiana, for national constitutional prohibition amendment; to the Committee on the Judiciary.

By Mr. DALE of New York: Memorial of directors of the New Orleans Association of Commerce, in favor of submitting the question of railway mail pay to the Interstate Commerce Commission; to the Committee on the Post Office and Post Roads.

Also, memorial of Southern Supply and Machinery Dealers' Association of Richmond, Va., in favor of House bill 651, by Mr. KEATING; to the Committee on Interstate and Foreign Commerce.

Also, petition of Harry S. Kendall, of Flushing, N. Y., in favor of House bill 9814; to the Committee on the Public Lands.

Also, memorial of Cordova Chamber of Commerce, of Cordova, Alaska, in re the "proposed misuse of Government railroad funds in Alaska"; to the Committee on Mines and Mining.

By Mr. DILLON: Petition for London resolution; to the Committee on Foreign Affairs.

Also, memorial of Mount Vernon, Plankinton, Kimball, White Lake, Pukwana, and Chamberlain, S. Dak., in favor of a tax on mail-order houses; to the Committee on Ways and Means.

By Mr. DYER: Memorial of General J. P. S. Gobin Camp, No. 41, United Spanish War Veterans and Lieutenant Ezra L. Griffin Camp, No. 8, Sons of Veterans, for preparedness; to the Committee on Military Affairs.

By Mr. EAGAN: Memorial of New Orleans Association of Commerce, relative to railway mail pay; to the Committee on the Post Office and Post Roads.

Also, petition of Harvard College Observatory, Cambridge, Mass., in reference to certain items in the urgent deficiency bill; to the Committee on Appropriations.

Also, memorial of Chamber of Commerce of the State of New York, indorsing the budget policy; to the Committee on Ways and Means.

By Mr. EMERSON: Petition of Orange Township, Cuyahoga County, Ohio, for national constitutional prohibition amendment; to the Committee on the Judiciary.

By Mr. ESCH: Petition of Luther Buswell and 12 other residents of Kendall, Wis., protesting against Senate bill 901 and House bills 26, 677, 6823, and 6871, regarding goods manufactured by convict labor; to the Committee on Labor.

By Mr. FLYNN: Petition of National Society for the Promotion of Industrial Education, favoring the Smith-Hughes bill (H. R. 457), providing Federal stimulation to vocational education; to the Committee on Education.

Also, petition of New York Produce Exchange, protesting against passage of House resolution 10405, known as the "United States grain grades act"; to the Committee on Agriculture.

Also, memorial of New Orleans Association of Commerce, in favor of submitting the question of railway mail pay to the Interstate Commerce Commission; to the Committee on the Post Office and Post Roads.

By Mr. FULLER: Petition of Wills Manufacturing Co., of Mendota, Ill., relative to the tariff on implements from Canada; to the Committee on Ways and Means.

Also, memorial of San Francisco Chamber of Commerce, relative to railway mail pay; to the Committee on the Post Office and Post Roads.

Also, petition of retail dealers of Morris, Ill., for a tax on mail-order houses; to the Committee on Ways and Means.

By Mr. GUERNSEY: Memorial of General Society of the Sons of the Revolution, for preparedness; to the Committee on Military Affairs.

By Mr. GORDON: Letter of Storrs & Harrison Co., Painesville, Ohio, asking defeat of House bills 270 and 4793; to the Committee on Ways and Means.

By Mr. HAMLIN: Papers to accompany House bill 10528, for relief of Columbus L. Reese; to the Committee on Invalid Pensions.

Mr. HILL: Petition of Mill Plain Woman's Christian Temperance Union, of Beaver Brook, and Woman's Christian Temperance Union, of Danbury, Conn., for national censorship of motion-picture films; to the Committee on Education.

By Mr. HOLLINGSWORTH: Petition of the Donahey Bible Class, of Bridgeport; 50 citizens of Carroll and Jefferson Counties; citizens of Deersville; and 25 members of Methodist Protestant Church of Mount Pleasant, Ohio, for national constitutional prohibition amendment; to the Committee on the Judiciary.

Also, petition of 66 citizens of East Liverpool, Ohio, for national constitutional prohibition amendment; to the Committee on the Judiciary.

By Mr. IGOE: Petition of Capt. George W. Paxton, First Regiment National Guard of Missouri, and enlisted men, favoring the passage of the militia pay bill; to the Committee on Military Affairs.

Also, petition of William French, secretary Local Union No. 43, of St. Louis, Mo., International Workmen of America, in behalf of 650 members, protesting against all prohibition legislation; to the Committee on the Judiciary.

By Mr. KENNEDY of Rhode Island: Petition of Beacon Oyster Co., of Wickford, R. I., favoring appropriation for Bureau of Fisheries for propagation of oysters; to the Committee on Appropriations.

By Mr. KETTNER: Protest of Musicians' Protective Association of San Diego, Cal., against special tax on theaters; to the Committee on Ways and Means.

Also, indorsement of work of bureau of education, by president State normal school, Edward L. Hardy, San Diego, Cal.; to the Committee on Education.

Also, resolution of Imperial Valley Church of the Brethren, against compulsory military training in the schools; to the Committee on Military Affairs.

Also, resolution indorsing action looking toward the welfare of the Indians, by Woman's Improvement Club of Corona, also by Miss M. E. Chase, of Los Angeles, Cal.; to the Committee on Indian Affairs.

Also, protest against preparedness program and intervention in Mexico, by Socialist branch in city of Riverside, Cal.; to the Committee on Military Affairs.

Also, indorsement of Keating-Owen child-labor bill by Young Women's Christian Association of San Diego, Cal., also by San Francisco Center of California Civic League; to the Committee on Labor.

Also, indorsement of vocational education bill by commissioner of vocational education, Sacramento, Cal.; to the Committee on Education.

Also, indorsement of relief asked by oil industry of California by Los Angeles County Board of Supervisors; to the Committee on the Public Lands.

By Mr. KINKAID: Petition of residents of Dannebrog, Nebr., against preparedness; to the Committee on Military Affairs.

By Mr. LAFEAN: Memorial of New Orleans Association of Commerce relative to inadequacy and compensation of railway mails; to the Committee on the Post Office and Post Roads.

By Mr. LONDON: Petitions by citizens of Colorado and Utah for the construction and operation by the Federal Government of a railroad between Denver and Salt Lake City penetrating the Uintah Basin; to the Committee on Railways and Canals.

By Mr. MOORE of Pennsylvania: Memorial of Hamilton County League of Building Associations of Cincinnati, Ohio, in favor of House joint resolution 55; to the Committee on Ways and Means.

By Mr. OAKEY: Petition of Woman's Christian Temperance Union of Hartford, Conn., for national censorship of films; to the Committee on Education.

By Mr. OGLESBY: Memorial of City Island, New York City, taxpayers, in relation to preparedness; to the Committee on Military Affairs.

By Mr. POWERS: Petition of sundry citizens of London, Ky., for national constitutional prohibition amendment; to the Committee on the Judiciary.

By Mr. PRATT: Petition of Messrs. W. F. Schwingel, L. Argus, J. Bundy, Frank Green, A. Parkinson, J. Saxton, F. D. Williamson, Fred Pierce, Frank Thomas, William Lent, Leo Burk, Edward Powers, and Lew Mosier, all of Hornell, N. Y., protesting against prohibition in the District of Columbia, "where are gathered the representatives of every nation of the earth"; to the Committee on the Judiciary.

By Mr. RAKER: Petition of William Wallace and 65 others, of Lincoln, Placer County, and C. E. Anderson and 63 others, of Loomis County, Cal., urging the passage of the Ferris water-power bill; to the Committee on the Public Lands.

By Mr. ROWE: Memorial of Olive Branch Council, No. 77, 94 members, of Brooklyn, N. Y., indorsing the Burnett immigration bill; to the Committee on Immigration and Naturalization.

Also, memorial of retail merchants of Kings County, N. Y., indorsing the Stevens bill; to the Committee on Interstate and Foreign Commerce.

Also, memorial of Charles Zinn & Co., of New York, protesting against any curtailment of mail deliveries in New York City; to the Committee on the Post Office and Post Roads.

Also, petition of A. I. Namm & Son, of Brooklyn, N. Y., favoring House bill 702, the dyestuffs bill; to the Committee on Ways and Means.

By Mr. RUSSELL of Ohio: Petitions of the Evangelical Church of Greenville, Ohio; 50 citizens of Piqua, Ohio; and adult citizens of Rockford, Ohio, for national constitutional prohibition amendment; to the Committee on the Judiciary.

By Mr. SMITH of Idaho: Papers to accompany House bill 8199, for relief of Maul S. Nickerson; to the Committee on Claims.

By Mr. VOLSTEAD: Petitions in favor of House bill 702, the dyestuffs bill; to the Committee on Ways and Means.

Also, petitions of the Methodist Episcopal Church of Willmer, Minn., and the Christian Endeavor Society of the First Presbyterian Church of Litchfield, Minn., for national prohibition constitutional amendment; to the Committee on the Judiciary.

Also, protest against extensive preparedness; to the Committee on Military Affairs.

Also, protest against continental army and conscription; to the Committee on Military Affairs.

Also, protest against military preparedness; to the Committee on Military Affairs.

By Mr. YOUNG of North Dakota: Petition of J. M. White and others, of Valley City, N. Dak., protesting against the passage of the Rainey bill to repeal the mixed-flour law; to the Committee on Agriculture.

## SENATE.

### SATURDAY, *February 12, 1916.*

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, we thank Thee for the mighty men of valor Thou hast raised up among us. In every crisis of our national history Thou hast laid Thy hand upon some great heart and given to him divine commission. Thou hast given power where power was needed. Thou hast added grace to sanctify the power.

We hold in sacred memory to-day the name of Lincoln. We thank Thee for the life he lived among us and for the larger life we live because of him. We thank Thee for the place he holds in our national history and for the larger place that he lives in the sacred memory of the heart of our great Nation. We pray that Thou wilt enable all men in leadership to emulate his virtues.

We pray Thee to lay Thy hand upon mighty men of valor in our day that they may lead us forward in the achievement of yet greater victories in our moral and spiritual life as a people, and that all our life work may lead to honor and justice and truth. May this Nation, conceived in liberty and dedicated to the proposition that all men are born equal, not cease its glorious mission until all men gain that higher freedom wherewith Thy Son shall make us free. We ask these things for Christ's sake. Amen.

The Journal of the proceedings of the legislative day of Wednesday, February 9, 1916, was read and approved.

#### MESSAGE FROM THE HOUSE.

A message from the House of Representative, by J. C. South, its Chief Clerk, announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 11078. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war; and

H. R. 11240. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the Civil War and to widows of such soldiers and sailors.

The message also announced that the House had agreed to a concurrent resolution authorizing a certain change to be made in the text of the paragraph in the urgent deficiency appropriation bill for payment of judgments in Indian depredation claims, etc., in which it requested the concurrence of the Senate.

The message further announced that the House had passed the bill (S. 3518) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors, with amendments, in which it requested the concurrence of the Senate.

#### ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills and joint resolutions, and they were thereupon signed by the Vice President:

S. 900. An act amending sections 476, 477, and 440 of the Revised Statutes of the United States;

H. R. 8233. An act granting the consent of Congress to the Republic Iron & Steel Co. to construct a bridge across the Mahoning River, in the State of Ohio;

H. R. 9224. An act providing for an increase in number of midshipmen at the United States Naval Academy.

H. J. Res. 95. Joint resolution authorizing the Secretary of the Navy to receive for instruction at the United States Naval Academy at Annapolis Mr. Carlos Hevia y Reyes Gavilán, a citizen of Cuba; and

H. J. Res. 98. Joint resolution making part of the appropriation, "Construction and machinery, increase of the Navy," in the naval act approved March 3, 1915, available for the extension of building ways and equipment at the navy yards at New York and Mare Island, Cal.

#### THREAT OF ARMOR-PLATE MANUFACTURERS.

Mr. TILLMAN. Mr. President, on Thursday last there appeared in the New York World an editorial so illuminating and instructive that I laid it aside to have it read here, but the executive session kept me from doing so. I ask that it be read now for the information of the Senate.

Mr. SMOOT. I will ask the Senator what is the particular subject?

Mr. TILLMAN. It is on the threat of the armor-plate manufacturers to charge the Government $200 a ton more for armor plate in the event the Government dares build its own plant.

The VICE PRESIDENT. Is there objection? The Chair hears none.

The Secretary read as follows:

[From the New York World, Feb. 10, 1916.]

ARMOR PLATE'S DEFIANCE.

Something more than momentary indignation should follow the threat of the armor-plate makers that they will not tolerate competition by the United States Government. We have national shipbuilding plants as a check upon private enterprise, too often found in combination. The need of national armor-plate plants, obvious for the same reason, becomes imperative when private enterprise openly threatens extortion and revenge.

Monopolistic arrogance has never gone further than in this instance. Our armor-plate makers are the chief beneficiaries of the traffic in munitions of war. At the expense of many friendships, the Government has supported them in their legal rights, but there is no denial of the fact that they are coining money out of blood and hatred. The hands that they now raise menacingly against a Nation by whose neutrality they have profited are filled with the gains of a business that ignores the moralities and is content to stand upon the strict letter of the law.

These are the men who have complicated the question of national defense by their gluttonous attempt to bend the whole movement in their own selfish interest. With pockets stuffed as a result of the agony of Europe, they have sought to make of the necessity for reasonable defense at home an opportunity to oppress a people at peace. They want Government to protect them, their property, and their trade. They even expect Government to go to war in their behalf. Yet a suggestion of independence on the part of that Government is met by the terrorism of monopolistic prices to-day and of dismantled plants to-morrow.

What is new in all this is not the contemplated robbery of the people. For many years that was a matter of course, and it may be so now. The investigation of 1896 showed that whereas the United States had been charged $540 a ton for armor plate, the product was regularly sold to foreign Governments for $249 a ton. At that time pressure was exerted chiefly upon the Republican Party, whose campaign chests were regularly enriched. Now, with a different régime in power, it manifests itself in coercion and defiance.

These are the men, or the successors of the men, also, who in 1894, on the testimony of naval experts, were fined $140,484.94 by President Cleveland for delivering to the Government armor plate that was notoriously defective, full of blowholes, cracked and resurfaced, never honestly tested, and far short of specifications in other respects. Some of this armor was intended for the ships that won the Spanish War. If it had not been detected, it might even now be the weak defense upon which in a great emergency American life, honor, and property would depend.

Congress can not afford to ignore the spirit exhibited by this combination. The first step toward preparedness in this direction must be an assertion of national sovereignty that will not be forgotten by incorporated greed and incorporated disloyalty.

#### PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented a telegram in the nature of a petition from the Los Angeles (Cal.) Branch of the American Independence Union, praying for the placing of an embargo on munitions of war, which was referred to the Committee on Foreign Relations.

Mr. GALLINGER presented the petition of Rev. George G. Williams, of Tilton, N. H., and a petition of the George H. Bartlett Bible Class for Men, of Sunapee, N. H., praying for prohibition in the District of Columbia, which were ordered to lie on the table.

He also presented a petition of Lakeside Council, No. 6, Sons and Daughters of Liberty, of Lakeport, N. H., praying for the inclusion of the literacy test in proposed immigration legislation, which was referred to the Committee on Immigration.

He also presented the petition of Samuel C. Eastman, of Concord, N. H., praying for the enactment of legislation to prohibit interstate commerce in the products of child labor, which was referred to the Committee on Interstate Commerce.

He also presented a petition of the Weekly Publishers' Association, of Rochester, N. H., praying for the enactment of legislation to permit the exchange of advertising space for transportation, which was referred to the Committee on Interstate Commerce.

He also presented a memorial of Local Branch, Granite Cutters' International Association, of Concord, N. H., remonstrating against the order of the Treasury Department forbidding the use of granite in the construction of public buildings in

cities with less than $800,000 annual postal receipt, which was referred to the Committee on Public Buildings and Grounds.

He also presented a petition of the congregation of the First Christian Church of Newton, N. H., praying for national prohibition, which was referred to the Committee on the Judiciary.

He also presented a memorial of the Central Labor Union of Portsmouth, N. H., remonstrating against national prohibition, which was referred to the Committee on the Judiciary.

Mr. TILLMAN. I present a concurrent resolution adopted by the Legislature of South Carolina in regard to polygamy. I ask that the concurrent resolution be printed in the RECORD and referred to the Committee on the Judiciary.

There being no objection, the concurrent resolution was referred to the Committee on the Judiciary and ordered to be printed in the RECORD, as follows:

STATE OF SOUTH CAROLINA,
EXECUTIVE DEPARTMENT.

Under and pursuant to the provisions of a concurrent resolution of the General Assembly of the State of South Carolina, passed at the regular session of 1915, the appended resolution being a true and correct copy of the original, I have the honor, agreeable to its provisions, to transmit the same.

Given under my hand and the seal of the State at Columbia this the 28th day of January, A. D. 1916.

[SEAL.] R. M. MCCOWN,
*Secretary of State.*

Concurrent resolution.

Whereas it appears from the investigation recently made by the Senate of the United States, and otherwise, that polygamy still exists in certain places in the United States, notwithstanding prohibitory statutes enacted by the several States thereof; and

Whereas the practice of polygamy is generally condemned by the people of the United States, and there is a demand for the more effectual prohibition thereof by placing the subject under Federal jurisdiction and control, at the same time reserving to each State the right to make and enforce its own laws relating to marriage and divorce: Now, therefore, be it

*Resolved by the senate (the house concurring)*: First. That the application be made, and hereby is made, to Congress under the provisions of Article V of the Constitution of the United States for the calling of a convention to propose an amendment to the Constitution of the United States whereby polygamy and polygamous cohabitation shall be prohibited, and Congress shall be given power to enforce such prohibition by appropriate legislation.

Second. That the legislatures of all other States of the United States of the United States, now in session or when next convened, be, and they hereby are, respectfully requested to join in this application by the adoption of this or an equivalent resolution.

Third. That the secretary of state be, and he hereby is, directed to transmit copies of this application to the Senate and House of Representatives of the United States, and to the several members of said bodies representing this State therein; also to transmit copies hereof to the legislatures of all other States of the United States.

—

IN THE SENATE,
*Columbia, S. C., February 12, 1915.*

The senate agrees to the resolution and orders that it be sent to the house for concurrence.

By order of the senate.

M. M. MANN,
*Clerk of the Senate.*

—

IN THE HOUSE,
*Columbia, S. C., February 15, 1915.*

The house agrees to the resolution and orders that it be returned to the senate with concurrence.

By order of the house.

J. WILSON GIBBES,
*Clerk of the House.*

Mr. TILLMAN presented a petition of the Sherwin-Williams Co., of Savannah, Ga., praying for the imposition of a duty on dyestuffs, which was referred to the Committee on Finance.

Mr. SHEPPARD presented a telegram in the nature of a petition from the Commercial Club of Ennis, Tex., and a petition of sundry citizens of Bryan, Tex., praying for an increase in armaments, which were referred to the Committee on Military Affairs.

He also presented petitions of sundry citizens of the District of Columbia, and a telegram in the nature of a petition from the Woman's Christian Temperance Union of Niagara Falls, N. Y., praying for prohibition in the District of Columbia, which were ordered to lie on the table.

He also presented a petition of sundry citizens of the District of Columbia, praying for national prohibition, which was referred to the Committee on the Judiciary.

Mr. ROBINSON presented petitions of sundry citizens of Arkansas, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. NELSON presented a memorial of the Commercial Club of Renville, Minn., remonstrating against a tax on gasoline, which was referred to the Committee on Finance.

Mr. WORKS presented memorials of sundry citizens of Daly, Cal., remonstrating against an increase in armaments, which were referred to the Committee on Military Affairs.

He also presented a petition of sundry citizens of Lincoln, Cal., praying for the enactment of legislation to provide public ownership of water-power utilities, which was referred to the Committee on Public Lands.

Mr. GRONNA. I present a telegram from A. Robbie, manager of the Cavalier Milling Co., of North Dakota, protesting against certain legislation in reference to mixed flour. The telegram is very brief, and I ask that it be printed in the RECORD.

There being no objection, the telegram was ordered to be printed in the RECORD, as follows:

CAVALIER, N. DAK., *January 30, 1916.*

Hon. A. J. GRONNA,
*Senate, Washington, D. C.:*

Hearing before Ways and Means Committee on Monday of a bill for the repeal of the mixed-flour law. This bill will open the way for adulteration and unfair competition and will be greatly to the detriment of the wheat growers, consumers, and millers of the Northwest, and will only benefit the Corn Products Co. and other corn producers. Hope you will give the matter your attention and thereby protect the people of your district.

CAVALIER MILLING CO.,
By A. ROBBIE, *Manager.*

Mr. PHELAN presented a petition of sundry citizens of Colfax, Cal., praying for the enactment of legislation to provide public ownership of water-power utilities, which was referred to the Committee on Public Lands.

He also presented a petition of the Central Labor Council of Alameda County, Cal., praying for the enactment of legislation to provide for the care of indigent sufferers from tuberculosis, which was referred to the Committee on Public Health and National Quarantine.

He also presented a memorial of the Chamber of Commerce of Santa Cruz, Cal., remonstrating against a tax on gasoline, which was referred to the Committee on Finance.

Mr. JOHNSON of South Dakota presented petitions of sundry citizens of Canistota, Roscoe, Sisseton, Freeman, Langford, Huron, Yankton, Kimball, Gayville, Parker, Beresford, Wilmot, Monroe, Elk Point, Bowdle, Fort Pierre, Howard, Mitchell, Bath, Aberdeen, Pierpont, Blunt, Dell Rapids, Volga, Highmore, Kidder, Deadwood, Academy, Artesian, Hermosa, Alpena, Sturgis, Bridgewater, Winner, Oelrichs, Burke, Frankfort, Doland, Centerville, all in the State of South Dakota, praying for prohibition in the District of Columbia, which were ordered to lie on the table.

Mr. BROUSSARD presented a petition of the Kracke & Flanders Co., of New Orleans, La., praying for the imposition of a duty on dyestuffs, which was referred to the Committee on Finance.

Mr. SHIELDS presented petitions of sundry citizens of Tennessee, praying for prohibition in the District of Columbia, which were ordered to lie on the table.

He also presented a petition of the Memphis (Tenn.) Cotton Exchange, praying for the passage of the so-called cotton-futures bill, which was referred to the Committee on Agriculture and Forestry.

He also presented petitions of sundry citizens of Kenton and Murfreesboro, in the State of Tennessee, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. POINDEXTER presented a petition of the Washington State Federation of Labor, in convention at North Yakima, Wash., praying for the adoption of certain amendments to the immigration laws, which was referred to the Committee on Immigration.

He also presented a petition of the Washington State Federation of Labor, in convention at North Yakima, Wash., praying for the printing of the report of the Commission on Industrial Relations, which was referred to the Committee on Printing.

He also presented a petition of the Washington State Federation of Labor, in convention at North Yakima, Wash., praying for the enactment of legislation to authorize the War Department to seize all railroads, factories, mines, mills, and other means of producing and distributing supplies in time of war, which was referred to the Committee on Military Affairs.

He also presented a petition of the Washington State Federation of Labor, in convention at North Yakima, Wash., praying for the enactment of legislation to prohibit interstate commerce in the products of child labor, which was referred to the Committee on Interstate Commerce.

He also presented a petition of the Washington State Federation of Labor, in convention at North Yakima, Wash., praying for the convening of a congress of neutral nations to offer mediation to the belligerents, which was referred to the Committee on Foreign Relations.

He also presented a petition of the Washington State Federation of Labor, in convention at North Yakima, Wash., praying for an investigation by the Department of Labor into labor conditions in the navy yards and other construction works of the

Government, which was referred to the Committee on Education and Labor.

He also presented a memorial of the Washington State Federation of Labor, in convention at North Yakima, Wash., remonstrating against the enactment of legislation to allow private individuals to secure control of the natural resources of the country, which was referred to the Committee on Public Lands.

He also presented a petition of the Washington State Federation of Labor, in convention at North Yakima, Wash., praying for the enactment of legislation to provide 640-acre stock-raising homesteads, which was referred to the Committee on Public Lands.

He also presented a petition of the Washington State Federation of Labor, in convention at North Yakima, Wash., praying that an appropriation be made to raise the Puget Sound Navy Yard to the place of a first-class shipbuilding plant, which was referred to the Committee on Naval Affairs.

He also presented a memorial of the Washington State Federation of Labor, in convention at North Yakima, Wash., remonstrating against the use of the forest-reserve funds for the construction of the Olympic Highway, which was referred to the Committee on Forest Reservations and the Protection of Game.

He also presented a petition of the Washington State Federation of Labor, in convention at North Yakima, Wash., praying for the repeal of the so-called seamen's law, which was referred to the Committee on Commerce.

He also presented petitions of 252 lodges, representing 24,481 members of the Independent Order of Odd Fellows of the State of Washington, praying that some definite action be taken by the Government to bring about peace between the warring nations, which were referred to the Committee on Foreign Relations.

Mr. MYERS. I present a petition, signed by a large number of students of the Missoula County High School, in Montana, requesting an adequate appropriation for the Flathead reclamation project in that State. I ask that the petition be printed in the RECORD, together with the first signature thereon, and that it be referred to the Committee on Indian Affairs.

There being no objection, the petition was referred to the Committee on Indian Affairs and ordered to be printed in the RECORD, as follows:

MISSOULA, MONT., *January 6, 1916.*

*To the President and Congress of the United States:*

We, the undersigned students of the Missoula County High School, do most urgently and respectfully request of the President and Congress that an adequate appropriation looking toward an early completion of the Flathead irrigation project be passed at this session of Congress for work on the project during the ensuing year. The education of the boys and girls residing upon this irrigation project depends very largely on the manner in which the work is prosecuted.

Very truly,

JACK STERLING
(And many others).

Mr. MYERS. I present a petition of the Boys' Senate of the Missoula County High School, of Montana, praying for an adequate appropriation for the Flathead reclamation project in that State. I ask that the petition, together with the signatures, be printed in the RECORD and referred to the Committee on Indian Affairs.

There being no objection, the petition was referred to the Committee on Indian Affairs and ordered to be printed in the RECORD, as follows:

MISSOULA, MONT., *February 4, 1916.*

*To the President and Congress of the United States:*

The Boys' Senate of the Missoula County High School do most urgently and respectfully request of the President and Congress that an adequate appropriation looking toward an early completion of the Flathead irrigation project be passed at this session of Congress for work on the project during the ensuing year. The education of the boys and girls residing upon this irrigation project depends very largely on the manner in which the work is prosecuted.

SAMUEL S. MARLAY, *President,*
C. EVAN REELY, *Vice President.*
JOE SMITH, *Secretary.*

Mr. SHIVELY presented petitions of sundry citizens of Indiana, praying for national prohibition, which were referred to the Committee on the Judiciary.

FORT DOUGLAS, UTAH.

Mr. SMOOT. I present a memorial from the Salt Lake Commercial Club and the Rotary Club, which I ask may be printed in the RECORD. It is not long.

There being no objection, the memorial was ordered to be printed in the RECORD, as follows:

*To the honorable Senate and House of Representatives of the Congress of the United States:*

Your memorialists, the people of the State of Utah, through the Commercial Club (INC.) and the Rotary Club, of Salt Lake City, respectfully represent—

That the part of wisdom and prudence demands that in time of peace due care should be taken and preparation made to meet a necessity for the public defense.

That a due measure of care and preparation is not satisfied by the providing of men, munitions, supplies, and equipment, however well; it further demands that facilities be provided that will enable such resources to be immediately and at all times used to the limits of effectiveness and efficiency.

That such use of military resources requires the maintenance of permanent depots for recurring concentration and distribution of men, munitions, and supplies.

That geographical position, railroad transportation facilities, and climatic conditions fix the location of such depots.

That the Pacific coast and the Mexican border must be considered as requiring defense, and it must be anticipated that men and supplies may be required thereon at any time.

That Salt Lake City is practically the center of a circle, the radii of which are equivalent to substantially 30 hours of railroad travel, and which reach every railroad point on one-third of the length of the Canadian border, one-half of the Mexican, and the entire Pacific coast line.

That military depots should be situate far enough inland from coast and borders so as to at all times be a military asset and never an embarrassment.

That Salt Lake City is the only city east of the Pacific coast and within effective transportation distance thereof and of the Canadian and Mexican borders that has such incoming and outgoing railroad facilities as a great and permanent concentration depot for men and supplies require, and its climatic conditions are most suitable: Now, therefore, be it

*Resolved*, That Congress is most respectfully requested and urged to enact such legislation as will immediately make Fort Douglas, Utah, a brigade post—so planned and constructed, in connection with the military maneuver grounds in close proximity thereto, as to be the western point for the concentration and distribution of men and supplies, in case of active military operations on the Pacific coast or western borders.

SALT LAKE COMMERCIAL CLUB (INC.),
By F. C. RICHMOND.
SALT LAKE ROTARY CLUB,
By F. C. SCHRAMM.
WESLEY KING, *Chairman Joint Committee.*

A STATEMENT IN SUPPORT OF THE MEMORIAL OF THE PEOPLE OF THE STATE OF UTAH, THROUGH THE COMMERCIAL AND ROTARY CLUBS, OF SALT LAKE CITY, TO THE CONGRESS OF THE UNITED STATES, RELATING TO THE SITUATION AND ADVANTAGES OF FORT DOUGLAS, UTAH, AS A MILITARY DEPOT.

The following propositions are advanced:

The ultimate defense of a country rests upon its mobile army.

The coast and boundary lines, and the territory adjacent thereto, are the parts of a country requiring defense against invasion.

The tactical points for the concentration of the military forces of a country in permanent posts are the points from which the shortest equal radii render the greatest extent of coast and territorial border line equally accessible.

The tactical points for the concentration of reserves and supplies in time of invasion are the proper points for the location of permanent army posts from the standpoint of economy and efficiency.

Large permanent army posts should not be maintained on or near the coast or border.

Concerning the above it may be said:

The proposition that the ultimate defense of a country rests upon its mobile army is axiomatic and permits of no discussion.

That the coast and boundary lines and the territory adjacent thereto are the parts of a country requiring defense against invasion is also obvious.

That the tactical points, and therefore the proper points, for the concentration of the military forces and military supplies of a country, in permanent posts and depots, are the points from which the shortest equal radii render the greatest extent of coast and territorial border line equally accessible, is a proposition that, upon a fair consideration, forces its own approval.

Roughly speaking, the United States has 4,500 miles of international boundary and approximately the same number of miles of seacoast. It is obviously impracticable to maintain either troops or Army posts along the extent of these lines in sufficient numbers to provide a ghost of a defense against invasion. Outside of the semicircle of the range of our coast fortifications, the greater part of the seacoast, and practically the whole of the boundary line, are open to the entry or landing of an invading army. In other words, such force may practically choose its own point of landing or entry and it is impossible for this Government to determine in advance where the point or points selected will be. It follows, therefore, that in case of an attempted invasion, troops for actual defense must be concentrated at the time, and where, the danger is imminent.

No further presentation of facts would seem required to show that permanent stations of troops should be at points from which they can be transported to any threatened locality on the border or coast in the least time, and when we consider the uncounted years to come, and what may be their history, we are forced to the conclusion that all border and coast lines demand the same facilities for, and certainty of, prompt protection.

If a substantial body of troops be stationed at a point practically equidistant from 2,500 miles of border and coast line—assuming proper railroad transporation facilities exist—they can be moved to any locality on this line in substantially the same length of time and be present at any point thereon at the time of attempted invasion, unless such invasion comes without suspicion and with the stealth of a thief in the night.

But the importance of a station so located rests strongly in the advantages that woud accrue after the outbreak of hostilities and it becomes necessary to send reserves and reinforcements to the scene of actual combat. If a permanent Army post is so located that a given number of miles of travel—say, 700—will reach any point of the 2,500 miles of coast and border, such troops can be detrained at the locality where they are most needed in 48 hours or less—the equivalent of but a two days' march. What is true regarding troops is equally true in regard to equipment and supplies.

Should not such posts be so planned and constructed that new levies of troops could be there mobilized as fast as trained troops were sent out? Should not permanent posts, not makeshifts and temporary posts, be used for such mobilization?

The great proportion of deaths and disabilities from sickness come from the throwing together of wholly inexperienced and untrained men in canvas camps and temporary barracks under conditions to which they are entirely unused, and a great portion of this death loss and physical incapacity could be obviated if new levies were put in sanitary, permanent barracks and there properly trained and gradually inured to camp life.

Should not such posts also be supply depots, with ample storage facilities and fully stocked with field-service equipment to an extent commensurate with the probable necessities of the armies for which they are to form the base? And should not railroad facilities also be provided, so that stores and supplies could be received upon and shipped directly from warehouse platforms and troops entrained within the limits of the post itself?

Under the premises above said Fort Douglas, at Salt Lake City, Utah, meets all requirements to a greater extent than any other existing post in the United States. It is located substantially equidistant from the Pacific coast and the Canadian and Mexican boundaries. With it as a center, the arc of a circle having a radius of 700 miles includes practically 2,500 miles of border and seacoast line. From the points where the arc of such circle strikes the Canadian and Mexican boundaries to the west coast there are included substantially 11 of the 29 degrees of latitude covered by the United States, or, in other words, practically 700 miles of railroad travel—the equivalent of two days' march—would place troops from this little post upon any point on the Pacific coast and on the boundary lines of one-third of the width of the United States and upon any piece of ground within more than one-third of the territorial area of the United States.

The radii of 700 miles referred to are upon an air line. When great trunk-line railroads exist, running in approximately air lines—as is the case of the roads radiating from Fort Douglas—the ideal condition seems to be present. The Denver & Rio Grande and connections run practically direct to El Paso, on the Mexican border, and from there follow the border direct to San Antonio, Tex., and the Gulf, and also to Los Angeles, Cal. The San Pedro, Los Angeles & Salt Lake radiates to the southwest direct to Los Angeles and San Diego, Cal. The Southern Pacific and Western Pacific run nearly parallel to each other in a westerly direction to San Francisco. The Oregon Short Line and its connections strike to the north in two branches, one direct to Seattle and the Puget Sound country and the other to the north connecting with the Northern Pacific, which parallels the Canadian boundary.

The communication to the Canadian boundary on the north, the Puget Sound country in the Northwest, the central and southern Pacific coast, and the Mexican border is as direct as the connection of the spokes of a wheel with the hub and felly. No spot exists in the United States where, figuratively speaking, the military power of the country can reach out its arm and hold so many important points in the hollow of its hand, four of which are places where—for perhaps generations to come—we must anticipate attempted invasion.

All these points are within 44 hours of troop-train time; and, furthermore, the railroads named are not short local roads, which always embarass train service, but trunk lines, affording the best of transportation facilities, and the eastern connections with this hub are ample, embracing two direct transcontinental lines and two auxillary lines in case of necessity.

At Salt Lake City, being a great transcontinental railroad center, the best of facilities for the immediate commandeering of cars and transportation equipment exist. Little or no delay has ever been, or will be, met in placing troops upon trains in a minimum time after moving orders are received, as has been the case at posts heretofore considered important. Attention is called to the fact that at the time of the mobilization at San Antonio in 1911 the Fifteenth Infantry, from Fort Douglas, was the second organization on the ground. A cursory investigation will show where the transportation facilities from other posts have broken down to the point of absurdity within the past two years.

An examination of the map showing the railroads radiating from Fort Douglas, and located within the territorial limits of the United States west thereof, will show that should a large body of troops be concentrated either in the Puget Sound country or in the vicinity of San Francisco or Los Angeles, and it became necessary to take a portion thereof from either locality to reenforce another, it would be necessary to bring the reenforcements back over the coast range, provided the railroad paralleling the coast in California, Oregon, and Washington should at any point be in the possession of or destroyed by an enemy or its agents. In the transfer of reenforcements from either of the other points to the Puget Sound country, if the coast road were not available it would be necessary to bring such reenforcing troops back to Salt Lake and from there transport them to the point required, and the probabilities are that in any case of the shifting of troops from one point on the coast to the other—again assuming the coast road to be not available—the transfer could be made in the shortest time by way of Salt Lake in lieu of the use of the local road crossing western Nevada south into California.

It therefore seems obvious that the true tactical policy is to locate troops and depots of supplies anticipated to be necessary for reenforcements at points on the Pacific coast and reserves for armies operating on that coast at Fort Douglas, from which point they would be equally available for service on the Mexican and Canadian borders.

That the tactical points of concentration of reserves and supplies in time of invasion are the proper points for the location of permanent army posts from the standpoint of economy and efficiency seems to be shown by inference from the foregoing discussion.

It is apparent that in time of war facilities for the mobilization of troops and the handling, distribution, and issue of equipment and supplies are taxed to the maximum. Therefore ample facilities should be provided in time of peace for the most efficient training of men and distribution of equipment and supplies for the maximum anticipated emergency.

As a problem, no difference appears to exist on principle between mobilization, training, and dispatch of troops and the equipment and supply thereof, and a great private business. We would not expect such private business to use its warehouses and working forces during the course of ordinary routine business and when an emergency of extensive trade and operations arose—to meet which was the object of its organization—to abandon its warehouses and preexisting system and attempt to do business at a way station on some unimportant railroad wherever chance and monetary convenience happened to dictate and entirely cut off from all proper facilities.

It needs no argument to prove that the maximum results in the way of discipline and instruction, in advancing efficiency and in the outfitting of troops, can be obtained at the place best equipped for such purpose. Neither does it need argument to show that the place that should be so equipped is a permanent Army post.

It is not contended but that certain utility posts now existing along the border should be at all times kept in usable condition, possibly by civilian caretakers, and it is doubted if sound policy will permit the sale and total abandonment of the majority of the existing military reservations of the United States. Their value, if kept in usable condition, by a service corps if necessary, very likely would, in time of emergency, far outweigh the benefit the United States would receive by a sale thereof. However, the futility of attempting to protect the border and coast of the United States by small fractions of the mobile army stationed at Army posts along the same has been referred to.

From the fact that it must be presumed that in case of attempted invasion some portion of the coast or border and the country adjacent thereto would fall into the hands of the enemy, it follows that a permanent Army post located within such district would fall into their hands, and from that moment it would cease to be of any value to the United States, for if again retaken it would probably have been destroyed. It is also to be expected that if such posts were permanent posts and depots of supplies they would invite capture, and, if not destroyed by the garrison before capture, would become an asset to the enemy.

It being demonstrated that Fort Douglas is properly located from a tactical standpoint for a large permanent Army post and depot of supplies, either in time of peace or war, the questions that present themselves are:

Is Fort Douglas so located with reference to Salt Lake City that troops stationed there may participate in all advantages available to the inhabitants of a large city?

The reservation is practically in Salt Lake City. A car line from the post communicates with all parts of the city and enters the residential parts thereof immediately upon leaving the reservation, and headquarters at the post is but 20 minutes distance from the center of the city. In all matters respecting education and those things in which the people of the city participate, Salt Lake City will rank with any other city of the United States of 300,000 inhabitants.

Are the climatic conditions suitable?

An examination of all statistics will show it to be exceptionally suitable. Its summer and snow seasons, with the temperature seldom reaching 10° below freezing point, present the ideal condition.

Are the grounds of the reservation and those available at moderate cost sufficient in extent?

The grounds of the reservation are more than sufficient for the barracks and necessary buildings and parade ground of a division. Any acreage of land, either connected with the reservation or in the city and adjacent to the transcontinental railway tracks passing through the city and suitable for warehouse purposes, can be readily secured with a moderate outlay. Twenty-five miles from the reservation a military reserve, comprising substantially 20,000 acres, immediately adjacent to two transcontinental railroads, is available for maneuver and target purposes either for Infantry or Artillery. The lay of the ground of this reservation is most suitable for camp purposes and for military maneuvers and problems and is sufficient for problems to be worked out by a division.

It is believed that the closer the facts are investigated the stronger will be the demonstration and conviction that Fort Douglas and Salt Lake City is the most proper point from all standpoints for the establishment and maintenance of a large and permanent Army post and depot of military supplies within the western section of the United States.

Arrangements have been made for the construction of a standard-gauge line of railroad connecting Fort Douglas directly with the transcontinental trunk line of railroad now entering Salt Lake City, and a bill has been introduced in Congress providing for permission by the Secretary of War for right of way and revocable license for the building of standard-gauge track upon and across Fort Douglas for the future convenience of the Government in transporting men and supplies.

## REPORTS OF COMMITTEES.

Mr. CHAMBERLAIN, from the Committee on Military Affairs, to which was referred the bill (S. 1159) authorizing the Secretary of War to grant the use of the Coos Head Military Reservation, in the State of Oregon, to the cities of Marshfield and North Bend, Oreg., both being municipal corporations, for park purposes, reported it without amendment and submitted a report (No. 134) thereon.

He also, from the same committee, to which was referred the bill (H. R. 403) granting to the State of Oklahoma permission to occupy a certain portion of the Fort Sill Military Reservation, Okla., and to maintain and operate thereon a fish hatchery, reported it with an amendment and submitted a report (No. 135) thereon.

He also, from the same committee, to which was referred the bill (S. 3328) granting to the State of Oklahoma permission to occupy a certain portion of the Fort Sill Military Reservation, Okla., and to maintain and operate thereon a fish hatchery, reported adversely thereon, and the bill was postponed indefinitely.

He also, from the same committee, to which was referred the bill (H. R. 4701) to establish in the War Department and in the Navy Department, respectively, a roll, designated as "the Army and Navy medal of honor roll," and for other purposes, asked to be discharged from its further consideration and that it be referred to the Committee on Pensions, which was agreed to.

Mr. FLETCHER, from the Committee on Military Affairs, to which was referred the bill (S. 744) to remove the charge of desertion from the military record of Nelson H. Daniels, reported adversely thereon and the bill was postponed indefinitely.

Mr. MYERS, from the Committee on Military Affairs, to which was referred the bill (S. 1782) to correct the military record

of Joseph Gorman, reported it with an amendment and submitted a report (No. 136) thereon.

Mr. ASHURST, from the Committee on Indian Affairs, to which was referred the bill (S. 1048) for the relief of Warren E. Day, reported it without amendment and submitted a report (No. 137) thereon.

Mr. GRONNA, from the Committee on Indian Affairs, to which was referred the bill (S. 584) to provide a headstone for the grave of Scarlet Crow, reported it without amendment and submitted a report (No. 140) thereon.

Mr. SAULSBURY, from the Committee on the District of Columbia, to which was referred the bill (S. 2290) authorizing the health officer of the District of Columbia to issue a permit for the removal of the remains of the late Elsie McCaulley from Glenwood Cemetery, District of Columbia, to Philadelphia, Pa., reported it without amendment and submitted a report (No. 138) thereon.

COLUMBUS DAY.

Mr. SAULSBURY. From the Committee on the District of Columbia I report back favorably without amendment the bill (S. 2291) to make October 12 of each and every year a public holiday in the District of Columbia, to be known as Columbus Day, and I submit a report (No. 139) thereon. I ask for the immediate consideration of the bill. It will take only a moment, I think.

The VICE PRESIDENT. The Senator from Delaware asks unanimous consent for the present consideration of the bill. Is there any objection?

Mr. GRONNA. Let it go over.

The VICE PRESIDENT. Objection is made, and the bill will be placed on the calendar.

GRAND CALUMET RIVER BRIDGE, INDIANA.

Mr. SHEPPARD. From the Committee on Commerce I report back favorably without amendment the bill (H. R. 9213) to authorize the Gary Land Co. to construct a bridge across the Grand Calumet River, in the State of Indiana, and I submit a report (No. 132) thereon. I ask for the immediate consideration of the bill.

There being no objection, the Senate as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PUBLIC BUILDING AT PARK CITY, UTAH.

Mr. SUTHERLAND. From the Committee on Public Buildings and Grounds I report back favorably with an amendment the bill (S. 1559) to increase the limit of cost of public building at Park City, Utah, and I submit a report (No. 133) thereon. It is a short bill, and I ask for its present consideration.

The Secretary read the bill, and, there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The amendment was, on page 1, line 4, after the word "increased" to strike out "$3,860" and insert "$5,000," so as to make the bill read:

*Be it enacted, etc.*, That the limit of cost of the United States Federal building at Park City, Utah, be, and the same is hereby, increased $5,000, or so much thereof as may be necessary, to meet the additional cost of changes and additions to said building.

The amendment was agreed to.

The bill was reported to the Senate as amended and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. SHEPPARD:

A bill (S. 4416) making appropriations to enable the International Boundary Commission, United States and Mexico, to continue its work and also to enable the water commissioner to continue the work and study heretofore assigned him; to the Committee on Appropriations.

A bill (S. 4417) for an experimental aerial mail service; to the Committee on Post Offices and Post Roads.

By Mr. CHAMBERLAIN:

A bill (S. 4418) to establish game sanctuaries in national forests, and for other purposes; to the Committee on Forest Reservations and the Protection of Game.

By Mr. SAULSBURY:

A bill (S. 4419) for the relief of Clyde E. White; to the Committee on Claims.

By Mr. MYERS:

A bill (S. 4420) to authorize the Secretary of the Interior to adjudicate claims covering the expense of removing certain Choctaw Indians from Mississippi to Oklahoma; to the Committee on Indian Affairs.

A bill (S. 4421) granting an increase of pension to Edward Love; to the Committee on Pensions.

By Mr. STERLING:

A bill (S. 4422) granting an increase of pension to Mary A. Hapgood (with accompanying papers); and

A bill (S. 4423) granting a pension to Vernon D. Bennitt (with accompanying papers); to the Committee on Pensions.

By Mr. NORRIS:

A bill (S. 4424) to provide for the payment of drainage assessments on Indian lands in Nebraska; to the Committee on Indian Affairs.

By Mr. NELSON:

A bill (S. 4425) to provide for the retirement of officers and employees of the Bureau of Lighthouses and the Lighthouse Service; and

A bill (S. 4426) to regulate the salaries of keepers of lighthouses; to the Committee on Commerce.

By Mr. BROUSSARD:

A bill (S. 4427) for the relief of the heirs of Henry Ware; to the Committee on Claims.

By Mr. JONES:

A bill (S. 4428) granting an increase of pension to Mary E. Clayton (with accompanying papers); to the Committee on Pensions.

By Mr. BANKHEAD:

A bill (S. 4429) to amend the postal laws; to the Committee on Post Offices and Post Roads.

By Mr. MARTINE of New Jersey:

A bill (S. 4430) granting an increase of pension to George A. Pullen (with accompanying papers); to the Committee on Pensions.

By Mr. BORAH:

A bill (S. 4431) for the relief of Michael C. Mizar; to the Committee on Claims;

By Mr. KERN:

A bill (S. 4432) to amend section 8 of an act entitled "An act to supplement existing laws against unlawful restraints and monopolies, and for other purposes," approved October 15, 1914; to the Committee on Banking and Currency.

By Mr. SHIELDS:

A bill (S. 4433) granting a pension to Mrs. Vernon D. Blalock; to the Committee on Pensions.

By Mr. WILLIAMS:

A bill (S. 4434) granting a pension to Edward M. Riley; to the Committee on Pensions.

By Mr. WORKS:

A bill (S. 4435) granting an increase of pension to Levi A. Ross (with accompanying papers); to the Committee on Pensions.

By Mr. SHAFROTH:

A bill (S. 4436) granting an increase of pension to Rollin O. Joslyn;

A bill (S. 4437) granting an increase pension to Inez E. Perrine;

A bill (S. 4438) granting a pension to Catherine M. Belisle; and

A bill (S. 4439) granting a pension to Nellie Kavanagh; to the Committee on Pensions.

By Mr. POINDEXTER:

A bill (S. 4440) granting a pension to John Leonard; to the Committee on Pensions.

By Mr. THOMPSON:

A bill (S. 4441) granting an increase of pension to Hester Ann Steel (with accompanying papers); to the Committee on Pensions.

By Mr. SHIVELY:

A bill (S. 4442) granting an increase of pension to Elvira Louisa Kanady;

A bill (S. 4443) granting an increase of pension to Thomas O'Malley;

A bill (S. 4444) granting an increase of pension to Lorenzo D. Emory;

A bill (S. 4445) granting an increase of pension to James Williams; and

A bill (S. 4446) granting an increase of pension to Charles Updegraff; to the Committee on Pensions.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. GALLINGER submitted an amendment proposing to appropriate $600,000 for building ways, sheds, and machinery necessary to complete the equipment of the Portsmouth Navy Yard for the construction of battleships and other large naval vessels, etc., intended to be proposed by him to the naval appro-

priation bill, which was referred to the Committee on Naval Affairs and ordered to be printed.

Mr. MYERS submitted an amendment providing that agents and others employed be allowed a per diem in lieu of subsistence when engaged in field work or travel on official business outside of the District of Columbia or when engaged on official business at their respective posts of duty at a rate of not exceeding $3 each, intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

INSPECTION AND GRADING OF GRAIN.

Mr. McCUMBER. I submit a resolution and ask unanimous consent for its immediate consideration.

The resolution (S. Res. 96) was read as follows:

*Resolved*, That there be printed for the use of the Senate 5,000 copies of Senate Document No. 116, Sixtieth Congress, first session, relating to grain grading and inspection and interstate and foreign commerce in grain.

Mr. SMOOT. I will ask the Senator if he knows the cost of the printing?

Mr. McCUMBER. I think it will cost less than $200.

Mr. SMOOT. Very well.

The VICE PRESIDENT. Is there objection to the present consideration of the resolution?

The resolution was considered by unanimous consent and agreed to.

DIGEST OF CLAYTON ANTITRUST ACT.

Mr. OWEN. I offer a resolution providing for the printing of an index digest of the Clayton Antitrust Act which I ask may be referred to the Committee on Printing.

The resolution (S. Res. 97) was read and referred to the Committee on Printing, as follows:

*Resolved*, That the index digest of the Clayton Antitrust Act prepared by Hon. C. S. Hamlin, Governor, Federal Reserve Board, be published as a Senate Document and that 3,000 extra copies be printed, 1,000 for the use of the Interstate Commerce Commission, the Federal Trade Commission, and the Federal Reserve Board.

THE MERCHANT MARINE (S. DOC. NO. 320).

Mr. FLETCHER. Mr. President, there is a very interesting article in the Saturday Evening Post of February 5, by Herbert Quick, entitled "Shall we give up the ship?"—how the administration proposes to build up a merchant marine. I ask that the article be printed as a public document, without the illustrations.

The VICE PRESIDENT. Without objection, it is so ordered.

CORRECTION IN ENROLLMENT OF BILL.

The VICE PRESIDENT. The Chair lays before the Senate a concurrent resolution (No. 16) from the House of Representatives, which will be read.

The concurrent resolution was read, as follows:

*Resolved by the House of Representatives (the Senate concurring)*, That the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9416) making appropriations to supply urgent deficiencies in certain appropriations, are authorized to change the text of the paragraph in the bill for payment of judgments in Indian depredation claims so as to correct errors in the certified description of two of the judgments provided for therein.

Mr. MARTIN of Virginia. I ask the Senate to concur in the resolution.

The concurrent resolution was considered by unanimous consent and agreed to.

PENSIONS AND INCREASE OF PENSIONS.

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 3518) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors.

Mr. McCUMBER. I move that the Senate disagree to the amendments of the House, request a conference with the House on the disagreeing votes of the two Houses thereon, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and the Vice President appointed Mr. JOHNSON of Maine, Mr. HUGHES, and Mr. McCUMBER conferees on the part of the Senate.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles and referred to the Committee on Pensions:

H. R. 11078. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war; and

H. R. 11240. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors.

URGENT DEFICIENCY APPROPRIATIONS—CONFERENCE REPORT (S. DOC. NO. 319).

Mr. MARTIN of Virginia submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9416) making appropriations to supply further urgent deficiencies in appropriations for the fiscal year ending June 30, 1916, and prior years, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 7, 9, and 22.

That the House recede from its disagreement to the amendments of the Senate numbered 3, 4, 6, 10, 13, 15, 17, 18, 19, 20, 21, 23, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, and 39, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment as follows: Omit all of that part of the matter inserted by said amendment after the word "purposes" in line 21; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "$25,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 16, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"NATIONAL PARKS.

"There is appropriated, for the remainder of the fiscal year 1916, from the several appropriations for protection, improvement, and management, etc., of the various national parks, including the Hot Springs Reservation, as well as from the revenues from privileges, etc., in the national parks and the Hot Springs Reservation, such sum or sums as the Secretary of the Interior in his judgment may deem necessary, to be expended in employment of the superintendent of national parks in the District of Columbia and in the field, and other necessary expenses in connection with the administration of the national parks and the Hot Springs Reservation; a detailed statement of such expenditures to be submitted to Congress."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 24, and agree to the same with an amendment as follows: Transpose the matter inserted by said amendment to follow line 6, page 28, of the bill; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 38, and agree to the same with an amendment as follows: On page 30 of the bill, in line 1, after the sum "$59,259.50," insert the following: ", and the judgment therein in favor of 'Andrew D. Everett, administrator, Thomas W. Everett, deceased,' shall read 'Thomas W. Everett, administrator, Andrew D. Everett, deceased,' and the judgment in favor of 'Mrs. Joseph E. Winn, administratrix, John Winn, deceased,' shall read 'John M. Winn and Mrs. Joseph E. Winn, administrators, John Winn, deceased'"; and the Senate agree to the same.

The committee of conference have been unable to agree on the amendments of the Senate numbered 1, 2, 5, 11, and 14.

THOMAS S. MARTIN,
N. P. BRYAN,
*Managers on the part of the Senate.*

JOHN J. FITZGERALD,
JOHN J. EAGAN,
*Managers on the part of the House.*

Mr. NEWLANDS. Mr. President, I should like to make an inquiry of the Senator from Virginia as to what disposition has been made of the amendment which I offered to the bill providing for a suspension of the construction of the heat and light plant on the water front south of the Bureau of Printing and Engraving until it shall receive the approval of the Commission of Arts and of the President?

Mr. MARTIN of Virginia. Mr. President, the conference committee did not agree to that amendment, and the report of the disagreement is contained in the conference report.

Mr. NEWLANDS. Mr. President, in that connection I wish, then, to notify the Senate that the elimination of the amendment

suspending the construction of the heat and light plant will, in my judgment, involve a very serious impairment of the general plans of Washington relating to the development of Potomac Park, the Mall, and the water front. I do hope that the Members of the Senate will get the hearings of architects and engineers before the Committee on the Library recently upon this important subject and consider the question as to whether it is not our duty now to insist upon that amendment, with a view to preventing the immediate construction of a building which, in my judgment and in the judgment of architects and artists throughout the country, will be an impairment of the general plan of Washington.

Mr. PHELAN. Mr. President——

The VICE PRESIDENT. Does the Senator from Nevada yield to the Senator from California?

Mr. NEWLANDS. I yield.

Mr. PHELAN. I desire to ask the Senator from Nevada, who submitted the amendment, whether the letting of a contract for a building without first having obtained the approval of the Arts Commission is unlawful?

Mr. NEWLANDS. I should say decidedly that it is, unless it in some way receives the ratification of Congress. The law provides——

Mr. MARTIN of Virginia. Mr. President——

Mr. NEWLANDS. If the Senator from Virginia will permit me, the law provides that such plans shall be submitted to the Commission of Fine Arts before the building is constructed. There is also an Executive order to the same effect. The plans for this building were never submitted to the Commission of Fine Arts until after the contract for its construction was let, and the report of the Commission of Fine Arts was adverse to the proposed structure.

Mr. PHELAN. What is the legal effect?

Mr. NEWLANDS. The legal effect, as I regard it, is that the contract is illegal, unless Congress in some way ratifies it by approving action.

Mr. PHELAN. May I ask who has the right of disputing the contract?

Mr. NEWLANDS. I imagine it would have to be done upon the initiative of Congress in some way or of the executive department. I do not suppose that an individual citizen would have the right to do so, but upon that I am not informed.

Mr. MARTIN of Virginia. Mr. President, I am perfectly willing to go into the consideration of this report at the present time, but the Senator from Nevada [Mr. NEWLANDS] notified me that he would object to its consideration, which would carry it over until Monday. If he is now waiving that objection and wants to take up the report for consideration and discussion, I shall be glad to have the matter proceeded with.

Mr. NEWLANDS. I am not prepared to go on at this time, Mr. President, but I simply wished to notify the Senate of the importance of this question, and to inform them that they can get information upon the subject by obtaining the printed hearings recently had before the Committee on the Library of the Senate.

Mr. MARTIN of Virginia. Mr. President, I have no idea of going into any discussion of the matter, and I regret that anything has been said in the line of debate; but as something has been said, I will say to the Senate that I shall be very glad if every Senator on this floor will go and view in person the locality where it is proposed to erect this building. I am sure that it would not take 10 minutes to satisfy those who visit the locality that what has been done has been wisely done and ought to be promptly proceeded with.

Mr. GALLINGER. Mr. President, as I understand, the Senator from Virginia has made a personal inspection of the locality.

Mr. MARTIN of Virginia. I have been to the place and investigated it carefully; I have viewed it from high buildings elsewhere; and I have no doubt about the wisdom of what has been done or the importance of proceeding to consummate the work which has been commenced.

I will say furthermore, Mr. President, that I shall ask the Senate on Monday—of course, in view of the objection of the Senator from Nevada, we can not proceed to-day—to take up this conference report for consideration and dispose of it.

Mr. NEWLANDS. Mr. President, I wish to say, in connection with the statement just made by the Senator from Virginia, that if any one of the Senators goes to that particular spot, his first impression will be that the location is a favorable one with reference to the delivery of power and light; and, second, that the general squalor of the neighborhood is such as to make the proposed building an ornament rather than a detriment; but I wish every Senator who goes there to exercise his imagination and to view that water front, as it will be under the plans of the Burnham Commission, which contemplate making that water front, from the Bureau of Engraving and Printing down to the War College, a thing not only of the highest utility but a thing of the highest beauty. Ultimately, if the plans of those artists and architects are not interfered with, we shall have a development there approaching in beauty the Thames embankment in London, the development of the Seine in Paris, and the incomparable development of the Rhine at Dusseldorf, which has transformed that city, originally a Pittsburgh, clouded in smoke and dirt, into one of the most beautiful cities of the world, where the water front has become the point of central interest, although it is not devoted simply to beauty, but is dedicated to utility in the highest degree, every convenience being given for transshipment between boat and car, every mechanical device being utilized for the purpose of cheaply handling freight, and yet the whole thing done in such a way, by the union of engineering and architectural and landscape talent, as to present to the eye an impression of extreme beauty.

I ask every Senator who goes down there and looks at that place to imagine it as it will be, facing Potomac Park, that beautiful park between it and Virginia; that park which is to be highly developed in the future and which will be one of the features of Washington. I also ask Senators then to consider the question in the light of the fact that that point will be the gateway from the South to Washington, and that it is proposed to be defaced by the construction of a building with two stacks, and with possibly four stacks, in the ultimate development of the plans, of the monumental height of nearly 200 feet, and vying with the Washington Monument and the Lincoln Memorial in attracting the eye—the two latter attracting the eye for their beauty and the former for its hideousness.

Mr. McCUMBER. Mr. President, I hope we may be allowed to proceed with morning business.

Mr. MARTIN of Virginia. Will the Senator yield to me for just a moment?

Mr. McCUMBER. I have not taken the floor at all, except to ask that we continue with the morning business and get through with it.

Mr. MARTIN of Virginia. I merely desire to ask to have printed, in connection with the report which I have just submitted, a letter from the Secretary of the Treasury, which I think will be convenient to Senators if it is printed as part of the RECORD. I do not ask that it be read, but I ask unanimous consent that it be printed in the RECORD.

Mr. NEWLANDS. Mr. President, in that connection, I also ask permission to have printed selected portions of the hearings before the Committee on the Library and certain letters which have been received from distinguished architects and artists upon this subject.

Mr. MARTIN of Virginia. Mr. President, that matter is already in print, while the letter to which I have referred is not in print; and I should like to have it printed.

Mr. NEWLANDS. The matter to which I refer is not in the RECORD, and I should like to have it go in the RECORD in connection with the letter which the Senator from Virginia has asked to have printed, in order that the Senate may see them both.

Mr. MARTIN of Virginia. I object to selected portions of the hearings being printed in the RECORD.

Mr. NEWLANDS. I move, Mr. President, that I be permitted to insert in the RECORD selected portions of the hearings and also letters from eminent engineers and architects upon the subject of this development.

Mr. MARTIN of Virginia. Mr. President, the request which I made to the Senate has not yet been disposed of.

The VICE PRESIDENT. In the absence of objection, the letter referred to by the Senator from Virginia will be printed in the RECORD.

The letter of the Secretary of the Treasury is as follows:

TREASURY DEPARTMENT,
*Washington, February 7, 1916.*

Hon. THOMAS S. MARTIN,
*Chairman Committee on Appropriations,*
*United States Senate.*

MY DEAR SENATOR: In compliance with your verbal request to Mr. N. S. Thompson, superintendent of the Mechanical Engineering Division of the Supervising Architect's Office, I have the honor to give you the history of the central heating, lighting, and power plant authorized by the sundry civil appropriation act of 1914.

But before proceeding to a detailed history of the various legislative steps in connection with this project I desire to call your attention to the following facts: By some agency unknown to me a persistent effort has been made throughout the country to arouse architects, engineers, civic bodies, and the public generally against what is represented as an attempt to disfigure the natural beauties of Washington. False statements have been published throughout the country to the effect that this power plant is to be erected on the Mall at a point near the White House and Washington Monument. In brief, an audacious effort has been made to arouse resentment against this alleged effort to outrage the esthetic sensibilities of the people of the country. The fact is that the central heating, lighting, and power plant was authorized by the Congress

for the express purpose of removing the objectionable conditions referred to.

It will, in fact, achieve that result. The power house will be located on an air line one mile and an eighth from the White House. Because of its lower elevation and the intervening embankment of the trunk-line railroads and the structures of the old and new Bureau of Engraving and Printing it will be invisible from the White House and the White House Grounds. It will be invisible from the streets of the city, except in the immediate vicinity, and from the other Federal buildings in Washington and from the Capitol and any point on Pennsylvania Avenue. It will eventually result in the removal of the smokestacks and chimneys of other Federal buildings and the smoke and gases arising from their individual and in many cases imperfect generating plants. The proposed power house will be equipped with modern smoke-consuming apparatus, which will absolutely do away with smoke nuisances at that point, thereby accomplishing the net result of eliminating the entire smoke nuisances, so far as the Federal buildings are concerned. It will not, however, remove the most conspicuous offenders against Washington's sky line, namely, the two huge black iron stacks of the Potomac Electric Power Co. at Fourteenth and B Streets NW., which rise to an elevation of 200 feet between Pennsylvania Avenue and the Mall. It will not, of course, eliminate or minimize the smoke nuisances from any commercial plants.

As I dictate this letter I am looking from the south window of the Treasury Department, on the second floor, and I can see projecting over the top of the Department of Agriculture Building a small part of the stack of the power plant of that building. It is hardly sufficient to be noticed from this point. That stack is on an elevation considerably higher than the point where the power plant will be erected and is undoubtedly more conspicuous than will be the two stacks from the power plant when built and which are to be only 175 feet high, or 25 feet lower than the objectionable stacks of the Potomac Electric Power Co. I speak of this because it provides a very striking and reliable illustration of the point in controversy. And this stack, together with the stack on the Bureau of Engraving and Printing, which is the largest of the executive group, will be removed when the central plant is in operation.

It is pertinent, I believe, at this point to invite your attention to an alternative proposition which at various times has been presented by the Potomac Electric Power Co. in connection with its proposal to the Government to abandon its own central heating, lighting, and power plant and to make a 10-year contract with the said company. This proposal of the Potomac Electric Power Co. contemplated the enlargement of its power plant at Fourteenth and B Streets NW. This company does not generate steam. It therefore proposed that, if the Government would abandon its own plant, the Potomac Co. would install at the Fourteenth and B Streets plant a steam adjunct, the initial cost of which it was stated would be $300,000. If the plans for the further beautification of Washington, which for several years have been under consideration, are carried into effect, that section of the city in which the Potomac Electric Power Co.'s plant is situated would have to be taken over by the Government, whereupon the Government would be obliged to pay for this plant and the additional investment would be made at that point for supplying the Federal buildings with steam.

Permit me to suggest that if the efforts of art societies and civic bodies were directed to removing the chief offender against the beauty of the Mall and the city of Washington, viz, the conspicuous and ugly smokestacks of the Potomac Electric Power Co. at Fourteenth and B Streets, they would render a genuine public service.

I am not unmindful of the strong protests that have been made to Congress and to the Secretary of the Treasury against the disfigurement of Washington. If such a thing were in contemplation, it should and would justify the resentment and the rebuke of the whole country and my voice would be raised in protest against any such action.

But nothing of this character has been contemplated, and it is a matter of sincere regret that patriotic and well-meaning citizens all over the country have, without any investigation on their part and upon false information, been misled into believing that Congress and the Secretary of the Treasury are seeking to establish a distressing blot upon the face of the National Capital, which, in fact and in truth, they are merely striving to remove.

An act of Congress of April 28, 1904, directed the late Bernard R. Green, then Superintendent of the Library Building and Grounds, to submit at the next session of Congress preliminary plans and estimates of cost of the location, construction, and equipment of a power house for furnishing heat and electric power to the existing and projected Government buildings on the Mall and in the vicinity of the White House. Under date of January 9, 1905, Mr. Green submitted to the Speaker of the House of Representatives his report, which was referred to the House Committee on Appropriations, and has been printed as House Document No. 205. Mr. Green in his report to Congress enthusiastically recommended the construction of a central plant to supply the Government buildings west of the Post Office Department, known as the "executive group," and suggested three sites for the location of the power plant: (1) At Fourteenth and B Streets on the Mall; (2) opposite the old Bureau of Engraving and Printing building; and (3) on Water Street at the foot of Fourteenth Street, on the south side of the railroad tracks, the latter being the site on which the Central Heating, Lighting & Power Plant is now being erected.

No action was taken by Congress on Mr. Green's report. The matter of a central plant for the executive group of buildings lay dormant until May 1, 1911, when Secretary of the Treasury MacVeagh appointed a committee consisting of Nelson S. Thompson, chief mechanical and electrical engineer of the Supervising Architect's Office; Capt. C. A. McAllister, engineer in chief of the Coast Guard; and R. H. Chappell, superintendent of machinery of the Bureau of Engraving and Printing, to consider and report on plans for a central heating, lighting, and power plant to serve a designated number of buildings in the executive group. Under date of June 1, 1911, the committee was able to submit a report to Secretary MacVeagh for the construction of a plant with a power house located at the present site. Secretary MacVeagh reported the matter to Congress in December, 1911, after having presented the committee's report to President Taft and the Cabinet. A vote of thanks was given by the President and the Cabinet to the Treasury Department's committee.

The Appropriations Committee of the House discussed the matter very fully with Secretary MacVeagh's committee, and as a result directed that a further study be made of the project with a view to enlarging its scope and taking in additional buildings. A second report was submitted to the Secretary of the Treasury in the summer of 1912, and was transmitted to Congress by the Secretary. Hearings on this report were held before the House Committee on Appropriations, and as a result Congress on June 23, 1913, authorized and directed the construction of a central heating, lighting, and power plant on the present site. After full hearings, the best proposal that could be obtained from the Potomac Electric Power Co. was rejected, because it was clear that a considerable saving would be made for the Government by proceeding with the power plant.

The act authorized the employment of experts outside of the Treasury Department, and in order to give the matter the most careful consideration, the firm of L. B. Stillwell & Co., engineers, of New York City, was employed by the Treasury Department to check up the Treasury committee's report. This firm worked on the project for approximately a year, and with one change only, which was of minor importance, concurred with the Treasury Department committee's report. This firm of engineers also prepared the plans and specifications upon which proposals were received and the contract awarded for the plant.

A contract for the erection and completion of the central heating, lighting, and power plant was awarded December 24, 1915, to W. G. Cornell Co., of Washington and New York, and work was immediately started and is now in progress.

Shortly after the award of the contract the attention of the Treasury Department was called to the fact that the drawings and specifications for the power-house structure had not been submitted to the Fine Arts Commission, as required by President Wilson's executive order. This oversight was due to the former Supervising Architect and the firm of engineers hereinbefore referred to, who were handling the project independent of the regular business of the Supervising Architect's Office, and kept the files on the subject independent of the regular office files. These files were not distributed into the regular office files until a few days after the award of the contract for the construction of the plant and about the time that L. B. Stillwell & Co.'s connection with the project was terminated by the department. The information that the Executive order had not been complied with came as a surprise to the department, and immediate steps were taken to submit to the Fine Arts Commission the plans and specifications.

The commission objected first to the smokestacks. At the meetings held before the Senate Library Committee they objected not only to the smokestacks but the construction of the plant on this or any other site, and suggested an impracticable alternate—the enlargement of the Capitol power plant, located in Garfield Park, sufficiently to serve the buildings named in the sundry civil act. An estimate of the cost of enlarging the Capitol power plant to accomplish this object is approximately $1,463,757 (or $4,653 more than the cost of building the new plant), and the project would have many objectionable features. From the engineering side, it would necessitate the transmission of steam 3.4 miles and would burden a plant designed to care only for the legislative activities of the Government.

It can readily be demonstrated mathematically that the smokestacks of the new power plant will not be visible from 99 per cent of the viewpoints referred to by the Fine Arts Commission. I transmit herewith a drawing, with the statement that an observer stationed at any point within the shaded area will be unable to see even the stacks of the new plant.

I transmit also a number of photographs taken at and adjacent to the site of the power plant, showing the conditions now existing there. These photographs show the various lumber wharves, coal wharves, railroad sidings, railroad tracks, and, in general, the character of the surroundings of the selected site. I call your particular attention to the large photograph in which the artist has depicted to actual scale the new power plant building in its exact location. This view is taken from the top of the Washington Monument and it is interesting to note that the only point from which this photograph could be taken to show clearly the power house and its stack is the top of the Monument, approximately 550 feet above the city datum. It might be well to call your attention also to the fact that the height of the stacks as contracted for will be 175 feet above city datum, or practically 30 feet higher than the roof of the new Bureau of Engraving and Printing and 30 feet higher than the roof of the old Bureau of Engraving and Printing.

I transmit also a large map of the city of Washington, on which are shown buildings having independent plants, buildings served by the above, and the location of the new power plant. From this map it will be seen that by extending the tunnel at the old Post-Office Building 1,500 feet it will be possible to connect to the central plant now serving the Interior Department and its attendant group of buildings, and thus shut down that plant; it will also be possible by a tunnel 1,700 feet long to connect the Naval Hospital and the Hygienic Laboratory to the central plant; in short, the location of the plant is ideal to serve the entire number of present and future executive buildings.

The selection of this particular site for the new power house was dictated by the A, B, C's of mechanical and electrical engineering:

First. It is so placed as to be readily and cheaply served with coal, both by rail and by water.

Second. The ashes (one of the most embarrassing features connected with a central plant) can be cheaply and readily removed by rail, water, or carts.

Third. Condensing water in large volumes is available within a few feet and can be handled with the minimum expense for pumping.

Fourth. The plant is fairly within the center of gravity of the load. It is within 800 feet of the buildings that will take 50 per cent of all the steam generated and nearly 40 per cent of all the electricity generated. The greater portion of the buildings to be served are relatively small consumers.

Fifth. The central plant is located on the commercial water front instead of on the Mall on property owned by the Government, at the least conspicuous place in the city of Washington for such a project, and its construction will be a great step toward beautifying that section of the city. The building will be almost entirely hidden from view by the high railroad embankment at this point and the buildings of the Bureau of Engraving and Printing. The location satisfies the æsthetic feelings of all reasonable men.

Sixth. When the power plant is in operation, it will permit the removal of the present stacks of the Bureau of Engraving and Printing and of the Department of Agriculture.

Seventh. The central plant will effect an annual saving to the Government, considering existing buildings only as named in the act, of $177,000. If Congress permits the addition of the office building for the Interior Department, the Red Cross Building, the Johnson-Walker Building, known as the Navy Annex, and the Lincoln Memorial, a further saving of $40,000 per annum will be effected. When the three great departmental buildings named in the act are completed and occupied, a further saving of $45,000 will be effected. In other words, the greater the load, both electric and steam, that is added to the plant,

the greater will be the saving, owing to the lower cost of production per unit of steam and electricity.

Eighth. The plant has been designed so that with little expense it may form the necessary steam auxiliary to the hydroelectric plant which, it is safe to say, will be built to harness the Great Falls of the Potomac.

Ninth. The plant will eliminate from the city of Washington 17 smokestacks now existing on Federal buildings, which discharge smoke and gases from their individual plants.

Respectfully, yours, W. G. McADOO, *Secretary.*

Mr. NEWLANDS. Mr. President, I make the motion to have printed in the RECORD the matter to which I have referred. Do I understand that the Senator from Virginia still objects to the matter being printed in the RECORD?

Mr. MARTIN of Virginia. It is a matter of very little concern to me, but I must say I think it would be an unfortunate precedent to have a Senator merely select ad libitum a lot of matter and have it printed, when the Senate knows nothing about what it is. I do not think that is a good practice, and I object.

Mr. NEWLANDS. I will state what it is. I propose to have printed in the RECORD a statement covering not more than three or four pages, if my recollection is right, of Mr. Cass Gilbert, an emininet architect and a member of the Fine Arts Commission. I propose also to present a brief protest of the American Federation of Arts upon this subject. I also propose to publish four or five letters, each of them covering not more than 400 or 500 words, according to my recollection, from distinguished architects and artists, giving their views regarding this development. I move that the matter referred to be printed in the RECORD.

The VICE PRESIDENT. The question is on the motion of the Senator from Nevada.

The motion was agreed to.

The matter referred to is as follows:

CENTRAL HEATING, LIGHTING, AND POWER PLANT.

[Extract from hearings held before the Committee on the Library, United States Senate, on Feb. 3, 1916.]

STATEMENT OF MR. CASS GILBERT, ARCHITECT, NEW YORK.

Mr. GILBERT. Mr. Chairman, this matter came before the Arts Commission very recently. It was referred, I think, about 10 days ago to the Fine Arts Commission by the Secretary of the Treasury under the usual line of action, and as the commission was not at that time in session, the matter was referred by the chairman of the commission to a subcommittee, of which I was chairman. The subcommittee had before it only the blue prints which were offered by the Secretary of the Treasury. It came to me, I think, on the 21st of January. A meeting of the Commission of Fine Arts was held on Wednesday, the 26th of January. In that interim the subcommittee made an examination of the plans as submitted, and submitted a preliminary report to the Commission of Fine Arts, which is on file in the commission. At the meeting of the commission which was held on Wednesday, the 26th, at the request of the commission, representatives of the Supervising Architect's Office appeared and answered a good many questions which were asked by the commission. These questions are a matter of record, as they were taken down stenographically, and were directed to the general purpose of ascertaining whether such plant at that location could be made less objectionable in the landscape and still efficient; and while the Commission of Fine Arts does not, as I understand, undertake any engineering problems, in a technical sense it was apparently necessary to make some inquiry along engineering lines, in which we do not pretend to be experts, as to other methods of accomplishing the same result by the burning of other fuels and by the use of apparatus in substitution of smokestacks—that is to say, blower apparatus. Incidentally, some questions were asked as to the method of connecting from this plant to the more distant buildings, or to the other buildings, by means of tunnels, and what provision has been made, and whether it was practicable to make a satisfactory connection which would be permanently suitable.

All of that inquiry appears in the records of the Commission of Fine Arts, and is available if you wish to see it.

The conclusion of the Commission of Fine Arts was that the plant at that location would be seriously objectionable, but having respect for the action of Congress, and deeming it not only our function to establish a location, we could only express our great anxiety as to the result if a plant was located at that point. We could, however, within our function, as established by Congress, and as required by our presidential appointments, express our opinion as to the aspect of the plant, as to its appearance, and on that we were unanimous that it would be a seriously objectionable feature in the aspect of the city of Washington.

Beyond that I think there is nothing further for the Commission of Fine Arts to state, except that I will reecho the very grave feeling which we have that a power plant at that location would be seriously objectionable from the standpoint of appearance, and because it would be visible from so many points of view. Coming up the Potomac River, it would be almost the first thing seen. It would be apparent from the War College and from all over the east Potomac Park, where Congress has recently directed the development of a considerable recreation area; it would be immediately visible from the proposed "long-since-past" bridge to Arlington, which has not yet been built, and which might perhaps be left out of consideration; it would be very noticeable from the Lincoln Memorial, the Mall, and from Arlington, from the terraces of the Capitol, and the whole west front of the Capitol.

We find that the width of the main road varies slightly from 80 to 90 feet above the level of the street. The street is about 7 feet above the level of the water—that is, mean level of the water. The smokestacks are, as shown by the drawings, about 16 feet in diameter at the level of the roof. They rise to a height which, from a hasty scaling of the plan, indicate about, I think, 176 feet, but I believed it was stated by the representative of the Treasury Department that the total height of the stack would be 188 feet; but in either case, if 188 feet, that would be 195 feet above the river. Now the Washington Monument, I believe, is 555 feet high. At 195 feet these stacks would be a little more than one-third of the height of the Washington Monument, and as there are four of them, and especially as the location in relation to the railroad and the streets is slightly askew, with the main rectangular line of the street coming down to that point, and with its main axis along from the Capitol to the Monument, and from the White House to the river—these stacks would group themselves in diagonal form, which would present, from these principal points of view, the four instead of simply two, but the fact that there would be an evidence of four is not so important, because in varying points from which it would be seen that perspective would constantly keep changing.

We suggest the possibility of taking the stacks off altogether and using a forced draft. That, according to the response from Mr. Thompson, of the Treasury Department, would, I believe, give some additional expense in operation. It requires additional machinery, and, as I think he expressed it, "Where nature could provide the draft, why do it by mechanical means?" Nevertheless, the forced draft is not beyond possibility and beyond a more or less common practice. It would, however, in that case—am I right in taking so much time, Mr. Chairman? I do not want to be prolix.

The CHAIRMAN. You are perfectly right.

Mr. GILBERT. I am simply giving you some of the things that brought us to our conclusion or point of view. It would, however, probably cause the dissemination of gases to some extent. How far that would go, how far they would travel, or how far they would vitiate the air is a matter for scientists rather than for us and the department. We do not pretend to say.

As to the smoke, I venture to say the engineers would say to you as they have done in other cases to me in my professional relations with buildings—that it is largely a question of firing and of the form of the burning apparatus. In a modern plant, properly handled, there might be comparatively little smoke, but in nearly all plants—and as I look out over the city I see one down there now—there is a considerable volume of smoke. There is some smoke and certainly some gas. That is what the smokestack is for—to carry off these things.

Now, there arose the question as to why it should be erected at that point on the Washington Channel, having in mind that it was probably for the purpose of bringing coal in boats economically to the plant. We were informed by the engineer that while that might at some time become a feature of the plant, that no present provision was made for it. If coal is to be taken economically from barges or vessels, it is probable that you would require an overhead conveyor of some sort; otherwise it would be taken up in the good old-fashioned way by wheelbarrows and in some way transferred to the building. The present layout of the plant provides for the reception of coal from cars. It is dumped and carried to a crusher, then raised and put into the various hoppers or receivers, which convey it down to the boilers.

These questions came up because they had a more or less direct bearing on the height of the plant. It seemed to us probable that the plant could be lowered somewhat. The floor of the main building is about 20 feet above the street—I speak in round numbers and from a general knowledge of the plant. The answer to that is that at one time there was a flood which came some distance above the ground there—about 18 feet, I believe—and it was considered desirable to have the boiler plant above that level, and the precedent in other plants seemed to have established that as a reasonable principle. I think the engineer might have added that it also, as a mechanical proposition, to some extent relieves the boilers of their ashes and cinders, but that might be limited to a little lower level. However, if there was ever a flood, that height of tunnel system would be flooded and it would be difficult, probably impracticable, to force live steam through a flooded tunnel; it would condense too rapidly.

Another point in connection with the tunnel—and we had to make that inquiry—we found that the tunnel crosses the main sewer down on Fifteenth Street. The principal sewer, I understand, in Washington—I will say "we" understand, I do not want to make this as my statement at all—the principal sewer, we understand, is down Fifteenth Street, and, necessarily, would reach the White House; the Treasury Department; the State, War, and Navy Building; the Lincoln Memorial; the Navy Annex; the new Department of the Interior; the new Woman's Memorial Building below the American Republics, etc., and would have to cross from this side to the west side of Fifteenth Street. Hence, you must cross this sewer at some point. We were considering this question of possibly other locations. Our inquiry may have led us a little afield in the matter, but we are keenly anxious to help all we can. Then at what point could there be a crossing, and what is the size of this tunnel? It is found that the size of the tunnel is about 6 feet or 6½ feet wide by about 7½ feet high—I speak from memory and I may be slightly wrong, but it is about those dimensions. Now, add the thickness of the bottom of the foundation or floor of the tunnel and the thickness of the overhead work and sides, then it would produce a tunnel, we will say, approximately 8 by 9½ feet in dimensions. It can not be readily deflected up and down. Huge pipes run through it; live steam will cause expansion. It is a difficult engineering problem. The tunnel must be waterproof—I mean from ordinary surface water. It is an expensive thing to construct a good tunnel, but where that tunnel crosses a sewer it must either go below the sewer or above the sewer or through the sewer. That is obvious.

Now, the depth below the sewer is such that it would be a very expensive operation to put it above the sewer. You have to consider the levels of the grades of the street and keep it below the street grades, and, incidentally, the connections that lead into the sewer alongside of it must intersect the line of this tunnel at some points, so that it becomes a complicated engineering problem and a very difficult one. I do not pretend to speak on behalf of the commission as to the relative merits of the methods by which this difficult problem has been solved, but in the inquiry made by the commission it was said that the piping for the tunnel passes through an iron encasement and crosses the top of the main sewer; and it was, I believe, estimated that it took about 15 per cent off the top of the sewer. Well, if the sewer is ample—much more than ample for its needs—that would probably do no harm, but if the sewer were flooded to its full capacity—and we are not informed as to that, and no question of sewer has been referred to our commission, so we did not go into that question—it would obviously be a check to the flow of water. However, it is highly probable that these skilled engineers have taken all of that into account.

This line of reasoning led us to the question as to whether it was really necessary for this plant to be down in that location. Now, given the supply of fuel by railroad, and eliminating the supply of

fuel by water—which apparently is the present program, although in the future it may be changed at that location—might not the whole plant be lowered to a lower level, and might not these conditions be eliminated with forced draft? On inquiry as to this water location, we were told that the purpose of being near the water was to provide water for condensation for the turbines that drive the electric power plant. Well, there is not a large installation of power plant. The generating apparatus is not large but comparatively small; I have forgotten the statement of its capacity; but it is apparently not an important thing in the transmission of electric power. It is now so well established that it is not difficult to carry it any distance you wish. It seemed to us that as, apparently, this location was available or principally desired because it would be near the water for condensation purposes, that water might be supplied from any other location. We even went so far as to inquire whether a reservoir or tank might not be built, the same water being used over again, as in a cooling process, with some sort of aeration or cooling method, and with that added to the expense. No doubt it is a feasible solution of the problem, but as far as our inquiry went we felt we could not charge ourselves with the question of location—that had been settled by Congress—but that we could report that a plant at that location was, in the judgment of our commission, very undesirable from the standpoint of Washington, and we believed—although this may not appear in the report—that a more careful examination of the whole subject of a possible subdivision into two plants for the burning of oil or other fuel, or the burning of gas by a gas-producer plant or other method upon which the skilled engineers of to-day concentrate their attention would bring about a better plant in a location that would be less objectionable.

Now, one word more and I shall have finished. Under the Executive order of the President matters of this kind are supposed to come before the Commission of Fine Arts before final action is taken. Through an inadvertence, apparently, this matter did not come to the Commission of Fine Arts. We had no knowledge of it, officially or otherwise, as far as I know, until about 10 days ago, after the contracts were signed. We make no complaint on that account, but on behalf of the commission I would like to register before your committee the view that the Commission of Fine Arts is not responsible for having passed upon the matter too late, nor could we pass upon it earlier.

I thank you, gentlemen, very much.

STATEMENT OF MR. GLENN BROWN, ARCHITECT, WASHINGTON, D. C.

Mr. BROWN. Mr. Chairman, I appear here representing a committee of Washington that is interested in the development of the city on esthetic lines solely.

Mr. Cass Gilbert has said so clearly what I wished to say that I will confine myself to a very limited number of words.

There is one point with respect to the disagreeable view of these stacks that he did not mention. When the White House was located by George Washington it was located with the idea of having a beautiful view down the Potomac—one of the most charming views that we have in this part of the country—and that was one of the vital reasons for locating the White House where it is. These stacks come up and directly cut off that view from the White House. I think this one fact is sufficient to justify the chimneys being kept down. We feel that this plan of a Federal city, which originated with George Washington and L'Enfant, was a great asset to the country, both financially and in the way of culture and refinement. The Government has spent since Washington's time to the present time approximately $100,000,000 on buildings and grounds. So far it has been harmonized, so that one element fits in with the other, and this will be the first great break in that scheme, and it should be most carefully considered before it is allowed. The value of this park scheme is an asset of the people, and it is an asset that has been wonderfully increased since the Park Commission presented their plans. Gen. Washington's scheme ended with the Washington Monument, which was then located on the shores of the Potomac, and the new reclaimed ground has made it necessary to add to the proposition and to carry the scheme much further. All has been done in harmony with the scheme of George Washington, and we feel that the people who are interested in Washington and Lincoln, and who are interested in the city all over the country, would feel that a great crime had been committed by erecting something here that would destroy the beauty of the city.

We have been studying the question of the advisability of locating it upon other sites, and we feel that it might be joined readily with the Capitol power plant, and if that was too great a run for steam pipes, that they might readily be——

The CHAIRMAN. Not only an immense run for the steam pipes, but an immense run on the Treasury. Mr. Woods's report—in which he estimates; he does not pretend to be accurate at all—makes it nearly a million dollars.

Mr. BROWN. But we go right on spending nearly a million dollars in the other plant. We would save a million dollars.

The CHAIRMAN. How is that?

Mr. BROWN. The other plant would cost nearly $2,000,000—$1,500,000 complete, under present contract. It would cost $1,500,000 to get an acknowledged incomplete plant, on which you would have to add additional features to make it complete. That was to be a plant that would only do part of its work. It would be found inefficient and would have to be completed by additional appropriations.

Now, I am going to ask that the committee hear Mr. Hennen Jennings, who is present, a mining engineer of great eminence, who is also on the same committee and who is vice president of the Federation of Fine Arts, representing 200 art societies throughout the country, and these art societies have in their membership something like 300,000 people, all interested in the city of Washington from the standpoint of beauty. Mr. Jennings is fully capable of discussing the broader topics on the engineering side.

Mr. GILBERT. May I interrupt for just a moment in order to complete something that I omitted to say, which has just been called to my attention? It is in the act provided—

"That the building or buildings of said central heating, lighting, and power plant shall be so located upon said site as to reserve a sufficient area for an asphalt plant for the District of Columbia in the event of such asphalt plant being hereafter authorized."

In reading that act we feel still further apprehension because we are not familiar with what might happen as a result of an asphalt plant, and taking into account that the prevailing winds are said to be from south to southeast, what fumes, smoke, or gases may originate there we do not know, nor could we, in the short time we had, get sufficient information to justify an opinion on that subject.

I thank the committee very much.

EXCERPTS FROM STATEMENT OF LEWIS B. STILLWELL, CONSULTING ENGINEER, NEW YORK.

Mr. STILLWELL. Mr. Chairman, I have come down here at the request of Senator NEWLANDS, but I do not know exactly what he expects me to say. I am ready to answer any questions that may be asked me.

Senator NEWLANDS. I will state, by way of preliminary, that Mr. Stillwell was consulted in some way with reference to this plan. He is an eminent mechanical engineer in New York, and I learned from Mr. Gilbert that he had been consulted with reference to these plans, and I thought it would be advisable to have him here. So I caused him to be summoned by the committee. When he came he expressed some delicacy with respect to appearing, because he regarded himself as a client of Mr. McAdoo, who had, on behalf of the Government, enlisted his services, and he did not know how far he ought to go, and particularly he did not wish to volunteer anything.

The CHAIRMAN. I think the suggestion, under the circumstances, is a very good one. Suppose you ask him any questions you desire to ask.

Senator NEWLANDS. I communicated with Mr. McAdoo over the telephone and told him of Mr. Stillwell's delicacy on the subject, and he told me that of course, Mr. Stillwell was representing the Government, or was employed by the Government, and was at liberty to present his views regarding the subject. I would therefore simply suggest, Mr. Stillwell, that in your own way you go on and state your views regarding the site, regarding the plant itself, the height of the chimneys, their appearance in the landscape, etc.; and anything else that suggests itself to you that will be of public interest.

Mr. STILLWELL. That clears the situation, so far as I am concerned, very satisfactorily.

I should like to say at the outset that my firm has, in this matter, assumed no responsibility in regard to the selection of a site. We have been told that that matter was settled before we were called in; that the plant was to be located at a certain point. Our function has been limited to this: That my firm has supplied a number of expert mechanical and electrical designers who have been placed temporarily on the rolls of the Supervising Architect's Office to make the plans for the mechanical and electrical equipment and for the power house in so far as its structure is directly related to that equipment. For the architectural merits or demerits of that power house we assume no responsibility. That has been in the hands of the Supervising Architect and his representatives.

As to the site, expressing my personal opinion of the matter—and I am glad to have an opportunity to do so—I think this whole matter has been approached here in a way that could not be expected to attain the best economical results. For instance, one of the first things that suggested itself to us when we came here was, why build a new plant? Why not extend the existing plant? Of course, the present plant is farther away from the buildings which are to be heated, and it is possible that were we to figure out the losses in transmitting the steam we might reach the conclusion that it was unwise to transmit it so far. That problem, so far as I know, has never been investigated. It certainly has not been by my associates or myself.

Another question that I asked soon after I came here was this: How is this plant correlated with the possible utilization of the Great Falls of the Potomac, in regard to which Mr. Clemens Herschell made a report for the War Department a year or two ago? And my impression is that up to this time there has been no attempt to consider broadly whether the Great Falls of the Potomac, in cooperation with the steam plant here, or otherwise, could be utilized to advantage in the city of Washington. I make this statement because I want to say that, as an engineer, I think this problem should be studied on broad lines—on lines as broad as those which have been applied by the Arts Commission in its work—and that the whole problem of the supply of electricity for lighting and power purposes and of heating from central stations—if that be the best way—should be laid out now on a plan which can be substantially adhered to for the next 50 or 100 years. The development ought to be systematic and symmetrical in respect of power supply as in respect of architectural development.

Now, as to the plant that has been contracted for, the department has found it necessary to omit a considerable amount of apparatus from its specifications as they were approved by my associate, Mr. Putnam, who represented me here. Unless those omissions are replaced in the near future the plant, in my judgment, would be better left unbuilt. It is presumably the intention of the department to make this replacement in whole or in part so as to make the plant an operative plant.

The CHAIRMAN. They cut it out, I suppose, on account of lack of appropriation.

Mr. STILLWELL. Lack of appropriation, but in doing that there were some highly objectionable changes introduced. For instance, under the contract as let, one of the duplicate steam pipes which were called for by the specifications, will be omitted. Obviously, if you are going to depend upon steam transmitted a distance of nearly 2 miles for the heating of public buildings, you must have a reserve or relay steam pipe to be utilized in case the one normally used goes out of business. Now, in order to omit that auxiliary steam pipe, it becomes necessary for the department to abandon another feature of the plans and specifications as they were drafted by my firm, namely, to give us the idea of taking the boiler plants gradually out of these buildings—the boiler plants of the existing isolated plants, because it becomes necessary to keep them there to fall back on in emergency. That imposes very considerable difficulties in respect of finding a place for the electrical apparatus that is to go in. They have now put them in the engine rooms; and my men who have been here and who have looked over the ground, have told me that it can not be properly done. Personally, I have not looked into the matter. But if the opportunity is afforded to hold up this work until the whole subject could be reviewed in a broad way and solved, as it would be solved in the case of a private corporation undertaking a proposition of similar magnitude, I am not at all sure that there is any engineering necessity for locating the plant at the point selected. I do not wish to say that that is not the point at which the lowest cost of producing the electric unit and steam unit for distribution can be accomplished, but there are many ways of accomplishing a result. That is what an engineer is for. If there is objection to one way the engineer is supposed to find another way of doing it, and I feel perfect confidence, from the general situation, that it could be done.

I have been told that for some reason it was impossible to consider the extension of the existing plant. On the face of it that is the obvious thing to do, and if you are going to leave the present steam plants in the buildings, unless they are causing enough smoke to be a decided nuisance, you can get along very well by supplying the electricity from the present plant with a slight addition to it, as Mr. Woods

has said, I believe. When it comes to steam heat from that point, I should not want to express an opinion without going into the matter.

As to the questions of detail that have been under discussion, I do not know that it is necessary for me to discuss them, but with regard to the elimination of the stacks, if the plant is to be left at the location selected, the stacks can be removed, and induced draft used satisfactorily, I believe. The height of the building could be further reduced quite materially by substituting oil for coal as fuel. I have made no figures on the difference of cost, but that could be done.

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Senator NEWLANDS. Would you regard that site, with reference to the Mall and the general architectural and landscape development there, as objectionable?

Mr. STILLWELL. You are asking me now as a citizen of the United States?

Senator NEWLAND. Yes.

Mr. STILLWELL. I would not have the plant there, Senator. I would place it somewhere else.

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EXCERPTS FROM STATEMENT OF HON. BYRON R. NEWTON, ASSISTANT SECRETARY OF THE TREASURY.

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Senator NEWLANDS. Perhaps it would be well to read into the record at this point the Executive order, dated October 25, 1910. The President directed that—

"Plans for no public buildings to be erected in the District of Columbia for the General Government shall be hereafter finally approved by the officer duly authorized until after such officer shall have submitted the plans to the Commission of Fine Arts, created under the act of Congress of May 17, 1910, for its comment and advice."

The act of Congress directs that—

"It shall be the duty of the commission to advise upon the location of statues, fountains, and monuments in the public squares, streets, and parks in the District of Columbia, and upon the selection of models for statues, fountains, and monuments erected under the authority of the United States and upon the selection of the artists for the execution of same. It shall be the duty of the officer charged by law to determine such questions in each case to call for such advice. The foregoing provisions of this act shall not apply to the Capitol Building of the United States and the building of the Library of Congress. The commission shall also advise generally upon questions of art when required to do so by the President, or by any committee of either House of Congress."

There is another Executive order of November 28, 1913, as follows:

"It is hereby ordered that whenever new structures are to be erected in the District of Columbia, under the direction of the Federal Government, which affect in any important way the appearance of the city, or whenever questions involving matters of art, and with which the Federal Government is concerned, are to be determined, final action shall not be taken until such plans and questions have been submitted to the Commission of Fine Arts designated under the act of Congress of May 17, 1910, for comment and advice."

(The letters referred to are as follows:)

LETTER FROM ELLIOTT WOODS, SUPERINTENDENT OF THE CAPITOL BUILDING AND GROUNDS.

FEBRUARY 3, 1916.

Hon. JOHN SHARP WILLIAMS,
*Chairman Joint Committee on the Library,*
*United States Senate.*

DEAR SENATOR WILLIAMS: I have received your letter of February 1, 1916, regarding the complaints of the Fine Arts Commission with reference to the proposed plant at the foot of Fourteenth Street, to be erected by the Treasury Department to supply heat, light, and power to the various Government buildings already in position and including those to be erected. You state that it has been suggested to you that the light, power, and possibly heat could be furnished from the existing Capitol power plant, and you ask me to make an estimate of the cost for necessary additions to that plant and for other things required to accomplish the purposes suggested. The figures which I present solely at your request, and which are intended to follow the three suggestions made in a personal conversation of day before yesterday, must be considered as approximate, since the consideration of a matter of so great importance requires much more study than this brief intervening period of time could possibly allow. They are presented with the understanding that they are not accompanied by any recommendations on my part, or any intention to be discourteous to the Congress which authorized the construction of the Treasury plant, or to officials connected with the Treasury Department.

It might also be stated that as these figures have been made up purely upon our own personal judgment as to layout, etc., that they may be in some respects widely at variance with figures already made by the technical department of the Supervising Architect's Office. Also, that they have no bearing on the proposition set forth in the amendment to the urgent deficiency bill authorizing the extension in the increase of cost.

*Extension of Capitol power plant to supply heat, light, and power complete to building lines only.*

| | |
|---|---|
| Extension of building, storage, etc., for power plant proper | $125,000 |
| New boiler equipment | 180,000 |
| New turbo generator and equipment | 60,000 |
| Incidentals | 10,000 |
| Total | 375,000 |
| 16,600 feet tunnel, at $15 per foot | 250,000 |
| 17,600 feet 14-inch pipe. | |
| 5,600 feet 9-inch pipe. | |
| 4,800 feet 7-inch pipe. | |
| 2,200 feet 5-inch pipe. | |
| 1,000 feet 4-inch pipe. | |
| 2,000 feet 2-inch pipe. | |
| 17,600 feet 4-inch return pipe. | |
| 50,800 feet pipe, including flanges, covers, and pipe racks | 154,000 |
| Expansion joints | 24,000 |
| Reducing valves | 2,500 |
| Other valves | 1,400 |
| Steam traps | 800 |
| Access and ventilating manholes, etc | 2,500 |
| Cable, high and low tension | $96,000 |
| Ducts for cable | 8,700 |
| Labor for connecting up same | 35,000 |
| Total | 574,900 |
| Grand total | 949,900 |

*Extension of Capitol power plant to supply high-tension current to three substations and steam to the west side of Fifteenth Street to connect with the proposed steam line of the central power plant.*

| | |
|---|---|
| Extension of building, storage, etc., for power plant proper | $125,000 |
| New boiler equipment | 180,000 |
| New turbo generator and equipment | 60,000 |
| Incidentals | 10,000 |
| Total | 375,000 |
| 8,800 feet tunnel, at $15 per foot | 132,000 |
| 17,600 feet 14-inch pipe, including flanges, covers | 113,572 |
| 8,800 feet 4-inch return pipe | 1,000 |
| Steam traps | 802 |
| Expansion joints | 16,936 |
| Reducing valves | 450 |
| Other valves | 500 |
| Pipe supports | 2,500 |
| 66,200 feet high-tension cable to three substations | 45,678 |
| 98,400 feet duct | 4,920 |
| Labor in connection with this proposition | 20,000 |
| Total | 338,358 |
| Grand total | 713,358 |

*Electric supply only to substations.*

| | |
|---|---|
| New boiler equipment | $180,000 |
| New turbo generator and equipment | 60,000 |
| Total | 240,000 |
| 66,200 feet high-tension cable to three substations | 45,678 |
| 49,500 feet low-tension cable | 47,000 |
| Conduit for cable | 8,700 |
| Manholes and covers, and labor for laying duct and pulling in cable | 25,000 |
| | 126,378 |
| Grand total | 366,378 |

I would like to call your attention to the fact that any proposition to change the existing status, operation, or extension of the Capitol power plant should be considered with reference to the specific declarations of the act authorizing the construction of this plant, which will be found on page 31 of the sundry civil act (Public, No. 194) approved April 28, 1904. For your information I am attaching a copy of the document to this letter.

I would like to make a further suggestion, that if Congress should decide to change the existing status, operation, or extension of the Capitol power plant that the functions of this office in any such work should be limited solely to the power plant proper within the limits of its building lines, and that all other operations be conducted solely by the proper authorities of the Treasury Department.

Very respectfully,

ELLIOTT WOODS,
*Superintendent United States*
*Capitol Building and Grounds.*

COPY OF THE ACT OF CONGRESS AUTHORIZING THE CONSTRUCTION, DESIGNATION OF PURPOSE, ETC., OF THE CAPITOL POWER PLANT, SUNDRY CIVIL BILL, APPROVED APRIL 28, 1904. (PUBLIC, NO. 194.)

Toward the construction of a building for a heating, lighting, and power plant in connection with the office building for the House of Representatives, the installation of necessary machinery, for labor and material, construction of ducts, heating mains, subways, and traction system connecting the Capitol Building, and for all other appliances and for each and every purpose in connection with all of the foregoing, $130,000: *Provided*, That said building for heating, lighting, and power plant, when constructed, shall be of sufficient size and capacity to furnish the necessary heat, light, and power for the office building of the House of Representatives, the Capitol Building, the Congressional Library Building, and for such other public buildings which may hereafter be erected on grounds adjacent to the Capitol Grounds at the east of the Capitol Building and facing the same: *Provided further*, * * *.

LETTER FROM COL. WILLIAM W. HARTS, SECRETARY OF THE COMMISSION OF FINE ARTS.

WASHINGTON, D. C., *February 4, 1916.*

Hon. JOHN SHARP WILLIAMS,
*Chairman Committee on the Library,*
*United States Senate.*

MY DEAR SENATOR WILLIAMS: I duly received your inquiry of February 1 for an expression of opinion from the commission as to the advisability of the division of the work to be performed by the proposed new heating, lighting, and power plant at the foot of Fourteenth Street so as to have some of the energy intended to be supplied by that plant furnished by the Capitol heating and power plant and some of it from another plant to be located at a different site than the location contemplated. The carbon copy of your inquiry on the Superintendent of the Capitol Building and Grounds, who has charge of the Capitol power plant, was also received.

The opinion of the commission has already been voiced in this connection by Mr. Cass Gilbert, of New York, during his appearance before your committee, who has admirably stated the position the commission has taken in this matter. From his statements any arrangement for a heating, lighting, and power plant that will obviate smokestacks in close proximity to the Mall would be decidedly preferable to the disfigurement of the Mall which is now threatened. If the Capitol power plant for any good reason can be shown not to be fully able to take over all the heat, light, and power proposed to be furnished by the new plant, then such portion that can not so be taken over could easily be assumed

by an auxiliary plant in an unobjectionable place, possibly somewhere in the general vicinity of the area near the mouth of Rock Creek or in the commercial area south of the Mall and some distance from the river.

Very truly, yours,

WM. W. HARTS,
*Colonel, United States Army,*
*Secretary and Executive Officer.*

—

LETTER FROM HENNEN JENNINGS, VICE PRESIDENT AMERICAN FEDERATION OF ARTS.

2221 MASSACHUSETTS AVENUE,
*Washington, February 5, 1916.*

Hon. JOHN SHARP WILLIAMS,
*Chairman Senate Committee on the Library,*
*Washington, D. C.*

MY DEAR SIR: In response to your invitation to present in writing any further facts or thoughts that I desire to communicate in connection with the proposed power scheme, I beg to submit the following:

When giving testimony on February 3, I did not then have opportunity of hearing the testimony of Mr. Stillwell and Mr. Thompson, and I did not know the limitations of their study and estimates. From the testimony I am led to believe that there have been no comprehensive and detailed figures prepared for one central power station that would serve all Government buildings, and I therefore feel justified in making a more definite statement as to the economy of such a plan.

I maintain that, on broad, general principles, the scheme of the Mall power plant is not as economical as one that could be installed at the Capitol power plant. I am not fortified with all figures, but the general facts which have led me to this conclusion are:

First. That the scheme as presented demands the continuous and separate work of three power plants—the plant on the Mall, the power plant at the Capitol, and the power plant at the Government Printing Office.

Second. The handling of coal and ash is or can be made as satisfactory at the Capitol plant, because of the railroad, as at the proposed site. The handling of condensing water may be more expensive, but not to the extent that may be supposed, and may be even more economical, when the excessive cost of condensing water at the Government Printing Office is considered.

Third. It has been stated that, from purely engineering reasons, the proposed site on the Mall is ideal in that it is near the center of gravity of the service to be rendered; but the service here referred to is a partial service, excluding all that portion involved in the legislative group, and also such large users of heat, light, and power as the Government Printing Office and the new city post office. If these items be included in the study, the center of gravity of the system would be much farther east and nearer the Capitol power plant than the Mall site.

Fourth. In maintaining three separate steam plants there must be maintained three separate sets of spare equipment, so that the total installed capacity is greatly in excess of the necessary requirements. By consolidation the spare equipment of the Capitol plant becomes available for general service, and the continuity of service of the Capitol plant would also be protected by the increased number of units available for its service. During construction of such enlarged plant there need be no interference with the continuous and satisfactory operation of the present plant.

Fifth. The great and fundamental difference of cost in a central station will be the reduction of labor cost. At the present time, I have been informed, there are employed at the Capitol plant 33 men; at the Government Printing Office plant 54 men; and, according to the testimony of the experts of the Treasury Department, the new plant is to be installed on the lines of the Capitol power plant. If all of these power plants are worked separately, the number of men on the basis stated would be 120; whereas for a grand central power plant an addition of 34 men to the staff of the Capitol power plant would furnish the necessary operating force and would show a net saving of the services of 36 men. On these lines of thought, a rough estimate can be made as follows of only two items, which amount to nearly $50,000 per year, and there are doubtless others of similar magnitude:

| | |
|---|---|
| Saving in cost of coal for service of the Government Printing Office, per year | $12,000 |
| Saving in pay rolls, per year | 34,000 |
| Total | 46,000 |

I therefore confidently feel justified in making the following recommendations to your committee:

First. That all work on the present Mall power plant be suspended.

Second. That permission be obtained from the different authorities necessary to put a central power station at the present Capitol power plant by enlarging it so that it will have a capacity to deal with all Government public buildings, should it be found by expert advice that at this point the most economical and least objectionable plant could be installed.

Third. That a new set of engineers, in no way committed to the present plan, be employed to make a preliminary survey and estimate of the whole problem, bearing in mind the harmonious carrying out of the plans of the Park Commission.

Respectfully submitted.

HENNEN JENNINGS,
*Vice President American Federation of Arts,*
*Vice President Washington Federation of Arts,*
*Consulting Engineer.*

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LETTER FROM REGINALD PELHAM BOLTON, MEMBER OF AMERICAN INSTITUTE OF CONSULTING ENGINEERS.

NEW YORK CITY, *February 7, 1916.*

Hon. THOMAS S. MARTIN,
*Chairman Committee on Appropriations,*
*Senate Chamber.*

DEAR SIR: In regard to the matter of the proposed power house for Federal buildings, and in particular reference to the amendment introduced by Senator NEWLANDS to the urgent deficiency bill and the joint resolution relating to the same subject, I beg to be permitted to record my attendance as a member of a committee of the American Institute of Consulting Engineers in opposition to the proposed establishment of a power and heat generating station on the site in the vicinity of Fourteenth and F Streets.

I am a consulting engineer, in practice in New York City at 55 Liberty Street, in which city I reside and own property. I am a member of the American Society of Civil Engineers, of Mechanical Engineers, and past president of the American Society of Heating and Ventilating Engineers, and other societies and civic organizations. My experience of over 40 years has been largely in steam engineering and problems of power and heat distribution and generation, on which subject I am the author of several books.

I have made a personal inspection of the site of the proposed power building and have given some thought and observation to the location of the various buildings which are to be served therefrom.

I beg respectfully to express the opinion that the site is one upon which the erection of a large steam-generating station is undesirable. Its proximity to the new building of the Bureau of Engraving and to the Washington Monument is such that these structures must become defaced by the products of combustion of such a large plant. The material emitted from the stacks of coal-burning plants, even if "smokeless," comprise besides the large volume of inert gases tar, sulphur, ash, and cinder. The proportions of these elements of discolorization and dirt are not generally known. There are about 100 pounds of tar to each ton of bituminous coal and a variable percentage of sulphur. The ash and cinder average 1½ per cent by weight of all fuel burned. These products are emitted from the top of tall stacks, and "mush-room" over a large area by the action of the winds.

Looking at the grouping of the Federal buildings along the Mall, from the Capitol to the Navy Department, it appears to me that the center of distribution is farther toward the Capitol than the site selected. The fuel supply appears to be equally available at any point along the existing line of trackage. The service to be afforded by the plant being largely that of heating, the proximity of water does not constitute so necessary a factor in economical operation as a strictly power-generating station. The cost of labor in such a plant is the largest element, and if I understand rightly that it is purposed to maintain the existing Government power house at First and E Streets, the duplication of labor costs would be uneconomical.

From my knowledge of steam distribution in other cities and acquaintance with modernized methods of underground construction, I see no reason to doubt that steam could be conveyed to the Federal buildings from a control point over distances of from 10,000 to 15,000 feet. The losses of such long distribution have been greatly reduced by modern improvements.

I beg, therefore, to suggest the desirability of reconsideration of the present course of action and a restudy of the circumstances, and to add that if this course is adopted I shall be happy to afford any information in my power to aid in arriving at a final and satisfactory conclusion in the interests of Washington and of our whole citizenship.

I remain, very respectfully, yours,

REGINALD PELHAM BOLTON.

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LETTER FROM W. J. WILZUS, CHAIRMAN COMMITTEE OF AMERICAN INSTITUTE OF CONSULTING ENGINEERS.

WASHINGTON, *February 7, 1916.*

Hon. JOHN SHARP WILLIAMS,
*Chairman Committee on the Library,*
*Washington, D. C.*

DEAR SIR: Referring to the amendment offered by Senator NEWLANDS to the urgent deficiency bill, and also to the joint resolution introduced by him relative to the location of a proposed central heating, lighting, and power plant on the shore of the Potomac River, in the city of Washington. As chairman of a committee of the American Institute of Consulting Engineers, appointed for this purpose, and also as a member of the American Society of Civil Engineers, may I ask your indulgence in presenting to you the very earnest request that the construction of this plant be suspended pending a thorough investigation as to whether or not this is a proper location from both the artistic and the economic standpoint?

An experience of many years with large problems of this nature, first as vice president of the New York Central & Hudson River Railroad in the inception and construction of the Grand Central Tunnel in New York City, and at other points in the East and Middle West, and later as consulting engineer in private practice, leads me to feel that the building of a power station directly in the forefront of the new Lincoln Memorial and surrounding grounds contiguous to the building of the Bureau of Printing and Engraving, and visible to a more or less extent from other public buildings and grounds, will be an irreparable and unnecessary injury to the future development of the Capital of the country, and one that will be deplored by the entire Nation.

My associates on the committee, who join with me in this appeal, are among the best-known engineers of the country. Mr. Ingersoll is a consulting engineer in private practice, and was formerly chief engineer of the New York, New Haven & Hartford Railroad, and later chief engineer of the bridge department of the city of New York; Mr. Ralph D. Mershon, a widely known consulting electrical engineer, is a past president of the American Institute of Electrical Engineers; Mr. Charles W. Leavitt is probably the best-known landscape architect and engineer in the country; and Mr. Reginald Pelham Bolton is a prominent consulting engineer in the heating and ventilating field.

I have given their records and my own somewhat in detail as indicating the breadth of experience which, I hope, will be taken as adding somewhat to the weight of our opinion that the best interests of the country will be served by a suspension of work on the power plant plant until the question of its site can be given a thorough investigation, with the object of placing it where no injury will be done to the effect that is expected to be produced by the millions of dollars that have been and are to be expended in the enhancement of the beauty of Washington.

Yours, respectfully,

W. J. WILZUS,
*Chairman Committee of American*
*Institute of Consulting Engineers.*

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LETTER FROM J. LAWRENCE MAURAN, PRESIDENT, AND BURT L. FENNER, SECRETARY, OF THE AMERICAN INSTITUTE OF ARCHITECTS.

FEBRUARY 7, 1916.

Hon. JOHN SHARP WILLIAMS,
*Chairman Committee on the Library,*
*United States Senate, Washington, D. C.*

DEAR SIR: Referring to the amendment to the urgent deficiency bill offered by Senator NEWLANDS and to Senate joint resolution 92, both in regard to the proposed central heating, lighting, and power plant, the American Institute of Architects, through its president and secretary, desires to place itself on record as believing that the amendment and the resolution should be adopted.

Their effect would be to secure a thorough reconsideration of the proposal to erect a power plant in a location where it would, we believe, be detrimental to the future development of the Capital City, in which the pride of the entire country is centered.

If such an examination should determine that the site has been well chosen, those who now fear that the opposite is the case would be reassured. If, on the other hand, a way should be found for removing the plant to another and less objectionable site, surely the country would be grateful. In any case, the adoption of the amendment and the resolution would but delay, for a period, the actual work of construction.

In the words of one of the founders of our democracy, a confessed "enthusiast in the subject of the arts," Thomas Jefferson, the loss of time should not be weighed "against the comfort of laying out the public money for something honorable, the satisfaction of seeing an object and proof of national good taste, and the regret and mortification of erecting a monument to our barbarism, which will be loaded with execrations as long as it shall endure."

Respectfully,

JOHN LAWRENCE MAURAN, *President.*
BURT L. FENNER, *Secretary.*

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LETTER FROM CHARLES W. LEAVITT, CIVIL AND LANDSCAPE ENGINEER.

FEBRUARY 8, 1916.

Hon. JOHN SHARP WILLIAMS,
*United States Senate, Washington, D. C.*

SIR: The American Institute of Consulting Engineers has appointed me as one of a committee to consider the location of the new power house at Washington, and in so doing I have come to the following conclusions:

From the little study which I made of the situation, which I made in a rather hurried trip yesterday, I believe that it would be wise to investigate from an engineering standpoint the advantages of the two plants contemplated over one plant, which might be had by combining the two plants and locating them on the site of the present power plant of the Capitol.

The contemplated location of the new power house would be in full view of incoming trains from the South, which is a point well worth considering.

Also, if the power house is located where contemplated, great quantities of smoke will roll over the parks, and the chimneys, if not the whole structure, will be in full view of those seeking recreation in the parks along the water front. They also will be in full view of the Capitol and the White House.

It seems to me that these are matters which should cause the committee to pause and consider whether or not this location will not frustrate the work of tremendous expense which has already taken place with the sole object of the beautification of Washington.

Very truly, yours,

CHARLES W. LEAVITT.

EMPLOYMENT OF ADDITIONAL CLERK.

Mr. KERN obtained the floor.

Mr. McCUMBER. Will the Senator yield to me for a moment?

Mr. KERN. I will be pleased to yield.

Mr. McCUMBER. I ask unanimous consent for the present consideration of Senate resolution 81, which provides for an extra clerk to a committee.

The VICE PRESIDENT. The Secretary will read the resolution.

The Secretary read the resolution (S. Res. 81), which had been reported from the Committee to Audit and Control the Contingent Expenses of the Senate, with an amendment, in line 3, after the word "for," to strike out "the balance of the present fiscal year" and insert "two months," so as to read:

*Resolved*, That the Committee on Transportation Routes to the Seaboard be authorized to employ an additional clerk at a salary of $100 per month for two months, the same to be paid out of the contingent fund of the Senate.

Mr. BRYAN. Mr. President, what is the necessity for immediate action upon this resolution? Why should it be passed to-day?

Mr. McCUMBER. The necessity is that the clerk is needed.

Mr. BRYAN. What is the committee?

Mr. McCUMBER. The Committee on Transportation Routes to the Seaboard.

Mr. BRYAN. I object, Mr. President. That committee has never had a meeting in the history of its existence.

Mr. SMOOT. Mr. President, I should like to call the Senator's attention, if he will allow me a moment, to the fact that the employment of the clerk is only to cover a period of two months. The Committee to Audit and Control the Contingent Expenses of the Senate has passed upon the resolution.

Mr. BRYAN. Let it come up in the regular way.

Mr. McCUMBER. Mr. President, I appreciate that the resolution goes over on the objection of the Senator from Florida. The Senator has not objected to similar resolutions which have been presented for Senators on the other side, and, of course, that undoubtedly made a vast difference to the Senator.

Mr. WILLIAMS. I wish to ask a question before the matter is disposed of. Was this resolution referred to the Committee to Audit and Control the Contingent Expenses of the Senate, and was it approved by that committee?

Mr. McCUMBER. It was.

Mr. WILLIAMS. Then, it seems to me, it ought to go through.

Mr. SMOOT. I will say to the Senator from Mississippi that the Committee to Audit and Control the Contingent Expenses of the Senate passed upon this resolution and upon the one for the Senator from West Virginia [Mr. CHILTON] at the same time. We have limited the time of employment of the extra clerk to two months in each of the resolutions.

Mr. SMITH of Georgia. How many clerks has the Senator now who is chairman of the committee?

Mr. SMOOT. The committee has three clerks.

Mr. SMITH of Georgia. Now?

Mr. SMOOT. Yes.

Mr. SMITH of Georgia. This resolution gives four?

Mr. SMOOT. The extra clerk is to be employed for a period of only two months.

Mr. BRYAN. Mr. President, I do not feel at this time like giving my consent to adding another employee to a committee which has never held a meeting. Some of the important committees of the Senate have only four clerks, and why should a committee which has not had a meeting in the history of the Government have four clerks? I object to unanimous consent for the immediate consideration of the resolution, even though the Committee to Audit and Control the Contingent Expenses of the Senate have recommended it.

Mr. SMOOT. Mr. President, I wish to say, on behalf of the Committee to Audit and Control the Contingent Expenses of the Senate, that the committee took into consideration the amount of work a Senator is called upon to do, rather than the fact that he is the chairman of any particular committee.

Mr. BRYAN. If the Senator from North Dakota needs another clerk, I will vote to give it to him; but let us do it in that way. Let him say he needs another clerk, and I will vote to give it to him.

Mr. McCUMBER. Mr. President, that is exactly what I said.

Mr. BRYAN. No.

Mr. McCUMBER. If the Senator desires to object, I am not going to go into the matter at length and make any fight here. His objection, of course, carries the resolution over. I say that for two months I need more than that force, and that I am to-day paying from my own pocket for two extra clerks whom I am now employing to do the work. If the Senator desires that I shall pay for a third one myself, I shall do it; but I am not asking for anything that is not proper under the circumstances. I submitted the question to the Committee to Audit and Control the Contingent Expenses of the Senate, and the committee determined that for a couple of months it would allow the extra clerk.

Now, I have presented my case, and I have nothing more to say. I notice that a number of similar resolutions have passed through heretofore without encountering the scrutinizing eye of the Senator from Florida, and I assumed, as this was a case where I knew there was a just demand for it, that the Senator would have no objection to having this clerk authorized for the little time of two months.

Mr. BRYAN. Mr. President, I want the Senator from North Dakota to understand that my objection is not intended to keep him from having whatever clerical help is necessary. I would make the same objection to a request for four clerks on any committee that never meets. I will join with any Senator to give him whatever help he needs. I think we had better do it in that way rather than to adopt the subterfuge of voting an extra clerk to a committee that never has had a bill before it.

This is not the first time I have said that, Mr. President. There are 75 committees of the Senate, and two-thirds of them never meet. I say it is absurd to ask that a committee which has no business should have the same number of clerks as great committees that have to meet every day and have bills referred to them every day.

Mr. McCUMBER. I want to ask the Senator if he thinks he could get along without any clerks if he did not happen to be the chairman of a committee? The work is the work of a Senator. The work is the work of the Government. There are a number of Senators, perhaps, who are not the chairmen of any committees. Therefore they are not seeking clerks through committees, but they have to do their work, and if they can not do it with their present force they must either employ the force themselves or let the Senate employ it.

Mr. BRYAN. Let me ask the Senator a question. Does the Committee on Transportation Routes to the Seaboard need an additional clerk?

Mr. McCUMBER. The chairman of that committee needs the clerk or he would not have asked for it, nor would he have allowed a resolution for that purpose to go to the Committee to Audit and Control the Contingent Expenses of the Senate.

Mr. BRYAN. But does the Senator or the committee need the clerk?

Mr. McCUMBER. The Senator who is the chairman of the committee needs that assistance.

Mr. BRYAN. Has a bill ever been referred to that committee?

Mr. McCUMBER. Oh, I do not know. Perhaps the chairmanship of that committee might have been held by the Senator from Florida for a number of years past. It is a committee which, together with six or seven others, is accorded to the minority.

It does not make any difference whether the particular committee under discussion has bills referred to it or not; the work is the same. We never question the right of a Senator to have clerical assistance, and that is the only ground on which I am putting the request. I have told the Senator frankly what the situation is. We have never questioned the right of a Senator to have at least a portion of what is necessary.

Mr. BRYAN. Mr. President, I have questioned not the right of a Senator to have clerical assistance, but the right of these useless committees to have it. When the Democratic Party came into power I had the privilege of offering in the Democratic caucus a motion to do away with all these useless committees and to give to each Senator the help he needed. The caucus agreed to that plan of action; but because of these demands that have been made here all along, and because the rules provide for about 50 useless committees, it never has been acted upon in the Senate.

Now, the Senator from North Dakota says this committee ought to have four clerks, and he has referred to the committee of which I am chairman. Mr. President, it is a hard-working committee and a committee that considers bills that are of great importance to the country; but it has only four clerks, although three-fourths of the bills that are introduced here, outside of the pension bills, go to that committee. If it can get along with four clerks, doing work every day, it does seem to me that a committee like the Committee on Transportation Routes to the Seaboard, which has never held a meeting and has never had any business referred to it, can get along with three. Every Senator in this Chamber now has three clerks.

Mr. McCUMBER. And some four.

Mr. BRYAN. Some four.

Mr. McCUMBER. Some five; some six.

Mr. BRYAN. Some may have five; some may have more. I am not saying that some of them do not have more than they are entitled to have, but if we go on in this slipshod fashion we will all have more than we ought to have.

As I think I have stated a number of times, I am for revising the membership of committees, and for doing the thing in a straightforward way. I want Senators to have the clerks they need, and the Senate wants Senators to have them. The present majority of the Senate did something for the Republican minority that never had been done when the Democrats were in the minority. We made no difference. Every Senator in the minority before 1913 had to get along with two clerks. When the Democratic Party came into the majority, because of the statement by Members of the Republican minority that they ought to have three clerks each the Senate gave each Senator three clerks.

I am not complaining of that. That is what ought to have been done if they needed the clerks. I think, sir, that each Senator ought to have whatever help he needs for his official work, and I will go as far as any man, if three are not enough, to give him four. But let us stop this business of having two-thirds of our committees made up so that people will say, and can say, that those committees are not established to do any work of the Senate; they never do any work of the Senate; they are established for the purpose of giving extra clerical help.

I am not objecting because the Senator from North Dakota made the request. I would have objected if any Senator in this Chamber had made the request.

Mr. SUTHERLAND. Mr. President——

The VICE PRESIDENT. Does the Senator from Florida yield to the Senator from Utah?

Mr. BRYAN. I do.

Mr. SUTHERLAND. I hope the Senator from Florida, upon reflection, will not insist upon his objection. The Senator from North Dakota has said that for this period of two months he needs an additional clerk. In an assemblage of gentlemen, as we are here, the Senator's word ought to be sufficient; so I hope the Senator from Florida will withdraw the objection and let the resolution go through.

Mr. BRYAN. No, Mr. President, I am not going to withdraw the objection and let the resolution go through in its present shape. In view of the statement of the Senator from North Dakota, if he will amend the resolution so as to provide that the Senator from North Dakota [Mr. McCUMBER] shall have one additional clerk, I will vote for it.

I am not going to sit here and vote to give an additional clerk to a committee that everybody knows never has had a meeting. I think it is time for us to get away from that bad practice. That is as far as I am willing to go. If the Senator will amend his resolution so as to provide that an extra clerk shall be given to the Senator from North Dakota [Mr. McCUMBER], I will withdraw any objection.

Mr. President, we did that very thing for the junior Senator from Oklahoma [Mr. GORE], and we did it in a manly, straightforward way. Because of his affliction, he needed a man to go about with him; and the Senate voted a man for Senator GORE. It did not vote a man for the Committee on Transportation Routes to the Seaboard or the Committee on the Transportation and Sale of Meat Products.

I will say to the Senator from North Dakota that this is a matter of principle with me. The Senator from Washington [Mr. JONES] has pending now before the Senate a resolution on the subject, which ought to be given very serious and careful consideration, and which in theory is correct. It is a resolution to amend the rules so as to give to each Senator the clerical force he needs individually, to abolish useless committees, and to give to the real committees of the Senate the clerical force they need. That is the right way to go about it.

In order that I may not be misunderstood, I move to strike out all of the body of the resolution, and to substitute the following words——

Mr. CLARK of Wyoming. Mr. President, does the Senator withdraw his objection?

Mr. McCUMBER. The resolution either ought to be before the Senate or away from it, or the objection ought to be withdrawn. I do not see how the Senator can object and at the same time move to amend the resolution.

Mr. BRYAN. I will withdraw the objection temporarily, then; and I move to amend——

Mr. SHAFROTH. Mr. President——

Mr. BRYAN. I can not yield just yet. I have the floor. I move to amend the resolution so that it will read:

*Resolved*, That the senior Senator from North Dakota——

Mr. STONE. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator from Missouri will state it.

Mr. STONE. While there is an objection pending to the consideration of the resolution it seems to me it can not be amended, and it seems to me it can not be discussed.

The VICE PRESIDENT. The Senator from Florida has withdrawn his objection.

Mr. BRYAN. I withdrew it on the condition——

Mr. STONE. The Senator from Florida says he withdrew it temporarily.

Mr. WILLIAMS. Mr. President, a moment ago I interrupted the Senator from North Dakota. I did not understand this proposition at the time. I merely noticed that the chairman of the Committee to Audit and Control the Contingent Expenses of the Senate was not in the Chamber, and I wanted to ask the question which I did ask.

I have ceased to belong to that committee, as the Senator from Florida knows. I did not know that this was a proposition to give the Senator from North Dakota four clerks. As chairman of the Committee to Audit and Control the Contingent Expenses of the Senate for a long time, I had but three clerks. As chairman of the Committee on the Library, which meets every week—or is supposed to meet every week, at any rate—I never have had more than three. I have as much work to do as the Senator from North Dakota. A great many other Senators have as much.

Now, as to the proposition made by the Senator from Utah——

Mr. BRYAN. Mr. President, I have not yielded to the Senator from Mississippi.

Mr. WILLIAMS (continuing). That you give to each Senator what he needs——

Mr. BRYAN. Mr. President, have I the floor? Just a minute. I have not finished.

The VICE PRESIDENT. The Senator from Florida is entitled to the floor.

Mr. WILLIAMS. Just one moment. Let me finish this sentence, and I will be through.

As to the proposition to give each Senator what clerical service he needs, that will not do, because a modest Senator will not claim very much and another one who takes himself very seriously and thinks his work is very important may claim from five to six or seven. If you say that you shall give to each one the clerical assistance he needs, then immediately arises the

question who is to determine what he needs? Is he to do it himself? The Senator from Utah [Mr. SUTHERLAND] rather takes the position that he is; that in an assemblage of gentlemen, the minute a gentleman says, "I need four clerks, or five clerks, or six clerks," they should be given to him. I do not think we can run the Senate on that basis.

Mr. BRYAN. Mr. President, I withdraw my objection and move to strike out the words "Committee on Transportation Routes to the Seaboard" and insert "senior Senator from North Dakota [Mr. MCCUMBER]," so that the resolution will read:

*Resolved*, That the senior Senator from North Dakota [Mr. MCCUMBER] be authorized to employ an additional clerk at the salary of $100 per month for two months, the same to be paid out of the contingent fund of the Senate.

Mr. MCCUMBER. Mr. President, when I asked the courtesy of the Senator from Indiana to yield to me, I assumed that there would be no discussion whatever of the resolution, and therefore I imposed upon his generosity. I simply wish to say now that I will not ask for the present consideration of the resolution and accept an amendment that is based upon a mere caprice, to meet the views of some one, without reference to its purpose. If the Senate wishes to vote upon the subject later, it can do so.

BIRTHDAY OF ABRAHAM LINCOLN.

Mr. KERN. Mr. President, on October 1, 1902, at Lincoln City, Ind., there was dedicated a monument just then placed at the grave of Abraham Lincoln's mother. On that occasion the governor of Indiana was present and 10,000 people, including the school children and veterans of the Civil War for miles around. At the dedication Gen. John C. Black, of Illinois, delivered an oration, a short one, but a beautiful piece of composition, which, I think, should be preserved through the medium of the CONGRESSIONAL RECORD. Standing by the grave of Abraham Lincoln's mother, Gen. Black said:

A great throng is here to-day who have come to testify their affection for Nancy Hanks Lincoln, and who have singled out this one woman for this unusual honor. Well might her simple spirit, if recalled to this scene, bid us leave her slumber unbroken, and her ashes return again to the urn of oblivion. Well may all inquire why, after these many years, this stately concourse? Why the recall of these aged companions? Why this muster of these heroic veterans? Why these honored women? Why should the great State itself turn back through the loftiest century of time, to stand in the person of its governor and officials, in splendid ceremony about a wilderness grave? And with solemn voice we answer, "That justice may be done; that wrong may be righted; that truth, eternal as the reign of God, may be established." We come, O woman and mother, here to build our memorial to thee! Thine earthly garments were damp with the dews of the wilderness! Thy feet were torn by the thorns of thy pathway! Thine eyes were dimmed by the tears of thy travail! But in thine arms thou didst bear, and at thy bosom thou didst nourish the babe of thy sacrifice, the child of thy toil—him the master of his time—the beloved of centuries to be—the servant of justice and the liberator of the oppressed. And so, for thine own sake and for thy child's sake, we are here to do this fitting honor. I have often wondered whether this pair, Thomas and Nancy, fled from the fate of slavery, with conscious knowledge of its baleful power, or whether their flight was simply from conditions not understood, but not the less intolerable. But be that as it may, "He rose and took the young child and his mother and departed thither."

Here in Indiana they rested. Here in Indiana she gave that child, in the simple cabin now gone to ruin, his first lessons. Here, in his father's presence, she sowed the seeds of truth and justice, afterwards to mature a mighty harvest. Here she stood and pointed upward, little comprehending, if at all, the future that awaited. We can not say she did not see anything of that future. What mother who bends over an American babe was ever wholly blind to the possibilities? Duller, indeed, than any mother must she have been not to have known that her cabin-born child had not equal advantages with the child of the plantation. Less than a mother would she have been had she not rebelled at the distinction and sought to obviate it. But, in any event, here she came, and having placed his feet on freedom's soil she yielded her blameless life back to the grave. And this is all her story—a short and simple annal of the poor.

But the years passed on. The Nation was in the throes of a great war for its prolonged existence. At its head was the child of this woman and over against him the child of the plantation. The struggle was to decide, as the chieftain said, whether a nation dedicated to liberty could live or whether a government "of the people, for the people, and by the people" should perish from the earth. Was the leader equal to the task? Could he save the Nation for righteousness and liberty? Whence was his training, and who had laid the moral foundations on which he should stand in this awful struggle? We see the son bowed by a weight of cares such as has rarely fallen on human shoulders. He wielded the power and enjoyed the affection of a great people. Armies moved at his command and navies obeyed his orders. Disasters, recurring, filled the earth with loudest clamors against him. Calumny belied him and hate spied upon his every act. But ever, louder and louder, sounded the bugles of advancing victory. In the midst of this vast strife, in the stress of public trials and the pain of personal woes, we hear the worn and weary President, matchless orator, great civic leader, emancipator, patriot—he whose lips spoke down rebellion and liberty to the stars—we hear him declare: "All I am or may be I owe to my sainted mother." High testimony this, and most exalted witness.

And at last the great war drew to its triumphant close. Its mightiest actor, too, approached his end. Behold him surrounded by his friends and advisers. He is telling of all that he hopes for the land of his love. On him, so speaking, fell the melancholy which he had inherited from his mother, and he tells of the dream, which, often recurring, had always been a harbinger of some great, grave event. Before victory or before disaster had that dream come to him—"A shadowy ship bears me rapidly toward a shadowy shore." I sometimes fancy that on the dark barge of the President's dream there waited for him, standing midst the dense throng of his dead guards and statesmen who had sailed before, and who had returned to meet him, this woman, this wilderness queen, this tallest and stateliest of them all—this mother whom to-day we honor. The world beyond has its own mysteries. So to the living they will ever continue. And so we leave them—one here in Indiana, two in Illinois, in the grasp of the Union, their lives preserved—we leave them, son and father and mother, in equal honor and in eternal peace.

Mr. President, this being the anniversary of the birth of Abraham Lincoln, I move, out of respect to his memory, that the Senate do now adjourn.

The motion was unanimously agreed to; and (at 12 o'clock and 55 minutes p. m.) the Senate adjourned until Monday, February 14, 1916, at 12 o'clock meridian.

## HOUSE OF REPRESENTATIVES.

SATURDAY, *February 12, 1916.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Infinite Spirit, our heavenly Father, above all, through all, and in us all, ever working in and through Thy children for the advancement of Thy plans and purposes, we thank Thee that great men, great thoughts, great deeds live not only in the pages of history, in monuments of bronze and granite, but in the light of advancing civilization that posterity will honor itself in honoring its great men in song and story.

To-day our heart turns to one of the world's greatest men and would pour itself out in gratitude to Thee for the life, words, and deeds of Abraham Lincoln, an apostle of liberty and the preserver of our beloved Union. A martyr to the cause he cherished, may his example be an inspiration to American patriotism, American liberty, American principles. O better that a million men should die than that one hallowed principle should perish. A patriot, a statesman, a philanthropist, a Christian, "Long may his memory live and longer yet his deeds inspire our free-born sons with patriot fire." Thou, too, "Sail on, O Ship of State! Sail on, O Union, strong and great!" And songs of praises we will ever give to Thee, God of the ages, whose glory shines through the good and the true and poured itself out in love on the hill of Calvary that we might have life and that we might have it more abundantly. Amen.

The Journal of the proceedings of yesterday was read and approved.

EXTENSION OF REMARKS IN THE RECORD.

Mr. HILL. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from Connecticut rise?

Mr. HILL. Mr. Speaker, I desire to ask unanimous consent to print in the RECORD a letter, which I hold in my hand, which is an actual inventory of the productive capacity of the United States in dyestuffs, taken last week by a committee of 29 national associations.

The SPEAKER. The gentleman from Connecticut asks unanimous consent to extend his remarks in the RECORD on the subject described.

Mr. FITZGERALD. Is the information accurate?

Mr. HILL. It is believed to be accurate, and the names of the parties——

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. MOORE of Pennsylvania. Mr. Speaker, I ask to have the same privilege to extend my remarks in the RECORD on the same subject.

The SPEAKER. The gentleman from Pennsylvania [Mr. MOORE] asks unanimous consent to extend his remarks on the same subject as the gentleman from Connecticut. Is there objection? [After a pause.] The Chair hears none.

CHANGE OF REFERENCE.

Mr. OAKEY. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from Connecticut rise?

Mr. OAKEY. To ask a change of reference.

The SPEAKER. What kind of a bill is it?

Mr. OAKEY. It is a bill (H. R. 439) for a post office and purchase of site, which is now referred to the Committee on the Post Office and Post Roads, and I would like to have it changed to the Committee on Public Buildings and Grounds.

The SPEAKER. Without objection, the change of reference is made. [After a pause.] The Chair hears none.

EXTENSION OF REMARKS.

Mr. KENT. Mr. Speaker, I desire to ask unanimous consent to extend my remarks in the RECORD by placing therein an article which I wrote on the peace situation.

The SPEAKER. The gentleman from California asks unanimous consent to extend his remarks in the RECORD by inserting an article he wrote on the peace situation. Is there objection? [After a pause.] The Chair hears none.

Mr. CALDWELL. Mr. Speaker, I desire to ask unanimous consent to extend my remarks in the RECORD on the subject of military affairs. I am a member of that committee, and it will only be a short matter.

The SPEAKER. The gentleman from New York [Mr. CALDWELL] asks unanimous consent to extend his remarks in the RECORD on the military situation. Is there objection? [After a pause.] The Chair hears none.

CHANGE OF REFERENCE.

Mr. MARTIN. Mr. Speaker, I ask unanimous consent to have the Committee on Naval Affairs discharged from the further consideration of the bill H. R. 9045, and that the same be referred to the Committee on the Public Lands.

The SPEAKER. What bill is it?

Mr. MARTIN. This is a bill to authorize the Secretary of the Navy to certify to the Secretary of the Interior for restoration to the public domain lands in the State of Louisiana not needed for naval purposes. I will state, Mr. Speaker, that the bill was submitted to the chairman of the Committee on Naval Affairs, who examined the same and stated that he had no objection to the change of reference being made.

The SPEAKER. Without objection, the change of reference will be made——

Mr. FITZGERALD. What is it?

The SPEAKER. From the Committee on Naval Affairs to the Public Lands Committee. [After a pause.] The Chair hears none. I wish all gentlemen, when they desire to try to get a change of reference, would see the Speaker in advance, so he will know what it is.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Waldorf, one of its clerks, announced that the Senate had passed bill of the following title, in which the concurrence of the House was requested:

S. 3391. An act to amend an act entitled "An act for the relief of Indians occupying railroad lands in Arizona, New Mexico, or California," approved March 4, 1913.

ABRAHAM LINCOLN.

The SPEAKER. Under the special order the gentleman from Missouri [Mr. RUSSELL] will read President Lincoln's Gettysburg address.

Mr. RUSSELL of Missouri, from the Clerk's desk, read Lincoln's Gettysburg Address, delivered at the dedication of the cemetery at Gettysburg November 19, 1863, as follows:

"Four score and seven years ago our fathers brought forth on this continent a new Nation, conceived in liberty and dedicated to the proposition that all men are created equal.

"Now we are engaged in a great civil war, testing whether that Nation, or any nation so conceived and so dedicated, can long endure. We are met on a great battle field of that war. We have come to dedicate a portion of that field as a final resting place for those who here gave their lives that that Nation might live. It is altogether fitting and proper that we should do this.

"But, in a larger sense, we can not dedicate, we can not consecrate, we can not hallow this ground. The brave men, living and dead, who struggled here have consecrated it far above our poor power to add or detract. The world will little note nor long remember what we say here, but it can never forget what they did here. It is for us, the living, rather to be dedicated here to the unfinished work which they who fought here have thus far so nobly advanced. It is rather for us to be here dedicated to the great task remaining before us—that from these honored dead we take increased devotion to that cause for which they gave the last full measure of devotion; that we here highly resolve that these dead shall not have died in vain; that this Nation under God shall have a new birth of freedom; and that government of the people, by the people, for the people shall not perish from the earth."

[Prolonged applause.]

The SPEAKER. Under the special order the gentleman from Illinois [Mr. WHEELER] has 20 minutes in which to address the House. [Applause.]

Mr. WHEELER. Mr. Speaker, "If we could first know where we are, and whither we are tending, we could better judge what to do and how to do it."

If Abraham Lincoln were living to-day and occupied the same position he once occupied on the floor of this House, he no doubt would find ample occasion for uttering those same words which were included in an address delivered by him before the Illinois convention in 1858.

To me there is in the annals of liberty no greater day than February 12, 1809. On that day Abraham Lincoln was brought into the world. And on this, the one hundred and seventh anniversary of his birth, I, as a Representative chosen by the good people of the congressional district wherein he lived, consider it not only a duty but an honor to be able at this time and in this place to join in the grateful acknowledgments of a Republic to which he "gave the last full measure of devotion."

We can not honor, but we can show that we still cherish his memory by adding our tributes to that wealth of veneration and gratitude which the world this day extends to the savior of the Union and the emancipator of a race.

To all who have had the pleasure of such a rich investment of their time as to study the character and works of Abraham Lincoln, his ever-towering greatness appears more apparent. The choicest literature by master minds has been inspired by the life of Lincoln, and he would indeed be a bold man who would deem himself capable of presenting anything original as to his character and his acts.

The mellow temperament of this backwoods boy of Kentucky, enriched by the hardships of humble birth, poverty, and toil, has made his life a veritable garden for research.

As a rail splitter, as a lawyer, as a politician, as a husband and father, and, finally, as the head of a nation, his every word and deed has been subjected to the scrutiny of historians and students. And it can be truthfully said that as new generations read of his works and study Abraham Lincoln's life the more remarkable appears his character.

Therefore it is but fitting that I here repeat the words of Henry Ward Beecher, which he spoke at the death of Abraham Lincoln, when he said:

Not Springfield's, but Illinois'; not Illinois', but the Nation's; not the Nation's, but the world's, is this man.

While the name of Lincoln has most frequently been associated with the preservation of the Union and the emancipation of the slaves, I shall not dwell upon his conduct as an official, save to reveal certain principles he then expounded and which may prove very interesting at this time.

LINCOLN ADVOCATED NECESSARY PREPAREDNESS.

Lincoln subordinated all other considerations to the one great object of saving the Union. With his usual insight into human nature, he foresaw the joy with which the privileged classes in society would hail the dismemberment of the Republic.

He saw all too clearly that the western continent would become the prey of the Old World powers if the Union were not maintained "one and indivisible."

In a letter to Gov. Seymour, Lincoln said:

Shall we shrink from the necessary means to maintain our free Government which our grandfathers employed to establish it and our own fathers have already employed to maintain it? Are we degenerate? Has the manhood of our race run out?

Was not the saving of the Union the greatest act of preparedness in history?

A chorus of rejoicing among the scions of the monarchies of Europe greeted every defeat of the Federal arms, and in our darkest hours we heard but one expression from those enemies of free institutions: "The bubble Republic has burst."

This premature rejoicing was but the prelude to a well-planned program of conquest of the American people by the monarchies of the Old World.

But the preservation of the Union sounded the death knell of all such aggressive campaigns.

HIS SPIRIT ROSE SUPREME.

And during the hour of his greatest trials, when he was subjected to countless insults, indignities, and humiliation, often at the hands of those whom he had considered his supporters, and even from the members of his own official family, his spirit rose supreme. Seward, on a famous occasion, and Chase, repeatedly, were guilty of acts savoring so much of disloyalty to their chief that it is almost incomprehensible how he could have ignored them.

But he overlooked and forgave all. Not one word of personal resentment or rebuke can be found in all his writings and speeches. This fact alone has inspired countless orators and writers to proclaim his freedom from the faults and failings of ordinary humanity.

Feeling that his mission was to save the Union, he unselfishly subordinated all other considerations to that one supreme ob-

ject. If a man appeared best adapted to a certain work, Lincoln assigned him that work and kept him on it regardless of how he himself was treated by that man.

HIS LETTERS AN INSPIRATION TO THE YOUNG.

It has been said that Franklin's autobiography is the most helpful book a young man could read to gain inspiration and aid in the struggle to make his way in this world, but without disparaging what Franklin may have said, there is in certain letters of Lincoln more valuable advice than can be found anywhere. He had known all the discouragements and rebuffs which attend the efforts of a poor young man, and could therefore speak with the voice of experience and authority.

With what sanity and charity he could advise those who, amid almost insurmountable obstacles, struggle to make their way in the world, may best be shown by a letter he wrote to William H. Herndon July 10, 1848, which was as follows:

DEAR WILLIAM: Your letter covering the newspaper slips was received last night. The subject of that letter is exceedingly painful to me, and I can not but think there is some mistake in your impression of the motives of the old men. I suppose I am now one of the old men, and I declare on my veracity, which I think is good with you, that nothing could afford me more satisfaction than to learn that you and others of my young friends at home are doing battle in the contest, and endearing themselves to the people, and taking a stand far above any I have ever been able to reach in their admiration.

I can not conceive that other old men feel differently. Of course I can not demonstrate what I say, but I was young once, and I am sure I was never ungenerously thrust back. I hardly know what to say. The way for a young man to rise is to improve himself every way he can, never suspecting that anybody wishes to hinder him. Allow me to assure you that suspicion and jealousy never did help any man in any situation. There may sometimes be ungenerous attempts to keep a young man down, and they will succeed, too, if he allows his mind to be diverted from its true channel, to brood over the attempted injury. Cast about and see if this feeling has not injured every person you have ever known to fall into it.

Now, in what I have said I am sure you will suspect nothing but sincere friendship. I would save you from a fatal error. You have been a laborious, studious young man. You are far better informed on almost all subjects than I have ever been. You can not fail in any laudable object unless you allow your mind to be improperly directed. I have somewhat the advantage of you in the world's experience, merely by being older, and it is this that induces me to advise.

TOWERED ABOVE HIS ADVERSARIES.

Another striking trait of his character is revealed by Nicolay and Hay, when, after describing the duel with Gen. Shields, they say:

Although the rest of his life was passed in hot and earnest debate, he never again descended to the level of his adversaries, who would gladly enough have resorted to unseemly wrangling. In later years it became his duty to give an official reprimand to a young officer who had been court-martialed for a quarrel with one of his associates.

The reprimand is probably the gentlest recorded in the annals of penal discourses, and it shows in few words the principles which ruled the conduct of this great and peaceable man. It has never before been published and it deserves to be written in letters of gold on the walls of every gymnasium and college:

"The advice of a father to his son, 'Beware of entrance to a quarrel, but being in, bear it that the opposed may beware of thee,' is good, but not the best. Quarrel not at all. No man resolved to make the most of himself can spare time for personal contention. Still less can he afford to take all the consequences, including the vitiating of his temper and the loss of self-control. Yield larger things to which you can show no more than equal right; and yield lesser ones, though clearly your own. Better give your path to a dog than be bitten by him in contesting for the right. Even killing the dog would not cure the bite."

Who can estimate the good which the rising generation may reap from the study and contemplation of such a noble character? The lesson of his early struggles remains an inspiration and encouragement to the youth of all climes and ages. In view of the educational advantages enjoyed by those of to-day, it is difficult to appreciate the obstacles which he met and conquered. His life is one long confirmation of the truth, that genius is a combination of untiring application and unquenchable ambition.

Possessing none of the advantages of a college education, he nevertheless towered intellectually above all the statesmen of his time. This may have been lost sight of by many owing to the fact that we have learned to dwell on his all-comprehending heart, rather than on his superb intellect.

For his heart was as tender as a woman's. [Applause.] His public and private life is one long record of acts of mercy. His inability to resist the appeal of a father or mother in behalf of a soldier boy sentenced to death for some default of duty kept him in constant trouble with his Secretary of War. But how many now bless his name for those acts of mercy! [Applause.]

LIVING TESTIMONIALS OF HIS CHARACTER.

Before concluding my remarks I should forego a great pleasure if I failed to voice the deep satisfaction of the citizens of Springfield that they are still blessed with the presence and companionship of two men who were honored by Lincoln with his deepest confidence and lasting friendship. I refer to Mr. John W. Bunn and Dr. William Jayne. Through the conversations and reminiscences of these estimable gentlemen we are brought into direct contact with the spirit of the great emancipator, and those who visit the home of Lincoln would find it a rare and never-to-be-forgotten privilege to meet these patriarchs, who, by reason of their long and intimate acquaintance with him, can picture the man more vividly than could any printed page.

An apostle of truth, an apostle of mercy, an apostle of liberty, language is pitifully poor when we seek to describe him.

Future ages will produce great statesmen and patriots, but the "typical American" has come and gone. With ever-widening circles on the sea of time, his fame will grow. In all ages the devotees of liberty will repair to his tomb as to a shrine. [Loud applause.]

The SPEAKER. Under the special order, the gentleman from Illinois [Mr. RODENBERG] will address the House for 20 minutes. [Applause.]

Mr. RODENBERG. Mr. Speaker, fivescore and seven years ago to-day the star of destiny shone resplendent over the cradle of an infant boy who, in the years to follow, was to be acclaimed by history as one of America's grandest contributions to the world's heritage of great and noble men. On that day, in a cabin home, amid the hills of Kentucky, Abraham Lincoln was born, and on this anniversary of his birth the memory of that great and Godlike life thrills the soul of every American, giving him an inspiration of true nobility. [Applause.]

Abraham Lincoln! What a flood of mighty memories is awakened by that name. What a glorious panorama of patriotic achievement it presents to view. How it seems to fathom the very depths of duty and devotion, the innermost springs of sympathy and of sorrow. As we pronounce it reverently to-day the trials and tragedies and triumphs of the Nation's supremest struggle pass again in review before us and, rising above the stress and strife of conflict, grand and majestic, like some tall cliff "that midway leaves the storm," we behold the one great central figure of that epoch of heroism, the one never-failing beacon light of national patriotism—our Lincoln—the world's Lincoln. [Applause.]

As I attempt to-day to pay tribute to a personality so great, a character so grand, so complex, and yet so simple, I am overwhelmed with a sense of my inability to do even partial justice to his name and fame. I shall content myself, therefore, with a brief reference to a few of his great traits of character which I believe have left a profound and lasting impression upon the American mind.

Why is it that no other name in the long roll of distinguished American statesmen stirs the heart of the Nation so deeply as that of Abraham Lincoln? Orators never weary of singing his praise, and hearers never tire of listening. Books on Lincoln multiply each year, and interest in them never flags. Every trivial relic of his homely life, every scrap of his writing, every prophetic saying, every jest, every anecdote, is treasured to-day by the people and bequeathed by them "as a rich legacy unto their issue."

It is not enough to say that Lincoln was a wise and patriotic President who died a martyr to a great cause. We have had other wise and devoted Presidents, and he is not the only martyr, but there is only one Lincoln. Washington we reverence, Jackson we admire, Lincoln we love. His memory is enshrined more deeply in the heart of the Nation than that of any other man, and there is none so close as he to the source of tears and of emotion.

This can not be explained by the fact that Lincoln rose by manly effort from the humblest ranks of backwoods life to the highest position in the gift of any people. It can not be accounted for by the fact that he was a noble embodiment of that splendid spirit of self-reliance that is bred of generations of lonely struggle under the shadow of the forest primeval. It is not even because he signed the great proclamation of emancipation.

These things are a part of the reason for the esteem in which we hold Lincoln, and so are his inexhaustible humor, his intense earnestness, his tireless industry, his honesty and fairness, his courage, and his steadfastness of purpose. His homely and unaffected words and ways had something to do with his popularity, and so had his sturdy common sense. But not all of these sterling traits could make a Lincoln without something additional; nor is the secret revealed by naming what is usually regarded as the crowning trait of his magnificent character—the fact that he always sought the right as God gave him to see the right, and that he devoted his life to a steadfast pursuance of it when once he was convinced he had found it. This will explain much, but it will never explain the flood of tender emotion that wells up from American hearts at mention of his incomparable name.

Mr. Speaker, I believe that the true secret of our love for Lincoln was his own love for his fellow man. [Applause.] In his ungainly, giant form there was a heart of infinite human sympathy, and this it was that illumined all his other traits of greatness and has made the imperishable halo that lingers around his head. [Applause.] Without these he might have achieved greatness, might have become President, might have freed the slaves as a political necessity, might even have brought the war to a successful close, and have fallen a victim to an assassin's bullet, and yet we should not to-day be speaking of him as we do. It is this one supreme trait of human sympathy that carries his name out of the realm of intellect into that of emotion. [Applause.]

It was this same deep human sympathy that caused Lincoln to hate slavery and to throw all of the power of his logic and eloquence against it. It was this, too, that enabled him to hold that marvelous balance of judgment which could put the Union above all else and could hold back emancipation until the right time. He could put himself in the place of the citizen of the border States and feel that any radical move would imperil the cause of freedom itself. This note of human sympathy sounded forth in his first inaugural; it ran throughout his relations with the soldiers during the great war, and animated his last acts as it had his first. The soldiers fighting on the field and dying in the hospital thought of him, and they said to each other: "He cares! He makes us fight, but he cares"; and they fought on as they never would have fought without that warmth of feeling for the head of the Nation.

Looking at the matter from any aspect and at any period of Lincoln's life, the prime cause of his greatness and of our present reverence for him is the fact that he was human in the best and truest sense of that fine word, and this is reason enough why the Nation loves the name of Abraham Lincoln. [Applause.]

Mr. Speaker, the fast-falling shadows of the past leave few names of men not enshrouded by their gloom. Many of the heroes of to-day will be lost to sight in the dimness of the approaching twilight. To-morrow's sun will lighten up new shrines surrounded by tireless hosts of hero worshipers. As we look toward the past, earth's greatest heroes seem in strangest company—Christ and the condemned men, the missionary and the cannibal, Lincoln and the despised black man—there they stand together in the crowd, on Calvary, surrounded by jeering multitudes; but to-day they are together among the immortals. [Applause.] These saviors of the race will never be forgotten. Lincoln's heart solved more problems than his brain. His very gentleness made him the great emancipator, reconciler, the composite character of the American people. Hope, which is the prophet in every heart, was king and priest besides in his. It ruled his life and consecrated his deeds. Other men turned their backs in despair on the Republic's future; he, through densest darkness, saw with prescient light and gaze the glory of the coming dawn. [Applause.]

In the city of Springfield, in beautiful Oak Ridge Cemetery, he sleeps the sleep of eternity. Many are the times that I have stood with bowed head beside that sacred tomb and thought of the great soul that once inhabited the tenement of clay now moldering into the dust from whence it came. And standing there in the presence of the mighty dead, my faith in humanity has been strengthened and my confidence in the perpetuity of the Republic and its glorious destiny has been made secure. [Applause.]

History tells us that when Robert Bruce, King of Scotland, was dying he asked that his heart be removed from his body and borne by knightly hands to the sacred sepulcher of the Savior. Upon his death the Earl of Douglas, his trusted friend and companion, removed the heart from the body, placed it in a beautiful golden casket, and, surrounding himself with a number of brave young Scotch warriors, they set out on their holy mission. On the way they were attacked by a large body of Moors, who almost overcame them by force of superior numbers. When defeat seemed almost certain, Douglas took in his hand the sacred casket and hurled it far out into the midst of the enemy, shouting:

Lead on, heart of Bruce,
We follow thee!

And the knights of Scotland, never having been defeated when following the leadership of Bruce, took new courage. They rushed upon the enemy with the fury of the whirlwind and gained the day. [Applause.]

To-day when those who, unmindful of the spirit that animated the founders of this Republic, would fan the flames of racial fury and kindle into life the dying embers of bigotry and intolerance; when those who, for base and ignoble purposes of self-exploitation, would place the brand of treason upon the brows of men whose loyalty and devotion in the darkest days of the Nation's life were never questioned—to-day, when the enemies of that broader and better fraternalism, which lies at the very foundation of national peace and national unity, are advancing upon us, the true and loyal citizens of this Republic, of whatever creed or ancestry, catching the inspiration that breathes upon them from the glorious memories of the past, with true American patriotism will take in their hand the great heart of Abraham Lincoln, incase it in their love, and hurl it far out into the midst of the enemy, shouting:

Lead on, heart of Lincoln,
We follow thee;
We follow thee!

[Prolonged applause.]

Mr. SCHALL. Mr. Speaker, I ask the indulgence of the House for five minutes.

The SPEAKER. The gentleman from Minnesota [Mr. SCHALL] asks unanimous consent to proceed for five minutes. Is there objection?

There was no objection.

Mr. SCHALL. Mr. Speaker, as I listened to the eloquent eulogies given by the gentlemen from Illinois I was stirred and impelled to ask the privilege to contribute my mite to the memory of the greatest American, whom—

Nature of stuff untainted shaped a hero new,
Strong, steadfast in the faith of God, and true.

Upon the anniversary of his birth we, for a moment, turn our grateful thoughts back and renew, through his character, our devotion to a noble land. [Applause.] On April 14, 1865, fell by an assassin's bullet the ideal of American patriotism; the man who for four long years stood between the Nation and her foes; he who knew not whether the morrow's sun would rise on a Union of free men or on the shattered fragments of a once glorious Union; he who drove rebellion from the land and gave the Nation under God a new birth. At a time when men were blinded by passion and prejudice; when brother was pitted against brother and father against son; when ties of friendship, home, and family were broken as a thread; when all was confused, discordant, and unnatural, he was—

Constant as the northern star,
Of whose true-fixed and resting quality
There is no fellow in the firmament.

[Applause.]

The skies are covered by innumerable stars, and each doth glow, but there is but one that holds his place.

He was offered up, a sacrifice to freedom, and by his death the Nation was bound again in union—the boys of the blue, who fought his battles, and the boys of the gray, who respected their conquerer. The fame which gilds the name of Washington is no more enduring than that which loving hearts yield him who, at the cost of his own life, became the savior of his country. [Applause.]

Years have passed. Generations have come and gone, and still the name of Lincoln is a household word. "Age can not wither it, nor custom stale its infinite variety," its human interest. Upon youth will fall the snows of life's coming winters. Furrows will cross their brows, and hearts beat slow near the verge of the grave, but the inspiration of that devoted life will stand a beacon light to those who come, as it did to those who lived and fought with him the battles of the Union. [Applause.]

## POST OFFICE APPROPRIATIONS.

On motion of Mr. MOON, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the Post Office appropriation bill, H. R. 10484, with Mr. RAINEY in the chair.

Mr. STEENERSON. I yield 35 minutes to the gentleman from North Carolina [Mr. BRITT], a member of the committee.

The CHAIRMAN. The gentleman from North Carolina is recognized for 35 minutes.

Mr. BRITT. Mr. Chairman, I shall occupy a few minutes of the time of the committee in submitting some observations on the pending bill, which I intend to support when it comes to a vote in the House. I call attention to page 3 of the Postmaster General's annual report for the fiscal year 1915.

But before making these comments let me say that they are not made for the purpose of indulging in partisan criticism of either the Postmaster General, his subordinates, or the Post Office Department. They are made for the purpose of calling attention to a few facts and conditions in which it seems to me not only this committee but this House and the whole country are interested.

The post-office establishment is the largest single civil governmental agency in the world. It employs more than 300,000 men and women in its administration. It concerns the home

life of every man, woman, and child in the United States. It is that special department of government in which all the people are vitally concerned.

As for the present Postmaster General and his assistants, let me say, in order that my words may not be misinterpreted, that I have received from them at all times the most courteous consideration, and therefore my remarks are not biased by any personal pique or resentment.

A great deal has been said about the annual surpluses and deficits in the postal treasury for the past 10 or 15 years. It is a subject in which we are all interested, about which there has been much vain show, and concerning which there have been many unfounded claims.

I think it unwise and highly impolitic for the Post Office Department, whether conducted by Republicans or Democrats, to lay its chief stress upon the red lines of the postal ledgers at the end of the fiscal year, or to boast of a few thousand saved as in favor of one administration against another. I think it is time that everybody should understand that, whatever party controls, the mere fact of a slight balance in favor of the incumbent administration is not the question that most concerns the public. Efficienecy should go far above the mere question of showing a slightly favorable balance.

Of course there should not be a dollar wasted or a penny recklessly spent, and, under wise laws and sound administrations, the postal establishment will usually be self-supporting; but whether the income is a few millions above or below, the expenditure is not the prime question, and the sooner our postal officials get rid of this policy of a surplus at the cost of efficiency the better it will be for the American people. They ought to learn and practice the maxim that the best economy is wise spending.

The average American is intensely interested that his letters shall be received with promptness, carried with dispatch, and delivered with certainty; nor is he primarily concerned as to the political beliefs of the particular public servant who performs the task.

From the report of the Postmaster General it appears that for the fiscal year 1911 there was a surplus of $219,000; for the fiscal year 1912, a deficit of $1,785,000; for the fiscal year 1913, a surplus of $4,510,000; for the fiscal year 1914, a surplus of $4,376,000; but for the fiscal year 1915, a deficit of $11,337,000 is shown. I have omitted the terminal figures that I might not weary you with details.

There has been much unseemly discussion between the present and the last postal administration as to whether the audited balances were, in fact, the real balances. It ought readily to appear that no other balance or deficit can be shown by the exhibit at the end of the fiscal year except that which is shown by the difference between the audited receipts and expenditures of the Post Office Department. There are, and from the very nature of the service must be, a large number of continuing and unclosed accounts which can not be balanced at the end of the year, which can not even be closed within the next quarter, but which must await the expiration of a considerable period of time before any true exhibit can be shown. This part of the department's business can not be properly shown at the end of the fiscal year as either a deficit or a surplus. It is, therefore, true, gentlemen of the committee, that the only balance which can be shown under either a Republican or a Democratic administration at the end of the fiscal year is the audited surplus, or the audited deficit, and the figures must be correct in each case, and it follows that there is no real point to the advantage of either, or any particular credit, in claiming that a system which has been followed from the beginning of the Government does not show relatively the condition of the postal finances, this being all that can be certainly known, no human understanding being able to forecast exactly what a prospective service will cost or what the final balance will be.

It is proper that I should say here that there are other items which should be taken into account, which have not been brought into these balances by any administration at any time. If we are going in for exact fiscal balances in the Post Office Department, we ought to go to the public buildings of the United States which are used in whole or in part by the service and charge to the department that part of the building space, of the lighting, heating, and janitorial service, and every other item of expense incurred for the service. If we desire to show an exact balance, we should put these items in our exhibit of receipts and expenditures.

Not only that, gentlemen, but the immense amount of free mail which is carried and delivered by the service, without any credit whatever, should be taken into account.

I hold in my hand an extract from an address delivered by me at Atlantic City, N. J., on the 5th day of September, 1912, which I will ask leave to print in the RECORD as a part of my remarks, in which I discuss the various aspects of the free-mail privilege, and show by figures, approximately correct, that nearly $20,000,000 annually is lost to the Post Office Department by carrying the various classes of free mail, all of which should be taken into account if it is the purpose of the department to show the exact balance at a given time.

I have mentioned these facts that you may see that there are items which have not been brought into these exhibits by any administration which should be brought in if we intend to show an absolutely correct postal balance. Until that time we are left to the inference, which is a reasonable one, that, whether the figures are made by the one administration or the other, they are correct, and no deduction of bad administration can rightly be made from them without the risk of an injustice to the one or the other or to both.

I insist that we ought to change the method of showing the carriage of our free mail. The service of all the executive, legislative, and judicial departments, as well as the various independent establishments of the Government, should be permitted, as they now are, to conduct their business free of postage charge, but there ought to be, I insist, some system by which an account could be kept of what the income to the Government would be in case all these various establishments were required to place postage stamps on their mail matter, and this ought to be given as a credit to the postal establishment, and made to appear in its annual statement; that is, if we are going to undertake to show exactly what the true balance is. The issuance for that purpose of free postage stamps, or of envelopes with stamps impressed, to be accounted for by the public official using them, would be a simple solution of the problem.

A good deal has been said, and probably much more will be said, upon the floor of this House as to the provision of the pending bill, which changes the basis of pay of the railway companies carrying the United States mail. Unlike my distinguished friend from Tennessee Mr. MOON, I have seen no powerful railroad lobby. So far as I know, the railroads have done nothing but honestly and earnestly presented their case. I know this to be an important question. We who are members of the Postal Committee know with what intense interest with what high intelligence, and with what honest purpose it was discussed before the committee; how deeply it has concerned both the Post Office Department and the railroad companies, each represented by persons of very high intelligence, and, I am sure, inspired by rightful purposes.

The question which concerns me at this moment, and which I am sure concerns every Member of this House, is that we shall do exact justice to the people at large, on the one hand, and, on the other hand, to that portion of the people comprised in these corporate bodies—the railroads of the United States. So far as I know, so far as I have heard, and so far as I believe, there is no member of the Postal Committee, no Member of this House, who would knowingly do the slightest injury to the railway transportation companies of the country, to whom we must, by custom and of necessity, commit the carriage of the mails of the United States. Let me add a word to what my distinguished friend from Illinois Mr. MADDEN said yesterday. It is a question with which everyone should deal in the utmost frankness, with the most open candor. The railroads should be dealt with just as any other citizen of the United States, whether individual or corporate, is dealt with. They are entitled to that, and they are entitled to no more. They should ask for no more, and no less should be given them. I have no more respect for the man who wants to injure the railroads because they chance to be, in some instances, large aggregations of capital than I have for the representative of the railroads who, because of their great strength and importance, seeks for them an advantage over the plain, every-day citizen of the country. This Congress is big enough to do them justice; they are big enough to be content with justice. We owe them, gentlemen of the committee, just what we owe everybody, to deal with them openly, candidly, and honestly.

It was asked yesterday by the distinguished gentleman from Connecticut [Mr. HILL] whether this bill provided for ample protection for the railroads in the matter of review of rates by the Interstate Commerce Commission. I call the attention of the committee to line 2, page 40, of the bill, where the following language occurs:

For the purpose of such investigations the Interstate Commerce Commission shall have all powers which it is now authorized to exercise in the investigation of the reasonableness of rates, and the Post-

master General shall supply such information regarding the mail service as may be requested by the Interstate Commerce Commission.

It seems to me that the language could not be more explicit, that the power could not be more plenary. It gives every right of inquiry; it gives every power of review; it leaves nothing which this great commission, a commission clothed with legislative, executive, and judicial powers, would need in order to do justice both to the people and to the railroads. And if we have fixed an honest rate, and we believe we have, then we have done justice to the railroads, but if we have made a mistake we have provided that the commission may review our rates, and, upon proper facts, shall pay to the railroads at any future time the pay to which they are entitled. If I could be brought to believe that this bill would not do that I should not vote for it. We were told that this review was what was desired, but we were also told that Congress should yield all power to the Interstate Commerce Commission, but as representatives of the people we did not feel that all power should be yielded, but that provision should be made for the correction of any possible mistake that we might make.

I do not think a wiser provision could have been made in the bill for the protection of the rights of all the parties in interest. Every fact was weighed with the utmost care, weighed without prejudice toward any, and if it is found that the committee has erred against the railroads, I, for one, will be willing to hasten to correct the mistake.

There is one other part of the bill to which I desire to direct attention, and that is the provision for the payment of the star and rural route service of the country. All the people are vitally interested in this part of the bill. I want to say here that the people of the rural sections, those who are served by the star routes and the rural routes, are not receiving their proportionate part of the benefits of the Postal Service relatively to what is done for the people of the cities and towns. I have no complaint to make of the fact that in the city of New York the people's mail is delivered at their doors nine times a day. I am proud that in my own city of Ashville it is delivered two or three times a day, but I am not satisfied that so many portions of the country are still without delivery more than once a week, and in many instances not even that often. What I ask is not so much a change of the law, but a change of the rule of construction, the law of interpretation. Let me illustrate. Some years ago, under the last administration, it was my duty as an Assistant Postmaster General to construe the law awarding the second-class mail privilege to newspapers and magazines. I found upon my induction into office a hard-and-fast rule which had been in existence for many years, mainly under the administration of my own party, by which whenever an application was made for the second-class mail privilege by a newspaper or a magazine, or a request was made to continue it, the rule of construction was to see if the bureau could not so construe and interpret the law as to deny the privilege.

I proceeded to reverse the rule of construction, and immediately turned it about, and gave direction that, since the Congress had made this law, had given this privilege to the newspapers and magazines, some 30,000 in number, it evidently intended them to have it. Therefore there was an order of instruction issued that if they could, under the terms of the statute, accord the privilege, always to give it and never to withhold it. The result was that the docket was cleared of hundreds of cases almost summarily, because they were not generally founded upon merit. Peace was brought about between the Post Office Department and the newspapers and periodicals of the country, and justice was done to the small ones as well as the large ones in so far as related to the classification of their mail matter. I ask to-day, and I say it with perfect respect to every postal official—as I believe them to be high-minded men, not intending to deny anyone his rights under the law—that I want them to change the rule of interpretation, and when the people of a community ask for a rural route or a star route not to resolve the facts against their petition, but to give them a liberal rule of construction, and resolve the facts, if possible, in favor of their petition. They are entitled to it. [Applause.] But, gentlemen, I go further; not only ought they to resolve the rule in favor of the petitioner and give him his mail, if reasonably possible, but they ought affirmatively, on their own motion, to go and survey the route and give it to the people, because this Congress, in voting these great appropriations for that purpose, intended that the people shall have the benefit of the mail in the rural and star route sections of the country. Let us see if that is what we now mean. Let us inquire whether it is any less than what we mean.

Gentlemen, if a complaint comes here from one of our cities we are sensitively responsive to that complaint. It comes from the center of intelligence and wealth, from the midst of the newspapers, and we respond quickly to the demand; and I ask that we shall go out into the rural sections, among the timid masses, yet a most respectable and deserving class, and affirmatively, on our own motion, have the agents of the Government, through the Post Office Department, inquire whether this community is not, under the law, entitled to a star route or a rural route, and that every representation of the petition and investigation should be taken into account, not for the purpose of keeping the star route or the rural route from being allowed, but with the determined purpose, if possible, of giving it to the people of the country.

Mr. BLACK. Will the gentleman yield?

Mr. BRITT. I shall be delighted.

Mr. BLACK. Is it not true that the policy of the Postmaster General has recently been changed in reference to rural routes, and that he does not now require a petition to be filed with his department?

Mr. BRITT. As to the petition, that is true. One more word on that line, gentlemen. As was disclosed by the gentleman from Wyoming [Mr. MONDELL], long distances and a sparcely settled country ask for a star route. It is not a paying proposition. It can not pay; we know that, and therefore it is easy to make the bond too big. There is no difficulty in ruling against the proposition, but I trust I shall not be misunderstood. I do not mean to say that this was done with partiality. That is not my purpose, but I am addressing myself to the rule, and I believe the rule is administered honestly, and that Mr. MONDELL or myself would get as much as you gentlemen of the majority would get, and I do not wish it to be understood that I am making a partisan criticism in order to get to strike the Post Office Department. Far from it.

Mr. SMITH of Idaho. Will the gentleman yield?

Mr. BRITT. Certainly.

Mr. SMITH of Idaho. Is it not a fact under this administration that many star routes have been abandoned because of the expense of carrying the mail, some of which had been in existence for 30 years? These people are certainly entitled to mail facilities. They are aiding in settling up the country.

Mr. BRITT. It is a fact that quite a number have been abandoned. A word more on that line and I am through. We ought to bring into this House a bill to relieve this situation.

Mr. MOON. Will the gentleman permit an interruption at that point?

Mr. BRITT. Certainly.

Mr. MOON. I understood the gentleman to say in reply to the gentleman from Idaho that a great number of star routes had been abandoned.

Mr. BRITT. Not a great number, but a number.

Mr. MOON. Was that for the purpose of increasing the rural routes in order to take the place of them?

Mr. BRITT. In some instances; yes.

Mr. SMITH of Idaho. If the gentleman will permit, there are many routes in the intermountain States which have been abandoned because of the expense of carrying the mail, which routes had been in existence for 25 and 30 years, and the people have not had their mail brought to them; on the contrary, some of them have to go 30 miles to a post office.

Mr. BRITT. And often with no mail service at all.

Mr. SMITH of Idaho. No mail service at all in many instances, except as stated.

Mr. MOON. I do not know personally about this, but I think the department differs with the gentleman about that.

Mr. BRITT. I only mention the case of Mr. MONDELL's district because I chance to have heard the facts in that particular instance. I have no doubt there are similar conditions elsewhere, as I know there are in my district, while in the cities, if I may call the beautiful towns in my district such, the service is all they are entitled to, and we there have no ground of complaint, and we do not make any, but when men make a day's journey to me, a long day's trip, through the mud to intercede with me to try to make provision if I can, either by law or through the department, for the mail to go to them at least once a week, in a splendid farming section of the country, among people that I know to be as patriotic as any in this country, my interests are enlisted and I should not be worthy to represent them if I did not feel interested.

Mr. SMITH of Idaho. Will the gentleman permit another interruption?

Mr. BRITT. Certainly.

Mr. SMITH of Idaho. Does not the gentleman think the Government would save a great deal of money in contracting for star-route service if it adhered to the contract, especially

in regard to the length of time? Is it not a fact that the Government contracts with carriers for a four-year term, and very frequently arbitrarily disregards the terms of the contract and asks a readvertisement, and especially in the event they have made some mistake in classification of the mail on star routes, or in the event they want to change the route? In some instances the contract is abrogated after a few months and the service readvertized regardless of the fact that the contractor has gone to the expense of equipping himself with wagons, horses, and so forth, to perform the service by reason of which he stands to lose several thousand dollars.

Mr. BRITT. I understand that to be the case in some instances.

Mr. SMITH of Idaho. One reason why these contractors bid so high is because of the fact that there is a provision in the contract that the contract can be severed by the Government on 30 days' notice, and they have to anticipate the possible severance of the contract in making their bid.

Mr. MOON. You speak of that condition in Idaho?

Mr. SMITH of Idaho. And possibly elsewhere; but I know of three cases in Idaho, one where they arbitrarily changed the route, and another where they made a change in the classification of the mail and made an advertisement, and a new bidder came and bid a few dollars less and got the contract, and the new contractor, who had only carried the mail for six months, lost $3,000 in equipment.

Mr. MOON. But you still have the mail service?

Mr. SMITH of Idaho. Yes; but the new contractor is now trying to throw it up.

Mr. MOON. Do you recollect how many rural routes have been added in the 12 months. I am asking that question of the gentleman from North Carolina [Mr. BRITT].

Mr. BRITT. I do not have the exact figures, but I know that a number have been added. The number is stated in the Postmaster General's report.

Mr. MOON. There are several thousand more than we have had before.

Mr. BRITT. I want to say in regard to the pending bill that I think it is upon the whole a very good bill. I shall support it, but I think we should bring into this House a measure which will provide that the rule of construction which I have described shall be changed, so that all the facts and circumstances shall be resolved in favor of the application and not against it, except where they are very strong, so that the people of the country shall have the full benefits of the mail. Their well-being, gentlemen, depends upon it. The education and training of their children is involved in it. Much of their happiness depends upon it. It is a matter of great concern to them. I yield to no man in this House or upon this committee in his willingness to cooperate with the Post Office Department. I refuse to criticize it in any unjust or improper way. It is my duty to aid it, and I am willing to do so. I think the Postmaster General and his assistants and this committee should cooperatively and sympathetically work together. This great establishment is too large for any one person to know all the facts and circumstances concerning it, and the committee and the department and this House ought to sympathetically and without partisan purpose look into every important condition in relation to the service and see wherein we can improve it and in how many more places we can carry the mail to the door of the plain man of the country who does not to-day receive it.

I am not saying that the service in this particular is worse than it has been under former administrations. I am not presenting these facts and urging these propositions in order to compare one administration with another unfavorably. I am urging it as an actual necessity, from personal knowledge, and I believe that the great interest the Postal Committee feels in the subject and this House feels in it will result, through the cooperation of the Post Office Department, in such a fair and equitable distribution of the mail facilities as will leave no man with a well-founded ground of complaint that he is not receiving the equal benefits of the service at all times. [Applause.]

Mr. KEARNS. Mr. Chairman, does the gentleman believe the Government's plan of advertising for carriers over the star routes the proper method?

Mr. BRITT. No; I do not.

Mr. KEARNS. Do you believe that it is beneficial to the system at all that often the bidders will lower their bids in order to get the contract, and in that way fail to maintain the proper equipment for carrying the mail?

Mr. BRITT. No. The final letting of the contract and the establishment of the service ought not to be determined on the question of a few dollars' difference between the bid and the proposed award, but the department ought to inquire into it and see if it is not possible to give that community a reasonable service.

Mr. KEARNS. May I ask the gentleman a further question, please?

Mr. BRITT. Certainly.

Mr. KEARNS. Do you not believe that the rural patrons of our mails are entitled to the same service that the city is?

Mr. BRITT. The same service relatively to their peculiar situation? I certainly do.

Mr. KEARNS. Is there any more reason for advertising for a rural star-route carrier than there is for advertising for a city carrier?

Mr. BRITT. Well, the conditions are not exactly the same. The Post Office Department ought to exercise the right to get the best service it can get, and it ought not to be too narrowly circumscribed by law as to the exercise of its discretion in getting it. But in the end the question is whether that judgment is so exercised as to give the service to which the people are entitled under the law.

Mr. KEARNS. In advertising under the bid system, do you not believe that the bids are often so low that the service suffers?

Mr. BRITT. That is oftentimes true, to my knowledge.

Mr. SMITH of Idaho. Is it not true also that the lowest bidder must be given the contract under the law?

Mr. BRITT. That is the rule, but the Postmaster General has the right to reject all bids.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BRITT. Mr. Chairman, I submit herewith a part of an address delivered by me before the Fifteenth Annual Convention of the National Association of Postmasters of the First Class at Atlantic City, N. J., September 5, 1912:

THE FREE-MAIL PRIVILEGE.

Mr. President, in treating a public question, particularly in an expository or critical way, it is necessary to understand clearly not only the subject matter but also the particular terminology, the source of responsible authority, and the scope of practical application.

By "free mail" is meant matter received, transported, and delivered by the Postal Establishment free of charge to the sender.

It may be appropriately divided into three classes—namely, congressional frank mail, official penalty mail, and personal free mail.

By congressional frank mail is meant all letters, speeches, public documents, and other matter which may be lawfully mailed free of postage by the Vice President, Senators, Representatives, Delegates, and Resident Philippine Commissioners, and public documents mailed without postage by the Secretary of the Senate and the Clerk of the House of Representatives.

Official penalty mail embraces matter mailed postage free by the officers of the executive, judicial, and independent establishments of the Government.

Personal free mail is matter which Congress has authorized private persons, either in consideration of valuable public service or in pursuance of an established public policy, to send through the mails free of postage.

While the terms "frank mail" and "free mail" are, in a general sense, synonymous, nevertheless the former is by usage specially applied to legislative free mail because of the requirement that the Senator or Representative shall write his name, or "frank," on the envelope, while official free mail is called "penalty mail" for the reason that there is entered on the envelope the penalty prescribed by law for its improper use.

CONGRESSIONAL FRANK MAIL.

Matter which may be mailed under the congressional frank is as follows:

1. Mail to any Government official, or to any person, including correspondence not exceeding 4 ounces in weight, on official or departmental business, sent by the Vice President of the United States, Senators, Representatives, Delegates, and Resident Philippine Commissioners. The free-correspondence privilege commences with the date of election of Senators, Representatives, Delegates, and Resident Philippine Commissioners, and extends, with the free document and other privileges, to the 1st day of December following the expiration of their terms, while the free-mailing privilege for seeds continues for a period of nine months from the expiration of their terms. (Act of Apr. 28, 1904, 33 Stat. L., p. 441; P. L. and R., sec. 509.)

2. The CONGRESSIONAL RECORD, or any part of it, or speeches or reports contained in it. (Act of Mar. 3, 1875, 18 Stat. L., p. 343; 1 Supp., p. 70; P. L. and R., sec. 507.)

3. Public documents printed by order of Congress. (Act of Jan. 12, 1895, 28 Stat. L., p. 622; 2 Supp., p. 562; P. L. and R., sec. 506.)

4. Seeds received for distribution from the Department of Agriculture. (Act of Mar. 5, 1875, 18 Stat. L., p. 343; 1 Supp., p. 70; P. L. and R., sec. 508.)

5. Public documents mailed by the Secretary of the Senate and the Clerk of the House of Representatives. (Act of Jan. 12, 1895, 28 Stat. L., 622; P. L. and R., sec. 506.)

Senators, Representatives, Delegates, and Resident Philippine Commissioners are furnished with a limited number of the documents printed by order of Congress, and they must pay for printing all copies ordered in excess of such quotas, while the envelopes for mailing them, with the congressional frank appropriately entered, are furnished to them free at public expense.

OFFICIAL PENALTY MAIL.

Officers of the executive and judicial departments of the Government, including the various independent governmental establishments, have the free-mail privilege for—

1. Letters, packages, or other matter relating exclusively to the business of the Government of the United States. (Act of Mar. 3, 1877, 19 Stat. L., p. 335; 1 Supp., p. 135; P. L. and R., sec. 512.)

2. Official mail sent from the Smithsonian Institution. (Act of Mar. 3, 1879, 20 Stat. L., p. 362; P. L. and R., sec. 512.)
3. Mail of the National Home for Disabled Volunteer Soldiers. (Act of Aug. 15, 1894, 28 Stat. L., p. 412; 2 Supp., p. 257; P. L. and R., sec. 512.)
4. Official mail of the Bureau of American Republics. (Act of Feb. 20, 1897, 29 Stat. L., p. 590; 2 Supp., p. 558; P. L. and R., sec. 512.)
5. Official correspondence of the Superintendent of Public Documents. (Act. of Jan. 12, 1895, 28 Stat. L., p. 611; 2 Supp., p. 352; P. L. and R., sec. 512.)
6. Official correspondence of the Joint Committee on Printing relating to the Congressional Directory. (Act of Jan. 12, 1895, 28 Stat. L., p. 617; 2 Supp., p. 357; P. L. and R., sec. 512.)

PERSONAL FREE MAIL.

The privileges of personal free mail are—
1. Newspapers and periodicals of the second class, when mailed to subscribers residing in the county where printed and published, except when addressed for delivery at a letter-carrier office. (Act of Mar. 3, 1879, 20 Stat. L., p. 361; 1 Supp., p. 249; P. L. and R., sec. 452.)
2. Annual reports and bulletins of experiment stations of State agricultural colleges established under the provisions of the Morrill Act of July 2, 1862. (Act of Mar. 2, 1887, 24 Stat. L., p. 441, 1 Supp., p. 551; P. L. and R., secs. 516–517.)
3. Magazines, periodicals, and other regularly issued publications in raised characters, whether hand prepared or printed, for the use of the blind, containing no advertisements and for which no subscription price is charged. (Act of Aug. 24, 1912.)
4. All books, pamphlets, and other reading matter in raised characters for the use of the blind, in single volumes not exceeding 10 pounds in weight, or in packages not exceeding 4 pounds in weight, and containing no advertising matter, when sent by public institutions for the blind, or by public libraries, as a loan to blind readers, or when returned to such institutions or public libraries. (Act of Apr. 27, 1904; 33 Stat. L., p. 313; P. L. and R., sec. 518½.)
5. Registered letters of any person, firm, or corporation, containing fractional or other currency of the United States sent to the Treasury for redemption, free of registration, but not free of postage. (Act of June 8, 1872, 17 Stat. L., p. 307.)
6. Pension vouchers mailed for return by Federal pensioners. (Act of May 26, 1908, 35 Stat. L., p. 420; P. L. and R., sec 512.)
7. Seeds, cuttings, bulbs, roots, and scions sent by mail are chargeable at the rate of 1 cent for each two ounces, or part of two ounces, a reduction of 50 per cent on the rate for other fourth-class matter, 1 cent for each ounce, or fraction of an ounce. (Act of July 24, 1888, 25 Stat. L., p. 347.)
8. Mail relating to the census, addressed by any person to the Census Office or to any census official. (Act of July 2, 1909, 36 Stat. L., p. 10; P. L. and R., sec. 513.)
9. The replies of all persons from or through whom official information is desired, covering such information only. (Act of July 5, 1884, 23 Stat. L., p. 158; 1 Supp., p. 468; P. L. and R., sec. 512.)
10. Mail sent under the autograph signature of Mrs. Lucretia Rudolph Garfield, widow of the late President James A. Garfield, and all mail sent by post to her. (Act of Dec. 20, 1881, 22 Stat. L., p. 1.)
11. Mail sent under the written autograph signature of Mrs. Mary Lord Harrison, widow of the late President Benjamin Harrison. (Act of Feb. 1, 1909, 35 Stat. L., p. 591.)
12. Mail sent under the written autograph signature of Mrs. Frances Folsom Cleveland, widow of the late President Grover Cleveland. (Act of Feb. 1, 1909, 35 Stat. L., p. 591.)

Having now pointed out the several classes of free mail matter, and the laws authorizing them, together with their various scopes and limitations, I shall next proceed to ascertain the extent to which they are used by those entitled to their benefits.

There is no provision for recording the number of pieces of either free or paid mail matter carried and delivered daily by the Post Office Establishment, but a fair estimate may be made by extending the results of the official weighing and counting of the year 1907. While free mail is not all first-class matter, nevertheless it is closed to inspection and is given extraordinary treatment in handling and delivery and may be regarded as first-class matter in reckoning the postage properly chargeable, and I shall accordingly so treat it.

It is estimated that during the fiscal year 1912 the postal establishment received, transported, and delivered 310,437,878 pieces of legislative and official free mail, but there is no data for estimating the number of pieces of personal free mail.

Its aggregate weight was 61,415,335 pounds.

It comprised 3.8 per cent of the total domestic mail of the United States.

The cost per pound for handling, transportation, and delivery was 10.12 cents.

The aggregate cost to the service was $6,214,239.55.

The cost per capita to every man, woman, and child was 6 cents.

The postage chargeable at the first-class rate was $19,649,030.04, an average amount per capita of 20.4 cents.

There were 4,321,266 free official registrations, on which the regular fee is 10 cents, amounting to $432,126.60.

There were transported and delivered 373,633,544 pieces of free-in-county newspapers and periodicals, aggregating 58,017,631 pounds, on which the postage at 1 cent a pound would be $580,176.31.

The total loss to the postal revenues on free legislative and official mail, free registrations, and free newspapers and periodicals, to say nothing of other personal free mail, was, therefore, estimated at $20,661,932.95, or, in round numbers, $20,500,000, for which the Post Office Department received no credit whatever.

Mr. STEENERSON. Mr. Chairman, I yield to the gentleman from Pennsylvania [Mr. LAFEAN].

Mr. LAFEAN. Mr. Chairman, on January 19, 1916, I introduced a bill, H. R. 9414, as follows:

A bill (H. R. 9414) to grant certain holidays to postal employees.

*Be it enacted, etc.*, That letter carriers employed in the Rural Delivery Service and letter carriers employed in the City Delivery Service and clerks in first and second class post offices and Railway Mail Service shall be granted the benefit of the following holidays: New Year's Day (Jan. 1), Washington's Birthday (Feb. 22), Decoration Day (May 30), Independence Day (July 4), the first Monday in September, known as Labor Day, and such other days as the President of the United States or the governors of their respective States may set apart as fast or thanksgiving days, or that may be specially designated as holidays by proclamation of the governors or by the statutes of the States in which their offices are located.

SEC. 2. That should the needs of the service require the employment on holidays of letter carriers employed in the Rural Delivery Service or letter carriers employed in the City Delivery Service or clerks in first and second class post offices, such employees shall be allowed a full day as compensatory time on one of the six week days following the holiday upon which such service is performed.

Mr. Chairman, this bill, as will be observed, grants benefit for services rendered on the following holidays: New Year's Day, January 1; Washington's Birthday, February 22; Decoration Day, May 30; Independence Day, July 4; Labor Day, the first Monday in September.

It also provides for such other days as the President of the United States or the governors of their respective States may set apart as those given days, and to provide compensatory time on one of six week days following the holidays on which such service was performed.

The committee in its wisdom changed the compensatory time as one day of the 30 days following such holidays.

In glancing through the Postal Laws and Regulations I find that on the question of opening of post offices on holidays that section 284 reads as follows:

Postmasters may observe as holidays: New Year's Day (Jan. 1); Washington's Birthday (Feb. 22); Decoration Day (May 30); Independence Day (July 4); the first Monday in September, known as Labor Day; Christmas (Dec. 25); and such other days as the President of the United States or the governors of their respective States may set apart as fast or thanksgiving days or that may be specially designated as holidays by proclamation of the governors or by the statutes of the States in which their offices are located.

2. When a legal holiday falls on Sunday the following Monday may be observed, unless otherwise specially provided by proper authority.

3. Post offices shall be kept open on holidays a sufficient length of time to meet the public convenience. Mails shall be made up and dispatched as on other days.

Further on I note that section 735, on the same subject of holidays, contains the following provision:

Service shall not be required on rural delivery routes on New Year's Day, Washington's Birthday, Memorial or Decoration Day (May 30), Fourth of July, Labor Day (the first Monday in September), or on such day as the President may set apart as Thanksgiving Day. Service is required on Christmas Day.

2. When a holiday on which service is not required falls on Sunday the following Monday shall be observed, unless otherwise specially provided.

According to custom in different communities, the question of opening post offices on holidays has been guided largely by public opinion. If the desire of the public was for a general observance of certain holidays and all business was suspended on these days, and there was no demand for postal facilities on those days, the postmasters observed section 284 of the Postal Laws and Regulations and closed their offices and gave the employees the benefit of the holiday. If the postmaster in any city knew there was a demand for the delivery of mail on holidays, he took advantage of the discretion contained in section 284 and gave the public such facilties as in his judgment the occasion required. The section above referred to is a sensible one, as Post Office Department officials are not expected to know the customs of the people in different localities and they depend entirely on the judgment of postmasters in giving a satisfactory service to the public in the offices over which they preside.

In many large post offices throughout the country such holidays as Washington's Birthday, Memorial Day, Independence Day, Labor Day, and Thanksgiving Day have been observed by the closing of post offices and the suspension of deliveries of mail on those days. No complaint had been made by the public, and postmasters felt that they were justified in giving the benefit of the holidays to the employees to be observed by them with the same freedom as other citizens in these communities. The observance of holidays by the public is becoming more general, and our business houses and factories and mills and industrial plants where large numbers of men and women are employed are beginning, during the summer months, to close down business on Saturday afternoons in order to give the employees the benefit of an extra half day for rest each week.

President Wilson issued the usual proclamation setting aside Thursday, November 25, 1915, as a day of thanksgiving and prayer, and calling for a suspension of business in all departments of the Government and also for a general observance of the day by all citizens in the country. Many postmasters had consulted with the business people through the local boards of trade and chambers of commerce and other business men's associations and had also tested public sentiment by announcing in the press that their offices would be closed on Thanksgiving Day if there was no protest from the public or demand for a delivery of mail on that day. In cities where these announcements were made they seemed to meet with general approval, and postmasters had printed signs placed in conspicuous parts of the post offices and also made announcement in the press

that Thanksgiving Day would be observed and postal facilities suspended. Announcements were also made to the employees in order that they might make such preparations as they deemed best to enjoy the holiday with their families. In large post offices, where bulletins of postal information are published, these announcements were printed for the information of the employees and they were looking forward to the benefit of the holiday.

On Saturday, November 20, 1915, an order was printed in the Daily Bulletin of Orders Affecting the Postal Service, of which the following is a copy:

HOLIDAY SERVICE BY LETTER CARRIERS.

OFFICE OF FIRST ASSISTANT POSTMASTER GENERAL,
*Washington, November 19, 1915.*

As the primary function of the Postal Establishment is service to the public, it is believed that even though the suspension of delivery service on the holidays enumerated in section 284 of the Postal Laws and Regulations might be justified by the sentiment of a majority of the business patrons, service should not be entirely suspended, as other patrons are entitled to equal consideration in the delivery of mail. The numerous complaints received by the department from patrons on account of the complete suspension of mail delivery and collection on such holidays prompted the department to invite the opinions of a number of representative postmasters, and their reports show clearly that at least one delivery over the entire territory should be made in addition to the prompt handling of special delivery matter and perishable parcels. Collection service necessary to avoid complaint on account of delays in dispatch should also be given.

Postmasters will therefore act accordingly hereafter in the matter of service to be given by letter carriers on holidays.

DANIEL C. ROPER,
*First Assistant Postmaster General.*

This bulletin was not mailed from the department in Washington until the evening of November 20, 1915, and they did not reach many post offices until a day or two prior to Thanksgiving Day, and postmasters were forced to issue hurried orders canceling their previous announcements and stating that the post offices would be open and delivery of mails made in the regular manner. The order came as a shock to postmasters and employees, as there had been no complaint from the public, and, in fact, when letter carriers were making their rounds on Thanksgiving Day they were asked by the citizens why they were not enjoying the holiday which they had been led to believe the employees were to have the benefit of.

It has been stated that the reasons why this order was issued was the personal pique of a Post Office Department official against a postmaster who had earned the good will of the public and the sympathy and cooperation of the employees, and in order to embarrass the postmaster, who had announced that his office would be closed on Thanksgiving Day, that this official induced the Postmaster General to issue the general order of November 19. If this be true, it is a practical demonstration of the untold harm that can be done by placing extraordinary power in the hands of officials whose acts can be guided more by their personal prejudices and whims than a desire to benefit the public service. This act follows out a policy of the present administrative officers of the Post Office Department in their effort to repeal every law on the statute books of benefit to the employees, and of their further efforts to nullify many of these laws by the issuance of arbitrary orders.

On November 20, 1915, the same date that the order was issued compelling postal employees to work on Thanksgiving Day, the publicity bureau of the Post Office Department sent out a news item to the press containing the statement that the department was "expecting another record-breaking rush of Christmas mail and had issued instructions to postmasters for its quick and effective dispatch and delivery"; that the instructions contained orders to postmasters that "vehicles are to be employed only when the number of heavy and bulky parcels or the area to be covered is such that it is not economical to use a substitute on foot. In some places push carts, bicycles, and motor vehicles with baskets may be used to advantage. When the volume of mail is too great for these means, horse-drawn vehicles driven by the carriers or substitutes should be employed. At the larger city-delivery offices the carrier force and delivery equipment should be specially organized for the effective performance of the task which will be imposed upon the service. This should be done in such a way as to admit of expansion from day to day, as the growing business demands. Last year, through intelligent direction and the enthusiastic cooperation of all connected with the Postal Service, the department successfully handled the largest quantity of holiday mail in its history. This year the volume will greatly exceed anything heretofore known, and it is confidently believed that the same spirit will animate the force and that all mail received will be delivered before the close of Christmas day."

The prophecy of the department, that the mail would be delivered before the close of Christmas day, was fulfilled—if the report emanating from the publicity bureau of the Post Office Department, under date of December 28, 1915, contains correct information to the public.

What reason the department had to expect that the rank and file of the employees would be animated by a desire to enthusiastically cooperate with them in this extraordinary emergency is hard for any intelligent mind to conceive. The department officials have ruthlessly dismissed from the service and forced the resignations of a large number of employees whose sole offense was that they had become superannuated on account of age and its infirmities. Hundreds of other employees had their salaries reduced through a so-called readjustment and standardization of the service, and the Postmaster General had recommended to Congress a repeal of the eight-hour law, a repeal of the law that grants a day of rest each week to the employees, and recommended a reduction in the hourly pay of the substitute employees, who do not make sufficient wage to meet their living expenses. If such recommendations could inspire confidence in any class of workingmen, then human nature must have undergone a wonderful change under the present administration of the Post Office Department.

While I am on this subject of the order which deprived postal employees from the benefit of holidays, I might state that this order will effectively deprive the post-office clerks and letter carriers from holding their annual State conventions which have been held on holidays and were attended by the employees in post offices throughout the States. At these gatherings the employees were addressed by postmasters and the subjects discussed were problems affecting the Postal Service. In the smaller post offices throughout the country and in the outlying districts of the larger offices letter carriers will be required to work a full eight hours on holidays, as in the great majority of instances the districts are so arranged that but one delivery of mail can be made within eight hours.

It might also be well to draw attention to the fact that an Executive order is issued each year that grants a half holiday on Saturdays to Government employees. The first of these orders which was issued by President Roosevelt restricted the Saturday half holidays to certain specified employees. Under date of June 8, 1909, President Taft issued a more general order, a copy of which reads as follows:

EXECUTIVE ORDER.

It is hereby ordered that on Saturdays during July, August, and September, until further notice, four hours, exclusive of time for luncheon, shall constitute a day's work for all employees in the Federal public service, wherever employed; and all departmental or other orders in conflict with this order are hereby revoked, except as to the naval stations named in the Executive order of April 4, 1908.

WM. H. TAFT.

THE WHITE HOUSE, *June 8, 1909.*

It was found that under this order postal employees would be benefited thereby, and under date of June 25, 1909, President Taft issued a second order, which reads as follows:

EXECUTIVE ORDER.

The following order will supersede that of June 8, 1909, as to hours of labor on Saturday during the months mentioned.

It is hereby ordered that during the months of July, August, and September of each year, until further notice, four hours, exclusive of time for luncheon, shall constitute a day's work on Saturdays for all clerks and other employees of the Federal Government, wherever employed; and all Executive or other orders in conflict herewith, except the Executive order of April 4, 1909, relating to certain naval stations, are hereby revoked.

*Provided, however,* That this order shall not apply to any bureau or office of the Government, or to any of the clerks or other employees thereof, that may for special public reasons be excepted therefrom by the head of the department having supervision or control of such bureau or office, or where the same would be inconsistent with the provisions of existing law.

WM. H. TAFT.

THE WHITE HOUSE, *June 25, 1909.* (No. 1096.)

You will note the provision which is added to this second order and which was inserted in order to keep postal employees working on Saturday afternoons during the summer months when all Government employees were enjoying a half holiday.

I might also draw attention to the fact that the Government departments in Washington were not only closed on Christmas and New Year's Days, but the employees were granted an extra half holiday on the days preceding Christmas and New Year's in order that they might enjoy the advantages of the true holiday spirit. No complaint whatever is made for this small privilege which has been granted to the employees, but it does not seem fair that "extra" special privileges should be enjoyed by high-salaried officials of the Post Office Department, whose duties are not overexacting and who seem to devote considerable of their time in formulating rules and regulations that will tax every ounce of energy and exact a maximum speed for every minute of every hour from the hardest-worked and poorest-paid employees in the service whom they, unfortunately, are in temporary control of.

I trust that the Congress will take notice of what I consider is a grave injustice that has been done the rank and file of the postal employees of this country and that the provision inserted in the Post Office appropriation bill naming the holidays that are observed as such and giving the benefit of these days to the employees, and in the event of an employee being required to work on a holiday to grant him compensatory time in the way of a full day during the 30 days following the holiday upon which service is required. [Applause.]

Mr. MOON. Mr. Chairman, I yield 20 minutes to the gentleman from Michigan [Mr. BEAKES]. [Applause.]

Mr. BEAKES. Mr. Chairman, the Post Office appropriation bill, which is presented to you by a unanimous committee, after much deliberation and after more extended hearings than has been usual with the committee in the past few years, contains considerable legislation which is greatly needed for the betterment of the Postal Service. It does not contain all the legislation that is needed, but it contains all that the committee could agree upon, and there will be other legislation undoubtedly presented to you by the committee in separate bills. There is need of more postal legislation this year than usual, because of the failure of the appropriation bill to pass last year, owing to the shortness of the session and the fact that the Senate did not take up the bill until near the closing hours of the session. Considerable of the legislation found in the appropriation bill this year was passed by the House last year and also met with the approval of the Senate. The Post Office Department is the biggest business in which the Government engages. It comes nearest to the people. It is an expanding business, and the postal receipts for the coming year promise to be far the largest in the history of the country. If we would not hamper it, if we would encourage this expansion, if we would improve the service, we must alter some of the legislation which hampers its development. It can not find its fullest development unless the laws which govern it keep pace with its growth and are from time to time improved. As I said, we had no legislation last year, so that at this time we must put into the bill at least two years of legislation, and even then I do not believe that we will have done all that we ought to have done for the good of the Post Office Department.

Much of the legislation in this bill is important, but none is more important than the sections relating to paying the railroads for the transportation of the mail. The railroads have had for several years a committee on railway mail pay, and this committee has been conducting a vigorous campaign against any legislation which would alter the cumbersome, unscientific, and unsatisfactory method of payment in vogue since 1873, except such alterations which while not changing the system would give the railroads more money and relieve them of part of the service now rendered. Every argument of the best brains the railroads could command has been made on their side of the case, and they have never succeeded in convincing any commission or any committee of Congress that they were right in their contentions. The surprising thing to me is that they should have been able to keep the railroads a unit against this legislation, which I believe will make a much fairer division among the roads of the money paid for mail transportation, and which will prove beneficial to those roads which have been underpaid for carrying the mails. The only explanation of this that occurs to me is that the individual railroads have not made a study of this matter for themselves and have taken the word of their committee, and that the only literature on the subject which the most of them have studied is the voluminous and catchy literature which their committee on railway mail pay has furnished them. Finding their own effort unsuccessful, they have induced a few chambers of commerce, which have made no study of the subject, to write the Members of this House protesting against this legislation. Let me say, Mr. Chairman, that this is not hastily considered legislation. The subject has been studied by four commissions of Congress and $145,719.74 has been spent by the Government in investigating it. I submit that no chamber of commerce, without a scintilla of the evidence thus adduced or even a knowledge that the subject has been thus investigated, is competent to express an opinion upon it. Besides the voluminous hearings before these commissions, the committees of this House have had hearings on the subject, and it is a singular thing that practically all of the men whose official duty it has been to investigate the subject have arrived at the conclusion that the system for which the railroads stand is neither fair to the Government nor to the individual railroads.

The Hubbard Commission appointed by President Grant in 1876, after a two years' investigation reached the conclusion that the railroads should be paid for space and that upon this basis they should be paid the cost and a fair profit thereon. In 1883, pursuant to an act of Congress, Postmaster General Gresham appointed a commission, which, after a six months' investigation, recommended a system based on space, weight, and speed, the weight being used simply as a factor to determine the amount of space to be used. In 1898 a congressional commission, known as the Wolcott-Loud Commission, was appointed, which reported that, in their opinion, the amount paid the railroads was not excessive. Mr. Loud, of this commission, said:

> Space, in my opinion, should be the basis of pay, and I reach this conclusion from the fact, which must be apparent to everyone who has made a careful study of the question, that space is the principal and therefore should be the controlling factor.

But this commission did not recommend space because, as they said, of "the impossibility with the evidence before the commission of applying the space basis of payment." And Mr. Loud, in his opinion, said that "a proper investigation in this direction was not pursued." In 1907 Postmaster General Cortelyou began an investigation, which was not finished until in 1911, under Postmaster General Hitchcock, and which resulted in a recommendation by the Post Office Department of the space basis by Postmaster General Hitchcock. Gen. Burleson has since strongly recommended the space basis.

In 1912 a joint commission of the Senate and House was appointed, known since as the Bourne Commission, and after two years of investigation, and 12 volumes of hearings, they unanimously reported in favor of the space basis. The Post Office Committee of the Sixty-third Congress recommended the space basis, and this House by a nearly unanimous vote approved that basis. Your committee in this Congress, after again hearing the railroads, have again reported for the space basis.

In the last Congress I made a speech designed to show from the testimony before the Bourne Commission that the railroads had no system of cost accounting by which they could tell whether there was a profit or loss to them in carrying the mails. In their hearings before the committee this year they acknowledged this to be so. The difficulty is that there is no agreement among the roads as to how much of the fixed charges, the overhead expenses, shall be borne by the freight or passenger service, and how the passenger-service expenses shall be divided between passengers, express, and mail. I illustrated this in my speech of two years ago with the example of one road which had a mail contract yielding them $467,522.26 in 1912, on which, by using eight different methods of figuring used by the roads, the results varied from a profit of $48,117.78 to a loss of $289,147.84, the figuring being done by the railroad. It is entirely a question as to what proportion of the overhead expenses the mails should bear. There is no question that the roads are not out of pocket by carrying the mails. That they themselves do not believe that they are is strongly evidenced by the fact that they are all anxious to secure mail contracts, and that, although there is no law at present compelling them to carry the mails, there are none of them declining to contract to carry them. And this is for the reason that the cost of maintaining their tracks, their stations, the interest on their bonds, the salaries of their officers, the pay of their trainmen, would go on just the same if they did not carry an ounce of mail. I am not arguing that the mails should not pay their just share of the overhead expenses, but I am saying that the railroads would lose money if the Government should undertake to transport the mails by automobiles or in some other manner than on the railroads. And I am of the opinion that if Congress enacts the space basis under the provisions in this bill, the railroads will receive much more next year for carrying the mails than they do this year.

What then is the real objection of the railroads to the space basis? It is that the railroads wish to hamper the development and growth of the Parcel Post System. Why do they wish this? The railroads are in partnership with the express companies—as far, at least, as their compensation for carrying express is concerned. Most of the roads divide with the express companies on a fifty-fifty basis. That is, the railroads transport the express for half the gross receipts of the express company. As the gross receipts of the express companies increase, the receipts of the railroads increase. As the express companies are forced to reduce their rates to compete with the parcel post, the revenue of the roads fall off. Now, the present weighing system hampers the development of the parcel post. In many cases the Government has to pay the railroads more than it could get the same service for if it paid the express companies for it, in which case the railroads would only get for the same transportation half what the express companies get. During two months in the year—for the holiday season—the Post Office Department is allowed by law to ship empty mail bags in the mails instead of by freight. During the last holiday season, instead of using the mails, and freight being too slow, some of these bags were shipped by express, at an average saving of 37½ cents per hundred pounds. On shipments from 21 cities the

saving was $1,014.19 over what it would have cost to transport the same weight by mail. It must be remembered also that the railroads only got half of what the express companies received. Now, in the cases where the railroads charge the Government more than double the rates received from the express companies, you will see how the Government will lose money on its parcel-post packages.

The railroads maintain that the only proper basis for carrying the mails is weight, and at first blush this appeals to one who has not deeply studied the subject as correct, this being the way in which charges on freight are determined. But the roads are very careful to claim that the compensation for carrying a given weight of mail should be higher than a given weight of freight, because the mail is carried on passenger trains and not on freight trains. But passengers are not carried by weight; the slender little woman has to pay just as much for her ticket as the big fat man who may weigh three times as much. Passenger rates are figured by space, so many passengers in a car. Neither is the rate charged for freight entirely dependent upon weight. A railroad would charge much more for transporting a ton of feathers than they would a ton of iron, for the reason that the feathers take up more space and fewer tons can be loaded in a car. The freight on a buggy knocked down is less than a buggy shipped as set up, because it occupies less space.

As a matter of fact, however disguised, space enters into the making of freight rates by weight. But if the mails are to be carried at freight rates, the amount to be paid the railroads would be very materially reduced. It would not be fair to the railroads to so compensate them for carrying the mails—first, because the mails are moved on faster trains than freight; second, because less tons can be carried in a postal car than in a freight car; and, third, because the postal car in which mail is carried weighs much more than the freight car.

As has been stated, the expenses of carrying passengers, express, and mail are included together by the railroads, and have never been separated by them or by the Interstate Commerce Commission. Neither is there anywhere data which would enable an absolute separation of these expenses to be made. Clearly only space and not weight is considered in the making up of passenger rates, and there is no way of determining the relative cost of passengers and mail in a train carrying both passengers and mail except by a consideration of the space occupied by each. In Pullman coaches space occupied only is considered, and the same charge is made for a berth, whether it is occupied by two persons or by one. It seems by analogy that the carrying of the mails might be figured on space the same as passengers, as both are carried on the same train. The more so as the greater part of a postal car is not taken up by the mail at all, as fully 75 per cent of the car space is taken up with racks and boxes for the distribution of the mail and the necessary space for the railway mail clerks to move around in to distribute the mail.

The present law reduces the amount of compensation by weight as the weight increases. For instance, a road carrying 5,000 pounds of mail per day will receive $171 per annum per mile of road, and a road carrying 10,000 pounds of mail per day will receive $221.75 per annum per mile of road.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. MOON. Does the gentleman desire more time?

Mr. BEAKES. Yes; I would like to have 10 minutes more.

Mr. MOON. Mr. Chairman, I yield to the gentleman 10 minutes.

The CHAIRMAN. The gentleman is recognized for 10 minutes more.

Mr. BEAKES. Now, the average daily mail load of the 60-foot railway postal cars in the United States is about 5,000 pounds. To show the absurdity of the present method of figuring let us take as an example a road running one mail train a day with one postal car. The Bourne Commission's report shows that the 60-foot steel postal car weighs about 50 tons; the railroad testimony shows that they vary in weight from 45 to 58 tons. If the road we take as an example carries the average load of mail in its one postal car—5,000 pounds—it will receive $171 per year per mile, and for this will carry a load consisting of 50 tons of car and 2½ tons of mail, or 52½ tons. If the weight of mail doubles, it will receive $221.75 for carrying 50 tons of car and 5 tons of mail, or 55 tons. In other words, when it draws its heavier load it will receive $4.03 per ton carried, and when it has its lighter load it will receive $3.02 per ton carried. Assume, for example, another road carrying 10 tons of mail a day on four postal cars. For this it would receive $323.25 per mile per annum. If its mail increased to 20 tons, it would get $526.25. In the first case, when hauling 210 tons, it would get $1.54 per ton per mile per annum, but when hauling 220 tons it would get $2.39 per ton per mile per annum. It is hard to explain the present system of paying by weight with a decreasing payment as the weight increases. If you look up the law carefully you will see I am giving you the correct figures, although the amounts vary so largely. Take one more example, a road running two mail trains, two postal cars, and carrying 3 tons of mail a day. They would haul 103 tons a day for $181.15 per mile a year. If the mail increases to 6 tons a day, they would then haul 106 tons for $242.05 a mile a year. When they were hauling 103 tons they would get $1.76 a ton, but when they were hauling 106 tons they would get $2.28 a ton. I have tried hard to imagine a case where under the present law doubling the weight of mail a railroad carries without increasing the number of postal cars used will not result in giving the roads more for each ton they haul. I do not believe such a case exists.

The railroads can not defend a system which increases the price per ton hauled as the weight increases, and they attempt to show that they are underpaid by using the short-line railroads to haul their chestnuts out of the fire. The short-line roads will benefit by the space system. Under the present law railroads get a rental for 60-foot postal cars, but short-line roads, when the mail is light, carry the mail either in 30-foot department cars, for which they get no rental, or in locked pouches. Under this bill these roads will get compensation for the space used in distribution and by the railway mail clerks for which they now receive no compensation. They will also get the same terminal charges as the roads having a longer haul. The great mass of the testimony before this committee, while nominally aimed at the space system, really furnished the strongest argument against the unfairness and injustice done under the present thoroughly unscientific weight system.

The present bill will not cut down the amount paid the railroads unless the Interstate Commerce Commission should decide that the rates in the bill are too high. The bill provides that the Interstate Commerce Commission may raise the rates if they are found to be too low. We want to treat the railroads fairly. They are entitled to not only the cost of carrying the mails, but to a fair profit. We can not determine the cost. The railroads own up to the fact that they can not determine the cost. If an investigation by the Interstate Commerce Commission can do so, then the rate can be more fairly determined. As it is, we give them practically what they get from the passenger traffic in proportion to the space used. We pay for all space used. The system automatically takes care of increasing mails. If the Government, after buying the space, can load more economically, it can get the benefit of the more economical loading. There will no longer be three or four thousand different standards of payment and the cost per ton hauled will not be increased as the mails increase, as under the present system.

As to the misuse of the parcel post to avoid higher freight rates, the department now has the power to restrict the number of parcels to the same consignee that they will accept. But the parcel post must be encouraged and built up, its usefulness to the general public increased, and we can not allow the practical partnership existing between the railroads and the express companies to hamper and impede the development of the parcel post. [Applause.]

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. FOSTER having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Waldorf, one of its clerks, announced that the Senate had passed without amendment bill of the following title:

H. R. 9213. An act to authorize the Gary Land Co. to construct a bridge across the Grand Calumet River in the State of Indiana.

The message also announced that the Senate had disagreed to the amendments of the House of Representatives to the bill (S. 3518) granting pensions and increase of pension to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors, had asked a conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. JOHNSON of Maine, Mr. HUGHES, and Mr. MCCUMBER as the conferees on the part of the Senate.

The message also announced that the Senate had passed without amendment the following resolution:

House concurrent resolution 16.

*Resolved by the House of Representatives (the Senate concurring)*, That the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9416) making appropriations to supply urgent deficiencies in certain appropriations, are authorized to change the text of the paragraph in the bill for payment of judgments in Indian depredation claims so as to correct errors in the certified description of two of the judgments provided for therein.

The message also announced that the Vice President had appointed Mr. JONES and Mr. MARTINE of New Jersey members of the joint select committee on the part of the Senate, as provided for in the act of February 16, 1889, as amended by the act of March 2, 1895, entitled "An act to authorize and provide for the disposition of useless papers in the executive departments," for the disposition of useless papers in the Navy Department.

POST OFFICE APPROPRIATION BILL.

The committee resumed its session.

Mr. MOON. Mr. Chairman, I yield a minute to the gentleman from Missouri [Mr. HENSLEY].

The CHAIRMAN. The gentleman from Missouri [Mr. HENSLEY] is recognized.

Mr. HENSLEY. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD by publishing a speech made by a Union soldier of my district on the life of President Lincoln.

The CHAIRMAN. Is there objection to the gentleman's request to extend his remarks in the RECORD?

There was no objection.

Mr. MOON. Mr. Chairman, is the gentleman from Minnesota [Mr. STEENERSON] ready to go on?

Mr. STEENERSON. Yes; I am ready to go on.

Mr. MOON. Just a moment, if the gentleman please. I would like to put some matter in the RECORD.

Mr. STEENERSON. Very well.

Mr. MOON. Mr. Chairman, it was stated a while ago by the gentleman from Idaho [Mr. SMITH] that the Government advertised for bids in Idaho and other far Western States a number of times, and then withdrew it and offered another one. That question was asked by Mr. STEENERSON in the hearings before our committee. The answer is:

Mr. WOOD. That is not so, Mr. STEENERSON. I might answer this along the line of my answer to your inquiry a while ago. There may be small post offices somewhere, special offices, or offices that have never had any regular mail supply and which are located many miles off the railroad; and in an effort to give those people service, and in the hope that we would get a bid at something like a reasonable rate, we have advertised for bids. Bids have come in calling for thousands of dollars, and we have not awarded the contract. Then we have readvertised in the hope that we would get a bid at a lower rate.

This is from offices paid from $20 to $30 a month, and the bid proposed was thousands of dollars, and, of course, it was rejected. For the information of the House I will put in the RECORD the star routes established and extended for the fiscal years 1914 and 1915, and those discontinued and curtailed. This is the statement:

*Star routes established and extended.*

| Fiscal year. | Established. | | Extended. | |
|---|---|---|---|---|
| | Number of routes. | Length. | Number of routes. | Length. |
| | | *Miles.* | | *Miles.* |
| 1914 | 452 | 5,046 | 1,056 | 1,590 |
| 1915 | 841 | 17,969 | 1,144 | 1,330 |

*Star routes discontinued and curtailed.*

| Fiscal year. | Discontinued. | | Curtailed. | |
|---|---|---|---|---|
| | Number of routes. | Length. | Number of routes. | Length. |
| | | *Miles.* | | *Miles.* |
| 1914 | 815 | 8,115 | 930 | 2,567 |
| 1915 | 907 | 16,613 | 913 | 1,785 |

NOTE.—Of the routes discontinued, 157, aggregating 1,433 miles, and 171, aggregating 1,498 miles, in 1914 and 1915, respectively, were discontinued on account of the extension of Rural Delivery Service.

While I am on the floor, in reference to the Rural Delivery Service I wish to say there has been manifested much impatience with the Post Office Department in the readjustments of these routes for the purpose of saving revenue. The department is of the opinion that it can administer this service, and not only maintain it but extend it, on $48,500,000 per annum. In order, however, that there may be no question about that, the committee, being anxious for this extension, did not accept the estimate of the department and put in the sum of $53,000,000 for rural routes.

Now, it is necessary, of course, when the department is readjusting the routes of the country, that Congressmen and their constituents should bear themselves with some degree of patience while the department is seeking to give to them the best possible service that can be given. It is clear that in the introduction of the automobile into the Rural Service and the doubling of trips on a great many routes it has been demonstrated that on a vast number of routes the service can be done as quickly and as effectively as before the number of routes was doubled at no greater expense than heretofore. Of course it will be observed that in many places, in many parts of the country, where the roads are not adequate for that kind of service, the experiment will be a failure. It is in many instances yet to be determined, and the department, therefore, must not only inaugurate the first experiment, preliminary to the change, but oftentimes, when it is found it does not meet the wants of the people, it must make a second and a third experiment; and I insist that the House ought to be patient while those experiments are being made on the part of the department to give the best results for the service. They have investigated many of the complaints that have been made. Many of them are conceded to be just, and there are many places where it is conceded that this service can not be established. I have received from the Fourth Assistant Postmaster General a letter, which I ask the Clerk to read for the information of the House. I hope the Members of the House will be better satisfied, on hearing it, than they have been heretofore on the subject of rural routes.

The CHAIRMAN. Without objection, the Clerk will read.

The Clerk read as follows:

POST OFFICE DEPARTMENT,
FOURTH ASSISTANT POSTMASTER GENERAL,
*Washington, February 1, 1916.*

Hon. JOHN A. MOON,
*House of Representatives.*

MY DEAR MR. MOON: It is certain that if given time this department can eliminate every substantial objection to the new methods adopted for the collection and delivery of mail on rural routes.

Representatives of the department are now inspecting and adjusting the revised service in many localities, and will eventually cover all districts where any change has been made.

Our reports indicate that not only is the readjustment meeting with the unqualified approval of patrons who had been inconvenienced by the revision, but that we will be enabled to extend service to many who never had mail facilities, either before or after the recent revision.

The department desires to assure you, and through you any Representative in Congress, or postal patron, that wherever any alteration of rural-delivery service has occurred there will be a complete and satisfactory readjustment of the same in the immediate future, and we submit the following illustration:

About eight months ago the service was revised in the district represented by Hon. SAMUEL W. BEAKES, of Michigan, a member of the Post Office Committee, and 37 routes were discontinued, at an economy of approximately $40,000. About 450 families were inconvenienced through this revision; that is, they were compelled to relocate their mail receptacles at points anywhere from one-fourth to one-half mile from their domicile, where the mail had been delivered before the revision. After two readjustments of the revised service, I am pleased to state that there are but 10 families in the entire district who will be put to any inconvenience in the location of their mail receptacles, and 420 families, or about 2,100 patrons, have been provided with collection and delivery service which had, before the revision and readjustment thereof, not been afforded them. All of this was accomplished at a net saving in the annual operating expense of $27,500, which sum has been, or will be, utilized in the extension and improvement of the readjusted service in that district, or in establishing new service to not less than 5,000 families, or 25,000 patrons, at any point in the country where the department can locate the necessity for rural mail facilities.

This identical treatment will be accorded to every postal patron in any congressional district who was in anywise affected by the recent revision of the Rural Delivery Service.

Yours, very truly,
JAS. I. BLAKSLEE,
*Fourth Assistant Postmaster General.*

Mr. STEENERSON. Mr. Chairman, I yield 30 minutes to the gentleman from Wyoming [Mr. MONDELL].

The CHAIRMAN. The gentleman from Wyoming [Mr. MONDELL] is recognized for 30 minutes.

Mr. MONDELL. Mr. Chairman, the chairman of the Committee on the Post Office and Post Roads suggests that we bear with patience the readjustment that the department is making, or seeking to make, in the Rural Mail Service of the country. Now, I share with the chairman the belief that the officials of the department sincerely desire to give the country good service, and while I know very little about it, I am willing to take it for granted that many of the readjustments that have been made are proper and warranted and that economies can be secured without serious inconvenience to the patrons in many cases. But I fear that the Postmaster General and those under him in making these readjustments have been a little bit too much disturbed by the fact that the postal revenues have been falling off and that there has been an increasing deficit in the postal revenues. The fact is the gentlemen said so much and patted themselves on the back so vociferously the first year of the administration when, inheriting the excellent methods of a Republican administration, they actually showed a surplus, that now when the thing has swung the other way, through no fault of theirs, perhaps, they fear they will be criticized if they are not very economical——

Mr. MOON. That surplus was shown for two years instead of one.

Mr. MONDELL. That shows how far the good influence of a Republican administration goes. [Laughter.] It can even inject itself into a Democratic administration for two years.

They have no doubt been trying to do the right thing, but they have been too much disturbed by the deficit, and I have sometimes thought that they were trying to save the entire deficit of $10,000,000 on the star routes of the mountain Commonwealth that I have the honor to represent on this floor.

Mr. CRISP. Will the gentleman permit a statement?

Mr. MONDELL. I will.

Mr. CRISP. I want to say to the gentleman that they have also operated in my district. I have had about 41 carriers let out.

Mr. MONDELL. Misery loves company. [Laughter.] I felt certain that the department was not singling me out as an example of the sort of lack of service that they can afford. I felt quite certain that we were getting quite as favorable consideration as any one. The trouble is they have been trying to economize all along the line, with the result that at least in the territory with which I am acquainted the department has not given us the service to which we are entitled. I say this without any thought of reflecting on the gentlemen of the department. They think they have been doing the right thing, but they are altogether too much impressed with the necessity, as it occurs to them, of being economical, when the fact is that all the American people ask of the Post Office Department is good service—good service as economically as good service can be had, but good service. Why, in my Mountain State we have lots of people who go 20, 30, or 40 miles for their mail. The chairman had read a letter with reference to people who had to go a quarter of a mile for mail. Why, in our country a man who only goes a quarter of a mile for his mail feels that he is living right in the post office. [Laughter]. They go 10, 20, 30, or 40 miles for mail, and when we ask for service in communities like that they begrudgingly and hesitatingly finally ask for bids; and if the bid for carrying the mail over a rough mountain road, or over a mountain pass, snowy in the winter and difficult at all times, is not as low as it would be in a good farming country with macadamized roads, they reject the bids and try it over again. Finally, after having the neighbors contribute to the carrier in one way or another so as to enable him to reduce his bid, we occasionally—just occasionally—get a new route for a service once a week.

Now, we are not asking for overmuch in the way of mail service out in that country, but we do feel that we are entitled to know we are under the flag and that we are in the domain of the Postal Service of the United States. Why, there have been routes discontinued in my State in the last two or three years that have been running for 10, 20, or 30 years, and no service has been put in operation to fully take the place of the service thus discontinued. It is a lamentable situation, which grows out of the erroneous notion on the part of officials of the Postal Department, that they must balance their accounts; that at least they must reduce as far as possible the deficit without regard to the service they render. The fact is this Post Office Committee ought to make it clear to the gentlemen of the Post Office Department—it can not be reached by law—that we expect to have all American citizens, wherever located, given fair postal facilities.

Mr. SMITH of Idaho. Will the gentleman yield?

Mr. MONDELL. Certainly.

Mr. SMITH of Idaho. Has it not always been the policy of the Federal Government, up to the advent of the present administration, to send the mail to any settlement that gave promise of building up and developing?

Mr. MONDELL. Always, under all administrations, of all parties, up to the present administration.

But, Mr. Chairman, I did not rise for the purpose of discussing this postal bill. I rose to make a few observations with regard to some recent happenings.

My mind first goes back some weeks, when a considerable number of entirely proper gentlemen of more or less prominence and considerable affluence foregathered at one of the fashionable hotels of the city, under the alluring title of the National Defense League. As we all believe in national defense, of course we were all with them in spirit. They spent several days in a perfectly beatific communion, alternately thrilling and horrifying one another with lurid tales of impending invasion, outrage, and overthrow, and again reassuring and calming one another by stout and lusty, albeit somewhat Falstaffian pronouncements of great military establishments on land and sea. Having succeeded in thoroughly convincing one another that the world had relapsed and returned to a condition of absolute barbarism and had reverted to the conscience and the ethics of the stone age, amid mingled tears and condolences they adjourned. The next morning two of these gentlemen chanced to meet on the public street, and being still imbued with the heroic spirit of the occasion, they attempted to test immediately the question of preparedness by proceeding forthwith in good old cave-dwelling style to pummel each other's honorable and distinguished countenances. It was a perfectly lovely exhibition. It was peculiarly appropriate as the logical sequence of a meeting at which, without cracking a smile, these honorable gentlemen tolled the bells over the world's departed decency and conscience and announced a return to the most approved method of armed barbarism.

That was a sort of prologue. The first act occurred just yesterday. There was some considerable intermission, but yesterday the curtain rose on the departing form of a distinguished late Secretary of War, carrying under his arm his pet Pomeranian, the continental army. [Laughter.] In the foreground stood the President, deep in thought as to who should be selected now to carry on his programs for vast armies and armadas.

Of course, there are many different interpretations of what this all means, depending upon how you view the causes that have led up to this lovely condition of things. The little fisticuff on the street in front of the Metropolitan Club was the logical outcome of the meeting just dismissed, and the little misunderstanding between the President and a truly distinguished member of his Cabinet and an honorable gentleman was just as logical a development of the hysteria that has been sweeping over the country the last few months, which has been discussed under the catchy title of "preparedness." The Secretary of War has been dwelling in a purely military atmosphere. It is true he came to that atmosphere, as I have always believed, a virtuous citizen; but evil communications corrupt good manners and evil influences lead away even the best of men, and so the Secretary of War came to believe that the only way to protect these shores from dangers unknown and impossible, and yet terrifying to the timid, is by setting all our boys to toting arms and drilling and building up a great military establishment in the country. And the President, on the edge of the same kind of influence, came to believe that he believed the same thing that the Secretary of War did. In fact, he recommended the Secretary's plan in his late message—continental army and all. But there is one ray of light in this occurrence; the President, far as he has gone afield, as completely as he has turned his back on everything touching military affairs that he formerly believed and preached, has not got far enough but that he still hears a faint echo of what he used to believe.

Mr. QUIN. Mr. Chairman, will the gentleman yield?

Mr. MONDELL. Yes.

Mr. QUIN. If the gentleman believed like the President does now, from the speeches he has just made in the West, that this country is in impending danger and great peril, do you not think we ought to make the necessary preparations to meet those dangers?

Mr. MONDELL. Yes. If I believed the country was in immediate danger and peril, I would call the boys out right now. I would not meet an impending danger, an imminent danger, with twenty-million-dollar battleships to be built six years from now.

Mr. QUIN. Yes; but that danger may be a continuing one.

Mr. MONDELL. Oh, yes; it may be. The President said the other day that none of us could tell what a day would bring forth, and some people applauded that. They forgot that somebody said that several thousand years ago, and it was as true then and always has been as it is now. No doubt, my friend from Texas [Mr. DAVIS], who quoted the Bible in referring to me the other day, might be able to give us the exact place in Holy Writ at which I will find that. Of course we do not know what a day will bring forth. My dear friend, we may have an invasion from Mars. A few years ago there run through the magazines of the country the most lurid, frightful, and apparently plausible tale of overthrow that you ever read, and it was from Mars. Now, why did not we proceed forthwith to prepare against that invasion from Mars?

Mr. QUIN. Mr. Chairman, will the gentleman yield?

Mr. MONDELL. Yes.

Mr. QUIN. Understand, I felt about this matter just like you do, but since the President has told the people of all these dangers, I think we ought to prepare.

Mr. MONDELL. But the President has not told us of dangers. He has merely talked cryptically and suggestively of dangers. Whenever he has talked clearly, he has told us there were no impending dangers.

Mr. QUIN. I changed my mind about it. I believe what he said.

Mr. MONDELL. The gentleman is very easily persuaded. [Laughter.] That is all I can say about that; and the President has not told us a blooming thing, with all due deference to the President. He has taken pains to tell us that we are not in imminent danger. He simply tried to put a scare in timid folks—I never before thought my friend from Mississippi was one of that sort—by saying that he did not know what a day will bring forth. Of course he does not. I know what a few months will bring forth politically. [Laughter on the Republican side.] But we do not, any of us, know what a few days or one day will any more than the President. The President says the world is on fire over yonder and that sparks are flying. If that is so, why does he not call out the fire department? [Laughter.] Why is he proposing to organize some fire companies and build some fire houses next year or a few years from now? That will not save us from these sparks.

Mr. QUIN. But he is trying to organize the fire department to put that fire out when it does come to us.

Mr. MONDELL. Did you ever hear about the fellow they told about in the old jingle? I have forgotten the way it runs, but he bought a clock and he wound it every day for 40 years and at the end of 40 years found out that it was an 8-day clock and that all his time had gone for nothing. Yes; it might be well to organize against the invasion from Mars that we read about a few years ago in the magazines. Nobody thought of doing it, because we were mostly sane then. It was just about as probable as anything we have to fear to-day in the way of invasion. If the gentleman from Mississippi [Mr. QUIN] will quietly retire to some place where he is entirely free from the contaminating influences of the miasma of militarism that is spreading abroad through the land, he will realize that is true now just as he realized it was true before—well, before the President persuaded him without saying much of anything. [Laughter.] The President and the Secretary of War split on what? On what is one of the most menacing features of this entire hysteria, the continental army, the continental army that nobody expects will be a success; that most everyone has admitted would fail, because the boys would not volunteer. Back of it stands the sinister figure of conscription, the conscription that must come or they believe would come if we were to start that kind of an army when the volunteers failed to come to the standards. They are sugar-coating conscription by calling it "universal service," and they are trying to make it palatable by likening it to the Swiss system, a system under which men, surrounded by the bristling bayonets of militarism, must and do give their time to the service of their country without pay. Do you think that American youths will do anything of that kind in time of peace? If you do, you know a different class of American youth than I am acquainted with.

Mr. QUIN. Mr. Chairman, will the gentleman yield there?

Mr. MONDELL. Back of your continental army is conscription, enrollment, espionage, passports, a Federal officer standing at your shoulder wanting to know where you are going every time you get on a railroad train, compelling you to register every time you move from one part of the country to another—a system under which you will have all of the lovely conditions of repression and oppression which you have been inveighing against and condemning in every Fourth of July speech you ever made since you were old enough to make a Fourth of July speech.

Mr. QUIN. I think you are exactly right on that proposition about a continental army. Our committee has not found anybody that knows who is its parent. The President never has advocated the continental army.

Mr. MONDELL. The gentleman has forgotten that the continental army is a part of the program proposed by the President in his message to this Congress. The gentleman can make a perfectly good speech, I know, but my time is limited. I am willing for the gentleman to ask a question, but I do not wish him to excuse himself for his position in my time. [Laughter.] The gentleman has powerful influences behind him, a large part of the wealth of the Nation, the metropolitan press, and he need not worry. Why, all he has to do is to play safety first. [Applause.] You can tell them you are following your President.

Mr. QUIN. That is right.

Mr. MONDELL. He can also point to gentlemen on the opposite side who take the same view. Those of us who do not follow and hang to the coat tails of Presidents and ex-Presidents, who still think as we did years ago, it is up to us to defend the faith that is in us and give the reasons for it. We still believe that this Nation, as a free Republic, can only live, flourish, and retain its principles by keeping free from great military establishments. That is our view. [Applause.]

The President, I hope, sees the shadow of conscription behind the continental army, and therefore he is unwilling to insist upon it. This, I hope, means the first break in the ranks of those who have been advocating all these things so foreign to our beliefs heretofore. All these things we have preached against and prayed against since we can remember. If there was ever a time when this people could safely continue its attitude of reasonable military establishment, a time when it was its duty to keep away from all plans and propagandas of enormous military equipment and enterprises, it is to-day: To-day, when Europe is sick and weary of war; to-day, when there is not a nation in Europe but what would conclude peace under almost any terms that would not be absolutely dishonorable and humiliating; a time when the air is full of rumors of offers of separate peace to Belgium; a time when the conqueror is sick of his conquest, tired, weary, willing to rehabilitate that people without requiring indemnity or retaining a fragment of sovereignty; this very day, when every warring nation in the world is thinking and hoping and praying for peace and would make peace if honors were more nearly even. In such a time as this, in this great Republic—whose influence is still great, notwithstanding our lack of vast military establishments, as shown by the deference paid us in our negotiations with all the nations of the world—it behooves us to be calm. This day, when the proudest military nation on earth is endeavoring to adjust her warfare to our views; this day, when the mistress of the seas is seeking for conditions under which she may allow our ships to plow the seas unmolested if she can do so without giving up what she considers her strongest weapon against the foe, is a time to be self-possessed. In these days, when we are approaching the time when weary, exhausted, war-sick nations of the world shall gather around the council tables to shape the conditions of peace, this is the time, as the President said to us a year ago from this very platform, to keep cool and continue on our way as a peaceful people, refusing to be carried off our feet by the hysteria of foolish and groundless fears into support of the plans of enormous military and naval establishments which have grown out of the desire of great corporations to continue and increase their profits and the influences they have been able to exert on well-meaning but misinformed and timid people. [Applause.]

Mr. STEENERSON. Mr. Chairman, I yield 15 minutes to the gentleman from Iowa [Mr. DOWELL].

Mr. DOWELL. Mr. Chairman, this bill provides for an appropriation for the Rural Free Delivery Service in the Post Office Department in an amount sufficient to give adequate and efficient service in this department.

At the beginning of the present Congress I introduced a resolution which had for its purpose the securing of facts upon which to base legislation affecting the recent changes in the Rural Service made by the Post Office Department. The ultimate object being to correct the errors of the department in its plan for reorganization of the rural-route system.

Prior to the recent reorganization of this department, so far as I have been able to learn, there was but little or no criticism of this service, and, judging from this fact, we must conclude that there was general satisfaction among the patrons of the rural routes.

In the State of Iowa these changes made by the department have very materially crippled the service—I might say have demoralized the Rural Free Delivery Service—and the patrons of these rural routes have made many and numerous complaints because of these changes. In the district I have the honor to represent the patrons of these routes have petitioned and appealed to me for relief. Believing that these petitions would receive favorable consideration at the hands of the postal department, I have presented them, calling the attention of the department to these complaints, but as yet I have been unable to receive from the department any consideration of these petitions and protests.

My first objection to these changes by the department is because, I believe, the changes were made without proper consideration of the subject and without proper information upon which to base these changes. When these rural routes were established by Congress some years ago I am advised it was the universal rule that the proposed routes were first examined and inspected by a competent person, and the routes were fixed and based upon the facts obtained by this inspection. The recent changes were made by the department, as I am informed, without even an inspection of the routes, and, as heretofore stated, without proper knowledge and information by the department of the facts and conditions in the territory where these routes were located.

Mr. MOON. Will the gentleman advise us who informed him?

Mr. DOWELL. The people living on the routes who have received their mail.

The CHAIRMAN. Does the gentleman from Iowa yield?

Mr. DOWELL. I do not desire to yield, for I have just a few minutes of time.

The CHAIRMAN. The gentleman declines to yield.

Mr. DOWELL. Before any changes were made by the department in this system, a careful inspection should have been made, and all of the facts should have been in the hands of the department. I am firm in the belief that if this had been done that many of the changes made by the department would not have been made. In other words, I can but believe that these changes were made without many of these facts, and without a proper consideration of these facts, and that by reason thereof the patrons of these routes were not fairly treated by this change, and they have thus been deprived of a splendid service which they had been receiving for many years before the changes were made.

In the State of Iowa we have a rich black soil. Many of our roads are dirt roads, and are composed of the same black soil. The moisture and the rain which nature has provided, and which is necessary for the bounteous crops raised in this State, cause the roads at certain times to become softened and heavy and not always easy of travel. During these times some of these roads are almost, if not quite, impassable by automobiles, and are heavy and difficult of travel by horse and wagon. My contention is, and I believe it is not a subject of controversy, that in making changes and mapping out these routes consideration must be given to all these conditions, and no system will be satisfactory which does not take into account all these facts and conditions.

It may be conceded that in sections where they have all hard-surfaced roads the Rural Mail Service can be carried on practically the same in all seasons of the year and in almost all kinds of weather, and when the time comes, if it does come, that all of our roads are hard surfaced, it may be an easy matter for a clerk in the department at Washington to sit in his office and make maps and blue prints fixing the rural routes of the country, and he may be able to measure them with some assurances of reasonable accuracy.

Every man of experience knows that under the conditions now existing in many of the States of the Union if a daily delivery of mails is to be had the length of the route must depend upon the condition of the elements, the condition of the soil, and the roads, and the condition of the hills, lowlands, and streams. No rural route should have been established or reestablished without all these things being taken into consideration. This, as I understand, was not done in the reestablishment of these routes.

In the State of Iowa, and in many of the States where the conditions are similar to the conditions in Iowa, automobile rural routes have been established, and the routes have been lengthened from approximately 24 miles to something like 50 miles or more. The routes which have not been changed to automobile rural routes have been lengthened and extended, many of them from approximately 24 miles to approximately 30 miles.

The petitions signed by a great number of farmers and business men clearly show that, because of the conditions and facts set forth in these petitions, the changing and reestablishing of the rural routes has greatly demoralized the service, and they believe it is impossible under the conditions to give them the daily mail service they have enjoyed for many years. These petitions specifically state what these facts and conditions are, and refer to the condition of the elements, the roads, the hills, lowlands, and overflowing of streams, and they should have received a fair consideration at the hands of the department.

I am calling your attention to this, gentlemen, that you may understand why many protests have been made to the department by the people of this section on account of these routes having been lengthened and extended. My contention is that under the existing conditions, as shown by these protests, during a part of the time at least, it is impossible to make the automobile routes. It is also impossible to make some of the other rural routes, where they have been extended beyond the limit a horse may travel on a heavy road. The result which must inevitably follow is that the farmers will not receive the daily delivery of their mail, as they have the right to receive it, and as it was the intention of Congress they should receive it when these rural routes were established.

It is the contention of the department, I believe, that these changes have been made in the interest of economy. I am glad to know that at least one department of this administration has given some thought to the question of economy. I am ready to join with the department wherever it may be done in an economical administration of the affairs of the department without injury to the service, but I will not join in any plan, under whatever name, and I must emphatically protest against any plan, which deprives the farmers of the country of a satisfactory and efficient free delivery service. These rural routes were established by Congress because of a demand by the people for this service, which service has not only permitted them to receive their daily mail, but to transact much of their business through the mails, and the business men and farmers alike are interested in maintaning this service.

Since this reorganization these protests have continued, and there is general dissatisfaction with the service. In other words, the service since the reorganization is just what the petitioners claimed it would be, inadequate and inefficient. With these petitions and protests on file, just why a great department of this Government should have continued in this blundering way to destroy a satisfactory service is unexplainable.

The Committee on the Post Office and Post Roads, since the convening of Congress, has conducted hearings on this bill, some of them relating to the subject of rural service, and, together with others, I have presented such facts as I was able before this committee on this question, and the committee has received and compiled a great deal of evidence on this subject.

I notice from the report of the committee recommending this bill that the committee recognizes this blunder by the department in its so-called reorganization service. I quote from this report as follows:

> The increase of recommendations by the committee over the estimate of the department is due largely to the fact that the committee was not content with the appropriation of $48,500,000 for the maintenance and extension of the Rural Delivery Service, and increased the amount to $53,000,000 the same as occurred in the appropriation for 1916.

While the committee has not in specific terms recommended the restoration of the former service, we can readily understand from this report that the committee has recognized the reorganization plan as a complete failure.

The principal question is one of efficiency of service. The farmer is entitled to receive his mail at his door daily just the same as though he lived in the city and on the carrier's route of that city. This question has been settled and has been the policy of this Government and has been in operation for many years, and it is not now a subject for controversy. The question then arises, Has the present reorganization affected or materially injured this service? Everyone who reads the protests filed with the department, it seems to me, must know that the efficiency of this service has been greatly impaired by this so-called reorganization.

I want to call your attention briefly to some of the petitions and protests received relative to these changes:

> ACKWORTH, IOWA, *October 20, 1915.*
>
> We, the undersigned patrons of rural route No. 2, from Ackworth, in Warren County, Iowa, respectfully petition your honorable department that you leave the rural routes from Ackworth as they are now located and operated, and that the change contemplated by your department, to go into effect November 1, 1915, be not made, and for the following reasons:
>
> 1. That the proposed change and discontinuance of one of the routes will take the remaining carrier in a great many places from the main roads.
>
> 2. The proposed change will miss a large number of families now reached by the carriers and compel a number of families to go from 1 to 1½ miles for their mail.
>
> 3. The proposed route will take the carrier on byways in several places instead of on the main roads.
>
> 4. That it will often be practically impossible for carrier under the proposed change, considering conditions of the roads, to make the route.
>
> 5. That it is impossible in Iowa to successfully run in a motor vehicle.
>
> 6. That a considerable portion of the proposed route is over clay hills.
>
> 7. That only a small portion of the proposed route is over what is known as the county road system, and for that reason is not worked and kept in as good condition for travel as the county system.
>
> (Signed by about 160 persons.)

—

> ACKWORTH, IOWA,
> *November 25, 1915.*
>
> To the FOURTH ASSISTANT POSTMASTER GENERAL,
> *Washington, D. C.*
>
> DEAR SIR: We, the patrons of R. D. No. 1, before the change on November 1, 1915, respectfully ask the department to arrange route No. 1 to go, commencing at center of west half section 19 and go east irregular to center of section 21, then north one-half mile, north and west irregular, then north to center of west line of section 16, then north and regular on old route. Commencing three-fourths of a mile west of Sandyville at near west line of section 21, then south one-half mile, west one-fourth, then south 1½ miles to center of east line of section 32, then 1 mile west to center of west line of section 32, then regular on old route.

This will give us earlier mail by our former carrier of Ackworth, as this is a good road and in good condition.

The parts marked out on map are very hilly byways; road is in bad condition and neglected.

It is impossible for the carrier to get over with car in wet times. But very little work is being done; some has not had any work for several years.

Only one patron takes daily paper, and only three boxes on the 2 miles from east line of section 19 south to west line of section 32.

The patrons farthest off the county road are three-fourths of a mile. The map will show the changes asked for, which will place more patrons on route.

The crossing on river at center of section 17 is in an impassable condition at present. In times of high water can not be crossed for several days—sometimes for a week or more.

(Signed by about 15 persons.)

—

ORILLIA, *November 3, 1915.*

Hon. C. C. DOWELL,
*Des Moines, Iowa:*

We have before us letter from J. K. Pickett, Acting Fourth Assistant Postmaster General, in reply to your letter concerning the petition from Orillia and Cummings, protesting against the change in the rural routes in the above-named places.

In Mr. Pickett's reply he gives us no satisfaction, and seems to know more about our requirements than we do ourselves. We still insist that this change is an act of injustice, and we would like to know wherein the department think they are bettering the service. We know the conditions of the roads here, know the number of patrons that are going to be greatly inconvenienced, and would be glad of the opportunity to show an inspector over the routes, that he might see conditions as they actually exist.

Mr. Pickett places special emphasis on economy, regardless of service. In this case we are paying for service and getting none. We expect to fight this to a finish, and insist that an inspector go over the routes.

(Signed by committee of five.)

—

ORILLIA, *October 15, 1915.*

We, the undersigned patrons of rural free delivery No. 1 from post office at Orillia, have been informed that the postmaster at Orillia has been notified by the department to discontinue the above-mentioned route on October 31, 1915. This is not satisfactory to us, and we consider it an act of injustice.

Whereas this above-mentioned route has been established for a number of years; in fact, it is one of the oldest routes in this section of the country, it being very favorably located, and covers a circuit on all sides of the office of about an equal distance in all directions. Under the proposed route starting from Cummings there will be 35 families that will not be satisfactorily served; and

Whereas under the present route now existing from Orillia post office these are all being served direct; and

Whereas the undersigned patrons of the above said route consider it an injustice, and that we are justified in making a demand that our present route be left as it now is, with one exception, and that you may add to it if the department so desires. We therefore appeal to you as our Representative to take this matter up with the department in our behalf, and expect favorable returns.

(Signed by about 150 persons.)

—

ORILLIA, IOWA, *December 29, 1915.*

Hon. C. C. DOWELL,
*Des Moines, Iowa.*

DEAR SIR: We acknowledge receipt of your letter of November 22 inclosing a letter from the Acting Fourth Assistant Postmaster General in reply to our second letter to you protesting against the action of the department in discontinuing the route from Orillia.

We have carefully read Mr. Pickett's letter and we fail to find any justification in claims made by him. He said the revision was made in order to suspend any unnecessary travel. Our answer to this is that not one foot of unnecessary travel was made by our carrier. He further says, without impairing the service of the patrons. If the department had this in view, they were simply undertaking an impossibility. Our proof of this is the condition now existing since they have put into effect the so-called revision, as we stated in our first letter, that the proposed route would greatly inconvenience the patrons, and we now say that it certainly has. In fact, it has deprived them of service altogether. Next, he says by the savings made by this so-called revision he can extend service to those who had none. But why deprive one man to serve another? We believe the farmers are entitled to have their mail delivered to their doors at least once a day in this change of service from Orillia to Cummings, and the weather and roads will be in a condition that he can cover all of his route all the time; they will not get this once-a-day delivery. At this time the road conditions are ideal and he does not get in in time for the mail to go out on the evening train, so his collection must be held over until the next day. One day since the change it rained and the carrier had to stay overnight 10 miles out in the country. The next day he cut out about half of the Orillia route. This is no fault of the carrier, he simply has a route that can not be covered in bad weather. Mr. Pickett says no injustice was intended to the patrons of Orillia, neither does he believe any was imposed by the change made. How he can make this claim is more than we can understand, for he is making a claim that is absolutely wrong, and we believe he is smart enough to know this, at least he ought to be, holding the position he now does. Where a number were receiving their mail at their door and are now cut out entirely, Mr. Pickett says that the department is anxious to know of the localities where service is actually needed. When you get to Washington just tell them that they need look no further than Orillia, and now, Mr. DOWELL, we know that we are justified in making the complaint; it is an injustice and unreasonable, and as we have said before, we are all up in arms and expect to fight to the last ditch. We believe that you are doing all that you can and thank you for same, and hope and believe that you will continue to do so after reaching Washington. Just say to the fellows down there that the farmers out here in Iowa think we know just as much about roads and weather conditions, and what a mail carrier can do and what he can not do, and what we are entitled to, as some clerk sitting in a warm office up at Washington; also say to them that there is another election coming and all parties are thoroughly disgusted with the radical mail change, and if we do not get what we need and ought to have now, we will after election. Thanking you again for your kind and valuable service.

Respectfully,

(Signed by a committee of three.)

—

NORWALK, IOWA, *October 20, 1915.*

We, the undersigned patrons of rural route No. 1 of Norwalk, have been informed that the Post Office Department has decided to consolidate the three routes of this place into two and a part of same into the Indianola, Iowa, route.

We would like for you to use your utmost influence in maintaining the present routes out of Norwalk, Iowa, just as they are, and give for a reason the following, and there is a number of other reasons not mentioned herein.

Route No. 1, for reasons is as follows: Do not want mail from Indianola, for the reason of poor roads, too far from post office, and not the trading point of any, or at least of a very few of the patrons of the route, and also the route would be too long for good service, as we believe.

(Signed by about 75 persons.)

—

NORWALK, IOWA, *October 20, 1915.*

We, the undersigned patrons of route No. 2 out of the town of Norwalk, hereby petition you to use your utmost influence in maintaining the above route out of Norwalk, Iowa, just as it now is, and give for our reasons, as follows.

We do not consider a change would give us good service, as we are now getting, and for a further reason it would so change matters that the patrons would be too far from their post office, and for a further reason the patrons would be getting their mail from a town not their trading point, which is very objectionable.

We earnestly solicit you to do all within your power to assist us in maintaining the above route just as we now have it, and feel and know that it is to the best interest of the patrons of the route.

We trust that you will not allow any time to be lost in seeing that we have that which we are entitled to in this matter, and that our present service is maintained.

(Signed by about 100 names.)

(Norwalk—Route No. 3.—The same petition was received, signed by about 100 persons.)

—

MILO, IOWA, *December 6, 1915.*

Hon. CASSIUS C. DOWELL,
*Member Congress, Seventh District of Iowa:*

Owing to the dissatisfaction of the former patrons of rural free-delivery mail service out of Milo, Iowa, we take this method of expressing to you our regret over the recent changes which were effective November 1, 1915.

We do, therefore, petition the United States Congress at Washington, D. C., through you, our Representative, to use all reasonable means to cause the said former rural free-delivery service at this place to be re-established and reinstate Lewis Daugherty to his position as carrier on route No. 1.

Also place James W. Estes on route 2 and Eugene Richmond on route 3, their respective routes.

(Signed by about 110 persons.)

—

MILO, IOWA, *December 6, 1915.*

Hon. C. C. DOWELL, M. C.,
*Seventh District, Iowa.*

DEAR SIR: Find inclosed herewith a petition praying for an act of Congress to revise the present rural-mail system which is going into effect in the State of Iowa. With the kind of roads—dirt roads I mean—we have in this country, no mail route should be more than 25 miles, and still better cut them to 20 miles. Reduce the carrier's salary to $800 or $900 per annum, and thereby give the rural district better mail all the year. Our carrier here can cover a 30-mile route on dry smooth roads, but he has to keep more horses and can't give as good service.

Talk about economizing if you must, but don't undertake to do it by weakening the Rural Mail Service. The farmer would not object to paying a higher rate on post-office mail matter, because he realizes that this class of mail is handled too cheaply. He doesn't care so much for the price, but he wants his mail every day regularly, and the only way to accomplish this is to shorten the routes.

If you want to see a man go in the air—to use slang phrase—just tell him his mail route has been changed so that he will be served from another post office than the one where he does his banking and other business. Just think of taking away from a family a thing that they have learned to believe to be their privilege, of having their mail delivered to them right at their door from what they consider their own town.

We have families living as far as 5 miles out that when the recent change went into effect they told us to keep their mail in the office and we will call for it, we don't want our mail to come to Lacona. Some have taken boxes, and others are going to drop their daily papers on account that they are 24 hours old when received.

There are so many arguments against recent changes and in favor of shorter routes that it would take a great deal of time to cover the whole ground in connection with the matter.

It is being claimed that there is no discrimination against certain towns and post offices. Take, for instance, the town of Milo, Iowa, which had prior to the recent change only three rural routes, and the little town of Lacona had five; now Lacona still retains her number and acquired 8 to 9 miles of Milo's most valuable territory, and Milo lost one route, leaving two, to Lacona five. Milo is located in and surrounded by a nice level country, while Lacona is located in and surrounded by a rough hilly country.

One Lacona route comes within 3 miles of Milo on one side and Indianola 11 miles on the west side. If that doesn't place this office back in the fourth class it will be very strange.

The postmaster in Des Moines claims that these recent changes are a fine thing and everything will be all right as soon as we learn to take our medicine. (I don't know who told him to make the statement.) He also thinks that the country postmasters are responsible, because they recommended the change. Well, there is one that did not. Most emphatically no.

Whatever you do, work for the shorter route, and all the proposed changes should be thoroughly investigated before being ordered.

Very truly, yours,

W. B. DURHAM,
*Postmaster.*

—

TRURO, IOWA, *December 28, 1915.*

We, the citizens of Truro and surrounding vicinity, very much regret and protest against the rerouting of the rural mail system.

One route has been discontinued. A route coming through our town from the north and others from the west carry our heaviest mail to other towns. The routes are lengthened so that it is impossible to get good service. We feel that it is an injustice to the rural community surrounding Truro.

Therefore we petition you to use your influence to have it reconsidered and rerouted so that it will best serve the patrons of our town and county.

(Signed by about 300 persons.)

—

WAUKEE, IOWA, *October 1, 1915.*

Hon. C. C. DOWELL,
*Seventh Congressional District, Washington, D. C.*

HONORABLE SIR: We, the undersigned patrons of rural route No. 2, being now served from the Waukee post office, learning that the said route is to be so changed as to be served from the Adel post office, respectfully ask that, if possible, you consider our objections to the said change for the following reasons:

First. A majority of us are much closer to Waukee, do our banking and general trading there, and often find it very convenient at times to call at the Waukee post office for our mail, when in town, which is often of considerable importance.

Second. Most of us now have our mail delivered in boxes at our farms, whereas if the contemplated change is made in route some of us would have to go from one-fourth to one-half mile to some corner or crossroads for our mail.

Third. In case of storms or impassable roads or other causes where carrier is unable to make the route, many of us could go to Waukee and get our mail, whereas the distance to Adel is such that we could not do so.

Fourth. Coon River would be between the proposed route and Adel, which, in case of high water, would make it impossible for vehicles to cross the bottom for days at a time, as it has been in the past.

(Signed by about 75 persons.)

—

WAUKEE, IOWA, *October 1, 1915.*

Hon. C. C. DOWELL.

DEAR SIR: In offering this petition for your consideration, we would emphasize objection 4 in petition relative to the Coon River, which again rose at Adel to such height as to make it dangerous and almost impassable, since we started this petition.

We have about seven-eighths of the patrons of route No. 2 attached to this petition. Those that did not sign it admit they get no better service, but do their banking and trading at Adel.

Hoping this will receive your favorable consideration,

Yours, respectfully,

JOHN LEWELLYN.

—

DALLAS CENTER, IOWA, *October 5, 1915.*

To the honorable POSTMASTER GENERAL,
*Washington, D. C.:*

We, the Panther Cooperative Association of Patrons of Route No. 3, out of Dallas Center, hereby protest against the change that is to be made cutting us off from the Dallas Center post office and attaching us to Adel.

There has been expended over $5,000 on the route between Panther, Iowa, and Dallas Center, and we believe that this route is much better than the proposed route from Adel.

The proposed route from Adel, passing over many byroads where in wintertime the roads are impassable, and we are afraid much of the time we will be unable to get our mail over the proposed new road from Adel to Panther store.

Respectfully,

(Signed by about 35 persons.)

—

ANKENY, IOWA, *October 29, 1915.*

Hon. C. C. DOWELL,
*Congressman from Seventh District of Iowa—Des Moines.*

DEAR SIR: We, the undersigned, being patrons of Rural Delivery Routes Nos. 1 and 2, out of Ankeny, Polk County, Iowa, do hereby most respectfully and emphatically protest against the proposed consolidation of these two routes, and the proposal to carry the mail over said proposed consolidated route by automobile. Our objection to this consolidation is based on the fact that during a large part of the winter months and during the rainy season of the spring it will be impossible, owing to the condition of the roads, for the carrier to make his trip with an automobile over this route with any degree of regularity, thereby delaying our mail service and at times discontinuing it altogether. We would further call your attention to the fact that owing to the length of this proposed consolidated route, it would be impossible for a carrier to make the trip in a day by means of horses. We therefore are asking you to use your influence against this proposed change and to present this protest to the proper authorities at Washington.

(Petition for Route No. 2 same as above.)

(Route No. 1, signed by about 50 persons; Route No. 2, signed by about 180 persons.)

—

INDIANOLA, IOWA, *October 25, 1915.*

Hon. CASSIUS C. DOWELL:

We, the undersigned patrons of rural route No. 4, Indianola, Iowa, having been informed that a change in schedule of that rural mail route will take effect November 1, 1915, and that the route, when changed, will either cut off or impair greatly the satisfactory mail delivery service which we have enjoyed for 14 years, respectfully ask you to take up the subject with the rural-service division of the Post Office Department and request them to allow the route to continue on the old schedule. Except go west 80 rods on south line of section 6, then north one-half mile, then east one-quarter mile to old schedule.

(Signed by about 40 persons.)

NEW VIRGINIA, IOWA, *October 30, 1915.*

Hon. CASSIUS C. DOWELL,
*Des Moines, Iowa.*

DEAR SIR: I wish to enter a protest against the change that has been made in our rural delivery service. And I voice the sentiment of the people in general in this country. The routes have been lengthened, making it impossible for the carriers to make the rounds in bad weather. You know the condition of the Warren County roads in bad weather. And I trust you will use your influence to have a change made in the near future that will give us better service.

Yours, very truly,

HARLOW MILLS.

—

PATTERSON, IOWA, *November 9, 1915.*

FOURTH ASSISTANT POSTMASTER GENERAL,
*Washington, D. C.*

DEAR SIR: We the undersigned are now patrons of the Patterson post office, and we are writing you a protest against being put on the Winterset routes on December 1, 1915. We do our trading here at Patterson and come here, the majority of us, almost daily and can get our mail when here, and we seldom go to Winterset.

(Signed by about 30 persons.)

—

PATTERSON, IOWA, *November 9, 1915.*

FOURTH ASSISTANT POSTMASTER GENERAL,
*Division of Rural Mails, Washington, D. C.*

DEAR SIR: We the undersigned are now patrons of the Winterset and St. Charles post offices, and we petition your honorable body to permit us to receive our mail from the post office at Patterson, Iowa.

(Signed by about 20 persons.)

WOODWARD, IOWA, *December 29, 1915.*

—

Hon. CASSIUS C. DOWELL,
*Representative from the Seventh Congressional District,*
*Des Moines, Iowa:*

We the undersigned patrons of rural route No. 2, Woodward, Iowa, some months ago petitioned the Postmaster General for a change in part of the route of carrier No. 2, from Woodward, by which said carrier would, by leaving the present route at the middle of the west line of section 36 and going in either direction around section 1, Des Moines Township, Dallas County, Iowa, and the south half of section 36, Peoples Township, Boone County, Iowa, give 12 families front-door mail service, which families at present are one-quarter to three-quarters of a mile from their mail boxes.

We feel that in rejecting our petition the Postmaster General did not fully understand the merits of our petition, and feel that if this is awarded us we are receiving only what we are fairly entitled to.

We desire your earnest support and assistance in this matter.

(Signed by 12 persons.)

—

COLO SAVINGS BANK,
COLO, IOWA, *February 5, 1916.*

Hon. C. C. DOWELL,
*Washington, D. C.*

DEAR SIR: At the request of Mr. J. D. Lounsberry, one of our farmer friends, who circulated the inclosed petition, we are forwarding same to you. This petition is signed by representative farmers and business men of this community, the larger part of the signers being farmers who are affected by the change in mail service. I can assure you that there is genuine dissatisfaction with the change in mail routes at this point, and anything you may do to help relieve the situation will be appreciated by the patrons here.

Yours, very truly,

C. W. YEAGER, *Cashier.*

—

COLO, IOWA, *February 5, 1916.*

Hon. C. C. DOWELL,
*Washington, D. C.*

DEAR SIR: We, the undersigned voters of Story County, patrons of the Colo, Iowa, post office, and business men of the town of Colo, respectfully request that you use your influence to have the Postmaster General reconsider his order to abandon one rural route out of Colo, Iowa.

Considerable time and money have been spent to get the route roads in good condition, a number of patrons of the office and customers of the town are forced to get their mail elsewhere, making it inconvenient for the patron as well as being a detriment to the town. The rural mail service from Colo was entirely satisfactory prior to the change, but under the new arrangement many patrons who have received their mail from the Colo office for years, living close to Colo, are compelled to get their mail on the Nevada routes or not have their mail delivered. Many are refusing to have their address changed on account of doing all their other business in Colo, and call for their mail at the office. Under these circumstances the new arrangement is found unsatisfactory and we herein voice our urgent protest against the change.

(About 225 persons.)

These protests have all been filed with the Post Office Department, and, so far as I know, have resulted in no changes by the department from the original plan. These protests are not made without cause. Neither are they made because of any disposition on the part of the signers to criticize or object to an economical administration of the affairs of this department. But they are made because of an honest belief, and because of evidence upon which to base this belief, that they can not and will not receive efficient service under the present change of the rural routes.

In addition to the complaints I have referred to, which are conclusive in showing the absolute failure of this reorganization plan, there is one other distinct protest which applies to many of the changes made by the department. I refer to the arbitrary change by the department of the post office address of many patrons of these routes. To illustrate, one town in my district had but one rural route of about 24 miles in length, which circled about the little town. The recent change by the

department took this route from this little town and transferred it to a town some miles away, thus changing the post-office address of the citizens living about the town.

Mr. STEENERSON. Will the gentleman yield?

Mr. DOWELL. I only have just a few moments.

Mr. STEENERSON. I will give the gentleman more time.

Mr. DOWELL. Certainly.

Mr. STEENERSON. I want to know the name of the town?

Mr. DOWELL. The town is Orillia, Iowa. I want to say to the gentleman there are a number of places in the district I have the honor to represent where the post-office address of persons has been changed from the town near which they live—sometimes at the very edge of the town—to one some miles away.

Under similar circumstances, this change of post-office address has occurred in many places, as is shown in these petitions and protests. And these citizens are not permitted to get their mail from the town or village they are contributing to build up and support.

It is the numerous communities which make up this great Republic of ours, and it should be the aim and purpose of every department of the Government to cultivate and encourage the building up and improvement of these communities.

The taking away of the rural route from these communities and the changing of the post-office address to a city or town many miles away has a tendency to destroy the community interest, and the people have the right to protest against any system or plan which has a tendency to destroy this community interest. And they have the right to protest against the arbitrary change of their post-office address from the town they are helping to build up and improve. Every individual, I believe, is and ought to be loyal to his own community, and I am proud to know that these petitions and protests maintain this loyalty.

In conclusion let me say that the farmers have the right to insist that the Post Office Department in fixing these routes give to them the same consideration that is given to the merchant or the man living in the city. This is all they ask, and this they are entitled to receive. And I maintain that a fair consideration of these petitions and protests and the facts presented therein will restore the rural routes to where they were prior to the present change and will restore to them a good and satisfactory service. [Applause.]

Mr. Chairman, I desire to ask permission to extend my remarks in the RECORD and to print therein the petitions to which I referred.

The CHAIRMAN. Is there objection to the request of the gentleman from Iowa? [After a pause.] The Chair hears none.

Mr. MOON. Mr. Chairman, I sympathize with those gentlemen who are troubled by their constituents about routes; but, as I remarked a while ago, gentlemen ought to be patient about these changes. The gentleman from Iowa [Mr. DOWELL] knows that there are many thousands of routes in the United States, and that there has been an adjustment of seven or eight thousand of those routes in the interest of the public, as the department believes, and a saving of an amount of money that enables the administration to say that rural routes can be conducted for four and a half million dollars less than heretofore. But the committee are not willing to make a reduction in this service. They have not done so. We fix the sum at $53,000,000. The gentleman ought to know that with all of these routes that the readjustment can not be made in every State at once. He is complaining of Iowa. Let us see what the facts say about that State. Here is a statement showing by States the extension of the rural route service from March 1, 1913, to November 8, 1915, and the discontinuance and curtailment of routes:

| Office. | Route. | Old length. | New length. | Date effective. |
|---|---|---|---|---|
| Albia | 1 | 22.78 | 25.81 | Aug. 1,1915 |
| Do | 4 | 23.40 | 24.80 | June 16,1914 |
| Atalissa | 1 | 22.75 | 29.75 | May 16,1915 |
| Do | 2 | 22.07 | 22.325 | Nov. 1,1914 |
| Auburn | 2 | 24.75 | 25.75 | Oct 16,1914 |
| Blockton | 3 | 24.19 | 24.69 | Nov 16,1914 |
| Bode | 2 | 26.00 | 27.00 | Oct. 16,1914 |
| Britt | 1 | 26.25 | 29.25 | Sept. 1,1915 |
| Danville | 1 | 24.50 | 27.00 | May 16,1915 |
| Do | 3 | 24.25 | 28⅝ | Do. |
| Des Moines | 3 | 24.25 | 24.75 | Oct. 1,1914 |
| Dows | 4 | 26⅜ | 28⅜ | July 16,1914 |
| Earlham | 4 | 26⅜ | 27.75 | Apr. 1,1915 |
| Elliott | 1 | 28.50 | 30.50 | Jan. 1,1915 |
| Emmetsburg | 1 | 25.25 | 27.25 | Dec. 4,1915 |
| Fairfax | 1 | 24.00 | 25.00 | June 16,1913 |
| Fairfield | 5 | 25.285 | 25.405 | May 1,1913 |
| Forest City | 2 | 26.00 | 26.25 | Mar. 16,1913 |
| Graettinger | 1 | 20.50 | 22.50 | Aug. 16,1914 |
| Grinnell | 2 | 25.00 | 27.00 | Mar. 16,1913 |
| Griswold | 2 | 25.00 | 26.25 | Jan. 1,1915 |
| Guthrie Center | 3 | 26.25 | 26.75 | June 16,1913 |
| Hiteman | 1 | 23.18 | 24.28 | June 1,1913 |
| Humboldt | 5 | 22.25 | 22.50 | July 1,1914 |
| Imogene | 1 | 26.00 | 28⅛ | May 16,1915 |
| Do | 2 | 26.25 | 28.75 | Nov. 1,1915 |
| Independence | 3 | 26⅜ | 26.75 | Apr. 16,1914 |
| Do | 3 | 26.75 | 30.125 | June 16,1915 |
| Iowa City | 5 | 29.88 | 31.00 | Nov. 1,1915 |
| Do | 7 | 27.65 | 29.15 | Do. |
| Do | 8 | 25⅜ | 27.00 | June 1,1915 |
| Iowa Falls | 6 | 27.00 | 27⅛ | May 16,1913 |
| Janesville | 1 | 29.10 | 29.60 | July 1,1915 |
| Do | 2 | 25.75 | 26.75 | July 1,1913 |
| Jefferson | 3 | 24.00 | 29⅞ | June 16,1915 |
| Jesup | 2 | 25.50 | 26.50 | Nov. 16,1915 |
| Kellerton | 4 | 23.25 | 23.75 | Sept 1,1913 |
| Keokuk | 2 | 22.09 | 23.09 | May 16,1915 |
| Killduff | 1 | 28.50 | 29.25 | Oct. 16,1915 |
| Lake Mills | 1 | 23⅛ | 24⅛ | July 1,1913 |
| Lehigh | 1 | 24.50 | 25.50 | Jan. 1,1915 |
| Lenox | 1 | 27.75 | 29.75 | July 6,1915 |
| Lime Spring | 1 | 25⅛ | 26⅛ | Apr. 16,1914 |
| Lorimor | 2 | 23.46 | 23.496 | June 16,1915 |
| Lovilia | 2 | 16⅛ | 18⅛ | Apr. 1,1914 |
| McGregor | 3 | 23.75 | 30.25 | Nov. 16,1915 |
| Macksburg | 1 | 28⅛ | 28⅛ | Nov. 1,1914 |
| Do | 1 | 28.75 | 30.775 | Dec. 1,1915 |
| Maquoketa | 3 | 25⅛ | 29.00 | Do. |
| Do | 5 | 24.00 | 29.75 | Oct. 16,1915 |
| Do | 6 | 29.75 | 30.40 | Dec. 1,1915 |
| Marengo | 4 | 26.625 | 28.13 | July 1,1915 |
| Marue | 1 | 26.00 | 28.00 | Sept. 1,1915 |
| Do | 1 | 28.00 | 28.25 | Sept 16,1915 |

There is not a change of more than 5 miles in a particular route from any of these towns as reported by the department.

Mr. RAMSEYER. Will the gentleman yield?

Mr. MOON. Yes.

Mr. RAMSEYER. The report only brings it down to November 8. I would like to know why you stop at that date?

Mr. MOON. That was about the beginning of the time of this Congress. Reports could not have been made very much later.

Mr. RAMSEYER. In my district there were 16 routes discontinued and 63 extended, and nearly all of that was done since November 8.

Mr. MOON. Possibly that may be so. Now, as I said before, here is the readjustment after the beginning of this Congress. There is the letter from the department saying that they are proposing to readjust, not only once but twice, so as to make these matters entirely satisfactory to you. Do you think that all routes can be adjusted in five or six weeks? Gentlemen should learn some measure of patience about this matter.

Mr. RAMSEYER. Will the gentleman yield?

Mr. MOON. Yes.

Mr. RAMSEYER. Does the gentleman contend that a discontinuance or extension of a route can be made by following the maps in the office and without sending an inspector over the routes?

Mr. MOON. Of course, I do not contend that a route that has not been inspected could be so laid out by blue prints in the office, and the fact is that there has not such a thing been done, no matter what any gentleman says here. Those routes have, every one of them, been inspected time and again. It may be true that after the inspection was made and the diagram of that route made that some changes were made in it without a reinspection. That is perhaps the cause of complaint of some of you gentlemen.

Mr. DOWELL. Will the gentleman yield?

Mr. MOON. Oh, no; you would not yield to me a while ago. I would be glad to yield to you if you had yielded to me then.

Now, it would be impossible for the department to make all of these readjustments at once. Of course everybody is more or less dissatisfied with changes, or somebody is more or less dissatisfied with changes on routes. Now, if you gentlemen will go down to the department and file your complaint, as many of you have done, in due time an inspector will be sent there to ascertain whether you are correct in your contention or not, and if you are, the matter will be remedied, and if it requires a second inspection to do it that will also be granted.

You heard a letter from the Fourth Assistant Postmaster General read, in which he explained the manner in which the adjustment had been done in one congressional district in Michigan, and how entirely satisfactory it was, and how much money had been saved by reason of it. Now, that will occur with you all in due time. I do not blame you for talking here for home consumption on that matter, but we are transacting a little business in this House on that question, and you have to wait and have patience. You can not have this change all at once. These routes will be adjusted. You will be attended to in time.

Mr. RAMSEYER. I am not talking for home consumption; I am asking for information. We have 32 protests in the Post Office Department now, and I hope they will be around and inspect the routes. But I do know from information I have from my district that there has not been a single route inspected within a year.

Mr. MOON. It does not need it within a year. Does not the gentleman understand that an intelligent official does not have to inspect a route every year? There was an inspection made when the route was laid out, and there was another inspection when the route was put in, in order to readjust the trouble. Those routes are all inspected. Even if a part of them had been changed from the blue print, and it has brought trouble, that can be corrected by an inspection as soon as the inspectors can get to it, as the department says. When you explain these matters to your constituents I do not think you will be troubled further with it. I know you have done all you could, and if there is a complaint you have put it right.

Mr. RAMSEYER. Yes, sir; we have.

Mr. MOON. And the gentleman from Georgia [Mr. HOWARD] is in a little trouble the same as you have been in—maybe more trouble. But I am satisfied they are going to be treated exactly as they have been treated in Michigan, when they get to them.

Mr. HOWARD. It is true, as the gentleman says, there has been a good deal of trouble with the adjustment in the State of Georgia than in the States of these other gentlemen.

Mr. MOON. Georgia is the worst State as far as that is concerned. They have been raising so much corn and cotton on the old roads that they had to go through cotton fields there to establish a new route.

Mr. HOWARD. Yes, sir. They have had to pick cotton there in order to get through with the mails. [Laughter.]

Mr. MOON. And they were so anxious to make money on the cotton after the readjustment that they put the old roads into cotton fields.

Mr. HOWARD. There is no complaint on that. It is just the activity of the department to give efficient service.

Mr. RAMSEYER. Do I understand the gentleman to say there has been no complaint in the State of Georgia?

Mr. MOON. The gentleman did not understand me correctly. The gentleman from Georgia [Mr. HOWARD] has complained more than all of you put together.

Mr. RAMSEYER. I understood the gentleman from Georgia to say that Georgia had not complained.

Mr. MOON. Georgia has complained. All of you gentlemen will be looked after. Just be patient.

Mr. STEENERSON. Mr. Chairman, I yield 15 minutes to the gentleman from Massachusetts [Mr. GREENE].

Mr. GREENE of Massachusetts. Mr. Chairman, I propose to talk a little on the rural free delivery, and especially the rural free delivery in the district which I have the honor to represent. The first notice that was received of any change in the rural delivery in the district came on the 22d day of November, when I was called by telephone and informed that there had been a notice of a change of the Rural Free Delivery Service in the town of Somerset, which is located on the west side of Taunton River opposite the city of Fall River, where I reside, and that the carrier had been notified that his services would be no longer required, giving him notice that changes to be effected there would go into operation on the 30th day of November.

I made some inquiries as to what was being done, as I had not previously heard anything about it, and the postmaster of Somerset did not know anything about these changes until he got the official notice, nor did the carrier know anything about it. To this day the carrier has never received any notice except the one which he received from the postmaster at Somerset. The department never sent any notice to this carrier that he was to be retired. He received the cold-blooded notice from the postmaster that on the 30th day of November his service would no longer be required.

Now, what did they do with the town of Somerset—a town that has grown rapidly, as shown by percentage of growth, more than any other town in my district outside, of course, of the city in which I live, which has grown still more rapidly?

The division of that town was made by going through what is called Center Street and taking all postal territory north of Center Street and placing it under rural free-delivery carrier in the town of Dighton, and further notice was given that all mails in this section of Somerset would be sent to the Dighton post office. All territory south of Center Street was taken from Somerset and placed in the town of Swansea, and notice was given that on and after November 30 the carrier from Swansea would bring from Swansea the letters addressed to those individuals, who had received for more than 12 years, since the Rural Free Delivery Service was established, their mail from the town of Somerset, where they reside.

Now, Somerset has some important business interests. Some of the business men had their letterheads prepared and proceeded to do business under the advantages that they obtained from the successful carrying on of the rural carrier service and the increased service of the parcel post. They felt that that service would be a permanent aid in the successful establishment of business, which would give to themselves and their families more of the comforts of life than they had formerly enjoyed. The people living in the country towns were thereby encouraged to establish various lines of business, and they proceeded to do this, because in that way they could earn a little better living than they had been having the opportunity to obtain by reason of work on their farms.

That change of the Rural Free Delivery Service came as a surprise to me. I was compelled to say in answer to inquirers, "I absolutely know nothing about it." My constituents were calling me constantly over the telephone and telling me what was happening all over the district. Later in the day the people from South Westport called me up and told me they had received notice that their office was to be changed, and that their delivery was to be practically destroyed and made useless. They said, "We are going to hold a public meeting down in the village of South Westport to-night, and we would like to have you attend that meeting." They said, "We will send up an automobile for you." I do not happen to own one. They said, "We will take you down and bring you back."

I went down, and when I arrived there I found, in a nice little Quaker meetinghouse, a number of infuriated citizens, who met there and related to me their sorrows and troubles over these rural free delivery changes. My friend and colleague from the sixteenth district [Mr. WALSH] was affected like myself, because some people in his district, which immediately adjoins mine, were affected by the changes that were made as to the delivery of their mail.

After we arrived there there was some considerable talk among the citizens as to the disadvantages under which they would suffer by the proposed changes, and there were some rural free delivery carriers there. Some of the gentlemen said: "Let us call on the rural free delivery carriers to tell us how this affects us and what their position will be." I presided at the meeting, and I said: "Why, you do not want to call on these carriers. They are in the executive department of this Government, and if they tell what they know they will probably get themselves into trouble. But, thank God, I am a free Representative of the people, and I am under no obligation to the Executive department. I am a part of the legislative department, and I can say what I please and do whatever I please, because I am responsible to the people I represent and not subject to official dictation."

The citizens present explained very fully the unfortunate predicament in which they would be placed and the great financial loss to which they would be subjected, and finally, after the situation had been talked over and my eloquent friend here on my right [Mr. WALSH], who can talk much more eloquently than I can, had told these people what we would try to do for them, I said I would send a dispatch to the Post Office Department, telling the department what the situation was, and we would see if we could get any kind of response from the department. I will read to you the dispatch which I sent that night after I arrived home and before I went to bed at midnight. This is the dispatch that I sent:

Citizens of the district I represent, in mass meeting assembled at South Westport, are bitterly opposed to orders that have been issued overthrowing the Rural Delivery Service. They and constituents elsewhere ask that the date named when orders shall be effective be postponed until an investigation can be made. In many cases important business interests will be seriously affected by the proposed changes. I shall be in Washington on December 2, and desire to confer with you upon the vital questions involved.

Now, at South Westport there happened to be one woman who was secretary of the Women's Christian Temperance Union and a number of other affiliated organizations, and she stated that she had sent out herself personally nearly 800 letters during the last year, and had received 800 replies that came back to South Westport, and that under the change, as proposed by this route, their conveniences would practically be destroyed. Several gentlemen, under the inspiration of the Rural Free Delivery Service and the advantages which they had enjoyed, had established the business of selling young chickens—mind you, this route had been in operation for 16 years—and they had sold over 17,000 chicks annually that had been sent out by means of the parcel post and also under the advantages of Rural Free Delivery Service, and besides the chicks thousands upon thousands of dozens of eggs; and under the change made by this proposition their mail facilities would be very seriously

disturbed. I just heard the chairman of the Committee on the Post Office and Post Roads tell Members to be patient. You can not be patient when you get notices throughout your entire district that in eight days they are going to tear the postal facilities in your district all to pieces, so far as rural delivery is concerned. You can not be patient when your carriers are notified that in eight days their services will be dispensed with—not in consequence of notices sent to the carriers themselves, but notices sent to the post office, where the postmaster simply tells the carriers that they are to be discharged. Some of the carriers had bought automobiles, and now that they have been removed from the service they have the machines on their hands, and in many cases they have families to support without any means of permanent employment.

Mr. McKENZIE. I should like to ask the gentleman a question.

Mr. GREENE of Massachusetts. I yield.

Mr. McKENZIE. I should like to ask the gentleman whether or not this change was brought about by the improvement of the highways in this district?

Mr. GREENE of Massachusetts. The highways in the district which I have the honor to represent have always been good. Some of them possibly are not yet put in the condition that they ought to be. Massachusetts is a progressive State, and we are constantly improving in everything that we can. But let me tell you straight—and what I tell you is the fact—that the people who live in these country towns, who for from 12 to 16 years have had service once a day and have had the enjoyment of these privileges, feel that they are entitled to them, and they feel, furthermore, that when they come up to the city in which I live and where most of them trade and find that we get four and five deliveries a day, while we do not pay any more toward the support of the Government proportionately than they do, they feel that to deprive them of these rights is an outrage upon them. Furthermore, the changes that were made took from them the evening paper that was of as much value to them as the mail. By the change they would get the evening paper the next day. One gentleman was asked if they could not read it then. He replied, "We farmers work all day, and we could not read it until the next night, and then the day had gone by, the paper was old, and was of no value in a live community. They wanted the daily paper that gave them the market reports every night, so that they would be prepared to know what price they should ask for the goods that they send out in the morning mail."

This change in the district that I represent has so thoroughly demoralized nearly every route in the district that nobody gets a service that is worth counting as a convenience at all.

Mr. MOON. I want to ask if the roads in the gentleman's district are of such a character that an automobile could make a trip of 35 miles and back and give the service to the people to which they are entitled?

Mr. GREENE of Massachusetts. Yes; but there are many places in my district that are not so situated that you can do that, and there are plenty of places in my district that could be reached that are not, although petitions for extensions have remained many months at the department without any consideration or report.

Mr. MOON. You would not object to any rural delivery system, however long the route might be, by which your mails could be delivered and you could have a proper and efficient service for your people?

Mr. GREENE of Massachusetts. No; but we have not the service now, and the people are deprived of the good service they have long enjoyed by the rash and hasty action of the department.

Mr. MOON. You would not object if you had it so adjusted?

Mr. GREENE of Massachusetts. I would want to see what the adjustment was before I would think of indorsing it. All this humbug does not amount to anything.

Mr. MOON. Is not the trouble about the whole thing largely due to the fact that in the readjustment of the service, while it may be disturbed temporarily until there can be a full and complete readjustment, there will be a reduction of the number of carriers. Is not that the trouble?

Mr. GREENE of Massachusetts. No; and before I get through I will tell the gentleman something.

Mr. MOON. Will the gentleman answer that question?

Mr. GREENE of Massachusetts. That is not the fact, and I will prove it to you in a few moments.

Now, the department without investigation, on the strength of the trouble that these people made in that little Quaker meetinghouse, changed the service to suit those people that complained, but in doing so they overturned all the other routes in the town. There was the greatest disturbance you ever saw. The people said to me, "Here, you went down to South Westport where those folks held a meeting and you fixed it for them. See if you can not fix it for use." I said, "I will try. I will tell you what I will do."

The CHAIRMAN. The time of the gentleman has expired.

Mr. PAIGE of Massachusetts. I yield to the gentleman 10 minutes more.

Mr. GREENE of Massachusetts. I shall need more time than that. I have not begun yet.

Mr. MOON. I will give the gentleman some time if he needs it.

Mr. GREENE of Massachusetts. I want to tell you something about the conditions. In addition to the rural free-delivery service at the town of Westport, we have rural free-delivery service at South Westport. There is also rural free-delivery service at North Westport and other parts of the town unprovided for. The citizens of the central town of Westport sent me a number of letters which I filed with the department. Each one of those letters explained the situation as it really was. I sent those letters to the department, telling them how ridiculous it was to change rural free-delivery routes without an investigation. The department told me they had changed them on their route map in the office. They told me that when I called at the department in December last. They had the route maps out and showed me. They said, "Here is where your route goes." I said, "I don't want to be bothered with anything of that kind. Send a man on to the ground and let him see what is there." Now, let us see what happened afterwards. I had a number of letters which I filed. They had no more effect than it would have to throw a pail of water out of the window. They never paid any attention at all to those letters. I present here a copy of letter from a gentleman who had established a business in the town of Westport:

(John Allen poultry farm. Rhode Island Reds. The best business breed. Established 1901.)

WESTPORT, *Mass., February 2, 1916—8 a. m.*

Hon. WILLIAM S. GREENE.

DEAR SIR: This letter, if placed in my mail box before 11 a. m., will be taken to South Westport to "spend the day" and also to "spend the night," leaving for New Bedford at 8.30 a. m. to-morrow morning.

Under the former schedule the letter would leave Westport (from my box) at 2 p. m. same day as mailed and reach New York before it now leaves Westport.

Mind you, he had to mail his letters three hours earlier than under the former schedule in order that the mail might slumber at South Westport all the afternoon and all night in order that the carrier might take the mail from South Westport at 8.30 o'clock a. m. the next day.

Will you please insist that this particular route be at once readjusted so that all patrons may be served justly? As it now stands part of the route gets cream and over half gets skim milk.

Yours, truly,

JOHN ALLEN.

Now, that is the way the routes are generally throughout my district. Some of them get pretty good service. The people of South Westport waked up very quickly, and they found that if they did not bestir themselves they would be just exactly where the town of Westport now is. And some of the people of the town of Westport who were at the meeting that night said, "If they make these changes, we shall be just where South Westport is by the changes the department has already made." It emphasizes the fact that changes can not be properly made without proper investigation and inspection.

So there is the situation. Those are the real facts as they exist. Sixty-six different box holders stated that they were in the same position as Mr. Allen was.

I sent the letter of Mr. John Allen to the department, and here I have the department's reply:

POST OFFICE DEPARTMENT,
FOURTH ASSISTANT POSTMASTER GENERAL,
*Washington, February 7, 1916.*

Hon. WILLIAM S. GREENE,
*House of Representatives.*

MY DEAR MR. GREENE: In reply to your letter of the 4th instant, transmitting a communication addressed you by Mr. John Allen, of Westport, Mass., protesting against the mail service afforded patrons of former route No. 1 from that office, but now served from South Westport, and requesting that the situation be remedied, I beg to state that this matter is to be made the basis of personal investigation by a representative of the department.

Sincerely, yours,

JAS. I. BLAKSLEE,
*Fourth Assistant Postmaster General.*

Now, friends say, "that is all right," but the "all right" part would have been if it had been done before they did the damage. These people are suffering now for the lack of a proper mail service. The chairman of the committee has said in his remarks here, "Why are you not patient?" I say, why was not the Post Office Department a little patient, instead of destroying the usefulness of every route in the district eight days before we assembled here, and doing that without

conferring with me, without conferring with a single patron, without trying to see what the effect would be?

Mr. McKENZIE. Will the gentleman yield for a question?

Mr. GREENE of Massachusetts. Certainly.

Mr. McKENZIE. I should like to ask the gentleman whether he wants us to understand that the Post Office Department in the past, in order to economize in the rural free delivery of the Government, has taken down the map of certain townships and counties and simply marked out the routes in the office without sending an inspector out to see what the effect of that action would be?

Mr. GREENE of Massachusetts. I will state this: That every rural free delivery route in my district, and I have been a Member of this House for more than 17 years, was established by capable inspectors, and in many cases I accompanied the inspector when the routes were established, and those routes were established for the purpose of allowing the people who lived in these county towns to have their mail go out of their towns in season to give them the practical advantages of modified city delivery; and now there is no advantage in the propositions to which they have been subjected, because the routes have been altered without personal inspection, nor has an attempt to provide convenient mail connections been undertaken. That is the point. The fact is the department has not a supply of experienced inspectors to do this work. They are now map examiners in the department. They have dismissed all of the experienced inspectors they had up in my section of the country. Let me give you an actual illustration.

One of the inspectors that lives in my district, who has been 30 years in the service and was a very capable man, was called upon one day by a committee that was looking around to find some holes where they could put some new men in as inspectors. They called upon him and said, "Now, look here, we want you to resign." He said, "What for?" and they said, "You have disobeyed the rules of the department." He asked them in what particular, and stated that he had been in the service for 30 years, and was not aware of having broken any rules. They said to him that on a certain day he had investigated an office in North Dighton. He said, "Yes," that he had; and they then said that in that investigation of the office there was one letter in the free delivery that had been there longer than the regulations of the department required and that he failed to report that the letter was in the general delivery.

He replied, "I can explain some of the circumstances in regard to that. The North Dighton office had been broken into twice, and I had been down there to investigate, and when it was broken into the second time I was sent for post haste to go down there to see if I could not find some evidence on which I could trail the robbers that broke into the office and opened the safe. I went there and went through the office solely for the purpose of obtaining evidence regarding the robbery, and, as I had other important employment, did not make a special inspection of the general delivery that day." They then said to him that that was a violation of the rules of the department, and that he could either tender his resignation or that they would recommend his removal for inefficiency. The man said, "I have been in the service for 30 years, and I would rather retain my reputation than to be recorded dismissed, and I will resign and leave the service." Of course that made a place for somebody else, just what they were looking for. They had a committee of three, a smelling committee, that came up from Washington to smell around, and they smelled out all of the post-office inspectors in the State of Massachusetts, competent men, capable of establishing rural free delivery routes, capable of examining post offices and deciding when improvements should be made, and in every way capable for the transaction of public business.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. PAIGE of Massachusetts. Mr. Chairman, I yield 10 minutes more to the gentleman.

Mr. GREENE of Massachusetts. I thank the gentleman. I knew these post-office inspectors; and I have known them for years. They were all capable of doing good business, this man especially, for he had been efficient in every way. I speak from knowledge, because I was the postmaster of my city from 1881 to 1885. My father was the postmaster from 1875 to 1881, and when his health failed I was selected as his successor and held the office until 1885; and then 22 days after Grover Cleveland became President of the United States my term of office expired and I stepped out—glad to do it. But I came back again in 1898 as postmaster, and during all that time, the post office being right across the street from my office, and being familiar with all of the men who held the office, I was in and out there; and I claim to be an expert in post-office business. I know something about it. The postmaster that I recommended nine years ago will, within a very few days, turn the office over to his Democratic successor, leaving behind him a record that will compare favorably with any record made by any man in the post office from Maine to California, from New York to San Francisco.

His term expired last December, and he has been ready to retire when his successor is prepared to qualify. I do not find any fault, for I believe in changing these political offices when we change political parties [applause], and I shall be ready to make the changes next year, when we get back into power, and I will help to do it if I am alive and have my health. I believe in letting officials serve until their term is completed. The post offices in my district have been absorbed, wiped out; carriers discharged without reason, and the service, according to the testimony given by the parties themselves, and the Rural Free Delivery Service is largely good for nothing as at present carried out.

I have another letter here from a gentleman which I received a few days since. He has written me a number of letters, and I have filed them with the department, but found that they were not very effective. He wanted to know what else he could do, and I said I did not know. He then asked me if I wanted a petition sent, and I said, "No; there would be no use of a petition. It would be simply a waste of time." Here is what he sent me:

SOMERSET, MASS. (our real address), *February 8, 1916.*

DEAR CONGRESSMAN GREENE: On behalf of the citizens of Somerset I wish to extend hearty thanks fer your kind help in calling attention at Washington to our disturbed mail service. We do and always shall appreciate your unremitting efforts on our behalf.

To show that we have by no means given up hope of having our rural free-delivery route returned to us before long, I am inclosing a petition signed by 235 patrons of our rural free-delivery route. Will you be good enough to hand the same to Mr. BURLESON and assure him that Somerset wishes beyond all things to keep its name on the postal map of Massachusetts?

Very truly, yours, ERNEST COBB, *Secretary.*

To-day Somerset is unknown as a postal center. The postmaster has had his business taken away from him. The one rural free-delivery route has been split up in pieces and passed over to two other towns without reason, without excuse, without any charge against the rural free-delivery carrier, without any charge that he has been negligent, but with a spirit which I fail to understand, as I have said very plainly. I do fail to understand how any post-office department in the civilized country of the United States, made up of men born in the last half century or within the last century, can so distinctly go into a proposition as to disturb a satisfactory mail route for what they say is the purpose of saving the paltry sum of $5,000,000. When I was postmaster, and I was postmaster for one term and part of another until I was called down here, as I have said, I always found that when the people had the conveniences they wanted and needed they did not try to see whether the Post Office Department was paying or not; and I think to-day that out of the 100,000,000 people of the country there is hardly a man among them who cares whether the Post Office Department pays or does not pay.

They are very much more concerned in being provided with good service, so that in case of emergency, extreme sickness, or death they shall have the opportunity to have a prompt delivery of letters that they deposit in the post offices of the country or in street letter boxes in cities or in rural free-delivery boxes in the country.

The people who have their chosen Representatives in this building do not want their Postal Service hampered by unjust interference with their rights and privileges by orders from their official servants who temporarily occupy positions of executive authority. The executive departments have their limitations. But they should understand they are not the law-making power, but they are to execute the laws created by the Congress and approved by the President.

The Post Office Service has grown to wonderful proportions. It is of immense value. It is more valuable to-day than it ever was, and when the people are deprived of the privileges that they once enjoyed and that they have especially enjoyed during the last 15 or 16 years, when they are ruthlessly deprived and wronged in their service, they are indignant, and so indignant that when they come to vote next November they will not blame the Representatives for losing their routes, because they realize that my colleagues and myself have tried to have their privileges restored. I will put in the RECORD and now ask permission to extend my remarks in the RECORD by putting in the routes that have been changed and the methods of change and the destruction of the carriers. Now, I will bring you a little illustration of one of my towns where a carrier was obliged to give up on account of ill health. The department had no sub-

stitute in line to put in his place. I sent one carrier who had been thrown out in the cold by reason of changes in another part of the district and he was assigned to duty temporarily, but his service was continuous. He has performed the work satisfactorily, but now the department has begun an examination to fill a vacancy there, notwithstanding this carrier, who had given good service when thrown out of employment by this unwise consolidation of postal districts. He is liable now to be thrown out entirely and a civil-service examination held to fill the place he now holds as a civil-service employee. Why he could not just as well have continued his service where he is employed, although it is on a route different from that he carried originally, as to have some one come in there and take it entirely out of his hands, I do not know. I am at a loss to understand the methods of the department, but I believe that they have not realized the great growth of the Post Office Department, the great growth of the business of the department and the advantage there is in the prompt delivery of letters, in having them delivered without delay, and the advantage that is in a business and social sense.

These changes that have been made destroy the social centers, deprive the people particularly of receiving their correspondence promptly, and if anybody has any merchandise sent to them now where these routes have been changed, from business houses or elsewhere, they have to go and hunt up their missing packages and spend a day or two trying to find them, and then they have to pay extra postage to have their second-class mail forwarded. There is absolutely no excuse for this utter demoralization of the rural service in the district which I represent, and I take that as a fair sample that there is no excuse for it anywhere. Take the paltry sum of $5,000,000 to spread over the United States which they claim they save by this process, why it is not anything to be considered when the service is depreciated at all. Even if they save $5,000,000, people in small towns want their service. Maybe in some of the departments they may have men employed who do not appreciate the value of a letter, do not know anything about the real benefits of the service, but my constituents want good service. They have had the service for 16 years; and to have it demoralized by unwise action on the part of the Post Office Department is wrong in principle, and unless prompt action is taken to change existing conditions, the dissatisfaction of patrons of the Rural Free Delivery Service will continue to multiply with results that can only be prophesied but not foretold. [Applause.]

Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. GREENE of Massachusetts. Mr. Chairman, availing myself of the privilege granted me, I submit the following information regarding other rural free delivery routes in my district:

The city of Attleboro has four rural free delivery routes, and one rural free delivery route from Rehoboth has been transferred to Attleboro and the Rehoboth carrier has been dismissed.

The rural free delivery route from Somerset was divided into two parts, one being transferred to Swansea and the other to Dighton. Somerset had excellent steam railroad facilities and ample mail service. No advantage to patrons accrued.

The rural free delivery route from Myricks was divided into two parts and the carrier was dismissed; one part going to Assonet and the other to Taunton. Myricks post office was located at the junction of two railroad divisions and its mail service was excellent.

The rural free delivery route from Lakeville was transferred to and absorbed by Middleboro and the Lakeville carrier was dismissed. Lakeville post office is located opposite the railroad station and has good service.

The rural free delivery service from East Norton was transferred to Mansfield, many miles away, and the carrier was dismissed.

The rural free delivery route from North Westport was changed and several patrons were deprived of the service.

The rural free delivery routes from Westport and South Westport were changed and many patrons had their service very seriously affected by delays in the transmission of the mails, which have been previously alluded to. If any new territory has been supplied which would offset the demoralization and overturning of these routes I am not advised. This enumeration only the more strongly emphasizes the necessity of competent examination and investigation by post-office inspectors before entering upon the campaign of destruction.

There is one other important feature in the bill now under consideration—H. R. 10484—to which I invite attention, beginning with line 10, page 14 of said bill, at the words "*And provided further,*" and continuing on lines 11, 12, 13, and 14 on said page 14. There were a number of cases in different parts of the United States where the letter carriers had been employed to take letters from street letter boxes in cities and carry them to central post offices at certain specified hours, so that the letters could be sent on outgoing mails and thereby business could be greatly facilitated.

The Post Office Department determined that these letter carriers, who were generally of the highest grade and were regularly enrolled as carriers and were entitled, under the law, to $1,200 per annum, were not carriers but were collectors, and the compensation was reduced to $1,000 per annum. The law does not provide for collectors. But these carriers were reduced $200 each per annum and were informed that if they refused to accept this reduction of salary their services could be dispensed with. The work of carrying letters from street letter boxes to the post offices is as important as any other part of the Postal Service, and I am gratified that the Committee on the Post Office and Post Roads have provided for correcting the injustice which a number of letter carriers have suffered by this arbitrary ruling of the Post Office Department.

There were 3 such carriers employed in the city where I reside and 42 were employed in Boston, Mass., of which I have knowledge, and doubtless many elsewhere, who will receive the compensation of which they were unlawfully deprived by the passage of this bill.

There are several bills now being considered by the Committee on the Post Office and Post Roads that, it is promised, will be reported from that committee, which, if they are passed by the Congress and are approved by the President, will more clearly define the status of the Rural Free Delivery Service and its employees.

Mr. MOON. Mr. Chairman, my good friend from Massachusetts never sees anything good in anybody or anything except himself and the Republican Party.

Mr. GREENE of Massachusetts. Oh, I have not mentioned the Republican Party.

Mr. MOON. I know the gentleman did not, and that is just what I am going to say. The gentleman was asked——

Mr. GREENE of Massachusetts. And I am ready to talk now——

Mr. MOON. I am not yielding now. The gentleman was asked a few minutes ago whether these carriers were Republicans, and the gentleman said he did not know, and he did not care about that. Now, in Massachusetts with three straight Republican administrations and everything made Republican in the way of carriers, it seems to me that the gentleman from Massachusetts ought to have known the political status of the carriers in his district, and if he does not know the facts in reference to the rural carriers better than he does the rural-delivery status, he does not know much about this matter——

Mr. GREENE of Massachusetts. Will the gentleman yield for a moment?

Mr. MOON. Yes.

Mr. GREENE of Massachusetts. I will say to the gentleman that the district I represent, in the city of which I was mayor for six years, I never knew either Democrats or Republicans, but they all voted for me and they vote for me now. There was no division in——

Mr. MOON. Of course if they all voted for the gentleman we know what they are even if he does not know. [Laughter on the Democratic side.]

Mr. GREENE of Massachusetts. They do not, and the gentleman will find that out in the next election.

Mr. MOON. Mr. Chairman, the gentleman states that he made a complaint about the first rural route that was disturbed and that the department came along and fixed that one up just like it ought to be, as they wanted it; and the result of that was it disarranged every other route. The gentleman ought to wait until they get to it and fix up the balance, because the department does not want to disarrange any of the gentleman's routes or others and inconvenience the public. They want to arrange these routes for the convenience, as the letter of the department shows, of the Congressmen and the people, and——

Mr. GREENE of Massachusetts. They want to do it now, but they did not then.

Mr. MOON. They intended to do that and they have done it. The arrangement made in the gentleman's own district is up to the meeting of this Congress and shows the relative length of the route to be less than 5 miles between old routes and new in length. I asked the gentleman if he was not willing to concede or did not agree that where the Government could make a

route 30 or 40 miles long and save the cost of a carrier and do as efficient and as good service to the public as heretofore, whether it ought not to be done there, and he was not willing to answer. I know there are places where this new service is put that it ought not to be put in and ought to be taken out, but it takes time to do that. Now, I am going to ask unanimous consent to place in the RECORD——

Mr. DOWELL. Will the gentleman yield just for one question?

Mr. MOON. Yes; I will yield to the gentleman.

Mr. DOWELL. Do I understand you to say that these will be corrected?

Mr. MOON. I had read from the Clerk's desk a letter addressed to me by the department, from the Fourth Assistant Postmaster General, having this matter in charge, to the effect that as rapidly as possible it would be done in the immediate future, and that you would have not only one but two inspections, if necessary, to bring about the correction.

Mr. DOWELL. Is that to be all through the system where the changes have been made?

Mr. MOON. Every single place in the United States where there is a complaint.

Now, in order that the gentleman from Massachusetts [Mr. GREENE] may be correct, I will ask that the statement of the department showing the extension of rural routes ordered from March, 1913, to November 8, 1916, be included in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Tennessee? [After a pause.] The Chair hears none.

The following is the report:

*Statement showing by States extensions of rural service ordered from Mar. 4, 1913, to Nov. 8, 1915.*

MASSACHUSETTS.

| Office. | Route. | Old length. | New length. | Date effective. |
|---|---|---|---|---|
| Amesbury | 1 | 24.60 | 29.50 | Nov. 16, 1915 |
| Do | 2 | 19.80 | 27.70 | Do. |
| Amherst | 2 | 23.40 | 25.60 | June 1, 1913 |
| Andover | 1 | 19.70 | 22.26 | June 1, 1914 |
| Do | 2 | 22.125 | 23.50 | Do. |
| Assonet | 1 | 22.60 | 27.90 | Dec. 1, 1915 |
| Athol | 1 | 24.60 | 27.30 | Nov. 16, 1915 |
| Do | 3 | 25.70 | 26.40 | Aug. 1, 1913 |
| Attleboro | 1 | 24.60 | 28.50 | Dec. 1, 1915 |
| Do | 2 | 25.10 | 28.24 | Do. |
| Auburn | 1 | 22.28 | 23.38 | June 16, 1913 |
| Do | 1 | 23.38 | 24.49 | Jan. 1, 1914 |
| Barre | 1 | 19.30 | 20.16 | June 16, 1914 |
| Do | 1 | 20.16 | 28.10 | Nov. 16, 1915 |
| Bedford | 1 | 23.70 | 27.20 | Do. |
| Bernardston | 1 | 22.40 | 30.60 | June 1, 1915 |
| Billerica | 1 | 27.60 | 28.00 | Nov. 16, 1915 |
| Bolton | 1 | 24.60 | 27.10 | Do. |
| Boston | 1 | 24.40 | 24.62 | Mar. 16, 1913 |
| Do | 4 | 23.10 | 23.28 | Mar. 16, 1915 |
| Do | 4 | 23.28 | 23.39 | Dec. 1, 1915 |
| Bridgewater | 1 | 20.20 | 23.10 | Do. |
| Do | 1 | 23.10 | 28.50 | Dec. 16, 1915 |
| Do | 2 | 19.00 | 27.40 | Do. |
| Brimfield | 1 | 16.20 | 20.20 | Aug. 1, 1915 |
| Brookfield | 1 | 22.20 | 28.40 | Nov. 16, 1915 |
| Bryantville | 1 | 20.75 | 21.20 | July 1, 1915 |
| Buzzards Bay | 1 | 16.60 | 17.30 | Oct. 1, 1913 |
| Chelmsford | 1 | 22.80 | 27.80 | Nov. 16, 1915 |
| Do | 2 | 20.40 | 23.50 | Do. |
| Chester | 3 | 20.48 | 28.68 | Do. |
| Cohasset | 1 | 20.40 | 25.30 | Apr. 1, 1913 |
| Concord | 1 | 23.90 | 24.60 | Sept. 1, 1913 |
| Do | 1 | 24.60 | 25.20 | Jan. 1, 1915 |
| Do | 2 | 23.30 | 23.60 | July 1, 1913 |
| Do | 2 | 23.60 | 23.70 | Aug. 1, 1914 |
| Do | 2 | 23.70 | 27.80 | Nov. 16, 1915 |
| Danvers | 1 | 24.30 | 24.40 | June 1, 1913 |
| Dodge | 1 | 22.20 | 28.30 | Dec. 1, 1915 |
| Dover | 1 | 25.00 | 26.90 | Do. |
| East Brookfield | 1 | 20.80 | 21.20 | May 1, 1915 |
| Do | 1 | 21.20 | 25.50 | Nov. 16, 1915 |
| East Pepperell | 1 | 25.20 | 28.00 | Do. |
| East Taunton | 1 | 23.10 | 29.00 | Dec. 1, 1915 |
| Feeding Hills | 1 | 23.20 | 28.70 | Nov. 16, 1915 |
| Framingham | 1 | 24.90 | 28.10 | Do. |
| Do | 2 | 22.10 | 28.70 | Do. |
| Do | 3 | 23.20 | 26.60 | Do. |
| Gardner | 1 | 26.70 | 27.40 | Dec. 1, 1915 |
| Do | 2 | 24.80 | 25.40 | Apr. 15, 1914 |
| Greenfield | 1 | 22.30 | 31.00 | June 1, 1915 |
| Groton | 1 | 24.40 | 26.90 | Nov. 16, 1915 |
| Halifax | 1 | 24.30 | 27.20 | Dec. 1, 1915 |
| Haverhill | 2 | 24.80 | 25.80 | Feb. 1, 1914 |
| Do | 2 | 25.80 | 26.10 | Dec. 16, 1915 |
| Hingham | 1 | 22.00 | 24.37 | June 16, 1914 |
| Do | 1 | 24.37 | 27.275 | Dec. 1, 1914 |
| Do | 1 | 27.275 | 30.45 | Dec. 1, 1915 |
| Holbrook | 1 | 20.20 | 20.50 | Feb. 16, 1914 |
| Hubbardstown | 1 | 24.80 | 28.10 | Nov. 16, 1915 |
| Do | 1 | 28.10 | 28.80 | Dec. 20, 1915 |
| Ipswich | 1 | 25.70 | 27.90 | Nov. 16, 1915 |
| Do | 3 | 11.40 | 17.60 | Aug. 10, 1914 |
| Jefferson | 1 | 20.20 | 27.10 | Nov. 16, 1915 |

*Statement showing by States extensions of rural service ordered from Mar. 4, 1913, to Nov. 8, 1915*—Continued.

| Office. | Route. | Old length. | New length. | Date effective. |
|---|---|---|---|---|
| Lancaster | 1 | 24.00 | 24.40 | July 1, 1914 |
| Do | 1 | 24.40 | 28.20 | Nov. 16, 1915 |
| Lexington | 2 | 19.50 | 21.80 | Apr. 1, 1914 |
| Littleton | 1 | 22.40 | 23.00 | May 16, 1914 |
| Ludlow | 2 | 26.50 | 26.67 | Nov. 16, 1914 |
| Marion | 1 | 25.90 | 26.275 | July 1, 1914 |
| Do | 1 | 26.275 | 27.275 | Dec. 1, 1914 |
| Do | 2 | 18.40 | 19.80 | Apr. 1, 1914 |
| Do | 2 | 19.80 | 20.80 | Dec. 1, 1915 |
| Marlboro | 2 | 21.80 | 26.00 | Nov. 16, 1915 |
| Maynard | 1 | 22.10 | 27.78 | Do. |
| Middleboro | 1 | 23.60 | 24.40 | Nov. 1, 1914 |
| Do | 1 | 24.40 | 28.80 | Dec. 1, 1915 |
| Do | 2 | 25.30 | 28.20 | Do. |
| Middleton | 1 | 21.80 | 22.56 | Oct. 16, 1915 |
| Millbury | 1 | 24.70 | 28.60 | Nov. 16, 1915 |
| Do | 2 | 21.80 | 24.30 | Jan. 1, 1913 |
| Millis | 1 | 21.20 | 26.80 | Dec. 1, 1915 |
| New Bedford | 1 | 24.20 | 28.40 | Do. |
| Do | 2 | 20.30 | 28.50 | Do. |
| Norfolk | 1 | 22.60 | 23.40 | Apr. 16, 1914 |
| North Abington | 1 | 14.90 | 21.20 | Oct. 16, 1915 |
| Do | 1 | 21.20 | 28.40 | Dec. 1, 1915 |
| North Attleboro | 1 | 26.00 | 28.50 | Do. |
| North Billerica | 1 | 16.00 | 25.10 | Nov. 16, 1915 |
| Northboro | 1 | 26.40 | 26.64 | Aug. 16, 1914 |
| North Brookfield | 1 | 24.40 | 29.00 | Nov. 16, 1915 |
| North Dana | 1 | 24.60 | 29.90 | Do. |
| North Dartmouth | 1 | 24.80 | 29.30 | Dec. 1, 1915 |
| Do | 1 | 29.30 | 29.50 | Dec. 16, 1915 |
| North Dighton | 1 | 18.70 | 28.30 | Dec. 1, 1915 |
| North Easton | 1 | 23.40 | 29.80 | Do. |
| North Grafton | 1 | 22.50 | 28.00 | Nov. 16, 1915 |
| North Reading | 1 | 19.60 | 20.285 | Apr. 1, 1914 |
| Do | 1 | 20.285 | 21.51 | Oct. 16, 1914 |
| North Westport | 1 | 22.70 | 28.30 | Dec. 1, 1915 |
| Norton | 1 | 23.60 | 28.20 | Do. |
| Orange | 1 | 22.30 | 23.80 | Oct. 16, 1914 |
| Pittsfield | 1 | 24.90 | 25.50 | Dec. 16, 1915 |
| Plymouth | 1 | 19.50 | 19.80 | Dec. 1, 1915 |
| Raynham | 1 | 23.12 | 28.62 | Do. |
| Raynham Center | 1 | 22.30 | 27.70 | Do. |
| Reading | 1 | 21.40 | 21.80 | Feb. 1, 1914 |
| Do | 1 | 21.80 | 28.60 | Nov. 16, 1915 |
| Rehoboth | 1 | 21.00 | 28.00 | Dec. 1, 1915 |
| Rockland | 1 | 24.50 | 25.50 | July 16, 1915 |
| Do | 1 | 25.50 | 28.40 | Dec. 1, 1915 |
| Rowley | 1 | 14.60 | 20.90 | Nov. 16, 1915 |
| Seekonk | 1 | 24.40 | 28.40 | Dec. 1, 1915 |
| Shrewsbury | 1 | 24.30 | 28.40 | Nov. 16, 1915 |
| Southboro | 1 | 14.00 | 24.40 | Do. |
| Southbridge | 1 | 24.60 | 24.80 | May 1, 1914 |
| South Dartmouth | 1 | 21.40 | 27.70 | Dec. 1, 1915 |
| South Easton | 1 | 23.725 | 28.72 | Do. |
| South Hanson | 1 | 24.20 | 24.50 | Dec. 16, 1914 |
| Do | 1 | 24.50 | 28.80 | Dec. 1, 1915 |
| South Lincoln | 1 | 24.30 | 24.96 | Aug. 1, 1914 |
| South Sudbury | 1 | 25.10 | 28.30 | Nov. 16, 1915 |
| South Westport | 1 | 24.50 | 28.60 | Dec. 1, 1915 |
| Southwick | 1 | 21.10 | 27.70 | Nov. 16, 1915 |
| Spencer | 1 | 24.40 | 25.505 | Apr. 16, 1913 |
| Springfield | 1 | 22.785 | 24.40 | Nov. 1, 1913 |
| Do | 1 | 23.75 | 24.41 | June 16, 1914 |
| Do | 1 | 24.41 | 24.45 | Mar. 1, 1915 |
| Do | 2 | 22.125 | 22.375 | Apr. 1, 1915 |
| Do | 2 | 22.375 | 23.00 | Nov. 16, 1915 |
| Stoughton | 1 | 18.60 | 25.00 | Dec. 16, 1915 |
| Stow | 1 | 20.50 | 22.38 | June 16, 1914 |
| Do | 1 | 22.38 | 23.63 | July 1, 1914 |
| Swansea | 1 | 22.90 | 28.70 | Dec. 1, 1915 |
| Do | 2 | 22.80 | 25.20 | Nov. 1, 1913 |
| Taunton | 1 | 25.50 | 29.30 | Dec. 1, 1915 |
| Templeton | 1 | 22.90 | 27.80 | Nov. 16, 1915 |
| Townsend | 1 | 24.25 | 25.70 | Do. |
| Townsend Harbor | 1 | 24.60 | 25.00 | Dec. 16, 1914 |
| Do | 1 | 25.00 | 28.10 | Nov. 16, 1915 |
| Turners Falls | 1 | 22.00 | 27.90 | June 1, 1915 |
| Tyngsboro | 1 | 20.90 | 26.80 | Nov. 16, 1915 |
| Vineyard Haven | 1 | 22.30 | 23.10 | July 1, 1915 |
| Do | 1 | 23.10 | 25.80 | Oct. 1, 1915 |
| Wakefield | 1 | 20.80 | 20.93 | Nov. 16, 1915 |
| Wareham | 1 | 24.80 | 25.80 | Dec. 1, 1915 |
| Washington | 1 | 18.90 | 28.20 | Nov. 16, 1915 |
| West Acton | 1 | 23.10 | 29.20 | Do. |
| Westboro | 1 | 23.20 | 29.70 | Do. |
| West Bridgewater | 1 | 20.25 | 20.75 | Nov. 16, 1914 |
| Do | 1 | 20.75 | 29.20 | Dec. 16, 1915 |
| Westford | 1 | 20.00 | 29.30 | Nov. 16, 1915 |
| Westminster | 1 | 24.30 | 27.40 | Do. |
| West Wareham | 1 | 23.375 | 26.81 | Dec. 1, 1915 |
| Westwood | 1 | 20.40 | 21.40 | Sept. 16, 1913 |
| Whitman | 1 | 22.40 | 23.20 | Sept. 16, 1915 |
| Do | 1 | 23.20 | 27.50 | Dec. 1, 1915 |
| Williamsburg | 2 | 24.80 | 26.175 | July 16, 1915 |
| Williamstown | 1 | 24.80 | 24.81 | Mar. 16, 1913 |
| Winchester | 1 | 16.90 | 17.70 | Nov. 1, 1913 |
| Woburn | 1 | 24.20 | 29.30 | Nov. 16, 1915 |
| Wrentham | 1 | 23.80 | 24.80 | Aug. 1, 1915 |
| Total | 167 | | | |

Mr. MOON. I know we are going to have in a little while some complaints, probably, along the same line, because other gentlemen are laboring under the same trouble and want to

have their routes adjusted. I think it is very well that we have the expression of some other persons connected with this matter, and I am going to ask, in view of the complaint that I know is coming from Indiana, to have a letter, written at La Fayette, Ind., and addressed to the Postmaster General, placed in the RECORD. I do not believe I will take the time to read it now. It shows that the service adjusted there has been entirely satisfactory, just as it was in the district of the gentleman from Michigan [Mr. BEAKES], and which is as we propose to do in all the districts.

The CHAIRMAN. Is there objection to the request of the gentleman from Tennessee to print the letter referred to. [After a pause.] The Chair hears none.

The following is the letter referred to:

UNITED STATES POST OFFICE,
*Lafayette, Ind., January 18, 1916.*

Hon. ALBERT S. BURLESON,
*Postmaster General, Washington, D. C.*

SIR: According to Representative WOOD, of this district, the motorization of rural routes is a failure. To substantiate his claim he refers to conditions in this county. He says he receives complaints every day from patrons on rural routes out of this office. I do not wish to cast any reflections upon the integrity of Representative WOOD. He is a splendid gentleman and a personal friend of mine, but I am afraid he has been imposed upon by designing individuals or people with chronic complaints. During my experience in the post office I have never found people with grievances at all backward about expressing them to the postmaster, and I can say with absolute truth that I am now receiving no more complaints from rural route patrons than I did under the old system of horse-drawn vehicles. There will always be complaints about the delivery of specific pieces of mail, whether on the rural routes or in the cities, partly because of improper addresses and partly because the infallible postal employee does not exist.

I was in this office two years before the motor routes were established and there never was a week, scarcely a day, that I did not receive some minor complaint about the delivery of mail in the rural districts. I still receive those complaints, but even with the increased length of the routes, I am certain I do not receive any more than I did before the more modern service was inaugurated. And for every man who complains to Representative WOOD about the failure of the present plan, I can produce at least one other who will commend it for no other reason than because of improved service accorded him.

There was some confusion when the motor routes were first established here last September, but the rough places were soon smoothed out and by October 1 deliveries were being made with regularity and precision. There were some people who had been passed by when the new routes were established, but when I was in Washington for the postmasters' convention I succeeded in having service restored to such and now the utmost satisfaction prevails in this community, except in some cases where patrons have been changed from the start of a route to the end of it, causing them to get their mail an hour or so later. But because of this same fact consider the pleasure of those who are receiving deliveries earlier than they formerly did. The two classes balance.

The two daily papers of this city are of different political faith from that of the present post-office administration, still not one word of criticism has appeared in the columns of either concerning the motor routes.

I am very sorry there has been such a mix up over the motor routes established in Wayne County, this State. The papers there are referring to the situation in this county and quoting Representative WOOD to show that the new system is a failure here. They are attempting to serve a partisan purpose, no doubt, and to do so they are not confining themselves strictly to the truth. I am not familiar with conditions in Wayne County, but I can see no reason why motor service should not be successful there after the confusion of the first few weeks has been straightened out, if the people interested refuse to be stampeded by selfish agitators.

Since December 24 we have had some very trying days upon which to attempt the delivery of mail in the rural districts. Deep snows, very slippery roads, very rough roads, and still 6 of our 11 carriers covered their entire routes without the help of an assistant, and the other 5 men divided their routes with helpers, and the delivery of the mail went on just as satisfactorily as it ever did under like conditions during the existence of the antiquated horse-drawn routes.

I sincerely hope you will not be swerved from your excellent course for the additional improvement of the rural service through the agency of motor routes by the present agitation in this State, and I am perfectly willing to have anyone investigate conditions in this county to determine whether or not your plan is a success.

Respectfully,

CHAS. H. BALL, *Postmaster.*

Mr. MOON. Mr. Chairman, also I will insert in the RECORD, with the consent of the committee, another letter, in view of the complaints coming from Georgia, because they are suffering from similar trouble. It is written from Barnesville, and shows the situation down there.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

The following is the letter referred to:

UNITED STATES POST OFFICE,
*Barnesville, Ga., January 4, 1916.*

FOURTH ASSISTANT POSTMASTER GENERAL,
*Division of Rural Mails, Washington, D. C.*

SIR: I have read with much interest in the daily papers of the contest being made by the Georgia Congressmen over the extension of the present rural delivery system in this State. In some sections their contention may be right, but there are other sections in which this extension can be made with absolute satisfaction to all parties concerned, except the carrier who loses out by the change.

The Rural Free Delivery Carriers' Association are fighting the change with all their power, and seem to have gained the ears of the politicians and officeholders from this section.

I want to say to you in all candor that I have made no statement to your department with reference to the extension of these routes that I am not ready and anxious to prove to your satisfaction.

In order that the facts may speak for themselves I respectfully offer for your consideration the following suggestion: That you select any route out from this office as a demonstration route, name ——— as the carrier, and the mail will be delivered every day in an auto, when such service could be performed in a buggy. Mr. ——— owns an auto suitable for the business, and made the highest mark of any man who took the examination for auto rural carrier here on November 13, 1915, who lives in the delivery of this office. He is about 30 years of age and is an expert automobilist. I have no interest in ——— further than to demonstrate to your department that this service can be performed in a satisfactory manner, and he is the best man to do it.

The service from this office is in need of something, and I believe that a revision according to the department's plans is the very best that can be done. Our carrier No. 3 makes his trips in a Ford car, and has only used a buggy about four days since buying this car some time last spring.

Every energy at my command has been thrown into the running of this office and the improvement of the service, which, I think, will be proven to your satisfaction if you will take the trouble to look over my quarterly reports. The year 1915 shows a gain of more than $2,500 over 1914. I attribute this gain largely to the increase in parcel post, and I have been very active in building up this branch of the service.

I hope you will give my suggestion consideration, and that it will be received by you in the same spirit in which I make it.

Respectfully,

WILLIAM M. HOWARD,
*Postmaster.*

Mr. WALSH. Will the gentleman yield?

Mr. MOON. I yield to the gentleman.

Mr. WALSH. I would like to ask the chairman of the committee, in view of the fact that he caused to be read from the desk a letter from the Fourth Assistant Postmaster General stating that as soon as the department could get around to it they would have one or two inspectors sent out into various districts where changes had been made, if he can give any reason why those inspectors were not sent into those various districts before the changes were made?

Mr. MOON. I can give you this, which, I think, is a very satisfactory reason for it: When these routes were established in the first place an inspector was sent to each route. A careful inspection of the whole territory to be covered was made. A diagram exactly indicating the location of the route and the surroundings was made. After the service went into effect another inspection was made, and those changes that were necessary for the convenience and the accommodation of the people were made there, in some instances at their solicitation and in some instances without it. So the department has to-day in the office at all times a complete map of the matter, and not only the map, but they have a file containing the facts and showing the exact situation.

Now, when these routes are to be changed they know the connection of every route, and in most instances it was altogether feasible from the map to lay out the new route; but in a great many instances they did send the inspector, and it must not be assumed here that in every instance the inspector did not go, because it is not true. We have not a great many inspectors—about 400 of them, I believe—with many thousand routes in this country. They were used as far as possible, but where these routes could be, in the opinion of the department, readjusted from the prints and the other information in the office it was done. It turns out, of course, that there are instances where a mistake was made. And that has to be and ought to be readjusted, because if it should appear that from the character of the roads they can not make the trip in the limit fixed, in an automobile, so as to make the saving, then the department, after that experience, of course, will have to abandon that part of the program there. But wherever it has been effectual or can be made use of it is to be done. That is a question of administration, and it is of a tedious administration. It needs careful consideration. And all of the facts necessary can not be obtained from the location by inspectors. There are other facts embodied in the consideration of this whole question that have to be considered.

Now, we may think that individually we know more about this than the men who are engaged in the administration, but my experience is that while we may know more about the legislation that ought to control these matters, in some instances we know mightly little about the administration, the executive duties, that obtain in these matters, and we are too prone to listen to every sort of complaint that comes to us from the people, whether it be from one party or another.

Now, the department can only say that which it has said. It is only fair that time and opportunity be given to effect necessary and proper changes. The department in making the changes, the overwhelming number of which are satisfactory, has done so for the benefit of the people and not to retain carriers or to discharge them. We ought to be better advised than to attempt to embarrass the department by such declarations as are made here.

Mr. WALSH. Will the gentleman yield for just a question?

Mr. MOON. Yes.

Mr. WALSH. Will the chairman of the committee admit that if there be routes existing now upon which changes have been made it will require the examination by one or more inspectors now, and which were not inspected before the changes were made, it would have been better to have sent those inspectors on the ground before the changes were made, in view of the fact that these routes were established many years ago, and with whatever systems of highways may have come into being since the establishment of those routes?

Mr. MOON. Of course; that goes without saying. The gentleman need not ask any such question as that. It is always best when anything is done that every possible fact be obtained in advance of its being done, but sometimes economy and sometimes the interest of the public requires an action that does not enable you to get completely every fact, and it may be better to establish the routes and then readjust them than to attempt to establish them upon all the facts in the beginning and not review them. A second consideration of a case is always best, however careful the first one may have been. Most of the routes readjusted are now satisfactory without the expense attending the inspection.

Now, my own judgment has been that it is always best to know everything that is possible to know before you take up a matter of that kind, but sometimes it is neither convenient nor expedient to do that. That, after all, is only a human affair. We are not dealing with men who are supposed to know more than ordinary human beings. An experimental proposition sometimes determines the best way to establish the final adjustment of a route; in fact, nearly always so.

Mr. HICKS. Mr. Chairman, will the gentleman yield for a question?

Mr. MOON. Yes.

Mr. HICKS. When is it reasonable to suppose that these inspectors will make their reports?

Mr. MOON. The letter of the Fourth Assistant Postmaster General says "in the immediate future." The work is being done on them now.

Mr. HICKS. In six months, say?

Mr. MOON. Yes; I think in less than six months.

Now, Mr. Chairman, I yield to the gentleman from Mississippi [Mr. QUIN] 30 minutes.

The CHAIRMAN. The gentleman from Mississippi [Mr. QUIN] is recognized for 30 minutes.

Mr. QUIN. Mr. Chairman and gentlemen, I rise this evening to answer in part the attack made by the distinguished Republican gentleman from Wyoming [Mr. MONDELL] upon the President of the United States and his policies, especially with reference to the preparedness of this country and the dangers that now confront the people.

There was a time when I did not believe that we needed to go into any unusual preparation. I believed in the proper strengthening of our Army and Navy and coast defenses, but I could not see the wisdom of the extensive program that was outlined by the administration.

The President of the United States a few days ago went over the western portion of this Republic and made speeches that contained statements which astounded me. I could hardly believe that the newspapers were correctly reporting him. I sent over to the Library of Congress and got copies of many newspapers and found that they all agreed as to what he said.

I am a member of the powerful Committee on Military Affairs of this House. We have been holding hearings ever since Congress reconvened, right after Christmas, and the hearings were just closed yesterday. We know what the Army officers and the experts of the War Department saw ahead and what they claimed to need. I analyzed what the President of this Nation said. I reached the conclusion that it is up to this Congress to stand by the administration and give him the power, and give the succeeding administrations the power, to have this country properly guarded, its integrity on the sea, the territory of this Republic, and all that goes with it.

It is hard for a man to change his opinion. But when an opinion is based on only a part of the facts, and when further hearings and evidence show new facts, a Congressman should act like a man on a jury—he should consider all of the facts and evidence. I am thus acting. I am a plain American, and I am naturally pugnacious and, I hope, courageous, and I must deal with truth and candor with both the House and my constituents. I owe it to both to give the reasons why my opinion has changed. [Applause.] But when I see that I had taken a stand based on only such knowledge as I and the country then had, but later, by the hearings in my committee, learn all the facts, which, in my judgment, require me to take a more advanced position, I am man enough to do my duty by my people and my country. [Applause.] I stand here as the spokesman and direct agent of 230,000 people in 10 counties of southwest Mississippi. They are as good, as patriotic, as brave and chivalrous as any other people on this globe. They have placed me here on the watchtower, and, seeing the danger that I am convinced this country is in, I owe it to them, I owe it to the head of this Nation, I owe it to my own self-respect, as a citizen and as a Congressman, to stand by the program at this time, indorsed by a Democratic President, which this Congress ought to pass, and which I believe it will pass.

First, I desire to say in my judgment the metropolitan press of this country has deceived the people. It has defamed our Navy and our coast defenses. They absolutely made the American people believe that we have no way to defend ourselves against the aggressions of other nations.

I feel it my duty to say what the records show we already have in the way of an Army, a Navy, and coast defenses. Gen. Nelson A. Miles testified before the Committee on Military Affairs the other day that we have, including the last 17 years, 400,000 men with a training of the Regular Army of this Nation; in addition to that another unit of 400,000 men trained in military arts and science from the agricultural or land-grant colleges of this Nation; in addition to that 400,000 men that have had the training of the National Guard soldiery in this Republic; and aside from that, I judge from other evidence before our committee, pupils of a great number of military schools in this Republic, from which we may estimate 300,000 men who have received military training.

We have, in addition to that, 315,000 trained men who were volunteers in the Spanish-American War. So that you see, gentlemen, there are at least 1,800,000 men in the American Republic under the age of 45 years who have had at least some degree of military training.

I submit herewith the present authorized strength of the Military Establishment, 103,647, and the table showing what the present view of the War Department is before our committee:

| *Strength as provided by revised draft of House bill to increase efficiency of the Military Establishment.* | | *As now provided by law or Executive order.* | |
|---|---|---|---|
| Cavalry | 20,670 | The line of the Army, including Philippine Scouts, is limited by act of Feb. 2, 1901, to 100,000 enlisted men | 100,000 |
| Field Artillery | 21,792 | | |
| Coast Artillery | 25,203 | | |
| Infantry | 57,900 | | |
| Engineers | 2,661 | | |
| Porto Rico Regiment | 1,930 | | |
| Philippine Scouts | 12,000 | | |
| Recruits, etc. (5 per cent of Cavalry, Field Artillery, Coast Artillery Corps, and Infantry) | 6,278 | | |
| Total | 148,435 | | |
| Cadet companies | 3,210 | No provision for such companies under existing law. | |
| Ordnance Department | 1,065 | Ordnance Department | 1,065 |
| Signal Corps | 2,698 | Signal Corps | 1,472 |
| Indian Scouts | 75 | Indian Scouts | 75 |
| Quartermaster sergeants | 403 | Quartermaster sergeants | 403 |
| Military Academy detachment | 632 | Military Academy detachment | 632 |
| Total | 156,518 | Total | 103,647 |

It would appear, therefore, that the bill referred to increases the Army about 53,000 men.

ADJUTANT GENERAL'S OFFICE, *February 12, 1916.*

That is a small Army compared with the population of this Republic. The War Department of this Republic in its revised program asks for 53,000 more. Surely 156,518 men as a total in the standing Army can not be regarded as a great standing Army, threatening militarism in a Nation of 100,000,000 people. The President in his revised view will be satisfied with several thousand less than the War Department desires.

As to the Navy, I will incorporate in my remarks the testimony of the admirals on that point.

As to our coast defenses, I will also incorporate the testimony of Gen. Weaver; and, by the way, he testified before the Committee on Military Affairs at this session that we have the best coast defenses in the world. Gen. Nelson A. Miles testified virtually to the same thing.

The Times-Picayune, a newspaper published in the city of New Orleans, which circulates in my district, stated more truth than usual in favor of the American Navy in criticizing me editorially when it admitted that Admiral Fletcher had said that the English Navy was the only one that this Republic could not successfully resist.

I wish to say further that this same paper admitted more truth than it ever did before about the coast defenses of this Republic when it admitted in part the evidence of Gen.

Weaver. That paper endeavored to distort what I said in my letter to my constituents, and what the true meaning is, by failing to say that Gen. Weaver predicated his statement that anyone could land upon the shores of this Republic upon the fact that the American Navy had been destroyed and was out of the way. Any fool knows that without a Navy soldiers could land anywhere where we did not have coast defenses. However, if our Navy is intact, as it is now, and our coast defenses as strong as they are now—the Navy holding the seas—every person knows no country could land soldiers on our shores. Our coast defenses can prevent them landing in the defended harbors even if we had no Navy.

Gentlemen, the American Navy, according to all the evidence, evidence which I believe, and which every student of the subject ought to believe, since the German Navy has lost six of its big vessels in the last 18 months, and many small ones and submarines, is second to none on the globe except Great Britain.

Mr. CALLAWAY. Will the gentleman yield?

Mr. QUIN. Excuse me, I can not yield.

Mr. CALLAWAY. I want to correct the gentleman's statement about how many vessels Germany has lost.

Mr. QUIN. I shall be glad to have the gentleman do that.

Mr. CALLAWAY. They have lost 84.

Mr. QUIN. I meant battleships and battle cruisers.

Mr. CALLAWAY. The gentleman had better revise that. They have lost armed cruisers, but not battleships and battle cruisers. Their battleships and battle cruisers are all backed up in the Kiel Canal.

Mr. QUIN. I thank the gentleman for his definite information. He is a member of the Naval Affairs Committee and knows whereof he speaks.

Then, if this Nation has the second Navy in the world, the newspapers of this Republic have fooled a great number of people. And as a further proof that we have the second Navy in the world, I will incorporate in my remarks a statement of the money that has been expended in the last 15 years by all the nations of the world upon their navies. Great Britain has spent more money than the United States, but the United States stands away ahead of Germany, Japan, Russia, France, Italy, or any other nation in its naval expenditures. If our Navy is not second, where has the money gone?

*Naval appropriations of the principal powers from 1900 to 1914, inclusive.*

| Fiscal year. | Great Britain, Apr. 1 to Mar. 31. | United States, July 1 to June 30 | Germany, April to March. | France, January to December. |
|---|---|---|---|---|
| 1900-1901 | $145,792,859 | $61,721,695 | $37,173,074 | $72,683,180 |
| 1901-2 | 150,569,199 | 68,438,301 | 46,315,800 | 67,079,011 |
| 1902-3 | 150,679,328 | 82,977,641 | 48,818,700 | 59,217,558 |
| 1903-4 | 173,548,058 | 104,126,192 | 50,544,000 | 59,740,222 |
| 1904-5 | 179,138,049 | 116,655,826 | 49,110,300 | 60,178,623 |
| 1905-6 | 161,117,947 | 109,725,059 | 54,918,000 | 61,565,779 |
| 1906-7 | 152,954,342 | 98,392,144 | 58,344,300 | 59,514,206 |
| 1907-8 | 151,889,617 | 117,353,474 | 69,133,500 | 60,685,813 |
| 1908-9 | 156,401,161 | 120,421,579 | 80,737,626 | 62,194,915 |
| 1909-10 | 181,936,341 | 122,247,365 | 95,047,829 | 64,899,589 |
| 1910-11 | 202,056,258 | 111,791,980 | 103,302,773 | 74,102,439 |
| 1911-12 | 211,596,296 | 133,559,071 | 107,178,480 | 80,371,103 |
| 1912-13 | 224,443,296 | 129,787,233 | 109,989,096 | 81,692,832 |
| 1913-14 | 237,530,459 | 136,858,301 | 112,091,125 | 90,164,625 |
| 1914-15 | 260,714,275 | 141,872,786 | 113,993,329 | 123,828,872 |

| Fiscal year. | Russia, January to December. | Italy, July 1 to June 30. | Japan, April to March. | Total. |
|---|---|---|---|---|
| 1900-1901 | $42,101,212 | $23,829,206 | ..... | ..... |
| 1901-2 | 45,488,462 | 23,875,532 | $21,373,964 | $423,140,250 |
| 1902-3 | 50,709,465 | 23,522,400 | 17,654,528 | 433,639,620 |
| 1903-4 | 60,018,895 | 23,522,400 | 17,553,279 | 489,053,046 |
| 1904-5 | 58,076,543 | 24,300,000 | 10,018,024 | 497,477,365 |
| 1905-6 | 60,228,444 | 24,494,400 | 11,378,202 | 483,427,831 |
| 1906-7 | 60,703,557 | 25,805,668 | 30,072,061 | 485,846,368 |
| 1907-8 | 43,012,166 | 27,516,454 | 35,124,346 | 504,706,370 |
| 1908-9 | 49,682,482 | 30,453,697 | 39,347,332 | 539,238,793 |
| 1909-10 | 58,059,040 | 31,812,835 | 35,005,719 | 589,008,753 |
| 1910-11 | 46,520,465 | 40,595,204 | 36,889,158 | 615,258,277 |
| 1911-12 | 56,680,915 | 40,780,987 | 42,944,329 | 673,111,187 |
| 1912-13 | 82,019,633 | 41,893,420 | 46,510,216 | 716,335,723 |
| 1913-14 | 117,503,657 | 49,550,147 | 48,105,152 | 791,803,483 |
| 1914-15 | 128,954,733 | 56,920,440 | 69,111,653 | 895,390,033 |

But if we are in danger, as the head of this Nation has said, do we not owe it to the people to add to and strengthen even our Navy? Do we not owe it to the American Nation to strengthen our coast defenses in a reasonable way? Do we not owe it to the American people to have some kind of citizen soldiery in this Republic? The gentleman from Wyoming [Mr. MONDELL] wanted to know what had changed me from his way of thinking. I want to say to him that one of the things is that I have the utmost confidence in Woodrow Wilson as a man. I have the utmost faith in him as a gentleman and a patriot, and I have all the confidence in the world in him as a statesman and as the President of this great Republic. [Applause.] Furthermore, the testimony during the past several weeks—which is only finished a day or so ago—before the Military Affairs Committee by the Army experts and others shows the plain need of the reasonable strengthening of our defenses on land and sea.

I want to say that the head of this Nation, who is charged with all responsibility in dealing with foreign nations, states that he has information that has never been submitted to Congress. He states that he has information which leads him to know that this Nation right now is in danger and peril. In other words, he says things which warn us that we are sitting on an international volcano, and when he says that, I consider it my duty to take cognizance of such a statement coming from the President. The gentleman from Wyoming [Mr. MONDELL] said that I am hanging onto the coat tail of President Wilson. I wish to say to you, my good Republican friends, that is a mighty good coat tail to hang onto. [Applause on the Democratic side.] And when that coat wears out, we Democrats will get him another. [Applause.] And it is evident that our great President will wear out many coats before the American people will be willing to relieve him of the noble service he is rendering them during this period of international crises. [Loud applause.]

Another reason why I changed my mind and determined to stand by President Wilson in his preparedness policy is that when I see Republicans attacking him and his policies and some stabbing him in the back, I know it is time for me to get behind his coat and stand there ready to take a fall out of you and all other enemies of Democracy. [Applause on the Democratic side.]

Mr. MONDELL. Will the gentleman yield?

Mr. QUIN. I yield to the gentleman.

Mr. MONDELL. When did the gentleman's conversion, like unto that of Saul of Tarsus, occur?

Mr. QUIN. It occurred, as I have told you, after the President informed the country and us through his speeches of the great danger that we are in and after further hearings before our great committee demonstrated conclusively that the President is right. Much of the world is at war.

Understand me that I am not for the biggest Navy in the world, and the President is not advocating that. Let us be fair with him.

As I understand the President and as I think for myself, I am for a Navy sufficient to protect this country against any probable combination of adversaries who may, for one reason or another, at any time in the future, bring on war with this country. I believe in a good, strong Navy—it is our first line of defense. If we have a strong Navy no other nation will molest our citizens or their property on the high seas. This Nation has grown out of its swaddling clothes. Its prosperity depends very largely upon its foreign commerce. The surplus cotton of the South and the surplus cattle, corn, and wheat of the West must be shipped and sold abroad in order to produce a trade balance in favor of this country every year; otherwise the prices of these raw products will go down till our people are in poverty. The people of the South lost several hundred million dollars during 1914 because the outbreak of the European war ruined the price of cotton and its sale and shipment abroad, and right now, if we had a good enough merchant marine to carry promptly all our export cotton and enough good battleships to say to all the world, cotton is not contraband, and never was and never should be, therefore let our cotton alone, cotton would be 5 cents per pound higher than it now is. The cotton farmers of my district are as greatly interested in and will be as much benefited by a powerful Navy as the seacoast city people are, and more so.

And I want to discuss this continental army proposition that you speak of. President Wilson has been fair with the Military Affairs Committee. He has not for one moment endeavored to choke that committee and make it take a continental army nor anything else. I wish to say that the Military Affairs Committee have been listening all these days to all this talk from Secretary of War Garrison and the staff officers and Army officers and many others on down to its closing session yesterday.

Further answering the cynical inquiry a moment ago from the gentleman from Wyoming [Mr. MONDELL] as to my change of attitude, I have had no change of attitude on the Army matter. I never did believe in a great standing Army, and I so said, and I stick to it. It is un-American, undemocratic. I took my political life in my hand for the sake of convictions

in that matter, and I stated that if the President should stand for a big continental army I would even fight the President's idea favoring that, because it would burden the taxpayers, bring about militarism, and threaten the liberties of the people. I submit that it now appears I was right, for this day it is evident to all of us that the big continental-army plan that has been so much talked and written about is as "dead as a door-nail." I feel I helped to kill it. If the President ever favored it, he no longer does. You will see, before our Military Committee gets through, it will report a people's bill—one like I then and now advocated. So I have not changed so much as others have. The Secretary of War has resigned because we would not accept his big continental-army plan, and the President will agree on a compromise to use the National Guards of the several States as the basis of military preparedness. That continental-army plan was the first step toward compulsory military service in this country, and I am glad to hang crêpe on the door of its sepulcher.

We are going to strengthen the Army properly, and we are going to fix a citizen soldiery in this Republic that is going to be wise, judicious, and economical, both for the present and for the future. Who could object to such a democratic policy?

We should and will strengthen our coast defenses, wherever needed, so that our guns from our forts can shoot as far and as hard as any gun can shoot at our forts from an enemy ship.

I also think the Government should build, own, and operate a sufficient plant, or plants, to manufacture its war materials, so as to prevent private monopoly from overcharging the Government for whatever materials it may wish or need to buy. We are going to build a plant to make nitric acid out of air. It is the one thing that must be done. Powder and explosives can not be manufactured without this acid. We now get our supply from Chile. In war we might not have access to that source.

The nitric acid that goes into commercial fertilizers costs our farmers annually $77,000,000. That acid costs $225 a ton. The expert before our committee demonstrated we can make it out of air at a cost of $50 to $75 a ton. He certified $3,000,000 would erect plants to make all powder for the Government in time of peace; that $40,000,000 would erect plants for powder-manufacture purposes and for all the commercial fertilizers now used by the farmers in this Nation, and that at a saving to the Government and the farmers of 50 per cent. We would save the farmers $40,000,000 a year on the nitric acid that goes into the fertilizers they buy. Who of you would dare vote against this?

It is natural for me to pay the utmost respect to the views of the President; and if the gentleman from Wyoming [Mr. MONDELL] asked if my Saul of Tarsus conversion came about in that way I desire to say to him that I have stated what changed my opinion, and the Good Book says that "a wise man changes his mind but a fool never." [Laughter.] However, I wish to add, some of our ablest men can not change their minds, as well as millions of our intelligent citizens, in favor of preparedness. Every man has a right to his own opinion. When we set the sedge field afire the rabbits are going to run out, and when your Republican convention meets in Chicago and puts in its platform a plank indorsing what this Congress had done in respect to preparedness, the very things that we are going to do to defend the country against aggression, what are you going to do then? You are going to support it from then on, whether it is the doctrine of Woodrow Wilson or the ex-President to whom you referred; and I wish to say to the gentleman from Wyoming that another reason why I am going to stand by President Wilson is, that I believe the ex-President to whom he referred, Mr. Roosevelt, is going to be the nominee of the Republican Party. I feel that this country is safer in the hands of Mr. Wilson, who we know has done his utmost to keep us out of war. We know that he is a peace-loving man, we know that he does not have the jingo spirit and that he does not want to run down and invade Mexico. He does not want to run over and fly at the throat of some foreign country. That is one reason why I determined to stand by the man whom I believe and know the Democrats are going to nominate to bear the standard of our party, and if all of us Democrats will stand by him in this crucial hour, and help to hold up his hands, he will be in a position to win next November against your nominee, who may be a war man. There are several more reasons I could give you.

I believe that the money to pay for this "preparedness" can be raised in a way that will not hurt the poor people of this Republic. I am in favor and I believe that it is going to be done by this Congress, for there are enough men who are real patriots here who will vote for it, of making the wealth of this Republic pay for this extra expense that will be necessary to carry out this program—by income and inheritance taxes and other taxes on wealth.

There are men in this country we all know are making tremendous profits out of war contracts. I wish to say to the gentleman from Texas [Mr. CALLAWAY], if he will stand by us, we will get it out of the wealth, and through the income tax, and an inheritance tax, and perhaps a tax upon munitions of war. The Ways and Means Committee of this House should bring in a bill that will force wealth to pay the burden that preparation carries with it.

I will just say to the gentleman from Texas [Mr. CALLAWAY] that the men who have changed from his way of thinking on this business never will change their ideas of raising the money. We are just as true to the men behind the plow and in the workshops of the country as before we changed. Every man in this House knows there has never been a piece of legislation here affecting the laboring man and the farmer when I have not been on the side of the laboring man and the farmer of this Republic fighting for their rights, and I am going to stay there as long as I am in Congress, and I am going to stay on the side of the farmer and the laboring people in this Republic as long as I am able to speak upon this earth.

And if the gentleman from Texas [Mr. CALLAWAY] is a true friend of the American people and the farmers and the laboring men, like I am, that is one of the reasons why he still clings to his ideals, but he is likely to wake up and find that he is mistaken in his views on preparedness. This Nation should be prepared to defend itself, and when the people know all the facts they are going to demand this of Congress. Although I know it will be as hard as pulling eyeteeth for that gentleman to change his set opinion, yet I am satisfied he will finally yield. I know it makes a man who has self-respect for himself struggle to bring about a change of views. It takes either a big man or a little one, whichever you are minded to call it, to change his opinions and convictions on such a serious matter as preparedness. [Applause.] The distinguished leader of the Republican Party, Mr. MANN, of Illinois, changed his views. I have respect for him as a man and a gentleman and a statesman, although he is a Republican. He stood as an economist against big navies and armament, and so on. He had sense enough to see the necessity of reasonable preparedness even before I did. [Applause and laughter.] He had sense enough to realize the dangers that are confronting this country. I admit that I could not see it until all the testimony was taken and the President told us of the great peril, and I do not blame the gentleman from Texas [Mr. CALLAWAY], but I still have hope for his conversion and at least that he will finally support the President. "While the lamp holds out to burn the vilest sinner may return."

I have very definite opinions as to where our future international danger lies, but as a Member of Congress of a neutral nation it is not proper to state those opinions; but from whatever quarter danger comes, self-interest and self-respect demand that this rich, free, proud Nation be in position to repel it.

I am following that man at the other end of the avenue, the President, who warns us of national danger and of our defense needs; and it is our duty to pay attention to him, and the American people believe him.

Do not you know if President Wilson were not honest and sincere in what he said in his recent speeches on his tour through the Middle West he would be the most despised man on the face of the earth; that he would be lashed by the cat-o'-nine-tails of his conscience through all his wakeful hours [applause]; that green-streaked scorpions would sting his soul in his hours of meditation, the furies of hell would torment him during his restless nocturnal repose? [Applause.] Do you not know a man who holds the responsible position of President of the United States would not for political ambition or self-aggrandizement go out to the American people and misrepresent the facts? Do not you know that he is honest and sincere in what he has stated? I know it, and I am going to stand by him and help to hold up his hands while he guides our ship of state through troubled and turbulent waters. If he were dishonest and did that for his personal ambition, Judas Iscariot, Alcibiades, and Benedict Arnold would be patriots and respectable gentlemen as compared to him. Do you not know this, if the President of this Republic, knowing how the American people would regard it, were to deceive them, they believing in his heart, in his soul, and intellectual integrity, in every statement that he made on the platform of this Republic, they would socially ostracise him and politically condemn him and personally curse him? He is the chosen representative of all the people. The President has kept us out of war, when a hot-head would have engulfed us in it. He has kept the interests of the Nation safe

and its honor without a stain. In the presence of such character, learning, goodness, and wisdom party should hide its ugly head and faction should disappear, while the broad sentiments of pure Americanism should, and will, envelop him in its protecting arms. [Applause.]

Believing in the President's integrity as a citizen and as a President, and knowing that he fully realizes what the American people and the whole civilized world would think of him if he attempted deception, it is my duty to stand by him and help him fight his battles against those who are trying to down him. [Applause.] I am going to put the 230,000 people whom I have the honor to represent on the safe side. I am going to put them on the side of President Wilson. I am going to put them by my voice and my vote in this Congress on the side of what I believe is right in this great crisis. If I could not properly represent my people in a great emergency like this, I would feel ashamed. I wish to say, my friends, that, wrestling with my conscience and what my duty is on this question, after I heard the things that the President recited, after I read his utterances, and after having heard all the evidence before my committee, I reached the conclusion that it is my plain duty to stand by him. I have been honored with a great committee assignment at this great crisis. Now, the Committee on Military Affairs owes it to the American people to do the clean thing. It owes it to the farmer, the blacksmith, the shopman, the millionaire, and all to give them righteous and judicious legislation. You gentlemen know Chairman HAY. I wish to say I am willing to follow him anywhere. [Great applause.] He is a patriot. He is a statesman. He knows more about the military affairs of this Republic than any other single man in the Army or anywhere else. [Applause.] You need not be uneasy about the bill that our committee is going to report. It is going to correspond with what is right and just, and at the same time meet the approbation of President Wilson and the American people. It is going to be a bill that Republicans, Democrats, and Bull Moose all alike can support in a solid phalanx. [Applause.]

I further have confidence in the Committee on Fortifications. That committee is not going to ask this Congress to waste any money, and I do not believe that the Committee on Naval Affairs is going to do it either.

The CHAIRMAN. The time of the gentleman has expired.

Mr. QUIN. Mr. Chairman, can the gentleman yield me a little more time?

Mr. MOON. I will yield the gentleman 10 minutes.

Mr. QUIN. I thank the gentleman indeed for giving me additional time, and I wish to say on the question of who is to pay for this great expense, my friend from Texas agrees exactly with seven-eighths of the Democrats of this House. He agrees with me that wealth can be made to pay and not feel it at all. Why is it that we should, in this great crisis, not put the burden where it belongs? The United States Government, through special privileged legislation, has allowed great fortunes to be builded up in this Republic. If Mr. Rockefeller has millions a year as an income, why should he not be required to have 25 per cent, or more if necessary, taken in taxes for the national defense? Why should not a man who has an income of $5,000 a year pay something, and with a gradual increase up to the men who have $500,000 make them go into their jeans and pay into the American Treasury the necessary money to protect them against aggression or invasion. What millionaire is there in this Republic who would feel the effects of such an income tax? Upon the poor it would be a burden; but, my friends, if it is absolutely necessary, and you could not get it all out of wealth, it is our duty to make the preparation for the proper defense of this Republic, even if we have to place a part on labor.

The man behind the plow has confidence in his Congressman. I know the man behind the plow in my district has confidence in my judgment. I have confidence in him. I know he has confidence in my integrity, and while I have told him I have been against the program as at first outlined, he knows my heart and my sentiment, and being his spokesman here on the watchtower to look out for him, when I see the danger that this Republic is in, when I see the peril which the President has told us faces this great Nation, I know it is my duty to come out and say that preparation must be made, even if a part of its cost falls on the producing masses. But we can keep it from going there. We have it in our power and we are going to do it and put it on the people of this Nation who are able to bear it, upon the people who have the ability to pay it and not feel it. I never have believed in the outrageous Republican doctrine that we should get all the taxes out of the people who toil. I believe the American people know that there has been a system of legislation that has enabled great fortunes to pile up, and have fully realized that this great wealthy class ought to contribute more to the support of the Government. This Congress owes a higher duty, to see that if we put this burden upon the public we should lay it on those who are able to pay it and not feel that they have been taxed.

If the man who has $50,000,000 income has $10,000,000 taken out to put upon the national defense, how does he feel it? How does he suffer? They are the ones who have been clamoring the most for this national insurance. They are the people who have felt the danger the most. They are the people who proclaim loudest that this Nation should have the proper defenses to protect them and their property rights as well as the balance of the people and property in the Nation. Do you not think it is necessary to protect ourselves by an absolute guaranty that we know a national defense program will bring forth? [Applause.]

This free Republic has cost too much in blood and treasure in establishing its liberty, its principles, and its independence, and it means too much to the present and future generations of Americans, and it means too much as a beacon light extending its rays over the earth as a hope and encouragement to all mankind, to permit its glorious career to be checked by international war when it is not prepared for safe defense of its rights, its interests, and its safety, when all this can now be secured at relatively small cost. This Nation will never be the aggressor, I hope; but I want it to be organized industrially and in military, coast defense, and naval strength, so that if attacked it can acquit itself with honor and safety and thus pursue, under God's guidance, its grand career as the "land of the free and the home of the brave." [Loud continued applause.]

I herewith insert the following evidence, most of it taken last Congress, showing we have the second Navy and best coast defenses in the world:

Mr. WITHERSPOON. Now, according to the Navy Yearbook, Germany has battleships built, building, and authorized, 39. Would you say that if she could send all those ships against us, we would not be able to resist them?

Admiral FLETCHER. I should say that we ought to, if we have the greater force.

Mr. WITHERSPOON. Yes; we ought to. Certainly we ought, and we could.

Admiral FLETCHER. Yes, sir; the greater force should win.

Mr. WITHERSPOON. Yes; we could.

Admiral FLETCHER. I think so.

Mr. WITHERSPOON. Now, it has been stated to us that if Germany were at war with us she could not afford, either, to send more than one-half her ships against us.

Admiral FLETCHER. That I do not know.

Mr. WITHERSPOON. I am not asking you whether you do or do not. Assuming that she could send only half her 39, would you not say that we could successfully resist that number?

Admiral FLETCHER. Yes, sir; I would say so if all our force is available to meet her.

Mr. WITHERSPOON. I would, too. Now, take France. This Navy Yearbook says that France has a grand total of battleships, built, building, and authorized, of 29—11 less than we have. Would you not say that if she sent all hers against us that we would be able successfully to resist them?

Admiral FLETCHER. Yes; our force available being the greater.

Mr. WITHERSPOON. And if she sent only one-half of them we would not have much of a fight, would we?

Admiral FLETCHER. No; we ought not to.

Mr. WITHERSPOON. That is the way I look at it. Here is Japan, which, according to the Navy Yearbook, has only 19 battleships, or 21 less than we have got. If Japan should send all of her 19 against us, do you not think we would be able successfully to resist them?

Admiral FLETCHER. Yes; I should say so, if all of our force were free to meet them at the time.

Mr. WITHERSPOON. And if she did not send but half of them there would not be much of a scrap would there?

Admiral FLETCHER. Probably not.

Mr. WITHERSPOON. Now, here is Russia, that the Navy Yearbook says has a grand total of battleships, built, building, and authorized, of 15. If she should send all of them against us, would you not say that we could successfully resist them?

Admiral FLETCHER. Yes, sir.

Mr. WITHERSPOON. And if she sent half of them there would not be any fight at all, would there?

Admiral FLETCHER. Not much.

Mr. WITHERSPOON. Here is Italy, that has a grand total, according to the Navy Yearbook of 17 battleships. We could successfully resist them, whether she sent all of them or a part of them, could we not?

Admiral FLETCHER. Yes; I think so.

Mr. WITHERSPOON. Now, Austria-Hungary, according to the Navy Yearbook, has a grand total of battleships, built, building, and authorized, of 10. We could successfully resist them, could we not?

Admiral FLETCHER. I think so.

Mr. WITHERSPOON. Then what nation is there that we are not prepared successfully to resist? There is not one on earth, is there, Admiral—not a single one?

Admiral FLETCHER. Well, Judge, I think there is.

Mr. WITHERSPOON. Well, which one? I have gone through the big ones. Tell me which one.

Admiral FLETCHER. I should say that England has a navy so much more powerful than that of any other nation in the world that she could easily keep control of the seas.

Mr. WITHERSPOON. England. Well, what other one, then?

Admiral FLETCHER. I do not think we need greatly fear any other single nation.

Mr. WITHERSPOON. Then there is no other nation except England that, in your judgment, we could not successfully defend ourselves against?

Admiral FLETCHER. I think that is correct; yes.

Admiral FLETCHER. England has many ships which are very nearly of the same power of our own ships of same date of building.

Mr. WITHERSPOON. Let us see about that, now. I do not believe she has, though you know more about it than I do. In this Navy Yearbook, which gives a list of the English battleships, I find that the last five dreadnaughts that England built or is building are named the *Royal Sovereign, Royal Oak, Remiles, Revolution,* and *Revenge,* each of which has a tonnage of 26,000.

Admiral FLETCHER. Yes, sir.

Mr. WITHERSPOON. And we have two ships, the *Pennsylvania* and the *No. 39,* which have a tonnage of 31,400, and then we have authorized three more that are to have a tonnage, as I understand, of 31,000.

The CHAIRMAN. Thirty-two thousand.

Mr. WITHERSPOON. Thirty-two thousand tons. In other words, the tonnage of the *Pennsylvania* and *No. 39* is 5,400 tons greater than that of the last five English dreadnaughts that are building, and the last three dreadnaughts that we are building have a tonnage of 6,000 tons greater than the last five English ships. Do you tell me that these English ships are equal to ours?

Admiral FLETCHER. No; I did not say that.

Mr. WITHERSPOON. Do not you regard them as inferior to ours?

Admiral FLETCHER. Yes; as near as we can estimate.

Mr. WITHERSPOON. I do, too. And the armament of these five ships is eight 15-inch guns, while the armament of the five American ships I have referred to is twelve 14-inch guns. Which is the more powerful armament, eight 15-inch guns or twelve 14-inch guns?

Admiral FLETCHER. I think the twelve 14-inch guns more powerful, but I am not sure this opinion is concurred in by all authorities.

Mr. WITHERSPOON. Then, understanding your testimony, after reviewing it, do you want us to understand that England is the only nation on earth that has a navy that we could not successfully resist?

Admiral FLETCHER. I think that is the fair conclusion; yes, sir; at the present time.

Mr. WITHERSPOON. Well, I wanted to get your views about that, because I do not like to hear Americans running around and talking about the German Navy being superior to ours. I know it is not so.

Admiral BADGER. You have not heard me say that.

Mr. WITHERSPOON. No; and I am glad that is so. I hope you never will say it, because there is not any truth in it.

Secretary DANIELS. I think when the war is over in Europe the countries are going to be so exhausted in their resources and are going to be so burdened with debt that there is going to be a great revulsion of feeling against war. I think there is going to be such exhaustion and reaction that the people are going to demand the cessation of this ever-increasing burdensome expense of war.

On page 572 appears the following report of the Secretary's testimony before the committee:

Secretary DANIELS. He [the President] absolutely refuses to lose his head merely because "some among us are nervous and excited." Even if the times are internationally out of joint, no occasion has arisen with us to plunge headlong into any frenzied policy or frantic action.

The new dangers which have arisen because of international complications have made the President realize the necessity for the program of national defense, and he changed his mind to meet these new dangers and conditions.

We have spent $200,000,000 on our coast defenses in recent years, and in a rigid examination, Gen. Weaver, Chief of Coast Defenses, testified in this hearing a year ago that our fortifications were ample and the most efficient in the world. In summing up his testimony Gen. Weaver says:

I have been a close student of the whole subject, naturally, for a number of years, and I know of no fortifications in the world, so far as my reading, observations, and knowledge goes, that compare favorably in efficiency with ours (p. 77, hearings before the Fortifications Subcommittee of the Appropriations Committee).

Within the past few weeks Gen. Weaver has reiterated his testimony given a year ago.

Gen. Nelson A. Miles, in a statement the other day, testified to the strength and efficiency of our coast fortifications. He said:

Having had much to do with placing and construction of our fortifications and inspecting every one along the Atlantic, Pacific, and Gulf coasts, as well as having had an opportunity of seeing all the great armies of the world and many of their strongest fortifications, including the Dardanelles, I am prepared to say that our coasts are as well defended as the coasts of any country with the same class of high-power guns and heavy projectiles, and I have no sympathy for the misrepresentations that have been made in the effort to mislead the public. Our Nation is composed of sovereign citizens who appreciate their independence and realize the difference between their condition and that of the millions of men now mere subjects of some despotism and used as food for powder.

It has been said by the critics of our naval strength that our Navy lacks auxiliary vessels. Admiral Blue, Chief of the Bureau of Navigation, in his testimony a year ago said:

I believe I am correct in stating that we have now more auxiliary vessels in the Navy than any other nation maintains in times of peace (p. 40, hearings before House Naval Affairs Committee).

Another criticism of the Navy, which has appeared in all the eastern papers and many elsewhere, is that our Navy is deficient in submarine strength. Admiral Fletcher, commander of our fleet, testified before the House Naval Affairs Committee, and as to submarines he said:

I should think it would be reasonable precaution to provide a few more submarines, considering our extensive coast line in the Atlantic and in the Pacific. Yet I will say that compared to other nations, we are well provided with submarines to-day (p. 520).

In a further statement the admiral said:

I think a reasonable increase of submarines, 8 or 10, or something in that vicinity, would be a proper increase.

I would say in an emergency some vessels are ready to-day; some would be ready to-morrow; but I would say that all of them could be ready within a week (p. 561 of the hearings).

And finally, in this testimony which Admiral Fletcher gave before the committee a year ago, he said that—

England is the only nation on earth that has a navy we could not successfully resist.

In a report made recently, Admiral Fletcher tells us that our Navy is 15 per cent stronger now than it was a year ago, and that in accuracy of gunfire it has improved 30 per cent in the past year.

Testifying last year as to the progress of the Navy, Secretary Daniels said:

The Navy program has been upgrade all the time. The Navy is getting better every year. The present Congress gave three dreadnaughts and we have 7,000 more trained men in the Navy than a year ago (p. 597 of the hearings).

Mr. STEENERSON. Mr. Chairman, I yield 10 minutes to the gentleman from Pennsylvania [Mr. GARLAND].

Mr. GARLAND. Mr. Chairman, I have been in this Congress since the day it opened, and only on one occasion before have I risen to my feet on this subject. I have noticed the speeches made on preparedness on both sides of the House; but with all the eloquence that has been expended here for the purpose of building up an Army and Navy, there has been no plan that would induce men to come forward and join. We must have prepared men if we want to be prepared.

Mr. Chairman, under date of January 10, 1916, I introduced House joint resolution 93, the purpose of which is to authorize the appointment of a commission in relation to educational, vocational, and military-naval training:

*Resolved, etc.,* That a joint commission be constituted to be known as the joint commission on educational, vocational, and military-naval training, to be composed of three members of the Senate, to be appointed by the Vice President, and three Members of the House of Representatives, to be appointed by the Speaker. The said joint commission be, and is hereby, directed, authorized, and empowered to examine, consider, and submit to Congress recommendations upon the following, to wit:

The need of educational, vocational, and military-naval training in the United States.

Whether national grants should be made to the various States to stimulate vocational and military-naval training, or whether schools or colleges should be established under the direct control of the United States and maintained entirely as national institutions.

If the said commission shall recommend that schools or colleges shall be established and maintained by the United States, then to recommend where not less than 20 such schools or colleges should be placed.

Whether a proportion of such schools should be established on the coasts for educational, vocational, and naval training exclusively.

To make recommendations as to the course of instruction in agricultural, trade, and industrial subjects as well as in military and naval training to be given in such schools and colleges, and to recommend the minimum age at which boys shall be admitted to such schools or colleges and the method of selecting the said pupils.

To make recommendations as to the total number of pupils to be received annually and to estimate the annual cost of the maintenance of such schools and colleges.

To make recommendations as to whether pupils who have been trained in such schools or colleges shall be subject to the call of the United States for military or naval services, as the case may be, and the number of years during which this condition of service shall prevail and whether such pupils shall during such period, when they are so subject to call for service, serve a limited time each year to perfect their military or naval training.

To make all other recommendations pertaining to the subject matter which aid in rendering more efficient a system under the control of the United States Government for educating boys while at the same time preparing them for military or naval service. To report as to whether such training shall be free of all cost to the said pupils and whether any monetary compensation shall be given the said pupils in the event of their being called for annual training after graduating from the said school or college.

The said commission shall report their finding to Congress on or before October 1, 1916, together with a bill embodying their recommendations and establishing such educational, vocational, and military-naval training schools or colleges. The sum of $10,000 is hereby appropriated, the same to be immediately available out of any funds in the Treasury not otherwise appropriated, to defray all necessary expenses of said joint commission, payment of said expenses to be made upon vouchers approved by the chairman of said joint commission, who shall be selected by the commission.

The investigations suggested in the resolution are for the purpose of submitting to Congress a bill involving a comprehensive plan to establish camps or barracks on land now owned or that may be purchased by the Government, and with suitable buildings thereon to conduct schools for vocational training, including agricultural pursuits, mechanical trades, erection of houses, and so forth; the manufacturing of arms, ammunitions, building of ships, and manufacturing or assembling of all parts thereto; in fact, teaching knowledge of all things and equipment that may enter into the art of modern warfare on or under land and sea.

When a plan for the establishment of such camps or barracks with schools for said purposes has been decided on, applications to enter such schools may be received from young men between the ages of 17 and 21 years to enter for a period of three years for vocational training, with such educational training as may be found necessary, together with such military training and naval training as may be necessary to fit and equip them for first-line war service against any foreign nation that may attempt to invade our shores or possessions or to destroy our

rights, privileges, or commerce at sea. That such application may provide that the applicant may not be permitted to engage in case of war until he has attained the age of 18 years. Further, that after the matriculation period the applicant shall receive a certificate stating the different trades or vocations he was employed at during tuition and marks showing proficiency therein. The application may further provide that the applicant will for the period of four years after the matriculation period be available to and will hasten to the call of the United States Government wherever he may be should any foreign nation or nations attempt to invade our shores or possessions or destroy our rights, privileges, or commerce at sea.

This plan should provide for the payment of wages to the applicant during the period of education for the number of hours employed, at no less compensation than is paid for like service during apprenticeship in industries or pursuits of a like nature by private corporations; the Government, however, retaining such an amount from the compensation as may be equal to the cost of maintenance from each student.

It is not the intention that this plan should in any way interfere with the present Army, Navy, or State National Guards, unless it be provided that men who are now therein may be given voluntary opportunity, irrespective of age, to take the course of training offered by this plan.

Not less than 20 camps of this kind, which number has been suggested, should average each 5,000 students and 10,000 acres of land; more students and more acreage can be included on interior land camps than on camps near water, where shipbuilding can be carried on, they being for naval training.

After the initial cost of the land and perhaps some improvised building, the cost to the Government would be nil, as the munitions, arms, all upkeep, and equipment furnished by the students, tradesmen, and tutors would take the place of that otherwise purchased by the Government.

Personal experience warrants the declaration that the most serious problem for the average workingman, and in fact for the entire family, to solve is what shall the average boy or girl do in life after leaving school if, indeed, the privilege of remaining in school to 16 has been accorded them? The period provided in this plan is just the time of life when the boy has come to an age when his services will help in the upkeep of the family. He is eager and anxious to do something, the pulsing blood of his young manhood cries out for a chance to know how to do something to carry him through life, and he can offer nothing to him who employs but his young strength. Strong muscles alone are plenty and usually cheap. The trained hand and brain must accompany the strong back, else the chance of remunerative employment is small. The opportunity to learn a trade or a profession, a vocation, if you please, under this plan, would bring to the defense of this country in time of stress, great hordes of grateful, intelligent, trained, and patriotic citizen soldiers and sailors.

I do not wish to discourage attempts to increase our defenses, as I am personally for adequate preparedness in the best manner attainable, but additional men must be trained in time of peace to be effective.

On January 19, Maj. Gen. Leonard Wood, before the Senate Military Committee, expressed the belief that compulsory service should be resorted to. Oh, perish the thought of conscription in time of peace in America! Admiral Fletcher's report shows one division of the Navy alone on last June's review was short 1,350 men and officers. This, after we had feared we might be involved in war for nearly one year.

These are authorities.

But can we wonder at the nondesire of young men to enlist in times of peace, when the prospects are that at the end of the three or five year period of enlistment they will probably be less able to meet life's problems or to earn a living than when they went into enlistment?

That this plan would attract more men than could be accommodated to enter the Army and Navy can not be doubted when we remember that every private and semiprivate institution of vocational training of any note in this country is crowded, not alone with scholars but with applications; and the great agricultural colleges of each State can not take care of the demand or the demands for place in their own confines. The needs of our country are apparent to all, and as we must be prepared, then, for the sake of humanity, for the sake of efficiency and the men we must and do always depend on to go to the rescue of the country—the poor boy, the sons of the farmer, the sons of the men in the mills, mines, factories, and of those engaged on our transportation lines; for the sake of the younger brothers of the soldiers and sailors now in the service, all of whom will go to make up the Army and the Navy. Give them a chance to live as other men live when not engaged in protecting us from foreign world powers.

That a wondrous lesson is at this moment being taught in the present European war of the advantage of vocational training and soldiering combined over soldiering alone, can not be denied, but at this time I will not go further in that, but data, proof, and reason are at hand to further support the whole idea suggested and will be given before the committee when opportunity occurs, and will in any event be placed in the RECORD at a future time if permitted. [Applause.]

Mr. MOON. Mr. Chairman, I yield five minutes to the gentleman from California [Mr. KETTNER].

Mr. KETTNER. Mr. Chairman, there have been several bills introduced at this session of Congress with a view to creating a tariff commission. As a director of the Chamber of Commerce of the City of San Diego for a number of years, I have continuously advocated a nonpartisan tariff commission. I was very glad, indeed, when I saw that some of my colleagues from California had introduced bills along this line; then that the gentleman from Illinois, the distinguished Republican leader, Mr. MANN, had introduced one; and when later on the gentleman who is now in the chair, a member of the Ways and Means Committee, Mr. RAINEY, introduced a similar bill, I reached the conclusion that we shall have a tariff commission before this Congress adjourns. In that connection I should like to have the Clerk read a letter I have received from the Chamber of Commerce of the United States of America along these lines.

The CHAIRMAN. The Clerk will read the communication.

The Clerk read as follows:

CHAMBER OF COMMERCE OF THE
UNITED STATES OF AMERICA,
*Washington, D. C., February 5, 1916.*

Hon. WILLIAM KETTNER,
*National Councilor, Chamber of Commerce, San Diego, Cal.*

DEAR SIR: In view of the general public interest at this time in the question of a permanent tariff commission, we feel that as national councilor for the San Diego Chamber of Commerce you should be fully informed regarding the activities of the Chamber of Commerce of the United States in advocating the establishment of such a commission.

At the first annual meeting of the Chamber of Commerce of the United States of America, January 21–23, 1913, a resolution was adopted in favor of the establishment of a permanent tariff commission, and was referred to the board of directors for submission in referendum form to the constituent members of the chamber in order to ascertain their views.

The proposition was submitted to the organization members on April 30, 1913, in the following form:

ORGANIZATION OF COMMISSION.

First. That the appointment of the commission, following the usual procedure, be vested in the President with the advice and consent of the Senate.

Second. That in order to make the commission an effective administrative body the number of commissioners should be limited, preferably not more than five.

Third. That the term of office of members of the commission should be sufficiently long to give the board stability and permanency, preferably six years, and the terms of members should expire in rotation as in the Interstate Commerce Commission.

Fourth. That a provision should be made for minority representation as in the case of the Interstate Commerce Commission, where not more than three of the five members shall be of one party.

POWERS OF COMMISSION.

First. To gather, investigate, and tabulate technical and statistical facts of all kinds pertinent to the tariff schedules, both in this and other countries.

Second. The reports of the commission should be confined to ascertained facts and should exclude recommendations unless called for by the body having power to institute tariff legislation. The information secured by the commission should be available to either House of Congress and to the President.

The result of the referendum was 715 votes in favor of a commission to 9 opposed. The aggregate membership of the organizations that voted affirmatively was approximately 114,000. The national chamber has ever since actively urged the creation of a commission.

In February, 1915, the delegates to the third annual meeting unanimously reaffirmed the position of the national chamber as determined in the referendum of 1913. It may fairly be assumed that the 600 delegates at this meeting indirectly represented dominant opinion among the 279,000 business men comprising the membership of the 624 federated commercial organizations.

From the time when the membership of the national chamber first indicated through the referendum its unmistakable attitude, the board of directors has sought in every proper and appropriate way to advance the idea of a permanent tariff commission. The present committee, which directs the efforts of the national chamber in this direction, was appointed by authority of the board of directors in the summer of 1915. That the original attitude of the membership of the national chamber as expressed by the votes cast in the referendum and as reiterated at successive annual meetings in fact persists, is clearly manifested by the fact that about 200 of the organizations in the membership of the national chamber have appointed committees of their own to advance the cause of a tariff commission. These local committees have joined with the committee of the national chamber in presenting the arguments which support the proposal that a commission should be created.

When the pamphlet which states these arguments was sent to the Members of Congress, the acknowledgments indicated keen interest and a ready disposition to give careful consideration.

Very truly, yours,

ELLIOT F. GOODWIN, *Secretary.*

The CHAIRMAN. The time of the gentleman has expired.

Mr. MOON. Mr. Chairman, I yield five minutes to the gentleman from Indiana [Mr. GRAY].

Mr. GRAY of Indiana. Mr. Chairman, I only want to ask leave to extend my remarks in the RECORD, in order to insert certain letters and communications with regard to certain automobile routes, and to pay my special respect to this system, under the five-minute rule.

The CHAIRMAN. The gentleman from Indiana [Mr. GRAY] asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. STEENERSON. Mr. Chairman, I yield 10 minutes to the gentleman from New York [Mr. PLATT].

Mr. PLATT. Mr. Chairman, I have studied section 17 of the Post Office appropriation bill with some care in order to try to find out whether it is fair to the small railroads, the trolley roads, and the ferryboats that carry the mail. They are not well treated under present arrangements, and I can not quite make out whether this bill gives them any better treatment or not. There has been in a great many places a taking away of the mail from those small lines, to the great inconvenience of a good many people. We used to hear complaints about the way freight was routed by railroads, sending it over long lines instead of sending it over short lines. Now, I happen to know of a case where the United States Government sends mail 150 miles to get it 3 miles, and connecting those 3 miles are trolley roads and ferryboats, and also a railroad going across a bridge. Instead of using any of those routes the United States Government sends this mail from Poughkeepsie, which is my home city, on the Hudson River, to Albany, 75 miles. It is sorted there, and comes down on the West Shore Railroad to Highland and the town of Lloyd, a town of about 2,800 people, opposite Poughkeepsie. Connecting Highland with the town and village of New Paltz, a village of about 1,200 people, is a trolley road, and that trolley road runs from the ferry. The distance from the ferry landing to the village of Highland is a little more than a mile and to New Paltz 9 miles.

There is a trolley, of course, in the city of Poughkeepsie, running down to the ferry, so that there is a complete connection either way. The screen-wagon man from the Poughkeepsie post office, going to the New York Central Railroad station, also goes within 1,000 yards of the ferry. There used to be a mail service by way of the ferry and the New Platz trolley railroad. It has been taken off. Now, as I say, it takes 150 miles to go those 3 miles. The result is that mail deposited in the Poughkeepsie post office, a city of 32,000 inhabitants, after the shopping time in the afternoon, can not get these 3 miles in time to go out by the rural delivery routes the next morning.

Mr. STEENERSON. Mr. Chairman, will the gentleman yield there?

The CHAIRMAN. Does the gentleman yield?

Mr. PLATT. I will.

Mr. STEENERSON. Has the gentleman called the attention of the officials of the Post Office Department to this matter?

Mr. PLATT. I have. It comes under the Second Assistant Postmaster General's department, under the Division of Miscellaneous Transportation.

Mr. STEENERSON. What excuse did they give for that situation?

Mr. PLATT. I can not make it out, quite; but they have promised to investigate it, and they have been over it several times. As nearly as I can make out, it is partly red tape and partly a tendency to do business only with the trunk lines, the big railroads, and partly bureaucratic inertia that holds the matter up. The mail used to be taken down to the river and put on the ferry, which crosses the river every half hour. Sometimes the trolley on the west side, which runs only every hour, was not there at the moment the mail was taken over, and then they would throw the mail sacks off on one side to wait for the trolley to come along. There were doubtless sometimes a few minutes when the mail sacks were unguarded. I have heard that given as a reason for the discontinuance of the ferry service, but other ferry services on the Hudson were discontinued at the same time, and I am of the opinion that the real reason was the tendency to deal with the big railroads, routing mail very much as package freight is routed by the railroads to a central sorting point. If the ferry route is not considered entirely satisfactory the mail could be sent all rail across the Poughkeepsie Bridge.

Mr. STEENERSON. Has the gentleman had any conversation with the Superintendent of the Mails about it?

Mr. PLATT. I have had conversations with the division superintendent, and have thought at times that I was making some progress, but nothing has been done to restore the service yet.

Mr. STEENERSON. It seems to me it involves a great waste of public money.

Mr. PLATT. Probably it does. At the time the ferry service was discontinued there was not a great deal of mail to cross the river, but since the parcel post was put in there has been a good deal of increase in the mail, and there always was as much mail as goes out on an ordinary rural delivery route, and probably more. Besides that, the villages on the west side of the river, as well as the city of Poughkeepsie, have grown. It is time, in my judgment, that that very curious situation should be remedied, as complaints are becoming more and more frequent.

Mr. STEENERSON. Has the gentleman any suggestion for legislation or is that an administrative matter purely?

Mr. PLATT. No; I have no present suggestion to make. I have only made complaint as others have done. Possibly I may find some place for a suggestion as to legislation when we come to the discussion of this bill under the five-minute rule. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The gentleman from New York [Mr. PLATT] yields back five minutes.

Mr. ELSTON. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD by inserting a communication addressed to me by the San Francisco Chamber of Commerce concerning neutral rights on the high seas.

The CHAIRMAN. The gentleman from California asks unanimous consent to extend his remarks in the RECORD for the purpose indicated. Is there objection?

There was no objection.

Following is the communication referred to:

SAN FRANCISCO CHAMBER OF COMMERCE,
*February 4, 1916.*

Hon. J. A. ELSTON,
*House of Representatives, Washington, D. C.*

DEAR SIR: The San Francisco Chamber of Commerce, representing the business interests of the community of San Francisco, has for some time viewed with considerable apprehension the interference with American neutral trade on the seas by the British Government. Silence on this subject has not indicated acquiescence in the moral or legal justice of the course of the British Government, but has thus far been dictated by a desire to be of as little embarrassment to the Federal administration as possible in handling the delicate situation with which it is confronted.

The propriety of this communication has been suggested by the thought that further silence on the part of an organization representing the business interests of the community of San Francisco might prove misleading as to the popular sentiments entertained here.

We fully recognize, and we trust justly appreciate that the rights of neutrals during the course of any war must be nicely adjusted with regard to the rights of belligerents; but appreciating that under the principles of international law belligerents may have rights more or less clearly defined, we also recognize that under those same principles neutrals likewise have certain clear rights, and among them is the right of neutral trading under appropriate conditions.

There seems to be little opportunity for differences of opinion as to what really constitutes absolute contraband of war concerning which a neutral can insist upon no right that his trade should be protected. The difficulty appears to arise with reference to those commodities designated as conditional contraband of war, and those articles which may be classed as conditional contraband of war appear to become extended with more reference to the necessities of the belligerents than with regard to the rights of neutrals.

We are not disposed to quarrel with any rights which belligerents may assert as the result of an actual blockade, but we believe that our Government can with dignity and propriety protest against any claim on the part of any belligerent to enjoy the same rights from a paper blockade which might be justly claimed in the case of an actual blockade. Upon like reasoning we protest against the extension of the doctrine of continuous voyage asserted by the British Government, which, we are advised, goes further than any doctrine of continuous voyage ever asserted by our Government or maintained by our courts. And in this connection we call attention to an instructive and interesting article in 29 Harvard Law Review, pages 195 and following (Dec., 1915).

We also protest against any arbitrary declaration that foodstuffs should be deemed absolute contraband of war. In this connection we would call particular attention to the effect of such efforts upon one of California's main industries, the fruit industry, which has suffered and is suffering seriously from the interference by belligerents with the marketing of those products and is and has been entailing enormous financial loss to the producers of this State.

While we do not think it would be becoming for us to suggest a method by which these protests could be made effective by the administration if they be deemed proper as in the delicate position in which the United States of America find themselves placed by this great war it would appear to be the part of patriotism to allow our problems to be solved by our constituted authorities, we nevertheless desire it to be known that we would approve any action by the administration which sought to make its protests along the lines suggested effective by even prohibiting the exportation of arms or munitions of war on the part of all persons in the United States, or the further subscribing to war loans of the belligerents by any person in the United States.

Very respectfully,

SAN FRANCISCO CHAMBER OF COMMERCE,
S. B. MCNEAR, *Vice President.*

Mr. PLATT. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from New York [Mr. PLATT] asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. STEENERSON. Mr. Chairman, I yield to the gentleman from Michigan [Mr. SMITH].

Mr. TAGGART. Mr. Chairman, will the gentleman wait for just a moment?

Mr. SMITH of Michigan. Certainly.

Mr. MOON. Mr. Chairman, I yield to the gentleman from Kansas.

Mr. TAGGART. Mr. Chairman, I ask unanimous consent to insert my remarks in the RECORD on the occasion of the birthday of Abraham Lincoln, and referring to some of the men who served under him.

The CHAIRMAN. The gentleman from Kansas [Mr. TAGGART] asks unanimous consent to extend his remarks in the RECORD touching Abraham Lincoln. Is there objection?

There was no objection.

Mr. STEENERSON. Mr. Chairman, I yield five minutes to the gentleman from Michigan.

The CHAIRMAN. The gentleman from Michigan [Mr. SMITH] is recognized for five minutes.

Mr. SMITH of Michigan. Mr. Chairman, I would like also to have the privilege of extending my remarks and making some observations on the natal day of President Lincoln.

The CHAIRMAN. The gentleman from Michigan asks unanimous consent to extend his remarks in the RECORD on the subject of Lincoln's birthday. Is there objection?

There was no objection.

Mr. SMITH of Michigan. Mr. Chairman and gentlemen of the House, I have listened with much interest this afternoon to the explanation that has been made of the Post Office appropriation bill, now under consideration, and I have been very much gratified to learn the acknowledgment made by the chairman, Mr. MOON, that the changes heretofore made of the rural routes were not proper; and that the committee has reported an extra increase in the appropriation beyond that which was asked for by the Post Office Department of $4,500,000 for the purpose of again readjusting this highly appreciated service and correcting the mistakes made. The report shows that there are 43,800 rural routes in the United States; that a total appropriation of $316,364,879 for the Postal Service for the fiscal year 1917 is asked for, as against $313,364,667 for the last appropriation; that the sum asked by the department to carry on the rural service is $48,500,000, but that the committee has asked that this amount be increased to $53,000,000. I hope the amount asked for by the committee will be allowed and the extra amount will permit the rural routes to be again restored to those deprived of them.

I have received a great many complaints, but it would do no good for me to go into a history of them. In fact, I could not in the very brief time allotted to me. But I will say that when the changes were made they were made up without the knowledge of anyone that the routes were to be changed. No one was consulted and, as one speaker said a few minutes ago, "made by some clerk here in Washington and from charts here." The character of the road has much to do with the mail carrier and changes when made should consider the highways as well. But with the assurance from the chairman of the committee that they are to be readjusted, I trust that all those who have had this service for a number of years, with the mail carried to their doors, will be put back upon their routes and have the same service which they have heretofore had; because I consider that where the mail has been delivered for a number of years, in some cases as high as 15 to 30 years, a mail box becomes as much an attachment and as much an appurtenance to a place as if it were a building, and it certainly is a great convenience.

I have also listened with a great deal of interest this afternoon to the discussion upon preparedness and national defense, and while I have been listening I have thought of the communications which I am receiving every day. Nearly every one of the speakers presents a different idea and a different theory. I hope the time will never come, but if it does and our soldiers are called to the colors to defend our country, that they will not have to fight in the trenches with crowbars, as it is reported the Russians did at Pryzemel. I hope that one rank will never have to stand behind another, waiting until the foremost man falls in order to be furnished with a rifle with which to defend his country, and that we will have more ammunition than will last our Army and Navy two hours in action. [Applause.] I do not think, Mr. Chairman, that all of preparedness consists in a large standing army and a great number of men. I believe that if the history of the European war has taught anything, it has taught the fact that they can enroll men a great deal more quickly than they can equip them. For that reason it seems to me that some of the gentlemen who are talking of and looking only to a large Army and a large number of men ought to see to it that we have ample equipment for them. We are the inventors of the aeroplane. Is it possible that we have only 20 that are fit for service to-day? We are the inventors of the submarine. Is it possible that we had only 1 out of 29 that could dive in the naval evolutions at Norfolk last year? I believe in reasonable preparation and equipment for the Army and Navy; then when danger comes we will have something to do with. [Applause.]

ABRAHAM LINCOLN.

But, Mr. Chairman, it was my purpose in arising to speak briefly of our beloved martyred President, Abraham Lincoln, compatriot of Washington; the one the father and the other the savior of his country. The spirit of the present times brings their memory strongly in the light of to-day. Illustrious in arms, both unfaltering patriots and peerless statesmen, but, over and above all, they were true Americans. Each piloted his country through a storm which lasted through dreary years and left us a heritage for which they pledged their lives; and to-day we are brought to a realization, as never before, of the legacy and inheritance bequeathed to us and to our children. Each was at once the right one to guide the destiny of the Nation. Each left the structure of our liberty and the foundations of our institutions more secure and more firmly established. Being 7 years of age when the bugle sounded for the conflict, it was not my privilege to have ever seen the supreme Lincoln, but the esteem and love in which the brave boys who fought the great battles of that momentous war hold him leave no shadow on his greatness. They hold his every act in greatest reverence and admiration and cherish it as a priceless boon to have been in his presence. His acts were all founded on high principles of religion and statesmanship, and yet he loved most of all to be styled one of the plain people. He was most forgiving, gentle, and tender-hearted. He builded his future greatness upon the great truth uttered centuries before, that "a house divided among itself can not stand." He started in life in the frontier. He was captain of a company in the Black Hawk War in 1832, at the age of 23, and began a military career. He was postmaster of his home town of Salem. He served for four terms as member of the State legislature; he served one term as a Member of Congress, from 1837 to 1839; and during all these years, it is stated, he devoted himself assiduously to the study of books of learning. He was most familiar with the Bible, and his afterlife showed him to be well educated. He was proud of being termed one of the common people. In one of his speeches in Ohio, in 1859, it is recorded of him that he stated, "I am most happy that the plain people understand and appreciate this." Time does not permit me to even allude to many of his wise sayings, but allow me to quote these few:

A private soldier has as much right to justice as a major general—

And they sang, "We are coming, Father Abraham, 300,000 strong."

I believe this Government can not endure permanently half slave and half free.

I do not expect the house to fall, but I do expect it will cease to be divided. It will become all one thing or all the other.

What constitutes the bulwark of our liberty and independence? It is not our frowning battlements, our blustering seacoasts, our Army and our Navy; these are not our reliance against tyranny. Our reliance is the love of liberty which God has planted in us.

He fought to save the Union. He lived to see the war ended, but passed away just as the sun's rays were shedding their golden hues over a united country—a Union saved. And with the ages will his life and memory be a light to guide our destiny. He was born February 12, 1809, and died a martyr April 15, 1865, mourned by the world.

"His tongue is mute; his heart may pulse no more;
Yet men so good and loved do never die;
But while the tide shall flow upon the shore
Of time to come, a presence to the eye
Of nations shall he be, and evermore
Shall freemen treasure in historic page
This martyr-hero of earth's noblest page."

[Applause.]

Mr. MOON. Does the gentleman desire to go on?

Mr. MANN. Oh, it is Saturday night.

Mr. MOON. Very well; I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. RAINEY, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the Post Office appropriation bill, H. R. 10484, and had come to no resolution thereon.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. KEARNS for 10 days, on account of business of the House.

SENATE BILL REFERRED.

Under clause 2 of Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. 3391. An act to amend an act entitled "An act for the relief of Indians occupying railroad lands in Arizona, New Mexico, or California," approved March 4, 1913; to the Committee on Indian Affairs.

ENROLLED JOINT RESOLUTIONS AND BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. LAZARO, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following joint resolutions and bills:

H. J. Res. 95. Joint resolution authorizing the Secretary of the Navy to receive for instruction at the United States Naval Academy at Annapolis Mr. Carlos Hevia y Reyes Gavilán, a citizen of Cuba;

H. J. Res. 98. Joint resolution making part of the appropriation "Construction and machinery, increase of the Navy," in the naval act approved March 3, 1915, available for the extension of building ways and equipment at the navy yards at New York and Mare Island, Cal.;

H. R. 8233. An act granting the consent of Congress to the Republic Iron & Steel Co. to construct a bridge across the Mahoning River in the State of Ohio; and

H. R. 9224. An act providing for an increase in number of midshipmen at the United States Naval Academy.

ADJOURNMENT.

Mr. MOON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 3 minutes p. m.) the House adjourned until Monday, February 14, 1916, at 12 o'clock noon.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. SUTHERLAND, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 10139) to authorize the city of Fairmont to construct and operate a bridge across the Monongahela River at or near the city of Fairmont, in the State of West Virginia, reported the same without amendment, accompanied by a report (No. 175), which said bill and report were referred to the House Calendar.

Mr. ADAMSON, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 9225) granting the consent of Congress to Georgia Lumber Co. to construct a bridge across Flint River, Ga., between Dooly and Sumter Counties, reported the same without amendment, accompanied by a report (No. 176), which said bill and report were referred to the House Calendar.

He also, from the same committee, to which was referred the bill (H. R. 9923) granting the consent of Congress to the county of Mitchell or to the county of Baker, both of the State of Georgia, acting jointly or separately, and their successors and assigns, to construct a bridge across the Flint River, reported the same without amendment, accompanied by a report (No. 177), which said bill and report were referred to the House Calendar.

Mr. DEWALT, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 10032) to authorize the construction of a bridge across the Ohio River from a point on its banks, in the city of Pittsburgh, Pa., at or near the locality known as Woods Run, to a point on the opposite shore of said river within the borough of McKees Rocks, Pa., reported the same with amendment, accompanied by a report (No. 178), which said bill and report were referred to the House Calendar.

Mr. DECKER, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 6923) to authorize the construction, maintenance, and operation of a bridge across Little River at a point where the line between townships 12 and 13 north, range 8 east, crosses said river, reported the same with amendment, accompanied by a report (No. 179), which said bill and report were referred to the House Calendar.

Mr. ESCH, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 10238) granting the consent of Congress to Interstate Bridge Co. to construct a bridge across Mississippi River, reported the same with amendment, accompanied by a report (No. 180), which said bill and report were referred to the House Calendar.

Mr. HUGHES, from the Committee on Education, to which was referred the bill (H. R. 11250) to provide for the promotion of vocational education; to provide for cooperation with the States in the promotion of such education in agriculture, the trades, industries, and home economics; to provide for cooperation with the States in the preparation of teachers of vocational subjects; and to authorize the appropriation of money and to regulate its expenditure, reported the same without amendment, accompanied by a report (No. 181), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. KENT, from the Committee on the Public Lands, to which was referred the bill (H. R. 177) authorizing the Secretary of the Interior to accept the relinquishment of the State of Wyoming to certain lands heretofore certified to said State, and the State of Wyoming to select other lands in lieu of the lands thus relinquished, reported the same without amendment, accompanied by a report (No. 182), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. CARAWAY, from the Committee on the Judiciary, to which was referred the bill (H. R. 6456) relating to appeals and writs of error and costs thereof, reported the same without amendment, accompanied by a report (No. 183), which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. HOUSTON, from the Committee on War Claims, to which was referred the bill (H. R. 8057) for the relief of the legal representatives of Napoleon B. Giddings, reported the same without amendment, accompanied by a report (No. 184), which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 6943) granting an increase of pension to William F. Pike; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 6660) granting an increase of pension to Chris Schneider; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 9399) granting a pension to Elisha J. Catlett; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 8885) granting an increase of pension to Collingwood Boulter; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 1007) granting a pension to Fred A. Heinberger; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. MONDELL (by request): A bill (H. R. 11408) adding certain lands to the Teton National Forest, Wyo.; to the Committee on the Public Lands.

By Mr. BORLAND: A bill (H. R. 11409) to provide for the purchase of four sites for munition factories in the interior of the country; to the Committee on Military Affairs.

By Mr. MONDELL: A bill (H. R. 11410) to advance funds for the construction of the Star Valley and Jackson Hole Road within the Teton National Forest, in the State of Wyoming; to the Committee on Agriculture.

By Mr. STEPHENS of Nebraska: A bill (H. R. 11411) to provide for the payment of drainage assessments on Indian lands in Nebraska; to the Committee on Indian Affairs.

By Mr. ROWLAND: A bill (H. R. 11412) to provide for a site and public building at Philipsburg, Pa.; to the Committee on Public Buildings and Grounds.

By Mr. SMITH of New York: A bill (H. R. 11413) to repeal an act authorizing the construction of a bridge over Niagara River; to the Committee on Interstate and Foreign Commerce.

By Mr. CARAWAY: A bill (H. R. 11414) authorizing a survey of Cache River from its mouth to Algoa, in Jackson County, Ark.; to the Committee on Rivers and Harbors.

By Mr. SEARS: A bill (H. R. 11415) providing for a site and public building for a post office at Fort Pierce, St. Lucie County, Fla.; to the Committee on Public Buildings and Grounds.

By Mr. DUPRÉ: A bill (H. R. 11416) to repeal an act approved March 2, 1895, entitled "An act to amend section 3 of an act entitled 'An act to regulate the liens of judgments and decrees of the courts of the United States,' approved August 1, 1888,"; to the Committee on the Judiciary.

By Mr. RANDALL (by request): A bill (H. R. 11417) to clothe all forms of money issued by and under the authority of Congress with power, by law, to pay debts, both public and private, and to strengthen the public credit; to the Committee on Coinage, Weights, and Measures.

Also, a bill (H. R. 11418) providing that post-office laborers shall be placed in the classified civil service; to the Committee on the Post Office and Post Roads.

By Mr. GANDY: A bill (H. R. 11419) providing for the depositing of tribal or trust funds of Indians, and for other purposes; to the Committee on Indian Affairs.

By Mr. CARY: A bill (H. R. 11420) to improve the birthplace of Gen. George Washington; to the Committee on Appropriations.

By Mr. BUCHANAN of Texas: A bill (H. R. 11421) providing for the erection of a public building at Taylor, Tex.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 11422) providing for the erection of a public building at Georgetown, in the State of Texas; to the Committee on Public Buildings and Grounds.

By Mr. BARNHART (by request): A bill (H. R. 11423) to amend section 8 of an act entitled "An act for preventing the manufacture, sale, or transportation of adulterated or misbranded or poisonous or deleterious foods, drugs, medicines, and liquors, and for regulating traffic therein, and for other purposes," approved June 30, 1906; to the Committee on Interstate and Foreign Commerce.

Also (by request), a bill (H. R. 11424) for the relief of certain legislative employees of the Government; to the Committee on Reform in the Civil Service.

By Mr. CARY: A bill (H. R. 11425) to amend section 675 of the Code of Law for the District of Columbia; to the Committee on the District of Columbia.

By Mr. SHERWOOD: A bill (H. R. 11426) to provide for a site and public building at Port Clinton, Ohio; to the Committee on Public Buildings and Grounds.

By Mr. HAY: Resolution (H. Res. 138) providing for the indexing of certain hearings had before the Committee on Military Affairs; to the Committee on Accounts.

By Mr. SMITH of New York: Joint resolution (H. J. Res. 150) requesting the President to issue a proclamation for the observance of February 29 as Prosperity Day; to the Committee on the Judiciary.

## PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BOOHER: A bill (H. R. 11427) granting an increase of pension to William A. Rappelye; to the Committee on Pensions.

By Mr. BROWN of West Virginia: A bill (H. R. 11428) granting an increase of pension to Helen B. Harrison; to the Committee on Invalid Pensions.

By Mr. CANTRILL: A bill (H. R. 11429) granting an increase of pension to Mrs. Lucien Young; to the Committee on Pensions.

Also, a bill (H. R. 11430) granting an increase of pension to Elizabeth Black; to the Committee on Invalid Pensions.

By Mr. CARY: A bill (H. R. 11431) granting a pension to Edward J. Gleason; to the Committee on Pensions.

By Mr. COPLEY: A bill (H. R. 11432) granting an increase of pension to Alonzo Ackerman; to the Committee on Invalid Pensions.

By Mr. CROSSER: A bill (H. R. 11433) granting an increase of pension to A. H. Bash; to the Committee on Invalid Pensions.

By Mr. CULLOP: A bill (H. R. 11434) granting an increase of pension to Emry Harrison; to the Committee on Pensions.

By Mr. DENT: A bill (H. R. 11435) for the relief of the heirs of H. Wilkins and R. B. Owens; to the Committee on Claims.

By Mr. FOCHT: A bill (H. R. 11436) granting a pension to Sarah E. Hood; to the Committee on Invalid Pensions.

By Mr. HADLEY: A bill (H. R. 11437) granting a pension to W. W. Batterton; to the Committee on Invalid Pensions.

By Mr. HOLLAND: A bill (H. R. 11438) for the relief of George W. Wood, late a commander in the United States Navy; to the Committee on Naval Affairs.

Also, a bill (H. R. 11439) for the relief of George T. Easton; to the Committee on Claims.

By Mr. HUDDLESTON: A bill (H. R. 11440) granting an increase of pension to Alice V. Barber; to the Committee on Invalid Pensions.

By Mr. HULBERT: A bill (H. R. 11441) granting an increase of pension to Joseph D. Donellen; to the Committee on Pensions.

Also, a bill (H. R. 11442) to award a medal of honor to Joseph D. Donellen; to the Committee on Military Affairs.

By Mr. JACOWAY: A bill (H. R. 11443) for the relief of James A. Frey; to the Committee on War Claims.

Also, a bill (H. R. 11444) for the relief of estate of George Byerly, deceased; to the Committee on War Claims.

By Mr. JONES: A bill (H. R. 11445) for the relief of the estate of C. R. Mason; to the Committee on Claims.

By Mr. KAHN: A bill (H. R. 11446) granting an increase of pension to Maria L. Dougherty; to the Committee on Pensions.

By Mr. KENT: A bill (H. R. 11447) granting a pension to Semantha Williams; to the Committee on Invalid Pensions.

By Mr. McARTHUR: A bill (H. R. 11448) granting an increase of pension to Harry L. Wilson; to the Committee on Pensions.

Also, a bill (H. R. 11449) granting an increase of pension to Emmet D. Cosper; to the Committee on Pensions.

By Mr. COOPER of West Virginia (for Mr. Moss of West Virginia): A bill (H. R. 11450) granting an increase of pension to Sarah E. Pratt; to the Committee on Invalid Pensions.

By Mr. MURRAY: A bill (H. R. 11451) granting a pension to Wiley A. Cadenhead; to the Committee on Pensions.

By Mr. OLDFIELD: A bill (H. R. 11452) granting an increase of pension to Joseph L. Hall; to the Committee on Pensions.

Also, a bill (H. R. 11453) granting a pension to Leslie G. Phillips; to the Committee on Pensions.

By Mr. OVERMYER: A bill (H. R. 11454) for the relief of Marcus Billstine; to the Committee on Military Affairs.

Also, a bill (H. R. 11455) granting a pension to George M. Federkiel; to the Committee on Pensions.

Also, a bill (H. R. 11456) granting an increase of pension to Michael Moore; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11457) granting an increase of pension to John Ginther; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11458) granting a pension to Lovina Bliss; to the Committee on Invalid Pensions.

By Mr. RUSSELL of Missouri: A bill (H. R. 11459) granting an increase of pension to Nathaniel Gott; to the Committee on Invalid Pensions.

By Mr. SHERWOOD: A bill (H. R. 11460) granting an increase of pension to Peter H. Baker; to the Committee on Invalid Pensions.

By Mr. SIMS: A bill (H. R. 11461) granting a pension to David W. Graves; to the Committee on Pensions.

By Mr. STEELE of Iowa: A bill (H. R. 11462) granting an increase of pension to John W. Adair; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11463) granting an increase of pension to Benjamin F. Lowerre; to the Committee on Invalid Pensions.

By Mr. SULLOWAY: A bill (H. R. 11464) granting an increase of pension to John Miller; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11465) granting an increase of pension to Mary D. Perkins; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11466) granting an increase of pension to Laura A. Baker; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11467) granting an increase of pension to Elsie Hill; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11468) granting an increase of pension to Albert Young; to the Committee on Invalid Pensions.

By Mr. WHEELER: A bill (H. R. 11469) granting an increase of pension to Sargeant B. Crawford; to the Committee on Invalid Pensions.

## PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Petition of Camp 770, United Confederate Veterans, urging passage of House bill 478; to the Committee on Pensions.

Also (by request), memorial of St. Louis Branch of the National Security League for preparedness; to the Committee on Military Affairs.

Also (by request), petition of citizens of New Florence, Mo., for national prohibition; to the Committee on the Judiciary.

By Mr. ADAMSON: Petition of citizens of Senoia, Ga., for national constitutional prohibition amendment; to the Committee on the Judiciary.

By Mr. ASHBROOK: Petitions of Rev. M. B. Mead and 26 others, of Roscoe; also Rev. Theodore M. Hofmeister and others, of Coshocton; also Rev. A. Melville Thompson, of Reform Presbyterian Church of Utica; also Rev. A. A. Rolo and 34 others, of Shiloh, all in the State of Ohio, in favor of House joint resolutions 84 and 85; to the Committee on the Judiciary.

By Mr. BRUMBAUGH: Papers to accompany House bill 10595, for relief of Frank Watzek; to the Committee on Pensions.

Also, papers to accompany House bill 11271, for relief of Thomas Outcalt; to the Committee on Invalid Pensions.

Also, papers to accompany House bill 11272, for relief of William H. Zombro; to the Committee on Invalid Pensions.

By Mr. BURKE: Petition of Badger Tanning Co., of Sheboygan, Wis., for House bill 702, the dyestuffs bill; to the Committee on Ways and Means.

Also, petition of 25 citizens of Palmyra, Jefferson County, Wis., asking for the passage of a national constitutional prohibition amendment; to the Committee on the Judiciary.

Also, communication of Branch 9, Local Union No. 89, United Brewery Workmen, of Lomira, Dodge County, Wis., protesting against the passage of a constitutional amendment for nationwide prohibition; to the Committee on the Judiciary.

Also, communication from Local Union No. 332 of United Brewery Workmen, of Watertown, Wis., protesting against the passage of a constitutional amendment providing for national prohibition; to the Committee on the Judiciary.

Also, petition of Wisconsin Chair Co., of Port Washington, Wis., and Barth Bros.' Manufacturing Co., of Port Washington, Wis., for passage of House bill 702, the dyestuffs bill; to the Committee on Ways and Means.

By Mr. COOPER of Ohio: Petition for a Christian amendment to the Constitution of the United States; to the Committee on the Judiciary.

Also, petitions of the Baptist Men's Class of Conneaut, Ohio, and sundry citizens of Hubbard, Ohio, for national prohibition; to the Committee on the Judiciary.

By Mr. DALE of New York: Petition of Retail Liquor Dealers' Association, against prohibition in the District of Columbia; to the Committee on the District of Columbia.

Also, memorial of the International Union of the United Brewery Workmen of America, and Local Union No. 345, of Brooklyn, N. Y., numbering 650 members, against national prohibition; to the Committee on the Judiciary.

Also, memorial of Short Line Railroad Association, of New York, protesting against section 17 of the Post Office appropriation bill; to the Committee on the Post Office and Post Roads.

Also, petition of Penn Mutual Life Insurance Co., of Philadelphia, in favor of House bill 9320; to the Committee on the Judiciary.

Also, petition of Julius Wile, Sons & Co., of New York, protesting against prohibition in the District of Columbia; to the Committee on the District of Columbia.

Also, memorial of Local Union No. 69, International Union of United Brewery Workmen of America, of Brooklyn, N. Y., numbering 590 members, against national prohibition; to the Committee on the Judiciary.

Also, petition of Local Union No. 24, International Union of the United Brewery Workmen of America, numbering 750 members, against national prohibition; to the Committee on the Judiciary.

By Mr. EMERSON: Petition of Detroit Avenue Methodist Episcopal Sunday School, of Lakewood, Ohio, for national prohibition; to the Committee on the Judiciary.

By Mr. ESCH: Protest of Local Union No. 81, United Brewery Workmen, of La Crosse, Wis., against national prohibition; to the Committee on the Judiciary.

Also, memorial of Milwaukee Association of Credit Men, of Milwaukee, Wis., in favor of repealing the national bankruptcy law; to the Committee on the Judiciary.

Also, petition of La Crosse Knitting Works, of La Crosse, Wis., in favor of House bill 702, the dyestuffs bill; to the Committee on Ways and Means.

Also, memorial of New Orleans Association of Commerce, favoring submitting the question of railway mail pay to the Interstate Commerce Commission; to the Committee on the Post Office and Post Roads.

By Mr. FESS: Petitions of 17 citizens of New Jasper Township, Greene County; 25 citizens of Wilmington; 28 citizens of Springfield; the members of the First Baptist Church of Washington Court House; the Men's Bible Class of Carlisle; the Sunday School of the Calvary Lutheran Church, of Springfield; Methodist Episcopal Church of New Jasper; Trinity Methodist Episcopal Church, of Xenia; 17 citizens of Green Township, Clinton County; the official board of the Methodist Episcopal Church of New Vienna; congregation of the Methodist Episcopal Church of Osborn; 300 members of the congregation of the Second United Presbyterian Church of Xenia; members of the New Antioch Church of Christ, of Clinton County; members of the Christian Endeavor of the United Presbyterian Church of Clifton; 23 citizens of New Vienna; the Chester Church, of Wilmington, all in the State of Ohio, for the passage of the Webb-Smith national prohibition resolution (H. J. Res. 84 and H. J. Res. 85), proposing an amendment to the Constitution of the United States prohibiting the beverage traffic in intoxicating liquors; to the Committee on the Judiciary.

By Mr. FLYNN: Memorial of Short Line Railroad Association of New York, protesting against section 17 of the Post Office appropriation bill; to the Committee on the Post Office and Post Roads.

Also, memorial of Railway Business Association in annual meeting assembled at New York; to the Committee on Interstate and Foreign Commerce.

Also, petition of H. S. Kendall, of Flushing, N. Y., in favor of House bill 9814; to the Committee on the Public Lands.

Also, memorial of National Woman's Christian Temperance Union, favoring bill for relief of the contributors to the Ellen M. Stone ransom fund; to the Committee on Claims.

By Mr. FOCHT: Papers to accompany House bill 9272, for relief of Levi R. Miller; to the Committee on Invalid Pensions.

By Mr. FOSS: Memorial of five State normal schools of Illinois, favoring House bill 547, the Smith-Hughes bill, for national aid to vocational education; to the Committee on Education.

Also, petition of sundry voters of Chicago, Ill., for national prohibition; to the Committee on the Judiciary.

By Mr. FOSTER: Petition of Mount Vernon Public Library, against House bill 4715; to the Committee on Interstate and Foreign Commerce.

By Mr. GRAY of Indiana: Petition by sundry citizens of the sixth congressional district of Indiana, favoring a tax on persons, firms, and corporations doing an interstate mail-order business; to the Committee on the Judiciary.

By Mr. GRIEST: Memorial of Synod of Pennsylvania of the Presbyterian Church, for preparedness for defense but not for aggression; to the Committee on Military Affairs.

Also, memorial of Thomas H. Burrowes Council, No. 784, Fraternal Patriotic Americans, Lancaster, Pa., favoring immigration bill H. R. 10384 and preparedness; to the Committee on Immigration and Naturalization.

By Mr. HAMILTON of New York: Petition of sundry citizens of Wellsville, N. Y., favoring Federal consorship of picture films; to the Committee on Education.

Also, petition of sundry citizens of Ellington, N. Y., for national prohibition; to the Committee on the Judiciary.

By Mr. HAMLIN: Papers to accompany House bill 7106, for relief of T. P. Gold; to the Committee on Invalid Pensions.

Also, papers to accompany House bill 4273, for relief of James M. Lineback; to the Committee on Invalid Pensions.

By Mr. HILL: Petition of Charles H. Kempfer Co., and the Westport Paper Co.; the Adair Co., of Chicago, Ill.; the American Hardware Corporation, New Britain, Conn.; W. C. Shairwall & Co., Cambridge, Mass.; W. H. T. Hunter Co., of Boston, Mass.; and R. Guin & Sons Co., of Sidney, Ohio, favoring House bill 702, the dyestuffs bill; to the Committee on Ways and Means.

Also (by request), protest of D. P. Palmedo, Bridgeport, Conn., and G. B. Fayette, against sundry House joint resolutions; to the Committee on the Judiciary.

Also, memorial of Ministers' Association of Danbury, Conn., with reference to noncontributory retirement bill for Government employees; to the Committee on Labor.

By Mr. HOLLINGSWORTH: Petition of Rev. John Todd and Presbyterian Church of Homeworth, Columbiana, Ohio, for national prohibition; to the Committee on the Judiciary.

Also, petition of Flushing Grange, No. 1934, Patrons of Husbandry of Ohio, against war preparedness; to the Committee on Military Affairs.

Also, petitions of Rev. Harry H. Stewart and 68 citizens of Amsterdam; members of Community Church and Sunday School, Steubenville; Rev. E. S. Bowers and 51 legal voters of Brilliant, all in the State of Ohio, for national prohibition; to the Committee on the Judiciary.

Also, petition of Chamber of Commerce of Steubenville, Ohio, in favor of such measures of preparedness as may be approved by Army and naval officials; to the Committee on Military Affairs.

By Mr. KENNEDY of Rhode Island: Memorial of the Society of Colonial War, of Rhode Island, favoring preparedness; to the Committee on Military Affairs.

Also, memorial of Local Union 166, Brewery Workers, of Providence, R. I., against national prohibition; to the Committee on the Judiciary.

Also, memorial of Rhode Island Pharmaceutical Association, of Providence, R. I., favoring passage of the Stevens-Ayres price-maintenance bill; to the Committee on Interstate and Foreign Commerce.

Also, memorial of Railway Mail Association of Rhode Island, favoring passage of House bills 6915, 6457, 7055, and 7056; to the Committee on the Post Office and Post Roads.

By Mr. LONDON: Petition of United Mine Workers of America, Local 87, Mulberry, Kans., for enactment of a law compelling advocates of militarism to serve in the first ranks in case of war; to the Committee on Military Affairs.

Also, memorial of Central Labor Union, Fremont, Nebr., and Nebraska State Federation of Labor, opposing military preparedness; to the Committee on Military Affairs.

Also, memorial of United Mine Workers of America, Local No. 2330, Mulberry, Kans., for the enactment of a law compelling advocates of militarism to serve in the first lines of the Army in case of war; to the Committee on Military Affairs.

Also, memorial of Queen City Lodge, No. 363, International Association of Machinists, Springfield, Mo., opposing preparedness and favoring plebiscite upon war with publicity of diplomatic negotiations; to the Committee on Military Affairs.

Also, memorial of citizens of Kingston, Fla., opposed to military preparedness; to the Committee on Military Affairs.

Also, memorial of Socialist Party of Buffalo, N. Y., opposing any appropriations "that may be used for the purpose of destroying humanity"; to the Committee on Military Affairs.

Also, memorial of Big Falls (Minn.) Local, Socialist Party, opposing preparedness and demanding Government monopoly of manufacture of munitions of war; to the Committee on Military Affairs.

Also, petition of citizens of Prescott, Mich., opposing military preparedness and demanding a plebiscite on war; to the Committee on Military Affairs.

Also, petition of citizens of Michigan, opposing military preparedness and demanding confiscation of bank deposits, factories, etc., by the Government in the event of war; to the Committee on Military Affairs.

Also, memorial of Antipreparedness League of Denver, Colo., opposing military preparedness; to the Committee on Military Affairs.

Also, petition of citizens of City Island, N. Y., opposing military preparedness; to the Committee on Military Affairs.

Also, memorial of 24 citizens of West Virginia, opposing further appropriations for military purposes; to the Committee on Military Affairs.

Also, memorial of Socialist Party of Allen County, Ind., opposing increased appropriations for the Army and Navy; to the Committee on Military Affairs.

Also, memorial of Aurora (Mo.) Local, Socialist Party, asking that the exportation of munitions of war be prohibited; to the Committee on Military Affairs.

Also, memorial of Religious Society of Friends, of Pennsylvania, New Jersey, Delaware, and parts of Maryland, opposing increased appropriations for the Army and Navy; to the Committee on Military Affairs.

Also, memorial of Socialist Party of King County, Wash., urging that the United States offer its services as mediator between the belligerent nations of Europe in order that peace may be brought about; to the Committee on Foreign Affairs.

By Mr. LONGWORTH: Petitions of Walnut Hills Methodist Episcopal Church, Asbury Methodist Episcopal Church, and 9 voters of Cincinnati, Ohio, for national prohibition; to the Committee on the Judiciary.

Also, petition of citizens in mass meeting at Norwood, Ohio, January 18, 1916, asking Congress and the Government of the United States to use its influence to the end that under the treaty of peace which shall conclude the European war the Jewish race may be freed from oppression in all lands; to the Committee on Foreign Affairs.

By Mr. MAGEE: Petition of Cortland Specialty Co., of Cortland, N. Y., in re dyestuff protection; to the Committee on Ways and Means.

By Mr. MANN: Petition of Alston Lucas Paint Co., Chicago, Ill., favoring House bill 702; to the Committee on Ways and Means.

By Mr. MOORE of Pennsylvania: Petition of H. Swoboda & Son (Inc.), of Philadelphia, Pa., in favor of House bill 702, the dyestuffs bill; to the Committee on Ways and Means.

Also, petition of Presbyterian Ministerial Association of Philadelphia, Pa., for national prohibition; to the Committee on the Judiciary.

Also, memorial of Philadelphia and New Jersey Conferences of the Methodist Episcopal Church, in favor of the Webb-Smith bill; to the Committee on the Judiciary.

By Mr. MORIN (by request): Memorials of Central Bund of Pittsburgh, Pa., and the German-American Alliance, protesting against prohibition in the District of Columbia; to the Committee on the District of Columbia.

Also (by request), petitions of S. M. James, of Pittsburgh, Pa., and Synod of Pennsylvania, in favor of preparedness for defense; to the Committee on Military Affairs.

Also (by request), memorial of New Orleans Association of Commerce, in favor of submitting the question of railway mail pay to the Interstate Commerce Commission; to the Committee on the Post Office and Post Roads.

Also (by request), petition of Sherne Bros. & Wilson Co., of Philadelphia, Pa., protesting against repeal of the mixed-flour law; to the Committee on Agriculture.

Also (by request), petition of Peter H. Jacobs, R. P. C., indorsing House bill 6915; to the Committee on the Post Office and Post Roads.

Also (by request), petition of Harry Irwin Miller, favoring passage of House bill 651; to the Committee on Interstate and Foreign Commerce.

Also (by request), memorial of William M. Lloyd Co., of Philadelphia, favoring the Small pilotage bill; to the Committee on Interstate and Foreign Commerce.

Also (by request), petition of American Association for Labor Legislation, favoring compensation bill (H. R. 476); to the Committee on the Judiciary.

Also (by request), petition of Gorman & Co., in favor of appropriation for Government works in Alaska; to the Committee on Appropriations.

Also (by request), petitions of Garinus A. Gill Co., F. C. Schoenthaln, Packard Motor Co., all of Pittsburgh; citizens of Wisconsin; Bamberger, Krause & Co., of Pittsburgh, and Pittsburgh Stopper Co., of Pittsburgh, all in the State of Pennsylvania, protesting against national prohibition; to the Committee on the Judiciary.

Also (by request), memorial of National Society for the Promotion of Industrial Education, favoring the Smith-Hughes bill for Federal stimulation to vocational education; to the Committee on Education.

By Mr. NORTH: Petition of Central Presbyterian Church of Jefferson, Pa., and 41 citizens of Jefferson County, Pa., for national prohibition; to the Committee on the Judiciary.

Also, petition of William Irvin Co., of Big Run, Pa., for House bill 702, the dyestuffs bill; to the Committee on Ways and Means.

Also, petition of 55 citizens of Falls Creek, Pa., and 30 citizens of Summerville, Pa., for national prohibition; to the Committee on the Judiciary.

By Mr. OAKEY: Petition of Frank R. Davison, of East Haddam, Conn., for Federal censorship of films; to the Committee on Education.

Also, petition of William Bros. Manufacturing Co., of Glastonbury, Conn., favoring House bill 702, the dyestuffs bill; to the Committee on Ways and Means.

By Mr. OVERMYER: Petition of the German-American Alliance of Tiffin, Ohio, protesting against prohibition in the District of Columbia; to the Committee on the District of Columbia.

Also, petition of T. W. Day and 104 other citizens, of Tiffin, Ohio, protesting against national prohibition; to the Committee on the Judiciary.

Also, petition of Sons and Daughters of Liberty, Seneca Council, No. 29, of Tiffin, Ohio, for House bill 19384; to the Committee on Immigration and Naturalization.

By Mr. PRATT: Petition of Hornell Council of Women's Clubs, Mrs. F. W. Sherwood, corresponding secretary, Hornell, N. Y., favoring the passage of the Smith-Hughes bill for the national censorship of moving pictures; to the Committee on Education.

By Mr. SMITH of Idaho: Papers to accompany House bill 7409, for relief of Alexander Morrison; to the Committee on Invalid Pensions.

Also, papers to accompany House bill 9025, for relief of Richard Harris; to the Committee on Pensions.

By Mr. STINESS: Petition of Davisville (R. I.) Woolen Co., favoring House bill 702, the dyestuffs bill; to the Committee on Ways and Means.

Also, petition of Providence Branch Railway Mail Association, favoring sundry bills in the interest of Postal Service employees; to the Committee on the Post Office and Post Roads.

Also, memorial of Rhode Island Pharmaceutical Association, favoring the so-called Stevens standard-price bill; to the Committee on Interstate and Foreign Commerce.

Also, petition of Society of Colonial Wars in the State of Rhode Island, for preparedness; to the Committee on Military Affairs.

Also, petition of Hope Council, Junior Order United American Mechanics, of Westerly, R. I., favoring the Burnett immigration bill; to the Committee on Immigration and Naturalization.

Also, petition of Beacon Oyster Co., of Westerly, R. I., favoring appropriation for scientific inquiries into the propagation of oysters; to the Committee on Appropriations.

Also, petition of C. Rhodes, of Providence, R. I., favoring House bill 15, giving indefinite leave of absence to superannuated employees of the Postal Service; to the Committee on the Post Office and Post Roads.

By Mr. TEMPLE: Petition of R. E. Porter, Robert Hamill, and 600 others, of Mount Jackson, Pa., for antipolygamy amendment to the Constitution of the United States; to the Committee on the Judiciary.

By Mr. TIMBERLAKE: Petition of United Brethren Church, W. B. Gillis, moderator; W. F. Burlingame, clerk, of Fort Collins, Colo., for national prohibition; to the Committee on the Judiciary.

## SENATE.

### MONDAY, *February 14, 1916.*

The Chaplain, Rev. Forrest J. Prettyman D. D., offered the following prayer:

Almighty God, we come to Thee day by day because we desire to live out our lives in the spirit of prayer. We recognize the higher power. We recognize the Great Spirit above us from which our life has come. We seek no higher good than the good that Thou dost give, for Thou art the author and giver of every good and perfect gift. Our ideals are inspired in us by Thy spirit, and the highest benefit that we can have in life is the benefit of Thy grace upon our hearts. Look upon us today in the love and tenderness of a father, and guide us in the discharge of the duties of the day. For Christ's sake. Amen.

The Journal of the proceedings of Saturday last were read and approved.

#### WASHINGTON'S FAREWELL ADDRESS.

The VICE PRESIDENT. In accordance with an order of the Senate heretofore adopted, the Chair designates the Senator from Maine [Mr. JOHNSON] to read Washington's Farewell Address on the 22d day of February.

#### ENROLLED BILL AND JOINT RESOLUTION SIGNED.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the Speaker of the House had signed the following enrolled bill and joint resolution, and they were thereupon signed by the Vice President:

H. R. 9213. An act to authorize the Gary Land Co. to construct a bridge across the Grand Calumet River in the State of Indiana; and

H. J. Res. 146. Joint resolution authorizing the Secretary of War to loan, issue, or use quartermaster's and medical supplies for the relief of destitute persons in the districts overflowed by the Mississippi River and its tributaries.

#### PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented a memorial of the Farmers' Educational and Cooperative Union of America, remonstrating against the abolishment of the office of Comptroller of the Currency, which was referred to the Committee on Banking and Currency.

He also presented a petition adopted at a union conference of the Young People's Societies of Christian Endeavor of Washington, D. C., praying for prohibition in the District of Columbia, which was ordered to lie on the table.

He also presented a petition of the Farmers' Educational and Cooperative Union of America, praying for the publication and distribution of the report of the Commission on Industrial Relations, which was referred to the Committee on Printing.

He also presented a petition adopted at a union conference of the Young People's Societies of Christian Endeavor of Washington, D. C., praying for Federal censorship of motion pictures, which was referred to the Committee on Education and Labor.

He also presented a memorial of the Eagles Club of Washington, D. C., remonstrating against prohibition in the District of Columbia, which was ordered to lie on the table.

He also presented resolutions of the New Jersey State Society, of Washington, D. C., pledging support to the President of the United States in his effort to safeguard the country by preparedness, which were referred to the Committee on Military Affairs.

Mr. GRONNA. I present a memorial signed very numerously by citizens of my home town, Lakota, N. Dak., protesting against any increase in the Army and Navy. I ask that the memorial be printed in the RECORD, together with the name of the first signer, and that it be referred to the Committee on Military Affairs.

There being no objection, the memorial was referred to the Committee on Military Affairs and ordered to be printed in the RECORD, as follows:

LAKOTA, N. DAK.

To the Hon. A. J. GRONNA,
*United States Senate, Washington, D. C.:*

We the undersigned citizens of Nelson County, N. Dak., do oppose any increase in the appropriations or expenditures for the Army and Navy of the United States and respectfully petition that you will use all energy within your power in opposition thereto.

FRANK PIERCE
(And many others).

Mr. GRONNA. I have a letter here addressed to myself from an old soldier in my State, which I ask may be read and referred to the Committee on Military Affairs.

There being no objection, the letter was read and referred to the Committee on Military Affairs, as follows:

DEVILS LAKE, N. DAK., *February 5, 1916.*

Hon. A. J. GRONNA,
*Washington, D. C.*

DEAR SENATOR: A few years ago the Congress of the United States financed the undertaking of having a reunion of the surviving Union and Confederate soldiers of the Civil War at the historic battlefield of Gettysburg. Since that time thousands of those old men have passed from the scene of action and have passed on to the great beyond. That was their last reunion on this earth. I know that you lent your influence and your vote to promote that meeting and I am sure you do not regret having done so.

There are a few of us left yet, and we are desirous, especially those who were engaged in the siege, of having a similar meeting at Vicksburg financed by Congress as before.

I hope therefore that the present Congress will recognize the precedent made for the Gettysburg reunion and that you will exercise your great influence in behalf of the Vicksburg gathering.

Believing that I know what your answer will be, I beg leave to thank you in advance for your help and consideration.

Yours, truly, D. G. DUELL.

Mr. CHAMBERLAIN. I have received a telegram from Adrian, Mich., containing resolutions adopted at a meeting of citizens of that city, which I ask may be inserted in the RECORD.

There being no objection, the telegram was referred to the Committee on Military Affairs and ordered to be printed in the RECORD, as follows:

ADRIAN, MICH., *February 12, 1916.*

The COMMITTEE ON MILITARY AFFAIRS,
*The Senate, Washington, D. C.:*

At a meeting of 30 manufacturers, bankers, and professional men held at the public library in the city of Adrian, Mich., February 11, 1916, the following resolutions were unanimously adopted and the undersigned committee authorized to transmit them to the Senators and Representatives in Congress from Michigan:

"Whereas it is the sense of this meeting that the question of the national defense is not only the paramount issue at this time, but overwhelmingly transcends any and all other issues and policies: Therefore

"*Resolved*, That we approve the plan of national defense as recommended by the administration, including the plan of a continental army, and that we deem it imperatively necessary that Congress support it as the only concrete plan definitely proposed or available for action.

"*Resolved*, That if any change be made in said plan, such change should be in the direction of making it stronger, more efficient, and more quickly available, and by no means in a contrary direction.

"*Resolved*, That the National Guard ought to be improved, relieved from strike duties, and more completely federalized, but that under no circumstances should it be made to take the place of the proposed continental army.

"*Resolved*, That we regard the existing situation as distinctly in the nature of an emergency and that we deprecate any unnecessary delay in dealing with it on lines of utmost efficiency and the broadest patriotism.

"*Resolved*, That particularly do we regard as indispensably necessary a great and immediate increase in the Navy, and to that end we urge the completion with all possible dispatch of all vessels now under construction or authorized, and that such new increases as may be authorized should be carried out as quickly as possible and not spread over a series of years."

W. H. BURNHAM,
JOHN C. HOWELL,
JOHN S. BONNER,
*Committee.*

Mr. LODGE. I send to the desk resolutions adopted by citizens of Hampshire County, Mass., at a mass meeting held at

Northampton, Mass., February 10, 1916, in favor of national defense. I ask that the resolutions may be printed in the RECORD and referred to the Committee on Military Affairs.

There being no objection, the resolutions were referred to the Committee on Military Affairs and ordered to be printed in the RECORD, as follows:

The following is a copy of the resolution, moved by Mr. Alexander McCallum, of Northampton, and seconded by Mr. Harry E. Bicknell, of Northampton, and passed by an overwhelming majority at the mass meeting in John M. Greene Hall, for national defense, Thursday evening, February 10, 1916, about 2,200 people being present at the passing of the resolution and only 5 votes being recorded in the negative:

"We, citizens of Hampshire County, Mass., in mass meeting assembled at John M. Greene Hall, Northampton, Thursday evening, February 10, 1916, irrespective of party affiliations, recognizing the present inadequacy of our national defense and the possible dangers which may threaten the Nation in the present crisis of the world's history, hereby pledge ourselves to the principle of national preparedness. We urge our representatives in Congress to secure the passsage of a measure which shall strengthen the Military and Naval Establishment of the country sufficiently to insure an adequate protection against aggression. And we further urge our representatives to take vigorous and immediate action in regard to this question, which we believe to be the most vital of those which now await the consideration and action of Congress."

ANDREW F. UNDERHILL,
*Chairman Hampshire County, Mass., Committee of 300 for National Defense.*

ALBERT E. ADDIS,
*Secretary Hampshire County, Mass., Committee of 300 for National Defense.*

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COMMONWEALTH OF MASSACHUSETTS,
*February 11, 1916.*

HAMPSHIRE, *ss.*

Then and there personally appeared Andrew F. Underhill, chairman and presiding officer at said meeting aforesaid, and Albert E. Addis, secretary of said meeting, and made oath that the foregoing statement subscribed by them is true, before me.

EDW. J. STACK,
*Justice of the Peace.*

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At the overflow mass meeting for national preparedness held in city hall on the evening of February 10, 1916, the following motion was made by Mr. John H. Grady, of Northampton, and seconded by the Hon. John L. Mather and the Hon. Philip J. Maloney. The motion being put was unanimously adopted by an audience consisting of about 700 citizens. The motion is as follows:

"We citizens of Hampshire County, Mass., in mass meeting assembled at city hall, Northampton, Thursday evening, February 10, 1916, irrespective of party affiliations, recognizing the present inadequacy of our national defense and the possible dangers which may threaten the Nation in the present crisis of the world's history, hereby pledge ourselves to the principle of national preparedness. We urge our representatives in Congress to secure the passage of a measure which shall strengthen the Military and Naval Establishment of the country sufficiently to insure an adequate protection against aggression. And we further urge our representatives to take vigorous and immediate action in regard to this question, which we believe to be the most vital of those which now await the consideration and action of Congress."

THEOBALD M. CONNOR, *Chairman.*
FRANCIS J. GODFREY, *Secretary.*

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COMMONWEALTH OF MASSACHUSETTS,
*February 11, 1916.*

HAMPSHIRE, *ss.*

Then and there personally appeared Theobald M. Connor, chairman and presiding officer at said meeting aforesaid, and Francis J. Godfrey, secretary of said meeting, and made oath that the foregoing statement subscribed by them is true, before me.

EDWARD J. STACK,
*Justice of the Peace.*

Mr. GALLINGER presented a petition of the German-American Alliance, of Manchester, N. H., praying for the adoption of certain amendments to the naturalization laws, which was referred to the Committee on Immigration.

He also presented a petition of Rev. George C. Junkins, of Meriden, N. H., praying for prohibition in the District of Columbia, which was ordered to lie on the table.

He also presented a memorial of the German-American Alliance, of Manchester, N. H., remonstrating against prohibition in the District of Columbia, which was ordered to lie on the table.

He also presented a petition of the German-American Alliance, of Manchester, N. H., praying for the placing of an embargo on munitions of war, which was referred to the Committee on Foreign Relations.

He also presented a petition of the German-American Alliance, of Manchester, N. H., remonstrating against national prohibition, which was referred to the Committee on the Judiciary.

Mr. DU PONT presented petitions of sundry citizens of Wilmington, Milford, Edge Moor, and Bridgeville, all in the State of Delaware, praying for the adoption of an amendment to the Constitution granting the right of suffrage to women, which were ordered to lie on the table.

Mr. PHELAN presented a petition of the Automobile Club of Southern California, of Los Angeles, Cal., and a petition of the Board of Supervisors of San Francisco County, Cal., praying for the enactment of legislation for the relief of oil operators in California, which were referred to the Committee on Public Lands.

He also presented a petition of the Labor Council of San Francisco, Cal., praying for the enactment of legislation to prohibit interstate commerce in convict-made goods, which was referred to the Committee on Education and Labor.

Mr. SHEPPARD presented petitions of sundry citizens of Bynum and Plainview, in the State of Texas, praying for an increase in armaments, which were referred to the Committee on Military Affairs.

He also presented a petition of the Southern Furniture Co., of Texarkana, Tex., praying for the imposition of a duty on dyestuffs, which was referred to the Committee on Finance.

He also presented petitions of sundry citizens of Washington, D. C., praying for prohibition in the District of Columbia, which were ordered to lie on the table.

He also presented a telegram in the nature of a petition from the faculty of Trinity University, Waxahatchie, Tex., praying for national prohibition, which was referred to the Committee on the District of Columbia.

Mr. KERN presented petitions of sundry citizens of Brookville, Richmond, Indianapolis, Bedford, Logansport, Valparaiso, Quincy, Columbus, Union City, Peru, Terre Haute, Hammond, Berne, and Crawfordsville, all in the State of Indiana, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented memorials of sundry citizens of Albany, Fort Wayne, and Terre Haute, all in the State of Indiana, remonstrating against national prohibition, which were referred to the Committee on the Judiciary.

He also presented memorials of the Society of Friends, of Hortonville; the Carpenters' Union of Kokomo; the Woman's Christian Temperance Union of Richmond; and of sundry citizens of Clinton County, all in the State of Indiana, remonstrating against an increase in armaments, which were referred to the Committee on Military Affairs.

He also presented petitions of sundry citizens of Logansport, Ind., praying for the enactment of legislation to prohibit the issuing of passports to Americans traveling on belligerent vessels, which were referred to the Committee on Foreign Relations.

He also presented petitions of sundry citizens of Fort Wayne, Ind., praying for an increase in armaments, which were referred to the Committee on Military Affairs.

Mr. LEE of Maryland. I present a petition of citizens of the Oxon Hill district, Prince Georges County, Md., requesting changes at the District of Columbia rifle range to lessen the dangers to citizens from the present methods of using that range. I ask that the petition be printed in the RECORD and referred to the Committee on Military Affairs.

There being no objection, the petition was referred to the Committee on Military Affairs and ordered to be printed in the RECORD, as follows:

To the Hon. Senator BLAIR LEE,
*United States Senate, Washington, D. C.*

SIR: We, voters and taxpayers of Oxon Hill district, Prince Georges County, Md., have the honor to petition the United States Senate, through you, as follows:

The National Guard of the District of Columbia have a target range near Congress Heights, D. C., adjoining Maryland, and, as there is great carelessness, bullets have often gone astray—so much so that men employed at farm labor have refused to work in the fields while practice was in progress. In one instance a bullet penetrated the home of Mr. William H. Moore and lodged in a bed. We have made repeated efforts to have practice in so dangerous a place abolished, but without avail. There seems to be no law whereby we can compel them to discontinue practice or collect damages resulting from stray bullets; therefore we ask the United States Senate and the House of Representatives that practice be discontinued until some way is found to hold the National Guard of the District of Columbia, as an organization, or its officers, responsible for all damages, pecuniary or otherwise.

We, the undersigned, all live within the danger zone of said rifle range.

BYRON S. PAUL
(And many others).

Mr. LEE of Maryland presented a petition of St. James Lodge, International Order of Good Templars, of Mount View, Md., praying for national prohibition, which was referred to the Committee on the Judiciary.

Mr. NELSON presented a petition of the German-American Alliance of Minnesota, praying for certain changes in the naturalization laws, which was referred to the Committee on Immigration.

Mr. WEEKS presented a petition of the Woman's Christian Temperance Union of Taunton, Mass., and a petition of the

Baptist Ministers' Association of Boston, Mass., praying for prohibition in the District of Columbia, which were ordered to lie on the table.

He also presented a memorial of Local Union No. 224, International Union of United Brewery Workmen, of New Bedford, Mass., remonstrating against national prohibition, which was referred to the Committee on the Judiciary.

Mr. JOHNSON of South Dakota presented petitions of sundry citizens of Rockham, Menno, Parkston, Hosmer, Deadwood, Bryant, Artas, Lowry, all in the State of South Dakota, praying for the placing of an embargo on munitions of war, which were referred to the Committee on Foreign Relations.

He also presented memorials of sundry citizens of Watertown, S. Dak., remonstrating against prohibition in the District of Columbia, which were ordered to lie on the table.

He also presented a petition of sundry citizens of Wessington Springs, S. Dak., praying for national prohibition, which was referred to the Committee on the Judiciary.

Mr. McLEAN presented petitions of the Woman's Christian Temperance Unions of Moodus, South Coventry, Naugatuck, Thomaston, and New Britain, all in the State of Connecticut, praying for Federal censorship of motion pictures, which were referred to the Committee on Education and Labor.

He also presented a petition of the Railway Mail Association of New Haven, Conn., praying for the enactment of legislation granting certain relief to railway mail clerks, which was referred to the Committee on Post Offices and Post Roads.

He also presented petitions of the Social Service League and the Girls' Friendly Society, of Middletown; the Consumers' League of Hartford; and of sundry citizens of Norwich, all in the State of Connecticut, praying for the enactment of legislation to prohibit interstate commerce in the products of child labor, which were referred to the Committee on Interstate Commerce.

Mr. THOMPSON presented memorials of sundry citizens of Kansas, remonstrating against a tax on bank checks, which were referred to the Committee on Finance.

He also presented a memorial of the Kansas Division of the Farmers' Educational and Cooperative Union of America, remonstrating against an increase in armaments, which was referred to the Committee on Military Affairs.

Mr. BRANDEGEE presented petitions of the Woman's Christian Temperance Unions of Hartford, Sprague, Thompson, and Pawcatuck, and the petition of Mrs. Henry Nye, of South Coventry, all in the State of Connecticut, praying for Federal censorship of motion pictures, which were referred to the Committee on Education and Labor.

Mr. SHIELDS presented a petition of sundry citizens of Paris, Tenn., praying for prohibition in the District of Columbia, which was ordered to lie on the table.

Mr. WORKS presented a petition of sundry citizens of Oreville, Cal., praying for national prohibition, which was referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of Oreville, Cal., praying for the adoption of an amendment to the Constitution granting the right of suffrage to women, which was ordered to lie on the table.

He also presented a petition of the Woman's Christian Temperance Union of Oreville, Cal., praying for Federal censorship of motion pictures, which was referred to the Committee on Education and Labor.

Mr. NELSON presented petitions of sundry citizens of Hennepin County, Minn., praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented a petition of Local Branch, Association of Collegiate Alumnae of Duluth, Minn., praying for Federal censorship of motion pictures, which was referred to the Committee on Education and Labor.

Mr. SHIVELY presented the memorial of J. C. Vanatta, jr., J. H. Johnson, John Giles, and 102 other citizens of White County, Ind., remonstrating against an increase in armaments, which was referred to the Committee on Military Affairs.

He also presented a petition of 26 citizens of Washington, Ind., praying for national prohibition, which was referred to the Committee on the Judiciary.

REPORTS OF COMMITTEES.

Mr. DU PONT, from the Committee on Military Affairs, to which was referred the bill (S. 2465) to correct the military record of James Anderson, reported it with amendment and submitted a report (No. 141) thereon.

Mr. WARREN, from the Committee on Military Affairs, to which was referred the bill (S. 2545) for the relief of John Chick, reported it without amendment and submitted a report (No. 142) thereon.

Mr. O'GORMAN, from the Committee on the Judiciary, to which was referred the bill (S. 3551) relating to the procedure in the United States courts, reported it with amendments.

Mr. FLETCHER, from the Committee on Printing, submitted a report (No. 143) accompanied by a joint resolution (S. J. Res. 98) to print as a public document the final report and testimony submitted to Congress by the United States Commission on Industrial Relations.

PUBLIC BUILDINGS (S. DOC. NO. 321).

Mr. GALLINGER, from the Committee on Printing, to which the subject was referred, reported a resolution (S. Res. 98), and it was considered by unanimous consent and agreed to, as follows:

*Resolved*, That the manuscript submitted by the Senator from New Hampshire [Mr. GALLINGER], on February 7, 1916, entitled "Statement of public buildings occupied, in course of construction, and authorized, used, or intended for use in whole or in part as post offices, also sites for same," be printed as a Senate document and that 1,000 additional copies be printed for the use of the Senate document room.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. WALSH:

A bill (S. 4447) to provide for the advancement of funds to survey, construct, and maintain roads and trails within any State or the Territory of Alaska within which national forests are located; to the Committee on Territories.

A bill (S. 4448) providing for the acquisition of additional land for a public building at Havre, Mont.; to the Committee on Public Buildings and Grounds.

By Mr. ASHURST:

A bill (S. 4449) to establish a fish-cultural station at some point in the State of Arizona; to the Committee on Fisheries.

By Mr. SHAFROTH:

A bill (S. 4450) to provide for the erection of a public building at Canon City, Colo., upon a site heretofore acquired by the United States; to the Committee on Public Buildings and Grounds.

By Mr. LANE:

A bill (S. 4451) to prohibit the sale of intoxicating liquor to Indians, to provide penalties therefor, to amend chapter 109 of volume 29, United States Statutes at Large, the same being an act of Congress approved January 30, 1897 (with accompanying papers); and

A bill (S. 4452) for the abolishment of the Indian Bureau, the closing out of Indian tribal organizations, and for other purposes; to the Committee on Indian Affairs.

By Mr. GALLINGER:

A bill (S. 4453) granting an increase of pension to John Pugsley (with accompanying papers); to the Committee on Pensions.

By Mr. DU PONT:

A bill (S. 4454) granting a pension to Mary E. Joines (with accompanying papers); to the Committee on Pensions.

By Mr. KENYON:

A bill (S. 4455) granting a pension to A. E. Tennant (with accompanying papers); to the Committee on Pensions.

A bill (S. 4456) to establish basis of compensation for injuries in the District of Columbia; to the Committee on the District of Columbia.

By Mr. UNDERWOOD:

A bill (S. 4457) to amend certain sections of the Judicial Code relating to the Court of Claims, to regulate appeals therefrom, and for other purposes; to the Committee on the Judiciary.

By Mr. FLETCHER:

A bill (S. 4458) to amend section 14 of the seamen's act of March 4, 1915; to the Committee on Commerce.

By Mr. SHERMAN:

A bill (S. 4459) granting a pension to Elizabeth F. Skeen;

A bill (S. 4460) granting an increase of pension to Celia J. Crawford;

A bill (S. 4461) granting an increase of pension to L. B. Morey; and

A bill (S. 4462) granting an increase of pension to Daniel B. Mills; to the Committee on Pensions.

By Mr. JOHNSON of Maine:

A bill (S. 4463) to amend section 8 of an act approved October 15, 1914, entitled "An act to supplement existing laws against unlawful restraints and monopolies, and for other purposes;" to the Committee on the Judiciary.

By Mr. SMOOT:

A bill (S. 4464) granting a pension to Margaret L. Sexton (with accompanying papers); to the Committee on Pensions.

By Mr. THOMAS:

A bill (S. 4465) granting an increase of pension to Meda Mathey (with accompanying papers); to the Committee on Pensions.

By Mr. BANKHEAD:

A bill (S. 4466) for the relief of L. A. Weaver, administrator of the estate of Joseph Weaver, deceased; and

A bill (S. 4467) for the relief of Sterling McCleskey, administrator of the estate of Joseph D. McCleskey, deceased; to the Committee on Claims.

By Mr. LEE of Maryland:

A bill (S. 4468) for the relief of the legal representatives of Burgess Hammond, deceased; to the Committee on Claims.

By Mr. PHELAN:

A bill (S. 4469) granting an increase of pension to Maria L. Dougherty (with accompanying papers); to the Committee on Pensions.

By Mr. SHIELDS:

A bill (S. 4470) granting an increase of pension to Duff G. Thornburgh; and

A bill (S. 4471) granting an increase of pension to Robert O. Dunn; to the Committee on Pensions.

By Mr. BORAH:

A bill (S. 4472) granting an increase of pension to Michael Archer (with accompanying papers); to the Committee on Pensions.

By Mr. CHAMBERLAIN:

A bill (S. 4473) for the relief of Charles G. Griffa; to the Committee on Military Affairs.

A bill (S. 4474) granting an increase of pension to Eliza J. Sumner; and

A bill (S. 4475) granting an increase of pension to Horace M. Patton (with accompanying papers); to the Committee on Pensions.

AMENDMENTS TO INDIAN APPROPRIATION BILL (H. R. 10385).

Mr. WARREN submitted an amendment proposing to appropriate $256.79 for payment of salary and expenses of Joseph H. Norris as supervisor of Indian schools from October 21 to November 11, inclusive, 1912, intended to be proposed by him to the Indian appropriation bill, which was referred to the Committee on Indian Affairs and ordered to be printed.

Mr. SMOOT submitted an amendment proposing to appropriate $1,000 to enable the Secretary of the Interior to protect the north abutment of the Government bridge at Myton, Utah, from high water, intended to be proposed by him to the Indian appropriation bill, which was referred to the Committee on Indian Affairs and ordered to be printed.

Mr. CLAPP submitted an amendment proposing to appropriate $3,000 to pay the persons who compiled, annotated, and indexed volume 3 of the Indian laws and treaties, under Senate resolutions of March 3, 1911, and August 14, 1912, etc., intended to be proposed by him to the Indian appropriation bill, which was referred to the Committee on Indian Affairs and ordered to be printed.

Mr. WALSH submitted an amendment proposing to appropriate $536 for salary due John E. Woods, superintendent of live stock on the Tongue River Indian Reservation, etc., intended to be proposed by him to the Indian appropriation bill, which was ordered to be printed, and, with the accompanying paper, referred to the Committee on Indian Affairs.

FORTIFICATIONS APPROPRIATION BILL.

Mr. JOHNSON of Maine submitted an amendment proposing to appropriate $650,000 to enable the Secretary of War to purchase all land on Cushing Island, Portland Harbor, Me., not at present owned by the Government, intended to be proposed by him to the fortifications appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

ADDRESS BY HON. WALTER L. FISHER (S. DOC. NO. 323).

Mr. LA FOLLETTE. Mr. President, I ask unanimous consent to have printed as a Senate document an address delivered by ex-Secretary of the Interior, Walter L. Fisher, delivered on January 27, 1916, before the Industrial Club, of Chicago, entitled "Preparations for Peace."

The VICE PRESIDENT. Is there objection? The Chair hears none and it is so ordered.

ADDRESS BY HON. HENRY CABOT LODGE.

Mr. WEEKS. Mr. President, on the 22d of January my colleague [Mr. LODGE] delivered an address on the question of national defense which I asked should be made a Senate document. This was done, and the number printed was exhausted in two or three days. There is a very considerable demand for the document, and I ask unanimous consent that 1,000 copies be printed for the use of the Senate document room.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

The order was reduced to writing and agreed to as follows:

*Ordered*, That 1,000 copies of Senate Document No. 263, Sixty-fourth Congress, first session, entitled "National Defense, a speech delivered before the National Security League on January 22, 1916, at Washington, D. C., by Hon. HENRY CABOT LODGE, United States Senator from Massachusetts," be printed for the use of the Senate document room.

COMMITTEE SERVICE.

Mr. OLIVER was, at his own request, relieved from further service on the Committee on Interstate Commerce.

On motion of Mr. LODGE it was

*Ordered*, That the senior Senator from Connecticut [Mr. BRANDEGEE] be appointed to fill the vacancy on the Committee on Interstate Commerce caused by the resignation of the junior Senator from Pennsylvania [Mr. OLIVER].

WATER-POWER DEVELOPMENT (S. DOC. NO. 322).

Mr. NORRIS. Mr. President, I desire to submit a request for unanimous consent to have printed as a Senate document, in parallel columns, a comparative print of House bill 408, to provide for the development of water power and the use of public lands in relation thereto, and for other purposes, showing the bill as passed by the House, the bill as amended by the Committee on Public Lands of the Senate and reported to this body, and in a third column Senate bill 3331 as reported by the Senate Committee on Commerce. These bills, Mr. President, relate to water power, the one coming from the Committee on Public Lands applying to water-power development in connection with the public lands, and the other coming from the Committee on Commerce applying to water-power development in connection with navigable streams. The Public Lands Committee of the Senate has reported House bill 408 by striking it all out and inserting a new bill, and I think it would be of interest in the consideration of these bills to have them in parallel columns. In a great many respects there are portions dealing with the same general nature and character of legislation, whether they relate to water-power development in connection with public lands or in connection with navigable streams. I therefore ask unanimous consent that the three bills which I have indicated be printed in bill form in three parallel columns.

The VICE PRESIDENT. Without objection, it is so ordered.

PROPOSED CENTRAL POWER PLANT.

The VICE PRESIDENT. The morning business is closed.

Mr. OLIVER. Out of order I ask to have read a telegram which I have just received concerning the location of the power plant. It is a short telegram.

The VICE PRESIDENT. Is there objection? The Chair hears none.

The Secretary read the telegram, as follows:

PITTSBURGH, PA., *February 11, 1916.*

Hon. GEORGE T. OLIVER,
*Washington, D. C.:*

American Federation of Arts advocate Newland amendment, urgent deficiency bill, for suspension of construction Government power plant; join in this request, and appreciate your support.

ARTHUR A. HAMMERSCHLAG.

Mr. THOMAS. I am in receipt of a similar telegram, which I ask to have read.

The VICE PRESIDENT. The Secretary will read it.

The Secretary read the telegram, as follows:

COLORADO SPRINGS, COLO., *February 11, 1916.*

Senator CHARLES S. THOMAS,
*Washington, D. C.:*

As architect and citizen, and from personal knowledge of Washington and its future development, I protest against site for proposed power plant.

THOMAS MACLAREN,
*President Colorado Chapter American Institute of Architects.*

Mr. GALLINGER. Mr. President, in this connection the Washington Architectural Club, which is located in the District of Columbia, has written me a letter which I should like to have read into the RECORD.

Mr. NEWLANDS. Mr. President, I wish to state in connection with the reading of the letter that the Washington Architectural Club is composed in the main of employees of the Supervising Architect's Office.

Mr. GALLINGER. I think my request might be complied with, and then if the Senator wants to discuss it afterwards he may do so.

The VICE PRESIDENT. Is there objection to the request of the Senator from New Hampshire? The Chair hears none. The Secretary will read.

The Secretary read as follows:

WASHINGTON, D. C., *February 12, 1916.*

Hon. J. H. GALLINGER,
*United States Senate, Washington, D. C.*

DEAR SIR: The Washington Architectural Club has followed with deep interest the public discussion concerning the location of the proposed power plant for the Government buildings.

The board of governors have unanimously concluded, after a careful investigation into the facts of the case, that from the standpoint of practicability and architectural treatment the present site is in a satisfactory locality for the following reasons:

That, even though the building will be in close proximity to a feature of the development plan of the city, it will be on ground which is part of the reservation for commercial buildings in the development scheme. This ground being on the river front is of low elevation and tends to reduce the apparent height of the building and stacks, and therefore when future buildings of the development scheme are complete the entire plant, it seems, will be greatly obscured.

Furthermore, considering the proposed beautification of the commercial reservation, it appears that a power house well treated architecturally would be an aid to the desired result rather than a detriment; and, again, it seems preferable to have a building which can be enhanced by a certain amount of landscape architecture and which would be a point of interest to the public in the forefront of this reservation rather than a fish wharf or similar water-front building which exhibits its commercial use undisguised. Certainly a well-equipped power plant with highly developed machinery generating enormous power is always an attraction to the public as well as an educational feature.

Furthermore the alternate suggestion is the Capitol power plant; but this is subject to the following objections: It is only two blocks from the beautiful House Office Building, while the proposed plant is about three blocks from the new Bureau of Engraving and Printing and about four blocks from the proposed memorial to the founders of the Nation. These are the features of the development scheme which are nearest to the new site. Also, the ground level of the Capitol power plant is about 30 or 40 feet higher than that of the new building, which would cause the stacks to project into the sky line in a more conspicuous manner than the proposed scheme.

Concerning the question of the architectural appearance of the stacks, it does not appear that this is an insurmountable problem. The general ethical, as well as public conception of a power plant, includes, as a matter of course, suitable stacks or chimneys. This is a problem which is being studied by engineers and architects all over the country nearly every day and with a high degree of success, and it is believed that in this case it can be successfully solved.

In view of the general misunderstanding among the public concerning the above facts as evidenced by the articles appearing in the newspapers, the board of governors of the Washington Architectural Club feel it a duty to forward copies of this letter to the responsible Members of Congress, to the Secretary of the Treasury, as well as to the architectural clubs throughout the country which are affiliated with this organization.

Respectfully submitted.

WASHINGTON ARCHITECTURAL CLUB,
DANIEL J. LIX, *President.*

Mr. NEWLANDS. Mr. President, lest my former statement may not have been heard as the result of interruption, I wish to say that this architectural club, I am informed, has very few practicing architects in its organization but that the majority of the members of that club consist of employees and draftsmen in the Office of the Supervising Architect of the Treasury, which is backing the erection of the power plant at this site. That is my information, and I propose to present proof of it later on in a letter from one of the members of the organization.

Mr. BRANDEGEE. Mr. President——

Mr. NEWLANDS. In this connection I wish to state, if the Senator will permit me, that I desire to offer and have printed in the RECORD a letter from Hennen Jennings, vice president of the American Federation of Art and vice president of the Washington Federation of Arts, a consulting engineer, regarding this matter. I will not ask that it be read at present.

Mr. WILLIAMS. Have it read.

Mr. NEWLANDS. Well I will ask that it be read.

The VICE PRESIDENT. Is there objection?

Mr. BRYAN. I suggest to the Senator, would it not be better to have the letter read when we are considering this subject on the conference report? I understand the subject is not under debate at this time. What is the use of reading it now?

Mr. NEWLANDS. I asked that it be read at the suggestion of the Senator from Mississippi [Mr. WILLIAMS], but I think the suggestion of the Senator from Florida is a wise one, and I shall not ask that it be read now but that it be inserted in the RECORD.

The VICE PRESIDENT. Without objection, it is so ordered.

The letter referred to is as follows:

FEBRUARY 13, 1916.

Hon. FRANCIS G. NEWLANDS,
*Senate Committee on the Library, Washington, D. C.*

MY DEAR SIR: Since writing to you on the 5th I have given further study and obtained new information pertinent to the relative merits of enlarging the present Capitol power plant, and now send for your consideration the following:

In visiting the location for a central heating, lighting, and power plant at the foot of Fourteenth Street one is immediately impressed by the present squalor of the surroundings and the seeming appropriateness of the site; but a drive in Potomac Park and on the island and a close study of plans and imagination as to the future aspect of this station will soon convince you to the contrary. The shacks, ugly lumber piles, etc., that now exist can be easily removed and the ground cheaply acquired when the Government at some future date desires it. The misfortune is apparent when you consult the maps and plans of the park commission, and also the plans and models of Col. Harts for elaborating the extension and beautification of Island Park. In examining these plans and models you will find the major axis of the Mall runs from the Capitol, through the Washington Monument, to the Lincoln Memorial, east and west, and that the minor axis runs from the White House, through the Monument Garden, north and south, and within 1,800 feet of the proposed power station. You will notice also that there is provision on the plan for a site for the memorial to the founders of our country, part of which would be within less than 1,000 feet of the proposed power station. The power plant, unsightly from the start by reason of its 180-foot smokestacks and the excessive height of the building, from many viewpoints will, as the park plan is developed, become more and more obnoxious; and the cost of the building, with the foundations and machinery, if once anchored there, is such that in the future its removal, if demanded, would be very costly to effect.

The projected development of the Island Park will be one of the most beautiful, interesting, and useful features of the whole Mall Park improvement. The Government owns the water front on the city side and has the power at any future time to alter the unsightly arrangement of the docks and make the water front an important feature, as is often done in foreign countries. The unsightly railroad bridges are near the site, but at some time, no doubt, will be replaced by tube conduits under the river.

When taking into consideration the island improvement now in progress in connection with the Mall extension plan, it will be seen what a dominant position the proposed power station takes in the ultimate Mall landscape. It will stand as a view pivot to anyone when driving in the southwest section of the Mall and north section of the island.

The building and smokestacks can no doubt be constructed to strike a high commercial note; but will it be possible to attune them to their park environment? It is imperative, in order adequately to consider the question, to study very carefully the plans of the future development, for without them the obnoxiousness of the site can not be understood.

No plea is made for the immediate extensions and expenditures necessary for the full development of the park scheme, but it should be conducted upon long agreed upon plans, and with self-control from each generation, and in such a way that there descendants may have a fair chance to further build on and extend the work and be grateful to their forebears.

A fundamental objection to the placing of this great power plant so near the Mall is that it is in opposition to the best judgment of the members of the Fine Arts Commission, composed of Charles Moore, Cass Gilbert, Herbert Adams, Peirce Anderson, Thomas Hastings, Edwin H. Blashfield, and Frederick Law Olmsted, who are well known and respected in art circles, and who believe in the necessity of developing the Mall on the original lines laid down and object to buildings and improvements not in attunement or harmony with them. They certainly should be safer guides in bringing about a development gratifying to the patriotic pride of this Nation than Congressmen and departmental officers, who come and go with each changing administration and who may be lacking in necessary training and knowledge of these matters.

If the Mall site were the only possible one where an economic power station could be placed, it might have strong justifications on economic lines; but is this the case? In my opinion this is far from being the case, and I claim that as good, if not better, economy can be obtained by the suitable extension of the present Capitol power station.

Mr. Stillwell, the consulting engineer of the Treasury Department, admitted before the Library Committee that he was not empowered to make a study of sites, and that he did not recommend the one chosen, nor did he make any estimates for a central power station taking in all the Government's requirements in the District. He also stated that the contract as now let for $1,459,000 was not enough to rightly carry out the work decided upon, and that as a citizen he did not recommend the present power site. No doubt the experience of underestimates as illustrated for the present Capitol power plant will have a good chance of recurrence for the Mall plant.

The Treasury's mechanical engineer, Mr. Thompson, has not claimed that he has studied nor has he publicly given any detailed estimate of serving all Government buildings and works with steam and electric power from one site. The operating costs of one central power station against the keeping in operation of three to do the same work need not be seriously discussed if the distances and other conditions permit the economical distribution of steam and electricity from one point.

As stated in my letter of the 5th instant to the Library Committee of the Senate, there would be a saving of nearly $50,000 a year in favor of an enlarged central power plant at the Capitol station in comparison with the plant proposed at the Mall in the performance of the same service with the Government Printing Office and the post office (new) added to the Capitol service. These two buildings are not included in the proposed service from the Mall plant. Let me make it clear that this saving of $50,000 a year is a further saving over and above all savings made possible by the plant for which the Treasury Department has planned. Taking the estimate of the Treasury Department engineers (which I do with reservation and only for purposes of comparison), there is a claimed economy to the United States of $177,000 a year by the use of the Mall plant. But assuming that their estimate is correct, the total saving by enlarging the Capitol plant, as above mentioned, would be the sum of $177,000 and $50,000, which is $227,000 a year.

The saving of such a sum as $50,000 a year in itself would justify a much larger first cost for the enlargement of the power station at the Capitol compared to a duplicate structure at the foot of Fourteenth Street. The Superintendent of the Capitol Building and Grounds, Mr. Elliott Woods, makes an estimate mentioning a much less cost. In a criticism of this estimate the Treasury's mechanical engineer makes his own figuring show that the excess cost at the Capitol would be under $5,000, and in no way controverts my contention that there is a great saving in the operating cost by doing away with one of the plants.

I fail to see why the Treasury engineers in their power scheme have not made provision for supplying power to the Government Printing Office from either the Mall or Capitol plants. Certainly here is a great chance of further economy, as at the Printing Office coal is brought to the fireroom in wagons, and two-thirds of it used under marine boilers fired by hand, while the condensing water is obtained from the water department after filtering. The Printing Office uses in its condensers some 2,000,000 gallons of water per day, some of which, however, is cooled and used again for other purposes in the building, but this, I believe, is less than a half of the amount taken from the water mains. The water department charges the public 40 cents per

1,000 cubic feet, which, if charged against this plant, would amount to over $100 per day.

The present Mall scheme for dealing with the Government buildings and works takes care of only about 17 buildings, whereas it is found from looking over the map of the city there are 29 points where electric power and steam are required, all of which could be supplied from the Capitol power site. The buildings, with their distance in a bee line from the Capitol site, are as under:

| | Feet. |
|---|---|
| Agriculture | 7,000 |
| Bureau of Engraving and Printing | 7,500 |
| Capitol | 2,700 |
| Congressional Library | 2,500 |
| District Building | 8,000 |
| District Courts | 5,600 |
| Fisheries | 4,300 |
| Government Printing Office | 6,500 |
| House Office Building | 1,600 |
| Interior Department (new) | 11,500 |
| Lincoln Memorial | 12,400 |
| Medical Museum | 4,800 |
| National Museum | 6,300 |
| Navy yard | 4,500 |
| Old National Museum | 5,400 |
| Old Post-office Building | 7,300 |
| Patent Office | 7,200 |
| Pension Office | 6,300 |
| Post Office (new) | 5,600 |
| Senate Office Building | 3,800 |
| Sewage pumping station | 3,500 |
| Smithsonian Institute | 6,000 |
| State, War, and Navy Department | 10,700 |
| Treasury Department | 9,600 |
| War College (north) | 5,000 |
| War College (south) | 8,000 |
| Washington Monument | 8,500 |
| White House | 10,200 |
| Winder Building | 11,300 |

These distances are roughly scaled from the center of buildings and power plant.

The three places using the greatest power are the navy yard, the Government Printing Office, and the Bureau of Engraving and Printing. Although the Bureau of Engraving and Printing is much closer to the Mall site than to the Capitol, the navy yard and Government Printing Office are much closer to the Capitol site. There is no difficulty whatever in connection with the transmission of electrical power any of the distances given. The steam conduits are the only features needing consideration.

Though at first sight desirable, the consumption of power at the navy yard is so great that it would require most careful investigation before wise decision could be made as to the advisability of its being served from a central plant. If, however, it were found justifiable, there would be no doubt as to the superiority of the Capitol site, as compared to the Mall, the comparative distances being 4,500 feet and 10,000 feet, or 5,500 feet in favor of the Capitol station.

It is seen that the distance from the Capitol to the Printing Office is only 6,500 feet and the Bureau of Engraving and Printing 7,500, with greater coal consumption at the former.

The greatest distances shown are those of the Lincoln Memorial, 12,400 feet, and the Winder Building, 11,300 feet. At these points but little heating power is required, and the most economical transmission to these points is therefore comparatively a minor consideration. The points at which a large amount of steam is required at long distances from the Capitol plant would be the new Interior Department Building, 11,500 feet; the State, War, and Navy Building, 10,700 feet; and the White House, 10,000 feet. These distances are straight-line measurements, and the steam conduits would differ from them, but it would require most careful and exhaustive study and the taking into account of each power requirement of each locality before the conduit lengths could be accurately given. It is not probable, however, to any of the main points of large consumption, that these lengths would exceed 15,000 feet, which I have been assured by mechanical engineers is good practice, especially for the minor power consumers.

While attending the hearings of the Library Committee at the Capitol I was favorably impressed by the manner in which Mr. S. S. Thompson gave his testimony, and it is with regret and surprise that I read the letter he has sent the chairman of the Library Committee, in which he makes the statement that the Capitol power plant is practically 18,000 feet, or 3.4 miles, from the Winder Building, and bases some of his objections to the Capitol site on this fact. I find the straight-line distance from scalement of map only 11,300 feet. It seems to me that in endeavoring to uphold the child of his creation it was unnecessary and bad taste and imprudent to impugn the motives of other people, as he has in his statement, viz:

"When the facts about this aesthetic furore are brought out it is possible that certain statements made by the architects and others will be proved to be disingenuous, and that a part of the present opposition to the central heating, lighting, and power plant will be found to have been inspired by the Potomac Electric Power Co., which has fought the project, for easily understood reasons, from its inception."

The absurdity of such a contention can not be better shown than by a careful consideration of the proposal I have outlined for a grand central station established at the Capitol power plant and cordially approved by the "aesthetic furorers," for if a new partial power station, as recommended by him, at the Mall will injure the Potomac Electric Power Co., what will be the effect of the still larger and more perfect one at the Capitol site which is recommended by myself and associates?

Extensions from such a plant would not only be put into quicker operation, but could be started at once and continue as Government funds were made available until all the public buildings enumerated were served with power from this central station. The new Mall plant, however, would be ineffective in toto until entirely completed.

In connection with my suggestion that a new set of engineers in no way committed to the present plan be employed to make a preliminary survey and estimate of the whole problem, bearing in mind the harmonious carrying out of the plans of the park commission, I would suggest that experts be obtained as follows:

That the American Society of Civil Engineers, American Institute of Electrical Engineers, American Institute of Mechanical Engineers, American Institute of Mining Engineers, Association of Consulting Engineers, the American Institute of Architects each be asked to nominate a member who would be competent and willing to act on a commission, together with one distinguished landscape gardener to be chosen by the others, to investigate anew this whole problem of the most economical and suitable site for a power plant and to consider the first and working costs, with rough estimates.

That their work be of an advisory nature and with but nominal money compensation for their own service, but that all the costs of obtaining the necessary data for their assistance be borne by the Government, who would also give them other aid, such as access to the Treasury engineers' and architect's estimates, plans, etc.

The work should be that of a preliminary survey, and no detailed working plans should be made out before their proposals had been approved by Congress.

There should be two reports or recommendations—one taking in only economical and practical considerations, the other the utmost economy permissible while preserving the beauty and dignity of the park system.

These reports should contain estimates not only for cost of construction, but relative economy of working, and if it was found that the Mall site was the more favorable it should be stated at what sacrifice in cost the next best site could be built upon and maintained.

The suggestion that I have thrown out to make use of the technical societies is in line with the action of the President, when he requested these engineering societies to extend aid to the Naval Consulting Board in their work of collecting data for use in organizing the manufacturing resources of the country for the public service in case of emergency.

Yours, respectfully,

HENNEN JENNINGS,
*Vice President American Federation of Arts,*
*Vice President Washington Federation of Arts,*
*Consulting Engineer.*

Mr. BRANDEGEE. I ask that the telegram which I send to the desk be read in connection with the matter the Senator from Nevada [Mr. NEWLANDS] is discussing.

The VICE PRESIDENT. In the absence of objection, it will be read.

The Secretary read the telegram, as follows:

NEW HAVEN, CONN., *February 14, 1916.*

Senator FRANK B. BRANDEGEE,
*Washington, D. C.:*

I respectfully urge delay sufficient to have thorough consideration of views of experts as to the wisdom of building power plant with chimneys in the neighborhood of Washington Monument. See my telegram and letter of February 3.

L. W. ROBINSON,
*President Connecticut Chapter American Institute of Architects.*

## ORDER OF BUSINESS.

The VICE PRESIDENT. The calendar under Rule VIII is in order.

Mr. MARTIN of Virginia. Mr. President, I ask that the conference report on the urgent deficiency appropriation bill be taken up for consideration.

Mr. TILLMAN. Mr. President——

The VICE PRESIDENT. Does the Senator from Virginia yield to the Senator from South Carolina?

Mr. MARTIN of Virginia. I do.

Mr. TILLMAN. I gave notice four days ago that I would to-day, immediately after the conclusion of morning business, call up the armor-plant bill, and I hope the Senator from Virginia will put off the consideration of the conference report until this matter has been disposed of.

Mr. MARTIN of Virginia. Mr. President, I understood that the Senator from South Carolina desired to address the Senate this morning, but later I heard that he did not wish to do so. I am perfectly willing to give way to the Senator to address the Senate, but I am afraid the armor-plant bill will take up so much time that I think the conference report should first be disposed of.

Mr. TILLMAN. How long will it take to dispose of the conference report?

Mr. MARTIN of Virginia. I do not think it will take very long, though there will be some discussion upon it. I have an idea, however, that the armor-plant bill will meet with protracted discussion.

Mr. TILLMAN. It may or it may not.

Mr. LODGE. Mr. President, there will be a good deal of debate on the armor-plant bill. The senior Senator from Pennsylvania [Mr. PENROSE] is necessarily absent, but he telegraphed me that he was extremely anxious to be heard upon that bill, and to be heard at length; he wishes to discuss it very fully. I also desire to discuss it. I have been very busy during the past week and have not been able to prepare what I desire to say on the subject; but I can assure the Senator that there will be a great deal of discussion. There is no desire to delay a vote upon the bill, but those who are opposed to it desire to be heard.

Mr. MARTIN of Virginia. Mr. President, it is very important to make some progress on appropriation bills, and I hope the Senator from South Carolina may see his way clear to acquiesce in my request, that the conference report be now proceeded with.

Mr. TILLMAN. I will give way until the Senator can conclude; and then I shall move that the Senate take up the other bill to which I have referred.

URGENT DEFICIENCY APPROPRIATIONS—CONFERENCE REPORT.

Mr. MARTIN of Virginia. I ask that the Senate proceed to the consideration of the conference report on the urgent deficiency appropriation bill.

The VICE PRESIDENT. Is there objection? The Chair hears none.

The Senate resumed the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9416) making appropriations to supply further urgent deficiencies in appropriations for the fiscal year ending June 30, 1916, and prior years, and for other purposes.

The VICE PRESIDENT. The report has been heretofore printed in full in the RECORD. Is it desired that it be read?

Mr. MARTIN of Virginia. I shall desire to have read a letter written to me by the Secretary of the Treasury, but not at the present time.

The VICE PRESIDENT. That is not a part of the conference report. The conference report has been printed in the RECORD, and the inquiry of the Chair was whether the Senator from Virginia desired that it be read from the Secretary's desk? The report is printed and on the desks of Senators.

Mr. MARTIN of Virginia. I think it is unnecessary to read the report. I have no doubt every Senator can read it more satisfactorily in the RECORD.

The VICE PRESIDENT. The question is on agreeing to the conference report.

Mr. NEWLANDS. Mr. President, I wish to ask the Senator from Virginia whether or not he desires to say anything regarding the conference report?

Mr. MARTIN of Virginia. I supposed that the Senator from Nevada would desire first to present his objections to the report and that I should then reply to such objections as he might see fit to make.

Mr. NEWLANDS. Mr. President, the urgent deficiency bill as it came to the Senate contained the following item "Washington, D. C., central heating, lighting, and power plant: For continuation, $600,000." The Senate committee added to this an authorization for an increase of the limit of cost for this plant from $1,494,104, previously authorized, to $1,669,104. To that item of the bill the Senate, after the report of the bill, added the following amendment:

*Provided*, That no work upon the construction of said plant shall be commenced until the plans therefor shall have been submitted to the National Fine Arts Commission for their approval, and approved by the President of the United States.

The plans referred to were made in the office of the Supervising Architect of the Treasury with the aid of outside experts. An Executive order, made by President Wilson in 1913 pursuant to a statute previously enacted, provides that there shall be no final action upon any building in the District of Columbia upon such plans until they have been submitted to the Commission of Fine Arts. In this case, through inadvertence, the Treasury Department claim—and I do not contest their claim—the plans were not submitted to the Commission of Fine Arts until after the contract was made. The Commission of Fine Arts disapproved of the plans and of the site for the building. The object of the Senate amendment, therefore, is to insure a careful consideration of these plans by the Commission of Fine Arts and their ultimate approval by the President of the United States before the work is allowed to proceed.

There has been much unnecessary confusion created in the public mind regarding this subject. The Treasury Department seems to regard itself as in a measure under indictment by the architects and lovers of art throughout the country, an indictment which it claims has been secured by false statements and as the result of misinformation. The Treasury Department seems to regard this movement as an attack upon it and also as intended to benefit a private and local plant engaged not in supplying steam and power, but simply in furnishing electric light and power.

A COMPLETE PLANT WANTED.

Now, I wish at the start to say that no one who has ever talked to me upon the subject has ever indicated any hostility whatever to a central power plant to be constructed and operated by the Government; on the contrary, they all favor such a plant; but they insist that it can be constructed on a more favorable site with reference to the beauty of Washington and with reference to economy of operation itself; that it can be constructed in such a way as to supply more public buildings than the plan at present contemplated will supply; and that it will serve a higher public use at a new site, without being the public defacement which the plant at the proposed site will be. So that I wish to clear the mind of the Senate of that misapprehension. This movement does not involve the abandonment of a central heating, lighting, and power plant; on the contrary, it involves a more complete plant, furnishing service to more public buildings, with greater economy, than the one contemplated.

I also disclaim any desire or willingness to attack in any way the Treasury Department. The authorization came from Congress for the construction of this plant. If a mistake has been made in its location, it was the mistake of Congress in the original law; and that mistake can only be rectified by the action of Congress. So far as I am concerned, I insist that Congress should be allowed to act in rectification of its own act without disturbing conditions being injected by an executive department of the Government.

Mr. President, where is this plant to be located? It is to be located to the south of and immediately adjoining the new building of the Bureau of Printing and Engraving, the railroad tracks of the Southern Railway Co. alone intervening, and it is to be erected upon the commercial water front of Washington which lies between the Bureau of Printing and Engraving and the War College, a distance of about a mile, at the very head of that water front, a water front which it is intended to embellish in the future according to the highest standards of engineering and art, so that it may rival not only in utility, but in beauty, the Thames embankment, the Seine development in Paris, and the beautiful utilitarian development at Dusseldorf on the Rhine, a development which has made that water front known to combine above all others every device that tends to practical use and service, one of the most beautiful creations in the world, a place not only of use and of service, but a place for general recreation, to which the people of that city resort.

POWER HOUSE TO DOMINATE POTOMAC PARK.

This plan has been in the eye of the Burnham Commission, and tentative suggestions have been made with reference to that water front. It is not to continue in its present squalid and inartistic condition, with miserable sheds and rotting wharves. It is to be a great creation in which art and utility will be united. One suggestion made by the Fine Arts Commission is that along that entire water front there shall be an elevated esplanade with walks and driveways shaded by trees, a structure in the air 15 or 20 feet above the general level of the street, and built upon arches, so that people can pass along that beautiful esplanade without interfering at all or being interfered with by the activities of commerce, and can look down upon the river and the business activities below.

Mr. President, immediately opposite this water front and facing it is the Potomac River, and immediately opposite that is the lower Potomac Park, to the south of the Southern Railway. That park is now being developed. Plans have been made and are now being carried out for a stadium, for golf links, tennis courts, and for its highest development as a park.

The building to be constructed upon this site consists of a power plant. The plans made by the Treasury Department show four stacks. The plans presented to the Fine Arts Commission showed four stacks; but before the Committee on the Library the statement was made that it is intended at present to construct only two stacks. Obviously, however, four stacks will ultimately be built. These stacks will be pretty nearly 200 feet in height and will be seen——

Mr. BRYAN. Mr. President, I am sure the Senator wants to be exact.

Mr. NEWLANDS. Yes.

Mr. BRYAN. As I understand, the stacks will be 175 feet high.

Mr. NEWLANDS. Above the level of the river they will be nearly 200 feet high.

Mr. BRYAN. I think above the level of the river they will be about 182 feet high.

Mr. NEWLANDS. Well, whatever the height may be—and there is some confusion about that—I know it was said in the Committee on the Library, if my recollection is right, that the stacks would be 195 feet high, but they will be equally objectionable at 175 feet.

Mr. SHAFROTH. Mr. President, I should like to ask the Senator a question.

The VICE PRESIDENT. Does the Senator from Nevada yield to the Senator from Colorado?

Mr. NEWLANDS. Certainly.

Mr. SHAFROTH. Where is it deemed by the Senator from Nevada that this power plant should be constructed?

Mr. NEWLANDS. I will state that in a few moments, as I go on.

Mr. SHAFROTH. Very well.

Mr. NEWLANDS. It is true that the power plant itself will be obscured as you view it from the White House, because there are intervening the buildings of the Bureau of Engraving

and Printing; but the stacks will appear above those buildings. Let me add here that the buildings recently put up by the Government for the Bureau of Engraving and Printing are of a high artistic standard, and it is contemplated that ultimately the present old building of the Bureau of Engraving and Printing, which is ugly and all the more ugly in contrast with the beautiful Mall which faces it on the north and west, will be taken down. The building of the contemplated heat and light plant can be seen, as I understand, from the Washington Monument and from the Lincoln Monument, and will be directly in front of a space to the west on the Mall that is reserved for monuments to be erected hereafter to distinguished Americans; for the plan of the Mall involves an east and west axis extending from the Capitol through the Washington Monument to and beyond the Lincoln Monument to the Potomac, and another axis from north to south extending from the White House through the Washington Monument down to Potomac Park, near which these great memorials will hereafter be constructed.

POWER HOUSE STANDS AT THE GATEWAY FROM THE SOUTH.

The site is at the very gateway of Washington from the south. The southern railways pass right by it. It will be almost the first prominent structure that will strike the eye as you come from the south; and it will present a most unpleasing and inartistic sight as compared with the beauty and the grandeur of the Washington Monument, the Lincoln Monument, and these suggested memorials to the south.

The Treasury Department is not to be charged with blame so far as the location of the site is concerned. That was inadvisedly, in my judgment, determined upon by Congress; and the question is whether it is too late for Congress to change its mind, and whether it is too late, if it does not change its mind as to the site, to insist that these plans shall be so made as to make this building as attractive as the purposes to which it will be put will permit. Under this amendment all these questions are to be considered by the Commission of Fine Arts, composed of the most distinguished architects and artists and landscape architects of the country, with the aid of experts in engineering. The question is whether we shall adopt that course or whether we shall say that there shall be no such consideration, and that these plans shall go through to a finality as they have been designed.

COST OF DELAY.

Now, with reference to the cost of delay: It is true that they have commenced construction; that is to say, they have commenced to excavate. They have not as yet commenced to put up the building. The loss in delay will be trifling.

I will state that this action does not involve the abrogation of the contract. This action simply involves a suspension of work until an expert inquiry can be made.

It looks to the consideration of the substitution of another site and the continuance of the contract for building at a more favorable site. It also looks to the consideration of other plans on the present site which may do away with the unattractiveness of the present plans.

Mr. VARDAMAN. Mr. President, will the Senator yield to me for a question?

Mr. NEWLANDS. Certainly.

Mr. VARDAMAN. To what extent have they proceeded with that work?

Mr. NEWLANDS. They are simply engaged in excavating now. None of the structure as yet has gone up. I am told that the contracts have been let.

Mr. VARDAMAN. How much money has been expended; does the Senator know?

Mr. NEWLANDS. Oh, it does not look as if there has been more than $10,000 expended there at present; probably not that amount.

Mr. VARDAMAN. What is the amount of the contract?

Mr. NEWLANDS. The amount of the contract is over a million and a half dollars, I think.

Mr. ROBINSON. Mr. President, will the Senator yield to me for a question?

Mr. NEWLANDS. Yes.

Mr. ROBINSON. Can the Senator state whether any penalty would arise if the contract should be rescinded?

Mr. NEWLANDS. I do not know about that. My impression is that the contract itself contains liberal provisions regarding modifications of the plans, but I do not know just what they are. There is no penalty provided; but I imagine, of course, that Congress would deal justly with these contractors if there should be any loss.

Mr. ROBINSON. I understood the Senator to say that the contract had been let.

Mr. NEWLANDS. Yes.

Mr. ROBINSON. And my inquiry was whether, if Congress should undertake now to abrogate the contract made by its authority, the Government would be involved in a controversy for damages growing out of the abrogation of the contract?

Mr. NEWLANDS. I will state that this action does not involve the abrogation of the contract. This action simply involves a suspension of work until an expert inquiry can be made.

Mr. WALSH. Mr. President——

The VICE PRESIDENT. Does the Senator from Nevada yield to the Senator from Montana?

Mr. NEWLANDS. Certainly.

Mr. WALSH. This action looks, however, to the ultimate abrogation of the contract, does it not?

Mr. NEWLANDS. It looks to the consideration of the substitution of another site and the continuance of the contract for building at a more favorable site. It also looks to the consideration of other plans on the present site which may do away with the unattractiveness of the present plans.

Mr. WALSH. Let me inquire of the Senator whether it will be possible to apply this contract to another building to be constructed at another place?

Mr. NEWLANDS. The contract, as I understand, contains provisions for modifications by the Government of the plans.

Mr. WALSH. But the Senator will agree, of course, that that could not apply to a transferring of the site from that place to a wholly different place.

Mr. NEWLANDS. I do not see why it could not. It seems to me there is no need of conducting any technical discussion of this matter.

Mr. LODGE and Mr. ROBINSON addressed the Chair.

The VICE PRESIDENT. Does the Senator from Nevada yield to the Senator from Massachusetts?

Mr. NEWLANDS. I will ask the Senator to permit me to continue for just one moment.

If the Government should say to this contractor, "We are not satisfied with this site; we propose to have substantially the same building, or perhaps a larger plant, constructed at another place, and you shall have the contract, and we will fairly consider all the losses resulting to you from delay," does any Senator here suppose that any contractor in existence who is capable of undertaking such a job would object? And if he should object, would not his objection be regarded as so unreasonable as to command the contemptuous disregard of Congress?

THE CAPITOL PLANT CAN BE ENLARGED.

Mr. LODGE. Mr. President, I should like to ask the Senator if it is not possible to enlarge the existing power plant which we now have up here in the neighborhood of the Capitol so as to have one power plant for all the Government buildings? I have been told—I do not know how correctly—that if that plant were enlarged and power furnished from that single plant to all the Government buildings, it would save the Government $50,000 a year as compared with building this second plant.

Mr. BRYAN. Mr. President——

Mr. NEWLANDS. I will say that Mr. Elliott Woods, the Superintendent of the Capitol, has presented a statement in which he says that it is perfectly possible to enlarge the Capitol plant in such a way as to supply all these uses.

Mr. MARTIN of Virginia. Mr. President——

Mr. NEWLANDS. So far as his estimate was concerned, he estimated only on the buildings that were included in the original authorization, and therefore made a lower estimate than for the proposed plant. He has since learned, however, that the proposed plant involves other buildings that are authorized in the amendment that is in this deficiency bill, so that his estimate is not to be regarded as applying to the entire area of service covered by the proposed plant. The engineer of the Treasury Department, in his statement, does not question that the Capitol plant can be enlarged, but says that the enlargement there would cost, I believe, $5,000 more than the proposed plant near the Bureau of Engraving and Printing.

Mr. LODGE. But the saving would come in the operation?

Mr. NEWLANDS. The saving would come in the operation. I will state further that Mr. Hennen Jennings, an eminent engineer, a man of large experience, and a vice president of the American Federation of Arts, declares that the enlarged Capitol plant would not only supply all the buildings contemplated by the Treasury design, but that it would cover the Government Printing Office and the navy yard, two of the largest consumers of heat and power among all the Government structures.

Mr. WILLIAMS. The Senator means the plant down here at Garfield Park?

Mr. NEWLANDS. The plant at Garfield Park, or near the Capitol.

Mr. LODGE. The Capitol plant.

Mr. NEWLANDS. He states that that plant would not only supply all the buildings contemplated in the present plant near the Bureau of Engraving and Printing, but that it would cover the Government Printing Office and the navy yard, which, as I have said, are two of the largest consumers of heat and power among all the Government structures.

Mr. LODGE. I only desired to bring out the economic aspects of the matter. I believe it will save the Government in the long run to operate only one plant.

Mr. NEWLANDS. Let me say that the Capitol plant there is now capable of supplying twice as much light, heat, and power as it is at present supplying.

Mr. LODGE. I am against putting two hideous chimneys in the midst of a park area; but that is apart from the question of economy, and I do not see that the Government would suffer if we enlarged the Capitol plant and operated only one plant.

Mr. MARTIN of Virginia. Mr. President, will the Senator yield to me for just one moment?

Mr. NEWLANDS. Certainly.

Mr. MARTIN of Virginia. I want to say that the Senator is mistaken in attributing to either the Treasury Department or Mr. Elliott Woods the opinion that heat can be furnished from the Capitol plant for the territory that will be provided for by this central plant. I have a letter from Mr. Woods, following a conversation he had with me, in which he says that he does not think heat can be transmitted for the distances that will be required. He further says that this estimate of cost was made for an entirely different project than the one contemplated and under contract at this time, and agrees that the addition to the Capitol power plant would cost a little more than it would cost to construct this new plant where it is being projected.

Mr. NEWLANDS. How much more, may I ask the Senator?

Mr. MARTIN of Virginia. It is a very slight addition.

Mr. NEWLANDS. About $5,000?

Mr. MARTIN of Virginia. Just about that.

Mr. NEWLANDS. Very well. My attention has not been brought to the letter from Mr. Woods. I am aware that his original estimate, which was half a million dollars less than the proposed plant fronting the park system, did not cover all the buildings covered by the Treasury proposal, owing to a misapprehension on his part and his confinement of the buildings to be supplied to the ones contemplated in the original act. I learn for the first time that he is in doubt as to whether steam heat from the Capitol plant can be used advantageously at some of these far-distant buildings, such as the Lincoln Memorial, which is the farthest away, and which will consume very little power or heat, and the new Interior Department building, which is beyond the State, War, and Navy Department Building. But upon that matter I imagine Mr. Woods will admit that his judgment will yield to that of eminent experts who have appeared before the Committee on the Library, and who have declared that power and heat can be economically distributed anywhere within a distance of 10,000 to 15,000 feet; and the Lincoln Memorial is not more than 12,000 feet from the Capitol plant. So that, under the statements of these eminent engineers, men who have made a specialty of this subject, men who have constructed the largest power and steam plants in the country, it is entirely safe to construct a plant which will deliver heat and power within a distance of 15,000 feet. Mr. Jennings in his letter shows that almost all of the distances contemplated by the Capitol plant are not more than six or seven thousand feet, and that only 3 or 4 of the places to be served out of 20 or more are more than 10,000 feet away.

DISTANCES TO WHICH STEAM CAN BE TRANSMITTED.

Mr. BRYAN. Mr. President, let me call the Senator's attention to the fact that the Secretary of the Treasury says, in his letter:

> From the engineering side it would necessitate the transmission of steam 3.4 miles and would burden a plant designed to care only for the legislative activities of the Government.

Mr. NEWLANDS. According to my information, I think the Secretary of the Treasury is mistaken in that calculation. The Lincoln Memorial is not 3.4 miles, as we all know, from the Capitol plant. It is only about 12,000 feet distant in a straight line. In the devious line of the avenues it might be two or three thousand feet more, but it would certainly be included within 15,000 feet, and these eminent engineers say that the construction of a plant is practicable and economical that involves distances of between 10,000 and 15,000 feet. I wish to insist further that these buildings beyond 10,000 feet do not constitute 5 per cent of the requirements imposed upon this plant—not 5 per cent.

Mr. BRYAN. Mr. President, that is a remarkable statement in view of the statement made by the Secretary of the Treasury. He says, further, that the site selected by the department is—

> within 800 feet of the buildings that will take 50 per cent of all the steam generated and nearly 40 per cent of all the electricity generated.

Mr. NEWLANDS. Within 800 feet?

Mr. BRYAN. Within 800 feet of the buildings that will take 50 per cent of the steam.

Mr. NEWLANDS. Oh, he is undoubtedly talking about the Bureau of Engraving and Printing.

Mr. BRYAN. Certainly.

Mr. NEWLANDS. That is right next door, of course, to the proposed Mall plant.

Mr. BRYAN. Oh, no; I do not imagine that would take half of the heat.

Mr. NEWLANDS. It will take a very large proportion of it.

If the Secretary will hand me the letter which I offered of Mr. Hennen Jennings, I will put his statement in the RECORD right here. Mr. Jennings is an engineer of large experience and of great accuracy. Now, what does he say?

Recollect it is perfectly safe to construct a plant that will deliver heat from 10,000 to 15,000 feet, and he has made the measurements here.

The buildings to be served by the suggested enlargement of the Capitol plant with their distances in a bee line from the Capitol site are as follows:

| | Feet. |
|---|---|
| Agriculture | 7,000 |
| Bureau of Engraving and Printing | 7,500 |
| Capitol | 2,700 |
| Congressional Library | 2,500 |
| District Building | 8,600 |
| District courts | 5,600 |
| Fisheries | 4,200 |
| Government Printing Office | 6,500 |
| House Office Building | 1,600 |
| Interior Department (new) | 11,500 |
| Lincoln Memorial | 12,400 |
| Medical Museum | 5,800 |
| National Museum | 6,200 |
| Navy Yard | 4,500 |
| Old National Museum | 5,400 |
| Old Post-Office Building | 7,300 |
| Patent Office | 7,200 |
| Pension Office | 6,300 |
| Post Office (new) | 5,600 |
| Senate Office Building | 3,800 |
| Sewage-pumping station | 3,500 |
| Smithsonian Institution | 6,000 |
| State, War, and Navy Department | 10,700 |
| Treasury Department | 9,600 |
| War College (north) | 7,000 |
| War College (south) | 8,000 |
| Washington Monument | 8,500 |
| White House | 10,200 |
| Winder Building | 11,300 |

These distances are roughly scaled from the center of buildings and power plant.

Thus, out of 28 structures, there are only 4 that are beyond the 10,000-foot limit, and those all buildings of limited consumption.

Mr. BRYAN. Mr. President——

Mr. NEWLANDS. Now, let us see what he says.

Mr. BRYAN. Let me ask the Senator——

Mr. NEWLANDS. If the Senator will just let me complete this quotation:

> The three places using the greatest power are the Navy Yard, the Government Printing Office, and the Bureau of Engraving and Printing.

Those are the three that are the largest. They are all within 7,000 feet. Let us see about the Government Printing Office, 6,500 feet:

> Although the Bureau of Engraving and Printing is much closer to the Mall site than the Capitol, the Navy Yard and Government Printing Office are much closer to the Capitol site. There is no difficulty whatever in connection with the transmission of electrical power any of the distances given.

Mr. BRYAN. May I ask the Senator a question before he gets too far away from those distances?

Mr. NEWLANDS. Yes.

Mr. BRYAN. I understand those are the distances in a direct air line.

Mr. NEWLANDS. Yes.

Mr. BRYAN. And do not indicate the distance by the pipes.

Mr. NEWLANDS. It is safe to say that that will be from a straight air line not more than a fourth or a fifth at the most, because of the many diagonal lines which our streets and avenues pursue in the District of Columbia.

Mr. President, the largest consumers of heat and power, recollect, are the navy yard, the requirements of which are not met at all by the plant near the Mall; the Government Printing Office, the requirements of which are not met by the proposed plant; and the Bureau of Engraving and Printing, the requirements of which are met; and probably the least of all these in its requirements is the Bureau of Engraving and Printing.

CAN A POWER PLANT BE ARTISTIC?

Mr. SHEPPARD. Mr. President——

Mr. NEWLANDS. I yield to the Senator from Texas.

Mr. SHEPPARD. I have been much interested in the Senator's remarks. Is it not practicable to construct an artistic building for a heating plant?

Mr. NEWLANDS. That is one of the things I should like this Commission of Arts and this committee of experts to determine. I have no doubt that if they can so determine they will take that into consideration. That is one other question that we want passed upon by experts.

Recollect, this Commission of Arts was called upon to act after the contract had been made. Certainly no one will state that smokestacks are a beauty. We have not been able as yet to procure the perspective of the proposed power plant, but I should like one of the pages to pass around to Senators the picture of a power plant which now exists, with only two stacks, near a park in Detroit, constructed, I believe, there by a private organization. It is regarded as an eyesore and detracts greatly from the beauty of that park. I will ask the page to pass it around to Senators. It is not presented, of course, as a picture of the proposed plant.

GOVERNMENT PRINTING OFFICE REQUIREMENTS.

Now, Mr. President, regarding the Government Printing Office, which is not included in the proposed plan, and which all must admit must be an enormous consumer of power. There I am told they take from our water mains 2,000,000 gallons of water a day for the purpose of condensation—not water from the Potomac, not the muddy water that would be taken and is taken up by the Capitol power plant, and would be taken up by the proposed plant near the Bureau of Engraving and Printing, but filtered water—water filtered at an enormous expense by the Government—purified water used in machinery and for purposes of condensation. The quantity is 2,000,000 gallons a day. The total consumption of the District of Columbia is 150,000,000 gallons a day; so that that one plant consumes one seventy-fifth of the entire consumption of the city of Washington. That is one of the extravagances which is going on to-day and is not taken into consideration at all by the proposed plan, whereas the Capitol plant can supply the Government Printing Office with the necessary power and the condensation will be done at the Capitol plant with water pumped directly from the Potomac River, within a short distance of the plant.

HIDEOUSNESS BLOTS OUT BEAUTY.

Mr. President, I have commented upon the fact that this proposed plant is at the southern gateway of Washington. I appeal to every man from the South to protest against the desecration of that gateway by the erection of such a structure. The first thing striking the traveler from the South will be, in a large degree, this plant, and we know how hideousness will often blot out beauty. Put a beautiful thing and a hideous thing before the eyes at the same time and the hideous object will attract the eye first. So there we have the existing Washington Monument and the Lincoln Memorial, and also the other future memorials contemplated to the west of and within 1,000 feet of this proposed plant; and you will have this power plant vying in competition with them as to the impression which will be made upon the incomer to Washington.

Mr. President, the American people have not yet started upon the question of waterway development, nor have they started upon the question of beautifying their water fronts. Throughout the United States the water front is, as a rule, the most neglected part of every city, occupied by wretched buildings, unsightly wharves; but if we go to Europe we find quite the contrary. If we go to Asia, we find quite the contrary. Spanish art made the harbor of Manila a beautiful harbor. When our engineers, without artistic quality, were placing structures in the Philippines in vivid contrast with the art that Spain left there, Mr. Taft summoned Burnham, once the president of this art commission, to Manila for the purpose of utilizing his views in the preservation and the continuation of Spanish art, and he made a plan for the water front of Manila which resulted in a development there that is charming to the eye.

BURNHAM'S WORK AT MANILA.

While I was in Manila I stopped at the house of the secretary of the interior on the Pasig, and there within view from the portico in the rear was a magnificent cathedral erected by Spain. I greatly enjoyed that view. I went out there repeatedly to see it; but one day I moved a little farther along the portico and saw a space at the side of the cathedral which had hitherto been concealed from view by an intervening tree; and there I saw an ugly structure of corrugated iron that had been erected as a storehouse by the United States engineers, a structure for a utilitarian purpose, but which absolutely killed the beautiful architecture of that civilization which we had displaced.

So, also, I saw a bridge constructed by our engineers across the Pasig River near the beautiful bridge of Spain. There was a great artistic structure, one that would vie with the best structures of the kind anywhere, and here was this engineer's bridge, utilitarian, it is true, but of an incomparably ugly sight, its ugliness intensified by the beauty of the Spanish building. Mr. Burnham was called there by Mr. Taft to stop such abuses, and he did so.

THE BURNHAM PLAN FOR SAN FRANCISCO.

In San Francisco, where we have an incomparable harbor, an incomparable location for a beautiful city, the city of San Francisco sprang up under the development which is the usual accidental western development, the water front neglected, a spot of mange in that incomparable scene, embracing bay and island and mountain and Golden Gate and ocean. That community has existed for about 65 years under American rule. When the Senator from California [Mr. PHELAN] was mayor of San Francisco, realizing the necessity of improving that city upon artistic lines, he secured Mr. Burnham's services in the development of a great plan for its future development. The earthquake and the fire came and a large portion of San Francisco was destroyed. San Francisco failed to avail itself of the opportunity which Baron Haussmann would have welcomed in Paris. Baron Haussmann was compelled to destroy a large portion of Paris in order to create the present incomparable development of radial avenues, embankments, and parks, whilst there in San Francisco the ground was, by the destruction effected by the elements, prepared for such an undertaking.

Instead of availing themselves of the plan which had been provided by the wise and artistic foresight of my friend from California, the beautiful Burnham plan, the people of that city, intent upon a hasty restoration, started in upon that development, and whilst the restored city stands as a monument to the incomparable energy and courage of a people each one of whom carries more individual weight than any individual in any other community I have ever known, yet the buildings, whilst each of them may be fine and perfect in itself, lack that harmony, that sympathy of relation to each other, which they would have had had they been constructed under definite plans directed by the leading artists of the country.

But San Francisco has waked up. She developed the idea of the great exposition at a time when the world was entering upon the most destructive war in history and brought it to a successful completion. What did the business men of that city do, composing the direction of that exposition company? What did the men of enterprise and energy and industry and character do? Did they do as the average American does—that is, assume that any American can do anything—or did they conclude to put the matter in the hands of the expert architects and artists and engineers and landscape architects, the best talent that they could secure in the country? They determined upon the latter. They arranged the financial matters. They told them the limit as to the amount, and they put that construction in the hands of the artists and engineers, and the result was a creation that surpasses anything of its kind in the history of the world, developed by a community not more than 70 years old, an instruction to the entire world as to what could be done with a water front.

SAN FRANCISCO TRANSFORMS A WATER FRONT.

They took a place that was as dismantled and dejected and miserable looking as the present commercial water front of Washington and transformed it into a thing of beauty. What was the result? The people from all parts of the world and from all parts of the country have come to see, not so much the exhibits contained in the industrial buildings as the incomparable creation itself of men skilled in engineering, landscape architecture, and art. It has been a valuable commercial asset to San Francisco, and, realizing the commercial value of beauty, San Francisco will doubtless enter before long upon the renovation and restoration and beautification of the entire

commercial water front, adopting the methods that are now being pursued in Rotterdam, adopting the plans that have been pursued in many of the Asiatic ports which are far beyond ours in beauty, making the entire front, through the offices of the engineers, not only one of great utility, but, through the offices of architects and artists, a thing of incomparable beauty, and before many years you will see San Francisco not a spot of mange in a beauteous scene, but vying with nature itself in beauty.

Mr. PHELAN. Mr. President——

The PRESIDING OFFICER (Mr. PITTMAN in the chair). Does the Senator from Nevada yield to the Senator from California?

Mr. NEWLANDS. Certainly.

THE WASHINGTON WATER FRONT.

Mr. PHELAN. I desired the Senator to yield for the purpose of making an interrogation. Since he mentioned the name of Daniel H. Burnham, who is the author of the plan for the adornment of San Francisco, it occurred to me to find out as a very important matter, in my judgment, whether the plans prepared by the same distinguished gentleman for Washington embrace what is now known as the commercial water front and where it is proposed to locate the new power plant. I have sent to the Library Committee within the hour for a copy of the Burnham plan. It has been promised, but I have not received it. However, the Senator knows of his own knowledge that it embraces the commercial water front.

Mr. NEWLANDS. You will find in that plan a design for a water front embracing the construction of an elevated esplanade above the level of the commercial street, upon which there will be a parkway with trees and vegetation, a place for automobiles to go, a place for carriages to go, a place for pedestrians to go, lifted above the arches beneath created for the convenience of commerce, and lifted above all the activities of commerce, but without interfering with them at all.

Mr. MARTINE of New Jersey. Mr. President, will the Senator from Nevada permit me to make a statement at this point?

Mr. NEWLANDS. Certainly.

DAMAGES DUE THE CONTRACTOR.

Mr. MARTINE of New Jersey. I am very sympathetic with the thought of retaining and maintaining, as far as possible, the beauties of Washington and of the District of Columbia; but, touching the matter which is now before us for discussion, I wish to say that I called up the Supervising Architect of the Treasury. I was under the impression that there was incorporated in such contracts of the Government a provision that it was within the power of the Government to alter, modify, change, or even to annul a contract. I thought I had seen that provision in other contracts. In reply to my inquiry, the Supervising Architect of the Treasury within a few moments informed me that the department has no authority, except to modify or change the building after the contract is made, which he alleges in this case has been made and that we can not change it in anticipation of moving or changing the location of the building anywhere else; but in that case that the Government would be liable for such damages as the contracting parties might make it appear they had sustained.

Mr. NEWLANDS. I ask the Senator from New Jersey, as a practical man, whether he thinks that any contractor who has a contract to erect a million and a half dollar building upon a particular site will make any serious objection, involving the loss of any very serious amount to the proprietor, to constructing a building equal in cost upon a site within a half mile or a mile of the contemplated site?

Mr. MARTINE of New Jersey. I will say, generally, that I should think not; but I do not know what a contracting party, with a contract involving the amount of money which this does, might do. It does seem to me, however, that the Government might annul the contract, or might, at least, take steps to annul it, and that then the Government would be liable to such damages as the contractor might be able to establish in court. I do not imagine, however, that the damages could be made to appear as very extensive in this case.

Mr. NEWLANDS. Does not the Senator from New Jersey suppose, if we simply suspend the construction of this building in order to give the Commission of Fine Arts and the President time to look into the whole question, that the Commission of Fine Arts and the President will also consider the matter which he suggests?

THE FALLS OF THE POTOMAC.

Mr. MARTINE of New Jersey. I think they would; and, personally, I should like such a cessation of this work as might make that possible. I want to live to see the day, and I trust it may be before the expiration of my term, when some steps will be taken to harnessing the great water power in the Upper Falls of the Potomac to do very much of this work.

Mr. NEWLANDS. A study of this subject might have that result.

Mr. MARTINE of New Jersey. I think it would be encompassed in the same general inquiry.

Mr. VARDAMAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nevada yield to the Senator from Mississippi?

Mr. NEWLANDS. I do.

Mr. VARDAMAN. I should like to inquire at this point of the Senator from Nevada if the law to which he refers does not contemplate that before the construction of this building, or the letting of the contract, the plans for its construction shall be passed upon by the Fine Arts Commission?

Mr. NEWLANDS. Of course; and that that has not been done is what I am complaining of.

Mr. VARDAMAN. Was that done in this instance?

Mr. NEWLANDS. The plans were not presented to the Commission of Fine Arts until after the contract was let, and the Commission of Fine Arts has objected to them.

Mr. VARDAMAN. How does the Senator account for this ignoring of the law by the officers of the Government who let the contract?

Mr. NEWLANDS. Well, Mr. President, I am not disposed to harshly criticize the Treasury Department. They insist that it was the result of inadvertence; that it was not intentional; but nevertheless that is a fact.

Mr. VARDAMAN. Mr. President, my question was not asked in any censorious spirit; but the point is that if this contract has been let by the officers of the Treasury Department in violation of the law, which required before it should be let that the matter should be passed on by the Commission of Fine Arts, then the contractor can not complain if matters are corrected after the contract has been let.

THE COMMISSION OF FINE ARTS.

Mr. SHAFROTH. Mr. President, I should like to answer the question which the Senator from Mississippi has just asked. I hold in my hand the act creating the Commission of Fine Arts. It provides:

> It shall be the duty of such commission to advise upon the location of statues, fountains, and monuments in the public squares, streets, and parks in the District of Columbia, and upon the selection of models for statues, fountains, and monuments erected under the authority of the United States and upon the selection of artists for the execution of the same. It shall be the duty of the officers charged by law to determine such questions in each case to call for such advice. The foregoing provisions of this act shall not apply to the Capitol Building of the United States and the building of the Library of Congress. The commission shall also advise generally upon questions of art when required to do so by the President, or by any committee of either House of Congress.

Mr. VARDAMAN. The contention of the Senator from Colorado is that it does not embrace buildings?

Mr. SHAFROTH. It does not embrace buildings nor the sites for buildings.

Mr. NEWLANDS. Let me read the act. [Examining.] Now, let me ask the Senator from Colorado a question. Does the Senator from Colorado know that an Executive order has been issued by the President of the United States requiring every official in charge of the construction of a public building in the District of Columbia to submit the plans for that building to the Commission of Fine Arts before final action is taken?

Mr. SHAFROTH. What power has the President to do that? When an act is passed, it meets the concurrence of the Senate, the House of Representatives, and the President, and that is the measure of their authority.

Mr. NEWLANDS. Then, the Senator from Colorado contends that the President has done an unauthorized act? Is that his contention?

Mr. SHAFROTH. I contend that the President could make that suggestion, or he could make that order, but that the force of it, the strength of it, so far as law is concerned, is not in the law, and, therefore, it is not authorized.

Mr. NEWLANDS. The Senator, then, states that the President could make such an Executive order, which would be binding upon officials, but that failure to comply with it would not void any contracts made under it?

Mr. SHAFROTH. There is nothing in the Executive order, as I understand, that requires that the location of a building should be submitted to the commission.

Mr. NEWLANDS. Ah, but here we have a situation where the commission have condemned the appearance of the building.

Mr. SHAFROTH. That may be, but the order is as to the character of the buildings. They can not limit where the buildings shall be put up by a private owner.

Mr. NEWLANDS. The Senator from Colorado must recollect that in this case the plans for the building were not presented to the Fine Arts Commission until after the contract was let.

Mr. SHAFROTH. But the law does not require it.

Mr. NEWLANDS. Now, let me go a step further.

Mr. VARDAMAN. Will the Senator from Nevada yield to me just at this point?

Mr. NEWLANDS. Will the Senator allow me to continue? I merely want to emphasize what I have said, because it comes right in this connection.

Mr. VARDAMAN. Very, well; I will not now interrupt the Senator.

Mr. NEWLANDS. The President did make an Executive order, as I presume the Senator from Colorado will admit, absolutely requiring plans to be submitted to the Fine Arts Commission before final action, and he did so under this authority in the law:

> The commission shall also advise generally upon questions of art when required to do so by the President, or by any committee of either House of Congress.

Now, did not the President, by this Executive order, require that the plans for every building should be submitted to the Commission of Fine Arts, and did not the statute authorize him to make that requirement, and, having made the requirement, if that requirement has been violated, does it not invalidate the contract which has been made under this law? I ask the Senator as to that?

Mr. SHAFROTH. Well, Mr. President, it seems to me that where a contract has been let by the proper authorities of the United States Government, the contractor at least has a right to rely upon the authority of the official who makes the contract; and, inasmuch as the Secretary of the Treasury is the official who signed this contract, it is binding upon the Government. There is nothing in what the Senator has read with relation to locations for public buildings, and the point which the Senator is making has more reference to location than to anything else.

Of course, every community and every part of the city of Washington would object to any kind of building that would emit smoke, and, accordingly, many people no doubt would absolutely refuse to consent to the location of such a plant in any part of the city. Thus the uses of modern civilization would be to a large extent hindered. It seems to me that a part of the city of Washington has been selected for this plant that is as free from objection to the citizens as any other that could have been selected, considering its accessibility to the public buildings that are to be served.

Mr. NEWLANDS. Mr. President, the question in this case was whether the Commission of Fine Arts had any function to perform under a law passed by Congress and whether the performance of that function was not defeated by the neglect, either willful or accidental, of an executive department?

Mr. SIMMONS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nevada yield to the Senator from North Carolina?

JURISDICTION OF THE COMMISSION OF FINE ARTS.

Mr. NEWLANDS. I should prefer not to yield, if the Senator please, until I have finished the sentence. It is perfectly clear under the statute, which provides that—

> The commission shall also advise generally upon questions of art when required to do so by the President.

"Questions of art!" Do not questions of art refer as much to the site as to the structure that is to be put upon it? Could there be any broader authority for an Executive order to be made by the President with reference to supervision, not only of the structures themselves but of the sites of public buildings in the District of Columbia, and did not the President—not a former President but our present President, Mr. Wilson—issue an Executive order, all-embracing in its operation, absolutely requiring every official in charge of any construction in the District of Columbia to submit the plans to the Fine Arts Commission before final action?

It is unnecessary to determine whether the contractor can be saved by a technicality; it is unnecessary to determine whether the Government is not estopped by the action of its own officers in charge of a contract. We are not considering this great question upon refinements of that kind. We are simply stating that the intention of Congress was not performed; that the intention of the President was not performed, and we are asking what? A reversal of action? No; we are asking simply a suspension of action until the authorities charged by law with the exercise of a certain function shall have the opportunity to discharge that function.

SOCIETIES GUARDING WASHINGTON CALLED AUDACIOUS INTERMEDDLERS.

Here we have a provision in a statute appropriating $600,000 for this very structure, and when we ask simply for a reasonable time within which the President and the Commission of Fine Arts can look into this question and determine it—perhaps approving of this site, for all we know; perhaps approving these plans, for all we know; perhaps suggesting modifications in the plans themselves that can be easily executed without a change in the contract—we are told that we are standing in the way of a great public improvement, that the men who are engaged in this movement are audacious—that is the language of the Secretary of the Treasury—in presenting their views, and that the great aggregations of men and women in the United States composing our architectural societies and our art societies, gathered together in a federation of arts, represented in Washington by officials charged with the sacred duty of guarding Washington from spoliation are audacious intermeddlers.

CONGRESS HAS THE RIGHT TO CHANGE ITS MIND.

Mr. President, it was not my intention to indulge in criticism of the Treasury officials. I am simply contending that Congress has the right to change its mind and to get the information neecssary for action without obstruction by Treasury officials. But I must say that I am amazed that the motives of people who are engaged in this movement should be misconstrued. We are told in a letter, from which I shall quote extracts, written by the Secretary of the Treasury, that the real motive behind this whole movement is to protect a local plant engaged not in supplying heat but in supplying light to the District of Columbia, and that we who have some interest in the artistic development of Washington and in these great federated societies of the arts and of architecture are being used by and are the cat's-paw of a private corporation engaged in furnishing light in the District of Columbia. I am amazed that such an utterance should ever be put in a public document, and I forbear from the comment that it deserves.

Mr. SIMMONS. Will the Senator permit an interruption now?

The PRESIDING OFFICER. Does the Senator from Nevada yield to the Senator from North Carolina?

Mr. NEWLANDS. Certainly.

Mr. SIMMONS. I want to ask the Senator if he will point out that part of the law which he claims authorizes the Fine Arts Commission, to which he refers, to interfere in any way with the location of a site for this plant; also whether there is anything in the Executive order of the President that applies specifically to the site of the plant?

Mr. NEWLANDS. Mr. President, I wish to correct the Senator——

Mr. SIMMONS. If the Senator will pardon me for just a moment, I understood the Senator's argument a while ago was that the Fine Arts Commission ought to be consulted about the location as well as about the structure itself. What I want to know is whether there is anything in the law or in the Executive order that requires that they should be consulted about the location?

Mr. NEWLANDS. Mr. President, I wish first to say that the Senator is mistaken in assuming that the objection is only to the location. The objection is to the artistic appearance of the building itself, and it is insisted that a building of that character ought not to be located on that site. So there are two objections. Now, the Senator will admit that as to the mere question of the appearance of the building itself the Fine Arts Commission has jurisdiction, will he not?

Mr. SIMMONS. I will admit that the President has issued an order requiring that, because the Senator has said that the President has issued such an order as that. I have not seen the order, and I do not know what it contains.

Mr. NEWLANDS. I will show it to the Senator.

Mr. SIMMONS. But the point I have in my mind is this, if the Senator will permit me: If the Art Commission has nothing to do with the location of the site, and that is a matter for the determination of the officials of the Government without consulting this commission, and those authorities have selected the site, then of course the objection of the Senator must lie chiefly to the character of the structure which it is proposed to erect there. If that is the chief objection of the Senator, then I want to ask him whether or not it is a fact that although this commission was not consulted in the first instance, it has been consulted since the selection of the site, and has made no objection to the structure except to the smokestacks, which are necessary for a power plant?

Mr. NEWLANDS. I will present in a few moments a statement of the Fine Arts Commission itself regarding that matter.

Mr. SIMMONS. Will the Senator answer that question for me—whether the Art Commission have not been consulted and the plans and specifications submitted to them, and whether they have made any objection to the structure except to the two smokestacks? And is it not a fact, if the objection of the commission lies only as to the stacks, that no power plant can be made effective or useful without these stacks?

Mr. NEWLANDS. Is the Senator through?

Mr. SIMMONS. If that is so, Mr. President, it seems to me—and I am submitting the inquiry to the Senator because I want to hear him about it—if the site has been selected according to the law, and if the plans of the building have been submitted to the commission and they have objected only to the stacks, that their objection is to a matter that is absolutely essential to any power building, and that it does not apply with the force the Senator has seemed to give it in his argument, in view of the fact that the site has been selected, and properly selected.

A POWER PLANT WITHOUT STACKS.

Mr. NEWLANDS. Mr. President, I wish to say, in the first place, that a power plant can be constructed without stacks if a forced draft is employed, though the operation may not be so economical; and, second, that there is a twofold objection by the Arts Commission. One is to the plans, the general appearance of the building, and the other is to the site. It is, of course, the case that neither the executive department nor the commission had the power to select a site. The site was selected by Congress two years ago, so that is settled. We are appealing now to Congress to have an investigation made in order to determine whether it is an advisable thing to change that site, and we are told by an executive department that we ought not to do it; that we ought not to consider the question whether our own action in the past was wise or not; and those who rise in this body and suggest that that action was not wise are put under certain imputations as to unworthiness of motive.

COMMISSION OF FINE ARTS OBJECTS TO BOTH BUILDING AND SITE.

The objection of the Art Commission is twofold: First, to the building itself and its appearance; second, to the site.

The Senator asks whether the Art Commission have any power under the law to determine either matter. I say that Congress has given the President the power to call upon them with reference to any question of art, and that question of art may apply not only to the building but to the site itself. The language of the statute is as broad as it can be:

> The commission shall also advise generally upon questions of art when required to do so by the President, or by any committee of either House of Congress.

The President in office in 1910—Mr. Taft—required this commission to give its advice, not by any special order, but by a general order, which reads as follows:

> Plans for no public buildings to be erected in the District of Columbia for the General Government shall be hereafter finally approved by the officer duly authorized until after such officer shall have submitted the plans to the Commission of Fine Arts, created under the act of Congress of May 17, 1910, for its comment and advice.

No plans were to be finally approved by the officer duly authorized until after such officer should have submitted the plans to the Commission of Fine Arts. These plans were approved before they were submitted to the Commission of Fine Arts.

Mr. SIMMONS. They have been submitted, however, since.

Mr. NEWLANDS. Ah; afterwards.

Mr. SMITH of Arizona. And approved?

Mr. NEWLANDS. No; disapproved.

Mr. SIMMONS. Have they not been approved except as to the smokestacks?

Mr. NEWLANDS. No.

Mr. MARTIN of Virgina. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nevada yield to the Senator from Virginia?

Mr. NEWLANDS. I do.

PRESIDENT WILSON'S LETTER.

Mr. MARTIN of Virginia. The Senator from Nevada has repeatedly stated that there ought to be some time given for the President of the United States to investigate this matter. For his information I will tell the Senator that the President of the United States has investigated the matter thoroughly; and I have a statement in writing from him, with his authority to read it to the Senate, that he approves the location and approves the plans, and thinks the work ought to be allowed to proceed at once and be completed as soon as possible.

Mr. NEWLANDS. I have great respect, of course, for the President's opinion regarding anything. I saw the President some days ago and presented to him a committee from the American Institute of Architects who wished to have this matter looked into, and we appealed to him to do what he could to prevent this structure from reaching a finality before competent experts had an opportunity to act upon it.

Mr. GALLINGER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nevada yield to the Senator from New Hampshire?

Mr. NEWLANDS. In a moment, if the Senator will just let me get through with this statement.

Mr. GALLINGER. Certainly.

Mr. NEWLANDS. Later on I stopped at the White House and left word with Mr. Forster, requesting him to suggest to the President that he consult Col. Harts, the Superintendent of Public Buildings and Grounds, an Engineer officer in the Army of high standing, who by virtue of his office is secretary of the Art Commission, in reference to this matter, upon the assumption that Col. Harts, being an engineer and also being absolutely familiar with the views of the Commission of Fine Arts, with which he has been so long identified, would be a safe counselor.

I fear that the President did not call in Col. Harts. I received from the President later on a very courteous letter stating that he had called for the plans, had looked into the matter, and had approved the plans; but I have nothing at all to indicate that the President had as his counselors and advisers in the matter any but the Treasury officials. I had hoped that the President might be able to go outside of the Treasury officials, who were greatly interested in these plans and had approved them, and seek expert advice, disinterested advice, or at all events hear both sides. I do not believe the President will stand by the judgment which he has declared if he does hear both sides; and this amendment proposes simply to leave this matter to the President, with the advice and counsel of the Commission of Fine Arts, as provided for in this amendment, upon the assumption that he may change his view upon receiving the information that will come from thorough investigation.

Mr. GALLINGER. Now, Mr. President, will the Senator yield to me?

Mr. NEWLANDS. Certainly.

Mr. GALLINGER. I do not propose to have much to say about this matter. It was my privilege to be a member of the committee—associated with me being the late Senator from Michigan, Mr. McMillan, and the senior Senator from Virginia, Mr. MARTIN—that made the report on the park commission plan of the District of Columbia. I need not say to the Senators who have been here with me that I have always stood for the proper development and beautification of Washington. I gave 22 years of my life to my duties as a member of that committee, 12 years as chairman of it, and devoted more time to the consideration of questions relating to this District than I did to matters connected with my own State, so that I need not apologize for any position I may hold on this question.

I want to ask the Senator from Nevada if he will kindly reread the Executive order to which he has just referred.

Mr. NEWLANDS (reading):

> Plans for no public buildings to be erected in the District of Columbia for the Federal Government shall be hereafter finally approved——

IS A POWER PLANT A PUBLIC BUILDING?

Mr. GALLINGER. That is enough. "Plans for no public buildings to be erected in the District of Columbia for the Federal Government." I will ask the Senator, in all seriousness, if a power plant is a public building for the use of the Federal Government in the District of Columbia. Does the Senator think it is a building of that kind?

Mr. NEWLANDS. I think it is, of course.

Mr. GALLINGER. The Senator thinks it is? I have no idea that any such purpose was intended by the Chief Executive when he issued that order. It is proper that there should be very careful supervision of public buildings for the use of the Government in the District of Columbia, such as buildings for the several departments of the Government; but, however that be, I should be very little swayed by an Executive order. Congress is supreme in matters of legislation, and I do not think Congress would be willing, as the Senator from Nevada suggests, to delegate this power to the President of the United States. I think Congress is quite competent to take care of it for itself.

Mr. BRYAN. Mr. President, will the Senator yield to me?

Mr. GALLINGER. If the Senator from Nevada will permit me; yes.

The PRESIDING OFFICER. Does the Senator from Nevada yield to the Senator from Florida?

Mr. GALLINGER. I yield to the Senator from Florida, with the consent of the Senator from Nevada.

Mr. NEWLANDS. I must object to dialogues in my remarks, Mr. President. I want to go on. I will yield the floor in a minute.

Mr. BRYAN. Will the Senator yield to me?

The PRESIDING OFFICER. The Senator from Nevada declines to yield.

Mr. GALLINGER. If the Senator will permit me just one word more; I am solicitous about this matter—quite as much so as the Senator from Nevada can be. If I believed the construction of this plant would be a blot upon the landscape, if I believed it would do violence to the artistic tastes of our people, I would not be in favor of it. But I am familiar with every foot of ground in this District, and I am honestly of the opinion that there is not another site in the District of Columbia that would be so free from objection for a plant of this kind as the one where it is contemplated to erect it; and I hope the Senate will agree to the conference report when it comes to a vote.

Mr. HUGHES and Mr. BRYAN addressed the Chair.

EXECUTIVE ORDER OF NOVEMBER 28, 1913.

Mr. NEWLANDS. Mr. President, the Senator from California [Mr. PHELAN] has also called my attention to an additional Executive order of November 28, 1913, as follows:

It is hereby ordered that whenever new structures are to be erected in the District of Columbia under the direction of the Federal Government which affect in any important way the appearance of the city, or whenever questions involving matters of art with which the Federal Government is concerned are to be determined, final action shall not be taken until such plans and questions have been submitted to the Commission of Fine Arts designated under the act of Congress of May 17, 1910, for comment and advice.

This is an Executive order that was issued by the present President, Mr. Wilson. The Executive order which I read before was an Executive order of May 17, 1910.

Mr. BRYAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nevada yield to the Senator from Florida?

Mr. NEWLANDS. Yes.

Mr. BRYAN. The Senator from New Hampshire [Mr. GALLINGER] asked the Senator from Nevada to quote the Executive order. I am going to ask the Senator to quote the statute under which the Executive order may be issued.

Mr. NEWLANDS. I have already quoted it:

The commission shall also advise generally upon questions of art when required to do so by the President.

Mr. BRYAN. In the hearing before the Committee on the Library the Senator gave the act of Congress as providing that it should be the duty of the commission to advise upon the location of statues, fountains, and monuments. This building is certainly a public building.

Mr. NEWLANDS. The sentence I have quoted is in the same statute.

Mr. BRYAN. It is?

Mr. NEWLANDS. Yes; the same statute.

Mr. BRYAN. The statute the Senator quoted in the hearings did not contain it.

Mr. NEWLANDS. Oh, yes; the Senator will find it in the last two lines.

Mr. BRYAN. Then where is any authority given to the Fine Arts Commission to deal at all with public buildings?

Mr. NEWLANDS (reading):

The commission shall also advise generally upon questions of art when required to do so by the President.

Mr. BRYAN. The Senator thinks that covers it?

Mr. NEWLANDS. I do.

Mr. HUGHES. Mr. President, I should like to ask the Senator a question.

The PRESIDING OFFICER. Does the Senator from Nevada yield to the Senator from New Jersey?

Mr. NEWLANDS. Yes; I yield.

FISH MARKET PLANS SUBMITTED.

Mr. HUGHES. About a year ago, as I recollect, we authorized the construction of a fish market right in this neighborhood for the government of the District of Columbia. Am I to understand that those plans and specifications should have been submitted to the Art Commission, or have they been so submitted?

Mr. NEWLANDS. They not only should have been submitted to the Art Commission, but they were submitted to it, and, under the direction of the commission, the plans were materially changed.

Mr. HUGHES. I was about to suggest that if they had not been they ought to have been so submitted.

Mr. NEWLANDS. The plans presented did not comport with what the commission thought should be the dignified and beautiful appearance of the waterfront of the city, and they disapproved them, and new plans are now being drawn pursuant to their suggestions. That building, recollect, whilst it is put to a utilitarian purpose, is to be a structure of beauty, as it ought to be, and it only illustrates what I said—that already under the direction of this Art Commission the Government is taking hold of this particular water front, and proposes to develop it not only upon lines of utility but upon lines of attractiveness and beauty.

The PRESIDING OFFICER. Will the Senator from Nevada suspend? The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (S. 3331) to amend an act entitled "An act to regulate the construction of dams across navigable waters," approved June 21, 1906, as amended by the act approved June 23, 1910, and to provide for the improvement and development of waterways for the uses of interstate and foreign commerce.

Mr. MARTIN of Virginia. Mr. President, I ask the Senator from Tennessee if it is not agreeable to him to have the unfinished business temporarily laid aside in order that the conference report may be proceeded with until it is finished. Of course, as a matter of fact, the conference report has priority, but I am sure the Senator will see the justice of agreeing that the unfinished business shall be laid aside.

Mr. SHIELDS. The conference report being a privileged matter, I understand, I will ask that the unfinished business be laid aside temporarily. I understand it will take a very little while to finish it.

The PRESIDING OFFICER. Without objection——

Mr. TILLMAN. Mr. President, I gave notice four days ago that this morning immediately after the conclusion of the morning business I would call up the armor-plant matter. I want to get that matter before the Senate and to pass the bill as soon as I can. It is imperative that it should be passed with the utmost promptness. Senators here are discussing the ways and means of expediting matters, and, I think, if the Senator from Tennessee, who is very earnest and desirous of passing the water-power bill, would ask unanimous consent for a vote he can get it, and we will all be accommodated, and I can get my bill before the Senate and have it passed.

The PRESIDING OFFICER. Is there objection——

Mr. OLIVER. What is the request?

Mr. TILLMAN. I shall be compelled to object unless some agreement is reached. I do not want to displace the water-power bill. Of course the Senate will do as it pleases, but I feel compelled to ask for a vote on taking up the conference report.

Mr. MARTIN of Virginia. I move that the Senate proceed to the consideration of the conference report which has been under consideration.

The PRESIDING OFFICER. The Senator from Virginia moves that the Senate proceed to the consideration of the conference report.

Mr. SHIELDS. Mr. President——

Mr. MARTIN of Virginia. It is a privileged matter, but there was an objection made, which compels a vote on the motion.

The PRESIDING OFFICER. The question is on the motion of the Senator from Virginia?

Mr. OLIVER. I should like to ask, if the motion is agreed to, whether it will displace the unfinished business?

Mr. SMOOT. It would.

Mr. OLIVER. I hope the motion will not prevail.

The PRESIDING OFFICER. It will displace the unfinished business.

Mr. OLIVER. I do not see why the unfinished business can not be temporarily laid aside and the Senate proceed with the consideration of the conference report.

The PRESIDING OFFICER. There was objection to unanimous consent.

Mr. TILLMAN. I will state what I am desirous of getting at. It is that the Senator from Tennessee shall ask unanimous consent to fix a day for a vote on the water-power bill.

Mr. SMOOT. I will say that it would be impossible to secure that.

Mr. OLIVER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Virginia yield to the Senator from Pennsylvania?

Mr. MARTIN of Virginia. I will yield.

Mr. OLIVER. I merely say that I object to laying aside the unfinished business, but if the Senator from Virginia insists on the motion let his motion come to a vote.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Virginia.

Mr. BANKHEAD. Mr. President, I should like to have a definite understanding about this matter. The Senator from Virginia has moved to proceed to the consideration of the conference report. If the Senate should vote to consider the conference report, in view of the fact that the general dam bill is the unfinished business what will the effect be upon this bill? Does it temporarily lay it aside until the conference report is disposed of, or does it displace it as the unfinished business of the Senate?

The PRESIDING OFFICER. In the opinion of the Chair it displaces it as the unfinished business, and the bill which is now the unfinished business goes to the calendar. The question is on the motion of the Senator from Virginia. [Putting the question.] The ayes appear to have it. The ayes have it.

Mr. OLIVER and Mr. TILLMAN called for the yeas and nays.

The yeas and nays were not ordered.

The PRESIDING OFFICER. The Chair lays before the Senate the report of the committee of conference on House bill 9416, upon which the Senator from Nevada [Mr. NEWLANDS] is entitled to the floor.

Mr. NEWLANDS. Mr. President, I have received a letter from Mr. Nathan C. Wyeth, a prominent architect here, relating to the Washington Architectural Club, which I will ask to have read.

The PRESIDING OFFICER. Without objection the secretary will read the letter.

The Secretary read as follows:

WASHINGTON, D. C., *February 14, 1916.*

Hon. FRANCIS G. NEWLANDS,
*United States Senate, Washington, D. C.*

MY DEAR SENATOR: The Washington Architectural Club, which has gone on record as approving the site of the proposed power plant for the Government, is an organization whose members are mostly employees of the Supervising Architect's Office in the Treasury Department. I am a member of this organization, but was not in any way consulted about this matter, and the sentiment expressed by them, I feel very sure, is not the sentiment of the leading architects of this city.

The Washington Chapter of the American Institute of Architects, whose membership includes the more prominent members of the profession of this city, passed a resolution at its last meeting disapproving of the proposed site for this power house.

Faithfully, yours,

NATHAN C. WYETH.

REPORT OF THE COMMISSION OF FINE ARTS ON THE POWER PLANT.

Mr. NEWLANDS. I ask to have read the report of the Art Commission upon this subject.

The PRESIDING OFFICER. Without objection the Secretary will read as requested.

The Secretary read as follows:

JANUARY 31, 1916.

SIR: Immediately upon receipt of your letter of January 14, transmitting the plans for the proposed central heating, lighting, and power plant, by direction of the chairman of the Commission of Fine Arts, the subject was referred to a committee for preliminary consideration and report, and a special meeting of the commission was called for January 26, at which the report of the committee was received and further consideration was given by the full membership of the commission. At this meeting were present representatives of the Supervising Architect's Office of the Treasury, who answered inquiries concerning the plant.

The plans submitted indicate a structure the exterior dimensions of which are 178 feet 8 inches long by 126 feet 6 inches wide, and having a height of from 80 to 90 feet above the level of the river, upon which are four large chimney stacks each about 16 feet in diameter and stated to be 188 feet in height above the ground, or about 195 feet above the river. A structure of this size and character would obviously be conspicuous wherever located in the city. From the Capitol, from the White House, from Arlington, from the Mall, from the War College and the water approach to Washington, from the Lincoln Memorial, from East and West Potomac Parks, which are now being developed, and from many other prominent points in the city the proposed plant will be a disagreeably conspicuous object in the landscape. Its close proximity to the Washington Monument will seriously affect the simple dignity of that structure and its great bulk and huge stacks will cause a deplorable change in the entire aspect of that section of the city. Furthermore, as the location of the Lincoln Memorial by Congress in Potomac Park leaves the southern terminus of the vista from the White House southwardly toward the river the most important site for a memorial structure left in the National Capital, this site would lose much of its effect and dignity by the construction of the plant as proposed.

It is understood that prevailing winds in Washington are from the south and the southeast. This being so, smoke or gases arising from the plant would be distributed over the areas upon which are located the Bureau of Engraving and Printing, the Smithsonian Institution, the new National Museum, the buildings of the Department of Agriculture, the White House propagating gardens and conservatories, and the tree growths of the Mall, and other valuable properties upon which the Government has expended great care and vast sums of money.

The commission strongly disapprove of the plans for this structure as submitted and view with grave anxiety the location of any such plant on this site.

By direction of the commission.

Respectfully,

WM. W. HARTS,
*Colonel, United States Army, Secretary.*

The honorable the SECRETARY OF THE TREASURY.

Mr. NEWLANDS. Mr. President, I am at a loss to know why the simple suggestion contained in this amendment should meet with opposition. We are proposing simply to allow a commission of experts and the President, with the aid of the best engineering talent in the country, to determine whether or not this building shall go on or whether its construction shall be suspended in order to provide either another building of a different appearance or another site.

Mr. NELSON. May I ask the Senator a question?

Mr. NEWLANDS. Certainly.

Mr. NELSON. Would it not be wiser to postpone the construction of this plant until the water power at Great Falls can be utilized, so that we would get our electric power from there instead of getting it at this plant? I ask the Senator that question.

ON FURTHER INFORMATION THE PRESIDENT MAY MODIFY HIS OPINION.

Mr. NEWLANDS. I should say no to that. The Great Falls can not supply the steam heat that is necessary. That is evident. It is the main purpose of this plant to furnish steam heat.

Then, I am exceedingly desirous of taking no action that will indicate any disposition to delay the construction of a central heat and lighting plant. All I want is an opportunity for a suspension of the work until the informed judgment of certain officials can act. The fact that the President, upon an ex parte statement, I presume, of the Treasury officials, has approved, as the Senator from Virginia indicates, the plan does not affect my judgment regarding this matter, for whilst it diminishes possibly the chances of favorable judgment of the cause which I espouse by the President, yet I feel that he will act as he has heretofore acted upon fuller information, that his mind will not be closed, and that if information comes to him of such a character as I believe will come from the highest authorities of the country, both in engineering and in art, he will do as he has done before, modify his previously expressed conclusion.

Recollect that when this matter was presented to the Senate the Senate passed the act authorizing a plant. The Senate ought to have pride of opinion regarding it if anyone should have pride of opinion. The Senate immediately responded favorably, and without opposition put the amendment upon the appropriation bill as a reasonable amendment. That indicated the state of mind of the Senate.

ORIGIN OF THE OPPOSITION TO FULL EXAMINATION.

Whence does the violent opposition to this suspension of action originate? From the Senate, which is responsible for the act and which is now adopting the machinery for correcting any mistakes that might have been made? From the Senate, which, if anybody is entitled to pride of opinion, ought to have occasion to exercise it? No; the opposition does not come from within this body; it comes from without, and it is in the shape of the opposition of an executive department to permit the Senate to revise its own judgment. It is a practical declaration that the judgment of another department is to be imposed upon this body and to be accepted. We are not to have the right to revise our own judgment. We are not to have a right to reconsider our own acts. We are proceeding in haste, without exploiting the field of expert inquiry simply because another department of the Government has acted in violation of law and has refused or neglected—and I am willing to place the most charitable construction upon the neglect—has neglected to submit the question to a commission of arts authorized by Congress to exercise this function.

Mr. President, I submit that the Senate should hold to this amendment; that it should refer this matter back again to the conference committee, in the hope that they will come to some adjustment; and that if they do not come to such an adjustment, then that the Senate shall refuse to adopt this amendment to the urgent deficiency appropriation bill in its entirety, this amendment authorizing the expenditure of a million and a half dollars for carrying out the final judgment of the executive department, when the law says that that final judgment shall not be exercised unless the matter has been submitted to the Commission of Fine Arts, a body created by the law—and our servant.

Mr. BRANDEGEE. Mr. President——

The PRESIDING OFFICER (Mr. THOMAS in the chair). Does the Senator from Nevada yield to the Senator from Connecticut?

Mr. NEWLANDS. Certainly.

IS THE EXISTING CONTRACT LEGAL?

Mr. BRANDEGEE. If the law requires the department to submit the matter to the commission before making a contract and the department has not done so, there is no existing legal contract.

Mr. NEWLANDS. Not until we ratify it by our action. If we allow this amendment to go through, we ratify that contract.

Mr. BRANDEGEE. But what I was calling the Senator's attention to was the argument certain Senators have made that we would be breaking the contract by suspending its execution. That would not be so if the law requires the submission of the plans for such a contract under such circumstances as are recited by the Senator from Nevada.

Mr. NEWLANDS. Mr. President, this matter is pending before another committee. As soon as I heard of the proposed action regarding this building I introduced a joint resolution suspending action under this contract until the Commission of Fine Arts could have an opportunity to act upon the matter and the President himself should approve it. It was at the suggestion of the Senator from Massachusetts [Mr. LODGE] when that resolution came before this body that I offered the amendment to the urgent deficiency appropriation bill, his statement being that there was a provision in the urgent deficiency appropriation bill which would enable us to get the relief which we sought by adding an amendment to it. So that amendment was added without a dissenting expression.

It is true that the Senator from Virginia at the time he assented to it indicated that he reserved the right to modify it and possibly—I do not know whether that was expressed—to reverse his action regarding it. The resolution which I have introduced will be pressed. This thing will not rest. The audacious action referred to in the letter of the Secretary of the Treasury of the members of the great architectural and arts societies of the country will not end. I know something of those organizations.

TO MAINTAIN THE WASHINGTON-L'ENFANT PLAN.

I have stood here with others during my 23 years' service in an effort to maintain the integrity of the original plans designed by Washington and L'Enfant and their full development.

The honorable ex-Senator from New York, Senator Root, was conspicuous always in the defense of those plans. President Taft was conspicuous also, and others acting with them have been able in this body to protect this plan from spoliation.

I can recall that when I first entered this body the Senate was engaged in what I thought at the time was almost a brutal debate, attacking a distinguished architect, Charles McKim, who, in the judgment of some of the Senators, had committed an unpardonable offense, when he planned the small office annex to the White House, by not providing for two stories. It was their contention that it did not meet the business requirements of the Executive offices, his contention being that the structure should be of so modest an appearance as to be inconspicuous, and not detracting at all from the general beauty of the plan of the White House. There was a long contention over that, and the artists won.

LOCATION OF THE DEPARTMENT OF AGRICULTURE.

Later on Secretary Wilson, of the Department of Agriculture, acting under an appropriation given to him by Congress, proposed to erect the Agricultural Department Building, and disregarding the plan of the Mall, the boundary line of the Mall itself, he proposed to construct the building right across the line. He and those who stood with him—and he had numerous supporters in this body and in the House—thought that the views of the artists and architects of the country were not to be regarded, that the general artistic sense of the country was not to be regarded, and as he had the power he proposed to put the structure across the line.

An agitation commenced in this body which resulted in the passage of an act by this body compelling him to put the building back to the line. But the power of that department was so great among its friends in the House that it was utterly impossible to pass the bill there. At that juncture, as a result of the universal protest from all over the country, President Roosevelt, the Chief Executive of the Nation, intervened; and although the law charged the Secretary of Agriculture with the duty of constructing that building, the President directed him to put the building back of the line, and there it went.

A CIVILIZED, NOT A BARBARIC COUNTRY.

The lovers of beauty in this country are increasing every day. There are people in this country who realize that art belongs to civilization, not to barbarism. They propose that this shall be a civilized country and not a barbaric country. They are organizing art commissions in every State, with greater or less control over public and private structures. They are organizing societies throughout the entire country for the purpose of engaging in a propaganda regarding its artistic development. They propose to revive that artistic taste which existed among the gentlemen of colonial times, exemplified by devotion to the correct standards of art of such men as Washington and Jefferson; Washington, who made it a labor of love to stand side by side with the great French engineer, L'Enfant, in the planning of this city; Jefferson, whose solicitude regarding art is expressed in hundreds of letters and public utterances, who, whilst our representative in France, was so solicitous regarding the construction of a penitentiary in the State of Virginia that he requested delay in order that he might look at the best standards of art in France regarding the construction of even such a structure, and who later on practically planned the great University of Virginia, which has stood a model of beauty ever since, so much so that when some of the buildings were destroyed by fire they were reproduced by the great firm of McKim, Mead & White, who deemed it a higher duty to preserve to future generations the evidence of the artistic sense of Jefferson than to impress upon that work their own personality; Jefferson, who when the State of Virginia was considering the construction of a capitol urged delay until the best plans could be secured, and who, in a letter from France to one charged with responsibility in Virginia, declared with reference to objection as to loss of time—I quote from him:

> The loss (of time) should not be weighed against the saving of money which will arise, the comfort of laying out the public money for something honorable, the satisfaction of seeing an object and proof of national good taste, and the regret and mortification of erecting a monument to our barbarism, which will be loaded with execrations as long as it shall endure.

AN APPEAL TO THOMAS JEFFERSON.

I appeal to the Senators who represent the great Commonwealth of Virginia, so worthily represented in the councils of state by the great Jefferson, to bear in mind these words and to save themselves "the regret and mortification of erecting a monument to our barbarism, which will be loaded with execrations as long as it shall endure."

You may rest assured that that structure, with its two stacks, ultimately to be four, towering in the air will arrest the attention of every lover of beauty from the Old World who comes to the Capital and views them within sight of the monument erected to Washington, of the temple erected to the great Lincoln, and of the great temples which, I trust, will before long be erected to Jefferson and to Hamilton. I appeal to the Senators from Virginia to see that this act of barbarism is not committed. This structure will be torn down before many years. The relentless movement of the artistic sense of the country will in the end control, and the temporary judgment of this hour will not stand against it.

Mr. President, I trust that this body will be conscious of its own dignity; will be conscious of its right to change its mind, of its right to adopt the processes by which its mind can be informed, and of adopting methods which in the future will secure perpetual harmony in the plans of Washington instead of chaos and discord.

Mr. OVERMAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. HOLLIS in the chair). The Senator from North Carolina suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

| | | | |
|---|---|---|---|
| Bankhead | Gallinger | Martine, N. J. | Simmons |
| Beckham | Harding | Nelson | Smith, Ariz. |
| Borah | Hardwick | Newlands | Smith, Ga. |
| Brandegee | Hollis | Norris | Smith, Md. |
| Broussard | Hughes | O'Gorman | Smoot |
| Bryan | Husting | Oliver | Stone |
| Catron | Johnson, S. Dak. | Overman | Sutherland |
| Chamberlain | Jones | Page | Swanson |
| Clapp | Kenyon | Phelan | Thomas |
| Clark, Wyo. | Kern | Pittman | Tillman |
| Clarke, Ark. | La Follette | Ransdell | Vardaman |
| Colt | Lane | Robinson | Warren |
| Curtis | Lee, Md. | Shafroth | Weeks |
| Dillingham | Lodge | Sheppard | Williams |
| du Pont | McLean | Sherman | Works |
| Fletcher | Martin, Va. | Shields | |

Mr. KERN. I desire to announce the unavoidable absence of my colleague [Mr. SHIVELY]. He is paired with the junior Senator from Maine [Mr. BURLEIGH]. This announcement may stand for the day.

Mr. SMITH of Arizona. At this time, I desire to suggest that my colleague [Mr. ASHURST] was called from the Senate a few moments ago on important business in one of the departments.

The VICE PRESIDENT. Sixty-three Senators have answered to the roll call. There is a quorum present.

CHANGING A CONTRACT.

Mr. MARTINE of New Jersey. Mr. President, I am deeply interested in regard to the location of this proposed lighting, heating, and power plant. I have received scores of letters from very prominent men not only in this city but outside of it in protest against the site which has been selected for that purpose. I visited the proposed site some two weeks ago, and I am fairly well acquainted with the situation. As I have previously stated this morning, I communicated with the Supervising Architect of the Treasury as to whether or not it was possible under our contract to annul it. He replied to me over the telephone that it was possible to alter and modify, but not absolutely to annul, the contract to the extent of providing for a new location. It occurs to me, however, that inasmuch as the construction of this building is so entirely in embryo, it is surely within our right, and, I believe, within the lines of good sense and in accordance with justice to take some step which shall prevent its further progress.

I can understand that if the amendment proposed by the Senator from Nevada [Mr. NEWLANDS] shall be sustained, and the matter go back to the conference committee, the contractor will be continually working on the construction of the building and thereby accumulating further cost to the Government. In order to check that I offer the following resolution:

Joint resolution.

Whereas the construction of the anticipated central heating, lighting, and power plant on the bank of the Potomac, now under way, has aroused public sentiment in protest to further work: Therefore, be it

*Resolved, etc.*, That the contracting parties for said construction are hereby notified to cease further work on said building or grounds until further consideration of the subject by the art commission and the President of the United States may be had.

If this resolution shall pass this body, it would, at least, be a public notice to the contractor that if he proceeded in the expenditure of money in further construction he would do so at his own loss and at his own peril. I therefore trust, Mr. President, that the Senate may adopt the resolution.

Mr. MARTIN of Virginia. Mr. President, of course, I suppose the Senator from New Jersey knows that such a resolution is now out of order, and can not, therefore, be offered in the midst of the consideration of the conference report.

Mr. MARTINE of New Jersey. I was not aware of that.

Mr. MARTIN of Virginia. It is plainly out of order.

Mr. MARTINE of New Jersey. Still, I stand for all the sentiments contained in the resolution.

Mr. MARTIN of Virginia. Mr. President, I exceedingly regret that I feel it my duty to occupy some of the time of the Senate in connection with this matter. It is really very important. In addition to the importance of the subject, the Senator from Nevada [Mr. NEWLANDS] has occupied more than two hours in antagonizing the report of the committee of conference. I therefore feel compelled to devote some time not only to replying to the Senator from Nevada but to a presentation of the subject in its true aspects.

I think the Senator from Nevada, at the outset, appealed to Senators to resort to their imaginations in considering this proposition. The Senator has certainly set an example of that sort. His imagination has taken possession of him. He has delivered a very eloquent disquisition on the fine arts, and Senators who have not some previous knowledge of this matter may misunderstand, and no doubt will misunderstand, the real nature of the question which is now before the Senate.

Before I come to a discussion of the merits of the proposition, I will refer to an allusion made by the Senator from Nevada to the failure of the conferees on the part of the Senate to adhere to his amendment. He stated that he did not know what outside influence could have controlled the course which the conference committee took. Mr. President, it is very easy for a man with a vivid imagination to conjure up all sorts of influences which may have thwarted the purposes which he had in view, but I will invite the attention of the Senate to the circumstances under which the amendment of the Senator from Nevada was adopted on the floor of the Senate. The amendment came very unexpectedly to me, and I am sure it came very unexpectedly to Senators generally. I stated from my position here in the Senate that I was willing, so far as I was concerned, for the amendment to be adopted, with a distinct statement that I must not be considered as giving my approbation to it, for I did not know enough about it to have an opinion one way or the other; that it came as a surprise; and that I was willing for it to go on the bill simply for investigation, and without myself being committed to it in any sense. Realizing that the Senate acted on that same idea, that very few Senators knew anything more about it than I did, I feel that there was little occasion for the Senator from Nevada to talk about outside influences preventing a fair consideration of his amendment.

Mr. President, before I go into the history of this matter, I must make a correction of the position taken by the Senator on Saturday afternoon and repeated here to-day. He says the contract for the erection of this building is invalid, because the law was violated in that the plans and the question of location were not referred to the Commission of Fine Arts; and, secondly, that the contract is illegal because it violated an Executive order which directed that the Commission of Fine Arts should be consulted concerning the construction of the proposed power plant. In the first place, I will refer to the Commission of Fine Arts. The plans for the projected improvement were not referred to them in advance, but they have been referred to them since the contract was let; and the Commission of Fine Arts themselves say that they have nothing to do with the matter. Neither the law nor the Executive order, according to the statements made by the Commission of Fine Arts, gives them any function in reference to it.

Mr. NEWLANDS. Mr. President, will the Senator permit me to ask him where he finds authority for that statement?

Mr. MARTIN of Virginia. I will read it in just about two minutes, if the Senator will give me an opportunity. The report of the Commission of Fine Arts, to whom the project was finally referred, has been read from the desk; and it makes no objection, no comment, no criticism except as to the location.

Mr. NEWLANDS. Mr. President, I dislike to interrupt the Senator——

Mr. MARTIN of Virginia. I am perfectly willing to be interrupted.

Mr. NEWLANDS. If the Senator from California [Mr. PHELAN] will let me have the report, I will show the Senator from Virginia——

Mr. MARTIN of Virginia. I should like to be shown. I only heard it read at the desk, and I, if I am mistaken, I want to be corrected.

Mr. NEWLANDS. The Commission of Fine Arts say:

Its close proximity—

Speaking of their objections to the building—

Its close proximity to the Washington Monument will seriously affect the simple dignity of that structure, and its great bulk and huge stacks will cause a deplorable change in the entire aspect of that section of the city.

Then it goes on——

Mr. MARTIN of Virginia. The Senator does not mean to say that that refers to anything except the location, does he?

Mr. NEWLANDS. Yes.

Mr. MARTIN of Virginia. Then his idea of the English language and mine differ widely.

Mr. NEWLANDS. I do not wish to take up the Senator's time, but I am trying to pick out the excerpts which are pertinent. There are other sentences that relate to this matter, according to my recollection, but the communication closes:

The commission strongly disapprove of the plans for this structure as submitted—

And then they add:

And view with grave anxiety the location of any such plant on this site.

Mr. MARTIN of Virginia. The only objection they have made in what the Senator has read is as to the location.

Mr. NEWLANDS. I can not understand how the Senator can construe that language in that way, when they say:

Its great bulk and huge stacks will cause a deplorable change in the entire aspect of that section of the city.

Mr. MARTIN of Virginia. That is due to the location.

Mr. NEWLANDS. It is a question of art.

Mr. MARTIN of Virginia. If it were not located there, it could not cause that trouble. No matter how big it might be, if it were located 10 miles away, it could not make all that trouble.

Mr. NEWLANDS. The Commission of Fine Arts do not oppose the erection of a central power and heating plant; on the contrary, they believe in such a plant of the largest capacity.

Mr. MARTIN of Virginia. But they point out no objections to this plant.

Mr. NEWLANDS. They say it is a question of art as to whether the proposed building in that particular place is designed in such a way as will reflect credit upon art in the city of Washington.

Mr. MARTIN of Virginia. That is true; but they make no criticism of the plans; they criticize the location. They do not say that the design is not proper; they do not say the new building will be unsightly; but they say it will injure the

beauty of the city if located upon that site. After hearing what the Senator has read, I repeat that the only objection made by the Fine Arts Commission is as to the location of this plant. Now, if the objection is only to the location of the plant, what have they got to do with that? We will see what they say. They say they have nothing to do with it. Mr. Gilbert in his testimony before the Library Committee says:

The conclusion of the Commission of Fine Arts was that the plant at that location would be seriously objectionable, but having respect for the action of Congress, and deeming it not only our function to establish a location——

Right there, let me say that, if Senators will read that sentence, they will notice there is a word there that ought not to be there. I sent for and obtained a copy of the original, and the word "only" ought to be stricken out. It makes no sense in the sentence and the original shows that it ought not to be in. So reading it correctly, it says:

The conclusion of the Commission of Fine Arts was that the plant at that location would be seriously objectionable, but having respect for the action of Congress, and deeming it not our function to establish a location, we could only express our great anxiety as to the result if a plant was located at that point.

Mr. NEWLANDS. Well, read the next sentence.

Mr. MARTIN of Virginia. I will read it. It is as follows:

We could, however, within our function, as established by Congress, and as required by our presidential appointments, express our opinion as to the aspect of the plant, as to its appearance, and on that we were unanimous that it would be a seriously objectionable feature in the aspect of the city of Washington.

That is, located at that point.

Mr. NEWLANDS. Will the Senator permit me another question?

Mr. MARTIN of Virginia. Certainly.

Mr. NEWLANDS. Does he not consider that "a question of art?"

Mr. MARTIN of Virginia. I consider it a question of location. There is no question of art here disconnected from the question of location.

Mr. NEWLANDS. But the Senator will admit that it is "a question of art," will he not?

Mr. MARTIN of Virginia. Well, I am not going into any discussion of that. I am not at all clear that it is a question of art.

Mr. NEWLANDS. That is the principal question.

Mr. MARTIN of Virginia. The proposed building will be a utilitarian plant, and there are involved, no doubt, some artistic considerations. An inartistic building anywhere is objectionable in one sense. You may bring the principles of art to bear on almost anything.

Mr. NEWLANDS. Recollect that the statute authorizes this commission to advise generally upon questions of art when required to do so by the President.

Mr. MARTIN of Virginia. Mr. President, the Senator is not a lawyer. I do not like to use extreme language, but I am almost sorry for a man who says that the letting of the contract for this building was a violation of the statute. I will read it to show that I am not taking an extreme position. A man with an imagination might take that view.

Mr. NEWLANDS. I will state to the Senator that I have made a feeble attempt in the past to be a lawyer and was regarded as fairly successful.

Mr. MARTIN of Virginia. Well, it was so long ago that the Senator has evidently forgotten his training if he can find anything in the law that has been violated by the letting of this contract. I quote from the law creating the Fine Arts Commission:

It shall be the duty of such commission to advise upon the location of statues, fountains, and monuments in the public squares, streets, and parks in the District of Columbia—

It is not contended that this is a statue, fountain, or monument, I am sure—

and upon the selection of models for statues, fountains, and monuments erected under the authority of the United States and upon the selection of artists for the execution of the same. It shall be the duty of the officers charged by law to determine such questions in each case to call for such advice.

That is in connection with statues, fountains, and monuments.

The foregoing provisions of this act shall not apply to the Capitol Building of the United States and the building of the Library of Congress. The commission shall also advise generally upon questions of art when required to do so by the President or by any committee of either House of Congress.

They have not been required in this instance to pass upon the question by the President or by either House of Congress. So that there is absolutely nothing in the law which has been violated.

So far as the Executive order is concerned, Mr. President, it is but a directory order; it is an instruction by the Chief Executive Officer of the country to a subordinate officer to do a certain thing. If the subordinate should fail to do as directed by his chief, or if he should do anything disapproved of by his chief, he would be amenable to the discipline of that chief. If the President thinks that the Secretary of the Treasury has been wrong in not taking the advice of the Fine Arts Commission, he can remove him from office, but the President does not think he has done anything wrong.

As my friend from Florida [Mr. BRYAN] suggests to me, there is nothing in the law about buildings. Furthermore, the Fine Arts Commission say they have nothing whatever to do with the location of the building, and, so far as the Executive order is concerned, it is nothing, as I have said, but a direction to one of his subordinates that he shall do a certain thing. If he does not do that thing, he is amenable only to the discipline of his chief. His chief in this case approves his action. His chief wrote me a letter, which I will take the liberty of sending to the desk and asking the Secretary to read.

The VICE PRESIDENT. In the absence of objection, the Secretary will read as requested.

The Secretary read as follows:

THE WHITE HOUSE,
*Washington, February 10, 1916.*

MY DEAR SENATOR: I was called upon the other day by Senator NEWLANDS and a committee of representatives of the American Institute of Architects, who protested against the erection of the power plant for which ground has already been broken at the foot of Thirteenth Street, and Senator NEWLANDS asked me to communicate with you on this subject.

I immediately took the matter up, studying the plat and the elevations, and must frankly say that I see no valid objection either to the site or to the erection of the building upon it, and it seems to me that the whole matter has been so thoroughly considered, and the plant is so necessary, that I should not be justified in asking for any delay of any kind.

Very sincerely, yours,

WOODROW WILSON.

Hon. THOMAS S. MARTIN,
*United States Senate.*

Mr. MARTIN of Virginia. Mr. President, I am indebted to the Senator from Nevada for that letter. I have had no communication whatever with the President in respect to it, except that after the receipt of the letter—indeed, this morning—I communicated with him, and desired to know if it was agreeable to him to have that letter read in the Senate. He said it was entirely agreeable to him to have it read in the Senate. But for his consent that I should read it I certainly should not have mentioned it, but should have considered it as a letter personal to me.

So there is absolutely no invalidity attaching to this contract because the Secretary of the Treasury did not submit it to the Arts Commission. If he had submitted it to the Arts Commission, they no doubt would have replied at first as they did at the last, that it was not one of their functions to locate a public building. They have nothing to do, under the law or the Executive order, with locating a public building in the city of Washington. They have said so themselves, and I think they know as much about the functions which they are authorized to execute and which they are executing as any Senator on this floor. I have read to you their own statement that they had no function in locating a public building in the city of Washington, so that this contract is not invalidated by anything that has been done.

But let us see, Mr. President, what has transpired that gives that contract validity. Before I read the law I will say that this matter has not been taken up hastily. It has not been dealt with without consideration, without investigation, and without the advice of experts learned in subjects of this character. The necessity for a power plant in Washington was made manifest as far back as 1904, at which time Mr. Bernard Green, one of the most distinguished men who has been connected with the Government service here in 50 years—he died some few years ago—was instructed, by a statute which it is not necessary to take the time to look up, to get up and submit to the Congress a plan for the construction of a power plant. He got up a very elaborate plan. He called to his assistance Mr. Woodbridge, who was connected with the Massachusetts School of Technology, and a man of wide practical experience in constructing works of this sort; and Mr. Green, with the aid of Mr. Woodbridge, got up a report which was submitted to Congress on the 9th day of January, 1905. He says:

To insure thoroughness and reliability of investigation and report, I employed the expert services of Prof. S. Homer Woodbridge, of the Massachusetts Institute of Technology, because of his well-recognized academic training in both the science and practice of this special branch of mechanical engineering, his large practical experience in the actual designing and construction of heating and ventilating plants—

including several of magnitude and complexity—and, more than all, his open and unprejudiced scientific mind.

So that the first plan gotten up for a central power plant in the city of Washington was gotten up by Mr. Green, with the assistance of this distinguished expert, Mr. Woodbridge, as far back as January, 1905, under the provisions of a statute passed in 1904.

The Congress, however, did not proceed with the construction of this work, and during the administration of Mr. MacVeagh in the Treasury Department he appointed another committee of three to make another study of this proposition. I go through this so that Senators may understand that the matter has been deliberately proceeded with and carefully handled, and the advice of great experts was utilized. I do not minimize the ability and distinction of the Art Commission, but there are others. Wisdom will not die with them.

Mr. NEWLANDS. Mr. President, will the Senator permit me to call his attention to one fact? That is, that while it is true that a most careful examination of this subject was made by the Committee on Appropriations, with the aid of such skilled men as Mr. Green, the examination was purely with reference to the economic question, and not with reference to the artistic question.

Mr. MARTIN of Virginia. That is another play of the Senator's imagination. He has no authority for any such statement. They considered the matter in all of its bearings, and they then advised this construction.

Mr. NEWLANDS. The Senator knows that Mr. Green was a mechanical engineer.

Mr. MARTIN of Virginia. That was his chief calling, but he knew a great deal about architecture and about landscape beautification. He was a broad-gauged man of varied learning and great ability; and Mr. Woodbridge was another of the same sort, but of even greater distinction and reputation than Mr. Green.

This matter was not disposed of at once. In 1911, as I say, the Secretary of the Treasury appointed a committee composed of Mr. C. A. McAllister, Mr. R. H. Chappell, and Mr. N. S. Thompson. Mr. Thompson is still in the Treasury Department. He was on that committee then. They made an investigation and a report; and I will say right here that in all of these investigations and reports the site now finally adopted was one of those recommended. The House of Representatives had a hearing on the first report made by this committee of three appointed by Secretary MacVeagh, and they directed a further examination by the same committee. The committee, after its second examination, made a report on the 9th day of January, 1913. Here is an extract from the report made by this committee, which had given a second study to this proposition, which had been so carefully studied by Mr. Green and Mr. Woodbridge. The second report of this committee says:

> The ideal site for a power house to serve the buildings hereinbefore named is the land and wharf property owned by the United States fronting on Water Street between Thirteenth and Thirteen-and-a-half Street SW., together with land owned by the United States on the Potomac River fronting on Water Street between Thirteen-and-a-half and Fourteenth Streets SW. This property should be used by the Secretary of the Treasury and the Commissioners of the District of Columbia jointly, under an agreement to be made between them, the central power house to occupy the western portion of the property, as that location is required for economical design of the plant. This location of the power plant, with the other factors hereinafter set forth, dictates that the Bureau of Engraving and Printing (old and new buildings) and the buildings of the Department of Agriculture should be served with high-pressure steam and direct current, and that all other buildings should be served with steam for heating and alternating current for power and light.
>
> The site referred to fulfills better than any other obtainable site the general commercial and engineering requirements relative to (1) reasonable cost of land; (2) situation so that fuel may be readily and cheaply supplied by a railroad spur, by boats, or by both, and that ashes may be readily disposed of; and (3) that suitable water in ample volume may be available for condensing purposes at minimum expense for pumping. This site also meets as nearly as possible the further requirement of being within reasonable distance of the buildings to be served.

Then he goes on about the design of the building.

Mr. VARDAMAN. Mr. President, will the Senator yield to me for a moment?

Mr. MARTIN of Virginia. Certainly.

IMPROVING THE WATER FRONT.

Mr. VARDAMAN. I desire to ask the Senator if the location of this plant is in the area or section which is to be improved as other water fronts have been improved? Are there any changes in the great plan that was made by this architect some years ago for the development and beautification of the city? Is the section where this plant is to be located to be changed in any way? Are there parks to be made, and roads to be laid out, and other work to be done, in the great development of the artistic improvement and beautification of the city?

Mr. MARTIN of Virginia. This building militates against nothing of that sort, but facilitates it. It is south of the embankment on which the railroads run their trains. It is within a block or two of the fish market and storage house for fish. It is in the neighborhood of wharves, coal yards and lumberyards. It is in a location that has been dedicated for I do not know how long—I am safe in saying more than a quarter of a century—to commercial uses.

Mr. VARDAMAN. I understand that; but just a few years ago all of that section on the Potomac River was dedicated to the uses of alligators and snakes and things of that kind. The purpose of my question was to ascertain whether it was in the plan for the perfection of the great city of Washington that this section here, where this plant is to be located, is to be improved as other parts of the river front there have been improved?

Mr. MARTIN of Virginia. To the best of my knowledge, it interferes with no plan for the beautification of the river front. If you were going to make any improvements there with which this will interfere you would have to move away the railroad embankment; you would have to stop the railroads from running their trains through there.

Mr. VARDAMAN. I want the Senator to understand that I do not think economy should altogether be sacrificed to art; but it seems to me that, if this is going to be an impediment in the way, the building of a great plant of this character—one which will have to be removed if that particular part of the city is to be improved as the other river-front sections west of that have been improved—is a matter that ought to be considered very seriously now.

Mr. MARTIN of Virginia. In my opinion it does not interfere with any legitimate plan for the improvement and beautification of the city.

Mr. VARDAMAN. The Senator admits that a plant of this character would not ornament a park?

Mr. MARTIN of Virginia. Well, I do not know. It improves it very much over anything that has been done. If the Senator will look at that map, for instance, he will see the smokestack of the Potomac Electric Power Co. That and 17 others that are there now will be removed and we will have only this very ornamental building and those two unobtrusive and rather attractive smokestacks in place of the 17 that are to be taken away.

Mr. VARDAMAN. I agree with the Senator that it may be an improvement on the smokestacks that are there now; but I am sure the Senator will agree with me that it would not be entirely in accord with the eternal fitness of things to build a plant of that kind over in the park.

Mr. MARTIN of Virginia. It is not in the park, Mr. President. I told the Senator that it is not on the Mall, and it is not in any park at all. It is on the river front, on a part of the river front that is dedicated to commercial purposes.

Mr. VARDAMAN. Five or six years ago that part of Potomac Park west of the railroad was nothing but a lagoon, the habitat of mosquitoes.

Mr. MARTIN of Virginia. We must have some wharves here. We must have some facilities for commerce and for transportation. This property was bought for commercial uses, and has been dedicated to commercial uses.

Mr. VARDAMAN. If it is to be dedicated to that purpose in the future, then I most heartily agree with the Senator that the building of this power plant would in no way disturb the harmony and beauty of the landscape.

Mr. MARTIN of Virginia. It can be and must be dedicated to commercial uses if you are going to permit any commerce to come here at all. There can not be a less objectionable place for commerce of that kind to get into Washington than in that vicinity.

Mr. NEWLANDS. Mr. President, will the Senator permit me a word right there?

Mr. MARTIN of Virginia. Certainly.

Mr. NEWLANDS. It is true that this water front, from the Bureau of Engraving and Printing down to the War College, is to be used for commerce. But there are two ways of using such a space for commerce. One is to allow it to be as ugly as most of our water fronts are in the United States; the other is to make it as attractive as the water fronts on the Thames, on the Seine, on the Rhine, and other great rivers are. There are two ways of making a thing useful—one is to make it as ugly as possible and the other is to make it as beautiful as possible, whilst at the same time taking care of utility.

The Senator is mistaken when he says that the Art Commission have not in contemplation the beautifying of this water front right from the Bureau of Engraving and Printing down to the

War College, which, as we all know, is a very beautiful place. Here is the report of the Commission of Fine Arts.

Mr. MARTIN of Virginia. I hope the Senator will not undertake to go into the pictures of the Art Commission. They make beautiful pictures on very little provocation.

Mr. NEWLANDS. On page 84 of this report the Senator will find No. 10:

Typical Treatment of Potomac Quay.

You will find there a most beautiful structure proposed to go along this water front, not developed, because at that time it was not known whether or not it was in the hands of the Government. It has since been determined that it is.

Mr. MARTIN of Virginia. What building is that?

Mr. NEWLANDS. It is a structure. I will show the Senator——

Mr. MARTIN of Virginia. I want the Senator to tell me what it is. I know, but I want the Senator to state what it is.

Mr. NEWLANDS. It is not a building.

Mr. MARTIN of Virginia. What is it?

Mr. NEWLANDS. It is an elevated esplanade, such as I have described.

Mr. MARTIN of Virginia. And the Senator thinks we ought to put an esplanade there that will stop all commerce coming into Washington?

THE POTOMAC TO BE TREATED LIKE THE THAMES AND THE SEINE.

Mr. NEWLANDS. No. The esplanade is so arranged that you can look down upon the activities of commerce below, as you do on the Thames, and as you do on the Seine. Does the Senator realize that fish houses and structures for every other kind of objectionable use, if you may term them such, are employed both on the Thames and on the Seine, and yet those embankments are created in such a way as to entirely conceal them from view, or to beautify them, and that those are the most extraordinary developments in the history of the world? That is what is proposed, and that is what this commission is proposing to do with reference to that very thing, and it is gradually perfecting the entire water front.

Mr. MARTIN of Virginia. Mr. President, they are simply drawing on their imagination and making pictures, but we are doing something. We are beautifying that place by putting a magnificent structure there, one that will be pleasing to the eye. There is nothing obnoxious to the eye in that building that is supposed to be put on the bank of the Potomac.

Mr. NEWLANDS. Does the Senator call that beautiful [exhibiting picture]?

Mr. MARTIN of Virginia. That is not the building. That is not what we are proposing to place there.

Mr. NEWLANDS. But that is the way that building will look.

Mr. MARTIN of Virginia. No; it will not look so at all.

Mr. NEWLANDS. The stacks will look that way.

Mr. MARTIN of Virginia. When it is constructed the Senator will see how it will look, and it will not look anything at all like that. There is a true picture [pointing to protograph]. That is an actual photograph. They had to get up on top of the Washington Monument to get a photograph of the scene. It is so retired and so remote and so secluded that they could not get a picture of it unless they went to the top of the Washington Monument and put the camera on it and took the picture from there, and that is the way it was done.

Mr. NEWLANDS. Let me say to the Senator that this is a picture of a structure that has been put up near a beautiful park at Detroit. The whole artistic sense of that community was aroused about it, and it will ultimately have to come down.

Mr. MARTIN of Virginia. We are not going to do anything like that.

Mr. NEWLANDS. This is something like it.

Mr. MARTIN of Virginia. Oh, no; there is what we are doing [pointing to picture]. It is shown over there, and it is not at all like that.

Mr. GALLINGER. Mr. President, if the Senator will permit me, inasmuch as the chairman of the Fine Arts Commission lives in Detroit, I very much wonder that such a structure was allowed to be built there.

Mr. MARTIN of Virginia. He does not use his activities except at a distance.

Mr. GALLINGER. No; he has written about this and has told us what we ought to do in Washington.

Mr. NEWLANDS. There is a protest going on there, and it will have its effect, as this one will, one of these days.

Mr. MARTIN of Virginia. The Senator tells us, and has told us many times during this discussion, about the beauties of the Thames and the Seine. I have been there a good many times myself, and I am enough of an American to think Washington is prettier than either place.

Mr. NEWLANDS. It may be made so by the artists.

Mr. MARTIN of Virginia. I am not a landscape artist, but I have a right to my opinion as an American citizen, and I find more beauty in Washington than I find even in Paris, and certainly a great deal more than in London.

Mr. NEWLANDS. Mr. President, if the Senator will permit me, I will state that the plan of Washington has been absolutely saved through the Burnham Commission, and that the Burnham Commission, in perfecting this plan, spent months in Europe in studying the established models of the civilized world.

Mr. MARTIN of Virginia. Yes; we learned a great deal from it.

Mr. NEWLANDS. And the beauty that Washington presents to-day is largely the result of responding to artistic sentiment as it has existed throughout the ages.

Mr. MARTIN of Virginia. No doubt that is true, but we can teach them a good deal now.

Mr. NEWLANDS. I hope so. It is a commission of Americans, and I hope they will even improve upon what there is abroad. The trouble with the Senator is that he proposes to defeat the purpose of these artists, to whose great work he pays a great tribute in declaring that Washington is the most beautiful city in the world.

Mr. MARTIN of Virginia. No; we are going to protect it by putting this necessary utility in a retired and unobjectionable place, rather than follow the Senator's advice and bring it within two squares of the House Office Building and three squares of the National Capitol by putting it in Garfield Park, in a thickly populated residential section.

Mr. NEWLANDS. Mr. President, I wish to say that I have no particular location in mind. What I say is that this Congress has already put a plant there; that it has two stacks, resembling these that the Senator proposes to erect, and that the plant there can be enlarged so as to embrace every public building in the District of Columbia. If there are to be monstrosities of this kind, do not let us duplicate them and triplicate them.

Mr. MARTIN of Virginia. If you are going to move any, move that one away.

Mr. NEWLANDS. But if it should be decided that another plant of the kind should be erected, there are plenty of other sites besides that, if the Senator objects to utilizing the plant near the Capitol already established.

Mr. MARTIN of Virginia. Mr. President, the Fine Arts Commission and the Senator from Nevada have pointed out no other site at which to put this utility except as an addition to the Capitol power plant, which is located in Garfield Park, three squares from the Capitol and two squares from the House Office Building.

Mr. NEWLANDS. Neither the Fine Arts Commission nor the Senator from Nevada assumes to know everything.

Mr. MARTIN of Virginia. Well, the Senator assumes to know that. That is what he has told me repeatedly.

Mr. NEWLANDS. All that I ask, and all that they ask, is that the Congress of the United States should suspend for a short time its action on this matter, in order that experts of world-wide repute may look into this matter in connection with the Commission of Fine Arts, the whole matter to receive the final approval of the President, and if the President finally approves this plan as presented under this amendment the work will go on.

Mr. MARTIN of Virginia. The President of the United States has finally approved this location and these plans, and he says the work ought to go on right there and now, and ought to be completed as quickly as possible.

Mr. NEWLANDS. But the President has not had, as the law requires, the benefit of the opinion of the Commission of Fine Arts, nor has he had the benefit of the opinion of experts upon the subject. We appeal to the informed judgment of the President of the United States, and not to his judgment when only one side has been heard.

Mr. MARTIN of Virginia. Mr. President, the Senator draws on his imagination again when he says that only one side has been heard. If only one side has been heard, maybe it is the Senator's side. He has been to see the President. I have not. If the President ought to have further advice, who is his guardian? He says he has given the matter investigation, and has reached a conclusion. He is satisfied with it, and he wants this work to go on as planned, at the place where it is located. Who is his guardian to say that he must have some other advice? I am not.

THE MISTAKE OF CONGRESS.

Mr. NEWLANDS. Mr. President, my position is that this plan was entered upon by Congress without, as I understand, the initiative of the Executive Department. Mr. Bernard Green made a report, and others have made reports. The matter has been handled by the Appropriations Committee of the House. They have undoubtedly, from the economic standpoint, exhausted or at all events largely covered the field of inquiry as to this building. I claim that they have never looked at it from the artistic standpoint and with reference to the general beautified plan of Washington.

If there has been a mistake in the selection of the site, it is not the mistake of the Executive Department. It is not the mistake of the Treasury Department. It is the mistake of Congress. What I object to is that the Executive Department is pulled in, in order to enable Congress to make up its own mind with reference to a matter upon which it has acted, and with reference to which it has a right, of course, to change its mind. Congress, I submit, should get the information to enable it to do it. All that this amendment does is to leave the President as the final arbiter; but it does insist upon the matter going through the proper course of expert inquiry.

The Senator from Virginia seems to think that I am forcing the action of the Executive. The difficulty I find with the situation is that an executive department is imposing itself upon the legislative department, and insisting that we have not the right to adopt a process of inquiry which may enable us to change our minds with reference to a matter which we have initiated and which we have prosecuted and with which we are concerned; that we are not even to have a few days' or a few weeks' suspension of action in order that the matter may be looked into properly. That is what I object to.

Mr. MARTIN of Virginia. The President is not forcing his views on the Senator from Nevada, because the Senator from Nevada has seen him and has discussed this matter with him and did not convince him, and he did not convince the Senator from Nevada.

Mr. NEWLANDS. No.

Mr. MARTIN of Virginia. So the President is not forcing his opinions on the Senator from Nevada. He certainly is not forcing them upon me, because my opinion was made up and my report was made before I heard what the President's view was. I acted on my own independent judgment as a Senator, and every other member of the committee acted on his own independent judgment. We were very much gratified to find that the President entertained the same opinion, but our opinion was made up and formulated and reported to the Senate before we ever heard anything from the President. I will acknowledge that it very greatly strengthened my faith in my convictions.

Mr. NEWLANDS. With reference to that, I have simply to say that throughout there has been no effort whatever to cast any discredit upon the executive department. Whilst an executive department has failed to obey the law, and has been guilty, according to the admission of its own officials, of an inadvertence, we have taken the charitable view, and the proper view in my judgment, that it was a mere inadvertence. There was an effort made by this society of architects to secure the influence of the President in intervening. That effort failed. I should be very glad, if the President would release the seal of confidence, to present to Congress the correspondence between the President and myself on that subject.

Mr. MARTIN of Virginia. I have no doubt he will do it. I have never known him to have anything which he wanted to withhold.

Mr. NEWLANDS. I have not the slightest doubt but that propriety requires that course on my part.

Mr. MARTIN of Virginia. He has the right to have it given to the public, and I am sure he would be willing to do it.

Mr. NEWLANDS. There is nothing whatever in that correspondence, I trust, that reflects upon either of us. All I want is an unprejudiced, a nonpartisan, and a disinterested consideration of this question; and all I say is that Congress should want it, and Congress should not be blocked in having it by an executive department. That is all.

Mr. MARTIN of Virginia. Mr. President, so far as the President is concerned, I did not invite him to take up this matter because I knew he had troubles of his own, but the Senator from Nevada invited his jurisdiction, and I hope that he is satisfied with it.

Mr. NEWLANDS. No; I am not satisfied with anything but a deliberate investigation and inquiry, with the aid of experts.

Mr. MARTIN of Virginia. You ought not to appeal for a decision and then kick on the result.

Mr. NEWLANDS. Congress is finally to determine it.

A FULL INVESTIGATION IS NEEDED.

Mr. MARTIN of Virginia. Yes; Congress is finally to determine it; but Congress has already determined it with as much finality as it well can be maintained upon any measure.

Mr. President, the Senator was a little curious to know what has gotten over the Senate that his amendment had been turned down after the Senate put it on. I have explained the circumstances under which it went on the bill. I do not know who can explain; I am sure the Senator from Nevada can not; but I should like for somebody to explain, though I think I have worked out the solution, why it is that the Potomac Light & Power Co. are so much interested in having the amendment of the Senator from Nevada adopted.

Mr. NEWLANDS. I will state, Mr. President, that I have no knowledge upon that subject.

Mr. MARTIN of Virginia. I did not think you had. I did not think that the Senator could be influenced by anything of that sort.

Mr. NEWLANDS. If the Senator had——

Mr. MARTIN of Virginia. But they are about this Capitol saying that this amendment of the Senator's ought to be adopted and that this measure ought not to be passed in its present form.

Mr. NEWLANDS. They are doing a very creditable thing, then.

Mr. MARTIN of Virginia. I hope there was some other motive. I hope the balance of your emissaries are more devoted to the public welfare than the Potomac Light & Power Co.

Mr. NEWLANDS. I will say to the Senator if he has any information to present to the Senate on that subject——

Mr. MARTIN of Virginia. I do not intend to, but I have it on authority which can not be doubted. One of them, Mr. King, appeared before the committee and antagonized this proposition of building a central power plant here.

Mr. NEWLANDS. I presume he did. Therefore the Senator develops the octopus, as is usual——

Mr. MARTIN of Virginia. Yes; when the octopus puts out its claws we had better arrest it.

Mr. NEWLANDS. And describes the octopus as enveloping with its tentacles the Senate and Members of Congress, thus controlling their activities. We know that in legislative bodies of less dignity than this body that device is often resorted to, with a view of casting discredit upon very reputable movements——

Mr. MARTIN of Virginia. It is no device. It is a fact. The Potomac Electric Power Co. has been around this Capitol soliciting opposition to establishing any plant here at all and favoring the adoption of the Senator's amendment. That is the fact I am bringing out, and I would a great deal rather the Senator would be cooperating with them than to be in cooperation with them myself, though I do not mean to intimate that they exert—for I know they could not—any influence of an improper kind on the Senator from Nevada. I believe that he is actuated by nothing but honest convictions and patriotic purposes, but what motives are actuating the Potomac Power Co.? Is that patriotism on their part, I ask?

THE POTOMAC LIGHT & POWER CO.

Mr. NEWLANDS. Mr. President, so far as the Potomac Power Co. is concerned, it is perfectly evident that nothing it could do would have any effect, for this reason: I have never known a single man who wishes the action which I contemplate taken who does not insist upon it that there should be a central power plant, and that the central power plant should mean the supply of more public buildings than the proposed power plant. We therefore advise a course that will diminish instead of increasing the patronage of the Potomac power plant. This is a bogy man that has been raised in order to intimidate or alarm the legislative judgment.

Mr. MARTIN of Virginia. Oh, no; nothing——

Mr. NEWLANDS. There is nothing in it. There is not a man on this art commission who has not declared that a better central plant should be established, one more comprehensive than the one under consideration. Mr. Jennings, the vice chairman of the American Federation of Art, has presented in a very excellent letter a suggestion which embraces not only the purpose contemplated by the proposed structure, but the addition of the Government Printing Office and the navy yard, which are the largest consumers of heat and power in the District of Columbia.

A BETTER SOLUTION SOUGHT FOR.

So this movement, if successful, aided by the most skilled engineers in the country, who testified before the Committee on the Library, means a larger plant and a more complete obliteration of the 17 chimneys to which the Senator refers. All of

them are intent upon a larger and more effective plant, contending that on investigation this plan would not come up to the modern scientific requirements of the times. One of the engineers testified before the Committee on the Library that this question of a central plant was one which involved the best talent of the world. He testified that in London they were contemplating the creation of a central plant that would involve the absolute obliteration of property over there worth $80,000,000 to-day. He referred to it as a gigantic problem that ought to have the best talent and the best judgment and the best experience. No one will contend that the men who have thus far carried on this thing have had the experience and opportunity of the distinguished men who appeared before the Committee on the Library.

The vice president of the New York Central Railroad, a great mechanical engineer, who has had charge of enormous development at the station there, a development costing twenty-five or thirty million dollars, and under whose jurisdiction an enormous power plant was erected, was giving his experience with reference to it; and thus the Committee on the Library sought the aid of talent that will enlarge governmental activities in the production of heat and power rather than diminish them.

I must complain of the Senator in his attitude toward a brother Senator when he would on the floor of the Senate give currency to statements reflecting upon those who favor this measure. Though the Senator denies he intends to reflect upon me, he is giving currency to statements that are intended to cast doubt upon the integrity and sincerity of motive of those who favor this plan.

Mr. MARTIN of Virginia. Mr. President, I am sure no one in the sound of my voice could construe my remarks as making any intimation whatever against the sincerity of purpose or the integrity of the Senator from Nevada. On the contrary, I said several times that I believe he is actuated by nothing but patriotic motives. I believe he is the last man who would be approached by the selfish interests of the Potomac Power Co., but I do think——

Mr. NEWLANDS. I say, I never heard of them in this controversy at all.

Mr. MARTIN of Virginia. Exactly. I did not suppose they had been to the Senator, but they have been around this Capitol. I know that. They have been before the committee and they have been to Senators privately giving advice. They claim to be actuated by very patriotic motives, but I do not look to them for patriotic motives in a case of that sort.

Mr. NEWLANDS. I have inquired about it recently to find to what extent the Potomac Electric & Power Co. has been active in this matter. It is a company, of course, regarded as an octopus, but it is under the control of the District Commissioners. They can fix its rates at anything they choose. So you can imagine how much independent power it has. It has been, I understand, endeavoring to persuade the Appropriations Committee that it could furnish this heat cheaper than the Appropriations Committee could secure it for itself. This is information that has come to me since I inaugurated this resolution, and simply upon inquiry. It seems to me that is a legitimate effort to retain business. It is ineffective, it is true, but it is simply a mere business matter which should not be brought up here with a view to discrediting anybody or anyone in connection with it.

Mr. MARTIN of Virginia. I am just making use of it as an argument why we ought to act on this matter. Let them get all the business they can, but I did not need their advice. I am not asking for any assistance or any information. I can get this information from other people without getting it from those directly interested in the passage of a law, who will make money out of it if it is decided one way and lose money out of it if it is decided the other way.

Mr. President, I have traced this proposition through the second committee appointed by MacVeagh, and I will say, in respect to this report of MacVeagh's, that when the committee of three made their report the President and his Cabinet considered it and adopted a resolution of thanks for the exhaustive, comprehensive, and splendid plan that they had presented. So it seems that this location and these plans have been approved by some other President before they got to President Wilson.

The second MacVeagh report was made—I will not take the time to read it—but they give their reasons, and elaborate reasons and most cogent and logical and forceful reasons, why this plant should be located and why it should be located where it has been located. They give reasons that can not be answered, they are sound and logical, and they come from disinterested and patriotic sources.

After the second report was made this is the law that was passed:

> The Secretary of the Treasury is authorized and directed to have constructed, under the direction of the Supervising Architect of the Treasury, upon the land and wharf property of the United States hereinafter described, a central heating, lighting, and power plant, to furnish heat, light, and power for the buildings, old and new, of the Bureau of Engraving and Printing—

And so on, giving a long list of buildings to be supplied with heat, light, and power from this central plant, and it fixes the limit of cost.

> The Secretary of the Treasury is authorized to enter into contracts to the full limit of cost hereby fixed.

Is there any man on the floor of the Senate who has a law license who will get up and say a contract entered into in pursuance of this law is invalid, and invalid because it was not referred to the Art Commission, who make no complaint of the plan, but only complain of the location and say they have had nothing to do with the location anyway? Is there anyone who would contend that even if the Executive order embraced this subject it could override an act of Congress passed by both Houses and signed by the President? I say, is there any man on the floor of the Senate who ever had a law license who will get up here and tell the Senate he believes a contract entered into in pursuance of this law is invalid because the Art Commission was not consulted in advance, and when consulted afterwards made no objection except as to the locality, and they said they had nothing to do with locating the plant?

A contract was entered into after the most exhaustive examination extending through a number of years, commencing in 1904 and ending in 1913. There were three different examinations besides those by the experts of the Treasury Department. A distinguished firm of New York engineers was engaged to assist in the work, and plans were gotten up and a contract was entered into under which they were to receive one million four hundred and odd thousand dollars for the construction of this plant.

Now, this contractor has entered upon his work. He has made a valid contract, a contract that was approved by the Secretary of the Treasury and signed by him with the advice of the legal officer of his department, a contract which to-day has the approval of the President of the United States as well as the Secretary of the Treasury, a contract made strictly in pursuance of the law passed by both Houses of Congress and signed by the President, and in pursuance of that contract they went to work.

It is true, as the Senator from Nevada says, that the excavation which he has made perhaps has not cost more than $10,000, but he has bought material, he has let out most of the work to subcontractors, and we are told that after all those precautions, after all these investigations, after a thoroughly satisfactory solution of this matter to most people, we are to do what? Annul that contract. But the Senator——

Mr. NEWLANDS. No; suspend it.

Mr. MARTIN of Virginia. I know what the Senator is going to say. I am coming to that. What is the good to suspend it unless they mean to change it, or why suspend it except with a view of changing it? Nobody is complaining of the plan and wants it changed, but they want to change the location. They want to change from this very suitable place. There are Senators here who have been there. I have been there in person. I walked around and looked at it, and I went on the high buildings and looked out from the elevation. I do not claim to be an artist. There are very few artists in the Senate. My friend from Nevada is an artist, and I say it in good faith. He has a high development of artistic taste. I have very little, but I have a practical turn. I can tell something about a suitable location for a smokestack when I look at it. I have been there and looked at it, and it is one of the best places for those smokestacks within 50 miles of Washington. You can not get one close enough to do service that is not free from objection.

I say to you, Senators, if you have any doubt about it go there and look at it, and unless you are an artist you will be satisfied with it. If you are an artist, I will not vouch for any opinion about it. I do not believe practical men can go there and look at that location and look at the plans of the building that is to be put there and find any fault with it. But, in the name of goodness, do not take it away from that isolated and proper place and put it over within three squares of this Capitol and within two squares of the House Office Building, so that you will have to breathe the black smoke that these smokestacks put out. I do not want any of it in mine. I do not want it brought within three blocks of this Capitol. I do not

believe that is a fit place for smokestacks. I do not think any smokestacks ought ever to have been put in Garfield Park. Instead of trying to remove these smokestacks from the banks of the Potomac, the other side of the railroad, near the fish market, put a little art into Garfield Park and take away some of the smokestacks that are belching out smoke there; but, for the Lord's sake, do not put two or four more, as the case may be, within two blocks of the House Office Building and within three blocks of the Capitol.

Mr. President, I may be entirely wrong, but it was, I think, unfortunate when these people suggested Garfield Park as a substitute for Water Street and Fourteenth Street. I do not think the average Senator here wants to breathe that black smoke, even the little of it that will escape the smoke condenser. There will be some. They never have found a plan that will entirely eliminate smoke. They alleviate it very much, but what little they do not alleviate would be absolutely harmless down on the banks of the Potomac River. The banks of the Potomac River will really be beautified by a splendid building which is going to be erected and by two beautiful smokestacks.

Now, Mr. President, I believe I have consumed about as much of the time of the Senate as I am justified in consuming. I will call attention to the fact that this new plant is a mile and a third from the White House. Do you not think that that is a pretty good distance? Do you think anyone is going to be hurt up at the White House a mile and a third away? It is just 1 mile from the Lincoln Memorial. Do you think the Lincoln Memorial will be hurt by these smokestacks a mile off? Would you not rather have it a mile from Lincoln Memorial than to have it three blocks from the Capitol of the United States? It is three-quarters of a mile from the Washington Monument. It is two blocks from the fish market. It is right bad to have a fish market that near the power plant. I do not think the power plant will hurt the fish market, but I do think that it is a pity that the fish market is so near. If anything is obnoxious down there it is the fish market, but we can not give up fish, and we can not have fish unless there is a market to which they are brought. That locality down on the banks of the Potomac was dedicated years ago to purposes of that sort—a fish market, lumber yards, railroad embankments, a power house.

Now, another thing, Mr. President: I have conceded that my friend from Nevada is an artist, but I am not exactly prepared to concede that he is an engineer. I understand you can not transmit steam heat from Garfield Park to many of the buildings that are going to be supplied from the central power plant. The experts at the Treasury Department say it can not be done except at a very expensive loss of heat. Some of the buildings are within a fraction of 4 miles from the Garfield Park plant. I talked with Mr. Elliott Woods. He was very careful, because he did not like to put his mouth into other people's affairs, so I could not get much out of him. He was not prepared to say it could not be done. He said he would not be responsible for the statement that it could not be done.

Mr. ROBINSON. In this connection will the Senator yield for a question?

Mr. MARTIN of Virginia. I will.

Mr. ROBINSON. The statement was made on the floor of the Senate this morning that by locating this plant where the Garfield power plant is now located and combining the two an annual saving of $50,000 in operating expenses would be made. Is the Senator prepared to make any statement in connection with that?

Mr. MARTIN of Virginia. I do not think it is correct. The power plant where it is proposed to be put will save $175,000, and when one or two other buildings are finally supplied by it it will save $85,000 more. Those figures have been worked out by the engineers of the Treasury Department. I think, to be accurate, $177,000 will be saved as soon as this plant is put in operation, and when two other buildings that are in contemplation are erected and supplied with heat and power, as they can be from this central plant, there will be $85,000 more saved, $40,000 on one and $45,000 on the other. There is a great economy in having a central power plant to supply the Government buildings in the different parts of the District.

Mr. WILLIAMS. Mr. President, I wish to ask the Senator from Virginia a question. The statement just made is made in contemplation of the removal of the existing plants in the existing buildings, is it not?

Mr. MARTIN of Virginia. It is.

Mr. WILLIAMS. We had a gentleman from the Treasury Department before the Committee on the Library, and I asked him the question as to whether these other plants would be removed or not. He did not commit himself to that proposition. He said they might be kept there to be used in case of emergency. Now, if they are to be kept to be used in case of emergency there are 17 smokestacks that will have to be kept, and their overhead charges will have to be kept, and the personnel employed in them will have to be kept. I ask the Senator the question, because there may have been before the committee some evidence upon that subject justifying him in the conclusion that they would be removed.

A QUESTION OF ECONOMY.

This gentleman was talking about the saving, and laying it upon the removal of the other plants. So I asked him the question whether it would be saved or not, accompanying it with the assertion, on my part, that hitherto I had found when you made a new appropriation in Washington for some purpose, and they told you that it would save expense because you did away with something else, they managed to keep both, to wit, one of them a new building, the other an old one. They said they were going to save renting everywhere, but they manage somehow to keep on renting, just as much as they ever did, and still they fill up the new building. So in connection with what the Senator has just said I should like to have him state the reason for his conclusion that they will dismantle these plants and discharge the personnel and do away with the overhead charges.

Mr. MARTIN of Virginia. I understand that is positively the purpose. They told me these 17 smokestacks would be removed and the operation of those plants would be discontinued where they are, and the heat and light would be supplied from the central power plant as soon as it could be completed. Those are the statements that have been made to me. I have relied on them and I still rely on them. I know of no reason to doubt it whatever.

Now, Mr. President——

Mr. NEWLANDS. The Senator will admit, however, that if a heat and power plant of even a larger capacity is erected at the central point it will also result in the destruction of these 17 smokestacks and also of some others, will it not, that are not covered by the proposed plan?

Mr. MARTIN of Virginia. The answer to that is that I know of no place where such a plant can be erected without doing infinitely more harm to the beauty and comfort of the city of Washington than the one proposed. This contract has been made; the Government is not only liable, and it ought to make it good, but its good faith ought to be protected.

There may, of course, be alterations in this as there are in almost every building that is constructed; but anyone who has ever put up a building knows that if there be a door changed or the size of a window changed it means a very large extra charge. Builders do not make changes and alterations without charging very heavily for them. If we postpone the execution of this contract, there are damages to start with; but I say there is no need for postponing the execution of the contract; on the contrary, there is every reason for urging this power plant and hastening it as fast as possible. It has had every investigation that can be made. It has been considered from every point of view; it has been approved time and again successively by different committees and different experts from 1904 down to this time.

Mr. STONE. Mr. President, I should like to ask the Senator a question. If this contract is postponed and ultimately vacated and a building on different plans erected in some other place, would it not require a new letting of the contract?

Mr. MARTIN of Virginia. Beyond a doubt it would.

Mr. STONE. Would it not open it again?

Mr. MARTIN of Virginia. Beyond a doubt it would.

Mr. STONE. And if the present contractor fails to obtain the contract, particularly in that event, possibly without that event, in estimating his damages, setting aside his contract, would not a reasonable profit to be realized on the contract be estimated as a part of the loss?

Mr. MARTIN of Virginia. As a lawyer I think beyond a doubt, and I am sure the Senator from Missouri has not a doubt, that he would be entitled to damages equal to what he would have made on his contract if it had not been vacated. It is a valid and binding contract, and he is entitled to all the profits he can get out of it under the terms of the contract, and if we vacate the contract he is entitled in the way of damages to the same amount of profits that he would have made, and any honest jury or intelligent court would give it to him.

Mr. NEWLANDS. Assuming that no amicable arrangement could be made with the present contractor by which this building would be put up on another site and he would lose his contract, assuming the very worst, I ask the Senator whether

in his judgment he thinks damages would amount to more than 10 per cent of the entire contract, which would make $150,000 on a million and a half?

Mr. MARTIN of Virgina. I believe it would amount to more than that. I believe the contractors make more than 10 per cent.

Mr. NEWLANDS. Does the Senator think it would amount to $200,000?

Mr. MARTIN of Virginia. I am not prepared to say; I am not an expert; but they expend a lot of money.

Mr. NEWLANDS. I say, as a matter of fact, this will be an impairment of the beauty of the general plan of Washington; and if, as a matter of fact, it will have to come down one of these days, does not the Senator think it would be wiser to submit to a loss of $150,000 or $200,000 now rather than submit to a loss of $1,500,000 in the future?

Mr. MARTIN of Virginia. I do not anticipate the last alternative at all. We have made a contract; we ought to carry it out in good faith; and we will be doing the country good service when we do carry it out in good faith.

Mr. GALLINGER. Mr. President——

The VICE PRESIDENT. Does the Senator from Virginia yield to the Senator from New Hampshire?

Mr. MARTIN of Virginia. I do.

Mr. GALLINGER. Mr. President, the Senator from Virginia and I have served a long time on the Committee on the District of Columbia and have had to do with a great many matters in connection with the location of public buildings, and that sort of thing. The Senator from Virginia will recall the fact that it is an easy matter to talk about finding a location in the District of Columbia on which to put up a public building, but a mighty difficult matter to find it when you go in search of it. As an illustration, we wanted to establish a reformatory, and we had to go over to the Senator's State and get a site; we very much want a garbage plant, and we are inhibited from putting it up in the District of Columbia because there is not sufficient acreage here available. We are now importuning Virginia to let us go over there and establish our garbage plant. So in connection with other matters of this kind. Of course this building has got to be within a reasonable distance of the buildings that it is going to serve. Now, deny Congress the right to erect this building on the site that has been selected, and I should like to know where another site is to be found.

Mr. MARTIN of Virginia. The only one proposed is the site of the Capitol power plant over in Garfield Park.

Mr. GALLINGER. The Senator knows that is not a reasonable thing to anticipate.

Mr. MARTIN of Virginia. I fully entertain that opinion, but that is what they are recommending to us as an alternative.

Mr. GALLINGER. The plant which is now in Garfield Park ought never to have been put there, and it would be an outrage to put another great plant in that park, which ought to be reserved for a playground. There was a great protest against it when it was located there. I did what I could to prevent it going there, but it went there. Do not let us accentuate the wrong we then did by putting another great plant two squares from the beautiful House Office Building, three squares from the Capitol, and three and a half squares from the Senate Office Building.

Mr. NEWLANDS. Will the Senator permit me to say a word right here?

Mr. MARTIN of Virginia. I will when the Senator from New Hampshire is through.

Mr. GALLINGER. Mr. President, I am not going to take much time. I should like Senators who are talking about changing this site, who are talking about destroying this contract, and who say that it is only $150,000 or, at most, $300,000 that we will have to pay, as though that were a bagatelle, to go out and search for a site which would be better or as good as the one which has been selected by Congress, indorsed by the committee, and by the Senator from Nevada's own witness, the President of the United States. We sought for months and months to get a site for an Eastern High School Building and finally located it away down almost on the eastern bank of the Anacostia River, that being the only available site for a high-school building in the eastern part of the city. It is not an easy matter, but it is a very difficult matter, to find a new site, even if there were one somewhere as available as is this, but there is not one. I feel sure the Senator from Nevada, if he will personally investigate the matter, will come to the same conclusion that I have.

Mr. President, just one word more. I do not think the Potomac Electric Light Co. has had much to do with this matter. They have not been to me. Yesterday evening when I was called from my bed at 9.30 o'clock, to read a letter on the side of this controversy advocated by the Senator from Nevada, having been bombarded during the entire day by letters from men who say they know all about this subject, I almost came to the conclusion that the lobby committee ought to be at work; but that does not affect me and it does not affect anybody else. Doubtless the Potomac Electric Light Co. would like to furnish this light. My own impression has always been that they could have furnished it to us at a much cheaper price, if we should reckon interest on the plant that we have in Garfield Park, than we are now paying for it; but that was not the judgment of Congress. I am in favor of the location of this plant on the banks of the Potomac River, where it is in contemplation to locate it, and I trust that, if any Senator has any doubt about it, he will do as some of us have done—go there and make a personal inspection of the site; and I feel sure he will be persuaded that the aesthetic argument that has been used ought not to be given much weight.

Mr. NEWLANDS. Will the Senator from Virginia permit me just a moment to say a word to do away with a misapprehension?

Mr. MARTIN of Virginia. Yes.

Mr. NEWLANDS. I do not understand that the Commission of Fine Arts have at any time advocated that the Capitol plant should be taken. The idea of taking that plant has been developed by Mr. Jennings, who has absolutely demonstrated that it is nearer the center of gravity than is the other plant. The question is not simply one of alternatives; the question is, first, as to whether a better site can be secured; and, second, whether the building itself can be so designed as to be attractive. The building has been condemned as inartistic in that place. The question, therefore, is not as between two locations, but the question is as to whether the best desirable location can be secured other than these two, if there be one. We say inquiry has not been exhausted on that subject.

Mr. MARTIN of Virginia. I omitted to say, Mr. President, that this location has one immense advantage in its convenience to both water and rail to get a supply of coal. It is an immense cost to haul coal from the wharves and depots to places like Garfield Park, for instance.

I will say, in response to what the Senator from Nevada has just said, that a great many of these art people have been to see me, and I have invariably asked them, "What have you to suggest? What better can be done?" All of them have said, "Garfield Park." There is nothing in competition with the location which has been fixed upon except Garfield Park; and nothing could be worse than Garfield Park, and nothing could be better than the location which has been made.

Mr. President, I simply want to say that this is a very important matter. The committee having charge of it has given it careful investigation and all the thought they were capable of giving it. They have reached a conclusion after having heard everybody who desired to be heard. My committee room has been sometimes full of these art agitators. I do not speak of them disparagingly, but they have hammered all their views at me as strongly as they could. I may be at fault, but all I can give the Senate is my best capacity and the fullest industry in the investigation of these matters, and I have given them in the consideration of this subject. I have reached a conclusion not only from the testimony of those who have been to see me and the experts of the Treasury Department, but I have visited in person and scrutinized every inch of the premises as carefully as I could. We have made a report to you after those investigations, and we have asked you to adopt the conference report. This is the only item that is in those agreed upon which has invited any opposition whatever, and I should immensely dislike to see it go back to conference, for when it goes back it will be further from a solution than ever.

We have done all that is practicable; we have done all that we could do; we have done that which thoroughly satisfies us; and I ask the Senate to adopt the conference report which has been submitted.

Mr. ROBINSON. Mr. President, before the Senator from Virginia takes his seat, I want to call his attention to another amendment—Senate amendment numbered 16, on page 28 of the bill, and to the conference report relating to that particular amendment. It appears that the conference report modifies the amendment in this respect: The original amendment authorized the employment of a superintendent of national parks in the District of Columbia and four other competent persons.

Mr. MARTIN of Virginia. I will say to the Senator from Arkansas that I used every effort in my power to retain that amendment, but I did not think that I would be justified in in-

sisting on it to the extent of jeopardizing the bill. I, however, submitted to a modification of the Senate amendment, so as to provide for a transfer of the superintendent of the parks of the Capital without a provision for clerks. I have no doubt they will find some way to overcome that difficulty.

You have heard about the man who was having an old man prayed out of purgatory, and the priest told him "He has got his head out"; he wanted 10 cents more, and then said "He has got his arms out"; and then he wanted 10 cents more. Finally the man got a little tired, and he said "If the old man is that near out, I guess he will jump out." I think the people who advocate this change will jump out. I think the amendment is very meritorious. I was very sorry it was disagreed to, but I could not hold it all in, and I thought, if I got that much, you could jump out.

Mr. ROBINSON. Mr. President, the Senator's illustration touches a subject that I know absolutely nothing about, and that I hope the Senator is not and never will be very familiar with; but I particularly wanted to ask the Senator from Virginia whether it was the intention of the amendment as modified to prevent the employment of clerks in addition to the superintendent of parks?

Mr. MARTIN of Virginia. I take it that clerks will be transferred and that the department will get them. They are obliged to have clerks.

Mr. ROBINSON. That was the particular point to which I wanted to address my suggestion. The evidence upon which the committee acted in inserting the amendment showed that it was necessary, in addition to the superintendent, to have certain clerks; and I think the Senator from Virginia will agree with me that in inserting the amendment the committee limited the clerks to the smallest margin to which, under the evidence, we thought the number should be limited.

Mr. MARTIN of Virginia. I will say to the Senator that he knows that the regular appropriation bill will soon be along, and I hope that we shall be able to take care of them on that bill. I think the department will find some way to live under this provision until that time. As I have stated, I was very anxious to retain the provision, but could not do it.

Mr. ROBINSON. I am satisfied—and I believe the Senator from Virginia agrees with me in the construction of the amendment as modified by the conference committee—that it would be necessary to evade the law in some way in order to secure the clerks that are required.

Mr. MARTIN of Virginia. I would not say that it would be necessary to evade the law, but they will find some way under the law to supply the clerks.

Mr. ROBINSON. The Secretary of the Interior thinks that would be very difficult, if not impossible, to do.

Mr. MARTIN of Virginia. If it is impossible to do it, we shall have to tackle it when the next appropriation bill comes along.

Mr. ROBINSON. The Senator from Virginia is convinced that it is impracticable under the present condition to make any further changes in that view?

Mr. MARTIN of Virginia. I struggled with it as long as I thought there was any hope.

Mr. ROBINSON. That is what I wanted to ascertain.

Mr. MARTIN of Virginia. I was very tenacious about it.

Mr. WARREN. Mr. President, I have been much interested in the amendment, the same as has the Senator from Arkansas [Mr. ROBINSON]. In my judgment this change in the amendment only alters the situation so that the clerks can not be used a part of the year in the western country and the other part of the year in Washington; but it does not inhibit in any way, I think, the employment of the necessary clerks here in Washington, the superintendent, or the employment of special agents in the field. It merely does not permit what we undertook to permit, namely, that those particular clerks could work at both places in different parts of the field.

Mr. ROBINSON. The Senator thinks that the necessary clerks could be employed under the language "and other necessary expenses in connection with the administration of the national parks"?

Mr. WARREN. There will be no trouble at all. We do not now appropriate especially for them. The necessary clerks can be taken from the general Interior Department.

Mr. ROBINSON. In view of the statement of the Senator from Virginia, I do not desire further to delay the conference report.

Mr. MARTIN of Virginia. We made the best effort we could, and we will stand with you to rectify the difficulty in the future—at any rate I will—and I think it ought to have been done now.

Mr. CLARKE of Arkansas. I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

| | | | |
|---|---|---|---|
| Bankhead | Hardwick | Newlands | Smith, Ga. |
| Beckham | Hollis | Oliver | Smith, Md. |
| Brandegee | Hughes | Overman | Smoot |
| Broussard | Husting | Page | Stone |
| Bryan | Johnson, S. Dak. | Phelan | Sutherland |
| Catron | Jones | Pittman | Swanson |
| Chamberlain | Kenyon | Poindexter | Thomas |
| Clapp | Kern | Pomerene | Thompson |
| Clark, Wyo. | La Follette | Ransdell | Tillman |
| Clarke, Ark. | Lane | Reed | Underwood |
| Colt | Lodge | Robinson | Vardaman |
| Curtis | McCumber | Shafroth | Walsh |
| du Pont | McLean | Sheppard | Warren |
| Fletcher | Martin, Va. | Sherman | Weeks |
| Gallinger | Martine, N. J. | Shields | Williams |
| Gronna | Myers | Simmons | Works |
| Harding | Nelson | Smith, Ariz. | |

Mr. HOLLIS. I desire to announce the absence of the Senator from Delaware [Mr. SAULSBURY] on official business.

Mr. MARTINE of New Jersey. I am requested to announce that the senior Senator from New York [Mr. O'GORMAN] is absent on official business.

Mr. SMITH of Arizona. I should like to repeat the announcement which I made earlier in the day as to the absence of my colleague [Mr. ASHURST], and for the same reasons.

The VICE PRESIDENT. Sixty-seven Senators have answered to the roll call. There is a quorum present.

Mr. NEWLANDS. Mr. President, I wish to inquire whether there are any other Senators who wish to speak regarding this heat and light plant? If there are, I will defer my remarks until later. As there is no response, I will now proceed.

Mr. President, I presume this matter of the conference report will be submitted in a few moments to the Senate, and I will only take a short time in answering the Senator from Virginia [Mr. MARTIN].

In the first place, I call your attention to the nature of the amendment. It is an amendment to an original appropriation of $600,000 made by the House and enlarged by the action of the Senate so as to provide for a total increase of the cost of the plant from $1,494,000 to $1,669,000, to which amendment, reported by the Senate committee, was added in the Senate the following proviso:

*Provided*, That no work upon the construction of said plant shall be commenced until the plans therefor shall have been submitted to the National Fine Arts Commission for their approval, and approved by the President of the United States.

You will see therefore that no question of choice between two locations is now to be determined; no question of the artistic appearance of the building is now to be determined. All that we propose to do by adhering to this proviso, which has been stricken out in conference, is to provide for the suspension of the work until the President, with the aid of the Commission of Fine Arts, shall have looked into this matter and signified his approval.

Mr. MARTIN of Virginia. Mr. President, will the Senator permit me to say just a word?

Mr. NEWLANDS. Certainly.

Mr. MARTIN of Virginia. The proviso stated that the work should not proceed until the plans had been submitted to the Fine Arts Commission and until the President approved.

Mr. NEWLANDS. Yes.

Mr. MARTIN of Virginia. Both have now been done. The plans have been submitted to the Fine Arts Commission and the President has approved them.

AN INQUIRY BY EXPERTS NEEDED.

Mr. NEWLANDS. But, Mr. President, it has not been such an inquiry of experts as would be accomplished by the adoption of the proviso, for doubtless the best talent of the country would be provided in connection with the Commission of Fine Arts in determining the question as to how large this plant should be to meet every Government requirement and where it should be located, as well as the architectural appearance of the building itself. Such investigation as has been made under the pressure of this legislation is not the deliberate investigation, proceeding on inquiry and information, that we desire. It has simply been an investigation with a view to a quick and not a deliberate determination of the matter, and with a view to affecting the action of Congress itself upon a matter which will require the deliberate, and not the hasty, judgment of our officials.

Mr. President, I have received just now a telegram from Daniel C. French, the honorary president of the National Sculp-

ture Society, the sculptor who has been chosen for the Lincoln Memorial, formerly the president of the Fine Arts Commission, and an honored member of that commission, having recently resigned in order to take up the work of the Lincoln Memorial. I will read his telegram. It is true that in it he refers to a structure of four smokestacks, instead of two, but it will be recalled that the plans involve the present construction of two and the ultimate construction of four smokestacks. He says:

Senator FRANCIS G. NEWLANDS,
*Washington, D. C.:*

I beg to protest against the erection of the four smokestacks as proposed in Potomac Park. I consider it a calamity.

DANIEL C. FRENCH,
*Honorary President National Sculpture Society.*

THE LOCATION.

Now, Mr. President, with reference to the location. The Senator suggests that it is simply a choice between two sites; but I want to impress upon the minds of the Senate that the field of inquiry is to be open. Simply in response to the insistence of the Treasury officials that this was the only available site, Mr. Jennings, the vice chairman of the American Federation of Arts, and himself a skilled engineer, after making investigation, declares that the existing plant in Garfield Park is nearer the center of gravity than the proposed plant, and that from it you could supply the two greatest consumers of power and heat in the District of Columbia, namely, the Government Printing Office and the navy yard, whereas the proposed plant does not contemplate supplying either. It was merely in that view, to show that there was an alternative plan, contemplating the enlargement of the plant now existing—a nuisance already created, if it is a nuisance—and that that plant would be preferable, more economical, and would result in a greater saving to the Government than the proposed plant, and it would not have the disadvantage of interfering with the proposed plans of the Park Commission.

THE WATER FRONT.

In the second place, the Senator dwells upon this particular commercial water front. He declares that you only have to look at it to determine that the proposed plant would be an ornament rather than an injury, and he refers contemptuously to the fact that there is to be on that water front a fish market. I hope there will be a fish market there, and I hope there will be many other useful things; but I also hope they will be designed by architects who will design them in such a way that they will fit into the landscape.

I have already referred to the fact that the Burnham plans contemplate what is called a Potomac quay, where there is a beautiful raised roadway, an esplanade upon which you can look down upon all the useful things, such as the fish market and the other activities of commerce, the esplanade itself being a beautiful creation, in the expectation that the architecture of every building constructed near that quay and of every wharf reaching out into the river will be of such form and proportions as to commend it to the eye and to add to the beauty of the scene instead of detracting from it. I refer Senators to the map which I have before me and which they have before them, an arrow pointing to this particular commercial water front, involving a stretch of about a mile or more between the Bureau of Engraving and Printing and the War College, which contains the legend:

The commercial water front owned by the Government and in course of harmonious development. It is to form a boulevard connection between Potomac Park and the War College, and is also the water approach to Washington from the South.

I will ask the privilege of inserting in the RECORD various things to which I have referred in the course of my argument. I ask unanimous consent that they may be inserted.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. SMOOT. Mr. President, I should like to ask the Senator what the request was?

Mr. NEWLANDS. I have asked permission to insert in the RECORD various things to which I have referred.

Mr. SMOOT. Not in the way of diagrams or pictures?

Mr. NEWLANDS. Oh, no; no diagrams.

I close this matter, so far as I am concerned, by stating that I regard this as a most important matter, involving the judgment of Congress, which took the initiative on this subject by initiating the inquiry and initiating the legislation through the Committee on Appropriations and which certainly has a right to revise its opinion and to change its mind, and which in this amendment simply seeks to suspend the work until an expert inquiry can be made.

THE SOURCE AND NATURE OF THE PROTESTS.

Sneering allusion has been made in the correspondence with the Treasury Department and sneering allusion has been made upon the floor to the influences that are at work to prevent what the artists of the country regard as a barbarism. One of the Senators even suggested that it is a case where the lobby committee should be called into the exercise of its powers. The people who are associated with this agitation are connected with the great architectural and art associations and engineering associations of the country. Every one of them is protesting against this thing. The American Institute of Architects, the American Federation of Arts, the American Association of Engineers, and the American Association of Consulting Engineers are protesting against it.

THE OPPOSITION OF THE ENGINEERS.

As one distinguished engineer said before the Library Committee, the engineers are learning something by experience. He said that whereas they used to determine all these questions as matters of mathematics and economics, they are learning the value of calling in the artists in collaboration with them, and they are pursuing that course more and more, because their works thus planned present a very much better appearance to the eye, give future generations some idea of the culture of the time, and often result, through the suggestions of these architects—who are also great constructors and administrators—in means of economy in the practical work itself.

There was a time in the history of the country when legislators were disposed to regard the artists with as much contempt as they did "these literary fellows" to whom frequent allusions were in those times made in legislative bodies. That time has gone by. This country is realizing that the only permanent evidence to future generations of the culture of any period is the literature and the arts, and that it is the highest duty of every generation to hand down to future generations some evidence of the culture and refinement of the time.

A REVIVAL OF TASTE.

This period existed in the early days of the Republic, when the mansions of the Virginia gentlemen graced the hills and mountains of Virginia. It has had a revival during the past 25 years in the various expositions that have been created—the exposition at Chicago, the exposition at St. Louis, and the exposition at San Francisco, the latter crowning them all in excellence. People are realizing the satisfaction which beauty gives in the common affairs of life, and their realization of this fact is increasing more and more. The artists and engineers, the professional men of creative imagination, and the professional men of mathematics and practical affairs, unite in asking us to suspend this work until competent judgment can be secured.

I have no wish to decry the judgment that has already been utilized by the Congress of the United States in this matter. I have great respect for Mr. Green, the former custodian of the Library; but certainly no one will claim that he ranks among the great mechanical engineers of the country or that he ranks with those men who, in the great cities, have reached eminence and distinction in that specialty. No one will claim that an engineer in the office of the Supervising Architect of the Treasury, receiving a salary of $3,000 a year, whose judgment is invoked with reference to these plans and whose judgment has been followed in the main by the Supervising Architect's Office, however worthy and however intelligent he may be, will rank with the great men of distinction in that profession.

THE LOCATION NOT APPROVED BY THE ENGINEERS.

There was one man of great distinction who was consulted at the instance of the Secretary of the Treasury, and that was Mr. Stillwell, of New York. His testimony appears before the Committee on the Library. He was very delicate about making any statement at all with regard to himself. He regarded the Treasury Department as his client, and when he appeared before the Committee on the Library he stated his situation and said he did not wish to make any statement without the sanction of the Treasury Department. I called up the Secretary of the Treasury and put the case to him. He said that of course Mr. Stillwell had been employed by the Government and was entitled to speak his mind, and thereupon he did.

The first statement he made was that when he came down here, shortly after his retainer by the Treasury Department, he asked whether a sufficient inquiry had been made regarding the site. He was inclined to regard it with disfavor, and he suggested that there should be a thorough inquiry regarding that matter. He was informed that that question was foreclosed. It was foreclosed, not by the action of the Treasury Department, but by the action of Congress. The Treasury Department seems to regard itself as under indictment regarding these matters. The selection of that site was the act of

Congress, and we accept full responsibility for it. The only question is whether we have not a right to change or modify our mind and whether the Treasury Department should be potential in obstructing our change of mind with reference to a matter upon which we acted.

Mr. Stillwell made these preliminary statements. I will read briefly from his testimony:

Senator NEWLANDS. I did not know but that this inquiry may have suggested something to you. Mr. Stillwell, would you deem it a wise thing, as a mechanical engineer and a man of experience in these matters, to have at this time a broad and comprehensive survey made of this question of supplying the Government buildings with heat and light?

Mr. STILLWELL. Senator, I have no hesitation in answering that question in the affirmative, because I had made that suggestion some time ago to the officials of the Treasury Department. An engineer perhaps is like other professional men, liable to exaggerate the relative importance of his specialty, but the uses of power in modern life are increasing so very rapidly that one must recognize the fact that in order to avoid great waste of money and of effort in the growth of our communities it is necessary to plan for your power development far in advance and on a comprehensive and symmetrical scale.

It would be very difficult to make a guess as to the amount of money that has been wasted or the apparatus that has been scrapped, particularly in this country, by a failure to make a broad study of such problems at the outstart. In Europe they have a number of cases, to one of which Mr. Gilbert has referred as the most striking. In that case the £16,000,000 which parliamentary inquiry determined to be necessary to amortize in some way in order to make it possible to adopt a modern method and have the whole supply come from one or two central sources did not represent all the money that had been put in, but represented the amount that could not be utilized in connection with the extensions. It was something that had to be written up in some way and charged up to something, and they did not get out of that difficulty. When the war broke out they were still going on with their 62 plants, supplying not quite 62 kinds of service but a great variety of service.

Now, in New York, Chicago, and Boston, in practically all of our large cities, at great expense the public-utilities corporations supplying the general power service have, after building many small plants here, there, and everywhere for various purposes, thrown them away and substituted new large central stations.

And, recollect, we rely now practically upon a plan that was made by Mr. Bernard Green as far back as 1904, if my recollection is correct.

Mr. Stillwell goes on and says:

So, I decidedly think that in this Capital City, where you have so comprehensive and admirable a plan for the development of the city in the future, that there should be an equally comprehensive plan for the power supply.

Then, in another place, after he had made his preliminary statement, he stated that the plans were defective in that they provided for only one line of steam pipes instead of two in the tunnels, one being relied upon to support the other in case of an emergency. In another place he said:

I should like to say at the outset that my firm has in this matter assumed no responsibility in regard to the selection of a site. We have been told that that matter was settled before we were called in; that the plant was to be located at a certain point. Our function has been limited to this.

Then he goes on:

As to the site, expressing my personal opinion of the matter—and I am glad to have an opportunity to do so—I think this whole matter has been approached here in a way that could not be expected to attain the best economical results. For instance, one of the first things that suggested itself to us when we came here was why build a new plant? Why not extend the existing plant? Of course, the present plant is farther away from the buildings which are to be heated, and it is possible that were we to figure out the losses in transmitting the steam, we might reach the conclusion that it was unwise to transmit it so far. That problem, so far as I know, has never been investigated.

It has been investigated since, and it has been demonstrated that you could take on other places to supply, and that the Capitol plant is nearer the center of gravity than the other.

Then I asked Mr. Stillwell the following question:

Would you regard that site, with reference to the Mall and the general architectural and landscape development there, as objectionable?

Mr. STILLWELL. You are asking me now as a citizen of the United States?

Senator NEWLANDS. Yes.

Mr. STILLWELL. I would not have the plant there, Senator. I would place it somewhere else.

THE INQUIRY TO BE CONTINUED.

Mr. President, I shall not weary the Senate with any further comments upon this matter beyond saying that the joint resolution which I originally offered, and from which this amendment originated, is still pending, and that resolution will be pressed with vigor in the future in case the action of the Senate should be adverse upon this subject. I know how difficult it is to secure the rejection of a conference report upon an appropriation bill containing many items of urgent necessity in which many Senators are interested, but I have hoped, from the interest which has been shown in this debate, that the Senate will do as any business man would do under similar circumstances when his attention is called to great architectural and engineering difficulties in connection with a proposed structure—pause for a moment, until the best expert advice can be secured. That is all my amendment to the urgent deficiency bill asks for, and as the only way of getting relief I urge the rejection of the conference report, even though it operates to delay the taking effect of the numerous appropriations in this bill.

Mr. PHELAN. Mr. President, I desire, more for the purpose of explaining my vote than anything else, to state that I believe much that is irrelevant has been drawn into this discussion.

The site in question was selected by Congress, and therefore the Treasury Department is not responsible for it. The Treasury Department is much concerned in the construction of this building, because it is estimated to save $200,000 a year in furnishing light and power and heat to the several buildings within its scope. I suppose it is the function of the Treasury Department to save money for the Nation, and I commend the zeal of the Secretary of the Treasury. At the same time my life associations have been with men of art, and I wholly sympathize with them in their desire to make the Capital of the Nation a city set upon a hill, more beautiful than any other, a model and an exemplar for the cities of the country. The fact remains that the law was not complied with, and the Arts Commission created by Congress was not consulted as to the character of this structure. Furthermore, when after the contract was let they were consulted they condemned it.

THE DEVELOPMENT OF WASHINGTON.

I have been reading here the report on the improvement of the park system of the District of Columbia, the report of the Senate committee and the report of the Park Commission, and also the article on the city of Washington by former President Taft in the Geographic Magazine of March, 1915. I find there that in the development of the city of Washington, splendidly launched by Gen. Washington himself and his engineer, L'Enfant, who in turn was advised by Thomas Jefferson, there was but one intention—to make this a monumental city, not counting the cost. I find that at a period in this development, about the time of the Civil War, I think, those ideals were lost sight of, and the Treasury Building was erected and the State, War, and Navy Department Building was erected on the line of Pennsylvania Avenue, which if projected and unobstructed would have made the city far more beautiful, and would have adhered to the original plans of L'Enfant. There are permanent structures which can not be taken down to gratify æsthetic tastes, and yet they mar the city as much in some respects as the Pension Office Building or the old Post Office Building.

Great mistakes have been made. Knowing these things and fearing the violation of a principle and the establishment of a wrong precedent, I consider it my duty to support the motion of the Senator from Nevada [Mr. NEWLANDS], in order that we may endeavor to establish the authority of the Arts Commission, and the fact that under the law and under the Executive orders they are entitled to be first consulted. I do not believe that in the development of the Capital we shall be safe unless we follow the advice of men capable of judging of these things.

The glorious creation of the Jewel City by the Golden Gate, referred to by the Senator, proves that better than anything I can say. If left, perhaps, to the local committee, saving a few dollars, they might have housed the exhibits in waterproof structures; but they wisely consulted the great architects, not of California, but of the United States—just such men as sit on the Arts Commission. As a result we had a beautiful and harmonious group of buildings.

So, as a matter of principle, and fearing that we may establish a bad precedent, I desire to support the motion of the Senator from Nevada.

Mr. WARREN. Mr. President, I wish to occupy only a few moments.

It seems to me that our minds have been led far afield from the question directly before us. We are to vote on the conference report, which must be accepted or rejected, and in case of rejection the bill must be sent back to the conference committee; and nothing is settled by the latter course except delay. It seems to me that a project that would elicit such debate and such eloquence as has been heard here to-day is one that ought to come after mature deliberation and ought to be presented in such a way that it can reach both bodies upon its merits.

This bill is the urgent deficiency bill. It contains appropriations which are exceedingly urgent regarding sanitation, health, and so forth. The bill was allowed to be amended, our good-

natured chairman, patient, as he always is, being willing to accept the amendment and have the committee take it under consideration and see whether or not it could be carried out. We encountered the strenuous opposition of the other side, and, after due efforts, were compelled to recede. To take it back into conference now merely means to delay these appropriations, and to settle nothing.

What this amendment seeks has really been already complied with. The matter has been reported on by the Fine Arts Commission. It has been favorably reported on by the President as recently as to-day in his autographed letter which has been read here at the desk. I know nothing in the law that requires the Congress of the United States to make its bow to the Fine Arts Commission to the extent that such commission may absolutely veto any act of Congress, as much as we respect and revere the members of that commission.

They have done their duty; we do ours, and it seems to me that the question of the final carrying out of these plans for the beautification of Washington is something that ought to be considered apart from the urgent appropriation of moneys that are needed to-day.

I recall, and I presume many other Senators do, that the so-called McMillan Commission, of many years ago, employed artists and engineers and architects, and a plan was laid out that the parks and parking system of Washington should be extended; in fact, that we should go down to where the Metropolitan Club is, or thereabouts, take in that block, the one east of it, the one in which the Riggs Bank is located, and then strike a line from somewhere there to about were the present railroad station is, costing, for the land that would have to be condemned, a matter of some $270,000,000 or $290,000,000. Congress has not so far adopted that plan.

Now, here is a contract already made. It could be abrogated if we pay the damages. Congress, in the first place, has no right to abrogate it without paying damages, and it would not be fair to do so if we had the right. If this great scheme of elaboration which I have referred to is carried out finally in Washington, the matter then of changing this power-plant location, or doing away with it entirely, is a matter which, even at its total cost, would be exceedingly small compared with the great expenditure of these many millions of dollars mentioned. The Senator from Nevada says $150,000 would probably be the measure of damages to pay if the contract is broken.

What I think we should do, is to adopt this conference report and allow these appropriations to be unlocked and allow the several objects that are so much in the need of funds to have them, as proposed in this appropriation bill.

Mr. SHAFROTH. Mr. President, as a member of the Committee on Appropriations I desire to say a word with relation to this matter. As has been shown by the Senator from Virginia [Mr. MARTIN] the erection of a power-and-heating plant in the city of Washington has been the subject of consideration for a long while. There has been selected at last after several years of time this site as the proper site for the erection of such power-and-heating plant. There have been plans and specifications drawn. The matter has been let to public bidding. Bids have been requested and been accepted, and a contract has been let. It seems to me that, inasmuch as no definite site is pointed out where the power plant may be erected, we are in chaos when we attempt to stop an enterprise that has been so long maturing, and we get into the air without knowing where we are going further.

The plan that has been suggested by some, and it has been denied by others, is within only two blocks of the House Building and only three blocks from the Capitol. Surely the erection of these great funnels or smokestacks would not be an ornament here, and would be much more objectionable than they would be down in the section where they have been located.

Mr. NEWLANDS. Mr. President, will the Senator permit me to ask him a question? Does he regard the location of the power plant for the Capitol as a mistake?

Mr. SHAFROTH. No; I do not know that I do. I regard it as a small plant. I do not see that there has been a great deal of protest. I have never noticed any unsightly influence in that direction as marring any very great beauty in this part of the city.

Mr. NEWLANDS. That plant has two smokestacks, just as the proposed plant has. Now, does the Senator suppose that an addition of two more would be serious?

Mr. SHAFROTH. Oh, Mr. President——

Mr. NEWLANDS. I merely want to add that the selection of that site was a mistake. Then Congress did err in its judgment with reference to that. We want to save this plan from the consequences of a similar mistake in the future by an inquiry now.

Mr. SHAFROTH. Mr. President, I do not think this site is a mistake. By a reference to the map it will be seen that it is in a section where there are railroad tracks, and the railroad leading across the Potomac divides this very plant from the Potomac Park. There are a number of private buildings, and they are not beautiful. If there is a section in the city of Washington where a plant of that kind would receive less protest from the people, it would be that section.

Now, when we go to the Garfield Park site, in the first place we have great protests from residents, because there are residences right around it. Then, in addition to that, it is too far from these buildings to transmit the steam that is necessary to heat them. While you could heat the Capitol Building and the Library Building and heat the Senate and the House Office Buildings, yet, as a matter of fact, when you go to the Treasury Department and to the State, War, and Navy Departments, it is too far for that purpose.

But here the contract has been let after mature deliberation. We will absolutely lose a large amount of money if we vacate that land, and consequently it seems to me it would be foolish to do so.

But, when we consider that there is no other site that is presented to us that will present near as much of the economical feature of transmitting steam, and none to which there is less objection than this plant, it seems to me that we ought to adopt this plan.

This is a proper measure that comes up; the President has approved this plan and this site, and, consequently, upon the very ground upon which the Senator asks for a reconsideration it has also been determined.

It seems to me that if this matter had come up earlier there might have been some investigation in regard to it; and even then it would not be successful on account of this trouble.

Mr. President, when we have a plan, and everybody concedes that a heating and power plant has been the desire of the United States Government for years, and here comes a proposition almost to begin the construction of it, to have it wiped out and delayed and placed in another part of the city, when new plans would have to be drawn and a new letting would also have to be made, we will not see a plant erected for two years and more. So far as marring that part of the city of Washington is concerned, being in the commercial section, being in a part of the city where there are private places that are not beautiful at all, and which probably never will be made beautiful, and being across the railroad from Potomac Park, it seems to me we ought to approve the conference report.

The VICE PRESIDENT. The question is on agreeing to the conference report.

Mr. GALLINGER. I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. BRYAN (when his name was called). I have a pair with the junior Senator from Michigan [Mr. TOWNSEND], which I transfer to the junior Senator from Nebraska [Mr. HITCHCOCK], and I vote "yea."

Mr. CATRON (when his name was called). I am paired with the Senator from Oklahoma [Mr. OWEN]. I do not know how he would vote. Therefore I withhold my vote.

Mr. GALLINGER (when his name was called). I have a general pair with the Senator from New York [Mr. O'GORMAN], which I transfer to the Senator from Washington [Mr. JONES], and vote "yea."

Mr. GRONNA (when his name was called). I have a general pair with the senior Senator from Maine [Mr. JOHNSON]. I do not see him in the Chamber. I therefore withhold my vote.

Mr. THOMAS (when his name was called). I have a general pair with the senior Senator from North Dakota [Mr. MCCUMBER]. I am informed that if he were present he would vote as I do. I therefore feel at liberty to vote. I vote "yea."

Mr. TILLMAN (when his name was called). I transfer my pair with the Senator from West Virginia [Mr. GOFF] to the Senator from Illinois [Mr. LEWIS] and vote "yea."

Mr. WALSH (when his name was called). I have a general pair with the Senator from Rhode Island [Mr. LIPPITT]. He being absent, I transfer my pair to the Senator from South Carolina [Mr. SMITH] and vote. I vote "yea."

Mr. WEEKS (when his name was called). Has the senior Senator from Kentucky [Mr. JAMES] voted?

The VICE PRESIDENT. He has not.

Mr. WEEKS. I have a general pair with him, and therefore withhold my vote.

Mr. WILLIAMS (when his name was called). I have a standing pair with the senior Senator from Pennsylvania [Mr. PENROSE]. Being informed by his colleague [Mr. OLIVER] that if he were present he would vote as I am about to vote, I vote "nay."

The roll call was concluded.

Mr. REED. I transfer my pair with the Senator from Michigan [Mr. SMITH] to the Senator from Arizona [Mr. ASHURST] and vote "yea."

Mr. SUTHERLAND (after having voted in the negative). I have a pair with the Senator from Arkansas [Mr. CLARKE]. I am informed that he has noted voted. I therefore transfer my pair with the Senator from Arkansas to the Senator from Pennsylvania [Mr. PENROSE] and let my vote stand.

Mr. HOLLIS. I desire to announce that the Senator from Tennessee [Mr. LEA] is paired with the Senator from New York [Mr. WADSWORTH].

Mr. MARTINE of New Jersey. I announce again the absence of the senior Senator from New York [Mr. O'GORMAN] on official business. I will state that he is paired with the Senator from New Hampshire [Mr. GALLINGER]. If the senior Senator from New York were here he would vote "nay."

Mr. SMITH of Arizona. I wish to announce the unavoidable absence of my colleague [Mr. ASHURST] on important business.

Mr. CURTIS. I wish to announce that the Senator from Idaho [Mr. BRADY] is paired with the Senator from Oklahoma [Mr. GORE]; that the Senator from Maine [Mr. BURLEIGH] is paired with the Senator from Indiana [Mr. SHIVELY]; that the Senator from Iowa [Mr. CUMMINS] is paired with the Senator from Texas [Mr. CULBERSON]; and that the Senator from New Mexico [Mr. FALL] is paired with the Senator from West Virginia [Mr. CHILTON].

The result was announced—yeas 44, nays 21, as follows:

YEAS—44.

| | | | |
|---|---|---|---|
| Bankhead | Hardwick | Pomerene | Smith, Ga. |
| Beckham | Hollis | Ransdell | Smith, Md. |
| Broussard | Hughes | Reed | Smoot |
| Bryan | Husting | Robinson | Stone |
| Chamberlain | Johnson, S. Dak. | Saulsbury | Swanson |
| Clark, Wyo. | Kern | Shafroth | Thomas |
| Curtis | Lane | Sheppard | Thompson |
| Dillingham | Martin, Va. | Sherman | Tillman |
| Fletcher | Norris | Shields | Underwood |
| Gallinger | Overman | Simmons | Walsh |
| Harding | Pittman | Smith, Ariz. | Warren |

NAYS—21.

| | | | |
|---|---|---|---|
| Borah | La Follette | Newlands | Sutherland |
| Brandegee | Lodge | Oliver | Williams |
| Clapp | McLean | Page | Works |
| Colt | Martine, N. J. | Phelan | |
| du Pont | Myers | Poindexter | |
| Kenyon | Nelson | Sterling | |

NOT VOTING—31.

| | | | |
|---|---|---|---|
| Ashurst | Fall | Lea, Tenn. | Shively |
| Brady | Goff | Lee, Md. | Smith, Mich. |
| Burleigh | Gore | Lewis | Smith, S. C. |
| Catron | Gronna | Lippitt | Townsend |
| Chilton | Hitchcock | McCumber | Vardaman |
| Clarke, Ark. | James | O'Gorman | Wadsworth |
| Culberson | Johnson, Me. | Owen | Weeks |
| Cummins | Jones | Penrose | |

So the conference report was agreed to.

Mr. MARTIN of Virginia. I move that the Senate further insist on its amendments still in disagreement and ask a further conference with the House, the Chair to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Vice President appointed Mr. MARTIN of Virginia, Mr. BRYAN, and Mr. WARREN conferees on the part of the Senate.

Mr. PHELAN. Mr. President, I ask unanimous consent to present a resolution, being a request of the Secretary of the Treasury to harmonize the plans of the new power plant with the plans for the adornment of the District proposed by the Art Commission and by Mr. Burnham.

Mr. STONE. Mr. President——

The VICE PRESIDENT. Is there objection to the present consideration of the resolution?

Mr. SMOOT. Let it be read.

The VICE PRESIDENT. The resolution will be read.

The resolution (S. Res. 99) was read, as follows:

*Resolved*, That the Secretary of the Treasury, as permitted by the power-plant contract, be requested to modify the plans as far as possible to better harmonize with the Burnham plans for the improvement of the commercial water front and with the general beauty and comfort of the city of Washington.

The VICE PRESIDENT. Is there objection to the present consideration of the resolution?

Mr. MARTIN of Virginia. I object.

Mr. GALLINGER. Let it go over.

The VICE PRESIDENT. The resolution goes over.

WATER-POWER DEVELOPMENT.

Mr. SHIELDS. I move that the Senate resume the consideration of Senate bill 3331.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 3331) to amend an act entitled "An act to regulate the construction of dams across navigable waters," approved June 21, 1906, as amended by the act approved June 23, 1910, and to provide for the improvement and development of waterways for the uses of interstate and foreign commerce.

Mr. SHIELDS. I now ask unanimous consent that that bill, being the unfinished business, be laid aside.

The VICE PRESIDENT. Without objection, the bill will be laid aside.

EXECUTIVE SESSION.

Mr. STONE. Mr. President, several Senators have suggested that they would like to have a short executive session, and I therefore move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After 10 minutes spent in executive session, the doors were reopened, and (at 5 o'clock and 30 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, February 15, 1916, at 12 o'clock meridian.

## NOMINATIONS.

*Executive nominations received by the Senate February 14, 1916.*

PROMOTIONS IN THE ARMY.

INFANTRY ARM.

Capt. George E. Houle, Eleventh Infantry, to be major from February 11, 1916, vice Maj. James E. Normoyle, Third Infantry, who died February 10, 1916.

First Lieut. Shepard L. Pike, Infantry, unassigned, to be captain from February 11, 1916, vice Capt. George E. Houle, Eleventh Infantry, promoted.

PROMOTIONS IN THE NAVY.

Ensign Franz B. Melendy to be a lieutenant (junior grade) in the Navy from the 7th day of March, 1915.

Ensign Robert M. Doyle, jr., to be a lieutenant (junior grade) in the Navy from the 7th day of March, 1915.

Assistant Paymaster Charles C. Copp to be a passed assistant paymaster in the Navy with rank of lieutenant (junior grade) from the 20th day of September, 1915, to change the date from which he takes rank as previously confirmed.

POSTMASTERS.

NEW JERSEY.

James J. McAviney to be postmaster at Arlington, N. J., in place of Felix S. Jacobson. Incumbent's commission expired January 24, 1916.

## CONFIRMATIONS.

*Executive nominations confirmed by the Senate February 14, 1916.*

POSTMASTERS.

LOUISIANA.

Charles Janvier, New Orleans.

NEW YORK.

Abraham Harrison, Johnstown.

OHIO.

Ross S. De Muth, Rossford.

PENNSYLVANIA.

Patrick B. Egan, Emporium.

WYOMING.

William H. Cazier, Afton.

## REJECTION.

*Executive nomination rejected by the Senate February 14, 1916.*

William H. Nearpass to be postmaster at Port Jervis, N. Y.

## HOUSE OF REPRESENTATIVES.

### MONDAY, *February 14, 1916.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Let Thy blessing descend, O Lord God, our heavenly Father, upon us, that our objective may be defined by clear thinking, high ideals, noble endeavors; that our ways may harmonize with the best traditions, purest motives of the good and the true, whose lives stand as beacon lights in the progress of the past; whose names kindle the light of inspiration and lead on to the betterment of all that is nearest and dearest the hearts; that we may be worthy of the trust reposed in us by Thee and by our fellow men; that the grace of our Lord Jesus Christ may fill our souls with joy and peace. Amen.

The Journal of the proceedings of Saturday, February 12, 1916, was read and approved.

#### BOLOGNESI, HARTFIELD & CO.

Mr. MILLER of Delaware. Mr. Speaker, by direction of the Committee on Claims, I ask unanimous consent to have recommitted to that committee the bill (H. R. 4885) for the relief of Bolognesi, Hartfield & Co., which is on the Private Calendar, reported adversely by the Committee on Claims. It was placed on the calendar at the request of the gentleman from New York [Mr. BENNET]. I therefore ask unanimous consent that it be recommitted to the Committee on Claims.

The SPEAKER. The gentleman from Delaware, by authority of the Committee on Claims, asks unanimous consent that the bill H. R. 4885 be recommitted to that committee. Is there objection?

Mr. CARLIN. Mr. Speaker, reserving the right to object, where is the bill pending now?

The SPEAKER. The bill was reported adversely by the Committee on Claims, and that committee now asks that it be recommitted to it.

Mr. CARLIN. I have no objection.

The SPEAKER. The Chair hears no objection, and it is so ordered.

#### AGRICULTURE.

Mr. ADAIR. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD upon the subject of agriculture.

The SPEAKER. The gentleman from Indiana asks unanimous consent to extend his remarks in the RECORD on the subject of agriculture. Is there objection?

There was no objection.

#### MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Waldorf, one of its clerks, announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 1559. An act to increase the limit of cost of public building at Park City, Utah.

#### SENATE BILL REFERRED.

Under clause 2 of Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. 1559. An act to increase the limit of cost of public building at Park City, Utah; to the Committee on Public Buildings and Grounds.

#### ENROLLED BILL AND JOINT RESOLUTION PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. LAZARO, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States for his approval the following bill and joint resolution:

H. R. 9213. An act to authorize the Gary Land Co. to construct a bridge across the Grand Calument River, in the State of Indiana.

H. J. Res. 146. Joint resolution authorizing the Secretary of War to loan, issue, or use quartermaster's and medical supplies for the relief of destitute persons in the districts overflowed by the Mississippi River and its tributaries.

#### DISTRICT OF COLUMBIA DAY—WASHINGTON & OLD DOMINION RAILWAY.

Mr. JOHNSON of Kentucky. Mr. Speaker, this being District day, I call up the bill (H. R. 8810) to amend an act relating to the Public Utilities Commission of the District of Columbia approved March 4, 1913, which I send to the desk and ask to have read.

The Clerk read as follows:

*Be it enacted, etc.* That section 8, paragraph 1, of an act approved March 4, 1913, relating to the Public Utilities Commission of the District of Columbia (37 Stat. L., p. 975), be amended by adding to the names of the companies excluded from the operation of said section, after the words "the Potomac River and Chesapeake Bay," in the third subdivision of said paragraph, on page 975, the following: "and the Washington & Old Dominion Railway, excepting as to the regulation of its operation inside of the District of Columbia."

With the following committee amendment:

Line 3, after the word "act," insert: "entitled 'An act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1914, and for other purposes.'"

Mr. JOHNSON of Kentucky. Mr. Speaker, under the public-utilities act for the District of Columbia, this particular electric railroad company was declared to be a public utility of the District. As I am informed, this railroad has about 72 miles of track outside of the District of Columbia and about 72 feet inside the District of Columbia. This bill has been introduced for the purpose of taking this particular road from the control of the Public Utilities Commission of the District of Columbia and leaving it subject to the laws of Virginia or to the Interstate Commerce Commission of the United States, to whichever it may properly belong.

Mr. CROSSER. Mr. Speaker, will the gentleman yield?

Mr. JOHNSON of Kentucky. Yes.

Mr. CROSSER. I notice that the report says that the purpose of the bill is to take that part only of this utility—the Washington & Old Dominion Railroad Co.—which lies outside of the District from the control of the District Public Utilities Commission. Where is there any language in the bill which indicates that the authority of the Public Utilities Commission will still control that part which lies in the District?

Mr. JOHNSON of Kentucky. I doubt very much if the Public Utilities Commission of the District of Columbia has authority over it, although it is specifically named in the utilities act.

Mr. CROSSER. I agree with the gentleman on that.

Mr. JOHNSON of Kentucky. But, to cure any question about it, the Commissioners of the District of Columbia desire the passage of this bill for the purpose of conclusively relieving them of all doubt. The corporation counsel has advised them, I am informed, that they have no jurisdiction over it, but they wish to be relieved of all doubt; and, in my judgment, all doubt should be removed.

Mr. CROSSER. What I am trying to get at is this: Whether or not we do not take that part of the line which lies in the District of Columbia out of the jurisdiction of the Public Utilities Commission?

Mr. JOHNSON of Kentucky. The bill specifically provides that whatever of the road is in the District of Columbia shall be left subject to the laws of the District of Columbia.

Mr. CROSSER. If it does, I am satisfied.

Mr. JOHNSON of Kentucky. In other words, it is deemed best that whatever part of this railroad is in the District of Columbia should have jurisdiction exercised over it by the authorities of the District of Columbia, the same as other roads in the District. Mr. Speaker, I ask for a vote on the adoption of the committee amendment.

The SPEAKER. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The SPEAKER. The question now is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. JOHNSON of Kentucky, a motion to reconsider the vote by which the bill was passed was laid on the table.

#### JUVENILE CRIMINALS.

Mr. JOHNSON of Kentucky. Mr. Speaker, I now call up the bill (H. R. 9803) to emancipate from certain disabilities children who have judgments of conviction of crime against them in the juvenile court of the District, which I send to the desk and ask to have read:

The Clerk read as follows:

*Be it enacted, etc.*, That no judgment of conviction against any child of record in the juvenile court of the District of Columbia under an act entitled "An act to create a juvenile court in and for the District of Columbia," approved March 19, 1906, shall operate as a disqualification of any such child for jury duty, or for holding office, or for any other public service under the Government of the United States or the District of Columbia, and no child against whom a judgment of conviction may stand in said juvenile court of the District of Columbia under said act aforesaid shall be denominated a criminal by reason of any such judgment, nor shall such judgment be denominated a conviction.

SEC. 2. That this act shall take effect from and after its passage.

Mr. JOHNSON of Kentucky. Mr. Speaker, during the past a number of children, some of tender age, have been convicted of crime in the District of Columbia. The trend of all modern thought is against that; but under the law those children who were so convicted before arriving at the age of 21 years are

deprived of the right to vote or to serve upon juries. This bill is for the purpose of removing those disabilities. I apprehend that somebody may raise the question of the constitutionality of the proposed act upon the ground that it goes into the pardoning power which can be exercised by the President of the United States. I am rather inclined, however, to the opinion that Congress, having the constitutional exclusive right to legislate for the District of Columbia, would prevent its being an infringement upon the pardoning power of the President of the United States; but as the most that can be said of the bill is that it is of doubtful constitutionality, for the benefit of these children, I think that they should have the benefit of that doubt, and that the question of the constitutionality should be brought up later along in the courts rather than here.

Mr. MANN. Will the gentleman yield for a question?

Mr. JOHNSON of Kentucky. I yield to the gentleman from Illinois.

Mr. MANN. While I quite agree with all the gentleman says as to the bill, does the gentleman have any objection to moving to strike out section 2? The law provides when an act takes effect, and this only cumbers up the bill.

Mr. JOHNSON of Kentucky. I will say to the gentleman from Illinois that the gentleman from Massachuetts [Mr. TINKHAM] is in charge of this bill, but he seems not to be upon the floor at this moment.

Mr. MANN. Section 2 only provides that the act takes effect at once. Now, it only cumbers up the bill, and ordinarily we move to strike it out.

Mr. JOHNSON of Kentucky. If the gentleman from Illinois will move to strike it out, I will agree to it.

Mr. MANN. If the gentleman will yield for that purpose.

Mr. JOHNSON of Kentucky. I yield for that purpose.

Mr. MANN. Mr. Speaker, I move to strike out section 2.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Amend, on page 2, by striking out section 2, in lines 4 and 5.

Mr. MANN. Will the Clerk read the language?

The Clerk read as follows:

SEC. 2. That this act shall take effect from and after its passage.

The question was taken, and the amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. JOHNSON of Kentucky, a motion to reconsider the vote by which the bill was passed was laid on the table.

FRAUDULENT ADVERTISING IN THE DISTRICT OF COLUMBIA.

Mr. JOHNSON of Kentucky. Mr. Speaker, I now call up the bill H. R. 10490.

The SPEAKER. The Clerk will report the bill.

The Clerk read the bill, as follows:

A bill (H. R. 10490) to prevent fraudulent advertising in the District of Columbia.

*Be it enacted, etc.,* That it shall be unlawful in the District of Columbia for any person, firm, association, corporation, or advertising agency, either directly or indirectly, to display or exhibit to the public in any manner whatever, whether by handbill, placard, poster, picture, film, or otherwise; or to insert or cause to be inserted in any newspaper, magazine, or other publication printed in the District of Columbia; or to issue, exhibit, or in any way distribute or disseminate to the public; or to deliver, exhibit, mail, or send to any person, firm, association, or corporation any false, untrue, or misleading statement, representation, or advertisement with a fraudulent intent to deceive, mislead, or induce any person, firm, association, or corporation to purchase, discount, or in any way invest in or accept as collateral security any bonds, bill, share of stock, note, warehouse receipt, or any security; or with the fraudulent purpose to deceive, mislead, or induce any person, firm, association, or corporation to purchase, make any loan upon, or invest in any property of any kind; or use any of the aforesaid methods with the fraudulent intent or purpose to deceive, mislead, or induce any other person, firm, or corporation for a valuable consideration to employ the services of any person, firm, association, or corporation so advertising such services.

SEC. 2. That prosecution hereunder shall be in the police court of the District of Columbia upon information filed by the United States district attorney for the District of Columbia or one of his assistants.

SEC. 3. That any person, firm, or association violating any of the provisions of this act shall, upon conviction thereof, be punished by a fine of not more than $500 or by imprisonment of not more than 60 days, or by both fine and imprisonment, in the discretion of the court. A corporation convicted of an offense under the provisions of this act shall be fined not more than $500, and its president or such other officials as may be responsible for the conduct and management thereof shall be imprisoned not more than 60 days, in the discretion of the court.

SEC. 4. That all acts or parts of acts inconsistent herewith are hereby repealed.

Mr. JOHNSON of Kentucky. Mr. Speaker, does the gentleman from Illinois wish to ask a question?

Mr. MANN. Will the gentleman yield for a question?

Mr. JOHNSON of Kentucky. Yes.

Mr. MANN. I see that the report upon this bill uses this language:

It is not only intended by the bill to prevent the fraudulent advertising of goods, wares, and merchandise, and also—

And so forth.

What language in the bill would prevent the fraudulent advertising of goods, wares, or merchandise?

Mr. JOHNSON of Kentucky. The words "goods, wares, and merchandise" were used in the first draft of this bill. Upon being submitted to the assistant corporation counsel that language was stricken from the bill and the word "property" was inserted in lieu thereof.

Mr. MANN. Where is that in the bill? There is this language in the bill on page 2, "make any loan upon or invest in any property of any kind."

Mr. JOHNSON of Kentucky. That is, I think, the place where the language "goods, wares, and merchandise" was used and upon the advice of the assistant corporation counsel the word "property" was substituted.

Mr. MANN. Well, I should say, with some hesitancy, perhaps, that this would not apply at all in any case to the sale of goods, wares, and merchandise at retail, and I doubt whether it would at wholesale. I do not know whether it was the intention to so apply.

Mr. JOHNSON of Kentucky. I will say to the gentleman that that part of the bill to which the gentleman now refers was drawn by myself, and in that draft I used the language, "goods, wares, and merchandise"; but, as before said, I yielded to the opinion of the assistant corporation counsel and substituted language now in the bill.

Mr. MANN. I am not endeavoring to criticize the bill in any way, but it seems to me that the bill only applies practically to the deceiving of the people who purchase property for investment or purchase stocks and bonds; and perhaps that is as far as it ought to go; I would hesitate now to say.

Mr. JOHNSON of Kentucky. I will state to the gentleman that I yielded somewhat reluctantly to the suggestion, and I would myself, now, if it seems best, agree to reinstate that language.

Mr. MANN. I am not at all certain, and it is better to make progress slowly and provide for what is in the bill; but that provision in the report excited my attention and I did not know what that language referred to in the bill.

Mr. JOHNSON of Kentucky. That language was thought by the assistant corporation counsel to cover the very item which we are now discussing.

Mr. MANN. If the assistant corporation counsel thinks general language of that character in connection with this bill will cover the sale of property at retail, we ought to get a new assistant corporation counsel.

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. JOHNSON of Kentucky. I yield to the gentleman from Pennsylvania.

Mr. MOORE of Pennsylvania. Were any hearings had on this bill?

Mr. JOHNSON of Kentucky. The hearing extended to the representatives from the chambers of commerce and the corporation counsel's office.

Mr. MOORE of Pennsylvania. Were the newspapers of the District heard on it at all?

Mr. JOHNSON of Kentucky. They were not, except through their daily issues.

Mr. MOORE of Pennsylvania. Editorially they were favorable to the passage of a bill like this?

Mr. JOHNSON of Kentucky. Unanimously so, I think.

Mr. MOORE of Pennsylvania. In the matter of the clause to which the gentleman from Illinois referred, was it the purpose of the committee to protect persons who might invest in fake land schemes and mining stocks?

Mr. JOHNSON of Kentucky. It was the purpose of the committee to protect the public from false advertisements relating to any character of property through which the public was being robbed.

Mr. MOORE of Pennsylvania. Well, I happen to know that certain advertising associations have asked for legislation of this kind with a view to preventing fake mining scheme advertisements and fake lot schemes, as so many innocent persons are often attracted by them.

Mr. JOHNSON of Kentucky. The assistant corporation counsel, who has largely helped in the preparation of this bill, has given the committee his opinion that this reaches that condition.

Mr. MOORE of Pennsylvania. The committee made no effort to give hearings on the subject at all?

Mr. JOHNSON of Kentucky. The committee never makes an effort to give hearings, but it never denies hearings. That is the policy of the committee.

Mr. MOORE of Pennsylvania. I call the gentleman's attention to the fact that if this bill passes it would affect newspapers very seriously.

Mr. JOHNSON of Kentucky. I think not. This bill fails to penalize any newspaper for publishing a false advertisement.

Mr. MOORE of Pennsylvania. Does it not require that a corporation convicted under the provisions of this act shall be fined not more than $500?

Mr. JOHNSON of Kentucky. No. It punishes only the authors of the advertising.

Mr. MOORE of Pennsylvania. Then the newspaper is not held responsible for publishing?

Mr. JOHNSON of Kentucky. No; the newspaper is not bound by the provisions of this bill to obtain advance information whether the advertisement is false or not.

Mr. MOORE of Pennsylvania. Some time ago a schoolteacher who had accumulated some savings invested in building lots in this vicinity, and made complaint to me that she was unable to get any return or any satisfaction as the result of that investment. Who would be punishable in a case of that kind if a fraud had been committed?

Mr. JOHNSON of Kentucky. Whoever brought this schoolteacher, whether in person or through the mails, or newspaper advertisement or any other kind of advertisement, the statement that this was a good investment, when in fact, it was known to be bad.

Mr. MOORE of Pennsylvania. The solicitor, then, would be culpable?

Mr. JOHNSON of Kentucky. He is the man sought to be reached by the provision of this bill. The promoter is the man sought to be reached when that kind of stuff is sought to be disposed of.

Mr. MOORE of Pennsylvania. But it is not a check upon newspapers?

Mr. JOHNSON of Kentucky. Not at all.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read a third time, and passed.

On motion of Mr. JOHNSON of Kentucky, a motion to reconsider the vote by which the bill was passed was laid on the table.

RECORDER OF DEEDS, DISTRICT OF COLUMBIA.

Mr. JOHNSON of Kentucky. Mr. Speaker, I call up the bill H. R. 7571, to provide for the appointment of a recorder of deeds in the District of Columbia.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 7571) to provide for the appointment of the recorder of deeds of the District of Columbia by the Commissioners of the District of Columbia.

*Be it enacted, etc.*, That hereafter the recorder of deeds of the District of Columbia shall be appointed by the Commissioners of the District of Columbia.

Also the following committee amendment was read:

After the word "Columbia," in line 5, insert the following:

"*Provided*, That no one shall be appointed to the position of recorder of deeds unless he be a citizen of the United States, and unless he has been a resident of the District of Columbia for three years next before his appointment, and the Commissioners of the District of Columbia shall have power to remove the recorder of deeds at pleasure."

The SPEAKER. The question is on agreeing to the committee amendment.

The question was taken, and the amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read a third time, and passed.

On motion of Mr. JOHNSON of Kentucky, a motion to reconsider the vote by which the bill was passed was laid on the table.

REGISTER OF WILLS, DISTRICT OF COLUMBIA.

Mr. JOHNSON of Kentucky. Mr. Speaker, I call up the bill H. R. 7585, to provide for the appointment of the register of wills of the District of Columbia.

The SPEAKER. The Clerk will read the bill.

The Clerk read as follows:

A bill (H. R. 7585) to provide for the appointment of the register of wills of the District of Columbia by the justices of the Supreme Court of said District.

*Be it enacted, etc.*, That hereafter the register of wills of the District of Columbia shall be appointed by the justices of the Supreme Court of the District of Columbia.

Also the following committee amendment was read:

Line 4, after the word "by," strike out the words "the justices of."

The SPEAKER. The question is on agreeing to the amendment.

Mr. MANN. Mr. Speaker——

Mr. JOHNSON of Kentucky. I yield to the gentleman from Illinois.

Mr. MANN. What is the theory of these two bills, one of which has just been passed, and this one? What change does this make? Who now appoints the register of wills? The President?

Mr. JOHNSON of Kentucky. It takes the power away from the President to appoint and gives that power to the Supreme Court of the District of Columbia; and the other amendment provides that the appointee shall be a bona fide resident of the District of Columbia.

Mr. MANN. The President desires to escape that onerous duty?

Mr. JOHNSON of Kentucky. I have no information upon that subject.

Mr. MANN. What is the point? What is the object of having the appointing power changed?

Mr. JOHNSON of Kentucky. This is an officer of the court and ought to be appointed by the court.

Mr. MANN. I do not think the register of wills is exactly an officer of the court. Certainly no more than the district attorney and the marshal, and other officials who are appointed by the President.

Mr. JOHNSON of Kentucky. He is the officer of that branch of the business of the probate court, and he passes upon the sufficiency of the sureties on bonds, and the court no doubt would feel better satisfied if he could be both appointed and removed by them.

Mr. MANN. I notice that this first amendment makes the appointment by the "court" instead of "by the justices"?

Mr. JOHNSON of Kentucky. It seems better that the power be given to the court and not to the individual members of the court.

Mr. MANN. How many justices of the Supreme Court of the District of Columbia are there?

Mr. JOHNSON of Kentucky. Six.

Mr. MANN. Any one of them could enter an order of the court removing or appointing. Might keep at it continually.

Mr. JOHNSON of Kentucky. Well, I doubt——

Mr. MANN. I doubt whether that would be done. I think the usual practice to be, where this sort of thing is done, to let the individuals——

Mr. JOHNSON of Kentucky. I do not think one of the justices could or would enter that kind of an order.

Mr. MANN. He certainly could, but whether he would or not, I do not know.

Mr. JOHNSON of Kentucky. I doubt it.

Mr. MANN. The chief justice, I suppose, would be the man that would name the party.

Mr. JOHNSON of Kentucky. I can say to the gentleman or anybody else whose mind may turn in that direction that my information is that the court does not contemplate any change.

Mr. MANN. It may not now, but it will some time.

Mr. JOHNSON of Kentucky. When this one dies, perhaps.

Mr. MANN. Well, the gentleman from Kentucky says, "Unless this one dies, perhaps." I would say, "Unless one dies certainly." That is one thing that is certain.

Mr. JOHNSON of Kentucky. For the benefit of the gentleman, I could change my language by putting the word "perhaps" in the middle of the sentence instead of at the end of the sentence, although it is correct as I put it.

Mr. SMITH of New York. Mr. Speaker, I will ask the gentleman if he thinks it good policy to give an appointment of this kind to the court instead of to the administrative officials?

Mr. JOHNSON of Kentucky. Oh, yes. As I said, this particular officer has to pass upon the sufficiency of bonds executed under an order of the court and many other pieces of business which he transacts under the court, and he ought to be appointed by the court instead of by the President of the United States.

Mr. SMITH of New York. I do not question that point; but why should not this power be given to the commissioners, the same as the power given in the case of the other officers?

Mr. JOHNSON of Kentucky. One is the recorder of deeds, which can not possibly be construed as being an appenage of any court. He is independent and free from the control of any court. He does nothing for any court. All he does is a service to the individuals of the public who come to have instruments recorded.

Mr. SMITH of New York. My only suggestion was that the tendency in all parts of the country is to take away from judges any power of appointment and all questions of patronage, and apparently this is adding power to give patronage to the court.

Mr. JOHNSON of Kentucky. This is being put on the same basis that a court commissioner or master in chancery would be.

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER. The Clerk will report the next amendment.

The Clerk read as follows:

After the word "Columbia," in line 5, insert "and said court shall have power to remove said register of wills: *Provided*, That no one shall be appointed to the position of register of wills unless he be a citizen of the United States, and unless he has been a resident of the District of Columbia for three years next before his appointment."

The SPEAKER. The question is on agreeing to the aemndment.

The amendment was agreed to.

The SPEAKER. The question is on the passage of the bill as amended.

The question was taken, and the bill was passed.

On motion of Mr. JOHNSON of Kentucky, a motion to reconsider the vote whereby the bill was passed was laid on the table.

JUVENILE COURT, DISTRICT OF COLUMBIA.

Mr. JOHNSON of Kentucky. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the purpose of considering the bill (H. R. 8348) to amend an act entitled "An act to create a juvenile court in and for the District of Columbia," and for other purposes; and, pending that motion, I would be glad to come to some agreement with the gentleman from Illinois [Mr. MANN] as to the limit and control of general debate.

Mr. MANN. I would like to have two hours on this side.

Mr. JOHNSON of Kentucky. Does the gentleman mean one hour on each side?

Mr. MANN. No; I would like to have two hours on this side.

Mr. JOHNSON of Kentucky. Mr. Speaker, I ask unanimous consent, before the House resolves itself into Committee of the Whole House on the state of Union, that general debate upon the bill be limited to three hours—two hours to be controlled by the gentleman from Illinois——

Mr. MANN. No; by the gentleman from Wisconsin [Mr. CARY].

Mr. JOHNSON of Kentucky. Two hours to be controlled by the gentleman from Wisconsin [Mr. CARY] and one hour by myself.

The SPEAKER. The gentleman from Kentucky moves that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 8348; and, pending that, he asks unanimous consent that general debate be limited to three hours—two hours to be controlled by the gentleman from Wisconsin [Mr. CARY] and one hour by himself. Is there objection?

There was no objection.

ALEXANDER GRAHAM BELL.

Mr. FERRIS. Mr. Speaker, I call up Senate joint resolution No. 97 on the Speaker's table, and ask unanimous consent for its present consideration.

The SPEAKER. The gentleman from Oklahoma [Mr. FERRIS] asks unanimous consent for the present consideration of Senate joint resolution 97, which the Clerk will report.

The Clerk read as follows:

Joint resolution (S. J. Res. 97) to appoint Alexander Graham Bell a member of the Board of Regents of the Smithsonian Institution.

*Resolved, etc.*, That the vacancy in the Board of Regents of the Smithsonian Institution of the class "other than Members of Congress" shall be filled by the appointment of Alexander Graham Bell, a citizen of the District of Columbia.

The SPEAKER. Is there objection?

Mr. CARY. Mr. Speaker, I would like to ask the gentleman from Oklahoma a question. Is he now a member of that board?

Mr. FERRIS. He is and has been since 1898, but his commission expires this month.

The SPEAKER. The question is on the third reading of the Senate joint resolution.

The resolution was ordered to a third reading, read the third time, and passed.

On motion of Mr. FERRIS, a motion to reconsider the vote whereby the Senate joint resolution was passed was laid on the table.

JUVENILE COURT, DISTRICT OF COLUMBIA.

The SPEAKER. The question is on agreeing to the motion of the gentleman from Kentucky [Mr. JOHNSON] to go into Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 8348.

The motion was agreed to.

The SPEAKER. The gentleman from California [Mr. RAKER] will take the chair.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 8348, with Mr. RAKER in the chair.

The CHAIRMAN. The Clerk will report the bill.

The Clerk read the title of the bill, as follows:

A bill (H. R. 8348) to amend an act entitled "An act to create a juvenile court in and for the District of Columbia," and for other purposes.

Mr. JOHNSON of Kentucky. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from Kentucky asks unanimous consent that the first reading of the bill be dispensed with. Is there objection?

There was no objection.

Mr. JOHNSON of Kentucky. Mr. Chairman, I yield two minutes to the gentleman from Tennessee [Mr. SIMS].

The CHAIRMAN. The gentleman from Tennessee [Mr. SIMS] is recognized for two minutes.

Mr. SIMS. Mr. Chairman, I wish to have read a newspaper clipping from this morning's Washington Post.

The CHAIRMAN. Without objection, the Clerk will read the clipping indicated.

The Clerk read as follows:

CLARK PRAISES KITCHIN—ARRANT NONSENSE, HE SAYS, TO THINK LEADER WILL BE REMOVED—ENTITLED TO HIS OWN OPINION—SPEAKER HAS FAITH IN FORBEARANCE AND WISDOM TO EVOLVE PLANS FOR PREPAREDNESS WHICH ALL DEMOCRATS WILL SUPPORT—PROPOSITIONS CAN NOT BE "BULLED" THROUGH CONGRESS.

"Arrant nonsense" was the way Speaker CHAMP CLARK last night characterized the reports that the Democrats of the House are about to remove Representative CLAUDE KITCHIN, of North Carolina from the floor leadership in the lower branch of Congress because of his views on numerous questions, including preparedness, which are at variance with the views of the administration.

"All the chatter about sidetracking him is utter tomfollery," added the Speaker, who continued:

"Mr. KITCHIN was not appointed chairman of the Ways and Means Committee—he was elected by the same vote by which I was elected Speaker. By immemorial usage the chairman of the Ways and Means Committee becomes ex officio majority floor leader. Of course the House could remove him just as it could remove the Speaker, but nobody with sense enough to go in out of the rain proposes to remove him.

HOPES PATIENCE WILL WIN.

"It is a pity that all Democrats do not agree about all things, but Mr. KITCHIN has as much right to his opinion as the President has to his or I have to mine. I have faith that by the exercise of forbearance, moderation, and wisdom we will evolve plans for preparedness and other great questions such as raising revenue on which we can all stand. That is my hope and expectation. No man can bull a proposition through the House by main strength. The entire philosophy of success in that able and tumultuous assembly is to take things by the smooth handle, to rub the hair the right way of the hide, and to confer freely with Members, persuading rather than attempting to drive, yielding in nonessentials, firm as a rock on fundamentals. There are 435 Members, and everyone of them has a perfect right to his opinion and to express it whenever and wherever it seems to him meet and proper. If the busybodies who are trying to stir up strife by magnifying small differences of opinion among Democrats would help eliminate these differences, they would constitute themselves patriots instead of marplots.

BELIEVES IN KITCHIN.

"I was instrumental years ago in securing for CLAUDE KITCHIN his first valuable promotion. I believed in him then and believe in him now. He is one of the most brilliant men in public life, and I believe he will discharge the duties of his important position faithfully and well.

"So far as I am concerned, when I feel that I ought to leave the Speaker's stand to support or oppose on the floor any measure whatsoever, I shall do so—as I have a right to do—without any intent of supplanting Mr. KITCHIN, Mr. HAY, Mr. PADGETT, Mr. FITZGERALD, or any other chairman or leader."

Mr. JOHNSON of Kentucky. Mr. Chairman, I suggest that the gentleman from Wisconsin [Mr. CARY] now use some of his time.

Mr. CARY. Mr. Chairman, I yield an hour and 15 minutes to the gentleman from Connecticut [Mr. HILL]. [Applause.]

The CHAIRMAN. The gentleman from Connecticut [Mr. HILL] is recognized for 1 hour and 15 minutes.

Mr. HILL. Mr. Chairman, I desire to add a real old-fashioned Methodistical amen to the editorial which has just been read. [Applause.] I am going to follow that up with a plea for nonpartisan action for relief from a foreign monopoly.

A PLEA FOR NONPARTISAN ACTION FOR RELIEF FROM A FOREIGN MONOPOLY.

Mr. Chairman and gentlemen of the House of Representatives, I know of no more humiliating fact connected with our national economic policy than that to-day the United States of America is compelled to humbly beg from the German Government the poor privilege of buying from a chemical factory in Charlottenburg the dyestuffs needed to print our money and make our postage and revenue stamps, and that such consent is only granted on condition that the State Department shall make a cash purchase in its own name, for governmental use only, and guarantee that they shall not be used for commercial purposes.

Having purchased and paid for them by the consent of a German King, this great Nation of a hundred million people must then, forsooth, humbly beg from an English King the poorer privilege of having them transported in a neutral ship from a neutral port, across an ocean which we had fondly believed to

be free to every neutral power for noncontraband of war. [Applause.]

If I were boss I would bring them here under a convoy of American battleships. [Applause.]

This purchase amounts to $75,000, and a part of it is now in Rotterdam. The bureau has now enough material to continue its work for two months. This, if received by us, will permit an extension of work for nearly a year. A further supply is dependent upon England's permission for us to exchange linseed oil with Germany in payment for it instead of cash. As I learned these facts I wondered whether this Nation had again become a colony of a European monarchy and subject to orders in council and paper blockades, and our trade with the world absolutely controlled by our greatest commercial rivals.

A NEW DECLARATION OF INDEPENDENCE.

Is it not high time for the American people to issue a new declaration of industrial independence? [Applause.]

Congress has already been notified that the color of the uniforms for our soldiers and sailors must soon be changed unless some relief from the existing dyestuff famine is speedily secured.

If the war is long continued and the chemical plants on the Rhine should perchance be destroyed, who knows but that this Nation might ultimately be compelled to change the color of the national flag?

LABOR AND PRODUCTS AFFECTED.

Few people realize the embarrassments under which the industries of this country are now struggling because of our dependence upon one nation for our supply of dyestuffs.

The Bureau of Foreign Commerce states that "more than 2,000,000 working men and women are occupied in industries which are directly dependent upon the use of artificial colors" and that the value of the product is between three and four billions of dollars annually.

LOSS TO THE COUNTRY.

Four months ago the chief of the bureau, in a public address to the Chemical Club in New York, declared that "the total loss, direct and indirect, now being borne by American users of dyestuffs and dyed wares amounts to not less than $1,000,000 a day," or nearly $400,000,000 a year. The next morning's papers announced that this was an authoritative statement from the administration.

Gentleman, that is more than the Spanish-American War cost. It is at least two-thirds of the value of the entire cotton crop in the South. Four hundred and thirty days have elapsed since this matter was first brought to the attention of the House of Representatives, according to the RECORD. That means an accrued loss to-day of $430,000,000. It is a subject worthy of your serious and nonpartisan consideration.

If every penny of the specific duty which it is now proposed to add to the revenue rates of the present law should be added to the price to the consumer, it would take 100 years of that burden to equal the losses which the existing famine has brought upon the country in the last 12 months.

But that statement was made four months ago, and conditions have been growing more acute, from that day to this, as accumulated supplies have become exhausted.

FOREIGN MONOPOLY AND ITS RESULTS.

For 30 years the world has paid tribute to German monopoly, and the world is being scoured to-day to find relief.

Witnesses testified that they were bringing dyes from the interior of China at $7.50 per pound which in normal conditions were sold at 20 cents per pound.

Others testified that prices have advanced in some cases from 2,000 to 4,000 per cent and that it is impossible to secure many dyes at any price.

One of the witnesses, a finisher of cotton goods, told me that his firm paid in 1915 more than $300,000 excess on the same amount of dyes over what he paid in 1914.

Old typewriter ribbons and carbon papers are being gathered from the paper-stock warehouses and the dyes reclaimed from them are being sold at $15 per pound. The Scientific American says that a single keg of aniline dye, which ordinarily sells at $15, was sold at auction in London recently at $1,560.

WHAT IT MEANS TO COTTON.

Mr. Fuller E. Calloway, a representative of southern cotton mills, testified that customers had ceased to be interested in forward contracts and were asking extensions on past ones, and added:

> The backbone of the present cotton market is my folks, who are spinning and weaving this cotton that goes out in volume, and if we don't get some relief, in addition to throwing our crowd on short rations, it is going to put the cotton farmer where he will get tired of holding his cotton. He won't have a good demand for it, as much as he wants to sell. And there are probably millions of laborers in the cotton fields, millions of people who are supported by it.

I call Members' attention to the fact that 70 per cent of this great crop passes through the dyers' hands before it reaches the consumer, and unless steps are taken now to relieve the dyestuff famine the price which cotton will bring in the fall is a question of vital importance to the South.

WHAT IT MEANS TO WOOL.

As with the cotton of the South, so it is with the wool of the Western and Mountain States, practically all of which is colored before use and at a normal cost of five times the cost of coloring cotton.

As with cotton and wool, so with silk, and leather, and paper, and fur, and the representatives of these great industries, utilizing the labor of millions of men and women, testified that supplies of German dyestuffs have reached the vanishing point and that domestic facilities were wholly inadequate to supply the deficiency and that it was useless to even hope for relief under existing conditions.

WHAT ARE THESE CONDITIONS?—WHO IS RESPONSIBLE FOR THEM?—WHAT IS THE REMEDY?

Perhaps a little history will help to answer these questions. By the tariff of 1864 aniline dyes were made dutiable at $1 per pound and 35 per cent ad valorem.

By the tariff of 1870 the duty was lowered to 50 cents per pound and 35 per cent ad valorem.

With this encouragement, even in the face of German competition, the dye industries began a slow development here, and in 1882 there were about a dozen assembling works depending upon foreign raw materials and attempting to supply the finished product to the American market.

By the tariff of 1883 the specific duty was removed, the ad valorem rate left at 35 per cent, and all the raw materials, both crudes and intermediates, were made dutiable at 20 per cent, and as a result the whole industry practically faded away in a single year.

In 1894 the ad valorem rate was lowered to 25 per cent, and raised again to 30 per cent in 1897, where it now stands.

When the revision of 1909 was made Mr. Payne had two things which he greatly desired to accomplish.

One was to bring the lace industry to the United States. He did it by putting lace machinery not made in this country on the free list for 15 months. As a result both lace and machinery for making it are now domestic products, and 29 factories are furnishing millions of dollars' worth to our people at less prices than they formerly paid for it and thousands of men and women are earning good wages in clean and healthy work. [Applause on the Republican side.]

The second project was to establish the coal-tar dye industry, and with that as a basis to develop a complete system of organic chemistry here.

After a thorough investigation of the accounts of at least one establishment he recommended free intermediates or raw materials and 35 per cent duty on the finished product of dyes.

No thought was given at that time by any American or, apparently, by anyone outside of Germany to the high-explosive side of the industry. But to prevent a possible monopoly here in dyestuffs I wrote a patent-working clause compelling the working of the German patents here or a forfeiture of them as the penalty.

Out of 1,247 German patents taken out here between 1900 and 1910, 844 were assigned to five great trusts in Germany.

THE BERNSTORFF-BACON TREATY.

The German Government instantly realized what the result would be, and the Bernstorff-Bacon treaty was negotiated before the bill could get out of the House of Representatives, and the working of any patent in either of these countries was made equivalent to the working in both.

The treaty was an advantage to us in other lines of industry, but it nullified our patent-working clause and was a complete surrender to Germany in coal-tar dyes and left to her her precious monopoly and almost unlimited facilities for producing an inexhaustible supply of high explosives, with no rival in the world who could compete with her in that respect.

GERMAN FORESIGHT.

We have seen the result of her foresight since August 1, 1914.

I have it on most excellent authority that there is practically no supply of dyes in Germany now, for nearly $400,000,000 of capital invested in a world-wide monopoly of one of the industrial arts, fostered and nourished and protected through 30 years of peace, was instantly mobilized for war when the armies were, and these factories have since been running at intensive speed turning out the high explosives which are an essential to modern warfare, and what may cause us now to take serious thought is the fact that provision has been made for a supply for five years after this war is over.

Japan has awakened and guaranteed 8 per cent dividends to Japanese-owned capital invested in dyestuffs and explosive plants built by Japanese citizens on Japanese soil.

Great Britain last year, but too late, subscribed $15,000,000 to the British Dyes Limited, and in addition to subsidizing the industry in other ways, has absolutely prohibited the future importations of the German product.

France and Russia are subsidizing the industry within their own territory.

When will the United States wake up, or will it be that by and by some Representative will tell the American Congress, as Lloyd George is telling England now, "Too late, too late."

The Payne bill went to the Senate with a 35 per cent rate on coal-tar dyes and colors and the intermediates free.

A STRANGLE HOLD RENEWED.

At once, then, as now, under the inspiration of the representatives of foreign trusts, the attack began and certain textile interests which had some times justly and sometimes arrogantly demanded a protection which they were unwilling to share with a less powerful but more needy industry, began to bombard the Senate with protests against the slight increase of duty, with the result that the old rate was restored and foreign monopoly renewed its strangle hold upon the industry.

Four years later the present law put a 10 per cent revenue duty on the intermediates and American submission to German supremacy in colors and dyes and high explosives became complete.

RESPONSIBILITY LOCATED.

Who was responsible for it? I say emphatically that both political parties were, for neither had given the home producers a living chance for 30 years and had left them unprotected from illegal attacks from abroad.

I quote from the testimony at the hearings for indisputable proof of this assertion. I asked Dr. Beckers about this.

Let me say that Dr. Beckers is the head of the Beckers Aniline Co., in Brooklyn, and was for years a director in one of the large German dyestuff trusts in Germany. He knows whereof he speaks.

Mr. HILL. I do not want you to answer this question, Dr. Beckers, if you feel you ought not to, but I would like to ask you if there is or has been, in your long experience in Germany, a coordination between the German Government and the chemical factories there in that direction?

Dr. BECKERS. Yes, sir; I know positively, from information which I have received from one of the largest chemical concerns in Germany, that the German Government, under all circumstances, will assist the German manufacturers by any means at their disposal in preventing a dyestuff industry growing up in any country outside Germany.

Mr. HILL. While you were a director in one of the German concerns, was it generally understood that a syndicate or cartel—I do not care how or what it was—practically controlled the output of the various chemical plants?

Dr. BECKERS. Yes, sir; that is true.

Mr. HILL. And arranged for competitive prices, etc.?

Dr. BECKERS. Yes, sir.

Mr. HILL. How is that done? How is it effected?

Dr. BECKERS. There are two large combinations in Germany which include every dyestuff manufacturing establishment of that country, and these two large combinations have agreements to the effect that all profits are divided up between them.

Mr. HILL. And if they should desire to remove the competition afforded by the dyestuffs that you are manufacturing here in Brooklyn, regardless of cost, they would simply cut their prices to the point where you could not meet them, and the expenses involved would be distributed among the companies forming the combination?

Dr. BECKERS. They would. They would lower the prices so that we could not manufacture any more in this country, and they could do so because whatever they lose here they can make up by charging it to their Russian, Chinese, or other trade.

Dr. Pratt, Chief of the Bureau of Foreign Commerce, says, on page 202 of hearings:

The European artificial dyestuff industry is more than a large and prosperous industry. It is a highly organized combination of manufacturers seeking not only to enlarge their output and to compete with similar manufacturers in other parts of the world but carrying on a definite industrial program looking to the control of the market and the ultimate elimination of important competitors. This factor in the situation has made it practically impossible for the American dyestuff industry up to the present time to get a really firm foothold, and has made it necessary for us to import a large proportion of our dyestuffs and has placed us in the position where we find ourselves to-day, practically in the midst of a dyestuff famine.

The methods used by the European dyestuff manufacturers should not be unfamiliar to us Americans. When an American manufacturer has developed a certain dye and is selling it in considerable quantities the European manufacturers have suddenly reduced the price far below the actual cost of production, either in this country or abroad, and hence the American manufacturer has been forced to withdraw quite rapidly from the manufacture of that particular dye. These unfair methods of competition on the part of our competitors in Europe would not be tolerated for a moment under the recent trust legislation except for the fact that those who are responsible for these methods are not amenable to the laws of the United States.

Mr. LONGWORTH. Will it interrupt the gentleman if I ask him a question?

Mr. HILL. Not at all.

Mr. LONGWORTH. I wish the gentleman would explain in a little more detail the connection between dyestuffs and high explosives.

Mr. HILL. I will get to that later. I shall speak of that in another section of my remarks.

I think it will be conceded by all familiar with the facts, that not only has the American industry been smothered by unfair German methods of competition but that it has been openly and avowedly done with the intent and purpose, first, of preventing an equipment for defense by this and other nations, and, second, of ultimately controlling the world's trade in textile and other products into the manufacture of which dyestuffs and other chemicals enter.

I have no word of criticism or condemnation for our German friends for the policy which they have pursued. I have a profound admiration for the skill, the ability, and the positive genius which has brought success to them thus far, but I marvel at the blindness of the rest of the world during recent years. [Applause.]

Now, what is the remedy and how and when shall it be applied, for it is inconceivable that a basic industry should be permanently enslaved when the possibility of triumphant freedom exists?

When we had a living chance, 35 years ago, we demonstrated that we had the requisite technical skill and ability to win success.

The Bureau of Mines, in a publication entitled "Coal Tar Products," by Horace C. Porter, shows that the States of Alabama, Colorado, Illinois, Kentucky, New Mexico, Oklahoma, Pennsylvania, Tennessee, Utah, Virginia, Washington, and West Virginia have enough of the primary raw material not only to prevent a shortage here but probably to supply the world if need be.

I desire at this time to call attention to a dispatch which I read a few days since in the New York Sun showing the extent to which the German Government has gone to sustain its position as controlling the monopoly and to preserve the par of the German mark:

GERMANY STRIVING TO RAISE VALUE OF MARK—EFFORTS LIKELY TO LEAD TO COMMERCIAL WAR WITH SCANDINAVIA.

LONDON, *February 6.*

The Daily Mail's Christiania correspondent telegraphs:

"A commercial war between Germany and the Scandinavian nations seems imminent, due to Germany's attempt to raise the value of the mark and improve the German balance of trade. This is to be done by enforcing practically a monopoly of the import trade of Scandinavian goods into Germany in the hands of a very limited number of firms, thus eliminating competition and forcing prices to the lowest possible figure.

"Simultaneously the Government has decided that export licenses on German goods going to Scandinavia will be given only on the condition that they are not to be sold under a minimum price fixed by the State.

"The effect of these measures was first felt in the iron industry, particularly in the trade of plates and angle iron for shipbuilding. The German manufacturers have annulled all contracts and informed the people dealing with them that no orders will be carried out unless considerably higher prices are paid, and paid in Scandinavian currency, not in marks.

"The next products to be manipulated were aniline dyes, the price of which was raised suddenly nearly 400 per cent. It is expected that this policy will gradually be applied to all articles necessary to Scandinavian industry.

"The Norwegian and Swedish newspapers urge concerted counter measures consisting of imposition of restrictions on exports similar to those imposed by Germany, especially with regard to iron ore, copper, and other metals, as well as horses, for which the demand is great in Germany, and requiring all payments to be made in Scandinavian currency, refusing to take marks."

OUTCRY OVER ANILINE DYES.

STOCKHOLM, VIA LONDON, *February 9.*

There is a great outcry and a demand for reprisals here on account of the German Government having ordered the cancellation of all contracts with Swedish customers for aniline dyes, unless the customers are willing to pay four times more than the contract price of the dyes and at the normal value of the mark.

But it also shows that in 1913 "the gross value of the by-products wasted here by beehive coking was over $75,000,000," which is five times our annual consumption and three-fourths of the value of dyestuffs consumed by the whole world.

We have unlimited capital ready for immediate use. What, then, is the remedy for the existing famine and what is the best and only way of securing future independence?

When the situation was brought to my attention last fall by the earnest appeals for relief which came to me from silk and paper manufacturers and hatters in Connecticut, I corresponded with the Departments of State and Commerce in the hope and belief that through the efforts of our diplomatic corps the shipments of noncontraband of war might, under proper safeguards, be resumed through neutral ports.

I never even dreamed of looking to tariff changes for relief, although I am sure that if the international conditions which

now exist had obtained in 1913, the rates of duty on coal-tar dyes and colors, and many other items in the present law, would have been made far differently by the voluntary act of the party in power, and I believe that the economic changes which have already occurred in the world, and the greater ones which are sure to come when the war ends, are a full and complete justification for the adoption of the pending bill, and that the emergency of the case calls for prompt and radical action.

And I want now, in the presence of the House, to extend my thanks to the chairman of the Ways and Means Committee, Mr. KITCHIN, for the uniform courtesy which he has extended to me in bringing forward this proposition since the 1st of December, 1915, when this Congress met. [Applause.]

Long before Congress met in December I found that Germany would not consent to shipments of dyestuffs except upon "condition that four times their value in nitric acid and cotton should be delivered in return," and Great Britain would not consent to that.

And who can blame either of them, for both were fighting for their national life, while our demand was to prevent an embarrassment to the industries of a rival commercial power.

As a significant comment on German far-sightedness and on the pending measure as well, I cite the statement recently made to a number of gentlemen by the head of one of our largest cotton-finishing companies.

He said that months ago he urgently solicited a prominent German official in this country to secure consent for unconditional shipments of dyestuffs or they would lose the valuable trade which they had been so long acquiring, for it would surely be diverted to other sources of supply. His reply was, "We expect to lose your trade, for we expect the United States will put up their tariff against us, but we are in this thing and we must see it through to the bitter end."

At length, in utter despair of relief from abroad for my constituents, I turned to adequate protection to American capital and the use of the taxing power at home to meet the emergency.

As precedents for such action, in direct opposition to the avowed policy of the party then in power, I cite the course taken by the Republican Party, in the case of the Chicago fire, the destruction of Galveston, the coal strike in Pennsylvania, and the San Francisco earthquake. In every one of those cases the Republican Party responded, and responded quickly and generously, and almost without debate, reversed its economic policy and gave free trade in all supplies necessary to rebuild the waste places and furnish relief.

Free trade will not provide a remedy now, for there is no place on earth from which to draw supplies, and we are forced to rely on a guarantee now, of protection for our own people after the war is over, when the piratical competition of the past will be again renewed. I can not believe that the appeal of the Nation will be made in vain.

Two plans are suggested.

First. Antidumping legislation.

Second. The pending bill—to establish and maintain in this country the manufacture of dyestuffs.

ANTIDUMPING LEGISLATION.

I do not object to the antidumping law, because it can do no harm, but my judgment is that it will do no good.

My reasons are—

First. The importation of articles billed at cost and a fair profit added is not dumping, but is legitimate trade which can not be penalized, and if it were, would instantly involve us in a trade war. Germany can undersell us in dyestuffs without dumping.

Second. An antidumping law is worse than useless if there is no domestic industry to protect.

Third. No better antidumping law can be made than is now found in the customs administrative act, if its provisions concerning undervaluation are vigorously enforced, and if the appraisers would adopt the motto of "America first" and look to a fair protection for the home market rather than to the revenue received from larger importations.

Fourth. The provisions of our antitrust laws do not run beyond the 3-mile limit on our coasts, and to attempt to make criminals of citizens for buying as cheaply as they can abroad is simply ridiculous.

Fifth. The best preventive of dumping and undervaluation of imports is by a complete system of graded specific duties, such as was worked out by the German tariff commission by six years of hard study. This country has much to learn from the French and German methods of tariff making in that respect, and there is work enough for a tariff commission along this line.

HOUSE BILL 702.

The only other relief proposed is found in House bill 702, introduced in Congress on the first day of the present session, and which, if passed on that day, would have at least prevented two months' hoarding and gambling in our rapidly disappearing stocks of colors and dyes, and would have changed doubt and uncertainty as to the future into confidence and assurance of quickly enlarged home production and ultimate freedom from foreign monopoly, for who knows when the European war will end?

BASIS OF THIS BILL.

The bill is based upon the report and recommendation of the greatest tariff commission which the world has ever known—the American Chemical Society—composed of 10,000 chemists under the able leadership of Dr. Charles H. Herty, of Chapel Hill, N. C., as its president. I commend his statement before the Ways and Means Committee to every Member of Congress.

At the very outbreak of the European war, foreseeing the dangers which confronted our industries, they appointed a committee to consider and report what steps should be taken to establish and maintain an all-around, self-contained, independent coal-tar chemical and dye industry in the United States.

The committee consisted of—

Dr. Bernhard C. Hesse, for many years connected with one of the great German chemical plants and now recognized all over the world as a leading consulting chemist in this country. He is a Democratic free trader, according to his own designation made to me personally.

Prof. J. B. F. Herreshoff, the first recipient of the Perkin medal, which is the highest chemical honor in the United States.

Hon. Herman A. Metz, a former Member of this House and the head of the Farbwercke Hoechst Co., of Germany and New York. Nobody every accused Mr. Metz of not knowing thoroughly the business in which he is engaged.

Mr. I. F. Stone, president of the National Aniline & Chemical Co., of New York.

Mr. D. W. Jayne, manager of the Barrett Manufacturing Co., Frankford, Pa.

Dr. J. M. Matthews, a consulting expert to the textile trades.

Dr. Allen Rogers, professor of chemistry, Pratt Institute, Brooklyn, N. Y.

I wish we had such a tariff commission as that for every schedule of the tariff law, and I wish that every Member of the House would read the report of that committee.

SUMMARY OF THE REPORT.

Its conclusions were as follows:

A. To prevent the unfair underselling alleged to be practiced by foreigners in this country, the adoption of an effective antidumping clause.

B. The so-called coal-tar "intermediates," which are the basis of the coal-tar chemical industry, inclusive of explosives, medicinals, and dyestuffs, should be assessed one-half of whatever the finished dyes are taxed for tariff purposes; all coal-tar dyes, without exception, to be taxed alike, namely, 30 per cent ad valorem and 7½ cents per pound specific.

C. Changes in the patent laws, such as by compulsory licensing or compulsory working clauses are wholly ineffective, do more harm than good, and should not be attempted.

Your committee recommends that this report be submitted to the appropriate committees of Congress.

The report was made November 6, 1914, and came into my hands by chance a year later and when I was utterly discouraged by my complete failure to secure relief for my people. Acknowledging my own ignorance of this highly technical subject, I consulted the best experts I could find, and drew House bill 702, with the report as the basis of it.

RATES OF DUTY.

The ad valorem rate on the finished product is 30 per cent, precisely the same as in the Underwood law. The specific duty of 7½ cents per pound is the practical equivalent of the increased duty placed on the intermediates, which is 3¾ cents per pound and 15 per cent ad valorem, in place of 10 per cent ad valorem under the Underwood law.

That is, no real, actual added protection is given to the manufacturer of the finished dye unless he combines with such assembly process the production of the "intermediates"—I want my friends to note that fact, that the manufacturer does not get one cent of added protection under this bill unless he combines with such assembly process the production of the intermediates—and so helps to build up in this country a self-contained industry in the products of American coal and utilizes the by-products of the coke ovens, which are now being wasted to an enormous extent, one-sixth only being saved here as against five-sixths in Germany.

It is said that it is possible to derive about 50,000 different dyes from coal, but of several thousand already made only about

000 have been developed as successful commercial propositions. Of these not less than 25 nor more than 50 have become the necessities of industrial life. The remainder are whims of fashion and the luxuries of the trade. May I ask the attention of the chairman of the Ways and Means Committee?

In the very able letter sent by the chemical committee to me justifying their report they say that the proposed duty will be equivalent to 65 per cent ad valorem on dyestuffs exported from Germany in 1913, the average value being 21.53 cents per pound. That might be true.

But they evidently overlooked the fact that the proposed compound duty is applied both to value and weight, and that to get the true equivalent of the specific rate for the whole schedule it is necessary to equalize the quantities of the various kinds imported. To illustrate—

| | |
|---|---|
| 1 pound of dyes, valued at 10 cents, carries— | |
| Ad valorem duty | $0.03 |
| Specific duty | .075 |
| Total | .105 |
| 1 pound of dyes, valued at $1, carries— | |
| Ad valorem duty | .30 |
| Specific duty | .075 |
| Total | .375 |
| Total value of 2 pounds, $1.10; total duties received | .48 |
| Average value of 1 pound, 55 cents; average duty received | .24 |

Equivalent ad valorem of proposed duty, 43.6 per cent.

But in actual importations this is too high, for with an ad valorem duty only dyes will be imported in any form, but with the specific duty added they will come as highly concentrated products, costing double, triple, and quadruple prices per pound, with the same specific duty of 7½ cents a pound laid against them.

The probabilities are that a year's importations under the proposed rate will give an equivalent ad valorem of 35 to 40 per cent instead of 30 per cent as now.

COST TO CONSUMERS.

One witness, figuring the increased duty at 12 per cent, ignoring domestic competition and assuming that the entire increase was paid by the woolen, silk, cotton, leather, and hosiery industries, estimates that the added cost to their product would be one-thirtieth of a cent per yard.

In my judgment this is in excess of the possible cost, but whether it is or not, it is too little to be distributed to the ultimate consumer. I am very sure that domestic competition will speedily reduce the cost below that of former years.

In any event we have the unanimous statement of the chemical committee that this is probably "the lowest schedule that will induce complete, self-contained, independent manufacture within the United States"; and as a witness, Mr. Metz, replied to my questions as follows:

Mr. HILL. Mr. Metz, as a manufacturer, importer, and dealer, you have twice stated in writing that the provisions of this bill are necessary to establish an independent and permanent industry in this country, if the country wishes to establish it?
Mr. METZ. Yes, sir.
Mr. HILL. And it is not too high, but that it is high enough?
Mr. METZ. That is the minimum.
Mr. HILL. That is the minimum?
Mr. METZ. On anything less you will be off, anyway. I do not know whether this is high enough.

CONSUMERS' INSURANCE.

A new feature in the economic history of this country was given in the hearings on the bill when the representatives of more than 3,000,000,000 of American products insistently called for increased duties on their own raw materials to encourage domestic competition, which should be to them an insurance against any repetition of the famine which is now proving so disastrous to them, many of them in textile trades squarely reversing their position in former years and admitting that their present experience had given them new ideas upon the whole subject.

ABUNDANCE OF CAPITAL.

Will capital respond to the inducements which this measure offers if it becomes a law and accept battle, not only with a strongly intrenched and highly remunerative industry in Germany but with the subsidized and Government-aided plants which the necessities of war have forced into life in other countries?

I am confident that it will.

There are three establishments in the United States to-day turning out finished coal-tar dyes in a limited variety of colors, and with a production, in the aggregate, of 6,500 tons per year. Our annual requirements are 30,000 tons.

Two of these plants were represented at the hearings. In response to questions, Dr. Beckers, of the Beckers Aniline & Chemical Co., said:

Mr. HILL. Dr. Beckers, as I understood you, you have stated that the duties in this bill were sufficiently high to induce you to expand your establishment and output of this industry?
Dr. BECKERS. I will say that the duties could be higher generally if you wanted to insure the rapid establishment of the dyestuff industry, but I think they will be sufficient as they stand. At any rate, there is no doubt that this bill will not create a so-called hothouse industry. We will have a healthy industry.
The CHAIRMAN. Is it not a fact that you could triple or quadruple within six months your production of dyestuffs if this bill were passed?
Dr. BECKERS. Yes, sir; and I may state this, in order that you may understand exactly the conditions as they are, that I have found that if this bill should pass that I will have, instead of three-quarters of a million dollars at my disposal, at least from four to five million dollars.

Mr. Schoellkopf, of the Schoellkopf Aniline & Chemical Works (Inc.), of Buffalo, N. Y., said:

If the bill is passed, we have been asked what we propose to do—what the American manufacturers propose to do. I can only speak for my own company. We stand ready to put in a million dollars as fast as we can get it in, and more if necessary, if we feel there is going to be a permanent industry built up. If we can not feel that way, we believe we have put in about all we ought to put in.

The correspondence of other parties expresses like readiness to help build up the industry, and my judgment is that within six months from the passage of this act many millions of dollars will be found invested in chemical plants in the coal-producing States, and that within a year or two at the most a full supply of the dyes essential to our basic industries will be furnished by competing home establishments.

Mr. FESS. Mr. Chairman, will the gentleman yield?
Mr. HILL. Yes.
Mr. FESS. I have heard the statement that we are producing about one-fifth of the amount we need of dyestuffs under the present law.
Mr. HILL. That is correct.
Mr. FESS. And that we could produce all that we need. Now, what should be done?
Mr. HILL. I printed in the RECORD the other day an exact statement of what is now being produced, which is nearly double what was being produced at the beginning of the war. There is no demand for this bill or any other bill as a matter of protection so long as the war lasts. It will tend immediately to stop gambling and speculation in a rapidly diminishing stock of dyes and in six months will begin to add to the supply. It is the absolute certainty of the destruction of capital and the scrapping of plants at the the end of the war, admitted by the administration, and admitted by everybody who knows anything about it, which would make it a waste of time to attempt to establish this industry here after the war is over without the assurance of adequate protection.
Mr. FESS. And the gentleman has no doubt whatever that with this protection the business would grow?
Mr. HILL. I have no doubt, because I am backed up in that belief by a committee of seven men representing 10,000 chemists in the United States, who say it will do the work, and by many reliable men who assure me that they will put their money into it.
Mr. STEENERSON. Will the gentleman yield?
Mr. HILL. Yes.
Mr. STEENERSON. I received a letter this morning from the leading clothing house in my town of Crookston, Minn., saying, among other things, that the wholesale price of ordinary overalls for workmen and laborers had been increased because of the dyestuff famine. I think they stated that there had been an increase of $3 a dozen on overalls. Is that a fact?
Mr. HILL. I have letters showing that a demand has been made for a 10,000 per cent advance on some dyes.
Mr. STEENERSON. Does the gentleman think if we establish this industry it will reduce the price of clothing down to what it formerly was?
Mr. HILL. Under ordinary circumstances the cost of dyeing is not great. The testimony before our committee was that an ordinary suit of men's clothes cost 2½ cents to 5 cents to dye them under ordinary circumstances; but it makes a mighty difference whether you increase the price 5,000 or 10,000 per cent.
Mr. STEENERSON. It makes a difference of 25 cents a pair for a pair of ordinary overalls, according to this statement which I have received.
Mr. HILL. I have not figured that out, but I should think that was rather a large estimate. Those things are ordinarily sold at a fixed price.
Mr. STEENERSON. They state that there has been this much increase in the wholesale price.

Mr. GREEN of Iowa. My colleague, of course, is aware that in the case of overalls the proportion of the value of the dye to the value of the cotton is unusually large.

Mr. HILL. Very much larger than in anything else that is made. That appeared in the testimony before the committee.

Mr. LONGWORTH. Speaking of the prices at which the cheaper grades of dyes were to be had, the gentleman will recall the testimony of some one before the committee that for the same amount of dye for which he ordinarily paid $1,100 he had just paid over $50,000 for dye which he had purchased in China.

Mr. HILL. Mr. Wilkie stated to me that he had drawn his check the week before for $52,000 for a quantity of dye purchased in the interior of China, four weeks distant from the coast, and that that same dye under ordinary circumstances would have cost him a few hundred dollars.

Mr. LONGWORTH. Eleven hundred and forty dollars.

Mr. SLAYDEN. Mr. Chairman, will the gentleman yield?

Mr. HILL. Certainly.

Mr. SLAYDEN. Does the gentleman believe that the present war prices for these dyes will not induce our capitalists and manufacturers to take the risk of erecting factories and going into the business?

Mr. HILL. Mr. Chairman, they are doing that now and putting the profits they are making, these two or three companies, it so appeared in the hearings before the Committee on Ways and Means, into the plants; but they will not go beyond that. The trouble with that is this: Germany taxes capital, and the United States taxes property. The American manufacturer taking his profits and putting them into the plants simply makes himself subject to further and further taxation. In Germany it is written off in order to escape taxation, because there they tax capital. I know of one case where a German plant paid a dividend of 36 per cent. It is the most profitable industry in Germany. The Government came in and examined their books. They had made 20 per cent more, intending to write this off their plants, and the German Government compelled them not to write off their plant, but to pay an additional dividend of 20 per cent, making 56 per cent in that year. That is the danger. Taxation over there is a premium on a profitable industry compared with our methods of taxation.

Mr. SLAYDEN. Then the gentleman does not think that the current high prices due to the war would induce an important, material, and lasting increase in production?

Mr. HILL. Absolutely no, because the certainty is testified to by the officers of the administration right straight through, by the chemists themselves, by those who are at all familiar with it, that some regulation and control and protection must be furnished to this industry after the war is over or else the foreign monopoly to which we have submitted for 30 years is bound to continue.

Mr. SLAYDEN. Then the gentleman's idea is to substitute this 7½ cents specific duty for the war protection at this moment?

Mr. HILL. Yes, partially so, but to no such extent as the war and famine is giving it.

Mr. FESS. Mr. Chairman, will the gentleman yield there for a question?

Mr. HILL. Yes.

Mr. FESS. A statement reached my desk and I presume it did all of the desks of Members the other day, that we were producing one-half of the dyestuffs. I presume other Members saw that also. According to the gentleman's statement that is entirely misleading.

Mr. HILL. Such statements are going about all of the time. It was for that reason that I submitted the day before yesterday an absolute inventory of the product of American mills to-day. I was told somewhat authoritatively that the United States Steel Corporation was going to go into the manufacture of intermediates and dyes, and a telegram was at once sent to them and the reply was that they did not even contemplate making either crudes, intermediates, or dyes. We were making about 3,000 tons a year when the war broke out. The profit on what has been made since has been put into the expansion of the plants, and we are now making 6,500 tons, while we have a consumption of 30,000 tons. That means famine.

Mr. ROGERS. Mr. Chairman, will the gentleman yield?

Mr. HILL. Certainly.

Mr. ROGERS. Assuming that the Hill bill should become a law, it could be changed by Congress the next day or the next month or the next year?

Mr. HILL. Certainly.

Mr. ROGERS. In view of that circumstance, how can it be that these manufacturers will dare to invest their millions in endeavoring to establish a new industry?

Mr. HILL. They have manifested their faith and confidence before in the House of Representatives and the Senate of the United States and in the President, and I hope the time will never come when our own people, our own citizens, in investing their money in good faith are not willing to rely on fair treatment from our own Government. [Applause.]

Mr. TEMPLE. Mr. Chairman, will the gentleman yield for a question?

Mr. HILL. Certainly.

Mr. TEMPLE. Has the gentleman inquired into this possibility of investment under the stimulus of war prices in the light of the history of 1812?

Mr. HILL. Oh, it was destroyed in one year, the whole industry—oh, the gentleman means in 1812? I was speaking of 1883.

Mr. TEMPLE. Beginning with the embargo and nonintercourse act.

Mr. HILL. That simply intensified our troubles.

Mr. TEMPLE. From 1807 a great many industries were established, but the high tariff of 1816 became absolutely necessary to preserve them when the war was over.

Mr. HILL. Absolutely. I want to put this thought to you gentlemen for your consideration. You and I do not know when this war is going to end or how it is going to end. Twenty miles of the banks of the Rhine are covered with chemical plants. Supposing, in the providence of God, they should be destroyed during the progress of this war, where would we stand; where would all of the other nations of the world stand? Japan foresees the possibility of danger and is hiding itself. Great Britain has done the same thing, while we sit here trusting in our own American good luck. I do not believe it is safe to test it a great while longer. [Applause.]

MATERIAL EQUIPMENT FOR DEFENSE.

There is another phase of this question to which I have thus far only casually referred.

The present condition of the whole world makes it a matter of supreme importance.

I do not believe that there is one Member of this House who is not ready and eager to help by his vote to do whatever is necessary to "make adequate preparation for national defense," and, if need be, to make personal sacrifice to that end.

What differences there are relate to methods and manner of paying for it.

Guns and ships and forts are enormously expensive, and large armies and navies are a direct burden upon the industrial life of any nation, but the purpose of this bill is to develop a new industry and at the same time be ready to make the high explosives which are absolutely essential to modern warfare, and to do it by the investment of private capital instead of by taxing the people for the construction of plants, which will be wholly useless in times of peace, and without a trained force of employees in the war time, which we all hope may never come.

Mr. DAVIS of Texas. Will the gentleman yield?

Mr. HILL. I will yield to the gentleman.

Mr. DAVIS of Texas. I was very much interested; and the question of high explosives opens up a new thought perhaps. Is it the gentleman's information now that the high explosives also come from the coal tar?

Mr. HILL. I am coming to that now.

Mr. DAVIS of Texas. I thank the gentleman.

Mr. HILL. I will state it briefly, so that the gentleman can get it in the concrete. In the destructive distillation of coal certain products are carried about half way—perhaps the much more expensive part of the process—in the production of so-called "intermediates." When they get to a certain point, by further treatment they pass into high explosives, and by another treatment they pass into dyes. More than half—probably two-thirds—of the plant for manufacturing chemicals is the cost of making what are called "intermediates," which are treated and made into explosives in one way, and if treated in another way are made into dyestuffs. There are 50,000 different colors or dyes.

Mr. DAVIS of Texas. Then, the base of the dyestuff is also the base of the explosive?

Mr. HILL. Absolutely; and I am going to demonstrate it.

Mr. COOPER of Wisconsin. Will the gentleman please name three or four of the articles which he called "intermediates"?

Mr. HILL. I would not have the time—the names are so long. The gentleman will remember the list in the tariff bill——

Mr. COOPER of Wisconsin. Those long ones?

Mr. HILL. Yes.

Mr. COOPER of Wisconsin. Well, I will excuse the gentleman.

Mr. HILL. My understanding is benzol starts at the bottom, and it is distilled and treated.

I quote from the testimony of Dr. Hesse, who says:

If we did have a complete self-contained coal-tar industry in this country—and by that I mean an industry that will produce its crude, intermediates, and its finished dyes—we would have an equipment—and by that I mean actual physical plant—we would have an equipment which could, with comparatively little delay, be converted into a device to manufacture explosives, and we would have the nucleus of a trained body of men—workmen, if you please—foremen, and superintendents who could, with very little added time, learn how to make these explosives properly, and they then begin to act as a nucleus for an accretion or growth of the men necessary to do the work.

I have been a practical man all my life, but I do not understand the chemical industry; but I do know when I meet men over and over again who understand their business, and I have met two such men in this hearing—Dr. Schoellkopf and Dr. Beckers—who, I think, know their business, and I put some questions to them.

I want to supplement that by the statement of the manager of the oldest and largest dyestuff plant in the United States, Dr. Schoellkopf:

Mr. HILL. How long would it take you, on the demand of the Government—and I understood you to say that there should be some relation between the Government and these chemical plants, without specifying what it should be—how long would it take you to begin to turn out explosives if you had an order to start, say, on Monday morning?

Mr. SCHOELLKOPF. The processes used in making intermediate products and in making explosives are practically identical. I should say we could begin to turn out explosives in a week.

Mr. HILL. How long would it take you, if the war was over and you went back to the manufacture of dyestuffs, to resume the manufacture of those products?

Mr. SCHOELLKOPF. If we had the material, we could start manufacturing in a week. There are only certain plants that enter into the manufacture of explosives. In other words, the color plants proper are not used in the manufacture of explosives at all. Only the intermediate plants are used, so that the color plants would not be disturbed at all.

Mr. HILL. And with a complete, self-sustaining industry you would practically be in the position of a right arm of the United States Government in case of war in furnishing the explosives required in modern warfare. Is that not correct?

Mr. SCHOELLKOPF. Absolutely.

Mr. HILL. And within a week after the war closed you could return to the industry of manufacturing dyestuffs?

Mr. SCHOELLKOPF. Yes.

Mr. HILL. I fully agree that there should be some coordination between the Government and these factories. Does such coordination between the Government and such chemical factories exist? Is there any between the Government and your factory?

Mr. SCHOELLKOPF. No.

Mr. HILL. I am sorry to say that I do not know of any such coordination.

Mr. Schoellkopf closed his testimony as follows:

I do not look on this as a political measure. I feel that in order to keep our enormous industries going it is absolutely necessary to manufacture these products here, aside from the more necessary thing of having these plants ready to manufacture explosives in case of need. Some day this Nation will cease to exist unless we have that industry.

I want to add to that the statement of Dr. Beckers, who was formerly a director in one of the great plants in Germany:

Mr. HILL. Dr. Beckers, would you confirm the statement made by Dr. Schoellkopf that your plant in Brooklyn could be turned into a manufactory of explosives within a week or 10 days?

Dr. BECKERS. I consider we could start to make explosives, provided we would get an order to do so, within a week. If we got the order to-day we could start next week.

Mr. HILL. And upon the termination of the demand for explosives, is it safe to assume you could resume manufacturing your dyestuffs within a corresponding time?

Dr. BECKERS. Yes, sir; we could, because we use exactly the same raw material and exactly the same apparatus in making explosives as we do in manufacturing dyestuffs.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HILL. May I have just a few moments more?

Mr. CARY. I yield 10 minutes additional to the gentleman.

Mr. HILL. Let me add one very significant clipping from the hearings before the Committee on Military Affairs:

Mr. TILSON. In the case of necessities for the manufacturing of high explosives are not certain materials used, the same as are used in the manufacture of dyestuffs?

Gen. CROZIER. Some of them are, and some of them are by-products of the same kind of operations.

Mr. TILSON. Some things we do not produce in this country in large quantities?

Gen. CROZIER. Have not been produced in the past in large quantities.

Mr. TILSON. Are we not somewhat dependent to-day upon foreign supplies for some of the very necessary products for the making of high explosives?

Gen. CROZIER. We have been up to the present time; yes, sir.

Mr. TILSON. But we have raw material sufficient to make the things, have we not?

Gen. CROZIER. Yes, sir.

And we have not a single particle of coordination between our own Government and the possible makers of the high explosives that are necessary even to make a torpedo or a hand grenade useful.

This measure is a long step toward "adequate preparation for national defense," and it means defense from foreign control in peace as well as in war.

I submit it on one side to your judgment, on the other to your patriotism, and on both sides to your vote.

I say frankly to you that I do not fear the hosts who are now pitted against each other in deadly strife, but I believe we should always be prepared to defend this land against armed attack from any nation on earth.

What I fear most is at the end of the present war, when the order goes forth to mobilize the industrial armies of all Europe to recoup the losses which they are now incurring and capture the trade of the neutral nations.

Aside from in Poland, Belgium, and northern France, the factories of Europe are being run as never before in a tremendous effort to produce the necessities of life and the requirements of modern warfare, and the world is being exploited at enormous cost to make up for their deficiencies.

Factories have been taken over by Governments, enlisted workmen have been detailed from armies, women are being trained to do men's work, and old men and boys are brought in to help supply the needs of the armies in the trenches.

With war stopped and demand cut off for factory products and soldiers going back to look for their jobs, the supply of labor will be excessive and the workingmen of Europe will face the lowest wage scale they have ever known. The German Government is already realizing the seriousness of the impending situation, and according to Alwin Koersten, of the Trades Employment Bureau of Berlin, are looking favorably on the proposition to retain in service and on furlough all such soldiers as in the ordinary course of events would be mustered out immediately at the conclusion of hostilities.

Leaders of responsible organized labor are declaring that the funds reserved against unemployment now will not be enough to take care of the situation when the flood begins. This is their view of the future from conditions in Germany four months ago.

As I view it now, the consumptive power of all the belligerents will be practically destroyed by enforced economies for many years, and the taxes to carry the enormous war debt will compel the export of factory products to those nations which can pay for them, and the long hours and tax-ridden wages of England, Germany, and France will then force idleness and unemployment here and paralyze the American system of wages which now prevails.

Our chance with the belligerents is now, our danger in the future, and the chance and danger is from all alike.

The demand is made, and rightly so, that all Americans should stand together regardless of party affiliations in defense of the Nation's honor and dignity and sovereign rights.

Why can we not stand together in an earnest effort to release our Nation from foreign control of one of the world's greatest industries, and by so doing bring greater prosperity to many a workingman's home, for I believe that the American home is just as sacred as the American flag which floats over it. [Loud applause.]

Mr. LLOYD. Mr. Chairman, I yield 30 minutes to the gentleman from Missouri [Mr. HAMLIN].

Mr. HAMLIN. Mr. Chairman, I love peace, but I love my home, my country, and my flag more.

I hate war, and I would not vote one dollar out of the Public Treasury to prepare for a war of aggression or conquest, but I will vote all the money necessary to prepare to defend my home and my country's integrity and honor against an attack from any source whatsoever. [Applause.]

This I believe to be the feeling of every patriot in this broad land of ours.

I know there are those, as patriotic and loyal as I am, who say there is no danger of an attack, and why this hysteria over the question of adequate "preparedness"? I hope, Mr. Chairman, that they are true prophets, but how am I to know that they are? Even as late as June 1, 1914, if a Member had arisen in his place on this floor and asserted that a great war was imminent in Europe, he would have been laughed to scorn, and yet within 30 days from that time one-half of the world was on fire and all Europe was engaged in the awful tragedy of war.

I am reminded of the words of the old prophet, speaking by inspiration, thousands of years ago, when he said:

Man also knoweth not his time; as the fishes that are taken in an evil net, as the birds that are caught in the snare, so are the sons of men snared in an evil time when it falleth suddenly upon them.

I am also reminded that the servant said to Mohammed: "Shall we trust the camels to Allah to-night?" And he answered: "Yes; but tie them first." I am willing to trust that we will not be attacked, but I want to first get ready to repel the attack.

Mr. Chairman, there are those also who are in favor of being prepared to repel an attack, but who say that we are sufficiently prepared now. If these are right, then I am glad. But our

President, than whom there is no more peace-loving but patriotic man living, and who is, under the Constitution, charged with the solemn duty of advising Congress from time to time of the state and condition of the Union, thinks that we are not sufficiently prepared. Unless the facts shall show that he is in error on this matter, I shall feel it my duty to accept his judgment.

It must not be inferred from what I have said that I am in favor of an elaborate military program. God forbid! Next to actual war I believe that the greatest calamity that could befall us would be for us to commit this country to a program of "militarism." I say next to war, for I believe that that kind of a program would, in the inflamed condition of the world, speedily lead to war. And I am opposed to that with my whole heart. However, I think that the next greatest calamity that could befall us would be to sit supinely by and suffer our country to be attacked when we are not prepared to defend ourselves.

In a number of speeches which I have heretofore made on this floor and elsewhere I have opposed a policy which I likened to a fellow who would strap a six-shooter around him, don a sombrero, put his trouser legs down his boot tops and a cigar in his mouth, and start down the street. I said he would not have to wait long before he found the trouble that he was evidently looking for. I still say that is true, but there is a great difference in a man doing that and in one who provides himself with a gun and ammunition at home, to be used in case some fellow attempts to batter down his door and invade and despoil the sanctity of his home. In that case I would say: "Be prepared to shoot, and shoot to kill." [Applause.]

I am aware, Mr. Chairman, that the term "preparedness" is a relative or indefinite one. It may mean one thing to me and entirely a different thing to you, due to our different viewpoints. I am sure that what I should regard as sufficient preparation would not be at all satisfactory to the "militarist" of this House or to the ammunition makers of the country, and I am also sure that what those people would regard as reasonable "preparedness" would, to my mind, be the rankest and most dangerous "militarism."

Therefore, as to the extent to which we ought to go, each one of us must be his own judge. My hope and desire is that we may always be prepared to defend ourselves, but God save us from placing our country in a position where the military will ever supersede the civil authority. As long as Woodrow Wilson shall be President I would have no fear of this, but if another should succeed him, God alone can tell whether he might not listen to the siren voice of the "militarist" and munition manufacturer.

Oh, you say there is no danger. I answer there is great danger. There are those among our own citizens whose greed for gold has smothered out all the patriotism, if they ever had any, who in order to create a demand for armaments which they manufacture would gladly welcome "militarism" or even war on a large scale. The opinion of such men weighs naught with me, but I am only one. I can only wish that whatever money we may spend in making such preparations as we may make that not one dollar of it should find its way into their greedy and bloodthirsty coffers.

Mr. Chairman, I may digress far enough here now to say that I have been and am now uncompromisingly in favor of the Government providing itself with the equipment necessary to manufacture its own armaments.

On December 6, 1913, long before war was thought of, in a speech on this floor I said, among other things, "I opine, Mr. Speaker, that if this naval program must go on, that if we are to continue to build great battleships with which to destroy our fellow men, if we will build all our future ships in the Government navy yards and then act favorably on the recommendation of the present Secretary of the Navy and build plants for the manufacture of our own armor and all of our powder and other ordnance, the place that has heard the voice of the big-navy advocate will hear him no more forever." I am still of that opinion.

This, Mr. Chairman, is not only true of the manufacturers themselves but is also true of the different interests throughout the country who own stock in these concerns. While I have but little respect for the pretended patriotism of the munition manufacturers, yet I do acknowledge their shrewdness. I am informed that they have very adroitly placed much of the stock in their concerns among the owners and managers of many of the newspapers throughout the country—I refer to many of the dailies in the cities of considerable size—and in that way dangle before their eyes each day the possibilities of large dividends in case of war or the adoption of an extensive military program. Let me give an example of this: A newspaper in my district, the Springfield Daily Leader, criticizes me because I am in favor of preparing only for defense, but it wants us to prepare for an aggressive war also. I do not believe that this paper thus criticizes me simply because I refused to appoint its editor postmaster, but there is something more potent behind its advocacy of "militarism." The editor of that paper at one time told me that he owned stock in the United States Steel Trust, and you know war brings dividends, and what do they care for your boy or mine so long as the dividends are large and paid promptly? Now, if these facts be true, and I believe that they are, need we be surprised at the almost unanimous demand of such a press for an elaborate military program on the part of Congress?

But, Mr. Chairman, the opinions of these selfish interests ought not to influence our action. Neither ought they to deter us from doing our duty. They have not deterred our President and they ought not to deter us. We can control our own actions, but we can not control the actions of all the other peoples of the world.

> Breathes there a man with soul so dead
> Who never to himself hath said,
> This is my own, my native land?

Then will we not prepare to defend it?

You and I, my colleagues, while we occupy our present positions, are charged with the responsibility of providing means whereby our people may protect themselves and their homes. If we fail or neglect to do this, then we deserve to be driven from our places.

This is no party question; it is as broad as the land. Let us be patriots, not partizans. In this crisis our work is a "man's job," an experienced "man's job." Let us be courageous, not cowardly.

Mr. Chairman, there is another phase of this war situation which has given me considerable worry. I refer to the sale of armaments by our people to the nations now engaged in war. I recognize the fact to be true in permitting this traffic in arms and ammunitions we are entirely within our rights under the practices and customs of nations; but as a matter of conscience, are we right? I have reached the conclusion that we can not be consistent in praying for the war to end and at the same time placing in the hands of the belligerents the means of carrying it on. I will therefore vote for an embargo on arms and ammunition if the opportunity presents itself.

While we have those among us who would welcome the most extensive and elaborate military program because it would means riches to them, we have those also who oppose any preparation whatever, because they think it would mean additional taxes upon them. We should not be influenced by either of these selfish motives, but look only to the welfare of our beloved country.

I do not hesitate to say that I have always believed, and I now believe, that the fellows who are the most able to do so should bear the bulk of the burdens of the Government. And I rejoice to know that within the last few weeks the United States Supreme Court has in the broadest way upheld the constitutionality of the Democratic income-tax law, thereby making it possible for us to compel the wealth of the country to bear its just share of the burdens of the Government—a thing that we have not been able to do heretofore.

I believe that it is possible for us to put this country upon a proper defensive basis without increasing the burden of taxation on the so-called "common people" of the country, but make those who own the principal bulk of the property to be protected pay the bulk of the cost of that protection. I would therefore favor increasing the income-tax rate, and I would then, in case an embargo is not placed on arms and ammunitions, levy a heavy excise tax upon such things, and if the stories we constantly hear be true—that is, that the munition factories are selling an average of a million dollars a day—we can raise all the money that we will need and can repeal the emergency war tax and thereby get rid of the annoying stamp tax. [Applause.]

Mr. Chairman, I have always opposed what is known as the big Navy program—that is, the building of a large number of big battleships.

Conditions have not changed my mind one whit on this point. I think that if the war in Europe has proven any one thing it is that the big $18,000,000 battleship is a thing of beauty but of no real practical use in time of war. Therefore I am not in favor of increasing our regular program on that item, but I do believe that this war has demonstrated the effectiveness of the submarine and aeroplane as potentially effective but inexpensive fighting machines.

I would build quite enough of such machines and other auxiliary crafts as may be necessary to round out our Navy; also build up a merchant marine; and would then strengthen our forti-

fications by building new forts wherever needed and equipping all of them with modern guns; prepare to mine our waters, and when this is done I do not believe that any nation can land an invading army on our shores. [Applause.]

Naturally this brings to our minds the imperative necessity of providing well-trained men to man these fighting machines. What I shall say about that will apply equally as well to the necessities for trained men to take charge of the land forces.

I am not in favor of a large standing Army. I can not bring myself to believe that, with our coast properly defended, we need a large standing Army.

I will not say that we should not increase our Regular Army somewhat or that we should not provide some plan to train our boys in the arts of war, but by no means should we take from the civil pursuits of life our young men and place them permanently in the military service. But I do believe that we ought to provide for more young men at our military and naval schools who can be equipped to go out and when necessary train our great citizen soldiery against the time when they may be needed for actual service.

The danger which I am seeking to warn against, Mr. Chairman, is that, once started on this program of "preparedness," we may not stop within the limits of reason. This, I plead, is a danger and we must carefully guard against it. Apropos to this I want to read a portion of a letter written me recently by a citizen of Texas, which expresses the matter admirably, as follows:

> I believe that we ought to be prepared to defend our country against a foreign foe, but as to what amount of preparedness that will take, of course, I don't know. My only fear is that we will go so far that everyone will be thinking, talking, and acting "things military" until the day comes when we will on a slight excuse demand a chance to show our "preparedness." I wouldn't be afraid of this with Wilson in the White House, but I would be extremely afraid of it with such a man as Roosevelt. We can't count on Wilson to remain in the White House all the time, and isn't there danger that too much preparedness will get us into trouble if we should happen to have a "hasty" man as President? Can this preparedness wave, once started, be curbed or stopped at the right point? We, as a Nation, have always been inclined to boast that we were the most powerful Nation in the world—isn't there danger in our preparedness that we will go too far in our boasting? These are just some things that occur to me. You know, and I know, that there is a "bunch" of men in public office that would not hesitate to throw this country into war—not to defend the honor of this country but to protect a few "private rights." That has been demonstrated with Mexico. We people of Texas should be more deeply concerned with the Mexican problem than the people of any other State in the Union—yet while some of the Senators from the Eastern and Northern States were recently demanding intervention it was not even talked here.

I commend these wise suggestions to you for serious consideration.

Mr. Chairman, there is another matter that I want to mention before I close. Everyone knows the terrific struggle that the President has had in keeping this country out of war. I feel that the loyal, peace-loving people of our country will never tire in showing their gratitude to him for his heroic efforts in that regard. We also know that some of his hardest struggles in that connection have been occasioned by the persistent practice of thoughtless Americans in going into the danger zone in Mexico and crossing the Atlantic into the European war zone on vessels of the belligerent nations.

I want to enter my protest against such unwise practices. I feel that it is but little short of treason for our citizens to deliberately place themselves in situations of danger and thereby risk involving our Nation in war in order to avenge some outrage which may befall them as an inevitable consequence of their own rash conduct.

Do you tell me that such people have a right, under the law of nations, to go where they choose? Yes; I will grant that, as a matter of law, but I deny it as matter of right. No man, if he loves his country as he should, will do anything which will hazard the peace and lives of his fellow citizens.

I have no sympathy for any man who, from either the lure of gold or of pleasure, will place himself in a situation which may force his Nation to go to war in order to maintain its traditions or honor among the nations of the world.

In conclusion let me say let us all be as one man in preserving the peace of our beloved country, if we can, but ready to defend its integrity and honor, if we must. [Applause.]

Mr. Chairman, I yield back the remainder of my time.

Mr. LLOYD. How much time did the gentleman use?

The CHAIRMAN. The gentleman consumed 20 minutes and yields back 10 minutes.

Mr. LLOYD. Does the gentleman desire to occupy time now or shall I occupy it on this side?

Mr. CARY. If the gentleman wishes, he can go ahead.

Mr. LLOYD. Mr. Chairman, I yield 10 minutes to the gentleman from Massachusetts [Mr. OLNEY].

Mr. OLNEY. Mr. Chairman, I am rather illy prepared to speak on this bill now, but I hurriedly gathered some notes together about an hour ago. When I was a boy my father was wont to say, "Little boys should be seen and not heard," and I believe perhaps the old Members of Congress look upon new Members of Congress in the same fashion. I also remember the wise words of the Speaker earlier in the session, when he said that this Congress should be an acting Congress and not a talking Congress. Furthermore, I shall bear in mind the splendid example of the floor leaders in the brevity of their arguments in debate, and therefore I do not intend to take up any more time in the discussion of this bill than the 10 or 12 minutes allotted to me. I regard the Hill bill as a good measure, a salutary measure, which can come to the instant relief of the dye situation as it exists in the United States to-day.

A grave situation faces us. When the Underwood-Simmons tariff bill was enacted, as I remember the clause concerning dyestuffs, there was an ad valorem duty of 30 per cent, or thereabouts. The Hill bill asks for an extra duty, a specific duty of 7½ cents a pound. This duty does not seem to be exorbitant. While the dyestuff product is distributed through various industries of the United States, it plays a most important part in the woolen industry and the textile industry. The textile industry produces a billion and a half dollars' worth of products. The woolen industry itself produces something like $550,000,000 in its manufactured products. Besides that, there is the hosiery industry to be considered, which produces about $200,000,000 worth of goods, and of these about half are woolen goods.

To-day we do not know at times what the prevailing color may be in dyes. That is largely set by fashion. A certain woman of prominence may walk up or down Fifth Avenue in New York or on some prominent street of Boston with a purple or a blue effect, and immediately that color is adopted by many of the fashionable dressmakers of this country as the prevailing fashion. To-day the predominating color seems to be black, or purple, or brown, and in connection with this argument I wish to show the Members of the House what might be considered Exhibit A. This is a sample of scoured Australian lamb's wool [exhibiting], one of the most expensive products in wool raised in the world to-day. Fortunately perhaps for this country we have not a fashion of pink teas and afternoon tennis parties where the prevailing costume may be white. Then, too, the prevailing fashion in men's goods is black, a rather difficult color to obtain to-day. This wool, in order to be equipped as a selling product, is obliged to go through a dyeing process. It may be pink, it may be purple, or it may be blue. These are some of the colors that are needed to-day in the United States [exhibiting] and are called fashionable colors. This exhibit "C," as we may call it, is natural gray wool [exhibiting]. There is an old saying that goes as follows: "There is a black sheep in every family," but unfortunately for the consuming American public there are not many black sheep in the United States. Of the 42,000,000 sheep which are grazing on our pastures and prairies to-day, it is safe to say that there is but 1 sheep out of 500 which produces gray wool. This would be a very important commodity in the present great crisis in the dyestuff situation to-day, if we had more gray wool. This natural black wool produced from the sheep goes into natural gray underwear.

And, speaking of the styles and how they predominate, it reminds me of a horse story. It is not as good as the dog story told by the gentleman from Mississippi [Mr. VENABLE] in the House the other day, but I am sure it would make a horse laugh if he went back to the days of the twelfth century and learned how blinders came into fashion. It seems that a fashionable duke in England in the twelfth century had two horses. He was too poor to purchase another pair, and since these horses were taken blind and he could not afford to purchase others, he instituted then and there the fashion of blinders, and to this day the blinders have been an important part of the harness of the horse. I speak of this illustration as indicating to you the idiosyncrasies of some of the fashions to-day, and to show you why we can not understand why red, blue, or black in colors are the more predominating ones.

I consider this an emergency measure, and one that should be passed almost as quickly as the flood measure was the other day. As a wool merchant, connected with Richard Olney, 2d, & Co., of Boston, my partner and I visit a score or 30 mills during the year, and there is not one of those mills in operation to-day which does not demand and use dyestuffs to a considerable degree. It has perhaps been explained to you that aniline dyes can be manufactured from coal-tar products. The alizarine dyes come from a plant raised in Europe and produce some of the brighter colors. We are to-day getting a limited supply of

logwood, and England did release from its Jamaican Islands a few days ago 4,700 tons for consumption in this country, but that is a mere drop in the bucket, Mr. Chairman, a mere bagatelle, of what we really need in dyestuffs.

The CHAIRMAN (Mr. RAKER). The time of the gentleman has expired.

Mr. OLNEY. May I have three minutes more?

Mr. LLOYD. Mr. Chairman, I yield to the gentleman five minutes more.

Mr. OLNEY. Mr. Speaker, three years ago various manufacturing concerns appeared before the Ways and Means Committee, and while advocating a protection on the goods of production, deprecated any increase in the duty of dyestuffs. I am not apologizing for the selfish interests of these petitioners, but why should all suffer for the sins of a few? There seems to be along this aisle a dividing line, but it is only imaginary. It should be just as imaginary as the State line between New York and Pennsylvania or New York and Massachusetts. This is a bill which Republicans and Democrats can support side by side as an emergency measure.

I have here various letters from boot and shoe manufacturers, and I represent the largest boot and shoe manufacturing district, according to square miles, in the world, for Brockton, the principal city in my district, produced last year $53,000,000 in boot and shoe values, and dyestuffs play an important part in the tanning of the leather.

Just let me read from a letter of the M. A. Packard Co., Brockton, Mass., as follows:

DEAR SIR: Your letter of February 8 has been received, and in reply would say that the difficulty of getting dyestuffs has had a very serious effect upon the shoe-manufacturing industry, as dyes enter very largely into the production of leather such as is used in shoes.

* * * * * * *

An advance of from 100 to 1,000 per cent has taken place in the cost of dyes used in the manufacture of leather.

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The situation is serious, and anything that can be done by Congress to relieve it and allow foreign dyes to enter this country would be of immense advantage to the shoe and leather industries as well as to all other industries in which dyes are used.

Mr. SMITH of Michigan. Will the gentleman yield for a question?

Mr. OLNEY. Yes.

Mr. SMITH of Michigan. Can the gentleman tell how much that would increase the cost of a single pair of shoes?

Mr. OLNEY. I can not, sir.

Mr. SMITH of Michigan. The percentage of increase in the cost of dyes per pound——

Mr. OLNEY. I can not tell you exactly, for I have not figured it, but I think it would be a very material increase.

Mr. SMITH of Michigan. It would be infinitesimal, would it not?

Mr. OLNEY. I think in a 1,000 per cent advance it would be noticeable.

Mr. LONGWORTH. If the gentleman will permit me, it was brought out in the hearings that the cost of dyeing a suit of clothes is less than 5 cents.

Mr. OLNEY. I would like also to bring in here, perhaps in answer to the gentleman, that there is danger of absolute extinction in the production of dyes in this country if the situation is not relieved immediately. And I have letters in my possession which show that hundreds of sets of woolen and cotton machinery are in danger of being shut down from such an extinction of that industry.

I will read:

It has been said that 1 barrel of dyes, worth before the war approximately $40, has been sold for over $1,000.

This comes from my office in Boston.

A gentleman operating 16 mills in six States, including New York State and the New England States, writes me:

I have been invited to put money into some new dyestuffs plants, but I would not put a dollar into the projects, as I know, without a very high tariff that would be here to stay for years, that Germany, when the war is over, would close them up.

And then there is a letter from the Madison Woolen Co., Madison, Me., from which I quote:

There should most certainly be a duty imposed on all dyestuffs imported that would make their production possible at a profit in this country.

We, of course, remember that the tariff goes back more than a hundred years, when Alexander Hamilton instituted the tariff to protect the infant American industries. Now the dyestuffs industry can be made prosperous and profitable, and will put into employment thousands and thousands of skilled mechanics in this country, but it needs instant operation. I ask you, Members of both sides of the House, to back this Hill measure for its favorable passage. [Applause.]

The CHAIRMAN. The gentleman from Kentucky [Mr. JOHNSON] has 23 minutes remaining, and the gentleman from Wisconsin [Mr. CARY] 35 minutes.

Mr. JOHNSON of Kentucky. Mr. Chairman, if no one wishes to use the remainder of the time, I ask that the bill be read, at the conclusion of which I shall ask that the committee rise.

Mr. MANN. Would not the gentleman move to rise before that, with a view, if possible, of reserving time to be used on the bill when it comes up again? There might be some desire to discuss the provisions of the bill.

Mr. JOHNSON of Kentucky. I would not object, with the understanding that the reserved time would be used in discussing the bill, but I thought it was understood that the general debate would be concluded to-day.

Mr. MANN. Well, unless an emergency arises, it would; but an emergency might arise two weeks from now. The time would not be extended.

Mr. JOHNSON of Kentucky. In discussing the bill, I would be in favor of a liberal discussion.

Mr. MANN. I say the time would not be extended over what is now provided. I had the impression that the gentleman was agreeable to the time being reserved.

Mr. JOHNSON of Kentucky. How much time, Mr. Chairman, remains?

The CHAIRMAN. Twenty-three minutes, controlled by the gentleman from Kentucky, and 35 minutes by the gentleman from Wisconsin.

Mr. JOHNSON of Kentucky. I move, Mr. Chairman, that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. RAKER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 8348) amending an act relative to a juvenile court in the District of Columbia, and had come to no resolution thereon.

## POST OFFICE APPROPRIATION BILL.

Mr. MOON. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the Post Office appropriation bill, H. R. 10484.

The motion was agreed to.

The SPEAKER. The gentleman from California [Mr. RAKER] will please take the chair until the gentleman from Illinois [Mr. RAINEY] comes.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 10484, with Mr. RAKER in the chair.

The CHAIRMAN. The gentleman from Tennessee [Mr. MOON] is recognized.

Mr. MOON. Mr. Chairman, I yield to the gentleman from Texas [Mr. BLACK] 30 minutes.

Mr. BLACK. Mr. Chairman, it has been stated by the members of the committee who have addressed the House on this Post Office appropriation bill that it has been carefully considered, section by section, in the committee room, and I think that I am correct when I say that it meets with the unanimous approval of the entire Committee on the Post Office and Post Roads.

In some very able speeches that we have already had by the honored chairman of our committee, the gentleman from Tennessee [Mr. MOON], and by the gentleman from Illinois [Mr. MADDEN], the gentleman from Minnesota [Mr. STEENERSON], and the gentleman from Indiana [Mr. COX], all of the provisions of this bill have been carefully and ably analyzed, and I do not know that it will really be profitable to the Members of this House for me to take up much time in a discussion of the different provisions of this bill.

But in the time allotted to me I want to address myself in particular to two or three of its numerous provisions. But before I start upon that I want to take a few minutes of time in referring to some of the remarks made by the gentleman from Minnesota [Mr. STEENERSON] in the three-hour speech which he made on the floor of this House in reference to the bill. I know that no member of the committee will dispute the learning of the gentleman from Minnesota and his thorough familiarity with matters pertaining to the Postal Service. He is one of the ablest members of the committee, and that part of his speech which was addressed to the real provisions of the bill was very illuminating; but a large part of it was taken up in an attack on the administration of our Democratic Postmaster General in particular, and a sort of a scattered shot at the whole

Democratic administration; and of that part of his speech I believe it might be said it was too thin to stick. [Applause on the Democratic side.]

The long and laborious effort of the gentleman from Minnesota reminded me of the old fellow who went to town one day and imbibed somewhat too freely, and while in this condition decided that he wanted to give his wife a present, and so he went into a store and finally decided he would buy her a bolt of pink cheesecloth. He took it home and handed it as a peace offering to his good wife, and when she held it up to the light, in her disgust, she remarked very freely on its thinness and narrowness, when the old fellow interrupted to say, "But, my God, look at the length of it!" [Laughter.] Now, gentlemen of the House, there is one thing that we can say about the gentleman from Minnesota's attack on the Democratic administration—it was a long speech.

Among the first things that he took up in his speech was the deficit of the Post Office Department for the last fiscal year, ending June 30, 1915, which amounted to $11,333,308.97. He undertook to criticize the administration because of this deficit, and to use it as a means to neutralize the credit due the Democratic administration for the surplus of $3,800,000 that was shown for the fiscal year 1913 and $3,500,000 for the fiscal year 1914.

Now, let us see what the true facts are with reference to the deficit for the fiscal year ending June 30, 1915. As is well known by the membership of this House, the European war broke out within one month after the beginning of the fiscal year 1915. The first month of that fiscal year was July, 1914, when no war was in progress. The receipts for that month were normal and showed an increase of more than 4 per cent over those of the month of July of the year before. But after the outbreak of the war, when the whole world was paralyzed to such an extent that even the stock exchanges closed down and the cotton exchanges closed down and the whole business world was upset, why, of course very naturally there was a falling off in the postal receipts, and the first month, August, showed a falling off of 1.20 per cent. This decline in postal receipts continued in an increasing degree for several months, until it reached its lowest point of decrease in November, 1914, when it fell, if I recollect correctly, to 5.71 per cent decrease over the month of November the year before. Then the pendulum swung to the other side of the ledger and the receipts began to increase, and this has gone on until they have now reached a point where the receipts indicate that a surplus will be shown for the present fiscal year instead of a deficit.

Since the speech of the gentleman from Minnesota on this bill I have taken the matter up with the Post Office Department and have secured the latest statistics, and I find that for the month of October, 1915, the receipts of 50 of the largest offices were $13,207,259.12, as against receipts of $12,751,040.63 for the same offices in the same month in 1914. I find for November that the receipts of these same 50 offices were $13,349,450.16, as against $11,316,311.40 in November, 1914. I find in December, the latest month for which statistics are available, that the receipts were $15,905,241.19, as against $14,251,934.90 in December, 1914. Therefore, for these three last months in 1915 the receipts of these 50 offices are $42,461,950.47, as against $38,319,286.93 for the same three months in 1914, which shows an increase of 10.81 per cent in the Postal Service. [Applause.]

Now, the gentleman from Minnesota [Mr. STEENERSON] undertook to criticize the Postmaster General because, when this great war broke out, and the financial world was appalled at the impending tragedy, he endeavored to effect certain economies in his department to meet the exigencies of the situation. I know that in a great department like the Post Office Department, whose receipts this year will likely be more than $300,000,000, and with its many thousands of offices and employees, that it is difficult to administer it in such a way that some mistakes will not be made, and no doubt the Postmaster General did make some, and he would be more than human if he did not; but I do say that he would have been recreant to his duty as a public servant if he had not faced the situation as it was, and undertook to make the receipts as nearly as possible cover the expenditures. [Applause.]

We hear a great deal on the floor of this House, and especially from the Republican side, about economies of government; yet whenever an official does undertake to put in force some economies, immediately he becomes the target for their wholesale criticism.

If the people ever get the proper economies in the administration of this Government, they will have to rally to the support of officials who try to bring it about.

Mr. STEENERSON. Will the gentleman yield?

Mr. BLACK. I will.

Mr. STEENERSON. I think I published the same figures substantially at the end of my speech, on page 2754, as those which have been read by the gentleman. I will say those figures were furnished by the Post Office Department. I notice that in the month of January, 1914, the increase over the previous month was only 1.1 per cent, whereas the department says that the normal increase is 7 per cent. The gentleman will also notice that there was a greater falling off in revenues in January, February, March, April, May, and June, 1914, than there was in July, which latter falling off they say was caused by the rumblings of the war. Can the gentleman explain that?

Mr. BLACK. The gentleman is going back two years ago for his figures and is dealing in ancient history. The figures that I have quoted are for October, November, and December, 1915, after we returned to normal conditions. And not only that, but these receipts indicate a remarkable degree of prosperity throughout the United States.

Mr. STEENERSON. That is true; but what causes the prosperity now? Is not the war in progress now just as much as it was in 1914?

Mr. BLACK. The gentleman well knows that the business world is recovering from the shock under which it labored at the outbreak of the great war, and has in a large measure readjusted itself to the changed conditions.

Mr. STEENERSON. Why does the gentleman condemn the war when the postal receipts fall, and not give it credit when the postal receipts rise?

Mr. BLACK. If the gentleman will give me time, I will show him. As I said a while ago, the outbreak of the European war was such a shock to the commercial world that the stock exchanges, fearing that Europe would dump its American securities upon the United States at a ruinous price, actually closed down.

Mr. STEENERSON. Yes; but the postal receipts were smaller in February and January, 1914, six months before the war broke out. Now, what was the cause of the hard times then? It could not have been the war, when the war did not exist. Was it not Democratic legislation?

Mr. BLACK. In dealing with this, I have already shown the gentleman that the receipts for the fiscal year ending June 30, 1914, showed an actual surplus of $3,500,000 over the year before. [Applause on the Democratic side.]

RURAL FREE DELIVERY.

Now, I want to notice another criticism that was strongly pressed by the gentleman from Minnesota [Mr. STEENERSON], and one that I have heard a great deal of from the other side of the House during this debate. That is with reference to the administration of the Rural Free Delivery Department of the Postal Service. At the very outset I want it to be borne in mind that that great department of the Postal Service has 43,877 routes, with a daily mileage of 1,073,099 miles, to deal with and handle. No one would expect that the department would be able to deal with all of those routes and not make some administrative mistakes; but I do say that the administration of that department—and the statistics will bear me out in the assertion—compares favorably with any administration of it under President Taft, President Roosevelt, or any other Republican President.

Now, when Mr. Blakslee, the Fourth Assistant Postmaster General, went into office on the 1st of April, 1913, there were pending in the hands of the department and in the hands of inspectors 1,064 rural routes. There are now pending in the department and in the hands of inspectors 329 rural routes. There were also pending, at the same time, extensions of rural routes in the hands of the department and in the hands of inspectors to the number of 1,600, and there are now pending, in the hands of the department and in the hands of inspectors, only 211 of these extensions.

More than that, during this administration the Rural Free Delivery Service has been extended to 2,000,000 additional people in the United States, and plans are now under way to extend it to 750,000 more people. [Applause.]

There has been strong criticism of the department's policy of installing motor-car service on rural routes, and to be perfectly frank, I think myself that it is a mistake to install automobile delivery on any rural route, except where its mileage is over paved roads or the annual rainfall is so light that the roads do not get bad. I know it would be a most serious mistake to install automobile rural delivery in the congressional district which I have the honor to represent, where there are so many black-land and red-clay roads and such heavy annual rainfall. But this is a matter which Congress can and will correct by

appropriate legislation, if those in charge of this service should insist on installing this automobile service where it is not feasible and practicable.

So I say that the administration of this department of Rural Free Delivery, which has been the subject of such severe criticism from Members on the other side, will compare favorably with any other administration of it since the inauguration of this branch of the Postal Service. If you deny it, gentlemen of the other side, I challenge you to get out your figures.

POSTAL SAVINGS BANKS.

In the fiscal year that closed on June 30, 1915, the number of depositors in the postal savings banks of the United States was 525,414, which was an increase in that one year of 136,903, or 35.2 per cent; and the amount on deposit at the end of said fiscal year was $65,684,708, which was a gain of $22,240,437 over the deposits of the year before, which, figured in percentage, was a gain of 51.2 per cent.

Not only that, gentlemen of the House, there are plans now under way for the further extension of this department, and this House has already, at this session, passed a bill which raises the limit that a depositor may place with these postal savings banks from $500, as at present, to $1,000, on which interest may be paid; and also provides that another $1,000 may be deposited without interest.

I pause here to say that, in my opinion, one of the great duties of our Government to-day is to encourage habits of economy and thrift among our people. Belgium before the war was known as a country without a pauper, and of the 10,000,000 voters in France at least nine-tenths are owners of Government bonds. There are 12,500,000 savings accounts in France. James J. Hill was not very far from right when he said:

> If you want to know whether you are going to be a success or failure in life you can easily find out. The test is simple and infallible. Are you able to save money at the time you are making plenty of it? If not, drop out. You will lose. You may not think it, but you will lose as sure as you live—the seed of success is not in you.

There are many people throughout our country to-day who are making remunerative salaries, but who are spending their substance in riotous living, and who in 20 years from now—and, perhaps, less time than that—will be cursing the Government because of their poverty and blaming some one else for their condition. We have too many people who adopt the philosophy of that son of rest who wrote:

> I wish I was a rock
> A settin' on a hill,
> And doin' nothin' all day long
> But just a settin' still.
> I wouldn't eat; I wouldn't sleep;
> I wouldn't even wash;
> I'd just set still a thousand years
> And rest myself, by gosh.

[Laughter and applause.]

I tell you that there is entirely too much disposition in the world to-day to penalize the man who in his youth and at the time of his best-earning capacity is industrious enough to get out and make money and has sense enough to save it after he has made it.

And I want to see the Government encourage in every possible way the individual thrift of its citizens and stop so much paternalistic talk. Break up these monopolies in restraint of trade and lay stress on the value of individual initiative. A policy of that kind will bring the proper results.

GUARANTY FUND.

We have in the Post Office appropriation bill a provision providing for the establishment of a postal guaranty fund to take the place of surety bonds which are now largely used by postal employees and contractors in securing the Government.

It is urged against this provision of the bill that it is putting the Government in the bonding business, and therefore it ought not to become a law. I would not favor putting the Government in the general bonding business any more than I would favor putting it into the fire insurance business, but the Government has already been placed in the post-office business by the Constitution of the United States and has been given a monopoly over that business. Therefore it has the right to protect itself against loss by a guaranty fund, and there is nothing revolutionary or socialistic in that. During the speech of the gentleman from Indiana [Mr. COX] he was asked by the gentleman from Wisconsin [Mr. STAFFORD] this question: "On what theory does the committee proceed in recommending this bonding indemnity feature, in making a charge against all the postal employees of the country for the misdeeds or defalcations of some other employees?" And the gentleman from Wisconsin, following this question up with several more along the same line, indicated his belief that the Government ought not to require security from its employees, and that it is big enough and rich enough to stand the loss itself.

Surely the gentleman would not take the position that a department of Government whose own receipts amount to $300,000,000 per annum, and which handles many millions more in the way of registered letters, money orders, merchandise, and other valuables, should do so without protecting itself from theft and embezzlement. It is impossible for the Government to tell in advance who these embezzlers and defaulters will be, and therefore it must take security from all employees. I want to call attention to this fact: This bill does not interfere with the employee who adopts the theory that every "tub ought to stand on its own bottom," because it expressly provides that if a postal employee wants to do it, he can file his security bond with personal sureties, as he has always filed it. If a rural carrier, for instance, wants to file a bond with personal sureties he can still do so, as he has always done; but if he does not want to go to the trouble of asking his friends to go upon his bond, he can pay the guaranty fund 75 per cent of the rates now charged by bonding companies on the bonds and save himself the trouble and necessity of filing a personal bond. Postmasters, letter carriers, and other postal employees can do the same.

Let us proceed further and see how this method has worked out where it has been tried. In the Dominion of Canada they put this method into effect in 1899. They have collected under this system, if I recollect correctly, something over $311,000 up to the end of the year 1915. In that period of time they have paid out about $57,000, leaving a balance in the Treasury to the credit of the guaranty fund of something more than $254,000, which they now have, and it promises to soon reach that point where the interest on this fund will be sufficient to pay all losses, and assessments will be no longer necessary. There is nothing socialistic or evil in this method. It is very similar to the method that we have in Texas to guarantee bank deposits. We have in Texas what is known as the State bank-guaranty law, and under that law the bank that holds to the principle that "every tub must stand on its own bottom" can still do so and file a satisfactory bond with the commissioner of banking and insurance; but if the bank does not want to go to the trouble and expense of making this bond, it can contribute to the guaranty fund. And all of the banks that I know anything about have contributed to the guaranty fund, and I do not know of any bank in Texas that has filed a bond to guarantee its deposits, although it may do so under the law. This system of guaranty of bank deposits in Texas has been a pronounced success, and since its operation no depositor in the State of Texas has ever lost a single cent in a State bank failure; and I would like to see the time come, if you will pardon this digression, when the bank deposits of our national banks are under a similar guaranty law, because I believe that when a depositor puts his money into a financial institution chartered by the United States Government he ought to have the absolute assurance it will be there for him when he comes to get it. [Applause on the Democratic side.]

Of course, I am glad to state that the percentage of national bank failures is very small, but when one does occur sometimes the savings of a lifetime are swept away in the unexpected disaster.

The United States Government itself whenever it deposits a single dollar requires that it shall be absolutely secured and that all elements of risk be eliminated, and the private citizen ought to have the same guaranty.

RAILWAY MAIL PAY.

Perhaps the most important provision of this bill is that which relates to railway mail pay, and before entering upon a discussion of this subject I will say I do not share in the belief of some that the railroads are overpaid for carrying the mail at the present time. The reason that I do not share that opinion which is held by some is because I do not believe the figures and the investigations which have been made bear out the theory that the railroads are really overpaid. In 1900 the total postal receipts of the United States were $102,354,579. In 1915, 15 years later, they were $287,248,165, or an increase of 181 per cent in the amount of total postal receipts. The railway mail pay in 1900 was $37,315,724, and in 1915 it was $59,576,288, or an increase of 60 per cent in the total amount paid for carrying the mail.

The CHAIRMAN (Mr. RAINEY). The time of the gentleman from Texas has expired.

Mr. BLACK. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. BLACK. So, Mr. Chairman, under the unanimous consent to extend my remarks in the RECORD, I will continue my argument along the same line that I was proceeding when my time expired.

Wages of railway postal clerks were $8,839,767 in 1900 and were $28,408,243 in 1915, an increase of 221 per cent.

Cost of service in post offices, including pay of employees, in 1900 was $51,214,498, and was $139,936,546 in 1915, an increase of 173 per cent.

The cost of inland transportation of the mail, not including that by rail, was $7,794,212 in 1900 and $17,337,637 in 1915, an increase of 122 per cent.

So in the face of these figures I do not think that the pay of railroads for carrying the mail under the present law, except in perhaps exceptional cases, is excessive. In fact, the commissions who have investigated this question in the past seem to have concluded that the railroads were not overpaid for this service.

"Well," some one will ask, "why the change?" And to that I answer, that the cost of weighing the mails under the present system is expensive and annoying, it costing the Government each year $250,000 to weigh the mails.

Also the system lacks elasticity to meet changing conditions and fluctuation of traffic, that with the growth of the parcel post have been frequent and far-reaching. Computation under the present law is a complex process, little understood and productive of endless and vexatious disputes.

A joint committee was appointed by Congress in 1912, composed of Hon. Jonathan Bourne of Oregon, Hon. Harry A. Richardson, of Delaware; Hon. John H. Bankhead, of Alabama; Hon. James T. Lloyd, of Missouri; Hon. William E. Tuttle, of New Jersey; and Hon John W. Weeks, of Massachusetts, to investigate this whole question, and after an exhaustive investigation extending over a period of 18 months the committee reported August 31, 1914, and in that report said:

> We have spent nearly two years in this study, have conscientiously and to the best of our ability endeavored to perform the duties placed upon us by Congress, in its creation of our committee.
>
> We feel confident we have worked out a sound, scientific, and simple plan. We believe our suggested rates are certainly not too high from a governmental standpoint, though they may be too low from a railroad standpoint.
>
> They are as near equitable as we can demonstrate by means of the data available. We herewith respectfully submit a concrete bill, so correlated that it should be adopted in its entirety. The elimination of any of its features or modifications of same will, in our opinion, materially affect the benefits incident to the adoption of the bill as a whole.

The rates suggested by this Bourne committee are the same as we have fixed in this bill we are now considering, and for a full railway post-office car, are 21 cents per car foot mile, for a 30-foot apartment car, 11 cents per car foot mile; and for a 15-foot apartment car, 6 cents per car foot mile. Also in addition to this pay for space, the bill makes provision for initial and terminal rates as follows: For each 60-foot car the bill provides $2 as an initial rate and the same as a terminal rate for each one-way trip.

For each 30-foot apartment car, $1 as an initial rate and the same as a terminal rate for each one-way trip, and 50 cents as an initial rate and the same as a terminal rate for each one-way trip of a 15-foot apartment car. For storage cars this bill provides the same rates as are provided for full railway post-office cars.

Now, I will give a concrete illustration of how this bill will work in its administration:

The Iron Mountain Railroad runs a fast mail train from St. Louis to Texarkana, Tex., a distance of 494 miles.

Taking as an illustration a full railway post-office car of 60 feet in length, the pay would be as follows: One hundred and three dollars and seventy-four cents plus $4 for initial and terminal charges, making $107.74 in all for the trip.

The pay for the car returning would be the same, whether it was as heavily loaded or not. This would make $215.48 for the trip of this car. Nothing complex about it, perfectly simple, and no room for dispute. The congressional committee that made an exhaustive study of the matter have said that the pay will be absolutely adequate and compensatory. But there is one feature of the bill to which the railroads have been very strenuously objecting which I think has not thus far been discussed by members of the committee who have spoken. That particular feature is this: That rates in this proposed law are left discretionary with the Postmaster General.

This is no new departure.

In every law enacted by Congress on the subject of railway mail pay since Congress first legislated, 77 years ago, in regard to the carriage of mails on railroads, July 7, 1838, the Postmaster General has been given free and full power to contract with a railroad for the carriage of mails at any rate within the maximum rates named in the several laws, if he should be able to do so.

There is nothing wrong about this provision; it is wise and equitable and necessary to the proper administration of the law.

To share in mail transportation between competitive points many railroads enter into equalization agreements with the Post Office Department, under which they perform service for less than the maximum pay under the law. Now, for instance, take the Chicago & Eastern Illinois Railroad between Chicago and St. Louis. In order to share in transportation of mails between Chicago and St. Louis it voluntarily accepts $137,254.03 per annum, whereas if no discretion were left to the Postmaster General and it was mandatory on him to pay the maximum rates, the Chicago & Eastern Illinois Railroad would be paid for carrying the mails between these two points the sum of $157,631.18, or 12.93 per cent more than it is now paid for this same service. Should the Government have to pay this extra amount, when the railroad company is entirely willing to carry it for the other amount? And there are a number of other instances of the same kind to which I could cite you and give you figures. The railroad companies also in their protest have this to say: "The Moon bill proposes a 'space plan' of pay to the railroads for carrying the mails and parcel post.

"This means that the mail pay of the railroads is to stand still, while the tonnage carried in the mail cars is to be increased indefinitely."

Now, it is elementary that as the volume of mail increases the space used in carrying it will increase, and for every foot of additional space that the Government uses it will pay the rates prescribed in this bill.

And to make certain that no injustice would be done the railroads under the operation of this proposed law we have provided:

> The representatives of railroads with an aggregate mileage of at least 51 per cent of the mileage of railroads carrying mail may request the Interstate Commerce Commission to make an investigation of the justice and reasonableness of rates then in effect, grant hearings to parties in interest, and report to Congress, at the earliest practicable date thereafter, the results of such investigation, making specific findings as to whether the rates fixed herein should be increased or decreased; and, if either, how much; and for the purpose of such investigations the Interstate Commerce Commission shall have all powers which it is now authorized to exercise in the investigation of the reasonableness of rates, and the Postmaster General shall supply such information regarding the mail service as may be requested by the Interstate Commerce Commission.

And now, in conclusion, I respectfully submit that our committee has approached this whole question with a desire to do absolute justice to both the railroad companies and the people; and, secure in the confidence that we have done so, the matter is now in the hands of this House for its approval or rejection.

We believe you will not hesitate to approve the bill.

Mr. MOON. Mr. Chairman, I yield to the gentleman from Georgia [Mr. ADAMSON].

Mr. ADAMSON. Mr. Chairman, a great deal is being said, with more or less information on the subject, of "preparedness," an undefined term, which is supposed to have reference to the spasmodics indulged in by one side and the niggardly parsimony on the other—almost criminal parsimony—about making judicious provision to put ourselves in readiness to prepare easily and rapidly in case of war or threatened war with any foreign nation. I am no "Sir Oracle" of any degree, nor do I assume to be the mouthpiece of the administration, but I have an editorial from a good old Democratic paper, the Newnan Herald, in the district I represent, which is so sensible and true that I shall conclude these remarks by giving it to the committee and to the country. The recent resignation of the Secretary of War has rather clarified the situation and made manifest to all slanderers, as well as patriots, the true attitude of the administration. The dispute between the one-time Secretary and the President seems to have been to this effect, that the Secretary wanted to contend with the President as to which one of them should control Congress. The President declined the contest, correctly holding that the Executive ought not to attempt the control of Congress. He was content to submit to Congress his views, in compliance with the Constitution. He was also content to leave the result with the wisdom of Congress, confident that the able Committees on Military and Naval Affairs in the two Houses will give due weight to his suggestions, and all other considerations and propositions, and will bring out a bill commensurate with the necessities of the situation.

The known wisdom and integrity of the chairmen of those committees and their able associates give sufficient assurance that they will avoid hysteria and jingoism on one side and parsimonious and criminal negligence on the other, and that the result will be adequate, sane, and proper provision to meet

the situation as it exists or threatens to exist. Such provision will be followed by ample provision for revenue. The great and patriotic chairman of the Committee on Ways and Means, the gentleman from North Carolina [Mr. KITCHIN], and his able associates will see to it that the proper sinews of war are forthcoming in the wisest and best way.

The following editorial is worthy of your attention:

[From the Newnan Herald, Friday, Feb. 11.]

A QUESTION OF MEANS.

There is nothing unprecedented or un-American or in the least degree alarming in the proposed increase in the United States Army and Navy.

This country was born in battle. For many years after the formation of the Republic it was understood that the American citizen was also at least a quasi soldier. The use of firearms was general, if not universal. Good marksmanship was a manly and much coveted accomplishment. There was a rifle or a shotgun in practically every home, and boys learned to shoot as soon as they learned how to plow. Game was more plentiful than now, and the proximity of the Indians led to the use of weapons and such training as would make every man a good soldier on short notice. The military spirit and practice of the early days have an historic memorial in the subdivisions of the counties preserved to this day in Georgia. These were, and are still, called "militia districts." These districts were laid off originally, not with reference to the territory they covered, but with reference to the number of men that could be mustered. Every able-bodied citizen was expected, if not actually required, to do militia duty. The district commanders were captains, the county commanders were colonels, and those above these officers were generals. The governor of the State was the commander in chief of the army and navy of Georgia. This militia system existed in Georgia up to the beginning of the Civil War, though it was not so well and rigidly enforced as in earlier days. And other States had similar systems.

Besides the State militia there was the Standing Army; also the Navy, and the two academies where officers were trained for both branches of the service. The proposed increase in our trained military forces is but a return to an order of things that marked the first stages of our national history.

Nobody can reasonably question that we lack at present an adequate Army for our protection. Our only hope of immunity is in the belief that no nation will make war on us. The revelations of the past year and a half are quite sufficient to show that such a hope is not well founded.

The real question involved is as to the cost of the proposed increase. How the Government can raise the necessary means to enlarge our Army and Navy is the real issue before Congress and the Nation.

Mr. STEENERSON. Mr. Chairman, I yield one minute to the gentleman from Massachusetts [Mr. GARDNER].

Mr. GARDNER. Mr. Chairman, I wish to make an accurate record of certain correspondence between Mr. S. S. Menken, of New York, president of the National Security League, and myself, as follows:

JANUARY 21, 1916.

S. STANWOOD MENKEN, Esq.,
*National Security League,*
*New Willard Hotel, Washington, D. C.*

MY DEAR MR. MENKEN: Before the Committee on Rules of the House of Representatives, a few days ago, a Member of Congress read from a St. Louis newspaper a statement to the effect that you are counsel for some concern engaged in the manufacture of munitions of war. Unless I mistook the bearing of the Congressman's words, I think that he meant to intimate that your motives in advocating an adequate defense of the United States might not be entirely patriotic.

I am writing to you to find out the truth in this matter.

Of course I know perfectly well that your position as counsel, if you are counsel, for a concern that makes munitions of war can not possibly have led you to undertake and persist in the prolonged, exacting, and superbly effective work which you are doing in behalf of our national defense. It is just as absurd to attribute unpatriotic motives to you as it would be to attribute them to me because I happen to be a trustee for some General Electric stock of which my wife and married daughter are beneficiaries.

Very truly, yours,

A. P. GARDNER.

FEBRUARY 1, 1916.

Hon. AUGUSTUS P. GARDNER,
*Washington, D. C.*

MY DEAR CONGRESSMAN GARDNER: Referring to your letter of January 21, I would say that the statement referred to as having been published in St. Louis to the effect that I am counsel to a concern engaged in the manufacture of munitions for war is untrue.

Since the statement was made our firm has, at the request of some out-of-town lawyers, formed a company which, I understand, may endeavor to make some form of castings. Personally I have never talked with people interested in this matter, even indirectly, and never heard of them until two or three days ago.

I might also say that I have held, as trustee, some stock of a shipbuilding and lumber company on the Pacific coast, and that my firm acted as counsel for them in a small way, filing the reports in New Jersey. Upon my attention being called to this matter about a month ago, I tendered my resignation as trustee, which was accepted.

My partners tell me that we have in the corporation side of our office acted as counsel for some concerns which may make automobiles, engines, or certain steel supplies, but this work has come to the office from clients who we represented for years and whose business normally was not such as could be in any way associated with anything used in connection with war. At no time have any of the clients of the office ever suggested that I interest myself in national defense for their benefit, nor would they dare to do so.

The real source of my interest in national defense arises from the circumstance that, having heard Mr. Asquith speak in London and witnessed during the first month of the war the terrible results of England's unpreparedness, I then realized, in a measure, what would happen to our own country, and decided, upon reading your remarks in Congress, to investigate the facts.

The circumstance that I was the leader in forming the Security League was an expression of the knowledge on my part that no large result could be accomplished in this country except through a broad national organization, and the whole impulse has been a disinterested one to remedy the conditions which have been disclosed.

Very truly, yours,

S. STANWOOD MENKEN.

Mr. MOON. Mr. Chairman, I yield 30 minutes to the gentleman from Massachusetts [Mr. TAGUE].

Mr. TAGUE. Mr. Chairman and gentlemen of the committee, I realize that a great deal of time has been devoted to this measure and I, too, realize the importance of the bill itself. We are treating with one of the largest appropriations that this House has to deal with this year, and, besides that, we are dealing with the railroad situation of the Nation and also with more than 110,000 employees of the Government. The committee, Mr. Chairman, of which I have the honor to be a member, have given perhaps as much attention to every matter of detail in this bill as has or will be given on any subject to come before us, and, knowing this to be the fact, I for one believe that we have reported a bill for which any Member of this House can well afford to vote, because in it we have not only protected the interests of the people of the United States at large but we have attempted to put into law the things that are for the benefit of the employees of the Government. Also, Mr. Chairman, we have dealt with this great question of railway mail pay that is agitating the minds of the people all over this country. This question of railway mail pay has been gone into thoroughly by the senior members of the committee, and I will not attempt to tire you with the figures which I have upon this all-important question. There has been much said in the way of criticism by those who believe that their interests have not been protected in this bill; but I contend, sir, that this bill has been treated fairly, as the members have had their minds open in order to receive all sides of the question. I want, Mr. Chairman, at this time to pay my tribute to the chairman of the committee, who upon this question gave such able assistance to the other members of the committee. [Applause.]

Mr. Chairman, in a speech on last Tuesday on this floor the chairman of the committee has been quoted as saying that a powerful railroad lobby was working against this bill. The inference to be drawn from the critics of that speech would lead us to believe that he intended to make this House believe that other than legitimate means were being used to defeat it. I do not, Mr. Chairman, believe that that was his intention, but let me say this, that I, too, believe that there has been a lobby at work against the interests of this bill. Before this House came into session, way back in the summer of 1915, the Members of this House were receiving resolutions and documents from many commercial bodies and business houses of the country, praying of the Congress that the railroads be dealt with fairly, and many of those resolutions went so far as to criticize the Committee on the Post Office and Post Roads, which up to that time had not been appointed. That, Mr. Chairman, is sufficient for me to realize that this lobby was at work upon this question. But with all of that your committee met the question fairly and have honestly reported a bill which, I believe, is in the interests of all the people of the Nation. True it is that the bill does not meet the wishes of some of the railroad magnates of the country; but your committee, Mr. Chairman, were serving as the representatives of the people of the Nation and were not serving on that committee as representatives of the railroads of the country. And so, Mr. Chairman, this bill on the question of railway mail pay, I submit, is a fair bill and one which, if it proves not to be fair, provides means in the bill by which the parties interested, the railroads and the Post Office Department, can appeal from after it has become the law.

Another important measure is the bonding question. The question has been raised whether the United States should go into the surety and bonding business. I do not believe there is a Member of the House who wants to see the United States engage in any business against any legitimate business of the United States. The matter before us was important. We had the facts and figures to show that the Government had been defrauded of its rights by some of the bonding companies of this Nation, and we had in mind the protection of the interests of the people of the United States at large, so we reported the bill that is now before you, which you have heard so much of during this debate. Many other matters came before us. I said we were dealing with over 110,000 employees of this great Government of ours, employees in the service who are giving their entire lives in the interests of the Nation, and the questions that confronted us were of so much importance that we felt it our duty to report into law that which was supposed to be the law in the past. It seems, Mr. Chairman, to have been the habit of this department to construe the law as they felt it

might affect them and not the men whom the law was intended to relieve. That has been going on for many years; not this administration alone, but other administrations in the past, and they treated the men in a manner that no private corporation would treat their employees. I contend, Mr. Chairman, that the provisions placed in bills affecting the welfare and interests of men in the Post Office Department were placed there to advance their interests. Let me suggest, for instance, one. A few years ago this Congress passed an act paying the extra men, the substitutes, in the carrier service and the clerical service 35 cents and 40 cents an hour for extra work, but through the cleverness of some officials they established a rate of $800 a year for substitutes in the Department of the Post Office, paying them at the rate of 29½ cents an hour instead of the 35 and 40 cents as specified and intended by the Congress. Your committee has attempted to modify that. Your committee has attempted to tell the department what the intention of Congress was.

Another question that I believe is of as much importance as any that will come before this Congress this year is the matter of the old men in the service of the Post Office Department and the other departments of the Government. Something has been said here upon the question of demotion of carriers in the large cities.

Under date of February 4, 1915, a communication was mailed to postmasters from the office of the First Assistant Postmaster General relative to the assignment of letter carriers to collection duty. The instructions contained in the communication were that the maximum salary to be paid collectors would be $1,000 per annum, and that the letter carriers in the lower grades should be assigned to collection service and the carriers above that grade should be assigned to delivery districts. In large post offices it was found to be impractical to follow out the instructions contained in the communication from the department, as a large number of the carriers assigned to collection duty had been men employed in the service for a number of years, and on account of failing sight and other causes they were better qualified to perform collection service, and if assigned to delivery duty that they could not make the schedules required of them unless given an opportunity to study the schemes and learn the routes and become accustomed to the short cuts for making the quickest deliveries, all of which would require a considerable length of time. In fact it was like sending an old man to learn a new business.

In order to carry the instructions of the department into effect, local postal officials notified the collectors to make application for delivery districts with the understanding that if they did not make good at once that they would not be retransferred to collections routes but would be recommended for removal from the service. The effect of the order was to arouse such a storm of protest that the matter was taken up and discussed in the last Congress.

When the Post Office appropriation bill failed of passage a special resolution was passed in both Houses continuing the appropriations that were in effect for the fiscal year ending June 30, 1915, and made them available for the fiscal year ending June 30, 1916, to the same extent in detail, and under the same conditions, restrictions, and limitations as provided for in the appropriation bill of 1915. The joint resolution also contained a provision that letter carriers assigned to collection service whose salaries were reduced during the past year through no delinquency or misconduct on their part, should be restored to their former grades. It was the evident intention of Congress that no discrimination should be made against letter carriers assigned to delivery or collection duty. Had not this been the intent of Congress, there would have been no reason for placing the special provision in the joint resolution.

Notwithstanding this, however, the department mailed a letter to postmasters, under date of March 29, 1915, drawing attention to the provision contained in the special resolution, of which the following is a copy:

POST OFFICE DEPARTMENT,
FIRST ASSISTANT POSTMASTER GENERAL,
*Washington, March 29, 1915.*

POSTMASTER: Referring to the letter of this bureau of February 4, 1915, relative to the readjustment of the assignment of letter carriers to collection duty, I desire to call your attention to the resolution of Congress making appropriations for the Postal Service for the fiscal year ending June 30, 1916, which provides that letter carriers assigned to collection service whose salaries have been reduced during the past fiscal year through no delinquency or misconduct on their part, shall be restored to their former grades.

In all cases where the carriers are inefficient by reason of being incompetent to perform the work required on an average delivery route, they should be given notice in writing, setting forth their delinquencies and giving them an opportunity to show cause why they should not be reduced.

The department desires that the instructions of the letter of February 4, 1915, shall be carried out by a reassignment of carriers, placing carriers of the lower grades on collection duty and assigning carriers of the higher grades now on collection duty to delivery duty as far as may be practicable.

DANIEL C. ROPER,
*First Assistant.*

It will be noted in this connection that the department showed the postmasters a way to reduce the collectors by filing charges against them for being incompetent or inefficient in the event that they could not serve an average delivery route. It will be noted also, in the last paragraph, that "the department desires that the instructions of the letter of February 4, 1915, shall be carried out."

In large cities this readjustment worked a severe hardship on letter carriers, as it resulted in transferring men from one station to another in order to provide them with delivery routes. In many instances the carriers were transferred so far away from their homes that they were compelled to move their families or else get up at an unseemly hour in the early morning in order to make connections with the street cars that would permit of their reporting to their stations on time. This order has not been of any benefit to the Postal Service, but, on the contrary, it has had the effect of compelling men who desired to maintain the salaries they had been getting to apply for one kind of work where, for one reason or another, their efficiency could be used to better effect in another line of service. Many competent men had been kept on collection routes for years, through no fault of their own, for such a long period of time that they had become accustomed to the work and were perfectly contented. Many of these letter carriers have been on collection duty for such a long while that they could not do justice to a delivery district without months of experience, and under no condition could they perform the schedules laid out on delivery routes from the beginning of their assignment. These men have been compelled to suffer a reduction in salary by asking to be kept on collection service, as they would be subject to charges of incompetency and inefficiency if they applied for and were assigned to delivery districts and could not make good from the beginning.

The cost of living keeps mounting skyward, and it is a grave problem for men to solve who are trying to raise their families properly on the meager salaries that are paid to letter carriers even in the maximum grade. To reduce the salaries of these men in the manner in which it has been done has not only worked a severe hardship on them and compelled them to change their living conditions, but the manner in which it has been done is not in keeping with the principles of our Government. The order has done more to demoralize the Postal Service than any other act of the present post-office officials excepting the recommendations of the Postmaster General to the third session of the Sixty-third Congress, when he wished to deprive the employees of every piece of beneficial legislation that has been enacted by the Congress for 20 years. It has kept the employees in a state of fear and discontent, and to that extent it has reduced their efficiency.

The order was promulgated for the purpose of reducing the old men who are assigned to collection service, although this statement is not admitted by the officials. A man who has had any experience in the letter-carrier service, or any supervisory official in a post office, knows full well that the younger men render the best service on delivery districts, and the older men, whose sight begins to fail them and who can not distribute the mail as expeditiously as they formerly could and whose limbs are beginning to stiffen from years of toil in all kinds of weather, but who are methodical in their habits, render the most efficient service as collectors.

I confess, Mr. Chairman, that when that matter was brought to my attention I felt that a great wrong was done to the ment in the service who had given the best years of their lives for their Government. Men who had served 40 years, yes, men who had served 50 years, were demoted from $1,200 to $1,000 a year, without any excuse except they had grown old and were no longer the active, able men they had been in the past, and they were given in return an opportunity to become collectors in the service or of being retired entirely.

I do not believe, Mr. Chairman, that there is a Member of this Congress who wishes to treat the old men of the service in that manner. Your committee, with all the facts before it, believe, as many of the Members of this Congress believe, that something should be done to alleviate this situation, and your committee therefore has reported a section of this bill that places back in their standing these old, true, faithful, honest servants of the Government who have been demoted from their positions of $1,200 to $1,000 a year.

Mr. BORLAND. Will the gentleman yield there?

Mr. TAGUE. Yes.

Mr. BORLAND. Would it not be much better to have a general retirement law under which all the old employees could feel safe that they would be taken care of?

Mr. TAGUE. Mr. Chairman, I am very glad the gentleman brought that question up. I have before me a bill introduced by me that is now before the Committee on the Post Office and Post Roads asking for the retirement of all members of the Post Office Service who have been in the employ of it over 25 years and have reached the age limit of 65.

The bill is as follows:

A bill (H. R. 10130) to retire postal employees on an annuity after 25 years' service.

*Be it enacted, etc.,* That any employee of the Post Office Service who has served the United States of America in the Post Office Department for 25 years or more, or has reached the age of 65 years, shall, at his or her request, be retired from service on an annuity of one-half of his or her average annual salary, pay, or compensation for the past five years, but no annuity to exceed $600.

SEC. 2. That the Postmaster General may at any time retire any employee of said department when in his judgment said employee is disabled for useful service in the Postal Service and shall place upon a pension roll any employee of the Postal Service whom a physician, duly authorized by the Postmaster General, certifies in writing to be permanently disabled, mentally or physically, by injuries sustained, through no fault of such employee, in the actual performance of duty, from further performance of duty as an employee of said department who has performed faithful service continuously for not less than 15 years.

SEC. 3. That every employee so retired shall annually receive an annuity of one-half the amount of his or her average salary, pay, or compensation for the past five years, but no such annuity to exceed $600.

SEC. 4. That the Postmaster General be, and hereby is, authorized and directed to include in his annual estimate a sum sufficient to pay all annuities and pensions which may incur from this act.

It is a matter of record in this Congress that every Postmaster General for many years back, and I have the records in my hand, has asked Congress in their reports to establish some fund or some condition so that they could take care of the superannuated employees of the Government.

The Postmaster General's report for 1909 states:

[Extracts of reports of Postmasters General and their assistants on the subject of superannuation.]

RETIREMENT OF SUPERANNUATED EMPLOYEES.

In recent years the subject of making provision for the retirement of superannuated employees in the civil service has received much consideration. It is believed that the interests of the employees and of the Government alike demand legislation to this end.

The work of the Postal Service, like that of every great business institution, public or private, requires special training. Years of experience are necessary for the attainment of a high degree of proficiency in the discharge of the duties devolving on postal employees. The department's policy is, therefore, to recruit its force from young men and to retain them until such time as their usefulness is impaired by advancing age.

In view of the increased cost of living the salaries paid are barely sufficient to enable the employees to meet current needs, and the opportunity to make provision for old age is small. These conditions suggest the adoption of measures that will insure Government employees against want after they pass the period of active service. Private business establishments in this and foreign countries find that such a course brings practical returns in the increased loyalty and zeal of employees.

Experience has shown that in default of such provision administrative officers hesitate to recommend the dismissal or the reduction in salary of superannuated employees who have spent their lives in the Government service. The drain on the national finances by their retention at full pay after they have become incapacitated for efficient service is far greater than would be the cost of a reasonable system of civil pensions.

The First Assistant Postmaster General for the same year, in his report, states:

A RETIREMENT FUND FOR SUPERANNUATED EMPLOYEES.

The question of retiring superannuated employees on a pension has confronted the executive departments and has been discussed in Congress for many years. The present law prohibits the maintenance of a civil pension list and makes it the duty of executive officers to drop from the rolls all employees who are permanently incapacitated for performing service. This law, however, is most difficult of enforcement, and it is undoubtedly a fact that there are many employees in the Postal Service who should be retired on account of age and physical infirmities. Many of these men have spent their lives in the service. On account of the long hours and exacting nature of their duties they have not been able to add to their meager savings by outside employment nor to lay up a competence for old age. To remove them from the service for incompetency when their period of active usefulness has passed is in contravention of the spirit of our institutions. Good administration and humanity alike demand that some provision be made to care for these veterans of the service when overtaken by old age or disability.

The First Assistant Postmaster General, in his report for 1910, says:

PENSIONS FOR SUPERANNUATED EMPLOYEES.

Nearly every country of importance makes some provision for pensioning its civil employees when they are overtaken by old age and many of the large corporations in this country have devised a similar plan for the retirement of their aged employees. From the standpoint of economy alone it would seem that this Government should do likewise. In the Postal Service, on account of the long hours, the small salaries, and the exacting nature of the duties performed, the employees rarely are able to lay up a competence for old age. It is hoped, therefore, that Congress will take action looking to the retirement in some suitable manner of its superannuated employees.

The Postmaster General, in his report for 1911, says:

PENSIONS FOR SUPERANNUATED EMPLOYEES.

Almost without exception foreign nations provide for the pensioning of civil-service employees when they become superannuated. Large corporations in this country are rapidly adopting the same principle in the retirement of their aged employees. On business grounds, if for no other reason, the Government should do likewise.

While the compensation of postal employees has been considerably increased during the last few years, it is hardly more than sufficient to meet necessary living expenses and consequently does not permit the putting aside of any considerable savings against old age. It is believed that a civil pension based on length of employment should be granted by the Government. Benefits to the service far outweighing the expense of such pensions would undoubtedly result.

The First Assistant Postmaster General, in his report for the same year, says:

PENSIONS FOR SUPERANNUATED EMPLOYEES.

Nearly every country of importance makes some provision for pensioning its civil employees when they are overtaken by old age, and many of the large corporations in this country have devised a similar plan for the retirement of their aged employees. From the standpoint of economy alone it would seem that this Government should do likewise. In the Postal Service, on account of the long hours, the small salaries, and the exacting nature of the duties performed, the employees rarely are able to lay up a competence for old age.

At post offices of the first class the employees number about 50,000, and less than 1,200 of this number have reached the age of 65 or more, many of whom are in nowise superannuated. It is believed, therefore, that less than 2 per cent of the employees of classified post offices would be retired under a pension system.

In the Post Office Service a large sum of money accrues annually from the lapsed salaries of employees absent without pay, where no substitute is employed or where the substitute receives less than the salary of the absent clerk or carrier and also on account of failure to fill vacancies immediately or where the force is reduced temporarily during the dull season when vacancies occur. The employees themselves, in a measure, contribute to this fund, since the absence of regular employees throws additional burdens on those remaining on duty. This fund is more than sufficient to cover the cost of pensions for the superannuated employees among the 60,000 clerks and carriers at first and second class post offices. There is another source of revenue that might properly be used to constitute a pension fund, and that is the money turned into the Treasury each year from money orders issued and never presented for payment.

The Postmaster General, in his report for 1912, says:

PENSIONS FOR SUPERANNUATED EMPLOYEES.

Civil pensions, based on length of service, should be granted to postal employees when they become superannuated. It is likely that the expense of such a system would be more than offset by gains in efficiency. Although the compensation of postal employees has been considerably increased during the last few years, it is still insufficient to permit adequate savings against old age. Foreign nations pension their aged employees as do also many corporations, and on business grounds, if for no other reason, the Government should do likewise.

The First Assistant Postmaster General, in his report for 1912, says:

INJURED AND SUPERANNUATED EMPLOYEES.

In the Postal Service the employees rarely are able to accumulate savings, and the injury of an employee in the line of duty, necessitating his absence without pay or resulting in death, is a serious hardship to his family. The Government should take the lead in dealing fairly with employees who are injured while in the performance of duty and those who, when burdened with years and worn with faithful service, are forced to relinquish their positions because no longer able to work.

The First Assistant Postmaster General, in his report for 1914, says:

SUPERANNUATION.

It is said that the loss sustained by the Government on account of superannuation aggregates many millions annually. A careful canvass of first and second class post offices seems to indicate that this loss is probably less proportionately in the Postal Service than elsewhere. Alertness, dexterity, quickness of hand and eye, and other qualities of youth are peculiarly required for the performance of post-office work and tend of themselves to assist in reducing superannuation in the service. However, superannuation is an important problem in properly reorganizing the Post Office Service, and the increasing volume of parcel-post traffic accentuates the need for an early and definite solution.

Some postmasters refrain for humanitarian reasons from recommending demotions and removals in accordance with the declining efficiency of employees. The result to some extent is that tenure of office in the Government service does not now depend on the law nor on the uniform needs of the service, but upon the varying temperaments of the postmasters and their varying conceptions of their public duty. This condition is wrong and works injustice to the employees and loss to the Government.

The First Assistant Postmaster General, on March 1, 1915, in a communication to Senator BANKHEAD, which was printed in the CONGRESSIONAL RECORD of March 4, said that—

Superannuation, however, remains a pressing and urgent problem, and a practical plan for dealing with it effectually should be accepted and advocated.

I have also, Mr. Chairman, an article published by the First Assistant Postmaster General dealing with this important question. There are to-day in the Post Office Service of this Government less than 1,500 men who have reached the age of 65 years or more. There were 1,331 actually when this document was published, but there are 1,500 now. Of this number there are less than one-third of them 70 years of age. If this Congress will support a bill, the bill which I have read, establishing an annuity of not more than $600 a year and half pay for all of these employees, the Government will be richer and it

will be a gainer by the passage of it. Thirteen hundred and thirty-one men, or 1,500 at the most, at $600 a year will cost this Government $900,000 a year. Fifteen hundred men to take their places at $800 a year, which is the entering salary for an employee of the Government, is $1,200,000 a year. We are now paying these 1,500 men $1,800,000 a year. So it will cost the Government of the United States less than $300,000 a year to establish an annuity fund that will give to these old, faithful servants of the Government some recompense in their old age. Many of the big corporations of the United States have established these funds, and it is a question that is agitating the mind of every employer of labor. I do not believe that the Government intends that old men who have given their all to their Government shall be cast aside and thrown into the scrap heap of humanity when they reach the age when they can no longer serve their Government. But that is the condition that prevails now in this Government of ours. Old men who have walked the streets day and night, and in sunshine and in rain and all kinds of weather have worked in the interest of the Government, are to-day in their old age to be relegated to the rear in order to give way to young and more active men. As I have said, many corporations, including the American Telephone & Telegraph Co., the Edison Co., the American Tobacco Co., the American Sugar Refining Co., the International Harvester Co., the United States Steel Corporation, and many more companies of that size, have already met the situation, and they have established as part of their business an annuity of half salary to all of the employees in their different departments who have reached the age when they can no longer perform active duties. And the returns to the companies have been nothing short of marvelous. The return for new activity from the economical business standpoint is one that these corporations who have met the situation reply they could not do without.

I hope when this bill is reported by the Committee on the Post Office and Post Roads that the Members of this House will see to it that the Department of the Post Office can get that which they have asked for year in and year out, and that we will offer some protection to the old men in the service.

There are other sections of this bill, Mr. Chairman, which our committee has dealt with, and which perhaps have been advanced on the floor of this House. The gentleman from Illinois [Mr. MADDEN] on Saturday last dealt with most of them. I have here statistics dealing with each and all of them and which I will not ask the House to listen to, but I will ask permission to put them in the RECORD later.

The question, Mr. Chairman, of compensatory time to the clerks in the post offices is another item. Congress a few years ago passed an act doing away with the Sunday work, but it has become necessary in the short time since it passed to open again that branch of the service for the benefit of those who, I believe, do not need it. I do not believe it was the intention of the Government when it passed this act that the employees of the post offices and the Post Office Department would be compelled to work on the days that are given to other people in other branches of the service and in other parts of the country to enjoy themselves and to rest. Six days shalt thou labor and do all thy work, but the seventh day is the Sabbath, and thou shalt rest on the seventh day.

HOLIDAY OBSERVANCE IN THE POST OFFICE.

No thoughtful student of the economic trend in the development of our country for many years past, especially as this development affects the condition of labor, can fail to derive the greatest encouragement from such a review.

Wise legislation has brought some considerable measure of relief to the worker, and what has been done not alone blazes out the path we are treading but it also holds out a certain promise of an even brighter future. With all man's shortcomings the world is ever growing better. Where formerly men toiled from sun to sun now we are rapidly reaching the average eight-hour day. Children have been taken from the factory and sent to school. Our workshops are constructed with a more alert eye to comfort and sanitation. So, too, deeper concern is manifested by legislators for the protection of life and limb. The owners and operators of civil industries everywhere are displaying this same gratifying spirit. Instances abound where wages are voluntarily increased. Saturday half holidays are instituted for the benefit of the employees by an ever-growing movement of large institutions. Annual vacations are becoming an established industrial policy. Profit-sharing plans of endless variety are growing in popularity. Out-of-work and sick-benefit agreements, compensation for the wounded and diseased in labor's army, and pensions for the aged and superannuated worker in industry are now so universally being accepted as wise measures, based on sound business policy, as to excite little comment. Yet all this progress is part and parcel of a great and growing movement, having for its purpose a gradual lightening of the burdens of the average citizen in his struggle for existence.

No lover of his kind can fail to derive sincere satisfaction from this summary. Yet we must not forget, in passing, that this movement for the uplift of mankind in general is not alone indorsed by a generous sense of justice, but it is backed by every reason based upon sound public policy. If the Nation is to enjoy prosperity, such prosperity must find its origin in the prosperity of labor itself. In a land of superabundance, with a people whose hand and head can produce wealth in endless profusion, there should be no pause in this splendid forward movement to lightening the burden of the toilers of the land. Every year should record progress along these lines. Nor is there the slightest doubt but what this view is shared by the overwhelming majority of the people. This progressive policy, with which the very atmosphere seems to be surcharged, apparently has not reached the Post Office Department. On the contrary, actuated by some false idea of economy, all its efforts seem to be directed to lay greater burdens on the backs of its employees, shave to narrower proportions their already meager income, and little by little take from them every privilege that previous administrations have given them.

Instead of moving ahead, following the same path of progress that marks the trend of civil industry, most of the efforts of the Post Office Department seem to be spent in seeking out reactionary methods to rob the employees of rights and privileges they have long enjoyed. This, too, in the face of the fact that every Christmas, with its deluge of mail, is followed by a message of approbation to the employees from the Postmaster General for their unparalleled efficiency.

One after another, the department has through recommendation and regulation, sought to strike down or annul practically every concession granted these employees by Congress or public sentiment, until suspicion and apprehension of what the morrow may bring has taken the place of trust and confidence.

One of the most recent orders of this kind was issued by First Assistant Postmaster General Roper on November 20, 1915, directing that on all future holidays at least one full delivery of mail by city carriers should be made. Prior to the issuance of this order, postmasters in free-delivery offices found authority for holiday observance in section 284, Postal Laws and Regulations, which permitted them to be guided largely by the needs of the service in their community and local sentiment on the subject. If the desire of the public was for a general observance of the holiday in question, then the wishes of the people were followed, resulting in a highly prized day of rest being tendered the employees. The result was a happy arrangement all around. No complaints came from the people, no additional cost was imposed upon the service, and the employees turned to their work on the following day with refreshened enthusiam and energy. Nobody was hurt. Everybody was completely satisfied. If, on the contrary, public sentiment favored holiday service, then the wishes of the people were respected. That was all there was about it. In short, to the local postmaster, interpreting the wishes of the patrons of his office, was left the decision of the amount of holiday service that should be rendered by city carriers on holidays. No delivery on such days was made by rural carriers, due to existing regulations covering the same.

Without the shadow of an excuse, all this has been changed. The order of General Roper of November 20, 1915, leaves no option with anybody regarding the service to be rendered by the post office on holidays. Banks may close, factories may draw their fires, the farmer and mechanic and the business man may cease their pursuits for a day and devote the time to undisturbed recreation and relaxation, but the letter carrier must not halt for a moment. Following the orders from Washington, he must carry out all the mail that comes in, even though he may have to carry it all back again. Was the Post Office Department the intimate reflection of the people's mental attitude, as it ought to be, then its treatment of its workers would largely mirror and correspond with the activities and progress that is taking place in civil life.

When any concession can be tendered the workers of any industry, either public or private, that does not lower the efficiency of the service or add to its cost of maintenance, then he who in executive authority will not agree, aye, anxiously bestow such privilege, belongs to an age other than this.

I sincerely hope that Congress here and now will find a way to correct this injustice. If the people want to observe holidays, pray let us not stop them. We have few enough days for play as it is. If the banks, farms, and factories can stand still for a little while to permit their workers to spend the day in patriotic

rejoicing, for instance, in heaven's name let the post office follow suit. No, more, let her be among the leaders. That is where she rightfully belongs. In justice to everybody concerned, the people and employees alike, let us wipe out such unnecessary and unjustifiable regulation. It smells of autocracy.

PROMOTION IN THE POSTAL SERVICE.

It is high time that Congress in legislating for the needs of the Postal Service should come to a full realization of the fact that they are providing ways and means for the maintenance and the management of a great business corporation. More than this, it is not alone a great business corporation, but in the number of its employees, in the multitude of its patrons, in the multiplicity of its business transactions, in the importance of its service to the social and business needs of the people, and in the diversity of its physical operations it stands without a peer to-day in the business activities of our country. It is not alone a great corporation; it is the greatest.

Naturally, then, there can be but one answer to the question as to how best care for this great business enterprise, and that answer is, to bring to its administration the most modern and approved methods of business and industrial management, tempered with such wise and generous provisions as move the people in caring for an industry owned by the people, run by the people, for the benefit of the people.

That Congress has either been indifferent, insensible, or negligent to the pressing necessity of adopting a policy for the administration of the Post Office Department, purely and impartially business in character, is so self-evident that no one familiar with postal affairs would have the temerity to challenge this statement. A policy peculiarly its own guides the affairs of the Post Office. Through a series of evolutionary changes its management has reached a point where nothing like it exists upon the face of the earth. It is neither business management nor political management. Its type is all its own.

This is true because, beginning with the day of private transportation of mail, followed by the Government taking over the postal business as a purely governmental function and making of it a governmental monopoly, down until the present hour, when it has grown to be a business of such astounding proportions, the Postal Service has undergone one change after another.

For a great number of years its management was purely political. Its officials and employees were appointed as a reward for political activity. So aggravated became the incompetency of service rendered and so unreliable became the service itself that in 1883, in response to an irresistible public sentiment, Congress enacted a civil-service law which covered under its provisions a few of the employees in the post office. So successful in operation has been the history of civil service in the Post Office Department that every President of the United States since the enactment of the first civil-service law, through Executive order, covered additional employees under the protection of the civil-service law in the Postal Service, until now practically all of the lower grades of employees have a tenure of office based upon merit instead of an appointment based upon political favor.

With the introduction of civil service in the Post Office, the service itself is continually growing in favor. It grew to be and is now the popular department of governmental work with the people. They are proud of it. Every movement to extend its functions, every addition to the character of the service rendered, every policy that had for its purpose the raising of the standard of its efficiency and usefulness, and all legislation calculated to more widely divorce from politics the business administration of the Post Office has met their unqualified and hearty approval.

Thus some progress has been made. Slow and difficult has it been at times, always confronted by the most intense opposition. Selfish interest, reactionary conservatism, political intrigue, all combined to prevent the Post Office from reaching its full capacity of usefulness as it naturally would, when placed under a wise and judicious business management. The hour has now struck, however, when the Post Office must be divorced absolutely from politics. The people will be played with no longer. The business has grown too big. Too important is its relationship to the people and too profound is the effect this great institution has in its diversified activities upon the life of the people and of our Republic to permit us longer to temporize with a condition that demands a cure.

Few of us appreciate just how large the Post Office has grown and how much it enters into the life of the people. To-day it has a quarter of million of employees. It renders the people all sorts of service. Rural routes reaching practically every farmer of the country. City Delivery Service in all the cities. Postal savings banks connected with the Post Office with millions on deposit. A registered system for transporting valuable consignments of mail matter. A money-order system, making a safe and easy conveyance of money possible. Parcel post, with its total of a billion packages transported last year as an amazing record to be studied with profit. Insured parcels where the sender in case of loss is indemnified. Collect-on-delivery parcel post, adding a money collection system to the service furnished by this department. Special-delivery letters, the next of kin to the telegraph. Guarding the mail against fraudulent use by dishonest patrons. Compiling a directory, and correcting it daily, of practically all the citizens in the United States. Doing a business, all told, which reaches a total of over $300,000,000 a year—this is the work of the Post Office Department. Does such a business admit of any other policy than the application of proper business methods for its safe administration?

How, then, is it managed? In so far as its employees are concerned, here is the policy that is followed: Demanding that none but the best shall be made eligible for employment in its service, it lays down rules of the most rigid character to which an applicant must qualify before becoming one of its employees. Take, for instance, the position of clerk and carrier in the various post offices—a vocation of which I am most familiar—the following are the rules laid down affecting their original admission as employees in the Postal Service: A physical test involving age, weight, and the present physical condition of the employee must first be passed. Assurance of a high moral character must also be offered. Then the applicant must undergo a severe civil-service examination and pass it at a high grade before admission to the service is made possible. Receiving appointment, it would appear that every opportunity would be afforded an employee of this character to advance in the service as rapidly as his qualifications would make it possible, but this is by no means the case.

An enforced period of substitution of varying lengths of time is the first natural order of employment. After three, four, or five years the substitute clerk or carrier secures his employment as a regular, entering at an entrance salary of $800 a year. If he maintains a meritorious record, he can be promoted every year until a maximum of $1,100 and $1,200 is reached; $1,100 for second-class post offices, $1,200 for first class. There he stops. Little or no opportunity is provided for him to advance beyond this position. No matter how he may apply himself to his duties, no matter how meritorious may have been the character of service he has rendered or his marked fitness to assume the responsibilities of a higher station, the present policy of administration of the Post Office Department practically prohibits any opportunity for advancement on the part of this man.

And how does it come that this is true? In my foregoing remarks I have tried to show how important and intricate is the work of the post office and what a high degree of technical knowledge of the business is necessary for its wise handling. Surely it would seem that in this great enterprise of the people the department would select the most trained men it could find to carry out the important and responsible work of the post office. As a matter of fact, it does nothing of the kind. Politics is the deciding factor in the selection of the postmaster and the general supervisory force that manages the post office, from the Postmaster General down. In fact, it is a matter of common knowledge that men who are utterly ignorant of any of the intricate details connected with this voluminous business are appointed to responsible positions for the purpose of directing its management. Would such a system be tolerated for an instant in private business? What would be the fate of any enterprise in civil life which instead of selecting skilled men to operate and manage the industry, choose men who are utterly ignorant of the business? That industry would fail. There is no question about it. Such a policy, however, would never be entertained for a moment by capable men having charge of private industry. Yet this is the very policy that to-day exists in the operation of the Post Office Department.

This, too, in spite of the fact that, if I judge public sentiment aright, the people are heartily sick of its continuance. The people are interested in good service, reasonable rates of postage, decent treatment of the employees by the Post Office Department, and the widest opportunity that is possible to permit deserving and capable employees to advance in their chosen profession as a reward for ability and merit. To bring about such a result an absolute divorce of politics in the postal business must be effected and all positions within the service should be open for employees within the service to aspire to as a reward for merit and ability.

This absence of any promotion in the service not only has an unfavorable effect on the character of service rendered itself,

but it also operates to the injury of the employee in divers ways. Recruiting from the people at large, by the exacting system that I have heretofore mentioned, a class of employees of unusual efficiency and ability, the Post Office Department takes them into its employment and inexorably follows a policy that can not help but chill the enthusiasm and energy of the most wideawake and ambitious man. Perceiving that from time to time postmasters and supervisory officers are selected to direct and discipline them—which, in effect, means that men long in the service and intimately acquainted with its everyday detail must be directed by officials who know little or nothing about the business—causes them to lose the keen and active interest in their own employment which they otherwise would have. The result is unfortunate all around. Even the postmaster who for a brief period of time is taken away from his regular employment to officiate in charge of a business with which he is unfamiliar and who later must give way to some other appointee selected for purely political reasons, finds at the close of his term that he has not been benefited either financially or otherwise by this policy. To the employee himself the policy has not a single redeeming feature. Likewise the service reflects the same injurious result of this policy.

No more ingenuous system could be devised than the present plan of preventing any promotion in the service for the employee. He realizes that meritorious work will not bring promotion and that promotion, if it comes at all, must come through political activity. Should the employee, however, attempt at all to win prominence in politics, he would be removed from the service at once on this very charge. Thus an employee can not be promoted in the service unless he is politically active, according to our present political custom, and if he is politically active he is discharged. Were this situation not so serious it would be indeed amusing. This is a part of the American system of government as applied to the largest business corporation within its confines. Common sense rebels at the thought of its indefinite continuance. More fitted for a plot in comic opera is it than as a basic principle for the management of the affairs of the great Post Office Department.

Without doubt, however, this absurd policy is doomed. Already there is some evidence of a rift in the clouds. The present administration has appointed four or five employees to the position of postmaster. In every such instance these appointments met with the undivided approval of the people. In one instance, Mr. William E. Kelly, a letter carrier in Brooklyn and head of the Letter Carriers' Association, was made postmaster of Brooklyn by President Wilson. One year and a half following this appointment he was selected as a candidate for county clerk of Kings County, N. Y., and in his election he overcame a majority held by his opponent of more than 62,000. Thus it can be seen with what high favor such appointments are received by the public.

I most seriously and impressibly desire to call the attention of this body to the danger that attends a continuation and a maintenance of this policy of which I am speaking and which prevents any reasonable opportunity for promotion in the service of the Government. It is un-American. It is not in keeping with the thought of the time. It is not calculated to do aught but harm. It has a most depressing effect upon the employee himself. It bodes ill for the future of our country. It was Herbert Spencer who said, in laying down a fundamental basis for his philosophy on economics:

> That no state of society or no form of government can long persist that fails to penalize indolence or reward merit.

At its best let us not forget that Government employment offers little to the active young man in the way of a career. The Post Office Department devises a plan which insures it the services of a picked set of men. In return it offers them little either in the way of remuneration or reward. It holds them to a task important in character. Should they leave the service, no other market exists wherein they can sell the technical knowledge of the Postal Service that they have gained by years of careful application to duty. No prospect of promotion is held out to spur the employee on to renewed effort, to keep alive in his breast the spark of ambition or to awaken in him the anxious and earnest desire to master and comprehend in its fullest the details of the business to which he has given his life. It is unthinkable that this must continue. Without doubt the hour has struck wherein this whole system must be changed, and the Post Office Department, through this Congress, proclaim to the people that hereafter and henceforth its operation will be conducted along the lines of such sound business principles as will be most conducive to good service, wise administration of postal affairs, and the widest opportunity for promotion in the service. May the day come when the youth of America may be inspired by having held out to them as an example of what application, energy, and ability can do, of a Postmaster General who began his postal career at the lowest rung in the ladder of the service and through devotion to duty rose to the highest place within its gift.

THE 150-DAY LEAVE-OF-ABSENCE REGULATION.

The following regulation laid down by the Post Office Department establishing an arbitrary time limit setting the hour when letter carriers employed in the City Delivery Service, who through misfortune, illness, or accident are forced to absent themselves from duty for an extended period, must therefore relinquish their positions, has been the source of the most bitter complaint and protest on the part of these employees. Nor are these objections offered without good and sufficient reason. This rule is a rigid and unnecessary regulation. It reads as follows:

> Postmasters may, in addition to the leave of absence with pay provided by law, grant leave of absence without pay to carriers, such leave not to exceed 30 days in any one calendar year. Applications for leave of absence to cover a longer period in cases of illness or disability received in the service must be submitted by the postmaster to the First Assistant Postmaster General with a full statement of the facts, but leave of absence for more than 150 days in one calender year will not be granted in any such case. Carriers who desire to be absent for longer periods will be dropped from the rolls without prejudice.

It will be noted that this regulation, in effect, means just what it says, which is that no matter what the circumstances in the case are, or notwithstanding how meritorious and convincing may be the plea offered by the carrier who seeks the extended leave of absence from duty, for any cause, this leave "will not be granted."

In the actual application of this regulation it works untold hardships and trials on these deserving men, and many are the instances in which postal employees have been compelled to resign from the service through the operation of this law.

In other cases employees have suffered lasting injuries, upon their application for leave of absence being denied, by being held to their tasks through fear of dismissal. Common sense on the part of the post-office officials, or any sane regulation permitting of reasonable discretion in granting leave of absence, would have been a blessing to many an employee relieved from a trying mental strain without any consequent loss to the service.

Instances exist in which employees have sought extended leave to recover their health, and invariably have had such applications denied. Other cases arise where employees, hoping to save the life of some stricken member of their family through change of climate, apply for extended leave to accompany their loved ones, but without success.

Absence from duty due to illness or accident for a period in excess of 30 days, or even 150 days, is of common occurrence among the employees. Generally, such disability is due to diseases or accident contracted in the service resulting from the exposed and severe character of letter carriers' work. Employees compelled to suffer under such trying circumstances, unable to perform their usual labors, noting with a troubled mind the approach of the day and hour when they automatically must sever their connection with the service through the operation of this oppressive rule, too often the worry and apprehension they experience provides the worst possible bar to their early recovery. Again this rule is made an instrument by the department to quietly and without fuss or feathers rid the service of the old carrier who can no longer keep up with the rapid pace laid down for the younger employees.

The history of this department-made rule is an unbroken record of blind enforcements of its provisions, indifferent alike to any argument that appealed to either the heart or head.

Again quoting this regulation, your attention is directed to its closing sentence, which says "carriers denied leave will be dropped from the rolls without prejudice." Without prejudice means little or nothing. The facts in the matter are that when an employee is out of the service, he is out of it, and the chances that he will be permitted to return to his position again are remote indeed.

Discipline, even strict discipline, is imperative to the capable administration of any business institution. Rules are needed for the guidance of men, and these rules once laid down must be observed in the spirit that is intended. No sensible man thinks otherwise. Discipline, however, does not mean oppression. It does not mean that hard and fast laws, designed to fit every case, should be attempted. Such a policy invariably spells failure, leaving nothing for the judgment of the local postmasters; allowing nothing for the opinion of supervisory officials; taking no account whatsoever of any meritorious cases that must arise; making no allowance for a carrier's years of service, his record, or his loyal devotion to duty, this 150-day leave of absence rule is worse than tyrannical, it is absurd. It should be repealed without hesitation, or so modified as to come within

the realm of common sense. Failing to do this, it will always be an endless source of trouble. It will keep discontent awake among the workers; it will prejudice many a deserving employee's position—the one thing of chief importance to every man. It will work injury in a governmental department, where open-handed justice should be the rule, and instead of promoting discipline in the service it will foster confusion.

Wherever men are employed it is rare, indeed, that a capable executive officer, having the natural friendly interest in those under his supervision that he ought to have, will give sweeping and wholesale refusal to every application for leave of absence. On the contrary, acquiescence in appeals for leave in meritorious cases is the rule rather than the exception.

I note in the Washington Times of January 26 where leave of absence of a year's duration was tendered a prominent and gifted teacher in the District schools, daughter of a Member of this body, for the purpose of broader study. For the same reason the Bell Telephone Co., the large railroad corporations, and a number of other institutions make similar provisions for the employees' welfare. In fact, many sympathetic employers of labor leave a departing employee's position open for his return, contingent upon his satisfaction with his new field of endeavor. Even in the administration of the Post Office Department during the Spanish-American War, by order of the Postmaster General, employees were advised that they could enlist in the Army of the Republic, remaining so engaged until the close of the war, and then return with an assurance that their old places would be restored to them. If such leaves can be tendered, surely the stricken or afflicted employee unable to care for himself should have a like privilege or courtesy extended him in the hour of his misfortune.

Time after time, through their associations, the postal employees of the country have most respectfully petitioned for the modification or abrogation of this regulation, but their petition has fallen upon deaf ears. It should be the duty of Congress to see that this intolerable regulation be consigned to the same scrap heap with other barbarous customs of the past.

THE COMPENSATION LAW FOR POSTAL EMPLOYEES AND THE CONSTRUCTION AT PRESENT PLACED UPON IT BY THE POST OFFICE OFFICIALS.

On March 9, 1914, an act was approved providing that "postal employees injured in the performance of their duty should be compensated by the Government for injuries received under such circumstances." The provisions of this act gave leave of absence with full pay to injured employees during the period of disability not exceeding 1 year, and where period of disability continued in excess of 1 year half pay was allowed for not exceeding 12 months additional. The law further provides that the sum of $2,000 shall be paid to the beneficiaries of employees killed in the performance of duty, or where death of employee occurred as result of such injuries within one year thereafter. The passage of this law by the American Congress was due to a gradual but marked change of thought covering the long period of years in the minds of the American people regarding the whole question of compensation for injuries received by employees, where such injuries found origin in the act of producing wealth for the needs of society.

For many years past, when such cases in civil life were the subject of litigation, if it could be shown by the employer that the employee was partly responsible for his injuries through contributory negligence, proof of this fact militated heavily against the employee in his claim for damages or compensation. But an entire change of thought on the whole subject has taken place in the minds of the people and legislators, and has grown to be a general and settled conviction in public thought that to leave the maimed or injured employee to shift for himself would be, in the first place, to the highest degree unjust to the employee in question, and, again, that society would eventually have to bear the burden of caring for such employee, either directly or indirectly, no matter what law existed which had a bearing upon the question. And, further, there came a fixed idea that compensation for injuries received in production should be a fixed charge placed upon the product, and rates and prices should be made accordingly instead of leaving the injured and unfortunate employee to be tossed about by the caprice of chance or to face the prospects of expensive litigation. In short, with the passage of the first compensation act a decided step forward was determined upon, and it was taken, until now the whole philosophy of employers' liability, at present so simple that any layman can grasp it, rests upon this foundation: An employee injured or killed in the act of producing for society, it becomes society's duty to care for him until he is able to produce again, or in case of death to make reasonable provisions for the care of those left dependent upon him for support were he alive. This is the answer of the entire problem. It is a newly acknowledged obligation of society and it offers one of the most encouraging signs of the times. This principle takes no note of contributory negligence or of the fellow-servant idea, and it casts out of its calculations as being unworthy of any weight whatsoever the assumption that an employee may deliberately maim himself so as to secure compensation later on. It simply holds the thought that one of the army of industry is wounded in action and therefore justifiably entitled to assistance. The purpose of the law is to provide how and in what manner this assistance shall be tendered. Legislation embracing this idea affecting employees in civil life has been adopted by the majority of States in the Union, and, in response to the sentiment of the people on the subject, the Democratic Party, in its last national convention, inserted in its declaration of principles the following pledge:

> We favor the extension to all classes of civil-service employees of the benefits of the provision of the employers' liability act.

As a further proof, if further proof were needed, of the universal acceptance of the new idea of obligation as revealed in the employers' liability law and similar measures of the times, attention is directed to the vote on the Reilly compensation law, of which I am now speaking. When it was before the House at its last session for consideration it passed on a roll call by the remarkable vote of 323 ayes to 17 nays. There can be no doubt of the temper of the people or of this body upon the general subject of compensation for injured Government employees. Heretofore the Government could not be held liable for such injuries as the employees suffered, but Congress, anxious to put the Government employees on the same plane as employees in civil life, adopted the generous and specific provisions for their compensation as embraced in the Reilly compensation act, with no thought but what these provisions enacted into law would be administered in the spirit that it was intended they should be.

This has not been done. The spirit and purpose that animated the Congress in passing this law seems to be in no way understood by the postal officials whose duty it is to administer and carry out its provisions. Instead, many incidents arise indicating that the reception this law received in administrative circles of the Post Office Department was anything but friendly. While the act providing for compensation for injured Government employees was approved March 9, 1914, effective on same date, it was not until October 13, 1914, that a set of rules and regulations providing for the operation of this law were promulgated. Furthermore, many claims arising under this law were not paid till more than a year had elapsed from the date of its passage. This delay seems inexplicable, and it requires no flight of the imagination to appreciate the inconvenience, if not actual suffering, that such a delay worked upon such claimants as were in no position to withstand such a long period of waiting.

Moreover, in surrounding this law with all sorts of legal technicalities, undreamed of by the framers, reviving the section of contributory negligence, and placing the burden of proof upon the injured employees, has resulted in many meritorious claims being rejected.

Under the old conception of employers' liability it was admissible for an employer to attempt to prove that an employee was guilty of contributory negligence. The post-office officials have swung back much further than this by taking an entirely new tack. Instead of proving contributory negligence on the part of the employee in exception to his claim, they compel the employee to prove that he has not himself been negligent, and inability to furnish such proof operates heavily against payment of claim. Many cases arise showing how every possible technicality is invoked to avoid settlement of claims under this law and how unjustifiably rigid and strict is the construction placed upon its interpretation, which, in effect, defeats the very aim and purpose of the measure.

I have had a case brought to my attention of an employee in the Buffalo post office, which, to my mind, is an aggravated case. A letter carrier returning from his district walked into the post office through the regular entrance and, after depositing mail matter on a table designated for receiving it, he started through the regular passageway to ring the time clock, and in doing so his foot caught in a noose made by tie cords of a number of canvas sacks that were thrown in the passageway and he was thrown heavily to the floor and received injuries that laid him up for a period of nearly two months. This case was submitted to the department with a statement of the facts, and the postmaster was notified that "from the evidence submitted and the fact that it was customary to have bags in this position, it is not clear that the carrier was not negligent," and he was denied compensation.

I will cite a case of a letter carrier named Coles A. Davis, attached to the Brooklyn post office, who died of injuries received by him as the result of a collision between a truck and a trolley car. In this case it appears that the carrier was on a "swing" from 5.45 to 6.45 p. m., during which time he would get his supper, but his schedule required that he proceed on his next trip starting from a letter box near his home at 6.45 p. m. He had with him at the time of the accident his letter carrier's bag and the key for opening letter boxes, and was authorized to use the street car to proceed to his home on his own time, so far as his schedule was concerned, thus saving to the department the time required to reach the starting point of his next trip. He was in full uniform and subject to all the rules and regulations of the Post Office Department, with the exception of being paid for the time he consumed on this "swing." From the evidence submitted it was found that the carrier was not guilty of any actual negligence whatever, but in order to deprive his wife and children of compensation the officials ruled that he was not actually on duty at the time of the injury, within the meaning of the provisions of the compensation law, and the application was denied.

I cite another case for the information of the committee: A letter carrier employed in the Cincinnati post office and employed in the collection of mail was driving his horse and rig from the barn to the postal station on the morning of January 5, 1915. It was a stormy morning and the streets were very slippery, and, in compliance with the warning of a trolley car, he turned out of the tracks to let the car pass by, but not before the car struck his wagon and threw him out, and he suffered from injuries and shock which laid him up for a considerable period of time, and he was denied compensation on the technical ruling that he was not on duty, as he had not actually reported at the postal station before the accident occurred.

As I said before, Mr. Chairman, in the last analysis society must bear the burden of its maimed and injured workers, no matter by whatsoever means we attempt to shift the burden. We can recognize this obligation by placing their maintenance on neighbors, relatives, or friends, or we can compel them to fasten a millstone about their necks, by mortgaging their future to meet the unfortunate emergency not of their own making. Neither of these alternatives are acceptable. They have been rejected by the sound common sense of the American people, as not being either expedient or just and to the extent that the employers' liability law has been applied to the protection of labor in American industry it has been the solace and refuge to both employer and employee alike. It is the law of unmixed good. No reason whatsoever of any value can be advanced why this law, as it affects Government employees, should not be interpreted in a broad spirit of kindness and generosity. This Government, which insists upon justice being done to employees in civil life, should be on the alert to point the way by the manner and method in which it deals with its own workers. If postal officials fail to comprehend the spirit and purpose of this law by administering it as it was intended it should be administered, then this Congress should find a way in which to compel them to do simple justice to employees placed under their supervision, instead of leaving these same employees to the tender mercies of an unfriendly court, who insists upon placing on this law whatsoever construction that pleases them most, and who seem to be moved by a purpose which, to say the least, conveys the impression of a mistaken idea of duty.

PROPER SANITATION OF POST OFFICES.

The primary object of all legislation is not alone to provide for the needs of the people in their diversified activities, but it also should deeply concern itself with the effect of such legislation upon the well-being of individual citizens. As the morals, the efficiency, in fact, the general usefulness of the people, must, first of all, largely find its origin in their average health, no subject should awaken deeper or more sustained interest on the part of Congress than all questions pertaining to the conservation of health. Not alone should Congress be deeply alive to every issue involving the health of its citizens, but it should also, in legislating for its own employees, make such provisions against illness, due to unsanitary surroundings, as the people and most modern thought on the subject indorse. In fact, in this respect, Government buildings and all places where governmental work is performed should, by the completeness of their sanitary equipment, offer an example to all other industry, showing the most efficient method to conserve life and prevent illness or occupational diseases on the part of the employees from germ-laden surroundings. There is no division of opinion on this question; good health is synonymous with efficiency and economy. Few there are who now fail to realize this truth. We are also beginning to learn that society must in the end bear the burden, either directly or indirectly, of its diseased stricken units, and no public policy is more short-sighted than one which fails to take every precaution to insure the virility based on good health, which is the rightful heritage of every citizen.

That we have been almost criminally negligent in this respect, your attention is directed, as proof of this contention, to buildings used for post-office purposes throughout the Nation which house the vast army of postal employees. Built at a great expenditure of public money, these structures reveal conclusively that little, if any, consideration is given to health, comfort, or well-being of the employees in their designing. In referring to just such a state of affairs in the Chicago post-office building, Congressman SABATH, in a public address, said:

In all this talk about the future greatness and glory of Chicago and the prospective size of her future postal business we are overlooking the most important thing of all, and that is the convenience and working conditions of the employees who must work in this building.

A like indictment would fit practically all post-office buildings. Dark, dingy, and poorly lighted, with the most inadequate provisions for the admission of sunlight, a factor which is now recognized as the most effective preventive against all diseases, beginning with tuberculosis on down the list, these buildings are a sorry example of inefficient construction. Poorly ventilated and often as uncertainly heated, the office furniture is usually so placed against windows as to exclude even as much light and air as would otherwise enter. Exposed toilets are the rule, shocking in their immodesty, and in the same room will be generally found the water supply of the office used for drinking purposes. Adjacent is the quarters generally assigned the employees to eat their lunch. Bubbling fountains are rare. Hundreds of mail sacks, never cleaned or disinfected, are shaken out daily, contaminating the air with fine particles of dust pregnant with germs of every kind. Often the employees are unnecessarily crowded together at their work. Provisions for individual towels, soap, or other agents to secure cleanliness are neglected.

Rules to make certain the proper sanitation of such buildings are seldom given a thought, and even the sweeping and dusting of workrooms is most often and without good reason performed at a time when the employees are busily engaged in their duties. It is no surprise that, under such circumstances, hundreds of postal employees trace some serious malady to these same insanitary working conditions, for which no valid excuse can be assigned why they now or in the future should exist. Furthermore, a glance in any post-office workroom will reveal an alarming number of young men wearing glasses, resulting from eyestrain contracted in their dingy quarters. Such is a hurried review of some of the insanitary conditions that obtain in post offices throughout the country where 200,000 of our useful citizens are serving as employees of the Government. On no ground whatsoever can such conditions be defended. They should be corrected without delay. They are of unmixed evil in a day when one of the chief motives that actuate every builder of an industrial workshop throughout the land is the adoption of such devices and plans as will most insure the safety and health of the employees. Our Government in the administration of the post office has grown careless and thoughtless upon this subject to a degree altogether without justification. It demands correction.

WASHINGTON, D. C., *February 14, 1916.*

Mr. PETER F. TAGUE,
*House of Representatives, Washington, D. C.*

DEAR SIR: In behalf of the National Federation of Post Office Clerks, I desire to thank you for the assistance you rendered as a member of the House Post Office and Post Roads Committee in having incorporated into the postal appropriation bill a number of remedial legislative features of great value to the postal workers.

You and your colleagues are to be commended for the consideration given the employees' interests in making up the bill, and I trust that the House will accept the committee's recommendations and thereby make possible the eventual enactment of these worthy features.

EXTENSION OF COMPENSATION ACT.

The committee has amplified the compensation for injury act to make it applicable to all classified civil-service employees in the Postal Service. This is timely and most desirable, assuring, as it does, relief in case of injuries or death to many employees or their dependents who are now excluded from the benefit of the compensation act.

INCREASE IN LABORERS' PAY.

The abolishment of the $720 wage scale for laborers in favor of an $840 scale is to be commended. In view of the nature of the work performed by these laborers, an arduous, responsible work, requiring physical and mental fitness, this wage increase of $10 monthly is conceded to be rightfully bestowed.

PRINTERS' WAGE INCREASE.

The bill also carries some wage increases for the printers employed in the post offices, bringing the compensation of these men nearer that paid in private employment for the same character of work.

REBATE FOR HOLIDAY SERVICE.

I am aware of the keen personal interest you took in securing the legislation contained in the bill to rebate holiday service to clerks and carriers by granting them compensatory time off upon one of the following 30 days. At present many employees in the service, particularly mail distributors and letter carriers, are deprived of holidays because of the nature of their work. This legislation brings a measure of relief to these men by granting them compensatory time for service rendered on holidays. It is fair, just, and equitable. The liberal 30-day limitation will inflict no administrative hardship or difficulties upon the department.

SPECIAL CLERKS.

The creation of a distinct "special clerk" grade at $1,300 and at $1,400 is one of the most important sections in the bill for post-office clerks at the first-class offices. It will make possible promotions to a particularly deserving class of employees, the skilled, experienced, trained clerk, whose work is so necessary to service efficiency.

For the most part I think the men who will benefit by this designation of "special clerk" and the resultant wage increase are the distributors, the expert workers who must master intricate distribution schemes upon their own time, studying at home after or before office hours. The bulk of the mail distribution is done at night, but Congress has never recognized the admitted hardships of this work by granting a wage or a time differential to the men performing it. In my judgment, all work performed between the hours of 6 p. m. and 6 a. m. should be computed on the basis of 45 minutes to the hour, thus giving a time differential of 15 minutes to the night workers, the distributors, who must of necessity study at home in order to maintain their proficiency in office work. Until the night workers are granted this proposed time differential they at least should have the preference in the promotions to the "special clerk" grades at $1,300 and $1,400, providing, of course, their seniority standing and their efficiency records entitle them to eligibility.

THE DEMOTED COLLECTORS.

Because of the pathetic features attending the demotion of many efficient collectors in the City Delivery Service from $1,200 to $1,100 and $1,000 a year ago, the determination of the committee to restore these workers to their rightful salary grades and to prevent a recurrence of the tragedy has created a profound impression in the service. The view of the employees has been that the department misinterpreted the classification law in establishing a $1,000 grade for collectors. If such a salary distinction could be made for collectors, many other distinctions, such as stamp clerk, registry clerk, money-order clerk, and a hundred other designations, could be made, each one graded in salary to suit the whim of the official making the distinction. In ordering the restoration of the demoted collectors the committee has in effect interpreted the classification law of 1907 to prevent an administrative official in future from reducing efficient workers by creating salary distinctions not contemplated by Congress.

Last February, when the department first started to demote the collectors, President Gompers, of the American Federation of Labor, Representative BUCHANAN of Illinois, and I had a conference with Postmaster Geneari Burleson, during which this matter was discussed. At the suggestion of the Postmaster General a statement of facts was submitted to him. I am inclosing a copy of this statement for your careful perusal.

"FEBRUARY 23, 1915.

"Hon. A. S. BURLESON,
"*Postmaster General, Washington, D. C.*

"SIR: At the conference you accorded the undersigned on February 18 it was agreed that we submit a statement of facts concerning the reduction of salaries of letter carriers and post-office clerks throughout the country by the department.

"The facts are: In the operation of the recently inaugurated economy policy the salary grades of the clerks and the carriers in various cities are being reclassified in accordance with their working assignments and in disregard of length of service or efficiency, both of which elements enter into the classification law enacted by Congress to govern the promotion of postal employees, resulting in wage reductions of $100 or $200 annually to many faithful workers.

"The situation in the Chicago office will best illustrate a condition that is causing widespread apprehension and suffering among the men in the service. They feel and express that feeling, where and when they safely may—that a great injustice is being done them.

"In Chicago 350 letter carriers who are assigned to the collection service of the post office have been notified that hereafter $1,000 per annum will be the maximum salary paid for this character of work. Heretofore these men have been receiving $1,100 or $1,200 yearly. They were given the alternative of accepting a wage reduction of $100 or $200 yearly or to be transferred into the delivery service. A number of clerks whose duties were considered less arduous than others were also notified that a reduction of salary would be effective at once. No charges of inefficiency were brought against these men—they were hapless victims of the arbitrary, rigid line of demarkation the department is making not between the efficient and the inefficient but between men of equal worth who happen to be assigned to different tasks, between which the classification law makes no distinction.

"That the department can reduce the salary of an employee who falls below the standard of efficiency or for purposes of discipline there can be no doubt; but we deny the department's right to establish unauthorized titles or wage distinctions not contemplated by Congress nor authorized by law, and thereby reducing automatically the salaries of employees by arbitrary assignment and without regard for seniority or proved efficiency—the only two elements recognized by the classification law.

"The appropriation by Congress for the Postal Service from which the salaries of these men who have suffered reductions are being paid makes no mention of the titles 'collectors' or 'distributors.' Congress provided $44,470,000 for the payment of clerks and various designated supervisory employees; and 'for pay of letter carriers at offices already established, including substitutes for letter carriers absent without pay, and for the promotion of 75 per cent of the letter carriers in first-class post offices from the fifth to the sixth grade and for the promotion of 75 per cent of the letter carriers in second-class offices from the fourth to the fifth grade, city delivery service, $37,700,000.'

"The present classification law, enacted by Congress in 1907, and subsequently amended, which governs the promotions of clerks and carriers, provides in substance as follows: That clerks and carriers shall be classified in five grades; that appointments shall be made to lowest grade—$800 per annum—and that promotions (based on efficiency) shall be made successively yearly to the fifth grade—$1,100—in first-class offices. Promotions from $1,100 to $1,200 are dependent upon the action of Congress each year.

"It is significant to note that Congress, by voting year after year to promote 75 per cent of the clerks and carriers in first-class offices from the $1,100 to the $1,200 grade, repeatedly reiterated its belief that a $1,200 yearly salary is the fixed standard for all efficient clerks and carriers.

"Inasmuch as all promotions in the service are dependent upon the employee reaching the standard of efficiency set by the department, it follows that every letter carrier and clerk receiving $1,200 must necessairily have earned it by faithful, competent service. He can not be reduced in rank and compensation unless charges in writing are preferred against him. The provisions of the act of Congress, August 24, 1912, demonstrates this fact.

"No written charges have been preferred against the Chicago letter carriers avering that they are inefficient. No such charges could be substantiated. These men are still performing exactly the same character of service as last year, when their great efforts to aid the Post Office Department in earning a $3,600,000 surplus received your hearty commendation.

"With inadequate equipment they are daily collecting mail and delivering parcel post; they are charged with the added responsibility of collecting money on c. o. d. parcels; they are abroad in the crowded streets of a great city contending against weather and traffic difficulties; they must adhere, without the deviation of a minute, to a schedule which admits of no delay without disarranging all the closely correlated functions of the mail service. The work and the responsibility of collectors precludes, as you know, the thought that these positions are sinecures. Upon its proper performance depends the prompt dispatch and subsequent delivery of all mail.

"These collectors, it is true, are for the most part men of somewhat advanced years, but yet of ripe experience. They are ideally fitted for the work, performing the duties probably better than young and restive men could. The alternative of accepting a wage reduction or accepting a transfer into the delivery service—to again take up the work from which most of them graduated years before—has been given them. But with this alternative is coupled the unkind suggestion, the veiled threat, that a failure as a delivery carrier might result in permanent separation from the service for inefficiency. Under this coercion many collectors have signed letters accepting a $200 reduction in their salaries, thus relieving the department of the necessity of filing charges of inefficiency. For fear of losing all they have, they have, under duress, accepted a wage reduction of 9 or of 16 per cent.

"If the delivery of letters or the distribution of letters requires a higher order of intelligence than mail collecting or routine clerical work, it would seem the part of wisdom to pay the man doing this higher class of work an increased wage rather than drag the men not assigned to these tasks down to a lower scale of pay. We believe this is in accord with your ideas that the workers, both in and out of the Postal Service, are rightfully entitled to every opportunity to maintain a decent standard of living conditions. A reduced wage scale for a portion of the postal workers affects adversely the whole service. It lowers the standard, must impair the efficiency, and renders more difficult your task of economically administering the postal affairs of the Nation. No amount of driving, speeding up, or rigorous supervision, expensive in itself, can exact the amount of work from a $1,000 collector that a better-paid man will render ably, willingly, freely, loyally.

"We realize the department is confronted with the necessity of curtailing expenditures, owing to the falling off in postal revenues. If this curtailment must take the form of salary reductions, and if the department to effect economies can establish arbitrarily wage distinctions not authorized by Congress, we respectfully suggest a new classification for postmasters in first-class offices where the salaries range from $3,000 to $8,000 annually. These men are political appointees and, unlike the clerks and carriers whose salaries are being reduced, they have not for the most part rendered any conspicuous service in the past years toward aiding you in placing the department upon its present high plane of efficiency. This thought is suggested because of your expressed unwillingness 'to inflict undue and unnecessary hardships upon the workingmen in the ranks,' and because of your expressed opinion before the Senate Post Roads Committee that 'if 75 per cent of the postmasters were to die to-night, and I failed to appoint their successors, it would impair the efficiency of the Postal Service but very little.' If the law governing the wages of the employees can be even temporarily disregarded to effect economies, it would appear that a similar course taken with the postmasters' salaries would produce better results and be in closer accord with your ideas.

"Aside from the injury inflicted upon worthy employees by these wage reductions, and aside from the deleterious effect upon the efficiency of the service, there is another reason why the Postal Service should refrain from curtailing the wages or hours of its force. The country is facing a serious unemployment problem. Members of the President's Cabinet and leaders in the Democratic Party have advised employers not to aggravate this deplorable condition by laying off men from work. Employers are told that the depression is psychological; it will soon be over and the country once more riding on the high wave of prosperity. Yet we find the largest governmental institution, the Postal Service, which has rightly been called the barometer of business, retrenching at the expense of its hardest worked, poorest paid employees. This is wrong from a moral, humanitarian, and even from a business standpoint.

"When so many employers are cooperating with labor to obviate as much as possible a reduction in their force and to refrain from enforcing reductions in wages, there does not seem to us a justification for a Federal governmental department pursuing a diametrically opposite course as has been attempted in the Postal Service.

"At no time in the history of the oldest employee in the Postal Service have the lines been drawn more tightly. Carriers are overburdened with weighty parcels, clerks under the two-division plan are compelled to study twice as much at home in learning distribution schemes. From the lowest substitute to the highest supervisor there is little, if any, slack.

"Here in the city of Washington last week high-salaried inspectors and expert economists stood behind the sorely tried carriers with watch in hand timing their movement, following them out on their routes to detect any evidence of a let up in the speed the department insists must be shown. This is not an isolated case. It has been done and is being done in practically every large office in the land. This attempt of the department to drive men beyond the limit of their endurance and deprive thereby other men from an opportunity of securing work, is not likely to aid in the restoration of prosperous

business conditions; neither will it make for a qualified, loyal, capable corps of postal workers.

"We feel that this statement of facts is sufficient to warrant the righting of the wrongs inflicted upon the efficient men in the ranks of the postal employees, and we, therefore, respectfully urge that the same may receive your early and favorable consideration and action."

SUPERANNUATION.

While the postal appropriation bill carries no legislation to take care of the superannuated employees, which is to be regretted, I know of your deep interest in this problem and I want to call your attention to the urgency of the need of congressional action to alleviate the situation confronting the aged postal workers.

The bill you have sponsored—to retire postal employees who have been in the service for 25 years or more or who have reached the age of 65 years, at their request, on an annuity of one-half of their salary—is a worthy measure and would certainly correct the distressful condition now existing.

As you are aware there are two schools of thought in the civil service upon this question of retirement; one favoring a contributory plan, the other a straight retirement plan. Upon this point, however, there is no division; we all agree that the men now superannuated should be taken care of at once without contributions on their part. Your measure would permit this to be done. It will relieve the service of the superannuated men and thus relieve the administrative officials of the stern necessity of further demotions and dismissals.

The department officials declare they must demote and dismiss those employees whose efficiency falls below the standard required. No exception can lawfully be made, it is said, in favor of the men who have given their all to the service. They must prepare for the headman's ax. There is no hope for the men who have grown old, the sturdy youths of 25 and 30 years ago who entered the service in the full bloom of a virile young manhood, who have since that time given their brain, brawn, and substance, given everything that men in their position of life have to give—their labor—toward the upbuilding and the perfection of this service. Inexorable Time, and he spares none of us, has palsied their hands, dimmed their eyesight, and slackened their pace, and they are now to be shunted upon the scrapheap, unwept, unhonored, and unsung—the hapless victims of an overzealous administration and an apathetic legislative body.

These aged postal workers are not asking for charity. They have contributed much to the country's welfare, although not in a spectacular manner that wins medals of honor from Congress. But it is these men, 35,000 post-office clerks, 32,000 city letter carriers, 22,000 railway mail clerks, 40,000 rural carriers, working day and night in the endless task of keeping the Nation's mail service performing its multifarious functions, who have made our Postal Service so nearly mechanically perfect that it operates with almost infallible accuracy. And the reward of those who have grown old and are growing old at an alarming rate is a dishonorable discharge. Congress alone has the power to give them a reward more in keeping with the service they have rendered the Government and society.

The salaries paid to postal employees do not permit of an adequate saving for old age; their work unfits them for occupation elsewhere; and, having given the productive years of their life to the Postal Service, they must tenaciously hang on until their grip is loosened by the administrative ax or the angel of death. Every four years or so a new set of officials enter at the top of the Postal Service. To them the old men are incumbrances; they interfere with economical administration; and hence the danger of decapitation is ever present and will always be imminent for the old men of the service until Congress adopts one of the many plans of retirement offered. Dismissing them from the service is at the best an evasion. They must be taken care of somehow. The claim of the superannuated is recognized by society in the form of State, municipal, fraternal, and private institutions to care for the aged. These worn postal workers must be taken care of in some manner, either directly or indirectly. To dismiss them is inhumane; to retain them is unsatisfactory from an administrative viewpoint. It would be an eventual economy to provide for their retirement on service annuities.

I am inclosing herewith an article from the November issue of the Union Postal Clerk, which tells of the case of John Perry, for 50 years a clerk in the San Francisco post office. This instance is but typical of many throughout the country:

"JOHN PERRY, OF SAN FRANCISCO, 50 YEARS IN SERVICE.

"When John W. Perry, registry clerk in the San Francisco post office, placed his time card back in the rack on the evening of October 16, it marked the close of a half century of continuous service in the post office and the probable ending of John Perry's actual connection with the service. Mr Perry has taken an extended leave of absence, awaiting in eager expectation some action on retirement legislation by the forthcoming Congress. He has no desire to attempt to continue longer in active service.

"When young John Perry entered the San Francisco post office on October 16, 1865, there were but 16 other employees, including the postmaster and his assistant. All the work of the office was performed in one room. There was no train connection with the East; mail was received three times a month by steamer. If the steamer arrived at night, young Perry and the other clerks were summoned from bed by messenger and were required to work until the distribution was completed. This necessitated working 20 hours continuously on some occasions.

"'But the old days, taken as a whole, were not so strenuous as at present,' recounts Mr. Perry. 'For the first month's work in the Postal Service, as a general-delivery clerk, I received $135, the highest pay I have ever received in my 50 years of service. There was a different atmosphere in the office then. Regulations were few; the surveillance was not strict. We were placed upon our honor, and each man took a certain pride in upholding the reputation of the office.'

"Mr. Perry has served under 11 postmasters, 7 Republicans and 4 Democrats. He has seen the office grow from a small shack in the sand dunes to a three-million granite edifice. He watched the force increase from 17 men to more than 1,000 employees, while the receipts have climbed in his time from a few thousand dollars annually up to the four million mark.

"Mr. Perry has worked in numerous capacities. He was a distributor, a railway mail clerk, a registry expert, and an executive, doing each successive duty in a capable and conscientious manner. It wasn't a spectacular work. The public never knew it was being done. Yet it was a useful and necessary work. For it is the knowledge and the skill of the John Perrys—the unseen, unknown postal clerks at work night and day, Sundays, and holidays—that makes possible the expeditious and proper dispatch and receipt of the Nation's mail.

"Old Father Time—inexorable time they call him—played no favorite with young Perry. Jack's—he was Jack in those days—eyes became dimmed. It was nothing. A pair of glasses soon remedied that defect. His once strong, skillful hands—the hands that distributed mail on the difficult Soledad case with lightning rapidity and with cannylike accuracy—became palsied. His step, the step that once flew around the office with the sprightliness of youth, became heavy. Jack was growing old. By gradual evolution young Jack become old man Perry. His former comrades dropped by the wayside. The younger generation shouldered him aside.

"Easier duties were found for him. His fund of knowledge of the Postal Service was utilized at a minimum loss of energy to himself. Then came a new order of things. The European war or something equally dreadful made it imperative that the old men give way and make room for the clamorous youths on the substitute lists. High departmental chiefs gave out the word that hereafter employees must render "quid pro quo." The department, so the order went, was not responsible for the superannuated clerks being still alive. The department's chief duty to the public, this was the inference taken from the position of the high chiefs, was to show a healthy money surplus. Let no John Perrys stand in the way of that duty. Until Congress saw fit to recognize the need of legislation to care for the aged men who had given all to the service, the department was under no obligations to show any mercy.

"Veteran clerks in Washington, D. C., the model office of the country, were summarily dismissed. Aged mail collectors were compelled to accept either dismissal or a wage reduction. The old men of the service—the husky youths of yesterday—felt themselves on trial for their very lives. John Perry was assigned to more arduous duties—duties that were difficult for eyes that were dimmed and hands that shook after nearly a half century of service for the Government. He protested; he pleaded that he at least be permitted to serve out his 50 years of service without suffering the ignominy of being dismissed. His pleas were heeded.

"On October 16, 1915 'old man' Perry, physically much different than 'young Jack' of 1865, wrapped his skull cap and his apron in a newspaper, recorded his time of departure, said good-by to his colleagues, and walked out of the office—and probably out of the service—that he entered 50 years previous. He left behind him an unblemished record for honesty, ability, integrity, and probity. He took with him the kindly wishes of all with whom he worked.

"Mr. Perry is hopeful that the next Congress will come to his rescue with some form of retirement legislation for the civil-service veterans. We all share the hope. In the midst of the present hysteria over war preparedness our national legislators could probably find time to show some recognition for the heroes of peace—the diligent, faithful, worthy John Perrys, whose efforts have so largely contributed to the upbuilding of the mail service of the United States."

I also wish to call your thoughtful attention to this account of a Chicago letter carrier who was forced to resign after 43 years of meritorious service:

[From the Chicago Tribune.]

"CARRIES THE MAIL 43 YEARS, THEN TAGGED 'TOO OLD'—JOHN JACOBSON, LONG GIVEN HARDEST ROUTES IN CITY, QUITS WHEN HIS SALARY IS CUT.

"Many years ago, when Chicago had only 43 mail carriers, the United States Post Office authorities demonstrated their alertness to increase the efficiency of their department by giving young John Jacobson the hardest route in the city. In those days the post office was in the basement of the old Presbyterian Church at Harrison and Wabash Avenues.

"There were no elevators or mail chutes, and the carriers had to climb the stairs. Young Jacobson was the hardiest and the most active of the entire force. He was given the route which included the tallest buildings then in Chicago. On just one block, in Monroe Street, between Clark and Dearborn, young Jacobson climbed 82 flights of stairs five times daily.

"That he was efficient was evidenced by the fact that as bigger buildings went up and the business of the town changed from one street to another Jacobson was shifted so that he still had the routes demanding the most stamina. When elevators came and buildings were doubled in height Jacobson was given these routes. With the advent of the skyscrapers the carrier system of carrying was changed so that one man was assigned to a building.

"HE'S NOT A CARRIER NOW.

"At present some buildings have several carriers. John Jacobson, however, is not one of them. Last March the Post Office Department, ever watchful to maintain its efficiency, shifted Jacobson again. It was done to test the efficiency of Jacobson, who was finishing his forty-third year as a substitute and a regular carrier.

"He was given a route embracing eight blocks in a section of Austin where few sidewalks have been built. He had been accustomed to hard work for 43 years and he said nothing. He walked the route twice each day. Then, on March 14 he was 20 minutes late in reporting for duty. He says it was the first time he had been tardy in 43 years. He later discovered that his tardiness had cost him 20 demerits—one demerit for each minute.

WASHINGTON GETS REPORT.

"One week later he received a copy of a letter which had been sent to the Postmaster General at Washington. The letter, signed by Postmaster D. A. Campbell, in part follows:

"'The attention of the department is respectfully invited to the case of Carrier John Jacobson, of the delivery division, assigned to the main post office, whose roster follows:

"'Date of birth, December 17, 1846.

"'Birthplace, Sweden.

"'Color, white.

"'Previous occupation, none.

"'Date of appointment, December 1, 1873.

"'Roster title, carrier.

"'Salary, $1,200.

"'The superintendent of delivery, in a report to this office, states that owing to advanced age of Mr. Jacobson and infirmities resulting therefrom he is not capable of carrying an average district, and that it has been necessary to lay out a special district for him to keep him within the eight-hour limit.

"'In view of the facts as stated, the superintendent of delivery recommends that the salary of John Jacobson be reduced from $1,200 to $1,000, to take effect April 15, in which recommendation this office concurs.'

THEN JACOBSON QUITS.

"Mr. Jacobson thought over the letter and reduction in salary for several months. Then, on November 25, he sent the following letter to Postmaster General Burleson:

"'DEAR SIR: After 43 years of service as mail carrier in the Chicago post office my salary has been reduced from $1,200 to $1,000. The only charge being 20 demerits for reporting late.

"'Since above date I have been transferred to Austin station, "making good," as my record will show, on a district heretofore held by a $1,200-a-year man.

"'If this be the reward of faithful service to the Government for 43 years, I respectfully tender my resignation to you, Mr. Postmaster General, to take effect at the close of day on November 30, 1915, and pay due tribute to those of you who may serve the Government honestly, faithfully, and loyally for many years only to be subjects of ostracism in the end.'"

I ask in conclusion that you continue to give your thought and efforts to an early solution of this momentous question of retirement for superannuated postal workers. From the experience gained in your home State of Massachusetts, where the problem has been met and legislation enacted, you know that from a humane, as well as a strictly business, view the aged men of the Postal Service should be given the relief they are seeking and to which they are justly entitled.

With sincere appreciation of your interest and activity, I am,

Respectfully, yours,

THOS. F. FLAHERTY,
*Secretary-Treasurer*
*National Federation of Post Office Clerks.*

Mr. MOON. Mr. Chairman, I yield to the gentleman from Georgia [Mr. CRISP].

Mr. CRISP. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD by printing in the RECORD a communication from the State Department relative to the bill to reimburse parties who contributed money to pay the ransom of Miss Ellen M. Stone, the American missionary.

The CHAIRMAN. The gentleman from Georgia [Mr. CRISP] asks unanimous consent to extend his remarks in the RECORD for the purposes indicated. Is there objection? [After a pause.] The Chair hears none.

Mr. STEENERSON. Mr. Chairman, I yield 30 minutes to the gentleman from Massachusetts [Mr. PAIGE].

Mr. PAIGE of Massachusetts. Mr. Chairman, my colleague [Mr. GREENE of Massachusetts] has pictured the trials, perplexities, and inconveniences experienced by the people in his district, and lest my constituents, who have suffered as much, if not more, by the changes in the rural-mail delivery, should feel that their complaints were not made known at this time I desire to cite a few instances of how the changes have worked in my district. And let me say, in passing, that the letter from the department placed in the RECORD by the distinguished chairman of the committee [Mr. MOON], for whom I have a high regard, not only for his ability, experience, and earnest desire, as he views it, to frame a bill that shall be alike fair and equitable to both the Government and the people it serves, is misleading in this respect, if it is intended to show a list of the towns affected by the changes in the rural mail service, as nine towns in my district that are affected do not appear in the list at all. It is not the difference in the distances covered by the different rural mail routes that has caused the trouble, as I shall show, but, rather, the changing of routes caused by it. In making the changes the routes may not be materially lengthened, but they have been changed so that many who before these changes went into effect had been satisfactorily served have been incommoded, and I desire here and now to call the attention of the committee to a few out of the many complaints I have received.

I represent a congressional district that includes 48 towns and 2 cities. Most of these towns are agricultural communities and many of them are served by rural routes that start from the cities or the larger towns, while in others the rural routes have their origin in the post offices at the centers of these several villages. Since last November my congressional mail has been made up largely of letters expressing the great dissatisfaction with conditions brought about by the elimination of long-established routes and the readjustment of routes with others. Some are deprived of delivery service, or, if they have it at all, they are forced to go anywhere from a few hundred feet to a mile and a half to get their mail. Others have gone back to the box system, as they do not care to have their mail left by a carrier at a point a long distance from their houses and where there is nobody within a reasonable distance to see that it is not taken by somebody to whom it does not belong.

The manner in which some of the changes were arranged in the district seems most unreasonable. Here is one case that occurred. A change was made on amended route No. 1 from the Westminster post office, whereby the carrier was compelled to go a distance of 4,615.2 feet—almost a mile—and return, making altogether a distance of a mile and three-quarters in order to serve two families; while on the Hubbardston route, which is also in my district, they cut off the carrier from going about 600 feet less than the above-mentioned distance in the Westminster case cited, and a retrace of the same distance, where he served 21 families. And yet, according to information given out by the post-office authorities, all of these proposed changes were inspected before they were put into operation. The work was done very inefficiently.

Rural route No. 1, from the Gardner post office, was laid out by the new arrangement to run over what is known as the Partridgeville Road. I am told by those living in that vicinity that there are many days in the course of a year when this road is absolutely impassable. Residents in that section never think of resorting to its use, except in the dry season; and yet the orders given out by the Post Office Department when these changes were made laid the route out so that the carrier must traverse this road each week day.

As an instance of how carefully the old routes must have been investigated I want to read a letter from a patron of the rural route in East Brookfield. I read:

EAST BROOKFIELD, MASS., *January 19, 1916.*

HON. CALVIN D. PAIGE,
*Washington, D. C.:*

Yours of the 6th instant received to-day, and in reply would say this route was previously served by horses, and during my residence of seven years I never failed to receive my daily mail until this change. The two weeks I spoke of were unsatisfactory, for the reason that no plans had been made to deliver when an auto could not be used and the carrier had not any way to deliver. I do not think we should suffer in our service because the carrier did not have a horse.

When they made these changes they reversed the route, making the first deliveries on the other end, which was bad enough, but, in addition, they added 3 miles of the worst road in town in the winter and spring, and which has very little travel. This 3 miles gives delivery to four houses in the winter, and to reach them the carrier has more than a mile to go past Quaboag Lake, where it drifts badly every storm, and when the spring freshets come it is nearly impassable. If this stretch of road was given to the Brookfield man, he would reach all four houses and save 2 miles of the route. I think a rearrangement would save distance for this carrier and give us better service. I do not know why they changed the route anyway. I came here from the city and bought this farm, because I knew I could get a morning delivery; and then to have it arbitrarily changed, without any known reason, so that I get my newspapers at night, hits me a hard blow. In good weather and the roads in good order the carrier can get here from 12 noon to 1 p. m., but many days it is 2 and 3 o'clock or later. He is trying to cover the route with his auto and one horse now, but if his horse gets a little thinner the Society for the Prevention of Cruelty to Animals will get him sure.

When it gets so that the United States of America has to give rotten service just to save a little money, and then a Democratic Congress spends more money than any other ever did, it is time something was done. I am a Republican, and voted for Wilson, but if the Lord will forgive me this time, I will never do it again.

[Applause on the Republican side.]

Very truly, yours.

HARRY G. IVES.

P. S.—If you desire, I can send you any amount of names of dissatisfied patrons on this route and others. Some have discontinued their boxes on account of poor service.

H. G. I.

I tried in vain to secure a rearrangement of the route in Brookfield upon which Capt. Horace B. Parker lives. A liberally signed petition was forwarded to the department, together with a map showing the territory to be served, and later on a request was made for a temporary order that would allow the carrier to deliver the mail to these patrons who petitioned, but no replies were received by the petitioners for a period of almost three months, when I succeeded in getting a decision to the effect that the petition could not be granted. It meant an addition of 2¼ miles net to an auto route, and Capt. Parker, one of the petitioners, informed me in his letter that his postage bill was more than $100 per annum, as he is connected with the pay department of the Massachusetts Volunteer Militia, and has a vast amount of correspondence, in the dispatch of which he was seriously interfered with by the ruling of the department. The firm of Parker Bros., large fruit growers, and large mail receivers and dispatchers, were also affected by this ruling, as were many families.

Mr. BORLAND. Mr. Chairman, will the gentleman yield there?

The CHAIRMAN. Does the gentleman from Massachusetts yield to the gentleman from Missouri?

Mr. PAIGE of Massachusetts. Yes.

Mr. BORLAND. The gentleman was speaking of complaints and about people being inconvenienced by these changes?

Mr. PAIGE of Massachusetts. Yes.

Mr. BORLAND. Is it not true that there have been a number of extensions of rural service in the gentleman's State? Would he not call the attention of the people and of the House to those extensions of the Rural Mail Service to people who had not had it before?

Mr. PAIGE of Massachusetts. I have received no commendations as to that service. Mine are all complaints.

Mr. BORLAND. I will call the gentleman's attention to the fact that in the hearings it is developed that 167 routes have been extended.

Mr. PAIGE of Massachusetts. That is not in my district.

Mr. BORLAND. That is in the State of Massachusetts that the gentleman represents. There were 167 extensions of rural mail.

Mr. GREEN of Iowa. Mr. Chairman, will the gentleman yield?

Mr. PAIGE of Massachusetts. Yes.

Mr. GREEN of Iowa. Perhaps the gentleman from Missouri [Mr. BORLAND], who was last inquiring of the gentleman, referred to the extensions of routes that made them too long for the carriers to serve them. I have a number of extensions of that kind in my own State.

Mr. PAIGE of Massachusetts. Yes. One of the most inexcusable changes was that made at Jefferson, an important manufacturing village in the town of Holden, where, by reason of excellent train service between Boston, Northampton, and Worcester, and with an electric line running direct to Jefferson from the latter city, the people of that busy village had long enjoyed excellent mail service. The electric cars from Worcester run hourly, while half a dozen trains pass within a short distance of the post office each day to and from Boston and Northampton, and yet the department declared it to be the part of wisdom to change the route so as to have the mail delivered by the carrier from the Rutland post office, 8 miles away, and the outgoing mails sent from there also, notwithstanding the fact that the Rutland post office was much less favorably situated with reference to the railroad than Jefferson. Any person acquainted with the situation would not hesitate a moment in declaring Jefferson much superior to the Rutland office as a distributing point for the operation of the rural service, but the department announced otherwise in a letter to me, in which it was stated that it was thought that route No. 1 from Jefferson could be dispensed with, and the patrons could be provided "by an extension of the service from Rutland, a presidential office, believed to be capable of providing a more satisfactory service than is possible through an office of the fourth class at Jefferson."

The number of mails received and dispatched from the Rutland office daily was not to be compared with the number received and dispatched from Jefferson, even though the latter was only a fourth-class office, and the confusion of changing the addresses of patrons of the old route raised a general protest that was far-reaching.

Two routes were combined at Ashby, making the new route 28.7 miles in length, but omitting some patrons who had been served by the rural service previously, and I am credibly informed that as late as the first of the current month it had been found as the result of the experiment that it is next to impossible for the carrier to cover the route and get around to the post office at Ashby in time for the mail which he has collected to leave the office the same day it is received, a condition which it appears to me is entirely unfair to the residents of that town. I am informed that the carrier reports to the office at 8 a. m., and that the only way he can avoid coming back to the office so late as to necessitate the mail lying over in the office until the day following its collection is for him to employ his wife to assist him, as the outgoing mail leaves the Ashby post office at 5.30 p. m.

As the result of the change at Ashby, two routes in which the carriers were fairly paid, and in the success of which they were personally interested, have been made into one that has required all the way from 10½ hours to 12¾ hours to cover, the average time for the month of January having been 11 hours and 10 minutes. The one carrier now employed is obliged to keep another horse and wagon, and as compensation for this investment and for the board of his horse he receives from Uncle Sam the munificent sum of $4 per month more than he formerly received under the former arrangement. At the Ashby office the substitute is the wife of the regular carrier, and in order that the route might be properly covered this woman has tried, but without much success, to help out the unfortunate situation produced by these rearrangements of routes in that town.

The people living in the rural sections of the district I represent resent the changed conditions. Moreover, the changes have impaired the efficiency of the service. These people living in the country districts want rural free delivery; they want it regularly, and they want it as promptly as the train service in their respective localities will permit; they want the carriers well paid for the work, and they want them to have reasonable hours; they pay their share toward the running expenses of the Government, and they are entitled to reasonable post-office service.

I believe one of the greatest assets this country can have is a contented rural population, and no one agency has contributed so much toward that end as has the Rural Free Delivery Service as it was formerly operated.

The Ashby route, to which I have alluded, might be covered, as it now exists for seven or eight months of the year, with an automobile, but even then horses must be kept or hired for use the other months of each year. As it is now, many people who live on the routes, and who were formerly served directly, have to go from half a mile to a mile and a half to the corners of crossroads in order to get their mail, instead of having it left at their door, as was the case under former conditions.

In view of the changes made in the Westminster and Hubbardston routes, which I have recently alluded to, where the carrier was made to go nearly a mile and three-quarters to serve two families, while another was prevented from going a mile and a half to serve 21 families, I want to show the absurdity of some of these unreasonable alterations in routes, and in order to do so I am going to incorporate a letter I received from one person who was affected. It is one of those pathetic appeals that all of you have doubtless received, and it shows how, by a little scientific management, many families who formerly had their mail delivered, and who are now being deprived of that service, might well be accommodated:

GARDNER, MASS., *December 6, 1915.*

Hon. CALVIN D. PAIGE,
*Washington, D. C.*

DEAR SIR: Will you kindly help me out of this difficulty in taking away our mail delivery. I live on what is termed Happy Hollow Road—the William Shaw place. We came here through the advice of the doctors in the Massachusetts General Hospital. I am the breadwinner, depending wholly upon the parcel post and the United States mail for support. One-eighth of a mile would cover the distance both ways in order to give us mail, and only one stop, as the neighbors would use my box. Everything would be in readiness, thus saving any delay. Having chronic neuritis myself I am unable to go out but little in cold and inclement weather. We are expecting that my husband will be obliged to go back to the hospital at almost any time. Mr. PAIGE, please do help us out in this all-important matter. I refer you to the postmaster of Gardner.

Very respectfully,

MRS. T. W. THORPE.

Here is a concrete example of a case where an urban family had gone to the country in the hopes of better health for the husband, and with rural free delivery coming to their door each day the family felt it could still be in touch with the world, when suddenly, as in the twinkling of an eye, all this was cut off, and the wife, herself obliged to use care in order that her own health should not be jeopardized, is left to walk to the nearest point to which the mail is delivered under the new arrangement or be dependent upon some kind neighbor to bring it when an opportunity afforded.

I received a petition late in November from 679 persons who received mail on route No. 1 in Rutland, where is located a Massachusetts State sanatorium, a route on which, according to the figures when the mail was last counted, showed that 20,181 pieces of mail were delivered and 5,572 collected; that the weight of those delivered was 5,508 pounds, and of those collected 423 pounds. I found upon investigation that where—up to the time the changes were made—the people on this route had been receiving their mail in the morning, the bulk of them who were located at the sanatorium were not getting their mail until late in the afternoon. I also learned that as a result of the change there was no substitute carrier on route No. 2, and that the regular carrier on this route was assigned to deliver all of the heavy pieces of mail on route No. 1; that he was working from 7.30 a. m. until 7 p. m. and was covering 31½ miles per day, and that the mail he collected on either route 1 or route 2 could not leave the Rutland post office until 9.11 the following day after its collection. The embarrassment occasioned by the change on route 1 was working disastrously to the interests of the officials and patients at the sanatorium, as the former who were dependent to a great extent upon supplies from Boston could not get a letter from that city until late in the afternoon, and if it required immediate reply they would either be forced to carry the reply to the post office a mile or more distant or wait until the carrier came the following afternoon, and then the letter would lie in the post office until the following morning, this making three days from the time they got the letter to the time when their reply started for Boston.

This route was apparently so objectionable it was readjusted, the time of delivery being reversed. A similar condition existed at North Rutland where there is a mill and where the business letters of the firm under the new arrangement did not reach the office until late in the afternoon. This route was also rearranged satisfactorily.

A petition signed by practically every patron of what was formerly route No. 1 of the Pratts Junction route in the town of Sterling received no consideration at the hands of the department beyond a statement to the effect that only a few persons affected by the change would be obliged to change the location of their boxes and "but few instances where the post-office address will be affected, as the routes from Lancaster and Leominster have been arranged so as to require the carrier on both of these routes to proceed direct to Pratts Junction and there receive from the postmaster mail addressed to patrons of the discontinued route."

Pratts Junction is about halfway between the Lancaster and Leominster offices referred to, and the post office at Pratts Junction was less than 200 feet from the station and was presided over by the station agent of the New York, New Haven & Hartford Railroad, the depot being just across the road from the post office. The Pratts Junction route had long been in operation, having been one of the first established in Massachusetts, and as a result of the change the postmaster at Pratts Junction sent in his resignation, as he felt he could not longer carry on the office. Since that resignation went into effect I understand one examination has been held, with no applicants, and that another has been ordered. It seems hardly probable, however, that anybody will care to assume the office with the conditions as they are, as the former postmaster owns the building in which the post office is located, and there is no other suitable structure in the vicinity, and this will mean that the 79 families, numbering 285 persons, who formerly had their post-office address at Pratts Junction will now be forced to change the same to Lancaster or Leominster. Some of them, of course, by the readjustment are not being served at all and others at great inconvenience, as they have to travel various distances to get the mail which up to the time of the change was delivered directly to their homes.

The rural route at Petersham was discontinued by the new arrangement, the North Dana route having been extended some 8 miles, cutting out Petersham and making the distance for the North Dana carrier about 33 miles, which distance, I am credibly informed by some of the people living on the route, can not be covered by team service six days in a week, and surely not in the winter season over the New England hills. Early in December last autos had to be taken out of service on the roads covered by the North Dana carrier, and that made it necessary to transport the mails by teams. I understand that the carrier on that route was only able to make the entire trip on one day of six working days during the week of December 13 last, while some of the patrons received no mail service for four days of that week.

Last June the department decided to abolish the post office at North Leominster, which village is one of the most important parts of the city of Leominster, in the third Massachusetts congressional district. This office had been in existence for more than 50 years, and it served the George W. Wheelwright Paper Co., a large concern employing several hundred hands; Merriam, Hall & Co., manufacturers of bedroom furniture; Harrison & Co., leather manufacturers; the Elmwood Poultry Farm (Inc.), who do a large amount of business by mail; Louis M. Newhall, whose business six months of the year is the second largest handled at the old office, and thousands of people who worked for the above concerns and who lived in the vicinity of the North Leominster office. I went to North Leominster and investigated the conditions and found that the office served a large number of people; that it was almost an indispensable thing for the people of that section of the city to have it in operation; and that the manufacturers and the employees would be put to great inconvenience by being served from the Leominster post office proper. I appealed to the First Assistant Postmaster General asking for a stay in the order for an investigation and review of the case, but all to no avail, as I was informed by the department that the sum of $435 would be saved annually by the change.

Matters have worked out just as anticipated at the time. The patrons who were formerly served by the carriers from the North Leominster office and who had enjoyed for 12 years before its abolition two deliveries a day are now receiving, under the new arrangement of sending the carriers from the Leominster office, only two deliveries each day, while the ground covered by the carrier from the Leominster center office is not as great as that which was covered by the carriers from the old North Leominster office, undoubtedly because of the fact that the carrier has to take out the time consumed to make the trip from the Leominster office to the North Leominster section, and back again, a distance of 3 miles. I am credibly informed that people who formerly were served by the old North Leominster office got their mail from one to three hours earlier than they do under the new arrangement, while people living at the termini of the two former delivery routes have been forced to give their residence as Fitchburg, although they are in fact residents of Main Street, Leominster, which change causes no end of confusion, inasmuch as these people are supposed by correspondents to live in the city where their mail is addressed, and the city of Fitchburg is a separate municipality from the city of Leominster, bordering on one part of the latter city. These same people now have to rely upon the rural service, where they previously had two free city deliveries. Some former patrons, rather than subject themselves to the delays occasioned by the change, have their mail left at the drug store at North Leominster and call for it themselves.

The Boston & Maine Railroad main line passes directly through North Leominster, within a stone's throw of the former North Leominster post office, and it is the chief mail line through that section of Massachusetts. The Leominster center post office from which these people are served is almost 3 miles distant, and teams have to be hired to take the early morning mail, soon after 5 o'clock every morning, from the North Leominster depot to the Leominster post office, and carriers sent for it at other times of the day. All of the mail for the North Leominster section thus has to make an extra 5-mile trip on the arrival of each mail before it can be put into delivery. I am told by some of these manufacturers that they have many important letters and invoices which must be mailed late in the afternoon of each business day, and which they were formerly able to get out when they had the North Leominster office without the slightest trouble or inconvenience, but which now either have to lay over until the following day, or have to be taken by them to the Leominster center office, which is exceedingly inconvenient and at times impossible. The Wheelwright Co., above alluded to, inform me that before the substation was abolished they had their business mail at their office by 7.30 each morning, ready for distribution, and their afternoon mail by 4 o'clock. They now receive their mail an hour after the time they formerly received it when there was a post office at North Leominster, as the mail carrier does not reach the plant until after 9, and sometimes nearer 10, under the new arrangement. The mail which they were accustomed to receive at the North Leominster office at 4 o'clock in the afternoon, even if it reaches the Leominster center office as early as it formerly reached the mill office, can not be delivered at their office until 5, which is the closing time of business.

Certainly, any such change as was brought about at North Leominster was shortsighted and ill advised, and resulted in serious impairment of the mail facilities of several thousand people, to say nothing of retarding the efficiency of several manufacturing plants upon the existence of which that section of the city largely depends. It is difficult to discover upon what basis the department could have worked in this instance, for the saving effected is in no sense commensurate with the impairment of the mail service in that section.

The changes in Leominster are not confined to the North Leominster office. I am in receipt of a letter from a resident of that city who has lived there 25 years, stating that since the Sterling route, a rural route, has been discontinued, and part of it has been added to rural route No. 1 from the Leominster office the patrons have enjoyed (?) a ragtime schedule. They do not blame the carrier in any way, as he is forced to cover 30 miles a day with a horse. "We receive our mail all times of the day, and sometimes not for one or two days, which never happened before the change," writes my correspondent.

From Charlton, North Brookfield, and other parts of my district come reports of just such conditions as I have described, until it seems as if the rural free delivery in our section of the country had lost its former efficiency, a result of this condition existing in the rural mail service in the third Massachusetts congressional district that has caused more dissatisfaction than any one thing that has occurred; and if it is proposed to change the rural routes as they were before these changes were made or to provide satisfactory service to this populous section of Massachusetts it will carry comfort and hope to many deserving people who are deserving of service equal to that enjoyed by any people under like conditions.

In closing let me say that I can not agree fully with the rest of the Post Office Committee that the space basis for carrying the mails on the railroads is the most equitable that could be devised, notwithstanding that the bill gives to the railroads of the country some $3,000,000 more than the old rate; but I will not discuss that feature of the bill at this time. [Applause.]

I ask leave to extend my remarks, and yield back the remainder of my time.

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent to extend his remarks in the RECORD for the purpose indicated. Is there objection?

There was no objection.

Mr. STEENERSON. Mr. Chairman, how much time has the gentleman yielded back?

The CHAIRMAN. The gentleman has yielded back seven minutes.

Mr. STEENERSON. Mr. Chairman, I yield to the gentleman from Pennsylvania [Mr. GRIEST] 30 minutes.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. GRIEST] is recognized for 30 minutes.

Mr. GRIEST. Mr. Chairman, the post-office business of the United States Government is the biggest business in America, public or private. Like the growth of our country, the growth of this business has been marvelous. The first appropriation by Congress for the full support of the Post Office Department was in 1837, 79 years ago. Prior to that year Congress appropriated only in the event of a deficit and for the amount of that deficit. The entire appropriation for the year 1837 was $3,500,000. The pending appropriation bill carries $320,000,000. It is well described by my colleague [Mr. STEENERSON] as the largest appropriation bill ever introduced into the American Congress. This vast sum is for the maintenance and extension of this great business, and the appropriation and expenditure of so large an amount of money well warrants the concern and attention of Members of this body. General features of this bill have been ably and fully presented by my committee colleagues, and I shall refer only to a few matters that now seem pertinent for presentation.

In his opening remarks, outlining the provisions of the pending measure, Judge MOON, chairman of the Post Office Committee, said:

> The committee is satisfied that there has been sufficient experiment in the village delivery service. The sum of $200,000 has been appropriated heretofore for several sessions for experiments. The experiments have proven not only very successful but very beneficial to the villages. They have brought about an improvement in the lighting of the towns and an improvement in the pavements and sidewalks, and better conditions generally; and the committee now have an amendment striking out the word "experimental," so as to make this service a continuous service like any other service connected with the department. We have not, however, for this fiscal year raised the amount beyond $200,000.

I wish to refer more at length to this matter, and will endeavor to bring down to date the facts and development of this unique service.

The so-called town and village mail delivery is now in operation in 134 cities, boroughs, and villages of this country. It is admittedly a pronounced success. The paragraph in the bill referring to it is as follows:

> For village delivery service in towns and villages having post offices of the second or third class, $200,000.

During the past sessions of Congress departmental influences endeavored to suppress this service, but both the House and the Senate wisely determined upon the continuance of the appropriation, because Congressmen had made personal inquiries and found that the experimental mail delivery was a success; that it had been of great civic and commercial benefit to the towns; and that increased postal receipts had generally resulted.

This village mail delivery service, as it is called, accommodates people who do not have city delivery or rural delivery. As an intermediate service it removes the discrimination which has naturally developed against people in towns of less than 10,000 population, which have second and third class post offices, where patrons must go to the post office to deposit or secure mail. The third-class offices have annual gross postal receipts of $1,900 to $8,000, and the second-class offices of $8,000 to $40,000. The post offices in these towns return to the Government profit of thousands of dollars a year, and it is but just that the Government shall expend a small part of this profit by providing for the people of such towns desirable mail facilities.

The service supplied under this appropriation has been so very acceptable to the patrons of the offices affected that they are substantially unanimous in their insistence upon its continuance. I am glad to say also that while in the last Congress the Fourth Assistant Postmaster General declared this service to be "rather a dubious postal proposition," he has this year, at the hearings before the Committee on the Post Office and Post Roads, admitted that the service ought to be continued; that the department will encourage this class of delivery; and the Postmaster General, in his annual report, also reverses his position with regard to this service, now admitting that in towns where the receipts exceed $5,000 the "service is warranted."

Your Committee on the Post Office and Post Roads has, therefore, considered that inasmuch as the service has been experimentally conducted for four years and proven itself to be successful and of undoubted public benefit and more economically administered than either the City Delivery Service or the Rural Delivery Service, that the word "experimental" should be stricken from the paragraph.

The section as recommended by the committee should meet with the approval of all who believe in extending to the public that expedition, certainty, and celerity of the mail service which the Government guaranteed the people when it assumed monopoly of the mail business.

It has been suggested by those who were at one time not in sympathy with this service that the unit of measurement for the establishment of City Delivery Service be reduced from $10,000 to $7,500 or $5,000, and that further experiment with village delivery as now authorized be discontinued. Such action would result in the continuance of unfair discrimination, and would make it far more costly to serve a given number of towns than would result from the operation of an intermediate system of mail delivery, as at present, between the City Delivery and Rural Delivery Systems. The average cost per carrier in the City Delivery Service is about $1,130 per annum. The Fourth Assistant Postmaster General reports the average salary paid the 180 carriers in the village delivery service as $600 per annum; hence it will be seen that even if these carriers in the towns were paid $720 or $840 per year the carrier cost of the service in the towns would be much less than it must necessarily be in the larger cities where the expenses of the carriers are far greater.

There are 533 first-class post offices and 2,138 second-class offices in the United States. All of the first-class offices and 1,275 second-class offices have city delivery service. Most of the 863 second-class offices and about 1,500 third-class offices have more than 1,000 population. All of these offices, as previously stated, are profit producers, and return funds to the general postal revenues. The people who are patrons of such offices are fairly entitled to receive the benefits which are derived from modern mail delivery and collection facilities.

In the cities, carriers deliver mail on routes having 500 to 2,000 patrons. On the rural routes the regulations require that there shall be at least 100 families, and there are usually from 200 to 1,000 patrons. It is therefore unreasonable to deprive the people in the towns of less than 10,000 population of a daily delivery of their mail. These people are patrons of post offices having gross receipts between $2,000 and $8,000, and a reasonable expenditure for carrier service will continue to return a substantial margin of profit to the general postal revenues. Furthermore, the history of the Postal Service has shown that every wise extension of the system to benefit the people has resulted in an increase of postal revenues and profits.

Estimates have been made as to the cost of extending a system such as the village delivery to all the towns which would be eligible, and the First Assistant Postmaster General in 1912 reported that a "conservative satisfactory mail delivery at all second and third class offices will cost the Government ultimately $10,000,000 a year." That expense would provide mail-delivery service for fully 15,000,000 people, and as it would require several years before the system could be completely extended, the gradual development could not become a heavy charge against the operating expenses. In any event the appropriation for this service is controlled absolutely by Congress, and can be increased or decreased or remain as now, as this body shall will.

As was stated in my remarks last year, not since the establishment of the Rural Delivery Service, nearly a score of years ago, has the Congress authorized a postal service which carries such great comfort and benefits to the homes of our people as can be provided by mail-delivery service in these towns. Congress has given city delivery to fully 50,000,000 people, and rural delivery to fully 22,000,000, at an expense of about $80,000,000 annually, and there are numerous and sufficient reasons why life shall be made more comfortable and convenient for the millions of people who reside in our active and prosperous towns of less than 10,000 population. [Applause.]

My remarks in the RECORD of February 24, 1910, April 16, 1912, and January 16, 1914, contain considerable data favorable to this extension of modern mail-delivery facilities, and as a further evidence of proof that there is in reality as wide a public demand for the delivery of mail in towns of less than 10,000 population as there is in the cities and rural districts I have secured quite recently, through the courtesy of colleagues in this House, facts and expressions of opinion from business men and other prominent men who are patrons of the post offices at which the village mail delivery service is in operation. A

synopsis of these reports has been prepared, and, with the permission of the House, it will be included in the RECORD as a part of my remarks. These reports, which Congressmen have kindly obtained from persons in whom they have implicit confidence, refer in glowing terms to the success of the experiment. They describe the service as a "howling success," "decidedly beneficial to the town," "satisfactory to a high degree," "greatly appreciated by the people," "of civic and business benefit," and that "it would be going backward to have it discontinued, and the people would resent it."

The reports, stated briefly, are as follows:

Florala, Ala., in the congressional district of Hon. S. H. DENT, JR., is a town of 3,500 people. Mr. DENT secured information concerning experimental mail delivery service from Mr. T. A. Goodwin, of Florala, who says that the postal receipts have increased about $50 per month; that the town has benefited; and that the people want the service made permanent.

Piedmont, Ala., is in the congressional district of Hon. FRED. L. BLACKMON, who has been greatly interested in the village mail delivery service and obtained a report from Mr. E. D. McClelen, of Piedmont. His correspondent states that the people want the village mail delivery continued, as it has been of postal, business, and civic value to the town. Congressman BLACKMON, as a member of the Post Office Committee, has given this service particular attention, and writes that he is satisfied that the mail delivery system should be continued and materially extended.

Tempe, Ariz., located in the district of Hon. CARL HAYDEN, is a town of 1,500 people. From Mayor George M. Frizzel Congressman HAYDEN learned that the mail delivery service had "decidedly benefited the town"; that the people would oppose its discontinuance; and that "a great many of the people who are being served would have to go or send from one-half mile to a mile or more every day to get their mail if they did not have delivery."

Van Buren, Ark., is represented by Hon. OTIS WINGO, who has secured a report to the effect that postal receipts have increased about 10 per cent; that the town has been benefited; and that the people want the service continued

Littleton, Colo., in the district represented by Hon. CHARLES B. TIMBERLAKE, is a town of about a thousand people. Mr. TIMBERLAKE secured a report from Mr. E. H. Albertson, who says that the postal receipts at Littleton have increased since the mail delivery service was established; that the town has been benefited; and that the public want the service continued.

Hawkinsville, Ga., is in the congressional district of Hon. DUDLEY M. HUGHES, who reports that the village mail delivery is a decided success at Hawkinsville and is a great convenience to the people there. In numerous communications from prominent residents of Hawkinsville there are expressed various and substantial arguments favoring the continuance and extension of the village mail delivery service. The president of the chamber of commerce, the superintendent of the schools, and others prominent in the life of the community of Hawkinsville are of the opinion that the village delivery is a great convenience to the people and of much benefit to the town. All of the communications give evidence of a unanimous demand for the service.

St. Maries, Idaho, is the only community from which a note of indifference as to the value of the service was received, the editor of a newspaper stating that his postage bill had been increased by mail delivery, and he could see no benefit as a business man.

Georgetown Ill., ably represented by the Hon. JOSEPH G. CANNON, is a town of more than 3,000 people. Mr. O. P. Clark reported to the former Speaker that the village mail delivery had benefited the town and that the people want the service continued. Mr. Clark says that while there has been some falling off in the receipts at the post office during the past couple of years, that was due to the general conditions in the coal-mining industry.

Homer, Ill., is situated in the district of Hon. WILLIAM B. MCKINLEY. Congressman MCKINLEY secured from Mr. H. J. Wiggins information as to the operation of the service in Homer, and it is said that all the people of the town want the service continued, as they believe it to be of great civic and business value to the community.

Pinckneyville, Ill., located in the district of Hon. E. E. DENISON, reports, through Mr. DENISON, that the mail delivery helped to increase the receipts of the post office, and that the patrons of the office would not do without the mail-carrier service. It is reported that the mail delivery enables the post-office people to increase their efficiency at the stamp, money-order, and registry windows, and, if the service were discontinued, it would require more clerks in the office and would be a step backward in the efficiency of the Post Office Department.

Mitchell, Ind., represented by Hon. W. E. COX, a member of the Post Office Committee, who has given much time and study to postal problems, reports that the village delivery at that place has been a success.

Garrett, Ind., located in the congressional district represented by Hon. CYRUS CLINE, is a town of about 4,700 people. In a report furnished Congressman CLINE by Mr. C. B. Hamilton it is stated that the village mail delivery has benefited the town; that the people would not be satisfied to have the system discontinued; that the service is of importance to the civic and business welfare of the town; that the people are more than pleased with it; that it "would be going backward to have it discontinued, and the people would resent it."

Rockport, Ind., is in the congressional district of Hon. CHARLES LIEB, and has a population of about 2,700 people. In a report from a prominent citizen, submitted through Mr. LIEB, it is stated that since the establishment of the village mail delivery the receipts of the post office at Rockport have increased about 6 per cent; that the service has benefited the town, it being of importance both to the civic and business welfare of the community; and that the patrons would not be satisfied to have the service discontinued. The report also states that mail is now being delivered to patrons who would not call at the office, which mail otherwise would be sent to the Dead Letter Office; and since the establishment of mail delivery the dead-letter list at the Rockport office has diminished from an average of from 25 to 30 letters weekly to 1 or 2 a week.

Seymour, Iowa, represented by Hon. H. M. TOWNER, has a population of about 1,100 people. Congressman TOWNER secured information concerning the village delivery service at Seymour which shows that it has proven beneficial to the town and that the people appreciate the service.

Coon Rapids, Iowa, is in the congressional district represented by Hon. FRANK P. WOODS. The Congressman reports that the postal receipts at Coon Rapids have increased since the establishment of the village mail delivery there; that the service has benefited the town; and that most of the people, particularly the business men of the community, are desirous to have the mail delivery continued.

A letter concerning this service from Mr. E. McDonald, president of the First National Bank of Coon Rapids, is convincing evidence of the popularity of the mail delivery service in that town:

"I have heard some talk of possibly discontinuing the city mail delivery in Coon Rapids. Now, I wish to enter my protest against any such action. We have never had any service in Coon Rapids that is more appreciated by the citizens than the mail delivery. I wish you would do everything possible to have this mail service continued and made permanent. I am sure that I voice the sentiment of 98 per cent of the citizens when I say that it is the most appreciated service that we have ever had in our community."

Lenox, Iowa, which is also in the congressional district of Hon. H. M. TOWNER, with a population of about 1,000, reports that the village mail delivery has benefited the town; that the patrons prize the service very highly and would be dissatisfied to lose it; and that "the American people want this service whether it is self-sustaining or not, and the administration that seeks to limit or curtail this service will be held accountable when election day comes around."

St. John, Kans., is located in the congressional district represented by Hon. JOUETT SHOUSE, who has evidenced much interest in the village mail delivery service, and from information which he has secured from St. John it appears that the mail delivery has benefited the town, it being of importance to the civic and business welfare of the community, and that the people would be greatly dissatisfied were the delivery to be discontinued.

Carrollton, Ky., a town of about 3,500 people, is located in the congressional district of Hon. A. B. ROUSE. In a report from a prominent citizen of Carrollton, furnished through Congressman ROUSE, it appears that the mail delivery has helped to increase the receipts of the post office; that it is of importance and great benefit both to the civic and business welfare of the town, and that "it would be hard to reconcile the people if the free delivery would be taken from them."

Carlisle, Ky., is situated in the congressional district of Hon. W. J. FIELDS and has a population of about 1,500. It is reported that the village mail-delivery service has helped to increase the receipts of the post office at Carlisle at the rate of about from $600 to $1,000 annually; that the service has benefited the town and is of importance to both the civic and business welfare of the community; and that the patrons would protest against a proposition to discontinue the service.

Catlettsburg, Ky., is also represented by Hon. W. J. FIELDS, and the Congressman has reported that the mail-delivery service there "has proven satisfactory to a high degree."

Russellville, Ky., in the congressional district of Hon. R. Y. THOMAS, Jr., has a population of about 3,300. Mr. THOMAS has submitted a report on the mail delivery, obtained from a prominent citizen of Russellville, which states that the delivery has helped to increase the receipts of the post office; that it is of importance and benefit to both the civic and business welfare of the town; and "that the service should be maintained for the reason that it is beneficial to the city, the people, and the patrons of the office."

Mansfield, La., a town of about 1,600 people, is situated in the district of Hon. J. T. WATKINS. Through Judge WATKINS a report was received from Mr. W. T. Pegues regarding the delivery service at Mansfield, stating that it has helped to increase the receipts of the post office about 15 per cent; that it is of importance and great benefit to the civic and business welfare of the town; and that the patrons of the office would be very much opposed to the discontinuance of the service. The report further states that "the service here has been and is giving universal satisfaction, and I believe that same should be made permanent, as I do not think the people would be willing to be without it. They have grown to look upon it as as much of a necessity as the telephone, electric lights, etc."

Congressman WATKINS personally assures "that the people of Mansfield are more than pleased with the village free delivery of mail which they have and are anxious for its continuance."

Baldwinsville, Mass., is in the congressional district represented by Hon. CALVIN D. PAIGE. In a report furnished through the Congressman from Mr. C. A. Perley, a prominent resident of Baldwinsville, it is claimed that the village mail delivery has benefited the town; that it has been of importance to the civic and business welfare of the community, and the people are desirous to have the service continued.

Indian Orchard, Mass., is situated in the district represented by Hon. F. H. GILLETT and has a population of about 5,000. From Congressman GILLETT it has been learned that the mail delivery at Indian Orchard has helped to increase the receipts of the post office; that the delivery has benefited the town; that the people believe the service to be of importance to the civic and business welfare of the community; and that "most decidedly" they would not be satisfied to have the service discontinued, as such action would be considered "a serious interference with their convenience."

Durand, Mich., a town of approximately 3,000 people, is located in the congressional district of Hon. JOSEPH W. FORDNEY. A report on the mail delivery from Mr. T. H. Healy, a prominent citizen of Durand, shows that within a year since the establishment of the delivery service the receipts of the post office increased $800; the service has benefited the town, and the patrons of the office "most decidedly" would not be satisfied to have it discontinued. In further voicing the sentiment of the people of Durand, the report states: "We are proud of our home town, and the delivery is one of our best privileges. The people of Durand can be relied upon to do all in their power that the privilege be continued."

Reed City, Mich., is located in the district represented by Hon. GEORGE A. LOUD and has a population of about 1,500. Mr. A. M. FLEISHHAUER, a well-known citizen, reports, through Congressman LOUD, that the mail delivery has benefited the town and that the people believe the service to be of importance to the civic and business welfare of the community.

Ada, Minn., is in the district of Hon. HALVOR STEENERSON, who kindly secured a report from Mr. D. C. Jones, a business man, to the effect that the postal revenues had not increased, but that the mail delivery had benefited the town to some extent, and that the "unanimous wish of the people is to have it continued." He also stated that "it is a great convenience to the residence part of the town."

Edina, Mo., a town of about 1,800 people, in the district of Hon. JAMES T. LLOYD, who for many years has been interested in the extension of mail-delivery facilities, reports an increase of postal receipts, and Mr. P. C. Gibbons states that the town is benefited and that the people would certainly object to the discontinuance of the mail-delivery service. He further states, "I have not found one who

is not very much in favor of the delivery service, and most of them would think it nothing short of a calamity to have the village mail-delivery service discontinued."

Festus, Mo., in the district of Hon. WALTER L. HENSLEY, reports that the postal receipts had increased, although a large factory had shut down a part of the time. Mr. A. H. Long, in a report to Congressman HENSLEY, stated that the business men are especially in favor of the continuance of the service; that the service had benefited the town; and that "the only complaint is that only a portion of the city gets the delivery and they would all like to have it."

Jackson, Mo. This town is in the district of Hon. J. J. RUSSELL, who obtained a report from Mr. J. E. Schmuke to the effect that the mail delivery had benefited the town and that "it would be a decided step backward" to discontinue the service.

Plattsburg, Mo. Hon. J. W. ALEXANDER secured a report from Mr. A. R. Alexander, of Plattsburgh, who says that the mail-delivery service has proven of importance to the business welfare of the town and is of especial benefit to persons living at a distance from the post office and to homes where men are employed all day and where the children are too small to send to the post office.

Savannah, Mo., is in the district of Hon. CHARLES F. BOOHER. Mr. BOOHER reports that the receipts at the Savannah office have materially increased since the establishment of mail-delivery service; that the town has benefited and that the people are unanimously in favor of the continuance of the service.

Lebanon, Mo., in the district of Congressman THOMAS L. RUBEY, is served by one carrier who delivers mail to 1,050 patrons. Congressman RUBEY resides in Lebanon, and when Congress was not in session last year he made considerable study of the village mail-delivery service. He reports that "the people are very much pleased with the service, both the business men and those who live in the resident portion of the city." Through the courtesy of the Congressman, Mr. S. H. Manchester has furnished statistics showing that a large amount of letters and newspapers are delivered by the mail carrier and that the service operates at a profit to the postal revenue.

Pierce, Nebr., located in the district of Hon. D. V. STEPHENS, reports that the mail delivery has been of benefit to the community; that the people want the service continued; and Mr. J. B. McDonald states that the people would be greatly inconvenienced if they did not have the village mail delivery, as the delivery "has proved a great success." A report from Mr. F. J. Rastede, of Pierce, says that a personal canvass of the patrons shows the popularity of the service. The county attorney, M. H. Leamy, says he has made a close study of the village delivery system, and that he is confident that it has met with the approval of the people generally.

Wymore, Nebr., is situated in the district of Hon. CHARLES H. SLOAN. Mayor McMullen says the people are unanimously of the belief that the civic and business welfare of the town has improved and that the people are in favor of the mail-delivery service.

Pleasantville, N. J., has about 4,000 people who are served by the village mail delivery. This town is in the congressional district of Hon. ISAAC BACHARACH, who has furnished a report from a prominent citizen which states that the receipts of the post office at Pleasantville have increased about 30 per cent since the establishment of village mail delivery; the town has undoubtedly benefited, and the patrons would "positively not" be satisfied to allow the Post Office Department to discontinue the service. The report further states that previous to the establishment of this delivery receipts for some unknown reason were falling off at the rate of $125 per month and more, but the establishment of this delivery evidently put a spirit of development and progress in the inhabitants of the city so that the conditions above were reversed.

Leonia, N. J., a town of about 2,000 people, in the district of Hon. A. C. HART, is represented by a report from Mr. W. H. Eicks, who says that the mail delivery has been a great incentive to building; that if discontinued it would be a serious setback, and that if necessary the whole town would sign a petition indorsing mail delivery.

Mayville, N. Y., a town of 1,100 people, is in the district of Hon. CHARLES M. HAMILTON. The Congressman secured a report from Mr. M. P. Whallon, who states that the people favor the service, and that it has been of benefit to the town.

Lancaster, N. Y., is a town of 4,500 people. Congressman CHARLES B. SMITH secured a report from Mr. John Soemann, who says that there has been only one person in the whole town who does not care for the mail delivery service, and that person has a store near the post office. The postal revenues of the office have increased, and the people would be decidedly opposed to any effort to discontinue the service and are emphatically impressed with its value to the business and civic welfare of the community. The service in Lancaster is described as "the best thing the Government ever did for Lancaster."

Painted Post, N. Y., a town of 1,300, in the district of Hon. HARRY H. PRATT, reports that the service has increased the good will of the public toward the post office, and that only a few residents living in the immediate vicinity of the office failed to avail themselves of the service. Since the town has the mail delivery, houses have been numbered and street signs erected. Much possible good from village mail service is lost, however, by the failure of the department to provide boxes in order to insure both the collection as well as the delivery of mail.

Newton, N. C., is in the district represented by Congressman E. Y. WEBB. In a communication addressed to Mr. WEBB by Mr. F. M. McWilliams, editor and proprietor of the Newton Enterprise, the village delivery service is described as being very popular. The people in that part of the town which is now served appreciate the convenience fully as much as the people in the country do the rural delivery. The only objection is that the service only partially covers the town. Extension of the service is greatly desired by the people, and notwithstanding the fact that the residents of the town are now required to pay the 2-cent rate on local and drop letters, none of the people would be in favor of abolishing the one route already established. All are anxious to have the service extended.

Enderlin, N. Dak., is located in the congressional district of Hon. H. T. HELGESEN. In a report submitted by the Congressman concerning the mail delivery, it is stated that the postal receipts have increased since the establishment of the service; all agree that it has benefited the town; the patrons would "not peacefully" submit to a proposition to discontinue the service, but would be very much disappointed. The report further states that there is no diversity of opinion as to the desirability of the service from the patrons' viewpoint, or as to the fact that this service has actually stimulated postal business and increased the revenues of the office.

Paulding, Ohio, a town of 2,500 people, is located in the district of Hon. N. E. MATTHEWS, who reports that the people are "most assuredly" interested in the continuance of the service, and that the public generally, and the business men in particular, would be greatly discommoded and disappointed if the service were not continued, as it is a "decided success and is greatly appreciated by the people."

Swanton, Ohio, a town of 1,100, in the district of Gen. ISAAC R. SHERWOOD, reports an increase in the postal receipts. As an evidence of the interest in the service, the town council passed an ordinance requiring the erection of street signs, the numbering of houses, and submitted a proposition for lighting the town. The people are reported as highly appreciative of the service.

Jeffersonville, Ohio, is located in the district of Hon. S. D. FESS. Mr. W. W. Williams reports a gradual increase in the postal receipts, and says that the mail delivery has been working perfectly; that everybody is satisfied with the service and would "raise an awful howl" if it were discontinued. He says that the service has been of a decided benefit for as progressive a town as Jeffersonville.

Dewey, Okla., is situated in the district of Hon. JAMES S. DAVENPORT. Congressman DAVENPORT secured a report from a number of business men, among them Mr. B. A. Everetts, Mr. L. V. Ford, and Mr. I. B. McCrary, who state that the service is giving satisfaction, that they would dislike to see it discontinued, and that "quite an addition has been made to the city limits" because the people wanted the service extended. Mr. William Powden advised Congressman DAVENPORT that he considered the village-delivery service a valuable adjunct to the Postal System, as it relieved the people in the towns of the hardship of being compelled to visit the post office for their mail daily. A similar strong indorsement was also furnished by Mr. B. B. Boylan, of the Security National Bank, of Dewey.

Edmond, Okla., a town of 1,500, in the district of Hon. J. B. THOMPSON, reports an increase in the postal receipts. The mail delivery is said to have benefited the town and met with the favor of the public.

Wynnewood, Okla., in the district of Hon. J. B. THOMPSON, a town of 1,200 people, reports an increase of the postal receipts, and Mr. George P. Ralloy states that the mail delivery "has proven quite popular and is very beneficial to both business houses and the residence portion of the city." He describes the service as indispensable, but urges that the department could make the service more efficient by supplying mail boxes.

Ephrata, Pa., is a town of about 3,500 people. The village delivery in Ephrata has been of undoubted success, and Dr. I. N. Lightner reports that the postal, public, and civic benefit has been great. The people are enthusiastic over the efficiency of the mail-delivery system, and quite recently two voluminous petitions signed by all patrons and declaring, among other things, the public approval of the service, were circulated and presented to the Post Office Department.

Palmerton, Pa., is represented by Hon. H. J. STEELE. It is a town of about 4,500 people, and the village mail delivery is described as having very much benefited the town. Mr. William H. Gruber says that the people would vigorously protest against the discontinuance of the service, as it would be a hardship to require the public to call at the post office, as heretofore, before the mail delivery was established, confusion existed because so many people were required to visit the post office and call at the general-delivery window for their mail.

Spring City, Pa., a town of 3,000 inhabitants, located in the district of Hon. THOMAS S. BUTLER, reports through Mr. C. G. Williams that the postal receipts have increased, that the town is benefited by the service, and that practically every person in the town would vigorously protest if the service should be discontinued. He says the people seem delighted with it, but that boxes should be erected on the street corners so that the mail could be properly collected by the carriers.

Tunkhannock, Pa., a town of 2,500 people, in the district of Hon. L. T. MCFADDEN, reports an increase in the postal revenues since the mail delivery was established, and it is said that the people have adjusted their work, mode of life, and habits with reference to the mail service, and that in various ways the civic and business welfare of the town has benefited. Mr. Edward B. Farr says that to discontinue the mail service would be like abolishing the public schools.

White Haven, Pa., a town of 1,500 people, in the district represented by Hon. JOHN J. CASEY, reports that the postal receipts have increased; that the town has benefited by the mail delivery; and that the people are interested in the service.

Freeland, Pa., is also in the district of Congressman JOHN J. CASEY, who reports that the people there are very much opposed to the discontinuance of the village-mail service.

Wrightsville, Pa.—Through Congressman C. WILLIAM BEALES I have been furnished with a large number of letters from prominent residents of Wrightsville who declare that the mail-delivery service in their town has been a success; it has become an absolute necessity, and that it would be a calamity if the Government were to discontinue the service. The business men vigorously protest against its discontinuance and declare with great enthusiasm that the service should be continued in Wrightsville and extended to all towns of similar size. This sentiment was indorsed by the chief burgess, R. P. Wilton, and by officials of the Wrightsville banks and by the leading business men of the town.

Minneapolis, Kans., is located in the district represented by Hon. GUY T. HELVERING. The Congressman has kept in close touch with the operation of the mail-delivery service at Minneapolis, and reports that in every way the service has proven to be a boon there, and that "with the slight amount of expense involved it seems we can ill afford to do away with a service which is so useful." He further states that the service is an unqualified success and to abolish it would be to work a hardship.

Pascoag, R. I., is in the district represented by Hon. AMBROSE KENNEDY, who reports that the mail delivery is regarded as very successful; 95 per cent of the population of Pascoag take advantage of the village delivery, and the patrons heartily favor the service and would protest vigorously if an attempt were made to discontinue it.

Belton, S. C., a town of about 1,600 people, is located in the district of Hon. WYATT AIKEN, who reports an increase in the postal receipts since the establishment of mail delivery; that the patrons consider this service to be one of the most popular branches of Postal Service, and that it is of importance to the civic and business welfare of the town.

Blackville, S. C., is represented by Hon. JAMES F. BYRNES. Mr. B. J. Hammel reports, through the Congressman, that the delivery has helped to increase the postal receipts and has benefited the town; the citizens have named the streets and numbered their houses, and it would create great dissatisfaction to discontinue the service.

Branchville, S. C., in the district of Hon. A. F. LEVER, has a population of about 1,200. Mr. P. Earl Dukes reports that the postal receipts have increased since mail delivery was inaugurated and that the town has benefited thereby. He further states that the service seems to be

operating very satisfactorily and is of great convenience to all the people, and they are very anxious to have it continued.

Miller, S. Dak., is represented by Hon. R. C. JOHNSON. Mr. Harlan J. Bushfield reports an increase in the postal receipts, due to the mail delivery; that the service has benefited the town; that it has caused the extension of sidewalks, the erecting of street signs on all corners, and the numbering of houses; the people believe it should be continued by all means, and there certainly would be strong opposition to a proposition to discontinue the carrier service.

Lenoir City, Tenn., is in the district of Hon. R. W. AUSTIN. Mr. F. A. Weiss reports, through Congressman AUSTIN, that "there is no question whatever but that the delivery has been beneficial, of advantage, and certainly a convenience to patrons." It is further stated that the service is of importance to the civic and business welfare of the town; the "patrons of this office can not be served satisfactorily from one general delivery window; therefore the discontinuance of village delivery service would be an injustice."

McMinnville, Tenn., a town of about 1,700 people, is located in the district of Hon. JOHN A. MOON. In a report from a prominent citizen, submitted by the Congressman, it is claimed that the postal receipts are constantly increasing since the establishment of mail delivery; that the service is of importance to the civic and business welfare of the town; and there would be "tremendous dissatisfaction" with a proposition to discontinue the delivery.

Marion, Va., in the district of Hon. C. B. SLEMP, reports an increase in postal receipts due to mail delivery; that it has benefited the town; is of importance to the civic and business welfare of the community; that all the people are delighted with the service, and none would like to see it discontinued.

Kent, Wash., represented by Hon. W. E. HUMPHREY, has a population of approximately 2,000. Mr. B. A. Bowen reports that mail delivery has benefited the town; that it "most emphatically" is of importance to the civic and business welfare of the community; that the patrons "positively" would not be satisfied to have the delivery discontinued; and that it would be a step backward to discontinue it.

Princeton, W. Va., a town of approximately 1,500, represented by Hon. EDWARD COOPER, reports an increase in postal receipts; that the mail delivery has benefited the town and is of importance to the business and civic welfare of the community, and it would be a great inconvenience to the town to have the delivery service discontinued.

Evansville, Wis., is represented by Hon. HENRY ALLEN COOPER, who reports that he received a number of letters from patrons "strongly advising against the discontinuance of free delivery and urging that every effort be made to secure its retention in Evansville. Two patrons wrote that they would not object to the discontinuance, but others, in their letters, said that these two took this attitude because their places of business are located near the post office. Judging from the whole correspondence, I am clearly of the opinion that the large majority of the patrons of the office at Evansville desire that their free mail delivery service be not discontinued."

Dodgeville, Wis., a town of about 1,500 people, is in the district represented by Hon. JOHN M. NELSON. Mayor John A. Campbell reports an increase in postal receipts due to mail delivery; that the service has benefited the town; and the patrons would not be satisfied to have it discontinued.

New Lisbon, Wis., a town of about 1,100 people, is represented by Hon. J. J. ESCH, who has furnished a report indicating an increase in postal receipts due to mail delivery; that the service has benefited the town; and the people believe the delivery to be of importance to the civic and business welfare of the community.

Having introduced the bill which resulted in the establishment of this service in the Sixty-second Congress, I am greatly pleased, and I am sure that the Members of this body are likewise pleased, to realize the satisfaction caused by their official action in establishing this service and the benefits to all concerned that are accruing therefrom.

In order to show just what service has been established, it is desired to insert in the RECORD a list of the post offices at which the experimental village mail delivery system is now in operation. This tabulation shows the post offices at which the service has been established, grouped in States, the population, and the name of the Congressman in whose district the service has been located. I will feel well repaid for the labor connected with the preparation of this tabulation and the reports presented above if they shall prove to be interesting and valuable and shall encourage a proper and reasonable extension of postal facilities in the cities and towns of this country whose population, being less than 10,000, are not now eligible for city delivery.

The table shows that 134 Representatives have secured for their districts this exceedingly desirable service, and it also shows that there are as many more congressional districts embracing rural territory where this system has not been established, but where it is undoubtedly available to those Members of Congress who will demand it for towns that can comply with the rules of the department:

*Cities and towns in which the "village mail delivery" is established.*

| State. | Office. | Population. | In congressional district of— |
|---|---|---|---|
| Alabama | Florala | 2,439 | Hon. S. H. Dent, jr. |
| Do | Piedmont | 2,226 | Hon. F. L. Blackmon. |
| Do | Russellville | 2,400 | Hon. John L. Burnett. |
| Arizona | Temple | 1,800 | Hon. Carl Hayden. |
| Arkansas | Benton | 2,400 | Hon. Samuel M. Taylor. |
| Do | Clarksville | 1,700 | Hon. H. M. Jacoway. |
| Do | Morrilton | 2,900 | |
| Do | Harrison | 2,000 | Hon. J. N. Tillman. |
| Do | Van Buren | 4,500 | Hon. Otis Wingo. |
| California | Willits | 2,000 | Hon. William Kent. |

*Cities and towns in which the "village mail delivery" is established—Continued.*

| State. | Office. | Population. | In congressional district of— |
|---|---|---|---|
| Colorado | Littleton | 1,600 | Hon. C. B. Timberlake. |
| Connecticut | Guilford | 1,475 | Hon. John Q. Tilson. |
| Do | Windsor | 4,178 | |
| Florida | Monticello | 2,000 | Hon. Emmett Wilson. |
| Georgia | Calhoun | 1,850 | Hon. Gordon Lee. |
| Do | Decatur | 3,000 | Hon. William S. Howard. |
| Do | Forsyth | 2,500 | Hon. W. S. Wise. |
| Do | Sylvania | 1,500 | Hon. Charles G. Edwards. |
| Do | Hawkinsville | 4,200 | Hon. D. M. Hughes. |
| Do | Sylvester | 1,447 | Hon. Frank Park. |
| Do | Waynesboro | 2,720 | Hon. Charles G. Edwards. |
| Idaho | St. Maries | 1,500 | Hon. Robert McCracken. |
| | | | Hon. Addison T. Smith. |
| Illinois | Caterville | 3,100 | Hon. E. E. Denison. |
| Do | Pinckneyville | 2,800 | |
| Do | Eldorado | 3,366 | Hon. Thomas S. Williams. |
| Do | Georgetown | 3,000 | Hon. Joseph G. Cannon. |
| Do | Homer | 1,130 | Hon. William B. McKinley. |
| Do | Le Roy | 1,702 | Hon. John A. Sterling. |
| Do | New Athens | 1,200 | Hon. Wm. A. Rodenberg. |
| Indiana | Hope | 1,400 | Hon. Lincoln Dixon. |
| Do | Edinburg | 2,040 | |
| Do | Garrett | 4,149 | Hon. Cyrus Cline. |
| Do | Jasonville | | Hon. William A. Cullop. |
| Do | Mitchell | 3,434 | Hon. William E. Cox. |
| Do | Tell City | 3,369 | |
| Do | Rockport | 3,000 | Hon. Charles Lieb. |
| Iowa | Belmond | 1,350 | Hon. B. E. Sweet. |
| Do | Coon Rapids | 1,200 | Hon. Frank P. Woods. |
| Do | Guthrie Center | 1,600 | Hon. W. R. Green. |
| Do | Lenox | 1,274 | Hon. Horace M. Towner. |
| Do | Seymour | 2,290 | |
| Do | West Liberty | 1,666 | Hon. H. E. Hull. |
| Kansas | Minneapolis | 1,925 | Hon. Guy T. Helvering. |
| Do | St. Johns | 1,800 | Hon. Jouett Shouse. |
| Do | Wamego | 1,900 | Hon. Dudley Doolittle. |
| Kentucky | Carlisle | 1,433 | Hon. William J. Fields. |
| Do | Russellville | 3,300 | Hon. Robert Y. Thomas, jr. |
| Do | Carrollton | 3,000 | Hon. Arthur B. Rouse. |
| Do | Falmouth | 1,180 | |
| Do | Stanford | 1,700 | |
| Louisiana | Mansfield | 2,600 | Hon. John T. Watkins. |
| Maine | Kennebunk | 2,300 | Hon. Asher C. Hinds. |
| Maryland | Princess Anne | 1,069 | Hon. Jesse D. Price. |
| Massachusetts | Baldwinsville | 2,000 | Hon. Calvin DeWitt Paige. |
| Do | Yarmouthport | 800 | Hon. Joseph Walsh. |
| Do | Indian Orchard | 6,000 | Hon. Frederick H. Gillett. |
| Michigan | Durand | 2,315 | Hon. Joseph W. Fordney. |
| Do | Fremont | 2,000 | Hon. James C. McLaughlin. |
| Do | Morenci | 1,700 | Hon. Samuel W. Beakes. |
| Do | Plainwell | 1,600 | Hon. Edward L. Hamilton. |
| Do | Reed City | 1,630 | Hon. Geo. A. Loud. |
| Minnesota | Ada | 1,432 | Hon. Halvor Steenerson. |
| Do | Zumbrota | 1,200 | Hon. C. R. Davis. |
| Mississippi | Booneville | 1,378 | Hon. E. S. Candler, jr. |
| Do | Ittaoena | 1,800 | Hon. B. G. Humphreys. |
| Missouri | Edina | 1,562 | Hon. James T. Lloyd. |
| Do | Festus | 2,556 | Hon. Walter L. Hensley. |
| Do | Jackson | 2,300 | Hon. Joseph J. Russell. |
| Do | Lebanon | 2,500 | Hon. T. L. Rubey. |
| Do | Pierce City | 2,000 | Hon. P. D. Decker. |
| Do | Plattsburg | 1,900 | Hon. J. W. Alexander. |
| Do | Salisbury | 1,834 | Hon. W. W. Rucker. |
| Do | Savannah | 1,860 | Hon. Charles F. Booher. |
| Nebraska | Pierce | 1,500 | Hon. D. V. Stephens. |
| Do | Wymore | 2,613 | Hon. Charles H. Sloan. |
| New Hampshire | Woodsville | 2,000 | Hon. E. H. Wasson. |
| New Jersey | Leonia | 2,200 | Hon. A. C. Hart. |
| Do | Pleasantville | 3,500 | Hon. Isaac Bacharach. |
| New York | Dundee | 1,227 | Hon. N. J. Gould. |
| Do | Lancaster | 4,364 | Hon. Charles B. Smith. |
| Do | Norwood | 2,000 | Hon. B. H. Snell. |
| Do | Mayville | 1,200 | Hon. Charles M. Hamilton. |
| Do | Painted Post | 1,400 | Hon. Harry H. Pratt. |
| North Carolina | Newton | 3,000 | Hon. E. Y. Webb. |
| North Dakota | Enderlin | 1,540 | Hon. Henry T. Helgesen. |
| Ohio | Jeffersonville | 628 | Hon. Simeon D. Fess. |
| Do | Loudonville | 1,800 | Hon. J. E. Russell. |
| Do | Paulding | 2,500 | Hon. Nelson E. Matthews. |
| Do | Swanton | 1,200 | Hon. I. R. Sherwood. |
| Oklahoma | Edmond | 2,090 | Hon. J. B. Thompson. |
| Do | Sulphur | 3,225 | |
| Do | Dewey | 2,400 | Hon. James S. Davenport. |
| Do | Wynnewood | 2,002 | Hon. Jos. B. Thompson. |
| Pennsylvania | Ephrata | 3,300 | Hon. W. W. Griest. |
| Do | Freeland | 7,300 | Hon. John J. Casey. |
| Do | White Haven | 1,500 | |
| Do | Palmerton | 5,200 | Hon. H. J. Steele. |
| Do | Peckville | 4,000 | Hon. John R. Farr. |
| Do | Spring City | 3,000 | Hon. Thomas S. Butler. |
| Do | Tunkhannock | 2,100 | Hon. L. T. McFadden. |
| Do | Wrightsville | 2,025 | Hon. C. W. Beales. |
| Rhode Island | Pascoag | 2,500 | Hon. Ambrose Kennedy. |
| South Carolina | Belton | 1,650 | Hon. Wyatt Aiken. |
| Do | Blackville | 2,400 | Hon. J. F. Byrnes. |
| Do | Branchville | 2,500 | Hon. A. F. Lever. |
| Do | Hartsville | 2,365 | Hon. J. W. Bagsdale. |
| Do | Dillon | 2,000 | |
| Do | Lancaster | 2,200 | Hon. D. E. Finley. |
| Do | Winnsboro | 2,000 | |
| Do | Woodruff | 2,000 | Hon. J. T. Johnson. |
| South Dakota | Gregory | 1,142 | Hon. H. L. Gandy. |
| Do | Miller | 1,202 | Hon. R. C. Johnson. |
| Tennessee | Elizabethtown | 2,478 | Hon. Sam R. Sells. |
| Do | Newport | 2,003 | |

*Cities and towns in which the "village mail delivery" is established*—Continued.

| State. | Office. | Population. | In congressional district of— |
|---|---|---|---|
| Tennessee | Gallatin | 3,000 | Hon. Cordell Hull. |
| Do | Kenton | 1,200 | Hon. F. J. Garrett. |
| Do | Lenoir City | 3,392 | Hon. R. W. Austin. |
| Do | McKenzie | 2,000 | Hon. T. W. Sims. |
| Do | McMinnville | 2,399 | Hon. J. A. Moon |
| Texas | Caldwell | 1,000 | Hon. J. P. Buchanan. |
| Do | Elgin | 2,000 | |
| Do | Whitesboro | 1,500 | Hon. Sam Rayburn. |
| Vermont | Ludlow | 1,700 | Hon. P. H. Dale. |
| Virginia | Berryville | 1,150 | Hon. James Hay. |
| Do | Cape Charles | 3,000 | Hon. William A. Jones. |
| Do | Phoebus | 2,200 | |
| Do | Marion | 3,000 | Hon. C. B. Slemp. |
| Washington | Kent | 2,400 | Hon. William E. Humphrey. |
| West Virginia | Princeton | 5,000 | Hon. Ed. Cooper. |
| Wisconsin | Dodgeville | 2,500 | Hon. John M. Nelson. |
| Do | Durand | 1,503 | Hon. James A. Frear. |
| Do | Evansville | 2,250 | Hon. Henry A. Cooper. |
| Do | Kewaunee | 2,000 | Hon. Thomas F. Konop. |
| Do | New Lisbon | 1,074 | Hon. John J. Esch. |

RAILWAY MAIL "REORGANIZATION."

The annual report of the Postmaster General contains a number of recommendations for legislation. Many of these recommendations are a renewal of those suggested by the department for several years past, and some of them should be at once enacted into law, so that good business practice should be applied to the administration of the service. Some recommendations are not, however, entitled to favorable consideration unless the policy of the postal officials shall warrant the confidence that administrative discretion will not be used to the detriment of the service and its employees.

In recent years it has become a fad to retrench in the Railway Mail Service, or take up the slack, as some have pleased to term it. This policy has had a far-reaching effect. It has reduced the efficiency of that important branch of the Postal Establishment. Large quantities of important mail which was expedited by being worked in the railway post-office cars is now shipped in storage and the distribution is made at terminal stations with a consequent delay in the delivery of such mail. In fact, it has been reported that the city distribution of mail has been greatly reduced on the cars, and many of the larger cities, such as Philadelphia, Pittsburgh, New York, and Chicago, have suffered serious results from changes which cause delay in the delivery of much business mail because it does not go out by carriers as promptly as it once did. While the changes save money to the Postal Department, they are costly to the business of the country, and, like the rural delivery changes, the final result is the loss of millions of dollars by the people.

The clerks of the Railway Mail Service have suffered much from these innovations. Injustice has been done scores of these men by transferring them to the terminal post offices, where they are removed from the line of advancement which Congress created in the classification act passed three years ago. In many cases men have been forced to accept transfers from the post-office car lines to the terminals and compelled to remove from their homes to the big cities, where the cost of living is greater and the opportunities for the men and their families less desirable. Although changing service conditions may at times necessitate such action, it is unfair to the employees to upset the established conditions under which these men contracted to give their services to the Government, unless the exigencies of the service demand such radical changes. The conditions did not warrant many of these changes, and it is evident that the changes have not increased the efficiency of the service.

One illustration with which I am personally familiar is that which exists on the great New York and Pittsburgh railway post-office line which traverses my congressional district and the States of Pennsylvania and New Jersey. By a series of changes, the end of which is not yet discernible, the number of men on this line has been decreased, the number of crews was reduced, and a schedule of runs arranged which on one trick of duty only allows a two-day lay off instead of six days for recuperation. The New York and Pittsburgh railway post office is one of the biggest in the country, operating over a thickly populated territory between the heaviest mail points—New York, Philadelphia, and Pittsburgh, with connections to Chicago and St. Louis—and these men work on the fastest trains in the country. Considering the mental and physical strain to which these men are subjected during a tour of duty, it is not humane to cut down one of their lay-off periods, as has been done, to two days. After a week of duty it takes two or three days to overcome the reaction, and the physical welfare of the clerks should be considered.

Unless the Post Office Department voluntarily takes action to modify the policy now in effect it is the duty of Congress to enact a law which shall put a limitation upon the mileage or hours of service of these railway postal clerks and thereby insure for them the relief which the spirit of humanity and justice demands.

"REORGANIZATION" OF THE RURAL MAIL.

The rural-mail delivery has been "reorganized" in the name of "economy" from Maine to California and the protests of the people are heard from sea to sea and from the Gulf to the Great Lakes. Charges of decreased efficiency are everywhere. There can be no honest denial of the fact that the burdens of the rural letter carriers have been unduly increased. Congress wanted these men to have fair treatment, both in compensation and mileage, but the hardships imposed by the reorganizers make rural-carrier positions undesirable in wet or wintry weather. The treatment of these men can not be justified. The farmers and other rural residents have protested vigorously against the new fads and theories applied to the administration of the rural delivery, and the farmers themselves declare that the "reorganization" has cost them millions of dollars. In this connection it is desired to place in the RECORD a newspaper article, reporting the official action of the Pennsylvania Grangers' Association, which claims that in Pennsylvania the so-called reorganization of rural-mail routes has cost the grangers $8,000,000 and greatly added to the inconvenience of farm life.

AUTO RURAL ROUTES HAVE COST FARMERS $8,000,000—STATE GRANGE PROTESTS AGAINST THE INNOVATION—DECLARE STRETCHING OF ROUTES FROM 20 TO 50 MILES HAS WORKED TO DETRIMENT OF BOTH THE CARRIER AND PATRON.

STATE COLLEGE, PA., *December 23.*

Lengthening the rural-mail routes in this State has cost the grangers $8,000,000 and greatly added to the inconvenience of farm life, according to two resolutions offered to-day at the annual session of the Pennsylvania State Grange, at State College. It was declared that the Federal Post Office Department stretched 20-mile routes to 50-mile routes, to the detriment of both carrier and patrons. The grangers want the routes shortened so that the rural citizen can be served with mail as he was before the readjustment.

The chief complaint came from the master of Oxford Grange, of Chester County, and his grievance was supported by R. S. Rankin, master of the Pomona Grange, of Washington County.

Members of Congress representing rural districts are so well informed concerning the injury which has been done both the farmers and rural carriers within recent months by this indefensible "reorganization" scheme that it is unnecessary for me to comment upon this subject to great extent. Every man experienced in rural life will appreciate the difficulties to be encountered by the operation of a route 30 or more miles in length on 313 days of the year. Of course, under favorable conditions and in sections of the country where climatic conditions are not severe the mileage can be accomplished by horses or by automobiles over hard-surfaced roads on the 30 to 60 mile routes, but in winter and spring months it is expecting too much of the rural carriers in the North and West. As a consequence the patrons of these routes must suffer inconveniences and submit to decreased efficiency of service.

That there has been serious impairment of the efficiency of the service by the "reorganization" plans of the department is not doubted by the Post Office Committee, which was convinced of the fact by personal knowledge of its own membership and by the testimony of Members of Congress who appeared before the committee. The Post Office Committee therefore refused almost unanimously to accede to the recommendation of the department that authority be extended to it in the form of permanent law to continue the schemes of reorganization that have wrought havoc with the Rural Service. So far as it could by appropriation of funds the Post Office Committee, with practical unanimity, rebuked the false economy which has resulted in the impairment and disorganization of the Rural Delivery Service by replacing in the bill the four and one-half million dollars—a so-called saving caused by curtailment of the service and by discommoding the patrons thereof—thus appropriating for the year 1917 for the Rural Delivery Service $53,000,000, an amount identical with that appropriated for 1916.

I do not doubt that this committee and the House will sustain the action of the Post Office Committee.

ONE-CENT RATE FOR LOCAL LETTERS.

In recent years there has been a growing demand for legislation reducing the letter postage rate because of the fact that more than $70,000,000 profit is derived from this class of business. The public desire for some modification of the rate is increasingly insistent, and the RECORDS of the past few weeks record the introduction in both the House and Senate of a large number of bills proposing a 1-cent drop-letter postage law.

During the Sixty-first Congress I presented what I believe was the first bill to reduce the rate on local or drop letters to 1 cent per ounce or fraction thereof, including delivery at letter-carrier offices where the system of free delivery is established. This bill was reintroduced in the Sixty-second, Sixty-third, and Sixty-fourth Congresses, and I have been the recipient of hundreds of letters from all parts of the United States favoring the legislation by reason of its manifest merit.

The bill proposed reads as follows:

*Be it enacted, etc.*, That upon all mail matter of the first class postage shall be charged at the rate of 2 cents per ounce or fraction thereof on a letter weighing 1 ounce or less, and for each additional ounce or fraction thereof there shall be charged 1 cent. On drop or local letters postage shall be charged at the rate of 1 cent per ounce or fraction thereof, including delivery at letter-carrier offices where the system of free delivery is established.

The RECORD of August 21, 1912, contains my views in full on the letter-postage question, and includes excerpts from the official figures proving the arguments advanced.

I am not prepared to espouse the feasibility of a flat rate of 1 cent for all letters, but I do favor an immediate return to the people of a reasonable share of the exorbitant profit on first-class mail.

The cost of handling local letters on an average in a city or town having letter-carrier service will figure less than one-sixth of a cent, for which service 2 cents is now charged. The profit on this mail is several hundred per cent. There can be no sound argument against granting a local delivery 1-cent rate on letters. The loss in revenue will be immaterial, owing to the increase in postal business which will be stimulated, as is invariably the case, by a reduced rate. The people are entitled to the reduction. Congress should at this session grant the request.

Prior to 1845 the letter rate was based on the number of pieces or sheets of paper, and March 3, 1845, Congress declared weight as a standard, fixing one-half ounce as the basis. In those days length of haul and zone limits were also considered when making postage charges. The rate on letters was reduced to 5 cents for each half ounce or fraction thereof; then to 3 cents, and finally to 2 cents. Congress, in 1872, recognized a further distinction and authorized a 1-cent rate on drop or local letters at post offices where the system of free delivery is not established, and by the act of March 3, 1885, approved of a rate of 2 cents for each ounce or fraction thereof instead of "for each half ounce."

All of this legislation was enacted to "facilitate letter correspondence," and to reduce the rate of postage. The history of these enactments shows that great increase in the business and postal revenues resulted. The Postal Service is not a money-making institution, and when any feature of the service earns an exhorbitant profit of several hundred per cent there should be an adjustment so that the public can share in the earnings.

We also have a 1-cent rate on postal cards, delivered anywhere in the United States, and these the Government provides at its own expense. The law authorizing the present postal card directs that the Postmaster General shall not only furnish the cards of "good, stiff paper," but shall print them, and transmit the postal cards through the mails at a charge of 1 cent each, including the cost of manufacture. That the people have appreciated this facility and postage reduction is evident, for they purchase 2,000,000,000 of these postal cards annually, and in addition to the Government postal cards many millions of private cards are also sent through the mails upon which the 1-cent first-class rate is paid.

From seven million to nine million dollars are annually paid to the Government for postal cards, and the Post Office Department is put at an annual expense of from one hundred and seventy to one hundred and ninety thousand dollars for the paper and printing of these cards, plus many thousands of dollars for shipping the cards to the various post offices in addition to the cost of selling them. These facts demonstrate that the United States Postal Service now has a 1-cent postage rate which could be extended very readily to the great benefit of the people and not to the injury of the Government.

Under the existing law, in a town which does not have carrier service, local letters go into the post office with a 1-cent stamp affixed. The moment that town is allowed the boon of free delivery it is penalized by the substitution of a 2-cent rate on local or drop letters, notwithstanding the fact that the actual cost to the Government is less than one-sixth of a cent, and the other inconsistent fact that post cards, the cost of which is borne by the Government, are delivered at the 1-cent rate.

So that, Mr. Chairman, in view of the exorbitant profits which now accrue to the Government on local or drop letters, the popular clamor throughout the country for a flat reduction in the first-class rate, I am deeply impressed with the belief that the safe and sane thing for the Congress to do is to approach this matter gradually and satisfy public sentiment and the demands of justice by adopting a 1-cent rate on local or drop letters, thereby reserving the great bulk of the profits on first-class mail until Congress in its wisdom shall grant further concessions.

FRANKING PRIVILEGE SHOULD BE CURTAILED.

Mr. Chairman, it is hoped that Congress will not agree to a further extension of the privilege of free mail distribution; but, on the other hand, it would be advisable to in some way curtail the franking privilege granted by present laws. I fully realize the necessity of allowing a reasonable freedom to Senators and Members of the franking privilege, and, after giving the subject some thought, I introduced in the last Congress, and have reintroduced, the following bill:

*Be it enacted, etc.*, That the use of the franking privilege shall be limited to the mailing of official correspondence not exceeding 4 ounces in weight and to the distribution of copies of such speeches and documents as are printed by order of Congress.

This bill authorizes the use of the frank for mailing official correspondence not exceeding 4 ounces in weight and the distribution of copies of such speeches and documents as are printed by order of Congress, and I hope some such legislation can soon be enacted into law.

THE PARCEL POST.

The necessity for better business methods are clear, and the present operation of the Parcel Post Service proves the contention.

The Parcel Post Service has been conducted as a cut-rate business instead of being operated upon a basis of reasonable competition, as was intended by the people when public sentiment approved the enactment of the parcel-post law as a means of providing for the transportation of packages by mail at rates which would offset the express combination. The Parcel Post Service is greatly appreciated by the public, but the people never intended that it should be so managed as to become an expense to the Government.

Last October the Postmaster General had a count made of the parcel-post business, and it indicated revenues of about $3,200,000 a month. The annual report fails to disclose just how much was lost by the department, but it is evident that this immensely popular and growing service is not self-supporting and has not been conducted with such efficiency and economy as to produce that profit which had been anticipated. The Postmaster General says:

The usefulness and success of the parcel post depends to a large extent on the maintenance of such postage rates and conditions of mailability as will make it self-supporting.

He could have proceeded further and admitted that the present administration had not maintained the parcel-post rates authorized by Congress, but had altered the first-zone rate and given the mail-order houses a rate which gained little for the public, but has cost the Government in excess of $10,000,000 a year. He should also have admitted that the rural mail carriers have been required to assume greater burdens by carrying more mail and traveling longer routes without being given that full consideration which Congress voted. He could have told how the star-route contractors were bound under their unyielding contracts to transport great loads of freight as parcels, and how scores of northern and western star-route contractors lost their money because of the Government's power to do as it pleased. The poor mail messengers likewise have paid the penalties of the parcel-post increase, and the railroads were required to carry tons of packages without compensation until the Government at its pleasure saw fit to make an adjustment.

BUSINESS MANAGEMENT OF THE DEPARTMENT.

Mr. Chairman, it is inconceivable to the practical business men of this country that an institution with revenues exceeding $300,000,000 should be conducted with great loss. The people have never declared that the Postal Service shall be a profit-making concern, and it is generally understood that certain features of the postal establishment have for years been conducted at a loss. It is recognized that postage rates authorized by Congress many years ago are inconsistent with the revenues and expenses of certain classes of the service.

The first and second class postage rates have been firmly established for many years, and the one class is largely associated with the other. In this case the great profit on first-class matter has more than offset the loss on second-class matter. No doubt last year a profit of $75,000,000 was made on first-class mail and a loss of fully $40,000,000 was incurred on second-class mail matter. Doubtless the rates for registry and special delivery are about right and produce a fair profit on the business handled. We know that the Rural Mail Service costs more than the revenue derived from this service, as does the second-class business; but the indirect benefit to the masses of

the people has for years produced public sentiment which justifies the continuance of the expenditures. In the case of the Rural Mail Service the money expended by the Government has done much to make farm life pleasant, but the greatest benefit has come from the general advancement of agriculture. With good administration and proper regulation, the losses can be overcome without the necessity of decreasing the established rural service or without increasing the postage rates on second-class mail matter.

What the American Postal Service needs to-day is business management. What corporation with revenues of $300,000,000 a year would submit a business of such great proportions to the general management of one man? There is necessity for better directorship, and the business policy should be under the direction of a group of capable men of both business and postal experience, who would manage the Post Office Department as any large business institution should be conducted. There would be no serious objection to the continuance of the Postmaster General as the political head of the department and a member of the President's Cabinet to carry into effect the wishes of the people, but we should have experts and strong men in charge of the actual operation of the service continuously.

I thank the Members for their indulgence and attention.

Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD, and I yield back the remainder of my time.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. STEENERSON. Mr. Chairman, how much time has the gentleman used?

The CHAIRMAN. He used 34 minutes, and yields back 1 minute.

Mr. MOON. Mr. Chairman, I yield to the gentleman from Missouri [Mr. BORLAND] 10 minutes.

The CHAIRMAN. The gentleman from Missouri [Mr. BORLAND] is recognized for 10 minutes.

Mr. BORLAND. Mr. Chairman and gentlemen of the committee, no committee of this House performs a more important or a more difficult service than the Committee on the Post Office and Post Roads, and no committee of this House has performed such a difficult service with more signal fidelity and success than the present Committee on the Post Office and Post Roads.

The Post Office Department is the greatest business institution of the Government—the greatest business institution of any Government. Its total receipts are over $300,000,000. I am not one of those who believe that the Post Office Department should be run at a profit. I am not even sure that it should be run always without a deficit. I do believe that it ought to be run as nearly on a business basis as it is possible to run it.

The introduction of a new element into the Post Office Service is now causing, and will in the immediate future cause, a tremendous rearrangement of the postal business. As long as the business of the Postal Department was confined almost entirely to the carriage of intelligence, it is impossible to weigh the results or the advantage to the people as against the cost of the service; but when we come to extend the Postal Service to the carriage of merchandise as distinguished from intelligence, we have introduced an element which all of us agree ought to pay its own way. The Government ought not to carry merchandise for anybody at a loss. On the other hand, there is a strong political and social reason why the carriage of intelligence into the home and business place of every citizen of the United States should be accomplished regardless of the initial or individual cost of that service.

From listening to these speeches that have been made this afternoon I understand how easy it is to cast criticisms upon a great business institution. I will undertake to say that no public-service corporation now exists or ever has existed in the United States that these shrewd gentlemen could not have arraigned with greater success and in more particulars than they have arraigned the great public-service system of the United States—the Post Office Department. Yet, apparently actuated by partisan motives, they busy themselves to stir up discontent among the employees of the service and the patrons of the post office, and magnify, in all cases, the conditions that affect their convenience or their interest adversely, and gloss over or forget to mention or deny the great extensions of the business that are for the benefit of the people.

A few minutes ago a Member from the great State of Massachusetts, which is gridironed with rural routes and filled with city service, and which radiates railway mail routes, was busy in putting into the RECORD individual complaints received because of changes in the rural routes, and yet that gentleman did not know that 167 extensions of the rural free delivery had been made in the State of Massachusetts in the single year preceding. That is a fair sample of the character of these criticisms.

No man will deny that changes are made at some inconvenience to established customs. No man will deny that the growth of every business demands readjustment and reestablishment; but apparently no one has seen fit to call attention to the fact that not only has that service been greatly extended in the last year, but that there are still great opportunities for an exension of the service and a business administration of it.

The reports of the hearings of this committee show that on the rural free delivery, which is, I think, one of the greatest and most beneficial features of the postal service, there are 4,320 routes in the United States where the carrier works less than four hours a day. I will undertake to say that there is not a public-service corporation that ever existed that would not correct that condition if it could. I do not hesitate to say that the great majority of business men and taxpayers and post-office patrons in this country would correct it in their own lines of business. Think of it! Four thousand three hundred and twenty routes in this country where the carrier works less than four hours a day!

Now, of course, it is the desire of the Postal Service to reach as many persons as possible, and to extend, with the facilities at hand, the benefits of rural delivery and the carriage of the mail to all citizens who can be reached, and not to confine these benefits to a few who happen to possess them now, to the exclusion of those who might possess them. Yet men who will argue for the static condition, and for archaic conditions in the postal service, are arguing against the businesslike extension of the facilities of the office. If more people can be served out of the pay roll provided by the taxpayers of the people, that ought to be done, and any honest man in charge of the service would do it if he could. In undertaking to do it he would doubtless make some mistakes, and doubtless he would see some places where from experience he would correct the arrangement that he had made. Doubtless he would see that the new arrangement had made some inconveniences, incidentally, and some advantages, incidentally; but he would attempt, as has been done, to extend the service to all homes and to all businesses to which it could be extended.

You have to deal not only with the question of the time taken to cover these routes, but the length of each route and the amount of mail matter carried. Yet, it has been the custom in the past arbitrarily to limit these routes upon the mileage carried, regardless of the difficulties, regardless of the time, regardless of the quantity of matter carried. Would any public-service corporation engage in that method of managing its business? Would it not take into consideration the difficulties, the time necessary for one carrier to cover his route, and the amount of the packages that he must deliver? When you come to consider that now you are dealing with the carriage of merchandise as well as of intelligence, you find that you are confronted with the absolute, imperative necessity that these things be taken into consideration. If you were carrying intelligence only, you would carry it regardless of expense to every man in the land. When you are combining the carriage of intelligence and merchandise in a great public-service enterprise, you must deal with it on the basis of the weight and tonnage of merchandise carried, the difficulty and the time consumed in carrying it, as well as the route upon which it is carried. To do otherwise is to discriminate between carriers receiving the same pay as well as to waste the taxpayers money by not securing a dollar's worth of service for a dollar of expenditure.

Mr. FESS. Mr. Chairman, will the gentleman yield?

Mr. BORLAND. Mr. Chairman, if I had the time I would be glad to, but I do not believe I will have the time. The Postal Service is the great golden chain that links this country together. It is the one thing that makes this Nation a homogeneous whole. It is the one thing that has made a common language, a common literature, and common political ideals extend over 3,000 miles of territory. There is not a similar extent of territory in the known world where one man from one part of the country holds the same ideals, the same standard, social and intellectual development as the men in every other part of the country. Some of the smaller countries in the world contain a heterogeneous mass of different races and languages, different laws, and different customs; but here, bound

together by the golden chain of the Postal Service, running into every nook and corner of the country, into every hill farm as well as to every center of population, we are knit into a indissoluble union, a union that will never be broken. The business of the Post Office Department is the great underlying feature of national unity in the United States. [Applause.]

Mr. STEENERSON. Mr. Chairman, I yield 10 minutes to the gentleman from Oregon [Mr. MCARTHUR].

Mr. MCARTHUR. Mr. Chairman and gentlemen, in view of the nation-wide interest in the question of 1-cent postage for local or "drop" letters, I desire to occupy the time allotted to me by a discussion of this subject, as I believe it to be of more than ordinary concern to the people of our country. Early in the session, at the request of some of the leading business men in the district which I have the honor to represent, I introduced a bill providing for a reduction in the existing rate on this class of mail matter from 2 cents to 1 cent. I had already given the subject no little study and consideration, and thoroughly believed in the correctness of the measure which I introduced; and after hearing the question ably discussed and presented by the distinguished gentleman from North Carolina [Mr. BRITT] and others at a hearing before a subcommittee of the Committee on the Post Office and Post Roads, I am more firmly convinced than ever of the wisdom and practicability of such legislation.

PRESENT RATE IS UNFAIR.

At the present time the 2-cent letter rate applies to all sealed letters, whether addressed to a neighbor in the next block or going from Maine to Oregon or Texas to Minnesota. The 2-cent rate for these long-distance letters a little more than covers the average cost of their transportation and delivery, but the Government realizes an immense profit upon local letters designed for delivery in the city or town where they are mailed. The cost of delivering the average local letter is less than a quarter of a cent, so the Government derives a profit of more than 1¾ cents on the average letter of this character. The local letter is handled by a collector, a city clerk, and a city carrier. The long-distance letter involves the same expense and, in addition thereto, it must be sorted by railway mail clerks on the trains, must be hauled from the post office to the train and from the train to the post office, and we must pay the railroad company for the transportation as well. It is manifestly unfair to persons or firms who wish to use the mails for the delivery of local letters to charge them the same rate as is charged for transporting letters and delivering them in places three or four thousand miles distant, and the time has arrived for a readjustment of rates.

BUSINESS CONCERNS NOW DELIVER THEIR OWN MAIL.

At the present time many merchants and manufacturers having a large local mail find it cheaper to deliver this mail by their own carriers than to pay the exorbitant governmental rate of 2 cents per letter. When the local postage rate for sealed letters is reduced to 1 cent practically all of this business will be handled by the Government, and, inasmuch as the average cost of handling such letters is less than a quarter of a cent, the Government will realize an immense profit, largely because of the increased volume of business. It is true more clerical aid and more carriers will be required, but even after figuring these added expenses the Government will realize large profits on this class of mail.

MEANS GREATER VOLUME OF BUSINESS.

One-cent local letter postage will mean a greater volume of business, more direct methods of advertising, cheaper and closer communication between the business man and his customer, the lawyer and his client, the doctor and his patient, the minister and his congregation, the lodge and its members, and the farmer (on the rural free-delivery route) and the conveniences of his town or trading center; in brief, it will develop written communication between all classes and conditions of people, poor and rich alike. There is no sound argument against this proposed 1-cent local postage rate, and no reason why it should not be established as soon as the revenues of the department can be adjusted to meet new conditions.

REVENUE SHORTAGE WOULD BE TEMPORARY.

It is undoubtedly true that the adoption of a 1-cent letter rate for local delivery would decrease the total receipts of the department for a brief time, but it is reasonably certain that the volume of local business would soon increase to such proportions that the total receipts would be even larger than at present. The proposed reduction in the postage rate would not mean a 50 per cent reduction in the revenue derived from local mail, for the reason that there are now used annually $20,000,000 worth of 1-cent postal cards, a large proportion of which are delivered where they are mailed, and for the additional reason that a 1-cent letter rate already exists in towns and villages that have no free-delivery service.

Experience has demonstrated that a reduction in postage eventually means a greater income for the department. The act of March 3, 1883 (22 Stat. L., 455), reduced general letter postage from 3 cents to 2 cents. When this act became operative, there was a sudden falling off in the receipts from the sale of postage stamps, but the general readjustment came rapidly and within a very few years there was a great increase over the total amount received during the most prosperous years of the 3-cent rate. In fact, the receipts from the sale of stamps doubled, trebled, and quadrupled in an astonishingly short space of time. The annual reports of the Postmaster General and the evidence given before the subcommittee on Post Offices and Post Roads will confirm these statements.

SECOND-CLASS MATTER CALLS FOR LARGE EXPENDITURES.

What accounts for the large expenditures of the department? It is the large volume of second-class printed matter which goes through the mails at the rate of 1 cent per pound. During the last fiscal year, according to the latest report of the Postmaster General, the Post Office Department handled 1,109,285,785 pounds of newspapers and periodicals, and after deducting the large volume of this printed matter that is delivered free within the limits of the county where it is published it will be seen that the receipts to the department on account of transporting newspapers and periodicals were less than $10,000,000. It is estimated that it cost the Government over $75,000,000 to deliver these newspapers and periodicals. To make up the loss thus incurred, first-class or letter mail, which weighed only one-fifth as much as the newspapers and periodicals, supplied nearly $200,000,000 worth of revenue and cost the Government less than $100,000,000. The chief source of this great amount of profit was derived from the delivery of local letters. Is it fair to require these persons or firms mailing these letters to make up the large deficit caused by the handling of newspapers and periodicals? It appears to me to be an unequal distribution of expense and an unusual privilege enjoyed by the few at the expense of the many.

NO OBJECTION TO LEGITIMATE PUBLICATIONS.

I am not here to make war on legitimate newspapers or periodicals. On the contrary, I believe in the widest possible circulation of these publications for the purpose of disseminating information and knowledge among the people—an educational force essential to the well being of democracy. The time has come, however, when there should be a readjustment of rates upon publications which are devoted almost exclusively to advertising. I do not favor increasing the rates on legitimate newspapers or periodicals that confine their advertising to a reasonable percentage of their total space. Practically all of such newspapers and magazines fill a genuine public demand, but there are countless numbers of fraudulent papers and magazines, "fly-by-night" campaign organs, cheap advertising mediums, and swindling devices of one kind and another which are not entitled to the Government rate of 1 cent per pound and which should be denied that privilege. The last report of the Postmaster General deals with this question, on pages 35 to 37. Speaking of these fraudulent publications and their methods, the Postmaster General says:

> These practices constitute a flagrant use of the second-class mail privilege, not only serving to swell the amount of this class, but at the same time subjecting publishers who conduct their business in harmony with both the letter and spirit of the law, to unfair competition.

POSTAL CLERKS AND CARRIERS OVERWORKED.

The public is sick and tired of these fraudulent and wholly unnecessary publications, and the patient postal clerks and carriers are growing weary under their ever-increasing burdens. With the elimination of the fraudulent second-class matter that I have referred to these clerks and carriers could handle an increased number of local letters which would be less burdensome, more of a service to the people, and greater revenue producers. There must be a general readjustment of things and in that readjustment we must reduce the burden of the second-class matter and lower the postage rate on local letters. More clerks and carriers will be required, but the finances of the department must be arranged to that end.

IS NOT A PARTISAN QUESTION.

This is in no sense a partisan matter. It is a matter of business, nothing more nor less. The Postal System was established and is maintained for service, not for revenue. A 2-cent rate on local letters impairs the service by forcing many business men to send private employees to deliver their letters on routes covered by mail carriers. It impairs the service by shutting out a considerable quantity of mail that would be sent if the local rate were cut in half. It discourages instead of

developing the use of the mails. No man attempts to defend the present local postage rate as either scientific or equitable. No man defends it upon any ground other than that the Post Office Department needs the money, an argument that has little force as against the plea that the American people need the service at a reasonable cost, and the further practical certainty that the revenues would be diminished very slightly, if any; only temporarily, if at all; and eventually would be greatly increased. [Applause.]

Mr. COX. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. RAINEY, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 10484, the Post Office appropriation bill, and had come to no resolution thereon.

RESIGNATION FROM COMMITTEES.

The SPEAKER laid before the House the following resignation from committees:

Hon. CHAMP CLARK, *Speaker.*

MY DEAR MR. SPEAKER: I beg to hand you herewith my resignation as a member of the Committee on Elections No. 2 and the Committee on Expenditures in the Navy Department, to take effect immediately.

Sincerely and obediently, yours,

J. R. WALKER,
*Eleventh District, Georgia.*

The SPEAKER. Without objection the resignation is accepted.

There was no objection.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. MONTAGUE, indefinitely, on account of sickness in his family.

THE BEEF TRUST.

Mr. BORLAND. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the subject of the investigation of the alleged Beef Trust.

The SPEAKER. The gentleman from Missouri asks unanimous consent to extend his remarks in the RECORD on the subject of the Beef Trust. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, may I ask the gentleman the character of the extension?

Mr. BORLAND. It will be some remarks accompanied by resolutions of the Missouri Cattle, Swine, and Beef Raisers' Association.

Mr. MANN. I have no objection.

The SPEAKER. Is there objection?

There was no objection.

ENROLLED BILL SIGNED.

Mr. LAZARO, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title, when the Speaker signed the same:

H. R. 9213. An act to authorize the Gary Land Co. to construct a bridge across the Grand Calumet River, in the State of Indiana.

ADJOURNMENT.

Mr. MOON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock p. m.) the House adjourned until to-morrow, Tuesday, February 15, 1916, at 12 o'clock noon.

## EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of the Treasury transmitting copy of a communication from the Secretary of the Navy submitting a supplemental and additional estimate of appropriation required by the Naval Establishment during the fiscal year ending June 20, 1917 (H. Doc. No. 686); to the Committee on Naval Affairs and ordered to be printed.

2. A letter from the Acting Secretary of War transmitting report of commission of Army officers appointed by the Secretary of War to investigate and report upon advisability of the acquirement by the United States Government of land near the Bay of San Diego, Cal., and elsewhere on the Pacific, Gulf, and Atlantic coasts for an aviation school and training grounds of the Signal Corps of the United States Army (H. Doc. No. 687); to the Committee on Military Affairs and ordered to be printed, with illustrations.

3. A letter from the Acting Secretary of War transmitting a letter from the Chief of Engineers, with a statement prepared from data received from officers in charge of the different engineering districts showing name, time employed, and compensation of civilian engineers employed between July 1, 1914, and June 30, 1915 (H. Doc. No. 688); to the Committee on Rivers and Harbors and ordered to be printed.

4. A letter from the Secretary of the Treasury transmitting draft of legislation to repeal certain provisions of the act approved March 3, 1915, making appropriation for sundry civil expenses of the Government for the fiscal year ending June 30, 1916, and statement relating thereto (H. Doc. No. 689); to the Committee on Appropriations and ordered to be printed.

5. A letter from the Secretary of the Treasury submitting an amendment to the act of October 22, 1914, relative to taxation on original issue of certificates of stock in corporations (H. Doc. No. 690); to the Committee on Ways and Means and ordered to be printed.

6. A letter from the Acting Secretary of War, transmitting letter from the Chief of Engineers, United States Army, submitting a list of claims against the United States which have been adjusted and settled by the Chief of Engineers and approved by the Secretary of War (H. Doc. No. 691); to the Committee on Rivers and Harbors and ordered to be printed.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. BURNETT, from the Committee on Public Buildings and Grounds, to which was referred the bill (H. R. 10487) reserving or excepting all ores or minerals on the lands, with the right of mining the same, on the site of the proposed post-office building at Calumet, Mich., reported the same without amendment, accompanied by a report (No. 185), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

## REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. STEPHENS of Mississippi, from the Committee on Claims, to which was referred the bill (H. R. 5185) for the relief of George H. Hammond, reported the same with amendment, accompanied by a report (No. 186), which said bill and report were referred to the Private Calendar.

Mr. FOSTER, from the Committee on Claims, to which was referred the bill (H. R. 2638) for the relief of Austin G. Tainter, reported the same with amendment, accompanied by a report (No. 187), which said bill and report were referred to the Private Calendar.

Mr. STEPHENS of Mississippi, from the Committee on Claims, to which was referred the bill (H. R. 8592) for the relief of the heirs of C. S. Barbee, reported the same with amendment, accompanied by a report (No. 188), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (H. R. 8466) to relieve J. Lawrence Latham, postmaster at Eupora, Webster County, Miss., of the payment of cash and funds stolen from the post office, reported the same without amendment, accompanied by a report (No. 189), which said bill and report were referred to the Private Calendar.

Mr. POU, from the Committee on Claims, to which was referred the bill (H. R. 5986) for the relief of the heirs of the late Peter Deel, reported the same without amendment, accompanied by a report (No. 190), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (H. R. 8787) for the relief of the heirs of Hundley V. Fowler, deceased, reported the same without amendment, accompanied by a report (No. 191), which said bill and report were referred to the Private Calendar.

## PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. SHOUSE: A bill (H. R. 11470) authorizing the Secretary of War to donate to the Grand Army of the Republic Post at Hutchinson, in the county of Reno and State of Kansas, two bronze or brass cannon or fieldpieces, with their carriages; to the Committee on Military Affairs.

By Mr. KITCHIN: A bill (H. R. 11471) to amend an act entitled "An act to reduce tariff duties and to provide revenue

for the Government, and for other purposes," approved October 3, 1913; to the Committee on Ways and Means.

By Mr. KEATING: A bill (H. R. 11472) to reserve certain lands and make them a part of the Pike National Forest; to the Committee on the Public Lands.

Also, a bill (H. R. 11473) to provide for the erection of a public building at Canon City, Colo.; to the Committee on Public Buildings and Grounds.

By Mr. SELLS: A bill (H. R. 11474) authorizing the Secretary of Commerce to permit the construction of a public highway through the fish-cultural station in Unicoi County, Tenn.; to the Committee on the Merchant Marine and Fisheries.

By Mr. VOLSTEAD: A bill (H. R. 11475) authorizing the erection of a public building at Marshall, Minn.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 11476) to authorize the erection of a public building at Litchfield, Minn.; to the Committee on Public Buildings and Grounds.

By Mr. RUSSELL of Ohio: A bill (H. R. 11477) authorizing the Secretary of War to deliver to the village of Fort Loramie, Shelby County, Ohio, one condemned bronze or brass cannon, with the carriage and a suitable outfit of cannon balls; to the Committee on Military Affairs.

By Mr. MURRAY: A bill (H. R. 11478) to establish a fish-cultural station at some point on the Blue or Pennington Rivers, in the State of Oklahoma; to the Committee on the Merchant Marine and Fisheries.

Also, a bill (H. R. 11479) making a per capita payment to the Seminole Indians; to the Committee on Indian Affairs.

By Mr. LEHLBACH: A bill (H. R. 11480) to amend section 19 of the public-building act approved March 4, 1913 (37 Stat., 883), as amended by the act of Congress approved August 11, 1913 (38 Stat., 109); to the Committee on Public Buildings and Grounds.

By Mr. SHERWOOD: A bill (H. R. 11481) providing for pensions for all American citizens who have reached the age of 65 years and who are incapable of manual labor and whose incomes are less than $200 per annum; to the Committee on Pensions.

By Mr. BORLAND: Resolution (H. Res. 139) directing the Federal Trade Commission to make investigations relative to certain packing companies; to the Committee on the Judiciary.

By Mr. DICKINSON: Joint resolution (H. J. Res. 151) proposing a national anthem; to the Committee on the Judiciary.

## PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ASHBROOK: A bill (H. R. 11482) granting an increase of pension to Isaac S. Hawke; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11483) granting a pension to Maria J. Anderson; to the Committee on Invalid Pensions.

By Mr. BAILEY: A bill (H. R. 11484) granting a pension to William Nichols; to the Committee on Invalid Pensions.

By Mr. BORLAND: A bill (H. R. 11485) granting an increase of pension to Charlotte Porter; to the Committee on Invalid Pensions.

By Mr. CANTRILL: A bill (H. R. 11486) granting an increase of pension to Elizabeth Simpson; to the Committee on Invalid Pensions.

By Mr. CARLIN: A bill (H. R. 11487) granting a pension to Francis G. Schutt; to the Committee on Pensions.

By Mr. CHIPERFIELD: A bill (H. R. 11488) to amend the military record of John Stobaugh; to the Committee on Military Affairs.

By Mr. CLARK of Missouri: A bill (H. R. 11489) granting an increase of pension to Benjamin F. Patterson; to the Committee on Invalid Pensions.

By Mr. COOPER of Wisconsin: A bill (H. R. 11490) granting a pension to Rose Rowell; to the Committee on Invalid Pensions.

By Mr. FARR: A bill (H. R. 11491) granting a pension to Milton Litzenberger; to the Committee on Pensions.

Also, a bill (H. R. 11492) granting an increase of pension to James O. Stanton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11493) for the retirement of John J. Ross, second lieutenant, Philippine Scouts; to the Committee on Military Affairs.

By Mr. FESS: A bill (H. R. 11494) granting an increase of pension to Readding Everitt; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11495) granting a pension to Earl W. Maitland; to the Committee on Pensions.

By Mr. FINLEY: A bill (H. R. 11496) granting a pension to Lawrence Hubschman; to the Committee on Pensions.

By Mr. HASTINGS: A bill (H. R. 11497) granting an increase of pension to John Fishero; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11498) making an appropriation to compensate James M. Moore for damages sustained while in the service of the Government of the United States; to the Committee on Claims.

By Mr. HUMPHREY of Washington: A bill (H. R. 11499) for the relief of William Englund; to the Committee on Claims.

By Mr. JACOWAY: A bill (H. R. 11500) for the relief of C. V. Hinkle; to the Committee on Claims.

By Mr. KEARNS: A bill (H. R. 11501) granting an increase of pension to Homer Hoover; to the Committee on Invalid Pensions.

By Mr. KENNEDY of Iowa: A bill (H. R. 11502) granting an increase of pension to Christian Lock; to the Committee on Pensions.

By Mr. KIESS of Pennsylvania: A bill (H. R. 11503) granting a pension to Sarah Malinda Shumway; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11504) granting a pension to George D. Helwig; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11505) for the relief of Ashley H. Short; to the Committee on Military Affairs.

By Mr. LEVER: A bill (H. R. 11506) granting a pension to Pickens C. Cullum; to the Committee on Pensions.

Also, a bill (H. R. 11507) granting a pension to Joseph M. Caughman; to the Committee on Pensions.

By Mr. McANDREWS: A bill (H. R. 11508) granting a pension to Joseph Canton; to the Committee on Pensions.

Also, a bill (H. R. 11509) granting an increase of pension to Elijah C. Davey; to the Committee on Invalid Pensions.

By Mr. McARTHUR: A bill (H. R. 11510) granting a pension to William J. Fox; to the Committee on Pensions.

By Mr. McCRACKEN: A bill (H. R. 11511) granting an increase of pension to Alfred Ducommun; to the Committee on Pensions.

By Mr. McKELLAR: A bill (H. R. 11512) granting a pension to Alfred C. Worley; to the Committee on Pensions.

By Mr. MATTHEWS: A bill (H. R. 11513) granting an increase of pension to Jacob Hiser; to the Committee on Invalid Pensions.

By Mr. MILLER of Pennsylvania: A bill (H. R. 11514) granting a pension to Arabelle Stevenson; to the Committee on Invalid Pensions.

By Mr. MOORES of Indiana: A bill (H. R. 11515) for the relief of Samuel D. Kingsbury; to the Committee on Claims.

By Mr. OAKEY: A bill (H. R. 11516) granting a pension to Frank Crane; to the Committee on Pensions.

By Mr. OLNEY: A bill (H. R. 11517) granting an increase of pension to Cynthia J. A. Grant; to the Committee on Invalid Pensions.

By Mr. PADGETT: A bill (H. R. 11518) granting an increase of pension to Mandy Weaver; to the Committee on Invalid Pensions.

By Mr. PLATT: A bill (H. R. 11519) granting an increase of pension to Henry Worden; to the Committee on Invalid Pensions.

By Mr. RUSSELL of Missouri: A bill (H. R. 11520) granting an increase of pension to John A. Medley; to the Committee on Invalid Pensions.

By Mr. SELLS: A bill (H. R. 11521) granting a pension to Sarah Hines; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11522) granting an increase of pension to George W. Price; to the Committee on Invalid Pensions.

By Mr. SMITH of Michigan: A bill (H. R. 11523) granting restoration of pension to Harriet S. Upright; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11524) granting an increase of pension to Martha H. Hamlin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11525) granting an increase of pension to George R. Rosenbrook; to the Committee on Invalid Pensions.

By Mr. SMITH of Idaho: A bill (H. R. 11526) granting a pension to Horace G. Pope; to the Committee on Pensions.

By Mr. SNELL: A bill (H. R. 11527) granting an increase of pension to Evan E. Griffis; to the Committee on Invalid Pensions.

By Mr. TAYLOR of Colorado: A bill (H. R. 11528) to correct the military record of John R. Smith, deceased; to the Committee on Military Affairs.

By Mr. TILSON: A bill (H. R. 11529) granting an increase of pension to Nellie N. Taft; to the Committee on Invalid Pensions.

By Mr. TREADWAY: A bill (H. R. 11530) granting a pension to Robert Groves; to the Committee on Pensions.

## PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Memorial of Missouri Commandry of the Loyal Legion and the Cornelia Green Chapter of the Daughters of Americal Revolution, urging preparedness; to the Committee on Military Affairs.

Also (by request), memorial of Christian Endeavor Society, urging passage of the Sheppard bill; to the Committee on the Judiciary.

Also (by request), memorial of Illinois Guardians of Liberty, urging passage of House bill 491; to the Committee on the Post Offices and Post Roads.

Also (by request), memorial of German-American Alliance of Washington, Mo., favoring an embargo on arms; to the Committee on Foreign Affairs.

Also (by request), memorial of German-American Alliance of Washington, Mo., urging that House joint resolutions 84 and 85, and Senate joint resolutions 30 and 55 be not passed; to the Committee on the Judiciary.

Also (by request), memorial of Loyal Order of Eagles and German-American Alliance, of Washington, protesting against prohibition in the District of Columbia; to the Committee on the District of Columbia.

Also (by request), memorial of various citizens of Pike County, Mo., favoring national prohibition; to the Committee on the Judiciary.

By Mr. ASHBROOK: Petition of R. W. Howard and 9 others of Newark and Rev. W. E. Hopkins and 21 others of Conesville, Ohio, in favor of House joint resolutions 84 and 85; to the Committee on the Judiciary.

Also, petition of C. E. Denman and 34 others of Fredericktown, Ohio, in favor of national prohibition; to the Committee on the Judiciary.

Also, resolutions of Local Union, No. 162, International Union of the United Brewery workmen, of Newark, Ohio, against national prohibition; to the Committee on the Judiciary.

Also, papers to accompany House bill 8691, for relief of Margaret C. Hupp; to the Committee on Invalid Pensions.

Also, papers to accompany House bill 10777, for relief of Charles Claudus Early; to the Committee on Invalid Pensions.

By Mr. BOOHER: Petition of George Rodecker, T. H. Cormany, and 250 other merchants of the fourth congressional district of Missouri, asking for tax on department stores; to the Committee on Ways and Means.

By Mr. BURKE (by request): Petition of George Hooper and 19 other citizens of Palmyra, Wis., for national prohibition; to the Committee on the Judiciary.

By Mr. CURRY: Petition of Contra Costa County Central Labor Council, favoring House bill 8352, by Mr. KENT; to the Committee on Appropriations.

Also, memorial of Federated Trades Council, of Sacramento, Cal., favoring House bill 8352 by Mr. Kent; to the Committee on Appropriations.

By Mr. DALE: Petition of Equal Suffrage League, of Baltimore, Md., in favor of woman suffrage; to the Committee on the Judiciary.

Also, petition of S. L. Segelbaum, of New York, in favor of House bill 4914; to the Committee on the Public Lands.

Also, memorial of National Guard Association of the State of New York, favoring Federal control of the National Guard; to the Committee on Military Affairs.

By Mr. ESCH: Petition of Martin Mickelun, of Northfield, Wis., and 15 others, protesting against passage of Senate bill 901 and House bills 26, 677, 6823, and 6871, regarding prison-made goods; to the Committee on Labor.

Also, memorial of Wisconsin Woman Suffrage Association, favoring printing the findings of the Federal Industrial Commission; to the Committee on Printing.

By Mr. FARR: Memorial of A. H. Price, Harry J. Angle, and other members of the United Spanish War Veterans, of Scranton, Pa., and S. C. Hutchinson and David Zimmerman and other members of the Sons of Veterans, Scranton, Pa., favoring preparedness; to the Committee on Military Affairs.

By Mr. FESS: Petition of citizens of Tremont City, Ohio, favoring national prohibition; to the Committee on the Judiciary.

Also, petition of Methodist Episcopal Church of Tremont City, Ohio, favoring national preparedness; to the Committee on the Judiciary.

By Mr. FINLEY: Papers to accompany bill for relief of Laurence Hulschman; to the Committee on Pensions.

By Mr. FLYNN: Memorial of the National Guard Association of New York, favoring Federal control of the National Guard; to the Committee on Military Affairs.

Also, petition of S. L. Segelbaum, of New York, in favor of House bill 9814; to the Committee on the Public Lands.

By Mr. FULLER: Petition of citizens of Waterman, Ill., favoring a tax on mail-order houses; to the Committee on Ways and Means.

By Mr. HAMLIN: Papers to accompany House bill 10528, for relief of Columbus L. Reeve; to the Committee on Invalid Pensions.

By Mr. HILLIARD: Petition of L. W. Goddard and 40 other citizens of Bowlder City, Colo., against preparedness; to the Committee on Military Affairs.

By Mr. HILL: Petition of Woman's Christian Temperance Union of Thomaston, Conn., in favor of Federal censorship of motion-picture films; to the Committee on Education.

By Mr. IGOE: Memorial of Joplin theatrical employees and moving picture operators, protesting against any increased tax on theaters; to the Committee on Ways and Means.

Also, memorial of Military Order of the Loyal Legion of the United States, Commandery of Missouri, favoring preparedness; to the Committee on Military Affairs.

By Mr. KENNEDY: Memorial of Chamber of Commerce of Red Oak, Iowa, on preparedness; to the Committee on Military Affairs.

Also, protest of Local 23, Theatrical Stage Employees, of Providence, R. I., against unjust taxes on theaters; to the Committee on Ways and Means.

Also, petition of Miantonomah Council, No. 7, Junior Order United American Mechanics, of Providence, R. I., indorsing the Burnett immigration bill; to the Committee on Immigration and Naturalization.

Also, petition of J. W. Murphy, of Pawtucket, R. I., in favor of Senate bill 3081; to the Committee on the Post Office and Post Roads.

Also, petition of M. A. Sullivan, of Pawtucket, R. I., favoring Senate bill 3081; to the Committee on the Post Office and Post Roads.

By Mr. KEY of Ohio: Petitions of Trinity Methodist Episcopal Church, of Mount Gilead; 41 citizens of Upper Sandusky; citizens of Handcock; citizens of Sulphur Springs; the Epworth League of the First Methodist Episcopal Church of Ada; citizens of Sycamore; and the Methodist Episcopal Church of Ada, all in the State of Ohio, favoring national constitutional prohibition amendment; to the Committee on the Judiciary.

By Mr. LEHLBACK: Memorial of Ziegel, Eisman & Co., of Newark, N. J., favoring House bill 702, the dyestuffs bill; to the Committee on Ways and Means.

Also, memorial of Lewis Robert (Inc.), Newark, N. J., favoring House bill 702, the dyestuffs bill; to the Committee on Ways and Means.

By Mr. LIEBEL: Memorial of Bayewn Oil Works, Erie, Pa., protesting against proposed tax on gasoline, crude oil, etc.; to the Committee on Ways and Means.

Also, memorial of Lake Erie Fruit Growers' Association, A. M. Loomis, president, protesting against House bill 6036; to the Committee on Ways and Means.

Also, petition of Kolbe Fish Co., Erie, Pa., protesting against House bill 967; to the Committee on Agriculture.

Also, memorial of Lieutenant James H. Hospinson Camp, United Spanish War Veterans, favoring preparedness; to the Committee on Military Affairs.

Also, petition of Thresher Bros., Erie, Pa., favoring House bill 702, the dyestuff bill; to the Committee on Ways and Means.

Also, memorial of C. H. Mathier & Sons, North East, Pa., protesting against tax on grapes; to the Committee on Ways and Means.

Also, memorial of Trades Union Liberty League of Pennsylvania, protesting against national prohibition; to the Committee on the Judiciary.

Also, protest of Erie Brewing Co., A. L. Curtze, manager, Erie, Pa., protesting against Senate bill 1257; to the Committee on the Judiciary.

Also, petition of Fred Koeler, Erie, Pa., protesting against Senate bill 1257; to the Committee on the Judiciary.

Also, petition of Shane Bros. & Wilson Co., Philadelphia, Pa., protesting against House bill 9409; to the Committee on Ways and Means.

Also, petition of George E. Pierce, of Erie, Pa., protesting against tax on grape vines; to the Committee on Ways and Means.

Also, petition of Wild Life League of Pennsylvania, favoring the Chamberlain-Hayden bill; to the Committee on the Public Lands.

Also, petition of H. Herricks, secretary Keystone Fish Co., Erie, Pa., protesting against Cary bill, H. R. 9674; to the Committee on Agriculture.

Also, memorial of Carry Chair Co. (O. L. King, treasurer), favoring H. R. 702, the dyestuff bill; to the Committee on Ways and Means.

Also, memorial of U. A. Watson and F. A. Maelme, of Erie, Pa., favoring H. R. 702, the dyestuff bill; to the Committee on Ways and Means.

Also, petition of Kalbe Fish Co. (Irwin H. Kalbe, president), protesting against House bill 5786; to the Committee on Agriculture.

By Mr. LOUD: Memorial of 18 members of Hope Grange, No. 1016, of Midland, Mich., against preparedness; to the Committee on Appropriations.

By Mr. McARTHUR: Memorial of Methodist Episcopal Church at Hood River, Oreg., favoring national prohibition; to the Committee on the Judiciary.

By Mr. McDERMOTT: Petition of John Barnard and others, of Chicago, Ill., against prohibition in the District of Columbia; to the Committee on the District of Columbia.

By Mr. MOORE of Pennsylvania: Memorial of the Senate of Pennsylvania Presbyterian Church, United States of America, favoring peace agreement among all nations; to the Committee on Foreign Affairs.

By Mr. MORIN (by request): Memorial of Dawes Electric Sign & Manufacturing Co., of Pittsburgh, Pa., and the Pittsburgh Tin Decoration Co., of Pittsburgh, Pa., opposing prohibition; to the Committee on the Judiciary.

Also (by request), memorial of Associated Chambers of Commerce of the Pacific Coast, favoring appropriation for the use of the Geodetic and Coast Survey; to the Committee on Appropriations.

Also (by request), memorial of Pennsylvania Lumberman's Association, of Philadelphia, and the Lumberman's Exchange, also of Philadelphia, indorsing H. R. 9678, the Small bill; to the Committee on Interstate and Foreign Commerce.

Also (by request), memorial of Pennsylvania Surety Co., of Harrisburg, Pa., protesting against section 2 of the Post Office appropriation bill; to the Committee on the Post Office and Post Roads.

Also (by request), memorial of Foreign Service Camp, No. 87, United Spanish War Veterans, of New York, favoring Senate bill 2526 and House bill 632; to the Committee on Pensions.

Also (by request), petition of Bureau of Standards, Harrisburg, Pa., protesting against the passage of the Dillon bill; to the Committee on Coinage, Weights, and Measures.

Also (by request), memorial of Lancaster Branch of the National Security League, of Pennsylvania, indorsing preparedness; to the Committee on Military Affairs.

Also (by request), memorial of German-American Alliance, Allegheny County Branch, Pittsburgh, Pa., favoring amendments to the naturalization laws; to the Committee on Immigration and Naturalization.

Also (by request), memorial of German-American Button Co., protesting against the Deitrick amendment to the Army appropriation bill; to the Committee on Military Affairs.

Also (by request), memorial of Thesber Bros., of Philadelphia, Pa., favoring House bill 702, the dyestuff bill; to the Committee on Ways and Means.

Also (by request), memorial of Associated Chambers of Commerce of the Pacific Coast, urging appropriations for railroads in Alaska; to the Committee on Appropriations.

By Mr. OAKEY: Petition of Woman's Christian Temperance Union of New Britain, Conn., favoring national censorship of motion-picture films; to the Committee on Education.

By Mr. PRATT: Petition of Dean & Bush, Ithaca, N. Y., urging quick action to relieve the situation in dyestuffs; to the Committee on Ways and Means.

Also, petition of the Woman's Christian Temperance Union of Prattsburg, N. Y. (Mrs. C. M. Van Valkenburg, president; Mrs. G. D. Kice, secretary), favoring the passage of the Smith-Hughes bill for the national censorship of moving pictures; to the Committee on Education.

Also, petition of the Southern Tier Roller Mills, of Corning, N. Y. (Mr. J. Towner Hayt, manager), opposing the passage of House bill No. 9409, a bill that will repeal the present mixed-flour law; to the Committee on Agriculture.

By Mr. RUSSELL of Ohio: Petition of voters of Piqua, Ohio, and First Christian Church, favoring national prohibition; to the Committee on the Judiciary.

By Mr. SMITH of Idaho: Memorial protesting against the enactment into law of the leasing and power bills before Congress; to the Committee on the Public Lands.

Also, papers to accompany House bill 9508, for relief of Sue M. Burch; to the Committee on Pensions.

Also, memorial referring to the Smith and Taylor bills to appoint a commission to revise the Mining Code now before Congress; to the Committee on Mines and Mining.

By Mr. SNELL: Petition of the Laymen's League of Malone, N. Y., favoring national prohibition; to the Committee on the Judiciary.

By Mr. SULLOWAY: Memorial of Lakeside Council, No. 6, Sons and Daughters of Liberty, of Lakeport, N. H., in favor of the Burnett immigration bill; to the Committee on Immigration and Naturalization.

Also, memorial in regard to an amendment to the Barnhart printing bill (H. R. 8664) adopted by Franklin (N. H.) Union International Brotherhood of Paper Makers; to the Committee on Printing.

By Mr. THOMAS: Petition of Greenville Baptist Church, of Greenville, Ky., favoring national prohibition; to the Committee on the Judiciary.

Also, petition of B. F. Atkinson and others, of Central City, Ky., favoring national prohibition; to the Committee on the Judiciary.

Also, petition of citizens of Central City, Ky., favoring national prohibition; to the Committee on the Judiciary.

Also, petition of citizens of Eden, Ky., favoring an old-age pension law; to the Committee on Pensions.

Also, petition of 77 citizens of and near Greenville, Ky., for national prohibition; to the Committee on the Judiciary.

By Mr. TILSON: Petition of Louis C. Cowles and others, of New Haven, Conn., favoring H. R. 702, the dyestuffs bill; to the Committee on Ways and Means.

By Mr. VARE: Petition of citizens of Philadelphia and vicinity, asking for repeal of tax on tooth paste; to the Committee on Ways and Means.

By Mr. WASON: Petitions of business men of Franklin, Keene, Newport, Concord, Claremont, Danbury, Nashua, Bristol, Haverhill, Lebanon, Enfield, Winchester, Plymouth, East Jaffrey, Penacook, Suncook, Derry, Exeter, Lincoln, North Woodstock, Ashland, Pittsfield, Lancaster, Colebrook, Woodsville, Groveton, Littleton, Berlin, Gorham, Whitefield, North Stratford, and Lisbon, all in the State of New Hampshire, favoring legislation to provide a tax upon persons, firms, or corporations doing an interstate mail-order business; to the Committee on Ways and Means.

Also, resolutions of Pauline Cushman Council, No. 21, Sons and Daughters of Liberty, Hillsboro, N. H., favoring the Burnett immigration bill; to the Committee on Immigration and Naturalization.

By Mr. WALSH: Petition of Gosnold Mills Co., by G. T. Thompson, treasurer, for the enactment of legislation to make the United States independent of any other nation for its supply of dyestuffs; to the Committee on Ways and Means.

## SENATE.

### TUESDAY, *February 15, 1916.*

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, the manifold ministries of Thy grace come to us continually, and crowd upon us with every ministry of a new day. All life and light, all social joy, all invitation to service, all aspirations high and holy, come from Thee. We come to Thee not only as the Author of our gifts and blessings but the Center of our life, and would learn to live our life in Thee. Speak Thou through us as instruments in Thy hand, that Thy great kingdom may be established and Thy will be done on earth. Guide us this day in the duties that are upon us. Forgive our sins. For Jesus' sake. Amen.

CHARLES A. CULBERSON, a Senator from the State of Texas, appeared in his seat to-day.

The Journal of the proceedings of yesterday was read and approved.

#### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed the joint resolution (S. J. Res. 97) to appoint Alexander Graham Bell a member of the Board of Regents of the Smithsonian Institution.

The message also announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 7571. An act to provide for the appointment of the recorder of deeds of the District of Columbia by the Commissioners of the District of Columbia;

H. R. 7585. An act to provide for the appointment of the register of wills of the District of Columbia by the justices of the Supreme Court of said District;

H. R. 8810. An act to amend an act relating to the Public Utilities Commission of the District of Columbia approved March 4, 1913;

H. R. 9803. An act to emancipate from certain disabilities children who have judgments of conviction for crime of record against them in the Juvenile Court of the District of Columbia; and

H. R. 10490. An act to prevent fraudulent advertising in the District of Columbia.

PETITIONS AND MEMORIALS.

Mr. PHELAN presented petitions of sundry citizens of California, praying for Federal aid for persons afflicted with tuberculosis, which were referred to the Committee on Public Health and National Quarantine.

He also presented a petition of sundry citizens of California, praying for the creation of a system of rural credits, which was referred to the Committee on Banking and Currency.

He also presented a petition of the Cooks' and Waiters' Alliance of Oakland, Cal., praying for the enactment of legislation to prohibit interstate commerce in the products of child labor, which was referred to the Committee on Interstate Commerce.

Mr. GALLINGER presented a petition of the congregation of the East Congregational Church, of Concord, N. H., praying for prohibition in the District of Columbia, which was ordered to lie on the table.

He also presented a petition of Darwin M. Aldrich Camp, No. 9, United Spanish War Veterans, Department of New Hampshire, of Keene, N. H., praying for an increase in armaments, which was referred to the Committee on Military Affairs.

He also presented the petition of Rev. Lemuel A. Jones, of Effingham Falls, N. H., and a petition of the congregation of the East Congregational Church, of Concord, N. H., praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. POMERENE presented resolutions adopted by the Congregation Sons of Abraham of Norwood, Ohio, praying that Congress and the Government of the United States use their good offices to bring about lasting peace and the complete emancipation of the Jewish people in lands where they are oppressed, which were referred to the Committee on Foreign Relations.

Mr. LA FOLLETTE presented memorials of the Farmers' Union of Loyal; of the Farmers' Union of Bonduel; of Local Union, American Society of Equity, of Hewitt; and of the Farmers' Union of Deer Park, all in the State of Wisconsin, remonstrating against the enactment of legislation to prohibit interstate commerce in convict-made goods, which were referred to the Committee on Education and Labor.

Mr. HUGHES presented petitions of sundry citizens of New Jersey, praying for the imposition of a duty on dyestuffs, which were referred to the Committee on Finance.

He also presented petitions of sundry citizens of New Jersey, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. CHAMBERLAIN presented a petition of sundry citizens of Oregon, praying for the placing of an embargo on munitions of war, which was referred to the Committee on Foreign Relations.

Mr. HARDING presented a petition of the Chamber of Commerce of Elyria, Ohio, and a petition of the American Institute of Banking, of Cleveland, Ohio, praying for an increase in armaments, which were referred to the Committee on Military Affairs.

He also presented petitions of sundry citizens of Ohio, praying for the imposition of a duty on dyestuffs, which were referred to the Committee on Finance.

He also presented petitions of sundry citizens of Ravenna, Berkey, and Arcadia, in the State of Ohio, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented a memorial of sundry citizens of Cedarville, Ohio, remonstrating against certain proposed changes in the Rural Delivery Service, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of sundry citizens of Norwood, Ohio, praying for such peace terms at the coming peace conference as will emancipate the Jewish people in Europe, which was referred to the Committee on Foreign Relations.

He also presented a petition of sundry citizens of Cleveland, Ohio, praying for the enactment of legislation to grant pensions to widows and orphans of veterans of the Spanish-American War, which was referred to the Committee on Pensions.

He also presented a memorial of Local Grange No. 1934, Patrons of Husbandry, of Flushing, Ohio, remonstrating against an increase in armaments, which was referred to the Committee on Military Affairs.

He also presented a petition of the Union Distilling Co., of Cincinnati, Ohio, praying for the adoption of an amendment to the laws relative to the shipment of alcohol from a distilling plant to a central denaturing warehouse, which was referred to the Committee on Finance.

Mr. OLIVER presented memorials of sundry local unions of the International Union of the United Brewery Workmen in the State of Pennsylvania, remonstrating against national prohibition, which were referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Pennsylvania, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented petitions of the City Council of York; of the Federation of Trade Unions of York; and of Local Branch No. 960, National Association of Letter Carriers, of Carnegie, all in the State of Pennsylvania, praying for the enactment of legislation providing for extended leave of absence to superannuated employees in the Postal Service, which were referred to the Committee on Post Offices and Post Roads.

He also presented a petition of Local Union No. 25, American Federation of Labor, of Rochester, Pa., praying for the enactment of legislation to further restrict immigration, which was referred to the Committee on Immigration.

He also presented a petition of General J. P. S. Gobin Camp, No. 41, United Spanish War Veterans, of Scranton, Pa., and a petition of the Board of Trade of Mount Lebanon, Pa., praying for an increase of armaments, which were referred to the Committee on Military Affairs.

Mr. NELSON presented petitions of sundry citizens of Minnesota, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented a petition of sundry employees of the Bureau of Animal Industry, Austin, Minn., praying for the enactment of legislation to regulate the salaries of different classes of veterinary inspectors and employees in the Bureau of Animal Industry, which was referred to the Committee on Agriculture and Forestry.

Mr. POINDEXTER presented a petition of the Washington Volunteers' Association, of Seattle, Wash., praying for an increase in armaments, which was referred to the Committee on Military Affairs.

Mr. WEEKS presented a resolution adopted by the Methodist Preachers' Meeting, of Boston, Mass., favoring national prohibition, which was referred to the Committee on the Judiciary.

He also presented a petition of the congregation of the First Congregational Church of Rockland, Mass., praying for Federal censorship of motion pictures, which was referred to the Committee on Education and Labor.

He also presented a petition of the Equal Suffrage League of Brockton, Mass., praying for the adoption of an amendment to the Constitution granting the right of suffrage to women, which was ordered to lie on the table.

Mr. MYERS. I present resolutions adopted at a meeting of the Associated Students of the University of Montana, held January 20, 1916, favoring an adequate appropriation for the Flathead reclamation project in Montana. I ask that the resolutions be printed in the RECORD, together with the signatures, and referred to the Committee on Indian Affairs.

There being no objection, the resolutions were referred to the Committee on Indian Affairs and ordered to be printed in the RECORD, as follows:

At a meeting of the Associated Students of the University of Montana held January 20, 1916, the following resolution was unanimously adopted:

"Whereas the Flathead reclamation project in western Montana is of vast importance to all the people of the State, and the completion of this irrigation system has been seriously delayed by lack of funds to the extent that many settlers, who entered upon Flathead lands in good faith and in the belief that irrigation water would be furnished three years ago, have been absolutely ruined and other settlers are facing the loss of everything they possess: Be it

"*Resolved*, That the Associated Students of the University of Montana urge the Representatives of their State in Congress to use all means to secure the appropriation of $1,000,000 by Congress for the rapid prosecution of the construction of the Flathead reclamation project, to the end that the suffering of settlers may be relieved and that the implied promise of the Government may be fulfilled; and be it further

"*Resolved*, That copies of this resolution be sent to Hon. HENRY L. MYERS, Hon. T. J. WALSH, Hon. JOHN M. EVANS, and Hon. TOM STOUT;

that a copy be furnished to the editor of the Kaimin and one to Mr. James Harbert, of Polson, whose efforts in support of the reclamation project command our hearty respect and admiration.

"MAE POPE,
"C. T. WARD,
"JAMES M. BROWN,
*"Committee."*

REPORTS OF COMMITTEES.

Mr. JOHNSON of Maine (for Mr. SHIVELY), from the Committee on Pensions, to which was referred the bill (H. R. 10037) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, reported it with amendments and submitted a report (No. 145) thereon.

Mr. CLAPP, from the Committee on Indian Affairs, to which was referred the bill (S. 140) for the relief of the estate of Israel Folsom, reported it with an amendment and submitted a report (No. 146) thereon.

Mr. LIPPITT, from the Committee on Commerce, to which was referred the bill (S. 1416) to amend section 4215 of the Revised Statutes of the United States, and for other purposes, reported it without amendment and submitted a report (No. 147) thereon.

Mr. ASHURST, from the Committee on Indian Affairs, to which was referred the bill (S. 2500) authorizing the adjustment of rights of settlers on the Moqui and Navajo Indian Reservations, in the State of Arizona, reported it with an amendment and submitted a report (No. 148) thereon.

Mr. POMERENE, from the Committee on Interstate Commerce, to which was referred the bill (S. 19) relating to bills of lading in interstate and foreign commerce, reported it with amendments and submitted a report (No. 149) thereon.

REFUND OF EXCESS DUTIES ON STEEL BLOOMS.

Mr. LA FOLLETTE. I ask unanimous consent to recall from the Committee on Claims a bill which I introduced a few days ago. It is Senate bill 4398, for the refund of excess duties on steel blooms. I ask unanimous consent that the bill be recalled from the Committee on Claims and that it be referred to the Committee on Finance. We are dealing with such bills all the time in that committee, and I think the bill should have gone there when introduced.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

RURAL CREDITS.

Mr. HOLLIS. On behalf of the Committee on Banking and Currency I report back the so-called rural credits bill, the bill (S. 2986) to provide capital for agricultural development, to create a standard form of investment based upon farm mortgages, to equalize rates of interest upon farm loans, to furnish a market for United States bonds, to create Government depositaries and financial agents for the United States, and for other purposes, with a favorable report (No. 144). I ask unanimous consent that the report with the bill may be printed to the extent that the law permits—the usual number, and I give notice that at the conclusion of the unfinished business I shall move to take this bill from the calendar for immediate action.

The VICE PRESIDENT. The bill and report will be printed, and the bill will be placed on the calendar.

COINAGE OF A M'KINLEY SOUVENIR GOLD DOLLAR.

Mr. POMERENE. From the Committee on Banking and Currency I report back favorably, without amendment, the bill (H. R. 2) for the coinage of a McKinley souvenir gold dollar in commemoration of the erection of a memorial to William McKinley, late President of the United States. I call the attention of my colleague to this report.

Mr. HARDING. Mr. President, I should like to ask the unanimous consent of the Senate for the immediate consideration of this bill. If the Senate will allow me, I will state very briefly the object.

There is being erected at the birthplace of the late William McKinley, at Niles, Ohio, a great memorial to him, and the memorial association has asked the assistance of the Government to the extent only of coining 100,000 souvenir gold dollars, absolutely without expense to the Government. Even the dies are furnished by the McKinley Memorial Association. The object is to sell the 100,000 souvenir gold dollars at a premium and apply the premium thus obtained to a fund for the furnishing and the maintenance of the memorial.

The bill was favorably reported by the House committee and passed the House without a dissenting vote, and I am sure there will be none in the Senate. I should like to have the immediate consideration of the bill.

The VICE PRESIDENT. The Secretary will read the bill.

The Secretary read the bill, as follows:

*Be it enacted, etc.*, That for the purpose of aiding in defraying the cost of completing in a suitable manner the work of erecting a memorial in the city of Niles, Ohio, to William McKinley, late President of the United States of America, the Secretary of the Treasury shall be, and is hereby, authorized to purchase in the market so much gold bullion as may be necessary for the purpose herein provided for, from which there shall be coined at the United States Mint, Philadelphia, standard gold dollars of the legal weight and fineness, to the number of not exceeding 100,000 pieces, to be known as the McKinley souvenir dollar, struck in commemoration of the erection of a memorial to William McKinley, late President of the United States of America, in the city of Niles, Ohio, his birthplace, the devices and designs upon which coins shall be prescribed by the Secretary of the Treasury; and all provisions of law relative to the coinage and legal-tender quality of the standard gold dollar shall be applicable to the coins issued under this act, and when so coined said souvenir dollars shall be delivered, in suitable parcels, at par, and without cost to the United States, to the National McKinley Birthplace Memorial Association and the dies shall be destroyed.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

COURTS IN IOWA.

Mr. OVERMAN. On behalf of the Committee on the Judiciary, I report back favorably without amendment the bill (H. R. 73) to amend chapter 231, known as the Judicial Code, act of March 3, 1911 (vol. 36, U. S. Stat. L., sec. 81, p. 1111). I call the attention of the Senator from Iowa [Mr. KENYON] to it.

Mr. KENYON. I ask unanimous consent for the immediate consideration of this bill. It merely fixes the time of holding the Federal courts in Iowa. It is quite important that it shall be passed at once.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

Mr. BRYAN. What is the bill?

The VICE PRESIDENT. The Senator from Iowa states that it is a bill fixing the time and place of holding Federal courts in the State of Iowa.

Mr. BRYAN. All right.

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. UNDERWOOD:

A bill (S. 4476) to amend an act to authorize the Dauphin Island Railway & Harbor Co., its successors or assigns, to construct and maintain a bridge or bridges or viaducts across the water between the mainland, at or near Cedar Point, and Dauphin Island, both Little and Big; also to dredge a channel from the deep waters of Mobile Bay into Dauphin Bay; also to construct and maintain docks and wharves along both Little and Big Dauphin Islands, as amended by an act approved June 18, 1912; to the Committee on Commerce.

By Mr. SMITH of Maryland:

A bill (S. 4478) to provide for the condemnation of land for highway and park purposes to preserve the Klingle Ford Valley; and

A bill (S. 4479) to amend an act approved June 8, 1906, entitled "An act to amend section 1 of an act entitled 'An act relating to the Metropolitan police of the District of Columbia,' approved February 28, 1901"; to the Committee on the District of Columbia.

By Mr. OVERMAN:

A bill (S. 4480) providing for the establishment of two additional terms of the district court for the eastern district of North Carolina at Raleigh, N. C.; to the Committee on the Judiciary.

By Mr. HARDING:

A bill (S. 4481) granting an increase of pension to Martha T. Scott (with accompanying papers); and

A bill (S. 4482) granting a pension to Eliza Longacre (with accompanying papers); to the Committee on Pensions.

By Mr. SHIELDS:

A bill (S. 4484) to incorporate the Boy Scouts of America, and for other purposes; to the Committee on the Judiciary.

By Mr. HARDWICK:

A bill (S. 4485) for the relief of the estate of Joseph Lippman, deceased; to the Committee on Claims.

By Mr. HUGHES:

A bill (S. 4486) to amend section 19 of the public-buildings act approved March 4, 1913 (37 Stat., 883), as amended by the act of Congress approved August 11, 1913 (38 Stat., 109); to the Committee on Public Buildings and Grounds.

By Mr. JAMES:

A bill (S. 4487) granting a pension to Maude Woods (with accompanying papers); and

A bill (S. 4488) granting a pension to George R. Hamilton (with accompanying papers); to the Committee on Pensions.

By Mr. WEEKS:

A bill (S. 4489) granting an increase of pension to Georgia B. Moulton (with accompanying papers); to the Committee on Pensions.

By Mr. OWEN:

A bill (S. 4490) to establish a fish-cultural station in the State of Oklahoma; to the Committee on Fisheries.

By Mr. FLETCHER:

A bill (S. 4491) granting an increase of pension to Nephi Owen (with accompanying papers); to the Committee on Pensions.

By Mr. SHERMAN:

A bill (S. 4492) to create a national university at the seat of the Federal Government; to the Committee on the University of the United States.

By Mr. TILLMAN:

A bill (S. 4493) to enable the Government to use private armor-making plants for the manufacture of armor; to the Committee on Naval Affairs.

PATENT OFFICE FEES.

By Mr. POMERENE:

A bill (S. 4477) to extend temporarily the time for filing applications and fees and taking action in the United States Patent Office, in favor of nations granting reciprocal rights to United States citizens; to the Committee on Patents.

Mr. POMERENE. As explaining the purpose and necessity for this bill, I have a letter from the law firm of Hull, Smith, Brock & West, of Cleveland, and, without reading it, I ask unanimous consent that it may be printed in the RECORD.

The VICE PRESIDENT. Without objection, it is so ordered.

The letter referred to is as follows:

CLEVELAND, *February 5, 1916.*

Hon. ATLEE POMERENE,
*United States Senate, Washington, D. C.*

DEAR SIR: In accordance with the request in your letter of January 31, 1916, we inclose herewith a proposed draft of an act to extend temporarily the time of filing fees and applications and of taking actions in the Patent Office. In preparing this draft the writer has consulted members of the committee on industrial property and has carried in mind the legislation proposed to the last Congress. The former legislation was adversely criticized as ambiguous and indefinite, particularly as permitting the grant of patents to foreigners upon devices which may have been published or in use more than two years. The writer has avoided this objection by requiring a prior filing in the applicant's home country with'n the time specified by law.

Under the present legislation, as you are doubtless aware, a citizen of any one of the convention countries, after having filed application in his home country, is entitled to file similar applications in any of the other countries within one year and obtain the effective date of his home application; but if he waits for more than a year he loses the benefit of this date, and any use or publication prior to his actual filing becomes a bar as to his patent. Similarly under the United States law an applicant has one year in which to reply to most official actions, and a stated time to reply to other actions, and failure to take action within those times effects a positive abandonment of his application. The purpose of this legislation is to extend these times up to a limit of nine months in favor of the subjects and citizens of those countries who have done the same for us.

Certain European Governments, notably France, started soon after the war broke out to afford substantially these facilities to the citizens of all countries, but later restricted their operation to those citizens or subjects only whose Governments had extended equal rights in return. It is of even greater importance to Americans to obtain these facilities of delay, with respect to their foreign patents, than it is for the foreign subjects to obtain such facilities in respect of their United States patents, for all European countries exact the payment within fixed times of annual taxes for their patents, in default of which the patents become void. Also nearly all the countries demand annual or biennial workings of their patents under similar penalty. In many cases the operation of war has been to prevent applications, tax payments, working directions, amendments, and the like from reaching their destinations, either by being sunk in mid-ocean or by being delayed beyond the times allotted. Also thousands of American owners of foreign patents have hesitated about incurring the expense of maintaining their foreign patents (or even applying for them originally), because of their uncertainty as to the outcome of the war and of the financial and economic condition in Europe at its close. The passage of this legislation, or other legislation having substantially the same end in view, would automatically restore the rights of these American owners of foreign patents and will otherwise greatly facilitate their transaction of business with foreign offices. Also, it can not be seen that any detriment will accrue to the American public, in view of the safeguards proposed.

In amending this proposed legislation care should be taken not to introduce such limitations as should render it unfairly inferior to the reciprocal legislation adopted by France and other belligerent countries. It is believed that the bill as drawn is about as narrow as could safely be proposed.

We shall be much gratified if you will take this matter up with the Committee on Patents and with others whom you think should be approached. We are sending a copy of this bill to Hon. WILLIAM GORDON, of the House of Representatives, and to the Commissioner of Patents.

Very respectfully,

HULL, SMITH, BROCK & WEST,
By H. E. SMITH.

SYSTEM OF PUBLIC HIGHWAYS.

By Mr. SHIELDS:

A bill (S. 4483) to provide for the preparation and report to Congress by the Chief of Engineers of the Army under the direction and through the Secretary of War of a preliminary plan for a system of improved national highways, and to provide for the payment of the expenses of said report; to the Committee on Military Affairs.

Mr. SHIELDS. Bearing upon the bill, and in relation to it, I desire to have printed in the RECORD an article by Lieut. Col. Henry T. Allen, Eleventh United States Cavalry, written upon the subject of the improvement of roads as a military asset and the desirability of a line of road from the Lakes to the Gulf. The article is very short, and I ask that it be printed.

There being no objection, the article referred to was ordered to be printed in the RECORD, as follows:

THE DIXIE HIGHWAY AS A MILITARY ASSET.

[Lieut. Col. Henry T. Allen, Eleventh United States Cavalry.]

Warfare of the present day demands, more than ever, rapid transportation of large bodies of men and enormous supplies of munitions and provisions. It is not enough to have a superior system of railways in any given zone. This must be supplemented by highways, because in the final state the thousands of tons required daily by a modern army reach the firing line by motor trucks and horse-drawn vehicles.

Good roads will assure numerous motor vehicles such as characterize the western war front in Europe at the present time by their numbers. The efficiency of a good motor truck on a good road is at least four times that of a horse-drawn vehicle, the cost and maintenance of which is the same as that of the truck. In fact, in future wars the motor truck will rank next to the railway trains in carrying military supplies.

In general, the following represents the carrying of supplies to the firing line:

First. Railway or steamboat transportation from the large bases of supply to the railway heads or boat terminals.

Second. Thence by motor trucks to the divisional bases.

Third. Thence by horse-drawn vehicles to the firing lines.

In the Dixie Highway we find a magnificent line from Chicago through manufacturing centers, including Indianapolis, Louisville, Nashville, Chattanooga, Atlanta, and Tallahassee, and another line from the very heart of the Great Lakes, Mackinaw, through the following important cities: Detroit, Toledo, Dayton Cincinnati, Knoxville, Chattanooga, Atlanta, thence to Jacksonville. In a word, the great Gulf and the Great Lakes are joined by a wonderful highway passing through a section of the country that has always furnished more than its quota of soldiers for every war in which the Nation has been engaged. Due to its geographical position, its population, its food production, and its manufacturing capacity this section may well be considered the greatest military asset of any large part of the United States.

It has been claimed that the construction of good highways would be aiding a foreign foe landing on our shores. While this is true, it would be a still greater aid to the defense in the ready mobilization of all its forces and in supplying the resisting lines promptly with men and munitions. If such a misfortune should happen to the United States as to have a coalition force land on our eastern seaboard, the Dixie Highway, with its numerous manufacturing cities and its vast supply centers—all well connected—would offer most advantageous sites for supply bases and would constitute a highly important base line sufficiently far from the coast to be reasonably safe from air craft yet sufficiently close for many war requirements. If it should become necessary to resist an enemy from the direction of the great Gulf, the advantages cited for the Dixie Highway would be still greater.

The successful prosecution of a great campaign depends upon the existence or construction of roads, and the better they are the greater the chances of success will be.

The military strength of a nation depends on the quality of its citizens—upon their intelligence and virility. No nation can have an armed force better than the standard of its average citizen. The capacity and effectiveness of these are determined in peace; they are simply accentuated by war training. Therefore, the nation or state that increases its miles of good roads and the quality of the same improves the quality of its citizenship, increases its wealth in farm and factory, and adds to its military assets.

It is in this indirect manner that the Dixie Highway will prove its greater value as a military asset for the Nation. This idea is vividly exemplified in Russia and Germany. Standing on the frontier between these two countries a careful inspection shows a marked contrast in the appearance of the cultivation of the country, in the roads, in the houses, and the school buildings looking east from that looking west. The average education and effectiveness of the respective citizens are equally contrasted. It necessarily follows that the Russian and German armies should show a corresponding contrast, and the results thus far obtained confirm this.

Probably no branch of the Government is more keenly interested in the completion of the Dixie Highway than the Army, and to no branch can it have a more important bearing. With the inevitable change in our military policy, involving the concentration and organization in time of peace of such commands as would be required in war, the country between the Lakes and Florida will have an added military interest in which the Dixie Highway will prove its great military value.

AMENDMENTS TO INDIAN APPROPRIATION BILL.

Mr. MYERS submitted an amendment proposing to appropriate $1,000 for the erection of a building for the display of In-

dian exhibits at the fair grounds of the Western Montana Fair Association at Missoula, Mont., intended to be proposed by him to the Indian appropriation bill (H. R. 10385), which was referred to the Committee on Indian Affairs and ordered to be printed.

He also submitted an amendment proposing to appropriate $5,000 for the improvement and maintenance for bath purposes of the Camas Hot Springs near the town of Camas on the Flathead Indian Reservation, Mont., etc., intended to be proposed by him to the Indian appropriation bill (H. R. 10385), which was referred to the Committee on Indian Affairs and ordered to be printed.

PROHIBITION IN THE DISTRICT OF COLUMBIA.

Mr. UNDERWOOD. I submit an amendment intended to be proposed by me to the bill (S. 1082) to prevent the manufacture and sale of alcoholic liquors in the District of Columbia. I ask that the amendment may be printed.

The VICE PRESIDENT. Shall it go to the committee or lie on the table?

Mr. UNDERWOOD. Let it lie on the table and be printed, as the bill has already been reported to the Senate.

The VICE PRESIDENT. The amendment will lie on the table and be printed.

CLAIM OF PRAIRIE COUNTY, ARK.

Mr. CLARKE of Arkansas. I submit an amendment intended to be proposed by me to the bill (S. 1878) making appropriation for payment of certain claims in accordance with findings of the Court of Claims, reported under the provisions of the acts approved March 3, 1883, and March 3, 1887, and commonly known as the Bowman and the Tucker Acts, and under the provisions of section No. 151 of the act approved March 3, 1911, commonly known as the Judicial Code. I ask that the amendment be read, printed, and lie on the table until the bill to which it refers may come under consideration.

The amendment was ordered to be printed and to lie on the table, and it was read, as follows:

Add as a new paragraph at the end of the bill:
"To Prairie County, Ark., $13,200."

ARMED MERCHANT SHIPS.

Mr. STERLING. I submit a resolution and ask that it be read and lie on the table.

The resolution (S. Res. 100) was read, as follows:

*Resolved*, That the Senate of the United States views with anxious concern the late order of the German Admiralty that armed merchant ships of any of the entente allies, without distinction as to whether armed for merely defensive purposes or not, may be torpedoed and sunk without warning after the 29th of the present month; that such order, if put into effect, will constitute a more serious menace to the legitimate commerce of all neutral nations, and particularly to that of the United States, than any act of any of the belligerents in the present European war, and will be in contravention of a right long recognized by the principal commercial nations of the world, including our own; that the protection of the interests of neutral commerce on the high seas in time of war has been the subject of many treaties and conventions and is a favored subject in international law, and that through these instrumentalities the freedom of such commerce and the cause of civilization itself have been greatly promoted; that any recognition on the part of the United States of the claim that the necessities of war in general or the exigencies and conditions of modern submarine warfare are warrant for the order of the German Admiralty would be a step backward and so far an abandonment of our contention for the freedom of the seas. Moreover, such recognition would contravene the policy of the Government of the United States as expressed in the notes of our State Department to the British and German Governments, respectively, on the 26th of September and November 7, 1914, and that at this time in the history of the present war there should be no acquiescence in the order of the German Admiralty on the part of this or any other neutral power.

The VICE PRESIDENT. The resolution will be printed and lie on the table.

Mr. STERLING. I desire to give notice that on Friday next, following the conclusion of the morning business, I shall address the Senate on the resolution.

Mr. LODGE. I believe the resolution is to lie on the table for the present.

The VICE PRESIDENT. That was the request of the Senator from South Dakota.

Mr. LODGE. I desire to give notice that I shall address the Senate upon the resolution at the conclusion of the remarks of the Senator from South Dakota.

PRODUCTION AND CONSUMPTION OF GASOLINE.

Mr. McCUMBER. Mr. President, some time ago the Senate passed a resolution seeking to secure from the Interior Department certain information concerning the production, consumption, and prices, abnormal and otherwise, of gasoline. The report of the Secretary of the Interior is very full and complete and is replete with very valuable information. That report has been submitted as a Senate document.

While possibly the report itself does not answer directly the principal matter which the average American may have in mind concerning the extraordinary rise in the price of gasoline, at least inferentially it indicates the cause. I can say briefly that the report indicates, first, that there is no very close relation at any time between the cost of the crude-oil production and that of the finished article; secondly, that the depressions and rises in the price seem to be fixed by something other than the question of supply and demand; and, third, that there have been some enormous dividends declared upon the stock of the great refining companies.

There may be quite a serious question as to what particular committee should investigate this subject. With the vast increase in the amount of gasoline used upon the farm and the use of the cheaper automobiles upon the farm it seems to me that the Committee on Agriculture and Forestry might well take the matter under consideration. I ask that the matter be referred to the Committee on Agriculture and Forestry for consideration and investigation.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. McCUMBER. I have just read, Mr. President, a supplement to the annual report of the Attorney General of the United States for the year 1915. The supplement deals entirely with the withdrawal of oil lands and also the litigation concerning the depletion of some of the oil fields in California. I ask, therefore, that the report made by the Attorney General upon this subject, which has already been presented to the Senate, be printed as a Senate document and referred to the Committee on Agriculture and Forestry, in connection with Senate Document No. 310 already referred to that Committee.

The VICE PRESIDENT. Without objection, it is so ordered.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. Sharkey, one of his clerks, announced that the President had, on February 15, 1916, approved and signed the following act and joint resolution:

S. 900. An act amending sections 476, 477, and 440 of the Revised Statutes of the United States; and

S. J. Res. 76. Joint resolution authorizing the Secretary of War to loan 1,000 tents and 1,000 cots for the use of the encampment of the United Confederate Veterans to be held at Birmingham, Ala., in May, 1916.

PUBLIC UTILITIES COMMISSION.

H. R. 8810. An act to amend an act relating to the Public Utilities Commission of the District of Columbia approved March 4, 1913, was read twice by its title.

Mr. MARTIN of Virginia. Mr. President, I ask unanimous consent for the present consideration of that bill. It is a duplicate of one on the calendar which has been reported from the Committee on the District of Columbia. There will be no controversy about it, and I am sure it will not take three minutes to dispose of it.

Mr. SMOOT. I will ask the Senator what bill it is.

Mr. MARTIN of Virginia. It is a bill to relieve from the jurisdiction of the Utilities Commission of the District of Columbia an electric line that runs into Virginia for about 50 miles, I think, and has not 50 feet of track in the District of Columbia. It merely has a terminal here. The bill has passed the House and has come to the Senate in a message. I simply ask that it may be taken up and passed.

The VICE PRESIDENT. Is there any objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

*Be it enacted, etc.*, That section 8, paragraph 1, of an act entitled "An act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1914, and for other purposes," approved March 4, 1913, relating to the Public Utilities Commission of the District of Columbia (37 Stat. L., p. 975), be amended by adding to the names of the companies excluded from the operation of said section, after the words "the Potomac River and Chesapeake Bay," in the third subdivision of said paragraph, on page 975, the following: "and the Washington & Old Dominion Railway, excepting as to the regulation of its operation inside of the District of Columbia."

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. MARTIN of Virginia. I ask that Senate bill 3998 on the calendar and covering the same subject be indefinitely postponed.

The VICE PRESIDENT. The Senate bill will be postponed indefinitely.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles and referred to the Committee on the District of Columbia:

H. R. 7571. An act to provide for the appointment of the recorder of deeds of the District of Columbia by the Commissioners of the District of Columbia;

H. R. 7585. An act to provide for the appointment of the register of wills of the District of Columbia by the justices of the Supreme Court of said District;

H. R. 9803. An act to emancipate from certain disabilities children who have judgments of conviction for crime of record against them in the juvenile court of the District of Columbia; and

H. R. 10490. An act to prevent fraudulent advertising in the District of Columbia.

CENTRAL POWER PLANT.

Mr. PHELAN. Mr. President, may I ask at this time to bring up the resolution which I submitted on yesterday?

The VICE PRESIDENT. The Senator from California calls up the resolution submitted by him, coming over from a preceding day, which will be read.

The Secretary read the resolution (S. Res. 99) submitted by Mr. PHELAN on the 14th instant, as follows:

*Resolved*, That the Secretary of the Treasury, as permitted by the power-plant contract, be requested to modify the plans, as far as possible, to better harmonize with the Burnham plans for the improvement of the commercial water front and with the general beauty and comfort of the city of Washington.

The VICE PRESIDENT. The question is on agreeing to the resolution.

Mr. GALLINGER. Mr. President, I suggest to the Senator from California that, in place of using the term "Burnham plans," he uses the words "Park Commission plans." Mr. Burnham was a member of that commission, and, of course, its leading spirit, but nevertheless the plan was worked out by a commission.

Mr. PHELAN. I accept the suggestion of the Senator from New Hampshire, and will so modify the resolution.

Mr. GALLINGER. I will take the liberty to say just one word, and that is I think the resolution is a very wise one, and I trust that the Secretary of the Treasury will take the matter in hand with a view to making the plan as ornamental as it is possible to make a plan of that kind.

Mr. BRYAN. Mr. President, may I inquire of the Senator from California is it his purpose to ask that the resolution be acted upon at this time?

Mr. PHELAN. It is my request that the resolution be acted upon at this time.

Mr. GALLINGER. The resolution, under the rule, went over on yesterday.

Mr. BRYAN. It does not occur to me that, without reference to a committee or without further consideration, the resolution should pass this morning. The resolution requests the Secretary of the Treasury to modify the plans of the power-plant building. If the Secretary complies with the request contained in this resolution he will modify the plan. Nobody knows how much that would cost or what changes would be made.

It seems to me, Mr. President, the resolution ought to go before a committee. The Fine Arts Commission had their day in court on yesterday. They are opposed to the erection of this power plant. According to Senators who took that view of the matter, there is no way in which to harmonize the plan of the Treasury Department with the plan they have in view. It seems to me that about all that could be accomplished by this resolution would be that the Secretary of the Treasury would ignore it or that he would stop the building and change his plans. We do not know what appropriation that would call for or what would be the result of the action. It occurs to me that the Senate disposed of the power and heating plant proposition on yesterday, and that we ought to go ahead with the legislation that has been agreed to in conference. Therefore I move that the resolution be referred to the Committee on the Library. I do that in deference to the request of the Senator from Nevada [Mr. NEWLANDS]. I do not know what the Committee on the Library has to do with a building which is so far removed from the Library.

Mr. MARTIN of Virginia. The resolution ought to go to the Committee on Public Buildings and Grounds.

Mr. BRYAN. It seems to me that the resolution ought to go to the Committee on Public Buildings and Grounds.

Mr. NEWLANDS rose.

Mr. BRYAN. I do not, however, care to get into any dispute about it. If the Senator from Nevada, who has taken very great interest in this matter, wants the resolution to go to the Committee on the Library, I yield to his wishes, and make the motion that it be referred to that committee.

Mr. NEWLANDS. Mr. President, I wish to say that I am in favor of the present consideration of the resolution offered by the Senator from California [Mr. PHELAN], but when the Senator from Florida [Mr. BRYAN] seemed to be in doubt as to which committee he should ask the reference of the resolution I suggested to him the Committee on the Library, because that is the committee under whose jurisdiction a question of art rests and is the committee from which the Fine Arts Commission sprang.

Mr. PHELAN. Mr. President, I should like to state, more particularly for the information of the Senator from Florida [Mr. BRYAN], that the contract for this building invests the Secretary of the Treasury, as I understand it, with the power to modify the plans. I can not imagine that any considerable expense will be involved in such modification as the resolution contemplates, in order to bring the building into harmony with the larger plans for the adornment of Washington. It may involve architectural treatment of the building itself, which now possibly is perfectly plain, or it may involve the construction of ornamental chimneys. However, we know that there is in existence a plan for the improvement of the commercial water front of Washington, which involves an esplanade, and the idea is to have in view the general character of that structure, so that the new building will harmonize with it.

I do not think it is such a serious matter that it should involve the attention of a committee, but the Secretary of the Treasury has that power, and the resolution will request that he exercise it. I have from the Secretary of the Treasury a letter, which I shall ask to have read, which may set at rest the doubts of the Senator from Florida as to the attitude of the Secretary himself in this matter.

The VICE PRESIDENT. The letter sent to the desk by the Senator from California will be read.

The Secretary read as follows:

THE SECRETARY OF THE TREASURY,
*Washington, February 15, 1916.*

MY DEAR SENATOR: Your letter of the 14th instant reached me at my house last evening. Personally, I have no objection to the resolution you have offered concerning the plans for the central heating, lighting, and power plant, nor to any other action concerning this plant which the Congress may deem it wise to take. I may say, however, that without regard to the resolution you have offered, it is my purpose to do everything in my power to make the plans of the power house as artistic as possible and to harmonize them in every reasonable way with any plans already adopted or projected for the improvement and beautification of Washington. I have at all times been willing, and still am willing, to receive the suggestions and recommendations of the Fine Arts Commission or any other competent person or persons respecting the design and artistic features of the power house. It is not, however, within my province to change the location or site of the power house, that having been determined by an act of Congress passed before I became Secretary of the Treasury.

Faithfully, yours,

W. G. MCADOO.

Hon. JAMES D. PHELAN,
*United States Senate.*

Mr. BRYAN. Mr. President, in view of that letter, I withdraw my objection to the present consideration of the resolution.

The VICE PRESIDENT. The question is on agreeing to the resolution.

Mr. NORRIS. Mr. President, I should like to call the attention of the Senator from California to the fact that it seems to me the resolution assumes that the plans which have been adopted are not in harmony with the so-called Burnham plan, and if we pass this resolution and the Secretary of the Treasury should feel, as he perhaps might justly feel, that it was the desire of the Senate that these plans be modified, he would accordingly modify them. Suppose, however, that the plans are already in harmony with the so-called Burnham plan—I do not know whether they are or not; but the only objection I can see to the resolution is that it assumes that they are not—he is asked to modify the plans so that they will harmonize with the Burnham plan. I should like to inquire of the Senator if he knows that the plans for the building are not in harmony with the so-called Burnham plan?

Mr. PHELAN. The resolution requests the Secretary of the Treasury to modify the plans, as far as possible, and so forth.

The plan of the Park Commission, otherwise known as the Burnham plan, contemplates the construction of an esplanade, running from a point near the railroad embankment to the War College. I inspected the site of the new power plant last Sunday morning, and found that it was involved in the construction of that esplanade, so that the object of the resolution is to harmonize the architecture of the new building, which I

understand is now perfectly plain, and the chimneys or smokestacks, so that there would be a general harmony between the two structures. It does not involve, of course, changing the site nor anything that is material. It is a mere direction to the Secretary.

Mr. NORRIS. I understand it does not involve a change of site; but does the Senator, from his examination, if he has examined the plans, believe that the present plans for the proposed building are not in harmony with the plans of the Park Commission?

Mr. PHELAN. I believe the present plans for the new building are not in harmony with the Park Commission plans.

The VICE PRESIDENT. The question is on agreeing to the resolution as modified.

The resolution as modified was agreed to, as follows:

*Resolved*, That the Secretary of the Treasury, as permitted by the power-plant contract, be requested to modify the plans, as far as possible, to better harmonize with the Park Commission plans for the improvement of the commercial water front and with the general beauty and comfort of the city of Washington.

MANUFACTURE OF ARMOR.

Mr. TILLMAN. Mr. President, I ask that the bill (S. 1417) to erect a factory for the manufacture of armor be laid before the Senate.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the Chair lays before the Senate the bill (S. 1417) to erect a factory for the manufacture of armor.

Mr. TILLMAN. I ask that the report of the committee accompanying the bill be read.

The VICE PRESIDENT. The Secretary will read as requested.

The report (No. 115) submitted by Mr. TILLMAN on the 8th instant was read, as follows:

The Committee on Naval Affairs, to whom was referred the bill (S. 1417) to erect a factory for the manufacture of armor, having had the same under consideration, beg leave to report it with an amendment.

The relation of the United States Government to the armor-plate manufacturers has been a continual source of dissatisfaction to those Members of Congress who really do not believe in the doctrine of favoritism to special interests, or in the protective system at all, and a condition has existed little short of scandalous. From 1887, when Secretary Whitney made the first contract with the Bethlehem Co., to 1915, when Secretary Daniels refused to award any contracts at all, investigation has followed investigation without result.

The very nature of the armor-plate business makes such a condition inevitable. There is only one customer in the United States for the product—the Government—and the large capital required to found an armor plant excludes all but the largest concerns from the business.

There are only three manufacturers of armor plate in this country, and the result is either a monopoly or a combine of the worst type. None of the conditions that tend to check monopoly are present. The number of manufacturers is necessarily limited, and the Government is compelled to buy their product, regardless of the price charged, because the law does not allow the Secretary of the Navy to go outside of this country to buy it. The manufacturers have no fear of private competition, for there is not sufficient demand for armor to justify the entrance of other parties. The economic principle which declares that to increase the price of a monopolistic product beyond a certain limit automatically decreases the demand for it does not obtain, because the United States Government is compelled to armor its vessels, regardless of cost. It is plain that Congress can pass as many laws as it chooses to pass and give the Secretary of the Navy as much discretion as he may ask without remedying the situation. As long as present conditions continue the armor manufacturers are in a position to force the United States Government, in the language of the highwayman, to "stand and deliver."

The committee has no desire to criticize unjustly the manufacturers of armor plate. They have done no more than most other men would have done under similar circumstances and temptations. Men in the pursuit of wealth are essentially greedy and hoggish; and the protective principle seems to have been prolific in producing some magnificent specimens. The main fact to be borne in mind is that they have more power than is compatible with the public interest. Give power to any set of men, however excellent and honorable, and sooner or later they will abuse it. Men have been built that way since the beginning of time.

The history of armor-plate making in America is interesting and significant in view of the foregoing observations.

The change from wooden ships to ships of iron and steel was authorized by the act of August 5, 1882, which orders—

"That no part of this sum shall be applied to the repairs of any wooden ship when the estimated cost of such repairs shall exceed 30 per cent of the estimated cost of a new ship of the same size and like material."

Secretary of the Navy W. E. Chandler really began the new Navy, for he made the contract with the John Roach Co. for the first four iron ships—the *Atlanta, Baltimore, Chicago*, and *Dolphin*. The *Dolphin* is still in active service as a dispatch boat, showing how thoroughly well it must have been built. It is now about 33 years old.

The next step was to get armor for these iron vessels. There was no armor being manufactured at all in the United States; the armor for the *Miantonomoh* having been imported from England at a cost of about $550 per ton. Secretary Whitney induced the Bethlehem Co. to enter upon the manufacture of armor, it having one of the largest iron plants in the country; and the price agreed on varied from five to six hundred dollars per ton. The Bethlehem Co. and the Cleveland Rolling Mill Co. were the only two concerns that bid at all. Whitney did not make a close or tight bargain, as he knew the company must necessarily be put to large expense, and he was willing to allow a liberal price on that account. He felt that it was desirable, if not absolutely necessary, that we should have armor manufacturers in the United States; and his successor, Mr. Tracy, felt that there should be more than one concern in the business, and he induced the Carnegie Steel Co. to enter it. There was a dispute with the Carnegie Co. about the price. Mr. Carnegie insisted he must receive the same price the Bethlehem people were getting or he would not touch it. Secretary Whitney further agreed for each pound of armor plate used he would set aside 2 cents to indemnify the company for any damages it might sustain for infringing on certain patents held by the Schneider Co. in France.

Having reason to believe the Carnegie and Bethlehem companies were in collusion or combination, Senator Chandler offered a resolution in the Senate instructing the committee as follows:

"To inquire whether the prices paid or agreed to be paid for armor for vessels of the Navy have been fair and reasonable; also whether any prices paid have been increased on account of patent processes used for the introduction of nickel, or for cementation by the Harvey process; and if so, whether the increases in price are fair and reasonable; whether the issuance of any of the patents was expedited at the request of the Navy Department; whether such patents were properly issued and were for inventions not previously known or used, and who were and are the owners of such patents; whether any officers of the Government were interested therein, or at the time when any contracts were made were or have since been interested in the patents or employed by the owners thereof; and whether any legislation is necessary to further promote the manufacture and cheapen the price of armor for vessels of the Navy."

This resolution passed the Senate on December 31, 1895, and under it the first senatorial investigation of armor was begun.

The first bill for the erection of an armor-plate factory was introduced on January 22, 1896, by Senator Smith, of New Jersey. This bill provided that the factory be erected in the city of Washington.

Secretary Herbert, on January 5, 1897, stated in reference to the Bethlehem plant, basing his estimates on data obtained from the company itself, that—

"Whatever may have been the cost of the armor plant and the gun plant, whatever may have been paid for the secrets of manufacture or for patents, or whatever may have been interest on working capital, all those and other charges have been paid from the gross earnings of the company; and the results show the company's investments in the plant to make armor and gun steel for the Government have been returned with 22 per cent thereon."

According to Secretary Herbert, in seven years the plant had paid for itself and in addition had returned 22 per cent of itself, and practically the same statement was made of the Carnegie Co. These facts prove the assertion often made by Senator TILLMAN—that the Government had built the plants and then given them to those two companies.

Secretary Daniels, in his current report, states:

"Since the passage of the naval act of June 7, 1900, the Navy Department has spent $76,195,960 for armor for its ships. It is believed that if the intent of Congress to order the erection of a factory had been carried out at that time the Government would have saved enough money on armor plate to own a plant as large as that owned by all three of the private companies and in the meantime to have supplied the armor plate for its own ships at a less price than it has been compelled to pay."

The facts as brought out go to prove this beyond dispute.

In 1903 the Midvale Steel Co. entered the field, but its entry has made no material difference in the situation as to cost of armor to the Government. Of course, they were lured by the hope of profit. Being skillful metallurgists and iron masters, just by walking through the Bethlehem and Carnegie works they could see that the profits were large. But that company did not build an armor plant until they had bid five times and were denied participation in the contracts because they did not have any plant in which to manufacture it. They had underbid the older companies, but the Government, for some unexplained reason, though ostensibly it was because the President or the Secretary of the Navy elected to believe that the new company could not build a plant and deliver the armor in accordance with their contract, gave the awards to Bethlehem and Carnegie.

Mr. Barba, then president of the Midvale Steel Co., stated to the Tillman committee that "I remember that our original bid contemplated beginning delivery in 26 months, during which time we hoped to be able to erect a plant that would enable us to begin delivery of the comparatively small sizes of armor which were required for the purposes of the Navy at that time." When Mr. Barba was asked, "Didn't you believe that Carnegie and Bethlehem had a good thing, and therefore you wanted to share in it?" answered "Unquestionably." To show the bias of the Navy Department in favor of Carnegie and Bethlehem, Mr. Barba testified that the Midvale Co. received about one-third of the amount—16,000 tons—needed by the department, at $397 per ton, and two-thirds was given to the Carnegie and Bethlehem companies, at $450.60 per ton.

After having been turned down five times, the construction of a plant was begun by the Midvale Co. in 1903 and had progressed so far toward completion that the Secretary of the Navy awarded them a contract, they being the lowest bidder. So far so good; this was honest competition. But once in, they were recognized by the old companies, who took them in partnership, as it were, for thereafter the price offered by each of the three did not materially vary.

The effort of the Government to obtain competition among armor makers had failed. It should be said to the credit of the Midvale Co., however, that they refused to pay a royalty to either Harvey or Krupp and defended a suit through all the courts up to the United States Supreme Court, which sustained their contention that they had done nothing for which to pay a royalty.

When the special committee, consisting of Senator TILLMAN, Congressman PADGETT, and Admiral Strauss, investigated the whole subject last year, that committee could not obtain any authoritative or reliable information whatever as to the cost of armor. There was every evidence of combination and collusion instead of competition, but no proof. But given three companies with a single fixed purchaser of their products, a consumer who is compelled to buy, and monopoly or combination, tacit or avowed, is certain to follow. The nature of the case excludes proof in a juridical sense of the term, but it invites an unerring moral conviction.

Secretary Daniels, in his last report and in his statement before the Senate Naval Committee, said the three bids in the last "competition" agreed to a cent.

The hearing before the committee brought out no new facts. The armor men of 1916 showed the same capacity for talking without saying anything as that exhibited so artistically by their brethren of earlier years. The same talk of the "value of trade secrets"; the same reluctance to talk cost of production; the same plea of having been encouraged by the Government to go into the business and the consequent unfairness of Government competition; the same inability to recognize that if such a quasi partnership as they claim exists between

them and the Government they should, in all fairness, shoulder its liabilities as well as insist on its benefits; indeed, about the only material difference between the hearings of 1916 and those other numerous ones that have followed each other so regularly and so fruitlessly since 1895 is that of dates. To go into these reports would be a waste of time. They are published in pamphlet form and can be easily obtained by interested parties from the document room. The hearings before the Senate committee on this subject are also obtainable, as they have been printed.

It suffices to say that the committee is of the opinion that the Government has been charged unreasonable prices for its armor plate, and that the only remedy lies in the Government owning and operating a plant, as provided for in Senate bill 1417. Should the Government build it and then lock it up, and it never be used, it would be wise to erect it, as it would serve as a warning to private manufacturers that there is a point beyond which the Government will not be driven and where patience ceases to be a virtue.

The committee, therefore, by a vote of 9 to 3 of those present, ordered the bill reported favorably, and expresses the hope that it will soon become a law.

Mr. TILLMAN. Mr. President, the report of this bill which has just been read explains some of the reasons why it is important it should pass promptly. In the speech made by me December 13, 1915, when the bill was introduced, I gave what appeared to me to be unanswerable reasons why the bill should pass, and pass without any unnecessary delay whatever. Very few Senators heard that speech, because it was delivered at the lunch hour, and very few read it, perhaps. I will take pleasure in furnishing any Senator with a pamphlet copy who desires it.

An additional reason for promptness and expedition is this: With the utmost dispatch possible, it will take from 18 months to 2 years to build this plant and get it in running order; and the threat of those who are making armor that they would charge the Government $200 per ton more for armor hereafter, if the Government constructed its own plant, which was voiced by the Senator from Pennsylvania to the committee in executive session, shows the temper of those men at this time and makes it more vital for Congress to teach them a lesson. The best answer to that threat is the passage of this bill as promptly as possible.

While the manufacture of armor is highly technical and scientific, I have no doubt whatever that the Government can find skilled mechanics who are now working for private concerns who will be glad to enter the Government service and perform the same work in its armor factory that they are now doing for private parties. Neither have I any doubt about the Government's ability to buy the necessary machinery; and it is imperatively necessary that legislation authorizing the erection of this plant, or the purchase of one of the existing plants and its enlargement, be had immediately. The longer we delay, the more money the Government will lose and the longer we will be in getting the new ships already authorized and those to be authorized by this Congress. I have no doubt that the naval program, when agreed on by the two Houses, will approximate the number of ships asked for by President Wilson, and the sooner the Government is free from any possible danger of a "holdup," such as has been threatened, the better for the Treasury and the country, too.

If the Senator from Pennsylvania were here, I would ask him to tell the Senate just what he told the committee last week; but his Republican colleagues who voted with him will remember what he said, and perhaps one of them will explain just what he meant. I confess I myself was shocked at the insolence of it—not from the Senator, because he had a right, but from the men who authorized him to speak as he did.

I believe, if the authority is given and the money provided, we can either build or buy one of the existing plants and be equipped to manufacture the amount of armor needed inside of two years; but nothing whatever can be done by the Navy Department or anyone else until Congress acts. So, the sooner Congress does pass this bill the sooner the country will begin to get ready to defend itself and, if it should be necessary, to maintain the Monroe doctrine after the European war is over. There is both time and money to be saved by the prompt passage of this bill.

Therefore I am urging its passage through the Senate as promptly as possible, expecting some little delay in the House. This bill ought to become a law early in March and the Navy Department be mobilized by furnishing it the money and the authority.

Mr. POMERENE. Mr. President, I should like to ask the Senator from South Carolina a question. Is the Senator able to tell us what the Government is now paying for armor plate, and also what is the reasonable cost of production?

Mr. TILLMAN. My recollection is that the last contracts were for $425 per ton; but from the best information obtainable by the committee, I think, the price at which it can be manufactured is about $262 per ton.

INTERSTATE AND FOREIGN COMMERCE.

Mr. SHIELDS. I move that the Senate proceed to the consideration of the unfinished business.

Mr. NEWLANDS. Mr. President, I will ask the Senator from Tennessee whether he will not yield to me to request the regular order for the purpose of considering a joint resolution for the appointment of a joint subcommittee from the Interstate Commerce Committees of the Senate and House for the investigation of the transportation question? It will not take much time in debate, so I am informed, only two Senators desiring to speak upon it. I am going away to-morrow to New Haven to keep an engagement to address the chamber of commerce of that city, and I should like to have the resolution disposed of to-day. I am sure we can dispose of it before 2 o'clock. The water-power bill will come up automatically at 2 o'clock.

Mr. SHIELDS. I understood the Senator to say there would be two or three speeches on the joint resolution.

Mr. NEWLANDS. There are only two Senators that I know of who intend to speak upon it.

Mr. SHIELDS. The discussion would probably extend beyond the hour of 2 o'clock, would it not?

Mr. NEWLANDS. I do not think so. I feel quite sure that it would be closed before 2 o'clock. We have already had quite an extended debate upon the joint resolution. It is simply for the appointment of a joint subcommittee of the Committees on Interstate Commerce of the Senate and the House.

Mr. SHIELDS. Will the Senator agree that the matter shall be laid aside at 2 o'clock?

Mr. NEWLANDS. At 2 o'clock, if the Senator insists on it; yes.

Mr. SHIELDS. I certainly shall insist on it. I can not yield for any measure that will extend beyond the time stated or in any way sidetrack the water-power measure.

Mr. NEWLANDS. I will state that unless it is satisfactory to the Senator from Tennessee, I will not urge its continuation beyond 2 o'clock.

Mr. SHIELDS. It will not be satisfactory to the Senator from Tennessee or those supporting this measure. I can only yield on the express condition that the joint resolution shall be laid aside at 2 o'clock. I understand that that is the agreement?

Mr. NEWLANDS. That is the understanding.

The VICE PRESIDENT. The Senator from Nevada asks unanimous consent that the Senate proceed to the consideration of Senate joint resolution 60. Is there any objection? The Chair hears none.

Mr. NORRIS. Mr. President, I object to that.

Mr. NEWLANDS. I move then that the Senate proceed to the consideratio of the joint resolution.

Mr. NORRIS. I should like to inquire of the Senator why we should not take up the calendar in regular order. Then the joint resolution would be reached in regular order.

Mr. NEWLANDS. As I have said, there are urgent reasons for action on the joint resolution. The matter has been debated a number of times and it has been under consideration for some time. I therefore move that the Senate proceed to its consideration.

The VICE PRESIDENT. The question is on agreeing to the motion of the Senator from Nevada.

Mr. NORRIS. I ask for the yeas and nays on the motion.

The yeas and nays were not ordered.

The VICE PRESIDENT. All in favor of the motion of the Senator from Nevada will say "aye." Those opposed, "no." The "ayes" seem to have it. The "ayes" have it. The Chair lays the joint resolution before the Senate.

Mr. SHIELDS. I ask for the yeas and nays.

The VICE PRESIDENT. The request was made and refused.

Mr. NEWLANDS. I understand the Senator from Idaho [Mr. BORAH] desires to address the Senate on the joint resolution.

The VICE PRESIDENT. The joint resolution is before the Senate.

The Senate, as in Committee of the Whole, resumed the consideration of the joint resolution (S. J. Res. 60) creating a joint subcommittee from the membership of the Senate Committee on Interstate Commerce and the House Committee on Interstate and Foreign Commerce to investigate the conditions relating to interstate and foreign commerce, and the necessity of further legislation relating thereto, and defining the powers and duties of such subcommittee.

Mr. BORAH. What is the status of the joint resolution?

The VICE PRESIDENT. The Chair is informed by the clerks at the desk that on January 25 the joint resolution was read in full, and that there are amendments of the Committee on Interstate Commerce which have not yet been acted upon.

Mr. BORAH. I do not desire to discuss it until after the committee amendments are disposed of.

Mr. NEWLANDS. Then I ask that the amendments be considered.

The VICE PRESIDENT. The first amendment will be stated.

The SECRETARY. On page 2, line 5, after the word "investigate," strike out the words "and report upon the subject of the regulation of interstate and foreign commerce" and insert "the subject of the Government control and regulation of interstate and foreign transportation, the efficiency of the existing system in protecting the rights of shippers and carriers and in promoting the public interest, the incorporation or control of the incorporation of carriers, and all proposed changes in the organization of the Interstate Commerce Commission and the act to regulate commerce," so as to read:

That the Interstate Commerce Committee of the Senate and the Committee of the House of Representatives on Interstate and Foreign Commerce, through a joint subcommittee to consist of five Senators and five Representatives, who shall be selected by said committees, respectively, be, and they hereby are, appointed to investigate the subject of the Government control and regulation of interstate and foreign transportation, the efficiency of the existing system in protecting the rights of shippers and carriers and in promoting the public interest, the incorporation or control of the incorporation of carriers, and all proposed changes in the organization of the Interstate Commerce Commission and the act to regulate commerce, with authority, etc.

The amendment was agreed to.

The VICE PRESIDENT. The next amendment will be stated.

The SECRETARY. On page 3, line 18, after the word "Congress," strike out "on or before the third Monday in December next" and insert "as expeditiously as may be," so as to read:

With authority to sit during the recess of Congress, with power to summon witnesses, to appoint necessary experts, clerks, and stenographers, and to do whatever is necessary for a full and comprehensive examination and study of the subject, and report to Congress as expeditiously as may be.

The amendment was agreed to.

The VICE PRESIDENT. The next amendment will be stated.

The SECRETARY. In line 19, after the word "that," strike out "a sum sufficient" and insert "the sum of $25,000, or so much thereof as is necessary," so as to read:

That the sum of $25,000, or so much thereof as is necessary to carry out the purposes of this resolution and to pay the necessary expenses of the subcommittee and its members, is hereby appropriated out of any money in the Treasury not otherwise appropriated.

The VICE PRESIDENT. The question is on agreeing to the amendment of the committee. [Putting the question.] The noes seem to have it.

Mr. NEWLANDS. I ask for the yeas and nays.

The yeas and nays were not ordered.

The VICE PRESIDENT. The amendment is lost.

Mr. NEWLANDS. That is entirely satisfactory.

The VICE PRESIDENT. If there are no further amendments——

Mr. NEWLANDS. The committee recommends that the preamble be stricken out.

The VICE PRESIDENT. That comes up after the joint resolution is passed, if it ever is passed.

Mr. BORAH. Mr. President, the vital portion of the joint resolution authorizing the investigation reads as follows:

The subject of the Government control and regulation of interstate and foreign transportation, the efficiency of the existing system in protecting the rights of shippers and carriers and in promoting the public interest, the incorporation or control of the incorporation of carriers, and all proposed changes in the organization of the Interstate Commerce Commission and the act to regulate commerce.

Thus the joint resolution would authorize the investigation of this particular subject matter by a committee.

I have offered an amendment, after the word "commerce," on page 3, to insert the following:

Also the subject of Government ownership of all public utilities, such as telegraph, telephone, express companies, and railroads engaged in interstate and foreign commerce and report as to the wisdom or feasibility of Government ownership of such utilities and as to the comparative worth and efficiency of Government regulation and control as compared with Government ownership and operation.

Mr. President, when I offered this amendment I did not have it in mind to disturb unduly the minds of those who are opposed to Government ownership. The amendment is offered purely for educational purposes, for the purpose of ascertaining the facts with reference to a matter which some time or other I have no doubt we shall have to meet in this country. The joint resolution, of course, with this amendment would not commit the Senate nor anyone favoring it to the proposition of Government ownership. It would only provide for the investigation of a feature of the subject of transportation. It should be considered as an inquiry into a live question, a question upon which opinions are being made up.

The subject of Government ownership is inseparably connected with the question of transportation generally. No one undertakes to discuss in these days the subject of the efficiency of our transportation system without discussing the subject of Government ownership. Whether they are for it or against it, it seems to inhere in every discussion which takes place upon this subject.

I observe that in several discussions of late upon this subject of transportation by men who are thoroughly capable of discussing the question from every standpoint they have all felt the necessity of discussing the question of public ownership, either for it or against it. It is a live question both in the literature upon this subject and in the public discussions of the day.

About 20 years ago we began the system of regulation and control of the transportation facilities of this country. Now, after 20 years we propose to enter upon a thorough investigation of that system which we actually inaugurated many years ago. I advocate the proposition of entering upon an investigation of a feature of this transportation question in advance of the time when we shall be called on to pass upon the question rather than subsequent to the actual legislation. It seems to me a wise rule to look before you leap and to investigate before you legislate. Let us include, therefore, in our investigation all possible phases of the question.

I have before me the speech of the distinguished Senator from Alabama [Mr. UNDERWOOD] made a few days ago in Chicago, in which he refers to this question of public ownership in his discussion of the question of the efficiency of our transportation system. I call attention to it not because he either advocates or opposes the proposition, but because in discussing the general question he felt called upon to refer to the question of public ownership for the reason, I assume, that he felt it to be a part of the subject under discussion, to wit, transportation.

I have also before me the address of the Senator from Massachusetts [Mr. WEEKS], in which he discussed at length the question of public ownership some time ago in the city of Baltimore.

I have on my desk the article of Mr. KAHN upon the transportation and railroad question, in which he discusses the question of public ownership; also that of Mr. Dunn, the able and brilliant editor of the Railway Gazette, who refers to the subject. None of these gentlemen, as I understand, are in favor of public ownership, yet they have felt the necessity of studying it, of inquiring into it as a practical proposition, and of expressing their views upon the subject to those before whom they were called to speak or to whom they addressed their literature.

I might cite numerous instances to the effect that this is a part and parcel of the transportation subject in this country. It will be more so when the great conflict in Europe shall have closed. In my judgment the things which have transpired in an industrial way in the countries now at war in Europe since the beginning of the war will have moved forward the question of public ownership of public utilities more rapidly than without the war the question would have gone within the next 50 years.

The most efficient industrial unit in the civilized world at the beginning of this war was the German nation, and it will still be, in all probability, at the close of the war the most efficient, the most thoroughly organized, the best equipped industrial unit in the industrial world.

There are a great many people who believe that one of the effective instruments of German industrial efficiency is that the public utilities of Germany are in public ownership. Her railroad system belongs to the Government, and it will be asked, if these things are essential and indispensable to efficiency and success in war, why are they not also efficient and beneficial in time of peace?

Both England and France have in the emergency which has confronted them felt called upon to follow, in a very large measure, in the course mapped out by Germany with reference to her industrial and transportation questions. France and England have both moved forward in public ownership since the beginning of the war at a tremendous rate, and, in my judgment, will not move back to the original status after the war shall have closed.

Our literature, Mr. President, is teeming with arguments pro and con superinduced and caused by conditions growing out of the war as to the efficiency, the wisdom, or the unwisdom of public ownership of public utilities. We will unquestionably, as evidenced by the able men who are discussing this question before the public, though not in favor of it, be called upon to meet

this subject, not only here in the halls of legislation, but in public discussion generally.

If that be true, why should we not have as a part of this subject and a part of the work of this commission a thorough study and investigation of this important question? If it be, as is supposed by some, a menace; if it be true, as it is contended by many, that Government ownership would mean practically the end of the kind of a government which we have, all the more reason, Mr. President, why there should be a thorough study in advance, and long in advance, of the time when we should be called on to pass upon it. Can we begin a thorough and deliberate investigation, a full and conscientious study of so tremendous a question too soon.

I am a believer that with proper information and thorough discussion you may leave these subjects very safely to the judgment of the American people. I am, on the other hand, aware that nations, the same as individuals, make fearful mistakes by reason of a failure to investigate the subject upon which they are called to pass in advance of the time when they are called upon to dispose of it.

I offered this amendment, as I said, purely as an educational proposition, for the purpose of gathering the data and the information which may be had upon the subject, so that we may have it, that the public may have it, and that we may consider it in the light of the facts and that the public may reflect upon it in the light of the facts. No one will deny that there are not only hundreds but thousands of people in this country who are earnestly in favor of public ownership now. If it be true that it is unwise, and facts, as said by the Senator from Massachusetts at Baltimore a few days ago, will prove it to be unwise, why should anyone who is opposed to public ownership oppose the investigation and the revealment of the facts?

Mr. KAHN, in his illuminating article in the World's Work of the last issue, in referring to this subject of what American railroads need, said:

> It is in every way a far better system than Government ownership of railroads—

That is, the regulation by the Interstate Commerce Commission—

> which, wherever tested, has proved its inferiority, except only in Germany, and the very reasons which have made government ownership measurably successful in Germany are the reasons which in America would make it nothing short of an economic calamity, being given political and other circumstances as they now exist and are likely to continue to exist for a long time to come.

Perhaps the writer is correct, but able men are presenting the other side. I would like to see Mr. KAHN's views elaborated before a committee. They would be worth while.

A gentleman entertaining the views that Mr. KAHN does, that it would be an economic calamity, ought to be most aggressive in favor of disclosing the facts which would satisfy any reasonable mind that it would be an economic calamity.

Mr. THOMAS. Mr. President——

Mr. BORAH. I yield to the Senator.

Mr. THOMAS. I should like to ask the Senator whether, as a matter of fact, those who oppose the amendment which the Senator offered have not the burden of proof upon them to show why it should not be adopted. What is the purpose of this investigation, in other words, unless it shall cover every phase of the pending railroad situation, the most prominent of which in the public mind is precisely that which the Senator in his amendment covers? I should like to know what the argument against it is, and why the joint resolution was not so drawn as to include this very important feature of the investigation.

Mr. BORAH. I have been led to believe that there were those connected with the committee or on the committee who thought that probably it did cover the question of Government ownership. I offered this amendment in the interest of clarity of language, so that there could be no doubt about the matter; and when I found that there was opposition I came to the conclusion that the committee as a committee, notwithstanding the view of some individual members, was opposed to it.

I agree with the Senator from Colorado that the burden of proof rests upon those who are opposing it, for the reason that it is inseparably a part of the transportation question. It is so much a part of it that those who are most opposed to it feel the necessity of discussing it and criticizing it upon every public occasion, and if they be correct in their opposition they ought to assist in the passage of this amendment to make no question about the investigation of the subject.

Mr. NORRIS. Mr. President——

The VICE PRESIDENT. Does the Senator from Idaho yield to the Senator from Nebraska?

Mr. BORAH. I yield to the Senator.

Mr. NORRIS. Mr. President, in connection with the question asked by the Senator from Colorado [Mr. THOMAS], I should like, with the permission of the Senator from Idaho [Mr. BORAH], to call attention to the fact that several days ago, when we were discussing this resolution, I think the Senator from Nevada [Mr. NEWLANDS] gave as one of the reasons for its introduction and passage that we ought not to legislate during a campaign, but that the question ought to be considered when there was no politics in the country, and, therefore, he thought the resolution ought to be passed now, so as to take the question over beyond the next election. I called attention in that discussion—and I think the Senator from Nevada will agree with this—that the resolution really comes here because of the request contained in the last address to Congress by the President.

Mr. THOMAS. Mr. President, if the Senator will yield for a moment, I merely wish to say that I was necessarily absent from the Chamber on the occasion referred to by the Senator from Nebraska, being engaged in committee work; but I do not understand that this resolution, if it shall pass to-day, could be carried out and reported back to the Senate before another election shall have been held.

Mr. NORRIS. It is not intended to do that. It is simply a peg upon which to hang a reason for those who want to have that kind of a reason, why we did not legislate on the transportation question.

Mr. THOMAS. If it is not intended to do that, if such is not the purpose, then surely that is an added argument in support of the proposition that no harm could come—even political harm—in extending and expanding the terms of this resolution so as to include an investigation of the most important feature in the railroad situation to-day.

Mr. NORRIS. I am not making any suggestion in opposition to the amendment of the Senator from Idaho.

Mr. THOMAS. I understood the Senator from Nebraska perfectly.

Mr. NORRIS. I think, if the amendment of the Senator from Idaho shall be adopted, it will be the meat of the whole thing. It has not any other meat in it, in my judgment.

Mr. NEWLANDS. Mr. President, if the Senator from Idaho will permit me, in reply to the Senator from Nebraska, I have to state that whilst it is my individual opinion that it will be much better to take up these very important questions at the next session, rather than at this, when we have so much pressure of legislation upon us, when the consideration of politics really outweighs almost everything else, yet it is my intention, if this committee is organized, to proceed immediately with this investigation; and if any of this legislation can be shaped in such a way as to present it to this Congress, I shall urge it when an opportunity offers.

Mr. BORAH. Mr. President, the portion of the President's message upon which, as I understand, this resolution is based reads as follows:

> The transportation problem is an exceedingly serious and pressing one in this country. There has from time to time of late been reason to fear that our railroads would not much longer be able to cope with it successfully, as at present equipped and coordinated. I suggest that it would be wise to provide for a commission of inquiry to ascertain by a thorough canvass of the whole question whether our laws as at present framed and administered are as serviceable as they might be in the solution of the problem. It is obviously a problem that lies at the very foundation of our efficiency as a people. Such an inquiry ought to draw out every circumstance and opinion worth considering, and we need to know all sides of the matter if we mean to do anything in the field of Federal legislation.

No one will contend that you can "know all sides of the matter," or that you will draw out all opinions in regard to the transportation question, or that it will be thorough and efficient unless you include what you might say is one-half of the entire question—that is, whether or not regulation and control are breaking down; and, if so, what is going to take their place. Can you know "all sides" of this subject if you confine your inquiry to regulation? Will you not in advance show that you do not want to "know all sides"? Those who feel so thoroughly satisfied that Government ownership is bad should not hesitate to present that side of the transportation question.

There are a great many people in this country—men in business, students of the subject—who believe that regulation and control are breaking down. The railroads are not satisfied. Mr. KAHN shows beyond question in his article, from their standpoint and from their viewpoint, that there must be changes in order that the railroads may thrive or do business in this country at all. He shows very clearly, admitting his premise, that under the present system and under the present powers of the Interstate Commerce Commission as administered by it, the railroads can not prosper; that they can not thrive; that they can not even keep up to what he argues is now their diminished

efficiency. If regulation and control are so discredited that you must overhaul the entire system and practically start again from the beginning to find out whether or not we are upon the right track and whether or not that is the proper method of dealing with the transportation question, how are you going to separate that great problem from the other question of whether or not public ownership is not more desirable, as it has proven, they claim, in Germany, than regulation through commission?

Mr. President, it was solely in the interest of ascertaining the facts and for educational purposes, and for that alone, that I offered this amendment. We shall just as surely be called upon to meet that question within the lifetime of men who are sitting in this Senate as time goes on. We may reject public ownership. If we reject it, we want to reject it wisely. On the other hand, we do not want to adopt it and enter upon such a tremendous task and far-reaching policy without the most thorough investigation, carried on not for a day or for a fortnight or for a few months, but through years in advance of action upon the subject. Could there be any time too soon to enter upon the investigation of such a question as this which, in the minds of many people, will involve even the life of the Government which we have?

I referred a few moments ago to an address by Mr. Dunn, editor of the Railway Gazette, in which he discusses this subject under the head "The Government and business." In this address he says:

> In brief, we have seen the Government, by the repeal of some laws, by the manifestation of increased zeal in enforcing others, and by the passage of still others, withdrawing a helping hand from business of many kinds, and at the same time imposing on them and others new and heavy burdens and restrictions.
>
> * * * * * * *
>
> While everybody has been sure that his business ought to be given public support and ought not to be subjected to public control, everybody has also been convinced that almost everybody else's business ought not to be given public support and ought to be subjected to public control.
>
> * * * * * * *
>
> Between the socialists and those who believe merely in Government regulation of business is a large number of persons who favor public ownership and management of certain classes of concerns. Some of these advocate public ownership only of so-called "public utilities." Others would include coal mines, and so on. Indeed there is hardly a kind of business concern the public ownership of which is not advocated by one group of persons or another who at the same time deny that they are socialists.
>
> The extreme advocates of Government regulation tend to become advocates of Government ownership. The advanced advocates of Government ownership are scarcely distinguishable from, and tend to become socialists. It is plain, therefore, where a continuance of the growth of public sentiment in favor of Government interference with and control of business, and of legislation resulting from the growth of that sentiment, would ultimately take us.
>
> * * * * * * *
>
> Many are now beginning to realize this and to awake to the fact that the amount and variety of regulatory legislation already passed are so great that there are few concerns of substantial size in the country that are not being directly affected by it.
>
> * * * * * * *
>
> Our policy of Government regulation must bear a large part of the responsibility for the condition which for some years has prevailed, and still to a great extent prevails, in the transportation industry and for the adverse influence it has exerted on all kinds of business and all classes of people.

This entire address is well worth any man's reading and rereading. It shows we are far, far removed from a satisfactory solution of the problem of transportation. While of course it does not support Government ownership, yet it does lead one to reflect that if we have so fearfully failed we ought not to stop short of a patient, unbiased, and broad-minded review of the whole subject of transportation and gather to ourselves the experience and the wisdom of all Governments which have dealt with the subject. We ought not to be afraid to inquire nor too proud to learn.

Now, if Mr. KAHN and Mr. Dunn and other men—and no one will challenge their capacity to deal with the subject from their viewpoint—are of the opinion that regulation through the Interstate Commerce Commission as it now exists is responsible for what they state, in so many words, is the paralyzed condition of the transportation system of the country, and that is revealed and satisfactorily shown to the committee, the question which will arise in every man's mind will be whether or not the present system may not be successfully supplanted by public ownership. You can not have a discussion of that question nor a consideration of it from any broad or comprehensive standpoint at all without including it in the scope of the proposed inquiry. No man undertakes to discuss the transportation question without including it; and yet we are about to enter upon an investigation which, as the President says, shall draw forth the opinion of all men in regard to the subject, and which shall be thorough and complete, and which, as the President says, shall embody the views of all as to different methods of the treatment of the question.

Something of the seriousness of the railroad question may be gathered from what promises to be a strike within the next few months or weeks. Let us review, Mr. President, very briefly the issues which are to come up in that contention, for nothing could more thoroughly illustrate the proposition that the regulative system has not thus far been a success. Any system which subordinates the great transportation facilities of the country to a paralyzing condition of affairs such as would follow from a strike like this can not as yet be considered a success. A system which does not include every phase of the problem—just compensation to labor, just treatment of the railroads, security and safety and fair returns to the investor—is not a satisfactory system. Labor must be paid; taxes must be met; railroads must operate; and if the system of regulation can not take care of all these things, then something else will come to take its place. If you have not the facts to prove that Government ownership is unwise, it will be seized upon at once as the remedy. If the facts do prove it to be wise, then we want it, for our present condition is next to unbearable.

If we should ever be called upon to meet the situation which we are in a sense anticipative of by reason of the great program of preparedness which is being slowly presented, the first essential of thorough preparedness would be the efficiency of our transportation system; and if that transportation system should be in such a condition at that time that such a situation as is now promised could arise, we would be powerless before the enemy. We would have to do what Germany has done; we would have to do what England did when her ammunition supply began to fail; we would have to do what France has done—that is, put the entire transportation system under the control of the Government, and completely under its control.

I quote now from a newspaper article, which is headed "Chief factors in proposed eight-hour demand on railroads":

> Railroads involved: All roads in the United States and some in Canada.
>
> Mileage covered: 250,000 miles.
>
> Unions: Brotherhood of Locomotive Engineers, Brotherhood of Locomotive Firemen and Engineers, Order of Railway Conductors, Brotherhood of Railway Trainmen.
>
> Number of men involved: Between 350,000 and 400,000.
>
> Total wages paid this class of railroad employees, 1914: $386,000,000.
>
> Total operating revenues of railroads affected, 1914: $3,047,019,908.
>
> Total operating expenses: $2,200,313,159.
>
> Total capital securities: $20,247,300,000.
>
> Proportion of railroad revenues paid to labor, 1914: 45.14 per cent; 1907, 41.42 per cent.
>
> Proposed demand: "Eight hours or less" to constitute a day instead of "10 hours or less," as present agreements read. All overtime to be paid for at time and one-half the pro rata rate instead of merely the pro rata rate.
>
> Estimate of railroad managers as to increase this would mean in operating expenses: From 25 to 40 per cent.
>
> When demand will probably be made: March 1, on conclusion of present referendum vote.

I also quote another article, as follows:

> WHAT RAILROAD MANAGERS SAY OF PROPOSED EIGHT-HOUR DEMAND.
>
> That it would add millions to their pay rolls.
>
> That because of wage increases between 1910 and 1914 a total of $250,000,000 was added to their pay rolls for the same number of men.
>
> That because of wage increases awarded to the four classes involved in the present demand—engineers, firemen, conductors, and trainmen—their earnings have jumped in four years $70,000,000.
>
> That the proposed schedule would be in effect an increase of 25 per cent in the freight speed basis for wage computing.
>
> That it would mean an increase of 87½ per cent in the overtime rate.
>
> That many engineers are now paid more than bank presidents in small communities.
>
> That more than 1,500,000 other employees would get no benefit.
>
> That the 600,000 stockholders of the railroads now get less than 2 per cent of the gross earnings.
>
> That the employees, on the other hand, now get 45 per cent of the gross earnings.
>
> That the employees involved in this demand, although numbering only 19 per cent of the railroad army, now absorb 28 per cent of the railroads' gigantic pay roll of $1,500,000,000 a year.
>
> That money to meet this demand could be obtained only by reducing the wages of other employees, reducing payments for interest and dividends, curtailing betterment expenditures demanded by the public, or asking the Government for a proportionate increase in freight rates.

This is a tremendous problem, and, of course, I do not assume at this time to discuss the merits of either side.

I call attention to these facts simply to show something of the nature of the issue which will be involved if such a condition of affairs should arise as is expected in the next two or three months. We will then be face to face with the question whether or not our method and our manner of dealing with the transportation question has such virtue as will enable it, in a successful or effective way, to deal with the problem which will be presented.

The argument upon the other side, with reference to Government ownership, is that under Government ownership that condition of affairs could never happen. I do not say that that statement is based upon sound reasoning or logic, but it is argued by those who are now discussing this very question that the only solution for such a condition of affairs is Govern-

ment ownership. Whether that is true or untrue, I want the committee which is proposed to be created to ascertain and to report; whether it is wise or unwise, I want the committee's view in regard to that, and that, Mr. President, was the sole purpose and the only purpose I had in offering this amendment, namely, to round out, complete, and make comprehensive and full this proposed investigation, to do precisely what the President says, give every viewpoint which may lead to a successful consideration of that matter.

Mr. NEWLANDS. Mr. President, the Senator, with his usual foresight, has suggested a very important question for the consideration of the Senate, a question which we must meet at some time in the future, but which, in my judgment, should not be covered in the proposed investigation by an instruction of Congress. The language of the resolution is sufficiently broad to cover an inquiry into Government ownership and operation of railroads, and I am sure the committee will listen to any well-considered proposal upon that subject. Such an inquiry, if carried on effectively, would cover a very long period of time and would require a very large expenditure of money. It will require investigation not only at home, but abroad, and particularly in countries where Government ownership has been resorted to; and just now, of course, it would be almost impossible to consider this question on the ground in the principal countries that now have Government ownership, for they are in the throes of war and are in such a state of confusion that it would be utterly impossible for outsiders to obtain access to the proper information or to obtain the proper guides for action.

Whilst I admit that the Government of England is being rapidly socialized, as are the Governments of other nations involved in this war, and that the Democratic socialism of England is engaged in a deadly contest with the autocratic socialism of Germany, the results of which will be most instructive, I think any study at present of these conditions will be fruitless.

The inquiry which the Senator presents not only covers transportation, but also covers telegraphs lines, express companies, and so forth. It is a very broad inquiry. Individually, I have no prejudice against Government ownership. I have a perfectly open mind upon the subject. I am ready at any time to vote for Government ownership where the exigencies of the situation require it. I voted for Government ownership in Alaska, because without it apparently the latent resources of that Territory could not be developed. When it was demonstrated that we could not, through our merchant marine, meet the requirements of foreign commerce in this cataclysm of war, I not only voted for the Government acquisition of ships, but I also went even to the extent—somewhat against my judgment, because I thought it unnecessary at the time—of yielding to insistence for Government operation.

So I have no prejudice whatever against the Senator's proposal; but I do think that just now our inquiry should be confined first to the question of perfection of regulation. I do not believe public regulation has broken down. At all events, it has not sufficiently broken down to warrant us to-day in taking up seriously the question of Government ownership. There must be further developments in the future to force that consideration upon us. Meanwhile it is our duty to perfect Government regulation.

What are the questions which are presenting themselves to us with reference to Government regulation? First, the reorganization and enlargement of the Interstate Commerce Commission, which is to-day overburdened. We feel that there should be some provision for enlarging the commission and we shall consider the proposals for dividing it into branches or divisions, which shall sit contemporaneously upon important matters, and thus meet more rapidly the requirements of the business of the country. There is also the question of the organization of these great interstate systems, the question as to whether we shall compel these great systems which embrace numerous States to go to an individual State and give them their choice of such States in perfecting their corporate organization—if we do that they will always go, of course, to the State that has the least restrictions—or whether we shall compel them, or at all events give them the opportunity, to resort to the National Government itself for their charters.

Then there is the question of securities—a most vital question and one that will absorb our interest for some time as to the extent to which the securities issued by railroads shall be controlled by the Interstate Commerce Commission.

Mr. NORRIS. Mr. President, will the Senator yield there for a question?

Mr. NEWLANDS. Certainly.

Mr. NORRIS. When the bill was pending here that had passed the House, and that the Senator himself reported to the Senate, in favor of the regulation of the issuance of those securities, did the Senator then feel that there ought to be more investigation before we passed a law of that kind?

Mr. NEWLANDS. No. I was very much impressed with the importance of legislation on the subject; but I saw——

Mr. NORRIS. Why is it that the Senator has changed his viewpoint?

Mr. NEWLANDS. I have already stated that on a previous occasion. The bill was never reported until toward the close of the exhaustive long session in 1914, in which we had been considering most important measures, such as the Trade Commission bill and the Clayton bill, and at a time when Congress was practically exhausted; and it was concluded that that was not the time to take up that matter, because a great and serious difference of opinion had arisen in the committee itself as to the wisdom of the bill which we had theretofore reported, and reported, I think, unanimously. Then came the short session, and there were precipitated upon us all these questions that related not only to the Mexican War but to the European War; and in the short session it was impossible to bring it up for consideration.

Mr. NORRIS. Then the Senator does not expect, even after this investigation is made, that at the next session, which is a short session, any law could be passed regulating the issue of securities?

Mr. NEWLANDS. Yes; I should hope so, and I should hope to be able, possibly, to report a bill regarding securities at this session. I should hope that would be the case.

Mr. NORRIS. Does the Senator expect to do anything of that kind?

Mr. NEWLANDS. I can not say. I should hope to do it. I say we will take up the whole investigation in good faith.

Mr. NORRIS. Does the Senator believe that the joint committee could make any further investigation than the Senate committee and the House committee have already made on that particular point, referring now particularly to stocks and bonds?

Mr. NEWLANDS. I am sure deliberation in the committee itself would probably result—I should hope it would result—in our making a practically unanimous recommendation, instead of being divided, as we are now, upon various points.

Mr. NORRIS. The Senator's committee was not divided when it reported that bill.

Mr. NEWLANDS. That is true; it was not divided then, but it was divided afterwards, before the bill came up for consideration. Such Senators as the Senator from Wisconsin [Mr. LA FOLLETTE], a Senator whose antagonism to any measure means a fight, and whose ability to conduct a spirited and able fight can not be discounted, were against the bill as reported.

Mr. NORRIS. Does the Senator mean to say that the Senator from Wisconsin had changed from a Senator favoring the bill to one opposing it at that time?

Mr. NEWLANDS. No; I can not say that, because I do not think the attention of the Senator from Wisconsin was brought very seriously to the consideration of the bill before it was reported. I do not think he participated in the deliberations. My impression is that he was ill at the time, or at all events was not well, and was not attending as closely to committee business as usual.

Mr. President, I am reminded that it is very nearly 2 o'clock. I am very anxious to have a vote upon this subject; and I trust we shall be able to dispose of the joint resolution without placing this amendment upon it.

Mr. BORAH. Mr. President, I am not willing that this amendment should be disposed of in the presence of only 10 or 12 Senators. I ask for a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

| | | | |
|---|---|---|---|
| Ashurst | Hardwick | Nelson | Smith, Ga. |
| Borah | Hollis | Newlands | Smith, Md. |
| Brandegee | Hughes | Norris | Smoot |
| Broussard | Husting | Oliver | Sterling |
| Bryan | James | Overman | Stone |
| Catron | Johnson, Me. | Page | Sutherland |
| Chamberlain | Kenyon | Pittman | Thomas |
| Clapp | La Follette | Poindexter | Thompson |
| Clarke, Ark. | Lane | Pomerene | Underwood |
| Cummins | Lee, Md. | Ransdell | Vardaman |
| Curtis | Lippitt | Reed | Walsh |
| du Pont | Lodge | Sheppard | Warren |
| Gallinger | McCumber | Sherman | Williams |
| Gronna | McLean | Shields | |
| Harding | Martine, N. J. | Simmons | |

Mr. MARTINE of New Jersey. I desire to state that the senior Senator from New York [Mr. O'GORMAN] is absent on official business.

Mr. POMERENE. I desire to announce that the junior Senator from Delaware [Mr. SAULSBURY] is necessarily detained by official business.

The VICE PRESIDENT. Fifty-eight Senators have answered to the roll call. There is a quorum present. The pending question is the amendment of the Senator from Idaho [Mr. BORAH].

Mr. BORAH. Mr. President, before a vote is taken on the amendment, I desire to make a change of a word, for the purpose of perfecting the amendment. I ask that the last word, "regulation," be stricken out and the word "operation" inserted.

The VICE PRESIDENT. The Secretary will state the proposed modification.

The SECRETARY. The Senator from Idaho modifies his amendment by striking out the word "regulation," the last word in the amendment, and inserting in lieu thereof the word "operation."

Mr. SMOOT. I ask that the amendment as modified be stated.

The SECRETARY. On page 3, line 13, after the word "commerce," it is proposed to insert:

Also the subject of Government ownership of all public utilities, such as telegraph, telephone, express companies, and railroads engaged in interstate and foreign commerce, and report as to the wisdom or feasibility of Government ownership of such utilities, and as to the comparative worth and efficiency of Government regulation and control, as compared with Government ownership and operation.

Mr. BORAH. On that amendment I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. GALLINGER (when his name was called). I have a general pair with the senior Senator from New York [Mr. O'GORMAN]. That Senator is unavoidably absent, and for that reason I withhold my vote.

Mr. OVERMAN (when his name was called). I have a general pair with the junior Senator from Wyoming [Mr. WARREN]. In his absence I withhold my vote.

Mr. TILLMAN (when his name was called). I transfer my pair with the junior Senator from West Virginia [Mr. GOFF] to the junior Senator from South Carolina [Mr. SMITH] and will vote. I vote "yea."

Mr. WILLIAMS (when his name was called). I have a standing pair with the senior Senator from Pennsylvania [Mr. PENROSE]. I transfer that pair to the junior Senator from Arkansas [Mr. ROBINSON] and will vote. I vote "nay."

The roll call was concluded.

Mr. CATRON. I have a general pair with the senior Senator from Oklahoma [Mr. OWEN], who is absent. I do not know how he would vote if present. If I were at liberty to vote, I would vote "yea."

Mr. POMERENE. I desire to announce that the junior Senator from Delaware [Mr. SAULSBURY] is necessarily detained from the Senate on official business.

Mr. HOLLIS. I announce my pair with the junior Senator from New York [Mr. WADSWORTH] and withhold my vote.

Mr. GALLINGER. I transfer my pair with the senior Senator from New York [Mr. O'GORMAN] to the senior Senator from Delaware [Mr. DU PONT] and will vote. I vote "nay."

Mr. CURTIS. I have been requested to announce the following pairs:

The Senator from Idaho [Mr. BRADY] with the Senator from Oklahoma [Mr. GORE];

The Senator from Maine [Mr. BURLEIGH] with the Senator from Indiana [Mr. SHIVELY];

The Senator from New Mexico [Mr. FALL] with the Senator from West Virginia [Mr. CHILTON];

The senior Senator from Michigan [Mr. SMITH] with the Senator from Missouri [Mr. REED]; and

The junior Senator from Michigan [Mr. TOWNSEND] with the Senator from Florida [Mr. BRYAN].

The result was announced—yeas 39, nays 23, as follows:

YEAS—39.

| | | | |
|---|---|---|---|
| Ashurst | Harding | McCumber | Sherman |
| Borah | Hughes | McLean | Shields |
| Broussard | Husting | Martine, N. J. | Sterling |
| Chamberlain | Johnson, Me. | Nelson | Thomas |
| Clapp | Johnson, S. Dak. | Norris | Thompson |
| Clark, Wyo. | Jones | Pittman | Tillman |
| Clarke, Ark. | Kenyon | Poindexter | Vardaman |
| Cummins | La Follette | Pomerene | Walsh |
| Curtis | Lane | Shafroth | Works |
| Gronna | Lee, Md. | Sheppard | |

NAYS—23.

| | | | |
|---|---|---|---|
| Bankhead | Lippitt | Simmons | Sutherland |
| Brandegee | Lodge | Smith, Ariz. | Swanson |
| Dillingham | Martin, Va. | Smith, Ga. | Underwood |
| Gallinger | Newlands | Smith, Md. | Weeks |
| Hardwick | Oliver | Smoot | Williams |
| James | Page | Stone | |

NOT VOTING—34.

| | | | |
|---|---|---|---|
| Beckham | Fall | Myers | Saulsbury |
| Brady | Fletcher | O'Gorman | Shively |
| Bryan | Goff | Overman | Smith, Mich. |
| Burleigh | Gore | Owen | Smith, S. C. |
| Catron | Hitchcock | Penrose | Townsend |
| Chilton | Hollis | Phelan | Wadsworth |
| Colt | Kern | Ransdell | Warren |
| Culberson | Lea, Tenn. | Reed | |
| du Pont | Lewis | Robinson | |

So Mr. BORAH's amendment was agreed to.

The VICE PRESIDENT. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which is Senate bill 3331.

Mr. NEWLANDS. I am sure the Senate is ready to vote now upon the joint resolution, and I will ask the Senator from Tennessee if he will not permit the bill to be temporarily laid aside for that purpose.

Mr. SHIELDS. I will agree that the unfinished business may be laid aside temporarily for a vote upon the joint resolution, with the distinct understanding that there is to be no further debate. Otherwise I can not agree to it.

Mr. GALLINGER. That can not be had.

The VICE PRESIDENT. That can not be had. The joint resolution is as in Committee of the Whole and still open to amendment.

Mr. NEWLANDS. I understand that there is no disposition to debate it.

Mr. GALLINGER. I object to the unfinished business being laid aside.

Mr. LODGE. I object. Let us have the regular order.

The VICE PRESIDENT. There is objection, and the unfinished business is before the Senate.

WATER-POWER DEVELOPMENT.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 3331) to amend an act entitled "An act to regulate the construction of dams across navigable waters," approved June 21, 1906, as amended by the act approved June 23, 1910, and to provide for the improvement and development of waterways for the uses of interstate and foreign commerce.

Mr. SHIELDS. I ask for action upon the amendments of the Committee on Commerce.

The VICE PRESIDENT. The first amendment of the committee will be stated.

The SECRETARY. On page 18, line 17, after the word "not," strike out the words "until the time herein fixed for termination."

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

The next amendment was on page 18, line 19, after the word "repeal," to strike out the words "and then only" and insert the word "except," so as to make the proviso read:

That in case any grantee hereunder shall, at the time of such alteration, amendment, or repeal, have exercised rights in accordance with this act, such rights and the property used thereunder shall be deemed property rights of such grantee, of which such grantee shall not be deprived by such alteration, amendment, or repeal, except upon the conditions provided in case of termination by section 6 of this act.

The amendment was agreed to.

The PRESIDING OFFICER (Mr. SHAFROTH in the chair). This completes the amendments of the Committee on Commerce. The bill is as in Committee of the Whole and still open to amendment.

Mr. WALSH. Mr. President, I desire to direct the attention of the Senator in charge of the bill to the clause at the bottom of page 2 and the top of page 3. I am unable to understand what its significance is or that it has any. First, section 1 of the bill provides:

That the word "persons," as used in this act, shall be construed to mean both the singular and plural, as the case demands, and shall be construed to mean political subdivisions of States, municipal corporations, corporations, companies, and associations; and the term "grantee" herein shall mean any such persons to whom shall be granted a permit as herein provided.

Then follows the language:

*Provided*, That when the power to be developed by the project and improvement of the stream for navigation is used or to be used for a public-utility purpose or purposes the grantee must be a municipal corporation, or a political subdivision, or other agencies of a State, or a public-service agent of a State, or a public-utility corporation created and organized under the laws of a State or the United States, authorized to engage in the business of furnishing water, heat, or electric energy for public or private use, and whose rates and charges and service shall be subject to regulation by the laws of the State or a duly constituted commission or other agency of said State.

Section 2 provides that the Secretary may grant permits to any of the persons mentioned in section 1. Now, it is provided that when the grant is to be made for public utility purposes it

must be made to persons therein designated. Then it is provided by the language to which I am addressing my remarks as follows:

But in any case where the State has not made provision for authorizing municipal organizations, political subdivisions, or other agencies of the State or public utility corporations or agencies to engage in said business—

That is, the business of furnishing water for developing energy for public or private use—

the qualifications of the grantee prescribed in this proviso shall not apply.

Mr. President, I imagine that there is no State in the Union whose laws do not permit municipal corporations, political subdivisions, or other agencies of the State, or public utility corporations or agencies to engage in said business. I can not conceive that there is such a State; but if there is a State which denies to all those various classes the right to engage in the business of furnishing water, heat, and power for public and private use, who is there in that kind of a State who may engage in that kind of business? There is not anybody left except private persons. If that is the case, then you certainly do not want that provision in. You, it seems to me, ought not to permit these powers to be acquired for the purpose of generating heat, light, or power to be distributed for private or public use except by a political subdivision of a State or some other agency of a State or by a public-service agent or a public utility corporation. I do not see any purpose to be subserved by that language, and therefore, Mr. President, I move to amend by striking out from the semicolon in line 24, page 2, to the semicolon in line 4, page 3.

Mr. SHIELDS. I wish to say that there is a very good purpose served by that language. It is possible that there may a situation or condition arise in which there is no subdivision of the State or public-utility company that has authority to develop water power as provided for in the bill, and in that event natural persons ought to be authorized to do so. Natural persons are included in the general definition of persons in the section just above where the lines moved to be stricken out occur.

It is said that there is no State in the Union that does not authorize subdivisions, municipalities, and public-utility corporations to engage in this business. If this is so, as a matter of course this can do no harm; but I understand that there are some States which do not authorize their municipalities or subdivisions to do this, and it is intended to cover every possible case and insure the development of water power for municipal purposes.

This is a section that relates to the development of water power for municipal purposes, and there ought to be no case in which it can not be done. Certainly under the Senator's own statement it can do no harm, and it is evident it may possibly conduce to the development of water power in some cases. I hope the lines will not be stricken out, for it is believed they will subserve a useful purpose in some cases.

Mr. WALSH. I should like to say a word further, Mr. President, with respect to that matter. In a State which authorizes political subdivisions and public-service corporations to engage in this business, and likewise authorizes private persons to engage in this business, you deny by this bill the right of a private person to acquire a permit under the bill; but in a State which does not even exercise so much care in this matter as to require that those who undertake it shall undertake it under the limitations imposed by the law, you give in that State the right for a private person to engage in it. I inquire of the Senator——

Mr. SHIELDS. Do I understand the Senator to mean that if a natural person obtains a permit to engage in the right he is not under the control of the public-service commission of the State?

Mr. WALSH. No; I have not said so, I will say to the Senator from Tennessee. What I say is——

Mr. SHIELDS. I wish to say, in furtherance of what I have said on this subject, that if natural persons obtain a permit and make the development in the rates and charges they are to make, they are as much subject to the control of the public-service corporations or the laws of the State where the improvement is located as a corporation. There can be no difference to the consumer in any respect as to who makes the development, whether it is a subdivision of the State or a public-utility corporation or a natural person in that respect. It is only to provide so that there can be a development in every case.

In all cases under the express provision of the act where there is a subdivision of the State or a municipality, which is the same thing, or a public-utility corporation, they have the preference; and it is only in the event that such public-utility companies or subdivisions of the State are not authorized that a person can make the improvement. There is no possibility of any public harm being done them by this provision, and it does provide for cases which may occur.

Mr. WALSH. I am afraid I have not made myself clear to the Senator from Tennessee, because he has not responded at all to any argument I have been making. I directed attention to the fact that in a State which by its laws alike permits a private person to engage in this business and also permits political subdivisions and public-utility corporations, you deny to the private person the opportunity to get a permit under this act, but you permit the private person to get a permit under this act in a State that does not extend that privilege to public-utility corporations and political subdivisions.

Mr. SMOOT. Will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from Utah?

Mr. WALSH. I do.

Mr. SMOOT. I wish the Senator would point out the language in section 1 of the bill which can be construed in the light he has just stated.

Mr. WALSH. I have pointed it out. It commences at line 24 of page 2 and continues to the semicolon in line 4 of page 3.

Mr. SMOOT. I can not see that if that provision remains in the bill it has the effect the Senator says it will have. I understood the Senator to say if that provision is allowed to remain in the bill there would be cases in which an individual could not make a location and develop water power upon the navigable streams of the country.

Mr. WALSH. No; the Senator misunderstood me.

Mr. SMOOT. That is as I understood the Senator.

Mr. WALSH. I said that in States which authorize political subdivisions and public-utility corporations to engage in that business a private person could not secure a permit under this proposed law.

Mr. SMOOT. I can not see that that is the case, Mr. President. This simply states that in a case where the State has not made provision, where there are no municipal corporations, political subdivisions, or public-utility corporations, or other agencies of the State to engage in said business the qualification of the grantee prescribed in this proviso shall not apply; or, in other words——

Mr. WALSH. The Senator may have been misled by what I said. I referred to the language immediately preceding that commencing with the proviso.

Mr. SMOOT. In line 13 of page 2?

Mr. WALSH. Commencing in line 13, down to the place at which the proposed amendment commences, which forbids the granting of a permit to a private person in a State whose laws authorize these corporations and political subdivisions. It denies to a private person in those States the opportunity to get a permit. In other words, in my State, for instance, no private individual could come to the Government here and get a permit to build a dam if he wished to develop power and light.

Mr. SHIELDS. For a public-utility purpose, you mean?

Mr. WALSH. Exactly; but in the State of Utah a private person could come here and get this permit, assuming, for instance, that the State of Utah has not authorized public corporations or a political subdivision to engage in that business. It does, as a matter of fact. I simply use that for the purpose of illustration.

Mr. SMOOT. Of course, what the Senator says I believe is true, but it applies only to public utilities. It does not apply to the business of generating electricity for general use.

Mr. WALSH. The language of the bill, I will say to the Senator, is for public or private use.

Mr. SHIELDS. If the Senator will read a little further down, beginning with line 13, he will find the following:

*Provided*, That when the power to be developed by the project and improvement of the stream for navigation is used or to be used for a public utility purpose or purposes the grantee must be a municipal corporation or a political subdivision or other agencies of a State, or a public-service agent of a State, or a public-utility corporation created and organized under the laws of a State or the United States.

It only gives the preference to those companies where they are authorized to do business, which, I think, is certainly a very wise and wholesome provision.

Mr. WALSH. If it gave only a preference I should not object to it, but I can not conceive that it does. Those are the only persons who can get a permit which will authorize them to go into that business under this act. You deny to the private person in that State the right to get a permit.

Mr. SHIELDS. Mr. President, it is the object of the bill to deny to an individual the right to develop a water power for a public utility purpose so long as there is a subdivision of the State or a public-utility company that will enter into the busi-

ness. I understand it is generally conceded that it is best to put such public-utility work, especially for public-utility purposes, under the control of governmental agencies. That was the object and intention, and I think it is a very sound provision.

Mr. SMOOT. I think without that provision I would be more opposed to the bill than I am. I do believe that that provision ought to be in the bill. I do not believe that private corporations ought to develop a power for public-utility purposes. That is all that this provision prevents. If it were otherwise, a person in a State which has a public-utility organization for the purpose of furnishing power for public-utility purposes could go to work and get a permit under the bill. I do not think that he ought to be allowed to do it as long as there is a public-utility corporation or organization that will do it for the people.

Mr. WALSH. Mr. President, that is not the question. I fully agree that States ought to pass such laws as that, but that is not the point at all. The point I am making is that you give to a private individual in a certain State the right to go and get a permit and you deny to private persons the right in other States.

Mr. SMOOT. That only applies, does it not, to a State that has not created a public-utilities commission?

Mr. WALSH. No; but I am very sure that that was the idea intended to be expressed here. I dare say that the idea which was in the mind of the man who drafted that portion of the bill was that the provision on page 2 should apply, and that the exception should be the case of a State that did not have a public-utility commission; that in a State that did not have a public-utility commission the grant might be made to one whose acts were not subject to regulation and control by a public-utility commission, as provided at the bottom of page 2. I have no doubt at all that was the idea to be expressed, but I invite your attention to the fact that the language does not express any such idea, because it does not say "*Provided*, That in the case of any State which does not authorize the regulation and control of rates by a public-service board or a public-utility board this restriction shall not apply"; but it says "*Provided*, That the restriction shall not apply in the case of a State that does not authorize these political subdivisions or public utilities to engage in the business at all."

So the point raised by the Senator from Utah is not sustained by the language of the bill. The plain meaning of the bill is that in certain States a private individual may come here to the General Government and get a permit which will permit him to engage in the public-utility business in distributing this power for the purpose for hire, and in certain other States a private person can not come here and get the permit, but the permit must be granted to a public-service corporation or a political subdivision.

Mr. SMOOT. It can, however, only apply in a State that has not made provision for authorizing the municipal corporations or political subdivisions, as the case may be, to develop power. The proviso on page 2, beginning in line 13, states:

> That when the power to be developed by the project and improvement of the stream for navigation is used or to be used—

What for?—

> for a public-utility purpose or purposes, the grantee must be a municipal corporation, or a political subdivision, or other agencies of a State, or a public-service agent of a State.

I think the Senator from Montana will agree that that is a wise provision in the bill.

Mr. WALSH. Mr. President, my State authorizes political subdivisions and also corporations to engage in this business. It also authorizes private persons to engage in it. Now, there is another State that does not authorize anyone but private persons to engage in that business. A private person from my State can not come down here and get a permit although the laws of my State authorize him to engage in that business, but in States that do not authorize political subdivisions, that do not authorize corporations to engage in the business, the private person may come here and get a permit. I want to know whether that is a fair provision in any bill?

Mr. NELSON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from Minnesota?

Mr. WALSH. I do.

Mr. NELSON. May I ask the Senator are not municipal corporations, public-utility corporations, or other agencies of the State authorized to engage in such business?

Mr. WALSH. They are in my State, I will say to the Senator from Minnesota.

Mr. NELSON. Then, this would not affect the Senator's State. His State would be included in the words that precede these. The words stricken out would not affect the Senator's State at all.

Mr. WALSH. No; the words which have been stricken out would not affect my State.

Mr. NELSON. They would not affect the Senator's State. In his State private persons could not get the power, and, therefore, the other requirements in the bill could not possibly affect his State.

Mr. WALSH. Yes; but I do not want to have this act deny to a private person in my State the right that it gives to a private person in another State.

Mr. NELSON. Mr. President, if the Senator will allow me further, I will say that I can hardly conceive of a State where neither a municipal corporation, a political subdivision, a public-utility corporation, nor other agencies of the States would not have such authority. I do not know of a single such State in the Union. There are States which do not have utility commissions; but that does not figure in this case. It is not a question of having a utility commission; it is a question whether these quasi-political bodies exist in any State. I think almost every incorporated city and town has the power to provide light and heat for the municipality. I can scarcely conceive of a single State or Territory in the country where such corporate bodies have not that power.

Mr. WALSH. I will say to the Senator from Minnesota that I entertain exactly the same idea, and, therefore, I insisted that this clause had no particular application at all; but I am assured by the Senator from Tennessee that the Senator from Minnesota and I are in error about that, and that there are some States, or there may be some States——

Mr. NELSON. I hardly think there are any such States.

Mr. WALSH. Or there may be some States in which such corporations are not thus authorized.

Mr. SHIELDS. Mr. President, the Senator from Tennessee has not said that there was a State where the subdivisions of it were not authorized to engage in this business; but it is a fact that there are a large number of municipal corporations in States that are not authorized by their charters to establish a water plant or to construct a water plant or a gas plant, where even a special act of the general assembly of the State is required to authorize them to do so.

The construction of a power plant is not an ordinary municipal purpose. We may find, on investigation, that there are States that have never authorized their municipalities to develop water power for municipal purposes, even though they have the power to construct a gas plant or an electric-light plant, because this goes further than the mere question of a plant for lighting purposes. I know of no such particular State. I have no such corporation in mind; but I do know that there is a great want of uniformity in the charters of municipalities throughout all the States of the Union. I do know that this provides for special State agencies that do not now exist for the development of water power—agencies which the general assemblies of the States could hereafter create.

The first statement of the Senator from Montana was that he knew of no State where the subdivisions or municipalities or public utilities were not authorized to engage in this business. If that be so, this provision is utterly harmless, and will affect no one and no State; but if, on the contrary, it should develop that there are such States, then it provides for a development where otherwise it could not be had.

Mr. BRANDEGEE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Tennessee yield to the Senator from Connecticut?

Mr. SHIELDS. I will do so in a moment. The intention and object of this bill is to provide for the development of water power under any and all possible circumstances and to remove the great obstacles that now exist to such development. I now yield to the Senator from Connecticut.

Mr. BRANDEGEE. Mr. President, I think I agree with what the Senator from Tennessee has just stated; but if the effect of this proviso is that if there is any State which has not made provision for public-utility functions to be exercised by its corporations especially authorized for that purpose, then, under this bill, the Secretary of War may issue a permit to a private person to maintain a dam across a navigable river. That is the trouble, as I view it. If the Senator from Tennessee is certain that every State has made provision for these corporations and municipalities or the other instrumentalities enumerated in this proviso to exercise those functions, then no damage will be done; but if there is any State having a navigable river which has not made such provision—and that is a question of fact—then, under this bill, the Secretary of War may issue a permit to a private person to dam a navigable river.

Mr. SMOOT. That is all there is to it.

Mr. SHIELDS. Mr. President, here is an illustration of what may happen——

Mr. SMITH of Arizona. Mr. President, may I take a moment just for my own satisfaction and for information?

The PRESIDING OFFICER. Does the Senator from Tennessee yield to the Senator from Arizona?

Mr. SHIELDS. I do.

Mr. SMITH of Arizona. Does this bill apply only to navigable waters?

Mr. SHIELDS. It does.

Mr. SMITH of Arizona. Then, I would suggest to the Senator from Montana, if I am not mistaken, that where there are no navigable streams we have a difficulty fully as hard to reach in the matter of water power of nonnavigable streams when we come to consider the bill. If, however, the language applies simply to navigable streams, it would not affect my State, and I do not think it would affect Montana, unless I am mistaken about it.

Mr. SHIELDS. Mr. President, I will give an illustration where this provision would be necessary. There may be a municipality that desires to develop water power for various public-utility purposes. It may not be authorized by its charter to do so. There are such cases at that. No one will dispute that many municipalities are of limited powers and the powers are always in the discretion of the general assembly creating them, either by general laws or special acts. There being such municipalities desiring to develop the power, or rather the inhabitants of the city desiring to develop a water power for public-utility purposes, and the charter not authorizing it, they would be cut off and deprived of the advantages of such development for the commonest utility purposes. The corporation or municipality not desiring to do so, there may be public-spirited citizens or there may be citizens who desire to do it for a profit. It can be done in that way, when otherwise it would go undeveloped, and the corporation or municipality would go without light or power for other public-utility purposes.

Mr. SUTHERLAND. Mr. President——

The PRESIDING OFFICER. Does the Senator from Tennessee yield to the Senator from Utah?

Mr. SHIELDS. I yield to the Senator from Utah.

Mr. SUTHERLAND. Mr. President, I should like to ask the Senator from Tennessee a question. The proviso which is under consideration is to this effect:

*Provided*, That when the power to be developed by the project and improvement of the stream for navigation is used or to be used for a public-utility purpose or purposes the grantee must be a municipal corporation, or a political subdivision, or other agencies—

I suppose it means "agency"—

of a State, or a public-service agent of a State, or a public-utility corporation created and organized under the laws of a State or the United States, authorized to engage in the business of furnishing water, heat, or electric energy for public or private use, and whose rates and charges and service shall be subject to regulation by the laws of the State or a duly constituted commission or other agency of said State.

I presume that the limitation which is made by that proviso was inserted because the committee deemed it important that the right to develop a water power under such circumstances should be limited to a municipal corporation or other agency such as is described in the proviso. I presume there must have been some very strong and controlling reason which induced the committee to put in that limitation. Am I correct about that?

Mr. SHIELDS. Certainly. It was intended to give municipalities the preference in developing water power for municipal purposes.

Mr. SUTHERLAND. Now, I submit to the Senator from Tennessee that, having inserted that proviso upon the theory that it would be unwise to allow others than those named in the proviso to acquire these rights, it is inconsistent thereafter to provide, upon the mere contingency that there does not happen to be such a law in the State, that other persons should be permitted to acquire such rights; in other words, if it is unwise in one State, or if it is unwise in the great majority of States, to extend this right to persons other than those named, then certainly it must be unwise to grant the right in any State, irrespective of its laws. Therefore upon the mere existence of this contingency we are doing what is concededly an unwise thing.

Why would it not be better to eliminate this provision, in accordance with the suggestion of the Senator from Montana, as I understand, and compel the particular State, if there be any such, that has not made provision in its laws which will enable it to come under the proviso to do so? Is it not better to do that than to write into the law what everybody and what the bill itself concedes is an unwise provision?

Mr. SMITH of Arizona. Mr. President, I would suggest, if the Senator from Tennessee will permit me, that the bill does not seem to confine the benefits of its operation simply to municipalities, but it gives preference to the subdivisions of powers of a State where the aggregated people want it. I can, however, easily conceive of conditions where in a thickly settled farming community, for instance, it might be very well for them or for one individual to create this power so as to supply their homes very far removed from a city. In that event I should think the bill would be wise to leave the matter open. I merely offer that suggestion in answer to the suggestion of the Senator from Utah [Mr. SUTHERLAND].

Mr. SUTHERLAND. My complaint is that the proviso first proceeds on the theory that it is important to limit the classes of persons who may take advantage of that provision of the bill to those that are named, and then permits that important principle to be violated because of the mere accident that some State has failed to provide that any of those classes may be called into existence, or, rather, that any of those classes may operate in the way the proviso points out. My point is that if it is unwise in any case it is unwise in all cases. We ought to have a uniform rule.

Mr. SHIELDS. Mr. President, the committee in inserting this clause did not proceed upon the theory that it was unwise to allow individuals to develop water power for public-utility purposes, but upon the theory that it was best to give the municipality or other subdivision of the State the preference in all cases. It was to some extent favoring the policy of governmental ownership of public utilities. The intention was to provide that where the inhabitants of a municipality desire to own their own public utility they may do so and have the preference over individuals. While the committee did not deem it unwise that an individual should develop such water power as the bill contemplates they deemed it best that for public-utility purposes the municipality should do so, and they deemed it wise to provide that in case the municipality was not authorized to make the development, then that an individual might make it, so that the public might have the benefit of the natural resource adjacent to the city or town wherever it might be. There was no question of wisdom or unwisdom involved; it was merely a question of giving the public the preference in such matters and of placing in the bill a provision under which in any event the development might be made.

Mr. SUTHERLAND. Mr. President——

The PRESIDING OFFICER. Does the Senator from Tennessee yield further to the Senator from Utah?

Mr. SHIELDS. I do.

Mr. SUTHERLAND. But, Mr. President, the proviso does not give these particular classes the preference. The proviso is exclusive. It says that no others shall enjoy the right except the classes named.

Mr. SHIELDS. It is preferential in effect.

Mr. SUTHERLAND. Oh, no, Mr. President; it says——

Mr. SHIELDS. It provides in brief that wherever there is a municipality authorized to make the development, it shall be made by such municipality, and only in case the municipality is not authorized to enter upon the work can an individual do it in any State.

Again, Mr. President, whether or not the States authorize their municipalities or subdivisions to make such improvements or developments is a matter of local and internal policy. They can always cure any deficiency in this respect by proper legislation in each individual State. It is not a matter for Congress to legislate upon. The committee thought that this matter ought to be left open, for each State to settle such questions for its own inhabitants. If any State wishes to extend this power to any municipality that now does not possess it, or if it wishes to create a State agency or to authorize any subdivision by incorporating it to engage in this business it can do so. It is a matter largely of local application.

Mr. SUTHERLAND. Mr. President, the language is clearly exclusive. The Senator from Tennessee, I think, will concede that wherever these organizations exist a private citizen will not be permitted to enjoy the rights granted by this bill.

Mr. SHIELDS. It was the intention of the committee to give municipalities a preference in such matters, where the power was to be devoted to public-utility purposes. The committee deemed that wise and best.

Mr. SUTHERLAND. And absolutely to exclude private citizens in those cases?

Mr. SHIELDS. Where the municipality is authorized to engage in the business, to exclude private individuals; but if the municipality is unauthorized to engage in it, then the bill proposes to give the privilege to the private citizen, so that the community may not by law be deprived of the benefits of an investment or development of this character.

Mr. SUTHERLAND. The Senator seems to me to concede what I say; yet I am not absolutely certain that he does.

Mr. SHIELDS. If the Senator will restate his proposition, I will endeavor to understand him.

Mr. SUTHERLAND. The provision in the bill, as it now reads, does absolutely exclude the private citizen from any right under it, does it not?

Mr. SHIELDS. Wherever the municipality has power to make the investment or undertake the development, the citizen is excluded.

Mr. SUTHERLAND. Then it excludes him absolutely. Now, let me ask the Senator from Tennessee why that provision was inserted; why does the bill exclude a private citizen under such circumstances?

Mr. SHIELDS. Because the committee thought the municipality should have the preference. I am not altogether committed to governmental ownership of public utilities, but in many cases I deem such ownership wise and advisable; and I favor this clause upon the ground that it gives municipalities the preference in such matters. There are many cases in which public ownership of utilities has been of very great benefit to municipalities. This is a natural resource in its infancy, and the object of this bill is to develop it in the interest of the people, in the interest of the consumers; and we did not think there would be any provision more wholesome or more for the benefit of the people than to give them the preferential right to make these developments over individual capital and individual control.

Mr. SUTHERLAND. Why would it not be better, Mr. President, for the particular State whose laws may now not come within the provisions of this proviso to adjust its laws rather than to have Congress adjust its laws to meet these different conditions?

Mr. NELSON. Mr. President——

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. NELSON. Mr. President, it seems to me that Senators overlook a principle that lies at the root of this matter. While I concede that this question is in a sense largely academic, for I hardly know of a State which has not such municipal or public-utility corporations as are described in this proviso, nevertheless, suppose there were a State in this Union that preferred that the development and utilization of a water power for heat or light should be in the hands of private individuals or private corporations instead of in the hands of such agencies as are described in the proviso, ought we to dictate to that State, and say to it, "Unless you have such agencies as are provided in this bill, unless you believe in public ownership, you can not enjoy this privilege"? It goes right to the root of the power of the States.

The question of what is for the best welfare of the public the Federal Government may look at from one standpoint, the standpoint covered by the first part of this proviso, namely, that the power proposed to be conferred by the bill should only be exercised by a certain class of municipal or public-utility corporations, but the State may look upon that question in a different light. A State may say, "We prefer that public-utility services, such as furnishing heat, water, and light, shall not be owned and run by municipalities; we do not believe in that policy; we prefer that they should be run by private corporations or private individuals." In that case, if a State does prefer that order of things, why should we dictate to it a different policy? If there are any States that hold that view—and I doubt whether there are any such States in the Union—but if there are any that prefer that policy, why should we dictate by this bill a different policy?

It is a question of utilizing water power. The justification for this bill is that the water powers proposed to be developed shall be developed for the purpose of improving navigation, and that the furnishing of heat and light is merely an incident to such an improvement. If in a given State they prefer that those incidents shall be utilized for the public benefit through a private corporation and they are opposed to what is called public ownership, why should we dictate to them?

Mr. CUMMINS. Mr. President, it seems to me that there is some confusion of thought with respect to the latter part of section 1. I may not be able to clear it up, for I confess that there are certain phrases in it that I can not understand; but, referring, in the first place, to the proviso, the Senator from Tennessee [Mr. SHIELDS] says that it is intended to give the municipal corporation a preference. I can not think that he is accurate in that statement. It does not give the municipal corporation any preference. The public-utility corporation stands upon exactly the same footing as the municipal corporation. A public-utility corporation, as I understand, is a mere private corporation engaged in such a business that it is affected with a public interest.

Mr. SHIELDS. I have not said a public-utility company could not enjoy the privilege conferred. It is expressly written in the bill that a public-utility company may have the same preference as the municipal corporation.

Mr. CUMMINS. Precisely.

Mr. SHIELDS. It is classed along with municipalities.

Mr. CUMMINS. In answering the Senator from Utah [Mr. SUTHERLAND], I understood the Senator from Tennessee to say that the municipal corporation or a political corporation of some sort had a preference. It has not.

Mr. SHIELDS. I certainly did not intend to change the language of the bill. Perhaps I used an inaccurate expression, due to the fact that I did not desire to repeat all the language of the bill.

Mr. CUMMINS. I simply wanted to get my own bearings to find out what is really proposed in the section. The political corporation and the private corporation—I mean the private corporation engaged in a public business—stand upon exactly the same footing, so far as opportunity to secure a permit is concerned; but it will be observed that the individual is entirely eliminated in the proviso of the first section. I am not now considering those States which are excepted in the further provision, but the intention of the proviso is to entirely eliminate the private citizen.

It seems to be conceded that that is wise. I do not concede it; I think it is very unwise. The private citizen engaged in a public business is just as much affected with the public interest as a private corporation engaged in such a business. The municipality and the State can regulate him and regulate his business just as completely as they can regulate the corporation engaged in the same business.

In the State in which I live the municipality may grant a franchise, with the assent or approval of the people, to an individual to own and operate a gas plant, or a water-works plant, or an electric light and power plant; but the individual, once having received the franchise, is just as amenable to the laws as is the private corporation. Does the Senator from Tennessee intend to say to all the municipalities of Iowa that they can not grant a franchise in connection with a water power for the conduct of business of this sort? If he intends to deny the individual who under our law has the right to receive a franchise, what public purpose is conserved or maintained? The private corporation is simply an association of persons, with oftentimes a less liability than the individual himself; and I should be very sorry to see a provision enacted here that would prevent either my State or any other State from carrying forward the public utilities through any agency that it may see fit to select.

That is my objection to the proviso as I find it. I think there is a good deal of obscurity—and I suggest this now to the Senator from Tennessee—about the exception from the proviso. It reads:

> But in any case where the State has not made provision for authorizing municipal corporations, political subdivisions, or other agencies of the State or public utility corporations or agencies to engage in said business—

I have doubt about two things there. First, what does the word "agencies" mean? It can not mean agencies of the State, because that is prescribed in the previous line. It must mean a private or quasi-private agency which the laws of the State authorize to carry out some design of the State or need of the people. What do the words "said business" mean? Do they mean the general public utility business or do they mean that the corporation, whether political or private, is engaged in this particular venture?

I do not know, from either the langugage itself or its context, to what reference is made there—

> authorizing municipal corporations, political subdivisions, or other agencies of the State or public utility corporations or agencies to engage in said business.

I ask whether that is meant to apply to a case like this, namely, where it is sought to engage in the business at a particular place at which the permit is asked, or whether it means an agency engaged generally in the public utility business? Those words are rather important, because there are some corporations that have rather a wide interest in this matter and that are engaged in the public utility business in a great many localities and in a great many States as well.

I have not been able to reach a satisfactory conclusion with regard to the meaning of those words. I agree with the Senator from Utah with regard to the exception from the proviso; but I shall insist at the proper time that the proviso itself shall not exclude a private individual who is authorized by his State, either directly or through a municipality of the State, to furnish the people of the locality with heat, power, or light.

Mr. WALSH. Mr. President, the same idea was expressed by the Senator from Minnesota [Mr. NELSON], and I think he has

very clearly stated the principle that ought to govern us here. I think we may with perfect propriety leave it to each State to say who shall and who shall not engage in business of this character; that is to say, the business of providing heat, light, and power for private or public use. That will be accomplished by striking out everything including and after the word "*Provided*" on page 2, so that the bill will read:

That the United States hereby authorizes any of the persons as hereinafter defined, after obtaining the permit of the Secretary of War as hereinafter provided, to construct, maintain, and operate a dam or dams or diversion structures and accessory works for the development and improvement of navigation and for water power or other purposes across, in, or along any of the navigable waters of the United States; and such grantee and such permit shall at all times be subject to the provisions of this act and also subject to such conditions as the Secretary of War shall, in accordance with the provisions of this act, make a part of such permit; that the word "persons," as used in this act, shall be construed to mean both the singular and plural as the case demands, and shall be construed to mean political subdivisions of States, municipal corporations, corporations, companies, and associations; and the term "grantee" herein shall mean any such persons to whom shall be granted a permit as herein provided.

That would give everybody a right to come here to the General Government and get a permit to erect a dam. It would give a municipal subdivision, it would give a public-service corporation, it would give any kind of a corporation the power to come here and get a permit. Then, whether that company or the individual, as the case might be, could engage in that particular business, would be determined by the law of the State.

I see no reason why we should undertake to regulate that matter at all, and I think the real change which should be made in the bill is to strike out the entire proviso; but I presented this matter in such a way as to enforce as emphatically as I could the idea that you were giving to individuals in one State privileges which you denied to individuals in another State.

Mr. SHIELDS. Mr. President, the proposition of the Senator is to deprive municipalities of a preference to construct, develop, and operate their own public-utility companies. That is the substance of it. Begining where he left off, I proceed to read:

*Provided*, That when the power to be developed by the project and improvement of the stream for navigation is used or to be used for a public utility purpose or purposes the grantee must be a municipal corporation, or a political subdivision, or other agencies of a State, or a public-service agent of a State, or a public-utility corporation created and organized under the laws of a State or the United States, authorized to engage in the business of furnishing water, heat, or electric energy for public or private use, and whose rates and charges and service shall be subject to regulation by the laws of the State or a duly constituted commission or other agency of said State.

It is difficult for me to see why that is not a very wholesome provision in this bill. The Senator says he wants it so that anyone can come here and get a permit in any stream on an equality with the municipalities—with the people, I will say—of the particular community or vicinity where this great natural resource may exist. The very object of this provision is to prevent such a thing as that. It is to give a preference to communities, to the people, in the development, and in the use of the natural resources of the country adjacent to the city or municipality. Why, sir, it is in effect a provision to prevent the water powers of this country from being monopolized by individuals and the people being deprived of their benefits. I am astonished with the view the Senator entertains, that we ought to strike out a provision for such a beneficent purpose as that.

I think the wisdom of this provision must appear from a mere reading of it. As the President says that he can not think there is a State in the Union that does not authorize its municipalities to engage in this business, it certainly can do no harm. I think cases do exist where the municipalities have not the power, and so thought the committee; and therefore we put in this provision, so as not to exclude the development of water power in any case.

Mr. SUTHERLAND. Then, Mr. President, instead of giving these organizations an exclusive right and absolutely excluding the citizen, why does not the Senator from Tennessee provide that the Secretary of War shall prefer the municipal corporation or the State agency over the private corporation or the citizen in granting these privileges or rights?

The difficulty is that the Senator's proviso does a good deal more than give these agencies a preferential right. It absolutely excludes the individual whenever these agencies exist.

Mr. BANKHEAD. Mr. President, this bill has been in the hands of a committee of the Senate for practically four years. This bill, practically without change, was reported upon unanimously by the Committee on Commerce, and was on the calendar of the Senate during the last Congress. The committee, if the Senate will allow me so to express it, has built up and torn down and built up again and torn down this proposition, with the purpose and thought that it might perfect, as nearly as a bill of this character can be perfected, a measure that would meet the expectations of the country.

When the committee in charge of this bill commenced its consideration, it had in view three purposes. The first was properly to protect and promote the interests of the people of this country and the users of hydroelectric power. Second, it endeavored to protect as far as possible the interests and rights of the States. Third, it endeavored to take care of the interests of the General Government, and to provide as far as possible for the improvement of its navigable rivers.

As I said in the beginning, in so far as the committee was able to do so, this bill has been carefully prepared. I might say that the principle of the section now under discussion runs through the whole measure. While, of course, I do not object to amending the bill—if an amendment is proposed that improves its provisions and its operation, that is proper and necessary—yet if we are to amend the bill in important particulars without knowing what the effect of the amendment is to be upon other important sections of the bill, we will practically destroy it in the end.

If we can not frame here a bill that will do the things I have suggested—protect the interests of the people of the States and of the Government, provide for navigation, and at the same time put into the bill provisions that will be inviting to capital, that will induce capital to invest its money in the development of these power sites on navigable rivers—we had just as well stop now. We have had that character of legislation on the books for 10 years, and what has been accomplished under it? Not a single, solitary development that I am aware of has been commenced and completed under what is known as the general dam law now on the statute books, and it is my deliberate judgment that none ever will be. So that if Congress is willing, if Congress has reached the conclusion that these great natural resources should be utilized, and in their utilization that the navigation of our rivers should be improved, we have an opportunity to do it here in this bill and at the same time protect the interests of the people and the States and the National Government.

My belief is that the amendment suggested by the Senator from Montana is a dangerous one. My belief is that it will practically destroy the purpose of the bill. I can not understand how the Senator from Montana would prefer that a private interest or private corporation should be permitted to go and improve these rivers and create power in preference to a municipality that desired to do it.

Mr. WALSH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from Montana?

Mr. BANKHEAD. I do.

Mr. WALSH. The Senator from Montana has no such purpose.

Mr. BANKHEAD. Then I must confess that I have failed to understand the suggestion of the Senator from Montana. Why should not cities, corporations of that character, municipalities, be given the preference when they come to develop these powers for their own particular use? Why should an individual be permitted to go to my town, for instance, and say, "I am going to get a permit, and I am going to build here a power plant and develop hydroelectric power, and I am going to furnish this town with light and heat by electricity," as against the desires of that municipality to do it itself? Why should that be done? Why should not the municipality have the preference?

There is nothing in this bill that prevents an individual or corporation from doing these things where the municipalities themselves do not do them, or do not care to do them, or do not want to do them, or do not expect to do them. That is the view I have of the matter.

Mr. CUMMINS. Mr. President, could an individual put a dam in a stream and furnish a city or its citizens with light and heat without the consent of the city?

Mr. BANKHEAD. The city would not be compelled to buy it; that is true.

Mr. CUMMINS. Could the individual do it without the consent of the city in some form or other, through its council or its people?

Mr. BANKHEAD. He might go there, under the contention of the Senator from Montana, and build a dam, if he could get permission from Congress to do it, and prohibit anybody else from doing it.

Mr. CUMMINS. But he could not furnish the people there with heat and light and power without their consent.

Mr. BANKHEAD. Oh, no; not without their consent. Of course, he could not.

Mr. CUMMINS. Just one more question: Does the Senator know of any State in the Union that does not authorize some agency, either individual or corporation, to engage in the business of furnishing heat, light, and power?

Mr. BANKHEAD. No; I do not think I do.

Mr. CUMMINS. Then you absolutely destroy the first provision by the insertion of the last.

Mr. BANKHEAD. Oh, I do not think so at all, Mr. President.

Mr. CUMMINS. Why, it says that the first provision shall not apply if the State has not so authorized such an agency. That is to say, if any State has not authorized any agency—individual, corporate, or in any other form—to supply its people with heat, light, and power, then the first provision disappears entirely.

Mr. BANKHEAD. The bill simply provides that they shall have the preference; they shall have the choice.

Mr. SUTHERLAND. May I ask the Senator, before he takes his seat, whether I understood him correctly? Did I understand the Senator to say that there was nothing in the bill which would prevent an individual from acquiring these rights if the municipal corporation and other agencies named did not exercise them?

Mr. BANKHEAD. No; I do not think I said that, exactly.

Mr. SUTHERLAND. Perhaps I misunderstood the Senator.

Mr. BANKHEAD. It may be a corporation or an individual. It does not have to be an individual necessarily. It might be a corporation, an incorporated company.

Mr. SUTHERLAND. My understanding of this proviso is that if the municipal corporation or other agency named here exists in the State and is given power under the State law to do the things mentioned, then the individual is absolutely excluded. In other words, a condition might arise where no municipal corporation and no other agency would care to take hold of a particular enterprise, and yet the individual would be excluded from taking hold of the matter because of the very existence of these agencies.

Mr. BANKHEAD. I do not think that is probable.

Mr. SUTHERLAND. That is the plain language of it. It says that when the power to be developed by the project, the improvement of the stream for navigation, is used or to be used for a public-utility purpose or purposes, the grantee must be a municipal corporation, and so on. The grantee can not be, under those terms, anything else but one of these agencies that is named. You have absolutely excluded the individual from taking advantage of this law, if I understand it, if these agencies have an existence and have conferred upon them by law the powers which are mentioned.

Mr. WALSH. Mr. President, I do not desire to say anything further in relation to this amendment. I have said all that in my judgment need be said, and my views with respect to it can not possibly be misunderstood. I arise, however, to say a word now by reason of some of the remarks of the distinguished Senator from the State of Alabama, which might lead an uninformed reader of the RECORD to put me in the attitude of an opponent of this measure.

The Senator from Alabama, I know, does not entertain that idea, because he has abundant reason for knowing that there is no Senator who is more sincerely desirous than myself of seeing this bill passed in perfected form. The Senator from Tennessee [Mr. SHIELDS] discharged a very high duty and performed a very distinguished service to the country, in my estimation, in his impressive speech the other day concerning the overwhelming importance of this measure. It is my own conviction that this bill and the accompanying bill, which I trust will be considered as soon as this is disposed of, concerning the disposition of power sites upon the public domain, are fraught with more significance, so far as the future development and prosperity of this country are concerned, than any other measure that can possibly engage the attention of this body during the present session. I do not even except the so-called preparedness measures. And, Mr. President, I might add to what was said in that behalf by the Senator from Tennessee the other day that it has been estimated, and I think with accuracy, that we are consuming in this country coal to the amount of $1,000,000 per day for the generation of power that might just as well and better be developed by the falling waters of our streams. That signifies an annual loss of $300,000,000 to this country by reason of the fact that its water-power resources are not developed. If you capitalize that at 5 or 6 per cent interest, the figures grow so vast that the human mind, with all its capacity, is incapable of comprehending their full significance.

Mr. President, my own State leads the Union in its development of water power per capita. There is more developed water power per capita in the State of Montana than in any other State in the Union. It is one of the first in its total capacity, aggregating, according to careful estimates, about 5,000,000 horsepower. The development to date is in the neighborhood of 250,000 horsepower, and development is going on to-day in my State more largely than in any other State in the Union.

Some of the remarks of the esteemed Senator from the State of Arizona [Mr. SMITH] might be interpreted to mean that my interest in the bill was quite unnecessary, because it in no wise affected my State. The esteemed Senator is quite in error about that. The Missouri River in the State of Montana is navigable for upward of 300 miles. The Yellowstone River in the State of Montana is navigable for upward of 200 miles. The Kootenay River in the State of Montana is navigated for a distance of nearly 100 miles, and into the British possessions traffic is actually carried on for nearly as much more. So while we are deeply interested in the other bill—the power-site bill—the one that is before us now is not without vast significance and importance to the development of industry in the State which I have the honor in part to represent.

Now, the Senator from Alabama does understand, and everyone else ought to understand, that I am here to assist in the passage of this bill, but anyone will make a mistake if he assumes that because of my intense interest in the enactment of legislation upon this subject I shall not feel at liberty at any time to call attention to those features of the bill which seem to me to require change. And indeed, Mr. President, I do so because of my firm conviction that this bill, unless it is radically amended, will never receive the President's approval. So I am exceedingly desirous to put it in the most unexceptionable shape.

Mr. President, while I am talking about that I might as well say what I intended to say a little later in connection with some other amendment that I desire to present. The subject will be reached after another amendment is offered. We ought to recognize in the consideration of this measure that we have been at a deadlock upon this proposition for a period of upward of eight years. During that time, as has been told you by the Senator from Alabama, development has practically been arrested because the existing laws are impossible. They do not offer the inducements and the encouragements to capital that are absolutely essential in order that it should engage in this particular line of enterprise.

The situation became acute when the so-called Rainy River dam bill was vetoed by President Roosevelt in the year 1908. I have here a copy of that veto message, and I am going to send it to the desk to be read by the Secretary in order that we may have clearly before us the nature of the opposition which was made at that time to the bill then under consideration and the features which the then President of the United States deemed ought to be incorporated in a bill of this character.

The VICE PRESIDENT. The Secretary will read as requested.

The Secretary read as follows:

VETO MESSAGE OF THE PRESIDENT.

The Speaker laid before the House the following message from the President of the United States, which was read:

*To the House of Representatives:*

I return herewith, without my approval, House bill 15444, to extend the time for the construction of a dam across Rainy River.

This bill is returned for several reasons, some of which are general, others special. In this particular case permission to construct this dam was originally given, as being in Rainy Lake River, by the act of May 4, 1898 (30 Stat., 398), which limited the time for commencing the work to one year and for completing it to three years from that date. Further extensions of time were granted as follows: For commencement, three years, and for completion, five years from May 4, 1900, by the act of that date (31 Stat., 167); for construction until May 4, 1907, by the act of June 28, 1902 (32 Stat., 485); for completion until July 1, 1908, by the act of February 25, 1905 (33 Stat., 814). The act of 1905 substituted the Rainy River Improvement Co. for the original permittee. All rights given by these acts will expire July 1, 1908, unless the dam is completed on or before that date. In other words, the permittees will then have enjoyed for more than 10 years the exclusive privilege of constructing this work, and have apparently failed to take advantage of it, for this bill would extend the time for three years longer to some unnamed day in July, 1911.

I do not believe that natural resources should be granted and held in an undeveloped condition either for speculative or other reasons. So far as I am aware, there are no assurances that the grantees are in any better condition promptly and properly to utilize this opportunity than they were at the time of the original act, 10 years ago.

In all permits of this character the duty of declaring a forfeiture, after notice and hearing, for failure to begin or complete construction within the time limited by the permit, or for other breach of conditions, should be definitely imposed upon the proper administrative officer (in this case the Secretary of War). There have been many unfortunate experiences resulting from conditional grants, which, though on their face apparently terminable for breach of condition, proved practically indeterminate because no one official was specifically given power to discover and declare the breach. The general statute regulating dams in navigable waters (act June 21, 1906, 34 Stat., 386), though representing an advance, yet leaves uncertain much that should be definitely expressed in each act permitting the construction of dams under this statute.

A definite time limit is one of these important omissions. The public must retain the control of the great waterways. It is essential that

any permit to obstruct them for reasons and on conditions that seem good at the moment should be subject to revision when changed conditions demand. The right reserved by Congress to alter, amend, or repeal is based on this principle; but actual experience of what happens with indeterminate public-utility franchises proves that they are in the vast majority of cases practically perpetual. Each right should be issued to expire on a specified day without further legislative, administrative, or judicial action.

Every permit to construct a dam on a navigable stream should specifically recognize the right of the Government to fix a term for its duration and to impose such charge or charges as may be deemed necessary to protect the present and future interests of the United States in accordance with the act of June 21, 1906. There is sharp conflict of judgment as to whether this general act empowers the War Department to fix a charge and set a time limit. All grounds for such doubt should be removed henceforth by the insertion in every act granting such a permit of words adequate to show that a time limit and a charge to be paid to the Government are among the interests of the United States which should be protected through conditions and stipulations to be imposed either by the War Department or, as I think would be preferable, by the Interior Department.

The provision for a charge is of vital importance. The navigability of every inland waterway, and of all connected and connectible inland waterways as a whole, should be improved for the purposes of interstate and foreign commerce upon a consistent unified plan by which each part should be made to help every other part. One means available for the improvement of navigation at a particular point on any river may be a dam creating a slack-water pool of sufficient depth. Such a dam may, in many cases, develop power of sufficient value to pay in whole or in part for the improvement of navigation at that point, and if there is any surplus it can be spent upon improvements at other points in accordance with the general plan. Since the Government can do by any proper agency what it can do directly, it is in principle immaterial whether this income to construct needed improvements is derived from works constructed directly by the Government or by a corporation acting under Federal authority, since Federal authority is the one indispensable legal prerequisite for the work, though the charge to be paid to the Government for the power would, of course, differ in the two cases; indeed the charge would necessarily vary greatly, for where the improvement was both costly and of great benefit to the public, the charge would naturally be made low and the time limit long.

The income derivable from this source would materially aid in the complete improvement of our navigable waters, for which there is now such crying need. The Chief of Engineers of the Army reports that the bills pending at this session of Congress permit the construction of dams in navigable streams capable of developing over 1,300,000 horsepower. These rivers run every hour in the day and every day in the year. To develop this amount of power would, under average conditions, require about 25,000,000 tons of medium-quality coal every year. This natural wealth is the heritage of the people. I see no reason for giving it away, though there is every reason for not imposing conditions so burdensome as to prevent the utilization of the power. The authority to make, modify, or withhold grants manifestly implies both the power of inquiring into the grounds on which the grants are asked and the duty of administering the grants in the public interest.

We are now at the beginning of great development in water power. Its use through electrical transmission is entering more and more largely into every element of the daily life of the people. Already the evils of monopoly are becoming manifest; already the experience of the past shows the necessity of caution in making unrestricted grants of this great power.

The present policy pursued in making these grants is unwise in giving away the property of the people in the flowing waters to individuals or organizations practically unknown and granting in perpetuity these valuable privileges in advance of the formulation of definite plans as to their use. In some cases the grantees apparently have little or no financial or other ability to utilize the gift, and have sought it merely because it could be had for the asking.

In place of the present haphazard policy of permanently alienating valuable public property we should substitute a definite policy along the following lines:

First. There should be a limited or carefully guarded grant in the nature of an option or opportunity afforded within reasonable time for development of plans and for execution of the project.

Second. Such a grant of concession should be accompanied in the act making the grant by a provision expressly making it the duty of the designated official to annul the grant if the work is not begun or plans are not carried out in accordance with the authority granted.

Third. It should also be the duty of some designated official to see to it that in approving the plans the maximum development of the navigation and power is assured, or at least that in making the plans these may not be so developed as ultimately to interfere with the better utilization of the water or complete development of the power.

Fourth. There should be a license fee or charge which, though small or normal at the outset, can in the future be adjusted so as to secure a control in the interest of the public.

Fifth. Provision should be made for the termination of the grant or privilege at a definite time, leaving to future generations the power or authority to renew or extend the concession in accordance with the conditions which may prevail at that time.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *April 13, 1908.*

Mr. NELSON. Will the Senator allow me to give the subsequent history of that matter?

Mr. WALSH. I should be very glad; but if the Senator will pardon me——

Mr. NELSON. I am familiar with it.

Mr. WALSH. The Senator will pardon me first, however. I wanted to put in the veto message of President Taft for the purpose of calling attention to the grounds of objection that had been made to these bills in the past that we may proceed to consider the present legislation in the light of it, and I will be glad then to yield to the Senator.

Mr. NELSON. Very well.

Mr. SHIELDS. The Senator should have stated that the Rainey River bill was passed over the veto of the President.

Mr. NELSON. I wanted to explain what became of the Rainey River bill, if the Senator will allow me.

Mr. WALSH. Very well; I am glad to yield to the Senator.

Mr. NELSON. The facts of the case were that the parties interested in that grant saw the President and the Secretary of War. The President insisted on certain conditions and changes and compelled them to agree in writing in some form, I do not recall exactly in what form, to accept certain modifications and changes in respect to the rights under the law. That was filed with the Secretary of War, and after that President Roosevelt declared himself satisfied. Word was sent up here that we might pass the bill over his veto. When the bill came back from the House I called the attention of the Senate to the facts in the case, and the Rainey River bill was passed here in the Senate unanimously over his veto. Just what papers were filed in the War Department by the company in connection with that matter I am unable at this moment to specify, but I recall that the bill was passed by the consent of President Roosevelt over his veto in both Houses. In the Senate it was passed unanimously and in the House, I think, there were only two or three votes against it.

Mr. WALSH. I am thankful to the Senator for his information, which I think is accurate.

Mr. NORRIS. If the Senator will yield, I think, in connection with the statement of the Senator from Minnesota, while his statement, I think, is perfectly accurate, the fact ought to be emphasized that the bill was passed over President Roosevelt's veto because the objections that the President set out in his message had been fully met by those interested. He let that be known, I think, through a letter to the Secretary of War or some other Cabinet officer. It was read at least on the floor of the House, showing that they had complied with all the objections the President had set forth in some sort of an agreement. So the action of the Senate and the House must not be taken as in any way contrary to the view set forth by the President in his veto message.

Mr. WALSH. I ask that the veto message of President Taft be read.

The VICE PRESIDENT. The Secretary will read as requested.

The Secretary read as follows:

*To the Senate:*

I return herewith, without my approval, Senate bill No. 7343, "to authorize the building of a dam across the Coosa River, Ala., at the place selected for Lock No. 18 on said river."

This bill presents a typical case of a river where its development by the Federal Government for navigation should go hand in hand with its development for water power. The reports of the engineers show that comprehensive plans have been made by the Corps of Engineers for the development of navigation on this river by a series of dams constructed for the purpose of creating deep pools. This bill seeks to authorize the construction of one of these dams through a private agency, the Alabama Power Co., which intends to use the water power created for commercial purposes. If the Federal Government chose to build this dam itself in aid of navigation, its right to the water power incidentally created by the dam would be beyond question. When, instead of building the dam itself, it builds it by an agent, as proposed by this bill, I believe it to be equally clear that the dam and all its incidents, including the water power created, is within the regulative power of the Federal Government in respect to navigation.

It is said that the grantee, the Alabama Power Co., proposes to spend over a million dollars in the construction of a dam, as well as to furnish toward the project its riparian rights and to stand the expense and cost of the damages by flowage. It is manifestly entitled to be credited for all these expenditures, and is manifestly entitled to a fair, full, and reasonable profit for its investment and work. But after all of these items are fully allowed for it is equally manifest that in the course of time the return from the privilege thus granted in the shape of valuable water power created may far exceed a reasonable return for these items.

No provision is made in the bill whereby the Secretary of War may, in granting the permit, exact such compensation as in the course of time may prove to be necessary to equalize this account. I think this is a fatal defect in the bill, and that it is just as improvident to grant this permit without such a reservation as it would be to throw away any other asset of the Government. To make such a reservation is not depriving the States of anything that belongs to them. On the contrary, in the report of the Secretary of War it is recommended that all compensation for similar privileges should be applied strictly to the improvement of navigation in the respective streams—a strictly Federal function. The Federal Government by availing itself of this right may in time greatly reduce the swollen expenditures for river improvements which now fall wholly upon the general taxpayer. I deem it highly important that the Nation should adopt a consistent and harmonious policy of treatment of these water-power projects which will preserve for this purpose their value to the Government whose right it is to grant the permit. The necessity for the adoption of such a policy has recently been pointed out, with my approval, by the Secretary of War, and I see no reason why this bill should be exempted from the safeguards which have been recommended by him in the cases of other bills now pending before Congress.

I therefore return the bill to your honorable body without my approval.

WM. H. TAFT.

THE WHITE HOUSE, *August 24, 1912.*

[S. 7343. Sixty-second Congress of the United States of America; at the second session, begun and held at the city of Washington on Monday, the fourth day of December, one thousand nine hundred and eleven.]

An act to authorize the building of a dam across the Coosa River, in Alabama, at a place suitable to the interest of navigation about 7½ miles above the city of Wetumpka.

*Be it enacted, etc.*, That the Alabama Power Co., a corporation organized under the laws of the State of Alabama, its successors and assigns, are authorized to construct, maintain, and operate a dam across Coosa River, in the State of Alabama, at a place suitable to the interest of navigation about 7½ miles above the city of Wetumpka, in accordance with the provisions of the act approved June 23, 1910, entitled "An act to amend an act entitled 'An act to regulate the construction of dams across navigable waters,' approved June 21, 1906."

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

CHAMP CLARK,
*Speaker of the House of Representatives.*
J. H. GALLINGER,
*President of the Senate pro tempore.*

I certify that this act originated in the Senate.

CHAS. G. BENNETT,
*Secretary.*
By H. M. ROSE,
*Assistant Secretary.*

Mr. BANKHEAD. Mr. President——

The VICE PRESIDENT. Does the Senator from Montana yield to the Senator from Alabama?

Mr. WALSH. Certainly.

Mr. BANKHEAD. Mr. President, I am glad the Senator from Montana had that veto message read. The Senate will remember doubtless that we passed a bill authorizing the construction of a power dam in connection with the navigation of the Coosa River. What was the effect of that veto message? The company had filed their plans and specifications with the Secretary of War, which had been approved, for a power dam in connection with navigation at Lock 18 on the Coosa River. The Senate passed the bill by a very large majority, and so did the House. President Taft vetoed it. When I learned that the President was considering the veto of that bill I called upon him at the White House to remonstrate with him and remind him that the principles embodied in the bill were exactly those that he had always advocated in orders and otherwise while he was Secretary of War. He said to me "That is true; those were my views then, and they are my views now."

I said, "Mr. President, why are you thinking of this veto?" He said to me, "Senator, I have a Bull Moose Secretary of War; he insists upon this veto along the lines of a veto message that I have authorized him to write." I said, "That is very strange, Mr. President." "Well," he said, "it is. I have not changed my opinions upon the same, but I am too near the end of my administration to have a family row." That is exactly what occurred.

But, Mr. President, that is not all. This company had filed their plans and specifications and had their capital all in bank for the purpose of building this dam to develop power and navigation when the veto message came. What happened? They simply said, "If the people of Alabama and of this country do not desire their rivers improved"—and they proposed to improve 40 miles of nonnavigable river, as it is now—"and if they do not want this investment for the purpose of manufacturing nitrogen and making fertilizers and erecting electric steel furnaces here, we will go where the people do want it." They pulled up and went to Canada, across the river, and they are there now operating that plant from power from Niagara Falls. They have invested millions of dollars there. They are manufacturing hundreds and thousands of tons of nitrogen and other fertilizing articles.

What else? We are buying it from Canada, shipping it back to the cotton fields and cornfields of the South, paying large prices there, and paying freight upon it, when we could have had it right in the midst of our cotton and corn fields had not that veto message been written. That is the history of that transaction.

Mr. WALSH. Mr. President, I did not have the veto messages read, as I gather some Senators believe I did, because I either approve them as a whole or approve of the grounds upon which they were based. My purpose in having the veto messages read at this time was that we might proceed with the consideration of this bill in the light of the objections which have been made to legislation of this character heretofore, and so that we could have in mind how far the present bill will meet those objections and in what respect we are still at variance with the views which were then expressed by the Chief Executive of the Government.

Mr. President, you will observe that the messages refer to the fact that theretofore it was quite customary to grant permits for the construction of dams across navigable streams in perpetuity, and it was urged that that was a mistaken policy. In the year 1890 Congress passed an act authorizing a dam on the Missouri River opposite my home in the State of Montana, a distance of about 15 miles from where I live. That dam exists in the river there now. It is developing power which is transmitted a distance of upward of 200 miles. It exists there under the protection and by virtue of that act, and it is a perpetuity; the parties hold the right forever. It was suggested that that was an unwise policy.

Second, it was suggested, as you will observe by the messages, that these grants had been made without any return whatever to the Government for the privilege which was extended by them. It was urged that all these acts ought to contain a provision by which something should be returned to the Government to be used for the further development of the stream in which the dam is erected. This bill refuses to recognize that principle, and it is with reference to that that I desire to speak particularly, but not at this time.

Mr. BANKHEAD. Mr. President, if the Senator from Montana will kindly permit me, I should like to ask him at this juncture whether he is in favor of the principles and policies enunciated in those messages which have just been read; that is, if he believes the Government of the United States ought to charge a royalty or levy a tax upon these power plants?

Mr. WALSH. I shall propose an amendment, under the provisions of which the Secretary of War will be permitted to put a provision in each permit by which the permittee will be required to pay something for the privilege which he exercises, the moneys derived from that to go into a fund for the improvement of the river.

Mr. BANKHEAD. I thought that was the direction in which the Senator was traveling.

Mr. WALSH. The Senator has been quite accurate.

Mr. SUTHERLAND. What privilege does the Senator refer to, the privilege to develop water power?

Mr. WALSH. Yes, sir; the privilege of damming a stream for the development of water power.

Mr. SUTHERLAND. Then the Senator proposes to permit the United States Government to impose a tax upon the grantee for the permission to develop a water power, I understand. Am I correct about that?

Mr. WALSH. The Senator can assign whatever consideration he chooses. I shall tender an amendment under the provisions of which the Secretary of War will be authorized to provide in the permit for the payment of an annual charge by the permittee.

Mr. SUTHERLAND. For myself I will express the hope that if that amendment is adopted the bill itself will fail, because I think it is a power which the Government of the United States does not possess and ought not to possess. I think that the only authority which the Government of the United States has in the premises is to protect the navigability of a stream, and if that question were not involved it would have no authority to say anything about the construction of a dam. The development of water power is a matter, in my judgment, wholly under the control of the State, and for one I shall never consent to any other principle going into the bill.

Mr. SHIELDS. Mr. President——

Mr. WALSH. I yield to the Senator from Tennessee.

Mr. SHIELDS. I wish to say that I think the whole committee so far as I have had an expression are in entire accord with the views expressed by the Senator from Utah [Mr. SUTHERLAND]. I certainly can say for myself that I do not think the United States has the slightest proprietary interest in the beds of the navigable streams of this country. Having no interest in it it has no right to sell it or to charge for it. The sole right is that of regulating navigation under the commerce clause.

But, Mr. President, I understand the Senator from Montana will offer an amendment on that subject at a later stage in the consideration of this bill, and it will perhaps save time and we can make more progress to defer the argument on that question until we reach that amendment.

Mr. WALSH. It was the suggestion of the Senator from Montana that we defer a discussion of the question.

Mr. SHIELDS. I wish to say to the Senator from Montana that in our discussion of this matter I have become thoroughly convinced that he does favor legislation of the kind proposed by this bill in order to develop navigation in streams that Congress now, for want of means, will not improve and in order to develop the power that is so much needed in this country and is now going to waste in them. I have fully believed and yet believe that he has those views and desires to forward legislation of that kind. But if he does agree with and intends to support and to engraft upon this legislation the principles and views expressed by two Executives in the vetoes that he has had read, then he will accomplish nothing. Those

views expressed by President Roosevelt in his veto message on the Rainey River bill and which was followed by President Taft in the subsequent veto of the Coosa project were placed in the act of 1910. That is the reason why since that day we have had no development of power in our navigable streams. If those views are to be incorporated in this bill, then it might as well be withdrawn. It would be simply repeating laws that are already on the statute books that have worked so disastrously and have defeated and will continue to defeat development so long as they are the laws of the country.

Mr. WALSH. Mr. President, I merely desire to say that I think the Senator from Utah [Mr. SUTHERLAND] will hardly agree with the Senator from Tennessee [Mr. SHIELDS] that those principles are found in the act of 1910. I have myself been unable to discover them there, but I said that I should, when I offered the amendment, discuss the reasons which impelled me to support the amendment. As to the matter of power, I shall content myself with setting forth my reasons for believing—and I entertain no hesitancy in the belief at all—that the question of power is not a debatable one and that beyond question it exists.

Mr. OLIVER. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The absence of a quorum being suggested, the Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

| | | | |
|---|---|---|---|
| Ashurst | Hardwick | Norris | Smith, Ariz. |
| Bankhead | Hollis | Oliver | Smith, Ga. |
| Beckham | Husting | Overman | Smoot |
| Broussard | Johnson, Me. | Page | Stone |
| Catron | Johnson, S. Dak. | Phelan | Sutherland |
| Chamberlain | Jones | Pittman | Swanson |
| Cummins | Kenyon | Reed | Thomas |
| Curtis | Lane | Robinson | Underwood |
| du Pont | Lodge | Shafroth | Vardaman |
| Fletcher | McLean | Sheppard | Walsh |
| Gallinger | Martin, Va. | Sherman | Warren |
| Gronna | Martine, N. J. | Shields | Weeks |
| Harding | Nelson | Simmons | |

Mr. SMOOT. I desire to announce the unavoidable absence of the junior Senator from Michigan [Mr. TOWNSEND].

Mr. STONE. I wish to announce the absence of the Senator from Delaware [Mr. SAULSBURY] on account of illness.

The VICE PRESIDENT. Fifty-one Senators have answered to their names. There is a quorum present. The question is on the amendment proposed by the Senator from Montana [Mr. WALSH].

Mr. SHIELDS. Mr. President, I do not wish to discuss in further detail the amendment offered by the Senator from Montana, to strike out certain provisions on pages 1 and 2 of the bill, but will merely say that the provision which it is now proposed to strike out was very thoroughly considered by the subcommittee and by the whole committee, as was the entire bill. It was deemed by them necessary for the protection of the inhabitants of municipalities, and I hope that the Senate will find it proper to reject the amendment and to retain the provision that the amendment proposes to strike out.

Mr. GRONNA. May we have the amendment read, Mr. President?

The VICE PRESIDENT. The Secretary will state the amendment.

The SECRETARY. On page 2, in line 24, after the word "State," it is proposed to strike out the following:

> But in any case where the State has not made provision for authorizing municipal corporations, political subdivisions, or other agencies of the State or public-utility corporations or agencies to engage in said business, the qualifications of the grantee prescribed in this proviso shall not apply.

The VICE PRESIDENT. The question is on the amendment proposed by the Senator from Montana.

The amendment was rejected.

Mr. WALSH. Mr. President, by a provision found in lines 8 and 9, on page 3 of the bill, it is provided that the permit when granted shall not be transferred—

> Except by trust deed or mortgage issued for the bona fide purpose of financing the business of such grantee * * * without the approval of the Secretary of War—

So that no transfer would be of any value whatever except by his approbation. Of course, it would not be subject to sale and disposition for the debt of the permittee, because, if it were seized and sold, the purchaser at the execution sale might not be able to get the approval of the Secretary of War.

On page 12 it is provided that the plant and all of the appurtenances shall be subject to taxation by the State authorities, and that is a very wise and salutary provision in this bill. Every dollar that is put into the property, like every dollar invested in any other business, ought to pay its just share of taxes. The provision is as follows:

> And the plant and its appurtenances of the grantee, including real, personal, and mixed property, constituting the same and used for the generation and distribution of power, or for other purposes, shall be subject to taxation under the laws of the State where situated as other similar property within the State, while owned by the grantee, or any subsequent owner who may acquire the same by purchase from the grantee, or other person, or under any proceeding herein authorized and provided for.

That, I repeat, is a very wise and a very salutary provision; but if the property is assessed for taxes and the taxes are not paid, and if then the property is sold to satisfy the delinquent taxes, the purchaser gets nothing, because every transfer of the property is forbidden, except it be with the approval of the Secretary of War. I submit, then, to the Senator from Tennessee whether, in order to accomplish the purpose that he has in view, it will not be necessary to take out the words "without the approval of the Secretary of War."

Then, Mr. President, I ask, Why should this permit be thus hampered in respect to its disposition by the permittee? If a company gets the permit and operates the property for a period of 10 or 12 or 15 years, and then the company wants to sell the property, or if it is an individual and he wants to sell the property, why should he be obliged to go and get the approval of the Secretary of War before he can make the transfer?

Mr. SHIELDS. Mr. President, as I understand the amendment offered by the Senator from Montana, it is to strike out, in lines 8 and 9, the words "without the approval of the Secretary of War." The whole clause is this:

> And no transfer of any such permit or of the rights thereunder granted, except by trust deed or mortgage issued for the bona fide purpose of financing the business of such grantee, shall be made by any grantee, without the approval of the Secretary of War, to any transferee not having the qualifications herein specified for a grantee hereunder, and any successor or assign of the rights of any such grantee, whether by voluntary transfer, judicial sale, or foreclosure sale, or otherwise, shall be subject to all the conditions of the permit under which such rights are held by such grantee, and also subject to all the provisions and conditions of this act to the same extent as though such successor or assign were the grantee hereunder.

The amendment is, in substance, one that has just been rejected. It is in the same section, and provides that no transfer shall be made unless the grantee shall have the qualifications required in the preceding part of the section; in other words, it gives the preference to the municipality. If there is any objection of the kind suggested by the Senator from Montana, where the property is sold for taxes, which may be assessed under a subsequent provision of the act, that can be remedied when we reach that section of the bill; but this amendment, I think, should be, and I am hopeful will be, rejected.

Mr. SMITH of Georgia. Mr. President, I should like to ask a question. Does the Senator from Tennessee think it necessary to require the approval of the Secretary of War before one of these transfers can be made?

Mr. SHIELDS. I think it is necessary in order to preserve the preference in favor of municipal corporations. That is what it was intended to do; that is the whole object of it. Generally, in order to make such property more attractive, it ought to be subject to sale. The right to sell is, of course, one of the most essential qualities of property value; but this particular section relates to what has passed, to the provisions previous to the ones now objected to, and not to the whole bill.

Mr. NORRIS. Mr. President, I should like to have the attention of the Senator from Tennessee. I can not understand how he can put the construction on this language which he does put on it. It seems to me it will have the opposite effect, especially when you take into consideration the particular place where these words occur in the bill.

The section provides certain qualifications for the grantee or the permittee, as you might call him. Not everyone will have the right to become a grantee and to build a dam, as provided for in this section. As I understand, if we leave in the words which the Senator from Montana proposes to strike out by his motion, the language will mean that, notwithstanding the fact that a grantee must have certain qualifications specified in the bill, if the Secretary of War will consent, such a qualified grantee may transfer his interest to a person who does not possess those qualifications. I myself would have no objection to providing that no transfer shall be made without the consent of the Secretary of War; but this is the way it reads as the language now stands in the bill:

> And no transfer of any such permit or of the rights thereunder granted, except by trust deed or mortgage issued for the bona fide purpose of financing the business of such grantee, shall be made by any grantee, without the approval of the Secretary of War, to any transferee not having the qualifications herein specified for a grantee hereunder.

In other words, the bill provides certain qualifications before a corporation or a municipality can be entitled under the law to build a dam. A corporation thus qualified, we will say, build a dam. Subsequently they want to transfer the improvement to somebody who does not possess the qualifications required, and thus entirely nullify the provision concerning qualifications. They can do so if the Secretary of War will consent. His consent is the only thing standing in their way. I can not put any other construction upon that language. I take it that the Senator from Tennessee does not want to do that.

Mr. SHIELDS. I will direct the Senator's attention to what follows the language he has read:

And any successor or assign of the rights of any such grantee, whether by voluntary transfer, judicial sale, or foreclosure sale or otherwise, shall be subject to all the conditions of the permit under which such rights are held by such grantee and also subject to all the provisions and conditions of this act to the same extent as though such successor or assign were the grantee hereunder.

So that it is expressly provided here that any purchaser or subsequent grantee, in the language of the bill, shall be subject to all the conditions and provisions of the bill. I certainly do not wish that the property may be sold and thus allow the subsequent purchaser to escape the provisions of this bill regulating the exercise of the power granted. On the contrary, it is expressly provided that he shall be subject to these provisions.

Mr. NORRIS. Mr. President, the Senator, it seems to me, does not get the distinction between the qualifications of the grantee and the law that will control the operation of the plant under the grant. There is a distinction; otherwise why is it provided in the same section:

That when the power to be developed by the project and improvement of the stream for navigation is used or to be used for a public-utility purpose or purposes the grantee must be—

Then the bill provides who the grantee must be; there are several classes—

a municipal corporation, or a political subdivision, or other agencies of a State, or a public-service agent of a State, or a public-utility corporation created and organized under the laws of a State or the United States.

Those are the only classes qualified under this bill to become grantees where the object of the water development is for a public-utility purpose or purposes. Then the bill says that the grantee shall not transfer or sell his right to any person or persons not qualified to take it originally, unless the Secretary of War shall consent. It is true that if the Secretary of War consented and the grantee transferred his right to some one who was not qualified under the bill, the transferee would have to comply in the management of the plant with the bill as the Senator has read it, but I think by leaving in the words indicated by the Senator from Montana at the place where they are found in the bill, we practically say any person or corporation will be qualified to become a grantee under this bill, provided the Secretary of War agrees to the transfer.

If that be the object, then we have put in a lot of useless language, because the committee has tried to provide that only certain persons or corporations can become grantees under this bill, and then it is provided that they can not transfer their grant to anybody else who does not possess the same qualifications that they possess unless the Secretary of War consents.

I take it that the object of the committee was to prevent any transfer except with the permission and with the consent of the Secretary of War, and to that I have no objection; but the place in the bill where they have put this language, if I understand it, would enable the Secretary of War absolutely to nullify the provisions of the bill so far as the qualification of the grantee is concerned. Why not add at the end of the section such a provision as this:

*Provided, however,* That no transfer shall be made without the consent of the Secretary of War.

That would do away with the objection I am making, but if you leave in the words "without the approval of the Secretary of War" as they are now, they apply only to the transfer to some one else who does not possess the qualifications that the original grantee must possess before he can get the right to develop the power. Let me read it as it would read with the words stricken out:

And no transfer of any such permit or of the rights thereunder granted, except by trust deed or mortgage issued for the bona fide purpose of financing the business of such grantee, shall be made by any grantee to any transferee not having the qualifications herein specified for a grantee hereunder.

Now, I have read it with the objectionable words stricken out as they would be stricken out if the amendment of the Senator from Montana should prevail. If you leave those words in, then you say in substance that no transfer shall be made of this property to anyone who does not possess the qualifications necessary under the law for an original grantee unless the Secretary of War shall consent.

Let us suppose a case where some one properly qualified under the law secures such a grant as the bill provides, and after it has been obtained he happens to be a friend of the Secretary of War, who perhaps has no sympathy with this law. The grantee can make money if he can sell his rights to some one who has none of the qualifications provided by law, and if the Secretary of War consents to the transfer, he makes the sale. It is legal; there is not any way to prevent it; he has complied absolutely with the statute. In other words, if you leave those words in there, as I look at it, you have placed it absolutely in the hands of the Secretary of War to nullify the act so far as the qualifications of the grantee are concerned.

I admit that even after that transfer was made the transferee would be subject to the laws that exist regulating rates, and so forth, but the act has been nullified so far as the qualifications of the grantee are concerned. It seems to me that those words ought to go out.

Mr. WALSH. Mr. President, I trust the Senator from Tennessee will address his mind to the considerations advanced by the Senator from Nebraska [Mr. NORRIS]. There is no possibility of getting away from the conclusion he has stated. This language means that the Secretary of War may authorize the transfer to a person who would otherwise be disqualified under the act. That is what the language means right there.

Mr. SHIELDS. Mr. President, while I do not agree with the construction Senators have placed on this provision, certainly I do not intend it to have the effect that they say it will have; and in order that I may further consider the question according to the intention of the committee, I will ask that the amendment be passed over for the present.

Mr. NORRIS. Mr. President, right in that connection let me ask the Senator if he believes, and if the committee concur in his view, that no transfer ought to be made without the consent of the Secretary of War? I am not contesting that at all; but I should like to have the Senator consider, in connection with the proposal to strike out the words suggested by the Senator from Montana, the addition of another proviso at the end of the section, which would read:

*Provided, however,* That no transfer shall be made without the consent of the Secretary of War.

Mr. SHIELDS. The committee will consider that.

Mr. NORRIS. I think that will fully meet the idea the Senator wants to convey.

Mr. WALSH. Mr. President, there is another matter in that same connection to which I desire to invite the attention of the Senator from Tennessee—one of very particular importance, if my judgment in the matter is of any value whatever. The proviso on page 2, which engaged our attention a little while ago, very properly provides that a municipal corporation may secure a permit from the Government. The language is:

That when the power to be developed by the project and improvement of the stream for navigation is used or to be used for a public-utility purpose or purposes the grantee must be a municipal corporation, or a political subdivision, or other agencies of a State—

And so on.

But a proviso at the bottom of page 17, section 11, reads as follows:

*And provided further,* That the provisions of this act shall not apply to irrigation or power dams or grants to municipal corporations affecting the use of water or water power for municipal purposes.

I inquire of the Senator how, then, will a municipal corporation get a permit to construct a dam for the purpose of generating power for municipal purposes?

Mr. SHIELDS Mr President, the provision to which the Senator refers has been only partially read by him. It proceeds—

Or to other projects approved or erected under the jurisdiction of the Secretary of the Interior or the Secretary of Agriculture upon the public lands of the United States.

It is limited in that way. The Senator also has an amendment to strike out the language that I have read. I suggest that he present the criticism which he now makes when we reach that particular amendment.

Mr. WALSH. I shall be very glad to do so.

Mr. NORRIS. I desire to call the attention of the Senator from Tennessee to the language on page 2, in line 9, where, in giving construction to the act, it says:

And shall be construed to mean political subdivisions of States, municipal corporations, corporations, companies, and associations—

And so forth. I do not know that it is of any particular importance, or that such an application would ever be made; but ought not this construction of persons also to mean States as well as political subdivisions of a State? We might have a

case, I suppose—while there may be no such case now, as time goes on there may be cases—where the State itself would want to make application under this law for power.

Mr. SHIELDS. I will say to the Senator that that matter was fully considered by the committee, and in the first draft of the bill States were included. There are, however, some subsequent provisions in the bill that provide that the grantee shall be subject to the orders, rules, and regulations made by the Secretary of War, and for violation of them shall be guilty of a misdemeanor, and quite a number of other provisions along those lines. The committee, I think very properly, struck out "States," because Congress would hesitate long before it would provide that one of the sovereign States of the Union should be ordered about by the Secretary of War and the Chief of Engineers, and should be guilty of a misdemeanor for violating a regulation. If a sovereign State should at any time desire to make a development of the kind provided by this bill, it could come to Congress and get a special permit for that purpose. It would not be a frequent case, however.

Mr. NORRIS. No; it may never occur.

Mr. SHIELDS. And it may never occur.

Mr. NORRIS. That is true.

Mr. SHIELDS. I think we should hesitate to put a State in such a humiliating attitude as that would do if it were included in the bill.

Mr. NORRIS. I should not consider that it was any more humiliating to a State than to a political subdivision of a State, and that is already in the bill.

Mr. SHIELDS. It is.

Mr. NORRIS. In other words, you provide here that a political subdivision of a State may make application under the bill.

Mr. SHIELDS. And I regret that a subdivision of a State or a municipality should be made subject to the orders of a Federal officer here in Washington. The bill, however, is of course a compromise of views upon the subject, and there are some who insisted that such a provision should be contained in it.

Mr. NORRIS. Then, I want to ask the Senator another question: If this bill should become a law as it is proposed to be enacted here, and a State desired to build a dam in one of the navigable streams to develop power for the lighting of its capitol and capitol grounds, it would not be permitted to do so under this bill, would it?

Mr. SHIELDS. In effect, any State could do so by creating one of these public utilities or a special corporation for that purpose, just as Congress has created a corporation to construct the Panama Canal.

Mr. NORRIS. Yes. In other words, the State would have to proceed in an indirect way. It could not do it directly?

Mr. SHIELDS. It is very proper, I think, that such a policy should not be provided.

Mr. NORRIS. It does not seem to me that in the law we ought to prohibit a State from doing that if the State wants to do it. I have no State in mind that has any such object in view; but, speaking for myself, if a State—the State of Maryland, let us say—wanted to build a dam in a navigable stream for the purpose of developing water power and electric energy, or for the purpose of manufacturing nitrogen, or for the purpose of using the prisoners of the State in some occupation, or something of that kind, I can not see why we should not permit it to do so the same as anybody else. It seems to me that it ought to have a preference; that if it desires to avail itself of this law it ought to be allowed to do so.

Mr. SHIELDS. I fully agree with the Senator, but it would be incongruous to put such a provision in this bill. There are provisions in it that would be wholly inconsistent with the rights and dignities of States. States may exercise this right through corporations created for that express purpose, through subdivisions of the State, or through public agencies. That language is used in this section. Then, again, if at any time the State of Maryland or any other State desired to make such a development Congress would not hesitate, if it was right to do so, to grant a special act with provisions that are consistent with the dignities and rights of the States, instead of those that are in this bill.

In other words, if the Senator will consider this entire subject and all the provisions of this bill, he will find that it contains restrictions and limitations which it would be improper to impose upon the States of the Union, and that the rights of States and of private corporations can not be treated in the same way and in the same bill. To put the States in this bill, I think, would substantially require a rewriting of the measure.

Mr. CUMMINS. Mr. President——

Mr. NORRIS. I yield to the Senator from Iowa.

Mr. CUMMINS. It seems to me that the thought of the Senator from Nebraska is fully covered in the words "other agencies of a State or a public-service agent of a State." The State would have to operate through some organization, and any such organization must come within either the phrase "other agencies of a State" or the phrase "public-service agent of a State."

I rose, however, to ask the Senator another question, and I will premise it by a statement. I do not believe there is any possible operation for the proviso. I do not believe there is a State in the Union to which it will apply; and I believe that the whole of the section after the word "*Provided*," in line 13, is meaningless.

Mr. NORRIS. I understand. Of course I had nothing to do with the drafting of it; but I am informed—if I am wrong, the Senator from Minnesota [Mr. NELSON] might correct me—that under some of the language of this proviso it is expected that the State of Minnesota and the cities of St. Paul and Minneapolis will probably build a dam in the Mississippi River. Is that true?

Mr. NELSON. No; there is a Government dam built there. There is another section of the bill that relates to that. This provision of the bill relates to the construction of dams by others than the Government.

Mr. CUMMINS. What I mean is this: The proviso contains these words:

But in any case where the State has not made provision for authorizing municipal corporations——

Mr. NORRIS. I did not have reference to those words.

Mr. CUMMINS. No; nor did I in the suggestion I made a moment ago.

Political subdivisions, or other agencies of the State or public utility corporations or agencies to engage in said business, the qualifications of the grantee prescribed in this proviso shall not apply.

I repeat that there is not a State in the Union and there can not be a State in the Union which has not made such provision concerning some one or more of these instrumentalities, and therefore the proviso concerning which we have been talking will never apply. I venture to say there is not an imaginable case in the United States to which the proviso could apply.

Mr. NORRIS. Does the Senator mean the balance of the proviso now or just what he has read?

Mr. CUMMINS. Of course, the balance of the proviso goes with the part I have read.

Mr. NORRIS. Yes.

Mr. CUMMINS. If you neutralize the limitation contained in the proviso up to the point at which I began to read, if the instance to which that part of it is intended to apply never occurred, then, of course, the event described in that part of the section to which the Senator has just been addressing himself and concerning which the amendment is proposed to be adopted would never occur, and the whole act would end in all its substance with the first word "provided," in line 13.

Mr. SHIELDS. Mr. President, I do not care to discuss the amendment that has been rejected; but the Senator is entirely mistaken in saying that a case can not be imagined where the municipality has not the power by its charter to develop water power. I know of such cases in my own State, and I think if the Senator will take up the charters of thousands of municipalities in the United States he will find that there are numbers of them with very limited power, and they certainly do not include such a power as that.

Mr. CUMMINS. Undoubtedly. The Senator from Tennessee is clearly right; but he is not paraphrasing the provision to which I referred. Now, mark, let me state it once more. It is provided that this limitation shall not apply—

where the State has not made provision for authorizing municipal corporations—

Now, there are instances in which it may not have authorized municipal corporations to do this, I agree.

Political subdivisions—

There may be cases in which the State has not authorized any political subdivision to do work of this character—

or other agencies of the State—

There may be instances in which no such provision as an agency of the State has been arranged for—

or public-utility corporations—

Is there a State in the Union that has not a public utility corporation? I believe not—

or agencies to engage in said business—

That is, any activity that engages in the business of supplying water, heat, or electric energy. Now, if there is any State in the Union that has not one or the other of those agencies, then the Senator's limitation would have some effect; but if there is no such State, it would have no application.

Mr. SHIELDS. Then I will ask the Senator, What harm can it do?

Mr. CUMMINS. It means that it is keeping the promise to the ear and breaking it to the hope. In the first place, it is suggested that you give public utility purposes the preference. You do not. It is suggested that you give municipal corporations the preference in public utility work. In my judgment, you do not; and you leave the act precisely as it is contained in the first part, namely—

that the word "persons," as used in this act, shall be construed to mean both the singular and plural as the case demands, and shall be construed to mean political subdivisions of States, municipal corporations, corporations, companies, and associations; and the term "grantee" herein shall mean any such persons to whom shall be granted a permit as herein provided.

And you have neither given preference to public-utility demands, nor have you given the preference in public-utility demands to municipal corporations or political subdivisions of a State.

Of course, I know that the Senator from Tennessee did not intend any such thing. I confess I may be wrong. I am speaking from an analysis, however, that I have made with some care. I intend to offer an amendment to this section, not just the equivalent of the one that has been voted down, but an amendment to the section, in which public utility—that is, public service—shall be given the first consideration, and providing that in rendering the public service the municipal corporation or the political subdivision shall have the preference.

Mr. SHIELDS. Of course, the Senator's opinion, both as a lawyer and as a legislator, is entitled to great weight; but the subcommittee considering this provision of the bill at the last session of the Congress, and this Senate, differed with him. The entire Committee on Commerce differed with him. As a member of it, I differ with him now in his construction. It was intended to give municipalities a preference. That question has already been discussed here, and the Senate has agreed with the committee presenting the bill and has rejected the amendment offered. We think it amply protects the interests of the municipalities, as it was intended to do, although not in the language that the Senator would prefer. Of course, he has the right to offer an amendment in his own language to carry out the purpose which we think is amply provided for in the bill.

I do not understand, however, that this discussion is germane to the suggestion made by the Senator from Nebraska. There is no amendment offered now, as I understand, and I ask that the reading of the bill be proceeded with.

The VICE PRESIDENT. The bill is in Committee of the Whole and open to further amendment.

Mr. CUMMINS. Mr. President, I rise to a parliamentary inquiry. Is the bill being considered section by section, and is it the order that it be adopted section by section?

The VICE PRESIDENT. There is nothing of that kind that the Chair knows of. The bill is in Committee of the Whole and open to amendment at any place, as the Chair understands.

Mr. CUMMINS. That is, any part of the bill will be open to amendment until it is finally disposed of?

The VICE PRESIDENT. The Chair so understands.

Mr. VARDAMAN. Mr. President, it is desired to have a short executive session. Would the Senator from Tennessee consent to temporarily laying the bill aside and going into executive session at this time?

Mr. SHIELDS. Unless the Senator has some special reason for going into executive session at this time, I should prefer to proceed with the bill.

Mr. VARDAMAN. I shall not insist on it, but I give notice that I want a short executive session before adjournment. I thought Senators had amendments they were going to offer, and perhaps they were not ready with them. I shall not insist, however, upon taking that action at this particular time. If the Senator from Tennessee wishes to proceed, I shall not object.

Mr. SHIELDS. I will yield to the Senator's desire in the matter. I ask that the bill be temporarily laid aside.

Mr. NEWLANDS. Mr. President, may I not ask simply for an opportunity for a vote on the joint resolution that was up to-day? I am sure there will be no debate upon it. The joint resolution has been amended, and is now in shape for final passage.

Mr. VARDAMAN. I do not think it is possible to get a vote upon it. It would necessitate calling the roll.

Mr. SHIELDS. I ask for action on my request that the bill be temporarily laid aside.

### EXECUTIVE SESSION.

Mr. VARDAMAN. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After eight minutes spent in executive session the doors were reopened, and (at 4 o'clock and 58 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, February 16, 1916, at 12 o'clock meridian.

## NOMINATIONS.

*Executive nominations received by the Senate February 15, 1916.*

### ASSISTANT APPRAISER OF MERCHANDISE.

Redmond S. Fitzgerald, of Dorchester, Mass., to be assistant appraiser of merchandise in customs collection district No. 4, with headquarters at Boston, Mass., in place of Osgood C. Blaney, resigned.

### REGISTER OF LAND OFFICE.

Victor G. Cozad, of Canyon City, Oreg., to be register of the land office at Burns, Oreg., vice William Farre, term expired.

### SURVEYOR GENERAL.

William A. Lynch, of Huron, S. Dak., to be surveyor general of South Dakota, vice Clark B. Alford, whose term will expire March 20, 1916.

### APPOINTMENTS IN THE ARMY.

#### MEDICAL RESERVE CORPS.

*To be first lieutenants in the Medical Reserve Corps with rank from February 12, 1916.*

Herbert Jerome Rosenberg, of Georgia.
Mather Cleveland, of Colorado.
John Radway Le Comte, of New Jersey.
Henry Lee Wenner, jr., of Ohio.
Francis Bonneau Johnson, of South Carolina.
James Walker Walters, of Virginia.
Kenneth Allen Phelps, at large.
Adam Edward Sherman, of Illinois.
William Wesley Hoggatt, of Indiana.
Harry Clifford Miller, of Colorado.
William Vaux Ewers, of New York.
Charles William Hennington, of New York.
Clayton Kendall Haskell, of New York.
Charles Lane Hincher, of New York.
Albert Bowen, of New York.
Charles Clyde Sutter, of New York.
Arthur Patterson Reed, of New York.
William Aloysius Dalton, of New York.
Phillips Maurice Chase, of Colorado.
Curtis Dudley Pillsbury, of Michigan.
Richey Laughlin Waugh, of Washington.
Frank Hinman, of California.
Charles Hansell Watt, of Georgia.
Nathan Davis McDowell, of New York.
Samuel Boyd Ross, of Washington.
James Walker Jameson, of New York.
George Nathaniel Pratt, of Illinois.
Charles Wentworth Hoyt, of New York.
Ammi Ballinger Edgar, of Virginia.
Ira Cohen, of New York.
Philip Van Ingen, of New York.
William Joseph Froitzheim, of Kentucky.
Joseph Briggs Howland, of Massachusetts.
Wayland Augustus Morrison, of California.
Sumner Everingham, of New York.
Constant Moreaux Colignon, of Illinois.
Harry William Helmen, of Indiana.
William Francis Hewitt, of Illinois.
Thomas Christian Paulsen, of Illinois.
Charles Edison Swezy, of Nevada.
George de Tarnowsky, of Illinois.
John Aikman, of New York.
George Merrill Randall, of Florida.
Lindsay Alexander Beaton, of Illinois.
James Albert Corscaden, of New York.
Max Alonzo Almy, of New York.
John Denison Fowler, of New York.

## CONFIRMATIONS.

*Executive nominations confirmed by the Senate February 15, 1916.*

### PROMOTIONS IN THE ARMY.

#### CORPS OF ENGINEERS.

Capt. Harold C. Fiske to be major.
First Lieut. Earl North to be captain.

CAVALRY ARM.

Capt. Walter C. Short to be major.
First Lieut. James E. Abbott to be captain.
First Lieut. Rowland B. Ellis to be captain.
First Lieut. Selwyn D. Smith to be captain.
First Lieut. George F. Bailey to be captain.
First Lieut. Clarence C. Culver to be captain.
First Lieut. Frederick G. Turner to be captain.
First Lieut. Frank B. Edwards to be captain.
First Lieut. William C. Gardenhire to be captain.
First Lieut. Benjamin O. Davis to be captain.
First Lieut. Edward C. Wells to be captain.
First Lieut. James P. Barney to be captain.
First Lieut. Richard W. Walker to be captain.
Second Lieut. Elbert E. Farman, jr., to be first lieutenant.
Second Lieut. Henry W. Hall to be first lieutenant.
Second Lieut. Edwin V. Sumner, jr., to be first lieutenant.
Second Lieut. Arthur E. Wilbourn to be first lieutenant.
Second Lieut. Ernest G. Cullum to be first lieutenant.
Second Lieut. William W. Erwin to be first lieutenant.
Second Lieut. Herbert H. White to be first lieutenant.
Second Lieut. Chauncey St. C. McNeill to be first lieutenant.
Second Lieut. Frank K. Ross to be first lieutenant.
Second Lieut. Herman Kobbé to be first lieutenant.
Second Lieut. John A. Warden to be first lieutenant.
Second Lieut. John B. Johnson to be first lieutenant.
Second Lieut. Victor M. Whitside to be first lieutenant.
Second Lieut. Claude DeB. Hunt to be first lieutenant.
Second Lieut. N. Butler Briscoe to be first lieutenant.

INFANTRY ARM.

First Lieut. William B. Wallace to be captain.
First Lieut. Wylie T. Conway to be captain.
Second Lieut. Frederick C. Phelps to be first lieutenant.
Second Lieut. James L. Frink to be first lieutenant.
Second Lieut. Edmund R. Andrews to be first lieutenant.
Second Lieut. Joseph A. Rogers to be first lieutenant.

COAST ARTILLERY CORPS.

First Lieut. John L. Holcombe to be captain.
First Lieut. James S. Dusenbury to be captain.
Second Lieut. Calvin M. Smith to be first lieutenant.
Second Lieut. Ralph E. Haines to be first lieutenant.
Second Lieut. Richmond Trumbull Gibson to be additional second lieutenant.

APPOINTMENTS IN THE ARMY.

MEDICAL RESERVE CORPS.

*To be first lieutenants.*

Ira Ross Clark.
Andrew Roy MacAusland.
George Millar Sabin.
Floyd William Hunter.
William Henry Mansperger.
Howard Henry Dignan.
Frederick Walter Kroll.
Herbert Budington Wilcox.
Winfred Morgan Hartshorn.
Edward Martin Colie, jr.
James Lawrence Evans.
Percy Herbert Williams.
Herbert Charles Clark.
Robert Holmes Greene.
John Roscoe Elliott.
Carlton Lakey Vanderboget.
William Gray Phillips, jr.
Harry Kalman Loew.
Augustus Riley.
George Milton Linthicum.
Dennis Frank Reeder.
Jerome Kingsbury.
Harry Pepper.
Claren Emmett Pfeifer.
Peter Lyons Harvie.
Francis James Grandfield.
Henry Paul Brown, jr.
Alfred M. Hellman.
Harold Montgomery Craig.
Frank Lappin Horsfall.
Samuel William Spencer Toms.
Calvin Hooker Goddard.
Max Washington Myer.

POSTMASTERS.

ALABAMA.

Hortense Rowe, Camp Hill.

ALASKA.

Charles H. Scheffler, Cordova.

CALIFORNIA.

Merton Blackford, Fullerton.
M. G. Callaghan, Livermore.
George B. Coon, Dunsmuir.
Samuel E. Crutcher, Maxwell.
W. H. Kerr, Coalinga.
L. P. Miller, Rio Vista.
Rosanna M. Sharkey, Escalon.

COLORADO.

Samuel W. Baber, Cheyenne Wells.
Henry V. Fluke, Eads.

CONNECTICUT.

Patrick L. Shea, Derby.

GEORGIA.

W. W. Beard, Blakely.

IDAHO.

William Laurensen, Downey.
N. M. Talbott, Juliaetta.

INDIANA.

Harry M. Van Lear, Garrett.

IOWA.

Martin P. Klindt, St. Ansgar.
N. E. Sheridan, Bancroft.

KANSAS.

Ella Braddock, Madison.

MAINE.

Donald L. Brown, Milo.
Elwin A. Sampson, Brownville.
George H. Williams, Alfred.

MASSACHUSETTS.

Joseph L. McGrath, Sharon.

MINNESOTA.

Otto N. Raths, St. Paul.

MISSISSIPPI.

William T. Smith, New Albany.

MISSOURI.

Cris Ogden, Oronogo.
John C. Payton, Queen City.
Thomas B. Wilson, Hasco.

NEVADA.

James Ritchie, Winnemucca.

NEW JERSEY.

Frederick W. Borough, Zarephath.
Walter H. Fish, Beverly.
George E. Halladay, Manville.
Louis V. Ludlow, Far Hills.
Philip E. Rockafellow, Stockton.
Townsend D. Showell, Absecon.

NEW YORK.

Charles R. Dixon, Hobart.
Matthew J. Murtha, Irvington.
James E. Robinson, Hermon.
Charles H. Stokes, Kerhonkson.

NORTH DAKOTA.

Alfred K. Cochrane, Finley.
J. R. Krueger, Flasher.

OHIO.

Charles H. Dale, Troy.
O. D. Ellenwood, Belpre.
Gideon Locher, Bluffton.

OKLAHOMA.

Nettie C. Fluke, Boynton.
Allen E. Jennings, Perkins.
J. A. Pfalzgraf, Coyle.

UTAH.

George A. Allen, Nephi.
E. M. Tyson, Brigham.

VIRGINIA.

Robert L. Dudley, Rural Retreat.

WASHINGTON.

Guy G. Grow, White Salmon.

WISCONSIN.

Byron Chapel, Green Lake.
F. Y. King, Tigerton.

WYOMING.

F. E. Godfrey, Lander.

## HOUSE OF REPRESENTATIVES.

### TUESDAY, *February 15, 1916.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

We come to Thee, O God our Father, praying for that grace which makes for increased devotion to right and truth and justice, that our homes may be clean, our Republic pure. "Righteousness exalteth a nation, while sin is a reproach to any people." Help us to consecrate ourselves anew to the work which Thou hast given us to do, that with patience, industry, and perseverance we may fulfill the desires of Thy heart and satisfy the highest and purest aspirations of our own souls this day. In the spirit of the Lord Jesus Christ. Amen.

The Journal of the proceedings of yesterday was read and approved.

URGENT DEFICIENCY APPROPRIATION BILL.

Mr. FITZGERALD. Mr. Speaker, I call up the conference report on the urgent deficiency bill (H. R. 9416) and ask unanimous consent that the statement be read in lieu of the report.

The SPEAKER. The gentleman from New York [Mr. FITZGERALD] calls up the conference report on the urgent deficiency bill and asks that the statement be read in lieu of the report. Is there objection? [After a pause.] The Chair hears none.

The conference report is as follows:

CONFERENCE REPORT (NO. 171) (S. DOC. NO. 319).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9416) making appropriations to supply further urgent deficiencies in appropriations for the fiscal year ending June 30, 1916, and prior years, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 7, 9, and 22.

That the House recede from its disagreement to the amendments of the Senate numbered 3, 4, 6, 10, 13, 15, 17, 18, 19, 20, 21, 23, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, and 39, and agree to the same.

Amendment numbered 8: That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment as follows: Omit all of that part of the matter inserted by said amendment after the word "purposes" in line 21; and the Senate agree to the same.

Amendment numbered 12: That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "$25,000"; and the Senate agree to the same.

Amendment numbered 16: That the House recede from its disagreement to the amendment of the Senate numbered 16, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"NATIONAL PARKS.

"There is appropriated, for the remainder of the fiscal year 1916, from the several appropriations for protection, improvement, and management, etc., of the various national parks, including the Hot Springs Reservation, as well as from the revenues from privileges, etc., in the national parks and the Hot Springs Reservation, such sum or sums as the Secretary of the Interior in his judgment may deem necessary, to be expended in employment of the superintendent of national parks in the District of Columbia and in the field, and other necessary expenses in connection with the administration of the national parks and the Hot Springs Reservation; a detailed statement of such expenditures to be submitted to Congress."

And the Senate agree to the same.

Amendment numbered 24: That the House recede from its disagreement to the amendment of the Senate numbered 24, and agree to the same with an amendment as follows: Transpose the matter inserted by said amendment to follow line 6, page 28, of the bill; and the Senate agree to the same.

Amendment numbered 38: That the House recede from its disagreement to the amendment of the Senate numbered 38, and agree to the same with an amendment as follows: On page 30 of the bill, in line 1, after the sum "$59,259.50," insert the following: ", and the judgment therein in favor of 'Andrew D. Everett, administrator, Thomas W. Everett, deceased,' shall read 'Thomas W. Everett, administrator, Andrew D. Everett, deceased,' and the judgment in favor of 'Mrs. Joseph E. Winn, administratrix, John Winn, deceased,' shall read 'John M. Winn and Mrs. Joseph E. Winn, administrators, John Winn, deceased'"; and the Senate agree to the same.

The committee of conference have been unable to agree on the amendments of the Senate numbered 1, 2, 5, 11, and 14.

JOHN J. FITZGERALD,
JOHN J. EAGAN,
*Managers on the part of the House.*
THOMAS S. MARTIN,
N. P. BRYAN,
*Managers on the part of the Senate.*

The statement was read as follows:

STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9416), making appropriations to supply further urgent deficiencies in appropriations for the fiscal year ending June 30, 1916, and prior years, and for other purposes, submit the following written statement in explanation of the effect of the action agreed upon by the conference committee and submitted in the accompanying conference report as to each of the said amendments, namely:

No. 3: Inserts the paragraph, proposed by the Senate, making an independent bureau of the Division of Efficiency of the Civil Service Commission.

No. 4: Appropriates $6,000 for traveling expenses and $300 for salaries of field examiners for the Civil Service Commission, as proposed by the Senate.

No. 6: Appropriates $3,000, as proposed by the Senate, for the subscription of the United States to the International Geodetic Association for the years 1915 and 1916.

No. 7: Strikes out the language, inserted by the Senate, in connection with the appropriation for the public building at Birmingham, Ala.

No. 8: Appropriates for the central heating, lighting, and power plant as proposed by the Senate and strikes out the language requiring the submission of the plans therefor to the Fine Arts Commission and the President of the United States.

No. 9: Appropriates $25,000, as proposed by the House, instead of $50,000, as proposed by the Senate, for repairs and preservation of public buildings.

No. 10: Appropriates $300,000, as proposed by the Senate, for the payment of claims arising under excise taxes levied by the act of August 5, 1909.

No. 12: Appropriates $25,000, instead of $50,000, as proposed by the Senate, for rural sanitation.

No. 13: Inserts the language proposed by the Senate relative to the publication of notices in condemnation cases for opening, widening, extending, etc., streets in the District of Columbia.

No. 15: Appropriates $1,250, as proposed by the Senate, for rental of additional quarters for the Navy Department.

No. 16: Makes available for the remainder of the fiscal year 1916 the appropriations and revenues of national parks for the employment of the superintendent and payment of administrative expenses of national parks in the District of Columbia and in the field.

Nos. 17, 18, and 19: Appropriates $5,000 for limited indemnity for lost domestic registered, insured, and collect-on-delivery mail for the fiscal year 1914, in the language proposed by the Senate.

No. 20: Appropriates $20,000, as proposed by the Senate, for investigation and eradication of the white-pine blister rust.

No. 21: Appropriates $75,000, as proposed by the Senate, for the destruction of wild animals infected with rabies in the Western and Northwestern States.

No. 22: Strikes out the appropriation of $750, inserted by the Senate, for a clerk to the Superintendent of the Coast and Geodetic Survey.

No. 23: Appropriates $7,500, as proposed by the Senate, instead of $5,000, as proposed by the House, for maintenance of vessels of the Bureau of Fisheries.

No. 24: Authorizes, as proposed by the Senate, the payment to Mary Meyer, niece of Jacob C. Donaldson, deceased, late a skilled laborer in the Senate Library, the amount of salary due him for December, 1915, and transposes the item to follow the paragraph for the House Office Building.

No. 25: Appropriates $2,500, as proposed by the Senate, for maintenance of the Senate Office Building.

Nos. 26 and 27: Appropriates $27,576.15 for holiday pay and $48,866.76 for leaves of absence in the Government Printing Office, as proposed by the Senate.

No. 28: Appropriates $5,000, as proposed by the Senate, for printing and binding for the Court of Claims.

Nos. 29, 30, 31, and 32: Appropriates $5,006.89, as proposed by the Senate, for the payment of judgments of United States courts certified to Congress after the passage of the bill by the House.

Nos. 33, 34, 35, 36, 37, and 38: Appropriates $27,695.12, as proposed by the Senate, for the payment of judgments of the Court of Claims certified to Congress after the passage of the bill by the House, and, in accordance with the authority granted the conference committee in House concurrent resolution No. 16, corrects an error in the certification of two judgments in Indian depredation cases submitted to Congress in House Document No. 564.

No. 39: Appropriates $47,525.33, as proposed by the Senate, for the payment of claims allowed by the accounting officers of the Treasury Department and certified to Congress after the passage of the bill by the House.

The committee of conference have been unable to agree on the following amendments of the Senate:

No. 1, relating to the Lincoln Memorial.

No. 2, relating to the Arlington Memorial Bridge.

No. 5, relating to the Division of Mexican Affairs in the Department of State.

No. 11, relating to the Bureau of Engraving and Printing.

No. 14, relating to the Powell School in the District of Columbia.

JOHN J. FITZGERALD,
JOHN J. EAGAN,
*Managers on the part of the House.*

Mr. FITZGERALD. Mr. Speaker, I ask for a vote on the adoption of the conference report. I understand the gentleman from Massachusetts [Mr. GILLETT] desired five minutes. Does the gentleman desire that time now?

Mr. GILLETT. I would like to say a word about the appropriation for the power plant either now or when that comes up.

Mr. FITZGERALD. How much time does the gentleman desire?

Mr. GILLETT. Five minutes.

Mr. FITZGERALD. I yield five minutes to the gentleman from Massachusetts.

Mr. GILLETT. Mr. Speaker, I wish to say a word on this amendment on page 17, not criticizing the amendment or the agreement which has been made by the conferees, but simply to call attention to the conduct of executive departments in dealing with these appropriations. It is characteristic of administrations and executive methods, not only in this but in other administrations, and deserves to be pointed out and criticized in this House. When this appropriation was originally made by the Committee on Appropriations for $1,494,000 estimates were submitted, and in the hearing we were told that the power plant was to be built on certain lines, and it was explained to us just how they were going to build it and exactly how they were going to reach the desired results with this million and a half dollars. There was then appropriated $35,000 for architects, which, we were told, was not to be expended for outside services on the general plan, but to prepare specifications under this particular plan. Now, what happened after we gave them that appropriation upon that basis? Why, the Secretary of the Treasury, instead of carrying out the plans which had been explained to the committee and on which we supposed the power plant was to be built, took this $35,000 and employed some New York architects to make new specifications upon the whole plant. Some persons have been unkind enough to suggest that having $35,000 of patronage it was not fair that the city of New York should not enjoy it. I am not so uncharitable as to think that that was his purpose; but, whatever was his purpose, that money was absolutely wasted, because after employing these New York architects to make new plans they came in and reported that the power plant could not be built with the million and a half which had been set forth by us, but that it would cost several hundred thousand dollars more. They submitted specifications carrying out, of course, their prophecy, and when they called for bids the bids were, of course, several hundred thousand dollars above the amount which we had originally appropriated. I give the Secretary of the Treasury this credit—that, instead of doing what the executive departments generally do, either come to Congress for more money or go on and build a part of it and get it so far along that Congress is obliged to appropriate more to finish it, he abandoned the plans of the New York architects and went back to the original Treasury officials who had made the report to us, and, although the $35,000 had been thrown away and wasted, they say they have made plans now on which the plant can be built under the original cost.

I confess I have some misgivings as to whether they will be able now to accomplish what they expect, but they say they will accomplish it for the original cost, and this additional sum that is appropriated here is to carry out the original plan and also to heat additional buildings. So I presume if they are able to accomplish what they promise the original plan will be carried out, after the Secretary has done what executive officials usually do do, after he has departed from the plans which were presented to the Committee on Appropriations and had started to launch out on a different scheme. And yet I say to his credit, after wasting a certain amount of money, he abandoned the new scheme and has returned to the old one. So I am satisfied with the appropriation as it now stands, and I am simply hoping that they will be able to carry out the proposition in the way in which they themselves say they expect to do. [Applause.]

Mr. FITZGERALD. Mr. Speaker, as the gentleman from Massachusetts has fully justified the Treasury Department, I ask for a vote.

Mr. COOPER of Wisconsin. May I ask the gentleman from New York a question?

Mr. FITZGERALD. Certainly.

Mr. COOPER of Wisconsin. What reason was assigned for the failure to submit plans for this heating plant to the Commission on Fine Arts?

Mr. FITZGERALD. There was no reason assigned to me. The question never came before me in that form; but, as I understand, an Executive order has been in force providing that all plans for public construction in Washington shall be submitted to the Commission on Fine Arts for their advice under the statute. It seems that the plans upon which the proposals were invited were prepared and in charge of persons not connected with the Supervising Architect's Office. After the proposals were examined it was ascertained that the building contemplated by those plans could not be constructed within the limit of cost. Thereupon the matter was placed in charge of the officials of the Supervising Architect's Office and the plans were modified so as to obtain the plant contemplated by Congress. When the heating plant was authorized it was then ascertained that the Commission on Fine Arts had not had submitted to them the plans in accordance with Executive order, and thereupon they were submitted to the Commission on Fine Arts.

Mr. COOPER of Wisconsin. And after they were submitted the Commission on Fine Arts criticized them severely, did they not?

Mr. FITZGERALD. No; they criticized particularly the ignorance of Congress in locating the power plant on the proposed site.

Mr. COOPER of Wisconsin. I am not saying whether that is well founded or not. I am sure of my own ignorance——

Mr. FITZGERALD. Well, that is a fact. The gentleman might couch the expression of the fact in different language, but the criticism, as I understand it, is not to the plant, but to the location of the plant.

Mr. COOPER of Wisconsin. Mr. Speaker, I desire in that connection to call the attention of the gentleman from New York [Mr. FITZGERALD] to one particular criticism made by the Commission of Fine Arts, who declare that they knew nothing about the plans for this plant until after the contracts had practically been let. They say:

> Its close proximity to the Washington Monument will seriously affect the simple dignity of that structure, and its great bulk and huge stacks will cause a deplorable change in the entire aspect of that section of the city. The commission strongly disapprove of the plans for this structure as submitted, and view with grave anxiety the location of any such plant on this site.

So they do criticize severely not only the location of the plant, but also the plans which have been adopted for the structure itself.

Mr. FITZGERALD. They think that a power plant should be perfected without smokestacks and then that it should not be erected on this site at all. Thus far no plant has been successfully operated without stacks and substituting the forced draft in their place.

Mr. COOPER of Wisconsin. I would like to have two or three or four minutes on this.

Mr. FITZGERALD. I yield to the gentleman five minutes.

Mr. COOPER of Wisconsin. Mr. Speaker, I was much gratified when I saw in the newspapers that at last a Government

power plant was to be erected. I did not understand, however, just where it was to be located, nor that there were to be great smokestacks approximately 200 feet high connected with the structure.

And here I call attention to an official order issued in 1910 by President Taft:

Plans for no public buildings to be erected in the District of Columbia for the General Government shall be hereafter finally approved by the officer duly authorized until after such officer shall have submitted the plans to the Commission of Fine Arts, created under the act of Congress of May 17, 1910, for its comment and advice.

In 1913 President Wilson issued an order:

It is hereby ordered that whenever new structures are to be erected in the District of Columbia under the direction of the Federal Government, which affect in any important way the appearance of the city, or whenever questions involving matters of art with which the Federal Government is concerned are to be determined, final action shall not be taken until such plans and questions have been submitted to the Commission of Fine Arts, designated under the act of Congress of May 17, 1910, for comment and advice.

Now, it is a fact, Mr. Speaker and gentlemen, that notwithstanding these two orders the Commission of Fine Arts was absolutely ignored until after the plans for this important plant were adopted and the contract let. I have been told that one of the officials of the Treasury Department, in trying to explain this ignoring of the commission, said that they supposed the plans had been submitted to the commission before the contract was let. Apparently no pains were taken prior to the letting of the contract to ascertain whether the commission had any knowledge of the plans.

Now, the members of that commission accepted their appointments and have been giving their services to the Government out of a sense of public duty. They are among the very leading men in the United States in their respective professions. One of them, as gentlemen of the House will remember, is the architect of the beautiful State capitol at St. Paul, Minn., of the famous customhouse in New York City, and of the great Woolworth Building. Another is one of the foremost landscape artists of the world, and another is a sculptor of international fame. Each of the other members is a man of similar distinction in his profession. And yet this splendid commission was entirely ignored, both as to the plans for this great plant and as to its location, until after contracts had been made.

I have heard sneering references to this commission. It is only fair to say that they have as much right to speak, though not as much right to vote—but they have as much right to speak their views on this question as has any gentleman on this floor. They are American citizens, the city of Washington is their Capital as much as it is ours, and they are as much interested as we in seeing that nothing is built here which shall in anywise interfere with the harmonious development of the city or mar its architectural beauty. This commission was unanimous in condemning the plans and the location of this plant with these 200-foot smokestacks.

Mr. Speaker, may I ask of the gentleman from New York [Mr. FITZGERALD] if that is a photograph [referring to a picture just brought into the Chamber] which has just been placed on the easel?

Mr. FITZGERALD. That is one of the smokestacks [indicating] that will be removed as the result of this particular plant being erected, which is one of the disfiguring marks now of Washington.

Mr. COOPER of Wisconsin. But there is nothing there to show——

Mr. FITZGERALD. The proposed plant is shown in this picture, which has been taken from the top of the Washington Monument. Here is the proposed plant right here [indicating].

The SPEAKER. The time of the gentleman from Wisconsin has expired.

Mr. COOPER of Wisconsin. I would like about three minutes more.

Mr. FITZGERALD. I yield to the gentleman three minutes.

Mr. COOPER of Wisconsin. It is the first time I have seen that photograph. Those two stacks in the photograph are hardly visible to the naked eye. But having read of the tricks of photography, I am wondering whether two 190-foot smokestacks in that location would be as nearly invisible as these are in that exhibit. Of course, that photograph is an entirely disinterested production, but nevertheless one can not help wondering whether it at all represents the way those two 190-foot smokestacks on that level ground would look to the average visitor anywhere in the western part of Washington.

Mr. Speaker, an Executive order should be issued which will prevent things of this kind. The officials of the executive departments should be made to understand that no Government building can hereafter be erected in this city until after the Commission of Fine Arts has had an opportunity to examine the plans and the proposed location, and to advise whether the proposed structure would tend to enhance or to deface the architectural and landscape beauty of the National Capital. [Applause.]

The SPEAKER. The time of the gentleman has expired.

Mr. FITZGERALD. Mr. Speaker, a number of misguided gentlemen possessed of inaccurate information have been creating quite a stir about this proposed power plant.

One would imagine that Members of Congress were a set of vandals intent upon destroying, instead of preserving and developing, the beauty of the National Capital. The history of this power plant is interesting, and the subsequent developments are highly illuminating.

In June, 1913, an act was approved by the President which provided for the construction of this power plant upon this particular site at Fourteenth and B Streets, just east of the railroad embankment upon Washington Channel. For three or four years prior to that time Congress had been discussing the propriety of turning that particular site over to the District of Columbia for the purpose of erecting an asphalt plant upon it; and when this power plant was authorized, one-half of the property then owned by the United States Government was reserved with the intention hereafter of utilizing it as a site for an asphalt plant for the District of Columbia.

Since June, 1913, no architect, no member of the Fine Arts Commission, no distinguished engineer, no philanthropic citizen of the United States interested in the development of Washington, made the slightest suggestion that this was an inappropriate place for a power plant. This plant was authorized after the local lighting company had had an opportunity to submit to the Congress a proposition to light and heat the buildings to be included within a designated area. It was demonstrated that the construction of this plant would mean a very considerable saving to the Government. About a year ago the local company submitted a new proposition to the Treasury Department, and an analysis of that proposition demonstrated that there would be considerable economy to the Government in building this particular plant.

After the contracts for the construction of the building were made, since the beginning of this year, representatives of the local lighting company asked the Committee on Appropriations for an opportunity to be heard in opposition to the construction of the plant. They were afforded an opportunity. It was ascertained that they had nothing additional to offer, except to protest that the Government officials were so incompetent and that it would be impossible to build the plant for the sum estimated by them.

Mr. SMITH of Michigan. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman from New York yield to the gentleman from Michigan?

Mr. FITZGERALD. In a moment. I prefer to complete my statement; then I will yield. It was urged that this plant be not built, so that they might continue to furnish heat, light, and power to the Government buildings.

After they had failed to induce the committee to make a recommendation to stop work on this plant it was suddenly discovered by distinguished architects, engineers, and public-spirited citizens from all parts of the country that a great act of vandalism was about to be committed. No one objected to the construction of the power plant. Not one of these gentlemen objected to the Government having its own power plant, but they objected to its construction upon this particular site, which happened to be the one place owned by the Government and which, if utilized, made it an economy to build the plant rather than an extravagance. And so eminent gentlemen from all parts of the United States proceeded to bombard Members of Congress with telegrams, protesting against the desecration of Washington, protesting against the construction of a plant with four great smokestacks belching smoke and dust into the White House, asking that the contracts that had been made be arbitrarily suspended while some of those distinguished gentlemen might be permitted to make an investigation to determine just what should be done other than to build this particular plant.

The construction of this plant will eliminate 17 smokestacks from the area within which it is proposed to light and heat buildings and which those gentlemen desire to protect. The particular portion of the water front upon which this plant is to be located has been practically dedicated to commercial purposes. There is to be a fish wharf erected upon this portion of the water front. But some gentlemen imagine that they can so develop Washington that no part whatever of its water front shall be utilized for commercial purposes, but that it shall all be utilized merely as a portion or part of the development of a scheme of certain landscape architects and other prominent

gentlemen. It was heralded that the stacks on this building were to be 235 feet high and would be a serious blot upon the horizon. As a matter of fact, those two stacks will be about 55 feet lower than the present stacks on the building of the Bureau of Engraving and Printing, which will be removed when this plant is in operation. These stacks will be only 35 feet higher than the ridge of the Bureau of Engraving and Printing Building, and if anyone will take the trouble to go to the site of this proposed plant and see how very little of the Washington Monument, which is 555 feet high, can be seen over the Bureau of Engraving and Printing Building, he will realize the absolute impossibility of seeing these two stacks from any portion, practically, of Washington this side of the Mall.

The plant is located one mile and an eighth from the White House. I have met no one who has visited the proposed site of this plant who believes that it will be a detriment to the city of Washington. I have been in this city 17 years, and have endeavored, so far as possible in the prosecution of my official duties, to help build up and beautify the Capital of this country and make it worthy of the country, and to develop it along lines that will make it the finest capital in the civilized world, and I resent the impertinence of the distinguished architects and engineers who have called upon me for the purpose of protesting against the construction of this power plant, who were so absolutely ignorant of what is proposed to be done that I suggested that they were wasting both their own and my time. [Applause.]

No class of men in the United States are more interested in or more jealous of the development and beautification of the Capital than Members of the House of Representatives. Two distinguished engineers, who had never seen the plans of this plant, who knew nothing at all about them, were in Washington making the assertion that the plant could not be built within the sum fixed, although reputable contractors are now engaged in the work of building the plant, under contracts made with the United States Government. Misrepresentations of every conceivable character have been made about what the effect of this plant will be.

I think the statement is due to the House, so that Members may know what is being done. The president of the American Institute of Architects could not tell me within 50 feet what the height of those smokestacks would be, although he was protesting that there were to be so high that they would be offensive to persons on the other side of the city. The most offensive smokestacks in the city of Washington belong to the local lighting company, and are located on Fourteenth Street. If anyone wishes to look at those two filthy black stacks, which this company would utilize if the proposed lighting and heating were turned over to it rather than be supplied by the Government itself, he will realize just how much this plant will do toward the elimination of offensive features in the landscape of Washington. That local plant will probably be dismantled in the near future, as the suggestion has now been made that it be consolidated with one of the railway companies, since the goose that lays the golden egg, the Government contract, will be taken from it in large part and the light, heat, and power supplied by the Government itself.

If any gentleman wishes any information, I shall be glad to answer his questions. This much should be stated, however, for the RECORD.

Mr. SMITH of Michigan. Will the gentleman yield for a question?

Mr. FITZGERALD. Certainly.

Mr. SMITH of Michigan. I have heard it stated that this proposition was never submitted to the Public Buildings and Grounds Committee, and I was wondering if a building costing a million and a half of dollars was not of such a character as would naturally be submitted to that committee for authorization.

Mr. FITZGERALD. This project did not originate in the Committee on Public Buildings and Grounds. It originated in the Committee on Appropriations. After three years investigation the matter was taken up and gone into very fully, and the provision was reported to the House in the sundry civil appropriation bill. It was the subject of very considerable discussion on the floor of the House, and because of the absolute conviction that it was a matter that would result in great economy to the Government, and that it was necessary either to enlarge the existing power plant of the Bureau of Engraving and Printing, or else obtain the light, heat, and power by contract.

It was believed that the Government itself should have a plant. We had had experience and knew what could be done in a Government plant. There was built and in operation the Capitol power plant, which had been built, although all of the great engineers of the country had protested that it could not be built within the limit of cost; and this plant as originally conceived was designed to be a duplicate of that plant, with a connection between the two, so that one could be utilized in case the other broke down or got out of repair.

Mr. KREIDER. Will the gentleman yield for a question?

Mr. FITZGERALD. I yield to the gentleman.

Mr. KREIDER. I have had correspondence with some of my constituents in regard to this matter, and as a result of it I have taken up the matter with the Fine Arts Commission. I have been informed by that commission that they have never been consulted in regard to the location of this plant. The information which comes to me is that the location for this plant was selected by the Secretary of the Treasury, without consultation with the Fine Arts Commission.

Mr. FITZGERALD. There is no requirement of law that the Commission of Fine Arts shall be consulted as to where a building is to be located. Congress located this building itself, without consulting the Commission of Fine Arts; and that distinguished body, three years after the legislation was enacted, desired to have the whole matter suspended so that they might select the particular site that in their opinion would be more desirable. The Commission of Fine Arts interfered in the construction of the Bureau of Printing and Engraving——

Mr. KREIDER. I should like to ask the gentleman whether it is not true that there are to be two stacks erected, which are to be 180 or 190 feet high?

Mr. FITZGERALD. One hundred and eighty feet above the water.

Mr. KREIDER. And possibly two more. Now, laying all prejudice aside, does the gentleman say that it is a proper thing for a plant of this sort, with these stacks, to be erected so near the Washington Monument, so near to the new Potomac Park, and so near to the various public buildings; and does he state that it is in harmony with the general plan to beautify and improve the city of Washington to allow such a building to be located at this spot?

Mr. FITZGERALD. The plant is not to be so near to other buildings as the gentleman would have the House understand.

Mr. KREIDER. Is not this in a part of the city which has been devoted specially to the purpose of beautifying the National Capital, and is it not a fact that this plant is being built right in that particular spot?

Mr. FITZGERALD. I think the gentleman is mistaken. I suggest that he go down and look at the site himself. The disreputable water front there will be very much improved and enhanced in appearance by the construction of the power plant.

Mr. COOPER of Wisconsin. What was the exact date when Congress authorized the construction of this building?

Mr. FITZGERALD. The sundry civil act was approved June 23, 1913. The matter was under discussion for two years prior to the time when the sundry civil bill was reported, and there was never a suggestion from any of those distinguished gentlemen that there was any impropriety in erecting a power plant on that particular site.

Mr. CAMPBELL. Did the provisions of this bill locate this power plant at that point?

Mr. FITZGERALD. It did, and I will read it so that there shall not be any misunderstanding. The sundry civil appropriation act approved June 23, 1913, contained this provision:

CENTRAL HEATING AND POWER PLANT.

The Secretary of the Treasury is authorized and directed to have constructed, under the direction of the Supervising Architect of the Treasury, upon the land and wharf property of the United States hereinafter described, a central heating, lighting, and power plant, to furnish heat, light, and power for the buildings, old and new, of the Bureau of Engraving and Printing, the buildings of the Department of Agriculture, the Treasury Building, the White House and the buildings on the grounds thereof, the State, War, and Navy Building, the Winder Building, the Mills Building, the Court of Claims Building, the buildings, old and new, of the National Museum, the Smithsonian Institution Building, the Army Medical Museum Building, the Fish Commission Building, the Washington Monument, the District Building, the Post Office Department Building, and the buildings, when constructed on the site heretofore acquired, for each of the Departments of State, Justice, and Commerce and Labor.

The total limit of cost of such central heating, lighting, and power plant, including all necessary buildings, boilers, engines, generators, pumps, machinery appliances and equipment, tunnels, ducts, etc., is fixed at not to exceed the sum of $1,494,104; and the Secretary of the Treasury is authorized to enter into contracts to the full limit of cost hereby fixed.

Authority is given for making a cross connection between the central heating, lighting, and power plant aforesaid and the Capitol power plant, so that either plant may supply to the other electric energy in case of a breakdown or other emergency, such connection to be equipped with the necessary meters so that reimbursement may be made for the amount of current actually supplied by either of said plants to the other.

The lease dated April 8, 1908, between the Commissioners of the District of Columbia and John Miller for wharf property in the District of Columbia, situated on the Potomac River and described as structures Nos. 24, 25, 26, and 27, section 3, as shown on the official map placed

in evidence by the United States in the case of the United States against Martin F. Morris and others (174 U. S., p. 196), for a period of five years ending March 15, 1913, and any interest thereunder, is terminated without compensation under the covenant contained in said lease that it may be terminated at any time without compensation by act of Congress, and the land and property covered by said lease, being land owned by the United States fronting on Water Street between Thirteenth and Thirteen-and-a-half Streets SW., together with land owned by the United States on the Potomac River, fronting on Water Street between Thirteen-and-a-half and Fourteenth Streets SW., are hereby designated as the site for said heating, lighting, and power plant: *Provided*, That the building or buildings of said central heating, lighting, and power plant shall be so located upon said site as to reserve a sufficient area for an asphalt plant for the District of Columbia in the event of such asphalt plant being hereafter authorized.

For the commencement of said plant the sum of $150,000 is appropriated.

The Secretary of the Treasury is further authorized and empowered to employ, without reference to the civil-service laws and regulations, on a salary basis in the Office of the Supervising Architect such technical services as may be deemed necessary in connection with the plans, specifications, and construction of the power plant herein provided for, and to pay for such services at such price or rates of compensation as he may consider just and reasonable from the appropriation hereinbefore made: *Provided*, That not to exceed $35,000 shall be available from said appropriation for such technical services: *And provided further*, That the foregoing authorization for securing the services of specially qualified persons shall be in addition to and independent of the authorizations and appropriations for personal services in the Office of the Supervising Architect otherwise made.

That was the law enacted in 1913. If any gentleman ever saw an asphalt plant, he would appreciate what a thing of beauty a power plant is compared to it. Yet those distinguished gentlemen whose representatives are located in Washington never made the slightest suggestion of the impropriety of this plant until a series of events had disclosed that the local lighting company had been defeated in its attempt to prevent the construction of this plant. It may have been a mere coincidence. Many peculiar coincidences occur, but that does not add anything to the force of the objections which are made at this time.

Mr. JOHNSON of Kentucky. Will the gentleman yield?

Mr. FITZGERALD. Yes.

Mr. JOHNSON of Kentucky. Is this the only available place on the water front where the plant would have both railroad and water facilities for bringing what they need and cheap facilities for carrying away the waste?

Mr. FITZGERALD. It is, and there were chiefly two reasons that Congress had in selecting the site: One was the elimination of much of the nuisance that would be occasioned by hauling coal and ashes, and the other, according to the testimony of men competent to judge, that this is the ideal location for an auxiliary steam plant in the event that Congress should determine to develop the Great Falls water power to furnish heat and light and power for the city of Washington. These two factors, in addition to the other consideration, that this was the only site owned by the Government and would not have to be acquired at an exorbitant price, were controlling considerations in the selection of the site.

### MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Waldorf, one of its clerks, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9416) making appropriations to supply further urgent deficiencies for the fiscal year ending June 30, 1916, and prior years, and for other purposes, and had insisted upon its amendments numbered 1, 2, 5, 11, and 14, upon which the committee of conference was unable to agree, asked a further conference with the House of Representatives on the disagreeing votes of the two Houses thereon, and had appointed Mr. MARTIN of Virginia, Mr. BRYAN, and Mr. WARREN as the conferees on the part of the Senate.

### URGENT DEFICIENCY APPROPRIATION BILL.

Mr. CAMPBELL. Will the gentleman yield to me?

Mr. FITZGERALD. I will yield to the gentleman from Kansas two minutes.

Mr. CAMPBELL. Mr. Speaker, I happen to know just where this plant is to be located, and I have some idea as to the effect it would have on the beauty of Washington. Just now there are elevated tracks there for the purpose of bringing in coal, and there are coal chutes right up to Fourteenth Street where coal is dumped from the cars into the coal bins. There is an unsightly lot of low buildings, yards, etc., in the immediate vicinity. I am of the opinion that if a building of the cost of this be located there, that it will add very materially to the beauty of that section of Washington. It would be difficult, indeed, to do anything that would add to the unattractive landscape that is there now.

Mr. FESS. Will the gentleman yield?

Mr. CAMPBELL. Certainly.

Mr. FESS. About how far is it from the present Bureau of Engraving and Printing?

Mr. CAMPBELL. Diagonally across the street; I should say 300 or 400 feet.

Mr. FESS. How far is it from the Agricultural Building?

Mr. CAMPBELL. About four blocks.

Mr. FESS. And from the Washington Monument it is quite a distance.

Mr. CAMPBELL. It is a long distance. I pass this point frequently. Nothing, in my judgment, around there could be hurt by the erection of this building. It is right on the water front. The railroad is only far enough from the water front to have coal bins, and some buildings, I think, now are used for a fish market. It is a very unsightly place at present.

Mr. FESS. Does the gentleman think it would be a distinctive advantage to the beauty of the city to locate this plant there?

Mr. CAMPBELL. I think it would be a distinctive advantage to that particular vicinity.

Mr. FITZGERALD. Mr. Speaker, how much time have I remaining?

The SPEAKER pro tempore [Mr. HOUSTON]. Twenty-five minutes.

Mr. COOPER of Wisconsin. Will the gentleman yield to me?

Mr. FITZGERALD. I will yield to the gentleman from Wisconsin five minutes.

Mr. COOPER of Wisconsin. Mr. Speaker, I wish at the outset, in reply to the gentleman from New York, to say that nobody connected with any heating or lighting plant, or with any other kind of plant, in this city has directly or indirectly in any manner communicated with me on this subject. The persons who brought it to my attention were Col. Harts, the very efficient Superintendent of Public Buildings and Grounds, and Mr. Cass Gilbert, of New York, a member of the Commission of Fine Arts. I had no previous personal acquaintance with Mr. Gilbert, although I knew him by reputation as one of the most distinguished of American architects.

The gentleman from New York spoke of the two smokestacks of the local plant that stand south of the Avenue on Fourteenth Street. But, Mr. Speaker, I have more than once called attention to those two black, disfiguring stacks. But what the gentleman from New York said about them was well calculated to convey the impression that the company owning the local plant is responsible for the criticism of the proposed Government plant. Not at all. The gentleman is mistaken. The trouble began when the commission discovered that in this very important matter, one of the very kind it was created to consider, it had been ignored absolutely. Its members had a right to be rather surprised if not indignant that they should have been disregarded in a matter so important to Washington. They give their time and counsel to the Government for nothing.

Now the gentleman from New York [Mr. FITZGERALD], in reply to my question, said that Congress adopted this location in 1913. What was the exact date?

Mr. FITZGERALD. The law was approved June 23, 1913.

Mr. COOPER of Wisconsin. I call the especial attention of the House to that fact. This was located by Congress in June, 1913. At that time, and for some time later, the mandatory order of President Taft was in force:

> Plans for no public buildings to be erected in the District of Columbia for the General Government shall be hereafter finally approved by the officer duly authorized until after such officer shall have submitted the plans to the Commission of Fine Arts, created under the act of Congress of May 17, 1910, for its comment and advice.

Mr. FITZGERALD. Will the gentleman yield?

Mr. COOPER of Wisconsin. Certainly.

Mr. FITZGERALD. The gentleman from Wisconsin does not think that an Executive order of President Taft would in any way prevent Congress from determining where a particular public building should be erected in this city?

Mr. COOPER of Wisconsin. Not at all; but the commission thought, and had a right to think, that under that order of the President they would, of course, be consulted before the letting of a contract to build a great plant, with 190-foot smokestacks, within 300 or 400 feet of the Bureau of Engraving and Printing. But it appears that after the location had been fixed President Wilson issued a new order, which reads as follows:

> It is hereby ordered that whenever new structures are to be erected in the District of Columbia under the direction of the Federal Government which affect in any important way the appearance of the city, or whenever questions involving matters of art with which the Federal Government is concerned are to be determined, final action shall not be taken until such plans and questions have been submitted to the Commission of Fine Arts designated under the act of Congress of May 17, 1910, for comment and advice.

This order leaves it to the Treasury officials to say that any proposed Government building will not "affect in any important way the appearance of the city," and then to proceed to

draw plans, let contracts, and ignore the Fine Arts Commission. The Treasury officials have only to say that any Government building for which they draw plans, no matter how large it is to be nor where to be located, will not "affect in any important way the appearance of the city."

At the time when that site was selected the order of President Taft was in force and required that plans for the building must be submitted to the commission before they could be finally approved. But after this site had been selected President Wilson issued an order which, in so far as plans were concerned, as I have said, practically opened a way for Treasury officials to ignore the commission. Secretary McAdoo says that it is all right where it is to be located. The Commission of Fine Arts, much more competent than he to judge, say that it will be a blot upon the landscape.

Mr. Speaker, I wish in this connection to call the attention of the House to what Col. Harts said:

> It is understood that prevailing winds in Washington are from the south and the southeast. This being so, smoke or gases arising from the plant would be distributed over the areas upon which are located the Bureau of Engraving and Printing, the Smithsonian Institution, the new National Museum, the buildings of the Department of Agriculture, the White House propagating gardens and conservatories, and the tree growths of the Mall, and other valuable properties upon which the Government has expended great care and vast sums of money.
>
> The commission strongly disapprove of the plans for this structure as submitted, and view with grave anxiety the location of any such plant on this site.

It is to be not only a heating plant, but subsequently an asphalt plant is to be added.

The SPEAKER. The time of the gentleman from Wisconsin has expired.

## MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Waldorf, one of its clerks, announced that the Senate had passed without amendment bills of the following titles:

H. R. 2. An act for the coinage of a McKinley souvenir gold dollar in commemoration of the erection of a memorial to William McKinley, late President of the United States; and

H. R. 73. An act to amend chapter 231, known as the Judicial Code, act of March 3, 1911, volume 36, United States Statutes at Large, section 81, page 1111.

## URGENT DEFICIENCY APPROPRIATION BILL.

Mr. FITZGERALD. Mr. Speaker, I yield five minutes to the gentleman from Kentucky [Mr. SHERLEY].

Mr. SHERLEY. Mr. Speaker, I have at all times tried to aid in preserving the Commission of Fine Arts. I believe they have done very valuable work, and I think they have a usefulness for the future; but I am not so wedded to them as to be blind to actualities, particularly as they apply to this case. What was done touching the location of this plant was done in the open. Anyone who paid the slightest attention to the action of Congress touching these matters was aware of what had been done. The Fine Arts Commission could have known, and should have known, what was done. The protest that has been made has been made at an absurdly late day. The gentleman from Wisconsin [Mr. COOPER] talks about an order of President Taft touching the plan of buildings that are to be erected in the District of Columbia. The complaint of the Fine Arts Commission is as to the site. The fact remains that any site that is chosen for the building of a power plant in Washington can have urged against it various objections. It is impossible to place a power plant, with the smokestacks that are essential under present development to such a plant without creating a building that will not fully meet the esthetic ideas of people and which will be in some respects objectionable; but the practical questions are whether it is now possible to stop the work, and whether the harm, assuming there is a harm, to the beauty of Washington is such as to warrant us in stopping a work which has reached the point this has.

I believe that it will not be an attractive building, not from the White House, not from the Washington Monument, not the Lincoln Memorial, because from those angles of view the building will not be in any true sense objectionable; but when you go down on Potomac Drive there will be certain places where, viewing it, you will see a power plant instead of seeing some architecturally beautiful building. But you must take the practical with the esthetic. You can not have a dream city in a place where men live and work and have their being, and here you have a location that is peculiarly desirable from the standpoint of economic administration of a plant. Why? Because you have two factors. You have rail and water communication in a way that could not be made available in any other place in the city. Of course there is something to be said against the beauty of it, but that could be said no matter where the plant was placed, and you are faced with the proposition of whether you are willing to carry your view of the beautifying of Washington to such an impracticable extent as to deny the having of a plant here at all. I insist that there is nothing in this location that makes it peculiarly offensive. It does not interfere with the proper development of the Mall. If you will go down along the Potomac Driveway, which has just been made on the reclaimed land, and look across, you will see a certain part of Washington that is given up to commercial pursuits. It is the water front, where the boats, both passenger and freight, land; it is where the coal yards are; it is where certain business of a city like this has to be conducted; and unless you simply denied to the city its normal, usual activities, you could not get rid of a great many eyesores along that particular water front. This building is being put at a place where it does not accentuate in any way the ugliness that exists by virtue of the kind of business that is carried on along that water front. Many men have protested without the slightest knowledge, and I join in the statement made by the chairman of the Committee on Appropriations, the gentleman from New York [Mr. FITZGERALD], that it amounts to the last degree of impudence for men who do not know anything about the physical condition of Washington to not only come here and undertake to berate Members of Congress for doing what they consider to be their duty, but undertake to build a back fire over the country. We find chambers of commerce over the country adopting resolutions of indignation and of protest against our action, and the very men who voted for those resolution could not have told you to save their lives any of the basic facts connected with the beautification of Washington. They could not have told you the real points of the compass as they bear relation to the Washington Monument, the Capitol, and these other buildings.

I insist that Congress is entitled to fair treatment by these people. We are not sitting here devising ways and means to destroy the beauty of this city. Some of us who have worked, not spasmodically but year in and year out, for the development and beautification of Washington may surely claim to have some little knowledge of actual conditions. I am glad to receive the advice of distinguished men—distinguished in architecture, in landscape planning, and in all of the matters that go to make a city more beautiful—but I deeply resent men relying upon the influence of their names to carry their viewpoint when their viewpoint is not based upon knowledge. All over this country have been resolutions and agitations about this matter by men who do not know the facts, and it would have better become them if they had come here and investigated and then told us something at the time when their knowledge might have been availed of than to come here in the ninth hour without information and undertake to stampede Congress. I am not imputing their motives, and I am not going to suggest that there is any relationship between the local lighting company and this agitation. I have reached the point in life where I am tired of bothering about the motives of men; but I say to you the Fine Arts Commission has utterly failed to arrive at the information which they could by ordinary diligence have arrived at at the time when their protests would have been of value.

Mr. COOPER of Wisconsin. Will the gentleman yield?

Mr. SHERLEY. Yes.

Mr. COOPER of Wisconsin. Why, at the time this plan was adopted the commission had the right to believe, under the order of President Taft, that no building would be erected or plans adopted without being submitted to them before construction began.

Mr. SHERLEY. I understand; but that would have had nothing on earth to do with the site. The Executive order of President Taft does not relate to sites, but deals with plans of buildings.

We have a right to expect the commission to have ordinary common sense as well as simply knowledge of its supposed rights. I say to you that a commission dealing with the beautification of Washington, meeting here several times a year, that lets two years go by touching a matter of this magnitude and importance is without excuse for saying they did not know until this late day what was being done. They ought to have known it, and I say that as a friend of the commission and not as their enemy.

Mr. COOPER of Wisconsin. Will the gentleman permit an interruption?

Mr. SHERLEY. Yes.

Mr. COOPER of Wisconsin. It might have been impertinent if the commission should have volunteered a suggestion. It was their duty to wait until the plans were submitted to them.

Mr. SHERLEY. If it was simply an impertinence two years ago, when something might have been done, it is worse than impertinence now, when nothing can be done. [Applause.]

Mr. COOPER of Wisconsin. Mr. Speaker, will the gentleman permit another interruption?

Mr. SHERLEY. Yes.

Mr. COOPER of Wisconsin. They could not with propriety make a suggestion until under that order plans were submitted to them, and the only thing they could do was to wait until that was done.

Mr. SHERLEY. That does not accord with what seems to me to be common sense. Here is a commission complaining now and saying they would have complained sooner if they had known what was being done, while the gentleman from Wisconsin says they could not have complained sooner even if they had known, because they would have to wait and see if plans would be submitted.

I point again to the fact that the quarrel is not about plans, but it is about the site. The submission of plans after the site was determined would not have changed the matter. Now, we are faced with this question: Shall we stop contracts, incur the liability that may come from the breaking of those contracts, postpone the doing of work that Congress after an elaborate study has believed ought to be done in the interest of economy—shall we do that upon the criticism of people who come with no alternative proposition, and who say, after two years delay, that they would like additional time to look into the matter? I submit we are not warranted in so doing. [Applause.]

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed without amendment bill of the following title:

H. R. 8810. An act to amend an act relating to the Public Utilities Commission of the District of Columbia, approved March 4, 1913.

The message also announced that the President had approved and signed joint resolution and bill of the following titles:

S. J. Res. 76. Joint resolution authorizing the Secretary of War to loan 1,000 tents and 1,000 cots for the use of the encampment of the United Confederate Veterans to be held at Birmingham, Ala., in May, 1916; and

S. 900. An act amending sections 476, 477, and 440 of the Revised Statutes of the United States.

URGENT DEFICIENCY APPROPRIATION BILL.

Mr. FITZGERALD. Mr. Speaker, how much time have I remaining?

The SPEAKER. Ten minutes.

Mr. FITZGERALD. I yield five minutes to the gentleman from Illinois [Mr. MANN]. Mr. Speaker, I would like to make this suggestion, that the executive officer of the Fine Arts Commission is the Superintendent of Public Buildings and Grounds, the Army officer in charge of Potomac Park.

Mr. MANN. Mr. Speaker, I have been down where this site mentioned is located a great many times, both walking and riding. We used to ride down from the Capitol on the way to Potomac Park, going along the road that runs by the railroad bridge. A great many times since the new drive on the north side of the peninsula has been opened I have ridden down there at least every other day since the middle of last November. All along Washington Channel, on this side of it, are boat landings, wharves, and various enterprises, none of which conduces to the beauty of the landscape, and while it might be desirable, if possible, to locate the power site where no one could see it, and it might be desirable to have Potomac Park separated so that you could see nothing in the way of business outside of it, yet that is practically impossible. I venture to say that if the Fine Arts Commission had been asked to select a site for this power plant in advance they would have selected the identical place which Congress did select. [Applause.]

Now they suggest that the power plant ought to be down here close to the Capitol, where the present Capitol power plant is; but if we had proposed in the first place to locate it there the Fine Arts Commission would have said it would destroy the beauty of the landscape near the Capitol Building, because that is a great deal closer to the Capitol Building than this power site down beyond is to the White House. I have a great deal of respect for the Fine Arts Commission, and yet I recall that it was that commission, or its predecessor, which imposed upon us the location of the Grant Monument, and no worse location could have been found in the District of Columbia. [Applause.] I remember that it was the Fine Arts Commission, or its predecessor, which located the beautiful Agricultural Building one story below the level of the ground [applause], so that employees there have to work practically without air in the hot climate of Washington. I prefer to believe that the men in Congress, who remain here year after year and study the needs of Washington, both as to beauty and utility, are better qualified to judge where a plant like this should be located than some one who only occasionally visits Washington, or even Mr. Glenn Brown, in Washington, who dominates the architects who live here. It was not for the Fine Arts Commission to determine the site. Congress owning, as the Government did, this site, proposed to locate this power plant there because that was the appropriate place from the standpoint of beauty, utility, and economy for the Government to put it there. I do not object to these gentlemen on the outside bombarding us with telegrams and letters, which serve the purpose of calling our attention to the proposition.

They do not expect us to seriously consider telegrams which they send us about things which they know nothing about and concerning which they assume we ought to know something. [Applause.]

Mr. FITZGERALD. Mr. Speaker, I ask for a vote on the adoption of the conference report.

The question was taken, and the conference report was agreed to.

Mr. FITZGERALD. Mr. Speaker, I move that the House further insist on its disagreement to the remaining Senate amendment. If there is any amendment that any gentleman wishes to take a separate vote on, I suggest we eliminate the rest of the amendments by agreeing to them.

Mr. CANNON. Mr. Speaker, I move that the House recede from its disagreement to the first amendment and concur in the same.

Mr. FITZGERALD. Mr. Speaker, I ask that the House further insist on its disagreement to the amendments of the Senate Nos. 2, 5, 11, and 13.

The SPEAKER. The gentleman from New York [Mr. FITZGERALD] moves that the House further insist on its disagreement to Senate amendments Nos. 2, 5, 11, and 13.

The motion was agreed to.

Mr. FITZGERALD. Mr. Speaker, I move that the House further insist on its disagreement to Senate amendment No. 1.

Mr. CANNON. Mr. Speaker, I offer a preferential motion that the House recede from its disagreement on Senate amendment No. 1 and concur in the same.

The SPEAKER. The gentleman from New York [Mr. FITZGERALD] moves that the House further insist on its disagreement with Senate amendment No. 1, and the gentleman from Illinois [Mr. CANNON] makes a preferential motion that the House recede from its disagreement to Senate amendment No. 1 and concur in the same.

Mr. FITZGERALD. How much time does the gentleman from Illinois wish?

Mr. CANNON. It is pretty difficult to tell. Quite a number of gentlemen have spoken to me about it. I certainly desire an hour, and perhaps more. I think we had best run a little while first and try out the hour.

Mr. FITZGERALD. I think we had better have an agreement as to the time. I do not know that any gentleman——

Mr. CANNON. What does the gentleman suggest?

Mr. FITZGERALD. I suppose half an hour on a side would be sufficient.

Mr. CANNON. Well, I think an hour and a half on this side ought to be allowed. I make the suggestion as a counter one.

Mr. FITZGERALD. I do not think we will be able to use it.

Mr. CANNON. Then we will vote.

Mr. FITZGERALD. Make it an hour on a side.

Mr. CANNON. From the number of gentlemen who have spoken to me, I think I shall be glad to use an hour and a half.

Mr. FITZGERALD. It might take half an hour to discuss the merits of this proposition. Can not the gentlemen print their other patriotic remarks in the RECORD?

Mr. MANN. The merits of this proposition involve patriotism.

Mr. CANNON. After all, I have some demands for time. If the gentleman thinks that he does not desire an hour and a half, I propose an hour upon his side and an hour and a half upon this.

Mr. FITZGERALD. Make it an hour and a quarter.

Mr. CANNON. An hour and a quarter upon a side?

Mr. FITZGERALD. Yes. Mr. Speaker, I ask unanimous consent that the debate on the pending Senate amendment and on the various motions be limited to two hours and a half—one-half of the time to be controlled by the gentleman from Illinois [Mr. CANNON] and one-half by myself—and that at the conclusion of the debate the previous question shall be considered as ordered.

The SPEAKER. The gentleman from New York [Mr. FITZGERALD] asks unanimous consent that the debate on amendment No. 1 be limited to two hours and a half—half of the time to be

controlled by himself and half by the gentleman from Illinois [Mr. CANNON]—and that at the end of the two hours and a half the previous question shall be considered as ordered. Is there objection? [After a pause.] The Chair hears none.

The gentleman from New York [Mr. FITZGERALD] is recognized for one hour and a quarter and the gentleman from Illinois [Mr. CANNON] for one hour and a quarter.

Mr. FITZGERALD. I suggest that the gentleman from Illinois [Mr. CANNON] use some of his time.

The SPEAKER. If nobody wants to speak, the Chair will put the question.

Mr. FITZGERALD. Mr. Speaker, I suppose if there is any merit in the preferential motion of the gentleman from Illinois he will be able to state what it is. I do not know it myself. I do not like to debate something until I know what I am to discuss.

Mr. CANNON. I fear it will be exceedingly difficult for myself and perhaps others to inform the gentleman from New York [Mr. FITZGERALD], who seems to know and does know a great deal about a great many things——

Mr. FITZGERALD. I am willing to explain what this desecration proposes.

Mr. CANNON. Mr. Speaker, the Lincoln Memorial was authorized with a limit of cost of $2,000,000. There was a commission appointed. Upon that commission as its chairman was the then President, Mr. Taft—and he is still its chairman; the present Speaker of the House; Gov. McCall, then a Member of the House; the Senator from Rhode Island, Mr. Wetmore; Senator Cullom; Senator Money; and myself. We proceeded after a pretty thorough consultation with the Fine Arts Commission, headed at that time by Mr. Burnham, since deceased, who was the architect for the present terminal railway building in this city, and I think stands among American architects, or did stand during his lifetime, with St. Gaudens as a sculptor, and I do not speak less for other architects or less for other sculptors when I mention Burnham upon the one hand and St. Gaudens upon the other. Much attention was given, first, to the site, but I will not go into that very fully. The site was selected. We were not a unit on that question. The Speaker of the House, as I recollect, preferred one site and I preferred another. We were a minority, in disagreeing upon the Potomac Park site, of two. I desired the Soldiers' Home site, on an axis with the Capitol at North Capitol Street.

We "tenderfeet" do not always get what we think we desire and perhaps ought not to have our way in matters of art, and as it is not very material in the consideration of this question I will not take much time to say it; but let me say that, looking through the hindsight, I am inclined to think the Art Commission and the majority of the Memorial Commission located this memorial where it ought to be located [applause], although I was somewhat worked up at the time. There it is, just across from Arlington, on the Potomac River; a beautiful park, the Potomac Park, as it is, and as it is to be. I will not take time to describe what it is to be when in the fullness of time it is finished, but I am very glad that there has been a design for that park and for its extension. I am very glad that the park was rendered possible by producing the elevation you have there, the plaza, by hydraulic process from the river, because the tide ebbed and flowed over that park for many years after I came to Washington.

After much of investigation, on the recommendation of the Arts Commission, urgently voiced by Mr. Burnham, who was then its chairman, we selected the architect, Mr. Bacon. Upon that Arts Commission was Daniel C. French, an eminent sculptor. After full investigation, we let the contract. Mind you, the limit of cost was $2,000,000. After full advertisement there were various bids received, all of them, I believe, within the limit of cost, as I recollect it, except two. The dispute was about the material. One bid, for the use of Colorado Yule marble, was for $2,147,000, in round figures. The same contractor made a bid for the use of Georgia Amacolola marble at $2,046,000, in round figures. The Amacolola marble bid was lower by $111,000. The other bids, as I recollect them, were all within the limit of cost. I soon discovered that the Fine Arts Commission, the architect, the Superintendent of Public Buildings and Grounds, and the Memorial Commission, substantially, with the exception of myself, desired to use the Colorado Yule marble. I may state that the man who bid on the Colorado Yule also bid on the Georgia Amacolola marble, and perhaps on another, which was believed to be an inferior marble, and which I think brought it within the limit of cost.

Well, I guess I had some of the notions a man is apt to have who has served as long as I did as a member and as chairman of the Committee on Appropriations, that the garment ought to be cut according to the cloth, so for one I objected. However, there was power vested in the commission to make minor changes in these bids, and the commission proceeded to make what they called minor changes, and they turned out to be in reality minor changes, because after contest they were held to be minor changes, as I recollect, first by the Executive, and since that time payments have been made settling the accounts of the contractors by the officers of the Treasury.

The minor changes which the commission proceeded to make were as follows:

1. Substitution of cement for bronze ceiling beams in the building. By making that change or modification the cost was reduced $70,000.

2. Elimination of retaining walls. By omitting retaining walls the reduction of cost was $87,000. I give it in round figures.

3. By a modification in the joining of columns, reducing the height of the drums, there was a saving made of $10,000.

4. By reducing the floor slabs from 6 to 2 inches in thickness, a saving was made of $6,000. There was a reduction also in the bronze screens.

The total reduction was $192,000. The total cost of the memorial under existing contracts was $1,975,000, and the contract was let.

I believed then, and, while I am not a prophet nor the son of a prophet, and while I might not be standing here advocating this appropriation, I believe now that somebody would stand here and advocate this appropriation, although, as an individual, I would prefer a different course. But all the experts and architects and members of the Arts Commission and substantially all the Memorial Commission except myself and, I believe, the Speaker, although I am not sure as to that, believed that this Colorado Yule marble is the best marble on earth. I have no doubt of it from all the evidence we got. Still I thought perhaps the Georgia marble would be good enough. That is marble that comes from the quarries from which the marble came for the statue of Columbus, which rests in front of the Union Station Building.

Now, this contract did not include the steps.

Mr. MADDEN. Leading from the terrace?

Mr. CANNON. Yes. Let me state that the building under the contract can be, and will be, completed within the limit of the contract, even if this appropriation is withheld. The amount asked for the completion as originally let, and the approaches that were not let and which were not a part of the memorial, and the larger part of the steps, is to bring the cost, if this appropriation and authorization are made, from $2,000,000 to $2,594,000.

Mr. SLAYDEN. Mr. Speaker, will the gentleman permit me to ask him a question in that connection?

Mr. CANNON. Yes.

Mr. SLAYDEN. Do you believe that even if this appropriation is made the work is now advanced so far and all conditions are so well known that it can be stated with some degree of certainty that it will be completed, then, for $2,594,000?

Mr. CANNON. I have no doubt it will be. I have the estimates here in detail.

Mr. COOPER of Wisconsin. Mr. Speaker, will the gentleman permit one question?

Mr. CANNON. Yes.

Mr. COOPER of Wisconsin. Does not the gentleman think that these steps, which he has shown there in the picture, would serve a very useful purpose if completed in accordance with the desire of the commission?

Mr. CANNON. I have no doubt. Absolutely, from every art standpoint, for harmony with the surroundings, and from every other standpoint—I was going to say patriotic as well as the art standpoint—the appropriation should be made.

Mr. MANN. Will the gentleman yield for a question, to see whether my understanding is correct?

Mr. CANNON. Yes.

Mr. MANN. These steps that are now referred to and provided for were not considered as included in the original estimate of $2,000,000, were they?

Mr. CANNON. They were not. I was going to state that.

Mr. MANN. As I understand it, those steps are absolutely essential to get up to the Lincoln Monument at all?

Mr. CANNON. Oh, yes.

Mr. FITZGERALD. Were they not a part of the original design?

Mr. CANNON. They were not.

Mr. FITZGERALD. I have on my desk a photograph furnished to me long before the design was actually agreed upon by the committee. It was furnished to me by Mr. Henry Bacon, the architect. The gentleman does not mean that this was considered a complete design, 40 feet up in the air?

Mr. CANNON. I mean to say that, right or wrong, the contract was let for the building, and, as I will show presently, it did not include these steps, 400 feet over all, and then the next tier of steps, 300 feet over all, perhaps.

Mr. FITZGERALD. That is, the contracts as let did not include them, but they were a part of the design submitted by Mr. Bacon as a part of this memorial.

Mr. CANNON. The gentleman looked at the picture, did he not, to see how it would look when completed?

Mr. FITZGERALD. Yes; and I talked with Mr. Bacon.

Mr. CANNON. Well, but Mr. Bacon did not let the contract.

Mr. FITZGERALD. I know he did not.

Mr. CANNON. Mr. Bacon made the design. Nor did the contract include the trees that were to be planted about the memorial, nor the grass, nor the landscaping, which will, no doubt, cost a very considerable sum of money. In fact, no doubt something has been expended already in the landscaping and in the improvement of Potomac Park, not under these appropriations, nor under the jurisdiction of the commission, for that matter.

I have already given you the modifications that were made. Nor did the contract include the electric wiring; nor the decorative painting on the walls and ceiling, $50,000; nor the masonry approaches, $237,000.

Mr. GILLETT. Will the gentleman allow me?

Mr. CANNON. Yes.

Mr. GILLETT. Does not the gentleman think electric wiring and decorating of the walls really ought to be part of the cost?

Mr. CANNON. Whether they ought to be or not, I will be entirely frank, as a tenderfoot, and say that I did not know whether it included electric wiring or not; but it did not include electric wiring, as I am reliably informed, nor did it include the decorations on the walls. It did include the bronze beams. It did not include the bronze screens that are to inclose the hall. It did, as I recollect, provide for the pillars inside and outside, and the superstructure.

Now, the amount that was deducted to secure the marble was $172,500; but since that time the price of labor has largely increased. The price of the bronze has increased, the price of the granite to face the terrace walls has increased, so that where there was a reduction of $172,000, which was taken from the bids, it will cost $263,000 to replace that which was reduced.

The balance of the $594,000 is for the granite walls.

In addition to the general decoration, the walls and ceilings will include two large paintings 12 feet high and 60 feet long over a large tablet bearing Lincoln's second inaugural and the Gettysburg address, illustrating in allegory those subjects. The masonry approaches were not included in the original design; however, they are a necessary means of access to the memorial from the park level and designed to be in harmony with the building as well as the park surrounding it. They approach the building from the Washington Monument side and will be constructed of granite, and are in two parts. The first section is 400 feet wide over all by 177 feet in length; it contains 30 steps rising 16 feet.

Gentlemen will notice that here are the steps that lead up to it. Here is to be a granite wall all around the building, and you journey down toward the level on these steps spoken of here.

There is to be a driveway around the memorial 100 feet wide.

The earth mound surrounding the memorial will be 1,000 feet in diameter. Its first terrace will be raised 11 feet above the park level and planted with trees at the outer edge, leaving a center plateau 735 feet in diameter, which is greater than the length of the Capitol. In the center of this plateau will rise a rectangular stone terrace wall 15 feet high, 280 feet long, and 156 feet wide. On this rectangular terrace rises the memorial. The entire height of the memorial will be 125 feet.

Bronze beams above the halls in which rests the statue are to be cement unless this appropriation is made. The screens which are to close in the hall in inclement weather when necessary are to be bronze if this appropriation is made. If the appropriation and authorization is made you can get to this monument, and if it is not made I suppose you would have to go up in an aeroplane.

Mr. MILLER of Minnesota. Will the gentleman yield?

Mr. CANNON. Yes.

Mr. MILLER of Minnesota. The height to which the memorial is now erected is in accordance with the original plan?

Mr. CANNON. Yes.

Mr. MILLER of Minnesota. The additional steps have not been made necessary by increasing the elevation?

Mr. CANNON. Not at all; from the plaza to the top of the memorial complete is 125 feet. I wonder how many gentlemen have been down and looked at it as the work progresses.

Mr. MILLER of Minnesota. The reason I asked the question is because I have looked at it, and it looks very high. It may not look so high when the mound is completed.

Mr. CANNON. Precisely. I think when the work is completed the gentlemen from Minnesota will be entirely satisfied with it. Of course the Washington Monument is much higher. I doubted, as a tenderfoot, whether this memorial would not be dwarfed by the Washington Monument, but I have become satisfied, since I have seen the work progress, that it will not be dwarfed by the Monument. While I have not seen many of the wonderful buildings of the world, I am inclined to think that this memorial when completed will be the greatest memorial building in the world. [Applause.] If it will not be it ought to be.

Mr. COOPER of Wisconsin. Will the gentleman yield?

Mr. CANNON. Yes.

Mr. COOPER of Wisconsin. Does not the gentleman think from long experience on this commission that we ought to substitute bronze for cement in these beams?

Mr. CANNON. I have no doubt about it, and we ought to have the bronze screens.

Mr. MADDEN. Will the gentleman yield?

Mr. CANNON. Certainly.

Mr. MADDEN. The gentleman understands that the beams can be made with cement and covered with bronze?

Mr. CANNON. Precisely.

Mr. MADDEN. And that they will be just as good in a utilitarian sense as if they were solid bronze, and will last as long?

Mr. CANNON. Well, the gentleman says "last as long"; I do not know how that may be, but I believe that my friend and myself in the distant ages when this great memorial is standing, we will be wearing asbestos or muslin halos. [Laughter.]

Mr. GILLETT. Will the gentleman yield?

Mr. CANNON. I will.

Mr. GILLETT. Was this design selected by competition, or was the architect selected?

Mr. CANNON. The architect was selected.

Mr. GILLETT. There was no competition?

Mr. CANNON. No competition as to the architect; he was selected by unanimous consent on the recommendation of the Arts Commission, and especially of Mr. Burnham. If I were erecting the building myself and building a building of this kind, I would have the matters that were cut out to enable the commission to get the Colorado Yule marble, in harmony with the original design. In other words, it ought to correspond.

Mr. Speaker, I reserve the balance of my time.

Mr. PAGE of North Carolina. Mr. Speaker, I yield five minutes to the gentleman from Missouri [Mr. CLARK].

The SPEAKER pro tempore (Mr. BYRNS of Tennessee). The gentleman from Illinois has used 36 minutes.

Mr. CLARK of Missouri. Mr. Speaker, my excuse for participating in this debate is that I am one of the commissioners appointed to build this Lincoln Memorial. It is with extreme regret that I differ with the very able chairman of the Committee on Appropriations, Mr. FITZGERALD, and as a usual thing I am with him. We all wish that this splendid memorial could have been completed within the appropriation, but it can not be finished properly within that limit.

I have always been very liberal in the selection of objects and men for admiration on my part. There are four Presidents who, in my judgment, for all time to come will stand in a company by themselves—George Washington, Thomas Jefferson, Andrew Jackson, and Abraham Lincoln. In his preface to his wonderful life of Charles the Twelfth of Sweden, Voltaire speaks of certain men "rising above the vulgar level of the great." That is one of the most suggestive phrases that was ever coined in the teeming brain of its wonderful author. He speaks of kings, emperors, princes, potentates, generals, whom their contemporaries deemed great, but who, tried by the severe test of time, fade away and sink into nothing. But these four Presidents, two of them Democrats and two of them not Democrats, have left their impress upon this Nation and upon the world as no other American statesmen have done. Most assuredly these four "rise above the vulgar level of the great." Washington has a very unique monument, which challenges the admiration and attention of every person who visits this wonderful city. We have undertaken to build Abraham Lincoln one that will do the same for the visitors to this city. If I had my way about it, I would have one built in this city to Jefferson and one to Andrew Jackson. Every once in a while the Fine Arts Commission takes a notion to remove Jackson's Statue from the center of Lafayette Park, but they will not do it as

long as I am a Member of the House of Representatives. [Applause.]

I am proud of the fact that Abraham Lincoln was born in Kentucky. He is a Kentuckian, he is an American; but what is a great deal more than that, he is a world figure and belongs to the ages. Instead of his fame diminishing as the years steal into centuries, it constantly increases, and he ought to have a monument, if he is going to have one at all, in every way worthy of him. Having started in upon it, I am in favor of making it the most beautiful monument in the world. Of course, it is going to cost some money, but to spoil that magnificent structure by substituting cement for bronze is absolutely preposterous. [Applause.] There can not be two notions about that. I would not have had it located where it is if I could have had my way, and neither would Mr. Speaker CANNON. He wanted it put out at the Soldiers' Home and I wanted it put on Meridian Hill. I wanted it set on a hill where it might be seen of all men, and I think yet that it should have been so located. But we were overruled, and it is located where it is. We are not honoring Abraham Lincoln by building a monument to perpetuate his fame; we are honoring ourselves, and we are reflecting the sentiment of the whole American people.

When Abraham Lincoln died he was intensely popular in the North, and, though some people may not know it, as the years go by he becomes more and more popular in the South as well as in the North. The southern people came to the conclusion long ago that if he had lived they never would have experienced one-half of the calamities that grew out of the Civil War, and I believe that also. He was one of the greatest Americans. He is one of the greatest men who ever lived in the history of the human race, and he, more perhaps than any other President, typifies the average American citizen in his life and character. [Applause.] These things being true, Mr. Speaker, I am in favor of voting this money to complete that monument in the way in which it ought to be completed. [Applause.]

Mr. CANNON. Mr. Speaker, I yield 10 minutes to the gentleman from Illinois [Mr. RAINEY].

Mr. RAINEY. Mr. Speaker, we are discussing this afternoon, not for the first time, the Lincoln Memorial. For a decade, yes, for a longer period than that here in the National Capital, and throughout the Union, in the North and in the South, loyal citizens have been discussing the construction here in the Capital of this great Nation of a suitable monument to the memory of Abraham Lincoln. Ten years ago this very site was suggested. Four years ago this commission was named, and one of the interesting things connected with this discussion here to-day is that the only Member of the House of Representatives whose public career extends back to the old Lincoln days, who knew Lincoln personally and well, Mr. CANNON, of Illinois, is here, in the full strength of his manly vigor, to advocate a suitable memorial to the memory of his friend; and may he be spared to the State he represents and to the Nation he serves so well in full health and vigor for many years to come. [Applause.]

This memorial was not hurriedly decided upon by this commission. The men appointed by the original act creating the commission were William H. Taft; Shelby M. Cullom, of Illinois, now gone to his reward, contemporaneous with Lincoln, speaker of the Illinois House of Representatives when Lincoln was President of the United States; George Peabody Wetmore; Samuel Walker McCall; Hernando D. Money; and the distinguished Missourian who is now the Speaker of the House of Representatives. After the death of Senator Cullom, of Illinois, a distinguished southerner was appointed in his place, Gen. Joseph C. S. Blackburn, of Kentucky. Every member of this great commission agrees to these recommendations—they are unanimous—and that of itself ought to be a potent argument here and in States we represent.

Mr. GORDON. Mr. Speaker, will the gentleman yield?

Mr. RAINEY. Yes.

Mr. GORDON. That is very interesting history the gentleman has given, but how has it any bearing on the question of these extras?

Mr. RAINEY. I will come to that presently. A number of plans were suggested, each one of them having reference to the particular locality then under consideration.

A great architect furnished plans for the erection of a memorial on the Soldiers' Home grounds; another on Meridian Hill, overlooking the Capital City. Another prepared plans for the erection of the memorial where it is now being constructed; and to a great American architect, Henry Bacon, was finally awarded the contract for preparing the plans under which the memorial is now being constructed. This building is located where I think it ought to be located, with the Capitol at one end of a long axis extending west for perhaps 2 miles, extending through the Grant Memorial, and then farther on through the Washington Monument, and then, just under the shadow of the hill upon which is erected the mansion in which Robert E. Lee lived prior to the Civil War, the site has been selected, a position dominating a wide area of undeveloped land. If this memorial is properly constructed, with proper terraces, with proper approaches, it will never be dominated by any other building in that section of the city. The memorial itself is to stand upon an elevation artificially created, the same kind of an elevation as was artificially created for the Washington Monument, arising just as high above the valley. The elevation above the level of the valley there is to be 45 feet. First, a great terrace a thousand feet long, upon which is to be planted four rows of trees; then, rising above that, another eminence 10 feet high, supported by a terrace wall, and on that second eminence this magnificent memorial is being constructed. The Egyptians spent no man knows how many years of time in erecting memorials to their kings, and their kings were buried in the center of those great pyramids. We are building here on this elevation a memorial which ought to stand as long as this Republic stands [applause], and this Republic ought to stand as long as the pyramids have stood in order to accomplish its mission in the world. We are not building for this fiscal year nor for the next fiscal year. On the first terrace—and that is part of this additional expense—is to be planted, as I have stated, four rows of trees. Those trees will not reach their maturity during the life of any Member of the House.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. RAINEY. Mr. Speaker, could I ask the gentleman to give me five minutes more?

Mr. PAGE of North Carolina. Mr. Speaker, I yield five minutes additional to the gentleman from Illinois.

The SPEAKER pro tempore. The gentleman from Illinois is recognized for five minutes.

Mr. RAINEY. In the center of this memorial is to stand the statue of Lincoln, here where the North and South meet, the statue of the man who in his first inaugural said, before war had broken out on the longest battle line the world had ever known, speaking for the North then as well as for the South:

> We are not enemies, but friends. We must not be enemies.

And to-day, half a century after the close of the war, more than half a century after the death of this great American, here under the shadow of Arlington, surrounded by an amphitheater of the hills of the Southland, we are building this memorial. On one side of the central chamber, in which is to be placed the statue of the martyred President, will be a memorial hall, which will contain the Gettysburg address; on the other side another memorial hall containing his second inaugural address. The building itself is being built within this appropriation. The plans for a building never contemplate the grounds, the grading, the walks, drives, the parking, and the planting of trees, and this additional appropriation is in large part asked for the purpose of furnishing a proper setting for this great memorial structure, for the purpose of preparing the walls of these memorial chambers for decorations and for suitable mural paintings, historical in their character. The additional sum requested provides also for the approaches to the building. Since the monument was contemplated originally and since the plans were agreed upon there has been an increase in the price of labor and an increase in the price of material. The bronze beams will cost more now than then——

Mr. GORDON. Will the gentleman yield?

Mr. RAINEY. I do.

Mr. GORDON. An increase in the price of labor and material would not affect contracts if such increase has occurred since the contracts were made.

Mr. RAINEY. It affects the cost under the plans approved by the commission. I do not believe the gentleman from Ohio wants to dwarf this Lincoln Memorial, that is to last through all the centuries. I do not believe the gentleman can afford to vote against a proper setting for this memorial to Abraham Lincoln and go back and attempt to explain his position to his district. [Applause.] The gentleman would not want to do that. So far as I am concerned, he can do it and explain his attitude to his constituents. [Applause.]

Mr. GORDON. A good argument that is.

Mr. RAINEY. The terrace wall will cost more than originally contemplated. The bronze screen between the entrance columns will cost more. The increased cost of these items, due to the rise in the price of labor and material, will amount to something like $172,000. The balance of the amount we are asked to authorize to-day is made up of necessary items not

included in the original contract—electric wiring and fixtures. Does any gentleman want this building to be erected there without any method of illuminating it in the nighttime or on a dark day? The decorative paintings on the walls and upon the ceiling of this magnificent memorial building will cost $50,000. Does any gentleman object to the decorating of these walls with proper historical paintings? The masonry approaches to the memorial will cost $237,000. Does any gentleman want this memorial to be constructed without these approaches? These are items which make necessary the additional cost of this building that we are not building for to-day or next week or for this fiscal year, but for all time. [Applause.]

The SPEAKER pro tempore. The time of the gentleman has again expired.

Mr. FITZGERALD. Mr. Speaker, Congress intended that there should be erected to the memory of Abraham Lincoln a memorial that would command the respect and the admiration of civilized men the world over. To enable such a memorial to be constructed it created a commission of distinguished public men and provided that there should be expended the sum of $2,000,000, a sum nowhere rivaled in any action that Congress had theretofore taken for memorials. It was intended that this sum should provide a complete memorial, and the act was so framed and construed that when the memorial was completed everything would have been provided that was essential. When the bill that passed the House on February 7, 1911, was under consideration, Mr. McCall, who had charge of the bill, stated that he would consider it as meaning that the commission was to provide for a memorial of a very imposing character, and—

> That we might contemplate providing plans for a memorial that would cost $2,000,000, including the site and all other accessories.

The site was furnished by the Government in addition to the $2,000,000. So the money available for the memorial was not encroached upon by expenditures for a site.

The character of this memorial when it was adopted by the commission was well understood. Its essential features were clear, and the commission knew just what was essential in order to complete the memorial. Here is a picture which shows the memorial, with all of the accessories which have been spoken of to-day, taken from a model before the design was even accepted by the commission, and furnished to me by Mr. Henry Bacon, the architect who has designed the memorial. Gentlemen in advocating concurring in the Senate amendment say that the contracts did not include provision for a bronze ceiling nor for the steps to the terrace, nor for the electric wiring, nor for the mural painting, to cost $50,000. They did not, although the members of the commission knew that they were letting those contracts to take practically the entire $2,000,000, and were failing to make provision for things deemed essential by the man who had designed the memorial.

I indulged in prophecy the day this bill was before the House in 1911. I sometimes do. I said then:

> My experience has been that whenever Congress authorizes any public improvement or memorial or public work of any character and fixed in advance the limit of cost, it has never been able to obtain skilled services of architects or other artistic services resulting in the design for the building, memorial, or an enterprise that could possibly be built within the limit of cost fixed by Congress. If this $2,000,000 be inserted here, I am confident that a plan will be prepared for some memorial which, although it will be stated it will not cost $2,000,000, will never be completed with perhaps $3,000,000, or, at least, half a million dollars more than the proposed cost.

The commission is now asking $594,000 in addition to the $2,000,000 already provided and in addition to a site given over by the Government.

Mr. MANN. Will the gentleman yield?

Mr. FITZGERALD. I will.

Mr. MANN. The gentleman having prophesied that this memorial would never be completed for less than $2,500,000, why does he complain that we make him a true prophet? [Laughter.]

Mr. FITZGERALD. They have gone beyond that sum. I shall state before I finish why I am complaining, Mr. Speaker.

Gentlemen on that side of the House for the past year or two have seemed to take particular delight in quoting for political partisan advantage some remarks made by me within the past year or two relative to the alleged extravagance of Congress. They have never quoted all that I said. At that time the principal feature of my remarks was that a handful of Democrats were continually joining with the solid Republican side of the House to pile up the public expenditures for the embarrassment of the Democratic Party. They will repeat the performance to-day.

Who was at the head of this commission that has been guilty of the indefensible and unjustifiable action of approving a plan for a memorial and making contracts, knowing that they could not complete the memorial within the limit of cost fixed by Congress? He is a former President of the United States, who has been engaged more or less continuously in traveling about the country saying and in his restful moments writing unjustifiable criticisms of the Democratic Party as an incompetent body in the management of the Government. Yet after his long service in public life, filling important positions in the gift of his party, as the head of this commission he sets an example that would be absolutely destructive of all governmental services and agencies if followed by Democratic officials in the departments.

Who is the next leading member of the commission? A worthy successor to that former President, if by any possibility the gods should decree that he should become President of the United States, and who has recently announced his candidacy as the Republican candidate, the honorable Samuel Walker McCall, governor of Massachusetts, who probably believes that his action on this commission equips him admirably to fill the high office of President because he has demonstrated his contempt for the law enacted by the Congress of the United States.

I know that the distinguished former Speaker of the House and the present Speaker of the House are in one of those embarrassing positions that public men sometimes find themselves in and are doing the best they can under the circumstances. They were both against this scheme. They did not believe in this plan. They believed that one of the other plans proposed for a memorial to commemorate the memory of Abraham Lincoln should have been adopted; but the other gentlemen, showing their contempt for representatives on the commission taken from the House of Representatives who are elected by the people, overrode them on all occasions and put them in this embarrassing position.

Why, Mr. Speaker, is this memorial cost to be more than the amount authorized by Congress? Because the cost of labor has increased? Oh, no. Because they thought of something afterwards? Oh, no. One of the important reasons is that the former President, to whom I referred, insisted that one particular kind of marble should be used to the exclusion of any other—Colorado yule marble. I undertake to say that there are not two Members of the House that can look at a building and tell whether it is Colorado yule marble or Georgia marble. This is not the only instance in which that former President has been guilty of such conduct. All have heard or read of the history of the public building at New Haven, Conn. It is said the cost of that building was increased from $800,000 to $1,400,000 as one of the reasons for inducing President Taft to approve the public-building bill of 1913. He persuaded the Treasury officials, after he had retired to the quiet and hallowed precincts of Yale University, to select Tennessee marble for that building in preference to Vermont marble, at an additional expenditure of $165,000—all, all in the interest of economy!

Mr. Speaker, we are not building a flimsy, temporary structure to the memory of Abraham Lincoln. We are spending $2,000,000 upon it, and it will last and endure as long as anything that man can construct will endure. Col. Harts, who is the Army officer who is the executive of this commission and secretary of the Fine Arts Commission, stated that with the money now available a complete memorial would be erected; that the retaining wall was not an essential feature; that there were no essential features, he stated, eliminated from this memorial. If those additional features were to be provided, they could be provided at a later date, with comparatively no increased cost, with one exception; and that is, instead of putting in a bronze ceiling, it is proposed to put in a cement ceiling and color it with bronze paint, and that would be a difficult matter to remove.

This commission ought to go out of business. After it is out of business, if Congress should determine that it wanted those additional steps and wanted the retaining wall, that work should be put in charge of men who will observe and obey the law.

What does this appropriation of $594,000 mean? The Architects' Trust has had its hand in it. For years we had been paying for outside architectural services 5 per cent, and then the Architects' Trust, which recently was busy on another matter, arbitrarily raised the price to 6 per cent, so that the architect on this structure, under the present limit of cost, receives 6 per cent on $2,000,000, or $120,000. There is no incentive upon those men to design buildings within the limit of cost, because if this particular provision be adopted the architect receives out of it $30,000 additional as his percentage on the $594,000 to be provided.

It was supposed that the great galaxy of statesmen upon this commission would have some interest in protecting the Treasury of the United States. Many believe that an appropriate and a

suitable memorial that would not only have done justice to the memory of Abraham Lincoln but would have commanded the respect of the United States and the admiration of all the world could well have been built, even if the site had also been paid for, with $2,000,000. But, absolutely disregarding the law, in contempt of the law-making body of the United States, the commission proceeded according to their own will, relying upon patriotic appeals in the name of Abraham Lincoln to have their illegal action justified.

This House should not desecrate the memory of Abraham Lincoln by ratifying their action. If this were to be an incomplete memorial, if it were to be one that would not do justice to the memory of Lincoln, if it were one where additional money were required in order to make it a suitable and fitting memorial, we might with regret approve what they have done. But it will not be either incomplete or unsuitable. We should not desecrate the memory of Abraham Lincoln by appealing to the love that men have in their hearts for his great work in behalf of the Republic to justify the action that has been taken by this commission.

To my colleagues upon this side of the House I desire to say that I appreciate the appeal that is made to them. I know that some of them are placed, perhaps, in a position that may be embarrassing because of the fact that they represent the State from which Lincoln came. I know also of the purpose of a united and solidified Republicanism appealing for a few votes upon this side of the House in order to obtain this unjustifiable expenditure of $594,000. I hope the amendment will not be agreed to. I reserve the balance of my time, Mr. Speaker. [Applause.]

Mr. CANNON. Mr. Speaker, I yield 10 minutes to the gentleman from Illinois [Mr. MANN].

The SPEAKER pro tempore. The gentleman from Illinois [Mr. MANN] is recognized for 10 minutes.

Mr. MANN. Mr. Speaker, it is very easy for my distinguished friend from New York [Mr. FITZGERALD] to criticize a commission because it has gone beyond the limit of the law in reference to appropriations, and I would not refer to what I now propose to refer to if my friend from New York had not so severely criticized the commission, the most conspicuous member of which, outside, possibly, of the ex-President and the Speaker of this House, is my colleague, Mr. CANNON.

The gentleman from New York and myself were on a commission in charge of the House Office Building, and the very bill that we have before us contains a provision for maintenance, including miscellaneous items and for all necessary services, $2,500 for the House Office Building, a deficiency incurred in direct conflict with law [applause on the Republican side], because it was our duty on the commission to see that the maintenance and the services and the miscellaneous items in the House Office Building came within the appropriations heretofore made. But the convenience of you gentlemen required that some extra services and expenditures should be incurred, and we authorized them and trusted to you to make the appropriation which has been made, so far, without a dissenting voice. And so it is with all commissions. I want to say this to the gentlemen of the House: I do not know whether this Lincoln Memorial Commission is subject to criticism or not. Most of the items which this bill, by amendments, proposes to authorize are absolutely essential. You can not do without the stairway, which is the most expensive of the items. You can not do without the walk and the steps. You can not do without the retaining wall. Those items must be provided for eventually. I would not do without the bronze ceiling in favor of cement any more than I would take away the beautiful ceiling over our heads, which cost more than mere cement or plain glass. [Applause.]

I said when this bill was before the House originally for passage that some day this great country of ours, with its Capitol here and its wonderful dome, with the Mall reaching down, with the Washington Monument, and on, beyond, this memorial to Abraham Lincoln, and on, beyond, there would be a bridge crossing the Potomac River, which so long divided the North and the South in war, over to the home of Robert E. Lee, Arlington, the National Cemetery, and then from there would lead a road down to the home of the Father of His Country at Mount Vernon; and some day this great Government of ours, in the loving tenderness of forgiveness and forgetfulness, would reach on with a road leading from the Capitol of the United States to the capital of the old Confederate States, and that at the other end of that road—Richmond—some day there would be erected a monument to the man whom the South most loved and revered—in modern days, at least—Jefferson Davis, the President of the Confederate States. [Applause.]

Perhaps we have not reached the time yet when the North is quite willing to do that. I am glad to know that when this bill was before the House for the erection of this Lincoln Memorial the southern Members, forgetting the feelings of the Civil War and the strife, voted almost unanimously for the great tribute which we are seeking to pay to the memory of Abraham Lincoln. [Applause.] And while the gentleman from New York is seeking to say that on our side we will be united and we want a few votes on the Democratic side, I appeal confidently to the patriotism and to the love of the southern Members of Congress to make this tribute to Abraham Lincoln the most beautiful monument constructed to the memory of any man anywhere in the world. [Applause.]

If you do not do it, your tribute to Abraham Lincoln, frequently repeated here, is mere lip service. I think we can afford to pay to Lincoln this tribute. I think we can afford to give to his memory the finest monumental structure which can be erected; and if the architects could find something else which would make it more beautiful than they now plan, I should favor it. Abraham Lincoln, tall, ungainly, homely, ugly, his heart and his memory, his deeds and his love, deserve to have as their monument the beauty of the ages—something in direct contrast with his face but along the lines of his heart. [Applause.] Let us make it the conspicuous thing in all the land, our tribute to the great lover of mankind, Abraham Lincoln. [Applause.]

Mr FITZGERALD. Mr. Speaker, I yield five minutes to the gentleman from Georgia [Mr. HOWARD].

Mr. HOWARD. Mr. Speaker, I deeply regret that what I shall call the attention of the House to at this time should occur upon a memorial to the great Lincoln, but I do not know of a better occasion to attract the attention of Members of this House who are at least inclined in some measure to protect the Treasury in this country from the system recently grown up in awarding contracts by the Government.

In the first place, upon this particular memorial there was an award of a contract to the Yule Granite Co., of Colorado, which entailed an additional cost upon this memorial of $111,000 to start with. That amount of money was practically thrown to the four winds of the earth. I have heard gentlemen say here that this will be an enduring memorial to the great Lincoln. I am afraid that before many years elapse somebody will come into Congress to get an appropriation for the repair of this great memorial. The one great public building in the United States in which Yule marble has been used is the Denver (Colo.) post office, and I have been reliably informed that since the exposure of the marble to the atmospherical conditions the face of that magnificent building in Denver is cracked from top to bottom. It is an inferior marble to the marble that was in direct competition with this, to wit, the Amaicolola marble of Georgia.

Now, I have not got any marble industry in my district, and I am not speaking from a mercenary standpoint. I heard the gentleman from Wisconsin [Mr. COOPER] this morning paying a great tribute on this floor to this Fine Arts Commission. If I had my way, I would abolish the Fine Arts Commission in two minutes, and I have introduced a bill to do it. It is a menace to economy, instead of a help, in the erection of buildings in this beautiful city. For instance, take the post-office building over here. Former Secretary MacVeagh, in awarding a contract for that building, threw away $56,000 of the public money. When it came down to the last analysis of his reason for throwing that money away he told me that there was a slight difference in the color between the granite used in the post-office building and the granite used in the Union Station. I replied: "Mr. Secretary, do you think that anyone after five years could tell the difference in the color of the stone used in the two buildings, whether it was built of Georgia or Vermont granite?" He had to admit that that was true. And yet this Fine Arts Commission, with absolute power to act, caring not a picayune about the condition of the Treasury or the cost involved, goes around here and recommends a certain sort of material and is backed up by the hifalutin experts that spend the people's money like water. I am not going to vote for the increase asked for, because it is an inexcusable extravagance. I admit that I regret to do it, but we are relying upon Col. Harts in this matter. He is a practical man; he is in charge; and he says that the memorial can be completed within the $2,000,000 appropriation; that it will not impair the beauty or the permanency of this memorial if it should be completed within the appropriation.

Mr. CANNON. Will the gentleman yield?

Mr. HOWARD. Certainly.

Mr. CANNON. Col. Harts is one of the most ardent advocates of this appropriation that there is.

Mr. HOWARD. Yes; he is, like all experts, in favor of anything that will conform to his personal views and that will take money out of the Federal Treasury and increase the burdens of the people of this country. I am not surprised at Col. Harts.

The SPEAKER pro tempore (Mr. BYRNS of Tennessee). The time of the gentleman from Georgia has expired.

[Mr. HOWARD had leave to extend his remarks.]

Mr. FITZGERALD. Mr. Speaker, I yield five minutes to the gentleman from Texas [Mr. SLAYDEN].

Mr. SLAYDEN. Mr. Speaker, I do not think that my heart was ever more engaged in any enterprise undertaken on the floor of this House since I have been a Member than it was in support of the effort to have this wonderful, beautiful design of the Lincoln Memorial adopted. I presume I am as typical a southerner as any man who ever served in this House, perhaps as any man who ever will serve. My life has been spent on the southern border of the Gulf States. I was ardently in favor of paying proper tribute to the character and achievements of that great southern man, Abraham Lincoln. [Applause.] He was a pacificator, although director of a war, and whose services to my section of the country would have been of incalculable value had he been spared. I worked in season and out of season for that design, because I wanted a memorial erected in this city so commanding and so magnificent that it would harmonize with and exemplify his great character, and I think such a design was adopted.

But, Mr. Speaker, I am like my friend from Georgia, Mr. HOWARD, and these other gentlemen, some of whom are opposing and some of whom, like the gentleman from Georgia, do not yet know whether they are opposing this appropriation. I was always afraid that there would be an appeal for more money. I believe that the amount appropriated originally was quite adequate to build a magnificent monument, one perhaps that did not cost as much as some of the great memorials of the Old World, as, for example, that to Victor Emmanuel in Rome, but which for beauty, for esthetic value, far exceeds it.

I was afraid that this appeal would be made, and I ventured to suggest to the gentlemen of the commission that every step should be taken to guard the expenditures and to avoid the necessity for coming back for more money. That has happened which I expected, but I do not believe that the Fine Arts Commission, inveighed against by my friend from Georgia, is responsible for this. Those gentlemen are notoriously unsafe advisers in matters of detail in the way of busineses and expenditures. Their minds are so absorbed with the development of the esthetic side of these schemes that they scorn to give attention to or to recognize the obligation of respecting limits in appropriation bills. They are a little difficult to deal with. I admire them in their line; they are exceedingly useful there, and I would not have the Fine Arts Commission abolished for any consideration. I think it is going to have a very great and useful part in the development of the beauty of the Capital City of this country, which can not be made too beautiful for my taste. But as chairman of the Committee on the Library in the last four years—now nearly five—I have had some experience with them. I find them almost regardless of the obligations of contracts. They seem to think it unnecessary to live up to the specifications of the law in such matters. Time and time again, as has been illustrated down here in the Grant Monument and in the pediment that is to go up on the Capitol at this end of the building, they have come in and said calmly, "We must have more time." And, being already committed to the designs, already having paid out considerable sums of money on their execution, what can we do but accept the terms that they dictate? The trouble is that we have not been particular enough ourselves to live up to the very letter of the law of appropriations. Of course this appropriation will pass. It is impossible to resist the eloquent appeal made by the distinguished and venerable statesman from Illinois [Mr. CANNON], another southern man, by the way, I am proud to say—oh, yes, we made large contributions to the civilization of Illinois when we sent Lincoln and CANNON there. [Applause.] It is impossible to make an appeal for the protection of the Treasury which will stand against such eloquence; but, as a rebuke to commissions, as a rebuke to artists who have no regard for their obligations, I think we may very well withhold the appropriation on this occasion.

Mr. CANNON. Mr. Speaker, I yield five minutes to the gentleman from Massachusetts [Mr. GALLIVAN].

Mr. GALLIVAN. Mr. Speaker, it so happens that I was not a member of the subcommittee which considered this item in this bill, and neither did I have the privilege of being present at the meeting of the full committee when the item was considered. I had been summoned home on account of a death in my family. I have asked for these few minutes to-day particularly to say to this House that if I had had the opportunity I would proudly have voted for this amendment. [Applause.] I do not like to hear so much about the South when a proposition of this sort is before the Congress, and neither do I like to hear so much eloquence on my side of the aisle coming from distinguished Representatives from the Southland, for whom I have the utmost regard and respect, when a monument to the memory of Abraham Lincoln is being considered; nor do I like to have the honesty and character of men like those who comprise this commission questioned on this floor. It so happens that the distinguished first citizen of my own State—not a member of my political party—the present governor, Hon. Samuel W. McCall, was a member of this commission. I never knew him to do a dishonest act. It may be that he will be the next first citizen of this land; and as a Representative of the old Bay State, despite my loyalty to my own party, I would never hang my head if Sam McCall were President of the United States. [Applause on the Republican side.] Parenthetically, I would say that I would like to see that applause just a little stronger over on that side of the aisle. [Laughter and loud applause.]

Mr. GORDON. Mr. Speaker, will the gentleman yield?

Mr. GALLIVAN. Surely.

Mr. GORDON. Is the gentleman a member of the Committee on Appropriations?

Mr. GALLIVAN. Yes.

Mr. GORDON. Does the gentleman know anything about these extras that he is talking about?

Mr. GALLIVAN. I hope so—probably as much as the gentleman from Ohio ever knows about what he talks about. [Laughter.] Mr. Speaker, we are talking about a monument to a man who was born 107 years ago last Saturday in a rude cabin in Kentucky, as the gentleman from Texas [Mr. SLAYDEN] has told us, destined to complete the work begun by Washington and to write his name indelibly on the history of mankind. He was born into a poverty that the gentleman from Ohio [Mr. GORDON] and others who now preach economy can scarcely understand, and into conditions that gave little presage of the splendid career of patriotism and statesmanship, sacrifice and solid worth his life accomplished, and if it were not for men like Lincoln the gentleman would not be a Member of the Congress of the United States in this day and year. [Applause.] Yet we hesitate at two hundred and fifty additional thousand dollars to complete a monument to his memory. In my judgment, thirty millions of dollars would not memorialize what Abraham Lincoln accomplished for this, the greatest country under the stars! [Applause.]

Out of a youth full of penury and unremitting toil, amid the rude and illiterate conditions of a hard frontier life, the boy plucked the rudiments of education. This self-taught backwoodsman was the incarnation of the American idea; strong and sound in body and mind, his simplicity and sanity, his honesty and courage, his humanity and humor, his charity and democracy were irresistible in refuting sophistry, unmasking falsehood, assailing wrong, and in bringing home to the American people the vigor and virtue of the basic principles of free government. [Applause.]

His splendid warning to the American people that slave and free could not exist together in a government of freemen sank into the minds of the North; his declaration that slavery was inherently wrong appealed to their hearts and consciences; and his masterly series of addresses which led up to his nomination and election to the Presidency nerved the free States to meet the inevitable struggle which the preservation of the Union and the destruction of slavery involved. Abraham Lincoln's splendid patience and tolerance of his foes and critics, his invincible optimism and faith in the success of the cause of union and freedom, his unbounding charity and unfaltering persistence during the dark days of rebellion inspired the hearts and strengthened the courage of the Nation and brought victory to the Republic. In a large measure his work was done when he was stricken by the madman's bullet; the work that was done after him showed the lack of his guiding hand and broad humanity, and those whom the assassin hoped to help were the largest sufferers by his foul deed.

Lincoln passed into the company of the immortals at his death; his fame has broadened with the years into the very corners of the earth and is imperishable; his genuine greatness is acknowledged and unquestioned in every quarter of the globe; and he stands with Washington as one of the two greatest figures in the history of the American Republic. Washington found his country 13 dependent Colonies and transformed them into a federation of free, independent United States; Lincoln found the United States a jarring congress of Commonwealths, suspicious and intolerant of each other, faithless to the Constitution, the Declaration of Independence, and the principles of

freedom, and when he died he left a united country and a Nation of freemen. [Applause.]

The Republic to-day all over its broad area honors this maker of a Nation, the liberator, Abraham Lincoln; and to-day we recall his life and utterances and his fidelity to the high principles of liberty, humanity, equality, and the common brotherhood of man—principles that in this age are more honored in the breach than the observance. [Great applause.]

Mr. FITZGERALD. Mr. Speaker, I yield five minutes to the gentleman from Massachusetts [Mr. GILLETT].

Mr. GILLETT. Mr. Speaker, I subscribe, as I am sure everyone else does, most heartily to the beautiful tribute which was paid by our leader to the memory of Abraham Lincoln, but I deny that a vote upon this question is any test of either a man's patriotism or of his admiration and reverence for that great man. [Applause.]

I yield to no man in my respect for his memory, but I feel it my duty to vote against this proposition. [Applause.] I do not think anyone pretends that the memorials we build to our national heroes are at all commensurate with their services for us. I do not think anyone pretends that the amount of money we vote for a memorial measures at all our gratitude. No money could measure that. We only decide what is a fair, liberal amount to build a memorial. If $2,000,000 had not been thought enough, I would gladly have voted originally for any additional amount; but when Congress has once fixed it, I do not want any Executive authority to try to increase it. Congress decided that $2,000,000 would build a beautiful and fitting tribute to one of our greatest Presidents.

Mr. STAFFORD. Mr. Speaker, will the gentleman yield?

Mr. GILLETT. No; I will not until I get through. I have only five minutes——

Mr. STAFFORD. There is plenty of time on the other side and the gentleman can have it.

Mr. GILLETT. If I am given the time, I will answer the gentleman's question. Now, Mr. Speaker, we had every reason to expect, at least I expected, when this commission was appointed, consisting of some of the most distinguished citizens of this country, that for once, for once, the executive body would carry out the will of Congress. We are constantly criticizing here—I believe the Appropriations Committee feel it more than others—but we are constantly criticizing the executive tendency not to abide by the will of Congress in appropriations. When an appropriation is passed for some object the executive departments always seem to be striving to exceed the appropriations, striving to make some plan by which they can come before us and compel us to further what they desire. It is not peculiar to this or any administration. I believe the most flagrant instance of it in Washington is our present Agricultural Department Building. It is an executive tendency and Congress always is enraged by it, as we have the right to be. When this commission was appointed I thought at last we had a commission that would conform to the will of Congress. I appreciate what our distinguished ex-Speaker said, and I appreciate the delicacy of his position. I venture to say that if he had had the running of that commission a beautiful and satisfactory memorial would have been built, with all of its accessories, within the $2,000,000. Some of my most intimate friends are upon this commission and yet I am mortified by their conduct. I think from the beginning it was obvious from what our ex-Speaker said that there was an expectation that they would come before us for an increased appropriation. Now they ought to have done one of two things. They ought, as he said, to have cut the garment according to the cloth, or they ought originally to have come back to Congress and said that they could not construct such a memorial as we wished for that money and they wanted more, and undoubtedly Congress would have given more if necessary, but for them to go on and commit us to a plan and then come back and claim that they can not complete it within the appropriation is most censurable.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. GILLETT. Can the gentleman from New York give me two or three minutes more?

Mr. FITZGERALD. How much time have I remaining?

The SPEAKER pro tempore. The gentleman has 30 minutes.

Mr. FITZGERALD. I yield five minutes additional to the gentleman.

Mr. GILLETT. I will try not to use all of that time. Now, what is the question of the gentleman from Wisconsin?

Mr. STAFFORD. Does the gentleman from Massachusetts argue in favor of an unfinished memorial to the greatest American?

Mr. GILLETT. Indeed I do not.

Mr. STAFFORD. That is the proposition before the House to-day.

Mr. GILLETT. Now, that is where the gentleman is mistaken. He is a member of the Committee on Appropriations and ought to have read the hearings.

Mr. STAFFORD. I have read every word of them through.

Mr. GILLETT. Col. Harts stated that under the present appropriation we can have a finished memorial.

Mr. STAFFORD. Finished without the steps or terraces or——

Mr. GILLETT. The steps were not in the original plan, as Mr. CANNON told us.

Mr. COOPER of Wisconsin. Will the gentleman yield for a question?

Mr. GILLETT. Yes.

Mr. COOPER of Wisconsin. I have heard that same statement made several times. It is true, is it not, that Col. Harts said that for that amount of money we can have a memorial?

Mr. GILLETT. He said a finished memorial.

Mr. COOPER of Wisconsin. There is a great difference between simply using the article "a" and using the expression "suitable" memorial for Abraham Lincoln.

Mr. GILLETT. Will the gentleman read what he said?

Mr. STAFFORD. Will the gentleman permit me to read what he said? I have it here—

Col. HARTS. They are [referring to the steps], however, essential to furnish access to the building, which was raised 45 feet above the surrounding park.

Mr. GILLETT. Mr. Speaker, we all know that is not true. We all know they were not in the original plan, and we know we do not need steps. We have no steps leading up to the Washington Monument, and that is way above the level of the park. You can have grading, grass, and walks, but you do not need a vast area of masonry. They were not in the original plan. It is very natural—architects, of course, are always——

Mr. MANN rose.

Mr. GILLETT. No; I thank you.

Mr. MANN. I will do the same thing some time.

Mr. GILLETT. Wait until I finish this—architects are always urging extra expenses, and, of course, it is to their self-interest to do so. They get a commission of 6 per cent. The architect will get $35,000 more if we give this additional appropriation. The commission ought not, in my opinion, to allow the architect these extras, after they themselves have said they were not necessary and adopted a different plan. But I admit there were some features of this that are essential, and I condemn this commission for omitting these features.

Electric wiring they did not provide for, or the painting on the walls. If it is necessary, they certainly ought to have been a part of the original proposition. It was left out for some reason or other, apparently because there were not funds enough.

Now, in my opinion, this commission should have done one or two things. They should have come back to Congress and asked us for an additional appropriation if necessary, or they should have changed their plans. Either one or the other would have been an honorable and straightforward course, and for one I am deeply disappointed and mortified by the action of this commission, a commission in which I had the greatest confidence, for whose members I have the highest personal regard. There is no executive encroachment which so provokes me as this custom of first getting an appropriation and then coming back to Congress and telling them it is necessary to have additional funds in order that the project may be completed. And for one, even when it is done by these eminent public men, I will not condone it by my vote.

Mr. CANNON. How much time have I, Mr. Speaker?

The SPEAKER pro tempore. The gentleman has 14 minutes remaining.

Mr. CANNON. How much has the gentleman from New York [Mr. FITZGERALD]?

The SPEAKER pro tempore. Twenty-five minutes.

Mr. FITZGERALD. I will yield five minutes to the gentleman from Texas [Mr. DAVIS].

Mr. DAVIS of Texas. Mr. Speaker, I have listened with a great deal of interest and very great concern to this discussion. I am a new Member of this House, but I am not new to the memory and traditions of Abraham Lincoln. I have often said that the two greatest characters, in my judgment, in this Republic, the two men who wrought more for humanity, the two men who left their footprints deepest in the sands of time to be witnessed by the coming ages were Thomas Jefferson and Abraham Lincoln. Thomas Jefferson, a child of education and refinement, wrote that solemn and undying truth, so far as this

Republic is concerned, that "all men are created equal." Abraham Lincoln, coming from the cabin, in the common elements of life, wrought his own destiny, and with his pen put that declaration into life and living existence in the law of this Republic.

There may have been, as the gentleman from New York [Mr. FITZGERALD] stated, some kind of political jackals who are willing to rob the grave of a great man in order to get a grab into the Treasury. I do not believe it. But let that be as it may, I can not cure the past; and the only opportunity that I have now left to build a memorial in splendid commemoration to one of the great men of our Republic and one of the comets that passes along the centuries of ages, to glow among the stars and galaxy of life, is to vote for the appropriation for this monument. [Applause.] And I shall so vote. [Applause.]

Mr. CANNON. Mr. Speaker, I yield a minute to the gentleman from South Carolina [Mr. RAGSDALE].

Mr. RAGSDALE. Mr. Speaker, coming from the first State that called its sons to the colors to defend what they believed an invasion of their constitutional rights, the son of a Confederate soldier who followed the sacred stars and bars, loving the traditions of the South, yet I represent a people who learned with deep sorrow of the murderous hand that struck down the great President of these United States when he was called into the great beyond. Coming from a people who learned at the time of his death, in their daily life, of the great loss they had sustained, and coming from a people who are back in the Union to-day and want to be united with all parts of the Union [applause], I voice my own sentiments and the sentiments of my people in saying it will be a privilege and a pleasure to help make this Lincoln Memorial such a memorial as it should be, the most beautiful we can erect for the man who stood for so much in the trying days of the sixties. [Applause.]

Mr. MORGAN of Oklahoma. Mr. Speaker, it was a most appropriate thing for a previous Congress to authorize the erection at the National Capital of a memorial which would, so far as possible, fittingly convey to future generations the great service that Abraham Lincoln rendered to his country and to humanity. I come from a State nearly evenly divided in population between those who were born in the South and those who were born in the North. I believe that I correctly voice the sentiment of the people of Oklahoma, regardless of the place of birth, when I vote to enlarge the appropriation, hitherto authorized, for the erection of such monument. The evidence before the House is that the appropriation heretofore made is not sufficient to properly complete this memorial. So far as Lincoln is concerned, his fame is secure without the erection of this monument. We should, however, bear in mind that this memorial will commemorate the matchless service of one whose name shines with greater luster than any other name in the annals of American history since the days of Washington. A little over a half century ago in this city, the Capital of this great Nation, a deed was perpetrated that shocked the civilized world and plunged the Nation into mourning. The President of the United States, the preserver of the Union, the emancipator of a race, lay prostrate in death, the victim of an assassin's bullet. Thus, one of the greatest characters in all the world's history passed from the scenes of earthly conflict to his eternal reward.

Every mark of honor and respect was shown to the martyred President. In every possible way the people manifested their high appreciation of the services he had rendered the country; in every conceivable manner they indicated the irreparable loss the Nation had sustained in his death; and by every appropriate means they exhibited their great love and affection for him and their inexpressible grief and sorrow at his untimely and tragic death.

Appropriate funeral services were held throughout the country. The remains were brought to the Capitol and placed in the Rotunda; under its great Dome tens of thousands of people, with bowed heads, pallid faces, aching hearts, and tear-moistened cheeks beheld for the last time the lifeless form of Abraham Lincoln.

Fifty-one years have come and gone since Lincoln's great life went out, but Lincoln still lives in the hearts of his countrymen. The intervening years have augmented his fame, magnified his virtues, and glorified his character.

To think of Lincoln's career unavoidably reverts our minds to that awful cataclysm of civil war that convulsed this country from 1861 to 1865. In this mighty conflict the fabric of this Government was put to its severest test. Our national structure quivered, trembled, and rocked from turret to foundation. Our resources were taxed to the verge of exhaustion. Sectional strife, hatred, and bitterness swept this country with the force and fury of a tornado. For four long years the ominous clouds of war hung like a pall over this distracted land—causing the weak to despair, the strong to falter, the brave to fear, and the great to weep.

These were years of doubt, distrust, and fear—yet years of sublime faith, of rare fortitude, of superb courage, of great heroism, and genuine patriotism.

War stamped its impress upon everything. Business, trade, commerce, schools, churches, social life—all intermingled and blended with the bloody conflict in progress. In every home there were badges, tokens, and insignia of warfare. Every heart throb of the people—North and South—kept time with the martial music that was wafted upon every breeze.

For more than four long years Abraham Lincoln lived, moved, and had his being in this mighty maelstrom of war. The storm center of that great cyclone of contending military forces constantly hung over his head. He battled with its swiftest currents, he rode upon its highest billows, and upon his great heart, beat its greatest fury.

Through it all, Lincoln never faltered, never complained, never despaired. Supremely conscious of the justness of the cause which had been placed in his keeping, he remained serene, confident, hopeful, kind, and forgiving. He uttered no harsh word against the South, and on the 4th day of March, 1865, only a few weeks before he passed away, he stood on the east portico of this Capitol, near the spot where we now stand, and with perfect trust and candor, said:

> With malice toward none, with charity for all, with firmness in the right, as God gives us to see the right, let us strive on to finish the work we are in; to bind up the Nation's wounds; to care for him who shall have borne the battle, and for his widow and his orphans; to do all which may achieve and cherish a just and a lasting peace among ourselves and with all nations.

Volumes have been written upon the life and public services of Abraham Lincoln. Authors, poets, and orators have extolled his deeds, recounted his achievements, and exalted his life and career. Renowned artists and sculptors have preserved his form and features upon canvas and in marble. States and municipalities have erected monuments to perpetuate his memory. Congress has recently authorized the expenditure of several millions of dollars to erect at the National Capital a magnificent memorial in his honor. All this is highly commendable.

Still all such efforts must largely fail. No person, no State, no nation, can construct, and no heart can conceive, a statue, a monument, a memorial that will give future generations a true conception of the service Lincoln rendered humanity. Our country is Lincoln's monument.

In his immortal Gettysburg speech he expressed the hope that—

> This Nation, under God, shall have a new birth of freedom.

That prayer has been answered. War ceased. Sectional strife ended. Peace came. Our country was reunited. We became one people—one in thought, one in purpose, one in aspiration, one in destiny, and one in devotion to the flag. Our country had a new birth of freedom. It entered upon a new lease of life and power and greatness. When the Civil War closed we were a fourth-class power. We have risen to first place among the nations of the earth. We have become a great world power. In agriculture, in mining, in manufacturing, in internal commerce, in means of transportation, in communication, in wealth, and resources, we lead all other nations. We lead in education, in invention, and in intellectual achievements. We have attained great eminence in art, science, and literature. Many new States have been added to the Union. The flag floats over distant islands of the sea, and the Nation which Lincoln preserved is the greatest political power for good in the world.

> Our country, with its one hundred millions of free people, with all its wealth, power, and greatness, with all its splendid institutions that stand for progress, liberty, freedom, and justice, with all its power to advance, enlighten, and uplift humanity, this country stands a monument to the wisdom, statesmanship, and patriotism of Abraham Lincoln.

Mr. CANNON. Mr. Speaker, I yield three minutes to the gentleman from Mississippi [Mr. HARRISON].

Mr. HARRISON. Mr. Speaker, 43 years ago, at the other end of this Capitol, a great Senator from my State, in a most eloquent and patriotic speech, said, "Let us know one another better and we will love one another more." Since that time the wounds of separation have healed, the scars made by the war have gone, and a sympathetic and good feeling has come about between the sections. As a Nation we are now too great and too big for any section of this country to be swayed by bigotry, prejudice, or narrowmindedness.

The people of my State and section respect the appreciation that the people of the North have for those leaders and those men who followed the fortunes of the North in the trying period of this country's history, the same as I believe the people of the North respect the appreciation that the people of the South have for the leaders and the men who followed the varied fortunes

of the South during that period. The names of Lincoln and Davis, Grant and Lee, Jackson and Thomas, reflect glory not on the North or the South, but on America, and the time will come when monuments to their memory will be found not only in the city of Washington but in the cities of both the North and the South. And to-day, coming from the very shadow of the home of that great patriot, statesman, and soldier, the President of the Confederacy, I feel that I breathe the spirit of that just man on this question when I look beyond the boundaries of the Mason and Dixon line and vote to concur in the Senate amendment. I believe it is what my people would have me do, and so I shall. [Loud applause.]

Mr. MANN. Mr. Speaker, I do not know whether the gentleman from New York [Mr. FITZGERALD] is pressed for time or not. I wish he would yield our side 10 minutes.

Mr. FITZGERALD. I am not pressed for time. Does the gentleman think he needs any more argument on that side?

Mr. MANN. Well, I really think that there are so many more arguments we can make that we ought to have them.

Mr. FITZGERALD. Mr. Speaker, I yield 10 minutes to the gentleman from Illinois [Mr. CANNON]. [Applause.]

Mr. CANNON. Mr. Speaker, I yield to the gentleman from Pennsylvania [Mr. GRAHAM] five minutes.

The SPEAKER pro tempore. The gentleman from Pennsylvania [Mr. GRAHAM] is recognized for five minutes.

Mr. GRAHAM. Mr. Speaker, I had not intended to speak on this subject to-day; but sitting here, listening to the discussion, I could not help but feel a powerful inclination to utter a single plea in favor of the adoption of this amendment by this House.

I can not agree that this question involves the punishment of a commission or the questioning of the wisdom of the act of some body of men that have expended or obligated themselves to expend a little more money than the original appropriation required. I know of scarcely any case in which appropriations for any public or private enterprise are outlined and rigidly limited and then not exceeded when we wish to accomplish something that is good and strong and great. Feeling as I do, I want to recall to the Members of this House the fact that this is a rare opportunity for us to show the unity and the harmony of sentiment that prevails in our midst. Twice it has been my privilege in this House to rise and speak for unity and assist in the taking of an action that would indicate the possession of that sentiment. When a statute that inflicted a penalty upon men of the South, passed in the period of heat engendered by the war, was under consideration, though a Republican and from the North, I raised my voice and championed the passage of the act which removed that penalty and enabled distinguished people of the South to win back that which was their due. [Applause.]

When the contest was on this floor to compensate the Virginia Military Academy for its library that was destroyed in the war and for the instruments that perished then I again, because it was the honest sentiment of my soul, and wishing for a greater unity and harmony in my country, raised my voice and said:

> Yes; let us pass this appropriation and add another healing incident to wipe away anything that reminds us of discord and of strife.

Why, the time has passed for these older sentiments. I believe this House will almost unanimously say that upon this occasion and in memory of this great man, "We will vote the adoption of this amendment."

I simply add in conclusion: Recall, if you will, that splendid gem of literature that sparkles and glistens like a diamond, "The Perfect Tribute," it is called, written about this dead President, describing him when about to make and in the deliverance of his speech at Gettysburg. He struggled to prepare it and was dissatisfied because it seemed not to adequately express the kindness of his great soul, and when he had uttered it, after the famous oration of Edward Everett that was there delivered, he hung his head and said, "It is a failure." Walking the streets of Washington a day or two after, a boy ran into him as he went along with head bowed and his hands behind his back, and stopping, he said, "What is the trouble, my boy?" The boy said, "I wish to find a lawyer to write my brother's will; he is dying." And—but then you know the story that led the President to the bedside of the dying Virginian, where, after writing the will for this brave Confederate soldier, conversation turned upon the speech delivered at Gettysburg, when Lincoln said, sitting there unknown, "Oh, it seems to me it was a dismal failure; it was received in dead silence." "Oh, no," said that dying soldier; "it was a great success, and the fact that it was received in perfect silence was the perfect tribute to a perfect gem of speech." [Applause.] "Oh," he said, "if our people in the Southland could only know and feel what that expresses and know the sentiment to be the President's and that it was not only in the great heart of Lincoln but was growing in the whole North and would in time completely prevail, this war would cease, and the bitter strife of brethren would be stilled." [Applause.]

Let us make the silent monument perfect and give it as a perfect tribute to the greatest man of the century in which he lived.

America!

> Though passing brief the record of thine age,
> Thou hast a name that passeth all
> On history's broad page.

Mr. CANNON. Mr. Speaker, how much time have I?

The SPEAKER pro tempore. The gentleman has 14 minutes remaining.

Mr. CANNON. I yield to the gentleman from Ohio [Mr. FESS] four minutes.

Mr. FESS. Mr. Speaker, I yield back the time.

Mr. CANNON. Mr. Speaker, I really believe that the gentleman from New York [Mr. FITZGERALD] has been playing with the House [laughter], an opportunity having been given to gentlemen to say "Yea, yea," and "Nay, nay." I think he knew that when the time came to vote a very decided majority on his side of the House, as I believe, and a very decided majority of the minority side would vote for this amendment.

Having been a member of the Committee on Appropriations for 22 years and its chairman for 10 years, I know how strong the temptation is to insist that all things should be within the limit of cost. I have said, in substance, many times what the gentleman has said—not so well as he has said it, however.

Now, I am not going to apologize or to answer the strictures that were made by my colleague upon the committee [Mr. GILLETT] or by anyone else. I do not feel that I ought to be bound and tried and convicted for violating the law, or that his distinguished governor, Mr. McCall, ought to be, or that the gentleman from Mississippi, then Senator, Mr. Money, now dead, ought to be.

The truth is the law has not been violated, as claimed. That is the plain truth. The contract for this monument was let within the limit of cost. Is there any proof of that? If it had not been let within the limit of cost the accounts would not have been audited. There is a last guess about expenditures.

It is true that in order to use the Colorado Yule marble we dispensed with certain things that were in the original proposal. That is a thing that I did not approve of at the time, as perhaps I have said before to-day. We dispensed with the bronze ceiling and bronze screens, and the granite wall about the terrace, 13 feet on nearly 1,300 feet of terrace.' But that was the action of the commission, and it was lawful, being such minor modifications as the commission had the power and the right to make. So that if the gentlemen were in earnest when they heaped coals of fire upon the head of my dead Senator, Mr. Cullom, on the ex-President, Mr. Taft, and the governor, Mr. McCall, and the Senator from Mississippi, Mr. Money, it is apt and proper that I should take this much of my short remaining time in replying to them.

Here is the picture that my friend from New York says was made and given to him. Yes; and that was not included in the contract. The contract extended from this point here so far as the steps were concerned. Now, the question is, Will you finish this building as it ought to be finished?

Now, as to the bronze ceiling and the bronze screens. I want them to be real bronze and not cement. [Applause.] In the fullness of time if, after this great memorial has dwelt in history, when all of us have been forgotten except a few great characters, it should be destroyed by accident or otherwise, I want the bronze ceiling to be there and not the bronze paint upon the ceiling.

Mr. Speaker, this is about all I want to say about the building. It is straight business, and, after all, there is sentiment in it.

Mr. GORDON. And that is about all there is in it.

Mr. CANNON. Oh, if my friend from Ohio had wisdom according to his interruptions, what a great man he would be. [Laughter.] But I will say that sentiment is always to be regarded if it be a good sentiment.

One day during my service a gentleman from Pennsylvania, whose acquaintance I made, came to me with a letter of introduction. I paid attention to him; we walked about the Capital and talked about the city. It was nothing like the city that has since grown up. He said, "What a magnificent Capital." "Yes," I said, "the greatest in the world." "Oh," said he, "I came with the First Pennsylvania Regiment that came down to Washington shortly after Sumter was fired upon. A comrade with me walking about the city came to the Capitol, and when we saw the beauty and the finish of this Capitol and its architecture, the magnificence of the size, my friend said with tears

in his eyes, 'My God, I never realized before what this Government means. I am ready to die for it, and I will die gladly if it is necessary to save it.'" [Applause.] He did die to save it, and he died in a contest on the battle field, as this gentleman stated to me.

It is something in having a great Capitol, the highest grade of art, slighting nothing from any standpoint we are able to pay for. We ought not to slight work, we ought not to slight buildings or memorials. Our wealth is measured by two hundred billions of dollars. One-third of the world's wealth is in this country, and it has doubled since the census of 1900. I think we need not halt about making this expenditure from the standpoint of poverty.

I do not know that I desire to say anything further. I might talk about Lincoln, but it is not necessary. It is not necessary for this memorial, so far as it is concerned, to write him permanently in history. It is of more use to the present and coming generation; it can be of no use to Lincoln, because, as Stanton said when the breath of life left him on the morning he died, "He is with the ages now." [Applause.]

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

A message from the President of the United States was communicated to the House of Representatives by Mr. Sharkey, one of his secretaries, who also informed the House of Representatives that the President had approved and signed bills and joint resolutions of the following titles:

On January 24, 1916:

H. R. 320. An act to authorize the county of Bonner, Idaho, to construct a bridge across Pend Oreille River; and

H. R. 775. An act granting the consent of Congress to J. P. Jones and others to construct one or more bridges across the Chattahoochee River between the counties of Coweta and Carroll, in the State of Georgia.

On January 26, 1916:

H. R. 7611. An act authorizing the Seaboard Air Line Railway Co., a corporation, to construct and operate a bridge, and approaches thereto, across what is known as Back River, a part of the Savannah River, at a point between Jasper County, S. C., and Chatham County, Ga.

On January 28, 1916:

H. R. 4716. An act to authorize Dunklin County, Mo., and Clay County, Ark., to construct a bridge across St. Francis River; and

H. R. 6448. An act to authorize Butler and Dunklin Counties, Mo., to construct a bridge across St. Francis River.

On February 7, 1916:

H. R. 8235. An act to provide for the maintenance of the United States Section of the International High Commission.

On February 10, 1916:

H. R. 4954. An act directing the Secretary of War to reconvey a parcel of land to the Anshe Chesed Congregation, Vicksburg, Miss.

On February 15, 1916:

H. J. Res. 95. Joint resolution authorizing the Secretary of the Navy to receive for instruction at the United States Naval Academy at Annapolis Mr. Carlos Hevia y Reyes Gavilán, a citizen of Cuba;

H. J. Res. 98. Joint resolution making part of the appropriation, "Construction and machinery, increase of the Navy," in the naval act approved March 3, 1915, available for the extension of building ways and equipment at the navy yards at New York and Mare Island, Cal.;

H. J. Res. 146. Joint resolution authorizing the Secretary of War to loan, issue, or use quartermaster's and medical supplies for the relief of destitute persons in the districts overflowed by the Mississippi River and its tributaries;

H. R. 8233. An act granting the consent of Congress to the Republic Iron & Steel Co. to construct a bridge across the Mahoning River, in the State of Ohio; and

H. R. 9224. An act providing for an increase in number of midshipmen at the United States Naval Academy.

URGENT DEFICIENCY APPROPRIATION BILL.

Mr. FITZGERALD. Mr. Speaker, I yield five minutes to the gentleman from Ohio [Mr. GORDON].

Mr. GORDON. Mr. Speaker, we have talked about everything else but the question before the House. I want to call attention to the actual matter that is presented here for consideration. We are advised by the leader of the majority and by the leader of the minority on the Appropriations Committee that this additional expenditure ought not to be authorized. From the evidence before us it appears that some preceding Congress authorized the expenditure of not to exceed $2,000,000 to erect a memorial to Abraham Lincoln and donated the site. Some very eminent gentlemen have been named as members of this commission. I suppose, like most commissions, they are mere figureheads, and the architects, with a natural desire to increase their fees, as they receive 6 per cent on all extras as well as the contract price, have proposed to substitute another appropriation for the one made by Congress. The leaders on the Appropriations Committee, charged with very grave responsibility in Government expenditure of the public revenue, have told us that this ought not to be done. So far as I am concerned, I propose to vote with the gentleman from Massachusetts [Mr. GILLETT] and the gentleman from New York [Mr. FITZGERALD] upon this question.

Of course, this has furnished an opportunity for a number of Members here to make speeches to circulate in their districts and to parade their patriotism before this House by showing their willingness to vote more money out of the Public Treasury. I would have more respect for their patriotism if they would come forward and donate some of their own funds to a worthy enterprise, rather than make these spread-eagle speeches to aid and assist in taking public money out of the Treasury, against the protests of the leaders on the committee. [Applause.]

I suppose a majority of this House will be scared into voting for this appropriation, for fear their patriotism or their respect for Abraham Lincoln may be called in question. So far as I am concerned, I will vote against it if I am the only one on the floor.

I want to pay my respects to the speeches and to enter my protest against the putrid patriotism that is always hauled out and paraded on the floor every time somebody wants to make a grab out of the Treasury. We are told by the responsible men on the committee that the present plans and specifications carry out the original intention of the House, and that this memorial can be erected within the appropriation and nothing will be absent, but that it will be entirely completed. I think it is time for this House to assert its dignity and, when it makes appropriations for a specific purpose, not to permit some architect or contractor to come back and drag more money out of it.

Why, we are establishing a precedent that will cost the people of this country untold money in the future. It has been said time and time again that this memorial can be completed as originally planned and authorized, according to the testimony by the leaders upon the Appropriation Committee. It is time this Congress put its heel upon that sort of thing, and a good opportunity would be to do it right now; and I undertake to assure you here and now that no man would show any disrespect to Abraham Lincoln or any lack of patriotism by voting against this $569,000. [Applause.]

Mr. FITZGERALD. Mr. Speaker, have I any time remaining?

The SPEAKER pro tempore. The gentleman from Illinois has two minutes remaining and the gentleman from New York five.

Mr. CANNON. Mr. Speaker, I yield the remainder of my time to the gentleman from Colorado [Mr. HILLIARD].

Mr. HILLIARD. Mr. Speaker, the people of Denver, whom I have the honor to represent, know me to be a modest man, and they expect that I shall be properly modest down in Washington. Thus far I have not worried this House with any utterances of mine, and to-day I should not do so but for the fact that the gentleman from Georgia [Mr. HOWARD] saw fit, upon information which he could not verify, to say that the most beautiful post-office building in the world, as seen in Denver, Colo., is cracking from the top to the bottom. [Laughter.] I wish to say that that building, constructed of the finest and strongest marble that God ever hid in the earth and that man ever dug up for his use, is a perfect structure in every particular. [Applause.] I know that men who come from other States where there is an inferior grade of marble [laughter] are jealous of that young giant of the West. The gentleman disclaims, as he says, that there is marble in his own district. I believe that; but if he were to assert here that there was an entire absence of concrete in his district he could provoke a wonderful argument. Mr. Speaker, I simply wish to say that I shall find pleasure in supporting the motion to concur in this appropriation. I believe that Abraham Lincoln accomplished that which no other man living or dead ever did or ever will; that while he was yet walking and on the earth he achieved that greatness which only comes to a man of whom no other great man is jealous. [Applause.]

Mr. FITZGERALD. Mr. Speaker, I yield the balance of my time to the gentleman from Texas [Mr. BLACK].

Mr. BLACK. Mr. Speaker, the question now before the House is to concur in Senate amendment No. 1 to the urgent deficiency bill providing that the limit of cost of the Lincoln Memorial shall be increased from $2,000,000 to $2,594,000. I shall vote

against it. If I had been a Member of this House when the original appropriation of $2,000,000 was made, I would gladly have supported the appropriation; but now that the commission has not obeyed the original instruction of Congress but are wishing to go beyond it to the extent of $594,000 I shall follow the recommendation of the honored chairman of the Appropriation Committee, the gentleman from New York, Mr. FITZGERALD, and will vote to not concur in this Senate amendment.

Abraham Lincoln needs no marble monument to perpetuate his memory in the United States. We honor him because his life exemplifies the noblest principle of all, that of service to humanity. Mr. Speaker, a man may pile wealth upon wealth until the spire of his golden temple will reach the very heavens; he may add unto himself power again and again until millions will tremble at his very footfall; he may possess the gift of prophecy and understand all mysteries and all knowledge and yet find that his rainbow is but a momentary thing, and that the afterglows are but ashes while we gaze. There is but one light that the ages do not dim. It was seen in the burning bush which Moses saw upon the Mount of Horeb; it was witnessed by the children of Israel in the pillar of cloud by day and the pillar of fire by night; it drove away the Stygian darkness that enveloped the shepherds as they slept on the Judean hills and revealed to them the angelic host singing "Peace on earth and good will to men"; and it was none other than this light that fired the heart of Abraham Lincoln through the long and weary years of fratricidal strife. And to-day he is honored not because of the eminent position that he occupied but because of the spirit of sacrifice that his whole life reflected. There is no law that is more universally established in God Almighty's universe than the law of service. Go and ask the opening flower why it stands there and it will tell you that it stands there to sweeten the breath of man and show upon its every penciled leaf the handiwork of God. Go and ask the mighty oak that stands by the highway and it will tell you that it has stood there for more than a hundred years, and that it has spread out its brood branches in order that the flocks of the field might seek its shade. It will tell you that more than once it has received unto its body the lightning's bolt that would else have destroyed the traveler, and that finally when it falls it will fall by the hand of man and go into the ship that makes him the master of the seas.

Go and ask the mountain brook that comes down the side of the mountain like a ribbon of silver and it will tell you that it was born way up there where it could do no good, and so it hurried down, running where it could and leaping where it must, but always hurrying down, in order that it might quench the thirst of the shepherd's flock and finally spread out into a broad river and bear upon its bosom the commerce of the world. And thus, gentlemen of this House, the Master Builder of the universe has written upon every flower that blooms, upon every raindrop that swells the mighty river, upon every penciled shell that sleeps in the caverns of the deep, upon the very stars that light the path of the Milky Way, upon all of these He has written the universal law of service. [Applause.] And as a Member from the South I pay my tribute to the memory of the martyred President—the man who served—the kind and noble Lincoln; and before I close I want to thank the gentlemen on the other side for the tributes they have paid during this debate to the memories of Jefferson Davis and Robert E. Lee [applause], because "of all men who ever carved their names on fame they stand alone. Others have won honors because of their triumphs; they won honors from defeat and made failure glorious [applause]; vanquished they were, yet the victors. To honor virtue is to honor them, and to reverence wisdom is to do them reverence. [Applause.] In life they were a model to all who live, and in death they left a heritage to all. One such example is worth more to earth than all the stained triumphs of 10,000 Cæsars." [Applause.]

The SPEAKER pro tempore. All time has expired, and the question is——

Mr. MANN. Mr. Speaker, I ask for the yeas and nays.

The SPEAKER pro tempore. The question is on the motion of the gentleman from Illinois that the House recede from its disagreement to the Senate amendment and concur in the same, and upon that motion the gentleman from Illinois [Mr. MANN] asks for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 257, nays 84, answered "present" 4, not voting 89, as follows:

YEAS—257.

| | | | |
|---|---|---|---|
| Abercrombie | Anderson | Bacharach | Britten |
| Adair | Ashbrook | Barnhart | Browne, Wis. |
| Alexander | Austin | Beakes | Browning |
| Allen | Ayres | Britt | Bruckner |
| Brumbaugh | Gandy | Lobeck | Rodenberg |
| Buchanan, Ill. | Gard | Loud | Rogers |
| Burke | Garland | McAndrews | Rowe |
| Butler | Glass | McArthur | Rowland |
| Byrnes, S. C. | Glynn | McCracken | Rubey |
| Caldwell | Good | McCulloch | Russell, Ohio |
| Campbell | Graham | McDermott | Sabath |
| Cannon | Gray, Ind. | McFadden | Schall |
| Capstick | Gray, N. J. | McGillicuddy | Scott, Mich. |
| Carlin | Green, Iowa | McKellar | Sells |
| Carter, Mass. | Greene, Mass. | McKenzie | Shackleford |
| Cary | Greene, Vt. | McKinley | Shallenberger |
| Chandler, N. Y. | Griest | McLemore | Shouse |
| Chiperfield | Guernsey | Madden | Siegel |
| Church | Hadley | Magee | Sinnott |
| Cline | Harrison | Mann | Slemp |
| Coady | Haskell | Mapes | Sloan |
| Coleman | Haugen | Martin | Smith, Idaho |
| Connelly | Hawley | Matthews | Smith, Mich. |
| Conry | Hayden | Mays | Smith, Minn. |
| Cooper, Ohio | Heflin | Miller, Del. | Smith, N. Y. |
| Cooper, W. Va. | Helgesen | Miller, Minn. | Snell |
| Cooper, Wis. | Helvering | Miller, Pa. | Stafford |
| Copley | Hensley | Mondell | Steele, Iowa |
| Costello | Hernandez | Mooney | Steenerson |
| Cramton | Hicks | Moore, Pa. | Stephens, Cal. |
| Crosser | Hill | Moores, Ind. | Sterling |
| Curry | Hilliard | Morgan, La. | Stiness |
| Dale, N. Y. | Hinds | Morgan, Okla. | Stone |
| Dale, Vt. | Hollingsworth | Morin | Sulloway |
| Dallinger | Hopwood | Morrison | Sutherland |
| Darrow | Howell | Moss, Ind. | Sweet |
| Davis, Minn. | Hulbert | Murray | Swift |
| Davis, Tex. | Hull, Iowa | Nelson | Switzer |
| Decker | Humphrey, Wash. | North | Taggart |
| Dewalt | Hutchinson | Norton | Tague |
| Dickinson | Igoe | Oakey | Talbott |
| Dill | Jacoway | Oglesby | Tavenner |
| Dillon | Johnson, Ky. | Olney | Taylor, Colo. |
| Dixon | Johnson, S. Dak. | O'Shaunessy | Tillman |
| Doolittle | Johnson, Wash. | Overmyer | Tilson |
| Dowell | Kahn | Padgett | Timberlake |
| Drukker | Keating | Paige, Mass. | Tinkham |
| Dupré | Keister | Parker, N. J. | Treadway |
| Edmonds | Kennedy, Iowa | Peters | Van Dyke |
| Ellsworth | Kennedy, R. I. | Phelan | Vare |
| Elston | Kettner | Platt | Volstead |
| Emerson | Key, Ohio | Porter | Walsh |
| Esch | King | Pratt | Ward |
| Estopinal | Kinkaid | Ragsdale | Wason |
| Evans | Konop | Rainey | Watson, Pa. |
| Farley | Kreider | Raker | Wheeler |
| Fess | Lafean | Ramseyer | Williams, T. S. |
| Focht | La Follette | Randall | Williams, W. E. |
| Fordney | Lazaro | Rauch | Wilson, Fla. |
| Foss | Lehlbach | Reavis | Wilson, Ill. |
| Frear | Lesher | Reilly | Woods, Iowa |
| Freeman | Lever | Ricketts | Young, N. Dak. |
| Fuller | Lieb | Riordan | |
| Gallagher | Linthicum | Roberts, Mass. | |
| Gallivan | Lloyd | Roberts, Nev. | |

NAYS—84.

| | | | |
|---|---|---|---|
| Adamson | Crisp | Huddleston | Slayden |
| Aiken | Dent | Hull, Tenn. | Small |
| Almon | Dies | Jones | Smith, Tex. |
| Aswell | Doughton | Kincheloe | Sparkman |
| Bailey | Eagle | Kitchin | Steagall |
| Barkley | Edwards | London | Stephens, Miss. |
| Bell | Ferris | McClintic | Stephens, Nebr. |
| Black | Finley | Nicholls, S. C. | Stephens, Tex. |
| Booher | Fitzgerald | Oldfield | Sumners |
| Borland | Flood | Oliver | Taylor, Ark. |
| Buchanan, Tex. | Garner | Page, N. C. | Thomas |
| Burgess | Gillett | Park | Thompson |
| Byrns, Tenn. | Godwin, N. C. | Quin | Tribble |
| Callaway | Gordon | Rayburn | Venable |
| Candler, Miss. | Hamlin | Rouse | Vinson |
| Cantrill | Hastings | Rucker | Walker |
| Caraway | Helm | Saunders | Watkins |
| Carter, Okla. | Holland | Sears | Webb |
| Clark, Fla. | Hood | Sherwood | Wingo |
| Collier | Houston | Sims | Wise |
| Cox | Howard | Sisson | Young, Tex. |

ANSWERED "PRESENT"—4.

| | | | |
|---|---|---|---|
| Farr | Fields | Goodwin, Ark. | James |

NOT VOTING—89.

| | | | |
|---|---|---|---|
| Anthony | Flynn | Kiess, Pa. | Pou |
| Barchfeld | Foster | Langley | Powers |
| Beales | Gardner | Lee | Price |
| Bennet | Garrett | Lenroot | Russell, Mo. |
| Blackmon | Gould | Lewis | Sanford |
| Brown, W. Va. | Gray, Ala. | Liebel | Scott, Pa. |
| Burnett | Gregg | Lindbergh | Scully |
| Carew | Griffin | Littlepage | Sherley |
| Casey | Hamill | Loft | Snyder |
| Charles | Hamilton, Mich. | Longworth | Stedman |
| Crago | Hamilton, N. Y. | McLaughlin | Steele, Pa. |
| Cullop | Hardy | Maher | Stout |
| Danforth | Hart | Meeker | Temple |
| Davenport | Hay | Montague | Towner |
| Dempsey | Hayes | Moon | Watson, Va. |
| Denison | Heaton | Moss, W. Va. | Whaley |
| Dooling | Henry | Mott | Williams, Ohio |
| Doremus | Hughes | Mudd | Wilson, La. |
| Driscoll | Humphreys, Miss. | Neely | Winslow |
| Dunn | Husted | Nichols, Mich. | Wood, Ind. |
| Dyer | Kearns | Nolan | |
| Eagan | Kelley | Parker, N. Y. | |
| Fairchild | Kent | Patten | |

So the motion to concur was agreed to.

The Clerk announced the following pairs:
For the session:
Mr. FIELDS with Mr. LANGLEY.
Until further notice:
Mr. FOSTER with Mr. WOOD of Indiana.
Mr. RUSSELL of Missouri with Mr. DENISON.
Mr. DOREMUS with Mr. JAMES.
Mr. HUGHES of Georgia with Mr. MOTT.
Mr. LEE with Mr. WINSLOW.
Mr. HUMPHREYS of Mississippi with Mr. HUSTED.
Mr. GOODWIN of Arkansas with Mr. FAIRCHILD.
Mr. WHALEY with Mr. HEATON.
Mr. CASEY with Mr. WILLIAMS of Ohio.
Mr. BLACKMON with Mr. ANTHONY.
Mr. BURNETT with Mr. DANFORTH.
Mr. CAREW with Mr. BEALES.
Mr. CULLOP with Mr. BARCHFELD.
Mr. DAVENPORT with Mr. BROWN of West Virginia.
Mr. DOOLING with Mr. BENNET.
Mr. PRICE with Mr. HAMILTON of Michigan.
Mr. DRISCOLL with Mr. CHARLES.
Mr. FLYNN with Mr. CRAGO.
Mr. GREGG with Mr. DEMPSEY.
Mr. GRIFFIN with Mr. DUNN.
Mr. HAMILL with Mr. GOULD.
Mr. HART with Mr. LINDBERGH.
Mr. HAY with Mr. HAMILTON of New York.
Mr. HENRY with Mr. HAYES.
Mr. GARRETT with Mr. KELLEY.
Mr. STOUT with Mr. KEARNS.
Mr. LEWIS with Mr. MUDD.
Mr. LIEBEL with Mr. KIESS of Pennsylvania.
Mr. LITTLEPAGE with Mr. MOSS of West Virginia.
Mr. MAHER with Mr. NICHOLS of Michigan.
Mr. MONTAGUE with Mr. PARKER of New York.
Mr. MOON with Mr. TOWNER.
Mr. NEELY with Mr. SANFORD.
Mr. PATTEN with Mr. POWERS.
Mr. POU with Mr. SCOTT of Pennsylvania.
Mr. SCULLY with Mr. MEEKER.
Mr. SHERLEY with Mr. TEMPLE.
Mr. STEDMAN with Mr. SNYDER.
Mr. STEELE of Pennsylvania with Mr. MCLAUGHLIN.
Mr. WATSON of Virginia with Mr. NOLAN.
On the vote:
Mr. FARR (for motion to concur) with Mr. HARDY (against).
Mr. LONGWORTH (for motion to concur) with Mr. EAGAN (against).

The result of the vote was announced as above recorded.

On motion of Mr. CANNON, a motion to reconsider the vote by which the Senate amendment was concurred in was laid on the table.

Mr. FITZGERALD. Mr. Speaker, I move that the House agree to the conference asked by the Senate on the disagreeing votes on the other amendments.

The motion was agreed to.

The SPEAKER pro tempore. The Chair announces the following conferees: Mr. FITZGERALD, Mr. EAGAN, and Mr. CANNON.

Mr. MANN. I suppose it is by unanimous consent that the Chair named the conferees? I think it ought to be so stated.

The SPEAKER pro tempore. The Chair by unanimous consent named the conferees on the part of the House.

Mr. MOON. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the Post Office appropriation bill.

CORRECTION IN REPORT.

Mr. CARAWAY. Will the gentleman withhold that motion for just one moment, please? I wish to ask unanimous consent to change the figures in a report.

Mr. MOON. It depends on how long it is going to take you.

Mr. CARAWAY. Mr. Speaker, I ask unanimous consent to have the report (No. 183) that is filed on the bill H. R. 6456 apply to the bill H. R. 10312. There was a mistake in the number of the bill that the reports should accompany.

The SPEAKER pro tempore. The gentleman from Arkansas [Mr. CARAWAY] asks unanimous consent to have a correction made on the report filed on the bill mentioned by him. Is there objection?

Mr. MANN. Reserving the right to object, I do not quite understand what the proposition is. Would it not be better if the gentleman has a report that has an erroneous number on it to withdraw that and ask leave to file a new report?

Mr. CARAWAY. Possibly so. Mr. Speaker, I ask unanimous consent to withdraw the report on the bill H. R. 6456, with leave to refile it with the bill H. R. 10312.

Mr. MANN. You do not require leave.

The SPEAKER pro tempore. The gentleman from Arkansas [Mr. CARAWAY] withdraws his request and asks unanimous consent to withdraw the report on the bill H. R. 6456, indicated by him. Is there objection?

There was no objection.

POST OFFICE APPROPRIATION BILL.

Mr. MOON. Mr. Speaker, I renew my motion.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 10484, the Post Office appropriation bill, with Mr. RAINEY in the chair.

Mr. STEENERSON. Mr. Chairman, I yield 15 minutes to the gentleman from Ohio [Mr. FESS].

Mr. FESS. Mr. Chairman, I want to address myself to the phase of the bill that refers to the rural carrier or the Rural Mail Service. I hesitate to speak on that theme in the manner in which I probably will be compelled to do, since what I say might be interpreted to be more of a criticism than an exposition of the question. I am one of the Members of the House among a great many others that would not criticize any service of the Government, no matter what party is in control, if the change is either for a justified economy or an efficiency that is unquestioned. The change that is proposed looking to a motorization of the rural service, transplanting the horse service, is put on these two bases, first, economy, and, second efficiency. If I were convinced that both of these or, at least, the last one, was subserved, I would not ask for a suspension of the order that has gone out. I speak with special reference to the change, because it has been ordered in my own home county, and affects my own home town, and in addition several other towns in every county in the district. And therefore, while I speak with special reference to my own community, I want to keep in mind the service at large rather than the manner in which it affects us.

In the first place, I do not believe that it will be economy, for when I laid the matter before the Fourth Assistant Postmaster General and told him that it could not possibly be made effective all the year round simply because the roads of our section of the State are not in condition to permit an automobile all the year, he said to me, "We do not intend to continue the service of the automobiles throughout the year, including the bad months of the year. We will have the automobile during the good months, and then we will have the horse carriage during the bad months." That means that the man who is to be the carrier, the owner of the automobile, will also have to have a service at certain times in the year by the horse. That would ultimately mean ownership of the automobile and also of the other method. I do not believe that that assures any economy to start with, but, even if it did, the other side, namely, the efficiency, is the serious point with me.

Mr. SMITH of Michigan. Will the gentleman yield for a question?

Mr. FESS. I will.

Mr. SMITH of Michigan. I would like to inquire whether you will discuss the question of whether or not the horse could cover the road that was laid out for the automobile? As I understand it, the automobile has a route of 50 miles, and it was the opinion of the Fourth Assistant Postmaster General that this route could be covered by a horse in any season of the year. Or would they have to have two horses?

Mr. FESS. They would have to have two horses.

Mr. SMITH of Michigan. And two carriers for one route?

Mr. FESS. They would have to have not less than two horses, and that would mean that the man who had the route in charge would have to have an automobile part of the year and at least two horses a certain part of the year, and a very uncertain part of the year.

Mr. SMITH of Michigan. Would it be possible to cover a road of 50 miles with a horse?

Mr. FESS. I do not think so. I did not get the idea from him that one horse would be used as the automobile would have to be displaced certain months.

Mr. SMITH of Michigan. I understood he was to cover the same route with a horse that he covered with an automobile.

Mr. FESS. Two horses. One horse could not begin to do it. Now, in my district, in my own county, I asked for a statement of what the change would work in regard to the number of per-

sons that would be served under the new method. I was told that there would be several persons greatly inconvenienced. Then a Democratic Senator from my State received the information that he made public, and made the statement that in my particular county there would be 31 families served that are not being served at the present time.

If nobody was deprived and, on the other hand, more were given service, I would be one of the men who would indorse the change; but I was not sure about that. Accordingly I sent for information, and here I have it definitely and specifically. Route A, out of Xenia, Ohio, will leave off 23 families that are now served. The numbers are given on each road and each way that the carrier travels. Route B will drop, under the new plan, 9 families. Route C will drop 12 families. Route D will drop 24 families. Route E will drop 6 families. Route F will drop 10 families. Route G will drop 11 families, and Route H will drop 23 families. A recapitulation of these several routes shows that 118 families will be dropped from the 10 routes that are now served.

I asked in explanation of this whether these persons were entirely deprived of the mail service. The answer came, "Not entirely deprived, but a change is made where some of them would have to go a distance of a mile and a half to get their mail."

Mr. MOON. Mr. Chairman, will the gentleman allow me to interrupt him?

The CHAIRMAN. Does the gentleman yield?

Mr. FESS. Certainly.

Mr. MOON. Does the gentleman know how many additional families were accommodated?

Mr. FESS. Thirty-one, as Senator POMERENE stated the other day.

Mr. MOON. Has the gentleman made an application for a revision of those routes?

Mr. FESS. I have, and I received a promise that an inspector will be sent in.

Mr. MOON. No doubt that will be done. I understand, of course, that that is the purpose of the department. These inconveniences must occur on any revision, but it is the intention, I understand, to continue to revise until everybody is accommodated.

Mr. FESS. I know that the chairman of this great committee, for whom everybody has the very highest regard and esteem, is as absolutely sincere and earnest in having this trouble corrected as I am or any other Member of Congress and perhaps more so. The only thing that embarrasses me is that when we attack a change that ought not to be made we see in it what our Democratic colleagues says is not in it, and that is I think there is some political advantage that is being inaugurated here. I hesitate to say that, but there are some things in the change that look very much in that direction.

For example, here are two routes combined into one. They call that a "vacancy," and the vacancy is not to be filled by transfer. The rules of transfer will not permit, they say, to use one of the old carriers in the new route. Therefore you have produced out of two but one; you have dropped two and made a vacancy for somebody who is hardly eligible, a vacancy that can not be filled by one of the old route carriers. Past service seems to be a disqualification under this plan.

Mr. COX. Mr. Chairman, the gentleman is always fair, and I want to be fair with the gentleman. Can he state what is the politics of the rural-route carriers who carried the mail heretofore on the routes?

Mr. FESS. Two out of Xenia are Democrats. I do not know what is the politics of the others. At least one of the three out of my own town is a Democrat.

Mr. COX. If those two are Democrats, the gentleman can not see any politics in the reorganization of the two routes.

Mr. FESS. There might be. They might be put in again. But what is to become of the other eight? In this matter I had not even inquired into the politics of the men.

Mr. COX. The gentleman is living in dread of what might happen in the future. Let us live in the present.

Mr. FESS. I think there is no one on the floor here who is more frank than the gentleman from Indiana, and I think he concedes my contention here, that probably that is one of the purposes in this rerouting.

Mr. COX. No; I never could concede that, for this reason: That it is bound to hit Democrats as well as Republicans if there are any Democrats carrying the mail now.

Mr. FESS. Mr. Foulke, of the gentleman's State, a former member of the Civil Service Commission, has made a statement that I have in my possession, to the effect that there are 43,716 rural carriers, and that this plan will really produce vacancies which will eliminate all of those people. This plan opens up to the spoils system an army of Government servants on an average salary of $1,089—over $43,000,000. Against this serious tendency the Civil Service Commission has protested. Such regulation as would discriminate against these old carriers can have but one explanation. Now, I think there is not any doubt, I will say to my friend from Indiana, that that very fear is in the mind, not only of myself, but of himself, only it is not a fear in his mind as it is in my mind. The gentleman rather accepts it.

Mr. COX. Has the gentleman any evidence to that effect, or is it to him solely a fear that something is going to take place?

Mr. FESS. I heard the gentleman say some years ago on the floor of this House that something like 85 per cent of the carriers belong to one party, and that the civil-service law had not been observed as it ought to be in spirit; and I take it from what he said that there is going to be a change, to right what he claimed was a wrong, under this phase of the reorganization. I am putting it as I remember his statement.

Mr. COX. The gentleman understood me correctly, except that it was 95 per cent, as far as the State of Indiana was concerned. I am a little bit leery and worried for fear that my fear has been delayed too long by the department.

Mr. FESS. I think that is a very frank statement. There has come into my mind the thought that the department, instead of working for efficiency and economy, as so loudly proclaimed, is working for a policy of motorizing not the routes but the carriers. This is what I have charged. If it is true, it can not be justified on the mere assertion of Members of the House.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MOON. I will yield the gentleman three minutes.

Mr. GRIEST. I yield the gentleman one minute more.

The CHAIRMAN. The gentleman from Ohio is recognized for four minutes.

Mr. FESS. I thank the gentlemen. I wanted the extra time simply to finish a statement that I started to make a moment ago. If it is efficiency, and we can prove it, I have no further contention. But I am sure it can not be that. One hundred and twenty families inconvenienced is wrong. Any change should be for the better—not for the worse. Think of compelling a man who wishes to send a parcel or a registered letter or a money order to go a mile and a half to do it. This is not to be tolerated, if it can be avoided. Then, on the other hand, if it is economy, I have some contention on that score, for I do not believe that this body ought to begin to economize or retrench in the Rural Mail Service. It is the service that has the direct relationship of the town, the country, and the farmer to the Government, and it is the only kind of Government service that the people are paying for directly. It is probably the only kind where, as I am served, I pay for it—not in the full sense, it is true, because it has not been altogether self-supporting. I believe that this House—every Member of it, without regard to party—would say that we should not economize to the point of making inefficient the services of the mail matter. [Applause.] If economy is needed, let us begin it in some other line; but let us not in the interest of economy go to the extent of depriving the people, the rural community, of efficient mail service in a time when they need it most.

Mr. MOON. Will the gentleman yield?

Mr. FESS. Certainly.

Mr. MOON. If the department, by doubling the length of the route, having one carrier instead of two, can give as good and efficient service to the public as they did when they had two, would it not be good policy to do it?

Mr. FESS. I am rather inclined to say, if the gentleman's premises are correct, that I would agree with him.

Mr. MOON. That can be done where the roads are good and can not be done where the roads are bad.

Mr. FESS. I think that can be done where the roads are good.

Mr. MOON. And in order to do this they must experiment to some extent, and I suppose in some cases the experiment does not work out well.

Mr. FESS. It has not worked out well in our section.

Mr MOON. After having experimented in the economy and not accomplished the result, the experiment must go further, in order to readjust the routes, on the old basis or some other basis, so as to give the people good service. Is not that correct?

Mr. FESS. I suppose so.

Mr. MOON. That is all the department is doing.

Mr. FESS. I think we have gone far enough already to prove that it is absolutely impossible to make an efficient service with the motors; and therefore, as far as I am concerned, I

want to protest against going further than what has already been done. Some of our people have already attempted the motors before the law would require it, and they simply could not do it even on the short route. It has been tried in my district, and my county has good roads.

Mr. MOON. It may not have worked well in the gentleman's case, but in many cases it has.

Mr. GOOD. Will the gentleman yield?

Mr. FESS. Yes.

Mr. GOOD. I want to say that in my district an old soldier had been a rural mail carrier for 11 years. He carried the mail every day; never missed a day on account of sickness. He had the best record of any carrier in that town. The routes were readjusted, and, although, his route was not changed at all, another carrier from another route was put on, a young man designated to take the place, and the old gentleman was dropped entirely from the service. After about two months of experiment it was discovered that the experiment was a failure, and now the old soldier asks to be reinstated. He is told that he can not be reinstated, but a young man who is a Democrat has been appointed to succeed him. Does the gentleman think that that is in the interest of efficient service?

Mr. FESS. No; I do not.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

[Mr. FESS had leave to extend his remarks in the RECORD.]

Mr. FESS. I herein submit the following resolutions from my district:

Whereas it has come to our notice through the press and through the official notices from the Post Office Department that on March 31, 1916, the present rural routes out of Cedarville, Ohio, will be discontinued; that such change will make it impossible for some of our patrons to receive their city and county daily and weekly papers until nearly 24 hours after publication, much against the wishes and desires of the patrons: Therefore be it

*Resolved*, That we, the rural free delivery patrons of the Cedarville, Ohio post office now assembled at the annual farmers' institute, do hereby go on record in opposition to the proposed plan, in that we desire to receive our mail through our local post office in Cedarville, the center of our commercial, social, religious, and educational activities; and be it further

*Resolved*, That said routes as now planned will not give us the service we had in the past, as many of our patrons will not be able to get the mail on their own premises, and that the great majority of the patrons will not receive their mail until late in the day; and be it further

*Resolved*, That the routes as now planned will not permit the use of automobiles over much of the road during the winter season, as experienced by the present drivers, who have not been able to cover their routes of 25 miles a day by automobiles owing to these conditions. Thus through the present plan of additional 25 miles or more it makes the proposed routes impracticable in this community; and be it further

*Resolved*, That this institute heartily favors and indorses any plan that will be the means of having our mail distributed through our local post office which will insure the same satisfactory service we have enjoyed in the past; and be it further

*Resolved*, That the Post Office Department send an inspector into this section before the 1st of April that conditions may be investigated as to the feasibility of the proposed routes; and be it further

*Resolved*, That copies of these resolutions be forwarded to our Senators, Hon. ATLEE POMERENE and Hon. WARREN G. HARDING, and Congressman S. D. FESS, respectively, to be filed with the Post Office Department, and ask that they use their best efforts in behalf of the rural free delivery patrons of the Cedarville post office toward the relief prayed for in these resolutions.

HUGH TURNBULL,
*President Farmers' Institute.*
J. OLIVER JOBE,
*Secretary Farmers' Institute.*
G. E. JOBE,
O. E. BRADFUTE,
*Committee.*

—

BELLE CENTER, OHIO, *February 5, 1916.*

Hon. S. D. FESS,
*Washington, D. C.*

DEAR SIR: The annual session of the farmers' institute just held in our town unanimously adopted the following resolution:

"Realizing that efficient rural mail-delivery service as now in force is without doubt of more value to the farmer than any other department of Government work, we therefore oppose all legislation tending to change the service from its present efficiency by motorization, as proposed by the department."

Hoping you will use your influence in opposing the present plan to motorize all routes, and thanking you in advance for the same, I remain,

Yours, truly,

J. M. LIGGITT.

—

URBANA, OHIO, *January 29, 1916.*

Hon. S. D. FESS.

DEAR SIR: Our grange went on record as being opposed to the bill consolidating the rural mail routes and using motor vehicles instead of horse and wagon.

Our country roads are impassable for automobiles at this time of year, and they would not be practical for mail routes.

I have been authorized to ask you to use your influence against the bill.

The horse and wagon are giving good satisfaction.

Yours, truly,

[SEAL.] L. H. BARGER, *Secretary.*

I also submit the following petition, signed by 94 bona fide voters in Greene County:

Hon. S. D. FESS,
*Washington, D. C.*

DEAR SIR: The undersigned residents of Spring Valley and vicinity, desiring to emphatically express our disapproval of the contemplated changes in the rural routes of Greene County, do hereby petition you to use your influence in every possible way to prevent the post-office authorities from making such changes.

We wish to remind you that such changes would result in the most unjust and unfair discrimination in favor of the larger towns and cities against the smaller towns and rural communities. These smaller towns and rural districts form the backbone of our great country, whose people boast of a government of the people, for the people, and by the people, while we are drifting toward a government of the cities, for the cities, and by the cities.

We wish to protest against any policy or legislation that favors the cities against the rural districts, and we trust and expect you as a representative of our interests to give our request your earnest and active support.

—

XENIA, OHIO, *February 3, 1916.*

Hon. S. D. FESS.

DEAR SIR: We, the members of Greene County Pomona Grange, urge you to do all in your power to retain the present rural mail routes as they are, and by unanimous vote beg to offer the following resolution:

"*Resolved*, That the present system of rural mail delivery is very efficient and satisfactory, and we emphatically denounce the proposed lengthening of the Greene County rural routes."

C. C. GRAFF,
ALBERT BURRELL,
JOS. T. HUTCHISON,
*Committee,*
Per JOS. T. HUTCHISON,
*Secretary of Greene County Pomona Grange.*

—

THE EXCHANGE BANK,
*Cedarville, Ohio, February 5, 1916.*

S. D. FESS, Esq.,
*Representative from Ohio, Washington, D. C.*

DEAR SIR: We hereby certify that the inclosed petition is an exact copy of the original petition that we have placed on file in the office of S. A. Burleson, Postmaster General, Post Office Department, Washington, D. C.

We request your support in this matter, and thanking you for the favor.

Yours, very truly, O. L. SMITH, *Cashier.*

—

CEDARVILLE, OHIO, *February 5, 1916.*

S. D. FESS, Esq.
*Representative from Ohio, Washington, D. C.*

DEAR SIR: We, the undersigned citizens and business men of Cedarville, Ohio, respectfully enter our earnest protest against the proposed change in the Rural Delivery Service as it affects Cedarville for the following reasons:

First. It will be detrimental to our town as a trade center. In this respect it will affect every business interest as well as our social and intellectual interests.

Second. It will greatly inconvenience our citizens and business men in communicating with friends and patrons. At present we can reach them in an hour or so; under the new system it will take at least 24 hours or more for mail to reach friends within one-half mile of town.

Third. The proposed change will be detrimental to community interest in every way, and, so far as we can see, will add nothing in the way of economy or efficiency to the service.

Therefore we respectfully ask that the order changing the rural delivery system at Cedarville, effective April 1, be rescinded.

O. L. Smith, cashier, the Exchange Bank; L. H. Sullenberger, miller; G. H. Hartman, clothier; T. V. Iliff, mason; W. C. Iliff, contractor; S. C. Wright, teacher; C. C. Morton, teacher; Geo. A. Shroades, hardware; G. Y. Winter, clerk; L. D. Parker, teacher; A. G. Eveleth, tinner; W. A. Turnbull, merchant; Leo Anderson, veterinary; Jacob Siegler, baker; Leroy Allen, teacher; C. H. Stormont, farmer; C. E. Hannabery, auto dealer; Leroy Henderson, farmer; J. M. Willoughby, merchant; Fred Clemans, farmer; S. Frank Creswell, farmer; Geo. H. Creswell, farmer; Frank S. Bird, dry goods; W. B. Stevenson, farmer; R. P. McLean, mayor; J. W. Dixon, dentist; M. W. Collins, real estate; James S. E. McMichael, pastor, United Presbyterian Church; Miron I. Marsh, physician; J. C. Barber, dry goods; D. M. Dallas, laborer; F. A. Jurkat, teacher; O. E. Bradfute, farmer; Howard Turnbull, farmer; Prestley Townsley, student; Burdsell Creswell, paper hanger; W. C. Williamson, farmer; C. C. Saum, engineer; C. M. Crouse, merchant; J. W. Ross, janitor; J. O. Stewart, physician; E. H. Crow, farmer; T. N. Tarbox, painter; A. E. Richards, druggist; Andrew Winter, farmer; J. E. Hastings, merchant; James L. Chestnut, pastor, Reformed Presbyterian Church; Aaron H. Ellis, retired; J. W. Johnson, jeweler; W. H. Barber, farmer; A. Z. Smith, superintendent, Hagar Paper Co.; Karlh Bull, editor and publisher; F. W. Weimer, farmer; Ralph Wolford, wood worker; C. H. Gordon, straw buyer, Hagar Paper Co.; Hugh Turnbull, farmer; Paul H. Creswell, farmer; J. W. Picking, bricklayer; R. L. Jones, electrician; A. B. Creswell, decorator; J. G. McFarland, hardware; W. A. Collins, farmer; H. A. McLean, marshal; W. H. Owens, blacksmith; D. B. McElwain, farmer; F. P. Hastings, merchant; Jas. H. Andrew, merchant and farmer; A. D. Townsley, contractor; J. E. Mitchell, clerk; W. J. Tarbox, lumberman; Robt. Bird, general merchandise; A. J. Hinton, restaurant; H. A. Townsley, carpenter; J. H. Stormont, farmer; H. Parks Jackson, minister; Andrew Jackson, insurance; Wm. Conley, farmer; W. R. McChesney, president, Cedarville College; J. Harry Nagley, funeral director; C. W. Dean, carpenter; Bert Myers,

clerk; Frank Owens, painter; W. L. Clemans, real estate; Jos. W. Patton, pastor, Methodist Episcopal Church; F. B. Turnbull, farmer; W. D. Sterrett, student; Burton McElwain, farmer; J. Lloyd Confarr, merchant; John W. Collins, student; David C. Bradfute, student; Paul D. Butcher, farmer; Walter Graham, farmer; Chas. Graham, farmer.

*Families who have heretofore had rural service who are to be left out in the motorization of the rural service at Xenia, Ohio.*

ROUTE A.

| | |
|---|---|
| Southwest of McPherson corner | 1 |
| Gage corner | 1 |
| McClellan corner | 1 |
| Soward corner | 3 |
| Belt retrace | 1 |
| Zell corner | 4 |
| North of Sears corner | 5 |
| North of Watkins corner | 2 |
| Spring Valley and Centreville Pike | 5 |
| Total | 23 |

ROUTE B.

| | |
|---|---|
| Between Hess and Allen corners | 3 |
| West of Spratts corner | 3 |
| Taylors corner | 1 |
| Immediately east of Bellbrook | 1 |
| Between Burrell and Conklin corner | 1 |
| Total | 9 |

ROUTE C.

| | |
|---|---|
| Ludlow Schoolhouse | 3 |
| Black Road | 4 |
| Germantown Road | 2 |
| Beaver Creek Road | 2 |
| Yellow Springs and Byron Pike | 1 |
| Total | 12 |

ROUTE D.

| | |
|---|---|
| Washington Road | 6 |
| Wilmington Pike | 1 |
| Copsey retrace | 1 |
| Shane retrace | 2 |
| Jamestown and Waynesville Road | 5 |
| St. John Road | 3 |
| Stone Road | 4 |
| Near Bookwalter Schoolhouse | 1 |
| Hussey Pike | 1 |
| Total | 24 |

ROUTE E.

| | |
|---|---|
| Jamestown and Paintersville Road | 2 |
| Hagler Road | 2 |
| Hoop Road | 2 |
| Total | 6 |

ROUTE F.

| | |
|---|---|
| Cedarville and Jamestown Pike | 3 |
| Jamestown Pike between Arnolds and Darlings | 2 |
| Between Mangans and Shigleys | 3 |
| Dean Road | 2 |
| Total | 10 |

ROUTE G.

| | |
|---|---|
| Bradfute Road | 4 |
| Nash Road | 2 |
| Wilberforce and Clifton Pike | 5 |
| Total | 11 |

ROUTE H.

| | |
|---|---|
| East and West Road south of Yellow Springs | 5 |
| Road from Forbis corner to Clifton | 5 |
| Clifton and Cedarville Pike | 2 |
| Relf Road | 3 |
| Between Stevensons and Corrys corner, Yellow Springs and Cedarville Pike | 3 |
| Northwest of Corrys corner | 3 |
| Total | 23 |

RECAPITULATION.

| | |
|---|---|
| Route A | 23 |
| Route B | 9 |
| Route C | 12 |
| Route D | 24 |
| Route E | 6 |
| Route F | 10 |
| Route G | 11 |
| Route H | 23 |
| Total | 118 |
| Average | 15 |

I submit just a very few of the newspaper editorials from the newspapers of the district:

[From the Xenia Gazette.]

THE RURAL-ROUTE BLUNDER.

This motorization of the Rural Mail Service looks very much the usual style of Democratic blundering in the matter of conducting the business of the Government. Instead of being an improvement, the loud complaints from those interested show that it promises to be a backward step in the matter of rural service of the mails to the farmers.

With executive ability of such Postmaster Generals as John Wannamaker and under the Presidencies of Roosevelt and Taft the Post Office Department had arrived at a degree of efficiency that spelled almost perfection. Now we find a disposition to inaugurate changes that instead of being better are promising to be much worse, and to the great inconvenience of the people. Thus it has ever been under Democratic rule in this country—abolishing competent conditions and introducing experiments, which have always proven inefficiency.

If the Post Office Department wanted to do something for the real improvement of the rural mail routes of Greene County, why did it not leave the routes as they are, and simply inaugurate the service by motors, so as to give more prompt delivery of mail to the farmers, with the provision that in bad weather the present vehicles could be used instead of the motors. With a little additional pay to the carriers for the upkeep of the motors, this would have been satisfactory all around, instead of upsetting the whole system of rural delivery, as has now been done.

In the single matter of requiring a change of the post-office address of, say, persons who from time immemorial have been getting their mail at, say, Jamestown or Cedarville, but now requiring having to be addressed at Xenia, is a condition that is absurd and distasteful and highly displeasing to hundreds of people. And, of course, the same nonsensical and unreasonable and unsatisfactory condition applies all over the country, wherever the Government is thus attempting to disarrange the Rural Mail Service in this way.

Then, again, think of the hundreds of persons who have heretofore been getting their mail right at their front doors, who will now be required to go long distances to reach their mail boxes, often in bad weather, and you can imagine the mutterings of dissatisfaction that will be vented upon the department. Some of these trips have often necessarily to be made by children, whose safety will be feared. It is simply too bad.

As to the saving in expense, as claimed by the department, many think there is nothing in it, on account of the increased pay that is to be allowed to the motor carriers, but even if a few dollars is saved it is at the expense of discommoding a large class of people. Is this wise?

When a great Government undertakes to serve its citizens it is unseemly to attempt to do it in a niggardly manner. That is not the reputation which Uncle Sam has always had. But we have fallen upon Democratic days, and we suppose we must take our medicine until we can make a change.

[From the Piqua Daily Call.]

MIAMI COUNTY FARMERS READY TO FIGHT AGAINST MOTOR RURAL CARRIERS—ASSERT NEW PLAN WILL BE COMPLETE FAILURE BECAUSE OF MUDDY ROADS.

A widespread feeling that only needs a leader to kindle into flame of general protest lurks in the hearts of Miami County farmers, aroused and angered by the proposed change in the Rural Mail Service. Motorization of mail routes may be pleasing news to automobile manufacturers and Democrat Party leaders, who, under the guise of bettering the mail service, plan to snatch the positions of Republicans now in the public service and give them to Democrats, but it is not pleasing news to the rank and file of the country's populace.

The Rural Mail Service has been built up by years of careful study and arduous labors. It has not reached a stage of perfection, but those who are served by it do not think the service will be bettered by removing the number of carriers from service and replacing horse-drawn vehicles by automobiles, which at their best are never reliable.

The consideration of the proposed change is not local to any one spot in the county, but it comes from all sections. From the environs of Bradford, Troy, Covington, and the vicinity of Piqua come complaints.

As a prominent Miami County farmer said last week, "the Democrats are planning to disconnect us from the world for 24 hours; they will make our mail a day later."

"Can you imagine a person traveling 50 or 60 miles over the roads in Miami County as they are to-day and making the trip in one day?" said another farmer. "On almost any road you take you will find abandoned wagons and in several places automobiles that are stuck deep down in the mud," he continued.

It is a significant fact that not one of the present six rural mail carriers out of Piqua took the examination to become motor carriers. They know the plan is not feasible—that it will be a failure. They travel the roads to be traveled every day. One of the carriers recently said, "An automobile could not get over my route in two days, let alone one day."

The Postmaster General has been smart enough not to make the change in the dead of winter, when the roads are the worst. Instead, he plans to make the change late in the spring, when the roads will be passable again. The greatest discomfiture will not be caused until next winter. By that time the Post Office Department hopes that the farmers will have forgotten about horse-drawn vehicles.

Here is what United States Senator WARREN G. HARDING, of Ohio, has to say on the matter:

"Apparently," said he, "a very considerable part of the reorganization of the rural service that is going on is designed for the purpose of ousting Republicans and putting Democrats in their places. It never will be accomplished without a thorough airing of all of the purposes behind the plan."

The 13 Ohio Republican Members of the House are starting the ball rolling in the lower branch of Congress by drafting a resolution, which is now ready for introduction, calling upon the House Committee on Post Offices and Post Roads to investigate the alleged prostitution of the rural service to political purposes. The plan is to spring the resolution in the House and ask unanimous consent for its immediate consideration, and, if that is refused, to force a vote on a motion to take the resolution up, thus placing Members on record. Several other Republican State delegations are reported to be ready to join Ohio in this insurrectionary movement.

The following resolution, backed by the solid Republican membership of Congress from Ohio, has been introduced in the House by Representative ROSCOE MCCULLOCH, of the sixteenth district:

"*Resolved*, That the House instruct the Committee on Expenditures in the Post Office Department to investigate at its earliest convenience the purposes and probable results of the proposed motorization of the Rural Mail Service."

[From the Cedarville Herald.]

WILL OPPOSE ANY CHANGE.

That the people of this community, as well as the other towns in the county who are interested in the proposed rural free delivery changes, will oppose the Post Office Department plan is certain. So dissatisfied are the patrons that no effort will be spared to check the change or know the reason why.

If we were to view the situation from a political standpoint entirely we should say that the Republicans have nothing to lose and the administration in power would be held responsible, and neither the tariff, prohibition, woman's suffrage, preparedness, nor any other political issue will keep the outraged patrons, irrespective of political views, from voting solidly against the return of the present administration.

But there is more than politics in this question, and that is the inconvenience of a service that will affect rural free delivery patrons each day. Men who have been lifelong Democrats openly declare their refusal to again support the party if their postal rights are to be turned over to some other post office than their home town.

The claim of the department is the enforcement of economy, but no account seems to have been taken of the service to the public or whether the plan can be worked out in this community. Anyone familiar with the proposed routes is convinced at once that the plan is not practicable in that the carriers now require about 7 hours for 25 miles over roads where it is impossible to send an automobile.

If the department had centered the three routes in two and started them from this place there might be some chance for decent service, and even then during the winter months this would have been impossible.

The business interests here will feel the change keenly if it is allowed to be put in operation. It will mean the diversion of business belonging here into other channels. No longer can the patrons call their local merchant and have some article sent on the morning mail. It would, under the new plan, have to be sent the day before.

The interests of all our people are at stake, and not particularly Republicans or Democrats. The Democratic administration is responsible for the change; it will be this administration that will pay the price in November, 1916, and Democratic voters on the three routes are going to do their part on that day.

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[From the Piqua Daily Call.]

READJUSTING RURAL MAIL DELIVERY.

The Post Office Department is said to be getting many complaints about readjustment of rural mail routes. The Government is trying to extend the service still further without increasing costs. That means rearranging the routes so as to take in more territory. It will be a problem to meet all the conflicting demands from localities and patrons.

When the service first started carriers got only about $300 a year. Now they have become an important body with political influence, and are usually paid about $1,200 a year. As they have to furnish their own teams or automobiles, this may not be too much. But with the tendency of Government jobs to be soft, the department should see to it that it gets a fair and reasonable day's work in every case.

It must be enormously difficult for men in an office at Washington to sit down at their desks and arrange everything in a practical way. A route may look perfectly good on the map, but it may be composed of roads so rough or hilly as to be impracticable.

No one wants to be at the tail end of a route and unable to get his mail until late in the day. Few people like to receive their mail from a route running out of some distant post office, as they have to give their correspondents an address previously unknown, which causes confusion. This also is often unpopular for reasons of sentiment.

If the carrier starts on his work early, he misses newspapers and mails that he ought to deliver. If he starts late, the patrons grumble at the delay To the man sitting at the desk in Washington this conflict of interests must seem impossible to reconcile.

The patrons should keep in mind the enormous cost of the service and be careful not to ask too much. It is, of course, desirable for business reasons that a farmer should get his mail in season to answer important letters the same day. But in most cases this is not vital. Even if the lonely farm house does not get its newspapers and mail until the evening lamp is lighted, the Government is still rendering it a wonderful and incomparable service.

The Troy (Ohio) Daily News of January 13 prints the following under a Washington date line:

Charging that the extensive reorganization of the rural-route service in Ohio, with substitution of motor routes for horse-drawn vehicle service, is a grand scheme to get Republicans out of their jobs and to appoint Democrats in their places, Representative SIMEON D. FESS will go before the House Committee on the Post Office and Post Roads to-morrow to protest against proposed route changes in his district. The doctor intends to do some plain talking. "Democratic office seekers have at last found a way to pry open the Rural Mail Service," said the doctor, "and having burgled their way into the civil service they are eligible after one year for transfer into the clerk or carrier service of post offices or into the Railway Mail Service. The discovery of the way to do this comes just in time to reward deserving Democrats just prior to the presidential campaign."

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[From the Xenia Daily Gazette.]

WAR DECLARED ON ADMINISTRATION'S POST-OFFICE POLICY.

WASHINGTON, *February 5.*

War has been declared on the administration's conduct of the Post Office Department by nearly a hundred Members of the House. Before the administration gets its supply of money for the conduct of the department for the next fiscal year, there is promised some oratorical and political fireworks in Congress, with set pieces to demonstrate that Postmaster General Burleson and his aids have failed to maintain the Postal Service and have cut down the efficiency of the mails in order to make an economy record.

The men in Congress who represent the real "peepul," the men from the districts where the agricultural population predominates, are the leaders of the movement against the department. They are rampant in their demands for a change in post-office methods, and they particularly denounce the conduct of the Rural Free Delivery Service.

In their search for means of cutting down expenditures, the efficiency experts of the administration in the Post Office Department hit upon the Rural Free Delivery Service as one of the most available places to begin pruning. Reorganization was decided upon. There were not enough post-office inspectors available to go into the field and make a survey of the service, with a view to reorganization, so the maps of the various States were brought forth and clerks were set to work, combining routes, cutting out routes, and generally changing things. It saved money and it gave the rural carriers something to do.

But since Congress has been in Washington the department has heard a different verdict on the reorganization. Members of Congress, bombarded with letters from back home, have besieged the department, demanding to know what has happened to the Rural Service. Farmers are writing to their Congressmen, asserting that they can not get their mail, that they can not use the parcel post, and that deliveries are uncertain or are never made.

A delegation of rural representatives descended on the House Post Office Committee and served notice that the Post Office appropriation bill will be bitterly fought unless something is done. The committee almost immediately agreed to increase the appropriation for rural-carrier pay submitted by the department, by some $5,000,000. A dozen bills prescribing what shall be a maximum rural route have been introduced, and there is a good chance that one of them will find its way to the statute books.

The Democratic administration undertakes to defend itself on the steps to motorize the rural carriers, and has chosen Senator POMERENE as its mouthpiece in Ohio. I here submit an editorial from the Xenia Gazette on this defense:

A BRAVE MAN.

Senator ATLEE POMERENE is a bold, brave man to come to the relief of the Post Office Department in its troubles anent the motorization of the rural routes. It is to be feared that the Senator is more brave than discreet. for the subject is loaded.

The Senator says there will be 31 Greene County families served by the new method who were not previously served. Granting, in the absence of knowledge, that this is correct, it easily would be possible to point out three times that number who have been receiving mail at their own doors who now must go from a furlong to a mile after it, to say nothing of the hundreds of farmers whose address is changed and whose mail will for years be subject to the delays incident to that fact.

There was a plain and obvious method of motorizing the mail service which would not have cost a cent to install, which would not have discommoded a single patron, which could have provided for the 31 additional families, and which would have effected the same saving of expense which is the department's ostensible motive for motorization. It would have been merely to take the service as it stands and provide for the serving by autovehicles of two of the present routes by one carrier. This could have been done either by throwing the routes together and letting the carrier lay out the method of service or by providing that he should take one route in the morning and the other in the afternoon. Experience shows that the mail on a single 25-mile route can be routed and delivered by means of a machine in less than four hours. By making one route in the morning and the other in the afternoon, the two routes could be handled easily by one carrier; and in case of extreme weather, when not able to serve by means of autovehicle, one of the routes could be assigned to a substitute carrier, and the work could go on as at present by means of horse and wagon. In the case of the afternoon route, while the delivery of the morning mails would be somewhat delayed, yet not more so than is proposed for half of the patrons by the present motorization schemes; but there would be the advantage that by the carrier returning to the office he could carry out the later morning mails, thus giving the afternoon patrons quite as good service after all as those of the morning route.

And it need not have been necessary to dismiss all of the present carriers. Half of them could and should have been retained. However, that is to all appearances the real meat of the Post Office Department's plan. The motorization of the rural routes is simply a pretext for the dismissal of the old carriers and the appointment of Democrats in their places. There is no better excuse for it.

I here submit a list of persons who will be affected by this change in service.

LONDON, OHIO, *November 24, 1915.*

Hon. S. D. FESS, M. C.

DEAR SIR: We, the rural carriers of ——— County, met and passed a resolution that I should write to you and ask you to consider a question of great importance to all the rural population and of vital importance to us.

About two weeks ago we received word in this county that an examination would be held to qualify carriers for routes of 50 or more miles from the post offices of this county. We understand that all of our routes will be revised and motor service established.

We do not think it is possible to give service with a machine all of the year over 50-mile routes on our roads, or even over 25 or 30 miles, as we now have. Some of the carriers are using machines, but lay them aside for a part of the winter months. What could they do over 50 or more miles? I am one of the motor-cycle boys that will have to give up the motor cycle the first of the year.

In our talks with the patrons along the routes we find that they are not in favor of the 50-mile service, for they know the condition of the roads. They do not want any changes that will deprive or curtail their mail service in the least, even on this economy plan of the Postmaster General. A number of them have offered to circulate petitions not to have the service changed, knowing that the carrier has enough to do now to be efficient.

Efficiency they want, rather than economy that will delay their mail or cause them to go to a crossroad after it.

We therefore ask you to consider this question (as we know you have) and when Congress convenes this next month do whatever you can to relieve the situation. We see that the rural-mail problem is one of the questions to be brought up early in the game.

We feel that you are with us on this question and that it will be unnecessary to get these petitions out, but, however, if you would like to have them, we will see to it that the patrons go ahead and send them in to you.

Thanking you in advance for any interest that you may take in this matter, we are your supporters and servants of the people on our routes.

Yours, and obliged,

THE ——— COUNTY RURAL LETTER CARRIERS' ASSOCIATION.

JANUARY 25, 1916.

Hon. S. D. FESS,
*Washington, D. C.*

DEAR SIR: I was very much pleased to know that you are interested in the welfare of the rural-route carriers and their patrons. Our county is to be motorized April 1. As a carrier of 10 years' experience, I am satisfied that the thing will not work. I am using an auto right now, and I find that my route of 22 miles with the many stops one has to make is nervous strain enough without any more mileage. I am in hopes that Congress will take some action in the matter, and if I read the action of the Committee on the Post Office and Post Roads correctly, they are inclined to help us.

If not too much trouble, wish you would give me some insight to what may be the action of the committee and Congress relative to motor routes.

My wife was a student at Ada when you were there, and for that reason I am taking the liberty to write you.

Respectfully,

———.

JANUARY 28, 1916.

MY DEAR FRIEND: I am glad to have your approval of our opposition to the proposed rural change. The activity started against this project has not only comprehended Ohio but it has reached the other States, whose representatives are daily complimenting me for what we are doing. I can not at this time be sure of results, but one of the Ohio delegation will present a resolution which I prepared and will make a strong presentation. We are not going to allow this thing to be done quietly.

Thanking you for writing me and asking to be remembered to my friends, including your wife, I am,

Yours, very truly,

———.

Letter from a carrier in the seventh district:

Hon. S. D. FESS,
*Washington, D. C.*

DEAR SIR: Having seen in different papers your articles in regard to the Rural Mail Service, I take the pleasure to write you to thank you and hope something may be done to stem this tide of false economy in the department's plans in regard to the rural free delivery. I know enough in regard to the work (having served nine years)—that there is only a good living as it is, and time a man would have to buy a machine and the upkeep on a 50-mile route he would not make as good a living out of it as he does now.

No examination has been ordered for here, but as it is all around us we are living in dread fear that ours will be next. Only living with work a week or so ahead makes it mighty hard with a man who has a family to keep and a home only partially paid for. Must lose home if I lose my work. Sad prospect.

The carriers are opposed to it at this place, and my patrons say they do not want a change. Are satisfied, as they believe the rural free delivery is the only return they can see coming back to them. In this session of Congress, when the bills that have been introduced come up in favor of the old carriers who are giving their best to the service, we want you to know we are giving you our support, and all we ask you to do is to fight for us by using your influence and vote.

Yours, truly,

———.

The following are letters from patrons of the routes, business men and farmers:

CEDARVILLE, OHIO, *January 17, 1916.*

Hon. S. D. FESS.

DEAR CONGRESSMAN: I am inclosing resolutions that were passed January 14 and 15 at the recent session of the farmers' institute. I do not recall anything so recently that has disturbed the farmers of our vicinity so much as the order that came to our postmaster last week that the present Rural Free Delivery Service will cease to be the same on the close of March 31. These resolutions have my hearty support, not because I happen to be one of the committee but because I am a patron of the rural free delivery at the present time and under the present arrangement. I am 5½ miles from our post office at the present. I will be 22 miles from the post office, as the route G, the new route, will come to me. I can call at the office any time I happen to be in Cedarville and get my mail, a thing I often do on account of convenience, and I do not think I would care to go to Xenia to get some expected mail that I wanted and had not come to the office after the postman had gone. The present route is 27 miles; the new one is to be 34. Our carrier uses a machine to carry his mail when the roads are in condition. For three weeks he has not had his machine out on the route. I have seen the time it was almost impossible to go over the route with his horse and wagon, and it often happens that he can not get through with it under any circumstances. How will the motorized routes be able to double the territory that our present postman can not do now.

I think it will be a detriment to our business. After being established so long at a given place and now changing your residence, will it not be a detriment? I do not see how it will improve the Post Office Department at Washington; we are having a good and efficient system and why trade it off for an untried and overburdened one. If a change is to be made, why not combine the three present Cedarville routes into two routes, and then we can all get home service. One other thing that is hinted at in the resolutions; some of the patrons will not get service at their homes as now. I will mention Mr. O. E. Bradfute; he will have to go a mile to get his mail. He also told me there would be a number of his neighbors would have to do the same thing. I hope you can in some way intercede to have the order revoked. I fully know that ordinarily the road for you to act upon is on the other fellow's territory, politically speaking; but the people are the Government and I am sure somebody in Washington will hear from this section of the country, and anything you can do will be appreciated by your friends. This copy of the resolutions I am sending you are copied from the original, and I have written them off and also taken the responsibility to also copy the signatures of the different persons.

I am, yours, truly,

G. E. JOBE.

LONDON, OHIO, *January 22, 1916.*

Hon. S. D. FESS,
*Washington, D. C.*

DEAR SIR: Owing to the condition of our roads about three months in the year, and being engaged in the automobile business, I feel that I am qualified to express an opinion on the subject of the rural mail carrier's job.

It is simply impossible for any car or any man to carry the mail by automobile 12 months in the year over our roads, and the fact that the trips are to be doubled makes it so much the more impossible. I had cars out yesterday and the drivers had to run on second speed nearly all the time, and first speed part of the time.

Hoping you will continue to fight against the proposition, I beg to remain,

Yours, truly,

M. L. BURNHAM, *Mayor.*

QUINCY, OHIO, *January 24, 1916.*

Hon. S. D. FESS, M. C.,
*Washington, D. C.*

DEAR SIR: We have been reading in the papers the stand you have taken in regard to motorizing mail routes and we wish to commend you for the stand you have taken. Our business is to deal with the farmers from the rural districts, and nearly every man thinks you have taken the right stand; they figure with the bad roads we have in some places they would not get their mail more than three days in the week, and they are well satisfied the way the rural routes are at present. Again we commend you for the stand you have taken, and we would also urge you to vote to submit prohibition to the States.

Yours, very truly,

THE QUINCY GRAIN CO.,
Per W. A. NISONGER.

CEDARVILLE, OHIO, *January 17, 1916.*

Hon. S. D. FESS,
*Representative of Seventh District.*

DEAR MR. FESS: I would respectfully ask you to use your influence to oppose the rural free-delivery changes in this county as proposed by the Post Office Department. We pay taxes on 235 acres of land, and the proposed change will not give us any benefit of the Rural Free Delivery Service. We will be compelled to go over 1 mile for our mail. I am a breeder of pure-bred stock, also president of the Green County Agricultural Board. The changing of my address and delay of mail would be a great business inconvenience.

Very respectfully, yours,

S. T. BAKER.

A stanch Republican, who has always supported you.

CEDARVILLE, OHIO, *February 5, 1916.*

Representative FESS,
*Washington, D. C.*

DEAR SIR: In regard to the proposed plan of motorizing the mail routes of our county I wish to be numbered among those who are opposed to such a plan.

Respectfully, yours,

HOWARD HARRISON.

CEDARVILLE, OHIO, *February 5, 1916.*

Hon. S. D. FESS,
*Washington, D. C.*

DEAR FRIEND DR. FESS: As a town and community we are very earnestly concerned about the new postal regulations for rural free delivery. We feel that Cedarville is not being given a fair deal, and I personally thank you for registering a protest. If we must have motorization, at least let one if not more routes go out of Cedarville, so we may be found on the map and our individuality as a community not wholly wiped out. I shall not presume to suggest remedies, for you know them by heart. I do assure you, however, that this letter voices the sentiment of every citizen of Cedarville and all rural free delivery routes connected therewith, and if this order of the Postmaster General is carried out our people will to do something to try to correct it. I simply write to let you know we approve of your course.

Very truly, yours,

MIRON I. MARSH.

PLAIN CITY, OHIO, *December 3, 1915.*

Hon. S. D. FESS,
*Washington, D. C.*

DEAR SIR: On December 11 our county (Madison) will hold an examination for the establishment of motor routes, and no doubt you have had protests and petitions from many.

I was postmaster at this place for four years just past, and I think I am in position to judge the condition and outcome of such a change. It is my honest opinion and belief that a change from the present system of the Rural Delivery Service would greatly impair the efficiency of a well-organized system in a great many ways. It would change the carriers' schedule in the morning from one to two hours later, and that would delay the farmers' outgoing mail several hours. It now leaves at 1.40 p. m. The length of route (50 miles) on the roads such as we have in Madison and Union Counties means irregular mail service for the farmer, and I do not think the carrier can make the extra mileage for the extra compensation allowed. To me that will mean new carriers every so often, besides many other things which will come up. It looks to me like a very unwise move on the part of our department officials to economize by beginning on the farmer, when they should be the last ones on whom to economize. The Rural Delivery Service has been one of the greatest conveniences ever established for the American farmer by our Government, and he should be encouraged instead of discouraged. The Rural Delivery Service has been the means of revolutionizing the farm life and has made things worth while. Now, to have it disarranged for the saving of a few dollars certainly is not the object of our great Government. I hope you will feel as I do in this matter and at once help to put a stop to our Postmaster General's economy idea for the benefit of our farmers and the well-regulated routes from the towns in Madison County.

Very truly, yours,

CHAS. WILSON.

COOK, OHIO, *November 30, 1915.*

Hon. S. D. FESS,
*Washington, D. C.*

DEAR SIR: We who are patrons of the rural free delivery are dissatisfied with the changes being made or about to be made in the Rural Free Delivery Service.

Routes are to be lengthened, portions of routes abandoned, which we are satisfied will result in an uncertain and limited service. When so much is being said and written about keeping people on the farm, when we are needing more producers and less consumers, when each year sees an increasing number leaving the farm for the town and city because of the loneliness of country life, it would seem a poor policy to tamper with the Rural Free Delivery Service, which has done so much to improve conditions on the farms.

We are aware it—the rural free delivery—does not pay its way; many valuable institutions do not pay in dollars and cents; yet it means much to many who are far removed from the centers of population.

If you will use your influence toward preserving the Rural Free Delivery Service in its present very satisfactory form I am sure it will be appreciated by many in your district.

Yours, respectfully, HOWARD CHENOWETH.

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JEFFERSONVILLE, OHIO, *January 6, 1916.*

Hon. S. D. FESS, M. C.,
*Washington.*

DEAR MR. FESS: Permit a little intrusion on your valued time to protest to you as a mail patron and ex-postmaster against this so-called economy as is now being ordered in the rural delivery division of the mail service, which is the "goat" of all the so-called would-be saving in the postal department.

Whenever the proposition of money saving or retrenchment comes up it seems to be the idea that it all should begin and end in the rural delivery division, which vitally affects the farmers everywhere.

Speaking locally of the service here, we have the two heaviest routes in this section, and it would tear the service all to pieces to try to combine them into one route, which move would be rank folly with the service here.

In view of the fact that surrounding counties are to have this so-called motor service which we have here now, as each carrier having a machine and getting his mail before noon, when the roads are in a fit condition, but in the past 10 days the roads have been so they had all they could do to make it.

Locally the farmers are getting all stirred up over this business, and we hear radical expressions from them where the service has already been ordered in the vicinity of Jamestown. It looks to us here like the automobile and the rural routes are to be the "goats" of the money-making and the money saving of the present administration.

If it is not out of the way, the writer and many others of your friends would like to read of our Congressman making a speech against this movement, which so vitally affects the farmers' welfare, who are entitled to the best of mail service.

It looks very much like only a cheap way of getting rid of an efficient force of rural carriers all over the country before the coming election, and have been informed that hardly any of the present carriers will take the new examination on account of the absurdity of the proposition.

Yours respectfully. W. W. WILLIAMS.

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JEFFERSONVILLE, OHIO, *January 11, 1916.*

DEAR MR. FESS: Yours of the 8th at hand, and pleased to hear that you are active against the changes as proposed by the department in the rural service.

This proposed "economy" is only a grandstand play to eliminate a lot of good rural carriers, many of whom happen to be Republicans.

If they must replace them, have them do it with the routes as they now are, and not double them, to cripple the whole service, as it now is; and now the roads are so bad here that the carriers had to give up their machines and go in wagons, temporarily at least.

I am satisfied that the farmers, regardless of politics, will approve of your fight against this change.

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SPRING VALLEY, OHIO, *December 23, 1915.*

Dr. S. D. FESS, M. C.,
*Washington, D. C.*

DEAR SIR: According to reports, the post office at Spring Valley is to be abolished.

Such an action is a disgrace to the country and will work many hardships and inconveniences. The rural mail routes are to start from Xenia and be doubled, from 25 miles to 50 miles, which is so long that no carrier can do the work. I trust that you will present a protest against such a measure and exercise every effort possible to prevent the action. Wishing you a Merry Christmas and a successful future, I am,

Very respectfully, FREMONT MIARS.

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SABINA, OHIO, *January 1½, 1916.*

Hon. S. D. FESS,
*Washington, D. C.*

DEAR SIR AND FRIEND: What I wish to write about is the changing of our rural-mail routes—by merging two or three in one and the use of auto delivery in the place of "old Dobbin."

We farmers have many routes over which it is impossible to go with an auto about one-fourth of the year, whereas an old-fashioned mail wagon can and is being drawn by horse power.

It is in bad weather that the "old farmer" or "hayseed" wants his daily mail, because he has time to read it, and it helps to break the monotony of rural life.

Our mail man taught me my first term of school, and he says that the carriers do not dare to enter protest, so I shall. This man gets $1,200 per year, and if the route was sold to the lowest responsible bidder it would not sell for over $800. That sum ($1,200) is equal to the gross income from 100 acres of land in our Buckeye State. If this man did not have some such job, he would be dependent on his children or would have the poorhouse staring him in the face. One great advantage of the shorter horse route versus the longer auto route is that it gives employment to many an old man that is unfit for hard manual labor. Then it helps to wear out some of our 1,000-pound horses that have become very low in price.

The proper thing to do is to keep the salary down to from $800 to $1,000 for these rural routes and extend them over routes that have some dirt roads in them, because there are miles and miles of dirt roads in the State of Ohio that never can be graveled.

Advocates of our "new-school code" say, "Gravel the roads." It takes "money to make the mare go," and we have high taxes in Jefferson Township, Greene County, now, where I reside. Our new school building, which will cost us $5,500 before it is completed, adds to our taxes, as will the additional cost of running it, as it will cost nearly as much to haul the pupils to the building as to hire "girl" teachers for the rural or subdistricts.

I am one of the board members, and we expect lots of dissatisfaction when we go to hauling next fall. We have roads over which we must haul that are very bad, and it will be a great problem to gravel them the way they do nowadays with our road tax. We used to build a little strip every year, where the farmer put in one day with the team; but now everything goes on the main road to make good autoing.

Yours, truly, J. H. CHITTY.

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YELLOW SPRINGS, OHIO, *January 10, 1916.*

Dr. S. D. FESS, M. C.,
*Washington, D. C.*

DEAR FRIEND: Mr. Hackett received an order this morning discontinuing all rural routes out of Yellow Springs after March 31, 1916. The new routes indicate that such of our rural-route patrons that will be served at all will be served from Xenia, even coming right up to the corporation limits, in other places leaving out numbers of patrons on good roads that will have no service. The most impractical thing about this change is that a greater part of the routes are on some of the poorest roads and will be impassable a part of the winter months. If this radical change can even be modified somewhat, can the residents of Miami and Cedarville Townships help by sending petitions? Any information from you concerning this matter will be gladly received.

Yours, truly, GEO. H. DRAKE.

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XENIA, OHIO, *January 2½, 1916.*

Hon. S. D. FESS:

I want to voice my protest against the motorization of the rural route in Greene County. The present system is very efficient and the other will not be in our case, as our road will be left out entirely.

Please do all you can against the new system.

Respectfully, EDGAR T. BALLARD.

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JANUARY 3, 1916.

Mr. FESS.

DEAR SIR: We are entirely satisfied with the present service on rural route and also with the carrier, who is efficient and gives the work the best of attention and care, and it would greatly inconvenience us to have our mail sent out from Xenia as the station, for the new route would be long and it would necessarily be many hours, with the roads in good condition, for the mail to reach us after it was received there.

MARTHA BELL.

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JANUARY 3, 1916.

Mr. FESS.

DEAR SIR: In regard to the proposed change in rural route service, we do seriously object to having our mail detoured by way of Xenia as a distributing station, making us receive our mail most any time in the day, according to the route taken by the carrier.

Our present system is perfectly satisfactory and carrier absolutely dependable and suits in all respects, as well as anyone could. He is prompt and efficient, making very few mistakes even in similar names. While we are only a mile out of town, it would greatly inconvenience us to have a change.

C. W. ALLEN AND FAMILY.

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SPRING VALLEY, OHIO, *December 23, 1915.*

To S. D. FESS,
*Yellow Springs, Ohio.*

DEAR SIR: We understand there is going to be a change made in our mail service, increasing the route of the carrier to 50 miles. Our service is now good. If it is increased there will be a good many days when he can't cover the new route with a motor, which he can at present do with a horse. We think if we have our post office changed it will not prove satisfactory. The old routes will be restored and this will result in our mail addresses becoming mixed. If you can aid us to keep our mail as it is we will surely appreciate it.

Yours, JOHN TURNER, Jr.

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SPRING VALLEY, OHIO, *January 6, 1916.*

S. D. FESS,
*Yellow Springs, Ohio.*

DEAR SIR: I saw in the paper where you were fighting the change in rural free delivery. Keep up the good work, for we as farmers are all with you, as a change can make it no better. A happy and prosperous year to you.

H. M. THOMAS.

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SPRING VALLEY, *December 25, 1915.*

S. D. FESS,
*Yellow Springs, Ohio.*

DEAR SIR: We have heard that the rural mail service is to be changed, the routes to be 50 miles long and motorized. This will be impractical, because much of the time, on account of bad roads, a motor can not be used, and a horse can not travel 50 miles in one day.

Furthermore, we will receive mail much later in the day, a decided disadvantage; and the office being moved to Xenia is unfair to the smaller town.

If you can use your influence to preserve the route as it is, we will certainly appreciate it.

HENRY B. WELLER.

SPRING VALLEY, OHIO, *December 24, 1915.*

Dr. S. D. FESS,
*Washington, D. C.*

DEAR SIR: I have a matter I would like you to give your influence to in regard to the proposed change in rural carrier business. They are expecting to take our mail from Spring Valley and putting it from Xenia, making a 50-mile route, you know. I do not think the Government will find that practical the year through, and we as subscribers having to change our addresses cause some unnecessary delay until matters get adjusted. You know that. Then, about the time they get adjusted the next administration will change it again, probably, and another time. Then, some one is probably left out that now is being served. I understand probably 3 or 4 families would be cut out in our neighborhood.

I wish, as one of your constituents, you would consider this matter in our behalf, and if you see it to our advantage take measures to help us, if you will.

Trusting this will meet with your approval, I remain,

Very truly,

J. F. PUTERBAUGH.

—

SPRING VALLEY, OHIO, *December 30, 1915.*

Hon. S. D. FESS:

You being our Representative from the sixth district, I thought I would drop you a line imploring you to not let the change being made in our rural free delivery come to pass, as it is very satisfactory to us at present and don't believe it can be improved. It is the greatest thing the Government ever did for the farmer, and hope you will do what you can to have them continued as they are at present. We do not want our delivery changed from Spring Valley.

Yours, and obliged,

S. K. HAINES.

—

DECEMBER 29, 1915.

S. D. FESS, M. C.

DEAR SIR: I am writing you as a patron on mail route, which they are going to cut me out of receiving my mail at my door and many others besides me. I would be very much disappointed to lose the route which has given us such valuable service for the last 14 years. I appeal to you as our honorable Member of Congress from this district to do your utmost to prevent this.

Yours, truly,

J. R. MCBEE.

—

JANUARY 14, 1916.

Mr. S. D. FESS.

SIR: I live on route. We understand that our mail route is to be changed, for which we are bitterly opposed for many reasons. First, when we were put on the rural route, it took a year for to get our mail straightened out. Now, then, to think it must be changed again, we consider it out of place and the way it is to be changed—to give a man 50 miles for a route. Our roads will average as good in our section as any in the State of Ohio. Our carrier has tried by horse and by auto; finds it at times almost impossible to get through, and we have as good a carrier as the country can afford. And now to be changed is out of the question. As to 50 miles for a route; it is out of the question, for no man can make it for a portion of the year. For the amount of mail to be distributed; and the houses will average no more than a third of a mile apart, with two to five members to a family, and generally all to receive mail. For this reason, a man can no more than distribute his mail, let alone handling his machine and watch the road.

We hope you will help us to keep our present route and carrier as it now is. We would like to hear from you at once about this. What you think of the matter.

Yours, truly,

W. N. ROHRBAUGH.

—

XENIA, OHIO, *February 6, 1916.*

Hon. S. D. FESS,
*Washington, D. C.*

MY DEAR DOCTOR FESS: I have just read in the Rural Free Delivery News of February 5 your very able defense before the House Post Office Committee of the present efficient service rendered by rural carriers in our congressional district, and in particular that of Greene County; and take this means to personally thank you for championing a cause so near the hearts of rural patrons and carriers.

We probably have as good average roads as any section in Ohio, but to serve all the people we must traverse all the roads both good and bad, of which the latter we will have in many years to come; and had an inspector gone over any of Greene County routes during the past month, it would be many moons before we would again hear of doubling routes for motor service.

Under present system it requires an average of two hours' office work daily for each carrier. Double the work means double the time in office with a bulk of mail, we believe, beyond the ability of a carrier to handle efficiently, no matter what means used for transportation, as has been proven wherever motor routes of 50 to 60 miles have been installed.

I am, most respectfully, ——— ———

—

CEDARVILLE, OHIO, *February 8, 1916.*

The Hon. S. D. FESS,
*Washington, D. C.*

DEAR MR. FESS: We are writing you in regard to the change in our rural free-delivery routes. We note by the different papers that you are opposed to this change and that you really do not need any urging in regard to using your influence against it being made. However, we thought you might be interested in hearing from some of your constituents in regard to the matter. We are very much opposed to this change, for we feel sure it will prove to be a hindrance rather than a help to the community in general.

We are inclosing a clipping from the Journal-Republican, which we thought you might be able to use to an advantage and which we believe expresses very clearly the existing condition in Greene County.

We congratulate you on the progress you have already made in interfering with the change in these routes.

Assuring you that the patrons of your district appreciate the stand you are taking in this matter and hoping that you will be successful in preventing this change to take place, we are,

Sincerely,

HOME CLOTHING CO.,
Per G. H. HARTMAN.

The clipping referred to in this letter, which follows, shows the results of this change:

MOTOR MAIL ROUTES—GIVEN POKE IN EYE BY WEATHER MAN, PROVING PLAN IMPRACTICAL.

The article appearing below is copied from the Waynesville Gazette, and is a sample of what is being recounted everywhere in all the papers of the country. The Gazette says:

"The rural mail carriers have surely been having an awful time delivering mail. In several instances the roads really have no bottom and machines go axle-deep in mud and water. Saturday the boys had to be pushed out of ruts one or more times. George Mills was particularly unfortunate. His machine broke completely down, and he had to make his delivery by horse and buggy. Through the winter season the Government ought to put on substitutes and make the distances shorter, as the boys have a hard enough time to make their original trips."

Few, if any, of the nine carriers out of the Wilmington office have attempted to make the rounds with a machine. The drivers are either using horses of their own or are hiring from the livery stables. Oliver Hiatt, driver of route No. 9, which covers the Cuba-Mount Pleasant-Villars Chapel neighborhoods, tells the Journal-Republican that he has been swapping horses in the middle of the stream, as it were, every day. He keeps one horse at his home here and another on a farm about half way along the route. This gives each horse something like 15 miles a day, and does not overwork either. Others are doing the same thing, perhaps, but the automobile is almost out of the question on the kind of roads that has prevailed within recent weeks.

—

DAYTON, OHIO, *February 10, 1916.*

Hon. S. D. FESS,
*Washington, D. C.*

DEAR SIR: I am a voter on rural free delivery No. 8, Dayton, Ohio, living in Greene County. We have good mail service that is in danger of being crippled by the establishment of a 50-mile route. Why don't Mr. Burleson start the route in January in place of April? We expect to fight to a finish having our mail changed to Xenia. We expect you, as our Representative, to help us hold our mail route from Dayton. We have our telephone system from Dayton and we do our business with that city and we want our mail from there.

Trusting we will have your assistance, I am,

Respectfully,

I. J. COY.

—

DAYTON, OHIO, *February 10, 1916.*

Hon. S. D. FESS.

SIR AND FRIEND: I believe it has become the duty of every American citizen and voter to take care of himself when we see a foe surrounding us on all sides and trying to trample us under their feet, so I believe it is time for us to call for help in the hour of such a disaster as is about to befall us all in the mail matter, such as changing our mail system, when we have one of the best our Nation has ever experienced. We therefore call on our Congressman, S. D. FESS, for help. We earnestly ask you to do your best to help us hold our mail service and rural routes as they are.

Hoping to hear from you soon, and seeing what you have done for us and believing what you will do in the future, we remain your support at the polls.

Yours,

E. B. KIETER,
*Central Committeeman Beaver Creek Township,*
*Greene County, Ohio.*

—

YELLOW SPRINGS, OHIO, *February 13, 1916.*

Dr. S. D. FESS, M. C.,
*Washington, D. C.*

DEAR FRIEND: I am inclosing the Gazette's report of your talk at the institute. This gives some people the idea that they can have their mail addressed as formerly at Yellow Springs. Now, if this be true, the order that has gone out to the postmaster will have to be changed as it clearly says that after March 31 Yellow Springs rural routes will be discontinued, and inclosed with this order are two specifications of routes out of Xenia, entirely circling our town, designating by what route the patrons will receive their mail, also one specification from Osborne that will reach some of the present Yellow Springs patrons (and this route from a town that is soon to disappear from the face of the earth). Your objections to the change of address is the thing that will hit the department the hardest, as if the present order is put in force the confusion and inconvenience will be incalculable. We feel that if the present order can be deferred for a time the department can find a more practical plan and just as economical as the one they have planned for this county.

Yours, truly,

GEO. H. DRAKE.

The following letters are from persons outside of my district:

JANUARY 26, 1916.

Hon. S. D. FESS, M. C.,
*Washington, D. C.*

DEAR SIR AND FRIEND: I take this opportunity to write you a word in reference to the rural mail readjustment now going on in Ohio.

Now, it seems to me the service in this section of Ohio, at least, can't be made better. The roads are not in condition for regular automobile service more than five or six months in the year; then they are very hilly, and it is extremely wearing on a machine at any time. The roads now—even the pikes—are in very bad condition, and it takes nearly seven hours to make the trips, besides the time in the office.

Our schedule is from 9 a. m. to 3.30 p. m., and we must be in at 3 p. m. to catch the mail east, and we make the mail, except when the roads are very bad, by driving right through without stopping to feed or eat dinner. I have been in the service since February 1, 1905, and am now in my fifty-third year. Started at $60 per month and did hardly make ends meet, but the salary advanced until now I can begin, by careful living, to pay my mortgage on my home (of $1,200) off; but if I am thrown out by this readjustment plan it will surely put me, with a great many other carriers, in very bad position.

Do not think motor service can be successfully operated, in this county at least. Hoping you will give this matter your early and careful attention, I beg to remain,

Your friend,

——— ———.

WEST MANCHESTER, OHIO, *January 12, 1916.*

Hon. S. D. FESS, M. C.,
*Washington, D. C.*

DEAR SIR: A few days ago I noticed an article in the Ohio State Journal that Yellow Springs and Cedarville would lose their rural carriers through the motor service. I also noticed that you were going to use your influence to prevent it.

About the 1st of November we had the information that this town would lose its rural route and be served from Lewisburg, despite that this town has the best railway mail service in the county and Lewisburg about the poorest. We protested to our Representative, but he said he was powerless to do anything.

I am inclosing herewith several copies of front sheet of one of the Richmond, Ind., papers, which will give you some idea as to how the motor service is succeeding there. This may not interest you, but I judged it would be effective ammunition to use just now.

Very respectfully, yours,

R. H. SILER.

NEWARK, OHIO, *February 2, 1916.*

DEAR SIR: It certainly seems to me that in our part of the State the motorizing of the mail routes seems impracticable. Do they expect to try and extend it to Licking County?

Yours,

W. L. FISK.

I also submit my statement before the Committee on the Post Office and Post Roads:

STATEMENT OF SIMEON D. FESS, A REPRESENTATIVE FROM OHIO.

Mr. FESS. Gentlemen, I had not intended to take any time of the committee, but the situation in my immediate vicinity, including my own town, where I live, has been so unsatisfactory in the last few weeks, and I have been so unable to give any information, not being able to get the information, I feel that I ought to lay the matter before the committee here.

Mr. BELL. You have reference to motor service?

Mr. FESS. Yes. While at home I called upon our postmaster. I asked him what the order was in reference to the routes affecting our particular county. He said he did not have any information at all, other than that there was to be an examination, to be held on the 22d.

Mr. COX. An examination for what, Doctor?

Mr. FESS. For the new proposal of the motor routes, displacing the present routes.

Mr. GRIEST. You mean an examination for letter carriers?

Mr. FESS. Yes. Then I called upon the postmaster at Xenia the county seat town of the county, and he told me he was unable to give me any information whatever, save that there had been an order issued for an examination for the 31st, in reference to the Xenia routes. I have been literally besieged with letters from various points, not only in my county, but in my whole district. There is not a county in the district that has not sent me letters and sent me resolutions, signed by citizens of that community, who are patrons to be served.

Mr. COX. Will it disturb you if I ask you the area and population and the number of routes in your home county?

Mr. FESS. There are 10 in my home county.

Mr. COX. What is the area of that county?

Mr. FESS. The area—I could not give you the exact size of the county.

Mr. COX. Well, just approximately.

Mr. FESS. Do you live in the same county, though?

Mr. COX. What is the population?

Mr. FESS. I think about 31,000. I could not say that definitely.

Mr. COX. Largely rural?

Mr. FESS. Yes; altogether rural in my own home county.

Mr. COX. Do you live in the same county in which Xenia is located?

Mr. FESS. Yes. I have here one of the many letters to which I referred, and this one is from a committee of seven, representing the rural carriers of Montgomery and Greene Counties. They say:

"Owing to the contemplated change in the rural free-delivery mail service, whereby it is proposed to increase the length of rural routes from the present average of about 26 miles to that of approximately 55 miles each per route, and whereby it is further proposed to increase the compensation for such service from the present maximum of $1,200 per carrier per annum to that of a maximum of $1,800 each per carrier, we, the undersigned committee, representing the rural carriers of Montgomery and Greene Counties, Ohio, believing that compensation provided under the new service is by no means commensurate with the labor to be performed, beg to submit the accompanying facts—"

And then I have here the facts set forth in objection to the proposed change.

"The following is an estimated account of performing the service by means of motor vehicle for an uninterrupted period of 10 months in the year, together with the cost of providing means for serving the route during the other two months of the year, when an uninterrupted service could not be performed by means of motor vehicle."

Then follows an itemized statement of the cost, and this is signed by various members from Dayton and Spring Valley and Xenia.

Mr. STEENERSON. Have you any complaints from any of the patrons?

Mr. FESS. Oh, yes; numerous complaints.

Mr. STEENERSON. What is the substance of their grievance?

Mr. FESS. That the mails will not be delivered regularly—can not be—for the reason that our roads are in such shape that an automobile can not possibly do it.

Mr. BRITT. What is the condition of your roads?

Mr. FESS. Our roads, in general, are not bad; they are as good as they are in any section.

Mr. STEENERSON. Are they dirt roads?

Mr. FESS. Yes; many of them are dirt roads. Here is a letter from a resident of my own town, who never mixes in politics, or who is not a mischief-maker, but one of our best business men. He, Mr. Hackett, is our postmaster:

"Received an order this morning discontinuing all rural routes out of Yellow Springs after March 31. The new routes indicate that such of our patrons as will be served at all will be served from Xenia, even coming up to our corporate line limits, in other cases leaving out numbers of patrons on good roads having good service. The most impractical thing is that some of the routes are on the poorest roads and will be impassable during part of the winter months. If this radical change can even be modified somewhat, would the residents of Miami and Cedarville Townships help by sending petitions? Any information that is possible we would be glad to receive."

Now, this man is not a busybody or a mischief-maker; he is a citizen of our town who takes no particular part in politics, but knows the county, possibly, as well as any man in the county.

Mr. BRITT. You think that he is disinterested?

Mr. FESS. Yes; that is disinterested; and he is the strongest friend the postmaster has in the town.

Mr. MADDEN. Are they cut out of the opportunity of getting their mail as regularly as they used to?

Mr. FESS. They are.

Mr. BLACK. Is the service now in effect, Mr. FESS?

Mr. FESS. No; the new service is to go into effect on March 31.

Mr. BLACK. Then you can not tell.

Mr. FESS. No; I should say this: A road seems to be a road to the inspector whether it be a dirt road or a macadam road, and the inspector has been required, it seems, by the Fourth Assistant Postmaster General to cut out retraces, so absolutely necessary in making the service complete, and here is one of our citizens who will be cut out entirely.

Mr. COX. What per cent of your roads are hard surface?

Mr. FESS. I should judge perhaps more than 50 per cent of them. Our roads are actually pretty good, many of them.

Mr. COX. What is your home town?

Mr. FESS. Yellow Springs.

Mr. COX. How far is it from Xenia?

Mr. FESS. Nine miles, and 9 miles from Springfield. Why I asked to come before the committee was this: Not being able to get any information at all to reply to those who wrote me, I called at the Post Office Department. I wanted to see the general superintendent of all this. I am going to say to this committee what those who know me will know is true. If this proposed change were for the benefit of the country at large or the State at large and would be inconvenient to some localities, even my own town, I would not offer the protest, because I believe that you have got to serve the larger interest; but I can not get any information about this thing. I have a right to know what is going to be done. I think every person here, without regard to politics, will agree that I have a right, and when I appear before the Post Office Department in order to get this information and am told that I can not see the man in charge because he is busy and for me to come at another time, and so on, I do not think that is the proper treatment for a Congressman who tries to be fair to everybody; and that is the treatment I have received.

Mr. COX. Whom did you seek out down there or try to find?

Mr. FESS. Gen. Wood.

Mr. COX. George Wood?

Mr. FESS. Yes. I thought he was the proper party to go to, because he had this in charge.

Mr. COX. When were you down there?

Mr. FESS. I was down there the latter part of last week.

Mr. STEENERSON. The superintendent of rural delivery?

Mr. FESS. Yes.

Mr. STEENERSON. In the Fourth Assistant's office?

Mr. FESS. Yes. I have this feeling about it, gentlemen: I do not think that is the kind of a reception a Congressman should receive in one of the departments.

The CHAIRMAN. Doctor, I think you are right about being entitled to be heard, but I want to say to you that your experience is like that of some of the others of us. For 14 or 15 years I have been unable to get any hearing on some matters. It seems to be the rule. It has been heretofore the rule, and perhaps may be kept up now.

Mr. FESS. Well, I put the question specifically whether the policy of the department was to be secretive. I felt that I was justified in taking a little time to lay this matter before you, which probably you will think is somewhat unfair. I have a statement in writing that I want to submit, which probably you will not think is fair. I want to say that there is a movement here to make these changes that has some interest in our politics.

Mr. COX. I do not think so, Doctor, I think the question is a question of better service.

Mr. FESS. I do not think so, or I should not make this, which I think is an honest fight for rights; but the instructions that have been sent out make me feel that it is a chance to get out some people and put in others. Now, I make that statement to you frankly, as a man who is not trying to take any political advantage, and if it is not that, why, I can not understand the instructions.

Mr. COX. You mean with reference to rural carriers?

Mr. FESS. Yes.

Mr. BELL. I do not think that can be true, because they are all Democrats in Georgia, and they are putting them out there under this reorganization.

Mr. FESS. The statement I had prepared was very largely on that line, and I had simply done it because I thought the department had not been fair to us, and I was calling that particular point to the attention of the committee.

The CHAIRMAN. This certainly should not be a political service in any way.

Mr. FESS. I know it should not.

The CHAIRMAN. Doctor, while you are on the floor, I want to ask you this: Is it your opinion that where the department can change a route or double a route, or make any alteration that it deems to the public interest and still give as effective service as theretofore, that you object to the change?

Mr. FESS. No; I would not. I make that statement frankly. I would not object to a change if I though that the department was getting as efficient service and as economical service by making the change. I do not think I would be justified in doing it, and I would not do it; but all the evidence that comes to me from the information that I have sought is on the other side; that it will not be as efficient, and it certainly can not be as efficient, in my opinion.

Mr. BELL. And that it is not as efficient where it has been tried?

Mr. FESS. No; it is not.

The CHAIRMAN. What is the remedy for all this?

Mr. FESS. I would leave the routes as they are in my district, very decidedly.

The CHAIRMAN. You would suggest that Congress say it should be left that way, or would you leave it to the discretion of the department?

Mr. FESS. From my experience with the department, I do not think it should be left to the discretion of the department.

The CHAIRMAN. But, as a matter of public policy, do you not think it would be unwise for Congress to begin to designate the routes that should remain and those that should be changed?

Mr. FESS. Mr. Chairman, if there is no partisan advantage being seized upon—that is the only thing I am fearing now—if there is no advantage of that sort being sought, I would say I am willing to leave it to the administrative officers; but I can not understand why all of our Democratic postmasters in my county have had instructions on the subject mentioned and that the Republican postmaster at Xenia has had nothing. That is a little bit suspicious to me. I can not understand that. Mr. Chairman, I have written out a statement on what I call motorizing the rural carriers instead of the rural routes.

Mr. STEENERSON. What is the matter with reading it? We would like to have it.

Mr. FESS. I will read it, if it may be done with the permission of the committee, but I will not insist upon taking up your time.

Mr. STEENERSON. The committee would like to hear it. I know I would.

Mr. FESS. Shall I, Mr. Chairman?

The CHAIRMAN. I have no objection myself to any length of time you want to take up here. If the committee desires it, go ahead.

Mr. STEENERSON. It will not take long.

Mr. FESS. I have called this "Motorizing the rural carriers." It says:

"The department calls it 'Motorizing the Rural Service,' but we prefer the above caption as a better description of what is actually to take place; for if the plans of the Post Office Department are carried out, there will not be a single rural carrier now in the service in Greene County left to tell the tale. In other words, the Democratic office seekers have at last found a way to pry open the Rural Mail Service and have burgled their way into the Rural Service; they are to be eligible, after one year, for transfer into the clerk or carrier service of post offices or into the Railway Mail Service. The discovery of the way to do this comes just in time to reward the deserving Democrats, just prior to the presidential campaign. The rural carriers of the country have been for some years covered under the protection of the civil-service rules, which provide that 'no person in the classified civil service of the United States shall be removed therefrom except for such cause as will promote the efficiency of the service, and for reasons given in writing,' and it is provided that the accused is to be furnished with a copy of the charges and given opportunity to reply, but the ingenious officials charged with the duty of rewarding deserving Democrats have found a way. They have motorized the Rural Service, and the faithful and efficient civil servants glide out of their jobs with that smooth and imperceptible motion of which only a motor vehicle of a certain description is capable. What is a motor route? Is it anything new? Not new in the sense that it has been heretofore unknown. There are, and have been for years, thousands of these routes in the United States. There are, and have been for several years, two such routes serving the patrons of the Xenia post office. It is a new application of the term, and a new use to make of motors in connection with rural routes, which, by the way, it is claimed does not improve the routes, but in reality jeopardizes the service, and, above all, a new method of removing old carriers which the Post Office Department has found. In order to do this, and to make an excuse which will fit the above requirement of the civil-service law and rules, and to put good, faithful men who are now in the service outside the protection of those rules, the motor route has been invented and is being put into service all over the country. It has at last reached Greene County, and a civil-service examination is to be held at the Xenia post office on January 22 to establish a register from which appointments may be made for motor service, which is to go into effect, according to newspaper announcement, on April 1."

Mr. AYRES. Is there anything to prevent Republicans from taking that civil-service examination as well as the Democrats?

Mr. FESS. No; nothing to prevent it. There is a way, however, for the Republicans to be discriminated against.

Mr. AYRES. I will ask you another question. Is it not a fact that 80 per cent of the civil-service employees in the present Government service—fully 80 per cent, and, perhaps, 85 per cent—are Republicans?

Mr. FESS. I do not know that that is true. Even if it were true, one evil does not cure another.

"There is entire mystery as to just what the 'motor service' will be in Greene County. The advertisement of the Civil Service Commission calls for an examination 'to fill a vacancy at Jamestown, Osborn, Xenia, and other vacancies as they may occur on motor rural routes at post offices in the above-named county, at salaries ranging from $1,500 to $1,800 per annum.' The examination is to be an 'open competitive examination,' and as a result an eligible register for the county is to be established, from which it is expected that certification will be made for filling the vacancies in the positions of carriers on the motor rural routes at the post offices above mentioned, namely, Jamestown, Osborn, and Xenia, and other vacancies on motor rural routes at post offices in Greene County as they may occur in the future. Nothing is said of Cedarville, Yellow Springs, or Spring Valley, which heretofore have been the headquarters of several rural routes each. Presumably those routes have been dumped down the back stairway, leaving the rural service of Greene County to be conducted from the offices at Xenia, Jamestown, and Osborn, with probably some travel into the county from Dayton and Springfield as at present. Although no announcement has been made as to just what these new routes are to be like or how many of them there are to be, it is known that the Post Office Department has been working on the Greene County map for some time laying out entirely new service. The roads have not been traveled over by an inspector as was formerly the practice in making changes in the rural service. That would take entirely too long, and the deserving Democrats would stand some chance of starving to death before being able to connect up with their jobs. But a county map has been used, and the officials have proceeded in accordance with the promptings of their inner consciousness, which has probably been ample for the purpose.

"If we may judge by what has happened elsewhere, there are to be put into operation in Greene County motor routes covering 50 to 60 miles each, requiring the services of one carrier instead of two, as would be required for that mileage by wagon service. This looks, indeed, like good business; but the needs of the service are apparently not the first consideration in making these changes. It is the deserving Democrats who must be taken care of, and the erring Republicans who must be put upon the motor toboggan. In the announcement of the examination the Civil Service Commission states that 'in filling any vacancy the department is privileged to fill it either by promotion or through open competitive examination; for the above-named vacancy the department has requested the commission to certify from open competitive examination.' How fair that appears to be. 'This vacancy,' says the commission, which has added to the mystery of just what is to take place by treating of the matter as though the examination were but a routine matter to establish a register for making appointment to existing vacancies, 'this vacancy is on a route newly established as the result of consolidation of two or more existing routes or of added mileage; and upon the establishment of a new route for which the department desires a certification of eligibles, it is the commission's practice to hold a new examination in order to give all qualified persons an opportunity to compete. Furthermore, this route has a compensation materially greater than the compensation of a route allowing the delivery of mail by other than motor vehicle, and therefore certification for this vacancy can not properly be made from a register established for a materially lower compensation, because for the higher compensation there has not been competition, as required by law.'"

"You see how it is, boys. We regret that we can not promote you, as it seems we have the right to do, for the reason that a promotion can not be made to a position affording a materially higher compensation. Of course this is contrary to the general rule obtaining in the matter of promotions which usually contemplates higher salaries, but you must consider the exigencies of the situation. The deserving Democrats are out of meat; therefore you can not be promoted, but must lose your jobs, much to our regret. The Civil Service Commission is truly sorry for the situation, and trusts that you will kindly accept its apologies. However, boys, do not feel that all is lost. You still have a chance. Your experience in the service ought to, and does, count in your favor—not to the extent, you may be sure, of endangering the chances of any deserving Democrat, but so as to look well in official reports. You are to be given credit for each year of service up to six years. How much credit? Well, we are sorry to say that is not so large a figure as it should be, but it is all you are entitled to, inasmuch as you are mostly Republicans, and there are deserving Democrats waiting for your jobs. We allow you as a matter of form and for the purpose of appearing fair not exactly 5 per cent per year, but one-half of 1 per cent per year up to three years. You may, therefore, be rated the enormous total of 3 points in a hundred, if you have served as much as six years, so much being allowed you in consideration of experience. That is what we call civil-service reform. How many of the present incumbents will this hold in their positions? Probably not a single one whose place is wanted for a deserving Democrat. The present incumbents of the rural-carrier jobs are doomed—every man of them. Such has been the experience in other places, and the handwriting is on the wall in Greene County. But there are other tricks and other means of 'motorizing' the rural carriers. The age limit for admission to rural-carrier examinations is 55 years. This shuts out many a man the country over who is showing by his daily work that he is still fit. It shuts out three of the carriers attached to the Xenia office, and would shut out still another one if he were not protected by the law which exempts veterans of the Civil War from exclusion on account of age."

Mr. FINLEY. You said 10 out of your home county. Do you mean 10 routes going out of your home town?

Mr. FESS. Ten going out of Xenia, but only three out of my home town of Yellow Springs.

"And still another trick which is fatal to every carrier in the service is the requirement that the examination be held from 9 a. m., when the carriers must be serving their routes. No exception is made in their favor, and the evil intents of the whole scheme are so apparent that it would probably do them no good to get into the examination."

Our postmaster, upon my suggestion, asked the department to make an exception here.

Mr. COX. If there is any politics in the whole proposition, and if you have any Democratic rural-route carriers in your county, that would equally apply against the Democrats as well as against the Republicans?

Mr. FESS. And we have a few Democrats.

Mr. COX. And they will be shut out, as well as the Republicans?

Mr. FESS. Yes.

Mr. FINLEY. How many railroads are there at Xenia?

Mr. FESS. Two.

Mr. FINLEY. Crossing each other?

Mr. FESS. Yes; one line from Springfield to Cincinnati and one from Columbus to Cincinnati. They are the Pan Handle routes. I have 700 miles of railroad in my district and 162 miles of trolley lines in the district.

Mr. FINLEY. Do the trolley lines carry any mail?

Mr. FESS. Yes.

"Such is civil-service reform as practiced by the Democratic Party, and such is the fulfillment of Democratic pledges of true reform of the civil service. But this is not all. Says the examination order: 'A rural carrier after one year's satisfactory service may be transferred to the position of clerk or carrier in a first or second class post office, railway mail clerk, or other position in the classified service, subject to such examination as may be required by the civil-service rules.' There you have it. That is the open door. Deserving Democrats, by the favor of Democratic officials, enter the motorized rural service, serve one year and become eligible to transfer into clerical and carrier positions in first and second class post offices, into the Railway Mail Service, and, indeed, into any civil-service position under the Government. There is no limit; only the noncompetitive examination required for any position being required. Once in, always in, and always eligible to a place. Enter the service as a motor carrier and become eligible for transfer to the Customs Service, to the Consular Service, to the departmental service—to any service you can procure the influence to transfer you to. Is not the Democratic Party taking care of its own? Yes; but at the expense of broken promises and a ruined civil service. And what kind of routes are established? What kind of service will the farmers have? That, as we have said, is still undeveloped. We can only guess at it, and apply the experience of other localities. These motor routes have not proven satisfactory where tried. There has been an uprising wherever they have been put into operation, and in some places a return to wagon routes has been made necessary. It is said that the makers of the motor-route maps have paid little heed to conditions which have been met by 'retraces.' Experience has shown that these 'retraces' are highly necessary in order to reach patrons. Every route out of Xenia has several of them. But there will be little 'retracing' when it comes to operating motor routes. Consequently, citizens living on 'retraces' had better look out. Numerous other objections are being raised against motor routes, one of the chief being that it will be impossible to serve them in bad weather. By departing so far from the base the inconvenience occasioned by broken bridges or similar obstacles which render roads impassable is greatly increased. Carriers, having double duty to perform, can hardly be expected to perform it so well. Length of routes will entail later service on portions

of the route, etc. And there remains to be said that people who have been accustomed to having their mail sent to Cedarville, or Yellow Springs, or Spring Valley, will be a long time getting their correspondents accustomed to sending it to Xenia, Jamestown, or Osborn, for to all appearances these first-mentioned towns are to lose their rural service entirely. In fact, the only citizens who will be entirely happy with the new arrangement are the deserving Democrats; but they are so few."

The CHAIRMAN. Now, Doctor, let me ask you a question. You favor retaining the routes just as they were?

Mr. FESS. I do in my district.

The CHAIRMAN. And retaining, of course, all of the Republican carriers, just as they were?

Mr. FESS. I would not say that.

The CHAIRMAN. Well, that would be the result of it, would it not?

Mr. FESS. I would not object——

The CHAIRMAN (interposing). You would object to any Democrat even having a civil-service examination by which it would be possible under the law of the land that he could get a position?

Mr. FESS. No; but I object to these people being legislated out.

The CHAIRMAN. The department has authority to act in those matters. They are not legislating; that is administration. It would seem to me if the department could better the service and reduce the cost—and they are proposing to reduce it about $4,000,000 in the United States by these changes—that it would not be improper to do so, even if here and there some Republican should lose a job. My understanding, however, is that they are not undertaking to turn them out because they are Republicans.

Mr. FESS. Well, I wish I could believe as you do.

Mr. MADDEN. Is it not a fact that that is the Civil Service Commission, and not the department?

Mr. FESS. No. My indictment is of those who will not give any information as to what is done and why it is done.

Mr. RANDALL. Is not that a requirement of the Civil Service Commission, and not by the Post Office Department?

Mr. FESS. I do not care if it is. I think it is taking advantage of our rural people. My impression is they will not do anything, and that is why I come before this committee.

Mr. BRITT. As I understand, your objection is to any changes which you believe will be injurious to the service.

Mr. FESS. Certainly.

Mr. BRITT. And not as a personal matter, unless it injures the service?

Mr. FESS. I repeat that if this change were for the interest of the Government at large, or the State at large, or the county at large, I would not come here and protest in the interest of a particular town in which I live. I am not that kind of a fellow.

Mr. BRITT. So your idea is that it is generally an unwise policy?

Mr. FESS. Yes; that is it exactly.

The CHAIRMAN. Who would know more about it—the local postmasters?

Mr. BELL. I think the Members themselves would know more about it.

Mr. FESS. I have never had an invitation to a department, and I can not get to them when I go there. I might be able to do so if I would sit there and wait.

Mr. ROUSE. You stated a while ago that you were not able to get any information from the department, and you were not able to see the superintendent. Did you go there more than once?

Mr. FESS. No

Mr. ROUSE. You only went once and he was busy then?

Mr. FESS. I went once; got into the office; saw him through the door talking with two or three people. I waited for a time.

Mr. ROUSE. For how long?

Mr. FESS. Oh, probably for 20 minutes.

Mr. ROUSE. I know you want to be fair.

Mr. FESS. Yes, sir.

Mr. ROUSE. Do we not all go to see the heads of departments and have to wait our turn?

Mr. FESS. Probably you do.

Mr. ROUSE. I know they do in law offices, and I think we should be fair to heads of departments, and try it again.

Mr. FESS. How often should I go there?

Mr. ROUSE. I go several times.

Mr. FESS. Well, there is a difference between you and me. I will not waste my time. If I can not get to the department, I will stay in my office.

Mr. BEAKES. Suppose there are other Congressmen inside?

Mr. FESS. There were not any Congressmen inside.

Mr. STEENERSON. Why did you not call on the Fourth Assistant Postmaster General instead of the superintendent of delivery?

Mr. FESS. I preferred to call on the man who was directly in charge.

Mr. STEENERSON. But he has not the authority.

Mr. FESS. Then he would have told me to have gone to the party who did have the authority.

Mr. ROUSE. The fact is that you did not wait long enough to find out anything, is it not?

Mr. FESS. Well, if this committee wants to take that position, it is all right.

Mr. ROUSE. I know you want to be fair.

Mr. FESS. If you want to take that position, it is all right.

Mr. STEENERSON. The practice has been, Doctor, so far as I am acquainted with it, for the 13 or 14 years I have been here, to call on the chief of the bureau, and he sends for the Superintendent of Rural Delivery, or whatever it may be, and then the question is determined there.

Mr. FESS. Just let me ask the committee, do you suppose that I could get any consideration whatever if I should make an appointment with anybody in the department, or is this simply an administrative measure that emanates from one of the executive departments, and that a Member of Congress or this committee has nothing to do with it?

Mr. STEENERSON. I desire to say that, so far as I know, the administration of the Rural Devilery Service has not been a political matter, and so far as I know it is not a political matter under this administration. It is simply a question of policy that they have adopted, which turns out to be unwise, and the Congressmen should discuss that with the man in charge. My district has not been hit, but if it had been I certainly would have taken it up with him.

Mr. ROUSE. It seems to me, Doctor, in a matter of this importance you should be willing to wait more than 20 minutes.

The CHAIRMAN. You called on Mr. Wood, did you, Doctor?

Mr. FESS. Yes; and did not get to see him.

Mr. ROUSE. Mr. Wood is a very nice gentleman and a very efficient officer, and I am sure he would show you any kind of courtesy. Then, too, he is a Republican, so of course he did not have any political reason in doing that.

Mr. FESS. I do not care anything about that.

Mr. COX. If you will call him on the telephone, Doctor, he will see you.

Mr. BRITT. Your direct business was with the Fourth Assistant Postmaster General, so he could call the proper officer up, and I know Mr. Wood did not intentionally slight you.

Mr. FESS. I would like to ask the chairman of the committee whether he can express the judgment of the committee that my going to Mr. Blakslee would do any good at all in reference to my situation?

The CHAIRMAN. I believe so, Doctor. I could not speak for the committee, but personally I believe it would be all right.

Mr. BRITT. I think you should make your case fully known to Mr. Blakslee.

Mr. STEENERSON. I think that is the trouble with this administration, that there have not been enough Congressmen who have gone to Mr. Blakslee.

Mr. AYRES. Have the inspectors inspected the contemplated new routes?

Mr. FESS. Not to my knowledge. I have asked the postmaster at Xenia post office, but he has no information. I want to thank you for being very polite and considerate of me. I have perhaps been rather bitter at some points.

Mr DOWELL. With reference to one route, I answered that it was a horse route. There are, however, a number of motor routes in the State of Iowa and in my district.

Mr. MOON. Mr. Chairman, I yield to the gentleman from California [Mr. CHURCH].

Mr. CHURCH. Mr. Chairman, I take this opportunity to ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. MOON. Mr. Chairman, I yield 15 minutes to the gentleman from Georgia [Mr. HOWARD].

Mr. HOWARD. Mr. Chairman and gentlemen of the committee, I want to say a few words about the Rural Delivery Service. Along in the early fall, about the 1st of September, the reorganization of the Rural Delivery Service reached Georgia and the motorization of the Rural Service commenced to take place. I have given a very close study to this question of rural delivery and the use of the automobile in the carrying of the rural mails. The trouble about the Rural Delivery Service with the motor car instead of the horse-drawn vehicle is this, and we must admit it, and I think the Post Office Department will admit it: I believe that it is unwise, that it is not economical, to attempt to carry the rural mails over roads of such character where the motor car can not be used 365 days in the year. I do not think it is fair to the people that are being served, and I do not think it is fair to the carrier. First, it is not fair to the people, and they are the ones we are primarily interested in. Rural Delivery Service in my section of the country means personal contact with the carrier. If the roads are in such condition that in clear and good weather the carrier can use an automobile, but in bad weather he is forced to use a horse-drawn vehicle, you will find that it is impossible for the patrons of the road to know within an hour or an hour and a half when the rural carrier will come along, because, of course, there is going to be a difference in his schedule. Take a man in the country, for instance, that uses the parcel post. He lives probably a quarter or a half a mile out of sight of the road the route is on. He has to go down in sight at least of the road, and he does not know on a given day whether the carrier is coming with a motor car or a horse-drawn vehicle. In the event he uses a motor car he will get there an hour or an hour and a half sooner than if he uses a horse-drawn vehicle. Then, it is not fair to the carrier where this can not be done regularly, and for this reason, as was suggested by the gentleman from Ohio [Mr. FESS].

The carrier has to maintain a motor car and he has to maintain at least one horse and buggy, and on the days that he can not deliver the mail over the 50-mile route with a motor car he has to employ an additional substitute. That is to say, he has to maintain a horse and buggy, and he has got to maintain the motor car, and in addition to that on the days when he can not use the motor car he is obliged to employ a substitute to take the other end of the route and serve it.

I have an amendment here which I desire to offer at the proper place and time when the bill is under consideration, under the five-minute rule, which I believe will do much to increase the efficiency of the Rural Delivery Service. It is practical, and I want to explain it. I will send it to the desk and ask that the Clerk read it.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

For pay of rural carriers, substitutes for rural carriers on annual leave, clerks in charge of rural stations, and tolls and ferriage, Rural Delivery Service, and for the incidental expenses thereof, $48,500,000: *Provided*, That not to exceed $20,000 of the amount hereby appropriated may be used for the compensation of clerks in charge of rural stations: *And provided further*, That on and after July 1, 1916, rural carriers shall receive a salary not exceeding $2,200 per annum, and their maximum salary shall be based on the length of their routes,

the time required to serve them, and the number of pieces and weight of mail transported: *And provided further*, That on and after July 1, 1916, the minimum compensation of rural carriers shall be as follows: On routes of 24 miles and over, six times a week, $1,200 per annum, payable monthly; on routes 22 miles and less than 24 miles, $1,152; on routes 20 miles and less than 22 miles, $1,080; on routes 18 miles and less than 20 miles, $960; on routes 16 miles and less than 18 miles, $840; on routes 14 miles and less than 16 miles, $720; on routes 12 miles and less than 14 miles, $672; on routes 10 miles and less than 12 miles, $624; on routes 8 miles and less than 10 miles, $576; on routes 6 miles and less than 8 miles, $528; on routes 4 miles and less than 6 miles, $480. A rural carrier serving one tri-weekly route shall be paid on the basis for a route one-half the length of the route served by him, and a carrier serving two tri-weekly routes shall be paid on the basis for a route one-half of the combined length of the two routes.

Mr. HOWARD. Mr. Chairman, the only change in the present law that that makes is this: I make the minimum salaries of the carriers the maximum salaries they receive now. For instance, the carrier on the standard route of 24 miles would receive $1,200. I think I know something about the practical end of this and I will tell you what it is. My experience in Congress, and I think it is the experience of practically every Member, has been that when a rural delivery route is 24 miles long and you have an application from constituents to get additional service, you find that in eight instances out of ten there will be lodged in the department an adverse report on an extension of that service. The reason for that is this: The carrier has absolutely no incentive to take on an additional amount of mileage, because he does not get an additional penny for this additional service. The result has been that when this administration went out and through its inspectors commenced to inspect the Rural Delivery Service, it found that hundreds and hundreds of families could be served in this country who were not being served at their door because of the fact that these routes did not lap over to meet the next route and the families between the standard routes received no efficient service. Here is what this amendment does. If we are going to have the parcel post, let us have an effectual parcel post. That is my idea about it. Every carrier in the United States to-day has absolutely no incentive to increase the Parcel Post Service of the country. His pay is not based on what he does. If he goes out and takes in a mile or 2 miles more which he can serve with a horse-drawn vehicle in certain localities he gets no more for it, and, therefore, the carrier, being human, does not want to take on an additional burden unless he gets some additional compensation.

And the result is that there are hundreds and hundreds of families in this country that are getting no service at all that would get service if these rural carriers became real boosters for the Government instead of holding back when they reach a certain standard pay. Now, this reward is held out, the maximum salary that can be obtained. It looks big. It is $2,200 a year. Suppose a carrier goes out and takes on a mile and a half over the 24 miles. He gets in proportion to that mile and a half or 2 miles the additional service that he is willing to render, about $50 a mile per annum. That is about what it will amount to. In other words, if he takes on 25 miles and the service justifies it, the department will pay him probably between $40 and $50 additional. It is according to the increased business the Government gets and it puts it on a business basis and it settles for ever and a day this question of rural delivery service. I believe as firmly as I believe I am living that there is not any carrier in the country who can take one horse and cover a route 31 or 32 miles a day and last at it. If a carrier covers a route of 31 or 32 miles a day he is supposed to have two horses and alternate with them and it is an additional expense on him and he gets no additional pay.

Mr. MAPES. Will the gentleman yield?

Mr. HOWARD. Yes, sir.

Mr. MAPES. The gentleman has made a study of this rural carrier service. In my district we have some complaint from the carriers in getting vehicles large enough to carry the parcel post at times. The complaint is that it piles up and some days they have to leave some of their parcel post until the next day. Has the gentleman any information about how the carriers take care of their mail and parcel post on these long routes?

Mr. HOWARD. Well, the truth of the business is, I think that is what brought the department to the automobile service. The people see a man coming along with a little piano-box buggy just big enough to get both of his feet in and he has no room to carry parcel post, and they do not think of using the parcel post like they would if they had some equipment for the handling of extensive parcel-post business. If the carrier got in that case in conformity with what he carried in parcel post he would go out and be the agent of the Government in inducing people to use the parcel post, because he would get additional pay. I tell you that my solemn judgment is that until the carrier is paid in conformity with the service rendered, and only in conformity with the service rendered, that the Rural Delivery Service will never become as efficient an arm of the Government as it should become. Now I will yield to the gentleman from South Carolina [Mr. FINLEY].

Mr. FINLEY. I understand the gentleman's position to be that as the length of the route is increased the incentive to the carrier to work up the parcel post will be increased accordingly?

Mr. HOWARD. Yes, sir; and not only on the increased mileage assumed but along the entire route.

Mr. FINLEY. Well, I do not quite catch the logic of the gentleman's position. I would like for him to explain that.

Mr. HOWARD. The logic of it is just the same as the logic that moves the gentleman from South Carolina to accept one side of a law case where the fee in one case is $1,000 and on the other side it is $500, and the gentleman has both sides offered to him. What would he do? [Laughter.] Now, that is in answer to your whole rural-delivery proposition. If you will put the carrier's pay on a basis that he will get pay in conformity with the service rendered, there is no question about what the carrier will do. He would be a drone in the service if he did not go out and try to increase not only his number of patrons but increase the mileage, increase the use of the parcel post, and build up his route, because of the fact that the returns to the Government would fix the increase in the pay that this carrier would receive; and along that basis this amendment of mine seeks to remedy the evil that the department is trying to correct.

The CHAIRMAN. Will the gentleman yield to the gentleman from Iowa?

Mr. HOWARD. With pleasure.

Mr. DOWELL. Would you advise the extension of the routes beyond what they have been extended in the rearrangement and readjustment?

Mr. HOWARD. You mean beyond 30 miles for horse-drawn vehicles and 50 miles for the motor car?

Mr. DOWELL. Yes.

Mr. HOWARD. It would be a question entirely, I will say to the gentleman, of the condition of the roads. I think that is primarily the consideration to be taken cognizance of in the establishment of rural delivery service, and as to the character of the vehicle, whether horse drawn or motor driven.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HOWARD. Will the gentleman from Tennessee yield me about five minutes more?

Mr. MOON. I hardly have it, but I reckon I had better let you go along if you will explain the maximum amount you want to pay the carrier.

Mr. DOWELL. May I ask you just one more question here?

Mr. HOWARD. I thank the gentleman from Tennessee for the courtesy. I thought the gentleman had seen the answer to it, it is so plain.

Mr. DOWELL. Should not the length of the route depend entirely upon the conditions and circumstances around that route?

Mr. HOWARD. I do. I think that is true. And I think every rural route in the United States has its own individuality; that is to say, I do not think there are any two of them in the country which are exactly alike.

Mr. SMITH of Michigan. And ought not the pay of the carrier to be based on the weight of the parcel, whatever the service performed?

Mr. HOWARD. I will tell you what I think about it. I think this: That weight, the number of pieces, and distance should control the carriers' pay, and I think that any other basis in the world is unfair. And I will tell you another thing, gentlemen: The rural carriers have not got any "snap." They go in all sorts of weather, but I do think that $1,200, the maximum for a 24-mile route, taking into consideration the sparsely settled sections of the country, is pretty good pay for the rural carrier, if he serves that route with the horse-drawn equipment.

Now, here is what brought about this motor-car service. I am going to answer the gentleman from Tennessee [Mr. MOON] right now.

Mr. MOON. I will ask you what is the maximum that you fix in your amendment?

Mr. HOWARD. The maximum pay—and I am going to be frank with the committee about it, because I hope some gentlemen will study the amendment—the minimum pay under this amendment would be $2,200. Now, I am willing to say that not many carriers in the United States within the next year or two would reach that maximum of $2,200 under the provisions of that amendment. Why? Because when he got over 24 miles, what he received in addition to the maximum pay

as now established would be predicated entirely upon the amount of return to the Government; that is to say, if the number of patrons increased, if his weight increased, if his distance, if the number of pieces of mail increased under this amendment, he would get increased pay; but if he carried the minimum number of pieces of mail and served the minimum number of patrons, on a standard route of 24 miles, he would not receive an additional penny. It is purely an administrative matter, left entirely in the hands of the department, on which they act in conformity with the present minimum pay. That is the amendment as I intend it.

Mr. MOON. You think your amendment would not affect more than a few carriers?

Mr. HOWARD. I would not say that it would not affect but few eventually. If it did not, it would be a mighty poor amendment. And I will say this, that I think it will eventually affect thousands of rural carriers in the country, but I do not think a great many will ever attain the $2,200 maximum pay provided for in this amendment.

Mr. MOON. The maximum pay now provided is $1,200.

Mr. HOWARD. Twelve hundred dollars; yes, sir. That is the limit under my amendment, unless he takes on additional burdens. In that case the Government is reimbursed in additional returns in revenue. But this is an incentive. It is the reward that is held out, and, as I say, this possibly will take 25, 26, 27, and in some instances 28 miles, with a horse-drawn vehicle, and will do away with these experiments with motorization of service where it can not be done. Additional mileage will, of course, eventually culminate in consolidation, but in that case they would be efficient consolidations, for the carriers themselves would bring them about in an effort to increase their salaries. They would be "boosters" for "Uncle Sam" and his mail service instead of dissatisfied "knockers" of the service.

Mr. BEAKES. Mr. Chairman, will the gentleman yield?

Mr. HOWARD. I will, with pleasure.

Mr. BEAKES. Can the gentleman explain how the maximum of pay can be increased and still reduce the total amount of the appropriation?

Mr. HOWARD. Why, yes; I will tell the gentleman how I can do it. It is very easily done. All the carriers will endeavor to take on more mileage to get more pay, and in the thickly populated States consolidations will take place that will balance the appropriation, and instead of decreasing the efficiency it would increase the efficiency, for the carrier and the patron would be the applicants for the increased service and all would work smoothly and harmoniously, and the poor Congressman would quit being cussed every time the department made a change in a rural route; and I did it for the further reason that I do not want the amendment to be subject to a point of order. I wanted it voted on. That is the reason. If the gentleman wants to put it up to within a hundred thousand dollars of what is in the bill, I have no objection; but if you will vote for my amendment you find that many of the difficult matters heretofore dealt with by your able committee will be eliminated from future discussions of the Post Office appropriation bill.

Mr. BEAKES. You want to incur a deficiency in that appropriation?

Mr. HOWARD. Not at all.

Mr. BEAKES. Then you want a number of rural routes cut out?

Mr. HOWARD. No. The department, in its estimates, estimated for $4,500,000 less than the committee recommends.

Mr. BEAKES. Yes. They estimated that on the saving of the routes.

Mr. HOWARD. I do not go into the reason of it. If you want to put it within a hundred thousand dollars of what the committee recommended, I have no objection, for I am the last man in this House who would vote to impair the Rural Delivery Service. I am endeavoring to increase its usefulness and efficiency, and I believe this amendment will do so. I will further discuss it under the five-minute rule.

The CHAIRMAN. The time of the gentleman from Georgia has expired.

Mr. HOWARD. I ask unanimous consent, Mr. Chairman, to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. MOON. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. RAINEY, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 10484, the Post Office appropriation bill, and had come to no resolution thereon.

### LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. DENISON, for five days, on account of matters pertaining to the public business.

To Mr. PARKER of New York, indefinitely, on account of death in his family.

To Mr. HUGHES, indefinitely, on account of the serious illness of his son;

To Mr. RUSSELL of Missouri, five days, on account of matters pertaining to the public business.

### CHANGE OF REFERENCE.

The SPEAKER. House joint resolution 112, providing for a committee to investigate certain matters relating to the matériel of the Army and Navy, treating of several things in general and nothing in particular, was referred to the Committee on Naval Affairs, because there was a good deal in it about the Navy; but it provides for the appointment of a committee instead of a commission, and it ought to be referred to the Committee on Rules. Without objection, the change of reference is made.

There was no objection.

### ADJOURNMENT.

Mr. KITCHIN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 28 minutes p. m.) the House adjourned until to-morrow, Wednesday, February 16, 1916, at 12 o'clock noon.

## EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of the Treasury, transmitting copy of a communication from the Acting Secretary of War submitting a supplemental estimate of appropriation required for the service for the fiscal year ending June 30, 1917 (H. Doc. No. 692); to the Committee on Appropriations and ordered to be printed.

2. A letter from the Secretary of the Treasury, transmitting a draft of legislation relating to the extension of the Federal building at Grand Rapids, Mich., in order to overcome crowded condition of the post-office quarters (H. Doc. No. 693); to the Committee on Public Buildings and Grounds and ordered to be printed.

3. A letter from the Secretary of the Treasury, transmitting draft of legislation relative to the post-office building at Poughkeepsie, N. Y. (H. Doc. No. 694); to the Committee on Public Buildings and Grounds and ordered to be printed.

4. A letter from the Secretary of the Treasury, transmitting copy of a communication from the Acting Secretary of War submitting estimates of deficiencies in appropriations required by the Board of Managers, National Home for Disabled Volunteer Soldiers, for the services of the fiscal years 1915 and 1916 (H. Doc. No. 695); to the Committee on Appropriations and ordered to be printed.

5. A letter from the Secretary of the Treasury, transmitting copy of communication from the Acting Secretary of War submitting a supplemental estimate of appropriation for the purchase of land at Coronado Heights, Cal., for aviation-school purposes (H. Doc. No. 696); to the Committee on Military Affairs and ordered to be printed.

6. A letter from the Secretary of the Navy, transmitting draft of provision and requesting that the same be inserted in the next deficiency appropriation bill, authorizing the Secretary of the Navy to expend $2,500 from the "Contingent and miscellaneous expenses, Hydrographic Office, 1916," for repairing building rented by Navy Department (H. Doc. No. 697); to the Committee on Appropriations and ordered to be printed.

7. A letter from the Acting Secretary of War, transmitting, with a letter from the Chief of Engineers, reports on preliminary examination and survey of Clatskanie River, Oreg., from Clatskanie City to the Columbia River (H. Doc. No. 698); to the Committee on Rivers and Harbors and ordered to be printed, with illustrations.

8. A letter from the governor of Federal Reserve Board, transmitting second annual report of the Federal Reserve Board

for the period ended December 31, 1915 (H. Doc. No. 442); to the Committee on Banking and Currency and ordered to be printed.

9. A letter from the Secretary of the Treasury, transmitting copy of a communication from the Secretary of the Interior, submitting a special estimate of appropriation to cover cost of repairing bridges, roads, trails, buildings, etc., in National Park Reservation, Okla. (H. Doc. No. 699); to the Committee on Appropriations and ordered to be printed.

10. A letter from the Secretary of the Treasury, transmitting copy of a communication from the Acting Secretary of War, submitting supplemental estimates of appropriations for the service of the Panama Canal, for the fiscal year ending June 30, 1917 (H. Doc. No. 700); to the Committee on Appropriations and ordered to be printed.

11. A letter from the Secretary of the Treasury, transmitting copy of a communication from the Acting Secretary of War, submitting a supplemental estimate of appropriation required by the War Department for the fiscal year ending June 30, 1917 (H. Doc. No. 701); to the Committee on Appropriations and ordered to be printed.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. IGOE, from the Committee on the Judiciary, to which was referred the bill (H. R. 8028) to amend an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, reported the same without amendment, accompanied by a report (No. 196), which said bill and report were referred to the House Calendar.

Mr. DILLON, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (S. 3144) to authorize the construction of a bridge across the Pend Oreille River, between the towns of Metaline and Metaline Falls, in the State of Washington, reported the same with amendment, accompanied by a report (No. 197), which said bill and report were referred to the House Calendar.

He also, from the same committee, to which was referred the bill (H. R. 8248) to authorize the construction of a bridge across the Pend Oreille River, between the towns of Metaline and Metaline Falls, Wash., reported the same with amendment, accompanied by a report (No. 198), which said bill and report were referred to the House Calendar.

Mr. CARAWAY, from the Committee on the Judiciary, to which was referred the bill (H. R. 10312) relating to appeals and writs of error and costs thereof, reported the same without amendment, accompanied by a report (No. 199), which said bill and report were referred to the House Calendar.

Mr. BYRNES of South Carolina, from the Committee on War Claims, to which was referred the bill (H. R. 8246) to revive the right of action under the act of March 12, 1863 (12 Stat. L., p. 820), reported the same with amendment, accompanied by a report (No. 200), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

## REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. STEPHENS of Mississippi, from the Committee on Claims, to which was referred the bill (H. R. 9635) for the relief of the estate of Williamson Page, reported the same with amendment, accompanied by a report (No. 194), which said bill and report were referred to the Private Calendar.

Mr. RUSSELL of Ohio, from the Committee on Claims, to which was referred the bill (H. R. 8630) for the relief of the Farmer's State Bank, of Eureka, Woodford County, Ill., reported the same without amendment, accompanied by a report (No. 195), which said bill and report were referred to the Private Calendar.

## ADVERSE REPORTS.

Under clause 2 of Rule XIII, adverse reports were delivered to the Clerk and laid on the table, as follows:

Mr. RUSSELL of Ohio, from the Committee on Claims, to which was referred the bill (H. R. 7416) granting relief to Robert J. Shields, reported the same adversely, accompanied by a report (No. 192), which said bill and report were laid on the table.

Mr. YOUNG of North Dakota, from the Committee on Claims, to which was referred the bill (H. R. 2611) for the relief of William T. Roche, reported the same adversely, accompanied by a report (No. 193), which said bill and report were laid on the table.

## CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 975) granting a pension to Emeline Vanata; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 4907) granting a pension to Michael E. McGrath; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

## PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. SCULLY: A bill (H. R. 11531) to amend section 4472 of the Revised Statutes of the United States; to the Committee on the Merchant Marine and Fisheries.

By Mr. McLEMORE: A bill (H. R. 11532) to provide for the erection of a public building at Kingsville, Tex.; to the Committee on Public Buildings and Grounds.

By Mr. GARD: A bill (H. R. 11533) to amend section 8 of an act entitled "An act to supplement existing laws against unlawful restraints and monopolies, and for other purposes," approved October 15, 1914; to the Committee on the Judiciary.

By Mr. MONDELL: A bill (H. R. 11534) authorizing the State of Wyoming to select lands in lieu of lands heretofore selected by said State under various grants by the United States; to the Committee on the Public Lands.

By Mr. FULLER: A bill (H. R. 11535) to amend section 2 of an act to increase the pensions of widows, etc., approved April 19, 1908; to the Committee on Invalid Pensions.

By Mr. KINKAID: A bill (H. R. 11536) providing for compulsory attendance of witnesses for accused in criminal cases, depositions, and for other purposes; to the Committee on the Judiciary.

By Mr. HOPWOOD: A bill (H. R. 11537) for the purchase of a site and the erection of a public building thereon at Somerset, Pa.; to the Committee on Public Buildings and Grounds.

By Mr. NEELY: A bill (H. R. 11538) to amend section 2 of an act to increase the pensions of widows, etc., approved April 19, 1908; to the Committee on Invalid Pensions.

By Mr. BRUCKNER: A bill (H. R. 11539) for the reduction of the rate of postage chargeable on first-class mail matter for local delivery; to the Committee on the Post Office and Post Roads.

By Mr. KETTNER: A bill (H. R. 11540) to grant rights of way over Government lands for reservoir purposes, for the conservation and storage of water to be used by the city of San Diego, Cal., and adjacent communities; to the Committee on the Public Lands.

By Mr. TAGGART: A bill (H. R. 11541) to provide for the acquirement, by condemnation or otherwise, of four sites for factories for the manufacture of munitions and equipment for the Army and Navy of the United States; to the Committee on Public Buildings and Grounds.

By Mr. DILL: A bill (H. R. 11542) to amend an act entitled "An act to amend sections 2291 and 2297 of the Revised Statutes of the United States relating to homesteads"; to the Committee on the Public Lands.

By Mr. HOOD: A bill (H. R. 11543) to regulate the salaries of keepers of lighthouses; to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 11544) to provide for the retirement of officers and employees of the Bureau of Lighthouses and the Lighthouse Service; to the Committee on Interstate and Foreign Commerce.

By Mr. RANDALL: A bill (H. R. 11545) to amend section 8 of an act entitled "An act to supplement existing laws against unlawful restraints and monopolies, and for other purposes," approved October 15, 1914; to the Committee on the Judiciary.

By Mr. HAY: Resolution (H. Res. 140) authorizing index of hearings before Committee on Military Affairs; to the Committee on Accounts.

By Mr. KITCHIN: Resolution (H. Res. 141) authorizing payment to C. H. England; to the Committee on Accounts.

By Mr. MOORE of Pennsylvania: Joint resolution (H. J. Res. 152) directing the Ways and Means Committee to inquire

whether the President and the Senate may negotiate a treaty with Colombia modifying or repealing law providing for revenue without action on the part of the House of Representatives, and to report thereon; to the Committee on Rules.

## PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ANDERSON: A bill (H. R. 11546) granting an increase of pension to Myron Reynolds; to the Committee on Invalid Pensions.

By Mr. ASHBROOK: A bill (H. R. 11547) granting an increase of pension to Edith Butler; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11548) authorizing the Secretary of War to confer upon Solomon Fish the congressional medal of honor; to the Committee on Military Affairs.

Also, a bill (H. R. 11549) granting an increase of pension to Eva Ross; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11550) granting an increase of pension to Hattie B. Search; to the Committee on Invalid Pensions.

By Mr. ASWELL: A bill (H. R. 11551) for the relief of the estate of Charles Le Roy, deceased; to the Committee on Claims.

By Mr. BROWNE of Wisconsin: A bill (H. R. 11552) granting a pension to Mary M. Murray; to the Committee on Invalid Pensions.

By Mr. BYRNS of Tennessee: A bill (H. R. 11553) granting an increase of pension to Aaron Ready; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11554) granting an increase of pension to James T. Inman; to the Committee on Invalid Pensions.

By Mr. CAMPBELL: A bill (H. R. 11555) granting an increase of pension to Louisa Singer; to the Committee on Invalid Pensions.

By Mr. CHIPERFIELD: A bill (H. R. 11556) granting an increase of pension to Miller Hoffman; to the Committee on Invalid Pensions.

By Mr. CULLOP: A bill (H. R. 11557) granting a pension to Samuel B. Sheplor; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11558) granting a pension to Dink Sexton; to the Committee on Pensions.

By Mr. DILL: A bill (H. R. 11559) for the relief of Frank Hartman; to the Committee on Claims.

By Mr. DOWELL: A bill (H. R. 11560) granting an increase of pension to Henry H. Stevens; to the Committee on Invalid Pensions.

By Mr. DRISCOLL: A bill (H. R. 11561) granting an increase of pension to Albert Klein; to the Committee on Invalid Pensions.

By Mr. EVANS: A bill (H. R. 11562) granting an increase of pension to Eddy J. Workman; to the Committee on Pensions.

By Mr. FERRIS: A bill (H. R. 11563) for the relief of the Woman's Board of Domestic Missions, Reformed Church of America; to the Committee on Indian Affairs.

Also, a bill (H. R. 11564) granting an increase of pension to John Davis; to the Committee on Invalid Pensions.

By Mr. GANDY: A bill (H. R. 11565) granting an increase of pension to Clark N. Ditto; to the Committee on Invalid Pensions.

By Mr. GRAHAM: A bill (H. R. 11566) granting a pension to Elizabeth W. Jones; to the Committee on Invalid Pensions.

By Mr. HAUGEN: A bill (H. R. 11567) for the relief of Robert McFarland; to the Committee on Military Affairs.

By Mr. HICKS: A bill (H. R. 11568) granting an increase of pension to William Lendemann; to the Committee on Invalid Pensions.

By Mr. JAMES: A bill (H. R. 11569) granting a pension to Wilfred W. Murray; to the Committee on Pensions.

By Mr. KETTNER: A bill (H. R. 11570) granting an increase of pension to Martha J. Todd; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11571) granting an increase of pension to Fred Opperman; to the Committee on Pensions.

Also, a bill (H. R. 11572) for the relief of Lily Danforth Bothwell; to the Committee on Military Affairs.

By Mr. KIESS of Pennsylvania: A bill (H. R. 11573) granting a pension to Charles B. Reid; to the Committee on Pensions.

By Mr. LAFEAN: A bill (H. R. 11574) granting an increase of pension to William H. Zeigler; to the Committee on Invalid Pensions.

By Mr. McARTHUR: A bill (H. R. 11575) to remove the charge of desertion from the military record of William Cameron; to the Committee on Military Affairs.

By Mr. MAHER: A bill (H. R. 11576) granting an increase of pension to Jesse J. Barnwell; to the Committee on Pensions.

Also, a bill (H. R. 11577) granting an increase of pension to John Flood; to the Committee on Invalid Pensions.

By Mr. MOONEY: A bill (H. R. 11578) granting a pension to Mary E. Tanner; to the Committee on Invalid Pensions.

By Mr. MOSS of Indiana: A bill (H. R. 11579) to provide for the examination of Dr. H. H. Thacker for acting dental surgeon, United States Army; to the Committee on Military Affairs.

By Mr. NEELY: A bill (H. R. 11580) granting an increase of pension to Mary Petermann; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11581) granting an increase of pension to Thornton A. Merrifield; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11582) granting an increase of pension to Samuel Patterson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11583) granting an increase of pension to Armstead B. Smith; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11584) for the relief of D. B. Barbour and A. P. Gladden, copartners doing business under the firm name Brown, Barbour & Gladden; to the Committee on Claims.

By Mr. OAKEY: A bill (H. R. 11585) granting an increase of pension to James Dagnan; to the Committee on Invalid Pensions.

By Mr. RAMSEYER: A bill (H. R. 11586) granting a pension to Sarah J. Donaldson; to the Committee on Invalid Pensions.

By Mr. RANDALL: A bill (H. R. 11587) granting an increase of pension to Hiram W. Jackson; to the Committee on Invalid Pensions.

By Mr. RAUCH: A bill (H. R. 11588) granting medal of honor to Capt. William M. De Hart; to the Committee on Military Affairs.

Also, a bill (H. R. 11589) granting an increase of pension to John R. Barker; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11590) granting an increase of pension to James Van Riper; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11591) to correct the military record of John Callahan; to the Committee on Military Affairs.

Also, a bill (H. R. 11592) granting an increase of pension to David T. Manor; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11593) granting an increase of pension to Winfield S. Stalnaker; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11594) granting an increase of pension to Sarah E. Fred; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11595) granting an increase of pension to Daniel Rawlings; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11596) granting a pension to William H. Culler; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11597) granting a pension to Albert De Witt Clinton Walker; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11598) granting a pension to Sarah L. O'Connell; to the Committee on Invalid Pensions.

By Mr. ROUSE: A bill (H. R. 11599) for the relief of Marion Banta; to the Committee on Claims.

Also, a bill (H. R. 11600) granting an increase of pension to Norval L. Bennett; to the Committee on Pensions.

By Mr. SCHALL: A bill (H. R. 11601) granting a pension to Louis S. Harris; to the Committee on Pensions.

By Mr. SELLS: A bill (H. R. 11602) granting an increase of pension to George Lee; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11603) for the relief of Samuel Adams; to the Committee on Military Affairs.

By Mr. SHOUSE: A bill (H. R. 11604) granting an increase of pension to Sarah L. Robinson; to the Committee on Invalid Pensions.

By Mr. SLAYDEN: A bill (H. R. 11605) granting a pension to Mary Hutchinson; to the Committee on Pensions.

By Mr. SMITH of Idaho: A bill (H. R. 11606) to authorize the exchange of lot 10, section 19, township 45 north, range 114 west, sixth principal meridian, for certain private lands needed in connection with the construction of Jackson Lake Reservoir, Wyo., and for other purposes; to the Committee on the Public Lands.

By Mr. STINESS: A bill (H. R. 11607) granting an increase of pension to Thankful Pendleton; to the Committee on Invalid Pensions.

By Mr. TAGUE: A bill (H. R. 11608) granting a pension to Hugh A. Kelly; to the Committee on Pensions.

By Mr. THOMAS: A bill (H. R. 11609) granting a pension to Jennie S. Bunch; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11610) granting an increase of pension to Elijah W. Taylor; to the Committee on Invalid Pensions.

By Mr. VAN DYKE: A bill (H. R. 11611) granting an increase of pension to Andrew J. Weidle; to the Committee on Pensions.

By Mr. WALKER: A bill (H. R. 11612) for the relief of the heirs of S. S. Barnard; to the Committee on War Claims.

By Mr. WASON: A bill (H. R. 11613) granting an increase of pension to Walter S. Lougee; to the Committee on Invalid Pensions.

By Mr. WM. ELZA WILLIAMS: A bill (H. R. 11614) for the relief of Edward B. Hughes; to the Committee on Military Affairs.

By Mr. WILLIAMS of Ohio: A bill (H. R. 11615) granting an increase of pension to Aaron B. Stutzman; to the Committee on Invalid Pensions.

## PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ALLEN: Petition of 55 citizens of Cincinnati, Ohio, favoring national prohibition; to the Committee on the Judiciary.

By Mr. ANTHONY: Petitions of E. A. Wagner and others, of Meriden; G. H. Hedge and others, of Whiting; Edward E. Doughty and others, of Troy; L. A. Libel and others, of Wathena, all in the State of Kansas, against stamp tax on bank checks; to the Committee on Ways and Means.

By Mr. ASHBROOK: Evidence to accompany House bill 11489, for relief of Maria J. Anderson; to the Committee on Invalid Pensions.

By Mr. BARCHFELD: Memorial of Iron City Central Trades Council of Pittsburgh, Pa., against the repeal of the seamen's law; to the Committee on the Merchant Marine and Fisheries.

By Mr. BAILEY: Petition of Joseph E. Leap, Aaron Bacon, Joseph Domonkos, Elmer Prescott, and S. A. Myers, of Cassandra; M. K. Piper, C. G. Hughes, E. J. Hughes & Sons, R. J. Bender; Keystone Merchandise Co., H. H. Brady, manager; L. M. Sanderson, and Daniel Leahey, of Lilly, all in Cambria County, Pa., for the taxation of mail-order houses; to the Committee on Ways and Means.

By Mr. BRUCKNER: Petition of International Union of the United Brewery Workmen, against national prohibition; to the Committee on the Judiciary.

Also, petition of Edward F. Cole, of Yonkers, N. Y., protesting against any curtailment of mail deliveries in New York City; to the Committee on the Post Office and Post Roads.

Also, memorial of Foreign Service Camp, No. 87, United Spanish War Veterans, indorsing Senate bill 2526 and House bill 632; to the Committee on Pensions.

By Mr. BYRNS of Tennessee: Papers to accompany bill granting an increase of pension to James T. Inman; to the Committee on Invalid Pensions.

Also, papers to accompany bill granting an increase of pension to Aaron Ready; to the Committee on Invalid Pensions.

Also, petition of A. J. Harris Chapter, United Daughters of the Confederacy, for a Confederate soldiers pension; to the Committee on Invalid Pensions.

By Mr. CAMPBELL: Petition of sundry depositors in banks of Kansas, against stamp tax on bank checks; to the Committee on Ways and Means.

By Mr. COPLEY: Evidence to accompany House bill 10436 for the relief of B. S. Pearsall; to the Committee on Claims.

By Mr. CARY: Petition of Albert T. Uscelt & Sons Co., of Milwaukee, Wis., favoring House bill 702, the dyestuffs bill; to the Committee on Ways and Means.

By Mr. CULLOP (by request): Petition of United Presbyterian congregation of Bloomington, Ind.; citizens of Washington, Ind.; Methodist Episcopal Sunday School, Brooklyn, Ind.; 16 citizens of Bicknell, Ind.; 72 citizens of Brooklyn, Ind.; and citizens of Monroe County, Ind., for national prohibition; to the Committee on the Judiciary.

By Mr. CURRY: Memorial of Board of Supervisors of Contra Costa County, Cal., favoring the establishment of a national leprosarium; to the Committee on Appropriations.

By Mr. DALE of New York: Petition of Central Federated Union of Greater New York and vicinity, against national prohibition; to the Committee on the Judiciary.

Also, petition of Central Federated Union of Greater New York and vicinity, against change in seamen's law; to the Committee on the Merchant Marine and Fisheries.

Also, petition of the Association of Governmental Labor Officials of United States and Canada, favoring compensation for injured employees of the United States Government; to the Committee on the Judiciary.

Also, memorial of Washington (D. C.) Lodge, No. 15, of the Benevolent and Protective Order of Elks of the United States of America, against prohibition in District of Columbia; to the Committee on the District of Columbia.

By Mr. DARROW: Petition of Methodist Episcopal Church of Chestnut Hill, Philadelphia, Pa., favoring prohibition; to the Committee on the Judiciary.

By Mr. DILLON: Petition of sundry citizens of Scotland, S. Dak., favoring an embargo on arms; to the Committee on Foreign Affairs.

By Mr. DUNN: Petition of Langslow Lowler Co., of Rochester, N. Y., favoring House bill 702, the dyestuffs bill; to the Committee on Ways and Means.

Also, petition of Johnson Compound & Supply Co., of Rochester, N. Y., favoring House bill 702, the dyestuffs bill; to the Committee on Ways and Means.

By Mr. ELSTON: Memorial of prominent dentists of Alameda County, Cal., favoring legislation to increase the efficiency of the Dental Corps of the United States Army; to the Committee on Military Affairs.

By Mr. EMERSON: Petitions of sundry citizens of Cleveland and Orange Township, Ohio, favoring national prohibition; to the Committee on the Judiciary.

By Mr. ESCH: Petition of P. A. Hemmy and 34 others, of Humbird, Wis., protesting against Senate bill 901 and House bills 26, 677, 6823, and 6871, regarding prison-made goods; to the Committee on Labor.

Also, memorial of Washington (D. C.) Lodge, No. 15, of Benevolent and Protective Order of Elks, against prohibition in the District of Columbia; to the Committee on the District of Columbia.

By Mr. FESS (by request): Petitions of citizens of the State of Ohio, favoring tax on mail-order houses; to the Committee on Ways and Means.

Also, petition of Epworth League, Grace Methodist Episcopal Church of Urbana, Ohio, favoring national prohibition; to the Committee on the Judiciary.

By Mr. FLYNN: Memorial of Washington (D. C.) Lodge, No. 15, Benevolent and Protective Order of Elks, against prohibition in the District of Columbia; to the Committee on the District of Columbia.

By Mr. FULLER: Petition of Rockford (Ill.) Branch of International Wood Carvers' Association, favoring House bill 4770, relative to labeling, etc.; to the Committee on Interstate and Foreign Commerce.

Also, petition of Schoolmasters' Club of Illinois, favoring Federal aid for vocational education; to the Committee on Education.

By Mr. GALLIVAN: Memorial of Railway Business Association, relative to inquiry into railroad regulation; to the Committee on Interstate and Foreign Commerce.

By Mr. HASTINGS: Papers to accompany House bill 11498, for relief of James M. Moore; to the Committee on Claims.

Also, papers to accompany House bill 11497, for relief of John Fishero; to the Committee on Invalid Pensions.

By Mr. HOLLINGSWORTH: Petition of M. J. E. Allensworth and Methodist Protestant Church of Palermo, Carroll County, Ohio, for national prohibition; to the Committee on the Judiciary.

Also, petitions of the Presbyterian Church, Dr. S. B. McGavran, and 115 other citizens, of Cadiz, Ohio, favoring national prohibition; to the Committee on the Judiciary.

By Mr. HILL: Petition of Topham Leather Goods Co., of Washington, D. C., in favor of House bill 702, the dyestuffs bill; to the Committee on Ways and Means.

Also, petition of C. W. Pomery & Co., and the Gum, Dengler Co., of Chicago, Ill., favoring House bill 702, the dyestuffs bill; to the Committee on Ways and Means.

Also (by request), petition of John J. Reynolds and other citizens of Bridgeport, Conn., favoring the adoption of sundry House joint resolutions; to the Committee on Foreign Affairs.

By Mr. HILLIARD: Petition of H. S. Vickery and 16 others, of Colorado, against preparedness; to the Committee on Military Affairs.

Also, petition of L. A. Spring and 25 others, of Denver, Colo., favoring national prohibition; to the Committee on the Judiciary.

By Mr. IGOE: Statement by Hon. F. M. Rumbold, in charge of Light Battery A, National Guard of Missouri, who for 35 years has been a member of the United States Army and National Guard, on the question of preparedness; to the Committee on Military Affairs.

By Mr. KENNEDY of Rhode Island: Petition of Workingmen's Independent Political Club of Providence, R. I., favoring creation of permanent tariff commission; to the Committee on Ways and Means.

By Mr. KETTNER: Resolution urging national and Pacific coast defense, by Chamber of Commerce, Santa Ana, Cal.; also

by San Diego Chapter of Woman's section of the Navy League; to the Committee on Military Affairs.

Also, petition urging prohibition in District of Columbia by national lecturer of Woman's Christian Temperance Union; also by San Diego County Woman's Christian Temperance Union; to the Committee on the District of Columbia.

Also, petition urging Federal censorship of moving-picture films, by Woman's Christian Temperance Union of San Diego County, Cal.; to the Committee on Education.

By Mr. KONOP: Memorial of International Union of the United Brewery Workmen of Green Bay and Appleton, Wis., against national prohibition; to the Committee on the Judiciary.

Also, petitions of citizens and business men of Oconto, Green Bay, Appleton, and Manitowoc, Wis., against prohibition in District of Columbia; to the Committee on the District of Columbia.

By Mr. LAFEAN: Memorial of Chamber of Commerce of San Diego, Cal., relative to railway mail pay; to the Committee on the Post Office and Post Roads.

Also, memorial of Central Federated Union, favoring seamen's law, etc.; to the Committee on the Merchant Marine and Fisheries.

Also, memorial of Washington (D. C.) Lodge, No. 15, Benevolent Protective Order of Elks, against prohibition in District of Columbia; to the Committee on the District of Columbia.

Also, memorial of Central Federated Union, against prohibition; to the Committee on the Judiciary.

By Mr. MATTHEWS: Petition of Zion Methodist Episcopal Sunday School of Grover Hill, Ohio, favoring embargo on arms, etc.; to the Committee on Foreign Affairs.

Also, petition of citizens of Delta and Wauseon, Ohio, favoring national prohibition; to the Committee on the Judiciary.

By Mr. McDERMOTT: Memorial of the Illinois State Federation of Labor, urging passage of the ship-purchase bill; to the Committee on the Merchant Marine and Fisheries.

By Mr. MAHER: Memorial of the National Guard Association of New York, favoring placing the National Guard under Federal control; to the Committee on Military Affairs.

Also, memorial of Washington (D. C.) Lodge, No. 15, Benevolent and Protective Order of Elks, opposing prohibition in the District of Columbia; to the Committee on the District of Columbia.

By Mr. MOORE of Pennsylvania: Petitions of Marie Weidner and others and Holy Cross Evangelical Lutheran Congregation, of Philadelphia, Pa., favoring embargo on arms, etc.; to the Committee on Foreign Affairs.

Also, petition of German Sunday School Society of Philadelphia, Pa., against war measures; to the Committee on Military Affairs.

Also, petition of Best Kid Co., of Philadelphia, Pa., favoring tax on dyestuffs; to the Committee on Ways and Means.

By Mr. MORIN: Petition of E. C. Keyser, of Pittsburgh, Pa., protesting against any increase in Army or Navy appropriations; to the Committee on Appropriations.

By Mr. NEELY: Petition of 29 citizens of the first congressional district of West Virginia, asking that the report of the United States Commission on Industrial Relations, etc., be printed; to the Committee on Printing.

By Mr. NORTH: Memorial of Washington (D. C.) Lodge, No. 15, Benevolent and Protective Order of Elks, against prohibition in the District of Columbia; to the Committee on the District of Columbia.

Also, petition of 68 citizens of Indiana County, Pa., favoring a Christian amendment to the Constitution of the United States; to the Committee on the Judiciary.

Also, petition of 21 citizens of Punxsutawney, Pa., favoring national prohibition; to the Committee on the Judiciary.

By Mr. OAKEY: Petition of principal and teachers of the public school of Windsor, Conn., favoring motion-picture commission; to the Committee on Education.

By Mr. OVERMYER: Memorial of Methodist Episcopal Official Board and Church of North Fairfield, Ohio, favoring national prohibition; to the Committee on the Judiciary.

By Mr. PAIGE of Massachusetts: Petition of 14 business firms in Palmer, 13 in Spencer, 3 in North Brookfield, 6 in Brookfield, 6 in Warren, 19 in Gardner, 8 in Orange, 14 in Athol, 13 in Fitchburg, 13 in Clinton, 14 in Winchendon, 15 in Webster, 15 in Southbridge, all in the State of Massachusetts, in favor of the enactment of House bill 5308; to the Committee on Ways and Means.

By Mr. RAKER: Petition of T. H. Reed and others, of Hawley, Cal., urging and requesting passage of the Ferris water-power bill; to the Committee on the Public Lands.

By Mr. SELLS: Petition for prohibition, asking that House joint resolutions 84 and 85 for constitutional amendment be passed; to the Committee on the Judiciary.

By Mr. SMITH of Texas: Petition of Poster Cotton Mills, of the State of Texas, favoring House bill 702, the dyestuffs bill; to the Committee on Ways and Means.

Also, petition of citizens of Taylor County, Tex., favoring preparedness; to the Committee on Military Affairs.

Mr. SMITH of Idaho: Memorial of Commercial Club of Buhl, Idaho, in favor of preparedness; to the Committee on Military Affairs.

Also, memorial of Commercial Club of Twin Falls, Idaho, favoring preparedness; to the Committee on Military Affairs.

Also, protest of National Spring & Wire Co., of Albion, against House bill 6414, to stamp goods; to the Committee on Interstate and Foreign Commerce.

By Mr. STINESS: Petition of Local No. 23, International Alliance of Theatrical Stage Employees, of Providence, R. I., against tax on theaters; to the Committee on Ways and Means.

Also, petition of Minntownah Council, No. 7, Junior Order of United American Mechanics, of Providence, R. I., favoring Burnett immigration bill; to the Committee on Immigration and Naturalization.

By Mr. SULLOWAY: Memorial of German-American Alliance of Manchester, N. H., against national prohibition; to the Committee on the Judiciary.

Also, petitions of Workingmen's Relief Society and German-American Alliance, of Manchester, N. H., against prohibition in the District of Columbia; to the Committee on the District of Columbia.

Also, memorial of German-American Alliance of Manchester, N. H., asking an amendment to the naturalization laws; to the Committee on Immigration and Naturalization.

Also, memorial of German-American Alliance of Manchester, N. H., favoring embargo on arms, etc.; to the Committee on Foreign Affairs.

By Mr. TILSON: Petition of Dr. William F. Smith, of Meriden, Conn., favoring amending Federal drug act; to the Committee on Agriculture.

By Mr. WARD: Petition of Ulster Paint Works, of Ellenville, N. Y., favoring tax on dyestuffs; to the Committee on Ways and Means.

By Mr. WASON: Resolutions of the Methodist Episcopal Church of Sunapee, N. H., representing 125 people, favoring national prohibition; to the Committee on the Judiciary.

Also, resolutions of Darwin M. Aldrich Camp, No. 9, United Spanish War Veterans, Department of New Hampshire, of Keene, N. H., favoring a larger and better Army and Navy; to the Committee on Military Affairs.

## SENATE.

### WEDNESDAY, *February 16, 1916.*

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, Thy name is our defense and our inspiration. Thou art our sun and our shield. Our little systems have their day; they have their day and cease to be. That which gives stability and permanency is the unchanging order of Thy kingdom. That which gives dignity and glory to our human obligation is our relation to the unchanging covenant of God. Help us to enter heartily and fully into the covenant that Thou hast made with us, that we may keep Thy law, that we may be governed by Thy will, and that we may accomplish Thy purpose on earth. We ask for Christ's sake. Amen.

The Journal of yesterday's proceedings was read and approved.

#### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House recedes from its disagreement to the amendment of the Senate numbered 1 to the bill (H. R. 9416) making appropriations to supply further urgent deficiencies in appropriations for the fiscal year ending June 30, 1916, and prior years, and for other purposes, and agrees to the same; insists upon its disagreement to the amendments of the Senate numbered 2, 5, 11, and 14; agrees to the further conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. FITZGERALD, Mr. EAGAN, and Mr. CANNON conferees on the part of the House.

#### PETITIONS AND MEMORIALS.

Mr. GALLINGER presented petitions of the Building Trades Department, American Federation of Labor, and the Interna-

tional Association of Machinists, of Washington, D. C., praying for the enactment of legislation to further restrict immigration, which were referred to the Committee on Immigration.

He also presented a petition of the Ministerial Association of Manchester, N. H., praying for an increase in armaments, which was referred to the Committee on Military Affairs.

Mr. MARTIN of Virginia. I present a resolution adopted by the House of Delegates of the Legislature of Virginia and ask that it be read.

There being no objection, the resolution was read and referred to the Committee on Military Affairs, as follows:

Whereas Virginia as a sovereign State, but an integral part of this great Nation, has never and will never justify war, except as acting in the defense of well-defined human rights, and to this end only, has always and does now believe in preparedness: Therefore be it

*Resolved*, That the House of Delegates of the General Assembly of Virginia hereby indorses the action of our great President in stirring the minds of the people of this country to a sense of duty along the lines indicated, and that they commend the untiring efforts of our Committee on Military Affairs in both Houses of our National Congress to reach the desired end without committing the United States of America to militarism.

*Resolved further*, That a copy of this resolution be transmitted to the Virginia delegation in both Houses of the Congress of the United States.

Agreed to by house of delegates February 4, 1916.

JOHN W. WILLIAMS,
*Clerk House of Delegates.*

Mr. PITTMAN presented a petition of the Commercial Club of Reno, Nev., praying for the regulation of all railroad rates by the Interstate Commerce Commission, which was referred to the Committee on Interstate Commerce.

Mr. PHELAN. Mr. President, I beg to offer sundry petitions for reference. In presenting a petition from some people in a small city of California against increasing the Army, at the same time I present a petition for an increased garrison at Monterey, Cal., one of the most exposed harbors near San Francisco. The right of petition is sacred, but the right of self-defense is not less sacred. I move that the petitions be referred to the Committee on Military Affairs.

The motion was agreed to.

Mr. PHELAN presented a petition of the Canners' League of California, praying for the enactment of legislation to impose certain duties on interstate carriers regarding shipment of fruit, which was referred to the Committee on Interstate Commerce.

He also presented a petition of the Orange County Bankers' Association, of California, praying for the enactment of legislation to provide certain changes in the Federal reserve law, which was referred to the Committee on Banking and Currency.

He also presented a petition of the Chamber of Commerce of Hollister, Cal., praying for the enactment of legislation to promote the use of peanut and cottonseed oil for human consumption, which was referred to the Committee on Agriculture and Forestry.

Mr. SHEPPARD presented memorials of sundry citizens of Texas, remonstrating against an increase in armaments, which were referred to the Committee on Military Affairs.

He also presented a petition of sundry citizens of Washington, D. C., and a petition of 261 citizens of Petersburg, Alaska, praying for prohibition in the District of Columbia, which was ordered to lie on the table.

He also presented a petition of 261 citizens of Petersburg, Alaska, praying for national prohibition, which was referred to the Committee on the Judiciary.

Mr. FLETCHER presented a petition of the Gadsden County Tobacco Growers' Union, of Quincy, Fla., praying that an appropriation be made for the investigation of conditions in the raising of tobacco, which was referred to the Committee on Agriculture and Forestry.

Mr. BECKHAM presented petitions of sundry citizens of Kentucky, praying for prohibition in the District of Columbia, which were ordered to lie on the table.

Mr. HARDING presented petitions of sundry citizens of Ohio, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. McLEAN presented petitions of the Woman's Christian Temperance Unions of Waterbury, Willimantic, and Winsted; of Local Grange, Patrons of Husbandry, of East Hampton; and of sundry citizens of East Windsor, all in the State of Connecticut, praying for Federal censorship of motion pictures, which were referred to the Committee on Education and Labor.

He also presented a petition of the congregation of the People's Presbyterian Church, of Bridgeport, Conn., and a petition of sundry citizens of Stamford, Conn., praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented a petition of Central Pomona Grange, No. 1, Patrons of Husbandry, of Berlin, Conn., praying for the creation of a system of rural credits, which was ordered to lie on the table.

He also presented a memorial of the German-American Alliance of Waterbury, Conn., remonstrating against the seizure of mails by the British Government and praying for the placing of an embargo on the exportation of munitions of war, which was referred to the Committee on Foreign Relations.

He also presented a petition of Riverside Council, No. 26, Knights of Columbus, of Windsor Locks, Conn., praying for the enactment of legislation to make October 12 a legal holiday, which was referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of Greenwich, Conn., praying for the enactment of legislation to prohibit interstate commerce in the products of child labor, which was referred to the Committee on Interstate Commerce.

He also presented a petition of James W. Milne Camp, No. 14, United Spanish War Veterans, of Rockville, Conn., praying for the enactment of legislation to grant pensions to widows and orphans of veterans of the Spanish-American War, which was referred to the Committee on Pensions.

Mr. CLARK of Wyoming presented petitions of sundry citizens of Luck, Glen Rock, and Riverton, all in the State of Wyoming, praying for an increase in armaments, which were referred to the Committee on Military Affairs.

Mr. SHIVELY presented petitions of the congregations of the United Brethren Church of Marshall, of the official board of the Methodist Episcopal Church of Peru, and of sundry citizens of Montpelier and Tyner, all in the State of Indiana, praying for national prohibition, which were referred to the Committee on the Judiciary.

### SALT FORK BRIDGE, OKLAHOMA.

Mr. OWEN. I ask to have the bill (S. 3423) to provide for the construction of a bridge across the Salt Fork of the Arkansas River, near White Eagle Agency, in the Ponca Indian Reservation, Okla., which was improperly referred to the Committee on Commerce, sent to the Committee on Indian Affairs. The bill ought not to have gone to the Committee on Commerce, and I should like to have it referred to the proper committee.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the Committee on Commerce is discharged from the further consideration of the bill and it will be referred to the Committee on Indian Affairs.

### EMPLOYMENT OF STENOGRAPHER.

Mr. SHAFROTH. From the Committee to Audit and Control the Contingent Expenses of the Senate, I report back favorably with an amendment Senate resolution 95, submitted by the Senator from South Carolina [Mr. SMITH], and I ask for the consideration of it at this time, as the hearings are to begin tomorrow.

The Senate, by unanimous consent, proceeded to consider the resolution.

The amendment was, in lines 3 and 4, to strike out the words "to send for persons, books, and papers; to administer oaths, and," so as to make the resolution read:

*Resolved*, That the Committee on Agriculture and Forestry, or any subcommittee thereof, be, and hereby is, authorized during the Sixty-fourth Congress to employ a stenographer, at a cost not exceeding $1 per printed page, to report such hearings as may be had in connection with any subject which may be pending before said committee, the expense thereof to be paid out of the contingent fund of the Senate, and that the committee, or any subcommittee thereof, may sit during the sessions or recess of the Senate.

The amendment was agreed to.

The resolution as amended was agreed to.

### PRODUCTION AND CONSUMPTION OF GASOLINE.

Mr. SMOOT. Yesterday, on the request of the Senator from North Dakota [Mr. McCUMBER], the supplement to the annual report of the Attorney General of the United States for the year 1915, upon the litigation over withdrawn oil lands in the United States, was ordered to be printed as a Senate document.

I find that the document has already been printed by the House—Document No. 593, Sixty-fourth Congress, first session. That being the case, I ask that the vote by which the order was made to have it printed as a Senate document be reconsidered.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the order is vacated.

### THE GUARANTY FUND.

Mr. SHEPPARD. I present a pamphlet entitled "Six Years of the Guaranty Fund, Its Operation and Effect," by Hon. John S. Patterson, late commissioner of insurance and banking of the State of Texas. I ask that the pamphlet be referred to the Committee on Printing with a view to its publication as a document.

The VICE PRESIDENT. It will be referred to the Committee on Printing.

BILLS AND JOINT RESOLUTION INTRODUCED.

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. OWEN:

A bill (S. 4494) to authorize the acceptance and administration of savings by the Postal Savings Bank Service of the Post Office Department for crescent life annuities; to the Committee on Post Offices and Post Roads.

By Mr. OVERMAN:

A bill (S. 4495) to establish and maintain an aviation station and training school on the coast of North Carolina; to the Committee on Naval Affairs.

By Mr. JOHNSON of Maine:

A bill (S. 4496) granting an increase of pension to Amanda J. Johnson; and

A bill (S. 4497) granting an increase of pension to Julia S. Brown (with accompanying papers); to the Committee on Pensions.

By Mr. JOHNSON of South Dakota:

A bill (S. 4498) to provide for the organization of the unemployed into an industrial army of the United States and for the maintenance of same; to the Committee on Education and Labor.

By Mr. OLIVER:

A bill (S. 4499) authorizing insurance companies and fraternal beneficiary societies to file bills of interpleader; and

A bill (S. 4500) to incorporate the World's Sunday School Association; to the Committee on the Judiciary.

By Mr. SMOOT:

A bill (S. 4501) providing for the erection of a Government munition factory within the State of Utah; to the Committee on Military Affairs.

By Mr. JONES:

A bill (S. 4502) granting an increase of pension to Lizzie G. Bennett (with accompanying papers); to the Committee on Pensions.

By Mr. CLAPP:

A bill (S. 4503) for the relief of Fred Klossner; and

A bill (S. 4504) for the relief of Edward J. Klossner; to the Committee on Claims.

By Mr. POINDEXTER:

A bill (S. 4505) appropriating money to equip Puget Sound Navy Yard for battleship construction; to the Committee on Naval Affairs.

By Mr. BRYAN:

A bill (S. 4506) to amend an act entitled "An act to amend the statutes in relation to immediate transportation of dutiable goods, and for other purposes," approved June 10, 1880; to the Committee on Finance.

By Mr. HARDING:

A joint resolution (S. J. Res. 99) authorizing and directing the Secretary of War to grant the free use, for military drill, of any discarded rifles to any duly accredited camps of the Sons of Veterans Reserve; to the Committee on Military Affairs.

MANUFACTURE OF ARMOR.

Mr. TILLMAN submitted an amendment, intended to be proposed by him to the bill (S. 1417) to erect a factory for the manufacture of armor, which was ordered to lie on the table and be printed.

B. F. YOAKUM.

Mr. NORRIS. Mr. President, several days ago in some remarks I made I took occasion to refer, among other things, to the financial conditions that brought about the wrecking of what is known as the Frisco Railroad System. In some way there seems to have been an impression that in those remarks I intended to cast some reflection upon Mr. B. F. Yoakum. I have received a letter in which such a statement is made. I desire to say that I had no intention whatever of casting any reflection upon Mr. Yoakum, and I do not believe that I did so, but in order to give the matter full publicity I ask unanimous consent to have printed in the RECORD a copy of a letter I have written in reply to such an inquiry.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

The letter referred to is as follows:

FEBRUARY 16, 1916.

WILLIAM C. NIBLACK, Esq.,
*Chicago Title & Trust Co. Building, Chicago, Ill.*

DEAR SIR: I am in receipt of your letter of February 14, inclosing newspaper clipping in which it is charged that in a speech on the floor of the Senate I denounced Mr. B. F. Yoakum personally with being responsible for the deplorable financial condition of the Frisco road generally. In reply permit me to say: In the speech referred to I was advocating certain legislation in regard to the regulation of the financial management of interstate railroads. In the course of my remarks I used the wrecking of the New Haven road, the Rock Island road, and the Frisco System as illustrations tending to show the need of the legislation I was advocating. I was complaining entirely of the financial operations of these and other systems of railroads. I distinctly disavowed any intention of criticizing the operating department of any railroad. I have never regarded Mr. Yoakum as a financial operator. In a general way I have known him by reputation as a builder of railroads and my understanding is that he has been very successful in this respect. I presume in his building operations he was himself often compelled to submit to the dictation of men of large wealth, who by their control of financial matters were able to manipulate stocks and bonds of the various roads he was engaged in building. I have never attempted to investigate Mr. Yoakum. As far as I know he has been perfectly honest in all his railroad operations, and I have never made any charge to the contrary.

Yours, very truly, G. W. NORRIS.

Mr. OWEN subsequently said: Mr. President, my attention has been called to a letter which was put in the RECORD this morning by the Senator from Nebraska [Mr. NORRIS] in regard to the St. Louis & San Francisco Railroad Co., in which the writer attributed the difficulties of the Frisco System to the very high cost of the money which had been used in that service. My attention was drawn to this matter some time ago by reason of the fact that there are 2,500 miles of this system in Oklahoma. In going through the report of the Interstate Commerce Commission of December 26, 1914, I find that they have set forth there the reasons for the financial difficulties of that system, from which I have made extracts, comprising a little over a page of matter, which I ask may go into the RECORD without reading.

The VICE PRESIDENT. In the absence of objection, it will be so ordered.

The matter referred to by Mr. OWEN is as follows:

"Notwithstanding this apparent exhausted financial condition and inability to meet obligations without recourse to further borrowing, the Frisco sold to Speyer & Co., of New York, shortly before the receivers were appointed, $3,000,000 of its general lien 5s, at a price of 78 cents.

"The sale of securities to the investing public through the bankers at a time when every appearance indicated the insolvency of the issuing company invites and warrants condemnation of all those who participated in such sale. Speyer & Co. should have been aware of the poverty of the Frisco, as they advanced that company on April 24, $725,000 on its demand note, and $50,000 on its demand note dated April 29, and applied the proceeds of the sale of $1,000,000 of these bonds to the liquidation of these notes."

The report further says, "The difficulties of the Frisco were of a financial and not of an operating character."

The commission found "that the discount on bonds and notes, including premiums paid for retirement of underlying issues and commissions paid banks or bankers, amounted to $32,387,033.80, from which should be deducted premiums obtained in the exchange of one form of securities for the retirement of others amounting to $1,486,852.25, leaving a net balance of $30,900,181.55 discount borne by the Frisco since its refunding operations in 1901."

The commission's report also shows that through the purchase of the Kansas City, Fort Scott & Memphis there was a total increase in the funded debt of $13,737,510, while $28,510,000 of capital stock of the new company was issued in lieu of $12,900,600 of stock of the old company, or a total increase in capital of $29,346,910, against an increase in mileage of approximately 131½ miles.

The report states further, "Organizing the new company and disposing of the securities through the syndicate was not a labor of love on the part of those composing the syndicate." This syndicate was handled by J. & W. Seligman & Co., who were large participants in same.

Mr. OWEN. I have known Mr. Yoakum for many years, and regard him not only as one of the very great constructive men of the United States and as an honest, courageous, and most laborious man as well. His services, while already greatly appreciated, will be more and more valued by the great Southwest, where his pioneering labors have established thousands of miles of busy steel highways and made possible hundreds of thousands of productive American homes. We need more men like Yoakum in American railroad pioneering.

He has been charged with dealing unjustly with the sale to the Frisco of various constructed lines. I made an inquiry with regard to this matter, and received a letter from Mr. Yoakum with regard to his conduct in this case. I also made a request from Mr. Clark of the Interstate Commerce Commission, who had given special investigation to this question under a Senate resolution, and from him I obtained a reply. I wish to place those letters in the RECORD for the information of those who are concerned in the matter and for the information of the country, the matter having been very much bruited throughout the press.

The VICE PRESIDENT. Without objection, it is so ordered.

The matter referred to is as follows:

LETTER OF B. F. YOAKUM, ESQ., TO SENATOR OWEN RELATIVE TO HIS CONNECTION WITH THE CONSTRUCTION OF THE FRISCO SYSTEM.

FEBRUARY 10, 1916.

MY DEAR SENATOR: Several times within the last two years the St. Louis & San Francisco Railroad Co. has been the subject of discussion in the Senate. Over 1,400 miles of the Frisco System is in Oklahoma, and a large proportion of the mileage constructed which came under the investigation by the Interstate Commerce Commission under a Senate resolution of June 10, 1913, was railroad constructed in that

State. I want to call your attention to some of the facts and to the importance of these newly constructed railroads in the formation of the Frisco system, in connection with the report made to the United States Senate by the Interstate Commerce Commission on January 20, 1914. And to enable me to specifically place the matter before you, I am handing you a map showing each railroad reported upon by the Interstate Commerce Commission, each railroad being numbered to correspond with the number of the commission's report.

NO. 1.—THE OKLAHOMA CITY & WESTERN RAILROAD CO.

This line was constructed in 1901, the construction period being from 1901 to 1903, and extending from Oklahoma City to Quanah, in the Panhandle of Texas. The extension of this line west from Oklahoma City to Texas was necessary to open up that section of country then without a line from that territory to the Mississippi River and southeast territory.

NO. 2.—THE ST. LOUIS, SAN FRANCISCO & NEW ORLEANS RAILROAD CO.

This line, extending from Ardmore, Okla., to the long-leaf-pine district of Arkansas and Louisiana, furnishes tonnage for return loading in addition to opening a good country along the Red River on its Oklahoma side. It was the intention, as you will observe from the map, to carry this line through to a connection with lines extending into the Panhandle of Texas to enable the Frisco to haul lumber into that section. Part of the grading was finished but the gap was not built. The construction period was from 1901 to 1902.

NO. 3.—THE ST. LOUIS & GULF RAILROAD.

The St. Louis & Gulf and St. Louis, Memphis & Southeastern were composed of nine small lines between St. Louis, through southeastern Missouri and Memphis. In the rich Mississippi Delta I could see a territory which with proper transportation facilities would, and has with transportation, become one of the most productive sections of the State of Missouri. The Mississippi Valley west of the river was then served by these disconnected and poorly built roads, with light rails and ties laid on the surface in some instances. Each of these poorly constructed short roads was running only mixed freight and passenger trains, none of them paying operating expenses and giving very poor service to the public. This was one of the most risky enterprises engaged in. I took it up originally on my personal responsibility, assuming obligations and finally gathered the properties together and put them in shape. These Mississippi River lines are now giving to the public the best of service, both freight and passenger, and the rich alluvial valley west of the Mississippi River, through the construction of these railroads, is developing rapidly. While separate accounts are not kept of these lines, taking the tonnage of the main line between St. Louis and Memphis and applying the system rate per ton per mile between those points the road is now earning approximately $10,000 per mile. This tells what this railroad has done for the public and the Frisco.

A syndicate was formed, composed of 50 people, who were almost exclusively St. Louis citizens, who carried the risk in the overflow district of the Mississippi Valley for more than two years. In getting these several small lines together I agreed with Judge Medill, now deceased, that I would do certain things, which, if I had failed, would have cost me considerable money. But instead, through these disconnected lines, the foundation was laid for the building of the line into St. Louis and putting into operation one of the best component lines now forming the Frisco System.

NO. 4.—THE ST. LOUIS & OKLAHOMA CITY RAILROAD.

This line extends from Sapulpa, Okla., to Oklahoma City, and construction was finished in 1899 and its importance to the Frisco can be clearly seen by looking at the map.

NO. 5.—THE ST. LOUIS, OKLAHOMA & SOUTHERN RAILWAY CO.

This line was constructed from Sapulpa, Okla., to Red River, Tex., and was completed in 1900. The construction of this line was necessary and of the greatest importance to the Frisco. In addition to traversing a good country, which has since by reason of the transportation furnished developed so rapidly that it has become one of the most prosperous sections of the State of Oklahoma, and this line has also become the strong line of the Frisco between Kansas City and Missouri River territory and from Texas.

NO. 6.—ARKANSAS VALLEY & WESTERN RAILROAD CO.

In order to secure a connection with the Santa Fe and engage in an interchange of traffic with that company, and from which company we were receiving but little California business, we built a line from Tulsa to Avard, Okla. This line furnishes through transcontinental service between the Mississippi Valley and the Pacific coast, and has proven to be of much value to the Frisco System.

NO. 7.—NEW IBERIA & NORTHERN.

The New Iberia & Northern and the St. Mary & Eastern Railroads are in what is known as the Teche country, the best sugar lands of Louisiana. The construction of these lines was originated by others, and I took an interest in them for the Frisco. Thereafter, by resolution of the board of directors of the Frisco, I turned over my entire interest to the Frisco. After the receivership this transaction was referred to by the Interstate Commerce Commission, and while I do not agree with their conclusions I agreed to take back the entire interest, both for amounts past due and those to become due.

The wisdom of the construction of the New Iberia & Northern by its builders is justified by the fact that arrangements are now being made for the extension of this line into New Orleans at a cost of approximately $3,000,000. When completed it will form an important link of a through line from New Orleans into Mexico, and as far west as California, forming a new transcontinental line in connection with the Santa Fe with as short a mileage to the Pacific coast as that of the Southern Pacific.

NO. 8.—COLORADO, SOUTHERN, NEW ORLEANS & PACIFIC.

The Colorado, Southern, New Orleans & Pacific, extending from New Orleans to Houston, was acquired by the Frisco in 1906; also the Orange & Northwestern and the Beaumont, Sour Lake & Western, the latter forming part of the through main line between New Orleans and Houston.

NO. 9.—CHICAGO & EASTERN ILLINOIS.

The purchase of the stock of the Chicago & Eastern Illinois, as shown in the report of the commission, was acquired by the Frisco in 1902.

NO. 10.—KANSAS CITY, FORT SCOTT & MEMPHIS.

The purchase of the stock of the Kansas City, Fort Scott & Memphis was made in 1901, as shown in report of the commission.

NO. 11.—ST. LOUIS, BROWNSVILLE & MEXICO.

When I first took up the construction of this railroad known as the "Gulf Coast Line," it was after I had made a personal investigation and discovered, as it were, one of the most fertile sections of country on the Western Hemisphere without transportation facilities—the lower Rio Grande Valley of Texas. Prior to the building of this railroad Brownsville, Tex., was 150 miles from any American railroad. Therefore it goes without saying that that fertile country could not have grown or developed any more in the future than it had for the past 50 years without transportation, while with transportation and the railroad to push its development there are to-day over 300,000 acres in cultivation along the Gulf coast country as the result of this new line, of which 85,000 acres are now under irrigation from the waters of the Rio Grande River.

To finance the construction of the first 150 miles of this new railroad required $2,400,000 to start with, and with Col. S. W. Fordyce and others I subscribed $600,000 to guarantee its financing and construction, afterwards reducing my subscription to $300,833.33. During the construction of this line into Houston, Tex., my obligations in other directions largely increased this sum.

During the construction period—covering seven years—of these lines along the coast of Louisiana and Texas we encountered many unforeseen difficulties—war in Mexico and overflows from unprecedented floods.

During this construction I visited Mexico City and spent 10 days negotiating a contract with Mr. Limantour, minister of finance, and Mr. Brown, president of the National Lines of Mexico, and with the approval of President Diaz of Mexico we reached an understanding on the interchange of traffic through the Brownsville-Matamoros gateway, which resulted in the construction of the international bridge across the Rio Grande River. The construction of this bridge was financed through the same interests who constructed the St. Louis, Brownsville & Mexico, with one-half of the stock, which is equal control, being owned by the National Lines of Mexico. I mention this so that you may know how far-reaching our plans were to build up the Frisco System, and which was only prevented through disastrous floods and war that could not be foreseen by human agencies.

Within a few months after the bridge was finished and a connection established with the National Lines of Mexico the interchange of traffic to and from Mexico was exceedingly promising; in fact, had started off with a good business, but within a few months, under the revolutionary wars, the railroad tracks and bridges in Mexico were destroyed, operation of the Mexican lines practically discontinued, and, in spite of a large business that we had commenced to handle and the large business in sight through the Brownsville-Matamoros gateway, all that lucrative business was entirely shut off, and has remained so ever since.

In connection with the Brownsville Railroad I want to call your attention to a letter from the Hon. Allison Mayfield, chairman of the Railroad Commission of Texas, of January 21, 1916, in which he says: "The Texas Railroad Commission had the Brownsville road examined by its engineers and experts, and the valuation as of date June 20, 1911, was $11,874,951.92," which valuation by the Texas Railroad Commission is in excess of the price which the Frisco paid for the Brownsville Railroad.

The construction of all the lines in Oklahoma, Missouri, Arkansas, and Texas built by and for the Frisco between 1896 and 1903 amounted to more than $49,000,000, and the profits to directors, who assumed large obligations and took their chances, was less than $900,000 in the upbuilding of these magnificent properties during a period of 16 years. The wisdom of the location and construction of these lines is now demonstrated by the fact that they are component parts of one of the best railroads west of the Mississippi River, which through the efforts of its officers and close working relations with every community it serves has accomplished more in the upbuilding and development of the southwestern country than any other system of railroads.

The Frisco Railroad System as it now stands is the work of 16 years of my life. It has grown from eleven hundred miles to over 5,000 miles, extending its rails into western territory, in many cases where it was from 20 to 40 miles between houses, which same territory to-day has over 100,000 farm homes, where prosperous people in comfortable homes are living and employing their time in growing foodstuff for the balance of the world.

These railroads could not have been constructed through the then sparsely settled southwestern country in any other way except through independent organizations, and it was necessary in some cases, as shown in the commission's report, to enable me to procure the funds for building these lines to take an interest, showing my faith in the enterprises, and to become personally responsible for my share of obligations and commitments. If we had depended on procuring funds to construct in any other way, the splendid Frisco Railroad System would not have to-day been in existence. I should naturally have preferred to have had these roads constructed by others, provided it could have been done under some arrangement through which the Frisco could have had the benefit of an option when construction was completed.

Railroad building is, under the best conditions, a hazardous and risky investment. New railroads are built through countries undeveloped, and there is no way of foreseeing all the difficulties that may be encountered in the building up and development of a new country. With good soil, climate, and other natural resources, together with railroad transportation, the successful growth and development of a fertile country is assured. But how long it will take before wild lands will be cleared and put under cultivation, or how fast industries may spring up in a new country are unknown quantities, and it is the growth of such industries that a new railroad must look to for its traffic. Capital will not flow freely to such investments and assume the hazards and uncertainties connected with new railroad building through sparsely settled country unless there is offered some inducement for substantial return on investment of so uncertain a character.

Until some method through the Federal Government is devised that will be sufficiently broad and at the same time sufficiently restrictive to prevent undue capitalization, new railroad building will become almost a thing of the past. We are confronted with a dangerous situation to-day. Until within the last two or three years, for over 30 years the average annual railroad mileage constructed was about 6,000 miles. There is not at present a contract for railroad construction in this country, barring a few miles being built to fill in some small gaps. If

this stoppage of railroad building continues for five years without construction of new mileage, using a yearly average of 6,000 miles will put us behind our normal construction 30,000 miles. This will create a congested condition, which will affect labor, business, and development to an extent that will become serious. This is a warning that Senators should seriously consider and find a way to prevent its occurrence.

In conclusion, the responsibility for building up the Frisco System as it stands to-day was a heavy one, and it fell largely upon me personally. Every piece of railroad construction that I induced others to engage in or subscribed to myself took the chance of failing in the undertaking, and resulting in losses to all subscribers, and when they were merged with the Frisco, it was upon terms considered to be a fair and reasonable figure.

These railroads were constructed for the purpose of building up a great railroad system and developing a great rich territory in the Southwest, then largely without railroads to aid in developing. It was a business undertaking which required heavy capital, tireless labor, thorough and systematic working out of details, and management. In every case we availed ourselves of the best possible advice, and with the best engineering contructors of the day combined to produce this property as it now stands.

In justice to myself and other directors of the St. Louis & San Francisco Railroad Co., I am anxious to ascertain beyond any question of doubt if, through the investigation which was made under the supervision of Commissioner Edgar E. Clark, of the Interstate Commerce Commission, anything was found which would warrant any different conclusion than that contained in a report made to the Hon. Walter H. Sanborn, judge of the United States Federal court, by special counsel appointed by Judge Sanborn to bring suit against the officers and directors of the Frisco, if, in their opinion, such suits could be maintained.

I am handing you herewith a copy of the report of the Interstate Commerce Commission; also a copy of the report referred to above, filed with the court, which report concludes with the following statement:

"We have failed to find, however, and judging by the information that we have, we do not believe that any of the directors of the St. Louis & San Francisco Railroad Co. have been guilty of any actual, willful, or intentional fraud in the administration of the affairs of the company."

Yours, very truly, B. F. YOAKUM.

Hon. ROBERT L. OWEN,
*United States Senate, Washington, D. C.*

LETTER ADDRESSED TO FRISCO STOCKHOLDERS BY B. F. YOAKUM, 1913.

NEW YORK, *December 16, 1913.*

To the FRISCO STOCKHOLDERS:

As the Frisco railway properties are now in the hands of receivers and its affairs are being investigated by the Interstate Commerce Commission, under the direction of the United States Senate, I desire to make the following statement.

I have tried to avoid undue length and to confine myself to those things which have been most criticized and to other facts of interest to you. It is not my desire to escape responsibility nor even to divide that responsibility with others.

I hand you herewith a map showing the following lines acquired by the Frisco. The lines indicated in blue I had a personal interest in (see below for details).

The lines indicated in red I had no personal interest in, viz:

| Date. | Road. | Mileage. |
|---|---|---|
| 1899 | St. Louis & Oklahoma City | 103.26 |
| 1902 | Ozark & Cherokee Central | 143.90 |
| 1902 | Blackwell, Enid & Southwestern | 251.43 |
| 1901 | St. Louis, Oklahoma & Southern | 207.26 |
| 1901 | Red River, Texas & Southern | 52.98 |
| 1906 | Colorado Southern, New Orleans & Pacific (now New Orleans, Texas & Mexico) | 466.96 |
| 1902 | Chicago & Eastern Illinois | 1,275.38 |

All of the lines shown on the map were acquired to fit into the Frisco System and to aid in the upbuilding of its business.

When the construction of these lines was undertaken in 1897, through the then sparsely settled country which has since been so largely developed through the agency of the Frisco, it was exceedingly difficult to get money for this pioneering work. Therefore the usual plan of forming syndicates to construct and finance such lines was adopted, and in order to show my faith in the undertakings, and to secure the necessary help, it became imperative for me to invest my own funds.

PROFITS FROM THE SYNDICATE SALES OF THE FOLLOWING RAILROADS.

My interest therein, which is verified by reports made at the hearing concerning the construction of these lines before the Interstate Commerce Commission, and by accurate data, is shown by the following:

| Date. | Road. | Number of syndicate subscribers. | Amount of syndicate subscription. | My subscription. | My profits. | My profit, less 6 per cent interest on investment. |
|---|---|---|---|---|---|---|
| 1902–1904 | St. Louis & Gulf and St. Louis, Memphis & Southeastern | 50 | $2,700,000 | $75,000.00 | $38,187.45 | $29,187.45 |
| 1903–1909 | St. Louis, Brownsville & Mexico | 99 | 3,981,000 | 300,833.33 | 227,580.42 | 111,759.49 |
| 1902–1903 | St. Louis, San Francisco & New Orleans | [1]50 | 5,300,000 | 50,000.00 | 7,900.00 | 3,900.00 |
| 1901–1903 | Oklahoma City & Western | 51 | 2,148,000 | 22,500.00 | 2,933.34 | 1,020.84 |
| 1902–1904 | Arkansas Valley & Western | 61 | 3,190,000 | 62,500.00 | 11,515.78 | 5,283.94 |
| 1909 | New Iberia & Northern | 38 | 1,250,000 | 300,000.00 | None. | None. |
| | Total | | 18,569,000 | $10,833.33 | 288,116.99 | 151,151.72 |

[1] Estimated.

Outside of the above, I received $28,000 in 4½ per cent bonds from the St. Louis & Gulf Syndicate, and $37,500 in sale of the Gulf Construction Co. to the Colorado Southern, New Orleans & Pacific Railroad Co., as shown by me at the hearing in St. Louis.

These acquired railroad properties (12 in number) have all proved advantageous and profitable to the Frisco, with the possible exception of the Chicago & Eastern Illinois and the New Orleans, Texas & Mexico (the Gulf Coast Lines). Judged by results at the present time, these two properties do not appear profitable; but, considered from a broad, constructive standpoint, the larger plans in view, and the probable future earnings of these properties, I believe their purchase will be fully justified. Prospective and retrospective pictures are not always the same.

THE CHICAGO & EASTERN ILLINOIS RAILROAD.

The Frisco acquired a majority of the stock of the Chicago & Eastern Illinois Railroad Co. in October, 1902, and at the time of this acquisition I did not own any Chicago & Illinois stock, nor did I make any profit, directly or indirectly.

Chicago is the largest railroad and commercial center of the West. At the time railroads were being consolidated into large systems, and those without access to large railroad and commercial centers could not develop their traffic satisfactorily. It was the judgment of the board as well as myself that this investment would be advantageous to the Frisco, and while it has not been directly profitable, it has been indirectly of immense advantage, by reason of the gross earnings from interchange business which it probably would not have secured except through ownership of the Chicago & Eastern Illinois.

During the 11 years since the purchase of this property the Frisco has paid out on stock certificates approximately $1,700,000 more than it has received in dividends, or an average of about $150,000 a year. The interchange of traffic, however, has resulted in gross earnings to the Frisco of approximately $3,750,000 annually.

At the time of the purchase of the Chicago & Eastern Illinois it practically controlled the coal traffic of Illinois and Indiana to Chicago markets. Since that time the Southern Illinois, Big Four, and other railroads have extended their lines into that territory, and have become large carriers of coal tonnage into Chicago and other markets.

NEW ORLEANS, TEXAS & MEXICO RAILROAD CO.

The gap between St. Louis and Memphis completed, and the Chicago & Eastern Illinois acquired to give an entrance into the Great Lakes territory, it seemed necessary to cover the 385 miles south of Memphis to reach New Orleans and south Texas in carrying out the general plan of the system. We entered into negotiations for the use of the Iron Mountain south of Memphis, including a portion of the Texas & Pacific, but the Texas & Pacific never executed the contract. In the meantime the Frisco had made several preliminary surveys and permanent locations for construction of its own line giving it an entrance into New Orleans by way of Baton Rouge. Right of way for a portion of the line had been secured. The completion of this line south of Memphis is an important one and made more so by the opening of the Panama Canal, which will make the Frisco probably the most important transportation company in the distribution of commerce for all of the Mississippi Valley and territory tributary thereto. Mr. B. L. Winchell made a thorough investigation of the proposed line south of Memphis, and made reports showing its importance as a connecting link in the completion of the longest water-level-grade line in the country, extending from Chicago and St. Louis to the Gulf of Mexico and the Rio Grande.

The Brownsville Line—Houston to Brownsville—was constructed through a syndicate composed of 99 subscribers. It is now earning $5,476 per mile gross, practically upon its local business. Had it not been for the revolution in Mexico, which broke out in 1910, the interchange business with the National Lines of Mexico would have placed the Brownsville Line two years ago upon a paying basis.

I visited Mexico City and conferred with Mr. Limantour, then minister of finance, and Mr. Brown, president of the National Lines of Mexico, and we reached an understanding for interchange of business through the Brownsville-Matamoros gateway.

An international bridge was constructed over the Rio Grande River, which is owned jointly by the Frisco and the National Lines of Mexico. When the bridge was first opened, there was a good interchange of business between the two lines, which would have soon reached 75 to 100 cars a day. There is a profitable business awaiting a settlement of the revolution in Mexico for the New Orleans-Brownsville Line, and I am confident that 25 per cent, if not one-third, of the interchange traffic between this country and Mexico can be controlled through the Brownsville-Matamoros gateway.

But for the disastrous floods of 1911 and 1912, the New Orleans and Brownsville Lines would have shown satisfactory results. War in Mexico cut into another large source of traffic, which could have been handled without any material additional cost in operation.

The loss in traffic and property to the Frisco on account of these conditions amounted to several million dollars. The Gulf Coast Line could probably have stood floods and war one year, but with two successive years the result has been very unsatisfactory.

It is believed by an expert engineer who has recently made for certain bondholders an exhaustive study and report of the New Orleans, Texas & Mexico that the line will, within three years, show an earning capacity averaging $7,000 per mile gross per annum. It is also estimated that, being a low-grade road, it can be operated for 70 per cent of its gross earnings, resulting in a net of $2,100 per mile per annum.

This line covers the richest and most productive section in the entire Western Hemisphere, and while criticism has been made of its acquisi-

tion, I predict that if it is eliminated under the reorganization of the Frisco, its loss will be as much regretted as its ownership is now criticized.

The syndicate which constructed the Brownsville line had no agreement or understanding whatever that it would be sold to the Frisco. This was shown by Mr. A. T. Perkins, who was the representative of the syndicate and who gave a very clear account of its transactions at the Interstate Commerce Commission hearing in St. Louis. The syndicate which organized and projected this road—not the railroad company itself—received from large landholders donations of land, including town sites and much of the right of way of that railway, to induce them to undertake its construction. All the lands then needed by the railway for right of way, stations, and other purposes, or thought likely to be needed in the future, were conveyed to the railway company.

The Frisco paid in 1909 for the Brownsville line $11,827,200. The total valuation fixed by the railroad commission of Texas in 1909 on that line, including equipment and appurtenances, was $11,874,951.92, or an amount slightly in excess of the price paid by the Frisco.

*Growth of Frisco since 1896.*

| | 1897 | 1913 | Increase. |
|---|---|---|---|
| | | | *P. ct.* |
| Frisco mileage | 1,162 | 5,259 | 352 |
| Frisco earnings per mile | $5,157 | $8,763 | 70 |
| Frisco gross earnings | $5,993,336 | $46,050,000 | 668 |
| Stock and bond capitalization per mile | $70,744 | [1] 52,655 | [1] 25.55 |

[1] December.

The Frisco's gross earnings per mile in 1897 were 7.29 per cent on its total capitalization per mile, and to-day its gross earnings are 16.64 per cent on its total capitalization per mile, or more than double what they were in 1897. Including the outstanding Kansas City, Fort Scott & Memphis certificates and equipment trust obligations, the total bond and stock capitalization to-day is $57,766 per mile.

The Frisco, at the time of its reorganization in 1896, was laid with 45 to 60 pound rail. All of its main line has been relaid with heavy rail, ballasted, and is in as good physical operating condition as the average railroad through the territory it traverses.

Special attention has been paid to the acquisition of terminals at the large commercial centers. No other railroad in that section has as adequate terminals or is as well provided for the future in that regard as the Frisco.

A fact which gives me pleasure is that on the railroads I have been instrumental in building, there are now something like 25,000 employees. This army of employees support and educate 100,000 people, and such employment is permanent, and will be there for those who operate these railroads for all time to come. These employees are loyal to the road, as they know during all the time of my activity I have stood for fair compensation, rules, and regulations toward the men who are engaged in the operation of the line.

PHYSICAL VALUATIONS BY UNITED STATES GOVERNMENT.

We are about to have physical valuation by the Government of railroad properties in this country, and I confidently believe that the assets of the Frisco will equal the par of all its outstanding bonds, other obligations and stock. At any rate, the Frisco, on account of its superior terminal facilities and other points of advantage, together with its relatively small capitalization, will hold its own with any other railroad in this country.

I have endeavored to be a builder and to aid in the creation of wealth for the country into which the Frisco lines have been projected. On the line from Houston to Brownsville land values have increased from about $2 an acre in 1901 to from $25 to $150 per acre to-day, or probably $100,000,000 increase in value on the land within 10 miles on either side of the railroad along that 400 miles. The same can be said of Oklahoma, where we pushed railroads through when it was 15 to 20 miles between houses.

The Oklahoma lines of the Frisco serve the most populous section of the State and most productive in agriculture, oil, and coal. The 1900 census showed the State had a population of 790,000, while in 1910 it was 1,657,000, and it probably now is close to 2,000,000 people. This gives you an idea of what that country was when we entered it and what it is to-day, due largely to the activities of the Frisco lines.

The southwestern group of States served by the Frisco are rapidly becoming the greatest food-producing States of the Union, and will continue as their development is pushed forward to furnish their quota of all foodstuffs for the balance of the country. No one unfamiliar with that section of the country and the people who are pushing its growth so rapidly can appreciate what the last 10 years have done in its growth, development, and prosperity.

Since I have been connected with the management of these properties their gross earnings have reached the sum of $46,050,000 per annum, as shown below. During the period covered the mileage operated increased only 224 miles.

| | Gross earnings. | Increase over previous year. |
|---|---|---|
| | | *Per cent.* |
| 1905 | $29,958,000 | 11 |
| 1906 | 32,047,000 | 7 |
| 1907 | 38,621,000 | 20 |
| 1908 | 35,806,000 | [1] 7 |
| 1909 | 37,757,000 | 5½ |
| 1910 | 41,166,000 | 9 |
| 1911 | 43,159,000 | 5 |
| 1912 | 42,100,000 | [2] 2½ |
| 1913 | 46,050,000 | 9.4 |

[1] Decrease (following panic). [2] Decrease (heavy loss from floods).

The above shows an average increase of approximately 6 per cent annually during the last 9 years. If we figure an average annual increase of 5 per cent, the earnings in 5 years will be $57,562,000, and in 10 years $70,000,000. If the through line to Panama is opened within the next 5 years, the Frisco would be its logical connection, and the figures named would be largely exceeded.

We built the system in the only way it could be done at the time; otherwise there would have been no Frisco System as it stands to-day, the best of the Southwest. It constitutes my life's work, and it is my purpose to see it on its feet, its difficulties cleared away, and that the stockholders get their money out of the property if they stay with it. The property is worth every dollar against it in both stock and bonds under any fair valuation.

SALE OF SECURITIES.

Much comment has been made that the securities of the Frisco during a long period of years have been sold at less than their aggregate par value, by a sum in excess of $30,000,000. It is true that a comparatively new system doing the work of extension and development like the Frisco is not always as favorably situated in the money markets as are the larger and more powerful systems with well established traffic and serving a highly developed and populous section. Some of our strongest railroads, however, are now paying as dearly for money as the Frisco ever did.

Under the reorganization plan of 1896, the first and second preferred stocks were limited to 4 per cent, and as under the laws of Missouri railroad stock can not be sold for less than par, that plan practically prevented further sale of preferred stock. This perhaps could not be foreseen at the time of the reorganization, and I only refer to it as one of the difficulties encountered in financing the Frisco System. Therefore the only source of financing was through bond issues.

Grouping the three largest bond issues, and taking the net amount of money received, the Frisco paid a total discount including commissions of about $32,000,000. (I have not the exact data at hand.) No one received any part of these discounts and commissions except the bankers and investors themselves. This discount, however, is not a direct outlay of money but is an obligation whose maturity is spread over 15 to 50 years. In other words, its effect is to raise the apparent average rate of interest from, say, 5 per cent on par to an actual rate of from 7 to 7⅓ per cent. This computation of rate of interest includes final payment of the bonds in full.

MY STOCK OWNERSHIP IN THE FRISCO.

I am one of the largest holders of St. Louis & San Francisco stock. My holdings are as large now as they have ever been. If to my own is added the stock held by my family, our holdings are probably the largest in the company. I have never lost faith in the property, and I have confidence in its future outcome, notwithstanding its temporary troubles.

In conclusion, let me say that criticism of me is more or less natural, following the receivership, and considering my close connection with the company. That it has been severe to the point of injustice I have tried to make clear to you in this communication. What profits I have received from these undertakings represent at most only a liberal interest on investments, as shown above. My principal motive was not that of selfish personal gain, but the building of the railroad system and the growth of the country in which it lies. The construction of new railroads through sparsely settled western sections does not appeal to bankers as investments, and therefore syndicate financing in accord with existing custom was employed. No one will deny the great changes that have taken place in public opinion during the past 10 years. I recognize the public disapproval of dealings between a corporation and its officials. While I believe it ought not to apply to pioneering enterprises, which have in the past depended for their success upon syndicate or individual financing, on the whole I am convinced that the policy is right.

It is equally true that within the same period many other familiar corporate acts, such as contributions to political campaigns, rebating, trade and traffic agreements, have come under the ban of public opinion. It is my earnest wish to cooperate in the work of reconstruction with all the resources of strength and money within my power. I shall devote myself to this work, and in conjunction with many able men who are also giving their time and energies to its success, will do all I can to rehabilitate the Frisco System and to so reorganize it that the stockholders may be fully protected and their losses regained. Nothing less than this will satisfy me or do justice to this great property.

Respectfully, B. F. YOAKUM.

Mr. OWEN. The above letter, I am informed, was prepared by Mr. Yoakum for his stockholders, assisted by his counsel—among others, by Mr. Sam Priest, of St. Louis—and answers the questions raised as to Mr. Yoakum's participation in various construction companies who built sections of railway for the Frisco.

FEBRUARY 10, 1916.

Hon. EDGAR E. CLARK,
*Interstate Commerce Commissioner, Washington, D. C.*

DEAR SIR: I am in receipt of a letter from B. F. Yoakum, Esq., who built a little over 1,400 miles of railroad for the Frisco System through Oklahoma.

Mr. Yoakum has been bitterly assailed in the public press as though he were a common criminal. I have looked through your report and I did not see anything in it that would justify any such inference.

In the case of the North American Co., complainant, against the St. Louis & San Francisco Railroad Co., defendant, a report was made to Hon. Walter H. Sanborn, circuit judge of the eighth judicial district, sitting in the United States District Court of the Eastern District of Missouri.

On the 26th of December, 1913, the court entered an order instructing John D. Johnson and Loomis C. Johnson to act as special counsel for the receivers and to institute a thorough inquiry into the question as to whether or not any of the directors of the Frisco had been guilty of such conduct as would justify a suit or suits against them. They made their report subsequent to the report which you had made and in the light of the information which you had gathered, and concluded their report with the following paragraph:

"We have failed to find, however—and, judging by the information that we have, we do not believe—that any of the directors of the St. Louis & San Francisco Railroad Co. have been guilty of any actual, willful, or intentional fraud in the administration of the affairs of the government."

They state also:

"We desire to say that we have made a thorough investigation of the matters intrusted to us."

This was an official report to Judge Sanborn, which was filed with the court as a part of the proceedings.

I desire to know if, from your examination, you concur in the concluding paragraph above quoted from the report made to Judge Sanborn, with regard to the conduct of the directors of the Frisco, and especially as to Mr. Yoakum.

I shall appreciate your very early reply. All I want is your personal opinion in regard to this matter.

Yours, very respectfully, ROBERT L. OWEN.

INTERSTATE COMMERCE COMMISSION,
*Washington, February 11, 1916.*

Hon. ROBERT L. OWEN,
*United States Senate, Washington, D. C.*

DEAR SENATOR: I have your letter of the 10th, in which you ask if I concur in the following statement:

"We have failed to find, however, and judging by the information that we have, we do not believe that any of the directors of the St. Louis & San Francisco Railroad Co. have been guilty of any actual, willful, or intentional fraud in the administration of the affairs of the government."

Which you say was contained in a report made to Circuit Judge Sanborn, of the eighth judicial district, by counsel appointed by the court to act for the receivers in instituting a thorough inquiry into the question of whether or not any of the directors of the Frisco had been guilty of conduct which would justify suit or suits against them.

It appears that this report to the court was made subsequent to the report of the Interstate Commerce Commission to the Senate on its investigation responsive to the Senate resolution.

I heard all the testimony in the commission's investigation and studied the record with care. I felt that in connection with the affairs of the Frisco and its leased lines and subsidiaries there had been some rather reckless financing. The credit of the Frisco was strained to the breaking point by loaning its credit to the subsidiary lines which had been constructed. I think that if the Frisco had had the money or the credit with which to tide over the troubles in Mexico, which seriously affected some of the subsidiary lines, and also the period following construction of new line, within which it must develop a paying business, the project as contemplated would have been a great success. I base this opinion in part upon what I understand to have been the development in the territory served by some of these subsidiary lines since the receivership and under the unfavorable conditions that have existed.

In addition, it should be noted that the strain on the credit of the Frisco was intensified by the fact that its pressing needs had resulted in its paying a total of something more than $29,000,000 in discounts and commissions on the securities which it had issued and which had been sold to or through investment bankers. It therefore was undertaking to pay interest on $29,000,000 more than it had received for these securities.

As our report to the Senate shows, Mr. Yoakum was really the moving spirit in promoting and arranging for the construction of these subsidiary lines, and he was to a certain extent an important figure in the construction companies and syndicates which were organized and formed for the purpose of acquiring rights of way and constructing the roads which later passed into the control of the Frisco. Some profits accrued from these undertakings, but I did not gain the belief or impression that Mr. Yoakum at any time was guilty of or intended to be guilty of any "actual, willful, or intentional fraud in the administration of the affairs of the Frisco."

I assume that the concluding word of this quotation should be "Frisco" instead of "government."

Yours, truly, E. E. CLARK.

REPORT OF COMMISSION ON INDUSTRIAL RELATIONS.

The VICE PRESIDENT. The morning business is closed.

Mr. FLETCHER. I ask unanimous consent to take up the joint resolution (S. J. Res. 98) to print as a public document the final report and testimony submitted to Congress by the United States Commission on Industrial Relations.

The VICE PRESIDENT. Is there objection?

Mr. NEWLANDS. Mr. President——

The VICE PRESIDENT. Is there objection?

Mr. NEWLANDS. I wish to ask the Senator whether that is likely to take much time?

Mr. FLETCHER. I think not.

Mr. NEWLANDS. I am going out of town immediately, and the joint resolution which I was pressing to a vote yesterday has now been amended, and I think it can be disposed of without any further debate. I will ask the Senator if he will not give way for that?

Mr. FLETCHER. I think this joint resolution will scarcely take a minute of time. The report of the committee is unanimous and there is a pressing demand for the report. We are all getting letters every day calling for copies, and it ought to be disposed of.

The VICE PRESIDENT. Is there objection?

Mr. SMITH of Georgia. Yes.

The VICE PRESIDENT. There is objection. The calendar under Rule VIII is in order.

INTERSTATE AND FOREIGN COMMERCE.

Mr. NEWLANDS. I move to take up Senate joint resolution No. 60, which was under consideration yesterday.

The VICE PRESIDENT. The Senator from Nevada moves that the Senate proceed to the consideration of a joint resolution which will be stated by title.

The SECRETARY. A joint resolution (S. J. Res. 60) creating a joint subcommittee from the membership of the Senate Committee on Interstate Commerce and the House Committee on Interstate and Foreign Commerce to investigate the conditions relating to interstate and foreign commerce, and the necessity of further legislation relating thereto, and defining the powers and duties of such subcommittee.

The VICE PRESIDENT. The question is on the motion of the Senator from Nevada.

Mr. MCCUMBER. I suppose the motion is not subject to discussion as to whether it shall be taken up at this time, but I wish to ask the Senator why we can not go to the calendar again? It has been a good many days since we considered any of the unobjected bills upon the calendar. We have grown into the habit lately of putting bills through by asking unanimous consent when they are reported. That leaves those who are unlucky enough to have a bill reported and put on the calendar in a rather precarious position, because it seems as though we are never going to get to the calendar. Why should the Senator from Nevada ask to have one particular bill taken out of the calendar and considered when we have now nearly two hours that we can give to the unobjected bills, and undoubtedly his joint resolution would be reached before we are through?

Mr. NEWLANDS. I will state that the reason why I ask for it is as a matter of courtesy to myself. I am obliged to go out of town this afternoon to meet an engagement to deliver an address before the Chamber of Commerce of New Haven tomorrow night. We have had under consideration for a number of days Senate joint resolution No. 60, and the debate is finished upon it, I understand.

The VICE PRESIDENT. Just a moment. There is a plain rule of the Senate that all motions made before 2 o'clock to proceed to the consideration of any matter shall be determined without debate. The question is on the motion of the Senator from Nevada.

Mr. BANKHEAD. Let us have the joint resolution read.

Mr. FLETCHER. Do I understand there was objection to taking up Senate joint resolution 98?

The VICE PRESIDENT. There was objection, and the Senator from Nevada has made a motion to proceed to the consideration of Senate joint resolution No. 60, and it is not subject to debate before 2 o'clock. The question is on agreeing to the motion. [Putting the question.] The noes seem to have it.

Mr. NEWLANDS. I ask for a division.

Mr. GALLINGER. We had better have the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. SMITH of Maryland (when his name was called). I have a general pair with the Senator from Vermont [Mr. DILLINGHAM]. In his absence I withhold my vote.

Mr. TILLMAN (when his name was called). I transfer my pair with the Senator from West Virginia [Mr. GOFF] to the Senator from Illinois [Mr. LEWIS] and vote. I vote "yea."

Mr. WILLIAMS (when his name was called). Transferring my pair with the senior Senator from Pennsylvania [Mr. PENROSE] to the junior Senator from South Carolina [Mr. SMITH], I vote "yea."

The roll call was concluded.

Mr. OVERMAN (after having voted in the affirmative). I notice that my pair, the junior Senator from Wyoming [Mr. WARREN], is absent. I transfer that pair to the Senator from Nebraska [Mr. HITCHCOCK] and will allow my vote to stand.

Mr. STONE. I notice that my pair, the senior Senator from Wyoming [Mr. CLARK], is not present. I transfer the pair to the Senator from Maryland [Mr. LEE] and vote "yea."

Mr. BRYAN. I will inquire of the Chair has the junior Senator from Michigan [Mr. TOWNSEND] voted?

The VICE PRESIDENT. The Chair is informed that he has not.

Mr. BRYAN. I have a pair with that Senator, and therefore withhold my vote.

Mr. MARTINE of New Jersey. I desire to announce the absence of the senior Senator from New York [Mr. O'GORMAN]. He is paired with the Senator from New Hampshire [Mr. GALLINGER]. I am not aware how the Senator from New York would vote if present.

Mr. REED. I transfer my pair with the Senator from Michigan [Mr. SMITH] to the Senator from Louisiana [Mr. BROUSSARD] and vote "yea."

Mr. LIPPITT. On this vote I am paired with the Senator from Montana [Mr. WALSH]. In his absence I will refrain from voting.

Mr. HARDING (after having voted in the negative). In view of the absence of my general pair, the junior Senator from Alabama [Mr. UNDERWOOD], I desire to withdraw my vote.

Mr. GALLINGER (after having voted in the negative). I have voted, but I now notice that the Senator from New York

[Mr. O'GORMAN]; with whom I am paired, has not voted. I therefore withdraw my vote.

Mr. STONE. I announce the absence of the Senator from Delaware [Mr. SAULSBURY] on account of official business, and ask that the announcement stand for the day.

Mr. OWEN (after having voted in the affirmative). I wish to transfer my pair with the Senator from New Mexico [Mr. CATRON] to the Senator from Louisiana [Mr. RANSDELL] and will let my vote stand.

Mr. SMOOT. I desire to announce the unavoidable absence of the junior Senator from Michigan [Mr. TOWNSEND]. I will allow this announcement to stand for the day.

Mr. MARTINE of New Jersey. I beg to state that I have been requested to announce the pair existing between the Senator from West Virginia [Mr. CHILTON] and the Senator from New Mexico [Mr. FALL]. I ask that this announcement stand for the day.

Mr. FLETCHER. I desire to announce that the Senator from Montana [Mr. WALSH], the Senator from Iowa [Mr. CUMMINS], and the Senator from Wyoming [Mr. CLARK] are engaged in a hearing of the subcommittee of the Judiciary Committee, and that, therefore, they are necessarily absent.

Mr. GALLINGER. I desire to announce the following pairs:

The Senator from Idaho [Mr. BRADY] with the Senator from Oklahoma [Mr. GORE];

The Senator from Maine [Mr. BURLEIGH] with the Senator from Indiana [Mr. SHIVELY];

The Senator from Pennsylvania [Mr. PENROSE] with the Senator from Mississippi [Mr. WILLIAMS];

The Senator from Michigan [Mr. SMITH] with the Senator from Missouri [Mr. REED];

The Senator from New York [Mr. WADSWORTH] with the Senator from New Hampshire [Mr. HOLLIS];

The Senator from Rhode Island [Mr. COLT] with the Senator from Delaware [Mr. SAULSBURY]; and

The Senator from Kansas [Mr. CURTIS] with the Senator from Georgia [Mr. HARDWICK].

The result was announced—yeas 45, nays 14, as follows:

YEAS—45.

| | | | |
|---|---|---|---|
| Ashurst | James | Phelan | Sterling |
| Bankhead | Johnson, Me. | Pittman | Stone |
| Beckham | Johnson, S. Dak. | Poindexter | Swanson |
| Borah | La Follette | Pomerene | Thomas |
| Chamberlain | Lane | Reed | Thompson |
| Clapp | McLean | Robinson | Tillman |
| Clarke, Ark. | Martin, Va. | Shafroth | Vardaman |
| Culberson | Martine, N. J. | Sheppard | Williams |
| Fletcher | Myers | Shields | Works |
| Gronna | Newlands | Simmons | |
| Hughes | Overman | Smith, Ariz. | |
| Husting | Owen | Smith, Ga. | |

NAYS—14.

| | | | |
|---|---|---|---|
| Brandegee | Lodge | Oliver | Sutherland |
| du Pont | McCumber | Page | Weeks |
| Jones | Nelson | Sherman | |
| Kenyon | Norris | Smoot | |

NOT VOTING—37.

| | | | |
|---|---|---|---|
| Brady | Dillingham | Lea, Tenn. | Smith, Mich. |
| Broussard | Fall | Lee, Md. | Smith, S. C. |
| Bryan | Gallinger | Lewis | Townsend |
| Burleigh | Goff | Lippitt | Underwood |
| Catron | Gore | O'Gorman | Wadsworth |
| Chilton | Harding | Penrose | Walsh |
| Clark, Wyo. | Hardwick | Ransdell | Warren |
| Colt | Hitchcock | Saulsbury | |
| Cummins | Hollis | Shively | |
| Curtis | Kern | Smith, Md. | |

So Mr. NEWLANDS's motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the joint resolution (S. J. Res. 60) creating a joint subcommittee from the membership of the Senate Committee on Interstate Commerce and the House Committee on Interstate and Foreign Commerce to investigate the conditions relating to interstate and foreign commerce, and the necessity of further legislation relating thereto, and defining the powers and duties of such subcommittee.

The SECRETARY. The committee amendments to the joint resolution have been in part agreed to and in part disagreed to; and the joint resolution has been further amended on the motion of the Senator from Idaho [Mr. BORAH].

Mr. GALLINGER. Mr. President, I submit the amendment which I send to the desk.

The VICE PRESIDENT. The amendment proposed by the Senator from New Hampshire will be stated.

The SECRETARY. It is proposed to insert as a new section the following:

SEC. 2. That the experts, special agents, and clerks employed under this appropriation shall be selected from persons eligible on any civil-service register.

Mr. NEWLANDS. Mr. President, would it be agreeable to the Senator from New Hampshire to add to the section which he has proposed the words "as far as practicable"? The Senator will readily understand that possibly it may be impossible to get some of these experts from the civil-service list.

Mr. GALLINGER. Mr. President, there seems to be such an utter disregard of the civil-service law at the present time that I should very much like to have it enforced on this bill. I noticed on yesterday that the President disregarded the civil-service law and placed six persons in one bunch in the classified service of the Government without examination. That practice is going on day by day. Not only that, but every bill we pass creating a great force of clerks, stenographers, and special agents ignores the civil-service law, and the appointments are made on purely political grounds.

Mr. NORRIS. Will the Senator from New Hampshire yield to me?

Mr. GALLINGER. Yes.

Mr. NORRIS. I did not understand the reference the Senator made to the order of the President. Will he repeat that?

Mr. GALLINGER. I said the President on yesterday, or the day before, placed six persons in the service of the Government without any reference to the civil-service law.

Mr. NORRIS. And those persons would have been under the civil service had it not been for the President's order?

Mr. GALLINGER. Precisely; or they would not have got into the service at all. The presumption is that they could not have passed the civil-service examination. I do not know how that is; but I will say that I would very much like to see a better observance of the civil-service law than we are having at the present time.

I feel that we are making a mistake in passing bills that provide for a great force of experts, stenographers, and clerks without providing that they shall be appointed from the civil-service register. We passed three or four such bills at the last session—among them the Federal Trade Commission bill and the Clayton bill—allowing these employees to be selected without any reference to the civil service. I do not know but the suggestion of the Senator from Nevada may be a wise one. If I had any assurance that the appointments would be made in good faith, and that some positions could not be filled from the civil-service lists, the suggestion of the Senator from Nevada would be entitled to serious consideration; but I have an impression that all such employees can be obtained from the civil-service register.

Mr. President, one of the greatest hardships that is being committed upon the young men and women of this country at the present time is that they are called from their homes to go to the capitals of the different States and to other places to take civil-service examinations. It costs them individually $10 or $15 to do that. They take the examination; they are notified that they passed; their names are sent to the Civil Service Commission; they go on the register, but they are seldom ever certified; and ignoring them, we go on appointing hundreds and hundreds of people who have never taken the civil-service examinations to positions which these young men and women could fill, and to which they are fairly entitled. It is a cruel hardship, and causes the expenditure of money on the part of young men and women which they can ill afford. What I should like to see is an honest administration of the civil-service law of the country or a repeal of the law, which at the present time is a farce as it is being administered.

Mr. SMOOT. Mr. President, I sincerely hope the Senator from Nevada will accept the amendment offered by the Senator from New Hampshire. I do not believe Senators are aware of the number of orders issued by the Executive placing persons in the civil service who are incapable of passing the required examination. I have been collecting these orders for the last two weeks and already I have over a hundred of them. I want to call the attention of the Senate to one order as an example. Congress made an appropriation of $450,000 for the expenses of the Commission on Industrial Relations, created to investigate certain conditions affecting labor in the United States. No provision was made in the law that the employees should be selected from the civil service. The commission selected its help. It spent the $450,000. Its report is to be printed at an expense of $92,000 as a beginning, and the life of the commission has ceased but a very few days; it ceased after an Executive order was issued covering every employee of the commission into the civil service. That is only one case.

Mr. GALLINGER. Not one of whom had passed the examination.

Mr. STONE. You covered a great many more postmasters into the civil service just before the last administration went out of office.

Mr. SMOOT. And nearly everyone of them is out of the service to-day. That has been reached by an examination so

cleverly arranged that the covering of fourth-class postmasters into the civil service did the then occupants of the office little good.

Mr. STONE. And so would all these people go out if the country should suffer the misfortune of having your party get into power.

Mr. SMOOT. That is what the Senator says. So far as the Senator from Utah is concerned, I want to say that he has been always in favor of the employees of the Government of the United States passing the required civil-service examination as long as we have such a service.

Mr. MARTIN of Virginia. Mr. President, I desire to ask the Senator from Utah a question. I should like to know if he can point to any precedent for requiring a committee of Congress to get from the civil-service roll the assistants it may need in the investigations it is required to make?

Mr. SMOOT. I can not say offhand; but I will say to the Senator——

Mr. MARTIN of Virginia. I am sure, I will say to the Senator, that no such precedent can be found; and I can hardly feel that we would be justified in trammeling the hands of a committee of Congress by requiring it to go to the Civil Service Commission to get such assistants as the committee might need.

Mr. SMOOT. I will say to the Senator that this joint resolution, if passed, is unlimited as to the amount of money that may be expended under it. No one can tell the extent of the investigation; no one can tell what the expense to the Government will be. Generally, when we pass a resolution of this character, there is a limit to the expenditure, but there is none in the case of this joint resolution.

Mr. BORAH. Mr. President, I should like to suggest that there was a limit put in the joint resolution when it originally came before this body, but I think the limit was stricken out yesterday because of a desire to kill the joint resolution. I observed that those who voted to remove the limit were those who were opposed to the joint resolution. Now, that question could be reconsidered here and the limit could be put back, and those who favor the joint resolution now would be very glad to have it put back.

Mr. NEWLANDS. Yes; I will state that there was a limit in the joint resolution of $25,000.

The VICE PRESIDENT. That is out now.

Mr. NEWLANDS. I would have been very glad to have retained it. It was taken out against my protest.

Mr. GALLINGER. Mr. President, will the Senator from Utah permit me to interrupt him?

Mr. SMOOT. Yes.

Mr. GALLINGER. I will ask the Senator from Idaho, in all conscience and in all sincerity, if he thinks that, with the amendment which he caused to have inserted in the joint resolution, $25,000 would be a tenth part of the amount that would be required to conduct this investigation?

Mr. BORAH. I take it, then, that the Senator is opposed to the limit, because he is interested in the amendment which I introduced to the joint resolution.

Mr. GALLINGER. Oh, no. I think it is a farce to authorize an appropriation of $25,000 to conduct the investigation, and then include in the joint resolution the various matters which have been included on motion of the Senator from Idaho, which, in my judgment, will necessitate an expenditure of ten times that amount. That is my view. With the amendment of the Senator from Idaho attached, the investigation will be so comprehensive that it will probably take 10 years to make it, and it will take a vast amount of money to pay the bills.

Mr. BORAH. I feel more interest in my amendment to-day than I did yesterday, if that be true, because if it is a matter of that great concern, we can not start on the investigation too soon, and any money which we expend in that way will be profitably spent. A question so large, so momentous in every way, deserves long and serious investigation, and if the money is intelligently spent for such an investigation it is well spent.

Now, Mr. President, may I say, while I am on my feet, that I have not had a very profound regard for the civil-service law at any time. I believe in the principle, but it seems almost impossible of faithful application. It is generally effectual for getting those out that you want out and getting those in that you want in. It has worked in that way under all parties, and it looks as if it will continue to work that way so long as strict party politics obtain in the United States. But, Mr. President, you could not find in the civil service the number of experts and others whom you want to do the work required. I think the suggestion made by the Senator from Nevada is a very fair one, and that is that we only go to the civil service for those whom we can really find there, or in so far as it is practicable. We ought not to attempt again to emasculate the resolution or to destroy it by putting that into it which is impossible of execution. There will be some experts required you will not be able to secure through the civil service. I think the amendment of the Senator from New Hampshire should be amended in accordance with the suggestion of the Senator from Nevada. If so amended, I would support it.

Mr. SMOOT. Mr. President, what I rose for was to discuss the amendment of the Senator from New Hampshire.

I want to say to the Senate that I have not the least doubt that if the joint resolution passes without the amendment offered by the Senator from New Hampshire every employee of the subcommittee will be transferred to the civil service bodily within a few days after the investigation ceases. That has been the practice; I think it will be practice; and I do not believe it is a proper course to follow.

If we are going to have a civil service, let us have it. If it is not a good thing, let us abolish it entirely.

Mr. OVERMAN. Mr. President, if we are going to have the employees of committees of Congress selected under the civil service, why not select our clerks under the civil service? Why not select our secretaries under the civil service?

Mr. SMOOT. That is entirely a different proposition, Mr. President.

Mr. OVERMAN. Not at all.

Mr. SMOOT. The Senator from North Carolina certainly would not want to have for his private clerk a man selected from any part of the United States, who knows nothing about his State or about his people or about the conditions in his State. That is entirely a different proposition.

Mr. OVERMAN. I know that if I were on a committee I would not want to apply to the Civil Service Commission for a man to do the clerical work of the committee. I have known men certified and employed who were thoroughly incompetent.

Mr. GALLINGER. Does the Senator refer to civil-service employees?

Mr. OVERMAN. Yes, sir; civil-service employees.

Mr. SMOOT. Of course if the argument of the Senator is to be taken into consideration, we had better abolish the civil service entirely. That is the only answer I can make to that. But if there are cases such as the Senator has just cited—and I do not doubt that there are—they are so few and so rare, in the selection of men that have passed the civil-service requirements, that I think it is hardly worth while to consider them when we are considering the question broadly, as I think Congress ought to do.

I do not wish to take any more of the time of the Senate, but I do hope the Senator from Nevada will accept the amendment as offered by the Senator from New Hampshire.

Mr. NEWLANDS. Mr. President, I can not accept this amendment. No precedent can be found for the selection of employees of any committee or subcommittee of either House of Congress from the civil-service list.

With reference to the civil-service law, I believe in its enforcement. I believe that the President is enforcing that law, and that in taking the action to which reference is made he has been simply availing himself in a wise way of certain relaxations of the enforcement of the law provided by the law itself.

So far as the appropriation is concerned, I wish to say that the committee reported an amendment allowing $25,000 for the expenses of experts and other employees of the subcommittee, and I am perfectly willing that that provision should be restored. It was stricken out, as the Senator from Idaho says, by those who, I think, are opposed to the resolution. I should be glad to see it inserted again, though, of course, the inquiry presented by the amendment of the Senator from Idaho may occasion a greater expense. In that case, however, I will simply come back to Congress for a larger appropriation, so that Congress can have an opportunity of acting upon it.

Mr. GALLINGER. Mr. President, in response to the suggestion of the Senator from Nevada that the words "as far as practicable" should be inserted in the amendment, I agree to it, and the amendment will be modified to that extent.

Mr. NEWLANDS. Upon reflection, Mr. President, I prefer not to see the amendment offered by the Senator adopted in any form.

Mr. GALLINGER. I expected that that was what the Senator would say, and that is one reason why I agreed to his suggestion. I was satisfied that since he made the suggestion he had been converted to the idea that the spoils system ought to prevail while his party is in power.

Mr. NEWLANDS. I will state that the reasons presented by the Senator from Virginia [Mr. MARTIN] on the floor in the discussion of the matter convinced me that even the amendment as subsequently modified by the Senator would not be proper.

Mr. GALLINGER. I ask for a vote on the amendment which I have submitted.

Mr. SUTHERLAND. Mr. President, I suggest to the Senator from New Hampshire that he ought not to include stenographers in that provision. It would be almost impossible to find upon any eligible list stenographers who can report testimony to the satisfaction of the committee, for the very good reason that stenographers of that ability have plenty of work without taking the civil-service examination. I think the Senator ought to strike out those words.

Mr. GALLINGER. And yet, Mr. President, I would suggest to the Senator that as I understand the matter there is an eligible list containing stenographers, young men and young women, who have paid their money to take these examinations. They have been favorably passed upon, and the Civil Service Commission has placed their names on the eligible list. If they remain there for a year they are stricken off, and they have to take another examination. I think they ought to have a chance to get some employment.

Mr. SUTHERLAND. The difficulty is, Mr. President, that while the stenographers who are upon the eligible list are quite capable of going into an office and taking dictation and writing letters and doing departmental work, the Senator would not, for example, be willing to take a stenographer from the civil-service eligible list to serve in this body, to report the proceedings. Men who are thus qualified do not seek civil-service appointments. That is the real fact about the matter.

I am in hearty accord with the Senator's proposition, and I intend to vote for it; but I think he ought to strike out the word "stenographers."

Mr. GALLINGER. Then I ask to modify the amendment by striking out the word "stenographers."

The VICE PRESIDENT. The question is on the amendment of the Senator from New Hampshire, as modified.

Mr. GALLINGER. I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. BRYAN (when his name was called). I have a pair with the junior Senator from Michigan [Mr. TOWNSEND]. In his absence I withhold my vote.

Mr. GALLINGER (when his name was called). I have a general pair with the senior Senator from New York [Mr. O'GORMAN], who is absent from the Senate. For that reason I withhold my vote. If privileged to vote, I would vote "yea."

Mr. HARDING (when his name was called). I have a general pair with the junior Senator from Alabama [Mr. UNDERWOOD]. He is not present, and I will withhold my vote. If I were at liberty to vote, I should vote "yea."

Mr. HOLLIS (when his name was called). I have a general pair with the junior Senator from New York [Mr. WADSWORTH]. In his absence I withhold my vote.

Mr. JOHNSON of Maine (when his name was called). I have a general pair with the junior Senator from North Dakota [Mr. GRONNA]. I transfer that pair to the junior Senator from Indiana [Mr. KERN] and will vote. I vote "nay."

Mr. MARTINE of New Jersey (when Mr. O'GORMAN's name was called). I beg to state regarding the senior Senator from New York [Mr. O'GORMAN] that he is absent and paired with the senior Senator from New Hampshire [Mr. GALLINGER].

Mr. OVERMAN (when his name was called). I again announce my general pair with the junior Senator from Wyoming [Mr. WARREN]. I transfer that pair to the senior Senator from Nebraska [Mr. HITCHCOCK] and will vote. I vote "nay."

Mr. SMITH of Georgia (when his name was called). I transfer my pair with the senior Senator from Massachusetts [Mr. LODGE] to the senior Senator from Tennessee [Mr. LEA] and will vote. I vote "nay."

Mr. SMITH of Maryland (when his name was called). I have a general pair with the senior Senator from Vermont [Mr. DILLINGHAM]. I transfer that pair to the junior Senator from California [Mr. PHELAN] and will vote. I vote "nay."

Mr. TILLMAN (when his name was called). I transfer my pair with the junior Senator from West Virginia [Mr. GOFF] to the junior Senator from Illinois [Mr. LEWIS] and will vote. I vote "nay."

Mr. BANKHEAD (when Mr. UNDERWOOD's name was called). My colleague [Mr. UNDERWOOD] is temporarily absent from the Senate. He is paired with the junior Senator from Ohio [Mr. HARDING]. If my colleague were present he would vote "nay."

Mr. WILLIAMS (when his name was called). Transferring my pair with the senior Senator from Pennsylvania [Mr. PENROSE] to the junior Senator from South Carolina [Mr. SMITH], I vote "nay."

The roll call was concluded.

Mr. GALLINGER. I desire to transfer my pair heretofore announced to the senior Senator from Minnesota [Mr. NELSON], and vote "yea."

Mr. HOLLIS. I transfer my pair to the junior Senator from Arkansas [Mr. ROBINSON], and will vote "nay."

The result was announced—yeas 21, nays 40, as follows:

YEAS—21.

| | | | |
|---|---|---|---|
| Brandegee | Gronna | Norris | Sutherland |
| Clapp | Hughes | Oliver | Weeks |
| Clark, Wyo. | Jones | Page | Works |
| Curtis | Lane | Poindexter | |
| du Pont | Lippitt | Sherman | |
| Gallinger | McCumber | Smoot | |

NAYS—40.

| | | | |
|---|---|---|---|
| Ashurst | James | Newlands | Smith, Ga. |
| Bankhead | Johnson, Me. | Overman | Smith, Md. |
| Beckham | Johnson, S. Dak. | Pittman | Stone |
| Borah | Kenyon | Pomerene | Swanson |
| Chamberlain | La Follette | Ransdell | Thomas |
| Clarke, Ark. | Lee, Md. | Shafroth | Thompson |
| Cummins | McLean | Sheppard | Tillman |
| Hardwick | Martin, Va. | Shields | Vardaman |
| Hollis | Martine, N. J. | Simmons | Walsh |
| Husting | Myers | Smith, Ariz. | Williams |

NOT VOTING—35.

| | | | |
|---|---|---|---|
| Brady | Fall | Lodge | Shively |
| Broussard | Fletcher | Nelson | Smith, Mich. |
| Bryan | Goff | O'Gorman | Smith, S. C. |
| Burleigh | Gore | Owen | Sterling |
| Catron | Harding | Penrose | Townsend |
| Chilton | Hitchcock | Phelan | Underwood |
| Colt | Kern | Reed | Wadsworth |
| Culberson | Lea, Tenn. | Robinson | Warren |
| Dillingham | Lewis | Saulsbury | |

So Mr. GALLINGER's amendment was rejected.

Mr. SHAFROTH. Mr. President, I move to amend the joint resolution by striking out in line 19, at the end of the line, the words "a sum sufficient" and inserting in lieu thereof "the sum of $24,000, or so much thereof as is necessary."

Mr. NEWLANDS. I accept the amendment offered by the Senator from Colorado.

The VICE PRESIDENT. The Senate has a right to vote on that matter. The question is on the amendment of the Senator from Colorado.

The amendment was agreed to.

The joint resolution was reported to the Senate as amended, and the amendments were concurred in.

Mr. GALLINGER. Mr. President, for the purpose of demonstrating that the amount placed in the joint resolution will be totally inadequate, I ask that the joint resolution may be read as amended.

The VICE PRESIDENT. The Secretary will read the joint resolution as amended.

The joint resolution as amended was read, as follows:

*Resolved, etc.*, That the Interstate Commerce Committee of the Senate and the Committee of the House of Representatives on Interstate and Foreign Commerce, through a joint subcommittee to consist of five Senators and five Representatives, who shall be selected by said committees, respectively, be, and they hereby are, appointed to investigate the subject of the Government control and regulation of interstate and foreign transportation, the efficiency of the existing system in protecting the rights of shippers and carriers and in promoting the public interest, the incorporation or control of the incorporation of carriers, and all proposed changes in the organization of the Interstate Commerce Commission and the act to regulate commerce; also the subject of Government ownership of all public utilities, such as telegraph, telephone, express companies, and railroads engaged in interstate and foreign commerce and report as to the wisdom or feasibility of Government ownership of such utilities and as to the comparative worth and efficiency of Government regulation and control as compared with Government ownership and operation, with authority to sit during the recess of Congress and with power to summon witnesses, to appoint necessary experts, clerks, and stenographers, and to do whatever is necessary for a full and comprehensive examination and study of the subject and report to Congress as expeditiously as may be; that the sum of $24,000, or so much thereof as is necessary to carry out the purposes of this resolution and to pay the necessary expenses of the subcommittee and its members, is hereby appropriated out of any money in the Treasury not otherwise appropriated. Said appropriation shall be immediately available and shall be paid out on the audit and order of the chairman or acting chairman of said subcommittee, which audit and order shall be conclusive and binding upon all departments as to the correctness of the accounts of such subcommittee.

The VICE PRESIDENT. The question is, Shall the joint resolution be engrossed for a third reading and read the third time?

Mr. NORRIS. Mr. President, I am not going to take more than a minute of time. I do not care to delay action on the joint resolution.

The other day when this joint resolution was up for consideration I took some considerable time of the Senate in discussing the resolution, calling attention to the fact that I believed the resolution was simply offered here and was to be passed to be used as an excuse in the coming political campaign for the Democratic Party to give to the people as a reason why they had not complied with that part of the Baltimore

platform in which they pledged themselves to pass a law that would give to the Interstate Commerce Commission the power to control the issuing of the stocks and bonds of interstate railroads. I do not believe it has any other object. I believe that nothing would be accomplished except to use this resolution as a peg on which to hang that kind of an excuse, although the Senator from Nevada in presenting the resolution gave as one of the reasons for its presentation that a campaign was coming on and he thought we could discuss legislation on the subject much better if there was not any campaign coming on.

I notice in the joint resolution itself that it refers to interstate and foreign commerce. I presume that it will not be many days before we will be called upon to consider a shipping bill that will be brought in here as a part of the legislative program. The very terms of this resolution, if it is in earnest and in good faith and is what it says, would apply to the shipping bill, being interstate commerce, just as much as it would apply to the railroads; and if because there is a campaign coming on we want to avoid the discussion of anything that might get into politics, then that shipping bill ought to go over. There is scarcely a bill which will come before the Senate that the same excuse can not be given for its postponement and a joint committee created to investigate and expend some money.

But, Mr. President, since I made those remarks here, over the objection and the protest of the father of the resolution, the amendment of the Senator from Idaho [Mr. BORAH] was adopted. In my judgment that has placed something in the resolution that gives it some meat, not because there would not be meat in the investigation of the railroad situation generally but because that is a part of the proposed investigation that has not been investigated. As I tried to show the other day, we have had investigations galore, and volumes and volumes have been printed as far as the railroad part of it is concerned, and officials that we have created by law, the Interstate Commerce Commission, have time and time again asked for some legislation that was pledged by the Baltimore platform. We are not going to get it, but we are going to investigate further.

However, since the adoption of the suggested amendment of the Senator from Idaho and for the reasons that he so well stated in his argument yesterday, if the committee in good faith will go into the question they will find a great deal to investigate so that they will not be under the necessity of amusing themselves by simply putting in time and investigating something that has been already investigated.

For that reason I do not feel the same opposition to the joint resolution that I felt the other day, and I have no objection to its passage.

Mr. SMOOT. Mr. President, I would have gladly voted for the joint resolution as reported from the committee to the Senate, but in the form that it is now before the Senate I can not vote for it. I believe there is not a Senator here who does not know that if the investigations of the subject mentioned in the joint resolution are made it will cost the Government $500,000 at least. If an investigation is made merely upon rumors or a few interested persons, it will amount to nothing; but if we are going into the investigation of the question it ought to be investigated properly and any report that is made to the Congress of the United States and the people ought to be a thorough one, or none at all. It seems to me it is perfectly absurd on its face to think that we can get information on the subjects of the joint resolution by the expenditure of $24,000.

I simply say this, Mr. President, because I want it known that in voting against the joint resolution I vote against it not because I care for the investigation of the railroads as the original joint resolution calls for. They have been investigated and investigated, and we have spent thousands and hundreds of thousands of dollars, and I do not care how much more they are investigated, nor do I think the railroads care. In fact, I rather think the railroads would like to have the investigation made; but if we are going into the investigation of telephone and telegraph companies, how they are operated in foreign countries, and how they are operated in the United States, and whether the rates or charges are fair can not be ascertained unless we know the cost of construction of all the telephone lines of the country and compare the same with the telephone cost in foreign countries and cost of operation of the same. Unless we have complete information, it will be perfectly useless to Congress.

Therefore, Mr. President, I shall vote against the joint resolution.

Mr. GALLINGER. Before the Senator takes his seat I will ask the Senator if he can state with any degree of definiteness what amount of money was expended on the late Industrial Commission?

Mr. SMOOT. There was $450,000 originally appropriated. That was all spent, and now we are to expend $92,000 more for the printing of the report. Originally the joint resolution providing the appropriation included the printing of the report. I am sorry to say that the commission had the report printed at Chicago at a private printing shop, and now it will be necessary to set it up again at the Government Printing Office at an expense—I can not say exactly how much—whereas if the commission created by Congress to collect information for Congress had had the Government Printing Office set up the type in the first place all that expense would have been avoided.

Mr. VARDAMAN. I will ask the Senator why the law did not provide that that should be done?

Mr. SMOOT. I did not say that the law provided for it. I said——

Mr. VARDAMAN. Whose fault was it that it did not provide that it should be done in that way?

Mr. SMOOT. I do not think it was anyone's fault. I think Congress thought if it appropriated money for the gathering of certain information by the commission——

Mr. SMITH of Georgia. What commission?

Mr. SMOOT. The Industrial Commission.

Mr. SMITH of Georgia. Then we ought not to print it.

Mr. SMOOT. I will say to the Senator that we will print it, I think myself, and I will state to the Senator from Mississippi I believe Congress thought that if it gave the commission $450,000 with instructions that the report should be printed and paid for out of the appropriation, it had a perfect right to think that it would be printed at the Government Printing Office, an establishment of the Government.

Mr. GALLINGER. Then, the expense of that commission, including the $92,000 for printing, the resolution having been agreed to, I understand, by the committee, and I do not know but that it has been reported to the Senate——

Mr. SMOOT. It is on the calendar now, I will say to the Senator.

Mr. GALLINGER. That makes $540,000 odd; and now I will ask the Senator, who is a much better mathematician and business man than I am, if after listening to the reading of the joint resolution upon which we are about to vote he does not believe that if that investigation is conducted in good faith it will cost at least as much as the investigation conducted by the so-called Industrial Commission?

Mr. SMOOT. I stated, Mr. President, and I think I was moderate in my statement when I said that if this investigation proceeds under the joint resolution, and if information is collected which will be of any service whatever to the people of the United States and to Congress the amount expended must of necessity be a half million dollars.

Mr. BORAH Mr. President, I wish to ask the Senator a question. I think the Senator is of the opinion that if we should ever adopt public ownership in this country in the way of ownership of telephones and telegraphs and railroads it would be, as some one has lately said, an economic calamity.

Mr. SMOOT. I will say to the Senator frankly that I do not believe it would be a proper thing for the Government of the United States to embark on.

Mr. BORAH. The Senator realizes, however, that it is a thing which a great many people are urging in this country. Ought we not to be prepared on such a question unwise action upon which would be so disastrous?

Mr. SMOOT. The Senator from Utah agrees with the Senator also. In the statement that I made I wanted to call attention to the fact that if the information is to be collected it ought to be collected properly and right and in such a way that it would be real information. I am quite sure the Senator from Idaho will admit that with $24,000 no information of any real benefit can be collected.

Mr. BORAH. Yes; I think I will admit that; but the Senator from Utah and the Senator from New Hampshire are quite familiar with the fact that there are other ways of getting sufficient money to carry on an investigation aside from the original appropriation.

Mr. SMOOT. The Senator from Utah is too well aware of that. I think the Treasurer of the United States at least has had a wonderful experience along that line.

Mr. BORAH. I understand the Senator from Utah and the Senator from New Hampshire are now interested in a thorough investigation.

Mr. SMOOT. No; I did not say that. I said if an investigation is to be made it ought to be a thorough investigation; or, in other words, I do not want to throw $24,000 away, and it seems to me that with the joint resolution as it is to-day it simply means that there is a waste of $24,000.

Mr. BORAH. I agree with the proposition that it will take more than $24,000 to do the work, and I am not discouraged at

all when I view the precedents as to our ability to get the amount which is necessary to make the investigation.

Mr. SMOOT. I think the Senator from Idaho is perfectly right.

Mr. OVERMAN. The Senator from Idaho will also remember that we had a little fight over the Child Labor Bureau. I think he said it would cost $25,000 a year, and now it is costing the sum of $250,000 to $300,000, and provision is made, as the Senator indicated, in another bill.

Mr. BORAH. I would like to add that the Senator from Idaho did not say it would cost only $25,000 a year. The Senator from Idaho said what he is now saying, that it was sufficient to start the cause, and, let me furthermore say, if $250,000 is being properly expended in behalf of the children of this country who are found in the places and conditions and environments in which they are found in so many instances, it is the best $250,000 that this Nation is spending. It is the one $250,000 which is anointed with a truly noble purpose and a truly necessary purpose.

Mr. SMOOT. I wish to say to the Senator that I agree with him in part, but I also want to call the attention of the Senate to the fact that the very work which is being done by the Child Labor Bureau is also being done by two other departments of our Government. Appropriations are made for duplicate work. We have had before the Committee on Appropriations representatives from those departments and they have called attention to the estimates and purposes of the appropriations asked for, and there has been no difference in the estimates or purposes for which the money was asked.

Mr. OVERMAN. I will ask the Senator if we did not compare the publications of one bureau with another and find that they are doing exactly the same work.

Mr. SMOOT. Exactly.

Mr. SMITH of Georgia. Then why does not the committee bring in a report striking out all the appropriations except that for the proper place?

Mr. SMOOT. I will say that we did it on two occasions, I think; that is, we reduced the appropriation and the committee was voted down by the Senate.

Mr. SMITH of Georgia. I hope you will come back again and give us another chance.

Mr. SMOOT. As far as I am concerned, I will give the Senator a chance.

Mr. SMITH of Georgia. Striking out all the rest and leaving the best.

Mr. LODGE. If the Senator will allow me, our system is a system of duplication of work. We have three navies. We have at least four surveys being carried on. I once, some while ago, attempted to consolidate the surveys. It was quite hopeless. You employ more people with four surveys than with one, and you employ more people and have more officers with three navies than with one. If you have two sets of people collecting child-labor information, you employ double the number of expert people.

Mr. OVERMAN. I want to say that we recognize the fact that there is a duplication everywhere, and I believe we will save millions of dollars by a careful examination of this matter. On my motion I believe, or that of the Senator from Utah [Mr. SMOOT], I have forgotten which, we agreed to employ experts who will report at the next meeting of the Committee on Appropriations showing where these duplications occur and where money can be saved.

Mr. ASHURST. Mr. President, the distinguished Senator from Utah [Mr. SMOOT], in his remarks on the cost of the report of the Industrial Commission, stated the figures accurately, I believe, but nevertheless his statement may lead to some misapprehension unless somewhat amplified.

Mr. SMOOT. I could not hear what the Senator said.

Mr. ASHURST. The remarks of the Senator from Utah [Mr. SMOOT] as to the cost of printing the final report of the Industrial Commission might lead to a misapprehension unless amplified, althought the Senator did not misstate the figures. To print 100,000 copies of the final report of the Industrial Commission will cost $9,729.88, as indicated by the report of the committee. To print 10,000 copies of the testimony in 10 volumes would cost $54,978.84. Thus far the Committee on Printing has only authorized a resolution to print 100,000 copies of the final report——

Mr. SMOOT. No; the Senator is mistaken. I want to say to the Senator that every vote in the Committee on Printing was for the printing of 100,000 copies of the final report, 10,000 copies of the complete testimony, and 10,000 copies of the exhibits, except those in printed form. In other words, there have been about 30 books offered as testimony, and where those books are in print and can be referred to the committee did not think it was proper to put them in a printed form again, printing as public documents books that anyone can find at the Public Library.

Mr. ASHURST. Mr. President, that is very gratifying information. I have had an estimate made as to the number of requests from citizens of the United States for this report, and I find that they will approximate over 100,000 in number.

To print the report and the testimony will cost $92,688.25, yet the Industrial Commission of 1901 spent $144,000 in printing.

Mr. SMOOT. That is true, Mr. President; and I want to say to the Senator from Arizona that the Government of the United States sold tons of those printed reports for 45 cents a hundred as old scrap paper.

I want to say further to the Senator that there is no objection upon my part to printing this report and to printing all that has been asked for here. I did not refer to it as a criticism; I referred to it as showing that though the amount appropriated in the pending resolution is only $24,000 to make an investigation that will be far more expensive than that investigation could possibly have been, we need not think for a moment that we are going to get off with an appropriation of $24,000 if an investigation which will amount to anything is to be made.

Mr. ASHURST. Mr. President, I wish to include in the RECORD figures to show that the testimony of the last Industrial Commission, while somewhat voluminous, was not so voluminous as some previous hearings on other important subjects. For instance, the Immigration Commission of 1909 printed 42 volumes, consisting in the total of 28,489 pages, and the Industrial Commission of 1901, whose report is composed of 19 volumes and 14,377 pages.

Mr. SMITH of Georgia. Would the Senator allow me to interrupt him?

Mr. ASHURST. Yes.

Mr. SMITH of Georgia. Can the Senator tell me how many of those were distributed and how many had to be sold for waste paper?

Mr. SMOOT. I can tell the Senator from Georgia that.

Mr. ASHURST. I will let the Senator from Utah, who tells us a great many things, answer the Senator from Georgia. Personally I do not know. The report of the Monetary Commission consisted of 47 volumes, comprising in the total 13,028 pages. The report and testimony of the Industrial Commission, which it is now proposed to print, will consist of 11 volumes and of only 10,320 pages. There is a widespread demand for the report of this Industrial Relations Commission.

Some persons may believe it to be extravagance to spend money to print this report, but I do not. One hundred thousand copies of the reports on the diseases of the horse and cow will cost approximately $68,000, but I do not believe it to be extravagance.

Mr. SMOOT. Mr. President, right there I want to say to the Senator, in relation to his statement as to extravagance in the past, that the practice too long has existed that a Senator can rise in his seat and ask unanimous consent to have anything and everything printed and no objection made. I know of one instance when a Senator stood at this very desk and asked unanimous consent that a certain matter be printed as a public document which cost this Government nearly $100,000 and not a Senator objected, and not a Senator knew what the request would lead to.

Mr. NEWLANDS. Mr. President——

Mr. ASHURST. I do not yield the floor, Mr. President. I for one have never been much in the habit of inveighing for political purposes against our opponents because of extravagance. The party in power will always be accused of extravagance by the party out of power and which is trying to "get in."

Mr. GALLINGER. Mr. President——

Mr. ASHURST. I yield the floor, Mr. President.

Mr. GALLINGER. Mr. President, I want to say, in justification of the action of the minority members of the Committee on Printing, that we were in favor of printing everything that members of the commission asked for, and the resolution that has been reported comprises everything that that commission has asked for. We have had no disposition, as has been stated in certain quarters, of suppressing any part of this testimony. I have said that if the testimony or the report is extreme, partisan, and radical it will carry its own antidote when the people of the country examine it. I have been in favor of printing every word of the testimony that was given and also the printed. I say, in behalf of the minority members of the committee, that we all took that position. The truth is, we have final report, which, in my judgment, is not a very fair presentation of the case; but we have ordered it printed, and it will be always been extravagant in these matters, and I regret it.

As to the duplication of work, I will say only one word. The Senator from Massachusetts [Mr. LODGE], who is usually very accurate, said that we had four surveys doing practically the same work. We have five such surveys. The Senator from Massachusetts forgot one. Those surveys ought to be consolidated.

I voted against the bill establishing the Children's Bureau. I voted against it, and I stated at the time that I voted against it because that very work was then being done by one of the great departments of this Government and that until that department was asked to discontinue its work I thought it was extravagant to establish another bureau to do the same work. Of course I have been, as you can imagine, very seriously attacked because I voted against that bill. My vote against it became a part of the campaign against me last November. My opponents did not take the trouble to state why I voted against the bill. I have voted for every appropriation for the bureau since, but I thought it was unwise and a piece of unwarrantable extravagance to have one of the great departments of the Government doing the very work that this bureau was to do and duplicating it, as it did, at that time.

Mr. President, as to this appropriation of $24,000, it is a humbug to put it into the joint resolution, and it will not deceive many people. Nobody who is going to look into this matter at all will believe that any part of this investigation can be conducted at an expense of $24,000. If it is done thoroughly it will necessitate an examination of the telegraphic and telephonic systems of every country of the world; it will go into all matters connected with express companies; that is definitely stated. I say in all seriousness that if the investigation is made and made honestly, more than half a million dollars and perhaps a million dollars will be required to pay the bill. I can stand it if the party in power can stand it; but I have been solicitous, as a Republican, not to unnecessarily increase the deficit that we are now facing. I am prepared now and at all times to vote for reasonable economy in the expenditures of the Government. This is to be a very comprehensive investigation, and it will take months and, in my judgment, years to complete it if it is gone into in good faith.

Mr. SHAFROTH. Mr. President, I want to say a word in relation to the expenditures to be made under this joint resolution. I concede that if the Congress of the United States should authorize the appointment of a commission of independent men, with large salaries, a large amount of money would probably be expended before the final report was made; but this joint resolution provides that the proposed investigation shall be conducted by a committee of five Senators and five Representatives. Their time is already largely occupied, and they are not going to spend unnecessary time in such an investigation as is proposed; whereas a commission appointed from the outside would naturally spend a great deal of time, especially if they were drawing salaries. While the $24,000 may not be sufficient, I will be much surprised if the amount expended very much exceeds that sum.

Mr. GALLINGER. Well, Mr. President, the appropriation of $24,000 will undoubtedly give employment to a few "deserving Democrats"; but it will not go beyond that.

Mr. NEWLANDS. Mr. President, I hope we shall have a vote upon the joint resolution soon. On several occasions it has been on the very point of passing when the hour of 2 o'clock arrived, and it has been displaced by reason of the interposition of the unfinished business. I wish to say regarding the joint resolution——

Mr. GALLINGER. Let us have a vote.

Mr. NEWLANDS. Well, if we can have a vote without further debate, I have nothing more to say.

The VICE PRESIDENT. The question is, Shall the joint resolution be engrossed for third reading?

The joint resolution was ordered to be engrossed for a third reading, and was read the third time.

The VICE PRESIDENT. The question is, Shall the joint resolution pass?

Mr. SMOOT. I call for the yeas and nays.

Mr. GALLINGER. Let us have the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. TILLMAN (when his name was called). I transfer my pair with the Senator from West Virginia [Mr. GOFF] to the Senator from Illinois [Mr. LEWIS], and vote "yea."

Mr. UNDERWOOD (when his name was called). I have a general pair with the junior Senator from Ohio [Mr. HARDING]. I notice that he has not voted, and I therefore withhold my vote.

The roll call was concluded.

Mr. HOLLIS. I am paired with the junior Senator from New York [Mr. WADSWORTH]. I transfer that pair to the Senator from Indiana [Mr. KERN] and vote "yea."

Mr. UNDERWOOD. I transfer my pair with the junior Senator from Ohio [Mr. HARDING] to the junior Senator from Louisiana [Mr. BROUSSARD] and vote "yea."

Mr. CHAMBERLAIN. I have a general pair with the junior Senator from Pennsylvania [Mr. OLIVER], which I transfer to the senior Senator from Texas [Mr. CULBERSON], and vote "yea."

Mr. REED. I transfer my pair with the Senator from Michigan [Mr. SMITH] to the Senator from Nebraska [Mr. HITCHCOCK] and vote "yea."

Mr. GALLINGER (after having voted in the negative). I have voted; but I have a general pair with the Senator from New York [Mr. O'GORMAN]. I transfer that pair to the senior Senator from Minnesota [Mr. NELSON] and will allow my vote to stand.

Mr. SUTHERLAND (after having voted in the affirmative). I inquire whether the Senator from Arkansas [Mr. CLARKE] has voted?

The VICE PRESIDENT. The Chair is informed that he has not voted.

Mr. SUTHERLAND. I have a pair with that Senator, and therefore withdraw my vote.

Mr. MYERS. I inquire if the Senator from Connecticut [Mr. MCLEAN] has voted?

The VICE PRESIDENT. The Chair is informed that he has not voted.

Mr. MYERS. I have a pair with the Senator from Connecticut, which I transfer to the Senator from Arkansas [Mr. ROBINSON] and vote "yea."

Mr. OWEN. I transfer my pair with the Senator from New Mexico [Mr. CATRON] to the Senator from Tennessee [Mr. LEA] and vote "yea."

Mr. MARTINE of New Jersey. I rise again to announce the pair existing between the Senator from West Virginia [Mr. CHILTON] and the Senator from New Mexico [Mr. FALL].

I also desire to announce the absence of the senior Senator from New York [Mr. O'GORMAN] and his pair with the Senator from New Hampshire [Mr. GALLINGER].

Mr. CURTIS. I desire to announce the following pairs:

The Senator from Idaho [Mr. BRADY] with the Senator from Oklahoma [Mr. GORE];

The Senator from Maine [Mr. BURLEIGH] with the Senator from Indiana [Mr. SHIVELY];

The Senator from Pennsylvania [Mr. PENROSE] with the Senator from Mississippi [Mr. WILLIAMS];

The Senator from Michigan [Mr. TOWNSEND] with the Senator from Florida [Mr. BRYAN];

The Senator from Rhode Island [Mr. COLT] with the Senator from Delaware [Mr. SAULSBURY]; and

The Senator from Vermont [Mr. DILLINGHAM] with the Senator from Maryland [Mr. SMITH].

The result was announced—yeas 45, nays 13, as follows:

YEAS—45.

| | | | |
|---|---|---|---|
| Ashurst | Husting | Newlands | Smith, Ariz. |
| Bankhead | James | Overman | Smith, Ga. |
| Beckham | Johnson, Me. | Owen | Stone |
| Borah | Johnson, S. Dak. | Phelan | Swanson |
| Chamberlain | Kenyon | Pittman | Thompson |
| Clapp | La Follette | Poindexter | Tillman |
| Cummins | Lane | Pomerene | Underwood |
| Fletcher | Lee, Md. | Ransdell | Vardaman |
| Gronna | McCumber | Reed | Walsh |
| Hardwick | Martin, Va. | Shafroth | |
| Hollis | Martine, N. J. | Sheppard | |
| Hughes | Myers | Simmons | |

NAYS—13.

| | | | |
|---|---|---|---|
| Brandegee | Gallinger | Page | Works |
| Clark, Wyo. | Jones | Sherman | |
| Curtis | Lippitt | Smoot | |
| du Pont | Lodge | Warren | |

NOT VOTING—38.

| | | | |
|---|---|---|---|
| Brady | Fall | Norris | Smith, S. C. |
| Broussard | Goff | O'Gorman | Sterling |
| Bryan | Gore | Oliver | Sutherland |
| Burleigh | Harding | Penrose | Thomas |
| Catron | Hitchcock | Robinson | Townsend |
| Chilton | Kern | Saulsbury | Wadsworth |
| Clarke, Ark. | Lea, Tenn | Shields | Weeks |
| Colt | Lewis | Shively | Williams |
| Culberson | McLean | Smith, Md. | |
| Dillingham | Nelson | Smith, Mich. | |

So the joint resolution was passed.

The amendment striking out the preamble was agreed to.

MANUFACTURE OF ARMOR.

Mr. TILLMAN. Mr. President, I ask that Senate bill 1417 may be laid before the Senate. I desire to submit some remarks upon it for about three minutes.

Mr. SMITH of Georgia. The Senator can discuss it, anyhow. It is not necessary to have it laid before the Senate.

The VICE PRESIDENT. The Chair lays before the Senate Senate bill 1417, the title of which will be stated by the Secretary.

The SECRETARY. A bill (S. 1417) to erect a factory for the manufacture of armor.

Mr. SMITH of Georgia. Mr. President, is this a request for unanimous consent?

Mr. TILLMAN. Yes.

Mr. SMITH of Georgia. I shall not object, as the hour is so late; but I desire to state to the Senate that to-morrow morning, during the morning hour, I shall press Order of Business No. 18, which is the first bill on the calendar that is to be pressed.

Mr. TILLMAN. Mr. President, before the Senate proceeds to the consideration of the bill just taken up, I want to call attention to an amendment which I propose to follow the last clause. In the hurry of preparation in the committee to report the bill last week it was omitted unintentionally. It is in the bill as introduced, and will be found in lines 6 and 7 on page 2. It is as follows: "Including all necessary drafting and clerical assistants." Then follows an amendment to the bill I introduced.

As soon as the Navy Department has decided whether it desires to include the making of munitions in this armor plant or not, I may introduce other amendments. The Secretary of the Navy has asked for authority to erect a munitions plant for the Navy, and it may be thought wise to incorporate the armor factory and the munitions plant under the same organization and put them in the same bill.

While we are not at war now—and God forbid that we be at war any time soon, if ever—wisdom points unerringly to the necessity of being ready to defend ourselves.

If President Wilson is quoted correctly as desiring the United States to have a navy "incomparably the greatest Navy in the world," I say now and here that I am not in favor of any such Navy as that; but I do want us to have the second greatest Navy afloat. I know that we can not rival England, because her very existence depends on her control of the sea. Her people would starve to death in six months if she could not get imports. By "the greatest Navy" I mean greatest in the efficiency of its officers and in the fighting qualities of its ships of all kinds. With the personnel, from the highest officer to the humblest Jacky in it, I am already well satisfied and believe they are second to none now—Germany's or Britain's—and the event will show it if we ever have a war with any great power. I can not believe that President Wilson spoke advisedly or in cold blood when he said that we should have "incomparably the greatest Navy in the world." I myself know, as a public speaker—and I have made as many or more stump speeches than any man in the Senate—the temptation to go a little further than prudence always warrants. Men become enthused and more or less rash; at least, they are more ultra than they otherwise would be when they get drunk on applause. We all know how that is, those of us who have been out on the hustings. When the people are shouting and hurrahing we go wild. [Laughter.]

I shall urge the Secretary to station the midshipmen authorized in the bill we passed last week on a schooling ship in the river if quarters can not be found on shore at Annapolis. With the number of cadets increased to three for each Congressman and Senator, we will soon have qualified naval officers enough, and there can be no complaint from the Navy Department itself of not having enough officers to man the ships, which is now the case.

### GAME PRESERVE IN KANSAS.

Mr. THOMPSON. Mr. President, I ask unanimous consent to take up Order of Business 45, being the bill (S. 1793) granting to the State of Kansas title to certain lands in said State for use as a game preserve. It is a bill of local nature, which will not require any discussion. It simply authorizes the granting of certain lands to the State of Kansas for a game preserve near Garden City, Kans. This land was reserved for this express purpose. A proclamation was issued by the President October 14, 1915, abolishing the Kansas National Forest, which comprised 135,800 acres of land, commonly called "sand-hill" land, located along the southern bank of the Arkansas River, extending through the counties of Finney, Kearny, and Haskell. The forestry experiments were unsuccessful, and it was therefore thought best to abolish the national forest and to open up this land for settlement under the enlarged-homestead act. This was done December 1, 1915, except as to the five sections of land included in this bill, which were temporarily withdrawn for this proposed legislation to set such lands apart as a game refuge.

The VICE PRESIDENT. Is there any objection?

Mr. SMOOT. Mr. President, I did not hear what the Senator said. I could not hear a word he said.

Mr. THOMPSON. I simply asked to take up Order of Business 45 by unanimous consent. I spoke to the Senator from Utah concerning this bill, and he stated that he had no objection to its passage.

Mr. SMOOT. Granting to the State of Kansas certain lands?

Mr. THOMPSON. Granting to the State of Kansas title to five sections of land near Garden City for the purpose of a game preserve.

Mr. SMOOT. I remember the bill. I have no objection to its consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill had been reported from the Committee on Public Lands with amendments, on line 4, after the word "Kansas" to insert "the public lands in"; on line 9, after the word "time," to insert "use or"; and, at the end of the bill, after "United States," on line 11, to insert "such reversion to be declared by the Secretary of the Interior," so as to make the bill read:

That the Secretary of the Interior is hereby authorized to grant to the State of Kansas the public lands in sections 25, 26, and 35 in township 24 south and sections 1 and 2 in township 25 south, all in range 33 west, sixth principal meridian, for use as a game preserve: *Provided*, That if the said State shall at any time use or permit the said lands hereby granted to be used for any purpose not contemplated by this act the said lands shall revert to the United States, such reversion to be declared by the Secretary of the Interior.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. THOMPSON. I should like to have incorporated in the RECORD as a part of my remarks in connection with this bill and showing the purpose of this legislation the report of the Secretary of Agriculture relative to it and also part of the proclamation of the President setting the land aside for this purpose.

The VICE PRESIDENT. Without objection, it is so ordered.

The matter referred to is as follows:

[Extract from a letter of the Secretary of Agriculture, forming part of Report No. 62, 64th Cong., 1st sess.]

The bill provides for granting to the State of Kansas five sections of land for a game preserve in the northeastern corner of the Kansas National Forest, in Finney County near Garden City. On December 21, 1915, the Secretary of the Interior was advised that the lands within the Kansas National Forest were no longer needed for national forest purposes and was requested, after a conference between the Commissioner of the General Land Office and the forester, to have a proclamation drafted to open the area to entry, with the exception of certain sections which the State of Kansas had proposed to be set apart as a game preserve. These areas, as described in Senate bill 1793, are now withdrawn under the act of June 25, 1910, pending action by Congress.

The purpose of this game preserve is to provide permanently for the preservation of a small herd of antelope which has been protected for several years on the Kansas National Forest, and which is certain to become exterminated in the near future when the lands in the forest are opened to settlement unless provision is made for its protection. From every point of view the project seems to be desirable. The antelope, which is now in greater danger of extermination than any othe species of big game native to the United States, is rapidly disappearing with the settlement of arid lands in the West, and it is very important that some provision be made for preserving this species. A small herd of antelope already exists on the Kansas National Forest, and if it can be rounded up and placed in an inclosure safe from coyotes and other predatory animals it can probably be preserved indefinitely.

—

A PROCLAMATION BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

Whereas the public lands within the Kansas National Forest, in the State of Kansas, will not be required for experimental forest purposes after November 30, 1915; and

Whereas it appears that the public good will be promoted by abolishing said reservation thereafter, and by withdrawing the public lands in certain areas therein as hereinafter provided, and by restoring the remaining public lands in such reservation in a manner authorized by the act of Congress approved September 30, 1913, entitled "An act to authorize the President to provide a method for opening lands restored from reservation or withdrawal, and for other purposes:" Now, therefore,

I, Woodrow Wilson, President of the United States of America, by virtue of the power in me vested by the act of Congress approved June 4, 1897 (30 Stat. 11, at 34 and 36), entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1898, and for other purposes," do proclaim that the Kansas National Forest, the boundaries of which are shown upon the diagram hereto annexed and forming a part hereof, shall be discontinued and cease to exist on December 1, 1915.

And I do also proclaim that, under authority of the act of Congress approved June 25, 1910 (36 Stat., 847), entitled "An act to authorize the President of the United States to make withdrawals of public lands in certain cases," as amended by the act approved August 24, 1912 (37 Stat., 497), the public lands in the following-described areas are hereby temporarily withdrawn for classification and, pending consideration by Congress of proposed legislation to set such lands apart as a game refuge, such withdrawal to be effective on the termination of the national forest: In township 24 south, range 33 west, sections 25, 26, and 35; and in township 25 south, range 33 west, sections 1 and 2.

LAND IN PENSACOLA, FLA.

Mr. FLETCHER. Mr. President, there are two local bills on the calendar, Order of Business 68 and 69, which I should like to have considered at this time. I think there will be no objection to them. The Senate has passed the bills before, but it is important that action should be had now. They simply remove clouds from the title to some lots in Pensacola, Fla. There is no objection on the part of the Government.

Mr. SMOOT. These bills are exactly the same as the bills which passed the Senate at the last session?

Mr. FLETCHER. Exactly the same.

The VICE PRESIDENT. Is there any objection to the present consideration of the first bill named by the Senator from Florida?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 3580) releasing the claim of the United States Government to lot No. 306 in the old city of Pensacola, Fla. It authorizes the Secretary of the Interior to issue a patent remissing, releasing, and quitclaiming forever all right, title, claim, and interest of the United States of America in and to lot No. 306 in the old city of Pensacola, in the county of Escambia and the State of Florida, to such person or persons, firms, or corporations as shall make proof that he himself, or he and his grantor or grantors, has had continuous possession thereof under claim of ownership during the last 20 years next before the passage of this act, and that such patent, however, shall be subject to any public easement or other adverse right suffered or granted by the patentee or his grantor.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The VICE PRESIDENT. Is there objection to the present consideration of the second bill named by the Senator from Florida?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 3581) releasing the claim of the United States Government to that portion of land, being a fractional block, bounded on the north and east by Bayou Cadet, on the west by Cevallos Street, and on the south by Intendencia Street, in the old city of Pensacola, Fla.

It authorizes the Secretary of the Interior to issue a patent, remissing, releasing, and quitclaiming forever all right, title, claim, and interest of the United States of America in and to that portion of land, being a fractional block, bounded on the north and east by Bayou Cadet, on the west by Cevallos Street, and on the south by Intendencia Street, in the old city of Pensacola, in the county of Escambia and the State of Florida, to such person or persons, firms, or corporations as shall make proof that he himself, or he and his grantor or grantors, has had continuous possession thereof under claim of ownership during the last 20 years next before the passage of this act, and that such patent, however, shall be subject to any public easement or other adverse right suffered or granted by the patentee or his grantors.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill authorizing the Secretary of the Interior to issue a patent to that portion of land, being a fractional block, bounded on the north and east by Bayou Cadet, on the west by Cevallos Street, and on the south by Intendencia Street, in the old city of Pensacola, in the State of Florida."

LETITIA D. MAXHAM.

Mr. GALLINGER. I ask unanimous consent for the present consideration of Order of Business No. 50. It is a resolution to pay a poor widow the usual sum upon the death of her husband.

The VICE PRESIDENT. Is there objection to the present consideration of the resolution?

There being on objection, the resolution (S. Res. 6) was considered by unanimous consent and agreed to, as follows:

*Resolved*, That the Secretary of the Senate be, and he is hereby, authorized and directed to pay from the miscellaneous items of the contingent fund of the Senate to Letitia D. Maxham, widow of Azro J. Maxham, late a folder of the United States Senate, a sum equal to six months' salary at the rate he was receiving by law at the time of his death, said sum to be considered as including funeral expenses and all other allowances.

LAND IN THE DISTRICT OF COLUMBIA.

Mr. POMERENE. I ask unanimous consent for the present consideration of Order of Business No. 81. It is simply a bill for the purpose of perfecting a title to a lot in the District of Columbia.

The VICE PRESIDENT. The Secretary will state the title of the bill.

The SECRETARY. A bill (S. 3509) to authorize the Secretary of the Interior to issue a deed to the persons hereinafter named for part of a lot in the District of Columbia.

The VICE PRESIDENT. Is there any objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It authorizes the Secretary of the Interior to execute and deliver to Otto L. Wolfsteiner and Lillie M. Thomson, of the city of Washington, D. C., as tenants in common, a deed conveying to them in fee the following-described part of lot 39, of reservation 10, of the low grounds, District of Columbia, on the west side of Third Street, north of Pennsylvania Avenue, city of Washington: Beginning at the northwest corner of said lot 39; thence south on the west side of Third Street 25 feet to the south end of said lot; thence west 150 feet; thence north 25 feet; and thence east 150 feet to the place of beginning, and known as the eastern part of said lot 39, which lot, with others, was sold to Judge Buckner Thruston in 1822, under the provisions of the act of Congress of May 7, 1822 (3 Stats., 691), but no deed was ever made to him, or his successors in title, from these United States for such eastern part of said lot 39.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

LANDS IN DUCHESNE, UTAH.

Mr. SMOOT. I ask unanimous consent for the present consideration of Order of Business 77.

The VICE PRESIDENT. The Secretary will state the title of the bill.

The SECRETARY. A bill (S. 36) to authorize the Secretary of the Interior to issue patents for certain lands to the town of Duchesne, Utah.

The VICE PRESIDENT. Is there any objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It authorizes the Secretary of the Interior to issue patents to the town of Duchesne, Utah, for the southeast quarter of the southeast quarter, section 2, township 4 south, range 5 west, Uinta special meridian, for cemetery purposes; and that if the town shall at any time permit the lands hereby granted to be used for any purpose not contemplated by this act the lands shall revert to the United States.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

HOMESTEAD ENTRIES IN WASHINGTON.

Mr. JONES. Order of Business 70 is a local bill, which has passed the Senate two or three times, and I should like to have it taken up for consideration.

The VICE PRESIDENT. The Secretary will state the title of the bill.

The SECRETARY. A bill (S. 3132) providing for the homestead entry of certain lands in the State of Washington, and for other purposes.

The VICE PRESIDENT. Is there any objection to the present consideration of the bill?

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The amendment of the Committee on Public Lands was, in section 2, page 2, line 20, after the words "nineteen hundred and," to strike out "fifteen" and insert "ten"; and line 22, after the word "thereto," to insert "or any successor in occupation and interest of such settler," so as to make the section read:

SEC. 2. That after said survey and the approval thereof by the Commissioner of the General Land Office the plat thereof shall be filed in the office of the register and receiver in the manner provided by law, and thereafter any settler who was in actual occupation of any portion of the lands described in section 1 hereof on the 1st day of January, 1910, who made actual settlement thereon in good faith for the purpose of securing a home, and who has since maintained his claim thereto, or any successor in occupation and interest of such settler, shall, if qualified to make a homestead entry, be entitled to make a homestead entry of the lands so occupied, not exceeding 20 acres in a body, according to the Government surveys and subdivisions thereof, upon payment to the Government at the time of such entry of the sum of $2.50 per acre for each acre entered by him, and within five years from the date of such entry he shall be required to submit proof showing residence and cultivation of such lands in the manner and for the length of time required by the homestead laws of the United States, and failure to make such showing shall be deemed sufficient cause for forfeiture of all rights to the land and to the money paid, and in case of any such default the land shall be offered at public sale.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

RICHARD DAELEY.

Mr. McCUMBER. I ask unanimous consent for the present consideration of Order of Business No. 67.

The VICE PRESIDENT. The Secretary will state the title of the bill.

The SECRETARY. A bill (S. 809) authorizing the Secretary of the Interior to accept the application for land entry of Richard Daeley.

The VICE PRESIDENT. Is there any objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Public Lands with an amendment, on page 1, line 10, after the word "Gallagher," to strike out "under soldier's additional homestead right, and to issue patent to said land upon receipt of proof that Richard Daeley has complied with the requirements of the land laws relative to entering land by additional soldier's scrip" and insert "and to issue patent thereon to said Richard Daeley upon proof of his compliance with the requirements of the law and regulations issued thereunder relative to making soldiers' additional homestead entries," so as to make the bill read:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to accept the application of Richard Daeley to enter lot 8, section 31, township 147 north, of range 30 west of the fifth principal meridian, Cass Lake, Minn., land district, containing 1$\frac{1}{2}$ acres, more or less, according to the Government survey thereof, as assignee of Evaline Gallagher, wiodw of Edward S. Gallagher, and to issue patent thereon to said Richard Daeley upon proof of his compliance with the requirements of the law and regulations issued thereunder relative to making soldiers' additional homestead entries.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MARY E. NICOLSON.

Mr. BORAH. I ask unanimous consent for the present consideration of Senate bill 922.

The VICE PRESIDENT. The Secretary will state the title of the bill.

The SECRETARY. A bill (S. 922) for the relief of Mary E. Nicolson.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Claims with an amendment, in line 6, after the words "sum of," to strike out "$3,000" and insert "$900," so as to make the bill read:

*Be it enacted, etc.*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Mary E. Nicolson, of Idaho Falls, Idaho, out of any money in the Treasury not otherwise appropriated, the sum of $900, to compensate for her the death of her son, C. Val Nicolson, killed while fighting fires on the Coeur d'Alene National Forest on August 20, 1910.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

THOMAS L. GRIFFITHS.

Mr. SUTHERLAND. I ask present consideration for Order of Business No. 41.

The VICE PRESIDENT. The Secretary will state the title of the bill.

The SECRETARY. A bill (S. 6) authorizing issuance of patent for certain lands to Thomas L. Griffiths.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It authorizes the Secretary of the Interior to issue to Thomas L. Griffiths a patent for lot 3 of section 30, in township 29 south, of range 8 west, of the Salt Lake meridian, in the State of Utah; and that he shall first have paid at the rate of $1.25 per acre therefor.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

GRAVE OF SCARLET CROW.

Mr. GRONNA. I ask unanimous consent for the present consideration of Order of Business 130.

The VICE PRESIDENT. The Secretary will state the title of the bill.

The SECRETARY. A bill (S. 584) to provide a headstone for the grave of Scarlet Crow.

The VICE PRESIDENT. Is there any objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It authorizes the Secretary of the Interior to erect a headstone to mark the grave of Scarlet Crow, a Sioux Indian chief of the Wahpeton Tribe, who was buried March 13, 1867, in the Congressional Cemetery, Washington, D. C., in a grave marked "76–R. A. 22," and for this purpose there is appropriated the sum of $100 out of any money in the Treasury not otherwise appropriated.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PETER M'KAY.

Mr. POINDEXTER. I ask unanimous consent for the present consideration of Order of Business No. 40. It is a bill which has previously passed the Senate several times.

The VICE PRESIDENT. The Secretary will state the title of the bill.

The SECRETARY. A bill (S. 1376) for the relief of Peter McKay.

The VICE PRESIDENT. Is there any objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Claims with an amendment, on page 1, line 6, after the words "sum of," to strike out "$5,000" and insert "$2,500," so as to make the bill read:

*Be it enacted, etc.*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Peter McKay, or his legal representatives, the sum of $2,500, as full compensation for permanent injuries received by the said McKay on the 5th day of May, 1904, at Fort Worden, in the State of Washington, by being struck with a large piece of log hurled by the explosion of an excessive blast of powder discharged without warning by employees of the United States Government engaged in clearing lands at said Fort Worden under the direction and control of the United States Government.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WARREN E. DAY.

Mr. SMITH of Arizona. I ask unanimous consent for the present consideration of Order of Business 129.

The VICE PRESIDENT. The Secretary will state the title of the bill.

The SECRETARY. A bill (S. 1048) for the relief of Warren E. Day.

The VICE PRESIDENT. Is there any objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It authorizes the Secretary of the Treasury to pay to Warren E. Day, out of any moneys in the Treasury not otherwise appropriated, the sum of $1,200, being for professional services rendered and medicine furnished the Hualapai Indians in Arizona Territory, under the orders and approval of the Commissioner of Indian Affairs, during the years 1883 and 1884, and that the acceptance of this sum shall be considered as final settlement of all claims of every kind whatsoever against the United States.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

WATER-POWER DEVELOPMENT.

The VICE PRESIDENT. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which is Senate bill 3331.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 3331) to amend an act entitled "An act to regulate the construction of dams across navigable waters," approved June 21, 1906, as amended by the act approved June 23, 1910, and to provide for the improvement and development of waterways for the uses of interstate and foreign commerce.

The VICE PRESIDENT. The bill is as in Committee of the Whole and open to amendment.

Mr. WALSH obtained the floor.

Mr. SMOOT. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. POMERENE in the chair). The absence of a quorum is suggested, and the Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

| | | | |
|---|---|---|---|
| Ashurst | Gronna | McLean | Sheppard |
| Bankhead | Harding | Martin, Va. | Sherman |
| Beckham | Hardwick | Martine, N. J. | Shields |
| Borah | Hollis | Myers | Smith, Ariz. |
| Brandegee | Hughes | Nelson | Smith, Md. |
| Broussard | Husting | Norris | Smoot |
| Catron | James | Overman | Sterling |
| Chamberlain | Johnson, Me. | Owen | Sutherland |
| Chilton | Johnson, S. Dak. | Page | Thompson |
| Clapp | Jones | Phelan | Tillman |
| Clarke, Ark. | Kenyon | Pittman | Vardaman |
| Cummins | La Follette | Poindexter | Walsh |
| du Pont | Lane | Pomerene | Warren |
| Fletcher | Lippitt | Ransdell | Williams |
| Gallinger | McCumber | Shafroth | Works |

The PRESIDING OFFICER. Sixty Senators have answered to their names. There is a quorum present. The Senator from Montana has the floor.

Mr. WALSH. Mr. President, I have a number of amendments to propose to the bill at page 6, but as they are all more or less related to each other I shall offer instead an amendment which will be a substitute for page 6. I send it to the desk. I have several additional copies. I will be glad to send one to the Senator in charge of the bill and copies to any other Senators who may be interested.

The PRESIDING OFFICER. The proposed amendment will be read.

The SECRETARY. Amend by striking out all of page 6 of the bill and in lieu thereof insert the following:

ate to the benefit actually received by the grantee by reason of any increase of flow past or over the water-power structures artificially caused by such headwater improvement, and all moneys received from such charges and all other revenues accruing under this act are hereby reserved and appropriated as a special fund in the Treasury, to be known as the river improvement fund, from which fund expenditures for the improvement of rivers shall be made as Congress shall direct; (f) that such grantee in the construction, maintenance and operation of such dam or diversion structure and accessory works may, with the authority of the Secretary of War and the Secretary of the Interior, occupy and use, to the extent necessary for the project and for the period of his permit to maintain the dam to be constructed by him, any lands of the United States, including the public lands; and any part of the public lands may, on certification by the Secretary of War that the same is required for navigation purposes, be withdrawn by the President for said purpose as provided in the act entitled "An act to authorize the President of the United States to make withdrawal of public lands in certain cases," approved June 25, 1910; and for any land of the United States so used and occupied and the other rights acquired hereunder when such lands are to be occupied, the grantee shall pay to the United States such reasonable annual charges as may be fixed by the said Secretary of War and the said Secretary of the Interior; and in fixing such charges consideration shall be taken of the benefits accruing from the use and occupation of such lands to the interests of navigation, as well as to the business of said grantee; (g) in cases in which no lands of the United States are to be occupied, that the grantee shall pay to the United States for the rights acquired hereunder such reasonable annual charges as may be fixed by the Secretary of War.

Mr. WALSH. Mr. President, two clauses in the amendment provide that in the case of the occupation of any public land the consent and approval of the Secretary of the Interior shall be secured. If the amendment as a whole should not be adopted by the Senate I shall offer those as separate amendments later on.

In explanation of the amendment offered I will say to the Senate that by the bill as it appears at the bottom of page 5 and top of page 6 should any headwater improvements be made by the Government of the United States, and at its expense, the result of which would be of benefit to the power permittee, the bill provides that the Secretary of War may fix reasonable charges to be paid by the permittee for the use of such headwater improvements or for such benefits as may accrue to him by reason of the same. Those are all the charges that the permittee is required to pay. Any avails from that goes into a fund under the provisions of the bill as it stands called the headwater fund.

The amendment proposed by me contemplates that charges as a whole should be made. In other words, it presents the proposition that for the permission granted under the act the Secretary of War may in the lease or permit, as it may be designated, prescribe an annual charge to be paid by the permittee, and thus the amendment presents squarely the question as to whether any returns should be made to the Government for the privilege which the permittee acquires under the act.

Mr. President, I do not desire to say anything in connection with this matter further than to state my position with reference to it and the reasons which impelled me to the conclusion at which I have arrived.

Touching the question of the power of Congress to make a provision of this character in the act, which has been questioned in the course of this debate and in very many learned discussions which have taken place heretofore, I take this position: That Congress may grant the power to construct a dam across a navigable stream or withhold that power, I apprehend there is no room for dispute. Under the existing law any structure of that character in a navigable stream is a crime. It is an incumbrance and may be removed by the civil process of a court. That Congress has the power to grant this privilege or to withhold it, none, I undertake to say, will deny, and it seems to me to follow as of necessity and as an inevitable conclusion that if Congress can grant the power it may grant it upon just exactly such terms and conditions as it may see fit as between it and the permittee.

How, Mr. President, would the question ever be raised so as to be determined adversely to that contention? The permittee will be required to enter into contract with the Government of the United States, under the terms of which he agrees to pay to the United States, for the privilege he enjoys, so much. If he is sued for a failure to pay, he certainly can not contend that that is an unconstitutional agreement. He is certainly estopped from making any such contention as that when he has taken advantage of an act. I need not refer to the principles of estoppel which forbid him to do so.

So likewise, Mr. President, if under certain terms and conditions he goes on and constructs the dam and does not comply with any of those conditions—not being conditions of the act but conditions of his contract—he will be in no situation to prevent being ousted of his privileges upon the claim that no power of that kind exists.

Then, again, Mr. President, another provision of the bill is to the effect that if the Government of the United States should itself at any time undertake to develop a stream for purposes of navigation, and in the pursuit and conduct of that work should develop power, that power may be leased to anyone by the Government and the avails and rentals thus derived go into another fund, as is provided in section 10 of the act. The provision will be found on page 16 of the bill, as follows:

The charges and rents arising from such lease or leases are hereby reserved and appropriated as a special fund in the Treasury, to be expended for the maintenance of said dams and the further improvement of waterways in which the same may be situated, under the direction of the Secretary of War.

I have heard the power of Congress to so provide questioned on several occasions at least, but I apprehend that no one will be heard very seriously to assert that if Congress, in the construction of a public work of this character, develops some power as incidental to the work of navigation, it must either make a gift of the excess power which it thus develops or allow it to run idle and useless. For instance, down at Panama the construction of the great Gatun Dam was necessary to the proper prosecution of that work. There was accumulated a great lake, and the natural overflow of the lake, and particularly the overflow in times of the great floods which occur in that region, is utilized for the development of power, and that power is utilized for the transport of the vessels through the locks of the canal.

I apprehend—indeed, I know—they develop more power there than they have occasion to use for the primary purpose for which it was developed. No one, I undertake to say, would assert that the Government of the United States has no power to sell that excess power. I take it that, inasmuch as a provision to that effect was incorporated in the bill, it is the view of the gentlemen who have framed it that that power and right does exist.

Mr. SMITH of Arizona. Will the Senator permit me to interrupt him?

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from Arizona?

Mr. WALSH. I do.

Mr. SMITH of Arizona. Does the Senator see no distinction between the absolute ownership and right of the United States in power developed at Panama and the power of the Government to enter a State for purposes under the Constitution of navigation only, and then proceed, by reason of that right, only to make a charge out of an element that the State itself owns as against the Federal Government?

Mr. WALSH. Of course that is quite beside the question that I am endeavoring to debate at this time. Take the great work conducted by the Government at The Dalles, in the Columbia River, by the operation of which that river was made navigable from the sea to Lewiston up the Snake and to Priest Rapids, in the State of Washington. By the expenditure of some additional money a very considerable amount of power would be de-

veloped at that place. I ask the Senator from Arizona if it is his idea that the Government would have no right to sell that power?

Mr. SMITH of Arizona. I do not think the Government has any rightful power whatever over anything developed by reason of the improvement of the navigation of the streams within a State.

Mr. WALSH. What would the Senator have the Government do with the power?

Mr. SMITH of Arizona. I would have the Government do what the Government has a right to do under the Constitution, and that would be to attend to the navigation of the stream and interfere with no State when the State did not interfere with the navigation.

Mr. WALSH. Perhaps I ought not to precipitate this discussion, but the Senator has not answered the question as to what he would have the Government do. The framers of the bill have deemed—and it seems to me deemed wisely—that if in that work power is incidentally developed the Government ought to dispose of the power as a prudent, careful business man on the best terms that could be obtained.

Mr. SMITH of Arizona. To that extent I would disagree with the committee in its report on the bill. I think it is a presumption on the part of the committee.

Mr. WALSH. However that may be, Mr. President, that is the evident theory of the bill. That being the case, I can see no difference between that and authorizing a private individual to go on and do exactly the same work, giving to the Government whatever would be a just part accruing to it and which would come to it if it itself did the improvement work.

For both these reasons, then, Mr. President, I entertain no doubt at all, so far as the power of Congress is concerned, that the provisions of the amendment are entirely without good ground for exception. Now as to the policy or wisdom of it.

I referred, Mr. President, to the great work conducted by the Government of the United States in the improvement of the Columbia River, a navigable stream. If it itself developed an additional amount of power which it thus disposed of why should not that excess thus derived from that work be put into a fund for the improvement of that particular river?

So the bill provides, and so, Mr. President, if a stream which ought to be developed for purposes of navigation may likewise be made the source of power out of which a return can be obtained for the Government, why should not the power possibilities of that river be utilized for the purpose of the improvement of it for navigation? Why should it be given away? Why should it not be utilized, and would not that be an entirely appropriate use?

But, Mr. President, there is in my judgment an additional reason why this should be done. Anyone who knows anything about the development of water power has recognized that in many cases it can be developed at an initial cost that is very, very low and that in others it can be developed only at a cost that approximates the cost of the production of power by steam. In other words, whatever you do there is going to be a very large margin between the cost of producing power in the different plants.

I speak now, Mr. President, about the development of different plants upon the same navigable stream or upon navigable streams in the same region, the dams on which will supply the same market. But, Mr. President, you must bear in mind that the power plants which are thus established upon navigable streams are going to come into competition with the dams that are constructed upon the public lands and you can not burden one without putting it under a disadvantage as with respect to the other. The Public Lands Committee has reported a bill which provides for the disposition of power sites upon the public domain, and it contains a provision to the effect that the permittee shall pay for the privilege he exercises of occupying the public lands an annual rental which shall not be in excess of 25 cents per horsepower produced at the property affected. I read for instance from section 8 of that bill as reported by the Senate committee, as follows:

> That for the occupancy and use of lands and other property of the United States permitted under this act, the Secretary of the Interior is authorized to specify in the lease and to collect reasonable charges or rentals for all land leased, which charges or rentals shall not exceed an amount equal or equivalent to 25 cents per horsepower-year for the actual power.

Mr. JONES. Mr. President——

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from Washington?

Mr. WALSH. I do.

Mr. JONES. Has that provision been reported by the committee?

Mr. WALSH. I so understand.

Mr. JONES. I did not know that.

Mr. WALSH. I so understand. The bill itself provides that—

> The Secretary of the Interior is authorized to specify in the lease and to collect charges or rentals for all lands leased, which charges or rentals may, in the discretion of the Secretary, be measured by the power developed and sold or used by the lessee for any purpose other than the operation of the plant.

Mr. JONES. That I understood had been reported. I do not know that the limitation the Senator just referred to as a maximum rent had been reported favorably by the committee. I hope it has been reported that way.

Mr. WALSH. This has been furnished me, and I assume that it is correct.

But, Mr. President, the bill as thus reported contemplates that the power plants that are thus located upon the public domain shall be burdened with an annual charge, and a charge that in all probability will be computed on the basis of the horsepower produced and sold. Now, take it in my State. I referred the other day to the fact that the Kootenai River is a navigable stream. A power plant upon that stream will be governed by the provisions of the bill which is now before us for consideration if it shall become a law. One who puts a dam upon that stream for the development of power will be under no obligation whatever to pay a dollar to the United States for the privilege which he enjoys.

The Yaak River is a nonnavigable branch of the Kootenai River. Both of these streams are capable of producing power of enormous volume and amount. They are exactly in the same neighborhood; they will supply exactly the same market; and yet the power plant on the little Yaak River will be burdened with an annual charge and the power plant on the great Kootenai will go without a dollar. I ask if that is right? I ask if that is fair? I ask you why you should endeavor to lessen the burdens upon the great plants that must be developed, if they are developed at all, by great aggregations of capital, and burden the little plants, that are on the side streams, that will be developed in small amounts, possibly 1,000 horsepower or 500 horsepower or something of that character. You charge them an annual rental; they will be called upon to pay an annual royalty to the Government, depending upon the amount of power they produce, but the others will be allowed to go free. Mr. President, I submit that it is not a fair proposition at all to burden the power plants of the West upon the public domain with an annual charge, and to allow those in the East to go without any charge whatever.

There is a third reason, Mr. President, why this ought not to be done.

Mr. SHIELDS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from Tennessee?

Mr. WALSH. I do.

Mr. SHIELDS. I should like to ask the Senator from Montana, in view of his statement that it is unfair to put a burden on the plants in the West and not on those in the East, whether he favors placing a burden on those in the West?

Mr. WALSH. I do. I think that I could not otherwise justify myself in coming to the Congress of the United States. I tell you, I speak for the people of my State, and I speak for the men with the money, who are willing to go into the business, and who are here praying for an opportunity to go into the business, when I say that they are perfectly willing to pay a reasonable charge annually for the right to occupy the public lands with power plants.

Mr. SHIELDS. Now, will the Senator explain why it follows that it is just to make an illegal exaction, as I see it, upon the owners of water power in the navigable rivers in the West merely because he and other citizens of the West voluntarily advocate a tax or a charge upon themselves?

Mr. WALSH. Of course, the Senator from Tennessee will find no fault with me when I say that I can not concede that he is correct in saying that it is an illegal charge. Of course, he will have to ask me the question upon the basis of my own idea about the matter. I endeavored to explain my notion that there is nothing illegal about it, but that it is perfectly legitimate under the Constitution to make this charge.

Mr. SHIELDS. I understood the Senator to take that position; but, of course, he understands that perhaps beyond any question a majority of the Senate disagree with him and believe that Congress has no power whatever to levy such a tax where it has no proprietary interest in the river or in the land adjacent to the river.

Mr. WALSH. I would scarcely agree as to that; but now, if the Senator will ask me any question upon the basis of my understanding of the power of Congress, I shall be very glad to answer him.

I do say that, conceding the power of the National Government to exact this charge in respect to dams in navigable streams, it is unjust to allow this development to go on in the East without a charge and to impose a charge upon the dams in the West, which as to the greater part must of necessity be upon the public lands.

Mr. SHIELDS. Who is it that is proposing to impose this tax, I will ask the Senator? Is the Senator not from the West, and is he not here advocating a tax upon his own people?

Mr. WALSH. Yes.

Mr. SHIELDS. And then, proceeding with that as a basis——

Mr. WALSH. I am advocating the same imposition upon the other people.

Mr. SHIELDS. Let me finish. The Senator comes here advocating a bill to impose a tax upon his own people, and after getting that established, or with his hopes to have it established, he now says, "You ought to pay in something, too."

Mr. WALSH. The Senator from Montana recognizes that it will be impossible to get the legislation that he is so extremely desirous of securing without a provision of that character.

Mr. SHIELDS. I will ask the Senator from Montana a further question. Have not all the water powers outside of the public domain, to which the bill under consideration would apply in the State of Montana, been developed, and therefore, this charge, which he now proposes to place upon the development of water power in the East would not affect his constituents?

Mr. WALSH. I will say to the Senator from Tennessee that all of the development in the State of Montana thus far is upon those waters that are not navigable in the interstate sense.

Mr. SHIELDS. I understood from the Senator's speech at the Western States Water Power Conference in September last, at Portland, Oreg.—I quote:

> Development of water power in our State has progressed with unusual celerity, practically all of the great sites held in private ownership now being occupied.

Therefore this tax which the Senator now proposes to impose would not affect his constituents owning these sites. I will proceed with the quotation:

> The remainder of the large sites are upon the public domain. Further development is practically arrested until some legislation is enacted.

Mr. WALSH. That is the situation exactly. Take the great power site on the Pend Oreille River. The Pend Oreille River empties Flathead Lake. Flathead Lake is the largest body of fresh water between the Mississippi River and the Pacific Ocean. It is a great natural reservoir 30 miles long by 20 miles wide. The region drained is an immense territory. That lake empties itself through this river; it tumbles over a series of cascades 7 miles in length that are capable of producing 250,000 horsepower, as much as the total development in our State. The lands on both sides are public lands. They are reserved from disposition under the existing condition of things. Do you wonder that I am here urging that we give consideration to a measure that has some show of being enacted into law?

Moreover, Mr. President, as is well known, practically every developed power in our State belongs to the Montana Power Co. I do not want to say anything by way of criticism of that organization. It has exhibited in the conduct of its business a most commendable public spirit. It is extending its business into all sections of our State. The Senator from Tennessee the other day, in setting forth the great uses to which electricity was being applied, told you that in the city of Billings there were 600 homes in which all the cooking they did was done by electricity. It is being extended everywhere, and most liberal terms are being made. Out in front of my city is the fertile Prickly Pear Valley. That company is furnishing power to the farmers in that valley so that they can get water at much less cost than even the settlers under the reclamation projects. Twelve thousand five hundred acres are now under cultivation, irrigated by water that is pumped by this company by electrical power. As I say, however, practically every power in the State is in their hands, and everything else is tied up. We are anxious to have this legislation.

Mr. BANKHEAD. Mr. President——

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from Alabama?

Mr. WALSH. I do.

Mr. BANKHEAD. I understood the Senator from Montana to say that many of the very large power plants in his State were developed. Is that correct?

Mr. WALSH. The fact about the matter, I will say to the Senator, is that our capacities aggregate 5,000,000 horsepower, and only 250,000 have been developed. I will say that the site of which I spoke, the Pend d'Oreille site, is perhaps the greatest in our State.

Mr. BANKHEAD. In any event, a very large power has been developed in the State of Montana by private corporations, as I understand. Now, I should like to ask the Senator from Montana if they pay any tax to anybody?

Mr. WALSH. Certainly not.

Mr. BANKHEAD. Then, does the Senator think it is fair to force a tax upon the gentlemen who are to come after them and invest their money and in less favored sections in new enterprises? Is not that a discrimination that is hardly fair?

Mr. WALSH. That is a very pertinent question which the Senator puts, but, really, you know, it presents an inquiry that addresses itself to legislators whenever the present situation of conditions is to be improved. Of course, the people who got in first, who got in on the "ground floor," were pioneers, and they were entitled to an advantage. Why, Mr. President, whenever you go to improve the condition of things you have got to put the new man under a disadvantage as compared with the men who have gone before. For instance, we used to grant street railways rights in perpetuity, the opportunity to occupy the streets of our cities for an unlimited period, and in many cases provision was made concerning the charge that they might make, and that was in perpetuity.

After a time, however, when the population increases and the city builds up, another man will come along and he also wants a franchise. Well, would you have the community bound up so that they would have to give a new man all the advantages and all the rights that were given to the first man, lest you put him at a disadvantage, I ask the Senator?

Mr. BANKHEAD. Mr. President, the Senator has so candidly and directly answered the question I put to him, that I should like to ask him another. In case the Senator succeeds in securing the levy of this tax upon the power hereafter to be developed, I should like to ask him who ultimately will pay that charge—whether or not it would not fall upon the consumer?

Mr. WALSH. Unquestionably it would. I have listened to Senators talking about a tariff, and I have listened to gentlemen stating that the duty on wool never finds its way into the coat one wears on one's back. I never subscribed to that doctrine. Beyond question, in some way or other, every dollar that is paid in the way of a license for this permit will have to be paid by the consumer. Therefore, Mr. President——

Mr. BANKHEAD. Mr. President——

Mr. WALSH. Wait until I answer the question. Therefore I insist, sir, that whatever there is realized from this source shall not go into the Federal Treasury for general purposes, but shall be utilized in the very community from which it comes; and, accordingly, the provision in the other bill coming from the Public Lands Committee is that every dollar that is received from this source shall go into the reclamation fund for the reclamation of arid lands in the very community from which the money comes; and when that is returned by the settlers, one half of it goes to the State from which it comes and the other to the reclamation fund.

Mr. BANKHEAD. Mr. President, I should like to ask the Senator one more question, and then I will not trouble him further. I should like to ask the Senator from Montana if he does not distinguish between a dam built in a navigable stream for the purposes of navigation exclusively by the Government, where the Government is the riparian owner, where the Government takes care of the flowage rights, and a dam built by private enterprise, by private capital, near the same place in the same river, which dam, when completed, they turn over for navigation purposes to the Government of the United States free of cost? I will ask if the Senator can not distinguish between those two situations?

Mr. WALSH. I do distinguish between the two; I recognize that there is a vast distinction; but I recognize also that they are identical in this particular, that in each case it can readily be conceived that there will be an excess derived from the power developed which belongs to the Government and which ought to be utilized by the Government; and, to my mind, it does not make a bit of difference whether the Government does the work itself, and thus acquires the power, or whether it lets the privilege to a private individual and asks for a portion of what it would get itself if it made the improvement.

Now, Mr. President, the third reason why I think this amendment ought to be made is this——

Mr. SHAFROTH. Mr. President, I should like to ask the Senator a question before he goes to the third reason.

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from Colorado?

Mr. WALSH. I do.

Mr. SHAFROTH. The Senator says that a tax should be imposed upon the power generated upon public lands, and that therefore there should be a tax imposed upon the power gen-

erated upon navigable streams. I would ask him whether he would have any objection to providing that in both instances there shall be no compensation to or charge by the Government?

Mr. WALSH. I would, unquestionably, because I do not know how I would justify myself before the people of the United States in giving to a private person the great, valuable power sites upon the public domain. Let me say a word now to the Senator from Colorado. I have referred to the Pend Oreille site. Why, Mr. President, I have not the slightest doubt in the world that if that site were put up at public auction it would bring $3,000,000. I do not know how I would justify myself before the people of the United States if I agreed to turn that over to somebody for nothing.

Mr. SHAFROTH. Does not the Senator recognize the fact that the States have certain rights, especially in water powers, and that the charge which the Senator proposes to make is, according to decisions of the courts, to be levied on something which belongs to the States and not to the Nation?

Mr. WALSH. I do not think so at all.

Mr. SHAFROTH. As to nonnavigable streams?

Mr. WALSH. I am speaking about nonnavigable streams now, sir. I think that that is an entirely erroneous idea. The Government owns the land. I subscribe to the doctrine asserted by the Senator from Colorado, that the State owns the water of its streams. Before I came to the Senate I argued that question in the Supreme Court of the United States, and I wrote an elaborate brief upholding that view, and I take that position now. The Government of the United States does not own the water of the Pend Oreille River at all, but it owns the land upon both sides of the river, and you can not build a dam there unless you get that land. The Government of the United States owns the land, and it may charge just exactly what it pleases for that land. If it so elects, it can say to one who desires to occupy that land, "We will permit you to occupy this land for a period of 50 years, you to pay us for its occupancy 25 cents per horsepower for each horsepower you develop."

Mr. SHAFROTH. Does the Senator think it would be fair for the Government to prescribe such terms and not give the right of condemnation, so that the fair value of the land, consisting probably of rocks and canyons, could be ascertained, instead of a large amount being assessed against the company?

Mr. WALSH. The difference between the Senator and myself about that is simply this: The Senator thinks that the land has no value except for agricultural purposes or for some purpose like that. I think differently. I think the land is immensely valuable because of its commanding character as a power site, and that the Government of the United States is entitled to take that into consideration in disposing of the land just as a private citizen would do.

Now, concerning the condemnation feature, I will say to the Senator from Colorado that, as we both know, the question has been raised that the State has the right to condemn public lands of the United States; that it can take them away from the United States by the power of eminent domain. We may differ about that, but I can not subscribe to that doctrine.

Mr. SHAFROTH. Well, Mr. President, in a condemnation proceeding for the acquirement of a site for a reservoir, for instance—and I am sure the Senator from Montana has had considerable experience along that line—does he think, under any procedure or under any decision of any court, that you could count as an item of damage to be assessed for the taking of the property a natural condition, such as a hill which helps to form the reservoir site?

Mr. WALSH. In answer to that I will say to the Senator from Colorado that the question which he propounds to me now has, in my judgment, been quite definitely determined by the Supreme Court of the United States. I refer to a case which I think is found in Ninety-seventh United States. It was for the condemnation of an island in the Mississippi River, and doubtless the Senator from Minnesota [Mr. NELSON] will be able to give the details of the case. It was a rocky island, of such character as the Senator has suggested; it was nothing but rocks. You could not grow a thing on it; there was no mineral on it of any character at all. A boom company wanted to condemn it, and the Supreme Court of the United States held that its value for boom purposes was proper to be submitted to the jury. So, in determining the question of the value of a power site, if condemnation proceedings could be availed of at all, the value of that property as a site for a dam for the development of power is a proper element to be taken into consideration.

Mr. SHAFROTH. The rule, as I understand, Mr. President, is to consider what the site is worth for all purposes. That is an element to be taken into consideration.

Mr. WALSH. For "any" purpose.

Mr. SHAFROTH. No; not for "any purpose," but for "all purposes." That is my understanding.

Mr. WALSH. I will get the decision and give the Senator the language.

Mr. SHAFROTH. I have known instances where there have been attempts to condemn land for the purpose of making a reservoir, when the attorneys for the owners of the land would insist that, because there was a hill that formed a part of the dam itself, it should be held at a very high figure by the jury; and the courts have invariably, in cases that I have examined, said no; that it could not be considered in the determination of the amount that the land was worth because of the fact that it would amount to making a piece of land, which was practically worthless, of such high value as to make it worth almost as much as a part of the embankment of the reservoir itself.

Now, Mr. President, I want to say that the Senator from Montana no doubt represents the people of Montana when he says that they are in favor of this legislation; but I must say to the Senator that that is not the view held throughout the West. So far as the people of my State are concerned, they believe that the water in the streams belongs to the people of the State, and that the United States Government has no more right to hinder the construction of a power plant than a farmer would have the right to stop a railroad because the railroad wanted to go through his land, when the railroad has the right to go through his land under condemnation proceedings. I must say, Mr. President, that while the view which the Senator takes may be the view of Montana, it is not the view of most of the Western States.

I wish to say further to the Senator that, while no doubt, as he states, he honestly believes that there are people ready to enter into leasing contracts with the Government, I have no doubt that under the treatment which lessees of the Government have received in the past 20 years people will be very slow in their efforts to secure leasing contracts.

I wish further to call the attention of the Senator, if he will permit me, to another fact. I have no doubt the Senator speaks in the utmost good faith—and he is always earnest and honest in supporting his contentions—but when the Alaskan bill was before the Senate the Senator said on the floor of the Senate that there were men then waiting in Washington for the purpose of acquiring coal leases in Alaska, and yet I have inquired at the Department of the Interior as to whether there have been any leases made there, and I find that not one has been made up to this time.

The opportunity of leasing and paying a royalty to the Federal Government is not one that is going to be seized readily by the people, because, Mr. President, the Government has heretofore revoked permits without rhyme or reason, without suggesting a cause for its action. When the permit system was inaugurated for the construction of water-power plants it was said, "All we want to do is to stop one company from monopolizing; we want the privileges of a company, if it fails to proceed with construction work, to end; and, therefore, we want the privilege of revoking the permit." But there was one Secretary of the Interior who, without notice to a single water-power company, and without any trial, issued an order revoking 40 permits, when there had already been constructed and were in operation power plants which had cost millions of dollars and which at that very minute were transmitting electricity to various communities.

Mr. WALSH. Mr. President, will the Senator pardon an interruption?

Mr. SHAFROTH. Yes, sir.

Mr. WALSH. The general policy of leasing, of course, is a most interesting one; but does the Senator understand that this bill before us is just that kind of a bill?

Mr. SHAFROTH. I understand that there are certain features of that kind, as the Senator has said; but it does seem to me——

Mr. WALSH. Excuse me. I call the Senator's attention to the fact that the bill before us, as it has been reported by the committee and recommended for passage, is a leasing bill.

Mr. SHAFROTH. That may be; but there are features of this bill that I would rather have eliminated.

Mr. WALSH. The Senator will understand that the bill does not give the dam builder a perpetual right to occupy the stream, but it gives him a right only for a limited period of 50 years.

Mr. SHAFROTH. Yes; but I recognize, if the Senator will permit me, that there is a great difference between a navigable stream which the State has not the absolute right to control and concerning which it has to make some kind of an arrangement with the National Government, and a stream the waters of which are recognized by every court decision to belong to the

State. That is one reason why this bill is not as perfect as I should like it to be, yet, notwithstanding that, it is, in my judgment, infinitely a better bill than the bill providing for the construction of water-power plants upon the public domain.

Mr. WALSH. Of course, Mr. President, I do not want to institute any comparison. I want to present now the third reason I have for believing that this would be a wise policy.

I adverted in the beginning to the fact that power plants upon the same navigable stream will be competing with each other under different conditions. One will have an advantage over the other. I think we could very properly equalize the advantages by a charge. So, likewise, a power plant on a navigable stream will be competing with a power plant upon the public domain, but not on a navigable stream. We could equalize the difference between them very properly by imposing a charge on the permit to occupy the navigable stream, if it has any advantage by reason of its location and ease of development over the plant upon the nonnavigable stream located upon the public lands.

Now, I want to call attention to the fact that you will find exactly the same discrepancy between the production of power by steam and the production of power by falling water. Of course that is a matter of no great consequence with us, where there is a superabundance of power, and at present, at least, a very narrow market. The great difficulty in the way of power development in our section of the country is to get the market where the power can be utilized. When the development first began the power was utilized only for operating street railways and the electric-light plant in the city of Helena. Subsequently a transmission line was constructed to Butte, a distance of 75 miles, and that city was lighted with electricity and the street cars were run with the current obtained. Afterwards they induced the mine operators to put in electric hoists, instead of hoists operated by steam power, thus opening up another great source for the consumption of power. Later, you will remember, that the whole line of the Butte, Anaconda, and Pacific Railroad Co., operating between the city of Butte, where the mines are, and the city of Anaconda, where the smelters are, was electrified and power was consumed in great quantities for that purpose. Here within 60 days 115 miles of the main line of the Chicago, Milwaukee & St. Paul road through our State began to be operated by electrical power; and they are at present installing equipment for the purpose of operating about 450 miles, extending from Hamilton, in my State, over into the State of Idaho. That affords a great market for power; and, of course, if that road is electrified the competing lines, the Great Northern and the Northern Pacific, also traversing my State from east to west, will in the course of time, and in my judgment a very short time, be obliged to go to the same source of power; for I state here as a most remarkable fact that the records of the Butte, Anaconda, and Pacific road disclose that their cost for power, operating electrically, is just one-third what it was when they operated by steam, and the total expense of operation has been reduced something like 33⅓ per cent. I have no doubt that a similar saving in the cost of operating, particularly in the mountain grades, will be shown by the experiment now being conducted by the Chicago, Milwaukee & St. Paul road.

Electrical power is particularly applicable to the operation of railroads and mountain grades; for, remarkable as the fact may be, the engine—the electric motor—in descending the grade is transformed into a generator which generates electricity by reason of the momentum of the train, which is thrown into the line and assists in pulling up the train that is ascending the mountain upon the other side. So that the cost of railroad operation in the mountain sections is reduced almost to that of transportation across the plains.

So the market is developing; but, still, with our five millions of possibilities, it will be a long time before the market is so great as to consume our available power. As a consequence of that, in order to get people to use electrical power at all, it became necessary to reduce the cost, and to continue to reduce it, until it had been extended as I have indicated.

For instance, when they first began to use it, the street railway in my town paid $50 per horsepower. Afterwards, when they introduced it into the mains in Butte, it was furnished to them at $35 a horsepower, and now it is furnished to the Chicago, Milwaukee & St. Paul road at something like $20 per horsepower. So that the price is governed not at all by the cost of producing power by steam in that section of the country, but rather by the cost of producing the electrical energy itself.

But the situation is quite different in the East. Take New England, for instance. They can not generate enough power by their streams in New England to come anywhere near supplying the demand that there is in that country for power. We will assume, for instance, that it costs $60 or $75 a horsepower to produce power by steam in New England; but we will assume that you give some one an opportunity to generate power by damming a navigable stream in New England, and that by that process he is able to produce power at $30 and to sell it at a good profit for that price. There is not enough to supply all, and steam will cost $60 per horsepower. I suppose that in all those States, or practically all of them, they have public-service commissions that undertake, as we do in our State, to regulate the price at which power can be furnished to those who desire it. But what shall a public-service commission do in a case of that kind? What can they do? They can not fix the rate for power at $50, becaues all of the steam plants would go out of business; and if they fix it at $60 or $65 or $70, leaving a margin to the steam plant, the water-power plant is charging very much more than it of right ought to charge. So I believe that an opportunity ought to be given to permit an equalization in the price of power in the operations of the various regulatory boards of the various States. These are the reasons that impel me.

Mr. President, if we get through with the question of power it will be asserted always that we want to check development. This is the one thing which it is said will be unduly burdensome, and thus prevent the further investment of capital in the development of water powers. You will observe by the bill to which I called your attention that a maximum of 25 cents per horsepower is put in. That is to say, the Secretary of the Interior may make a charge as high as 25 cents a horsepower. Various amounts have been suggested. It has been suggested that the charge might be as high as 50 cents a horsepower. Some people have suggested, even, that it should be as high as $1 a horsepower. A new development at Great Falls, in my State, began operating last summer, amounting to 90,000 horsepower. Twenty-five cents per horsepower would mean a contribution, if that were under Federal control, of $22,500 a year. Does anybody have any kind of an idea that the imposition of a charge of $22,500 a year in the case of a plant developing 90,000 horsepower would prevent the development of that power?

I told you, for instance, that we had reduced the cost of power in the State of Montana so that the Chicago, Milwaukee & St. Paul Railroad Co. now pays $20 per horsepower. Suppose there were a charge of even $1 put on, so that they had to pay $21 per horsepower. Has anybody any kind of an idea that they would decline to electrify under those circumstances or conditions?

Mr. President, this is no burden at all upon the development of water powers. It can not be argued that it is. It is simply a desire, in the first place, a disposition, to believe that there is not any power to do this; that the right of Congress to exact this contribution in consideration of the valuable privilege that is extended does not exist. I think that if we can pass that point we can scarcely justify ourselves in awarding these privileges, of such enormous value in many cases, without making some adequate return to the Government.

Mr. SHIELDS. Mr. President, this subject has received a great deal of attention from Congress for the last 10 years, but it is now presented again. I think it will serve a good purpose to refer to the authorities relating to the power and jurisdiction of Congress over navigable streams.

The Congress, in my opinion, has no power to require compensation of persons or corporations constructing a dam in a navigable river for the development of water power as a condition to the permit or authority for placing the structure in the stream.

The States in which the navigable rivers are situated have sovereign power over the beds and waters of navigable rivers, and the States and the riparian proprietors, as the laws of the State in question may provide, have title to and own them. This seems to be settled beyond controversy. The first case coming before the Supreme Court in which the question arose was that of Pollard against Hagan, Third Howard, page 212, and the rule then announced has been adhered to ever since. It is there said:

> By the preceding course of reasoning we have arrived at these general conclusions: First, the shores of navigable waters and the soils under them were not granted to the United States by the Constitution, but were reserved to the States, respectively; second, the new States have the same rights, sovereignty, and jurisdiction over this subject as the original States; third, the right of the United States to public land and the power of Congress to make all needful rules and regulations for the sale and disposition thereof conferred no power to grant to the plaintiffs the land (tidewater land) in controversy.

I will refer to only two of the later cases announcing the law upon the subject.

That of Kansas against Colorado, Two hundred and sixth United States, page 46, was brought by the State of Kansas against the State of Colorado and certain corporations organ-

ized under the laws of the latter State to restrain them from diverting the waters of the Arkansas River for the irrigation of lands in Colorado to such an extent as to deprive the citizens of the State of Kansas of the same.

The United States filed an intervening petition, claiming the right to control the waters of the river to aid in the reclamation of arid public lands. This petition was dismissed, and the reasons therefor are summed up in the syllabus of the case in these words:

The Government of the United States is one of enumerated powers; that it has no inherent powers of sovereignty; that the enumeration of the powers granted is to be found in the Constitution of the United States, and in that alone; that the manifest purpose of the tenth amendment to the Constitution is to put beyond dispute the proposition that all the powers not granted are reserved to the people, and that if in the changes of the years further powers ought to be possessed by Congress they must be obtained by a new grant from the people. While Congress has general legislative jurisdiction over the Territories and may control the flow of waters in their streams, it has no power to control a like flow within the limits of a State except to preserve or improve the navigability of the stream; that the full control over those waters is, subject to the exception named, vested in the State. Hence the intervening petition of the United States is dismissed, without prejudice to any action which it may see fit to take in respect to the use of the water for maintaining or improving the navigability of the river.

In the opinion of the court, after a full discussion of the question, followed by the citation of many cases, page 93, it is said:

It is useless to pursue the inquiry further in this direction. It is enough for the purposes of this case that each State has full jurisdiction over the lands within its borders, including the beds of streams and other waters.

Mr. Justice Lurton, in the case of Chandler-Dunbar Co., Two hundred and twenty-ninth United States, page 60, says:

The technical title to the beds of the navigable rivers of the United States is either in the States in which the rivers are situated or in the owners of the lands bordering upon such rivers. Whether in one or the other is a question of local law.

The States have such interest that they may maintain suits to protect the waters of navigable rivers which flow through their boundaries from pollution, as was held in the case of Missouri against Illinois, One hundred and eighty-fifth United States, or to prevent an excessive and unlawful use of the waters, as was held in Kansas against Colorado.

In many of the public-land States there are provisions in their constitutions, and generally statutes upon the subject, declaring that the title to all waters is in the State. In fact, there are more constitutional provisions and more statutes upon this subject in the public-land States than in the other States of the Union. The declaration of the constitution of Montana upon this subject is very specific. I shall not stop to read it, however. The rule in nearly all of the Western States is collated in a report that was presented by the Senator from Minnesota [Mr. NELSON] some years ago, and is accessible to anyone desiring to examine it.

The States may retain the title to the lands under the waters or grant it to individuals and hold the waters flowing over it in trust for the public. The riparian proprietors may acquire a fee simple title to the bed of the stream if allowed by the laws of the State within which the stream flows, but their interest in the waters is only that of usufruct. It is true that the sovereignty and title of the States and individuals in the beds of navigable rivers and their waters is in all cases subject to the power of the Congress to control and use them for purposes of navigation, and of the necessity and extent of the control and use required it is the sole and exclusive judge. From its determination there is no appeal. This power springs from that to regulate commerce and is of that class of powers defined as the police power. Within the sphere of its control the power of Congress is absolute, unlimited, and paramount.

The Federal Government, however, has no proprietary interest in navigable rivers, and can not interfere with the control and use of them by the States and riparian proprietors except through the power of Congress to regulate commerce—as applied in this case to facilitate navigation. The power of Congress is to control the easement of right of way for navigation which the general public has in navigable streams, to which servitude the rights of riparian proprietors must in all cases yield and the control by the States yield when Congress exercises its higher power of regulation.

In other words, the power of Congress is the same as the police power which the States exercise in the control of highways within their territories. The States control their highways for transportation purposes, and in the exercise of this power their authority is unlimited, but they can not use the highways for any other purposes than transportation. They can not sell or lease them. The distinction between rights in property and the power to control property through the police power is too obvious to be elaborated upon.

The United States having no property in navigable streams, the Congress, as its agent, can not constitutionally sell or lease the beds and waters of those streams for any purpose, its power being confined to the control of them for the purposes of navigation. When it attempts to do more, either directly or by coercion of the riparian owner, it is guilty of confiscation of private property.

Again, the power vested in Congress is to regulate commerce, not to engage in commerce.

In Gibbons against Ogden (9 Wheat., 1) the Supreme Court of the United States, in construing the commerce clause, defined the power of regulation as that "to prescribe the rule according to which commerce should be carried on." This definition has never been departed from, and is followed by the courts to-day.

The selling or leasing of the waters and the power produced by them can not be claimed to be a regulation of navigation on the stream with any pretense of reason. It is engaging in trade, in commerce, in the most common and usual form.

Nor does Article IV of the Constitution, section 3, paragraph 2, providing that Congress shall have the power to dispose of and make all needful rules and regulations respecting the territory or other property of the United States, affect the question, because the property in question is not that of the United States.

The case of the United States against Chandler-Dunbar Co. does not hold that the Federal Government has any proprietary interest in navigable waters under the commerce clause of the Constitution, or that Congress can lawfully use them for commercial purposes in the exercise of its power to regulate commerce.

The act of Congress which was involved in that case, chapter 264, section 11, acts of 1909, asserted that the ownership in fee simple absolute by the United States to all lands and property of every kind and description north of the present St. Marys Falls Ship Canal was necessary for the purposes of navigation, and provided for acquiring such title by condemnation.

Section 12 of the act provided that the right to the flow of water—the riparian, water-power, and other rights—then or thereafter owned by the United States in the St. Marys River, should be forever conserved for the benefit of the Government of the United States, primarily for the purposes of navigation, and incidentally for the purpose of having the water power developed either for the direct use of the United States or for lease through the Secretary of War. The United States is the riparian proprietor of the lands and water in question, acquired by it primarily for navigation purposes, and the power is merely to lease or sell the excess of the power created by the structures erected in the river. The Chandler-Dunbar case was merely a case where the United States as riparian proprietor proposed to use its property, acquired by condemnation, in the bed and waters of the stream.

Mr. Justice Lurton, in his opinion, page 72, lays stress on the fact that section 11 of the act declared that the property was taken for a public purpose, and that the twelfth section declared that purpose to be primarily for the benefit of navigation. He says:

If the primary purpose is legitimate we can see no sound objection to leasing an excess of water over the needs of the Government.

And again, on page 73, recognizing the closeness of the case, he says:

It is at best not clear how Chandler-Dunbar Co. can be heard to object to the selling of any excess of water power which may result from the construction of such controlling or remedial works as shall be found advisable for the improvement of navigation, inasmuch as it had no property right in the river which has been taken. It has therefore no interest whether the Government permit the excess of power to go to waste or be made the means of producing some returns upon the great expenditure.

The case of Green Bay Canal Co. *v.* Patton Paper Co. (172 U. S.), is cited by Mr. Justice Lurton as an authority sustaining the right of the Government to charge for the excess power, and is the sole authority he cites. That case wholly fails to sustain the proposition advanced in this case. The question involved had been practically passed upon in a case reported in One hundred and forty-second United States, involving the same improvement in the Wisconsin and Fox Rivers. Neither of these cases involved the commerce clause of the Constitution, and the court did not there decide that the Congress could authorize the construction of a dam in a navigable river for the purpose, secondary it may be, of developing water power for sale, or even that it could sell water power incidentally developed by a dam for navigable purposes. The facts in that case were that the United States granted to the State of Wisconsin the lands upon the Fox and Wisconsin Rivers to bear the expense of improving the navigation of those rivers.

Wisconsin accepted the grant and began the improvement. The burden became too heavy, and it directed the property sold, including the water power which, by legislation, it had before reserved for the use of the State for commercial purposes. The entire property came into the hands of the corporation which finally disposed of the same to the United States, reserving the water power created by the dams. The question really was, whether the State had the power to create or reserve the water power for manufacturing purposes, or, in other words, to engage in business, and whether there was a valid reservation of this water power vested in the corporation selling to the United States. This was also a case where the State and its vendees were riparian proprietors and had property rights, and, of course, it was held that they could dispose of their property, whether in its original form or that of a product—the water power created by dams.

But it is suggested that Congress having absolute jurisdiction over the construction of structures in navigable waters can forbid the owners of riparian property from using it, although that use be not only consistent with the rights of the public but beneficial to navigation, unless the owners will comply with such conditions as may be imposed upon them. Call it what you may please, frame it in any form, the proposition that Congress may impose conditions in such cases as this upon the owners of the beds and waters of navigable streams, is not only the commonest tyranny but blackmail in its worst form. It is no better than the action of the grafting policeman who demands tribute of the saloon keeper over whom he has authority in enforcing police regulations, under the penalty of declaring his place disorderly and closing it up for nonpayment.

To impose such conditions would be a gross abuse of the police power to regulate transportation upon navigable rivers.

Mr. President, I believe it is conceded by everyone that the United States has no proprietary interest in navigable rivers, either in the waters, beds, or banks; that its sole power is one of regulation of the public highways which they constitute. Yet under that power it is proposed that Congress shall say to the riparian proprietors: "You can not use your property, although you do it in such a manner as will not obstruct navigation but materially aid it, with your own private capital, unless you pay to the United States a tax to be distributed throughout the whole country."

I can not see anything but the grossest oppression in such an exaction.

Charges of this kind can not be sustained as a tax. Congress has no power to levy such a tax. Its power to raise revenue is confined to taxes, duties, imposts, and excises, uniform throughout the United States. These charges can not be made uniform nor apportioned among the States, as the Constitution requires; nor can the power to fix the rate of taxation be delegated; nor can the levy of a tax originate in this body.

The refusal of Congress to allow the owners of the beds and waters of navigable streams to develop the water power of which their property is susceptible, although according to plans approved by and under the supervision of the authorities which Congress has given control of navigable rivers, and by means which will greatly improve and facilitate navigation, is unquestionably a gross and despotic abuse of power.

Upon what principle can the development of the great natural resources of the country for the prosperity and happiness of the people be arbitrarily prohibited, solely because the owners of the property will not submit to an unjust exaction?

There is no constitutional authority for such arbitrary deprivation of the use of private property. A law which forbids a property owner from using it for a lawful purpose without payment of a charge for which there is no constitutional warrant is as much confiscation as if the property itself is taken.

I was glad to hear the Senator from Montana [Mr. WALSH] restate his position upon this subject. In a very able speech, which he delivered before the Western States Water Power Conference last September, he said:

> That, it is said, is in contravention of the doctrine that the States own the waters of the streams, because the payment so computed will be for the use of the waters of the stream and not for the land.
>
> Now, do not go away with any misconception about this matter. You see in me an advocate of the doctrine that the State owns the water of the streams within its borders, navigable or nonnavigable. I am not developing the theory of the Federal ownership of streams at all, and I do not stand up, taking the attitude I do on that subject, for the purpose of gaining favor with an audience with which it is popular. I argued that question before the Supreme Court of the United States once.
>
> Do not be misled by any statement such as was made here yesterday, that there is no question about the State's ownership of the waters of streams flowing over or across the public lands, and that no lawyer will assert the contrary, because when I argued that matter before the court of last resort the gentleman who was opposed to me put up a plausible, and it must be conceded, a strong argument for his side. He had most respectable and persuasive authority to sustain him, and the question was so doubtful that the Supreme Court dodged it, and it remains undecided to this day.
>
> Bear in mind, however, that that is my stand upon the matter. I am not going to give up any control of the State over its waters. But the plan proposed contemplates nothing of the kind, nor does it imply Government ownership of the waters of our streams.

That is the opinion the Senator from Montana has expressed here on the floor to-day, as I understand, and one, I think, entirely consistent with all the authorities upon the subject.

I was also struck with another statement the Senator made in a subsequent address to the same conference. I quote:

> It is said, and I have heard it asserted, that the amount charged will not find itself included in the rates. However, I do not entertain that kind of an idea at all.
>
> You hear a whole lot in Congress in the tariff debate that the tariff duties do not find themselves expressed in the charges made for the commodities upon which the tariff is levied. I do not give my adherence to that doctrine at all. It will be there.
>
> Whatever charges are made for the use of the power sites, those charges will go into the general account of the company, just as the taxes will go in and just as all other expenses go, and it will be an element in the rates, and I would never give my assent to a measure of this character, and lay a tax upon the people of these Western States to go into the General Treasury of the United States for the improvement of the harbors and rivers of New York State, for instance. But that money is going for the benefit of our own State here. What difference does it make if one half of it goes to the treasury of our own State and the other half goes to supplement the reclamation fund of this great country of ours?

I understand that is a provision in the Ferris bill, which is now before the House as to the disposition of charges that will be made for waters on the public lands.

Mr. WALSH. The Senator is correct about that.

Mr. SHIELDS. Now, Mr. President, the Senator has said that it would not be fair for the streams in the East, those not upon the public lands, to be developed by the riparian owners without charge for the water as proposed by his amendment, because the developers of water power on the public lands would be subject to charges under the Ferris bill. I am not here advocating charges under the Ferris bill. I have never yet made up my mind to support it. The laws concerning the public lands and the proper management of them is a subject with which I am not familiar, to which I must give more attention, and which I must understand better before I vote either for or against the provisions of the Ferris bill. I have on all questions concerning the public lands been largely controlled by the judgment of the very able Senators and lawyers who represent the public-land States. But I do not approve the policy of Congress concerning the public domain in those States. It in effect denies to them the rights of sovereign States upon an equal footing with the original thirteen States and those east of the Mississippi River.

I would now support a bill that would cede to the public-land States every acre of territory within their respective boundaries, for I believe that the people of those States understand the situation better and are more able with their knowledge of conditions there to take care of those lands and to administer them economically for their benefit than Congress or bureaus here in Washington 3,000 miles away. Certainly, if those States are to be put upon an equal footing with the original States, they ought to have these lands for their own use. I do not see that the Eastern States have any real interest in them or any right to the proceeds of them.

I understand that the proceeds of the sales of the public lands are put into the reclamation fund. Am I correct about that, I ask the Senator from Colorado?

Mr. SHAFROTH. Yes; they are covered into the reclamation fund, and they must be returned by the people who have land under the reclamation project, and, when fully returned, one-half of it goes to the State and one-half to the National Treasury.

Mr. SHIELDS. That, to some extent, gives to these States the benefit of property that ought to belong to them, but I still believe that they know better how to manage it in the interests of their people than bureaus here in Washington or Congress.

Speaking of what is fair between the Eastern States, where this bill, if it becomes a law, will largely apply, and the public-land States, I have this to say: I know of no Member of this body from the Eastern States who is advocating charges upon water power developed on public lands. The Senator from Montana is the only one so far whom I have heard advocating such charges. I can see nothing fair or just in the proposition, that because he wants to impose a certain tax upon his people he should also impose one upon those of the other parts of the country. If he wants what is fair, let there be no tax imposed by Congress upon water-power development anywhere.

Mr. WALSH. If the Senator will pardon me——

Mr. SHIELDS. I will yield in a minute to the Senator. First I yield to the Senator from Nevada [Mr. NEWLANDS].

Mr. NEWLANDS. I am much obliged to the Senator for yielding to me for a moment. I wish to offer as an amendment to the bill, as an additional section, the river regulation bill, which I have been urging for some years.

Mr. SHIELDS. Mr. President, I can not yield for that purpose. I thought the Senator was simply going to offer a bill without any remarks.

Mr. NEWLANDS. I will offer the amendment to the bill without any remarks.

Mr. SMOOT. The rules do not allow it.

The PRESIDING OFFICER (Mr. HUSTING in the chair). The Chair will state to the Senator from Nevada that there is an amendment pending.

Mr. NEWLANDS. I simply wish to suggest an amendment in order that it may go into the RECORD and be printed, that is all.

Mr. SMOOT. All I wanted to say is that under the rules of the body when a Senator is addressing the Senate the Chair is instructed to state that it is out of order and the matter can not be presented.

Mr. NEWLANDS. Do I understand that under that rule a Senator can not yield the floor for a moment even?

Mr. SMOOT. Certainly, if he yields the floor altogether.

Mr. NEWLANDS. Then if he yields it can be done?

Mr. SMOOT. Yes.

Mr. SHIELDS. My recollection is that it is the duty of the Chair to refuse to allow a Senator occupying the floor to yield unless he also yields the floor permanently. I would be glad to accommodate the Senator from Nevada but I can not.

Mr. NEWLANDS. I am obliged to take a train in a few moments. I will not be back here until Monday. I shall ask the Senator from Montana [Mr. WALSH] to offer the amendment for me.

Mr. SHIELDS. I have been very patient in conducting the bill and have yielded to almost every one, but I can not yield any more.

There is another answer to the position taken by the Senator from Montana in the matter of tolls, which seems to me to be conclusive. The United States owns the public lands, the proprietary interest in them, and has a perfect right to sell them, to dispose of them, in the language of the Constitution; and I apprehend that in the greater right to sell is included the right to lease, and if it has the right to lease of course it has the right to charge rent. I have not investigated that question fully. It is not one that is germane to this bill, in my opinion, but I would say that it is a sound proposition.

In this case the United States has no proprietary interest. It has nothing to rent, nothing to lease, and nothing to sell. The cases are entirely different. There is no analogy; there is no parallel between them.

It is said that Congress could impose conditions when granting permits to riparian proprietors. Certainly Congress has the unlimited power over navigable streams, and it can arbitrarily declare that no structure of any kind shall be placed in a stream without its consent. Such are the provisions of the act of 1899, and it is only on account of that act that it is necessary to have the present legislation. For a hundred years previous to that act dams were built in navigable streams without the consent of Congress, and were only liable to be removed if they constituted obstructions to navigation. But this power was intended solely for the protection of navigation. It was never intended that Congress should exercise it to prohibit riparians from using their property in a lawful manner unless they should pay a tax not exacted from others for permission to use their property.

Congress can impose such conditions, but it would be an indefensible abuse of its power.

Mr. President, it is conceded, I think, by everyone that charges which may be imposed by this amendment will be an additional burden upon the consumer. The object of the bill is the development of the water power of the country. It is for the purpose of furnishing cheap power to the people, and especially to the people who reside within transmission distance of these great natural resources, and who, on account of their location, are entitled to the benefits of them. It would be as just to levy a tax on steam power as to levy one on water power. Certainly it will be a discrimination, unfair and unjust, to levy a tax upon one and not on the other.

Mr. NELSON. Mr. President, since 1908 there has practically been an embargo upon the construction of dams over navigable waters in this country. Improvements have gone on where the right to build the dam had been acquired before that time, but President Roosevelt on the 18th of March, 1908, sent a letter to the chairman of the Committee on Commerce, Senator Frye, stating that he would veto any water-power bill unless first it contained a limitation as to time; that is, that some definite time should be fixed, and in the next place unless it provided for the payment of a royalty or toll to the Government of the United States.

The Committee on Commerce of the Senate at that time had before it what was known as the James River Dam bill, providing for building a dam across the James River, in Stone County, Mo. After the committee received that letter from President Roosevelt it proceeded to consider the entire question, and the committee came to the unanimous conclusion that the assumption of President Roosevelt that the public should pay a royalty for the use of the water was unfounded and contrary to law. The Committee on Commerce reported the James River Dam bill unanimously without injecting into it the amendment that President Roosevelt insisted upon in his letter.

The bill went to the House and there it was hung up, and from that day to this, with the exception of the Rainy River bill, which was referred to the other day, no bill authorizing the construction of a dam over navigable waters has been passed. If my recollection serves me correctly, we have passed several bills here in the Senate; but those bills have been held up in the other House on the theory and contention that no right should be granted under special laws, that what we needed was a general law.

There has been such an embargo, Mr. President, that it has operated as an actual stay on water-power construction. Two years ago a prominent engineer, a native of my State, who had charge of the construction of the great Keokuk Dam in the Mississippi River, came to me and asked me to give him a letter of introduction to certain people in South America. He said he was going there. I asked him, "Why are you going there? Can you find nothing to do here in your line?" He was a great hydraulic engineer, one of the most eminent. He said, "No; everything is at a standstill here. I want something to do in the line of my profession. If I can not get it in this country, I have to go to South America."

This embargo has existed during all these years, and we are confronted now with the question whether we shall be able to pass a general water-power bill.

Mr. THOMAS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Minnesota yield to the Senator from Colorado?

Mr. NELSON. Certainly; I yield.

Mr. THOMAS. I read in the morning papers a few days ago that a prominent gentleman here in the city who has been identified with what is commonly known as conservation for a good many years, and is perhaps its most prominent proponent, has recently written a letter to the President of the United States bitterly attacking the pending bill because of its assumed one-sidedness in favor of would-be investors, and urging the President to veto the bill if it should pass the two Houses of Congress. I have no personal knowledge of the authenticity of that statement, but, assuming that there is some basis for it, I would like to ask the Senator from Minnesota whether, if this bill passes the Senate, it is not probable that with that opposition it will also be hung up in the other House. The gentleman to whom I refer is Mr. Gifford Pinchot.

Mr. NELSON. I have no means of stating what the House is likely to do.

Mr. THOMAS. Except as to its action in the past on similar bills.

Mr. NELSON. I hope we live in an age of progression. It is a remarkable fact that when President Taft was Secretary of War—and the records show it—he entirely agreed with the report of the Committee on Commerce made upon the James River dam bill. It was President Taft's opinion that the Federal Government, except for purposes of navigation, has no property in the navigable waters of the United States. That was his opinion as Secretary of War, and when he became President, because he got a so-called reform Secretary of War during the last part of his administration, who insisted on taking a different view, and writing a veto message, as the Senator from Alabama [Mr. BANKHEAD] said the other day, he acquiesced; he did not want to have any quarrel with his Secretary of War.

Mr. WALSH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Minnesota yield to the Senator from Montana?

Mr. NELSON. Let me go on and discuss this a little further and then I will yield for questions.

Mr. WALSH. May I take just a minute?

Mr. NELSON. I did not interrupt the Senator when he was talking. I will yield to questions by and by.

Mr. WALSH. I want to ask the Senator a question at this point.

Mr. NELSON. Well, what is the question?

Mr. WALSH. The Senator from Colorado referred to the opposition of Mr. Pinchot to this bill. I observe that Mr. Pinchot included in his denunciation the other bill as well. I want to inquire of the Senator from Minnesota whether it is not his opinion that it would be advisable to steer some medium course, if we could find it, and whether he feels that the other House is any more acquiescent at the present time than it has been in the past?

Mr. NELSON. I do not believe in anything of that kind. The country has been suffering under the sinister influence that was originated by the gentleman the Senator from Colorado referred to. I hope we have got beyond that. I hope we have got beyond allowing an outsider at the head of a reform bureau to dictate to Congress and to the President of the United States what ought to be done for the public welfare.

Mr. WALSH. I was simply asking the question whether in the light——

Mr. NELSON. I want to ask a question of the Senator. Does he propose to allow such a gentleman to tell him what to do or what not to do in reference to public legislation?

Mr. WALSH. I am sure the Senator from Minnesota well knows that I do not propose to do anything of the kind.

Mr. NELSON. I am glad to hear it.

Mr. WALSH. I propose to proceed, as a matter of course, on my own judgment of what ought to be done. I simply rose in perfect good faith, however, to ask the Senator in the light of his large experience in these matters whether he believes that the temper of the other House is such——

Mr. NELSON. Yes; I have every hope in the other House, especially now since the margin between the Democrats and Republicans is less than it was before.

Mr. SHIELDS. Mr. President, in answer to the question the Senator from Montana asked——

The PRESIDING OFFICER. Does the Senator from Minnesota yield to the Senator from Tennessee?

Mr. NELSON. Certainly.

Mr. SHIELDS. With the consent of the Senator from Minnesota, I wish to further suggest that this bill will have just as good a show in the other House as the House bill will have in this Chamber; and if this Chamber favors this bill, if it favors the principle involved in it——

Mr. NELSON. That is what I am afraid of—that we shall fall between two stools.

Mr. SHIELDS. If Congress does not pass this bill, Mr. President, it would be useless to pass another one similar to the one now upon the statute books. That has proved not only to be a failure to provide a method of developing these powers but it has proved absolutely prohibitory. If we can pass a bill only containing the same prohibitory provisions, we had better let the entire matter drop and consume no further time on it.

Mr. NELSON. Mr. President, I not only indulge the hope that the other House will proceed to aid us in enacting the proper legislation to remove the embargo existing, but, while in all respects I have not as full confidence as I might have in the President of the United States, I have faith enough to believe that on this all-important question he will be ready to serve the welfare of the American people and will take a fair and liberal course. I hope that Senators—I say this to all who are present, and I should like to have more of them present—in view of what has transpired in the past eight years and of the condition of the question will aid the Committee on Commerce in securing the passage of this most necessary legislation.

I will now come to another question which the Senator from Colorado so ably discussed, and that is this: I start out with the principle—and I think it is clearly established by the decisions of the courts—that the Government of the United States has no property right in the navigable waters of the United States, except for purposes of navigation; that all other property in the navigable waters of the United States either belongs to the respective States or to the riparian owners, according to the local laws of the several States.

I thought—and I say it in the most friendly spirit—that the Senator from Montana [Mr. WALSH] was a little confusing in his argument in one respect. There are here three classes of dams, involving three classes of questions. Where the Government of the United States, for the purpose of improving navigation with its own money and its own property, acquiring first the riparian lands, erects a dam in the navigable waters of the United States, and, as an incident thereto, a surplus power for electrical purposes is created, the Government has the right to dispose of that surplus power. It has that right by virtue of the fact that it has been to the expense of constructing the dam not because of any property in the water in the river but because of the fact that it has been to that expense and has caused the building of the dam.

The Supreme Court of the United States has settled that question and decided that, if there is an incidental power created in connection with the construction of a dam by the Federal Government, the Government has a right to dispose of that power. The court decided that question, first, directly in the case of the Kaukauna Co. against Green Bay Canal, and later in the Sault Ste. Marie case. So that is a settled question.

The condition is entirely different, Mr. President, when you come to the construction of dams by private individuals. We, the Federal Government, can not convey the right to A, B, or C to construct a dam unless it is primarily for the purpose of navigation. When we do confer upon a given company, a State, or a municipality the right to construct a dam primarily for the purpose of navigation, and secondarily, or as an incident, for water-power purposes, we make the grantee the agent of the United States; we put him in exactly the same position, or we aim to put him in the same position, as the Government of the United States would be should it construct that dam.

In those cases where the Government does not invest a dollar in the enterprise, but where the dam is constructed by private capital, what has the Government to sell? Nothing but the water; and it has no right in that except for the purposes of navigation. Under those circumstances, if the dam does not interrupt navigation, if it turns out to be an aid and improvement to navigation by creating a navigable pool above the dam—if all that transpires—should that company or that individual or that municipality be charged for doing what it would primarily be the duty of the Government of the United States to do? In other words, if a given stream should be improved for purposes of navigation, or if it ought to be improved, the primary duty is upon the Government to do it; but if, instead of the Government doing it, it delegates that duty to a municipal corporation or to a public-utility corporation, then that corporation stands in the place of the Government and is performing a work and duty that properly belongs to the Government. Why, under those circumstances, where the Government is put to no expense, should the corporation be compelled to pay royalty for the use of the water? If that royalty is right, if you can charge it, the Government would have the right to go up into New Hampshire or into Maine, where anyone might build a dam, and say, "You must pay a royalty to the Government of the United States for the surplus power you have created in this stream." So I say there is an entire difference.

Mr. President, in a case where the Government erects a dam it is proper enough that the Government should charge for the incidental power and have the right to lease it; but its right to charge is based, not upon the fact that it has property in the water of the stream, but upon the fact that it has invested money, has expended capital there in building a dam and improving the navigation of the stream. So I thought, with all due respect, that the able Senator from Montana failed to properly discriminate between the two cases to which I have referred.

The Senator referred to the other water-power bill, which, I am sorry to say, I have not had time to examine, and of which I can only speak in a general way. That, as I understand, is a bill that aims to give the beneficiaries the right to construct a dam upon the public lands of the United States either in a forest reserve or on other public lands, the site of the dam to be constructed being where the Federal Government owns the land. Manifestly in that case, where the Government owns the site, where it owns the only available place in that section to build a dam, the Government should charge for disposing of that privilege, and for that privilege alone, but not for the use of the water.

Here is another thing, Mr. President, to which I desire to refer. I am not familiar with what the charges are in the bill which comes from the Public Lands Committee, but if the charges are excessive, if they are unreasonable, they become a burden upon the public and the consumer. Under the pending bill we aim, first, to allow the public, those who are described in the bill, to acquire the right to build dams. We make them amenable to public control as to the rates and charges. They are subject to the control of their respective States. As to the transmission of electrical power from one State to another, where it is in the nature of interstate commerce, the regulative power is left to the Interstate Commerce Commission.

Mr. President, while I am interested in the Federal Government, I am interested especially in the welfare of the consumers. The bigger the charge, the greater the amount of burden you place upon the water-power companies or grantees, the larger will be the burden upon the public. If people will go and develop those water powers—which, under the present sys-

tem, instead of taking, as in olden times, a few hundred or a few thousand dollars, take millions of dollars—it is better to give the public the right to develop those powers and let the public have the benefit of them at the lowest possible price.

But, Mr. President, when I rose I did not intend to occupy the time of the Senate at any length on this subject. As a member of the committee, I have watched the course of this legislation for the last eight or nine years. It has seemed to me that we have done a great wrong and an injury to our country in stopping all water-power development, as we have done by failing to pass proper legislation. In this bill we aim to cover one branch of the case; by this general bill we aim to cover the ground, as you might say, in all the older States, in the States that are not public-land States, and to give a general opportunity for water-power development through the War Department.

As to the other bill, I wish to repeat to the Senator from Montana that I am not familiar with all of its details; but my disposition is to do whatever is for the benefit of the public in the Western States. Their welfare is near and dear to my heart, and I am not here merely for the purpose of piling up money in the coffers of Uncle Sam at the behest of some reformer.

I have aimed, Mr. President, in my legislative career to be immune from such sinister influences as public men sometimes encounter. I may have made mistakes, but, on the whole, I have preferred to look after the welfare of the people of the United States rather than the political welfare of some outsider who has a hobby or some new gospel that he wants to ventilate.

I hope every Senator here will do his best to cooperate with us in the passage of this most important bill. It is far more important than many Senators suppose. It is important to open wide the door to secure the necessary water-power development. Indeed, it is perhaps more needed in the Southern States than it is needed in the Northern States, and, Senators, my heart goes out in response to any measure to promote the welfare of the Southern States. They had a hard, trying time during the Civil War and during the reconstruction period. I have often thought of the poor Confederate soldiers after Lee's surrender and of the adverse conditions they had to face when they returned to their dismantled and ruined homes, without means to begin the work of reconstruction of their shattered fortunes, and I have always admired them for their courage, their patience, and their fortitude.

The Union soldiers, when the war was over, could go back to good homes and be received with open arms, but the poor Confederate soldier entered, as it were, upon a desert; he had to begin life de novo and under the most adverse conditions. So, Mr. President, I have always been in favor, in connection with river and harbor improvements and in connection with whatever was for the welfare of the Southern States, of helping them, because I knew they needed the help.

Some have said that the road bill is simply for the Southern States. Well, suppose it is. I know they need roads in that yellow-clay country of theirs. Some have said, "You must not expend too much money on the rivers in that section." Why, Mr. President, I spent a good part of my career as a soldier in Louisiana, and since I came to the Senate there has hardly been a creek or bayou in Louisiana for which I have not felt like voting an appropriation.

Senators, I ask every one of you to join us in helping to pass this most important piece of legislation, which, above all other legislation for the welfare of our country, is needed at the present juncture.

Mr. WILLIAMS. Mr. President——

Mr. NELSON. I yield to the Senator.

Mr. WILLIAMS. Mr. President, I agree, upon the whole, with everything the Senator from Minnesota has said. By the way, it seems a strange fatality that a Mississippian and a Norwegian should agree with one another, but I generally do agree with almost everything the Senator says. I want to ask the Senator this question: Does he remember a single instance in the history of the United States when the people of a State, the American people of a State, were any more untrue to their obligations than the American people of the United States in connection with mere material and financial questions? Does he not think that the regularly organized authorities of a State, who are the representatives of the American people within their bailiwicks, are as well to be trusted as are the Representatives and Senators in the United States Congress, and has he ever found at any time that they were not as trustworthy as we are?

Mr. NELSON. As a general proposition, I agree with the Senator, and I may further say that this bill is founded on that principle. We propose to leave to the several States the regulation of the charges for electric power generated by the dams to be erected. It is only when the power enters into interstate commerce that it becomes subject to regulation by the Federal Government under the commerce clause of the Constitution.

Mr. WILLIAMS. Only in that case and when it affects the question of the navigability of a stream.

Mr. NELSON. Yes.

Mr. WILLIAMS. Has the Federal Government any right to interfere except upon one or the other of those two grounds?

Mr. NELSON. My theory is, and I have stated it, though I do not think the Senator was present at the time——

Mr. WILLIAMS. I heard the Senator state it, but I wanted to emphasize it by asking him the question and receiving his answer. I take it for granted that the Senator's answer is that the General Government has no right to interfere any further than to control the navigability of the stream and to regulate interstate commerce; and this bill, according to my understanding, neither injuriously affects interstate commerce nor the navigability of streams——

Mr. NEWLANDS. It is intended to benefit both.

Mr. WILLIAMS. But merely emphasizes the rights originally left to the States.

Mr. NELSON. Yes, sir.

Mr. WILLIAMS. I wanted merely to get the Senator's approval of that statement.

Mr. NELSON. Mr. President, I ask unanimous consent that the report of the Senate Committee on Commerce, submitted April 30, 1908, on the bill to construct a dam across the James River in Stone County, Mo., be printed in the RECORD in connection with my remarks.

The VICE PRESIDENT. Without objection, it is so ordered.

The report referred to is as follows:

[Senate Report No. 585, Sixtieth Congress, first session.]

DAM ACROSS JAMES RIVER IN STONE COUNTY, MO.

Mr. NELSON, from the Comittee on Commerce, submitted the following report [to accompany H. R. 17707]:

The Committee on Commerce, to whom was referred the bill (H. R. 17707) to authorize William H. Standish to construct a dam across James River, in Stone County, Mo., and divert a portion of its waters through a tunnel into the said river again to create electric power, having considered the same, report thereon with a recommendation that it pass without amendment.

Following is a copy of the House report on the bill:

[House Report No. 1256, Sixtieth Congress, first session.]

The Committee on Interstate and Foreign Commerce, to whom was referred the bill (H. R. 17707) to authorize William H. Standish to construct a dam across James River, in Stone County, Mo., and divert a portion of its waters through a tunnel into the said river again to create electric power, having considered the same, report thereon with amendments, and as so amended recommend that it pass.

The bill as amended has the approval of the War Department, as will appear by the indorsements attached and made a part of this report.

Amend the bill as follows:

In line 3, page 1, after the word "that," insert "the consent of Congress is hereby given to."

In lines 4 and 5, page 1, strike out "be, and they are hereby, authorized."

In lines 9 and 10, page 1, strike out "that at the narrows in said bend he and they are hereby authorized," and in line 10, page 1, after the word "impound," insert "at the narrows in said bend."

At the end of section 1 add the following:

"*Provided*, That the Secretary of War shall have at all times control of the use of the water, even to the extent of causing the persons, firms, or corporations taking advantage of the privileges granted herein, to cease using the water whenever the same may be necessary for navigation: *And provided further*, That should the United States in the work of improving the aforesaid river find it necessary to flood the aforesaid tunnels or in any way affect the flow of water through them, the owners or operators of aforesaid tunnels shall have no claim against the United States for damage on account of said flooding of the tunnels or said effect on the flow of water through them."

Strike out all of section 2 and renumber section 3 to section 2.

[Second indorsement.]

WAR DEPARTMENT,
OFFICE OF THE CHIEF OF ENGINEERS,
*Washington, March 11, 1908.*

Respectfully returned to the Secretary of War with recommendation that the accompanying bill (H. R. 17707, 60th Cong., 1st sess.) to authorize the construction of a dam across James River, in Stone County, Mo., and to divert a portion of its waters through a channel into the said river again to create electric power, be amended as indicated in red thereon.

As thus amended I am of opinion that the bill makes ample provision for the protection of navigation interests, and I know of no objection to its favorable consideration by Congress so far as those interests are concerned.

SMITH S. LEACH,
*Acting Chief of Engineers.*

[Third indorsement.]

WAR DEPARTMENT, *March 12, 1908.*

Respectfully returned to the chairman Committee on Interstate and Foreign Commerce, House of Representatives, inviting attention to the foregoing report of the Acting Chief of Engineers, United States Army, and to the accompanying copy of amended bill referred to.

ROBERT SHAW OLIVER,
*Assistant Secretary of War.*

Following is a copy of a letter of the President received after the bill was referred to this committee:

THE WHITE HOUSE,
*Washington, March 13, 1908.*

SIR: Numerous bills granting water rights in conformity with the general act of June 21, 1906, have been introduced during the present session of Congress, and some of these have already passed. While the general act authorizes the limitation and restriction of water rights in the public interest, and would seem to warrant making a reasonable charge for the benefits conferred, those bills which have come to my attention do not seem to guard the public interests adequately in these respects. The effect of granting privileges such as are conferred by these bills, as I said in a recent message, "taken together with rights already acquired under State laws, would be to give away properties of enormous value. Through lack of foresight we have formed the habit of granting without compensation extremely valuable rights, amounting to monopolies, on navigable streams and on the public domain. The repurchase at great expense of water rights thus carelessly given away without return has already begun in the East, and before long it will be necessary in the West also. No rights involving water power should be granted to any corporation in perpetuity, but only for a length of time sufficient to allow them to conduct their business profitably. A reasonable charge should, of course, be made for valuable rights and privileges which they obtain from the National Government. The values for which this charge is made will ultimately, through the natural growth and orderly development of our population and industries, reach enormous amounts. A fair share of the increase should be safe-guarded for the benefit of the people, from whose labor it springs. The proceeds thus secured, after the cost of administration and improvement has been met, should naturally be devoted to the development of our inland waterways." Accordingly, I have decided to sign no bills hereafter which do not provide specifically for the right to fix and make a charge and for a definite limitation in time of the rights conferred.

Sincerely, yours, THEODORE ROOSEVELT.

Hon. WILLIAM P. FRYE,
*Chairman Committee on Commerce, United States Senate.*

The bill, together with the foregoing letter, was referred to the War Department for its views, which are presented in the following indorsements:

[Second indorsement.]

WAR DEPARTMENT,
OFFICE OF THE CHIEF OF ENGINEERS,
*Washington, April 11, 1908.*

1. Respectfully returned to the Secretary of War.

2. The Committee on Commerce of the United States Senate refers H. R. 17707, Sixtieth Congress, first session, being a bill to authorize William H. Standish to construct a dam across the James River, Mo., and "to divert a portion of its waters through a tunnel into the said river again, to create electric power."

3. This bill was referred to this department for report during its consideration in the House of Representatives, and, after the usual inquiry through the local engineer officer, was reported on on March 11, 1908, to the effect that, so far as the interests of navigation are concerned, there is no objection to its passage.

4. Subsequently, March 18, 1908, the President of the United States, in a letter to the chairman of the Senate Committee on Commerce, stated that all bills of this character not having provision for a limited life and a remuneration to the United States for the privileges or rights conveyed will fail to receive Executive approval. The Senate Committee on Commerce now desires the opinion of the War Department upon the merits of the bill and the properiety of its passage, "in view of the letter of the President to the chairman of the committee."

5. The Chief of Engineers notes that the bill (H. R. 17707) as it now stands does not comply with either of the President's requirements, and it is not believed that such requirements are provided for in the general dam act of June 2, 1906.

6. The following provision, if inserted in H. R. 17707, after the words "nineteen hundred and six," line 6, page 2, will, it is believed, accomplish the objects aimed at: "and the Chief of Engineers and the Secretary of War shall, in accordance with said act, and as a part of the conditions and stipulations provided for therein, fix such limitation of time for the privilege hereby permitted, and such charge or charges for the same as they may deem necessary to protect the present or future interests of the United States."

The details as to time and amount in each case will depend upon the facts in each case, including amount of investment relative to the interests of navigation, and the amount of future responsibility which may have to be assumed by the Government in the matter of proper maintenance of dams, operation of locks, and other items, including possible failure of grantee, which may bear upon any liabilities which the Government by chance might possibly be called upon to assume. While in the form of legislation suggested no definite time or amount is considered, it is appreciated that in each case such time and amount would require consideration by the grantor in advance of preliminary work by the grantee.

A. MACKENZIE,
*Brigadier General, Chief of Engineers, United States Army.*

[Third indorsement.]

WAR DEPARTMENT, *April 14, 1908.*

Respectfully returned to the chairman Committee on Commerce, United States Senate, concurring in the foregoing views of the Chief of Engineers, United States Army.

ROBERT SHAW OLIVER,
*Assistant Secretary of War.*

Following is the amendment suggested by the War Department:

Insert, on page 2, line 6, after the word "six," the following:

"and the Chief of Engineers and the Secretary of War shall, in accordance with the terms of said act, impose conditions and stipulations fixing such limitation of time for the privilege hereby permitted and such charge or charges for the same as they may deem necessary to protect the present or future interests of the United States."

The President, in a communication addressed to the chairman of the Senate Committee on Commerce, dated March 18 last, as well as in his veto message of April 17, relating to the bill (H. R. 15444) to extend the time for the construction of a dam across Rainy River, has declared it to be his policy not to approve of any bill permitting the construction of a dam by private parties across a navigable stream, although due provision is made for the conservation of the stream for the purposes of navigation, unless the bill provides for the payment of a royalty or compensation to the United States for the use of the water of the stream for purposes other than navigation.

This is a new departure from the policy heretofore pursued in respect to legislation authorizing the construction of such dams, and in view of this fact it becomes important to inquire whether the Government of the United States has the right to require compensation for the use of water in such streams for purposes other than navigation.

The common-law doctrine of England that a stream is not deemed to be a navigable watercourse unless the tide ebbs and flows in it is not the law in this country. The question whether a watercourse is a navigable stream is one of fact. If it is capable of being used for the purposes of trade and commerce in any mode, even for floating rafts of logs and timber, it is deemed to be a navigable stream. (The Montello, 20 Wall., 430; St. Anthony Water Power Co. *v.* St. Paul Water Commissioners, 168 U. S., 349.)

The title to the water of a navigable stream within the borders of a State is not in the Federal Government, but in the State; and title to the banks and bed of the stream, after the Federal Government has parted with its riparian lands, is either in the State or in the riparian owner, or both, according to the laws of the respective States. These principles have been laid down and applied by the Supreme Court of the United States in the following, among other, cases, and is the settled law of the land, to wit: Martin *v.* Waddell (16 Pet., 367); Pollard *v.* Hagan (3 How., 212); Goodtitle *v.* Kibbe (9 How., 471); Barney *v.* Keokuk (94 U. S., 324); St. Louis *v.* Myers (113 U. S., 566); Packer *v.* Bird (137 U. S., 661); Hadrin *v.* Jordan (140 U. S., 371); Kaukauna Water Power Co. *v.* Green Bay & Mississippi Canal Co. (142 U. S., 254); Shively *v.* Bowlby (152 U. S., 1); Water Power Co. *v.* Water Commissioners (168 U. S., 349); Kean *v.* Calumet Canal Co. (190 U. S., 452); United States *v.* The Chandler Dunbar Water Power Co. (U. S. Supreme Court, Apr. 20, 1908).

The use of water in such a stream is a matter of State regulation and State control. In many of the States the common-law rule, as defined in the following language of Chancellor Kent, prevails, to wit:

"Every proprietor of lands on the banks of a river has naturally an equal right to the use of the water which flows in the stream adjacent to his lands, as it was wont to run (currere solebat) without diminution or alteration. No proprietor has a right to use the water to the prejudice of other proprietors above or below him unless he has a prior right to divert it, or a title to some exclusive enjoyment. He has no property in the water itself, but a simple usufruct while it passes along. Aqua currit et debet currere ut currere solebat is the language of the law. Though he may use the water while it runs over his land as an incident to the land, he can not unreasonably detain it or give it another direction, and he must return it to its ordinary channel when it leaves his estate."

In the mining and arid States the rule of prior appropriation for mining and irrigation purposes prevails, and this rule of the States has been recognized by Federal statutes (R. S., secs. 2339-2340). In some of the States there is a mixed application, as in California, of the common-law rule and the rule of prior appropriation.

But whatever rule may prevail in any State as to the use of the water in a stream, it is always subject to the following limitations, laid down by the Supreme Court in the case of the United States *v.* Rio Grande Dam & Irrigation Co. (174 U. S., 690):

"Although this power of changing the common-law rule as to streams within its dominion undoubtedly belongs to each State, yet two limitations must be recognized: First, that in the absence of specific authority from Congress a State can not by its legislation destroy the right of the United States, as the owner of lands bordering on a stream, to the continued flow of its water; so far at least as may be necessary for the beneficial uses of the Government property. Second, that it is limited by the superior power of the General Government to secure the uninterrupted navigability of all navigable streams within the limits of the United States. In other words, the jurisdiction of the General Government over interstate commerce and its natural highways vests in that Government the right to take all needed measures to preserve the navigability of the navigable watercourses of the country even against any State action."

Where the Federal Government is not interested as the owner of riparian lands, the only interest it has in the water of a stream is as to its use for purposes of navigation, and it can lay no claim to the use of the water for any other purpose, not even for irrigation. (Kansas *v.* Colorado, 206 U. S., 46.)

In this case the United States appeared as intervener, but inasmuch as it founded its claim not on the question of navigation, but on the question of irrigation, the court held that it had no ground for intervention, and dismissed its petition. In reference to this subject the court says:

"It follows from this that if in the present case the National Government was asserting as against either Kansas or Colorado, that the appropriation for the purposes of irrigation of the waters of the Arkansas was affecting the navigability of the stream, it would become our duty to determine the truth of the charge. But the Government makes no such contention. On the contrary, it distinctly asserts that the Arkansas River is not now and never was practically navigable beyond Fort Gibson, in the Indian Territory, and nowhere claims that any appropriation of the waters by Kansas or Colorado affects its navigability.

"It rested its petition of intervention upon its alleged duty of legislating for the reclamation of arid lands. * * *

"Turning to the enumeration of the powers granted to Congress by the eighth section of the first article of the Constitution, it is enough to say that no one of them by any implication refers to the reclamation of arid lands. * * *

"While arid lands are to be found mainly, if not only, in the Western and newer States, yet the powers of the National Government within the limits of those States are the same (no greater and no less) than those within the limits of the original thirteen, and it would be strange if, in the absence of a definite grant of power, the National Government could enter the territory of the States along the Atlantic and legislate in respect to improving by irrigation or otherwise the lands within their borders. Nor do we understand that hitherto Congress has acted in disregard to this limitation."

It was the doctrine at common law that a grant of land upon the borders of a navigable stream carried the grant only to high-water mark, while a grant of land bordering upon a nonnavigable stream carried the ownership to the center or thread of the stream, subject to the public easement.

In the case of Hardin v. Jordan (140 U. S., 384) the Supreme Court states:

"The United States have not repealed the common law as to the interpretation of their own grants, nor explained what interpretation or limitation should be given to or imposed upon the terms of the ordinary conveyances which they use, except in a few special instances; but these are left to the principles of law and rules adopted by each local government where the land may lie. We have adopted the common law, and must, therefore, apply its principles to the interpretation of their grant."

Further on the court states the same principle in this form:

"In our judgment the grants of the Government for lands bounded on streams and other waters without any reservation or limitation of terms are to be construed as to their effect according to the laws of the State in which the lands lie."

The rule of riparian ownership as to grants of land bordering on a navigable stream is diverse in the various States. Some States hold that the grant extends only to high-water mark; other States hold that it extends to low-water mark, while another class of States—and perhaps the most numerous—hold that the grant extends to the middle of the stream, subject to the public easement in the water of the stream. But whatever may be the law in this respect as to the effect of the grant, it only relates to the proprietorship in the banks and bed of the stream and not to the ownership of the water in the stream.

In those States which hold that the title of the riparian owner only extends to the high or low water mark the title to the bed of the stream is deemed to be in the State; and whether the title to the bed of the stream is in the riparian owner or in the State, in either case the general title to the water of the stream is deemed to be in the State, but it holds it not absolutely but in trust for all lawful public uses. The State's interest in such a stream is akin to that of a riparian owner, though more comprehensive and general in its nature, and does not exist in hostility to or in diminution of the rights of the riparian owner. (Rossmiller v. State, 114 Wis., 169; Peoples Ice Co. v. Davenport, 149 Mass., 322; Brown v. Cunningham, 82 Iowa, 512; Braston v. Rockport Ice Co., 77 Maine, 100; Martin et al. v. Waddell, 16 Peters, 367.)

From the foregoing it will appear that there are three different parties who are interested in the waters of a navigable stream:

1. The United States.
2. The State in which the stream is located.
3. The riparian owner.

The interest of the United States is derived from and rests upon that paragraph of the Constitution which gives Congress the power to regulate interstate commerce, and this power only extends to the extent of conserving the navigability of the stream. Beyond that the Federal Government has no interest or property in the stream.

The interest of the State in the stream is derived from its sovereignty, and it holds its property in the stream in trust for all public uses, but in subrogation to the rights of the Federal Government as to navigation and of the riparian owner. The right to the use of the waters of a stream for any lawful purpose, outside of the right of navigation, belongs wholly to the State and the riparian owner. (Martin et al. v. Waddell, 16 Peters, 367.)

Chief Justice Shaw, in the case of Elliott v. Fitchburg Railroad Co. (10 Cushing, 191), describes the rights of the riparian owner in the use of water in a stream in the following language, which states the enlarged and modified common-law doctrine:

"The right to flowing water is now well settled to be a right incident to property in the land; it is a right publici juris, of such a character that, while it is common and equal to all through whose land it runs, and no one can obstruct or divert it, yet, as one of the beneficial gifts of Providence, each proprietor has a right to a just and reasonable use of it as it passes through his land; and so long as it is not wholly obstructed or diverted, or no larger appropriation of the water running through it is made than a just and reasonable use, it can not be said to be wrongful or injurious to a proprietor lower down. What is such a just and reasonable use may often be a difficult question, depending upon various circumstances. To take a quantity of water from a large running stream for agricultural or manufacturing purposes would cause no sensible or practicable diminution of the benefit, to the prejudice of a lower proprietor; whereas taking the same quantity from a small running brook passing through many farms would be of great and manifest injury to those below, who need it for domestic supply or watering cattle; and, therefore, it would be an unreasonable use of the water, and an action would lie in the latter case and not in the former. It is therefore to a considerable extent a question of degree; still the rule is the same, that each proprietor has a right to a reasonable use of it, for his own benefit, for domestic use, and for manufacturing and agricultural purposes. * * *

"That a portion of the water of a stream may be used for the purpose of irrigating land we think is well established as one of the rights of the proprietors of the soil along or through which it passes. Yet a proprietor can not under color of that right or for the actual purpose of irrigating his own land wholly abstract or divert the water course or take such an unreasonable quantity of water or make such unreasonable use of it as to deprive other proprietors of the substantial benefits which they might derive from it if not diverted or used unreasonably. * * *

"This rule, that no riparian proprietor can wholly abstract or divert a water course, by which it would cease to be a running stream, or use it unreasonably in its passage and thereby deprive a lower proprietor of a quality of his property, deemed in law incidental and beneficial, necessarily flows from the principle that the right to the reasonable and beneficial use of a running stream is common to all the riparian proprietors, and so each is bound to use his common right as not essentially to prevent or interfere with an equally beneficial enjoyment of the common right by all the proprietors. * * *

"The right to the use of flowing water is publici juris, and common to all the riparian proprietors; it is not an absolute and exclusive right to all the water flowing past their land, so that any obstruction would give a cause of action; but it is a right to the flow and enjoyment of the water, subject to a similar right in all the proprietors to the reasonable enjoyment of the same gift of Providence. It is, therefore, only for an abstraction and deprivation of this common benefit or for an unreasonable and unauthorized use of it that an action will lie."

The doctrine of prior appropriation, already referred to, is thus described by Justice Field in the case of Jennison v. Kirk (98 U. S., 453). After describing the system of discovery and appropriation and development of mining claims, he adds the following:

"But the mines could not be worked without water. Without water the gold would remain forever buried in the earth or rock. To carry water to mining localities when they were not on the bank of a stream or lake became, therefore, an important and necessary business in carrying on mining. Here, also, the first appropriator of water to be conveyed to such locality for mining or other beneficial purposes was recognized as having, to the extent of actual use, the better right. The doctrine of the common law respecting the right of riparian owners was not considered as applicable, or only in a very limited degree, to the conditions of miners in the mountains. The waters of rivers and lakes were, consequently, carried great distances in ditches and flumes, constructed with vast labor and enormous expenditures of money, along the sides of mountains and through canyons and ravines, to supply communities engaged in mining as well as for agriculturists and ordinary consumption. Numerous regulations were adopted, or assumed to exist, from their obvious justness, for the security of these ditches and flumes and for the protection of rights to water, not only between different appropriators, but between them and the holders of mining claims. These regulations and customs were appealed to in controversies in the State courts and received their sanction, and properties to the value of many millions rested upon them. For 18 years, from 1848 to 1866, the regulations and customs of miners, as enforced and molded by the courts and sanctioned by the legislation of the State, constituted the law governing property in mines and in water on the public mineral lands."

These water rights, by prior appropriation, as described by Justice Field, was recognized and confirmed by congressional legislation in 1866 and in 1870. Those acts are now sections 2339 and 2340 of the Revised Statutes. Justice Field further adds:

"It will thus be seen that the Federal statutes merely gave a formal sanction to the rules already established. Those rules had been built up in reliance on the tacit acquiescence of the United States, the true owner of the lands and waters on which appropriations were made, and these statutes acquiesced therein expressly 'a voluntary recognition of a preexisting right rather than the establishment of a new one.'"

In the case of Broder v. Natoma Water Co. (101 U. S., 274), the Supreme Court, in referring to the contention that these statutes established a new right, uses the following language:

"We are of the opinion that it is the established doctrine of this court that rights of miners, who had taken possession of mines and worked and developed them, and the rights of persons who had constructed canals and ditches to be used in mining operations and for purposes of agricultural irrigation, in the region where such artificial use of the water was an absolute necessity, are rights which the Government had, by its conduct, recognized and encouraged and was bound to protect before the passage of the act of 1866, and that the section of the act which we have quoted was rather a voluntary recognition of a preexisting right of possession, constituting a valid claim to its continued use, than the establishment of a new one."

These decisions of Judge Shaw, of Massachusetts, and of Justice Field, of the Supreme Court, describe fully the rights of the riparian owners to the use of the water both under the doctrine of the common law and under the so-called doctrine of prior appropriation, and the case of Rossmiller v. The State (114 Wis., 169), and the cases therein referred to, as well as the case of Martin et al. v. Waddell (16 Peters, 367), show the interest and property of a State in the waters of a stream.

From the foregoing statement and citation of authorities it is evident that the only use of the waters of a stream in which the United States has any property is its use for purposes of navigation. In the use of the stream for any other purpose the Federal Government has no property and hence has nothing to sell or to exact compensation for.

The plan proposed by the President would deprive the States and the riparian owners of their rights in the use of the water of a navigable stream now vested in them by law and would concentrate the entire disposal and control in the Federal Government, a power which neither the States nor the riparian owners can, with justice or safety, for a moment concede. But assuming for the sake of the argument that the Federal Government can lay a tribute in such cases as is proposed by the President, it can not be under the interstate-commerce clause of the Constitution, but must be under section 8 of article 1, which reads as follows:

"SEC. 8. The Congress shall have power to lay and collect taxes, duties, imposts, and excises, to pay the debts and provide for the common defense and general welfare of the United States; but all duties, imposts, and excises shall be uniform throughout the United States."

Such a tribute must be either a direct tax or in the nature of an impost or excise tax. If a direct tax, it can not be levied directly by the Federal Government, but must be apportioned among the States, leaving each State to make the collection; and if an impost or excise tax, then it must be levied by the rule of uniformity upon every dam and water power in the United States not constructed directly or indirectly by the Federal Government. In other words, there must be a general excise law on the subject. The power of the Federal Government over the navigable streams of the country is no greater in the so-called Western or public-land States than in the New England States. If a tribute can be levied on a dam and water power in Minnesota or Colorado it can be levied on a dam and water power in Maine or Massachusetts, for the power of the Federal Government over navigable streams is the same in the one case as in the other. In the case of Pollock v. Farmers' Loan & Trust Co. (157 U. S., 557) the court states:

"Thus in the matter of taxation the Constitution recognizes the two great classes of direct and indirect taxes and lays down two rules by which their imposition must be governed, namely, the rule of apportionment as to direct taxes and the rule of uniformity as to duties, imposts, and excises."

In the case of Thomas v. United States (192 U. S., 363), Chief Justice Fuller says:

"And these two classes, taxes so called, and 'duties, imposts, and excises,' apparently embrace all forms of taxation contemplated by the Constitution. As was observed in Pollock v. Farmers' Loan & Trust Co. (157 U. S., 557), 'Although there have been from time to time intimations that there might be some tax which was not a direct tax nor included under the words "duties, imposts, and excises," such a tax for more than 100 years of national existence has as yet remained undiscovered, notwithstanding the stress of particular circumstances has invited thorough investigation into sources of revenue. * * *'

"There is no occasion to attempt to confine the words 'duties, imposts, and excises' to the limits of precise definition. We think that they were used comprehensively to cover customs and excise duties imposed on importation, consumption, manufacture, and sale of certain commodities, privileges, particular business transactions, vocations, occupations, and the like."

An act authorizing the construction of a dam is, so far as the United States is concerned, a mere revocable license or privilege, and if a tax

can be imposed on such a privilege it must be general and uniform throughout the United States. It must apply to all dams and water powers on navigable streams throughout the entire country.

Nearly all navigable streams in their upper and more remote courses are not, as a matter of fact, navigable, and in such reaches of the river dams can be erected and water powers created under State authority and State license, and so long as such dams and water powers do not materially injure or diminish the navigability of the stream in its navigable portions the Federal Government has no ground for interference. It has been customary, however, in many of such cases to apply to Congress for a Federal license and the granting of it, while not necessary, serves a twofold purpose: First, that it authorizes the Federal Government, through the War Department, to control and direct the construction of the dam; and, second, that it recognizes the fact, which might otherwise require proof, that the dam will not affect the navigability of the stream in its navigable portions. (Kansas *v.* Colorado, 206 U. S., 46; United States *v.* Rio Grande Co., 174 U. S., 690.)

And in such cases it is of as much advantage to the United States as to the grantee of the license to have congressional action and recognition, but in such cases the Federal Government has nothing to sell, and therefore has no moral or legal ground to demand compensation in any form.

For reasons above given the committee report the bill without the amendment recommended by the War Department.

Mr. BANKHEAD. Mr. President——

The VICE PRESIDENT. The Senator from Alabama.

Mr. BANKHEAD. Mr. President, with the permission of the Senator from Montana, I desire to submit a concrete proposition to him and get his views upon it. In my State on the Coosa River, which is navigable at both ends, but locked up in the middle where it breaks through the mountains and where shoals and rapids are created, a private corporation has built a dam, after having filed with the Secretary of War their plans for his approval. It was built under the direction and supervision of the Secretary of War, and they agreed that when the river became navigable by other improvements they would put into that dam a lock for commercial purposes. All of this having been done at their own expense and at a cost of $2,000,000 they now turn the whole structure over to the Government of the United States for its uses and purposes. Does the Senator think that they ought to be required to pay a tax or toll?

Mr. WALSH. Mr. President, I am very glad the Senator has propounded that inquiry. I should say to the Senator from Alabama that it would appear as though the United States had secured by that kind of a contract entirely adequate compensation for the privilege extended. I should say that no tax and no royalty in addition ought to be exacted; but I can easily suppose that a dam would be built under this bill where no such conditions would exist at all nor need exist.

Mr. BANKHEAD. Well, if it were built by private parties it would be in exactly the same circumstances.

Mr. WALSH. Not at all. There is nothing in this bill that would impose such an obligation as that upon the contractor or permittee. Under this bill the dam might be built in a navigable stream, without any provisions for navigation at all, and without any provisions that the Government might take it over for its own purposes at all. I want to give the Secretary of War power to make this charge when the conditions will justify the imposition of the charge and to withhold it where the conditions do not justify its imposition.

Mr. SHIELDS. Mr. President, the Senator from Montana says that it may be possible, as I understand him, that a permit may be granted without a lock being required and without facilities for navigation being afforded.

Mr. WALSH. Exactly.

Mr. SHIELDS. I think, on reflection, the Senator can not give that construction to this bill. It is limited to navigable rivers. Dams can not be placed in navigable rivers without obstructing navigation, unless there are placed in them locks and other facilities for vessels to pass from the pools above to the pools below.

Again, dams can not under any circumstances be built without the plans and specifications being first submitted to the Secretary of War and the Chief of Engineers; and they are required to impose such conditions as will protect the present and future navigation facilities of the river. Mr. President, I think Congress can well rely upon the Secretary of War and the Chief of Engineers in all cases to give the United States the benefit of all doubt, and that they will do so in all cases. What I fear is that they will, in their anxiety to protect navigation, in some cases require the construction of dams of such a character as will impose a hardship upon the company proposing to make the development. The Chief of Engineers and his corps have the navigation of rivers in mind; they are protecting that interest; it is their primary duty to protect it; and in all cases, under the provisions of this bill, we can expect them to give it full consideration, and there will never in all probability be a project constructed under this bill, if it becomes a law, without a provision for a lock in the dam that is built.

That is no small matter, either; because, in the majority of the small projects, the cost of the facilities for navigation that will be required will amount to nearly half the cost of the entire improvement, and if the United States gets the benefit of such improvement in navigation without any cost, it is certainly obtaining a very great benefit without any expense whatever to it.

I merely want to give an illustration, Mr. President. In my State, 35 miles below Chattanooga in the Tennessee River, there is a very narrow place in the river called "The Suck." An act of Congress was passed allowing a company to build a dam there at its own expense for the purpose of developing water power. That dam has resulted in creating slack-water navigation for 35 miles, where it did not exist before. That improvement, as at first estimated by the engineers who examined it, would cost $3,000,000. Before it was completed it cost Anthony Brady, of New York, $9,000,000. There is a nine million dollar investment, with locks of the latest and most modern character, affording the finest facilities for navigation, and creating 35 miles of slack-water navigation, without one dollar of expense to the United States. This bill simply provides for such further improvements.

Mr. HUSTING. Mr. President, the Senator from Tennessee [Mr. SHIELDS], a few moments ago, in his remarks made the statement that there was but one Senator in the Chamber besides the Senator who had introduced the pending amendment who appeared to be in favor of the amendment. That perhaps will justify me in saying that I wish to add another to those who favor the amendment of the Senator from Montana, or at least the principle of it.

I have read over this bill with some care, and I want to say that I do not think it contains all the provisions that a bill should contain that has for its purpose the conservation of our water powers. I think there are some provisions that should be added to it. In fact, I want to take the liberty of saying that I do not think this bill is framed upon the principles that I should like to see in a bill that has for its purpose the conservation of our water powers. If the purpose is merely to take care of our navigable rivers, without reference to the value of the water powers that may be developed on them, perhaps the bill goes far enough. If, however, we have for our primary purpose not only the development of navigation in streams but the development of water powers, believing that in this day and age they are an institution that is going to exert a tremendous influence on our industries and our economic life in general, then it does seem to me that this measure falls far short of what a water-power bill should be. I think it comes right down to the question whether a bill should be framed which holds that all that the Government of the United States has the power to legislate in regard to is navigation, or whether the United States should concern itself with the development of water power which is always incident to the improvement of navigation by the building of dams.

I am one of those who believe that the development of the water power is an important thing of itself, and that that is one of the matters that are of first importance in a bill of this kind. For that reason I am going to discuss it from that point of view. When I say, however, that I favor the amendment of the Senator from Montana I do not want to say that I shall vote for it, even with that amendment in it, unless there are some other vital things put into the bill and other radical changes made there.

I understand the position of the Senator from Tennessee to be that we have no right to impose any conditions in a water-power franchise except such as relate to navigation; that there is nothing else that concerns us than this; and, therefore, that the provision as to compensation or franchise fee, or anything of that sort, is a condition that can not properly be imposed by the bill; that we have no power to put it within the bill; in fact, that we have no interest in or power over navigable waters except as regards navigation.

If that be true, why has there been so much talk about the conservation of water powers? Why do persons come to the Government of the United States at all, or to a State, to get a franchise to put a dam across a river for the purpose of developing water power? If the United States has no control and is not particularly concerned about the dam except as to its navigable features, why do we not say that anyone can put a dam across a navigable stream as long as he does not unnecessarily obstruct the waters, and then concern ourselves not at all why he puts it there or what he wants to do with it?

I think there is something more than the mere putting of the dam across the stream that concerns the Government and concerns the States.

In the first place, this bill expressly provides that no one shall maintain a dam across a navigable stream except political subdivisions of States, municipal corporations, corporations, companies, and associations. It is well known that the ownership of dam sites is largely in the hands of individual property owners, riparian owners, and yet it would appear from this bill that the Government does not contemplate, and in fact will not permit, as individual to build a dam or maintain a water power unless there are no municipal or public utilities to do the work. It therefore contemplates, and must necessarily contemplate, that these political subdivisions or public utilities must go and procure a dam site and flowage rights in order to maintain a dam. How are they going to do it? They can only do it in two ways, namely, by purchase or as provided in the bill, namely, by the use of the power of eminent domain.

Why should the bill provide that only certain governmental subdivisions or public utilities shall have the right to condemn? Why does not the State permit a private person to put a dam across a stream if he owns a dam site? Why confine the privilege to municipalities or corporations of a quasi public nature if it has not for its purpose the regulation of the water power developed as a means or inevitable incident of the improvement of navigation?

Why not let every riparian owner dam up the water on his own premises on his request or demand if he is entitled to the use of his water power on his land as a matter of right? Surely one riparian owner has the same right as his neighbor. The answer is that then we could have no development of water power that would amount to anything.

There has been some talk here about the title to flowing water. I take it that every riparian owner has the same title to flowing water that every other riparian owner has. If that is true, then each riparian owner can build a dam if he sees fit to do so, and has just as much title to that flowing water as it flows past his premises as has every other riparian owner. But this bill seeks to take away the right from all riparian owners and to give it to a new institution, a public utility or a municipality, for the purpose of permitting that institution to operate and maintain a dam and develop a water power there.

I can not see that the bill gives any preference to municipalities. In fact, it does not give any preference whatever to municipalities. Such are placed on the same plane with other corporations acquiring rights thereto. I think the Senator will agree with me that those that will avail themselves of the provisions of this act will be largely public utilities, and the primary effect of this measure will be to turn the water-power privileges of this whole country into the hands of the public utilities, to wit, the water-power interests, of the country. In order to do that you take away the privilege of the riparian individual and give public utilities and municipalities the right to take it by eminent domain. You give them the right to take away not only the land to be overflowed but the very dam site itself; and when you give them the right to condemn flowage rights they have the right to step in and take away from every other riparian owner affected by the dam the right that he possesses to put up a dam, if there is such a right. Now, it is plain that the Government would have no power to do this if such development were not for a public use or a use affected or invested with a public interest. In other words, the giving of a franchise or permit is grant of a special privilege. The powers conferred and privileges granted are of a nature not enjoyed by the ordinary citizen as a matter of common right. When they come here for a franchise under this act, therefore, they are coming here to obtain a special privilege from the United States which gives them the right to step in and take away the riparian rights of any owner of a water-power site and the property rights of any man affected by the flowage.

Mr. SHIELDS. Mr. President——

The VICE PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Tennessee?

Mr. HUSTING. I do.

Mr. SHIELDS. This bill does not prohibit riparian proprietors from building structures in navigable streams. For a hundred years the owners of riparian rights in waters had a right to erect, or might erect with the consent of the States, structures in navigable rivers. In 1899, however, the Congress enacted a statute that absolutely prohibited the building of any structure by anyone—of course, this includes riparian proprietors, whether individuals or corporations—in a river without the express consent of Congress.

That is the law to-day. The object of this bill is to repeal that law, and to allow the riparian owner, whether it be a municipality or a public-utility corporation or an individual, to build dams for water-power purposes under a permit granted by the Secretary of War instead of by Congress, as heretofore. It is to liberalize, to increase the rights of riparian proprietors, rather than to put any restrictions upon them. The only provision here in behalf of municipalities or other subdivisions of States is to give them a preference in building such dams when the power to be developed is for a public-utility purpose. That is the present state of the law, and such are the provisions of the bill. It is to enlarge the rights of riparian proprietors, instead of to restrict them.

Mr. HUSTING. I will ask the Senator this question: Has that right of the United States Government to forbid the construction and maintenance of dams across navigable streams ever been challenged or disputed, or is it now challenged or disputed?

Mr. SHIELDS. I suppose the Senator will find in the reports of the Supreme Court of the United States 100 or 200 cases upon that subject. Under the common law which we adopted, the common law of England, navigable waters were those in which the tide ebbed and flowed. It was early discovered that that definition was wholly inapplicable to conditions in the United States, where we had these great rivers in which the tide did not ebb and flow. In the case of the *Genesee Chief*—I have forgotten in just what volume it is reported—it was held that navigable rivers in this country were those which were navigable in fact for commercial purposes; and it was held in that and subsequent cases—the latest, I believe, is the case of the Chandler-Dunbar Co.—that the power of Congress in determining what was an obstruction in a river, or, in other words, its general jurisdiction on the subject of the navigability of our streams, was absolute, unlimited, and not subject to review. It is a legislative power, and one with which the courts can not interfere.

So when the Congress enacted the statute of 1899, prohibiting, in its power to regulate commerce, the erection of any obstruction in a navigable river, there was no possible way of challenging it, and it has been repeatedly enforced. The only way now to get these improvements is to repeal that statute, and to provide some other method by which the consent of the Congress can be given. This bill delegates that power to the Secretary of War. Really, perhaps the best way—although I do not think Congress would consent to it—would be to repeal the act of 1899 and restore the old law that anyone, with the consent of the State—which has, to a certain extent, concurrent jurisdiction with Congress over navigable waters—may go ahead and build the structure, and then Congress only could remove it, or pass statutes which would punish the obstruction, similar to this, now, in case it was determined that it was an obstruction. Of course there was no common-law offense on the subject. We have no common law in the United States on the subject, and without a statute providing that it shall be a criminal offense to place such an obstruction in a navigable stream it could not be prohibited.

Mr. HUSTING. It is generally recognized, is it not, that the United States Government has a right to forbid the construction and maintenance of dams across navigable streams without its consent? That is correct, is it not? I say, that is generally recognized? The Supreme Court has never been called upon to say that the United States has not the right to forbid the construction and maintenance of dams across navigable streams in the United States?

Mr. SHIELDS. Under the commerce clause, the Supreme Court has repeatedly held that the power of Congress to regulate structures over, under, or in navigable streams is absolute and unlimited.

Mr. HUSTING. Yes. So that brings us back to this proposition: It is sought under this bill to give certain corporations, municipal and otherwise, the right to come in and ask permission of Congress to build and maintain a dam to develop water power from the use of navigable waters, and to condemn and take away this same right from others who are just as much entitled to such right. It is true they have to pay for the lands they take; they have to pay them for the dam site; they have to pay them for the flowage; but, nevertheless and notwithstanding, they take away from that riparian owner the valuable right to develop the water power and give another person the privilege of using the navigable waters in that stream at that place for his benefit and his profit. So it is a special privilege that is being asked whenever anyone comes to Congress or to the legislature of any of the States and asks for a milldam franchise for the purpose of developing water power.

It has been stated here that the United States Government has no proprietary right in the running waters of a navigable stream. That is undisputed; but I do not think it will be disputed that the riparian owner has no proprietary right in the running waters of a navigable stream. What is the right of a

riparian owner? As I understand, the right of a riparian owner is the right to the use and enjoyment of the waters as they are wont to flow over and past his premises.

There are certain other rights that he has that I need not try to enumerate, but his right goes to the use of the water of a navigable stream in its natural condition. He has not any vested right or any inherent right to build a dam and obstruct the flow of these navigable waters. This he can not do without a grant from the sovereign authority. He simply has the right to use the waters of the stream in their ordinary flow. So has any other riparian owner the right to use them in their ordinary flow. It is only when he comes to Congress or the legislature of a State and seeks to enjoy the use of these waters in an extraordinary way—that is, by damming up these waters, by overflowing a lot of the productive domain, and in other ways interfering with the natural course of the river and the public's right in the stream, taking away from others the enjoyment in the same way of the lands they possess—it is only then, when he comes for a franchise or a permit to Congress or the legislature of the State, when he comes seeking special privilege, something that the ordinary citizen does not enjoy as a matter of common right—it is then that the Government or the State believes it is its duty to impose certain conditions upon the one who desires to enjoy this special privilege, so that the public at large may derive, directly or indirectly, some benefit from this concession, so that the privileged governmental agent shall divide with or pay over some of the profits which he could only enjoy by such valuable governmental favor or preference.

So that a grant of future interest is more than a mere power to regulate navigation. Its mandate goes to the question whether privileged citizens or privileged corporations may come before a legislature and before Congress and ask for a concession of great value—privileges, as the Senator from Montana says, in one instance in his State a concession worth half a million dollars—given so that they may enjoy this concession, not enjoyed by others as a matter of common right. The question is then put before those who give the concession whether something should not be exacted from those who come asking for such special favors and privileges, so that that which might be enjoyed by others in the same way may be to them in some way compensated for.

The giving of the right of eminent domain is a gift of sovereignty. When anyone comes before a legislature or before a Congress and asks for a franchise, he comes asking to be made a State agent for a certain purpose. The United States could go into the business of building dams and developing water power. A good many think that that would be the right way to do it; some think that the Government should take possession of the streams and do these things. But because it is not generally considered at this time the proper thing to do we must perform this work through others. We must create a State agency or a governmental agency to carry out this project; and, especially when this concession will be given to a State or to a municipality or to a public utilty, creating them for a certain purpose stated in the grant a governmental agency vested with sovereign powers, the power certainly must remain in the creator or in the franchise-giving power to regulate that agency, and we can still tell them under what conditions the sovereignty or the governmental rights which they are going to exercise and enjoy shall be given to them.

I think it follows, as a matter of course, that where the Government not only gives to a private citizen or delegates to the State or to the municipality or to a public utility the right to put a dam across a navigable stream, but gives them the right of eminent domain, it thereby gives them the right to create a condition which oftentimes is a menace to public safety; it thereby gives them the right sometimes to flow thousands and thousands of acres of land that are taken out of the area of productivity—it invests them with other great rights in that very manner, by such grant of sovereignty to them, and thereby constituting them a governmental agency—their business and their duties are thus invested with a public interest, so that the Government has a right, and it is its duty and its business, in my judgment, to tell them how they must operate it and under what conditions they will be permitted to enjoy their sovereign rights and exercise their sovereign duties.

In Norway, where they have permitted developments of this kind, they base their right to regulate these sorts of development and to impose certain conditions—among others, that of compensation or of franchise fee—on the fact, in addition to other things, that anyone who covers a wide area of land with a large pond of water, with a large flowage, and thus destroys the producing power of that area, must in some way compensate the public at large for such land confiscated and make good the enormous loss suffered by the public by reason of the taking of such lands from the productive area.

I did not expect to talk upon this subject this afternoon; but I do think, and that is the position I feel I ought to take in this matter, that this is not merely a question of locks and dams and log chutes or anything of that kind, but it is something more than this; of far more importance than that; the control and regulation of water powers respectively connected with development of navigation. The question is, are we going to regulate the water powers of this country or are we going to let them regulate and control themselves and perhaps us?

There is no disguising the fact that since the invention of the new methods of transmission of hydroelectric power the importance of water powers has increased to an enormous extent. There is no disguising the fact that in a short time they will exert, as they are already exerting, but to a far higher degree, a profound influence on the industrial development of this country, on transportation in this country, on the lighting of cities, on the propulsion of trolley cars, and on the general comfort and welfare of the people. It was because of this growing importance, which has been recognized by the statesmen of this country, that the attempt has been made, on the part of States and on the part of the Government, to so regulate them that they may become an instrument of good rather than one of evil or at least of not unmixed good.

The requirement of compensation as part consideration for the franchise is only one of a number of requirements that should be imposed upon those who are granted the special privileges here under consideration. I hope to be able to speak upon this later in the course of this debate. I just merely want to say, in conclusion, that it seems to me that the right of the Government to impose a franchise fee is quite clear and free from doubt. In the Chandler-Dunbar case, mentioned by the Senator from Tennessee, the court held that the United States Government in taking over and improving the water power for the purpose of improving the navigation of the St. Mary River could sell all power that could be generated from surplus waters not needed for navigation for such price as it deemed proper. It is true that in that case the Government itself made the improvement and developed, or at least improved, the power. I can see, however, no difference in principle, as far as the question at issue is concerned, whether the Government itself creates or develops the power or whether it delegates it to some other governmental agent. If, since the Government itself can dispose of surplus power incidentally developed in connection with the improvement of navigation, then how can anyone contend that it can not delegate this power and right on the part of its agent to use or dispose of surplus power and, as consideration for such grant of privilege, retain a part instead of all of the revenue derived therefrom? Now, it appears to me that by reason of the things that I have specifically mentioned the Government has not only the right, but it is the duty of the Government to safeguard the public interests in water power developed upon navigable streams, but that it also has the power to impose such conditions as in its judgment will safeguard the public rights and promote the public interests and welfare. In addition, however, to what I have pointed out, the Government not only has claimed, but has exercised and possesses the right to prohibit the construction and maintenance of dams over navigable rivers, because of the plenary power vested in it over such waters. No one can construct or maintain a dam without such permission. The Government may give or withhold such permission at its own pleasure. Consequently it can give such permission on such conditions and upon such terms as in its judgment may best promote the public welfare. This permission, coupled with such conditions and accepted by the franchise holder or permittee, is a binding contract upon the franchise holder and permittee. He can not question such right or violate the conditions of his grant. So it would seem to me that both as a matter of law and as a matter of right and justice a condition such as proposed by the Senator from Montana, providing for the payment of compensation as part consideration for the permit or franchise, ought to be imposed, and I therefore favor the amendment of the Senator from Montana. I support it notwithstanding that I believe the payments imposed therein are inadequate, and in supporting it I do not want to be understood as indorsing the bill in its amended form, should the amendment be adopted. As I said before, I can not support the bill unless it is amended radically in many respects. I am supporting the amendment of the Senator from Montana because of the principle involved in the amendment, namely, the right of the Government to impose a condition of that kind.

Mr. WALSH. Mr. President, the debate, I think, is closed and preparatory to a vote, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

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|---|---|---|---|
| Bankhead | Hollis | Martin, Va. | Smith, Ga. |
| Beckham | Hughes | Martine, N. J. | Smoot |
| Borah | Husting | Nelson | Stone |
| Brandegee | James | Norris | Sutherland |
| Broussard | Johnson, Me. | Oliver | Swanson |
| Catron | Johnson, S. Dak. | Overman | Thomas |
| Chamberlain | Jones | Page | Thompson |
| Chilton | Kenyon | Poindexter | Walsh |
| Clapp | Kern | Pomerene | Warren |
| Cummins | La Follette | Robinson | Weeks |
| Curtis | Lane | Shafroth | Williams |
| du Pont | Lippitt | Sheppard | |
| Fletcher | Lodge | Shields | |
| Gallinger | McLean | Simmons | |

Mr. KERN. I desire to announce the unavoidable absence of my colleague [Mr. SHIVELY]. He is paired with the Senator from Maine [Mr. BURLEIGH].

Mr. CHILTON. I wish to announce the absence of my colleague [Mr. GOFF] on account of illness. I will let this announcement stand for the day.

Mr. MARTINE of New Jersey. I desire to announce the unavoidable absence of the distinguished Senator from New York [Mr. O'GORMAN] on official business.

The VICE PRESIDENT. Fifty-three Senators have answered to the roll call. There is a quorum present. The pending question is the amendment of the Senator from Montana [Mr. WALSH].

Mr. WALSH. On that I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. SHIELDS. Mr. President, the amendment of the Senator from Montana proposes to impose a tax upon the water-power development made with private capital. The subject is one which was very carefully considered by the subcommittee and rejected. I hope that the amendment will not now be adopted as it would practically destroy the bill as reported and the entire principle upon which it was framed.

Mr. SUTHERLAND. Mr. President, I do not wish to delay a vote upon this question, and I shall say but a word.

As I understand the amendment proposed by the Senator from Montana, it undertakes to confer upon the Government the authority to make a charge for what is to all intents and purposes the use of the water of a public stream for the purpose of developing power. The Senator speaks about that as being a privilege which is granted by the Federal Government, and insists that therefore the Federal Government should have a right to make a charge for it. I think that description proceeds upon a misconception of what the Government of the United States actually does in the premises.

As I understand the rule that has been established beyond all question by the authorities, it is that the bed of a stream and the water of a stream, so far as they can belong to anybody, belong to the State, and the State has absolute control over both. That was decided, I think, very clearly in the cases that have already been referred to. In the case of Martin *v.* Waddell (16 Pet., 367), the Supreme Court said:

> For when the Revolution took place the people of each State became themselves sovereign; and in that character hold the absolute right to all their navigable waters, and the soils under them, for their own common use, subject only to the rights since surrendered by the Constitution to the General Government.

And again, in Pollard *v.* Hagan (3 How., 212), the Supreme Court said:

> By the preceding course of reasoning we have arrived at these general conclusions: First. The shores of navigable waters and the soils under them were not granted by the Constitution to the United States, but were reserved to the States, respectively. Second. The new States have the same rights, sovereignty, and jurisdiction over this subject as the original States. Third. The right of the United States to the public land and the power of Congress to make all needful rules and regulations for the sale and disposition thereof conferred no power to grant to the plaintiffs the land (tidewater land) in controversy.

So, Mr. President, it would seem to be perfectly clear that the United States Government would have no power, as a matter standing separate and apart by itself, to grant or to withhold from grant the use of the waters of a stream within the limits of a State. It has but one power and one function to perform, and that is to safeguard the navigability of the stream. There its power begins and ends. If it had no control over navigation, if it did not possess the power to regulate interstate commerce, and thereby to regulate navigation, it would have no power in the premises whatsoever.

What does Congress do when it passes one of these bills authorizing the building of a dam? Congress by that simply says to the licensee: "We are charged with the responsibility of seeing that obstructions to navigation are prevented, and therefore you will not be permitted to erect a dam, except in such a way as not to interfere with the navigability of the stream; and to that end we will supervise and superintend the construction of the dam." That is the only power which Congress has. To deduce from that power an authority on the part of the Government of the United States to charge a citizen for the use of the water of the stream to generate power is to draw a deduction that is to my mind wholly unwarranted.

The Senator from Montana [Mr. WALSH] talks about the power of the Government, but it seems to me that he confuses two very different meanings of the word "power." Of course, in one sense, in the sense of its ability, in fact, to do the thing, the Congress of the United States has the power. It may say you can not erect this dam without our consent, because we have control of the matter of navigation, and before we will give our consent to the erection of the dam we will exact conditions which, standing alone, we have not any power to exact. But, nevertheless, Congress has no rightful authority to do that. We have no independent constitutional power to do the thing itself. So when we undertake to do it we have exerted a naked power without any legal or constitutional warrant for doing so.

Mr. WALSH. Mr. President——

Mr. SUTHERLAND. I yield to the Senator.

Mr. WALSH. Suppose that the amendment which I propose were adopted and a permit were granted by the Secretary of War and accepted by the permittee under the terms of which he obligated himself to pay the charge therein provided for, could he escape the payment?

Mr. SUTHERLAND. Probably not.

Mr. WALSH. Could he occupy the stream unless he did make the payment?

Mr. SUTHERLAND. Again I answer the Senator probably not. But that is not the question. We might say to a transcontinental railroad, You shall not be permitted to do a particular thing which you want to do unless you consent to pay the Government one-half of your revenue. But that would be simply to extort from the railroad company something which we had no legal power to compel as a condition for permitting something which ought to be permitted without condition.

What I am saying is that we have not any authority under the Constitution to exercise control over the waters of a stream except in so far as that may be necessary to preserve the navigability of the stream, and having no right to compel a citizen to pay a tax for utilizing the water of a stream, we have not any right to annex it as a condition to granting him the privilege of constructing a dam which we do only because, under the commerce clause of the Constitution, we must see that the navigability of the stream is preserved.

The Constitution of the United States provides that no person shall be compelled in a criminal case to be a witness against himself. Of course, in one sense a court has power to compel a defendant to do that thing—that is, the defendant might be called to the stand, objection made, and the court order him to proceed, but that would be without legal authority. It would simply be the exercise of brute force. In pretty much the same way if we exact from the licensee the payment of a tax for the privilege of building a dam to divert water for generating power, it is the exercise of a naked brute force and not the exercise of any legitimate power under the Constitution.

The Senator from Montana says that the Government of the United States, if it should construct a dam itself, and thereby should generate power not necessary to be used in the operation of the dam or gates or machinery about the dam, it could undoubtedly sell or lease that surplus power. I have no doubt about that.

Mr. THOMAS. Mr. President——

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from Colorado?

Mr. SUTHERLAND. Yes.

Mr. THOMAS. Might not the Government go still further and provide its own market by going into the manufacturing business and then coming in competition with private enterprise?

Mr. SUTHERLAND. No, Mr. President; I think the Government of the United States has not any power to do that.

Mr. THOMAS. If it has the power to dispose of the force generated by the water in navigable streams to individuals or to companies, it certainly has the power to sell it or to utilize it; and it seems to me that, if it has those powers, it also can go further and provide a market, if it be necessary, by going into the manufacturing business.

Mr. SUTHERLAND. The difference is this, Mr. President: The Government of the United States, in the exercise of an undoubted power, namely, the power to regulate commerce, may construct dams for the purpose of improving the navigability of streams.

Mr. THOMAS. Undoubtedly.

Mr. SUTHERLAND. If, in the exercise of that undoubted constitutional power, it incidentally produces electric power it may dispose of it in precisely the same way as the Government may sell Army stores which it has accumulated in the legitimate exercise of its war powers; it may dispose of surplus stores. It has, for example, a lot of clothing on hand which it can not utilize, which has been bought for a legitimate purpose; having no longer any use for it, of course it may dispose of it; it may dispose of arms that have become obsolete; in fact, it is doing that all the time; but it would have no power to go into the business of manufacturing clothing and selling it. It would have no power to become a merchant for the purpose of buying clothing and selling it in the market; it may only dispose of those things because they have been accumulated incidentally in the exercise of some legitimate power under the Constitution.

Mr. THOMAS. The instance which the Senator supposes is not the instance which would arise under this bill. Here the dam is to be constructed by other parties dealing with the Government, and not by the Government itself, notwithstanding which the Government will, if this amendment carries, insist upon imposing a charge for the use of the power to be generated by the current thus created, with which it has nothing to do, except to grant the permit.

Mr. SUTHERLAND. I was coming to that. I was about to complete what I had to say upon that subject——

Mr. THOMAS. I beg the Senator's pardon for interrupting him.

Mr. SUTHERLAND. By saying that the case which is presented by the amendment is not at all a parallel case with the one which the Senator from Montana [Mr. WALSH] supposes, because in the case that he supposes the Government is simply disposing of surplus property that it has accumulated in the exercise of a legitimate power, while in the case presented by the amendment it is undertaking to compel a citizen to pay for something which the Government has absolutely no ownership in or control over at all. They present, as it seems to me, two wholly distinct and different propositions.

Mr. SHIELDS. Mr. President——

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from Tennessee?

Mr. SUTHERLAND. I do.

Mr. SHIELDS. The Senator's attention has been called to section 10 of this bill, and both phases of the question of charging tolls have been presented. This amendment is directed to the provisions of the bill which authorize dams to be erected which will facilitate navigation and create water power. The amendment proposes to tax this power, created without any expense to the Government, purely with private capital. The tenth section of the bill authorizes the Secretary of War to lease the power created by dams constructed by the United States at its own expense, and where it becomes the riparian proprietor, which is an entirely different case from the cases to which this amendment applies.

Mr. SUTHERLAND. A wholly different case.

Mr. SHIELDS. A wholly different case; for in that case the United States is the riparian proprietor; it has a property interest; but in the case where this amendment is proposed to apply, the United States has no proprietary interest, but a mere police power in regulating the navigation in the streams. It is for that reason that the committee opposes this amendment and thinks it is wholly unjust and would practically destroy the principle upon which this measure is framed.

Mr. SUTHERLAND. I quite agree with the Senator from Tennessee about that. That is what I have been undertaking to say. Under section 10, as I understand, what we authorize the Government to do is to dispose of a piece of property which it has acquired incidentally in the exercise of an undoubted power under the Constitution.

Mr. WALSH. Mr. President——

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from Montana?

Mr. SUTHERLAND. Certainly.

Mr. WALSH. That feature of the discussion is a rather interesting one, and perhaps the Senator from Utah did not fully catch the line of argument which I was endeavoring to pursue. You can very readily conceive that the Government might carry on a work of improvement of this character, improving the stream for purposes of navigation, and, in connection with that, it would develop power which would be so valuable to the Government that it would pay for all of the work of improving the navigation of the stream; that the Government could derive a great revenue from it as well as improving the stream. Now, the Government, instead of doing that work itself, creates a governmental agency; it permits a public corporation to do that work. A public corporation improves the navigation of the stream, but a large amount of power is developed.

Mr. SUTHERLAND. Mr. President——

Mr. WALSH. One moment. The Senator from Utah would, as I take it, assume that, under those circumstances, the man who developed the power would be entitled to all of it and to all the profits in it.

Mr. SUTHERLAND. No, Mr. President.

Mr. WALSH. My contention is that the Government that gave him the concession could say to him, "You will have to divide with us the profit that you will get, because if we made the improvement ourselves we would get all the profit."

Mr. SUTHERLAND. Mr. President, that is not the question I am arguing. It may be conceded, for the sake of the argument, that the Senator is right in what he has just stated, namely, that if the Government of the United States, instead of building a dam for the purpose of improving navigation, makes use of some public agent to build the dam for the purpose of improving navigation, the Government will have control over the power incidentally developed; but that is not the purpose of this amendment. This amendment is directed to a case where the citizen or the private corporation builds a dam for the purpose of generating power, and the Government steps into the matter simply to see that the dam constructed for that purpose is built in such a way as not to interfere with navigation. It is not a case where the Government itself has built a dam to carry out an undoubted power of the Constitution, or has employed a public agency to construct a dam to carry out an undoubted power of the Constitution, but it is a case where the private citizen has constructed a dam for private purposes, namely, to generate electric power, and the Government steps in to see that in doing that thing he does not interfere with the navigability of the stream. In that case the Government of the United States has no right to say to the citizen, "As a condition of our supervising the building of this dam and seeing that it does not affect the navigability of the stream, we are going to charge you for the water power you develop, which we have no independent power under the Constitution to interfere with in any way, shape, or manner."

Mr. SHEPPARD. Mr. President, I should like to ask the Senator from Utah a question. Would a State have the right to exact tolls from private parties who built such a dam as is contemplated by this bill?

Mr. SUTHERLAND. That presents an entirely different question. I would say yes; I would not like to say just to what extent or under what conditions; but I have no doubt that the whole matter is under the control of the States.

Mr. SHEPPARD. I understand that they would have the right to levy a franchise tax.

Mr. SUTHERLAND. Without doubt.

Mr. SHIELDS. Mr. President, there is a special provision in the bill making the development subject to all the laws of the respective States and to taxation that other similar property within the State is subject to.

Mr. SUTHERLAND. Exactly; that is where it ought to be left.

The VICE PRESIDENT. The question is on the amendment of the Senator from Montana [Mr. WALSH]. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. BRYAN (when his name was called). I have a pair with the junior Senator from Michigan [Mr. TOWNSEND], which I transfer to the senior Senator from Texas [Mr. CULBERSON], and vote "nay."

Mr. CURTIS (when his name was called). I have a pair with the junior Senator from Georgia [Mr. HARDWICK]. Were he present I understand he would vote "nay," and, as I intend to vote in the negative, I will take the liberty of voting. I vote "nay."

Mr. HOLLIS (when his name was called). I am paired with the junior Senator from New York [Mr. WADSWORTH]. I transfer that pair to the senior Senator from Nevada [Mr. NEWLANDS] and vote "yea."

Mr. JOHNSON of Maine (when his name was called). I have a general pair with the junior Senator from North Dakota [Mr. GRONNA]. In his absence I withhold my vote. If I were at liberty to vote, I should vote "nay."

Mr. OVERMAN (when his name was called). Announcing my pair and its transfer as heretofore, I vote "nay."

Mr. SUTHERLAND (when his name was called). I have a pair with the Senator from Arkansas [Mr. CLARKE], who is absent, but I am informed that if he were present he would vote as I intend to vote upon this question, and therefore I feel at liberty to vote. I vote "nay."

Mr. THOMAS (when his name was called). I have a general pair with the senior Senator from North Dakota [Mr. MCCUM-

BEE], which I transfer to the Senator from Tennessee [Mr. LEA] and vote "nay."

Mr. WILLIAMS (when his name was called). I have a standing pair with the senior Senator from Pennsylvania [Mr. PENROSE]. Understanding from his colleague that if he were present he would vote the same way that I am about to vote, I vote "nay."

The roll call was concluded.

Mr. CHILTON. I transfer my pair with the Senator from New Mexico [Mr. FALL] to the Senator from California [Mr. PHELAN] and vote "nay."

Mr. JOHNSON of Maine. I transfer my pair with the junior Senator from North Dakota [Mr. GRONNA] to the junior Senator from Maryland [Mr. LEE] and vote "nay."

Mr. SMITH of Georgia. I transfer my pair with the senior Senator from Massachusetts [Mr. LODGE] to the Senator from Arizona [Mr. SMITH] and vote "nay."

Mr. CATRON. I have a general pair with the Senator from Oklahoma [Mr. OWEN]. I transfer that pair to the senior Senator from Pennsylvania [Mr. PENROSE] and vote "nay."

Mr. MARTINE of New Jersey. I again announce the pair existing between the senior Senator from New York [Mr. O'GORMAN] and the senior Senator from New Hampshire [Mr. GALLINGER].

Mr. TILLMAN. I transfer my pair with the Senator from West Virginia [Mr. GOFF] to the Senator from Illinois [Mr. LEWIS] and vote "nay."

Mr. CURTIS. I am requested to announce the following pairs:

The Senator from Idaho [Mr. BRADY] with the Senator from Oklahoma [Mr. GORE];

The Senator from Maine [Mr. BURLEIGH] with the Senator from Indiana [Mr. SHIVELY];

The Senator from Rhode Island [Mr. COLT] with the Senator from Delaware [Mr. SAULSBURY];

The Senator from Vermont [Mr. DILLINGHAM] with the Senator from Maryland [Mr. SMITH];

The Senator from Illinois [Mr. SHERMAN] with the Senator from Mississippi [Mr. VARDAMAN];

The Senator from Michigan [Mr. SMITH] with the Senator from Missouri [Mr. REED]; and

The Senator from Ohio [Mr. HARDING] with the Senator from Alabama [Mr. UNDERWOOD].

The result was announced—yeas 15, nays 36, as follows:

YEAS—15.

| | | | |
|---|---|---|---|
| Chamberlain | James | Martine, N. J. | Pomerene |
| Hollis | Kern | Myers | Thompson |
| Hughes | La Follette | Norris | Walsh |
| Husting | Lane | Poindexter | |

NAYS—36.

| | | | |
|---|---|---|---|
| Bankhead | Curtis | Nelson | Smoot |
| Borah | du Pont | Oliver | Stone |
| Brandegee | Fletcher | Overman | Sutherland |
| Broussard | Johnson, Me. | Page | Swanson |
| Bryan | Jones | Shafroth | Thomas |
| Catron | Kenyon | Sheppard | Tillman |
| Chilton | Lippitt | Shields | Warren |
| Clapp | McLean | Simmons | Weeks |
| Cummins | Martin, Va. | Smith, Ga. | Williams |

NOT VOTING—45.

| | | | |
|---|---|---|---|
| Ashurst | Gore | O'Gorman | Smith, Md. |
| Beckham | Gronna | Owen | Smith, Mich. |
| Brady | Harding | Penrose | Smith, S. C. |
| Burleigh | Hardwick | Phelan | Sterling |
| Clark, Wyo. | Hitchcock | Pittman | Townsend |
| Clarke, Ark. | Johnson, S. Dak. | Ransdell | Underwood |
| Colt | Lea, Tenn. | Reed | Vardaman |
| Culberson | Lee, Md. | Robinson | Wadsworth |
| Dillingham | Lewis | Saulsbury | Works |
| Fall | Lodge | Sherman | |
| Gallinger | McCumber | Shively | |
| Goff | Newlands | Smith, Ariz. | |

So Mr. WALSH's amendment was rejected.

Mr. WALSH. Mr. President, I have some amendments on the same page that perhaps will not be objectionable to the Senator from Tennessee. They refer to that provision of the bill which contemplates the appropriation of public lands. I am sure that if the Senator from Tennessee were more familiar with the disposition of the public lands he would not want to have any rights in the public lands accorded to anyone except with the permission of the Secretary of the Interior. If there were no other reason, it becomes absolutely essential to the proper execution of the laws in relation to the disposition of the public lands that the records in the office of the Secretary of the Interior should disclose all encumbrances of any character upon those lands. I refer the Senator to the language found about the middle of page 6, as follows——

Mr. SHIELDS. Mr. President, can the Senator offer his amendment? Then I will ask to lay the bill aside.

Mr. WALSH. Very well. After the word "War," in line 12, I propose to insert "and the Secretary of the Interior," so that it will read:

That such grantee in the construction, maintenance, and operation of such dam or diversion structure and accessory works may, with the authority of the Secretary of War and the Secretary of the Interior, occupy and use, to the extent necessary for the project, any lands—

And so forth.

Also, before the first word in line 13, insert:

And for the period of his permit to maintain the dam to be constructed by him.

Also——

Mr. SHIELDS. Has the Senator a further amendment?

Mr. WALSH. They are to the same point. After the word "occupied," in line 21, insert "and the other rights acquired thereunder when such land is to be occupied," and insert the word "annual" after "reasonable," and insert the word "said" after "the," before "Secretary," in line 23, and after the word "War" insert "and the said Secretary of the Interior."

These amendments all refer to the same point—that the right to occupy the public lands and the charges for the occupancy shall be fixed by the joint action of the Secretary of War and the Secretary of the Interior.

Mr. SHIELDS. Mr. President, I think upon further consideration of all the latter amendments the Senator will come to the conclusion that they are entirely criticisms of the language and that the purport of them is fully implied by the bill as it now stands; but I can not agree to the amendment that the control over this matter is to be vested jointly in the Secretary of War and the Secretary of the Interior. This bill relates to navigable streams, over which the Secretary of the Interior has not and should not have any jurisdiction; and it would lead, I think, to unutterable confusion. But I do not wish to go into the matter at this hour. I am willing, if the Senator is, that the matter should be disposed of without any further discussion.

Mr. WALSH. Oh, Mr. President, I am perfectly satisfied that the Senator from Tennessee can not have any kind of an idea of the purpose of the amendment I tendered or he would not say so.

Mr. SHIELDS. The Senator is entirely mistaken, because he gave me that amendment four or five days ago, and I thought it wholly inapplicable to the bill. I really could not see that it would in any way be of any advantage, but, practically, it would very greatly injure it, to divide the jurisdiction of navigable rivers between the Secretary of the Interior and the Secretary of War, contrary to all the precedents and all the history of such matters.

Mr. WALSH. I beg that the Senator will read the provision. It does not apply to the occupancy of the river at all. It applies to the occupancy of public lands.

Mr. STONE. Mr. President, of course these matters are always in the hands of the Senate to dispose of as the Senate pleases; but I very much hope that the consideration of this bill may be completed, as I am anxious to proceed promptly to-morrow with the consideration of the Nicaragua treaty. I desire to ask the Senator from Tennessee what his plan is. I do not want to come in any way in conflict with him in the disposition of his bill.

Mr. SHIELDS. Mr. President, the desire of those favoring this bill is to keep it before the Senate for a final vote. It is believed that it can be disposed of not later than to-morrow; and I desire that that be done, if there are not other matters that so press upon the time of the Senate that it should be laid aside.

Mr. STONE. I desire to say that I have personally requested Senators to be here to-morrow, in the hope of getting a vote on the resolution to be submitted to ratify this treaty. I wish to avoid any sort of conflict with the Senator. I do not know, and of course no one can tell, how long it will take to dispose of any question.

Mr. SHIELDS. After conference with quite a number of Senators who are opposed to some of the provisions of this bill and desire to offer some amendments, as well as those who favor the bill, I believe it will be possible to dispose of it to-morrow.

Mr. STONE. Does the Senator mean it will occupy the whole day to-morrow?

Mr. SHIELDS. Yes. If the Senator could allow the executive business to be postponed, I believe it would save time to finish the bill now, while it is being thoroughly considered and understood by the Senate.

Mr. STONE. We will dispose of that question to-morrow.

Mr. SHIELDS. Mr. President, I move that the Senate adjourn.

The motion was agreed to, and (at 5 o'clock and 47 minutes p. m.) the Senate adjourned until to-morrow, Thursday, February 17, 1916, at 12 o'clock meridian.

## HOUSE OF REPRESENTATIVES.

WEDNESDAY, *February 16, 1916.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Our Father in heaven, we draw near to Thee that we may receive the uplift of the spirit of truth, which shall make us wise and just, pure and noble, strong and faithful, that we may walk worthy of the vocation wherewith we are called and justly merit at the close of this day Thine approbation. Through Jesus Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

WITHDRAWAL OF PAPERS.

Mr. TEMPLE, by unanimous consent, was given leave to withdraw from the files of the House, without leaving copies, papers in the case of Patrick H. Magee (H. R. 8258, 63d Cong.), no adverse report having been made thereon.

Also, without leaving copies, papers in the case of Oliver C. C. Pollock (H. R. 12656, 63d Cong.), no adverse report having been made thereon.

INDEX OF HEARINGS BEFORE COMMITTEE ON MILITARY AFFAIRS.

Mr. LLOYD. Mr. Speaker, I ask unanimous consent to present two privileged resolutions from the Committee on Accounts, which I am sure will not provoke any discussion.

The SPEAKER. Is there objection to the request of the gentleman from Missouri for the present consideration of the privileged resolution, notwithstanding it is Calendar Wednesday?

There was no objection.

The SPEAKER. The Clerk will read the resolution.

The Clerk read as follows:

House resolution 140 (H. Rept. 202).

*Resolved*, That the Committee on Military Affairs be, and is hereby, authorized to have made an index of the hearings had before said committee on the subject of preparedness, the costs, and expenses therefor not exceeding $350, to be paid out of the contingent fund of the House on vouchers ordered by the Committee on Military Affairs, signed by the chairman thereof and approved by the Committee on Accounts, evidenced by the signature of the chairman thereof.

Mr. LLOYD. Mr. Speaker, the purpose of this resolution is to authorize the Committee on Military Affairs to provide an index of its hearings before that committee on the subject of preparedness, which, I think, will be of great value to the House.

Mr. MANN. Will the gentleman yield?

Mr. LLOYD. Yes.

Mr. MANN. The resolution says "vouchers ordered by the Committee on Military Affairs." I think that that should be "audited."

Mr. LLOYD. It means "authorized"; perhaps "issued" would be the better word.

Mr. MANN. The committee approves the vouchers. They audit them, and send them to the Committee on Accounts, and you approve them. I think it should be "audited by the Committee on Military Affairs."

Mr. LLOYD. I do not object to that word. Mr. Speaker, I move to amend by inserting in the place of "ordered" the word "audited."

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Line 6 of the resolution strike out the word "ordered" and insert in lieu thereof the word "audited."

The resolution as amended was agreed to.

C. H. ENGLAND.

Mr. LLOYD. Mr. Speaker, I offer another privileged resolution which I ask unanimous consent to present at this time.

The SPEAKER. Is there objection to the present consideration of this resolution?

There was no objection.

The Clerk read as follows:

House resolution 141 (H. Rept. 201).

*Resolved*, That the Clerk of the House be, and he is hereby, authorized to pay, out of the contingent fund of the House, the sum of $44.48 to C. H. England for clerical services rendered the Committee on Ways and Means from the 6th to the 14th, both inclusive, days of December, 1915.

Mr. LLOYD. Mr. Speaker, the stenographer for the Committee on Ways and Means resigned on the 6th of December. Mr. England was employed, but there was no one really authorized to make that employment. He rendered service from the 6th of December until the 14th of December, at which time the Committee on Ways and Means was authorized by the House, and then the chairman of that committee named him. This is to pay him for the services he rendered between the 6th and the 14th days of December.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

PENSIONS, WAR WITH SPAIN, ETC.

The SPEAKER. This is Calendar Wednesday, and the unfinished business is H. R. 54. The House automatically resolves itself into Committee of the Whole House on the state of the Union, and the gentleman from Kentucky [Mr. JOHNSON] will take the chair.

The CHAIRMAN. The House is now in Committee of the Whole House on the state of the Union for the purpose of considering the bill H. R. 54, of which the Clerk will read the title.

The Clerk read as follows:

A bill (H. R. 54) to pension widows and minor children of officers and enlisted men who served in the War with Spain, Philippine insurrection, or in China.

The CHAIRMAN. The Clerk will read.

The Clerk, proceeding with the reading of the bill, read as follows:

SEC. 2. That no agent, attorney, or other person engaged in preparing, presenting, or prosecuting any claim under the provisions of this act shall, directly or indirectly, contract for, demand, receive, or retain for such services in preparing, presenting, or prosecuting such claim a sum greater than $10, which sum shall be payable only on the order of the Commissioner of Pensions; and any person who shall violate any of the provisions of this section, or shall wrongfully withhold from the pensioner or claimant the whole or any part of a pension or claim allowed or due such pensioner or claimant under this act, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall, for each and every offense, be fined not exceeding $500 or be imprisoned at hard labor not exceeding two years, or both, in the discretion of the court.

Mr. MANN. Mr. Chairman, I move to strike out the words "at hard labor," in line 19, page 3.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 3, line 19, strike out the words "at hard labor."

Mr. MANN. Mr. Chairman, I want to say to the gentleman from Ohio that those words are not now contained in the statutes.

Mr. KEY of Ohio. We accept the amendment.

The CHAIRMAN. The question is on the amendment.

The question was taken, and the amendment was agreed to.

[Mr. SULLOWAY addressed the committee. See Appendix.]

Mr. AUSTIN. Mr. Chairman, I move to strike out the last word. I would consider myself remiss if I did not say a word in favor of the pending measure. I gave similar bills which failed in the Senate, my support in the last two Congresses not only by my vote but also by my utterances on the floor of the House. It was a great surprise and disappointment to me that the other branch of the Congress did not appreciate the value of the services of the Spanish-American veterans as much as did the Representatives of the people who sit in this Chamber, and I earnestly hope the present Congress will not adjourn before final and favorable action is taken on the pending bill. Tennessee furnished during the Spanish-American War 6,531 volunteer soldiers, and the city which I have the honor to represent, my home town, Knoxville, in point of volunteers, stood next to New York City. Tennessee sent a regiment to the Philippines, one to Cuba, and one to Porto Rico, and I will leave it to the impartial records of the War Department to say whether they gave a good account of themselves. This is the first legislation asked by the Spanish-American soldiers in reference to general legislation since the close of that war, more than 15 years ago. It is a modest request; it is a just request, one that should meet with the unanimous approval of the House. More than 500 American soldiers were killed and wounded in the Philippine Islands alone. If you include those who died from disease, the total is 12,000. There were 812 battles and skirmishes in the Philippine Islands, and while the other branch of Congress seems anxious and eager to give away the Philippine Islands, to surrender what these gallant soldiers from all over the Republic achieved and secured for our country, I hope this House and the country will not find itself in accord with what I consider the unpatriotic, unwise, and unjust position of the coordinate branch of the Congress. [Applause on the Republican side.] We obtained in the Spanish-American War a territory in the far Orient which gives us a standing there, which gives us an opening or a gateway to the great oriental trade of the present and future, a territory equal to all of the New England States and New York State combined, and while our trade prior to our going there amounted to only $500,000 a year, it has increased now to $27,000,000 a year. We planted

Old Glory in the Pacific, and carried with it American civilization. We carried with it a progressive Government, progressive American civilization and development in those islands which is the admiration and the envy of every country in the world which has colonial possessions. We carried civil government, freedom of speech, freedom of religion, freedom of the press, and we have given the natives practically full control of their affairs. By this war we made America a world power, and for one I am in favor of standing by the fruits which were the result of the courage, endurance, and suffering of the American soldier in the Philippine Islands. [Applause on the Republican side.]

Mr. GORDON. Mr. Chairman, will the gentleman yield?

Mr. AUSTIN. Certainly.

Mr. GORDON. How much have the Philippine Islands cost the United States up to date in money besides the $20,000,000 that was paid for them when they finally came into our possession?

Mr. AUSTIN. The islands are now self-sustaining. They are paying their own way, and practically the only expense to the American Government at this time is the transportation of the American Army back and forth in our own transports. That expense can be reduced, if not eliminated, because we have established the Philippine Scouts and Constabulary, and there is no reason why the American Army can not after a time be withdrawn and the expense practically eliminated.

Mr. GORDON. Will the gentleman yield?

Mr. AUSTIN. If you will get me some more time, I will be only too glad to yield.

Mr. GORDON. I just want to ask the gentleman whether or not the Philippine people pay for our Army there?

Mr. AUSTIN. I stated what the only expense was. We must have the Army. I believe the gentleman is opposed to increasing the Army, but we are going to increase it nevertheless. We have got to have an Army. This service means experience and training for the Army in the Far East. This service also means that America is in the Orient for American civilization and American trade, and, if necessary, to protect the interests of our country in peace or in war in the Orient. The flag is there, and there to stay, in spite of the un-American action of the Senate of the United States. [Applause.]

The CHAIRMAN. The time of the gentleman has expired. Without objection, the pro forma amendment will be considered as withdrawn.

[Mr. SLOAN addressed the committee. See Appendix.]

Mr. COLEMAN. Mr. Chairman, it has been said on the floor of this House in the discussion of the measure now before us that this is a grossly extravagant body. With this statement I am in hearty accord and believe that we are in need of strong, sturdy, earnest men who will rise up and protect the Treasury against the constant raids that are attempted. Much of the extravagance is in the expenditure of money by Congress for purposes that are foreign to the duties of the Federal Government. In fact, we are living in an extravagant age and one in which public expenditures in our Nation, in our States, and in local communities are carried beyond all reasonable bounds and which if continued unchecked must sooner or later lead to disaster. But in the matter of pensions for the dependent families of deceased veterans who in the hour of their country's need proffered so great a sacrifice we can not afford to retrench.

This is a subject in which the Federal Government is directly concerned, and it is to the interest of the Government as well as in the performance of its rightful obligation to shield from want the families of the brave volunteers who protected the Government in its need. And when from the body of our citizenship in time of national peril men spring forth to their country's defense it is but fitting that that country in turn provide for their needy families at least by so moderate a pension as this bill provides.

I know not what legislation shall emerge from this Congress in these unusual days with reference to military preparedness, but of one thing I am confident, and that is that European militarism shall not obtain a permanent lodging place in our free soil and that whatever action is taken in the present exigency when normal conditions have returned and men think naturally under those conditions, we, as a Nation, shall return to our established policy of a small Army and moderate Navy, and that in the future as in the past we shall rely chiefly for our defense on the volunteer. Let us pass this bill and thus proclaim to the citizenship of this land that to him who in the time of his country's need comes to its assistance his country in turn in the hour of his own or his family's need will be prompt to his or their assistance.

And let us be careful in these trying days not to be carried too far on the militaristic wave but, remembering the much that has already been accomplished in the two Hague conferences in the direction of the peaceful settlement of international disputes, while other nations are under the maddening influence of war retain our equilibrium and, awaiting the close of the present madness, be ready to urge the convening of the third Hague conference, at which let us hope further progress shall be made in the direction of permanent peace among the nations of the world. [Applause.]

Mr. WILSON of Florida. Mr. Chairman, if I may have the attention of the gentleman from Ohio [Mr. KEY], I notice that the penalty for violating this section is not more than $500 fine, or two years' imprisonment in the penitentiary, and the offense is described as a misdemeanor. Congress, in the adoption of the Criminal Code, has defined a misdemeanor and a felony. Any offense which is punishable by imprisonment for a term longer than one year is described to be a felony. Otherwise it is a misdemeanor. This is contrary to the Criminal Code. I merely suggest this in order that it may not create confusion. Of course Congress has a right to adopt this as it stands, but it is an inconsistency between the Criminal Code and the penalty provided in the section, and it might result in confusion in the trial of criminal cases, especially with reference to the challenges allowed to a defendant. For instance, he has 10 challenges in a felony and less than that in a misdemeanor. The Criminal Code says that an offense punishable by imprisonment for more than a year is a felony. What is the judge going to say when he comes to determine whether this is a felony or a misdemeanor on the point of the number of challenges that the defendant may have? I suggest that to the chairman of the committee.

Mr. KEY of Ohio. I will say to the gentleman that this part of the bill, section 2, was copied almost verbatim from the act of June 27, 1890.

Mr. WILSON of Florida. That does not alter the facts I have just stated. I suggest to the gentleman why not strike out "two years" and make it "one year"? It seems to me that one year is enough.

Mr. KEY of Ohio. If the gentleman will offer an amendment, it will be accepted by the committee.

Mr. WILSON of Florida. Then I move to strike out the words "two years" and insert the words "one year."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 3, line 19, strike out the words "two years" and insert in lieu thereof the words "one year."

The amendment was agreed to.

[Mr. JAMES addressed the committee. See Appendix.]

Mr. CANNON. Mr. Chairman, I have read this bill. It is a liberal one. Under existing conditions, without regard to what has been the pension policy of Congress for 50 years, I shall vote for it. As I read the bill, if a soldier dies and his widow does not have $250 a year or its equivalent, she is entitled to a pension. She does not have to trace the soldier's death to his service.

The widow of a soldier of the Civil War, who married her husband after 1890, before she can be pensioned must trace his death to the Army service, in most cases an impossibility after the lapse of over 50 years. While the policy of the United States has been to care for its soldiers and their widows and orphans, and will no doubt continue to do so and ought to continue, as an amendment is not in order upon this bill to care for the widows of the soldiers of the War for the Union, I hope there will be an opportunity given to the House at an early date to consider such a bill.

Muck-raking magazines and people who are opposed to pensions have talked about the bawd marrying the old soldier. Perhaps in some instances that may happen; but I think I have the greatest soldier district in Illinois, and that means perhaps the greatest soldier district in the United States, and I am acquainted with many of them, and with many widows who married soldiers since 1890, and I am here to say that when they talk about unworthy women having married soldiers to get their pensions when the old soldier died, it is the exception and not the rule that they are talking about. [Applause.]

We had no aid for a long time for a widow of a soldier of the War for the Union where she could not trace his death to Army service. If I recollect, in the year 1890 we provided that she might have a pension if she had an income of less than $100. A little later on that was increased, I think, to $250. I am not complaining of or opposing this bill from that standpoint, but I belong to a passing generation and I will be pardoned when I say that after passing this bill we will not

be proud of ourselves, we will not be true to the whole population unless we pass a bill that covers the widows of soldiers who had the service of 90 days and longer. [Applause.] Many bills are pending before the Committee on Invalid Pensions. Let us hear from that committee with a favorable report and give the House a chance to act.

Mr. GORDON. Mr. Chairman, the gentleman from Illinois [Mr. CANNON] who just took his seat was slightly inaccurate in his reference to the provisions of this bill. The limitation of the benefits in the bill is to those who have a net income of less than $250 per annum, not $250 worth of property. Now, I think there is force in the objection which the gentleman from Illinois makes to the bill, that it is not general enough, and ought to apply to all widows and orphans in the country to be absolutely fair and impartial. Under the general pension laws now the widows and orphans of veterans of the Spanish-American War are entitled to pensions upon proof that the decedent's death was caused by injury or disease contracted in the service. On April 1, 1914, I made some observations upon a bill almost identical in its terms and effect with this bill, and I read those remarks upon that occasion, as they still express my sentiments:

> This bill presents to every living man who enlisted in the United States Army, Navy, and Marine Corps, Volunteer and Regular, and who was enrolled for 90 days between April 21, 1898, and July 4, 1902, a paid-up contract of life insurance, which obligates the United States to pay upon his death to his widow, if her net income is less than $250 per annum, the sum of $12 per month for the remainder of her natural life or until she remarries, and to each of his children the sum of $2 per month until they become 16 years of age. He may have been home on a furlough during the entire period of his enlistment, but he gets the contract just the same if he was enrolled for 90 days. In case the child is insane, idiotic, or otherwise permanently helpless, the pension continues during the child's life or disability.
>
> I believe that the financial obligation which the Government incurs to the men who enlist in its Army and Navy, both in war and in peace, outside of the contract of enlistment, is to indemnify them and their dependents for the money loss which results from such service, and this the Government has already done by general laws.
>
> To undertake to pay in money for the risk assumed and for deeds of valor and heroism, or even for pain and suffering resulting from disease and injury which did not impair the earning power of the soldier, is to embark upon a sea of expenditures which has no limit except the uncontrolled discretion of Members of Congress, who are under the constant pressure of influential constituents whose political support they are naturally desirous of obtaining, and this subjects Members to the ever-present temptation of trading their votes on the floor of this House for political support in their districts; in other words, exchanging public money for votes.
>
> When this bill was under consideration a week ago to-day, the gentleman from Indiana [Mr. Cox] prefaced his remarks in opposition to the bill by the statement that there were a large number of Spanish War veterans in his district, and that he could probably best promote his political fortunes by remaining silent, whereupon the gentleman from Illinois [Mr. MANN] inquired, sotto voce, "Why don't you keep still, then?" to which the gentleman from Indiana [Mr. Cox] replied in effect that he was constrained by a sense of public duty to oppose the bill.
>
> Mr. Chairman, if this bill is brought in here as a mere vote-catching device, and support of it is urged on that ground, regardless of public considerations, then we ought to amend it by including all persons who have served in the Regular or Volunteer Army for any period of time, or by including within the purview of its benefits every qualified elector. I have too much respect for the Members of this House to believe that they are so regardless of their oaths of office, so lost to all sense of propriety and decency, as to disregard public considerations in appropriating money out of the Public Treasury; if the Members of this House are unwilling to assume the responsibility of enacting into law a bill granting a pension to any officer or enlisted man during the period covered by the bill, other than those who incurred permanent injury or disease in the service, they can not justify their votes for this bill.
>
> A serious objection to this bill is that it is impossible to determine even approximately the cost of the bill to this country. The Interior Department estimates the cost for the first year at $2,500,000, and an annual increase of this amount for an indefinite period. The bill applies to all soldiers who married up to the date of the final enactment of the bill into law and to children born of such marriage prior or subsequent thereto, so that it grants pensions to a generation of children yet unborn without any proof that the death of the husband and father was or may be the result of disease or injury contracted in the service. For these reasons I shall be constrained to oppose the enactment of the bill into law.

By an act of the General Assembly of Ohio, approved May 9, 1913, a mother's pension law was enacted authorizing the payment to the mother of $15 per month for one child and $7 per month for each additional child, under the terms and conditions of said act, which includes practically all widows with one or more children who are made beneficiaries under this bill, until said child or children become of age for legal employment.

Mr. FULLER. Mr. Chairman, referring to the remarks of my colleague Mr. CANNON in reference to a bill for the pensioning of widows of Civil War veterans, I think I may say that the Committee on Invalid Pensions now has under consideration such a bill. I am hoping that it may very soon be brought into this House and passed. There are many deserving widows of Union soldiers who have been married since the 27th day of June, 1890, and who have lived with and cared for their soldier husbands for a period of 25 years, or until the death of their husbands, and they ought to be pensioned. I am in favor of this bill that is now pending before the House to pension the widows of Spanish War veterans. I believe that in caring for our volunteer soldiers, in any war, we are doing as much for preparedness, for national defense in the future as we can possibly do in any other manner. Let it be understood that when the young men of this land volunteer to defend the flag of our country and fight for our institutions, if they suffer loss of health and strength, that their care and comfort shall be a sacred charge upon the Government; that the Government will not only take care of them, but that if they lose their lives in defense of our flag——

Mr. GORDON. Will the gentleman yield?

Mr. FULLER (continuing). Or by reason of their service for the country, their widows shall be taken care of by this great Government of ours. Let that, now and forever, be understood to be a national policy, and thereby we shall be doing more in the way of preparation for future national defense and encouragement to defend our flag than we can do in any other possible way. [Applause.] Better than battleships and armament, better than a great Navy or a great Army, is the patriotism of the people and the knowledge that the Government will fittingly recognize every sacrifice made by its loyal defenders.

Mr. GORDON. Will the gentleman yield to me right at that point?

Mr. FULLER. I will if I have the time.

Mr. GORDON. Is not that the general law now, what the gentleman has just stated?

Mr. FULLER. The general law now does not cover the case of widows of Civil War soldiers who were married to their husbands after the 27th day of June, 1890, unless the soldier dies of disabilities incurred in the service, which at this late day it is impossible to prove. The general law does not cover a case that is provided for in this bill, or that would be covered by the bill. I think that it ought to pass, as a fitting recognition of the service of those who volunteered and risked their health and their lives in the service of the country. [Applause.] But if this bill ought to pass, as I think it should, even more ought we to provide for the widows of Civil War veterans who cared for their soldier husbands in their declining years, and many of whom are now left destitute. A great and rich country can afford to care for its defenders and their widows and orphans. Justice requires it, and it is a wise national policy, which promotes patriotism, and which, if need be, in the future will cause the youth of the land to gladly offer their services to the country in every time of need. I do not regard the money paid in pensions as being wasted. Every dollar of it goes into circulation, and its benefits are not alone to the pensioner, but is felt in every community in the land. Soldiers, as a rule, do not accumulate wealth. Too often their widows are left destitute and dependent. A great Government like ours has a sacred duty to care for them in their time of need. We should be just and generous as well, and by our votes see to it that no Union soldier and no widow of a Union soldier shall ever suffer want or become a public charge. This bill, and the one I hope to see brought in to pension widows of Civil War soldiers, should pass by a unanimous vote. [Applause.]

Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Without objection, leave will be granted. There was no objection.

Mr. KEY of Ohio. Mr. Chairman, I move that the committee do now rise and report the bill to the House with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The CHAIRMAN. If the gentleman has another bill to call up, the motion would be that the bill be laid aside with a favorable recommendation.

Mr. KEY of Ohio. Mr. Chairman, I move that the bill be laid aside with a favorable recommendation.

The motion was agreed to.

The CHAIRMAN. The Clerk will report the next bill.

Mr. KEY of Ohio. Mr. Chairman, I call up the bill H. R. 655——

Mr. MANN. Mr. Chairman, the committee can not call up another bill now without reporting this bill. We do not go into Committee of the Whole House on the state of the Union by motion, but we go in automatically on a particular bill.

Mr. KEY of Ohio. Mr. Chairman, that is the reason I moved a moment ago that the committee rise.

Mr. MANN. And then after the House has acted on the bill the gentleman can call up the other bill.

Mr. KEATING. The motion to lay the bill aside was the Chairman's suggestion.

The CHAIRMAN. The gentleman from Ohio moves that the committee do now rise and report the bill favorably.

The motion was agreed to.

Accordingly the committee rose; and Mr. HARRISON having assumed the chair as Speaker pro tempore, Mr. JOHNSON of Kentucky, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 54 and directed him to report the same to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. KEY of Ohio. Mr. Speaker, I move the previous question on the bill and all amendments thereto to final passage.

The SPEAKER pro tempore. Is a separate vote demanded on any amendment.

Mr. GARDNER. Mr. Speaker, I desire a separate vote on amendment No. 1, amendment No. 2, and then I shall ask a division of the question on amendment No. 3. Those are the amendments which restrict the bill to a certain class of Regular soldiers. Now, I only want a vote on one of those questions, but I ask that all three be reserved.

The SPEAKER pro tempore. The gentleman from Massachusetts reserves for a separate vote amendment No. 1, amendment No. 2, and amendment No. 3, with a division of the question on amendment No. 3.

Mr. KEY of Ohio. But, Mr. Speaker, I demanded the previous question.

The SPEAKER pro tempore. The gentleman from Massachusetts has a right to have a separate vote on any amendment.

Mr. KEY of Ohio. But we have not had a vote on the previous question.

The SPEAKER pro tempore. Is a separate vote demanded on any other amendment?

Mr. MANN. Let us dispose of the demand for the previous question first.

The SPEAKER pro tempore. The question is on ordering the previous question.

The previous question was ordered.

The SPEAKER pro tempore. The question is on agreeing to the first amendment, which the Clerk will report.

The Clerk read as follows:

Page 1, line 3, at the end of the line insert the word "volunteer."

The SPEAKER pro tempore. The question is on agreeing to the committee amendment.

The amendment was agreed to.

Also the following committee amendment was reported:

Page 1, lines 5 and 6, strike out the words "either as a regular or volunteer."

The amendment was agreed to.

Also the following committee amendment was read:

Page 1, line 10, insert at the end of the line the following:
"including all furloughs, or any officer or enlisted man of the Regular Establishment who rendered 90 days or more actual military or naval service in the United States Army, Navy, or Marine Corps in the War with Spain or the Philippine insurrection or in China between April 21, 1898, and July 4, 1902, inclusive."

Mr. GARDNER. Mr. Speaker, I ask that that question, as it contains two substantive propositions, one of which I do not object to, "including all furloughs," and the other restricting the pensions to certain classes of soldiers' widows, be divided between the word "furloughs" and the word "or," in the first line on page 2.

The SPEAKER pro tempore. The question is first on the amendment in line 10, page 1, and beginning line 1, page 2, to include "all furloughs."

Mr. GORDON. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. GORDON. I wish to inquire whether or not this proposed amendment is not inconsistent with the one just adopted?

The SPEAKER pro tempore. The Chair will state to the gentleman that that question is not for the Chair. It is an amendment that was agreed to by the committee, and the question is on agreeing to that committee amendment.

Mr. GORDON. I make the point of order that it is not in order.

The SPEAKER pro tempore. The Chair overrules the point of order.

The question is on agreeing to the first part of the committee amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the second part of the committee amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

Mr. MANN. Mr. Speaker, there are several other amendments that have not been reported.

The SPEAKER pro tempore. Is a second vote demanded on any other of the committee amendments? [After a pause.] If not, the Chair will put them en gross. The question is on agreeing to the remaining committee amendments.

The committee amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. KEY of Ohio, a motion to reconsider the vote by which the bill was passed was laid on the table.

The SPEAKER resumed the chair.

### EXTENSION OF REMARKS.

Mr. SCHALL. Mr. Speaker——

The SPEAKER. The gentleman from Minnesota is recognized.

Mr. SCHALL. Mr. Speaker, I desire to ask unanimous consent to extend my remarks in the RECORD on the bill just passed.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. KEATING. Mr. Speaker, I would like to ask unanimous consent that all Members of the House be given permission to extend their remarks in the RECORD.

The SPEAKER. The gentleman from Colorado asks unanimous consent that all Members of the House have permission to extend their remarks in the RECORD on the bill just passed. Is there objection?

Mr. MANN. I object.

Mr. AYRES. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. On the bill just passed?

Mr. AYRES. Yes.

The SPEAKER. Is there objection?

There was no objection.

Mr. FARR, Mr. MOORE of Pennsylvania, Mr. BRITT, and Mr. RICKETTS were granted leave to extend their remarks in the RECORD on the bill H. R. 54.

### IMMIGRATION.

Mr. ELSTON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing a short article written by Dr. Sidney L. Gulick on the immigration problem.

The SPEAKER. The gentleman from California asks unanimous consent to extend his remarks in the RECORD by printing an article written by Dr. Gulick on the subject of immigration. Is there objection? [After a pause.] The Chair hears none.

### PENSION FOR SURVIVORS OF INDIAN WARS.

Mr. KEY of Ohio. Mr. Speaker, I desire to call up the bill H. R. 655.

The SPEAKER. The gentleman from Ohio calls up the bill the title of which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 655) to pension the survivors of certain Indian wars from 1865 to January, 1891, inclusive, and for other purposes.

Accordingly the House automatically resolved itself into the Committee of the Whole House on the state of the Union for consideration of the bill H. R. 655, with Mr. JOHNSON of Kentucky in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the purpose of considering the bill H. R. 655, which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 655) to pension the survivors of certain Indian wars from 1865 to January, 1891, inclusive, and for other purposes.

*Be it enacted, etc.*, That the provisions, limitations, and benefits of an act entitled "An act granting pensions to survivors of the Indian wars of 1832 to 1842, inclusive, known as the Black Hawk War, Creek War, Cherokee disturbances, and the Seminole War," approved July 27, 1892, as amended on February 19, 1913, be, and the same are hereby, extended from the date of the passage of this act to the surviving officers and enlisted men, including militia and volunteers of the military service of the United States, who have reached the age of 62 years, and who served for 90 days in the campaign in southern Oregon and Idaho and northern parts of California and Nevada from 1865 to 1868, inclusive; the campaign against the Cheyennes, Arapahoes, Kiowas, and Comanches in Kansas, Colorado, and Indian Territory from 1867 to 1869, inclusive; the Modoc War of 1872 and 1873; the campaign against the Apaches of Arizona in 1873; the campaign against the Kiowas, Comanches, and Cheyennes in Kansas, Colorado, Texas, Indian Territory, and New Mexico in 1874 and 1875; the campaign against the Northern Cheyennes and Sioux in 1876 and 1877; the Nez Perce War of 1877; the Bannock War of 1878; the campaign against the Northern Cheyennes in 1878 and 1879; the campaign against the Ute Indians in Colorado and Utah, from September, 1879, to November, 1880, inclusive; the campaign against the Apache Indians in Arizona in 1885 and 1886; and the campaign against the Sioux In-

dians in South Dakota from November, 1890, to January, 1891, inclusive; and also to include the surviving widows of said officers and enlisted men who shall have married said survivor prior to the passage of this act: *Provided*, That such widows have not remarried: *Provided further*, That where there is no record of enlistment or muster into the service of the United States in any of the wars mentioned in this act, the record of pay by the United States shall be accepted as full and satisfactory proof of such enlistment and service: *And provided further*, That all contracts heretofore made between the beneficiaries under this act and pension attorneys and claim agents are hereby declared null and void.

SEC. 2. That the period of service performed by beneficiaries under this act shall be determined by reports from the records of the War Department, where there is such a record, and by the reports from the records of the Treasury Department showing payment by the United States where there is no record of regular enlistment or muster into the United States military service.

SEC. 3. That section 4716 of the Revised Statutes, relating to loyalty during the Civil War, is hereby repealed so far as the same relates to this act or to pensioners under this act.

Mr. KEY of Ohio. Mr. Chairman, under the new rule we have two hours for general debate. I would like to know who will be recognized for the hour in opposition to this bill?

The CHAIRMAN. Is there anyone who desires to be recognized in opposition to the bill?

Mr. KEY of Ohio. I ask that, Mr. Chairman, in order that we may arrange for general debate.

Mr. MANN. There is no use of making any arrangement.

Mr. KEY of Ohio. Mr. Chairman, I yield 15 minutes to the gentleman from Colorado [Mr. KEATING].

Mr. KEATING. Mr. Chairman, this is a bill to pension the veterans of the Indian wars in the West and Southwest and the widows of such veterans. It is an extension of the act of July 27, 1892, as amended February 19, 1913. That act and the amendment to it pensioned the survivors of the Black Hawk War, the Creek War, the Cherokee disturbances, and the Seminole War. This bill seeks to extend the provisions of that act to the veterans of the Indian wars in the West.

The War Department gives us the history of 12 Indian campaigns fought between 1865 and 1892. In connection with the wearing of the "service-in-war chevrons" by enlisted men, the War Department conducted an investigation of the Indian campaigns of the West, and decided that 12 of those conflicts were of sufficient importance to be described as "wars," and those 12 campaigns are mentioned in the pending bill. The committee felt that it should limit the benefits of this legislation to the men who had taken part in those "wars." As a matter of fact, from 1865 to 1892 there were scores of conflicts between Regular and Volunteer troops and Indians in the far West. Many of these conflicts were of considerable importance, but, according to the War Department, they did not rise to the dignity of "wars."

In previous legislation dealing with the pensioning of survivors of Indian wars, Congress has undertaken to say that any man who served 30 days in such wars should receive a pension. The Committee on Pensions of this House felt that the pending legislation should be more conservative, so we have fixed the limit of 90 days' actual service in certain specified campaigns. Therefore, in order to secure the benefits of this act a man must have been in one or more of the recognized campaigns for at least 90 days. In addition to that he must be 62 years of age.

Mr. SHERWOOD. Mr. Chairman, will the gentleman allow me to interrupt him at that point?

Mr. KEATING. Certainly.

Mr. SHERWOOD. While the gentleman is on that question can he tell us how many are involved?

Mr. KEATING. It will be impossible to say just how many will be affected by this bill. The War Department is unable to give us exact figures. This we know: The number of men involved in each of these campaigns was comparatively small, sometimes five or six hundred. I think the greatest number mentioned in the reports of the War College in one campaign was something like 2,500.

Mr. JAMES. What was the approximate number of men, the total number of men, engaged in all those campaigns?

Mr. KEATING. The War Department was unable to fix the exact number, or at least did not fix it.

Mr. JAMES. Can the gentleman tell us about how many?

Mr. KEATING. It is difficult to give an accurate estimate of that. I suppose that in the 12 campaigns not more than 20,000 or 25,000 men were involved. That is my impression. At any rate, the War Department records do not furnish the committee with the exact information.

Mr. JAMES. How many soldiers' widows does the gentleman think would be covered by this bill?

Mr. KEATING. I can not say, but I will insert in the RECORD the following letter from Mr. C. R. Hauser, of Denver, secretary and treasurer of the National Indian War Veterans' Association, which will give us the latest and most reliable data on the question of the number of beneficiaries under this bill:

DENVER, COLO., *February 13, 1916.*

Hon. EDWARD KEATING, M. C.,
*Washington, D. C.*

MY DEAR SIR: Upon reading a statement regarding the placing on the pension rolls of surviving Indian war veterans in this morning's Denver Post—said statement placing the number of men who will become beneficiaries under the bill at 5,000—I will say that I consider this number greatly overestimated. It may have held good some five years ago when the movement to pension Indian war veterans was initiated, but since then a very great number of these ex-soldiers have passed away. According to the records of this order a good 25 per cent of its original members have died since that time.

Omitting survivors of Indian wars which occurred prior to 1865, a few of whom are undoubtedly yet living, and commencing with the number of men who served in the Army on the frontiers about the years 1866 and 1867, as near as can at this time be learned, there were not over 2,500 men in the field. Estimating the age of the average man at 25 years, and adding the 49 years which have since then elapsed, we find that a survivor would to-day be 74 years of age. It can safely be asserted that not over 10 per cent of these men are living to-day, thus making their number about 250 men. I consider this a most liberal estimate, and doubt very much whether one-half of this number will ever make application for the relief that this bill when passed will give them.

In the campaigns in Idaho, Oregon, and southern California from 1865 to 1868, while the regular forces were augmented by various volunteer companies, there were at no time over 1,000 men in the field. While statements regarding the ages of men in the regular service holds good also in this case, it is equally certain that the ages of the men who participated during these campaign in volunteer companies were always greater, making a perfect surety of the fact that not more than 10 to 15 per cent survive to-day, leaving about 150 men.

The campaigns of 1868 to 1869 against the Cheyennes, Arapahoes, Kiowas, and Comanches in Kansas, Colorado, and Indian Territory saw in actual service about 2,000 United States soldiers, assisted by two regiments of Kansas Volunteer Cavalry, making a total of about 3,000 men. Forty-six years have passed since the closing of these campaigns. It is safe to say that not over 15 per cent of the men who served in them are with us to-day, making the number of survivors between 400 and 450 men.

The Modoc War of 1872 to 1873 saw, according to all researches available, about 700 men in the field. A period of 43 years has since passed, making survivors at least 67 years of age. At a very liberal estimate not over 200 of these men are living to-day.

The Apache War of 1872 to 1875 was participated in by approximately 1,500 soldiers. These men were a little younger in years, but as 40 years have since gone by and we calculate the men's average age while then in the service at 23 years, it would make a survivor about 63 years of age, so that a very generous estimate would leave in the neighborhood of 300 men.

The various campaigns against the Sioux and their allies, from 1875 to 1879, saw the greatest number of United States soldiers in active field operations. The number of men engaged can be placed at about 4,000 to 5,000 men. While the extraordinary hard services during these expeditions resulted in the early death of a very great number of their participants, we can yet place the number of men yet alive, estimated on a 25 per cent basis, at about 1,000 men.

The campaign against the Ute Indians in Colorado, 1879 to 1880, required the services of about 2,000 soldiers. These men may also be counted as having been about 23 years of age. While some of them would as yet not become beneficiaries under the wording of the bill, yet estimating a very liberal 25 per cent, this would give only 500 men.

The campaigns in Arizona, 1885 to 1886, and the campaigns against the Sioux in 1890 to January, 1891, while requiring the field services of 1,500 United States soldiers, will not greatly increase the number of pensioners under the wording of the bill at this time. The most of these soldiers were men of 21 to 25 years of age. As 25 to 31 years have passed since these campaigns closed, the most of the surviving men are now but from 50 to 56 years of age, so that they would not become beneficiaries under the wording of the bill for several years.

While I candidly admit that I may be in error in estimating the number of troops engaged in the various campaigns, I am quite positive that if I have made a miscalculation in the number of survivors the error has been in overestimating them. I do not think that any other man has had a better chance to figure on this proposition than I have had during the time that I have served as the national secretary of the National Indian War Veterans' Association.

Very respectfully, yours,

C. R. HAUSER,
*National Secretary National Indian War Veterans.*

Mr. Chairman, a number of Members from the Western States are anxious to speak on this measure, and I am disposed to give way to them for the time being, and under the five-minute rule I shall undertake to answer any questions that may be asked.

Mr. SMITH of Idaho. Mr. Chairman, I would like to inquire of the gentleman who has charge of the bill why the committee has fixed the length of service at 90 days, especially in view of the fact that the information received from the War Department indicates that while some of these engagements were very short, they were very spirited, some killed and many wounded? That was especially true with reference to the Nez Perces War. We have in Idaho a number of Indian war veterans who participated for about 30 days in that campaign, and some of them were very badly wounded, and yet under the provisions of this bill, although they were regularly enlisted, they did not have actual service for the length of time provided and would not have a pensionable status. It seems to me that an injustice will be done them by fixing the limit at 90 days.

Mr. SHERWOOD. Would they not come in under the general law?

Mr. SMITH of Idaho. No; they were not in the regular service.

Mr. KEATING. I think if it can be proved that the soldier was in the regular service of the United States there would be no difficulty in getting him a pension, provided his disability was the result of his service.

Mr. SMITH of Idaho. It would not give his widow a pensionable status, though.

Mr. KEATING. Oh, yes. If his death resulted from his service. As I was saying, the committee wanted to be as conservative as possible. I think every man in the West would like to make this legislation as liberal as possible, and yet it is not a case of what the westerners would like to do. It is what Congress is disposed to do at this time.

Mr. SMITH of Idaho. But you have no way to test the feeling of Congress unless you submit an amendment reducing the time from 90 days to 60 days or 30 days.

Mr. RAKER. Mr. Chairman, if the gentleman from Colorado will permit me, I am familiar with the campaigns referred to in Nevada, and also with the Modoc War. Is there any particular reason why the limit of service is set at 90 days? Would it make any material difference as to the number of claimants if it were reduced to 30 days?

Mr. KEATING. Yes; it would make a very material difference.

Mr. RAKER. Can the gentleman give me an approximation of the difference it would make?

Mr. KEATING. I should say that if you reduced it from 90 days to 30 days it would double the number of pensioners; and in addition to that, gentlemen, we insist through our pension laws that veterans of the Civil War shall have served 90 days.

Mr. RAKER. May I put another question to the gentleman?

Mr. KEATING. Certainly.

Mr. RAKER. There is a case in my mind where the parties were watching and waiting and guarding their homes every day for two or three or five months, but their actual service lasted only for 35 or 40 days. Their service was severe, and it was successful, but those men will not get recognition under the bill. They feel that there ought to be some provision whereby, although they served only 30 days, they could receive the benefits of this act, because they gave to the cause their time and attention and thought for months prior to their actual service. They devoted months to watching and waiting, and then, when called into active service, they made it successful and got results, and still they would get no relief under this bill. However, the bill is good and ought to be passed, even though we may not be able to reduce the time limit to 30 days.

Mr. SLOAN. Mr. Chairman, will the gentleman yield there for a question?

Mr. KEATING. Certainly.

Mr. SLOAN. I would like to ask the gentleman if he can inform the committee how long the Sioux War, in South Dakota, in the winter of 1890 and 1891 lasted?

Mr. KEATING. According to the War Department's findings, the campaign began in November, 1890, and continued until some time in January, 1891, covering November, December, and January.

Mr. SLOAN. If a man enlisted for the full period of that war he would be shut out from the provisions of this bill.

Mr. KEATING. Unless he could show service in some one of the other campaigns.

Mr. SLOAN. In addition to that—that is, two services.

Mr. KEATING. He would have to patch up his service so as to make 90 days.

Mr. Chairman, on behalf of the Committee on Pensions, I desire to yield five minutes to the gentleman from Michigan [Mr. JAMES].

Mr. JAMES. Mr. Chairman, the bill that we passed a short time ago regarding Spanish War veterans is far more liberal than this. I can not be accused of saying anything against the Spanish War veterans on the ground that I am opposed to soldiers or to Spanish War veterans, because I had the honor of belonging to the Thirty-fourth Michigan, and we were one of the first regiments that went to Cuba. But I do claim that we have no right to pass a bill like the one we have just passed, requiring, you may say, only 15 days' actual service, because under that bill—the Key bill—a man could have spent 75 days on furlough and 15 days on kitchen detail in the camp, while under this bill a man must have seen 90 days' actual service. If we are asked why they had to serve 90 days under this bill and only 30 days under the other one, the only reason I can see is that the Spanish War veterans have more political pull. Some of the members of the Spanish War veterans have degenerated into a political machine. They not only admit it, but they claim it. A short time ago I read of a case where some of the Spanish War veterans claimed that they were responsible for the defeat for a judgeship of the supreme court of the State of New York of one of the most respected members of this House [Mr. FITZGERALD] because he had voted against the Key bill. I belong to the Society of the Santiago and Spanish War Veterans and am a charter member and was first adjutant of each. As soon as these bills were introduced I sent copies of them to my district and asked them for their opinion. These bills were copied in the papers, with a statement of my reasons for not voting for them. I have not received a single resolution, telegram, or letter protesting against the fact that I intended to speak and vote against the bill which you have just passed. Neither have I had a telegram, a letter, or a resolution from any Spanish War veteran in my district asking me to vote for the bill. The claim has been made that the Spanish War veterans are asking nothing for themselves. In the next session of Congress you will see that there will be a bill introduced pensioning every Spanish-American War veteran, whether or not he saw service, whether or not he left his country, whether he is wealthy or poor.

The Spanish War veterans in my district believe the same as I do, that if I die my widow and children will be taken care of by this Government if they need it, and I believe that the sentiment in my district among the Spanish War veterans is not any different than in any other district in this country. We are not of the opinion that in order to get volunteers for the next war it is necessary to pension every man who enlisted in 1898. We are more concerned that this country pay attention to preparing for war, so that the volunteers in the next war will not suffer with malaria as we did. I, in common with many of my comrades, know what it is to weigh 150 pounds on a certain date, and 60 days after to weigh 90 pounds with my clothes on.

But we are entitled to no credit for this. We did what any red-blooded American will do; and I speak for my comrades in Michigan when I say that not only did we enlist in 1898 but we would enlist again. We are more concerned that the honor of this country shall be upheld than we are with pensions.

The other day the first man to answer the call of the martyred President Lincoln for 75,000 volunteers in 1861 was buried. In delivering the funeral oration one of his best friends said, in part, as follows:

> We hear much of the peace-at-any-price sacrifice. Peace with honor; yes. Peace to the honor of our country; yes. But if it means that we are to be the prey of international ambition; if it means that we are to do the bidding of every nation on earth, and that our flag must dip in disgrace, then we must not have peace. No nation can be weak to-day in preparedness and strong to-morrow in efficiency.

If sharing these sentiments gives a man the right to call himself a patriotic American citizen, then the Spanish War veterans in my district and myself are patriotic Americans. But if believing that patriotism consists in no personal sacrifice yourself, if it means voting money for pensions to the worthy and unworthy alike, the rich and poor alike, and that this counts for more than answering your country's call, then we are not patriotic American citizens. [Applause.]

Mr. KEY of Ohio. I yield 10 minutes to the gentleman from California [Mr. RAKER].

Mr. RAKER. Mr. Chairman and gentlemen of the committee, to my mind this is one of the meritorious pension bills to be acted upon by the House. Possibly but few Members of the House in their early days lived in the Indian country, or were acquainted with those who participated in Indian fights, and thereby made it possible for civilization to exist. I am not one of those who hold the Indian entirely responsible for all the depredations that were committed. A great part of what he did was in following the example of the white man in the first instance. But nevertheless we had this trouble, we had these Indians, and we had the old pioneers to settle this thing.

One who is familiar with the general conditions must recognize that in most of these cases the trouble arose on the frontier, where there were but few settlements, far apart, and where, without the Indians, all the hardships of life were to be encountered.

The question of length of service as provided in the bill is what I want to direct attention to. In that country every man maintained an equipment to defend himself and his neighbors. He furnished his own gun, he furnished his own ammunition, and he was prepared at any moment and alert at all times, and in constant communication with his neighbors, because of the danger that was always present in the frontier country where the Indians were. When trouble came it came like a flash. A man had to give active service. He had to leave his family at home to be taken care of as best they might, and to run the risk of another skulking band of Indians coming in from the other direction and destroying his family and depriving him of his dear ones while he was absent. He had none of the equipment, commissary

or otherwise, that soldiers of the Regular Army had; but he did know how to fight the roving bands of Indians, to fight them with their own methods, and it was by those methods, by going out in the open, by making a bold stand, that he was able to succeed in these fights. In 10 or 15 days, and sometimes less, more work was done and more hardships encountered, then and in the previous time of readiness, than might have been incurred by service for five or six months or even longer in the Regular Army or even in the Spanish-American War.

I hope that when the committee arrives at that part of the bill where the question of limitation of time is provided for, that it will see its way clear to change it to 30 days and to give to these pioneers some recognition for the services they performed for this country in making the frontier habitable and possible for settlement. The wife was then the wife of the soldier, if the soldier is dead, should be given the same consideration. She was a part of that frontier settlement, of that frontier hardship, and her assistance helped make it possible for her husband to leave home and family, to meet his neighbors and friends, and to go and maintain the peace and order that should be maintained in a community where these disturbances occurred.

In the instances provided for in the bill, the one time in eastern Nevada bordering on the eastern side of California, those farmers I have had the pleasure of knowing for the last 30 years voluntarily assisted the few soldiers, and everyone of them left his home, took his rifle on his shoulder, and went out, and in about 35 days they made a successful campaign, conquering the Indians, and from that time to this we have had no trouble. Of those 60 men who went into that fight there remain but 6, and the widows of the others ought to be given consideration.

The same with regard to the Modoc Indian War in the northern part of California and the southern part of Oregon. Among the volunteers great work was done with little loss of life. It was done by virtue of the effective work of those volunteers in connection with those of the Regular Army, by virtue of their knowledge of the country, by virtue of their heroism, and by virtue of the fact that they were fighting for their homes, and now all they ask is that they should be given recognition for that service.

During this fight, after it had gone on in a desultory way for three or four weeks, they had arranged a peace conference with Gen. Canby, Dr. Thomas, Mr. Meeker, and Mr. Dyer. Capt. Jack and his friends were to meet in conference and settle the trouble. They met. Capt. Jack with his Indians were all prepared, and hid their guns in the bush. He recognized that 20 years before the white man came to his country, and after having a battle with them, they then had a peace conference, and at that peace conference the white man had hid his guns, and when they got the Indians where they wanted them they killed all except Capt. Jack, who was then a young man, and he escaped with his life. In turn the lesson taught him by the white man was carried out by Capt. Jack at this peace conference with Gen. Canby in 1873. Gen. Canby, Dr. Thomas, and others were killed at that time. That, of course, brought on a general conflict between the Indians and the white men, and after some three weeks or longer, fighting with the volunteers from southern Oregon and northern California, they were able to surround and capture the Indians, and Capt. Jack was arrested and sent into a State in the East, and he was returned about a year and a half ago to his old territory, where he died.

These men ought to be given a pension for the service of 30 days, for actual service, the same as the man who was enlisted for 90 days or 100 days, but whose service was only 1 or 2 days in actual service.

The chairman of the committee has stated that the only question is as to the extra expense that might be incurred by virtue of making it 30 days; but I will venture to say that in practically all of the Indian wars—and there are only about three after 1873——

Mr. KEY of Ohio. I think that is all.

Mr. RAKER. You will find that, as in the Modoc War, in the Surprise Valley Indian War, and others, over 80 per cent of the participants of these wars have passed and gone, and not only the participants but their widows. Of the 60 men in my own home county, from an examination last fall, only 5 of these men are left to tell the tale. If that is a reasonable comparison as to the participants in the rest of the Indian fights, you will find that practically all of these old men are gone. This bill should pass, and I know it will. [Applause.]

[Mr. RAKER had leave to extend his remarks.]

Mr. KEY of Ohio. Mr. Chairman, I yield 10 minutes to the gentleman from Kansas [Mr. TAGGART].

Mr. TAGGART. Mr. Chairman, this bill seeks to apply the pension act of July 27, 1892, with some modifications, to the survivors of Indian wars who served 90 days or more in certain campaigns, naming them, and is made to apply to the widows of those who took part in these wars under the conditions named.

It may be proper to call attention to the act of July 27, 1892, which I have before me. It provides that any of the surviving officers and enlisted men—including marines, militia, and volunteers—in the military or naval service who served 30 days in the Black Hawk Creek War, Cherokee disturbance, and the Florida War from 1832 to 1842, shall be placed on the pension roll. The original rate in this bill was $8 a month, and it goes on with certain provisions that must be complied with before a pension can be obtained.

The present bill requires a service of 90 days or more in these wars. The act of February 19, 1913, provides that the pensions of surviving soldiers of those wars, referring to the same wars as the act of 1892, shall be $20 a month, and will apply if this bill becomes a law.

This pension is comparatively small. The old Revolutionary soldiers were pensioned at $8 a month a hundred years ago. It was the last raise that they got, and one of those old men could take a dollar of that money at that time and a market basket and go down town and bring home more of the necessaries of life with that dollar than a man can bring home with $5 in 1916. The general pension law for widows provides for $12 a month for all widows, and this will apply.

I will take occasion to mention one or two of the organizations covered by this bill—the Eighteenth and the Nineteenth Kansas Cavalry. In the summer of 1867 four companies of cavalry were organized and mustered into the United States service for a period of four months. They were called the Eighteenth Kansas Cavalry. They immediately got into action and fought several battles with the Indians. They sustained the frightful ravages of cholera and several of them were killed. They were honorably mustered out after their four months' service and returned to their homes. A year later the Nineteenth Kansas Cavalry, a full regiment of 12 companies of men, were mustered into the United States service at the suggestion of the War Department for a period of six months. They were enrolled some time in October, 1868. They conducted a winter campaign in what was then the Indian Territory, and as far as Texas and in western Kansas, in the campaign against the Cheyennes, Arapahoes, Kiowas, and Comanches. It was an extremely severe and bitter winter. They were personally complimented by all of their commanders. They received the approbation of every officer under whom they served. They endured untold hardships. They bivouacked in the snow, and in an atmosphere below zero, during that terrible winter. It might perhaps appeal to some of those who are in the House when I say that sleeping under the same blankets in those two regiments were men who had served on opposite sides in the great war between the States, and when you pass this pension bill it will be perhaps the last and certainly one of the first opportunities you will have to grant a pension to men who served in the Confederate Army. Long ago all restrictions as to the pension laws on account of service in the Confederate Army were removed by Congress, except perhaps one, and that was enlistment after the 1st of January, 1865. This bill will grant to those who served in the Confederate Army as well as those who did not a pension that they deserve at the hands of this Government.

The Indian fighter did a work that will never have to be done again. He required a degree of courage that an ordinary enlistment in the Regular Army or in the volunteer service does not require. In the necessary clashes that had to come between civilization and savagery he stood between civilization and the savage tribes that were attacking it. He above all men is entitled to the thanks of the American people, to their gratitude, and to their remembrance. These are days when newspapers are full of talk about preparedness. I will not stop to talk about that now except to say this: That our best preparedness lies in the fact that at least 5,000,000 young men under this flag are prepared, perhaps not by military training, perhaps not by education in military schools, but by their patriotism to serve the country. They are prepared to enlist in the armies of the United States at the first call for volunteers. One reason for this at least is that the people of the United States have always appreciated their soldiers.

The CHAIRMAN. The time of the gentleman from Kansas has expired.

Mr. KEATING. Mr. Chairman, I yield the gentleman five minutes more.

Mr. STEPHENS of Texas. Mr. Chairman, will the gentleman from Kansas yield to me for a moment?

Mr. TAGGART. Certainly.

Mr. STEPHENS of Texas. I desire to ask the gentleman a question. I find that the bill fails to extend relief to certain parties whom I personally know did a great service in the Southwest. If the gentleman will examine the bill on the second page, beginning at line 2, he will find that its benefits are extended from the date of the passage of the act to the surviving officers and enlisted men, including militia and volunteers of the military service of the United States. Why is it that the Texas Rangers were left out of that category? They certainly did, to my personal knowledge, more fighting against the Indians and protected the frontier of that State as well as the Indian Territory more than any body of men on earth, according to their numbers, and why were they left out?

The gentleman can also answer another question I desire to ask. In line 9 I find are recited the campaigns against the Cheyennes, Arapahoes, the Kiowas, and the Comanches in Kansas, Colorado, and the Indian Territory. It is a fact known to all men everywhere who have been in that country or who have read the reports from the War Department that there was more fighting in the State of Texas than in all of the other places combined. Why is it that Texas has been left out of this category without any benefit either to her Rangers or the State?

Mr. TAGGART. Mr. Chairman, I will say to the gentleman that I am not a member of the Committee on Pensions.

Mr. STEPHENS of Texas. I regret that fact, because I am sure if the gentleman were he would have seen that Texas had been given justice.

Mr. TAGGART. I am not here to explain the reason why certain things have been omitted from the bill.

Mr. MURRAY. Mr. Chairman, will the gentleman yield?

Mr. TAGGART. Yes.

Mr. MURRAY. I want to state to the gentleman from Texas that I am on the Pension Committee. I am not acquainted sufficiently with the various Indian wars to know what would be correct. I thought of the same thing of which the gentleman speaks. My father was one of the Texas Rangers, but I did not feel like interfering with the bill, and did not know enough about it to know to what extent it would be proper for Federal legislation to go. I believe the gentleman from Texas is correct.

Mr. STEPHENS of Texas. I will say to the gentleman I have a bill for this very purpose (H. R. 341), which seems to have received no attention, although I have been so very busy with my own committee I have not had time to take care of that bill. However, I shall certainly favor this bill, but I shall certainly fight for the passage of my bill, because it is exactly on all fours with this bill. If I tried to get it on as an amendment to this bill, it would be stricken out on the point of order. I serve notice that Texas must have her rights in these matters or else there will be quite a little row raised on the floor of this House. [Applause.]

Mr. TAGGART. Mr. Chairman, I will simply say in reply to the gentleman from Texas, as I stated before, that I am not a member of the committee. I have heard of the very efficient, the very necessary, the very brave and gallant services rendered by the Texas Rangers in the Indian wars. I have the honor of having survivors of those men in my district. If I were a member of this committee I would have insisted on including them in the bill. In fact, it was the old policy of pensioning for services in Indian wars to include men who served in any organization. I say to the gentleman from Texas that I shall be glad to vote for any amendment that he has to offer that will place on the pension roll men who rendered service equivalent to the service that is mentioned by this bill, no matter in what organization they served.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. MANN. Mr. Chairman, I yield 10 minutes to the gentleman from Wyoming [Mr. MONDELL].

Mr. MONDELL. Mr. Chairman, it is proposed with the legislation before the House to do belated justice to men who were engaged on the frontier in some of the most thrilling occurrences in American history. It is a peculiar fact that warfare on this continent and in this country affords the only illustration in all history of battles in which there were no survivors. Thermopylae had her messenger of defeat, but there was none from the Alamo; there was none from the field of Massacre Hill. It was a very wonderful series of campaigns——

Mr. STEPHENS of Texas. Will the gentleman yield?

Mr. MONDELL. In just a moment—that which began in 1866 with the attack on Fort Phil Kearney in the Big Horn Mountains and which closed with the campaign of Wounded Knee. I now yield to the gentleman from Texas.

Mr. STEPHENS of Texas. The gentleman from Wyoming speaks of frontier warfare. Is the gentleman aware of the fact that when Texas went into the Union by one of the articles of annexation it was understood, specifically stated, that the frontier should be defended by the United States, and that that was one of the moving causes which impelled Texas to join the Union and become the great State that she is now? Texas protected not alone her frontier from Indians but from Mexico. Of course the Indians are now a past question, but we still have our Ranger force and they are defending our State at the present time, and why they have not been given relief I can not understand.

Mr. MONDELL. Well, I will say to the gentleman I hope the gentleman from Texas does not want to tempt me to take up the Mexican question. [Applause.] I have discussed that at various times.

Mr. STEPHENS of Texas. I only mention that in connection with what the gentleman said in order to show him that we have done it and are doing it at the present time.

Mr. MONDELL. If there were any forces engaged in frontier warfare in Texas that are not provided for in this bill they ought to be provided for, but I arose particularly for the purpose of calling attention to the fact, as I understand it, as I read the bill—perhaps it is my fault that I have not given the matter more attention prior to this time—but as I read the bill I think there are survivors of other important forces engaged in frontier warfare that are not cared for by the bill. I assume that it was the intent of the committee to bring within the provisions of the bill all of the survivors of those forces that were engaged—particularly where they were enrolled or paid under the United States—all that were engaged in Indian campaigns from about 1865 on. But I find no provision in this bill for those men who were engaged in those extremely bloody campaigns in Wyoming in 1866 which opened the Indian warfare that continued for something like 15 or 20 years. I want to call the attention of the chairman of the committee to a very curious mistake made by whoever drafted this historical résumé of Indian campaigns. On page 9 of the committee report, second column, this statement is made:

> It was in the latter part of 1866 that Col. Fetterman, with 3 commissioned officers, 76 enlisted men, and 2 civilians, were massacred about 4 miles from old Fort Laramie.

An extraordinary statement for an employee of the War Department to make. Old Fort Laramie was on the Platte River in the extreme southeastern part of Wyoming. Massacre Hill, where Col. Fetterman and his men were killed—one of the two battles in the history of the world from which there came no messenger of defeat—is located in the extreme northern part of Wyoming and about 4 miles from the site of old Fort Phil Kearney. This Congress reported a bill, which I introduced a good many years ago, placing a marker on that historical battle ground, and it seems to me very extraordinary that one preparing an official statement of this sort in the War Department, or whoever it was, should have fallen into such an egregious error of historical fact, a well-known historical fact. It was a campaign brought about by the fact that when the peace commissioners in 1865 made peace, or attempted to make peace, at Fort Laramie with the Sioux and allied nations some of the chiefs, led by Red Cloud, refused to join in the treaty, and they proceeded north into central Wyoming and eastern Dakota and harassed the forces which were sent north from Fort Laramie in the summer of 1865 to defend the trail leading into Montana.

A fort was established on Piney Creek in northern Wyoming, which was for 18 months under constant siege by Red Cloud and his warriors. During that siege occurred two of the most remarkable battles in all of the annals of warfare, the Battle of Massacre Hill, to which I have referred, and a very wonderful fight on Piney Creek known as the "wagon-box fight," the first engagement in which repeating arms were used against the Indians, and one of the very first occasions in which repeating arms were used anywhere in an engagement. In that very remarkable engagement some 37 men in a corral of wagon boxes taken from the freight wagons held off for an entire day the entire embattled Sioux Nation. Red Cloud had certainly no less than 2,500 warriors, and probably more, and they charged some 12 or 14 times on this little band of 37 men behind those wagon boxes in the valley of the Piney. The Indians were only driven off when relief forces came from Fort Phil Kearney, and only then because the Indians came to the conclusion that the soldiers gathered there must be armed with some mysterious weapon, the character of which they did not understand.

If those soldiers had been armed with anything but repeating rifles, they would have been overwhelmed by the first charge made by the Sioux. Now, that battle of Massacre Hill, the battle of the "wagon-box fight," on the Piney, and the later fight in the vicinity of Fort Reno were part of that opening campaign which is referred to in the first two paragraphs of this report.

The CHAIRMAN (Mr. SIMS). The time of the gentleman has expired.

Mr. MANN. Mr. Chairman, I yield to the gentleman five minutes.

Mr. MONDELL. And yet I can not find that the soldiers of those campaigns are included in the provisions of this bill. There were some 2,000 troops, first and last, engaged in that campaign. They are certainly not the troops referred to as being in the campaign in southern Oregon, Idaho, California, and Nevada in 1865 to 1868. That was not the campaign against the Cheyennes, Arapahoes, Kiowas, and Comanches in Kansas, Colorado, and the Indian Territory, 1868 to 1869, inclusive, because those battles were all fought in Wyoming. They would not come under the head of the Modoc War or the war against the Apaches in Arizona, or the later campaign in Texas and Colorado against the Kiowas and Comanches, and I am wondering what provision of this bill or what designation of the bill includes the men of those commands.

I see my friend from Nebraska sitting here, who has a constituent who served, and with great heroism, through that very long and arduous campaign, and who is, I think, now the only survivor of the "wagon-box fight." I am afraid that very gallant soldier would not be pensioned under this bill, although I am sure it was the intent of the committee to include all of those.

Mr. KEATING. Will the gentleman yield?

Mr. MONDELL. Yes.

Mr. KEATING. As I said in the opening statement made to the House, the committee adopted the definition of the term "Indian campaign" given us by the War Department. The War Department has catalogued 12 Indian campaigns. In addition to that, the officials of the National Indian War Veterans Association have gone over this bill——

Mr. MONDELL. I did not hear the last statement which the gentleman made.

Mr. KEATING. I say that the bill was passed on by the officers of the National Indian War Veterans Association, the only association of its kind, I believe, in the country, and they seem to think that these provisions were sufficiently broad to cover a majority of those who participated in Indian fighting in the West. At the suggestion of the officials of that association we adopted the War Department's definition of Indian campaigns.

Mr. MONDELL. If they were no more accurate than they are in placing the Battle of Massacre Hill in the vicinity of Fort Laramie, about 400 miles from where it actually occurred; if they are no more accurate in their definition of these campaigns than they are in that matter, I do not think their definitions are likely to cover all of the Indian campaigns. It is very clear that there is nothing in the various titles or designations of campaigns in the bill that specifically refer to that opening campaign which is emphasized in the first two paragraphs of the résumé to which I have referred. That was the first campaign after the close of the Civil War, general in character, and involving the great Sioux Nation and its allied tribes.

The CHAIRMAN. The time of the gentleman from Wyoming has again expired.

Mr. MONDELL. And it was the most important of all of those early campaigns. And yet I can not see that those soldiers are provided for in the bill.

Mr. MANN. Mr. Chairman, I yield five minutes more to the gentleman.

Mr. MONDELL. I had depended, as the gentleman from Colorado had, on the War Department and on the Association of Indian War Veterans for the drafting of a bill that would include all of these people. But it seems to me that the definition is faulty, as I understand some of the Indian campaigns, in several particulars. It does not include specifically any of the early fights along the Old Overland or Old Mormon Trail up the Platte, where there was a continuous attempt on the part of the Sioux to prevent immigration. I can not find any of these definitions under which the fights around Casper or old Fort Fetterman are clearly included. It would require a very broad construction of any of these provisions to include the campaign in which, as my friend from Nebraska reminds me, Lieut. Casper was killed near the present town of Casper on the North Platte. And clearly there is no description in the bill that would include the soldiers of that opening campaign which the report of the War Department particularly emphasizes, and which was in many respects the most arduous of that whole Indian warfare, which began when Red Cloud, carrying with him the main forces of the Sioux and Cheyennes, refused to abide by the peace treaty signed at Fort Laramie and took to the warpath.

There is no provision in the bill that specifically relates to the campaign referred to at length in this résumé, of pursuit of the Sioux and Cheyennes in the Tongue River country, although I presume they would be included in the words "the campaign against the Northern Cheyennes and Sioux in 1876 and 1877," though part of that campaign was in 1875, as I recall it. The battle on Tongue River was fought, I believe, in 1876. It is rather late, I admit, to call attention to these seeming omissions, and perhaps I should have given the matter attention earlier. But unless the bill is amended to some extent I fear some very deserving men will be left out.

Mr. TAGGART. Will the gentleman yield for a question?

Mr. MONDELL. It will not include, I fear, some men who were engaged—not many, because there are few survivors, but whatever survivors there are—in some exceedingly trying campaigns.

Mr. TAGGART. Will the gentleman yield?

Mr. MONDELL. I yield.

Mr. TAGGART. Is it not a fact that the Pension Bureau has interpreted those words "Indian wars" or "campaigns" very broadly? For instance, if those two fights that the gentleman mentioned were part of a certain campaign against a tribe of Indians, would they not be included?

Mr. MONDELL. The difficulty is that there is no campaign described that by any reasonable construction would include those bloody campaigns in northern Wyoming in 1866 and 1867. They might be included if you did not name certain States in some of the other provisions. I am heartily in favor of the legislation, and hope it may be so amended as to be inclusive of all campaigns against Indians in the period referred to.

The CHAIRMAN. The time of the gentleman has expired.

Mr. KEATING. Mr. Chairman, I desire to yield five minutes to the gentleman from Arizona [Mr. HAYDEN].

The CHAIRMAN. The gentleman from Arizona [Mr. HAYDEN] is recognized for five minutes.

Mr. HAYDEN. Mr. Chairman, I favor the passage of this bill because it recognizes the meritorious service of some of the men who fought on the western frontiers against hostile Indians. They performed a distinguished service; they underwent great privations, and they are entitled to the same consideration with respect to pensions that Congress has heretofore given to the veterans of the Civil War.

Far be it from me to cast the slightest reflection upon the valiant servicse rendered by men in blue who saved the Union. The fame of their valor and prowess is fixed in history. They fought against men of their own race, equally valorous, and to whose courage all time will pay tribute. The leaders on both sides of the war between the States were the very flower of our civilization. They knew the meaning of honor and chivalry, and wherever possible they softened the rigors of war by acts of kindness and consideration for a fallen foe.

The veterans of the Indian wars dealt with an enemy who knew nothing and cared less for the rules of civilized warfare. He was a savage, not content with mere killing, but who took delight in torturing his prisoners in the most fiendish and revolting manner. The Indian warrior never came boldly to the attack unless supported by overwhelming numbers, but fought from ambush. Intimately acquainted with the country, skillful in his own kind of strategy, it was only by superhuman efforts that the American soldiers could ever capture him.

I have talked with many of these old Indian fighters, and they all tell the same tale of long marches over wild, rough country, of days and nights in the saddle without sleep, of hunger and thirst, in pursuit of Indians who scattered like quail before a hunter only to meet again at some distant place and there to commit new outrages. This was the kind of warfare that tried men's souls. The American soldiers prayer for a chance to get at their red enemies and settle the issue once and for all, but the wily and elusive Indian did not fight that way.

It was no war of the trenches, where the men on each side could pause to remember that Christ was born on Christmas day. No one ever heard of a white man and an Indian swapping tobacco across the lines. It was a war of civilization against savagery, and those who made possible the settlement of the West could look for nothing but treachery from their Indian foemen. Having fought the good fight, having borne the heat and burden of the day, these Indian war veterans are entitled to the same recognition from their Government that it has so generously bestowed on all of its other defenders.

My only objection to this bill is that it does not go far enough. Certain campaigns against Indians are designated as Indian wars, service in which entitles the survivor to a pension. I can see no justice in such a distinction. If any person rendered military service against hostile Indians he is entitled to the same consideration, whether the campaign was long or short, and it makes no difference whether some Secretary of War has dignified it by calling it an Indian war. If I had my way about it, I would pension every man who served for more than 30 days in the Indian wars or campaigns against hostile Indians from the close of the Civil War to the outbreak of the Spanish War. And I would pension the widows of such soldiers.

I would also recognize the invaluable service rendered by the friendly Indians who enlisted as scouts and soldiers in the United States Army. But for their skill and knowledge of Indian warfare it is doubtful if the wild Indian could have ever been conquered. They were the first of their race to recognize that civilization must supplant barbarism, and they lent a helping hand when help was sorely needed. These old Indians should not be forgotten when Congress enacts any bill to pension the veterans of the Indian wars.

Look at the West to-day; that great country beyond the Mississippi and the Missouri, now the home of millions of our citizens and the seat of a civilization that can not be equaled in all the earth. Yet 50 years ago none but the hardiest pioneers dared enter that land, and they went armed to the teeth. If it had not been for the veterans whose cause we now plead, the early settlers would have been driven from the country by the Indians and the far West would still be known as the great American desert.

Meager and grudging as it is, I shall vote for this bill, because it will bring some relief to a few brave men who by their valor helped to establish civilization in the West, and who are, therefore, entitled to compensation from the Government in their declining years. [Applause.]

Mr. KEATING. Mr. Chairman, if the gentleman from Illinois can use some of his time now, I shall be glad.

Mr. MANN. The gentleman can use some of his time now.

Mr. KEATING. Mr. Chairman, I yield 10 minutes to the gentleman from Oklahoma [Mr. MURRAY].

The CHAIRMAN. The gentleman from Oklahoma [Mr. MURRAY] is recognized for 10 minutes.

Mr. MURRAY. Mr. Chairman, as I announced before, I subscribe to the justice of the doctrine and the wholesome policy of paying pensions to the surviving veterans of our past wars. If there are any that are more meritorious than others, we must admit they are the Indian war veterans. They were always ready. They had to be ready. They did not have a hospital corps, or medical supplies, or any other thing to treat the wounded or the sick. They had to furnish for the most part their own mounts. They had to furnish their own ammunition, particularly in the beginning.

Indeed, I remember when but a boy living on the frontier of Texas, where my good friend from Texas, Mr. STEPHENS, then a struggling young lawyer, lived, when he and others of the Texas Rangers, including my father, had to go to the Red River and push back the Comanches and Arapahoes. At the same time the Indians of the Five Civilized Tribes had to aid the rangers in holding the Comanches and Arapahoes in check. Every bright moonlight night these raids occurred, unexpectedly oftentimes, as one occurred in the school community where I lived, where one of the boys going home from school was scalped. Men, women, and children were murdered by these roving bands. I, like the gentleman from Texas, believe that this portion ought to be in the bill, although I confess I am a member of the Committee on Indian Affairs, but did not look after it because I had too important other fish to fry on the Indian Committee.

Even the Indian himself will tell you how important these fighters were, including the cowboys. Their conception of the importance of the cowboys is illustrated by a story told of an Indian out in the district of my friend from Oklahoma, Mr. FERRIS, where an Indian went to the Anadarko Indian Agency to ask for a gun. The agent said to him, "What do you want with a gun? You might shoot a soldier." "Oh," said the Indian, "me kill a soldier with a stick. Me want the gun to shoot cowboy; to shoot Texas Ranger." That was the Indian's conception, due largely, I think, to the fact that the Indian Bureau at that time was under the War Department, and naturally, as they should have done, they sought to avoid every conflict possible by restricting the use of guns.

But the men who civilized the West were these old Indian fighters, many of them cowboys on the range and plains settlers. They went through all these hardships, of course, fighting for a home; but they made it possible for those Territories to blossom. They made it possible to open up farms, to increase the wealth of this country, and but for them it could not have been done.

This is a very late hour at which to begin to remember their services, but I am sure that every man who lives in the West who has become the beneficiary of their service will be glad of this recognition of it, though late, and I am sure that every man in the East who lived in dread of an invasion by savage Indians will refrain from objecting to this late recognition of the merits and services of the Indian fighters. They have never clamored around Congress; they have never had organizations to urge upon the Government this recognition; and it therefore becomes doubly necessary and obligatory upon us to urge it for them. My observation is that an organization, when sometimes it consists only of a president and secretary, with free access to a printing press, will get recognition from legislative bodies when greater numbers unorganized have scarcely any recognition. I have always noticed that the organized men will seek things that they ought not to seek, and so in that case they must be held in check, and we must look with greater generosity upon the presentation of the equally meritorious claims of those who do not organize to push them upon the Government. We are here to do justice, to do the right thing, whether it is politically the best thing to do or not.

The fundamental thing of importance always to be remembered in a republic anyway is that even with the best effort to aid those who aided the republic, republics are usually ungrateful, and it becomes important to preserve the republic for those who ought to know and remember that fact upon every occasion, and this Republic should always be grateful to those who served it. And I am glad here to urge the passage of the bill reported by the committee, and I shall be glad to support the amendment that will be offered to it by the gentleman from Texas [Mr. STEPHENS], mentioned a moment ago. We can not afford to leave out of the pale of benefits any man who has served his country in the past in the wars of the country, nor can we afford to let his widow and children cry for bread. To do otherwise would be to follow an improper policy. It would lead to wrong results in the future. Therefore I urge all to support the amendment and to support the bill. [Applause.]

Mr. MANN. Mr. Chairman, so much has been said about the possibility of some person who fought Indians not being included by the provisions of this bill that I am going to make a personal reference.

My father served in the Black Hawk War, was a Texas Ranger, served in the Mexican War, and also served in the Civil War; but I am quite confident that of all the services that he rendered the hardest service was fighting mosquitoes and malaria on the wet, flat plains of Illinois. It ought not to be considered that some man who fought Indians in pioneering in the country is the only man who rendered service and the best service to the country. The men who served in bringing the land under cultivation had equal hardships and greater dangers than the men who fought the Indians; and while I am in favor of this bill, the fact that it may not include every one who at some time fought Indians is nothing against it, because it does not pretend to include the ones who underwent the real hardships in subduing a new and raw country; and they were real hardships, of which we enjoy the benefits, and which, if we could, we would be glad to recompense.

I yield five minutes to the gentleman from Minnesota [Mr. MILLER].

Mr. MILLER of Minnesota. Mr. Chairman, naturally I am in hearty sympathy with the purposes of this bill, and intend to vote for it, and hope every other Member of the House will do likewise. I, however, recognize that in extending the benefits of the pension laws to the survivors and the widows of the deceased men who engaged in these Indian conflicts, we are in a sense paying tribute and respect to men of a pioneer class; not so much, in my judgment, for the bravery which they displayed and for the hardships which they endured in connection with suppressing Indian uprisings as it is a tribute and a respect to and a recognition of all the deeds they performed as pioneers.

Whenever a civilizing force meets a savage force one or the other has got to give way. When the civilized forces of the world began their march across the North American Continent, they found already existing on this continent organized savagery. Civilized men proceeded to clear the way for civilization and civilization's home, and they did the work well. While we can harrow our minds with awful tales of Indian atrocities, the scalping of innocent women and children, the lying in ambush, the shots in the darkness, and all of the sum total that goes to make up the horrors of Indian warfare, yet we must recognize that when we undertook to wrest the land from the savage, we undertook to endure these very things.

Mr. Chairman, in view of what the gentleman from Illinois [Mr. MANN] has just stated, that this bill does not propose to extend the benefit of the pension laws to all of those who participated in the Indian wars, the natural inference therefrom is that the bill proposes to extend its benefits to those who engaged in the most important of the many Indian uprisings; and so I want to call the attention of the members of the committee having the bill in charge, and also the attention of the Members of the House, to one important omission.

From the time when our Pilgrim forefathers landed at Plymouth Rock, from the time of the establishment of the first colony at Jamestown until the present hour, the greatest Indian uprising, with the most awful extent of mortality resulting therefrom that has ever occurred, took place in 1862–63 on the plains of Minnesota and Dakota. From August 18, 1862, during a period of 30 days, more men fell, more women and children were slaughtered, more lives were lost than had been lost in all the other Indian wars since the history of this Government began. And, Mr. Chairman, it seems to me an omission more than slight when I find that there is no provision in the bill to take care of the hardy sons of the prairie who did not wait for a call for volunteers, who did not wait to be mustered in, who did not wait to be assured that they would be paid by the Government or the State, but who left their farms and their firesides and their homes, and gathered like the Minutemen of '76 and grappled with this most deadly of foes and beat him back to submission. Therefore, Mr. Chairman, I propose, when the opportune time comes, to offer an amendment that will give the benefits of the provisions of this act to those who participated in suppressing that greatest of all Indian uprisings, and I sincerely trust the gentlemen in charge of the bill will see fit to admit the propriety of the amendment and will accept it.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MILLER of Minnesota. Mr. Chairman, may I have five minutes more?

The CHAIRMAN. The gentleman from Minnesota is recognized for five minutes more.

Mr. MILLER of Minnesota. It may be of interest to the membership of the House, inasmuch as the subject has been mentioned, to say that the incidents associated with this uprising really give it a peculiar and important character. The great reason that animated the Indians to the attack was, first, some alleged wrongs that they had received, the withholding of annuities, and so on, gave the basis to the movement; but that which spurred them on to the attack immediately was the propaganda carried among them that the North had been licked; that the Government of the United States had gone to pieces; that no longer could they expect to receive from the Government of the United States the payments amounting to more than $3,000,000, which we had obligated ourselves to pay. Emissaries of an enemy of the United States fomented insurrection, so that in one sense the men who assisted in putting down that insurrection were engaged in fighting the general conflict then being waged in the United States, but under the pension laws of the Government, of course, they can not be participants thereunder.

The blow came out of a clear sky, without a moment's warning, without time for preparation to resist it. And when the enemy was first defeated in Minnesota, and subsequently driven across into Dakota, these, the fiercest, the strongest, the bravest, and the mightiest of all the red men that ever peopled America, continued to fight for several years.

Mr. STEENERSON. The Sioux.

Mr. MILLER of Minnesota. The Sioux. When we read of the little uprisings that occurred in the early Colonial days, we think our ancestors had to combat a savage and a terrible foe; but that foe was a mere child compared to the thousands of giants who roamed Nebraska, Dakota, and Minnesota on their ponies, sweeping all before them like a whirlwind. Man for man as a fighting force, the Sioux Indian has never been equaled since the dawn of the first day. It was against this foe that the men for whom I speak hurled themselves, and from them wrested the mastery of the great West. Mr. Chairman, I was born not many miles from the region where this conflict started. Some of my relatives participated in the effort to put down the uprising. They are all dead now; there is no one who would be a participant under the benefits of this act. But there are some left, still living out in the Dakotas and in Minnesota, who participated in putting down the greatest of Indian uprisings and saving the day, and I think they ought to receive the blessings of this act.

Let me cite one illustration. We were all thrilled a few years ago in America because a great Executive of the United States showed his marvelous physical strength by riding 97 miles in 24 hours. My good friends, one man, the son of a farmer, when Fort Ridgely was attacked, slipped through the Indian line, through the cordon of enemies, in a thunderstorm, and in 19 hours rode 173 miles to Fort Snelling, Minn., and gave the alarm. [Applause.] I do not think among all the expert riders of America, among the skilled riders of the arena, there has ever been a man who duplicated that feat. He did not do it on one horse, he had several. It is for this class of men that I speak, and I trust the chairman of the committee having the bill in charge will accept the amendment. [Applause.]

Mr. KEATING. Mr. Chairman, if the gentleman from Illinois does not desire to use any more time, we will begin reading the bill.

Mr. MANN. Mr. Chairman, I yield five minutes to the gentleman from Nebraska [Mr. SLOAN].

Mr. SLOAN. Mr. Chairman, I am glad to see this bill presented at such an early date in the session, because I believe its early passage here will probably mean its passage at the other end of the Capitol. I have no criticism to present of the bill except those I present favoring liberalizing the bill.

There are various organizations that took part in controlling these public enemies at different stages of our national history that I fear are not included in this bill. I trust that here in this committee, before the bill becomes a law, the members of these organizations will be recognized.

There is one feature of the bill which I trust may be changed. It requires a service of at least 90 days before anyone can have the benefits of this act. Yet in the last war, Indian war, which took place in southern Dakota and northern Nebraska, the whole period of the war was less than 90 days. It began some time in November and closed early in January. So that all of them who presented themselves and participated in that war from beginning to end would be excluded under the provisions of this act. The only means of attaching them to the benefits of this act would be to tack on a service in some other Indian war. The wide separation in time of these wars and their locations makes the tacking provision practically useless. I do not think it is fair to use the 90-day period for a number of reasons. The reason given for the 90-day period is that it is the period given in the Civil War pension bill. The 90-day service, I understand, was fixed in the Civil War pension act because there were a great many who served for less than three months toward the close of the war. Further, a great many of those who so entered received liberal bounties from municipalities, States, and the General Government. I think the shorter a war can be made the more humane it is, and there should not before the war, during the war, or after the war be any public act that would be an encouragement or tend to encourage the extension or the lengthening of the war.

More than that, this is less liberal than the pension act to the soldiers of the Civil War. The maximum pension is only $20 as compared with $30 to the soldier of the Civil War. It seems to me that it would be proper to adopt an amendment making it 30 days instead of 90.

In my own State, in the last Indian war a company from my own home belonging to a regiment of Nebraska, joined with the Army of the United States to put down what we call the Sioux rebellion. There was in that company from my own district two notable characters. Gen. Colby, who was a soldier in the Civil War and rose to the rank of general in the Spanish-American War, was a colonel in the Sioux War. Gen. Culver, who was a lieutenant in the Civil War, a colonel in the Spanish War, and an officer in this war. I know that the young men who went out from my home and cooperated with the regulars were effective in quelling that disturbance. The mere fact that the Indians were not able to hold out 90 days was no discredit but rather a credit to the boys who were endangering their lives at the front.

I think that the terms of the bill should be made liberal because these men did not go out and fight men of their own standard of civilization. They went out to fight men of inferior civilization, who knew not chivalry and had no instincts of humanity.

In the Revolutionary War, the War of 1812, and the Civil War our soldiers went up against as brave men as they were, and whether they were victors in the conflict or whether they were defeated they knew that after the battle was over there was an asylum and a hospital. They knew they were to meet men with common instincts of humanity with their own.

These men who went to defend the homes of the West, were men who went out, not perhaps to defend the Government, because the Government was not in danger, but they did go out to defend their neighbors' homes and to defend those that were defenseless. Because it was a war against American homes and not a war against the Government. It was in effect more a war against women and children than it was against the fighting men of the Nation. So when we come to remember those who did

service in behalf of our people, we ought to be liberal in including those who are entitled to consideration from the Government.

Mr. KEATING. Mr. Chairman, I ask that the bill be read for amendment.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

*Be it enacted, etc.*, That the provisions, limitations, and benefits of an act entitled "An act granting pensions to survivors of the Indian wars of 1832 to 1842, inclusive, known as the Black Hawk War, Creek War, Cherokee disturbances, and the Seminole War," approved July 27, 1892, as amended on February 19, 1913, be, and the same are hereby, extended from the date of the passage of this act to the surviving officers and enlisted men, including militia and volunteers of the military service of the United States, who have reached the age of 62 years and who served for 90 days in the campaign in southern Oregon and Idaho and northern parts of California and Nevada from 1865 to 1868, inclusive; the campaign against the Cheyennes, Arapahoes, Kiowas, and Comanches in Kansas, Colorado, and Indian Territory from 1867 to 1869, inclusive; the Modoc War of 1872 and 1873; the campaign against the Apaches of Arizona in 1873; the campaign against the Kiowas, Comanches, and Cheyennes in Kansas, Colorado, Texas, Indian Territory, and New Mexico in 1874 and 1875; the campaign against the Northern Cheyennes and Sioux in 1876 and 1877; the Nez Perce War of 1877; the Bannock War of 1878; the campaign against the Northern Cheyennes in 1878 and 1879; the campaign against the Ute Indians in Colorado and Utah from September, 1879, to November, 1880, inclusive; the campaign against the Apache Indians in Arizona in 1885 and 1886; and the campaign against the Sioux Indians in South Dakota from November, 1890, to January, 1891, inclusive; and also to include the surviving widows of said officers and enlisted men who shall have married said survivor prior to the passage of this act: *Provided*, That such widows have not remarried: *Provided further*, That where there is no record of enlistment or muster into the service of the United States in any of the wars mentioned in this act, the record of pay by the United States shall be accepted as full and satisfactory proof of such enlistment and service: *And provided further*, That all contracts heretofore made between the beneficiaries under this act and pension attorneys and claim agents are hereby declared null and void.

The CHAIRMAN. The Clerk will report the committee amendment:

The Clerk read as follows:

Page 3, line 9, after the word "men," insert the words "who shall have married said survivor prior to the passage of this act: *Provided*,"

The CHAIRMAN. The question is on agreeing to the committee amendment.

The amendment was agreed to.

Mr. MURRAY. Mr. Chairman, I offer the following amendment which is taken from the bill offered by the gentleman from Texas [Mr. STEPHENS], which I send to the desk and ask to have read.

The Clerk read as follows:

Page 2, line 2, after the word "act," insert the following:
"To the surviving officers and enlisted men of the Texas volunteers who served in defense of the frontier of that State against Mexican marauders and Indian depredations from January 1, 1859, to January 1, 1861, inclusive, and from the year 1866 to the year 1876, inclusive, and"

Mr. KEATING. Mr. Chairman, on that I reserve the point of order.

Mr. MURRAY. Mr. Chairman, this amendment merely includes the Texas Rangers and it will be observed that we except a period between 1861 and 1866, because that was during the Civil War period and some of those Rangers were fighting as a part of the Confederate forces. Although they were not used against the northern troops, they were fighting Indians, but enlisted primarily as Confederate troops. Therefore it would not be proper to include them here. That period is eliminated from the amendment. It provides for those who served prior to the Civil War and after the Civil War. Later on, of course, if this amendment should be adopted, another will be offered authorizing the acceptance of the records of enlistments at Austin, Tex. This amendment includes the very men who held back certain savage tribes, among them those who were later held as prisoners of war for more than 40 years, the Apaches, including also the Comanches, the Arapahoes, and affiliated bands. The Government of the United States undertook at a later date to stand responsible for those Indians and thereby relieved the depredations from Texas and the Five Civilized Tribes and Arkansas and New Mexico. In all fairness, this amendment ought to be adopted because the records are clear and it can be ascertained whether they really enlisted and served. Some of these men served as high as five and six years, and have never been beneficiaries under any pension legislation. I trust the amendment will be adopted.

Mr. SLAYDEN. Mr. Chairman, I have personal knowledge of the fact that what the gentleman from Oklahoma [Mr. MURRAY] says is true. A very limited number of the survivors of those Indian wars will benefit by this legislation. I doubt if in the whole State of Texas there could possibly be found 100 of them, although that is a guess. I do know personally a number of old men, very old men, who did valiant and valuable service in protecting the frontier against marauding Indians, some of whom came in from Mexico, some of whom came in from the northern part of the country—and by that I mean from that part of the country to the north of that section of Texas in which they were operating.

Mr. SHERWOOD. What is the number of those Texas Rangers?

Mr. SLAYDEN. I was just saying that I doubt if 100 of them survive now.

Mr. SLOAN. What sort of an organization did they have?

Mr. SLAYDEN. It was a State organization. The records are in the capitol at Austin.

Mr. SLOAN. Under what designation would they come now—Texas Rangers?

Mr. SLAYDEN. Texas Rangers is not an official term.

Mr. SLOAN. What would be the official designation?

Mr. SLAYDEN. In some instances the State called for volunteers and a company would be organized of 15 or 20 or 30 men, sometimes rangers and others. They were known as the company of Capt. Thom, Capt. Tobin, and so on.

Mr. SLOAN. It would have some official designation.

Mr. SLAYDEN. They were put into service by the State authorities and usually organized as companies.

Mr. LOBECK. It would be in the adjutant general's report.

Mr. SLAYDEN. Yes. It is in the records of the State of Texas.

Mr. SUMNERS. Is it not a fact that these men would now have a pensionable status if the State of Texas had been compensated for the service they rendered? Is it not true that the loss of the muster roll, subsequently found, would have given them such a status had it been brought to light at the time the appropriation was made?

Mr. SLAYDEN. The gentleman is correct about that. Part of the records of the State of Texas were scattered and some lost by the fire in the State capitol; but some were found subsequent to legislation here which provided for the pension of those people who were in organizations whose services had been recognized as for the United States and for whose services the State of Texas had been compensated for sums of money spent for doing work of that character, properly the duty of the Federal Government.

Some of them have not become beneficiaries of that legislation, although since that time some of these rolls have been found and are now in the archives at the capitol at Austin. I think that if there is to be any recognition of the services at all it is entirely proper that these people should be recognized for their great service, a service of immense value to the State of Texas and the country at large.

Mr. STEPHENS of Texas. Will the gentleman yield?

Mr. SLAYDEN. I will.

Mr. STEPHENS of Texas. Is it not a fact that the object of this amendment is to place these Texas Rangers, militiamen, or whatever you call them, upon a pensionable status?

Mr. SLAYDEN. Yes.

Mr. STEPHENS of Texas. And that is the object of this amendment?

Mr. SLAYDEN. Yes.

Mr. STEPHENS of Texas. And is it not a further fact that the United States Government in paying the State of Texas or refunding to the State of Texas the amount of money that she spent in paying the salaries due to officers and men, and also furnishing supplies, and so forth, which has been refunded to the State of Texas by the United States Government, is a recognition of the fact that they did this service?

Mr. SLAYDEN. In some instances that is true.

Mr. STEPHENS of Texas. And the only question is where the muster rolls have been lost, as referred to by the two gentlemen from Texas.

Mr. SLAYDEN. Exactly.

The CHAIRMAN. The time of the gentleman has expired.

Does the gentleman from Colorado reserve his point of order or make it?

Mr. KEATING. Mr. Chairman, I make the point of order. I do not desire to discuss the point of order at any length. The title of the bill is:

To pension the survivors of certain Indian wars from 1865 to January, 1891, inclusive, and for other purposes.

This amendment goes back of 1865 in the Civil War period, and I think the amendment clearly is not germane and is out of order.

Mr. MURRAY. Mr. Chairman, the Chair could not sustain a point of order based upon a date?

The CHAIRMAN. The Chair overrules the point of order, he will state to the gentleman.

Mr. KEATING. Mr. Chairman, I want to be heard on the amendment. In common with every other westerner, I would like to see this pension legislation made as liberal as possible. But, Mr. Chairman, the committee and the House will find it necessary to place some limit upon our generosity. Your committee decided to adopt the War Department's definition of an Indian war. Now, you will find the War Department has made a very careful examination of that proposition, and in a communication to the Committee on Pensions it is stated:

The War Department has had occasion at various times to determine, in connection with the question of the wearing of the "service-in-war" chevrons by enlisted men in the Army, what Indian campaigns approaching the magnitude of wars were such as to entitle enlisted men to wear that chevron.

And after an exhaustive investigation the War Department determined there had been 12 campaigns which rose to the dignity of Indian wars, and your Committee on Pensions decided to limit this legislation to those Indian wars and to the men who participated in them. If you adopt the amendment offered by the gentleman from Oklahoma [Mr. MURRAY], then you should throw open the gates. You should treat every man who served against the Indians on terms of absolute equality. You should lay down the proposition that any man who, between 1865 and 1892, served 30 days or 90 days in an Indian campaign should be entitled to a pension.

Mr. SLAYDEN. Will the gentleman permit a question?

Mr. KEATING. Certainly.

Mr. SLAYDEN. The gentleman does not mean to contend seriously that an individual who resisted the effort of Indians to steal his cattle or murder members of his household has been engaged in an Indian war and therefore is entitled to the benefit of pension legislation as much as a man who went forth with his neighbors in an organization recognized by the State——

Mr. MURRAY. And by the Federal Government.

Mr. SLAYDEN. And by the Federal Government, does he?

Mr. KEATING. If I accepted the gentleman's amendment and other amendments which will be suggested, I would be drifting in the direction the gentleman suggests. I will say to the gentleman that I do not believe we should establish any such standard. I believe we should adopt the standard accepted by the War Department.

Mr. SLAYDEN. The gentleman stated just now he believed in having pension legislation as liberal as possible. I do not. I believe in having it just; but if you are going to pension people who participated in Indian wars, whose lives were frequently sacrificed, who endured the hardships, some of whom were frequently wounded, whose property was destroyed, why, I think they are entitled to just as much consideration as those who were in a war which may, perhaps, have been a little greater in respect to numbers engaged, but whose hardships were no more than these other men endured or where the risks were any greater.

Mr. KEATING. Where we part company, Mr. Chairman, is when the gentleman undertakes to define what constitutes an Indian war. I accept the definition of the War Department, which has laid down the proposition that between 1865 and 1892 we had 12 Indian wars.

Mr. MURRAY. Will the gentleman yield?

Mr. KEATING. I do.

Mr. MURRAY. Will the gentleman go to Sherman's definition?

Mr. KEATING. Yes; I will accept that.

Mr. MURRAY. Well, it was raised on the border.

Mr. KEATING. I trust, Mr. Chairman, the amendment will be voted down.

Mr. STEPHENS of Texas. Mr. Chairman, I desire to state, following what has been said, that if the doctrine of estoppel is to be applied as it is usually in courts, and so forth, that as the United States Government has not only paid or refunded to the State of Texas the amount of money spent on her soldiers in defending the frontier, that would be a governmental or legislative recognition of the fact that they had performed these services, and that would of itself place the soldiers in that class of pensionable status, and that is all we desire to have done here.

The question was taken, and the Chair announced the ayes appeared to have it.

On a division (demanded by Mr. KEATING) there were—ayes 44, noes 31.

Mr. MANN. Mr. Chairman, I object to the vote, and I make the point of order that there is no quorum present.

The CHAIRMAN. The gentleman from Illinois makes the point of order that there is no quorum present. The Chair will count. [After counting.] One hundred and seven Members are present, a quorum.

So the amendment was agreed to.

Mr. THOMAS. Mr. Chairman, I wish to offer an amendment.

Mr. MURRAY. Mr. Chairman, before that is offered let the gentleman from Texas offer an amendment to perfect——

Mr. THOMAS. No; Mr. Chairman, I do not yield.

The CHAIRMAN. The Chair has recognized the gentleman from Kentucky.

Mr. STEPHENS of Texas. My amendment is part of the second section.

The Clerk read as follows:

Insert after the word "inclusive" the following:

"That the provisions of this act shall extend to the officers and men of the organizations of the Kentucky Militia designated as the Middle Green River Battalion, the Green River Battalion, Frankfort Battalion, Paducah Battalion, Sandy Valley Battalion (known as the Capital Guard), the North Cumberland Battalion, Three Forks Battalion, Harlan County Battalion, Halls Gap Battalion, South Cumberland Battalion, First Kentucky State Cavalry, Casey County State Guard, Frankfort Battalion, and Captain Bussey's Bath County Rangers, and all other organizations of Kentucky State Militia who served 90 days or more during the Civil War while said militia organizations were cooperating with the United States Government in said war, or who were disabled by reason of injury received or disease contracted in the line of duty in said service as aforesaid; and the provisions of this act shall be extended to the widows and minor children of said officers and men under 16 years of age, and to dependent parents of such officers and men."

Mr. KEATING. Mr. Chairman, I make the point of order that the amendment is not in order.

Mr. THOMAS. Will the gentleman reserve the point of order?

Mr. KEATING. No.

Mr. THOMAS. Then I will discuss the point of order.

Mr. KEATING. If the gentleman desires, I will reserve it.

Mr. THOMAS. All right. Mr. Chairman, this is an amendment to pension the Kentucky State troops. There were a number of companies of those troops, and they were under the command of Federal officers during the Civil War, and their operations were directed by Federal officers.

Mr. MURRAY. Will the gentleman yield to a question?

Mr. THOMAS. Yes, sir.

Mr. MURRAY. Did you include Kentucky colonels in your amendment?

Mr. THOMAS. Yes, sir. They are all there.

Mr. MURRAY. Then you have got everybody in Kentucky.

Mr. THOMAS. Yes, sir; it includes the Kentucky colonels. It will not include anybody in Oklahoma, however, as there are no colonels out there. They are all Indian fighters. [Laughter.] Now, these State troops, Mr. Chairman, were under the direct command of Federal officers, as I have stated, and they were under the command of Federal generals of the department which included the State of Kentucky. They were never actually mustered into the service of the United States, but were mustered into the State service under the command, as I have stated, of these Federal officers, and were directed by them. These State troops performed active service all during the Civil War. As most of you gentlemen know who are acquainted with history, Kentucky was right upon the border of the warfare between the North and the South. It was infested by guerrilla bands, and these State troops were used for the purpose of fighting those guerrilla bands, and they performed great and valuable service for the cause of the Union during the Civil War, and many of these State troops were killed and many of them received wounds in battle from which they are still suffering, and many of them contracted disease in the line of duty. And they ought long ago, having performed the same service that was performed in the State of Kentucky by troops which had been mustered into the Federal service, to have been put upon a pensionable footing.

I do not know whether a point of order will lie against this amendment or not; but I want to call the attention of this House to the fact that the State troops of Kentucky served during the Civil War under the command of Federal officers; that they performed valiant service in the cause of the Union; and not one of them has ever yet been able to draw a pension from this Government. And the Invalid Pension Committee, which has this bill in charge, should bring in a bill here, if the point of order lies against this amendment, to pension these men, because they deserve it just as much as any other soldiers who fought to uphold the flag of the Union. [Applause.]

Mr. MANN. Mr. Chairman, I would like to discuss the point of order for a moment if I can get the attention of my friend from Kentucky. The Chair, a moment ago, held in order an amendment as to certain Texans who were engaged against Indian marauders and Indian depredations. Of course that language did not mean that the soldier had to be engaged, in order to get the benefits of this act, both against Mexican marauders and also Indian depredations, but he had to be engaged either against Mexican marauders or engaged in reference to the Indian depredations. So that under the ruling of the Chair

all the gentleman from Kentucky [Mr. THOMAS] needs to do in order to make his amendment in order is to add to it "and Indian depredations." It is true that there were no Indian depredations committed there, but that is a question of fact with which the Chair is not interested. It is also true with reference to the Texas amendment that most of the individuals involved in that were not engaged in protecting against Indian depredations at all, but were engaged along the Mexican border, and if we should pay a pension on account of those Texas Rangers engaged on the Mexican border, there would be equal reason for paying a pension to the distinguished various gentlemen from Kentucky who were engaged along the border during the Civil War.

Mr. STEPHENS of Texas. Is the gentleman aware that the legal designation of the Texas forces was "to defend the frontier against hostile Indians and Mexican marauders"——

Mr. MANN. My father served in the Texas Rangers. I am aware of the fact.

Mr. STEPHENS of Texas (continuing). And the rules all carried that caption?

Mr. MANN. But the gentleman does not pretend that in order to get the benefit of the act a man must both have served against Mexican marauders and against the Indians? Either one was sufficient service. Now, all the gentleman from Kentucky [Mr. THOMAS] has to do, I think, is to add "and Indian depredations," because that will bring it under the terms of the bill in reference to Indians. That is the way the gentleman from Oklahoma [Mr. MURRAY] got his amendment into the bill. It sneaked in under cover, and did not go through the gate.

Mr. MURRAY. The gentleman from Illinois is quibbling, because, evidently——

Mr. MANN. I am not quibbling at all.

Mr. MURRAY. Does the gentleman from Illinois know——

Mr. MANN. If the gentleman has a sensible remark to make, which would be unusual, I will yield to him.

Mr. MURRAY. Is the gentleman from Illinois aware that that is the designated term in Texas for that class of service?

Mr. MANN. Certainly. But the Chair does not pass upon whether it is a designated term in Texas or not.

Mr. MURRAY. The Chair takes judicial cognizance of the law.

Mr. MANN. The Chair takes cognizance of the fact that the term "Indian depredations" is in the amendment, and it is proper in the ruling for the Chair to take into consideration the pension of those engaged in Indian wars.

Mr. MURRAY. The Chair understood that there were no Indian wars in Kentucky when these men were serving.

Mr. MANN. But the Chair does not pass upon facts as to what is effected by the legislation. The Chair passes upon the facts of the proposition presented. The Chair does not verify the facts. As a matter of fact, if the Chair could pass upon the facts, the gentleman has no equity at all in the proposition he has presented in the bill in the endeavor to kill the bill.

Mr. THOMAS. Mr. Chairman, I wish to thank the gentleman from Illinois [Mr. MANN] for his suggestion. [Laughter.] I always proceed to act upon all good suggestions. Therefore I offer to modify my amendment by adding, on page 2 of the amendment, line 4, after the word "aforesaid," the words "or in Indian depredations." [Laughter.]

Mr. KEATING. Mr. Chairman, I make a point of order on that.

The CHAIRMAN. The gentleman from Kentucky [Mr. THOMAS] asks unanimous consent to modify his amendment. Is there objection?

Mr. KEATING. I object.

Mr. THOMAS. Mr. Chairman, I withdraw the amendment.

Mr. KEATING. I make a point of order against the amendment, Mr. Chairman. I will not worry the Chair with an argument upon it.

The CHAIRMAN. The Chair will state that it takes unanimous consent to withdraw an amendment. Is there objection to unanimous consent?

Mr. KEATING. I object to the gentleman withdrawing it.

The CHAIRMAN. Objection is heard, and the point of order is made on the amendment made by the gentleman from Kentucky [Mr. THOMAS]. The Chair sustains the point of order.

Mr. MILLER of Minnesota. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. MILLER of Minnesota: Page 2, line 8, after the semicolon, following the word "exclusive," insert the following: "the campaign against the Sioux in Minnesota and the Dakotas in 1862 and 1863."

Mr. MILLER of Minnesota. Mr. Chairman, I sincerely trust that this amendment will be accepted by the committee, and if for no other reason, for the reason that it is entirely comprehended within the principle upon which they drew the bill.

A few moments ago I offered a few remarks relative to the size and magnitude of this insurrection, the number of people engaged, and the number of lives lost. Without repeating what I then said, I will recapitulate by saying again that more lives were lost during this insurrection, according to the authorities on the subject that I have consulted, than have been lost in Indian wars other than this one during the entire history of our Government.

It appears by the statement made by the gentleman from Colorado [Mr. KEATING] that in drafting this bill the committee aimed to comprehend within its terms and provisions all of those Indian wars properly to be called and described as such that occurred subsequent to those mentioned in previous legislation on this subject, and they adopted for that purpose the recommendation of the language used by the War Department.

Mr. SLAYDEN. The definition of an Indian war?

Mr. MILLER of Minnesota. Yes; the definition of an Indian war. Now, Mr. Chairman, while it is perhaps permissible and indeed commendable to adopt a recommendation of the War Department about a thing military, yet we can not exactly know now what they had definitely and specifically in mind when they adopted that definition. But we know this, if their definition excludes the period that I ask to be included here, it excludes the biggest Indian war that ever occurred in the history of the United States.

Mr. TAGGART. Mr. Chairman, will the gentleman yield there?

Mr. MILLER of Minnesota. I will be pleased to.

Mr. TAGGART. The gentleman's amendment does not specify that these men are to be pensionable, whether they were in the service of the United States or not; that is to say, men who served in militia organizations in that war are the ones the gentleman is seeking to make pensionable?

Mr. MILLER of Minnesota. Those are the ones I would include.

Mr. TAGGART. The other part of the bill provides that the claimant must have served at least 90 days in the United States service.

Mr. MILLER of Minnesota. If the gentleman will permit me, I am subjecting the clause I included here to all the limitations and requirements contained elsewhere in the bill.

Mr. TAGGART. Any man that served 90 days in the service of the United States in 1862, whether he served against Indians or not, or wherever he served, I think is now pensionable under the act of May 11, 1912, and so is his widow.

Mr. MILLER of Minnesota. That is not quite true. A man regularly enlisted as a soldier who served in the Regular Establishment or Regular Army or in the Volunteers in 1862 or 1863 would not be pensionable by this bill, because they are now pensionable. This does extend the provisions of the act to the citizen-soldiers who were not regularly enrolled in the Volunteer organizations engaged in the War of the Rebellion.

Mr. TAGGART. That is why I speak of the gentleman's amendment. The other part of the bill provides that the claimant must have served at least 90 days in the United States service. Now, the gentleman's amendment says they must have served in the service of the United States.

Mr. MILLER of Minnesota. I think not. I simply desire that the provisions of this act shall be extended to the class of people who helped to put down the Indian insurrection in 1862 and 1863.

Mr. TAGGART. Regardless of whether they were in the United States service or not?

Mr. MILLER of Minnesota. That is true.

Mr. SLAYDEN. Mr. Chairman, will the gentleman permit me a question?

Mr. MILLER of Minnesota. Certainly.

Mr. SLAYDEN. Were these people organized into companies, battalions, or anything of that kind, to go to the seat of war? Were there muster rolls, and was there a history of each organization kept intact?

Mr. MILLER of Minnesota. Yes. They are in the State archives at St. Paul.

Mr. SLAYDEN. They were mustered into the service of the State of Minnesota?

Mr. MILLER of Minnesota. They were subsequently.

Mr. SLAYDEN. Were they at the outset?

Mr. MILLER of Minnesota. By that I mean during a part of their service. Of course, when they first offered their services they went in with a rush.

Mr. SLAYDEN. As individuals?

Mr. MILLER of Minnesota. Yes, as individuals; and they were immediately organized into companies, some called "Rangers," and some called by other names.

Mr. SLAYDEN. And all taken into the service?

Mr. MILLER of Minnesota. Yes.

Mr. SLAYDEN. That is the case with the Texas troops.

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. MILLER of Minnesota. Mr. Chairman, I would like to proceed for three minutes more.

The CHAIRMAN. The gentleman from Minnesota asks unanimous consent to proceed for three minutes more. Is there objection?

There was no objection.

Mr. MILLER of Minnesota. I had not completed what I desired to say in reference to the service of these men. This Indian insurrection of 1862 and 1863 to which I have called attention was the greatest Indian war in our entire history. There were more Indians engaged, there were more whites engaged before it was over than in any other Indian war, with the possible exception, if you call it an exception, when Gen. Anthony Wayne went into Ohio. There were by far more people killed in the insurrection of 1862, as I have said, than in the Ohio campaign or in any other Indian war in our history. Now, it seems to me that the military department of our Government must have had some quibbling reason, or some reason that is not disclosed, why they did not include this war among the Indian wars of our country. It was the greatest of them all, of the gravest proportions, and there was the greatest loss of life. There was the greatest hardship, the greatest suffering, the greatest privation on the part of the people. Why, there must be men in this House now who almost shudder as they recall what they read in the papers back in 1862–63 of those Indian atrocities; and the citizen soldiery of western Minnesota, hardy pioneers as they were, drawing their blood from the most vigorous and powerful stock that ever peopled this continent, certainly ought not to be neglected in an act of this kind, and certainly ought to receive from the Government of the United States an approval of their heroic deeds. And while I am in favor of extending the benefits of this pension law to the people whom the bill contemplates and comprehends, I ask with all the earnestness I possess that you include within its provisions the best of them all, the men whose deeds stand forth as the greatest of them all, in order that the bill may be just in its terms and fair in its treatment to the hardy pioneers and citizen soldiers who made it possible for civilization to dwell on the western plains of the United States.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota [Mr. MILLER].

The question was taken; and on a division (demanded by Mr. KEATING) there were—ayes 40, noes 35.

Accordingly the amendment was agreed to.

Mr. MONDELL. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from Wyoming offers an amendment, which the Clerk will report.

The Clerk read as follows:

After the word "inclusive," in line 8, page 2, insert: "The campaign against the Sioux in Wyoming in 1865 to 1868."

Mr. MONDELL. Mr. Chairman, I am very anxious to have this bill become a law, and I would not offer any amendment that would be likely to burden it improperly, or an amendment that did not bring within the purview of the bill men who were clearly entitled to be included within its provisions and benefits.

For some reason, which I am unable to understand, the campaign against the Sioux in Wyoming from 1865 to 1868, following the so-called peace treaty at Fort Laramie, referred to at length in the résumé of the War Department as the beginning of the Indian wars which followed and continued for 15 years or more, is not referred to in the bill. There is no provision in the bill embracing those who served in that hard and trying campaign, lasting nearly three years. I think it is possible that the omission of this important Indian campaign in the list sent up by the War Department is due to the fact that there were comparatively few local or irregular troops engaged. The troops engaged were, in the main, Regulars, but the campaigns were among the bloodiest of all the campaigns on the frontier. Then occurred the Battle of Massacre Hill, in which there were no survivors. There also occurred the famous wagon-box fight, one of the most thrilling in all the history of border warfare, and also the fight further north in the vicinity of Fort Reno. I am certain that those who drafted the bill intended to include those who participated in that very important campaign; but I am certain, after reading the bill carefully, that without an amendment such as this the participants in that very important campaign, lasting nearly three years, would not be brought within and given the benefits of the bill.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Wyoming [Mr. MONDELL].

The question being taken, on a division (demanded by Mr. MONDELL) there were—ayes 41, noes 30.

Mr. KEATING. I call for tellers, Mr. Chairman.

Tellers were ordered, and the Chairman appointed Mr. KEATING and Mr. MONDELL.

The committee again divided, and the tellers reported—ayes 44, noes 39.

Accordingly the amendment was agreed to.

Mr. THOMAS. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Insert, after the word "inclusive," in line 8, page 3, the following: "That the provisions of this act shall extend to the officers and men of the organizations of the Kentucky Militia designated as the Middle Green River Battalion, the Green River Battalion, Frankfort Battalion, Paducah Battalion, Sandy Valley Battalion (known as the Capital Guard), the North Cumberland Battalion, Three Forks Battalion, Harlan County Battalion, Halls Gap Battalion, South Cumberland Battalion, First Kentucky State Cavalry, Casey County State Guard, Frankfort Battalion, and Capt. Bussey's Bath County Rangers, and all other organizations of Kentucky State Militia who served 90 days or more during the Civil War while said militia organizations were cooperating with the United States Government in said war, or who were disabled by reason of injury received or disease contracted in the line of duty in said service as aforesaid, or in Indian depredations, and the provisions of this act shall be extended to the widows and minor children of said officers and men under 16 years of age, and to dependent parents of such officers and men."

Mr. KEATING. Mr. Chairman, I make a point of order against the amendment.

Mr. OGLESBY. Mr. Chairman, will the gentleman from Kentucky yield for a question?

Mr. THOMAS. Yes.

Mr. OGLESBY. Is not the gentleman willing to include the Ku-Klux in this amendment?

Mr. THOMAS. Have you got any Ku-Klux in your country?

Mr. OGLESBY. I understand that there are a great many Ku-Klux still living in the gentleman's country.

Mr. THOMAS. Oh, the gentleman is 40 years behind the times.

The CHAIRMAN. The gentleman from Colorado will state his point of order.

Mr. KEATING. My point of order is that the amendment is not germane.

The CHAIRMAN. Does the gentleman from Kentucky desire to be heard on the point of order?

Mr. THOMAS. Yes, Mr. Chairman. I have got these Kentucky State troops, who performed valiant service in the cause of the Union in the Civil War, coupled up with the Indian fighters, as suggested, and according to the former ruling of the Chair on another amendment, I think the point of order will not lie. That is all I have to say.

The CHAIRMAN. The Chair will state to the gentleman and to the committee that at the time of that ruling his attention was not called to the fact that the amendment carried with it a provision concerning Mexican marauders, but was under the impression it applied only to Indian depredations. The Chair is therefore now of the opinion that his ruling at that time, so far as Mexican marauders was concerned, was a wrong ruling, but a wrong ruling in that instance would not now justify or cause the Chair to make a similar ruling. The Chair therefore sustains the point of order.

Mr. THOMAS. As I understand it, the Chair has made an honest confession. [Laughter.]

Mr. HAWLEY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Oregon offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. HAWLEY: Page 2, line 5, strike out the word "ninety" and insert the word "thirty."

Mr. HAWLEY. Mr. Chairman, the purpose of this amendment is to reduce the term of service required from 90 days to 30 days. The term of service required for a veteran of the Civil War is 90 days, for a veteran in the Mexican War 60 days. Why the term of service under the conditions under which these wars were fought should be as long as that of the Civil War I do not understand. I want to plead with the committee for a 30-day limit, which is the term of service required for Indian-war veterans in previous acts.

The conditions, as everyone in the West knows, under which these wars were fought were most unusual. People had gone a great distance from civilized communities; the Great Plains

intervened between them and civilization; the Indians were numerous, and the Government of the United States provided practically no protection for them. There were forts scattered here and there, but the soldiers were few and the territory vast.

Moreover, it occurred a great many times that the Government's property would have been destroyed had it not been for these volunteers. I have an instance in mind where Indians had attacked a body of Government troops, small in number, and would have exterminated them and destroyed the property belonging to the Government if some settlers had not shouldered their muzzle-loading guns and gone to the rescue of the soldiers.

I think that 30 days is too high a limit, but probably the committee would not consider anything less than that. These people, many of them who might be included in a pension bill if the limit was placed at 30 days, rendered other services against the Indian marauders of which they can produce no evidence of a record character. In the Modoc War, which was divided into two parts by a peace proposal, many volunteers were told after the first fighting that they might return home. Then the massacre occurred, and while some came back some did not get word to come back until too late. A great many soldiers would be benefited if it was a 30-day limit who, in addition to a record service, rendered service for which they can now furnish no record evidence, and therefore could not claim a pension for this. Thirty days was a long service under these conditions.

Mr. RAKER. Will the gentleman yield?

Mr. HAWLEY. Certainly.

Mr. RAKER. Is it not a fact that in the war the gentleman refers to some of the most effective service was that rendered by those who were only fighting 30 or 40 days?

Mr. HAWLEY. Yes; and, without doubt, if it had not been for them the Government troops would have been wiped out before reenforcements arrived.

Mr. McCRACKEN. Will the gentleman yield?

Mr. HAWLEY. I will.

Mr. McCRACKEN. Is there any way of proving the service of these men who did that fighting?

Mr. HAWLEY. Yes; their services would be a matter of record in the Government departments, either in the War Department or the Treasury Department.

Mr. McCRACKEN. What I want to know is, is it possible to show the services of every man engaged in Indian fighting? As I understand, there are a great many who enlisted on the moment—in fact, did not enter into the service, but their services were at the command of the people who were in danger. How are you going to prove the services of those men?

Mr. HAWLEY. There are two other classes not included in this bill. One class is that of men enlisted in some State organization of which a record will be found in the adjutant general's office of the State or Territory. The other are those who volunteered and who served without entering into any formal service. There is no record of their services.

Mr. McCRACKEN. I have in mind a man who was traveling through the country and he saw that the Indians were committing depredations. He gave his services and served perhaps for 30 days. The man was not enlisted for service, but he actually rendered a service. I can not understand how this bill provides a pension for that man.

Mr. HAWLEY. It does not.

Mr. McCRACKEN. Does not the gentleman think it should?

Mr. HAWLEY. I think the bill should have a broader scope than it has. It should be drawn on more generous principles. As I was saying a moment ago, the people who went into these wars furnished their own horses, ammunition, clothing, provided their own food, and went to relieve the Government of the United States, which was in distress, as well as all others menaced by Indians, concerning which I have heard many thrilling accounts around the family fireside in my boyhood. A cry would come in the night that there was an attack on some farm or some locality, perhaps many miles away. Immediately every man who could find a horse and a gun would go to that place and render courageous service. Hundreds and thousands of these will never be benefited by this bill, as the gentleman from Idaho, who just questioned me, indicated. But wherever a record is shown of the service rendered they may get the benefit.

It was a dangerous service, one that not only involved death but it might involve torture at the stake if captured. In the great West many were burned at the stake, many were stretched out on the prairie with arms and legs extended, pinned down, and a fire built over the middle of their bodies. It was a desperate service, and I appeal to-day to all Members that where men take these chances and render that kind of service when their own settlement or that of others were in danger, where they can furnish proof of 30 days' service, it is worthy of recognition by this Government as a service for which men should be remembered. [Applause.]

I had the fortune of being born in the West. My mother went across the plains in 1847 and my father in 1848, and I was born in 1864. I knew and know intimately a number of the men who served in the Indian wars in the Northwest. At that early period we were isolated from the rest of the world. There were two ranges of mountains to cross and two great deserts to go through in order to reach the Pacific coast—the Rockies and the Cascades, and what used to be called the Great American Desert, and the plains lying between the Rockies and the Cascades. The people out there were compelled to serve themselves. They could not apply to the Government for aid, because by the time the Government could have received word of their distress they would have either been destroyed or saved by their own endeavor. Men not only protected their own families but their services were at the disposal of any people who were threatened with Indian hostilities. For instance, wagon trains coming across the plains would find themselves hemmed in by Indians; their ammunition would be running low. They would dispatch, on the best horses they had, their younger, lighter, best riders in several directions toward known settlements. Some of them would be killed in trying to make their escape through the Indian lines. Some would reach a settlement. Immediately those settlers would take their guns, their horses, their feed, their blankets, gather together a little body, and then gradually assemble in a larger body, and go to the help of that wagon train or to the help of the United States mails. The records of the War Department will show that in the period of the Civil War and afterwards, the Department of War and President Lincoln and the succeeding President asked the people of Oregon—for at that time Oregon and Washington were the old Oregon Territory—to aid the Government in the protection of settlers and wagon trains and the United States mails.

These men were not able at all times to be enlisted in the service of the United States. They would travel many days, suffer many hardships, run the risks that were incident to Indian warfare, do the work of dispersing the Indians, and bring the trains in safely. Those who have never lived in an Indian country do not know the terror of the Indian warfare; not that the men were afraid to fight the Indians, although torture was probably the inevitable result of capture; but the things they dreaded most and that struck a cold chill into their hearts were the things that would happen to the women and children, for it was rather a point of honor or dishonor among many of the Indians in that section—not all of them, however—that if a settlement or wagon train or in any body of people who were captured the women and girls should always be abused, and many of them would die under that defilement. For that reason men, as all these western men were, loyal to womanhood, would render what service they could.

The record of enlistment in the service of or pay by the United States would be adequate proof, but in many instances these men were called out by the States, sometimes at the request of the National Government, to take care of their people, especially in the period immediately after the Civil War, in that far western country, where we could not get into touch with the Government readily—that in the event there is no record of muster in or pay from the United States Government the records of the States or Territories found in the adjutant generals' offices, showing service and pay, should be adequate.

But even that will not include all the deserving men, and I think that the Secretary of the Interior should be authorized, by proper regulation, to determine what shall be necessary proof on the part of those who volunteered for service, who did good service, who can prove that service in a satisfactory way, and that they, too, should be placed on the rolls.

I know some of these men who served in the war; for instance, in the Modoc War, Capt. Applegate, a brave and capable soldier, who commanded the troops. The situation in that war may be interesting. These Modocs were a very warlike tribe, as many of the western Indians were. They lived in the country where by warfare with each other they had learned the arts of their primitive warfare very effectively. They were shrewd, they were cautious, they struck suddenly, and went quickly away. Following them was dangerous, because they laid ambuscades, and, as I said before, torture was inflicted on captured prisoners. These Indians in the Modoc War went into the lava beds. These lava beds are great masses of rock, irregular in character, having hidden and secret trails and caverns connecting one place with another, and large bodies of Indians could be secreted absolutely out of sight, and the troops, trying to approach them, would approach apparently an open space,

and when they appeared upon the horizon the Indians, from these caverns or potholes in the rocks or blowholes in the lava, could fire at them with perfect safety, and many lost their lives in this way.

In southern Oregon, for instance, on the Rogue River and on the Umpqua River, through which wagon trains came over the old Oregon-California trail, running along the boundary between Oregon and California, the Indians would watch until the wagon trains were on the river and were ferrying their stock and wagons across. The plan was usually to take the stock and women over first. The men stayed back to guard those who were on the side from which they were departing, some few having gone on ahead. The Indians would suddenly strike at the women and children, swooping down, seizing what they could, and carrying them away. If the men were watchful, they might check them. Then the wagon train would be divided and under the fire of the Indians. They would apply to the settlers, sending out couriers for aid, and for many miles around these men volunteered, furnished their own equipment, and came there to either succeed or die in the relief of those people.

In addition to the arguments that have been made in behalf of those who were regularly enlisted in the United States service and for those who were regularly enlisted in the State service, I want to make a plea for those who rendered volunteer service, who can prove their services, that they, too, are worthy of recognition. It was not a regular warfare; it was an irregular warfare. When you depart from a regular warfare, and especially in a far-distant portion of the domain where men rendered not only service to themselves—for they simply protected themselves, and that is what they were expected to do when they went there—and they protected not only wagon trains at the request of the Government, but the United States mails and property, and sometimes, as in the wars in eastern Oregon, they went to the relief of the Government soldiers and equipment. [Applause.]

Mr. KEATING. Mr. Chairman, I move that all debate on this amendment close in five minutes.

The motion was agreed to.

Mr. RAKER. Mr. Chairman, speaking on the amendment that the gentleman from Oregon has offered, I am heartily in favor of it. Capt. Applegate, who served in the Modoc Indian War, has corresponded with me, as I am sure he has with the gentleman from Oregon [Mr. HAWLEY]. He gave valiant service with his brother and relatives, and they served in the neighborhood of 35 days. That volunteer organization came to the relief of the Government at that time and made it possible to exterminate these Indians and obtain relief. I imagine that of the men in that service possibly not over 15 are left. The same may be said of those who served in southern Oregon, northeastern California, and northwestern Nevada when the roving bands of Indians came from Idaho, northern Oregon, and those in northern California and in Nevada. They would steal from practically every settler in the Warner Valley country, and in the Surprise Valley country, and in the eastern Oregon part, and came on down to what is known as Honey Lake Valley, in California; and I have heard old pioneers tell many times of how there, upon the edge of the settlement, they killed off a whole family, consisting of Mr. Pearson, his wife, and two daughters. They came in the night and killed the father and mother and two daughters. A volunteer corps was organized at once and they went after these Indians and met with success. They were out only in the neighborhood of 40 days. The oldest settler in that community, Peter Lassen, was one of the early pioneers. He came across the continent in 1849, and Lassen County is named after him. He was one of the Indian hunters, and while out on one of these expeditions was shot by the Indians. Many of those people lost their lives.

The entire community gave their time and service and horses and everything they had to protect the settlement in those places, and they gave it in a time that did not reach 90 days. They were on the alert practically all of the time. They were watching the frontier. They were protecting their homes and their neighbors' homes, and they were in small bands and organizations. When the time finally came they organized and did the work that made it possible to assist and save the soldiery at Fort Crook and later at Fort Bidwell in northern California. It has been recognized that their service was of the very best. I was acquainted with 50 or 60 of those in northeastern California who participated in the last and most effective battle, and my recollection is that not over five or six of those men are living. Mr. Jacobs, one of the men who participated during that campaign, writes me that none of these men would obtain a pension if we make it 90 days, but that the few remaining would if we made it 30 days.

Mr. KEATING. Mr. Chairman, will the gentleman yield?

Mr. RAKER. Yes.

Mr. KEATING. Is it not a fact that a great many of the men who served the colors during the Civil War for more than 30 days, or between 30 and 90 days, less than 90 days, although they may have been under fire, are denied pensions, and does the gentleman propose to treat these veterans of the Indian wars more generously than the men who saved the Union?

Mr. RAKER. Not more generously, but here is the position: They are in an entirely different shape. A man enlists and he is in for more than 90 days whether in actual service or not, and if so he gets his pension, but here you must not be in actual service, because there was no time from the time these organizations went out when they were not in active service until they returned or until they completed their work. They might for months have been guarding their homes, six months or longer, and because they did not actually enter the organization before that time, when it was necessary for them to go out and take their lives in their hands and enter into an active campaign, not merely being on the marching line, but it depending upon who was the best shot, they are now to be denied pensions. By virtue of their heroism and of their marksmanship and their courage they were able to end most of these wars in from 30 to 45 days. I am for granting these valiant pioneers recognition, and while it is late coming I am nevertheless in favor of granting them and their widows a pension.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oregon.

Mr. OGLESBY. Mr. Chairman, before the vote is taken, I ask unanimous consent of the committee to ask the chairman of the committee a question.

The CHAIRMAN. The gentleman from New York asks unanimous consent to ask the chairman of the committee a question. Is there objection?

There was no objection.

Mr. OGLESBY. Does the bill require that the 90 days' service should be continuous?

Mr. KEATING. It does not.

Mr. OGLESBY. I understand there are some 12 of these wars and if a man served 30 days in each of three of them he would come under the provision of the bill?

Mr. KEATING. There is no question about that.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Oregon.

The question was taken; and on a division (demanded by Mr. HAWLEY) there were—ayes 42, noes 42.

Mr. HAWLEY. Mr. Chairman, I demand tellers.

Tellers were ordered.

The committee again divided; and the tellers (Mr. HAWLEY and Mr. KEATING) reported that there were—ayes 38, noes 43.

So the amendment was rejected.

Mr. HOWELL. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 2, line 25, after the word "seventy-nine," insert "the Black Hawk Indian War in Utah from 1865 to 1867, inclusive."

Mr. HOWELL. Mr. Chairman, the amendment I have offered is intended to include in the provisions of this bill the survivors of the Indian war in Utah from 1865 to 1867, inclusive. During that period hostile Indians, under the leadership of a chief known as Black Hawk, waged one of the most destructive and vexatious wars that ever occurred in the West. His forces at first were not large, but by the success of his early raids and the quantity of plunder of which he despoiled the settlers he rapidly gained accessions to his ranks, until he spread devastation and terror throughout the southern counties, which constituted the theater of his hostilities. Six extensive and flourishing settlements in Sevier and Piute Counties, three in San Pete, and a number of other settlements in Washington, Kane, and Iron Counties were abandoned, it being found impracticable to extend the necessary protection over such an extensive frontier.

Immediately upon the outbreak of hostilities in 1865 Col. O. H. Irish, Superintendent of Indian Affairs, understanding the temper of the Indians and the extent of the danger, appealed to the Federal authorities for an adequate military force to protect the people and bring the Indians into submission, but he was informed that the troops of the Regular Army were all required to guard the mails and the settlements along the overland mail route, and that the Territorial militia must be relied upon to suppress the Indian hostilities in Utah.

At the approach of winter, the Indians retreated through the mountain passes known to them to a remote section near the

junction of the Green and Grand Rivers. Early in 1866 Black Hawk, having largely reinforced his hostile band, went on the warpath again.

Col. F. H. Head, Superintendent of Indian Affairs, fearing a general Indian uprising as a result of Black Hawk's growing influence, again applied to Gen. Dodge at Fort Leavenworth, Kans., then commander of the military district embracing Utah, for an adequate military force to defend the people and to force the Indians to become peaceful.

Gen. Dodge replied that there were no troops available for Indian service in remote sections, and that the Territorial militia would have to be called into action to meet the emergency. Accordingly, Gov. Charles Durkee called out all the militia nearest to the place of hostility; but it was found necessary to augment this force by dispatching a large force from the more populous sections in the northern part of the Territory.

I have briefly outlined some of the more prominent incidents of this devastating war, and in support of what I have related I shall read from official sources extracts from the reports of the Superintendent of Indian Affairs made to the Commissioner of Indian Affairs covering these years and treating of these conditions.

They are as follows:

[From the annual report of the Superintendent of Indian Affairs of the Utah superintendency, O. H. Irish, dated at Salt Lake City, Utah, Sept. 9, 1865 (Report of the Secretary of Interior, 1865–66, p. 314).]

THE PAHUTES.

During the past year the Indians have been peaceful, with the exception of the difficulties with a band of outlaws in San Pete Valley, mentioned in my letter of the 28th of April last. At that time I requested the military authorities to send a sufficient force to protect the settlers and to arrest the offending Indians. This was refused, and the settlers were left to take care of themselves; they organized a force of about 80 men and drove the Indians back to Grand River, killing about one-third of the number of those who were engaged in committing the depredations.

Notwithstanding the Indians of this superintendency are peaceful now, in view of the fact that Indian wars are raging on our immediate boundaries in Nevada, Idaho, Colorado, and Arizona, how long they will remain so it is impossible to tell, unless those Indians who are in arms against the Government are speedily and thoroughly subdued.

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[Letter of F. H. Head, superintendent, to Hon. D. N. Cooley, Commissioner of Indian Affairs, Washington, D. C., dated at Great Salt Lake City, Apr. 30, 1866 (Report of Secretary of Interior, 1866–67, p. 128).]

SIR: Black Hawk, a somewhat prominent chief of the Utah Indians, has been engaged for more than a year past in active hostilities against the settlements in the southern portion of this territory. His band consisted at first of but 44 men, who were mostly outlaws and desperate characters from his own and other tribes. During the summer and autumn of 1865 he made several successful forays upon the weak and unprotected settlements in Sanpete and Sevier Counties, killed, in all, 32 whites, and drove away to the mountains upward of 2,000 cattle and horses.

Forty of his warriors were killed by the settlers in repelling his different attacks. His success in stealing, however, enabled him to feed abundantly and mount all Indians who joined him, and the prestige acquired by his raids was such that his numbers were constantly on the increase, despite his occasional losses of men. He spent the winter where the Grand and Green Rivers unite to form the Colorado. On the 20th instant he again commenced his depredations by making an attack upon Salina, a small settlement in Sevier County. He succeeded in driving to the mountains about 200 cattle, killing two men who were guarding them, and compelling the abandonment of the settlement.

His band, from what I consider entirely reliable information, now numbers 100 warriors, one-half of whom are Navajos from New Mexico. I am very apprehensive that unless Black Hawk is severely chastised an Indian war of considerable magnitude may be inaugurated. He has never yet met with a serious reverse, having always attacked small settlements or unprotected families. He has thus acquired a considerable reputation among the various Indian tribes, and I fear many of the more adventurous will join him from the bands now friendly. The ill feeling engendered by the death of San Pitch and by the nearly starving condition of the Indians on the Uintah Reservation, concerning which I had the honor to address you on the 23d instant, will tend to promote the result.

In view of the circumstance and for the purpose of preventing accessions to the ranks of the hostile Indians, I have, after consultation with Gov. Durkee, desired Col. Potter, commanding the United States troops in this district, to send two or three companies of soldiers to that portion of the Territory to protect the settlements and repel further attacks. I have also sent Indian runners to have an interview with Black Hawk and to urge him to meet me for the purpose of establishing a permanent peace. I have little hope, however, that he will do this, at least before he is defeated, with the loss of some portion of his warriors, as he has heretofore been boldly defiant, rejecting with scorn all overtures for peace. Col. Potter has telegraphed to Gen. Dodge for instructions in reference to my application. I should be much pleased to have an expression of your views as to the policy to be further pursued in this matter.

Yours, etc.,

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[From the annual report of Supt. F. H. Head, of the Utah superintendency, dated Salt Lake City, Utah, Sept. 20, 1866 (Report of the Secretary of the Interior, pp. 122–126).]

INDIAN HOSTILITIES.

A small band of outlaws, under the command of a chief named Black Hawk, have been engaged in hostilities for nearly two years. Their number did not at first exceed 50 men, and in the various skirmishes which have taken place nearly that number have been killed, but accessions have been continually had from among the more reckless Indians of the different bands, so that their number has increased to about 60 men. They have made raids upon several of the small and defenseless settlements in the southern portion of the Territory for the purpose of stealing cattle and horses, fighting when pursued by the settlers who sought to recover their stock. During the present year they have made two such raids upon the settlements of Salina and Round Valley, stealing in each instance nearly 200 cattle and horses. I applied in April last to the officer in command of the United States forces at Camp Douglas, in this Territory, asking him to station one or two companies of soldiers in the southeastern portion of the Territory to protect the settlers. He was not able to do so, however, as he was expecting that all his command, being volunteers, would shortly be mustered out of service. The settlers raised some 200 men from various parts of the Territory, who were stationed at the more exposed points, since which time no further depredations have been committed. * * *

The Uintahs were previously somewhat ill disposed from the nonreception of their presents and from the fact that almost no provision had been furnished them during the winter. The winter was one of unusual severity, and they had nearly perished of starvation. Agent L. B. Kinney, in charge at the Uintah Agency, was guilty of gross neglect of duty, and had expended the liberal appropriation made by the Government in such manner as to be of no benefit to the Indians. The Indians were greatly exasperated against him for having made countless promises to them which were not fulfilled.

The causes above named united in producing much ill feeling among the Indians (San Piches), who prepared for general war. Large numbers were assembled in Uintah Valley. The laborers at the Indian farm were much alarmed and left the reservation. In May I started accordingly with four wagons loaded with goods and flour. Ex-Gov. Brigham Young sent out at the same time some 70 beef cattle as a present to the Indians. * * * After remaining nearly two weeks, holding numerous councils with the Indians, everything was arranged on a basis mutually satisfactory.

I should be doing injustice to my own feelings did I fail to mention in this report the cordial cooperation I have at all times experienced from all the principal Mormons throughout the Territory. In the execution of my official duties I have been obliged often to ask their assistance and cooperation, and in no instance have I failed to receive the most cheerful and hearty aid.

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[From a letter by F. H. Head, superintendent, to the Commissioner of Indian Affairs, dated June 21, 1866 (Secretary of the Interior's Report, 1866–67, p. 129).]

I have the honor to acknowledge the receipt of your letter of the 30th of May approving my course thus far relative to the acts of the hostile Utah chief, Black Hawk. Immediately subsequent to my communication of April 30 I started for Corn Creek, which is one of the nearest settlements to the scenes of Black Hawk's most recent depredations. * * * Black Hawk, instead of being 50 miles distant, as I had been advised, was over 400 miles away in a southeast direction, having gone to endeavor to procure recruits from among the Elk Mountain Utes, the most powerful tribe in the Territory, who can bring into the field upward of 4,000 warriors. * * *

While at Corn Creek I learned that the Uinta Indians had at length commenced hostilities by a raid from Uinta Valley upon Springfield, carrying away some 150 horses and mules, and also, two or three days later, by a similar raid upon Heber City, from which settlement they took nearly 100 cattle and horses. * * *

The morning of my departure (from Heber City) I was informed by Tabby, the head chief, that when he received notice of my arrival in the valley himself and all his warriors were on their way to join the hostile Indians in the southern part of the Territory in their war upon the settlements. He also informed me that Black Hawk, having secured a sufficient number of recruits among the Elk Mountain Utes to swell his force to 300 warriors, was then setting out from the Elk Mountain country to attack the weaker settlements in San Pete County.

I advised you in my communication of the 30th of April that I had applied to the military authorities to send two or three companies of troops to protect the settlers in those portions of the Territory most exposed to Indian raids, and that Col. Potter, commanding at this point, had telegraphed for instructions. A copy of the response to such communication is herewith inclosed.

On reaching this city on my return from Uinta, I communicated the facts in my possession relative to Black Hawk to Gov. Durkee. Gen. Wells, one of the principal militia officers, after consulting with the governor, has raised two or three companies of militia and proceeded to the threatened locality to protect the settlers from the expected attack. * * *

The telegram referred to is as follows:

"FORT LEAVENWORTH, KANS., *May 2, 1866.*

"Gen. Pope telegraphs that the Superintendent of Indian Affairs will have to depend for the present on the militia to compel the Indians to behave at Selina.

"By command of Maj. Gen. Dodge.

"SAMUEL E. MACKEY,
*"Acting Assistant Adjutant General.*

"Col. CARROLL H. POTTER,
*"Commanding District of Utah."*

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[From the annual report of the Superintendent of Indian Affairs, F. H. Head, dated Salt Lake City, Utah, Aug. 22, 1867. (Report of Secretary of Interior, 1867–68, p. 173 et seq.)]

INDIAN HOSTILITIES.

In my last annual report mention was made of a series of depredations by Black Hawk, a hostile Utah chief, who, with a small band of outlaws from the different tribes of Utah Indians, was engaged in active hostilities. (He has never had above 100 men; but, by watching opportunities to steal cattle from the weaker settlements, has accomplished much mischief.) During the past year his depredations have been continued, but with much less success and frequency than before. * * *

His depredations since my last report have been inconsiderable, being confined to petty stealing raids. Several times, however, when cattle

have been stolen from the settlers, they have pursued him, and conflicts have occurred in which, in all, 10 or 12 whites and probably an equal number of Indians have been killed. * * *

While it is true that these wars are not of record in the War Department, these official reports in the Indian Bureau fully set forth the sanguinary and destructive and devastating strife that occurred.

No fair-minded man who has read the résumé of the wars described and which are included in this bill will contend for a moment but that these Utah Indian wars are of far greater magnitude and dignity than many of the engagements covered by the bill, and if Regular troops had been available and had engaged in these campaigns, unquestionably their services would have been recognized and would have been included in this bill.

The very first paragraph in the résumé of Indian wars included in the report accompanying this bill clearly explains that in 1865 and 1866 there was a serious deficiency in the Regular Army to meet the demand for protection on the western frontier, and reads as follows:

HISTORICAL RÉSUMÉ OF CERTAIN INDIAN CAMPAIGNS.

[By S. J. Bayard Schindel, captain, General Staff.]

Pursuant to verbal instructions received from the Chief of Staff, the following résumé of campaigns against hostile Indians is submitted:

INTRODUCTION.

At the close of the year 1866 the War Department was greatly embarrassed by the fact that it was compelled to muster out all the Volunteers that had been organized during the Civil War before they could be replaced by the Regular troops for which Congress had provided. It was late in the year, and this prevented getting recruits for the Regular Army enlisted and sending them to remote frontier posts before the spring of 1867. This fact forced department commanders to use garrisons which were too small for the necessities of the case at hand during the winter months; but this was all that could be done. The winter of 1866–67 proved to be unprecedentedly severe, so that for long periods it was a physical impossibility to keep out the commands from such posts as Fort Phil Kearney, Fort F. C. Smith, Buford, Berthold, Camp Cooke, and others similarly situated. All these posts were located in country claimed by the Northern Sioux, who were more or less unfriendly.

The Territorial militia then supplied the deficiency in the Regular forces and rendered heroic service in defense of life and property against Indian hostilities which rightly should have devolved upon the General Government.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HOWELL. Mr. Chairman, I ask unanimous consent for five minutes more.

The CHAIRMAN. The gentleman asks unanimous consent to speak for five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. STEPHENS of Texas. Will the gentleman yield?

Mr. HOWELL. I will.

Mr. STEPHENS of Texas. What tribe of Indians was engaged in these hostilities against the whites?

Mr. HOWELL. They were the Pah-Utes and Navajoes, according to the report, and other disconnected and dissatisfied bands which were attracted by the success and quantity of plunder obtained by this young chief, Black Hawk, and joined with him carrying on the war.

Mr. STEPHENS of Texas. About how many battles did they have? What was the amount of hostilities? What length of time did it cover?

Mr. HOWELL. The warfare continued for three summers. In the wintertime the Indians would retreat through mountain fastnesses to their rendezvous on the junction of the San Juan and Green Rivers, too far remote to be followed and attacked by the settlers; but as soon as spring arrived they would go on the warpath and sweep down upon the defenseless inhabitants and drive off their cattle and murder, scalp, and burn.

Mr. STEPHENS of Texas. Has the Government ever paid anything for the destruction of their property under the Indian depredation act?

Mr. HOWELL. I have no information as to whether any claims for the losses of property in Utah were ever paid. I know there are very many such claims growing out of Indian depredations which have been rejected under that law, because it could not be shown that Indians were in a state of amity with the United States, but were recognized to be on the warpath.

Mr. Chairman, I have shown that the Indian war fighters in Utah rendered the identical service performed by the regular troops in Indian disturbances, but it is contended that their service is not of record in the War Department and hence they have no pensionable status. In equity and good conscience, the circumstances under which they freely gave their service should give them the highest claim to the Nation's gratitude and bounty.

They were called out by the governor, the commander in chief of the militia, not in any way accountable to them but an appointee of the President, the commander in chief of the land and naval forces of the National Government. A Territory has no sovereignty and Territorial militia service under a Territorial governor is in substance and essence and effect Federal service, and there is a plain demarkation and differentiation between such service and the service of the militia of a sovereign State under the proper State authority.

These volunteers could not be mustered into the United States service; there was no recruiting officer within 500 miles, and besides it was no time or occasion to palter or hesitate. They acted with promptness and decision in the face of impending danger. They did not question or seek to evade the fray when the fateful emergency arose. They gave no thought to the regularity of their service or the idea that future recognition or reward might hinge upon their service being recorded in the archives of the War Department located in a far-off city. They did their duty fearlessly, faithfully, and fully in every crisis. They went bravely onto the battlefield against a foe that knew no code of ethics. Defeat meant cruel and torturing destruction to them and massacre to the helpless ones depending upon them for protection.

They counted not the cost nor thought of future reward. They only heard the call of duty and gave their youth and strength and valor to make secure the outpost of civilization. I have listened with delight and responsive heart to the eloquent tributes that have been paid this afternoon to the intrepid pioneer, who has blazed the trail and smoothed the way for the sandals of a more delicate civilization to follow. No one who has not had personal experience can sensibly appreciate the privations, hardships, and sacrifices of the pioneers who have achieved the "winning of the West." No one can sense the awful fear in the hearts of women and children on the frontier when Indian uprisings occurred or threatened. I have passed through that experience as a boy and know how the "minute men" were relied upon for safety.

Mr. STEPHENS of Texas. Is there any muster roll or anything, showing who these men were?

Mr. HOWELL. Oh, yes. The muster rolls of these campaigns are all in the archives of the State in Salt Lake City.

Mr. STEPHENS of Texas. How many men would it affect?

Mr. HOWELL. The Indian War Veterans' Association meets annually, but Old Father Time has been particularly busy in calling them home in recent years. Each succeeding annual encampment finds many absentees in the ranks. These wars occurred nearly 50 years ago, and a large majority of all that buoyant, intrepid band have answered the final roll call and joined their faithful comrades in their eternal home.

For 12 years they have been knocking at the doors of Congress for this just and deserved recognition for the heroic service they rendered in the long ago. Still the remnant of that valiant band trustingly look to Congress for just and merited relief. Imagine their disappointment and the astonishment that will be theirs and the grief that will come upon their hoary heads when, after waiting so long, they discover that they have been omitted from a bill of this character, intended as a "catchall" for every Indian campaign of importance throughout the country.

Mr. STEPHENS of Texas. About how many were enrolled?

Mr. HOWELL. I think from about two to four thousand.

The CHAIRMAN. The time of the gentleman from Utah has expired.

Mr. HOWELL. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Utah asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. KEATING. Mr. Chairman, at the time the Committee on Pensions was considering this legislation the distinguished gentleman from Utah [Mr. HOWELL] appeared before the subcommittee and made a very earnest argument in support of the position which he now takes. The committee listened to him with a great deal of interest, but after mature consideration decided not to incorporate the amendment he suggests. I hope this committee will sustain the action of the Pension Committee and will vote down the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Utah [Mr. HOWELL].

The question was taken, and the Chairman announced that the noes appeared to have it.

Mr. HOWELL. Division, Mr. Chairman.

The committee divided; and there were—ayes 46, noes 33.

So the amendment was agreed to.

Mr. GANDY. Mr. Chairman, I offer an amendment, which I send to the Clerk's desk.

The CHAIRMAN. The gentleman from South Dakota offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 3, line 12, after the word "further," insert:
"That if any certain one of the said campaigns did not cover a period of 90 days the provisions of this act shall apply to those who served during the entire period of said campaign: *Provided further.*"

Mr. GANDY. Now, Mr. Chairman, certain campaigns have been enumerated in this bill. The chairman of the committee, or, at least, the member of the committee who has the bill in charge, has told us that these are the campaigns that were considered of sufficient importance by the War Department and by the committee to receive attention here. Now, the provisions of the bill limits it to those who served 90 days, and, as a general proposition, perhaps that is right, but one of the campaigns that is enumerated in this bill did not cover a period of 90 days. I submit that it is not a fair proposition to take this campaign, wherein it is acknowledged that it was of sufficient importance to justify its enumeration in this act, and then deny those who participated in it the benefits that will accrue hereunder. It is not fair to say that because that campaign did not extend for 90 days those who participated in it should be denied a pensionable status under this bill. I ask that exception be made, so that where the campaign was not for 90 days the provisions of this act may extend to those who served during the entire campaign.

The CHAIRMAN. The question is on the amendment offered by the gentleman from South Dakota [Mr. GANDY].

The question was taken, and the Chairman announced that the ayes seemed to have it.

Mr. KEATING. Division, Mr. Chairman.

The committee divided; and there were—ayes 48, noes 33.

So the amendment was agreed to.

Mr. STEPHENS of Texas. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Texas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 3, line 16, after the word "service," insert the following:
"*Provided further*, That the record of enlistment or muster into the service of the State of Texas, as evidenced by the muster roll and vouchers on file in the State archives at Austin, Tex., shall be accepted as full and satisfactory proof of such enlistment and service; and where it is shown that any such muster rolls or vouchers have been lost or destroyed, secondary evidence of their existence, contents, and loss may be made, and when so made shall have the same force and effect as the original rolls, and shall be accepted as full and satisfactory proof of the originals."

Mr. STEPHENS of Texas. Mr. Chairman, in explanation of this, I will simply state it perfects the amendment heretofore adopted to this section, and, as the capitol at Austin has been destroyed, I believe, twice, some of these rolls will have to be produced by evidence under the rules of court.

I ask for a vote.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas.

Mr. KEATING. Mr. Chairman, I hope the House will not adopt this particular amendment. In section 2 of this bill we provide:

That the period of service performed by beneficiaries under this act shall be determined by reports from the records of the War Department, where there is such a record, and by the reports from the records of the Treasury Department showing payment by the United States where there is no record of regular enlistment or muster into the United States military service.

Now, the gentleman from Texas [Mr. STEPHENS], with the assistance of his good friend from Oklahoma [Mr. MURRAY], through a mistake by the presiding officer of this committee, succeeded in getting an amendment into this bill which will give certain Texas troops a pensionable status. That was an amendment, Mr. Chairman, which was not germane, and which the Chair should have ruled out of order.

Mr. MURRAY. Mr. Chairman, will the gentleman yield for a moment?

Mr. KEATING. Pardon me. Now it is proposed to set up for these Texans—these men who, if the Chair had sustained the point of order, would not now be in the bill—a different standard from that set up for all the Indian fighters found elsewhere in the country. I presume that the gentleman wants this peculiar standard because they were not Indian fighters, and should not be in the bill. As a matter of fact, they seem to have directed their energies against Mexican marauders principally, and therefore he wants to arrange it so that even if the records are destroyed, if there are no State records, they may come in here and in various ways prove their claims. I trust that this House will vote down this amendment and preserve the essential features of a bill which the committee have prepared and presented in all seriousness.

Mr. MURRAY. Mr. Chairman, I have looked, since the gentleman [Mr. MANN] mentioned the amendment a little while ago, at the wording of the amendment offered, and I confess that the three words in reference to the Mexican marauders were not in order. But I overlooked the form of the language. I am going to ask now unanimous consent to eliminate from my amendment those three words, "Mexican marauders and."

The CHAIRMAN. The gentleman from Oklahoma asks unanimous consent to strike from his amendment the words "Mexican marauders and." Is there objection?

Mr. KEATING. Reserving the right to object, Mr. Chairman, in what condition will that leave the amendment?

Mr. MURRAY. It will just leave "Indian depredations."

The CHAIRMAN. If the words "Mexican marauders and" are left out, the amendment would not be subject to a point of order. The Clerk will report the amendment.

The Clerk read as follows:

Amend the amendment by striking out the words "Mexican marauders and."

Mr. MURRAY. So that it will read——

The Clerk reads as follows:

So that it will read, "Texas volunteers who served in defense of the frontiers of that State against Indian depredations."

Mr. KEATING. Mr. Chairman, I do not object to that.

The CHAIRMAN. The gentleman from Oklahoma asks unanimous consent that the words in the amendment "Mexican marauders and" be stricken out. Is there objection?

There was no objection.

Mr. KEATING. No, Mr. Chairman, I hope the House will judge these Indian fighters by exactly the same standard as is set up for other Indian fighters.

Mr. MURRAY. Mr. Chairman, with reference to the amendment offered by the gentleman from Texas [Mr. STEPHENS], there is no way, with this amendment pending, or in the bill, by which you can determine who were enlisted in Texas. This seeks to search the records at Austin, which the Government of the United States once before acknowledged and followed in the payment of expenses incurred by the State of Texas in those Indian depredations, and I apprehend that any man who wants to limit the possible pension would certainly want to fix upon the record upon which he would make claim. Therefore the amendment is essential and ought to be adopted.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Texas [Mr. STEPHENS].

The question was taken, and the Chairman announced that the "noes" seemed to have it.

Mr. MURRAY. A division, Mr. Chairman.

The committee divided; and there were—ayes 10, noes 46.

So the amendment was rejected.

Mr. LONGWORTH. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Ohio [Mr. LONGWORTH].

The Clerk read as follows:

Amendment by Mr. LONGWORTH: Page 3, line 8, after the word "include," insert the words "the surviving widows of all those sailors who in the late War with Mexico lost their lives at Vera Cruz and."

Mr. KEATING. I make a point of order on that, Mr. Chairman.

The CHAIRMAN. The gentleman from Colorado [Mr. KEATING] makes a point of order on the amendment.

Mr. LONGWORTH. Mr. Chairman, I am sure that the gentleman does not wish to seriously make a point of order on this amendment. This was a war waged against Mr. Huerta, an Indian, a man with Indian blood in his veins, supported by many other Indians; and surely the justice and wisdom of this amendment must appeal to the hearts of gentlemen who are interested in providing for the widows of men who lost their lives in the service of their country.

The gentleman from Colorado should remember that there were more of our sailors who lost their lives during our late war with Mexico than lost their lives during the entire war with Spain, and I confidently hope, Mr. Chairman, that, since you have hitherto ruled that all amendments concerning wars with Indians are in order, that you will in your wisdom rule favorably upon my amendment. [Laughter on the Republican side.]

Mr. KEATING. Mr. Chairman, if the gentleman's knowledge of the pension laws of this country was as extensive as his wit is keen, he would know that the widows of those who fell at Vera Cruz are now entitled to a pension. I make a point of order on the amendment.

The CHAIRMAN. The Chair sustains the point of order. The Clerk will read.

The Clerk read as follows:

SEC. 2. The the period of service performed by beneficiaries under this act shall be determined by reports from the records of the War Department, where there is such a record, and by the reports from the records of the Treasury Department showing payment by the United States where there is no record of regular enlistment or muster into the United States military service.

Mr. SEARS. Mr. Chairman, I offer an amendment, on page 4, line 2, after the word "service."

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Florida [Mr. SEARS].

The Clerk read as follows:

Amendment by Mr. SEARS: Page 4, line 2, after the word "service," at the end of the line, insert: "*And provided further*, That no person who owns real or personal property of the value of $5,000 or more, or who has an annual income of not less than $360, shall be paid a pension under the provisions of this act."

Mr. SEARS. Mr. Chairman, I ask that the words "*And*" and "*further*" be stricken out before and after the word "*provided*."

The CHAIRMAN. Is there objection to the gentleman's amendment?

Mr. MANN. Mr. Chairman, we would like to hear the amendment reported.

The CHAIRMAN. The Clerk will report the amendment as proposed to be modified.

The Clerk read as follows:

Amend, on page 4, by inserting, after the word "service," in line 2, the following: "*Provided*, That no person who owns real or personal property of the value of $5,000 or more, or who has an annual income of not less than $360, shall be paid a pension under the provisions of this act."

Mr. SEARS. Mr. Chairman, strike out the words "or more."

The CHAIRMAN. Is there objection to the modification suggested by the gentleman from Florida?

Mr. MANN. What is the modification?

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Strike out the words "or more" after the figures "$5,000," so that the amendment will read: "That no person who owns real or personal property of the value of $5,000"——

Mr. MURRAY. And it should be "or annual income of not more than $360" instead of "not less than $360."

The CHAIRMAN. The Clerk will again report the modified amendment.

The Clerk read as follows:

"or has an annual income of not more than $360."

Mr. SEARS. Mr. Chairman, I do not want to discuss the amendment.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Florida.

The question was taken, and the Chairman announced that the "noes" seemed to have it.

Mr. SEARS. A division, Mr. Chairman.

The committee divided; and there were—ayes 12, noes 46.

So the amendment was rejected.

Mr. SEARS. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The gentleman from Florida offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 3, line 19, after the word "void," add the following: "*Provided*, That no person who owns real or personal property of the value of $10,000 or more, or who has an annual income of more than $600, shall be paid a pension under the provisions of this act."

Mr. MANN. Mr. Chairman, I make a point of order against the amendment.

The CHAIRMAN. The point of order is sustained.

The Clerk resumed and completed the reading of the bill.

By unanimous consent, Mr. RAKER, Mr. SMITH of Idaho, Mr. JOHNSON of Washington, Mr. HAWLEY, Mr. STEPHENS of Texas, Mr. TAYLOR of Colorado, Mr. KEATING, Mr. MCCRACKEN, Mr. GANDY, and Mr. SEARS were given leave to extend remarks in the RECORD.

Mr. LOBECK. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD on the growth of Nebraska since these Indian wars.

The CHAIRMAN. The gentleman from Nebraska asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

The Clerk read as follows:

SEC. 3. That section 4716 of the Revised Statutes, relating to loyalty during the Civil War, is hereby repealed so far as the same relates to this act or to pensioners under this act.

Mr. MANN. Mr. Chairman, I will ask the gentleman in charge of the bill what are the provisions of section 4716 of the Revised Statutes?

Mr. KEATING. This is the provision:

No money on account of pensions shall be paid to any person, or to the widow, children, or heirs of any deceased person, who in any manner voluntarily engaged in or aided and abetted the late rebellion against the authority of the United States.

The thought that the committee had was that a great many ex-Confederate soldiers served in these Indian wars.

The CHAIRMAN. The Chair would like to state to the committee that the first amendment adopted was the amendment of the gentleman from Minnesota [Mr. MILLER], which amended line 8, on page 2, after the word "inclusive." The second amendment was that offered by the gentleman from Wyoming [Mr. MONDELL], which was also after the word "inclusive."

Mr. MURRAY. That was the third amendment. The second amendment was that of the gentleman from Minnesota. The first amendment was mine.

The CHAIRMAN. The Chair was about to suggest that it should be made plain that the second amendment ought to follow the last word in the first amendment.

Mr. MANN. One follows the other. That goes without saying, without any order of the committee.

Mr. KEATING. My attention has been called to the fact that on page 2, in line 11, the word "eighteen" is misspelled. I ask unanimous consent that it may be corrected.

The CHAIRMAN. Without objection, unanimous consent is granted.

There was no objection.

Mr. KEATING. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. HARRISON, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 655) to pension the survivors of certain Indian wars from 1865 to January, 1891, inclusive, and for other purposes, and had directed him to report the same to the House with sundry amendments, with the recommendation that the amendments be agreed to, and that the bill as amended do pass.

Mr. KEATING. I move the previous question on the bill and amendments to the final passage.

The previous question was ordered.

The SPEAKER. Is a separate vote demanded on any amendment? If not, the Chair will put them in gross.

The amendments were agreed to.

The bill was ordered to be engrossed and read a third time.

Mr. MILLER of Minnesota. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MILLER of Minnesota. Should not the title be amended to conform to the changes in the text?

The SPEAKER. The time to amend the title is after the bill is passed. The question is on the passage of the bill.

The question being taken, Mr. KINCHELOE demanded a division.

Pending the division,

Mr. KINCHELOE. Mr. Speaker, I make the point of no quorum present.

The SPEAKER. The gentleman from Kentucky makes the point of no quorum present. Evidently there is no quorum present. The Doorkeeper will lock the doors, the Sergeant at Arms will notify the absentees, and the Clerk will call the roll. The question is on the passage of the bill.

The question was taken; and there were—yeas 220, nays 108, answered "present" 2, not voting 104, as follows:

YEAS—220.

| | | | |
|---|---|---|---|
| Adair | Connelly | Farr | Hastings |
| Ashbrook | Conry | Ferris | Haugen |
| Austin | Cooper, Ohio | Flood | Hawley |
| Ayres | Cooper, W. Va. | Flynn | Hayden |
| Bacharach | Costello | Focht | Heaton |
| Beales | Crago | Fordney | Helgesen |
| Booher | Cramton | Foss | Helvering |
| Britt | Crosser | Freeman | Hensley |
| Britten | Curry | Fuller | Hernandez |
| Brown, W. Va. | Dallinger | Gallivan | Hicks |
| Browne, Wis. | Darrow | Gandy | Hill |
| Browning | Davis, Tex. | Gard | Hilliard |
| Bruckner | Decker | Gardner | Hinds |
| Buchanan, Ill. | Dickinson | Garland | Hollingsworth |
| Buchanan, Tex. | Dill | Glynn | Howell |
| Burgess | Dillon | Good | Huddleston |
| Burke | Dixon | Gray, Ind. | Hulbert |
| Butler | Dooling | Green, Iowa | Hull, Iowa |
| Caldwell | Doolittle | Greene, Mass. | Humphrey, Wash. |
| Campbell | Dowell | Greene, Vt. | Igoe |
| Carew | Drukker | Griest | Johnson, S. Dak. |
| Carter, Okla. | Eagan | Griffin | Johnson, Wash. |
| Cary | Eagle | Guernsey | Keating |
| Casey | Emerson | Hadley | Keister |
| Chiperfield | Evans | Hamlin | Kelley |
| Coleman | Farley | Hardy | Kennedy, Iowa. |

| | | | |
|---|---|---|---|
| Kennedy, R. I. | Mapes | Reavis | Sterling |
| Kettner | Martin | Reilly | Stiness |
| Key, Ohio | Matthews | Ricketts | Stone |
| Kiess, Pa. | Mays | Riordan | Sulloway |
| King | Miller, Minn. | Roberts, Mass. | Sutherland |
| Kinkaid | Mondell | Roberts, Nev. | Sweet |
| Konop | Mooney | Rodenberg | Swift |
| Kreider | Moores, Ind. | Rogers | Switzer |
| Lafean | Morgan, Okla. | Rowe | Taggart |
| La Follette | Mudd | Rubey | Tague |
| Lesher | Murray | Russell, Ohio | Tavenner |
| Lindbergh | Nelson | Sabath | Taylor, Colo. |
| Littlepage | Nichols, Mich. | Schall | Temple |
| Lobeck | Nolan | Scott, Mich. | Thompson |
| Loud | North | Shallenberger | Tillman |
| McAndrews | Norton | Shouse | Tilson |
| McArthur | Oakey | Siegel | Timberlake |
| McClintic | Olney | Sims | Tinkham |
| McCracken | O'Shaunessy | Sinnott | Towner |
| McCulloch | Overmyer | Slayden | Treadway |
| McDermott | Peters | Slemp | Van Dyke |
| McFadden | Phelan | Sloan | Volstead |
| McGillicuddy | Platt | Smith, Idaho | Ward |
| McKenzie | Powers | Smith, Mich. | Wason |
| McKinley | Pratt | Smith, N. Y. | Watson, Pa. |
| McLemore | Raker | Steele, Iowa | Wheeler |
| Madden | Ramseyer | Steenerson | Williams, T. S. |
| Magee | Randall | Stephens, Cal. | Woods, Iowa |
| Mann | Rauch | Stephens, Tex. | Young, N. Dak. |

NAYS—108.

| | | | |
|---|---|---|---|
| Abercrombie | Cooper, Wis. | Jacoway | Rucker |
| Adamson | Cox | Johnson, Ky. | Sears |
| Aiken | Crisp | Kincheloe | Shackleford |
| Alexander | Dent | Kitchin | Sisson |
| Almon | Dies | Lazaro | Small |
| Anderson | Doughton | Lenroot | Smith, Tex. |
| Aswell | Dupré | Lever | Sparkman |
| Bailey | Edmonds | Lieb | Stafford |
| Barkley | Elston | London | Steagall |
| Barnhart | Esch | McKellar | Stephens, Miss. |
| Beakes | Finley | Miller, Del. | Stephens, Nebr. |
| Bell | Frear | Moon | Sumners |
| Black | Garner | Morgan, La. | Taylor, Ark. |
| Blackmon | Glass | Morrison | Thomas |
| Borland | Godwin, N. C. | Moss, Ind. | Tribble |
| Burnett | Goodwin, Ark. | Nicholls, S. C. | Venable |
| Byrnes, S. C. | Gordon | Oglesby | Vinson |
| Byrns, Tenn. | Harrison | Oldfield | Walsh |
| Callaway | Hay | Oliver | Watkins |
| Candler, Miss. | Heflin | Padgett | Watson, Va. |
| Cannon | Helm | Page, N. C. | Webb |
| Cantrill | Holland | Park | Whaley |
| Capstick | Hood | Pou | Williams, W. E. |
| Caraway | Houston | Quin | Wilson, Fla. |
| Cline | Howard | Rainey | Wingo |
| Coady | Hull, Tenn. | Rayburn | Wise |
| Collier | Hutchinson | Rouse | Young, Tex. |

ANSWERED "PRESENT"—2.

| | |
|---|---|
| Fields | James |

NOT VOTING—104.

| | | | |
|---|---|---|---|
| Allen | Ellsworth | Kahn | Porter |
| Anthony | Estopinal | Kearns | Price |
| Barchfeld | Fairchild | Kent | Ragsdale |
| Bennet | Fess | Langley | Rowland |
| Brumbaugh | Fitzgerald | Lee | Russell, Mo. |
| Carlin | Foster | Lehlbach | Sanford |
| Carter, Mass. | Gallagher | Lewis | Saunders |
| Chandler, N. Y. | Garrett | Liebel | Scott, Pa. |
| Charles | Gillett | Linthicum | Scully |
| Church | Gould | Lloyd | Sells |
| Clark, Fla. | Graham | Loft | Sherley |
| Copley | Gray, Ala. | Longworth | Sherwood |
| Cullop | Gray, N. J. | McLaughlin | Smith, Minn. |
| Dale, N. Y. | Gregg | Maher | Snell |
| Dale, Vt. | Hamill | Meeker | Snyder |
| Danforth | Hamilton, Mich. | Miller, Pa. | Stedman |
| Davenport | Hamilton, N. Y. | Montague | Steele, Pa. |
| Davis, Minn. | Hart | Moore, Pa. | Stout |
| Dempsey | Haskell | Morin | Talbott |
| Denison | Hayes | Moss, W. Va. | Vare |
| Dewalt | Henry | Mott | Walker |
| Doremus | Hopwood | Neely | Williams, Ohio |
| Driscoll | Hughes | Paige, Mass. | Wilson, Ill. |
| Dunn | Humphreys, Miss. | Parker, N. J. | Wilson, La. |
| Dyer | Husted | Parker, N. Y. | Winslow |
| Edwards | Jones | Patten | Wood, Ind. |

So the bill was passed.

The Clerk announced the following pairs:

For the session:

Mr. LIEBEL with Mr. ROWLAND.

Mr. FIELDS with Mr. LANGLEY.

Until further notice:

Mr. PATTEN with Mr. SNYDER.

Mr. TALBOTT with Mr. VARE.

Mr. WILSON of Louisiana with Mr. SELLS.

Mr. STEELE of Pennsylvania with Mr. PORTER.

Mr. SHERWOOD with Mr. PAIGE of Massachusetts.

Mr. SHERLEY with Mr. SMITH of Minnesota.

Mr. SCULLY with Mr. MOTT.

Mr. SAUNDERS with Mr. MOORE of Pennsylvania.

Mr. RAGSDALE with Mr. MORIN.

Mr. PRICE with Mr. MILLER of Pennsylvania.

Mr. NEELY with Mr. MOSS of West Virginia.

Mr. MAHER with Mr. MEEKER.

Mr. LOFT with Mr. MCLAUGHLIN.

Mr. ALLEN with Mr. LONGWORTH.

Mr. LLOYD with Mr. BENNET.

Mr. LINTHICUM with Mr. HOPWOOD.

Mr. LEWIS with Mr. HAMILTON of New York.

Mr. JONES with Mr. GRAHAM.

Mr. HART with Mr. GRAY of New Jersey.

Mr. GALLAGHER with Mr. HAMILTON of Michigan.

Mr. FITZGERALD with Mr. GILLETT.

Mr. ESTOPINAL with Mr. ELLSWORTH.

Mr. EDWARDS with Mr. FESS.

Mr. DEWALT with Mr. DUNN.

Mr. DAVENPORT with Mr. DYER.

Mr. DALE of New York with Mr. DANFORTH.

Mr. BRUMBAUGH with Mr. COPLEY.

Mr. CLARK of Florida with Mr. DALE of Vermont.

Mr. CHURCH with Mr. ANTHONY.

Mr. CARLIN with Mr. DAVIS of Minnesota.

Mr. STOUT with Mr. KEARNS.

Mr. HAMILL with Mr. GOULD.

Mr. HENRY with Mr. HAYES.

Mr. GARRETT with Mr. KAHN.

Mr. DOREMUS with Mr. JAMES.

Mr. FOSTER with Mr. WOOD of Indiana.

Mr. RUSSELL of Missouri with Mr. DENISON.

Mr. LEE with Mr. WINSLOW.

Mr. HUMPHREYS of Mississippi with Mr. HUSTED.

Mr. CULLOP with Mr. BARCHFELD.

Mr. DRISCOLL with Mr. CHARLES.

Mr. GREGG with Mr. DEMPSEY.

Mr. STEDMAN with Mr. FAIRCHILD.

Mr. MONTAGUE with Mr. PARKER of New York.

Mr. NEELY with Mr. SANFORD.

Mr. WALKER with Mr. SELLS.

Mr. FIELDS. Mr. Speaker, I find that I am paired with my colleague, Mr. LANGLEY. I voted "aye." I wish to withdraw that vote and answer "Present."

The result of the vote was then announced as above recorded.

The doors were opened.

On motion of Mr. KEATING, a motion to reconsider the vote whereby the bill was passed was laid on the table.

The SPEAKER. Without objection, the title of the bill will be amended to conform with the text.

There was no objection.

ENROLLED BILLS SIGNED.

Mr. LAZARO, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 8810. An act to amend an act relating to the Public Utilities Commission of the District of Columbia, approved March 4, 1913;

H. R. 2. An act for the coinage of a McKinley souvenir gold dollar, in commemoration of the erection of a memorial to William McKinley, late President of the United States; and

H. R. 73. An act to amend chapter 231, known as the Judicial Code, act of March 3, 1911, volume 36, United States Statutes at Large, section 81, page 1111.

The SPEAKER announced his signature to enrolled joint resolution of the following title:

S. J. Res. 97. Joint resolution to appoint Alexander Graham Bell a member of the Board of Regents of the Smithsonian Institution.

WASHINGTON'S FAREWELL ADDRESS.

Mr. RAKER. Mr. Speaker, I ask unanimous consent that after the reading of the Journal on February 22, it shall be in order to read the Farewell Address of Washington.

The SPEAKER. The gentleman from California asks unanimous consent that on the 22d of February after the reading of the Journal and clearing up business on the Speaker's table the Farewell Address of Gen. Washington shall be read. Is there objection? [After a pause.] The Chair hears none. The Chair will appoint the gentleman from California [Mr. RAKER] to read the address.

EXTENSION OF REMARKS.

Mr. CARY. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the bill (H. R. 54) to pension the widows of the veterans of the Spanish War.

The SPEAKER. The gentleman from Wisconsin asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

ADJOURNMENT.

Mr. KITCHIN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 12 minutes p. m.) the House adjourned until to-morrow, Thursday, February 17, 1916, at 12 o'clock noon.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. STERLING, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 4724) authorizing the Department of Commerce to make original investigation and research concerning forms and processes of manufacture, and for other purposes, reported the same without amendment, accompanied by a report (No. 203), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. STEELE of Pennsylvania, from the Committee on the Judiciary, to which was referred the bill (H. R. 538) to appoint an additional judge in the district of New Jersey, reported the same without amendment, accompanied by a report (No. 204), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. CARLIN, from the Committee on the Judiciary, to which was referred the bill (H. R. 11416) to repeal an act approved March 2, 1895, entitled "An act to amend section 3 of an act entitled 'An act to regulate the liens of judgments and decrees of the courts of the United States,' approved August 1, 1888," reported the same without amendment, accompanied by a report (No. 205), which said bill and report were referred to the House Calendar.

Mr. SINNOTT, from the Committee on the Public Lands, to which was referred the bill (H. R. 4746) granting to the city of Portland, Oreg., for a public park a tract of land within a Government reserve, reported the same with amendment, accompanied by a report (No. 209), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

## REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. MILLER of Delaware, from the Committee on Claims, to which was referred the bill (H. R. 9555) for the relief of the estate of Thomas N. Aaron, reported the same with amendment, accompanied by a report (No. 206), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (H. R. 10933) for the relief of the estate of Paul A. Swink, reported the same with amendment, accompanied by a report (No. 207), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (H. R. 9556) for the relief of the heirs of John Faulkner, reported the same with amendment, accompanied by a report (No. 208), which said bill and report were referred to the Private Calendar.

## CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 4979) granting an increase of pension to James B. Romaine; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 6344) granting an increase of pension to Charles E. Green; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 7938) granting an increase of pension to Charles Stocker, jr.; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 2563) granting a pension to Stephen Harder; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 1840) granting a pension to John J. Lacy; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 2782) granting a pension to Henry Gibson; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 3411) granting a pension to James W. Smith; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

## PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. DENT: A bill (H. R. 11616) to amend an act to authorize the Dauphin Island Railway & Harbor Co., its successors or assigns, to construct and maintain a bridge or bridges, or viaducts, across the water between the mainland at or near Cedar Point and Dauphin Island, both Little and Big; also to dredge a channel from the deep waters of Mobile Bay into Dauphin Bay; also to construct and maintain docks and wharves along both Little and Big Dauphin Islands, as amended by an act approved June 18, 1912; to the Committee on Interstate and Foreign Commerce.

By Mr. LOFT: A bill (H. R. 11617) to amend provisions of section 319 of the Revised Statutes, that portion of section 237 of the Revised Statutes pertaining to Internal Revenue Service, section 3148 of the Revised Statutes, and section 3152 of the Revised Statutes; to the Committee on Ways and Means.

By Mr. AUSTIN: A bill (H. R. 11618) to provide a site and erect a public building thereon at Jefferson City, Tenn.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 11619) to provide a site and erect a public building thereon at Lafollette, Tenn.; to the Committee on Public Buildings and Grounds.

By Mr. CRAMTON: A bill (H. R. 11620) authorizing the Secretary of War, in his discretion, to deliver to the village of Caro, in the State of Michigan, four condemned bronze or brass cannon, with their carriages and outfit of cannon balls, etc.; to the Committee on Military Affairs.

By Mr. TAGUE: A bill (H. R. 11621) to provide for mailing catalogues, circulars, etc., now mailable under 8 ounces in weight at the third-class rate of 1 cent for 3 ounces, or fraction thereof, at a pound rate of 8 cents; to the Committee on the Post Office and Post Roads.

By Mr. ALEXANDER: A bill (H. R. 11622) relative to stowaways; to the Committee on the Merchant Marine and Fisheries.

Also, a bill (H. R. 11623) to permit the use of certain refined products of petroleum as stores on steam vessels carrying passengers; to the Committee on the Merchant Marine and Fisheries.

By Mr. FERRIS: A bill (H. R. 11624) forfeiting certain railroad rights of way granted under the act of March 3, 1875; to the Committee on the Public Lands.

By Mr. HOWARD: A bill (H. R. 11625) to amend an act entitled "An act to repeal section 3480 of the Revised Statutes of the United States"; to the Committee on the Judiciary.

By Mr. SMITH of Texas: A bill (H. R. 11626) to amend section 5197, Revised Statutes of the United States, regulating the rate of interest which may be charged by national banking associations and to raise revenue; to the Committee on Banking and Currency.

By Mr. WICKERSHAM: A bill (H. R. 11627) granting abandoned public buildings and grounds at Sitka, Alaska, to the Territory of Alaska, and for other purposes; to the Committee on Public Buildings and Grounds.

By Mr. ROGERS: A bill (H. R. 11628) granting the consent of Congress to the city of Lowell, county of Middlesex, State of Massachusetts, to construct a bridge across the Merrimac River; to the Committee on Interstate and Foreign Commerce.

By Mr. JOHNSON of Washington: A bill (H. R. 11629) to provide for the revenue of the Government and to protect and maintain the cedar-shingle industry of the United States; to the Committee on Ways and Means.

By Mr. VOLSTEAD: A bill (H. R. 11630) to amend an act entitled "An act to increase the pensions of widows, minor children, etc., of deceased soldiers and sailors of the late Civil War, the War with Mexico, the various Indian wars, etc., and to grant a pension to certain widows of the deceased soldiers and sailors of the late Civil War," approved April 19, 1908; to the Committee on Pensions.

By Mr. CANDLER of Mississippi: A bill (H. R. 11631) to revive the right of action under the captured and abandoned property acts, and for other purposes; to the Committee on the Judiciary.

By Mr. HULBERT: A bill (H. R. 11632) to provide for the licensing of third officers in the deck department and third assistant engineers in the engine department of ocean and coastwise steam vessels, and for enrollment in the Naval Reserves of the United States of American citizens at the age of 18 years; to the Committee on the Merchant Marine and Fisheries.

By Mr. HASTINGS: A bill (H. R. 11633) for completion of Federal building at Muskogee, Okla.; to the Committee on Public Buildings and Grounds.

By Mr. OGLESBY: A bill (H. R. 11634) providing for the temporary employment of typewriters in the Patent Office; to the Committee on Appropriations.

By Mr. MILLER of Delaware: Resolution (H. Res. 142) increasing the salaries of the two messengers in charge of telephones; to the Committee on Accounts.

By Mr. O'SHAUNESSY: Joint resolution (H. J. Res. 153) reaffirming the Monroe doctrine; to the Committee on Foreign Affairs.

By Mr. RUBEY: Joint resolution (H. J. Res. 154) authorizing the Secretary of War to award the congressional medal of honor to Frederick J. Liesmann; to the Committee on Military Affairs.

By Mr. SMITH of New York: Joint resolution (H. J. Res. 155) to determine whether an American has discovered the North Pole; to the Committee on Education.

By Mr. FLYNN: Memorial of the Legislature of the State of New York, opposing a Federal inheritance tax; to the Committee on Ways and Means.

By Mr. DALE of New York: Memorial of the Legislature of the State of New York, opposing a Federal law taxing inheritances; to the Committee on Ways and Means.

## PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ASHBROOK: A bill (H. R. 11635) granting a pension to Anna R. Wright; to the Committee on Pensions.

Also, a bill (H. R. 11636) granting an increase of pension to Isaac B. Hawke; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11637) granting a pension to Retta Fivecoat; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11638) granting a pension to Anna R. Wright; to the Committee on Pensions.

By Mr. AYRES: A bill (H. R. 11639) granting an increase of pension to Edward B. Badger; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11640) granting an increase of pension to James Cottman; to the Committee on Invalid Pensions.

By Mr. BARKLEY: A bill (H. R. 11641) for the relief of U. S. Davis; to the Committee on Claims.

By Mr. BEALES: A bill (H. R. 11642) granting an increase of pension to David H. Funk; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11643) to correct the military record of John D. Richter; to the Committee on Military Affairs.

By Mr. BRUCKNER: A bill (H. R. 11644) granting a pension to Katherine E. Bocoskey; to the Committee on Pensions.

Also, a bill (H. R. 11645) granting a pension to Mary B. Timpson; to the Committee on Pensions.

By Mr. BRUMBAUGH: A bill (H. R. 11646) granting a pension to Malinda A. Brooks; to the Committee on Invalid Pensions.

By Mr. COOPER of Wisconsin: A bill (H. R. 11647) granting a pension to Mary Gannon; to the Committee on Invalid Pensions.

By Mr. CRAMTON: A bill (H. R. 11648) granting a pension to Hannah J. Clark; to the Committee on Pensions.

By Mr. DOOLITTLE. A bill (H. R. 11649) granting an increase of pension to Alexander Hensley; to the Committee on Invalid Pensions.

By Mr. DOREMUS: A bill (H. R. 11650) granting an increase of pension to Earle F. Chase; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11651) granting a pension to Mary Dunn; to the Committee on Pensions.

Also, a bill (H. R. 11652) for the relief of John W. Wischmeyer; to the Committee on Military Affairs.

Also, a bill (H. R. 11653) granting a pension to Robert Trexler; to the Committee on Pensions.

Also, a bill (H. R. 11654) granting a pension to Margaret D. Holm; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11655) granting a pension to Ida Bill; to the Committee on Pensions.

By Mr. DOUGHTON: A bill (H. R. 11656) for the relief of the estate of John Hardin; to the Committee on Claims.

By Mr. EDMONDS: A bill (H. R. 11657) granting a pension to Kathryn Bowers; to the Committee on Pensions.

By Mr. FINLEY: A bill (H. R. 11658) for the relief of St. John's Episcopal Church at Winnsboro, S. C.; to the Committee on War Claims.

By Mr. HASKELL: A bill (H. R. 11659) for the relief of Frederick Albert; to the Committee on Military Affairs.

Also, a bill (H. R. 11660) for the relief of Mathilda Hesterman; to the Committee on Claims.

Also, a bill (H. R. 11661) for the relief of Patrick Burns; to the Committee on Claims.

Also, a bill (H. R. 11662) for the relief of William Iliff; to the Committee on Military Affairs.

By Mr. HOWARD: A bill (H. R. 11663) granting an increase of pension to Kittie D. Crissey; to the Committee on Pensions.

Also, a bill (H. R. 11664) for the relief of the estate of Edmond Barber, deceased; to the Committee on War Claims.

Also, a bill (H. R. 11665) for the relief of Walter A. Watts; to the Committee on War Claims.

By Mr. HULL of Tennessee: A bill (H. R. 11666) granting a pension to Benton M. Johnson; to the Committee on Pensions.

By Mr. JOHNSON of Washington: A bill (H. R. 11667) granting an increase of pension to Ellen A. Cortright; to the Committee on Invalid Pensions.

By Mr. KONOP: A bill (H. R. 11668) granting an increase of pension to Peter M. Simon; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11669) granting a pension to Frank Schallert; to the Committee on Pensions.

By Mr. KREIDER: A bill (H. R. 11670) granting a pension to Ella M. Hauck; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11671) granting an increase of pension to Mary Jane Glasser; to the Committee on Invalid Pensions.

By Mr. LONGWORTH: A bill (H. R. 11672) granting a pension to Mary Eliza Batterson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11673) granting an increase of pension to Sarah Webb; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11674) granting an increase of pension to Ferdinand Liebtag; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11675) granting an increase of pension to Annie E. Doss; to the Committee on Invalid Pensions.

By Mr. McARTHUR: A bill (H. R. 11676) to remove the charge of desertion from the military record of James Wilson; to the Committee on Military Affairs.

By Mr. McGILLICUDDY: A bill (H. R. 11677) granting an increase of pension to Henrietta Tilton; to the Committee on Invalid Pensions.

By Mr. MATTHEWS: A bill (H. R. 11678) granting a pension to Mary A. Riley; to the Committee on Invalid Pensions.

By Mr. MOORES of Indiana: A bill (H. R. 11679) for the relief of Samuel D. Kingsbury; to the Committee on Claims.

By Mr. MORRISON: A bill (H. R. 11680) granting a pension to Nancy J. Trees; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11681) granting an increase of pension to Elisha Woodruff; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11682) granting a pension to Sarah E. Mathis; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11683) granting an increase of pension to Frances A. Ayres; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11684) granting an increase of pension to Aaron Britton; to the Committee on Invalid Pensions.

By Mr. MURRAY: A bill (H. R. 11685) for the relief of Ivy L. Merrill; to the Committee on Indian Affairs.

By Mr. NOLAN: A bill (H. R. 11686) for the relief of Patrick McNamee; to the Committee on Naval Affairs.

Also, a bill (H. R. 11687) granting a pension to John H. Simmons; to the Committee on Pensions.

By Mr. OAKEY: A bill (H. R. 11688) granting an increase of pension to Charles W. Smith; to the Committee on Invalid Pensions.

By Mr. OVERMYER: A bill (H. R. 11689) granting a pension to Henry Reimiller; to the Committee on Pensions.

Also, a bill (H. R. 11690) granting a pension to Alfred Lilley; to the Committee on Invalid Pensions.

By Mr. RIORDAN: A bill (H. R. 11691) granting an increase of pension to Honora Gallagher; to the Committee on Invalid Pensions.

By Mr. RUBEY: A bill (H. R. 11692) granting an increase of pension to Anna Nottingham; to the Committee on Pensions.

Also, a bill (H. R. 11693) granting a pension to Julia A. Dugan; to the Committee on Invalid Pensions.

By Mr. RUSSELL of Missouri: A bill (H. R. 11694) granting a pension to Mary E. Shields; to the Committee on Invalid Pensions.

By Mr. STEELE of Pennsylvania: A bill (H. R. 11695) granting a pension to William J. Huntington; to the Committee on Invalid Pensions.

By Mr. STEPHENS of Mississippi: A bill (H. R. 11696) for the relief of the heirs and legal representatives of A. M. Rayburn, deceased; to the Committee on Claims.

By Mr. STINESS: A bill (H. R. 11697) granting an increase of pension to Sarah K. Northrop; to the Committee on Invalid Pensions.

By Mr. SUTHERLAND: A bill (H. R. 11698) granting an increase of pension to Mary C. Smith; to the Committee on Invalid Pensions.

By Mr. TAYLOR of Colorado: A bill (H. R. 11699) granting an increase of pension to Silas J. Pickerell; to the Committee on Invalid Pensions.

By Mr. VOLSTEAD: A bill (H. R. 11700) granting a pension to Melius J. Nelson; to the Committee on Pensions.

Also, a bill (H. R. 11701) granting a pension to Axel E. Anderson; to the Committee on Pensions.

By Mr. THOMAS S. WILLIAMS: A bill (H. R. 11702) granting a pension to Sarah Arbuckle; to the Committee on Pensions.

Also, a bill (H. R. 11703) granting an increase of pension to Elizabeth Mitchell; to the Committee on Invalid Pensions.

By Mr. WOODS of Iowa: A bill (H. R. 11704) for the relief of Henry J. Bolander; to the Committee on Military Affairs.

## PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Memorial of Lincoln Road Chapter of the Epworth League, urging prohibition for the District of Columbia; to the Committee on the District of Columbia.

Also (by request), memorial of New York State Bar Association, urging passage of Senate bill 1412; to the Committee on the Judiciary.

Also (by request), memorial of Vest Makers' Union, of Baltimore, urging that the Jews be protected in Europe; to the Committee on Foreign Affairs.

Also (by request), memorial, urging that support be given to House joint resolution 38; to the Committee on Foreign Affairs.

By Mr. ASHBROOK: Petition of German-American Alliance of Newark, Ohio, favoring embargo on arms, etc.; to the Committee on Foreign Affairs.

Also, petitions of Walter S. Ayres and 28 others and German-American Alliance, of Newark, Ohio, against national prohibition; to the Committee on the Judiciary.

By Mr. AYRES: Petition of citizens of Oxford, Kans., against revenue stamps on bank checks; to the Committee on Ways and Means.

By Mr. BAILEY: Petition of C. A. Claycomb, W. R. Kirby, H. A. Brammert, and Emma Sherbine, of Summerhill; W. J. Storm, Tunnel Supply Co., K. A. Reed, E. Nelson, E. Shilling, J. E. Burns, and Samuel Pollock, of Gallitzin; and E. S. Seaman, of Wilmore, all in Cambria County, Pa., for the taxing of mail-order houses; to the Committee on Ways and Means.

By Mr. BEALES: Memorial of York (Pa.) City Council and Federation of Trades Unions, favoring bill for indefinite leave to aged employees of the Postal Service; to the Committee on the Post Office and Post Roads.

Also, petition of William M. Lloyd Co., Philadelphia, Pa., favoring bill regulating compulsory pilotage on barges; to the Committee on Interstate and Foreign Commerce.

Also, petition of York (Pa.) Local Union, International Union of United Brewery Workmen, against national prohibition; to the Committee on the Judiciary.

Also, petitions of citizens of York City and County of Pennsylvania, favoring tax on mail-order houses; to the Committee on Ways and Means.

By Mr. BRUCKNER: Petition of National Academy of Design of New York, protesting against location of light and power plant at head of Washington Channel; to the Committee on the District of Columbia.

Also, petition of Central Federated Union, against national prohibition; to the Committee on the Judiciary.

Also, memorial of National Guard Association of the State of New York, favoring placing National Guard under Federal control; to the Committee on Military Affairs.

By Mr. BRUMBAUGH: Evidence to accompany House bill 10596, granting a pension to Albert N. Oakleaf; to the Committee on Pensions.

By Mr. BURKE: Petition of Lutheran St. Peter's Church, of Theresa, Wis., protesting against the passage of House bills 394, 718, and 9435, and Senate bills 1082, 1257, and 1352, or any other bill providing for prohibition in the District of Columbia; to the Committee on the District of Columbia.

Also, petition of Lutheran St. Peter's Church, of Theresa, Wis., protesting against the passage of a constitutional amendment providing for nation-wide prohibition; to the Committee on the Judiciary.

Also, petition of Lutheran St. Peter's Church, of Theresa, Wis., asking for the passage of a resolution to prohibit the exportation of arms and munitions of war to any of the belligerent nations of Europe; to the Committee on the Judiciary.

By Mr. COOPER of Ohio: Petitions of 31 voters of Ellsworth, citizens of Canfield, and voters of Berlin Township, all in the State of Ohio, for national prohibition; to the Committee on the Judiciary.

By Mr. COLEMAN: Petition of 53 citizens of McKeesport, Pa., favoring national prohibition; to the Committee on the Judiciary.

By Mr. DALE of New York: Petition of Greenpoint (N. Y.) Taxpayers and Citizens' Association, relative to deeper waterways for New York State; to the Committee on Rivers and Harbors.

Also, petitions of Paving Cutters Union, of Albion, N. Y.; International Association of Machinists, of Washington, D. C.; Building Trades Department, American Federation of Labor, favoring Burnett immigration bill; to the Committee on Immigration and Naturalization.

Also, petition of United Liquor Dealers' Association of Kings County, N. Y., against prohibition in the District of Columbia; to the Committee on the District of Columbia.

Also, petition of F. O. Barton, of New York, favoring nonpartisan tariff commission; to the Committee on Ways and Means.

Also, petition of Edwin P. Gleason's Son, favoring bill for universal military training; to the Committee on Military Affairs.

Also, petition of James S. Long, of Boston, Mass., relative to citizen military reserve; to the Committee on Military Affairs.

By Mr. DICKINSON: Petition of 46 citizens of St. Clair County, Mo., against proposed military program; to the Committee on Military Affairs.

By Mr. EDMONDS: Petition of Vessel Owners and Captains' Association of Philadelphia, favoring House bill 10015, relative to officers in deck department of engine room; to the Committee on the Merchant Marine and Fisheries.

By Mr. FESS: Petitions of Methodist Episcopal Church of Kennard, Methodist Episcopal Church of Cable, St. Paul Methodist Episcopal Church and citizens of Springs, Ohio, favoring national prohibition; to the Committee on the Judiciary.

By Mr. FLYNN: Petition of Central Federated Union, against any change in seamen's law; to the Committee on the Merchant Marine and Fisheries.

Also, memorials of International Association of Machinists of Washington, D. C., and Paving Cutters' Union of Albion, N. Y., favoring the Burnett immigration bill; to the Committee on Immigration and Naturalization.

Also, a memorial of Congressional Union for Woman Suffrage, favoring the Susan B. Anthony amendment; to the Committee on the Judiciary.

By Mr. FULLER: Petition of William McKinley Camp, No. 12, United Spanish War Veterans, favoring the War College bill; to the Committee on Military Affairs.

Also, petition of Illinois State Court, Guardians of Liberty, against bills to amend the postal laws; to the Committee on the Post Office and Post Roads.

Also, petition of Illinois Federation of Labor, relative to ship-purchase bill, etc.; to the Committee on the Merchant Marine and Fisheries.

By Mr. GALLIVAN: Memorial of Farley, Harvey & Co., of Boston, favoring House bill 702, the dyestuff bill; to the Committee on Ways and Means.

Also, memorial of A. Shuman & Co., of Boston, favoring House bill 702—the dyestuffs bill; to the Committee on Ways and Means.

Also, memorial of Motion Picture Exhibitors' League, of Boston, Mass., against Federal censorship of films; to the Committee on Education.

By Mr. GORDON: Petition of John W. Scott and 43 other citizens of Cuyahoga County, Ohio, praying for enactment of House joint resolution 84 and of House joint resolution 85; to the Committee on the Judiciary.

Also, letter of the Ohio Varnish Co. and the National Paint & Varnish Co., of Cleveland, Ohio, asking for legislation bettering status of dyestuffs industry; to the Committee on Ways and Means.

By Mr. GUERNSEY: Petitions of business men of Bangor and other places in Maine, favoring taxing mail-order houses; to the Committee on Ways and Means.

Also, petition of Society of Sons of the Revolution, District of Columbia, favoring national defense; to the Committee on Military Affairs.

By Mr. GRIFFIN: Memorial of Washington (D. C.) Lodge, No. 15, Order of Elks, of the United States of America, protesting against prohibition in the District of Columbia; to the Committee on the District of Columbia.

Also, memorials of International Association of Machinists, of Washington, D. C.; Paving Cutters' Union, of Albion, N. Y.; and Building Trades Department, American Federation of Labor, in favor of the Burnett immigration bill; to the Committee on Immigration and Naturalization.

Also, petition of James S. Long, of Boston, Mass., in reference to military system of the country; to the Committee on Military Affairs.

Also, memorials of Chamber of Commerce of Zanesville, Ohio, and board of directors of the New Orleans Association of Commerce, favoring submitting the question of railway mail pay to the Interstate Commerce Commission; to the Committee on the Post Office and Post Roads.

Also, petition of F. C. Barton, of New York, favoring a nonpartisan tariff commission; to the Committee on Ways and Means.

Also, petition of United Liquor Dealers' Association, of Kings County; Julius Wile, Sons & Co., of New York; and a citizen of Brooklyn, N. Y., protesting against prohibition in the District of Columbia; to the Committee on the District of Columbia.

By Mr. HAWLEY: Memorial of Salem Lodge, No. 561, Independent Order of Good Templars, Salem, Oreg., favoring House bills 279 and 280; to the Committee on Rules.

By Mr. HERNANDEZ: Petitions of business men of the State of New Mexico, favoring tax on mail-order houses; to the Committee on Ways and Means.

By Mr. HILL: Petitions of Thomas H. Mulliken and others, of Stamford, Conn., favoring national prohibition; to the Committee on the Judiciary.

Also, memorial of Woman's Christian Temperance Union, Great Plain, Danbury, Conn., favoring censorship of motion pictures; to the Committee on Education.

Also, petitions of Kittinger Furniture Co. and others, of Buffalo, N. Y.; Muncie (Ind.) Commercial Club; J. W. Hunt & Co., of Washington, D. C., favoring tax on dyestuffs; to the Committee on Ways and Means.

Also, memorial of Arion Singing Society, Bridgeport, Conn., favoring embargo on arms, etc.; to the Committee on Foreign Affairs.

Also (by request), petition of German-American Alliance, of Bridgeport, Conn., relative to prohibition in the District of Columbia; to the Committee on the District of Columbia.

By Mr. KENNEDY of Rhode Island: Petition of Frank H. Martin, of Providence, R. I., against location of proposed power plant near Washington Monument in city of Washington; to the Committee on the District of Columbia.

Also, petition of 43 employees of the Pawtucket (R. I.) post office, favoring passage of the Penrose-Griffin bill granting indefinite leaves of absence to superannuated employees of the Postal Service; to the Committee on the Post Office and Post Roads.

Also, petitions of Valley Falls (R. I.) Baptist Sunday School, for national prohibition; to the Committee on the Judiciary.

By Mr. KONOP: Petition of International Union of United Brewery Workmen of Antigo, Wis., against national prohibition; to the Committee on the Judiciary.

By Mr. LONGWORTH: Petitions of Men's Bible Class, Westminster Christian Endeavor Society and Sunday School, all of Norwood Presbyterian Church, Norwood; and Ninth Street Baptist Church, of Cincinnati, all in the State of Ohio, favoring national prohibition; to the Committee on the Judiciary.

By Mr. McARTHUR (by request): Petition of United Brethren Church of Philomath, Oreg., against preparedness; to the Committee on Military Affairs.

By Mr. MATTHEWS: Petition of Religious Association and Young Men's Christian Association of Defiance College, favoring national prohibition; to the Committee on the Judiciary.

Also, evidence supporting House bill 11513, granting an increase of pension to Jacob Eiser; to the Committee on Invalid Pensions.

By Mr. MILLER of Delaware: Memorial of Woman's Christian Temperance Union of Magnolia, Del., favoring national prohibition; to the Committee on the Judiciary.

By Mr. MILLER of Pennsylvania: Petition of the congregation of the Methodist Episcopal Church of Kinzua, Pa., for national prohibition; to the Committee on the Judiciary.

By Mr. MOON: Additional papers to accompany House bill 10812, for the relief of Lewis A. Rominger; to the Committee on Pensions.

By Mr. MORIN (by request): Memorials of Captain Alfred E. Hunt Camp, No. 1, United Spanish War Veterans, and Dr. H. G. Carmalt, of Pittsburgh, Pa., in reference to preparedness; to the Committee on Military Affairs.

Also (by request), petitions of Standard Talking Machine Co., of Pittsburgh, Pa., and George A. Kelly Co., of Pittsburgh, Pa., in favor of the Stevens standard-price bill; to the Committee on Interstate and Foreign Commerce.

By Mr. NEELY: Petition of Fairmont East Side Woman's Christian Temperance Union, of Fairmont, W. Va., favoring prohibition in the District of Columbia; to the Committee on the District of Columbia.

Also, petitions of citizens of Ohio County, W. Va., protesting against passage of House bill 491 and House bill 6468; to the Committee on the Post Office and Post Roads.

Also, petitions of 28 citizens of Grafton, W. Va.; 26 citizens of Shinnston, W. Va.; 32 citizens of Lumberport, W. Va.; Methodist Episcopal Church of Lumberport, W. Va.; First Methodist Episcopal Church of New Martinsville, W. Va.; and Shinnston Baptist Sunday School, of Shinnston, W. Va., for national prohibition; to the Committee on the Judiciary.

By Mr. NOLAN: Resolutions of the Associated Chambers of Commerce of the Pacific Coast, San Francisco, Cal., favoring the emergency appropriation of $2,000,000 to carry on the work of constructing the Alaskan railroad; to the Committee on Appropriations.

Also, resolutions of the Associated Chambers of Commerce of the Pacific Coast, favoring increased appropriations for the Coast and Geodetic Survey for its work on the Pacific coast; to the Committee on the Judiciary.

Also, letter from the San Francisco (Cal.) Local Union of the International Union, United Brewery Workmen of America, protesting against the enactment of nation-wide prohibition legislation; to the Committee on the Judiciary.

Also, protest of the Importers and Wholesale Liquor Merchants' Association, San Francisco, Cal., against the passage of the Sheppard bill providing prohibition for the District of Columbia; to the Committee on the District of Columbia.

Also, resolutions of the California State Federation of Labor, San Francisco, Cal., favoring Federal aid for the care of tubercular patients; to the Committee on Appropriations.

By Mr. OAKEY: Petition of H. Lockhart, of Plantsville, Conn., favoring censorship of motion pictures; to the Committee on Education.

By Mr. OVERMYER: Petition of the American Crayon Co., of Sandusky, Ohio, favoring tax on dyestuff; to the Committee on Ways and Means.

By Mr. PRATT: Petition of Lyle W. Jackson, Mortimer Allison, W. Stuart, and W. G. Riddell, all of Canisteo, N. Y., favoring the passage of House bill 6915, providing for indefinite leaves of absence for superannuated clerks of the Post Office Department; to the Committee on the Post Office and Post Roads.

Also, petition of Rev. A. W. Cooper, of Groton, N. Y., favoring the passage of the Smith-Hughes bill for the national censorship of moving-picture films; to the Committee on Education.

Also, petition signed by 56 business men and firms of southern New York and northern Pennsylvania, favoring the enactment of the Stevens standard-price bill; to the Committee on Interstate and Foreign Commerce.

By Mr. ROWE: Memorial of New Orleans Association of Commerce, favoring submitting the question of railway mail pay to the Interstate Commerce Commission; to the Committee on the Post Office and Post Roads.

Also, petitions of the New York Board of Trade and Transportation and S. Rawitser & Co., of New York, protesting against any curtailment of mail deliveries in New York City; to the Committee on the Post Office and Post Roads.

Also, memorial of the New York Produce Exchange, protesting against House bill 10405, the United States grain-grades bill; to the Committee on Agriculture.

By Mr. RUSSELL of Ohio: Petitions of 109 citizens of Lima and 8 of Greenville, Ohio, favoring national prohibition; to the Committee on the Judiciary.

By Mr. STINESS: Petition of 75 people of Anthony, R. I., for national prohibition; to the Committee on the Judiciary.

Also, petition of the Workingmen's Independent Political Club of Providence, R. I., favoring a permanent tariff commission; to the Committee on Ways and Means.

By Mr. TAYLOR of Arkansas: Petition of D. M. Cloud, of Benton, Ark., and 46 other ex-Confederate soldiers, in behalf of House bill 478 introduced by Representative TILLMAN; to the Committee on Pensions.

Also, petition of S. D. Spratt, of Monticello, Ark., and 97 others, in favor of national prohibition; to the Committee on the Judiciary.

Also, petition of Mrs. J. T. Holland and many others, of Monticello, Ark., in behalf of the joint resolution introduced by Senators SHEPPARD and GALLINGER and Representative WEBB, looking to an amendment to the Constitution for national prohibition; to the Committee on the Judiciary.

By Mr. WASON: Petition of James Campion and 12 other business men of Hanover, N. H., in support of a bill to provide a tax upon persons, firms, or corporations doing an interstate mail-order business; to the Committee on Ways and Means.

By Mr. WATKINS: Petition of citizens of Lenzburg, La., favoring an embargo on arms and ammunition; to the Committee on Foreign Affairs.

## SENATE.

### THURSDAY, *February 17, 1916.*

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Our heavenly Father, we come seeking Thy blessing that the light of Thy presence may be the light of our way in the duties of this day. Thy hand lifts the curtain of every new day, and companionship with Thee makes the path of duty a path of joy and of glory. Thy presence gives to us the inspiration of life. Thy presence guides the path to successful issue. Thy presence leads us in the achievement of our high ideals. Go Thou with us this day that the influence of Thy spirit may dwell in our hearts and minds, bringing us closer to Thyself, and thus bringing us closer to the duties that pertain to our earthly life. We ask for Christ's sake. Amen.

The Journal of yesterday's proceedings was read and approved.

PROHIBITION IN THE DISTRICT OF COLUMBIA (S. DOC. NO. 318).

The VICE PRESIDENT laid before the Senate a communication from the Acting Secretary of War, calling attention to the fact that the bill to prohibit the manufacture and sale of intoxicating liquors in the District of Columbia contains no provision for the storing of alcohol for the Medical Department of the Army, which was referred to the Committee on the District of Columbia.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented a copy of a letter addressed to the President of the United States by the publishers of American newspapers published in other languages than English, pledging support to the preparedness program, which was referred to the Committee on Military Affairs.

Mr. O'GORMAN. I present a telegram in the nature of a memorial, which I ask may be printed in the RECORD and referred to the Committee on Foreign Relations.

There being no objection, the telegram was referred to the Committee on Foreign Relations and ordered to be printed in the RECORD, as follows:

NEW YORK, N. Y., *February 15, 1916.*

Senator JAMES A. O'GORMAN,
*United States Senate, Washington, D. C.:*

The announcement of the central powers that armed merchantmen will be treated as men-of-war beginning with the 1st of March will involve United States in gravest crisis yet experienced unless Government defines attitude at once clearly and unmistakably.

Germans are not a nation of bluffers. We may have to face in another couple of weeks the serious situation of the vessel carrying American passengers will be sunk without warning, because such vessel was armed. Whatever policy United States may pursue in the matter it would be fateful for us to drift without taking clear and unambiguous stand before new catastrophe occurs.

If we defer decision until such time our course of action would depend not upon principles enunciated by Secretary of State in note to all belligerents on subject of submarine warfare, but on exigencies of the moment. We would be compelled in forming opinion to rely not upon indisputable facts, but upon highly colored partisan statements. Central powers having acknowledged justice of our contention that submarines must not destroy merchantmen without safeguarding lives of American passengers, it was clearly the duty of our Government to insist that lives of such American passengers shall not be jeopardized by the merchantmen themselves. There can be no greater danger for noncombatants than to place weapons capable of destroying hostile submarines into hands of captains of merchant vessels. The Government has wisely attempted to remove that peril by proposing international agreement for the disarming of merchantmen. Announcement of central powers is based on identical principle which is expounded and championed by United States. The idea of abolishing malpractice of arming merchantmen by common consent is, however, hardly feasible in times of world war. England bent on exterminating German submarines by every means, fair or foul, is not likely to abandon that malpractice by amicable settlement. The Government can not rest content with what it has done in this matter. If we desire to remove every possibility of friction, and if we desire to safeguard lives of our citizens, there is only one peaceful course open to us—the United States must declare without delay that citizens traveling on board of armed ships of belligerents do so at their own risk. This should apply not only to ships leaving American ports, but to all ships on the seven seas, no matter from what port they hail. If we permit American citizens to board vessels which, while leaving American harbors without armament, are armed at sea by warships, we shall only increase possibilities of disaster. We may not be able to compel belligerents to comply with our demand, although France already recognizes principle on which our attitude is based and refuses to arm her merchantmen; but at least we can deny protection to American citizens who, in spite of the perils with which their course is fraught, insist upon traveling on belligerent privateers unless allies will issue definite instructions to their merchantmen, forbidding them to carry arms or to resist capture. It seems only fair that citizens placing themselves under protection of the guns of a belligerent should for the time being be placed outside of protection of the United States.

FREDERICK FRANKLIN SCHRADER.

Mr. GALLINGER presented a petition of the congregation of the East Congregational Church, of Concord, N. H., and a petition of J. H. Bliss and 19 other citizens, of Concord, N. H., praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented a petition of Rev. Samuel S. Drury, of St. Paul's School, Concord, N. H., praying for the enactment of legislation to prohibit interstate commerce in the products of child labor, which was referred to the Committee on Interstate Commerce.

He also presented a petition of the National Federation of Post Office Clerks and a petition of the Mining Department of the American Federation of Labor, praying for the enactment of legislation to further restrict immigration, which were referred to the Committee on Immigration.

Mr. SHEPPARD presented a petition of sundry citizens of Corsicana, Tex., praying for an increase in armaments, which was referred to the Committee on Military Affairs.

He also presented petitions of sundry citizens of the District of Columbia, praying for prohibition in the District of Columbia, which were ordered to lie on the table.

Mr. SMITH of Georgia. I present a resolution adopted by the Atlanta Chamber of Commerce on the subject of preparation for national defense. I ask that the resolution be printed in the RECORD and referred to the Committee on Military Affairs.

There being no objection, the resolution was referred to the Committee on Military Affairs and ordered to be printed in the RECORD, as follows:

*Resolved by the directors of the Atlanta Chamber of Commerce*, That the Representatives in Congress from Georgia be urged to secure at this session of Congress legislation that will materially increase both the military and Navy defense of the United States of America: Be it further

*Resolved*, That the Secretary of this chamber of commerce be instructed to mail a copy of this resolution to each Member of the delegation in Congress from Georgia. Also to mail copies to the leading commercial organizations of this State, inviting them to pass similar resolutions, and requesting that copies be sent by them to the delegation in Congress from Georgia.

Mr. SMITH of Georgia. I have also resolutions adopted by the Georgia Manufacturers' Association with reference to the child-labor bill, which I ask be printed in the RECORD.

There being no objection, the resolutions were referred to the Committee on Interstate Commerce and ordered to be printed in the RECORD, as follows:

GEORGIA MANUFACTURERS' ASSOCIATION,
*February 10, 1916.*

Resolution.

Whereas there is pending in the National Congress certain proposed legislation regulatory of female and child-labor employment throughout the United States, which is made applicable to manufacturing interests employing adult female and minor help in the manufacture of articles entering into interstate commerce, such proposed legislation being embodied in Senate bills 519, 520, and 1083, and House bills 666 and 6870; and

Whereas it is believed the principle of control suggested in such legislation is revolutionary in character, the grant of power to the Federal Government for the enactment of such legislation being based upon a strained interpretation of the Constitution of the United States delegating to Congress the power to regulate interstate commerce; and

Whereas if this prescribed power be given to Congress, Federal control may be exercised over State sovereignties to the extent of denying the right of shipment, except upon authority of Federal statute on any interstate route of any commodity in the manufacture of which proscribed adult female or child labor has been employed, resulting in the obliteration of State jurisdiction over local enterprises, for the reason that scarcely no manufacturer ever confines his market place to the borders of a single State; and

Whereas legislation governing female and child labor has made steady, if slow, progress as a matter of State legislation, and has all but accomplished its primary standards throughout the Union, evincing a desire on the part of separate sovereignties to enact fair and proper statutory regulations governing such employment: Therefore be it

*Resolved*, That the Georgia Manufacturers' Association in annual convention assembled protests the passage of these several proposed bills now pending in Congress, for reasons made patent in the foregoing preambles, and petitions the Honorables HOKE SMITH and THOMAS W. HARDWICK, representing the State of Georgia in the United States Senate, and each and every Members of the House of Representatives from Georgia, to oppose their passage; and

*Resolved further*, That a copy of these preambles and resolutions, duly authenticated by the president and secretary of this association, be sent to each Senator in the National Congress representing the State of Georgia, and to each and every Representative in the House of Representatives, representing respective congressional districts in the State.

WM. W. DORNE, *Secretary.*

Attest: A true copy, as agreed to and passed.

THOS. K. GUNN, *President.*

Mr. SMITH of Georgia. I have a resolution passed by the Seattle Commercial Club with reference to the vocational education bill which is now upon our calendar. I ask that it be printed in the RECORD.

There being no objection, the resolution was ordered to lie on the table and to be printed in the RECORD, as follows:

REPORT OF THE COMMITTEE ON EDUCATION.

SEATTLE COMMERCIAL CLUB.

GENTLEMEN: The committee to whom was referred the communication by Mr. D. D. Johnson regarding the Smith-Hughes bill, begs leave to report as follows:

The Smith-Hughes bill is the work of a commission on national aid to vocational education, created by act of Congress, approved January 20, 1914, authorizing the President of the United States to appoint a commission of nine members to consider the subject of national aid for vocational education.

Pursuant to this act the President of the United States appointed the following persons to serve as members of the commission: Senator Hoke Smith, Georgia; Senator Carroll S. Page, Vermont; Representative D. M. Hughes, Georgia; Representative S. D. Fess, Ohio; John A. Lapp, director Indiana Bureau of Legislative Information, Indianapolis, Ind., secretary of Indiana Commission on Industrial Agricultural Education, 1912; Miss Florence M. Marshall, director Manhattan Trade School, New York City, member of Massachusetts Factory Inspection Commission, 1910; Miss Agnes Nestor, president International Glove Workers' Union, Chicago, Ill., member Committee on Industrial Education, American Federation of Labor; Charles A. Prosser, secretary National Society for the Promotion of Industrial Education, New York City; Charles H. Winslow, special agent Bureau of Labor Statistics, Washington, D. C., member of Massachusetts Commission on Industrial Education, 1906 to 1909.

The Smith-Hughes bill is to provide for the promotion of vocational education; to provide for cooperation with the States in the promotion of such education in agriculture and the trades and industries; to provide for cooperation with the States in the preparation of teachers of vocational subjects; and to appropriate money and regulate its expenditure.

The schools to be aided in part by the National Government must be—

1. Schools supported and controlled by the public.
2. The instruction given in them must be of less than college grade.
3. They should be designed to prepare boys and girls over 14 years of age for useful or profitable employment in agriculture, in the trades and industries, and in home economics.
4. The schools should be of three types in order to meet a variety of needs:

(a) All-day schools in which practically half of the time should be given to actual practice for a vocation on a useful or productive basis.

(b) Part-time schools for young workers over 14 years of age, which should extend either their vocational knowledge or give preparation for entrance to a vocation or extend the general civic or vocational intelligence of the pupils.

(c) Evening schools to extend the vocational knowledge for mature workers over 16 years of age.

When we consider the two very significant finding of the commission, namely:

1. In this whole country there are fewer trade schools than exist in the little German Kingdom of Bavaria, with a population but little greater than that of New York City.

2. Until the outbreak of the European war more workers were being trained at public expense in the city of Munich than in all the larger cities of the United States put together, althought these American cities include a population of 12,000,000; and when we consider, further, that at least 2,000,000 boys and girls in this country, between the ages of 14 and 16, are working for wages, that they are unskilled, and that yearly 1,000,000 young people are required simply to maintain the ranks of our working population, we are constrained to urge most forcibly the passage of this measure and to request that the resolution be brought to the attention of the entire Washington delegation in Congress.

Respectfully submitted.

COMMITTEE ON EDUCATION, SEATTLE COMMERCIAL CLUB.
Per OTTO L. LUTHER, *Chairman.*

Adopted by the Seattle Commercial Club in regular session, January 25, 1916.

Mr. BANKHEAD presented petitions of sundry citizens of Bessemer, Ala., praying for an increase in armaments, which were referred to the Committee on Military Affairs.

Mr. JOHNSON of South Dakota presented petitions of sundry citizens of Rockham, Mitchell, Winner, Plankinton, Sisseton, Pierpont, Dell Rapids, Aberdeen, Britton, Nisland, Parker, Iroquois, Bridgewater, Estelline, Huron, Pierre, Clark, Castlewood, Elk Point, Midland, Beresford, Bryant, Hudson, Gann Valley, Henry, Webster, Minno, Clear Lake, Veblen, Fort Pierre, Farmingdale, Murdo, Volga, Brookings, and Herreid, all in the State of South Dakota, praying for prohibition in the District of Columbia, which were ordered to lie on the table.

He also presented petitions of sundry citizens of Roberts and Hankon Counties, S. Dak., praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. PHELAN presented a petition of the Fortnightly Club, of Redlands, Cal., praying for the enactment of legislation to prohibit interstate commerce in the products of child labor, which was referred to the Committee on Interstate Commerce.

He also presented a petition of the Chamber of Commerce of Santa Ana, Cal., praying for an increase in armaments, which was referred to the Committee on Military Affairs.

Mr. KENYON presented a petition of sundry citizens of Diagonal, Iowa, praying for Federal censorship of motion pictures, which was referred to the Committee on Education and Labor.

He also presented petitions of sundry citizens of Iowa, praying for the enactment of legislation to fix a standard price for patented and trade-marked articles, which were referred to the Committee on Education and Labor.

Mr. KERN presented petitions of sundry citizens of Princeton, Farmland, Terre Haute, Ossian, Frankfort, Indianapolis, Alexandria, Danville, Chapel Hill, Elwood, Fort Wayne, Summitville, Chandler, Medora, Covington, Rochville, Brownsburg, Waynetown, and Pulaski, all in the State of Indiana, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented memorials of the Bakers' Mutual Benefit Society and of sundry citizens and the Liederkranz, all of Indianapolis, Ind., remonstrating against national prohibition, which were referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Hammond, Ind., praying for the enactment of legislation to prohibit the issuance of passports to Americans traveling on vessels of belligerent nations, which were referred to the Committee on Foreign Relations.

He also presented a memorial of the Society of Friends of Farmland, Ind., remonstrating against an increase in armaments, which was referred to the Committee on Military Affairs.

Mr. VARDAMAN presented a petition of the Antisaloon League of Jackson, Miss., and a petition of sundry citizens of Gulfport, Miss., praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. MYERS. I present a memorial of the Chamber of Commerce of Polson, Mont., praying for an adequate appropriation for the Flathead reclamation project in that State. I ask that the memorial be printed in the RECORD, together with the signatures, and referred to the Committee on Indian Affairs.

There being no objection, the memorial was referred to the Committee on Indian Affairs and ordered to be printed in the RECORD as follows:

POLSON, MONT., *February 10, 1916.*

To the PRESIDENT AND CONGRESS OF THE UNITED STATES,
*Washington, D. C.*

GENTLEMEN: The Polson Chamber of Commerce, from which comes this communication, represents the common interests of the people of the city of Polson, Mont., and of the Lower Flathead Valley, its tributary territory, which territory is identical with that embraced within the Flathead reclamation project.

The Flathead project is under the jurisdiction of the United States for the Flathead Indians, and is the largest Indian reclamation project in the country, embracing the proposed irrigation of 152,000 acres of highly fertile lands, which, when supplied with water, will give as great production per acre as any section of the United States.

The entrymen on the tracts thereunder made settlement under the implied promise and pledge from the Government to have water available for use thereon within a reasonable time; but, though the project was begun in 1909, it is now but 22 per cent completed. As a result of this dilatory action on the part of the Government, these settlers are facing ruin, and many have been forced to abandon their lands. The entire cost of the complete project is estimated at $6,500,000; to June, 1915, but $1,600,000 had been appropriated, fixing the blame for this delay upon Congress in their failure to make larger appropriations.

No reasonable objection can be offered by Congress to a request for a substantial appropriation at this session for the completion of this project. The feasibility of the reclamation scheme and the value resulting from the irrigation of these lands is unquestioned, and all of the money used in connection therewith is reimbursable either to the Government or to the Indian fund, depending upon the source derived, the construction and maintenance cost standing as a lien upon each tract for its pro rata share of it.

It is apparent from the rate that appropriations have been made that it will require 25 years to complete the project. The Montana delegation is asking for a $1,000,000 appropriation at this session. The Polson Chamber of Commerce is leading a campaign to secure this money, and the magnitude of the loss resulting from delay and, on the other hand, the prosperity that will come from the completion of the project has been so apparent that it has had in this effort to secure the appropriation the active cooperation of almost every large commercial body in the Northwest.

We earnestly urge upon Congress the justice and economy of appropriating this amount for the Flathead project at this session, and we can not believe that so rightful a demand will be disregarded.

Respectfully submitted.

THE POLSON CHAMBER OF COMMERCE,
By C. M. SAWYER, *President.*
WALTER E. CHILD, *Secretary.*

Mr. KERN. I desire to have two telegrams in the nature of petitions printed in the RECORD without reading.

There being no objection, the telegrams were ordered printed in the RECORD, as follows:

TERRE HAUTE, IND., *February 12, 1916.*

Hon. JOHN W. KERN,
*Senate, Washington, D. C.*

DEAR SIR: We, the undersigned business men and professional men, most earnestly urge you to oppose the Senate bill No. 1082, as we are opposed to the enactment of any legislation that will hamper or endanger our manufacturing, mercantile, or financial institutions. We do not believe that this movement started will ever work out in practice, and for this reason feel that it should be defeated.

Carl D. Fischer, president Standard Wheel Co.; C. W. Turner, president Turner Bros. Co.; Theo. Frank, president Samuel Frank & Sons; Edwin C. Baker, president International Money Machine Co.; Paul Kuhn, presi-

dent Paul Kuhn Co.; J. R. Boedwin, manager Hunter Laundry Co.; Chas. M. Neely, president Terre Haute Candy Co.; A. L. Pfau, president and treasurer North Baltimore Glass Co.; Frank Hoermann, seed merchant; H. E. Royse, president I. H. C. Royse & Co.; Beasley Douthitt; Crawford & Beasley, attorneys; C. J. Root, president Root Glass Co.; P. V. Garland, president Garland Foundry Co.; Robert Bennett, Bennett Electric Co.; Jos. Diekemper & Son, commission merchants; August Fromme, Fromme Lumber Co.; Geo. R. Prichett, insurance; Meyers Bros., clothiers; Thorman & Schloss, clothiers; Herman Hulman, jr., manager Hulman & Co., wholesale grocers; A. Merz, merchant; W. J. Stuebe, manager Hooton Lumber Co.; M. T. Hidden, Terre Haute Transfer Co.; J. T. Pierson, transfer and insurance; Dr. J. R. Stunkard; William A. Cochran, manager Deming Hotel Co.; John Hickey, attorney; Jay O. Schultz, manager Moore & Langen Printing Co.; W. O. Durham, insurance; Samuel D. Royse, attorney; A. B. Bement, oil and coal operator; W. P. Ijams, retired; Isaac Powers, manager Home Packing & Ice Co.; Daniel Fasig, retired; John D. Steele, clothier; Wood Posey, shoe merchant; Chas. Fox, insurance; James E. Piety, attorney; S. E. Gray, Edgewood Realty Co.

TERRE HAUTE, IND., *February 12, 1916.*

Hon. JOHN W. KERN,
*Senate, Washington, D. C.*

DEAR SIR: The undersigned bankers of Terre Haute, Ind., earnestly urge you to vigorously oppose Senate bill No. 1082. We believe any such legislation at this time will only add to the already overburdened manufacturing interests of the country and both directly and indirectly adversely affect our whole business fabric. Besides, we are opposed to the principles involved in this class legislation. We already have too much legislation of the destructive kind. Let us have a rest.

JOHN L. CRAWFORD,
*President Terre Haute National Bank.*
DEMAS DEMING,
*President First National Bank.*
S. C. MCKEEN,
*Vice President McKeen National Bank.*
JOHN T. BEASLEY,
*President United States Trust Co.*
WILLIAM K. HAMILTON,
*Treasurer United States Trust Co.*
HERMAN A. MAYER,
*United States Trust Co.*
D. RUSS WOOD,
*President Citizens' Trust Co.*
BRUCE F. FAILY,
*President Wabash Realty & Loan Co.*

HEIRS OF FRANCIS BUSCH, DECEASED.

Mr. BRYAN, from the Committee on Claims, to which was referred the bill (S. 3927) for the relief of the legal representatives of Francis Busch, deceased, asked to be discharged from its further consideration and that it be referred to the Committee on Post Offices and Post Roads, which was agreed to.

PORT OF JACKSONVILLE, FLA.

Mr. SIMMONS. From the Committee on Finance I report back favorably without amendment the bill (S. 4506) to amend an act entitled "An act to amend the statutes in relation to immediate transportation of dutiable goods, and for other purposes," approved June 10, 1880, and I submit a report (No. 150) thereon. I call the attention of the Senator from Florida [Mr. BRYAN] to the bill.

Mr. BRYAN. I ask unanimous consent for the present consideration of the bill. I may state in submitting the request that the act extends to the port of Jacksonville, Fla., the provisions of the act of June 10, 1880, relating to the immediate transportation of dutiable goods. The bill received the favorable report of the committee in the last Congress, and there is a favorable report from the department stating that, in the opinion of the department, the bill ought to be passed.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

SNAKE RIVER BRIDGE, IDAHO.

Mr. SHEPPARD. From the Committee on Commerce I report back favorably without amendment the bill (S. 3873) to authorize the counties of Minidoka and Cassia, State of Idaho, to construct a bridge across Snake River, and I submit a report (No. 151) thereon. I ask for the immediate consideration of the bill.

Mr. BORAH. I rose to make the same request.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

SALE OF OLD POST-OFFICE BUILDING AT DAYTON, OHIO.

Mr. SWANSON. From the Committee on Public Buildings and Grounds I report back favorably without amendment the bill (H. R. 322) to authorize the Secretary of the Treasury of the United States to sell the old post office and site thereof in the city of Dayton, Ohio. I call the attention of the Senator from Ohio [Mr. POMERENE] to the bill.

Mr. POMERENE. I ask unanimous consent for the present consideration of the bill. The new Dayton post-office building has been completed and is occupied. The old building simply stands unoccupied and is of no use whatever to the Government. The citizens of Dayton are very anxious that the Treasury Department shall dispose of it.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. SWANSON:

A bill (S. 4507) for the adjudication and determination of the claims arising under joint resolution of July 14, 1870, authorizing the Postmaster General to continue in use in the Postal Service Marcus P. Norton's combined postmarking and stamp-canceling hand stamp patents, or otherwise; to the Committee on Post Offices and Post Roads.

A bill (S. 4508) to amend an act entitled "An act to repeal section 3480 of the Revised Statutes of the United States"; to the Committee on the Judiciary.

A bill (S. 4509) for the relief of J. W. Anderson; to the Committee on the District of Columbia.

A bill (S. 4510) for the relief of George T. Larkin; and

A bill (S. 4511) for the relief of the trustees of Mount Sinai Church, Prince Georges County, Va.; to the Committee on Claims.

A bill (S. 4512) granting a pension to David Malley;

A bill (S. 4513) granting a pension to James W. Weaver;

A bill (S. 4514) for the relief of the estate of Antonia Sousa, deceased; and

A bill (S. 4515) granting a pension to William M. Faidley; to the Committee on Pensions.

By Mr. HUGHES:

A bill (S. 4516) for the relief of the Preferred Building & Loan Association, Newark, N. J.; to the Committee on Finance.

By Mr. POMERENE:

A bill (S. 4517) for the relief of the Portsmouth Savings & Loan Co., of Portsmouth, Ohio; to the Committee on Claims.

By Mr. THOMPSON:

A bill (S. 4518) providing for an increase in number of midshipmen at the United States Naval Academy; to the Committee on Naval Affairs.

A bill (S. 4519) providing for an increase in number of cadets at the United States Military Academy; to the Committee on Military Affairs.

By Mr. NORRIS:

A bill (S. 4520) granting an increase of pension to Richard H. Bellamy; to the Committee on Pensions.

By Mr. KENYON:

A bill (S. 4521) granting an increase of pension to Andrew F. Johnson (with accompanying papers); and

A bill (S. 4522) granting an increase of pension to George McDowell (with accompanying papers); to the Committee on Pensions.

By Mr. O'GORMAN:

A bill (S. 4523) granting an increase of penison to Joseph Zeimer; to the Committee on Pensions.

By Mr. SHIVELY:

A bill (S. 4524) granting an increase of pension to Edward M. Booe; and

A bill (S. 4525) granting an increase of pension to James M. Dailey; to the Committee on Pensions.

By Mr. GRONNA:

A bill (S. 4526) authorizing the Arikara, Gros Ventre, and Mandan Tribes of Indians, of the Fort Berthold Reservation, N. Dak., to submit claims to the Court of Claims; to the Committee on Indian Affairs.

By Mr. PAGE:

A bill (S. 4527) granting an increase of pension to George T. Conner (with accompanying papers); to the Committee on Pensions.

OSAGE OIL LANDS.

Mr. LANE. I introduce a joint resolution. I should like to have it read.

The joint resolution (S. J. Res. 100) calling upon the Secretary of the Interior to adopt a royalty system in place of a bonus and royalty system in the sale of leases on the Osage oil lands was read the first time by its title and the second time at length, as follows:

Whereas it is the policy of the Department of the Interior to sell leases to operate oil and gas wells upon the lands of the Osage Indians in Oklahoma to the person or persons who tender the largest cash bonus over and above a royalty fixed by the President of the United States; and

Whereas this policy must necessarily and actually does exclude and prohibit the vast majority of the citizens of this country from bidding upon and securing leases of such lands for lack of the spot cash to pay the bonus; and

Whereas such discrimination eliminates many worthy persons from the bidding who could and would operate the property with profit to the Indians and to themselves if permitted to do so; and

Whereas the spot-cash bonus policy operates to the sole advantage of persons of large means who have or can securely ready cash; and

Whereas it is a policy which is mystifying and renders it uncertain whether the Osage Indians secure the best price or even a fair price for the use of their lands; and

Whereas if a policy of leasing the lands and receiving tenders upon the basis of a fixed percentage or so-called "royalty" based upon the output of such wells were adopted; and

Whereas the plan of leasing lands on a percentage of its production is so simple, so well known, and so fair in taking care of the property rights and equities of both the lessees and the owners of the lands and affords an opportunity to secure free, fair, and unlimited open competition for the sale of the aforesaid leases of the oil and gas lands of the Osage Indians without guessing or loss to anyone: Therefore, be it

*Resolved, etc.*, That the Secretary of the Interior be, and he is hereby, requested to adopt the policy of leasing such lands on royalties only, and to defer the sale of all leases upon the aforesaid lands until such time as he can definitely and certainly ascertain the actual value of the oil and gas wells now operating in the Osage Indians' oil field and then sell leases of the same to the person or persons offering the highest bid based on a percentage or royalty basis to such person or persons who give a good and sufficient bond to guarantee the faithful performance of their contracts.

The VICE PRESIDENT. The joint resolution will be referred to the Committee on Indian Affairs.

THE REGULAR ARMY.

Mr. SMITH of Georgia. Mr. President, I have an amendment which I desire to offer to the military bill. I am aware of the fact that the military bill has not been reported, but I wish the proposed amendment to be referred to the committee that it may be considered while they are considering the bill itself. I ask that the amendment be read.

The proposed amendment was read, as follows:

Amendment intended to be proposed by Mr. SMITH of Georgia to the bill (S. —) for making further and more effectual provision for the national defense, and for other purposes:

"SEC. —. That the Regular Army of the United States shall consist of 250,000 enlisted men. The increase herein provided shall continue until September 1, 1921.

"SEC. —. On and after the passage of this act the enlistment period shall be six years, unless sooner terminated by competent authority, two years with the colors and four years in a reserve: *Provided*, That no person who is less than 17 years of age or more than 26 years of age, and who has not completed a course in a grammar school, shall be eligible for enlistment in the Regular Army.

"SEC. —. That for the purpose of assisting the military and naval authorities in recruiting the Army and Navy, the President is hereby authorized to utilize the services of the postmasters throughout the United States as assistants to the recruiting officers of the Army and Navy under such rules and regulations as the President may prescribe.

"SEC. —. That members of the reserve shall report twice each year to their postmasters and shall receive $10 a year while members of the reserve, and shall only be subject to call to the colors in case of actual war or when war is imminent.

"SEC. —. That in addition to the work not connected with the military service soldiers on active duty hereafter enlisting shall devote 96 hours monthly to study and to receiving instructions upon educational lines not directly connected with the military service, but preparatory to their return to civil life. A part of this preparation for civil life shall consist of vocational education, either in the agricultural or the mechanical arts, and civilian teachers may be employed to aid the Army officers in conducting the said educational work.

"SEC. —. The provisions of this act shall be carried out under rules and regulations as may be prescribed by the President."

Mr. SMITH of Georgia. Mr. President, I desire to add just a word of explanation.

An army of 250,000 men with the colors and 125,000 of them going each year to the reserves for four year, would make available at the end of five years 500,000 trained reservists in addition to the Regular Army.

If the two years' training with the colors could be made also a training school for civil life, with vocational instruction included, the service would be greatly elevated and it would be sought by more than the number allowed.

If the Army officers are called upon to aid the preparation not only for war but for peace; if they accept this as a part of their service following graduation at West Point and Annapolis, can anyone doubt that their high sense of duty will bring a great contribution to the preparation for peaceful pursuits?

The young men serving for two years with the colors should be furnished opportunity while there to grow in mind and character.

The provisions for the use of postmasters in the recruiting service is suggested by the testimony of Gen. Edwards before the Senate Committee on Military Affairs. He pointed out that other countries employ civilian officials to supplement the work of the military authorities to keep up the personnel of their military establishments. I feel sure the postmasters of the country would gladly respond to any call made upon them to assist in giving an adequate Army and Navy. If the military authorities can use them, they would be only too glad to fill any place in the national system of defense that may be assigned to them.

I have no doubt the present recruiting service both of the Army and the Navy is highly efficient, but its facilities are limited. With the plan of using the postmasters, a young man could call at his post office and secure information as to the terms under which he could enlist. This would also provide a greatly improved system of enlistment in the event of war.

But the chief feature of the suggestion is that the two years with the colors be used equally to train the young men who enlist for the peaceful pursuits of life as well as for service in case of war.

The service with the colors should be made a preparation for both peace and war, built upon plans that will be of real benefit to the men who enlist. The young men while with the colors should be encouraged to save half their pay, or it might be reduced and the pay while with the reserves proportionately increased.

I present these suggestions hoping that the policy of preparing the men with the colors for civil life may, at least in some shape, become a part of any plan adopted for an increase of the Army.

The VICE PRESIDENT. The amendment will be printed and referred to the Committee on Military Affairs.

WATER-POWER DEVELOPMENT.

Mr. NORRIS submitted an amendment intended to be proposed by him to the bill (S. 3331) to amend an act entitled "An act to regulate the construction of dams across navigable waters," approved June 21, 1906, as amended by the act approved June 23, 1910, and to provide for the improvement and development of waterways for the uses of interstate and foreign commerce, which was ordered to lie on the table and be printed.

Mr. KENYON submitted three amendments intended to be proposed by him to the bill (S. 3331) to amend an act entitled "An act to regulate the construction of dams across navigable waters," approved June 21, 1906, as amended by the act approved June 23, 1910, and to provide for the improvement and development of waterways for the uses of interstate and foreign commerce, which were ordered to lie on the table and be printed.

Mr. LA FOLLETTE submitted three amendments intended to be proposed by him to the bill (S. 3331) to amend an act entitled "An act to regulate the construction of dams across navigable waters," approved June 21, 1906, as amended by the act approved June 23, 1910, and to provide for the improvement and development of waterways for the uses of interstate and foreign commerce, which were ordered to lie on the table and be printed.

Mr. HUSTING submitted five amendments intended to be proposed by him to the bill (S. 3331) to amend an act entitled "An act to regulate the construction of dams across navigable waters," approved June 21, 1906, as amended by the act approved June 23, 1910, and to provide for the improvement and development of waterways for the uses of interstate and foreign commerce, which were ordered to lie on the table and be printed.

AMENDMENTS TO INDIAN APPROPRIATION BILL.

Mr. THOMPSON submitted an amendment proposing to appropriate $10,000 for the construction of bridges across the Big Soldier Creek and Little Soldier Creek within the Pottawatomie Indian Reservation, Jackson County, Kans., intended to be proposed by him to the Indian appropriation bill (H. R. 16385), which was referred to the Committee on Indian Affairs and ordered to be printed.

Mr. GRONNA submitted an amendment authorizing the Secretary of the Interior to withdraw from the Treasury Department of the United States from time to time in his discretion all moneys derived from the sale and disposition of surplus lands within the limits of the former Fort Berthold Indian Reservation, N. Dak., arising under the provisions of the act approved June 1, 1910, etc., intended to be proposed by him to the Indian

appropriation bill (H. R. 10385), which was referred to the Committee on Indian Affairs and ordered to be printed.

ARTICLE OF DR. ALLERTON S. CUSHMAN.

Mr. SMITH of Georgia. Mr. President, I wish to call attention to an article upon the rôle of chemistry in the war by Dr. Allerton S. Cushman, director of the Institute of Industrial Research. I ask that it be referred to the Committee on Printing that they may consider the advisability of having it printed as a public document.

The VICE PRESIDENT. That action will be taken.

AFFAIRS IN MEXICO (S. DOC. NO. 324).

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read:

*To the Senate:*

In response to the resolution adopted by the Senate on January 6, 1916, requesting the President to inform the Senate, if not incompatible with the public interests, upon certain subjects respecting the situation in Mexico, and to transmit to the Senate the documents, letters, reports, orders, etc., therein referred to, I transmit herewith a report by the Secretary of State, with accompanying papers.

The report of the Secretary of State has my approval.

WOODROW WILSON.

THE WHITE HOUSE,
*Washington, February 17, 1916.*

Mr. STONE. I ask that the message and accompanying papers lie on the table and be printed.

The VICE PRESIDENT. Without objection, it is so ordered.

REPORT OF PANAMA RAILROAD CO. (S. DOC. NO. 325).

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read, and, with the accompanying paper and illustrations, was referred to the Committee on Interoceanic Canals and ordered to be printed:

*To the Senate and House of Representatives:*

I transmit herewith for the information of the Congress the sixty-sixth annual report of the board of directors of the Panama Railroad Co. for the fiscal year ended June 30, 1915.

WOODROW WILSON.

THE WHITE HOUSE, *February 17, 1916.*

MARY MEYER.

Mr. STONE obtained the floor.

Mr. SHAFROTH. Mr. President, I will ask the Senator from Missouri to yield to me in order that I may ask unanimous consent for the immediate consideration of a resolution reported by the Committee to Audit and Control the Contingent Expenses of the Senate. The resolution has been on the calendar for some time. It proposes to pay a sum equal to six months' salary to the niece of a late employee of the Senate. There is never any contest or discussion upon resolutions of this character. I ask unanimous consent for the present consideration of Senate resolution 75.

Mr. STONE. Mr. President, I shall not object.

The resolution (S. Res. 75) was considered by unanimous consent and agreed to, as follows:

*Resolved*, That the Secretary of the Senate be, and hereby is, authorized and directed to pay to Mary Meyer, niece of Jacob C. Donaldson, late a skilled laborer in the office of the Secretary of the Senate, a sum equal to six months' salary at the rate he was receiving by law at the time of his death, said sum to be considered as including funeral expenses and all other allowances.

EXECUTIVE SESSION.

Mr. STONE. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 45 minutes spent in executive session the doors were reopened.

CIRCUIT AND DISTRICT JUDGES.

Mr. SMITH of Georgia. I move that the Senate proceed to the consideration of the bill (S. 706) to amend section 260 of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, which is the first bill on the calendar that is pressed.

The VICE PRESIDENT. The calendar under Rule VIII is in order. Senate bill 1053 is the first on the calendar.

Mr. SMOOT. I ask that that may go over.

Mr. SMITH of Georgia. My motion was that we proceed with No. 18, which is the first bill on the calendar that is being pressed.

The VICE PRESIDENT. The question is on the motion of the Senator from Georgia. [Putting the question.]

Mr. SMITH of Georgia. I ask for a division.

Mr. GALLINGER. I call for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. BRYAN (when his name was called). I am paired with the junior Senator from Michigan [Mr. TOWNSEND] and therefore withhold my vote.

Mr. CURTIS (when his name was called). I am paired with the junior Senator from Georgia [Mr. HARDWICK] and therefore refrain from voting.

Mr. FALL (when his name was called). I have a pair with the Senator from West Virginia [Mr. CHILTON]. I see that he has not voted, and I withhold my vote.

Mr. HARDING (when his name was called). I have a general pair with the junior Senator from Alabama [Mr. UNDERWOOD] and withhold my vote.

Mr. OVERMAN (when his name was called). I have a general pair with the junior Senator from Wyoming [Mr. WARREN]. I transfer that pair to the Senator from Nebraska [Mr. HITCHCOCK] and vote "yea."

Mr. SMITH of Georgia (when his name was called). I transfer my pair with the senior Senator from Massachusetts [Mr. LODGE] to the senior Senator from Texas [Mr. CULBERSON] and vote "yea."

Mr. TILLMAN (when his name was called). I transfer my pair with the Senator from West Virginia [Mr. GOFF] to the Senator from Illinois [Mr. LEWIS] and vote "yea."

Mr. WILLIAMS (when his name was called). Transferring my pair with the senior Senator from Pennsylvania [Mr. PENROSE] to the senior Senator from Tennessee [Mr. LEA], I vote "yea."

The roll call was concluded.

Mr. KERN. I wish to announce the unavoidable absence of my colleague [Mr. SHIVELY]. He is paired with the Senator from Maine [Mr. BURLEIGH]. This announcement may stand for the day.

Mr. LIPPITT (after having voted in the negative). Owing to the absence of the Senator from Montana [Mr. WALSH], with whom I have a pair, I withdraw my vote.

Mr. PAGE. I wish to announce the necessary absence of my colleague [Mr. DILLINGHAM]. He has a general pair with the senior Senator from Maryland [Mr. SMITH]. I should like to have this announcement stand for the day.

Mr. STONE. I have a general pair with the senior Senator from Wyoming [Mr. CLARK]. I transfer that pair to the Senator from Nevada [Mr. PITTMAN] and vote "yea."

Mr. REED. I transfer my pair with the Senator from Michigan [Mr. SMITH] to the Senator from California [Mr. PHELAN] and vote "yea."

Mr. SUTHERLAND. I inquire whether the Senator from Arkansas [Mr. CLARKE] has voted?

The VICE PRESIDENT. He has not.

Mr. SUTHERLAND. I have a pair with that Senator, which I transfer to the Senator from Illinois [Mr. SHERMAN] and vote. I vote "nay."

Mr. HARDING. I transfer my pair with the junior Senator from Alabama [Mr. UNDERWOOD] to the Senator from California [Mr. WORKS] and vote "nay."

Mr. CURTIS. I have been requested to announce that the Senator from Idaho [Mr. BRADY] is paired with the Senator from Oklahoma [Mr. GORE]; that the Senator from Rhode Island [Mr. COLT] is paired with the Senator from Delaware [Mr. SAULSBURY]; and that the Senator from Pennsylvania [Mr. OLIVER] is paired with the Senator from Oregon [Mr. CHAMBERLAIN].

The result was announced—yeas 32, nays 21, as follows:

YEAS—32.

| | | | |
|---|---|---|---|
| Ashurst | La Follette | Reed | Smith, S. C. |
| Broussard | Martin, Va. | Robinson | Stone |
| Hughes | Martine, N. J. | Saulsbury | Swanson |
| Husting | Myers | Shafroth | Thomas |
| James | O'Gorman | Sheppard | Thompson |
| Johnson, Me. | Overman | Simmons | Tillman |
| Johnson, S. Dak. | Owen | Smith, Ariz. | Vardaman |
| Kern | Ransdell | Smith, Ga. | Williams |

NAYS—21

| | | | |
|---|---|---|---|
| Bankhead | Gallinger | McLean | Sutherland |
| Borah | Gronna | Nelson | Wadsworth |
| Brandegee | Harding | Norris | Weeks |
| Catron | Jones | Page | |
| Clapp | Kenyon | Poindexter | |
| du Pont | McCumber | Smoot | |

NOT VOTING—43.

| | | | |
|---|---|---|---|
| Beckham | Clarke, Ark. | Fletcher | Lea, Tenn. |
| Brady | Colt | Goff | Lee, Md. |
| Bryan | Culberson | Gore | Lewis |
| Burleigh | Cummins | Hardwick | Lippitt |
| Chamberlain | Curtis | Hitchcock | Lodge |
| Chilton | Dillingham | Hollis | Newlands |
| Clark, Wyo. | Fall | Lane | Oliver |

| | | | |
|---|---|---|---|
| Penrose | Sherman | Smith, Mich. | Walsh |
| Phelan | Shields | Sterling | Warren |
| Pittman | Shively | Townsend | Works |
| Pomerene | Smith, Md. | Underwood | |

So the motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 706) to amend section 260 of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911.

The VICE PRESIDENT. The bill will be read.

The Secretary read the bill as follows:

*Be it enacted, etc.,* That section 260 of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, be, and the same is hereby, amended so as to read as follows:

"SEC. 260. When any judge of any court of the United States, appointed to hold his office during good behavior, resigns his office, after having held a commission or commissions as judge of any such court or courts at least 10 years continuously, and having attained the age of 70 years, he shall, during the residue of his natural life, receive the salary which is payable at the time of his retirement for the office that he held at the time of his resignation.

"In the event any circuit judge, having so held a commission or commissions at least 10 years continuously, and having attained the age of 70 years as aforesaid, shall nevertheless remain in office, the President, if in his opinion the public good so requires, may appoint, by and with the advice and consent of the Senate, an additional circuit judge of said circuit, who, notwithstanding the incumbency of the judge so entitled to resign, shall sit customarily as one of the judges of the circuit court of appeals of his circuit. And the judge so entitled to resign shall thenceforth be relieved, save as hereinafter provided, from the duty imposed by section 118 of this title to sit as one of the judges of said circuit court of appeals, and shall be held and treated as if junior in commission to the remaining judges of said court, who shall, in the order of the seniority of their respective commissions, exercise such powers and perform such duties as by law may be incident to seniority: *Provided,* That the presiding judge of the said circuit court of appeals, whenever in his judgment the public good shall so require, may thereafter, from time to time, designate the judge so entitled to resign to sit upon the hearing of any cause or causes in the said circuit court of appeals. And the Chief Justice of the United States may, upon like occasion, thereafter designate and appoint any such circuit judge so entitled to resign to service upon the circuit court of appeals of any other circuit; and he may likewise be designated and appointed, as provided by section 18 of this title, to hold a district court in any district, either within or without his said circuit.

"In the event any such judge of a district court of the United States, having so held a commission or commissions at least 10 years continuously, and having attained the age of 70 years as aforesaid, shall nevertheless remain in office, the President, if in his opinion the public good so requires, may appoint, by and with the advice and consent of the Senate, an additional judge of such court, who, notwithstanding the incumbency of the judge so entitled to resign, shall preside customarily over the said district court, and shall exercise such powers as are vested by law in the judge thereof. And the district judge so entitled to resign shall thenceforth be relieved, save as hereinafter provided, from service therein: *Provided,* That the said district judge so entitled to resign as aforesaid may be designated and appointed from time to time to hold any district court, either in his district or within or without his circuit, as provided by sections 13, 14, 15, 16, and 17 of this title, or to sit in the circuit court of appeals of his circuit, as provided by section 120 of this title.

"Upon the death or resignation of any circuit or district judge so entitled to resign, following the appointment of any additional judge as herein provided, the vacancy caused by such death or resignation of the said judge so entitled to resign shall not be filled, but the number of judges then in office shall be reduced accordingly."

Mr. SUTHERLAND. Mr. President, this bill has the support of some Members of the Senate for whom I have the utmost respect, and for that reason I hesitate to characterize it in a manner that I think the measure itself would justify. I content myself by saying that I believe it is the most remarkable bill that has been presented since I have been a Member of this body. The title of it ought to be changed; it ought to be entitled "A bill to authorize the Democratic President of the United States to create 17 judgeships and appoint 17 deserving Democrats to fill them," because that is what the bill means. It proposes to amend section 260 of the Judicial Code so that that section, if amended, will read as follows:

SEC. 260. When any judge of any court of the United States, appointed to hold his office during good behavior, resigns his office, after having held a commission or commissions as judge of any such court or courts at least 10 years continuously, and having attained the age of 70 years, he shall, during the residue of his natural life, receive the salary which is payable at the time of his retirement for the office that he held at the time of his resignation.

Thus far in the bill the language of the existing law has been repeated. The Constitution provides that judges shall be appointed to hold office during good behavior; which means that, if they behave themselves, they shall hold office as long as they live. It was, however, long ago recognized that judges sometimes become superannuated, but that they would sometimes hesitate to resign in spite of the fact that they were superannuated, because that would mean the loss of their livelihood. It was also recognized that under the Constitution Congress was powerless to compel them to resign, or, rather, was powerless to deprive them of their office, simply on account of the fact that they had reached an age when they were no longer capable of discharging their full duties as judges. So, very wisely, we provided many years ago that when a judge had reached the age of 70 years he might retire on full pay, provided that he had served full 10 years on the bench. That law, I think, has been in existence almost from the foundation of the Government. Perhaps the Senator from Minnesota [Mr. NELSON] can refresh my memory about that. At any rate, it has been in operation for over a hundred years, and I think almost from the beginning of the Government. It has worked well.

It has occasionally happened that a judge has reached the age of 70 years; that he was incapable of rendering the same service that he had been able to render when he was younger; but that still he desired to remain in active life and was willing to discharge the duties of his office to the extent of his strength. That has occurred several times in the history of the Government, and has occurred three or four times since I have been a Member of the Senate. Whenever that has occurred, there has never been the slightest difficulty in procuring the passage of a special act of Congress authorizing the President to appoint an additional judge in that particular district to assist the judge, who, because of advancing years, was unable to do all the work.

That was done in the case of Maryland, I remember very distinctly. A few years ago a judge in that State had reached the age of 70 years; he did not want to retire absolutely; he was willing to work to the full extent of his strength, and yet he realized he could not do all of the work of the district; that he could not do as much work as he had been in the habit of doing; and we provided an additional judge in order that the new judge might take the burden of the responsibility of the office, but have from the incumbent such assistance in the trial of cases and in the disposition of judicial matters as he was able to render.

We provided in that case, as in all of these special cases, that, when there was a vacancy in the office of the older judge, no successor should be appointed. So the effect of it was that we had the advantage of the services of the older judge, to the extent that he could render them and as long as he felt able to render them, and that when he passed away or resigned the new appointee took the business alone; but that never has been done except upon a full inquiry upon the part of Congress as to the facts, and has never been done until Congress was satisfied that there was real occasion for it. This bill proceeds:

In the event any circuit judge, having so held a commission or commissions at least 10 years continuously, and having attained the age of 70 years as aforesaid, shall nevertheless remain in office, the President, if in his opinion the public good so requires, may appoint, by and with the advice and consent of the Senate, an additional circuit judge of said circuit, who, notwithstanding the incumbency of the judge so entitled to resign, shall sit customarily as one of the judges of the circuit court of appeals of his circuit. And the judge so entitled to resign shall thenceforth be relieved, save as hereinafter provided, from the duty imposed by section 118 of this title to sit as one of the judges of said circuit court of appeals, and shall be held and treated as if junior in commission to the remaining judges of said court—

That is, the old judge, who has served faithfully for all these years, is relegated to the rear, is treated as junior in commission. The bill continues—

who shall in the order of the seniority of their respective commissions, exercise such powers and perform such duties as by law may be incident to seniority: *Provided,* That the presiding judge of the said circuit court of appeals, whenever in his judgment the public good shall so require, may thereafter, from time to time, designate the judge so entitled to resign to sit upon the hearing of any cause or causes in the said circuit court of appeals. And the Chief Justice of the United States may, upon like occasion, thereafter designate and appoint any such circuit judge so entitled to resign to service upon the circuit court of appeals of any other circuit; and he may likewise be designated and appointed, as provided by section 18 of this title, to hold a district court in any district, either within or without his said circuit.

That is the provision of the bill with reference to filling places upon the circuit bench. Then the bill proceeds with reference to district courts, and provides:

In the event any such judge of a district court of the United States, having so held a commission or commissions, at least 10 years continuously, and having attained the age of 70 years as aforesaid, shall nevertheless remain in office, the President, if in his opinion the public good so requires, may appoint, by and with the advice and consent of the Senate, an additional judge of such court, who, notwithstanding the incumbency of the judge so entitled to resign, shall preside customarily over the said district court, and shall exercise such powers as are vested by law in the judge thereof. And the district judge so entitled to resign shall thenceforth be relieved, save as hereinafter provided, from service therein: *Provided,* That the said district judge so entitled to resign as aforesaid may be designated and appointed from time to time to hold any district court, either in his district or within or without his circuit, as provided by sections 13, 14, 15, 16, and 17 of this title, or to sit in the circuit court of appeals of his circuit, as provided by section 120 of this title.

Upon the death or resignation of any circuit or district judge so entitled to resign, following the appointment of any additional judge as herein provided, the vacancy caused by such death or resignation of the said judge so entitled to resign shall not be filled, but the number of judges then in office shall be reduced accordingly.

Mr. KENYON. Mr. President, I will ask the Senator if he is reading from this bill?

Mr. SUTHERLAND. I am reading from the proposed bill.

Mr. KENYON. I want to ask the Senator if it applies to the judges of the Supreme Court of the United States?

Mr. SUTHERLAND. No.

Mr. KENYON. Is there not the same reason for applying it to them as to circuit judges?

Mr. SUTHERLAND. I presume there is, but it is limited to district and circuit judges.

Mr. KENYON. As I understand the Senator, there are 17 situations where this bill would apply.

Mr. SUTHERLAND. Not at the present moment; but my information is—and the Senator from Georgia [Mr. SMITH] will correct me if I do not state it accurately—that there are now holding positions in the various circuits of the country 7 circuit judges who have passed the age of 70 and who would come under the provisions of this bill, and 7 district judges who have already passed the age of 70 ,who would come under the operations of the bill, making 14 altogether. There are in addition, I understand, three other judges who will have passed the age of 70 and will come under the operations of the bill before the present administration goes out of power on the 4th of March, 1917, which will be the case, as we all devoutly hope and expect.

Mr. NELSON. Mr. President, I desire to call the attention of the Senator from Utah to the fact that I have a list here of the judges of the district and circuit courts, and, as a matter of fact, if this bill is enacted into law, it will allow 14 circuit judges and 14 district judges to be appointed by the present administration.

Mr. SMITH of Georgia. Oh, no.

Mr. NELSON. I have the list here.

Mr. SMITH of Georgia. So have I.

Mr. NELSON. It has been furnished by the Department of Justice, and that is the number that may be appointed during President Wilson's term.

Mr. SMITH of Georgia. I think the Senator is mistaken. I have the list, and my figures correspond with the figures of the Senator from Utah.

Mr. NELSON. I said "during the term of President Wilson" he will have the appointment under this bill, or could appoint, 14 circuit and 14 district judges. As I have said, I have the list furnished me by the Department of Justice, giving the ages of these men.

Mr. SMITH of Georgia. Mr. President, I think the Senator is mistaken. I also have the list furnished by the department, and I think it shows that seven district and seven circuit judges are now eligible for the change, and that there will be two or three more before the end of this administration. I will go over the list again. I have gone over it, and I agree with the figures given by the Senator from Utah.

Mr. SUTHERLAND. It may be that some of these judges have been aging more rapidly lately under this administration.

Mr. KENYON. Mr. President, I want to ask the Senator, as I am very much interested in this very remarkable bill, another question. The bill reads:

> If in his opinion—

That is, the opinion of the President—

> the public good so requires, he may appoint—

And so forth.

Is there not some resolution pending as a companion piece to this bill to investigate as to the Federal judges who are not able to carry on their work?

Mr. SUTHERLAND. There is a resolution on the calendar, which was presented by the Senator's colleague [Mr. CUMMINS] and which was reported by the Judiciary Committee favorably some time ago.

Mr. KENYON. Would it not reassure the judge who holds the position to have the report of that committee on his competence if the President should decide the public good requires that another appointment should be made? Would that not make it less injurious to his feelings? Is there any minority report from the Judiciary Committee on this bill?

Mr. SUTHERLAND. There is no minority report; that is, the minority has not filed a written report; but I will say to the Senator from Iowa in that connection—and I think I am justified in so saying—that this bill is the first bill in my experience that has ever been treated in the Judiciary Committee as a partisan measure. That Committee, as well as the Committee on Foreign Relations, has been singularly free from all partisanship. We have had before us many important questions during my time, and I do not recall a single measure except this when there was a clean division along party lines with reference to it.

Mr. SMITH of Georgia. Mr. President, if the Senator will allow me, I will correct his statement. When we first voted, when the first report was made and brought in, it was unanimous, two of the Republicans joining with the Democrats.

Mr. SUTHERLAND. When was that?

Mr. SMITH of Georgia. But later on Senators seemed to make a party issue out of it and consolidated the Republicans. I will say further that the Judiciary Committee of the other House has at this session unanimously reported in favor of this bill, and it did so also at the last session of Congress.

Mr. SUTHERLAND. If that be correct—and, of course, I do not undertake to dispute the statement of the Senator from Georgia—I am afraid that originally in the committee the gentle and persuasive tongue of the Senator from Georgia was the means of concealing what now appear to be the iniquities of the bill, but upon further consideration of it they were discovered.

Mr. SMITH of Georgia. I want to ask the Senator if the bill did not originate with Attorney General McReynolds, now a justice of the Supreme Court?

Mr. SUTHERLAND. I do not know.

Mr. SMITH of Georgia. And was it not substantially recommended by his report of three years ago? Was not that the origin of the bill, and is not Mr. McReynolds as far from being a partisan as any man who ever sat on the bench? He came into the service under a Republican administration as Assistant Attorney General, and then was made Attorney General under a Democratic administration.

Mr. SUTHERLAND. If that is material, which I do not think it is, he was appointed to do some special work under a Republican administration, as I remember; and I recall with some regret—not that particular instance, because I think it was a very wise choice—but I recall with some regret that under that particular Republican administration we had a good many Democrats in responsible positions. I have always thought it was an unwise practice.

Mr. SMITH of Georgia. I think I ought to say, as I interrupted the Senator, that what I really meant was not to designate the politics of the former Attorney General, but to indicate that he was about as nonpartisan in the performance of his duties as any public official could well be.

Mr. SUTHERLAND. I have no doubt about that.

Mr. SMITH of Georgia. That is what I really meant. I should not have undertaken to designate him as a member of any party, because I presume that he is a Democrat.

Mr. SUTHERLAND. I have the greatest possible respect for the former Attorney General, now Justice McReynolds. I think he is not only a man of very great ability, but a man of the highest honor and integrity, and, of course, I have no sort of intention of reflecting on him in anything I have said. But the fact remains that this bill was reported out of the Judiciary Committee by a partisan vote, every Democrat on the committee voting for it and every Republican voting against it. Whoever may have been responsible for it at the beginning, that is the situation now.

Mr. SMITH of Georgia. Mr. President, I want to say to the Senator that I am very sorry that was the case. I regret that the Republicans on the committee allowed it to become a party measure.

Mr. SUTHERLAND. The Republicans upon the committee, who are usually unsuspicious, finally had their suspicions awakened and began to see the true inwardness of the measure, and when they did they very naturally objected to it.

Mr. GALLINGER. Mr. President, will the Senator permit me?

Mr. SUTHERLAND. Certainly.

Mr. GALLINGER. I rose to suggest that I think we are getting in the habit in the Senate of making reports which on their face seem to be the action of the committee, while a strong minority is opposed to the bill, but the minority does not make a dissenting report.

When this bill was first brought to my attention I read it, saw that it was reported from the committee, and really supposed that it was unanimously reported by the committee. Had a minority report been made I would have been well informed on the matter. I am here now for the purpose of listening to a debate to enlighten me upon this subject, upon which I would have been enlightened heretofore had the Republican members filed a dissenting report on the bill.

I think it is a bad practice—and I notice we have fallen into it quite frequently during this session of Congress—simply to put a bill on the calendar as reported from a committee when there is a strong minority opposed to it.

I will venture now to ask the Senator from Utah if anything has occurred, so far as the judiciary or the country is concerned, of an unusual nature different from what has been happening in the past that seems to create a demand for legislation of this character?

Mr. SUTHERLAND. Nothing that I am aware of, Mr. President. There are, so I am told, one or two cases where the judge has become superannuated and almost entirely incapable of discharging the duties of his office. But that is an exceptional situation, and all that is necessary to be done in order to rectify it is for the Senator from the State affected to present a bill providing for an additional judge in that district, and it will be passed, as was done in the case of Maryland, and as has always been done in cases that have been called to our attention.

This bill, however, is a wholesale proposition. It put it into the absolute discretion of the President to appoint at once these 14 judges. It is a very loose phrase and a very accommodating phrase to say "if, in his opinion, the public good so requires."

Mr. SMITH of Georgia. Mr. President, will the Senator allow me?

Mr. SUTHERLAND. Yes.

Mr. SMITH of Georgia. The recommendation of Justice McReynolds, when Attorney General, was that the President should be required, without any discretion whatever, to make the appointment. This bill puts in the discretionary feature, when the recommendation of the Attorney General was that it should be mandatory.

Mr. SUTHERLAND. The bill originally recommended would be still more objectionable than this. This is bad enough; that would be still more objectionable. We know how these things are done. Without reflecting upon the integrity of any President—which of course I do not intend to do, and nobody intends to do—the President can not be present in every one of these districts. He can not know all about them. There is political pressure for the appointment of a judge, and there is little doubt in my mind that if this bill is passed every one of these positions will be filled.

I undertake to say that in many of them, if not in most of them, there is absolutely no occasion whatever for filling them. Because a man reaches the age of 70 years it does not at all follow that he is incapable of discharging the duties of an office. Some of the best work that ever has been done in this world has been done by men who had passed the age of 70. Some of the best work done in this body has been done by men who had passed the age of threescore and ten. It does not follow at all that because a man has reached that age he ought to be retired from the public service. That ought to be left to him. If he feels that by reason of his age he is unable to discharge the duties of his office, as a man of sense he would retire and permit another judge to take his place. If he is unable to discharge fully all of the duties of his office, then it would be made known, and assistance in the way of an additional judge could be provided.

Mr. KENYON. Mr. President——

Mr. SUTHERLAND. I yield to the Senator from Iowa.

Mr. KENYON. I should like to ask the Senator from Utah if there is any legal objection to compelling retirement at the age of 70? I do not mean by that question to indicate that I favor it at all.

Mr. SUTHERLAND. I think there is. I stated in the beginning that the provision of the Constitution is that the judge shall hold his office during good behavior. That, of course, means for life, if he so long behaves himself; in other words, that the office shall only be made vacant so long as he lives for misbehavior on the part of the judge. Reaching the age of 70, of course, is not misbehavior.

Mr. KENYON. No. Of course this bill is a sort of delicate suggestion to the judge to retire at the age of 70. Now, if it could be legally done, it seems to me, it would be much better to say so than to make this suggestion to him. I agree with the Senator, of course, that some of the best work in this body and some of the best work on the bench is done after men reach the age of 70; but it seems to me this bill is rather a reflection upon the Federal judges in its suggestion.

Mr. SMITH of Georgia. Can the Senator speak a little louder? I do not hear him.

Mr. KENYON. I can. I did not know anybody was paying any attention. I say it seems to me this bill is rather a reflection upon the judge who has reached the age of 70 and passed that age, if he is carrying on good work. If we are to retire judges at 70—and there may be some argument in favor of that—I think we had better do it directly, rather than by indirection.

Mr. SUTHERLAND. I quite agree with the Senator. I do not believe we have the power to do it, and I doubt the wisdom of doing it.

Mr. KENYON. Some of the strongest judges now on the Supreme Bench of the United States have passed the age of 70 years, have they not?

Mr. SUTHERLAND. Oh, yes. The Chief Justice has passed that age.

Mr. KENYON. And two other justices?

Mr. SUTHERLAND. Two other justices have passed that age. The former Chief Justice, Mr. Fuller, had passed the age of 70 and I think had nearly reached the age of 80 before his death. He was vigorous and rendering good service.

Mr. KENYON. And Justice Harlan?

Mr. SUTHERLAND. Justice Harlan was long past the age of 70. I think the very large majority of these judges who are now past the age of 70 are rendering good service. The senior judge in the eighth circuit, Judge Sanborn, I think has reached the retiring age, yet he is strong and vigorous. This bill would permit the President to relegate him to the rear, make him junior, and appoint a new man, upon the theory that he is unable fully to discharge the duties and responsibilities of his office.

Mr. KENYON. Of course, any self-respecting judge would then resign.

Mr. SMITH of Georgia. Oh, no, Mr. President; I think not.

Mr. KENYON. To be put to the rear?

Mr. SMITH of Georgia. The recommendations of the Attorney General were brought to my attention by a judge who did not want to retire, but did want an additional judge appointed in order that he might, to the extent of his ability, serve without actual retirement.

Mr. KENYON. That might be true in a few cases.

Mr. SMITH of Georgia. I have had several of the judges express to me their desire for the passage of this bill, feeling unable to continue longer with the full responsibility of the office, but desiring to do special work to the extent of their ability, when called on, instead of retiring with full salary.

Mr. SUTHERLAND. The Senator from Georgia understands quite well that where such cases as that exist they have only to be called to the attention of Congress, when a special bill will be passed.

In addition to the practical objections that are made to the bill, I think it is, to say the least, of gravely doubtful constitutional validity. The Constitution of the United States provides, among other things, in Article III:

> The judicial power of the United States shall be vested in one Supreme Court, and in such inferior courts as the Congress may from time to time ordain and establish. The judges, both of the Supreme and inferior courts, shall hold their offices during good behavior, and shall, at stated times, receive for their services a compensation which shall not be diminished during their continuance in office.

The ninth paragraph of section 8 of Article I gives Congress the power to constitute tribunals inferior to the Supreme Court. Now, the language of the first section of Article III, as I have already read, is that—

> The judicial power of the United States shall be vested in one Supreme Court, and in such inferior courts as the Congress may from time to time ordain and establish.

Therefore it is perfectly clear that the President has no power to constitute courts inferior to the Supreme Court. He has no power to constitute the Supreme Court or any inferior court. It is a legislative power to create an office. It is an Executive power to fill the office.

The bill, if I interpret it correctly, vests in the President of the United States the power to create an office—to create the additional office of judge whenever he thinks the public good requires it. It seems to me very clearly that that is a power which belongs only to Congress. Congress may say, as it did in the case of Maryland, "There shall be an additional judge appointed in Maryland," which is equivalent to saying: "Congress hereby creates the office of an additional district judge in Maryland," and then vests in the President the power to fill the office thus constituted. But this bill undertakes to say that the President of the United States, if he thinks the public good requires it—upon the mere state of his own mind—may, first of all, create an additional office, and then proceed to fill it by the appointment of a particular person. The fact that the two functions may be, so to speak, discharged by the one act, does not alter the situation at all. He declares the necessity for the additional judge, and then appoints him; but when we come to analyze the proposition and separate it into its essential parts, we find that what he has actually done has been to create an office, and then, at the same time, by the same act, to fill it. This bill authorizes him therefore to create at the present time, if he thinks proper to do so, 14 additional offices of circuit and district judges. The Constitution speaks of the position of judge as an office—the office of judge; and when you provide for the appointment of a judge you create the office of judge, and when you appoint him you fill the office.

The same rule obtaining with reference to creating additional judgeships and filing them upon the circuit or in the district

will apply to the Supreme Bench. What would the Senator from Georgia say if a bill should be brought in here providing that when in the judgment of the President of the United States the public good required it he could appoint five additional judges upon the Supreme Bench? Would not the Senator think that that was creating additional offices?

Mr. SMITH of Georgia. I think the Constitution has entirely separated the Supreme Court from the balance of the judiciary, and that it should be treated in an entirely different way.

Mr. SUTHERLAND. There is not any difference between the Supreme Court and these other courts in that respect. The difference is that the Constitution creates the Supreme Court, but the Constitution does not prescribe the number of judges. The Congress has from time to time increased, and I think upon one occasion decreased, the number of judges to sit in the Supreme Court. In other words, Congress has constituted the tribunal. Each judge of the Supreme Court holds an office; and whenever Congress says that there shall be an additional judge upon the Supreme Bench, making the number 10 instead of 9, Congress will have created an additional office. It seems to me very clearly that that power is a legislative power, and that Congress has not any authority to devolve it upon the President of the United States.

My information is that there is one case—I do not care to give the judge's name, or the district which he serves—where the situation really calls for action upon the part of Congress. A judge has long passed the age of 70, and refuses to retire, and he is unable to discharge the duties of his office. Of course, that is a situation which calls for action; but there is not the slightest doubt that if a bill were presented which sought to rectify that situation, providing for an additional judge in that district, Congress would hasten to pass it.

Mr. President, I think I have said all that I care to say at present upon this bill. As the debate develops I may desire to say something further, but for the present I do not care to say anything more.

Mr. SMITH of Georgia. Mr. President, I ask unanimous consent to have printed in the RECORD the report the committee made upon this subject.

The VICE PRESIDENT. In the absence of objection, it will be so ordered.

The report submitted by Mr. SMITH of Georgia, of January 5, 1916, is as follows:

[S. Rept. No. 21, 64th Cong., 1st sess.]

ADDITIONAL CIRCUIT AND DISTRICT JUDGES OF THE UNITED STATES IN CERTAIN CASES.

Mr. SMITH of Georgia, from the Committee on the Judiciary, submitted the following report (to accompany S. 706).

The Committee on the Judiciary, to whom was referred the bill (S. 706) to amend section 260 of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, having considered the same, beg leave to report it back and to recommend that it be passed.

The first recommendation made by Mr. Attorney General McReynolds in his report for 1913 was as follows:

"Judges of United States courts, at the age of 70, after having served 10 years, may retire upon full pay. In the past many judges have availed themselves of this privilege. Some, however, have remained upon the bench long beyond the time when they were capable of adequately discharging their duties. The power of Congress to correct this condition is limited by the provision of the Constitution that judges shall hold their offices during good behavior. I suggest an act providing when any judge of a Federal court below the Supreme Court fails to avail himself of the privilege of retiring now granted by law that the President be required, with the advice and consent of the Senate, to appoint another judge, who shall preside over the affairs of the court and have precedence over the older one. This will insure at all times the presence of a judge sufficiently active to discharge promptly and adequately the duties of the court."

Mr. Attorney General Gregory, in his report for 1914, renewed the recommendation of his predecessor, adopting his exact language.

We had, therefore, at the last session of Congress, the recommendation of Mr. Attorney General McReynolds, now Mr. Justice McReynolds, that judges were remaining upon the bench after they had passed the age of 70 years, and long beyond the time when they were capable of adequately discharging their duties, and in consequence the administration of justice had suffered.

We had, also, his recommendation that the President be required, by and with the advice and consent of the Senate, to appoint another judge "who shall preside over the affairs of the court and have precedence over the older one in cases where the judge reached the age of 70 after serving 10 years and failed to resign."

We had, also, the express indorsement by Mr. Attorney General Gregory of the views of Mr. Attorney General McReynolds on this subject.

A bill to carry out these recommendations was reported favorably by the Judiciary Committee of the Senate at the last session. Mr. Root, the senior Senator at that time from New York, served upon the subcommittee which reported the bill favorably, and cordially supported the measure.

The report of Mr. Attorney General Gregory for 1915 recommends again this legislation in the following language:

"Judges of United States courts who have attained the age of 70 and have served 10 years may retire upon full pay. In the past many judges have availed themselves of this privilege. Some, however, have remained upon the bench long beyond the time when they were capable of adequately discharging their duties, and in consequence the administration of justice has suffered. The power of Congress to correct this condition is limited by the provision of the Constitution that judges shall hold their offices during good behavior.

"I again renew the suggestion made by my predecessor that Congress pass an act providing that when any judge of a Federal court below the Supreme Court fails to avail himself of the privilege of retiring now granted by law the President be authorized, with the advice and consent of the Senate, to appoint another judge to preside over the affairs of the court and have precedence over the older one. This will insure at all times the presence of a judge sufficiently active to discharge promptly and adequately the duties of the court."

We have, therefore, three recommendations from the Department of Justice and from two different Attorneys General, one of whom is now upon the Supreme Court bench of the United States, recommending this legislation. These recommendations, of course, cover the opinion of the Department of Justice not only that the legislation is needed and is desirable, but that it is constitutional.

The bill which the Judiciary Committee reports favorably follows the recommendations of the Department of Justice, except that instead of requiring the President to appoint an additional judge when a judge of the circuit or district court who has served 10 years reaches 70 years of age it authorizes the President to make such appointments "if in his opinion the public good so requires."

The bill as favorably reported permits the President to make the appointments, but does not require it. There may be cases in which a judge of unusual vigor is capable of performing the work of his circuit or district without injury to his health and without injury to the service, even though he has reached "the days of our years," which, we have been told, are "three score years and ten."

There are now seven positions upon the circuit court bench where judges have served more than 10 years and have passed 70 years of age. There are also seven positions upon the district court bench where the same situation exists.

In a majority of these cases it is probable that the service would be improved and the health of the judges saved by the immediate appointment of the judges authorized by this bill.

Giving an extreme case, there is a circuit court judge now more than 80 years of age who, I am informed, for more than four years has been entirely unable to attend sessions of the circuit court of appeals or do any business, and who has no prospect of ever being able to again perform the work of circuit court judge. For a number of years before he ceased to sit upon the circuit court of appeals he was not capable of efficiently performing the full duties of the office, yet he has failed to resign, and the work of the court has suffered for the lack of a judge.

This bill will in future relieve the circuit and district court bench from the clogging of business by the lack of a judge of sufficient youth to give it proper attention. It will prevent the necessity for resignations, and thus retain the services of judges who have passed 70 to the extent they are able to do judicial work.

Mr. SMITH of Georgia. The hour of 2 o'clock has practically arrived. So I will not proceed with any remarks at this time.

The VICE PRESIDENT. It is so near the hour of 2 that the Chair lays the unfinished business before the Senate, which is Senate bill 3331.

Mr. SMOOT. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

| | | | |
|---|---|---|---|
| Ashurst | Hughes | Norris | Smith, Ariz. |
| Bankhead | Husting | O'Gorman | Smith, S. C. |
| Beckham | James | Overman | Smoot |
| Brandegee | Johnson, Me. | Page | Sterling |
| Catron | Jones | Phelan | Sutherland |
| Clapp | Kenyon | Poindexter | Thomas |
| Clarke, Ark. | La Follette | Ransdell | Tillman |
| Cummins | Lee, Md. | Saulsbury | Vardaman |
| du Pont | McCumber | Shafroth | Wadsworth |
| Fall | McLean | Sheppard | Walsh |
| Fletcher | Martine, N. J. | Sherman | Warren |
| Gallinger | Myers | Shields | Weeks |
| Gronna | Nelson | Simmons | Williams |

Mr. MYERS. I announce the absence from the Chamber, on official business, of the Senator from Louisiana [Mr. BROUSSARD].

Mr. SMOOT. I desire to announce that the junior Senator from Michigan [Mr. TOWNSEND] is unavoidably detained from the Senate. I will allow this notice to stand for the day.

The PRESIDING OFFICER (Mr. MARTINE of New Jersey in the chair). Fifty-two Senators have responded to their names. There is a quorum present.

AMERICAN ACADEMY OF ARTS AND LETTERS.

Mr. O'GORMAN. I ask unanimous consent to submit a favorable report from the Committee on the Judiciary. I am directed by the Committee on the Judiciary, to which was referred the bill (S. 1424) incorporating the American Academy of Arts and Letters, to report it favorably with certain minor amendments, and I ask unanimous consent for its immediate consideration. A similar bill has passed the Senate on three former occasions.

Mr. SMOOT. Let it be read first.

Mr. GALLINGER. Let it be read.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The amendments were, on page 1, line 3, after the name "William Dean Howells," to strike out "New York" and insert "Maine"; in line 7, to insert a semicolon after "New York";

in line 8, to change the spelling of "Sloan" to "Sloane"; and on page 2, line 18, to change the spelling of "Macmonies" to "Macmonnies," so as to make the bill read:

*Be it enacted, etc.*, That William Dean Howells, of Maine; Henry Adams, of the District of Columbia; Theodore Roosevelt, of New York; John Singer Sargent, of Massachusetts; Daniel Chester French, of New York; John Burroughs, of New York; James Ford Rhodes, of Massachusetts; Horatio William Parker, of Connecticut; William Milligan Sloane, of New Jersey; Robert Underwood Johnson, of New York; George Washington Cable, of Massachusetts; Andrew Dickson White, of New York; Henry van Dyke, of New Jersey; William Crary Brownell, of New York; Basil Lanneau Gildersleeve, of Maryland; Woodrow Wilson, of New Jersey; Arthur Twining Hadley, of Connecticut; Henry Cabot Lodge, of Massachusetts; Edwin Howland Blashfield, of New York; William Merritt Chase, of New York; Thomas Hastings, of New York; Hamilton Wright Mabie, of New Jersey; Brander Matthews, of New York; Thomas Nelson Page, of the District of Columbia; Elihu Vedder, of Massachusetts; George Edward Woodberry, of Massachusetts; Kenyon Cox, of New York; George Whitefield Chadwick, of Massachusetts; Abbott Handerson Thayer, of New Hampshire; Henry Mills Alden, of New Jersey; George de Forest Brush, of New Hampshire; William Rutherford Mead, of New York; Bliss Perry, of Massachusetts; Abbott Lawrence Lowell, of Massachusetts; James Whitcomb Riley, of Indiana; Nicholas Murray Butler, of New York; Paul Wayland Bartlett, of New York; Owen Wister, of Pennsylvania; Herbert Adams, of New Hampshire; Augustus Thomas, of New York; Timothy Cole, of New York; Cass Gilbert, of New York; William Roscoe Thayer, of Massachusetts; Robert Grant, of Massachusetts; Frederick Macmonnies, of New York; Julian Alden Weir, of Connecticut; William Gillette, of Connecticut; Paul Elmer More, of New Jersey; George Lockhart Rives, of New York; and their successors, duly chosen, are hereby incorporated, constituted, and declared to be a body corporate of the District of Columbia, by the name of the American Academy of Arts and Letters.

SEC. 2. That the purposes of this corporation are and shall be the furtherance of the interests of literature and the fine arts.

SEC. 3. That the American Academy of Arts and Letters shall consist of not more than 50 regular members, and the said corporation hereby constituted shall have power to make by-laws and rules and regulations; to fill all vacancies created by death, resignation, or otherwise; to provide for the election of foreign, domestic, or honorary associate members, and the division of such members into classes, and to do all other matters needful or usual in such institutions.

SEC. 4. That the American Academy of Arts and Letters shall hold an annual meeting at such place in the United States as may be designated and shall make an annual report to the Congress, to be filed with the Librarian of Congress.

SEC. 5. That the American Academy of Arts and Letters be, and the same is hereby, authorized and empowered to receive bequests and donations of real or personal property and to hold the same in trust, and to invest and reinvest the same for the purpose of furthering the interests of literature and the fine arts.

SEC. 6. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The amendments were agreed to.

The bill was reported to the Senate as amended and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

## DEVELOPMENT OF WATER POWER.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 3331) to amend an act entitled "An act to regulate the construction of dams across navigable waters," approved June 21, 1906, as amended by the act approved June 23, 1910, and to provide for the improvement and development of waterways for the uses of interstate and foreign commerce.

The PRESIDING OFFICER (Mr. HUGHES in the chair). The pending amendment is that offered by the Senator from Montana [Mr. WALSH].

Mr. NORRIS. I ask that the amendment may be read by the Secretary.

The PRESIDING OFFICER. It will be read.

The SECRETARY. The Senator from Montana [Mr. WALSH] proposes the following amendment, which is now pending:

On page 6, line 12, after the words "Secretary of War," to insert the words "and the Secretary of the Interior," so that if amended it will read:

"(8) That such grantee in the construction, maintenance, and operation of such dam or diversion structure and accessory works may, with the authority of the Secretary of War and the Secretary of the Interior, occupy and use, to the extent necessary for the project, any lands of the United States, including the public lands.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. THOMAS. Mr. President, inasmuch as I am unable to give my consent to the passage of this bill, I feel justified in giving my reasons for occupying that position regarding it. I shall not attempt to discuss the bill in extenso, because it has already been the subject of considerable debate, and because I had occasion two years ago and more to consider a similar proposition and at considerable length. I refer to what was then known as the Connecticut River Dam bill, which was a bill designed to confer a similar right upon one corporation to that which is here designed as a general proposition, of which all corporations engaged in the business of generating power can avail themselves if desired.

I have been impressed with the title of the pending bill, not because it is unique, Mr. President, but because it is the expression of what is the ostensible purpose only of this proposed legislation. The title is:

A bill to amend an act entitled "An act to regulate the construction of dams across navigable waters," approved June 21, 1906, as amended by the act approved June 23, 1910, and to provide for the improvement and development of waterways for the uses of interstate and foreign commerce.

I am aware of the fact that the bill is properly entitled, and that the power which is sought to be exercised and delegated under it can be exercised and delegated in no other manner by the National Government than by the operation of what is properly known as the commerce clause of the Constitution.

By a series of decisions, which have crystallized into a fixed principle of law and one that has been fixed for a great many years, the General Government has jurisdiction over all navigable streams for purposes of navigation, and, consequently, is responsible for the development of such streams, which, of course, includes the prevention of obstructions in them which may interfere with navigation, to the end that the main purposes of its jurisdiction can be made effective.

But under that general power the General Government has advanced and extended its jurisdiction over the watercourses of the United States until it is extremely difficult to determine where, if at all, any limitation upon that power exists.

During the past few years, and since the birth of that mighty movement which was developed by the discovery of processes of generating the electric current so that the same could be made commercially available, this power of delegating to others the right to construct power plants for the purposes of developing such current also has taken to itself the absolute power of determining whether a stream called navigable shall or shall not be obstructed by dams.

The time was when the riparian owner might place an obstruction in a stream bordering upon his land, so long as it did not, in the opinion of the national authorities, interfere with navigation. He was permitted to construct what might or might not in time prove to be a nuisance from the standpoint of navigation, but he was at liberty to take his chances, if he so desired, upon that contingency.

The Senator from Iowa [Mr. CUMMINS] a few days ago directed attention to some conditions in his State where dams were placed across streams not then supposed or assumed to be navigable for the purpose of providing for local requirements, the furnishing of power for a mill or to set in motion such other machinery as might be necessary for neighborhood uses, and those who constructed such dams as he referred to or their posterity have awakened to the fact that after congressional legislation upon the subject has taken place they are not at liberty to make such improvements as the condition of these obstructions imperatively require until and unless a great department of the Government is here invoked and permission for that purpose be obtained.

I was very much impressed, Mr. President, with the condition to which the distinguished Senator referred, not only because it is not a local condition, by any means, but because it serves to emphasize the progress which has been made by the General Government in asserting, through the operation of the commerce clause of the Constitution, jurisdiction over practically all the watercourses of the United States.

I presume that there is more than one cause for this condition. The eagerness with which appropriations have been sought for the improvement of rivers and harbors, the pressing demands that have been made upon Senators and Representatives by their constituencies for appropriations of money to be spent within their midst in the improvement of rivers that may by some possibility become navigable, has had much, and perhaps everything, to do with this extension of governmental authority. But, however that may be, no man living can answer this question: "Where is the line of demarcation in the United States between a navigable and a nonnavigable stream?" Upon which side of the line will this bill be confined if it becomes a law, and to what extent will it be excluded from the tributaries of streams which are concededly navigable?

Some suggestion was made during previous discussions of the measure as to the necessity of a legal definition of a navigable stream, which should be inserted in the bill, if possible, that its terms might be clarified and its operation determined. I think that was a most excellent suggestion, and yet I very much question whether under the commerce clause of the Constitution we have that power. The judicial department has determined time and again in concrete instances this question of navigability, and other tribunals have as well carried the doc-

trine practically to any stream that is capable of floating a log for commercial purposes.

In the Rio Grande case, reported in One hundred and seventy-fourth United States, the Supreme Court in its decision gave expression to a view which has been the fruitful cause by some of the departments of the application of the doctrine to the headwaters of every stream that is assumed to be navigable in the country.

So I am unable to convince myself, Mr. President, that if this bill becomes a law it will in its application be confined to those States and to those streams to which it is the undoubted purpose of the authors of the bill to confine it, and I greatly fear that it will be found as operative in all or in the great part of its conditions and provisos in the section of the United States where my home is located as in those other States nearer the seaboard whose territory embraces the mighty streams of the continent where abundant water power exists if it can be only utilized for the purposes of man. That, Mr. President, would of itself, in the absence of some clarifying conditions that are now not apparent in the bill, compel me to withhold my assent from its provisions.

Mr. President, I have referred to the fact that the title to the bill refers only to its ostensible purpose, its real purpose being to confer upon citizens and upon corporations the right to obstruct streams by proper dams constructed under the supervision of the War Department for the purpose of generating power and to which the matter of navigation is only an incident.

In other words, the bill proposes that the Government of the United States shall exercise its undoubted power to control navigation for the benefit and in the interest of great enterprises which have no legal connection therewith. The Government says to the individual, "I have the power to control navigation over this stream. I will therefore make an ostensible exercise of that power not for the primary purpose of improving navigation—that is only an incident—but for the primary purpose of creating a force in the stream which I will permit you to utilize provided the contract requirements of the law are complied with."

I contend, Mr. President, that that is a perversion, and I say it with all respect of the great power of the Government to a purpose and to an end that the power does not justify and the use of which was never contemplated by the framers of the Constitution.

Mr. BRANDEGEE. Mr. President——

The PRESIDING OFFICER (Mr. MARTINE of New Jersey in the chair). Does the Senator from Colorado yield to the Senator from Connecticut?

Mr. THOMAS. I do.

Mr. BRANDEGEE. Is it any more so than the bills we pass authorizing a railroad company to build a bridge across a navigable river?

Mr. THOMAS. I think so, Mr. President. In the first place, the Government grants permission to a railroad or other company to throw a bridge across a stream under conditions which will not interfere with navigation. It is not the purpose of the Government to authorize by that act something which is designed for an entirely different purpose.

If the Government of the United States entitles such bills as this "An act * * * to provide for the improvement and development of waterways for the uses of interstate and foreign commerce"——

Mr. WORKS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from California?

Mr. THOMAS. I shall do so in just a moment. And if it also requires that the constructor of the bridge should enter into certain contracts with reference to the use of the bridge, paying to the Government a compensation for its use, and upon the theory that the bill was designed for the purposes of navigation, there would be a faint analogy between the two, but I think, in the absence of those conditions, that there is no resemblance whatever. I now yield to the Senator from California.

Mr. WORKS. Mr. President, respecting the inquiry of the Senator from Connecticut [Mr. BRANDEGEE], in the case of a railroad company, the construction of a bridge has nothing to do with its use of the waters of the stream, while in this instance the obvious purpose is to gain control of the flow of the water for a purpose not within the jurisdiction of the Government.

Mr. THOMAS. Mr. President, the Senator from California has very aptly anticipated what I was about to say. There is also another distinction. The Government of the United States does not pretend, when it grants such a right, to do anything except that which it does. For example, a bill authorizing the Chicago, Rock Island & Pacific Railroad Co. to throw a bridge across the Mississippi from bank to bank is entitled a bill for that purpose; it comes directly to the point. If this bill were entitled as it ought to be—but it would be a title which perhaps, if adopted, would defeat its purpose and deprive us of jurisdiction—"an act to promote the development of water power in the navigable streams of the United States and to provide for the leasing to others of the current created by the improvement thereof," it would be free from the defect which I am now discussing, but that is not its title.

I deny that this Government has any authority to use any of its great sovereign attributes as a pretext for the accomplishment of something which, without such use, it can not do. It might as well, and it would be equally consistent, use its power to levy taxes, its power to declare war, its power to organize the forces of the United States as the means of accomplishing something which is only incidentally connected with it.

Of course, I do not say, Mr. President, that the position which I have just announced with reference to this measure is one which the courts would hold to be untenable, since they doubtless look at the purpose of the bill as expressed in the title and those provisions which have incidental reference—and which, of course, must be inserted—to the matter of navigation in determining the power of Congress to enact it; but nevertheless it is a patent fact that the purpose of this bill—the real purpose of it—is to authorize others to build certain improvements in navigable streams, to the end that the current in the river caused by the flow of the waters may be given a commercial value, and then selling or disposing of that commercial value upon terms to be enacted by Congress.

Again, I say that if this bill in its practical operation could be confined to streams that are actually navigable, while I could not conscientiously vote for it, I certainly would not offer any serious opposition to it at this time, and particularly in view of the decision of the Supreme Court in the Dunbar case, with which the Senate has been made familiar by previous discussion, and to which I will only refer.

But, Mr. President, I have referred to the difficulty of determining at present what is and what is not a navigable stream. As a matter of fact, most of the provisions contained in this bill for the protection and promotion of navigation are simply words "full of sound and fury, signifying nothing." We have navigable streams in this country, but only a few of them are navigated, and until there can be some correlation—which I think can only be brought about by governmental action—between our great systems of land transportation and our antiquated systems of water transportation, they never will be so used. We must spend, not only as much money as we have heretofore expended for these purposes, but we may multiply the expenditure fourfold, and yet navigation, in the sense of use for commercial purposes, will not be visibly increased, so long as the land and water transportation systems of the country are divorced. That is another reason why I say that this bill is ostensibly for one purpose but really for another purpose.

Mr. CUMMINS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Iowa?

Mr. THOMAS. Yes; I yield to the Senator.

Mr. CUMMINS. With reference to the suggestion made a moment ago by the Senator from Colorado, I desire to say that I was one of the persons who believed that it was possible to define the words "navigable waters" or "navigable streams." I spent a good deal of time in the effort to put into language a definition which was really in my mind. I found it, however, impossible; but I desire to suggest to the Senator from Colorado that, while these terms may not be capable of definition or restriction, it is clear that this bill can be restricted to certain waters or streams; that is to say, it is not necessary for us to apply this bill to every stream over which Congress may have jurisdiction under its authority to regulate commerce among the States; and I am going to suggest now to the Senator, so that he may consider it if he cares to do so at this time, an amendment that I intend to offer to the bill.

Mr. THOMAS. I shall be glad to have the Senator do so.

Mr. CUMMINS. I, of course, reserve the privilege of changing this amendment before it is finally offered; but if I remain in my present mind, I intend to propose that after the words "navigable waters," in line 2 of page 2, there be inserted the following:

Other than streams, and such streams or parts of streams as are in their ordinary natural condition used in a substantial way for the transportation of persons or property in interstate or foreign com-

merce; or which, through improvement heretofore or hereafter, have been or shall be made usable in such commerce.

Mr. THOMAS. Well, Mr. President, I shall personally welcome any suggestion, and especially any suggestion from the Senator from Iowa, who has given great study to these matters, which will tend to distinctly limit—no matter what the limitations may be—but which will tend to distinctly limit the operation of this bill.

Mr. CUMMINS. I think the Senator from Colorado will at once see that the language I have used here will limit the application of this bill and will exclude many streams which are now abstractly or theoretically navigable.

Mr. THOMAS. Well, I think that is so; and because of the suggested amendment I will now refer to a clause of the bill that I intended to speak of later.

Mr. CUMMINS. Mr. President, I ought to say further, so that the Senator may have my full purpose in view, that I intend to provide by another amendment that with respect to all other streams which are within the jurisdiction of Congress under the Constitution, but which are not navigable in the sense that I have already described, permission shall be given to construct dams without any application to the Secretary of War.

Mr. THOMAS. Personally, I think it would be a good deal better to repeal the law, which now requires such permission wherever an obstruction is proposed to be placed in a stream until it appears that it does interfere with navigation; but there is a section which I shall now read from the print of the three bills in parallel columns, which provides, and I will call this to the attention of the Senator from Iowa—

(f) That such grantee in the construction, maintenance, and operation of such dam or diversion structure and accessory works may, with the authority of the Secretary of War, occupy and use, to the extent necessary for the project, any lands of the United States, including the public lands; and any part of the public lands may, on certification by the Secretary of War that the same is required for navigation purposes, be withdrawn by the President for said purpose as provided in the act entitled "An act to authorize the President of the United States to make withdrawal of public lands in certain cases, approved June 25, 1910."

I presume that, with the possible exception of the Columbia and Colorado Rivers, there are no really navigable rivers in the United States where public lands exist that can be withdrawn under that provision, and, consequently, I think it would be well to consider in connection with the amendment the propriety of another amendment striking that provision out of the bill. It may be that my apprehension regarding it is not well-founded, but I intended before leaving the floor to emphasize the fact that this bill, because of this proviso, seemed to be of universal application, whether so intended or not, under the terms of which, upon a mere certificate of the Secretary of War, such public lands under the withdrawal act of 1910—the operation of which has wrought such havoc in the arid States of the Union—can be brought into operation, and its privileges invoked in the practical operation of this measure should it become a law.

But, Mr. President, there is to my mind another and more fundamental objection to this bill, one which lies at the foundation of this measure and of every similar measure, and that is the assumption by the Government of the United States of property and property rights in the waters themselves in the navigable streams of the country to be used in a commercial way and by the Government in a proprietary capacity through the operation of its sovereign power.

It is only in recent years, Mr. President, that the proposition that the Government of the United States had any ownership or control whatever in the watercourses of the country, except for purposes of navigation, has ever been seriously questioned. The entire gamut of State and Federal decisions, beginning away back in colonial days and running down to within the last quarter of a century, is, without exception, in recognition and enforcement of the doctrine that no such ownership or proprietorship exists. On the contrary, the waters of navigable and other streams, to the extent to which proprietorship may exist in running water and in the beds of the streams themselves, have been vested either in the States or in the riparian proprietors. More recently, however, through legislation, through the expanding construction, if I may use the term, of its right and control over navigation, the Government of the United States now assumes that it can, through the exercise of its jurisdiction for a public purpose, acquire rights of private ownership in property which has long been recognized as existing elsewhere. A corollary of the proposition is that you can not recognize it without also recognizing the right of the Government, through its exercise of one of its sovereign powers, to confiscate the property of others, both of States and of individuals. Now, that is what this bill does. You may disguise it in any phraseology you may choose; you may say nothing about it in your legislation, but so frame the legislation itself as to make it inevitable, and the result is the same. It is a dangerous and most sinister thing, Mr. President, to admit the existence of any such power in the Government of the United States, for, once admitted, it can not be confined to the thing which involves the admission.

This bill contains some evidence of that, for certainly if the Government of the United States owned anything or assumes to own anything up to this time beyond such ownership as the control of navigation confers, I do not think it has been announced; but I find this expression in section 7 of the bill:

And the plant and its appurtenances of the grantee, including real, personal, and mixed property, constituting the same and used for the generation and distribution of power, or for other purposes, shall be subject to taxation under the laws of the State where situated as other similar property within the State, while owned by the grantee.

In other words, this bill assumes to confer upon the States of the Union where these improvements are located the power to tax the structure erected.

Mr. SHIELDS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Tennessee?

Mr. THOMAS. Yes.

Mr. SHIELDS. In connection with what the Senator has said, I wish to make a suggestion to him in regard to that clause, in order that he may consider it in his remarks.

Mr. THOMAS. I will be very glad to have the Senator do so.

Mr. SHIELDS. The author of this bill and the committee in passing upon that particular clause—in fact, it was inserted at the present session; it was not in the bill presented at the last session or in the bill originally introduced in this body—did not include it in the bill for the purpose of vesting the States with power to tax property within their borders, but to exclude the idea that such property might be exempt from taxation, because the company might be considered a quasi-Federal agent in developing the navigation of the stream. The purpose of the clause was to make the question clear beyond doubt that the States did have the power. The committee never assumed that they did not; and it was only with a view to preventing an attempt being made to exempt from taxation water-power development companies, because to some extent such companies might be considered Federal agencies, and therefore exempt from taxation.

Mr. THOMAS. Mr. President, I have no doubt that the statement of the Senator having charge of the bill with regard to the origin of this clause is correct, but it is precisely through the insertion of such features into legislation that there is based the existence of all of these assumed powers, all of these usurped powers, if I may use the expression.

Now, I contend, Mr. President, with reference to this clause—and, of course, the purpose was an apt one and a proper one—I contend that this clause has no business in this or in any other proposed legislation, unless it is necessary, and I can not reconcile its inclusion in the bill on any theory except that it is a permission on the part of the General Government to the States to tax something which, because of the Government's asserted right of ownership in the current of the stream and as an incident thereto, and as property created under the terms and conditions of this bill, the State might not otherwise have the right to use and concerning which its taxing power might not be exercised.

Should this bill become a law, the next bill which is enacted will probably go a step further, or, perhaps, the construction given by the courts concerning it will take it many steps beyond the purposes which were designed to be effected and accomplished by inserting it in the bill, and it will be regarded as the concession of a right to the States, but for which that right could not be exercised. I want to say, Mr. President, that in my mind it is just as consistent and just as lawful for the Government of the United States to assume to exercise the power of taxation or its sovereign rights of exempting property from State taxation, as it is to assert ownership in the power to be generated by the increased flow of the current consequent upon the improvement of a stream. So that, however this bill may be amended, it is to my mind subject to this fundamental objection.

Many of the great lawyers of this body have been called upon to examine and express their views with regard to it, and, with a few honorable exceptions, the overwhelming current of conclusion is that the powers of the General Government over navigable streams are confined, and ought to be confined, to its control over the same for purposes of navigation.

I do not understand, Mr. President, as was said by the Senator from Utah [Mr. SUTHERLAND] yesterday, that the courts have

gone any further in their recognition of this doctrine than to say that where the Government itself improves the navigability of a stream, a stream that is navigable in fact as well as in law, and in consequence of such improvement an increased flow is created, thereby generating a current that can be used for commercial purposes, it may exercise dominion over it as an incident to the work which it itself has carried on and make such disposition of the surplus as it sees fit to make; and that is further, in my judgment, than they ought to go.

Mr. WORKS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from California?

Mr. THOMAS. I yield.

Mr. WORKS. I call the Senators' attention to the clause of the bill commencing at line 1, page 2, and extending down to the word "permit," in line 7. The bill first provides for the construction of dams for the improvement of navigation, which would very clearly be within the power of the Federal Government; but it also provides:

> And for water power or other purposes across, in, or along any of the navigable waters of the United States—

That the Senator has very clearly covered in what he has said already, but I want to call attention to what follows—

> and such grantee and such permit shall at all times be subject to the provisions of this act and also subject to such conditions as the Secretary of War shall, in accordance with the provisions of this act, make a part of such permit.

Does the Senator think that the Government of the United States has the right to control the use of water within a State by a permit issued by the Secretary of War?

Mr. THOMAS. If it owns the water, I presume its control over it would be as absolute as that of an individual.

Mr. WORKS. But does the Senator think it owns the water?

Mr. THOMAS. Emphatically no; and I was going to add that, even under those circumstances, I think it is clothing a single individual with altogether too much power over great enterprises and over individuals and companies engaged in them; but I presume that the clause was inserted because it has appeared in bills of similar import in the past.

Now, Mr. President, if it be true that the National Government has such ownership in the waters of navigable streams as would justify the enactment of a bill like this, it is equally true, in my mind, that it may, as any other owner can, refuse to do anything whatever with this valuable property, or it may determine to sell the same outright instead of leasing or contracting for the use of it, or it may establish works of its own for the generation of power; and it may, of course, make disposition of it by entering either into competition with local producers or by monopolizing the market, or, Mr. President, it may even go further and create a market for it by establishing such structures and occupations as are necessary for its commercial consumption. In other words, I am unable to divorce the theory of ownership from any of the attributes of ownership, and, once asserted, every attribute belonging to it necessarily springs or may spring into operation at any time that the owner may determine.

Mr. President, I have occupied more time than I intended in my discussion of that branch of the subject; but there are one or two other features of the bill to which I wish to refer.

Mr. SHAFROTH. Mr. President, I should like to ask the Senator a question if he will permit me.

Mr. THOMAS. I am perfectly willing to yield for an interruption.

Mr. SHAFROTH. In view of the interesting discussion that we have had from the Senator to-day relative to this matter, is it the opinion of the Senator that the Government can enter into any kind of arrangement, under any kind of law, by which the waters can be utilized for the purpose of generating power?

Mr. THOMAS. I shall have to ask the Senator whether his question is general, or confined to the waters of navigable streams?

Mr. SHAFROTH. The waters of navigable streams.

Mr. THOMAS. I do not think so; and yet I say that with all due respect to some decisions of the Supreme Court which might convey a different conclusion.

Mr. SHAFROTH. Then is it the opinion of the Senator that any kind of a law could be constructed that would utilize the waters of navigable streams for the purpose of generating power?

Mr. THOMAS. Why, I think the State laws are ample for that purpose. They ought to be. If A, B, and C are the riparian owners of land along a stream capable of developing water power, whether navigable or nonnavigable—and, of course, if it is navigable it is subject to the general control of the Government over the matter of navigation—they have the right so to utilize their property as to produce the best results.

Mr. SHAFROTH. Then, as I understand, the Senator asserts that no law of this kind can be enforced by the Government of the United States, or is constitutional under the Constitution of the United States, for the purpose of utilizing the water powers of navigable streams under laws of the United States?

Mr. THOMAS. Why, Mr. President, I will not say that no such law can be enforced, because I think the tendency of the courts now is to uphold practically any power that Congress asserts to be within its jurisdiction; but I believe that such laws are based practically upon usurpation. I have expressed my apprehension that this bill, if enacted, will be applicable as well to nonnavigable as to navigable streams, and therefore it is of great interest to the States of the Rocky Mountain region. I am very much afraid that my distinguished friend the Senator from Iowa will find some difficulty in framing a proviso limiting its operation as he suggested here, although my hopes and my prayers are with him in his most commendable effort.

Mr. WALSH. Mr. President——

Mr. THOMAS. I yield to the Senator from Montana.

Mr. WALSH. Before the Senator passes from the general discussion, I should like to have a clear idea about his view as to what ought to be done. I understand that he feels that this bill ought not to pass. The present law makes it criminal to put a dam in a navigable stream. Will the Senator tell us what he would do in the premises?

Mr. THOMAS. If it were left to me, I would repeal that law.

Mr. WALSH. So that anyone would have the liberty, as he saw fit and as he was authorized by the State, to put a dam across a navigable stream?

Mr. THOMAS. Precisely; just as they did, before the law was passed, for nearly 100 years after the formation of this Government.

Mr. WALSH. Take the Keokuk Dam, for instance. The Senator would be willing, would he, to allow anybody to build a dam across the Mississippi River at Keokuk, as he would be authorized to do so by the State of Iowa?

Mr. THOMAS. No, sir. There is a navigable stream; and it is not only navigable, but it is used for commercial purposes and for navigation.

Mr. WALSH. Yes.

Mr. THOMAS. And I have not denied—at least, I think I have not denied—the controlling power of the Government over streams that are navigable, for purposes of navigation.

Mr. WALSH. Mr. President, we are all assuming that this bill deals with those streams. The Senator was passing to another consideration. He was passing to the consideration of streams that are not in fact navigable, and probably never will be navigable, and that is why I address myself to him at this time. I should like to ask the Senator to confine his attention now to the streams that are navigated. If we can confine the bill to those streams, will the Senator then say that it ought not to pass?

Mr. THOMAS. Yes; emphatically, that it ought not to pass. I say that it ought not to pass because it is based upon an assertion or a claim that is fundamentally wrong.

Mr. WALSH. Will the Senator, then, kindly give us, briefly, his ideas as to what kind of provisions ought to be in a bill that will let us dam that kind of a stream?

Mr. THOMAS. Mr. President, the Senator from Montana is one of the ablest lawyers in the United States, and, in my humble judgment, the ablest lawyer in this body. He is familiar with the whole line of legislation upon this subject, from the inception of the Government to the present time. We have had laws, and some of them are still upon the statute books, dealing with that subject, passed by the Congress in the exercise of its undoubted right of legislation with regard to navigable streams. I should be perfectly content to go back to that legislation. The difficulty is, however, that under the modern legal acceptation of the term "navigable stream" I do not believe the Senator, with all of his ability, can so legislate as to confine a measure like this to the streams to which he is referring.

Mr. WALSH. Mr. President, I should like to say, if the Senator will permit me, that I feel, as he does and as the Senator from Iowa does, that there should be something in this bill which will limit the scope of its action; and beyond that area I am agreed with the Senator from Colorado that we should leave the thing as the law was before 1890, giving everybody the right, as the State law authorized, to dam the streams; and the Senator will find me helpful in any way I can be in bringing about that result. But, Mr. President, we have now introduced an amendment to this bill by which we cut off those unnavigated and, as a matter of fact, unnavigable streams from those that are navigated and from those over which the right of navigation will probably be extended in the very near future. The

question I put to the Senator is whether he would now, taking those portions of the stream—the lower portions of the stream, the navigated portions of the stream—allow those to be dammed ad libitum, or would he pass some law of Congress to allow it?

Mr. THOMAS. Why, certainly not.

Mr. WALSH. What is the Senator's view as to what should be the governing features of a bill of that kind?

Mr. THOMAS. The governing features of a bill of that kind should be the governing features of the statutes controlling the subject up to 1890, as I remember.

Mr. WALSH. Mr. President, I call the attention of the Senator to the fact that that law gave you the right to construct dams ad libitum until Congress came along and directed you to tear them out.

Mr. THOMAS. Of course; but I do not think the Senator can find a recorded instance of the exercise on the part of the States of the right under the laws of the States of building a dam in a stream that is actually navigable, that is interfered with or obstructed. I do not think so. I am very glad to know that the Senator and I are agreed with reference to a part of the proposition, but I am afraid we are so hopelessly divided as to the rest of it that we will not find many points in common from this on.

Mr. President, the tributaries of streams that are concededly navigable ramify every part of the United States, and particularly the mountain regions. There are no navigable streams in my State, although I have been importuned once or twice to seek appropriations for the purpose of improving them under the river and harbor bill. The great rivers are born in the snows of the mountains, and they are small and turbulent, and the idea of navigability as connected with them is practically absurd; yet I am here to say that under the commerce clause of the Constitution and the legislation of Congress thereunder the War Department assumes jurisdiction over all these streams, whether navigable or not, and exercises the right of determining and passing upon the application of a citizen of my State who may desire to divert the waters of a small tributary of a navigable stream for purposes of agriculture. That is based upon the theory that the power necessarily must extend to the tributaries of navigable streams, lest they be so diverted as to decrease the flow of waters and thus injure navigation.

The then Senator from Ohio, Mr. Burton, last February, went so far as to concede the extent to which the doctrine could be carried when questioned upon the subject by the Senator from Iowa, who asked him whether this jurisdiction might not be logically carried to the ordinary surface waters or run-off from storms that sweep over the country at intervals, and whether, if some honest cottager saw fit to gather a lot of rain water in his cistern for domestic use, that might come within the jurisdiction of the War Department as tending to injure or interfere with the surface flow or the flow of navigable streams; and be conceded that that might be the case. It occurred to me that he might go further, and ask whether the jurisdiction did not and must not extend over the clouds in the heavens, and the dews of the morning upon the surface of the earth, and the fogs that float shoreward from the seas, and the melting snows, as a Senator suggests, from the snow-clad summits of the mountains. In other words, this jurisdiction, if it is properly asserted, can be carried even to the apparently absurd extent to which I have adverted.

In the State which I in part represent here we have had cogent instances of the exercise of this authority, and extreme difficulty, in consequence, in one or two cases—I say "difficulty" because of the complications that necessarily attend the shifting of an application from one department to another here in Washington—in securing the recognition and approval of the right to divert a few inches of water for the purpose of cultivating the ground. That being the case, we are naturally a little bit apprehensive about any bill that is designed to extend the control of the Government over so-called navigable streams. In the present contemplation of the law every running stream is navigable, in that it must be ultimately a tributary to some stream that is capable of navigation, and consequently interference with it may affect the waters of the navigable stream many miles below. So I am apprehensive that if John Smith or John Brown, in the State of New Mexico or Colorado or Arizona, shall determine to divert upon his own land the waters of a stream in which a toy boat could not make any progress, he will be halted and haled down here to Washington and brought before the Secretary of War, who will very solemnly look into the subject, and determine whether and upon what terms the great Government of the United States will permit this citizen to exercise that power.

Mr. President, I admit that that sounds extreme, but "a burnt child dreads the fire," and some of the children of men in these remote regions have been burnt a number of times, if I may use that metaphor in connection with the discussion of a water problem. So we are charged here with the duty—not implied, but expressed by the legislature of our State and by the people of the State—to see to it that these rights which are so essential, more essential in that country than in any other, to existence and to civilization, shall be safeguarded as far as possible.

Of course, I am aware of the fact that a water-power bill has been reported here having reference to the arid States. I do not intend to discuss that measure at present, beyond saying that when it comes to those streams the Government absolutely reverses its policy. Here it proceeds by virtue of its right as a sovereign and asserts a proprietary interest in water. There it proceeds by virtue of its rights as a proprietor of the land, and asserts its sovereign control over the situation whereby the waters of the State are virtually taken from it and turned over to the jurisdiction of the Federal Government. We will discuss that bill when it comes up for discussion. To my mind, it is far more dangerous and sinister in its possible operation in the arid States of the Union than this would be if, after its enactment, it should be held applicable to that section of the country. I feel, therefore, that it demands the most careful and elaborate consideration before it shall be enacted into law by the Congress of the United States.

Mr. President, I am in hearty sympathy with the sincere efforts and purposes of men like my distinguished friend the Senator from Montana, who differs so widely and so absolutely from me upon a question so vital to the interests of his own State and of my State. I wish I could agree with him, because I know he is absolutely convinced that the enactment of some such measure is as essential to the material welfare of our country as the enactment of any bill pending in this body. But I would rather wait, if I must, and get what the people of my Commonwealth are entitled to, than to recognize an existing condition which, if crystallized into law, will very seriously injure, if not undermine, the great principle of local self-government in the great Rocky Mountain States of the Union.

I am in sympathy, also, with the purpose of this bill. It is not only designed to supply a greatly needed want, an element the use of which has become absolutely necessary to our modern civilization, but it is also designed to modify, if not to destroy, the present monopolistic conditions which exist in the generation of hydroelectric current. I am free to say that much, as I object to the underlying principle of this bill; if I thought for a moment that it could accomplish that purpose I at least would not vote against it; but I predict, although I am neither a prophet nor the son of a prophet, that should this bill become effective, instead of diminishing it will increase the power of the so-called water-power monopoly. I say that for a number of reasons—I may be mistaken with reference to their existence or their application—which convince me, at least, that this is a fact.

In the first place, the generation of electric current, so needed and so universally applied, is a business in which competition is impossible. That has been recognized with reference to the telephone. Only a few years ago there were multitudes of independent telephone companies in the country; and they received, as they should have received, the encouragement and patronage of the people as against the wider and more extensive concern whose exactions caused these independent companies to spring into existence. But where are they now? They have yielded to an inevitable law of commercial gravitation, and have long since been merged into the larger concern and become a part of it.

There is not a State in the Union of which I have any knowledge in which monopolistic conditions in the generation of hydroelectric current do not exist at the present time. Why, we had a little controversy over the printing of a report upon the subject, which you, Mr. President [Mr. FLETCHER in the chair], had the honor to present here, and the printing of which was finally ordered, its purpose being to demonstrate both to the mind and to the eye by appropriate diagrams the existence of this enormous monopolistic condition—a demonstration which is just about as necessary as would be a demonstration to prove that two and two make four. It is here; it has been here; it is going to stay here; and every additional water-power plant will sooner or later, legislation to the contrary notwithstanding, take its place within the fold. It is inevitable.

Why, Mr. President, take the investment bankers of the United States, who finance all these great concerns. They have been recently organized. They are to-day as thoroughly organized as an oath-bound secret society. Any great enterprise which requires financing must proceed through the agency of

some one or more of their members, and we must remember that their members are those who financed the existing institutions. Do you tell me that they are going to create or permit competition as against institutions which they have already financed and with whose success their own success is bound up? There may be occasional instances of the financing of such structures outside, but the exceptions prove the rule.

Of course, I admit that the amount of current now generated in many parts of the country is insufficient for the public need. There can be no question about that, and to that extent the bill may prove highly beneficial. But the purpose of it, and for which I understand it is being bitterly opposed by some of the most distinguished antimonopolists in the country, will, I fear, fail of ultimate accomplishment.

I hear some one say: "What are you going to do about it?" Well, Mr. President, I have had the conviction for 10 years, and that conviction is growing with every day of my life, that the one thing to do is to recognize the existence of this monopoly and let the States, in their respective jurisdictions, take it over. If they are not big enough to control it, let the Government of the United States do it. I believe that when a monopoly exists and can not be overcome it should be made a public and not a private monopoly. That, to my mind, is the only solution of the problem, and that it is coming I make no doubt. But now, when the public mind is diverted from these great domestic questions and the imagination pictures hostile fleets crossing the stormy seas and landing thousands upon thousands of men on our defenseless shores, we have not any time to consider great matters of internal concern, matters which were living issues in 1912, and but for these unfortunate conditions would be living issues, and ought to be living issues, to-day. They are sidetracked, and we can do nothing with them so long as we are in our present state of national hysteria; but when that subsides and we become again a reasonable people I hope we shall find that these interests have not taken advantage of us in the meantime.

We used to have a celebrated preacher in the city in which I live, the Rev. Myron Reed, who once said that when the whole family goes to the circus the opportunity of the porch climber is at hand. We have all gone to war mentally. Now is the time for the gentlemen who thrive both upon monopolies existing and monopolies to be created to get in their deadly work. I think we will awake some fine morning after this cruel war is over to find that the hen's nest has been pilfered while we have been talking about preparedness. I hope one result will be that it will hasten the day when the people in their organized capacity will take charge and control of these great monopolistic institutions and devote them to the welfare of the common people.

Mr. SHIELDS. Mr. President, to every conclusion of the law stated by the Senator on the subject of the development of water power and the ownership of waters and the banks of rivers and the limits upon the jurisdiction of Congress over navigable waters I agree. His propositions are, in my opinion, absolutely sound, and I have so said in this discussion. The trouble with the Senator, if I may be allowed to say so, and I do it most respectfully, is that the propositions he has so ably discussed here have no application to the bill. Its provisions have been carefully drawn to avoid all violations of the rights of riparian proprietors and of the States, and at the same time to recognize the authority of Congress over navigable streams.

It was the opinion of the author of this bill and of the committee that considered it that the Federal Government has no proprietary interest in navigable waters. Its sole power under the commerce clause is that to regulate transportation in them, to prevent the right of way which the public has in such streams from being obstructed, and to improve it when it is necessary to do so. This power is fully recognized and, we believe, safeguarded in the preparation of this bill.

What is the present law on the subject? Previous to 1890 the only consent that was ever asked by a riparian proprietor who desired to improve a stream for the development of water power was that of the State wherein the stream was located. There is to some extent a concurrent jurisdiction of the Federal Government and the State government over navigable waters, but at all times the power of Congress is paramount and the States must yield to that whenever it is exerted.

Previous to 1890 there was no limitation on the rights of riparian proprietors. There was, of course, no common law which governed such matters, and they could only be controlled by Congress through statutes applicable to the subject.

The act of 1890 to some extent limited the rights of riparian proprietors and required the consent of Congress and the Secretary of War in certain cases. The present law on the subject was enacted in 1899. Section 9 of that act is in these words:

That it shall not be lawful to construct or commence the construction of any bridge, dam, dike, or causeway over or in any port, roadstead, haven, harbor, canal, navigable river, or other navigable water of the United States until the consent of Congress to the building of such structures shall have been obtained and until the plans for the same shall have been submitted to and approved by the Chief of Engineers and by the Secretary of War: *Provided*, That such structures may be built under authority of the legislature of a State across rivers and other waterways the navigable portions of which lie wholly within the limits of a single State, provided the location and plans thereof are submitted to and approved by the Chief of Engineers and by the Secretary of War before construction is commenced.

Section 10 of the same act is in these words:

The creation of any obstruction, not affirmatively authorized by Congress, to the navigable capacity of any of the waters of the United States is hereby prohibited.

The violation of this statute is made a high misdemeanor punishable by fine and imprisonment. The riparian proprietor of any navigable stream to-day is subject to fine and imprisonment whenever he erects any structure upon his own property for any purpose whatever unless he first obtains the consent of Congress, although it may not in any way obstruct the navigable channel of the river or interfere in any way with its navigability.

I agree that that is a very drastic statute but Congress has absolute control over such matters. The law is upon the book and we have to submit to it until it is repealed or amended, which is the purpose of the present bill.

I will read from the opinion of Mr. Justice Lurton in the case of the United States against Chandler-Dunbar Co.:

That power of use and control comes from the power to regulate commerce between the States and with foreign nations. It includes navigation and subjects every navigable river to the control of Congress. All means having some positive relation to the end in view which are not forbidden by some other provision of the Constitution are admissible. If, in the judgment of Congress, the use of the bottom of the river is proper for the purpose of placing therein structures in aid of navigation, it is not thereby taking private property for a public use, for the owner's title was in its very nature subject to that use in the interest of public navigation. If its judgment be that structures placed in the river and upon such submerged land are an obstruction or hindrance to the proper use of the river for purposes of navigation, it may require their removal and forbid the use of the bed of the river by the owner in any way which, in its judgment, is injurious to the dominant right of navigation. So also it may permit the construction and maintenance of tunnels under or bridges over the river, and may require the removal of every such structure placed there with or without its license, the element of contract out of the way, which it shall require to be moved or altered as an obstruction to navigation.

In a subsequent part of the opinion the same eminent judge said:

So unfettered is this control of Congress over the navigable streams of the country that its judgment as to whether a construction in or over such a river is or is not an obstacle and a hindrance to navigation is conclusive. Such judgment and determination is the exercise of legislative power in respect of a subject wholly within its control.

Mr. President, that is only a restatement of what has many times before been decided by the Supreme Court in regard to the power of Congress over such streams. Previous to the act of 1899 the riparian proprietor had a right to erect a structure, and if it was an obstruction to navigation Congress had a right to have it removed, but now the law requires him first to demonstrate to Congress that it is not an obstruction and get a permit before he can build it.

In 1906 an act was passed allowing dams to be constructed under certain conditions, but that conditions were so harsh and prohibitory that Congress was of the opinion it ought to be repealed, and it was repealed by implication, by an act approved June 23, 1910. That act was more drastic and prohibitory than the former one and absolutely precluded further improvement in navigable rivers for water-power development. This is now conceded by everyone, by the Secretary of the Interior, by the Secretary of War, and perhaps everyone who has studied the question.

This bill, by its caption, provides for the amendment of the acts of 1906 and 1910, which were passed expressly for the purpose of allowing dams to be built to develop water power. The caption is as follows:

To amend an act entitled "An act to regulate the construction of dams across navigable waters," approved June 21, 1906, as amended by the act approved June 23, 1910, and to provide for the improvement and development of waterways for the uses of interstate and foreign commerce.

It is not misleading, but sets forth both subjects of the legislation—improvement of navigation and development of water power in navigable rivers.

The interest of the General Government in navigation and that of the riparian proprietor are equally protected by the provisions of the bill. They provide for the improvement of navigation in the streams and, at the same time, for utilizing

the water power which is developed by such improvements. It is fortunate that the two interests are consistent and can be carried along together without prejudice to either one.

Mr. SMITH of Arizona. Where does the Senator find a justification under his idea of the law and mine for making any charge by reason of the use of the waters which confessedly belong to the States? When as a part of the navigation the Federal Government does what it ought to do in furtherance of navigation, it loses in my contemplation all possible right to everything else except the navigation. How does the Senator justify it, even if the Government builds a dam and the power can be generated without cost to the Government, that the State should not have the right to tax and the State should not have the right to enjoy the property which it unquestionably owns? In other words, where does the Senator find a justification for a Federal toll on State property?

Mr. SHIELDS. This bill contains no provision for any charge for the use of water unless it is the requirement that the grantee in erecting his dam shall build therein a lock and all other facilities for navigation required in such streams, according to the judgment of the Secretary of War and the Chief of Engineers. That is a very necessary and proper provision of the Government—no improvement should be made that will obstruct navigation.

Mr. SMITH of Arizona. Mr. President——

Mr. SHIELDS. I will get to the Senator's question in a moment. If the Government is not able at this time to improve these rivers and private capital is willing to do it and at the same time protect the interests of the public in the dam it builds by providing all the facilities for navigation that are required, I can see no reasonable objection to it nor do I see in that any yielding of either the sovereign rights of the States or the rights of the individual proprietors.

In the provisions of the bill providing for the construction of dams with private capital there is no provision for the payment of any tolls, rate, or charges whatever to the Federal Government.

Under the tenth section, answering the Senator's question fully, it is provided that where the United States has constructed a dam whereby water power is created in excess of the necessities of the Government in operating the dam and other facilities for navigation it may sell or lease that power. Whether the Government has that power is no longer an open question. It was the direct question involved in the case of the United State against Dunbar-Chandler Co., reported in Two hundred and twenty-ninth United States, from which I just read. The statute there provided for the condemnation of the bed and banks of the river for navigation purposes; not for the mere easement in them, but for the fee in the property. A subsequent section provided that the United States might lease or sell surplus water. That provision was attacked upon the ground stated by the Senator. Mr. Justice Lurton, speaking for the court, held that the Government might dispose of its surplus power, and evidently, while he does not say so, because the Government built the dam with its money, upon its own property, and was to all intents and purposes a riparian proprietor and had the right to dispose of its property as an individual.

Mr. Justice Lurton emphasizes that the statute authorized the condemnation of the property and acquisition of the absolute fee in it primarily for navigation purposes, and that the authority to sell the water power created was only incidental. It is similar, as was illustrated here by the Senator from Utah [Mr. SUTHERLAND] yesterday, to the Federal Government disposing of out-of-date guns and other military stores or to any increase or increment of public property. It may dispose of the timber upon its public lands, although it may not deal in timber. But, after all, the basis of that decision is that the United States owns the property by condemnation of the rights of the riparian owner, and therefore that case really is not in conflict with the general principle that has been asserted here on the floor again and again, and last repeated by the Senator from Colorado, that the United States has no proprietary interest in the waters of navigable streams and no right to sell them. I do not believe that the United States has any right to build a dam or construct a power plant for the sale of power. It has no right to engage in commerce in that way.

Mr. SMITH of Arizona. Mr. President——

The PRESIDING OFFICER (Mr. MARTINE of New Jersey in the chair). Does the Senator from Tennessee yield to the Senator from Arizona?

Mr. SHIELDS. I yield.

Mr. SMITH of Arizona. For information I should like to ask the Senator whether any governmental toll or impost or duty or obligation is laid on any of the waters of a State in this bill, except in the cases which he differentiates in the decision of Judge Lurton from which he has just quoted.

Mr. SHIELDS. None whatever.

Mr. SMITH of Arizona. In all cases, except where the Government itself owns the bank and property and itself builds the dam, is any charge by the Federal Government allowed under this bill?

Mr. SHIELDS. There is no charge whatever except where the Government is the riparian proprietor.

Mr. SMITH of Arizona. If we could have gone further——

Mr. SHIELDS. I wish to say to the Senator perhaps he was out of the Chamber at the time when the Senator from Montana [Mr. WALSH] offered an amendment in order to impose a charge and the Senate rejected it.

Mr. SMITH of Arizona. I remember it.

Mr. SHIELDS. As a matter of course, if such a charge was in the bill, there would have been no effort to amend it so as to impose it.

Mr. SMITH of Arizona. If I had been here I would have voted against that amendment. I should like the bill better and it would get much heartier support from me if even in cases where the Government erected a dam for navigation purposes the Government would be satisfied to leave the power to be developed subject to the taxation and control of the State rather than of the Federal Government. I apprehend this is not the furthest step the Government will take when it commences the imposition of taxes.

Mr. SHIELDS. That question seems to be precluded by the Chandler-Dunbar Co. case, as it is there settled that the Government has the right to sell the excess of power in an improvement created for navigation purposes, and therefore this bill provided for sales and leases in such cases.

Mr. SMITH of Arizona. Has the Senator the Dunbar case before him?

Mr. SHIELDS. Yes; I will hand it to the Senator.

A careful examination of the provisions of the bill will show that save under section 10, which we have just been discussing, applying solely to dams constructed by the United States and where it has a property interest, no Federal officer is given any authority and the United States is given no interest whatever in the improvement except for the purposes of navigation. The locks are required to be built in order to furnish the necessary navigation facilities in every structure where it is deemed necessary by the Secretary of War. The Secretary of War is given a general supervision over the locks and dams in order that he may see that they do not obstruct navigation, but there is no further control by him or the United States. So there is in the bill absolutely not a single provision that conflicts with the views of the law expressed by the Senator from Colorado.

I do not agree with the Senator from Colorado in his definition of "navigable streams." I wish to read from the case of the United States versus Rio Grande Irrigation Co., in One hundred and seventy-second United States, upon that subject:

> The mere fact that logs, poles, and rafts are floated down a stream occasionally and in times of high water does not make it a navigable river. It was said in The Montello (20 Wall., 430, 439) "that those rivers must be regarded as public navigable rivers in law which are navigable in fact. And they are navigable in fact when they are used, or are susceptible of being used, in their ordinary condition as highways for commerce, over which trade and travel are or may be conducted in the customary modes of trade and travel on water."

And again (p. 442):

> It is not, however, as Chief Justice Shaw said, in 21 Pickering, 344, every small creek in which a fishing skiff or gunning canoe can be made to float at high water which is deemed navigable, but in order to give it the character of a navigable stream it must be generally and commonly useful to some purpose of trade or agriculture.

The bill is only intended to apply to navigable waters, and it is expressed upon its face. The definition of "navigable waters" that I have read is about as clear a one as I know of in the books, and covers the rivers that this bill is intended to apply.

Mr. CATRON. Mr. President, may I ask the Senator a question?

The PRESIDING OFFICER. Does the Senator from Tennessee yield to the Senator from New Mexico?

Mr. SHIELDS. I yield to the Senator from New Mexico.

Mr. CATRON. The Senator states that his bill provides for navigable waters. Is there any difference between navigable waters and navigable streams, in the Senator's judgment; and how much of the stream may be navigable? For instance, take the Rio Grande, which runs through Colorado, New Mexico, and along the border of Texas about 1,900 miles, which is navigable for only about 50 miles for very light draft vessels from its mouth up—how about the remainder of that river? Would it be subject to the provisions of the Senator's bill?

Mr. SHIELDS. Whether or not a river is navigable is, as stated in other parts of the opinion which I have read, largely a question of fact. Of course I could give no opinion upon the navigable character of any river unless I fully understood all the facts in relation to it; but there is no difference between "navigable waters" and "navigable streams," except the term "navigable waters," of course, includes bays and estuaries of the sea. The terms, however, have been used interchangeably in this discussion. In speaking of "navigable waters," of course I mean navigable rivers. There is no water power in gulfs and bays.

Mr. SHAFROTH. Mr. President, I think the question of the Senator from New Mexico [Mr. CATRON] went concretely to this kind of a proposition: The Rio Grande River, as it is termed, rises, as the Senator says, in Colorado, probably flows 250 or 300 miles through that State, and then probably——

Mr. CATRON. It runs 500 miles in New Mexico.

Mr. SHAFROTH. It runs 500 miles in New Mexico, and then on the border between Mexico and the United States probably six or seven hundred miles.

Mr. CATRON. Nearly 1,000 miles.

Mr. SHAFROTH. In the total the river is 1,900 miles long, as the Senator from New Jersey says. The Senator wanted to know whether under this bill, when there are only 50 miles of navigable water, it would come within the jurisdiction of the Secretary of War to determine whether or not a power plant could be erected, say, in the State of New Mexico, which is 500 or 600 miles from the navigable portion of that stream. In other words, if a person were to apply for permission to erect a dam in the State of New Mexico, 600 or 700 miles from the point where this stream becomes navigable, the question which, it seems to me, would be asked is whether or not the Secretary of War under this bill would have any jurisdiction or power whatever to pass upon either the plans or with relation to the construction of that improvement.

Mr. SHIELDS. I will have to say again that would depend on whether or not it was a navigable stream in fact. If it is, it would come within the jurisdiction of the Secretary of War; but if not, it would not come within his jurisdiction under this bill.

Mr. CATRON. What I want to get at is whether that river is considered navigable 700 or 800 miles above the point where anything can be carried over it in a barge or anything else.

Mr. SHIELDS. In my opinion upon those facts it is not a navigable river. What the Secretary of War might say, of course, I can not foretell, but under the authority which I have just read, that would not be a navigable stream.

Mr. SMOOT. Does the Senator from Tennessee refer to the Dunbar case?

Mr. SHIELDS. No; I refer to the case of the United States against the Rio Grande Irrigation Co.

Mr. CATRON. That was a New Mexico case.

Mr. THOMPSON. Mr. President, we are in the same situation in relation to the Arkansas River, to which I will call the attention of the Senator from Colorado. The Arkansas River has been held to be navigable throughout Kansas, yet in many parts of the river there never has been even a rowboat on it. I should like to know whether the bill which is being supported by the Senator from Tennessee would apply to a stream of that character?

Mr. SHIELDS. Mr. President, I would hardly undertake to determine, without a very great deal more information as to the nature of these rivers, whether they are navigable or not; but one thing is suggested to me by the question of the Senator from Kansas [Mr. THOMPSON]. I think that the Arkansas River was involved in the case of Arkansas against Kansas; and it was very much such a river as has been described by the Senator from New Mexico [Mr. CATRON]. It was conceded by the Government that it was not navigable, and the Government only intervened there asserting the right to use the water there for irrigation purposes.

Mr. THOMPSON. The courts have held, though, that the river was navigable.

Mr. THOMAS. If the Senator from Tennessee [Mr. SHIELDS] will pardon me, I do not think that the Government expressly conceded that the river was nonnavigable. It did not attempt to intervene upon that ground, but upon the ground that it was the owner of public lands which this stream and its tributaries traversed.

Mr. SHIELDS. My recollection is that the opinion contains the statement that there was an express concession that it was not a navigable river. Therefore that point was conceded, and it was excluded.

Mr. THOMAS. The Senator from Tennessee may be right.

Mr. SMOOT. Mr. President, I wish to suggest to the Senator that, while I do not know what the War Department would hold on the question, I do know that if it were a case in which the Secretary of the Interior had to decide, there would be no question that he would hold that the Government had absolute authority over the stream. Why, Mr. President, the Secretary of the Interior has held that a little stream in the State of Utah that happens to run into the Colorado River, I can not tell how many miles away—and, by the way, for eight months in the year the stream is as dry as is this floor—is absolutely controlled by him because of the fact that there are a few drops of water in it during a few months in the year that go ultimately, perhaps, into the Colorado River.

Mr. SMITH of Arizona. And no boat has sailed on the Colorado River for the last four or five years.

Mr. SMOOT. There is not a boat in the Colorado River, into which this little stream empties, for I do not know how many hundreds of miles.

Mr. SHIELDS. Mr. President, I have not examined the question fully, but I do not believe that the judgment or determination of the Secretary of War or of the Secretary of the Interior, where they have jurisdiction of such matters, would be conclusive, and I believe that the property owners would have ample protection in the courts.

Mr. CATRON. Mr. President——

Mr. SHIELDS. I will yield to the Senator in a moment. If I were called upon to determine the question, I would not agree to what it has been stated the Secretary of the Interior might hold, and I know of no court that has ever sustained such a proposition as that. I would fully concur with the language of the case from which I have read that—

> Those rivers must be regarded as public navigable rivers in law which are navigable in fact. And they are navigable in fact when they are used or are suceptible of being used in their ordinary condition as highways for commerce, over which trade and travel are or may be conducted in the customary modes of trade and travel on water.

Mr. THOMAS. Mr. President, if the Senator will allow me, I want to call his attention to the decision in the Rio Grande case, where the court asserts that it has such jurisdiction or authority over the tributaries of navigable streams as will enable them to see to it that the waters are not used so as to diminish or otherwise interfere with the waters of the navigable part of the stream or to injure its uses for purposes of navigation. It is upon that statement in that case that the jurisdiction of the Interior Department, to which the Senator from Utah [Mr. SMOOT] has referred, is founded.

Mr. SHIELDS. Mr. President, I am perfectly aware of that holding; in fact, I was reading from the Rio Grande case, and am familiar with the result of that decision; but that does not affect the definition of a "navigable stream." It has been insisted by the Secretary of War that, under the commerce clause, Congress has jurisdiction to provide for reforesting the mountains in order to supply waters to streams and make them navigable; but no one would say the mountains were navigable. The provisions of this bill relate to navigable streams and not to feeders of navigable streams, and the decision in the Rio Grande case upon that question has no application to this bill.

Mr. CATRON. That decision proceeded on the theory that the waters which were navigable were subject to the provisions of the law in controversy. The pending bill does not say anything about the difference between the waters which can not be navigated in the same stream and those which can be navigated. Does not the Senator think that there ought to be a provision in this bill defining the portion of the stream that is navigable? If the entire stream from its head to its mouth is to be considered navigable under the bill and not subject to be interfered with, possibly it would prevent the diversion of water for an irrigation ditch or for some other purpose, which might slightly interfere with navigation below.

Mr. SHIELDS. I have no objection to a definition of what is a navigable stream, but I would not agree to an amendment to this bill which would apply only to waters that are navigable for commerce. The act of 1899 prohibits the erection of structures in all navigable streams, and we know that applies to some streams that are not open to continuous commerce. We want this act to apply to every stream that is covered by the present restrictions of the law and to open them all for improvement.

Mr. THOMPSON. Mr. President——

Mr. SHIELDS. I will yield in a moment. This is a question of fact that is applicable to every stream, and I think we shall find very great difficulty in providing a definition; in the end, the question of navigability or nonnavigability will have to be left to the courts, and that question will come up under

the amendment that has already been offered by the Senator from Iowa [Mr. CUMMINS].

Mr. THOMPSON. Mr. President, the inquiry I wish to address to the Senator is this: Where a State court, for instance, has held that a river is navigable, as the highest court in Kansas has held that the Arkansas River is navigable—although it is impossible in many places even to use a rowboat on it, and it never has been at any time used for commerce anywhere in the State—would this bill apply to a stream of that character?

Mr. SHIELDS. I could not say; I do not know what the statutes of Kansas are upon the subject. There are some States that provide that any creek that will float logs down it shall be considered a public highway and navigable; but whether they are navigable in the sense of the commerce clause of the Constitution is an entirely different question.

Mr. THOMPSON. That is the sense in which the court in Kansas has held the Arkansas River navigable, and there is no special statute on the subject.

Mr. SHAFROTH. Mr. President, I should like to ask the Senator another question; and that is, whether the bill gives any jurisdiction to the War Department concerning the flow of the water above where a dam is to be erected? In other words, does it relate solely and purely to the dam in its construction and the power that may be generated there, or is there contained in the bill any reference to the extension of jurisdiction over the tributaries of a stream which may add to the supply of water for the purpose of generating electricity in the main stream?

Mr. SHIELDS. The only provision which in any way relates to that subject is the one to be found in section 3, I think, which requires the company to pay for the benefit of any headwater improvement by the United States, so far as that improvement increases the flow of water over its dam, or, in other words, so far as the company gets a direct benefit from the improvement. There is no provision that the United States may make headwater improvements, but simply a provision making the development company subject to a contribution for such improvements. I believe pretty much all the legislation on the subject has contained such a provision, special acts as well as the provisions of general dam laws. That is the only provision, I think, that relates in anyway to the Senator's inquiry, except that the Secretary of War is given the power to make certain rules affecting navigation in pools created by dams.

Mr. SHAFROTH. I will say to the Senator that, of course, the State of Colorado being of a high elevation, we have no navigable streams in that State, and we would be very much opposed to any bill that would place under the control of the Secretary of War or of any other department of the Government jurisdiction over the streams of the State, but what I was inquiring was whether this bill permits the Secretary of War or any other Secretary to exercise control or power over a stream that goes to make up a navigable river?

Mr. SHIELDS. There is no such authority conferred by any provision of this bill, and I would not vote for it if it contained such a provision.

Mr. THOMAS. Mr. President, if the Senator will permit me, I should like to interrupt him for a moment to say that, in regard to the Kansas-Colorado decision, the Senator is correct in his recollection of the position of the Government. I read from page 86:

> But the Government makes no such contention. On the contrary, it distinctly asserts that the Arkansas River is not now and never was practically navigable beyond Fort Gibson, in the Indian Territory, and nowhere claims that any appropriation of the waters by Kansas or Colorado affects its navigability.

But on page 117, referring to the decree, the decision says:

> The decree which, therefore, will be entered will be one dismissing the petition of the intervenor without prejudice to the rights of the United States to take such action as it shall deem necessary to preserve or improve the navigability of the Arkansas River.

It was my recollection of the last sentence which confused me with reference to the real admission of the Government to which the Senator referred.

The VICE PRESIDENT. The question is on the amendment of the Senator from Montana.

Mr. WALSH. Mr. President, I have not been apprised by the Senator in charge of the bill that the amendment offered by me is acceptable to him, and I deem it a duty to present to the Senate the considerations which seem to me to make the insertion of the amendment absolutely imperative. I venture to assert that there is no Senator on the floor familiar with the laws affecting the disposition of the public lands who would feel that it would be either wise or safe to provide for the disposition of those lands or for the granting of easements in those lands through any other department of the Government than the Department of the Interior. I can conceive of no reason why the Secretary of War should be authorized, as he is by this bill, to grant an easement in certain public lands.

This, Mr. President, is a consideration altogether apart from the main feature of the bill; that is to say, the construction of a dam within a navigable stream, which would be an obstruction to the navigation of that stream. The determination of that question and everything immediately incidental thereto is very properly reposed in the Secretary of War. His office has charge of all works of improvement on either the rivers or the harbors of this country. It is equipped with a special Corps of Engineers, selected from a branch of the military forces of the United States, the members of which have brought credit to themselves and renown to the Nation whose servants they are.

That part is all right; but, Mr. President, the bill contemplates that by the construction of such an obstruction in the stream, water would be backed up and overflow public lands. If it overflows private lands, the permittee must either acquire the right by negotiation and contract with the private owner of those lands, or he must proceed by condemnation to acquire from the private owner the right to occupy and flood those lands, but if, in the same process, it covers public lands of the United States the negotiations ought to be with that officer of the United States who is charged under the law with the disposition of the public lands.

Why, Mr. President, this bill can not be administered as it is written here. The Secretary of War is authorized to grant a right to occupy the public lands that are thus to be flooded by the water being backed upon them. Speaking with the distinguished Senator who has charge of the bill, and whose ability as a lawyer as well as a legislator everyone is glad to recognize, he confided to me that it was in the mind of those who framed the bill that in the State of Alabama, for instance, or in some of the adjacent States, there would be found possibly some small, inconsequential, fractional tracts of land which, in the course of time, were lost sight of and were never conveyed away by the Government of the United States; and it was intended that this provision should be made applicable to those lands. But, Mr. President, I trust I have given the Senate information that this bill has a country-wide scope—a nation-wide scope. It affects the vast territory drained, for instance, by the Columbia and Sacramento Rivers, and I may say here that one-third of all the power which the United States is capable of developing, it is said, can be developed along the courses of those two streams.

Mr. SMITH of Arizona. Mr. President, will the Senator permit me to ask him a question as a matter of information?

Mr. WALSH. Certainly.

Mr. SMITH of Arizona. I imagine the Senator and I are both pretty well acquainted with those rivers. Can he conceive of any place on the Sacramento River where the generation of water power would result in the overflow of any public lands of such value as to make it necessary for the engineers under the Secretary of War to call for the interposition of another arm of the Government to protect the rights of the United States in those lands? I can conceive of no place where a pure water-power development in the Sacramento—and I know the Sacramento better than the Columbia—could overflow any land of any value at all, for the power of that river is in the mountains, and as soon as it strikes the valley it becomes a slow stream, running on the level, and wandering somewhat in the sands, as our lower southern rivers do.

Mr. WALSH. Yes, I must say, Mr. President, that I am not aware that the damming of the Sacramento River at any point below the point at which it is navigable would so back up the water as to overflow any public lands. I should not be at all surprised, however, if that were the case in the Columbia River, up and down which I have very often traveled.

But we need not go there; we need not go outside of my own State. I advised the Senate the other day that the Kootenai River is actually navigated, that boats are plying between Jennings and points in British territory, and the damming of that stream will unquestionably back up waters that will overflow public lands.

Mr. THOMAS. Mr. President——

The VICE PRESIDENT. Does the Senator from Montana yield to the Senator from Colorado?

Mr. WALSH. I do.

Mr. THOMAS. I think there is a good deal of force in what the Senator is contending for; and so I venture to ask whether, his premises being correct, it would not be expedient also to enlarge the proviso so as to include the Secretary of Agriculture, since the submersion of public lands might include some part of a forest reserve?

Mr. WALSH. I should say not, Mr. President, for the reason that the disposition of the public lands is not reposed in the Secretary of Agriculture at all. The Secretary of Agriculture has charge of the administration of the laws in relation to the forests; but when it comes to the disposition of any land, even within forest reserves, the law does not permit the Secretary of Agriculture to do anything of the kind. That part of the administration of the law is intrusted to the Secretary of the Interior; and for perfectly obvious reasons, which, if the Senator from Tennessee will attend, I think I can make quite clear and persuasive to him.

In the first place, the Secretary of War does not know and has not any means of knowing whether a particular tract of land is or is not public land. There is nothing in his office which will disclose the fact. If he knows anything at all about it, he must get that information from another department—the Department of the Interior. That department, as everybody understands, keeps on file carefully prepared maps and plats, on the face of which appear notations which will disclose just exactly what lands have been granted away by the United States and what lands are still retained by it. Then, when it is proposed to flood a certain tract of land, the Secretary of the Interior and his subordinates turn to the plats in his office and determine from the face of those plats whether or not it belongs to the Government of the United States.

Mr. SMITH of Arizona. Mr. President, how long does the Senator think it would take him to inform the Secretary of War of that fact? Not over 15 or 20 minutes, would it, as to any particular tract of land?

Mr. WALSH. That is altogether beside the question.

Mr. SMITH of Arizona. I think not. The Senator is putting it on the ground that the Secretary of the Interior knows, and on that ground only; so I thought it was relevant to suggest that another department of the Government which had charge of the navigation and the handling of the water would not have to bandy it back and forth between the different departments, and have us in such a condition as we are now before several of our committees, about the oil lands, for instance.

If it was going to be a question of the use of the waters of navigable streams or nonnavigable streams, I thought it might be left to the Secretary of War wherever that Secretary had jurisdiction; and if there was any question of public land, it seemed to me that it was much easier for the Secretary of War to ascertain the value of those lands than to come back and submit the matter to the Secretary of the Interior for final adjustment, and then, on his finding, for the Secretary of War to act again. I thought it would simplify matters; and it was the purpose of my question to call to the Senator's attention how easy it would be for the Secretary having charge of the matter to get the information that the other department had without bandying the applicant back and forth between the two Secretaries. That was the purpose of my question.

Mr. WALSH. The suggestion made by the Senator does not meet the requirements at all. Of course, the Secretary of War could get that information. When he got it, what would he do? And how would the records of the Office of the Secretary of the Interior thereafter show that any such land had been appropriated? The disposition of the public lands is in the hands of the Secretary of the Interior, who is authorized by law to handle these things. Why should you allow anybody else to come in and endeavor to dispose of them?

Mr. SHIELDS. Mr. President——

Mr. WALSH. Just a moment. Moreover, when that is done the Secretary of War has no power at all to make, and no means of making, a public record of the fact that would guide the officers of the Government in a subsequent attempt to dispose of the land.

Mr. SHIELDS. Mr. President, I should like to ask the Senator from Montana what is the present process of obtaining flowage rights on the public lands where it is proposed to improve rivers for navigation purposes?

Mr. WALSH. The statute provides that if you desire at any time to flow public lands, you shall file with the Secretary of the Interior a map and plat of your reservoir.

Mr. SHIELDS. I am not speaking of private improvements. My question was as to the process of obtaining flowage rights where, under the direction of the Secretary of War, a navigable river through public lands is being improved that requires the flowage of public lands.

Mr. WALSH. Does the Senator mean where it is being done by the Government?

Mr. SHIELDS. Yes; under the direction of the Secretary of War. Of course, there is no other case in which the Secretary of War controls, except for navigation purposes. What is the process then? Is there any conflict of jurisdiction between the Secretary of War and the Secretary of the Interior?

Mr. WALSH. Not the least bit.

Mr. SHIELDS. There is no embarrassment upon the Secretary of War?

Mr. WALSH. No; the Secretary of the Interior does it.

Mr. SHIELDS. How? Does the Secretary of War apply to him for permission to flow the land?

Mr. WALSH. He does not apply for permission; but the President, under the general power that he has to reserve lands generally, reserves a certain area for this particular purpose, and the Secretary of the Interior makes the reservation accordingly.

Mr. SHIELDS. I have been unable to find any legislation that confers such authority on the Secretary of the Interior. I have examined that question since the Senator introduced this amendment to see what was the procedure where an improvement of a navigable river was made in public lands, and I can find no statute that gives the Secretary of the Interior any power to restrict the Secretary of War in making such an improvement.

Mr. WALSH. Mr. President, let me ask the Senator a question. Did he find any law that gave any officer of the Government except the Secretary of the Interior power to dispose of any of the public lands?

Mr. SHIELDS. There is the general authority of the Secretary of War in these matters.

Mr. WALSH. In what regard?

Mr. SHIELDS. Why, in directing the improvement.

Mr. WALSH. Directing the improvement?

Mr. SHIELDS. Yes. When Congress makes an appropriation to improve a river the dams are built under the direction and control of the Secretary of War and the Chief of Engineers. I know of no authority for the Secretary of the Interior to control the appropriation of land for navigation purposes.

Mr. WALSH. Why, Mr. President, it is just simply because the Senator is not as familiar as some of the rest of us are with the disposition of the public lands. The operation is just exactly the same. Congress authorizes the making of a certain improvement in a certain river. In order to do that the reservoir will overflow public lands. Congress, by the very act of authorizing the improvement, must be deemed to have authorized the overflowing of those lands; and it is just exactly the same thing as if they authorized a private individual to overflow the lands. The Secretary of War would file with the Secretary of the Interior a map or plat indicating the lines of flowage, and the Secretary of the Interior would note upon his maps and plats the fact that that land was reserved by act of Congress for that purpose.

Mr. SHIELDS. I have been unable to find any statute providing for such procedure. Suppose the Secretary of the Interior refused to grant the right?

Mr. WALSH. He could not refuse to grant it, because the Congress, by authorizing the improvement, has authorized the officers of the Government to overflow that land. But the point I am making, which the Senator does not seem to understand, is that it is necessary for the Secretary of the Interior to be advised of that fact in order that he may make the proper notations upon his records, pursuant to the act of Congress.

Mr. SHIELDS. Oh, Mr. President, we do not intend to keep it a secret from the Secretary of the Interior. Now, the Senator says that the act of Congress authorizes the Secretary of War to overflow those lands for the purpose of making improvements for navigation purposes. The provisions of this bill authorize him to do so.

Mr. WALSH. They authorize a private person to do it. They authorize a private person to create a reservoir.

Mr. SHIELDS. Yes; under the direction of the Secretary of War.

Mr. WALSH. There are laws now which authorize a private person to create a reservoir by flooding public lands. How is it done? The private person thus desiring to flood public lands is required, under the law, to file with the Secretary of the Interior a map or plat, to be approved by him, which dedicates those lands to that particular purpose; and this act is just exactly the same.

Mr. SHIELDS. I do not care to interrupt the Senator further; but there is a very great difference between laws authorizing private persons and laws authorizing the chief of a department of the Government to do a thing, with the consent of the President. But I will answer the Senator after he has completed his remarks.

Mr. WALSH. It is quite obvious that the Senator has steeled his mind against any suggestion coming from me, so I content myself with leaving the matter. I submit the amendment.

Mr. SHAFROTH. Mr. President, I want to say just a word with relation to this matter.

We have difficulties now even in the construction of little reservoirs. For instance, in the mountains of my State it seems that under the rules and regulations that are prescribed, in order to get a little reservoir, which probably will hold only a few million gallons, it is necessary now not only to go to the Secretary of the Interior, but the application has to go through the Forestry Department where the land is in a forest reserve; it has to be referred to the Secretary of Agriculture; and not only that, but in streams that border upon Mexico it is necessary also to have the Secretary of State pass upon the matter; and, in addition to that, the Secretary of War comes in to see whether or not a navigable stream is injured. In order to get just a little reservoir approved all around, the obstructions now are such that you have to go to four departments where the land is in a forest reserve, and to the Geological Survey also, as is suggested by the Senator from Utah [Mr. SMOOT].

It seems to me that we will simply complicate matters if we adopt this amendment. Here is a bill which is intended to apply to navigable streams. Nine-tenth of these works—yes; ninety-nine one-hundredths of them—will be constructed where not a single piece of public land is touched. Is it possible that we are to require the head of an entirely different department to join in passing upon these matters simply because in one instance out of one hundred or one thousand some part of the works may touch public lands?

It seems to me, Mr. President, that this amendment simply complicates and prevents the expeditious approval of sites for reservoirs or power plants; and therefore I think the amendment ought not to be adopted.

Mr. FALL. Mr. President, with reference to the amendment of the Senator from Montana [Mr. WALSH], the doctrine which he has invoked here as to the power of the Secretary of the Interior has not been entirely sustained, I think. The Supreme Court of the United States, in the Rio Grande Dam & Irrigation Co. case, passed upon a state of facts such as these:

The claimants, the Rio Grande Dam & Irrigation Co., had secured from the Secretary of the Interior one of the old Powell reservoir sites at Engle or Elephant Butte, on the Rio Grande, in New Mexico. They had complied with all the laws with reference to such matters as filing their maps, plans, and profiles, and having them approved by the Secretary of the Interior. The War Department brought suit against the Rio Grande Dam & Irrigation Co., or at least had the suit brought upon their complaint by the Department of Justice. The War Department interfered, of course, upon the ground that the Rio Grande was at some point navigable. To get into court they asserted in their bill of complaint that the Rio Grande was navigable at the point where the Rio Grande Dam & Irrigation Co. proposed to erect their structure—that is, in New Mexico. The court of New Mexico took judicial cognizance of the fact that the Rio Grande was not a navigable stream at that place. The Supreme Court of the United States sustained the Supreme Court of New Mexico, which had sustained the trial court, upon that proposition, that it was within the province of the court to take judicial cognizance of the fact that the stream at that point was not navigable; but it sustained the jurisdiction of the War Department to interfere in a grant already made by the Secretary of the Interior on a nonnavigable stream, upon the theory that the facts might show that the contemplated structure might interfere with the navigable capacity of that stream at some point where it was navigable 1,500 miles below the proposed construction.

This was entirely upon public lands.

So the doctrine that the Interior Department only would have jurisdiction has not been sustained by the Supreme Court. The contrary has been sustained; that is, as I say, that where a structure was proposed to be erected entirely upon public lands, upon a nonnavigable stream, not navigable, admittedly, for 1,500 miles from that point, yet the War Department could have an injunction sustained upon their complaint, upon the theory that the evidence in the case might disclose the fact that such contemplated construction—to use the terms of the Supreme Court, used by them for the first time—might interfere, not with the navigability, but with the navigable capacity, of the stream below.

I thought that decision went to a great length; but, nevertheless, it stands, and was reiterated in the second trial of the case. So that the Supreme Court, inferentially at any rate, has divided the jurisdiction as to public lands in these matters. In other words, it has sustained the proposition that the War Department had jurisdiction, and in its final decision it has practically wiped out the grant made by the Interior Department.

Mr. SHIELDS. Mr. President, this is an important provision of this bill, and the amendment proposed would very seriously affect it. It would make this provision unworkable and impracticable. It would be a departure from the jurisdictions of the Department of War and that of the Interior, which have prevailed for many years. I do not think the question has been fully understood, and will not be without reading the provision. I am going to read it:

That such grantee in the construction, maintenance, and operation of such dam or diversion structure and accessory works may, with the authority of the Secretary of War, occupy and use, to the extent necessary for the project, any lands of the United States, including the public lands; and any part of the public lands may, on certification by the Secretary of War that the same is required for navigation purposes, be withdrawn by the President for said purpose as provided in the act entitled "An act to authorize the President of the United States to make withdrawal of public lands in certain cases, approved June 25, 1910"; and for any land of the United States so used and occupied the grantee shall pay to the United States such reasonable charges—

And so forth.

Mr. President, the reading of this provision shows that it relates to a subject purely and solely under the jurisdiction of the Secretary of War, and that such lands will not be used, except where required for the purpose of improving the navigation of the river. It only applies where it is necessary for the dam and other appurtenant structures. No power is given under this section to use the lands for the building of power houses or the construction of transmission lines. The only power vested here to use the public lands is wherever the Secretary of War certifies to the President that they are necessary for navigation purposes.

Mr. WALSH. Why, Mr. President, let me ask the Senator if this language means that:

(f) That such grantee in the construction, maintenance, and operation of such dam or diversion structure and accessory works may, with the authority of the Secretary of War, occupy and use, to the extent necessary for the project, any lands of the United States, including the public lands.

That means that when he wants to build a dam under this act, even for the very dam site itself, bear in mind, as well as public lands that will be overflowed by the reservoir, the Secretary of War may authorize the use and occupation, to the extent necessary for the project, of those lands.

Mr. SHIELDS. The Senator should read further:

Any lands of the United States, including the public lands and any part of the public lands, may, on certification by the Secretary of War that the same is required for navigation purposes, be withdrawn.

Mr. WALSH. Why, Mr. President, that is an entirely different subject. That provides for the withdrawal of lands.

Mr. SHIELDS. Certainly it provides for the withdrawal of lands, but the withdrawal of them for navigation purposes in connection with this project, for the construction of the dam, or for flowage purposes, or both, necessary and required in any improvement for navigation purposes.

The effort of the amendment to give the Secretary of the Interior a check upon the Secretary of War in the improvement of navigable rivers seems to me one that ought not to receive consideration for a moment.

The Senator has described how the records of the Interior Department are kept; how it is possible to go there and see in a moment, from the maps and records, what land has been sold and what land is yet the property of the Government. Therefore the Secretary of War at all times can get this information. It is as open to him as it is to any individual.

It is not to be supposed that the President is going to withdraw these lands, under the provisions of the statutes referred to, unless it is a proper case. It is to be supposed that he will consult the Secretary of the Interior wherever there is any reasonable controversy about the propriety of withdrawal. But certainly, Mr. President, the Secretary of War can be trusted to make proper investigation and safeguard the interests of the United States in such a matter. The sole authorization is to use the lands for the benefit of navigation, and I can see no reason whatsoever why the improvement of rivers should be complicated by extending the jurisdiction over them, even in part, to the Secretary of the Interior.

Mr. CUMMINS. Mr. President, I desire to present two amendments to the bill under consideration, in order that they may be printed.

Mr. NELSON. I should like to hear the amendments read.

The VICE PRESIDENT. The Secretary will state the amendments.

The SECRETARY. On page 2, line 2, after the word "waters," it is proposed to insert:

other than streams and such streams or parts of streams as are in their ordinary, natural condition used in a substantial way for the

transportation of persons or property in interstate or foreign commerce, or which through improvement heretofore or hereafter made have been or shall become usable in such commerce.

Also, it is proposed to add to section 1, on page 3, line 17, the following:

*Provided further*, That with respect to all other streams over which Congress has jurisdiction, under its authority to regulate commerce with foreign nations and among the several States, permission is hereby given to construct dams therein, subject, however, to removal or reconstruction, without expense to the United States, whenever the United States enters upon the improvement thereof for the purpose of making the same usable for interstate or foreign transportation: *Provided*, That any person who proposes to construct a dam in any such stream may make application to the Secretary of War, and thereupon may receive a permit, as provided herein, for streams used in a substantial way for the transportation of persons or property in interstate or foreign commerce.

The VICE PRESIDENT. The question is on the amendment offered by the Senator from Montana [Mr. WALSH].

Mr. NORRIS. Mr. President, as I understand the amendment of the Senator from Montana, it is the one that he offered earlier in the session to-day, and provides for the insertion after the word "War" in line 12, on page 6, of the words "and the Secretary of the Interior."

I have listened for two or three days to the debate on this bill, and I confess that I have been somewhat surprised at what appear to me to be the technical objections that are made by those who favor the bill to any possible change, however unimportant the change may be, or however the suggested amendment may add to the symmetry and the betterment of the bill. I have listened to this debate, and it seems to me that the Senator from Montana has presented reasons that are unanswerable why this amendment ought to be added to the bill. I do not conceive the amendment to be nearly so important as others that have been offered or that will be offered, perhaps; but it seems to me that to make the bill consistent with the general policy of the Government we ought to add this amendment, because it is in that part of the bill where we are making provision for the taking of the public lands of the United States.

The other day, when we were discussing an amendment that was offered, I think, by the Senator from Montana and debated by some of us, it appeared to me that everybody—friend and foe of the bill alike—was converted to the desirability of the amendment, and that it would have no other effect than the improvement of the bill; and yet the Senator from Tennessee, although he appeared to me convinced that it would improve the bill, was unwilling even that a vote should be had on the amendment, but wanted it to go over until he could look further into it. It seemed to me that he was suspicious.

So far as I am concerned, I hope this bill may be very materially amended in quite a number of respects. I do not believe I would vote for the bill unless it should be quite materially amended. At the same time, I realize that that is a question that we must determine, and I think we might as well determine it at one time as at another. I know that I have no other object, in either supporting or opposing any proposed amendment, than to improve the bill from the viewpoint from which I see it.

Now, here is a provision in the bill providing for the taking of the public lands of the United States, and the Senator from Montana suggests a simple amendment providing that when such lands are to be taken we must consult the Secretary of the Interior, who, with perhaps some very few exceptions, has control and jurisdiction over all the public lands of the United States. It is that department of the Government that has in charge the public lands of the United States, and when we have any proposed laws that deal with the public lands of the United States they are referred to the Interior Department; we get evidence and information from the Interior Department. We never, so far as I know, have undertaken to take away from the Interior Department the jurisdiction the law gives that department over the public lands.

It seems to me clear that the friends of the bill ought to be able to see that, from whatever viewpoint we take it, this amendment is absolutely in harmony with the policy of all our laws and of the Government in relation to the control of public lands.

Is this bill sacred? Is there any reason why after several days of debate and honest consideration it should not be changed in some particular? Does it follow that because the amendment of the Senator from Montana proposes to give jurisdiction, or rather, to retain jurisdiction in that department, over the public lands in this particular phase of the bill, his propositions to so retain this jurisdiction should be looked upon with suspicion or considered as one that is intended in some way to injure the bill and to put it in such a shape that if enacted into law it would not be workable, as the Senator from Tennessee says?

Mr. SHIELDS. Mr. President——

Mr. NORRIS. I yield to the Senator.

Mr. SHIELDS. I will say to the Senator no such suspicion exists on the part of anyone, and if anything has been said by any of the friends of the bill that in the slightest degree tends in that direction it was not intended. Of course, no one would have in any way a suspicion that anything the Senator from Montana advocated was for any improper purpose, but always in the best of faith and from the best of motives. I will further say there is no disposition upon the part of the friends of the bill to resist any amendment that will in their opinion improve it.

The Senator refers to immaterial amendments that are offered. I do not think the Senator from Montana has offered any immaterial amendments thus far, and I do not believe he would indulge in such a practice or consume the time of the Senate in offering amendments if he did not deem them material and believe that they would add to the bill.

Mr. NORRIS. I have not charged the Senator from Montana or anyone else with offering immaterial amendments, but the Senator from Tennessee, in speaking a short time ago in regard to the very amendment which is now pending, practically said that the only thing that gave the amendment any respectability was the fact that it was offered by so able a Senator as the Senator from Montana. He seemed to argue that if this bill were amended the bill would be unworkable.

Mr. President, if I had my way, and I think such an amendment has been offered to-day, and I presume it will come up in the course of the debate, I would include the Secretary of the Interior from the very beginning of the bill. I would include the Secretary of Agriculture also, so that the permit in any instance would not be under the control of any one man.

It seems to me that the model law ought to provide for some one different from any member of the Cabinet to have charge of the giving of these permits, the taking up of the applications for permits, because the Secretary of War is changed from time to time without notice, and the appointments to that office are made without regard to the position such an appointee occupies in relation to the navigability and development of the navigation of our rivers, without regard to his ideas about how the kind of a law we are about to enact should be carried out. So we may expect, if it is left to the supervision of the Secretary of War alone, that the control of this very important measure after it becomes a law will be sometimes in the hands of friends, sometimes in the hands of enemies, and sometimes in the hands of a Secretary who has no ideas about it at all. I say this without casting any reflection upon any man who may in future years become Secretary of War. It is proper that he should be selected or, at least, that the predominating reasons for his selection should be other than the considerations involved in this particular proposed law.

So, it seems to me, outside of the proposition that this amendment applies particularly to public lands where the Secretary of the Interior has under our laws jurisdiction, I would be in favor of enlarging the authority in general under the bill. If I had my way I would include the Secretary of the Interior all the way through in connection with the Secretary of War, so that with the change of office we would not be so apt to have all those having jurisdiction of the law pass out of office at once.

Mr. SHIELDS. I will ask the Senator is it not the general rule that all Cabinet officers go out at pretty much the same time, except when occasionally there is a resignation?

Mr. NORRIS. Yes; they do go out on the change of an administration, as a rule; and one of the objections to this bill as it is drawn——

Mr. SHIELDS. The man selected as Secretary of War may be just as familiar with the subject as the man selected as Secretary of the Interior.

Mr. NORRIS. Exactly. I do not dispute that; but the point I want to make is—and I am going to illustrate it by present conditions——

Mr. SHIELDS. Will the Senator let me finish?

Mr. NORRIS. Certainly. I thought the Senator was through with his interruption.

Mr. SHIELDS. I will say to the Senator the reason why the Secretary of War was selected and given jurisdiction over this subject was because it was in the line of the jurisdiction now vested in him—that is, the control of navigable waters in the United States.

Mr. NORRIS. I agree with the Senator in saying, if there is to be only one, he is the proper person.

Mr. SHIELDS. Congress would have no power whatever to enact this bill if it did not provide for the improvement of navigation.

Mr. NORRIS. I agree with the Senator in that respect.

Mr. SHIELDS. Therefore it is entirely consistent with the policy of the Government, with all existing laws on the subject of the improvement of navigable rivers, that the jurisdiction under this particular statute of the improvement of rivers and the incidental development of water power be given to that department of the Government. It was no prejudice against one office in favor of another or of the occupant of one office in favor of another. The argument that controlled the committee in giving the exclusive jurisdiction to the Secretary of War was that he has the control of navigable rivers, and it would embarrass his jurisdiction and bring about confusion if the jurisdiction were divided between two departments of the Government. I know of no case where jurisdiction of this kind is divided; but this would be the one and sole instance where the jurisdiction as to navigable rivers was divided with any other department of the Government. It was the object of the committee in preparing the bill to prevent any conflict of jurisdiction between these two departments.

I call the Senator's attention to the language of the bill on page 17. I read the provision I refer to:

*And provided further*, That the provisions of this act shall not apply to irrigation or power dams or grants to municipal corporations affecting the use of water or water power for municipal purposes or to other projects approved or erected under the jurisdiction of the Secretary of the Interior or the Secretary of Agriculture upon the public lands of the United States.

The committee carefully considered the jurisdiction of the executive department over navigable rivers and over public lands and made every effort not in any way to bring about a conflict of such jurisdiction. The committee also believed that in giving the Secretary of War jurisdiction to certify lands needed for navigation purposes in connection with any improvement whoever occupied that office would be equally intelligent and equally honest as the particular person who might occupy the office of Secretary of the Interior. Of course, we all contemplate that the officers will do their duty and will so conduct themselves in the duties of their office as will be to the best interests of the Government and the people of the country. There is no reflection upon any officer, and to prevent confusion and make the bill workable this power was vested in the Secretary of War only. When I say it would be unworkable to vest it in the Secretary of the Interior I mean there might be a conflict of jurisdiction in the views of the two officers, so that there would be embarrassment in carrying such an improvement into effect.

Mr. NORRIS. Mr. President, I have not charged that there was any intention on the part of the framers of the bill to cast any reflection on the head of any department of the Government. If I were going to frame the bill myself and were going to give jurisdiction of it to the head of just one department, I would give it to the Secretary of War, just as the committee has done. The reason for giving it to him has been explained by the Senator from Tennessee. I agree with him fully. That is not my objection to it. The Secretary of War has for many years had jurisdiction of the navigable streams. In this bill, if we are going to give the control of the matter into the hands of one department, the Secretary of War is the proper person. I concede that. In this particular amendment, however, the Senator from Montana undertakes to give the right to the Secretary of the Interior when they undertake to take public lands. That, I think, is consistent. The Secretary of the Interior having jurisdiction of public lands, they should not be taken without giving the Secretary of the Interior an opportunity to be heard. He ought to have charge of that matter when it comes to taking the public lands.

But on the broad general principles that I was talking about when the Senator from Tennessee interrupted me, there ought to be no head of any department that is liable to be here to-day and there to-morrow having charge of the administration of a great law like this, one that involves so much not only to the people now but to future, unborn generations. I was simply outlining my idea that the head of a department holds a changeable position and is selected without reference to what he believes in regard to the policy of development of power, without regard to his ideas on that subject, without regard to his ability on that subject, and that his designation here is inconsistent. The model thing would be to place a great enterprise like this in the hands of some official or commission which would have nothing to do but look after the powers that are developed under this law and the other law referring to public lands as we have given to the Interstate Commerce Commission jurisdiction over the railroads of the country, and these are akin to those. The power that will be developed and the industries that will flow from that development after our streams are dammed and the power generated will be perhaps second only to the great railroad systems of the country. We place those in charge of a permanent commission, one that is supposed to be not only permanent but nonpartisan and whose only business it is to look to interstate railroad propositions.

But we come now to the development of the electric power of the country, and we put that in the hands of a man selected without reference to his knowledge of the subject but selected with regard to his ideas, perhaps entirely for political purposes, to preside over a great War Department. It is proposed to put into his hands and under his control and jurisdiction the management of a great law like this, under which we expect wonderful development to take place, and he is to be immediately and closely connected not only with the development of the country but with the happiness and welfare of nearly all the people of the country.

Mr. NELSON. Mr. President——

Mr. NORRIS. I yield to the Senator.

Mr. NELSON. I desire to state to the Senator that the Secretary of War ordinarily is not such an ignoramus as he supposes.

Mr. NORRIS. I have not supposed that he is an ignoramus.

Mr. NELSON. I want to say to the Senator the Secretary of War has the Chief of Engineers and an expert body of engineers who advise him about river and harbor improvements, something that does not exist in any other department of the Government. There is no head of any department who is better advised and instructed in his public duties than the Secretary of War in reference to river and harbor improvements. They are Army officers; they are not subject to political influence; they are trained men. They are Army Engineers, hydraulic engineers, who have experience, who have charge of our river and harbor improvements. I should like to know what better hands you could put it in than such a body of men. The Secretary of War in all these cases is guided by his Chief of Engineers and the Board of Engineers.

Mr. NORRIS. Now, the Senator from Minnesota is getting under the same misapprehension of my position that the Senator from Tennessee seemed to be under. I said he is as well qualified as any other head of a department. I have said so always. He is not only as well qualified but better qualified than any other head of a department, and, as I have said, if you are going to give it to any one department, I would give it to the War Department. But that does not do away with the fact that the Secretary of War, the head of the department, is selected absolutely without reference to his knowledge of the things that are contained in this bill and over which the bill gives him jurisdiction.

The Senator says there are those in this department who are not selected from political influence. I did not charge that there were. I said, and I repeat, that the Secretary of War is selected mainly because of his political influence, and neither the Senator from Minnesota nor any other Senator can point to an instance in his recollection where political influences in every administration did not have almost the whole thing to do with the selection of the Secretary of War.

One of the objections that I was pointing out was that Secretaries may come and Secretaries may go, but these streams flow on forever. We select a Secretary and give him charge of something that he knows nothing about; he serves a year or two, resigns, and another one is selected. A different administration comes in and usually there are several changes during one administration. We have an illustration of that before us right now. In the last Congress we had two bills introduced, two bills pending in the House and the Senate as we have now—one in reference to the damming of streams and the generation of power on public lands and the other having reference to navigable streams. One of the bills was drafted mainly under the advice of the Secretary of the Interior and his experts. As the Senator from Minnesota [Mr. NELSON] has spoken of the experts in the War Department, I will say that the Interior Department has its experts, and they were consulted in the drafting of the bill that proposed the development of water power on the public lands.

We had that bill introduced, and then the other bill providing for the development of water power in the navigable streams was introduced. In the preparation of that bill and in its make-up the Secretary of War and his assistants were consulted. It is an open secret here, and was all the time those two bills were pending, that the Secretary of the Interior had one idea about the control of the water power in our country and that the Secretary of War had an entirely different idea. It is not my purpose to criticize either of those Secretaries;

they were entitled to their ideas; but they were diametrically opposed to each other, with the result that we had one bill controlling navigable streams which was entirely different in the conservation of the resources of the country from the bill which controlled the streams on the public lands; two bills absolutely different with absolutely the same object in view. One was liberal to the water-power interests, to the men who wanted to go into the business, while the other was more conservative and tended to conserve the water power and guard it more closely than did the other bill; yet they were from the same Government in the same administration.

I happen to know—and I think every other Senator here knows—that there was a great difference between those two bills. It was stated in the newspapers that in the contests that were going on in the Capitol the President was sometimes called in to settle some of the disputes. The controversy became quite acute, because here were two bills just alike in one sense; the object was the same, to develop water power, to sell the power, and to give the people the right to use the electric energy that should be developed by falling water. Mr. President, that was the condition that arose and existed while one administration was in control.

What happened? Not long ago the Secretary of War resigned. Now there is a great deal of talk about the Secretary of the Interior being made Secretary of War. He has a different idea. Suppose he should be made Secretary of War and some man who did not agree with him should be made Secretary of the Interior, and the influence of those two departments, through the committees of the House and the Senate, should be brought to bear against this legislation. We would then have this situation: We would find that the bill providing for the development of power on the public lands of the United States would be one that would be liberal to the power men, and the bill that provided for the development of power along the navigable streams would have a tendency to conserve more completely the interests of the people of the country.

Here are two lines of thought. Honest men differ. We are going to have the Secretary of the Interior control one and the Secretary of War control the other. After these bills are passed the administration will become a very important factor, and we are going to provide that the Secretary of War shall control one and that the Secretary of the Interior shall control the other. The projects may be side by side. The power developed in one may come in direct competition with that developed under the jurisdiction of the other. In the future one Secretary, we will say, may believe in a liberal application; he may desire to let the people do about as they want to do; while the other man may say, "I want to control these powers so that we will hold down"—if you will let me use that term—"to a greater extent the men who are developing and putting their money into these enterprises." So you have two policies in the same Government, exactly contrary, and either one or both of them liable to be changed any day.

I think the model way would be to provide that both of these kinds of power, whether developed in a stream on the public lands or in navigable streams, should be placed under the same head. If I had my way about it, I would place it under some independent bureau or department of the Government that would not be subject to change, as are Cabinet officers, on the coming in or going out of an administration. I realize, however, Mr. President, that that can not be done. I am satisfied that that kind of an amendment would be too revolutionary and could not be adopted on either one of these bills.

The next thing, to my mind, would be to make a kind of commission of members of the President's Cabinet. I should like to have the Secretary of War and the Secretary of the Interior particularly—because there are reasons why each one of those officers should be put in, they having jurisdiction over these lands—then I should like to couple with them the Secretary of Agriculture; and before the permit should be granted I would require that these three heads of the different departments should agree to the permit and to the various details of the permit. Now I will yield to the Senator from Tennessee.

Mr. SHIELDS. The Senator, then, would take the jurisdiction over navigable rivers from the Secretary of War and the jurisdiction over the public lands from the Secretary of the Interior and vest it in this commission?

Mr. NORRIS. No.

Mr. SHIELDS. He could not take part of it.

Mr. NORRIS. No.

Mr. SHIELDS. The only possible authority Congress has for passing this act is so far as it improves the rivers for navigable purposes. Now, I understand the Senator from Nebraska to that extent would take the jurisdiction now vested in the Secretary of War away from him——

Mr. NORRIS. No; this amendment does not seek to do that.

Mr. SHIELDS. And vest it in a board of Cabinet officers, who, of course, now have very little to do and ought to be constituted commissions to pass on a whole lot of other things.

Mr. NORRIS. There would not be any more to do if there were three men to do it than there will be if there is only one. There is just so much to be done, and somebody has got to do it.

Mr. SHIELDS. I will ask the Senator how it would be possible for Congress to vest the jurisdiction over the navigable waters in part in the Secretary of the Interior or in a board, as the Senator suggests, and leave a part of it in the Secretary of War—jurisdiction over part of the river being in one Cabinet officer and jurisdiction over the other part in another—unless he is going to take the whole subject of public lands and navigable rivers away from the departments in which they are now vested and vest them in all Cabinet officers in a sort of commission form of government?

That, however, is not what I rose to suggest to the Senator. The Senator has referred to the different views which the Secretary of the Interior and the Secretary of War have upon this very subject of the development of water power, and he says they are directly antagonistic, and yet he advocates the placing of the development of these water powers, in part, under the jurisdiction of both of them, thus bringing about a deadlock. What stronger argument can be made against this amendment proposing to vest part of the jurisdiction in the Secretary of the Interior than the Senator himself has presented here in referring to the conflicting views of the Secretary of the Interior and of the late Secretary of War? It would be practically impossible to make any improvement under such an amendment, for the consent of both of them could hardly be obtained. The very embarrassment and confusion I have suggested as a reason why this amendment should not be agreed to is proven by the Senator's illustration.

Mr. NORRIS. Mr. President, the people of the country are so vitally interested and the future welfare of the people is so vitally concerned in this matter, that I do not want to put the determination of questions of this character in the hands of one man, especially when he is selected without regard to his views on this particular subject. If the application had to be submitted to the Secretary of War and to the Secretary of the Interior the permit when granted would be more apt to protect the rights of the people than if it were submitted to only one. If the Senator's argument is good, then we ought to abolish the Interstate Commerce Commission and appoint one man to run the commission, because he might say "If you appoint more than one you will get men who do not agree on all things; and hence we could not get anywhere." Two heads are always better than one, especially when they are heads of departments.

Mr. WALSH. Mr. President——

Mr. NORRIS. I yield to the Senator.

Mr. WALSH. I suggest that, inasmuch as the President is the superior officer of both, he ought to find no great difficulty in reconciling any differences that might exist.

Mr. NORRIS. No; and an honest discussion between men who disagree, both of whom are honest, would have a tendency to bring about better results and would protect, as I believe they ought to be protected, the interest of the people before any of these rights were given away.

Mr. SHIELDS. Mr. President——

Mr. NORRIS. I yield to the Senator.

Mr. SHIELDS. Would the Senator have any objection to suspending his remarks until to-morrow?

Mr. NORRIS. No; not if the Senator wishes an adjournment.

Mr. SHIELDS. As I understand, it has been agreed that the Senate shall meet to-morrow at half past 10 o'clock; so I move that the Senate adjourn until to-morrow at that hour.

The motion was agreed to, and (at 5 o'clock and 35 minutes p. m.) the Senate adjourned until to-morrow, Friday, February 18, 1916, at 10 o'clock and 30 minutes a. m.

## NOMINATIONS.

*Executive nominations received by the Senate February 17, 1916.*

REGISTERS OF THE LAND OFFICE.

Orin M. Lane, of Watertown, S. Dak., to be register of the land office at Rapid City, S. Dak., vice John L. Burke, whose term will expire March 12, 1916.

Clyde B. Walker, of Juneau, Alaska, to be register of the land office at Juneau, Alaska, his term having expired. (Reappointment.)

RECEIVER OF PUBLIC MONEYS.

Frank A. Boyle, of Juneau, Alaska, to be receiver of public moneys at Juneau, Alaska, his term having expired. (Reappointment.)

APPOINTMENTS IN THE ARMY.

MEDICAL RESERVE CORPS.

*To be first lieutenants in the Medical Reserve Corps with rank from February 12, 1916.*

Frederick Smith Baird, of Michigan.
Alvin Jay Bayley, of California.
Edgar Allan Bocock, of Virginia.
William Lacey Edmundson, of Colorado.
David Norvell Walker Grant, of Virginia.
John Edward Walker, of Maryland.

POSTMASTER.

OHIO.

Robert L. Hagerty to be postmaster at Mingo Junction, Ohio, in place of C. W. Dean. Incumbent's commission expired December 20, 1915.

## CONFIRMATIONS.

*Executive nominations confirmed by the Senate February 17, 1916.*

PROMOTIONS IN THE NAVY.

Ensign Franz B. Melendy to be a lieutenant (junior grade).
Ensign Robert M. Doyle, jr., to be a lieutenant (junior grade).
Assistant Paymaster Charles C. Copp to be a passed assistant paymaster, with rank of lieutenant (junior grade).

POSTMASTERS.

ARIZONA.

Letitia F. Cunningham, Pearce.
Tula L. Humphreys, Casa Grande.

MISSISSIPPI.

Thaddeus C. Barrier, Philadelphia.
Tamora C. Epperson, Raymond.
B. F. Hill, Canton.

NEW JERSEY.

James J. McAviney, Arlington.

OHIO.

Hugh Gormley, Glouster.

PENNSYLVANIA.

Charles W. Krissinger, Berlin.
Milton A. Miller, Elizabethville.
Charles W. Rubendall, Millersburg.

## HOUSE OF REPRESENTATIVES.

### THURSDAY, *February 17, 1916.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

O Lord God, our heavenly Father, Thy spirit be in us; Thy wisdom guide us; Thy strength sustain us through the passing hours of this day, that no evil befall us, no temptation divert us from the work Thou hast committed to our hands, that the peace which passeth understanding may be ours now and evermore. In His name. Amen.

The Journal of the proceedings of yesterday was read and approved.

REFERENCE OF A BILL.

Mr. GREEN of Iowa. Mr. Speaker, I ask unanimous consent that the bill H. R. 7103, a pension bill, which was mistakenly referred to the Committee on Invalid Pensions, be referred to the Committee on Pensions.

Mr. MANN. I suggest that that is done usually through the basket.

Mr. GREEN of Iowa. But it does not seem to get there through the basket.

The SPEAKER. These bills are referred, and if they are not properly referred it can be easily corrected in that way. The Speaker has nothing to do with it.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

A message, in writing, from the President of the United States was communicated to the House of Representatives, by Mr. Sharkey, one of his secretaries, who also informed the House of Representatives that the President had approved and signed, on February 17, 1916, bill of the following title:

H. R. 9213. An act to authorize the Gary Land Co. to construct a bridge across the Grand Calumet River in the State of Indiana.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Waldorf, one of its clerks, announced that the Senate had passed bills and joint resolution of the following titles, in which the concurrence of the House was requested:

S. 3580. An act releasing the claim of the United States Government to lot No. 306 in the old city of Pensacola, Fla.;

S. 3509. An act to authorize the Secretary of the Interior to issue a deed to the persons hereinafter named for part of a lot in the District of Columbia;

S. 36. An act to authorize the Secretary of the Interior to issue patents for certain lands to the town of Duchesne, Utah;

S. 3132. An act providing for the homestead entry of certain lands in the State of Washington, and for other purposes;

S. 809. An act authorizing the Secretary of the Interior to accept the application for land entry of Richard Daeley;

S. 922. An act for the relief of Mary E. Nicolson;

S. 6. An act authorizing issuance of patent for certain lands to Thomas L. Griffiths;

S. 584. An act to provide a headstone for the grave of Scarlet Crow;

S. 1376. An act for the relief of Peter McKay;

S. 1048. An act for the relief of Warren E. Day;

S. 3581. An act authorizing the Secretary of the Interior to issue a patent to that portion of land being a fractional block bounded on the north and east by Bayou Cadet, on the west by Cevallos Street, and on the south by Intendencia Street, in the old city of Pensacola, in the State of Florida;

S. 1793. An act granting to the State of Kansas title to certain lands in said State for use as a game preserve; and

S. J. Res. 60. Joint resolution creating a joint subcommittee from the memberships of the Senate Committee on Interstate Commerce and the House Committee on Interstate and Foreign Commerce to investigate the conditions relating to interstate and foreign commerce and the necessity of further legislation relating thereto, and defining the powers and duties of such subcommittee.

SENATE BILLS AND JOINT RESOLUTION REFERRED.

Under clause 2 of Rule XXIV, Senate bills and a joint resolution of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 3580. An act releasing the claim of the United States Government to lot No. 306 in the old city of Pensacola, Fla.; to the Committee on the Public Lands.

S. 3509. An act to authorize the Secretary of the Interior to issue a deed to the persons hereinafter named for part of a lot in the District of Columbia; to the Committee on the Public Lands.

S. 36. An act to authorize the Secretary of the Interior to issue patents for certain lands to the town of Duchesne, Utah; to the Committee on the Public Lands.

S. 3132. An act providing for the homestead entry of certain lands in the State of Washington, and for other purposes; to the Committee on the Public Lands.

S. 809. An act authorizing the Secretary of the Interior to accept the application for land entry of Richard Daeley; to the Committee on the Public Lands.

S. 922. An act for the relief of Mary E. Nicolson; to the Committee on Claims.

S. 6. An act authorizing issuance of patent for certain lands to Thomas L. Griffiths; to the Committee on the Public Lands.

S. 584. An act to provide a headstone for the grave of Scarlet Crow; to the Committee on Indian Affairs.

S. 1376. An act for the relief of Peter McKay; to the Committee on Claims.

S. 1048. An act for the relief of Warren E. Day; to the Committee on Claims.

S. 3581. An act authorizing the Secretary of the Interior to issue a patent to that portion of land bounded on the north and east by Bayou Cadet, on the west by Cevallos Street, and on the south by Intendencia Street, in the old city of Pensacola, in the State of Florida; to the Committee on the Public Lands.

S. 1793. An act granting to the State of Kansas title to certain lands in said State for use as a game preserve; to the Committee on the Public Lands.

S. J. Res. 60. Joint resolution creating a joint subcommittee from the membership of the Senate Committee on Interstate Commerce and the House Committee on Interstate and Foreign Commerce to investigate the conditions relating to interstate and foreign commerce and the necessity of further legislation relating thereto, and defining the powers and duties of such subcommittee; to the Committee on Rules.

KINGS HILL IRRIGATION DISTRICT.

Mr. McCRACKEN. Mr. Speaker, I ask unanimous consent to withdraw the bill (H. R. 10647) for the purchase of the Kings Hill irrigation system, in southern Idaho, which has been referred to the Committee on Appropriations, as I desire to introduce a substitute for it.

The SPEAKER. The Chair would suggest that the gentleman introduce the substitute. The substitute will be referred to the proper committee and the committee will ignore the original.

POST OFFICE APPROPRIATION BILL.

Mr. MOON. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 10484, the Post Office appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 10484, the Post Office appropriation bill, with Mr. RAINEY in the chair.

Mr. MOON. Mr. Chairman, before gentlemen who desire to discuss the matter at some length proceed, I regard it as not inappropriate, in view of certain statements that have been made by the chairman of the Railway Mail Pay Association of the United States, through the public press, to refer to the same. I shall not read in full the article that has been published in most of the newspapers of the United States, but will refer briefly to some of the charges made therein. First, they deny that there is a lobby here in their interest against this bill, and then they say the House Post Office Committee proposes a law that will give the Post Office Department the right to name the rates and all conditions of service for handling the mails, and that it will compel submission to its orders by confiscatory fines. Again, they want to know why it is that the Post Office Department is not willing that the question should be referred to the Interstate Commerce Commission, which now regulates rates allowed for all other forms of traffic. They charge also, in substance, that this bill is confiscatory and deprives the railroads of their property without just compensation under the Constitution.

I desire to make a brief and dispassionate statement in reference to these charges. It was said by the chairman of this committee that he believed, he knew, there was a lobby here. He did not charge, nor did he intimate, nor is it true, so far as I am aware, that there is any corrupt effort to influence legislation in this case. I believe if there had been, we would have discovered it. I know of nothing of that sort, and have made no such charge, but it does not necessarily follow that a lobby, when charged, means an effort to corrupt. It is a strong and powerful influence maintained outside of the legislative halls to influence legislation that ordinarily we call a lobby.

This bill, in a more drastic form than is now presented, was passed by the last House of Representatives. From the hour that the Senate and the House adjourned, the Senate having failed to act upon this measure by reason of other matters pending at the hour of adjournment, Mr. Peters, who wrote and published this article, throughout the country began the work of opposition to the effort of Congress to correct mail conditions and pay and to maintain the present condition as against the new space basis proposed. A new Congress had come in, the Post Office Committee had not actually been appointed, and yet we find in the newspapers at that time and in private pamphlets assaults upon the committee, charging it with being unjust and unfair, assaults upon the Post Office Department, assaults upon all connected with this matter, and that has been kept up all along. It has not abated one iota. What else? We find publications in all the papers, and we find in nearly every commercial body in the United States a stereotyped resolution saying that this measure is unjust and unfair and confiscatory and ought not to be passed. Of course those commercial bodies do not know anything about the facts, could not have known them, because this bill was not in existence when they were passed.

Mr. COX. Mr. Chairman, will the gentleman yield?

Mr. MOON. Yes.

Mr. COX. Does the gentleman recall a resolution passed by a chamber of commerce in the State of Pennsylvania, in which it was petitioning the Post Office Committee to pass the Moon bill?

Mr. MOON. Yes; I recall that; but that application was on the outside of the petition, and on the inside was the resolution against it. They have been uniform in opposition. That looks like a propaganda of some sort; call it a lobby, if you choose, but certainly it is an effort to influence on the outside of Congress the legislation in Congress. Every Member in this House has unquestionably received numbers of telegrams on this question. When this House was debating the Post Office appropriation bill a few days ago there were men sitting right here in the gallery who had been talking to Members about the bill—not improperly at all, because I know nothing of that sort, and they have a right to talk in reference to it, if they see fit.

But that only sustains the charge of an outside influence attempting to control the legislation. Now, there have been three commissions on this question. The last one fixed the highest rates for railway mail pay of any that have acted. This bill carries in it the compensation fixed by that commission for railway mail pay. It is the highest figure, as I have stated, ever carried in a measure of this sort. In comparison with passenger rates the rates here fixed are equal to the passenger rates less 10 per cent, obviously for the reason that the risk of the carrying of passengers and the cost attending it would make at least that difference. That is the view of the department; that is the view of the interstate statistician. Now, this committee does not like to be charged with acting unfairly or unjustly, and I know this House does not like it. We want to do nothing except that which is just to the railroads and just to the people. We have given them this highest rate in the bill. Well, what is the effect of it? It is to give them in dollars and cents about $4,000,000 or four and a half million—and some insist it is more—more money for carrying the mails than they have ever yet received on the weight basis. The difference, we thought, was worth the amount. In other words, it would pay us to go to the space basis if we had to pay the $4,000,000 more than we do under the weight basis for the simple reason that we would know just what we were doing; we would have a definite contract fixing a definite space for a definite time by which we know exactly the amount that we were paying, while under the present basis you can not come within $15,000,000 of it, as three Postmasters General have said. Now, is it confiscatory to change from one basis to another when the result of the change will bring $4,000,000 more to the railroad companies than the old system? I think that no reasonable man would make that contention. We are aware that the bill must be made to meet a general average. You can not meet each and every isolated case. Some of these short-line railroads that make frequent trips are getting too much or will get a little too much. That may be adjusted under the power of the Postmaster General. Some of these lines are going to get too little—they will get more under this bill than under the old law—but they will still get too little, but that is a very small minority.

We have provided in this bill that any road that is not satisfied with the pay that it is receiving may go to the Postmaster General and make a contract for a higher rate, a power that has never existed under the law before. Well, that ought to meet the necessities that arise from that condition; but the railroad companies say, they have insisted, that Congress shall not act on this question, but shall delegate all of its legislative power and authority to the Interstate Commerce Commission. I assume that this body is not yet ready to abrogate. We have in this bill fixed a maximum rate, we have determined in our judgment what the pay shall be; but to meet the possible necessity, to meet the argument of the railroad companies, we have gone further and we have done that which they have insisted ought to be done, not in its full sense, because we did not give up all power and authority, but we have said to them, if this rate does not satisfy you, if you can not make contracts with the Postmaster General that suit you, then we provide that you may go to the Interstate Commerce Commission to have a rate fixed there that will be satisfactory. Could there be anything more just than that? Are we ready to say to these roads that we will not legislate at all, we will dump this whole question on the Interstate Commerce Commission, where in years to come it may be decided? But, sirs, the bottom of this whole question is disclosed in this article, covertly disclosed, it is a fact known to everybody, it is a fight of the express companies through the railroads against the Parcel Post System of the United States. Now, if we buy that space, if we pay for it adequately, if we pay for it all the time, whether it is loaded or not loaded, who will say that we have not the right to use it as we see fit, and if in the doing of it we fill it with parcel post at a less rate for transportation to the great mass of the people, what right has the railroad company to complain of that fact? They are giving us what we pay for and no more. There is the point involved in this whole question. They have answered us time and again in the examinations that it made no difference whether we paid

them a compensatory price or a price beyond that, that it made no difference if we gave them the right to complain of the contract; that it made no difference if we gave them the right to appeal to the Interstate Commerce Commission; still they are not willing to go to this system, still they are not willing to abandon the antiquated, indefinite, and uncertain manner in which the question of payment is now settled. The reason is clear. They want to throttle and destroy the Parcel Post System of the United States, and they will succeed in doing it if we do not adopt the space basis, and the reason is that the railroad owners of the United States are also the owners of the express companies in part.

Now, I have felt it necessary to make this brief statement in view of the adroit and false insinuations that have been made in these publications. It is a matter of no consequence to me personally. I have not the slightest tinge of prejudice against the railroad companies and have not any reason for it, and I know you have not; but this question here is whether, by making a statutory contract, we are to be controlled by the interested railroad companies or whether we are in justice to the people bound to make a contract that is fair and just not only to the citizen but to the railroad company. [Applause.]

Mr. STEENERSON rose.

Mr. MOON. Does the gentleman want to use some of his time?

Mr. STEENERSON. I do not think so, and I suggest that the gentleman use some of his time.

Mr. MOON. Mr. Chairman, I yield one hour to the gentleman from Missouri [Mr. LLOYD].

Mr. LLOYD. Mr. Chairman, the pending appropriation bill carries the largest amount that was ever carried in a bill of this character. The Post Office Department is one which gradually develops, and necessarily the expenditures of each recurring year will be larger than the expenditures of the preceding year. This is one of the most important bills that comes before this body. It is important, because it reaches every home. Every man, woman, and child of this Republic is interested in what the Post Office Department does. In the speeches which have been made thus far on the Post Office bill there have been a number of strictures against officials of the Post Office Department. It has been charged, amongst other things, that the Post Office Department is partisan; that the administration of the affairs of the Post Office Department are partisan in their character are therefore not efficient because partisan. I think gentlemen who will carefully investigate the situation must admit that while the present Postmaster General is a partisan himself that no man can truthfully charge that the administration of the affairs of the Post Office Department under the present Postmaster General is partisan in character. It is a notorious fact that one of his assistants until with the last few months was a Republican. It is true to-day, according to investigations made by individuals outside the department, that more than one-half, yes, more than 60 per cent, of the employees of the Post Office Department in Washington are Republican in politics.

Every man knows, who has taken upon himself to make inquiry, that the present Postmaster General will not allow in any branch of the service, if he can avoid it, more than 50 per cent of Democrats. In the selection of superintendents of divisions that have charge of the various branches of the service outside of Washington he follows strictly the rule that there shall be no more Democrats than there are of the opposition.

The gentleman from Minnesota [Mr. STEENERSON], in speaking of the Post Office Service, made the charge to which I have referred, and amongst other things quoted a statement which was found in the report of the Third Assistant Postmaster General, as follows:

> It is a noteworthy fact that in no other activity, governmental or private, are conditions of prosperity or depression more quickly reflected than in the revenues of the Postal Establishment. Having a close relation to the affairs of the people, the postal receipts may be used as a thermometer, as it were, to ascertain existing conditions of business and as a barometer to forecast those to come.

The gentleman from Minnesota quoted this statement approvingly, and said it was correct, and then he undertook to show that the Third Assistant Postmaster General and the other officials of the Post Office Department had not correctly stated the situation and had misled the country as to the real condition in the Post Office Department. Amongst other things he gives a table in which he undertakes to show that the postal receipts in the United States, if we had continued the fourth-class rate as it was prior to the adoption of the present parcel-post law, would have been less in 1913, 1914, and 1915, than they had been in the preceding years. He gives a table in which he says that in 1912 the receipts were $251,000,000 in round numbers. In 1913 if the parcel post had not been in existence the receipts would have been $235,000,000; in 1914, $234,000,000; in 1915, $234,000,000. In order to reach this conclusion he takes out of the aggregate what he claims is the excess which has been received by the department each year from the parcel-post establishment.

In 1913 he gives as the amount that should be deducted—that the Post Office Department would have received under the old system of fourth-class rates—$8,000,000 in round figures; in 1914, $8,600,000; in 1915, $8,600,000. He bases this on the rates which were originally paid under the fourth-class rate. He unwittingly stated that these rates were 8 cents a pound. When his attention is called to it I am sure he will recognize the fact that the original rates were 16 cents a pound instead of 8.

Mr. STEENERSON. For fourth-class mail?

Mr. LLOYD. Yes, sir.

Mr. STEENERSON. The gentleman is utterly mistaken. It is 8 cents a pound for books and 16 cents for merchandise.

Mr. LLOYD. Under the original law the second-class rate was 1 cent a pound, the third-class rate was 8 cents a pound, and the fourth-class rate was 16 cents a pound. There can be no question of that fact.

Mr. STEENERSON. On books.

Mr. LLOYD. Books at that time were in the third-class division, and received for transportation 8 cents a pound.

Mr. STEENERSON. Yes; and you put them in the fourth class.

Mr. LLOYD. But that does not change the class. I am calling attention to what the class was. The class provided that the pay should be 16 cents a pound, and the gentleman in his statement says that they were 8 cents a pound. Now, if they were 16 cents a pound it will be plainly shown that these figures should be doubled, and if they are doubled and the deduction made in accordance with his plan, then in 1913 the receipts would have been $243,000,000; in 1914, $252,000,000; and in 1915, $242,000,000.

Mr. STEENERSON. Will the gentleman yield?

Mr. LLOYD. I will.

Mr. STEENERSON. The gentleman's theory is faulty, it seems to me, in this, that since the order of March 14, placing books in parcel post they have constituted a very large percentage of the parcel post which formerly carried 8 cents a pound. That is all we made on them, namely, 8 cents a pound; all the postage we got on them. The amount that formerly went to the parcel post at 16 cents a pound was a very small amount, as you will see by consulting the table.

Mr. LLOYD. The amount that was carried at the third-class rate under the old law was not much compared with the other figures, and the gentleman in his statement says that they were 5.52 of the amount of the weight of the mail. Taking that as the basis—5.52—and then changing the rate, as he must necessarily do, from 8 cents a pound to 16 cents a pound, the increase would be as I stated a moment ago. The gentleman also makes a mistake which, I am sure, he will be glad to correct. In 1912 he says that the total postal receipts were $251,000,000. The record shows that the postal receipts were $246,744,000.

Mr. STEENERSON. That is simply an error.

Mr. LLOYD. That, of course, is a mistake, to which he will readily agree. Now, he makes a deduction from that statement, that the Post Office Department, if it had not been for the parcel post, would have shown a rapid decline in receipts instead of progress, or increased receipts, when the truth is that the postal receipts in 1913, 1914, and 1915 were greater than the postal receipts in any year prior to 1912.

Now, the postal receipts in 1913, if added parcel-post receipts are omitted, were only $3,000,000 less than the postal receipts in 1912.

Mr. STEENERSON. Will the gentleman yield? The Post Office Department, in a letter written to Mr. GRIEST—and I have it in my pocket—estimated that the last fiscal year the parcel-post receipts alone amounted to $64,000,000, and the official report shows the total is $287,000,000. Now, if you deduct 64 from 287 it is only 223.

Mr. LLOYD. I am coming to that later. I am talking about the argument you make at this point, and this argument shows beyond any question, according to the figures, that the Post Office Department increased its receipts in the first year of the Wilson administration over $8,000,000, and that the postal receipts began to decline after one year and five months of the Wilson administration. From the 4th day of March, 1913, to the 1st day of August, 1914, according to the gentleman's own figures, there was a rapid and marked increase in the receipts of the postal establishment, and, according to the statement which he indorses, it would show beyond any question the prosperity of the country under the Democratic administration.

Now, there is another table which he made, and I do not understand why he made it. It is an appendix to his speech. He compared the receipts by months for the years 1910, 1911, and 1912, and the years 1913, 1914, and 1915. I have taken it upon myself to make a computation. These are calendar years, not fiscal years. The three years 1910, 1911, and 1912 are the last three years of the Taft administration. The calendar years 1913, 1914, and 1915 were nearly wholly under the Wilson administration.

Mr. STAFFORD. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Missouri yield to the gentleman from Wisconsin?

Mr. LLOYD. Yes, sir.

Mr. STAFFORD. In this tabulation, do you state the amount of increase, as the Postmaster General has stated from time to time, due to the inauguration of the parcel-post business, which started January 1, 1913?

Mr. LLOYD. What I am proposing to do now is to give the table which the gentleman from Minnesota [Mr. STEENERSON] gave, only to divide it into two parts. I divide the table into two groups of years, the first including the years 1910, 1911, and 1912, the last three years of the Taft administration, and compare them with 1913, 1914, and 1915, the first three years of the Wilson administration.

Mr. STEENERSON. Mr. Chairman, will the gentleman yield there for a question?

Mr. LLOYD. Yes.

Mr. STEENERSON. Is the gentleman aware of the fact that all the figures in that table were furnished to me by the Post Office Department, and that the only thing I did was to compute the percentages in the last column, and the reason for taking calendar years is that I am comparing them by months?

Mr. LLOYD. That is correct, so far as I know. I am sure the gentleman would never put it in his statement if he did not believe it to be correct. The gentleman is too fair and just and accurate in his dealings with the House to make any attempt at misrepresentation.

Mr. STAFFORD. Mr. Chairman, will the gentleman yield to me?

The CHAIRMAN. Does the gentleman yield?

Mr. LLOYD. Yes.

Mr. STAFFORD. Does the gentleman think it is a fair comparison to show the business of the country by taking the postal receipts of the respective years when the Postal Department, in January, 1913, took on an added service, namely, the parcel post, which ran into millions of dollars?

Mr. LLOYD. Whether it is fair or unfair, I did not do it. This was done by the gentleman from Minnesota [Mr. STEENERSON], and I am simply calling attention to what he did to show the necessary results of the figures which he gave.

Let me give you figures. He gives them by months. Now, take the month of January. The aggregate figures in 1910, 1911, and 1912 for January were $29,000,000. For January, 1913, 1914, and 1915 the aggregate was $36,500,000.

For February the aggregate for 1910, 1911, and 1912, under the Republican régime, was $28,200,000. February for 1913, 1914, and 1915, under the Democratic régime, the aggregate was $33,900,000.

In March, according to the gentleman's figures, the aggregate was $33,200,000 for the years 1910, 1911, and 1912, under the Taft administration, and $39,300,000 for the years 1913, 1914, and 1915 under the Wilson administration.

For April the aggregate was $29,400,000, under the Taft administration, and $36,120,000 under the Wilson administration.

For May the aggregate was $27,600,000 under Taft and $34,500,000 under Wilson.

For June the aggregate was $27,300,000, under the Republican administration, and $33,400,000 under the Wilson administration.

And so on all the way through, showing an increase, and a large increase, in each of the aggregate of months for the Democratic period over that of the last three years of the Republican administration. The total under these figures shows that in the calendar years 1910, 1911, and 1912 the total receipts were $351,600,000, while under the Wilson administration in 1913, 1914, and 1915, for the three calendar years named, the amount was $432,600,000, or $81,000,000 more than under the Taft administration.

Mr. STEENERSON. How much is there left when you take out the parcel post?

Mr. LLOYD. I am taking the figures as the gentleman from Minnesota gave them, and he evidently had some purpose in making those figures. Just what that purpose was I do not know, but I am undertaking to show from the figures which the gentleman gave that it proves that the Democratic administration was more successful than was the Republican administration.

Mr. STEENERSON. Oh, the gentleman understands the purpose very well. It was——

Mr. LLOYD. Evidently the purpose was to show that the Republican administration had been more successful in securing receipts than had been the Democratic administration.

Mr. STEENERSON. I hope the gentleman will yield there.

Mr. LLOYD. Yes.

Mr. STEENERSON. This table comprises six years, by months, and up to 1913 we had no parcel post; and I devoted a large part of my argument to showing that it was not a correct method to determine the business prosperity of the country by comparing the receipts of different periods when in one period you had a new class of mailable matter in the mail. I wanted to show the actual figures, because when you deduct the amount of parcel post, as you say, you will see that the actual receipts from the old business were less than they were before.

Mr. LLOYD. And when you have done that, it is shown that in 1914, the first year of the Democratic administration, the receipts were $9,000,000 more, not regarding the parcel post, than they had ever been before.

Mr. STEENERSON. Mr. Chairman, will the gentleman yield?

Mr. LLOYD. Yes.

Mr. STEENERSON. Does the gentleman regard that as a phenomenal increase, when the gentleman's own Postmaster General says the normal increase ought to be 7 per cent? I have been perfectly liberal with you. I have allowed for the matter of parcel post to a greater extent than I ought to have; but $9,000,000 is a very small percentage on $300,000,000, and therefore it shows a very small increase, when the normal increase ought to be 7 per cent.

Mr. LLOYD. Yes. The gentleman's statement shows that the normal increase is 7¼ per cent, when the increase in the first year of the Democratic administration was over 9 per cent.

Mr. STEENERSON. Including parcel post?

Mr. LLOYD. No; not including parcel post.

Mr. STEENERSON. Oh, certainly; including parcel post.

Mr. LLOYD. Now, another suggestion: The gentleman in his speech calls attention to what he says is "the trouble with this administration." He says it has not been partisan in a personal way, but that the trouble with this administration has been in the conception of what the function of the Postal Service is. "The function of the Postal Service is," according to his statement, "to render the people service at the lowest practicable cost and to treat the employees fairly." That is a good statement of the duty of the Post Office Department. And then, a little later, he says: "The first proposition put forth by the Post Office Department was to save some twenty or thirty million dollars on the Rural Free Delivery Service. They have brought an estimate in here to cut the rural carriers by $20,000,000."

His complaint is that a Democratic Postmaster General undertook to save to this Government $20,000,000; and I suppose there is no one within the sound of my voice who has looked into this proposition but what will say that if Congress had seen fit to adopt the suggestion which he made there would have been a saving of at least $15,000,000. What was the suggestion? It was that the Rural Service, instead of being allowed to have fixed salaries for its carriers, should have some system similar to the star-route system, and that every route should be let by contract. Certainly everyone here will admit that if that had been adopted there would have been a saving of at least one-third of the present cost. If not so much as that, it is perfectly safe to make the statement that there would have been a saving of at least $15,000,000.

Mr. STEENERSON. Will the gentleman yield?

Mr. LLOYD. Yes.

Mr. STEENERSON. The Democratic Party being in control of both branches of Congress and of the Executive, why did they not adopt that system?

Mr. LLOYD. This House did not agree to it simply because it thought, and the gentleman did not agree to it because he thought, it would affect the efficiency of the service. That is the truth about it. I was not favorable to it. The gentleman from Minnesota [Mr. STEENERSON] was not favorable to it. I am sure this House was not. And yet what are we doing? We are paying $15,000,000 a year in order to bring about the most efficient possible service, when we know very well that we could have a service which the Post Office Department believes would be just as efficient for $15,000,000 less.

There has been very much of complaint against the Post Office Department by some individuals because of its attempt at economy. There is one thing very sure. If any one has watched carefully the course of the present Postmaster General

and the officials in the service against whom complaint is made, he will admit that every attempt, whether wise or unwise, was an attempt which, if carried out, would have resulted in less expense to the American people.

There is another thing. Certainly no man will question the honesty, the ability, the courage, the desire to do the right thing, in the present Postmaster General. He has done everything in his power to make this an economical and efficient service, and it is unfair to charge him with partisanship in the management of the affairs of this great department of the Government.

The gentleman from Minnesota [Mr. STEENERSON] and others in this debate have raised the question as to whether the parcel post is a paying venture. In the first place, you must recognize the fact that the parcel-post law was adopted prior to the time of the present administration, and it is the duty of the Postmaster General to carry out the provisions of the parcel-post law as best he can. The latest figures given out by the Post Office Department—and I suppose the Post Office Department know more about it than anybody else—are to the effect that on every pound of parcel-post matter on an average there is a profit of two-thirds of 1 cent. They figure out that this in the last year produced $10,000,000 profit; in other words, that the parcel-post establishment in the fiscal year ending June 30, 1915, produced $10,000,000 more than it cost to run that establishment. Now, I do not know whether those figures are correct or not. I am not inclined to believe they are, and yet I have no way of disproving them. I am somewhat like the gentleman from Minnesota [Mr. STEENERSON]. I am doubtful about the proposition.

Mr. STEENERSON. The report shows that there was a deficit of $11,000,000 in the last fiscal year, and they claim that they made some $11,000,000 or $12,000,000 on parcel post. How does the gentleman explain that, if it be correct that they made $12,000,000 on the parcel post?

Mr. LLOYD. Ten million dollars on the parcel post.

Mr. STEENERSON. Well, say they made $10,000,000 on the parcel post and there was a deficit of $11,000,000 in the postal finances, the two figures together make $21,000,000, which must have been lost on the other mail outside of parcel post.

Mr. LLOYD. No; according to the gentleman's own statement, which he prepared, there should be some allowance for what would have been carried under the old system of fourth-class mail matter.

Mr. STEENERSON. Yes; but that was profitable.

Mr. LLOYD. I want to be perfectly frank in this matter. If the Post Office Department is correct in this statement that there was a profit of $10,000,000 on account of parcel post, there can be no question but what if there had been no parcel-post law the deficiency would have been greater than $11,000,000. That answers the gentleman.

Mr. STEENERSON. It would have been something like $20,000,000.

Mr. LLOYD. No; but it would have been more than $11,000,000. But I accept, and I suppose the gentleman will accept, these figures of the Post Office Department as being correct because we can not produce a statement showing a different result, which would be satisfactory to ourselves or to them.

Mr. STEENERSON. Would we not have been able to do that, approximately, more correctly if we had had a distinctive stamp which the law required but which was abolished without the permission or action of Congress?

Mr. LLOYD. That distinctive stamp was abolished for a splendid purpose. To a great many people the distinctive stamp was a nuisance because they could not take advantage of the parcel post unless they had at hand parcel-post stamps, and in order to accommodate the people that feature of the law was changed.

Mr. LOBECK. Is it not more difficult to come at the profits or losses of the parcel post because of not having this distinctive stamp?

Mr. LLOYD. Yes; I think it makes it more difficult. And yet it seems to me that the present system of ascertainment is a reasonable method of ascertainment.

Mr. LOBECK. Will the gentleman explain it?

Mr. LLOYD. Here is what they have done: Between the 1st day of April and the 15th day of April, 1913, and the 1st day of October and the 15th day of October, 1913, and the 1st day of April and the 15th day of April, 1914, and the 1st and 15th days of October, 1914, and the 1st and 15th days of April 1915, and the 1st and 15th of October, 1915, they made a complete weighing of the parcel post, and from that weighing they have made an estimate of what was actually carried during the year.

Mr. Chairman, I wish now to call attention to one of the provisions of this bill in the proposed new legislation, to wit, the changed method of ascertainment of railway mail pay. One of the most difficult questions to determine with which we have had anything to do is what should be the pay for carrying the mail.

Mr. STEENERSON. Will the gentleman yield?

Mr. LLOYD. Yes.

Mr. STEENERSON. Was not the gentleman from Missouri a member of the Bourne Commission, and was not that commission composed of Republicans and Democrats including now Senator WEEKS, but then a Member of the House of Representatives, and did not they make a unanimous report to Congress in favor of the space plan, substantially as proposed in this bill?

Mr. LLOYD. Yes. Mr. Chairman, I was undertaking to call attention to the fact that the question of ascertainment of railway mail pay has puzzled many persons in the past. No man unless he is an expert can to-day satisfactorily explain to any assembly of people the present system of ascertainment of railway mail pay. It is one of the most complicated systems I ever tried to unravel. It is called the weight basis, and yet we do not pay according to the weight that actually goes on the train. We pay on a system of averages rather than on the total weight. We ascertain the full amount of mail that goes out on a route, the average amount, and the average amount that comes back on the same route, then combining the two we obtain an average for that route. But the method of obtaining that average is very difficult and intricate to work out in mathematics.

The people of the United States have been anxious for years to have some kind of a simple system so that they might themselves know whether the amount paid the railroad companies was a reasonable amount or not. No man to-day who is not an expert can tell whether the present system brings about anything like a correct compensation to the railroad companies, and until very recently the railroad companies had little knowledge themselves as to whether they were receiving too much or too little.

I think every member of the Bourne Commission who devoted months of study to this important question, began his investigation with the idea that the space basis was not the best system. Every member of that commission was impressed with the idea that something should be done to change the present system and simplify it. But as the facts developed, as information came before the committee, we were all impressed with the idea that the very best system that could be adopted was the space system.

The people, as I stated, I am sure, are anxious that there should be some kind of a simple system that they can understand. The railroad companies have objected to the present system because they claim that it does not furnish a sufficient compensation to them. They make this statement: That investigations made by the Post Office Department, by the Bourne committee, by their own committee on railway mail pay, and through information obtained from the Interstate Commerce Commission show that the present weight system should remain, but that there should be three changes made in connection with the management. One is that instead of weighing the mail, as we do now, once in four years, the mail should be weighed at least once a year. They claim that by reason of the fact that the mail is only weighed once in four years there is a large amount of mail carried for which they receive no compensation. There can be no question of the fact that they have not received pay for carrying a vast amount of mail in various years that have passed. They insist that in addition to that they ought to have pay for what is called the apartment car. They insist that a full railway car 60 feet in length, which is a traveling post office, and a 40-foot car in length, which is a traveling post office, should be paid for according to space. They insist that they ought to have pay where the space is less than 40 feet, and wherever a railway mail clerk goes into a car and distributes mail and it becomes necessary for the Post Office Department to prepare any equipment for him in which the mail may be distributed they should have pay for the space used in that service.

They complain, in the third place, that they are required to do that which a railroad company ought not to do, because it is no part of its duty, to wit, to carry mails from the station to a post office which may be within 80 rods of the station. They claim that if this duty is required of them that that 80 rods should be added to the length of the route, and that they should receive pay for carrying the mail over the 80 rods, the same as they would if it was a part of the railroad track.

Now, that I may not be misunderstood, I say they ask three things—that there be annual weighing; second, pay for apartment cars; third, that they be relieved of the duty of carrying

the mail to these post offices within 80 rods and to dispose of the mails in the terminals.

The space plan which is proposed to be adopted is a perfectly simple system. Here a railway post-office car, under the new system, starts out from Washington to Baltimore, a full car. Any man can answer what the railroad company will receive for carrying that car. It will be 21 cents for every mile that car travels. If you get on a railroad train yourself to go to Baltimore, what do you pay? You pay 2 or 2½ cents a mile for traveling between here and Baltimore. What would be the pay for the railway post-office car? Twenty-one cents a mile. Statistics ascertained by the Interstate Commerce Commission show that the average number of passengers who ride on a passenger coach is 12, and that the pay received is a little above 2 cents a mile on the average, and that it amounts to about 25 cents a mile. That is the amount received by the railroad company for the transportation of a passenger car 1 mile. Twenty-five cents for handling a passenger car for 1 mile, on which 12 passengers ride. We propose in this bill that for a railway postal car there shall be paid 21 cents a mile for every mile it may be hauled.

You can readily see from the comparison the reasonableness of the proposed payment of 21 cents. In addition to the 21 cents, what we call the line charge, there is a slight charge which is necessary to be made in order to equalize the service and give to it the proper compensation, and that is a terminal charge, so that the railroad company will receive compensation for the preparation that is necessary in arranging its car for transportation and for the work that it is to perform after the car has reached its destination with its mail. These we call the terminal charges, and a small sum of $2 for the initial service and the terminal service is provided in this bill. You can readily see the purpose of that and you can readily see the merit of it. That has nothing to do with distance, because it is just as much trouble to load the mail on a train, or prepare for loading, if the road to be traveled is 10 miles long as it is if the road to be traveled is a thousand miles long, so that the initial and terminal charge should be accounted for without reference to the length of the run.

Mr. LOBECK. Mr. Chairman, will the gentleman yield?

Mr. LLOYD. Yes.

Mr. LOBECK. How about the 80 rods terminal charge in small towns or cities?

Mr. LLOYD. Under the provisions of the bill the 80-rod charge may be made or may not be made. The matter is in the discretion of the Post Office Department as to whether the railroad company shall be required to transport the mail from the station to the post office that may be within 80 rods.

Mr. LOBECK. Should it not be directed?

Mr. LLOYD. There are some instances where it is a proper thing for them to pay and there are other instances where it is a burden which should not be borne by the railroad companies. There can be no fixed rule with reference to it.

Mr. LOBECK. I am asking for information.

Mr. LLOYD. But if the Post Office Department upon investigation finds that this obligation which is now imposed upon the railroad company should not exist, it has the power to take it from it, and to provide for the carriage of the mail from the station to the post office without reference to distance.

The railroad companies apparently do not object in all the recent statements that have been made to the compensation that is proposed in these bills. What they object to is what they claim will be the administration under it. They claim that so much power is left to the Postmaster General that he will exercise that power in the interest of economy, and that they will not secure the amount of money to which they are entitled. My candid judgment is that under this bill, instead of it costing $4,000,000 extra to carry out the provisions of it, when it is economically administered it will not cost the Government one cent more than the present system.

The truth about it is that the compensation which will be received by the railroad companies in the next year, if this bill is adopted, in my judgment, will be practically the same compensation which they receive at the present time. But the question of annual weighing is overcome. The question of apartment-car service is settled and there is an opportunity for the Post Office Department to give to them that which they demand in connection with the terminal service, if the Post Office Department is satisfied that the service which they render is a service which should not be rendered by them, but which should be borne by the Government. This new scheme of the space basis is objected to by the railroad companies. They object seriously to it, as you see from the public prints and from the telegrams which you have all found on your desks; but why do they object? What is the purpose in objecting to it? It is not to the charge that they receive. I have placed it in a nutshell when I say that their sole objection, in fact, rests upon what they believe will be the mistreatment in administration. I do not think there is genuine foundation for that charge. The present Postmaster General and the officials under him will see to it that the railroad companies receive every cent that is due them, in my judgment. Under the proposed plan every particle of matter that goes into a railroad train will be paid for by the Government. There can never again be any charge that there is a large per cent of the mail for which the railroad companies receive no compensation. Why? Because the bill specifically provides that the Post Office Department must authorize the space to be used. If the Post Office Department authorizes that space, and it is necessary to use more space, there is no obligation on the part of the railroad company to use any additional space. The duty devolves upon the Post Office Department to ask them for all the space it needs in the transportation of the mail, and for every particle of space that may be used the railroad will receive a fixed compensation.

Mr. LOBECK. The gentleman means in addition to what space is ordered in the commencement?

Mr. LLOYD. Yes.

Mr. LOBECK. But if the department, then, has ordered so many feet of space, whether it occupies it or not, it has to pay for it?

Mr. LLOYD. Yes. One of the complaints made in the argument by the railroad companies with reference to the space plan is that the Post Office Department will probably take advantage of them in the matter of storage cars. A storage car is one that may be filled with mail which is not distributed en route. It is mail that is carried in a full car from one point to another. There is no foundation for that charge, because this bill specifically provides that the maximum space used shall be the space paid for for the whole journey, both outgoing and returning. Suppose it should be that a car was started out with 40,000 pounds of mail, which is the largest possible amount that anybody claims could go into a car, yet in no instance will it be true that there will be 40,000 pounds of mail carried to the terminal and 40,000 pounds of mail carried back to the initial point. So that there is no foundation for that claim. The truth is that at the present time the storage cars are carrying from 7 to 8 tons. This statement that they may carry 40,000 pounds is a possibility. That is, it is possible that at some time from the time the car starts upon its journey until it returns to the initial point there may be a time when 40,000 pounds are carried, but it is a perfectly safe statement to make that the average amount of mail that will be carried in storage cars will never exceed 8 tons.

Mr. Chairman, I notice my time has about expired. This proposition in reference to the change of mail pay is an exceedingly important one. I am anxious that every individual shall candidly investigate this matter, that no one shall be biased or misled by any statement that he receives by telegram or through the press. The individuals who are sending the telegrams in nearly every instance are individuals who actually do not know what would be the effect of the passage of this bill. There are very few railroad men—I doubt whether there is a railroad president in the United States to-day who knows what will be the effect of the adoption of the space system, but some employee about him has said to him that it will be unfair, and because that employee has said it is unfair the railroad president and railroad employee insist it is unfair and send to you a telegram, which says to you: "Do not support the measure, because it is unfair." The people who know most about this are the people in Washington, the people who have investigated it with the railroads railway mail committee. These have the information in regard to the situation. It is a rather remarkable thing that there have been three commissions appointed whose duty it was to carefully investigate the subject of railway mail pay, and each of those commissions have decided in favor of the space plan. Every commission and every body of men, as far as I know, excepting those interested in the proposition from a personal standpoint, who have investigated this subject have reached the conclusion that the correct system of pay is the space method of pay. [Applause.]

Mr. Chairman, if I have any time remaining, I desire to yield it back. I think I have consumed all of my time.

The CHAIRMAN. The gentleman yields back five minutes.

Mr. FINLEY. Mr. Chairman, I suggest the other side use some time now.

Mr. MADDEN. Mr. Chairman, I yield 15 minutes to my colleague [Mr. RODENBERG].

Mr. RODENBERG. Mr. Chairman, I represent a district whose material welfare is largely dependent upon the prosperity of the railroads of the country. The city of East St.

Louis, which is the largest city in my district, is the terminus of 24 different railroads. These railroad companies give employment to a very large percentage of the population of my district. Any legislation that has a tendency to curtail the earning power of the railroads vitally affects the material interests of these employees. We are all aware that the question of securing an increase in wages is now being agitated by railroad employees. In fact, the newspapers have stated within the last few days that there is a very strong probability of the inauguration of a general strike on the part of the employees, unless this increase in wages is granted by the employers.

Taken as a whole, the railroad employees are men of high character and intelligence, who fully appreciate that there is a strong community of interest between employer and employee. They believe in protecting the rights of the railroad companies as well as their own. Last summer various committees, representing different railroad labor organizations, called on me to protest vigorously against the enactment of the legislation proposed in this bill, on the ground that it would work a most decided hardship on the railroads and materially reduce their earning capacity. They felt, and justly so, that any legislation which would result in decreasing the revenues of the railroads would necessarily lessen their chances to secure an increase in wages. As a result of these representations and of the statements made to me by responsible railroad officials, I have tried to make a careful examination of the provisions of this bill, and after doing so, and after trying to digest the voluminous hearings, I am forced to the conclusion that that part of the bill which proposes to change the method of railway mail pay from a "weight" to a "space" basis is wholly unfair to the railroads as well as to the public, and should not be enacted into law.

The bill proposes to change the method which has determined compensation for handling and hauling mail matter since the organization of this Government and to pay, not for the service rendered, but for the instrumentality employed. My objection to this change is based upon the belief that it is both unfair and unscientific. Either the railroads will be overpaid or they will be underpaid; the Government will necessarily pay either too much or too little, for the evident reason that if space is taken as the determining factor and fixed as a constant measure, without respect to weight, we will have a service which varies but which is measured by compensation which is fixed. To illustrate, it is proposed to pay for the use or rent of the railroad mail car the theoretical average earning of a passenger car. Now, if the actual load under this proposed plan is less than the average earning of the passenger car, the railroad will be paid too much; if, on the other hand, the actual load is more than this average, the railroad will not be paid enough. Averages are always ascertained as a statistical result of business for a given period and are not, therefore, and never can be, properly used as a basis of compensation, nor as the basis for the selling price of any commodity.

Let us consider for a moment just what this change to a space basis of mail pay really does. It is not simply a proposal to compel the railroads of the country to carry the United States mail and the parcel post, although this bill does require compulsory service. The plain purpose of this bill is to compel the railroads to rent to the Post Office Department the cars which they have built to enable themselves to engage in the transportation business, and, worst of all, not for private governmental use but to enable the Post Office Department to use these cars, after renting them, in active competition with the railroads themselves in the transportation of commercial freight. If that is a fair statement of the proposition, is there any wonder that the railroads of the country should feel that they have a just grievance and that they are opposed to the space basis? The opposition is not confined to one road, but embraces every road in the country. It is not only the great systems, but the smallest and the weakest as well, that are opposing this radical change. As a matter of simple justice, should Congress, which has established the parcel post, now go so far as to compel the carriers to give up their own facilities for competition against themselves? It seems to me that the proposition at its very best is revolutionary in the extreme, besides being wholly experimental in the field of transportation principles and practice.

Every Member of this House knows that weight is the universal basis for transporting objects, because that method is a safe and sound gauge of the very thing which the transportation agency must carry; it is the very basis which the Post Office Department itself employs in making its own charge to the people for transporting their mails, even to a letter, postal card, package, or newspaper; and it is the basis which the carrier would, of course, employ without question if it were a direct agency of the public instead of a subagency in the transportation of mail.

If I understand this matter correctly, the "space" basis means, further, that the opinion of postal officers would supersede the accuracy of the scale as the gauge of pay. One would suppose that the space needed would be readily determined by the amount of mail which could be stored in a given space, and while it is true that after a given amount of space is loaded no injury perhaps would result to the carrier if paid for that space, provided an adequate and just rate could be ascertained and applied, yet the greatest danger from a space basis, depending upon the opinion of an individual, is that the Postmaster General and the officers of the Post Office Department, scattered all over the country and in control of railway mail transportation, can without limit and without measure pay for space as they see fit. It seems to me that the Government, even more than the railroads, should oppose a space basis, for in the adoption of that basis there lies a most dangerous power of abuse for personal or political advantage or for favoritism to any railroad company. If I interpret this bill correctly, the Postmaster General would have the authority to pay for a 30-foot car instead of a 15-foot car, simply because he desired to do so. The difference would not depend on the number of post offices to be served or on the weight or size of the mail itself, but would resolve itself simply into a question as to whether he willed to do so. I do not wish to be understood as impugning the integrity of the present postal officials nor of the officers of the railroads, but it must be plain that such a plan, giving such wide latitude to the Postmaster General, makes possible, and easily possible, the opportunity for collusion that might permit raids upon the Treasury of the United States. While I believe that our postal affairs are being honestly administered to-day, yet the public has not forgotten that there have been scandals in that department in the past. We all recall the startling revelations resulting from an investigation of the star-route frauds of several decades ago. In view of what has occurred, it seems to me that it is incumbent upon Congress to safeguard the interests of the public against any possible future frauds.

I believe that the proposed change is not only unfair, but that it is impracticable and unadapted to the service of transportation of the mail. I regard it as utterly impossible in a country such as this, with 225,000 miles of railroad, and with territory 3,000 miles distant from Washington, for the Post Office Department to authorize in advance for the payment of the space needed on every train throughout the whole country every day; because no man can know, unless he is right at the train when it starts, how much space the mail will require.

This bill names rates for transportation per car-mile and for terminal service, but it strikes me that this is of little value in determining what compensation the railroad companies would receive. They are not fixed rates. They are entirely discretionary, because they are qualified by the term "not exceeding," which gives the Postmaster General the absolute power to make any rate he may desire.

Mr. MOON. May I ask the gentleman if that is not the law now on the weight question?

Mr. RODENBERG. I understand it is fixed and definite.

Mr. MOON. It has never been any other way and could not be.

Mr. STAFFORD. Will the gentleman permit——

Mr. RODENBERG. I can not permit an interruption, as I have only 15 minutes, and I will not be able to finish what I have to say within that time. I am very sorry I can not yield.

I submit that this is contrary to every principle of rates which apply to common carriers, because these rates must be definite, fixed, and certain. When the carriers are compelled by the exercise of the great, sovereign power of the Government to carry the mail—and they have no option in the premises—the question of delegating the rate-making power to the Postmaster General should not be considered. The rates should not only be adequate, but they should also be fixed and certain, and not dependent upon the whim or caprice of any official.

The bill empowers the Postmaster General to pay for any amount of baggage-car space he may want. While this space is classified as storage-car space and the maximum rate stated for such a car, he is permitted to require any amount from 1 foot to 60 feet of the car, and it is easily conceivable that in a practical service he may therefore require the railroad company to have an entire car, 60 feet in length, in order to furnish the space he may demand and yet pay only for a fractional part of it. A railroad can not haul independently 5 feet, 10 feet, or 30 feet of space, because it is limited in its transportation business to the haul of the unit, which, of course, is a car.

While the bill purports to provide compensation for the transportation service on trains, it also specifically requires the railroads of the country to carry the mails between all post offices on their lines and their stations regardless of distances. However, this is qualified by a provision theoretically giving the discretion as to when and where this will be applied or required, but the discretion here can only be exercised to discriminate in favor of one railroad, at one place, as compared with another railroad, because if such a requirement should exist at all, it should be uniformly applied, as there are no conditions of service to justify a discrimination. Not only is this service not a proper and ordinary or customary function of a railroad, because its service should be limited to transportation and handling of business or its own property, but it does not carry freight or passengers or other business or express beyond those stations. This bill, in this particular, requires a service for which there is no pretense that there is any compensation provided.

Railroad companies now carry mail between stations and post offices where they are within the 80-rod limit, but it is on a different basis of rates. This service is performed because the present rates contemplate, theoretically at least, that compensation for this service is included. In the bill now before us we have a separate and distinct provision for transportation service itself, and in addition we have this requirement without any theory that it is paid for. Those of us who believe that the railroads of the country have been unjustly treated in the matter of mail compensation and that that compensation has not been increased in proportion to the increase in the service that the railroads have been compelled to render since the inauguration and development of parcel post are told that this bill will increase the compensation of the railroads. In his very able address of last Tuesday in advocacy of this bill the distinguished chairman [Mr. MOON], for whom I entertain the highest regard and whose candor I have always admired, made the statement that under the provisions of this new bill the railroads would receive nearly $4,000,000 more than they have ever gotten under any bill.

This statement of the chairman, however, was contradicted a moment ago by the gentleman who just preceded me [Mr. LLOYD]. The gentleman, who is also somewhat of an expert in postal matters, has just stated that in his opinion the railroads would not receive any additional compensation as a result of this legislation, but that their compensation would be the same as it was last year.

While I admit that the bill presents a specious appearance of increasing the revenue of the railroads, I believe the actual purpose of the department is to decrease and not to add to the compensation of the railroads.

In his speech in the House of Representatives on December 19, 1914, the distinguished chairman, in explaining the real purposes of the bill then under consideration, made the following statement in a colloquy with Mr. PAGE of North Carolina:

> It does not show a saving upon its face, and can not do it, but only shows an administrative proposition of saving. The saving will occur, as the department thinks, in the handling of the mails. In other words, you have changed from the quadrennial weighing of the mails on a weight basis, on which the pay is to be computed, to the space provision, and you will have enough space under the contract to carry all your parcel post, probably without any additional compensation, and save many millions annually. That is their theory.

On the same day, in another colloquy with the gentleman from Alabama [Mr. HEFLIN], the distinguished chairman asked this question:

> Does not the gentleman know that the main feature of this bill, the only great feature in it, is a railroad proposition, and does he not know that when he voted as he did he voted against the consideration of that railroad proposition, that would save this country $8,000,000 every year if carried?

Thus the present bill, while on its face purporting to grant the possibility of a $4,000,000 increase to the railroads, provided the Postmaster General exercises a beneficent discretion, in reality contemplates that by having the railroads haul the parcel post without additional compensation the Government will save $8,000,000 annually and pay the railroads that much less. This admission, frankly made by the chairman in 1914, is just as pertinent to-day as it was then. Is there any wonder, therefore, that every railroad in the United States is opposing a scheme with such an admitted purpose? I believe that the Postmaster General is more deeply concerned over the question of preventing a deficit in his department than he is about the efficiency of the service or the payment of adequate compensation to the common carriers.

I am opposed to changing to a space basis, because I regard it as unwise and unnecessary to make such a revolutionary change in the system of pay when it is evident that the existing method of weight basis has not been against the Government's interests, and when only a few amendments are needed to correct any inadequacy in the existing system about which there may be any complaint.

Annual weighings, of course, cost a great deal of money; but this is a detail which can be fairly distributed by the Government, as the railroads have indicated their disposition to accept whatever terms may be offered as reasonable.

All of the experience of 40 years that has been gained in the administrative details of the present law, and all of the precedents arising therefrom, would be destroyed by this new method, using the space basis, and introducing complexities greater than at present, creating increased administrative difficulties, due to the difference of opinion as to space needed or used in comparison with the space authorized by the department. I regard this proposed change as economically unsound and unsafe, because it ignores the principal factor of service rendered, namely, the conveyance of the mails, and substitutes therefor the transportation receptacle or instrumentality through which the mails are transported. The intrinsic service rendered by the carriers, that is to say the amount of mail conveyed, would not be shown specifically. The estimates would necessarily rest not on the weight of the mail to be transported but on the opinion of the local officials as to the space needed. It would thus be not only difficult to check against extravagant or discriminating allotments, but equally as difficult to make estimates by appropriations which might appear to be extravagant, while in reality barely moderate in amount. All postage rates are based on the weight of the article to be transported, and it is therefore harmonious and consistent that the transportation rates should also be based upon the amount of freight carried and the distance that it is conveyed.

I can not help but feel that the department, by having the words "not exceeding" inserted, intends that the amounts allowed, which may be paid, shall be subject to diminution in the future. If the department intends, as has been suggested, to pay the maximum rates permitted, why do they insist that their discretion should be allowed full scope, so that they may pay less and can not pay "exceeding"? And why, if it is the intention of the department to pay the maximum rates, has that same department advised the chairman that a saving of many millions of dollars will result? It occurs to me that while the railroads could be paid increased revenues under this bill the department has no intention of doing so. It seems to me that the Postmaster General intends to work out his plan so as to pay the railroads less and to have all the parcel post handled without any compensation, as was frankly stated by the chairman when a similar bill was under consideration in the preceding Congress.

I regard it as unwise to establish a fixed measure for mail pay without first asking the advice of our great expert transportation body, the Interstate Commerce Commission. It is now proposed to establish a space basis as a measure for payment. The Interstate Commerce Commission has never been consulted, nor has it ever been asked whether the railroads should be paid for handling the mail upon a space or weight basis. Before the adequacy or inadequacy of the rate is determined, and before any change is made, we should ask and obtain from the Interstate Commerce Commission their opinion as experts, whether the yardstick should be space or weight. It is now proposed to artificially manufacture the yardstick, and then to ask the expert body how the yardstick should be applied. In reasonableness and justice we should first obtain from the experts the method of their measurement before we start out to measure. This bill proposes to submit to the Interstate Commerce Commission the adequacy or inadequacy of payments; but this adequacy or inadequacy will be determined by an arbitrary method fixed in advance without the advice of the expert body as to how the method should be arrived at, and it is a method which is inconsistent with every principle upon which the Interstate Commerce Commission has either fixed or approved every other transportation rate.

In innumerable decisions the Interstate Commerce Commission has determined the adequacy of a rate by the weight, the value and the cost of handling a particular commodity. It is now proposed to discard these recognized principles and to set up an altogether different standard. Without professing any intimate knowledge of this matter, and without reflecting in any way upon the earnest efforts of the distinguished chairman and the members of the committee to correctly determine the standard for the fixation of mail pay, I regard it as most unwise, and even dangerous, to force the acceptance of a fixed standard of measurement in rider legislation. It seems to me that a matter of such great importance as this should be calmly considered and studied by each Member of this body in a separate bill and as a distinct proposition. We could then determine for our-

selves just how we should act, and we would not be compelled to accept, as this present situation demands, the judgment of the committee rather than our own within the brief time allotted for consideration. The method of fixing pay should not be considered by the House until we have obtained the opinion of the expert body upon transportation questions—the Interstate Commerce Commission. And the question should then be considered as a separate proposition and not as a part of a complex whole, as a portion of a bill which contains so many other subjects and purposes and covers so many other difficult propositions.

There is another feature of this proposed bill which I regard as most serious. The bill requires service to be performed by the railroads without regard to the reasonableness or adequacy of the compensation, and this requirement subjects it to the grave criticism that it may be declared unconstitutional and void by the courts. The Supreme Court of the United States on March 8, 1915, in the case of Norfolk & Western against State of West Virginia, and in the case decided on March 8, 1915, Northern Pacific Railway Co. against State of North Dakota, held that no law was constitutional which proposes to fix an unremunerative rate upon any particular commodity or service. This bill plainly permits arbitrary fixations, in the discretion of the Postmaster General, and does not limit that jurisdiction to what is a fair rate, reasonable, just, or adequate.

The Interstate Commerce Commission has held that the present passenger rates are not adequate. The basis of payment for space as provided for in this bill is predicated upon the average earnings of a passenger car, declared by the Interstate Commerce Commission to be insufficient. It is manifest, therefore, that even if the maximum rates be paid for hauling a mail car, the compensation will be inadequate. In other words, the bill on its face purports to require service with an inadequate compensation to the railroads. The bill does not provide that the compensation shall be adequate, and therefore it is subject to the criticism that a service may be required for an inadequate, unreasonable rate, thus violating a constitutional guarantee as laid down in these decisions of the Supreme Court.

It seems to me that it would be most unwise for us at this time to inject into the mail pay question a proposition which will, in all human probability be followed by a great amount of litigation and which will drag through the courts for years in order that the validity of the law may be determined, and, in the meantime, confusion will grow and uncertainty increase.

This bill provides that the railroads should perform services at rates to be fixed in the discretion of the Postmaster General at not exceeding a certain maxima. The railroads would be compelled under this law to perform such service if the Postmaster General, in his discretion, fixed rates greatly less than the maxima allowed by law, as the railroads must perform the service whether the rates be reasonable or compensatory or otherwise.

Even if the Postmaster General should fix rates that are plainly confiscatory, still, under this law, the service must be performed, or the railroad will be subjected to a large penalty. Such legislation, it seems to me, contravenes the Constitution, which provides that no property shall be taken, and no service required to be performed save for an adequate consideration.

Another objection is that under the proposed space basis, the Government in effect undertakes to enter the field of commercial freight transportation, and becomes a competitor of the railroads. By fixing its own rates the Government is thus enabled to haul freight at lower rates than those fixed for the railroads by the Interstate Commerce Commission. In other words, the railroads must haul freight at rates fixed by the Interstate Commerce Commission, and the railroads under this proposed law, would be compelled by the Government to haul the same kind of freight for less rates, which have been fixed by the Government itself.

Thus, the Government, in the guise of a shipper, will fix its own rates, whereas the Interstate Commerce Commission fixes the rates for all the other shippers. The Government would be enabled to give itself a privilege and discriminate in favor of itself and against all other shippers of commodities. It strikes me as being fundamentally sound and just that if the Government intends to go into the transportation business and ship the same kind of commodities; that is, commercial freight, as is now handled by the railroads, the Government rates should also be fixed by the Interstate Commerce Commission, which is the rate-making body.

In order to meet this situation and in recognition of the Government as a competitor, with other shippers, the hearings before the committee show that the railroads are willing, and, in fact, have proposed that the Interstate Commerce Commission fix the rates for the transportation of mail, so that the rate-making body will determine for the Government as a shipper and the railroads as a carrier, what the shipper should pay and what the railroads should receive.

To-day all shippers, including the Government, pay upon the weight basis. If this bill becomes a law the Government will pay upon the space basis, which is an entirely different method of payment from that employed by the commission in fixing the rates for serving the public. Inasmuch as we have a great rate-making body, which fixes the rates upon all commodities, why is it not fair and just, and why should the Government complain if its own instrumentality, the Interstate Commerce Commission, fix for it as a shipper and the railroads as a carrier the rates for which service is to be performed and payments made? The railroads have signified their willingness to submit this whole question to the Interstate Commerce Commission and to abide the result, and if the Government intends to be fair, and wants to be fair, why should it object to permitting the Interstate Commerce Commission to settle this question, which is so peculiarly within its jurisdiction?

In setting forth my objections to the pending measure, I do not wish to be understood as reflecting in any way on the honesty of purpose of the very excellent gentlemen who constitute the great Committee on the Post Office and Post Roads. I believe that they are thoroughly conscientious in their recommendations to this House, but my sense of fairness and right will not permit me to harmonize my views with theirs on this very important question. [Applause.]

Mr. MOON. Mr. Chairman, I just want to observe, in view of the remark the gentleman has made, that the rates of compensation are entirely different in this bill from the one considered two years ago, and even one item in this bill, that of terminal charges, allows an increase of compensation of $1,900,000. But it is not necessary again for me to discuss that matter, as other gentlemen desire to discuss it. The gentleman proceeded upon an entirely false theory, and, with all due respect to him, I must say, an entire misunderstanding of the meaning of the bill. For instance, he said we could take a 60-foot car and pay for but 1 foot in it if we wanted to do so, and use the whole car. We do not get the benefit of the 60 feet if we only pay for 1 foot. We then use 1 foot and the companies have the other 59 feet for their baggage and transportation. That is just a specimen of the statement of the gentleman showing the utter misunderstanding of this measure.

But, Mr. Chairman, I did not rise to discuss the matter but to yield 10 minutes to the gentleman from New York [Mr. GRIFFIN].

Mr. GRIFFIN. Mr. Chairman, the Postal Service is the most popular department of the Government service. It comes in closest contact with the people. They believe in it, and eagerly avail themselves of every opportunity to extend the scope of its usefulness. City delivery, rural delivery, parcel post, postal savings banks, everything, once established, have come to stay. To curtail or discontinue any part of this public service would awaken such pronounced opposition on the part of the people as to be not misunderstood. Likewise, the people have welcomed every innovation that was calculated to improve the working conditions of the postal employees, even though such change might offer a temporary inconvenience to themselves. Sunday closing was approvingly welcomed by the people throughout the country, without division of sentiment, as was also the recognition of the holidays by the Post Office. The eight-hour day found its earliest application by Congress to the Postal Service, as did annual vacation periods.

The temper of the people in their attitude toward the Postal Service is so plain as to be not mistaken. They desire to make it a model service, both as to the efficiency of its methods and the treatment of its employees. The people expect it to point the way. They want it to lead. Nor do they complain of the cost. To be an example for employment in civil industry to emulate, the people have enthusiastically indorsed every change that would operate to make the Postal Service an inspiring example for the general good of the country. As a matter of fact, in one essential particular the Postal Service is lagging painfully behind. This is in the manner in which it treats its aged employees. It has no plan whatsoever to meet this problem. What it really does is indefensible. On one pretext or another the old men in the Postal Service are penalized or discharged for no other reason than the fact that they have grown old. They are let go outright, dismissed at the expiration of 150 days, or reduced in salary for no other cause than their age. The old men are plainly shown that they are not wanted. To show just how he is treated, and the utter absence of any settled provision for his protection, I quote the following lan-

guage from a recent paper by First Assistant Postmaster General Roper:

The result is that tenure of office in the Government service does not now depend on the law or on the uniform needs of the service but upon the varying temperaments of supervisory officers and their varying conceptions of their public duty. Especially is this true in the Postal Service, because of the wide discretion accorded to postmasters in the conduct of their offices.

Could any plan be worse? Contrast this absence of system with the manner in which this problem is faced by private corporations. It is unthinkable that it shall continue. Such a policy is neither wise nor just, and it can by no means be considered economical. It is not in keeping with public opinion on the general subject of superannuation, and it places the Post Office Department lamentably behind private corporations in their manner of dealing with this problem.

Without any hesitation we should meet this question of superannuation in the Postal Service in the only way that it can be successfully met, and that is by providing pensions for its aged employees. In doing so, the Postal Service will be improved as never before; the public will earnestly applaud this legislation, and simple justice will be done a capable body of faithful and deserving employees.

Mr. Chairman, I have long been interested in this very important subject, and early in January I introduced a bill, H. R. 6915, which would provide for the retirement from the service of these superannuated employees, together with an allowance of $600 per annum. My bill applies to city and rural carriers, post-office clerks and other employees in post offices, and to railway mail clerks. This bill is now pending before the Committee on the Post Office and Post Roads, and I am encouraged to believe that the Post Office Committee is disposed to earnestly investigate this question of superannuation in the Postal Service. When the time comes it will be demonstrated to the Post Office Committee and to the membership of this House that it will not cost much more than $300,000 to enable the Government not only to settle the vexing problem of superannuation in the Postal Service but also to grant much-needed relief to the veterans of the service who have grown gray and feeble through the many years of faithful and devoted service. The bill is as follows:

A bill (H. R. 6915) granting indefinite leaves of absence to superannuated employees of the Postal Service.

*Be it enacted, etc.*, That, beginning with the 1st day of July next following the passage of this act, the Postmaster General shall grant an indefinite leave of absence, together with an allowance of $600 per annum, to be payable monthly, to any person employed in the Railway Mail Service, the Rural Free Delivery Service, the City Free Delivery Service, and to post-office clerks and other employees in post-offices who are in the classified civil service who have become incapacitated from performing their duties through superannuation.

SEC. 2. That should it be found necessary to employ a substitute to fill the place of an employee who has been granted an indefinite leave of absence, said substitute shall be paid at the rate allowed for vacation work: *Provided*, That such assignment shall not interfere with the promotion of the stubstitute to appointment on the regular force when a vancancy occurs or when the force is increased and when said substitute is eligible for such regular appointment by virtue of his standing on the substitute list.

SEC. 3. That the Postmaster General shall establish boards of retirement, each board to consist of not less than three members, to be selected from employees of the Post Office Department and the Postal Service, who shall serve without extra compensation, whose duty it shall be to examine all applications for the granting of such indefinite leaves of absence and to make recommendations based upon their findings to the Postmaster General for his guidance: *Provided*, That the Postmaster General shall have authority to appoint a physician to advise each board in making its recommendations.

SEC. 4. That applications for the granting of indefinite leave of absence may be either voluntary on the part of the employee or may be recommended by the proper administrative or supervisory official.

SEC. 5. That the Postmaster General shall immediately formulate and issue such rules and regulations as in his judgment may be best calculated to carry out the purpose of this act.

Mr. Miles M. Dawson, a member of the New York bar, a former associate of United States Supreme Court Justice Charles E. Hughes in the insurance investigations of New York State, the present associate counsel of Mr. Bainbridge Coby, the attorney for the Thompson investigation committee in New York, and one of the best-known consulting actuaries in America, has submitted the following report on H. R. 6915:

[Special report upon the probable cost of allowances to postal employees of the United States Government, incapacitated by superannuation, under the provisions of S. 3081, H. R. 6915. Given at New York this 24th day of January, 1916, to the National Association of Letter Carriers.]

This bill, introduced by Senator PENROSE in the Senate and by Representative GRIFFIN in the House, provides "for an indefinite leave of absence, together with an allowance of $600 per annum, to be payable monthly, to any person employed in the Railway Mail Service, the Free Delivery Service, the City Free Delivery Service, and to post-office clerks and other employees in post offices who are in the classified civil service, who have become incapacitated from performing their duties through superannuation."

For the purpose of computing the expense involved in making these allowances I have assumed that all who were in the service in 1907 and who are now living are still in the service and may become eligible for this allowance. For the rate of becoming incapacitated I have made use of Mead's table, deduced from the experience of the Knights of the Maccabees, which experience is used by life insurance companies in the computation of rates and reserves for insurance against incapacity, and is regarded safe and reliable.

On this basis I compute the cost for the fiscal year commencing July 1, 1916, at $362,250, equal to about three-tenths of 1 per cent of the salaries; for the fiscal year commencing July 1, 1921, $1,147,800, equal to about ninety-five one-hundredths of 1 per cent of the salaries; and for the fiscal year commencing July 1, 1926, $2,125,800, equal to about 1¾ per cent of the salaries.

If these allowances were to be provided by the contribution by the employees of a percentage of their salaries, a larger contribution than 1 per cent of the salaries would not be required, upon the basis of the foregoing computations, until after the fiscal year commencing July 1, 1921. Such contributions would need to be supplemented, however, after the expiration of such fiscal year, by appropriations to cover the excess, which appropriations would, on the basis of the foregoing computations, rise to an amount equal to three-fourths of 1 per cent of the salaries by the fiscal year commencing July 1, 1926.

This method of providing for actual incapacity will be much more economical, and is, in my opinion, much more likely to be acceptable to the voters, to Congress, and to the employees than a plan which would so retire every employee upon reaching a certain age, even though he was in fact not incapacitated, but was, instead, able to give full service.

Respectfully submitted.

MILES M. DAWSON, F. I. A., F. A. S.,
*Consulting Actuary.*

Grave, indeed, must be the reasons that at any time or in any industry justify a reduction in wages. Too far-reaching is the effect of such a policy to permit it to be approached lightly. Not only does it leave the men affected discontented and sullen but it awakens a feeling of apprehension among fellow employees. Standards of living are reduced, business is upset, and if such reduction is widely extended the very prosperity of the country itself is threatened.

Disquieting enough is a wage reduction in civil industry, but when the Government, through its administrative officers, begin to cut wages in any of its departments, it awakens a feeling of alarm among all the people, leaving a trail of evil consequences in its wake. If the Government which, unlike a private corporation, is not called upon to face rigid competition nor has to the same extent the motive of profit as the basis of its existence—if such an institution is compelled to reduce salaries and invite the suffering which must follow such an act, what, then, must be the natural effect such a policy will have upon the minds of the people in general? There is but one conclusion to which they will come and that is that the country is facing some serious business depression.

The past year has seen just such a reduction in wages, and that, too, among employees of the Government. Nor was there any sound reason for this reduction. No condition had arisen in the economic life of our people which warranted such drastic action or justified this wholesale retrenchment policy, which was particularly put in operation by the Post Office Department during this administration.

I desire to speak upon one particular phase of this subject in reference to a reduction in wage of the postal employees. So glaringly and palpably inexcusable is this case to which your attention is directed that I am confident no sane man can view it in any other light, after he has reviewed the facts, than one of most emphatic disapproval.

The classification act, approved March 2, 1907, is a law passed by Congress, fixing the salary of clerks and city letter carriers employed in the post offices throughout the country. This law provides for a maximum salary of $1,200 per annum for such employees, which is attained after a certain period of service. Under the provisions of this act, whose construction and application no one had ever questioned, faithful employees, without discrimination, advanced in regular order to its highest grade, which permitted them to receive the maximum salary of $1,200 per year. Without warning and without any approval from this body, the construction and purpose of this act fixing salaries of postal employees was changed, and that altogether by departmental regulation.

Under date of February 4, 1915, a circular letter signed by First Assistant Postmaster General Roper was mailed to the postmasters of the country, containing the following order:

The work of carriers collecting is less exacting and important than that performed by carriers in effecting deliveries of mail. It is therefore desired that in the future the maximum salary of letter carriers assigned to the collection of mail be fixed at $1,000 per annum. You will proceed in accordance with this policy to make the necessary assignments of the higher salaried carriers to delivery work, and you will not in the future give to any letter carrier receiving a salary in excess of $1,000 an assignment as collector.

The effect of this order created consternation among the employees. They could read between the lines, despite its ingenuous wording, that it was simply a reduction in salary. The Post Office Department, by this order, had seen fit to create another grade of letter carriers and assign to them a salary $200 less

per annum than had heretofore been paid for the same work. If the department could so create grades and so fix salaries, without authority from Congress, then no employee or no salary could be considered safe. The public, too, let it be added, roundly condemned this order, and protests against its enforcement flowed in broad volume down to Members of Congress.

In its application the effect of this order was not only to awaken alarm among the employees, but also to reduce the efficiency of the service. The collection service of the post office had never been considered an easy berth. In fact, it was a position of which most employees fought shy. Usually such employees furnish their own equipment especially designed for collecting mail, under contract with the Post Office Department. Other employees had been assigned to the collection service over their protest, and yet after a period of years, unable to effect a transfer to the delivery service, had resigned themselves to their present station. Still other carriers in the collection service, by virtue of long absence from delivery service, had lost intimate touch which they formerly enjoyed with this branch of postal work.

These men and others similarly situated were suddenly called upon to fill a position in the delivery service assigned to letter carriers or be compelled to suffer a reduction of $200 in their annual salary. It was generally understood that if these men could qualify in the delivery service they would be permitted to retain their present salary, but as a matter of fact the manner and means by which such opportunity was tendered them almost made its acceptance prohibitive. Indicating their willingness to take a delivery route quite often heavy and complicated territory was assigned them. Then again three days was allotted these employees in which to familiarize themselves with their new district. Furthermore they must withstand a test for speed and accuracy for handling mail both in and out of the office, which to men long absent from former duties was wellnigh impossible. Failing to maintain in their new station the same high standard of speed that even men regularly assigned to such work held up with difficulty, they were adjudged incompetent. Thus many men fearing to be further penalized voluntarily petitioned to be returned to their old positions. Others were plainly told that they could not keep up the pace. The final result was just the one originally intended when the order was promulgated by the department—a reduction of the wage of letter carriers.

Then again many employees owning their own equipment used in the collection service, representing an investment of from $400 to $500, found no purchaser for this equipment in case they abandoned their present position to accept a position as carrier in delivery service. Whichever way these men turned they faced a loss. There was no escape from it.

Pressed for a reason to explain or justify this enforced loss of wages for so many deserving employees, the department again insisted that "the work of carriers assigned to the collection service is less important and exacting than that performed by carriers in effecting deliveries of mail." Let us see just how trying and important are the duties of carriers assigned to the collection service and to further ascertain whether Congress acted with wisdom in fixing the present salary for these men which they should now really enjoy.

Carriers assigned to the collection service are employed the same number of hours as other employees in the Postal Service. Their schedules are so arranged that they work every minute of their eight hours. Routes are so arranged, letter boxes must be reached on almost the exact minute, and the high continuous speed must be so maintained that not one minute in their day's labor but must be accounted for. Carrying hundreds of pounds of most valuable and important business mail, often making hotel deliveries and carrying important parcels en route, this work calls for a regularity and reliability of service that demands the most faithful and trusted sort of an employee.

Then, too, the work is most arduous and trying. Constantly maintaining a hurried speed, working always where crowds and traffic are most congested, unceasingly alert to avoid accident, burdened with heavy loads, careful to protect the valuable and important charge with which they are intrusted, these employees are one of the most necessary and indispensable factors in the great postal organization. To assert that these positions are other than trusted and responsible is a statement that is absolutely and unqualifiedly untrue.

Moreover, the application of the order of February 4, 1915, resulted in another change in the service which did not, to say the least, make for its added efficiency. Older men were transferred from collection service to delivery service and the young and active men were in turn assigned to the collection service. Thus in effect the very spirit and purpose which the department alleges was responsible for the issuance of this order was in fact largely defeated by the very operation of the order itself.

To further prove to you in what high estimation the position of collector is held, I have here in my hand an order issued by the Chicago post office instructing such employees in the proper performance of their duties. This order is entitled "General rules for the government of collectors," and in all there are 78 regulations of discipline which these employees must observe, and I insert it as part of my remarks and for the information of the Members of this body. Quite an imposing list, I would say, for a position that is considered unimportant.

[Circular No. 61. Post office, Chicago, Ill., delivery division.]

GENERAL RULES FOR THE GOVERNMENT OF COLLECTORS.

DONT'S.

Don't solicit contributions from the public.
Don't smoke while on duty.
Don't carry your satchel in a way to endanger its contents.
Don't remove stamps from mail matter.
Don't fold photographs, pictures, calendars, and like articles.
Don't fill out your trip reports except as time is made during the day.
Don't exhibit mail matter to anyone.
Don't receive money to pay postage on letters handed you for mailing or receive the letters unless stamped.
Don't stop for meals while on your trips.
Don't engage in any business not connected with this service during your working hours.
Don't injure, deface, mutilate, or destroy any furniture or property of the Government or of contractor.
Don't make overtime.
Don't expand your actual time.
Don't do anything either in the office or out of it that will bring discredit on the service.
Don't contract debts which you have no reasonable prospect of paying.
Don't enter a saloon in uniform when on or off duty.

MUSTS.

Collectors—
Must accept instructions from and give desired information to properly accredited post-office inspectors.
Must make prompt report of letter-box locks or keys found in bad order.
Must specify the nature of trouble when reporting boxes out of order.
Must not put oil or grease in locks.
Must, in season provide themselves with small cans of alcohol to thaw frozen locks.
Must not expose letter-box keys to the public.
Must keep letter-box keys securely fastened through two rings to chains, which must be attached to their persons.
Must make prompt report of the loss of letter-box key or lock.
Must not attempt to alter or repair a letter-box key.
Must not continue to use a letter-box key that is cracked, even slightly, but should get a new one.
Must report defective time cards.
Must not permit time cards to remain on boxes which show collections at variance with existing schedule.
Must not deviate from prescribed routes without leave. When necessary to do so the departure must be reported.
Must not stop to talk or loiter on duty.
Must give preference to first-class mail when all the contents of boxes on the routes can not be taken.
Must make report of mail left uncollected, specifying trip.
Must not omit collections from boxes on the routes.
Must make a thorough examination of the interior of boxes when emptying them.
Must leave no mail in boxes.
Must examine the tops of boxes and collect mail found thereon.
Must accept letters and other small articles handed them for mailing when postage has been prepaid, but must not delay their collections by waiting for such mail.
Must not return to any person letters deposited in letter boxes.
Must refer all persons making request for such letters to inquiry division, post office.
Must exercise great care in emptying sacks, so that no mail will be left therein.
Must examine all sacks received from post office, stations, relieving wagons, and mail cars, as also sacks left in their wagons at end of duty.
Must report mail found in supposed empty sacks, giving the addresses and business cards on at least three of the articles found; also giving hour and date when found.
Must not sit down on sack or read newspapers when waiting for relieving wagon or mail car.
Must make Sunday and holiday collections complete under all circumstances.
Must keep in their possession an up-to-date list of boxes on route—also schedule showing time of collections of each box—for use of substitutes.
Must not encourage or advise the public to place mail on or under boxes.
Must not lend collector's satchels or tie sacks to the public.
Must not store wearing apparel, umbrellas, lunches, or personal property of any kind in letter boxes.
Must not leave mail in wagon unguarded.
Must exercise proper care in the use of their equipment—horses, wagons, harness, etc.
Must not turn out of street-car tracks with horse moving on a trot.
Must not drive with a loose rein. If the reins are drawn up taut a driver can frequently save a horse from falling when it stumbles, preventing the breaking of shafts and harness.
Must not leave their horses without securing them by weight or hitching strap.
Must not face mail or engage in anything that will take attention from the horse when driving.
Must not jump out of wagon before stopping the horse with the reins.
Must not cross tracks immediately in front of approaching trains or cars.

Must not allow unauthorized persons to ride in wagons.
Must not make alterations in equipment without consent of contractor.
Must keep lamp supplied with candle and light up at dark.
Must face first-class mail and circulars at end of trip.
Must travel at an even speed over the routes, at a rate that will complete the trip not to exceed five minutes before time is set for the end.
Must not use United States mail bags and satchels for any other purpose than for carrying mail.
Must record actual time on time records regardless of schedules.
Must not permit the delivery of parcel-post mail to interfere with collections except upon the trips set aside for parcel-post delivery.
Must not curtail the collections on these parcel-post trips any more than is required to effect delivery of the parcel-post matter.
Must record upon time card the number of boxes collected on these parcel-post trips.
Must mail time card daily at end of duty.
Must keep uniform in a neat and clean condition.
Must always appear in full uniform when on duty.
Must report all incidents which interfere with the full performance of work within schedule time.
Must report all matters that come to their knowledge pertaining to the service that should be known to this office.
Collectors who pouch mail for dispatch on steam railroads must see to it that pouches are securely locked and labeled, label to bear date and name of collector.
When two or more pouches are dispatched the labels must be numbered serially, the number on the last pouch to be followed by an "X." When but one pouch is dispatched no number must appear on the label.
If letter or package box is found unlocked, the collector making last previous collection will be held responsible.
It is the duty of every collector to report defective boxes, posts, locks, time cards—in fact, all that might require the attention of this office, but the No. 1 man or day collector throughout the service is specially charged therewith and is held accountable.
A clerk is on duty in this office daily until midnight. When in trouble or uncertainty, use the telephone—Harrison, 4700.
It is a pernicious practice to carry mail from letter box to cart or wagon in hand. Collectors must always use a sack to make the transfer of mail from letter box to sack direct.

ACCIDENTS TO HORSES, EQUIPMENT, ETC.

A brief notation concerning accidents to horses and equipment, recounting the effect upon the service, must appear upon the collectors' time cards. Full and detailed report concerning same must be made to the superintendent of collections in addition thereto.
In case of accident by street or railway cars or collision of any kind, collectors shall secure the names of witnesses to the occurrence. This precautionary measure is necessary as a means of protecting the collector from an unfair charge of carelessness, and will also enable the equipment contractor to proceed against persons responsible for the accident.

ABSENCE FROM DUTY.

Collectors must not unnecessarily absent themselves from duty. When compelled to be absent because of their own illness or that of some member of their family, collectors must send word by messenger, by telephone, or otherwise, and at such time that the superintendent of the station will receive it before their term of duty begins. Should the absence on account of personal illness extend beyond one day, written application must be made for leave for as many days (not to exceed 30) as appears warranted. When absent more than three days on account of personal illness, the application for leave should be accompanied by a physician's certificate. If no physician is employed, satisfactory evidence of illness must be given in the form of a written statement of the facts.
Collectors desiring to be absent for any reason other than sickness are required to make previous application, using prescribed blank.

LE ROY T. STEWARD,
*Superintendent, Delivery Division.*

Approved.

D. A. CAMPBELL, *Postmaster.*

JULY 15, 1915.

So self-evident to everyone who gave the subject a thought was the reduction in the salaries of these employees as an unjust and unwarranted action that Congress at the last session, alive to the complaints of the people and these employees, set about to rectify the wrong done. The Post Office appropriation bill providing for the needs of the Postal Service for the fiscal year 1915 failed of adoption during the last session of Congress. In its stead a joint resolution providing for the needs of the Postal Service was passed. This brief resolution was long enough, however, to contain the following specific provision for the protection of the interests and the preservation of the salaries of such letter carriers as are employed in the Postal Service of the country:

*Provided*, That letter carriers assigned to collection service who were promoted to the higher grades in accordance with the classification act, approved March 2, 1907, and whose salaries have been reduced during the past year through no delinquency or charge of misconduct on their part, shall be restored to their former grades.

This provision accurately reflects the temper of Congress on the question of reducing the wages of these employees. It seems impossible that any man or set of men could misunderstand what Congress, the lawmaking body of our Nation, intended should be done. They wanted no reduction in wages. They did not desire to create a new grade of letter carriers.

Yet, notwithstanding the directness of this mandate, the policy of establishing a maximum salary of $1,000 to be paid letter carriers assigned to the collection service is still continued by the Post Office Department.

Again, in an effort to have its wishes obeyed and to yield to these faithful carriers such equitable treatment as they are most justly entitled to, the Committee on the Post Office and Post Roads has again inserted in the pending appropriation bill the following section:

That hereafter there shall be no distinction in salary made between letter carriers assigned to collection duty and letter carriers assigned to delivery duty: *And provided further*, That letter carriers whose salaries have been reduced as the result of any order of the Post Office Department making the maximum salary $1,000 to be paid letter carriers assigned to collection duty shall be restored to their former grades.

I am quite confident that the Members of this body are practically of one mind in the necessity and pressing need of the adoption of this measure. Its purpose can not and should not be misunderstood. It is a mandate of Congress, and the intent and spirit that prompted the framing of this provision should not be evaded or misinterpreted. These employees, who have had their salaries reduced through the operation of a departmental order, must have this same salary restored to them. That is the exact meaning of this measure. And, furthermore, let me add that in the present prosperous condition of this country, with every issue of our daily papers bearing the glad tidings to our people that employers in civil life in all lines of industry are voluntarily increasing the wages of their employees, at such a time it seems an absurdity beyond the comprehension of a reasonable mind why our Government or any of its departments should seek to take from as faithful, trusted, and reliable set of employees as ever graced the portals of any institution a part of their already ridiculously meager income.

Mr. Chairman, the Post Office Committee in making up the appropriation bill which is now pending gave earnest and careful consideration to the conditions of employment surrounding the vast army of postal employees.

We have incorporated in this bill a number of amendments calculated to not only remedy conditions in the service about which the employees have bitterly complained, but we have also adopted amendments granting additional benefits to these employees.

I believe that in any great organization, such as the Postal Service, the best results and the highest efficiency can only be achieved through the whole-hearted cooperation of a contented and loyal force of employees.

Let me again call your attention to the amendment on page 14 of the bill, which provides that hereafter there shall be no distinction in salary between letter carriers assigned to collection duty and to carriers assigned to delivery duty. The amendment further provides that those letter carriers who have already been reduced because of the department's order that letter carriers assigned to collection duty should not receive more than $1,000 per annum shall be restored to their former grade.

This amendment was adopted by the committee at my suggestion, and its purpose is to undo the harm that has been done to many faithful old letter carriers throughout the country, who, after serving the Government faithfully for many years, were suddenly reduced in compensation from twelve hundred dollars per annum to $1,000 per annum. This reduction came to these employees as a very severe blow.

In this amendment the committee aimed to definitely place the construction of Congress on the salary classification act of March 2, 1907. This act applies to post-office clerks and to letter carriers employed in the City Delivery Service. This act provides for their promotion from grade to grade on the basis of their service in each grade. This act did not provide that any distinction should be made as between letter carriers employed in either the collection or delivery of mail matter, and the committee did not believe that the department, by its interpretation, should read into the act of March 2, 1907, something that it did not contain.

The committee has also incorporated in this bill an amendment to provide for the promotion of 5 per cent of the clerks from the twelve-hundred-dollar grade to the thirteen-hundred-dollar grade and for the promotion of 5 per cent of the clerks in the thirteen-hundred-dollar grade to the fourteen-hundred-dollar grade. When the salary law of 1907 was adopted, Congress created the designation of "special clerk" at thirteen hundred and fourteen hundred dollars per annum. This designation of "special clerk" was created as a blanket designation to cover certain classes of clerks who, under the old salary law of 1889, were authorized to receive as much as fourteen hundred dollars per annum.

However, when Congress created the designation of "special clerk" it did not provide any means of promoting the deserving clerks to these higher grades. This amendment specifically provides for this promotion and provides a definite method of promotion. This amendment also provides that 5 per cent of the clerks at second-class post offices who now receive eleven

hundred dollars per annum shall be promoted to twelve hundred dollars per annum. Although Congress provided a twelve-hundred-dollar grade for clerks in both first and second class offices, no provision has ever been made until now to promote these clerks in second-class offices above the eleven-hundred-dollar grade.

I am sure that the efficiency of the men will be improved, because it will now be possible to reward them for their zeal in discharging their duties.

Our committee adopted another amendment providing that clerks in first and second class post offices and letter carriers in City Delivery Service shall be allowed compensatory time off duty for all necessary work performed on the recognized holidays. Because of the nature of their employment it is necessary for many of these employees to be on duty not only on holidays but on Sundays as well. In 1912 Congress adopted legislation providing that these employees should be given compensatory time off duty for all Sunday work performed, and it is only a matter of elemental justice that they should also have compensatory time off duty for the work performed on holidays.

Another amendment of much importance to the clerks and carriers is one that provides that substitute post-office clerks and substitute letter carriers shall be paid at the rate of 35 cents per hour when performing auxiliary service or temporary service however designated. This amendment is incorporated in the bill to cure an evil that has become widespread because of the practice of temporarily appointing these substitutes for indefinite periods at the annual rate of $800 per annum, which is the lowest grade of compensation provided by law for regularly appointed clerks and carriers. This rate of $800 per annum on an hourly basis amounts to but 27½ cents per hour. The injustice of compelling substitutes to work at this low rate, through the medium of this subterfuge, whereas Congress had enacted legislation to give them 35 cents an hour, is so apparent that it needs no extended comment.

The committee also voted to extend the so-called Reilly Compensation Act, which provides for the compensation of certain employees who have been injured in the discharge of their duties in the Postal Service and for the further compensation of their legal heirs in case of death resulting from such injuries, so as to apply to all other classified civil-service employees in the Postal Service not heretofore covered.

I was particularly pleased with the action of the committee in agreeing to my amendment that certain of the printers employed in a few of the very largest post offices which maintained printing offices shall hereafter receive $1,500 per annum, thus permitting them to enjoy the same wage scale paid to their fellow craftsmen by private establishments operating in the same community.

The Post Office Committee voted to abolish the $720 grade for laborers engaged in the Postal Service, thereby establishing a flat rate of $840 per annum. The committee was unanimous in recognizing the fact that $720 per annum was not a sufficient compensation upon which the Government could expect these employees to support themselves and families.

Mr. Chairman, later on in the session I hope that the Post Office Committee will consider legislation to provide for the establishment of an impartial "trial board," whose duty it shall be to sit in judgment in the cases of all postal employees against whom charges may be filed which might involve either the removal of the employee or his reduction in rank or compensation. Under existing conditions there is too much arbitrary authority vested in the supervisory offices. Now the accused employee can not secure fair treatment. Under the present system the proceeding is all one sided. The employee does not even have access to all of the charges in the case against him, which are sometimes secretly filed. The good of the public service, as well as the protection of the rights of the employee, demand the enactment of legislation for the establishment of a "trial board," which is merely putting into effect the American doctrine of a fair trial.

Another great and disturbing problem is the matter of night work in post offices. Because of the nature of the business, many letter carriers and the vast majority of the clerks in post offices are compelled to labor at night. It is time that something should be done to relieve this army of night workers.

For many years this condition has been recognized as an unjust condition in the postal service of England.

In the English postal service seven hours of night work is recognized as the equal of eight hours of day work. In the English postal service the difficulty of working at night is further recognized by providing for the payment of time and a quarter for all labor performed in excess of regular schedule.

Here in the Government Printing Office in Washington the exacting and unhealthful nature of night work is recognized, and the night workers in this establishment are employed on the basis of a considerable less number of hours than are the day workers.

In addition to the discouraging amount of night work which is imposed upon post-office clerks, they are also compelled to devote many hours of their precious leisure time, so badly needed for their recuperation, in the study of difficult schemes of mail distribution. In fact, the post-office clerk is never free from study from the time he enters the service until he leaves it. For all these hours and hours which the clerk puts in at home in the study necessary to be expert in the distribution of the mails he gets no consideration from the Government whatever, either in additional compensation or in time allowance for this study.

The Congress enacted a law providing that post-office clerks shall not work more than eight hours per day, and that when obliged to do so they shall be compensated extra therefor. Surely these hours and hours of study which these clerks put in at home after their regular tour is work of the most exhausting character, and these professional post-office men, the expert distributors, should receive compensation for these hours of study, either in cash or by way of a time allowance sufficient to enable them to maintain themselves at the point of efficiency demanded of them. To memorize a scheme of distribution consisting of three or four thousand post offices, to know the various railroad trains which are to carry the mail to the post offices at different hours of the day and night, and to store away in their memory the changes that are taking place from day to day is a tremendous task.

The tendency of the department is to exact still further perfection from these distributors; in fact, this tendency is now being carried to an extreme that seems wholly unnecessary.

Mr. Chairman, it is well that we should know of these conditions of employment which surround these faithful servants who are responsible for the wonderful efficiency of the Postal Service, upon which depends the whole fabric of the business and social life of the Nation.

These employees are as much a resource of the people as any other element that can be named, and I believe it should be our policy to conserve our resources. Conservation is the theme of the hour.

After studying carefully the Post Office Department and its treatment of the men who compose the Postal System, I am led to ask this question:

Are the present Post Office Department officials above the law? It has been brought to my attention that in an address made by First Assistant Postmaster General Roper before a meeting of first and second class postmasters, held in Washington in October, 1915, in speaking of the policy of the Post Office Department made the statement that—

> If any postmaster has incurred ideas regarding the policy and purposes of the department and felt that he was not exactly in accord with the department, that he should get himself straightened out, and if he could not accustom his ideas to those of the department that it would be better for him and better for the service to tender his resignation.

This statement was made to a body of men who are appointed by the President and confirmed by the Senate to conduct the post offices in their respective cities and who are presumed at least to be familiar with the customs and conditions prevailing in their cities and should know how to conduct the Postal Service to the best advantage of the public.

I have also been informed that the First Assistant Postmaster General, in response to invitations mailed to him by the postal employees' associations, after lecturing them regarding their official duties took upon himself the responsibility of setting a standard for the postal employees to follow that he assumed without warrant of law. I submit as part of my remarks copies of the papers sent by Mr. Roper and read to these organizations:

MR. ROPER'S ADDRESS.

> Mr. President and fellow postmasters [applause], if I did not feel that I am one of you, struggling just as you are, with the same objective that you have, as intensely interested as you are in giving to your respective communities efficient postal service, I should not feel free to talk to you as I shall this morning in regard to some rather delicate and yet very imminent problems in our service. I assume that all of you gentlemen have come to this convention for the purpose of learning by discussing these problems to become the most efficient postmasters that have ever been known in the classes which you represent. [Applause.] I am enthusiastic over my postmasters. I try to enter into their spirit. I try to put myself in their shoes, and, imbued as I am with your high motive and objective, I am going to discuss plainly, freely, and frankly with you this morning some of the things which disturb you and which disturb me possibly more than you, because of the fact that you represent larger post offices, where the organization is more compact, making the service in your offices more carefully supervised than in some of the smaller offices of the country. If this be the case, then I am discussing these things with you as an advisory board or as a committee of the whole on the state of the union. If, however, the conditions which I shall discuss exist in your offices, the discussion will be for the purpose of helping you and the department to bring the

service at your offices to the condition that you desire and your people demand. [Applause.] I regard you as the postmasters that are keeping the post offices on the map, because you are doing more than 80 per cent of the postal business of this country. I was interested some time ago in a little story that will illustrate what I am trying to say. A church revivalist got off the train at a town where he had been scheduled to hold revival services. I will state that was a Methodist church, as that is my church [applause], and not having before visited the community he said to a newspaper boy: "Johnny, would you please show me the way to the post office, as I wish to mail a letter promptly to my wife?" The lad responded: "Yes, sir; I can show you the way to the post office." He carried the preacher down two or three blocks, and, pointing out a distant building, said: "There is the post office; everybody here knows where the post office is." Then the preacher put his hand into his pocket and drew out a coin and, handing it to Johnny, said: "Here's a dime I give you, Johnny, for your trouble in showing me the way to the post office. Take a nickel of this and come to the Methodist Church to-night and I will show you the way to heaven." "Oh, mister," said Johnny, "you can't do that." "Yes," replied the minister, "that is my business, showing people the way to heaven." "Why, mister, you don't know the way to the post office." Now, I regard postmasters as the individuals who are showing the people in this country the way to the post office, and by that I mean the best use, the proper use, of the post-office facilities.

Before I begin my discussion I wish to say that any postmasters who have not attended to their leave of absence and who would like to do so at this time will have an opportunity to hand in such requests when you visit the department to-morrow according to a schedule which I shall outline in a letter which will reach you this afternoon. Those who have already filed their leave requests, either by mail or since they have been here, will not repeat them. The Postmaster General wants to see you postmasters and have the opportunity and pleasure of shaking the hand of everyone here. The schedule that will be outlined in my letter will provide for your reception by groups of States at hour intervals, so as to give you opportunity to visit the Postmaster General, visit the auditor's office, and transact any business which you may wish to bring personally to the attention of the department.

SOME THINGS A POSTMASTER MAY DO TO INCREASE THE BUSINESS AND EFFECTIVENESS OF HIS OFFICE.

ACCOUNTS.

The most vital and important phase of a postmaster's service is his supervision of the financial and accounting work of his office. Strange to say, a large number of postmasters have been in this particular extraordinarily derelict. This situation can not be more forcibly brought to your attention than through the statement that irregularities in accounting have been directly responsible for the recommendations by post-office inspectors for the removal of about 500 postmasters during the fiscal year 1915. But few of these cases involved intentional embezzlement. In his own interest, as well as in the interest of the service, a postmaster must be peculiarly scrutinizing and vigilant in protecting public funds and in keeping a close personal check on all accounts.

Postmasters should not only see to it that inaccuracies do not creep into their accounts, but that these accounts are handled with the utmost promptness. All monthly, quarterly, and special reports to the auditor and the department should be forwarded without delay, if for no other reason than that to do so will avoid the expense of correspondence and delay in the work of the auditor. Indeed, some postmasters seem to await a request in every case and not infrequently two or three requests are necessary.

All postmasters in attendance on this convention should visit the Auditor for the Post Office Department and secure the benefit of the suggestions of that official. The improvements which he has inaugurated are designed to protect the postmasters as well as the Government through a clear analysis and settlement of accounts at the end of every quarter. Postmasters should render on the last day of the quarter a statement of credits and remittances in transit to balance the total amount of their debits, less the authorized reserve. This will save correspondence and keep their offices in good standing. It is an important feature of this new plan that every postmaster will receive a statement from the auditor at the close of each quarter showing the exact status of his account. While the auditor is an officer of the Treasury Department, the laws governing his work require him to make administrative examinations of postal accounts and hence contemplates the fullest cooperation on the part of postmasters.

The withdrawal of salaries by some postmasters at irregular intervals has been a prolific cause of irregularities in bookkeeping and shortages, which, unfortunately, have necessitated in some cases severe disciplinary action. A most salutary order has just been issued by the Postmaster General requiring postmasters of the presidential grade to withdraw their salaries only twice a month, namely, on the 15th and last day.

ALLOWANCES.

An unfortunate attitude has been manifested by some postmasters toward the department's efforts to keep the allowances for 1916 down to a point where they will not exceed the limited appropriations provided by Congress. The postmaster naturally represents his community, and it is an evidence of the right character and one that is respected by the department for an active and aggressive postmaster to seek for his office all that it is entitled to, but I hope that postmasters will appreciate that special favors will not be granted to anyone and that the entire effort of the department is to standardize its service and allowances and to keep within the appropriations granted by Congress. If a postmaster fails to receive all that he asks for, he has at least the consolation of knowing that he is being treated equitably with others. An illustration of what I am endeavoring to bring to your attention is found in a communication I received some time ago seriously objecting to a cut in the allowance requested by the postmaster for the quarter when the amount allowed was the same as used during the corresponding quarter last year. Now, the postmaster, of course, knew that the department is this year required to operate on exactly the same total amount of money as was allowed during the fiscal year 1915, but in spite of this he seemed to consider the department's action in reducing his allowance as unwarranted. He even went so far as to state that if he was not granted the increased allowance which he had requested he would sit back and let the responsibility for the service be borne solely by the department. It is hardly necessary to comment on this kind of attitude on the part of a postmaster. The quicker this postmaster's viewpoint is changed the better for the department and his patrons, even if to accomplish this it becomes necessary to separate him from the service.

Some postmasters seem to feel that when they do the least work possible to meet the demands of their offices they have performed their duty; that their chief concern is to impress their employees and the public with their own importance. Permit me to illustrate with this story: Some years ago a United States Senator happened to be passing the home town of another Senator. Near the railway station the visiting Senator saw a most beautiful horse. He walked up to the hostler and said, "What a magnificent horse! Do you own this horse?" Oh, no; it belongs to Senator Blank." "I suppose that is a draft horse; my, but he could pull tons." "No," the attendant said, "he would not pull anything." "Then he is a saddle nag; just look at his back. How wonderfully round and beautiful and symmetrical it is. A man would never know he was on a horse's back; he would think he was in a cradle." "No," the attendant said, "he would not carry the weight of your hat. No good for that." "Well, my dear man, of what earthly use is this horse?" "Oh, well," said the attendant, "he serves the same purpose in this community that his master does in the United States Senate. He sets the style." [Applause and laughter.] Now, we have no room for postmasters to set the style, and I do not believe that we have postmasters who want to confine themselves to sitting down and looking wise, or to getting fat by sitting. I believe we have put more postmasters on their feet during this administration than ever before. [Applause.] And by that I do not mean that we have done it by giving them salaries on which to subsist, but we have actually got them to walk and look after the business affairs of their offices.

Another instance of this kind was that of a postmaster who had received the usual letter from the department suggesting that, if feasible, he prepare, with the cooperation of interested patrons, a parcel-post exhibit for presentation at a local fair. In the letter of instructions to him it was distinctly stated that the department had no appropriation from which any expenses in connection with such exhibits could be defrayed. Notwithstanding this, the postmaster under review incurred a small amount of expense, for which he requested reimbursement from the department, stating at the same time that he had, through the means of the exhibit, saved the department a considerable sum of money. This, of course, the department appreciated, but seemed not to be able to explain to the postmaster that there was no appropriation out of which he could be reimbursed. Such an attitude on the part of a postmaster raises doubt as to his competency, for it should be a matter of common knowledge that the department can not expend money for purposes for which Congress has not appropriated it.

Such instances as these are in great contrast with the correct attitude manifested by a postmaster whose request for additional assistance had been curtailed by one-half. He wrote the department in these words: "While I regret that it was not possible to allow me all the additional clerks requested, every effort will be made to satisfactorily meet the needs of the service with the available help."

Postmasters must not infer from this that the department is not appreciative of the fact that business conditions are rapidly improving throughout the country and that they must be sustained in caring for this business. Were it feasible to locate and take up all slack in the service, it would not be an impossible undertaking to meet every demand which this increased business will bring during this fiscal year without appointing another clerk or carrier before July 1, 1916. Such a result is not practicable, and the department can only ask the postmasters to cooperate with it to the very best of their ability in placing the service on the highest basis of efficiency and business which the local conditions will permit. Your work with the department during the last fiscal year enabled the Bureau of the First Assistant to close the year with an unexpended balance of more than $5,000,000, and we feel that our reorganization work, when applied to the collection and delivery of mail to the same extent as it has been to the inside organization of post offices during the last two years, will easily enable the department to live within the appropriations of 1915. One of the miscellaneous outside endeavors of the postmaster should be to educate the public to a proper conception of the importance of fully addressing mail. The great loss to the department annually on account of improperly and insufficiently addressed mail has so impressed me as to prompt the recommendation, which I have just made to the Postmaster General, that Congress be requested to authorize the department to make a charge of 1 cent to be collected where directory service is given on account of the entire omission of the street address, and which is necessary to effect delivery.

DISCIPLINE.

The first requisite of efficient service is a loyal and satisfied working force, and it is the duty of postmasters to endeavor constantly to bring about and maintain this condition of their offices. The department holds the postmaster to a strict accountability for the satisfactory conduct of the laws and regulations affecting employees. The postmaster should assume a sympathetic and free attitude toward all employees and should establish a reputation for justice and impartiality in dealing with all matters of discipline. He should endeavor to see that meritorious service is suitably rewarded, and, on the other hand, that employees who create a weak place in the organization, on account of incompetency, bad habits, or insubordination, be adjusted to or separated from the service. Every employee in the post office should have access to the postmaster and be assured of a courteous and considerate hearing. No postmaster can become a successful disciplinarian unless he sees to it that a record of every employee is kept with great care, and that demerits are imposed impartially as required by the printed schedules furnished by the department. In case disciplinary action becomes necessary it is the grave responsibility of postmasters to see that the provisions of section 29 of the Postal Laws and Regulations are scrupulously complied with. Charges must be preferred to the clerk, carrier, or other employee concerned, in writing. He must be afforded an opportunity to submit his defense before the papers are forwarded to the department.

I am reminded of a story I have often told, and will ask you to pardon me for using it again. When I was at college one morning the president met me and said, "Young man, let me give you a thought for the day." The suggestion impressed me and I said, "Professor, give it to me." The professor replied, "Remember that a chain is no stronger than its weakest link, and that your character is made up by days which form the links of your character. Mind your actions to-day." After years of deliberation I have reached the conclusion that my professor did not state the whole truth involved. He might have said, "As related to human beings, especially as related to this association, and the Postal Service, by cooperation it is possible to make the chain as strong as its strongest link." [Applause.] That is the objective that you and I have as postal officials. Make it your object here to-day to counsel and advise with each other on these various problems, and with the officers of the department, so as to go away from here not

with the thought of the weakest man in this convention, but with the thought of the strongest participants in this convention.

RELATIONS WITH THE PUBLIC.

The postmaster is the intermediary between the department and the people, and it is highly desirable that every postmaster should seek by every means at his command to bring about the closest cooperation, both between the department and his office and between his office and the patrons. The postmaster has an opportunity to perform service of great civic importance to his community and this opportunity should not be overlooked.

Postmasters are expected to assume a positive rather than a negative attitude toward the public, their constant aim being to adapt the facilities of their office to the requirements of the community and at the same time seek in every practicable way the cooperation of the patrons. Invaluable assistance may be obtained from chambers of commerce, boards of trade, and other civic organizations. By properly approaching these bodies postmasters may induce them to make a study of the postal situation and to bring to the attention of their members the desirability of cooperation with the post office. On proper representations from the postmaster many of these organizations will be found willing to charge some one of their committees with the duty of joining the postmaster in a campaign among the commercial and manufacturing houses for a more intelligent and effective use of mail facilities. This would include more careful addressing of mail, a primary assorting of mail into at least three classes (long, short, and packages), the facing of mail matter, the depositing of mail at the stations or the post office proper to obviate box collections and expedite dispatch, and to deposit their mail as early in the day as possible, and also to teach the public the full and correct use of the parcel-post facilities. The department is now working on a circular letter giving suggestions along these lines, which, it is hoped, may be of assistance to you in giving effectiveness to this suggestion. Local conditions, however, vary so much in different localities that real success along this line will depend upon the intelligent and constructive endeavors of the postmaster and his representatives in approaching and handling the public, and upon his zeal in following up such plans. We all must realize that his is a campaign of education which will require time and constant effort to bring to full fruition. It should be gratifying, however, that results are already being realized from the educational campaigns which have been made a feature of our service, especially during the last two years. An interesting and telling illustration of this is the fact that we are this year successfully administering the Postal Service and taking care of its expansion within the limitations of the appropriations of 1915. When you consider that the normal expansion of the service for a number of years has been from 6 to 8 per cent, it is easy to see that we are securing effective cooperation all along the line. This work, however, is only begun, and you postmasters have the opportunity of meeting even greater necessities.

The success of administrative officers, and especially of postmasters, is frequently in proportion to the patient attitude they manifest toward the public. The public should be made to feel that the postmaster is willing at all times to meet them, hear grievances, redress wrongs, and supply necessary postal facilities. There is a psychological element associated with complaints and grievances, and thus postmasters who manifest an open-minded cooperation are sure to have less trouble than those who have neither the disposition nor patience to permit the public, as well as the employees, to present their troubles, however trivial, and have them sympathetically considered. While the postmaster must respond to these demands, prompted by the public sentiment of their communities, they must not forget that they are the local representatives of the department and act in harmony with the department on those questions of larger importance fixed by general policies for the entire country. For instance, there is a disposition on the part of some postmasters to encourage local business committees to urge upon the department and to agitate publicly the erection of post-office buildings, and to secure for their postal districts special consideration and special privileges. Public buildings for post-office purposes have in the past been erected at many places where the needs of the Government do not warrant their construction, and widely varying limits of cost have been fixed for buildings, for which the needs are about the same. The Treasury Department, which has jurisdiction over the matter of public buildings, is constantly seeking to improve this condition, and the Postmaster General, who is deeply concerned in those buildings which are used for post-office purposes, has taken the position very decidedly that buildings should not be authorized primarily because of civic pride, but for economic and utilitarian reasons. It is only proper courtesy, therefore, for postmasters to have due regard for the attitude of the Postmaster General and to take no part by suggestion or otherwise in a campaign to secure the authorization for a site, or for a site and building, until they have ascertained whether the needs of their community, in the opinion of the department, justify the expenditure of public money for that purpose.

POSTMASTERS AS GOVERNMENT REPRESENTATIVES.

In every community the postmaster is the representative of the Federal Government, and if he takes the broad view of the position which he should he will interest himself in many things which do not bear directly on the routine work of his office. The public will recognize that it is worth an effort on their part to curtail unnecessary mailing of franked and official matter, both on account of the expense to the Postal Service in transportation and handling and on account of the fact that the sending department or establishment is not aware that its mailings are failing to have the proper effect. Therefore, postmasters who are receiving large quantities of this kind of mail for distribution at their offices may well scrutinize the nature of the communications and by inquiry of their patrons determine whether a good purpose is being served by the full volume of these mailings, and, if not, they should make suitable suggestions to those in charge of the distribution of the franked or official mail in question.

The holding of parcel-post exhibits at State and county fairs, as suggested to postmasters in the past two years, is unquestionably conducive to a more extensive and intelligent use of the parcel-post facilities by the patrons of post offices. Similar efforts of this kind will occur to the minds of ingenious postmasters, and perhaps none is more effective than the practice of arranging with superintendents of schools for making addresses before different classes regarding the proper use of the mails. In this way the people can be readily induced to see that their mail is properly and fully addressed, that return cards are placed on letters, that sufficient postage is affixed and in the proper place, and that all of the facilities of the post office will be used in a proper manner.

There exists in the public mind an impression that proper encouragement is not given to the public generally to bid on contracts covering Government service. The rapid expansion of the Postal Service in the last few years makes these contracts more important than ever before, but unfortunately with the increase in the size of the contract there tends to be a decrease in the number of bidders. Postmasters can render a real service by promptly acquainting the public with advertisements for bids and by explaining the requirements—in other words, by encouraging in every way possible the submission of bids—and thus enable the department to eliminate every phase of graft and resemblance to special privilege.

COLLECTION AND DELIVERY SERVICE.

Special attention will be given during the coming year to the problems of City Delivery and Collection Service, which are becoming of increasing importance since the advent of the parcel post. In the past this phase of the Postal Service has been neglected, and postmasters will be expected to specialize on the administration of their delivery and collection service and the supervision of their carrier force. Local conditions vary so greatly that it is difficult to establish hard and fast rules of administartion or definite service standards. The employees engaged in this service perform their work largely away from the post office, free from surveillance of immediate control. The department has for some time been collecting data from many large post offices, and all postmasters at delivery offices are expected to familiarize themselves with the requirements of the different sections of their communities with a view to determining how many deliveries and collections are essential, and to inquire the connection made by collections with deliveries and by both with train arrivals and departures; they should also study the volume of mail on light and heavy days so as to secure a proper adjustment between the employment of regular carriers and auxiliaries, so as to comply with the eight-in-ten-hour law, and at the same time keep the expenditures down to the minimum amount; they should have close examination made of the office time and street time of carriers and of the general conduct and efficiency of these employees, upon whose service in the last analysis the public is prone to charge the entire performance of the Postal Service.

The failure of many city-delivery patrons to provide mail receptacles occasions great loss of time in every city, and, as a matter of fact, is the source of inconvenience to the patrons themselves. Postmasters have in many cases succeeded, by tactful representations through the medium of circular letters, in accomplishing a great deal to correct this situation, and this campaign should be prudently continued.

Some postmasters have been slow to grasp the policy of the department with relation to the salaries of carriers who are assigned to collection duty and have therefore subjected themselves to embarrassment in carrying out the wish of the department. The regular work of a letter carrier, as contemplated by the salary-classification law, embraces the routing of mail, the house-to-house delivery of letters, papers, and parcels, and the handling of c. o. d. matter. These duties require a degree of capacity and efficiency, for which Congress has provided a maximum salary in first-class offices of $1,200, and in second-class offices of $1,100. The work of collecting mail is also a duty which carriers may be called upon to perform, but this work requires no high degree of expertness or capacity, and it is not proper that carriers in the highest grades should be assigned to such work. Accordingly, the department has directed postmasters to assign to the work of collecting mail all the new and less experienced, as well as the less efficient carriers receiving not more than $1,000 a year. In cases of carriers receiving in excess of this salary and performing collection work, the postmasters are required to assign them to delivery work and to give them every opportunity to demonstrate their capacity to perform that work. It has developed that some of the collectors are not competent to perform regular delivery work, while others have signified their desire not to undertake that work, preferring to accept a reduction in salary which would permit of their retention in the service. The salary adjustments in this connection do not follow from any arbitrary division of carriers into two classes, as some postmasters have seemed to think, but are the result of a recognition of the relative efficiency of individual carriers. All collectors will be permitted at any time to undertake delivery work and earn promotion as letter distributors or into the clerical line.

EQUIPMENT.

Postmasters are expected to interest themselves in the equipment provided for their offices and in their proper maintenance. This is especially true of automobiles, which, with the passing of horse-drawn vehicles and with the establishment of consolidated screen wagon and delivery and collection services, will become an important feature of the service at all of the larger offices. They should maintain close surveillance over the performance of contractors, including carriers who furnish their own outfits, to see that the rights of the Government are protected, that equipment at all times presents a creditable appearance, and that Government-owned equipment is given the most careful and most circumspect surveillance.

CASE EXAMINATIONS.

Postmasters should be very strict in their requirements that all employees who handle mail, or might under any conditions be called upon to handle mail, take case examinations at least once a year in order to demonstrate their ability to perform this work, which must be considered as having an important bearing on their status in the office. This plan will be of the greatest service to postmasters in meeting the emergencies which arise in their service, especially during the holiday season.

SANITATION.

There is reflected in our Postal Service to-day the result of a campaign which has been waged in this country for several years in the interest of better sanitary conditions and more careful protection of the lives and health of employees and patrons. This is right. It is an evidence of education and progress to be encouraged by the Government, especially in the post offices, which are recognized as the civic centers of their communities. The department therefore has little patience with the postmaster who has not interpreted this "handwriting" and does not make every effort to keep his office clean and avoid criticism.

These are but a few of the many things which a postmaster may do to increase the business and effectiveness of his office. Others equally as important will no doubt receive the careful and intelligent consideration of this convention, and the success of your counsels will depend on the manner in which the digested and assimilated experience and wisdom of the strongest postmasters here are appropriated and utilized by the weakest of our force.

In closing I take pleasure in stating that, in my opinion, the Postal Service never before had a more zealous, a more intelligent, and a more effective corps of postmasters than is now in immediate command of our army of postal reservists who are serving and protecting our great American people and the institutions of which we are all justly proud.

It has been heretofore, and shall continue to be, my earnest endeavor to support and closely cooperate with you in meeting the public's expectations of you, and in turn I thank you for the loyal support which I confidently expect for the department.

The following is a paper sent to the convention of the Post Office Clerks' Association:

POST OFFICE DEPARTMENT,
FIRST ASSISTANT POSTMASTER GENERAL,
*Washington.*

THE DEPARTMENT'S VIEWPOINT ON THE POSTAL EMPLOYEE.

To the post-office clerks of the United States assembled in convention in the beautiful city of Los Angeles, I send cordial greetings and best wishes for an enjoyable vacation and profitable stimulus for the great public work of the Postal Service in which we are all engaged.

Those engaged in similar work have a natural bond of sympathy and union, and this condition manifests itself in the establishment of institutions that reflect the common interests and ideals of its members. Postal employees are naturally no exception to this principle. The common responsibilities of the Postal Service should and do maintain a close personal relationship throughout the entire personnel from the highest official to the lowest employee. A keen sense on my part of my relationship in this respect to all the post-office employees prompts me to speak to you at this time in such a direct manner as might be misunderstood, but for a recognition on your part that this relationship is mutual.

The American Postal Service is the only branch of the National Government that bears a striking resemblance to the great business institutions which are owned and operated by private citizens. In fact, a specious comparison may be drawn between the Postal Service and any of the great corporations through which huge amalgamations of capital are nowadays made effective in the activities of private business. The proceeds of taxation is our capital, the people are our stockholders, Congress is our board of directors, the President of the United States is the president of our enterprise, the Postmaster General is our general manager, the officers of the department are his staff lieutenants, the department is our head office, the post offices are our local branches, and the great army of clerks and carriers is the labor force of the postal organization. The raw material of this public utility is the mailed letter and parcel; its finished product is the letter and parcel delivered. Its business is the communication of intelligence and the transportation of commodities.

The Postal Service resembles a profit-sharing corporation, for its employees are all stockholders and so are its patrons.

In so far as the Postal Service may be compared with the private corporations, it is in some respects the greatest of them all. It operates more branches, utilizes more agencies, completes more transactions, serves more people, employs more labor, and is more vital to the welfare and happiness of all the people than any of them.

The Postal Service has become a wonderful organization, transacting an average of $1,000,000 worth of business a day, through about 300,000 human agents, at 58,000 post offices, to which must be added about 6,500 stations of all kinds, handling annually about 1,000,000,000 parcels, 10,000,000,000 pieces of first-class mail, and more than 1,000,000,000 pounds of second-class matter annually, serving 100,000,000 people in America, and conveying mail to all parts of the world.

In so far as the monopolistic tendency of the private corporations is concerned, the Postal Service is the most complete of all trusts.

A deeper study, however, of the analogy which we have drawn will show conclusively that the apparent similarity of the Postal Service to private corporations is only superficial. There is a fundamental difference running through the entire comparison. It is a difference of origin, ideals, policy, and purpose, and this difference colors every function and activity, changes the relationship of every patron, and alters the status of every employee of the Postal Service as compared with the private corporation.

Corporations, it is said, have no soul. The genius of the American Government is the soul of the Postal Service, which is a common cooperative endeavor of the people. It has its origin not in an act of Congress nor in the private bill of a State legislature, but in the Constitution of the United States; its ideal is not dividends, but the preservation of the Union and the advancement of civilization by the establishment and maintenance of means of communication; its policy is to operate its service not for profit, but for the convenience of the public; and its purpose is not in any sense selfish, but purely and entirely unselfish.

In principle there is all the difference in the world between working for some of the people and working for all of the people. Any plan of action affecting the Postal Service that does not take this principle into account is erroneous, and, if not doomed to failure, will be pernicious in its effects.

Just as the Postal Service is similar in form to a private corporation and its officers similar, apparently, to the representatives of amalgamated private capital, so are the associations of postal employees similar in form to the unions of organized labor. And just as the Postal Service is fundamentally different, in spite of all the superficial similarity, from the private corporation, so the association of postal employees is different from the labor union. The difference, again, is one of origin, ideals, policy, and purpose. The origin of the association of postal employees can not be in the need for resisting the selfish aggression of employers, its ideal can not be the protection of rights that are not assailed, its policy should not be to strive by force to secure concessions in the matter of wages and working conditions, and its purposes should not be selfish.

The department and its employees stand in a fiduciary relation to the people and this trust can not be maintained unless each in a spirit of reasonableness seeks the advantage and success of the other.

Organizations of postal employees have no official status which may be recognized by the department. They are not per se a part of the Postal Service nor are they essential to its conduct or welfare. They are purely unofficial. At the same time they may serve useful purposes and in a manner entirely unobjectionable to the department.

In addition to the information which most employees may secure from attending and participating properly in the discussions of postal problems the fraternal feature would naturally appeal to many, whereby life insurance and other benevolent features might be arranged on such a safe basis as would contribute to the convenience, safety, and happiness of the employees and those dependent upon them.

The social and fraternal features have the greatest value, provided those participating have a common viewpoint and that common viewpoint is not centralized in self but in the great Postal Service, which can be brought to the highest degree of efficiency only by the closest cooperation of every person connected with the service, from the newest substitute to the Postmaster General.

The direction of the Postal Service is partly with the legislative and partly with the executive branch of the Government. Congress enacts the laws, grants the appropriations, and holds the Post Office Department to an accounting for the enforcement of the laws and the disbursement of the appropriations; the department administers the service within the bounds set by Congress, and also studies the service with a view of recommending to Congress changes in the law and the amounts of the necessary appropriations.

The most important problems with which the department has to deal are those relating to personnel, the human element in the Postal Service. In the interest of good service, it is of the greatest importance that the force of employees be kept at the highest possible point of efficiency. A high standard of personal performance must be established and maintained and the conduct of employees kept under the strictest surveillance. I am not unmindful, in this connection, of the solemn responsibility imposed upon those who administer a service to which 300,000 men and women, representing, with their families, more than 1,000,000 individuals, have devoted their lives. Instances of maladministration are no doubt liable to occur, and miscarriage of justice is liable to mark the course of every human institution, but the department officer who forgets his responsibility to the postal employees is unworthy of his trust.

It is the duty of the department to recommend to Congress a suitable scale of salaries, which shall be commensurate with the duties to be performed and graded so as to provide an incentive to the workers and means for recognizing faithful and efficient service. For the proper administration of salary laws equitable systems of efficiency ratings must be established and impartially administered. In these matters the employees are vitally interested, but it is not proper that they should, except under the most extraordinary conditions, urge the advancement of their interests directly to Congress. There can be no objection to granting employees the right of petition to Congress or of appealing under justifiable conditions from the decisions of lower to higher administrative officers. But he who does not recognize that more can be accomplished by the employees and the department heads keeping close together and maintaining common viewpoints than by pulling apart has not gotten far in worthy progress for betterment. The action of employees in preparing and having introduced in Congress bills affecting the Postal Service without previously submitting them to the heads of the department and securing their cooperative endeavor is not only wrong in principle but will, if continued unchecked and unguarded, imperil either the position of the employees or the integrity of the service.

Economic conditions throughout the world are, unfortunately, such that all men may not enjoy the degree of ease and comfort to which every man naturally aspires. But America still offers to its citizens a degree of opportunity and prosperity that makes its shores the haven of the oppressed and needy of other lands and its Government the standard bearer of civilization. If we preserve our heritage of natural wealth and free institutions, our children's children may live their lives in peace and plenty. It is imperatively necessary that the integrity of our Government be maintained, that the confidence of the people in our political institutions be not impaired, and that our public services be conducted for the welfare of the people and not for the gain of any class or the selfish interest of those who are intrusted with the administration and operation of those services.

The Government is only incidentally an employer of labor, and it is no part of its function to establish new standards of wages. For the great mass of workers these standards must be fixed by the economic demand and supply, influenced as it is by the collective bargainings of organized capital and organized labor. For the Government to ignore the standards fixed by these forces and to make wages in the Postal Service unduly attractive would result in the reestablishment of the spoils system and place an unwarranted drain on the Public Treasury. There are good and valid reasons, in my opinion, why the salaries paid by the Postal Service should be from 15 to 20 per cent higher than in similar employments in private business, but a scale that would give Government employees much in excess of this would not be advisable or expedient. I may say that it is the plan and endeavor of the Postmaster General to recognize and grade salaries in accordance with this scale.

There should be no need in the Postal Service for organized efforts of employees to influence salary legislation. Both Congress and the department are interested in the welfare of the postal employees, but the department is even more solicitous of their welfare than Congress can be, because to the department, more than elsewhere, are known the demands made upon the employees, the problems and difficulties which they encounter, the value of their services, and the degree of their loyalty and faithfulness.

Another unfortunate tendency is that which has been manifested by some employees in inducing outside and organized influence to argue before the department questions of discipline. Again, I repeat that the Postal Service is not a heartless corporation that would grind the faces of those who serve it, but a cooperative endeavor that has the good of all and the harm of none in mind. The doors of the department and the minds of its officials will always be open to appeals based on statements of facts from individual employees. When the department is approached by employees with such facts in their cases, errors and wrongs will be readily redressed.

I have said that the department has a clear duty to perform in promoting the welfare and protecting the rights of its employees. This is all the more incumbent on the department for the reason that these employees in entering the service of the Government must for the public good relinquish the exercise of part of their political rights. On the other hand, it is the duty of the department to see to it that the work of its employees is properly supervised and directed so that the people may receive an adequate return for the expenditure of public funds.

As a matter of fact, if the department pursues a truly enlightened policy in protecting the public interest, it can not fail to protect fully at the same time the interests of its employees. Any effort to oppress or harass the employees with a view to increasing the return from their labor will defeat the object of such a shortsighted policy. The first requisite of efficient service is a loyal and satisfied working force. It is therefore the first duty of the department to provide conditions under which its employees may reasonably be expected to be satisfied and loyal. Conversely, it is the duty of the employees to accept reasonable working conditions cheerfully and to render their very best and most loyal service. No man can do his best work unless he is in love with his work; and no man can be in love with his work if he permits

himself to harbor sentiments of discontent and selfishness. The department and the employees must get together and work together, casting aside forever all motives or selfish aggrandizement on both sides.

The greatest bar to this ideal condition is the liability of misunderstanding. Emergencies create hardships that can not at once be relieved; general orders for the good of the service must be promulgated; the inefficient can not be so generously dealt with as the efficient; discipline in individual cases must take its course. In the nature of things the administrative action of the department can not be subject to review by the employees, nor can the department be continually explaining and justifying its policies in respect to personnel. Herein lies the opportunity of the malcontent and the agitator. Out of a lack of understanding he creates misunderstanding, to the detriment of both the department and any misguided employees who accept his leadership. To overcome this destructive tendency, it is only necessary that the officers of the department follow unswervingly a high-minded policy of even-handed justice and that the employees cherish a spirit of accommodation and a loyal willingness to believe that the department is at all times mindful of their just claims and desirous of promoting their immediate and ultimate welfare.

There has existed in the past in many of the larger post offices an unscientific and ineffective plan of organization. Rather, it was a lack of any plan. The work of the post office was broken up and assigned to four, five, or six independent and unrelated divisions. The employees and officers of these divisions were not required or permitted to know much of the other divisions or of the general work of the post office. There resulted duplications in work, loss of time, and lax methods. It was clearly the duty of the department to reform this condition. Seventy-three large post offices have now been reorganized on the two-division plan. Action looking to the reorganization of all others is now under way. Now, how has this affected the employees? At first the unfamiliarity of a new régime and the necessity for many to master new work and assume new responsibilities was somewhat of a hardship. The reorganizations revealed the relative inefficiency of some employees and the high qualifications of others, and the necessary reduction of some might not to their minds be compensated by the promotion of others. It is seen that this new plan simplifies the organization and thus brings the men in closer touch with the fewer and higher supervisory heads. At the same time it gives to all employees an opportunity to serve an apprenticeship in more important duties and demonstrate their knowledge and adaptability in a wider field.

Where the service will permit the department favors the eight-hour workday and has labored most industriously, and I think effectively, to conform the service to the requirements of the eight-hour-in-ten law.

The department is in hearty accord with the provision made by Congress recently for indemnifying employees who are injured in the line of duty, and while this provision was not made effective by appropriation until this spring the department has already approved over 300 claims.

More than ever before the department is giving attention to the suitability of Federal buildings and post-office quarters, stressing the features of ventilation, light, and sanitation, which have a direct and important bearing both on the welfare and the efficiency of the employees.

Again, the department is constantly endeavoring to standardize methods, to use short-cuts in mailing operations, to introduce approved labor-saving devices, and in every way to advance the dispatch and delivery of the mails, and to reduce the cost of the service to the people. This can not be done without the whole-hearted cooperation of the employees, and there is no disposition on the part of the department to do this at the expense of the employees.

Labor-saving machines and improved methods have ever been a blessing to mankind. As the result of these it is said that every adult American citizen has working for him tirelessly the equivalent of not less than 22 mechanical slaves. The ultimate benefit of the labor-saving device must be acknowledged. But it is true that the temporary displacement of human labor may cause hardship if the whole burden is permitted to fall on the employees displaced. It is, in my opinion, the duty of the employer, no less of the people as an employer in the Postal Service, to provide as far as possible other labor suitable to their capacities for those who are displaced. This the Post Office Department will very largely be able to do for efficient men, because the demand for Postal Service increases more rapidly than new machines. In the Postal Service we have saved the equivalent of the labor of thousands of employees by introducing labor-saving machines and new methods, but every year brings new recruits to the postal ranks and an abundance of opportunity for those in the service.

In all the efforts of the department for the betterment of the Postal Service and in all the aspirations of the employee; to reach the ear of the department with suggestions and requests, the postmaster is the natural medium. The department holds the postmaster to a strict accountability for the satisfactory conduct of the Postal Service at his post office and for the just and impartial administration of the laws and regulations affecting the employees. In thus representing the employees before the department and the department to the employees, the postmaster's responsibility is very great. This arrangement, however, is correct, for I believe that a successful and effective organization must be capable of delegating large powers to its subordinates. I also believe that it should develop its directors and higher executives among the ranks of workers, and that the time must come in this great organization when the recognition of loyalty and efficiency will provide a method of promotions which will permit the lowest employee to demonstrate through time and experience his ability to occupy every position at the post office from that of substitute clerk or carrier to the position of postmaster.

DANIEL C. ROPER.

The following paper was read to the convention of the National Letter Carriers' Association:

RECOGNITION OF THE HUMAN ELEMENT IN THE POSTAL SERVICE.

To the letter carriers of the United States assembled in convention at Omaha I send cordial greetings and best wishes for an enjoyable vacation and profitable stimulus for the great public work of the Postal Service in which we are all engaged.

Those engaged in similar work have a natural bond of sympathy and union, and this condition manifests itself in the establishment of institutions that reflect the common interests and ideals of its members. Postal employees are naturally no exception to this principle. The common responsibilities of the Postal Service should and do maintain a close personal relationship throughout the entire personnel, from the highest official to the lowest employee. A keen sense on my part of my relationship in this respect to all the post-office employees prompts me to speak to you at this time in such a direct manner as might be misunderstood but for a recognition on your part that this relationship is mutual.

The American Postal Service is the only branch of the National Government that bears a striking resemblance to the great business institutions which are owned and operated by private citizens. In fact, a specious comparison may be drawn between the Postal Service and any of the great corporations through which huge amalgamations of capital are nowadays made effective in the activities of private business. The proceeds of taxation is our capital, the people are our stockholders, Congress is our board of directors, the President of the United States is the president of our enterprise, the Postmaster General is our general manager, the officers of the department are his staff lieutenants, the department is our head office, the post offices are our local branches, and the great army of clerks and carriers is the labor force of the postal organization. The raw material of this public utility is the mailed letter and parcel; its finished product is the letter and parcel delivered. Its business is the communication of intelligence and the transportation of commodities.

The Postal Service resembles a profit-sharing corporation, for its employees are all stockholders, and so are its patrons.

In so far as the Postal Service may be compared with the private corporations, it is in some respects the greatest of them all. It operates more branches, utilizes more agencies, completes more transactions, serves more people, employs more labor, and is more vital to the welfare and happiness of all the people than any of them.

The Postal Service has become a wonderful organization, transacting an average of $1,000,000 worth of business a day, through about 300,000 human agents, at 58,000 post offices, to which must be added about 6,500 stations of all kinds, handling annually about 1,000,000,000 parcels, 10,000,000,000 pieces of first-class mail, and more than 1,000,000,000 pounds of second-class matter annually, serving 100,000,000 people in America, and conveying mail to all parts of the world.

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A deeper study, however, of the analogy which we have drawn will show conclusively that the apparent similarity of the Postal Service to private corporations is only superficial. There is a fundamental difference running throughout the entire comparison. It is a difference of origin, ideals, policy, and purpose, and this difference colors every function and activity, changes the relationship of every patron, and alters the status of every employee of the Postal Service as compared with the private corporation.

Corporations, it is said, have no soul. The genius of the American Government is the soul of the Postal Service, which is a common cooperative endeavor of the people. It has its origin not in an act of Congress nor in the private bill of a State legislature, but in the Constitution of the United States; its ideal is not dividends, but the preservation of the Union and the advancement of civilization by the establishment and maintenance of means of communication; its policy is to operate its service not for profit but for the convenience of the public; and its purpose is not in any sense selfish, but purely and entirely unselfish.

In principle there is all the difference in the world between working for some of the people and working for all of the people. Any plan of action affecting the Postal Service that does not take this principle into account is erroneous, and, if not doomed to failure, will be pernicious in its effects.

Just as the Postal Service is similar in form to a private corporation and its officers similar, apparently, to the representatives of amalgamated private capital, so are the associations of postal employees similar in form to the unions of organized labor. And just as the Postal Service is fundamentally different, in spite of all the superficial similarity, from the private corporation, so the association of postal employees is different from the labor union. The difference, again, is one of origin, ideals, policy, and purpose. The origin of the association of postal employees can not be in the need for resisting the selfish aggression of employers, its ideal can not be the protection of rights that are not assailed, its policy should not be to strive by force to secure concessions in the matter of wages and working conditions, and its purpose should not be selfish.

The department and its employees stand in a fiduciary relation to the people and this trust can not be maintained unless each in a spirit of reasonableness seeks the advantage and success of the other.

Organizations of postal employees have no official status which may be recognized by the department. They are not per se a part of the Postal Service, nor are they essential to its conduct or welfare. They are purely unofficial. At the same time they may serve useful purposes and in a manner entirely unobjectionable to the department.

In addition to the information which most employees may secure from attending and participating properly in the discussions of postal problems, the fraternal feature would naturally appeal to many, whereby life insurance and other benevolent features might be arranged on such a safe basis as would contribute to the convenience, safety, and happiness of the employees and those dependent upon them.

The social and fraternal features have the greatest value, provided those participating have a common viewpoint and that common viewpoint is not centralized in self but in the great Postal Service, which can be brought to the highest degree of efficiency only by the closest cooperation of every person connected with the service, from the newest substitute to the Postmaster General.

The direction of the Postal Service is partly with the legislative and partly with the executive branch of the Government. Congress enacts the laws, grants the appropriations, and holds the Post Office Department to an accounting for the enforcement of the laws and the disbursement of the appropriations; the department administers the service within the bounds set by Congress and also studies the service with a view to recommending to Congress changes in the law and the amounts of the necessary appropriations.

The most important problems with which the department has to deal are those relating to personnel, the human element in the Postal Service. In the interest of good service it is of the greatest importance that the force of employees be kept at the highest possible point of efficiency. A high standard of personal performance must be established and maintained and the conduct of employees kept under the strictest surveillance. I am not unmindful in this connection of the solemn responsibility imposed on those who administer a service to which 300,000 men and women, representing, with their families, more than 1,000,000 individuals, have devoted their lives. Instances of maladministration are no doubt liable to occur and miscarriages of justice are liable to mark the course of every human institution, but the department officer who

forgets this responsibility to the postal employees is unworthy of his trust.

It is the duty of the department to recommend to Congress a suitable scale of salaries, which shall be commensurate with the duties to be performed, and graded so as to provide an incentive to the workers and means for recognizing faithful and efficient service. For the proper administration of salary laws equitable systems of efficiency ratings must be established and impartially administered. In these matters the employees are vitally interested, but it is not proper that they should, except under the most extraordinary conditions, urge the advancement of their interests directly to Congress. There can be no objection to granting employees the right of petition to Congress or of appealing under justifiable conditions from the decisions of lower to higher administrative officers. But he who does not recognize that more can be accomplished by the employees and the department heads keeping close together and maintaining common viewpoints than by pulling apart has not gotten far in worthy progress for betterment. The action of employees in preparing and having introduced into Congress bills affecting the Postal Service without previously submitting them to the heads of the department and securing their cooperative endeavor is not only wrong in principle, but will, if continued unchecked and unguarded, imperil either the position of the employees or the integrity of the service.

Economic conditions throughout the world are unfortunately such that all men may not enjoy the degree of ease and comfort to which every man naturally aspires. But America still offers to its citizens a degree of opportunity and prosperity that makes its shores the haven of the oppressed and needy of other lands, and its Government the standard bearer of civilization. If we preserve our heritage of natural wealth and free institutions our children's children may live their lives in peace and plenty. It is imperative that the integrity of our Government be maintained, that the confidence of the people in our political institutions be not impaired, and that our public services be conducted for the welfare of the people and not for the gain of any class or the selfish interest of those who are entrusted with the administration and operation of those services.

The Government is only incidentally an employer of labor, and it is no part of its function to establish new standards of wages. For the great mass of workers these standards must be fixed by the economic demand and supply, influenced, as it is, by the collective bargainings of organized capital and organized labor. For the Government to ignore the standards fixed by these forces and to make wages in the Postal Service unduly attractive would result in the reestablishment of the spoils system and place an unwarranted drain on the Public Treasury. There are good and valid reasons, in my opinion, why the salaries paid by the Postal Service should be from 15 to 20 per cent higher than in similar employments in private business, but a scale that would give Government employees much in excess of this would not be advisable or expedient. I may say that it is the plan and endeavor of the Postmaster General to recognize and grade salaries in accordance with this scale.

There should be no need in the Postal Service for organized efforts of employees to influence salary legislation. Both Congress and the department are interested in the welfare of the postal employees, but the department is even more solicitous of their welfare than Congress can be, because to the department more than elsewhere are known the demands made upon the employees, the problems and difficulties which they encounter, the value of their services, and the degree of their loyalty and faithfulness.

Another unfortunate tendency is that which has been manifested by some employees in inducing outside and organized influence to argue before the department questions of discipline. Again I repeat that the Postal Service is not a heartless corporation that would grind the faces of those who serve it, but a cooperative endeavor that has the good of all and the harm of none in mind. The doors of the department and the minds of its officials will always be open to appeals based on statements of facts from individual employees. When the department is approached by employees with such facts in their cases errors and wrongs will be readily redressed.

I have said that the department has a clear duty to perform in promoting the welfare and protecting the rights of its employees. This is all the more incumbent on the department for the reason that these employees in entering the service of the Government must for the public good relinquish the exercise of part of their political rights. On the other hand, it is the duty of the department to see to it that the work of its employees is properly supervised and directed, so that the people may receive an adequate return for the expenditure of public funds.

As a matter of fact, if the department pursues a truly enlightened policy in protecting the public interest, it can not fail to protect fully at the same time the interests of its employees. Any effort to oppress or harass the employees with a view to increasing the return from their labor will defeat the object of such a shortsighted policy. The first requisite of efficient service is a loyal and satisfied working force. It is therefore the first duty of the department to provide conditions under which its employees may reasonably be expected to be satisfied and loyal. Conversely, it is the duty of the employees to accept reasonable working conditions cheerfully and to render their very best and most loyal service. No man can do his best work unless he is in love with his work; and no man can be in love with his work if he permits himself to harbor sentiments of discontent and selfishness. The department and the employees must get together and work together, casting aside forever all motives of selfish aggrandizement on both sides.

The greatest bar to this ideal condition is the liability of misunderstanding. Emergencies create hardships that can not at once be relieved; general orders for the good of the service must be promulgated; the inefficient can not be so generously dealt with as the efficient; discipline in individual cases must take its course. In the nature of things the administrative action of the department can not be subject to review by the employees, nor can the department be continually explaining and justifying its policies in respect to personnel. Herein lies the opportunity of the malcontent and the agitator. Out of a lack of understanding he creates misunderstanding to the detriment of both the department and any misguided employees who accept his leadership. To overcome this destructive tendency it is only necessary that the officers of the department follow unswervingly a high-minded policy of even-handed justice and that the employees cherish a spirit of accommodation and a loyal willingness to believe that the department is at all times mindful of their just claims and desirous of promoting their immediate and ultimate welfare.

There has existed in the past in many of the larger post offices an unscientific and ineffective plan of organization. Rather, it was a lack of any plan. The work of the post office was broken up and assigned to four, five, or six independent and unrelated divisions. The employees and officers of these divisions were not required or permitted to know much of the other divisions or of the general work of the post office. There resulted duplications in work, loss of time, and lax methods. It was clearly the duty of the department to reform this condition. Seventy-three large post offices have now been reorganized on the two-division plan. Action looking to the reorganization of all others is now under way. Now, how has this affected the employees? At first the unfamiliarity of a new régime and the necessity for many to master new work and assume new responsibilities were somewhat of a hardship. The reorganizations revealed the relative inefficiency of some employees and the high qualifications of others, and the necessary reduction of some might not to their minds be compensated by the promotion of the others. It is seen that this new plan simplifies the organization and thus brings the men in closer touch with the fewer and higher supervisory heads. At the same time it gives to all employees an opportunity to serve an apprenticeship in more important duties and demonstrate their knowledge and adaptability in a wider field. The carriers as well as the clerks are intimately affected by the new plan of organization. Their work comes more directly under the supervision of the superintendent of mails, and a better opportunity is now afforded for effecting the transfer of carriers, in accordance with the department's disposition to recognize merit wherever found, to the clerical force where they will have the full advantage of that line of service and promotions.

The regular work of a letter carrier as contemplated by the salary-classification law embraces the routing of mail, the house-to-house delivery of letters, papers, and parcels, and the handling of registered and C. O. D. matter. These duties require a degree of capacity and efficiency for which Congress has provided a maximum salary in first-class offices of $1,200 and in second-class offices of $1,100. Some carriers have also to be assigned to the duty of collecting mail from deposit boxes. Very obviously this work is not so arduous and does not require as high qualifications as the work of delivery. Consequently the department has required postmasters to assign to the work of collecting mail only the new and less experienced as well as the less efficient carriers receiving not more than $1,000 a year. In the cases of carriers receiving in excess of this salary and performing collection work, the postmasters are required to assign them to delivery work and to give them every opportunity to demonstrate their capacity to perform that work. Some of the collectors, it has developed, are not competent to perform regular delivery work, and others have signified their desire not to undertake that work, but rather to accept the reduction in salary, which would permit of their retention in the service. The salary adjustments in this connection do not follow from any arbitrary division of carriers into two classes, but are the result of recognizing the relative efficiency of individual carriers. All collectors will be permitted to undertake delivery work and earn promotion at any time. Certainly, upon reflection every carrier will see the justice of this plan both to the carrier force and to the service.

Where the service will permit, the department favors the eight-hour workday and has labored most industriously and, I think, effectively to conform the service to the requirements of the 8 hour in 10 law.

The department is in hearty accord with the provision made by Congress recently for indemnifying employees who are injured in the line of duty, and while this provision was not made effective by appropriation until this spring the department has already approved over 300 claims.

More than ever before the department is giving attention to the suitability of Federal buildings and post-office quarters, stressing the features of ventilation, light, and sanitation, which have a direct and important bearing both on the welfare and the efficiency of the employees.

Again, the department is constantly endeavoring to standardize methods, to use short cuts in mailing operations, to introduce approved labor-saving devices, and in every way to advance the dispatch and delivery of the mails and to reduce the cost of the service to the people. This can not be done without the whole-hearted cooperation of the employees, and there is no disposition on the part of the department to do this at the expense of the employees.

Labor-saving machines and improved methods have ever been a blessing to mankind. As the result of these it is said that every adult American citizen has working for him tirelessly the equivalent of not less than 22 mechanical slaves. The ultimate benefit of the labor-saving device must be acknowledged. But it is true that the temporary displacement of human labor may cause hardship if the whole burden is permitted to fall on the employees displaced. It is, in my opinion, the duty of the employer, no less of the people as an employer in the Postal Service, to provide as far as possible other labor suitable to their capacities for those who are displaced. This the department will very largely be able to do for efficient men, because the demand for postal service increases more rapidly than new machines. In the Postal Service we have saved the equivalent of the labor of thousands of employees by introducing labor-saving machines and new methods, but every year brings new recruits to the postal ranks and an abundance of opportunity for those in the service.

In all the efforts of the department for the betterment of the Postal Service and in all the aspirations of the employees to reach the ear of the department with suggestions and requests, the postmaster is the natural medium. The department holds the postmaster to a strict accountability for the satisfactory conduct of the postal service at his post office and for the just and impartial administration of the laws and regulations affecting the employees. In thus representing the employees before the department and the department to the employees, the postmaster's responsibility is very great. This arrangement, however, is correct, for I believe that a successful and effective organization must be capable of delegating large powers to its subordinates. I also believe that it should develop its directors and higher executives among the ranks of workers, and that the time must come in this great organization when the recognition of loyalty and efficiency will provide a method of promotions which will permit the lowest employee to demonstrate through time and experience his ability to occupy every position at the post office from that of substitute clerk or carrier to the position of postmaster.

DANIEL C. ROPER.

In these papers the First Assistant Postmaster General sets up a standard for the employees to follow which is not in keeping with the policy that the officials have actually pursued. He first sets out by stating that "the common responsibilities of the Postal Service should and do maintain a close personal relationship throughout the entire personnel, from the highest official to the lowest employee." He then draws comparison between business institutions and the American Postal

Service, and deals in high-sounding phrases regarding the utilities and purposes for which the Postal Service is organized. He then draws a comparison between positions of postal employees and employees of corporations organized into unions and affiliated with organized labor. In dealing with this subject, Mr. Roper made the following statement:

> The origin of the association of postal employees can not be in the need for resisting the selfish aggression of employers, its ideal can not be the protection of rights that are not assailed, its policy should not be to strive by force to secure concessions in the matter of wages and working conditions, and its purpose should not be selfish.
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> The department and its employees stand in a fiduciary relation to the people, and this trust can not be maintained unless each in a spirit of reasonableness seeks the advantage and success of the other.
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> Organizations of postal employees have no official status which may be recognized by the department. They are not per se a part of the Postal Service, nor are they essential to its conduct or welfare. They are purely unofficial. At the same time they may serve useful purposes and in a manner entirely unobjectionable to the department.

Continuing on with his lecture, he soars into visionary clouds, dealing in honeyed words and in statements that the postal employees know do not fit with the conditions as they actually exist in the Postal Service. He draws attention to the duties of the employees, of which he has but a mere theoretical knowledge; he expresses his opinion about laws, the practical workings of which he is unfamiliar with. He states the department is in hearty accord with the provisions of the compensation law for injured employees, when the facts of the matter are that every obstacle has been placed in the way of paying legitimate claims of the employees who have come under the provisions of this act. He speaks about the interest of the department in providing proper ventilation and lighting and sanitation in post offices, while hundreds of employees are being paid sick benefits by the employees' associations for diseases contracted in post offices where insanitary conditions exist, and partly concludes by trying to impress on the minds of the employees what a wonderful thing his speed-up-stop-watch system is for the service, when, in fact, it is destroying the harmony and cooperation that should exist in the Postal Service owing to the added and excessive burdens that are being heaped on a defenseless body of men. He finishes his harangue by insulting the intelligence of the vast army of men and women under his command by stating that—

> in order for the employees to reach the ear of the department with suggestions and requests and complaints that the postmaster is the natural medium through which they should be made.

It is unfortunate that the conduct of a great public service should be permitted to rest in the hands of a man with such narrow-minded, restricted, and un-American views. I commend to the attention of Mr. Roper, for his serious consideration, the report of the United States Commission on Industrial Relations with reference to the reasons given for causes of the unrest existing throughout the country:

1. Refusal to permit employees to become members of labor organizations; and
2. Refusal to meet or confer with the authorized representatives of employees.

In dealing with the subjects the commission states that the crux of the whole question of industrial relations is declared to be, Shall the workers, for the protection of their interests, be organized and represented collectively by their chosen delegates, even as the stockholders are represented by their directors and by the various grades of executive officials and bosses?

I might say, for the benefit of Mr. Roper, that the postal employees are not organized for the purpose of resisting selfish aggression of employers; nor do they aim to attempt to secure by force rights in the matter of wages and working conditions. These postal organizations stand for betterment of the service and for a higher understanding and regard between the officials and the employees. The fraternal features of these organizations provide for the care of their members in case of illness, and after burying their deceased brothers they leave with the members of the families of deceased members a sufficient sum to tide them over their immediate difficulties until such time as they can arrange for some means for support. Their ideals and purposes are not selfish, and the things they have accomplished in the past are evidence of this unselfishness and the mirror of the things they are striving to accomplish in the future.

It is very easy to talk about the department and the employees standing in a fiduciary relationship to the people, and that they must be mutually just and reasonable in their efforts to achieve success. How can any kind of equitable relationship exist between the department and the employees if the employees are not permitted to present their grievances or complaints or their desires unless it be through the medium of the postmaster.

The First Assistant Postmaster General states that organizations of postal employees are not essential to the conduct or welfare of the Postal Service. Well, strictly speaking, this may be true; but I ask Mr. Roper what would become of the victims of his speed-up system, and the 150-day rule, and the rest of his systems that wantonly use up the vitality of the employees and leaves them sick and worn out, if it were not for these organizations of postal employees? He would have many problems on his hands that are now solved for him by men who have spent the best years of their lives in raising the Postal Service to a high standard of efficiency, and which he, in his misconception of his duty, has thrown into a state of chaos by the feeling of unrest and discontent which exists among the employees, for which he is largely responsible. These organizations are not unreasonable in their requests, as can be attested to by many members of this body. They merely aim to assist the men to put themselves on a human basis and to be treated with justice tempered with humanity.

Mr. Roper states that the Postal Service is not a heartless corporation that would grind out the last ounce of energy and then discard the wreck, and that the department and the minds of its officials are always unprejudiced and ready to alleviate the burdens of those who appeal for a remedy. This may be true from the viewpoint of the First Assistant Postmaster General, yet day after day old veterans in the service, who have served long and faithfully and endured all the hardships and privations incident to their positions without murmur, are removed from the service to make way for younger men. Is it any wonder that the terror aroused by such an impending fate should lead the men to make an earnest attempt to secure recognition of their plight and relief from such difficulties.

The department does not care to take cognizance of this state of affairs, nor do they seemingly wish to be bothered or annoyed with the future welfare of the employees. In order to shift the responsibility, Mr. Roper suggests that the postmasters act as a medium between the employees and the department. If his suggestion is to be followed it will mean that the employees will be powerless to state the true conditions to the department, as this would be left to the mere whim of the postmaster to use his own sweet judgment whether he would be warranted in asking or recommending redress of grievances.

In his statement to the employees Mr. Roper says:

> There should be no need in the Postal Service for organized efforts of employees to influence salary legislation. Both Congress and the department are interested in the welfare of the postal employees, but the department is even more solicitous of their welfare than Congress can be, because to the department, more than elsewhere, are known the demands made upon the employees, the problems and difficulties which they encounter, the value of their services, and the degree of their loyalty and faithfulness.

Does Mr. Roper actually believe the above statement, or has he the impression that he is dealing with a class of men whom he can fool with statements that will not square with his official acts? What explanation can Mr. Roper give to the employees for his speech before the postmasters of Delaware, Maryland, Virginia, North Carolina, and South Carolina on October 6, 1914, in which he is quoted as follows:

> The loss suffered by the Government as the result of superannuation in the public service is growing more marked year by year. Probably in no branch of the Government is this loss proportionately greater than in the Postal Service, where alertness, dexterity, quickness of hand and eye, and other qualities of youth are particularly required for the most efficient performance of the work in connection with the mails. The parcel post has greatly emphasized this.
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> We did not create this distressing situation, but we must deal with it. There is no valid reason why positions in the Postal Service should be retained by those unable to fill them. The function of the Post Office Department is administrative, not legislative. The law does not provide for pensions, and neither does it provide for permanence of tenure in the civil service. On the contrary, it specifically provides that incompetent employees shall be removed; and that means all those who on account of advanced years or other causes are not rendering an adequate "quid pro quo" for their salaries.
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> The law does not provide that length of service shall establish any claim on the part of the employee or any obligation on the part of the Government that is not effaced by the payment of the concurrent salary. If this situation is to be changed, Congress only can do it, and let us be perfectly frank and say that it is not probable that the people of this country will ever indorse a system of civil pensions.
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> Some postmasters refrain for humanitarian reasons from recommending the removal of aged employees. The result is that the tenure of office in the Government service does not now depend on the law or on the uniform needs of the service, but upon the varying temperaments of the postmasters and their varying conceptions of their public duty. This condition is wrong and works injustice to the employees and loss to the Government. The only proper course, and the one prompted by humanitarian interests, is for every postmaster to put on notice all his employees that they will be continued in office only so long as they are capable of earning the salaries paid them, and that salaries will be scaled and readjusted to meet the declining efficiency and earning power of the older clerks and carriers. This course will encourage thrift and induce all to provide against old age. It will increase the efficiency of the service and reduce its cost. It is based on justice and fairness to all and on the only possible interpretation of the existing law.

Does that statement show much solicitude on the part of the Post Office Department officials for the welfare of the employees who have devoted their entire lives to the Postal Service? Does Mr. Roper believe that statement has inspired the confidence of the postal employees in the department officials?

Let us go a step further and see with what tender solicitude the Post Office Department officials deal with the employees who become sick and disabled and are unable to perform their official duties. I desire to draw the attention of the House to an order issued by the Post Office officials, which reads as follows:

Postmasters may, in addition to the leave of absence with pay provided by law, grant leave of absence without pay to clerks and carriers in case of illness, disability received in the service, or other urgent necessity, such leave not to exceed 30 days in any one calendar year. An application for leave of absence to cover a longer period in cases of illness must be submitted by the postmaster to the First Assistant Postmaster General with a full statement of the facts, but leave for more than 150 days in one calendar year will not be granted in any such case. Clerks and carriers who desire to be absent for longer periods will be dropped from the rolls without prejudice. Unnecessary absence without pay will adversely affect the employees' efficiency records.

And now, Mr. Chairman, let me explain the effect of this order on the employees. Should a post-office clerk or letter carrier or railway mail clerk contract disease or become incapacitated from performing his duties, even though the illness be contracted in line of their official duties, they are required, regardless of all human laws, to become well enough to report for duty within the period of 150 days. If perchance they are afflicted with a long-suffering disease and the human frame has not been able to recuperate from the ravages of their ailment, they are without ceremony or regard for their record in the service summarily removed from their positions. This is a harsh and pitiless rule, which has been promulgated by the Post Office Department officials and has worked untold hardship on hundreds of faithful employees who have been removed from their positions on account of illness contracted in the service. Does Mr. Roper contend that this rule, which has been made part of the postal laws and regulations, is for the welfare of the postal employees, and that the department was solicitous of their welfare when this order was issued? Has he been solicitous of the welfare of those employees whose condition did not permit of their returning to duty at the end of 150 days when he positively refused to make any exception regardless of the merits of the particular case? Is he solicitous of the welfare of the employees when he knows deep down in his heart that this rule has retarded the recovery of men who were ill, owing to the fear confronting them that they would be dropped from the service at the end of 150 days?

Mr. Roper may be deceiving himself into the belief that his acts have been caused by solicitation for the welfare of the employees, but he will have a materially hard time in explaining these matters to the satisfaction of the postal employees.

The order issued to postmasters by Post Office Department officials, reducing the salaries of letter carriers assigned to collection duty to $1,000 a year is another act of the Post Office officials that was, no doubt, made with a view of helping this particular body of men. No doubt Mr. Roper was solicitous for the welfare of these letter carriers when he ordered a reduction of $200 a year in their salaries. It is my opinion, Mr. Chairman, that if the several thousand letter carriers who have had their salaries reduced could be brought together in one large hall, Mr. Roper would have a hard time in convincing them that he was solicitous for their welfare when he issued the order reducing their salaries. I again repeat, that he might be fooling himself into the belief that he had the welfare of the employees at heart, but he would have a materially hard time fooling the employees into this belief.

Were the department officials solicitous for the welfare of the employees when they inaugurated the stop-watch-speed-up system? This system, which has been repudiated and found to be a failure wherever the attempt has been made to put it into effect, is now being tried on the Post Office employees, and with the same result that it has met in industrial plants, and in the arsenals and navy yards of the Government. It has demoralized the Railway Mail Service and has thrown the City Delivery Service into a state of chaos, the effects of which can not be foretold.

Judging from the information I have received from employees in post offices in all parts of the country, there is a feeling of unrest and discontent existing among the postal employees caused by the impositions being placed on them by the administrative officers of the Post Office Department that can not but be harmful to the whole Postal Service.

I desire to draw the attention of the Members of this body to a recent order issued by First Assistant Postmaster General Roper, showing his solicitude for the welfare of the postal employees:

As the primary function of the Postal Establishment is service to the public, it is believed that even though the suspension of delivery service on the holidays enumerated in section 284 of the Postal Laws and Regulations might be justified by the sentiment of a majority of the business patrons, service should not be entirely suspended as other patrons are entitled to equal consideration in the delivery of mail. The numerous complaints received by the department from patrons on account of the complete suspension of mail delivery and collection on such holidays prompted the department to invite the opinions of a number of representative postmasters, and their reports show clearly that at least one delivery over the entire territory should be made in addition to the prompt handling of special-delivery matter and perishable parcels. Collection service necessary to avoid complaints on account of delays in dispatch should also be given.

Postmasters will, therefore, act accordingly hereafter in the matter of service to be given by letter carriers on holidays.

I have been informed that in a large number of post offices throughout the country certain holidays were observed and, according to custom and with the consent and approval of the public, the post offices were closed on these holidays. Postmasters, who are presumed to conduct the service in their respective offices for the best interest of the public, have had authority to close post offices on holidays, or, if necessary, to give such service to the public that, in his opinion, the public demanded. It seems that holidays are being more generally observed by the public throughout the country, and wherever there was no demand for postal service on these days postmasters gave their employees the benefit of a holiday. This, however, did not seem to be conducive to the welfare of the employees, and the First Assistant Postmaster General issued an order which required postmasters to open their offices on all holidays, in order that the letter carriers might be required to work on those days. As there was no public demand for the issuance of this order, we can only assume that Mr. Roper had in mind his deep solicitude for the welfare of the employees when he issued this order placing additional burdens upon them.

In his paper to the postal employees Mr. Roper closes with the following statement:

I also believe that it should develop its directors and higher executives among the ranks of workers, and that the time must come in this great organization when the recognition of loyalty and efficiency will provide a method of promotions which will permit the lowest employee to demonstrate through time and experience his ability to occupy every position at the post office from that of substitute clerk or carrier to the position of postmaster.

That sounds very plausible, and if the statement was made with sincerity it would be applauded, not only by the public but by the employees to whom the statement was made. But is it true, Mr. Chairman? If I am correctly informed, the promotions that have been made to the higher positions in first and second class post offices have not been made from the employees in those offices. When a vacancy exists in a post office it is customary for the department officials to recommend to the postmaster the appointment of an employee that has little or no experience in the work of a city post office. The explanation, or rather the excuse, given for recommending these appointments are that the men are experts and highly qualified to fill the particular positions where vacancies occur. I have also been informed that in order to justify these recommendations the post-office inspectors have been sent to post offices presumably to make investigations, and in doing so they would try and impress upon the postmaster the fact that he did not have in his office a man that was qualified to fill the particular supervisory position.

If the postmaster was desirous of currying favor with the department officials at Washington, he would agree to accept the suggestion or recommendation of the department official and accept into his office a man who probably had no experience whatever in the work of a city post office, and no matter how capable he might be it would be necessary for him to learn the duties of his particular position to which he had been assigned. The transfer of employees from the department and from the Railway Mail Service and from the Post Office Inspectors' Division to the preferred places in city post offices has to a large extent been responsible for arousing a feeling of antagonism and resentment of the employees, who were actually entitled to have these promotions made from their ranks in accordance with the act approved March 2, 1907. It may be that the Post Office Department officials are solicitous for the welfare of the employees in city post offices, by denying them the opportunity of advancement to the higher positions in their respective offices. If this be true, then it is my opinion that the rank and file of the employees and the Post Office Department officials are at variance regarding their respective views on this particular subject. I have also been informed that the promotions of letter carriers in city post offices to supervisory positions are tabooed by Post Office Department officials. If my information is correct, and it has been verified

by employees in several post offices, a letter carrier can not be promoted to a supervisory position, no matter how capable or efficient he might be. In order to discourage and prevent the promotion of letter carriers, the department officials have devised a scheme whereby letter carriers must take an examination and be transferred to a position in the clerical service, and if he succeeds in this he can be recommended by the postmaster to a higher position whenever a vacancy exists. When we take into consideration the fact that post-office clerks and letter carriers take the same examination when applying for position in the civil service, and that each of them, while performing separate and distinct duties, are, nevertheless, in close relationship to each other, and understand to a large extent the duties that each performs, still, in order to keep down the letter carriers, who are most persistent in trying to protect their rights, they are confronted with obstacles in the form of rules and regulations that are made for the purpose of nullifying the statute passed by Congress, which opened the way for their advancement to higher positions in the Postal Service.

The First Assistant Postmaster General informed the letter carriers in his paper to their national convention that the officials are solicitous for the welfare of the employees, and we must assume that in placing obstacles in the way of advancement of these men he has their welfare at heart. It is my opinion, however, that the letter carriers can not be fooled by any statement of Mr. Roper that is in direct conflict with their best interests.

In looking over the report of the Post Office Department submitted in December, 1914, I find the following recommendations for legislation made by the Postmaster General:

First. To repeal the law that grants compensatory time to employees who are required to work on Sunday and compel them, if necessary, to work seven days each week.

Second. He recommended that the pay of substitute employees be reduced 5 cents an hour for vacation service and 10 cents an hour for service rendered in place of employees off duty without pay, and if his recommendation met the approval of Congress, it would further reduce the compensation of a class of employees who do not have sufficient income under present conditions to keep body and soul together.

Third. He recommended a repeal of the classification law so that employees could not be promoted to any grade in less than two years. If this recommendation were approved by Congress, it would take an employee 12 years, under the most favorable conditions, before he could possibly reach the maximum salary of $1,200 in first-class post offices. The Postmaster General, no doubt, had in view a speed-up system which would have used up the vitality of a man within 12 years, after which time he would start to go down grade, and according to the Burleson system he would be reduced in salary each year, and in a few years more he would be ready to be dropped out of the service entirely.

Fourth. He recommended a repeal of the 8-hour law for post-office clerks and letter carriers, and suggested as a substitute what he terms a 48-hour-a-week law, which had been in force in the service and was found so unsatisfactory that Congress, after mature deliberation, amended it and enacted the 8-hour law in its stead.

I find in the report of the First Assistant Postmaster General: First, that he recommended abolishing the office of assistant postmaster; second, that he has inaugurated a policy to nullify the classification act of 1907, in so far as it provides for transfers and promotions of letter carriers to the higher positions in post offices; third, he recommended the repeal of the 8-hour law; fourth, he recommended a reduction in pay of substitute clerks and letter carriers; fifth, he recommended abolishing the law that grants compensatory time for Sunday services and which insures the day of rest each week for the employees.

He drew attention to the superannuated employees in the Postal Service, and chloroformed his conscience with the statement that the present postal officials are not responsible for the unfortunate condition that exists; but claims it is their duty to deal with it by removing the employees who have become incompetent or inefficient on account of superannuation. He concludes his report by acknowledging the loyal and efficient cooperation of the employees, and by so doing he satisfies his conscience, no doubt, to the extent that all his recommendations are in the interest of the vast army of employees under his jurisdiction.

Owing to the failure of passage of the Post Office appropriation bill in the closing session of the Sixty-third Congress, a joint resolution was introduced and passed by both Houses of Congress on March 4, 1915, continuing the appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1916, on the same basis as contained in the Post Office appropriation bill for the fiscal year ended June 30, 1915. This joint resolution contained the following provisions:

That letter carriers assigned to collection service who were promoted to the higher grades in accordance with the classification act approved March 2, 1907, and whose salaries have been reduced during the past year, through no delinquency or charges of misconduct on their part, shall be restored to their former grades.

The provision affecting letter carriers in the City Delivery Service was placed in the joint resolution as a protest against a system that had been inaugurated by the department officials whereby letter carriers who were assigned to collection duty had had their salary reduced $200 a year. These reductions in salaries were the subject of considerable discussion in both Houses of Congress, and after mature deliberation it was decided to restore the employees who had been reduced in salaries to their former grades. During the discussion on this subject several communications were inserted in the RECORD containing copies of correspondence between the department officials and postmasters in first and second class post offices of the policy that was to be pursued in bringing about the reductions in salaries of these employees.

Notwithstanding the provision contained in the joint resolution restoring these letter carriers to their former grades, the Post Office Department officials in defiance of the express will of the legislative body continued the practice and have reduced a large number of letter carriers $200 a year who are assigned in whole or in part to collection duty.

This is unquestionably more evidence of the solicitude for the welfare of the employees by the department officials, but those who have suffered a reduction of $200 in their salaries do not seem to view it in the same light as the Postmaster General and his First Assistant.

The statements made by Mr. Roper to the conventions of postal employees have not deceived anyone, unless it be the First Assistant Postmaster General himself. Mr. Roper simply voices the sentiment of Postmaster General Burleson in expressing his disfavor against all forms of organizations of employees. Were it not for the act of August 24, 1912, known as the antigag law, the Postmaster General and his First Assistant would long since have vented their spleen against the organizations of postal employees and would, no doubt, have attempted to destroy them.

The policy of economy that has been instituted in the Postal Service has had a harmful effect on the efficiency of the employees, and the curtailment of the service in all its branches is being protested by the citizens in all parts of the country. The railway mail clerks and post-office clerks are speeded up to the highest possible tension. Rural delivery carriers are kept in a constant state of fear on account of the rearrangement and extension of the rural delivery routes, and the city letter carriers are loaded down with parcel-post matter to such an extent that thousands of them are suffering from ruptures caused by the strain of carrying excessively heavy loads. All these impositions may be a solicitude on the part of the Post Office Department officials for the welfare of the employees, but the employees do not view it in that light.

It is no doubt the desire of the officials of the Post Office Department to suppress the truth of the actual conditions that exist in the Postal Service, but in this they will fail, as the condition prevailing among the rank and file of the employees is one that must be remedied, or it will result in untold harm to the whole Postal Service. For the information of the Post Office Department officials I desire to state that the higher the office the greater the power, the wider the influence, and the greater the responsibility, the more important it is that there be a full and free discussion and honest criticism of official action. No man can oppose such discussion and such criticism without doing violence to the principles of liberty upon which this Government was founded. There should be no reason for protest against the closest scrutiny of the inner workings of the Postal Service by the officials, without tacitly admitting that their policies are open to suspicion and can not be defended. There should be no reason for suppressing or holding the truth from the public, and an opportunity should be given the employees to present their side of the case to the public without fear of incurring official displeasure. The people of our country favor a square deal for faithful postal employees. [Applause.]

Mr. Chairman, before concluding my remarks on the pending appropriation bill, I will read to the House a very illuminating paper which sets forth with clearness many of the subjects I have discussed and many more about which it will be well for us all to be informed. It was presented to me by Mr. Frank T. Rogers, the president of the United National Association of Post Office Clerks. It is a copy of a memorial to the Postmaster General, submitted by this association, and reads as follows:

[Memorial to the Postmaster General, being a synopsis of the resolutions adopted by the sixteenth annual convention of the United National Association of Post Office Clerks, held at Los Angeles, Cal., Sept. 6, 7, 8, and 9, 1915.]

PLEDGE OF LOYALTY TO THE SERVICE.

The sixteenth annual convention of the United National Association of Post Office Clerks, by formal action, renewed the often-repeated pledge of our association to earnestly cooperate with the Post Office Department in every possible way, to the end that the efficiency of the Postal Service shall be brought to the highest possible standard.

RETIREMENT OF SUPERANNUATED EMPLOYEES.

Our convention adopted a resolution declaring it to be of paramount importance to the membership of the United National Association of Post Office Clerks that the Congress of the United States enact legislation at the earliest day possible to provide for the retirement of the superannuated post-office clerks with a sufficient allowance to protect them against poverty in their declining years.

To this end the department is earnestly petitioned to recommend such legislation as will accomplish this purpose.

Superannuation in the Postal Service is an existing condition that has long been recognized by the heads of the Post Office Department.

This condition of superannuation is rapidly growing worse, and the necessity for legislation to cure the evil is now recognized as being acute.

Because of the low rate of compensation received by postal employees and the constantly increasing cost of living, and because of the standard of living which these employees are expected to observe in their respective communities, they are unable to lay aside a sufficient amount out of their meager earnings to enable them to care for themselves and their dependents in the twilight years of their lives.

We believe that the superannuated employees of the Postal Service could be retired with an annual allowance of not to exceed $600 without imposing any burden on the revenues of the Postal Service.

We urge the department to consider and indorse legislation that will authorize the Postmaster General to grant superannuated classified civil-service employees of the Postal Service an "indefinite leave of absence," together with an allowance of $600 per annum.

We believe that in the great majority of cases it will be found unnecessary to employ anyone in the places of such superannuates as may be granted this "indefinite leave of absence."

Should it be necessary to fill some of these places, substitute or acting employees could be appointed at the rate of compensation now paid to these substitutes or acting employees when performing vacation service; these substitutes or acting employees to be given permanent appointments according to their standing on the eligible list when vacancies occur in the ordinary manner or when the force shall be increased by additional appointments.

We invite attention to some of the more recent recommendations of Postmasters General and Assistant Postmasters General, as contained in the annual reports of the department, in which the necessity for the enactment of legislation for the retirement of superannuated postal employees is recognized and strongly advocated.

In the reports of the Post Office Department for 1910-1911, it will be found that the Postmaster General and the First Assistant Postmaster General both earnestly recommended that Congress enact legislation for the retirement of these superannuated postal employees.

Both of these department officials directed attention to the fact that the employees of the Postal Service, because of the comparatively small salaries received, and because of the conditions of their employment, were generally unable to accumulate sufficient savings to provide for their own support after retirement from the service.

The First Assistant Postmaster General, in the report for the fiscal year ending June 30, 1911, laid particular stress upon the necessity for meeting the condition of superannuation in the service, and offered the practical suggestion that the superannuates could be retired with a sufficient allowance to maintain themselves out of certain funds which accrue to the department each year. In this report the First Assistant Postmaster General suggested that the fund accruing from the lapsed salaries of employees absent without pay because of sickness and so forth, and the very considerable fund which comes to the department each year because of money orders remaining unpaid, would be more than sufficient to meet any cost that might be involved through the retirement of the superannuates.

The First Assistant Postmaster General, in his report for the fiscal year ending June 30, 1914, discusses the subject of superannuation in the service at some length. In one place he says: "Superannuation is an important problem in properly reorganizing the Post Office Service, and the increasing volume of parcel-post traffic accentuates the need for an early and definite solution." In the same report the First Assistant Postmaster General says further, that, "if the situation is to be changed, Congress only can do it."

Under date of March 4, 1915, the present First Assistant Postmaster General submitted a statement to the Senate of the United States, which was captioned "The Reward of the Superannuate." After reviewing the whole subject of superannuation in this paper, the First Assistant Postmaster General suggests, in conclusion, that "The compulsory contributions of the employees may be made as low as 1 per cent of the monthly salary, which will impose no undue burden upon them. The additional cost, if any, might be met by lapsed money-order funds, proceeds of dead-letter sales, supplemented by a small percentage of the postal surplus. This might have the effect of stimulating economy and efficiency in the service. Such a law should accord to the Postmaster General broad discretionary power, in order that the determination of superannuation might be administrative, and so that the condition of the fund might be considered in approving applications. Able-bodied men of advanced years would thus be retained in the service to the benefit of themselves and of the Government."

Our association submits that these ideas of the First Assistant Postmaster General in the closing paragraph of his paper entitled "The reward of the superannuate," are in conformity with the plan of retirement which our association suggests, namely, the granting of "an indefinite leave of absence" to such employees as are disabled from the discharge of their duties through superannuation. We believe that investigation will disclose that the percentage of cost to the total salary list that would be involved under the "indefinite leave of absence" plan of retirement will be considerably less than 1 per cent, and that the whole cost would be more than met by the use of lapsed-salary funds, lapsed money-order funds, and proceeds of dead-letter sales, without any direct draft on a postal surplus or other postal funds.

PROMOTION.

We petition the department to recommend legislation that will make it possible to promote clerks in first-class post offices above $1,200 and in second-class offices above $1,100.

The overwhelming proportion of the clerks employed in first and second class post offices are now in the $1,100 and $1,200 grades, respectively. They have virtually reached the highest grade that it is possible for them to attain under existing law. We believe that the encouragement of a further promotion should be held out to them, both in the interest of justice and because of the increased efficiency which springs from the definite hope of reward.

The request for this further opportunity for promotion is based not only upon the exacting and expert nature of the duties performed by post-office clerks, but also upon the greatly increased cost of living, which has been so clearly demonstrated in recently published statistics. There is unanimity of opinion that the cost of living has increased 37½ per cent in the last 10 years.

The attention of the department is respectfully invited to the fact that the first salary classification act for post-office clerks, which was enacted in 1889, contained the following paragraph, which applied to first-class post offices:

"Mail clerks, letter distributors, dispatchers, registry, money order, directory, and nixie clerks, nine classes, salary, graded in even hundred dollars, from $600 to not exceeding $1,400 per annum."

Thus it will be seen that 25 years ago Congress recognized the character of service being rendered by these employees and established a $1,400 maximum salary as a just measure of compensation.

The present salary classification act, which was approved March 2, 1907, does not directly provide for any salaries above $1,200 per annum for post-office clerks. However, the Congress which enacted the classification law of March 2, 1907, recognized the necessity and the justice of promoting clerks above $1,200 per annum by creating the designation of "special clerk" in the $1,300 and $1,400 salary grades. Congress in 1907 adopted this designation of "special clerk" because of representation that was made by the United National Association of Post Office Clerks that the annual promotion should be left open above $1,200 per annum for post-office clerks to cover the maximum of $1,400 per annum recognized in the first salary law of 1889.

Congress did not intend that clerks designated as "special clerks" should be confused in any way with the supervisory officers, and our association has continued to protest against efforts that have been made from time to time since 1907 to consider the "special clerk" as in any sense a supervisory officer.

We hope that recommendation will be submitted as a basis for action by Congress that will definitely establish the status of "special clerks" and provide a definite means for promotion of post-office clerks to these grades.

In view of the fact that Congress, as far back as 1889, believed that post-office clerks were entitled to receive a salary of $1,400, we feel entirely justified at the present time, some 27 years later, in asking that legislation be recommended to provide for the promotion of clerks in first-class post offices to $1,500 per annum and in second-class post offices to $1,400 per annum.

Because of the difficulty frequently experienced in properly recruiting the force of post-office clerks from among the most desirable elements, and because of the superior standard of salaries paid in other branches of the Federal service, we feel that in advocating this proposed legislation we are entirely reasonable and acting for the best interest of the Postal Service.

REMOVALS AND REDUCTIONS.

Resolutions adopted by our convention and the debate incident to their adoption disclosed the existence of a widespread feeling on the part of post-office clerks that their rights as classified Federal civil-service employees were not sufficiently safeguarded under the existing conditions covering the removal of postal employees from the service or their reduction in compensation.

We believe that this feeling of dissatisfaction on the part of the employees is not conducive to the development of the highest efficiency.

We believe that employees, when fearful of becoming victims of unjust reductions or removals, are not likely to feel the same degree of loyalty to their superior officers and to the service as when such conditions do not prevail.

We believe that the best interests of the public service will be conserved and the loyalty and faithfulness of the employees will be assured by the establishment of a "trial board" or "court of inquiry," to be composed of employees of the service who might be appointed by the postmaster from among the employees of the particular post office in which the accused may be employed, such trial board or court of inquiry to consist of employees of equal or higher rank than the accused.

We believe that investigation will develop the information that the public has generally indorsed the idea of a "trial board" whose function it is to investigate and pass judgment upon public employees against whom charges may be preferred.

The interest of the public arises from the desire to promote the merit system in public employment and to establish confidence in the theory of popular government.

We believe that it will be found that, where civil-service employees are engaged in large numbers, either by the different States or by municipalities, there exist trial boards whose duties are to see that discipline is maintained, efficiency increased, and existing laws for the protection of employees properly interpreted, by judiciously and fairly hearing both sides of cases in which the removal or the reduction of an employee is involved. The existence of such boards gives the public confidence in the public service. The right of the employee to face his accuser and to be absolutely sure that he has had an opportunity to know the exact nature of all of the charges that may rest against him removes in a large degree the friction that might otherwise prevail between the employees and the executives.

The attention of the department is invited to the proposed "model civil-service law," embodying the essential principles of a "practical merit system of public employment," as prepared by a committee of the National Assembly of Civil Service Commissions, in cooperation with the National Civil Service Reform League.

This proposed "model law" provides that no employee shall be reduced in compensation or dismissed from the service except upon written charges and after having an opportunity to be heard by a commission in his own defense.

The civil-service laws and regulations of some States and municipalities accord to the employee under charges not only the right to face his accuser, but also to be represented by counsel if so desired.

We believe that careful investigation will disclose the fact that no embarrassment will come to the executive force in maintaining discipline through the operation of a properly created trial-board system.

Thus believing, we urge the department to recommend the creation of such trial boards or courts of inquiry.

THE M'GILLICUDDY COMPENSATION BILL.

Our convention heartily indorsed the bill H. R. 15222, as introduced in the last Congress, "to provide compensation for employees of the United States suffering injuries or occupational diseases in the course of their employment." This bill was introduced by Representative DANIEL J. MCGILLICUDDY, of Maine, and favorably reported from the Committee on the Judiciary on April 21, 1914. We hope that the bill will again be introduced, and that it will receive the formal approval of the Post Office Department.

Briefly stated, the McGillicuddy bill provides that in the event of total disability the employee thus disabled shall receive 66⅔ per cent of his monthly pay during the entire period of disability, this sum not to exceed $66.67 per month and not less than $33.33 per month. For partial disability the bill provides for the payment of 66⅔ per cent of the difference between the monthly pay at the time of the injury and the amount of wages that the partially disabled employee is thereafter capable of earning, in no case to exceed $66.67 per month. It is provided that medical, surgical, and hospital services and supplies be furnished for a reasonable time and in a reasonable amount.

In the event of death resulting from such injury, it is provided that the widow, if childless, shall receive 35 per cent of the monthly pay of the deceased employee until her death or marriage. It provides that a widow, if there is a child, shall receive the above amount and, in addition, 10 per cent for each child, the total not to exceed 66⅔ per cent of the monthly pay of the deceased. The bill also provides that dependent parents shall receive from 25 per cent to 40 per cent of the monthly compensation, to be determined by the degree of dependency. The bill also provides for compensation to brothers, sisters, grandparents, and grandchildren, ranging from 20 per cent to 30 per cent, according to the degree of dependency. The bill provides that compensation to parents, brothers, sisters, and grandparents shall be paid for a period not exceeding eight years. The bill also provides that for the purpose of the law no salary shall be considered as in excess of $100 nor less than $50 per month. It is further provided that the burial expenses up to the sum of $100 shall be provided. The bill provides for the appropriation of a small sum, which it is believed will be sufficient to meet all the demands during the first year of the operation of the law. It is also provided that the law shall be administered by a commission of three, to be appointed by the President of the United States, subject to the approval of the Senate.

In the recently enacted Post Office appropriation bill for the fiscal year commencing July 1, 1914, there is embodied the Reilly compensation bill. The Reilly compensation bill applies only to post-office employees, and provides that in the event of injury sustained in the course of employment the employees shall receive full pay for one year and then half the pay for another year, if the disability continues that long. The Reilly compensation bill also provides that in the event of death of an employee, due to injury sustained in the service, those dependent upon him shall receive the lump sum of $2,000.

Thus it will be seen that the Reilly compensation bill is what might be termed a "limited compensation bill," in that it only covers a period of two years.

ASSISTANT POSTMASTERS.

Our convention adopted a resolution favoring the retention of assistant postmasters.

Many of the present assistant postmasters have risen from the ranks of the employees. We believe this avenue of promotion should be kept open to postal employees as an incentive to increased efficiency.

Postmaster General Burleson testified to the worth of the assistant postmasters in his hearing before the Senate Post Office Committee on August 18, 1914. He said in part upon that occasion: "The assistants are the real heads, in a large measure, of the postal affairs of the particular offices in which they serve."

In second-class post offices existing law provides for 1,060 assistant postmasters at salaries of $1,200, $1,300, and $1,400. To abolish the position of assistant postmaster would unnecessarily cause the reduction of these employees to the ranks of the $1,100 maximum clerk grade as now recognized in second-class post offices. Current law also provides for 1,055 assistant postmasters, at salaries of $1,100 and less.

We believe that the position of assistant postmaster in second-class post offices is very essential to the public service, in view of the fact that there are no other designated supervisory officers in offices of this class.

We believe that all vacancies in the position of assistant postmaster should be filled by competitive examination, which should be restricted to the employees of the office where such vacancy exists.

THE CLASSIFIED CIVIL SERVICE.

We heartily indorse the sentiment expressed in the last annual report of the Postmaster General that all postmasters should be brought within the classified civil service.

The specific recommendation that postmasters of the third class be hereafter appointed by the Postmaster General is looked upon as a step in the right direction, and should this legislation be enacted it will enable the Postmaster General to transfer clerks who are now employed in first and second class post offices to these positions. The training of the clerks so transferred would enable them to administer the affairs of such an office with great satisfaction to the public.

VACATIONS.

Under existing law, enacted in 1890, vacations of post-office clerks are limited to 15 days in each year.

There is no further provision of law which would make it possible for clerks to be absent with pay during periods of illness.

The department for a number of years has consistently recommended to Congress that the vacations of post-office clerks be extended to 30 days.

If such legislation, granting the 30-day vacation, were enacted it would, in a large measure, compensate the clerks when compelled to be absent from duty through illness.

It is a well-known fact that all of the employees of the department service in Washington receive not only a 30-day vacation in each year, but are also entitled to as many as 30 days' additional leave in the event of illness.

There seems to be no good reason why there should be this discrimination as between employees of the Government.

Our convention also requests that legislation be enacted to change the present clerks' vacation law so that it will conform to the existing vacation law for letter carriers, which was enacted in 1884.

The clerks' vacation law provides that no vacation can be granted until after one full year of service. There is no such provision in the letter carriers' law, and as a result of the absence of this provision the department has been enabled to pro rate the vacations of newly appointed carriers on the basis of one and one-fourth days for each month of service.

There is much confusion because of the different ways in which different postmasters construe the existing vacation law for clerks. Some few years ago the First Assistant Postmaster General promulgated an official construction of the clerks' vacation law, to the effect that a clerk should receive a vacation of 15 days some time prior to June 30 next following the date on which he completed his first year of regular service. This interpretation further provided that the clerk was to receive another vacation on account of the fiscal year he was beginning on the following day of July 1 at some time during the vacation period commencing with that particular 1st of July.

As the clerks' vacation law is now being generally interpreted, postmasters are compelling new clerks in the service to work as much as 18 and 20 months before granting any vacation.

Our association would like an interpretation from the department of the vacation law that will make it clear to postmasters that they must grant clerks an annual vacation of 15 days within a period of 12 months.

SALARIES OF SUPERVISORY EMPLOYEES.

Our association heartily indorses the effort now being put forth to secure the enactment of legislation that will reclassify the salaries of the supervisory officers employed in the first and second class post offices of the country upon a more equitable and just basis.

It has long been recognized that these supervisory officers are very inadequately compensated in view of the nature of the responsible duties they are discharging.

The mere fact that there are only about 1,000 employees out of the vast army employed in the first and second class post offices who are receiving a compensation in excess of $1,400 per annum speaks volumes for the necessity of additional promotions.

We believe that the efficiency of the service will be greatly advanced through the medium of such proposed promotions.

SUNDAY CLOSING LAW.

Our convention adopted a resolution urging the department to issue a general order to all postmasters to confine Sunday work in post offices within the intent of the "Mann Sunday post-office closing law."

This law reads in part as follows: "That hereafter post offices of the first and second class shall not be open on Sunday for the delivery of mail to the general public."

It has come to our notice that in many post offices practically the same service is being given to the general public on Sundays as prevailed before the Sunday closing law was enacted. This violation of the letter and spirit of the law results in exacting much more Sunday work from the clerks than the law intends. The department is reminded that all unnecessary Sunday work is costly because of the compensatory time which must be given to the clerks on one of the six working days next following.

We believe that there should be the greatest possible uniformity of practice throughout the country in the administration of the Sunday closing law.

TO RAISE THE STANDARD OF POST-OFFICE CLERKS—ENTRANCE EXAMINATIONS.

Our convention unanimously adopted a resolution petitioning the Postmaster General to recommend to the United States Civil Service Commission that the entrance examination for post-office clerks be raised to the same grade as for the departmental service and for the Railway Mail Service.

We deplore the present tendency of the Civil Service Commission to eliminate from the clerks' examination certain subjects that have heretofore been held as essential.

It is the desire of our association that the entrance examination for clerks be raised so that they may be eligible for transfer and promotion to the departmental or Railway Mail Service without further examination.

TRANSFER TO RAILWAY MAIL SERVICE.

In view of the fact that it has been held unlawful to transfer any employee to the Railway Mail Service at a higher salary than $900 per annum, we urge the Postmaster General to renew his recommendation made to the last session of Congress that legislation be enacted to permit employees of post offices to be transferred to the Railway Mail Service with their attained salaries.

PAY OF SUBSTITUTE AND AUXILIARY EMPLOYEES.

Under existing law substitute clerks and carriers are paid at the rate of 40 cents per hour when working for regular employees who are absent without pay. Existing law also provides that all other substitute, temporary, and auxiliary service shall be paid for at the rate of 35 cents per hour.

A recent Post Office appropriation act was pending in the Senate when an amendment was adopted to pay all substitutes, temporary and auxiliary clerks and carriers at the flat rate of 40 cents per hour. This amendment was reduced to 35 cents per hour when the appropriation bill was in conference.

Our convention adopted a resolution petitioning for the enactment of further legislation to increase the 35-cent rate to 40 cents, thus making a uniform compensation for this class of employees.

In view of the long periods of time that substitute employees must serve without any fixed compensation, we believe the flat rate of 40 cents per hour for all substitute, temporary, and auxiliary service is only just and equitable.

We also petition the department to order that all permanent appointments of substitutes be made at the beginning of a quarter, so that they may be promoted after one year's service as the law contemplates.

TEMPORARY CLERKS.

Our convention adopted a resolution requesting the department to discontinue the practice of making so-called temporary appointments of clerks.

It is pointed out that employees working under this designation receive a compensation of $800 per annum, which is less than they

would receive under the rate of 35 cents per hour, which the law authorizes for auxiliary employees. It is also pointed out that employees receiving these temporary appointments suffer injustice because their permanent appointment is indefinitely delayed.

The department is further requested to make clear the status of these employees under the existing vacation and promotion laws which govern regular appointments. There is much doubt as to whether or not clerks temporarily appointed are entitled to the benefits of the vacation law and whether or not the time served during temporary appointment will be taken into consideration after permanent appointment when it comes to consideration for promotion under the provisions of the salary-classification act.

NIGHT WORK IN POST OFFICES.

Our association respectfully petitions the department to issue an order authorizing the postmasters to recognize seven hours of night work as the equivalent of eight hours of daywork. This principle has long been recognized in the English postal service.

A very large percentage of post-office clerks are compelled to labor at night. This night work constitutes the most discouraging feature of clerical employment in post offices. We believe that night work, more than any other one factor, discourages desirable applicants from entering and remaining in the Postal Service. We recognize that some night work is absolutely necessary.

The department is urged to issue a uniform order to all postmasters, instructing them to assign all new appointees to night work, and that all future assignments to positions involving day employment be made from the ranks of the clerks doing night work, such assignment to be on the basis of seniority service, regardless of the division in which employed. We also urge that whenever the senior night clerk is passed over for promotion to daywork he should be notified in writing of the reason.

The department is further urged to issue necessary orders to reduce the amount of night work to a minimum, and in our opinion this could be accomplished without detriment to the service by permitting certain mail matter other than first-class mail and daily newspapers to lay over at night and be worked during the following day.

We heartily commend the propaganda of the department to induce patrons of the mails to deposit all classes of mail matter as early in the day as possible. We pledge our earnest cooperation in this work of educating the public. The practice of holding mail matter until late in the evening greatly retards the delivery of this mail matter, and incidentally works a great hardship to post-office clerks by compelling so many of them to be on duty at night.

SCHEME STUDY.

The department is urged to investigate the general conditions surrounding the "scheme" examinations of all distributing clerks.

Some plan should be devised to allow the clerks who must constantly study time off duty for the purpose of this studying.

A committee of delegates attending our convention, who are engaged in the work of distribution, urge, as a basis for the consideration of the department, that 30 hours of compensatory time be allowed for review work and 60 hours of compensatory time be allowed for the study of new schemes, and that an advance notice of 30 days be given distributers prior to the date of examinations, and at least 90 days be allowed distributers for study of new schemes.

The department is also urged to consider the justice of relieving from further scheme study and examination distributers who have been constantly engaged in the work of distribution for 20 years or more.

Our convention entered a vigorous protest against the practice prevailing in some of the metropolitan post offices whereby qualified distributers on heavy mailing-division schemes have been compelled to also study and learn extensive schemes of city distribution.

Our convention also protests against the practice which still prevails in some large post offices whereby clerks in the mailing division are compelled to learn two or three heavy schemes, whereas they are never called upon to distribute on more than one scheme. It is the experience of distributers that it is very difficult to retain knowledge of schemes on which the clerk is not actively engaged.

Our convention also voted to petition the department that the actual scheme examination of the clerks should be held during the period of regular employment of the clerk. It is particularly an injustice to clerks employed at night to be compelled to come to the office during the day on their own time for the purpose of putting up their examinations.

On the petition of delegates from the second class and smaller first-class offices our convention adopted a resolution protesting against unnecessary scheme study in these smaller offices.

It is a well-known fact that in smaller offices the clerks at different times are employed in all branches of post-office work. In the very small offices there is never a sufficient volume of mail matter to keep a clerk constantly employed in the work of distribution.

These clerks protest that it is an unnecessary hardship to be compelled to learn the same schemes of distribution that are used by railway mail clerks. The railway mail clerks are constantly engaged in the work of distribution and are allowed time off to study their schemes. The scheme knowledge required of these clerks is of no practical use, because it is absolutely impossible to throw the scheme as learned in actual distribution.

It is contended that the efficiency of the service could be thoroughly preserved if an arrangement will be worked out to examine these mailing clerks in the very small offices only on such scheme knowledge as is necessary to properly distribute the mail from the standpoint of the particular office.

In the report of the First Assistant Postmaster General for the fiscal year ending June 30, 1910, the First Assistant Postmaster General said: "Steps have been taken to have examinations given on standpoint rather than on general 'schemes'; that is, to have each clerk learn only the distribution that is proper for his own office."

In view of the fact that some mailing clerks in small offices have suffered loss of promotion because of failure to accomplish the same average as a railway-mail clerk on a Railway Mail Service examination the department is urged to order future examinations of mailing clerks to be held only on the basis of knowledge necessary for the proper distribution of mail being dispatched from that particular office.

EFFICIENCY RECORDS.

The subject of efficiency records received considerable attention from the delegates attending our convention.

It is understood that the department has a commission at work revising the existing efficiency system. There was protest on the part of the delegates attending the convention that too much weight is being given to the element of "speed tests" covering short periods.

We beg to direct the attention of the department to the experience of the Railway Mail Service with the so-called speed tests. The dissatisfaction of the employees because of its introduction in the Railway Mail Service is a matter of history. That the so-called speed system is not practical and does not make for increased efficiency was acknowledged when the Second Assistant Postmaster General, upon the advice and recommendation of the 15 division superintendents of the Railway Mail Service, definitely abandoned the speed tests.

We hope that the experience of the Railway Mail Service will prove sufficient to prevent further attempts to introduce this obnoxious system into our post offices.

The attention of the department is invited to the fact that in a number of post offices local efficiency systems have been put into effect which are wholly and completely at variance with the recognized system which the department promulgated in 1908. In some of these offices where local systems have been adopted they have been based almost entirely upon the taking of speed tests.

We earnestly petition the department to issue an order to all postmasters that these local systems of efficiency must be abandoned pending the time that the department is prepared to promulgate the new system of efficiency upon which it has been at work for some time.

If the practice of establishing local efficiency systems is permitted to grow, chaos in the service must be the natural result.

The attention of the department is invited to the fact that Congress last year adopted amendments to both the Navy and the Army appropriation bills specifically prohibiting the use of a stop watch or other time-measuring device in connection with efficiency systems. It is reasonable to suppose that the will of Congress, as registered in connection with the employees of the Army and Navy Departments, is exactly the same as it would be toward the conditions of employment of post-office employees.

Our association earnestly hopes that before the new rules are definitely promulgated representatives of our association will be given an opportunity to see the same and to offer suggestions based on the actual experience of the employees.

The fact was developed at our convention that under existing conditions some postmasters do not give to their clerks their efficiency ratings twice a year, as is provided for in the present rules. It is also true that some postmasters do not notify their clerks of the imposition of demerits at the time the supposed errors are committed. The department will readily understand how advantage can be taken of the employee when promotion time arrives if the employee has been kept in ignorance of his rating and the number of demerits with which he has been charged.

Considerable complaint was voiced by the clerks because they are not advised when additions to the efficiency system lists of penalties are made. The clerks complained that under these circumstances they do not know how to avoid infractions of some of the new rules. Our convention expressed the belief that the absence of a uniform system in the matter of initial rating for quantity of work performed is the cause of the greatest discontent, discouragement, and misunderstanding. It is the opinion of our association, based upon the experience of many clerks in many offices, that the initial rating for all clerks must be uniform if injustice and discriminations are to be avoided. We believe that the demerits which are charged against the initial rating will sufficiently indicate the relative efficiency and faithfulness of the clerks. We believe that it is wrong in principle to disregard the elements of seniority of service in making up efficiency records.

The principle of seniority of service is generally recognized by employers, particularly where large numbers of workers are concerned. Where consideration is not given to the element of seniority of service, discrimination and favoritism are bound to prevail, at least in the proportion in which seniority is not recognized. Recently enacted civil-service laws and recently adopted civil-service regulations of States and municipalities specifically recognize the necessity of attaching considerable weight to the element of seniority of service when promotion in salary or change to preferred assignment may be under consideration. Seniority is too closely identified with faithfulness to make it safe to disregard it.

We believe that, all other things being equal, sufficient weight should be added for the element of seniority of service to insure the promotion of the clerks with most years of service.

The department is also urged to include in the new efficiency system a definite and uniform method of making promotions to the supervisory positions. Our association suggests that, when possible, vacancies in the higher grades of supervisory positions be filled by promotion from the next lower grade of supervisory officers, and the resultant vacancy in the lowest grade of supervisory positions be filled from the ranks of special clerks and clerks and carriers of the $1,200 grade in first-class offices, and from the ranks of clerks and carriers of the $1,100 grade in second-class offices, after an examination has been held to test ability and fitness, the postmaster to have the right to make a selection from among the three highest passing the examination.

We believe that wherever possible all vacancies in supervisory positions should be filled by promotion from the ranks of the employees in the city in which the vacancy exists. The practice of transferring employees from other cities over the heads of the men expecting promotion in an office is certainly demoralizing.

The department is requested to define the period of time that demerits for violations of the efficiency system shall stand against the record of a clerk. The efficiency record system is silent on this point, with the result that some postmasters hold demerits against a clerk's record from year to year, thus permitting such an accumulation of errors as to not only prevent the clerk's promotion but also to place his position in peril.

SANITATION.

Our convention adopted a resolution urging the department to renew the campaign for better sanitary conditions in post offices, which was inaugurated some few years ago under the administration of Postmaster General Cortelyou.

The department is urged to again direct the attention of all postmasters to the necessity of enforcing the sanitary rules which were incorporated in the order of former Postmaster General Cortelyou. We ask consideration for the advantage of substituting vacuum cleaning for the present system of dry sweeping and cleaning, which is so dangerous to health.

The attention of the department is again invited to the condition of the sacks used in the transportation of mail matter. These sacks, by virtue of being thrown upon and dragged over many dirty floors and railway platforms, accumulate great quantities of dust and disease germs. When these sacks are emptied in the post office the atmosphere

becomes laden with this dust and these germs, seriously menacing the health of the employees.

It is generally believed that much of the tuberculosis contracted by post-office clerks is traceable to this cause.

It is suggested to the department that these sacks could be treated with a powerful disinfectant and subjected to some cleansing process at least once a year without great cost to the department.

That the dust-laden atmosphere of the distributing rooms in post offices and general insanitary conditions are conducive to the spread of tuberculosis is attested by a recent investigation of the postal service of France. A report makes public the result of this investigation, reading as follows:

"According to statistics just published the French postal employees pay a terribly heavy death tribute to tuberculosis. Prof. Landouzy has shown that of 100 deaths of postal employees in 1902, 15 were due to tuberculosis. In 1903 the percentage rose to 17, in 1904 to 21, and it is estimated to-day at over 30. It is stated that the scourge is spreading rapidly owing to the lack of air in the post offices and to the fact that the offices are scarcely ever cleaned out properly on account of the nonprovision of funds to pay cleaners."

In view of the fact that tuberculosis in post offices has become something of an occupational disease, our association believes that these victims of the white plague should be accorded free entry and treatment in the hospitals conducted under the auspices of the Marine Hospital Service of the United States.

STOOLS OR SEATS FOR DISTRIBUTORS.

Our convention again adopted a resolution earnestly requesting the department to furnish stools or some other form of seat for the use of clerks who are constantly engaged in the work of distribution. The work of a distributor, particularly those employed in the very largest offices, is very confining in its nature. He is compelled to stand in practically one position all day, or all night, and this constitutes a severe physical strain, which results in a useless and unnecessary waste of energy. Many of our distributors suffer from broken arches of the feet and from varicose veins as a result of this constant standing. An occasional opportunity to sit down would be of great physical benefit to the clerks. A number of kinds of seats have been suggested which the clerks think could be installed and which would not take up any room and would be inexpensive to the department.

Stools are now in use by distributors in some of our post offices, and where installed have proven to be of great benefit to the men.

SATURDAY HALF HOLIDAYS.

In some of our States the Saturday half holiday has been made legal by act of the legislature.

In many of the departments of the Government service the employees now enjoy the privilege of the Saturday half holiday.

In the business world the recognition of the Saturday half holiday has become almost universal.

In some departments and divisions in first and second class post offices certain of the employees are now permitted to enjoy Saturday afternoons off duty.

We earnestly petition the department to extend this privilege to the employees of other divisions and departments of first and second class post offices who do not now enjoy the privilege.

We believe it is only fair that the employees of divisions where the nature of the work is such that it is impossible to give the employees a Saturday half holiday, should be given a half holiday on some other day of the week in order that there may be no discrimination in the treatment of employees of various divisions.

We believe that the privilege of the Saturday half holiday could safely be extended to many employees of city post offices who do not now enjoy it. It is a well-known fact that, because of the general suspension of business on Saturday afternoons, the volume of mails falls off very materially on Saturday afternoons.

EXTENDING THE TIME OF LEAVE OF ABSENCE.

The present practice of limiting the leave of absence that may be given to a clerk to five months very frequently works a hardship in the case of a faithful clerk who has been employeed in the service for years, and who may be stricken with a malady that may require a longer period than five months for recuperation. We believe that the worry occasioned to the afflicted clerk because of being dropped from the service at the end of five months seriously militates against recovery of health.

We therefore ask that the limit of a leave of absence be extended to one year before the clerk is compelled to resign, and that the clerk be eligible for a reinstatement within the following year at his salary at the time of resignation.

COMPENSATORY TIME FOR HOLIDAY WORK.

Our convention adopted a resolution requesting the department to instruct postmasters that clerks should be granted compensatory time off duty for all necessary work performed on certain recognized holidays.

There are certain divisions in all post offices where no holiday work is required, and it is only simple justice to the clerks working in divisions where holiday work is required that they be given time off for the same.

FORWARDING SHORT-PAID MAIL MATTER.

Our convention indorsed the proposed legislation to authorize the Postmaster General to forward to destination all mail matter not prepaid or insufficiently prepaid, double the amount of the unpaid postage to be collected on delivery.

REQUESTING DEFINITIONS OF "IDENTIFICATION."

Our convention adopted a resolution requesting the department to issue a statement for the benefit of money-order and registry clerks by way of explaining what constitutes proper "identification" in the payment of money orders and in the delivery of registered matter.

We believe that greater protection would be afforded to paying tellers if a space were definitely provided on the back of money-order forms for the signature of persons making identification of others.

Money-order clerks are frequently compelled to stand losses arising through the wrong payment of money orders, notwithstanding that every precaution had been taken to establish "identification" as locally construed. If the department would establish a universal system of identification many of these losses, which the clerks are now compelled to bear, might not happen.

It was suggested that the department should have a fund with which to indemnify money-order clerks who have been compelled to bear these losses, if, upon investigation, it is established that every proper precaution was exercised by the clerk before payment was made.

"OUTLOOK" OR "WINDOW" ENVELOPES.

The department is urged to issue an order denying entry to the mail of the so-called "outlook" or "window" envelopes. These envelopes have an open space which is covered with glazed paper, through which the address must be read. The strain on the eyes of the distributing clerks is greatly increased because of attempting to read addresses through this glazed paper.

Because of the careless insertion of invoices and statements in these envelopes, it is frequently impossible to read the addresses at all.

It has been demonstrated that the distribution of this class of mail matter is a much slower process than the distribution of any other class of mail matter.

In view of the campaign now being conducted by the department to lessen the expense incident to the vast amount of work performed in the different directory divisions of the city post offices, it is suggested that a material saving would be accomplished if these "outlook" envelopes were debarred from the mails.

It is also suggested that if the department will not prohibit entry to the mails of these so-called "outlook" envelopes an order be issued to do away with the glazed insert over the so-called "window."

SALE OF STAMPS AND CARDS.

The department is also respectfully requested to consider the advisability of resuming the former practice of packing postal cards in packages of 25.

The department is also requested to devise a method of printing special stamp editions of a memorial nature in sheets of 50 and 100, in order to facilitate the handling and sale of the same.

The attention of the department is invited to complaints constantly being made to stamp clerks by the public about the poor perforation of stamps.

PROPER ADDRESSING OF PUBLICATIONS.

The department is urged to enforce paragraph 3, section 465, Postal Laws and Regulations, 1913, requesting that printed addresses on publications be in clear type, not smaller than long primer.

The department is also urged to request publishers to print either on the cover page of all publications or on the wrapper thereof the name of the publication, with the office of issue and frequency of issue. This will greatly expedite the work of notifying publishers of changes of addresses, etc.

RAILWAY MAIL SERVICE ERROR CHECKS.

The department is respectfully requested to instruct the proper officials of the Railway Mail Service to forward daily all slips on which are noted errors in the distribution of mail.

The practice is to hold these error slips, with the result that clerks in post offices continue to make what may prove to be a mechanical error over and over again.

TEMPORARY SALARY REDUCTIONS.

Our convention urges the department to change the present ruling concerning the reduction in salary of clerks for specific offenses and breaches of discipline.

When a clerk has been reduced in salary for one quarter, and when the reduction in salary is at the rate of $100 per annum, it is believed that ordinarily the clerk has been sufficiently fined or disciplined for that particular offense. But under existing interpretation of the law the clerk can not be promoted until one year after the time he has been restored to his former salary. This results in the clerk suffering a double, and sometimes a triple, penalty for the same offense. The department is urged to change this ruling and allow clerks who have been temporarily reduced in salary for a specific offense to be promoted in their regular order after one year of service in their grade, time in the grade prior to the temporary reduction to be computed in making up the year of service in the grade as well as time in the grade after salary was restored.

WITHHOLDING PAY FOR SUNDAY.

Under a ruling of the Comptroller of the Treasury an employee who is compelled for any cause to be absent from duty on Saturday and again on the following Monday must sacrifice a day's pay for the intervening Sunday, whether the employee was scheduled to work on that Sunday or not.

This regulation is very obnoxious to the post-office clerks and generally regarded as very unjust. In some branches of the service Sunday work is not required at all, and it seems absurd to deduct from an employee's salary a day's pay for Sunday because the employee happened to be away on Saturday and Monday.

Congress has recently enacted legislation that post-office clerks and carriers shall receive compensatory time off duty on some week day for all Sunday work, thus indicating a legal intent that post-office clerks and carriers are supposed to work on the basis of six days per week rather than on the basis of seven days.

The department is urged to recommend legislation that will overcome the effect of this decision of the comptroller

AGAINST 1-CENT LETTER POSTAGE.

Our convention unanimously went on record as opposing the proposed legislation to reduce the rate on letter postage to 1 cent. We believe that the effort to secure such proposed legislation is premature.

TO REMOVE LIMITS ON POSTAL SAVINGS.

Our convention adopted a resolution suggesting to the department that legislation be recommended to remove all limitation on the amount of money that may be deposited by a depositor in the postal savings bank.

We believe patrons should be able to transfer savings accounts without withdrawing same.

THE FRANKING PRIVILEGE.

We believe that each department of the Government should bear its share of the cost of the transportation and handling of its mail by the Post Office Department.

We further believe that the Post Office Department should receive at least a book credit for the great tonnage of free congressional matter that is constantly being handled by the Post Office Department without credit of any description.

BALING MACHINES FOR WASTE PAPER.

It has come to our knowledge that the department has installed in some post offices baling machines to take care of all waste paper and suitably prepare it for sale.

We believe that the department would be justified in placing these machines in almost every first and second class post office in the country, feeling that the revenue derived from the sale of the waste paper would soon reach very considerable proportions.

TERMINAL STATIONS.

Our convention adopted a resolution respectfully requesting the Postmaster General to issue an order transferring all clerks employed in the new railway terminal offices to the jurisdiction of the postmaster in the city where the terminal station is located.

We believe that if these terminal post offices were manned by clerks from the city post office and under the jurisdiction and control of the local postmaster the efficiency of the service would be increased and a greater economy effected.

PARCEL POST.

We urge the department to consider the advisability of requesting the public to write on the wrappers of parcels requiring special handling the exact contents of the parcel. Experience demonstrates that the public now frequently confuse the terms "fragile" and "perishable."

We urge the department to consider the advisability of charging an extra fee on all "fragile" parcel-post matter, so as to prevent the very extensive practice of the public in wrongfully and knowingly marking ordinary parcel-post matter as "fragile."

We also believe that short-paid "perishable" parcels should be sent through to destination, the amount of short postage to be collected on delivery.

The department is urged to hasten the day when proper and suitable equipment will be furnished for handling the parcel post.

Respectfully submitted.

JOSEPH J. GALLAGHER, *Chairman*,
EDW. J. RORKE,
A. L. LOUDER,
S. H. MCKINNEY,
P. E. FOSS,
*Advisory Board.*

Approved.

FRANK T. ROGERS, *President.*

[By unanimous consent, Mr. GRIFFIN and Mr. RODENBERG were granted leave to extend their remarks in the RECORD.]

Mr. MOON. Mr. Chairman, I yield to the gentleman from Indiana [Mr. ADAIR].

Mr. ADAIR. Mr. Chairman and gentlemen of the committee, I realize that a great amount of thought and labor has been devoted to the preparation of the pending Post Office appropriation bill, and, knowing this, I do not feel justified in taking up the time of the committee by speaking at great length upon the various important features connected with this measure. I do wish to state, however, that, unusually busy as I happen to be at the present time, I have tried to find time to familiarize myself with the different sections incorporated in this bill, and I especially wish to congratulate the chairman and his colleagues on the Committee on the Post Office and Post Roads for the very excellent measure they have been able to formulate in the face of so many trying difficulties.

It is no little matter, Mr. Chairman, to prepare any appropriation bill so that later it will meet with reasonable satisfaction. When we are reminded that the pending measure, providing for the maintenance of a Postal Service for the ensuing year, carries with it an appropriation of over $320,000,000, provides for a service that enters most intimately into the life of every citizen of our common country and, at the same time, sets a rate of wages and fixes a standard of employment for approximately a quarter of a million postal employees, we can more fully appreciate the magnitude of the measure we are considering. From every point of view I think the committee has done very well indeed, and I say this in the face of the fact that I favor certain other liberal provisions affecting the Postal Service that are not incorporated in this bill.

To successfully administer the affairs of the great Post Office Department, three principles should be continually kept in view. Above all, the service should be efficient, the cost of the service should be reasonable, and the general well-being of the employees should be wisely protected. In this bill I think the committee has kept these ideas well in mind.

No more tangled or intricate problem could come before a body for consideration than the question of railway mail pay. Desiring to be, on the one hand, fair to the railroads and, on the other, alive to the interests of the people, the present plan contained in this bill to reimburse railways for transporting the mail seems to be designed with this very end in view.

In this bill also is incorporated a provision to permit the bonding of the postal employees by the Post Office Department. To escape the exactions of private surety companies who insist on charging the employees of the Post Office Department an unreasonable rate for this class of service, this bill provides that the department may bond its own employees at a rate which shall not exceed 75 per cent of the present cost for such bonds. This is an excellent measure, and I hope it will be adopted by this House.

In this bill $53,000,000 are appropriated for the maintenance of the Rural Free Delivery Service for the ensuing year. This is $4,000,000 in excess of the amount asked for by the Post Office Department to carry on this branch of the Postal Service. No more important service of any kind exists to-day than the Rural Free Delivery Service, both to the patrons on the route and the people in general. I am firmly opposed to making any change in the Rural Free Delivery Service that would be calculated to lower the efficiency of this important part of the people's business, and I have constantly been heard in this House during my 10-year service in this body advocating good wages and decent treatment on behalf of the rural carriers of the country. During the past year, an effort has been made to motorize the Rural Service. Numerous complaints have arisen as a result of this change, and I submit that the argument of economy should not be alone sufficient to justify this proposed plan. All new departures of this character should be viewed in the light of efficiency as well as economy. Nor should we be insensible to the welfare of a great army of rural carriers in the country. In meeting this problem, this House should take into consideration each of those factors, and if economy is to be secured at the expense of efficient service, then, under such circumstances, I wish to record myself as being against it.

In this bill wider opportunities for promotion in the service are provided for. The beginning, it is true, is small, but it is an encouraging sign. A new grade, designated special clerks, has been created, with salaries ranging as high as fifteen hundred dollars. This provision not only opens up a wider field of promotion for the clerks in the larger offices, but it applies to clerks in offices of the second class as well. This, too, is a good feature of this bill.

In the City Letter Carrier Service numerous changes of a beneficial character, favorably affecting the employees in question, are incorporated in this measure. Substitute letter carriers are now, as they should be, brought within the scope of the present compensation act, which compensates postal employees for injuries received in the performance of duty. In the original draft of the compensation law these employees were excluded. Their rate of pay is fixed at 35 cents an hour for all temporary service instead of a rate approximating 29 cents an hour, which they were in many instances paid.

Then, too, provision is made in this bill for payment of compensatory time of post-office clerks and carriers who are compelled to perform regular service on such holidays as are usually observed. This provision, if it becomes a law, will result in a more general observance of holidays not alone by the post office but upon the part of the people as well. The man who works as steadily as post-office employees are called upon to work, no matter what may be the type of labor he performs, is entitled to an occasional day of rest and recreation. Public sentiment indorses such a policy and this section of the bill proves that Congress is well abreast of the times in its concern for those who do the work of the world.

During the past two years there has been a disposition on the part of the Post Office Department to make of carriers assigned to the delivery and collection service two separate grades of work, carrying with them a difference of $200 in salary. Provision is made in the pending bill to correct this tendency, and the bill further provides that such collectors as have been reduced in salary should be restored to their former grade. In my opinion no just reason can be assigned why any distinction should be made in payment of salaries of carriers who care for the responsible and trying duties that are a part of the collection service of the post office, and this section can not help but result in being a benefit not only to the men affected but to the service as well.

Viewing the pending bill as a whole, I wish to repeat that I consider it a most excellent measure. The interests of the people are properly protected; and we must not forget that the Postal Service, in its origin, was intended to be a servant of the people. What changes in existing law the pending measure contemplates have but one purpose in view, and that is to make the Postal Service more businesslike and efficient in its administration. Neither has the Post Office Committee been unmindful of the welfare of the employees in the Postal Service. This fact is proven by the number of beneficial measures incorporated in this bill which makes certain changes in the present status of the working condition of post-office employees, and which have been very properly designed to lighten their burden, fix a just standard of compensation for services rendered, and offer wider opportunities for advancement and promotion in the ranks.

There is one matter, however, of which I wish to speak in connection with the payment of salaries of clerks and carriers in post offices of the second class which appeals to me as being rank discrimination. The great majority of Members of this House have post offices of this character in their districts, and, like myself, must be fully acquainted with the facts in the case of which I will speak.

The present classification act fixing the salary of letter carriers was passed on March 2, 1907. With one amendment, which fixes the entrance grade at $800 per annum instead of six hun-

dred, this is the law governing the salaries of clerks and carriers at the present time. I quote from this law:

SECTION 2881, POSTAL LAWS AND REGULATIONS.

After June 30, 1907, clerks in offices of the first and second class and carriers in the City Delivery Service shall be divided into six grades, as follows: First grade, salary, $600; second grade, salary, $800; third grade, salary, $900; fourth grade, salary, $1,000; sixth grade, $1,200. Clerks and carriers at first-class offices shall be promoted successively to the fifth grade, and clerks and carriers at second-class offices shall be promoted successively to the fourth grade.

After June 30, 1907, all promotions of both clerks and carriers shall be made at the beginning of the quarter following the expiration of a year's service in the next lower grade.

I wish to especially direct your attention to the wording of this law. Its opening sentence states—

After June 30, 1907, clerks in offices of the first and second class and carriers in the City Delivery Service shall be divided into six grades.

By the phraseology used in this law one would naturally conclude that it was the intent of Congress to not only divide the clerk and carrier service into certain grades, where promotion would be made annually upon proof of satisfactory service on the part of the employees, but that this promotion would also be open to the highest grade for all clerks and carriers, no matter in what office they might be stationed. No other conclusion can be reached by careful study of this law.

As a matter of fact, however, while clerks and carriers, stationed in offices of the first class, have automatically reached the sixth grade as contemplated in the provisions of this law, post-office clerks and carriers, doing the same sort of work in offices of the second class, have been unable to advance beyond the fifth grade. Thus the maximum salary to be attained in first-class offices of clerk and carrier is twelve hundred dollars while in the smaller offices it is eleven hundred dollars. I am unable to reason out any justice or necessity for this discrimination. In both instances the work to be performed is the same, the discipline, under which these men serve, is similar in character, and all other provisions of the Postal Rules and Regulations apply with equal force to all clerks and carriers, no matter what the class of office. Moreover, innumerable instances exist in which the territory served by carriers in first and second class offices is but divided by a single street.

I submit that these employees are a faithful, loyal, and reliable set of men. They do their work well. They are a picked set of men held in high esteem by the people they serve, and much of the present popularity of the Postal Service with the public can be traced to the efficient and courteous manner in which these men discharge their duties in all wind and weather. Joining hand with them, the clerks and carriers in the larger offices are just as anxious to have this discrimination removed as are their brethern in the second-class offices, and time after time have passed resolutions recommending that this be done.

As I pointed out before, there is no need of additional law to be passed by Congress which will provide for the promotion of these employees to the highest grade. That is already provided for in the present law. All that is necessary to be done to insure the advancement of these men to the maximum grade is for Congress to vitalize the present law by making an appropriation—which in itself will not be large—that will permit these clerks and carriers employed in post offices of the second class to be promoted to the maximum grade. Such appropriation ought to be made, and I trust it will be made. Familiar as the Members of this House are with the accuracy of the statements which I herewith submit, and knowing, as I know, how just are the contentions of these men, leads me to hope that this body will incorporate in the pending Post Office appropriation bill, which I so heartily indorse, an added provision which will permit simple justice being done to this deserving set of employees.

Mr. MOON. Mr. Chairman, I yield five minutes to the gentleman from Illinois [Mr. WM. ELZA WILLIAMS].

Mr. WM. ELZA WILLIAMS. Mr. Chairman, I will avail myself of this opportunity to speak on the subject of "preparedness." During the last year I have believed that the complications daily arising out of the European war require that we should increase our armament and maintain ourselves in a better state of defense. I have not, however, felt that my own judgment was infallible, but that I needed the counsel and advice of my constituents. In order that I might know the sentiment of my people in the State of Illinois, whom I have the honor to represent in this Congress, I commenced a systematic poll about January 1 and sent out letters to acquaintances in the various counties and congressional districts of the State, requesting them to sound the state of the public mind on this important question and advise me. My letter of inquiry reads as follows:

MY DEAR SIR: I am sending you herewith a copy of the President's message delivered before Congress upon the convening of the present session. This is a very important state paper and I know you will read it with interest. In this message the President deals with some of the great questions now pending solution before the country, and particularly with conditions growing out of the European war. Perhaps the most important question before Congress is that of preparedness for national defense. I am no longer on the Naval Affairs Committee, having been assigned to that of the Judiciary, but I am familiar with the condition of the Navy and have much interest in that subject. I know our Navy should be strengthened along the lines which the lessons of the European war have demonstrated most necessary for defense. I feel that we ought to largely increase the number and quality of our submarines and other auxiliary craft and that we should materially develop aviation, which has become an essential part of the Navy and Army for scout and other purposes. We also need a much better supply of arms and ammunition and other equipment than we now have. All of which will entail expense. I feel sure, however, that if we have a good Navy, sufficient to intercept the enemy at sea and prevent a landing on our shores, that we will not require a great Army. I do not take kindly to the idea of universal military enlistment and drill. Will you please feel out public sentiment along these lines in your community and write me the consensus of opinion as you find it? I assure you it will be a benefit to me in arriving at my conclusion.

The first responses were largely indefinite in tone and indicated that the writers and the people with whom they conferred were not sufficiently informed as to the condition of our Army and Navy and the necessity for strengthening either to enable them to advise me with definiteness and certainty. I observed that as the question became more and more agitated and the people better informed, the assurance of the writers was more clearly evidenced and the replies more certain in tone. These letters indicate to my mind that there is a very rapid growth in public sentiment in favor of better preparedness for defense. Immediately following the Presidents' visit to the West there was a very decided change in the sentiment expressed and it became apparent that the President's words had taken root and that the people of the State of Illinois realize the importance and the necessity of strengthening both arms of our national defense.

I have tabulated these returns from the beginning of my poll down to and including my mail to-day, and I find that 85 per cent of these replies are in favor of the program which the President has outlined, and the writers express a positive conviction for a great Naval Establishment approximately equal to any, and for a material enlargement and strengthening of our land forces. None seem to favor involuntary service in the Army nor compulsory enlistment. The continental army plan meets with outright opposition. A large per cent of the replies indicate a desire that the Regular Army should be increased, and that the National Guard should be materially augmented and rendered more responsive to national authorities. The federalizing of the National Guard seems to meet with favor. I find that 10 per cent of the writers, and those for whom they assume to speak, are in favor of a moderate increase only of the Navy and practically no change in the Army. Five per cent of those who have replied are opposed to any increase of either the Army or the Navy, or to any kind of preparedness, and scout the idea that there is now or will be in the future any need of expenditures along these lines. They seem impressed with the argument that all Europe will be exhausted, bankrupt, and penniless, and that no danger threatens us from any quarter.

If I ever entertained any doubt as to my duty here in relation to this great question, that doubt has been removed by the spirit and the tone of the letters which I have received from my State, and the judgment which I have formed and heretofore entertained has been confirmed by these advices. So I speak to-day in behalf of national preparedness, and stand unequivocally in favor of the enlargement of our Naval and Military Establishments to a point of efficiency adequate for every emergency.

We stand face to face with abnormal conditions. A spirit of war and carnage and death possesses the world. Those of us who dreamed of world peace and the disarmament of nations during the calm that preceded the storm were rudely awakened a year and a half ago to a realization that war is appointed, and constitutes a part of the economy of nature, designed and intended. Human nature is so constituted, individually and collectively, that war is inevitable. The reason why is not a pertinent inquiry; it is enough for us to know that it is true, and knowing this, it is our duty to ourselves and to posterity to prepare our country against attack, that we may hand down to future generations unimpaired the institutions established by our fathers which we in our day and time enjoy in all their integrity.

No good purpose can be served by harrowing the sensibilities of this House and the country with a description of life in the trenches and upon the battle line. We know that human slaughter is the order of the day; that millions of men, armed to the teeth, face each other in the field, and that death and carnage, destitution and misery and want abound. We know that war is contagious and that the scent of blood impels men

to desperate deeds. We know that a spark here and another there may ignite in a moment and draw us involuntarily into the flame. Such, I apprehend, are the dangers of the hour. I have an abiding confidence in the wisdom and the integrity of our President. I know his aims, his hopes, and his prayers are for peace. I know that he will sacrifice all save his country's honor to maintain peace. I am hopeful that he may succeed, but at times I almost despair. We may succeed in maintaining peace with honor to the end of this awful struggle, but what then?

It is a mistake to say that all the countries now engaged in war will be brought to the point of utter exhaustion. Somebody is going to win, and somebody will dictate the terms of peace, and when this war is concluded there will remain millions of the best organized, the best disciplined, the best trained, and the best seasoned men who ever bore arms or ever went to battle for a cause, just or unjust. I predict that the navies of the contending powers, without exception, will emerge from this war stronger by odds than when war was declared. England, by means of her navy, has control of the seas, and by reason of the superiority of her naval establishment will likely remain mistress of the seas when peace is declared. I doubt whether the opposing navies will emerge from their shelter and engage the English Navy in battle. I doubt whether the English or the German Navy will suffer impairment from any general engagement. Both countries and all naval powers are increasing their navies in every detail from day to day. It must follow that unless the navies of the contending powers measure their strength and grapple in a final struggle for supremacy that the navies of Europe and also that of Japan will at the close be much stronger than they were at the beginning of the war, and that as a consequence our Navy, unless materially increased, and that soon, will be relegated from third to fifth or sixth place among the navies of the world. The navies of other countries, stimulated by necessity, are being rapidly augmented, while ours remains nominally stationary, with only the usual and ordinary increase in times of peace.

Such, I apprehend, will be the relative naval strength of the world when the European struggle is over and the wider struggle begins for the control of the world's trade and commerce. We must not forget that animosities are engendered, jealousies aroused, enemies multiplied, and that the day of reckoning will come. Some nation or group of nations will have scores to even with us when their hands are loosened. We are fast becoming the richest nation of the world. Our coffers are rapidly filling with the treasure of all the earth. We possess resources and wealth the envy of all nations. We are a tempting prize. If true that other nations will be exhausted, and true that their navies will be superior to ours, may they not seek to reimburse themselves from our stores of wealth?

I know that many people insist that we are inaccessible and invincible, and are immune from foreign attack. We are conscious of our own strength, our vast resources, and the patriotism and devotion of our people. This sense of superiority begets a feeling of security and confidence that may be our undoing. It is argued that it is practically impossible to transport a modern army across the oceans. That depends upon whether the sea is guarded or unguarded. With a good navy to defend against approach, it would be impossible; without such a navy, it is entirely practicable to transport an army of sufficient numbers and equipment to secure a base on our shores, capture our coast cities, and menace the interior. Such an army would be trained, seasoned veterans, and more than a match for several times their number of raw, untrained militia.

But this is not our real danger. If attacked now by a superior naval power our Navy would readily be destroyed or driven to cover, and the experience of Germany in this war is that a navy run to cover, sheltered behind fortifications, is a useless thing. Once our Navy is defeated or has taken refuge, our ports would be blockaded, our coast cities destroyed or immense tribute exacted, our commerce driven from the seas, and trade with neutral nations suspended until the restoration of peace. All of the armies that could be assembled for the defense of New York City, or any other of our coast cities, would be helpless against navies and the long-range guns of the enemy. The mammoth skyscrapers of New York City would be an easy mark for the enemy 20 miles at sea, beyond reach of millions of armed men marshaled on the shore.

The greatest danger confronting us lies in the fact that our people intend to go after the world's trade, and become a real factor in the world's markets, competing with the commercial nations of Europe and Asia. The present war is a commercial war, fought for commercial supremacy. When concluded, the participants, impelled by necessity, will make desperate attempts to reestablish their trade and regain their prestige. There will be a commercial scramble unparalleled. We must either become a hermit nation, deny ourselves commercial intercourse with the world, or be prepared to defend our rights on the high seas and protect our expanding trade in all quarters of the globe. We must surrender our pretensions to a world power or build a merchant marine and send out surplus products to foreign ports. It is manifest that if we do engage in this struggle, if we reach out for trade, if we undertake to compete in the markets of the world, we must have a Navy to compel fear, if not respect, and protect our rights on the high seas. We may write notes and protest against wrongs, but unless behind the message there is might and power our notes are but "scraps of paper." Our experiences in the present crisis, the apparent contempt which other nations have manifested for us, the impotency of our diplomacy, lies in our unpreparedness to compel respect for our demands and to enforce the rights which we assert.

The Monroe doctrine must be maintained inviolate. We have said for a hundred years that monarchs shall not acquire territory and plant their institutions on American soil; that the Western Hemisphere is dedicated to the cause of free men, free government, and free institutions. Some nations have recognized this doctrine, but some have scouted and have even threatened to openly defy it. It is a well-known fact that certain great powers covet a foothold on American shores, and it is believed by all informed men that the day is not far distant when we will be called upon to defend the Monroe doctrine.

It is the recognized and long-established right of neutral countries to supply munitions of war to belligerents. We are exercising this right, and are supplying arms and ammunition to all belligerents with whom we have free intercourse. To deny this right and cut off our trade with all nations accessible to the sea would be an unneutral act, and we would at once be placed in the category of discriminating against those nations that are in a condition to receive, because other nations, for reasons beyond our control and for which we are not at fault, are unable to profit by our intercourse. But there is a greater reason why we should exercise this right. The day may come when we are involved and will need to draw on other nations, and if we would avail ourselves of this established rule of international law we can not refuse like privileges to other nations at this time. As a consequence we would be forced to maintain at enormous expense an immense supply of reserve ammunition to meet remote emergencies or establish, equip, and maintain extensive plants in times of peace of sufficient capacity to immediately supply our needs if suddenly confronted by war.

I favor the Government manufacture, in so far as practical, of all armament, arms, and ammunition and the establishment and equipment of Government plants for that purpose. But I realize that it is manifestly impossible to adequately equip ourselves for every emergency. To this end we must comply with international law, that we may have access to the markets of the world, and while protecting ourselves against extortion by the maintenance of Government plants we ought not discourage or wholly destroy private enterprise engaged in the manufacture of munitions on which we must rely in a measure in case of war.

We have the most extensive coast line in the world. We must defend and protect our rights in two widely separated oceans. The Panama Canal, if utilized, must be defended and our insular possessions in both seas protected. We have conflicting interests in the east and in the west, and we must expect in case of war to be involved with a combination of powers and assailed from both directions. Our duty ought to be plain. We ought to be adequately prepared for the contingencies which will inevitably arise. We should materially enlarge and strengthen our Navy in every feature. Aviation should be developed and our coast defenses and fortifications strengthened. We should have a large supply of ordnance, guns and ammunition and other equipment. To provide the means of defense which will be required if attacked will entail great expense. This is the lone argument advanced by those who are opposed to preparedness. I can not believe that the American people will let the question of cost deter them in the face of danger. The peace of our homes, the integrity of our country, and the honor of our flag are too dear. I am proud to know that on this vital question there is no party division and no party lines, but that we are all Americans. We love our country and are ready to fight to preserve inviolate its integrity, its honor, and its glory. [Applause.]

Mr. ROUSE. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman? [After a pause.] The Chair hears none.

Mr. STEENERSON. Mr. Chairman, I yield five minutes to the gentleman from Iowa [Mr. RAMSEYER].

FREE RURAL POST ROUTES.

Mr. RAMSEYER. Mr. Chairman, nothing has come to the farmers of the Middle West during the last 25 years that has contributed more to their welfare, happiness, and contentment than the establishment and maintenance of the free rural routes. During the past eight months many of the rural routes of the country have been discontinued and changed. Against these changes and discontinuances thousands of protests have been filed by the farmers with the Post Office Department and with individual Congressmen. To argue or to say that these protests are frivolous or not well founded is to reflect upon the intelligence and candor of the entire rural population of the country.

BELATED PROMISES TO INSPECT.

Last Saturday I heard the distinguished chairman of the Committee on the Post Office and Post Roads [Mr. MOON] defend, or rather apologize for, the policy of the Postmaster General toward the rural routes of the country. He inserted in the RECORD a letter from the Fourth Assistant Postmaster General, Mr. Blakeslee, the first two paragraphs of which are as follows:

It is certain that if given time this department can eliminate every substantial objection to the new methods adopted for the collection and delivery of mail on rural routes.

Representatives of the department are now inspecting and adjusting the revised service in many localities, and will eventually cover all districts where any change has been made.

In the last sentence is an admission of the unwisdom of ordering changes in the routes without inspection. The department evidently, from the storm of protests from every quarter of the country, now realizes its blunder and sees the necessity for inspection, for we are assured by this letter that inspectors "will eventually cover all the districts where any change has been made." Why this letter was placed in the RECORD I am at a loss to fully understand, for an indefinite promise "eventually" to inspect can not prove very reassuring to the aggrieved patrons who reside in the "districts where any change has been made." In the face of all this the chairman of the committee exhorts the Members of this House to "wait and have patience." I wish to state, however, that I hope that the department is sincerely endeavoring to correct its numerous mistakes of the past year.

There were no changes made in the rural routes of the district that I have the honor to represent until last October. The first change was ordered in the southwest portion of Davis County. Most of the rural-route patrons there were served by two carriers out of West Grove. No inspector had been sent over this territory, and the first anybody knew anything about the proposed changes was when 20 or 30 days before the postmaster received notice that one route would be discontinued and the other one extended, the order to go in effect October 15.

Following this order others were issued affecting different parts of my district. The West Grove patrons sent me a petition of protest signed by 128 heads of families, patrons of the two routes. The patrons who did not get to sign this petition wrote me personal letters protesting against the order of the Postmaster General. The protest was unanimous from the patrons of both routes. On October 27 I filed this petition with the Postmaster General, accompanied by a letter written by myself, part of which is as follows:

These changes were made without investigation and report of an inspector as to the feasibility or practicability of such changes; without conferring with any residents of the locality where the changes were made, and without consulting the wishes of the patrons.

The only apparent reason of the department for these changes is to cut down the expenses of the department, and it has been determined to make the farmers suffer first and most, and to deprive them of a much needed and popular service.

The farmer in the Middle West is a business man, and is as much in need of and entitled to his daily mail as is the merchant or manufacturer in the city. The daily market reports are a greater necessity to the average farmer than is any class of mail daily delivered to the retail merchants in our cities and towns.

Iowa stands lowest in the percentage of illiteracy of any State in the Union. There is no illiteracy among Iowa farmers, and they devote more time each day to reading daily papers and magazines and take a keener interest in what they read than does the urban population.

To curtail the Rural Mail Service on the plea that it does not pay for itself is as unfair as it would be to deprive the residents of the outskirts of a city of the free-delivery service because the postal receipts of that portion of the city are not as great as from the business center of the city.

About the only legislation ever passed by the General Government directly for the benefit of the farmers was the establishment of the free rural delivery of mail. Now your department, instead of extending this popular service, is taking it away from a large number of farmers who heretofore have enjoyed its privileges and advantages. Instead of curtailing this service, it should be extended until every farmer has that daily service the same as the city dweller. If not, why not? Why should a resident within the corporate limits of a city be any more entitled to consideration and service from the General Government than a farmer who resides outside such corporate limits? If the service is to be curtailed, why commence in the country first? Why not in the city where every resident is within easy walking distance of the post office?

If the Post Office Department is running behind and is in need of funds and is depriving the farmers of their mail service in order to avoid a deficit in your department, I wish to inform you that a better, more just, and popular alternative would be to increase the rates, and the farmers will gladly help pay the increased postage rates, together with the rest of the population. The service should not be decreased; much rather increase the rates.

The farmers strongly resent your department's policy in curtailing the rural route mail service; they are convinced not only that they need the mail delivered to them daily, but that they are entitled to such service. Furthermore, in this controversy, the farmers are exhibiting a determination that they are going to have their free rural delivery service—not curtailed—not only when the roads are good, but that they are going to have it extended until every farmer receives that daily service, rain or shine.

The patrons of the West Grove office asked for an inspector, and they made out such a strong case that the department finally decided to send one out. His report was filed during the holidays. What do we find in that report? The inspector says:

A drive was made over all the roads from which service was removed, and the following patrons were found to be discommoded by the changes for distances approximately as follows.

The report then names 65 heads of families who were on the routes before the changes and gives the distance that each of said patrons now lives from any route. The report shows that 45 of them now are one-half mile or more from any route. Does this inspector offer or recommend any relief? Whether he had instructions beforehand to report a certain way or not, I do not know. He ends his report with this consoling statement:

It is believed that with the proposed changes placed in effect the service will fully meet the requirements of section 716½, Postal Laws and Regulations, as amended, and I recommend the changes as shown on the amended descriptions be placed in effect.

I wonder what the findings would have to be in order to warrant a reestablishment of a route under this post-office administration.

This is the only inspection we have been able to get since the Post Office Department began its policy of slaughtering the rural routes. We appeal to the Post Office Department with our grievances, and for relief we are informed that the changes will be placed in effect. We then turn to the distinguished chairman of the Post Roads Committee, and we are gently admonished to "wait and have patience."

I, too, have received a letter from the Fourth Assistant. On the 17th of last month I received a letter from Mr. Blakslee, which closed as follows:

Can you suggest any locality in your district where a rural route would provide better mail facilities for your constituents?

On the 22d of the month I filed with him formal protests against the discontinuance of 16 routes in my district and the extension of 21 routes to lengths I deemed excessive, and requested inspectors and relief for each route. And four days later I received the following reply:

JANUARY 28, 1916.

Hon. C. W. RAMSEYER,
*House of Representatives.*

MY DEAR MR. RAMSEYER: I am in receipt of your letter of the 22d instant, relating to the revision of rural service in the sixth congressional district of Iowa, represented by you, resulting in the discontinuance of 16 routes and the extension of a number of other routes to what you deem excessive lengths, and your remarks concerning the matters have been noted.

In reply, I beg to inform you that an inspector will be detailed to visit each of the offices mentioned in your letter at which rural routes have been discontinued to confer with the postmaster and those interested and ascertain what, if any, further changes are essential to provide reasonable facilities for the patrons.

The inspector's attention will be directed to your observations as to the lengths of some of the routes which have been amended in connection with the revision and which, in your opinion, are now too long to be served satisfactorily.

Sincerely, yours,

JAS. I. BLAKSLEE,
*Fourth Assistant Postmaster General.*

He promises what? He promises to send inspectors out to visit the postmasters to ascertain what further changes are essential. We are not asking for visitors. What we want is inspectors sent out there with instructions to ascertain the facts that will lead to the establishment and continuance of so efficient a rural service that, in so far as possible, will guarantee to every farmer the delivery of his daily mail at his front gate every workday. Nothing less than that is going to satisfy the rural population, and they are entitled to that consideration from this Government as much as any city or town dweller. I do not know how other Members of this House feel about it, but I am almost convinced that there is little hope of any relief until the present head of the Post Office Department is supplanted by some one who understands and is in sympathy with the needs and wishes of the farmers of the Middle West. Unless the department gives speedy relief, the people will look to Congress for prompt and effective action.

BUSINESS AND SOCIAL RELATIONS.

I was very much impressed with the speech of the gentleman from Massachusetts [Mr. GREENE] on last Saturday, in which he told how the changes affected the business and social relations of the people in different communities in his district. When the rural routes were first laid out regard was had for these things. So far as possible a farmer should have his mail from the town where he does his trading. There is his banker, his merchant, his physician, and it is to that place he has his telephone connections. Frequently the farmer is busy, but needs merchandise, groceries, or repairs; he telephones to his town and his needs are supplied within a few hours by the rural carrier. Or perchance a member of the family is sick, but not sick enough to require the expense of a visit by the family physician. By the use of the telephone and the parcel post, the medicine is in the home the same day.

Many farmers have gone into certain kinds of business relying on the rural mail service. On account of the changes many farmers are practically ruined. I have a number of letters in my office to substantiate this statement. Only last week I received a letter from a young farmer who has gone into the pure-bred poultry business. By the use of the daily mail and the parcel post he carried on his business, as the route went past his residence. But last fall a clerk in the Post Office Department went over a map with a blue pencil. The route past this farmer's house was discontinued. He was placed on a route out of another town, and his mail box had to be placed over a mile away from his home. This new route is over 30 miles long, and when the roads are bad this carrier does not and can not make his entire route, and this young farmer is without regular service, and further, he can not tell what days he will be served and what days he will not be served. He writes me:

We take 11 papers, some of them dailies, and we raise and sell pure-bred poultry and eggs; but we will have to quit both poultry and papers if we can't get our route back.

Will anyone here rise to contend that this farmer has no rights which the Postmaster General is bound to respect?

I tell you frankly I have not much confidence in this belated promise to send out inspectors. If the Postmaster General was really sincere in his statement that these changes were made to increase the efficiency of the service, and not simply to save money at the expense of the farmers, why did not he send the inspectors out first so he could have had some knowledge of what effect his policy would have before he commenced making the changes on the recommendations of an office clerk, who had nothing before him except a map and a blue pencil?

I am not opposed to all changes in rural routes. But in making changes it ought to be the policy of the department—and that should always be kept uppermost—to extend the service and improve the efficiency of the service. Practice economy, certainly. Get the service for a reasonable expenditure of money. But the service ought not to be crippled and curtailed just to save the money which is required to give the farmers an efficient and more extended service.

THE RURAL CARRIERS.

There has been a good deal said about the rural carriers. One charge is that their salary is out of proportion to the time they put in and the kind of service they are required to perform. To begin with, every carrier has to have from two to four horses, with vehicles and other equipment. These horses have to be fed. The running expenses have to be taken out before he can consume for himself and family. And even with $1,200, the end of the year usually finds him no better off than at the beginning.

Some carriers have automobiles, which they use when the roads are good. With the use of the automobile the route can be made in three or four hours. This has led some people to believe that the carrier has a snap. However, in Iowa every carrier with an automobile has to have his horses to make his route when the roads are bad. In fact, the automobile is an extra burden. The carrier has to go every day, rain or shine, hot or cold, in all and every kind of weather, year after year. Taking it altogether, who is it that will dare to say that the job of a rural carrier is not a man's job and that he does not render value received for every cent that the Government pays him?

Last fall, after some of the changes in the rural service had been announced, I undertook a thorough investigation of the rural service in my district. With reference to the use of automobiles, I found 57 carriers who had used automobiles for more than one year, and their reports to me as to the average number of workdays yearly they have been able to use the automobile to deliver mail were as follows:

Davis County, 7 automobiles, 109 days.
Jasper County, 7 automobiles, 126 days.
Keokuk County, 15 automobiles, 137 days.
Mahaska County, 9 automobiles, 137 days.
Monroe County, 7 automobiles, 105 days.
Poweshiek County, 6 automobiles, 128 days.
Wapello County, 6 automobiles, 130 days.

This makes an average of 124 days, or a few days less than five months. Very few of these carriers kept a record of the days they used automobiles, and therefore of necessity these figures are estimates and not absolutely correct.

The department has undertaken to establish auto service on some rural routes. Where they have hard surfaced roads such a service ought to be entirely practical. However, I doubt very much whether satisfactory and efficient service over Iowa dirt roads could be procured by establishing a 50 or 60 mile rural route to be served entirely by automobile.

LENGTH OF ROUTES.

Nearly as much dissatisfaction was caused by the extension of routes as by the discontinuance of routes. It is somewhat difficult to determine what the length of a route should be. That depends on climatic conditions and road conditions. No route should be so long that it can not be made daily during the bad seasons of the year. Then it is that the farmers are more desirous for their mail than when weather and roads are good, as it is during the time of bad weather they have more leisure and read more. I doubt whether any route over Iowa dirt roads should be over 26 miles. The standard route is now 24 miles. Carriers who have routes less than 24 miles get less salary. Those whose routes are over 24 miles ought to have proportionately more pay. It is usually the last few miles of these long routes that tell most on horseflesh and adds to the extra expense of the carrier.

Since last October in my district there have been, as shown by the records of the Post Office Department, 16 routes discontinued and 62 routes changed in length; 4 were slightly shortened and 58 were lengthened, and in number in the different counties as follows:

Davis County, 3 discontinued, 6 changed in length.
Jasper County, 2 discontinued, 7 changed in length.
Keokuk County, 6 discontinued, 24 changed in length.
Mahaska County, 2 discontinued, 9 changed in length.
Monroe County, none discontinued, 2 changed in length.
Poweshiek County, 1 discontinued, 6 changed in length.
Wapello County, 2 discontinued, 8 changed in length.

All these discontinuances and changes in length were made by some clerk in the Post Office Department in Washington, D. C., and, from all information I can obtain, not in a single instance was there either a discontinuance or a change in length made upon the recommendation of an inspector.

The lengths of routes, as shown by the records of the department, in the district which I represent are as follows—I omit all fractions of miles:

| | |
|---|---|
| 19-mile routes | 1 |
| 20-mile routes | 0 |
| 21-mile routes | 1 |
| 22-mile routes | 7 |
| 23-mile routes | 5 |
| 24-mile routes | 25 |
| 25-mile routes | 24 |
| 26-mile routes | 22 |
| 27-mile routes | 24 |
| 28-mile routes | 21 |
| 29-mile routes | 15 |
| 30-mile routes | 10 |
| 31-mile routes | 1 |

Ninety-three of the one hundred and fifty-six routes are 26 or more miles long and only 14 less than 24 miles long. According to the act of Congress, the maximum salary is paid to carriers for the 24-mile route. For mileage less than 24 miles the carrier is paid less, but for mileage in excess of 24 miles the carrier receives no additional pay.

Mr. Chairman, in conclusion I wish to state that the right of the farmers to their daily mail is not a mere gratuity to be withheld or extended at the caprice of the Post Office Department. A number of bills have been introduced to correct the evils caused by the policy of the present Postmaster General, but I still believe that an intelligent and sympathetic administration of the rural routes will be more conducive to efficiency and extension of the service than if the department is restricted by too many laws. Remember this, the farmers have had the service, they have a right to the service, and they are going to have the service as a right. If that right is not properly safeguarded by the Post Office Department, then there is no other course for Congress to pursue than to in a very effective way safeguard that right. [Applause.]

Mr. STEENERSON. Mr. Chairman, I yield five minutes to the gentleman from Iowa [Mr. SWEET].

Mr. SWEET. Mr. Chairman, the chairman of the Committee on Post Offices and Post Roads, Mr. MOON, the gentleman from Tennessee, the other day in reply to a question from my colleague, Mr. DOWELL, of Iowa, said in substance that the Fourth

Assistant Postmaster General had informed him by letter that inspectors would be sent into every place in the United States where complaints have been made relative to the mail service.

I hope that this is not an empty promise, and that its fulfillment will not be long deferred, for I know that a long-suffering and patient public will welcome any kind of relief from the present deplorable condition in which we find the mail service in Iowa and other States of this Union.

Mr. MOON. May I ask how many routes are disarranged according to the theory which the gentleman presents?

Mr. SWEET. I can not yield. I have only five minutes, Mr. Chairman. I am sorry.

The report of the committee that accompanies the bill that is now before the House for consideration contains a statement to the effect that the estimates of the department under the head of "Fourth Assistant Postmaster General, pay of rural letter carriers," are $48,500,000. The committee instead of recommending $48,500,000 have recommended $53,000,000.

In the report we find this language:

> The increase of recommendations by the committee over the estimates of the department is due largely to the fact that the committee was not content with the appropriation of $48,500,000 for the maintenance and extension of the Rural Delivery Service and increased the amount to $53,000,000, the same as carried in the appropriation for 1916.

I trust that this extra $4,500,000 will be expended by the department for the betterment, maintenance, and extension of the Rural Free Delivery Service as recommended by the committee.

The present condition of affairs has come about during the present administration and through the acts of the present Postmaster General and his assistants.

At this time we do not challenge the good faith of the department, but we do condemn the plans and methods by which the changes have been wrought, and the arbitrary manner in which its orders have been exercised and carried out, regardless of the facts, the wishes of the patrons, and the rights of the people generally.

As to whether the Postmaster General has an arbitrary right to discontinue our mail routes at will I will not discuss at this time. It sufficeth to say that he has exercised that right in the name of economy, at the expense of the efficiency of the service and the convenience of the patrons of the routes. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. SWEET. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. SWEET. We are all in favor of economy, and the mail service of this great country should not be impaired and sacrificed upon the altar of a "false economy."

What we want is an efficient, economical mail service throughout the entire country. If that is what the present administration has endeavored to give us, then it has ignominiously failed from the standpoint of business efficiency and economy.

Routes have been arbitrarily discontinued. Changes have been made without proper inspection and without consulting the conveniences of the patrons, and they have been made in contravention of the rights and privileges of towns and communities directly interested.

In many instances the changes appear to have been made without investigation and without any method or well-matured plan.

This, of course, is disclaimed by the department, but the facts are overwhelmingly to the contrary.

At the beginning of this administration we were having reasonably good mail service. The fact that it is now demoralized and unsatisfactory is conclusive proof, to my mind, that a great blunder has been committed by the Post Office Department.

Instead of the Rural Mail Service being hampered it should be extended and perfected. Another thing, our people have petitioned the department for relief, but their petitions have not always been properly considered.

The people have protested by means of telegrams and letters, but their protests have been of no avail.

The people, through their Representatives, have supplicated the head of the department and his assistants, but their supplications have been in vain.

The edict had gone forth. The orders are unchanged and apparently unchangeable. The discontinuance of routes went on and the demoralization of the service continued.

In justice to the department it should be said, however, that the petitions, protests, and supplications have usually been courteously received, but the people and their Representatives not only want courteous treatment but they want results. They demand action. They want most of the routes restored. They want an efficient and economical mail service.

The farming and agricultural districts have suffered the most. In many instances those who have been in the habit of getting their mail at their doors are now required to go 1 and 2 miles to their mail boxes.

There are persons in certain communities who have always been contributory to certain towns who, in many instances, have had their post-office addresses changed without their consent to other towns from which the remaining routes extend. We thus have the unusual spectacle of many of our farmers doing business in one town and getting their mail in another.

Old and tried mail carriers have lost their jobs.

The remaining routes have been extended and burdened with the mail of routes that have been discontinued. Routes before the change were long enough when you take into consideration the seasons of the year, when the roads are bad and the snow in winter is deep and the storms unusually severe.

As evidence of some of the hardships and inconveniences that have resulted, I wish to call your attention briefly to a few facts in this connection:

In one instance that now comes to my mind a rural route was discontinued which led out of the town of Stanley, Buchanan County, Iowa. A farmer living 1½ miles from Stanley was placed on a route extending out of the town of Aurora, some 5 or 6 miles distant. This farmer, in order to communicate with the banker or merchant in the town of Stanley, where he had always done business, would be required to place his letter in the mail box and it would go to Aurora by rural route, and from Aurora to Stanley by train. The letter of the banker or merchant in reply would go by train to Aurora and from Aurora to the farmer by rural route.

In other words, the farmer could communicate by letter with a banker or merchant in Chicago as easily as with the merchant or banker in the town of Stanley, which is only 1½ miles distant. What is the result? The farmer is required to abandon the rural free delivery service and pay for a post-office box in the town of Stanley.

What the people of Iowa want is simple justice in this matter. They want an efficient mail service. They want an immediate thorough investigation and inspection of the circumstances and conditions in each town and rural community where complaints are being made and, if necessary, the routes that have been discontinued should be restored, and, in so far as may be, arrangements should be made satisfactory to all parties and persons concerned. They want the department to take into consideration the seasons of the year, the climate, the rainfall, the roads—whether dirt, gravel, or paved—and if possible arrive at an equitable adjustment between all parties interested.

They want the Rural Free Delivery Service improved, extended, and strengthened in every way. If they do not get it during the present administration, I am of the opinion that they entertain a sincere hope that they may get some relief, at least, during the next administration.

Mr. STEENERSON. Mr. Chairman, I yield to the gentleman from Massachusetts [Mr. GARDNER].

Mr. GARDNER. Mr. Chairman, I see by the papers this morning that they opened bids yesterday for two coast submarines whose construction Congress authorized as long ago as last March. Altogether, Congress has authorized only three ocean-going submarines, and yet Admiral Grant has testified that ocean-going submarines and not coast submarines are what we need.

At the rate we are going in building ocean-going submarines it will be more than three years before we have a single one completed.

I have been informed that last spring Secretary Daniels entered into a contract for the construction of the sea-going submarine *Schley*, and that the contract calls for its completion in three years. As the construction of the *Schley* was authorized in June, 1914, 14 months ago, and as not a stroke of work has yet been done on her, I am forced to the conclusion that the Navy Department is not aware of the fact that a war is going on in Europe. Furthermore, I notice in the papers that no later than yesterday Admiral Grant testified that we now have 35 submarines under construction or authorized. That is true; but let us separate the figures. To be exact, we have 19 coast submarines under construction. They were authorized in 1912, 1913, and 1914. We also have 16 coast submarines whose construction was authorized last March on which no single stroke of work has yet been done.

Mr. STEENERSON. Mr. Chairman, I yield 15 minutes to the gentleman from New Jersey [Mr. PARKER].

Mr. MOON. Mr. Chairman, I also yield 15 minutes to the gentleman, so as to give him half an hour.

Mr. PARKER of New Jersey. Mr. Chairman, I desire to thank the gentlemen in charge of this bill. I shall speak on preparedness, how to get ready for war, and I thank them because they recognize that this is a matter to be considered now.

I shall speak on the failure of Congress to provide for the common defense—the failure of Congress, of ourselves. The first object of the Constitution when we formed a more perfect union was to provide for the common defense. War, Mr. Chairman and gentlemen, is a business, and a business has to have certain things to carry it on. The first is brains and the second is tools, and every war experience of the present day tells us we must provide the brains and that we must provide the tools. You have heard from the gentleman from Massachusetts [Mr. GARDNER] as to tools for the Navy. Vessels are special tools for the first defense of our coasts. There must be vessels along the coast which can keep foreign navies at a distance, but there is a difference of opinion as to the kind of vessels. My own judgment is that the armored dreadnaught dreads the torpedo boat, surface or submarine, and that swarms of those smaller boats, though they can not go far to sea, are the only defense for our shores, our sounds, and our coasts. But I do not now speak on that, as it will be for the experts and for the Congress to determine. I am going to speak on a perfectly plain matter. If the Navy fails to defend our coast there is no defense except in the Nation in arms. [Applause.] The Nation in arms! Forts are nothing. They defend naval bases only.

We can not put a gun every 500 feet along the coast. In 1776 the English army that was defeated at Boston landed on Long Island without difficulty and took the City of New York. Expeditions now go to the Mediterranean with two or three hundred thousand men, and they land either at the Dardanelles or at Saloniki, as they please. Japan took millions across the China seas to Manchuria. Millions have gone across the English Channel. Our defense must be in land forces and in the Nation in arms. The question is now, how soon we can put the Nation in arms, and the answer is, no sooner than we can furnish them with arms. And we must first furnish them with skilled officers, who must be provided beforehand, or else we shall not get them for years.

In our Civil War the North had about 20,000,000 population. It took them nearly three years to put a million soldiers in the field, or one-twentieth of the population. One-twentieth of the population of the central powers of Europe were across the border within two days and one-tenth are there in arms now. A population of 65,000,000 after awful losses has in the field one-tenth of the population—double what we had in the Civil War. It is a question of how soon the Nation can get under arms if it has to meet such armies.

As already stated, that depends upon officers and arms provided and ready. Our Constitution was made in a time of profound peace, and that Constitution not only ordered us to provide for the common defense, but gave to the Congress power to provide for arming, organizing, and disciplining the whole Nation. The word "militia" meant the whole Nation, for within three years Congress passed a law that the militia should consist of every man—every free ablebodied citizen—from 18 to 45 years of age. The Constitution and its framers intended to provide for arming the whole Nation, for organizing it as a militia and having it disciplined.

UNITED STATES CONSTITUTION.

ARTICLE I, SEC. 8. The Congress shall have power * * * To provide for organizing, arming, and disciplining, the Militia, and for governing such Part of them as may be employed in the Service of the United States, reserving to the States respectively, the Appointment of the Officers, and the Authority of training the Militia according to the discipline prescribed by Congress.

There is but one nation in the world that has done this thing, a little nation in the mountains of central Europe, which has put a rifle in every man's hand which he keeps in his own home with his uniform, from the time that he enlists, or rather from the time he is drafted into the service. That free people turned out their whole population for the common defense within two days, and they have not been disturbed. Their liberties have remained unchallenged, small as they are. [Applause.] I commend to the attention of the House the description of the Swiss system, given by Mr. Garrison in his hearing before the Committee on Military Affairs. I now ask in this and other instances, Mr. Chairman, to be allowed to add notes, extending my remarks.

The CHAIRMAN. The gentleman from New Jersey asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

[Here, as in all cases of extension of remarks, they are in fine print.]

[See statement of the Secretary of War, Lindley M. Garrison, House Committee on Military Affairs hearing, Jan. 6, 1916, p. 11.]

Many people who think that this situation has been successfully met in other places urge the adoption of the system in use in Switzerland or that in use in Australia. There is, unfortunately, very little accurate knowledge among many who discuss this matter concerning the details and what is involved in the adoption thereof.

Very briefly, the two systems are as follows:

Every male Swiss is liable to military service from the age of 20 until the age of 50, and officers until the age of 55. Between the ages of 10 and 16 the Swiss boy receives courses of gymnastics or calisthenics in the public schools, and after the last-named age the law requires him to go on with his gymnastics and to make a beginning at musketry. Rifle shooting is a national sport, and practically every boy belongs to rifle clubs that are under national auspices. The first line, called the "elite," consists of those from 20 to 32, inclusive; the second, or "landwehr," of those from 33 to 44, inclusive; the third consists of all others from 17 to 50 years of age. When a recruit reports he is fitted with his uniform and equipment and given a rifle, all of which must be taken care of by him and remain in his custody until the end of his military service. Recruits receive instruction from 60 to 90 days, depending upon their arm of the service. For the "elite" a repetition course of from 7 to 14 days is held every year. Sergeants and higher noncommissioned officers serve 10 repetition courses. In the "landwehr" a repetition course of 11 days takes place every four years for all the different arms. All work is in the field and on the target range. Universal service and the beginning of the work in the public schools are the most prominent elements of the Swiss system.

The Australian system likewise requires all male inhabitants to render military service. They are divided into junior cadets of those between the ages of 12 and 14, inclusive, who serve for 2 years for 90 hours each year; senior cadets, 14 to 18 years, serve 4 years, 4 whole days, 12 half days, and 24 night drills. Variations are permissible, provided the total remains the same. Citizen forces from 18 to 26 for 8 years, in first 7 years equivalent to 16 whole days, of which at least 8 must be in camp. There are particular requirements for particular branches of the service which need not be here gone into. Musketry is carried out on Saturday afternoons throughout the year, and nearly every training locality has rifle ranges within a few miles. As in the Swiss system, the attention given in the schools to gymnastics and preliminary education along military lines, together with universal military service, are the striking features of this system.

Mr. PARKER of New Jersey. We all know that a cry of agony goes up all over Europe for arms, including munitions. My friend, Frederick R. Coudert, was at Paris at the outbreak of the war when the call was issued for troops by the French Republic, and he said in my presence in a public speech that 900,000 reservists then came to the colors who were sent home because there were no rifles to put in their hands. There had been an appropriation for rifles, but it was used to fill an appropriation for workmen's houses, and my friend added that there will be a good many houses now that will have to be rebuilt. What would have been the result, with respect to France's boundary, with those 900,000 men there, as they would have been if they had had the arms? Is there anything more pitiful than to call a free people to arms and not to have arms to put in their hands? Or is there anything in which a government can be more guilty than not to have arms ready?

Let us take the great eastern power of Europe. We used to read in the newspapers that their first armies—it is better now—went to battle with clubs—at least, men with clubs were behind those with rifles, so that when the front rank fell the rear rank could take the rifles. How much territory did that power lose?

Let us take the central powers. Three weeks ago there was in Frank Leslie's Magazine a picture of soldiers drilling who had not been in the original call, because the central powers had put only half their young men, as they became of military age, into the ranks and into training.

This is not generally understood, but it is true. They are now training the rest; and this picture showed them training with wooden guns. You have seen it stated in the newspapers from time to time that the reservists even of those great military nations were coming to the front armed with obsolete rifles. They are not bad rifles, but they are obsolete. Even those great military nations are also impeded in their military movements by having to use their population in making arms and munitions that ought to have been on hand. Those great central powers—what would they not have given for an abundant supply of arms for their whole able-bodied population of double their present armies, to have swarmed through Europe?

And then there is the old English-speaking Empire, on which the sun never sets. Gen. Francis V. Greene says, in a recent article, that a few months ago that Empire had 2,000,000 men enlisted, but not sent forward, because they had not equipment and arms. Two millions—the same number—is given by competent military authorities here.

Oh, Mr. Chairman, that every one of you could have been with me during the past fall, when I spent two months on the other side. It is not needful to tell anything I learned in confidence. But when you are there, such public statements as I have quoted are found to be true. They do not appeal to a man as mere statements in newspapers, but he sees the agony of great

nations that have not arms to put into the hands of their soldiers when the time has come, and when they know, as I know, that arms, artillery, munitions, and officers for a hundred men can be provided in 20 years for the cost of keeping one man in a standing army for those 20 years. The provision must include officers thoroughly instructed, if not educated at West Point, so as to give one such officer to every 100 men. I have described this before, and I do not need to give the figures again. Arms and officers, tools and brains are what are needed, and we were ordered to provide them by the Constitution of the United States when it told us to arm, organize, and discipline the militia.

Mr. Chairman, how much time have I used?

The CHAIRMAN. The gentleman has used 15 minutes; 15 minutes remain.

Mr. PARKER of New Jersey. Of the hundreds and thousands of men that were seen, whether at a distance in camp or marching through the streets in Great Britain, three months ago—it is better now, as stated by the people who have just come from the other side—that of those hundreds and thousands of men there were not many camps where they had rifles for the men, except a few used in rifle practice. The recruits were drilling without guns. Whenever men were seen marching through the streets with rifles on their shoulders it was assumed that they were going direct to the front.

Even in France, on the railroad train, English camps could be seen 20 miles back from the firing line, and no rifles were visible on the men's shoulders. To a question whether the men had rifles in their tents, a fellow passenger answered, "Perhaps they have not any." If some man is sick or disabled, they take his rifle at the front." Conditions are better now. It is understood that that great country was generous enough to give its supply of rifles to others who were nearer the front, and that it has supplied itself afterwards. But that was done at untold expense. The chief statesman of that country, Mr. Lloyd George, was made minister of munitions. He would probably be premier if any change should be made. Their greatest man was appointed minister of munitions because they need arms in the presence of an enemy more than aught else.

Mr. STEENERSON. Will the gentleman yield?

Mr. PARKER of New Jersey. Yes.

Mr. STEENERSON. Does the gentleman favor the continental army scheme?

Mr. PARKER of New Jersey. I have not spoken of any army scheme. I propose that we shall make rifles, that we shall make cannon, that we shall have powder, that we shall have nitrates, which are essential to powder, and without which we can make none. If our Navy should be defeated, we would be absolutely cut off from nitrates to make powder, and we have not two months' supply on hand. Mechanical production from the air is possible, but it is still in the air (see appendix as to nitrates). Let me say to the gentleman from Minnesota [Mr. STEENERSON], in reply to his question, that I favor any scheme—enlargement of the Army, or a continental army, or whatever it may be; but such schemes are for only a few hundred thousand men, and are all subordinate to the ability to arm the Nation, for nations are now in arms. As I saw it expressed this morning, the last man must go to the front, and arms are needed to send him there. To provide arms is our first duty under the Constitution. In this war standing armies are gone. There were about 225,000 men in the English Army, with some reserves, at the beginning of the war. They are all gone. It is worse as to officers. In the list of wounded 1 officer is wounded to every 30 privates, but in the list of killed 1 officer is killed to every 15 privates. It is the officer who must put his head up out of the trenches to watch, and dies with a bullet through the brain.

Yet the losses among the men are something that we do not understand or imagine. English newspapers, urging recruiting, say that it takes 1,800 recruits a year to keep a battalion of a thousand men full, and large camps are maintained so as to be able to send forward 150 men a month to fill vacancies in a battalion of a thousand; in other words, nearly double the whole number die in every year. It is the most terrific slaughter and the most tremendous heroism that the world has ever seen. How much better it would have been if the legislatures of the different countries had provided the matériel.

The $6,000,000 that we spend annually now on a militia of about 100,000 men would have given us 400,000 rifles a year, and in 10 years we would have had 4,000,000 rifles. The money has been used in other ways.

Of course artillery and ammunition cost more; but for training the first thing is to have the rifles. Fifteen million dollars a year would give us a million rifles a year, and we ought to have them. Just about the time of the Spanish War, when I was a member of the Committee on Military Affairs, I had the appropriation increased so that we made 100,000 rifles a year instead of 16,000. About 10 years ago, when they wanted to economize, about 1907, they reduced that appropriation. I was not on the committee then and did not notice it. Under last year's appropriation they are now making only 16,000 rifles a year, or hardly enough to make up the waste in the Regular Army. We have on hand, including rifles in use, 750,000 Springfields and about 300,000 or 350,000 Krags, which are good rifles, though using a different cartridge, and that is all we have for our able-bodied male population of 20,000,000. If we call out one-twentieth of our total population, or one-quarter of the able-bodied, there would be 5,000,000 men in the field. If we turned out one-half of the able-bodied, we would have to put 10,000,000 men in the field, and with the wastage we would have to call on the whole 20,000,000 if necessary until they were disabled, because America must stand to her arms, and she must have the arms to stand to before she can go into war.

The proposed continental army was 400,000.

Gen. Crozier (hearings, Jan. 24, p. 38) says: "The War Department project contemplates men carrying rifles, including reserves, citizen soldiers, of whatever class they are—everybody of that kind—to the number of over 900,000."

That is less than 1 per cent of our population, less than 5 per cent of our able-bodied men. It is less than the number that one-fifth of our present population put under arms in the Civil War.

One-tenth of Europe's population is now on the fighting line. One-tenth of our population is 10,000,000 men. The whole 20,000,000 men ought to be on call. It costs only $15 to give each man a rifle—say $15,000,000 a year for 20 years.

The Government gun factories working eight hours can make 500 rifles in a day, and they can make fifteen hundred, or half a million a year, if they work three shifts, or 24 hours every day, Sundays included, and they could give us 20,000,000 rifles in 40 years.

We can not wait for that. We need more factories. It takes time to install machinery, to learn processes and the use of new tools.

In the beginning of the war rifle contracts were placed in America. It took a whole year to get the machinery installed.

It is understood that since August last about 100,000 a month have been shipped. The factories are largely increased. (See Crozier, p. 40 of his hearing.)

We want aeroplanes, automobile transports, hand grenades, and men who know how to use them; but we want above all the means of supply. Munition factories have been built lately for foreign demand.

They should be kept in operation for our own supply, not at exorbitant prices, but buying freely whenever they ask only a reasonable profit over the cost as ascertained in our own Government plants.

Let us hope that we shall never again go to war without arms to put in the hands of our gallant boys.

Former wars gave us time to prepare; in modern war it is preparedness or death.

To provide for organizing the Nation in arms includes provision for officers. It costs $4,000 to put a man through West Point. He takes a four years' training and he is good for 40 years. Each cadetship gives 8 or 10 graduates, each of whom in case of war would be good for 100 men. So that if you divide the cost of keeping a cadet at West Point, the $1,000 spent each year, by 800, or 1,000, it costs a very small sum per year to provide an officer to the man with the rifle. Do we not need such graduates? Do we not need them in the community where they would join the militia and give it tone? Do we not need them in the community to teach the art of war in our schools?

The Constitution made it our duty to provide arms. Congress did not do it. They ordered every man to bring his gun. The Constitution told Congress to provide for organizing the militia.

By the militia act of 1792 Congress did not provide for enrollment and organization of the militia by the United States as ought to have been done, but asked the States to do this, and provided that each man should bring his own gun. When Congress neglected its duty others neglected theirs. In 1802 to 1807 President Jefferson reported that he had not received reports from various States, and that the reports that he had were sometimes two or three years old. Those reports often showed only about two-thirds the number of guns that there were privates in the ranks and an even less number of bayonets and cartridge boxes and equipment. The system had failed, because Congress had not made provision for arming the men. In the testimony of Gen. Bliss, on January 12, before the Committee on Military Affairs, he gave at the end of his testimony a copy of a bill drawn by Mr. Jefferson, preceded by a letter of September 9, 1814, in which Mr. Jefferson said, as to the volunteers:

But I fear they can not be armed. I think the truth must now be obvious that our people are too happy at home to enter into regular service and that we can not be defended but by making every citizen a soldier, as the Greeks and Romans, who had no standing armies, and that in doing this all must be marshaled, classed by their ages, and every service ascribed to its competent class.

In 1805 he had drawn a militia bill dividing the militia between the ages of 18 and 45 into classes according to age, and providing that they be armed by the Government.

Each person of the said junior class shall be furnished with a good musket, bayonet, and cartridge box at the public expense so soon as they can be provided, which, except where he shall be of the Cavalry or Artillery, he shall be bound to produce in good order at every muster of which he shall be, so long as he shall be under the age of 45 years, after which it shall be his property.

The bill drawn by Jefferson is interesting, because it contains a provision that every militiaman when he enters shall be furnished with a good musket, bayonet, and cartridge box at the public expense as soon as they can be provided, and, so long as he be under the age of 45 years, he is to appear annually for inspection, after which they shall be his property. Mr. Jefferson recognized the need of providing arms. It is a small thing, but it is the essential thing if we come to war.

Now, I am going to make one or two practical suggestions. (See Appendix B as to cost.) I am very much obliged for the speech made by the distinguished Speaker of this House. It was a splendid speech. I agree with every word of it.

As to discipline, the United States is to prescribe it, and the States have authority only to train the militia according to the discipline prescribed by Congress. Now, the United States has given tactics, but has never prescribed the discipline, except for a National Guard of 1 in 200 of the militia of able-bodied citizens. We have never said how often they should drill each year. The old militia act did say there should be one training day. If we could order one, we could order more. We have not provided as to the mode of enforcing attendance, and, as a result, in some of the States, including my own, no man is to be imprisoned for a militia fine under our State constitution. That provision is against the powers of Congress, which ought to order that every man should be imprisoned for a militia fine, so that he would do his duty. It is the business of Congress to prescribe the discipline.

But then they say we can not make the States train them. If we order so many training days a year, it is the duty of the State to train according to that discipline, and discipline will include the days of training.

But we may well rely a great deal more upon voluntary work and enthusiasm than upon control. Is there anything in which the whole Nation is so interested as in voluntary athletics—the games of football or baseball? Every boy thinks of nothing else. If Congress would give arms to the public schools, give them a chance to drill, furnish enough graduates of military schools as instructors, or even put enough graduates in the community, arrange for competitive inspection and prizes, which will not cost much, more could be done by the enthusiasm of the scholars in the military game than by any attempt at control. That is so in Switzerland. Switzerland has separate cantons, and the separate cantons manage all that, not the State. By means of rifle clubs and rewards of merit, putting the soldiers in different classes, they have a spirit of self-defense among the freemen of that country that does not need any control and does not brook any control, and that is what we want here. [Applause.]

Australia begins military training between the ages of 12 and 14 years. Some of you may have had a gun before you were 10 years of age. I did, certainly before I was 12, and used to go shooting. They do not do it any more in the cities. There is every reason why a boy should be taught how to handle a gun and what the dangers are, and if he were taught we would not have as many accidents.

We have no less than 9,000,000 enrolled boys—9,328,502 (see Report of Commissioner of Education, 1914, vol. 2, p. 12) subject to common schooling, of which about two-thirds, or 6,000,000, attend daily. Would that rifles were on hand to enable drill to be had in marching, shooting, and obeying orders in every one of these schools, for what is learned young is never forgotten. One of the most military men in his bearing that I ever saw had training in a military school when he was 11 years old, and he marched 35 miles on a practice march of a week.

Mr. EMERSON. Will the gentleman yield?

Mr. PARKER of New Jersey. I have only a short time. I will if it is short.

Mr. EMERSON. Does not the gentleman think that giving rifles by the Government to these rifle clubs encourages rifle clubs throughout the country?

Mr. PARKER of New Jersey. I do; and I was going to say something about the schools, universities, and colleges.

In the colleges, universities, and technical schools we have over 25,000 teachers and 217,000 male scholars. I said a moment ago that there were 9,000,000 in the common schools, but there are 114,900 male teachers. That is an army in itself. Our public high schools include over 25,000 teachers and 541,000 students. In our private high schools there are 5,800 male teachers and 72,000 students. These are armies in and of themselves. They can be trained without taking a single man from his avocation, and their vacations can be made the time for any camp, which they would enjoy as a picnic.

What is the use of compulsion if we can excite the military spirit in these schools? But it can not be done, my friends, it can not be done unless we can supply the arms and instruction. With this we can train the whole body of the people, and shall be invincible. Napoleon said, "A nation in arms in its own defense is invincible." That is true. I have yet to find an exception. The nations of the Balkans that have just fallen were conquered not by their enemy but by the new artillery, the new arms which they did not possess. It was this that brought their resistance to an end. They were not really in arms, for they had not provided the best.

In the South African Republic the victors of many a battle went down before the lyddite shells that drove them out of the intrenchments. If they had provided the same arms, the nation in arms needed no defense and was invincible.

But oh, the sadness of seeing a nation called to arms when there are no arms to put in their hands. Numbers do not help. What cares the wolf how many sheep there be in the flock if there be no dog or protectors armed to resist him. If we should come into war, which God forbid, the first question that would be put by every citizen to us would be to ask why we did not do our duty in providing arms and organization, including officers, and prescribing discipline for them, so that they should be able to defend themselves. [Applause.]

### APPENDIX A.

#### NITRATES.

Powder and shot are wasted as never before. Washington at Boston rejoiced when able to get a few tons of saltpeter.

One of our admirals wishes 30,000,000 pounds of nitrate, say, about 14,000 tons at, say, $50 a ton or only $700,000, and he says it would be two years' supply. Judging from modern warfare, it might not be two weeks' supply.

Nitrates are to be got in quantities only from Chile. We are urged to make them out of the nitrogen in the air. We ought to try, but it is all in the air at present. We do not know the cost, and we have not the machinery. The beds in Chile will some day be exhausted. It is still cheap because the demand of Europe for agriculture and war has been cut off.

Nitrates last forever if stored under cover, but we can not make a pound of powder without them, and we have not a month's supply on hand.

Whether the appropriation is for fortifications, the Navy, or the Army, it would be a good investment to buy all we could get, for it will never be so cheap again and never so easily obtained. There were times when every household saved its ammonia for gunpowder, not only during the Revolution but during the late war between the States. A hostile fleet or embargo might easily cut us off from Chile. Let us provide nitrates for war, mining, or peaceful tillage.

The most ardent advocate of peace can not object to this form of preparedness.

I was in Congress when we younger Members formed a sort of caucus to protest against delay in action on the sinking of the *Maine*. A subcommittee, one of whose members is here at present, was asked by our great war President, to come and see him. They came back to tell us to disband for they had learned in confidence that we had neither powder, shot, shell, nor the ability to make them; that we were short of guns and transports; and that we were waiting to buy them abroad.

In modern war we should not have that opportunity, but should have to surrender for want of supplies. It makes war much more likely that this should be true; it will make for peace, that we shall be known to have material for powder. (See Gen. Crozier hearing, Jan. 24, pp. 19, 20, and 21.)

### APPENDIX B.

#### PRACTICAL SUGGESTIONS—IT IS BRAINS AND TOOLS THAT ARE CHEAP.

Land warfare is not a question of standing armies, but of being able to give officers and arms to a nation of trained men. Arms, artillery, and brains are needed for the millions, and they can be provided for the cost of permanently enlisting a few hundred thousand. It would cost $10,000,000 if we put 10,000 cadets into military academies which could be run in barracks or even in camps, and we should from the first have 10,000 selected men as an addition to our Army. We should graduate one-quarter of their number every year, and at the end of 20 years there would be 40,000 officers in the community ready to give an officer to every 125 men of 5,000,000 volunteers.

Fifteen million dollars a year would give a lieutenant's pay to 1,000 educated men who would accept a single year's commission in the Army to learn to be officers and return to civil life.

Five million dollars a year would give 400 rounds of rifle cartridges to each of our 500,000 collegiates and high-school boys in order to practice marksmanship, and $5,000,000 more would give $500 in competitive prizes for every 100 scholars and would encourage that emulation in the military game that has made other games almost the chief end of the school and college boy.

Fifteen million dollars a year would provide rifles for a million men a year, so that at the end of 20 years we should have the full provision for 10,000,000 men and a reserve of 10,000,000 more.

One hundred million dollars a year will provide each year artillery ammunition and equipment for 500,000 men, so that at the end of 20 years we should have full provision for 10,000,000 men.

Altogether, this is only $150,000,000, which would only pay for an addition to our Army of 150,000 men. The Constitution orders us to provide for the Nation.

Officers, arms, and military stores for the Nation are worth more than any standing army, and when once provided, appropriations can be reduced.

As practical Americans, let us apply practical business methods to the military art. That art like all others calls for education and tools. It is brains and skill that are cheap. We do not want merely promotions and appointments. We want to get military education and military stores.

I make a plain business proposition for doing our duty to our country. It can be varied in details, but should be maintained in principle.

Mr. STEENERSON. Mr. Chairman, I yield the balance of my time to the gentleman from North Dakota [Mr. YOUNG].

Mr. YOUNG of North Dakota. Mr. Chairman, the gentleman who has just spoken [Mr. PARKER of New Jersey] has been telling us about preparedness. We do not in our State agree with his idea of preparedness, but we must all agree that preparedness costs money. I understand that the gentlemen on the Ways and Means Committee are racking their brains to find new methods of raising revenue. I would like to suggest the advisability of placing a tax on the future sales of grain on boards of trade where the deliveries are not actually made. Samuel H. Greeley, for many years a member of the Board of Trade of Chicago, is authority for the statement that there are 300 times more grain sold each year than is grown on the farms, and it does not require much mathematics to see that a very small tax would raise a large amount of revenue. Even a fraction of 1 mill upon all the grain sold in that way would increase the revenue something like a half billion dollars, assuming that the trade in "futures" would not be very much reduced. I imagine, however, those who are raising grain throughout the country would like to see the tax enough so that that kind of business would be greatly reduced.

How can a man object to a tax upon property which he attempts to sell and which he does not own, and which he never expects to own? If a man assumes to own something, he ought not to object to paying a reasonable tax on it—say, 1 cent per bushel.

Mr. Greeley says:

Manipulation and selling out of "futures" is the most potent factor in the depreciation of wheat values, and actual wheat prices follow the course of the "futures" market. There are 300 times more "futures" sold than actual wheat received in the grain-exchange markets.

Mr. Chairman, this "short-selling" system has given birth to such expressions in the trade as "raiding the market," "hedging," "effective selling pressure," "bear onslaught," "drastic liquidation," "selling drive," "pit speculators," "sharp breaks," "wild fluctuations," "stop-loss orders," "cleaning out of weak holders," and so forth, which fill the columns of the daily newspapers.

Mr. Greeley also describes in a graphic way a scene in the pit, as follows:

At 9.30 the gong in the tower signals the debauch. Hundreds of men jump, rush, grab, tumble, and yell in the great whirlpool of the pit. Every ear trained for the offer, every eye searching for the bid, they swoop down upon one another with the swiftness of the vulture and the talons of the eagle to devour the dollar, even as buzzards push and fight for the dead carcass on the plains. But in the midst of the intoxication, this drunken frenzy of money-mad insanity, there stands the cool, trained veteran, the elevator monopoly. Seasoned with years of experience, fortified with the confidence of his State-protected franchise, safeguarded with the blood money of the farm and the mulcted millions of the weak-minded, he suddenly dives upon the maddened throng and as the lion scatters the smaller beasts he proceeds to devour the weaklings which the private wires, blackboards, and chamber "cappers" have invited to his daily feast.

The mad pit in action! Cities boast of its triumphs, though its very doors are strewn with the memories of shattered fortunes and the dying groans of suicides, embezzlers, and financial wrecks.

Yes; this is the game which shapes the destinies of the farm, controls legislatures, subsidizes the press, molds public opinion, and forces children to follow the plow. Oh, ye mighty pit! Vain are your victories; infamous are your spoils!

Mr. Greeley continues:

A battle royal is on involving the great principle as to whether or not the producers of this country may be permitted to market their crops themselves, without being dominated and dictated to by the organized terminal monopoly operating within these grain exchanges.

The fight in the Northwest is being led chiefly by George S. Loftus, the sales manager of the farmers' terminal organization, the Equity Cooperative Exchange, in the city of St. Paul. Associated with him in the active work are ex-Congressman James Manahan, of Minneapolis; Benjamin Drake, of Minneapolis; M. D. Munn, of St. Paul; J. M. Anderson; and the splendid farmer board of directors of the Equity Cooperative Exchange, as well as hundreds of northwest-farmer stockholders.

Mr. Chairman, for the reasons stated and also on account of the uncertainty as to ocean transportation rates or the lack of publicity concerning such rates, it has been made possible for a band of get-rich-quick gamblers to gather in the heaviest toll ever filched from the tillers of the soil.

The Minneapolis Journal, whose market columns have an excellent reputation for accuracy, made the statement shortly before the war that the spread of 12 cents per bushel between Minneapolis and Liverpool represented the exact cost of transportation and commissions between those points. On November 27, 1915, the spread between Duluth and Liverpool was 71 cents per bushel, as follows:

| | | |
|---|---|---|
| Liverpool | | $1.73 |
| Duluth | | 1.02 |
| Spread | | .71 |
| Fair handling cost per bushel: | | |
| Lake rates | $0.04 | |
| Elevator | .01 | |
| Commission | .01 | |
| Insurance | .02 | |
| Ocean rates (twice the peace rate) | .08 | |
| Foreign exchange | .01 | |
| Emergencies | .03 | |
| | | .20 |
| Profit of gambling and Shipping Trust | | .51 |
| Ocean rate actually charged | $0.28 | |
| Reasonable rate (double peace) | .08 | |
| Shipping Trust's hard-earned share of the profit | | .20 |
| Grain Trust's share of profit earned by much sweat (but not theirs) | | .31 |
| The average price of wheat in second congressional district of North Dakota on Nov. 27, 1915, was | | .85 |
| Cost of production | | .70 |
| Farmers' easy profit (only works 16 hours a day) | | .15 |

While there was no undue modesty upon the part of either of these trusts, the grain gamblers got the biggest rake off, 31 cents per bushel. I believe it is fair to say that it is the most colossal get-rich-quick scheme ever pulled off since the South Sea Bubble.

Great Britain is the greatest importing nation for wheat, and as the world's annual crop is seldom more than sufficient to cover the world's annual consumption, the English market, where the surpluses from the different countries find their way, is naturally the first and basic factor in fixing the price. That is why every market page the world over gives the Liverpool quotations.

The United States is an exporter of wheat. We have a surplus every year without exception, hence the importance of the Liverpool quotations. The usual method for getting at the true value of wheat is to subtract the elevator and transportation charges from the Liverpool quotations. Local demands influence the market to some extent, but the basic factor is the Liverpool price. These factors in the main should determine the price, but they have only a small influence on the market as compared with the dealings in "futures" and gambling.

Many people overlook the very important fact that the farmers must not only pay the transportation charges upon the surplus wheat which goes abroad but also pay it upon the wheat which remains in our own country, since their market is fixed for the most part by the Liverpool price, less transportation charges.

There are three ways to get after the benevolent Grain Trust. First, by prosecuting them under the Sherman antitrust law; and, second, by prohibiting what is known as dealing in futures; and, third, by placing a tax on all sales of grain upon boards of trade for future delivery, where such deliveries are not in fact made; where deliveries are actually made there should be no tax.

Congress has thus far refused to pass a law to prohibit gambling in grain. Perhaps now, when the statesmen are racking their brains to find articles upon which to place a tax, such as gasoline, they may see the possibilities from the revenue standpoint as well as the justice of a tax on "futures." It would be difficult to estimate the amount of revenue from such a tax. If the trading in "futures" were to keep up to the present level, billions of dollars could be collected that way. It is fair to presume, however, that the tax would greatly reduce the amount of such transactions. If it would result in abolishing such practices, it would be a great blessing to the farmers as well as the suckers who play the market. [Applause.]

We have some gentry known as tin-horn gamblers, who come to North Dakota during the period when the farm laborers get their pay. They do much better financially than the poor fellows who work hard during the hot summer and the cold days of the fall and early winter. Their prototype is found on the big grain exchanges and, as will be seen from the figures already given, they have made during this crop-marketing season more than twice as much as the farmers on every bushel grown. The big gamblers differ from the tin horns in that they call their gambling joint boards of trade and themselves captains of industry.

The greed of the grain men is thoroughly discussed by former Congressman J. E. Kelley, of Pierre, S. Dak., in a series of articles which have appeared in the public press. Mr. Kelley

has given many years of study to marketing problems. I ask permission to print these articles in the RECORD.

The CHAIRMAN. Is there objection?

There was no objection.

The articles are as follows:

THE MARKETING SIDE OF FARMING.

THE TAKING OF MILLIONS PROVED.

[By Hon. J. E. Kelley, Pierre, S. Dak., former Member of Congress.]

Since the opening of the grain markets the present season this writer has written many articles showing by cold facts and figures unanswerable that hundreds of millions of dollars was wantonly being taken from the farmers of this country by wheat raiders and speculators. We have been looking for some of the many of their mouthpieces to attempt some sort of excuse or explanation. Two have attempted it—the Cooperative Journal, of Chicago, and the Manager and Farmer, of Minneapolis. These two organs are among the most deadly enemies of farmers, for the reason that their pretense of friendship is ever paraded, and the subtleness with which they work into the confidence of the farmers enables them to attempt chloroforming them with at least some measure of success. Mr. Myers even writes songs for the farmers about breaking the combine, and tells them that he is their "hired man."

ADAMS SHARPER THAN MYERS.

The Manager and Farmer editor, however, proves himself the more adept in this controversy. In his attempted reply to the accusation of wholesale robbery of the farmers by the raiders, Adams says: "I will not dignify Mr. Kelley's statements by contradicting them." Neither does he attempt a contradiction, but goes on to say that I have made certain deductions "without entering into cost, points to those deductions as evidence of graft." Yet every element of cost was given in every article written by me. In my article of September 10 wheat was given as $1.62, No. 1 northern, Duluth in Liverpool:

| | Cents. |
|---|---|
| Duluth, same date and grade | 93.60 |
| | 68.40 |
| Every known cost of handling deducted from remainder, which was, on that date | 31.65 |
| Thus the speculator took on that date on each bushel | 36.75 |

Or over 40 per cent of the price the farmer got.

Cost of handling at that time was: Ocean rates from New York to Liverpool, 26 cents per bushel; insurance, $1.65; Lake rates 1 cent; elevator, 1 cent; canal proportionate billing, 2 cents; total, 31.65 cents. Mr. Adams, is the above plain enough? Can you see the cost of marine insurance given here which you said I did not give, which you thought was very high?

MR. MYERS GETS "IN BAD."

But Mr. Myers, editor of the Cooperative Journal, ventures farther than Mr. Adams, and accordingly gets in decidedly bad.

I believe that among other mouthpieces of the grain-gambling interests I have accused the Cooperative Journal of having for its chief occupation the chloroforming of the farmers while the skinning was going on.

In his attempted reply he has given proof positive that such is the case.

Mr. Myers comes out with a headline, "Will Mr. Kelley Take the Money?" and under this heading publishes a diatribe sent to him by one W. P. Manning, of Fairview, S. Dak., in which abuse and ignorance are equally mixed.

It has been well said that assumed patriotism is the last refuge of a scoundrel. With equal truth it may be said, abuse is the first refuge of an ignoramus. This fellow Manning does not know the difference between a foreign grain quotation and a pound sterling—but "where ignorance is bliss 'tis folly to be wise." Yet Manning is the exact kind that Mr. Myers and his masters, the grain gamblers, will pat on the back. The darker the ignorance, the surer the hold of the combine.

MR. MYERS'S ATTEMPT TO DECEIVE.

Mr. Myers tries to deceive his farmer readers by telling them that "the exchange base now is $4.70 instead of $4.80." By this means he hopes to ease the minds of the farmers while raiders are relieving them of about 40 per cent of the value of their produce.

Every person of intelligence knows that the buyer must stand the difference in exchange. It was to overcome this disadvantage that a French and English commission came over and made a loan of $500,000,000 recently. This money is here to pay for American produce. Hence, Mr. Myers, your little anesthetic has failed. The skinning game is going on at full blast, but some of the victims are likely to wake up if you don't get something more effective.

MR MYERS'S OPINION.

Mr. Myers's next opiate is this: "We do not believe that the price in Liverpool at any time was as high at $1.62. At least exporters tell us that no such price was obtainable this year." Did they tell you that, you poor little guy? And you gladly gulped the dope, did you? and you are now trying to pass it along. Now, Mr. Myers, I shall ask in return, "Will you take the money?"

MY PROPOSITION.

This proposition is that I shall meet you, Mr. Myers, and the exporter who gave you that information on any platform as agreed upon in the States of Iowa, South Dakota, North Dakota, Minnesota, or Montana, and if I do not prove to the satisfaction of such audience by substantial documentary evidence that such exporter, if he gave you such evidence, lied and falsified the records, then, in that case, I shall turn over to the poor of said State the sum of $200. If I do prove to the audience that your statement was untrue when you told your readers that grain was not as high as $1.62 the present year in Liverpool and that the figures given in my article appearing in the Sioux City Tribune of September 10 was and is substantially correct, then and in that case you and your exporting friend will turn over to the poor of said State the sum of $200.

A STILL MORE GLARING FALSEHOOD.

Mr. Myers was evidently getting desperate as he continued to write. It is quite apparent that Mr. Myers places a very low estimate on the intelligence of the farmers. It must be that he judges them all by his dear friend Manning, of Fairview.

In this instance he tries to run some gambling deal in futures in as cash grain. Now, Mr. Myers, did you think you could get away with that little trick? I will agree to the above conditions covering this attempt to deceive your readers, also. The price of cash grain September 29, Liverpool, was as follows:

"Liverpool, September 29, wheat, spot, Manitoba No. 1, 11s. 11d.; No. 2 11s. 9d.; No. 3, 11s. 8½d.; No. 1 northern, Duluth, 11s. 4½d." which, translated to our money, means that 60 pounds of Duluth No. 1 northern wheat was worth in Liverpool, September 29, $1.63.

Myers, Myers! "The way of the transgressor is hard."

Yet, after all of this juggling, falsifying, twisting, and turning to deceive the farmers and cover up those wholesale robberies by speculators and gamblers, he tells the truth in one instance.

SOME CREDIT DUE MR. MYERS.

Mr. Myers gets reckless and risks one item of truth, and therein admits every charge made. He gives a table showing the cost of transporting a bushel of wheat from Duluth to Liverpool and the price of wheat in Duluth and Liverpool on the 27th day of September, 1915. While some small errors are contained in those tables they are near enough for practical purposes.

Here are Mr. Myers's figures: "For example, on September 27 No. 1 northern at Liverpool is quoted about $1.70. Duluth No. 1 northern on the same date is $0.95. That shows a shipping difference of about 75 cents between the two markets."

The table of expense given by Mr. Myers shows an expenditure of 41.65 cents per bushel between Duluth and Liverpool, while 75 cents, he tells you, is the spread, so that the toll on each bushel is 33.35 cents. These figures sustain absolutely the figures given by me in the article of September 10, counting the advance in lake and ocean rates.

It matters nothing that Mr. Myers vainly tries to justify those figures. They are there, and they disclose in their enormity the most gigantic system of wholesale robbery ever enacted on this continent. Not only do those powerful freebooters rob the farmers of the Northwest, but everyone whose success in a business sense depends upon the success of the farmers and includes practically the entire populace of the Northwest.

On oats they are taking very much more than on wheat. Along about September 10 the farmers in this State were getting an average of 25 cents per bushel; on the basis of Liverpool prices the raiders were taking from 23 to 24 cents per bushel over every known cost of transportation. Neither are they taking any risk in transporting this grain. The Government furnishes the insurance at 1 per cent to belligerent countries down to one-fourth of 1 per cent to nonbelligerents. They take no risk.

Mr. Myers, in conclusion, may I ask you what "combine" are you now engaged in breaking, according to your song? The local elevator combination, before the advent of the farmers' elevator, in their palmiest day never took more than from 3 to 7 cents per bushel of toll. It was too much and justified the farmers in building their own local elevators and operating them. But what are those savings or losses to the wholesale steals of to-day, that run from 35 per cent, as Mr. Myers's table and figures show, to above 90 per cent of the value of oats, as my article of September 10 shows?

They are always in combination and collusion, and competition is never allowed to enter into the big deals. In my last article I pointed out that corn would soon go down, as the farmers soon would begin marketing. A few days ago it dropped about 6 cents at a clip. Corn has now dropped more than 22 cents per bushel since the high point. Watch it go still further down as the mighty manipulators go after it and the farmers dump it on the market—those who have it. But as it goes down here it goes up in Liverpool.

Watch how the twin saviors of the farmers, Myers and Adams, will work the chloroform racket as to the corn then as they work it on to wheat and oats now. When this writer pointed out at Mason City last February that 12 to 15 cents per bushel was then being taken on corn on the basis of Liverpool prices, grain solicitors told the farmers (and run the dope on a professor from Ames) that it cost 15 cents per bushel to kiln-dry all corn exported. What are the facts? None kiln-dried but in warm weather from New Orleans ports costs one-half cent per bushel to dry it when they do.

Still, that was a more decent lie than most of the stuff put out by those farmer saviors.

Their next lie is still more useless, though it may catch a few. It is the English jobber now, they say, that makes all of the mischief. It would seem that even the densest in the country would know that if there were such a thing as an English jobber (which there is not except in Myers's brain), he would hardly time his market manipulations so nicely with the passing of the grain from the possession of the farmers into the hands of the raiders, hold it to the cost of production while the farmers have it, make it soar to the skies when the speculators gather it in. But they will never escape exposure of those outrages, though they are putting on the "silencers" on some papers with the use of the "long green." Thank God there is still plenty of unpurchasable papers in this country and still enough of unpurchasable manhood to stand for the right and against the wrong, though such wrongs are backed up by countless millions.

I do not advise farmers as to holding their grain. I do advise them against flooding the markets at any time and thereby playing into the hands of the raiders. I do not make war against honest commission merchants who handle consigned grain. They are not to blame, and I believe many of them are rendering a fair service for the charge they make. It is the great millionaire speculators who control the elevator capacity of the country. They also control all boards of trade.

Farmers must have money in the fall to pay their bills, hence they must sell. They should be able to store grain somewhere and draw money against warehouse receipts. Any plan will suit this writer that will stop the flooding of the markets, thereby reducing the price of farm products below the cost of production. Wheat, oats, and barley have been right on the border line of production cost the entire fall, notwithstanding the high price in Europe, because of the enormous toll the market raiders are taking together with the Shipping Trust.

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THE GRAIN GAMBLERS AND THE FARMERS.

[By Hon. J. E. Kelley, former Member of Congress.]

EDITOR PIERRE FREE PRESS: In its issue of September 13 the following appeared in the Sioux Falls Argus-Leader:

"With 80,000,000 bushels of corn, 56,000,000 bushels of wheat, 60,000,000 bushels of oats, 23,000,000 bushels of barley, * * * South Dakota would appear this year to be in line for some pretty fat times."

Sure enough, this speaks volumes for the energy and industry of the farmers of South Dakota; also, for the fertility of her soil and the

favor of her climate. But let us stop and consider for a few minutes as to who gets the fat produced by South Dakota's industry. With the European war on, without a rift in the dark clouds, without a dent in the Dardanelles that would indicate the coming of a bushel of grain from the Russian fields, with every condition existing that ever did exist, past or present, to hold prices up to a level that would give the farmers of this State a fair reward for their industry, prices of wheat, oats, and barley have sunk to a level that scarcely covers the cost of production; and, the "fat time" that South Dakota has honestly and fairly won shall not be hers; but instead it will swell the proud purses of the Armours, the Pattens, the Ryans, the Leiters, the Van Deuzens, who with their compatriots constitute the mighty combine that control the grain markets of the United States.

Ten million bushels of oats are being shipped each week from this country to Europe, mostly to Liverpool, and 8,000,000 bushels of wheat are being shipped abroad, mostly to Liverpool. The great speculators and market raiders, who make prices what they will, are buying oats from the farmers in this State at this time at about an average of 25 cents a bushel, and wheat running on average over the State from 76 to 80 cents a bushel, barely covering the cost of production where the yield is good, when the high cost of living is considered in connection with the high price of labor. What is this grain worth in Liverpool, where most of it goes? Here are the figures; read them and study them. They will be a revelation to those who believed that South Dakota's farmers were reveling in the fat of the land when they raised big crops:

| | |
|---|---|
| American wheat, No. 1 northern, Duluth, in Liverpool | 11s. 3d. |
| This reduced to our money means that 100 pounds is worth | $2.70 |
| No. 1 northern, Duluth, Sept. 10, same date, per 100 pounds | 1.56 |
| Spread between Duluth and Liverpool | 1.14 |
| Every known cost of handling, including 2 cents commission | .52 |
| Clear gouge over all cost of handling and commission, hundredweight | .62 |

Or 37 cents a bushel, or 46 per cent of the selling price the farmer gets.

| | |
|---|---|
| Oats, American, Liverpool, Sept. 10, 45 pounds | 4s. 5d. |
| Reduced to our money, this makes 75 cents per bushel of 32 pounds, or for 100 pounds, Liverpool | $2.35 |
| Oats, Duluth, Sept. 10, 34 cents a bushel, or for 100 pounds | 1.06 |
| Spread between Duluth and Liverpool on oats | 1.29 |
| Every legitimate cost of handling, with 2 cents commission | .52 |
| Clear gouge over all costs and commission, per 100 pounds | .77 |

Thus for each bushel of oats the South Dakota farmer gets 26 cents and the market raiders 24 cents, or 92 per cent of the price the farmer gets over all costs and commissions.

| | |
|---|---|
| Selling 40,000,000 bushels of wheat on this basis, the loss will be to the farmers of the State | $14,400,000 |
| On oats | 20,000,000 |
| On barley (the drop has been 25 cents) | 5,750,000 |
| Or a total of | 40,150,000 |

Every dollar of this money should be of right in the pockets of the farmers of this State. It would enable them to pay their bills, build new homes, educate their children, buy more automobiles and pianos, improve their farms with better buildings, and enable them to enjoy some of the luxuries of life of which they are now denied.

The remedy for this condition must bring about the erection of great terminal elevators, where part of the grain coming onto the market at this time may be stored and cash drawn against elevator receipts. This would prevent market flooding and bring about steady prices. It would likewise prevent the boosting of prices and cinching of consumers when the bulk of the grain gets in the hands of speculators.

If the Canadian Government can build elevators for its farmers—though it has not gone far enough yet—surely this Government can. If this Government can build warehouses for the makers of whisky, it can do it for the grain raisers, and thereby help nearly all of the people.

"OATS TOO HIGH."

Note the reply of the American Cooperative Journal, in its issue of September, to Mr. Beckwith, the manager of a farmers' elevator at Gowrie, Iowa, who complains of 20 cents drop in oats just as the farmers began marketing. The Journal tells the complaining manager that there is no combine, but that oats were too high, because shorts had to cover, and that a slump was inevitable.

The mighty combine is now more powerful, more absolute in its sway, more unmindful of the rights of both consumer and producer alike than at any other time in the history of its record-making career. Only the record of the transactions of wheat and oats is given here, as barley prices are not quoted on foreign markets; but everybody knows that as the selling season approached the raiders knocked the price of barley 25 cents per bushel. As to corn prices, the far South will soon begin selling new corn. The high price a short time ago was above 80 cents per bushel in Chicago; but wait till the great Northwest begins marketing, and then compare the price with even the price that prevails now.

STORE WHISKY; WHY NOT WHEAT?

The United States Government for nearly half a century furnished warehouses to accommodate all of the whisky produced in the country. Why not furnish warehouses for a very small part of the grain produced? It is believed such would largely remedy the evils complained of. Dealing in phantom grain should also be prohibited by law. The practice is much more pernicious in its results than was the operation of the Louisiana Lottery.

In closing, it may be said that the beating down of the markets when farmers are marketing heavily is not necessarily chargeable to the ordinary commission merchant, who simply handles consigned grain. Rather it is the great millionaire manipulators and speculators who constitute the Elevator Trust and act in combination and collusion. The octopus controls all boards of trade and chambers of commerce, however.

Every market in the United States is in the grasp of those manipulators, whose organization is perfect, whose combine is complete in its monopoly. They control many of the great newspapers of the country, and their sway is absolute over all trade journals, whose part in the transaction usually is to get their cash from the market manipulators through advertising, get their readers among the farmers, whom they strive to chloroform while the skinning process is going on.

WHEAT AND ITS PRICE.

[By Hon. J. E. Kelley, former Member of Congress.]

Much is being written these days to prove that the world markets are being flooded as a result of a tremendous yield of wheat from nearly all quarters of the globe. Most of this is written in an effort to justify the low price that is and has been paid for wheat in this country since the first arrival of winter wheat on the American markets.

In my article of September 10 it was shown that the great speculators who control prices in this country were then taking a toll from the American wheat producer of 24 cents a bushel on oats and 37 cents a bushel on wheat, over and above all costs and commissions on the amount shipped to foreign countries.

The following figures, compiled from the market reports of the Sioux City Tribune of September 29, 1915, show what toll the market raiders were taking from producers on the amount exported on that date:

"LIVERPOOL GRAIN."

| | |
|---|---|
| Wheat, No. 2 hard, winter, American, per 100 pounds | 11s. 10½d. |
| Reduced to our money this means, do | $2.85 |
| Wheat, Chicago, Sept. 29, No. 2 hard, winter, $1.04 per bushel, per 100 pounds | 1.73 |
| Spread between Chicago and Liverpool, do | 1.12 |
| Cost of handling: Ocean rate, 43 cents per hundred; insurance, 2 cents; water rate to New York, 8 cents; exporter's commission, 3 cents; elevator charge, 1 cent; total, hundredweight | .56 |
| Speculator's toll, per hundred pounds | .56 |

Or a shade over 33 cents per bushel.

The above figures prove a condition of affairs entirely beyond all justification; nor is it because of a flood of grain either in this country or in Europe.

The best authorities now estimate a shortage in this country, as compared with last year, in wheat that by any possibility can be made into flour, of 85,000,000 bushels; as the estimated amount of winter wheat now unfit for milling purposes is 160,000,000 bushels. France is short above 85,000,000 bushels also, and Russia is no nearer European markets than ever.

Nor is any such thing as overproduction of wheat reflected in either the demand or the price in Europe.

Broomhall reports as follows: "Liverpool market displayed a decidedly firm undertone. Foreign arrivals were reported as inadequate; nervousness was much in evidence. European crop accounts were disappointing and stocks are not accumulating. Prices are high in Holland and importations will soon commence. Roumania was reported as notifying producers they must not send further consignments out of the country; this is to avoid future scarcity. Port stocks in the United Kingdom, as officially compiled up to September 10, for wheat and flour show 16,100,000 bushels, as against 17,600,000 bushels last month and 24,000,000 last year."

Thus it is apparent that there is no glutting in European markets, but, on the contrary, prices are higher there, demand good, and bidding and competition keen. Neither are American markets flooded, but the greedy speculators who fix prices here, regardless of supply and demand or anything else, save their desire for ill-gotten gain, were prepared for a monster scoop this fall and they are not to be beaten out of it. The toll on oats is nearly the same as indicated in my letter of September 10—from 20 to 24 cents per bushel above all costs and commissions on the amount shipped to Liverpool. Exports to foreign countries continue about the same as earlier in the month. Since July 1 this country exported of wheat 65,600,000 bushels. On this amount there has been taken from the American farmers, based on the Liverpool price of wheat, $22,100,000, after paying all costs of handling and reasonable commissions.

South Dakota's portion of this money should be kept in this State. Imagine the thrill that business would feel in this State could our farmers have the money that is rightfully theirs.

More automobiles would go out; more farmers would come to town to buy what would be needed, and merchants would need additional clerks to wait on the rush of customers instead of additional collection agencies.

Farmers should organize to protect themselves against the organized market raiders. Elect only men to Congress who favor the building of great terminal elevators and men to the legislature who favor State storage elevators.

In the interest of all classes in this State, the above-proven robberies must be stopped.

THE SHIPPING BILL AND THE FARMERS.

[By former Congressman John E. Kelley, Pierre, S. D., chairman of Farmers Northwest Legislative Committee.]

We have heard but little lately about the defeat of the shipping bill that the President tried so hard to get through Congress during the closing days of the last session. Its defeat, however, was a serious blow to the farmers of this country, nor was there one substantial reason why it should be defeated, other than the Shipping Trust so ordered. Senator La Follette, as well as the President, should be given credit for the splendid efforts he made to secure the passage of this bill, the defeat of which cost the agricultural interests of the country a sum not less than $100,000,000.

Ocean rates on grain previous to the war averaged about 3 cents per bushel. The average rate since the beginning of the war would run about 30 cents per bushel, running as high as 37 cents, and at present—the last investigation made by this writer—24 cents to British ports per bushel. But who are the men most responsible for the defeat of the shipping bill during the late Congress? There are two of them—very prominent at the present time in the councils of the Nation—Senator CLARKE of Arkansas, president pro tem of the Senate, and ALBERT B. CUMMINS, senior Senator from the great agricultural State of Iowa and now a candidate for the Presidency.

Let the southern cotton grower remember Senator CLARKE while they are paying their hard-earned dollars into the coffers of the Shipping Trust; let the northern grain grower remember Senator CUMMINS as

chief among the men who defeated the administration shipping bill, and thereby handed them a lemon that cost them over $100,000,000.

When farmers show politicians that they are wide awake to their interests, the same as other business men do, such acts as CUMMINS and CLARKE performed in this instance will not happen, and not before will they cease.

About 400,000,000 bushels of grain has been exported since the defeat of the shipping bill, so that 25 cents per bushel would easily make the hundred million dollars; and all students know that the price of the amount consumed at home was affected by the exorbitant ocean rates as well as the amount sent abroad.

Grain prices throughout the world have been the highest known for 40 years. Yet, owing to the Shipping Trust and the American Terminal Elevator Trust, the American farmers have been selling, in many instances, below the cost of production. Oats sold throughout the Northwest for more than 100 days after the opening of the markets this year for 25 to 26 cents per bushel, and in many instances even less. All of this time, with the exception of just a few days, American oats sold in Liverpool for 74½ to 75 cents for 32 pounds. New clipped, American Liverpool, 45 pounds, 4s. 4½d. to 4s. 5d. Thus, while American oats sold in Liverpool for 75 cents per bushel and the American farmers were getting at the same time but an average of 25 cents, who got the remaining 50 cents per bushel? Here are the figures: The market raiders got 23 cents per bushel of it and the Shipping Trust took 16 cents per bushel in addition often to the regular rates before the war. The other 11 cents per bushel were absorbed in local elevator rates, lake rates, and insurance, overseas and locally. The Government furnishes the insurance, which has averaged 1 cent to British ports down to one-half and one-fourth to nonbelligerent countries. So that insurance is low and within reach of all.

Accordingly, while the consumer in England paid an average of 75 cents per bushel for American oats, the American farmers got an average for the first 100 days following the opening of the market this fall of 25 cents per bushel, or but one-third of the real value of their crops.

Of the 50 cents per bushel taken from the farmers, from 11 to 13 cents only could by any possibility be fairly charged, even during war times, to legitimate expenses and legitimate profits. The remaining 37 cents per bushel represents clear plunder divided up between the American grain speculators and the foreign shipping trust above indicated.

A short time before the war the Minneapolis Journal made a comment upon the fact that the spread between the price of wheat in Liverpool and Minneapolis was the exact cost of transportation and commissions, and was given at 12 cents per bushel lake freight from Duluth.

WHEAT, OATS, AND BARLEY ADVANCE.

On the 27th day of November the spread between Duluth and Liverpool was 71 cents per bushel, being worth in Liverpool $1.73, or 12s. In Duluth (same grade), $1.02; spread, 71 cents; fair cost of handling, 17 cents; which leaves 54 cents.

A fair price for handling wheat between Duluth and Liverpool on that date, allowing big advances on account of the war, would be:

| | Cents. |
|---|---|
| Lake rates | 4 |
| Elevator | 1 |
| Commission | 1 |
| Insurance, local and overseas | 2 |
| Emergencies | 1 |
| Ocean rates (double peace rate) | 8 |
| Total | 17 |

Yet we find that 54 cents in addition to this sum was taken and was divided between the terminal market raiders and the foreign shipping trust as follows: The rate charged by the Shipping Trust that day from New York to British ports was 14d. per bushel, 28 cents. Here was 20 cents clear plunder taken from farmers. But the American terminal market raiders distanced the foreign ship owners when it came to plunder to the extent of 69 per cent, for the raiders took on that day, over and above every known cost of handling, fixing the calculation on the price of wheat that day between Duluth and Liverpool, 34 cents per bushel. The price the farmers got the 27th of November in Aberdeen, S. Dak., for No. 1 wheat was 85 cents; accordingly the terminal market raiders took, as a clear toll over all costs of handling, 40 per cent of the price the South Dakota farmer got; and the raiders and the Shipping Trust together took, as a clear toll over all legitimate costs of handling, 63 per cent of the selling price the South Dakota farmer received, an unjustifiable loss of 54 cents per bushel.

But wheat and oats are getting well out of the hands of farmers now, and into the hands of the market raiders. Accordingly, watch them soar. Yet, the increase in price between November 27 and December 18 in Liverpool was but 6 cents per bushel. The advance in price in Duluth, Chicago, or Minneapolis has been 26 cents per bushel.

AFTER THE CORN GROWER AND THE CONSUMER NOW.

Now, since wheat, oats, and barley have largely passed into the hands of speculators, they have advanced in price rapidly, but the corn grower—he is now marketing heavily—they are after him.

| | |
|---|---|
| Corn, American mixed, new, Liverpool, Dec. 28 | 9s. 8d. |
| Reduced to American money this means 56 pounds is worth | $1.30 |
| Chicago, No. 6 mixed, new, Dec. 28 | .65 |
| Spread between Chicago and Liverpool | .65 |
| Ocean rate, 22 cents; railroad rate to Philadelphia or Baltimore, 7 cents; insurance, 1 cent; elevator at coast, 1 cent; total cost of handling | .31 |
| Toll taken by speculator over all costs of handling | .34 |
| Add to this the excessive ocean rates charged by the Shipping Trust, which is 16 cents, and we have a total of | .50 |

If this isn't robbery, what is it? When farmers become sufficiently intelligent to organize, and place tried and true men at the head of their organizations—not mere puppets of market raiders and gamblers—they will put a stop to such robberies, but not till then.

Mr. MOON. Mr. Chairman, has the gentleman from Minnesota used all of his time?

Mr. STEENERSON. I have.

Mr. MOON. I yield the remainder of my time to the gentleman from South Carolina [Mr. FINLEY].

The CHAIRMAN. The gentleman from South Carolina is recognized for 37 minutes.

Mr. FINLEY. Mr. Chairman, in the bill under consideration there are carried appropriations for the support of the Post Office Department for the ensuing fiscal year to the amount of $320,509,879. In the discussion that has gone on here for 16 hours I have heard no criticism that amounted to anything in particular with respect to the amount appropriated for any particular item in the bill. I take this as evidence strong and indisputable that the House is satisfied that the work of the Post Office Committee has been well done. We have heard a great deal of discussion on other subjects, the War Department, the Navy Department, which is all very well, but now that we have a great bill here, which is made up after weeks and months of labor and effort, we find no criticism of the items of appropriations carried in the bill. The committee was careful, it exerted itself to bring into the House a bill that would command the confidence of the House. We believe that we have done that. There are items in the bill, in the way of proposed new legislation, that doubtless will provoke discussion when they are reached, but I believe there are only two of those that are calculated to provoke serious discussion—one the bonding proposition of postal employees, and the other the proposed change in the railway mail pay basis. I shall not discuss those matters until they are reached for consideration, but I want to say that not only have we a great Postal Service, but the people of this country demand it.

In the 17 years that I have been here I have seen the appropriations grow from $100,000,000 to the present sum of $320,000,000. It costs a great deal of money to give to the people of the United States the best postal service in the world, and they have that service. No country in the world has ever had as good service as the people of the United States have to-day. This is true, and the man who doubts it and who thinks there is room for retrenchment or reform can go among the people and find out, and he will find himself vastly mistaken. I believe the item in the bill that has carried the most criticism is that in reference to the Rural Delivery Service. This is a great service. I have seen it grow from the very small appropriation of $150,000 to the present sum of $53,000,000.

There has been criticism of the department because a new departure has been made in some respects, which I think is only by way of experiment. What the intention of the officials of the department is in full I do not know, but I am satisfied of this, that two systems of conducting the Rural Delivery Service will not operate successfully in this country—the automobile contract service and the horse-drawn vehicle service by postal employees. One or the other must prevail. It may be true that in some cases an automobile service is proper and that it will give effective service, but when you consider that the seasons vary, the conditions of the roads change in the various months of the year—winter, summer, spring, and fall—one is bound to conclude that automobile service, except on hard roads, can not succeed the year round. That has been my view all of the time—where there are good roads, macadam roads, sand and clay roads, kept up from the 1st of January to the 1st of next January, then the automobile service can be made successful, but even then there would be drawbacks.

We know that it is almost impossible to run an automobile continuously without a breakdown. In fact, I do not think it possible to run one very long without some mishap occurring. We know that with the horse-drawn vehicle on a standard route you will have service that is practically the same the year around—in winter a little slower, in summer a little more expeditious, but generally speaking the same—and I submit that this country can not have two systems of Rural Delivery Service delivery. I stand for the horse-drawn vehicle. I have said so repeatedly. I have helped in the past during my service here to build up the service, to make it the very best, to aid it, to improve it; and I have stated on this floor that the man who lays a heavy hand on the service and renders it inefficient will suffer. I made that statement before, and I repeat it now. I want to state that I think a great deal of the criticism made here is unjust. I believe that when the final analysis is made it will be seen that some of these criticisms are unfounded. I am satisfied in my own mind from assurances that I have that no extraordinary or unusual departure from the horse-drawn vehicle service will be made unless that service is satisfactory to the people and to the Congressman of the district. I think that is as it should be. The people who have had rural service at their doors for years and years do not think they should be deprived of it. It becomes, in their opinion, a vested right. Of course in law it is not, but in practice they so consider it, and

you can not convince one that such is not the case. I believe that in the future there will be no just cause for complaint along this line of substituting automobile service for horse-drawn service. I have some assurances that satisfy me that action will be taken, action looking to remedy what is now considered by many to be an injustice to the patrons of many routes in the United States.

Mr. DOWELL. Mr. Chairman, will the gentleman yield?

Mr. FINLEY. Yes.

Mr. DOWELL. Has the gentleman any authority for saying that the routes that have been rearranged and reestablished will be changed back to a satisfactory service to the people?

Mr. FINLEY. I think if the gentleman will read the letter that the chairman of the committee read into the RECORD the other day he will find that that letter carries that inference; and I will say this, that I have it that wherever the service has been rearranged to the detriment of the service inspectors will be sent there and the service made as complete as possible.

Mr. DOWELL. And that is to be done in all places where objections have been made?

Mr. FINLEY. Well, I can not answer for that, but I will say to the gentleman that is my understanding.

Mr. ADAMSON. Will the gentleman yield for a question?

Mr. FINLEY. Certainly.

Mr. ADAMSON. When an inspector is sent there, as the gentleman suggests, and makes a report not in accord with what the Congressman who takes an interest in the subject knows to be the facts, which one is going to prevail with the department?

Mr. FINLEY. I can only say this, that in my case the Congressman, inconspicuous as he is, has always prevailed. That is all the answer I can make.

Mr. DOWELL. May I ask one more question?

Mr. FINLEY. Certainly.

Mr. DOWELL. Has the gentleman been consulted with reference to all the changes which have been made in the gentleman's district?

Mr. FINLEY. I have not.

Mr. DOWELL. Have the people on the routes been consulted with reference to the change?

Mr. FINLEY. I will say this to the gentleman, that in my early days here, when the rural service was being established, I gave the establishment of routes my personal attention, and I saw to it, as far as a man could see—so far, at least, as I could—that they were laid out properly and that they served as many people as possible, so that the very best service to the community should be given, and there have been no changes I know of in my congressional district. But I want to say this, that I did not leave this matter solely to the inspectors themselves, but I gave it my personal attention, as far as I could, with a view of having the service established where it should be established. Perhaps I have succeeded, perhaps I have not.

Mr. DOWELL. May I ask the gentleman one more question?

Mr. FINLEY. Certainly.

Mr. DOWELL. Can the gentleman suggest any method of securing this good service he has suggested, where he is not consulted, and where the people who receive mail on the routes are not consulted, and where the change is made without reference to the wishes of the people who receive their mail?

Mr. FINLEY. I think in future that complaint will not be made. I think that in future the people will be consulted and the Congressmen will be. That is my belief. Now, as I stated, I looked after the matter in its inception in the establishment of the service, and I attribute to that more than anything else the fact that I have had no trouble with the routes in my congressional district. That district has not the greatest number of routes of any, even in the South—not nearly so—but I did not ask for service where it does not come up to the standard.

Now, with respect to the Rural Delivery Service my belief is this: That a common standard should be fixed, it should be settled, and when a community comes up to that standard they should be given the service, and whenever you do not do that, then you get into trouble; and wherever you place one route on top of another or give more routes to one community than the people of that community need for efficient service, then trouble follows. So I believe in a standard route. I believe that when this course is followed out there will be practically no trouble. Now, there have been criticisms; many of them are well founded, and I want to say here now that I usually talk plainly. I understand there are some gentlemen down here called post-office inspectors in the department who have been busily engaged with a pencil and paper and rural-route maps spread out before them rearranging routes in various portions of the country. I absolutely condemn that practice, absolutely. [Applause.]

Mr. DOWELL. Mr. Chairman, will the gentleman yield for another question?

Mr. FINLEY. Certainly.

Mr. DOWELL. Is it not true, as the gentleman is informed, that this has been done, and that the routes have been changed and reestablished by these so-called inspectors figuring these routes from their office here in Washington?

Mr. FINLEY. I have such information; and I am sure that there is at least one man down there engaged in this work whom I would not want in my congressional district at all, or, rather, I have been informed he was engaged in that work. And I want to say, gentlemen, the inspectors I know of who are engaged in that work, some two or three, are all Republicans.

Mr. CRISP. Mr. Chairman, will the gentleman yield?

Mr. FINLEY. I will.

Mr. CRISP. Are there any 50-mile motor routes established in the gentleman's district?

Mr. FINLEY. No.

Mr. CRISP. Have any been placed in operation in South Carolina?

Mr. FINLEY. I am not prepared to speak as to that, but I know of none.

Mr. CRISP. The gentleman has been more fortunate than I have; I have 21 of them now in operation.

Mr. FINLEY. I will say this, that the roads in my congressional district are of such a character and the topography of the country is such that it is impossible to operate motor service for a majority of the months in the year. Now, that being true, there is no place for a motor service in the congressional district I represent, and I take it that is largely true of South Carolina.

Mr. CRISP. We think in Georgia that is true. We have no graded roads, but nevertheless and notwithstanding our opinion they have been established.

Mr. FINLEY. Well, I am sure the motor service would not operate in the fifth district on many routes. It could not be made successful. Now, some criticism was made here, rather well founded, I admit that, but I do not believe that in the future there will be ground for this criticism. I have information that in the future no set of post-office inspectors located down here in the department shall take a pen and paper and a rural-route map and relocate routes. Such is my information, and such is my belief, that before a change is made a post-office inspector shall go on the ground and investigate and inspect and make his report, and that is as it should be.

Now, Mr. Chairman, there are other matters in the bill that I would like to take up if time and the condition of my throat permitted, but I shall not. I take it that whatever real debate comes on this bill will come under the five-minute rule, and it will come when the new legislation is reached. The new legislation, in my opinion, is unobjectionable, except as to two items, which are objected to by some people, the bonding proposition and the mail pay. The other items are largely in aid of good administration, and should be enacted into law without question, and I believe there will be no opposition.

I believe that the bonding proposition is good in the main. I am not so well prepared to give an opinion on that as I am on the railway mail pay. I shall make no set speech on that at this time, because twice before I have debated this question. We passed a separate bill similar to the one we have tacked on here, and some people call it a rider. I remember when the first one was passed. It went to the Senate. Well, the bill did not come back here. Congress died and the bill died with it. In the last Congress we placed it on the appropriation bill, determined that it should be considered as far as we could have it determined. It went to the Senate. It was a short session of Congress, and Congress was tied up with the shipbuilding bill and the Indian appropriation bill. And while this Post Office bill got out of conference, the conference report was never considered in the Senate and the Post Office bill died. And, as I take it, the question is better known to you—the Members of the House are better acquainted with its provisions—and I want to say it will do no harm to the railroads; but I will say this: It involves the life of the parcel post, and the man who has studied this question is bound to come to the same conclusion and make that same statement.

So, Mr. Chairman, this is all I care to say, I believe, just now, and I yield back to the chairman the time I have not used.

The CHAIRMAN. The gentleman from South Carolina yields back 1 minute.

Mr. MOON. Mr. Chairman, I yield to the gentleman from Kansas [Mr. AYRES].

Mr. AYRES. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Kansas asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. MOON. Mr. Chairman, I ask that the Clerk read the bill.

The Clerk read as follows:

OFFICE OF THE POSTMASTER GENERAL.

For rent of suitable buildings for the use of the Post Office Department, including the mail-bag-repair shop, lock-repair shop, and the Division of Equipment, $32,000.

Mr. STEENERSON. Mr. Chairman, I reserve a point of order on that paragraph.

The CHAIRMAN. Does the gentleman from Tennessee [Mr. MOON] desire to be heard on the point of order?

Mr. STEENERSON. I reserve the point of order. I desire the chairman to explain the first paragraph. I believe it is legislation.

Mr. MOON. There is nothing in that except that we substitute for the words "Division of Supplies" the words "Division of Equipment."

Mr. STEENERSON. I think the House ought to understand. I just reserved a point of order.

Mr. MOON. The department thought that was a better word.

Mr. STEENERSON. The matter was taken up at the hearings, was it not?

Mr. MOON. Oh, yes. I hope the gentleman does not want me to go through and explain all the hearings.

Mr. STEENERSON. I withdraw the point of order.

The CHAIRMAN. The gentleman from Minnesota withdraws the point of order, and the Clerk will read.

The Clerk read as follows:

For salaries of post-office inspectors: For salaries of 15 inspectors in charge of divisions, at $3,000 each; 30 inspectors, at $2,400 each; 20 inspectors, at $2,250 each; 32 inspectors, at $2,100 each (an increase of 2 submitted in lieu of 2 assistant superintendents, Railway Mail Service, at $2,350 each, to be transferred from the office of the Second Assistant); 20 inspectors, at $2,000 each; 30 inspectors, at $1,900 each; 90 inspectors, at $1,800 each; 60 inspectors, at $1,700 each; 60 inspectors, at $1,600 each; and 65 inspectors, at $1,500 each; in all, $783,700.

Mr. CARTER of Massachusetts. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Massachusetts moves to strike out the last word.

Mr. CARTER of Massachusetts. Mr. Chairman and gentlemen, while this Post Office bill is being discussed I want to call the attention of the Members of this House to the rural mail service in Massachusetts.

The Post Office Department, and especially that branch which is under the direction of Mr. Blakslee, is giving the country the worst administration in its history. [Applause.]

The department has come into my district and without thoroughly investigating conditions has so demoralized the rural mail service that it has caused inconvenience to hundreds of patrons.

The rural routes of this country should not be impaired, neither should the service be crippled.

The department says that it is making these changes to save money. There are hundreds of ways where the department can better save money than at the expense of the farmer.

Included in my district is a rich agricultural section.

The rural routes were originally established after a personal examination by an inspector. The people were consulted, the conditions studied, and their wishes were considered.

As the result of the high grade of efficiency attained by the Rural Mail Service in the past, the alert and businesslike farmer, encouraged by the Government, took advantage of the opportunities offered by the Parcel Post System. He would ship his eggs, butter, chickens, fruit, and vegetables direct to the consumer. It was very easy to receive his mail in the morning, get his wares together, and send them out in the same evening.

But what has happened? This industry has been practically wiped out. Through a thoroughly impractical retrenchment plan many routes in my district have been consolidated with those of adjoining towns, causing untold inconveniences to hundreds of patrons, besides placing additional as well as unjust burdens upon the rural mail carriers.

A great many people of my district have been compelled to go without any mail service as the result of these changes. Many more have to walk from a mile to a mile and a half and then wait for their carrier in order to get their mail.

Town officers who receive the official mail of a town are compelled to either change their post-office address to another town or else walk down to the post office for their mail.

In one section of my district, in Medfield, the prominent business men and farmers of the town got together and hired the former letter carrier to go to the post office and get their mail. They do this rather than to wait hours for the regular mail delivery.

In Waltham, Mass., several hundred people enjoyed an afternoon mail delivery and as a result had built up a very profitable parcel-post business. The Post Office Department wiped out this route and the people suffer.

What I object to principally is the method employed by the Post Office Department in making these changes. Instead of sending field inspectors to the towns to investigate local conditions, an inspector sits down with a map in front of him in Washington and makes the changes. What does this clerk know about local conditions?

When one visits the Post Office Department to seek relief he is told that the people should not complain if their mail was three to five hours late. We are told that they should not complain if they have to change their post-office address, as they are fortunate to get any mail delivery to their homes at all.

I had always believed that the department in charge of our mails desired to encourage and secure the greatest efficiency possible. This is not being done and the Postmaster General has made a dismal failure of his job.

There is very little that we can do here, but the rural residents in my district are anxiously waiting until next fall when they will give the power to a Republican to name a new Postmaster General. [Applause on the Republican side.]

I believe that the residents of a rural community are just as much entitled to efficient mail service as those in city districts.

They pay their share of the taxes and therefore they are justified in resenting the outrageous changes made by the Post Office Department.

I want to say, if my time has not expired, that I believe that these changes in the rural districts have been made without any consideration for the people that live in these districts.

I believe that these changes have not been carried out on business principles. They have been carried out on a "guess and begorry" plan. These changes have been made by theorists and with the aid of maps, and are not practical. No one in a private business would dare make the changes in this manner, for if he did he would go into bankruptcy before he had a chance to finish what he had started. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. CARTER of Massachusetts. Mr. Chairman, I ask unanimouse consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. CARTER of Massachusetts. Mr. Chairman, I ask for this extension in order to insert some communications relative to the rural situation, as follows:

NEEDHAM HEIGHTS, MASS., *November 4, 1915.*

Hon. ALBERT S. BURLESON,
*Postmaster General, Washington, D. C.*

DEAR SIR: I desire to call to your attention an order which has been issued from the office of the Fourth Assistant Postmaster General on November 1, which provides the discontinuing of service over rural route No. 1 of the Sherborn, Mass., post office.

As the Representative from that district, I appeal to you to either rescind that order or to extend the discontinuing of said service until a thorough and proper inspection of the conditions can be made.

I do not believe that it is the intention of your department to cripple the mail service in any town. In this instance the only beneficiary will be the postmaster of Framingham, whose salary will be increased by the corresponding increase in his receipts.

A delegation, which includes the board of selectmen and many prominent citizens, has just called on me, protesting against the proposed change as recommended by your department. According to the new schedule which your office has issued, it will mean a hardship to many residents of that town. On a great many streets there will be no service at all and on a great many streets people will be required to walk from one-half to three-quarters of a mile in order to secure their mail. It will also be necessary at certain places to have a larger number of mail boxes, which in itself will be obnoxious looking.

Will you kindly advise me just why this change is being made?

Not only will the service over route No. 1 of Sherborn be discontinued, but the present carrier, Frank H. Goulding, a man whose recommendations and his average mark in the civil service were of the best, will also have his services discontinued. In his place the postmaster of Framingham is to appoint a carrier. In fairness to Mr. Goulding, if such an appointment is to be made, is he not entitled to that position?

Should you desire a petition, the board of selectmen are ready and willing to start one in the town, and promise to bring in the name of every citizen protesting against the action of your department.

Will you kindly advise me at once on the question?

Yours, very truly, _____.

NOVEMBER 6, 1915.

Hon. WILLIAM H CARTER,
*Needham Heights, Mass.*

MY DEAR MR. CARTER: In answer to your letter of the 4th instant, which the Postmaster General has referred to me, in which you request to be advised concerning reasons leading up to the discontinuance of rural route No. 1, Sherborn, Mass., as ordered effective November 15,

1915, and request that action under said order be suspended until the matter may be further investigated, I beg to state that in connection with a recent review of the service in Middlesex County it was found that by a more systematic arrangement of the routes through the elimination of excessive duplication and unnecessary retracting it was possible to cover the territory with seven less routes, and in the carrying out of this plan it seemed desirable to dispense with the services of one carrier at Sherborn and provide for the patrons through a consolidation of that route with the service from Framingham.

The changes in the vicinity of Framingham and Sherborn are in no wise radical, or is there any reason to believe that the patrons will be seriously inconvenienced thereby. In fact, according to the reports received, only three families will be required to relocate their boxes, the fartherest of which is a quarter of a mile, and with the exception of the families residing on the road between Weston Avenue and Sherborn post office all will receive direct service through the latter office without having to change their post-office address.

In view of the foregoing facts, and in the absence of any evidence tending to show that the proposed arrangement is impracticable, this office would not be warranted in postponing the institution of the new arrangement, but all complaints presented will receive very careful consideration, with a view to taking such action as is found to be warranted.

I may add that the extension of the service from Framingham, so as to take over the route from Sherborn, does not involve the appointment of an additional carrier at that office, as intimated in your letter. Were such the case, I should be glad to consider the matter of transferring Mr. Goulding to such point or to any other vacancy in the rural-carrier force which may occur during the ensuing year, should he make application for reinstatement at the time of such vacancy.

In conclusion, permit me to assure you, and through you the patrons of the service in this territory, that by the proposed revision it is not the department's purpose to injure or curtail the rural service, but, on the contrary, to increase and extend the service in rural communities, so that the best service practicable may be afforded to the greatest number of patrons, and in pursuance of this policy I shall be glad to consider any suggestions which you may care to submit looking to the establishment of additional rural service in your district now without such service.

Sincerely, yours,

J. I. BLAKSLEE.
*Fourth Assistant Postmaster General.*

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POST OFFICE DEPARTMENT,
FOURTH ASSISTANT POSTMASTER GENERAL,
*Washington, November 15, 1915.*

Hon. WILLIAM H. CARTER,
*Needham Heights, Mass.*

MY DEAR MR. CARTER: Referring to your letters of November 9 and 11, addressed to Mr. Warner, which have been presented by him, together with protests against the discontinuance of route No. 1, Sherborn, Mass., and the dismissal of Frank A. Goulding, carrier thereon, and acknowledging your letter addressed to me under the same date concerning this matter, I beg to invite your atttention to my letter of November 6, copy herewith, in reply to your communication addressed to the Postmaster General under date of November 4, setting forth in detail the facts concerning the discontinuance of this service.

It appears from the subsequent correspondence that the main objection against the discontinuance of the route arises through an apprehension that this action presaged the discontinuance of the post office at Sherborn. This is not the case, and to allay any possible misapprehension along this line instructions have been given the postmaster at Framingham to have the carrier on arriving at Sherborn deposit in that office uncanceled such mail as he has collected up to that point as can be advanced in dispatch thereby.

As to the discontinuance of the services of Carrier Goulding, this action should not be construed as any reflection upon the carrier, who I should be very glad to retain in the service had there been a vacancy at the time to which he might have been transferred. However, he is eligible to reinstatement to any vacancy which may occur within the county during the period of one year from the 15th instant, and in the event of receipt of an application from him for reinstatement at the time of a vacancy it will be given very careful consideration in connection with any others which may also be presented at that time.

Sincerely, yours,

JAS. I. BLAKSLEE,
*Fourth Assistant Postmaster General.*

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SHERBORN, MASS., *December 15, 1915.*

Hon. WILLIAM H. CARTER,
*Member of Congress, Washington, D. C.*

DEAR MR. CARTER: I have read copies of the two letters written to you by Hon. J. S. Blakslee, Fourth Assistant Postmaster General, and it is quite apparent that the official in question misunderstands the conditions that control and the situation that obtains at the present time in Sherborn.

In his letter of November 6 he writes of a "more systematic arrangement," and declares that there is no reason to believe "that the patrons will be seriously inconvenienced thereby." My answer is that our people are seriously inconvenienced. Facts outweigh theories, and we who receive the mail under the present very "systematic (?) arrangement" are daily witnesses to the truth of my statement. He further asserts that "according to reports, only three families will be required to relocate to boxes," referring to those on Pleasant Street, who for the first time in 13 years are thus inconvenienced. How about the families on Bullard Street? Was there a report on that street? The statement that "with the exception of families residing on the road between Western Avenue and Sherborn post office, all will receive direct service through the latter office without having to change their post-office address," sounds queer and very inaccurate to the residents on Main Street, north of Dowes's corner, and the residents on Main Street, more than 15 families in all, who are put into the Framingham office and must change their address from Sherborn to Framingham. A mile only from the local post office, on the principal street and in the most populous part of the town, they can not now get their evening mail at the local office. It is very evident that the "reports" received by the Fourth Assistant Postmaster General were misleading, to say the least. "In view of the foregoing facts, and in the absence of any evidence," he refused to postpone inaugurating the new arrangements. I think I have shown that the "foregoing" are not "facts," and I ask how "evidence" could be presented? When the route now mutilated was arranged—some of it when Senator JOHN W. WEEKS was our Representative in Congress—our people were consulted, our conditions carefully studied, and our wishes considered. So far as I am able to ascertain, not a citizen of Sherborn was consulted before the present plan was outlined. Without our knowledge the arrangements were made, a peremptory order for the change was issued, and we are then refused a postponement because we have not presented "evidence," although we did file protests signed by nearly every citizen of Sherborn. If one of the inspectors will confer with our people, we'll produce the evidence.

"It is not the department's purpose to injure or curtail the rural service," he continues. The service in Sherborn has been injured and has been curtailed. He asks "for suggestions looking to the establishment of additional service in your—Mr. CARTER'S—territory now without such service." My suggestion is that he give (restore) that service to the residents of Pleasant and Bullard Streets in Sherborn.

In his letter of November 15 he says, "the main objection against the discontinuance of the route arises through an assumption that the action presaged the discontinuance of the post office in Sherborn," and declared that certain mail gathered by the carrier is to be delivered uncancelled at the Sherborn office; but he forgets that by the present arrangement all the Everett Street mail, much on Main Street, and all collected after leaving the office on return from Farm Road goes to Framingham. To kill by starvation is a slower process than to kill by the bullet, but none the less cruel and none the less sure.

Maple Street is also Framinghamized. On that street resides the secretary of our board of selectmen. All our town letterheads, etc., bear the imprint Sherborn. It is important that we get both the morning and the evening mail. We don't propose to change our town name or town literature to Framingham. The result is that our secretary and other residents on Maple Street forego the rural delivery and get their mail at the local office. And still we are assured that no one "outside of three families" is inconvenienced. Our case is different from those cities in the Boston postal district. There the mail is addressed, not to Boston, but to the particular city—Malden, Everett, Newton, as the case may be. The city does not lose its civic individuality.

It is to be presumed that the department having in charge the United States mails desires to secure and encourage the largest possible efficiency, and that the quickest possible delivery of mail marks a large part of that efficiency. The convenience, satisfaction, and accommodation of mail recipients constitutes the real test. By that test the efficiency of our rural-mail delivery has been impaired 50 per cent. The primitive is reinstalled and the modern is relegated to the scrap-heap. Because our mail carrier desired to give us the best possible service he purchased an automobile and was able to reduce the time in going over the route one-half. For this enterprise he is punished, or so it seems to us. We now have a one-horse cart delivery, and the accompanying schedule shows how the Post Office Department has slowed up its service. I notice that in the South the carriers' routes are being motorized and the department has been sharply criticized therefor, the roads there being bad. Putting auto delivery on bad roads in the South and West, and displacing that same delivery in Massachusetts where the roads are good, seems a bit strange to the uninitiated.

But that isn't all. The department has, so far as our mail service is concerned, cut the town in two. It has halved it right on its main street and its most populous village only a mile distant from the office. It prevents these people, thus Framinghamized, from getting their evening mail at the office; and it is now impossible to get any mail until the next day—the Boston evening papers and the nearby papers that contain our local news.

Now, contrast the present delivery with the former. Bear in mind that I am in no way criticizing the carrier, Mr. Hollis. He has been given a route altogether too long and has had placed on his shoulders a burden too great for any man. He does the best he can; if the patrons suffer the fault is not his but the authority that imposed the task upon him. Take note also that the schedule is a fair-weather schedule; what it will be during the winter storms and spring thaws I hate to contemplate. The delivery begins late and lateness is multiplied by lateness with every mile covered. In this schedule I am naming only a few mail recipients at different points on the route; of course, all intervening points show corresponding difference in time between the old and new schedules.

Our last morning mail arrives at our local office at 8.30 a. m. Mr. Goulding left the office at 9 a. m. Mr. Hollis leaves at 10.30 a. m. He would leave at an even later hour but for the fact that our local postmistress routes and bundles the mail, which, I understand, is really not a part of her official duty. As it is, the mail remains in the office two hours after arrival before the carrier takes it from the office.

The first stop is at the house of Norman B. Douglass, who is within a half a minute's walk of the station where the mail arrives and half a mile distant from the post office. The mail which he sees leave the station at 8.25 a. m. he now receives by carrier 10.45 a. m. Mr. Goulding delivered it at 9.10 a. m. My own mail (Lake Street) I previously received at 9.45 a. m.; now at 11 to 11.15 a. m. Note also that Mr. Goulding, before coming down Lake Street, had to cover Main and Everett Streets to the Natick line, now set off to the Framingham route.

Oscar H. Howe, at the extreme south of Sherborn, previously received his mail at 10.45 a. m.; now at 12.05 p. m.

Milo F. Campbell, on South Main Street, a mile from the local office, previously received mail at 11 a. m.; now at 12.30 p. m.

Rev. H. E. Bray, on Farm Road, half a mile from local office, previously received mail at 10 a. m.; now at 1 p. m.

James F. Leland, Southwest Sherborn, previously received his mail at 11.45 a. m.; now at 3 p. m. I am told that his son mounts his bicycle in the morning, goes 5 miles to the Framingham High School, attends all the sessions of that school, returns home, and arrives there before his parents receive their morning mail.

Take another case, Mr. Leslie Philbrook, on Western Avenue—and all along that avenue are in like condition. He is less than a mile from Framingham, from which point our carrier makes his start in the morning. Previously he received his mail at 11 to 11.15 a. m.; now he gets it at 4 p. m. And this point illustrates pointedly how little consideration the planners of the present "systematic arrangements" gave to the convenience and needs of mail recipients. Mr. Philbrook's interests are naturally with Framingham, it being his nearest population center. Now he is put into a Sherborn route, and people whose interests are in Sherborn—or Natick as a population center—are put in the Framingham route. Had the department deliberately planned to perfect a system entirely out of consonance with

the people's interests it could not have done it more effectively than in the existing arrangement.

Is this service which we, a live town, less than 25 miles from Boston, are entitled to?

I inclose schedule, in tabulated form, showing time of past and present mail delivery by carrier. I also inclose sketch showing how the town is cut in two. At Dowses Corner the two routes almost interlock.

I am not criticizing efforts at economy, although I think the Post Office Department is the last branch of our Government where penuriousness should be practiced. "There is that scattereth and maketh rich and there is that withholdeth more than is meet that tendeth to poverty," particularly in the Postal Service.

I believe an arrangement could have been made, had our people been consulted, whereby Mr. Goulding, leaving the local office immediately after their arrival of the last morning mail, could have covered all of Sherborn, except the distinctive village at North Sherborn, could have given quicker service than we are now getting and enable us to preserve our civic entirety to which our history as a township, incorporated 240 years ago, entitles us.

Mr. Blakslee in a recent address said: "I concede that there may be some errors; there may be some inaccuracies; there may be some instances where better arrangements could have been made, and here and now I emphatically state that given time all such inaccuracies will be corrected and that nowhere, when substantial representation shall be made showing conclusively that the department has been in error will there be one day's delay in a correction thereof." We await the correction pointing to his statement in regard to the few obliged to change post-office address as a specific error.

In conclusion, speaking as a citizen, as chairman of the board of selectmen, as representative to the legislature from this district, and voicing the unanimous sentiments of our people, I pronounce the present arrangement unsatisfactory, impairing the efficiency of our carrier service fully 50 per cent. We hope you may be able to convince the department that our citizens are not querelous fault finders, but have a substantial grievance and one that should be remedied without "one day's delay." It may be the department inherited, as Mr. Blakslee says, "a system that would have wrecked any ordinary commercial enterprise." It is certainly true any business house impairing its service as the department has impaired it in Sherborn would be in financial trouble in 60 days. We ask for no "special privilege," but do desire, exemplified right here in our town, what the Fourth Assistant Postmaster General says it is his object to accomplish, "efficiency in the operation of the Postal Service."

Yours, very truly,

AARON C. DOWSE.

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SHERBORN, MASS., *January 5, 1916.*

Mr. GEORGE P. CARTER,
*Secretary Board of Selectmen, Framingham, Mass.*

DEAR SIR: In the Framington News a short time ago there appeared a letter from the Fourth Assistant Postmaster General in regard to the change in the rural delivery in our district, in which he says that "the patrons will not be seriously inconvenienced."

I wonder if he realizes that under the present service the use of the rural delivery for parcel-post shipments is absolutely out of the question. There has been so much talk in the newspapers influenced by the Postmaster General as to the tremendous advantage both the farmer and the city dweller will derive by a free use of the parcel post that I think it would be of interest to the Postmaster General to see the conditions under which parcel-post matter would have to be shipped from Pleasant Street now. In the first place, the box is almost a quarter of a mile from the house. In winter weather such as we have been having there is no way of stating the exact time when the carrier can get there; in fact, it is a continuous surprise to me when he gets there at all, as it does not seem possible for one man to cover the route which he has laid out for him in the wintertime. Shipping anything by parcel post means that it is necessary for some one to go down from the farm at about the time the carrier is supposed to be due there and wait in the snow and rain until he comes. This is fine for such things as eggs, vegetables, and fruit, to say nothing of the man who is doing the waiting. At present whenever a package is coming to us we are dependent upon our good neighbors to telephone us when the carrier leaves their house so that we may be at the box in order to receive the package. You can appreciate that this puts the use of the mails as a business proposition for us entirely out of the question.

It may be that this is not a "serious inconvenience," but we on Pleasant Street at least are obliged to differ with the Postmaster General as to that.

I trust that you may have success in your endeavor to have the department at least look into the matter before definitely removing the service which we have had since the route was first established and which seems to me to be of a very definite value to the farm.

Yours, very truly,

C. O. LOUD.

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POST OFFICE DEPARTMENT,
FOURTH ASSISTANT POSTMASTER GENERAL,
*Washington, December 24, 1915.*

Hon. WILLIAM H. CARTER,
*House of Representatives.*

MY DEAR MR. CARTER: With reference to your letter of the 20th instant, requesting that an inspector be directed to investigate the complaint of the selectmen of Sherborn against the recent readjustment of the rural service in the vicinity of that office and Framingham, Mass., I beg to state that this matter has been taken up with the postmaster at Sherborn with the object of ascertaining the feasibility of effecting such modifications in the present arrangement of the routes as will obviate all just cause for further complaint, and in the event it is found impossible to adjust the matter without a field investigation, I shall be glad to comply with your request that an inspector visit Sherborn and make a personal investigation of the situation.

Sincerely, yours,

JAS. I. BLAKSLEE,
*Fourth Assistant Postmaster General.*

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POST OFFICE DEPARTMENT,
FOURTH ASSISTANT POSTMASTER GENERAL,
*Washington, January 20, 1916.*

Hon. WILLIAM H. CARTER,
*House of Representatives.*

MY DEAR MR. CARTER: With reference to your letter of the 17th instant, transmitting a copy of a communication addressed you by Mr. D. J. Richards, of the board of selectmen, Sherborn, Mass., protesting against the mail facilities afforded residents of that section since the readjustment of the rural service in Middlesex County, and requesting that steps be taken to remedy the situation, I beg to state that a representative of the department will visit this section of territory within the near future and make a personal investigation with a view to effecting any further changes that are found to be necessary to promote the best interests of the service.

Sincerely, yours,

JAS. I. BLAKSLEE,
*Fourth Assistant Postmaster General.*

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DECEMBER 13, 1915.

POSTMASTER GENERAL, *Washington, D. C.*

DEAR SIR: I hereby request that the Post Office Department restore to the Medfield (Mass.) post office its free rural delivery route.

My reason in asking for this is on account of the unsatisfactory service which the residents of that town have been subjected to as the result of the change. If your department does not deem it advisable to restore the route, I will then request that a thorough investigation be made immediately.

Very truly, yours,

WILLIAM H. CARTER.

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The following families were served between 7.40 and 9 a. m.: Mrs. Sarah Bruce, Miss Mary Fisher, Herbert L. Mitchell, Mrs. Jane Harding, Edgar Bissell, John Harding, Joel E. Heard, William Perry, Frank E. Day, Chairman of Selectmen Richard M. Smalley, Ernest Olyott, Archie L. Crawford, George W. Caldicott, Frank Carr, Agustus Dean, Charles J. Jacobs & Co., Robert Powell, George H. Sauer, George Ehnes, Oliver J. Clark, William F. Welker, William A. Welker, and Miss Alice Sewall.

All the above families are now served by the Millis carrier between 2.15 and 3.30 p. m. and the last two patrons would have to have their mail addressed to Millis, but prefer walking to the Medfield post office (1 mile each way) for their mail. One of the patrons said that the letters which were formerly taken from her were delivered in Dedham that same afternoon, while the letters she sends now via Millis are not delivered until the third day. The carrier arrives too late to dispatch his collections the same day, consequently they lay in the Millis office until 9 the next morning and get to Dedham too late to be delivered the next day. This is only one incident.

The following families were served between 7.50 and 8.30 a. m.:

Herbert P. Mann, Mrs. Jennie Bruce, Richard Johnson, Leon Ashley, George L. L. Allen, Mrs. Edwin Rogers, A. L. Allen, *George Washburn, Miss S. B. Swanton, D. A. Freeman, W. C. Whittemore, Otto Richter, Dr. Henry L. Morse,* Norfolk Hunt Club, *American Steam Packing Co., Henry G. Vaughn, Lewis A. Cutler, George S. Cheney, Herbert A. Dexter, Charles W. Sawyer, James G. Hopkins,* Albert C. Shumway, Mrs. F. E. Mitchell, M. C. Ware, Frank Stubbs, A. H. Aldrich, and Amos H. Mason.

All the above would have to have their post-office address changed to Dover in order to have their mail delivered. The 13 families which are in italics have made the former rural carrier their agent, and he delivers their mail to them every morning. The American Steam Packing Co. is especially hard hit, as their orders come by mail from Boston and are delivered at the factory about 8, while if they were sent to Dover they would not be delivered until about noon (when the automobiling was good). Messrs. Aldrich, Stubbs, and Mason have their mail come to Harding. Mr. Shumway drives to the Medfield post office (2½ miles each way) to get his mail. Messrs. Cheney, Dexter, Sawyer, Shumway, and Hopkins, who were formerly served by two carriers (Dover and Medfield) (see map), are without service. As near as I can find out, the Dover carrier serves only Mr. Mann, Mr. Ware, and the Norfolk Hunt Club. This route is being served by the Dover carrier with an auto, and under the best conditions he covers it between 10 and 12.

The remainder of the route was covered between 9.30 and 12 noon and is now covered by the Walpole carrier with an auto in about the same time, under favorable conditions, only in the opposite direction, so that some of the patrons living within one-half mile of the post office would have to have their mail addressed to Walpole in order to have it delivered. The list of families affected follows:

Edward Lidbury, Joseph Leeds (without service), W. J. Hayward, Daniel Hamant (these would have to change to Walpole), R. H. Smith, A. D. Kingsbury, C. A. Kingsbury, A. H. Clark, J. Kiniry, Miss F. E. Mason, Prof. C. M. Loeffler, Benjamin Kimball, Esq., Mrs. J. De Forest Danielson, Reuben Kingsbury, Joseph Barbose, J. W. Cavanaugh, W. B. Esselin, A. H. Smith, G. P. Williams, John Brooks, G. H. Murray, G. R. Hardie, Samuel Craven, Robert Morissey, Davenport Brown, Mrs. William H. McElwain, Mrs. Dr. Charles E. Inches, S. E. Sprague, C. H. Page, Mrs. G. W. Adams, William Miller, A. Mollison, P. A. Katzman, James Carpenter, Frank Bernatowicz, Charles Ruchinski, Patrich Connors, A. B. Tisdale, C. F. Leeds, F. W. Bradberry, G. S. Smith, H. S. Pember, Mrs. E. P. Ord, Mrs. J. S. Percival, and M. E. Blood.

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POST OFFICE DEPARTMENT,
*December 16, 1915.*

MY DEAR MR. CARTER: I am in receipt of your letter of the 13th instant inclosing a memorandum giving a list of patrons who have been adversely affected by the discontinuance of route No. 1, Medfield, incident to the revision of the service in Norfolk County, Mass., as ordered effective December 1. I note you request that the route be reestablished from Medfield and adjacent service restored to its former lines, or that an immediate investigation be made of the situation.

In reply I beg to state that a careful examination of the present arrangement shows that all roads formerly covered are now traversed by a rural carrier, excepting the one extending from Cheney to Hopkins Corners, a distance of eight-tenths of a mile, and the retrace on Philip Street involving fifteen one-hundredths of a mile. As to the omission of the road between Cheney and Hopkins Corners, on which four families reside, I would respectfully invite attention to the fact that none of these families is farther than one-quarter of a mile from Cheney or Hopkins Corners, while the farthest of the two families residing on Philip Street from whom direct service has been withdrawn is fifteen one-hundredths of a mile from the point where said street intersects the main line of travel, and may receive service by erecting a box at the junction of these roads.

In view of the foregoing facts it is held that the department would be unwarranted in restoring the former arrangement, since such action would involve an additional expenditure of $960 per annum for no other purpose than to advance from two to four hours the delivery of mail to those families formerly served by carrier from Medfield who are now

served from Dover, Millis, and Walpole. However, if it can be shown that the section of territory taken over by the extension of one of the routes from any of the three offices mentioned is more important from a business point of view than other sections of territory in which service is provided earlier in the day, I will be glad to reverse the line of travel on such route or routes involved as will subserve the best interests of the service and that of its patrons.

Sincerely, yours,

JAMES I. BLAKSLEE,
*Fourth Assistant Postmaster General.*

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JANUARY 4, 1916.

Hon. JAMES I. BLAKSLEE,
*Fourth Assistant Postmaster General,*
*Post Office Department.*

DEAR SIR: Replying to your letter relative to the discontinuance of rural route No. 1, Medfield, Mass., incident to the revision of the service in Norfolk County, Mass., ordered effective December 1. In analyzing your statement regarding the road between the Cheney and Hopkins Corners:

1. There are five families residing on that street, viz, George S. Cheney, Charles W. Sawyer, Herbert A. Dexter, Albert C. Shumway, and James C. Hopkins. 2. Messrs. Shumway and Dexter reside nearly one-half mile from the route now traversed by a carrier (Dover). Mr. Cheney's residence is just about one-fourth of a mile from the corner, which the department has named in his honor. Now, Mr. Cheney is a cattle dealer with a wide acquaintance, and is also the town's animal inspector. Every Wednesday he goes to Brighton. He generally has a large mail Tuesdays from people who have calves and cattle which they wish him to take to Brighton. It would be impossible for him to notify everybody with whom he does business that his address would be Dover. Consequently he has to hire his mail deliveries, as at present, or drive to the Medfield post office, a distance of 1¼ miles each way.

Mr. Charles W. Sawyer is a contractor and does a large volume of business through the mails, and Herbert A. Dexter, who lives opposite Mr. Sawyer, is a "drummer" for the Bristol Manufacturing Co., of Bristol, Vt., and has an important mail.

Mr. Shumway is clerk of the Medfield board of assessors, and would have to go nearly one-half mile to get his mail from the hand of a Dover carrier.

Mr. James Hopkins is a Boston business man, and under the former arrangement got his mail before he left for Boston on the train which leaves Farm Street at 8.04 a. m. If he should have it delivered by carrier under the present arrangement his mail would be delivered anywhere from 10 a. m. to 2 p. m. Now all the above families hire the former carrier to deliver their mail to them from the Medfield post office.

Eight years ago when the route was started from the Dover post office a slice of 4 miles was taken from the route, which included a part of North Street, 11 families residing on this street between Richter's corner—or, as the department calls it, Cheney's corner—and the Norfolk Hunt Club immediately moved their boxes down to the corner, a distance varying from a few feet to 3.4 of a mile and have always had their mail come to the Medfield post office. To-day these families, with the single exception of the Norfolk Hunt Club, hire the former carrier to deliver their mail.

Mr. George L. L. Allen, who resides on North Street, about a mile from the Medfield post office, in order to have carrier delivery must have his mail addressed to Dover. Mr. Allen is the town's tree warden and moth superintendent, and mail matter addressed to him at Medfield and forwarded to Dover would involve a delay of 24 hours.

Dr. Henry Lee Morse, Medfield's largest taxpayer—$1,530.16 in 1915—has a large volume of mail, the largest in Medfield. A large part of his mail is from abroad. It would be next to impossible for him to notify his correspondents of a change in address, and a delay of 24 hours would ensue if his mail should be forwarded to Dover. Consequently he pays the former carrier $1.02 per week to take his mail to him each morning.

Nothing could tend to hurt the sale of real estate and house lots in the northern part of the town more than a post-office address different from that of the town in which the property is located. A reversing of the lines of travel on the routes as now in operation would not subserve the best interest of the service or that of its patrons, as the accompanying petitions from the citizens of Medfield, which have been handed to me to forward to you, will testify.

In view of these facts I hereby request that the department either restore its original rural route or else have a field investigation made immediately.

Very truly, yours,

WILLIAM H. CARTER.

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POST OFFICE DEPARTMENT,
FOURTH ASSISTANT POSTMASTER GENERAL,
*Washington, January 6, 1916.*

Hon. WILLIAM H. CARTER,
*House of Representatives.*

MY DEAR MR. CARTER: In answer to your letter of the 4th instant, in further reference to the rural service in the vicinity of Medfield, Mass., in which you ask that the route formerly operated from that office be reestablished, and if this is considered impracticable that a field investigation be made immediately, I beg to state that an effort is being made to readjust the rural service so as to obviate the necessity of the patrons at Medfield having to change their address to Dover, which seems to be the most serious objection to the present arrangement of the service, and if the plan that the department has in mind is found to be practicable it will also be possible to restore direct delivery to Messrs. George S. Cheney, Charles W. Sawyer, Herbert A. Dexter, Albert C. Shumway, and James C. Hopkins. Pending a determination of the matter now under consideration, it is deemed inadvisable to authorize a field investigation. I shall be glad to advise you further as soon as a decision is reached in the premises.

Sincerely, yours,

JAMES I. BLAKSLEE,
*Fourth Assistant Postmaster General.*

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FEBRUARY 12, 1916.

Hon. JAMES I. BLAKSLEE,
*Fourth Assistant Postmaster General,*
*Post Office Department.*

DEAR SIR: In your letter of January 6 you declare that pending a determination of the matter now under consideration regarding the rural service at Medfield, Mass., that your department did not deem it advisable to authorize a field investigation.

In view of the fact that an inspector has been ordered to Sherborn to investigate conditions of that town, will you kindly advise me if it would not be advisable to have the same inspector make a thorough investigation of conditions in the Medfield post office?

Very truly, yours.

WILLIAM H. CARTER.

—

EAST WALPOLE, MASS., *February 9, 1916.*

Hon. WILLIAM H. CARTER,
*House of Representatives, Washington, D. C.*

DEAR SIR: We understand that you are very much interested in the postal proposition, for your concern probably is suffering just as badly as ours, due to inadequate service. No doubt it is in a measure due to poor railroad service. On the other hand, it is due to the Government's handling of it.

Our mail, that we formerly received at 7.30 a. m., is now so scattered that it comes in in three sections—7.30, 8, and about 8.30 to 8.40 a. m. Where 90 per cent of the morning's mail was received at 7.30 a. m., less than 20 per cent is received at that time now, and the two heavier mails, about equally divided, come in at the later hours mentioned.

You can imagine what this means. Instead of having our mail distributed, so that each department will have it to work upon by 8 o'clock, it is nearer 9.20, and sometimes has been as late at 10 o'clock, getting around to the different departments. It has disarranged our whole morning's system.

It takes a letter mailed by the Phillipsdale Paper Mill Co., a subsidiary of ours at Phillipsdale, R. I., say, from to-night until noontime to-morrow before it reaches us, although there is the Wrentham branch of the New York, New Haven & Hartford Railroad, a direct line from Providence to Boston, stopping at East Walpole, making three stops every morning, 6.50, 7.50, and 10; but instead of coming in on any one of these trains, it either comes out from Boston on the train that arrives here at 12.40 p. m. or from Providence at 1.17.

Pardon the length of this letter. We will gladly collect any information you may need in your work on this matter.

Thanking you in advance, we are, yours, very truly,

BIRD & SON,
H. H. MILLER, *Office Manager.*

Mr. GRAY of Indiana. Mr. Chairman, I move to strike out the last two words.

The CHAIRMAN. The gentleman from Indiana moves to strike out the last two words, and he is recognized for five minutes.

Mr. GRAY of Indiana. Mr. Chairman, I am neither opposed to automobiles nor to economy, but am most heartily in favor of both. I believe that the automobile has come to take the place of the horse in all local travel and short-distance transportation. I believe that with automobiles the mails can be delivered not only earlier to the patrons but with greater dispatch; and the time is near at hand, if not already here, when such mails can be so delivered at less cost and more economically and to a greater number of patrons than with a horse-drawn vehicle. But the 50-mile motor routes are too long and are impractical for regular, reliable, and prompt delivery of mails, except upon a comparatively few and especially improved roads, permitting of rapid travel the whole of the year.

Taking the generally and prevailing conditions of the roads of the country, a part of the year the 50-mile service is irregular, unreliable, and delayed all the time, and all the year this service is irregular, unreliable, and delayed a part of the time.

And even with such especially improved road conditions prevailing, if the number of patrons be great or the quantity of mail to be handled be large, the same can not be sorted and classified for delivery over 50-mile routes without delay in starting and oversights and mistakes in the delivery to the patrons.

The auxiliary service providing for a helper to meet the emergencies of bad weather and adverse road conditions is impractical and can not be operated without great loss and waste in the service. If the route is divided so that each of the two carriers begin prompt delivery from the office, each carrier must travel the whole 50 miles to deliver the mail over one-half of the route. The two carriers would meet at the halfway point on the route, which, as generally laid out, is the farthest point from the office, and they must retrace the whole distance traveled to return to the starting point, requiring double time and a duplication of men, wagons, and horses; or, in other words, in order to serve 50 miles in bad weather or adverse road conditions, 100 miles must be traveled.

For these reasons the 50-mile routes are impossible of economical operation and are impractical for regular, reliable, and prompt service, except where roads are maintained in a high state of improvement and the service can be operated by one carrier the whole of the year.

I realize that the Government is serving only a part of the people of the country with free mail delivery, and that all the people of the country are by right equally entitled to this service, and I am in favor of extending it to all the rural patrons.

I am in favor of economy, but I am opposed to the 50-mile route motor service as a means to effect economy. Reducing the cost at the expense of regular, reliable, and prompt service is not economy. It is a false system of cost reduction. Economy is maintaining efficient service while reducing expense and cost of operation, or maintaining greater efficiency in the service at the same cost. If mere cost reduction is economy, then

greater economy would be effected by triweekly service, and still greater economy by a discontinuance of the service altogether.

The shorter routes not only afford the patrons earlier service and more regular, reliable, and prompt deliveries, but I have made inquiries among men seeking carrier positions, and I find a majority would prefer a 25-mile route over a 50-mile route, even at one-half the salary.

Reducing the number of carriers and increasing the salaries of those remaining, where a superior service can be secured by maintaining the full number of employees at the same cost to the Government is not only a false economy but is a wrong policy of public employment.

I opposed this 50-mile service coming into Wayne County, which forms a part of my district. I made a special trip to Washington last fall to enter my objections in person against it. It was established in this county, with certain modifications, over my protest.

With the experience that my constituents have had with this service, and the actual workings of the system as reported to me by the rural patrons in Wayne County, I am resolved that if this service is established in another county in my district it will be over more than my protest.

The patrons of the rural routes in Wayne County, after trial and experience, are opposed to the 50-mile rural route service. A part of the carriers appointed have resigned, and others are threatening their resignation, and applicants on the eligible list are declining to accept appointment. General dissatisfaction with the service is being expressed from both town and country. Its friends can not be located. In the language of Shakespeare, "None so poor to do it reverence."

The 50-mile route service took effect January 4, and complaints and petitions began at once to come in from the patrons and have since continued without abatement. I renewed my objections and demanded both in person and in writing immediate restoration of efficient service, and the department sent the following communication to the postmaster at Richmond January 14, 10 days after the service was inaugurated:

JANUARY 14, 1916.

MR. CHARLES B. BECK,
*Postmaster, Richmond, Ind.*

MY DEAR MR. BECK: Representative FINLY H. GRAY has written this office complaining of the operation of the motor-vehicle rural routes in Wayne County and stating that the service is irregular and subject to long delays; that many patrons do not receive their mail until very late in the day, and that the mails reach other patrons two or three days late. He has also presented letters from patrons to sustain his complaints against the service, and is insisting that it be restored promptly to its former status. As Representative GRAY originally objected strongly to the introduction of the motor-vehicle service in Wayne County, and afterwards came to Washington and entered his protest against its establishment, it is deemed essential to have a statement from you relative to the operation of the service before taking any action upon his complaints. Please submit such a statement promptly, making it so complete that the department may have a full understanding of all conditions.

Sincerely, yours,

JAS. I. BLAKSLEE,
*Fourth Assistant Postmaster General.*

In the meantime two inspectors and rural-route specialists were detailed to Wayne County, where they have remained on the grounds, readjusting the routes, directing and supervising the service, and reassuring the postmaster of the final vindication of the new system and the ultimate reconciliation of the patrons to the change. The auxiliary service was also invoked and two carriers were placed upon each of the routes out of Richmond, since which time the double service has been constantly maintained, barring interruptions by resignations and the appointment of temporary carriers.

It is claimed that a favorable report has been received from Richmond, purporting to bear the signature of the postmaster. I do not know what the inspectors have reported over the signature of the postmaster, but I do know that patrons are everywhere complaining; that many patrons are refusing to receive the mail from the carriers and are renting boxes at the post office; that carriers are resigning their positions and applicants are declining to accept appointment; that the postmaster is in a state of nervous exhaustion and collapse, induced by overwork, want of sleep, and the constant clamor of the patrons for tolerable service.

But, Mr. Chairman, I am opposed to this service fundamentally and on principle. It contemplates the abolishment and discontinuance of the smaller post offices of the country and a concentration of the mail and business facilities in the larger towns and cities. I am especially opposed to the 50-mile route service, because of the severance of direct mail communication with local community centers and among those having everyday business and social relations.

Wayne County, as well as other counties in my district, includes many highly developed and well-organized country communities. The town and the surrounding country form such communities, of which the town is the business and social center and the general meeting and assembling place of the people. In most, if not all, of these towns well-regulated stores, a bank or banks, and other business institutions have been established. Modern high-school building, churches, theaters, or lecture halls have been erected, and physicians and other professional men have located there in response to the needs and wants of the people. The post office has likewise been established and the rural-route service has become a part of the community organization. Here the farmers come to market and ship their products, do their banking, and to purchase supplies to meet their daily needs. Here all the children of the near-by country come to attend school, and from greater distances come the more advanced students to graduate in the higher branches of education. Here the people come to attend their clubs, churches, lodge sessions, lecture courses, and various gatherings and entertainments.

Farmers or members of their families driving into town in the afternoon or evening on business or to attend club meetings or social entertainments and school children and high-school students from the country call at the post office to receive the afternoon or late mail. And farmers often drive in from the country to receive important mail matter arriving too late for delivery by the carrier, and which it is necessary for them to have in time for some important business transaction.

But the 50-mile route service deprives the people of all these advantages and conveniences, and places their mail beyond their reach in a far-distant town to which they never go and in which none of their interests are located, neither business nor social.

In these agricultural community centers telephone exchanges have been established, and telephone service has been extended over the country coextensive with the territory covered by the rural routes running out from their respective towns. Country patrons order many articles of merchandise to be delivered to them by parcel post, and town residents likewise take advantage to receive their food products from the country by the carriers on their return trips. Physicians respond to phone calls from their patients and send out their medicine by the rural carriers. The telephone and the carrier service have become joined as one coordinate system of local communication and transportation in general and universal use.

The 50-mile route service breaks up and destroys all this, and separates the people of the community in all their social and business affairs. If the people submit to this system they must change physicians and all their established business and social relations, and must pay telephone charges to the county seat, while the service is free at their own town.

The following paragraph of a letter from Gaar G. and T. C. Elliason, rural-route patrons formerly receiving their mail from the Centerville post office, in Wayne County, but transferred under the new service to a route from the city of Richmond, fairly presents the attitude of the rural patrons of Wayne County toward the 50-mile service:

I live only a short distance from Centerville; it is our community center; we get our groceries there, sell our produce there; those of us who have children old enough send them to high school there; and we do our banking there; why not get our mail from there? I am a stockholder of the Centerville State Bank, of Centerville, Ind., and when the dividends were declared January 1 each stockholder was mailed a check for his share of these. It is about 15 or 20 days ago and I have not received my check yet, owing to the poor mail service, and it was a real snug sum, too. The letter has passed the post office in Centerville, so I have informed Postmaster Beck of its failure to arrive over Richmond route A.

The CHAIRMAN. The time of the gentleman from Indiana has expired.

Mr. GRAY of Indiana. I ask unanimous consent, Mr. Chairman, to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Indiana asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

The CHAIRMAN. Without objection, the pro forma amendment is withdrawn.

Mr. BENNET. Mr. Chairman, I move to strike out, in line 4, page 2, the word "fifteen" and insert the word "thirteen."

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend, on page 2, line 4, by striking out the word "fifteen" and inserting the word "thirteen."

Mr. MOON. I make a point of order on that.

The CHAIRMAN. The gentleman from Tennessee [Mr. MOON] makes a point of order on the amendment.

Mr. BENNET. I think that is clearly in order under the Holman rule. [Laughter.]

The CHAIRMAN. The gentleman from Tennessee will please state the point of order.

Mr. MOON. What is the gentleman's motion?

Mr. BENNET. I move to strike out, in line 4, page 2, the word "fifteen" and insert the word "thirteen."

Mr. MOON. I do not reckon that would be subject to a point of order.

The CHAIRMAN. The point of order is withdrawn. The gentleman from New York is recognized.

Mr. BENNET. Mr. Chairman, I do not intend at the close of my five minutes to insist very strenuously upon the adoption of my particular amendment, but I do want to call the attention of the committee to the necessity of having good post-office inspectors, because of one provision in the bill which occurs later on, in relation to surety bonds, where the entire evidence is largely the surmise of two post-office inspectors.

In the city which I have the honor, in part, to represent there are a good many surety companies, and when the matter was brought to my attention in the Committee on Rules, after that hearing I took occasion to make some investigation as to the charge that there is a combine of the surety companies. I can not find in the hearings or anywhere else any evidence of any such combine, and the surety companies all deny the existence of such a combine. There was a man by the name of Towner who went before the committee and in a broad and embracing way said he represented all of the surety companies. I find that he represented fewer than 20, while there are more than 40, and that so far as rates are concerned it seemed to be understood before our committee that the carriers had a flat rate of 50 cents a thousand on their bonds. In the particular postal district in which I live the rate is 25 cents a thousand, and the bonds are written by a surety company that is not mentioned in the hearings at all.

The only evidence there was of any ill practice on the part of any surety company was confined to one agent or attorney of one company, in connection with one case, and upon that evidence very largely, and upon the request of the Assistant Postmaster General, is based the proposition that we shall turn over the surety-company business to the Government so far as it is connected with the screen-wagon contracts and the carriers and the clerks; in other words, that we shall take another long step toward the party represented by my friend from the southern part of Manhattan [Mr. LONDON], who is the sole representative on this floor of the Socialist Party, and that we shall take another long step toward Government ownership.

This screen-wagon service is not properly understood. It is an important and, from a surety standpoint, a dangerous business. There sat in this Congress last year Representative Metz, from Brooklyn, who became an indemnitor on the screen-wagon contract in the city of New York, on the contract immediately preceding the present one. When the contractor failed to deliver the mail as he was called upon to do, Mr. Metz was called upon by the surety company to make good, because under the law the surety company signs the bond with the contractor. When the security company were called on to make good they called on Mr. Metz, who had indemnified them, and it cost him over $100,000. Now, what this committee proposes is that, with no evidence except the suspicion of two post-office inspectors—with no evidence that a lawyer would recognize—we are to overturn the existing system and put into the hands of the Government this business now being carried on by 75,000 agents—a trifling portion of their business, to be sure—the hearings before our committee showed less than 1 per cent—but nevertheless a proposition that is indefensible in principle.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BENNET. May I have two minutes more?

The CHAIRMAN. The gentleman from New York asks unanimous consent that he may proceed for two minutes. Is there objection?

There was no objection.

Mr. BENNET. I take this opportunity early in the consideration of the bill to say in addition that I have been asked by the representatives of some 15 or 20 of these companies, in Baltimore, New York, and Philadelphia, to say in their behalf that they absolutely deny that there is any conspiracy or collusion between them or among them in connection with this business, and to say for them to this House and to the Post Office Department that if they have been violating any law of the United States—and that would be a violation—if they have been combining together to raise the price that the United States Government has to pay for this service, their books are open to the Post Office Department or to a committee of this House at any time; and until that is done they think they have the old-fashioned right to be considered innocent until, at least, they are accused by some responsible person of doing something wrong.

The CHAIRMAN. The time of the gentleman has again expired. The question is on the amendment.

Mr. BENNET. I ask unanimous consent to withdraw the amendment.

The CHAIRMAN. If there be no objection, the amendment will be withdrawn.

There was no objection.

Mr. REAVIS. Mr. Chairman, I move to strike out the last three words.

The district that I represent has likewise been inflicted with inspectors from the office of the Fourth Assistant Postmaster General.

Lancaster County, of which Lincoln, Nebr., is the county seat, had as nearly perfect a rural service a year ago as had any county in the entire land.

Mr. MOON. Will the gentleman yield for a moment?

Mr. REAVIS. Yes.

Mr. MOON. I do not want to make any suggestion to the gentleman as to how he shall conduct this debate, but it seems to me it would be a little more orderly, and more effective also, if this discussion were to come on that part of the bill where we deal with the rural routes. However, as I say, I do not wish to dictate to the gentleman at all as to how or when he shall make his speech.

Mr. REAVIS. My principal object in speaking at this time is to protest against the conduct of the inspectors in the office of the Fourth Assistant Postmaster General, and we are now considering the section relating to inspectors. I have always held to the belief that the function of the Post Office Department is to give to the Nation the most direct and beneficial service of any department of the Government. Mr. Blakslee, who is Fourth Assistant Postmaster General, seems to have no regard for that ideal of the service in his department, but is obsessed with the idea that the sole function of that department is economy, without regard to its effect on the efficiency of the service.

These inspectors have been out in my district. No one knew they were coming. No one knew they had been there until the order came from the Office of the Fourth Assistant Postmaster General revising and reorganizing the service in Lancaster County. They cut down the routes more than one-third; and I charge here and now, Mr. Chairman, that those routes were laid out by inspectors from blue prints in a room in the Lincoln Hotel in Lincoln, Nebr., and without personal inspection of the routes by the men who claim to have reorganized that system. There is one route under this so-called reorganization that goes over an embankment 40 feet high, as perpendicular as the walls of this room. [Laughter.] It goes across a swamp a quarter of a mile long that nobody has ever been able to traverse and nobody ever will be able to traverse. Two miles of it are across fields and farms where no road has ever been and where no road ever will be. I came to Washington in the heat of last August with the idea of finding out if something could not be done for the relief of the people in that county. I met with no encouragement whatever. I was constantly met with the proposition that the purpose of that department was economy.

There is no legislation with reference to the rural service by Congress except to fix the salary of the carrier.

The entire service is open to the discretion of the Fourth Assistant Postmaster General. And, Mr. Chairman, when this beneficial service of the Post Office Department is going to be prostituted by Mr. Blakslee to the low plane of financial consideration, I am in hopes that this committee will some time during this session return a bill that will take from him the discretion that he is utilizing to the destruction of efficient service.

I am in favor of a standard route being fixed. If I were to offer an amendment in good faith to this section, I would move to strike out "fifteen" altogether. There has been too much of this so-called inspection across the country, and I say to the gentlemen on the other side that the greatest menace to your political welfare next fall lies in the treatment that your Fourth Assistant Postmaster General has been giving the rural community of this Nation.

The CHAIRMAN. The time of the gentleman from Nebraska has expired.

Mr. REAVIS. I would like two minutes more.

The CHAIRMAN. The gentleman from Nebraska asks that his time be extended two minutes. Is there objection?

There was no objection.

Mr. REAVIS. This is a Republic, Mr. Chairman, where the people control their own Government, where the people are in fact the Government itself. If this be an intelligent Govern-

ment, the voter must be informed with reference to the issues that are national in their character and which are confronting them. I say to you that the dissemination of information by reason of the daily press, the magazines, and other periodicals that go into the farmer's home in this Nation is worth all it costs if we never got a dollar in return. [Applause.]

Next fall we will have a national election that will turn in some measure upon the war now raging in Europe. Stop every daily paper you have to-day, stop the circulation of every periodical that you have to-day, and what will be the equipment of the American voter next fall in a national election which involves our foreign relations? He will be utterly impotent to meet the proposition that is put up to him. Yet when you go to the office of the Fourth Assistant Postmaster General and tell him of the value that Rural Mail Service is to the Government, how intimately and directly that service touches the people of America, the only reply you get from him is, "I am not interested in the inconveniences of John Jones or John Smith out in Nebraska; I am trying to effect economy." The best way to effect economy, if that is the purpose of the department, is to do away with the Fourth Assistant Postmaster General and save his salary. [Laughter and applause.]

Let me tell you of one instance of inconvenience that obtained in my district. A former United States Senator owned a half section just outside of Lincoln. The rural route ran on the west side of that half section, and he built his improvements there. In three or four months the order came from the Fourth Assistant Postmaster General to change the route over onto the east side of the section. He put his buildings, his house and his barn, on wheels, and took them over to the east side of the section that he might be near a rural delivery. In 60 days the order came from the Fourth Assistant to put the service back where it was before. [Laughter.]

Mr. CARAWAY. Will the gentleman yield?

Mr. REAVIS. Yes.

Mr. CARAWAY. Had the man taken the house off the wheels before they changed the route again?

Mr. REAVIS. Yes; and he had, unfortunately, built two concrete silos that he could not move, and he was forced to stay there.

Mr. MANN. Will the gentleman yield?

Mr. REAVIS. Yes.

Mr. MANN. The gentleman referred to a 40-foot perpendicular drop in one of these rural routes. Is that the reason the department is now asking for an aeroplane service? [Laughter.]

Mr. REAVIS. No; for the reason that when it ascertained the impossibility of dropping over the embankment, they changed the route so that it went around the embankment and away from the swamp.

Mr. STAFFORD. Mr. Chairman, I rise in opposition to the pro forma amendment.

Mr. MOON. Mr. Chairman, before the gentleman begins I want to say that while I regret that this discussion has taken place at this time, still if gentlemen want to go on I shall not object, but I would be glad to agree upon some time.

Mr. STAFFORD. I am rising to discuss a matter which pertains to the section under consideration. I wish to direct the chairman's attention to certain language in lines 6, 7, 8, and 9 which I think is surplusage.

Mr. MOON. It is, and it will be stricken out.

Mr. STAFFORD. It was carried in last year's bill, and now it is in this year's bill.

The CHAIRMAN. The pro forma amendment will be withdrawn.

Mr. MOON. Mr. Chairman, I move to amend by striking out of the bill, in page 2, lines 6, 7, 8, and 9, the following language:

an increase of two submitted in lieu of two assistant superintendents, Railway Mail Service, at $2,350 each; to be transferred from the office of the Second Assistant.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend on page 2 by striking out, after the word "each," in line 6, the following: "an increase of two submitted in lieu of two assistant superintendents, Railway Mail Service, at $2,350 each; to be transferred from the office of the Second Assistant."

The CHAIRMAN. The question is on the amendment.

The amendment was agreed to.

The Clerk read as follows:

For payment of rewards for the detection, arrest, and conviction of post-office burglars, robbers, and highway mail robbers: *Provided*, That rewards may be paid, in the discretion of the Postmaster General, when an offender or suspect of the class mentioned was killed in the act of committing the crime or in resisting arrest: *And provided further*, That of the amount herein appropriated not to exceed $5,000 may be expended, in the discretion of the Postmaster General, for the purpose of securing information concerning violations of the postal laws and for services and information looking toward the apprehension of criminals, $25,000.

Mr. STEENERSON. Mr. Chairman, I reserve the point of order on both provisos for the purpose of having the chairman explain.

Mr. MOON. Mr. Chairman, under the present law the rewards can be paid only for the detection, arrest, and conviction of post-office burglars, robbers, and highway mail robbers. There is no law that provides for a reward where the offender was killed in the commission of the crime. A number of instances have occurred where men have attempted to break into post offices and were killed, and the rewards could not be paid under the technical construction of the law. This is intended to remedy that situation.

Mr. STEENERSON. Mr. Chairman, I withdraw the point of order.

The CHAIRMAN. The gentleman from Minnesota withdraws the point of order.

Mr. BENNET. Mr. Chairman, I move to strike out the first proviso.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 3, line 25, strike out the proviso beginning after the word "robbers" down to and including the word "arrest," in line 3, page 4, being the language:

"*Provided*, That rewards may be paid, in the discretion of the Postmaster General, when an offender or suspect of the class mentioned was killed in the act of committing the crime or in resisting arrest."

Mr. BENNET. Mr. Chairman, I do not know but that possibly this is justified, but this is my ninth year in a legislative body, and I have never yet knowingly voted to pay anyone any reward for killing someone else. This particular class of offenders, except the highway mail robbers, are not the most menacing kind, and I doubt anyway whether this House ought to go on record as saying to a man, "If you run across a post-office burglar, shoot him, and the Government of the United States will pay you money." Of course, we have to protect the mails, and there ought to be enough pride in their office and regard for their oath in our postal employees, and I think there is, to make them resist burglars and highway robbers without giving them as an incentive a statute that if they go out and kill some one of these people they will be paid for it. I do not recall any other statute, though of course there may be statutes, which contains any similar proviso. I think we ought to very seriously consider whether it is well to go on record in these days when we are trying to boast our country as humane as compared with some other countries, as being in favor of a proposition that we offer to employees of the Government, for that is what it amounts to largely, a reward for killing people, even though those people happen to be thieves or highway robbers.

Mr. COX. Mr. Chairman, will the gentleman yield?

Mr. BENNET. Yes.

Mr. COX. In the main, the gentleman is probably right, but what would the gentleman do in a case like this? We will say that notorious yeggmen are actually breaking into a post office and the employee is on the inside. A fusillade of shots is fired backward and forward. It is utterly impossible for the postal employee to arrest the yegg, and in the firing of shots to save his own life he kills the yeggman. Does not the gentleman feel that under circumstances of that kind he ought to be paid for it?

Mr. BENNET. Mr. Chairman, I will say frankly that if I were that employee I would go to the poorhouse before I would go to the Government of the United States to be paid, because in the performance of my duty I killed a man. [Applause.]

Mr. COX. I do not agree with the gentleman at all.

Mr. BENNET. The gentleman asked my opinion and he has it.

Mr. COX. There is a case just like that down in Florida.

Mr. COOPER of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. BENNET. Yes.

Mr. COOPER of Wisconsin. Is it not true that after Madero was assassinated it was claimed that the killing was justified because he was resisting arrest, resisting an officer, trying to escape?

Mr. BENNET. I think that that was the claim, but I do not think that public opinion would have upheld the officer who shot him if in addition to shooting him he had gone around, even to the Mexican Government, and requested a reward.

Mr. COOPER of Wisconsin. The gentleman does not understand the purport of my question. It offers a temptation to some people sometimes to kill a man for an insufficient reason and claim that he was resisting an officer.

Mr. BENNET. I think so. It seems to me that it is putting into the minds of human beings the temptation to kill people.

The knowledge that there is a statute of the United States which says that if you shoot a yeggman outside of the window and kill him, you can go around to the Treasury Department and get $250 or $500 or something for killing him, would offer a temptation to some people to unjustly kill. A man in that position ought to do his duty because it is his duty to do it, and it is his duty to defend the United States mail as so many brave men in the years that have gone by have done, without the incentive of a reward.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. DIXON having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Waldorf, one of its clerks, announced that the Senate had passed bill of the following title, in which the concurrence of the House was requested:

S. 3873. An act to authorize the counties of Minidoka and Cassia, State of Idaho, to construct a bridge across Snake River.

POST OFFICE APPROPRIATION BILL.

The committee resumed its session.

Mr. MOON. Mr. Chairman, I want to suggest to my friend that I fear he does not fully comprehend this proposition. Under the law now we have a right to pay rewards for the arrest and conviction of these robbers. It is proposed to amend this statute by simply allowing the Government to pay a reward when the robber is killed in the act of committing the crime or in resisting arrest. The gentleman seems to think that this is a commission to go outside and kill yeggmen and others. It is not. But here is a crime being committed, and the Government official is attempting to resist the commission of that crime and the robber is killed, or the crime has been committed and the robber resists arrest and is killed.

Now, it seems to me there is as much justice in one proposition as the other. The gentleman forgets that under the law of the land, the common law of the country, that he or I, whether officers or not, have the right to kill any man we catch in the commission of a felony. Under the statutes, when a man has committed a felony and has resisted arrest and is killed it is considered justifiable homicide.

Mr. DOWELL. Will the gentleman yield?

Mr. MOON. I will.

Mr. DOWELL. Is not there a distinction between the right to kill and a reward for the killing?

Mr. MOON. If the Government wants to protect itself, it seems to me it would be just as wise to say that a man would be entitled to a reward who would kill a man in the act of robbing and plundering the Government as to say you should afterwards capture or arrest and convict and then pay the reward. I do not see any difference in it.

Mr. BENNET. Mr. Chairman, if I can reply briefly to the gentleman from Tennessee, I will say I understood the proposition thoroughly. The language is clear; but my point is that we ought not to tempt Government employees to kill people by the knowledge of a statute under which they get pay. I know of two instances, I will say to the gentleman, who has read me a little lecture on law with which I am perfectly familiar, in the town in which I was born, where the police officers did exactly what the gentleman stated they had the right to do, and in neither instance were they arrested, because the law was very clear; but the reason they did the killing was because they were sworn officers of the law, as these post-office men are, and when the men attempted to escape in the two instances these officers did their duty. These men had committed felonies, and when they refused to stop the police officers shot them dead, but they never thought of turning around and going down to the county board of supervisors and asking a reward for shooting men, an act which they performed in the regular routine of their duty. They had the right to do it, but they ought not to be paid for it.

Mr. MOON. Will the gentleman yield?

Mr. BENNET. I do.

Mr. MOON. Does not the gentleman know that this Congress has passed bills that rewarded marshals for killing offenders for violation of the law?

Mr. BENNET. I will say to the gentleman I do not know it.

Mr. MOON. Well, there was the case of Larkins——

Mr. BENNET. I will have to admit that there were four years recently passed during which I was not a Member of this House, and certain other legislation has been passed in that time with which I do not entirely sympathize. [Laughter.]

Mr. TOWNER. Mr. Chairman, I think perhaps the difficulty in this case arises entirely from the fact that this is a proviso, and that separates it from the language which precedes it. I think many of us have as high humanitarian ideas regarding our duty as the gentleman from New York; but when you come to examine the conditions stated here in the terms of the bill it will be seen, I think, to be entirely justifiable. The sentence immediately preceding the proviso is:

For payment of reward for the detection, arrest, and conviction of post-office burglars, robbers, and highway mail robbers.

Now, Mr. Chairman, in cases of that kind the discretion is left to the Postmaster General to reward those who have assisted in the detection, arrest, and conviction of post-office burglars, and so forth; but in cases where in an attempt to arrest desperate criminals it has been necessary, because of an armed conflict between the officers of the law and the desperadoes, to shoot and kill one of them, presumably in self-defense, then, under the terms of this bill, unless the proviso is given, there would be no opportunity of paying a reward to these men for their desperate service on behalf of the Government, because you could not pay it for the arrest or for the detection or the conviction of a man who is dead, and therefore this proviso only goes to the extent of saying if in the case you can not arrest, you can not detect, you can not convict a man when he is shot, it shall not prevent the Postmaster General from paying these men a reward for the services which they have rendered.

Mr. NORTON. Will the gentleman yield?

Mr. TOWNER. I do.

Mr. NORTON. Would not the term "detection" cover the case where the man was shot during an attempt to arrest him?

Mr. TOWNER. Well, I am not sure about that, I will say to the gentleman.

Mr. NORTON. I would say that the term "detection" would cover that.

Mr. TOWNER. I think no difficulty comes up in the form of the proviso and that in substance the objection ought not to lie, because it is only an exception that ought to be made in cases of that kind.

Mr. SISSON. Mr. Chairman, I think the gentleman from New York [Mr. BENNET] is unduly alarmed in reference to this matter, for the reason that if a man ruthlessly slays another, although he is guilty of a felony, he would be answerable to the law of the State, and the law of the State would punish him. He may not be guilty of the crime of murder necessarily, but if he did it ruthlessly, not necessarily in self-defense, he is guilty of a crime in every State I know of. Now, if you would say in the event I am out endeavoring to detect a criminal who had committed a crime—burglarized a post office—that I shall lose my reward in the event I shall get into a controversy and am not armed with a sufficient authority to prosecute it to an arrest, you virtually say to the fleeing criminal—who may have committed a homicide or murder while in the act of committing the burglary—you will virtually say to him, "Go and flee or go and make what resistance you please, because the Government does not intend to protect these people who seek to arrest and prevent you from getting away, because the very moment you get out of his hands—get away from him—he has lost his reward, and if he is obliged to kill he has lost the reward." What is the result? We let the criminal escape. Now, I believe that a man who goes to make an arrest ought to exercise every precaution to prevent loss of human life. He ought not to take human life unless it is absolutely necessary for him to do it, but in this particular instance here the Postmaster General would be called upon to make an investigation as to the character of the act, and if he has ruthlessly slain the man or killed him without knowing exactly what he was doing, he does it at his peril, and I take it that the Postmaster General would not reward such a man, because men who go out and arrest desperate criminals must take some desperate chances. So far as I am concerned, I want this provision to remain. I believe that happens to be the law in most of the States of the Union in reference to the apprehension of criminals.

Mr. MANN. Mr. Chairman, a great many people throughout the country imagine that if we have a national law with a penalty attached it will receive a great deal more respect than a State law, and that while a criminal may with impunity violate a State law, when he violates a national law he is only inviting himself inside the walls of a penitentiary. And yet in the last fiscal year the Post Office Department acted upon 1,284 claims of postmasters for reimbursement of losses caused by burglaries in post offices. It is true that the 1,284 burglaries did not all occur in the last fiscal year, because there were claims held over; but probably that represents about the number of post-office burglaries per year in the last few years. Of these not one-half were cases where men were arrested for the burglary, and not a very large proportion of those who were arrested were convicted. So it has come to the point that, although

we have a national law which many people suppose can not be violated with impunity, it has almost come to the point that the burglary of a post office is a safe transaction, and in many of the cases of attempted burglaries of post offices there is no loss. I remember when I was managing a post office myself in a country town, and had to sleep in the office for protection of the office, there were several attempted burglaries, where nobody was ever caught and no loss was sustained.

I am not saying this in criticism of the post-office inspectors. I think they do as good service as they can. I am not saying it in criticism of anybody or anything, except to call attention to the fact that a national law which reaches down to the people themselves is no more effective in preventing crime than a State law or the law or ordinance of a municipality.

As to the particular proposition now pending, the amendment of the gentleman from New York [Mr. BENNET], I might say that several times in recent years this House has voted payment of money on reports from the Committee on Claims where some one endeavoring to capture a post-office burglar had killed the burglar. Gentlemen have referred to this as though this were for the payment of money to the post-office employee. It may happen sometimes that it is for the payment of the post-office employee, but in the main these rewards are not paid to Government employees at all; they are paid to the local constables or local police officials, whom we seek to encourage in the effort on their part to prevent these crimes, and which they are not obliged to do, so far as they are concerned.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. MANN. Mr. Chairman, I ask unanimous consent for five minutes more.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent for five minutes more. Is there objection? [After a pause.] The Chair hears none.

Mr. MANN. Mr. Chairman, a few years ago there was a case, and a few other cases, which I think were the genesis of this proposition, which I am informed appeared in the Post Office bill last year for the first time. I had the impression it was two years old. We had a case here, which came up from one of the States, where a local police officer attempted to arrest a burglar of a post office and they got into a running fight in the street. The local police officer was shot all to pieces, but managed to shoot the other man and kill him. If he had not killed him and he had been arrested, he would have received a reward; and the question was whether it was any better for the Government to pay some police officer who had arrested a man without a fight and without danger or to say to him, "If you take the danger and make the fight and risk your life, we pay you the same reward." [Applause.]

Mr. BENNET. Will the gentleman yield?

Mr. MANN. Yes.

Mr. BENNET. Would not precisely the same result that is sought to be obtained by this language be attained if the word "and" at the end of line 23 on page 3 was changed to "or," and would not the man that was mentioned by the gentleman have been in a position where he could have been considered for a reward if the language of the law had been at that time that way?

Mr. MANN. Congress does not pay for the arrest of a man charged with a post-office burglary or for the detection of the man. The man must be convicted. The gentleman from North Dakota [Mr. NORTON] asked awhile ago if it would not be detection when you got the man. The man would have to be convicted in order for the reward to be paid.

Mr. NORTON. Does the gentleman think a man should be rewarded for detecting a post-office burglar?

Mr. MANN. He is rewarded for the conviction of a post-office burglar.

Mr. NORTON. Do you not think he should be rewarded just the same as for detecting a post-office burglar?

Mr. MANN. Well, there is no way of ascertaining whether he is a burglar or not, so far as that is concerned, if he lives, unless he is convicted. Everywhere we provide, where rewards are provided—and we provide rewards by the Government in a good many cases—it is for the detection, arrest, and conviction. That is the way it ought to be.

Mr. BENNET. Will the gentleman yield?

Mr. MANN. Certainly.

Mr. BENNET. In the case, taking the case that the gentleman from Illinois cited, where a man was supposed to be a post-office burglar, and there was this running fight, and the brave officer was shot up pretty well, but killed the man who shot him, there is no way under our statute that it can ever be determined easily if that man that was killed was a burglar or not.

Mr. MANN. Certainly; and that is the reason why this language leaves it in the discretion of the Postmaster General as to that. It is not the discretion of the Postmaster General at all as to the detection, arrest, and conviction. The man that does that can bring a suit in the Court of Claims against the Government. That is no discretionary power vested in the Postmaster General, but in the other case if the Postmaster General finds—and he has to make a finding—that there was a burglary, and that the man who was shot was the burglar, and that the man who claims the reward did shoot him, under the conditions he is entitled to make an award to the man.

Mr. BENNET. Mr. Chairman, does the gentleman yield for a question?

Mr. MANN. Certainly.

Mr. BENNET. Why is it any more illogical or any more dangerous to put it into the statute that the man can be paid for the detection of the crime, where if he went into the Court of Claims he would have to prove that he actually detected an actual crime, than to put this language in the bill, where a man can be paid for killing a man as to whom he must prove in the Court of Claims that the man was a post-office burglar?

Mr. MANN. I think the gentleman will readily see that you could not pay for the detection and the arrest and the conviction, because a dozen men may detect the burglar, two men may assist in the arrest, and somebody else cause the conviction. We pay only one award.

Mr. BENNET. I know that.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. COOPER of Wisconsin. Mr. Chairman, I move to strike out the last two words.

The CHAIRMAN. The gentleman from Wisconsin [Mr. COOPER] moves to strike out the last two words.

Mr. COOPER of Wisconsin. Mr. Chairman, I think that the point made by the gentleman from New York [Mr. BENNET] is a good one, and that this proviso ought not to be enacted into law.

I call the attention of the committee to the language, beginning with line 23, on page 3:

> For payment of rewards for the detection, arrest, and conviction of post-office burglars, robbers, and highway mail robbers: *Provided*, That rewards may be paid, in the discretion of the Postmaster General, when an offender or suspect of the class mentioned was killed in the act of committing the crime or in resisting arrest.

Mark that language—"or suspect"—

> or suspect of the class mentioned was killed * * * in resisting arrest.

Now, suppose that a burglary has been committed, and an officer, a week later, suspects that a certain man committed it. He and the "suspect" are on the street, in the night, alone. The suspect says, "What do you mean by seizing hold of me? I have done nothing. I am as innocent as you are." He protests. He resists. Now, under such circumstances, some officers—not all officers, because there are many worthy men on the police force throughout the country—but some officers will think of the reward. Others are quick tempered—and both kinds will shoot. And who has been killed? A suspect, against whom not one particle of evidence has been or can be adduced, and killed without even the semblance of opportunity anywhere to establish his innocence.

Mr. HOWARD. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Wisconsin yield to the gentleman from Georgia?

Mr. COOPER of Wisconsin. In just a moment. Mr. Chairman, during the French Revolution, as all Members of the House will recall, there was passed a world-famous and eternally infamous law called the "law of suspect." Couthon and Robespierre were, I believe, chiefly responsible for it, Robespierre being the prime instigator. But Couthon was active and instrumental in having it become a law. Under it no formal complaint, such as we recognize as a complaint, was necessary. To make an arrest it required only that some person should suspect that another was hostile to the Revolution and have his or her name placed on the list of suspects. As suspects, and only as suspects, men, women, boys, and girls by thousands went to the guillotine. The record shows that as many as 50 or more were sometimes tried together and condemned in less than half an hour and sent to the guillotine for being "suspects."

Here for the first time, I believe, despite what the gentleman from Illinois [Mr. MANN] has said, we are proposing to enact a law to reward an officer who kills a person whom he suspects of having committed a crime. It is well enough to pay a reward where it leads to the arrest or conviction of an offender, but to pay a reward to a man for killing a mere suspect, who may be entirely innocent of crime, is putting a premium upon murder by hot-headed, irresponsible officers, of whom there are

many in the United States. It is not very uncommon to read in the papers of an officer being charged with murder for killing some person whom he claims was resisting arrest. More than one officer has gone to the penitentiary upon conviction for such offense. In such cases there was evidence to establish guilt. But here is a bill offering a reward for the killing of the suspect when the officer and his victim are alone in the night, with no opportunity for the dead person or any of his friends to utter a syllable to establish his innocence. In my judgment that language ought not to be incorporated into the statutes of the United States. [Applause.]

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. GREEN of Iowa. Mr. Chairman, while I think that the suspicion——

Mr. MOON. Mr. Chairman, I ask unanimous consent to limit this debate to the remarks that the gentleman is going to make. We have already taken up too much time on this.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent that all debate on this paragraph and amendments thereto be limited to five minutes. Is there objection? There was no objection.

Mr. GREEN of Iowa. Mr. Chairman, while I think that the gentleman from Wisconsin [Mr. COOPER] is unnecessarily alarmed about the effect of this statute, I desire to offer as a substitute for the amendment offered by the gentleman from New York [Mr. BENNETT] a very brief amendment, which I think will cure any defect that there may be in this respect. I offer the following amendment, Mr. Chairman. After the word "resisting," in the third line, on page 4, insert the word "lawful," so that it will read "killed in the act of committing the crime or in resisting lawful arrest."

The CHAIRMAN. The gentleman from Iowa [Mr. GREEN] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 4, line 3, after the word "resisting" insert the word "lawful."

Mr. MOON. We have no objection to that amendment, Mr. Chairman. It means "lawful" anyway.

Mr. GREEN of Iowa. I think that what the gentleman has just said is probably correct, but I wish to have it inserted to remove the doubts of the gentleman from Wisconsin [Mr. COOPER].

Mr. COOPER of Wisconsin. Mr. Chairman, I ask that the amendment be again reported.

The CHAIRMAN. The Clerk will again report the amendment of the gentleman from Iowa.

The Clerk read as follows:

Page 4, line 3, after the word "resisting," insert the word "lawful."

The CHAIRMAN. The time of the gentleman has expired. All time has expired. The question is on agreeing to the amendment.

Mr. COOPER of Wisconsin. Mr. Chairman, can I have a word? Can I have two or three minutes on that amendment?

The CHAIRMAN. The gentleman can if he secures unanimous consent.

Mr. COOPER of Wisconsin. I ask unanimous consent, Mr. Chairman, for three minutes.

Mr. MOON. Mr. Chairman, I ask unanimous consent that the gentleman may have two minutes.

Mr. COOPER of Wisconsin. Make it three.

Mr. MOON. Very well, three minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Tennessee that the gentleman from Wisconsin [Mr. COOPER] may have three minutes more?

There was no objection.

Mr. COOPER of Wisconsin. I am obliged to the gentleman from Tennessee. Just where is that amendment offered?

Mr. MADDEN. After the word "resisting."

Mr. COOPER of Wisconsin. Resisting lawful arrest?

Mr. MADDEN. Yes.

Mr. COOPER of Wisconsin. Mr. Chairman, inserting the word "lawful" does not at all meet my objection. Who is to determine whether it is a lawful arrest, when a suspect is killed by an officer in the night, and he is a stranger in that community? The man is dead—dead without a known friend or acquaintance. He was a "suspect" merely because he was a tramp. The officer is the only witness. He says, "The man resisted me and I killed him. I want the reward."

The gentleman's amendment does not meet the criticism at all. At this point, I am reminded by my friend from Ohio [Mr. GORDON], that in some, perhaps all, of the States police officers are forbidden to accept rewards of the kind here proposed. It is everywhere the duty of such officers to arrest offenders against the law, yet this bill proposes that we pay a reward not only for arresting an offender but also for killing a mere "suspect"; a stranger, perhaps a poor, homeless, houseless, wandering workman looking for employment, and as innocent as is the gentleman from Iowa. But he is dead, and the officer says that it was a lawful arrest.

Mr. BRUMBAUGH. Because the man was suspected.

Mr. COOPER of Wisconsin. Yes. He was suspected, that is all, and killed by an officer anxious to earn a reward. No such law ought to be enacted in this Republic. We want no French Revolution law of the suspect in the twentieth century in the United States of America. [Applause.]

Mr. TILSON. May I ask the gentleman a question? Would it not relieve the objection of the gentleman from Wisconsin to strike out the words "or suspect"?

Mr. COOPER of Wisconsin. Yes; and I was about to offer that amendment. If the gentleman from Connecticut will offer it, I will not do so.

The CHAIRMAN. All time has expired. The question is on the amendment of the gentleman from Iowa [Mr. GREEN].

Mr. GORDON. May the amendment be reported?

The CHAIRMAN. Without objection, the amendment will be again reported.

The amendment was again read.

The CHAIRMAN. The question is on the amendment of the gentleman from Iowa [Mr. GREEN].

The amendment was agreed to.

The CHAIRMAN. The question is on the amendment of the gentleman from New York [Mr. BENNET].

Mr. COOPER of Wisconsin. Mr. Chairman, I move to amend by striking out the word "or suspect," being the last word on line 1 and the first word on line 2 of page 4.

The CHAIRMAN. The gentleman from Wisconsin offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. COOPER of Wisconsin: Page 4, line 1, strike out the word "or" at the end of line 1, and the word "suspect" at the beginning of line 2, on page 4.

The question being taken, on a division (demanded by Mr. COOPER of Wisconsin) there were—ayes 41, noes 37.

Mr. COX. Tellers, Mr. Chairman.

Tellers were refused, not a sufficient number seconding the demand.

Accordingly the amendment was agreed to.

The CHAIRMAN. The question is on the amendment of the gentleman from New York [Mr. BENNET].

Mr. BENNET. Mr. Chairman, inasmuch as it is half an hour since the amendment was offered, I ask unanimous consent that it may be reported again.

The CHAIRMAN. Without objection, the amendment of the gentleman from New York will be reported again.

The amendment was again read, as follows:

Amendment offered by Mr. BENNET: Page 3, line 25, after the word "robbers" strike out the following proviso:

"*Provided*, That rewards may be paid, in the discretion of the Postmaster General, when an offender or suspect of the class mentioned was killed in the act of committing the crime or in resisting lawful arrest."

Mr. ALMON. Mr. Chairman, I move to amend by striking out in line 3, page 4, the words "or in resisting lawful arrest"; and I will ask unanimous consent to address the committee two minutes on this subject.

Mr. MANN. This is an amendment to perfect the text.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 4, line 3, strike out the words "or in resisting lawful arrest."

Mr. ALMON. Mr. Chairman, I ask unanimous consent to address the committee for two minutes.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent to address the committee for two minutes. Is there objection?

Mr. COX. I object, Mr. Chairman.

The CHAIRMAN. Objection is made. The question is on the amendment of the gentleman from Alabama [Mr. ALMON].

The question being taken, on a division (demanded by Mr. STEPHENS of Nebraska) there were—ayes 7, noes 44.

Accordingly the amendment was rejected.

The CHAIRMAN. The question is on the amendment of the gentleman from New York [Mr. BENNET].

The question being taken, the Chairman announced that the noes appeared to have it.

Mr. BENNET. Division, Mr. Chairman.

The committee divided, and there were 19 ayes and 42 noes.

So the amendment was rejected.

The Clerk read as follows:

That hereafter the Postmaster General shall have authority to employ acting employees in place of all employees or substitutes hereinafter

mentioned who are injured while on duty, who shall be granted leave of absence with full pay during the period of disability, but not exceeding one year, then at the rate of 50 per cent of the employee's salary for the period of disability exceeding 1 year, but not exceeding 12 months additional, and the Postmaster General is authorized to pay the sum of $2,000, which shall be exempt from payment of debts of the deceased, to the legal representatives, for the benefit of wife, children, or dependent relatives, of any railway postal clerk, substitute railway postal clerk, supervisory official of the Railway Mail Service, post-office inspector, letter carrier in the City Delivery Service, rural letter carrier, post-office clerk, special-delivery messenger, or any other classified civil-service employee in the Postal Service who shall be killed while on duty, or who, being injured while on duty, shall die within one year thereafter as the result of such injury: *Provided*, That no compensation shall be paid any such employee for any injury occasioned by his own negligence. To enable the Postmaster General to carry out the provisions of the above, $234,000.

Mr. SISSON. Mr. Chairman, I reserve a point of order on the paragraph, and especially to the language in line 24, "or any other classified civil-service employee in the Postal Service who shall be killed while on duty, or who, being injured while on duty, shall die within one year thereafter as the result of such injury."

Mr. MADDEN. Does the gentleman want an explanation of that?

Mr. SISSON. No; I think I understand the language. I want to call attention also to the special-delivery messenger who comes in under this clause. As I understand, the special-delivery messenger is a boy that may never have been employed in the Post Office Department a minute in his life. The postmaster sees him and he employs him and he gets 8 cents for the delivery of a package. He is covered into this class. The fourth-class postmaster has been covered in under the classified service. This includes that postmaster.

If you shall use the language "while on duty," the language might be construed to mean the hours during which the post office is open. It is true there is a saving clause over on page 5 that he must not be injured by his own negligence. But I do not believe it is contemplated that the fourth-class postmasters shall be covered by this provision—I may be mistaken—for the reason that it will take the salary paid him in the event of an injury. The fourth-class postmaster has no salary, but is paid by cancellations, and the special-delivery messenger has no salary, but is paid 8 cents, which he gets for delivering a registered package from the post office in the town or place of delivery.

Mr. MOON. This language is subject to a point of order and no other—"or any other classified civil-service employee in the Postal Service." That is new law.

Mr. SISSON. I have directed my remarks especially to that. Now, that portion of the language to which I make the point of order is the language just read by the gentleman from Tennessee. My own judgment is that when the language is stricken out the section should be amended, and I shall offer an amendment at the proper time putting in the word "salaried" in line 10, making them salaried employees, and also in line 24, making it read "classified civil-service salaried employees."

Mr. MANN. May I ask the gentleman from Mississippi a question?

Mr. SISSON. Yes.

Mr. MANN. Does this language "or any other classified civil-service employee in the Postal Service" include all the officers and employees in the Post Office Department here in Washington?

Mr. SISSON. I think it would. I think it includes everybody in the Post Office Department under the classified service, and that was the construction placed upon it by the postal authorities.

Mr. MANN. That would give these men $2,000 and would apply to a clerk in Washington if he should die. Clerks are on duty all the time in Washington. It would not apply to the clerks in the other departments in Washington.

Mr. SISSON. I do not think the fourth-class postmaster when he closes up his office is on duty, but in the administration of this law these things have occurred to me: Suppose a man on duty as a fourth-class postmaster is selling goods and he should become injured while on duty, but not performing the duties of postmaster, there is some question whether or not he would be entitled to this amount.

Mr. MANN. The expression "in line of duty" is well defined in military service.

Mr. SISSON. Yes; that has been well defined.

Mr. MANN. If one of these clerks was in the Postmaster General's office engaged in disturbing rural routes, he would be on duty all the time. From some expressions I have heard here recently I do not think their lives are absolutely safe. [Laughter.] But what I wanted to get at is whether it was the intention to differentiate between the employees in Washington in the Post Office Department and the employees in the Agricultural Department, the State Department, the War Department, and the Interior Department.

Mr. SISSON. I think it unquestionably does. I think it virtually gives the civil-service pension to the Post Office employees when it is denied to all the others. I do not believe that it ought to be brought about in that way. In the event that we have a civil-service pension it ought to be in the open and not under the guise of insurance. I have nothing else to say, and I reserve the point of order.

Mr. MADDEN. Mr. Chairman, I would like to make a statement with respect to this.

Mr. SISSON. I reserve the point of order.

Mr. MADDEN. All of the language on page 4, from line 9 down to and including line 25, except the language "or any other classified civil-service employee in the Postal Service," is permanent law. The purpose of the amendment to which the gentleman proposes to make the point of order is to include all of the men in the Postal Service under this liability law, if I may so term it, who are not already under it. In writing the law as it was originally passed, provision was made for every man in the service to be covered under it except the supervisory officers of the Post Office Department. All the supervisory officers in the Railway Mail Service——

Mr. SISSON. The gentleman refers, of course, to the Reilly amendment?

Mr. MADDEN. I refer to the law.

Mr. SISSON. It was first the Reilly amendment which was adopted, and that was in reference to railway mail clerks.

Mr. MADDEN. Oh, not at all. It included all the men in the Postal Service, including the railway mail supervisory officers, and exempted from the provisions of the law the supervisory officers in the Postal Service proper. There is no reason on earth why the men who are the supervisory officers in the Post Office Department should not be entitled to equal consideration with the men who are employed in other branches of the service, and while the gentleman from Mississippi [Mr. SISSON] may undertake to show that this is intended as a pension, there is no such intention. It is not intended to pension anyone by this provision. It is intended to do justice to the men who are in the service who may be injured while on duty. It provides for the payment of full salaries for a year during disability, if injured, and for half salary during another year, and for the payment of $2,000 to the family of the deceased in case of death.

Mr. COX. Mr. Chairman, will the gentleman yield for a question?

Mr. MADDEN. Yes.

Mr. COX. The gentleman has devoted a lot of study to this question. Under the question raised by the gentleman from Mississippi, how would the Post Office Department arrive at how much it should pay for the messenger, in the event a messenger is killed?

Mr. MADDEN. This has nothing to do with the messengers. The messengers have already been provided for. This provides only for the supervisory officers in the department.

Mr. COX. The fourth-class postmasters have not been provided for.

Mr. MADDEN. They have not.

Mr. COX. How would the Postmaster General pay for them in the event of their death?

Mr. MADDEN. That would be a matter in the discretion of the Postmaster General. He would determine what, if any, compensation would be paid.

Mr. MANN. If the gentleman will permit, there is nothing about the salaries of fourth-class postmasters.

Mr. MADDEN. There is nothing in here about anyone's salary.

Mr. MANN. There is in the first part of it, but the provision to which this alludes is a fixed amount—$2,000—and it has nothing to do with salaries.

Mr. MADDEN. It applies only to the indemnity that is to be paid to the family of the deceased, in so far as it affects those who are not working on a fixed salary, and there is no other liability with respect to the men who are not working on a fixed salary.

Mr. COX. I am seeking information.

Mr. MADDEN. And I am trying to give it.

Mr. COX. I can readily understand how the Post Office Department would adjust a settlement where the salary is fixed, as, for instance, in the case of railway postal clerks or the supervisory officials, in fact, all postal employees that have a fixed salary. That can be determined by taking one full year's salary in the event of death or 50 per cent of the salary in case they have a lingering sickness for another year.

We now come to fifty or sixty thousand four-class postmasters that have no salary at all, and the query in my mind—and it was there when the matter went into the bill in the com-

mittee—is, How would the Post Office Department arrive at how much to pay the fourth-class postmasters in the event of death or in case they suffered some injury which lasted more than one year?

Mr. MADDEN. In the event of death there would be no question whatever. Their relatives would be entitled to $2,000; but I understand the Post Office Department has ruled to the effect that with respect to the case of special-delivery messengers there is no claim if they are injured and are not able to continue on with their work because of the fact that they are not working on a fixed salary.

Now that that ruling has been made with respect to the special-delivery messengers, of course it would apply equally to the fourth-class postmasters. I hope the gentleman from Mississippi [Mr. SISSON] will not exercise his privilege of making this point of order. It is one of the most beneficent measures that has been suggested to the House, and affects the most patriotic men in the service of the Government. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. MADDEN. Mr. Chairman, I ask for five minutes more, and if these gentlemen desire to ask any questions I shall be delighted to yield.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois? [After a pause.] The Chair hears none.

Mr. FINLEY. The proposed law here speaks of salaries. Now, is not the money that is paid to fourth-class postmasters compensation?

Mr. MADDEN. I presume it is. I yield to my colleague now [Mr. STERLING].

Mr. STERLING. I would like to ask the gentleman if the permanent liability law of which the gentleman spoke does not cover all branches of the Post Office service?

Mr. MADDEN. It covers all branches of the Post Office service now except the supervisory officials. This is intended to cover supervisory officials and anybody else who may have been forgotten, I will say to the gentleman.

Mr. STERLING. Does it not cover carriers, city and rural?

Mr. MADDEN. They are all covered by the law now.

Mr. STERLING. And they are under its protection?

Mr. MADDEN. Yes.

Mr. STERLING. Let me ask the gentleman, does the permanent liability law provide——

Mr. MADDEN. Here is the permanent liability law.

Mr. STERLING (continuing). That they shall receive pay while going to and from their duty if they should happen to be killed or injured?

Mr. MADDEN. While on duty.

Mr. STERLING. Now, the department has construed that in such a way that it does not include where the employee was going to and from his duty. Now, it ought to do so.

Mr. MADDEN. I do not know what their construction of it is, but the intention of the law was that it should cover men injured while on duty, and the language has been so construed as to exempt or cut out from the operation of the law the men who are employed as substitutes, and this provision about which the gentleman from Mississippi has raised the question of order is intended to cover those men who are working as substitutes and others.

Mr. STERLING. I am sure of this. I think I remember correctly that the liability law that applies to other Government employees provides that where they are injured or killed while going to and from their duty they receive the benefit of it.

Mr. MADDEN. Well, there was a case recently decided by the Post Office authorities, where a man in Brooklyn was going from his home to his work at the post office, that he was not on duty; and I am rather inclined to think that the law should not be sufficiently broad to cover men who are on their way to their work or on their way from their work to their homes. I do not believe that men who are engaged in the Postal Service of the United States want any compensation from the Government if they are injured while they are not on duty They want to have the law strictly construed.

Mr. STERLING. If the gentleman will permit me, I want to say that they do want it. When they are going to and from their duty they are just as much in the employ of the Government as they are after they reach the place of duty. Let me say there was a case in the Brooklyn Navy Yard where a man was injured going to and from his duty. He could not recover; and in view of that fact the law was changed, giving those employees protection when on their way to and from their duty. I think this paragraph ought to be amended by inserting after the word "duty," "or when going to or returning from their duty."

Mr. MADDEN. I will say to the gentleman, I would not object to an amendment in that particular, but I have not been so anxious about giving it to men while going from their homes to their work, or from their work to their homes, as in case of any injury that may occur to them while they are at work.

Mr. TILSON. Will the gentleman yield?

Mr. MADDEN. I will.

Mr. TILSON. Can the gentleman state whether by accident, or why it was, that this most meritorious class of employees were left out of this amendment originally?

Mr. MADDEN. It was simply by accident, I will say to the gentleman, because it was intended that men in the service should be covered. It was an omission.

Mr. STEENERSON. Will the gentleman yield?

Mr. MADDEN. I will.

Mr. STEENERSON. Was it not also for the reason that we were told the Committee on the Judiciary had a comprehensive bill to provide for compensation to employees of the Government, and therefore it would not be necessary?

Mr. MADDEN. Yes; that is true, too.

Mr. LOBECK. Will the gentleman yield?

Mr. MADDEN. I do.

Mr. LOBECK. I notice, page 5, in lines 2, 3, and 4—

That no compensation shall be paid to any such employee for injury occasioned by his own negligence.

Mr. MADDEN. That ought to be, ought it not?

Mr. LOBECK. Wait a minute—I have found out by the operation of this item a man injured has got to prove that he was not negligent, and I know of a case of a man who for 14 months had been lying on his bed who fell out of a car through the drawbar being out of place, and he was unable to prove that he was not negligent.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. BENNET. Mr. Chairman, I ask unanimous consent that the gentleman's time be extended two minutes.

The CHAIRMAN. The gentleman from New York asks unanimous consent that the time of the gentleman from Illinois [Mr. MADDEN] be extended for two minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. MADDEN. Just a moment. I wish to say in reply to the gentleman from Nebraska [Mr. LOBECK] that, of course, the department, in determining the question of liability, ought not to be technical in its ruling; that it ought to construe the law liberally, so as to give every man the opportunity of coming within its provisions if he is fairly entitled to it.

Mr. LOBECK. I can show a case where a man was injured 14 months ago by falling out of a car on the Burlington road, and where "man's inhumanity to man" has been shown by the department up here through its inspectors and through its solicitors.

Mr. MADDEN. Let me say to the gentleman that we are going to put men in who have red blood in their veins to control the Post Office Department after the 1st day of next November. [Applause on the Republican side.]

Mr. LOBECK. I want to say further that they are holdovers from your administration.

Mr. MADDEN. Good. I yield to the gentleman from Iowa [Mr. GREEN].

Mr. GREEN of Iowa. I did not quite understand the gentleman as to what classes of employees outside of the fourth-class postmasters were included in line 24.

Mr. MADDEN. The supervisory officers of the Post Office Department only.

Mr. BENNET. I would like to ask the gentleman from Illinois a question. This provision of "who shall be killed while on duty, or, who, being injured while on duty," ought to be supplemented by a provision that would prevent the department doing what it is doing; that is, adopting a certain number of days in relation to men who are sick, and saying that at the end of that time, no matter how their sickness occurred, or how quickly they recover at the end of that time, they ought to be separated from the service.

Mr. MADDEN. I think the ruling of the department to the effect that a man can remain ill and unable to work for only 150 days before he is separated from the service is the most iniquitous ruling that was ever foisted on an unsuspecting public, and it ought to be remedied in some way.

Mr. BENNET. I hope the gentleman's committee will do something.

Mr. MADDEN. We are trying to remedy it as fast as we can.

Mr. SISSON. Mr. Chairman, I am making this point of order, first, because the special messenger was put into this law, and it was a growth from the Reilly amendment, and they gradually enlarged it, and now the special messenger who gets 8 cents for the delivery of a message, if he shall be on his way to deliver the message, and is killed gets the $2,000.

Mr. MADDEN. He does not, but his people do, and they probably need it very much.

Mr. SISSON. Yes; his people get it; but that is no argument, for God knows the world is full of people who need money. Now, one minute. In addition this includes every class of employees, if this language means anything, in the Post Office Department, whether they are paid by piecework or whether they are the fourth-class postmasters, and adds many thousands of people, and entails an enormous amount of labor and an enormous amount of work on the Post Office Department in the enforcement of this law.

If you are going into the insurance of men engaged by the Government to perform the service, then you ought to have some well-considered law, and let them go into some well-considered department of Government for the purpose of determining these questions. Here you leave it all to the Postmaster General's discretion. It was hastily conceived and put as a rider on this appropriation bill. It is not being considered, and was not at the time it was enacted into law, upon its merits, but was straddled upon this appropriation bill as a rider, and was never construed upon its merits except as a rider on this bill.

Mr. MADDEN. Will the gentleman allow me to differ with him long enough to say that it was considered upon its merits. It is the most meritorious legislation ever enacted in the interests of the Government and of its employees, and the gentleman is thoroughly mistaken when he says there was no consideration given to it.

Mr. SISSON. The gentleman and I, perhaps, differ radically as to the proposition involved in this matter, but I am not going into the discussion of that here. If I had my own way about it, the Reilly amendment would never have become a law, and therefore I want to restrict it as much as I can.

I make the point of order on the language indicated.

The CHAIRMAN. The point of order is sustained.

Mr. STAFFORD. To what language is the point of order made?

The CHAIRMAN. On page 4, line 24, the gentleman from Mississippi [Mr. SISSON] makes the point of order to the following language:

Or any other classified civil-service employee in the Postal Service.

And the Chair sustains the point of order.

Mr. SISSON. Mr. Chairman, I offer the following amendment: In line 10, after the words "in place of all," insert the word "salaried," so that the line shall read:

Authority to employ acting employees in place of all salaried employees.

Mr. STEENERSON. Mr. Chairman, I reserve a point of order on that.

Mr. MOON. I reserve a point of order, Mr. Chairman.

The CHAIRMAN. The gentleman from Minnesota [Mr. STEENERSON] reserves a point of order on the amendment.

Mr. SISSON. Mr. Chairman, I do not desire to discuss this matter, except to say——

Mr. STEENERSON. I will make the point of order, then.

Mr. SISSON. I hope the gentleman from Minnesota will allow me to explain the amendment. I ask unanimous consent, Mr. Chairman, to proceed for two minutes.

The CHAIRMAN. The gentleman from Mississippi asks unanimous consent to proceed for two minutes. Is there objection?

There was no objection.

Mr. SISSON. Mr. Chairman, my purpose in desiring to amend this bill by putting in the words "salaried employee" is to make fixed and definite the amount of money that could be paid to the employee in the event of sickness.

I do not believe that a special messenger is necessarily excluded in this language. It would be a difficult matter for anyone to determine just exactly how to enforce the provisions of the first part of this act as to paying either the special messenger or the fourth-class postmaster. It is most difficult of enforcement, and that is why I want to make whatever law we have specific and definite.

Now, Mr. Chairman, I suppose the point of order is sustained by the Chair, and if so I desire to strike out——

The CHAIRMAN. The Chair has not sustained the point of order. The Chair would like to hear from the gentleman from Minnesota on the point of order.

Mr. STEENERSON. Mr. Chairman, it is new legislation. It changes existing law. It does not need any argument, I take it.

Mr. SISSON. Under the Holman rule, if you put the word "salaried" there, it excludes everybody except salaried people, and thereby on its face it reduces the amount of money carried by the bill. The exclusion of every man except a salaried employee does reduce the amount of the appropriation carried in the bill, and it is manifest that it will do it.

The CHAIRMAN. The Chairs thinks the amendment is within the Holman rule, and the point of order is overruled. The question is on agreeing to the amendment offered by the gentleman from Mississippi [Mr. SISSON].

The question was taken, and the amendment was rejected.

Mr. STAFFORD. Mr. Chairman, I have an amendment which I wish to offer.

Mr. MOON. Mr. Chairman, I move that the committee do now rise.

Mr. STAFFORD. I believe I have been recognized to offer an amendment. I can not be taken off the floor, Mr. Chairman, by a motion to rise. I have the floor at the present time.

The CHAIRMAN. If the gentleman insists upon it, the Chair will recognize the gentleman.

Mr. STAFFORD. I just want to have the amendment read and considered as pending.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Wisconsin [Mr. STAFFORD].

The Clerk read as follows:

Page 4, line 23, after the word "messenger," insert the words "post-office laborer, or."

Mr. STAFFORD. Mr. Chairman, if the gentleman from Tennessee does not wish to make a motion to rise at the present moment——

Mr. MOON. Mr. Chairman, I make a point of order on the amendment.

The CHAIRMAN. The gentleman from Tennessee makes a point of order on the amendment.

Mr. MOON. Does the gentleman object to rising now, or does he want to wait until later on?

Mr. STAFFORD. I will accede to the wishes of the gentleman from Tennessee.

Mr. MOON. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. RAINEY, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 10484, the Post Office appropriation bill, and had come to no resolution thereon.

## REPORT OF DIRECTORS, PANAMA RAILROAD CO. (S. DOC. NO. 325).

The SPEAKER laid before the House the following message from the President of the United States, which was read and referred to the Committee on Interstate and Foreign Commerce, and, excluding the accompanying documents, ordered to be printed.

*To the Senate and House of Representatives:*

I transmit herewith, for the information of the Congress, the sixty-sixth annual report of the board of directors of the Panama Railroad Co. for the fiscal year ended June 30, 1915.

WOODROW WILSON.

THE WHITE HOUSE, *February 17, 1916.*

## LEAVE OF ABSENCE.

The SPEAKER. The Chair lays before the House the following request for leave of absence, which the Clerk will report:

The Clerk read as follows:

WASHINGTON, D. C., *February 17, 1916.*

Hon. CHAMP CLARK,
*Speaker House of Representatives.*

DEAR MR. SPEAKER: Owing to important business matters demanding my presence in the Territory, I ask for an indefinite leave of absence from the sessions of the House.

Sincerely, yours,

J. K. KALANIANAOLE,
*Delegate from Hawaii.*

The SPEAKER. Without objection, the request will be granted.

There was no objection.

## WITHDRAWAL OF PAPERS.

Mr. MAPES, by unanimous consent, was granted leave to withdraw from the files of the House, without leaving copies, the papers in the case of Ernest J. Nichols, H. R. 17157, Sixty-third Congress, no adverse report having been made thereon.

## MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Waldorf, one of its clerks, announced that the Senate had passed bill of the following title, in which the concurrence of the House was requested:

S. 4506. An act to amend an act entitled "An act to amend the statutes in relation to immediate transportation of dutiable goods, and for other purposes," approved June 10, 1880.

The message also announced that the Senate had passed without amendment bill of the following title:

H. R. 322. An act to authorize the Secretary of the Treasury of the United States to sell the old post office and site thereof in the city of Dayton, Ohio.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 4506. An act to amend an act entitled "An act to amend the statutes in relation to immediate transportation of dutiable goods, and for other purposes," approved June 10, 1880; to the Committee on Ways and Means.

S. 3873. An act to authorize the counties of Minidoka and Cassia, State of Idaho, to construct a bridge across Snake River; to the Committee on Interstate and Foreign Commerce.

LEAVE TO ADDRESS THE HOUSE.

Mr. BUCHANAN of Illinois. Mr. Speaker, I ask unanimous consent to address the House for 30 minutes to-morrow after the reading of the Journal on the subject of the attacks on me by the newspapers and the indictment in New York.

The SPEAKER. The gentleman from Illinois [Mr. BUCHANAN] asks unanimous consent to address the House to-morrow for 30 minutes, on a personal matter, after the reading of the Journal and the disposal of the business on the Speaker's table.

Mr. MOON. Mr. Speaker, would it be as convenient for the gentleman to address the House at some other time?

Mr. BUCHANAN of Illinois. I will say to my friend that it is my desire to have the floor to-morrow, for the reason that perhaps I may not be able to be here for two or three days afterwards. I am of the opinion that I have the right to the floor under a question of personal privilege, if I desired to take it up in that way, but I have decided to ask the House for unanimous consent.

Mr. MOON. I do not want to interfere with the gentleman at all. I thought if it was as convenient at some other time——

Mr. BUCHANAN of Illinois. I have been delayed already——

Mr. MANN. I will ask the gentleman, does this grow out of the impeachment matter?

Mr. BUCHANAN of Illinois. No; it is nothing at all about the impeachment. It is only a question of erroneous attacks on me by the newspapers, under which, as I understand the rule, I have a perfect right to address the House for an hour on a question of personal privilege.

Mr. MOON. I have no objection to the gentleman's request.

Mr. MANN. Reserving the right to object, does the gentleman from Tennessee expect to go ahead with the Post Office bill to-morrow?

Mr. MOON. We want to do so.

Mr. MANN. I do not object.

The SPEAKER. Is there objection to the request of the gentleman from Illinois [Mr. BUCHANAN]?

There was no objection.

ADJOURNMENT.

Mr. KITCHIN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 8 minutes p. m.) the House adjourned until Friday, February 18, 1916, at 12 o'clock noon.

## EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of the Treasury, transmitting copy of a communication from the Secretary of the Navy submitting supplemental and additional estimate of appropriation required by the Quartermaster's Department, Marine Corps, for the fiscal year ending June 30, 1917 (H. Doc. No. 702); to the Committee on Naval Affairs and ordered to be printed.

2. A letter from the Secretary of the Treasury, transmitting copy of a communication from the Acting Secretary of War submitting a supplemental estimate of appropriations required by the War Department for the services of the fiscal year ending June 30, 1917, under transportation of the Army and its supplies, etc., in the Canal Zone (H. Doc. No. 703); to the Committee on Military Affairs and ordered to be printed.

3. A letter from the Secretary of the Treasury, recommending amendments to existing legislation providing for the extension, remodeling, etc., of the United States courthouse and post-office building at Martinsburg, W. Va. (H. Doc. No. 704); to the Committee on Public Buildings and Grounds and ordered to be printed.

4. A letter from the Secretary of the Treasury, making recommendations regarding the erection of a Federal building at Hagerstown, Md., and suggesting legislation with reference thereto (H. Doc. No. 705); to the Committee on Public Buildings and Grounds and ordered to be printed.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. STEPHENS of Texas, from the Committee on Indian Affairs, to which was referred the bill (H. R. 6417) to provide for the selection by the Omaha Indians and the setting apart of reservation lands for tribal cemetery purposes, reported the same without amendment, accompanied by a report (No. 210), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. SHALLENBERGER, from the Committee on Military Affairs, to which was referred the resolution (H. J. Res. 68) to cede to the State of Maryland temporary jurisdiction over certain lands in the Fort McHenry Military Reservation, reported the same with amendment, accompanied by a report (No. 211), which said resolution and report were referred to the Committee of the Whole House on the state of the Union.

Mr. ASHBROOK, from the Committee on Public Buildings and Grounds, to which was referred the bill (S. 4308) to purchase a site and erect thereon a suitable building for post office and other Government offices at Sandusky, Ohio, and for other purposes, reported the same without amendment, accompanied by a report (No. 213), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. AIKEN, from the Committee on the Census, to which was referred the resolution (H. J. Res. 103) authorizing and directing the Director of the Census to collect and publish additional statistics, reported the same without amendment, accompanied by a report (No. 214), which said resolution and report were referred to the Committee of the Whole House on the state of the Union.

## REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. STEPHENS of Texas, from the Committee on Indian Affairs, to which was referred the bill (H. R. 6371) to cancel allotments made to three members of the Wintu Tribe of Indians on the public domain in California, reported the same without amendment, accompanied by a report (No. 212), which said bill and report were referred to the Private Calendar.

Mr. TILLMAN, from the Committee on the Public Lands, to which was referred the bill (H. R. 8067) to quiet the title to certain lands in the possession of G. B. Dickson, and for other purposes, reported the same with amendment, accompanied by a report (No. 215) which said bill and report were referred to the Private Calendar.

## CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Invalid Pensions was discharged from the consideration of the bill (H. R. 8559) granting a pension to Thomas N. Johnson, and the same was referred to the Committee on Pensions.

## PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. WEBB: A bill (H. R. 11705) to provide for the report of proceedings before grand juries in courts of the United States; to the Committee on the Judiciary.

Also, a bill (H. R. 11706) to amend an act entitled "An act to prevent the disclosure of national defense secrets," approved March 3, 1911; to the Committee on the Judiciary.

By Mr. ASHBROOK: A bill (H. R. 11707), to amend an act entitled "An act to increase the pension of widows, minor children, etc., of deceased soldiers and sailors of the late Civil War, the War with Mexico, the various Indians wars, etc., and to grant a pension to certain widows of the deceased soldiers and sailors of the late Civil War," approved April 19, 1908; to the Committee on Invalid Pensions.

By Mr. McCRACKEN: A bill (H. R. 11708) providing for the purchase by the United States of the Kings Hill irrigation system in Idaho, and for the completion thereof by the Reclamation Service; to the Committee on Public Buildings and Grounds.

By Mr. SMITH of Texas: A bill (H. R. 11709) to authorize advances to the reclamation fund and for the issuance and disposal of certificates of indebtedness and reimbursement therefor, and for other purposes; to the Committee on Ways and Means.

By Mr. HAYDEN: A bill (H. R. 11710) making an appropriation for the repair and rebuilding of a road in the Tonto National Forest, Ariz.; to the Committee on Agriculture.

By Mr. HASTINGS: A bill (H. R. 11711) to establish a fish-cultural station at some point in the State of Oklahoma; to the Committee on the Merchant Marine and Fisheries.

By Mr. HAYDEN: A bill (H. R. 11712) to establish game sanctuaries in national forests, and for other purposes; to the Committee on Agriculture.

By Mr. FERRIS: A bill (H. R. 11713) to establish a fish-cultural station at some point in the State of Oklahoma; to the Committee on the Merchant Marine and Fisheries.

By Mr. BRUCKNER: A bill (H. R. 11714) providing for the improvement of Pugsleys (Barretts) Creek, New York City, in the State of New York; to the Committee on Rivers and Harbors.

By Mr. GALLIVAN: A bill (H. R. 11715) to amend section 6 of an act entitled "An act to amend laws for preventing collisions of vessels and to regulate equipments of certain motor boats on navigable waters of the United States"; to the Committee on the Merchant Marine and Fisheries.

By Mr. TILSON: A bill (H. R. 11716) to regulate promotion in the Regular Army of the United States; to the Committee on Military Affairs.

By Mr. RAINEY (by request): A bill (H. R. 11717) to increase the efficiency of the United States Cavalry and Artillery; to the Committee on Military Affairs.

By Mr. SEARS: A bill (H. R. 11718) authorizing the Secretary of War to donate to the city of Miami, Fla., two cannon or fieldpieces; to the Committee on Military Affairs.

Also, a bill (H. R. 11719) authorizing the Secretary of War to donate to the Florida Old Confederate Soldiers and Sailors' Home, of Jacksonville, Fla., two cannon or fieldpieces; to the Committee on Military Affairs.

By Mr. NORTON: A bill (H. R. 11720) to provide for per capita payments to be made to Indians of the Fort Berthold Reservation, N. Dak.; to the Committee on Indian Affairs.

By Mr. SELLS: A bill (H. R. 11721) granting the consent of Congress to John R. Sanders to construct a dam across Helston River in Hawkins County, Tenn.; to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 11722) authorizing the Secretary of Commerce to sell a certain portion of the lands of the fish-cultural station in Unicoi County, Tenn.; to the Committee on the Merchant Marine and Fisheries.

By Mr. NORTON: A bill (H. R. 11723) to authorize the Arikara, Gros Ventre, and Mandan Tribes of Indians, of the Fort Berthold Reservation, N. Dak., to submit claims to the Court of Claims; to the Committee on Indian Affairs.

By Mr. LEWIS: A bill (H. R. 11724) for securing and establishing uniform standards of testing quality and condition of milk and cream moving in interstate shipments and intended for human food, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. CARAWAY: A bill (H. R. 11725) making provision for the improvement of Little River and the reclamation of lands lying along the course of said stream in Arkansas and Missouri, and for other purposes; to the Committee on Flood Control.

By Mr. GILLETT: A bill (H. R. 11779) conferring jurisdiction on the Court of Claims to adjudicate the claims of the State of Massachusetts; to the Committee on the Judiciary.

By Mr. McLEMORE: Resolution (H. Res. 143) requesting the President to warn all citizens of the United States to refrain from traveling on armed merchant vessels, etc.; to the Committee on Foreign Affairs.

By Mr. GARDNER: Resolution (H. Res. 144) directing the Secretary of the Navy to inform the House whether he has entered into a contract with the Electric Boat Co., of New York, in which said corporation is allowed three years in which to build the first of our fleet submarines known as the *Schley;* to the Committee on Naval Affairs.

By Mr. MOORE of Pennsylvania: Resolution (H. Res. 145) directing the Ways and Means Committee to inquire whether the President and the Senate may negotiate a treaty with Colombia, modifying or repealing law providing for revenue without action on the part of the House of Representatives, and to report thereon; to the Committee on Rules.

By the SPEAKER (by request): Memorial of the General Assembly of the State of Virginia indorsing the President on preparedness; to the Committee on Military Affairs.

By Mr. MAGEE: Memorial of the Senate and Assembly of the State of New York against the imposition of a Federal inheritance tax; to the Committee on Ways and Means.

## PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ASHBROOK: A bill (H. R. 11726) granting an increase of pension to Charles T. Wolfe; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11727) granting an increase of pension to Sarah E. Newlon; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11728) granting an increase of pension to Albinus Price; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11729) granting an increase of pension to Michael Young; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11730) to correct the military record of Philip Guenther; to the Committee on Military Affairs.

Also, a bill (H. R. 11731) granting a pension to Louisa Shafer; to the Committee on Invalid Pensions.

By Mr. BACHARACH: A bill (H. R. 11732) granting a pension to Howard W. Bingham; to the Committee on Pensions.

By Mr. FITZGERALD: A bill (H. R. 11733) granting an increase of pension to Robert V. L. Cameron; to the Committee on Invalid Pensions.

By Mr. GANDY: A bill (H. R. 11734) granting a pension to Isaiah Lightfoot; to the Committee on Pensions.

By Mr. CRAGO: A bill (H. R. 11735) granting a pension to Clara B. Hatfield; to the Committee on Pensions.

By Mr. FOSS: A bill (H. R. 11736) granting a pension to Harriet M. Badger; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11737) granting a pension to Anna R. Cartwright; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11738) granting an increase of pension to Martin Kimble; to the Committee on Pensions.

By Mr. HILLIARD: A bill (H. R. 11739) granting an increase of pension to Caroline M. Anthony; to the Committee on Pensions.

By Mr. HULBERT: A bill (H. R. 11740) granting an increase of pension to Stephen A. West; to the Committee on Invalid Pensions.

By Mr. KINKAID: A bill (H. R. 11741) for the relief of Thomas Lynch and others; to the Committee on Indian Affairs.

By Mr. LITTLEPAGE: A bill (H. R. 11742) granting an increase of pension to B. F. Harless; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11743) granting an increase of pension to Joseph Crites; to the Committee on Invalid Pensions.

By Mr. LONGWORTH: A bill (H. R. 11744) granting an increase of pension to Ellen Tyrell; to the Committee on Invalid Pensions.

By Mr. McDERMOTT: A bill (H. R. 11745) for the relief of S. E. Bennett; to the Committee on Claims.

By Mr. McKINLEY: A bill (H. R. 11746) granting an increase of pension to Frank H. Converse; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11747) granting a pension to Theodore E. Barnes; to the Committee on Invalid Pensions.

By Mr. MAPES: A bill (H. R. 11748) granting a pension to Ernest J. Nichols; to the Committee on Pensions.

By Mr. MILLER of Delaware: A bill (H. R. 11749) for the relief of the heirs of John M. Waples; to the Committee on Claims.

Also, a bill (H. R. 11750) for the relief of John A. Hurdle; to the Committee on Claims.

By Mr. MOONEY: A bill (H. R. 11751) granting an increase of pension to James Miller; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11752) to correct the military record of Bennett F. Jackson; to the Committee on Military Affairs.

Also, a bill (H. R. 11753) granting an increase of pension to Samuel Gates; to the Committee on Invalid Pensions.

By Mr. OVERMYER: A bill (H. R. 11754) granting an increase of pension to Cunigunda Indlekofer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11755) granting a pension to Howard H. Long; to the Committee on Invalid Pensions.

By Mr. PRATT: A bill (H. R. 11756) to correct the military record of John Mix; to the Committee on Military Affairs.

Also, a bill (H. R. 11757) for the relief of Lydia A. Brownell; to the Committee on Military Affairs.

Also, a bill (H. R. 11758) to correct the muster of Byron Pierce, late acting assistant surgeon, United States Army; to the Committee on Military Affairs.

By Mr. ROUSE: A bill (H. R. 11759) granting an increase of pension to D. B. Finnell; to the Committee on Pensions.

Also, a bill (H. R. 11760) granting a pension to William G. McCoy; to the Committee on Pensions.

Also, a bill (H. R. 11761) granting an increase of pension to Eli Cotten; to the Committee on Invalid Pensions.

By Mr. RUSSELL of Ohio: A bill (H. R. 11762) granting a pension to Charles R. Smith; to the Committee on Pensions.

Also, a bill (H. R. 11763) granting an increase of pension to Joseph H. Pillars; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11764) granting an increase of pension to Catherine McKee; to the Committee on Invalid Pensions.

By Mr. SLOAN: A bill (H. R. 11765) for the relief of Thomas J. Chesney; to the Committee on Military Affairs.

Also, a bill (H. R. 11766) for the relief of Joseph Post; to the Committee on Military Affairs.

By Mr. SMITH of Minnesota: A bill (H. R. 11767) for the relief of D. W. Thurston; to the Committee on Claims.

By Mr. SNYDER: A bill (H. R. 11768) granting an increase of pension to Aaron W. Orvis; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11769) granting a pension to Delos M. Dodge; to the Committee on Pensions.

By Mr. STEENERSON: A bill (H. R. 11770) for the relief of Vilhelm Torkildsen; to the Committee on Claims.

By Mr. SWIFT: A bill (H. R. 11771) granting a pension to Hannah M. Allen; to the Committee on Invalid Pensions.

By Mr. TAGGART: A bill (H. R. 11772) granting an increase of pension to Mary V. Gilmore; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11773) granting an increase of pension to Martha O. Imel; to the Committee on Invalid Pensions.

By Mr. VAN DYKE: A bill (H. R. 11774) granting an increase of pension to A. G. Cary; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11775) granting a pension to Emily G. Ayers; to the Committee on Invalid Pensions.

By Mr. WATSON of Pennsylvania: A bill (H. R. 11776) granting a pension to Jasper Hill; to the Committee on Pensions.

By Mr. WEBB: A bill (H. R. 11777) granting a pension to Robert L. Seagle; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11778) granting a pension to George Archbold; to the Committee on Invalid Pensions.

## PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Copy of petitions to the President by the publishers of foreign-language papers in America, urging national defense; to the Committee on Military Affairs.

Also (by request), memorials urging protection for the Jews in the warring European countries; to the Committee on Foreign Affairs.

By Mr. ALLEN: Petition of faculty and student boys of Lane Seminary, favoring national prohibition; to the Committee on the Judiciary.

By Mr. ASHBROOK: Papers to accompany House bill 10994, for relief of Henry Puder; to the Committee on Pensions.

Also, papers to accompany House bill 11636, for relief of Isaac B. Hawke; to the Committee on Invalid Pensions.

Also, petition of the Presbyterian Church of Johnstown, Ohio, in favor of House joint resolutions 84 and 85; to the Committee on the Judiciary.

By Mr. BACHARACH: Memorial of Washington Lodge, No. 15, Benevolent and Protective Order of Elks, protesting against prohibition in the District of Columbia; to the Committee on the District of Columbia.

By Mr. BAILEY: Petition of Stineman Supply Co., South Fork Supply Co., Arthur Truscott, J. M. Bortel, Lane & Walls, D. E. Bayer & Co., A. C. Lansbury, and N. Y. Bryson, of South Fork; and Gross Department Store, Keystone Market, A. Broudy, and C. J. Hogue, of Cresson, all in Cambria County, Pa., for a tax on mail-order houses; to the Committee on Ways and Means.

By Mr. BRUCKNER: Petitions of William Schwiering and other citizens of New York, favoring passage of House bill 7625, relative to Government employees; to the Committee on Reform in the Civil Service.

By Mr. CLARK of Missouri: Memorial of citizens of Middletown, Mo., favoring national prohibition; to the Committee on the Judiciary.

By Mr. COOPER of Wisconsin: Petition of J. F. Connell and other residents of Menomonee Falls, Wis., asking that Senate bill 901, House bill 26, House bill 677, House bill 6823, and House bill 6871 be enacted into law; to the Committee on the Judiciary.

Also, petition of Bethlehem Lutheran Church, of Beloit, Wis., for prohibition; to the Committee on the Judiciary.

Also, petition of Racine Woolen Manufacturing Co., of Racine, Wis., favoring House bill 702, the dyestuffs bill; to the Committee on Ways and Means.

By Mr. CRAGO: Petition of Johnstown Branch of the German-American Alliance, against national prohibition; to the Committee on the Judiciary.

Also, memorial of Federation of Trade Unions of New York City, favoring bill for retirement of disabled civil-service employees in Postal Service; to the Committee on the Post Office and Post Roads.

Also, petition of Johnstown Branch of the German-American Alliance, favoring bill to amend naturalization laws; to the Committee on Immigration and Naturalization.

Also, petition of Johnstown Branch of German-American Alliance, against sale and exportation of arms, etc.; to the Committee on Foreign Affairs.

Also, memorial of Captain Alfred E. Hunt Camp, No. 1, United Spanish War Veterans, of Pittsburgh, Pa., favoring national defense; to the Committee on Military Affairs.

By Mr. DALE of New York: Petition of J. C. Dunbar and Amelia A. Purdy, of Randolph, Mass., and New York City, favoring the Susan B. Anthony amendment; to the Committee on the Judiciary.

Also, memorial of Upholsterers and Trimmers' International Union, of New York, favoring the Burnett immigration bill; to the Committee on Immigration and Naturalization.

Also, petitions of Miss Nellie E. Dawson and W. P. Billings, of New York City, favoring House bill 9814; to the Committee on the Public Lands.

Also, memorial of National Federation of Post Office Clerks, of Washington, D. C., favoring passage of Burnett immigration bill; to the Committee on Immigration and Naturalization.

By Mr. DICKINSON: Petition of 36 citizens of Adrian, Mo., in behalf of national constitutional amendment, known as Senate joint resolutions 55 and 64 and House joint resolution 84 and 85; also in behalf of the bill granting prohibition in the District of Columbia, known as Senate bills 1082 and 1257 and House bill 9435; to the Committee on the Judiciary.

Also, petition of 32 citizens of Warrensburg, Mo., favoring national prohibition; to the Committee on the Judiciary.

By Mr. DIXON: Petition of Anti-Saloon League, of Brownstown, Ind.; Hopewell Presbyterian Church, of Franklin, Ind.; 42 citizens of Franklin, Ind.; 26 citizens of Brownstown, Ind., for national prohibition; to the Committee on the Judiciary.

Also, petitions of Franklin (Ind.) Color Works and Charles B. Melish, and Pearl Button Factory, of Madison, Ind., for passage of House bill 702, the dyestuff bill; to the Committee on Ways and Means.

By Mr. EAGAN: Petition of Cordova (Alaska) Chamber of Commerce, relative to proposed misuse of Government railroad funds in Alaska; to the Committee on the Territories.

Also, memorial of American Defense Society, relative to strong Navy; to the Committee on Naval Affairs.

Also, memorial of National Federation of Post Office Clerks; building trades department, American Federation of Labor, and mining department, American Federation of Labor, favoring Burnett immigration bill; to the Committee on Immigration and Naturalization.

Also, petition of Great Council of New Jersey Improved Order of Red Men against House bill 108, relative to Five Civilized Tribes of Indians in Oklahoma; to the Committee on Indian Affairs.

By Mr. FLYNN: Petition of Thomas Tangerman, John Dewfel, jr., and Jacob F. Manbiel, of Flushing, N. Y., protesting against Senate bill 1082; to the Committee on the Judiciary.

Also, petition of W. P. Billings, of New York City, in favor of House bill 9814; to the Committee on the Public Lands.

Also, petition of Miss Nellie E. Dawson, favoring passage of House bill 9814; to the Committee on the Public Lands.

Also, petition of Fred Wagner, of Flushing, N. Y., protesting against Senate bill 1082; to the Committee on the Judiciary.

Also, petition of Edwin P. Gleason, of New York, for preparedness; to the Committee on Military Affairs.

Also, petition of R. F. D. News, of Washington, in reference to rural postal service; to the Committee on the Post Office and Post Roads.

Also, petition of Central Federated Union of New York, against prohibition; to the Committee on the Judiciary.

Also, memorial of Upholsterers and Trimmers' International Union of New York; mining department, American Federation of Labor, Washington, D. C.; and building trades' department, American Federation of Labor, favoring passage of the Burnett immigration bill; to the Committee on Immigration and Naturalization.

By Mr. FULLER: Petition of Peru (Ill.) Trades and Labor Council, opposing national prohibition; to the Committee on the Judiciary.

Also, petition of United Garment Workers of America, favoring the Burnett immigration bill; to the Committee on Immigration and Naturalization.

By Mr. GALLIVAN: Memorial of Massachusetts Society, of San Diego, Cal., favoring appropriation to complete work of Geological Survey in said county; to the Committee on Appropriations.

By Mr. GRIEST: Petition of sundry citizens and German-American Alliance, of Lancaster, Pa., favoring embargo on arms, etc.; to the Committee on Foreign Affairs.

By Mr. HILL: Petition of Hawkeye Pearl Button Co., of Muscatine, Iowa; Eagle Tannery, San Francisco, Cal.; James F. Callopy and others, of Chicago, Ill.; Superior Tanning Co.; and Chicago Tanning Co., favoring tax on dyestuffs; to the Committee on Ways and Means.

Also, petition of German-American Alliance and sundry citizens of Danbury, Conn., favoring embargo on arms, etc.; to the Committee on Foreign Affairs.

By Mr. HILLIARD: Petition of Helen V. Lewis, president; Alice L. Varney, secretary; and 45 members of the La Salle (Colo.) Woman's Christian Temperance Union, favoring national prohibition; to the Committee on the Judiciary.

By Mr. HOLLINGSWORTH: Petition of Rev. W. J. Thompson and First Baptist Church, of East Liverpool, Ohio, favoring national prohibition; to the Committee on the Judiciary.

Also, petition of Rev. R. W. Stancill and 150 citizens of Barnesville, Ohio, for prohibition; to the Committee on the Judiciary.

Also, petition of Rev. J. Bigelow McClay and 177 citizens of Martins Ferry; Rev. J. J. Waynes and United Brethren Church, of New Rumley; Rev. William G. Martin and 25 citizens of Carroll; Rev. J. C. F. Rulp and 18 citizens of Lushman Parish in Columbus and Jefferson Counties; Rev. M. B. Mahary and 14 citizens of Brilliant; and Rev. Earl W. Lawrence and 25 citizens of East Liverpool, all in the State of Ohio, for national prohibition; to the Committee on the Judiciary.

By Mr. KAHN: Memorial of Jefferson Davis Chapter, United Daughters of Confederacy, No. 542, San Francisco, Cal., relative to relief for surviving veterans of Southern Army; to the Committee on Pensions.

By Mr. KENNEDY of Rhode Island: Memorial of New England Manufacturing Jewelers' and Silversmiths' Association, of Providence, R. I., favoring Senate bill 538, to regulate commerce; to the Committee on Interstate and Foreign Commerce.

Also, petitions of Free Baptist Church, of Greenville, and Seventh-Day Baptist Church, of Hopkinton, R. I., favoring national prohibition; to the Committee on the Judiciary.

Also, petition of Salembier & Clay and others, of Central Falls, R. I., favoring bill granting indefinite leave to superannuated employees of the Postal Service; to the Committee on the Post Office and Post Roads.

Also, petition of Pawtucket Council, Knights of Columbus, favoring October 12 as legal holiday in the District of Columbia; to the Committee on the District of Columbia.

By Mr. KENT: Petition of Lodge No. 1, Order Good Templars, of New York City, favoring national prohibition; to the Committee on the Judiciary.

By Mr. KIESS of Pennsylvania: Petitions of Ministerial Association of Jersey Shore; First Church of Christ; Epworth Methodist Episcopal Church, of Jersey Shore; citizens of Mill Hall; Bible School of Church of Christ, at Mill Hall, all in the State of Pennsylvania, favoring the passage of the Webb-Smith prohibition resolution; to the Committee on the Judiciary.

By Mr. KINKAID: Petition of residents of Wellfleet, Nebr., and vicinity, against preparedness; to the Committee on Military Affairs.

By Mr. McCRACKEN: Petition of Woman's Christian Temperance Union public meeting of 250 people, of Nampa; Woman's Christian Temperance Union meeting of 85 people, of Bonner, all in the State of Idaho, for national constitutional prohibition amendment; to the Committee on the Judiciary.

By Mr. McDERMOTT: Memorial of Chicago Federation of Labor, urging the selection of an impartial commission to investigate the Steamboat-Inspection Service; to the Committee on Interstate and Foreign Commerce.

By Mr. McLEMORE: Memorial of citizens of Corsicana, Tex., on preparedness; to the Committee on Military Affairs.

By Mr. MEEKER: Petitions of American Federation of Musicians; Photo-Engravers' Union, No. 10; Martha Washington Council No. 7; International Brotherhood of Bookbinders, No. 32; J. J. Seithel; J. G. Boden; Urbain Le Gast; A. Miller; Samuel A. Dienstbach, all of St. Louis, Mo., and also International Association of Machinists; National Federation of Post Office Clerks; and building trades' department and mining department of the American Federation of Labor, all of Washington, D. C., praying for the passage of the Burnett immigration bill; to the Committee on Immigration and Naturalization.

Also, petition of Southwestern Lumbermen's Association, of Kansas City, Mo., favoring passage of the Stevens bill; to the Committee on Interstate and Foreign Commerce.

Also, petition of citizens of St. Louis, Mo., favoring passage of the militia pay bill; to the Committee on Military Affairs.

Also, petition of International Union of the United Brewery Workmen, Local 43 and Local 95, against national prohibition; to the Committee on the Judiciary.

By Mr. MILLER of Delaware: Memorial of Methodist Episcopal Church, of Rehoboth Beach, Del., favoring national prohibition; to the Committee on the Judiciary.

By Mr. MOORE of Pennsylvania: Petition of Sunday school of St. John's Methodist Episcopal Church and citizens of Philadelphia, Pa., favoring national prohibition; to the Committee on the Judiciary.

By Mr. MORIN (by request): Memorial of Washington (D. C.) Lodge, No. 15, Benevolent and Protective Order of Elks, against prohibition in the District of Columbia; to the Committee on the District of Columbia.

Also (by request), memorial of Griffith Durney & Co., of San Francisco, favoring an appropriation for improvements in Yosemite National Park; to the Committee on Appropriations.

Also (by request), memorial of Penn Mutual Life Insurance Co., of Philadelphia, Pa., favoring House bill 9320; to the Committee on the Judiciary.

Also (by request) memorial of R. F. D. News, of Washington, D. C., in reference to postal legislation; to the Committee on the Post Office and Post Roads.

By Mr. NEELY: Petitions of citizens of Glady and Bemis, W. Va., favoring national prohibition; to the Committee on the Judiciary.

By Mr. NORTH: Petitions of citizens of Armstrong and Jefferson Counties and Clarion and Punxsutawney, Pa., favoring national prohibition; to the Committee on the Judiciary.

Also, petition of citizens of East Brady, Pa., favoring national prohibition; to the Committee on the Judiciary.

By Mr. OAKEY: Memorial of Riverside Council, No. 26, Knights of Columbus, of Windsor Locks, Conn., favoring October 12 as a legal holiday in the District of Columbia; to the Committee on the District of Columbia.

Also, petition of Baptist Church of Plainville, Conn., favoring censorship of motion-picture films; to the Committee on Education.

By Mr. OVERMYER: Petitions of the Presbyterian Church of Peru and 25 citizens of New London, Ohio, favoring national prohibition; to the Committee on the Judiciary.

By Mr. PRATT: Petition of the Business Men's Association of Elmira, N. Y., favoring the passage of the Stevens-Ashurst standard-price bill, H. R. 9671; to the Committee on Interstate and Foreign Commerce.

By Mr. RAKER: Memorial of Common Council of San Diego, Cal., in support of resolution granting right of way to city of San Diego for reservoir purposes over certain portions of the Cleveland National Forest and Captain Grande Indian Reservation, in San Diego County, Cal.; to the Committee on the Public Lands.

By Mr. ROWE: Petition of business firm of New York, favoring tax on dyestuffs; to the Committee on Ways and Means.

Also, memorial of the Associated Chambers of Commerce of the Pacific Coast, relative to appropriation for two new vessels for United States Coast and Geodetic Survey; to the Committee on Appropriations.

Also, petition by Alex. S. Locke, against power plant near Washington Monument on Potomac River; to the Committee on the District of Columbia.

Also, petition of business men of the State of New York, relative to river and harbor improvements in State of New York; to the Committee on Rivers and Harbors.

Also, memorial of Pittsburgh Hungarian Political Club, relative to interference with mails by the belligerent powers in Europe; to the Committee on Foreign Affairs.

Also, memorial of New York Zoological Society, relative to game sanctuaries in national forests; to the Committee on Agriculture.

By Mr. RUSSELL of Ohio: Petitions of citizens and congregation of Methodist Episcopal Church of Spencerville, and 15 citizens of Rockford, and United Brethren Church, all in the State of Ohio, favoring national prohibition; to the Committee on the Judiciary.

By Mr. SMITH of Michigan: Papers to accompany House bill 11062, for the relief of John R. Roe; to the Committee on Invalid Pensions.

By Mr. SMITH of Minnesota: Memorial of Minneapolis (Minn.) Grain Commission Merchants' Association, favoring Moss grain bill; to the Committee on Agriculture.

Also, petition of members of Trinity Methodist Episcopal Church, Bethlehem Presbyterian Church, and Prospect Park Methodist Episcopal Church, of Minneapolis, Minn., favoring national prohibition; to the Committee on the Judiciary.

By Mr. SMITH of Texas: Memorial of citizens of Haskell County, Tex., indorsing preparedness; to the Committee on Military Affairs.

By Mr. SNYDER: Petition of Robert Fraser, of Utica, N. Y., favoring tax on dyestuffs; to the Committee on Ways and Means.

Also, memorial of Legislature of the State of New York, against the imposition of a Federal inheritance tax in the State of New York; to the Committee on Ways and Means.

Also, petition of International Brewery Workmen, of Schenectady, N. Y., against national prohibition; to the Committee on the Judiciary.

By Mr. STEENERSON: Petition of Greenwood Farmers' Club, of Clearbrook, Minn., against measure proposed by joint committee on rural credits; to the Committee on Banking and Currency.

By Mr. STINESS: Petition of Methodist Church of Hillsgrove, R. I., favoring national prohibition; to the Committee on the Judiciary.

Also, papers to accompany House bill 11697, granting an increase of pension to Sarah K. Northrup; to the Committee on Invalid Pensions.

By Mr. TILSON: Petition of Ella Rush Murray and others, of New Haven, Conn., for the Susan B. Anthony amendment; to the Committee on the Judiciary.

Also, petition of Cora E. Phelps and others, of Centerville, Conn., urging adoption of Susan B. Anthony amendment; to the Committee on the Judiciary.

By Mr. TINKHAM: Petition of Farmington Manufacturing Co., of Boston, Mass., indorsing House bill 702, the dyestuffs bill; to the Committee on Ways and Means.

By Mr. VARE: Memorial of Manufacturers' Club of Philadelphia, Pa., condemning Underwood tariff and relative to proposed tariff commission; to the Committee on Ways and Means.

By Mr. WEBB: Memorials of Sunday School of Guayama, P. R.; inmates of house of correction, Holmesburg Junction, Philadelphia, Pa.; and 261 citizens of Petersburg, Alaska, favoring national prohibition; to the Committee on the Judiciary.

## SENATE.

### FRIDAY, *February 18, 1916.*

The Senate met at 10.30 o'clock a. m.

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, we have to do with Thee in the discharge of every duty of life. May the vision of Thy glory never fade from our minds as we deal with the processes of time and put ourselves in the channels of human thought. Give us that ministry from on high which will continually elevate our thoughts and refine our feelings. Bring us into sweeter fellowship one with the other and into divine communion with Thyself. May we live out our lives in the light of Thy countenance and seek to perform, first and above all, the will of God, knowing that in Thy will is all the prosperity and blessing of life. We ask for Jesus' sake. Amen.

Mr. GALLINGER. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

| | | | |
|---|---|---|---|
| Ashurst | Harding | Myers | Smith, Md. |
| Beckham | Hollis | Nelson | Smith, S. C. |
| Brandegee | Hughes | Norris | Smoot |
| Broussard | Husting | O'Gorman | Sterling |
| Catron | Johnson, Me. | Overman | Stone |
| Chamberlain | Johnson, S. Dak. | Owen | Sutherland |
| Clapp | Jones | Page | Thomas |
| Clarke, Ark. | Kenyon | Ransdell | Thompson |
| Colt | Kern | Saulsbury | Tillman |
| Curtis | Lane | Shafroth | Wadsworth |
| Dillingham | Lodge | Sheppard | Williams |
| Gallinger | McCumber | Sherman | |
| Gronna | McLean | Smith, Ga | |

Mr. SMITH of Georgia. I desire to state that my colleague [Mr. HARDWICK] is out of the city, and that he is paired with the junior Senator from Kansas [Mr. CURTIS].

Mr. HOLLIS. I was requested to announce that Senators CHILTON, FLETCHER, WALSH, CUMMINS, and WORKS are conducting a hearing, and that they are therefore absent on official business of the Senate.

Mr. SMOOT. I desire to announce the unavoidable absence of the junior Senator from Michigan [Mr. TOWNSEND]. I will allow this announcement to stand for the day.

The VICE PRESIDENT. Fifty Senators have answered to the roll call. There is a quorum present. The Secretary will read the Journal of the preceding session.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. STONE, and, by unanimous consent, the further reading was dispensed with, and the Journal was approved.

#### DISPENSING WITH MORNING BUSINESS.

Mr. STONE. Mr. President, the Senator from South Dakota [Mr. STERLING] and the Senator from Massachusetts [Mr. LODGE] have given notice that they desire to speak on a certain resolution which comes over and is now on the table. They have expressed a desire to proceed with their addresses this morning. From what they tell me, their addresses will not be protracted. I rise to ask if the ordinary morning business may not be dispensed with?

Mr. SMOOT. I suggest that the Senator ask unanimous consent that it be dispensed with.

Mr. STONE. That is what I mean to do. I will put my request in that form. I ask unanimous consent that the morning business may be dispensed with.

The VICE PRESIDENT. Shall morning business be dispensed with by unanimous consent? The Chair hears no objection, and it is dispensed with. The Senator from South Dakota.

#### ARMED MERCHANT SHIPS.

Mr. STERLING. I ask unanimous consent for the reading of Senate resolution 100.

The VICE PRESIDENT. The resolution will be read.

The Secretary read the resolution (S. Res. 100) submitted by Mr. STERLING on the 15th instant, as follows:

*Resolved*, That the Senate of the United States views with anxious concern the late order of the German Admiralty that armed merchant ships of any of the entente allies, without distinction as to whether armed for merely defensive purposes or not, may be torpedoed and sunk without warning after the 29th of the present month; that such order, if put into effect, will constitute a more serious menace to the legitimate commerce of all neutral nations, and particularly to that of the United States, than any act of any of the belligerents in the present European war, and will be in contravention of a right long recognized by the principal commercial nations of the world, including our own; that the protection of the interests of neutral commerce on the high seas in time of war has been the subject of many treaties and conventions and is a favored subject in international law, and that through these instrumentalities the freedom of such commerce and the cause of civilization itself have been greatly promoted; that any recognition on the part of the United States of the claim that the necessities of war in general or the exigencies and conditions of modern submarine warfare are warrant for the order of the German Admiralty would be a step backward, and so far an abandonment of our contention for the freedom of the seas. Moreover, such recognition would contravene the policy of the Government of the United States as expressed in the notes of our State Department to the British and German Governments, respectively, on the 26th of September and November 7, 1914; and that at this time, in the history of the present war, there should be no acquiescence in the order of the German Admiralty on the part of this or any other neutral power.

Mr. STERLING. Mr. President, I will ask that I may be allowed to proceed with my remarks without interruption.

Mr. President, at the time of introducing this resolution I thought it appropriate that the Senate give some expression of its opinion in regard to our latest and, as it seemed to me, under all the conditions, our gravest international crisis.

The developments since the resolution was introduced have, to some extent, allayed the anxiety felt at that time, for, notwithstanding every sign and intimation given out through the

press to the contrary, we are informed, through the press of last Wednesday, that—

> While surprise was expressed regarding the semiofficial disclosure of the position of the Government, officials were quick to say that they themselves were surprised that the attitude of this Government should have been misunderstood anywhere, and surprised also that the impression should have become current that the Government would alter the existing international law regarding armed merchantmen and attempt to change the law during the war without the assent of the contending belligerents.

The "semiofficial disclosure" referred to included the statement that it was not the Government's intention to alter the rules of existing international law relating to the rights of armed merchantmen.

So the Government was delaying and hesitating while the world was wondering, and admittedly the "impression became current" that we were about to accede to the German admiralty declaration and consent that the armed merchantman should, for all the purposes of attack and war upon it, have the status of a man-of-war.

I confess to have shared in that "current impression," and, entertaining the view that such a course would be a great mistake and involve consequences more serious than any that had yet disturbed us, grave as some of them have been, I offered the resolution.

There has been some clearing of the atmosphere; but there yet remain some principles concerning which there may be doubt, and which may be appropriately considered under the resolution.

It is not a remote inference that the present attitude of the German admiralty in regard to the right to attack and destroy armed merchantmen without warning was encouraged, if not invited, by the memorandum of our State Department to the entente powers. One paragraph of that memorandum, according to press report, is in words as follows:

> I should add that my Government is impressed with the reasonableness of the argument that a merchant vessel carrying armament of any sort, in view of the character of the submarine warfare and the defensive weakness of undersea craft, should be held to be an auxiliary cruiser and so treated by a neutral as well as by a belligerent Government, and is seriously considering instructing its officials accordingly.

Mr. President, I appreciate the difficulties of diplomacy in these trying and perilous times, and whether the policy of this administration has been from the beginning of the war well defined and certain or whether it has been vague and vacillating; whether it has been firm, consistent, and strong; or whether through one influence or another it has at first appeared bold and uncompromising in behalf of a great principle, but in the end has yielded the substance for the word, I shall not here attempt to say nor stop to analyze. But there is some record of what has transpired in our conduct of foreign affairs during the last 18 months. That record any man may read and in the light of history and world affairs may draw his own conclusions.

But, Mr. President, the paragraph from the memorandum of the State Department suggests a dangerous and vicious principle. Without reference to any nation here involved the proposal therein contained would subordinate the interests of commerce to the interests of the submarine and, in consequence, to the interests of that nation whose strength on the high seas lay in the superiority of her submarine fleet. Under the operation of this principle the legitimate commerce of a half dozen other opposing nations as between themselves as well as their commerce with neutral nations carried in enemy merchantmen might if wholly defenseless be made the easy prey of that power which was superior in submarine strength and which chose to be remorseless in its use.

Less than two weeks from this time, according to the new declarations of the central powers, the commanders of their submarines will consider armed merchant ships of the entente allies to be warships and will treat them accordingly. Under the rules of international law an enemy warship may be torpedoed and sunk with all on board without warning or notice. It is not necessary that it be in action to warrant such procedure. It may be lying peacefully at anchor, its situation such as in no way to endanger the lives or property of the enemy army or fleet or enemy civilians. But it is a warship; its mission is to fight, and though now at rest it has potentialities of destruction and loss, and this is warrant for its destruction, accomplished by surprise or by stealth as well as in open action.

But no such right has ever existed in regard to armed merchantmen belonging to citizens of one of the belligerents. From early times they have been permitted to arm for defensive purposes. The practice may have had its origin when piracy on the high seas was more prevalent than now; but, even so, usage and international law founded on the necessities of commerce have authorized such armament for the purpose of resisting not only piratical attack but the attack as well of an enemy vessel, whether merchantman or man-of-war.

It is only when attacked that, under the rule, the merchant vessel may resist. The demand to come to a stop for the purposes of search is not an attack; the shot across the bow is not an attack, but a warning, to which armed resistance by the merchantman would not be lawful. It is only when attacked and the purpose to injure, kill, or destroy is evident that the merchant vessel may open with her guns.

The rule was in the interest of legitimate commerce, for if by reason of her armament she made successful resistance, or because of knowledge of her armament no attack was made on the merchant vessel, it was so much saved or gained for that commerce, which itself grew out of peaceful pursuits and in turn ministered to the arts of peace.

Mr. President, the principle of the right of merchantmen to arm for defensive purposes is too old, too well established, and has proven too wholesome in the interests of commerce for this Government now, in the interests of a new and terrible engine of war, but which has a certain "defensive weakness," to be persuaded or cajoled into a surrender of the principle.

The rule and the precedents are found in numerous authorities. Oppenheim, in Volume II, section 85, states it as follows:

> In a sense the crews of merchantmen owned by subjects of the belligerents belong to the latter's armed forces. For those vessels are liable to be seized by enemy men-of-war, and if attacked for that purpose they can defend themselves, can return the attack, and eventually seize the attacking men-of war. The crews of merchantmen become in such cases combatants and enjoy all the privileges of the members of armed forces. But unless attacked they must not commit hostilities, and if they do so they are liable to be treated as criminals, just like private individuals committing hostilities in land warfare.

Hall, in his work on International Law, page 524, sixth edition, states, in effect, the same principle, as follows:

> Noncommissioned vessels have a right to resist when summoned to surrender to public ships or privateers of the enemy. The crews, therefore which make such resistance have belligerent privileges; and it is a natural consequence of the legitimateness of their acts that, if they succeed in capturing their assailant, the capture is a good one for the purpose of changing the ownership of the property taken and making the enemies prisoners of war.

By noncommissioned ships is evidently meant private, in contradistinction to public ships, to which class, of course, all naval or war vessels of the Government belong. Hall refers to the contention of some writers that a noncommissioned ship has also a right to attack, and cites Wheaton as authority for the proposition. But note at least how broad the rule laid down by Hall, that the vessel need not wait for actual attack, but that the right to resist follows the summons to surrender.

Our own Supreme Court applied the principle in two noted cases early in the history of our Government. The cases recognize the right of a merchantman to be armed for defensive purposes and show how jealously the court guarded the interests of neutral commerce. The cases were those of the *Nereide* and *Atalanta*. The *Nereide* was a British armed ship mounting 10 guns and was under charter by a Spanish subject. She was captured by a United States privateer after an action lasting 15 minutes. A part of the cargo was owned by a neutral, who made claim for the same, and the question in the case was whether a neutral might put the goods on board an armed belligerent merchantman. The court, speaking by Chief Justice Marshall, held that the belligerent had a perfect right to arm in his own defense and this did not interfere with that of the neutral to transport his goods in a belligerent vessel.

The case of the *Atalanta*, decided in 1818 by the same great jurist, rested on similar facts. The capture was by the United States man-of-war, *The Wasp*. The cargo, which was condemned as prize, was claimed by a French merchant, but on appeal to the Circuit Court restitution was decreed and the decree was sustained by the Supreme Court of the United States. According to the concurring opinion of Mr. Justice Johnson in this case the hostile vessel had a right to resist. "It did not impair any right of search, or of capture, or of adjudication. The right of capture applied only to enemy ships or goods; the right of search to enemy goods on board a neutral carrier. Neither of these rights was impaired. Nor was the right of adjudication impaired. The neutral did not deny the right of the belligerent to decide the question of proprietary interest. If the property was really neutral, it did not matter to the belligerent who carried it," and our court has held that there is no valid distinction between the right of a neutral merchant to load his goods on board an enemy merchant ship and the act of a neutral merchant who ships his goods in an armed vessel belonging to the enemy. The opinion of Chief Justice Marshall is "that a neutral merchant has a right to charter and load his goods on board a belligerent armed vessel without forfeiting his neutral character." In this respect our own court, in its desire to protect neutral commerce,

has gone beyond the English authorities, it having been there held that if the neutral "puts his goods on board a ship of force which he has every reason to presume will be defended against the enemy by that force, the case then becomes very different. He betrays an intention to resist visitation and search which he could not do by putting them on a mere merchant vessel, and so far as he does this he adheres to the belligerent. If a party acts in association with a hostile force—and this, I suppose, would apply to an enemy convoy—and relies upon that force for protection, he is for that occasion to be considered as an enemy."

But, when the English court speaks of a "ship of force," it does not mean a merchantman armed simply for defensive purposes but refers in such language to a man-of-war or to a vessel armed and equipped for offensive purposes. English practice and decisions are in accordance with the generally accepted rule.

The case of Hooper against United States, decided by the Court of Claims in 1887, was one of the French spoliation cases, and it was there laid down that the arming of a merchant vessel strictly for defense whose only object was trade did not authorize condemnation even if a license under acts of Congress were found on board.

The license of the act of Congress might import a national character, and if there was reason at all for regarding it as not entitled to be armed, it would be because it had that license from the Government.

In Cushing against United States, another French spoliation case, the same principle is laid down. The court quotes approvingly from the opinion of Judge Bee, of the district court of South Carolina, in a case decided in 1795, as follows:

> The laws of neutrality and nations, in no instance that I know of, interdict neutral vessels from going to sea armed and fitted for defensive war. All American Indiamen are armed, and it is necessary they should be so. When the wisdom of Congress substituted an embargo for a declaration of hostilities preparations of this sort might have been seen in every State in the Union. From the instructions and circular letter to the different collectors it was clear that the vessels of the belligerent powers alone were comprehended in the restrictions. Even they might arm for defense; and if, as respected French vessels, it should appear doubtful whether their equipment was applicable to war or commerce, such equipment was declared lawful.

It might be fairly said that by implication the right of an armed merchant vessel to arm for defensive purposes is recognized by our own statute relative to neutrality. Section 5289, Revised Statutes, provides that the—

> owners or consignees of every armed vessel sailing out of the ports of the United States, belonging wholly or in part to citizens thereof, shall, before clearing out the same, give bond to the United States, with sufficient sureties, in double the amount of the value of the vessel and cargo on board, including her armament, conditioned that the vessel shall not be employed by such owners to cruise or commit hostilities against the subjects, citizens, or property of any foreign prince or State, or of any colony, district, or people, with whom the United States are at peace.

The statute, it will be seen, applies to vessels belonging in whole or in part to citizens of the United States. It does not prevent them from arming the vessel; and the statute applies only to armed vessels. Nor does it prohibit them from resisting attack by an enemy armed vessel, or, for that matter, from making an attack on such vessel. The owners, being private owners and citizens of the United States, and the vessel being armed, are, in effect, under bonds to keep the peace as to the vessel of any nation with which the United States is at peace.

The opinion in the case of United States *v.* Quincy (6 Pet., 466), while brought under a penal statute forbidding the fitting out and arming of any ship or vessel for the purpose of committing hostilities against the subjects, citizens, or property of any foreign State or people with whom the United States are at peace, is a fair construction of section 5289, and is important in showing the emphasis put upon the needs of commerce in the decision. I quote therefrom as follows:

> The law does not prohibit armed vessels belonging to citizens of the United States from sailing out of our ports; it only requires the owners to give security (as was done in the present case) that such vessels shall not be employed by them to commit hostilities against foreign powers at peace with the United States.
>
> The collectors are not authorized to detain vessels, although manifestly built for warlike purposes and about to depart from the United States, unless circumstances shall render it probable that such vessels are intended to be employed by the owners to commit hostilities against some foreign power at peace with the United States.

Here is that clause in the decision to which I call especial attention because of its emphasis of the needs of commerce:

> All the latitude, therefore, necessary for commercial purposes is given to our citizens; and they are restrained only from such acts as are calculated to involve the country in war.

And now, Mr. President, supported by these clear rules of international law and these decisions of the courts in which they are applied and enforced, come the almost "up-to-date" pronouncements of our own State Department.

The correspondence between the Government of Great Britain and our own in the autumn of 1914, after the breaking out of the war, shows entire acquiescence in the position of Great Britain that her merchantmen might be armed for defensive purposes and that it would not be "in accordance with neutrality and international law to detain in neutral ports merchant vessels armed with purely defensive armaments." Let me read from a memorandum from the British Embassy here made September 9, 1914, valuable for the authorities it cites:

> The German Government have openly entered upon the policy of arming merchant ships as commerce destroyers and even claim the right to carry out the process of arming and equipping such merchant ships in neutral harbors or on the high seas. It is in consequence of this that the British Admiralty have been compelled, in accordance with the practice following in the great wars of history, to arm a certain number of British merchant ships for self-defense only.
>
> The practice of arming ships in self-defense—

Says this memorandum—

> is very old and has been ordered by royal proclamations in England from early in the seventeenth century. During the Napoleonic wars the right to arm in self-defense was recognized by British and United States prize courts in the cases of the *Catherine Elizabeth* (British) and the *Nereide* (United States). The right of a merchant ship of a belligerent to carry arms and resist capture is clearly and definitely laid down in modern times. The right of resistance of merchant vessels is recognized by the United States naval war code, by the Italian code for mercantile marine, and by the Russian prize regulations. Writers of authority in many European countries also recognize the right. To mention a German authority, it may be stated that the late Dr. Perels, at one time legal adviser to the German Admiralty, quotes with approval article 10 of the United States naval war code, which states "the prisoners of merchant vessels of an enemy who, in self-defense and in protection of the vessel placed in their charge, resist an attack are entitled to the status of prisoners of war."

And that in itself recognizes the principle of the right of a merchantman to arm for defensive purposes.

> The Institute of International Law at its meeting in 1913 prepared and adopted a manual of the laws of naval warfare, article 10 of which expressly declared that private ships are allowed to employ force to defend themselves against the attack of an enemy's ship.

And on November 7, 1914, in answer to the protest of the German foreign office against our rule permitting ships of belligerent nations, though armed for defensive purposes only, to be treated as merchant ships, the then acting and our now esteemed Secretary of State replied in part as follows:

> Your 515, October 15. The Government of the United States is obliged to dissent from the views of the German Government as expressed in your telegram in regard to the treatment to be accorded armed merchant vessels of belligerent nationality in neutral ports. The practice of a majority of nations and the consensus of opinion by the leading authorities on international law, including many German writers, support the proposition that merchant vessels may arm for defense without losing their private character and that they may employ such armament against hostile attack without contravening the principles of international law.

As long as the right to arm a merchant vessel for defensive purposes exists nothing can more surely safeguard the interests of ourselves as a neutral nation and of all belligerent nations than those set forth in the circular of the State Department with reference to the status of armed merchant vessels. One might complain of their strictness, as, for example, I do not see why under a rule permitting a vessel to arm for defensive purposes the presence of an armament and ammunition on board a merchant vessel should create a presumption that the armament is for offensive purposes, other signs and outward appearances denoting that she was not a war vessel.

Without reading I submit this circular and ask that it may be printed as a part of my remarks.

The VICE PRESIDENT. Without objection, it is so ordered.

The circular referred to is as follows:

CIRCULAR OF THE DEPARTMENT OF STATE OF THE UNITED STATES WITH REFERENCE TO THE STATUS OF ARMED MERCHANT VESSELS.

(Issued September 19, 1914.)

(A) A merchant vessel of belligerent nationality may carry an armament and ammunition for the sole purpose of defense without acquiring the character of a ship of war.

(B) The presence of an armament and ammunition on board a merchant vessel creates a presumption that the armament is for offensive purposes, but the owners or agents may overcome this presumption by evidence showing that the vessel carries armament solely for defense.

(C) Evidence necessary to establish the fact that the armament is solely for defense and will not be used offensively, whether the armament be mounted or stowed below, must be presented in each case independently at an official investigation. The result of the investigation must show conclusively that the armament is not intended for and will not be used in offensive operations.

Indications that the armament will not be used offensively are:

1. That the caliber of the guns carried does not exceed 6 inches.
2. That the guns and small arms carried are few in number.
3. That no guns are mounted on the forward part of the vessel.
4. That the quantity of ammunition carried is small.
5. That the vessel is manned by its usual crew and the officers are the same as those on board before war was declared.
6. That the vessel intends to and actually does clear for a port lying in its usual trade route or a port indicating its purpose to continue in the same trade in which it was engaged before war was declared.
7. That the vessel takes on board fuel and supplies sufficient only to carry it to its port of destination, or the same quantity substantially

which it has been accustomed to take for a voyage before war was declared.

8. That the cargo of the vessel consists of articles of commerce unsuited for the use of a ship of war in operations against an enemy.

9. That the vessel carries passengers who are as a whole unfitted to enter the military or naval service of the belligerent whose flag the vessel flies, or of any of its allies, and particularly if the passenger list includes women and children.

10. That the speed of the ship is slow.

(D) Port authorities, on the arrival in a port of the United States of an armed vessel of belligerent nationalitiy claiming to be a merchant vessel should immediately investigate and report to Washington on the foregoing indications as to the intended use of the armament, in order that it may be determined whether the evidence is sufficient to remove the presumption that the vessel is and should be treated as a ship of war. Clearance will not be granted until authorized from Washington, and the master will be so informed upon arrival.

(E) The conversion of a merchant vessel into a ship of war is a question of fact which is to be established by direct or circumstantial evidence of intention to use the vessel as a ship of war.

Mr. STERLING. If it be said that some of these decisions are old and that the practice of arming merchantmen has fallen into desuetude, I reply that the last assertion of the principle—the right—is not old; the latest text writers on international law announce it as present-day law, and our State Department treats it, as I have shown, as one of the rules of international law, as much so as that rule which forbids the invasion of neutral territory by the armed forces of a belligerent.

Shall we deny to Great Britain now the right to arm her merchant fleet in the way prescribed by the British Admiralty, as explained by Mr. Winston Churchill less than a year ago in the House of Commons? He said:

They are armed solely for defensive purposes. The guns are mounted in the stern and can only fire on a pursuer. Vessels so armed have nothing in common with merchant vessels taken over by the Admiralty and converted into commissioned auxiliary cruisers, nor are these vessels privateers or commerce destroyers in any sense. They are exclusively ships which carry food to this country * * * and the instructions of these armed merchant vessels will direct them to surrender if overtaken by ships of war. They are, however, thoroughly capable of self-defense against an enemy's armed merchantman. The fact of their being so armed will probably prove an effective deterrent alone on the depredations of armed merchantmen and an effective protection for these ships and for the vital supplies they carry.

Mr. President, of all the peoples in the wide world, it ill becomes us to deny Great Britain that right now or to spend one hour in diplomatic haggling to secure her renunciation of it. Our export trade has been growing by leaps and bounds. Each month has been exceeding by many millions the last preceding month. The manufacturers of arms and munitions of war are not the only beneficiaries but the products of the farm, the forest, the mine, find a foreign demand and market never in the aggregate equaled. But with our own poor and inadequate merchant marine, how would it have been were England not mistress of the seas? Or suppose the ships flying the American flag were multiplied many times and the naval strength of the respective belligerents now at war were nearly matched; what of the annoyances, what of the desperate complications, the injury to trade, the chances of war as compared with the grievances suffered from England now and against which we so loudly protest, although assured of reparation for every material or pecuniary loss which she may inflict by reason of the exigencies of war—and she has caused loss of no other kind. At a banquet given by the city of Ghent to the commissioners who joined in the treaty, John Quincy Adams said:

To the city of peace: may the doors of the Temple of Janus here closed be not opened again for a hundred years.

Nor have they been; although the treaty of Ghent itself settled nothing save the war of 1812. The cause for which the war was fought, together with the boundaries to the northeast and the northwest, the fisheries, the Oregon question, the question of disarmament on the Great Lakes, any one of which might easily have been casus belli between nations not of common origin and speech and institutions and ideals, were all, with a hundred more, settled peacefully by diplomacy or by arbitration. The hundred years have passed and the doors of Janus are still closed. God grant they may never be opened.

But, Mr. President, can we be "impressed with the reasonableness of the argument that a merchant vessel carrying armament of any sort, in view of the character of submarine warfare and the defensive weakness of underseas craft, should be held to be an auxiliary cruiser and so treated by a neutral as well as by a belligerent Government"?

Is it reasonable, then, that a British or French merchant vessel carrying four small guns astern for defensive purposes and bringing their cargoes of British or French goods for consumption by our people and ready to carry away food supplies produced by our people for their people or their armies—is it reasonable because of the "defensive weakness" of any murderous underseas craft that we should treat them as war ships and intern them during the war in our ports, neither receiving the goods they carry nor selling them ours—and all because of the defensive weakness of the favored submarine?

Mr. President, I am not insensible of the fact that some may be moved to favor this policy on grounds of humanity, the saving of life, and I sympathize most deeply with such a motive; but the record of the past does not give assurance that the human cargo on unarmed vessels will be protected. Moreover, another "weakness" of the submarine is its inability to furnish a crew to bring the vessel into port—and if so under present conditions, what port? It can not tow the vessel into any port. Its mission, then, is to destroy the vessel. It claims the right under international law. To do this it orders passengers to take to the boats, and there may be thousands of them—and there they are on the open sea, in a gale, far from land, all for a chance to destroy an enemy ship which carries neutral passengers and commerce as well as enemy commerce.

The vice of the suggestion of the State Department lies in this: That because the deadly submarine is not strong on defense you must therefore make the merchant ship absolutely helpless against the submarine.

And so it is on such reasoning that a late invention, the most deadly in its sea operations that can be conceived, was about to be accorded, it was feared, exemption against defense and full freedom without fear of injury on the part of its officers and crew to set adrift, exposed to the perils of the sea, its noncombatant and neutral passengers, and then without hearing or judgment of prize court send the argosy itself, richly laden with the produce of a neutral land on its way to feed and clothe those of perhaps another neutral land, to the bottom of the ocean.

Admit that such reasoning is right and that such a principle should prevail and you go back to the Middle Ages or beyond and set at naught the work of all the conventions and treaties and all the labors of all the international jurists for the protection of neutral trade from Grotius down to the present time. No; instead of yielding to the claims of the admiralty their very mention should meet with vigorous protest. Instead of denying this old right of the seas we should now of all times vie with Great Britain or any other nation in seeking to uphold it. It is possible some danger will be incurred, but I do not much fear dangers will be increased beyond what they are at present. But I do know that let another sea horror occur in which American lives are involved and this administration and the world will know that there is a real America, not supine, apathetic, and hesitating, but strong, militant, if need be, and ready to respond to those noble impulses of liberty and humanity which have been our heritage from the beginning. If, perchance, the wantonness and inhumanity of others shall yet cost us something, the sacrifice may not have been in vain. For, to peace commissioners, to delegates to The Hague conventions, to international jurists, there will be committed a new problem and a new cause, and that will be to limit the hostile operations, at least the destructive operations, of the murderous submarine to war craft, be it dreadnought, cruiser, torpedo boat, or strictly naval auxiliary, and to prohibit forever the destruction of commerce and passenger carrying vessels by means and at risks that shock humanity and shame our civilization.

Mr. LODGE. Mr. President, I can not hope to add anything to the admirable and forcible argument to which the Senate has just listened, but the question involved in the resolution of the Senator from South Dakota [Mr. STERLING] is of such very great importance that I think it can do no harm if, in my own way, I briefly reiterate some of the arguments which he has so well and strongly presented.

There have been reports lately in the newspapers and also some discussion in the press as to the question of armed merchantmen. There have also been unofficial intimations that the administration was considering a change of the attitude of this Government upon the subject. Indeed, this has gone so far that there was printed in the Chicago Herald what purported to be a note from our Government addressed to belligerents in regard to the status of the armed merchantman. I am aware that this publication is not official, but we have fallen under this administration into the deplorable practice of receiving all our communications as to foreign relations through the newspapers. It is very difficult to believe that this letter, which I shall not read in full, but which I shall ask to have printed at this point as a part of my remarks, can be correctly given.

The VICE PRESIDENT. In the absence of objection, the article referred to by the Senator from Massachusetts will be printed in the RECORD. The Chair hears none.

The article referred to is as follows:

NEW UNITED STATES NOTE DENIES RIGHT TO ARM LINERS FOR DEFENSE—USE OF SUBMARINES IS UPHELD.

The Chicago Herald presents herewith the note which, by direction of the Secretary of State, American ambassadors addressed to the

European belligerents in connection with the recognition of submarines as commerce destroyers and the desirability of the disarmament of belligerent merchantmen.

The note was dated January 18, and has been received by the Herald from a European correspondent. Its text is as follows:

"It is a matter of the deepest interest to my Government to bring to an end, if possible, the dangers of life which attend the use of submarines as at present employed in destroying enemy commerce on the high seas, since on any merchant vessel of belligerent nationality there may be citizens of the United States who have taken passage or members of the crew in the exercise of their recognized rights as neutrals. I assume your Government is equally solicitous to protect their nationals from the exceptional hazards which are presented by their passage on merchant vessels through these portions of the high seas in which undersea craft of the enemy are operating.

UPHOLDS SUBMARINES' USE.

"While I am fully alive to the appalling loss of life among noncombatants, regardless of age or sex, which has resulted from the present method of destroying merchant vessels without removing the persons on board to places of safety, and while I view that practice as contrary to those humane principles which should control belligerents in the conduct of their naval operations, I do not feel that a belligerent should be deprived of the proper use of submarines in the invasion of commerce, since those instruments of war have proved their effectiveness in this practical branch of warfare on the high seas.

"In order to bring submarine warfare within the general rules of international law and the principles of humanity without destroying their efficiency in their destruction of commerce, I believe that a formula may be found which, though it may require slight modification of the precedent generally followed by nations prior to the employment of the submarines, will appeal to the sense of justice and fairness of all the belligerents in the present war.

"Your Government will understand that in seeking the formula or rule of this nature I approach it of necessity from the point of view of a neutral, but I believe that it will be equally efficacious in preserving the lives of noncombatants on merchant vessels of belligerent nationalities.

BASIS OF PROPOSALS.

"My comments on this subject are predicated on the following propositions:

"First. A noncombatant has a right to traverse the high seas in a merchant vessel entitled to fly a belligerent flag, to rely upon the observance of the rules of international law and principles of humanity, and if the vessel is approached by a naval vessel of another belligerent, the merchant vessel of enemy nationality should not be attacked without being ordered to stop.

"Second. An enemy merchant vessel, when ordered to do so by a belligerent submarine, should immediately stop.

"Third. Such vessel should not be attacked after being ordered to stop unless it attempts to flee or to resist. In case it ceases to flee or resist, the attack should be discontinued.

"Fourth. In the event that it is impossible to place a prize crew on board of an enemy merchant vessel or to convoy it into port, the vessel may be sunk, provided the crew and passengers have been removed to a place of safety.

OBSTACLES FOR SUBMARINES.

"In complying with the foregoing principles, which, in my opinion, embody the principal rule, the strict observance of which will insure the life of a noncombatant on a merchant vessel which is intercepted by a submarine, I am not unmindful of the obstacles which would be met by undersea craft as commerce destroyers.

"Prior to the year 1915 belligerent operations against enemy commerce on the high seas had been conducted with cruisers carrying heavy armaments. In these conditions international law appeared to permit a merchant vessel to carry armament for defensive purposes without lessening its character as a private merchant vessel. This right seems to have been predicated on the superior defensive strength of ships of war, and the limitation of armament to have been dependent on the fact that it could not be used effectively in offense against enemy naval vessels, while it could defend the merchantmen against the generally inferior armament of piratical ships and privateers.

POWERLESS IN DEFENSE.

"The use of the submarine, however, has changed these relations. Comparison of the defensive strength of a cruiser and a submarine shows that the latter, relying for protection on its power to submerge, is almost defenseless in point of construction. Even a merchant ship carrying a small-caliber gun would be able to use it effectively for offense against the submarine.

"Moreover, pirates and sea rovers have been swept from the main trade channels of the sea and privateering has been abolished. Consequently the placing of guns on merchantmen at the present date of submarine warfare can be explained only on the ground of a purpose to render merchantmen superior in force to submarines and to prevent warning and visit and search by them. Any armament, therefore, on a merchant vessel would seem to have the character of an offensive armament.

"If a submarine is required to stop and search a merchant vessel on the high seas, and in case it is found that she is of an enemy character and that conditions necessitate her destruction and the removal to a place of safety of persons on board, it would not seem just nor reasonable that the submarine should be compelled, while complying with these requirements, to expose itself to almost certain destruction by the guns on board the merchant vessel.

INNOCENT LIVES AT STAKE.

"It would, therefore, appear to be a reasonable and reciprocally just arrangement if it could be agreed by the opposing belligerents that submarines should be caused to adhere strictly to the rules of international law in the matter of stopping and searching merchant vessels, determining their belligerent nationality, and removing the crews and passengers to places of safety before sinking the vessels as prizes of war, and that merchant vessels of belligerent nationality should be prohibited from carrying any armament whatsoever.

"In proposing this formula as a basis of conditional declarations by the belligerent Government, I do so in the full conviction that each Government will consider primarily the humane purposes of saving the lives of innocent people rather than the insistence upon doubtful legal rights which may be denied on account of new conditions.

STAND ON QUESTION SOUGHT.

"I would be pleased to be informed whether your Government would be willing to make such a declaration conditioned upon their enemies making a similar declaration.

"I should add that my Government is impressed with the reasonableness of the argument that a merchant vessel carrying an armament of any sort, in view of the character of the submarine warfare and the defensive weakness of undersea craft, should be held to be an auxiliary cruiser and so treated by a neutral as well as by a belligerent Government and is seriously considering instructing its officials accordingly."

Mr. LODGE. I repeat, Mr. President, that it is difficult to believe that this note can be correctly given. It is a hesitating and faltering argument in behalf of clearing away all the laws which have been established by the general assent of civilized nations and by the dictates of humanity in favor of the protection of the lives of neutrals who may have taken passage on a belligerent merchantman. It contains, moreover, one or two statements which it seems incredible should have been put forward by the very accomplished international lawyer who is now our Secretary of State, as, for instance, when he says, according to the newspaper report, that:

> Moreover, pirates and sea rovers have been swept from the main trade channels of the sea and privateering has been abolished. Consequently, the placing of guns on merchantmen at the present date of submarine warfare can be explained only on the ground of a purpose to render merchantmen superior in force to submarines and to prevent warning and visit and search by them.

The Secretary of State must be perfectly aware that the arming of merchantmen for defensive purposes was not confined to defense against pirates and privateers. Nothing is better settled, as I shall show, than that it carried the defense of the belligerent merchantman in case of war against the enemies of its country.

Very recently, it must be said—within the last few days, indeed—contradictions of these reports and of the ground taken in this note, which I have asked to have printed, have appeared; but we have no official information in regard to the matter, and the question is one of such gravity and the issues involved are so serious that I shall venture briefly to call the attention of the Senate to the well-established laws of nations in regard to armed merchantmen and the consistent attitude of this country with reference to this question from the establishment of the Government to the present time.

The armed merchantman—that is, the ship engaged primarily in trade, but carrying armament for its own defense—goes back to a very remote period. The traders of the Mediterranean in the Middle Ages were all armed, because in the unsettled conditions of that time and in waters infested by Barbary pirates a defenseless trader would have had no chance of survival. After Vasco da Gama had rounded the Cape of Good Hope and opened the route to the Far East, after Columbus had discovered America and shown the road to the new West, the merchantmen of Europe began to make their way into these vast regions hitherto unknown. Every voyage was an adventure, and every trader was an explorer and discoverer. The bold men who in search of the profits of commerce made their way into these unknown seas went armed; no other course was possible. They were likely to encounter pirates, savages, and hostile nations, and their safety depended on nothing but their own powers of combat and defense. As the centuries passed trade routes were established and regular lines of commerce were opened, but the dangers encountered by merchantmen in traversing the Pacific and in making their way among the islands of the Orient and of the southern seas were but little diminished. To these perils were added as time went on dangers from the development of privateers whenever there was war between the nations of Europe. Armed merchantmen therefore became of great moment to the commerce of every country. To illustrate the importance attached to this situation it may be noted that the arming of merchantmen was made compulsory in England in the seventeenth century. In 1625 Charles I issued a proclamation compelling merchantmen to arm, and an order in council, under Charles II, on the 14th of December, 1672, made it compulsory upon all merchantmen to be properly armed for self-defense. Similar orders were issued in the eighteenth century so as to save the necessity of convoy, which, of course, limited the possibilities of trade. Under these conditions there grew up as a matter of course a body of law defining the character of armed merchantmen. This practice of arming merchantmen went on with fluctuations, and was so generally recognized that in 1815 Chief Justice Marshall said, in a case to which I shall refer later and more fully:

> In point of fact, it is believed that a belligerent merchant vessel rarely sails unarmed.

Nor did this practice of arming end at that time with the Napoleonic Wars. It continued through a large part of the nineteenth century. The New England clipper ships which in

such large numbers carried on the East Indian and China trade during the first half of the nineteenth century all went armed, for they were exposed not only to dangers among the savages of Polynesia but to those which arose from the swarms of Chinese pirate junks, which infested the China seas. In many families in New England to-day there are preserved specimens of the old chests of muskets which these merchantmen carried. They often had carronades to repel the assaults of pirates attacking them in small boats, and not infrequently they carried a brass gun, familiarly known as a "Long Tom." I well remember as a boy seeing on the ships owned by my father, which were engaged in the China trade, these long chests filled with muskets and placed in positions convenient for use in time of danger.

I have briefly described these conditions because, in the centuries during which they existed, they gave rise to a body of international law in which the rules affecting the status of the armed merchantmen were probably better defined by the general usage and assent of nations than in almost any department of international jurisprudence. It was established by practice and by universal assent that a merchantman armed only for defense did not thereby lose her character as a merchantman, and that when war existed the armed merchantmen, both of the belligerent and the neutral, retained all the privileges and rights which belonged to the merchantman when entirely unarmed. I shall not, however, enter upon a general survey of the codes or the opinions and practice of other nations in this respect. I shall content myself with tracing as briefly as I can the course and the position of the United States upon this very important matter. There was never any doubt as to the broad rule that a merchantman armed for defense did not lose her character as a peaceful trader. The only point to be determined was whether by her acts or by the character of her armament and the numbers of her crew she was within the rules applying to the merchantmen or whether she had taken herself out of those rules and had come within the class of the ship of war or the privateer. It was universally agreed by all authorities that the armament of the merchantman could be used only in self-defense, although that self-defense might extend to capturing the vessel which attacked. If an armed merchantman took the offensive she at once passed out of the category of merchantmen and not having any commission or letters of marque, like a privateer, she would have been treated not merely as a ship of war but would have been within range of the definition of piracy.

The first qualification, therefore, was that the armament of the merchantman could be used only for defense. The next qualification was the character of the armament, and that had to be determined in each case. It was a question of fact. No exact line as to the amount of armament had ever been drawn. In the case of the *Charming Betsy* (2d Cranch, 120–121), Chief Justice Marshall said:

> The degree of arming which should bring a vessel within this description has not been ascertained, and perhaps it would be difficult precisely to mark the limits, the passing of which would bring a captured vessel within the description of the acts of Congress on this subject.

This probably expresses the exact state of the law of that period. With the changes which time has brought there have been alterations, of course, in the arming of merchantmen, but the principles have remained unchanged. For example, Prof. Snow, in his International Law, said in 1888:

> It may be reasonably expected in coming naval wars that steamers of the great mail lines will be armed so as to defend themselves from attack rather than seek convoy, and the defense will be legitimately carried to the point of seizure of the attacking vessel or a recapture if once taken. Without a proper commission a private vessel, however, should act only directly or indirectly on the defensive, and not go out of the way to capture enemy vessels. It can not, of course, take any belligerent action toward vessels of a neutral power. (P. 83.)

This statement may be taken as embodying the rule generally acknowledged by English and American judges and writers. The same principles are recognized in the different codes with reference to the armed merchant ships of belligerents, with which I am here alone concerned. The Italian Code of 1877 says:

> Merchantmen, on being attacked by other vessels, including war vessels may defend themselves against and even seize them.

The Russian Prize Regulations of 1895 say:

> The right to stop, examine, and seize hostile or suspected vessels and cargoes belongs to the ships of the Imperial Navy. Vessels of the mercantile navy have a right to do so only when they are attacked by hostile or suspected vessels.

The United States Naval War Code of 1900 says:

> The personnel of merchant vessels of an enemy, who, in self-defense and in protection of the vessel placed in their charge resist an attack are entitled if captured to the status of prisoners of war.

The right of a belligerent merchantman to defend itself is also recognized by writers of weight and authority of our own and of other countries. The Institute of International Law, at its meeting at Oxford in 1913, laid down the following rule:

> It is always permitted, both to public and private ships, to employ force to defend themselves against the attack of an enemy.

That general statement of the Institute shows that the defense of the merchantman is not confined to pirate and privateer. "Attack of an enemy" is the expression used, and that means the enemy in war.

I make brief reference to these codes merely to demonstrate that the broad principle established in past centuries as to the right of a merchantman to be armed without thereby losing its character has not changed in modern times with the new conditions of modern commerce and warfare.

I now come to the more important question which most immediately concerns us, the right of a neutral to ship cargo or take passage on the merchantman of a belligerent in time of war, when that merchantman is armed solely for self-defense, the authorities all holding that the arming does not alter the character of the vessel. The most important decision is given in the opinion of Chief Justice Marshall in the case of the *Nereide* (9 Cranch, 388). I should like to read the whole decision to the Senate, for it is a most masterly opinion. I should particularly like to read the paragraph at the end where, in describing the brilliant argument of Mr. Pinkney, the great Chief Justice displays the humor and satire of which he was capable but which he rarely used. There were many points in the decision, however, which do not concern the immediate question, so I shall confine myself to quoting that portion of it which treats of the rights of a neutral to ship goods or take passage on an armed belligerent merchantman. The principles laid down by Chief Justice Marshall are, I may say, just as applicable to-day as they were then, for they rest on the broadest doctrines of law.

Chief Justice Marshall says:

> The next point to be considered is the right of a neutral to place his goods on board an armed belligerent merchantman.
>
> That a neutral may lawfully put his goods on board a belligerent ship for conveyance on the ocean is universally recognized as the original rule of the law of nations. It is, as has already been stated, founded on the plain and simple principle that the property of a friend remains his property wherever it may be found. "Since it is not," says Vattel, "the place where a thing is which determines the nature of that thing, but the character of the person to whom it belongs; things belonging to neutral persons which happen to be in an enemy's country or on board an enemy's ships are to be distinguished from those which belong to the enemy."
>
> Bynkershoek lays down the same principles in terms equally explicit and in terms entitled to the more consideration, because he enters into the inquiry whether a knowledge of the hostile character of the vessel can affect the owner of the goods.
>
> The same principle is laid down by other writers on the same subject and is believed to be contradicted by none. It is true there were some old ordinances of France declaring that a hostile vessel or cargo should expose both to condemnation. But these ordinances have never constituted a rule of public law. It is deemed of much importance that the rule is universally laid down in terms which comprehend an armed as well as an unarmed vessel, and that armed vessels have never been excepted from it. Bynkershoek, in discussing a question suggesting an exception, with his mind directed to hostilities, does not hint that this privilege is confined to unarmed merchantmen.
>
> In point of fact, it is believed that a belligerent merchant vessel rarely sails unarmed, so that this exception from the rule would be greater than the rule itself. At all events, the number of those that are unarmed and who sail under convoy is too great not to have attracted the attention of writers on public law, and this exception to their broad general rule, if it existed, would certainly be found in some of their works. It would be strange if a rule laid down, with a view to war, in such broad terms as to have universal application, should be so construed as to exclude from its operation almost every case for which it purports to provide, and yet that not a dictum should be found in the books pointing to such construction.
>
> The antiquity of the rule is certainly not unworthy of consideration. It is to be traced back to the time when almost every merchantman was in a condition for self-defense, and the implements of war were so light and so cheap that scarcely any would sail without them.
>
> A belligerent has a perfect right to arm in his own defense, and a neutral has a perfect right to transport his goods in a belligerent vessel. These rights do not interfere with each other. The neutral has no control over the belligerent right to arm—ought he to be accountable for the exercise of it?
>
> By placing neutral property in a belligerent ship that property, according to the positive rule of law, does not cease to be neutral. Why should it be changed by the exercise of a belligerent right, universally acknowledged and in common use when the rule was laid down, and over which the neutral had no control?
>
> The belligerent answers that, by arming, his rights are impaired. By placing his goods under the guns of an enemy the neutral has taken part with the enemy and assumed the hostile character.
>
> Previous to that examination which the court has been able to make of the reasoning by which this proposition is sustained, one remark will be made which applies to a great part of it. The argument which, taken in its fair sense, would prove that it is unlawful to deposit goods for transportation in the vessels of an enemy generally, however imposing its form, must be unsound because it is in contradiction to acknowledged law.
>
> * * * * * * *
>
> To the argument that by placing his goods in the vessel of an armed enemy he connects himself with that enemy and assumes the hostile character, it is answered that no such connection exists.
>
> The object of the neutral is the transportation of his goods. His connection with the vessel which transports them is the same whether that vessel be armed or unarmed. The act of arming is not his; it is

the act of a party who has a right to do so. He meddles not with the armament nor with the war. Whether his goods were on board or not, the vessel would be armed and would sail. His goods do not contribute to the armament further than the freight he pays and freight he would pay were the vessel unarmed.

It is difficult to perceive in this argument anything which does not also apply to an unarmed vessel. In both instances it is the right and the duty of the carrier to avoid capture and to prevent a search. There is no difference except in the degree of capacity to carry this duty into effect. The argument would operate against the rule which permits the neutral merchant to employ a belligerent vessel without imparting to his goods the belligerent character.

The argument respecting resistance stands upon the same ground with that which respects arming. Both are lawful. Neither of them is chargeable to the goods or their owner where he has taken no part in it. They are incidents to the character of the vessel, and may always occur where the carrier is belligerent.

* * * * * * *

If the neutral character of the goods is forfeited by the resistance of the belligerent vessel, why is not the neutral character of the passengers forfeited by the same cause? The master and crew are prisoners of war; why are not those passengers who did not engage in the conflict also prisoners? That they are not would seem to the court to afford a strong argument in favor of the goods. The law would operate in the same manner on both.

It will be observed that the Chief Justice takes the passenger as exercising an absolutely unquestioned right, and that he is not subject to the law which makes the crew and the officers prisoners.

In the same case, Mr. Justice Johnson, who agreed in the decision but on somewhat different grounds, said:

The general rule, the incontestable principle, is that a neutral has a right to employ a belligerent carrier. He exposes himself thereby to capture and detention, but not to condemnation.

* * * * * * *

Every writer on international law acknowledges the right of the neutral to transport his goods in a hostile bottom. No writer has restricted the exercise of that right to unarmed ships.

* * * * * * *

And what is the decision of reason on the merits of these conflicting pretensions?

Her first and favorite answer would be that were the scales equally suspended between the parties the decision ought to be given in favor of humanity.

Already is the aspect of the world sufficiently darkened by the horrors of war. It is time to listen to the desponding claims of man engaged in the peaceful pursuits of life.

But there are considerations in favor of the neutral to which the heart need not assent; they are addressed to the judgment alone.

Admit the claim of the belligerent and you fritter away the right of the neutral until it is attenuated to a vision.

Admit the claim of the neutral and it is attended with a very immaterial change in the rights and interests of the belligerent.

Where are we to draw the line? If a vessel is not to be armed, what is to amount to an exceptional armament? It extends to an absolute and total privation of the right of arming a hostile ship. Resistance, and even capture, is lawful to any belligerent that is attacked.

On the other hand, what injury is done to the belligerent by recognizing the right of the neutral; the cargo of a belligerent neither adds nor diminishes his right to resist. If empty, he must be subdued before he can be possessed; and, if laden, the right or faculty of resistance is in no wise increased. It is inherent in her national character and can be exercised by strict right without any reference to the cargo that she contains. Suppose the case of a vessel and cargo wholly neutral; even she possesses a natural right to resist seizure, but her resistance must be effectual or international law pronounces her forfeited. What injury results to the belligerent cruiser? If the cargo be really neutral, the exercise of his right or judgment becomes immaterial; and if it be contraband, or otherwise subject to condemnation, what reason in nature can be assigned why the neutral owner should not throw himself upon the fortune of war and rely upon the protection of your enemy? You treat him as an enemy if captured, and why should not he regard you as an enemy and provide for his defense against you? I can very well conceive that a case may occur in which it may become the policy of this country to throw down the gauntlet to the world and assert a different principle. But the policy of these States is submitted to the wisdom of the legislature, and I shall feel myself bound by other reasons until the constitutional power shall decide what modification it will prescribe to the exercise of any acknowledged neutral right.

This decision was confirmed by the decision of the Supreme Court of the United States in the case of the *Atalanta* (3 Wheaton, p. 400).

In these decisions it may be justly said, I think, that the court did not lay sufficient emphasis on the difference between a commissioned and an uncommissioned merchantman, but there can be no question as to the breadth and strength of the decisions as to the right of the neutral to place goods or take passage upon an armed belligerent merchantman, provided that the merchantman came within the rules affecting the armament of merchantmen. But little is said about passengers, because it had never then occurred to anyone that a passenger on a belligerent merchantman armed for defense was not there in the exercise of an undoubted right. The rule that the crew of a captured belligerent merchantman were to be treated as prisoners of war and neutral passengers were to be set free at the first opportunity, and that all alike were to be taken on board the captor and kept there in safety, was never questioned for a moment by any authority. If you will take the trouble to turn to Moore's International Law (Vol. VII, p. 490) and read the discussion on the subject of the destruction and sending in of prizes, you will see that the protection of the lives not only of the neutral passengers but of the crew of the captured ship is taken as a matter of course and that any other action looking to the destruction of the crew and passengers has always been regarded in the past as differing in no respect from murder and piracy. We may, therefore, take it as demonstrated by the decisions of the courts and the opinions of all the best writers on international law that a neutral has a clear right to take passage and ship goods on a belligerent merchantman, and that the merchantman being armed for self-defense does not impair this right in the slightest degree or take the merchantman out of the class or deprive it of the privileges of the unarmed trading vessel.

Now let us see what the attitude of our own Government has been in practice. In August, 1862, the British chargé d'affaires represented to our Government, on information received from naval officers, that a British steamer had been chased and fired on by a United States cruiser which had not displayed her colors, and had then been captured without search. This led Mr. Lincoln to direct that the following instructions be issued to our vessels of war:

Secondly. That while diligently exercising the right of visitation on all suspected vessels, you are in no case authorized to chase and fire at a foreign vessel without showing your colors and giving her the customary preliminary notice of a desire to speak and visit her.

Mr. Lincoln made it evident by these instructions that he was utterly opposed to having a ship of the United States creep up under false colors, or in any disguise, upon a merchantman and capture or destroy her without visit and search. I think we may say with certainty that that great President would never have assented to having a United States submarine creep up on a merchantman under water and destroy her, with all on board, including neutral and noncombatant men, women, and children, without giving them any opportunity to escape. The difference in the instrument of destruction makes no difference in the principle laid down by Lincoln in the instructions I have just quoted.

In the next war in which the United States was engaged, the War with Spain, President McKinley issued the following instructions (General Orders, No. 492, June 20, 1898; Foreign Relations, 1898, 781):

This right should be exercised with tact and consideration and in strict conformity with treaty provisions wherever they exist. The following directions are given, subject to any special treaty stipulations: After firing a blank charge and causing the vessel to lie to, the cruiser shall send a small boat, no larger than a whaleboat

8. That the cargo of the vessel consists of articles of commerce unsuited for the use of a ship of war in operations against an enemy.

9. That the vessel carries passengers who are as a whole unfitted to enter the military or naval service of the belligerent whose flag the vessel flies, or of any of its allies, and particularly if the passenger list includes women and children.

10. That the speed of the ship is slow.

(D) Port authorities, on the arrival in a port of the United States of an armed vessel of belligerent nationality claiming to be a merchant vessel, should immediately investigate and report to Washington on the foregoing indications as to the intended use of the armament, in order that it may be determined whether the evidence is sufficient to remove the presumption that the vessel is and should be treated as a ship of war. Clearance will not be granted until authorized from Washington, and the master will be so informed upon arrival.

(E) The conversion of a merchant vessel into a ship of war is a question of fact which is to be established by direct or circumstantial evidence of intention to use the vessel as a ship of war.

Mr. SUTHERLAND. Will the Senator give the date of those instructions?

Mr. LODGE. The 19th of September, 1914.

Mr. THOMAS. The Senator stated that it was Mr. Lansing?

Mr. LODGE. Mr. Lansing. He was Acting Secretary of State at that time and signed the circular.

Nothing could have been more explicit. This circular in all its terms follows exactly the practice of nations for many centuries, adopts the rules which had been evolved in regard to the treatment of armed merchantmen and their status and adheres to the policy pursued by our own Government not only as exhibited in the decisions of our courts but in the instructions to our officers in time of war. This circular shows that in the opinion of our Government a merchantman does not lose its character by carrying defensive armament, that the only question is one of fact as to the amount of that armament, the usages to which it is put, and the general character of the ship; that if the armed merchantman conforms to the limitations embodied in law and expressed in the circular, she does not lose her status as a merchantman, and the fact that she is armed for self-defense does not impair in the slightest degree the right of the neutral to ship goods or take passage on such a ship.

A little later, on the 7th of November, 1914, Mr. Lansing sent the following note to Mr. Gerard, our ambassador at Berlin:

DEPARTMENT OF STATE,
*Washington, November 7, 1914.*

Your 515, October 15. The Government of the United States is obliged to dissent from the views of the German Government as expressed in your telegram in regard to the treatment to be accorded armed merchant vessels of belligerent nationalities in neutral ports. The practice of a majority of nations and the consensus of opinion by the leading authorities on international law, including many German writers, support the proposition that merchant vessels may arm for defense without losing their private character and that they may employ such armament against hostile attack without contravening the principles of international law.

The purpose of an armament on a merchant vessel is to be determined by various circumstances, among which are the number and position of the guns on the vessel, the quantity of ammunition and fuel, the number and sex of the passengers, the nature of the cargo, etc. Tested by evidence of this character the question as to whether an armament on a merchant vessel is intended solely for defensive purposes may be readily answered, and the neutral Government should regulate its treatment of the vessel in accordance with the intended use of the armament.

This Government considers that in permitting a private vessel having a general cargo, a customary amount of fuel, an average crew, and passengers of both sexes on board, and carrying a small armament and a small amount of ammunition to enjoy the hospitality of an American port as a merchant vessel, it is in no way violating its duty as a neutral. Nevertheless it is not unmindful of the fact that the circumstances of a particular case may be such as to cause embarrassment and possible controversy as to the character of an armed private vessel visiting its ports. Recognizing, therefore, the desirability of avoiding a ground of complaint, this Government, as soon as a case arose, while frankly admitting the right of a merchant vessel to carry a defensive armament, expressed its disapprobation of a practice which compelled it to pass upon a vessel's intended use, which opinion if proven subsequently to be erroneous might constitute a ground for a charge of unneutral conduct.

As a result of these representations no merchant vessels with armaments have visited the ports of the United States since the 10th of September. In fact, from the beginning of the European war but two armed private vessels have entered or cleared from ports of this country, and as to these vessels their character as merchant vessels was conclusively established.

Please bring the foregoing to the attention of the German Government, and in doing so express the hope that they will also prevent their merchant vessels from entering the ports of the United States carrying armaments, even for defensive purposes, though they may possess the right to do so by the rules of international law.

It will be seen by this note that although Mr. Lansing expresses the hope that merchantmen may not be armed because armament gives rise to many questions of fact, he admits in the fullest way the right of the merchantman to arm for self-defense without losing her character, and the right of the neutral to take passage or ship goods on the merchantman remains unimpaired by the fact that the merchantman possesses a defensive armament.

Again, in the President's note of May 13, 1915, after the *Lusitania* disaster, which was signed by Mr. Bryan, it is said:

American citizens act within their indisputable rights in taking their ships and in traveling wherever their legitimate business calls them upon the high seas and exercise those rights in what should be the well-justified confidence that their lives will not be endangered by acts done in clear violation of universally acknowledged international obligations, and certainly in the confidence that their own Government will sustain them in the exercise of their rights.

That was no longer ago than May, 1915.

Such, in outline, has been the practice of all nations in regard to the armed merchantman. Such has been the position of our own Government down to less than a year ago. It seems utterly incredible that this position should be in any way altered now or that our Government should be ready to surrender the unquestioned rights of Americans to travel or ship goods on a belligerent merchantman subject to all the rules which have been established by the courts and by all international authorities for at least two centuries. The just rights of the citizens of any nation can not be maintained by their surrender.

The abandonment of those rights by any neutral Government on the ground that the invention of submarines with the necessary limitations upon the powers of capture possessed by those boats is inconceivable. Such abandonment could only rest on the ground that the rights of neutrals, the rules which for centuries have been agreed upon by all nations for the protection of innocent lives upon vessels captured in war, must be thrown aside and discarded in order that a new instrument of maritime destruction shall not be impeded in its work of death and murder. Such a doctrine is revolting to every instinct of humanity, to every principle of law and justice.

There is, however, another side to this matter which is of even graver importance. There can be no question that any act by a neutral which alters conditions created by the war is an unneutral act and places the neutral upon the side of one belligerent or the other.

This is eminently true of any form of embargo, and there is no need that I should repeat the unanswerable argument on this point embodied by Mr. Lansing in his note of last August to the Government of Austria-Hungary. The war, and the war alone, has also created conditions under which any change at this time in the attitude which we took officially at the outset of the war in regard to armed merchantmen would be an unneutral act. The merchantmen of one belligerent have been swept from the seas. Therefore if we should abandon all the principles on this subject that we have ever sustained, if we should abandon the rules laid down by Mr. Lansing in his circular of September, 1914, and declare that our ports were closed to armed merchantmen, or that goods and passengers from the United States could not be placed on an uncommissioned merchantman, armed solely for self-defense, our action would affect only one belligerent; it would alter conditions created by the war, and would therefore be unneutral. It would make us at once the ally of the belligerent whose merchant marine has been driven from the ocean. It would put us in a position of hostility to those belligerents whose merchant marine still freely sail the seas. It would make us the ally of one belligerent and expose us to the just hostility of the others. It would be a step toward war. For these reasons I can not believe that the reports which have been published in the press can possibly be true, and I hope the somewhat confused contradictions are well founded. I can not believe that the administration thinks for a moment of altering, weakening, or impairing the well-defined position which it took at the outset of the European war, and I believe that it must stand as firmly on this question as it has on the question of the embargo. Should it act otherwise it would accept a humiliation and incur a danger of war from which even the boldest and the most unscrupulous would shrink, and therefore such a course as has been discussed in the newspapers seems to me wholly inconceivable.

I ask leave, Mr. President, to print a memorandum of authorities relating to this question at the conclusion of my remarks.

The VICE PRESIDENT. Without objection, it is so ordered.

The matter referred to is as follows:

AUTHORITIES AND OPINIONS AS TO THE STATUS OF ARMED MERCHANTMEN.

The conversion of a merchant vessel into a ship of war is a question of fact which is to be established by direct or circumstantial evidence of intention to use the vessel as a ship of war. (The American Journal of International Law. Supplement, January, 1915. Official documents, pp. 121, 122.)

"In answer to your request for an expression of opinion in regard to Mr. Ogden's question whether a vessel which he is said to be fitting out for a trading voyage to the South Sea Islands can carry two guns and other arms for protection and defense against the natives, I am not aware of any international prohibition or of any treaty provision which would prevent a vessel trading amid the groups of islands of the South Sea from carrying a couple of guns and arms for the proper

and necessary protection of the vessel against violence on the part of lawless or partially civilized communities, or of the piratical crews which are represented to occasionally frequent those waters, providing always that the vessel carrying such guns and arms itself be on a lawful voyage and be engaged in none other than peaceful commerce, and that such guns and arms be intended and be used solely for the purpose of defense and of self-protection." (Mr. Fish, Secretary of State, to Mr. Morrill, Feb. 8, 1877; 117 Dom. Let., 54.)

"A copy of your No. 23, of the 10th instant, in regard to the case of the American schooner *Water Witch*, which arrived in Haitian waters with two cannon and 60 pounds of powder on board, having been transmitted to the Secretary of the Treasury, that official has replied to your inquiry whether sailing vessels of the United States are allowed to carry any armament as ship's stores or otherwise that the laws do not forbid the carrying of articles of the character mentioned, provided there shall be no violation of chapter 67 of the Revised Statutes." (Mr. Gresham, Secretary of State, to Mr. Smythe, minister to Haiti, Jan. 31, 1894. For. Rel., 1894, 337; MS. Inst. Haiti, III, 375.)

Chapter 67, Revised Statutes, embracing sections 5281 to 5291, relates to neutrality. Section 5289 reads as follows:

"SEC. 5289. The owners or consignees of every armed vessel sailing out of the ports of the United States, belonging wholly or in part to citizens thereof, shall, before clearing out the same, give bond to the United States, with sufficient sureties in double the amount of the value of the vessel and cargo on board, including her armament, conditioned that the vessel shall not be employed by such owners to cruise or commit hostilities against the subjects, citizens, or property of any foreign prince or State, or of any colony, district, or people with whom the United States are at peace."

"It should also be borne in mind that a merchant vessel using arms for acts of destruction on the high seas, unless duly commissioned for the purpose, may expose herself to a charge of piracy.

"The law does not prohibit armed vessels belonging to citizens of the United States from sailing out of our ports; it only requires the owners to give security that such vessels shall not be employed by them to commit hostilities against foreign powers at peace with the United States." (United States *v.* Quincy, 6 Pet., 445.)

The seizure by France of an American merchantman and her condemnation can not be justified by the fact that she was armed for defensive purposes. (Cushing *v.* United States, 22 Ct. Cl., 1; Hooper *v.* United States, 22 Ct. Cl., 408; Moore, J. B., A digest of international law, vol. 2, pp. 1070, 1071.)

Noncommissioned vessels have a right to resist when summoned to surrender to public ships or privateers of the enemy. The crews therefore which make such resistence have belligerent privileges; and it is a natural consequence of the legitimateness of their acts that if they succeed in capturing their assailant the capture is a good one for the purpose of changing the ownership of the property taken and of making the enemy prisoners of war. (Harg. Law T., 245, 246, 247; W. E. Hall, International Law, 6th ed., pp. 524–525; London, 1909.)

Sir Matthew Hale held it to be depredation in a subject to attack the enemy's vessels, except in his own defense, without a commission. (Harg. Law T., 245, 246, 247.) The subject has been repeatedly discussed in the Supreme Court of the United States (Brown *v.* United States, 8 Cranch, 132–135; the *Nereide*, 9 Cranch, 449; the *Dos Hermanos*, 2 Wheat., 76, and 10 Wheat., 306; the *Amiable Isabella*, 6 Wheat., 1), and the doctrine of international law is considered to be that private citizens can not acquire a title to hostile property unless seized under a commission, but they may still lawfully seize hostile property in their own defense. (Kent's Commentary on International Law, edited by J. T. Abdy, 2d ed.: 1878; pp. 225, 226.)

To enable a vessel to make captures which shall enure to the benefit of the captors it is necessary that she should have a commission of prize. But noncommissioned vessels of a belligerent nation may not only make captures in their own defense, but may, at all times, capture hostile ships and cargoes without being deemed by the law of nations to be pirates; though they can have no interest in prizes so captured. (2 Brown's Civ. and Adm. Law, 524; Caseregis, Disc., 24, No. 24; 2 Woodes, Lect., 432; Consolato del Mare, ch. 287, 288; 3 Bulst., 27; 4 Inst., 152, 154; Zouch. Adm. Jurisd., ch. 4, 101; Com. Dig. Admiralty, E. 3; the *Georgiana*, 1 Dodson, 397; the *Diligentia*, Id., 403; the *Emulous*, 8 Cranch, 131; the *Nereide*, 9 Cranch, 449; the *Dos Hermanos*, ante, 76; 2 Wheat. [U. S.] Appendix, p. 7.)

CONVENTION (VII) RELATING TO THE CONVERSION OF MERCHANT SHIPS INTO WARSHIPS.

(Signed at The Hague, October 18, 1907.)

*His Majesty the German Emperor, King of Prussia, etc.:*

Whereas it is desirable, in view of the incorporation in time of war of merchant ships in the fighting fleet, to define the conditions subject to which this operation may be effected;

Whereas, however, the contracting powers have been unable to come to an agreement on the question whether the conversion of a merchant ship into a warship may take place upon the high seas, it is understood that the question of the place where such conversion is effected remains outside the scope of this agreement and is in no way affected by the following rules;

Being desirous of concluding a convention to this effect, have appointed the following as their plenipotentiaries:

(Here follow the names of plenipotentiaries.)

Who, after having deposited their full powers, found in good and due form, have agreed upon the following provisions:

ARTICLE 1. A merchant ship converted into a warship can not have the rights and duties accruing to such vessels unless it is placed under the direct authority, immediate control, and responsibility of the power whose flag it flies.

ART. 2. Merchant ships converted into warships must bear the external marks which distinguish the warships of their nationality.

ART. 3. The commander must be in the service of the State and duly commissioned by the competent authorities. His name must figure on the list of the officers of the fighting fleet.

ART. 4. The crew must be subject to military discipline.

ART. 5. Every merchant ship converted into a warship must observe in its operations the laws and customs of war.

ART. 6. A belligerent who converts a merchant ship into a warship must, as soon as possible, announce such conversion in the list of warships.

ART. 7. The provisions of the present convention do not apply except between contracting powers, and then only if all the belligerents are parties to the convention.

RATIFICATIONS, ADHESIONS, AND RESERVATIONS.

The foregoing convention was ratified by the following signatory powers on the dates indicated:

Austria-Hungary, November 27, 1909; Belgium, August 8, 1910; Brazil, January 5, 1914; Denmark, November 27, 1909; France, October 7, 1910; Germany, November 27, 1909; Great Britain, November 27, 1909; Guatemala, March 15, 1911; Haiti, February 2, 1910; Japan, December 13, 1911; Luxemburg, September 5, 1912; Mexico, November 27, 1909; Netherlands, November 27, 1909; Norway, September 19, 1910; Panama, September 11, 1911; Portugal, April 13, 1911; Roumania, March 1, 1912; Russia, November 27, 1909; Salvador, November 27, 1909; Siam, March 12, 1910; Spain, March 18, 1913; Sweden, November 27, 1909; and Switzerland, May 12, 1910.

Adhesions: Liberia, February 4, 1914; and Nicaragua, December 16, 1909.

The following powers signed the convention, but have not yet ratified:

Argentine Republic, Bolivia, Bulgaria, Chile, Colombia, Cuba, Ecuador, Greece, Italy, Montenegro, Paraguay, Persia, Peru, Servia, Turkey, and Venezuela.

Reservation: (This reservation was made at signature.) Turkey. Under reservation of the declaration made at the eighth plenary session of the conference of October 9, 1907.

[Extract from the procès-verbal.]

The Imperial Ottoman Government does not engage to recognize as vessels of war ships which, being in its waters or on the high seas under a merchant flag, are converted on the opening of hostilities. (Actes et documents, vol. I, p. 277.)

*Criteria of a war vessel.*

| | Italy. | Netherlands. | Russia. | United States. |
|---|---|---|---|---|
| Command | Officer of the navy. | Military commander. | Naval officer in active service. | Regularly commissioned officer. |
| Crew | Subject to all rules of military discipline. | Military crew wholly or in part. | Subject to all military laws. | Subject to military law and discipline. |
| Registration | | | In the list of war ships. | |
| Flag | | Naval ensign and pennant at bow and masts. | Naval ensign | |
| Ship's papers | | Commission from the competent national authorities. | | |
| Compliance with laws and customs of war. | | Yes | | |

Great Britain: A warship is every vessel which sails under a recognized flag and which has been armed at the expense of the State for use against the enemy, and whose officers and crew have been commissioned by their competent authorities for that purpose. A vessel may receive this character only before sailing from a national port and may give it up only after the return into a national port. Auxiliary cruiser is every enemy or neutral merchant ship which is used for transportation of marines, munitions of war, fuel, foodstuffs, water, or other ammunitions of war for a fleet, or which is commissioned to make repairs, to deliver dispatches, for reconnoitering, in so far as it must follow the sailing directions directly or indirectly given by the navy. This definition covers also every vessel which is used for transportation of troops.

(Source: Kriege, Dr. Walter. "Die Umwandlung von Kauffahrteischiffen in Kriegschiffe." In Niemeyer's Zeitschrift für Internationales Recht., v. 26, no. 1–2, Munchen, 1915.)

Germany: The necessary characteristics of warships are: The naval ensign (as a rule, the pennant), a Government-appointed commander whose name is entered on the service list of the navy, and a crew under military discipline (see secs. 2–4 and 6 of Agreement VII of the second Hague conference). (From chap. 1, sec. 2, of German Prize Law of Sept. 30, 1909, promulgated Aug. 3, 1914.)

Mr. THOMAS. Mr. President, I am in entire accord with the position taken by both Senators who have addressed the Senate this morning on the subject of Senate resolution 100. The very illuminating remarks of the Senator from Massachusetts [Mr. LODGE] being based, however, to some extent upon newspaper publications, outlining or assuming to outline the attitude of the administration upon this very important subject, and which are concededly unofficial, I think it is not inappropriate at this time to call attention to the latest announcement of the newspapers concerning the subject.

Mr. LODGE. The Senator will allow me a moment. The Senator has been kind enough to listen to me, and he must have noticed that I twice said these reports had been contradicted, and that I hoped the contradictions were well founded.

Mr. THOMAS. Oh, yes; the Senator said that on two occasions, and I join with him in expressing the hope, and I add to it the belief, that the reports are not well founded. It may be that this morning's publication relating to the matter may also be unfounded. It certainly is not official.

Upon the assumption that these reports, conflicting as they are, may be equally credible, and perhaps invoking the presumption that that which is in conformity with the established rules of international law is the more credible, I take the liberty of reading into the RECORD the statement of the Washing-

ton Post of this date regarding the matter, eliminating, of course, the headlines:

The United States in its submarine controversy with Germany will accept nothing short of a full and complete agreement covering all the points for which it has contended as to assurances that the warfare in the future will be conducted in accordance with the established principles of international law.

In announcing that fact yesterday, Secretary Lansing let it be known that the State Department considers Germany's declaration of its intention to sink, without warning after February 29, all armed merchant ships of the entente allies to be inconsistent with the assurances previously given this Government by the Berlin foreign office.

The tentative communication designed to end the *Lusitania* case, still in the possession of Secretary Lansing, will not be formally accepted until such assurances regarding the future are given, although the communication, in so far as it relates to the *Lusitania* itself, is acceptable.

AUSTRIAN NOTICE ALSO VIOLATION.

State Department officials also consider that the Austro-Hungarian memorandum regarding armed ships is not in accord with the assurances given by that Government in the negotiations over the sinking of the Italian steamship *Ancona*. Consequently, final settlement of the *Ancona* case, once postponed because of the doubt regarding the circumstances of the sinking of the British steamship *Persia*, probably will be withheld until Austria gives similar assurances to those now requested from Germany.

The views of the United States were explained in detail yesterday by Secretary Lansing to Count von Bernstorff, the German ambassador. The ambassador was informed, it was indicated at the State Department, that the United States desires the German declaration regarding armed merchant ships to be modified.

VON BERNSTORFF CABLES BERLIN.

Later in the day the ambassador sent a long dispatch to his government, explaining the position and requirements of the United States. It was understood that the ambassador informed his government that the United States wanted particularly to know whether the assurances previously given in the *Lusitania* and the *Arabic* cases still were in force.

Last night it was stated emphatically in Teutonic diplomatic circles that the Berlin foreign office would not modify the declaration of intention to sink armed ships or inform the United States the previous assurances still were binding unless Great Britain should give assurances of some kind that a submarine which warns a British steamship, armed ostensibly for defensive purposes, would not be fired upon.

In this connection it was explained at the State Department that the United States considers unarmed merchant ships and ships armed for defensive purposes to be in identically the same class. Furthermore, it is held that the word "liners," as employed in the previous assurances from Germany regarding the conduct of submarine warfare, includes freight as well as passenger ships.

GERMAN POSITION NOT ENCOURAGED.

It was declared at the department that at no time had suggestions been made to the German Government which would have led it to issue its latest memorandum. This answered statements by German officials that the American memorandum to the entente allies, suggesting a modus vivendi for the disarming of merchant ships, was the direct cause of Germany issuing her declaration. From other sources outside the department came the information that the department had been advised informally of the German intentions in this respect.

The remainder of the article, Mr. President, I ask to have inserted in the RECORD without the necessity of detaining the Senate by reading it.

The matter referred to is as follows:

The State Department is carefully viewing from various angles the assurances given in the early days of the war by Great Britain to the effect that the guns on her merchant ships would be used only for defensive purposes. It was admitted that the department has in its possession information charging that since the assurances were given certain British merchantmen have used their armament for offensive attacks on German submarines. The information came through German sources and is not regarded as being conclusive evidence.

Officials are now awaiting the receipt of what Germany alleges to be a copy of secret instructions given by the British Government to the commanders of merchant ships. This document and others appended to the text of the German declaration have been mailed from Berlin.

Officials yesterday declined to say exactly what the State Department would regard as defensive armament. This question will enter into future negotiations regarding the conduct of submarine warfare. In response to an inquiry one of the ways in which a merchant ship might use armament for defensive purposes was explained at the State Department, in answer to the oft-repeated assertion from Teutonic quarters that under prevailing conditions a merchant ship could not use any armament except for offensive purposes.

It was suggested that if a merchant ship, in response to a warning shot from a submarine flees, is bombarded during flight, later comes to a stop, and the bombardment is not immediately stopped, she is justified in defending herself.

AUSTRIAN NOTE MADE PUBLIC.

The Austrian notice of intention to treat armed belligerent merchant ships as subject to attack without warning was made public yesterday by the State Department from Ambassador Penfield in Vienna. It is dated February 10 and is in line with the German declaration on the same subject already published.

Ambassador Penfield transmitted the Austrian memorandum, which appeared in the Vienna papers on the day he sent his dispatch. It is substantially the same as that transmitted to this country from Vienna via London on February 10 and 11. He transmitted it by request of the Austrian foreign office.

The only difference which attracts attention is that the first version says the Austrial naval forces will treat armed ships as "warships," and that received yesterday says "belligerent vessels."

Mr. SUTHERLAND. Can the Senator from Colorado tell us whether the account which he has just read from the newspaper is an accurate statement of the position of the State Department?

Mr. THOMAS. Perhaps the Senator did not hear my statement. I said at the outset I did not know whether it was authentic or not.

Mr. VARDAMAN. Mr. President, it is absolutely impossible to hear the Senators on the other side of the Chamber.

Mr. THOMAS. I said at the outset of my remarks that I did not know whether the article is authentic or not, but inasmuch as none of these newspaper articles are authentic, and they are concededly unofficial, I also stated that the last declaration of the press upon the subject, especially as it is in conformity with the established principles of international law regarding the subject, was presumably quite as authentic, if not more so, than those which announce the contrary doctrine.

Mr. STONE obtained the floor.

Mr. JONES. Mr. President, I wish to take about a minute to put in the RECORD, in connection with the remarks of the Senators who have just spoken——

Mr. STONE. Are they newspaper articles?

Mr. JONES. Yes.

Mr. STONE. I object.

Mr. JONES. Then I will simply say that these articles will be read into the RECORD when the time comes, because they have a bearing on this matter.

Mr. STONE. That is all right.

Mr. President, before making the motion to proceed to the consideration of executive business, I desire to say just a word respecting the matter discussed this morning.

The practice of arming merchant vessels for defensive purposes is an old one, long universally recognized. The practice grew up out of two things, one being the custom of nations commissioning privately owned vessels, known as privateers, to go forth in time of war to attack and capture the commercial ships of a belligerent, the captured ships being appropriated in whole or in part by the captor. Of course this authority empowered the privateer to destroy as well as to capture.

Another reason upon which the right to arm merchant vessels for purely defensive purposes was founded was the danger to which such vessels were subject in certain quarters of the world from pirates. During the seventeenth and eighteenth centuries, and earlier and even later, piracy was a real danger in many parts of the world. By universal consent ships of commerce were permitted to bear arms to defend themselves against attacks from that source. But the leading maritime nations in later years have waged such merciless warfare on pirates and piratical peoples that the menace of piracy has substantially disappeared. Moreover, by the declaration of Paris of April 16, 1856, privateering was abolished and is no longer permissible.

It is upon the authority of the practices I have referred to that it is now claimed that the merchant vessels of a belligerent during a war between maritime nations may lawfully bear arms for the purpose of resisting attacks made upon them by the vessels of an enemy. I can not but believe that in the circumstances of the present time this is, to say the least, a very debatable question, and I feel that those of us who are interested in the attitude of this Republic should debate this subject, as we should debate all other subjects, in a broad way, not in a partisan way, with a view to determining what should be the wise and just policy of this Government, which policy should comport with both the letter and spirit of international law, and should be established with a view to the maintenance of a genuine and impartial neutrality between the nations at war.

But, Mr. President, as I am anxious to proceed with other business to-day, in accordance with the notice given on yesterday, I will not now enter upon any discussion of the questions covered by the speeches delivered this morning or upon any other question in anywise related thereto. I desire some time next week to submit some observations to the Senate touching our relations to the European belligerent powers and also to make some criticism of the recent speech delivered by former Senator Root respecting the foreign policies of the present administration.

Mr. TILLMAN. Mr. President——

Mr. STONE. Just a moment. Mr. President, I desire to ask unanimous consent to have printed as a Senate document certain selections marked in the books I have before me. The first is an extract from Moore's International Law Digest, volume 7, beginning under the title "Declaration of Paris," on page 561, and embracing all the pages from there down to and including page 583.

I also ask unanimous consent that there be printed an article written by Mr. A. Pearce Higgins, of Lincoln's Inn, barrister at law, lecturer on international law at various schools and universities, author of the book entitled "The Hague Peace Treaties and other International Conferences Concerning the Laws and Usages of War," and so forth.

Of course, Mr. President, if this print should be made for the convenience of Senators, it would not by any means embody all the law applicable to the questions raised in the deliverances of this morning, but I think it would be of great value to Senators who might care to look into the subject in a convenient form. I ask unanimous consent that the excerpts to which I have referred, one being from Moore's International Law Digest and the other the article of Mr. Higgins in the American Journal of International Law, volume 8, beginning at page 705, be printed as a Senate document. (S. Doc. No. 332.)

Mr. JONES. Mr. President, I shall not extend the same courtesy to the Senator from Missouri that he has extended to me. Therefore I shall not object to his request.

Mr. STONE. Mr. President, I am obliged to the Senator from Washington [Mr. JONES], but nevertheless I have given notice heretofore, as has the Senator from Utah [Mr. SMOOT] likewise given notice time and again, that I would object, as the Senator from Utah has said he would object, to constantly inserting in the RECORD mere newspaper articles upon current questions.

The VICE PRESIDENT. In the absence of objection, the request of the Senator from Missouri is granted.

Mr. STONE. I move that the Senate proceed to the consideration of executive business.

Mr. TILLMAN. Will the Senator from Missouri withhold that motion for just a few minutes?

Mr. STONE. I withhold the motion.

Mr. TILLMAN. I send to the desk a resolution, which I wish to have read, and then I desire to make a few remarks upon it. I shall be very brief.

### WATER-POWER DEVELOPMENT.

The VICE PRESIDENT. The morning hour having expired, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (S. 3331) to amend an act entitled "An act to regulate the construction of dams across navigable waters," approved June 21, 1906, as amended by the act approved June 23, 1910, and to provide for the improvement and development of waterways for the uses of interstate and foreign commerce.

The VICE PRESIDENT. The pending amendment is the amendment offered by the Senator from Montana [Mr. WALSH].

Mr. TILLMAN. Mr. President, I ask unanimous consent that the unfinished business be laid aside temporarily.

The VICE PRESIDENT. Is there objection?

Mr. JONES. I object.

The VICE PRESIDENT. There is objection.

### EXECUTIVE SESSION.

Mr. STONE. I renew my motion that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five hours and a half spent in executive session the doors were reopened.

### FINDINGS OF THE COURT OF CLAIMS.

The VICE PRESIDENT laid before the Senate communications from the chief clerk of the Court of Claims, transmitting certified copies of the findings of fact and conclusions filed by the court in the following causes:

Lydia C. Arthur, widow of Samuel C. Arthur, *v.* The United States (S. Doc. No. 327);

Julia A. Ragland, widow (remarried) of William H. Drinkard, *v.* The United States (S. Doc. No. 328);

Laura Long, widow of Silas Long, *v.* The United States (S. Doc. No. 329);

Elizabeth Day, widow of William Day, *v.* The United States (S. Doc. No. 330);

Mary A. McLaughlin, Lincoln McLaughlin, and John W. McLaughlin, children of John W. McLaughlin, deceased, *v.* The United States (S. Doc. No. 331); and

Sarah A. Hetrick, Hadassah G. Scott, Mary J. Ake, and Josephine H. Ake, children and sole heirs of Joseph H. Ake, *v.* The United States (S. Doc. No. 326).

The foregoing findings were, with the accompanying papers, referred to the Committee on Claims and ordered to be printed.

### PETITIONS AND MEMORIALS.

Mr. COLT presented petitions of sundry citizens of Providence, East Providence, Newport, Rockville, and Bristol, all in the State of Rhode Island, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. BURLEIGH presented a petition of sundry citizens of West Lebanon, Me., praying for national prohibition, which was referred to the Committee on the Judiciary.

Mr. NELSON presented petitions of sundry citizens of Minneapolis, Minn., praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented memorials of sundry citizens of Minnesota, remonstrating against the enactment of legislation to prohibit the transmission of certain religious publications through the mails, which were referred to the Committee on Post Offices and Post Roads.

Mr. JOHNSON of Maine (for Mr. SHIVELY) presented petitions of sundry citizens of Fort Wayne, New Albany, Richmond, and Newtown, all in the State of Indiana, praying for national prohibition; which were referred to the Committee on the Judiciary.

Mr. BRANDEGEE presented petitions of the Woman's Christian Temperance Unions of New London, Great Plain, and Danbury; of Higganum Grange, No. 124, Patrons of Husbandry, of Haddam; and of Rev. H. Lockhart, of Plantsville, all in the State of Connecticut, praying for Federal censorship of motion pictures, which were referred to the Committee on Education and Labor.

### BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. PHELAN:

A bill (S. 4528) granting an increase of pension to John E. Jones (with accompanying papers);

A bill (S. 4529) granting a pension to Robert J. May (with accompanying paper);

A bill (S. 4530) granting a pension to Arthur Isert (with accompanying paper);

A bill (S. 4531) granting a pension to H. F. E. Schroer (with accompanying paper);

A bill (S. 4532) granting a pension to Emma A. Smith (with accompanying papers);

A bill (S. 4533) granting a pension to James A. Gibson (with accompanying paper);

A bill (S. 4534) granting a pension to Hiram A. Williams (with accompanying papers);

A bill (S. 4535) granting a pension to Elsie M. Duryee (with accompanying papers);

A bill (S. 4536) granting a pension to John E. Markley (with accompanying papers);

A bill (S. 4537) granting a pension to Katherine S. Neeland (with accompanying papers);

A bill (S. 4538) granting a pension to Justine M. Thrift (with accompanying paper);

A bill (S. 4539) granting an increase of pension to D. A. Gray (with accompanying papers);

A bill (S. 4540) granting a pension to Frederick Ditmars Skinner (with accompanying papers);

A bill (S. 4541) granting a pension to George B. Haight (with accompanying papers);

A bill (S. 4542) granting a pension to Margaret F. La Blanc (with accompanying papers); and

A bill (S. 4543) granting a pension to George F. Stedman (with accompanying papers); to the Committee on Pensions.

By Mr. BURLEIGH:

A bill (S. 4544) granting a pension to Jennie M. Goudy; and

A bill (S. 4545) granting a pension to Otis I. Trundy; to the Committee on Pensions.

By Mr. MARTIN of Virginia:

A bill (S. 4546) granting an increase of pension to Eliza J. Salmon (with accompanying papers); to the Committee on Pensions.

By Mr. CUMMINS:

A bill (S. 4547) granting an increase of pension to Elsie B. Alexander (with accompanying papers); to the Committee on Pensions.

By Mr. JOHNSON of Maine (for Mr. SHIVELY):

A bill (S. 4548) granting an increase of pension to Samuel E. Calvert; and

A bill (S. 4549) granting an increase of pension to Samuella Goodrich; to the Committee on Pensions.

By Mr. JONES:

A bill (S. 4550) granting to the Portland, Vancouver & Northern Railway Co. a license to cross the Vancouver Barracks Military Reservation, at Vancouver, Wash.; to the Committee on Military Affairs.

By Mr. SUTHERLAND:

A bill (S. 4551) to authorize the Supreme Court to prescribe forms and rules, and generally to regulate pleading, procedure, and practice on the common-law side of the Federal courts; to the Committee on the Judiciary.

NATIONAL DEFENSE SECRETS.

Mr. TILLMAN. Mr. President, I submit an amendment intended to be proposed by me to the bill (S. 4307) to prevent the disclosure of national-defense secrets. I ask that the amendment be read, printed, and referred to the Committee on Naval Affairs.

There being no objection, the amendment was ordered to be printed and referred to the Committee on Naval Affairs and read, as follows:

On page 4, line 2, change the semicolon after the word "penalty" to a comma and insert thereafter the words "and offenses hereunder committed within the Canal Zone shall be cognizable in the district court of said zone," so that section 4 of the bill, as amended, would read as follows:

"SEC. 4. That offenses against the provisions of this act committed upon the high seas or elsewhere outside of a judicial district shall be cognizable in the district where the offender is found or into which he is first brought; but offenses hereunder committed within the Philippine Islands shall be cognizable in any court of said islands having original jurisdiction of criminal cases with the same right of appeal as is given in other criminal cases where imprisonment exceeding one year forms a part of the penalty, and offenses hereunder committed within the Canal Zone shall be cognizable in the district court of said zone; and jurisdiction is hereby conferred upon such courts for such purpose."

Mr. TILLMAN. I present a letter under date of February 9, 1916, addressed to me by the then Secretary of War explanatory of the amendment, which I ask may be printed for the use of the committee.

The VICE PRESIDENT. Without objection, the request of the Senator from South Carolina will be complied with.

THE JUDICIAL CODE.

Mr. TILLMAN submitted two amendments intended to be proposed by him to the bill (S. 1412) further to codify, revise, and amend the laws relating to the judiciary, which were referred to the Committee on the Judiciary and ordered to be printed.

PRODUCTS OF CHILD LABOR.

Mr. TILLMAN submitted an amendment intended to be proposed by him to the bill (H. R. 8234) to prevent interstate commerce in the products of child labor, and for other purposes, which was referred to the Committee on Interstate Commerce and ordered to be printed.

AMENDMENT TO ARMY APPROPRIATION BILL.

Mr. NELSON submitted an amendment authorizing the President to appoint to the grade of major general on the retired list of the Army any brigadier general now borne on the list who served with credit in the Army throughout both the Civil and Spanish Wars, etc., intended to be proposed by him to the Army appropriation bill, which was referred to the Committee on Military Affairs and ordered to be printed.

Mr. STONE. I move that the Senate adjourn.

The motion was agreed to; and (at 6 o'clock and 3 minutes p. m.) the Senate adjourned until to-morrow, Saturday, February 19, 1916, at 12 o'clock meridian.

## NICARAGUAN CANAL ROUTE.

During the executive session Friday, February 18, 1916, the injunction of secrecy was removed from the following proceedings:

February 10, 1916, on motion by Mr. BORAH to consider the Nicaraguan treaty in open executive session, the question having been taken by a yea-and-nay vote, resulted—yeas 15, nays 52, as follows:

YEAS—15.

| | | | |
|---|---|---|---|
| Borah | Cummins | La Follette | Poindexter |
| Chamberlain | Gronna | Lane | Sheppard |
| Clapp | Jones | Martine, N. J. | Works |
| Clarke, Ark. | Kenyon | Norris | |

NAYS—52.

| | | | |
|---|---|---|---|
| Bankhead | Husting | Oliver | Smith, Ariz. |
| Beckham | James | Overman | Smith, Md. |
| Brandegee | Johnson, Me. | Page | Smith, S. C. |
| Broussard | Johnson, S. Dak | Phelan | Smoot |
| Clark, Wyo. | Kern | Pittman | Stone |
| Dillingham | Lea, Tenn. | Pomerene | Sutherland |
| du Pont | Lee, Md. | Ransdell | Swanson |
| Fletcher | Lodge | Reed | Thompson |
| Gallinger | McLean | Robinson | Wadsworth |
| Harding | Martin, Va. | Saulsbury | Walsh |
| Hitchcock | Myers | Shafroth | Warren |
| Hollis | Newlands | Shields | Weeks |
| Hughes | O'Gorman | Simmons | Williams |

The following pairs were announced:

Mr. ASHURST with Mr. LIPPITT;
Mr. BRYAN with Mr. TOWNSEND;
Mr. CHILTON with Mr. FALL;
Mr. CULBERSON with Mr. SHERMAN;
Mr. GORE with Mr. BRADY;
Mr. HARDWICK with Mr. CURTIS;
Mr. LEWIS with Mr. SMITH of Michigan;
Mr. OWEN with Mr. CATRON;
Mr. SHIVELY with Mr. BURLEIGH;
Mr. SMITH of Georgia with Mr. PENROSE;
Mr. THOMAS with Mr. MCCUMBER;
Mr. TILLMAN with Mr. GOFF;
Mr. UNDERWOOD with Mr. COLT; and
Mr. VARDAMAN with Mr. STERLING.

So Mr. BORAH's motion was rejected.

*Friday, February 18, 1916.*

The Senate, in executive session, considered and agreed to the following resolution of ratification:

*Resolved* (*two-thirds of the Senators present concurring therein*), That the Senate advise and consent to the ratification of the convention between the United States and Nicaragua, signed at Washington on August 5, 1914, granting to the United States, in return for a money payment, the exclusive proprietary rights for the construction and operation of an interoceanic canal by a Nicaragua route, the lease of certain islands, and the right to establish a naval base on the Gulf of Fonseca, with the following amendments, to wit:

In Article I, line 2, after the words "United States," insert a comma (,) and the following words: "forever free from all taxation or other public charge," followed by a comma (,).

At the end of Article III strike out the period (.) and add the following: "or other public purposes for the advancement of the welfare of Nicaragua in a manner to be determined by the two high contracting parties, all such disbursements to be made by orders drawn by the minister of finance of the Republic of Nicaragua and approved by the Secretary of State of the United States or by such person as he may designate."

*Provided*, That whereas Costa Rica, Salvador, and Honduras have protested against the ratification of said convention in the fear or belief that said convention might in some respect impair existing rights of said States, therefore it is declared by the Senate that in advising and consenting to the ratification of the said convention as amended such advice and consent are given with the understanding, to be expressed as a part of the instrument of ratification, that nothing in said convention is intended to affect any existing right of any of the said named States.

On the ratification of the treaty with Nicaragua the yeas and nays were ordered and taken, and the following pairs were announced:

Mr. GORE and Mr. OLIVER with Mr. BRADY;
Mr. HARDWICK and Mr. JOHNSON of Maine with Mr. CURTIS;
Mr. LEA of Tennessee and Mr. PENROSE with Mr. GOFF;
Mr. LEWIS and Mr. SHIVELY with Mr. CLARK of Wyoming; and
Mr. BRYAN with Mr. TOWNSEND.

The yea-and-nay vote on the ratification of the treaty with Nicaragua resulted—yeas 55, nays 19, as follows:

YEAS—55.

| | | | |
|---|---|---|---|
| Ashurst | Hollis | Owen | Smith, Ariz. |
| Bankhead | Hughes | Page | Smith, Ga. |
| Beckham | Husting | Phelan | Smith, Md. |
| Brandegee | Johnson, S. Dak. | Pittman | Smith, S. C. |
| Broussard | Kern | Poindexter | Stone |
| Chilton. | Lee, Md. | Pomerene | Sutherland |
| Colt | Lippitt | Ransdell | Swanson |
| Dillingham | Lodge | Reed | Thompson |
| du Pont | McLean | Robinson | Tillman |
| Fall | Martin, Va. | Saulsbury | Wadsworth |
| Fletcher | Myers | Shafroth | Walsh |
| Gallinger | Newlands | Sheppard | Weeks |
| Harding | O'Gorman | Shields | Williams |
| Hitchcock | Overman | Simmons | |

NAYS—19.

| | | | |
|---|---|---|---|
| Borah | Cummins | McCumber | Smoot |
| Catron | Gronna | Martine, N. J. | Thomas |
| Chamberlain | Jones | Nelson | Vardaman |
| Clapp | Kenyon | Norris | Warren |
| Clarke, Ark. | La Follette | Smith, Mich. | |

So the treaty with Nicaragua, as amended, was ratified and made public, as follows:

[Amendments in italics.]

NICARAGUAN CANAL ROUTE.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES, TRANSMITTING A CONVENTION BETWEEN THE UNITED STATES AND NICARAGUA, SIGNED AT WASHINGTON ON AUGUST 5, 1914, GRANTING TO THE UNITED STATES, IN RETURN FOR A MONEY PAYMENT, THE EXCLUSIVE PROPRIETARY RIGHTS FOR THE CONSTRUCTION AND OPERATION OF AN INTEROCEANIC CANAL BY A NICARAGUA ROUTE, THE LEASE OF CERTAIN ISLANDS, AND THE RIGHT TO ESTABLISH A NAVAL BASE ON THE GULF OF FONSECA.

*To the Senate:*

I transmit, with a view to its ratification, a convention between the United States and Nicaragua, signed at Washington on August 5, 1914, granting to the United States, in return for a money payment for the benefit of the Republic of Nicaragua, the exclusive proprietary rights necessary and convenient for the construction, operation, and maintenance of an interoceanic canal by a Nicaraguan route, the lease for 99 years of Great and Little Corn Islands in the Caribbean Sea, and the right to establish a naval base on the Gulf of Fonseca.

WOODROW WILSON.

THE WHITE HOUSE,
*Washington, August 8, 1914.*

The undersigned, the Secretary of State, has the honor to lay before the President, with a view to its transmission to the Senate to receive the advice and consent of that body to its ratification, a convention between the United States and Nicaragua, signed at Washington on August 5, 1914, granting to the United States, in return for a money payment for the benefit of the Republic of Nicaragua, the exclusive proprietary rights necessary and convenient for the construction, opera-

tion, and maintenance of an interoceanic canal by a Nicaraguan route, the lease for 99 years of Great and Little Corn Islands in the Caribbean Sea, and the right to establish a naval base on the Gulf of Fonseca.

Respectfully submitted.

W. J. BRYAN.

DEPARTMENT OF STATE,
*Washington, August, 1914.*

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The Government of the United States of America and the Government of Nicaragua being animated by the desire to strengthen their ancient and cordial friendship by the most sincere cooperation for all purposes of their mutual advantage and interest and to provide for the possible future construction of an interoceanic ship canal by way of the San Juan River and the great Lake of Nicaragua, or by any route over Nicaraguan territory, whenever the construction of such canal shall be deemed by the Government of the United States conducive to the interests of both countries, and the Government of Nicaragua wishing to facilitate in every way possible the successful maintenance and operation of the Panama Canal, the two Governments have resolved to conclude a convention to these ends, and have accordingly appointed as their plenipotentiaries:

The President of the United States, the Hon. William Jennings Bryan, Secretary of State; and

The President of Nicaragua, Señor General Don Emiliano Chamorro, envoy extraordinary and minister plenipotentiary of Nicaragua to the United States;

Who, having exhibited to each other their respective full powers, found to be in good and due form, have agreed upon and concluded the following articles:

ARTICLE I. The Government of Nicaragua grants in perpetuity to the Government of the United States, *forever free from all taxation or other public charge*, the exclusive proprietary rights necessary and convenient for the construction, operation, and maintenance of an interoceanic canal by way of the San Juan River and the great Lake of Nicaragua or by way of any route over Nicaraguan territory, the details of the terms upon which such canal shall be constructed, operated, and maintained to be agreed to by the two Governments whenever the Government of the United States shall notify the Government of Nicaragua of its desire or intention to construct such canal.

ART. II. To enable the Government of the United States to protect the Panama Canal and the proprietary rights granted to the Government of the United States by the foregoing article, and also to enable the Government of the United States to take any measure necessary to the ends contemplated herein, the Government of Nicaragua hereby leases for a term of 99 years to the Government of the United States the islands in the Caribbean Sea known as Great Corn Island and Little Corn Island; and the Government of Nicaragua further grants to the Government of the United States for a like period of 99 years the right to establish, operate, and maintain a naval base at such place on the territory of Nicaragua bordering upon the Gulf of Fonseca as the Government of the United States may select. The Government of the United States shall have the option of renewing for a further term of 99 years the above leases and grants upon the expiration of their respective terms, it being expressly agreed that the territory hereby leased and the naval base which may be maintained under the grant aforesaid shall be subject exclusively to the laws and sovereign authority of the United States during the terms of such lease and grant and of any renewal or renewals thereof.

ART. III. In consideration of the foregoing stipulation and for the purposes contemplated by this convention and for the purpose of reducing the present indebtedness of Nicaragua, the Government of the United States shall, upon the date of the exchange of ratification of this convention, pay for the benefit of the Republic of Nicaragua the sum of $3,000,000 United States gold coin, of the present weight and fineness, to be deposited to the order of the Government of Nicaragua in such bank or banks or with such banking corporation as the Government of the United States may determine, to be applied by Nicaragua upon its indebtedness *or other public purposes for the advancement of the welfare of Nicaragua in a manner to be determined by the two high contracting parties, all such disbursements to be made by orders drawn by the minister of finance of the Republic of Nicaragua and approved by the Secretary of State of the United States or by such person as he may designate.*

ART. IV. This convention shall be ratified by the high contracting parties in accordance with their respective laws, and the ratifications thereof shall be exchanged at Washington as soon as possible.

In witness whereof the respective plenipotentiaries have signed the present treaty and have affixed thereunto their seals.

Done at Washington, in duplicate, in the English and Spanish languages, on the 5th day of August, in the year 1914.

WILLIAM JENNINGS BRYAN. [SEAL.]
EMILIANO CHAMORRO. [SEAL.]

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## HOUSE OF REPRESENTATIVES.

### FRIDAY, *February 18, 1916.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

O Thou infinite Source of Life and Light, through whose boundless love we live and move and have our being, strengthen, we beseech Thee, our arm of faith, brighten our star of hope, and inspire us with high and holy aspirations that we may move forward as individuals to larger life and as a people to higher attainments; that our Republic may be the star of hope to the liberty-loving people of all the world; that right may make for might, liberty for truth and righteousness; that Thy kingdom may come and Thy will be done in all the earth. In the spirit of the Prince of Peace. Amen.

The Journal of the proceedings of yesterday was read and approved.

#### MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Waldorf, one of its clerks, announced that the Senate had passed bill of the following title, in which the concurrence of the House was requested:

S. 1424. An act incorporating the American Academy of Arts and Letters.

#### LABOR'S NATIONAL PEACE COUNCIL.

The SPEAKER. Under a special order of the House, the gentleman from Illinois [Mr. BUCHANAN] is recognized for 30 minutes.

Mr. BUCHANAN of Illinois. Mr. Speaker, I first desire to have read by the Clerk a part of an article from the Chicago Tribune of December 29, 1915, under the head of "Labor council chiefs indicted as war plotters. BUCHANAN and Fowler are among those accused by Federal jury in New York." To save time I want that part read under the head of "Witnesses tell stories."

The SPEAKER. Without objection, the Clerk will read.

The Clerk read as follows:

#### WITNESSES TELL STORIES.

From two Government witnesses the Tribune has obtained a story of charges made against Congressman FRANK BUCHANAN and seven other men who were indicted as pro-German plotters by the New York grand jury.

One of the men from whom the story comes is Charles H. Canode, president of the Bronson-Canode Printing Co., of South State Street. Mr. Canode was a vice president of the Labor Peace Council, and presided at the first meeting after its organization in the offices of John Fitzpatrick and E. N. Nockels, president and secretary of the Chicago Federation of Labor.

Another is William F. Kramer, also a vice president of the peace council and international secretary of the Brotherhood of Blacksmiths.

#### FACTS GIVEN BY CANODE.

This is the story told by Mr. Canode:

"Congressman BUCHANAN and ex-Congressman Robert Fowler and H. B. Martin were the principal promoters of the organization of the Labor Peace Council. They were to furnish the money or intimated they would do so.

"We were led to believe that the purpose of the organization was to promote peace in Europe and the United States. We were to advocate industrial rest and bring pressure to bear to prevent the manufacture of munitions to be shipped to Europe. Our constitution was similar to the one upon which the American Federation of Labor is founded.

"My firm was given a contract to publish propaganda for the peace council. Congressman BUCHANAN gave me $1,000 as a deposit to pay for some of the work. He was to get the rest from Martin. The peace council continued to hold meetings. One day at the Federation of Labor offices some one presented a resolution condemning President Wilson. E. N. Nockels got up and objected to its passage, and said it was against the principles laid down in the constitution.

"Following that other things began to look queer, and Mr. Nockels and Mr. Fitzpatrick conferred with Samuel Gompers, who had an inkling that all was not right with the promoters of the peace council. They withdrew their support. A month later Mr. Kramer and I felt that there was a 'nigger in the woodpile' and we began to look around to see who was going to fulfill various obligations that had been incurred.

"I went to BUCHANAN. He said he would make Martin pay the debts which had been incurred. I understand that Martin had at his disposal somewhat near $200,000. I expressed doubt that Martin would make good. Then BUCHANAN said to me, in substance:

"'Of course he will, and if he don't and wants to spill the beans then I will tell a few things.'

"A few days later Martin left, and I haven't seen him since. I told this to the grand jury. I told them all I knew, because I feel it my duty to go to the front on a thing like this. Had I any suspicion that all was not right, I would have revealed it at the start.

"I have since learned that Franz von Rintelen came to this country with the money to be spent in fostering strikes and financing various plots and schemes. His right-hand man was David Lamar.

#### HOW MUCH MONEY NEEDED?

"A man named Ike J. Cundiff, a machinist, was hired to organize strikes. Cundiff, as far as I know, is honest. He was instructed one time to go to Ilion, N. Y., and help out in a threatened strike. He found the trouble all settled. He had been instructed to sign all communications with the letter 'K.'

"He sent back the following message in substance:

"'Strike here is settled. My presence is unnecessary. Await your orders.'

"Cundiff is alleged to have received back the following message:

"'Stay on the job. How much money will it take? Wire me the amount.'

"Well, Cundiff was not going to be a party to mulcting anyone, and he replied that no money was necessary, as the strike was settled.

"I believe there was in numerous cases such an element—a trick to mulct the German agents themselves.

#### HOPE BUCHANAN IS CLEAR.

"How far the indicted men were involved in these deals is for the trial jury to decide. I had hopes that Congressman BUCHANAN was innocent. In fact, I still would be pleased to learn he had proved himself so. I liked Frank, but I can not understand why he did not reveal any information he might have had.

"When I was shown the minute book and other documents of the Labor Peace Council while in New York I was amazed to see that some one had torn out the original minutes in the handwriting of L. P. Straube, of Chicago, and had substituted other pages. The substituted pages told of the passing of a resolution which was an utterance of rank treason and would have been a disgrace for any American citizen to condone. I was present every minute of the meeting at Washington and was positive no such resolutions had been passed. I could see that the substitution had been made by some one interested in showing the German agents that the Labor Peace Council was advocating sabotage and villifying the principles of the American Government.

"Upon closer examination I saw that the resolution had been written on paper bearing the letterhead of the Labor Peace Council. The official letterheads of the peace council were printed by my own firm, but this resolution was written on an imitation letterhead and had been printed by a firm in Washington, as I discovered from the watermark. Also it did not bear the union label."

PUTS BLAME ON OTHERS.

William F. Kramer, one of the vice presidents of the Labor Peace Council, had the following to say:

"The gang went about the work and got away with it by pretending to be agents of the Labor Peace Council. The Labor Peace Council knew nothing about their acts, and had any of those fellows applied for membership it would have been denied.

"They sent telegrams signed 'K,' which asked for money. I was amazed at their cunning in seeking to mulct each other by using initials which would give the impression that I and my associates were lending our efforts to further their schemes.

"Congressman BUCHANAN was the first to promote the Labor Peace Council. I would be much pleased to know that he is innocent. If those indicted men are guilty, then they deserve all that the law can give them."

Mr. BUCHANAN of Illinois. Mr. Speaker, knowing favorably the men that are quoted there, I did not believe that they could be induced by bribery or otherwise to make false statements that would reflect upon me. I therefore wrote to two of my friends in Chicago, stating to them that I did not believe it was possible for these men to have made these false statements, but to go to them and inquire whether or not the statements accredited to them in the Chicago Tribune were correct. They did me this favor, and I desire to have the Clerk read a letter addressed to my friend George Fitzgerald in regard to the statement which has been read in the Chicago Tribune.

The SPEAKER. Without objection, the Clerk will read.

The Clerk read as follows:

CHICAGO, *January 7, 1916.*

Mr. GEORGE FITZGERALD,
*808 West Van Buren Street, Chicago.*

DEAR SIR: I am in receipt of your letter of January 6, relative to the interview in the Chicago Tribune recently, and in which article the reporter is purported to have quoted me. I wish to say the supposed interview is absolutely without foundation of fact. The article states that Mr. BUCHANAN said he would "spill the beans if Martin failed to pay my bill," which is absolutely false.

The article further states that I. J. Cundiff was hired to organize strikes, whereas I specifically stated that Mr. Cundiff was hired for the purpose of organizing local councils for Labor's National Peace Council.

Furthermore it states that this supposed interview was practically what I testified to before the grand jury while in New York, while as a matter of fact I could not have made that statement for the reason that I did not testify before the grand jury in New York.

A day or two after the article appeared the reporter responsible for it called up my office in my absence and asked my stenographer if I had made any comment on the article, and on my stenographer answering that she did not know, and that he would have to talk to me about it, he then said he just wanted to know whether I had done any swearing after having read the article.

The comment which wound up this interview relative to Mr. BUCHANAN is all false. I never stated that to the reporter or anyone else, and do not know why this statement should have been credited to me.

I called Mr. Kendall, the Tribune reporter, over the phone to-day and he said that statement about "spilling the beans" was all a mistake and that the other statements attributed to me were mistakes in the make-up of the paper, and no opportunity was given him to correct it. This last statement from Mr. Kendall may be taken for what it is worth, but I want it understood that there is absolutely no basis for them attributing those statements to me.

On the other hand, if the persons responsible for the bills incurred by Labor's National Peace Council had kept their word and paid their bills there would have been no occasion for anyone drawing me into this controversy.

Yours, very truly, CHAS. H. CANODE.

Mr. BUCHANAN of Illinois. Mr. Speaker, I might say by way of explanation that the trouble in collecting the bills was after I had resigned from the Labor Peace Conference. I ask that the Clerk read a letter written by Mr. Kramer denying that statement.

The Clerk read as follows:

INTERNATIONAL BROTHERHOOD OF
BLACKSMITHS AND HELPERS,
*Chicago, January 7, 1916.*

Mr. JOHN J. WALT,
*Chicago, Ill.*

DEAR SIR AND BROTHER: The attached clipping, which appeared in the Chicago Tribune of December 29, 1915, is an interview credited as coming from me, and I desire to say that the article is a malicious falsehood and deny most emphatically having made such statements to any person.

Yours, fraternally, WM. F. KRAMER.

[From the Chicago Tribune, Dec. 29, 1915.]

William F. Kramer, one of the vice presidents of Labor Peace Council, had the following to say:

"The gang went about the work and got away with it by pretending to be agents of the Labor Peace Council. The Labor Peace Council knew nothing about their acts, and had any of these fellows applied for membership it would have been denied.

"They sent telegrams signed 'K.' which asked for money. I was amazed at their cunning in seeking to mulct each other by using initials which would have the impression that I and my associates were lending our efforts to further their schemes.

"Congressman BUCHANAN was the first to promote the Labor Peace Council. I would be pleased to know that he is innocent. If those indicted men are guilty, then they deserve all that the law can give them."

Mr. BUCHANAN of Illinois. Mr. Speaker, the article in the Chicago Tribune is one of a great many of the erroneous and libelous statements in the newspapers of the country. Among others, there was a newspaper report stating that Mr. Straube, secretary of the Labor National Peace Council, during the time I was connected with it, and who remained secretary after I had disconnected myself from it—the statement was made that he was going to disclose some of the secrets of the Labor National Peace Council by giving the grand jury the books and papers, and so forth. I told my friends that was all right, that there was nothing done during my time but what we were willing to have the closest scrutiny of and, if necessary, to have it published in the papers. We never had any secret meetings and never did anything that we were trying to hide from the public. But in response to an inquiry by my friends as to the Tribune's statement reflecting on me, I desire to have the Clerk read a letter from Mr. Straube.

The SPEAKER. Without objection, the Clerk will read.

The Clerk read as follows:

COMMERCIAL PORTRAIT ARTISTS' UNION,
*19 West Adams Street, Chicago, January 7, 1916.*

HON. FRANK BUCHANAN,
*Washington, D. C.*

MY DEAR BUCHANAN: In response to inquiries made by John J. Walt and George Fitzgerald relative to the authenticity of alleged newspaper interviews with me dealing with Labor's National Peace Council affairs, permit me to say in the most emphatic manner possible that the only statement I ever personally gave to the press was to the effect that the explanatory pamphlet issued by the council bearing our respective signatures constituted all there was to be said on the subject, except that our subsequent actions were such that not one of the Chicago representatives of the council need fear the most rigid investigation or the most searching inquiry, that our office records were proof of our honesty, honor, and integrity, and that the future would prove the correctness of our views and the real patriotism and loyalty of those who preached peace and plenty, rather than merciless mass murder and misery.

What I know of your connection with Labor's National Peace Council will ever be a credit to you, and will but tend to increase the esteem and regard of all when the truth is eventually known.

Fraternally, yours,

L. P. STRAUBE.

Mr. BUCHANAN of Illinois. Mr. Speaker, I desire to ask unanimous consent to insert in the RECORD the publication that is spoken of in that letter of Mr. Straube, being the only thing that was issued during the time I was connected with the Labor National Peace Council.

The SPEAKER. The gentleman from Illinois asks unanimous consent to insert the matter in the RECORD as a part of his speech. Is there objection?

There was no objection.

The following is the matter referred to:

LABOR'S NATIONAL PEACE COUNCIL—THE REASONS FOR ITS EXISTENCE, TOGETHER WITH THE LABORS THAT DEMAND ITS ATTENTION.

War constitutes the seedtime of human misery and the harvest time of inhuman greed.

As proof of the former one needs but glance at the columns of the daily press, which, in spite of the active censorship at work, is replete with soul-sickening accounts of the unspeakable horrors that are incidental to a condition of murderous strife. Lust, loot, and license, the triple evils which have for ages been regarded as the special privileges of warriors, seem, in spite of our boasted advancement in civilization, to still be an inseparable cordition of war, if the blood-soaked pages of European history now being written by flame and sword are to be believed.

THE SEEDTIME OF HUMAN MISERY.

The appalling sacrifice of human lives, totaling into the millions, and still continuing with unabated force, while stupendous in character, deals only with the dead whom the Grim Reaper has put beyond the power to feel further suffering; the crippled remnants of what once were men in the full vigor and pride of mental and physical strength, and the army of children, whose pinched faces and puny forms are the direct result of war, constitute a most pathetic appeal for peace.

The anguished groans of outraged womanhood, instructed by a monstrously selfish Government to lay aside all the refinements of their nature and submit themselves to the embrace of the soldiers ordered to the front, so that the governmental edict "Breed before you die" might be effectually consummated, coupled with the heart-rending cries of bereaved mothers, wives, and orphans doomed to suffer privation and want in their most revolting and hideous forms, is a spectacle so pitiful that it robs war of all the attributes of patriotism, honor, and glory its advocates continually strive to invest it with.

Who have and must do practically all the fighting that is done? Who compose the forces in the rifle pits and trenches? The privileged 5 per cent of the warring nations or the 95 per cent constituting the toilers of such country?

Who are those who profit by war; those who at the close of a war return to find homes in ruins, family dispersed, fields despoiled, stock stolen, credit destroyed, physical health impaired, victims of disease contracted in their country's service, or crippled, to the extent of being a burden instead of a help; or are they the hypocritical merchant princes and captains of industry who stayed at home, living in luxurious ease and comfort, preaching public patriotism while practicing private graft, and then decline to employ or support those who fought the fight because of their physical incapacity?

Who pays the enormous war debts, largely representing exorbitant profits exacted by modern business Shylocks, eager to commercialize their country's need and enrich themselves at the public's expense? Is it the criminal rich or the conscientious wealth-producing citizen?

The answer to these questions can be found in the pages of the world's history and in the experience-purchased knowledge possessed by every reader, which must convince even the most skeptical that war, be it great or small, is, has, and ever will be the seedtime of human misery.

THE HARVEST TIME OF INHUMAN GREED.

It is well said that those who control the credit and money of this country control the business of the country. Since rich men do not keep much money in the banks, but use bank credit, which passes the same as money, the natural question arises: Where does the money come from upon which the credit given the business world is based? That money represents the meager profits of the small business man, the comfort-denying savings of the working people, the petty household economics of the nation's wives and mothers, the poor widow's hoarded mite and the pennies of the country's children, who, patronizing a bank to insure the safe-keeping of their money, put the sum total of their combined wealth in the control of the bankers with whom they deposit it.

The control of all this money by a few men is a dangerous thing. If all of these men are honest, impartial, wise, and prudent, then all is well and good. But if a part of these men prove greedy, dishonest, and imprudent, then the control becomes a public evil, for those bankers who are greedy, dishonest, and imprudent can and do create financial panics that result in the demoralization of business which may cause bank failures and business failures, men are thrown out of work, wages are reduced, and the farmers can not dispose of their products. The people who have deposited their money in the banks can not draw it out, and they are helpless until conditions are relieved. When money is tight, it is the business man, the farmer, and the people at large who must suffer. But the banker profits, for he secures higher rates for money and is enabled to buy securities at low prices.

War, with its insistent demands for cash in unlimited quantities, is the time when exorbitant profits are exacted to the smallest fraction of a penny, not only by the smug-faced financial pirates, known as bankers, but their equally merciless brothers in crime, the commercial buccaneers that deal in war supplies and equipment.

Does such a condition serve as tenable basis for the statement that war is the harvest time of inhuman greed?

THE PEOPLE'S PART IN WAR.

If the constant press plea for financial contributions to relieve the distress of the European masses, without food, clothes, or shelter are true, war in that battle-scarred portion of the earth does not mean either progress or prosperity for the people; and if the army of jobless American toilers is any indication, the boasted prosperity of America is confined to big business alone and is not permitted to filter through to the common people.

The only conclusion an intelligent mind can arrive at, after an exhaustive study of all that the most ardent champion of militarism and war can offer to support the ancient theory of might makes right, is that peace is essential to progress and prosperity, while war means nothing else but waste, worry, and woe.

As labor represents that 95 per cent of the people which suffer most through war, it is but natural that it constitute that element of human society most directly and vitally concerned in the preservation of peace, and its efforts in that direction, though ridiculed by some and derided by others, will never and can never be construed by the fair-minded as the expression of moral or physical cowardice that shrinks from war's sacrifices through lack of personal courage.

REPORT OF AMERICA'S FRATERNAL DELEGATES.

In the year 1913, long before the murderous European slaughter had been inaugurated, Messrs. C. L. Baine and Louis Kemper, as the fraternal delegates representing the American Federation of Labor to the British Trades-Union Congress, on their return reported in part to the organized workers of America as follows:

"One of the strongest impressions made upon the minds of your delegates while attending the Congress was the prevailing sentiment against international wars. There seemed to be a general sentiment that trade-unionists would not be pawns in the game of international war as played by political or commercial interests for financial or territorial aggrandizement, and that the trade-unionists of the world, bound together in bonds of fraternity, strengthened by the annual visitations of delegates from each country to the others, would enter their most emphatic protest against being rendered as food for cannon and other implements of war at the behest of their despoilers. To our minds the international trade-union movement has become already the greatest guaranty for international peace, and will be recognized as such in the near future by all who are interested in preserving the human race from the ravages of warfare."

As evidence that the sentiment prevalent in England was not confined to Great Britain alone, we need but turn to the report rendered to the American Federation of Labor by George W. Perkins, president International Cigar Makers' Union, who served as its fraternal delegate to the World's Congress of Trades-Unions, held at Zurich, Switzerland, September, 1913, at which the following countries were represented: England, France, Belgium, Holland, Denmark, Sweden, Norway, Finland, Germany, Austria, Boznia-Herzegovina, Hungary, Croatia, Switzerland, Italy, Spain, and the United States.

In this report the conclusions of Delegate Perkins were presented in part as follows:

"The trade-union movement of Europe has had a greater influence in preventing the wars between civilized nations than all other influences combined. During the Morocco squabble, and when England, France, and Germany stood ready to grapple in the death struggle, stood on the verge of war with all its horror, misery, and privation, let it be said to the everlasting credit of the trade-unionists of France that they made it clearly understood and known to the Government that they were opposed to a war of conquest. The French trade-unionists immediately communicated with England and Germany, and while it was deemed not advisable that a conference be held to discuss war and its prevention, it was diplomatically decided that the delegation of French trade-unionists should visit Germany and England on a study tour of social and economic questions. About 70 trade-unionists went to each country. They spent several days in Germany, in which time both the German and French leaders quietly talked against war. This all culminated in a mass meeting held in Berlin and which over 30,000 people attended. Outwardly the meeting was to talk over social and economic questions, but inwardly the working people, at least, knew it was to be a protest against a war with France over the Morocco situation.

"This substantial demonstration immediately had its effect upon Germany. The French delegates immediately hurried home, where similar tactics were employed. Mass meetings of protest against war with Germany or England over the Morocco question were held all over France, and resolutions of protest against the war were unanimously adopted. The same influences were at work in England, and I assert without fear of successful contradiction that the trade-union movement of these three countries actually prevented what would have been one of the bloodiest and costliest wars, had it taken place, that has ever occurred in Europe. The trade-union movement, if nothing else, has taught the workers of all the countries that wars of conquest bring home to the workers who are fortunate to live through the war nothing but misery, degradation, and poverty, and after all it is the greatest agency for peace the world possesses.

"It has dispelled the hatred that formerly existed between the workingmen of different countries, and has brought about in its stead a feeling of brotherly love and kindly consideration which augers well for the more speedy development of the international trade-union movement.

GEORGE W. PERKINS'S PROPHECY.

"Personally I am of the opinion that standing armies of continental Europe are maintained not so much for the purpose of repelling foreign invasion, but rather to hold in subjection the workers and to repel any uprising or revolution which the intolerable conditions might inspire in them. Continental Europe as it exists to-day is standing on a volcano, glossed over with a thin veneer of flowers, song, music, art, old buildings, and traditions. Remove these, and there might be an eruption that would shake the civilized word to its very foundations. Where will it end? The answer, reflected on the banner of the advancing hosts of trade-unionists, is that as the trade-union movement develops, it will bring order out of chaos. It will restore, in so far as it is possible, conditions to a more equitable level, and bring into the lives of the workers of these otherwise beautiful countries some sunlight, some happiness, and the opportunity and ability to enjoy life as befits human beings and advancing civilization."

Not many months after the submission of the Perkins report, the suggested volcanic eruption burst forth with a fury and devastating effect that has grown brain staggering in its immensity, and prompted the executive council of the American Federation of Labor in its report to the thirty-fourth annual convention held at Philadelphia, Pa., from 9th to 21st of November, 1914, to make a statement on international war and peace, of which the following are extracts:

DECLARATION OF AMERICAN FEDERATION OF LABOR.

"A stupendous conflict is shaking to its foundations the structures of world civilization. The normal relations of commerce and interchange have been disrupted. In Europe values placed upon the interests and purposes of human activity have been reversed.

"Before the war the thought and effort of civilization was centered upon the development and the glorification of human life. One life was counted of infinite value. The end of progress, development, and work was that each individual might have life more abundantly. Indefatigable minds have forced understanding of the unknown that human life might be protected and conserved and that all the forces and resources of the universe might be put under the control of the will of man. Hearts that were great with love and understanding of the yearnings and aspirations that lie in every life sought to bring beauty and joy into the common life of all. Over all the world was felt the stir of that great ideal—the fellowship of men.

"But since the cataclysm that brought war between nations all the skill, the inventions, the knowledge of civilization have been perverted to purposes of destruction of human life and devastation of the products of human labor. Men are treated as only military pawns, to obey implicitly the command of the general. They are targets for the most perfect guns and destructive ammunition human minds have invented. Things are valued for their life-destroying power. Guns are worth more than men. The value of military position is estimated in terms of human lives. The life and the property of the individual are ruthlessly sacrificed to ends of war.

"The cruelty and butchery of the war are appalling. The waste and the suffering in its wake are heart-rending. The blackened homes, the ruined lives, the long procession of homeless, seeking food and shelter from the hands of strangers—all these are the products of war. There are nations that are sending the flower of their manhood to meet almost certain death. The strong, the healthy, the fit leave the work of the nation to the old and the very young, to women and to children. For centuries the nations will suffer from this mad, stupid waste, for the fathers of the next generation will be the unfit, physically and mentally, those whose vision or hearing is imperfect, those of undersize and subnormal development.

"Yet this war, with its terrific toll of human lives, is the product of artificial conditions and policies, and is repugnant to the thought and political progress of the age. The big things of life and civilization are international. But so far we have made little effort or progress in providing agencies for organizing international relations to maintain peace and justice. We realize intellectually that peace and justice should obtain among nations, but we have not yet instituted permanent means adequate to make that conviction a reality.

"A time when we are confronted by the effects and the appalling realities of a most terrible war is a peculiarly appropriate opportunity for the people to think out methods and agencies for the maintenance of peace. The terrible consequences of war which are forced upon us everywhere envelop peace plans with an unusual atmosphere of practicability and urgency. The appeal for peace is getting very close to the American people, the only great Nation not directly involved in the war, and consequently the Nation that holds in its hands the power of mediation and use of its good offices. This opportunity constitutes a duty, if we really believe in the fellowship of men and the sacredness of human life.

"For years peace societies and organizations have presented arguments for peace, have adopted peace resolutions, and have declared for various international sentiments, but they have made little effort to give these visions reality in the organization of society and the relations among nations. But the war has shown that war can not be stopped by paper resolutions and that war can not put an end to itself. Wars will cease only when society is convinced that human life is really sacred and when society establishes agencies, international as well as national, for protecting lives.

"We profess to believe that all men have inalienable rights to life, liberty, and the pursuit of happiness, but we do not see to it that these rights are secured to each individual. Industry is conducted upon the supposition that human life is cheap. Profits are held to be the ultimate end of business. Therefore business managers must get profits and, in furthering the getting, sacrifice the workers in the process. Employers cold-bloodedly calculate in money terms the relative expensiveness of machinery and workers, of the 8-hour day and the 12-hour day, of child labor and adult labor, of compensation for loss of life and limb and preventing measures. In coal mines, steel works, and in transportation human life is risked and sacrificed with cynical disregard. We profess to believe in democratic freedom, yet domination of power so ruthlessly prevails in industry.

"Consider the statistics of industrial accidents, injuries, and deaths. In harmony with this waste of human life in industry is waste of human life in a crude effort to decide political issues on the battle field.

"When we realize the wonderful possibilities in permitting each individual to develop his abilities and do his work with a sound mind and body, then shall we appreciate the sanctity of living and we shall not dare to hamper development in any way. When this ideal becomes a part of our daily thinking and doing and working, then fellow beings will not be robbed of that which no one has the power to restore—life. The establishment of this ideal of the sacredness of life is a problem of education It must be drilled into people, made a part of their very being, and must saturate every mental fiber.

"It is not only that we are shocked at the waste of human life, but that we have not yet adjusted ourselves to this particular kind of waste—waste in war. We must realize the awful responsibility for the loss of human life opportunity with clearness and with understanding of the meaning of that waste that nothing will prevent our putting an end to all preventable waste. When conviction is sufficiently compelling, practical results will follow. Education and agitation are necessary to create that conviction. Those who wish to abolish war must lose no opportunity to implant the ethics of humanity, to make the sacredness of human life a part of the thought and action of the nations. The power to declare war must be put in the hands of the people or their chosen representatives.

"In addition to establishing a sentiment and a conviction for peace, there must be agencies established for the maintenance of peaceful relations among nations and for dealing with international issues. Militarism and competitive armament must be abolished and tribunals for awarding justice and agencies for enforcing determinations must be instituted. International interests and issues exist. Political institutions should be established, corresponding to political developments.

"Those most interested should lead in the demands for world federation and the rule of reason between nations. The working people of all lands bear the brunt of war. They do the fighting, pay the war taxes, suffer most from the disorganization of industry and commerce which results from war.

"The national labor movement can promote the cause of international peace by two complementary lines of action, by creating and stimulating with their own nations a public sentiment that will not tolerate waste of life, and by establishing international relations, understanding, and agencies that will constitute an insuperable barrier to policies of force and destruction. With humanization, education, cultivation, the establishment of the rule of reason, occasions for wars and wars themselves will cease. The working people, the masses of the world's population, can end wars if they will but have the independence to think and to give their convictions reality by daring to do.

"This convention should—aye, must—adopt some constructive suggestion and take some tangible action upon this world problem which so intimately affects the workers of all countries."

ORGANIZED LABOR'S ATTITUDE AND RESULTS.

Notwithstanding the American Federation of Labor's declaration that "the war can not be stopped by paper resolutions, nor can it put an end to itself," the organized workers of America continued to express their belief that war was not only horrible but unnecessary, unintelligent, and avoidable, through the medium of beautiful phrased resolutions, that promised much but accomplished little of real merit, with what result?

The covetous eyes of the commercial ghouls, fiendishly gloating over the nefarious profits, represented by the corpse-strewn battle fields of Europe, turned with hellish purpose toward the United States of America, and, finding themselves unchallenged by any positive evidence of active, organized opposition, grew bold in their satanic design to embroil the land of the free and the home of the brave in the European quarrel and force its people to add their quota toward increasing the blood-stained fortunes of the patriotic (?) international war mongers.

So self-satisfied was this malignant tribe of dollar lovers regarding the supposed fatuous character of the American people, that they exercised no care to conceal their hideous intent, but brazenly invoked aid in the name of patriotism and all the virtues that the Star-Spangled Banner of the United States represents.

THE FIRST PRACTICAL STEP.

Recognizing the need for immediate action to circumvent the avowed purpose of these Judas Iscariots, a group of trades-unionists of Chicago, inspired by the suggestion of the American Federation of Labor's executive council in 1914, agreed among themselves to act as the pioneers that would blaze a path through the tangled brush and timber of national apathy, and, with this thought in mind, called a conference of labor representatives in the executive board rooms of the Chicago Federation of Labor, and, after a series of meetings, brought into being an organization with the significant title "Labor's Peace Council of Chicago," which body, at its session held on June 18, 1915, adopted the following self-explanatory program:

"*Resolved*, That Labor's Peace Council of Chicago, through official channels, communicate with all labor organizations that have placed themselves on record as favoring peace at home and abroad, and urge upon them to select and credential delegates to attend the Peace Conference of Labor, to be held under the direction of the Hon. FRANK BUCHANAN, president of Labor's Peace Council of Chicago, in the city of Washington, D. C., on Tuesday, June 22, 1915, for the purpose of considering the best method of procedure to insure the attainment of organized labor's high ideals and peace sentiments."

WASHINGTON, D. C., PEACE CONFERENCE.

Pursuant to this call, Washington, D. C., on June 22, 1915, witnessed a gathering of labor representatives from various metropolitan centers, who further carried on the work for peace by the adoption of the following resolutions:

"Whereas the purpose of this call, for a peace congress in labor's name, is to crystallize the prevailing sentiment for peace, voiced by the organized toilers of America through resolutions, into practical action that will not only effectually circumvent the hellish designs of the dollar-crazed interests that for the sake of financial gain are striving to force the United States into the vortex of war's crimson flood of human gore, but will also serve as the long-prayed-for excuse that Europe's organized workers have been straining their ears to hear from American shores, and that will enable them to demand, in the name of common humanity, a cessation of hostilities, in order that calm reason may prevail and common sense sit in judgment and end a cruel conflict that has already destroyed the very flower of Europe's army of labor, and is daily claiming hundreds of thousands more, while piling up a war indebtedness that will be left as a spirit-breaking heritage for the maimed and disease-ridden human remnants to pay through further sacrifices and untold future misery; and

"Whereas the American Federation of Labor and most of the labor federations, assemblies, or councils in the large metropolitan centers have adopted strong resolutions not only condemning war, and, in forcible language, voicing a most strenuous protest against the insidious efforts being made to embroil the United States of America in the European conflict, and in the same emphatic manner also courageously and in the interest of humanity favoring a peace universal; and

"Whereas the American Federation of Labor and its various departmental branches, as well as the labor federations, assemblies, or councils in the metropolitan centers, are so overburdened with work dealing with various problems of direct and vital interest to their membership, that in spite of their inclination they can not find time to devote to the detailed labor essential to properly arousing the conscience of labor and urge it to make its presence felt in the preservation of American neutrality and the inauguration of peace universal; and

"Whereas it therefore devolves upon labor's representatives assembled here to prove the courage of their convictions by the establishment of a national institution having for its sole aim and object the carrying into effect, through practical action, of the essence of labor's oft-reiterated declaration for peace both at home and abroad; and to effect such purpose, be it

"*Resolved by the representatives of labor in peace congress assembled in the city of Washington, D. C.*, That an organization be, and is hereby, established, to be known as Labor's National Peace Council, having for its purpose the establishment and maintenance of peace universal by all honorable means; and be it further

"*Resolved*, That the officers of Labor's National Peace Council shall consist of a president, six vice presidents, a treasurer, a secretary, and a sergeant at arms, same to be elected immediately, upon the adoption of this resolution, and such officers elect shall act in their official capacity in conducting the further business of Labor's National Peace Council."

In conformity with the provisions of the foregoing resolution the following officers were elected to direct the further activities of Labor's National Peace Council:

Congressman FRANK BUCHANAN, former international president Bridge and Structural Iron Workers, was elected president of Labor's National Peace Council.

First vice president, Milton Snellings, Washington, D. C., of Stationary and Steam Operating Engineers' International Union.

Second vice president, William F. Kramer, Chicago, general secretary-treasurer International Brotherhood of Blacksmiths and Helpers.

Third vice president, Rudolph Modest, New York, Amalgamated Meat Cutters of America.

Fourth vice president, Jacob C. Taylor, East Orange, N. J., secretary-treasurer Federated Central Body of the States of New York and New Jersey.

Secretary, L. P. Straube, Chicago, Ill., business manager Commercial Portrait Artists, American Federation of Labor.

Treasurer, Ernest Bohm, New York City, secretary Central Federated Union.

Sergeant at arms, Fred Lohn, Chicago, Ill., Leather Workers' International Union.

General counsel, ex-Congressman H. Robert Fowler, Harrisburg, Ill.

LABOR'S NATIONAL PEACE COUNCIL PROGRAM.

In its further deliberations Labor's National Peace Council was guided by the attitude assumed by the American Federation of Labor at its Philadelphia convention in 1914, through the adoption of resolution No. 159, introduced by Delegate Paul Scharrenberg, of the California State Federation of Labor, which reads as follows:

"Whereas one of the main causes for the maintenance of large military and naval establishments, and which is a standing menace to peace between nations, is to be found in the fact that patent rights on and the manufacture of arms, munitions, and implements of war are in the hands of international combinations of capitalists, who sell their products indiscriminately to the Governments of the world and promote the sale of such products by arousing and encouraging feelings of national prejudice and jealousy and by employing the press and the officers of the Army and Navy to produce periodical war scares in different countries; and

"Whereas this menace to international peace can be eliminated and the ultimate disarmament promoted by having the Government manufacture its own equipment and articles used for war purposes: Therefore, be it

"*Resolved by the American Federation of Labor, in thirty-fourth annual convention assembled*, That all patent rights for arms, munitions, and other equipment to be used for war purposes should be acquired by the Government, and all such equipment should be manufactured in Government establishments."

CONGRESSMAN TAVENNER'S DISCLOSURES.

The absolute necessity for action, as outlined in the foregoing resolution, being conclusively demonstrated by the soul-stirring remarks of the Hon. CLYDE H. TAVENNER, Congressman from Illinois, delivered in the House of Representatives on February 15, 1915, when he said, in part, as follows:

"Is there no way whatever, it may be asked, by which the people can protect themselves from the greed of the War Trust magnates? Yes; just one way. That is by the Government taking the profit out

of war and preparation for war by manufacturing all of its own munitions, armor, cannon, and battleships. Both Washington and Lincoln advocated the nationalization of the manufacture of war munitions as sound public policy.

"If the Government will manufacture all of its own war materials, millions of dollars will be saved annually to the taxpayers as a result of the already demonstrated ability of Uncle Sam to manufacture at a cost much below the prices of the War Trust, as I shall show. Government manufacture will mean that the workmen who perform the labor of actually making the munitions will receive higher wages and better working conditions than the employees of the ring of private contractors receive, as these firms number among them the most bitter enemies of organized labor in the United States, working 51 per cent of their employees 12 hours a day, according to a report of the United States Bureau of Labor made just after an investigation in 1910.

"Fortunate, indeed, would it be for this Nation to-day if the Government had a monopoly of the manufacture of all munitions of war. It is not the average American, the man who will be required to do the fighting and pay the bills if we become embroiled in the European conflict, who is jeopardizing our peace. The average American is remaining at home, attending to his business. It is the ring of war-trafficking private arms and ammunition firms who are endangering the peace and welfare of 100,000,000 people in order that they may satisfy their greed for profit. If we go to war, it will not be on account of anything the average American has done, but because as a Nation we have neglected to safeguard our peace by taking the profit out of war and preparation for war.

WHO THE WAR TRADERS ARE.

"Because I believe it is my duty to do so, I desire now to take the responsibility of directing the attention of the American people to the fact that their money appropriated for the Army and Navy is being wasted by the millions, and to take the responsibility of identifying the war traffickers, so that the taxpayers may know where the millions upon millions of their money that has been dumped into the bottomless pit of militarism have been going, are going, and will continue to go unless public opinion shall arise in its might and demand that further waste of public funds shall cease.

"To begin with, who and what is the armor ring, if there really is such an animal? Is the term 'armor ring' a mere figure of speech, something invisible, or is it possible definitely to place our finger upon it? Answer: It is possible.

"The armor ring is the Bethlehem Steel Co., the Midvale Steel Co., and the Carnegie Steel Co. These three firms, exclusive of their subsidiary war-trafficking auxiliaries, have drawn down since 1887 from the Navy Department alone for the single item of armor-plate contracts aggregating $95,628,912, divided as follows: Bethlehem, $42,321,237; Carnegie, $32,954,377; Midvale, $20,353,298.

"I have just stated that the armor ring is composed of the Bethlehem, Midvale, and Carnegie Cos. Remember the names!

"Now, the armament ring is composed of Midvale, Bethlehem, and Carnegie. Ammunition ring, Carnegie, Midvale, and Bethlehem. We will add to the ammunition ring, for good measure, the Du Pont Powder Trust, which has no competitors in the sale of smokeless powder to the Government, for reasons that will appear most remarkable when explained. The Powder Trust has obtained contracts aggregating about $25,000,000 since 1905.

SOME DEFINITE INFORMATION AS TO THE WASTING OF PUBLIC FUNDS.

"Why has the War Department been paying the ring $17.50 for a 3.8-inch common shrapnel, when it can manufacture and is manufacturing the identical article at Frankford for $7.94? Seventeen dollars is more than twice $7.94. The Government could manufacture two shrapnels for the price it has been paying the private manufacturers for one and have $1.62 remaining to the people's credit on each transaction. Is it any wonder we do not have as much ammunition as we should have for the money that has been expended? It is the public funds that are being spent here, and the people have a right to have these questions answered.

"We are manufacturing a 31-second combination fuse in the Government arsenal for $2.92 for which we have been paying the ring $7.

"These illustrations are not exceptional, as I will endeavor to show by the fact that on a contract given to the Frankford Arsenal for ammunition valued at $1,900,064 we are saving $979,840, or, in other words, we are saving approximately $1,000,000 on a $2,000,000 order as compared with what it would have cost had that contract been awarded the ammunition ring.

"In a recent speech before Congress President Wilson stated that 'like good stewards, we should so account for every dollar of our appropriations as to make it perfectly evident what it was spent for and in what way it was spent.' Surely no such thought was in the minds of the Army and Navy officials who have been doing the purchasing for those departments.

"It would require several volumes to cover all the transactions deserving publicity concerning armor. Let it be sufficient in passing to say that the Government purchase of armor has been a scandal from start to finish. The conduct of the armor ring in dealing with the Government averages throughout at least 80 per cent rotten.

METHODS OF THE WAR TRAFFICKERS IN KEEPING UP BUSINESS.

"There are tricks in all trades. If the people of the several powers can be incited to mutual distrust, suspicion, and hatred, for instance, it means increased dividends for the stockholders of the war traffickers in each country.

"The several leading powers aim to increase their naval strength in the same proportion. If one of the powers can be induced to take on an additional superdreadnaught, it is used as an argument as to why the other leading powers should do the same. It works as an endless chain, with the war burden ever and ever increasing on the backs of the taxpayers of the world.

"If a new design can be worked out, that, too, means more grist for the shipbuilders. It calls for the speedy 'scrapping' of the vessels already on hand as 'obsolete,' 'scrapping' meaning throwing on the scrap heap as old junk. So the life of the battleship is ever lessening.

"Another trick in the trade of the war traders which is obviously profitable, otherwise it would not be continued, is the hiring of retired Army and Navy officials and ex-Members of Congress by the powder, armor, and shipbuilding concerns. These ex-officials know the inner workings of the military branches of the Government, know the personnel in an intimate way, and by private conversation, by correspondence, and in various ways are in a position to obtain much useful information. They know how to go about things for results. Through these ex-officials the War Trust has become thoroughly at home in Washington.

"There seems to be no limit to the extremes to which the war traders are willing to go for business.

INTERESTING FACTS WORTH KNOWING.

"Although scarcely believable, it is the proven fact that the British and German war trusts many years ago actually set about to represent to their respective home Governments that their rivals were planning to build and were building great armadas of giant fighting craft, which have since been proven absolutely to have been figments of the imagination, pure and simple. The same character of campaigns have been going on between France and Germany, between the countries in the triple alliance and the triple entente, and it is yet to be established whether the United States of America has not also been the victim of a similar brand of commercialism, in which patriotism is the means and profit the end.

"Misrepresentation as to the building program of Great Britain and Germany were carried on to such an extent that the papers became full of it and the suspicion of the people toward each other grew and grew. It was inevitable that there could be but one end to such proceedings, and that end was war.

"Specific information, replete with details, is available to show just how the work was carried on."

FURTHER JUSTIFICATION FOR RESOLUTION ADOPTED.

In addition to the reasons assigned by Congressman TAVENNER, that justify Government ownership, control, and manufacture of all war munitions, supplies and equipment, investigation discloses that under international law the assumption by the Government of complete ownership, control, and manufacture of all ammunitions, war supplies, and equipment would lessen the chances of a repetition of the present deplorable European dilemma, for it would prevent the cheap, narrow-gauged, and small-souled dollar patriot from reaping a golden harvest at the expense of his country's peace, while the Government itself could not supply any of the belligerents with war material, since such action would constitute a declaration of alliance with the nation so favored and signify a declaration of war against the country with which such nation was engaged.

ATTITUDE OF HIRELING PRESS.

As was to be expected, a prostituted public press rushed to the defense of the money grabbers threatened by such action, fondly hoping through a frantic appeal to prejudice and a system of puerile reasoning to avert the dreaded calamity of having their master's snouts forcibly dragged from the juicy graft, to be found in the trough of governmental contracts, and by such fancy word juggling as their statement, "Clever phrases are a dangerous substitute for sober thought." The present yammer about "take profit out of war" is a case in point, which they use as the introduction for a diatribe against governmental monopoly of war munitions and supplies and seek to prove the pretended innocence of war traders and war makers by saying, "We must not let phrases take the place of facts. The safety of the United States demands that we maintain the right of private individuals or corporations to manufacture and trade in arms and munitions of war."

REPLY TO PRESS CHARGES.

In response to this call for facts we again take the liberty of borrowing from the convincing statement of Congressman TAVENNER, in the House of Representatives, when he said:

"Army and Navy officers generally are opposed to complete Government manufacture of munitions of war, taking the position that it is the part of wisdom for the Government to encourage private manufacturers to operate plants so that they may be available in time of war. Experience has shown, however, that instead of patriotically coming to the relief of the Government in time of war, the war traders take advantage of the necessities of the Government, which is at their mercy, and boost their prices. For instance, when war with Spain was imminent the armor manufacturers practically issued an ultimatum to the Government that they would not manufacture a single piece of armor plate unless the Government should agree to pay them $100 a ton more than the price fixed by Congress after an investigation as to a fair price. And it is also worthy of notice that their patriotism did not prevent them from selling armor to Russia for $247 a ton, while they were asking their own Government $616 a ton.

ARMOR-PLATE PATRIOTISM IS WORLD-WIDE.

"There appears to be no real competition between the armor manufacturers of the various countries. Once, in 1903, the American armor ring made a noise like competition when it sold armor to Russia for $249, while charging the United States $616, and for a time great consternation prevailed in the ranks of the war trusts of the various nations.

"But during this period the armor manufacturers of the world met in Paris, and since then there has been little or no competition worthy of the name. The armor manufacturers asked themselves why they should cut each others' throats and why it would not be to their advantage to receive $500 or $600 a ton instead of $200 or $300?

"In the naval hearings for 1914, page 621, the present Secretary of the Navy, Josephus Daniels, used the following language in referring to an advertisement for bids for armor plate for the dreadnaught *Pennsylvania:*

"'When we came to the armor we rejected all the bids and were then absolutely in a situation from which it appeared there was no relief. Though you can not establish it in black and white, there is no doubt of an Armor Plate Trust all over the world. That is to say, the people abroad who make armor plate will not come here and submit bids, because they know if they do our manufacturers will go abroad and submit bids. They have divided the world, like Gaul, into three parts.'

"For more definite evidence of the tremendous syndication and wide sympathies of armor-plate patriotism an examination of the Harvey United Steel Co., of London, is instructive and entertaining.

POSITIVE EVIDENCE OF INTERNATIONAL COMBINE.

"The powder makers of the world, like the armor makers, have been in an international combine for years. Here are two paragraphs in the world agreement entered into in 1897, which agreement was used by the Government in its suit against the Du Pont trust:

"'Whenever the American factories receive an inquiry for any Government other than their own, either directly or indirectly, they are to communicate with the European factories through the chairman appointed, as hereinafter set forth, and by that means to ascertain the price which the European factories are quoting or have fixed, and they shall be bound not to quote or sell at any lower figure than the price at which the European factories are quoting or have fixed. Should

the European factories receive an inquiry from the Government of the United States of North America or decide to quote for delivery for that Government, either directly or indirectly, they shall first in like manner ascertain the price quoted or fixed by the American factories and shall be bound not to quote or sell below that figure. * * *

"'The American factories are to abstain from manufacturing, selling, or quoting, directly or indirectly, in or for consumption in any of the European territory, and the Europeans are to abstain in like manner from manufacturing, selling, or quoting, directly or indirectly, in or for consumption in any of the countries of the American territory. With regard to the syndicated territory, neither party is to erect works there, except by a mutual understanding, and the trade there is to be carried on for joint account in the manner hereinafter defined.'

STILL MORE ASTOUNDING FACTS.

"Nor is this the worst. The Du Ponts and the Government have always been in the habit of exchanging all secrets in the manufacture of powder. Government chemists and Government officers are continually experimenting to improve the quality of powder, and whenever they make a discovery of any character full information is furnished the Du Ponts.

"And the Du Ponts have been in an agreement with a German firm—the United Rheinisch Westphalian Gunpowder Mills—to keep it informed of all improvements in the processes of powder making.

"Here is the actual wording of the contract:

"'Tenth. That any and every improvement upon said processes, or either of them, made by either of the parties hereto at any time hereafter shall forthwith be imparted to the other of the parties hereto.'

"And even this is not all. The Du Ponts agreed to keep the German concern informed at all times of all powder furnished to the United States Government, stating in detail its quality and characteristics, and even the quantity, making themselves, to all practical ends, paid informers of a foreign Government.

"Here is the exact language:

"'Thirteenth. That the parties of the second part (the Du Ponts) will, as soon as possible, inform the party of the first part (the German concern) of each and every contract for brown powder or nitrate of ammonia powder received by the parties of the second part from the Government of the United States, or any other contracting party or parties, stating in detail the quantity, price, time of delivery, and all of the requirements that the powder called for in such contract has to fulfill.'

"As the German Government maintains a strict supervision over German military manufacturing concerns, there can be little doubt but that the German Government knows of every pound of powder we purchased during the life of this agreement, its exact quality, and exactly the extent of our reserve supply."

RESOLUTION FOR IMMEDIATE RESULTS.

As an immediate and practical step toward harmony, Labor's National Peace Council deemed it both wise and expedient to adopt the following measure:

"*Resolved*, That Labor's National Peace Council recommend to the President of the United States that the policy of President Washington in 1793 prohibiting the sale and shipment of munitions of war be followed, by a proclamation prohibiting the sale and shipment to belligerent nations of munitions and instrumentalities of war, as well as of all materials used in the production and manufacture of the same; and be it further

"*Resolved*, That copies of this resolution be given to the President and Secretary of State as well as the Members of the Senate and House, and copies be given the labor and public press for publication."

REASONS FOR FURTHER ACTION.

In the discussion which arose as to the best method of procedure to secure at least an armistice, the consensus of opinion was that war in spite of all that can be said to the contrary, in its final analysis resolves itself into unacknowledged mistakes of the Governments involved, and is never the unanimous desire of those who must offer their bodies as cannon food and suffer the tortures of the damned to vindicate views that are inconsistent with the people's desire for social improvement, health, wealth, and the general pursuit of happiness, the attaining of which are only possible through the maintenance of peace.

It was further learned that when the Central Federated Union of greater New York and vicinity arranged its first demonstration in April, 1915, at Cooper Union, it was determined to cable the leading men in the labor movement in England, France, and Germany, suggesting that three representatives from this country should meet with their representatives in Holland and Switzerland for the purpose of arousing labor all over the world in a peace movement to end the awful European slaughter. Kier Hardie replied by cable for the independent labor party favoring the plan. France did not reply. The following letter, which is a copy, was received from Germany:

INTERNATIONAL SECRETARIAT OF NATIONAL
TRADE UNION CENTERS,
*Berlin, May 21, 1915.*

MR. ERNEST BOHM,
*Central Federated Union, New York, U. S. A.*

DEAR SIR AND BROTHER: On the 18th of April I received your wireless, the following advice having been added by the Berlin chief telegraph office:

"This telegram has been permitted to pass by wireless exceptionally. Under present conditions, however, it will not be possible of a reply or other private telegrams being sent to America the same way."

Thus, to my great regret, it was impossible for me to give an immediate response to your telegram, for the cable existing previously between Germany and the United States has been cut since the first days of the war. I had your wire published in the whole of the German labor press at once, so as to inform our workers of the desire of their American fellow workers to bring about peace.

It being impossible to let you have an immediate reply, I hesitated to write for I hoped to first be able to meet labor representatives of some of the European neutral nations with a view of ascertaining to what extent your mission might be expected to be a success and how it could be organized. Unfortunately my hopes were in vain. This compels me to reply to your wire on my own account, after a month has elapsed.

Our fellow workers in the United States may be assured that the working classes of Germany are eagerly waiting for peace, for the termination of this bloody struggle of nations. If this desire is not expressed daily in our papers and meetings, then it is due to the fact that we are in an extremely peculiar and delicate position. The majority of the organized workers in Great Britain and in France maintain, according to what we learn from their own labor papers, that Germany must be smashed. I need not dwell here on the consequences the realization of such a desire would have for the future development of the international labor movement. All our efforts made with a view to coming to an understanding have failed. The representatives of the German workers, on August 4, 1914, have stated as follows in the Reichstag:

"That as soon as the object of security has been achieved and the enemy is inclined toward peace, the war should be brought to an end by a peace which makes the friendship of the neighboring countries possible."

This same statement has been repeated in the Reichstag on December 2, 1914, and on March 10, 1915, while a further manifesto in favor of peace has been published by the social democratic parties of Germany, Austria, and Hungary on April 13, 1915. Unfortunately no similar pronouncement has come from our sister parties of the other two countries of western Europe. It would, indeed, be a task worth while if the delegation the workers of the United States intend sending to Europe were to make an understanding possible.

We are extremely thankful for all efforts the American workers may make in this direction and you may rest assured that any suggestion will be welcomed by the German workers. The desire for peace, which fills all really progressive and civilized men in every country, is sure to be realized if your efforts meet with similar response in the other belligerent countries.

With best wishes to the cause of labor in all lands,

Yours, fraternally,

C. LEGIEN,
*President German Federation of Trade Unions and International Federation of Trade Unions.*

LABOR'S NATIONAL PEACE COUNCIL ACTS.

The logical sequence of these disclosures was the unanimous adoption of the following resolution:

"Whereas one of the chief objects of Labor's National Peace Council is the attainment of universal peace; and

"Whereas this desired aim can only be accomplished through the medium of cooperative action on the part of the neutral and belligerent Governments as well as the labor forces of the neutral and belligerent countries: Therefore be it

"*Resolved*, By Labor's National Peace Council in special session assembled in the city of Washington, D. C., that through its officers it communicate with the neutral European Governments as well as the belligerent Governments involved in the conflict and also the organized labor forces in both neutral and belligerent countries, urging them to formulate a request for the cessation of hostilities so as to permit the reestablishment of reason and judgment, thereby ending a barbarous conflict that threatens civilization and checks all hope of human progress."

THE PURPOSE OF THE RESOLUTION.

Since men do not, as a rule, voluntarily seek death, even though they may have no hesitancy in offering up their own lives under sufficient provocation, yet they would decline to deliberately sentence their loved ones to war's enforced destitution and corrupting influences, and as the common people were but pawns shoved around the governmental chessboard at the will and whim of the war makers, it was felt that if they, the people, could be induced to voice their real sentiments in an organized way every utterance would be a prayer for peace.

A MENACE TO AMERICAN NEUTRALITY.

In addition to this suggestion to the foreign powers and the labor forces under their jurisdiction, Labor's National Peace Council adopted a further resolution providing for the immediate calling of an extra session of the United States Congress for the express purpose of promoting universal peace, not merely through a temporary cessation of hostilities but through the organized cooperation of all nations under law.

Since the Washington meeting of Labor's National Peace Council, Ex-Congressman H. Robert Fowler, as its general counsel, has been instructed to file a brief with the Federal Reserve Board charging that the United States has been involved in grave breaches of neutrality "through the medium of an extensive conspiracy composed of certain bankers and officers of Federal reserve banks and member banks acting in conjunction with agents of Great Britain, France, and Russia." J. P. Morgan & Co. and that firm's business allies, are named as chiefly responsible for the alleged "conspiracy," through which it is asserted that out of the enormous sum of $220,000,000 utilized in the purchase and shipments of war materials for European belligerents, approximately $20,000,000 of that amount had been obtained from Federal reserve banks, and this action, together with the further attempts of these financial kings to secure the issuance of a tremendous block of Federal reserve notes, amounting to hundreds of millions of dollars, to be used for the same purpose, constituted a grave danger that menaced the peace of the United States of America.

PRESS PARTISANSHIP.

It has been insolently assumed by a part of the American press, for reasons that have never been satisfactorily explained, that there is but one point of view as to the European war.

Any attempt by right thinking Americans to form an independent opinion has been, and continues to be, ruthlessly, violently, brutally throttled by the partisan press.

As evidence conclusively demonstrating the pernicious influences that make modern newspapers so unreliable a source of information and by their methods strangle truth, rape justice, and insult the intelligence of the people, permit us to point out "that Lord Northcliffe is the owner of the London Times, the Daily Mail (commonly called the 'Daily Liar,' and the Evening News." He is also the controlling factor in the Nowoja Wremja, the leading paper in Russia, the Matin of Paris, and owner of the Daily Mail published in Paris. He is also credited with having big interests in several important American papers and supplies the cable news to a number of papers published in New York and elsewhere.

The various Governments involved in the European conflict have furnished sufficient evidence to prove that the citizens of those nations had no voice in deciding the question of war and would gladly embrace any opportunity that would lead to the war's immediate or speedy termination.

They are helpless, they have been robbed of the power of initiative.

The United States is neutral, and so long as it remains neutral its citizens occupy the enviable position of being permitted to exercise their every influence in the direction of peace without having their moral or physical courage questioned or their honesty, honor, and integrity impugned.

Universal peace, that humanizing sentiment that is the thought by day and the dream by night of countless of God's children, whose

hearts throb with sympathy for the victims of man's inhumanity to his fellow men, is the aim and object of Labor's National Peace Council and all those identified with it, and constitutes the incentive for its glorious work of world redemption from the prevalent blood lust that holds sway.

WHERE DO YOU STAND ON THAT QUESTION?—ARE YOU FOR OR AGAINST PEACE?

Do you want to help save your country from becoming involved in the European tragedy and aid in bringing to a quick close the bloody chapter of European history that is being written by the sword dipped in human blood? If you do, talk to your family, your intimate friends, your acquaintances, and others you come in contact with, who are peace advocates, arrange a meeting, and establish a local branch of Labor's National Peace Council, select your officers, and advise the national officers at headquarters, Briggs House, Chicago, Ill., of the formation of your organization, and by mail you will be advised along what lines to proceed in order to render the most effective service, to bring into being peace universal and earn a world's undying gratitude.

Fraternally, yours,

LABOR'S NATIONAL PEACE COUNCIL,
FRANK BUCHANAN, *President.*
L. P. STRAUBE, *Secretary.*

Mr. BUCHANAN of Illinois. Mr. Speaker, the erroneous statements in the newspapers mislead and poison the minds of their readers, and it becomes necessary for me to use other mediums than the big daily newspapers, which generally represent the war trust, to get the truth before the people, and therefore I feel called upon to make a statement to the Members of the House of Congress and to my constituents in regard to the erroneous statements that have appeared in the big war trust daily newspapers and also the indictment that has been returned against me in New York, all of which are without foundation of fact or truth.

I have always been opposed to war and in favor of establishing a condition where we would have some guaranty of peace. For the last 20 years, or since being active in the labor movement or in public life, I have taken advantage of every opportunity I saw to exert my influence to establish peace, so that we might be able to make some progress on the road to the fellowship of man. Since being a Member of Congress I have exerted my influence to secure Government manufacture of munitions of war and war supplies for three reasons: First, because I believe that if you take the profit out of traffic in munitions of war you will destroy one of the strongest influences that agitates extravagant and unnecessary expenditures of the people's money for war purposes; second, because it gives workingmen more work under better working conditions; third, because the Government secures better supplies at a large saving in money.

I have always been opposed to traffic in munitions of war to belligerent nations, and was keenly disappointed when our administration acquiesced in this traffic in machines of death. I believed the administration had the power to curtail such traffic, if not to stop it entirely. I also believe it is unneutral to furnish munitions of war to one side in this conflict when the other could not obtain it. I would have taken the same position if conditions had been reversed and the allies could not get munitions when the Germans could. Because I have taken that position I have been charged with being pro-German, which charge is erroneous. My people came to this country perhaps 250 years ago. My mother tells me that her mother's people came to this country with the Pilgrims from England. If I have any German blood in my veins, it is yet to be discovered; and while I am in sympathy with all the people in those European war-stricken nations, I absolutely take no sides with any Government in this conflict. My sole desire has been to play a small part, if possible, in bringing that war to an early and proper termination and to stop the awful destruction of human life and those things that tend to make life worth living. My keen desire to be of service to that end might have caused me to err, but I have done nothing in connection with the activities of Labor's National Peace Council or otherwise for which I feel called upon to offer an excuse or an apology.

After the sinking of the *Lusitania* and during the negotiations between Germany and this Government, I received information that impressed me that there was danger of this country becoming involved; and while the sinking of the *Lusitania* was an act on the part of Germany that could not be approved by men of humane instincts, the campaign directed by the Rockefeller system in Colorado, depriving citizens of their constitutional and fundamental rights and employing gunmen to murder women and children and shoot down defenseless citizens, is a far greater crime and offense against the fundamental principles of our Government and the rights of our people than anything that has occurred in the war zone, yet this administration has not called upon Mr. Rockefeller and his cohorts to make redress. I could see no justification for this country becoming involved in the European war, which would have meant the loss of tens of thousands of the flower of the manhood of our country, made tens of thousands of women widows and children orphans, as well as the piling up of billions of dollars of indebtedness to bear heavy on the backs of the wealth producers of the country. I therefore became active in trying to create a sentiment among the people whom I met against war. I took advantage of every opportunity to talk to labor men, either individually or in their meetings, and, as I remember it, asked them to pass resolutions opposing this country becoming involved in the war. I believed at that time that the President of the United States desired to maintain peace, and it was my desire to sustain him in that position and uphold his hand, so to speak, so that he might resist any influences that were trying to get him to yield in taking steps toward war.

The first effort that I remember that led to the organization of Labor's National Peace Council was made by a group of trade-unionists who got together in the city of Chicago about June 18, 1915, and formed what they called Labor's Peace Council of Chicago. I was not in Chicago at the time, but at the request of some of my trade-union friends there I consented to be selected president of the council during my absence from Chicago. This council, also, during my absence from Chicago, communicated with other labor organizations that had placed themselves on record as favoring peace at home and abroad, and urged upon them to select and credential delegates to attend the Peace Conference of Labor, which was to be held under my direction in the city of Washington, D. C., on Tuesday, June 22, 1915, for the purpose of considering the best methods of procedure to insure the attainment of organized labor's high ideals and peace sentiments. In response to this call, representatives of organized labor from a number of our large cities met at the St. James Hotel, Washington, D. C., June 22, 1915, and organized what is known as Labor's National Peace Council. At the request of a number of my trade-union friends, I reluctantly became its president. I say reluctantly, not because I was not in full accord with the purposes of the council as declared in that meeting, but because I believed that the organization should consist solely of active trade-unionists, and while I am still a member of a labor union, my activities in the union ceased 10 years ago. However, I insisted that other officers of Labor's National Peace Council should be active trade-unionists. I was elected president, and the other officers were as follows:

First vice president, Milton Snellings, Washington, D. C., of Stationary and Steam Operating Engineer's International Union.

Second vice president, William F. Kramer, Chicago, general secretary-treasurer International Brotherhood of Blacksmiths and Helpers.

Third vice president, Rudolph Modest, New York, Amalgamated Meat Cutters of America.

Fourth vice president, Jacob C. Taylor, East Orange, N. J., secretary-treasurer Federated Central Body of the States of New York and New Jersey.

Secretary, L. P. Straube, Chicago, Ill., business manager Commercial Portrait Artists, American Federation of Labor.

Treasurer, Ernest Bohm, New York City, secretary Central Federated Union.

Sergeant at arms, Fred Lohn, Chicago, Ill., Leather Workers' International Union.

General counsel, ex-Congressman H. Robert Fowler, Harrisburg, Ill.

Now, mind you, this meeting in Washington where the declaration of the principles of the council were established was a wide-open, public meeting, anyone could attend the meeting who desired to do so. A committee was selected to meet the President of the United States and lay before him the purposes of the meeting and to inform him that we were organized for the purpose of aiding him in his efforts for peace. However, the President declined to meet us, giving as his reason that his time was so fully taken up with matters of a national character he did not have time to see us.

My activities as president of the council, with the exception of making a speech at Carnegie Hall and Madison Square Garden in New York and one or two others in Newark, N. J., were confined to Chicago and vicinity where Labor's National Peace Council headquarters were established, and consisted of about three or four weeks' effort directed to crystallize the sentiment in favor of peace, and also in favor of Government monopoly of the manufacture of munitions of war. In the latter part of July I resigned as president of Labor's National Peace Council and disconnected myself from the organization because my official associates, over my protest, decided to hold a meeting in Washington the latter part of July. I was opposed to this meeting because the President had refused to meet us and I could see nothing to be accomplished. It was too much like a dog barking at the moon, and therefore I declined to take further

part in the activities of the council. My resignation was accepted August 1 and my successor elected. However, not desiring to put anything in the way of the council's activities for peace, I made no public declaration in regard to my resignation or my reasons for resigning.

I have been charged in the newspapers and by the indictment in New York, under the antitrust laws, with conspiring to interfere with interstate commerce in munitions of war. I never met Mr. Lamar, who has also been indicted, but once before this indictment and that was during the Senate investigations during the last Congress. During my connection with Labor's National Peace Council or since the European war I never saw, heard of, or directly or indirectly communicated with him until after the indictment. I never heard of Von Rintelen until his name was published in the newspapers in connection with this so-called conspiracy. To my knowledge during my connection with Labor's National Peace Council, or since then, for that matter, no money was ever received, directly or indirectly, from agents of any foreign Government. The question of strikes or interference with commerce was never even discussed or considered. However, I do not hesitate to say that if I had the power to stop that despicable traffic in death weapons, meant to destroy men who are friends of ours, and to widow their wives and orphan their children, I would exercise that power no matter if it meant a term of 10 years in jail. Their prayers and blessings and thankfulness would be richer benisons to one in jail than all the political honor that can come to a Member of Congress, of the Cabinet, or even a President.

There is no doubt in my mind that this indictment is a political conspiracy on the part of the war traffickers, whose influence is exerted through the administration in Washington, to destroy me politically, and especially my influence at this time in opposition to their propaganda to secure a large, unnecessary and criminal expenditure of the people's money under the name of preparedness, which means militarism, navalism, and war. Not only to destroy my influence in opposition to this pernicious propaganda, but to coerce and intimidate others who are earnestly striving to arouse the people against the destructive influences of such a damnable system. I might mention as a significant fact in this regard that other officers who directed the activities of Labor's National Peace Council in New York, the district in which I have been indicted, have not been indicted as coconspirators in this alleged plot to obstruct commerce.

This crowd that is behind this prosecution have attempted to bribe labor officials to give false testimony against some of those who have been indicted. Such methods are unworthy of any administration that lays claim to democracy. It was such methods that our forefathers spilled their blood and sacrificed their lives to abolish, and unless such practices are brought to an early termination the people, when they become awakened to the actual condition of affairs, will rise up in their power and relegate to the political scrap heap those who have acquiesced in such methods. This is the first time in my life that I have ever been indicted or charged with an offense against the law. However, I am not complaining about this personally, but because these methods have become a custom on the part of the system in their attacks upon representative labor men.

My mother was left a widow when I was but 10 years old, and at an early age I had to help support her and my sister. I have worked hard all my life, and have perhaps been somewhat handicapped by the lack of a school education. Whatever store of information I have has been secured in the school of experience and whatever progress I have made or success I have had has been by a hard, uphill pull. I take all these things as a matter of fact and am not seeking sympathy, but I do believe that every citizen of the United States is entitled to a square deal. These vile practices have become a custom with many of our Federal officials, resulting in destroying the constitutional and fundamental rights of a large number of American citizens, and unless this propaganda by indictment without sufficient grounds to justify same under the law is overthrown, then the liberties of which we boast under our Constitution and the fundamental principles of our Government have been lost.

I realize the resourcefulness of the crowd combined for the purpose of securing my conviction, which consists of unlimited wealth and the pernicious influence of the big daily war trust newspapers of the country, which by their methods strangle truth, outrage justice, and insult the intelligence of the American people. I also realize my limited resources compared with that combination of subtle influences, but it is my purpose to fight that crowd to the last ditch no matter what the result may be. If I can succeed even in part in overthrowing this bureaucratic usurpation of power by public officials, which results in destroying the right to life, liberty, and the pursuit of happiness, I will feel, indeed, that I have rendered a service to my country and my people. [Applause.]

Mr. Speaker, while the pernicious propaganda of the war traffickers, through the war trust newspapers of the country, has undoubtedly poisoned the minds and clear thought of many of our public-spirited and conscientious citizens, among them labor leaders, I am glad to say that it has not been able to influence or sway the leading Chicago trade-unionists from their determination to stanchly support any movement that will advance and to sternly oppose any proposition that will hinder or interfere with the progress, welfare, and happiness of the great masses of the people, the wealth producers. And in this connection I take pleasure in here presenting a resolution adopted by the Chicago Federation of Labor, and ask unanimous consent to have same printed in the RECORD.

The SPEAKER. The gentleman from Illinois asks unanimous consent to print certain resolutions in the RECORD. Is there objection?

Mr. MANN. I suppose the gentleman intends to ask to extend his remarks in the RECORD?

Mr. BUCHANAN of Illinois. Yes.

The SPEAKER. The gentleman from Illinois asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

The matter referred to is as follows:

REPORT OF EXECUTIVE BOARD OF THE CHICAGO FEDERATION OF LABOR ON "PREPAREDNESS," ADOPTED SUNDAY, FEBRUARY 6, 1916.

If we are to express the attitude of the labor movement toward the increase of military power, we must face the issue squarely and consider all questions concerned in relation to the workers. We must draw the line between "preparedness," as it might be defined by labor and the militarism which is the real desire of the commercial interests.

The program advocated by "big business" and the newspapers which it controls should be unqualifiedly opposed by organized labor. The kind of preparedness in which we believe would not result in the destruction, but in the protection, of human life and the products of labor. Our preparedness would mean the development of every man, woman, and child to the highest possible standard. Furthermore, it would develop the only true patriotism. A government which would give equal opportunity and justice to all would possess in the highest degree the love and loyalty of its citizens. The father who could look forward with courage and fortitude, the mother who could go about her daily tasks in peace and confidence in the future, the children assured of opportunity would love their country and protect it. Such people would have too high a sense of justice to attack wantonly any other people.

Throughout all the countries of the world to-day there is a struggle for the control of industrial organization. Upon one side are the great commercial interests, upon the other side the great organizations of labor. A study of the political governments of our day will prove that they are dominated by the powerful business organizations. Their problems are the problems of trade. For the protection of privilege, the development of colonies, spheres of influence, and commercial supremacy armies and navies are created and supported.

In the Chicago Herald, December 29, William L. Chenery says at the Clark University conference on war this month Rear Admiral Chadwick, United States Navy, said:

"Imperialism has had its worst and most injurious development in recent years, its essence being land grabbing and the establishing of spheres of influence. Navies and armies are the insurance for capital owned abroad by the leisure class of a nation. It is for them that empires and spheres of influence exist. The great war now raging is a culmination of efforts to maintain and extend these spheres. The time has come to call a halt."

Any plan for heavy armament, under present conditions, will mean the spending of billions, the building up of great ammunition trusts and other trusts which take their life out of the labor of the workers. It will mean the development of an oligarchy of powerful commercial forces which would dominate the Government and crush out forever the hope of democracy. The stronger the military power would become, the stronger would become the power of the commercial interests. Not only would they dominate the social and political life of the country but they would control the educational policy, teach their philosophy in the schools, subsidize the newspapers and all sources of information. Their power to do these things to-day is nothing to what it would be if a great Army and Navy backed them up.

But this is not the only danger. Warfare is becoming more and more a matter of mechanics and labor. Engineers, chemists, mechanics, trench diggers, and laborers are fighting the war in Europe. Military tactics include industrial organization. Every student of the fighting in Europe, every magazine article and lecture upon the subject emphasizes its importance in a modern war. Every plan for the development of military power includes a plan for industrial organization. Furthermore every plan looks toward some form of coercion, not only military conscription but industrial conscription which would bring the workers of the Nation under military control. The ideal of military leaders is a great organization of workers under control of the Army, disciplined, taught to respond and obey. These men would be ready for war if war were desired, and in times of peace would be occupied upon great industrial projects under the direct control of the army of a paternalistic government.

Public ownership of arms and munition factories, of the mines, forests, and natural resources which would be necessary to the supply of raw material, and of the railroads and steamships necessary to its transportation, would be the first step to take in any plan of preparedness which labor could indorse. Now is the time for labor to hold and strengthen its power over the organization of industry if the spirit of democracy is to be saved.

As a program for the support of organized labor we recommend the following:

First. Work for the passage of the Keating child-labor bill, which would prohibit the interstate transportation of the products of child labor.

Second. Endeavor to raise the age limit in child-labor and compulsory-education laws to 16 years.

Third. Support legislation abolishing strike-breaking detective agencies and private gunmen.

Fourth. Work for the Buchanan home-loan bill.

Fifth. Put the power of the Nation back of the home; pension mothers and protect children.

Sixth. Abolish the tenement system of life and work to secure a clean, healthful system of housing.

Seventh. Provide for outdoor physical training in connection with the public schools, to be continued during the summer vacation. This training should be instruction in the laws of health, woodcraft, and nature study, cooking, camping, first aid in case of accident or drowning, and all that goes to make boys and girls capable and independent. Working in groups would develop this power cooperate which is so essential in peace as well as war. To put guns in the hands of children for this work would be vicious; to imitate guns with sticks would be silly The schools should do all possible to develop keen, ready minds and healthy bodies. The cooperative instinct which would result in willing obedience for the best interests of all, proceeding from knowledge of what is best, is the ideal which should inspire this training.

Eighth. Organized labor should strive to obtain the fullest possible recognition by the Government for organizations of working people instituted for the purpose of improving wages and working conditions.

We recommend that organized labor be alive and awake to see that in any system of citizen soldiery the greatest possible freedom and democracy shall prevail; that the men shall be given education in civic affairs, physical training, and the fullest opportunity for promotion from the ranks; representation for labor upon whatever committees or commissions may be chosen to decide upon or control plans for military defense should be demanded.

Ninth. Any military system should be democratically officered and controlled by heads directly responsible to the citizens of the land.

Tenth. We should oppose any increase of the standing Army.

The danger to the American workingman from foreign countries is not so much the danger of an attack by their Governments; the real danger to the workers comes from the hordes of helpless, underfed, foreign emigrants which are brought into this country every year by the great manufacturing interests which want cheap labor. Any plan for the increase of the Army and Navy would make this danger more acute. If the American workers are drawn into the Army and Navy and the industrial plants which would be necessary to its support, a demand for more labor power would make an excuse for bringing in low-paid workers who would undermine the standard of living and make every real problem of labor more acute. The problems of labor are the shortening of the work hours, the increase of wages, the betterment of conditions, stronger organization, and constant development of greater power in the political field. An increased Army and Navy would not solve a single difficulty that labor has to face.

Preparedness is needed in the United States, but it must be a preparedness which is based upon physical fitness. Patriotism is needed, but it must be a patriotism which is based upon love of country; and only a country which guarantees liberty and opportunity will be loved.

We feel that the labor movement of Chicago, situated as we are in the very center of America, feeling the life of both the East and West, should help to hold the balance, to strike the average to counteract the hysteria and speak for the international spirit of labor, which we hope will revive when the guns of Europe have been stilled and we are able to start to build upon the ruins a better civilization.

Respectfully submitted.

CHICAGO FEDERATION OF LABOR,
JOHN FITZPATRICK, *President.*
E. N. NOCKELS, *Secretary.*

ORDER OF BUSINESS.

Mr. POU and Mr. COX rose.

The SPEAKER. For what purpose does the gentleman from North Carolina rise?

Mr. POU. To make a motion under the rule that the House resolve itself into the Committee of the Whole House for the consideration of bills on the Private Calendar.

The SPEAKER. For what purpose does the gentleman from Indiana rise?

Mr. COX. For the purpose of offering an amendment to the motion of the gentleman from North Carolina.

The SPEAKER. A preferential motion?

Mr. COX. Yes. I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the Post Office appropriation bill.

Mr. POU. Mr. Speaker, I ask unanimous consent to address the House for three minutes.

The SPEAKER. The gentleman from North Carolina asks unanimous consent to address the House for three minutes. Is there objection?

There was no objection.

Mr. POU. Mr. Speaker, under the rules this is one of the Fridays that are set apart by the House for the consideration of bills on the Private Calendar. The Committee on Claims has been doing diligent work, and I think has some fifty-odd bills on the Private Calendar. The House may as well understand right here and now that if we ever expect to consider these bills in the usual, parliamentary way, the House had better commence at this time. I have made, I think, the proper motion under the rules. I do not think the motion of the gentleman from Indiana [Mr. Cox] is in order; that is to say, I do not think it is a preferential motion under the rule, but it has been construed to be preferential, and for my part I most respectfully submit. We have these bills constantly accumulating, and by the next Friday that comes around, when it will be in order to consider them, we will probably have 50 more. The result would be that the only consideration these bills could have would probably be upon some night set apart for their consideration by unanimous consent. The only way you are going to get an opportunity to have your bills considered in the usual way is by voting down the preferential motion made by the gentleman from Indiana.

Mr. FERRIS. Mr. Speaker, will the gentleman yield?

Mr. POU. Yes.

Mr. FERRIS. Why could not all of these little matters be bundled together in an omnibus bill and then have it brought in, so that we can have a fair chance to consider them? If they come up in the way suggested by the gentleman from North Carolina, they are unanimous-consent propositions.

Mr. POU. If they were all "bundled together," as the gentleman says, into an omnibus bill, it would probably take just as long to consider that bill as it will to consider them separately. Now, Mr. Speaker, I am merely calling the attention of the House to the fact that this is early in the session; that there is no reason why this day should be taken away from the Committee on Claims. Under the rule, it belongs to the Committee on Claims. The rule provides that every alternate Friday, except the second and the fourth, shall be set apart by the House for the consideration of private business. Why, when there is no urgency, as there certainly is not at this time, should that rule be set aside for the consideration of an appropriation bill? This is early in the session. If the matter is put off, later on there will be no opportunity to consider private bills at all; so it is up to the House now to decide whether it proposes to give that consideration to the Private Calendar which the rule provides or set aside the day for the consideration of an appropriation bill upon which there has been long and, possibly, unnecessary debate.

Of course, this is an important measure. It is, indeed, one of the greatest bills the House will be called upon to consider; but I will remind the House of this fact: Only once during the last five years, as I recollect, have bills from the Committee on Claims been considered in the usual way. I believe we did get a part of one day. The question is, shall the rule of unanimous consent be always applied to the Committee on Claims, which is trying to do faithful work, or shall we have the day the rule says we shall have?

Mr. COX. Mr. Speaker, I ask unanimous consent to proceed for one minute.

The SPEAKER. The gentleman from Indiana asks unanimous consent to proceed for one minute. Is there objection?

There was no objection.

Mr. COX. Mr. Speaker, I have no criticism to make of the Committee on Claims. It is doing splendid work, and in its desire to get these bills before the House to-day I commend it; but it is certainly apparent to every Member of the House that Congress has never been so jammed before as it is now; and this is but the beginning. If we do not get some of these appropriation bills through the House and over to the Senate, we will be here next fall until the snow flies. There is no question on earth about that. I hope that the motion which I made that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the Post Office appropriation bill will prevail. I have not made it for the purpose of cutting out the Committee on Claims, but for the sole purpose of expediting business.

Mr. POU. If it is not for the purpose of cutting out the Committee on Claims, for what other purpose can it be?

Mr. COX. The appropriation bills, as the gentleman knows, must pass; they must become law; and while we would like to see the private bills pass, yet they are not absolutely essential.

The SPEAKER. The question is on the preferential motion made by the gentleman from Indiana [Mr. Cox] that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the Post Office appropriation bill.

The question was taken, and the Speaker announced that the noes seemed to have it.

Mr. FINLEY. Mr. Speaker, I ask for a division.

Mr. MANN. Mr. Speaker, I ask for a division.

The House divided; and there were—ayes 65, noes 86.

Mr. MANN. Mr. Speaker, I make the point of order that there is no quorum present. We should transact public business.

The SPEAKER. The gentleman from Illinois makes the point of order that there is no quorum present, and evidently there is not. The Doorkeeper will lock the doors, the Sergeant at Arms will notify absentees, and the Clerk will call the roll.

The question was taken; and there were—yeas 138, nays 201, answered "present" 1, not voting 94, as follows:

YEAS—138.

| | | | |
|---|---|---|---|
| Abercrombie | Eagle | Kitchin | Rainey |
| Adair | Edwards | Lehlbach | Randall |
| Allen | Elston | Lenroot | Rauch |
| Anderson | Esch | Lever | Reilly |
| Ayres | Estopinal | Lieb | Rouse |
| Beakes | Farley | Loft | Rowe |
| Bell | Finley | Loud | Sabath |
| Borland | Fitzgerald | McArthur | Schall |
| Britt | Flood | McGillicuddy | Sears |
| Britten | Focht | McKellar | Shackleford |
| Burgess | Frear | McKenzie | Shallenberger |
| Callaway | Fuller | McLaughlin | Shouse |
| Cannon | Gallagher | Madden | Smith, Mich. |
| Cary | Garland | Mann | Smith, N. Y. |
| Casey | Gillett | Mapes | Smith, Tex. |
| Chandler, N. Y. | Glass | Martin | Stafford |
| Conry | Good | Mays | Steele, Iowa |
| Cooper, Ohio | Gray, Ind. | Miller, Pa. | Steenerson |
| Copley | Greene, Mass. | Morgan, La. | Stephens, Cal. |
| Cox | Griffin | Morgan, Okla. | Stephens, Nebr. |
| Crago | Hamilton, N. Y. | Morrison | Sterling |
| Cramton | Hart | Moss, Ind. | Stone |
| Crisp | Haugen | North | Switzer |
| Crosser | Hay | Oakey | Tague |
| Curry | Hill | Oglesby | Temple |
| Dale, Vt. | Hilliard | Oldfield | Thompson |
| Dallinger | Holland | Oliver | Tribble |
| Darrow | Hollingsworth | Overmyer | Van Dyke |
| Davis, Tex. | Hulbert | Padgett | Volstead |
| Dempsey | Hull, Tenn. | Paige, Mass. | Ward |
| Dixon | Johnson, Ky. | Park | Wheeler |
| Dooling | Jones | Parker, N. J. | Williams, W. E. |
| Doolittle | Kelley | Phelan | Wise |
| Dunn | Kincheloe | Powers | |
| Eagan | King | Quin | |

NAYS—201.

| | | | |
|---|---|---|---|
| Adamson | Ferris | La Follette | Sells |
| Alexander | Fess | Lesher | Sherwood |
| Almon | Fields | Lindbergh | Sims |
| Anthony | Foss | Linthicum | Sinnott |
| Aswell | Gandy | Littlepage | Sisson |
| Bailey | Gard | Lloyd | Slayden |
| Barkley | Garner | Lobeck | Slemp |
| Barnhart | Godwin, N. C. | London | Sloan |
| Beales | Goodwin, Ark. | McAndrews | Small |
| Bennet | Gould | McCulloch | Smith, Idaho |
| Black | Green, Iowa | McDermott | Smith, Minn |
| Booher | Greene, Vt. | McFadden | Snyder |
| Browne, Wis. | Griest | McKinley | Sparkman |
| Brumbaugh | Guernsey | McLemore | Steagall |
| Buchanan, Ill. | Hadley | Magee | Stedman |
| Buchanan, Tex. | Hamlin | Matthews | Stephens, Miss. |
| Burke | Hardy | Miller, Del. | Stephens, Tex. |
| Burnett | Harrison | Miller, Minn. | Stiness |
| Butler | Hastings | Mondell | Sulloway |
| Byrnes, S. C. | Hawley | Moon | Sumners |
| Byrns, Tenn. | Hayden | Mooney | Sweet |
| Caldwell | Heflin | Moore, Pa. | Taggart |
| Campbell | Helm | Moores, Ind. | Tavenner |
| Candler, Miss. | Hensley | Mudd | Taylor, Ark. |
| Cantrill | Hernandez | Murray | Taylor, Colo. |
| Capstick | Hicks | Neely | Thomas |
| Carter, Mass. | Hinds | Nelson | Tillman |
| Carter, Okla. | Hood | Nicholls, S. C. | Tilson |
| Chiperfield | Hopwood | Nichols, Mich. | Timberlake |
| Clark, Fla. | Houston | Nolan | Tinkham |
| Cline | Howard | Norton | Towner |
| Coady | Howell | Olney | Treadway |
| Collier | Huddleston | O'Shaunessy | Venable |
| Connelly | Hull, Iowa | Page, N. C. | Vinson |
| Cooper, W. Va. | Humphrey, Wash. | Peters | Walker |
| Cooper, Wis. | Igoe | Platt | Walsh |
| Danforth | Jacoway | Porter | Wason |
| Decker | James | Pou | Watkins |
| Dent | Johnson, S. Dak. | Pratt | Webb |
| Dickinson | Johnson, Wash. | Ragsdale | Whaley |
| Dies | Kahn | Raker | Williams, T. S. |
| Dill | Keating | Ramseyer | Williams, Ohio |
| Dillon | Kennedy, Iowa | Rayburn | Wilson, Fla. |
| Doughton | Kent | Reavis | Wilson, Ill. |
| Dowell | Kettner | Ricketts | Wingo |
| Dupré | Key, Ohio | Rogers | Woods, Iowa |
| Edmonds | Kiess, Pa. | Rubey | Young, N. Dak. |
| Ellsworth | Kinkaid | Russell, Ohio | Young, Tex. |
| Emerson | Konop | Sanford | |
| Evans | Kreider | Saunders | |
| Farr | Lafean | Scott, Mich. | |

ANSWERED "PRESENT"—1.

Rucker

NOT VOTING—94.

| | | | |
|---|---|---|---|
| Aiken | Dale, N. Y. | Glynn | Hutchinson |
| Ashbrook | Davenport | Gordon | Kearns |
| Austin | Davis, Minn. | Graham | Kelster |
| Bacharach | Denison | Gray, Ala. | Kennedy, R. I. |
| Barchfeld | Dewalt | Gray, N. J. | Langley |
| Blackmon | Doremus | Gregg | Lazaro |
| Brown, W. Va. | Driscoll | Hamill | Lee |
| Browning | Drukker | Hamilton, Mich. | Lewis |
| Bruckner | Dyer | Haskell | Liebel |
| Caraway | Fairchild | Hayes | Longworth |
| Carew | Flynn | Heaton | McClintic |
| Carlin | Fordney | Helgesen | McCracken |
| Charles | Foster | Helvering | Maher |
| Church | Freeman | Henry | Meeker |
| Coleman | Gallivan | Hughes | Montague |
| Costello | Gardner | Humphreys, Miss. | Morin |
| Cullop | Garrett | Husted | Moss, W. Va. |
| Mott | Rodenberg | Snell | Watson, Pa. |
| Parker, N. Y. | Rowland | Steele, Pa. | Watson, Va. |
| Patten | Russell, Mo. | Stout | Wilson, La. |
| Price | Scott, Pa. | Sutherland | Winslow |
| Riordan | Scully | Swift | Wood, Ind. |
| Roberts, Mass. | Sherley | Talbott | |
| Roberts, Nev. | Siegel | Vare | |

So the motion was rejected.

The Clerk announced the following pairs:

Ending Monday, February 21, 1916:

Mr. GORDON with Mr. LONGWORTH.

For the session:

Mr. SCULLY with Mr. BROWNING.

Mr. LIEBEL with Mr. ROWLAND.

Until further notice:

Mr. LEWIS with Mr. SCOTT of Pennsylvania.

Mr. MCCLINTIC with Mr. SUTHERLAND.

Mr. PATTEN with Mr. MORIN.

Mr. PRICE with Mr. HELGESEN.

Mr. SHERLEY with Mr. FORDNEY.

Mr. STEELE of Pennsylvania with Mr. VARE.

Mr. MONTAGUE with Mr. RODENBERG.

Mr. STOUT with Mr. GRAY of New Jersey.

Mr. WATSON of Virginia with Mr. SWIFT.

Mr. TALBOTT with Mr. WINSLOW.

Mr. WILSON of Louisiana with Mr. WATSON of Pennsylvania.

Mr. FLYNN with Mr. SNELL.

Mr. CHURCH with Mr. COSTELLO.

Mr. LAZARO with Mr. ROBERTS of Nevada.

Mr. HAMILL with Mr. MEEKER.

Mr. GREGG with Mr. MCCRACKEN.

Mr. GARRETT with Mr. KEARNS.

Mr. GALLIVAN with Mr. ROBERTS of Massachusetts.

Mr. DRISCOLL with Mr. DYER.

Mr. DAVENPORT with Mr. DRUKKER.

Mr. CARLIN with Mr. DAVIS of Minnesota.

Mr. CAREW with Mr. COLEMAN.

Mr. CARAWAY with Mr. AUSTIN.

Mr. BRUCKNER with Mr. CHARLES.

Mr. AIKEN with Mr. BRITTEN.

Mr. BROWN of West Virginia with Mr. Moss of West Virginia.

Mr. DEWALT with Mr. GRAHAM.

Mr. MAHER with Mr. LANGLEY.

Mr. DALE of New York with Mr. HEATON.

Mr. HUGHES with Mr. MOTT.

Mr. CULLOP with Mr. BARCHFELD.

Mr. BLACKMON with Mr. FAIRCHILD.

Mr. DOREMUS with Mr. HAMILTON of Michigan.

Mr. LEE with Mr. KENNEDY of Rhode Island.

Mr. RUSSELL of Missouri with Mr. DENISON.

Mr. FOSTER with Mr. WOOD of Indiana.

Mr. HUMPHREYS of Mississippi with Mr. HUSTED.

Mr. HENRY with Mr. HAYES.

Mr. ASHBROOK with Mr. PARKER of New York.

Mr. HELVERING with Mr. HUTCHINSON.

Mr. RIORDAN with Mr. BACHARACH.

The result of the vote was announced as above recorded.

The doors were opened.

The SPEAKER. The question now is on the motion of the gentleman from North Carolina [Mr. POU] that the House resolve itself into Committee of the Whole House for the consideration of bills on the Private Calendar.

The question was taken, and the motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House for the consideration of bills on the Private Calendar in order for to-day, with Mr. ALEXANDER in the chair.

ELLIS P. GARTON, ADMINISTRATOR.

The CHAIRMAN. The Clerk will report the first bill on the Private Calendar.

The first bill on the Private Calendar was the bill (H. R. 7502) for the relief of Ellis P. Garton, administrator of the estate of H. B. Garton, deceased.

The bill was read, as follows:

*Be it enacted, etc.*, That jurisdiction is hereby conferred upon the Court of Claims to rehear, retry, determine, and finally adjudicate the claim of Ellis P. Garton, administrator of the estate of H. B. Garton, deceased, No. 70075, Indian depredations, in the Court of Claims, and to award judgment therein as fully and completely as if the petition had not been dismissed. Full jurisdiction and power is hereby given to the Court of Claims to rehear and retry said claim upon all evidence that has been or may be presented upon a hearing in said case.

The CHAIRMAN. What will be done with the bill, gentlemen?

Mr. POU. Mr. Chairman, I move that the bill be laid aside with a favorable recommendation.

Mr. MANN. I suppose somebody will explain the bill.

Mr. POU. Mr. Chairman, I yield 10 minutes to the gentleman from Iowa [Mr. TOWNER].

Mr. TOWNER. Mr. Chairman, this is a bill for the purpose of reopening a case that has been tried before the Court of Claims. The case depended upon the fixing of a date, and the Court of Claims in its original hearing was not satisfied that the evidence was sufficient to determine that the court had jurisdiction, and without passing upon the merits of the case it was dismissed for want of proof that it came within the jurisdiction of the Court of Claims. Subsequently evidence was discovered that was not available at that time, that fixes the date of the occurrence clearly within the jurisdiction of the Court of Claims, and under a precedent of a like character we have brought this bill into Congress to ask that we may be allowed to show that the Court of Claims has jurisdiction of the case and then that it may determine the case on its merits.

This is not a case asking for the appropriation of any money, and it was before Congress at the last session and was passed after quite a full discussion, against the objection of the gentleman from Illinois [Mr. MANN]. However, it was not reached for a hearing and consideration by the Senate, and has been again unanimously reported favorably by the Committee on Claims.

I think that is all I desire to say at this time, Mr. Chairman.

Mr. POU. Mr. Chairman, the gentleman from Ohio [Mr. EMERSON] desires to address the House for 15 minutes, and I yield to him.

The CHAIRMAN. The gentleman from Ohio is recognized for 15 minutes.

SHIPMENT OF CONDENSED MILK TO THE BABIES AND INFANTS OF THE CENTRAL POWERS.

Mr. EMERSON. Mr. Chairman, some time ago I introduced a resolution which requested the State Department to take up with the allied powers the question of allowing shipments of condensed milk to the babies and infants of Germany, Austria, and their allies. I would like to address the House for a little while on this subject. In the very beginning I want to dispel any belief that I am actuated by motives pro-German. I am an American from way back. I see American visions and I dream American dreams, and any actions that I take are dedicated to America. As far as the outcome of the European conflict is concerned, I am a neutral. The very fact that I take the time of the House to plead for babies in danger shows that I am prohumanitarian in my motive and pro-American, for the two terms are one and the same thing. I believe that from the birth of this Nation until now humanity has been an ever-increasing watchword of our people. To-day it is our pride, and as I speak I can see clearly through the departed days the figures of our teachers—Washington, Lincoln, Webster, McKinley, and others—and know that I have their approval when I say—

War can not be made by any country against the helpless babies and infants of an enemy country.

If civilization has broken down all over the world and we have given up the fight, then let us sit idly by and listen without feeling to the thin cry of thousands of starving infants on the other side, but if America is, indeed, the land in which civilization and humanity have built their capital, then let us sound the trumpet of justice against the walls of those who would wreak vengeance upon the helpless.

From the London Times of December 31, 1915, I got the wording of a telegram sent by our State Department to the American ambassadors in London and Paris on December 30, 1915:

Ascertain and report promptly whether British (French) Government will permit the transportation of milk from this country to Germany and Austria, to be distributed to babies in these countries under the direction of the American Red Cross.

On February 17, 1916, I ascertained from the State Department that such a message had been sent. I also ascertained that only about three weeks ago France had answered, presumably for the allies, that owing to military reasons such shipments would not be permitted. The London Times of above date goes on to comment:

If we refuse leave, von Mach's propaganda will have scored a distinct triumph.

The reference to von Mach's propaganda is, of course, to an effort by the citizens' committee for food shipments, of which Dr. Edmund von Mach is executive chairman, to permit the shipping of condensed milk to the babies of the central powers. Evidently the Times when it made the assertion that stands above did so because it realized that the whole question of a milk supply for the babies abroad is a question of humanity and not of law.

I do not believe that anyone in the House will say that the shipping of condensed milk to babies in need of food is not a question of humanity, and as such rises above any law standing in the way—if we can conceive of any law contrary to humanity. And in the present instance I say, Mr. Chairman, there is no exception. There is no law behind which refuge can be taken against the powerful eye of humanity. The allies in their blockade against the shipping of milk to babies and infants in Germany, Austria, and their allies are acting contrary to the established doctrines of international law. I do not care to take up time in lengthy dissertation on this subject, for it is a big one and has often been touched upon by gentlemen in the House and the Senate far better informed than I. But it would not be out of place to recall a few great words which we had hoped had for all time established the dictates of justice in the matter of blockades. Back in 1799 Sir Walter Scott said:

I take the modern-established rule to be this, that they (the provisions) are not contraband, but may become so under circumstances arising out of the war, or the conditions of the parties engaged in it—

And, again, he says:

The most important distinction is whether articles were intended for the ordinary use of life or whether they were going with a highly probable destination to military use.

Lord Granville, in his dispatch of February 27, 1885, said:

Her Majesty's Government can not admit that, consistently with the law and practice of nations and with the rights of neutrals, provisions in general can be treated as contraband of war. Her Majesty's Government does not contest that under particular circumstances may acquire that character, as, for instance, if they should be consigned direct to the fleet of a belligerent or to a port where such a fleet should be lying, and facts should exist raising the presumption that they were about to be employed in victualing the fleet of the enemy. In such cases it is not denied that the belligerent would be entitled to seize the provisions as a contraband of war on the ground that they would enable warlike operations to be carried on. But Her Majesty's Government can not admit that if such provisions were consigned to the port of a belligerent (even though it should be a port of naval equipment), they could, therefore, be necessarily regarded as a contraband of war. In view of Her Majesty's Government the test appears to be whether there are circumstances relative to any particular cargo, or its destination, to displace the presumption that articles of this kind are intended for the ordinary use of life, and to show prima facie, at all events, that they are destined for military use.

There may be innumerable cases which we can recall where circumstances rising out of the wars of nations have in the eyes of the people of a waring nation necessitated some divergence from the recognized rules of international law, but history does not recount a single case where a nation has with the consent of its people diverged so far from the path of civilized warfare as to declare war upon the helpless infants of another nation. True, we have the children's crusade in the dim and cruel Middle Ages, but in that terrible case the war was against older children who had gone forth to do battle on their own volition. I say to you that if any nation desires to justify itself in warring upon babies it must look to other sources than humanity and law. [Applause.]

If England should attempt in the face of everything to justify her milk blockade on the grounds of imperative necessity, we have evidence which still would rob her of this defense. Judge Lindsey, the well-known and honored jurist, in a cabled interview is cited as saying:

England can not starve out the German people. Her starvation policy is not having, and has no prospect of having, such an effect on the adult population as to justify it on the grounds of military advantage or effect. That is my firm opinion after what I have seen in some weeks in Germany.

England by her illegal stopping of noncontraband in contravention of international law will have a really serious effect on one class, and that is a class which appeals to every human heart, namely, the babies.

England's policy may mean death or a life without health to thousands of German babies. There's one thing every baby needs and must have, and for which science has found no adequate substitute—that's milk. * * * Every time England stops shipments of milk she is striking a blow at the German babies. No one claims that they are a party to this war.

Speaking of visits paid to the markets of Berlin, Judge Lindsey says:

I heard but one complaint everywhere—that was of the shortage of butter and the inability to obtain sufficient milk for babies and children.

And later he says:

If France and England endeavor to stop such shipments, let them justify it before the world and history. I am taking no sides in this war one way or another, but I am for saving the babies of all countries. * * * The babies of England, France, and Italy have the world to draw upon. The babies of Germany, Austria-Hungary, and Poland are cut off from relief. They have the same right to receive help as the others.

What Judge Lindsey is quoted as saying I say and every sane man must say. I firmly believe that the peoples of the allied powers would say the same thing if the truths were allowed to come before them. I say that I believe the people of the allied powers can not sanction a blockade established to kill thousands of babies. My faith in human nature is far too firm, even in these days of startling revelations, to believe anything else. There are too many fathers, too many mothers, among the allied nations who know the sacredness of a trust

held inviolate at all times and all places, even in those dark places where the light of civilization has not penetrated.

Regarding actual conditions in Germany I have some facts to present. We have already seen how Judge Lindsey's cabled interview in the papers of February 8, 1916, portrays conditions as seen by a keen American observer. Prof. C. W. Larson, of Pennsylvania State College, who is also secretary of the Official Dairy Instructors' Association, submits a scientific report on the milk conditions of Germany which reveals them as a professional dairyman knows they must be. I shall ask permission to extend my remarks in the RECORD by including this able report of Prof. Larson. This report was submitted to President Wilson at the White House on January 24, 1916, by the executive chairman of the citizens' committee for food shipments. I shall also request that I be permitted to include in my extended remarks certain other data bearing on the subject of my address.

I believe that it is fair to say that there are millions of helpless babies in Germany and Austria-Hungary facing perhaps the greatest milk shortage in history. What can we do about it?

We, as the representatives of the people of America, can in the name of humanity request the State Department to take up again with the Governments of France and England the question of permitting unhampered transit of condensed milk to the babies and infants of Germany, Austria-Hungary, and their allies. The request has already been made to the State Department by the National American Red Cross in behalf of the citizens' committee for food shipments. I believe that our humane President and his State Department are anxious to do all they can to help the infants of the stricken countries across the seas. If President Wilson felt that he were sure of the approval of Congress I believe he would take the matter up in a most convincing way. I furthermore believe that if the situation were clearly presented to the peoples of the allied nations that it would tend to take the whole question out of the sphere of any international wrangle and put it on the high plane of human kindness. What a blessed change it would be to the people of the warring countries if they could but catch the impassionate voice of humanity speaking of its most precious trust after these years of hate and passion.

Mr. Chairman, I am positive that if reason can for a moment gain a foothold that a plan can be submitted which will clear the situation for the babies. America could transport condensed milk to the infants of the central powers and a distribution to the babies could be made through the medium of the splendid American Red Cross or even through a special medium under American supervision. It is ridiculous to contend otherwise. Let us insist that the State Department make a thorough inquiry into the conditions herein mentioned and submit in the strongest way possible a solution of the problem, and let us assure the President that we are behind him in what he may do in the name of justice and humanity. Then, Mr. Speaker, we shall have done our part and crowned our campaign for civilization, and in years to come we shall not see the vision of countless dead infants and a host of sickly, unhappy children dragging their way to an early and welcome grave. [Applause.]

Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD by including the report of Dr. Larson upon the milk situation in Germany and Austria-Hungary.

The CHAIRMAN. Is there objection? [After a pause.] The Chairs hears none.

Mr. EMERSON. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The gentleman yields back two minutes of his time.

Following is the report referred to:

THE MILK SITUATION IN GERMANY AND AUSTRIA-HUNGARY.

[By C. W. Larson.]

There is undoubtedly a great shortage of milk in Germany and Austria-Hungary. This conclusion is based upon the study of the conditions in those countries before the war, together with conditions known to exist now, and the necessary results that follow from these conditions.

The reasons for this conclusion are:

First. Germany and Austria-Hungary are not dairy countries in times of peace; they do not produce enough of the dairy products for their own needs.

Second. The amount of milk consumed by the adult in Germany is a very small amount. The average annual consumption is only about 70 quarts per year.

Third. Only small quantities of the manufactured dairy products are consumed, and a large percentage of these is imported. There is, therefore, not much milk from this source that can now be utilized for the babies.

Fourth. Because of the location of the dairies where the milk for manufactured products is produced, this milk can not be transported to the consumer in time to make it fit for baby food.

Fifth. Denmark, which has in the past supplied considerable of the dairy products to Germany, has had her output greatly decreased by being unable to secure concentrated feeds that she has imported in the past.

Sixth. Germany and Austria-Hungary depended largely upon imported feeds for their cows; at least one-half of the production of the cows was obtained from such feeds as cottonseed meal, oil cake, and other protein products that before the war were imported by millions of tons from the United States, Russia, and Egypt, in about equal quantities from the three countries.

The following are the imports and exports to and from Germany for the year 1913:

*Fresh milk and skimmed milk.*

| IMPORTS. | Tons. |
|---|---|
| Denmark | 32,810 |
| France | 5,374 |
| Austria-Hungary (border exports and imports) | 5,081 |
| Switzerland | 16,210 |
| EXPORT. | |
| Austria-Hungary (border exports and imports) | 11,573 |

*Cream.*

| IMPORTS. | |
|---|---|
| Denmark | 35,076 |
| Russia | 2,252 |
| Sweden | 6,998 |
| EXPORT. | |
| To all countries | 25 |

*Butter and butter fat.*

| IMPORTS. | |
|---|---|
| Denmark | 2,155 |
| Netherlands | 18,455 |
| Austria | 954 |
| Russia | 29,922 |
| Finland | 2,165 |
| Sweden | 313 |
| EXPORT. | |
| To all countries | 273 |

*Hard cheese.*

| IMPORTS. | |
|---|---|
| Italy | 24,259 |
| Netherlands | 16,923 |
| Switzerland | 6,334 |
| EXPORT. | |
| To all countries | 129 |

*Soft cheese.*

| IMPORTS. | |
|---|---|
| France | 1,494 |
| Total | 2,006 |
| EXPORT. | |
| To all countries | 598 |

There was also some condensed milk imported.

A survey made of the food consumption of the working classes of German towns by the British Board of Trade and based upon 5,046 weekly budgets show that the average yearly consumption of milk was about 70 quarts. This shows how small a quantity must have been consumed by the adults; and when it is remembered that 365 quarts are required per year per child, the amount actually consumed under normal conditions only provides for 1 quart for every fifth person. The annual per capita consumption in New York City is over 120 quarts, and in Boston over 200 quarts. Obviously the cows can not now have the proper care, and on account of lack of feed this small production must be still further decreasing. The following tables show the amount of imports of two of the concentrates so necessary in feeding their cows:

| *Imports of cotton seed, 1913.* | Tons. |
|---|---|
| Egypt | 219,797 |
| United States | 10,062 |
| EXPORT. | |
| Total | 810 |

*Imports of oil cake and oil-cake meal.*

| | |
|---|---|
| Russia | 230,418 |
| United States of America | 208,446 |
| Total of other countries | 756,772 |

In the study referred to and made by the British Board of Trade the average consumption of butter was only about 14 pounds in the working districts, and about 6 pounds of cheese. Inasmuch as considerable of this is imported, and since the butter and cheese were made in outlying districts, not accessible to shipments by railroad, the converting of this milk into baby milk is not of very great consequence in relieving the situation.

Because, therefore, of the limited quantities available in times of peace, and because of the cutting off of imports of milk and milk products, and because of the impossibility of getting protein feed, not taking into account the number of cattle that have probably been slaughtered and the probable decrease in efficiency of the management of the herds, there must undoubtedly be an inadequate supply; and the babies and invalids will suffer unless milk is supplied from some outside source.

Respectfully submitted.

C. W. LARSON.

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AN ANALYSIS OF THE PROBABLE MILK SITUATION IN GERMANY.

[By Prof. C. W. Larson.]

The following calculations are based upon known conditions before the war, together with the probable results of the war. It is assumed that there has been no decrease in the number of cows. As a matter of fact, however, a cow's milking period is only about six years, and on account of lack of proper foods imported heretofore, and the killing of some of the cows, the production has, no doubt, decreased materially. There were also a great many cows imported during the years previous to the war.

The items 2, 12, and 19 are based on the fact that Germany depended upon imported proteins, such as cotton seed, oil cake, etc., for dairy cows. This supply is cut off now. Protein feeds are not only necessary to production but also stimulate production. Without such feeds not over one-half the normal flow of milk can be expected.

The items 3, 13, and 20 could be reduced to some extent by taking hay intended for horses and beef cattle, and the efficiency of manage-

ment increased some to meet the demand for milk for babies. If this loss were reduced, the situation would be relieved to some extent. Improving efficiency will, however, take time.

The items 11 and 21 include milk not available for babies, because:

(a) Some milk must be kept for young stock in order that herds may be kept up. The skimmed milk was available when butter was made.

(b) Much milk used for butter making is not of sufficiently good quality to be used for babies. Not half the milk produced in the United States for butter is good enough for babies. It requires years to teach producers of milk for butter the methods necessary for milk for infants.

(c) Butter can be shipped long distances; milk can not. Much butter is produced in districts not accessible to frequent shipment.

The total need as shown in item 24 is computed as follows:

According to the last census the percentage of children in Germany under 5 years of age was 13.1 per cent of the population. The total of these between 4 and 5 years was 11.6 per cent of all children below 5. Therefore:

70,000,000×13.1%=9,170,000 under 5 years.
9,170,000×11.6%=1,063,720 between 4 and 5 years.

Number under 4 years of age=8,106,280.

Figuring on the basis of 1 quart per day per child, there would be required each year 8,106,280×365=2,958,792,200.

It is desirable often to feed more than 1 quart per day, but in an emergency other foods could be used to some extent.

The equivalent of butter was computed on a basis of 20 pounds of milk per pound of butter. The equivalent of cheese was computed on a basis of 10 pounds of milk per pound of cheese.

As a check on the above figures the following is suggested:

If all of the milk produced in the country was used for the babies, none of it unfit and none given to sustain the calves which are to make the future herds, there would be the following amounts:

| | Quarts. |
|---|---|
| From item 1 | 4,900,000,000 |
| From item 9 | 8,370,000,000 |
| From item 18 | 1,560,000,000 |
| Total | 14,830,000,000 |

There were about 10,000,000 dairy cows in Germany before the war, and if the average production was equal to the average of the United States, which is 1,500 quarts per cow, there should be produced about 15,000,000,000 quarts.

*Calculations.*

| | | | |
|---|---|---|---|
| Milk available: | | | |
| 1. Milk consumed before the war, 70 quarts per person×70,000,000= | quarts | | 4,900,000,000 |
| Deduct: | | | |
| 2. Milk reduced one-half on account of lack of imported protein feeds | quarts | 2,450,000,000 | |
| 3. Milk reduced one-fourth by lack of proper management and short hay crop | quarts | 1,225,000,000 | |
| | | | 3,675,000,000 |
| 4. Milk available, estimated on that consumed before the war | quarts | | 1,225,000,000 |
| 5. Milk imported before war | do | | 52,000,000 |
| 6. Milk available now | do | | 1,173,000,000 |
| Milk used for butter before war: | | | |
| 7. 7.14 pounds per person | pounds | 980,000,000 | |
| 8. Butter imported | do | 118,000,000 | |
| | | 862,000,000 | |
| 9. Cream imported equivalent in pounds of butter | pounds | 25,000,000 | |
| | | 837,000,000 | |
| 10. Equivalent in milk | quarts | | 8,370,000,000 |
| Deduct: | | | |
| 11. Only one-half of milk used for butter probably fit for babies after deducting also for calves | quarts | 4,185,000,000 | |
| 12. One-half reduced on account of lack of imported protein feeds | quarts | 2,092,500,000 | |
| 13. One-fourth on account of management and short hay crop | quarts | 1,046,250,000 | |
| 14. Not available | quarts | | 7,323,750,000 |
| 15. Available milk from butter | | | 1,046,250,000 |
| Milk used for cheese: | | | |
| 16. Six pounds per person | pounds | 420,000,000 | |
| 17. Imported | do | 108,000,000 | |
| | | 312,000,000 | |
| 18. Equivalent in milk | quarts | | 1,560,000,000 |
| Deduct: | | | |
| 19. One-half due to lack of protein feeds formerly imported | quarts | 780,000,000 | |
| 20. One-fourth due to management and short hay crop | quarts | 390,000,000 | |
| 21. One-sixth not fit for babies or not in shipping radius | quarts | 260,000,000 | |
| | | | 1,430,000,000 |
| 22. Milk available | quarts | | 130,000,000 |
| 23. Grand total | do | | 2,349,250,000 |
| 24. Amount needed for 7,401,000 babies | do | | 2,958,792,200 |
| 25. Amount short | do | | 609,542,200 |
| | | | 2,349,250,000 |
| Amount needed for 7,401,000 babies per year | do | | 2,958,792,200 |
| Total available milk in Empire | do | | 2,349,250,000 |
| Actual shortage | do | | 609,542,200 |

[The daily consumption of milk in New York City is over 2,000,000 quarts.]

I also append herewith certain data as to the milk shortage before referred to:

Official recognition of the milk shortage is contained in the official North German Gazette, under dates of October 12 and November 6, 13, 17, 19, 25, and 28, 1915. The summary of these articles is as follows:

October 12, 1915: In Berlin it is estimated that there is sufficient milk to supply children only up to 4 years of age. In ordinary times milk supplied to children up to 9 years of age and to invalids is half of all the milk used.

November 6, 1915: Milk tickets are to be issued in Templehof for children up to 1 year, 1 quart (this is only three-quarters of the average allowance for 1-year-old babies in American nurseries); for children 1 to 4 years, three-fourths quart; and for children 4 to 14 years, 1 pint.

November 13, 1915: Milk tickets are being issued in Schoeneberg, but only to parents of children born since 1902.

November 17, 1915: In Stegelitz milk tickets are being issued for children and invalids.

November 19, 1915: The announcement from Strassburg reads that milk tickets are being issued. Women about to become mothers will receive during the last three months of their pregnancy the same amount as children under two years of age.

November 25, 1915: In Wattenscheld a census will be taken of all the families who should receive milk.

November 28, 1915: A cabinet order issued in Vienna regulates the consumption of milk, in an attempt to save the lives of babies, nursing mothers, and invalids in Austria-Hungary.

American confirmation of the milk shortage is found in the article by Gustav C. Roeder, in the New York World of January 3, 1916, page 4: "There is a considerable shortage of certain articles of food, meats principally, all fats, butter and milk." And in the dispatches from Berlin, via London, printed in the New York newspapers of Wednesday, January 5, 1916, to the effect that cow's milk is so short that the people of Berlin have been forced to rely largely on goat's milk.

One of the few letters, vividly portraying the milk famine in Upper Silesia, that has slipped past the German censorship reads:

"For Heaven's sake have pity on us and send us milk. My little boy is 8 months old—he is but a skeleton—and I have no food for him. How can he survive? The two older children are trying to comfort me, saying, 'Mother dear, we'll bear it if only God will keep you and the little brother and our dear father.'"

Mr. POU. Mr. Chairman, how much time does the gentleman from Iowa [Mr. TOWNER] desire?

Mr. TOWNER. If you will yield to the gentleman from Illinois [Mr. MANN] first, then I will follow his objection.

Mr. POU. Whatever time the gentleman desires, if I have it, I will yield to him.

Mr. MANN. I do not ask the gentleman to yield me any time. I judge he might prefer to reserve his time. He is at liberty to do as he pleases about that.

The CHAIRMAN. Does the gentleman from North Carolina [Mr. POU] reserve the balance of his time?

Mr. POU. I do, Mr. Chairman.

Mr. MANN. Mr. Chairman, I ask for recognition.

The question of the allowance of claims caused by Indian depredations has been a question which has been before the country from its origin.

Mr. Chairman, I think we ought to have somebody here, and I make the point of order there is no quorum present.

The CHAIRMAN. The gentleman from Illinois makes the point of order of no quorum. The Chair will count. [After counting.] One hundred and two gentleman are present, a quorum. The gentleman from Illinois will proceed.

Mr. MANN. Mr. Chairman, as I was saying the question of claims for Indian depredations has been before the country always, and in the early days there was provision made for the payment of certain claims, and then for many years there was no provision at all made by the Government for the payment of claims to people who were killed or had their property taken or destroyed by the Indians, the theory of the Government at that time being that the Indians on the frontier were likely at any time to be involved in trouble with the settlers, and that the Government was not in a position to protect settlers who advanced into the Indian country, from danger, and that settlers who went there took their chances.

Some years ago, not very many years ago, Congress passed a law providing that the Court of Claims might hear and determine claims in Indian depredation cases where the Indians were at amity with the United States, it being the purpose of the Government that where an Indian tribe was on the warpath, and at war, practically, with our Government, we did not guarantee people who went into that country for the purpose of making large gains out of the sale of goods that we would pay the damage if the Indians should catch them. We

have had a contest over that matter for many years in the House, as to whether Congress would provide for the payment of claims where the Indians were at war. There was in these Indian depredation cases, thousands of which were filed in the Court of Claims, large numbers which were dismissed because the Indians were at war. There were large numbers dismissed because it was ascertained that many of the men who had claims, and had gone into the frontier country, were, in fact, foreigners, and never had been naturalized, although they treated and considered themselves as citizens.

In the last Congress we passed a law removing the disability of citizenship, so that a man who had a claim in one of these Indian depredation cases, and it turned out he could not prove American citizenship, would still be entitled to prosecute his claim. That law was passed because there were numerous instances of men who held high office, who had voted for years, who had supposed they were American citizens, but where it turned out they had not complied with the law, or that something was the trouble so that they were not citizens; and hence their claims were dismissed. We had a sort of an understanding in the House when that bill was passed that we would not pass a law removing the requirement of amity. This Committee on Claims has recently had before it a bill introduced by the gentleman from California [Mr. KETTNER] for the relief of Cyrus F. Goddard, which bill proposes to remove the disability or effect of amity. The Committee on Claims reported the bill adversely, and I think very properly, indeed. Now, my friend from Iowa [Mr. TOWNER] differentiates the pending bill by saying this does not remove the defect of amity. Theoretically, that is true, but practically it does remove the question of amity.

Let us see what the facts are in this case. This bill is for the relief of Ellis P. Garton, administrator of the estate of H. B. Garton. H. B. Garton years ago was a citizen of Iowa, and in 1865 made up a train of wagons and goods to go out to the city of Denver. While, so far as I am informed, there is no evidence to show whether he was taking these goods out to look at or to sell, I think the presumption is quite strong that he was going out there for the purpose of taking the goods out to sell at a good, high profit.

There was great trouble across the Plains in those days. There were wars and other wars, Indian outbreaks, and Mr. Garton took his chances on getting through. If he got through, he made great gains. Unfortunately, he did not get through and paid the penalty—loss of his life. He knew there was trouble. He stopped in Nebraska and put his wagons into a large train of wagons numbering about 100. As the report says, this was done for mutual protection, as the Sioux Indians were depredating in that section at that time. I read from the report of the committee in this case:

> This was done for mutual protection, as the Sioux Indians were depredating in that section at that time.

Shortly after leaving the station where these wagons were combined in one train, the train was attacked by a band of Sioux Indians, and the rear wagons of the train, including those of Mr. Garton, were cut off. He and his son and some others were killed, the animals were carried away by the Indians, and the wagons and their contents were burned and destroyed.

The administrator of Mr. Garton's estate brought a case in the Court of Claims and took testimony. According to the testimony of some of the witnesses this attack of the Indians occurred on the 28th day of October, 1865. Some of the witnesses thought the attack occurred about the 24th or the 25th of October, 1865. The report says the court had decided "that the Sioux Indians, as a tribe, had been hostile to the United States from some time in the late summer of 1864 up to the 28th of October, 1865," and that on the latter date—the 28th of October, 1865—the last of the bands of the Sioux Tribe of Indians had signed a treaty of peace with the United States, and that "on that day the status of amity between the Sioux Tribe of Indians and the United States was resumed."

That may be legally correct. I do not know. But Mr. Garton knew they were not at amity. Whatever the court may decide as to when the treaty of peace was entered into, he knew when he entered into this train, as all the other men who entered the train knew, that they were liable to attack from those Indians, who were on the warpath, and that they were not at peace and amity with the United States. The court held that it had no jurisdiction, because when the attack occurred the United States was not in amity with the Indians.

It is stated now that there have been recently discovered in the city of Denver contemporaneous publications which show that the correct date of the killing and the attack and destruction of the property was October 28, 1865. The evidence before did not clearly indicate that it was October 28. If the attack was made on October 27, there would be no question; Mr. Garton is not entitled to any claim under the law. If it was made on October 28 and we then had a treaty of peace, it is a question whether, technically and legally, he can prosecute his claim in the Court of Claims and obtain a judgment. But the fact remains that he knew that the Indians were not in amity with the United States.

There are millions of dollars of these claims which have been dismissed in the Court of Claims and millions of dollars of other claims which have not yet been brought in the Court of Claims which would be allowed if we remove the question of amity.

Now, of course, I understand very well that among the distinguished and able Members of this great legislative body who choose in the middle of a session of Congress to dispense with the consideration of the greatest appropriation bill which comes before any legislative body in the world, in order to take up little Private Calendar claims, some of which involve the enormous sum of $7 [laughter], it is not to be expected that a House that would do that would give any consideration to the merits of a proposition that comes before it. [Laughter.] And I do not anticipate that anything I can say will have any immediate effect upon the body here now. But I think it is my duty to oppose some of these claims which have managed to creep through the Committee on Claims, usually quite careful under the chairmanship of the distinguished gentleman from North Carolina [Mr. POU], in the hope that it may continue to make the committee somewhat careful about the claims which it reports.

This claim has no more merit in it than the claims of thousands of other men, involving many millions of dollars, who can not get into court, either, without special legislation. Now, it is proposed to pass a special private bill and let this man go back into the court where he was once, where he had his chance, where the case was tried, because he imagines he can find—or maybe it is not imagination; I do not know, because the report is not very definite on the subject—some new evidence that would technically allow his claim, but not on the merit of the claim would it be allowed.

I reserve the balance of my time, Mr. Chairman. [Applause.]

Mr. TOWNER. Mr. Chairman, the objections of the gentleman from Illinois [Mr. MANN] to the passage of this bill are directed more, as I think Members must be able clearly to see, to all of this class of claims than to this particular claim. I venture to say, Mr. Chairman, that what is asked in this bill presented to any court of the United States would be granted unhesitatingly upon a showing of the same facts that are shown here.

In 1891 Congress passed a bill under which those who had claims for the destruction of property on account of certain Indian depredations that were committed when the tribes were at amity with the United States were paid for, or would be paid for, by the Government. The reason of that was not far to seek. The gentleman from Illinois pictures Mr. Garton and the other pioneers who settled those Western States as a mercenary lot of adventurers, taking a lot of property out there to sell, hoping to reap a large profit by the transaction. But the facts in this case, as in most of these cases, are that these pioneers constituted the advance guard of the civilization of the Western World. They were the men who built up the States of Illinois and Iowa and all the Western States until you reach the Pacific. This man was not taking property out there to sell at a profit. He went out there with his wagons and horses and cattle and his farming machinery in order to settle there and make for himself a home and help build up the country. That was the motive that actuated Mr. Garton. Congress, in passing this bill, limited it—very properly, I think—to those who filed their claims within three years. This claim was filed within three years. It was necessary first, however, as a jurisdictional fact, for the Court of Claims to be shown affirmatively that the United States was at amity with the tribe when the depredation was committed.

The claimant in this case failed to show to the satisfaction of the Court of Claims that the massacre occurred on a date when the United States was at amity with the Indian tribe. There was a divergence of testimony and of opinion as to the date. It was, of course, difficult to determine it absolutely, and for that reason the Court of Claims dismissed the claim because of a want of this requisite jurisdictional showing. Subsequently, however, and entirely accidentally, upon the investigation of another case, it was discovered that the date could and would be satisfactorily shown, because in the contemporary papers published at the time in Denver, a file of which was obtainable in the public library of Denver, it appeared that this depredation in which Mr. Garton and his family lost their lives, and in which his property was destroyed, occurred at a

date which had been officially determined as a time when the United States was at amity with this particular Indian tribe; and for this reason, if that fact is shown, then the jurisdictional fact necessary will be determined, and the claimant may have an opportunity of being heard and proving his case if he can do so. Precedents of this kind have been established already, so that we are not asking for anything new. We are asking only that we be allowed to show, if we can, by this newly discovered evidence, that this man is entitled to a hearing before the Court of Claims as to the justice of his cause. That is all there is of it. I think the Committee on Claims properly reported this bill favorably before, and reported it unanimously. I think they have again reported it properly, with a unanimously favorable recommendation. In the last Congress, against the objections that were then urged by the gentleman from Illinois [Mr. MANN], ably as he always does, and effectively as he always does, the House, nevertheless, by a very large majority passed the bill, but unfortunately it failed in the Senate. I sincerely hope the theoretical objections that have been urged by my friend from Illinois [Mr. MANN] against this class of claims will not avail against those who bring themselves squarely within the terms of a law passed by Congress, and I judge that gentlemen on the floor of the House will not be unduly influenced by the fact that the Committee on Claims have been able, by such a definite majority of the House, to hold their right, which is given them under the rule, not to be supplanted when the time comes for the consideration of this class of bills.

Mr. MANN. Mr. Chairman, the gentleman from Iowa [Mr. TOWNER] states that Mr. Garton went on this trip as a settler, and, if he states that from his own knowledge, of course I am willing to accept it. But that is not the report of the committee.

Mr. TOWNER. The evidence before the committee very clearly shows that.

Mr. MANN. This is what the report of the committee says:

H. B. Garton was a citizen of Wayne County, Iowa, and a man of influence and standing. In the summer of 1865 he made up a train of wagons, drawn by mules, horses, and oxen, and loaded the same for the city of Denver.

Now, if there were any settlers who went out West under conditions of that kind, I miss my guess. I have seen, in my early boyhood days, thousands and thousands of settlers on their way to the West. A settler did not take a train of wagons, some of which were drawn by mules, some of which were drawn by horses, some of which were drawn by oxen. In the main he was very lucky if he had two wagons. Most of them had only one. It is perfectly plain that, if the report of the committee is correct, Mr. Garton loaded these wagons with goods and went out there on a speculation, not as a settler. He was a citizen of influence and standing in Wayne County, Iowa. He was not going as a homesteader. He was not a miner going out to Denver; he was not going out to seek silver or soil. He was going out to sell goods, a laudable enterprise. Many people found it profitable. Unfortunately he did not.

Mr. POU. Mr. Chairman, I move that the bill be laid aside, to be reported to the House with a favorable recommendation.

The CHAIRMAN. The question is on the motion of the gentleman from North Carolina [Mr. POU] that the bill be laid aside to be reported to the House with a favorable recommendation.

The question being taken, on a division (demanded by Mr. MANN) there were—ayes 42, noes 17.

Mr. MANN. Mr. Chairman, I make the point of order that there is no quorum present.

The CHAIRMAN. The gentleman from Illinois makes the point of order that there is no quorum present. The Chair will count. [After counting.] One hundred and twelve Members present, a quorum.

Accordingly the bill was laid aside to be reported to the House with a favorable recommendation.

ADMINISTRATOR OF WILLIAM J. LANDRAM, DECEASED.

The next business on the Private Calendar was the bill (H. R. 1584) to carry out the findings of the Court of Claims in the case of Louis Landram, administrator of William J. Landram, deceased.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, in accordance with the findings of the Court of Claims, the sum of $5,346.29, to be accepted in full of all claims against the Government, to Louis Landram, administrator of William J. Landram, deceased.

Mr. HELM. Mr. Chairman, this is a claim of a little over $5,000, due to the estate of Gen. William J. Landram, a veteran of the Mexican War and a veteran of the Civil War. The claim has been examined from every angle and approved by the Court of Claims. A claim similar to this, and of which this forms an integral part, has been sanctioned, approved, and adjudicated by the Supreme Court of the United States. I undertake to say that if ever there was a claim that came clean-handed into this House, this is that claim.

The report of the committee shows that by the act of July 10, 1868, collectors and assessors were allowed commissions of one-half of 1 per cent on stamps placed on packages of distilled spirits. From 1873 to 1885 Col. William J. Landram was the collector of internal revenue of the eighth internal-revenue district of Kentucky. Under that law he was entitled, as the collector and assessor of distilled spirits in that district, to one-half of 1 per cent on the face value of the stamps placed on packages of distilled spirits. That was due him by way of compensation. By the act of December 4, 1872, the office of assessor was abolished. Bear in mind now that he first served in the capacity of collector and assessor of internal revenue. The office of assessor was abolished, which left him the collector of internal revenue. Under that act all of the above commissions were given to collectors, but the compensation of each collector was limited to $4,500. Landram applied for his commission to the Internal-Revenue Office, but the office refused to pay him. He thereupon instituted a suit in the Court of Claims, whose decision was affirmed by the Supreme Court of the United States, allowing him the commissions claimed for the years 1880 to 1884, inclusive.

The present claim is for the commissions for the years 1874 to 1879, inclusive, which were not included in the suit brought in the Court of Claims on account of the oversight of one of Mr. Landram's attorneys.

The present contention is that Mr. Landram's estate is as much entitled to the commissions for the period from 1874 to 1879 as he was to those from 1880 to 1884, because all of the facts connected with the present claim and all the questions of law are identical with those decided in the Court of Claims and upheld by the United States Supreme Court in the case already referred to.

The claim for the commissions for the years 1874 to 1879, inclusive, was made as soon as the error was discovered in the form of H. R. 1614, Fifty-second Congress, first session, which was favorably reported by the Committee on Claims, but did not reach a vote in the Senate; and was next embraced in the Senate bill 3319, Fifty-seventh Congress, first session, and which bill on the 28th of April, 1902, was referred to the Court of Claims after proceedings in conformity to the provisions of the so-called Tucker Act.

The Court of Claims, in Senate Document No. 14, Fifty-eighth Congress, promptly found that the claimant was entitled to recover, in addition to the amount already recovered, $5,346.28, the same amount the Committee on Claims in the House had reported as justly due him, and his contention, which had been upheld in every particular by the Supreme Court of the United States for the years adjudicated.

Now, I have read this report to show the fact that ever since the Supreme Court of the United States adjudicated the claim there has been a bona fide effort on the part of the Gen. Landram estate to collect this debt, which is just, due, and unpaid. He was a man who fought for his country in the Mexican War, and, as a general, fought for his country in the Civil War. To you men over here I occupy the position of a son of a southern man advocating that justice be done to an old Civil War veteran who has done his full measure of duty for this Republic.

My father was a Mexican soldier, and I expect that he stood shoulder to shoulder with Gen. Landram in the Mexican War, and as his son I stand here and plead that justice be done to this old Mexican veteran. Will it be said of this body that a man who has rendered the conspicuous service that Gen. Landram has rendered on the Mexican field of battle and in the Civil War that we are so ungrateful, so parsimonious as to deny the estate of this old two-times veteran that which is justly due and unpaid?

I want to read into the RECORD the record of this old veteran:

In the Mexican War he enlisted as private in Company A of the First Kentucky Cavalry, Humphrey Marshall, colonel, and at the end of the first month was promoted to orderly sergeant; he participated in the Battle of Buena Vista, where he was wounded. He served until the close of the Mexican War; then returning to his home at Lancaster, Ky., when the troops were mustered out.

At the commencement of the Civil War, in 1861, he entered the Government service at Camp Dick Robinson, Ky., and was commissioned colonel of the First Kentucky Cavalry, which position he soon resigned on account of his dislike to the Cavalry service. Under orders from Gen. Sherman, he took charge of the Government grounds at Harrodsburg, Ky., and in two months recruited the Nineteenth Kentucky Infantry Regiment and was commissioned its colonel. He participated in the following battles: Chickasaw Bayou, Arkansas Post, Port Gibson, Champion Hills, Black River Bridge, siege of Vicksburg, and siege of Jackson. In these battles he commanded the Second Brigade, Fourth Division, Thirteenth Army Corps, composed of the Nineteenth Kentucky, Forty-eighth Ohio, Seventy-seventh, Ninety-seventh, One hundred and thirtieth Illinois Regiments, and the Chicago Mercantile Battery. In the Battle

of Sabine Cross Roads, La., he commanded the Fourth Division, Thirteenth Army Corps. In 1865 he was promoted to brigadier general of Volunteers and commanded the Baton Rouge district for some time. He had charge of the Cavalry camp of instruction at New Orleans, and when the end of the war finally came returned to his home in Lancaster, Ky.

This is the type of man that certain men on this floor will undertake to defeat that has passed through the Supreme Court of the United States, and ask you to vote against the passage of a bill, of such a man, with such a conspicuous record as I have disclosed.

Mr. SLOAN. Will the gentleman yield?

Mr. HELM. I will.

Mr. SLOAN. Is the gentleman convinced that this is a just claim?

Mr. HELM. If my earnestness, zeal, and enthusiasm for this claim has not been sufficient to demonstrate that I think it is an honest claim, I do not know how to do it.

Mr. SLOAN. And the gentleman says that this is a claim by a real Kentucky colonel?

Mr. HELM. Yes; he was a brigadier general in the Civil War.

Mr. MANN. Mr. Chairman, when I used to practice law I always noticed that the attorney who had a very bad case dwelt a great deal on the manliness of his client if he was a man and the loveliness of his client if she was a woman. And my friend from Kentucky, having no merits in his proposition, according to my views, dwelt with great eloquence on the fact that his constituent or claimant was a brigadier general or other officer in the Civil War and was also in the Mexican War. That may be a sufficient reason, although I doubt it. If Congress wants to vote Gen. Landram something over $5,000 because he was in the war, that is all right. A great many other people would like to have the money.

My father was in the Mexican War and in the Civil War, but I would disown him if he ever asked or demanded a claim like this against the Government.

What are the facts in the case. Gen. Landram—and I accept the gentleman's statement that he was a general, although the report calls him "Mr."—was a collector of internal revenue in Kentucky from July 1, 1873, to July 4, 1885, a term of 12 years, and a desirable job. Most of the collectors of internal revenue have nothing themselves to do except to draw their salaries, the deputies or chief deputy managing the office. They have responsibility, and I am perfectly willing that they should be paid reasonable salaries. By the act of 1872, carried as section 3314 in the Revised Statutes, Congress provided:

SEC. 3314. The books of tax-paid stamps issued to any collector shall be charged to his account at the full value of the tax on the number of gallons represented on the stamps and coupons contained in said books; and every collector shall make a monthly return to the Commissioner of Internal Revenue of all tax-paid stamps issued by him to be affixed to any cask or package containing distilled spirits on which the tax has been paid, and account for the amount of the tax collected; and when the said collector returns to the Commissioner of Internal Revenue any book of marginal stubs, which it shall be his duty to do as soon as all the stamps contained in the book when issued to him have been used, and accounts for the tax on the number of gallons represented on the stamps and coupons that were contained in said book, there shall be allowed to the collector a commission of one-half of 1 per cent on the amount of such tax, in addition to any other commission by law allowed: *Provided*, That the total net compensation of collectors, as fixed by this title, shall not be thereby increased. All stamps relating to distilled spirits, other than the tax-paid stamps, shall be charged to collectors as representing the value of 10 cents for each stamp; and the books containing such stamps may be intrusted by any collector to the gauger of the district, who shall make a daily report to the collector of all such stamps used by him and for whom used, and from these reports the Commissioner of Internal Revenue shall assess the person for whom they were used; and the collector shall thereupon collect the amount due for such stamps, at the rate of 10 cents for each stamp issued during the month; and when all the stamps contained in any such book have been issued, the gauger of the district shall return the book to the collector, with all the marginal stubs therein.

That act was amendatory of a previous act which contained the provision for a certain percentage to be paid to the assessors and a certain percentage to the collectors, and gave to the collector the percentage which theretofore had been paid to both the collector and the assessor. The previous act of June 30, 1864, being section 3145 of the Revised Statutes, provided:

SEC. 3145. There shall be allowed to collectors, in full compensation for their services, and for those of their deputies, a salary of $1,500 per annum, to be paid quarterly, and, in addition thereto, a commission of 3 per cent upon the first $100,000, of 1 per cent upon all sums above $100,000 and not exceeding $400,000, and of one-half of 1 per cent on all sums above $400,000 and not exceeding $1,000,000, and of one-eighth of 1 per cent on all sums above $1,000,000; such commissions to be computed upon the amounts by them, respectively, collected and paid over and accounted for under the instructions of the Treasury Department; except that in determining the compensation to be allowed to any collector the commission shall be computed on only one-half of the tax received on any articles which shall have been transported from his district in bond, and on only one-half of the tax received on any articles received in his district in bond, where such transportation has been by shipment from one district to another. And there shall be further paid, after the account thereof has been rendered to and approved by the proper officers of the Treasury, to each collector his necessary and reasonable charges for advertising, stationery, and blank books used in the performance of his official duties, and for postage actually paid on letters and documents received or sent, and exclusively relating to official business; but no such account shall be allowed unless it states the date and the particular items of every such expenditure, and is verified by the oath of the collector. The Secretary of the Treasury may make such further allowances from time to time, as may be reasonable, in cases where, by reason of the territorial extent of the district, or the amount of internal taxes collected, or other circumstances, it may seem just to make such allowances. But the total net compensation of a collector shall not in any case exceed $4,500 a year; and no collector shall be entitled to any portion of the salary pertaining to his office unless he shall have been confirmed by the Senate, except in cases of commissions to fill vacancies which happen by death or resignation during the recess of the Senate.

Let us see now what the facts are in this case. I have read the law, because I thought it was appropriate to have a little information about the law once in a while for the benefit of our Democratic Members, who to-day, by a vote of 103 to 75, voted to dispense with the transaction of public business for the day. Think of it! A great party in control of the Government does not know how to manage the House, much less the Government.

The CHAIRMAN. The Chair will request gentlemen in the rear of the Hall to please retire to the cloakroom if they desire to converse. Unless they do we can not transact business.

Mr. MANN. Oh, Mr. Chairman, they are not bothering me. Of course we are not going to transact much business any way, and if we transacted all there is it would not amount to a row of pins. Our Democratic friends want to keep us here this summer. Well, we will be on the job. I do not blame them. They want to have as much time as they can in Congress, for they will not have much after this term. [Laughter and applause on the Republican side.]

Mr. STEPHENS of Texas. Mr. Chairman, will the gentleman yield?

Mr. MANN. Yes.

Mr. STEPHENS of Texas. Is the gentleman in favor of abolishing the Committee on Claims and not permitting persons who have been damaged in different ways, as is alleged by this committee, to ever get any pay from the Government of the United States? Is that the gentleman's doctrine? If that is his doctrine, it is a very strange one.

Mr. MANN. I will yield for another speech, if the gentleman desires to make it.

Mr. STEPHENS of Texas. I am through, thank you. The gentleman has not answered the question.

Mr. MANN. The question is such a silly question——

Mr. STEPHENS of Texas. Is it silly to know whether or not the gentleman wants to abolish that committee?

Mr. MANN. It is such a silly question——

Mr. STEPHENS of Texas. Is that the gentleman's reply?

Mr. MANN. It is not worth a reply.

Mr. STEPHENS of Texas. When one gentleman asks another gentleman a question, he expects to be answered in a gentlemanly way.

Mr. MANN. The question was not intended to be a gentlemanly question, and that is the reason it got the answer it did.

Mr. STEPHENS of Texas. Has the gentleman answered the question yet as to whether or not he would abolish the Committee on Claims? Has the gentleman answered the question that I asked him at first, whether or not he is in favor of abolishing this committee and paying no claims whatever against the Government?

Mr. MANN. I say that is such a silly question that it is not worth answering; but I will answer it. I am not in favor of abolishing the Committee on Claims. I am in favor of paying all claims which the Government owes. I would do it without putting men to the trouble of coming to Congress for claims which the Government owes. There is no claim here on this calendar where the Government owes the money. A man who has a legal claim against the Government has no trouble in getting it paid at all. Anybody who has a legal claim against the Government, if it is not paid promptly, can go to the Court of Claims at any time or in any district court of the United States and commence suit against the Government, and when he recovers judgment, that judgment is paid by this Congress as a matter of course. Now, my friend from Texas does not know that, he is not familiar enough in his long term of service in the House to know that a man who has a legal claim against the Government gets paid without question.

Mr. STEPHENS of Texas. I understand there is but one wise man in this House, and that is the gentleman who represents the minority in the House.

Mr. MANN. He may not be the gentleman from Illinois representing the minority, but if there is one wise man in the House it certainly is not the gentleman from Texas.

Mr. STEPHENS of Texas. And I can retort the same way about the gentleman from Illinois.

Mr. MANN. Well, that is all right; I have no——

Mr. STEPHENS of Texas. The gentleman assumes to know everything that is done in this House.

Mr. MANN. Well, I know a great deal more of what is done in the House than the gentleman from Texas, who would not assume to know anything. When I read the statute—and that is all I have done so far, read the statute—the gentleman from Texas jumps up and impugns my knowledge of the statute which I have just read. He does not believe it is in the statute. I am willing to get him a copy of the Revised Statutes and let him read it, although if he read it he would not understand it. [Laughter on the Republican side.]

Now, that is all right. I have no feeling against the gentleman from Texas, and he has not any against me. This is merely part of the byplay of legislative work. I am glad the gentleman interrupted me with a question that did not amount to anything, and he knew it, because it relieved me for the moment of pursuing my mild course upon this bill. [Laughter.]

I have read the statute. What are the facts? Gen. Landram was the collector of internal revenue in this Kentucky district for 12 years, and this old act of Congress provided that collectors and assessors should each be allowed commissions of one-half of 1 per cent on stamps placed on packages of distilled spirits. By the subsequent act, which I quoted, that old act was changed and the collector was given compensation by way of commissions provided they did not amount to more than $4,500 a year, including his other emoluments. He went into this office and held it for 12 years and took the pay that was allowed him, and received, as was found by the Court of Claims, a special allowance from the Secretary of the Treasury, in addition to his salary, which I believe was $1,500 a year. He never complained about not getting all of his compensation during his 12 years of service.

There were probably many other distinguished gentlemen in Kentucky who were quite willing to fill his shoes at the pay that he was drawing, but he preferred to draw it. He kept his fees and took the pay which was allowed him. After he went out of office in 1885 he retained Gen. Green B. Raum, of my State, as his attorney to try if he could get more money out of the Government. Gen. Raum was one of the ablest men whom Illinois ever sent to Washington. He himself, if I recollect correctly, at one time was Commissioner of Internal Revenue, and, I believe, Commissioner of Pensions. He knew the game from the ground up in regard to the payment of collectors of internal revenue. What Gen. Raum did not know about it will never be learned by anybody else belonging to the Committee on Claims.

Mr. HELM. Will the gentleman yield?

Mr. MANN. Certainly.

Mr. HELM. According to the report of the committee, the case was brought to a hearing on its merits on the 2d day of December, 1902, James H. Embry, Esq., appearing for the claimant and the Attorney General by E. C. Brandenburg, Esq. Raum had nothing to do with it.

Mr. MANN. I say Gen. Raum was attorney in the case, and I know. I have the facts. Who appeared before the Court of Claims and took testimony I do not know. But he knew this case, and when that claim was filed it was filed for commissions up to July 1, 1879. It is very hard to tell from the report, because there are so many contradictory things in this report, and you can not tell certainly what dates are involved. But I think the claim that was made was up to July 1, 1879, commencing with his induction into office. The case went to the Supreme Court of the United States on a claim subsequent to July 1, 1879, and the Supreme Court held that Gen. Landram was entitled to these commissions subsequent to July 1, 1879. There is not a line in any evidence that has ever been presented here as to whether the situation was different before July 1, 1879, from what it was after July 1, 1879, except an intimation that at one of these times a special allowance was made by the Secretary of the Treasury to Mr. Landram which, as he was notified, was intended by the Secretary to be "in lieu of all other kinds and forms of compensation for his services so rendered as collector of internal revenue, and which, so far as the record shows, appears to have been accepted by him without protest or objection." I quote from the finding of the Court of Claims.

Now, I do not know whether the claim prior to 1879 was not included because it would be barred by the statute of limitations or not. However, I apprehend that would have been a sufficient reason. But I must confess I can not see the merit of the proposition where a man goes into an office of this character and high pay and takes the compensation that is allowed to him, fully satisfied with what he gets, and then when he goes out of office and tries to get additional compensation to that which was awarded to him where it is not barred by the statute of limitations, as I say, I can not see why we should remove the bar of the statute of limitations. There is no moral equity in the claim at all. Let me give you an illustration. A few years ago we had quite a contest in this House in reference to the payment of mileage growing out of an extra session of Congress which ran into the regular December session. It was held by the authorities of the House that there were two sessions of Congress. A mileage appropriation had been made for that fiscal year for the regular session of Congress. That mileage appropriation had, however, been applied to the payment of mileage for the special session of Congress.

The law did not provide for mileage for the special session of Congress. It does for mileage for the regular session. I was here with many others who are here now. All received mileage for the special session of Congress, not authorized by law. I have never received mileage for the regular session of Congress, and which is specifically provided for by law. I did not receive the mileage because this House did not have the desire, not to mention the courage, to vote the appropriation to pay for mileage which the law said they were entitled to. Well, if I live a number of years, and should come back here and ask Congress to vote me that mileage, I hope you will execrate my name, and if I die and anybody representing me ever does, I hope you will execrate their action. And yet I have a far better legal claim than Gen. Landram has if all he says is true.

He held office and was satisfied with the emoluments. Now, I have an idea that those were days when there were some hard times in the country. We were running along from 1874 to 1879, getting up to the point where we should return to specie payments; and during nearly all of that time the Democratic Party was in control of this House. The presidential offices were held by Republicans. Undoubtedly this man was a Republican. The Democratic Party, seeking to be economical then, as it certainly does not seek to be now, sought to restrict some of the appropriations, and I think properly, and sought to keep down some of the salaries, and I think properly. And it is barely possible that the full compensation which the law otherwise would have allowed Gen. Landram was not provided for. But, did he resign? Not on your life! He knew that a statute of limitations barred a claim after five years. Did he file a suit in the Court of Claims? Certainly not, because that would have meant his resignation would be asked for. He was glad to keep the job.

The Democratic House now stops the consideration of the great Post Office appropriation bill for the purpose of hunting out a claim barred by the statute of limitations, which had no merit in itself originally, in order to pay a claim which Congress in the seventies and the administration in the seventies would not pay. That is a record of economy for this House. It is truly wonderful. I suppose there are private bills enough on the Private Calendar at this time—represented by a very large share of the gentlemen who are present, there being less than 50 Members of the House in the Hall, but when the vote will be taken 50 more will be counted in the anterooms—I think probably there are enough, if you hang together, to pass any claim of this sort. But it does not prevent the fact that the country is getting a little suspicious of Congress, which in the last few years has spent a good deal more money trying to extract money from the Treasury for illegitimate purposes under questionable circumstances than it has in legislating for the good of the people. I suppose you will pursue that course. Go ahead. I reserve the balance of my time. [Applause on the Republican side.]

Mr. POU. Mr. Chairman, I think the attack of the gentleman from Illinois [Mr. MANN] upon the Committee on Claims is unwarranted. In the last Congress that committee considered and reported, I am informed, a larger number of bills than any former Committee on Claims for quite a number of years. During that Congress the Committee on Claims did not take up as much as a whole legislative day of the House of Representatives, and every single bill that was reported, excepting possibly as many as I can count on the fingers of my two hands, went through this House by unanimous consent. That has been the record of our committee in the past. And because the Committee on Claims is suggesting that it has the right to this day under the rules of the House, it seems to me unfair, to say the least, that the distinguished gentleman from Illinois [Mr. MANN], the leader on that side of the Chamber, should attempt to make po-

litical capital out of the fact that we are asking for our rights under the rules.

I regret also that there has been any suggestion of politics in the consideration of these matters. I say to the gentleman from Illinois that we are trying to do honest and faithful work. We do not always report bills that can be unanimously passed by the House, but our record in the last Congress was we were able to pass more than 200 bills by unanimous consent.

Now, Mr. Speaker, I do not believe in wasting time in talk. I think the House is fully advised as to the character of this bill, and I am going to ask unanimous consent now that after this bill is disposed of the balance of the calendar be considered by unanimous consent. After going through the calendar by unanimous consent, if there are any contested bills I ask that they be taken up then. I submit that request now.

Mr. SLAYDEN. Mr. Chairman, what was the request?

Mr. POU. That after this bill is disposed of we go through the calendar by unanimous consent and dispose of as many bills as possible by unanimous consent, and then come back to the contested bills.

Now, I will say there has been considerable time taken up in the discussion of these two bills. There are some 44 bills here, and I think we can pass some 30 or 40 of them by unanimous consent. I hope the House will grant the request.

The CHAIRMAN. The gentleman from North Carolina [Mr. POU] asks unanimous consent that, after this bill is disposed of, the bills be called in order on the calendar and only considered by unanimous consent. Is there objection?

Mr. MANN. I object.

Mr. POU. Then I hope the gentleman will not charge anybody else hereafter that we attempted to kill the time of the House. I ask for a vote on this bill, Mr. Chairman.

The CHAIRMAN. The question is on the motion offered by the gentleman from South Carolina [Mr. POU] that the bill be laid aside with a favorable recommendation.

The question was taken, and the Chairman announced that the noes seemed to have it.

Mr. POU. Division, Mr. Chairman.

The committee divided; and there were—ayes 43, noes 23.

Mr. MANN. Mr. Chairman, I make the point of order that there is no quorum present.

The CHAIRMAN. The gentleman from Illinois [Mr. MANN] makes the point of no quorum. The Chair will count. [After counting.] Ninety gentlemen are present, not a quorum.

Mr. YOUNG of North Dakota. I demand tellers, Mr. Chairman.

The CHAIRMAN. The gentleman from North Dakota demands tellers.

Mr. CRISP. A parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. CRISP. The Chair has just counted and there is no quorum. Under the rules of the House is it not the duty of the Chair to order a roll call?

The CHAIRMAN. The Chair had ordered a roll call.

Mr. CRISP. I thought the Chair was putting the motion for tellers.

The CHAIRMAN. The Clerk will call the roll.

Mr. HELM. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. HELM. Under the status of the House those who are in favor of the passage of this bill will vote "aye"?

The CHAIRMAN. The question was on the motion to lay aside the bill with a favorable recommendation; but the House is in committee, and we are trying to ascertain the presence of a quorum now.

The Clerk called the roll, and the following Members failed to answer to their names:

| | | | |
|---|---|---|---|
| Ashbrook | Driscoll | Hart | Loft |
| Austin | Drukker | Haskell | Longworth |
| Bacharach | Dyer | Hay | McClintic |
| Blackmon | Estopinal | Hayes | McCracken |
| Brown, W. Va. | Fairchild | Heaton | McCulloch |
| Browning | Finley | Henry | McGillicuddy |
| Bruckner | Flynn | Hensley | Maher |
| Brumbaugh | Fordney | Hill | Miller, Pa. |
| Callaway | Foster | Hughes | Montague |
| Carew | Frear | Humphreys, Miss. | Moore, Pa. |
| Charles | Freeman | Husted | Morin |
| Coleman | Gallivan | Hutchinson | Moss, Ind. |
| Connelly | Gardner | Jones | Moss, W. Va. |
| Costello | Garrett | Kearns | Mott |
| Crosser | Glass | Keister | Nelson |
| Cullop | Gordon | Kelley | O'Shaunessy |
| Dale, N. Y. | Graham | Kennedy, R. I. | Padgett |
| Davenport | Gray, Ala. | Lafean | Paige, Mass. |
| Davis, Minn. | Gray, N. J. | Langley | Parker, N. Y. |
| Dewalt | Gregg | Lee | Patten |
| Dies | Griest | Lewis | Price |
| Dooling | Hamill | Liebel | Reavis |
| Doremus | Hamilton, Mich. | Littlepage | Riordan |
| Roberts, Nev. | Sherley | Sutherland | Watson, Pa. |
| Rodenberg | Siegel | Swift | Wilson, Ill. |
| Rowland | Slemp | Talbott | Wilson, La. |
| Russell, Mo. | Smith, N. Y. | Tinkham | Winslow |
| Sabath | Snyder | Treadway | Wood, Ind. |
| Saunders | Sparkman | Vare | |
| Scott, Pa. | Stafford | Venable | |
| Scully | Stout | Walker | |

The committee rose; and Mr. RAKER having assumed the chair as Speaker pro tempore, Mr. CRISP, Chairman of the Committee of the Whole House, reported that that committee having found itself without a quorum, he had ordered the roll to be called, whereupon 310 Members—a quorum—had answered to their names, and he reported therewith the names of the absentees.

The SPEAKER pro tempore. The committee will resume its session.

The committee resumed its session.

Mr. POU. Mr. Chairman, I move that the bill be laid aside with a favorable recommendation.

The CHAIRMAN. The Chair will state the situation. When the committee found itself without a quorum it was voting on a motion to lay aside with a favorable recommendation the bill (H. R. 1584) to carry out the findings of the Court of Claims in the case of Louis Landram, administrator of William J. Landram, deceased, and no quorum voted on that. The Chair will put the question de novo. The question is on agreeing to the motion of the gentleman from North Carolina [Mr. POU] that the bill be laid aside with a favorable recommendation.

The motion was agreed to.

Mr. POU. Mr. Chairman, I hope we can have an agreement. The Committee on Claims does not aspire very high in the autonomy of this House. It is a very humble committee, but strives to be useful. It has got some very hard-working members; they have done very diligent work; and all we are asking now is a chance to put through those bills to which nobody will object. I can not see any occasion for any partisan exhibition here to-day. There is certainly no occasion for any feeling.

I am going to renew that request, Mr. Chairman. I hope we can go through these forty-odd bills and eliminate those to which there is no objection, and after we have done that, if there is any time left, take up that time in the discussion of contested bills. I ask unanimous consent now, Mr. Chairman, that we go through the calendar by unanimous consent.

The CHAIRMAN. The gentleman from North Carolina [Mr. POU] asks unanimous consent that the calendar be called through and each bill called up, and if there is any objection, it be passed over until we have gone through the calendar, and then recur to the first contested bill on the calendar. Is there objection?

Mr. MANN. I object.

The CHAIRMAN. The gentleman from Illinois objects. The Clerk will report the next bill.

### REIMBURSEMENT OF POSTMASTER AT KEGG, PA.

The next business on the Private Calendar was the bill (H. R. 4881) to reimburse the postmaster at Kegg, Pa., for money and stamps taken by burglars.

The Clerk read the bill, as follows:

*Be it enacted, etc.*, That the sum of $88.27 be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the purpose of reimbursing Anatasia Hogan, postmaster at Kegg, Bedford County, Pa., for money and stamps stolen from that office by burglars March 7, 1910, the said Anatasia Hogan having made good the loss to the Post Office Department out of her own funds by payment of the aforementioned sum to an inspector of the said department February 28, 1912.

Mr. PETERS. Mr. Chairman, this is a small bill, but doubtless it is important to the party concerned. It received the attention of the Committee on Claims, and was considered upon its merits, and we believe there are strong reasons why it should be enacted by the House.

The claimant is the postmistress at Kegg, in the State of Pennsylvania, keeping a small post office. It seems that she had no safe in the place where the post office was kept. It was a small country store, and during the night burglars broke open the door of the building and took away less than $90 in money and stamps. Now, the department says that technically the postmistress is responsible to the Government for this small amount of money, for the reason that, having no safe, if she left the building it was her duty to lock up the money and stamps. We thought she was excused from that technical obligation by the fact which appears, that her mother was taken fatally ill and died shortly after the burglary, the postmistress having vacated the office suddenly on account of the violent and fatal illness of her mother.

It also appears that the burglary was extremely violent, that the door was broken down, that the money drawer was forcibly ripped from its counter, and the desk where the Government

money was kept—at the time unlocked—was rifled of its contents; and it is evident that even if the desk had been locked, the burglars, having forcibly taken the money drawer, would doubtless have taken the drawer from the desk; and in view of the fact that this was a technical obligation, the lack of the performance of which by her was excusable under the circumstances, as the committee think, we have unanimously reported the bill favorably.

Mr. POU. Mr. Chairman, I move that the bill be laid aside, to be reported to the House with a favorable recommendation. Pending that, I yield to the gentleman from Texas [Mr. McLEMORE].

Mr. McLEMORE. Mr. Chairman, I ask unanimous consent to extend in the RECORD some remarks on a resolution which I have introduced.

The CHAIRMAN. The gentleman from Texas asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. MANN. If the gentleman from North Carolina runs short of time, I will yield him a part of mine, because I do not desire to delay the committee. I want to expedite the consideration of these claims as much as possible.

Mr. Chairman, I was, I will not say surprised, but, rather, sorry, that the distinguished gentleman from North Carolina [Mr. POU] a few moments ago jumped all over me, as it were, because I had criticized the Claims Committee. Now, I have not criticized the Claims Committee to-day. If anyone can find in the RECORD—and what I say is never changed by me—any statement of mine in which I have criticized the Claims Committee, I will be thankful to have it pointed out. It is to me a new doctrine that if a man in the House does not favor a bill reported by a committee he is thereby criticizing the committee. That is rather an anomalous proposition. Under that theory Republicans would never have an opportunity to express an opinion upon a partisan measure brought before the House by the Democratic majority. I do not take as a criticism of the Committee on Claims the fact that I have criticized some of the bills reported by that committee. On the contrary——

Mr. POU. Will the gentleman yield?

Mr. MANN. When I get ready I will. On the contrary, I stated awhile ago that the Committee on Claims, under the leadership and chairmanship of the distinguished gentleman from North Carolina [Mr. POU], both in this Congress and the preceding Congress, had done what I thought was exceedingly good work. Now, that is the only thing I said about the committee. [Applause.] I do not consider that a criticism of the committee. Now, I am glad to yield to the gentleman.

Mr. POU. I understood from the gentleman's attitude as much as from what he said—and I am speaking seriously—that the gentleman was complaining, and that he thought something unusual or unprecedented had been done because the Committee on Claims has insisted upon its right to its day, and that the gentleman felt aggrieved, felt that somebody had done him some injury, because the House voted that the committee should have the day to which it is entitled under the rules.

Mr. MANN. I assure the gentleman I am in no state of grief. If I have appeared aggrieved, it is a strange thing.

Mr. POU. I understood the gentleman to say, a while ago, that he wanted to help expedite matters as much as possible. Why is the gentleman not willing to give unanimous consent to go through this calendar by unanimous consent, and get rid of the bills that are not objected to?

Mr. MANN. Well, that would be unfair to the bill that is now before the House. Here is a bill to pay a claim to a poor woman over in Pennsylvania, a postmistress who was robbed of a small amount of money. The bill passed the last House. The amount stated in the present bill is erroneous. I should have had to object to it, but it is fair that the bill should be considered and the proper amount allowed. Owing to the carelessness of some one making the computation, or else my carelessness in figuring the computation, the amount is not correct; and while the difference is not great, yet it is worth while to have it considered.

Now, the gentleman says that by my attitude I show grief. Let me say frankly to the House, under the rules of the House each Friday can be made into a claims day. That is what the rules provide, that it shall be in order on each Friday, or on four Fridays in each month, to move to go into Committee of the Whole on the Private Calendar. I have been a Member of the House now for nearly 19 years. No member of the Committee on Claims in the past, as a general thing, has ever invoked that rule as against a great public appropriation bill. We set aside Monday especially, we set aside Wednesday especially, we make it possible to set Friday especially, and there is not time enough to transact the public business in the other three days of the week if we give these Mondays, Wednesdays, and Fridays every week.

Mr. POU. Now, Mr. Chairman——

Mr. MANN. I will yield in a moment, but I would like to make a connected statement.

Mr. POU. I will take the opportunity in my own time, but the gentleman wants to be fair——

Mr. MANN. I do not ask the gentleman to tell me whether I want to be fair or not. I leave that to the House, whether I am fair or not.

Mr. POU. All right.

Mr. MANN. The House can not finish its business and adjourn before next autumn on the basis on which the majority side of the House are now operating, taking out three days in the week, so far in the main for inconsequential matters.

Mr. ROBERTS of Massachusetts. Will the gentleman yield for a question?

Mr. MANN. In a moment. The Committee on Claims has been well treated by the House in the last Congress. It has done very efficient work. I think the present Committee on Claims are probably the most careful Committee on Claims that we have had for years. I am glad to compliment the committee upon that. They will get a good many bills passed through Congress, but they will not get many bills passed by antagonizing public bills of great importance that ought to have the priority, and they might as well find that out one time as another.

Mr. POU. Mr. Chairman——

The CHAIRMAN. Does the gentleman yield?

Mr. MANN. No; not yet.

The CHAIRMAN. The gentleman declines to yield.

Mr. MANN. Now, I am not criticizing the Committee on Claims for seeking their day. That is the duty of the chairman of the committee. He has that responsibility. I do not think the Speaker ought to have recognized him for that purpose, but he did. It is his business to seek recognition. What I criticize is the Democratic side of the House, which voted by a large majority this afternoon to set aside the public business in order to pass these few claims.

Mr. POU. I should like to call the attention of the gentleman to the agreement I had. I will say to the gentleman that on yesterday I had an agreement with the chairman of the Committee on the Post Office and Post Roads that the Committee on Claims should get in to-day. [Applause.]

Mr. MANN. Very well; let us see what he will say.

Mr. POU. The chairman voted no himself on the motion to go into Committee of the Whole House on the state of the Union to consider the Post Office bill.

Mr. MANN. I do not know whether we have got to that point where a man's word is not good in the House. Last night in the House this colloquy took place: Mr. BUCHANAN, my colleague, had asked leave to address the House to-day:

> Mr. MOON. Mr. Speaker, would it be convenient to address the House at some other time?

Supposedly because he expected to get the time to-day on the Post Office bill.

> Mr. MANN. Reserving the right to object, does the gentleman from Tennessee expect to go ahead with the Post Office bill to-morrow?
> Mr. MOON. We want to do so.
> Mr. MANN. I do not object.

Now, if the gentleman from North Carolina had an agreement with the gentleman from Tennessee that the gentleman from Tennessee was to give way to-day, then the gentleman from Tennessee was not frank with me in the House.

Mr. MOON. Will the gentleman yield?

Mr. MANN. Yes.

Mr. MOON. I am sorry that this discussion came up.

Mr. MANN. I did not bring it on.

Mr. MOON. I know that; but the gentleman from North Carolina said to me yesterday after this occurred that he wanted to come in to-day, and asked if I would have objection. I asked him how long he would occupy the floor to-day, and he said about two hours, and not longer, in his opinion. I said, "Then we are willing to yield to you for to-morrow," the expectation being that it would end in two hours. Of course, if it had not been concluded in two hours I will be frank enough to say that I would not undertake to take the day from him.

Mr. MANN. We all know that the word of either gentleman is good, and if there was any trouble it was owing to a misunderstanding.

Mr. POU. Did not the gentleman from Tennessee also use the expression that he thought we were entitled to our day?

Mr. MOON. I think that is true. I think if a day is set apart for anything, we ought to use the day for the business for which it is set apart as far as possible. I fully agree, however, with the suggestion that the public business would be better carried on and expedited if we would take up an appropriation bill and carry it through without its being stopped by any special day. [Applause.]

Mr. MANN. Now I will yield to the gentleman from Massachusetts.

Mr. ROBERTS of Massachusetts. I would like to ask the gentleman if he does not think that the prospective trouble of a long session is due to the rules of the House setting aside three days in the week for other than what he terms public business?

Mr. MANN. No; it is not due to the rules of the House; it is due to the action of the House, because, outside of Calendar Wednesday, the House can dispose of the other two days any time it pleases.

Mr. ROBERTS of Massachusetts. Then, it is due to the House observing its rules?

Mr. MANN. It is due to the House observing its desires, but not observing its rules. A majority of the Democratic side observes its desire to fool around about petty business instead of attending to the business of the Nation.

Now, I am sorry to detain the committee a moment by references which were drawn out by my distinguished friend from North Carolina.

Mr. DAVIS of Texas. Will the gentleman yield?

Mr. MANN. Yes.

Mr. DAVIS of Texas. I notice that the gentleman from Illinois is troubled about the waste of time. Since I have been here he has wasted twice as much time by filibustering as anybody else.

Mr. MANN. I may have wasted some time of the House. I have occupied more time than the gentleman from Texas, but I have not wasted near as much as he did, for all the time that he occupied in the House was pure waste. [Laughter.]

Now, Mr. Chairman, in the last House we passed a bill in behalf of this same lady, introduced by the gentleman from Pennsylvania [Mr. BAILEY], which did not become a law, for the sum of $72.54. I do not know that I would dwell upon these small amounts but for the fact that we have two bills pending on this calendar, one for $7 and the other for $10, and if they are important enough to take up the time of the House I think that these small amounts are important enough to take up time. The bill in the last House, introduced by the same gentleman under the same circumstances, was for $72.54. The bill in this House is $88.27, and I will ask the distinguished gentleman from Maine, who made the report, or anybody else, how they arrive at the amount of $88.27.

Mr. PETERS. The gentleman will see by the report that the first amount was $72.54; that was the cash; and that the second amount was for the stamps, which was not included in the former bill.

Mr. MANN. The gentleman has the report. What was the first amount?

Mr. PETERS. Seventy-two dollars and fifty-four cents.

Mr. MANN. And the postal fund was $12. Anything else?

Mr. PETERS. The gentleman will see by following along that there were diverse statements as to different amounts, varying $3 or $4. I presume the clerk of the committee, in making up the final report, took one statement to be correct. Does the gentleman from Illinois object to $4 of the amount?

Mr. MANN. Here is an affidavit, and the claimant sworn to, in which he makes the sum——

Mr. PETERS. Eighty-four dollars and fifty-four cents.

Mr. MANN. Which it appears makes $84.54.

Mr. PETERS. Whereas the bill is for $88.27.

Mr. MANN. And the committee, in preference to taking the sworn statement of the claimant as to the amount of the loss, wanders around and hunts up a letter written by somebody to a Member of Congress, and attempts to find out how they can enlarge the amount.

Mr. PETERS. Mr. Chairman, will the gentleman yield?

Mr. MANN. Certainly.

Mr. PETERS. The letter referred to was the letter of the Postmaster General. If the gentleman objects to the amount, I would be glad to offer an amendment reducing it.

Mr. MANN. Where is the letter to which the gentleman refers?

Mr. PETERS. It is the first letter, in the report, from the Postmaster General, Mr. Burleson.

Mr. MANN. I will read it. Let us see:

In response to your request for a statement of the facts in this case, I beg to inform you that the records of this department show that during the night of March 7, 1910, the post office at Kegg, Pa., was forcibly entered by burglars, who took $12 in postal funds and $72.54 in postage stamps, etc.

And that is all there is on the subject in the Postmaster General's letter. So my friend from Maine [Mr. PETERS] and the rest of the committee will have to find some other excuse than that.

Mr. PETERS. Is not that all that we can do on the subject? If the Postmaster General shows the records of the office amount to $84.54——

Mr. MANN. Then why report the bill for $88.27?

Mr. PETERS. That may be an error of four dollars and some cents.

Mr. MANN. Mr. Chairman, I simply did this for the purpose of calling attention to the fact that even so great and careful a committee as the Committee on Claims might make a report without ever reading the record of the case or by letting the Clerk make the report and never examining the figures on file before them. Having a report from the Postmaster General stating a certain amount, and having a sworn affidavit from the claimant giving the same amount, the committee reported a bill for a larger amount than either the claimant asked for or the Postmaster General reported was in dispute. For carefulness, of course, that would excite the attention of anyone, and I commend the committee again for its great carefulness in other cases, but not in this case.

Mr. PETERS. Does the gentleman notice that the claim originated in 1911, and that an ordinary amount of interest would be much in excess of the difference between the two?

Mr. MANN. That is what I hoped I would get from the gentleman. That is really what I was fishing for—to see whether the Committee on Claims had adopted the practice of including interest in these claims. It has been the unwritten and the written rule of this House ever since claims were allowed at all that we would not allow interest on these claims which are really a matter of gratuity.

Mr. PETERS. Does the gentleman see that the amount allowed is very much less than interest would be, so that we did not do any such thing?

Mr. MANN. Yes; but the gentleman's real excuse——

Mr. PETERS. I ask the gentleman if he has observed that the amount of the discrepancy is very much less than the interest would be if interest was figured upon the claim?

Mr. MANN. But how did the committee get the amount named in the bill? I do not seek to embarrass my friend from Maine, because I know perfectly well that the clerk of the committee probably wrote the report and perhaps told the committee what to do with this small claim. I do not think that is the case usually with the committee. I know that the Committee on Claims and its members are doing good work and standing out against a lot of claims that ought not to be allowed, and I hope that the committee will continue to do that.

Mr. PETERS. Mr. Chairman, answering the question of the gentleman, I am unable to tell him to a cent how this amount of $88.27 is made up. I presume by going to the records of the committee we may find evidence or affidavits which will satisfy the gentleman as to how the amount was made up, but without doing that I can not give him the exact data.

Mr. MANN. I guarantee there is nothing over there that will satisfy anyone as to how it was made up. I have no doubt whatever, not the slightest, that it was a typographical error on the part of the man who drew the bill in the first instance, and the committee never examined the bill or the facts in the case enough to know what it was about.

I reserve the balance of my time.

Mr. POU. Mr. Chairman, I move that the bill be laid aside with a favorable recommendation.

The motion was agreed to.

Mr. POU. Mr. Chairman, I would like to renew the request and see if we can not go through the calendar by unanimous consent from now on. We have only a short time remaining.

The CHAIRMAN. The gentleman from North Carolina asks unanimous consent from now on the Private Calendar be called and bills be taken up by unanimous consent. Is there objection?

Mr. MANN. Mr. Chairman, I object.

The CHAIRMAN. The gentleman from Illinois objects, and the Clerk will call the next bill.

### LILLIE B. RANDELL.

The next business in order on the Private Calendar was the bill (H. R. 6180) for the relief of Lillie B. Randell.

The Clerk read as follows:

Whereas Lillie B. Randell, of London, England, was on April 15, 1912, and is now the owner of the following bonds of the United States: Thirty 4 per cent bonds issued under the authority of an act of Congress, entitled "An act to provide for the resumption of specie payments," approved January 14, 1875, of the denomination of $1,000 each, numbered 8234, 15312, 15313, 25050, 26079, 39394,

41235, 45284, 58704, 55979, 63524, 63525, 63526, 63527, 63528, 72948, 72949, 72950, 72951, 72952, 72953, 72954, 72955, 72956, 72957, 72958, 72959, 81548, 89015, and 90013; thirty 3 per cent bonds issued under the authirty of an act of Congress entitled "An act to provide ways and means to meet war expenditures," approved June 30, 1898, of the denomination of $500 each, numbered 81002, 89693, 93333, 99707, 104383, 110614, 118375, 130780, 132932, 136576, 136580, 137224, 139332, 145446, 147588, 148685, 152922, 152923, 152945, 157744, 158522, 158523, 158524, 158987, 158988, 159056, 160984, 164003, 164858, and 166862; ten 3 per cent bonds issued under the authority of an act of Congress entitled "An act to provide ways and means to meet war expenditures," approved June 13, 1898, of the denomination of $1,000 each, numbered 20146, 20266, 20773, 20935, 20936, 20938, 27596, 37896, 47937, and 47938; and

Whereas the said Lillie B. Randell did, prior to April 15, 1912, detach from the said bonds the coupons due February 1, 1912, and May 1, 1912, to wit: Sixty coupons for the amount of $10 each, 60 coupons for the amount of $3.75 each, and 20 coupons for the amount of $7.50 each, and through her agents, Messrs. Morgan, Grenfell & Co., of London, did deposit the same in the mail at London in two registered letters addressed to Messrs. Drexel & Co., Philadelphia, to be sent by the steamship *Titanic;* and

Whereas the said steamship *Titanic*, on April 15, 1912, by reason of a collision, sank, whereby the said letters containing the said coupons were irrevocably lost: Therefore

*Be it enacted, etc.*, That the Secretary of the Treasury is hereby authorized and directed to pay, out of any moneys in the Treasury not otherwise appropriated, the sum of $975 to the said Lillie B. Randell or her duly authorized agent: *Provided*, That before paying the same the said Lillie B. Randell shall deliver to the Secretary of the Treasury a good and sufficient bond, with the security to be approved by the Secretary of the Treasury, to indemnify the United States against all losses, costs, or damages incurred by reason of making the said payment.

The committee amendment was read as follows:

Page 4, line 9, strike out the word "security" and insert the word "surety."

Mr. EDMONDS. Mr. Chairman, this bill is intended to reimburse Mrs. Randell, a resident of this country but residing temporarily in London, for an amount of money due her, being interest on certain bonds of the United States owned by her. The bonds were shipped by mail and lost on the steamer *Titanic* when it was wrecked. There is no question at all as to this money being due her, but it is impossible for her to collect it, as there is no law under which the Treasury Department can repay it. Mrs. Randell furnishes the Government with a bond to indemnify it against any claims that may come up at a later date owing to the finding of these coupons through any other agency.

The committee amendment was agreed to.

Mr. POU. Mr. Chairman, I move that the bill be laid aside with a favorable recommendation.

The motion was agreed to; accordingly the bill was ordered to be laid aside with a favorable recommendation.

JOHN H. JANSSEN.

The next business in order on the Private Calendar was the bill (H. R. 3896) for the relief of John H. Janssen.

The Clerk read as follows:

*Be it enacted, etc.*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $1,355, in full compensation for all claims, to John H. Janssen, of Woonsocket, S. Dak., found and held to be due him by the Secretary of the Interior under contract of January 15, 1907, for drilling two 6-inch artesian wells on the shores of Lake Andes, in the Yankton Indian Reservation, in Charles Mix County, S. Dak.

Mr. PETERS. Mr. Chairman, this bill involves a forfeiture in a contract with the Government. The claimant made a regular contract with the representatives of the Government to build two artesian wells, and in that contract there was a provision that if the work was not done by a certain date there should be a forfeiture of $5 a day; and there were other provisions in the contract specifying that the work should be done at the end of a reasonable time, and so forth, which appeared to be inconsistent with the provision touching the matter of forfeiture; but, regardless of that, it appears here by a letter from the Assistant Secretary of the Interior that the work of the contractor was completed finally in a satisfactory manner and that the department suffered no damage by reason of the delay for which the forfeiture was exacted. The committee considered that the equitable and proper thing to do was to waive the forfeiture by the Government, inasmuch as the Government had received no inconvenience, suffered no damage, and the contractor was shown to have used reasonable diligence in prosecuting the work. The reason why his work was not completed according to the contract being that the pipe which was necessary to the conduct of the work was not furnished by the manufacturers in season, and for those reasons the committee have recommended the pasage of the bill.

Mr. MANN. Mr. Chairman, I am inclined to think that this is a claim which has merit to it, and I would not take time at all except for a few statements in the report of this case. The Government advertised for bids and received bids, one of the specifications to go into the contract being for a $5-per-day penalty or forfeiture if the work was not completed within a certain time. The contract was not signed for some little time after the bids were received, as stated by the committee. I think 50 days' time elapsed. There was not a great deal of time allowed for the digging of the well. The advertisements provide for specifications, as is usually the case, and there is a delay between the time of receiving the bids and the letting of the contract. That is a very common thing everywhere. Now, the contract provided for a penalty for a delay, said delay not being on the part of the party of the first part—that is, the delay of the Government—and the committee say, "The department certainly was at fault to the extent of 50 days' delay in approving the contract." I do not see how there can be any justification for that statement. I would not be willing to vote for the bill without saying that I entirely disapprove of the proposition where the Government makes a contract with a penalty in it and the fault not being caused by the Government, that it is to be taken as the delay before the contract is signed, between the receiving of bids and the letting of the contract. Under that provision there never could be a forfeiture or penalty collected because everyone could always set up that there was some delay between the time of receiving the bids and the letting of the contract. Under that statement of the committee any delay would be a delay of the Government. Nor can I accede to the proposition in the report that because the Government permitted the work to go on after the time for completing it had expired, that therefore the Government waives the penalty.

Here is a contract where a man agreed to dig an artesian well within a certain time, with a penalty of $5 a day after that fixed time, and after that time had passed the contractor went ahead with his work, and in the end completed the well, yet the committee say the superintendent having permitted this work to go on without objection at the time that that is the reason for waiving the penalty, as though that were a legal reason for waiving the penalty. In this particular case there was great difficulty in getting these wells, and the Government in the end got the wells which it wanted, and if it pays the claim here will not pay an excessive amount for it; but I hope that it will not be considered that by voting this claim we notify the various departments of the Government that there is no use at all in any case to put a penalty provision in a contract, and if these statements in the report are taken as correct there would be no object in having a penalty in a contract and no object to any contractor to finish his work on time.

Mr. POU. Mr. Chairman, I move that this bill be laid aside with a favorable recommendation.

The motion was agreed to; accordingly the bill was ordered to be laid aside with a favorable recommendation.

W. W. BLOOD.

The next business in order on the Private Calendar was the bill (H. R. 2209) for the relief of W. W. Blood.

The Clerk read as follows:

*Be it enacted, etc.*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury of the United States not otherwise appropriated, to W. W. Blood, of Greenville, Plumas County, Cal., the sum of $439.09, in full payment for all work and labor done and performed by him for the Government of the United States or its official representatives at the Indian school near Greenville, Indian Valley, Plumas County, Cal., during the year 1907.

Mr. POU. Mr. Chairman, I move that the bill be laid aside with a favorable recommendaton.

Mr. MANN. Mr. Chairman, I think that somebody ought to give some statement about this bill which has been floating around here so long. I am sure the gentleman from California wants to explain it. I feel a little more lenient toward this bill than I used to feel. I have got files here back a great many Congresses.

Mr. RAKER. I have the same, I will say to the gentleman.

The CHAIRMAN. The question is——

Mr. MANN. Oh, Mr. Chairman——

Mr. STAFFORD. Mr. Chairman, I would like to be heard.

Mr. MANN. Two gentlemen had the floor.

The CHAIRMAN. Nobody asked for recognition.

Mr. MANN. I beg the Chair's pardon; two of us asked for recognition.

The CHAIRMAN. The gentleman from California [Mr. RAKER] is recognized for one hour.

Mr. RAKER. Mr. Chairman, this bill was reported in the Sixty-second Congress, third session; passed the House and went to the Senate; was in an omnibus claims bill; was stricken out, and came back and passed the House the second time.

A favorable report was made on the bill in the Sixty-third Congress, third session, and the present Secretary of the Inte-

rior has made a favorable report upon the bill, as well as the Secretary who served during the Sixty-third Congress. The claim is for $330 in one item, which is for labor furnished at the Greenville Indian School in 1907, in digging a reservoir ditch from the principal reservoir and putting in a pipe and covering the same for 2,200 feet, when, as a matter of fact, it was 2,600 feet, at 15 cents a foot, amounting to $330.

The rest of the item, of $109.09, consists of lumber, 335 brick, labor, sand, and clay, and moving the bell. It was investigated by the chief clerk of the Bureau of Indian Affairs and found to be correct. The superintendent of the Greenville Indian School went upon the ground, made an investigation as to the work actually done, made an investigation as to the material furnished, and found that the material had been furnished and that the work had been done, and that it was reasonable and fair, and that the Government received the benefit thereof.

The men who furnished the lumber to Mr. Blood, the claimant, testified that they hauled and delivered the lumber at the Indian school; the men who furnished the brick made an affidavit to that fact, and also there is an affidavit of the work performed, and the man who assisted to see that the work was done. Mr. Blood made an affidavit and submitted it to the department, showing the actual condition.

Now, the money was provided for this claim, or there was a sufficient amount in the appropriation for the erection of the building, but it was not expended, and the work followed after the limitation of the time for which it could be used had expired, and, therefore, there was no money to pay it. The chief clerk makes this statement under the date of January 28, 1909.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
*Washington, January 28, 1910.*

W. W. BLOOD, Esq.,
*Greenville, Cal.*

SIR: The office has received a report from Harwood Hall, supervisor of Indian schools, relative to your claims of $330 and $109.09 for materials and labor furnished the Greenville School, California, during the fiscal year 1907.

You are advised that inasmuch as the balance of the fund from which these expenditures are payable, viz, "Indian school buildings, 1907," has been returned to the Treasury, this office is not in a position to approve your claims. Therefore the only recourse you have in the matter is by congressional action.

Very respectfully,

C. F. HAUKE, *Chief Clerk.*

Mr. STAFFORD. Will the gentleman yield?

The CHAIRMAN. Will the gentleman from California yield to the gentleman from Wisconsin?

Mr. RAKER. May I make this statement, and then I will yield? Under date of November 30, 1909, after commenting on the lumber furnished and material and labor furnished, the moving of the bell, Mr. Hall, the supervisor, states:

From observation, inquiries, and testimony submitted there seems to be no question with regards to there being due W. W. Blood the amount of his claim, $109.09.

Now, as to the other claim, he makes this statement—that is, with reference to the $330 claim—on page 4 of the report:

It seems to me that, according to the records, testimony submitted, as well as the condition of the work at this day, W. W. Blood has a true claim for the amount of $330.

Now, I yield to the gentleman from Wisconsin [Mr. STAFFORD] for a question.

Mr. STAFFORD. Nowhere in the report, so far as I have been able to find, does it state by whose authority this work was performed. As I glean from the report, he did this work virtually of his own volition, brought materials to this Indian reservation, without any authority from any official of the Indian Service.

Mr. RAKER. No; I think not.

Mr. STAFFORD. Where is there anywhere in the report anything that shows the contract under which this work was performed and by the authority of any official of the Government?

Mr. RAKER. There is not any written contract set out; no. But they received the work, got the benefit of the labor and material, and he was doing other work, and did the work and received pay for it, except this amount of $439.09, which has never been paid.

Mr. STAFFORD. Will the gentleman give the committee full information, so far as he knows it, about this claim?

Mr. RAKER. I am trying to do it.

Mr. STAFFORD. We have had this matter up in former Congresses, and the information was not full. The report shows, if the gentleman will permit me, that a certain contractor was performing the work and then defaulted; and then this claimant, who had furnished material to the original contractor, undertook the work, but nowhere does it show whether the original contractor was paid in full for the work or not.

Mr. RAKER. That does not affect this man who actually did the work and furnished the material, according to all the records that are shown here.

Mr. STAFFORD. It only affects it in this particular, that under the contract originally granted to one person, who defaulted, the claimant goes ahead, without any authority, so far as the report shows, and performs work and furnishes material for some buildings which collapse, and which were of no use to the Government, and on which he places a claim for materials that were left on the premises, which were subsequently used.

Mr. RAKER. No; that is not the condition at all.

Mr. STAFFORD. That statement is confirmed by the report.

Mr. RAKER. No; the record shows to the contrary. The last man actually furnished the material, approved by the superintendent of the school, and they were put in the building and on the ground and used and accepted by the Government, and they were not paid for because the funds at that time had been exhausted.

Mr. STAFFORD. I wish to make one further inquiry upon that point.

Mr. RAKER. All right. I yield to the gentleman.

Mr. STAFFORD. This work was performed and the materials furnished, according to the report, in 1907. He never put in a claim until 1909. If he performed the work in 1907, why did he not receive compensation from the officials of the Indian Service?

Mr. RAKER. He was not in condition to receive it.

Mr. STAFFORD. Oh, yes, he was. Why did he not put in a claim, then, and be paid out of the funds for the regular service?

Mr. RAKER. Oh, no.

Mr. STAFFORD. Oh, yes.

Mr. RAKER. The record shows that for the school buildings erected in 1907 the money had been passed over and was not available, and therefore there was no power by which the bill could be paid. Mr. Blood made his affidavit before the proper officer of his service, as follows:

GREENVILLE, CAL., *November 30, 1909.*

I, W. W. Blood, do solemnly swear that I agreed to furnish 1,200 feet of 3½-inch pipe and connect same with the pipe on the ground between the upper and lower reservoir at the Indian school, Greenville, Cal., also to raise the retaining wall of reservoir 1½ feet, and that I was to receive therefor the sum of $2,975; that I did furnish 1,200 feet of 3½-inch pipe, also 18 feet of 4-inch, 42 feet of 10-inch, and 85 feet of 2-inch pipe; that I started at the upper reservoir with 4-inch pipe, then reduced to 3½-inch (1,200 feet), then 3-inch, then 2½-inch, then 2-inch. The 10-inch pipe was put in at a point necessitating a large capacity, owing to the topography of the ground; that, in addition to the furnishing of 1,200 feet of 3½-inch pipe and other sizes, as heretofore set forth, and raising the reservoir, I excavated a trench or ditch 18 inches deep and 14 inches wide for a distance of 2,600 feet; that I laid the pipe in said trench and covered it with earth; that I not only filled my contract to the letter but dug the trench and raised reservoir dam 3½ feet instead of 1½ feet, as agreed, but also gave more pipe than I agreed, as well as one 1-inch gate valve; that the statement of George W. Wimberly that the distance between reservoirs is only 1,600 feet, is false; that I filled the contract honorably and most thoroughly; that I took up 85 feet of 1½-inch pipe at the lower end of the pipe line and did substitute 2-inch pipe instead; that I was not bound to do so, as I had furnished 1,200 feet of 3½-inch pipe and laid same, it being understood that I was to use the best of the old pipe line in order to complete the entire distance between the reservoirs, which I did; that Wimberly complained of there being a small stretch of 1¼-inch pipe which had been a part of the old line. However, I took up 85 feet of 1½-inch pipe, all there was, and substituted and furnished at my expense 85 feet of 2-inch pipe in lieu thereof; that the entire length of the pipe line from upper to lower reservoirs is actually 2,625 feet instead of 1,600, as alleged by Wimberly; that there is justly and honestly due me $330 for excavating a 2,600-foot trench; that no part of same has been paid.

W. W. BLOOD.

Subscribed and sworn to before me this 30th day of November, 1909.

J. R. MURRAY, *Notary Public.*

The same facts are set forth by Mr. Jones, the Acting Secretary, and by the letter of the Secretary of the Interior, Mr. Lane, dated January 21, 1916, which makes a favorable report upon the bill. The work was done. The material was furnished. The Government benefited and got all the material, and the only reason why the man was not paid was because of the time limit expiring under the Indian school building bill, and therefore he had to go back the next time before he received it.

Mr. MANN. Mr. Chairman, will the gentleman yield there for a question?

Mr. RAKER. I will, with pleasure.

Mr. MANN. When was the work done?

Mr. RAKER. It was done in——

Mr. MANN. Nineteen hundred and seven.

Mr. RAKER. Yes.

Mr. MANN. When was this money covered back into the Treasury?

Mr. RAKER. According to this, I will answer the gentleman, at the close of the fiscal year 1907.

Mr. MANN. That is not what it says.

Mr. RAKER. That is what I read in the report.

Mr. MANN. Read it and see.

Mr. RAKER. I will read it for the gentleman. I read:

You are advised that inasmuch as the balance of the fund from which these expenditures are payable, viz, "Indian school buildings, 1907," has been returned to the Treasury, this office is not in a position to approve your claims. Therefore, the only recourse you have in the matter is by congressional action.

It is on page 5, at the middle of the page.

Mr. MANN. I know. Now, the gentleman ought to know about his claim, although he is to be excused for not knowing much about it at present. He has had it so long that he is to be excused if he does not remember much about it. I say that in good faith. I am not criticizing the gentleman. This is the third Congress that this bill has been before the House. I do not suppose that many people look up, every time, these claims, although I do. If I had one of my own I do not think I would.

Now, the fact that this work was done in 1907, as I recall, and the money returned to the Treasury either at the end of 1909 or 1910. What I want to find out is why in the world this man did not present his bill to the Government during the two years in which the money was available?

Mr. RAKER. All right. I will answer the gentleman's question. In 1907, at the end of the fiscal year, there was no chance to pay the claim. The money was returned if not used. That is clear, is it not?

Mr. MANN. Oh, not at all. The gentleman is entirely mistaken. The money is not covered into the Treasury until two years afterwards. Here is two years' time.

Mr. RAKER. I had always understood it was not payable at the end of the fiscal year. I have been so advised. If I have been advised wrongly, of course——

Mr. MANN. We make an appropriation, say, last year, for the year ending June 30, 1916. That is available for the payment of claims until June 30, 1918.

Mr. RAKER. Sure.

Mr. MANN. Now, there is no excuse for a man who has got a claim for doing work now and who goes around in the year 1919 with a bill. There is no excuse unless he is feeble-minded.

Mr. RAKER. This man is not feeble-minded.

Mr. MANN. I imagine not. I think, on the contrary, he thinks us to be feeble-minded. [Laughter.]

Mr. RAKER. On page 3 of the report I want to read. This man at the very earliest date, not permitting laches to intervene, but on the 1st day of February, 1908, presented his claim to the superintendent of the Indian school for payment. I read:

Subject: Claim of W. W. Blood, of Greenville, Cal., for the sum of $109.09, growing out of labor and material furnished the United States at the Indian school, Greenville, Cal., as follows, viz, bill dated Greenville, Cal., February 1, 1908:

United States to W. W. Blood, Dr.—

| | |
|---|---|
| Lumber | $33.99 |
| 335 pressed brick, at 6 cents | 20.10 |
| Labor, rebuilding furnace in the laundry | 22.50 |
| Sand and clay | 7.50 |
| Moving bell from top of building and erecting frame and putting bell on same | 25.00 |
| | 109.09 |

Now, my understanding of the matter is that the money appropriated in 1905 for the fiscal year commencing July 1, 1906, would lapse on the 30th of June, 1907, and that the money not expended during that fiscal year was converted into the Treasury. Now, this man did his work after that, thinking he would be paid, that is between the 1st of July, 1907, and the following year, filed his claim on the 1st day of February, 1908, for his money, and has been diligently pursuing that claim from that time to this.

Mr. MADDEN. Will the gentleman yield for a question?

Mr. RAKER. In just a moment I will yield. He took up the matter with the attorney general of the State of California, and here is a letter which shows that he was working at that time:

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
*Washington, June 21, 1910.*

U. S. WEBB, Esq.,
*Attorney at Law,*
*Humboldt Bank Building, San Francisco, Cal.*

SIR: In answer to your letter of May 12, 1910, relative to the claim of W. W. Blood, of Greenville, Cal., for work alleged to have been done at the Indian school at that place, 1907, you are advised that in November, 1909, Supervisor Harwood Hall was directed by this office to investigate and report relative to this claim.

On November 30, 1909, Supervisor Hall reported favorably upon the two items, one of $330 and the other $109.09. So it shows that in February, 1908, within six months, the claim was filed, application made to the department, and Commissioner Valentine stated that they immediately sent a man out to investigate; that he did investigate, approved the claim, and then they said they had not the money to pay it, and that the only thing to do was to apply to Congress in order to get the money. So there has not been one day intervening that there has not been some activity, some effort, to collect the claim.

Mr. MADDEN. I got the impression that the gentleman who did the work did not make any claim until two years after it was completed.

Mr. RAKER. He made his claim within less than six months after the work was done. It shows the date of it here.

Mr. MADDEN. Did he have a contract with the Government of the United States?

Mr. RAKER. He says so in his affidavit.

Mr. MADDEN. Who authorized it?

Mr. RAKER. I suppose the Indian Office, as they always do. That is not set out here, except his affidavit that he furnished this and in regard to the understanding with the superintendent of the schools.

Mr. MADDEN. And the superintendent of schools had no authority to order payment?

Mr. RAKER. There was not any money to pay the man when he had completed the work.

Mr. MADDEN. Was there any money when he began the work?

Mr. RAKER. Yes; and there was sufficient in the fund, if it had not been converted back into the Treasury of the United States under the law.

Mr. STAFFORD. Will the gentleman yield?

Mr. RAKER. I yield to the gentleman from Wisconsin.

Mr. STAFFORD. Will the gentleman kindly take the committee into his confidence and give us the authority for stating that this claimant presented a claim in 1908?

Mr. RAKER. Certainly. I never proceed with a body of men at any time without taking them into my confidence.

Mr. STAFFORD. Will the gentleman give us the authority for the statement that the man presented his claim in 1908?

Mr. RAKER. I am reading this statement, on page 3 of the report.

Mr. STAFFORD. Do you mean the statement in the third line?

Mr. RAKER. I am reading it as it appears here.

Mr. STAFFORD. That merely states——

Mr. RAKER. Will the gentleman suspend until I answer his question? I turn back to the letter of the Commissioner of Indian Affairs to the attorney general of the State of California, stating that this man did make his claim, and that in 1908 he directed a full investigation of the facts.

Mr. STAFFORD. Will you kindly refer us to any line which confirms that statement that anyone connected with the Indian Service in 1908 directed an investigation of this claim?

Mr. RAKER. Yes. Now I will read for the benefit of the gentleman——

Mr. STAFFORD. Not for my benefit——

Mr. RAKER. Then why did you ask it?

Mr. STAFFORD. I have read this report, and I do not find any such statement.

Mr. RAKER. I supposed the gentleman wanted to know.

Mr. STAFFORD. I do.

Mr. RAKER. If the gentleman does not want to know, he is trifling with me.

Mr. STAFFORD. I am not trifling. The gentleman does not seem to have the information I desire to obtain.

Mr. RAKER. Oh, yes; he does.

Mr. STAFFORD. Will the gentleman kindly give it?

Mr. RAKER. Surely I will give it. I will read it again for the benefit of the gentleman from Wisconsin; on page 2 of the report, R. G. Valentine, Commissioner of Indian Affairs, writes to the attorney general of the State of California, under date of Washington, June 21, 1910:

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
*Washington, June 21, 1910.*

U. S. WEBB, Esq.,
*Attorney at Law,*
*Humboldt Bank Building, San Francisco, Cal.*

SIR: In answer to your letter of May 12, 1910, relative to the claim of W. W. Blood, of Greenville, Cal., for work alleged to have been done at the Indian school at that place, 1907, you are advised that in November, 1909, Supervisor Harwood Hall was directed by this office to investigate and report relative to this claim—

Knowing the length of time it takes for correspondence after the bill was passed to the superintendent, it says that he sent it to the Commissioner of Indian Affairs and he in turn directed a

personal report to be made by the supervisor of this claim. Now, the letter proceeds—

On November 30, 1909, Supervisor Hall reported favorably upon two items, one of $330 and the other of $109.09.

You are further advised that if this office is called upon to make recommendations relative to the justness of this claim, it will report in accordance with the favorable recommendations made by Supervisor Hall, above referred to.

Very respectfully,

R. G. VALENTINE, *Commissioner.*

From the beginning everyone, from the earliest time he commenced to work, all down along, made a personal investigation; they sent the inspectors there, the superintendent, the commissioner, and Secretary Lane, Mr. Jones, and the prior Secretary—all reported favorably upon the justice of the amount claimed, and that he had actually performed the work and supplied the material.

Mr. STAFFORD. I am still waiting for the direction of the gentleman to that portion of the report that shows that the claimant ever made any claim for this work prior to 1909.

Mr. RAKER. In answer to the gentleman, I will state that this is the earliest date within six months of the time he completed the work.

Mr. STAFFORD. I understood the gentleman in a prior statement to say that the claimant presented it as early as February, 1908.

Mr. RAKER. I stated so, and that is the fact from the report in this case. It is uncontradicted and approved by everyone that this man made his claim and dated it Greenville, Cal., February 1, 1908.

Mr. STAFFORD. And the gentleman bases that statement on what appears on page 3 of the report:

REPORT OF HARWOOD HALL, SUPERVISOR OF INDIAN SCHOOLS.

Subject: Claim of W. W. Blood, of Greenville, Cal., for the sum of $109.09, growing out of labor and material furnished the United States at the Indian School, Greenville, Cal., as follows, viz, bill dated Greenville, Cal., February 1, 1908.

Mr. RAKER. Yes.

Mr. STAFFORD. That is the date of the bill; there is nothing to show that the bill was presented on that date.

Mr. RAKER. That is the common, ordinary language that our people use in trying to convey thought that means something, and not in a technical, finespun statement that means nothing. If the gentleman will read again, he will find that the reports in these claims were dated in 1909.

Mr. STAFFORD. We are not questioning their being presented in 1909, but we say there is nothing in the report to show that the claim was presented until more than two years had expired after the work was claimed to have been done and the material furnished.

Mr. RAKER. Oh, yes; I think there is.

Mr. SLOAN. Will the gentleman yield?

Mr. RAKER. Yes.

Mr. SLOAN. I call the gentleman's attention to page 5, a statement of Mr. Jones, Acting Secretary of the Interior. It says:

This claim is for work done and material furnished at the Greenville Indian School, California, in the year 1907, under an informal agreement between the claimant and the superintendent of the school, concerning which a controversy arose between them.

Can the gentleman state to the committee what the informality was and what it lacked to be a legal binding contract? I have heard no explanation.

Mr. RAKER. I understand that it was an informal contract, the employment by the superintendent of Mr. Blood to do this work.

Mr. SLOAN. Does the gentleman know whether the superintendent had authority to make such a contract, and if there was a failure what was the failure?

Mr. RAKER. I think he had the authority. The only reason that he was not paid was that before the payment, and while the claim was being investigated by the department, the money appropriated for this work had been covered into the Treasury.

Mr. SLOAN. This says it was an informal agreement, and I should like very much to know, if it can be ascertained, what that informality was, whether it was one of these contracts that contractors sometimes enter into because they want to do business for the public, expecting the public to be lenient in the matter of making payment.

Mr. RAKER. No; I do not think so.

The full report on this claim and the record is as follows:

The Committee on Claims, to whom was referred the bill (H. R. 2209) for the relief of W. W. Blood, having considered the same, report thereon with a recommendation that it do pass.

The reports made by the Committee on Claims, Sixty-second Congress, third session, and Sixty-third Congress, third session, together with a letter from the Secretary of the Department of the Interior, are hereto appended and made a part of this report.

[House Report No. 317, Sixty-third Congress, second session.]

The Committee on Claims, to whom was referred the bill (H. R. 1515) for the relief of W. W. Blood, having considered the same, report thereon with a recommendation that it do pass.

Appended hereto is report No. 1309, Sixty-second Congress, third session, also letters from the Department of the Interior, together with the supervisor's report, which are adopted as and made a part of this report.

[House Report No. 1309, Sixty-second Congress, third session.]

This is a claim by Mr. W. W. Blood, of Greenville, Cal., for labor and material rendered in certain construction work at the Greenville Indian School in California in the year 1907, viz:

| | |
|---|---|
| For digging a reservoir ditch and laying and covering a pipe 2,200 feet long, at 15 cents per foot | $330.00 |
| Lumber | 33.99 |
| 335 pressed brick, at 6 cents | 20.10 |
| Labor rebuilding furnace in the laundry | 22.50 |
| Sand and clay | 7.50 |
| Moving bell from top of building and erecting frame and putting bell on same | 25.00 |
| Total | 439.09 |

In November, 1909, the Indian Bureau directed Supervisor Harwood Hall to investigate as to the merits of this claim, and, after a most thorough personal inspection, he found that Mr. Blood actually performed the work and furnished the material, as above set forth, in a satisfactory manner, from which the Government benefited, and that the claim is an equitable and just one.

The Interior Department also recommends favorable consideration of this claim.

Appended hereto are letters from the Department of the Interior and other communications and papers, which are made a part of this report:

DEPARTMENT OF THE INTERIOR,
*Washington, August 9, 1911.*

Hon. JOHN E. RAKER,
*House of Representatives.*

SIR: I have your letter of July 31, 1911, addressed to the Commissioner of Indian Affairs, requesting the use of documents on file in the Indian Office concerning the claim of W. W. Blood for work alleged to have been done by him at the Indian school, Greenville, Cal., and inclosing copy of H. R. 12502, for the relief of W. W. Blood; also requesting recommendation on the claim of Mr. Blood.

In November, 1909, Supervisor Harwood Hall was directed by the Indian Office to investigate and report relative to this claim. On November 30, 1909, he reported favorably upon two items—one of $330 and the other of $109.09—amounting to the sum of $439.09.

In view of the facts as developed by the investigation made, it appears Blood actually performed work and furnished material, from which the Government benefited, and that he has an equitable claim. Under the circumstances, this department recommends that H. R. 12502 receive favorable consideration of the Congress.

Copies of the papers pertaining to this claim are herewith inclosed.

Respectfully,

SAMUEL ADAMS,
*Acting Secretary.*

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DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
*Washington, June 21, 1910.*

U. S. WEBB, Esq.,
*Attorney at Law,*
*Humboldt Bank Building, San Francisco, Cal.*

SIR: In answer to your letter of May 12, 1910, relative to the claim of W. W. Blood, of Greenville, Cal., for work alleged to have been done at the Indian school at that place, 1907, you are advised that in November, 1909, Supervisor Harwood Hall was directed by this office to investigate and report relative to this claim. On November 30, 1909, Supervisor Hall reported favorably upon two items, one of $330 and the other of $109.09.

You are further advised that if this office is called upon to make recommendations relative to the justness of this claim, it will report in accordance with the favorable recommendations made by Supervisor Hall, above referred to.

Very respectfully,

R. G. VALENTINE,
*Commissioner.*

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DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
*Washington, January 28, 1910.*

W. W. BLOOD, Esq.,
*Greenville, Cal.*

SIR: The office has received a report from Harwood Hall, supervisor of Indian schools, relative to your claims of $330 and $109.09 for materials and labor furnished the Greenville School, California, during the fiscal year 1907.

You are advised that inasmuch as the balance of the fund from which these expenditures are payable, viz, "Indian school buildings, 1907," has been returned to the Treasury, this office is not in a position to approve your claims. Therefore the only recourse you have in the matter is by congressional action.

Very respectfully,

C. F. HAUKE,
*Chief Clerk.*

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REPORT OF HARWOOD HALL, SUPERVISOR OF INDIAN SCHOOLS.

Subject: Claim of W. W. Blood, of Greenville, Cal., for the sum of $109.09, growing out of labor and material furnished the United States at the Indian school, Greenville, Cal., as follows, viz, bill dated Greenville, Cal., February 1, 1908:

| | | |
|---|---|---|
| United States to W. W. Blood, Dr.— | | |
| Lumber | $33.99 | |
| 335 pressed brick, at 6 cents | 20.10 | |
| Labor, rebuilding furnace in the laundry | 22.50 | |
| Sand and clay | 7.50 | |
| Moving bell from top of building and erecting frame and putting bell on same | 25.00 | |
| | | 109.09 |

NOVEMBER 30, 1909.

SECTION 1.

Lumber: I have made all possible inquiries with regard to the lumber alleged to have been delivered to this school by W. W. Blood, and from all testimony procurable I find that he actually did have same hauled; that the lumber was used by Charles Falding, who was engaged by the superintendent in repairing the 14 chimneys, as evidenced by voucher 12, fourth quarter, 1907, there being $290 paid to the said Charles Falding for his services and materials in making said repairs to chimneys at the Greenville Indian School, and that such lumber, the property of W. W. Blood, was left at the school and used in small lots by the school.

Material and labor for furnace: I have also ascertained that W. W. Blood did actually use 335 pressed brick, furnished labor, sand, and clay with which he did build a brick furnace at the Indian School, Greenville, Cal.

Morning bell: There is no question but what W. W. Blood constructed a bell tower upon which he placed the school bell, there being remnants of the tower now in the scrap pile. The bell was afterwards placed upon the main building in a more advantageous position.

From observation, inquiries, and testimony submitted there seems to be no question with regards to there being due W. W. Blood the amount of his claim, $109.09.

HARWOOD HALL, *Supervisor.*

Affidavits and certificate attached.

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REPORT OF HARWOOD HALL, SUPERVISOR OF INDIAN SCHOOLS.

Subject: Claim of W. W. Blood, Greenville, Cal., for $330 for excavating a 2,200-foot trench, etc., viz:

United States to W. W. Blood, Dr.—

To labor furnished the Greenville Indian School in 1907, to wit, digging ditch from the upper reservoir and putting in pipe and covering the same, 2,200 feet, at 15 cents per foot ..... $330

NOVEMBER 30, 1909.

SECTION 2.

In company with the industrial teacher and laborer I made a most thorough and complete inspection of the two reservoirs and measured the distance between them and found that the distance is actually 2,625 feet. The pipe line is 2,625 feet, 25 feet at the lower end not being covered. The digging of the trench is well worth $330 as rocks, soil, and roots through which the trench had to be dug was very difficult digging. By reference to cash voucher No. 2, third quarter 1907, I find that W. W. Blood was paid $2,975 for furnishing 1,200 feet of 3½-inch pipe. In addition to this he increased the capacity of the reservoir by raising the retaining wall 3½ feet, furnished 18 feet of 4-inch pipe, 42 feet 10-inch pipe, 85 feet 2-inch pipe, and one 2-inch gate value, besides rocking up the side of the trench when it passed over a gully.

It seems to me that according to the records, testimony submitted, as well as the condition of the work at this day, W. W. Blood has a true claim for the amount of $330.

Affidavits attached.

HARWOOD HALL, *Supervisor.*

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GREENVILLE, CAL., *November 30, 1909.*

We, the undersigned, do solemnly swear that we worked for W. W. Blood in enlarging the reservoir at the Greenville Indian School, and also performed the work in laying the pipe line between the upper reservoir and lower reservoir, and also excavated the trench in which we laid the pipe; that the said W. W. Blood actually did raise the retaining wall 3½ feet, when it was our understanding that his agreement called for only 1½ feet; that he at all times directed us to do good work and fully in accordance with the agreement; that he did more than he agreed to do and that the capacity of the reservoir was made at least one-fourth greater than the said agreement called for; that we declare our entire disinterestedness in this matter.

ROBERT PERRY.
JOS. W. CORDEROY.

Subscribed and sworn to before me this 30th day of November, 1909.
J. R. MURRAY, *Notary Public.*

—

GREENVILLE, CAL., *November 30, 1909.*

I, Fred Farrar, do solemnly swear that I sold to W. W. Blood, on October 30, 1906, 2,234 feet of lumber for the Greenville Indian School, costing $33.99, as taken from my books; that I have no interest in this matter.

FRED FARRAR.

Subscribed and sworn to before me this 30th day of November, 1909.
J. R. MURRAY, *Notary Public.*

—

GREENVILLE, CAL., *November 30, 1909.*

I, Joseph Corderoy, do solemnly swear that I hauled for W. W. Blood 2,734 feet of lumber to the Indian school, Greenville, Cal., on October 30 and November 1, 1906; that I have no interest in this matter.

JOS. W. CORDEROY.

Subscribed and sworn to before me this 30th day of November, 1909.
J. R. MURRAY, *Notary Public.*

—

GREENVILLE, CAL., *November 30, 1909.*

I, W. W. Blood, do solemnly swear that I agreed to furnish 1,200 feet of 3½-inch pipe and connect same with the pipe on the ground between the upper and lower reservoir at the Indian school, Greenville, Cal., also to raise the retaining wall of reservoir 1½ feet, and that I was to receive therefor the sum of $2,975; that I did furnish 1,200 feet of 3½-inch pipe, also 18 feet of 4-inch, 42 feet of 10-inch, and 85 feet of 2-inch pipe; that I started at the upper reservoir with 4-inch pipe, then reduced to 3½-inch (1,200 feet), then 3-inch, then 2½-inch, then 2-inch. The 10-inch pipe was put in at a point necessitating a large capacity, owing to the topography of the ground; that, in addition to the furnishing of 1,200 feet of 3½-inch pipe and other sizes, as heretofore set forth, and raising the reservoir, I excavated a trench or ditch 18 inches deep and 14 inches wide for a distance of 2,600 feet; that I laid the pipe in said trench and covered it with earth; that I not only filled my contract to the letter but dug the trench and raised reservoir dam 3½ feet instead of 1½ feet, as agreed, but also gave more pipe than I agreed, as well as one 1-inch gate valve; that the statement of George W. Wimberly that the distance between reservoirs is only 1,600 feet is false; that I filled the contract honorably and most thoroughly; that I took up 85 feet of 1½-inch pipe at the lower end of the pipe line and did substitute 2-inch pipe instead; that I was not bound to do so, as I had furnished 1,200 feet of 3½-inch pipe and laid same, it being understood that I was to use the best of the old pipe line in order to complete the entire distance between the reservoirs, which I did; that Wimberly complained of there being a small stretch of 1½-inch pipe which had been a part of the old line. However, I took up 85 feet of 1½-inch pipe, all there was, and substituted and furnished at my expense 85 feet of 2-inch pipe in lieu thereof; that the entire length of the pipe line from upper to lower reservoirs is actually 2,625 feet instead of 1,600, as alleged by Wimberly; that there is justly and honestly due me $330 for excavating a 2,600-foot trench; that no part of same has been paid.

W. W. BLOOD.

Subscribed and sworn to before me this 30th day of November, 1909.
J. R. MURRAY, *Notary Public.*

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DEPARTMENT OF THE INTERIOR,
*Washington, July 31, 1913.*

Hon. EDWARD POU,
*House of Representatives.*

MY DEAR MR. POU: I am in receipt of a letter, dated May 9, 1913, from Hon. JOHN E. RAKER, inclosing a copy of H. R. 1515, being a bill for the relief of W. W. Blood, with the request that a report be made thereon to the Committee on Claims of the House of Representatives.

This claim is for work done and material furnished at the Greenville Indian School, Cal., in the year 1907, under an informal agreement between the claimant and the superintendent of the school, concerning which a controversy arose between them.

A supervisor in the Indian Service, after investigation, reported November 30, 1909, that the claimant actually furnished material and performed work to the value of $439.09, the sum proposed to be paid by this bill. A copy of this report is inclosed for your information. (See Rept. 1309, supra.)

January 28, 1910, the Indian Office wrote Mr. Blood as follows:

"The office has received a report from Harwood Hall, supervisor of Indian schools, relative to your claims of $300 and $109.09 for materials and labor furnished the Greenville School, Cal., during the fiscal year 1907.

"You are advised that inasmuch as the balance of the fund from which these expenditures are payable, viz, 'Indian school buildings, 1907,' has been returned to the Treasury, this office is not in a position to approve your claims. Therefore, the only recourse you have in the matter is by congressional action."

Reporting upon a similar bill, H. R. 12502, this department recommended August 9, 1911, that it receive favorable consideration. (Copy inclosed.)

It appears that Mr. Blood has an equitable claim for work and material furnished, which can not be paid without authority from Congress, because the unexpended balance of the appropriation, which might have been used, has been covered into the Treasury under the provisions of section 3600, Revised Statutes.

Very truly, yours,

A. A. JONES, *Acting Secretary.*

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DEPARTMENT OF THE INTERIOR,
*Washington, January 21, 1916.*

MY DEAR MR. POU: Receipt is acknowledged of your letter of January 5, 1916, addressed to the Commissioner of Indian Affairs, requesting copies of correspondence relative to claim of W. W. Blood, and opinion as to its merits, for use in connection with bill H. R. 2209, Sixty-fourth Congress, introduced for his relief.

In reply I have the honor to call your attention to department report, dated September 23, 1914, with reference to H. R. 1515, and to prior reports and documents which are included in the printed record of the case. I believe that these will furnish you with all material facts connected with the claim.

In its reports the department has uniformly recommended favorable action on the bills, allowing Mr. Blood the sum of $439.09, and I see no reason now to recommend otherwise.

The bill is returned herewith.

Cordially, yours,

FRANKLIN K. LANE,
*Secretary.*

Hon. E. W. POU,
*Chairman Committee on Claims,*
*House of Representatives, Washington, D. C.*

Mr. MANN. Mr. Chairman, I think this is a meritorious claim, but it ought to be explained why it should be paid. The gentleman from California has so confused the House in regard to it that I shall briefly state what the facts are, which have not yet been stated.

Mr. Blood had a regular contract for doing this work at this Indian school, for which he has been paid the entire contract amount. During the performance of the contract the superintendent at the school desired some extra work done in the way of pipe laying, and he made an informal contract with Mr. Blood, almost in the nature of extras, and Mr. Blood did the work.

After the work was done, when they came to settle up on the original contract and for the extra work, the superintendent and Mr. Blood did not agree as to how much should be paid Mr. Blood for the extra work he had done. The matter was left to an Indian supervisor, who went on the ground and made an examination, but that examination was somewhat delayed, and the report of the supervisor as to the amount of the value to the Government of the work done by Mr. Blood as extra did not get around in time to be audited and paid out of the appropriation which was available in the Indian Department until after the lapse of two years, and, under the application of the so-called covering-in act, the money had been paid back into the Treasury. The amount now involved is recommended by the supervisor as a fair and reasonable amount for the Government to pay for value received. Mr. Blood probably could not have

brought a suit in the Court of Claims, because this agreement was not in accordance with the provisions of law. It was a mere informal agreement, and it is very likely that he did not know any better, and it is also quite likely that the Indian superintendent, being one of those in the Indian Office, did not know any better either.

I yield 10 minutes to the gentleman from New York [Mr. BENNET].

Mr. BENNET. Mr. Chairman, I have just looked over the bills that have been passed this afternoon, and it turns back the clock of memory some 10 years, because, with the exception of one bill which confers authority on the Court of Claims, there is not a bill correctly drawn and not one of them would take a dollar out of the Treasury. When I first served in the Fifty-ninth Congress, I introduced a bill in the defective form that is used in most of these bills. Through the kindness of my colleagues I got it through the House. It went through the Senate and was signed by the President. Then the person in whose favor it was went up to the Treasury only to find that I had simply conferred a distinction upon her, for I think it was a woman, by having her name included among the private bills of the House.

Mr. RAKER. Mr. Chairman, will the gentleman yield?

Mr. BENNET. Yes.

Mr. RAKER. Will the gentleman kindly advise me and the committee what addition should be made here so that we can get the money if the bill should ever get through?

Mr. BENNET. I do not know whether I will or not. I am not in favor of the bill. I am not the Clerk at the Speaker's table or anything of that sort. I am not here under any authority to instruct the gentleman from California, and I think he is a better lawyer than I am. I want just to call the attention of the committee to one or two matters in respect to this bill. In all my acquaintance with the gentleman from Illinois [Mr. MANN] I have never seen him in such a kind mood in relation to the matter, because if there ever was a bill before Congress that had every possible defect, this bill for the relief of W. W. Blood is that bill.

Mr. MANN. Does not the gentleman think it ought to have one supporter on the floor who knows something about it? [Laughter.]

Mr. BENNET. I just alluded to the kindness of the present disposition of the gentleman from Illinois, and commented upon it. I realize that it ought to have one supporter, and I know that the gentleman's kindness of heart has induced him to overlook all the defects, and he is supporting the bill because somebody ought to allude to the equities.

Mr. MADDEN. The gentleman means to say that he has overlooked all of his ordinary defects?

Mr. BENNET. Whose ordinary defects?

Mr. MADDEN. Those of the gentleman from Illinois.

Mr. BENNET. Oh, he has no ordinary defects. All his defects are extraordinary [laughter], as are his qualities. What are the defects in this bill? The gentleman from Illinois [Mr. MANN], in the days when our party was in power, as it frequently is, and will be again after the 4th of March, 1917, was a favorite presiding officer over the Committee of the Whole, and about the Fifty-seventh or the Fifty-eighth Congress he ruled upon the question of the construction of buildings on a Government reservation. That ruling is one of the monuments of parliamentary law in the House. At that time he ruled that you can not construct a building without an authorization from Congress. As I recall it, the ruling was on a rather small amount, the building of a wall in a navy yard, something of that character. But that is the law. The ruling is that the construction of a building on a Government reservation is not the continuation of a work in progress, and requires special authorization.

Now, the gentleman from Illinois, who knows more about parliamentary law and statute law, I think, than all of us put together, was quite correct in his statement that if this man is to get any money he has got to go to Congress. Why? Because, in the first place, the building itself, so far as any evidence before this committee is concerned, was never authorized; second, the contract for the building, even though the building was unauthorized, was never properly made; and third, there were never any proper vouchers presented in the form required in order to get money out of the United States Treasury, and yet the gentleman from Illinois approves this bill. Why, after this, after the mentor of the House has done that, God save the Treasury of the United States; the rest of us will not.

Mr. MANN. Will the gentleman yield?

Mr. BENNET. Certainly.

Mr. MANN. The gentleman has constantly referred to this building—this building. He says this building was not authorized. Does the gentleman understand this claim is for a building?

Mr. BENNET. It is in part for a bell tower.

Mr. MANN. No——

Mr. BENNET. As the gentleman will find on page 3 of the report—

> There is no question but what W. W. Blood constructed a bell tower upon which he placed the school bell——

Mr. MANN. Upon the top of the building.

Mr. BENNET. He constructed a tower, but the gentleman from Illinois held way back in the Fifty-seventh Congress that the building of a wall in a navy yard was not a continuation of a public work in progress. I think the gentleman was right.

Mr. MANN. Does the gentleman think this man constructed a bell tower for $25?

Mr. BENNET. Well, if the gentleman will let me read the rest of the language, I think he will agree with me that that is all the tower is worth. [Laughter.] It says:

> There is no question but what W. W. Blood constructed a bell tower upon which he placed the school bell, there being remnants of the tower now in the scrap pile.

[Laughter.]

It must have been a swell tower that the gentleman is now attempting to get money out of the Treasury of the United States for.

Mr. MANN. Is that the building to which the gentleman has reference?

Mr. BENNET. It is the building for which the gentleman from Illinois is trying to get this man out in California paid.

Mr. MANN. The gentleman was referring to a ruling which I once made on the subject of buildings, and I just wanted to know if the gentleman really thinks that putting up logs for a bell tower is a building.

Mr. BENNET. Well, under the ruling of the gentleman from Illinois, I think it is. [Laughter.]

Mr. MANN. I think I went quite a ways, probably, in protecting the Treasury from the onslaughts of the Brooklyn Navy Yard, but I never went that far.

Mr. BENNET. It was not the Brooklyn Navy Yard at that time.

Mr. SLOAN. Will the gentleman yield?

Mr. BENNET. I will.

Mr. SLOAN. Does not the gentleman think the statute of limitations would run against those rulings of the leader on this side?

Mr. BENNET. The statute of limitations never runs against the gentleman from Illinois or any of his rulings. They only improve by time; but I am just simply calling his attention to what he rules. He never rules in jest. He is a very serious man in the chair and on the floor.

Mr. MADDEN. Will the gentleman yield?

Mr. BENNET. Yes.

Mr. MADDEN. Does the gentleman think he is going to change the mind of the gentleman from Illinois by calling his attention to his rulings?

Mr. BENNET. Mr. Chairman, the mind of the gentleman from Illinois is all right. He is just being led away by his heart. He explained the reason. He said somebody ought to be for this bill and he is being "it." I am not defending him. He can not justify his being for a building that was illegally constructed, improperly contracted for, and as to which there are no vouchers.

Mr. MADDEN. And which is in the scrap pile.

Mr. BENNET. And which is now in the scrap pile.

Mr. MOORE of Pennsylvania. Is the gentleman contending there was no building at all?

Mr. BENNET. There was a building.

Mr. MOORE of Pennsylvania. Was there a bell?

Mr. BENNET. Of course there was a bell.

Mr. MOORE of Pennsylvania. What became of the bell and the building?

Mr. BENNET. I will tell the gentleman.

Mr. MOORE of Pennsylvania. The gentleman ought to read the whole report; he ought not to keep anything to himself.

Mr. BENNET. It says, "The bell was afterwards placed upon the main building in a more advantageous position." I should think any position would be more advantageous than on top of a tower which is in the scrap heap.

Mr. MOORE of Pennsylvania. That is what we are asked to pay $109 for?

Mr. BENNET. Surely.

Mr. MOORE of Pennsylvania. One other question. Is the gentleman from New York endeavoring to make as much haste in opposing this bill as the gentleman from California did in presenting it?

Mr. BENNET. Why, I think the gentleman from California was reasonably diligent.

Mr. SMITH of Michigan. Did it look like part of the belfry or part of the building in the scrap heap?

Mr. BENNET. No; it was a tower. The gentleman, if he reads his Bible, will find out what a tower is.

Mr. SMITH of Michigan. Was the tower built from the ground up or from the top of a building?

Mr. KING. Was it a belfry or a bell tower?

Mr. BENNET. It was not a belfry or a bell hop, but a bell tower, and all that is left of it is the scrap.

Mr. KING. Will the gentleman explain whether the tower is a part of the building or the building is a part of the tower?

Mr. BENNET. When the gentleman has been here long enough, he will not think——

Mr. MADDEN. Does the gentleman think the gentleman from California [Mr. RAKER] is the bellwether?

Mr. BENNET. No; there was not anything about it except scrap, and this is the most recent scrap in connection with it. [Laughter.] I will answer the gentleman on my right, who asked me if I did not think this was a belfry. I remember when I came here to Congress I heard this House discuss for two days the question as to whether a brass field gun was fortifications or not, and I think they finally determined that a brass field gun on wheels was a fort. Now, if the gentleman thinks, after that determination of this House, I am going to pass on the question offhand as to whether this particular construction was a belfry or not, he is mistaken.

The CHAIRMAN. The time of the gentleman from New York [Mr. BENNET] has expired.

Mr. BENNET. Can I have five minutes more?

Mr. MANN. I think the gentleman ought to get along with less than five minutes. I yield two minutes more to the gentleman.

Mr. BENNET. I have been interrupted so much that ——

Mr. MANN. I will make it three minutes.

Mr. BENNET. Give me five.

Mr. MANN. Well, I yield to the gentleman five minutes, but I think we ought to get along and pass some of these bills. [Laughter.]

Mr. BENNET. I am in sympathy with the gentleman's attempt to expedite the business of the House. [Laughter.] Therefore I will not take an hour of my own time.

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. BENNET. Certainly.

Mr. MOORE of Pennsylvania. There is one point which the gentleman overlooked in section 1, under the head of "Lumber." There were 14 chimneys on these buildings, and if the gentleman will tell us about them he can entertain the House for five minutes more.

Mr. BENNET. It could not have been a belfry with 14 chimneys on it.

Mr. MOORE of Pennsylvania. It was the lumber only that went to the scrap heap?

Mr. ADAMSON. Will the gentleman yield?

Mr. BENNET. I will.

Mr. ADAMSON. I wish to say that under the grace of my distinguished friend from New York [Mr. BENNET] whatever may be said of the merits of the bill, the exhibition of wit and humor made by the gentleman from New York [Mr. BENNET] and the gentleman from Illinois [Mr. MADDEN] is worth the money, and we ought to pay it; and the exhibition made by the gentleman from Pennsylvania [Mr. MOORE] and the gentleman from Illinois [Mr. MANN], my good old friend over there, ought to justify us in paying interest on the amount. [Laughter.]

Mr. BENNET. I will accept the compliment if the gentleman will amend by withdrawing the word "old." I do not know of anybody on this side of the Chamber who is old.

Mr. ADAMSON. Well, that is the term of endearment.

Mr. BENNET. I will accept it, therefore, in toto.

Mr. MANN. We are more particular than they are over there. They act more like children than old men.

Mr. ADAMSON. I did not endeavor to intimate that either of the two gentlemen from Illinois was in his second childhood.

Mr. BENNET. The gentleman could not prove it, even if he intimated it.

Mr. MANN. We will admit it. [Laughter.]

Mr. BENNET. I will tell the gentleman from California [Mr. RAKER] what I think is the trouble with his bill. It does not appropriate any money out of the Treasury. There are other defects which I have casually mentioned in passing; but if he gets his bill through, unless he changes the language, he has no appropriation, and this is absolutely serious. I had that done to me 10 years ago, and as long as I was in Congress before I never let a bill go through without changing the law so that if it did pass it appropriated money. And it got so that they called that amendment the Bennet amendment. It is the only thing I ever had called after me, except a 5-cent cigar. [Laughter.]

Mr. RAKER. If you will allow this bill to pass as it is, I will run the risk of Mr. Blood getting the money.

Mr. BENNET. If the gentleman legislates in that way, all right. I will give him fair warning. Either he will have to pass it again out of the Claims Committee or else go to the Committee on Appropriations and have it put on a deficiency bill. It is not an appropriation bill. It is an authorization bill, and the Comptroller of the Treasury ruled to that effect in the case of the bill that I had passed.

Mr. RAKER. The gentleman's bill evidently was not so tightly drawn as this bill is.

Mr. BENNET. Oh, it was better than this bill. [Laughter.]

Mr. MOORE of Pennsylvania. Mr. Chairman, will the gentleman yield for one serious question?

Mr. BENNET. Yes.

Mr. MOORE of Pennsylvania. If the gentleman's suggestions were carried out and we should authorize the Secretary of the Treasury to pay this $439, would it not go out to the country that the Secretary of the Treasury did not have this $439 with which to make the payment? [Laughter.]

Mr. BENNET. Oh, I am a pretty strong partisan, but I do not think I should want to say that. We could give a note, at least, and a Government bond is good at any time and anywhere. That is one of the reasons why the bill ought not to be passed in its present shape. There are several other reasons, but I gave the gentleman a reason why we ought not to follow the generous lead of the gentleman from Illinois [Mr. MANN], who allows his heart and his sympathies and sentiments to run away with him, and to pay out of the Treasury of the United States this $439 of hard-earned money. [Laughter.]

Mr. MOORE of Pennsylvania. The Secretary of the Treasury would have to pay it?

Mr. BENNET. It makes it a personal liability.

Mr. POU. Mr. Chairman, I move that the bill be laid aside with a favorable recommendation.

The CHAIRMAN. The gentleman from North Carolina [Mr. POU] moves to lay aside the bill with a favorable recommendation. The question is on agreeing to that motion.

The motion was agreed to.

Mr. MADDEN. Mr. Chairman, I make the point of no quorum.

Mr. POU. I hope the gentleman will withhold that point. I will move that the committee do now rise.

Mr. MADDEN. All right.

Mr. POU. I move, Mr. Chairman, that the committee now rise and report to the House the bills which have been laid aside, with the recommendation that the amendments be agreed to and that the bills as amended do pass.

The motion was agreed to.

Mr. DAVIS of Texas. Mr. Chairman, I ask unanimous consent that I be permitted to extend my remarks in the RECORD touching some communications I have from Texas on the question of preparedness and my replies thereto on the question of national defense.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

The committee rose; and the Speaker having resumed the chair, Mr. ALEXANDER, Chairman of the Committee of the Whole, reported that that committee, having had under consideration House bills 1584, 2209, 3896, 4881, 6180, and 7502, had directed him to report the same to the House with the recommendation that the amendments be agreed to and that the bills as amended do pass.

The SPEAKER. The Clerk will report the first one.

ELLIS P. GARTON.

The Clerk read the title of the bill, as follows:

A bill (H. R. 7502) for the relief of Ellis P. Garton, administrator of the estate of H. B. Garton, deceased.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The SPEAKER. The Clerk will report the next one.

ADMINISTRATOR OF WILLIAM J. LANDRAM, DECEASED.

The Clerk read the title of the bill, as follows:

A bill (H. R. 1584) to carry out the findings of the Court of Claims in the case of Louis Landram, administrator of William J. Landram, deceased.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The SPEAKER. The Clerk will report the next one.

REIMBURSEMENT OF POSTMASTER AT KEGG, PA.

The Clerk read the title of the bill, as follows:

A bill (H. R. 4881) to reimburse the postmaster at Kegg, Pa., for money and stamps taken by burglars.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The SPEAKER. The Clerk will report the next one.

LILLIE B. RANDELL.

The Clerk read the title of the bill, as follows:

A bill (H. R. 6180) for the relief of Lillie B. Randell.

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill as amended.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

The SPEAKER. The Clerk will report the next one.

JOHN H. JANSSEN.

The Clerk read the title of the bill, as follows:

A bill (H. R. 3896) for the relief of John H. Janssen.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The SPEAKER. The Clerk will report the next one.

W. W. BLOOD.

The Clerk read the title of the bill, as follows:

A bill (H. R. 2209) for the relief of W. W. Blood.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. POU, a motion to reconsider the votes whereby the foregoing six bills were passed was laid on the table.

ENROLLED BILL SIGNED.

Mr. LAZARO, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title, when the Speaker signed the same:

H. R. 322. An act to authorize the Secretary of the Treasury of the United States to sell the old post office and site thereof in the city of Dayton, Ohio.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted, as follows:

To Mr. SABATH, indefinitely, on account of illness.

To Mr. ASHBROOK, for five days, on account of his father's ninety-second birthday celebration.

PENSIONS.

The SPEAKER. The bill (H. R. 11630) to amend an act entitled "An act to increase the pensions of widows, minor children, and so forth, of deceased soldiers and sailors of the late Civil War, the War with Mexico, the various Indian wars, and so forth, and to grant a pension to certain widows of the deceased soldiers and sailors of the late Civil War," approved April 19, 1908, is a bill which seems to relate to subjects over which both Pension Committees have jurisdiction. The chairman of the Committee on Pensions, Mr. KEY of Ohio, recommends that the bill be rereferred to the Invalid Pensions Committee. Without objection, the Committee on Pensions will be discharged from the further consideration of the bill, and it will be referred to the Committee on Invalid Pensions.

There was no objection.

APPROPRIATIONS FOR SHOOTING GALLERIES AND RANGES (H. DOC. NO. 692).

The SPEAKER. The letter transmitting an estimate of appropriations for shooting galleries and ranges was referred to the Committee on Appropriations. It properly belongs to the Committee on Military Affairs, and without objection, that reference will be made.

There was no objection.

ADJOURNMENT.

Mr. KITCHIN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 12 minutes p. m.) the House adjourned until to-morrow, Saturday, February 19, 1916, at 12 o'clock noon.

## EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Acting Secretary of the Treasury, transmitting copy of a communication from the Acting Secretary of Commerce submitting an estimate of appropriation for lithographic presses, Coast and Geodetic Survey, which he desires to substitute for the estimate for like purposes submitted on page 1013 of the Annual Book of Estimates for the fiscal year 1917 (H. Doc. No. 706); to the Committee on Appropriations and ordered to be printed.

2. A letter from the Secretary of the Treasury, submitting estimates of appropriation for inclusion in the sundry civil appropriation bill items of appropriation for completion, remodeling, and repairing of certain public buildings (H. Doc. No. 707); to the Committee on Appropriations and ordered to be printed.

3. A letter from the Secretary of the Treasury, submitting estimates of additional appropriations for consideration in connection with the sundry civil appropriation bill for the fiscal year ending June 30, 1917 (H. Doc. No. 708); to the Committee on Appropriations and ordered to be printed.

4. A letter from the Secretary of the Treasury, submitting additional estimate of appropriation for certain public buildings as enumerated in Book of Estimates, 1917 (H. Doc. No. 709); to the Committee on Appropriations and ordered to be printed.

5. A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of William Simmons *v.* The United States (H. Doc. No. 710); to the Committee on War Claims and ordered to be printed.

6. A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of John W. Pride *v.* The United States (H. Doc. No. 711); to the Committee on War Claims and ordered to be printed.

7. A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Hughy Plymale *v.* The United States (H. Doc. No. 712); to the Committee on War Claims and ordered to be printed.

8. A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Charles A. Pettibone *v.* The United States (H. Doc. No. 713); to the Committee on War Claims and ordered to be printed.

9. A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Elizabeth M. O'Farrell, widow of Gerald D. O'Farrell, *v.* The United States (H. Doc. No. 714); to the Committee on War Claims and ordered to be printed.

10. A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Alexander McMartin *v.* The United States (H. Doc. No. 715); to the Committee on War Claims and ordered to be printed.

11. A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of John H. Messner *v.* The United States (H. Doc. No. 716); to the Committee on War Claims and ordered to be printed.

12. A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Erwin B. Messner *v.* The United States (H. Doc. No. 717); to the Committee on War Claims and ordered to be printed.

13. A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of William K. Lee *v.* The United States (H. Doc. No. 718); to the Committee on War Claims and ordered to be printed.

14. A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of William Jones *v.* The United States (H. Doc. No. 719); to the Committee on War Claims and ordered to be printed.

15. A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of David N. Holmes *v.* The United States (H. Doc. No. 720); to the Committee on War Claims and ordered to be printed.

16. A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Mary Alden, widow of Philander Alden, deceased, *v.* The United

States (H. Doc. No. 721); to the Committee on War Claims and ordered to be printed.

17. A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Abraham M. Barr *v.* The United States (H. Doc. No. 722); to the Committee on War Claims and ordered to be printed.

18. A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Deborah A. Cook, widow (remarried) of Solomon S. Burgess, deceased, *v.* The United States (H. Doc. No. 723); to the Committee on War Claims and ordered to be printed.

19. A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of William Carey, heir of James H. Carey, deceased, *v.* The United States (H. Doc. No. 724); to the Committee on War Claims and ordered to be printed.

20. A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Marvin L. Cooley, son and sole heir of John M. Cooley, deceased, *v.* The United States (H. Doc. No. 725); to the Committee on War Claims and ordered to be printed.

21. A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Morris Cope *v.* The United States (H. Doc. No. 726); to the Committee on War Claims and ordered to be printed.

22. A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of John M. Craig *v.* The United States (H. Doc. No. 727); to the Committee on War Claims and ordered to be printed.

23. A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of James E. Davis *v.* The United States (H. Doc. No. 728); to the Committee on War Claims and ordered to be printed.

24. A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of John W. Garner *v.* The United States (H. Doc. No. 729); to the Committee on War Claims and ordered to be printed.

25. A letter from the Acting Secretary of Commerce, transmitting list of documents received and distributed by the Department of Commerce during the calendar year 1915 (H. Doc. No. 730); to the Committee on Expenditures in the Department of Commerce and ordered to be printed.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. DILL, from the Committee on Indian Affairs, to which was referred the bill (H. R. 6782) providing for the leasing of arid lands which are irrigable belonging to Indian allottees and fixing the maximum time for which such leases may run, reported the same with amendment, accompanied by a report (No. 216), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. McKINLEY, from the Committee on the Library, to which was referred the bill (H. R. 8351) to accept a deed of gift or conveyance from the Lincoln Farm Association, a corporation, to the United States of land near the town of Hodgenville, county of Larue, State of Kentucky, embracing the homestead of Abraham Lincoln and the log cabin in which he was born, together with the memorial hall inclosing the same, and, further, to accept an assignment or transfer of an endowment fund of $50,000 in relation thereto, reported the same without amendment, accompanied by a report (No. 221), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. ADAMSON, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 157) to extend the time for the completion of dams across the Savannah River by authority granted to Twin City Power Co. by an act approved February 29, 1908, as amended by act approved June 3, 1912, reported the same without amendment, accompanied by a report (No. 217), which said bill and report were referred to the House Calendar.

Mr. WINSLOW, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 11628) granting the consent of Congress to the city of Lowell, county of Middlesex, State of Massachusetts, to construct a bridge across the Merrimac River, reported the same without amendment, accompanied by a report (No. 218), which said bill and report were referred to the House Calendar.

Mr. DILLON, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 9020) granting the consent of Congress to the counties of Minidoka and Cassia, State of Idaho, to construct a bridge across Snake River, reported the same without amendment, accompanied by a report (No. 219), which said bill and report were referred to the House Calendar.

He also, from the same committee, to which was referred the bill (H. R. 9909) to authorize the Chicago, Milwaukee & St. Paul Railway Co. to construct a bridge across the Missouri River, reported the same without amendment, accompanied by a report (No. 220), which said bill and report were referred to the House Calendar.

Mr. CANTRILL, from the Committee on Public Buildings and Grounds, to which was referred the bill (H. R. 486) authorizing the Secretary of the Treasury to sell the old postoffice building and site thereof at York, Pa., reported the same with amendment, accompanied by a report (No. 222), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. STOUT, from the Committee on Irrigation of Arid Lands, to which was referred the joint resolution (S. J. Res. 51) appropriating money for the payment of certain claims on account of labor, supplies, materials, and cash furnished in the construction of the Corbett Tunnel, reported the same with amendment, accompanied by a report (No. 223), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

## CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 6412) for the relief of John M. Green; Committee on Invalid Pensions discharged, and referred to the Committee on Military Affairs.

A bill (H. R. 9869) granting an increase of pension to Frank Nesbaum; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

## PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. MILLER of Minnesota: A bill (H. R. 11780) for the survey and construction of a public highway through the Superior National Forest, Minn.; to the Committee on Agriculture.

By Mr. THOMAS: A bill (H. R. 11781) establishing the Mammoth Cave National Park; to the Committee on the Public Lands.

By Mr. STEPHENS of Texas: A bill (H. R. 11782) to amend an act of Congress approved June 28, 1906, pertaining to the Osage Tribe of Indians, and for other purposes; to the Committee on Indian Affairs.

By Mr. VAN DYKE: A bill (H. R. 11783) to regulate the hours of service, mileage, and relative seniority rating of employees in the Railway Mail Service; to the Committee on the Post Office and Post Roads.

By Mr. THOMPSON: A bill (H. R. 11784) to establish a fish-hatchery and fish-cultural station in or near the city of Guthrie, Logan County, Okla.; to the Committee on the Merchant Marine and Fisheries.

By Mr. KEY of Ohio: A bill (H. R. 11785) granting an increase of pension to certain soldiers, sailors, and marines who rendered service in the late Civil War; to the Committee on Invalid Pensions.

By Mr. BRITT: A bill (H. R. 11786) providing for the improvement of the French Broad River, in North Carolina; to the Committee on Rivers and Harbors.

By Mr. LITTLEPAGE: A bill (H. R. 11787) for the relief of lock masters, lockmen, and other laborers and mechanics employed by the United States Government in the locks and dams of the Kanawha River, in West Virginia; to the Committee on Claims.

By Mr. SMITH of Texas: A bill (H. R. 11788) to provide for a public building at Big Springs, Tex.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 11789) to provide for a public building at Sweetwater, Tex.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 11790) to provide for a public building at Ballinger, Tex.; to the Committee on Public Buildings and Grounds.

By Mr. RANDALL: A bill (H. R. 11791) to amend an act entitled "An act to regulate and improve the civil service of the

United States," approved January 16, 1883; to the Committee on Reform in the Civil Service.

By Mr. RUCKER: A bill (H. R. 11792) transferring Chariton County from the northern division of the eastern district to the western division of the western judicial district of Missouri; to the Committee on the Judiciary.

Also, a bill (H. R. 11793) to provide for the erection of a public building at Trenton, Mo.; to the Committee on Public Buildings and Grounds.

By Mr. ESTOPINAL: A bill (H. R. 11794) to define the true intent and meaning of section 48 of the act of August 28, 1894, and for other purposes; to the Committee on Ways and Means.

By Mr. TINKHAM: A bill (H. R. 11795) to prepare the Boston Navy Yard for the construction of battleships or battle cruisers; to the Committee on Naval Affairs.

By Mr. SPARKMAN: A bill (H. R. 11796) to provide for the protection and preservation of the United States Bird Preservation on Passage Key, at the entrance of Tampa Bay; to the Committee on Agriculture.

By Mr. SMALL: A bill (H. R. 11797) to authorize the acquisition of a site and the erection of a Federal building at Williamston, N. C.; to the Committee on Public Buildings and Grounds.

By Mr. OGLESBY: A bill (H. R. 11798) providing for the temporary employment of typewriters in the Patent Office; to the Committee on Patents.

By Mr. ROUSE: Memorial of the Legislature of the State of Kentucky, favoring the establishment of national park at Mammoth Cave, Ky.; to the Committee on the Public Lands.

By Mr. POWERS: Memorial of the Legislature of the State of Kentucky, favoring the establishment of national park at Mammoth Cave, Ky.; to the Committee on the Public Lands.

By Mr. PRATT: Memorial embodying a joint resolution of the Senate and Assembly of the State of New York, declaring that the imposition of a Federal inheritance tax, in addition to the State inheritance taxes, would be double taxation and most unjust, and praying to the Congress of the United States to devise some other suitable means for the needs of the National Treasury; to the Committee on Ways and Means.

By Mr. DANFORTH: Memorial of the Legislature of the State of New York, protesting against the enactment of a Federal inheritance tax law; to the Committee on Ways and Means.

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## PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ASHBROOK: A bill (H. R. 11799) granting an increase of pension to Delos Johnson; to the Committee on Invalid Pensions.

By Mr. BORLAND: A bill (H. R. 11800) for the relief of John F. Joy; to the Committee on Claims.

Also, a bill (H. R. 11801) granting a pension to John W. McKissick; to the Committee on Pensions.

Also, a bill (H. R. 11802) granting an increase of pension to John H. Punshon; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11803) granting an increase of pension to Michael J. Newman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11804) granting an increase of pension to Alfred Cooper; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11805) granting an increase of pension to Edward G. Sanchez; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11806) granting an increase of pension to Mary J. John; to the Committee on Invalid Pensions.

By Mr. BRITT: A bill (H. R. 11807) for the relief of Cary B. Moore; to the Committee on Claims.

By Mr. BURKE: A bill (H. R. 11808) granting an increase of pension to Margaret Berg; to the Committee on Invalid Pensions.

By Mr. CLINE: A bill (H. R. 11809) granting a pension to Dennis Monahan; to the Committee on Invalid Pensions.

By Mr. CONRY: A bill (H. R. 11810) granting an increase of pension to Margaret A. Kennedy; to the Committee on Invalid Pensions.

By Mr. CRAMTON: A bill (H. R. 11811) granting a pension to Mary E. Pratt; to the Committee on Invalid Pensions.

By Mr. CROSSER: A bill (H. R. 11812) granting a pension to Archie J. Pejano; to the Committee on Pensions.

By Mr. DICKINSON: A bill (H. R. 11813) granting an increase of pension to James M. Divine; to the Committee on Invalid Pensions.

By Mr. DOUGHTON: A bill (H. R. 11814) granting an increase of pension to Frank Waters; to the Committee on Pensions.

Also, a bill (H. R. 11815) to satisfy the findings of the Court of Claims in the claim of Elizabeth Munday, Mary Munday, and Catherine Teague, heirs of Samuel Munday, deceased; to the Committee on War Claims.

By Mr. EAGAN: A bill (H. R. 11816) granting a pension to Julius Ohswaldt; to the Committee on Pensions.

By Mr. FERRIS: A bill (H. R. 11817) granting an increase of pension to Ishmael Cutright; to the Committee on Invalid Pensions.

By Mr. FOCHT: A bill (H. R. 11818) granting a pension to William Zimmerman; to the Committee on Invalid Pensions.

By Mr. FOSS: A bill (H. R. 11819) granting an increase of pension to Charles Wilson; to the Committee on Invalid Pensions.

By Mr. GALLAGHER: A bill (H. R. 11820) for the relief of John Marks; to the Committee on Naval Affairs.

By Mr. GARD: A bill (H. R. 11821) granting a pension to Jessie Parsons; to the Committee on Pensions.

Also, a bill (H. R. 11822) granting a pension to Albert T. Staight; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11823) granting a pension to Hettie H. Burt; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11824) granting an increase of pension to Obadiah Stines; to the Committee on Invalid Pensions.

By Mr. GLASS: A bill (H. R. 11825) for the relief of the heirs of Silas Dearing; to the Committee on Claims.

By Mr. GRAY of Indiana: A bill (H. R. 11826) granting a pension to Mary E. Roberts; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11827) granting an increase of pension to Elizabeth A. Moore; to the Committee on Invalid Pensions.

By Mr. HAMILTON of New York: A bill (H. R. 11828) granting an increase of pension to Hadley S. Horth; to the Committee on Invalid Pensions.

By Mr. HOLLINGSWORTH: A bill (H. R. 11829) granting an increase of pension to Jacob D. Peterson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11830) granting a pension to Isaphene Finch; to the Committee on Invalid Pensions.

By Mr. JOHNSON of South Dakota: A bill (H. R. 11831) granting an increase of pension to Jacob Myers; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11832) granting a pension to Patrick H. Guhin; to the Committee on Pensions.

By Mr. KENNEDY of Rhode Island: A bill (H. R. 11833) granting an increase of pension to Ellen M. Stafford; to the Committee on Invalid Pensions.

By Mr. KEY of Ohio: A bill (H. R. 11834) granting an increase of pension to John P. Penry; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11835) granting an increase of pension to Anna Eschbach; to the Committee on Invalid Pensions.

By Mr. KING: A bill (H. R. 11836) to remove the charge of desertion from the military record of James McCullough; to the Committee on Military Affairs.

Also, a bill (H. R. 11837) granting an increase of pension to George W. Williams; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11838) granting a pension to Carl Z. Work; to the Committee on Pensions.

Also, a bill (H. R. 11839) granting a pension to Laura E. Smith; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11840) granting a pension to Catherine Roos; to the Committee on Invalid Pensions.

By Mr. MATTHEWS: A bill (H. R. 11841) granting an increase of pension to John Albright; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11842) to correct the military record of Joseph Desotell; to the Committee on Military Affairs.

By Mr. OGLESBY: A bill (H. R. 11843) for the relief of Charles E. Knickerbocker; to the Committee on Claims.

By Mr. PAIGE of Massachusetts: A bill (H. R. 11844) granting a pension to Francis W. Parker; to the Committee on Pensions.

Also, a bill (H. R. 11845) granting a pension to James M. Eaton; to the Committee on Invalid Pensions.

By Mr. POWERS: A bill (H. R. 11846) granting a pension to Mary Starnes Elliott; to the Committee on Pensions.

By Mr. PRATT: A bill (H. R. 11847) granting a pension to Helen A. Benjamin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11848) granting an increase of pension to John S. Early; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11849) to correct the military record of John R. Brockway; to the Committee on Military Affairs.

Also, a bill (H. R. 11850) to correct the military record of Eli F. Westfall; to the Committee on Military Affairs.

By Mr. RANDALL: A bill (H. R. 11851) granting an increase of pension to Julia A. Marugg; to the Committee on Invalid Pensions.

By Mr. RUBEY: A bill (H. R. 11852) granting an increase of pension to Anna Nottingham; to the Committee on Pensions.

By Mr. SANFORD: A bill (H. R. 11853) for the relief of Martin W. Joralemon, alias Martin Whitbeck; to the Committee on Military Affairs.

By Mr. SHOUSE: A bill (H. R. 11854) granting an increase of pension to Duranda Davis; to the Committee on Invalid Pensions.

By Mr. SLOAN: A bill (H. R. 11855) granting an increase of pension to Calvin Custer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11856) granting a pension to Bessie G. Bloodgood; to the Committee on Pensions.

By Mr. SMITH of Michigan: A bill (H. R. 11857) for the relief of Jacob Betzer; to the Committee on Military Affairs.

By Mr. SMITH of New York: A bill (H. R. 11858) for the relief of James G. Hill; to the Committee on Military Affairs.

By Mr. SPARKMAN: A bill (H. R. 11859) for the relief of Bennett Whidden; to the Committee on Military Affairs.

By Mr. STEENERSON: A bill (H. R. 11860) for the relief of Halvor Nilsen; to the Committee on the Public Lands.

By Mr. KEY of Ohio: Joint resolution (H. J. Res. 156) remitting taxes on Oldroyd collection of Lincoln relics; to the Committee on the District of Columbia.

By Mr. WATSON of Pennsylvania: Joint resolution (H. J. Res. 157) authorizing the Secretary of the Treasury to pay out of any money in the Treasury a sum sufficient to cover exemption of soldiers from draft during the Civil War, to reimburse the heirs of Christopher B. Heebner; to the Committee on Military Affairs.

By Mr. CHURCH: Joint resolution (H. J. Res. 158) authorizing and directing the Secretary of the Treasury to credit the stamp account of Joseph J. Scott, as collector of internal revenue of the first collection district of California, in the sum of $300, being the representative value of certain internal-revenue special-tax stamps which were lost from the office of the said collector; to the Committee on Claims.

## PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ASHBROOK: Petition of Rev. Frank D. Jackson and 32 others, of Ashland County, Ohio, favoring national prohibition; to the Committee on the Judiciary.

By Mr. BURKE: Petition of Branch 3 Local Union, No. 89, United Brewery Workmen, of Kewaskum, Wis., against national prohibition; to the Committee on the Judiciary.

Also (by request), petition of 41 citizens of Jefferson County, Wis., favoring national prohibition; to the Committee on the Judiciary.

Also, petition of 50 citizens of Sheboygan, Wis., against prohibition in the District of Columbia; to the Committee on the District of Columbia.

By Mr. DALE of New York: Petition of M. Agnes Fields, of Norfolk, Conn., favoring woman suffrage amendment; to the Committee on the Judiciary.

Also, petition of Henry C. Maine, of Rochester, N. Y., against prohibition in the District of Columbia; to the Committee on the District of Columbia.

Also, petitions of International Brotherhood of Maintenance of Way Employees, Detroit, Mich., and Central Labor Union, of Brooklyn, N. Y., favoring Burnett immigration bill; to the Committee on Immigration and Naturalization.

Also, memorial of Boston's Fishing & Cold Storage Industry, against passage of House bill 9674, relative to transferring from one cold storage to another; to the Committee on Agriculture.

By Mr. DIXON: Petition of Spring Hill Church, of Greensbury, Ind., and 25 legal voters and citizens of Union Township, Johnson County, Ind., in favor of national prohibition; to the Committee on the Judiciary.

By Mr. DOOLITTLE: Petitions of citizens of Clements, Burlington, Wamego, Cedar Point, Elmdale, Cottonwood Falls, Le Roy, Durham, Lehigh, Olpe, Eskridge, Lamont, Emmett, Lost Springs, Wilsey, Tampa, Onaga, Hamilton, Olsburg, Lawrence, Lincolnville, Gridley, Reading, Aulne, Lebo, Hillsboro, and Waverly, all in the State of Kansas, protesting against a stamp tax on bank checks; to the Committee on Ways and Means.

Also, petition of M. E. Evans and others, citizens of Lebo, Kans., favoring national prohibition; to the Committee on the Judiciary.

By Mr. ESCH: Petition of Boston fishing and cold-storage industries, against the passage of House bill 9674, Cary bill; to the Committee on Agriculture.

Also, petitions of F. Mikolainis and 42 others, of Thorp, and Henry N. Rentz and 9 others, of Westby, Wis., against passage of House bill 6871, relative to prison-made goods; to the Committee on Labor.

By Mr. FOCHT: Evidence in support of House bill 11037, for the relief of John T. Cox; to the Committee on Invalid Pensions.

By Mr. FREEMAN: Petitions of Woman's Christian Temperance Union of New London; Rev. G. H. Lamson, of East Hampton; Josephine A. Saxton, of East Hampton; William Dickson, of East Hampton; Woman's Christian Temperance Union and 30 members, of Sprague; Woman's Christian Temperance Union of Thompson; Charles D. Arugus, of Higganum; Woman's Christian Temperance Union of Poweatuch; Woman's Christian Temperance Union of Willimantic; Christian Endeavor Society of the Congregational Church of East Hampton, all in the State of Connecticut, favoring Federal censorship of motion-picture films; to the Committee on Education.

Also, petition of Ulmer Leather Co., of Norwich, Conn., favoring House bill 702, the dyestuffs bill; to the Committee on Ways and Means.

Also, petition of Mrs. W. A. Norton and others, of Norwich, Conn., asking the right for women to vote; to the Committee on the Judiciary.

Also, petitions of 30 people of First Congregational Church of Willimantic; 100 people of Scotland; 50 people of Congregational Church of North Windham; 400 people of Willimantic; 400 people of First Baptist Church of Willimantic; the Baptist and Methodist Churches of Noank and Groton; Methodist Episcopal Church South, of Middletown, all in the State of Connecticut, favoring national prohibition constitutional amendment; to the Committee on the Judiciary.

Also, petition of the Turner & Stanton Co., of Norwich, Conn., asking for the passage of House bill 702; to the Committee on Ways and Means.

By Mr. FULLER: Petition of the mining department of the American Federation of Labor, favoring Burnett immigration bill; to the Committee on Immigration and Naturalization.

Also, petitions of retail dealers of Hinckley, Ill., and Shabbona, Ill., favoring tax on mail-order houses; to the Committee on Ways and Means.

Also, petition of the First Congregational Sunday School of Oswego, Ill., favoring District of Columbia dry bill; to the Committee on the District of Columbia.

By Mr. GALLIVAN: Memorial of Boston's fishing and cold-storage industries, against House bill 9674; to the Committee on Agriculture.

By Mr. GARNER: Memorial of Liberty Local Union, of Denton County, and Titus County Farmers' Union, Tex., relative to adoption of cotton futures act; to the Committee on Agriculture.

Also, petition of Keystone Mutual Building & Loan Association, favoring passage of House joint resolution 55, relative to building and loan associations under Federal emergency excise tax act; to the Committee on Ways and Means.

By Mr. HAMILTON of New York: Papers to accompany House bill 10526, granting a pension to Frank S. Graham; to the Committee on Pensions.

By Mr. JAMES: Petition of Guardia Cristoforo Colombo, No. 4, of Calumet, Mich., against literacy test in immigration bill; to the Committee on Immigration and Naturalization.

By Mr. KETTNER: Petition asking that Congress consider the advisability of creating a United States international law commission for the purpose of making laws in conjunction with all other nations, and for the creation of an international court composed of judges from all nations, whose duty it will be to decide international questions in accordance with the law, signed by 1,045 citizens of San Diego County, Cal.; to the Committee on Foreign Affairs.

Also, petition of citizens of San Bernardino County, Cal., submitting a proposition for pensioning Spanish-American War veterans, together with letters of Dr. T. W. Jackson and Alvah H. Mitchell; to the Committee on Pensions.

By Mr. KENNEDY of Rhode Island: Memorial of Union Grange, No. 13, of North Smithfield, R. I., protesting against the repeal of the mixed-flour law; to the Committee on Agriculture.

By Mr. KONOP: Memorial of International Brotherhood of Papermakers' local of Appleton, Wis., favoring eight-hour law on Government paper contracts; to the Committee on Printing.

By Mr. KIESS of Pennsylvania: Petition of citizens of Montgomery and Messiah Reformed Church, of Alvira, Pa., favoring national prohibition; to the Committee on the Judiciary.

By Mr. KING: Petition of Emma C. Smith, chairman legislative committee of the Galesburg Woman's Club, of Galesburg, Ill., for the club, urging an adequate national defense; also indorsing the Keating-Owen child-labor bill; to the Committee on Military Affairs.

By Mr. LAFEAN: Memorial of Boston's fishing and cold-storage industries, against House bill 9674, known as the Cary bill; to the Committee on Agriculture.

By Mr. LIEB: Petitions of James Nester Laird and 400 members of Methodist Episcopal Sunday school and congregation of Rockport, Ind.; Rev. C. F. Stroup and 70 members of Methodist Episcopal Church of Chandler, Ind.; and John C. Bingham and 89 members of Brotherhood Class of First Methodist Episcopal Church of Princeton, Ind., favoring national prohibition; to the Committee on the Judiciary.

By Mr. MATTHEWS: Petitions of Men's Bible Class of Methodist Episcopal Church of Bryan, 30 citizens of Pandora, and 53 of Sherwood, all in the State of Ohio, favoring national prohibition; to the Committee on the Judiciary.

Also, evidence in support of House bill 11678, granting a pension to Mary A. Riley; to the Committee on Invalid Pensions.

By Mr. MOON: Papers to accompany House bill 10812, for the relief of Lewis A. Reminger; to the Committee on Invalid Pensions.

By Mr. MILLER of Pennsylvania: Petitions of citizens of Clark; Woman's Christian Temperance Union of Clarksville; First Baptist Church of Ridgway; Methodist Episcopal Church of Clintonville and Followfield and vicinity; First Baptist Church of Sheakleyville and 63 citizens of Sheakleyville; First Presbyterian Church of Greenville, all in the State of Pennsylvania, favoring national prohibition; to the Committee on the Judiciary.

By Mr. MILLER of Minnesota: Petitions of congregation of First Presbyterian Church and citizens of Hibbing, Minn., favoring national prohibition; to the Committee on the Judiciary.

By Mr. MILLER of Delaware: Petitions of Methodist Episcopal Church of Harbeson; Methodist Episcopal Church of Harrington; and sundry citizens of Milton, all in the State of Delaware, favoring national prohibition; to the Committee on the Judiciary.

By Mr. MOORE of Pennsylvania: Petitions of Richmond Baptist Church, W. H. Corliss, W. G. Reynolds, and others, of Philadelphia, Pa., favoring national prohibition; to the Committee on the Judiciary.

By Mr. NEELY: Memorial of Buckhannon Woman's Christian Temperance Union, favoring bill for prohibition in the District of Columbia; to the Committee on the District of Columbia.

By Mr. NORTH: Petition of citizens of Rimersburg, Pa., favoring national prohibition; to the Committee on the Judiciary.

By Mr. OAKEY: Memorial of Pomona Grange, of Berlin, Conn., favoring rural-credits bill; to the Committee on Banking and Currency.

Also, petition of Charter Oak Council, No. 19, Knights of Columbus, Hartford, Conn., advocating the passage of House bill 4699 and Senate bill 2291, making October 12, Columbus Day, a legal holiday in the District of Columbia; to the Committee on the Library.

By Mr. PRATT: Petition from a total of 90 merchants of the villages of Canisteo, Hammondsport, Prattsburg, Addison, Painted Post, Naples, Wayland, Atlanta, Avoca, Cohocton, Horseheads, and Bath, all of the State of New York, favoring the passage of House bill 270 and House bill 712, providing for a tax upon persons, firms, or corporations doing an interstate mail-order business; to the Committee on Ways and Means.

By Mr. ROWE: Petition of Washington (D. C.) Lodge, No. 15, Benevolent and Protective Order of Elks, protesting against prohibition in the District of Columbia; to the Committee on the District of Columbia.

Also, memorial of New York State Court, Guardians of Liberty, indorsing the Burnett immigration bill; to the Committee on Immigration and Naturalization.

Also, memorial of New York Lumber Trade Association, of New York, in favor of act to exempt compulsory pilotage charges on barges while in tow of steam vessels navigated by Government pilots; to the Committee on Interstate and Foreign Commerce.

Also, petition of Jacob Lipman, of New York, protesting against any reduction in mail service in New York City; to the Committee on the Post Office and Post Roads.

Also, memorial of Chamber of Commerce of the State of New York, favoring appropriations for training ship *Newport;* to the Committee on Naval Affairs.

Also, petition of sundry citizens of New York, favoring House bill 702, the dyestuffs bill; to the Committee on Ways and Means.

Also, memorial of National Association of Drug Clerks, favoring the so-called Stevens standard-price bill; to the Committee on Interstate and Foreign Commerce.

Also, memorial of Russell Tracy Walker, architect, of New York, in re proposed power plant to be erected at Washington, D. C.; to the Committee on the District of Columbia.

By Mr. STEENERSON: Petition of employees of Bureau of Animal Industry, Austin, Minn., favoring House bill 5792; to the Committee on Agriculture.

Also, petition of citizens of Dilworth, Minn., favoring national prohibition; to the Committee on the Judiciary.

By Mr. STINESS: Petition of Council No. 14, of Pawtucket, R. I., Knights of Columbus, favoring bill to make Columbus Day a legal holiday in the District of Columbia; to the Committee on the District of Columbia.

Also, petition of New England Manufacturing Jewelers and Silversmiths Association, favoring Senate bill 538, restoring the right of salesmen to ship their sample trunks without declaring the actual value of their contents; to the Committee on Interstate and Foreign Commerce.

Also, petition of Rockville S. D. B. Church, of Rockville, R. I., favoring national prohibition constitutional amendment; to the Committee on the Judiciary.

By Mr. TAYLOR of Arkansas: Petition of W. B. Tull and 26 others, of Drew County, Ark., favoring passage of House bill 478, relating to cotton tax; to the Committee on Pensions.

By Mr. TEMPLE: Petitions of citizens of California, Canonsburg, Claysville, West Alexander, McDonald, Aliquippa, Finleyville, Stockdale, Bentleyville, Monongahela, Washington, Burgettstown, Woodlawn, Freedom, Beaver, New Brighton, Beaver Falls, Donora, Charleroi, Roscoe, and West Brownsville, all in the State of Pennsylvania, favoring a tax upon persons, firms, or corporations doing an interstate mail-order busineess; to the Committee on Ways and Means.

Also, petition of rural carriers of Lawrence County, Pa., relative to fixing the length of rural routes; to the Committee on the Post Office and Post Roads.

By Mr. TILSON: Petition of Methodist Episcopal Sunday School and Woman's Christian Temperance Union of Bethany, Conn., favoring censorship of motion pictures; to the Committee on Education.

Also, petition of Capt. William E. Besse, relative to federalization of the National Guard; to the Committee on Military Affairs.

By Mr. TIMBERLAKE: Memorial of Woman's Christian Temperance Union, La Salle, Colo., favoring the passage of legislation prohibiting the manufacture and sale of intoxicating liquors; to the Committee on the Judiciary.

By Mr. WALSH: Petition of the New Bedford (Mass.) Board of Trade, by Jacques Schuler, its secretary, indorsing the recommendation of the Boston (Mass.) Chamber of Commerce and of the National Foreign Trade Council toward the building up and maintenance of the over-sea department of our merchant marine; to the Committee on the Merchant Marine and Fisheries.

## SENATE.

SATURDAY, *February 19, 1916.*

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

We come before Thee, Almighty God, lifting up our hearts in supplication and prayer, seeking the influence of Thy spirit upon us that we may discharge the duties of this day. Thou hast given to these Thy servants the important task of interpreting Thy will and translating it into the forms of human law. Thy will controls and governs the universe. We pray that they may be enabled so to interpret Thy will in the terms of human law that they may achieve the prosperity of the people and insure the permanency of our institutions. Give to us Thy blessing and Thy guidance. Hear us in this our morning prayer. Forgive our sins. For Christ's sake. Amen.

The Journal of yesterday's proceedings was read and approved.

### FINDINGS OF THE COURT OF CLAIMS.

The VICE PRESIDENT laid before the Senate communications from the chief clerk of the Court of Claims, transmitting certified copies of the findings of fact and conclusion filed by the court in the following causes:

John R. McGinness *v.* The United States (S. Doc. No. 337); and

Robert C. Lusk, Edna L. Cooper, and Nannie L. Pritchard, children and sole heirs of Landon H. P. Lusk, *v.* The United States (S. Doc. No. 336).

The foregoing findings were referred to the Committee on Claims and ordered to be printed.

HEIRS OF LEANDER BURNAN (S. DOC. NO. 335).

The VICE PRESIDENT laid before the Senate a communication from the chief clerk of the Court of Claims, transmitting a certified copy of the order of the court dismissing the case of the heirs of Leander Burnan, deceased, *v.* The United States, which was referred to the Committee on Claims and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed the following bills and joint resolution, in which it requested the concurrence of the Senate:

H. R. 54. An act to pension widows and minor children of officers and enlisted men who served in the War with Spain, Philippine insurrection, or in China;

H. R. 655. An act to pension the survivors of certain Indian wars from January 1, 1859, to January, 1891, inclusive, and for other purposes;

H. R. 1584. An act to carry out the findings of the Court of Claims in the case of Louis Landram, administrator of William J. Landram, deceased;

H. R. 2209. An act for the relief of W. W. Blood;

H. R. 3853. An act for the relief of John H. Janssen;

H. R. 4881. An act to reimburse the postmaster at Kegg, Pa., for money and stamps taken by burglars;

H. R. 6180. An act for the relief of Lillie B. Randell; and

H. R. 7502. An act for the relief of Ellis P. Garton, administrator of the estate of H. B. Garton, deceased.

The message also announced that the Speaker of the House had signed the following enrolled bills and joint resolution, and they were thereupon signed by the Vice President:

H. R. 2. An act for the coinage of a McKinley souvenir gold dollar in commemoration of the erection of a memorial to William McKinley, late President of the United States;

H. R. 73. An act to amend chapter 231, known as the Judicial Code, act of March 3, 1911, volume 36, United States Statutes at Large, section 81, page 1111;

H. R. 322. An act to authorize the Secretary of the Treasury of the United States to sell the old post office and site thereof in the city of Dayton, Ohio;

H. R. 8810. An act to amend an act relating to the Public Utilities Commission of the District of Columbia, approved March 4, 1913; and

S. J. Res. 97. Joint resolution to appoint Alexander Graham Bell a member of the Board of Regents of the Smithsonian Institution.

PETITIONS AND MEMORIALS.

Mr. GALLINGER presented the petition of Mrs. Maynard A. Cheney and sundry other citizens, of Dover, N. H., praying for the enactment of legislation to prohibit interstate commerce in the products of child labor, which was referred to the Committee on Interstate Commerce.

Mr. WADSWORTH. In the form of a memorial I present a resolution adopted by the Legislature of the State of New York. I request that it be read and appropriately referred.

The resolution was read and referred to the Committee on Finance, as follows:

STATE OF NEW YORK, IN SENATE,
*Albany, February 3, 1916.*

Mr. Brown offered for the consideration of the senate a resolution in the words following:

"Whereas the tax upon inheritance has been regarded as strictly and naturally a source of State revenue; and

"Whereas the needs of the State of New York are so many that it can not sacrifice or surrender a source of revenue which has yielded an average of nearly $11,000,000 during the last three fiscal years; and

"Whereas the imposition of a Federal inheritance tax in addition to the State inheritance taxes would be double taxation and most unjust. Therefore

"*Resolved (if the assembly concur)*, That we respectfully request the Senate and Representatives in Congress to vote against the proposed Federal inheritance tax and to devise some other suitable means for the needs of the National Treasury."

By order of the senate.

ERNEST A. FAY, *Clerk.*

IN ASSEMBLY,
*February 10, 1916.*

Concurred in without amendment.
By order of the assembly.

FRED W. HAMMOND, *Clerk.*

Mr. LODGE. I present a resolution adopted by the Legislature of the Commonwealth of Massachusetts in favor of a change in the regulations of the National Government in respect to the shooting of migratory birds. I ask that it be printed in the RECORD and referred to the appropriate committee.

There being no objection, the resolution was referred to the Committee on Forest Reservations and the Protection of Game and ordered to be printed in the RECORD, as follows:

THE COMMONWEALTH OF MASSACHUSETTS, 1916.

Resolution relative to the regulations of the National Government in respect to the shooting of migratory birds.

Whereas under the present rules and regulations of the United States Department of Agriculture in respect to the shooting of migratory birds it is illegal to hunt before sunrise or after sunset; and

Whereas such rules and regulations are unjust to the inhabitants of the Commonwealth of Massachusetts in that they do not permit the shooting of birds between the hours of one hour before sunrise and one hour after sunset: Therefore be it

*Resolved*, That the Senators and Representatives in Congress from Massachusetts are hereby requested to take early and concerted action to bring before the United States Department of Agriculture the present injustice of the rules and regulations of that department as above specified; and

*Resolved*, That copies of these resolutions, attested by the secretary of the Commonwealth, be sent to each of the Senators and Representatives in Congress from Massachusetts.

In house of representatives, adopted February 3, 1916.
In senate, adopted in concurrence February 9, 1916.
A true copy.
Attest:

ALBERT P. LANGTRY,
*Secretary of the Commonwealth.*

Mr. LODGE presented petitions from the Central Labor Unions of Lynn, Salem, Gardner, and Milford, all in the State of Massachusetts, praying for the enactment of legislation to further restrict immigration, which were referred to the Committee on Immigration.

He also presented a petition of the Board of Trade of New Bedford, Mass., praying for the enactment of legislation to upbuild a merchant marine by subsidies, which was referred to the Committee on Commerce.

He also presented a memorial of the Anti-Suffrage Association of Cambridge, Mass., remonstrating against the adoption of an amendment to the Constitution granting the right of suffrage to women, which was ordered to lie on the table.

He also presented a petition of the Board of Trade of Southbridge, Mass., praying for the enactment of legislation to grant pensions to widows and orphans of veterans of the Spanish-American War, which was referred to the Committee on Pensions.

He also presented a petition of the Paving Cutters' Union of Rockport, Mass., praying for the imposition of a duty on granite, which was referred to the Committee on Finance.

He also presented a petition of the Musicians Mutual Association of Fitchburg, Mass., and a petition of the Musicians Protective Union of Haverhill, Mass., praying for the enactment of legislation to exempt admissions to theaters from taxation, which were referred to the Committee on Finance.

Mr. LEE of Maryland presented petitions of sundry citizens of Maryland, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. JAMES. I ask to have printed in the RECORD resolutions adopted by the Legislature of Kentucky on the purchase of what is known as the "Mammoth Cave" estate and converting it into a national park.

The resolutions were referred to the Committee on Public Lands and ordered to be printed in the RECORD, as follows:

COMMONWEALTH OF KENTUCKY,
IN THE HOUSE OF REPRESENTATIVES,
*February 15, 1916.*

Whereas at the 1912 session of the general assembly an act was passed ceding jurisdiction of Kentucky to the United States over so much land in Edmonson County as might be necessary for the purpose of establishing and maintaining a national park; and

Whereas the purpose of said act was to aid in converting what is known as the "Mammoth Cave" estate into a national park; and

Whereas it is the sense of the House of Representatives of the General Assembly of Kentucky that such national park ought to be established, and that it is the desire of the people of this State that it should be established: Therefore be it

*Resolved by the House of Representatives of the General Assembly of Kentucky*, That the Members from Kentucky in the National Congress are requested to urge with diligence the establishment of such national park; but

Whereas there are other caves of great beauty and wonderful formation, in the same vicinity of Kentucky as Mammoth Cave; and

Whereas no survey has ever been made showing the exact location of such caves and their relationship to Mammoth Cave: Therefore be it further

*Resolved*, That the Members from Kentucky in the National Congress be urged to have a survey made by the United States Government so as all the caves in the immediate vicinity of Mammoth Cave may be included in such national park when established: And be it further

*Resolved*, That a copy of these resolutions be forwarded to each Member from Kentucky in the National Congress.

Attest:

ELI BERRY,
*Chief Clerk of House of Representatives.*

Mr. JAMES. I present also a letter from the Business Men's Club, of La Grange, Ky., transmitting a copy of a resolution

adopted by that club in favor of adequate preparedness. I ask that it be printed in the RECORD.

The resolution was referred to the Committee on Military Affairs and ordered to be printed in the RECORD, as follows:

BUSINESS MEN'S CLUB,
*La Grange, Ky., February 8, 1916.*

Hon. OLLIE JAMES and Hon. J. C. W. BECKHAM,
*Senators from Kentucky, Washington, D. C.*

GENTLEMEN: I have the honor to transmit herewith a copy of a resolution adopted by the Business Men's Club at a regular meeting held Monday the 7th instant.

Yours, truly, BEN F. MORRIS, *Secretary.*

Whereas the President of our country has, after due investigation, submitted to the Members of Congress a plan for the adequate defense of the Nation; and

Whereas the members of this organization are convinced that preparedness is necessary to maintain peace and the dignity of our Nation: Be it therefore

*Resolved*, That this organization heartily approves the plans announced by the President, and that a copy of this resolution be forthwith transmitted to the Representatives of this district in Congress, with the earnest request that they lend their support to the enactment of legislation to fulfill the President's announced policy.

BEN F. MORRIS, *Secretary.*

Mr. SHEPPARD presented petitions of sundry citizens of Texas, praying for an increase in armaments, which were referred to the Committee on Military Affairs.

He also presented petitions of sundry citizens of Texas, praying for the enactment of legislation to regulate dealing in cotton futures, which were referred to the Committee on Agriculture and Forestry.

Mr. KENYON presented a petition of the German-American Alliance, of Davenport, Iowa, praying for the enactment of legislation to amend the naturalization laws, which was referred to the Committee on the Judiciary.

He also presented a memorial of the German-American Alliance, of Davenport, Iowa, remonstrating against national prohibition, which was referred to the Committee on the District of Columbia.

He also presented a petition of the German-American Alliance, of Davenport, Iowa, praying for the placing of an embargo on munitions of war, which was referred to the Committee on Foreign Relations.

He also presented a memorial of the German-American Alliance, of Davenport, Iowa, remonstrating against prohibition in the District of Columbia, which was ordered to lie on the table.

Mr. WARREN presented a petition of Town Council of Casper, Wyo., praying for the enactment of legislation to provide for the survey and location of a military and post road from St. Louis, Mo., to Olympia, Wash., which was referred to the Committee on Military Affairs.

Mr. LIPPITT presented petitions of sundry citizens of Rhode Island, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. CHAMBERLAIN presented petitions of sundry citizens of Ontario and Echo, in the State of Oregon, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. McCUMBER presented memorials of sundry citizens of North Dakota, remonstrating against a tax on petroleum, which were referred to the Committee on Finance.

He also presented memorials of sundry citizens of Lakota, N. Dak., remonstrating against an increase in armaments, which were referred to the Committee on Military Affairs.

He also presented memorials of sundry citizens of North Dakota, remonstrating against a tax on gasoline, which were referred to the Committee on Finance.

Mr. KERN presented petitions of sundry citizens of Hammond, Ind., praying for the enactment of legislation to prohibit the issuance of passports to American citizens traveling on vessels of belligerent nations, which were referred to the Committee on Foreign Relations.

Mr. SHIELDS presented petitions of sundry citizens of Paris, Watertown, and the petition of C. C. Davis and sundry other citizens of Henderson County, all in the State of Tennessee, praying for prohibition in the District of Columbia, which were ordered to lie on the table.

He also presented a petition of the A. J. Harris Chapter, Daughters of the Confederacy, of Belmont Heights, Tenn., praying for the enactment of legislation to grant pensions to the surviving soldiers of the Confederate Army, which was referred to the Committee on Pensions.

He also presented a petition of the Lumbermen's Club of Memphis, Tenn., praying for the enactment of legislation looking to the building up of the merchant marine, which was referred to the Committee on Commerce.

Mr. McLEAN presented a petition of the Equal Franchise League of Norfolk, Conn., and a petition of the Equal Franchise League of New Milford, Conn., praying for the adoption of an amendment to the Constitution granting the right of suffrage to women, which were ordered to lie on the table.

He also presented a petition of the German-American Alliance of Meriden, Conn., praying for the enactment of legislation to amend the naturalization laws, which was referred to the Committee on the Judiciary.

He also presented a memorial of sundry citizens of Greenwich, Conn., remonstrating against the erection of the proposed power plant near Potomac Park, in the District of Columbia, which was referred to the Committee on the District of Columbia.

He also presented a petition of the Woman's Christian Temperance Union of Danbury, Conn., praying for national prohibition, which was referred to the Committee on the Judiciary.

He also presented a memorial of the German-American Alliance of Meriden, Conn., remonstrating against national prohibition, which was referred to the Committee on the Judiciary.

He also presented a petition of the German-American Alliance of Danbury, Conn., and a petition of the German-American Alliance of Meriden, Conn., praying for the placing of an embargo on munitions of war, which were referred to the Committee on Foreign Relations.

He also presented a petition of the Social Service Commission of New Haven, Conn., and a petition of the Connecticut Federation of Women's Clubs, praying for the enactment of legislation to prohibit interstate commerce in the products of child labor, which were referred to the Committee on Interstate Commerce.

He also presented petitions of the congregations of the Methodist Episcopal Church of Bethany, of the Baptist Church of Plainville, and of the Woman's Christian Temperance Unions of Bethany and East Danbury, all in the State of Connecticut, praying for Federal censorship of motion pictures, which were referred to the Committee on Education and Labor.

Mr. PHELAN presented a memorial of the Merchants, Manufacturers, and Employers' Association of Stockton, Cal., remonstrating against national prohibition, which was referred to the Committee on the Judiciary.

He also presented a petition of the National Federation of Post Office Clerks, praying for the enactment of legislation to further restrict immigration, which was referred to the Committee on Immigration.

Mr. OLIVER presented petitions of sundry citizens of Pennsylvania, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented petitions of sundry labor organizations of Pennsylvania, praying for the enactment of legislation to further restrict immigration, which were referred to the Committee on Immigration.

He also presented a memorial of Local Union No. 309, International Union of the United Brewery Workmen, of Connellsville, Pa., and a memorial of Local Union No. 1, International Union of the United Brewery Workmen, of Philipsburg, Pa., remonstrating against national prohibition, which were referred to the Committee on the Judiciary.

He also presented a memorial of the Lancaster County Liquor Dealers' Association, of Pennsylvania, remonstrating against prohibition in the District of Columbia, which was ordered to lie on the table.

He also presented a petition of sundry citizens of Lancaster, Pa., praying for the placing of an embargo on munitions of war, which was referred to the Committee on Foreign Relations.

He also presented a petition of Bradford Camp, No. 54, United Spanish War Veterans, of Bradford, Pa., praying for the enactment of legislation to grant pensions to widows and orphans of veterans of the Spanish-American War, which was referred to the Committee on Pensions.

He also presented a memorial of sundry citizens of McKeesport, Pa., remonstrating against an increase in armaments, which was referred to the Committee on Military Affairs.

He also presented a petition of Captain Alfred E. Hunt Camp, No. 1, United Spanish War Veterans, of Pittsburgh, Pa., praying for an increase in armaments, which was referred to the Committee on Military Affairs.

Mr. SHAFROTH presented petitions of sundry citizens of Colorado, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. WEEKS presented a petition of the Board of Trade of New Bedford, Mass., praying for the enactment of legislation to grant subsidies to American ships in foreign trade, which was referred to the Committee on Commerce.

He also presented a memorial of Local Union No. 190, United Brewery Workmen, of Lowell, Mass., remonstrating against

national prohibition, which was referred to the Committee on the Judiciary.

He also presented a petition of the Sons of the Revolution, of Boston, Mass., praying for an increase in armaments, which was referred to the Committee on Military Affairs.

DENATURED ALCOHOL.

Mr. LODGE, from the Committee on Finance, to which was referred the bill (S. 3861) to amend an act entitled "An act to amend an act entitled 'An act for the withdrawal from bond tax free of domestic alcohol when rendered unfit for beverage or liquid medicinal uses when mixed with suitable denaturing materials,'" approved March 2, 1907, reported it with an amendment.

BILLS AND JOINT RESOLUTION INTRODUCED.

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. FLETCHER:

A bill (S. 4552) to provide for the protection and preservation of the United States Bird Preservation on Passage Key, at the entrance of Tampa Bay, Fla.; to the Committee on Forest Reservations and the Protection of Game.

By Mr. SHEPPARD:

A bill (S. 4553) for the reduction of the rate of postage chargeable on first-class mail matter for local delivery; to the Committee on Post Offices and Post Roads.

A bill (S. 4554) for a storehouse and improvements at the arsenal at San Antonio, Tex.; to the Committee on Military Affairs.

A bill (S. 4555) for special repairs to the post office and courthouse building at San Antonio, Tex.; to the Committee on Public Buildings and Grounds.

A bill (S. 4556) to enable the Secretary of Agriculture to continue the work of investigating, treating, and eradicating hog cholera and dourine; and

A bill (S. 4557) for investigation of the various kinds of farm machinery; to the Committee on Agriculture and Forestry.

A bill (S. 4558) for the relief of Wynona Ambrose Dixon;

A bill (S. 4559) for the relief of Mary E. Ayres;

A bill (S. 4560) for the relief of the estate of Lemuel Thomas, deceased; and

A bill (S. 4561) for the relief of the heirs of Thomas J. Powell, deceased; to the Committee on Claims.

By Mr. McCUMBER:

A bill (S. 4562) granting an increase of pension to Irwin M. Hill (with accompanying papers); and

A bill (S. 4563) granting an increase of pension to Arcelia Trowbridge (with accompanying papers); to the Committee on Pensions.

By Mr. KERN:

A bill (S. 4564) for the relief of Myron H. McMullen; to the Committee on Military Affairs.

A bill (S. 4565) granting a pension to Ralph A. Meyer;

A bill (S. 4566) granting an increase of pension to Lemuel Stokes (with accompanying papers);

A bill (S. 4567) granting an increase of pension to Charles T. P. Bass (with accompanying papers);

A bill (S. 4568) granting a pension to Mary Merrill (with accompanying papers); and

A bill (S. 4569) granting an increase of pension to Mary A. Welker (with accompanying papers); to the Committee on Pensions.

By Mr. JAMES:

A bill (S. 4570) to authorize the President to appoint Col. L. Mervin Maus to the grade of brigadier general in the United States Army and place him on the retired list; to the Committee on Military Affairs.

By Mr. MARTIN of Virginia:

A bill (S. 4571) for the relief of J. W. Anderson; to the Committee on the District of Columbia.

By Mr. SHERMAN:

A bill (S. 4572) granting a pension to Fred Muff;

A bill (S. 4573) granting a pension to Thomas S. Gher; and

A bill (S. 4574) granting a pension to Mary W. James; to the Committee on Pensions.

By Mr. OWEN:

A bill (S. 4575) to adjust and settle the claims of the loyal Shawnee and loyal Absentee Shawnee Tribe of Indians; to the Committee on Indian Affairs.

A bill (S. 4576) granting an increase of pension to Ruth J. McCann; to the Committee on Pensions.

By Mr. SWANSON:

A bill (S. 4577), granting a pension to Mrs. Arthur M. Whitton; to the Committee on Pensions.

By Mr. JOHNSON of South Dakota:

A bill (S. 4578) granting an increase of pension to Norris P. Gossard (with accompanying papers);

A bill (S. 4579) granting an increase of pension to James H. Isbell (with accompanying papers); and

A bill (S. 4580) granting an increase of pension to Henry D. Lockwood (with accompanying papers); to the Committee on Pensions.

By Mr. PHELAN:

A bill (S. 4581) for the relief of Victor A. Ermerins; and

A bill (S. 4582) for the relief of the Gilroy Winery & Distillery Co., Gilroy, Cal.; to the Committee on Claims.

By Mr. LIPPITT:

A bill (S. 4583) granting an increase of pension to Gustavus B. Burlingame; to the Committee on Pensions.

By Mr. JONES:

A joint resolution (S. J. Res. 102) relating to assistance for Senators and Senate committees and their compensation; to the Committee on Appropriations.

RELIEF OF FLOOD SUFFERERS.

Mr. BROUSSARD. I introduce a joint resolution, and ask unanimous consent for its immediate consideration.

The VICE PRESIDENT. The Senator says it is a joint resolution?

Mr. BROUSSARD. Yes.

The VICE PRESIDENT. The joint resolution will have to go to a committee.

Mr. BROUSSARD. If unanimous consent is granted for its consideration, I presume it will not have to go to a committee; and I believe unanimous consent will be granted after the joint resolution has been read.

The VICE PRESIDENT. The Secretary will read the joint resolution.

The SECRETARY. Joint resolution (S. J. Res. 101) authorizing the Secretary of War to loan, issue, or use quartermaster's and medical supplies for the relief of destitute persons in the district overflowed by the Mississippi River and its tributaries, and making an appropriation therefor.

Mr. SMOOT. That joint resolution should go to the committee.

Mr. BROUSSARD. I beg that the Senator will permit me to read a telegram and to make a statement with regard to the conditions in Louisiana at this time.

Mr. SMOOT. I will say to the Senator that I am fully aware of the conditions. I will also say that if there is urgency in the matter the joint resolution can be referred to the committee, and he no doubt can have the committee act upon it to-day; but this joint resolution, like all other joint resolutions, ought to go to a committee.

Mr. BROUSSARD. I will state to the Senator that the joint resolution which was adopted by the Senate the other day does not provide any appropriation, and the Acting Secretary of War tells me this morning that the department can not comply with it.

Mr. SMOOT. I suggest to the Senator that he ask to have the resolution referred to the committe, and I have no doubt the committee will report it back in half an hour or so if it is an urgency matter.

Mr. BROUSSARD. Does the Senator mean that it will be reported to-day?

Mr. SMOOT. Has the joint resolution been reported from a committee?

Mr. BROUSSARD. No; it has not.

Mr. SMOOT. Has it ever been referred to a committee?

Mr. BROUSSARD. It has never been referred to a committee.

Mr. SMOOT. Then I object, Mr. President. It ought to go to the committee.

The VICE PRESIDENT. Objection being made, the joint resolution will be referred to the Committee on Military Affairs.

DEVELOPMENT OF WATER POWER.

Mr. NEWLANDS. I submit an amendment intended to be proposed by me to the bill (S. 3331) to amend an act entitled "An act to regulate the construction of dams across navigable waters," approved June 21, 1906, as amended by the act approved June 23, 1910, and to provide for the improvement and development of waterways for the uses of interstate and foreign commerce. I ask that it be inserted in the RECORD.

The amendment was ordered to lie on the table and to be printed in the RECORD, as follows:

Amendment intended to be proposed by Mr. NEWLANDS to the bill (S. 3331) to amend an act entitled "An act to regulate the construction of dams across navigable waters," approved June 21, 1906, as amended by the act approved June 23, 1910, and to provide for the improvement and development of waterways for the uses of interstate and foreign commerce, viz: Insert at the end of the bill the following:

"SEC. 16. That the sum of $60,000,000 annually for each of the 10 years following the 1st day of July, 1917, is hereby reserved, set aside, and appropriated, and made available until expended, out of any moneys not otherwise appropriated, as a special fund in the Treasury, to be known as the "River Regulation Fund," to be used to promote interstate commerce by the development and improvement of the rivers and waterways of the United States and their connections with the Great Lakes and with each other, and by the coordination of and cooperation between rail and water routes and transportation, and the establishment and maintenance of adequate terminal and transfer facilities and systems and their maintenance, improvement, and protection, and by the making of examinations and surveys and by the construction of engineering and other works and projects for the regulation and control of the flow of rivers and their tributaries and source streams, and the standardization of such flow, and by the maintenance of navigable stages of water at all seasons of the year in the waterways of the United States, and by preventing silt and sedimentary material from being carried into, and deposited in, waterways, channels, and harbors, and by the conservation, development, and utilization of the water resources of the United States, and by flood prevention and protection, through the establishment, construction, and maintenance of natural and artificial reservoirs for water storage and control, and the protection of watersheds from denudation, erosion, and surface wash and from forest fires, and the maintenance and extension of woodland and other protective cover thereon, and the reclamation of swamp and overflow lands and arid lands and the building of drainage and irrigation works in order that the flow of rivers shall be regulated and controlled not only through the use of flood waters for irrigation on the upper tributaries, but also through controlling them in fixed and established channels, in the lower valleys and plains, and by doing all things necessary to provide for any and all beneficial uses of water that will contribute to its conservation or storage in the ground or in surface reservoirs as an aid to the regulation or control of the flow of rivers, and by acquiring, holding, using, and transferring lands and any other property that may be needed for the aforesaid purposes, and by doing such other things as may be specified in this act or necessary to the accomplishment of the purposes thereof, and by securing the cooperation therein of States, municipalities, and other local agencies, as hereinafter set forth, and for the payment of all expenditures provided for in this act; the ultimate purpose of this act being the maintenance at all times of a navigable stage of water in all inland waterways, and flood prevention and protection, and river regulation and the control of the volume of water forming the stage of the river from its sources, so as to standardize the river flow, as contradistinguished from and supplemental to channel improvement as heretofore undertaken and provided for under the various acts commonly known as river and harbor acts.

"CREATION OF THE WATERWAYS COMMISSION AND THE BOARD OF RIVER REGULATION.

"SEC. 17. That a commission is hereby created, to be known as the waterways commission, consisting of the President of the United States, who shall be the chairman of said commission, with the power of veto, the Secretary of War, the Secretary of the Interior, the Secretary of Agriculture, the Secretary of Commerce, and the chairman of the board of river regulation, to be appointed as hereinafter provided. The chairman of the Interstate Commerce Commission and the chairman of the Isthmian Canal Commission shall be ex officio advisory members of said waterways commission.

"The waterways commission shall have authority to direct and control all proceedings and operations and all things done or to be done under this act, and to establish all rules and regulations which may in their judgment be necessary to carry into effect such direction and control consistent with the provisions of this act and with existing law and with any provisions which Congress may from time to time enact.

"All plans and estimates prepared by the board of river regulation, as hereinafter provided, which contemplate or provide for expenditures from the river regulation fund, shall be submitted to the waterways commission for final approval before any of the expenditures therein provided for or contemplated are authorized or made, or any construction work undertaken or contracts let under or in pursuance of such plans: *Provided*, That in case of an emergency the chairman of the board of river regulation shall have full power to act and shall report in detail his action in every case to the waterways commission at its next meeting after his action.

"The members of said commission shall serve as such only during their incumbency in their respective official positions, and any vacancy on the commission shall be filled in the same manner as the original appointment.

"A board is hereby created, to be known as the board of river regulation, consisting of the Chief of Engineers of the United States Army, the chairman of the Mississippi River Commission, the Director of the United States Geological Survey, the Director of the Reclamation Service, the Assistant Secretary of Agriculture, the Forester of the Department of Agriculture, the Superintendent of the Coast and Geodetic Survey, the Commissioner of the Bureau of Fisheries, the Secretary of the Smithsonian Institution, one civil engineer, one sanitary engineer, one hydroelectric engineer, one expert in transportation, and a chairman of the board. The last seven shall be appointed by the President and hold office at his pleasure, and they shall each receive an annual compensation of $10,000, except the chairman, who shall receive $12,000, and they shall receive a per diem in lieu of actual expenses when absent from headquarters on official business, to be determined by the waterways commission. Such compensation and per diem, together with all the general expenses of the board, shall be payable out of the appropriation hereinafter apportioned to the Smithsonian Institution. The members of said board, with the exception of the seven members appointed by the President, shall serve as such only during their incumbency in their respective official positions, and any vacancy on the board shall be filled in the same manner as the original appointment.

"The seven members of the board appointed by the President shall constitute an executive committee, of which the chairman of the board shall be chairman, and said executive committee shall have the general executive direction and supervision of the operations of said board of river regulation under rules and regulations to be established by the waterways commission.

"A secretary of the board shall be appointed by the executive committee, and shall hold office at their pleasure, and he shall receive an annual compensation of $5,000 and a per diem when absent from headquarters on official business to be determined by the waterways commission, payable out of the appropriation hereinafter apportioned for the Smithsonian Institution.

"All formal action taken and all expenditures made or authorized by the board of river regulation shall be reported to the waterways commission and shall be by the commission transmitted to Congress annually, or at such more frequent times as may appear to the commission desirable, or at such times as Congress may require.

"Whenever, in their judgment, it may be advisable, in order to expedite construction, the waterways commission may order such construction work as they may determine to be done under the immediate direction, by contract or otherwise, of the executive committee, in which case such work shall be paid for from the apportionment of the service or bureau or organization under which it would otherwise have been done, such transfer and application of any apportionment made by this act being hereby authorized.

"The waterways commission may, if at any time it shall be in their judgment advisable, appoint from the public service additional members of the board of river regulation; and they may also create and appoint from the public service the members of subordinate boards or commissions to promote the purposes of this act and expedite and facilitate the administration thereof and operations and construction thereunder.

"COOPERATION WITH STATES, MUNICIPALITIES, AND OTHER AGENCIES.

"SEC. 18. That the board of river regulation shall, in all cases where possible and practicable, encourage, promote, and endeavor to secure the cooperation of States, municipalities, public and quasi-public corporations, towns, counties, districts, communities, persons, and associations in the carrying out of the purposes and objects of this act, and in making the investigations and doing all coordinative and constructive work provided for herein; and it shall in each case endeavor to secure the financial cooperation of States and of such local authorities, agencies, and organizations to such extent and in such amounts as the waterways commission shall determine to be a just and equitable apportionment of work, costs, and benefits, under all the circumstances, in each case; and it shall negotiate and perfect arrangements and plans for the apportionment of work, cost, and benefits, according to the jurisdiction, powers, rights, and benefits of each, respectively, and with a view to assigning to the United States such portion of such development, promotion, regulation, and control as can be properly undertaken by the United States by virtue of its power to regulate interstate and foreign commerce and promote the general welfare, and by reason of its proprietary interest in the public domain, and to the States, municipalities, communities, corporations, and individuals such portion as properly belongs to their jurisdiction, rights, and interests, and with a view to properly apportioning costs and benefits, and with a view to so uniting the plans and works of the United States within its jurisdiction, and of the States and municipalities, respectively, within their jurisdictions, and of corporations, communities, and individuals within their respective powers and rights, as to secure the highest development and utilization of the waterways and water resources of the United States: *Provided, however*, That the control of the Mississippi River shall be regarded as a national problem, imposing an obligation which alone can be discharged by the General Government for the preservation of the depth of its water for the purpose of navigation, the building of levees to maintain the integrity of its channel, and the prevention of the overflow of the land and its consequent devastation, resulting in the interruption of interstate commerce, the disorganization of the mail service, and the enormous loss of life and property which has resulted therefrom, and that the Mississippi River shall be improved and developed as a national waterway, exclusively under the control of the Federal Government, and all work connected with the creation and maintenance of such a national waterway, including levees, revetments, bank-protective work, flood-water channels, outlets, spillways, and all work thereon herein contemplated or provided for, shall be done exclusively by and at the cost of the National Government.

"The board may receive and use any funds or property donated or subscribed to it or in any way provided for cooperative work, but no moneys shall be expended under any arrangement for cooperation until the funds to be provided by all parties to such arrangement shall have been made available for disbursement.

"ENCOURAGEMENT OF INDEPENDENT INITIATIVE AND CONSTRUCTION.

"SEC. 19. That all things done under this act shall be done with a view not only to constructive cooperation, as herein provided, but also with the definite and specific object of enlarging the field of accomplishment contemplated by the act through promoting and encouraging independent initiative and construction by States, municipalities, districts, and other local agencies and organizations, and creating object lessons and building models and making demonstrations that will have that effect and influence, and induce such supplemental and independent action and construction.

"CONFERENCE AND COOPERATION OF BUREAUS AND STATES.

"SEC. 20. That it shall be the duty of said board to coordinate and bring into conference and cooperation the various scientific and constructive bureaus of the United States with each other and with the representatives of States, municipalities, public and quasi-public corporations, towns, counties, districts, communities, and associations, and of foreign nations on international streams, in the carrying out and accomplishment of all the provisions, purposes, and objects of this act.

"The board shall have authority to call upon and to bring into cooperation any other Federal department or bureau whose investigations or assistance may be found necessary to the carrying out of the provisions of this act; and the board is hereby authorized to defray the expenses of such investigations or assistance through a transfer of so much of its appropriation as may be necessary to the Federal department or bureau thus brought into cooperation.

"CORRELATION, COMBINATION, AND ADMINISTRATIVE ECONOMY.

"SEC. 21. That the board shall harmonize and unify and bring into correlation and coordination the investigations made and information, data, and facts collected and obtained by the various bureaus or offices of the Government relating to or connected with the matters and subjects referred to and the questions involved in this act, and to print, publish, and disseminate the same, and it shall exercise such general

supervision as may be necessary to provide against duplication or unnecessary, inadequate, unrelated, or incomplete work in connection therewith, and shall make such recommendations to the Waterways Commission as it may deem advisable at any time for the accomplishment of that end or in the interest of harmonious cooperation, efficiency, and economy in carrying out the purposes of this act. The special function of the board at all times shall be to promote the adoption of the best and most approved methods and systems of investigation, administration, construction, and operation in carrying out such specific improvements, works, and projects as are authorized by this act or which may be from time to time authorized by Congress, if within the scope of the work of the said board as herein set forth; and it shall further be the special function of the board to effect the largest possible saving as the result of the unification, correlation, and coordination of the work of the various bureaus in the investigations and administrative and constructive work provided for in this act in accordance with existing law or with such provisions as Congress shall from time to time impose.

"REPORTS, PLANS, AND ESTIMATES BY THE BOARD.

"SEC. 22. That the functions of the board shall be to obtain full information through its members concerning all proposed expenditures provided for within the scope of this act. Each bureau or service chief member shall report to the board the work proposed by the bureau or organization which he represents and shall present full plans and estimates covering such proposed construction or action. The findings and conclusions of the board and plans adopted by it for construction and action shall be binding upon the members thereof in so far as may be consistent with existing laws.

"REFERENCES TO AND INSTRUCTIONS FROM THE PRESIDENT.

"SEC. 23. That all matters involving apparent conflict with departmental authority, jurisdiction, or procedure, or as to which the board may desire suggestions or advice, shall be laid before the President, who may thereupon call into conference the Waterways Commission, and after consideration of such matters by the commission suitable instructions shall be issued by the President to heads of departments with a view to securing unity of action along the lines approved by the President and the commission.

"EXECUTION OF PLANS AND WORK BY THE SEVERAL BUREAUS.

"SEC. 24. That in the execution of all plans and duties intrusted or delegated to the several bureaus the respective chiefs thereof, acting under departmental regulations and procedure, shall execute the work according to the methods prescribed by law, the functions of the board of river regulation being those of a consulting and advisory body, with power to make recommendations to the President and the Waterways Commission, and through the President to the heads of departments, with a view to effective coordination and cooperation as to all things proposed by this act and to carry out such work as Congress shall from time to time prescribe or has prescribed in this act.

"COMPREHENSIVE PLANS FOR RIVER REGULATION.

"SEC. 25. That the board of river regulation shall develop, formulate, prepare, consider, and determine upon comprehensive plans for the conservation, use, and development of the water and forest resources of the United States in such manner as will best regulate the flow of rivers and their tributaries and source streams, and the stage of water in inland waterways, and the confinement of all rivers and waterways at all times within fixed and established channels, and embracing, with that object, the construction of levees and revetments and all works necessary for the fixation of channels and flood protection, drainage, and the reclamation of swamp and overflow lands; water storage in natural and artificial reservoirs; the beneficial use of waters for irrigation and for all domestic, municipal, and industrial purposes; the maintenance and development of underground water supplies and the storage of water in the ground and in irrigated lands and underground reservoirs; the enlargement of the areas and raising of the levels of the ground waters; the construction of flood-water canals, by-passes, and restraining dams; the control and regulation of drainage and the replenishment of streams by return seepage; the perpetuation of forests and maintenance of woodland cover as sources of stream flow; the prevention of denudation and erosion; the protection of channels and harbors from eroded soil materials; the clarification of streams; the utilization of water power; the prevention of the pollution of streams and rivers; the sanitary disposal of sewage and purification of water supplies; the best distribution of forests, woodlands, and other growth, and of cultivated and irrigated areas in their relation to river flow; the protection of forested and woodland areas from destruction by fire or insects; the reforestation of denuded areas; the planting of forests and establishment of forest plantations; the preservation and planting of woodlands and any other growth and protective cover on watersheds; the increase and development of the porosity and absorbent qualities and storage capacity of the soil upon which rain or snow may fall; the making and furnishing of plans for flood-water storage and other works for irrigation and power for farms, towns, and villages; the acquisition, subdivision, and settlement in small, intensively cultivated farms of lands for water storage by irrigation; the building of the irrigation systems for such lands, including reservoirs, dams, canals, ditches, and all necessary works; the protection of farms, villages, towns, and municipalities from damage by freshets and overflow; and the impounding of flood waters in artificial lakes and storage reservoirs to prevent floods and overflows, erosion of river banks, and breaks in levees, and to regulate the flow of streams and reenforce such flow during drought and low-water periods, the ultimate object of all such work being to regulate and, so far as possible, standardize the flow of rivers and their tributaries and source streams, and in the accomplishment of that object to induce and secure the cooperation of States, municipalities, districts, counties, towns, and other local agencies and organizations.

"SMITHSONIAN INSTITUTION.

"SEC. 26. That it shall be the duty of the Secretary of the Smithsonian Institution to give especial attention to the acquisition from foreign countries and from all sources of all obtainable knowledge concerning the problems involved in the work of the board and to diffuse and disseminate the same, and to establish and maintain a museum of water and forest resources in which such knowledge shall be placed before the people, with object lessons illustrating the disastrous consequences that have resulted from the neglect of such conservation and particularly the failure to conserve the forest and water resources in other countries of the world, and to utilize the resources of the institution under his charge, which may be available for that purpose, to aid in the education of the public in the elements of knowledge which lead to the successful regulation of water and of the flow of rivers and the use of water in connection with agriculture and the intensive cultivation of land, and in connection with all other industries.

"DEPARTMENT OF AGRICULTURE.

"SEC. 27. That it shall be the duty of the Assistant Secretary of Agriculture to collate and bring together for the information of the board the results of all investigations with reference to soil and the production of crops through the use of water as a fertilizer and stimulant to plant growth, and of the relation of water in excess or deficiency to successful crop production. He shall recommend for the consideration of the board such further investigations as may properly be conducted in connection with the purposes for which the board is created and which shall lead to the largest and most valuable results being obtained through the use of water in connection with successful plant growth and increased crop production, and the establishment of a national system for the information of the people in the intensive cultivation of small tracts of land, with a view to increasing food production and thereby reducing the cost of living and encouraging suburban and rural settlement and home making, and the beneficial use of water in connection therewith as an ultimate influence for river regulation in aid of interstate commerce.

"FOREST SERVICE.

"SEC. 28. That it shall be the duty of the Forester of the Department of Agriculture to present to the board all essential facts bearing upon the relation of forests to the various problems under consideration and the value and importance of forests and woodland and other growth and their proper control and extension and protection from fire; also such facts as may be essential to the proper enlargement of forested areas for the protection of watersheds and the maintenance of the flow of rivers during the low-water season and the prevention of denudation and erosion, with consequent silting up of waterways and harbors, and to prepare and present to the board comprehensive plans for the protection of the forests from fire and other destructive agencies.

"GEOLOGICAL SURVEY.

"SEC. 29. That it shall be the duty of the Director of the Geological Survey to recommend to the board appropriate surveys and examinations, and upon proper approval cause to be executed topographic surveys of each drainage basin, these being planned with reference to the work contemplated by the board and the immediate demands and needs of the board. Such surveys shall include and show in addition to the topography the character of all lands embraced therein and it shall be his duty to classify the same and designate the best use to which said lands may be devoted in carrying out the provisions of this act. The topographic maps shall be of such scale as will bring out the existence of feasible storage or reservoir sites. He shall make such additional surveys of specific localities as may be required by the constructing engineers, and in such surveys he shall establish monuments based on geodetic horizontal and vertical control. The surveys shall be of such nature as to provide adequate bases for geologic investigation and engineering works. He shall also cause measurements to be made of the flow of streams at such places as may be designated by the board as yielding results of largest importance in the discussion of the problems in hand and the execution of proposed engineering works, and shall carry on such studies in river pollution and purification, in water-power possibilities, and other stream investigations as the board may designate. It shall be his further duty to examine all forested lands or lands intended to be afforested or reforested which it is proposed to purchase under this act, and to report whether the control and use of such lands will influence the preservation of water supplies or stream flow or tend to regulate the flow of navigable rivers on whose watersheds they are located.

"RECLAMATION SERVICE.

"SEC. 30. That it shall be the duty of the Director of the Reclamation Service to bring before the board the results attained in the construction of works of irrigation and reclamation throughout the arid and semiarid regions of the United States and the application of the experience thus obtained to the conditions existing in the more humid sections of the United States. He shall extend the surveys and investigations and construction of irrigation works such as are authorized in the act of June 17, 1902, known as the reclamation act, throughout the United States and including reclamation of land by drainage as well as by irrigation: *Provided, however*, That no part of the fund created by the act of June 17, 1902, shall be expended for this purpose. Such further investigations and construction and operations in States and Territories other than those covered by the original act above referred to and amendments thereto shall be made in accordance with such rules and regulations as shall be established by the Secretary of the Interior, and shall be subject to such of the terms, provisions, and requirements of said reclamation act as the Secretary of the Interior shall determine are to be made applicable thereto, but shall be at the expense of the river regulation fund created by this act, and expenditures from said last-mentioned fund may be similarly made in any State or Territory. He shall construct, operate, and maintain, until otherwise provided by law, such irrigation and drainage works and systems as the board may determine are needed for the regulation of the streams and rivers and the improvement of agricultural conditions, or for the proper control, disposition, and utilization of sewage or other waste waters which, without such regulation, would pollute the streams or injuriously affect the health or prosperity of the community. He shall also present to the board proposed plans for cooperation with irrigation or drainage projects or enterprises constructed, initiated, or contemplated by States, districts, municipalities, corporations, associations, or individuals, and shall negotiate agreements for coordinating and making more useful works already in existence or proposed through their incorporation into more effective systems.

"CORPS OF ENGINEERS, UNITED STATES ARMY.

"SEC. 31. That the Chief of Engineers of the United States Army shall present to the board all proposed plans for works proposed to be built under this act which the Waterways Commission shall determine are to be built under his supervision, including plans for levees, dikes, revetments, dams, canals, cut-offs, spillways, controlled outlets, flood-water channels, and wasteways, bank-protective and channel-fixation works, reservoirs or basins for the storage of flood waters for flood prevention and river control, or works for which examinations and surveys have been made by or with the cooperation of States, municipalities, or districts, and which it is sought to have constructed under this act, together with such facts and data as may be required for the construction of such works, or any of them, for the regulation of the

flow of rivers. He shall also construct, operate, and maintain such levees, flood-protection, channel-fixation, and bank-protective works as are built in accordance with this act and also such reservoirs as are so built for the storage of water to control and regulate the flow of rivers, and to reenforce such flow in seasons of low water and to prevent floods and protect lands and communities from overflow as may be determined by the Waterways Commission: *Provided, however*, That the provisions of this section shall be so administered as in no way to supersede or conflict with any specific provisions which Congress shall from time to time make by way of appropriations other than such as are made by this act for work and improvements to be performed or maintained by the Corps of Engineers, United States Army, but that all work prescribed under this section shall be supplemental to and coordinated with the work as specifically prescribed by Congress in other acts.

"DUTIES OF EXECUTIVE COMMITTEE APPOINTED BY THE PRESIDENT.

"SEC. 32. That is shall be the duty of the members of the board of river regulation appointed by the President and constituting the executive committee of the board of river regulation, as hereinbefore provided, under the direction of the chairman of the board, to consider, prepare, and present to the board comprehensive plans providing for the best utilization of the water resources of the United States in connection with river regulation, flood prevention and protection, and the increase of the flow of rivers in low-water seasons and the maintenance at all times of a navigable stage of water in the waterways of the United States, and providing also for the coordination of and cooperation between rail and water routes and transportation, and the establishment, maintenance, and protection of terminals and transfer sites and facilities for transshipment between rail and water routes, and to adjust all the plans contemplated for the projects constructed under this act to the ultimate purpose of regulating and standardizing the flow of the rivers and inland waterways of the United States, in aid of interstate commerce as aforesaid; and further to give expert advice to the board in its consideration of details, problems, and projects; and it shall be their special duty to constantly promote and stimulate harmonious and effective cooperation between the different bureaus and services of the National Government and between the Nation and States, municipalities, and other local agencies in working out constructive plans under this act; and it shall further be their duty to examine and study plans presented to the board for consideration, with the view of promoting the fullest possible measure of efficiency and economy in administration and construction, and avoiding all duplication in the work of the respective bureaus.

"EQUITABLE APPORTIONMENT AMONG WATERWAY SYSTEMS.

"SEC. 33. That in carrying out the provisions of this act regard must be had, as far as practicable, to the equitable apportionment and contemporaneous execution of the works and projects contemplated under this act among the several waterways systems of the United States.

"Not less than $10,000,000 annually for 10 years shall be apportioned to the Appalachian and Atlantic region, including the territory within the drainage basins of all rivers flowing into the Mississippi River below the Ohio River or into the Gulf of Mexico east of the Mississippi River or into the Atlantic Ocean.

"Not less than $10,000,000 annually for 10 years shall be apportioned to the drainage basin of the Ohio River.

"Not less than $5,000,000 annually for 10 years shall be apportioned to the drainage basin of the Mississippi River above St. Louis and the territory included in the drainage basins of the rivers draining into Canada or into the Great Lakes or into the Mississippi River from the east between East St. Louis and Cairo, Ill.

"Not less than $10,000,000 annually for 10 years shall be apportioned to the Mississippi River from St. Louis to the Gulf of Mexico, and the territory lying between the Atchafalaya River, the Mississippi River, and the Gulf of Mexico, and including the Atchafalaya River as a flood-water outlet for the Mississippi River, and including the controlling works necessary for such use of said Atchafalaya River, and all levees and bank protective works, cut-offs, and auxiliary flood-water channels necessary to control and prevent all overflows from said Atchafalaya River which shall in this respect be regarded as in the same class with the Mississippi River and entitled to the same recognition in the matter of levee construction and flood protection for adjacent territory as the main Mississippi River.

"Not less than $10,000,000 annually for 10 years shall be apportioned to the territory included in the drainage basins of the Missouri River and of other rivers, bayous, and waterways flowing into the Mississippi River from the west below St. Louis or flowing or debouching directly or through connecting waterways into the Gulf of Mexico west of the Atchafalaya River.

"Not less than $5,000,000 annually for 10 years shall be apportioned to the territory including the drainage basin of the Colorado River, and extending on the west to the crest of the watersheds draining into the Pacific Ocean and on the north to the drainage basin of the Columbia and Snake Rivers; not less than $5,000,000 annually for 10 years to the drainage basins of the rivers flowing through or into the Sacramento and San Joaquin Valleys or into the Pacific Ocean in California; and not less than $5,000,000 annually for 10 years to the drainage basins of the Columbia and Snake Rivers and other rivers flowing into the Pacific Ocean in Oregon and Washington.

"The drainage basin of every river above mentioned shall be understood to include all the tributaries and source streams of such rivers.

"REPLENISHMENT OF RIVER-REGULATION FUND BY BOND ISSUE.

"SEC. 34. That the President is authorized, whenever the current revenues are insufficient to provide the $60,000,000 annually appropriated for the river-regulation fund, to make up the deficiency in such fund by the issue and sale of United States bonds, bearing interest at a rate not exceeding 3 per cent per annum, payable semiannually, and running for a period not exceeding 30 years.

"APPROPRIATIONS AND APPORTIONMENT.

"SEC. 35. That the moneys hereby annually appropriated in section 1 of this act, unless otherwise apportioned by the Waterways Commission, shall, subject to all the provisions of this act, be apportioned and expended by the services and bureaus herein named in carrying out the purposes and provisions of this act and under the direction of the heads of the respective departments and in accordance with existing laws and regulations or such modifications thereof as may be made from time to time in accordance with the general system or systems proposed by the board and approved by the Waterways Commission in the following sums annually, which shall be available until expended for the following purposes:

"For the Smithsonian Institution, for obtaining information and material relating to the subjects covered by this act in the United States and foreign countries, and publishing and distributing the same to the people of the United States, and for the establishment and maintenance of a Museum of Water and Forest Resources, and for any other purposes mentioned or referred to in section 11 of this act, $1,000,000.

"For the Department of Agriculture, for the increase and development of the porosity and absorbent qualities and storage capacity of the soil upon which rain or snow may fall in order that its run-off may be in that way checked and the water absorbed into the earth, and to that end for the establishment and maintenance of garden schools and demonstration garden farms, and instruction in intensive cultivation and the use of water for irrigation therein and in rural industrial communities, and for investigations and instruction with reference to terracing and methods of cultivation adapted to preventing erosion on hillside slopes, and with reference to the use of water as a fertilizer and stimulant to plant growth in all ways, and the adoption of all methods of agriculture that will increase the porosity and absorbent qualities of the soil and check surface wash or erosion or sudden run-off and thereby tend to prevent the formation of floods, and for the acquisition of lands that may be required for such purposes, and for any other purposes mentioned or referred to in section 12 of this act, $5,000,000.

"For the Department of Commerce, for the work of the Coast and Geodetic Survey and the Bureau of Fisheries, in cooperation with other departments, to promote the objects of this act in such manner as may be directed by the Waterways Commission, $2,000,000.

"For the Geological Survey, for tpographic surveys and the measurement of streams and other hydrographic and hydrologic works, and for the examination of lands intended to be purchased under this act, and for any other things required by the board to be done in connection with any investigation or construction done under this act, $3,000,000.

"For the Reclamation Service, for the reclamation of lands by either irrigation or drainage, or both, and for the building of irrigation and drainage systems to aid in the regulation or equalization of the flow of rivers and their tributaries and source streams through the conservation, utilization, and ground storage of waters in irrigated or drained lands, and for the acquisition and improvement by irrigation or drainage of specific tracts of land for intensive cultivation and settlement, and for the building of canals and ditches, and carrying to completion any and all methods of utilizing water for irrigation as a means for water conservation or river regulation, and for any other purpose mentioned or referred to in section 15 of this act, $20,000,000.

"For the Forest Service, (a) for the protection from fire and insect infestation of national forests where such protection is essential to the preservation and maintenance of water supplies, and for the acquisition of lands within or near existing national forests or other lands which are necessary to the adequate protection of water supplies, and for building the necessary roads, trails, fire lines, fire-protection stations, telephone lines, and for any and all other things required for such fire protection, including the fighting of fires and the employment of forest guards and rangers, $2,000,000.

"(b) For the protection from fire of the forested watersheds of all rivers and streams, and for the organization and maintenance of a system of fire protection on any private or State forest lands situated upon the watersheds of such rivers or streams, in cooperation with any State or group of States, in the manner provided for in an act entitled 'An act to enable any State to cooperate with any other State or States, or with the United States, for the protection of the watersheds of navigable streams and to appoint a commission for the acquisition of lands for the purpose of conserving the navigability of rivers," known as the Appalachian National Forest act, and also in direct cooperation with cities, counties, towns, villages, and other owners of woodlands and forested areas on watersheds, and wherever essential to the preservation of water supplies and for the protection of such forested watersheds and areas from insect infestation, $1,000,000.

"(c) For the protection, perpetuation, enlargement, maintenance, regulation, and control of water supplies by the establishment and maintenance of forest nurseries, the planting or replanting of forests, the reforestation of denuded areas, the carrying out of silvicultural improvements in the national forests, and the establishment and maintenance of forest plantation and parks and the acquisition of lands therefor to provide instruction in the planting and care of trees and forests for the purpose of awakening and maintaining a local interest in and knowledge of the relation of forests to the preservation of water supplies and stream flow, $1,000,000.

"(d) For the acquisition of forest lands by and through the National Forest Reservation Commission as and in the manner provided for in the Appalachian National Forest act, above referred to, subject to all the conditions and requirements contained in said act, including lands along the Mississippi River which may have been thrown outside the levees or left without levee protection in designing the levee systems, $5,000,000.

"*Provided*, That the provisions of the said Appalachian National Forest act shall, after the expiration thereof by limitation, still continue and be in force with reference to all moneys made available for expenditure thereunder by this act, either for fire protection or for the acquisition of forest lands.

"For the Corps of Engineers, United States Army, for building bank protective works to prevent erosion and cutting of the banks and consequent caving, and to control the river and hold it in a permanently fixed and established channel, and for building and maintaining levees, revetments, dikes, walls, embankments, gates, wasteways, by-passes, cut-offs, spillways, controlled outlets, drainage canals, flood-water canals and channels, weir dams, sill dams, restraining dams, impounding basins, and bank protective works for river regulation, and, as a means to that end, the building of works for reclamation, drainage, and flood protection, and for building reservoirs and artificial lakes and basins for the storage of flood waters to prevent and protect against floods and overflows, erosion of river banks, and breaks in levees, and to regulate the flow of source streams, rivers, and waterways, and reenforce such flow during drought and low-water periods, and for the operation and maintenance of the same, $20,000,000."

AMENDMENTS TO INDIAN APPROPRIATION BILL.

Mr. McCUMBER submitted an amendment proposing to appropriate $41,750 for the support and education of 250 Indian pupils at the Indian school at Wahpeton, N. Dak., etc., in-

tended to be proposed by him to the Indian appropriation bill (H. R. 10385), which was referred to the Committee on Indian Affairs and ordered to be printed.

He also submitted an amendment proposing to appropriate $1,497.44 to enable the Secretary of the Interior to reimburse Benson County, N. Dak., for moneys actually paid to that State for care and maintenance of insane Indians at the State asylum, etc., intended to be proposed by him to the Indian appropriation bill (H. R. 10385), which was referred to the Committee on Indian Affairs and ordered to be printed.

ARMOR PLATE.

Mr. TILLMAN. Mr. President, I send to the desk a copy of the Manufacturers' Record, a paper of very great influence and wide circulation. It has a very interesting and instructive article on armor plate. I ask that it be read.

The VICE PRESIDENT. Is there objection.

Mr. JONES. I suggest that the Senator from Missouri [Mr. STONE] should be sent for. I myself have no objection.

The VICE PRESIDENT. The Chair has no power to send for the Senator from Missouri.

Mr. TILLMAN. Why send for the Senator from Missouri?

Mr. STONE entered the Chamber.

The VICE PRESIDENT. The Senator from Missouri is here.

Mr. LODGE. I should like to have the article printed in the RECORD without reading. Is it necessary to read it?

The VICE PRESIDENT. Is there objection to the reading?

Mr. LODGE. The only objection is to taking the time; that is all.

The VICE PRESIDENT. If there is no objection, the Secretary will read as requested.

The Secretary read as follows:

THE ARMOR-PLATE QUESTION AND THE RELATION OF THE GOVERNMENT AND THE ARMOR PLATE MAKERS.

The official announcement of the Bethlehem Steel Co., through its Washington representative to the Manufacturers' Record, that this company will, with a view to the amortization of the investment in its armor plant, advance its price for armor plate if the Government builds an armor-plate plant is one of the most unfortunate statements ever issued in this country by any great businesses organization dealing with the Government.

It is a statement of a fact rather than a threat, but the statement necessarily becomes a threat.

It is an effort to prevent the National Government from building an armor-plate plant.

We trust that other armor-plate concerns do not propose to take such a step; but if they do, they will be in every respect equally as deserving of criticism.

The Bethlehem Co. is the only one from which we have an official statement as to its intention.

From every point of view this action is, we believe, unwise and shows a lack of judgment which few people in this country would have been willing to charge to the men who have created the great Bethlehem Co.

In this case they have shown a narrowness of vision and a disregard of public sentiment lamentable in the extreme. They have illustrated in this case how great concerns sometimes, viewing matters only from one standpoint, make blunders in dealing with the public so bad that one wonders at their lack of understanding of public sentiment and appreciation of the value of public good will.

It is to such blunders as this that much of the hostility in this country to great corporations is due. Such blunders have cost great corporations far more than they can ever understand or realize. Blunders such as this have been responsible for much of the anarchistic and socialistic sentiment which has found expression in legislation, State and National, antagonistic to corporations.

They are on a par with that fatal blunder made by the Pennsylvania Railroad some years ago, when, because of its fight with the Gould interests, it ruthlessly cut down the poles of the Western Union Telegraph Co. along its lines. The excuse of the Pennsylvania Co. was that it was within its legal rights, but that road and others paid a fearful penalty for its unwise act.

The armor-plate companies will be within their legal rights if they follow the plan given to the Manufacturers' Record by the Washington representative of the Bethlehem Co., but legal rights and sound business sense may sometimes be millions of miles apart, as in this case. We trust that other armor-plate making concerns will not follow the unwise lead of the Bethlehem Co. If they do, they will be freely entitled to the same criticism which we are now, much to our regret, extending to our good personal friends of the Bethlehem Co. The men at the head of that company are too big, too broad as constructive upbuilders, to have made such a mistake. They should have been wise enough to know that nothing that they could do would create greater hostility to their work than this statement, and that any action such as they propose of advancing the price of armor plate would in itself be regarded as a threat which the Government would be pusillanimous in the extreme if it did not meet by building an armor plant and thus demonstrate that individual corporations, however great, can not and should not be permitted to dominate the National Government.

The Bethlehem Co. could not have taken any stand whatever which would have more surely aroused a determination on the part of the Government to build an armor-plate plant than this statement as to its proposed increase of prices. It is scarcely conceivable that men at the head of this great organization could have intelligently considered the subject in all of its bearings before they decided on a plan such as this. And the statement which we publish is, we are advised, officially authorized by the company itself.

This situation developed by this action practically compels the Government to build an armor-plate plant or to exercise its right to commandeer one. It can not permit itself to be browbeaten. It would cease to be worthy of public respect if it did. But in considering the building of a plant it would be worse than folly for the Government to build it in any portion of the country dependent upon foreign or Lake Superior ores, upon which all our armor-plate concerns now rely.

WOMAN SUFFRAGE.

Mr. THOMAS. Mr. President, I have a short memorandum consisting of four pages, a digest of expression of opinion on the subject of equal suffrage. I ask that it be printed in the RECORD without reading and appropriately referred.

There being no objection, the matter was ordered to lie on the table and to be printed in the RECORD, as follows:

WHERE WOMEN VOTE.

Equal suffrage is not a new and untried experiment. Women can already vote for President of the United States in Kansas, Illinois, Wyoming, Colorado, Utah, Idaho, Arizona, Montana, Nevada, Washington, Oregon, and California, and for all the elective officers in the Territory of Alaska.

In Illinois they have also municipal suffrage, and a vote upon all questions submitted to the electors. They have a vote on bonding propositions in Iowa; and they have school suffrage in Kentucky, Michigan, Minnesota, New Hampshire, Massachusetts, New York, Vermont, Nebraska, North and South Dakota, Oklahoma, New Jersey, Illinois, Connecticut, Ohio, Delaware, Wisconsin, and New Mexico. In Louisiana, in Michigan, and in all the towns and villages of New York State women who are taxpayers may vote on various questions of local taxation.

SUFFRAGE MOVEMENT WORLD WIDE.

Women also have full suffrage in Norway, Denmark, Finland, Iceland, Bosnia, New Zealand, and Australia; and municipal suffrage in England, Scotland, Ireland, Wales, Canada, Sweden, and a number of districts in Europe, South Africa, and India. In France women engaged in trade vote for judges of the tribunals of commerce; in the Kingdom of Wurtemberg women engaged in farming vote for members of the chamber of agriculture; and in Belgium women vote for the consells des prudhommes.

WILL WOMEN VOTE?

It is sometimes said that women do not want to vote. The only test ever applied to men to see whether they want to vote or not is the size of the vote they actually cast. Where women have the ballot, they use it.

At the presidential election of 1912, there were 24,773,583 men over 21 years of age in the States where women could not vote. Of these 12,521,899 voted, or 54.5 per cent. In the six equal-suffrage States, Colorado, California, Wyoming, Utah, Idaho, and Washington, the only States were women could vote for President in 1912, there were 3,253,443 men and women over 21 years of age. Of these, 1,514,643 voted, or 56.6 per cent. These figures are from impartial sources—the United States census and the New York World Almanac.

Between the proportion of men voting in the male-suffrage States and the proportion of all adults voting in the equal-suffrage States, there was a difference of less than 8 per cent. Either the women in the suffrage States voted almost as generally as the men or the men in the suffrage States voted much more generally than the men throughout the rest of the country. There is no escape from this conclusion.

VOTE SHOWS GREAT INCREASE.

Striking proof that women do vote is also to be found in the figures of the State elections.

Kansas, Oregon, and Arizona gave women the ballot in November, 1912, and the women had their first chance to vote at a general election in November, 1914. In Arizona the total vote cast rose from 23,722 in 1912 to 51,007 in 1914; in Oregon, from 137,040 to 210,566; and in Kansas, from 365,444 to 530,206. The increase is the more remarkable inasmuch as 1912 was a presidential year.

California elects her governor once in four years. In 1911 she enfranchised her women. The total vote cast at the gubernatorial election in 1906 was 312,030; in 1910, 385,715; and in 1914, 926,689. These figures speak for themselves.

Neither do women lose their interest after the novelty wears off. In New Zealand the women's vote has grown at each triennial parliamentary election. In 1893, 90,290 women voted; in 1896, 108,783; in 1899, 119,550; in 1902, 138,565; in 1905, 175,646; in 1908, 190,114; and in 1911, 221,858.

In Australia, too, the women's vote has grown at each successive federal election. In 1913 (the last year for which we have the figures), 78.22 per cent of the men voted and 71.54 per cent of the women.

In Chicago alone at the first election in which women could vote for mayor more than 250,000 women cast their ballots.

TESTIMONY FROM THOSE WHO KNOW.

Gov. Dunne, of Illinois, says:

"Will women vote? Look at Chicago. Women's votes are a strong influence against corporate greed. If a male vote on the question of equal suffrage were now taken, I believe it would result heavily in favor of the women."

Gov. Joseph M. Carey, of Wyoming, says:

"Woman suffrage in Wyoming for more than 40 years has been in every respect as successful as man suffrage. Woman has not neglected her home duties. It has not caused trouble for husband or children. I know of none who would take the right of suffrage from women."

Gov. Arthur Capper, of Kansas, says:

"The extension of equal suffrage to women is one of the biggest things the men of Kansas have ever done. It has had immediate effect for good. It is cleansing the State of spoilsman politics and is making for higher ideals in both public and private life."

Gov. George A. Carlson, of Colorado, says:

"Let others tell you that the mothers of your children will become coarse or neglectful in the home if given the ballot; those who for nearly a quarter of a century have actually observed the enfranchised woman at work know that she can sense the enemy of the home more quickly and will fight him with more telling effect than the husband; and, while preserving all her natural feminine charm and sweetness, she will become even more devoted to the man who has allowed her ampler means and fuller power for the protection of their common fireside."

Gov. Hiram W. Johnson, of California, writes:

"There is every reason to regard equal suffrage as having justified itself in California. The women have proved themselves a great force for good government."

Gov. Ernest Lister, of Washington, writes:

"The results in this State have certainly indicated that the women assist in public affairs rather than otherwise by having the right to vote. Large numbers of men who were opposed are now in favor."

Gov. George W. P. Hunt, of Arizona, writes:

"Woman suffrage is approved and commended throughout the State except by those who have been unalterably opposed to it from the beginning. None of the alleged evils have been apparent in Arizona."

Gov. Oswald West, of Oregon, writes:

"Results show that equal suffrage is as productive of good as its friends had claimed for it. The women not only register and vote, but they vote for those men and those measures that make for decent government."

Gov. William Spry, of Utah, writes:

"The women of Utah have been exercising the right of suffrage for many years to the advantage of the State, the home, and the women themselves."

Gov. S. V. Stewart, of Montana, says:

"Woman suffrage in our State is a success. All doubt as to whether the women would vote was settled at the first election."

Gov. Moses Alexander, of Idaho, says:

"Equal suffrage has worked well. A proof of this is that in every State where women vote the per capita wealth of the people is above the average for the country at large."

Gov. Strong, of Alaska, says:

"Woman suffrage in Alaska, though but 2 years old, is an unqualified success. The women's votes as a rule are cast on the side of progress and morality. They are exercising the suffrage wisely and well, patriotically, and for the moral uplift of the Territorial citizenship."

Mrs. Julia Ward Howe sent a circular letter of inquiry to all the editors in the oldest four suffrage States and to all the ministers of five denominations. She published the result in the Woman's Journal of October 15, 1910. She got 624 answers, of which only 62 were unfavorable. The replies from the editors were in favor between 8 and 9 to 1; from the Episcopal clergymen, more than 2 to 1; from the Baptist ministers, 7 to 1; from the Congregationalists, about 8 to 1; from the Methodists, more than 10 to 1; and from the Presbyterians, more than 11 to 1.

There is a general agreement that it leads women to take more interest in public questions and makes them more intelligent companions for their husbands, and better able to teach their children the duties of citizenship; also that women generally vote on the right side of moral questions, and that equal suffrage has brought increased attention to the public health and welfare.

Another proof that people are satisfied is that there is no move anywhere to repeal it. Judge Ben B. Lindsey, of the Denver juvenile court, says: "If left to the men of Colorado, any proposition to revoke the right bestowed upon women would be overwhelmingly defeated." State Senator John Hecker, of Colorado, is one of the few men in that State who are strongly opposed to equal suffrage. A report was circulated not long ago that he meant to introduce in the legislature a proposal for its repeal. Senator Hecker at once came out in the Denver papers with a flat denial. He said that he did not believe anyone would introduce such a measure, and added: "Even if introduced, I do not think there is a sane man who believes it would have the ghost of a chance of passing."

In Idaho the chief justice and all the justices of the State supreme court have signed a published statement, saying:

"Woman suffrage has gained much in popularity since its adoption by our people. If the question were resubmitted, it would now be adopted by a vote almost unanimous."

California gave women the ballot in 1911. At that time 121,000 men voted against it, and it was claimed that 80 per cent of the women were opposed also. In 1912 a petition for the repeal of woman suffrage was started under the initiative and referendum. Both men and women were eligible to sign, but the antisuffragists failed to get the 32,000 signatures needed to resubmit the question. One year's experience of equal suffrage had allayed almost all the opposition. The attempt at repeal has never been renewed.

SOME INDORSEMENTS.

Woman suffrage has been indorsed by the National Grange, the National Education Association, the American Federation of Labor, the General Federation of Woman's Clubs, the National Woman's Christian Temperance Union, and about 600 other organizations.

SOME OPINIONS.

Thomas A. Edison says:

"The woman-suffrage movement means in part reduction of waste, and in part just plain morals."

Luther Burbank says:

"There is not a greater disgrace in the world than that our women should not be allowed to vote."

Dr. Francis E. Clark, president of the United Societies of Christian Endeavor, says:

"I have seen the operation of woman suffrage in various parts of the world, and my belief in it has been strengthened."

Julia C. Lathrop, head of the United States Children's Bureau, says:

"Woman suffrage leads toward child welfare."

Gifford Pinchot says:

"Equal suffrage is coming, as it ought to come."

Louis D. Brandeis says:

"It was the wisdom and action of women in public matters with which I was concerned that converted me to woman suffrage."

Hon. P. P. Claxton, United States Commissioner of Education, says:

"In the larger housekeeping interests of the city, State, and Nation, women have as important a function as in the housekeeping affairs of the smaller world of the home. I believe in the ballot for women on the same terms as for men."

AMERICAN POLICY IN NICARAGUA (S. DOC. NO. 334).

Mr. LODGE. Mr. President, I ask to have printed as a public document a memorandum by Mr. George T. Weitzel, late minister to Nicaragua, in regard to the American policy in Nicaragua. It is a very valuable paper.

The VICE PRESIDENT. Without objection, it is so ordered.

EMPLOYMENT OF ADDITIONAL CLERK.

Mr. KERN submitted the following resolution (S. Res. 101), which was read and referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

*Resolved*, That the Committee on Privileges and Elections be authorized to employ an additional clerk, who shall be a stenographer, at a salary of $100 per month, the same to be paid out of the contingent fund of the Senate.

UNITED STATES COURT FOR CHINA.

Mr. SAULSBURY. I ask unanimous consent to take up for present consideration Order of Business 93, being Senate bill 4014, to supplement existing legislation relative to the United States court for China and to increase the serviceability thereof. The bill relates to the United States court at Shanghai, and I do not think it will take three minutes to have it passed, if I may have the consent of the Senate. It has been unanimously reported from the Committee on Foreign Relations.

Mr. SMOOT. What is the calendar number?

Mr. SAULSBURY. Ninety-three.

Mr. SMOOT. Let the bill be read.

The Secretary read the bill, as follows:

*Be it enacted, etc.*, That the United States Court for China shall possess and exercise the power and jurisdiction to enforce and apply to causes coming before it any and all acts of Congress which may be pertinent or applicable.

SEC. 2. That court fees and costs in such causes, in no case to exceed the amounts fixed by the statutes of the United States for similar services shall be fixed by rules to be framed and promulgated by the judge of said court except that in bankruptcy proceedings the fees and costs shall be those prescribed by the Federal bankruptcy acts now in force. In probate and administration proceedings the clerk of said court shall collect, in addition to the fees prescribed by said rules, special court fees as follows: Where the value of the estate is from $500 to $2,500 United States currency, 2 per cent; from $2,500 to $5,000, 2½ per cent; above $5,000, 3 per cent. For admission to practice in said court the following fees shall be collected: On motion, $5 United States currency. On examination, $10 United States currency. For certificate, in either case, $5 United States currency. All sums collected as costs or fees by said clerk shall be deposited to the credit of said court's fund for current expenses and to the extent of the appropriation therefor, shall be subject to use for such expenses, and shall be accounted for by said clerk.

SEC. 3. That reports of the decisions of said court shall be compiled, edited, and published from time to time as they accumulate under the direction of the judge, who may call upon the officers of the court to assist in said work. The expenses of publication for not exceeding 500 copies of any one volume may be defrayed from the court funds, or the said judge, in his discretion, may arrange for their publication with a private publisher. In either case the clerk may dispose of said reports by sale or exchange, the proceeds of any sales to become a part of the court funds.

SEC. 4. That there shall be appointed, as in the district courts of the United States and with similar powers and tenure of office, a United States commissioner for China, who shall be a regularly admitted attorney. He shall be, in addition, ex officio judge of the consular court for the district of Shanghai, and to him shall be transferred all the authority and jurisdiction now exercised by the vice consul general acting by virtue of the act of Congress of March 2, 1909 (35 Stat. L., p. 679).

In case of absence from the jurisdiction, disqualification, or other inability to act on the part of said judge of the United States Court for China, the said United States commissioner shall, in the place and stead of said judge, have jurisdiction to make orders in probate and bankruptcy proceedings and to perform any other act which the said judge is empowered to do in chambers or in vacation. Any of the other officers of said United States Court for China mentioned in this act may, in addition to his other duties, if otherwise qualified, be appointed by the judge thereof as said United States commissioner for the full term, or to act during the illness, absence, or other disability of the regular incumbent; but any person so appointed shall take and subscribe the customary judicial oath before entering upon his duties. In case the said duties are performed by one of the regular court officers, the fees for his services shall be collected and disposed of as provided in section 2 hereof.

SEC. 5. That the United States attorney for China shall give advice on matters of public business to American diplomatic, consular, and other officials in China when so requested by any of them, and perform such other duties appertaining to his office as may be required of him by the judge of said court. He shall not represent private litigants in the United States Court for China.

SEC. 6. That the clerk of said United States Court for China shall also act as clerk of the consular court for the district of Shanghai and shall perform such other duties appertaining to his office as may be required of him by the judge of said court.

SEC. 7. That the United States marshal for China shall be the custodian of all prisoners brought before said court and of all American prisons in China. He shall also act as marshal of the said consular court, and shall perform such other duties appertaining to his office as may be required of him by said judge of the United States court. The marshals of all consular courts in China shall be ex officio deputies of said United States marshal.

The prisoners heretofore mentioned may be confined in a prison maintained or leased by the United States in China, or, after sentence, may be transferred, at the discretion of said judge, to some other suitable and convenient prison situated in a place under the sovereignty of the United States; but a prisoner so transferred shall continue under the jurisdiction of said court until the expiration of his sentence.

SEC. 8. That the judge of said United States court may designate a stenographer of said court, who may also be appointed deputy clerk and deputy marshal thereof and perform such other duties as may be required of him by said judge. The compensation of said stenographer shall be fixed by the judge, subject to the approval of the Secretary of State.

SEC. 9. That all of the officers of said court mentioned in this act shall enjoy the same privileges regarding leaves of absence and allow-

ances as are provided by law for diplomatic and consular officers of the United States. Applications for leave by the judge shall be subject to approval by the Secretary of State. Such applications from the other officers shall be subject to approval by the judge.

SEC. 10. That this act shall take effect and be in force from and after its passage.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. SAULSBURY. I move that the word "district" be inserted before the word "attorney," in section 5, page 4, line 7. There is a misprint, resulting in leaving it out. The title of the office is "United States district attorney," and the word "district" has been omitted.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. It is proposed to amend the bill by inserting the word "district" before the word "attorney," in section 5, page 4, line 7.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles and referred to the Committee on Pensions:

H. R. 54. An act to pension widows and minor children of officers and enlisted men who served in the War with Spain, Philippine insurrection, or in China; and

H. R. 655. An act to pension the survivors of certain Indian wars from January 1, 1859, to January, 1891, inclusive, and for other purposes.

The following bills were severally read twice by their titles and referred to the Committee on Claims:

H. R. 1584. An act to carry out the findings of the Court of Claims in the case of Louis Landram, administrator of William J. Landram, deceased;

H. R. 2209. An act for the relief of W. W. Blood;

H. R. 3896. An act for the relief of John H. Janssen;

H. R. 6180. An act for the relief of Lillie B. Randell; and

H. R. 7502. An act for the relief of Ellis P. Garton, administrator of the estate of H. B. Garton, deceased.

H. R. 4881. An act to reimburse the postmaster at Kegg, Pa., for money and stamps taken by burglars was read twice by its title and referred to the Committee on Post Offices and Post Roads.

POTASH SUPPLY.

Mr. TILLMAN. Mr. President, I send to the desk the resolution I intended to offer last evening. I ask that it be read for the information of the Senate and referred to the Committee on Printing.

The resolution (S. Res. 102) was read, as follows:

*Resolved*, That Bulletin 104, Bureau of Plant Industry, published in 1907, which is entirely exhausted, be reprinted in sufficient quantity for general distribution by the Agricultural Department throughout those regions of the United States where potash is most imperatively needed in agriculture as a fertilizer.

Mr. TILLMAN. Mr. President, I ask that the clipping I send to the desk be read.

The VICE PRESIDENT. Is there any objection? The Chair hears none, and the Secretary will read.

The Secretary read as follows:

WHY GO TO GERMANY?—PLENTY OF POTASH DEPOSITS IN AMERICA.

To the EDITOR OF THE STATE:

Why is potash selling at $450 per ton when there is enough of it available in the New England States to supply the whole world for many centuries? Who is it that is keeping this fact from becoming generally known, and what is the reason? Our State agricultural colleges well know of this easily available potash supply. They are also well aware, or should be, of its extreme cheapness and solubility for agricultural purposes, for many of them made tests as far back as 1889, and proved without a question the value of this enormous potash supply at our very door.

The Agricultural Department at Washington has made very extensive tests and found that this silicate of potash is soluble in the soil and as easily and quickly available for plant life as the German potash salts. These tests are all scientifically described in Bulletin 104, Bureau of Plant Industry, Agricultural Department, Washington, D. C., entitled "The Use of Feldspathic Rocks as Fertilizers."

In most of the Middle States and a large number of the Southern States there is an inexhaustible supply of potash feldspar that will run from 6 to 15 per cent potash. In the State of Georgia large deposits of potash feldspar can be found in Cherokee, Lumpkin, Rabon, and several other counties. In North Carolina deposits can be found in Alexander, Buncombe, Hickory, Clay, Cleveland, Gaston, Haywood, Mitchell, and many other counties in unlimited quantities.

Prof. Allerton S. Cushman, formerly with the United States Agricultural Department, states in the bulletin above mentioned that the potash in these feldspathic rocks, when ground 200-mesh fine and mixed with the soil, becomes soluble and available for plant life very rapidly. There is scarcely a county in all New England that has not many large deposits of feldspar rock which will analyze from 6 to 12 and 15 per cent potash. The cost of quarrying and pulverizing on a fairly large scale should not exceed $3 to $4 per ton.

I would advise every farmer in this country to send to the Bureau of Plant Industry, Agricultural Department, Washington, and secure a copy of Bulletin 104, if he has any desire to obtain a supply of potash almost for the asking, which is, without question, soluble and available when pulverized as above stated. If he is unable to obtain this valuable bulletin, owing to its being out of print, I would suggest that he make a request, through the Congressman from his district, that another edition be printed immediately by the Government for distribution.

The old doctrine claiming that plant food must be either water soluble or soluble in dilute acids before being mixed with the soil, in order to become quickly available, has long since been exploded. It was always a delusion. The bacteria of the soil do not function or thrive properly except in the presence of an overabundance of inorganic plant food and a liberal amount of humus.

W. N. MCCRILLIS.

CAMBRIDGE, MASS.

Mr. TILLMAN. Mr. President, my attention has been called to this bulletin by a correspondent in South Carolina, and I know from experience as well as observation that in the sandy soils of the South potash is a necessary ingredient in any fertilizer for cotton. It is very essential to the prosperity of our country, both there and elsewhere, that any home source of supply of potash should be developed to the fullest extent. We all know the potash used in this country comes from Germany, and the war has shut that off. The feldspathic rock, of which there is any quantity throughout New England and in all the regions south where the primary rocks are found, east of the Blue Ridge, as far down as Alabama, exists in streaks. It has long been known that feldspar has large quantities of potash as one of its ingredients. I myself know of several streaks of nearly pure feldspar in South Carolina embedded in strata of gneiss.

There are rock-crushing establishments all through North Carolina, South Carolina, and Georgia, and these streaks could be mined and the feldspathic rock ground into powder, and thus supply the potash so much needed by the impoverished fields alongside. Just as finely ground phosphate—otherwise called "floats"—in South Carolina, Tennessee, and Florida have come to be very largely used in our agriculture, this feldspathic rock will also enter in, if the farmers are educated to know just what to do with it and how rich it is in potash.

Therefore, I should say at least a hundred thousand copies of Bulletin 104 should be printed as soon as possible and placed in charge of the Agricultural Department, where those who are interested can get the supply needed for their constituents at home.

I found upon applying there that they did not have a single copy, and I had to look for it in one of the bound volumes of bulletins. This happens to be a very valuable bulletin, but, like other valuable bulletins—I know that the Agricultural Department has published some very worthless bulletins, though most of them are valuable—it has not had sufficient distribution. The Agricultural Department has no money with which to print any more, and it would be too long to wait until the annual appropriation bill comes up. Therefore I ask that the Joint Committee on Printing consider this matter and take prompt action.

I have read in the newspapers that kelp, or seaweed, on the Pacific coast is one source of supply of potash, but that is too far away from our portion of the country. Then, too, the freight would be very high. So we could not utilize that source of supply at all. Why need we go anywhere for potash if we have it right at our doors? And I know there is enough feldspar rock all over upper South Carolina, Georgia, and North Carolina to supply the needs for potash of those three States forever. The Senator from Utah [Mr. SMOOT] tells me there are immense deposits of potash in the Salt Lake Valley. If this be true, then the Government should get busy to develop it. The German Government regulates the export of potash and considers it a valuable treasure to that country, and millions of tons of it were exported until the war came on. I have learned—I do not know how reliable the information is—that there is in the Salt Lake Valley nitrate of potash, too. If this be so, and there is much of it, it would be a very valuable asset to our farmers, at it would supply the nitrogen so much needed for top dressing small grain, and being a fertilizer containing both nitrogen and potash, would be most valuable, if it could be obtained cheaply enough. Of course, every intelligent man in the South knows that nitrogen, or ammonia in some form, phosphoric acid, and potash are the three essential elements in all commercial fertilizers that are worth having; and the State of South Carolina expends millions of dollars every year for these commercial fertilizers.

Mr. SMITH of South Carolina. Mr. President, I would like to state to my colleague that I have exactly the same clipping which he has sent to the desk and had read. I had that clipping sent to the Agricultural Department to ascertain just what

were the facts in reference to the bulletin to which reference is made. The department did not go into an explanation as to what the bulletin set forth, I presume on the ground that they did not have a copy of it, but they did send me a very exhaustive report on the possible potash supply of America. Amongst the things mentioned were the kelp beds along the Pacific coast, from which they claim kelp can be gathered and dried, put in commercial form, and delivered at the South Atlantic seaports at about four or five dollars a ton less than the German potash, but they claim that the difficulty of obtaining a supply from that source is by reason of the laws pertaining to gathering the seaweed. Those beds are in the 3-mile limit, which belongs to everybody.

Mr. TILLMAN. And to nobody.

Mr. SMITH of South Carolina. And to nobody; and therefore nobody will go in, for the reason that they fear, I think, that they can not get a monopoly of it, as some of our fertilizer companies have on fertilizer ingredients. The department claims there is quite an extensive deposit of alunite in Utah and in some of the adjoining States, and that it can be put into commercial form, but that the freight rate is such as to make the price prohibitory to the South Atlantic seaboard, where most of the potash is used. I shall at the next meeting of the Senate submit the report of the Agricultural Department made in response to my inquiry as to Bulletin 104.

I was under the impression, as my colleague [Mr. TILLMAN] seems to be, that we have an extensive deposit of potash in the feldspathic rock; feldspar lies all along our Appalachian chain of mountains. I would be glad to have that bulletin printed and to have the matter brought to the attention of the Agricultural Department, because the prime essential with us, as the senior Senator from South Carolina stated, is potash. The whole tobacco crop and the cotton crop on the coastal plain where the sandy loam prevails is absolutely dependent on our being able to obtain a supply of potash; the production of those crops depends absolutely on that. I understand that that is also true in Virginia.

I do not think this body can do a better thing at this time than to agitate the question of an additional supply of potash, as we are now totally dependent upon the potash wells in Germany.

I also now take occasion to call attention to the other prime ingredient of fertilizers—nitrogen. We have an abundant supply of that in the air. The method of its extraction has gone beyond the experimental stage and is a commercial success. In the contemplation of our water-power bill I think we ought to make provision by which these ingredients, so essential to the development of our land and to the production of our crops, should be developed in such abundance as to meet the requirements of the agricultural interests of the country and at such prices as farmers can afford to pay and not leave them at the mercy of the combinations that control the fertilizer trade.

Mr. SMOOT. I desire to call the attention of the junior Senator from South Carolina [Mr. SMITH] to the fact that a letter of January 27, 1916, from the Secretary of Agriculture transmitting a report as to the fertilizer situation in the United States has already been printed as a public document, being Senate Document No. 262. In that document the Senator will find a complete report from the Secretary of Agriculture as to the availability of potash and nitrates in the United States, telling where they are to be found, or, at least, where they are up to the present time known to be; also the amount consumed in the United States, and what likelihood there is for the production in the United States of sufficient potash to supply the demands of the country.

Mr. SMITH of South Carolina. Mr. President, the Senator from Utah, of course, knows that in that report the Secretary calls attention to the fact that the only available supply of nitrates is from atmospheric nitrogen. In a talk with the Assistant Secretary of Agriculture he informed me that there was an unlimited supply of kelp along the entire Pacific coast, which is valuable for agricultural purposes. It is mowed something after the manner of mowing grain, and there is practically very little cost involved. The main difficulty is in the drying and grinding. It is also true that the freight rate is low; but on account of lack of legislation, there is a failure to provide machinery for putting this product on the market. While we have an abundance of it, we are starving in its presence. I am glad that my colleague has called attention to this matter.

I want to say, in this connection, that I do not believe that the Agricultural Department, the Geological Survey, and those charged with responsibility in the matter have examined the contents of feldspar deposits to a sufficient degree to determine whether or not it is practical to use it commercially. The report, which they sent to me in reply to the newspaper clipping which I forwarded to them, which was identical with the clipping which the Senator from South Carolina [Mr. TILLMAN] has had read at the desk, states that, while there are various deposits of feldspar, particular attention is called to the deposit in the State of Utah, where they say it is almost as available as the nitrates in Chile, but that the freight rates to South Atlantic ports are prohibitive.

Mr. SMOOT. Mr. President, the report covers the kelp beds along the coast of California and also covers a part of the known supply in the State of Utah.

I wish to allay the apprehension of Senators and the people of the country generally in regard to this matter. I do not believe there is any reason for serious apprehension as to the future supply of potash and nitrates in this country. I agree with all that is stated in the Secretary of Agriculture's report. I desire to say further that there is a plant at Marysvale, Utah, producing about 10,000 tons per annum of potash. The owners are at present at work with a view of doubling the capacity of that plant, but of course even with the increase the amount produced would be a very small percentage of what is consumed in the United States. There are consumed in the United States, in round numbers, 400,000 tons of potash.

Mr. TILLMAN. The Senator means potash salt.

Mr. SMOOT. I want to add, Mr. President, that there is under way a process for extracting the potash from the waters of Salt Lake, and if the laboratory tests that have already been made can be duplicated by a mill or process extracting the potash in large quantities—and I have no doubt it can be—there will be enough potash extracted from Salt Lake to supply the needs of the United States, on the basis of the amount now consumed, for over 300 years from that one source alone. I have seen the figures, Mr. President, showing what it will cost under the proposed process, and I believe the plan is feasible and is going to be a success. I may say also that there is one company at the present time utilizing the mother liquors from the salt water that is being evaporated by the sun to produce salt and extracting the potash from those liquors.

Mr. SMITH of South Carolina. Mr. President, I want to call the Senator's attention to the fact that I asked the Agricultural Department to submit to me a statement as to the cost of delivery at the South Atlantic ports. The estimated cost per ton of the potash extracted from alunite from Utah to Carolina ports was approximately $35. The German kainit, which generally comes in a form available for commercial fertilizer use—not the muriate of potash, which is a condensed salt, but what we term kainit, which is a form ready for commercial purposes——

Mr. TILLMAN. That is mostly common salt.

Mr. SMITH of South Carolina. The basis is not really salt. That can be delivered at $6 or $7 per ton, while the product of the kelp on the Pacific coast, which is as good as kainit which we import from Germany, can be delivered for about $10.35 at the South Atlantic ports. So that we can not hope for relief, even from the potash beds in Utah, unless we can get a freight rate that will make it commercially possible to use it.

Mr. SMOOT. I wish to say to the Senator that the product, when taken from the salt water, is 80 per cent pure potash, and, of course, the rate upon that would not be more than $7 or $10; but even if it were more, of course, that is virtually the pure stuff and can be put in fertilizer.

So I have not any doubt, Mr. President, that it will be but a few years now until the cry for potash in this country will cease.

Mr. TILLMAN. And in the meantime thousands will starve to death, for they will not be able to make any cotton.

Mr. SMOOT. I wish to say to the Senator on that point that an effort is being made to get the machinery in shape now to begin the extraction of potash from that water, and, as has been said, there is a small company working there now for that very purpose.

Mr. TILLMAN. We are getting away from Bulletin 104. Will the Committee on Printing have it printed?

Mr. SMOOT. The committee will pass on the question.

Mr. FLETCHER. Mr. President, the Senator from South Carolina, I believe, asked to have a bulletin printed.

Mr. TILLMAN. I desire to have printed a bulletin from the Agricultural Department, the copies of which have been exhausted and of which there are now practically no copies in existence.

Mr. FLETCHER. I wish to ask the Senator if that bulletin is practically the same thing as the letter from the Secretary of Agriculture transmitting the report as to the fertilizer situation in the United States?

Mr. TILLMAN. It is entirely different. The bulletin to which I refer is an old bulletin printed in 1907.

Mr. FLETCHER. The letter from the Secretary of Agriculture, I will say to the Senator, has been printed, and the Joint Committee on Printing has ordered additional copies of it printed. Whether it covers the same matter, I do not know.

Mr. TILLMAN. It does not cover the same matter. I want to have Bulletin 104 printed.

Mr. SMOOT. The matter is to be referred to the committee, I will say to the Senator.

Mr. FLETCHER. I understand the motion is to refer the resolution to the committee.

Mr. TILLMAN. The resolution has been read for the information of the Senate, and I will ask that it be referred to the Committee on Printing.

Mr. FLETCHER. I did not know whether the Senator from South Carolina had seen this letter.

Mr. TILLMAN. Yes; I have seen it.

Mr. FLETCHER. I want to say to him that the joint committee has ordered additional copies of that letter printed.

The VICE PRESIDENT. The resolution of the Senator from South Carolina will be referred to the Committee on Printing.

THE SEAMEN'S ACT (S. DOC. NO. 333).

Mr. LA FOLLETTE. Mr. President, I ask unanimous consent for the present consideration of Senate resolution 84, to print as a Senate document the manuscript entitled "The Seamen's Act of 1915," by Henry W. Farnam.

The VICE PRESIDENT. The Chair thinks he should call the attention of the Senator from Wisconsin to the fact that there is an order of the Senate that immediately upon the conclusion of the routine morning business the Senate shall hold exercises appropriate to the reception and acceptance from the State of Minnesota of a statue of Henry Mower Rice.

Mr. LA FOLLETTE. Mr. President, I was seeking an opportunity to get in before the conclusion of the morning business.

The VICE PRESIDENT. Very well. The Secretary will read the resolution.

The Secretary read the resolution (S. Res. 84) reported by Mr. FLETCHER from the Committee on Printing January 28, 1916, as follows:

*Resolved*, That the manuscript submitted by the Senator from Wisconsin (Mr. LA FOLLETTE) on January 19, 1916, entitled "The Seamen's Act of 1915," by Henry W. Farnam, professor of political economy at Yale University, be printed as a Senate document.

Mr. LA FOLLETTE. I will say that the resolution has been favorably reported by the Committee on Printing.

Mr. FLETCHER. It has been favorably reported.

The VICE PRESIDENT. The question is on agreeing to the resolution.

The resolution was agreed to.

ACCEPTANCE OF STATUE OF HENRY MOWER RICE.

Mr. NELSON. Mr. President, I send to the desk a concurrent resolution which I ask to have read.

The VICE PRESIDENT. The Secretary will read the concurrent resolution.

The concurrent resolution (S. Con. Res. 13) was read and considered, as follows:

*Resolved by the Senate (the House of Representatives concurring)*, That the statue of Henry Mower Rice, presented by the State of Minnesota to be placed in Statuary Hall, is accepted in the name of the United States, and that the thanks of Congress be tendered to the State for the contribution of the statue of one of its most eminent citizens, illustrious for the purity of his life and his distinguished services to the State and Nation.

Second. That a copy of these resolutions, suitably engrossed and duly authenticated, be transmitted to the governor of the State of Minnesota.

Mr. NELSON. Mr. President, Congress has accorded to each State of the Union the privilege of placing in this Capitol, in Statuary Hall, statues of two of its eminent men, to be selected by the respective States. Minnesota has now for the first time availed herself of this privilege by placing in Statuary Hall a statue of Henry M. Rice, one of the first representatives of the State of Minnesota in this body.

Mr. Rice was born in the State of Vermont in the year 1817. He came to what is now the State of Minnesota, but was then an unexplored wilderness, a sort of "no man's land," in 1839, 10 years before Minnesota became an organized Territory. In 1853 he was elected a Delegate to Congress from that Territory. He was reelected in 1855; and in 1857 he and Gen. Shields were elected the first Senators from the State of Minnesota. Mr. Rice took his seat in the Senate of the United States in May, 1858, on the admission of the State into the Union.

Senator Rice had a most remarkable record. He was one of the great men who came to the embryo State who was instrumental in laying the foundations of our government and of our prosperity. When he first came to the State he was engaged as the representative of one of the great fur companies. At that time the country was an unexplored wilderness. There were very few people except some soldiers at Fort Snelling and a few missionaries, and in addition to that the fur traders and their employees. By reason of the fact that as a fur trader Mr. Rice became intimate with the Indians, he became very popular with them. They looked upon him with favor, because he always treated them fairly, and as a consequence he was largely instrumental in securing their consent to the opening of the country to white settlement. When he came to the State in 1839, the whole country, except a little territory around Fort Snelling, was occupied by nomadic bands of Sioux and Chippewa Indians.

The first great problem of the embryo State was to secure those lands from the Indians, and to obtain the removal of the Indians therefrom. In this matter Senator Rice was very active and efficient. He perhaps had more influence than anybody else with the Indians; and as a result of his efforts, in the forties and early fifties, the Sioux and Chippewa Indians ceded to the United States most of their lands in Minnesota, and that opened the country to settlement and enabled it to embark on the great progress it has since made.

Senator Rice, as a Delegate in Congress, had the strenuous work that falls to the lot of a Delegate from a Territory. He was very efficient and very industrious in securing suitable legislation for the young Territory. It is a remarkable fact that at the time Mr. Rice came to Minnesota a portion of the State was under the jurisdiction of the State of Iowa, and a portion of it under the jurisdiction of the State of Wisconsin. In 1848, when Wisconsin became a State, it left that part of Minnesota east of the Mississippi River without any government, a sort of no man's land; and the first important task Senator Rice had to perform was in aiding to secure legislation creating the Territory of Minnesota.

As a Delegate in Congress Mr. Rice was largely instrumental in preparing and securing the passage of the enabling act authorizing Minnesota to adopt a State constitution and to become a member of the Federal Union, and the State honored him by electing him one of its first Senators. He was elected at the same time as Gen. Shields, who had the unique distinction of having represented in this body three different States; but when they came here to the Senate of the United States Gen. Shields drew the short term and Mr. Rice drew the long term.

Mr. Rice was a Member of this body from 1858 until 1863. He served on some of the most important committees and was a most active and efficient Member of this body. He was a man of fine education, of great intellectual abilities, a man of sterling character, and a man who always aimed to serve the public efficiently and faithfully.

Minnesota was fortunate in having in its early days a number of young men who came from the East and started it on the path to statehood. Among these men—and it has been my lot to be acquainted with many of them—one of the most eminent was Senator Rice, and I feel that the State has made a wise selection in selecting him as its first representative here in Statuary Hall.

Mr. President, I have elsewhere on another occasion in a more extended manner paid my tribute to Senator Rice, and I will not take the time of the Senate further on this occasion. There are other Senators who were acquainted with the Senator who will dwell more on his great merits and his value both to the State of Minnesota and to our common country.

Mr. UNDERWOOD. Mr. President, the State of Minnesota was born in the space of a decade. Originally a part of the Territory of Wisconsin, it became a Territory almost immediately after the State of Wisconsin was admitted to the Union. It then had a population of scarcely 5,000 souls. Within 10 years it was admitted to statehood, with a population of nearly 300,000 people.

Three great men contributed primarily to the birth and building of the State. Henry H. Sibley, the first Delegate from the Territory to the Congress of the United States, the man who secured territorial recognition and afterwards the first governor of the State. Alexander Ramsey, the State's first territorial governor and subsequently one of its Representatives in the Congress of the United States; the man who primarily secured the secession of territory from the Indian tribes and opened the way to white civilization. A few days after Gov. Ramsey was appointed the territorial governor and came to St. Paul to reside, another citizen established himself in that city. His ambition was not primarily to gather the unearned increment in the rapidly growing metropolis of the future, for he almost immediately showed his desire to take part in civic affairs and serve well the people of his adopted State. Henry

M. Rice was born in Vermont in 1816, and at the age of 19 years emigrated to the State of Wisconsin. He came to Minnesota in 1839 equipped with an academy education, and he had studied law for two years. He was first employed by the Chouteaus, of St. Louis, who had acquired the business of the American Fur Co., and afterwards became a partner in this business and moved to Mendota, Minn., for a short time, but subsequently located permanently in St. Paul. Mr. Rice was a leader in every enterprise that looked to the development of the town. Whatever success he made he generously shared with the public. His personal qualities were such that they were immediately recognized. He was given public employment and secured great success in it. His manners were so gracious—and yet not patronizing—that he made friends with all sorts and conditions of men. He divined with unerring instinct the motives of men and parties and knew when and how by appropriate suggestion to let them apparently move themselves toward his desired ends. He was the personal representative of the Sioux Tribe of Winnebagoes, always held their confidence and successfully managed their affairs both for the Indians and the white settlers who were rapidly building homes in the State.

Mr. Rice was born a Democrat, of the old Jeffersonian school of democracy, and remained true to the faith even during the trying times of the war between the States.

He was first elected to office as Delegate from Minnesota in the Thirty-third Congress. He took his seat as Delegate in Congress in December, 1853. Industrious, persuasive, and soon influential, he promoted in many ways the interests of the Territory and his constituents, and by so doing obtained a popularity hardly equalled in the history of Minnesota. He was diligent in laboring for the extension of the surveys and the establishment of land offices. He secured the opening of post offices in the new villages. His influence contributed to the extension of the preemption system to unsurveyed lands, a change which virtually opened all lands not Indian to settlement. Mr. Rice's personal qualities were such as to give him wide acquaintance and influence, and these were extended in no small degree by those of the Virginia lady whom he had taken as his wife, née Miss Mathilda Whittall. Standing for reelection in the fall of 1855 he won by a handsome plurality over his Republican opponent and an Independent Democratic candidate.

Delegate Rice, desiring to secure statehood for his constituents early in the session of 1857, had introduced a bill to enable the people of Minnesota to organize a State and come into the Union. The bill was subject to long debate and serious contention in both Houses of the Congress, but before the end of the session it was enacted into law and approved by the President.

The enabling act as passed February 26, 1857, was in the form which had become traditional, and embodied grants of public lands for schools, a university, and public buildings.

Henry H. Sibley having been elected the first governor of the State and the Territorial legislature organized, it was necessary to elect two United States Senators. Henry M. Rice, as everybody expected, was nominated by his party caucus without opposition and subsequently elected. Gen. James W. Shields was a newcomer in Minnesota and little known; he had served with distinction in the Mexican War and filled many offices in his former State, Illinois, and served a term in the United States Senate from that State, was selected as his colleague.

Henry M. Rice served in every position to which he was called by his people with distinguished ability and an unfaltering desire to promote the welfare of his State and his country. His memory is cherished in the hearts of all who knew him, and his life will always be an example to the coming generations of young men in his State to inspire them to high ideals and a patriotic performance of all public duties.

Mr. HARDING. Mr. President, there is no particular occasion for me to add a word of tribute to the memory of him whom we are honoring to-day, save that in Ohio we feel a very close relationship to Minnesota, because the two States were a part of the Northwest Territory which was Virginia's magnificent gift to an expanding Nation. I recalled, while the Senator from Alabama [Mr. UNDERWOOD] was speaking, that when the patriotism of the South and the patriotism of the North were in conflict to wipe out an ambiguity in the Constitution, the States builded out of the great Northwest Territory gave a million muskets and 50,000 swords toward the preservation of our nationality.

I like to say a word of tribute to the memory of Mr. Rice because of the stalwart type he so notably characterized. There are two classes of American builders, Mr. President, who ought to be immortalized. One class is composed of those stalwart and seemingly inspired fathers who laid the foundation of this Republic, seemingly the first dependable, representative, popular Government on the face of the earth. But no less important are the rugged pioneers who marched under the light of the westward star of empire and laid the foundations of the great western Commonwealths, which have done so much in contributing to the expansion and the enlargement and the glorification of the American Nation.

I sometimes think we have been remiss in paying a just estimate to the work of the pioneers. One of my age can have no intimate knowledge of the hardships they endured, of the personalities that they developed; but I can recall in my boyhood time a very interesting experience when the sons and the daughters of the men of Ohio were attracted by the lure of the still farther West, at a time when railway transportation had not opened up the great avenues of the West, when a class of our sturdy sons and daughters, bred by those stalwarts who had developed the Buckeye State—and I speak of it as only one of many contributing States—these sons and daughters, with barely more than sufficient means to furnish a wagon and a team with a very limited equipment, took all that they had of material possessions, and with courage in their hearts and resolution in their breasts made the overland trip westward for the development of Iowa and Kansas and Minnesota, all the time moving westward to contribute to the jewels in the crown of the expanded Nation. I know that in those days they succeeded because they were made of that stern stuff which had developed amid discouragement at home. They had failed in their undertakings for one reason or another, and they were resolved to start anew, just as the New England fathers did when they planted their first colony at Plymouth Rock. And out of that resolution and their hardship and their simple life, out of that determination to do for themselves, they laid the foundations of the developing West. Whoever they were, no matter from whence they started anew, these pioneers were the great builders. And I want to say that the man who laid the cornerstone of a great Commonwealth like the State of Minnesota is entitled to the enduring tribute of the American people.

One word more, Mr. President, on that. I should like to be able to say something, though in a less rambling way than I am obliged to-day, to preserve and magnify the type of that sterling American citizenship. It is good to recall that 200 years ago, or 400 years ago, or any period one may choose, there were in the State of Minnesota the same soil, the same waters, the same mineral wealth, the same opportunity for man's fortunate habitation that exist there to-day. But it required the human touch; it required the application and ministration of citizenship, and the developing efforts of those who went out and made battle with nature's wilderness, when heroes perished without fame's acclaim. It was those who went out and turned the wilderness into a garden spot and made the most and the greatest achievement possible to man. And they did it because of rugged individuality, conquering personality, and real citizenship. They did it because they lived simply and pushed forward in a determination to achieve. I tell you, Senators, if there is any one thing needed to go on in the fulfillment of our great American life it is the preservation of their sterling qualities of a citizenship enhanced by a simple life.

It strikes me that if there is any one great menacing tendency in modern times growing out of our material good fortune it is the tendency to a life which was never intended to be adopted if one aims at accomplishment. I like to recall the simplicity of the pioneers. They had the same motives, they had the same desires which have impelled mankind from the beginning of the world; but they were content in their own consciousness of accomplishment. They were intensely patriotic. They were appreciative of the opportunities that came from the founding fathers, and, like the man whose memory we are seeking to pay tribute to to-day, they were abidingly honest.

I like what the Senator from Minnesota [Mr. NELSON] said about the standing of Mr. Rice with the Indians. I take it that he not only dealt honestly in his personal relationships, but he kept his contracts; and I want to say in offering my tribute that the one great example we need in these United States is the man who is abidingly honest and keeps his contracts, whatever they may be.

Mr. President, I had not intended to speak even at this length. I am glad that Minnesota has placed its memorial of Mr. Rice in the Hall of Statuary, and I am glad that there is a line to go in the RECORD in making our acknowledgments to the State of Minnesota, because we ought to prize this example of sturdy, stalwart, honest, and patriotic American citizenship developed in the great work of adding a Commonwealth to the American Union.

Mr. GALLINGER. Mr. President, as the senior Senator from Minnesota [Mr. NELSON] has already stated, Henry M. Rice

was a Delegate from the Territory of Minnesota in the Thirty-third and Thirty-fourth Congresses, and a Member of the Senate from May 11, 1858, to March 3, 1863. This was during an interesting period of our history, the years shortly preceding the Civil War. Mr. Rice left the Senate 28 years before I entered it, so that my knowledge of the man is a matter of history.

The Senators from Minnesota have asked me, as the present oldest Senator in years and in continuous service, to say a few words on this interesting occasion, and I have not found it in my heart to do otherwise than respond to the wish of my genial colleagues from that great State, inadequate as my words must of necessity be.

Mr. Rice was of New England ancestry, having been born in the State of Vermont, emigrating to Minnesota at an early age. While serving as a Delegate in Congress, the President of the United States was Franklin Pierce, a New Hampshire man. The Senate, at the time Mr. Rice entered it, contained in its membership many men of great ability as orators, legislators, and statesmen, some of whom figured largely in the stirring events which shortly followed. In that list are found the names of Clement C. Clay, jr., of Alabama, Robert W. Johnson of Arkansas, William M. Gwin and David C. Broderick of California, Lafayette S. Foster of Connecticut, James A. Bayard of Delaware, David A. Yulee of Florida, Robert Toombs of Georgia, Stephen A. Douglas and Lyman Trumbull of Illinois, Jesse D. Bright of Indiana, James Harlan of Iowa, John J. Crittenden of Kentucky, Judah P. Benjamin of Louisiana, William Pitt Fessenden and Hannibal Hamlin of Maine, Charles Sumner and Henry Wilson of Massachusetts, Zachariah Chandler of Michigan, Jefferson Davis of Mississippi, James Bell and John P. Hale of New Hampshire, William H. Seward and Preston King of New York, Benjamin F. Wade and George E. Pugh of Ohio, Joseph Lane of Oregon, Simon Cameron of Pennsylvania, Andrew P. Butler of South Carolina, John Bell and Andrew Johnson of Tennessee, Sam Houston of Texas, Solomon Foot and Jacob Collamer of Vermont, James M. Mason of Virginia, and James R. Doolittle of Wisconsin, a list of able men, never excelled in the history of our country.

In addition to the two distinguished men who represented New Hampshire in the Senate at that time, in the list are found the names of three other natives of my State—William Pitt Fessenden of Maine, Zachariah Chandler of Michigan, and Henry Wilson of Massachusetts, men who left a deep impress upon the legislation of the country.

Mr. Rice did not make many speeches while in the Senate, but the Congressional Globe shows that he frequently engaged in debate, and took a vital interest in all matters relating to the Indians, of whom there were many in Minnesota, the administration of the public land laws, postal affairs, and the building of the Pacific railroad. He contended that the Pacific railroad should start from a point on the boundary of Minnesota instead of from a point on the Missouri River.

On a certain occasion, after a heated debate between Senators Dixon and Fessenden, Senator Rice expressed himself as being much opposed to personal controversies of that kind, saying that the older Senators should not set a bad example to the younger ones. On another occasion, when an attempt was made to stop applause in the galleries, under the threat that if repeated the galleries would be cleared, Senator Rice expressed himself as follows:

> The people come for the purpose of listening to speeches that are made, and when the impulses of their hearts shall induce them to applaud, I will not condemn it. I hope they will be permitted to remain.

Senator Rice was opposed to the free distribution of seeds, showing that some of the very questions that are being warmly discussed in the Senate now were being discussed in his time.

On the whole, Senator Rice seems to have been very attentive to his senatorial duties and to have been on the right side of all questions that were of concern to the people whom he represented. He was a fit representative of those whom he served, and, judged by his legislative record, served them with ability and fidelity, thus fully earning the recognition that the people of Minnesota are to-day bestowing on him.

Mr. CLAPP. Mr. President, when in my youth it was my privilege first to meet Mr. Rice he had already passed the meridian of life, and presented that attractive spectacle of one whose step was still strong, whose eyes were undimmed, whose faculties were unimpaired, and yet who showed the mellowing touch of time and in the retiring of age could enjoy the reflections which come after a life of achievement.

It has been said that our race is a weary traveler. It is certainly true that that portion of humanity from which we are sprung has made a wonderful pilgrimage, whether inspired by Divine commission or whether born of the instincts of those who compose that current of humanity none can say. That current of humanity possessed two remarkable traits, two remarkable characteristics. Coming in early days from somewhere in the then great unknown of eastern Europe, it moved along the northern coast, draining the morass and the swamp, leveling the forest, braving the Northern Sea, reaching those islands which even in Biblical times were known as the Isles of the North, ever moving, ever pressing westward, the vanguard crossing the trackless and uncharted Atlantic, it found its lodgment upon what was then the somewhat inhospitable coast of New England; but still it moved westward, and over mountains and through defiles, hewing its way through forests, it finally spread out upon the great inland plains of our continent.

Another remarkable trait of that branch of the human family is found in the fact that while it ever moved westward, it ever moved toward the goal of freer government, until it reached that goal in the founding of this Government. But the establishment of our Government, like the lodgment of this current of humanity upon the Atlantic coast, was not the end; it was but the beginning of a greater chapter. While our fathers, wise in their day and generation, founded a Government, the outcome of a patriotic wisdom never before witnessed in any assemblage in history, yet the written government is cold and lifeless, the words upon the page have no meaning, unless those words are woven into action, into spirit, and into purpose.

To-day there are upon the American Continent governments which copied our Constitution, and yet present the sad spectacle of despotism or, what may be worse, the tyranny of anarchy itself. It is in the spirit, in the purpose, of a people that the fabric of written legislation must be woven and developed into spirit, purpose, and living form. As that current of humanity moved westward and began to diffuse itself over the great inland plain, it took upon itself the task of molding government. In the genesis of this movement from that somewhat mysterious dawn in the shade of the history of northern Europe down to the time of our own day, each generation has well done its work. Those men who drained the swamps and the morasses of northern Europe, those who rescued the soil of Holland from the grasp of the sea, those who developed a civilization in England, those who brought a John to a recognition of the rights of man, those people who brought a Charles to the block, those who in turn founded this Government, those who endured the hardship of a revolution that we might be free, those who in later days preserved the Union thus founded, those who tracked the trackless forests of the West and converted the plains of the midland to the habitation of man, those who in the years gone have given form and color to the spirit of our institutions, each and all well performed their part in their day and generation.

The last great task of this movement after the establishment of government and as essential to the developments of the spirit of our institutions was the establishment of opportunity, and through the efforts to subjugate the material character of our land, through the establishment of free government, and through the establishment of equality of opportunity, there came the great characters which have adorned the pages of our history, because this made it possible in the character of the men themselves not only to surmount all other obstacles but also to overcome the limitations of humble origin and a boyhood of poverty. Part and parcel of this great movement was the man whose name we honor to-day.

Born in New England, leaving his New England home when even the humble surroundings of a New England home of a century ago spelled civilization compared with the wildness into which he was to penetrate, he went westward and joined for a while the efforts of those who were laying the foundations of what is now the great Commonwealth of Michigan. There he joined with those who, then in the first flush of their young manhood, were engaged in this American task of building government, fitting our country for civilization and development along great and lasting lines—men then unknown, but men who, by their energy, their sturdy characters and wisdom, not only laid deep and broad the foundations of that great Commonwealth, but brought fame to themselves in their achievements. But this lure of the West that had called this race, caused Mr. Rice to move farther westward, until he found himself in what is now the State of Minnesota.

I wish I had the descriptive power to portray the character of that class of men of which he was a fitting type. They were peculiar in themselves; their like is found nowhere else in our history. There was a culture and refinement about them; they could adorn the bench, the Senate Hall, or my lady's parlor. There was a certain dash about them; and yet there was that fortitude, that courage, that power of endurance that enabled

them to withstand all the severe and untried conditions of the western country.

If you understand the nature of the Indian as he was when our forefathers landed on these shores, you will not wonder that between men of this type and the leaders of the Indians there sprang up a friendship amounting almost to affection, because, while there rolled between the leaders of the Indian tribes and these cultured, refined men that gulf that separates the educated and the cultured from the uneducated and the uncultured, there was a strong current of sympathy in nobility of character that drew them together in that knightly spirit that, after all, was the predominating feature of these great pioneers. And when Mr. Rice passed away, borrowing an expression which my colleague [Mr. NELSON] used in Statuary Hall on the occasion of the unveiling of the statue of this distinguished son of Minnesota, the Indians who had known him so well during all these years said that, while they believed he had gone to a brighter and a better land, yet, after all, they wished he might have remained with them.

No generation ever has measured, or ever will in its own time measure, accurately either the direction, the speed, or the force of the movement of which it is a part. It is only after the long sweep of the centuries that there can be viewed the connection between events sequential in their character. It is only then that there can be made a measurement of the great movements of humanity. So to-day, while we wonder at the great growth of our cities, the development of our land, the limitless wealth and resources of our Nation, we can not adequately measure the direction, the scope, or the force of the movement of which we are a part. It may, however, be interesting for me to say that I have in my possession a small book, a very small book, which contains the record of the enactments of the First Territorial Council of Minnesota; and, as small as that book is, an appendix to that little book contains the census, giving by name every inhabitant of the then Territory of Minnesota. To-day some two and a half million people constitute the humanity of that great Commonwealth, and that within the lifetime of those now living. Into that wonderful work of material and institutional development Mr. Rice threw himself with all his zeal and ardor, and he helped to develop that Commonwealth, and that Commonwealth in turn has honored him.

It so happens that each State can only place two statues of its distinguished citizens in Statuary Hall; yet of the people of the Western States there are unnumbered thousands who well deserve the recognition we have accorded Mr. Rice. As I have said however, it is impossible to accord this particular distinction to more than two, and I feel to-day that if Mr. Rice could, in a continuation of his personal identity, look down upon these services, appreciating, as he would, the great honor that is being conferred on him, yet out of the generous impulses of his nature he would wish that the statues of those who had shared in that great work of the past might also adorn Statuary Hall.

It is wise that we accord this honor; it is wise that we keep alive the memory of those who have gone before. Man is so constituted that he must ever have a symbol, something as the outward form to express the thought that is within him. We can not have a country without a flag; we can not have religion without a church. Man must ever have a symbol and a shrine, and it is well that we take as our symbol the names of the leaders of the past; it is well that we worship at the shrine of their achievements. Their names as symbols, their achievements as a shrine, may serve to keep within our midst that strong and vigorous character and nature which every one recognizes the higher and more complex civilization must more and more weaken if not destroy.

Mr. President, I have spoken more of the genesis of the movement of which Mr. Rice was a part and a type than I have of Mr. Rice himself, because, after all, it is his contribution to the genesis of this movement, it is this environment and this condition which combined to make the achievements of Mr. Rice worthy of the commemoration which the great State of Minnesota has bestowed upon them.

Mr. President, I move the adoption of the resolution offered by my colleague.

The VICE PRESIDENT. Without objection, on the motion of the Senator from Minnesota [Mr. CLAPP], the resolutions are unanimously adopted.

## POSTAL SAVINGS SYSTEM.

Mr. BANKHEAD. I ask unanimous consent that the Senate proceed to the consideration of Order of Business 48, House bill 562.

Mr. SMITH of Georgia. Mr. President, while I feel that Order of Business No. 18 is entitled to precedence, the time is so short until 2 o'clock that, without in any way waiving the start that we have made on No. 18, I yield to the Senator from Alabama.

The VICE PRESIDENT. Is there any objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 562) to amend the act approved June 25, 1910, authorizing a Postal Savings System, which had been reported from the Committee on Post Offices and Post Roads with amendments.

Mr. GALLINGER. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

| | | | |
|---|---|---|---|
| Ashurst | Hitchcock | Newlands | Smoot |
| Bankhead | Husting | Norris | Sterling |
| Beckham | James | Oliver | Stone |
| Borah | Johnson, S. Dak. | Overman | Sutherland |
| Brandegee | Jones | Page | Thomas |
| Bryan | Kenyon | Phelan | Thompson |
| Catron | Kern | Pittman | Tillman |
| Chamberlain | La Follette | Poindexter | Vardaman |
| Chilton | Lane | Pomerene | Wadsworth |
| Clapp | Lewis | Saulsbury | Walsh |
| Clarke, Ark. | Lippitt | Shafroth | Warren |
| Cummins | Lodge | Sheppard | Weeks |
| du Pont | McCumber | Sherman | Williams |
| Fall | McLean | Shields | Works |
| Gallinger | Martine, N. J. | Simmons | |
| Gronna | Myers | Smith, Ga. | |
| Harding | Nelson | Smith, S. C. | |

Mr. KERN. I desire to announce the unavoidable absence of my colleague [Mr. SHIVELY]. He is paired with the Senator from Maine [Mr. BURLEIGH]. This announcement may stand for the day.

Mr. SHEPPARD. I wish to state that the Senator from Louisiana [Mr. BROUSSARD] is absent on official business.

Mr. SMOOT. I desire to announce the unavoidable absence of the junior Senator from Michigan [Mr. TOWNSEND]. I will allow this announcement to stand for the day.

The PRESIDING OFFICER (Mr. POMERENE in the chair). Sixty-five Senators have answered to their names. A quorum is present.

Mr. BANKHEAD. Mr. President, the Senate has given unanimous consent for the consideration of the bill which I called up—the Post Office bill. Owing to the fact that there are only 10 minutes left between now and the time when the unfinished business comes on, I will not ask the Senate to enter upon the consideration of the bill at this time.

Mr. GALLINGER. Mr. President, I want to suggest to the distinguished Senator from Alabama that when this bill is up again I hope he will be prepared to make a clear statement of the changes in the law and exactly what the exhaustive amendments which the committee has inserted mean. This is a matter that we have discussed heretofore, and it seems to me that the changes are very radical, but I have not had time to examine it except casually at my desk.

Mr. BANKHEAD. There is only one change in the bill that I think will provoke any controversy whatever, and that is the amendment to the postal-savings law. I will say to the Senator from New Hampshire that the committee has filed a very elaborate report on this bill. It is Order of Business No. 48. I will have the clerk of the committee deliver to the Senator from New Hampshire a copy of the report in order that he may examine it and note the reasons for the changes.

Mr. GALLINGER. I shall be very glad to examine the report. My attention had not been called to this bill until the Senator asked to have it considered, and I shall certainly give very careful consideration to the report. I am glad the report has been made by the committee.

Mr. BANKHEAD. The Senator will find a very elaborate explanation of the changes in the postal-savings law, and whatever changes have been made in other sections of the postal law, full set out in this report, and the reasons given for the changes.

Mr. LEWIS obtained the floor.

Mr. SMOOT. I ask for the regular order.

Mr. LEWIS. Mr. President, I desire to address myself to a matter which I feel justifies the attention of Senators on this side of the Chamber, and it is not without its interest to those on the opposite side of the Chamber. I am gratified that the quorum call was made, as there may be Senators on the opposite side of the Chamber——

Mr. BANKHEAD. Mr. President, I call for the regular order.

The PRESIDING OFFICER. The calendar under Rule VIII is the regular order.

Mr. BANKHEAD. I call for the regular order.

THE CALENDAR.

The PRESIDING OFFICER. The calendar under Rule VIII is in order. The Secretary will state the first bill on the calendar.

The first business on the calendar was the bill (S. 1053) to provide for stock-raising homesteads, and for other purposes.

Mr. SMOOT. Let that go over, Mr. President.

The PRESIDING OFFICER. The bill will be passed over.

SPEECH OF SENATOR LEWIS.

Mr. LEWIS. Mr. President, I came into the Senate this morning after an absence of a few days, and this absence accounts for my delay in referring to a matter which otherwise I would have taken up in this body some days earlier. I refer to the speech of ex-Senator Root, as chairman of the Republican State convention of New York. An editorial from an important paper in my city attracted my attention. It addresses its comments toward the Democracy and bases its criticism of the President on the speech made by ex-Senator Root, of the State of New York, while presiding as the chairman of a Republican State convention of New York, the occasion being the selection of delegates to the national convention. This paper—as others of the Nation—calls the attention of the country to the accusations of ex-Senator Root, and intimates that because of the very high source from whence they come they are indisputable and stand as an unanswerable indictment of the Wilson administration, for which I now assume to speak.

At this time I desire to take a few minutes of the time of the able Senator from Alabama [Mr. BANKHEAD] and address myself, not to the theme of the pending bill but to the theme of the hypocrisy of statesmanship.

I know that the great Edmund Burke had occasion once to tender an excuse for otherwise unpardonable errors on the part of eminent men doing unexpected things against the English Government by saying: "We can pardon much to the errors of liberty." But I am not able, adjusting myself to conscience, to say that we should pardon the liberty of deliberate error on the part of wisdom—particularly when it assumes to be statesmanship which is to advise the country and direct the Nation.

The eminent ex-Senator from New York, Hon. Elihu Root, assuming the privilege as chairman of the Republican State convention to speak the keynote of the Republican Party as he then represented it, found it agreeable to assail the President of the United States and present him before the country as a pretender in his policies and a weak and impotent officer in the execution of his undertakings. The ex-Senator would have the country understand that the President of the United States was unworthy of the further confidence of the country, and that the Democratic Party was no longer entitled to the respect that wisdom and patriotism would confer upon it. He tendered as the two counts of his indictment the charge that the administration had failed in its duty to the country; first, by declining to go into war with Mexico, and, second, in declining to provoke war with Germany.

My purpose, Mr. President, is to attract the attention of the country to those inconsistencies which are permitted on the part of those to whom greatness is vouched, either out of generosity of admiration or the falsity of worship which attends men who by accident or favor achieve influence beyond deserts of merit—where under other circumstances the same conduct on the part of any other person in lesser spheres would have been arraigned as an exhibition of ignorance on the one hand or malevolence on the other.

The Senator from New York, as chairman of the Republican State convention, speaking for his party, proceeds to arraign the Democracy on the ground, first, that it has failed to protect the lives of Americans in Mexico by failing to declare war against the Mexican country. He charges that the conduct of the administration has been so supine as to be worthy only of condemnation and so lacking in courage and wanting in statesmanship as to call for immediate ousting by the American public.

Mr. President, I want to ask what was the purpose of the able ex-Senator in preparing with deliberation this written indictment of the Democracy?—for it appears that his speech was prepared in writing, some features of it being omitted in its deliverance. Clearly the purpose was to provide for his party a platform upon which the issue was to be made in the coming election. It was to propose the policy upon which the campaign that is now approaching should be conducted. It had for its purpose the awakening of the American people to a spirit of resentment against the Democratic administration. Its deliberate object was to hold up the President of the United States as an individual unfit for the respect of his countrymen and unworthy the confidence of his Nation.

The Senator proceeds, as the basis for this issue for his political campaign, to make Mexico and Germany the particular subjects. Before I enter upon the latter two, I wish to invite the attention of the country to the fact that the conditions in Mexico, as they have existed now, say, in the last year—barring one additional atrocity—are the same that have been continuing for years. They are the same conditions as those existing a year and a half ago, and could have been made the basis of a campaign issue then as now, if to the mind of the distinguished statesman there was the idea or the hope that it was of the most avail. But we recall that the distinguished ex-Senator, in his speech at the Union League Club, of Philadelphia, in the month of March last year, laid down the issue for the Republican Party. He on that occasion there struck the "keynote," and that part of the press ever favoring any utterance of the distinguished Senator gave it eminence and prominence as the oracular decree of the political prophet. What was it? I reply that it will be recalled that then times were depressed in America. The war of the world had occasioned much uncertainty in the United States. Financial investors were timid, business was uncertain, and throughout the marts of trade there was stagnation, all because there was uncertainty as to how far the war would reach and whether the United States might become involved. But the conditions were sufficient to justify the able ex-Senator to there charge the responsibility to be upon the Democracy and to charge the Democratic administration with being responsible for those depressed financial conditions of America. So it was that the Senator said the issue should be "getting business away from this regulation by law," freeing "business from the trammels of too much legislation."

The able ex-Senator then said, as he struck his then "keynote," that the thing to do was to put this administration out of power and put in its stead a "business administration," and the Senator defined his purpose as well as his view by giving an illustration that what was needed in the country—as "another administration headed by another Mark Hanna."

Such then was the only issue, and such then, to the able Senator, was the need of the country. The Mexican situation was then, when he spoke, as it had been under the Taft administration and as it now is under Wilson.

What was the occasion of the change from these issues? It is this, Mr. President: Business has become aroused to the real object of the Democracy. It has become awakened to its true purpose as to commerce, and conscious that its object is to protect business, not to destroy it; to stimulate it, not to paralyze it; and that in Democracy business had found its friend. Then, with this new confidence possessing our countrymen, no longer torn asunder by dissensions between conflicting political factions in power, as previously existed in the Republican Party, when political officers of one faction immediately assailed the business of the other as a matter of revenge. Now it is clear to business that the policy of Democracy was to give fair treatment to all business of the country and to all institutions to be just from this new status everybody took a new life, business began bounding, and commerce leaped from the leash of the monopolist and rushed into the race of riches for all mankind.

Mr. President, the hour when panic could be the cry or the keynote had gone. The time when calamity could be charged against the Democratic tariff bill had passed. The occasion when hard times and depression, the misfortunes of the country, the poverty of mankind could all be charged to the Democracy had ended. Business was prosperous. Commerce multiplied. Everything gave evidence of wealth. The issue upon which so much had been deposited had forsaken the eminent leaders of our Republican opponents. Then the distinguished leader, Senator Root, chose to strike a new keynote for those who are anxious to have assurance on the part of those who are supposed to be in themselves able to give security to any property and assurance of exemption from regulation of wrongful conduct. Thus when the distinguished gentleman had failed to fix an issue on the former charges, we now find that the eminent ex-Senator says that the failure of Democracy in not going into Mexico, precipitating war, is an evidence on its part of its frailty in government and cowardice in action. That for such omission it is incompetent to longer hold the respect of the Nation of America or to continue in the confidence of its people. That this shall now be the issue—or one of the issues.

Yet, Mr. President, these same conditions to which he alludes prevailed under the administration under which he was spokesman when he held a seat on the floor of the Senate in the term of President Taft. This same situation, the same evils, the same disturbance, the same slaughters, the same murders in Mexico,

regrettable as they were—they were not within our jurisdiction then, as they are not now—existed when an attempt was made on the part of the Democracy to remedy these things by the force of law, to be expressed in the Senate, yet what was the position of the eminent ex-Senator then, when, if he was sincere in his demand for war in Mexico, his voice could have spoken to give his now announced purposes execution?

The history of legislative action on Mexico discloses that in 1911, April 20, the Senator from Missouri [Mr. STONE], who is now the chairman of the Foreign Relations Committee, entered a resolution in which he sought power of the Senate to direct the President of the United States, then President Taft, to consider the atrocities which were then being perpetrated in Mexico, and to stop the offenses which were then being committed by conferring upon the Committee on Foreign Relations such power that they might have the authority to investigate and Congress intercede.

The resolution intimated that the result might lead to the entrance by the United States into Mexico to establish order by force. Mr. President, I observe the Senator from New York [Mr. WADSWORTH], the successor of Senator Root, is rising. I beg he may do me the kindness to remain, that if any observation is to be made in opposition to my views he may feel free to indulge them. Indeed, I called for a quorum that any Senator who desires to reply to my observations—defend the utterances of the former Senator from New York—may do so.

Then, Mr. President, when the position was tendered by the Senator from Missouri [Mr. STONE] exactly akin to that which ex-Senator Root now says should be that of the Democracy, what did the able Senator from New York do? Did he give support to the very position which he now says should have been taken by President Wilson? Did he give support to the tendered resolution? No; the Senator then rose in the Senate and condemned the effort of the Democracy to do the very thing which he says should have been done, and for want of which he says the Democracy has forfeited the respect of the citizens of this country. The able Senator from New York, April 20, 1911, referring to the resolution tendered by the Senator from Missouri asking for the very power to correct these wrongs and remedy these abuses in Mexico,—Senator Root, of New York, said—and I read from page 452, volume 47, part 1, of the CONGRESSIONAL RECORD:

> Mr. President, before the subject is passed over and the resolution laid upon the table, I wish to express my entire dissent from the assumption which seemed to me to be carried by the expression of opinion on the part of the Senator from Missouri. Granting that injuries have been done to American citizens which ought to be redressed, that wounds have been inflicted, that lives have been taken, that property has been destroyed, it does not follow, sir, that we should begin the process of securing redress for those injuries by a threat of force on the part of a great and powerful nation against a smaller and weaker nation. That, sir, is to reverse the policy of the United States and to take a step backward in the pathway of civilization.
>
> There is no reason whatever, sir, to assume, if injuries have been done of the kind described, that the Government of Mexico is unwilling to make due redress upon having those injuries and claims for redress presented to her in the ordinary course of peaceful negotiation; and the passage of such a resolution as has been described, equivalent to a declaration of war, would be to preface the ordinary demand—the demand which it is the duty of every civilized power to make upon a friendly nation—with a threat that if the demand is not complied with force will be used.
>
> Sympathy with the people of Mexico in their distress, a just sense of the duties that we owe to that friendly people, and the duties that we owe to the peace of the world must forbid our assenting to or yielding to any such course—

Meaning the course provided for by the Stone resolution.

Mr. President, if it is just now when the able Senator from New York arraigns the Democracy, to demand that the Democracy shall go into Mexico with the power of this great Nation to enforce war, why was it not equally just under similar circumstances when the Senator from New York opposed it? If it was just then to oppose it upon the ground that it would be a violation of the traditions of America, a "step backward" in our course of humanity, it is equally true now as it was at the time the Senator from New York arraigned the Democracy before the country for not doing the very thing which he as one of the representatives of the Republican Party, sustaining President Taft, aided in preventing.

Therefore, Mr. President, we are at once called upon to ask ourselves what is the meaning of this form of hypocrisy of statesmanship that can indent itself upon the popular mind as being serious in purpose and responsible in utterance? What purpose is there behind that declaration except on the assumption that the public either forgets the past or is ignorant of the present? That the people can be deluded and deceived? The author of these utterances assumes that these issues can be created because of the eminent source that sponsors them. It is enough to the minds of some that a charge shall come from one occupying a high place as being sufficient to influence the public mind. By such alone may the injustice and injury to the opposing political party be accomplished, and all to create a political issue. This to provide a campaign cry—for election uses.

Then the distinguished Senator, among other arraignments, intimates, unless I misread his speech, that in recognizing Carranza in the course we have taken we have committed some unpardonable folly, intimating that the time and opportunity we did have to vindicate the honor of the United States was to have punished Huerta and Carranza.

Sir, the able Senator and the leader of his party striking this keynote of discord, of injustice surely could not forget that the American people are still able to turn to their record and recall that here in April, 1914, on the floor of this body when a resolution was tendered here to give to Woodrow Wilson, President of the United States, power to move the Navy into Vera Cruz for the purpose of resenting an insult to the flag and vindicating the honor of America as against Huerta, the distinguished Senator from New York rose in his place here at night and inveighed against the injustice of the motion and the unrighteousness of the purpose. He was not content that we should give out to the world that such insult was cause for the United States to take any action whatever in Mexico. He protested against our proposed course because such may mean war with Mexico. Said the able Senator at that time, speaking almost in behalf of Huerta—I read from the CONGRESSIONAL RECORD, page 6985, April 21, 1914:

> The course which is proposed is the forcible armed compulsion of the people or some of the people of a friendly nation, the armed compulsion of a government which I think we all are agreed is an existing de facto government, having in its control the greater part of the territory of Mexico—the armed compulsion of that government to make amends to the United States for an insult to its flag.
>
> What is the justification?

And the Senator continues:

> We can not justify, sir, upon confidence which we all have in the President. We must justify upon grounds which commend themselves to our consciences, to our intelligence, to the conscience of the American people, and to the deliberate judgment of the civilized world.

Then proceeding the Senator said, characterizing the resolution brought forth from the Democracy demanding action:

> It is intervention, technically, but it is war in its essence that we are to vote to justify to-night. How long it will continue, what its results and its incidents will be, no man can state. Men will die, men dear to us will die, because of the action that we are to approve to-night. American homes will be desolate; American women will mourn; American children will go through life fatherless, because of the action that we are to approve to-night; and when those children, grown to manhood, turn back the page to learn in which cause their fathers died, are they to find that it was about a quarrel as to the number of guns and the form and ceremony of a salute and nothing else?

Indeed, the ex-Senator from New York, for party issue, is willing now to tell America that this Nation has failed in its duty that it did not plunge into war with Mexico. Such is urged as a party issue now, when the cry of business panic had failed to avail; and when in vain a protest against the Government regulating wrong had failed to find a following of sufficient quality and quantity to insure support from the Republican leaders of the East. I ask where is the difference of now and that time—April, 1914—when the distinguished Senator from New York beheld war in all its desolating aspects. That it meant men killed and children ahungered, left fatherless and homeless. That it meant our "dear ones to die." If this prospect then appalled him in its consideration and shocked him at the threshold of the undertaking, is that not the same future that is now threatened by the course he now demands? Why the change in the spirit of his human heart? Why the perversion of this generous nature merely to serve the purpose of an indictment against his own President of the United States? The answer is, it is for party purposes and political issues.

I have respect for eminence. I pay my tribute to ability. But from my humble position I indict the hypocrisy of statesmanship and refuse to allow my countrymen to be imposed upon by pretense which carries the glamor of reputation conferred by favor, to delude my countrymen either as having justice in its purpose or truth in its accusation.

Sir, therefore we see that we need seek no further answer as to Mexico for justification for the course of Democracy than that the able ex-Senator himself afforded in his opposition to Democracy when it sought to remedy this condition under the leadership of our distinguished chairman of the Committee on Foreign Relations. He, the Senator from New York, opposed the action of the Democratic President of the United States to accomplish that, for the failure of which he now indicts him in public speech.

I indict the hypocrisy of statesmanship. I challenge admiration for truth, and to sincerity I pay my salute, however severe its accusation against me or my party; but where it assumes to

mask in a false pretense to accomplish an object which it has previously indicted as unjust—yet nevertheless would execute for the mere purpose of party issue—I condemn it, sir. I deny such the respect of statesmanship, and state here in this place that such utterances as made by the ex-Senator, as chairman of the Republican State convention, under different circumstances and from lesser men would have been characterized as demagogy!!

Now, sir, we have seen that in Mexico these unfortunate atrocities, which I join my colleagues on the other side in condemning, have been remedied so far as such things can be under such unfortunate conditions as curse Mexico. The perpetrators of the murders and the assaults have met their death. They met it summarily under the order of the Carranza government. For the lives they have taken they have given up theirs. And yet the Senator with the knowledge that everything which could have been done by the President of the United States had already been done by the very agency the distinguished Senator himself had appealed to—the government in Mexico—there is not one word from the mouth of this distinguished leader in striking his keynote, telling the Nation that all these things for which he says my Government and our administration should enter into Mexico to declare war to remedy, to have been remedied, in so far as any administration in power in any land could have avenged, have been done. Not one word from the Senator that condign and complete punishment was meted out to the perpetrators. That they are dead.

Therefore, sir, as to Mexico I take the liberty to say the record discloses that the eminent Senator was striking a keynote without regard to justice or facts. I charge that he was deliberately unjust to the President of the United States, and purposely misrepresenting the Democracy of the Nation.

*Now, Mr. President, as to Germany.* The able Senator says in his keynote, striking a bass note (after having left the minor key of Mexico)—more base, I regret to charge, than bass—the Senator asserts that it is necessary we should have a President of the United States who has "something more than words." Who would "follow words by action." Yet I ask what action? What action does the eminent Senator, a leader of the Republican Party, mean? There can be but one other kind of action, and that is war. *If the Senator would mean war, why did he not say war?* Why mask under utterances ubiquitous and doubtful in construction, that anyone could gather whatever they would? The unlearned and humble, who suffer most by war, to feel that it means some action other than war. On the part of those who desire war to suggest action that is only war. *If the able Senator, speaking for his party, expected to pledge his party to war with Germany as an issue in this country, let the party declare it with courage, and the Democracy will meet the issue.*" If the "action" referred to by the Senator means that the grievance against the Democracy is that it has not driven its people across the seas into Germany to be killed, "our dear ones to die," as the Senator said when opposing action in Mexico—leaving "our children to be ahungered, to be bereft of parents"—if that be not the purpose of the word "action" as used by him, what other action, then, could he refer to, speaking in behalf of his party? *What action is it he will pledge his party to?*

Why not tell the Government of America now, if the object is to make the issue against the Democratic President of the United States that he did not declare war, and say so? This hypocrisy of statesmanship I protest against, I protest against it as an American who will be called upon to tender all I have in the fateful hour of conflict. I desire to know the purpose on the part of the distinguished leader. I want him to say what he meant. *If the object is to try to elect a Republican President under the covert object of war, yet to hide the purpose from the American people under doubtful phraseology, I here expose the fraud.*

If, on the other hand, the purpose is that war shall be declared against Germany, and that the issue shall be war without regard to its merits or to the justification of the declaration, then let them come forth and declare the purpose, and the country shall judge them by their utterances, by their action, and by their sponsors. War with Germany? For what? Unhappily, sir, sad events in the past have transpired on the seas—lives lost and American rights denied. Unhappily the *Lusitania* incident, of course, is in the memory of us all, and the *Gulflight* and *Cushing*. But this administration, with the cooperation of many of my eminent Republican friends, looking toward peace and concord with all peoples, have turned their attention to a settlement of all differences by peaceful negotiation. Mr. President, we have moved to achieve results through the only course civilized countries ought to adopt as long as it is available—by methods of peace, by speech of religion. And what is now the result? We have found that before the world we can reach a solution without war. We have reached a settlement without injury. We have not disrupted the peace binding us between countries heretofore friendly and whose people have contributed so much to the splendid results and achievement of America; nor, sir, have we, the democracy, ever desired to break it. To the contrary, sir, we struggle to forever continue it.

Yet, says the ex-Senator, we want a President who will have other action. He indicts the President of the United States as a weak and supine victim of surroundings, whose tendency is to "address a note." Yet the able Senator, knowing the limitations of this constitutional Government of America, failed to tell the country that such is *all* any President of the United States can do. What else can he do? He may go to the country and speak from his lips. The only other thing permitted by our Constitution—to prevent Presidents who may become despots violating their authority and abusing power—is that they shall address by note their views either to the foreign government which is the object of action or to the representatives of our own Government for action. It is through Congress and from it alone may come action. Then if "action," that is, declaration or action of war, was a thing that the eminent Senator from New York would have the country understand was necessary as a fulfillment of the honor of America, I reply *that since the Lusitania incident and the Gulflight incident the able Senator was a Member of this body. He was representing the imperial State of New York. There was no power in the world to paralyze his arm from introducing a resolution for "action" here in the Congress of the United States, the only place in all America where the power could be executed, and it was here where he served in his sovereign capacity.* If there was such wrong upon this country that could only be righted in honor only by war between us and a friendly people; the death of our men, the paralysis of commerce, the end of all prosperity and progress in America—the devastation of America—then the eminent Senator was equally qualified to present such a resolution, for by law he had the authority. The President of the United States had no such authority within the Constitution. The President could not tender such resolution in Congress; Congress being the only source in America that could have taken the action which the distinguished Senator would have the country understand was necessary to the maintenance of the honor of this land. Yet for failure of the President to do that which he had *no power to do*, the President of this United States is, by the Senator, held up to the country as guilty of cowardice of conduct and displaying supineness of character fit only for the contempt of the brave and the condemnation of all political parties in America.

The eminent Senator from Indiana [Mr. KERN], the leader of the majority, suggests, as I speak, that if such views as were expressed by the distinguished ex-Senator from New York are the views of his party, that there is not a Senator on the other side but has the same privilege now, as he has had before, to tender a resolution for such action. Mr. President, I say that since there has been no such tender, since the ex-Senator from New York himself never tendered such, why, I ask, will he be found in a high place, in an elevated position, discharging an eminent trust, so abusing its common sense by attempting to delude the American people by arraigning the President of the United States, merely because he is a Democrat, as unworthy of their confidence for not doing that which he knows well within presidential power he could not do, and where no circumstances have ever justified such.

Mr. THOMAS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Illinois yield to the Senator from Colorado?

Mr. LEWIS. I yield to the Senator from Colorado.

Mr. THOMAS. Mr. President, if my memory serves me correctly, the then Senator from New York, shortly after the outbreak of the European war, in a speech made in this city, but not in this Chamber, indorsing the attitude of the President, displayed great emotion, the tears coursing down his cheeks, as reported in the papers, when he announced his adhesion to the position which the President then occupied. I do not recall exactly when that is said to have occurred, but I thought it would not, perhaps, be out of place to call the Senator's attention to it at this time, since at that time the position of the Senator from New York was emotionally an indorsement of the President of the United States and his then professed policy.

Mr. LEWIS. Mr. President, I thank the Senator from Colorado.

Mr. President, therefore I think we see clearly that, as to Germany, the eminent ex-Senator before the country puts his

Nation in a position where she is misjudged, and his President where he is wrongly condemned, and himself now, with the truth of his own record correctly understood, as seeking issue—political issue, only politics—in any other place to be characterized as unworthy politics.

I now have a word to my eminent friend the ex-Senator from New York, Mr. Root. Mr. President, I wish it understood that I have a very high personal regard for ex-Senator Root. I applied to him for a clerkship in his law office when I first left college, and he showed his excellent wisdom in declining my request in those days when I sought the work [laughter]; and while in that respect it may have my approval, in view of one thing with another of which I am mostly conscious concerning myself, yet in this particular matter I speak seriously to say that while I respect him and have a very high regard for his eminent abilities, no man bemoans more than do I that such eminent capacities could be distorted to such ignoble uses.

Now, therefore, I ask, What action; action! what action? War? Yes. Who, sir, is it behind the Republican masters now that the party expects to serve by merely making war on Germany because it is Germany? Has a new campaign fund begun to glow in radiance invitingly before their faces? Has the cry that business is being assailed, that the tariff, the author of all our misfortunes, should be revised, and the demands for another Mark Hanna administration lost their potency? Why are these all abandoned and some new source appealed to? Who are these whom my Republican friends, these eminent leaders, are covertly cultivating now and from whom they expect much, if only they can make the issue of the next campaign a war against Germany without regard to its effect on America?

Now, Mr. President, when they have succeeded in this heartless and unnecessary design, and the issue is made before the country that the next mandate of the Republican Party is to be war, *then let us ask you, Republican Senators, how shall you call the country into war—into "action," when before the world you are already indicting your country as being unable to conduct a war with any nation in the world, however weak or impotent?* They confess that with 16 years of power, with the expenditure of $2,000,000,000.

Mr. THOMAS. And the expenditure of $2,500,000,000 during the last 15 years.

Mr. LEWIS. Singly and solely for but one arm of the defense, and as the Senator from Colorado [Mr. THOMAS] interpolates, $2,500,000,000 in the last 15 years—asserting that all of this had been expended under the guise and pretense of national defense—*they confess before the world that the Democracy now comes into power to find no Army, no Navy*—no method of defense whatever existing in this Nation.

Mr. KERN. And with only ammunition sufficient for a day and a half.

Mr. LEWIS. And for want of ammunition, as set forth by the experts' testimony before the committees, leaving us hopeless and defenseless. This is the condition that the then eminent Republican leaders have left this Republic. This is the naked estate which the Democracy was compelled to take over. Is it possible that so eminent a statesman as the distinguished ex-Senator from New York can, before his God in heaven and his fellow mankind on earth, invite his country to war, when she has not that wherewith to defend herself for 24 hours? If the accusations made by these Republican leaders against the country are true, will they send a defenseless people to their sure death, the Nation to certain defeat, the American people to dishonor? How will the Nation get their soldiers to Europe, if they have soldiers to send? Where are the ships upon which to convey the soldiers of America if there were to be war with Europe? Did not the eminent ex-Senator himself participate on this floor in the great and renowned filibuster having for its object the defeating of the Democracy of the only method which could have obtained the ships that could have conveyed the soldiers which might have maintained the honor of this Republic in the "action" or war which he tells our Nation is essential to its welfare and to the honor of the President? What means this spectacle of absurdities presented by the national keynote of the Republican master? It means the unscrupulous descent to contemptible things—all for politics.

Mr. President, I arose to call attention to the situation; and now, sir, I ask my country to view it. We are reaching results with Germany. Here and there differences arise, of course, as they do in all pending negotiations; but we have still maintained peace. There is no war in our land; our cities are not sacked; our fields are not withered; the dead are not heaped up in our streets; mothers are not shrieking as they see their babes bayoneted. Our land is at peace; women can still bless God that their homes are secure, their children happy; civilization can still turn to America and appeal to it as the only spot in all the world where "peace on earth" prevails under law and under the guidance of God, sustained by the patriotism of man.

We will continue this course; we will hold dear to our ancient tradition of peace with all nations; and despite the false statesmanship of eminent men who misrepresent their country merely to create falsely a party issue before their country, America will go on her course of peace with the world, justice to man, and honor to ourselves. Now, sir, as I leave this subject I would invoke the distinguished ex-Senator, Mr. Root, in his hereafter representative utterances, to adopt to his own obedience that creed which Wolsey gave to Cromwell: "*Let all the ends thou aim'st at be thy country's,* THY *God's, and* TRUTH'S."

I thank the Senate.

REMARKS BY SENATOR SMOOT.

Mr. SMOOT. Mr. President, I feel quite sure that the Senator from Illinois [Mr. LEWIS] has no desire to place ex-Senator Root in a false light in referring to the position of the Senator as taken in his speech delivered in the Senate on April 21, 1914. As I remember the speech, he has so placed him. The only purpose for which I rise——

Mr. LEWIS. Mr. President, I apologize to the Senator. I was diverted, and did not know he was addressing me.

Mr. SMOOT. I say, the only purpose for which I rise is to read into the RECORD at this time, following the excerpts from ex-Senator Root's speech as quoted by the Senator from Illinois, and at this point all that ex-Senator Root said.

Mr. President, before doing this I wish first to call the attention of the Senate to the resolution to which ex-Senator Root was speaking. The resolution is as follows:

In view of the facts presented by the President of the United States in his address delivered to the Congress in joint session on the 20th day of April, 1914, with regard to certain affronts and indignities committed against the United States in Mexico: Be it

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That the President is justified in the employment of the armed forces of the United States to enforce his demand for unequivocal amends for certain affronts and indignities committed against the United States; be it further

*Resolved,* That the United States disclaims any hostility to the Mexican people or any purpose to make war upon Mexico.

That was the resolution, Mr. President, to which the then Senator from New York was speaking; and I want to merely add this, that ex-Senator Root did not feel that the country would be justified in declaring war upon Mexico for the reasons as stated in the resolution that was reported to the Senate from the Committee on Foreign Relations. The Senate will remember that the resolution, as sent to the House by the President and passed by the House, referred to Gen. Huerta in specific terms. The power and authority it was sought to confer upon the President by the House resolution were to be directed against Gen. Huerta; but the Committee on Foreign Relations of the Senate substituted and reported the resolution which I have just read. This is what ex-Senator Root said upon that occasion:

Mr. President, I shall not prolong very much this discussion, for I think that whatever action we take ought to be taken to-day without further delay. I do wish, however, to state the reasons for supporting the substitute offered by the Senator from Massachusetts [Mr. LODGE] in lieu of the resolution reported by the Committee on Foreign Relations.

The President has asked Congress for its approval of a course which he purposed to follow to compel amends for an insult to the flag of the United States. A resolution has come from the House declaring that the President is justified in the course he proposes and naming Gen. Huerta as the person against whom the present action is understood to be directed. The Committee on Foreign Relations has reported a substitute resolution which omits all reference by name to Gen. Huerta, but so refers to the statements made by the President in his address that in explaining the justification of the course which he proposes the effect is substantially the same. We are not asked to authorize action; we are asked to justify it.

Mr. President, I have the highest respect—more than respect, I have regard and admiration—for the President of the United States. I have entire confidence in the sincerity of his purpose, in the lofty quality of the ideals which he pursues, and in the genuineness of his adherence to peace.

But we are asked not to express our opinion of the President of the United States, not to express our confidence in him or in his purposes. We are asked in the exercise of our duty as a part of the Government of the United States to declare a specified course of conduct under specified conditions to be justified. It is our duty that we are to perform, our duty as a part of the Government of the United States, our duty to the hundred millions of people of the United States, to the community of nations, to the credit and good name of our country, to the honor and glory that this great democracy has intrusted to our hands as its representatives. This duty we are called upon to perform.

The course which is proposed is the forcible armed compulsion of the people or some of the people of a friendly nation, the armed compulsion of a government which I think we all are agreed is an existing de facto government, having in its control the greater part of the territory of Mexico—the armed compulsion of that government to make amends to the United States for an insult to its flag.

What is the justification? We can not justify, sir, upon confidence which we all have in the President. We must justify upon grounds which commend themselves to our consciences, to our intelligence, to the conscience of the American people, and to the deliberate judgment of the civilized world.

What is the justification? Observe, sir, I do not say that there is no justification. I ask what it is. In the address of the President, in the plain implications and exclusive inferences of the resolution which came from the House, and equally in the resolution reported by the committee, the justification is to be found in a single incident. That incident was this: A boatload of sailors in the uniform of the United States, upon a boat flying the flag of the United States, landed the other day at a wharf in Tampico and were arrested by an officer in charge of a guard, taken through the streets, presently returned to the boat and set free—a very gross offense to the dignity of the United States, an insult which can not be ignored.

But, sir, immediate amends were made. The action of the officer who made the arrest was disavowed by the government under which he served, the de facto government of Mexico, under the de facto presidency of Gen. Huerta. It is stated that the officer was in turn arrested and was to be punished. The commandant at Tampico apologized for the act and, promptly upon being advised of the circumstance, the head of the de facto government, Gen. Huerta, also apologized. Those amends, which would be all that could be expected from private individuals, were, nevertheless, not satisfactory and not sufficient for the officer in command of the American fleet or squadron at Tampico, and he demanded a formal salute to the American flag.

Mr. President, I agree with the admiral that the amends were not sufficient as coming from the de facto government and that there should have been a salute to the American flag, but it appears that there was an interposition by our Government; there were communications between our State Department and our chargé in the City of Mexico, representations to the de facto government in Mexico, negotiations and conversations, as to the character of the further amends that should be made. The matter came plainly to be a discussion between the Government of the United States and the de facto government of Mexico. Not about the quality of the act that was done; there is no dispute about that. Not about the obligation to make amends; that was done. Not about the obligation to apologize; the apologies were made. But about the form of further amends, how a salute should be fired, what were the proper and customary obligatory incidents in the way of returning such a salute, and the number of guns which should be fired. It is upon that dispute—upon a dispute between these two Governments about the number of guns that are to be fired and about what the proper custom is as to returning the salute when it is fired—it is upon that dispute that this justification is made to rest in the resolution passed by the other House and in the resolution reported by the Committee on Foreign Relations of the Senate.

Mr. President, I feel bound to say that while I would never for a moment fail so far as in me lay in preserving the dignity and honor of the flag of the United States, the dispute to which this incident has come seems to be painfully inadequate to the results which are to be drawn from it. If that is all—if there is nothing else except a question of the number of guns and the form and manner of salute—which stands between the hundred million people of the United States and this poor, harried, and distressed people, it seems to me that the occasion is painfully inadequate to the results that are to follow.

Is that all? We learn to-night that Vera Cruz has fallen, that 4 American marines lie dead in that city, and that 21 lie suffering from wounds. Is there nothing but this dispute about the number of guns and the form and ceremony of a salute to justify the sacrifice of those American lives?

O Mr. President, deeply and sincerely as the President of the United States desires to limit the scope of his action, deeply and sincerely as he desires the maintenance of peace, all history and human experience teach us that once lighted the fires of war can not be quenched at will. It is intervention, technically, but it is war in its essence that we are to vote to justify to-night. How long it will continue, what its results and its incidents will be, no man can state. Men will die, men dear to us will die, because of the action that we are to approve to-night. American homes will be desolate; American women will mourn; American children will go through life fatherless, because of the action that we are to approve to-night; and when those children, grown to manhood, turn back the page to learn in what cause their fathers died, are they to find that it was about a quarrel as to the number of guns and the form and ceremony of a salute and nothing else?

We are to justify. What is the justification? Is there none but that? We, the representatives of the great peace-loving Nation; we, the representatives of the great democracy that prides itself upon demonstrating to the world that democracy can be peaceful and just; we are to justify these acts of war; and is there no justification that we can lay before our countrymen, before the world, before the community of nations, before the judgment seat of history, except our dispute about the number of guns and the form and method of a salute? O Mr. President, how inadequate! How can we justify ourselves if we have no justification but that?

But, sir, that is not all. If it had been all, the President would not have come to the Congress yesterday; if it had been all, we would not be discussing the subject here to-night. Back of the incident, back of the special circumstance which forms the whole of the resolution reported by the committee, there is a great array of facts, a long, dreadful history. Mr. President, if there were nothing else but the incident referred to in the resolution, would the American Government have thought for a moment of treating this poor, weak country in this peremptory way? Such things have happened hundreds of times before. Ignorant subalterns have many and many a time transgressed the limits of propriety, mistaken their duty and their powers, and have done acts which were insults to great governments. It has often occurred in the history of the United States. What have we done; what would we do to-day if a subordinate officer in a port of England or France or Germany or Italy were to mistake his duty, make an arrest of American sailors, as American sailors have been arrested before, and the act were disavowed by the Government he served and an apology were made, and regret was expressed, and an intention to punish him was expressed—what would we do about the form and method of further amends? Sir, in the first place, we would settle the facts.

We are now engaged in signing a series of treaties designed to take in all the world, and already a very large number of nations of the world have signed, under which we agree with them that if there be any dispute about any question of fact a commission shall investigate and report, and no action shall be taken for one year, to allow the report to be made. We find here that, while our admiral reported that the American flag was flying on the boat, the Mexican officer reported to Gen. Huerta that no flag was flying. I believe our admiral, but can we think it strange that Gen. Huerta believed his officer? If there were nothing else—if this were all—should not that question of fact be determined by peaceful means?

The question of the proper, appropriate, and customary form and method of a salute is a matter of precedent and the usage of nations. It is the universal custom of civilized nations to present in diplomatic communications the precedents, the authorities showing that the custom contended for by one country is the true custom and that the other country is mistaken. In the case that I suppose, of such an incident occurring in a port of France or Germany or England or Italy, sir, we would have presented our facts, investigated the facts, made certain and clear the facts, presented the authorities upon precedent and custom, and by peaceable and friendly communication would have reached a result.

If that were all, that is what we would do. If this be all, is this Nation of a hundred millions, the richest upon earth, with its mighty power, to treat poor, weak, bankrupt, downtrodden, distressed, despairing Mexico in any less kindly and just a way? If this be all, how can we, in the arrogance of power, justify treating this weak neighbor with a peremptory harshness that we would not think of using toward a powerful nation?

Mr. President, What I have said is what the good people of our country and of the world will think if we finish our work to-night by the adoption of the resolution reported by the committee. There is no justification for us there. No; by the expression of one thing, the dispute about the salute, we commit ourselves to the exclusion of all other justifications. We commit ourselves to a condemnation that will weigh heavily upon the heart of many a good American who loves his country and her honor, and which, as time goes on and the judgment of the world and of the future is made up, will grow darker and darker.

But, Mr. President, it is not all; it is not all. There is matter of justification; and the Senator from Massachusetts [Mr. LODGE] has sought to lay it before the people of America and of Mexico and of the community of nations by the recital in the substitute resolution which he offers. What is it? It is that lying behind the insult to our flag by this poor, ignorant subordinate are years of violence and anarchy in Mexico. Lying behind it are hundreds of American lives sacrificed, millions of American property destroyed, and thousands of Americans reduced to poverty to-day through the destruction of their property. Lying behind it is a condition of anarchy in Mexico which makes it impossible to secure, by diplomatic means, protection for American life and property in that country. Lying behind it is a condition of affairs in Mexico which makes that country incapable of performing its international obligations.

The insult to the flag is but a part—the culmination, if you please—of a long series of violations of American rights, a long series of violations of those rights which it is the duty of our country to protect—violations not, for the most part, of government, but made possible by the weakness of government, because through that country range bands of freebooters and chieftains like the captains of free companies, without control or responsibility. Lying back of this incident is a condition of things in Mexico which absolutely prevents the protection of American life and property except through respect for the American flag, the American uniform, the American Government.

It is that which gives significance to the demand that public respect shall be paid to the flag of the United States. There is our justification. It is a justification lying not in Victoriano Huerta or in his conduct alone, but in the universal condition of affairs in Mexico. The real object to be attained by the course which we are asked to approve is not the gratification of personal pride; it is not the satisfaction of an admiral or a Government; it is the preservation of the power of the United States to protect its citizens under those conditions.

If we omit from the resolution that shall be passed to-night all reference to the matters that are enumerated in the substitute, we omit the real object which forms the only justification for action. Without that, sir, upon the showing of the resolution reported by the committee we would be everlastingly wrong. With the facts that are enumerated in the substitute, the action of the United States will rest with becoming sense of proportion and national dignity upon adequate foundation and cause.

The Senator from Indiana [Mr. SHIVELY] has observed, in effect, that the substitute resolution thunders in the index. Ah, Mr. President, the capture of Vera Cruz, the death of American citizens, the wounds and sufferings of men who lie there to-night demands something more than formal inducement. The recitals of the substitute resolution are weak in the face of death and wounds and sufferings of Americans in Vera Cruz. No less than the substitute resolution avers can justify us.

The conclusion of the substitute resolution, sir, is the same as that of the other. It justifies the President in the same course of conduct which the committee resolution justifies, but it gives grounds. It gives substantial grounds. It gives grounds creditable to the United States and adequate for the proposed action, instead of leaving this momentous movement of a great naval and military power to rest upon no justification but a dispute with a weak and helpless adversary about number of guns and the proper ceremonies of a salute.

Mr. President, I thought it was proper, indeed, that the speech of Mr. Root, referred to by the Senator from Illinois [Mr. LEWIS] should be read into the RECORD following the remarks made by the Senator from Illinois.

Mr. FALL. Mr. President, will the Senator from Utah yield for one moment?

Mr. SMOOT. I will.

Mr. FALL. As this matter has come up and as the Senator from Utah has so properly, it seems to me, called attention to the remarks of the Senator from New York at that particular time, I should like to have inserted in the RECORD with the remarks which he has just read the remarks of the President of the United States made at the Brooklyn Navy Yard on May 11, 1914, as showing that he then agreed absolutely with the remarks of the Senator from New York made on this occasion and had apparently forgotten the reason which he gave to the

Congress of the United States in asking justification of his acts. On that occasion he said:

So, while we are profoundly sorrowful, and while there goes out of our hearts a very deep and affectionate sympathy for the friends and relatives of these lads who for the rest of their lives shall mourn them, though with a touch of pride, we know why we do not go away from this occasion cast down, but with our heads lifted and our eyes on the future of this country, with absolute confidence of how it will be worked out. Not only upon the mere vague future of this country, but upon the immediate future. We have gone down to Mexico to serve mankind, if we can find out the way. We do not want to fight the Mexicans. We want to serve the Mexicans if we can, because we know how we would like to be free and how we would like to be served if there were friends standing by in such case ready to serve us. A war of aggression is not a war in which it is a proud thing to die, but a war of service is a thing in which it is a proud thing to die.

Mr. SMOOT. I thank the Senator.

I voted against the resolution, and I did so for the very reasons stated by the Senator from New York. Not only that, but I believe to-day that all he said upon that occasion was logical and true and justified his vote and the votes of the Senators who voted as he did. Circumstances that have happened in Mexican affairs since the passage of the resolution prove the wisdom of the position taken at the time by him. I believed then, and I believe now, that it would have been better for our country if, when passing the resolution, we had named the reasons why we sent our marines into Vera Cruz, rather than to have passed a resolution which was false upon its face in not stating what were the real reasons for such action. The President of the United States ordered our Navy to Vera Cruz and marines were landed before ever the resolution was acted upon by the House or by the Senate; but it developed later that one reason why the Navy was ordered to Vera Cruz was to stop a certain shipment of ammunition to Gen. Huerta. That ammunition was landed a few days afterwards, but it did not bring to life the 19 American marines who had lost their lives.

Mr. President, so that the American people may have both of the speeches of ex-Senator Root, referred to by the Senator from Illinois [Mr. LEWIS], and be able to read them both in connection with what the Senator from Illinois has said, I ask that I may insert in the RECORD the remarks of ex-Senator Root, delivered at New York recently, to follow my remarks.

The PRESIDING OFFICER (Mr. SAULSBURY in the chair). Is there objection to the request? The Chair hears none, and it is so ordered.

The matter referred to is as follows:

EX-SENATOR ROOT'S SPEECH.

"Gentlemen of the convention, we are entering upon a contest for the election of a President and the control of government under conditions essentially new in the experience of our party and of our country. The forms and methods which we are about to follow are old and familiar, but the grounds for action, the demand of great events for decisions upon national conduct, the moral forces urging to a solution of vaguely outlined questions, the tremendous consequences of wisdom or folly in national policy, all these are new to the great mass of American voters now living. Never since 1864 has an election been fraught with consequences so vital to national life. All the ordinary considerations which play so great a part in our presidential campaigns are and ought to be dwarfed into insignificance.

"For the first time in 20 years we enter the field as the party of opposition, and, indeed, it is a much longer time, for in 1896, in all respects, save the tariff, the real opposition to the sturdy and patriotic course of President Cleveland was to be found in the party that followed Mr. Bryan.

"It is our duty as the opposition to bring the Democratic Party to the bar of public judgment, to put it upon its defense so far as we see just and substantial grounds to criticize its conduct, and to ask the voters of the country to decide whether that party, organized as it is, represented as it has been since it came into power, has shown itself competent to govern the country as it should be governed, and whether its spirit, its policies, and its performance are the best that the American people can do in the way of popular self-government.

"In the field of domestic affairs some facts relevant to these questions had already been ascertained when in August, 1914, the great European war began. During the year and a half of Democratic control of government in a period of profound peace there had been a steady decrease in American production, in exports, and in revenues, and a steady increase in imports and expenditures. Enterprise had halted. New undertakings no longer made their appearance. Established business ceased to increase its facilities or enlarge its fields of action.

LABORING UNDER TARIFF MISFIT.

"The great productive industries of the country, the farmer, the miner, the lumberman, the manufacturer, were laboring under a misfit tariff devised by the Democratic Party in a spirit of suspicion, distrust, and hostility toward American business enterprise; and, with the disturbance of these great basic industries, transportation and commerce had become dull and despondent.

"The Democratic tariff had been framed upon an avowed repudiation of all protection, however moderate and reasonable; and because all protection was repudiated, practically all information from competent witnesses as to the effect new provisions would have upon business was rejected. The Tariff Commission created under Republican legislation to ascertain the facts upon which tariff laws should be based was driven out of office and no substitute was provided.

"With self-satisfied complacency, the Democratic Congress assumed that the theory of a tariff for revenue only was a satisfactory substitute for knowledge of business conditions in the framing of a customs law, and they made a tariff which stopped the development of business along all the great lines of production and also failed to produce revenue. The men who represented the Democratic Party in Washington had been so long declaiming against those whom they considered the beneficiaries of the protective tariff that their hostility extended to American business itself and to the men who conducted it. All profitable enterprise was under suspicion. Government had no sympathy with it, no desire to promote it, no sense of responsibility to protect it. There was a nervous dread lest somebody should make money. Envy of business success and the phrases of the demagogue were potent elements in the framing of legislation and the administration of the laws.

"It was with just cause that the enterprise of the country halted, timid and irresolute, because it felt and feared the hostility of government.

"The great war has not changed the lesson which we had already learned when it began. It has but obscured further demonstration. It has caused an enormous demand for some things which the United States is able to produce in large quantities, and in these lines of production, while other industries still languish, there have been extensive employment of labor, great exports, and a great influx of money. But this is temporary, it must soon cease, and when the factories have stopped and their laborers are no longer employed we must deal with a situation for which wise forethought should make provision.

WAR HALTED FOREIGN COMPETITION.

"More important still, the war has paralyzed the peaceful industries of all Europe, and has stopped that competitive foreign production which in July, 1914, had already entered American markets to supersede American products under the tariff law of 1913. The war has thus given to American products an immunity from competition far more effective than any possible protective tariff.

"But that is temporary, and when the war is over, when foreign production begins again, the American market, compared with impoverished Europe, will be more than ever before the object of desire and effort, and we shall become the dumping ground of the world to the destruction of our own industries unless that is prevented by a wise and competent government.

"But it is not from domestic questions that the most difficult problems of this day arise. The events of the last few years have taught us many lessons. We have learned that civilization is but a veneer thinly covering the savage nature of man; that conventions, courtesies, respect for law, regard for justice and humanity are acquired habits, feebly constraining the elemental forces of man's nature developed through countless centuries of struggle against wild beasts and savage foes.

"We have been forced to perceive that a nation which fulfills the conditions on which alone it can continue to exist, which preserves its independence and the liberty of its people, and makes its power a shield for the rights of its citizens must deal with greed and lust of conquest and of power and indifference to human rights. We have seen that neither the faith of treaties nor the law of nations affords protection to the weak against the aggression of the strong.

WE CAN NO LONGER LIVE ALOOF.

"We have begun to realize that America, with its vast foreign trade, with its citizens scattered over the whole earth, with millions of aliens upon its soil, with its constantly increasing participation in world-wide efforts for the benefit of mankind, with a thousand bonds of intercourse and intimacy uniting it to other nations, is no longer isolated; that our Nation can no longer live unto itself alone or stand aloof from the rest of mankind; that we must play some part in the progress of civilization, recognize some duties as correlative to our rights.

"For the first time within the memory of men now living the international relations of the United States, long deemed of trifling consequence, are recognized as vital.

"How can this Nation, which loves peace and intends justice, avoid the curse of militarism and at the same time preserve its independence, defend its territory, protect the lives and liberty and property of its citizens? How can we prevent the same principles of action, the same policies of conduct, the same forces of military power which are exhibited in Europe from laying hold upon the vast territory and practically undefended wealth of the new world? Can we expect immunity? Can we command immunity? How shall we play our part in the world? Have selfish living and factional quarreling and easy prosperity obscured the spiritual vision of our country?

"Has the patriotism of a generation never summoned to sacrifice become lifeless? Is our Nation one, or a discordant multitude? Have we still national ideas? Will anybody live for them? Would anybody die for them? Or are we all for ease and comfort and wealth at any price?

"Confronted by such questions as these and the practical situations which give rise to them, is the country satisfied to trust itself again in the hands of the Democratic Party?

NATION IN EXECUTIVE'S HAND.

"When a President and Secretary of State have been lawfully established in office, the power of initiative in foreign affairs rests with them. The Nation is in their hands. Theirs is the authority and theirs the duty to adopt and act upon policies, subject to such laws as Congress may enact within constitutional limits.

"Parliamentary opposition can take no affirmative step—can accomplish no affirmative action. The expression of public opinion can do nothing except as it produces an influence upon the minds of those officers who have the lawful power to conduct our foreign relations. Their policy is the country's policy because it is they who are authorized to act for the country.

"While they are working out their policy, all opposition, all criticism, all condemnation, are at the risk of weakening the case of one's own country and frustrating the efforts of its lawful representatives to succeed in what they are seeking to accomplish for the country's benefit.

"An American should wish the representatives of his country to succeed, whatever may be their party, unless there be wrong against conscience. However much he may doubt the wisdom of their course he should help them where he can and refrain from placing obstacles in their way. But when the President and Secretary of State have acted, and seek a new grant of power, they and the party which is responsible for them must account for their use of power to the people from whom it came, and the people must pass judgment upon them, and then full and frank public discussion becomes the citizen's duty.

"The United States had rights and duties in Mexico. More than 40,000 of our citizens had sought their fortunes and made their homes there. A thousand millions of American capital had been invested in that rich and productive country, and millions of income from these enterprises were annually returned to the United States not merely for the benefit of the investors but for the enrichment of our whole country and all its production and enterprise.

"But revolution had come, and factional warfare was rife. Americans had been murdered, American property had been wantonly destroyed, the lives and property of all Americans in Mexico were in danger.

WILSON'S DUTY WAS PLAIN.

"That was the situation when Mr. Wilson became President in March, 1913. His duty then was plain.

"It was, first, to use his powers as President, to secure protection for the lives and property of Americans in Mexico, and to require that the rules of law and stipulations of treaties should be observed by Mexico toward the United States and its citizens. His duty was, second, as the head of a foreign power, to respect the independence of Mexico, to refrain from all interference with her internal affairs, from all attempt at domination except as he was justified by the law of nations for the protection of American rights.

"The President of the United States failed to observe either of those duties. He deliberately abandoned them both and followed an entirely different and inconsistent purpose. He intervened in Mexico to aid one faction in civil strife against another. He undertook to pull down Huerta and set Carranza up in his place.

"Huerta was in possession. He claimed to be the constitutional President of Mexico. He certainly was the de facto President of Mexico. Rightly or wrongly, good or bad, he was there. From the north, Carranza and a group of independent chieftains were endeavoring to pull down the power of Huerta. President Wilson took sides with them in pulling down that power.

"In August, 1913, through Mr. John Lind, he presented to Huerta a communication which was in substance a demand that Huerta should retire permanently from the Government of Mexico. When Huerta refused, the power of the United States was applied to turn him out.

AID FURNISHED TO CARRANZA.

"Foreign nations were induced to refuse to his Government the loans of money necessary to repair the ravages of war and establish order. Arms and munitions of war were freely furnished to the northern forces and withheld from Huerta. Finally the President sent our Army and Navy to invade Mexico and capture its great seaport, Vera Cruz, and hold it and throttle Mexican commerce until Huerta fell. The Government of the United States intervened in Mexico to control the internal affairs of that independent country and to enforce the will of the American President in those affairs by threat, by economic pressure, and by force of arms.

"Upon what claim of right did this intervention proceed? Not to secure respect for American rights; not to protect the lives or property of our citizens; not to assert the laws of nations; not to compel observance of the law of humanity. On the contrary, Huerta's was the only power in Mexico to which appeal could be made for protection of life or property. That was the only power which in fact did protect either American or European or Mexican. It was only within the territory where Huerta ruled that comparative peace and order prevailed.

"The territory over which the armed power of Carranza and Villa and their associates extended was the theater of the most appalling crimes. Bands of robbers roved the country with unbridled license. Americans and Mexicans alike were at their mercy, and American men were murdered and American women were outraged with impunity. Thousands were reduced to poverty by the wanton destruction of the industries through which they lived.

"The payment of blackmail was the only protection of property against burnings and robbery. No one in authority could or would give protection or redress. It had become perfectly plain that the terms upon which both Carranza and Villa held their supporters were unrestricted opportunities and license for murder, robbery, and lust.

MEXICAN MURDERS CONDONED.

"Yet the Government of the United States ignored, condoned, the murder of American men and the rape of American women and destruction of American property and insult to American officers and defilement of the American flag, and joined itself to the men who were guilty of all these things to pull down the power of Huerta.

"Why? The President himself has told us. It was because he adjudged Huerta to be a usurper; because he deemed that the common people of Mexico ought to have greater participation in government and share in the land, and he believed that Carranza and Villa would give them these things.

"We must all sympathize with these sentiments, but there is nothing more dangerous than misplaced sentiment. Of all men in this world, the man who had vested in him the executive power of the United States was least at liberty to sit in judgment of his own motion upon the title of a claimant to the Mexican presidency or to reform the land laws of Mexico.

"The results of this interference were most unfortunate. If our Government had sent an armed force into Mexico to protect American life and honor we might have been opposed, but we should have been understood and respected by the people of Mexico, because they would have realized that we were acting within our international rights and performing a Nation's duty for the protection of its own people; but when the President sent an armed force into Mexico to determine the Mexican presidential succession, he created resentment and distrust of motives among all classes and sections of the Mexican people.

INTERVENTION ANGERED MEXICANS.

"When our Army landed at Vera Cruz, Carranza himself, who was to be the chief beneficiary of the act, publicly protested against it. So strong was the resentment that he could not have kept his followers otherwise.

"When Huerta had fallen the new government which for the day had succeeded to his place peremptorily demanded the withdrawal of the American troops. The universal sentiment of Mexicans required that peremptory demand, and the troops were withdrawn. Still worse than that, the taking of Vera Cruz destroyed confidence in the sincerity of the American Government in Mexico, because every intelligent man in Mexico believed that the avowed reason for the act was not the real reason.

"The avowed purpose was to compel a salute to the American flag. I will state the circumstances: On the 9th of April, 1914,

a boat's crew from the *Dolphin* landed at a wharf in Tampico to take off supplies. The use of that wharf had been prohibited, and the Mexican officer in charge of the wharf put the crew under arrest, but a higher officer ordered him to hold the boat's crew at the wharf and await instructions. Within an hour and a half the crew was set free. No injury or indignity was suffered except the fact of the arrest.

"Immediate amends were made. The Mexican officer in command at Tampico apologized; Gen. Huerta's government apologized; the officer who made the arrest was himself arrested and his punishment promised.

"The admiral in command of our fleet at Tampico demanded more public amends through a salute to our flag, but there ensued a discussion as to the facts and as to the character of the salute which the circumstances demanded, the number of guns, and how, if at all, the salute was to be returned. While that discussion was pending and avowedly because of that incident the American Government presented a 24-hour ultimatum and landed an armed force and captured the city of Vera Cruz. Three hundred Mexicans were reported killed; 17 United States Marines were killed and many were wounded.

CAPTURE OF VERA CRUZ.

"At that very time Mr. Bryan, with the President's approval, was signing treaties with half the world agreeing that if any controversy should arise it should be submitted to a joint commission and no action should be taken until after a full year had elapsed. This controversy, slight as it was, arose on the 9th of April and on the 21st of the same month Vera Cruz was taken.

"Several times the troops of Carranza and Villa had arrested and imprisoned American consular officers and torn down the American flags from the consulates and trampled them in the mire with indescribable indignities. The proofs were in our hands and no attention was paid to them.

"Many times soldiers of the United States, in uniform, on duty had been shot and killed or wounded across the border by soldiers of Carranza and Villa. More than 50 of them have been killed in this way and no attention has been paid to it. The demand of a salute to the flag was never heard of again after Vera Cruz was captured.

"There is not an intelligent man in Mexico who believes that the dispute about the salute was the real reason for the capture of Vera Cruz. Is there one here who doubts that the alleged cause was but a pretext and that the real cause was the purpose to turn Huerta out of office?

"The people of Mexico, who saw their unoffending city captured by force of arms, 300 of its people slain, their soil violated, a foreign flag floating over their great seaport, upon what they felt to be a false pretense, were misled into imputing a more sinister purpose still—to secure control of Mexico for the United States; and they believed that when the American troops departed that purpose was abandoned through fear. With the occupation of Vera Cruz the moral power of the United States in Mexico ended.

OUR FLAG IS DISHONORED.

"We were then and we are now hated for what we did to Mexico, and we were then and we are now despised for our feeble and irresolute failure to protect the lives and rights of our citizens. No flag is so dishonored and no citizenship so little worth the claiming in Mexico as ours. And that is why we have failed in Mexico.

"Incredible as it seems, Huerta had been turned out by the assistance of the American Government without any guaranties from the men who were to be set up in his place, and so the murdering and burning and ravishing have gone on to this day. After Huerta had fallen and the Vera Cruz expedition had been withdrawn, President Wilson announced that no one was entitled to interfere in the affairs of Mexico; that she was entitled to settle them herself. He disclaims all responsibility for what happens in Mexico and contents himself with a policy of 'watchful waiting.'

"But who can interfere in a quarrel and help some contestants and destroy others and then absolve himself from responsibility for the results? It is not by force of circumstances over which we had no control, but largely because the American administration intervened by force to control the internal affairs of that country instead of asserting and maintaining American rights that we have been brought to our present pass of confusion and humiliation over Mexico.

"And for the death and outrage, the suffering and ruin of our own brethren, the hatred and contempt for our country, and the dishonor of our name in that land, the administration at Washington shares responsibility with the inhuman brutes with whom it made common cause.

AMERICANS DISSATISFIED OVER WILSON'S DIPLOMACY.

"When we turn to the administration's conduct of foreign affairs incident to the great war in Europe we can not fail to perceive that there is much dissatisfaction among Americans. Some are dissatisfied for specific reasons, some with a vague impression that our diplomacy has been inadequate. Dissatisfaction is not in itself ground for condemnation.

"The best work of the diplomatist often fails to receive public approval at the time, and must look to a calm review in the dispassionate future for recognition of its merit. The situation created by the war has been difficult and trying. Much of the correspondence of the State Department, especially since Mr. Lansing took charge, has been characterized by accurate learning and skillful statement of specific American rights. Everyone in the performance of new and unprecedented duties is entitled to generous allowance for unavoidable shortcomings and errors. No one should be held to accomplishment of the impossible.

"The question whether dissatisfaction is just or unjust is to be determined upon an examination of the great lines of policy which have been followed and upon considering whether the emergencies of the time have been met with foresight, wisdom, and decisive courage. If these are lacking as guides, all the learning of the institutes and the highest skill in correspondence are of little avail.

THREE FUNDAMENTAL ERRORS.

"A study of the administration's policy toward Europe since July, 1914, reveals three fundamental errors: First, the lack of foresight to make timely provisions for backing up American diplomacy by actual or assured military and naval force; second, the forfeiture of the world's respect for our assertion of rights by pursuing the policy of making threats and failing to make them good; third, a loss of the moral forces of the civilized world through failure to truly interpret to the world the spirit of the American democracy in its attitude toward the terrible events which accompanied the early stages of the war.

"First, as to power. When the war in Europe began, free, peaceable little Switzerland instantly mobilized upon her frontier a great army of trained citizen soldiers. Sturdy little Holland did the same, and, standing within the very sound of the guns, both have kept their territory and their independence inviolate. Nobody has run over them, because they have made it apparent that the cost would be too great.

"Great, peaceable America was farther removed from the conflict, but her trade and her citizens traveled on every sea. Ordinary knowledge of European affairs made it plain that the war was not begun by accident but with purpose which would not soon be relinquished. Ordinary knowledge of military events made it plain from the moment when the tide of German invasion turned from the Battle of the Marne that the conflict was certain to be long and desperate.

"Ordinary knowledge of history—of our own history during the Napoleonic Wars—made it plain that in that conflict neutral rights would be worthless unless powerfully maintained. All the world had fair notice that, as against the desperate belligerent resolve to conquer, the law of nations and the law of humanity interposed no effective barriers for the protection of neutral rights.

"Ordinary practical sense in the conduct of affairs demanded that such steps should be taken that behind the peaceable assertion of our country's rights, its independence, and its honor should stand power, manifest and available, warning the whole world that it would cost too much to press aggression too far. The Democratic Government at Washington did not see it. Others saw it, and their opinions found voice. Mr. GARDNER urged it; Mr. LODGE urged it; Mr. Stimson urged it; Mr. Roosevelt urged it; but their argument and urgency were ascribed to political motives, and the President described them, with a sneer, as being nervous and excited.

WILSON SHIFTS HIS GROUND.

"But the warning voices would not be stilled. The opinion that we ought no longer to remain defenseless became public opinion. Its expression grew more general and insistent; and finally the President, not leading but following, has shifted his ground, has reversed his position, and asks the country to prepare against war.

"God grant that he be not too late. But the Democratic Party has not shifted its ground. A large part of its Members in Congress are endeavoring now to sidetrack the movements for national preparedness—to muddle it by amendment and to turn it into channels which will produce the least possible result in the increase of national power of defense.

"What sense of effectiveness in this effort can we gather from the presence of Josephus Daniels at the most critical post of all—the head of the Navy Department—when we see that where preparation has been possible it has not been made; when we see that construction of warships already authorized has not been pressed, and in some cases after long delay has not even been begun?

"If an increase of our country's power to defend itself against aggression is authorized by the present Congress, it must be largely through Republican votes, because the Representatives of the Republican Party in Washington stand for the country, no matter who is President; and all the traditions and convictions of that party are for national power and duty and honor.

POLICY OF WORDS WITHOUT DEEDS.

"As to the policy of threatening words without deeds—

"When Germany gave notice of her purpose to sink merchant vessels on the high seas without safeguarding the lives of innocent passengers, our Government replied, on the 10th of February, one year ago, in the following words:

"The Government of the United States * * * feels it to be its duty to call the attention of the Imperial German Government, with sincere respect and the most friendly sentiments but very candidly and earnestly, to the very serious possibilities of the course of action apparently contemplated under that proclamation.

"The Government of the United States views those possibilites with such grave concern that it feels it to be its privilege and, indeed, its duty in the circumstances to request the Imperial German Government to consider before action is taken the critical situation in respect of the relations between this country and Germany which might arise were the German naval forces, in carrying out the policy foreshadowed in the admiralty's proclamation to destroy any merchant vessel of the United States or cause the death of American citizens.

"* * * If such a deporable situation should arise, the Imperial German Government can readily appreciate that the Government of the United States would be constrained to hold the Imperial German Government to a strict accountability for such acts of their naval authorities and to take any steps it might be necessary to take to safeguard American lives and property and to secure to American citizens the full enjoyment of their acknowledged rights on the high seas."

"By all the usages and traditions of diplomatic intercourse these words meant action. They informed Germany in unmistakable terms that in attacking and in sinking vessels of the United States and in destroying the lives of American citizens lawfully traveling upon merchant vessels of other countries, she would act at her peril.

"They pledged the power and courage of America, with her hundred million people and her vast wealth, to the protection of her citizens, as during all her history through the days of her youth and weakness she had always protected them.

AMERICAN VESSELS SUNK.

"On the 28th of March the passenger steamer *Falaba* was torpedoed by a German submarine and an American citizen was killed, but nothing was done.

"On the 28th of April the American vessel *Cushing* was attacked and crippled by a German aeroplane.

"On the 1st day of May the American vessel *Gulflight* was torpedoed and sunk by a German submarine and two or more Americans were killed, yet nothing was done.

"On the 7th day of May the *Lusitania* was torpedoed and sunk by a German submarine and more than one hundred Americans and eleven hundred other noncombatants were drowned.

"The very thing which our Government had warned Germany she must not do, Germany did of set purpose and in the most contemptuous and shocking way. Then, when all America was stirred to the depths, our Government addressed another note to Germany.

"It repeated its assertion of American rights and renewed its bold declaration of purpose. It declared again that the American Government 'must hold the Imperial German Government to a strict accountability for any infringement of those rights, intentional or incidental,' and it declared that it would not 'omit any word or any act necessary to the performance of its sacred duty of maintaining the rights of the United States and its citizens and of safeguarding their free exercise and enjoyment.'

"Still nothing was done, and a long and technical correspondence ensued, haggling over petty questions of detail, every American note growing less and less strong and peremptory, until the *Arabic* was torpedoed and sunk and more American lives were destroyed, and still nothing was done, and the correspondence continued until the allied defense against German submarine warfare made it unprofitable and led to its abandonment, and the correspondence is apparently approaching its end without securing even that partial protection for the future which might be found in an admission that the destruction of the *Lusitania* was forbidden by law.

OUR CORRESPONDENCE FUTILE.

"The later correspondence has been conducted by our State Department with dignity, but it has been futile. An admission of liability for damages has been secured, but the time for real protection to American rights has long since passed. Our Government undertook one year ago to prevent the destruction of American life by submarine attack, and now that the attempt has failed and our citizens are long since dead and the system of attack has fallen of its own weight, there is small advantage in discussing whether we shall or shall not have an admission that it was unlawful to kill them.

"The brave words with which we began the controversy had produced no effect, because they were read in the light of two extraordinary events. One was the report of the Austrian ambassador, Mr. Dumba, to his Government that when the American note of February 10 was received he asked the Secretary of State, Mr. Bryan, whether it meant business, and received an answer which satisfied him that it did not, but was intended for effect at home in America.

"The other event was the strange and unfortunate declaration of the President in a public speech in Philadelphia the fourth day after the sinking of the *Lusitania* that 'a man may be too proud to fight.'

"Whatever the Austrian ambassador was in fact told by the Secretary of State, the impression which he reported was supported by the events which followed. Whatever the President did mean, his declaration, made in public at that solemn time, amid the horror and mourning of all our people over the murder of their brethren, was accepted the world over as presenting the attitude of the American Government toward the protection of the life and liberty of American citizens in the exercise of their just rights, and throughout the world the phrase 'too proud to fight' became a by-word of derision and contempt for the Government of the United States.

UNDERSEA ATTACKS RENEWED.

"Later, in another theater of war—the Mediterranean—Austria, and perhaps Turkey also, resumed the practice. The *Ancona* and then the *Persia* were destroyed, and more Americans were killed.

"Why should they not resume the practice? They had learned to believe that, no matter how shocked the American Government might be, its resolution would expend itself in words. They had learned to believe that it was safe to kill Americans—and the world believed them.

"Measured and restrained expression, backed to the full by serious purpose, is strong and respected. Extreme and belligerent expression, unsupported by resolution, is weak and without effect. No man should draw a pistol who dares not shoot.

"The Government that shakes its fist first and its finger afterwards falls into contempt. Our diplomacy has lost its authority and influence because we have been brave in words and irresolute in action.

"Men may say that the words of our diplomatic notes were justified; men may say that our inaction was justified; but no man can say that both our words and our inaction were wise and creditable.

"I have said that this Government lost the moral forces of the world by not truly interpreting the spirit of the American democracy.

"The American democracy stands for something more than beef and cotton and grain and manufactures; stands for something that can not be measured by rates of exchange, and does not rise or fall with the balance of trade.

"The American people achieved liberty and schooled themselves to the service of justice before they acquired wealth, and they value their country's liberty and justice above all their pride of possessions.

"Beneath their comfortable optimism and apparent indifference they have a conception of their great Republic as brave and strong and noble to hand down to their children the blessings of freedom and just and equal laws. They have embodied their principles of government in fixed rules of right conduct, which they jealously preserve, and, with the instinct of individual freedom, they stand for a government of laws and not of men.

MORAL LAWS AND NATIONS.

"They deem that the moral laws which formulate the duties of men toward each other are binding upon nations equally with individuals. Informed by their own experience, confirmed by their observation of international life, they have come to see that the independence of nations, the liberty of their peoples, justice and humanity can not be maintained upon the complaisance, the good nature, the kindly feeling of the strong toward

the weak; that real independence, real liberty, can not rest upon sufferance; that peace and liberty can be preserved only by the authority and observance of rules of national conduct founded upon the principles of justice and humanity, only by the establishment of law among nations, responsive to the enlightened public opinion of mankind.

"To them liberty means not liberty for themselves alone, but for all who are oppressed. Justice means not justice for themselves alone, but a shield for all who are weak against the aggression of the strong. When their deeper natures are stirred they have a spiritual vision in which the spread and perfection of free self-government shall rescue the humble who toil and endure from the hideous wrongs inflicted upon them by ambition and lust for power, and they cherish in their heart of hearts an ideal of their country loyal to the mission of liberty for the lifting up of the oppressed and bringing in the rule of righteousness and peace.

"To this people the invasion of Belgium brought a shock of amazement and horror. The people of Belgium were peaceable, industrious, law-abiding, self-governing, and free. They had no quarrel with anyone on earth.

"They were attacked by overwhelming military power; their country was devastated by fire and sword; they were slain by tens of thousands; their independence was destroyed and their liberty was subjected to the rule of an invader for no other cause than that they defended their admitted rights. There was no question of fact; there was no question of law; there was not a plausible pretense of any other cause.

CRUSHING OF BELGIUM.

"The admitted rights of Belgium stood in the way of a mightier nation's purpose, and Belgium was crushed. When the true nature of these events was realized the people of the United States did not hesitate in their feeling or in their judgment. Deepest sympathy with down-trodden Belgium and stern condemnation of the invader were practically universal.

"Wherever there was respect for law it revolted against the wrong done to Belgium. Wherever there was true passion for liberty it blazed out for Belgium. Wherever there was humanity it mourned for Belgium.

"As the realization of the truth spread it carried a vague feeling that not merely sentiment but loyalty to the eternal principles of right was involved in the attitude of the American people. And it was so, for if the nations were to be indifferent to this first great concrete case for a century of military power trampling under foot at will the independence, the liberty, and the life of a peaceful and unoffending people in repudiation of the faith of treaties and the law of nations and of morality and of humanity—if the public opinion of the world was to remain silent upon that, neutral upon that, then all talk about peace and justice and international law and the rights of man, the progress of humanity, and the spread of liberty is idle patter—mere weak sentimentality; then opinion is powerless and brute force rules and will rule the world.

"If no difference is recognized between right and wrong, then there are no moral standards. There come times in the lives of nations as of men when to treat wrong as if it were right is treason to the right.

"The American people were entitled not merely to feel but to speak concerning the wrong done to Belgium. It was not like interference in the internal affairs of Mexico or any other nation, for this was an international wrong. The law protecting Belgium which was violated was our law and the law of every other civilized country.

BELGIAN INVASION VIOLATED OUR LAW.

"For generations we had been urging on and helping in its development and establishment. We had spent our efforts and our money to that end. In legislative resolution and Executive declaration and diplomatic correspondence and special treaties and international conferences and conventions we had played our part in conjunction with other civilized countries in making that law. We had bound ourselves by it; we had regulated our conduct by it; and we were entitled to have other nations observe it.

"That law was the protection of our peace and security. It was our safeguard against the necessity of maintaining great armaments and wasting our substance in continual readiness for war.

"Our interest in having it maintained as the law of nations was a substantial, valuable, permanent interest, just as real as your interest and mine in having maintained and enforced the laws against assault and robbery and arson which protect our personal safety and property.

"Moreover, that law was written into a solemn and formal convention, signed and ratified by Germany and Belgium and France and the United States, in which those other countries agreed with us that the law should be observed.

"When Belgium was invaded that agreement was binding not only morally but strictly and technically, because there was then no nation a party to the war which was not also a party to the convention.

"The invasion of Belgium was a breach of contract with us for the maintenance of a law of nations which was the protection of our peace, and the interest which sustained the contract justified an objection to its breach.

"There was no question here of interfering in the quarrels of Europe. We had a right to be neutral and we were neutral as to the quarrel between Germany and France, but when as an incident to the prosecution of that quarrel Germany broke the law which we were entitled to have preserved, and which she had agreed with us to preserve, we were entitled to be heard in the assertion of our own national right.

AMERICAN DUTY PLAIN.

"With the right to speak came responsibility, and with responsibility came duty—duty of government toward all the peaceful men and women in America not to acquiesce in the destruction of the law which protected them, for if the world assents to this great and signal violation of the law of nations, then the law of nations no longer exists and we have no protection save in subserviency or in force.

"And with the right to speak there came to this, the greatest of neutral nations, the greatest of free democracies, another duty to the cause of liberty and justice for which America stands; duty to the ideals of America's nobler nature; duty to the honor of her past and the hopes of her future; for this law was a bulwark of peace and justice to the world; it was a barrier to the spread of war; it was a safeguard to the independence and liberty of all small, weak states.

"It marks the progress of civilization. If the world consents to its destruction the world turns backward toward savagery, and America's assent would be America's abandonment of the mission of democracy.

"Yet the American Government acquiesced in the treatment of Belgium and the destruction of the law of nations. Without one word of objection or dissent to the repudiation of law or the breach of our treaty or the violation of justice and humanity in the treatment of Belgium, our Government enjoined upon the people of the United States an undiscriminating and all-embracing neutrality, and the President admonished the people that they must be neutral in all respects in act and word and thought and sentiment.

"We were to be not merely neutral as to the quarrels of Europe, but neutral as to the treatment of Belgium; neutral between right and wrong; neutral between justice and injustice; neutral between humanity and cruelty; neutral between liberty and oppression.

"Our Government did more than acquiesce, for in the first *Lusitania* note, with the unspeakable horrors of the conquest of Belgium still fresh in our minds, on the very day after the report of the Bryce commission on Belgian atrocities, it wrote these words to the Government of Germany:

"'Recalling the humane and enlightened attitude hitherto assumed by the Imperial German Government in matters of international right, and particularly with regard to the freedom of the seas, having learned to recognize the German views and the German influence in the field of international obligation as always engaged upon the side of justice and humanity. * * *'

UNITED STATES MISREPRESENTED.

"And so the Government of the United States appeared as approving the treatment of Belgium. It misrepresented the people of the United States in that acquiescence and apparent approval. It was not necessary that the United States should go to war in defense of the violated law. A single official expression by the Government of the United States, a single sentence denying assent and recording disapproval of what Germany did in Belgium would have given to the people of America that leadership to which they were entitled in their earnest groping for the light.

"It would have ranged behind American leadership the conscience and morality of the neutral world. It would have brought to American diplomacy the respect and strength of loyalty to a great cause. But it was not to be. The American Government failed to rise to the demands of the great occasion. Gone were the old love of justice; the old passion for liberty; the old sympathy with the oppressed; the old ideals of an America helping the world toward a better future; and there remained in the eyes of mankind only solicitude for trade and profit and prosperity and wealth.

"The American Government could not really have approved the treatment of Belgium, but, under a mistaken policy, it shrank from speaking the truth. That vital error has carried into every effort of our diplomacy the weakness of a false position.

"Every note of remonstrance against interference with trade, or even against the destruction of life, has been projected against the background of an abandonment of the principles for which America once stood, and has been weakened by the popular feeling among the peoples of Europe, whose hearts are lifted up by the impulses of patriotism and sacrifice, that America has become weak and sordid.

POLICY DOUBLY DANGEROUS.

"Such policies as I have described are doubly dangerous in their effect upon foreign nations and in their effect at home. It is a matter of universal experience that a weak and apprehensive treatment of foreign affairs invites encroachments upon rights and leads to situations in which it is difficult to prevent war, while a firm and frank policy at the outset prevents difficult situations from arising and tends most strongly to preserve peace.

"On the other hand, if a Government is to be strong in its diplomacy its own people must be ranged in its support by leadership of opinion in a national cause worthy to awaken their patriotism and devotion.

"We have been following the path of peace. We have been blindly stumbling along the road that, continued, will lead to inevitable war. Our diplomacy has dealt with symptoms and ignored causes. The great decisive question upon which our peace depends is the question whether the rule of action applied to Belgium is to be tolerated. If it is tolerated by the civilized world, this Nation will have to fight for its life. There will be no escape. That is the critical point of defense for the peace of America.

"When our Government failed to tell the truth about Belgium it lost the opportunity for leadership of the moral sense of the American people, and it lost the power which a knowledge of that leadership and a sympathetic response from the moral sense of the world would have given to our diplomacy.

"When our Government failed to make any provision whatever for defending its rights in case they should be trampled upon, it lost the power which a belief in readiness and will to maintain its rights would have given to its diplomatic representations.

"When our Government gave notice to Germany that it would destroy American lives and American ships at its peril, our words, which would have been potent if sustained by adequate preparation to make them good, and by the prestige and authority of the moral leadership of a great people in a great cause, were treated with a contempt which should have been foreseen; and when our Government failed to make those words good its diplomacy was bankrupt.

FAILURE OF DEMOCRATIC PARTY.

"Upon the record of performance which I have tried to describe, will the American people say that the Democratic Party is entitled to be continued in power?

"The defects of the present administration arise from two distinct causes. The first is the temperament and training of the President. The second is the incapacity of the Democratic Party as it is represented in Washington, both in the legislative and in the executive departments, either to originate wise policies or to follow them when proposed by others or to administer them effectively if they are established.

"The Democrats in Congress are never controlled except with a club, and government with a club is always spasmodic and defective.

"These characteristics will not change; President Wilson can not change his nature; the Democratic Party will not change the character of its representatives; and there is no escape from having the same causes of weakness which have controlled our Government for the last three years continued in the future except the withdrawal of power from the Democratic Party. We must not deceive ourselves by assuming that the critical period arising from the great war has passed.

"The real dangers and the real tests of the strength of our institutions lie before us. The most exacting demands upon the wisdom, the spirit, and the courage of our country are still to be made. In this great conflict all forms of government are on trial, democracy with the rest. The principles of national morality are on trial. We must play our part in the universal trial whether we will or no, for upon the result depends directly the question whether our Republic can endure. It can not endure upon wealth alone. Its life is the spirit of free self-government, and if the light of that spirit be quenched in the world the American Republic will disintegrate and fail.

WHAT THE REPUBLICANS OFFER.

"But what are the people to expect if the Republican Party is restored to power?

"This much we can say now:

"They may expect with confidence that their Government will meet the economic situation with which we must deal immediately upon the close of the war, with a policy of moderate but adequate protection to American industry, based upon ascertained and established facts and inspired by sympathy with all honest American enterprise and a desire for the prosperity and happiness of Americans of every calling and in every State.

"They may expect that the Government will be administered with the honesty and efficiency which have marked Republican administrations in the past, in the interest of no section or class, but for the interest of the Nation as a whole and in every part.

"They may expect that the best possible course for the preservation of peace will be followed by a foreign policy which, with courtesy and friendliness to all nations, is frank and fearless and honest in its assertion of American rights, and leaves no doubt anywhere in the world of America's purpose and courage to protect and defend her independence, her territory, and the lives and just rights of her citizens under the law of nations.

"They may expect that their Government will stand for full and adequate preparation by the American people for their own defense.

"The Republican Party loves peace and hates war; it abhors and will never submit to military domination; but it is composed of men who love our country and who deem that the independence, the liberty, the honor, and the opportunity of the American democracy are not merely to be talked about with weak and flabby sentiment, but are to be maintained and safeguarded by the practical power of a virile and patriotic people.

"It is clear-sighted enough to see that preparation for defense must have due relation to the possibilities of attack; that under the conditions of modern warfare much preparation must be made before a possible attack, or all preparation will be impossible after the attack.

FOR SANE PREPAREDNESS.

"The Republican Party stands for a citizenship made competent by training to perform the freeman's duty of defense for his country. It stands for a Regular Army no larger than is necessary, but as large as is necessary to serve as a first line, a nucleus, a source of instruction and of administration for the army of American citizens who may be called upon to defend their country.

"And the Republican Party stands for the gospel of patriotic service to our country by every citizen according to his ability in peace and in war. It stands for a renwakening of American patriotism. It is not content that while the people of other lands are rendering the last full measure of devotion in sacrifice and suffering and dying for their countries, America shall remain alone dull to the call of country and satisfied in the comforts and pleasures of prosperity.

"They may expect that assured readiness for defense will give power to our diplomacy in the maintenance of peace.

"They may expect that the power and will of a united people to defend their country will prevent the application to our peaceful and prosperous land of the hateful doctrine that among nations might makes right, regardless of the rules of justice and humanity.

"They may expect that the manifest potential strength and competency of the Nation will maintain the effectiveness and reality of that great policy of national safety which in the declaration of President Monroe forbade the destruction of our security by the establishment of hostile military powers in our neighborhood.

"They may expect that their Government will not forget, but will ever maintain the principles of American freedom, the duties of America to the peace and progress of the world, and those ideals of liberty and justice for all mankind which above all else make the true greatness of the American democracy."

Mr. LEWIS. Mr. President, may I ask the Senator from Utah as to the resolution seeking this remedy in Mexico, the resolution then pending, whether it is not true that the Senator from New York [Mr. Root] and the Senator from Utah [Mr. SMOOT] voted against it?

Mr. SMOOT. I have stated so, Mr. President, and gave my reason for so voting. I also said to the Senator, if he heard what I said, that I thought the conditions existing in Mexico, and the circumstances as they have happened in that unfortunate country since the speech of ex-Senator Root, have justi-

fied the votes cast at that time by the Senator from New York and the Senator from Utah.

DEVELOPMENT OF WATER POWER.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 3331) to amend an act entitled "An act to regulate the construction of dams across navigable waters," approved June 21, 1906, as amended by the act approved June 23, 1910, and to provide for the improvement and development of waterways for the uses of interstate and foreign commerce.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Montana [Mr. WALSH].

Mr. WALSH obtained the floor.

Mr. KENYON. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

| | | | |
|---|---|---|---|
| Bankhead | Hughes | Overman | Smith, Mich. |
| Brandegee | James | Page | Smoot |
| Broussard | Kenyon | Pittman | Sterling |
| Catron | Kern | Ransdell | Sutherland |
| Clapp | Lane | Saulsbury | Underwood |
| Cummins | Lewis | Sheppard | Vardaman |
| Fall | McCumber | Sherman | Wadsworth |
| Fletcher | McLean | Shields | Walsh |
| Harding | Martine, N. J. | Simmons | Warren |
| Hitchcock | Norris | Smith, Ga. | |

Mr. PAGE. I was requested to announce that Senators ASHURST, LA FOLLETTE, GRONNA, and OWEN are in the Committee on Indian Affairs considering a very important matter. They will return to the Chamber if their presence is necessary to make a quorum.

The PRESIDING OFFICER. Thirty-nine Senators only have answered to their names. There is not a quorum present.

Mr. McCUMBER. Mr. President, I move that the Senate adjourn.

The motion was agreed to; and (at 3 o'clock and 14 minutes p. m.) the Senate adjourned until Monday, February 21, 1916, at 12 o'clock meridian.

## HOUSE OF REPRESENTATIVES.

SATURDAY, *February 19, 1916.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Our Father in heaven, we thank Thee for the new day before us, token of Thy presence and continued care. Help us to meet its duties and responsibilities with courage, fidelity, and honesty of purpose that the rectitude of our behavior may be well pleasing in Thy sight and promote the highest interests of the great Nation here represented; and all praise shall be Thine. In the name of the world's great Redeemer. Amen.

The Journal of the proceedings of yesterday was read and approved.

CHANGE OF REFERENCE.

Mr. McCRACKEN. Mr. Speaker, I ask unanimous consent that the bill (H. R. 11708) for the purchase of an irrigation project, which was referred to the Committee on Public Buildings and Grounds, be referred to the Committee on Irrigation of Arid Lands.

The SPEAKER. The gentleman from Idaho asks a change of reference of House bill 11708 from the Committee on Public Buildings and Grounds to the Committee on Irrigation of Arid Lands. Is there objection?

Mr. MANN. Reserving the right to object——

Mr. FITZGERALD. Where is it now?

The SPEAKER. The Committee on Public Buildings and Grounds.

Mr. McCRACKEN. I want it referred to the Committee on Irrigation of Arid Lands.

The SPEAKER. The bill provides for the purchase by the United States of the King Hill irrigation system, in Idaho, and for the completion thereof by the Reclamation Service. It was by mistake referred to the Committee on Public Buildings and Grounds.

Mr. FITZGERALD. I object for the present.

Mr. McCRACKEN. Where would the gentleman from New York have the bill go?

The SPEAKER. It is not a question of where the gentleman from New York wants it referred, it is a question of getting it referred under the rule.

Mr. FITZGERALD. The Committee on Irrigation of Arid Lands has no jurisdiction of it; it provides for an appropriation out of the Treasury, and they have no more jurisdiction over it than the Committee on the Public Lands.

Mr. MANN. It does not relate to public lands.

The SPEAKER. Is there objection?

Mr. FITZGERALD. Well, Mr. Speaker, I will not object.

The SPEAKER. Is there objection? The Chair hears none, and it will be so referred.

EXTENSION OF REMARKS.

Mr. SNYDER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on preparedness and ways and means.

The SPEAKER. The gentleman from New York asks unanimous consent to extend his remarks in the RECORD on preparedness and ways and means. Is there objection?

There was no objection.

ORDER OF BUSINESS.

Mr. MOORE of Pennsylvania. Mr. Speaker, I ask unanimous consent to proceed for 20 minutes.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent to address the House for 20 minutes. Is there objection?

Mr. MOON. Reserving the right to object, I will ask the gentleman from Pennsylvania how long he wants to proceed?

Mr. MOORE of Pennsylvania. Twenty minutes, and if I am not interrupted, I think I can conclude in that time.

Mr. MOON. I have no objection, providing we can get unanimous consent at the conclusion of the gentleman's remarks to go into the Committee of the Whole House on the state of the Union on the Post Office appropriation bill.

Mr. MANN. The gentleman from Tennessee can make that motion.

Mr. MOON. Pending the request for unanimous consent, Mr. Speaker, I move that at the conclusion of the remarks of the gentleman from Pennsylvania [Mr. MOORE] the House resolve itself into Committee of the Whole House on the state of the Union, for the further consideration of the Post Office appropriation bill.

Mr. MANN. Could not the gentleman from Tennessee make the motion afterwards; I think there will be no contest?

Mr. MOON. Very well, I will make no objection, with that understanding.

Mr. FITZGERALD. Mr. Speaker, I want to make the suggestion that the time has come in the business of the House when gentlemen can not be granted leave to address the House in this way.

Mr. MANN. If the gentleman from New York will permit, the gentleman from Pennsylvania has a matter which he thinks is privileged, but which it is not desired to have a ruling upon at present.

Mr. KITCHIN. Mr. Speaker, I think no objection will be made to the request of the gentleman from Pennsylvania, and I really believe that it will save two or three hours.

The SPEAKER. The Chair would like to state, without objection, that this matter which the gentleman from Pennsylvania wishes to bring up is a far-reaching matter and a very important one, and the Chair, before ruling upon whether it is privileged or not, ought to have an abundance of time to decide it. After a consultation between the gentleman from North Carolina and the gentleman from Pennsylvania and the Chair it was agreed that in order to give time for investigation the gentleman from Pennsylvania should ask unanimous consent to address the House for 20 minutes.

Mr. FITZGERALD. With that intimation, Mr. Speaker, I shall not object, but this statement should be made: We have reached a time in the business of the House when Members can not expect to be granted permission to speak by unanimous consent.

Mr. MANN. I agree to that.

Mr. FITZGERALD. And I propose to object as long as appropriation bills are ready for consideration.

Mr. MANN. It would take a good deal longer this morning to argue the question whether this is a privileged resolution or not.

The SPEAKER. The Chair agrees fully with the remarks of the gentleman from New York.

CHANGE OF REFERENCE.

Mr. ADAMSON. Mr. Speaker, I ask that the gentleman from Pennsylvania withhold his request for a moment until I can call the Speakers' attention to a desire to change the reference of a bill. I did not call it up earlier because I was waiting for the gentleman from North Carolina [Mr. POU], the acting chairman, to come in from the Rules Committee. He has just come in.

Mr. MOORE of Pennsylvania. I will withhold my request for the present.

Mr. ADAMSON. Mr. Speaker, in order fully to understand the rights of the situation, I ask unanimous consent to change the reference of Senate joint resolution 60, which provides for the raising of a joint subcommittee to be composed of the members of the two Commerce Committees of the respective Houses. I understand reference was made to the Committee on Rules with the idea that it was a House resolution to raise a House committee, and therefore involved a change of the rules. I respectfully submit that this presents no such case. It would be right if that were true. But this joint resolution is for a statutory committee like the Joint Committee on Printing, and it should go, in my judgment, to the Committee on Interstate and Foreign Commerce, as it relates entirely to the regulation of commerce. I am perfectly willing, if it is right that the Committee on Rules should deal with the question, but if, under the rules, it should properly come to us, we are willing to do the work. Whatever is right is all we want done. My friend from North Carolina [Mr. POU] agrees with me in that attitude.

The SPEAKER. The gentleman from Georgia asks unanimous consent for a rereference of Senate joint resolution 60 to the Interstate and Foreign Commerce Committee. Is there objection? [After a pause.] The Chair hears none. Is there objection to the request of the gentleman from Pennsylvania [Mr. MOORE] that he address the House for 20 minutes?

Mr. MOON. Mr. Speaker, with the understanding that we will take up the Post Office appropriation bill after the gentleman's remarks are concluded, I make no objection.

The SPEAKER. The Chair hears no objection. That agreement is generally understood.

THE COLOMBIAN TREATY.

Mr. MOORE of Pennsylvania. Mr. Speaker, the President has forwarded to the Senate, and the Senate has under consideration, a treaty with Colombia which proposes, by the payment of $25,000,000 of United States money and the remission of certain import duties and charges that would ordinarily and by law accrue to the Treasury of the United States, to make reparation for certain alleged violations by the United States of certain alleged injuries which Colombia is supposed to have sustained through the loss of certain alleged rights in the Isthmus of Panama. This treaty, so directly affecting the morals and the revenues of the United States, is being considered, as we are informed, as if the power to make such a treaty, so involving the money of the people, rested exclusively with the President and the Senate, irrespective of the authority and power specially delegated by the Constitution to the House of Representatives to originate revenue legislation. It is with respect to this apparent invasion of the prerogative of the House that I propose to put the House upon notice.

GUARDING THE PEOPLE'S PURSE STRINGS.

When the framers of the Constitution were endeavoring to provide a satisfactory form of government for the States, which had failed to work successfully together under the Articles of Confederation, they found the direction and control of public funds to be one of their greatest problems. The treaty-making power was to be delegated to the President, acting in conjunction with the Senate, but the raising of revenue was held to be a function of the House of Representatives. As the debates were reported by Mr. Madison, it appears to have been the thought of the framers that the people themselves would not submit to the control of the money-raising power by the Senate. Some very frank expressions upon this subject were recorded. For instance, Mr. Gerry said:

> Taxation and representation are strongly associated in the minds of the people, and they will not agree that any but their immediate representatives shall meddle with their purses.

Mr. Wilson, of Pennsylvania, contended that the small States with one-third of the population would be able to control two-thirds of the whole people; and in this connection Benjamin Franklin is reported as having said:

> If the equality of votes is to be put in its plan, the large States say their money will be in danger.

George Mason, another member of the constitutional convention, opposing the proposition that the Senate should have equal power with the House to originate money bills, said:

> The purse strings should never be put into their hands.

SENATE TO NEGATIVE, NOT ORIGINATE.

The following extract from Mr. Mason's speech is at this time particularly appropriate:

> Again, the Senate is not, like the House of Representatives, chosen frequently, and obliged to return frequently among the people. They are to be chosen by the States for six years; will probably settle themselves at the seat of government; will pursue schemes for their own aggrandizement; will be able, by wearying out the House of Representatives and taking advantage of their impatience at the close of a long session, to extort measures for that purpose. If they should be paid, as he expected would be yet determined and wished to be so, out of the National Treasury, they will particularly extort an increase of their wages. A bare negative was a very different thing from that of originating bills.
>
> The practice in England was in point. The House of Lords does not represent nor tax the people because not elected by the people. If the Senate can originate, they will, in the recess of the legislative sessions, hatch their mischievous projects for their own purposes, and have their money bills cut and dried, to use a common phrase, for the meeting of the House of Representatives. He compared the case of Poyning's law, and signified that the House of Representatives might be rendered by degrees, like the Parliament of Paris, the mere depository of the decrees of the Senate. But in all events he would contend that the purse strings should be in the hands of the representatives of the people.

WASHINGTON AUTHOR OF FIRST PRECEDENT.

At a very early period in our constitutional history, the House had an opportunity to declare itself concerning its right to participate in the treaty-making power. Congress sought to obtain papers from the White House relating to the treaty with Great Britain in 1795, but President Washington, for reasons given in a message which declared the right of the President and Senate to negotiate a treaty independently of the House of Representatives, declined to comply with the House's resolution, although that resolution had been voted for by Madison, Gallatin, and other strict constructionists of the Constitution. The upshot of this controversy was the passage of a resolution by the House, which declared it to be:

> The constitutional right and duty of the House of Representatives in all such cases to deliberate on the expediency or inexpediency of carrying such treaty into effect, and to determine an act thereon, as in their judgment may be most conducive to the public good.

The point insisted upon by the House was that:

> When a treaty stipulates regulations on any of the subjects submitted by the Constitution to the power of Congress, it must depend for its execution as to such stipulations on a law or laws to be passed by Congress.

And, as a matter of fact, the House did subsequently pass a resolution carrying the treaty into effect, which act was approved by the President.

AMPLE PRECEDENTS TO SUPPORT HOUSE.

In a comprehensive and carefully prepared report by John Randolph Tucker, chairman of the Judiciary Committee, March 3, 1885 (Rept. No. 2680, 48th Cong., 2d sess.), numerous precedents are cited to support the House prerogative as insisted upon during the administration of President Washington. He refers to the treaty of Ghent, made with Great Britain in 1815, which contains stitpulations as to duties on imports. President Madison, in his message of transmittal, recommended that Congress enact such legislation as the convention demanded. Congress not only acted as suggested, but provided for a modification of the duties referred to in the treaty. It was contended in the debate that the treaty did not require legislative action, but the House contention was upheld.

President Jackson, it is also pointed out, supported the validity of congressional action with respect to a treaty with France in 1831 which involved commercial regulations and rates of duty. Mr. Tucker also reminds us in his report that the treaty with Mexico was carried into effect by act of Congress.

A SIGNIFICANT SENATE REPORT.

The musty tomes of the Senate contribute valuable information upon this general subject. A discussion having arisen as to a convention with Prussia and the other States of the Germanic Association of Customs and Commerce, Mr. Rufus Choate, from the Committee on Foreign Relations, June 14, 1844, made the following report, which was subsequently adopted by the Senate:

> That the Senate ought not to advise and consent to the ratification of the convention aforesaid.
>
> In submitting this report the committee do not think it necessary to say anything on the general object sought to be accomplished by the convention or on the details of the actual arrangement, nor to attempt to determine, by the weight and measure of the reciprocal concessions, which Government, if either, has the best of the transaction. These subjects have not escaped their notice, but they propose to confine themselves to a very brief exhibition of another and single ground upon which, without reference to the particular merits of the treaty, they advise against its ratification.
>
> The committee, then, are not prepared to sanction so large an innovation upon ancient and uniform practice in respect of the department of government by which duties on imports shall be imposed. The convention which has been submitted to the Senate changes duties which have been laid by law. It changes them either ex directo and by its own vigor, or it engages the faith of the Nation and the faith of the legislature through which the Nation acts to make the change. In either aspect it is the President and Senate who, by the instrumentality of negotiation, repeal or materially vary regulations of commerce and laws of revenue which Congress had ordained. More than this, the executive department, by the same instrumentality of negotiations, places it beyond the power of Congress to exceed the stipulated maximum of import duties for at least three years, whatever exigency may intervene to require it.

In the judgment of the committee, the legislature is the department of government by which commerce should be regulated and laws of revenue be passed. The Constitution, in terms, communicates the power to regulate commerce and to impose duties to that department. It communicates it, in terms, to no other. Without engaging at all in an examination of the extent, limits, and objects of the power to make treaties, the committee believe that the general rule of our system is indisputably that the control of trade and the function of taxing belong, without abridgement or participation, to Congress. They infer this from the language of the Constitution, from the nature and principles of our Government, from the theory of republican liberty itself, from the unvaried practice, evidencing the universal belief of all, in all periods, and of all parties and opinions. They think, too, that, as the general rule, the representatives of the people, sitting in their legislative capacity, with open doors, under the eye of the country, communicating freely with their constituents, may exercise this power more intelligently, more discreetly, may acquire more accurate and more minute information concerning the employments and the interests on which this description of measures will press, and may better discern what true policy prescribes and rejects, than is within the competence of the executive department of the Government.

*To follow, not to lead; to fulfill, not to ordain the law; to carry into effect, by negotiation and compact with foreign Governments, the legislative will, when it has been announced, upon the great subjects of trade and revenue; not to interpose with controlling influence, not to go forward with too ambitious enterprise—these seem to the committee to be the appropriate functions of the Executive.*

Holding this to be the general rule upon the subject, the committee discern nothing in the circumstances of this case, nothing in the object to be attained or in the difficulties in the way of obtaining it, which should induce a departure from the rule. If Congress think the proposed arrangement a beneficial one, it is quite easy to pass a law which shall impose the rates of duty contemplated by it, to take effect when satisfactory information is conveyed to the President that the stipulated equivalents are properly secured.

Upon this single ground, then, the committee advise that the treaty be rejected. It may help to reconcile the Senate to this conclusion if they add that they do not regard the stipulated concessions of the foreign contracting power as in any degree equivalent to the considerations by which we obtain them.

PROVISIONS OF THE CONSTITUTION.

In numerous Senate and House precedents, as also in judicial decisions and textbooks, the authority of the House in controversy with the Senate over the treaty-making power as it affects revenues has been recognized and sustained, and it is fair to previous Congresses to observe that wherever the House of Representatives has raised the question it has usually been conceded that the approval of the House of Representatives has been essential to the validity of any treaty which proposed to modify or remit duties imposed by law upon imports.

The House derives its power from section 7, Article I, of the Constitution of the United States, which provides that—

All bills for raising revenue shall originate in the House of Representatives, but the Senate may propose or concur with amendments as on other bills—

And this, as is generally conceded, in spite of the treaty-making power granted to the President in section 2, Article II, of the Constitution, which provides that—

He (the President) shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur.

In all the precedents and decisions for more than a century the underlying thought has been in harmony with that of the framers of the Constitution, to wit, that the House of Representatives, being closer to the body of the people than the Senate, and being more responsive to the will of the people, should have control and direction of the people's purse strings.

CONFIRMATORY HOUSE REPORTS.

In the third session of the Forty-first Congress, February 27, 1871 (Rept. No. 42), this principle was upheld by a committee of conference on the part of the House, consisting of Messrs. S. Hooper, William B. Allison, and Daniel W. Voorhees, who, after conferring with the Senate committee on a Senate bill to reduce internal taxes—income tax—reported at length against the Senate right to originate money bills, maintaining by resolution that the House had the—

sole and exclusive privilege to originate all bills directly affecting the revenue, whether such bills be for the imposition, reduction, or repeal of taxes, subject to the right of the Senate "to propose or concur with amendments, as in other bills."

In the Forty-ninth Congress, second session (Rept. No. 4177), a controversy having arisen over the extension of a treaty with the Hawaiian Islands affecting import duties, the Committee on the Judiciary, headed by John Randolph Tucker, after an exhaustive inquiry, submitted a resolution, declaring that the President, by and with the advice and consent of the Senate—

can not negotiate a treaty which shall be binding on the United States whereby duties on imports are to be regulated, either by imposing or remitting, increasing or decreasing them, without the sanction of an act of Congress.

The inquiry here related to an extension of a treaty with the Hawaiian Islands, and the President was requested to withhold final action upon the proposed convention until sanctioned by an act of Congress, although the original treaty of 1875 contained the provision that the convention was not to take effect—

until a law to carry it into operation shall have been passed by the Congress of the United States of America.

THE HOUSE FIRM IN MODERN INSTANCES.

The same question was up again on February 24, 1876—Forty-fourth Congress, first session, Report No. 116—when Fernando Wood, for the Committee on Ways and Means, having considered House bill 612, a bill to carry into effect a convention between the United States and His Majesty the King of the Hawaiian Islands, signed on the 30th day of January, 1875, reported, inter alia, that—

The treaty, in consequence of its abolition of the duty now imposed by law in the United States on the articles enumerated in the schedule, requires an act of Congress to carry it into effect. Unlike most of the treaties made with foreign nations, not only the consent of the House of Representatives is required to give it validity, but the proposition to do so must originate there.

Without cumbering the RECORD with additional quotations it is noteworthy that the prerogative of the House has been insisted upon down to the time of the taking over of the Philippines and the freeing of Cuba. A question having arisen as to the validity of certain tariff duties on Philippine imports after the Spanish-American War, the House adopted a resolution, brought in from the Committee on Rules, legalizing and ratifying the collection of certain duties in dispute, it being stated by Mr. Dalzell, who was in charge of the rule, that the act was necessary to remove any question as to the operation of prior treaty agreements.

On January 31, 1902, Mr. Dalzell, from the Committee on Rules, presented to the House a privileged resolution, which was adopted. This resolution, being of comparatively recent date, and having reference to the controversy over Cuban affairs, is quoted in full:

Whereas it is seriously claimed that under the treaty-making power of the Government, and without any action whatever on the part of the House of Representatives or by Congress, reciprocal trade agreements may be negotiated with foreign Governments that will of their own force operate to supplant, change, increase, or entirely abrogate duties on imports collected under laws enacted by Congress and approved by the Executive for the purpose of raising revenue to maintain the Government: Now, therefore, be it

*Resolved by the House of Representatives,* That the Committee on Ways and Means be directed to fully investigate the question of whether or not the President, by and with the advice and consent of the Senate, and independent of any action on the part of the House of Representatives, can negotiate treaties with foreign Governments by which duties levied under an act of Congress for the purpose of raising revenue are modified or repealed, and report the result of such investigation to the House.

THE ISSUE NOT A PARTISAN ONE.

The Democratic leader, Mr. Richardson, of Tennessee, followed up the Dalzell resolution with one which proposed to declare it the sense of the House that a commercial treaty affecting rates of duty would be "an infraction of the Constitution and an invasion of one of the highest prerogatives of the House of Representatives." In view of the passage of the Dalzell resolution, coming as it did from the Republican side of the House, however, the Richardson resolution was ruled out on a point of order, although both parties in debate held to the principle that the House prerogative should not be invaded.

It is not clear what became of the investigation suggested by the Dalzell resolution; but in a report of the Committee on Foreign Relations of the Senate, submitted by Senator Cullom, of Illinois, and released from secrecy December 15, 1902, we find, in the very last paragraph, this concession on the part of the Senate:

That each of said treaties be amended by the Senate by inserting therein the following additional provision: "This treaty shall not take effect until the same shall have been approved by the Congress."

This was in December, 1902, after a most interesting discussion in the Senate, in which some of the leading Senators assailed the right of separate action by the President and Senate as to treaties affecting the revenue.

On November 16, 1903, the House took up the bill (H. R. 1921) "to carry into effect a convention between the United States and the Republic of Cuba," signed December 11, 1902, upon which the Committee on Ways and Means, through Mr. Payne, of New York, had submitted a favorable report.

A POSITIVE STAND IN 1902.

This act contained the proviso:

That nothing herein contained shall be held or construed as an admission on the part of the House of Representatives that customs duties can be changed otherwise than by an act of Congress originating in said House.

The Payne report opened up with the statement that—

The enactment of this bill into law is necessary to give effect to the convention providing for reciprocal trade between this country and Cuba. This results not merely because the convention itself provides that it "shall not take effect until the same shall have been approved

by the Congress," but because the Constitution gives no power to the President and the Senate to make a convention or treaty changing the rates of revenue. That power is expressly lodged in the Congress. (Sec. 8, Art. I, of the Constitution.) Section 7 of the same article provides that "all bills for raising revenue shall originate in the House of Representatives." It is not intended here to cite authorities or advance reasons on this proposition. The records of Congress abound with unrefuted arguments on the affirmative of this contention, and the practice of Congress has been uniformly in the same direction. The reciprocity treaties with Great Britain in reference to our trade relations with Canada and with Hawaii were by their terms each dependent upon the passage by the Congress of appropriate legislation reducing the duties and making provision for the carrying into effect of their terms. Every treaty requiring the payment of money, from the Jay treaty to the treaty of Paris with Spain, has been referred to the Congress to make the necessary appropriation of money. Foreign countries in making treaties with us are bound to take notice of this requirement of our Constitution, and, whether it is expressed in the treaty or not, the whole matter is subject to the necessary legislation by the Congress.

THE COLOMBIAN TREATY WITHIN THE RULE.

These more recent evidences of the determination of the House of Representatives to stand by its constitutional prerogative as it relates to revenue matters in treaties with foreign nations, together with its uniform action in all preceding controversies, invite a consideration by the House of a resolution introduced by me (H. Res. No. 145):

Directing the Ways and Means Committee to inquire whether the President and the Senate may negotiate a treaty with Colombia modifying or repealing law providing for revenue without action on the part of the House of Representatives, and to report thereon.

The so-called Colombian treaty, to which the foregoing resolution refers, as released from secrecy by the Senate June 18, 1914, after expressing "sincere regret" that any differences should have arisen to mar the cordial friendship of the two nations, apart from agreeing to the payment by the United States to Colombia of $25,000,000 in gold, and in addition to the grant of certain privileges in the use of the Panama Canal free from charges, such as other nations would be called upon to pay, provided in article 2 that—

The products of the soil and industry of Colombia, passing through the Canal, as well as the Colombian mails, shall be exempt from any charge or duty other than those to which the products and mails of the United States may be subject. The products of the soil and industry of Colombia, such as cattle, salt, and provisions, shall be admitted to entry in the Canal Zone, and likewise in the islands and mainland occupied, or which may be occupied, by the United States as auxiliary and accessory thereto, without paying other duties or charges than those payable by similar products of the United States.

OUR REVENUE RELATIONS WITH COLOMBIA.

Later on in the proposed treaty provision is made that "coal, petroleum, and sea salt, being the products of Colombia," shall be transported over the Panama Railway free of charge except as to certain conditions.

Unless we disassociate the Panama Canal Zone from the United States, it is evident that the revenues of the United States, that is to say, "the purse strings of the people," are directly affected by the provisions of the proposed treaty as they have been quoted; and if distinguished Senators and Representatives who have discussed this matter on previous occasions are right as to the contention that it matters not whether the revenues are created or remitted by treaty, then it would seem that the House of Representatives must be consulted before any such treaty as is proposed with Colombia can be held valid.

As to existing revenue relations between the United States and Colombia, the record of imports and exports for 1914—end of fiscal year June 30—should be brought forward. According to the Statistical Abstract, 1914, the exports from the United States to Colombia amounted to $6,786,153. That sum represented the purchases of Colombia from the United States.

It is more important, for a better understanding of the subject in hand, however, that we consider the imports from Colombia, since they represent purchases from that country by the United States. Our total imports in 1914 were valued at $16,051,120, of which $14,641,503 worth of goods were admitted to the United States free of duty. There were dutiable imports from Colombia, however, to the amount of $1,409,617.

THE QUESTION IS UP TO THE HOUSE.

It thus appears that the House of Representatives, the more popular branch of the Legislature, to which the Constitution has delegated the power of originating revenue legislation, has not been consulted with respect to a treaty which evidently can not be validated without its approval.

The resolution to which I have called the attention of the House is designed to institute an inquiry as to whether, in this instance, as in others throughout the whole of our legislative history, the prerogative of the House to originate revenue legislation, or to determine its validity in treaties with foreign nations, shall be asserted and maintained.

OTHER PANAMA CANAL TREATIES CITED.

Mr. RAINEY. Mr. Speaker, will the gentleman yield?

Mr. MOORE of Pennsylvania. Mr. Speaker, I yield to the gentleman from Illinois.

Mr. RAINEY. Mr. Speaker, the gentleman has been so recently over the matter that he is more familiar with it than I am, and on account of the gentleman's evident familiarity with it I want to ask him if during the Roosevelt administration we did not conclude a treaty with the Republic of Panama which we had just recognized, involving the payment of $250,000 per annum as rental for the Canal Zone, which amount we are now appropriating every year and paying to the Republic of Panama; and is it not true that during the Taft administration we negotiated a treaty with Colombia and also one with Panama at the same time, by which Panama gave up for a term of years this payment of $250,000 per year and agreed that it should be paid to Colombia, and we agreed to that proposition, the treaty also providing for an additional sum of money to be paid out of the Treasury to Colombia in return for certain concessions, certain islands which she proposed to convey to us, which treaty was ratified in Panama, ratified in Colombia, but not ratified in the United States? If that is true, then the Taft administration and the Roosevelt administration also entered into treaties exactly similar to this, so far as the argument of the gentleman is concerned, except that so large an amount was not provided to be disbursed.

Mr. MOORE of Pennsylvania. Mr. Speaker, the gentleman from Illinois has put an eloquent speech into his question, and it involves so many things that it can not be answered within the one minute that I have left.

The SPEAKER pro tempore (Mr. ALEXANDER). The time of the gentleman has expired.

Mr. RAINEY. Mr. Speaker, I ask unanimous consent that the gentleman may be permitted to proceed for five minutes.

Mr. MOORE of Pennsylvania. Mr. Speaker, will the gentleman from Tennessee [Mr. MOON] object to that?

Mr. MOON. Mr. Speaker, I ask unanimous consent that the gentleman may be permitted to proceed for five minutes.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. MOORE of Pennsylvania. Mr. Speaker, I thank the gentleman from Tennessee. A number of treaties were attempted. The treaty to which the gentleman from Illinois refers in particular, however, I think is that known as the Root-Cortez treaty, which differed materially from the treaty negotiated by Mr. Bryan April 16, 1914.

Mr. RAINEY. Was it not the Hay-Herran treaty that provided——

Mr. MOORE of Pennsylvania. Oh, the Hay-Herran treaty was not approved by Colombia. Colombia rejected the Hay-Herran treaty, which, if accepted, would probably have settled this whole controversy. If Colombia had been in the proper frame of mind to make a fair bargain, as set forth in the Hay-Herran treaty, the Panama Canal problem would have been easy of adjustment. The gentleman knows very well that Colombia, after debate, rejected the Hay-Herran treaty; and he knows that subsequent to that the Province of Panama declared its independence and was subsequently recognized by other nations as well as by the United States.

NO DIFFERENCE IN PRINCIPLE.

Mr. RAINEY. The Hay-Bunau Varilla treaty provided for the payment of $250,000, did it not?

Mr. MOORE of Pennsylvania. We are now paying Panama $250,000 per annum; yes, but Congress sanctions that. Answering the gentleman's first question, which involves several administrations—and I had not intended to be political at all—I shall refer to what is known as the Root-Cortez treaty and contrast it with the treaty now under consideration by the Senate. The latter is the treaty in which Secretary of State Bryan proposed to raise the limit to $25,000,000 to salve the wounded feelings of Colombia. Colombia did not have the good sense to accept the Hay-Herran treaty, which proposed a just and amicable solution of the canal question, and thereafter, after Panama had declared its independence, was not in the best position to quarrel with the United States. However, it is not the relative merits of these treaties that I have been discussing. I object to the treaty-making power appropriating the public revenues. If any one of these preceding treaties, no matter who was President, contained the same provisions that this particular Bryan treaty contains, that certain import duties payable to the United States shall be remitted, it is obnoxious to the constitutional prerogative of the House to originate revenue legislation. The House ought to have asserted its right against those treaties as it ought to assert its right against this one.

Mr. FESS. Mr. Speaker, will the gentleman yield?

Mr. MOORE of Pennsylvania. Yes.

Mr. FESS. Since no treaty has fallen, because the House did not agree to recognize it, is that an argument against the gentleman's position that the prerogative of the House should be considered?

Mr. MOORE of Pennsylvania. Of course not. I am arguing for the right of the House to originate revenue legislation, and I am insisting that it is not the prerogative of the President or the Senate, without the consent or approval of the House, to appropriate money, as is proposed, or to modify and remit tariffs and charges as this treaty proposes to do.

THE HOUSE CAN REFUSE TO APPROPRIATE.

Mr. FESS. If the gentleman will yield further—in other words when the House agrees to raise the revenue that does not deny its right to refuse?

Mr. MOORE of Pennsylvania. Not at all. The House has a perfect right to reject any appropriation that comes to it from the President or the Senate providing for the expenditure of public money, whether it comes under the treaty-making power or not. At times the House has sent back to the Senate legislation originating there which affected the revenues. It did so in the matter of grain drawbacks when Mr. Payne was at the head of the Ways and Means Committee. If the House pays certain sums, as the gentleman from Illinois [Mr. RAINEY] indicated a little while ago when he referred to Panama's $250,000 per annum, it is because the House is satisfied to do so.

Mr. RAINEY. Under treaty.

Mr. MOORE of Pennsylvania. But we are doing that with the approval of the House of Representatives.

Mr. RAINEY. We are paying it under a treaty, and the House of Representatives has approved that treaty and paid that $250,000.

Mr. MOORE of Pennsylvania. It has the approval now of the House of Representatives, but I venture to say the House of Representatives should not so readily give its approval for the payment of the $25,000,000 which Mr. Bryan proposed by treaty we should pay to Colombia. The payment of so large a sum—in addition to the loss of duties on imports is matter for consideration by the House of Representatives, and its prerogative in this regard should be insisted upon. If it is not "the peoples purse strings" will be in danger. If report be true the Nicaragua treaty provides for the payment of $3,000,000, about which the House is not consulted. The House can refuse to make these appropriations if it sees fit to do so.

Mr. KITCHIN. Will the gentleman yield for a question?

Mr. MOORE of Pennsylvania. I yield to the gentleman from North Carolina.

Mr. KITCHIN. As I understand, the gentleman's principal objection is to the revenue feature of the Colombia treaty?

Mr. MOORE of Pennsylvania. I am addressing my argument to that principally; although I have referred to specific sums.

COMPARISON OF TREATIES INVITED.

Mr. KITCHIN. It is a fact that the Root treaty of January 9, 1909, signed by Mr. Root as Secretary of State, has a similar provision in it as that of the present proposed treaty, and the gentleman's argument is a protest against that as well as the present treaty.

Mr. MOORE of Pennsylvania. I invite the attention of the gentleman to a comparison of those two treaties, section by section, the Root-Cortez treaty and the Bryan treaty.

Mr. KITCHIN. I have them both here.

Mr. MOORE of Pennsylvania. I will not have sufficient time in what is left of my five minutes to indicate the differences in text, but I will put them in the RECORD later if there is no objection. I invite the gentleman's attention to article 3, where "products of the soil and industry of Colombia passing through the canal," and so forth, are freed of toll charges. That was proposed by the Bryan treaty. The Root treaty provided exemption only for similar charges on mail matter passing through.

The SPEAKER pro tempore. The time of the gentleman has again expired.

Mr. KITCHIN. Will the gentleman put in his speech article 3 of the Root treaty?

Mr. MOORE of Pennsylvania. My time having expired, I will extend that and other provisions in the RECORD. [Applause.]

THE RESOLUTION OF INQUIRY.

Whereas it is proposed under the treaty-making power of the Government, and without any action whatever on the part of the House of Representatives, or by Congress, to negotiate with Colombia a treaty that will operate to supplant, change, or repeal duties on imports under laws enacted by Congress and approved by the Executive for the purpose of raising revenue: Now therefore be it

*Resolved*, That the Committee on Ways and Means be directed to fully investigate the question whether or not the President, by and with the advice and consent of the Senate, independently of any action on the part of the House of Representatives, may negotiate a treaty with Colombia by which duties levied under an act of Congress for the purpose of raising revenue may be modified or repealed, and report the result of such investigation to the House.

POST OFFICE APPROPRIATION BILL.

Mr. MOON. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the Post Office appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 10484, with Mr. RAINEY in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill the title of which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 10484) making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1917, and for other purposes.

The CHAIRMAN. Without objection, the Clerk will report the pending amendment.

The Clerk read as follows:

Amendment by Mr. STAFFORD: Page 4, line 23, after the word "messenger," insert "post-office laborer or."

Mr. MOON. On that I make a point of order.

The CHAIRMAN. To which amendment the gentleman from Tennessee has made the point of order.

Mr. STAFFORD. Will the gentleman reserve the point of order?

Mr. MOON. I will reserve the point of order.

Mr. STAFFORD. Mr. Chairman, when this paragraph was originally proposed two years ago and this indemnifying fund was extended to those here enumerated, in addition to the railway mail clerks, I called the attention of the House that it left out a most worthy class, namely, the post-office laborers, a class next to the railway mail clerks, who are engaged in the most hazardous employment that is connected with the Postal Service. The House at that time did not see fit to incorporate in the provision the phraseology so as to cover this most deserving class. Here are some 1,400 men employed in the Postal Service, receiving a salary from $720 to $840, who are obliged to carry these big heavy mail bags, weighing 100, 150, to 200 pounds, endangered in their daily work continuously by going up and down elevators and proceeding about trucks, and yet the Government refuses to give them the protection of this very worthy provision. I wish to direct the attention of the Chairman to the fact that even with the amendment reported by the committee they also would not have been included, because they are not in the classified civil-service employment.

Mr. MADDEN. Will the gentleman yield?

Mr. STAFFORD. I will be glad to yield to the gentleman.

Mr. MADDEN. There is a classification bill to cover laborers in the Postal Service before the committee now, which I think the committee intends to take favorable action upon, but it was intended to cover them by this language when this was passed.

Mr. STAFFORD. But the gentleman from Illinois will admit that this phraseology does not cover the laborers nor does it cover other deserving employees in the Postal Service. It should cover chauffeurs who are engaged in the operation of delivery autos, and messengers, and printers, and the like. If we are going to be consistent at all and grant indemnity for injuries to those men who are not in a hazardous employment, such as post-office clerks, rural mail and city letter carriers, and so forth, we certainly should include these deserving men who are not organized as strongly as the postal clerks, the railway mail clerks, and rural-delivery carriers. These poor laborers who are engaged in hazardous employment about the post offices should be cared for as well as the other employees, who have their powerful organizations and their powerful representatives to see that their rights are protected.

I have no objection to throwing the protecting arm around these other employees who are represented here and who have their organizations, but I do say, in all fairness to this House, that the chairman of the committee or anyone should raise no objection to these laborers who have no person to represent them and no powerful organization behind them. I think if you are going to mete out justice, as you intend and as you should, you should withdraw the point of order and allow these men employed in this most hazardous work to come within the purview of this protecting clause.

I will ask whether the gentleman from Tennessee [Mr. MOON] persists in his position of making the point of order?

Mr. MOON. I am not insisting upon it; no.

Mr. STAFFORD. I hope the gentleman will not.

Mr. SISSON. I make the point of order, Mr. Chairman.

Mr. STAFFORD. On that point, Mr. Chairman, I do not think I have a very good case, and yet it is rather technical in this particular, and I wish to call it to the attention of the Chairman. I do not lay very much stress upon it, and yet we are having under consideration a clause that is now enacted into law with this slight change, that the word "or" has been omitted from the present law in line 23, following the word "clerk." There has been no point of order made whatsoever to the pending paragraph as it now stands. There is a change in phraseology by the omission of that word "or"; otherwise the paragraph stands as it was at the time of its enactment two years ago.

Now, no point of order having been raised on the paragraph as it stands, the question is whether that slight modification of phraseology would be sufficient upon which to hang an amendment that is germane. If this paragraph now before the House is under consideration, then, of course, any germane amendment would be admissible.

Mr. MANN. Mr. Chairman, will the gentleman yield for a question?

Mr. STAFFORD. I yield.

Mr. MANN. Did not the gentleman from Mississippi [Mr. SISSON] make a point of order on this paragraph and call particular attention to line 24? And did not the Chairman rule that the rest of the paragraph, except the language stricken out on the point of order, was in order because it was existing law?

Mr. STAFFORD. No; I was very careful and made a parliamentary inquiry of the Chair at the time the gentleman from Mississippi [Mr. SISSON] made his point of order as to what he made his point of order to; and the RECORD bears me out that the Chair stated that the gentleman from Mississippi made his point of order not to the paragraph but to the new language on line 24 up to the word "who." Now, if the language has been changed, and no point of order being made to the paragraph as it now stands, it having been changed in the particular I have indicated, the question is whether that change is sufficient upon which to hang a germane amendment. That is a matter that I submit respecfully for the decision of the Chair.

Mr. SISSON. Mr. Chairman, the Chair will recall that I made the point of order on the entire paragraph, and I called the attention of the Chair especially to the line to which the Chair sustained the point of order.

Mr. STAFFORD. I do not think the RECORD will sustain the gentleman's position.

Mr. SISSON. I stated at the time that I did not have before me the bill for the year before last. The bill of last year did not become a law. A resolution continued the bill of the year before last—the Post Office appropriation bill. So, in making my point of order, I intended to make it to all of the new legislation in the paragraph, and stated that I wanted to make the point of order; and the chairman of the committee or some gentleman on the Committee on the Post Office and Post Roads indicated to me what the new language was. I believe it was the gentleman from Indiana [Mr. Cox]. Then I called attention especially to that line.

Mr. MOON. The gentleman will recollect that I stated in my judgment this was not subjecct to a point of order, except on lines 24 and 25—"or any other classified civil-service employee in the Postal Service."

Mr. SISSON. Yes.

Mr. MOON. Then the gentleman confined his effort to that language, which clearly is subject to a point of order, and I recall now that the Chairman ruled it out of order.

Mr. SISSON. Yes. The Chair sustained the point of order. But if what the gentleman from Wisconsin [Mr. STAFFORD] says is true with reference to the present status, so that language as it is now before the Chair and before the committee is under consideration, then he is enlarging upon the language now in the bill and extends the clause to cover employees not now covered in the bill; and that is why he is offering this amendment. And if it does, it is legislation. If it includes more people than are now included in the bill, even though the language to which he directs attention had been subject to a point of order if the Chair's attention was called to it in time—and it would have been if I had had the bill of last year before me, so that I could determine whether it was new legislation or not—and if he enlarges the number of people to whom the money will be paid and broadens the scope of the bill so as to cover employees not now covered in the bill and the language, it becomes legislation, and is subject to a point of order.

Mr. STAFFORD. Mr. Chairman, to refresh the memory of the Chair as to what took place, as shown by the RECORD, we find the original motion of the gentleman from Mississippi on page 3142, in the right-hand column, near the bottom, as follows:

> Mr. Chairman, I reserve a point of order on the paragraph, and especially to the language in line 24, "or any other classified civil-service employee in the Postal Service who shall be killed while on duty, or who, being injured while on duty, shall die within one year thereafter as the result of such injury."

Nothing further occurs as to that point of order until we come to page 3145, in the right-hand column, up at the top.

Mr. MADDEN. Look at page 3143, on the left-hand column.

Mr. STAFFORD. Yes. On page 3143, in the left-hand column, in which the chairman of the committee [Mr. MOON] says:

> The language is subject to a point of order and no other—"or any other classified civil-service employee in the Postal Service." That is new law.

Then the gentleman from Mississippi [Mr. SISSON] and others go on to discuss the question. Then, just prior to the decision of the Chair, he says:

> I have directed my remarks especially to that. Now, that portion of the language to which I make the point of order is the language just read by the gentleman from Tennessee. My own judgment is that when the language is stricken out the section should be amended, and I shall offer an amendment at the proper time putting in the word "salaried" in line 10, making them salaried employees, and also in line 24, making it read "classified civil-service salaried employees."

That shows the intent of the gentleman from Mississippi [Mr. SISSON] not to make the point of order against the paragraph, and only to that indicated and which he considered was new language. Then, before the Chairman rules, I call attention to page 3145, at the top, where I directed this inquiry.

> To what language is the point of order made?
>
> The CHAIRMAN. On page 4, line 24, the gentleman from Mississippi [Mr. SISSON] makes the point of order to the following language: "Or any other classified civil-service employee in the Postal Service."

And the Chair sustained the point of order.

So, it is clear, Mr. Chairman, that no point of order has been made by the gentleman from Mississippi or anyone else to the paragraph as it now stands, after eliminating the clause which has been held subject to the point of order.

I submit to the Chair that the language being different from that in existing law, in that the word "or" is left out as indicated, whether it is now permissible to offer a germane amendment? And as we have the paragraph under consideration, no point of order having been made against the entire paragraph, then I respectfully contend, the language being different, that you can offer a germane amendment, which I have done in this case, and the germane amendment would be held in order.

The CHAIRMAN. The point of order made by the gentleman from Mississippi [Mr. SISSON] was clearly to the words—

> Or any other classified civil-service employee in the Postal Service.

And the RECORD shows that the chairman of the committee conceded the point of order as to that particular language, and it is clearly out of order, and the Chair sustained the point of order. With that language out the paragraph in the bill that we are discussing is exactly existing law. The gentleman from Wisconsin [Mr. STAFFORD] calls attention, however, to the omission, after the words "post-office clerk," in the line 23 of page 4, of the word "or." If the word "or" were in there, it would change in no particular whatever the meaning of this paragraph. The word "or" would not add a thing to the comma that is already there. The omission of the word "or" is probably simply a clerical error, and whether it is there or not is a matter of no importance, and it does not affect the sense of the paragraph in the least. The paragraph, the Chair will hold, is exactly the existing law on that subject.

Now, if this clause, just as it is, remains in this bill, and the bill is enacted into law with the clause in it just as it is, it would not change the existing law in the least. If the paragraph now just as it stands were stricken from the bill, and the bill with it out were enacted into law, it would not change existing law in the least. The paragraph as it now stands, being the existing law, adds no more to this bill than if the several lines it occupied were left entirely blank. It perhaps has a value as it stands, however, inasmuch as it carries an appropriation, but it evidently now has no other function in this bill. The only thing that can change this existing law is some amendment to this paragraph; and the amendment the gentleman suggests, of course, would change existing law. The entire paragraph as it originally stood in this bill, with the words "or any other classified civil-service employee in the Postal Service," the entire paragraph, of course, would change existing law, and the entire paragraph would have been subject to a point of order. But the paragraph as it now stands does not change existing law in the least, and, of course, is not subject to a point of order if the committee wants it to remain in there. We undertake to say that the compiler of the statutes probably would not copy it again into the statutes of the

United States if this bill should pass with it in. Whether he would or not, it would not make any difference. On account, however, of this appropriation it apparently carries it perhaps ought to be printed again, but for no other reason. The only amendment that the Chair can think of that would not be subject to a point of order would be some amendment which comes under the Holman rule. The Chair is not called upon to pass on that question now.

The point of order is sustained.

Mr. WALSH and Mr. SISSON rose.

The CHAIRMAN. The gentleman from Massachusetts [Mr. WALSH] is recognized.

Mr. WALSH. I desire to offer an amendment, which I send to the Clerk's desk.

The CHAIRMAN. The gentleman from Massachusetts offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 5, in line 1, after the word "die" strike out the words "within one year."

Mr. MOON. Mr. Chairman, I reserve a point of order on that amendment.

Mr. WALSH. Mr. Chairman, the policy of the Government has been fixed by this law to pay for the death of employees in the Postal Service who have been killed while on duty or have been injured while on duty, and who die within a certain time thereafter. Now the gentleman from Nebraska [Mr. LOBECK] the other day cited the case of an employee who was injured upon a railway mail car through no fault of his own and had been confined to his bed for some 14 months. Now, if that employee should die from that injury, under the provisions of this bill no benefit would accrue to his family, because his death occurred more than one year thereafter.

Now, it seems to me that if an employee is injured while on duty and dies as the result of that injury, and the injury occurred through no fault or negligence of his own, the Government should be willing to compensate his heirs or his legal representatives for the benefit of the wife, children, or dependent relatives, irrespective of the time of his death. And I submit that while the point of order has been reserved against this provision, the House might well liberalize this provision of the law. And I trust that the gentleman will not insist upon the point of order which he has reserved.

Mr. BENNET. Mr. Chairman, I would like to be heard on the point of order.

The CHAIRMAN. The gentleman from New York is recognized.

Mr. BENNET. I would like to be heard in the interest of consistency in ruling. It has been held in this House for years that an amendment which does nothing but strike out language is in order. It was held as recently as when the child-labor bill was before the House. The gentleman from Texas [Mr. GARNER] was in the chair, and there was a colloquy between the gentleman from Kentucky [Mr. SHERLEY] and some other gentleman, who announced that an amendment striking out words was not in order. He took occasion to look it up through the discussion of the bill, and thereafter took five minutes to announce to the House that he had been wrong and that an amendment which simply struck out words from the text of the bill was always in order. That is all that the amendment of the gentleman from Massachusetts [Mr. WALSH] proposes, namely, to strike out words.

Now, a particular provision is before the House and any Member has a right to make a motion to strike out a word or two words or three words or any portion of them.

Mr. MADDEN. Will the gentleman yield to me for a question?

Mr. BENNET. Certainly.

Mr. MADDEN. Does the gentleman contend that if the striking out of these words adds to the expense to the Government, it is in order to strike them out?

Mr. BENNET. Yes; and I will call the attention of the Chair to what the ruling was and to what the amendment was. The amendment was offered by the gentleman from North Carolina [Mr. WEBB] to strike out certain words and to provide that the products of child labor abroad should be kept out; and the then Chairman correctly ruled, after the concession of the gentleman from Kentucky [Mr. SHERLEY] that the amendment was in order, although if an amendment had been offered, as one had been offered quite recently before that, inserting the words "the product of child labor manufactured abroad," that amendment would not have been in order; and the then Chairman of the Committee of the Whole, the gentleman from Texas [Mr. GARNER] was right both times.

Mr. STEENERSON. Will the gentleman yield?

Mr. BENNET. Yes.

Mr. STEENERSON. Was not that a case where there was a proposition for a new law pending, whereas here is an existing law, that is on the books, that you want to strike out a part of?

Mr. BENNET. Mr. Chairman, that does not change the situation at all.

Mr. STEENERSON. Does not the striking out of the word change existing law?

Mr. BENNET. Of course, that is the purpose—to change existing law.

Mr. STEENERSON. Therefore it must be subject to the point of order.

Mr. BENNET. But if I may be indulged on that general line—and I am interested, because I have a similar amendment that I intend to offer—I want to go back to the threshold. The gentleman from Illinois [Mr. RAINEY], who is now presiding over the Committee of the Whole, is one of the fairest men in the House, and desires to rule correctly and in accordance with the precedents, I am sure. I want to say to him frankly that when I occupied the position of Chairman of Committee of the Whole in the Sixty-first Congress for a month or so on the railway bill I had to look up the precedents, and I found that the precedents of this House, based on the rulings in Jefferson's Manual, have always been that the change of one single word in an amendment makes a new amendment, because, as Jefferson's Manual says, non constat, but that it was that particular word which caused the rejection of the prior amendment; and if the gentleman from Illinois [Mr. RAINEY], who I know wants to rule in accordance with the precedents of the House, will look up the precedents both before my time as chairman and since then, I am quite sure he will find that the change of just one word makes a new amendment, and that the Chair has been prohibited by the practice of the House from saying that the omission of one word, or even the addition or amendment of a comma, is unimportant; that that is the function of the committee and not of the Chair; and that, therefore, this entire provision is a different provision because of the omission of that one single word "or." When I presided over the Committee of the Whole I think I had occasion to overrule a point of order made by the gentleman from Illinois [Mr. MANN] to an amendment, and to hold, in strict accordance with the precedents, that the change of one single word in an amendment made it a new amendment, for the reasons I have given.

Mr. MADDEN. Will the gentleman yield?

Mr. BENNET. Yes.

Mr. MADDEN. Does the gentleman from New York contend that the introduction of an amendment to a permanent law which will change the law is not subject to a point of order?

Mr. BENNET. Here is what I contend: When this proposition came into the House in the bill it was subject to a point of order because it proposed to enact legislation on an appropriation bill in violation of section 21 of the rules of the House. Any Member could have made a point of order against the whole proposition, but no one did. The gentleman from Mississippi [Mr. SISSON] made a point of order to a certain provision, and the chairman of the committee conceded it. There was no discussion, and the Chairman of the Committee of the Whole sustained the point of order. Thereafter the gentleman from Mississippi [Mr. SISSON] immediately offered an amendment to the portion of the provision that remained. The precedents of the House on this subject will be found in Volume V, Hinds' Precedents, section 5912 and following, and in Volume IV, section 3823, and the following sections. The latter citation is more appropriate to the question to which I am addressing myself. The precedents are that where a portion of a bill under consideration is legislation on an appropriation bill, and it has been permitted to remain, it may be perfected by a germane amendment. That has been held fifteen or twenty times, as cited in Volume IV, section 2833, and the following sections. And it has also been held in this House that where there was a proposed change of law in the bill, and there was discussion of it, that made the substance of the provision immune from attack under a point of order.

My own belief is that amendments, such as the one offered by the gentleman from Wisconsin [Mr. STAFFORD], are germane; and the Chair will find a decision in connection with a proposition to take the fence away from the space around the Botanical Garden, and another one where a bill was offered changing the compensation of judges, when it was held in order to propose that they should not accept any passes on railroads, because that was germane to the same general subject; and the basic reason why it was germane is that the proposition of the gentleman from Wisconsin and the legislation in the bill would both be within the jurisdiction of the same committee, although

that is traveling rather far afield, and the amendment of the gentleman from Massachusetts is clearly in order, because it is simply a motion to strike out words from a bill, and that has been ruled time and time again to be in order.

Mr. MOON. Mr. Chairman, the gentleman has cited in the first place some precedents that relate to appropriation bills where points of order were not made. The other cases he cites are on legislative bills, where the position of the gentleman is correct. But there is a rule of this House which prohibits legislation on an appropriation bill, and this is an appropriation bill; and any amendment that would insert new legislation or change old legislation would be out of order, clearly, under that rule of the House.

Now, suppose you strike out the words "shall die within one year." That would change the whole meaning of this law. That would fix no time limit whatever under which the payment should be made, because when the man died, at any time thereafter, the payment would have to be made. This would be an entire change of the law. Now, the Chair can see readily the distinction between the two. There would be no sense in a rule of the House that there should be no new legislation or change of law on appropriation bills if a Member could come along and move to strike out a line or two of existing law and change the whole law of the land, notwithstanding that rule, upon the theory that he had a right to move to strike out a word. The striking out of a word may mean the whole sense of the subject.

The gentleman said, too, that where an amendment had been offered to existing law in the bill, and objection had not been made thereto, that constituted a parliamentary situation where another amendment could be attached. That was the substance of what he said.

Well, that is true; but while the amendment proposes new law and is stricken out, under the rule the law is left exactly as it was before, and that reasoning, of course, does not apply. Nor can the gentleman find any precedent in Hinds or anywhere else for it.

Mr. STEENERSON. After the new language was stricken out on a point of order, there was no purpose in repeating the existing law in the bill?

Mr. MOON. No.

Mr. STEENERSON. In order to make a short cut, Mr. Chairman, I make the point of order on the paragraph. I reserved it in the beginning.

Mr. MOON. The paragraph has been under discussion for some time.

The CHAIRMAN. The Chair will first dispose of the point of order made to the amendment of the gentleman from Massachusetts.

Mr. WALSH. Mr. Chairman, if the Chair will indulge me for a moment, I fear that I should ask pardon of the House for presuming to discuss a point of order at this early stage in my career in this body. The distinguished chairman of the committee has called attention to his interpretation of the rule. I submit this very paragraph must have come into the bill in violation of the rule of the House. But, irrespective of that, I submit that it does not change the law. The law is that if a postal employee meets death while on duty, or is injured and dies from that injury, his heirs shall receive a certain sum of money. The principle of the law is based on the death of the employee. This simply changes the time of compensation. The law fixes the time of payment for death from injury received while on duty. I submit that the liability of the Government is not increased because we simply change the time when compensation for the death resulting from the injury while on duty shall be paid.

Mr. MANN. Mr. Chairman, the distinguished gentleman from New York [Mr. BENNET] is mistaken in saying that a point of order has never been sustained to an amendment to strike language out of an appropriation bill, because such amendments have frequently been ruled out on a point of order. The gentleman does not make the proper distinction between the question of the germaneness of the amendment and the validity of the proposed amendment in an appropriation bill. Of course an amendment is germane always which proposes to strike out any part of the language, but the question of germaneness does not enter into the consideration of this at all. The question here is whether this amendment is in order under the provisions of rule 21. If the Chair will notice, this provision of the bill is a matter of identification. The paragraph ends: "To enable the Postmaster General to carry out the provisions of the above, $234,000." It perhaps would have been better if in submitting the estimates they had identified this legislation in some other way than by repeating it.

The paragraph is not legislation, it is a mere appropriation. But if the contention is correct that you could amend this paragraph of identification by striking out the language proposed, then you could amend it by striking out any other language. For instance, you could strike out where it refers to employees or substitutes hereinafter mentioned the words "hereinafter mentioned," so that it would include all employees and substitutes. You could move to strike out the words "while on duty," and pay it to all employees, regardless of whether they were injured while on duty or not. You could provide for the payment of a permanent salary to any employee of the Government who was relieved and a substitute appointed for him. He could receive the salary because the provisions in the paragraph are restrictive. When you get down to the payment of the $2,000 for those injured in the service the gentleman might move to strike out the provision for those who die within one year as the result of the injury, and pay $2,000 to every railway employee or clerk or other employee. If to strike out language is in order, then you can, by striking out language, change the scope of the appropriation. You could provide under the terms of this paragraph the payment of $2,000 to every post-office employee in addition to his salary. You could provide for the payment of a permanent salary to every employee for whom a substitute was appointed simply by striking out the language. While it might be said that the House would not be likely to do that, that is not the question for the Chair to rule on. It is the duty of the Chair to determine whether the amendment offered in the guise of striking out language changes the law in the same way that inserting language would. It makes no difference to the rule whether it is to strike out or to insert, the question is whether it is authorized by law.

Mr. SISSON. Mr. Chairman, it seems to me that the ground taken by the gentleman from New York [Mr. BENNET] is not tenable on an appropriation bill. If the Chair will look at page 5, it provides that "no compensation shall be paid any such employee for any injury occasioned by his own negligence." Strike out the word "no" and you would have a provision for the payment of compensation to an employee for an injury occasioned by his own negligence.

There is a provision that a certain class of employees shall not receive more than $2,000. You could strike out the word "not" and it would read that he shall receive more than $2,000.

Mr. BENNET. If the gentleman will look at page 192 of Jefferson's Manual he will see that his argument is disposed of. The gentleman's argument does not go to the competency of the amendment, but whether it ought to be adopted. That is for the House.

Mr. SISSON. That would be true of any legislation on an appropriation bill. The purpose of the rule is to prevent an appropriation bill absorbing all of the jurisdiction of all of the other legislative committees. If we could legislate upon an appropriation bill, these committees having charge of appropriations could take entire charge of Congress, because they would change existing law whenever it suited them, and you would be thrashing out legislation on appropriation bills constantly and would never get through with the business of the House. So it is in the nature of good administration that that rule was made; but the gentleman's contention now would absolutely abrogate the rule and open up for us another Pandora's box.

Mr. BENNET. Mr. Chairman, will the gentleman yield?

Mr. SISSON. Yes.

Mr. BENNET. Did not the Committee on the Post Office and Post Roads attempt to do precisely what the gentleman says could not be done? That is, did they not attempt to legislate by the very language against which the gentleman made the point of order?

Mr. SISSON. Yes; and I prevented them from legislating by making the point of order, just as we are trying to prevent their legislating now by making this point of order.

Mr. BENNET. If that was an attempt on the part of the Post Office Committee, and the gentleman says it was, in which I agree, to legislate, does not that absolutely dispose of the argument of the gentleman from Illinois [Mr. MANN] that this language on page 5 is merely descriptive of the appropriation? Did they not attempt to legislate?

Mr. SISSON. But the gentleman entirely loses sight of what the gentleman from Illinois [Mr. MANN] meant when he said that the language was descriptive, because every appropriation must be appropriated for a specific purpose, and it adds nothing to the law by repeating it in this bill. It takes nothing from the law by repeating the language in this bill, but it simply is a provision which authorizes the Post Office Department to use the

amount carried under this item in accordance with the description in the bill, which happens in this case to be the law. In most of the appropriation bills, if you can find a specific designation for a particular character of employee, you can frequently make the appropriation by making it to a certain department, but if you will turn back to the law creating the department you will find there the duties of each of the employees provided for and their salaries fixed. That is for the purpose of shortening the bill. Take, for example, the legislative, executive, and judicial appropriation bill. If we were compelled to repeat the law in each case as has been done here, you would have the Revised Statutes almost copied in the bill, because there you provide for all of the departments of the Government in the city of Washington. Therefore, for the purpose of being relieved of that enormous burden, the appropriations have been designated by title, not by the repetition of the law, and in this particular case, if they could give terms which could describe perfectly what this appropriation was for, it would not be necessary to repeat the law, so I take it that is what the gentleman from Illinois meant by speaking of this language as descriptive.

Mr. MOON. Mr. Speaker, I ask the Chair to rule on this.

The CHAIRMAN. The Chair is ready to rule. The Chair understands the general rule that a motion to strike out is germane, but that is not the question presented here. This paragraph as it stands now is existing law. This amendment proposes to strike out the words "within one year," contained in the first line on page 5, and that just as materially changes existing law as to add certain words. The Chair thinks it would be a dangerous precedent to establish to permit a committee of the House to write into a bill existing law, and then in Committee of the Whole change existing law by striking out certain portions of it or by adding certain portions. The Chair also thinks it would be an equally bad precedent for a committee of this House to omit a comma from a paragraph of existing law, and then to write it into a bill with the comma omitted, and insist that it was a separate paragraph changing the law, and therefore subject to germane amendments, if no point of order was made at the proper time to the entire paragraph. The Chair thinks it would be equally dangerous for the clerk of a committee, through error, or the printer, through some typographical error, to omit an absolutely unimportant word, like the word "or," which omission adds or takes away nothing at all to or from existing law, no more than the omission of a comma would add or take away, and then to have the committee bring in the existing law incorporated in a bill with a disjunctive or a conjunctive omitted, which changes nothing, and insist that the existing law was so changed as to permit of germane amendments, including the amendment to strike out. The Chair, therefore, for the reasons given sustains the point of order.

Mr. BENNET. Mr. Chairman, I desire to offer an amendment.

Mr. CANNON. Mr. Chairman, I desire to offer an amendment. I move to strike out of the paragraph all that portion beginning with line 9 on page 4, down to and including the word "negligence," in line 4 of page 5.

Mr. MOON. Mr. Chairman, on that I reserve the point of order.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 4, line 9, strike out all the language of the paragraph down to and including the word "negligence," in line 4, page 5.

The CHAIRMAN. The Chair understands the gentleman from Tennessee to reserve the point of order.

Mr. MOON. Mr. Chairman, I reserve the point of order.

Mr. CANNON. It merely writes into this bill what is now existing law. I do not include the language in lines 4 and 5, on page 5, "to enable the Postmaster General to carry out the provisions of the above, $234,000." That would be proper with a slight amendment.

Mr. MOON. If you strike out "the above," what does that mean?

Mr. CANNON. It is very easy to amend so as to identify the act inside of a single line. Why cumber the bill with nearly a page which merely reenacts the law as it now is?

Mr. MOON. I will state to the gentleman the purpose was this, strictly: We have put into this statute, in order to make it read properly and connectedly, the words "or any other classified civil-service employee in the Postal Service." Now, those words have been stricken out, which leaves the statute just as it was, of course, but we propose to have a rule come in here to put back that language in the bill.

Mr. CANNON. Sufficient unto the day is the evil thereof, or the benefit thereof.

Mr. MOON. What language would the gentleman suggest to carry the appropriation?

Mr. CANNON. I would offer an amendment, if the gentleman did not, to enable the Postmaster General to carry out the provisions of this law, identifying the law, $224,000. It is perfectly easy.

Mr. MOON. I do not think it hurts anything to carry the law in this section, and I doubt whether the point of order could now be made on it or not, the whole matter having been discussed.

Mr. CANNON. I am not making the point of order at all. I merely moved to strike out because it is mere leather and prunella, a mere surplusage; that is all. I want to get rid of unnecessary language in copying an act that is now upon the statute book. I have no objection to the appropriation.

Mr. MOON. I understood the gentleman to make the point of order on it.

Mr. CANNON. Oh, not at all.

Mr. MOON. Then we may just as well have a vote.

Mr. BENNET. Mr. Chairman, I offer a preferential amendment.

The CHAIRMAN. Does the gentleman from Illinois make the point of order?

Mr. CANNON. Oh, no.

Mr. BENNET. Mr. Chairman, I offer a preferential amendment to perfect the text, which takes preference over a motion to strike out.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 4, line 16, after the word "conditional," insert the following: "And the Postmaster General shall have full authority to grant to any employee not to exceed two weeks' sick leave in any one year with pay, and shall not approve or continue any rule or regulation automatically terminating the employment of any such employee by reason of absence, when ill, for a fixed number of days."

Mr. MOON. Mr. Chairman, I make the point of order on the amendment.

Mr. BENNET. Mr. Chairman, I would like to be heard for a moment on the point of order.

Mr. MOON. Mr. Chairman, I make the point of order; I do not reserve it.

The CHAIRMAN. The Chair will hear the gentleman from New York on the point of order.

Mr. BENNET. Mr. Chairman, I do not deem it necessary to repeat the argument which I made on the amendment of the gentleman from Massachusetts, which applies to this amendment very largely. It seems to me that whenever a committee of this House reports to this House that which is clearly legislation, and, under the rules of the House, that particular legislation remains in the bill, that it is competent for the committee to perfect the legislation by a germane amendment, and I cited the Chair, in a memorandum which I sent in, to some sections of Hinds' Precedents in that regard.

Now, what is the additional ground; that is, that the language is not existing law because of the change of a word, and I read to the Chair from page 192 of the House Manual and Digest, section 459:

It is for the House rather than the Speaker to decide on the legislative effect of a proposition, and the change of a single word in the text of a proposition is sufficient to prevent the Speaker ruling it out of order as one already disposed of by the House.

Therefore, this legislative provision is not existing law. It is different from existing law——

The CHAIRMAN. What section does the gentleman read?

Mr. BENNET. Page 192 of House Manual, section 459; and I call the attention of the Chair to the fact that the change of that one word, under the decisions of the House, takes away the power of the Chair to decide that it is a matter of legislation. It is for the House and not the Chair, and this not being the same statute that there is on the statute books, this amendment, if germane, is in order. Now, it is germane, because it relates to the same subject matter, the matter over which the Committee on the Post Office and Post Roads has the same jurisdiction that it had to report a provision which is substantially what is on pages 4 and 5. Therefore I respectfully submit that the Chair ought to overrule the point of order made by the gentleman from Tennessee.

The CHAIRMAN. For the reasons given in the prior ruling, the Chair sustains the point of order.

Mr. HAMLIN. Mr. Chairman, I offer an amendment to this paragraph, which I send to the Clerk's desk.

The CHAIRMAN. There is an amendment pending. Is this a preferential amendment?

Mr. HAMLIN. This is a preferential amendment, to perfect the text.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

After the word "negligence," in line 4, page 5, insert the following:

"*Provided, however*, That any employee whose claim for compensation under this provision shall be denied by the Postmaster General, said employee shall have the right to an appeal from said decision aforesaid to the Court of Claims.

"That in order to perfect said appeal the claimant shall give to the Postmaster General—within 30 days from the date of notice to said claimant of the decision of the Postmaster General on his claim—notice in writing of his intention to appeal from said decision as aforesaid. Said notice shall be in the form of a written communication directed to the Postmaster General stating the intention of the claimant to appeal from the decision as aforesaid.

"It shall be sufficient notice of an appeal when the claimant shall deposit in the United States mails said written notice directed to the Postmaster General and having attached thereto requisite postage to carry the same.

"Upon filing with the clerk of the Court of Claims of a copy of the notice last above referred to properly verified, together with evidence showing that same was duly deposited, with proper stamps attached, in the United States mails, the Court of Claims shall be possessed of jurisdiction of the said cause and the same shall be docketed in said court, and said court shall proceed to hear and determine the same upon the evidence filed in said case with the Post Office Department, together with such other evidence as either the Government or the claimant may present.

"Immediately upon receipt of notice of intention on the part of the the claimant to appeal from the decision of the Postmaster General, as aforesaid, the Postmaster General shall cause, without any unnecessary delay, to be transmitted to the clerk of the Court of Claims, a copy of his decision in said case, together with all affidavits and other evidence on file in his department in said case.

"The decision of the Court of Claims in said case shall be final and binding on all parties in interest. But the Government shall in no case be liable to any injured employee for a period to exceed one year.

Mr. MOON. Mr. Chairman, I make the point of order on the amendment.

Mr. HAMLIN. Mr. Chairman, I hardly think it is subject to the point of order, but I would ask the gentleman to withhold it.

Mr. MOON. I can not, as it is so clearly subject to the point of order. If the gentleman wants to pass such legislation he should introduce a separate bill. It would take us a week to consider things like that.

Mr. HAMLIN. I shall certainly introduce a separate bill, if the Chair should hold that the point of order is well taken; but I am not inclined to think that it is well taken, and if the gentleman will not withhold his point of order until I can make a statement——

Mr. MOON. I would like to accommodate the gentleman from Missouri, but he sees the impropriety of the chairman of the committee agreeing to an amendment like that on this appropriation bill. It ought to be in a separate bill, and I must insist on the point of order.

The CHAIRMAN. Does the gentleman from Missouri desire to discuss the point of order?

Mr. HAMLIN. I do, unless the gentleman withholds it.

Mr. MOON. Mr. Chairman, I must insist upon the point of order.

Mr. HAMLIN. I want to be perfectly frank with the House, and state that I recognize that my amendment is new legislation; but I also think it comes under the Holman rule, and is therefore in order. I will direct the Chair's attention to the last provision of the amendment:

But the Government in no case shall be liable to any injured employee for a period exceeding one year.

Under existing law, and the law proposed to be enacted by the committee at the present time, it provides that an injured employee may be granted leave of absence for one year at full pay, and if not able to return to work at the end of that time he shall be given a further extension of one year at 50 per cent of his salary. Now, if this amendment is adopted it limits the liability of the Government to an injured employee to one year and cuts out the additional year, which unquestionably reduces the liability of the Government under the provisions of my amendment. And under the Holman rule I am inclined to think for that reason that it would be in order.

Mr. MOON. What would be in order? To have appeals to the Interstate Commerce Commission and everything of that sort?

Mr. HAMLIN. It is in order for the reason that it reduces the liability of the Government under the law in these cases.

Mr. MOON. It does not appear on the face of it.

Mr. HAMLIN. It does not need to appear on the face of the amendment itself. If by any reasonable process of reasoning it appears that it reduces the liability of the Government, it clearly comes under the Holman rule.

Now, I have not in my hands the decision, but I recall it very distinctly, and I call the Chair's attention, that some years ago when we were considering the military bill the gentleman from Virginia [Mr. SAUNDERS] was in the chair, and an amendment to that bill was offered which clearly covers the very point which the gentleman from Tennessee [Mr. MOON] suggests.

Mr. COX. Will the gentleman yield?

Mr. HAMLIN. In just a moment, when I have finished this. An amendment was offered providing for the reduction from the pay of 15 Cavalry regiments to 10. Somebody made the point of order that that was a change of existing law and therefore new legislation, and, of course, the point of order was contested on the ground of the "Holman rule." The Chair stated in his ruling that while it did not appear upon the face of the amendment itself that it would reduce the cost to the Government, yet the Chair concluded because of the fact that the number of units to be compensated was reduced from 15 to 10, in the natural order of things the effect of it must be to reduce the liabjlity to the Government, and on that basis concluded that the amendment came under the Holman rule, and the point of order was overruled.

Mr. MANN. Will the gentleman yield for a question?

Mr. HAMLIN. Yes.

Mr. MANN. If I understand the gentleman's position, it is that if a man files a claim under this law and the Postmaster General allows it, the man may file an appeal then with the Court of Claims, in the hope that it may be disallowed, and thereby save the Government money? That would come under the Holman rule?

Mr. HAMLIN. Of course the gentleman does not understand my position to be that at all. My position is simply this, if the Chair will bear with me a moment: That under the existing law if one of these injured employees applies to the Postmaster General for compensation under existing law the decision of the Postmaster General on his claim is absolutely final, and he, of course, if it is adverse, gets nothing. Now, the object of my amendment is to give to that injured employee a right, if he feels he is injured by the adverse decision of the Postmaster General, to have a court pass upon his case.

Mr. MADDEN. And thereby reduce the cost by having a judgment rendered?

Mr. HAMLIN. It does not increase the cost, and especially when you cut out the second year to employees which is provided by this amendment.

Mr. COX. Will the gentleman yield?

Mr. HAMLIN. I will.

Mr. COX. The gentleman will admit, will he not, if it were not for the Holman rule then his proposed amendment is clearly out of order.

Mr. HAMLIN. Yes, sir; there is no question about it.

Mr. COX. If the gentleman's amendment should obtain and carry, does not the gentleman contemplate that ultimately there would be considerable litigation in the Court of Claims over a violation of this statute?

Mr. HAMLIN. No, sir; I do not think so. That would add no cost.

Mr. COX. How about the witness fees, the lawyers' fees, and the court fees, and so forth?

Mr. HAMLIN. There would be none. I do not think it would result in that at all, for this reason: I think our Postmaster General would be a little more careful in looking into the merits of these different cases, and it is not a question of the amount that he allows. The law fixes that. If he recognizes that a given case comes under the provision of the law, all he has to do is to give the employee one year's leave of absence with pay. It is not a question of whether he gives him $1,000 or $2,000 or $5,000. If my amendment should be adopted I think the Postmaster General would be more careful in passing upon these cases in the matter of whether or not a given case is entitled to come under the provision of the law. He would examine more carefully into the merits of each case, for he would not want to be reversed. If this amendment is not adopted and the Postmaster General disallows his claim the man is denied participation under existing law, and he has no remedy whatever.

Mr. Chairman, if the committee will indulge me just a moment, I do not want to stand here and contend that my amendment is in order unless there is some good reason for it. Yet I feel so strongly upon the merits of the proposition that I wanted to call the attention of the committee to it. I want to recite one incident which directed my attention to this question. There came under my observation——

Mr. MOON. I will suggest to the gentleman that we need time very badly here.

Mr. HAMLIN. I suggest to the gentleman that he can save a great deal of time by giving me five minutes.

The CHAIRMAN. The Chair would prefer to hear from the gentleman simply on that point of order.

Mr. MOON. The Chair has control of the time; I have not.

Mr. HAMLIN. I have said all I care to say on the point of order.

The CHAIRMAN. The Chair is ready to rule, then——

Mr. HAMLIN. But I ask unanimous consent that I may proceed for five minutes not on the point of order.

The CHAIRMAN. The gentleman from Missouri [Mr. HAMLIN] asks unanimous consent to proceed for five minutes not on the point of order. Is there objection?

Mr. MOON. I do not want to object, Mr. Chairman, if the gentleman wants to talk, but I feel as though he were imposing on us to do that.

Mr. HAMLIN. I have not occupied 60 minutes of the time of this House since we convened.

The CHAIRMAN. Is there objection?

Mr. MOON. I have no objection, Mr. Chairman.

There was no objection.

The CHAIRMAN. The gentleman from Missouri is recognized.

Mr. HAMLIN. Mr. Chairman, I will relate a case that has brought this question to my attention. That there is merit in the amendment which I have offered there can be absolutely no doubt. There was a young man—by name, Roy J. Bennett—employed in the post office in my home city as a clerk. He is now blind—absolutely blind. He filed his application under this law for leave of absence for one year with pay. The evidence on file, with no one disputing it at all, shows that when he went in the office as clerk there he was about the age of 24 or 25. I am not sure as to what date he went in. He was physically sound, and his eyesight was good. He was compelled to work under artificial light entirely, with the result that finally the optic nerve broke down suddenly. He was compelled to cease his services there, was treated by oculists in Springfield and also in St. Louis by specialists, and was told by them finally that he never would be able to see again. Now he is about 26 or 27 years of age and compelled to go through life in absolute darkness, with no hope of ever restoring his eyesight.

He made his application under this law in the regular way to the Postmaster General—and I am not seeking to criticize the Postmaster General. He made his application under this law to the Postmaster General for leave of absence for one year with pay. The evidence showed that he had lost his sight in the service of his Government through no fault of his. There was no dispute about the facts. His claim was turned down. Under existing law he has no remedy whatever, but can only grope his way through life with no consolation, except it be that he may cheer his loneliness by singing "My country, tis of thee."

Now the adoption of this amendment would not help him, but it is just such cases as his that have called my attention to these injustices, and I feel that if we are going to give to these employees any compensation at all, we ought to give them some way in which they can be assured that they will get justice. In other words, we ought not to hold out to them a "loaf" in one hand, and when they reach out to get it, hand them a "stone."

Mr. NORTON. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Missouri yield to the gentleman from North Dakota?

Mr. HAMLIN. Yes.

Mr. NORTON. Does the gentleman think a case like that should come under the provisions of law as it exists?

Mr. HAMLIN. Of course it ought, and, in fact, does come under existing law.

Mr. NORTON. What does the gentleman mean when he says this man was "compelled" to work under artificial light?

Mr. HAMLIN. He was compelled either to resign or to work under those conditions.

Mr. NORTON. The United States did not compel him to work there at all. He could have gone out on a farm, could he not?

Mr. HAMLIN. Oh, he could have quit work and gone out and starved, and his wife and children could have starved. Of course no one could compel him to stay there. But it certainly does not come with good grace from us, representing the American people, to stand here and permit such a condition to exist and then say if he did not want to work under these conditions he could quit. To say that he could have quit and did not need to work is beside the point.

Mr. MOON. Mr. Chairman, it seems to me that it is going pretty far on the part of the gentleman to make such a statement as that. What are we doing to bring about a condition of that kind on a man's wife and babies?

Mr. HAMLIN. The conditions are such that he was compelled to work in a way that has destroyed his eyesight, and now he is refused any compensation whatever on the part of this Government, and the gentleman from Tennessee is pressing a point of order against an amendment which, if adopted, would remedy this injustice.

Mr. MOON. We are simply making a condition here, and under the situation we can not possibly meet every isolated case where a man's eyesight or hearing may be affected by his labor.

Mr. HAMLIN. Here is what I am asking for: If the Postmaster General arbitrarily turns down cases of this kind, we want to be able to say to this man, "You have the right to get the judgment of the court as to whether or not you have merit in your case and whether you ought to be permitted to have compensation. We give you the right to an appeal."

Mr. LOBECK. And where the inspectors who make these reports are not the attorney, trial judge, and jury, and report to the Postmaster General, as they have done in numbers of cases?

Mr. HAMLIN. Certainly. Now, I am not seeking to criticize the present Postmaster General or his predecessors or successors, but this is true——

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. HAMLIN. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. HAMLIN. Every Postmaster General has a pride in holding down the expenses of his department. It is the biggest department in the Government, and he feels that if his annual expenditures for this year exceeds the previous year it is a discredit to him unless he can show that it was due entirely to the natural growth of the office; but to reduce expenses is a "feather in his cap," and it is but natural that he cut out every expense possible in order to make that showing. Such claims as I have been talking about are some of the most available and softest to operate on, for he has only to exercise his discretion and there is no appeal from his decision. He wants to be fair, but I fear he is not always just. If we are going to help these employees, we ought to amend the law so that exact justice shall be done them or else we ought to repeal the law.

The CHAIRMAN. The Chair is ready to rule. The amendment proposed by the gentleman from Missouri [Mr. HAMLIN] provides for an appeal from the decision of the Postmaster General by any employee who has a claim for compensation under this provision of the law which is denied by the Postmaster General.

If this amendment is in order and is adopted, employees will have the right to appeal from the decision of the Postmaster General to the Court of Claims. That is the object of the amendment. Of course, it is clearly new legislation. It is sought, however, to invoke the Holman rule. The Postmaster General could deny entirely the claim of an employee for compensation, or he could allow it in part, and in either event the injured employee, if this amendment is adopted, would have the right to appeal.

Then, the amendment proceeds in its other paragraphs to provide a method for appeal. Now, if the decision of the Postmaster General rejects the claim, and an appeal is taken to the Court of Claims, and the Court of Claims allows the claim, that certainly does not reduce the expenditures of this Government in the least. It would add that much to the expenditures. If the claim is allowed in part, and the claimant appeals from the decision, the presumption is that he appeals for the purpose of getting a larger allowance, and if he does get a larger allowance from the Court of Claims, that would add to the expenditures of the Government.

The Chair is clearly of the opinion that in this instance the Holman rule can not be invoked, and the point of order is sustained. The question is on agreeing to the amendment offered by the gentleman from Illinois [Mr. CANNON].

Mr. CANNON. Mr. Chairman, I withdraw the amendment.

The CHAIRMAN. Without objection, the amendment is withdrawn.

Mr. SISSON. Mr. Chairman, I make the motion to strike out the paragraph.

The CHAIRMAN. The gentleman from Mississippi moves to strike out the entire paragraph.

Mr. SISSON. Mr. Chairman, I do that for the reason that I do not think the Reilly amendment ought ever to have been adopted.

There is a somewhat peculiar condition existing with reference to employees of the Post Office Department. A certain organization of employees, while having no legal recognition, has a quasi recognition, in that certain officials of that organi-

zation in the Post Office Department are given leave of absence and continue to draw their salaries.

Mr. MADDEN. Does the gentleman state to the House that men not actually performing service to the Government are drawing salaries?

Mr. SISSON. My information is that that is true.

Mr. MADDEN. Who are these men?

Mr. SISSON. I will give you the name of one, Mr. Frank T. Rogers, president of the United National Association of Post Office Clerks; office of the president, 427 Colorado Building, Washington, D. C.

Mr. MADDEN. The gentleman from Mississippi must know that there is no authority vested in anybody connected with the Post Office Department to give any man in the service leave of absence and pay him compensation. Not only that, but provision is made in this bill and all other bills providing for the conduct of the Post Office Department that when men are absent on leave substitutes shall take their places and be paid from the appropriations made for substitutes.

Mr. SISSON. I am always glad to yield to my good friend from Illinois, as he understands. I do not yield further; but I think he might investigate that matter a little. I think the Post Office Committee might find some facts that would be interesting to them if they would make some little investigation of it. Now, the mails are being flooded with letters. I will not take the time to read them all, because I presume that most of you have received the letters, whether you have read them or not. They relate to certain legislation that they want, and I am going to read the last paragraph of this letter:

I believe our chances for success were never better. Will you do your part? It must be done at once. The sooner your Member of Congress knows that your people are in deadly earnest about this matter, the sooner will the House pass the Griffin bill (H. R. 6915). Get busy.

Fraternally, yours. FRANK T. ROGERS, *President.*

Mr. GRIFFIN. Will the gentleman yield?

Mr. SISSON. In one moment. Now, without taking up the time of the committee, I ask unanimous consent to insert this letter as a portion of my remarks.

Mr. MOON. Let us see what it is before we give the permission.

Mr. SISSON. Then I will read it all. I should not read this letter except that the gentleman requests it.

Mr. MOON. Go on and let us hear it.

Mr. SISSON. This is the letter:

THE PENROSE-GRIFFIN BILLS.

UNITED NATIONAL ASSOCIATION OF POST OFFICE CLERKS,
*Washington, D. C., January 31, 1916.*

DEAR FRIEND AND FELLOW CLERK: We are earnestly appealing to every branch of the United National Association of Post Office Clerks to do everything possible to secure the enactment into law of the Penrose-Griffin indefinite leave of absence bills.

In the House the bill, known as H. R. 6915, is fathered by Representative D. J. GRIFFIN, a member of the Post Office Committee, before which the bill is now pending.

In the Senate the bill is known as S. 3081, and is fathered by Senator BOIES PENROSE, a member of the Senate Post Office Committee, to which the bill has been referred. Copies of both bills have been mailed to all branch secretaries.

Each branch should undertake a systematic campaign to arouse local public sentiment in behalf of these bills. Write your own Representative in Congress at once, not only urging him to vote for the bill when it comes before the House but also requesting him to urge the members of the Post Office Committee to report the bill favorably, so that it may be considered by the House at the earliest possible date. Make every effort to induce the clergy, business, and other organizations and prominent individuals in your community to write such letters.

We have reasonable assurances that the committee will make a favorable report if a little more pressure is brought to bear.

Hon. Miles M. Dawson, an actuary of national repute, has advised with us in the preparation of these bills, furnishing us with computations as to cost and other statistics. Mr. Dawson reports that in the first year of operation the bill would cost only $362,250, or only three-tenths of 1 per cent of the total salaries of the employees covered by the bill.

Our last convention adopted a resolution making the necessity for retirement legislation along noncontributory lines our paramount issue.

The National Council of Postal Associations, of which I am the secretary, consisting of the United National Association of Post Office Clerks, the National Association of Letter Carriers, the National Rural Letter Carriers' Association, and the Railway Mail Association, is actively supporting the Penrose-Griffin bills.

The necessity for retiring the superannuates in the Postal Service with a sufficient allowance to protect them against poverty in their declining years is very acute. We have witnessed the reduction in compensation or removal from the service of many faithful old fellow employees. It is our duty to strive to put an end to this cold-blooded manner of dealing with superannuation and to protect ourselves against a like fate, as we, too, shall approach the period of superannuation.

The earnest efforts of your national officers will not avail without the whole-hearted support of every member.

I believe our chances for success were never better. Will you do your part? It must be done at once. The sooner your Member of Congress knows that your people are in deadly earnest about this matter, the sooner will the House pass the Griffin bill, H. R. 6915. Get busy.

Fraternally, yours, FRANK T. ROGERS, *President.*

Please post.

Now, there are many of these letters. I shall not take up the time of the committee to read them all now. I may read them in the future. Here is a situation where all of the employees of the Post Office Department are organizing and selecting men to prepare bills for them and sending them here. They are not looking after the interests of the taxpayers, not looking after the interests of all the people, but are overriding the recommendations of the department, not only under this administration but under other administrations. They are coming to the Appropriations Committee and, as they plainly state in this letter, bringing pressure to bear upon Congressmen, and in this way bringing about legislation not looking to the general interests of the country, not having the general interests of the people in their hearts and minds, but having in mind the taking care of themselves and hedging themselves about by such rules and restrictions of the administration that it is utterly impossible for the head of the department, if their demands are granted, to give to the people a good and efficient administration. They are doing this for the purpose of protecting inefficiency and insubordination, and if I had the time I would show you some of the bills which have been introduced here which the committee will be called upon to consider.

Mr. GRIFFIN. Would the gentleman deny to the postal employees of this country the right to petition their Congressmen?

Mr. SISSON. Absolutely not. I am not denying them that right. When any constituent of mine desires to write me I am glad to hear from him; but when they have organizations that become nation wide, the purpose of which is not to further the interests of the mail service but to further their own salaries and extract from the people of the country more taxation in order that they may have their salaries increased, then I do say that there ought to be some consideration given to the man least thought of in appropriations, the one who finally pays the bill. [Applause.] Now, in some of the letters which I hope to have the opportunity to call to the attention of the committee again they claim that they have brought about this legislation by this activity.

Mr. Chairman, a very small minority of the people of the United States are directly interested in appropriations, except as they affect the amount of taxes they pay; but this small minority, being compact, having one point in view—that of advancing their own interests and their own salaries—they get to be extremely busy. These employees get their positions by virtue of my indorsement or your indorsement. They get them, as a rule, because they are close friends; they get them, as a rule, because they are our political friends. They get busy back at home, and it tends to coerce and drive the Members of Congress into voting for more liberal appropriations for them than they otherwise would.

I realize fully that the rural carriers in my district have been persistent and active, but on all occasions when I have discussed the matter with them, when they have invited me to address the association, I have called their attention to the salaries which they get in comparison with the salaries of the people around them and in their communities. I compare the number of hours that they labor, and then I simply state to them "I want you treated as the city carriers are treated, and that alone I will stand for." Notwithstanding the fact that they have petitioned me and asked me, within the last year or two the rural carriers have at last agreed that the position I take is a just and a fair one; and if the Members of Congress would do likewise, we should come here clothed with our own judgment and would not serve an organization of employees for the purpose of coercion, as that letter indicates——

The CHAIRMAN. The time of the gentleman has expired.

Mr. SISSON. May I have one more minute?

The CHAIRMAN. The gentleman asks unanimous consent that his time be extended one minute. Is there objection?

There was no objection.

Mr. SISSON. As that letter indicates, asking the clergy to get busy, asking business houses to get busy, asking customers of theirs to get busy and to write their Congressmen at once; that if a little more pressure is brought to bear they will accomplish what they want to accomplish. For that reason I think this legislation is in the wrong direction. I think it finally means the swamping of the Treasury with the demands of the employees of all the other departments of the Federal Government for legislation along this line, and the proper thing to do is to cut off the head here. When it first started with the Reilly amendment it was a small thing, peering up out of the dust; but now it is stretching out its legs, and its wings are beginning to be seen. For that reason it is a move in the wrong direction, not in the interest of good administration, not in the interest

of economy, and not in the interest, I think, of good government in the United States. [Applause.]

Mr. FINLEY. Mr. Chairman, the compensation law to postal employees, known as the Reilly bill, is existing law, and if the gentleman's motion should prevail that law would not be repealed. I ask the gentleman would he have a law on the statute books which is positive in its character requiring an appropriation to carry it out and then have Congress refuse to give the appropriation?

Mr. SISSON. Will the gentleman vote with me under the Holman rule to change the law?

Mr. FINLEY. I will not. The gentleman's motion means nothing if it succeeds. He would simply strike out the whole paragraph, including the appropriation, and there would be a law on the statute book requiring an appropriation annually to pay for the injured postal employees and the deaths of those covered by that law, but there would be no money to pay it with. That is all the gentleman's motion amounts to.

Mr. SISSON. Then I will make a motion at the proper time to repeal this law entirely and make it under the Holman rule.

Mr. FINLEY. The gentleman can introduce a bill for that purpose if he chooses.

Mr. SISSON. I shall not introduce a bill, because an amendment will lie under the Holman rule.

Mr. FINLEY. We will see about that when we reach it. There is nothing in the gentleman's motion.

Mr. MADDEN. Mr. Chairman, the gentleman from Mississippi [Mr. SISSON] made serious charges in connection with his motion, and I submit that no such charges ought to be made by any Member on this floor without presenting the facts. He has made the statement that the Post Office authorities are granting leave of absence to men and paying them salaries while away from work. There is nobody to blame for that except the Post Office authorities if it exists. If the charge he makes be true, it is an indictment against the authorities running the Post Office Department, and this House and the country is entitled to know the facts.

Now, these men who are employed by the Post Office Department are United States citizens. They have the same rights as any other citizen in the land. The fact that they become Government employees does not take any of their rights away. There was a time when their rights were taken away by Executive order, but that order was repealed by the Congress of the United States. Authority was given to these men to exercise their ordinary rights as citizens of America, and giving them the right to appeal to Congress, or to any committee of Congress, or to any Member of Congress for anything that is legitimate. The letter written by Mr. Rogers, read by the gentleman from Mississippi, is a letter that Mr. Rogers had a right to write. The gentleman from Mississippi says it creates a sentiment. Of course, that was what it was intended to do, and that is the way to get legislation. That is the way we get legislation on every subject over which we have jurisdiction. The people who are engaged in the manufacturing industries endeavor to create a sentiment in their favor; those in the importing business endeavor to create a sentiment in their favor.

The gentleman from Mississippi when he runs for Congress writes letters to his constituents, no doubt endeavoring to create a sentiment in his favor. Does anybody deny him that right? Why should not he accord the same right to every other American citizen? [Applause.] Is it any more a crime for a man to write a letter to a Member of Congress asking him to vote for something for his benefit than it is for the Member of Congress to write a letter to his constituents asking them to continue him in office at $7,500 a year? Not a bit. [Laughter and applause.]

We ought to be fair. These men are patriotic men, they are working at low salaries. They are doing the best work that can be done by men. They are always obedient to the law. They do everything they can to promote the efficiency of the department under which they are engaged. They ask a pension. Is that a crime? I never heard that it was. Every great business institution in America pensions its men, if it makes money enough to permit it to do so, except the Government of the United States, which is less reasonable with its employees than are private individuals.

The great body of American citizens all over the land, in whatever calling they may be engaged, have a perfect right to petition Congress or a Member of Congress. We are the servants of these people; and if we want to become their masters, all we have to do is to resign and take our places in the ranks and follow the citizenship, and then we have a right to dictate to men who sit on the floor of the House. But to think it is a crime for a man to advocate a case where he believes there is justice behind the advocacy is absurd, and statements of that sort ought not to be made on this floor. [Applause.]

Mr. O'SHAUNESSY. Mr. Chairman, I wish to commend the utterance of my distinguished friend from Illinois [Mr. MADDEN] and to differ with my equally distinguished friend from Mississippi [Mr. SISSON], whose leanings for economy are perhaps to be commended, but who lacks that broad view necessary in the consideration of this question. Heretofore it has been my pleasure—and I considered it my duty—to take exception to the autocratic and despotic order issued by Theodore Roosevelt, when he was President of the United States, putting a gag in the mouths of the postal employees of this country. I wish to reaffirm to-day my opposition to that kind of conduct on the part of any President of the United States. A modification of that order was made by President Taft, and, as a Democrat, I glory in the fact that to a Democratic Congress was accorded the privilege of liberating the post-office employees and permitting them, as free citizens of this Republic, to bring their complaints to Congress. This is the place for them to bring their complaints. We may as well bid good-by to republican institutions if we can say that any set of men are to be denied the right to petition. As an old post-office clerk myself, I can bear testimony to the efficiency of these men who give faithfully of their service and who perform their duties to the satisfaction of the people. I do not believe that their salaries are any too large, and, as the gentleman from Illinois [Mr. MADDEN] says, the way to secure legislation is not by the petty petitioning of a single individual but by the united petition of these post-office employees. God speed their efforts; make them all the bigger in number, just and reasonable in their nature, and bring them here to Congress to get what they believe to be their rights.

Standing upon this floor, I take pleasure also in commending the efforts of the postal employees, that great body of American citizens, to bring about a change in the way of compensation for their labors. One of the most heart-rending sights, I think, that come to the eyes of any man is to see an old, faithful letter carrier or clerk, perhaps of 50 years' service and needing his monthly wage, told that his services are no longer required. I believe they should be pensioned, and I hope the sentiment will grow in Congress. I hope the time will come when, freed from greater responsibilities, some President of the United States may recognize the burning importance of this question and bring to these faithful employees and all of the employees of the Government a pensionable status by which they can be retired on a sufficient allowance to bless their declining days. That will make room for the younger blood down below, and it will make a better and more efficient public service. I know that there are a great many men who hesitate even to consider this proposition; but it has been shown that it would be an economical one. Congress should not hesitate to follow in the path blazed out by the great corporations of the country. It is only right and proper that we should compensate these men for what they are doing and then hold out to them the promise of some better thing when old age comes than to be kicked into the street. Oh, I want to say to the gentleman from Illinois [Mr. MADDEN] that I commend him from the bottom of my heart for the stand he has taken to-day for these men, who are honest, who are faithful, who are deserving of every consideration. Economy is all right, but I think frequently it is misplaced. There is no better way for the Government to progress, there is no better way for the people to go ahead in this world, than to give consideration to those who perform the daily tasks faithfully and well. I am glad I have had the opportunity to be here to add my word of encouragement to men who are seeking merely their rights under the Constitution. [Applause.]

Mr. MOON. Mr. Chairman, I merely desire to call attention to the recklessness of the position of the gentleman from Mississippi [Mr. SISSON]. He certainly could not fully comprehend what he is attempting to do in moving to strike out this whole paragraph. This paragraph provides that the Postmaster General may employ other employees when those charged with duty are sick or absent. Yet the gentleman is entirely willing to take away from the Post Office Department by this motion the power to employ others to perform the duty of carrying the mail. I am sure the gentleman did not think of that when he made his motion. I think there has been no one in this House who has been more persistent and more energetic in furthering the claims of the rural carriers in the United States. The gentleman has aided in raising the salaries of these employees. I thought myself that they were getting quite enough before the last raise, but this House had a better judgment and raised the figure to what it is now. The gentleman has always bowed with profound reverence at the throne of the rural carrier. Let him go back to Mississippi and tell the rural carriers that while he worships

at their throne, when they are alive, he is unwilling, when they are dead, killed in the line of performance of their duty, to give to their poor widows and children $2,000 to protect them from want, and that he made a motion to strike that item out of the bill. [Applause.] I am sure the gentleman is too kind-hearted to want to prevent the widows of the officials of the Government from getting some benefit for their faithful performance of duty when they are killed in the line of duty. I do not believe he would be willing to say to them that he would deny them that poor privilege.

Mr. MANN. Mr. Chairman, I am very glad indeed to hear several gentlemen on the Post Office Committee defend the Reilly amendment. That amendment was not inserted in the law on the suggestion of the Post Office Committee, however, and it shows that we all have a tendency to make progress. The Reilly amendment was gotten into the bill through parliamentary maneuvering, and over the objection and in spite of the objection of my distinguished friend from Tennessee, the chairman of the committee, and other members of the committee.

Mr. MOON. Did I understand the gentleman to say that the Reilly amendment was not in the Post Office appropriation bill?

Mr. MANN. No; it was not.

Mr. MOON. Why, it was in, I think, and was stricken out on a point of order at one time.

Mr. MANN. Not the Reilly amendment.

Mr. MOON. Oh, yes.

Mr. MANN. Oh, no; not at all. A provision was in the bill, which went out on a point of order. I give the committee credit for bringing in what they did. I helped to arrange the matter of the Reilly amendment, to have the amendment offered unawares to the gentlemen who were opposed to it. They immediately proposed an amendment to it, which took it beyond the point of order. I am not seeking to criticize the Post Office Committee—far from it. We are all in the position of making some progress in thought along the line of making provision for men who are injured in the public service, and we will reach the time after a while when we will make provision for men who have served in the public service so long that it is proper that they be retired on account of age and paid something toward taking care of them.

A civil pension list. When I first came into the House the idea was treated with horror by nearly everybody here, and I think it is treated with horror now by a majority of those present in the House. I have no doubt the time will come before very long. I am very glad that the Reilly amendment was inserted in the bill. However, Mr. Chairman, I arose principally for the purpose of saying a word concerning Frank T. Rogers, whom the gentleman from Mississippi [Mr. SISSON] rather attacked. Mr. Rogers is not a constituent of mine, but he has for years, to a more or less extent, at least, represented the post-office clerks in regard to legislation. I have frequently met and talked with Mr. Rogers in Washington, and of all the men whom I have ever talked with who were representing any class of employees of the Government or people outside in regard to legislation, I think that Frank T. Rogers is the fairest, the most reasonable man whom I have talked with concerning legislation which he was endeavoring to influence or affect in behalf of a number of other people. [Applause.] He never asks, so far as I have observed, unreasonable things. He has always been willing, as far as he was concerned, to consider matters from the governmental point of view as well as from the point of view of the employees, and I do not think it is desirable for us to throw stones at men like Rogers and possibly have them replaced by very radical men who want impossible things done and then abuse us because we can not do impossible things. I hope that he will retain a position where he can talk to Members of Congress on behalf of the post-office employees for many years, as he will be an aid, not an obstruction, to the work that we ought to do. [Applause.]

Mr. LOBECK. Mr. Chairman, for several years, ever since coming to Congress, I have been in favor of pensioning those who are injured in the service or those who have worked a long time in the service and were too old to continue. I have given the subject considerable study, and believe it only fair to the veterans in civil service.

A few days ago I was in the Post Office Department, and was shown the work on the upper floor in the money-order department. I was shown a room where there were about 20 or 25 aged employees, and I believe that every one of them, from the information I received, was over 75 years of age, men and women still in the employ of the Government, who therefore could not do the efficient work they performed in younger days and were given light work, and, in fact, all are pensioners on the Government. A short time ago I was in the accounting department of the Navy. I found in that department 225 persons, 75 persons of whom were over 70 years of age. Now, if those people could be retired on a reasonable pension and younger persons engaged in their places one-half the present number could do the work, as I was informed by the chief in charge. There is a time coming when we will have to take care of the old people if we are to have good, efficient service. The American telephone and telegraph companies of this country are to-day taking care of their people who are injured in their employment and those who are too old, and last year it cost them quite a large sum; but the telegraph and telephone companies are more than pleased, because it pays to do so.

And, as I say, these old men and old women who have been 20, 30, 40, and even 50 years in the service ought to be taken care of and younger blood take their places who can and are able physically to give more efficient work than these old people who have always given good, honest, faithful service to Uncle Sam. [Applause.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Mississippi to strike out the paragraph.

The question was taken, and the Chairman announced that the noes seemed to have it.

Mr. MANN. Mr. Chairman, I ask for a division.

The committee divided; and there were—ayes 4, noes 64.

So the amendment was rejected.

Mr. SISSON. Mr. Chairman, I make the motion that this section be repealed. I make that motion under the Holman rule, because it unquestionably reduces and retrenches expenditures.

Mr. MANN. The gentleman can not make a motion. He has to submit an amendment.

Mr. SISSON. Well, I move, Mr. Chairman, that page 4 be amended by repealing the section beginning on line 9 and ending on line 5 with the figures "$234,000."

Mr. MOON. Mr. Chairman, I make the point of order on that.

Mr. MANN. Mr. Chairman, I submit that is not an amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Repeal the paragraph on page 4 beginning with line 9 down to and including line 5 on page 5.

Mr. MANN. Mr. Chairman, I make the point of order that that motion is not in order, is not an amendment, and that you can not repeal a provision in the bill.

The CHAIRMAN. Does the gentleman from Mississippi desire to be heard on the point of order?

Mr. SISSON. Yes; if the gentleman desires it, I will read the language I desire repealed.

Mr. MANN. But the gentleman must submit his amendment. I ask that the gentleman reduce his amendment to writing, as is the provision under the rule. I am perfectly willing that the gentleman shall have time to do so. It is not fair to the clerks——

Mr. SISSON. Mr. Chairman, I did not care to take up the time of the committee by taking the time to prepare the amendment. I could cut it out of the bill and put it in proper shape if the gentleman insists on it. I simply want to make the motion in the language in which it is made here, and if the gentleman does not object, I think really that the language which I have offered and which has been stated from the Clerk's desk will repeal the section; but I do not want to take up the time of the committee and ask the indulgence of the committee in order to prepare the amendment.

Mr. MANN. Mr. Chairman, if an amendment is offered to be voted upon, it is the right of the Members of the House to have the specific proposition presented, and it is not the province of the Clerk, after an amendment is defeated, to prepare an amendment and insert it in the engrossed bill.

Mr. SISSON. I am not doing that. But we have been discussing this paragraph for two days, and every Member of this House is thoroughly familiar with every word of this section which I desire to have repealed.

Mr. MANN. No one is familiar with the gentleman's amendment, not even the gentleman himself yet, because it has not been reduced to the proper form.

Mr. MOON. Mr. Chairman, the motion of the gentleman is so meager, indefinite, and uncertain as not to be intelligible at all. He asks us to repeal a provision here in an appropriation bill. Why, the proposition will apply to the Revised Statutes. Let the gentleman tell us what statute he proposes to repeal and what part he proposes to repeal.

Mr. SISSON. That is exactly the reason I had asked that it be put in this form, for the simple reason that I did not desire to detain the committee until I could get the exact——

Mr. MOON. No; the gentleman is mistaken; it is not that it would detain the committee, but the gentleman did not have it before him.

Mr. SISSON. I had intended to make the motion to strike out, until the gentleman raised the question a while ago.

The CHAIRMAN. The Chair does not think it is possible to repeal any part of this bill until it is enacted into law.

Mr. SISSON. Mr. Chairman, this is the exact language of the law—the language which I ask to be repealed. The section which I wish to repeal is in this exact language in the law, and it has been repeatedly stated by the Chair that it is the exact language of the law, after the point of order was sustained to the new language. Now, that is the clause that I desire to repeal, and under the Holman rule, and if I reduced the question to writing and sent it to the Clerk's desk and indicated the particular act, I could not get it more intelligible before intelligent men than it is now.

Mr. MANN. We are not intelligent enough to understand it.

Mr. MOON. The motion to strike out that section has been voted down once.

The CHAIRMAN. The Chair thinks that if the existing motion prevailed, it would not change existing law in the least. The only paragraph we have in this law as it stands is that which carries with it an appropriation. The point of order is sustained.

Mr. SISSON. Would the Chair hold at this time, if this paragraph is passed, that either at the conclusion of this bill or at some subsequent moment in the consideration of the bill an amendment would be in order repealing this section?

The CHAIRMAN. The Chair prefers not to rule upon that question at all now. I presume, by unanimous consent, we could return to the paragraph.

Mr. SISSON. Mr. Chairman, I ask unanimous consent that for the present we pass the paragraph.

The CHAIRMAN. The gentleman from Mississippi asks unanimous consent that the paragraph be passed for the present. Is there objection?

Mr. MOON. I object.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

For compensation to postmasters, $31,000,000: *Provided*, That hereafter the respective compensation of postmasters of the first, second, and third classes shall be annual salaries, graded in even hundreds of dollars, and payable in quarterly payments, to be ascertained and fixed by the Postmaster General from their respective quarterly returns to the Auditor for the Post Office Department, or copies or duplicates thereof to the First Assistant Postmaster General, for the calendar year immediately preceding the adjustment.

Mr. DALLINGER. Mr. Chairman——

Mr. STEENERSON. Mr. Chairman, I move to strike out the last word.

Mr. STAFFORD. Mr. Chairman, I wish to reserve a point of order on the paragraph.

The CHAIRMAN. A point of order is reserved on the paragraph and the gentleman's amendment will not be in order until——

Mr. STEENERSON. Mr. Chairman, I desire to discuss this paragraph.

The CHAIRMAN. The point of order?

Mr. STEENERSON. No; the paragraph.

The CHAIRMAN. The gentleman is recognized to discuss the paragraph.

Mr. STEENERSON. The unexpended balance under this item last year was $373,621, and the estimate is $250,000 in addition, making a sum of $623,621.

Mr. MOON. I did not hear the gentleman from Minnesota.

Mr. STEENERSON. It is not my fault. I am speaking in stentorian tones. [Laughter.]

It is an increase of $623,000 over the rate of expenditure for last year. I want to call attention to the fact that the total revenues of the department for the last fiscal year were very nearly $700,000 less than the year before. The compensation of postmasters, just appropriated for in this section, is based upon the receipts except in a few cases of first-class post offices. And, inasmuch as the receipts have fallen off, it is hard to understand why the appropriation should be over $600,000 in excess of the appropriation for the last fiscal year.

I call attention to the fact that the fourth-class offices' salaries are established as follows: First, $50 per quarter, 100 per cent; next, $100 per quarter, 60 per cent; next, $200 per quarter, 50 per cent; and all over $200, 40 per cent to the postmaster.

We have presidential offices where the receipts are——

Mr. FINLEY. Will the gentleman from Minnesota yield?

Mr. STEENERSON. I will.

Mr. FINLEY. As I understand the gentleman, he is discussing the salaries of the fourth-class postmasters?

Mr. STEENERSON. I am discussing the salaries of all postmasters.

Mr. FINLEY. I want to ask the gentleman this question: Is not the sole purpose to change the time for adjusting the salaries of the first, second, and third class postmasters to the 1st of January?

Mr. STEENERSON. This is an appropriation for all postmasters' salaries, and the second-class postmasters receive a salary of $2,000 where the receipts are between $8,000 and $9,000, and then on up to $2,900. So you observe the salary is largely determined by the receipts of the office. Now, the explanation that I divined for this peculiar situation, this increase of salaries where there is a decrease in receipts, in the face of the law which I have just referred to, fixing the salary on the amount of the receipts, is to be found in the parcel-post development. And in order that that may be understood by the committee, I will send to the Clerk's desk a clipping from a newspaper referring to an office in Alaska where they are shipping ore by parcel post.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

HUGE SHIPMENTS OF ALASKA TUNGSTEN SENT OUT BY PARCEL POST.

SEATTLE, *January 22.*

If anybody happens to notice a drifting cloud of sulphurous smoke to the northward, he can account for the phenomenon by assuming that Alaskan "dog punchers" who drive the mail teams between Cordova and Fairbanks are expressing their views on the injustice of things in general. The European war, the United States postal authorities, and two crafty and lucky miners of Fairbanks seem to have combined to make life a burden to the mail carriers.

Fifty tons of tungsten concentrates, which is badly needed in Pittsburgh and other places where armor plate and other forms of tough steel are manufactured, is being shipped from Fairbanks by parcel post. The concentrates have a value of $140,000. Johnson & Ewers, from whose property it is being shipped, will buy $12,000 worth of parcel-post stamps to make the shipment, and the Government will pay $122,600 to have it delivered.

At first blush it would look as if Uncle Sam were going to book a losing of $110,600, but the wily gentlemen who made the mail contracts in his behalf attended to that matter. The real burden will fall on the mail carriers.

The Alaskan mail carriers, figuring there would be not more than 200 to 300 pounds of mail each trip, made their figures correspondingly low, and everything ran smoothly until a few days ago, when, according to news received from Fairbanks to-day, Johnson & Ewers received an offer from a Pittsburgh chemical firm, offering $2,800 a ton for winter delivery of tungsten concentrates. They decided to ship 50 tons. It is being delivered at the Fairbanks post office at the rate of 4,800 pounds a week, the amount of mail which can be shipped out of Fairbanks each week.

With the exception of the mail carriers, everybody hailed the news of the shipments with considerable glee. Besides giving work to a number of miners during the winter, the shipment of the concentrates will keep the Fairbanks post office—threatened with a reduction in rank—in the second-class division. But if anybody wants to become unpopular with the mail carriers, all they have to do is to mention the word "tungsten."

The CHAIRMAN. The time of the gentleman has expired.

Mr. STEENERSON. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

Mr. MOON. I ask that all debate close in five minutes.

Mr. STAFFORD. I have a point of order pending. I wish to discuss a proposition which is new legislation. I really wish to obtain information about the legislation proposed.

Mr. MOON. We will be glad to give you any we have.

The CHAIRMAN. The gentleman from Tennessee [Mr. MOON] asks unanimous consent that all debate on this paragraph close in five minutes. Is there objection?

Mr. STAFFORD. I object, Mr. Chairman.

Mr. STEENERSON. Now, it states there that the post office at Fairbanks will be raised to the second class by reason of these ore shipments, which will involve an expenditure, taken out of the postal receipts, of some thousand or two thousand dollars, and then, although they have a contract, as stated there, to carry the mail to Cordova, which is on the seaboard, at so much per annum, limiting the amount of mail to 4,800 pounds a week, yet if the mail is permanently increased in the next year it will be a more expensive contract, of course. Therefore they are now paying $126,000 a year to carry by dog train in the winter from Fairbanks to Cordova these ore shipments, and from Cordova to Seattle they pay $65,000 to one company and $86,000 to another company, and from Seattle they carry 2,800 miles, this tungsten, to Pittsburgh, which at the ordinary railway mail pay would amount to 14 cents a pound after they get it into Seattle. It will involve, in my estimation, a loss to the Government of four or five dollars to every dollar they receive in postage, and a very large percentage of it goes, as you see, to increase the salary of the postmaster up there, by reason of this extraordinary sale of postage stamps to carry this ore.

This is not an isolated case. I am told that where there are fourth-class offices farm produce is purchased by the postmasters in order to increase their salaries. I was told by a farmer in Virginia the other day that out in the Blue Ridge

Mountain region, where there are many fourth-class post offices, the staple crop in the fall is chestnuts, and they put them up in 50-pound sacks, and the postmaster, who has a salary of $50, has a monopoly of that business, because he gets nearly all the receipts for the sales of postage stamps to carry these chestnuts at 54 cents a sack, and it all goes into his own pocket and the United States Government does not get a cent.

That is the reason why, according to my conjecture, while the total postal receipts fell off last year, the compensation of postmasters increased. We find that the salaries of postmasters are increased over the rate of expenditure last year by $600,000, when they ought to be at least a million dollars less. That is the explanation that I have been able to conjecture for this condition. I do not assert it as a fact, but it is the only explanation I can give. No explanation was given at the hearings of the committee by the department officials.

Mr. Chairman, I withdraw the pro forma amendment.

The CHAIRMAN. The gentleman from Minnesota withdraws the pro forma amendment.

Mr. STAFFORD. Mr. Chairman, I am in sympathy with the ostensible purpose to be accomplished by this amendment, but in reading it, the doubt came to my mind whether, under the phraseology here, the Postmaster General would not have authority to change the salaries of all postmasters of the respective grades. I direct the attention of the Chairman and the members of the committee to the phraseology as it is incorporated in the bill, that—

> Hereafter the respective compensation of postmasters of the first, second, and third classes shall be annual salaries, graded in even hundreds of dollars, and payable in quarterly payments, to be ascertained and fixed by the Postmaster General.

That phraseology might bear the construction that the Postmaster General would be vested with the authority to change the present basis of pay of all the postmasters of the country.

Mr. MOON. I call the gentleman's attention to the fact that if he had read a little further he would see that the salaries are to be ascertained and fixed by the Postmaster General "from their respective quarterly returns to the Auditor for the Post Office Department."

Mr. STAFFORD. The authority is given here in language quite definite that the Postmaster General has the authority to fix the salaries—the salaries "to be ascertained and fixed by the Postmaster General."

Mr. MOON. The gentleman stopped short there. The law provides the manner in which it shall be ascertained.

Mr. STAFFORD. This new law?

Mr. MOON. No. This is old law.

Mr. STAFFORD. It does not say anything in this bill to the effect that the basis of pay should be as now fixed by law; but you are delegating here to the Postmaster General, if the gentleman will permit——

Mr. MOON. This is not new law. It was carried in the last appropriation bill.

Mr. STAFFORD. That never became a law.

Mr. MOON. I am speaking of the one that did become a law.

Mr. TILSON. Is the gentleman sure of that?

Mr. STAFFORD. I ask if the gentleman is willing to remove the ambiguity. I believe I have the floor. I would like to correct the position of the Chairman in saying that this is not the law. I have before me the law as it existed for the fiscal year 1915, and it did not carry any such provision. It was merely recommended.

Mr. MOON. I believe the gentleman is correct about that.

Mr. STAFFORD. Would the gentleman have any objection to clearing up the ambiguity by accepting an amendment, to follow the word "postmasters," in line 11, "at the rate now fixed by law"?

Mr. MOON. If the gentleman thinks it will make it any stronger, I have no objection.

Mr. STAFFORD. It would remove the ambiguity. I withdraw the reservation of the point of order, Mr. Chairman.

The CHAIRMAN. The gentleman withdraws his reservation.

Mr. NORTON. Mr. Chairman, I make the point of order. I want to ask this question: What change does the new legislation effect in the existing law? I can not find anything in the hearings. It appears that the committee did not have sufficient time to make an index of the hearings on this bill so that a member of the committee could find anything.

Mr. MOON. It provides that the salaries shall be paid in even hundreds and paid in quarterly payments instead of monthly payments.

Mr. NORTON. What change is that over existing law?

Mr. MOON. It changes from uneven payments to even payments and to quarterly from monthly payments.

Mr. NORTON. Is that the only change made?

Mr. MOON. I think that is the only material change.

Mr. NORTON. I withdraw the point of order, Mr. Chairman.

Mr. CANNON. I renew the point of order.

The CHAIRMAN. The point of order is reserved.

Mr. CANNON. I think the gentleman withdrew it.

Mr. MOON. He withdrew the point of order, and the question has been discussed. I make the point that it is now too late.

Mr. CANNON. A point of order has been reserved or pending ever since you commenced.

The CHAIRMAN. Does the gentleman from North Dakota reserve the point of order?

Mr. NORTON. I reserve the point of order.

Mr. CANNON. The gentleman from North Dakota reserves the point.

The CHAIRMAN. The gentleman from Illinois is recognized.

Mr. CANNON. I would like to know as to the compensation of postmasters—$31,000,000.

The next paragraph reads:

> For compensation to postmasters, $31,000,000: *Provided*, That hereafter the respective compensation of postmasters of the first, second, and third classes shall be annual salaries, graded in even hundreds of dollars.

I take it that the word "hereafter" would follow all through the following paragraphs, for compensation of assistant postmasters and compensation of clerks and employees.

Mr. MADDEN. It relates only to that one paragraph.

Mr. CANNON. I do not think so.

Mr. MADDEN. Oh, yes.

Mr. MOON. Only to the compensation of postmasters alone.

Mr. STAFFORD. This item relates only to the one item of compensation of postmasters.

Mr. CANNON. It seems to me that the word "hereafter" would cover all the employees who are spoken of on the next succeeding pages.

Mr. MOON. I am sure the gentleman will find that it relates only to the paragraph which deals with the compensation of postmasters, and that in the paragraphs relating to the compensation of assistant postmasters the word "hereafter" does not occur.

Mr. CANNON. Then there is no change of law from that on to all the officials who are referred to on pages 6, 7, 8, 9, 10, and 11?

Mr. MOON. No.

Mr. CANNON. The next "hereafter" comes at the bottom of page 11, so far as I can ascertain. If the gentleman is satisfied, after examination, that the only change in law covered by the word "hereafter" applies to postmasters, I am satisfied.

Mr. MOON. I think that is the proper construction of it.

Mr. TILSON. Mr. Chairman, may I ask the gentleman a question for information?

Mr. MOON. Certainly.

Mr. TILSON. Is the compensation of postmasters now fixed from the quarterly returns?

Mr. MOON. The compensation of postmasters is fixed from the quaterly returns.

Mr. TILSON. Does it vary from year to year, in accordance with the quarterly returns?

Mr. MOON. As I understand it, for the promotion of postmasters there must be a certain amount for four consecutive quarters, and it is now proposed that it shall be for the year instead of for the four consecutive quarters.

Mr. TILSON. But it says it shall be ascertained and fixed by the Postmaster General from the respective quarterly returns.

Mr. MOON. Yes.

Mr. TILSON. Does that mean that if the quarterly return of the next quarter should show a larger amount, the salary would be increased accordingly?

Mr. MOON. As I understand, the law is this: In order to increase the salary there must be a fixed amount, required by the law, received for four consecutive quarters. That is, the increase must occur in each quarter. If the amount received for one quarter should be small and for the next one very large the intention is that they shall all be combined in order to fix the salary.

Mr. TILSON. But is not the salary of a first-class postmaster fixed, at so many dollars a year?

Mr. MOON. Oh, yes; in the case of first-class offices it is fixed.

Mr. TILSON. But this says first, second and third. It says—

> That hereafter the respective compensation of postmasters of the first, second, and third classes shall be annual salaries, graded in even hundreds of dollars and payable in quarterly payments, to be ascertained and fixed by the Postmaster General from their respective quarterly returns to the Auditor for the Post Office Department, or copies

or duplicates thereof to the First Assistant Postmaster General, for the calendar year immediately preceding the adjustment.

Mr. MOON. The gentleman understands that offices are ripened from a lower to a higher grade.

Mr. TILSON. I understand that; but my inquiry is as to whether this would not authorize the Postmaster General to change the salary of any postmaster of the first, second, or third class?

Mr. MOON. I do not think so at all.

Mr. SISSON. Mr. Chairman, I should like to ask the gentleman this question: The current law, carried in the bill passed March 9, 1914, contains the proviso:

*Provided*, That hereafter, in determining the gross receipts upon which the salary of a postmaster shall be based, stamps, stamped envelopes, and postal cards sold in large or unusual quantities to any person to be used in mailing matter at other post offices, or in mailing matter diverted from other offices, shall not be included, whether the sale be made with or without solicitation by the postmaster.

All that language is left out of this bill. Does that in any way change the basis of compensation?

Mr. MOON. No; it does not.

Mr. NORTON. Can the chairman of the Committee on the Post Office and Post Roads explain the reason for this change in the existing law?

Mr. FINLEY. If the chairman of the committee will allow me, as I understand the gentleman from North Dakota, he refers to fourth-class postmasters.

Mr. NORTON. I refer to the change in the provision for the payment of first, second, and third class postmasters, the provision beginning in line 9, page 5, and concluding with line 17, page 5, which has been read here.

Mr. FINLEY. The reason is this: At present the law, as I remember it, provides for adjusting the salaries on the 31st day of March each year at first, second, and third class post offices. I will come to the fourth-class post offices in a moment.

Mr. NORTON. This has no reference to fourth-class post offices.

Mr. FINLEY. I understand that. Now it is proposed to have the adjustment at the beginning of the calendar year, the 1st of January, and to have the salaries run from the 1st of January, being fixed then, rather than from the 31st of March, as they are fixed under existing law. It is thought that that will be in the interest of good administration; that it will be in the interest of better bookkeeping; and it will certainly do no harm or injury to the postmasters themselves to adjust the salaries at that time. The department prefers it in the interest of better administration.

Mr. NORTON. Would this provision affect a post office at a summer resort where for one quarter the mail receipts were very large and where for three quarters of the year the mail receipts were very small? Would it affect that kind of a situation?

Mr. FINLEY. The gentleman necessarily speaks of a fourth-class post office.

Mr. NORTON. No; I speak of a third-class post office.

Mr. FINLEY. Before a fourth-class post office can ripen into a third-class post office it must for four consecutive quarters have receipts of a certain amount, I believe $250 for each quarter.

Mr. SISSON. One-fourth of $1,000.

Mr. FINLEY. It must equal that; so that the gentleman can see that even if the receipts for one quarter at a summer or winter resort should equal $10,000 and for the remaining three quarters, or for one quarter, the receipts did not come up to $250, that fourth-class office could not ripen into a third-class office. Now, it is proposed to cure that inequality in this way: In place of requiring the rates for four consecutive quarters at fourth-class offices to equal $250 it is proposed to have the receipts for the four quarters combined equal $1,000, and then it shall ripen into a third-class post office.

Mr. NORTON. That is one of the purposes of this provision?

Mr. FINLEY. Yes; and I think it certainly should be done.

Mr. NORTON. I withdraw the point of order.

Mr. STAFFORD. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

On page 5, line 7, after the word "masters," insert "at the rate now fixed by law."

Mr. BENNET. As to that, Mr. Chairman, I reserve a point of order.

Mr. STAFFORD. What is the point of order?

Mr. BENNET. A violation of rule 21, not in order under the Holman provision, in that it does not reduce expenditures and that it is legislation on an appropriation bill. In accordance with the prior rulings of the Chair during the day, it is subject to a point of order. It does not reduce expenditures, because the provision is that the salaries shall continue at the same rate.

Mr. STAFFORD. Replying to the point made by the gentleman from New York, I hardly think his position can be taken seriously. The provision under consideration seeks to allow the department to fix the salaries of the respective presidential postmasters on the basis of a calendar year rather than the basis at present provided by law at the expiration of the third quarter, March 31, the idea being that the department has not sufficient time in the last quarter, with the data coming in late, to fix the salaries in time for the fiscal year. In order to make the language clear that the real purpose is to only change the fixation of time when the salaries of the postmasters shall be determined, I offer the amendment, so that the present schedule of compensation shall be the same, but it will be timed on the calendar year rather than as at present on the year expiring on March 31 of each respective year.

Mr. BENNET. Earlier in the day the Chair ruled that anything that was clearly legislation and did not reduce expenditures was not in order. This clearly does not reduce expenditures, because it continues expenditures at the same rate. Without that amendment being made salaries might be reduced, so that the effect of the amendment offered by the gentleman from Wisconsin may be to increase some salaries. It is new legislation and comes directly within the ruling the Chair made earlier in the day, in which the Chair held that any legislation which did not reduce expenditures was subject to a point of order.

The CHAIRMAN. The amendment provides that the compensation shall be at the rate now fixed by law. The Chair can not see how that changes existing law.

Mr. BENNET. Some of these salaries might be fixed at a greater amount than at present and some less.

Mr. STAFFORD. The difficulty of the gentleman's position is that no point of order has been reserved against the legislation recommended by the Post Office Committee. That stage is already passed.

Mr. BENNET. The Chair ruled earlier in the day, in sustaining a point of order, that a legislative amendment, even though it perfected legislation to which no point of order had been made, but subject to a point of order if it had been made, was not in order unless under the Holman rule it reduced expenditures. The gentleman's amendment does not reduce expenditures, but might increase them, and under the most favorable auspices would continue them, while the legislation proposed by the committee would in some instances reduce salaries, and therefore the gentleman's amendment is in violation of the spirit of the Holman rule and of Rule XXI.

The CHAIRMAN. The Chair is ready to rule. The Chair is not aware that he has made any ruling that would make this out of order. The point of order is overruled.

Mr. RUCKER. Will the gentleman yield?

Mr. STAFFORD. Yes.

Mr. RUCKER. I understand the amendment the gentleman offers would, if adopted, make the language read in this way:

Hereafter the respective compensation of postmasters, at the rate now fixed by law, of the first, second, and third classes shall be annual salaries—

And so forth.

Mr. STAFFORD. Yes.

Mr. RUCKER. Does the gentleman intend to limit the Post Office Department to granting increases?

Mr. STAFFORD. These rates are fixed by law, based on receipts. This provision without the saving clause would grant, I fear, the Postmaster General authority to provide a different basis of compensation.

Mr. RUCKER. The criticism I want to make is if it would not be better to have the language read this way: "At the rate not less than now fixed by law."

Mr. STAFFORD. No; that would give the Postmaster General authority to reduce salaries. Last year the Postmaster General sought or recommended a provision seeking to cut down the salaries of postmasters. I want to carry out the purpose of this provision, and that is that he shall have the right to fix the salaries of postmasters based on the receipts of the presidential office and others for the calendar year, rather than for the year closing with the third quarter.

Mr. RUCKER. I fully sympathize with that purpose, but I am afraid it does not do it, because the language of the amendment is "rates now fixed by law," and it looks to me like a limitation on the power of the Postmaster General; it does not give any power, but it limits it.

Mr. FINLEY. Mr. Chairman, will the gentleman yield?

Mr. STAFFORD. Yes.

Mr. FINLEY. To what part of the paragraph does the gentleman point as changing the rates as now fixed by law?

Mr. STAFFORD. It authorizes the Postmaster General to ascertain and fix the salaries of the postmasters.

Mr. FINLEY. There is existing law stating what those rates are, and that is not included in this paragraph.

Mr. STAFFORD. And when we pass a subsequent enactment that changes that provision, the subsequent enactment must be taken as the last word of Congress. The law under this phraseology I contend would give the Postmaster General the right to fix the compensation of all of the postmasters of the respective presidential grades.

Mr. FINLEY. I will say this to the gentleman, that this provision covers nothing except a change of time as to the adjustment of salaries.

Mr. STAFFORD. I fully understand the ostensible purpose of it, but the phraseology goes further and bears the construction that would permit an increase or a decrease of the salaries of the postmasters as now fixed by law. I do not believe it is proper to vest that authority in the Postmaster General.

Mr. FINLEY. Nor do I; but I want to say to the gentleman that I have read this carefully, that I helped put it into the bill, and how the gentleman can make any such construction out of this paragraph I am unable to say.

Mr. STAFFORD. There are several upon this side that affirm the position that I take, and that is the reason for offering this amendment. It will clarify it and make it certain that the Postmaster General must adhere to the present rates fixed by law.

Mr. FINLEY. Mr. Chairman, I think the gentleman's amendment, while it will encumber the legislation, is harmless; but I do not see any reason for putting it in.

Mr. STAFFORD. Its only purpose is to clarify the ambiguity so that there will be no question that the Postmaster General will not be authorized to increase or lower the salaries of the postmasters.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin, Mr. STAFFORD, and without objection the Clerk will again report the amendment.

There was no objection, and the Clerk again reported the amendment.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken; and on a division (demanded by Mr. STAFFORD) there were—ayes 34, noes 47.

So the amendment was rejected.

Mr. DALLINGER. Mr. Chairman, I offer the following amendment, which I send to the Clerk's desk and ask to have read.

The Clerk read as follows:

Page 5, line 17, after the word "adjustment," insert the following: "*And provided further*, That the proviso at the end of section 252 of the Postal Laws and Regulations be, and the same is hereby, amended so as to read as follows: '*Provided, however*, That this provision shall not apply to Towson, Md., or to Clayton, St. Louis County, Mo.' and that the city of Cambridge, Mass., shall be established by the Postmaster General forthwith as a separate post office of the class to which the aggregate receipts of the four substations of the Boston postal district now located within the limits of said city of Cambridge entitle it and with such substations as in his opinion the needs of said city may require."

Mr. MOON. Mr. Chairman, I reserve the point of order on the amendment.

Mr. DALLINGER. Mr. Chairman, I simply want to say to the committee that the object of this amendment is to correct an injustice that was done in the Post Office appropriation bill of 20 years ago. In 1896 Congress in the Post Office appropriation bill inserted right at this same place where I have offered this amendment the following words:

*Provided*, That no post office established at any county seat shall be abolished or discontinued by reason of any consolidation of post offices made by the Postmaster General under existing law, and any such post office at a county seat heretofore consolidated shall be established as a separate post-office at such county seat: *Provided, however*, That this provision shall not apply to the city of Cambridge, Mass., or to Towson, Md.

Towson, Md., is a small place near Baltimore of only two or three thousand people, and it was an advantage, of course, to have Towson made a part of the Baltimore post office. In 1912 at this same place in the Post Office appropriation bill of that year a Member of Congress from St. Louis had Clayton, in St. Louis County, Mo., included within this proviso. That is another very small place which is a part of the city of St. Louis and to which it was an advantage to be joined to a first-class post office. So that to-day, Mr. Chairman, there are only three county seats in this entire country that have not independent post offices—Towson, Md., Clayton, Mo., and Cambridge, Mass. Cambridge, Mass., is a city of over 100,000 people. It is probably somewhere between the thirtieth and the fortieth city in population in the country. It is the largest university town in the country. It is the fifth manufacturing city in Massachusetts, having over 250 manufacturing establishments with a product of over $60,000,000 a year, employing over 20,000 men and women in its industries. Yet this great city—the county seat of Middlesex County, Mass., which is larger in population than 14 different States in the Union, having over 700,000 people—is not on the post-office map of the United States. We have four substations of the Boston postal district. The Boston postal district has more substations than any other in the country—some 80 of them I am informed—and the result is that for years our postal service has been steadily getting worse. We have no one to fight our battles, we have no postmaster appointed by the President or the Postmaster General, to demand the necessary clerks and carriers to do the work. We have to take our chance as a part of the Boston post office. The Boston postmaster is always a Boston man, and he has not a particle of interest in the great city on the other side of the Charles River as a separate municipality.

I hope that no Member here will raise the point of order on this amendment, because I am offering it in the same place where the injustice was done 20 years ago, and I want to ask the Members of this House to do for my district what each one of them would want to have done for his district if this condition existed in the city from which he comes.

Mr. FINLEY. Will the gentleman yield for an interruption?

Mr. DALLINGER. Certainly.

Mr. FINLEY. I wish to say I think Cambridge, Mass., is entitled to a post office and should have one.

Mr. DALLINGER. I thank the gentleman.

Mr. FINLEY. And I do not think there is any serious objection to the gentleman's amendment. [Applause.]

Mr. DALLINGER. I trust, Mr. Chairman, that the amendment will prevail.

Mr. MOON. Mr. Chairman, I believe the gentleman has made a just case for a change of the law. I believe the amendment ought to be passed, and I therefore withdraw the point of order. [Applause.]

The CHAIRMAN. The point of order is withdrawn, and the question is on the amendment offered by the gentleman from Massachusetts.

The question was taken, and the amendment was agreed to.

Mr. GOOD. Mr. Chairman, I move to strike out the last word. Mr. Chairman, this item appropriates $31,000,000 to pay the salaries of first, second, and third class postmasters. A few years ago Congress authorized the establishment of a commission. That commission has cost the Government something like $260,000. It was an efficiency commission, commonly known as the Cleveland Commission. That commission went into the question of economy in the Postal Service, and it found that practically all the first and second class postmasters in the country could have their offices abolished without detriment to the service. In fact, they went so far as to say that the abolishment of the office of first and second class postmasters would result in an improvement in the service. We all know that many of the first and second class postmasters perform but little service aside from drawing their salaries. They receive large salaries. They are political appointments. This Cleveland Commission found that a large part of this large appropriation would be saved to the Government if its report was adopted. Following that report, President Taft, in one of his messages, recommended legislation to that effect.

Mr. OGLESBY. Will the gentleman yield for a question?

Mr. GOOD. Certainly.

Mr. OGLESBY. Is the gentleman aware that under order issued by the present administration that condition has all been changed and these postmasters now work and earn their salaries?

Mr. GOOD. No.

Mr. OGLESBY. It is mine.

Mr. GOOD. The same condition obtains now so far as the hearings before this committee are concerned. I do not find there has been much change in that respect. They are still, I understand, political appointments. They still draw their salaries——

Mr. GREEN of Iowa. The change is merely psychological, is it not?

Mr. GOOD. I think if there is any change it is only psychological.

Mr. STEENERSON. Does not the gentleman know that for 10 or 12 years past postmasters to be appointed were required to sign a written agreement or to promise they would give their official attention to the duties of the office?

Mr. GOOD. That was the case when the Cleveland commission made its investigation and report.

Mr. STEENERSON. No; I think that was put in vogue during Roosevelt's time.

Mr. GOOD. The Cleveland commission came into existence during Roosevelt's administration.

Mr. STEENERSON. I thought the gentleman meant President Cleveland.

Mr. GOOD. No; the Cleveland efficiency commission.

Mr. WHEELER. Will the gentleman yield?

Mr. GOOD. I do.

Mr. WHEELER. The gentleman is aware of the fact that postmasters for the last 8 or 10 years have had to sign a statement at the end of the fiscal year that they had given at least eight hours of their time a day to the service.

Mr. GOOD. Yes; and God pity many of the postmasters who have been signing that statement, because not one in fifty is telling the truth when he makes that statement. We all know they do not all give eight hours a day of their time exclusively to the service.

Mr. WHEELER. That may be true in the gentleman's country, but not with us.

Mr. GOOD. From the report of the Cleveland Commission, I think it is true and so recognized——

Mr. RUCKER. Mr. Chairman, will the gentleman yield?

Mr. GOOD. I do.

Mr. RUCKER. Mr. Chairman, I simply want to say I can not sit by and hear this statement which the gentleman has just made——

Mr. GOOD. Mr. Chairman, I yielded for a question, not a speech. I only have five minutes.

Mr. RUCKER. When the gentleman says not one out of fifty in the country, does the gentleman speak with reference to his own district or with general reference to the country?

The CHAIRMAN. The gentleman declines to yield further.

Mr. RUCKER. The gentleman ought to state the facts——

Mr. GOOD. I have looked through these hearings to find some good reason why the report of this commission is not challenged. I, of course, do not know what takes place in the district of the gentleman from Missouri. I do not know what takes place——

Mr. RUCKER. Will the gentleman let me tell him?

Mr. GOOD (continuing). I know this: That the Cleveland Commission, which went into this subject, for which the Congress paid $260,000, said that condition did go into this situation fully throughout the entire country, and present a strong showing and here this committee brings in a bill reporting out year after year over $30,000,000 to pay salaries, a large part of which this impartial commission says is a mere gratuity. I do not know which is right, Mr. Chairman, but I do know that when we pay that much money for the work of a commission the country and the Congress is entitled to know whether they have been honest with Congress and made a faithful report of actual conditions existing.

The CHAIRMAN. The time of the gentleman has expired.

Mr. RUCKER. Mr. Chairman——

The CHAIRMAN. Is the gentleman in opposition to the amendment offered by the gentleman from Iowa?

Mr. RUCKER. Mr. Chairman, I move to strike out the last two words. Mr. Chairman, when the gentleman from Iowa [Mr. GOOD] was occupying the floor a moment ago, I tried courteously to ask him a question to see if I could not induce him to change the very reckless statement made by him. The gentleman, evidently realizing that his statement was so broad gauged and assailed the character of so many gentlemen throughout the country, with somewhat the appearance of peevishness refused to allow me to ask him a question. I want to challenge now his statement as I heard it. He said, "God pity the postmasters; not one out of fifty comply with the law" or with the solemn promises they made to comply with the law or the solemn declaration they make that they have complied with the law. Now, Mr. Chairman, let me say I am not, and I thank God I am not, as partisan as some gentlemen whom I know.

In the district I have the honor to represent there are yet Republican postmasters serving the people, and I say for them, as well as for the others, who are Democratic, that those gentlemen do comply with the law. And I will not allow even my distinguished friend from Iowa [Mr. GOOD] to assail those Republican or Democratic postmasters in my district without coming to their defense. The statement is wholly unworthy of the gentleman.

Mr. GOOD. Will the gentleman yield?

Mr. RUCKER. I will be more courteous to the gentleman than he was to me.

Mr. GOOD. I was willing to yield to the gentleman for a question but not for a speech. What I wanted to ask the gentleman was: If I am not fully warranted in making the statement I do, from the report of the Cleveland commission, upon which I base my statement?

Mr. RUCKER. No; and the gentleman knows he is not, Mr. Chairman. The gentleman sometimes devotes more thought and gives more emphasis to partisanship than he does to real patriotism.

Mr. GOOD. The Cleveland commission report was made on Republican post offices and not Democratic post offices.

Mr. RUCKER. Made when?

Mr. GOOD. The report of the Cleveland commission was made, as I recall it, about 1910.

Mr. RUCKER. But the gentleman's speech a while ago related to what takes place in 1915 and 1916, not in 1910, or years ago; and I believe that progress has been made along these lines. I believe that universally postmasters are giving better attention and more efficient service than they did many years ago.

Mr. STEENERSON. Will the gentleman yield?

Mr. RUCKER. I will.

Mr. STEENERSON. I would like to say a couple of words on my own account.

The CHAIRMAN. Does the gentleman from Missouri yield to the gentleman from Minnesota?

Mr. RUCKER. I yield the floor to the gentleman from Minnesota.

The CHAIRMAN. Without objection, the pro forma amendment of the gentleman from Iowa is withdrawn, and, without objection, the pro forma amendment of the gentleman from Missouri [Mr. RUCKER] is withdrawn, and the Chair recognizes the gentleman from Minnesota [Mr. STEENERSON].

Mr. MOON. Mr. Chairman, may I have just a moment, in order that we may have an agreement when debate on this question shall end?

Mr. STEENERSON. Certainly.

Mr. MOON. I move that it end after the gentleman has been heard.

Mr. OGLESBY. I would like to have two minutes.

Mr. MOON. Suppose the gentleman does that under another subject?

The CHAIRMAN. The gentleman from Tennessee [Mr. MOON] asks unanimous consent that all debate on this paragraph close in five minutes. Is there objection? [After a pause.] The Chair hears none. The gentleman from Minnesota [Mr. STEENERSON] is recognized.

Mr. STEENERSON. Mr. Chairman, I believe that the gentleman from Iowa in the position he takes of this Cleveland commission has been misinformed. My observation in this field has been quite extensive. I have served on this committee now for nearly 12 years, and wherever I have gone through my district or through the State or wherever I travel I have made it a business to inquire into the postal matters, and I have talked with a great many postmasters and assistant postmasters, both Democrat and Republican, and I believe as a rule they are efficient and faithful public officers; that this wholesale charge that they are not doing any work, that they are drawing their salaries without giving personal attention to their duties, is an unfounded charge to a very large extent. Of course, there have been a few cases, but as a rule they are faithful servants and earn every dollar of salary that we pay them. I am sorry that the gentleman has relied upon this Cleveland commission, which nobody has heard of now for several years.

Mr. GOOD. Will the gentleman yield? I not only relied upon that but upon the annual message of President Taft in noting the work of the Cleveland commission when asking Congress to enact laws to correct this evil.

Mr. STEENERSON. I never heard that the Cleveland commission had criticized all postmasters.

Mr. FINLEY. Will the gentleman yield?

Mr. STEENERSON. I will.

Mr. FINLEY. Is it not a fact that the work, generally speaking, of the Clevelnad commission was of such ancient and fossilized character and utterly worthless that Congress refused to appropriate money for it finally and abolished it?

Mr. STEENERSON. Yes; and I think they did right. It was called an economy commission, but all they did was to eat up the taxes. So far as making charges against the postmasters of the country is concerned, I believe it is utterly unfounded.

The CHAIRMAN. Without objection, all pro forma amendments are withdrawn to the paragraph, and the Clerk will read.

The Clerk read as follows:

For compensation to assistant postmasters at first and second class post offices, five, at not exceeding $4,000 each; 42, at not exceeding $3,000 each; 10, at not exceeding $2,500 each; 5, at not exceeding $2,000 each; 16, at not exceeding $1,900 each; 45, at not exceeding $1,800 each; 95, at not exceeding $1,700 each; 150, at not exceeding $1,600 each; 180, at not exceeding $1,500 each; 150, at not exceeding $1,400 each; 350, at not exceeding $1,300 each; 560, at not exceeding $1,200 each; 525, at not exceeding $1,100 each; 300, at not exceeding $1,000 each; 130, at not exceeding $900 each; 100, at not exceeding $800 each; in all, $3,200,000. And the appointment and assignment of assistant postmasters hereunder shall be so made during the fiscal year as not to involve a greater aggregate expenditure than this sum.

Mr. CLARK of Florida. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Florida offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 6, line 10, after the word "sum," insert the words: "*Provided*, That hereafter the assistant postmasters in first and second class post offices shall be appointed by the postmasters, regardless of any civil-service law or regulation to the contrary."

Mr. MOON. Mr. Chairman, I make a point of order on the amendment.

Mr. CLARK of Florida. Mr. Chairman, I admit that the point of order is well taken, but I wish the gentleman would withdraw it, because these assistant postmasters occupy a very confidential relation to the postmasters, and I think they ought to be permitted to appoint their assistants. Of course the point of order is well taken, but I hope the gentleman will withdraw it.

Mr. MOON. I fully agree with the gentleman from Florida, but I must protect this bill with points of order in order to protect the will of the committee.

The CHAIRMAN. The point of order is sustained.

The Clerk read as follows:

Assistant superintendents of mails, cashiers, superintendents of delivery, and superintendents of mails, 30, at not exceeding $2,600 each.

Mr. NORTON. Mr. Chairman, I reserve a point of order there.

The CHAIRMAN. The gentleman from North Dakota reserves a point of order.

Mr. NORTON. What is the necessity for the additional number there?

Mr. FINLEY. It is for the good of the service. The service requires it.

Mr. NORTON. You increase the number there by 10?

Mr. FINLEY. Yes. The good of the service requires it. There is an increase of mail every year.

Mr. NORTON. Mr. Chairman, I withdraw the point of order.

The CHAIRMAN. The gentleman from North Dakota withdraws his reservation of the point of order. The Clerk will read.

The Clerk read as follows:

Assistant cashiers, assistant superintendents of delivery, assistant superintendents of mails, assistant superintendents of money order, assistant superintendents of registry, assistant superintendents of stations, bookkeepers, cashiers, chief mailing clerks, chief stamp clerks, special clerks, examiners of stations, finance clerks, foremen of crews, stenographers, superintendents of carriers, superintendents of delivery, superintendents of mails, superintendents of money order, superintendents of registry, superintendents of second-class matter, and superintendents of stations, 1,560, at not exceeding $1,400 each.

Mr. STAFFORD. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Wisconsin moves to strike out the last word.

Mr. STAFFORD. This is the item where provision is made for the promotion of the high-class distributing clerks in the respective post offices, designated as special clerks, to $1,400 each. I wish to inquire of the chairman of the committee, Are we reading the item at the bottom of page 9; as it is the item that contains the designation of special clerks, at $1,400 each?

Mr. FINLEY. No. That is on page 11.

Mr. STAFFORD. If the gentleman will not interrupt me, I see the designation on line 20, page 9, "special clerks."

Mr. FINLEY. Oh, well, if the gentleman does not want to know, all right.

Mr. STAFFORD. I know whereof I am speaking. I would like to inquire of the chairman of the committee as to the number of clerks now in this grade, and as to how many are provided of these special clerks for promotion to the $1,400 grade?

Mr. MOON. The gentleman will have to wait for a moment until we can look at the record. The Clerk says 1,260.

Mr. STAFFORD. That is what the bill two years ago carried. That does not necessarily signify that there are not more than that number to-day, because, under the law, the Postmaster General had the authority to employ more than that number of that grade. Was any inquiry made at the hearings as to the number of special clerks that are now paid $1,400?

Mr. MOON. Does the gentleman want to know the number of special clerks?

Mr. STAFFORD. Yes.

Mr. MOON. I will turn the gentleman over to my friend from Illinois [Mr. MADDEN], who will inform him.

Mr. MADDEN. My understanding is that in addition to the number already existing—and I do not remember the exact number—there will be 900 additional promotions by reason of the provision of the bill on page 11.

Mr. STAFFORD. The gentleman means 900 promotions altogether in the grades above $1,200?

Mr. MADDEN. Yes.

Mr. STAFFORD. The gentleman can not give me the information as to how many of these high-grade clerks will be promoted from $1,300 to the $1,400 grade?

Mr. MADDEN. No; I can not give that information.

Mr. ROUSE. There are now 1,260, and this provision will pay 1,575.

Mr. STAFFORD. The bill carries 1,560.

Mr. ROUSE. If this 5 per cent increase as contained in the bill on page 7 is adopted, it will be 1,575.

Mr. STAFFORD. It will provide for the promotion of how many clerks?

Mr. ROUSE. Three hundred and fifteen.

Mr. STAFFORD. Three hundred and fifteen of these special clerks now engaged in distributing work?

Mr. ROUSE. Yes.

Mr. STAFFORD. I withdraw my pro forma amendment, Mr. Chairman.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn. The Clerk will read.

The Clerk read as follows:

Assistant cashiers, assistant superintendents of delivery, assistant superintendents of money order, assistant superintendents of mails, assistant superintendents of registry, assistant superintendents of stations, bookkeepers, cashiers, chief mailing clerks, chief stamp clerks, examiners of stations, finance clerks, foremen of crews, special clerks, stenographers, superintendents of carriers, superintendents of delivery, superintendents of mails, superintendents of money order, superintendents of registry, superintendents of second-class matter, and superintendents of stations, 2,800, at not exceeding $1,300 each.

Mr. STAFFORD. Mr. Chairman, can the gentleman from Kentucky [Mr. ROUSE] give the number of special clerks in the $1,200 grade that will be promoted to $1,300?

Mr. ROUSE. One thousand.

Mr. STAFFORD. One thousand of the $1,200 grade will be given promotion to the $1,300 grade?

Mr. ROUSE. Yes.

Mr. MANN. Mr. Chairman, I move to strike out the last two words.

The CHAIRMAN. The gentleman from Illinois moves to strike out the last two words.

Mr. MANN. The gentleman said there would be 1,000 clerks provided with promotions from $1,200 to $1,300, as I understood him. Is that correct?

Mr. ROUSE. At present there are 18,000 clerks who are drawing $1,200, and under this bill there will be 19,000 to draw $1,200.

Mr. MANN. Where do you get the proposition that there will be 19,000 at $1,200?

Mr. ROUSE. That is in the estimates.

Mr. MANN. But the bill authorizes 18,000.

Mr. ROUSE. Yes; the bill authorizes 18,000.

Mr. MANN. The estimate has nothing to do with it that I know of.

Mr. ROUSE. If the 5 per cent increase is adopted, with this it would amount to 1,000 additional clerks of that grade.

Mr. MANN. There are now authorized 18,000 clerks at $1,200. How many clerks are there actually at that salary?

Mr. ROUSE. Eighteen thousand.

Mr. MANN. Is that the statement of the department?

Mr. ROUSE. That is the statement of the department.

Mr. MANN. If that is the statement of the department, that the authorization is full up to the limit, of course that is incorrect. That never happens; but it may be very close to accurate.

The CHAIRMAN. If there be no objection, the pro forma amendment will be considered as withdrawn, and the Clerk will read.

The Clerk read as follows:

And to provide for the promotion of 75 per cent of the clerks in first-class post offices from the fifth to the sixth grade, and for the promotion of 5 per cent of the clerks in the sixth grade to the designation of "special clerk" in the $1,300 grade, and for the promotion of 5 per cent of the designated "special clerks" in the $1,300 grade to the designation of "special clerk" in the $1,400 grade, and to provide for the promotion of 75 per cent of the clerks in second-class offices from the

fourth to the fifth grade, and for the promotion of 5 per cent of the clerks in second-class offices from the fifth to the sixth grade: *And provided further*, That there may also be employed at first-class post offices foremen and stenographers at a salary of $1,300 or more per annum.

Mr. NORTON. Mr. Chairman, I reserve a point of order on that paragraph.

The CHAIRMAN. The gentleman from Kentucky reserves the point of order on the paragraph.

Mr. NORTON. What is the purpose of the proviso, Mr. Chairman, that there may also be employed at first-class post offices foremen and stenographers at a salary of $1,300 or more per annum?

Mr. MADDEN. In every first-class office in the United States they have a certain number of men employed at $1,300, and the number employed at this salary depends entirely upon the receipts. But according to this proviso every first-class office would have the right to employ at least one $1,300 clerk or stenographer or foreman. If the receipts are large enough, the number may be increased at the rate of, say, one for every additional $100,000 of receipts. If there were $200,000 additional receipts, they would get two men of this class. If the receipts were $300,000, they would get three men of this class. It depends altogether on the amount of the receipts of the office.

Mr. NORTON. According to the last part of the provision the postmaster would be permitted to pay them more than $1,300.

Mr. MADDEN. Yes; the number depending on the receipts. For example, where the office was entitled to one $1,300 man, the receipts might be large enough to entitle the office to one $1,400 man. If the receipts were larger, that office might be entitled to two additional men, one at $1,400 and the other at $1,500. If the receipts were still larger, the office might be entitled to three men at $1,300, two at $1,400, and one at $1,500. If the receipts were still larger, it would increase the number of $1,300 men and also increase the number of the other grades. There might be one man at $1,600, depending entirely upon the receipts of the office.

Mr. NORTON. The number of additional clerks to which an office would be entitled would depend upon the increase in the receipts.

Mr. MADDEN. It always has.

Mr. NORTON. Say the receipts were increased $300,000 per annum, what additional clerical force would the office be then entitled to?

Mr. MADDEN. Then that office would be entitled to three additional $1,300 men, and perhaps two $1,400 men, and perhaps one $1,500 man. I am not saying offhand, now, exactly what the number would be, but I think that is pretty close to it.

Mr. NORTON. You say under existing law they would be entitled to that? Why, then, is this provision necessary?

Mr. MADDEN. They were not classed as foremen or stenographers before, and this permits them to be used as stenographers. In many first-class offices they are not entitled to use stenographers; but for the expedition of the business of the office it has been decided that it is much more advantageous to have a stenographer than it would be to have the postmaster or somebody else do the work by hand.

Mr. NORTON. How are these additional employees classed under the existing law?

Mr. MADDEN. They never had the stenographers before.

Mr. NORTON. What additional assistants were permitted, what were they called, and under what classification were they?

Mr. MADDEN. They were simply clerks.

Mr. NORTON. Could they not be used as stenographers?

Mr. MADDEN. No; they could not. They had no typewriters to begin with, and they could not be used as stenographers, and if they were used as stenographers they could not get their pay.

Mr. NORTON. They could not do the work of stenographers?

Mr. MADDEN. They could not do that work and get paid for it.

Mr. NORTON. Does the gentleman tell me that a clerk would not be permitted to do stenographic work?

Mr. MADDEN. I understand that if a clerk does the work of a stenographer, and a stenographer is not provided for in the law, he can not be paid for his work. This recommendation is intended to facilitate the transaction of the business of the Post Office Department throughout the country.

Mr. NORTON. I understand the gentleman, as far as that is concerned. The general increases of salary under almost every item are intended to promote efficiency.

Mr. MADDEN. There is no increase of salary.

Mr. NORTON. The gentleman does not need to tell me that. I can read just as well as the gentleman. There is a general increase of salaries under almost every provision that we have read in the last two pages. Of course, that is for the efficiency of the service.

Mr. MADDEN. I wish to say that there is no increase in salaries anywhere on any page of the bill.

Mr. NORTON. The gentleman can not tell me that.

Mr. MADDEN. The gentleman does not get anywhere by saying that. I am trying to be courteous.

Mr. NORTON. And so am I.

Mr. MADDEN. The gentleman does not act like it.

Mr. NORTON. There is a gradual increase——

Mr. MADDEN. I am a member of the committee, and I have gone all through these figures, and I say to the gentleman that there is no increase. That is what I say.

Mr. NORTON. That does not make it a fact.

Mr. TILSON. I should like to ask the gentleman if all these salaries are already enacted into law?

Mr. MADDEN. All the salaries are based on the income of the offices, and have been, and will still continue to be.

Mr. TILSON. And is it not a fact that at first-class offices they already have stenographers?

Mr. MADDEN. Oh, yes; of course, at some of them.

Mr. TILSON. But they simply took clerks?

Mr. MADDEN. At some places they had stenographers, and at some not. Where a first-class office was small, it did not have a stenographer.

Mr. NORTON. I make a point of order against the last proviso.

The CHAIRMAN. The gentleman from North Dakota makes a point of order against the proviso.

Mr. NORTON. The proviso in lines 21, 22, and 23, on page 11, which reads as follows:

*And provided further*, That there may also be employed at first-class post offices foremen and stenographers at a salary of $1,300 or more per annum.

The CHAIRMAN. What is the gentleman's point of order?

Mr. NORTON. That it is new legislation.

Mr. STEENERSON. Will the gentleman reserve his point of order while I make some explanation?

Mr. NORTON. I should be glad to do so.

Mr. STEENERSON. I understand that there are many clerks who have to perform the duties of stenographers who have only drawn $1,200. They are clerks in the $1,200 grade, but they ought to be compensated because of the efficiency they possess as stenographers. This will enable the department to have the clerk paid as a stenographer instead of $1,200 as a clerk. It seems to me that a clerk who is able to acquire the additional ability of a stenographer ought to be compensated for it for he saves the time of officials and renders valuable services. I do not think the gentleman ought to insist on the point of order.

Mr. NORTON. Does this proviso permit the payment of more than $1,300 a year to the stenographer?

Mr. STEENERSON. I presume it would entitle them to pay more; that is what it says, but that does not necessarily mean that you are increasing the expenditures because you could take a clerk or employee that was already drawing $1,300, $1,400, or $1,500 and have him serve as a stenographer, whereas he might be a supervisory employee, and you could take a clerk at $1,200 that had no ability as a supervisory clerk.

Mr. NORTON. This provision does not increase the number of employees.

Mr. STEENERSON. No; and I do not think it will increase the expenditures. On the contrary, I think it will be an economy.

Mr. NORTON. Mr. Chairman, I withdraw the point of order.

The Clerk read as follows:

For compensation to printers, 10 at not exceeding $1,500 each; to printers, mechanics, and skilled laborers, 12 at $1,200 each, 4 at $1,100 each; 3 at $1,000 each, and 28 at $900 each; in all $62,000.

Mr. STAFFORD. Mr. Chairman, I wish to reserve a point of order to the paragraph just read, beginning with line 3 and ending with line 6, on page 12.

Mr. MOON. I thought we had passed that.

Mr. STAFFORD. I was on my feet ready to make the point of order. I would like to inquire the reason why the committee has increased the salary of 10 printers from $1,200 to $1,500.

Mr. MOON. Because the committee thought they were worth it.

Mr. STAFFORD. What offices in the country would this apply to?

Mr. MOON. To the large offices.

Mr. STAFFORD. Did the department make any such recommendation?

Mr. MOON. The department did not, but it was the unanimous opinion of the committee that these men ought to have more pay in the large cities like Chicago, Boston, New York, and perhaps Milwaukee. [Laughter.]

Mr. STAFFORD. Mr. Chairman, I think it is a serious proposition to have a clerk who is daily occupied continually for eight hours in a day, receiving a maximum compensation of $1,200, and have a printer by his side only performing a small portion of work during the day and receiving $300 additional, and I make the point of order.

Mr. MOON. I would suggest to the gentleman that these are foremen, and that this applies only to the large cities in which it costs a good deal to live. I believe it is right to increase it.

Mr. MADDEN. Mr. Chairman, investigations of the employment of printers throughout the United States shows that the salaries paid are much higher than those fixed in the bill for printers in the Post Office Department. There is not a printer employed anywhere in the United States in any large printing office that does not get more than $1,500, and the investigation showed that these men, beyond any question, are working for a sum $300 below any salary paid in a private service. After that showing was made it was concluded by the committee that the Government ought to come within gunshot of paying as high a compensation for like work as is paid by a private enterprise. Hence the increase of this compensation of 10 men from $1,200 to $1,500.

Now, I wish to say in reply to the gentleman from Wisconsin that the mere fact that men are employed side by side with clerks ought not to justify the point of order; not that the gentleman has not the right to make it, but I really believe that justice would not be done in this case if a point of order were made, because it is evident to everybody who has looked carefully into this question that these men are being paid less for the same work than like men are being paid for like work by private interests. So I do not believe that the mere fact of their working side by side with clerks who only get $1,200 would justify the clerk in feeling aggrieved because of that.

There has been no change in the compensation paid by the Government of the United States to these printers employed in the Post Office for the past 25 years. Everybody knows that the standard of wages has largely increased in the last 25 years for mechanics and artisans. The committee saw no reason why they should not, in a sense, be brought up to the standard paid anywhere else. The pay in most of the great cities in the print shops is from $1,600 to $1,700 a year for a seven-and-a-half-hour day.

Mr. GREEN of Iowa. Will the gentleman yield?

Mr. MADDEN. Yes.

Mr. GREEN of Iowa. This is a subject upon which I am not very familiar, but I supposed that these printers were paid so much for composition.

Mr. MADDEN. Not at all; but even if they are, the average pay in private establishments credited in the cases where they are paid for composition averages up to $1,600 or $1,700 a year.

Mr. GREEN of Iowa. Does the gentleman say that in private establishments they work more hours than they do for the Government?

Mr. MADDEN. They work seven and a half hours in private establishments and eight hours in the Post Office Department.

Mr. BENNET. Mr. Chairman, I want to say to the gentleman from Iowa [Mr. GREEN], that so far as large cities are concerned, the gentleman is correct—the compositors are paid so much per em for composition, but the gentleman from Illinois [Mr. MADDEN] is entirely correct in saying that their annual yearly compensation runs between $1,600 and $1,700. I hope the gentleman from Wisconsin will not make the point of order. This is what is known as the union rate, and if the gentleman makes the point of order he will compel the Government of the United States to employ the poorer among the printers in the future.

Mr. STAFFORD. Mr. Chairman, I am somewhat acquainted with the salary of printers employed by the Government in our various departments here, and in many instances, as will be seen by a study of the legislative, executive, and judicial appropriation bill, the salaries are eleven hundred dollars and twelve hundred dollars per year. These men employed in this branch of the service are not pressed continuously with work, because their work is only of a certain minor character for a portion of each day. It is not of the highest character, so far as the composition is concerned. It is well known that the composition in many of these establishments is obtained on the outside. I know of no instance where, in this bill or any other bill, there has been such a marked increase in salary as from $1,200 to $1,500. Therefore, I make the point of order to that part of the phraseology after the word "compensation," in line 3, down to the semicolon, in line 4.

The CHAIRMAN. The gentleman makes the point of order to the words "to printers, 10, at not exceeding $1,500 each." The Chair will hear the gentleman from Illinois on the point of order, if he desires.

Mr. MADDEN. I have no desire to argue the point of order. I have no doubt that the point of order is well taken, but we will have to offer an amendment to the bill to conform to the original law.

The CHAIRMAN. The Chair is ready to rule on the point of order. The point of order is sustained.

Mr. MADDEN. Mr. Chairman, I move to amend the bill by increasing the number from 12 to 22.

The CHAIRMAN. The gentleman from Illinois offers an amendment which the Clerk will report.

The Clerk read as follows:

Page 12, line 5, strike out the word "twelve" and insert in lieu thereof the word "twenty-two."

Mr. MADDEN. That would make the number conform to the original law.

Mr. MANN. Mr. Chairman, I am quite willing to support the amendment because I take the judgment of the committee, and have no knowledge on the subject whatever except that now they have 10 printers. Last year the bill that we passed in the House provided for 10 printers, and the law of two years ago, under which they are operating, provides for 10 printers. We have recently had reported into the House a bill from the Committee on Printing which, if it passes the Congress, will do away with all of these printers, as I understand. The Post Office Department is very much opposed to turning all of the public printing over to the Printing Office, in so far as it involves the Post Office Department, and I think with a great deal of justice. The printing bill, so the Post Office Department says, would completely abolish any printing by the Post Office Department, and I would not be at all surprised if we will be in the position of passing a bill increasing the number of printers in the Post Office Department by more than 100 per cent and then in a few days passing the printing bill, which will entirely abolish their use—which would be characteristic of Democratic legislation.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois.

The amendment was agreed to.

The Clerk read as follows:

For compensation to watchmen, messengers, and laborers, 1,800, at $840 each; in all, $1,400,000.

Mr. SISSON. Mr. Chairman, I make the point of order on the paragraph.

Mr. MOON. Mr. Chairman, I think the point of order is well taken, because we have increased the wages of 940 laboring men from $720 a year to $840 a year, giving them the same amount that 900 other laborers in the United States employ get in similar work.

Mr. SISSON. Mr. Chairman, I think the gentleman is mistaken about that. The department asks that you increase the salaries of 900 to $840 and leave the other 900 at the present salary fixed by law, $720.

Mr. MOON. I do not care what the department asks. This is what the committee has done.

Mr. SISSON. I mean that the law before was $720 for 1,800 laborers.

Mr. MOON. No; it was not. The law before was $720 for 900 laborers and $840 for 900 more laborers, and the committee thought that they should all receive the same pay for doing the same work, and we put it at 1,800 at $840 each.

Mr. SISSON. If the gentleman wants to discuss the point of order, very well, but this is entirely outside of it.

Mr. MOON. Oh, the gentleman called out what I said by his own inquiry. The point of order is well taken. We will have a rule to put this back.

Mr. MANN. Mr. Chairman, I do not think the paragraph is subject to the point of order. It is in order to provide for watchmen, messengers, and laborers at a salary of $840 each. That is the provision in the current law, and under the amendment that was adopted here a year or two ago, it would be in order now if it were not in order in any other way, but it has been repeatedly held by the Chair, as to the Post Office Department, that these are necessary employees for the department, and it is proper to make provision for them. The Chair will notice all through the Post Office appropriation bill every year the number of employees at fixed salaries varies from year to year, and is never the same. All the clerks, the supervisory officials, the superintendents, the cashiers—all these employees vary from year to year, and it has been repeatedly held by the

chairman on construction of the Post Office appropriation bill that the increase in the number of employees at a certain salary is in order and not subject to the point of order. Let us see what this committee has done in making this recommendation. They have raised the number of these employees from 900, under existing law or under the bill of last year, to 1,800, at $840 each. That is a mere change in the number; that is not a change in the salary, and it is in order now, if it be desired to move to make the number 2,800. This is not subject to the point of order.

The CHAIRMAN. The Chair desires to call the attention of the gentleman from Illinois to the existing law. The last bill that carried this item carried it for compensation to watchmen, messengers, and laborers, 900 at $840 each, and 900 at $720 each. That makes 1,800 in all. This paragraph provides for compensation of 1,800 messengers and laborers at $840 each, thereby raising the compensation of 900.

Mr. MANN. That is a mere supposition of the Chair as to whether it raises somebody's salary.

The CHAIRMAN. But the existing law provides for 900 at $720.

Mr. MANN. The items have to be considered by themselves. As I stated before, there have been repeated rulings upon it. The number of employees at fixed salaries changes from year to year; it is never the same one year; and it is all through the bill, and could not be because the Post Office Department grows, and the Chair has always so held and there have been repeated rulings upon it. For instance, on page 9, lines 5 to 15, for various salaried officers, the current law provides for 600, whereas this provides for 900, and it is not subject to the point of order, and there have been repeated rulings upon that subject.

The CHAIRMAN. The position of the gentleman is that 900 of these employees have been dropped.

Mr. MANN. The committee has left out 900——

The CHAIRMAN. And the number of the others has been increased to 1,800.

Mr. MANN. Certainly. That is the case with all of these clerks. Here a few years ago the number of employees at $1,000 was very large, and the committee brought in a recommendation making the number at $1,100 very much larger and dropped a corresponding number at $1,000, and the same was true of other classes lower down. That is done every year, and it has been repeatedly held in order because it being in order to fix the number of clerks for the Postal Service the committee has authority to increase the number from year to year, and what the effect may be is not for the Chair to rule upon, because the question is, Is the item in order on its face? The mere fact that something is left out of last year's bill has nothing to do with it at all.

The CHAIRMAN. Does the gentleman from Mississippi desire to be heard?

Mr. SISSON. Mr. Chairman, I desire to say there is no authorization for an increase of these messengers from $720 to $840. You can not find a statute where they are authorized, either in a general statute or where they are authorized by special statute, to pay but $720 except in the last year's appropriation bill.

Mr. TILSON. May I ask the gentleman a question?

Mr. SISSON. Yes.

Mr. TILSON. That does not seem to be the question. The question is, Can we increase the number of $800 men; that is the question. Can we increase that number?

Mr. SISSON. My contention is that you can not do that because the salary of these messengers is fixed at $720 by law.

Mr. TILSON. We can leave them out, can we not?

Mr. SISSON. If you do the $840 would be subject to the point of order. The salary fixed by law some years ago for messengers was $720.

Mr. TILSON. Can not we increase the number of $840 messengers?

Mr. SISSON. You can not until you shall have created the places, and if in the past the $800 men hereafter shall be paid that amount of money and you fix the number at 900, you can not increase the number because the salary is fixed by law at $720, and unless you write 900 or 1,000 or 2,000, $720 places in the $840 places, you can not get the proportion that the committee asks.

Mr. CAMPBELL. Does the gentleman from Mississippi contend the law now limits the number of this class of employees?

Mr. SISSON. I do not.

Mr. CAMPBELL. For which a salary of $840 a year is provided?

Mr. SISSON. I do.

Mr. CAMPBELL. What law limits the number?

Mr. SISSON. The salary fixed by law for messengers and that class of laborers is $720. The appropriation bill puts in 900 at $840, which limits the number to 900——

Mr. CAMPBELL. Does that limit the number that may draw $840?

Mr. SISSON. It does, indeed, for the reason that, my own judgment is, that the $840 ought to go out; but the department asks for 900 at $720 and 900 at $840, and that I am willing to give——

Mr. CAMPBELL. Of course, the department does not——

Mr. SISSON (continuing). I am absolutely sure that we ought to permit the department to say that the $720 men are ample. It does seem to me, in these appropriation bills, that some little consideration might be given to the taxpayers—the men who pay the bills. I can not understand why, when the department asks for 900 $720 men, that we should force on them this increased salary.

Mr. TILSON. Will the gentleman yield?

Mr. SISSON. They never have any trouble in getting all the men they need. Yes; I yield to the gentleman.

Mr. TILSON. That may be an excellent argument so far as the merits of the case are concerned; but the question now really is whether under the rules we are permitted to increase the number of $840 men.

Mr. SISSON. I was simply replying to my friend from Kansas [Mr. CAMPBELL], and I had no idea of making any statement of that kind except in reply to his inquiry.

Now, the gentleman will be unable to find any law that will authorize the men at $720 to be raised to $840. And, except the raise was made, in my recollection, in the last bill, they will not find any authority to increase a single one from $720 to $840. Now, if you do this, you create a situation where all the other departments of the Government will be called upon in the interest of the men in the service to be raised to $840. Not only that, but you are going to have this condition of affairs, that a laborer entering a department will get $40 more than the clerk entering the department—a man who has not the ability of a clerk.

Mr. GORDON. You think it will cause a horizontal raise, do you?

Mr. SISSON. It always has in the past, and I judge it will in the future. They will say in the departments, "They increased the chief clerk's salary, the laborer's salary, in such and such a department, and why should not my department do the same thing?" and all the teeming thousands will want the same thing. Now, Mr. Chairman, I state that there is no authority of law for employing these messengers, and these gentlemen will not find it, at more than $720 as the entrance salary into this service.

Mr. TOWNER. Mr. Chairman——

The CHAIRMAN. The Chair is ready to rule. Does the gentleman from Iowa wish to be heard on the point of order?

Mr. TOWNER. Just a moment, Mr. Chairman.

I think it must be clear to everyone if the paragraph should remain as it was last year, and the number of laborers had been increased from 900 to 1,000 at $840 each, and the number had been increased in the next item of 900 at $720 each, that would have been in order. Now, because the number at $720 has been dropped entirely it does not certainly take away the right to increase, however much may be necessary, the number at $840. In other words, there is no objection under the rule for dropping entirely the number that was paid at $720 each, because, Mr. Chairman, there is no change in the classification. The contention of the gentleman from Mississippi [Mr. SISSON] would be correct if there was a difference in classification between those that were paid $840 and those that were paid $720. But there is no difference in classification. They are all watchmen, messengers, and laborers, and as it would be perfectly proper to increase the number in the first instance or the number in the second instance, so is it perfectly proper to increase the number in the first instance and to drop out entirely the second classification.

The CHAIRMAN. The Chair is ready to rule. The item carried in last year's appropriation bill provided for the payment of 1,800 watchmen, messengers, and laborers, 900 of them to receive $840 and 900 to receive $720 each. The item we are considering provides for the payment of $840 each to 1,800 watchmen, messengers, and laborers. Section 169 of the Revised Statutes provides that:

> Each head of a department is authorized to employ in his department such number of clerks of the several classes recognized by law, and such messengers, assistant messengers, copyists, watchmen, laborers, and other employees and at such rates of compensation, respectively, as may be appropriated for by Congress from year to year.

Now, if this item remains in the bill, Congress will appropriate this year for 1,800 watchmen, messengers, and laborers at the rate of $840 each per year if the head of this department desires to employ that many at that compensation. This matter has been considered in the House before. It came up on March 27, 1906, upon the proper construction of the law authorizing the employment of watchmen, laborers, and other employees in the executive departments. I have just read the statute.

On March 23, 1906, the legislative appropriation bill was being considered in the Committee of the Whole House on the state of the Union when the gentleman from Georgia [Mr. HARDWICK] made the point of order that there was no law to authorize a proposed appropriation for "one telephone-switchboard operator in the Department of State." At that time the chairman, Mr. Olmsted, of Pennsylvania, said:

> This is an appropriation for a telephone-switchboard operator in the Department of State, which is an executive department.

Then, after quoting the section of the Revised Statutes I have read, he proceeded as follows:

> The telephone-switchboard operator may fairly be classed as a sort of laborer, skilled laborer, within the spirit and intendment of the statute.
>
> The Chair is of opinion that this case is covered and the appropriation authorized by section 169 and overrules the point of order.

The Chair thinks that section 169 of the Revised Statutes applies here, and under section 169 of the Revised Statutes, if this section is enacted into law, the Postmaster General would be authorized by law to employ these 1,800 clerks at $840 each, or as many of them as may be needed. The law clearly provides that he can employ them—messengers, watchmen, and laborers—at the compensation fixed each year by Congress.

The point of order is overruled.

Mr. SISSON. Mr. Chairman——

Mr. TILSON. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Mississippi [Mr. SISSON] is recognized.

Mr. SISSON. Mr. Chairman, I make a motion to amend the section so that it shall read:

> For compensation to watchmen, messengers, and laborers, 900 at $840 each and 900 at $720 each; in all, $1,404,000.

The CHAIRMAN. The gentleman from Mississippi offers an amendment which the Clerk will report.

The Clerk read as follows:

> Strike out the paragraph of the bill, page 12, lines 7, 8, and 9, and insert in lieu thereof the following:
> "For compensation to watchmen, messengers, and laborers, 900 at $840 each; 900 at $720 each; in all, $1,404,000."

Mr. SISSON. Now, Mr. Chairman, that is what the department has estimated and asked for—900 laborers at $840 and 900 at $720.

Mr. MANN. Mr. Chairman, will the gentleman yield for a question?

Mr. SISSON. Yes.

Mr. MANN. Is there an error in the bill?

Mr. SISSON. In this bill?

Mr. MANN. Yes.

Mr. SISSON. The department says the committee will have to increase the item to $1,475,000 if the item is carried as it is now.

Mr. MANN. That is, if they are all employed at one time?

Mr. SISSON. Yes; if they are all employed. In other words, that much will be needed to carry out the new law.

Mr. MANN. The gentleman from Mississippi understands that in no place of this bill would you get the figures at the end of the paragraph by multiplying the number of persons employed by the salary.

Mr. SISSON. I have not done that. I have simply taken the last year's appropriation. It is in the exact language.

Mr. MANN. The gentleman proposes to increase the appropriation by a reduction of the salaries. [Laughter.]

Mr. SISSON. In other words, I simply take the language carried in the appropriation bill which was passed two years ago.

Mr. MANN. Would not the gentleman rather give these men $840 and save the Government $4,000 than pay them $720 a year and increase the governmental expenses by $4,000?

Mr. SISSON. But the trouble will be that when this bill gets to the other end of the Capitol the House will have forced upon the department what it has not asked for, and you will be compelled, as the chief clerk estimated, to make the appropriation $1,475,000 instead of $1,400,000.

Mr. MANN. Well, as to being compelled to do something by the other end of the Capitol, that is a question.

Mr. SISSON. I presume the department knows what it is doing.

Mr. MADDEN. Mr. Chairman, I want to say this to the committee as a matter of information: While the committee provides for 1,800 men, the Post Office Department does not always need that number of men, any more than they need the exact number of clerks provided for. To-day they are employing only 1,600 men, and $1,400,000 is sufficient to pay the number of men to be employed. But the provision in the bill would enable them in an emergency to employ 1,800 men.

Mr. SISSON. If they do, you will have to appropriate $1,475,000.

Mr. MADDEN. If you needed the 1,800 men all the time, you would need $1,512,000.

Mr. OGLESBY. Mr. Chairman, I make a point of order against the gentleman's amendment. He is attempting to increase the appropriation by $4,000.

Mr. MADDEN. One million four hundred thousand dollars is all that will be needed to employ the number of men required. They will not employ the men unless they require them. There is no use in appropriating more, unless they know they will want it.

Mr. SISSON. They could create a deficiency.

Mr. MADDEN. That is the subcommittee of the committee on which the gentleman serves.

Mr. SISSON. I know; and I do not want you to put that job on me by cutting the appropriation down and increasing the amount that must be appropriated as a deficiency.

Mr. ROUSE. At the end of the fiscal year ended June 30, 1915, there was an unexpended balance of $154,000 in this appropriation.

Mr. SISSON. Yes; I have that information.

Now, Mr. Chairman, I have nothing further to say, except that I hope Congress will not be put in the attitude of enlarging the estimates of the department.

Mr. OGLESBY. Mr. Chairman, I make a point of order on the gentleman's amendment. It increases the appropriation provided by this bill by $4,000.

Mr. TILSON. Mr. Chairman, I wish to call the gentleman's attention to the fact that in the bill that is now current law there were 900 of these watchmen, messengers, and laborers at $840, and 900 at $720. If all those were employed the total would be just what the gentleman from Mississippi has proposed, namely, $1,404,000. Now, does it ever happen, as a matter of fact, that all the men appropriated for are actually employed? Are you really not appropriating more than there is any probability of being used?

Mr. SISSON. In the doctrine of probabilities that is absolutely true. That might happen; but in fixing the salaries and the number of men it has been the rule to give the department enough money to provide for the salaries of the men. Otherwise you necessarily have to create a deficiency, and that, of course, ought to be avoided if you can possibly do so, because in many instances they are not able to tell just how many men they are going to employ and how many men they are going to have. But in this case you fix the number that you can employ, and you have fixed their salaries, and you ought to appropriate enough. If it is not needed it goes back to the Treasury.

The CHAIRMAN. Does the gentleman from New York make his point of order?

Mr. OGLESBY. Yes.

The CHAIRMAN. The Chair thinks the point of order is not well taken. The point of order is overruled. The question is on agreeing to the amendment offered by the gentleman from Mississippi [Mr. SISSON].

The question was taken, and the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The clerk read as follows:

> For compensation to clerks in charge of contract stations, $1,160,000: *Provided*, That hereafter the Postmaster General may enter into contracts for the conduct of such stations for a term not exceeding four years.

Mr. GRIFFIN. Mr. Chairman, I move to strike out the last word.

Mr. MANN. Mr. Chairman, I reserve a point of order on the paragraph.

First, I should like to make inquiry about the amount of the appropriation. In the law two years ago the amount was $1,200,000. The bill last year as it passed the House carried $1,200,000, but the committee now make it $1,160,000, which is $40,000 less than the committee agreed to last year.

Mr. MADDEN. I asked the First Assistant Postmaster General, when he was before the committee, whether he did not believe $1,250,000 could be very properly employed in this service, and whether he did not think it would add to the revenue of the department without any increase whatever in the ex-

pense, and he admitted that it would; but he said he thought he would be able to accommodate all the necessities of the case in every section of the country with an appropriation of $1,160,000, and was not willing to recommend the increased amount suggested by my query.

Mr. MANN. I have always found that the gentlemen up there at the department, especially those who are there now, are very courteous in matters of this sort. I have very little to do with the Post Office Department, but there are a lot of these contract stations in my district, which is, of course, a part of the postal district of the city of Chicago. There are places in my district now, quite thickly settled, where it is impossible to buy a postage stamp within reasonable walking distance. The postmaster in Chicago says he is not authorized to add any contract stations. It is possible that if I should go to the Post Office Department and solicit them as a favor, in view of the position that I occupy, they might treat me leniently, but I do not desire to do that. We in the large cities have to depend very largely on these contract stations for that part of our Postal Service which relates to the sending out of mail matter. A large number of you gentlemen here get rural routes, which we gladly help to pay for; but when it comes to facilities for the purchase of postage stamps and the sending out of parcels, as a rule the department and the Post Office Committee do not see the necessity of them as much as we do who feel the need.

Mr. MADDEN. I may say, for the information of my colleague, that at the end of the last fiscal year there was in this fund an unexpended balance of $53,000, and they could have established a number of stations which were not established, if they had thought proper to do so.

Mr. MANN. My colleague understands very well—better than most Members of the House, and many of them do not understand it—that it is very seldom an appropriation is completely exhausted. No branch of the public service, as a rule, is warranted in going up to the extreme limit of the appropriation. They always have some reserve, and I apprehend that there is not a single item in this bill where the expenditure equals the appropriation. So the fact that there was something left at the end of the year does not make any difference. We did not get the service. I do not criticize the department for holding that reserve.

Mr. MOON. Has the gentleman from Illinois before him the explanation of the department with reference to this?

Mr. MANN. I have not the explanation of the department before me, but I have talked with the department in reference to the matter.

Mr. MOON. It is very brief. I will read it to the gentleman.

Mr. MANN. I shall be very glad to have the gentleman do that.

Mr. MOON. They say:

> The expenditures under this item increased 7.28 per cent in 1914 and 14.12 per cent in 1915, while the increase sought for 1917 is only 5.45 per cent.

They say further:

> If the contract period for these stations is extended to four years as recommended, it is believed that an annual saving of about $75,000 will be effected, and that much better service to the public will be secured.

Mr. MANN. That may be correct, but as a rule it does not make any difference whether the contract is for four years or not. The stations are not changed. Stations in Chicago remain where they are as long as the man will keep them. As a rule when they are changed it is because the druggist—and the agent is usually a druggist—refuses to keep it any longer, for the reason that the salary is not sufficient.

Mr. MOON. Will the gentleman yield?

Mr. MANN. Certainly.

Mr. MOON. Can you get a better contract by a long or a short term?

Mr. MANN. I do not think it makes much difference. It is possible that you might get a better contract for a longer term, but the department will retain the power in any event to dismiss the man, and he will retain the right to quit if he wants to. The contract now amounts to nothing, as far as the contract is concerned. The department starts these stations in at $50 to $100 a year, and they sometimes raise it to $100 or $200 if the business warrants it. I think there are one or two stations where they pay as high as $1,000, where it takes several clerks to do the business. It is the cheapest work that the Government gets. That I do not complain of. I think it is for the interest of the Government in thickly residential communities to furnish sufficient means for the purchase of postage stamps, so that those who want to write letters for first-class mail may buy them without walking their feet off.

I have a district somewhat scattered and somewhat suburban, with thickly settled localities in it. A few years ago I had a locality in my district which had a population of 10,000, and the Post Office Department had not provided any place where one could buy a postage stamp. Of course I got that corrected, Mr. Chairman, I will withdraw the point of order.

Mr. STAFFORD. Mr. Chairman, I renew the reservation of the point of order. No branch of the Postal Service is being so hampered by restrictions on account of appropriations as this very deserving service, as explained by the gentleman from Illinois. The amount of the appropriation has not been increased commensurately with the increased needs of the service. The way the department has met that condition is by requiring a greater amount of work to be performed by the respective storekeepers who have contracts. For years past we have been increasing the work of all of these contract stations, especially since the parcel post was established. There is to my knowledge and to the knowledge of many men here who are acquainted with the work of these contract stations, that during the Christmas period it requires the attention of one or two clerks exclusively to take charge of the mail brought to these drug-store stations. No additional compensation is allowed for that. The Government gets the benefit of the great increase in the number of postal money orders, the number of parcel-post packages, as well as the stamps required for the mail, and yet they pay these contract stations the same, and in most instances a smaller, rate of compensation. Of course, they can continue to do that, but in doing so you reduce the number of storekeepers who are willing to undertake this service. There have been many instances called to my attention where they have refused to do the work for the meager compensation of $100, $200, or $300.

The people generally want this service for their accommodation, and it is for the advantage of the Government that these stations should be located at the most favored places. Just because it brings in business a large drug store is not going to continue the service when it performs work that is worth $800 or $1,000 and receives only $100 or $200. That is the reason I am opposed to the Government entering into a contract for a four-year term. It would not be fair to the storekeeper to fix the work at an initial salary of $100 and then compel him to perform the contract for three succeeding years when the business has increased so that it is worth much more. I have no objection to providing a contract for two years, but I think all will agree that it is unfair to the storekeeper who is doing a valuable service for one-sixth or one-tenth of what he should receive to enter into a contract for four years when the growth of the service will result in his doing an increasing amount of work at the same rate of compensation. I would like to ask the gentleman, the chairman of the committee, if he will not agree to change the language so as to make it two years instead of four. That is what was carried in last year's bill. I think it only fair to the drug-store proprietors that they should not be required to restrict themselves to four years, and not take into consideration the accumulating work with the growth of the service.

Mr. MOON. I do not care whether it is two or four years; I do not think it makes very much difference. I rather think I would prefer to leave my opinion about this matter to the department, which has had some experience in the matter and thinks evidently that it can make better terms on a four years' contract than it can on two.

Mr. STAFFORD. But the question is whether it is fair to these drug-store proprietors, when they are desirous of having this work, to restrict them to four years, when their work will multiply two or three or four times within that period.

Mr. MOON. I do not think they would object. I do not think it is unfair to them. Of course, under the law this contract can be terminated at any time.

Mr. STAFFORD. The Government would have the privilege of terminating it, but not the individual drug-store keeper.

Mr. MANN. Mr. Chairman, will the gentleman from Wisconsin permit me to ask the chairman of the committee a question?

Mr. STAFFORD. Certainly.

Mr. MANN. Would the chairman of the committee be willing to have a contract for four years made for rural-delivery service or for postmaster service?

Mr. MOON. If the gentleman wants my serious opinion about that, if we could get a contract for rural-delivery service, I would take the chance on one for 10 years.

Mr. MANN. I think the gentleman is quite right if he could get it. You might take the chances on one for life, but does the gentleman think there is any chance of getting it?

Mr. MOON. No; I do not.

Mr. MANN. These men are practically our rural service and postmasters both. Why should they be obliged to make a contract for four years without any regard to the increase in the

amount of work they have to do, when you would not want to apply it to the rural carriers or the postmasters?

Mr. MOON. Does the gentleman want to amend it by making it two years?

Mr. MADDEN. Mr. Chairman, I suggest to the gentleman from Tennessee [Mr. MOON] that two years perhaps would be better than four, and that we ought to accept the suggestion of these gentlemen.

Mr. MOON. Very well.

Mr. STAFFORD. Then, Mr. Chairman, I withdraw the point of order and offer the amendment to strike out "four" and insert "two."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 12, line 13, strike out the word "four" and insert the word "two."

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. GRIFFIN. Mr. Chairman, I move to strike out the last word. "O Consistency, thou art a jewel." This morning the gentleman from Mississippi [Mr. SISSON] saw fit to attack the postal employees of this country for exercising their right of petition to Congress in order to obtain remedial legislation. This morning I received in my mail, as I believe every Member of Congress received, the following letter, which I desire to read:

FEBRUARY 16, 1916.

Hon. DANIEL J. GRIFFIN,
*Washington, D. C.*

DEAR SIR: The Guardians of Liberty of New York State most respectfully request you to work for the passage of the Sisson House joint resolution No. 157, which is in exact conformity with our principles and is in force in many of the States at the present time. If Congress can establish no religion (as per the first amendment to the Constitution), is it not inconsistent for Congress to recognize and support religious institutions? We hold that it is; and therefore ask your support of the Sisson resolution.

We also ask you to use your best efforts to defeat every and any bill or resolution—that is or may come up—that has for its purpose the appropriation of public funds for sectarian Indian schools or any other sectarian institution of whatever nature it may be.

Thanking you in advance for your efforts in behalf of your constituency, we beg to remain,

Very truly, yours, GEO. W. BAEHRE,
*State Guardian.*

Comment, I think, is unnecessary. [Laughter.]

Mr. SISSON. Mr. Chairman, I move to strike out the last two words. The difference between the letter written and the one to which I have called attention is that this letter happens to be a letter from a man who is not on the pay roll of the Federal Government. Nor will any gentleman say that I have any objection personally to the employees of the Government writing letters complaining about either their treatment or the inadequacy of their pay; but some gentlemen seem to think that the mere reading of the letter without comment of any character as to the gentleman who wrote it is an assault upon him. I do not say that it is, because I do not know the gentleman. He may be everything that a man ought to be, and I am not endeavoring to say that he is not or that he is. I do not know. I desire to call the attention of the committee to the fact that in securing this legislation they might take into consideration the amount of selfish pressure that is brought to bear upon Congress by people who are getting salaries out of the Government. The Congress has the right, with its strong arm, under the Constitution, to reach out and take away from the citizen his property and put it into the Treasury, and I maintain that in the expenditure of that money we ought to be a great deal more careful than when we spend our own funds. When a man expends his own funds, they are his; but every dollar that goes into the Treasury is a trust fund. I also believe that every employee of the Federal Government should get a just and fair compensation for what he does, but I am unwilling that you should segregate the employees of the Government and put them into a specially privileged class by themselves. For that reason, I have objected to that character of legislation, because my judgment is that you are coming rapidly to a civil-pension list in this country, and I am opposed to that, and I want to oppose every step in that direction, and do it with all of the energy of my soul, and I hope with fairness.

Just as certain as you go to a civil pension with these men working for the Government just so certain you must go to a pension for men unfortunate in private life in not having secured property by economy. An old-age pension for these men working in the shops, working in the factories, working in the mines and on the farms is going to come, because they will not permit this sort of legislation to be brought about.

Now, so far as the resolution which I introduced is concerned——

Mr. MANN. We will accept the gentleman's apology.

Mr. SISSON. I am not apologizing at all.

Mr. MANN. This is Saturday night.

Mr. SISSON. I am simply stating my position, not in any way in the nature of an apology. On the contrary, I was never more seriously in earnest about a matter in my life than in the statement that I am making this fight because I do not believe in this character of legislation.

Mr. MANN. I would like to suggest to my friend from Tennessee, for whom I have such high regard, that this is Saturday night.

The CHAIRMAN. Without objection, the pro forma amendment is withdrawn.

There was no objection.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin.

Mr. MOON. Mr. Chairman, I move that the committee do now rise.

Mr. STAFFORD. Mr. Chairman, was a vote taken on the amendment I offered?

The CHAIRMAN. No.

Mr. STAFFORD. I will ask the gentleman from Tennessee to withhold his motion to rise until a vote can be taken on the amendment I offered.

Mr. MOON. Mr. Chairman, I will withhold the motion for a moment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin.

The question was taken, and the amendment was agreed to.

Mr. MOON. Mr. Chairman, I renew my motion that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. RAINEY, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 10484, the Post Office appropriation bill, and had come to no resolution thereon.

## LEAVE OF ABSENCE.

The SPEAKER laid before the House the following letter:

FEBRUARY 18, 1916.

Hon. CHAMP CLARK,
*Speaker of the House of Representatives,*
*Washington, D. C.*

MY DEAR MR. SPEAKER: I respectfully ask that I be granted leave of absence for one week, beginning with February 19. Important business matters at home require my personal attention. With best wishes, I am,

Yours, very truly, EDW. COOPER.

The SPEAKER. Without objection, the leave is granted.

There was no objection.

## NATIONAL SAFETY FIRST EXPOSITION.

Mr. TAYLOR of Colorado. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. TAYLOR of Colorado. To ask unanimous consent to address the House for one minute.

The SPEAKER. Is there objection to the request of the gentleman from Colorado that he address the House for one minute. [After a pause.] The Chair hears none.

Mr. TAYLOR of Colorado. Mr. Speaker, the executive departments of the Federal Government have with a great deal of care, skill, and energy prepared a "National Safety First Exposition," showing the various activities of six of the departments of our Government in the conservation of life and property.

The departments and their various bureaus have collected and arranged a wonderfully valuable and instructive exhibit, which every Member of this House should see. This exhibit is assembled at the National Museum. The exposition will open next Monday at 2 p. m., and lasts for six days.

One of the secretaries of the departments will preside and deliver a lecture on the activities of his department each evening at 8.30 p. m. at the National Museum.

The gentleman from Illinois, Dr. FOSTER, chairman of the Committee on Mines and Mining, would have made this announcement if he were present, but he is absent by direction of the House, examining the flood conditions in the South, and therefore, as acting chairman of that committee, I am requested by the executive departments to extend a special invitation to all the Members of Congress to encourage the splendid efforts of the Government officials and employees in their most praiseworthy work of preserving human life and property. The departments and bureaus are scientifically and practically inaugurating a national system of safety first in all of the vast operations of our Federal Government. This is purely a govern-

mental affair. We are, as Representatives of our country, interested in this great constructive work, and we will all be instructed and interested by attending this exposition, and it will please these departments and greatly encourage all the Government employees who are doing all this work without any extra expense to the Government if all the Members of the House will individually accept this invitation, and I hope you all will. The program is as follows:

NATIONAL SAFETY FIRST EXPOSITION, HELD UNDER THE AUSPICES OF THE FEDERAL GOVERNMENT, NEW NATIONAL MUSEUM, WASHINGTON, D. C., FEBRUARY 21–26, 1916.

PROGRAM.

*Monday, February 21, Department of Interior day:* Illustrated lectures will be delivered between the hours of 2 and 4 p. m., showing the activities of the department in the conservation of life and property.

Secretary Lane will preside at 8.30 p. m.

*Tuesday, February 22, War and Navy Department day:* Illustrated lectures will be delivered between the hours of 2 and 4 p. m., showing the activities of the department in the conservation of life and property.

*Wednesday, February 23, Department of Agriculture day:* Illustrated lectures will be delivered between the hours of 2 and 4 p. m., showing the activities of the department in the conservation of life and property.

Assistant Secretary Vrooman will preside at 8.30 p. m.

*Thursday, February 24, Department of Labor day:* Illustrated lectures will be delivered between the hours of 2 and 4 p. m., showing the activities of the department in the conservation of life and property.

Secretary Wilson will preside at 8.30 p. m.

Friday, February 25, Department of Commerce Day: Illustrated lectures will be delivered between the hours of 2 and 4 p. m., showing the activities of the department in the conservation of life and property.

Secretary Redfield will preside at 8.30 p. m.

Saturday, February 26, Treasury Department Day: Illustrated lectures will be delivered between the hours of 2 and 4 p. m., showing the activities of the department in the conservation of life and property.

Secretary McAdoo will preside at 8.30 p. m.

AFTERNOON LECTURES.

Notices relating to the afternoon lectures will be posted daily on bulletin board near the main entrance of the building.

FEDERAL BUREAUS PARTICIPATING IN THE EXPOSITION, AND REPRESENTATIVES IN CHARGE OF EXHIBIT.

EXECUTIVE COMMITTEE.

Maj. William Lyster, War Department, chairman; Morton F. Leopold, Department of Interior, secretary.

Treasury Department: Asst. Surg. Gen. W. C. Rucker, the Public Health Service. Lieut. H. H. Wolf, Coast Guard Service.

War Department: Maj. William Lyster, office of the Surgeon General.

Department of the Navy: Surg. Charles G. Smith, Bureau of Medicine and Surgery; Commander R. H. Leigh, Bureau of Steam Engineering; Lieut. S. C. Rowan, Bureau of Ordnance; Naval Constructor S. M. Henry, Bureau of Construction and Repair.

Department of the Interior: Morton F. Leopold, Bureau of Mines; W. S. Deffenbaugh, Bureau of Education; R. B. Dole, Geological Survey; C. F. Hauke, Indian Office; C. H. Fitch, Reclamation Service.

Department of Agriculture: Benjamin C. Kadel, Weather Bureau; C. A. Lindstrom, Forest Service.

Department of Commerce: H. S. Phelps, Bureau of Standards; W. F. Peabody, Coast and Geodetic Survey; H. B. Bowerman, Bureau of Lighthouses; W. T. Terrell, Bureau of Navigation; C. C. J. Norris, Steamboat-Inspection Service.

T. J. Fitzgerald, Assistant Chief Clerk of the Department, in general charge.

Department of Labor: Miss H. Sumner, Children's Bureau; Lucian W. Chaney, Bureau of Labor Statistics.

Interstate Commerce Commission: H. W. Belknap, Bureau of Safety.

American Red Cross exhibit: Maj. Robert U. Patterson in charge.

Metropolitan Police Department, Washington, D. C.: Maj. Raymond W. Pullman in charge of exhibit.

HOURS OF ADMISSION.

The National Museum Building will be open to the public from 9 a. m. until 4.30 p. m. and from 7.30 until 11 p. m.

LEAVE OF ABSENCE.

Mr. GRIFFIN. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. GRIFFIN. Mr. Speaker, I ask leave of absence for five days for my colleague, Mr. SIEGEL, on account of illness in his family.

The SPEAKER. Without objection it is so ordered.

There was no objection.

EXTENSION OF REMARKS.

Mr. VAN DYKE. Mr. Speaker, I desire to ask unanimous consent to print a letter in the RECORD from an organization of postal employees.

The SPEAKER. The gentleman from Minnesota [Mr. VAN DYKE] asks unanimous consent to extend his remarks in the RECORD by publishing a certain letter from postal employees. Is there objection? [After a pause.] The Chair hears none.

Mr. CALDWELL. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the question of the foreign born in the United States.

The SPEAKER. The gentleman from New York [Mr. CALDWELL] asks unanimous consent to extend his remarks in the RECORD on the subject of the foreign born in the United States. Is there objection? [After a pause.] The Chair hears none.

Mr. SCHALL. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on rural mail delivery.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota? [After a pause.] The Chair hears none.

Mr. BENNET. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from New York rise?

Mr. BENNET. To ask unanimous consent to extend my remarks by printing a short letter in reference to the Thomas Indian School in my State.

The SPEAKER. The gentleman from New York asks unanimous consent to extend his remarks by printing a letter in reference to the Thomas Indian School, New York State. Is there objection? [After a pause.] The Chair hears none.

REFERENCE OF A BILL.

The Chair desires to say that House bill 11724 is one of those bills that could be referred to either one of two committees, and it was referred to the Committee on Interstate and Foreign Commerce. The title of the bill is:

For securing and establishing a uniform system of testing quality and condition of milk and cream moving in interstate shipments and intended for human food, and for other purposes.

There is more in the bill that belongs to the Agricultural Committee than to the Committee on Interstate and Foreign Commerce. Either one might have jurisdiction with propriety; but, without objection, it will be re-referred to the Committee on Agriculture.

Mr. MANN. Mr. Speaker, reserving the right to object, as this relates to pure-food matters have the chairmen of the committees examined the bill?

The SPEAKER. The chairman of one committee did.

Mr. MANN. The one that does not want it or the one that does want it?

The SPEAKER. The one that does want it.

Mr. MANN. Unless the chairman of the Committee on Interstate and Foreign Commerce has been consulted, I shall temporarily have to object.

The SPEAKER. The gentleman from Illinois objects.

Mr. MANN. Because that committee has jurisdiction over pure-food matters.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. LAZARO, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bills:

H. R. 2. An act for the coinage of a McKinley souvenir gold dollar, in commemoration of the erection of a memorial to William McKinley, late President of the United States;

H. R. 73. An act to amend chapter 231, known as the Judicial Code, act of March 3, 1911, volume 36, United States Statutes at Large, section 81, page 1111;

H. R. 322. An act to authorize the Secretary of the Treasury of the United States to sell the old post office and site thereof in the city of Dayton, Ohio; and

H. R. 8810. An act to amend an act relating to the Public Utilities Commission of the District of Columbia, approved March 4, 1913.

ADJOURNMENT.

Mr. KITCHIN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 15 minutes p. m.) the House adjourned until Monday, February 21, 1916, at 12 o'clock noon.

## EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Joseph W. Grosvenor *v.* The United States (H. Doc. No. 731); to the Committee on War Claims and ordered to be printed.

2. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Elizabeth A. Hoyt, widow of Henry B. Hoyt, deceased, *v.* The United States (H. Doc. No. 732); to the Committee on War Claims and ordered to be printed.

3. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Luther L. Humphrey *v.* The United States (H. Doc. No. 733); to the Committee on War Claims and ordered to be printed.

4. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Jennie Hunt, widow of Leonard H. Hunt, deceased, *v.* The United

States (H. Doc. No. 734); to the Committee on War Claims and ordered to be printed.

5. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Thomas H. Irons v. The United States (H. Doc. No. 735); to the Committee on War Claims and ordered to be printed.

6. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Jason W. Lindesmith v. The United States (H. Doc. No. 736); to the Committee on War Claims and ordered to be printed.

7. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Edward S. Minor v. The United States (H. Doc. No. 737); to the Committee on War Claims and ordered to be printed.

8. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Rosa N. Snell, daughter of John Henninger, deceased, v. The United States (H. Doc. No. 738); to the Committee on War Claims and ordered to be printed.

9. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of John F. Phillips v. The United States (H. Doc. No. 739); to the Committee on War Claims and ordered to be printed.

10. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Charles P. Potts v. The United States (H. Doc. No. 740); to the Committee on War Claims and ordered to be printed.

11. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of James Purdy, son of James Purdy, deceased, v. The United States (H. Doc. No. 741); to the Committee on War Claims and ordered to be printed.

12. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Norman A. Reynolds v. The United States (H. Doc. No. 742); to the Committee on War Claims and ordered to be printed.

13. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Joseph Slick v. The United States (H. Doc. No. 743); to the Committee on War Claims and ordered to be printed.

14. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Peter Sloggy v. The United States (H. Doc. No. 744); to the Committee on War Claims and ordered to be printed.

15. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Philetus R. Tiffany v. The United States (H. Doc. No. 745); to the Committee on War Claims and ordered to be printed.

16. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of James P. Wallace v. The United States (H. Doc. No. 746); to the Committee on War Claims and ordered to be printed.

17. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Daniel J. West v. The United States (H. Doc. No. 747); to the Committee on War Claims and ordered to be printed.

18. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Virginia Belding, widow of Morgan Belding, deceased, v. The United States (H. Doc. No. 748); to the Committee on War Claims and ordered to be printed.

19. A letter from the chief clerk of the Court of Claims, transmitting orders of the court dismissing the cases of Louisa A. Chrouch v. The United States, and Gilbert E. McKune v. The United States (H. Doc. No. 749); to the Committee on War Claims and ordered to be printed.

20. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of John A. Baker v. The United States (H. Doc. No. 750); to the Committee on War Claims and ordered to be printed.

21. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Emily L. Birch, widow of Henry F. Birch, v. The United States (H. Doc. No. 751); to the Committee on War Claims and ordered to be printed.

22. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Margaret E. Bradley, widow of Hugh M. Bradley, v. The United States (H. Doc. No. 752); to the Committee on War Claims and ordered to be printed.

23. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Mamie E. Malone, daughter of John S. Bridges, v. The United States (H. Doc. No. 753); to the Committee on War Claims and ordered to be printed.

24. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Mary A. Cosgrove, widow of John Cosgrove, v. The United States (H. Doc. No. 754); to the Committee on War Claims and ordered to be printed.

25. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Lucinda Drake, widow of Commodore W. Drake, deceased, v. The United States (H. Doc. No. 755); to the Committee on War Claims and ordered to be printed.

26. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Idella L. Welch, daughter and sole heir of William L. Garwood, deceased, v. the United States (H. Doc. No. 756); to the Committee on War Claims and ordered to be printed.

27. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Milton Giles, Charles P. Giles, and Aldana G. Burr, children and sole heirs of Ezekiel Giles, deceased, v. the United States (H. Doc. No. 757); to the Committee on War Claims and ordered to be printed.

28. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the Court in the case of Ella R. Irwin, widow of Lamdin E. Irwin, v. the United States (H. Doc. No. 758); to the Committee on War Claims and ordered to be printed.

29. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Anna R. Langhaus, widow of Emil H. Langhaus, v. the United States (H. Doc. No. 759); to the Committee on War Claims and ordered to be printed.

30. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Valerius A. Milroy, son of Robert H. Milroy, v. the United States (H. Doc. No. 760); to the Committee on War Claims and ordered to be printed.

31. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of D. H. Moffitt, son of William Moffitt, v. The United States (H. Doc. No. 761); to the Committee on War Claims and ordered to be printed.

32. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Jane C. McCleary, widow of William H. McCleary, v. The United States (H. Doc. No. 762); to the Committee on War Claims and ordered to be printed.

33. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Samuel B. McCourtis v. The United States (H. Doc. No. 763); to the Committee on War Claims and ordered to be printed.

34. A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Acting Secretary of War requesting that the appropriation of $5,000, made by the sundry civil appropriation act approved August 1, 1914, for unveiling and dedicating the memorial to Gen. Ulysses S. Grant, be further extended and made available for the purposes until expended (H. Doc. No. 764); to the Committee on Appropriations and ordered to be printed.

35. A letter from the Secretary of the Treasury, transmitting a communication from the Secretary of the Navy submitting urgent estimates of deficiencies in appropriations required by the Naval Establishment for the fiscal year ending June 30, 1916 (H. Doc. No. 765); to the Committee on Appropriations and ordered to be printed.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. STEELE of Pennsylvania, from the Committee on the Judiciary, to which was referred the bill (H. R. 6099) to amend section 72 of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, reported the same with amendment, accompanied by a report (No. 224), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. ASWELL, from the Committee on the Census, to which was referred the bill (H. R. 4767) authorizing the Director of the Census to collect and publish statistics of cotton seed and cottonseed products, reported the same with amendment, accompanied by a report (No. 226), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. CARAWAY, from the Committee on the Judiciary, to which was referred the bill (H. R. 11148) transferring the counties of Osage and Pawnee from the western judicial district of the United States court, in the State of Oklahoma, to the eastern judicial district of said court in said State, for judicial purposes, reported the same without amendment, accompanied by a report (No. 225), which said bill and report were referred to the House Calendar.

Mr. RAKER, from the Committee on the Public Lands, to which was referred the bill (H. R. 11081) to exempt from cancellation certain desert-land entries in Riverside County, Cal., reported the same with amendment, accompanied by a report (No. 227), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

## CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 1669) granting a pension to George Tillapaugh; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 5259) granting a pension to Maud E. Pearson; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 2767) granting a pension to Mary Gertrude Russell; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 5261) granting an increase of pension to James Garnett; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 5812) granting an increase of pension to Rebecca D. Stewart; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 9623) granting a pension to Charles E. Cowper; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 9625) granting a pension to George A. Dick; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

## PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. LEVER: A bill (H. R. 11861) to tax the privilege of dealing on exchanges, boards of trade, and similar places in contracts of sale of cotton for future delivery, and for other purposes; to the Committee on Agriculture.

By Mr. THOMAS: A bill (H. R. 11862) for the erection of a public building at Russellville, Logan County, Ky.; to the Committee on Public Buildings and Grounds.

By Mr. KAHN: A bill (H. R. 11863) providing for the leasing of the United States Army transports *Crook* and *Meade;* to the Committee on Military Affairs.

By Mr. KENT: A bill (H. R. 11864) to provide Federal aid in caring for indigent tuberculous persons, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. ROWE: A bill (H. R. 11865) to provide for additional ocean mail service by American vessels and their operation, to encourage the building of merchant steamers in foreign trade under the American flag, and for other purposes; to the Committee on the Merchant Marine and Fisheries.

By Mr. THOMAS: A bill (H. R. 11866) for the erection of a public building at Central City, Muhlenberg County, Ky.; to the Committee on Public Buildings and Grounds.

By Mr. HOOD: A bill (H. R. 11867) to provide for the erection of a public building in the city of Mount Olive, N. C.; to the Committee on Public Buildings and Grounds.

By Mr. SWEET: A bill (H. R. 11868) providing for the purchase of a site and the erection thereon of a public building at Eagle Grove, in the State of Iowa; to the Committee on Public Buildings and Grounds.

By Mr. MAYS: A bill (H. R. 11869) to authorize the President of the United States to locate, construct, and operate a railroad from the Kaibab National Forest, Ariz., to the nearest practical railway connecting point to the north thereof; to the Committee on Railways and Canals.

By Mr. OGLESBY: A bill (H. R. 11870) to appropriate $200,000 additional for the purchase of a site and the erection of a building at Yonkers, N. Y.; to the Committee on Public Buildings and Grounds.

By Mr. GODWIN of North Carolina: A bill (H. R. 11871) to repeal an act to establish a uniform system of bankruptcy throughout the United States, approved July 1, 1898, and all amendments thereto; to the Committee on the Judiciary.

By Mr. McKELLAR: A bill (H. R. 11872) to establish and maintain military training colleges in the several States of the Union, in Alaska, and in the District of Columbia; to the Committee on Military Affairs.

By Mr. KAHN: A bill (H. R. 11873) providing for the construction of a chapel on the military reservation of the Presidio of San Francisco, Cal.; to the Committee on Military Affairs.

By Mr. SHERWOOD: A bill (H. R. 11874) authorizing and directing the Secretary of War to make certain provisions for the care of Federal and Confederate veteran soldiers who served in the Civil War of 1861 to 1865, etc.; to the Committee on Military Affairs.

By Mr. SCOTT of Michigan: A bill (H. R. 11875) to establish a fish-cultural station at the city of Charlevoix, in the State of Michigan; to the Committee on the Merchant Marine and Fisheries.

By Mr. NOLAN: A bill (H. R. 11876) to fix the compensation of certain employees of the United States; to the Committee on Labor.

By Mr. RANDALL: A bill (H. R. 11877) to prohibit the importation of intoxicating liquors into the Territory of Hawaii, and to prohibit the manufacture and sale of such liquors therein; to the Committee on the Territories.

By Mr. YOUNG of North Dakota: A bill (H. R. 11878) to amend section 99, chapter 231, of the act to codify, revise, and amend the laws relating to the judiciary; to the Committee on the Judiciary.

By Mr. HAYDEN: A bill (H. R. 11879) for the relief of certain settlers under the Yuma reclamation project in Arizona; to the Committee on Irrigation of Arid Lands.

By Mr. McANDREWS: A bill (H. R. 11880) to provide for the erection of a public building at Oak Park, Ill.; to the Committee on Public Buildings and Grounds.

By Mr. RAINEY: Resolution (H. Res. 146) authorizing investigation of floods in Illinois River valley in connection with the illegal discharge of water from Lake Michigan into said river; to the Committee on Flood Control.

By Mr. LONDON: Joint resolution (H. J. Res. 159) for the appointment of a commission to prepare and recommend a plan for the establishment of a national insurance fund, and for the mitigation of the evil of unemployment; to the Committee on Labor.

By Mr. SCOTT of Pennsylvania: Joint resolution (H. J. Res. 160) to create a joint subcommittee from the membership of the Senate Military Affairs Committee and the House Military Affairs Committee to investigate the subject of the introduction of instruction in military science and tactics in the public schools of the United States; to the Committee on Military Affairs.

By Mr. BENNET: Joint resolution (H. J. Res. 161) to amend section 7 of Article I of the Constitution of the United States; to the Committee on the Judiciary.

By Mr. DOUGHTON: Joint resolution (H. J. Res. 162) permitting the placing of a tablet in the city of Washington to the memory of Daniel Boone; to the Committee on the Library.

By Mr. GALLIVAN: Memorial from the Legislature of the State of Massachusetts, requesting Congress to take action in regard to the migratory-bird law; to the Committee on Agriculture.

By Mr. GARDNER: Memorial of the General Court of the State of Massachusetts relative to the regulations of the National Government in respect to the shooting of migratory birds; to the Committee on Agriculture.

By Mr. FITZGERALD: Memorial of the Senate and Assembly of the State of New York protesting against passage of Federal inheritance tax; to the Committee on Ways and Means.

By Mr. THOMAS: Memorial of the General Assembly of the State of Kentucky, requesting Congress to establish Mammoth Cave National Park; to the Committee on the Public Lands.

By Mr. CHARLES: Memorial of the Legislature of the State of New York, protesting against the imposition of a Federal inheritance tax in that State; to the Committee on Ways and Means.

## PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ADAIR: A bill (H. R. 11882) granting a pension to George C. Louthain; to the Committee on Pensions.

Also, a bill (H. R. 11883) granting a pension to John D. Andrews; to the Committee on Pensions.

By Mr. ALLEN: A bill (H. R. 11884) granting a pension to Matilda Pavy; to the Committee on Invalid Pensions.

By Mr. ANTHONY: A bill (H. R. 11885) granting a pension to Margaret Powers; to the Committee on Pensions.

By Mr. BORLAND: A bill (H. R. 11886) granting an increase of pension to Anna M. Gordon; to the Committee on Invalid Pensions.

By Mr. BURKE: A bill (H. R. 11887) granting a pension to Rosa Reindl; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11888) granting an increase of pension to J. George Spettel; to the Committee on Pensions.

By Mr. FERRIS: A bill (H. R. 11889) granting a pension to Della C. Ross; to the Committee on Invalid Pensions.

By Mr. FESS: A bill (H. R. 11890) for the relief of William Loar; to the Committee on Military Affairs.

By Mr. GANDY: A bill (H. R. 11891) granting an increase of pension to Hugh Beetem; to the Committee on Invalid Pensions.

By Mr. GLYNN: A bill (H. R. 11892) granting a pension to Emma Ebert; to the Committee on Invalid Pensions.

By Mr. GOOD: A bill (H. R. 11893) granting an increase of pension to Ann Rogers; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11894) granting an increase of pension to Edward B. Ward; to the Committee on Invalid Pensions.

By Mr. HERNANDEZ: A bill (H. R. 11895) for the relief of the heirs of Justiniano Castillo; to the Committee on Claims.

By Mr. HILLIARD: A bill (H. R. 11896) granting a pension to John W. Allen; to the Committee on Pensions.

By Mr. HOLLINGSWORTH: A bill (H. R. 11897) granting a pension to Mary E. Crowl; to the Committee on Invalid Pensions.

By Mr. JAMES: A bill (H. R. 11898) granting a pension to Louise Crane; to the Committee on Pensions.

By Mr. KEATING: A bill (H. R. 11899) granting an increase of pension to D. P. Green; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11900) granting an increase of pension to Carrie A. Ashby; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11901) granting a pension to Charles O. Bitters; to the Committee on Pensions.

Also, a bill (H. R. 11902) granting an increase of pension to John F. Williams; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11903) granting an increase of pension to Charles B. Boyd; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11904) granting an increase of pension to James H. Hower; to the Committee on Invalid Pensions.

By Mr. LEWIS: A bill (H. R. 11905) for the relief of Ryland Methodist Episcopal Church; to the Committee on War Claims.

By Mr. McANDREWS: A bill (H. R. 11906) granting a pension to Philip Klaus; to the Committee on Pensions.

By Mr. McCULLOCH: A bill (H. R. 11907) granting an increase of pension to William Z. Leitner; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11908) granting an increase of pension to John F. Pearce; to the Committee on Invalid Pensions.

By Mr. McDERMOTT: A bill (H. R. 11909) granting an increase of pension to George W. Bean; to the Committee on Invalid Pensions.

By Mr. MAPES: A bill (H. R. 11910) granting a pension to Andrew H. Wegman; to the Committee on Pensions.

By Mr. NOLAN: A bill (H. R. 11911) granting a pension to Katie Noblitt; to the Committee on Pensions.

By Mr. OAKEY: A bill (H. R. 11912) granting an increase of pension to Delia J. McKeon; to the Committee on Invalid Pensions.

By Mr. OVERMYER: A bill (H. R. 11913) granting a pension to Albert H. Blinn; to the Committee on Pensions.

Also, a bill (H. R. 11914) granting a pension to Howard H. Long; to the Committee on Pensions.

By Mr. PETERS: A bill (H. R. 11915) for the relief of Daniel H. Morang; to the Committee on Military Affairs.

By Mr. PLATT: A bill (H. R. 11916) granting a pension to Eliza Taylor; to the Committee on Invalid Pensions.

By Mr. RAMSEYER: A bill (H. R. 11917) granting an increase of pension to Willis O. Shaw; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11918) granting an increase of pension to George G. Cowan; to the Committee on Invalid Pensions.

By Mr. REAVIS: A bill (H. R. 11919) granting an increase of pension to Edgar W. Reynolds; to the Committee on Pensions.

Also, a bill (H. R. 11920) granting an increase of pension to Daniel H. Blakeney; to the Committee on Invalid Pensions.

By Mr. ROUSE: A bill (H. R. 11921) granting a pension to Louise C. Kimberly; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11922) granting an increase of pension to Henry Shonert; to the Committee on Invalid Pensions.

By Mr. RUSSELL of Missouri: A bill (H. R. 11923) granting an increase of pension to Edmond Melton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11924) granting an increase of pension to John W. Newton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11925) granting an increase of pension to Cornelius O'Shea; to the Committee on Invalid Pensions.

By Mr. RUSSELL of Ohio: A bill (H. R. 11926) granting an increase of pension to Catherine Caussey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11927) granting a pension to Mary F. Hess; to the Committee on Pensions.

Also, a bill (H. R. 11928) granting an increase of pension to Harvey Hill; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11929) granting an increase of pension to Henry Suma; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11930) granting an increase of pension to Nancy J. Schenck; to the Committee on Invalid Pensions.

By Mr. SMITH of Idaho: A bill (H. R. 11931) granting an increase of pension to Samuel McC. Reynolds; to the Committee on Invalid Pensions.

By Mr. STEPHENS of California: A bill (H. R. 11932) granting a pension to Mary J. Hawley; to the Committee on Pensions.

By Mr. TEMPLE: A bill (H. R. 11933) granting an increase of pension to Benjamin F. Ryan; to the Committee on Invalid Pensions.

By Mr. THOMAS: A bill (H. R. 11934) granting an increase of pension to Isaac Bell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11935) granting an increase of pension to James Blackburn; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11936) granting a pension to Dorthula B. Oates; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11937) granting a pension to Ward Houchin; to the Committee on Pensions.

Also, a bill (H. R. 11938) granting an increase of pension to Elisha Morton; to the Committee on Invalid Pensions.

By Mr. THOMPSON: A bill (H. R. 11939) for the relief of William Guy; to the Committee on Indian Affairs.

By Mr. WARD: A bill (H. R. 11940) for the relief of Reuben Reynolds; to the Committee on War Claims.

By Mr. THOMAS S. WILLIAMS: A bill (H. R. 11941) granting an increase of pension to James M. Linville; to the Committee on Invalid Pensions.

By Mr. WILSON of Illinois: A bill (H. R. 11942) granting a pension to Nellie L. Benton; to the Committee on Pensions.

By Mr. WINSLOW: A bill (H. R. 11943) granting an increase of pension to William Beach; to the Committee on Invalid Pensions.

## PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Memorial in favor of the Stevens bill; to the Committee on Interstate and Foreign Commerce.

Also (by request), memorial of Endeavorers of Vermont Avenue Christian Church, urging passage of the Sheppard bill; to the Committee on the District of Columbia.

Also (by request), memorial of Vermont Avenue Christian Church, in favor of the Hughes-Smith bill; to the Committee on Education.

Also (by request), memorial from California, and petition of 26 citizens of Auxvasse, Mo., for national prohibition; to the Committee on the Judiciary.

By Mr. ALLEN: Memorial of Woman's Missionary Society of the Reformed Presbyterian Church, Cincinnati, Ohio, favoring abolishment of polygamy in the United States; to the Committee on the Judiciary.

By Mr. ANTHONY: Petition of Rev. L. W. Foster and other citizens of Effingham, Kans., favoring national prohibition; to the Committee on the Judiciary.

By Mr. BAILEY: Petition of Charles F. Pitt Co., W. L. Thompson, Barton & Winslow, Martin J. Commons, C. L. Farsberg, and William H. Sandford, of Patton; Guy Commons, Louis Gallon, J. L. Bender, P. O. Holtz, and A. Dietrich, of Hastings; John Lloyd & Sons, Schettig Bros., Frailey Bros., and Carl Rivinio, of Ebensburg, all in Cambria County, Pa., for the taxation of mail-order houses; to the Committee on Ways and Means.

Also, unanimous vote of the Spangler Presbyterian Church, of Spangler, Pa., for national prohibition; to the Committee on the Judiciary.

By Mr. BURKE: Petitions of C. M. Spencer and 37 others and Woman's Christian Temperance Union of Waterloo, Wis., favoring national prohibition; to the Committee on the Judiciary.

Also, petition of Peter Ney Hubertus and 12 other farmers of Washington County, Wis., against House bills 6871 and 6823, relative to interstate shipment of convict-made goods; to the Committee on Interstate and Foreign Commerce.

By Mr. CASEY: Petition of 400 W. C. T. U. people of West Pittston, Pa., favoring national prohibition; to the Committee on the Judiciary.

By Mr. CHARLES: Petition of J. G. & T. Robinson, of Gloversville, N. Y., favoring tax on dyestuffs; to the Committee on Ways and Means.

Also, petition of United Brewery Workmen of Amsterdam, N. Y., against national prohibition; to the Committee on the Judiciary.

Also, memorial of Eugene Griffin Camp, Spanish War Veterans, of Schenectady, N. Y., favoring pensions for widows; to the Committee on Pensions.

By Mr. CURRY: Memorial of Vallejo (Cal.) Trades and Labor Council, favoring Federal aid for indigent persons afflicted with tuberculosis; to the Committee on Agriculture.

By Mr. DALE of New York: Memorial of Conference of Congressional Union for Woman Suffrage, tenth congressional district of New Jersey, and Annie R. H. Pettibone, of New Milford, Conn., favoring woman-suffrage amendment; to the Committee on the Judiciary.

Also, memorial of Foreign Service Camp, No. 87, Department of New York, United Spanish War Veterans, favoring pensions for widows; to the Committee on Pensions.

Also, petition of Moline Plow Co., Adriance-Platt Branch, favoring the Stevens standard-price bill; to the Committee on Interstate and Foreign Commerce.

Also, memorial of New York State Court, Guardians of Liberty, favoring Sisson House joint resolution 137, relative to appropriation of public funds for sectarian Indian schools; to the Committee on the Judiciary.

By Mr. DOOLITTLE: Petition of citzens of Harveyville, Kans., against a stamp tax on bank checks; to the Committee on Ways and Means.

By Mr. DRUKKER: Petition of Laurel Lodge, International Order of Good Templars, of Paterson, N. J., favoring national prohibition; to the Committee on the Judiciary.

By Mr. ESCH: Petition of La Crosse (Wis.) Liquor Dealers' Association, against prohibition in the District of Columbia; to the Committee on the District of Columbia.

By Mr. FESS: Petition of 29 citizens of Cable, Ohio, favoring passage of House joint resolutions 84 and 85, for national constitutional prohibition amendment; to the Committee on the Judiciary.

By Mr. FLYNN: Petition of New York State Court, Guardians of Liberty, favoring House joint resolution 137, against public funds for sectarian Indian schools; to the Committee on the Judiciary.

Also, petition of Moline Plow Co., Adriance-Platt branch, favoring Stevens standard-price bill; to the Committee on Interstate and Foreign Commerce.

Also, petition of Boston's fishing and cold-storage industries, against House bill 9674, Cary bill, relative to cold-storage system; to the Committee on Agriculture.

Also, petition of International Brotherhood of Maintenance of Way Employees, favoring Burnett immigration bill; to the Committee on Immigration and Naturalization.

By Mr. FULLER: Petition of La Salle (Ill.) Commercial Association, favoring 1-cent letter postage; to the Committee on the Post Office and Post Roads.

Also, petition of Prairie Club of Chicago, favoring House bill 8668, to establish a national park service; to the Committee on the Public Lands.

Also, petition of Metal Trades Department of American Federation of Labor, favoring Burnett immigration bill; to the Committee on Immigration and Naturalization.

By Mr. GARDNER: Petition of Cook Bros. Leather Co., of Salem, Mass., and Donovan Bros., of Boston, Mass., favoring House bill 702, the dyestuffs bill; to the Committee on Ways and Means.

By Mr. GORDON: Petitions of Rev. Joseph Rhode and 62 other citizens of Cuyahoga County, Ohio, praying for enacting of House joint resolutions 14 and 81, Senate bills 3033 and 3034, Senate joint resolution 73, House joint resolution 74, and House bill 6828; to the Committee on Foreign Affairs.

Also, petition of 49 citizens of Cuyahoga County, Ohio, praying for enactment of House joint resolutions 84 and 85, providing for an amendment to the Constitution of the United States prohibiting the beverage traffic in intoxicating liquors; to the Committee on the Judiciary.

By Mr. HINDS: Three petitions of citizens of Portland, Me., for national defenses; to the Committee on Naval Affairs.

Also, memorial of Paving Cutters' Union of the United States and Canada against the introduction of foreign-made paving blocks into this country at a price below a fair and reasonable cost of production in this country; to the Committee on Ways and Means.

Also, petition of 32 people of Windham, 125 people of Portland, and 34 voters of New London, all in the State of Maine, favoring national constitutional prohibition amendment; to the Committee on the Judiciary.

By Mr. HILLIARD: Memorial of Mountain and Plain Farmers' Institute, urging passage of House bill 10246, relative to addition of lands to Colorado National Forest; to the Committee on the Public Lands.

By Mr. HOWELL: Petition of local unions Nos. 64 and 252, International Union of the United Brewery Workmen of America, Salt Lake City, Utah, protesting against national prohibition; to the Committee on the Judiciary.

Also, petitions of Utah Manufacturing Association and Wasatch Orchard Co., of Ogden, Utah, against requiring the imprint "Made in America" and labels on articles of domestic manufacture; to the Committee on Interstate and Foreign Commerce.

By Mr. KEY of Ohio: Petition of citizens of Iberia, Morrow County, Ohio, favoring national constitutional prohibition amendment; to the Committee on the Judiciary.

By Mr. LEWIS: Petition of Never Die Lodge, International Order of Good Templars, of Berrett; Kamptown Lodge, International Order of Good Templars; and Long Corner Lodge, International Order of Good Templars, all in the State of Maryland, favoring national prohibition; to the Committee on the Judiciary.

By Mr. McDERMOTT: Memorial of Washington Lodge, No. 15, Benevolent and Protective Order of Elks, protesting against passage of the Sheppard prohibition bill; to the Committee on the District of Columbia.

By Mr. MILLER of Delaware: Evidence in support of House bill 11297, granting an increase of pension to Elvira Pierce; to the Committee on Invalid Pensions.

Also, evidence in support of House bill 7247, granting a pension to Anna Kyle; to the Committee on Pensions.

By Mr. MOTT: Petition of 20 residents of Philadelphia, N. Y.; 18 residents of West Eaton, N. Y.; Manhattan Lodge, International Order of Good Templars, of New York, favoring national prohibition constitutional amendment; to the Committee on the Judiciary.

Also, petitions of W. J. Middlemart and 40 citizens, of Nelson; Charles E. Maynard and 48 citizens, of Nelson; A. F. Twinning and 52 citizens, of Eaton; F. W. Walrath and 13 citizens, of Smithfield; N. J. Hitchcock and 13 citizens, of Lebanon; E. W. Sprague and 29 citizens, of Hamilton; Hobart Curtis and 48 citizens, of Eaton; and F. A. Miller and 13 citizens, of Lebanon, all in the State of New York, favoring national prohibition constitutional amendment; to the Committee on the Judiciary.

Also, petitions of Rev. T. Telferd and 83 members of the Lebanon Civic League, Lebanon; Louis A. Bridge and 5 citizens, of Lincoln, Wayne County; J. Emery Jones and 10 citizens, of Martinsburg, Lewis County; Rev. J. S. Mitchell and 19 citizens, of Stockbridge; Charles J. Mandigo and 33 citizens, of Stockbridge; R. W. Neathery and 50 citizens, of Madison County; Rev. M. E. Person and 13 other residents, of Cazenovia; and John A. Campbell and 32 citizens of Smithfield, all in the State of New York, favoring national prohibition constitutional amendment; to the Committee on the Judiciary.

By Mr. NOLAN: Memorial of Jefferson Davis Chapter, No. 540, United Daughters of the Confederacy, San Francisco, Cal., favoring legislation for relief of surviving veterans of the southern armies in the Civil War and their widows; to the Committee on Pensions.

By Mr. NORTH: Petitions favoring a tax upon mail-order houses from W. J. Richards, of Aultman; Hawes Bros., E. M. Buterbaugh & Son, E. B. Conred & Son, and Sichler & Fonkin, of Cherrytree; J. B. Suyler, Charles L. Bence, and J. F. Lightner, of Dixsonville; Marion Henter, J. H. Way, F. L. Wells, J. W. Work, and Wetzels Store, of Marion Center; Sloan V. McElhoe, James Craven, C. Valens, H. Rleirtul, and J. C. Walker, of Creek Side; R. L. Geirse, B. A. Sheffler, and W. C. Fulton, of West Lebanon; John M. Hart and J. T. Young, of Clarksburg; R. M. Stewart and H. B. McIntire, of Kent; J. D. George, Simon Wilber, J. A. Deming, S. D. Byers, Sutter Hardware Co., T. Kelly & Son, and Harry Flickinger, of Homer City; R. E. Mikesell, Mike Mathews, J. Pearlstein, and Coral Supply Co., of Coral; Morris Rothstein, of Josephine; Danis A. Palmer & Son, Ferguson Furn Undertaking Co., L. D. Johnston, E. C. Meck, Joseph A. Shrom, S. Graff, and John Kokos, of Black Lick; the Robinson Co., Burkhart's Cash Store, Mrs. A. E. Miller, and F. H. Bowser, of Robinson, all in the State of Pennsylvania; to the Committee on Ways and Means.

Also, petition of citizens of Warsaw Township, Jefferson County, Pa., favoring national constitutional prohibition amendment; to the Committee on the Judiciary.

By Mr. OVERMYER: Petitions of Bishop Seybert Memorial Evangelical Church, and Brotherhood of the Good Samaritan, of same church, of Bellevue, and Men's League of North Fairfield Methodist Episcopal and Presbyterian Sunday Schools of Pemberville, Ohio, favoring national prohibition; to the Committee on the Judiciary.

By Mr. PADGETT: Petition of National German-Swiss American Society of Tennessee, favoring passage of bills to amend naturalization laws; to the Committee on Immigration and Naturalization.

Also, petition of National German-Swiss American Society of Hohenwald, Tenn., against prohibition in the District of Columbia; to the Committee on the District of Columbia.

Also, petition of National German-Swiss American Society, of Hohenwald, Tenn., against national prohibition; to the Committee on the Judiciary.

Also, petition of sundry citizens of Tennessee, favoring embargo on arms, etc.; to the Committee on Foreign Affairs.

By Mr. PAIGE of Massachusetts: Papers to accompany a bill granting a pension to James M. Eaton; to the Committee on Invalid Pensions.

Also, papers to accompany House bill 11844, granting a pension to Francis W. Parker; to the Committee on Pensions.

By Mr. RAKER: Petition of James S. Long, urging immediate volunteer enlistment of citizen military reserve army; to the Committee on Military Affairs.

By Mr. ROWE: Petition of New York State Court, Guardians of Liberty, of Buffalo, N. Y., against House bill 491, relative to freedom of the press; to the Committee on the Post Office and Post Roads.

Also, petition of Frederick Loeser & Co., favoring tax on dyestuffs; to the Committee on Ways and Means.

Also, memorial of Chamber of Commerce of the State of New York, favoring budget form for appropriations; to the Committee on Appropriations.

Also, petition of International Union of the United Brewery Workmen of America, Local Union No. 69, against national prohibition; to the Committee on the Judiciary.

Also, petition of citizens in mass meeting in Cooper Union, New York City, relative to income tax upon large incomes; to the Committee on Ways and Means.

Also, memorial of the Associated Chambers of Commerce of the Pacific coast, relative to emergency appropriation to carry on railroad work in Alaska; to the Committee on Appropriations.

Also, petition of Thomas Stokes & Son, of New York, against the passage of House bill 9674, Cary bill, relative to cold-storage system; to the Committee on Agriculture.

Also, petition of Yellow Pine Exchange, New York, relative to pilotage of steam barges; to the Committee on the Merchant Marine and Fisheries.

Also, petition of Charles Oswald, Brooklyn, N. Y., favoring passage of House bill 7625 for benefit of Government employees; to the Committee on Reform in the Civil Service.

Also, petition of Foreign Service Camp, No. 87, United Spanish War Veterans, relative to clerks to be known as Army field clerks, and their pay; to the Committee on Military Affairs.

By Mr. RUSSELL of Ohio: Petition of Presbyterian Church of Rockford, Ohio, favoring national prohibition; to the Committee on the Judiciary.

By Mr. SCULLY: Petition of Heilmann & Boehm, of Sayreville, N. Y., favoring passage of Stevens bill; to the Committee on Interstate and Foreign Commerce.

By Mr. SIMS: Petition of sundry citizens of the eighth district of Tennessee, favoring national constitutional prohibition amendment; to the Committee on the Judiciary.

By Mr. STINESS: Petition of Cranston Street Baptist Church, of Providence, R. I., favoring House joint resolutions 84 and 85, for national constitutional prohibition amendment; to the Committee on the Judiciary.

By Mr. SNYDER: Petition of German-American Alliance, of Utica, N. Y., favoring amendments to naturalization laws; to the Committee on Immigration and Naturalization.

Also, petition of German-American Alliance of Utica, N. Y., against national prohibition; to the Committee on the Judiciary.

Also, petition of German-American Alliance of Utica, N. Y., against export of munitions of war; to the Committee on Foreign Affairs.

By Mr. WINSLOW: Petition of Quinsigamonds Valley Lodge, International Order Good Templars, of Worcester, Mass., favoring national prohibition; to the Committee on the Judiciary.

## SENATE.

MONDAY, *February 21, 1916.*

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, by Thy watchful care and the manifold ministries of Thy grace we have been preserved in peace and great prosperity. Thou hast enabled us through the generous heart of this great land to make friends of many who are in suffering and distress in this time. We pray that Thou wilt through all that comes to us out of the tragedy of our time chasten and refine and purify the heart of our Nation, making us more sensitive to human suffering, more willing to answer the call of human need, and with all that we send and do, do Thou send forth Thy world gospel that there may be reestablished in the earth the rule of peace and good will among men. Guide us in the discharge of the sacred obligations of this day. Forgive our sins. For Christ's sake. Amen.

The Journal of the proceedings of Saturday last was read and approved.

### FINDINGS OF THE COURT OF CLAIMS.

The VICE PRESIDENT laid before the Senate communications from the chief clerk of the Court of Claims, transmitting certified copies of the findings of fact and conclusions filed by the court in the following causes:

Marshall S. Hamlin, Minnie B. Hamlin, and Mary Elliott, children and sole heirs of Horace Hamlin, deceased, *v.* The United States (S. Doc. No. 339); and

Edith C. Jordan, daughter and sole heir of George A. Chandler, deceased, *v.* The United States (S. Doc. No. 338).

The foregoing findings were, with the accompanying papers, referred to the Committee on Claims and ordered to be printed.

### PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented a petition of the Worley Bible Class of Men of the Bethany Baptist Sunday School, of Washington, D. C., praying for prohibition in the District of Columbia without the referendum, which was ordered to lie on the table.

He also presented a petition of the Worley Bible Class of Men of the Bethany Baptist Church, of Washington, D. C., praying for Federal censorship of motion pictures, which was referred to the Committee on Education and Labor.

Mr. GALLINGER presented petitions of the Central Labor Union of Nashua, N. H.; of Local Branch, United Garment Works of America, of New York City; of Local Branch, Journeymen Stone Cutters' Association of North America, of Indianapolis, Ind.; of the Massachusetts State Branch, American Federation of Labor; of the Louisiana State Federation of Labor; of Local Branch, Amalgamated Association of Iron, Steel, and Tin Workers of North America, of Pittsburgh, Pa.; and of the Metal Trades Department of the American Federation of Labor, praying for the enactment of legislation to further restrict immigration, which were referred to the Committee on Immigration.

He also presented a petition of the New England Dry Goods Association, of Boston, Mass., praying for the creation of a tariff commission, which was referred to the Committee on Finance.

Mr. SHEPPARD presented a petition of sundry citizens of Paris, Tex., praying for an increase in armaments, which was referred to the Committee on Military Affairs.

He also presented a petition of the congregation of the Swedish Methodist Episcopal Church, of Manda, Tex., praying for the placing of an embargo on munitions of war, which was referred to the Committee on Foreign Relations.

Mr. GRONNA. I present two petitions from residents of Garrochales, P. R., praying for prohibition in that island. I ask that the body of one of the petitions be printed in the RECORD.

The petitions were referred to the Committee on Pacific Islands and Porto Rico, and the body of one of them was ordered to be printed in the RECORD, as follows:

*To the Senate of the United States:*

Whereas we, your humble petitioners, believing you to be supremely interested in the welfare of the people of Porto Rico; and

Whereas indulgence in intoxicating liquors, harmful in all lands, is especially harmful in tropical countries; and

Whereas the agricultural laborers of Porto Rico are in a wretched condition, as has been ably set forth by the governor of Porto Rico in his recent address at the Lake Mohonk Conference; and

Whereas many million dollars are annually expended in Porto Rico for intoxicating liquors, the larger part of these liquors being consumed by the people living in rural territory, who are more than two-thirds of the population; and

Whereas the consumption of these liquors is not only a drain on the earnings of the agricultural classes, but is causing the deterioration of the laborers, and the ruin of many families and homes: Therefore be it

*Resolved*, That we earnestly petition Congress to prohibit the importation, manufacture, and sale of intoxicating liquors, except guardedly for medicinal uses, in the island of Porto Rico.

Mr. STERLING presented a petition of sundry citizens of Haakon County, S. Dak., praying for the establishment of Government factories for the manufacture of munitions of war, which was referred to the Committee on Military Affairs.

Mr. PHELAN presented a petition of the Chamber of Commerce, of Eureka, Cal., praying for the enactment of legislation for the relief of the oil operators in California, which was referred to the Committee on Public Lands.

He also presented a petition of the Woman's Section of the Navy League, of San Diego, Cal., praying for an increase in armaments, which was referred to the Committee on Military Affairs.

He also presented a petition of the Chamber of Commerce of Hollister, Cal., praying for the enactment of legislation relative to delayed freight claims of railroads, which was referred to the Committee on Interstate Commerce.

Mr. BRANDEGEE presented a petition of the Woman's Christian Temperance Union of Mystic, Conn., praying for Federal censorship of motion pictures, which was referred to the Committee on Education and Labor.

Mr. TOWNSEND presented a memorial of the Michigan Sault Motor Boat Association, of Sault Ste. Marie, Mich., remonstrating against the enactment of legislation to limit the rights of the use of motor boats, which was referred to the Committee on Commerce.

He also presented a memorial of Pomona Grange, Patrons of Husbandry, of Adrian, Mich., remonstrating against an increase in armaments, which was referred to the Committee on Military Affairs.

He also presented a petition of the Ministerial Association of Jackson County, Mich., praying for the enactment of legislation to grant pensions to civil-service employees, which was referred to the Committee on Civil Service and Retrenchment.

He also presented a memorial of Local Union No. 217, International Union of Brewery Workmen, of Bay City, Mich., remonstrating against national prohibition, which was referred to the Committee on the Judiciary.

He also presented a petition of Local Branch, Daughters of the American Revolution, of Marquette, Mich., praying for an increase in armaments, which was referred to the Committee on Military Affairs.

He also presented a petition of the Woman's Club of Ann Arbor, Mich., praying for Federal censorship of motion pictures, which was referred to the Committee on Education and Labor.

He also presented a petition of the Michigan Seating Co., of Jackson, Mich., praying for the imposition of a duty on dyestuffs, which was referred to the Committee on Finance.

Mr. BURLEIGH presented petitions of sundry citizens of Maine, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Maine, praying for the adoption of an amendment to the Constitution granting the right of suffrage to women, which were ordered to lie on the table.

Mr. McLEAN presented a petition of the Woman's Christian Temperance Union of Warehouse Point, Conn., praying for national prohibition, which was referred to the Committee on the Judiciary.

He also presented memorials of the Connecticut Retail Wine, Liquor, and Beer Dealers' Association, of New London, Conn., remonstrating against national prohibition, which were referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of Danbury, Conn., praying for the placing of an embargo on munitions of war, which was referred to the Committee on Foreign Relations.

He also presented a petition of the Consumers' League of Hartford, Conn., praying for the enactment of legislation to prohibit interstate commerce in the products of child labor, which was referred to the Committee on Interstate Commerce.

He also presented a petition of Local Branch, National Association of Civil Service Employees, of New Haven, Conn., praying for the enactment of legislation granting indefinite leaves of absence to postal employees, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of Local Branch No. 16, National Association of Civil Service Employees, of Danbury, Conn., praying for the enactment of legislation to grant pensions to civil-service employees, which was referred to the Committee on Civil Service and Retrenchment.

Mr. CHAMBERLAIN presented petitions of sundry citizens of Fall City, Hood River, St. Helens, Orenco, Cornelius, and Yam Hill, all in the State of Oregon, praying for national prohibition, which were referred to the Committee on the Judiciary.

REPORTS OF COMMITTEES.

Mr. CHAMBERLAIN, from the Committee on Military Affairs, to which was referred the joint resolution (S. J. Res. 65) creating a joint commission of Congress to be known as the joint commission of Congress to investigate the Aviation Service of the United States Army, reported it with amendments and submitted a report (No 153) thereon.

Mr. SHAFROTH, from the Committee on Pacific Islands and Porto Rico, to which was referred the bill (H. R. 6241) to ratify, approve, and confirm an act amending the franchise granted to H. P. Baldwin, R. A. Wadsworth, J. N. S. Williams, D. C. Lindsay, C. D. Lufkin, James L. Coke, and W. T. Robinson, and now held under assignment to Island Electric Co. (Ltd.), by extending it to include the Makawao district on the island of Maui, Territory of Hawaii, and extending the control of the Public Utilities Commission of the Territory of Hawaii to said franchise and its holder, reported it without amendment and submitted a report (No. 155) thereon.

He also, from the same committee, to which was referred the bill (H. R. 65) to ratify, approve, and confirm an act duly enacted by the Legislature of the Territory of Hawaii relating to certain gas, electric light and power, telephone, railroad, and street railway companies and franchises in the Territory of Hawaii, and amending the laws relating thereto, reported it with amendments and submitted a report (No. 156) thereon.

He also, from the same committee, to which was referred the bill (H. R. 3042) to ratify, approve, and confirm sections 1, 2, and 3 of an act duly enacted by the Legislature of the Territory of Hawaii relating to the board of harbor commissioners of the Territory, as herein amended, and amending the laws relating thereto, reported it with an amendment and submitted a report (No. 154) thereon.

DISTRICT COURT AT RALEIGH, N. C.

Mr. OVERMAN. From the Committee on the Judiciary I report back favorably without amendment the bill (S. 4480) providing for the establishment of two additional terms of the District Court for the Eastern District of North Carolina at Raleigh, N. C. It is a local bill, and provides for the holding of two terms of the district court at Raleigh. I ask for the present consideration of the bill.

There being no objection, the bill was considered as in Committee of the Whole. It provides that two additional terms of the district court, for the trial of civil cases, for the eastern district of North Carolina shall be held at Raleigh, N. C., on the first Monday in March and the first Monday in September.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JOHN E. WOODS.

Mr. WALSH. I ask for a change of reference. On December 7, 1915, I introduced the bill (S. 797) for the relief of John E. Woods and it was referred to the Committee on Claims. It refers to a claim growing out of Indian Service. I do not see the chairman of the Committee on Claims present, but I request that the bill be withdrawn from that committee, and that it be referred to the Committee on Indian Affairs.

The VICE PRESIDENT. Without objection, the Committee on Claims will be discharged from the further consideration of the bill and it will be referred to the Committee on Indian Affairs.

ELLIS P. GARTON.

Mr. KENYON. I ask that the bill (H. R. 7502) for the relief of Ellis P. Garton, administrator of the estate of H. B. Garton, deceased, which was referred to the Committee on Claims be withdrawn from that committee and that it be referred to the Committee on Indian Depredations.

The VICE PRESIDENT. Without objection, the bill will be referred to the Committee on Indian Depredations.

PENSIONS AND INCREASE OF PENSIONS.

Mr. JOHNSON of Maine. For the Senator from Indiana [Mr. SHIVELY], I report back from the Committee on Pensions favorably and with amendments the joint resolution (H. J. Res. 89) to amend an act entitled "An act granting pensions to certain widows and dependent children of soldiers and sailors of said war," approved February 25, 1915, and I submit a report (No. 152) thereon. I ask unanimous consent for the present consideration of the joint resolution. I will state that it simply corrects an error in the act and also one in the title.

There being no objection, the joint resolution was considered as in Committee of the Whole.

The amendment was, on page 1, line 4, after the word "pensions," to insert "and increase of pensions to certain soldiers and sailors of the Civil War, and"; so as to make the joint resolution read:

*Resolved, etc.*, That the paragraph in the act entitled "An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War, and to certain widows and dependent children of soldiers and sailors of said war," approved February 25, 1915, private act No. 193, Sixty-third Congress, granting an increase of pension to George A. Kogle, late of Company I, One hundred and sixtieth Regiment New York Volunteer Infantry, and to pay him a pension at the rate of $50 per month in lieu of that he is now receiving, be corrected and amended to read as follows:

"The name of George A. Kogle, late of Company I, One hundred and sixteenth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving."

The amendment was agreed to.

The joint resolution was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the joint resolution to be read a third time.

The joint resolution was read the third time and passed.

The title was amended so as to read: "A joint resolution to amend an act entitled 'An act granting pensions and increase of pension to certain soldiers and sailors of the Civil War, and certain widows and dependent children of soldiers and sailors of said war,' approved February 25, 1915."

The amendment of the committee to strike out the preamble was agreed to.

### RELIEF OF FLOOD SUFFERERS.

Mr. BROUSSARD. From the Committee on Military Affairs, I report back favorably without amendment the joint resolution (S. J. Res. 101) authorizing the Secretary of War to loan, issue, or use quartermaster's and medical supplies for the relief of destitute persons in the districts overflowed by the Mississippi River and its tributaries, and making an appropriation therefor, and I ask unanimous consent for its consideration at this time.

There being no objection, the joint resolution was considered as in Committee of the Whole. It authorizes the Secretary of War to loan, issue, or use such tents, provisions, and supplies pertaining to the Quartermaster and Medical Departments of the Army from any stores now on hand as he may deem necessary for the temporary relief of destitute persons in need of the same in the districts overflowed by the floods of the Mississippi River and its tributaries, under such regulations for the care and return of articles not consumed in the use as he may deem necessary, and $100,000, or as much thereof as may be necessary, is appropriated to carry out the purpose of the resolution, to be expended by the Secretary of War as in his discretion may be necessary.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

### ADDRESS BY J. CRAWFORD BIGGS (S. DOC. NO. 341).

Mr. FLETCHER, from the Committee on Printing, to which the subject was referred, reported the following resolution (S. Res. 105), and it was considered by unanimous consent and agreed to:

*Resolved*, That the pamphlet submitted by the Senator from North Carolina [Mr. OVERMAN] on January 28, 1916, entitled "The Power of the Judiciary over Legislation," an address before the North Carolina Bar Association by President J. Crawford Biggs, be printed as a Senate document.

### ARTICLE BY ALLERTON S. CUSHMAN (S. DOC. NO. 340).

Mr. FLETCHER, from the Committee on Printing, to which the subject was referred, reported the following resolution (S. Res. 104), and it was considered by unanimous consent and agreed to:

*Resolved*, That the pamphlet submitted by the Senator from Georgia [Mr. SMITH] on February 17, 1916, entitled "The Rôle of Chemistry in the War," by Allerton S. Cushman, Ph. D., be printed as a Senate document.

### BILLS AND JOINT RESOLUTION INTRODUCED.

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. GALLINGER:

A bill (S. 4584) granting an increase of pension to Chester C. Smith (with accompanying papers); to the Committee on Pensions.

By Mr. KENYON:

A bill (S. 4585) to establish a national park, to be known as the Mississippi Valley National Park, near Prairie du Chien, Wis., and McGregor, Iowa; to the Committee on Public Lands.

By Mr. JOHNSON of Maine:

A bill (S. 4586) to protect and conserve the halibut fisheries of the Pacific Ocean, to establish closed seasons in halibut fishing in certain waters thereof, and to restrict the landing of halibut in the United States of America and the Territory of Alaska during the closed seasons established; to the Committee on Fisheries.

A bill (S. 4587) granting an increase of pension to Albert W. Hassan (with accompanying papers); and

A bill (S. 4588) granting an increase of pension to Joseph H. Trussell (with accompanying papers); to the Committee on Pensions.

By Mr. CHILTON:

A bill (S. 4589) authorizing and directing the Director of the Census to collect and publish statistics of forest products and State finance; and

A bill (S. 4590) authorizing and directing the Director of the Census to collect and publish statistics of marriage and divorce; to the Committee on the Census.

A bill (S. 4591) granting a pension to Fred D. Newman (with accompanying papers); and

A bill (S. 4592) granting a pension to John F. Lewis (with accompanying papers); to the Committee on Pensions.

By Mr. MYERS:

A bill (S. 4593) to provide for the purchase of ground and the erection of a Weather Bureau observatory building at Great Falls, Mont.; to the Committee on Public Buildings and Grounds.

A bill (S. 4594) to validate certain declarations of intention to become citizens of the United States; to the Committee on the Judiciary.

By Mr. LANE:

A bill (S. 4595) authorizing the establishment of a naval base on the Columbia River near Astoria, Oreg., and making appropriation for the beginning of construction; to the Committee on Naval Affairs.

By Mr. POINDEXTER:

A bill (S. 4596) granting an increase of pension to Francis M. Moore (with accompanying papers); to the Committee on Pensions.

By Mr. BURLEIGH:

A bill (S. 4597) granting a pension to Hiram K. Choate;

A bill (S. 4598) granting a pension to Annie M. Andrews; and

A bill (S. 4599) granting an increase of pension to Roscoe B. Smith; to the Committee on Pensions.

By Mr. McLEAN:

A bill (S. 4600) granting an increase of pension to Ella M. Dailey (with accompanying papers); to the Committee on Pensions.

By Mr. SHIELDS:

A bill (S. 4601) granting an increase of pension to Joseph W. Carrier (with accompanying papers); to the Committee on Pensions.

By Mr. CHAMBERLAIN:

A bill (S. 4602) for the relief of Asa B. Brown (with accompanying paper); to the Committee on Military Affairs.

By Mr. BANKHEAD:

A bill (S. 4603) to authorize the Jackson Highway Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Tom Beckby, commonly called Tombigbee, River at Princes Lower Landing, Near Jackson, Ala.; to the Committee on Commerce.

A bill (S. 4604) for the relief of Jean Michael Vendenheim; to the Committee on Claims.

A bill (S. 4605) granting an increase of pension to Amos L. Griffith; to the Committee on Pensions.

By Mr. TILLMAN:

A bill (S. 4606) for the relief of the legal representatives of John Duncan, deceased; to the Committee on Claims.

By Mr. LEWIS:

A joint resolution (S. J. Res. 103) to furnish to the Logan Monument and Volunteer Soldiers' Memorial Association a list of the names and addresses of all soldiers and sailors now living (with accompanying papers); to the Committee on Pensions.

### AMENDMENT TO SUNDRY CIVIL APPROPRIATION BILL.

Mr. SMOOT submitted an amendment proposing to appropriate $15,000 as a proportionate share of the amount required to construct an interstate wagon road or highway through the Mukuntuweap National Monument, Utah, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

### DEVELOPMENT OF WATER POWER.

Mr. JOHNSON of Maine submitted an amendment intended to be proposed by him to the bill (S. 3331) to amend an act entitled "An act to regulate the construction of dams across navigable waters," approved June 21, 1906, as amended by the

act approved June 23, 1910, and to provide for the improvement and development of waterways for the uses of interstate and foreign commerce, which was ordered to lie on the table and be printed.

Mr. CHILTON submitted an amendment intended to be proposed by him to the bill (S. 3331) to amend an act entitled "An act to regulate the construction of dams across navigable waters," approved June 21, 1906, as amended by the act approved June 23, 1910, and to provide for the improvement and development of waterways for the uses of interstate and foreign commerce, which was ordered to lie on the table and be printed.

OCCUPATION OF KOREA.

Mr. STONE submitted the following resolution (S. Res. 103), which was read, considered by unanimous consent, and agreed to:

*Resolved*, That the President be requested, if not incompatible with the public interests, to transmit to the Senate the correspondence, or so much thereof as in his opinion may be made public, had between the official representatives of the Government of the United States and the representatives of the Government of Korea relating to the occupation of Korea and the establishing of a protectorate over said country by Japan during, or as an incident of, the Russian-Japanese War of 1904–5.

WATER POWER.

Mr. SHERMAN. Mr. President, I ask that an article from the Outlook of date February 9, 1916, which is communicated to me by way of petition, be printed in the CONGRESSIONAL RECORD. I do not wish to have it read. It is an article by Hugh L. Cooper, engineer, on the subject of water power, and I think it is material to the bill now pending on that subject.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

WATER POWER.

[By Hugh L. Cooper.]

(The author of this article is a well-known hydraulic engineer. His best-known work is the great hydroelectric plant on the Mississippi River at Keokuk, Iowa. He speaks with experience, knowledge, and authority on the subject of water power.—The Editors.)

"To gather the streams from waste and to draw from them energy, labor without brains, and so to save mankind from toil th t it can be spared, is to supply what, next to intellect, is the very foundation of all our achievements and all our welfare."—From a decision handed down by Justice Holmes in the United States Supreme Court on January 24, 1916.

The strength of any nation can in a large degree be measured by the intelligence shown in the development of its natural resources. While the United States is endowed with a great natural resource in its water powers, only about 30 per cent of our water powers have been developed, and the remaining 70 per cent are lying idle, and practically no new developments have been inaugurated in the last seven years. The question arises, What is the matter? A reply would seem to comprehend some historical data, the value of these resources to the public, how to secure these values, and what results may be reasonably expected if the industry is restored to a healthy state of growth.

Water power as a provider of human necessity is an agency several thousand years of age, but more progress in its use has been made in the last 25 years than in all of the time that has gone before. Present-day industrial and economic standards have made power a public necessity, and invention, notwithstanding all its losses and failures, continues to furnish new facilities for our needs at a rate which makes intelligent realization of them an impossibility. For example, the modern use of water power has become possible only through the instrumentality of much intricate and special apparatus. One instance is the present-day hydraulic governor, which is an indispensable factor in any hydroelectric plant, though representing only about 1 per cent of its cost. Its function, as its name indicates, is to control, which it does automatically and instantly. It regulates the amount of water delivered to the water wheel to suit the various conditions imposed by the consumer. It has cost 15 years of time and around two millions of money to perfect this governor. All of the apparatus and parts constituting the remaining 99 per cent cost of a hydroelectric plant would serve for approximately similar illustration, and the scrap piles in the wake of their development and perfection are monuments to innumerable failures and losses such as are incident to the evolution of every great mechanical and industrial achievement.

Many new twentieth-century blessings might be enumerated, and the question arises, "How did they come into practical being?" By legislative fiat and Government control? No, they are the direct result of brain competitions in which the spirit of achievement and the hope for the regard of their fellows and reasonable financial reward have spurred on countless thousands of men, through defeat after defeat to final success. The spirit of competition overcomes the greater part of the obstancles in human progress, thus providing most of the blessings we enjoy, and the corresponding list in the fiat column is painfully small.

Water-power development in the United States is at a very low ebb, and many are asking why. The ever-rising standards of living make the demand for power greater each year. In 1850 we used three-tenths of a ton of coal per capita per annum. To-day we use twenty times as much, and most of this is for industrial power purposes. Seven hundred and fifty thousand miners produced the coal we consumed in 1913, at the rate of 760 tons per miner per annum. By the year 1940 we will probably be using 1,200,000,000 tons of coal per annum and require 1,600,000 miners. A practical economic question may well here arise, Have we the coal and what will be the probable cost of it? Statistics show that we have the coal for many years to come, but also show that the economical deposits are being worked first, and, as the coal becomes deeper, the costs increase rapidly.

Also it is realized by observing persons that the labor supply of the world is being rapidly destroyed, to what final extent no one can estimate. The best statisticians in Europe agree that when the war now raging is over at least 14,000,000 men will have been withdrawn from the world's field of labor. No one can deny that such a reduction in the supply of labor, together with the new political power the labor then remaining will possess, will create a corresponding increase in the demand for and cost of labor. This must result in a world-wide increase in the cost of coal and all other commodities.

It is unreasonable to suppose that Europe will permit itself to be further impoverished by emigration after the war has done its work, and the men left will be so badly needed at home. The tide Europeward will be stemmed only by an increase of wages in this country sufficient to keep our present foreign labor. If the foregoing is good reasoning, then are we not now in a zone of shortage of labor that will affect the coal supply and price and affect materially every other walk of life, especially agriculture and manufacturing?

The above question may well be asked. An analysis of Government statistics shows that, where we are now paying $14.20 per capita per annum for coal for our population, by 1940 we will be paying $22.60 per capita. This means a constantly increasing tax on all our people, from which they have the right to relief if relief is possible. Reliable data show that the efficiency of steam-power development has practically reached its maximum. If this is true, and the cost of coal is to go up and the needs of the people for power are constantly increasing, how can the situation be relieved? The answer is, by the development of our water power as rapidly and as fully as it can be accomplished without any sacrifice of the public interest.

Let us now, having considered the necessity for water power, see what the important facts are regarding it. The average cost of a water power per horsepower may be taken at about five times that of steam, and in addition the difficulties in raising money and the cost of money for water powers are much greater than for steam, because the steam plant is free from flood hazards in construction and operating periods and it can be constructed in small units about as the market requires, whereas the water power usually has to be greatly overdeveloped and then wait for its market to grow up to it, thus entailing large additional interest costs while securing and waiting for business. The water power requires for operation about one-fourth the amount of labor that steam power requires, therefore the water power conserves labor as well as coal.

The United States Government estimates show about 60,000,000 horsepower now undeveloped in the United States. Probably 15,000,000 of this horsepower is worth developing under present conditions. As to the value of the 15,000,000 horsepower to our people when its development is completed much can be said. The larger proportion of this undeveloped power is in the South and West, where there are room and need for great industrial expansion if the South and West are to enjoy the industrial advantages that obtain in New England. Fifteen million utilized horsepower means the conservation of about 100,000,000 tons of coal per annum, costing at this time about $225,000,000 annually in the boiler furnaces, and the conservation of the labor of about 280,000 miners and steam station operatives annually for other uses; $225,000,000 would buy 2,250,000 acres of good cultivated farm land. Suppose, instead of wasting, as we now are, $225,000,000 worth of coal and labor per annum, in some way we were destroying 2,250,000 acres of our farms every year, how long would it take our good voters to make a noise that would be heard and acted upon in Washington, to the end that the farm-destroying would cease? And yet that in effect is exactly what is going on to-day in the water-power field. The 280,000 laborers would be available for other safer, more useful, and healthful employment, affording general relief to the agricultural and manufacturing industries.

The development of our remaining water powers is not only important from a coal and labor saving standpoint, but from the standpoint as well of new industries that we need in the United States which can not be based on coal or oil power. Among such industries are the manufacture of fertilizers, nitric acid for explosives, many electrochemical products, high-grade steel, irrigation pumping, and other general and very useful industries requiring cheap power that are now unable to locate here. Over 1,250,000 horsepower has been developed in Norway and Sweden in the last 10 years for the manufacture of nitric acid and fertilizers, and no similar progress has been made in the United States. We now import more than $50,000,000 worth of materials a year for fertilizers and explosives in this country, all of which could in time be produced in our own country. It is common report that designs are now being perfected in Canada for the development of water power where American capital to the eventual tune of about $75,000,000 plans to manufacture fertilizers and nitric acid for consumption for the most part in the United States. Another large and beneficial use of power is that of pumping water for large irrigation projects in the West. There are hundreds of thousands of acres of land now valueless which will, if cheap power can be secured, be made productive and valuable. Many other similar instances could be noted if space permitted.

Hydrolecertric engineering is a new science, and it has had to be learned in the usual expensive though very instructive school of experience. The art is less than 30 years old, and the first 22 or 23 years had to be spent in education, and as a result a lot of investors, not only in the United States, but all over the world, were bitterly disappointed. In the United States alone poor engineering and undue optimism caused, from 1900 to 1910, 12 water powers to go into liquidation; more than 600,000 horsepower of developments and $120,000,000 worth of disappointed capital went on the black list with investors. This unfortunate stage of engineering has now happily passed; but about the time that engineers had learned their lesson and were able conservatively to design and estimate water-power plants, and about the time the optimists and commercial men had learned that it is necessary to sell hydroelectric power for about 65 per cent of the cost of steam power, along came a wail all over the United States, because, it was said, a so-called Water-Power Trust was robbing the people, and then began a campaign in Government circles and in magazines that reduced the water-power industry to its present state of innocuous desuetude. Much literature was distributed all over the country for the purpose of acquainting the American people with the alleged wonderful and deplorable discovery that the water powers of the country were being grabbed by a so-called Water Power Trust, which was making undue and tremendous profits out of this natural resource. As only one side of the question was presented, the story was believed and water-power companies have been looked upon with suspicion ever since. Whatever the object of this unwarranted attack, the average citizen who has given no extended thought to this question is possessed with the idea that the water-power industry has been a very profitable one, and that there exists a Water Power Trust which is engaged in grabbing everything in sight. Any intelligent truth seeker who has honestly investigated the subject has found that no Water Power Trust exists now or ever has existed, and furthermore never can exist in the face of a steam competition which no aggregation of capital could possibly control; that no banker is

seeking investment in new water projects; that practically every banker who has ever made an investment of this class for his clients will recite a hard-luck story of disappointed expectations and hopes; that the market has been flooded with prospectuses and reports on projects which no substantial investment interest will take up because of the present general unpopularity of water-power securities.

The popular theory that water powers provide an easy road to wealth is not shared by anyone of experience in the industry. The uninitiated are naturally not aware of the many hazards connected with most water-power developments. Without going into details, I will merely suggest that a little thought upon the subject will convince any intelligent person that the hazards attached to both the construction and operation of hydroelectric plants are greater than those attached to almost any other class of business that can be mentioned.

It is a great pity that prior to the rigors of the Government restrictive action an intelligent official investigation of the subject was not made. If such investigation had been made, it is certain that the action would not have ensued, and from that time until now about 2,000,000 horsepower now going to waste would have been developed, with its attending blessings to the public, including the conservation of a coal and labor cost of more than $100,000,000. In 1907 Gov. Hughes was the only governor out of 27 governors in the United States who recognized that "justice first" was a fundamental principle always working for the greatest good to the greatest number. He alone of 27 governors in other States whose legislatures had passed similar laws vetoed a 2-cent railway-fare law passed by the New York Legislature, on the ground that it was the duty of the legislature first to ascertain what was a just rate, and then establish it. The action of Gov. Hughes showed an intelligence that some day will be demanded by the people of all their representatives; and when "justice first" is on the desks of a majority of our legislators, then, and not before, the water-power question and a lot of other questions will get the best solution in the public interest.

As a result of the campaign above noted and the absence of any investigation disclosing water-power facts and conditions, laws were passed that have practically stopped development all over the United States on navigable rivers and public lands, and the Federal laws passed governing these two classes of development, which are still in effect, make it impossible, on account of restrictions, regulatory provisions, and revocable permits, to secure capital from any source. For a time after these laws were put into effect some money for American water powers was secured in England, France, and Belgium; but this source of supply is now for a very long time, if not permanently, destroyed by the European war. It therefore becomes necessary to secure American capital for all future developments, and in order to accomplish this the laws must be changed so that they will provide security and fairness for the investor and consumer and at the same time fully protect the public interest. Under the existing laws there may be granted the right to build a dam on the public lands of the United States and operate it for an indeterminate period, but at any time all rights can be revoked by a Secretary of the Interior in his discretion, without a hearing, and such action has actually been taken. Manifestly, such an experiment was doomed to failure, and the idea is without any present advocacy and is mentioned as one of the evils of legislation passed without knowledge of the subject legislated about.

It is stated by some who oppose changing the present laws for development of water power on public lands that there is no necessity or demand for additional developments in the West, because some existing power companies have sufficient power unsold to supply the present and near-future market. The suggestion by Government officials that great areas of territory in the West and South shall be deprived of industrial growth through water-power assistance until these few restricted districts have consumed all their developed power is so unfair and unsound economically as to be almost pitiful. Our railways had to overdevelop that the country might develop, and the same is true of the water-power industry. It can also be said that in the entire United States to-day there is not a single water power developed that can offer power terms justifying the establishment of fertilizer works, electrochemical works, large irrigation projects, or nitrogen fixation plants. It can also be said that there are now tentatively under serious consideration in the United States new developments that will call for more than $75,000,000, all waiting for encouraging legislation only. Must our unnecessary importations, amounting to $50,000,000 a year, and many other crying needs, wait until a few western plants can sell out a small amount of power now unsold? I do not think the people will take kindly to this idea. Furthermore, if it should turn out in the future that more power is developed than can be immediately sold, such a condition is hardly one which the public or the Government need worry about, so long as the people reserve to themselves the right to regulate power rates.

Another little-known fact about water power that bears upon the question with peculiar force at this time is the one of profit in water-power investments. Steam competition has driven the prices for power lower and lower for the past 25 years, and while the cost of practically every other human necessity has been mounting upwards each year the cost of power has been steadily going downward, and this process was strongly established long before State public-utility commissions were created. For water powers to compete with these steadily declining steam costs has been very difficult. In 1912 over 5,000 power stations investigated by the Department of Commerce showed that the steam stations were earning a surplus of 4.1 per cent above fixed charges and the water-power companies were earning only 1.78 per cent. This 1.78 per cent showing is a fine tribute to the financial genius and grabbing results of the alleged Water Power Trust. Investors will not be attracted to securities afflicted with strong competition and many and great risks—legal, commercial, and physical—for a surplus anything like as low as 1.78 per cent; and the reason for their attitude is easily found in the fact that the investors can go into many other safer fields and make much more.

That the water powers of the country are not being developed and that this lack of development is a grave industrial calamity, are facts the accuracy of which can not be successfully challenged. The question then arises as to what is needed to cause the business to revive and assume its proper place in our national life. I believe that the following conditions should exist in the laws governing water-power development in order to make it possible to place this class of securities at home, where they should be owned; they can not hereafter be sold abroad, anyway.

In the first place, the franchise term should be irrevocable in character and for not less than 50 years. At the end of 50 years the Government should have the right to take over the property of the power company by paying for the fair value of the property, the franchise rights and lands contributed by the Government to be excluded from payment. The lessee should have the right to continue until the property is taken over. There should be no Federal charge on the water power, except such small amount representing rental value of land and cost of Government administration of the lease, so long as its steam and other water-power competitors are not similarly charged. It is a well-recognized fact that any substantial Federal charges must be paid by the consumer, because there is no one else to pay them. Why, therefore, should new sets of consumers be obliged to pay additional charges which present consumers are not assessed?

On the question of Federal charges. Suppose the United States Government should say to the farmers in the country, "On all the wheat you sell in your own State you need pay no charge, but on any wheat subject to interstate freight rates, which rates we have jurisdiction over, you must pay the United States Government 1 cent per bushel." What legislator could survive such an advocacy? Yet in what way is the proposal more unjust than to make a charge on water powers that the Government takes dominion over, letting the 6,000,000 horsepower already developed go free from any such charge? Justice first would exclude the imposition of any such load. The general public may be said to be the power-consuming public, and anything done to increase the cost of constructing or operating power plants becomes a charge on the public. One of the greatest factors in the cost of a power plant is the cost of securing the money to build it. Water-power investments should be taxed by the States in which the plants are located, the same as any other business concern is taxed, but should not, in addition, have to bear a Federal charge which will be paid by the public through increased power rates and through increased cost of securing money. It would be just as reasonable for the general borrowing public, including farmers and manufacturers, to advocate legislation which would force the banks to increase the rates at which money could be loaned to them as to urge or permit laws which make the securing of money for water-power development more costly. If the water-power business were one of great profit or ever had been, if the business by its very nature and by its very competitive environments were not always forcing prices to the consumer downward, and if the prices now being paid by consumers generally were not greatly less than coal-produced power costs, then there might be some justification for stretching a point as against other industries and levying a charge, because the water powers really belong to the whole people.

Upon the question of regulation of rates to be charged by a water power the rates the consumers pay should be fixed by the consumers themselves through their own public-service commissions in all States which have commissions. The regulation of rates by any Cabinet officer is wrong in practice, except temporarily pending the establishment of commissions in a few States which still lack them. If the rates fixed by the State commissions are unfair to either power companies or consumers, either party can appeal to the people and eventually secure justice. As the consuming public through the commissions regulate the rates which they pay for power, and as the rates must be sufficiently high to include all taxes and Federal Government charges, as well as any increased interest cost on the investment occasioned thereby, is it not in the direct interest of the consuming public to insist upon all laws which will enlist money at the lowest possible rates, thereby materially aiding themselves to lower power rates?

What, then, may we expect if laws regarding water power are made attractive to American investors? We may expect low rates and a gradual and certain revival of water-power installation. Tentative plans for the expenditure of more than $75,000,000 in this class of work are now awaiting the enactment of fair laws. Every dollar of this investment will aid in creating a cheaper human necessity for the people and place no new burden on anybody's back. We may also expect that the 15,000,000 horsepower still undeveloped will yearly grow less and less and finally this undeveloped resource will take its rightful place and be a great benefit to our population all over the land; that many millions we now send out of our country annually for necessary products will be kept at home. If we are a Nation of red-blooded men capable of providing for and defending ourselves from within, we will make our own fertilizers and much-needed chemicals and explosives instead of depending upon foreign countries as we do now. If space permitted, much more could be said regarding the blessings that are easily obtainable by the passing of conservative and encouraging laws. Why not pass them?

## DEVELOPMENT OF WATER POWER.

The VICE PRESIDENT. Morning business is closed, and the calendar under Rule VIII is in order.

Mr. SHIELDS. I ask unanimous consent that the Senate proceed to the consideration of the unfinished business.

The VICE PRESIDENT. Is there objection?

Mr. SUTHERLAND. What is the request?

The VICE PRESIDENT. The Senator from Tennessee is asking unanimous consent to proceed to the consideration of Senate bill 3331.

Mr. SUTHERLAND. I object, Mr. President. I think we ought to take up the calendar.

Mr. SHIELDS. I move that the Senate proceed to the consideration of Senate bill 3331.

The VICE PRESIDENT. The question is on the motion of the Senator from Tennessee.

Mr. BRANDEGEE. On that I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. McCUMBER (when his name was called). I have a general pair with the senior Senator from Colorado [Mr. THOMAS]. He is absent to-day, and I withhold my vote. I make this announcement for the day.

Mr. WILLIAMS (when his name was called). I have a pair with the senior Senator from Pennsylvania [Mr. PENROSE] who is absent. I transfer that pair to the Senator from Tennessee [Mr. LEA] and vote "yea."

The roll call was concluded.

Mr. GALLINGER (after having voted in the negative). I have a general pair with the Senator from New York [Mr. O'GORMAN]. That Senator not being present, I withdraw my vote.

Mr. STONE (after having voted in the affirmative). I have a pair with the Senator from Wyoming [Mr. CLARK], who is absent. I shall have to withdraw my vote.

Mr. KERN. I desire to announce the unavoidable absence of my colleague [Mr. SHIVELY]. He is paired with the junior Senator from Maine [Mr. BURLEIGH]. This announcement will stand for the day.

Mr. SMITH of Georgia (after having voted in the affirmative). I have a general pair with the Senator from Massachusetts [Mr. LODGE]. I transfer that pair to the senior Senator of Illinois [Mr. LEWIS] and allow my vote to stand.

Mr. DILLINGHAM (after having voted in the negative). I have a general pair with the senior Senator from Maryland [Mr. SMITH] and I withdraw my vote.

Mr. HARDING. I should like to inquire if the junior Senator from Alabama [Mr. UNDERWOOD] has voted.

The VICE PRESIDENT. He has not.

Mr. HARDING. I withhold my vote, being paired with that Senator.

Mr. CHILTON. My colleague [Mr. GOFF] is absent on account of illness. He is paired with the Senator from South Carolina [Mr. TILLMAN]. I wish this announcement to stand for the day.

Mr. TILLMAN (after having voted in the affimative). I transfer my pair with the Senator from West Virginia [Mr. GOFF] to the Senator from Texas [Mr. CULBERSON] and allow my vote to stand.

Mr. TOWNSEND (after having voted in the affirmative). Has the junior Senator from Florida [Mr. BRYAN] voted?

The VICE PRESIDENT. He has not.

Mr. TOWNSEND. I have a general pair with that Senator, and therefore withdraw my vote.

Mr. BANKHEAD. My colleague [Mr. UNDERWOOD] is unavoidably absent. He is paired with the junior Senator from Ohio [Mr. HARDING]. I make this announcement for the day.

Mr. WALSH (after having voted in the affirmative). I transfer my pair with the Senator from Rhode Island [Mr. LIPPITT] to the Senator from Kansas [Mr. THOMPSON] and allow my vote to stand.

Mr. MARTINE of New Jersey. I rise to announce the absence of the Senator from New York [Mr. O'GORMAN] on official business and to state that he is paired with the Senator from New Hampshire [Mr. GALLINGER]. I do not know how he would vote on this question.

Mr. HOLLIS. I transfer my general pair with the junior Senator from New York [Mr. WADSWORTH] to the junior Senator from Arkansas [Mr. ROBINSON] and vote "yea."

Mr. CURTIS (after having voted in the negative). I am paired with the Senator from Georgia [Mr. HARDWICK], and therefore withdraw my vote. In this connection I desire to announce the pair of the Senator from Idaho [Mr. BRADY] with the Senator from Oklahoma [Mr. GORE].

Mr. SHERMAN (after having voted in the negative). I desire to withdraw my vote. I am paired with the junior Senator from South Dakota [Mr. JOHNSON].

Mr. SHAFROTH. I desire to announce the absence of my colleague [Mr. THOMAS] on account of illness and to state that he is paired with the Senator from North Dakota [Mr. MCCUMBER].

The result was announced—yeas 47, nays 15, as follows:

YEAS—47.

| | | | |
|---|---|---|---|
| Ashurst | Hitchcock | Owen | Smith, Ga. |
| Bankhead | Hollis | Phelan | Smith, Mich. |
| Beckham | Hughes | Pittman | Smith, S. C. |
| Broussard | Johnson, Me. | Poindexter | Smoot |
| Chamberlain | Jones | Ransdell | Sterling |
| Chilton | Kern | Reed | Swanson |
| Clapp | Lee, Md. | Saulsbury | Tillman |
| Clarke, Ark. | Martin, Va. | Shafroth | Vardaman |
| Colt | Martine, N. J | Sheppard | Walsh |
| du Pont | Myers | Shields | Weeks |
| Fall | Nelson | Simmons | Williams |
| Fletcher | Overman | Smith, Ariz. | |

NAYS—15.

| | | | |
|---|---|---|---|
| Borah | Gronna | McLean | Sutherland |
| Brandegee | Husting | Norris | Warren |
| Catron | Kenyon | Oliver | Works |
| Cummins | Lane | Page | |

NOT VOTING—34.

| | | | |
|---|---|---|---|
| Brady | Gore | Lodge | Smith, Md. |
| Bryan | Harding | McCumber | Stone |
| Burleigh | Hardwick | Newlands | Thomas |
| Clark, Wyo. | James | O'Gorman | Thompson |
| Culberson | Johnson, S. Dak. | Penrose | Townsend |
| Curtis | La Follette | Pomerene | Underwood |
| Dillingham | Lea, Tenn. | Robinson | Wadsworth |
| Gallinger | Lewis | Sherman | |
| Goff | Lippitt | Shively | |

So the motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 3331) to amend an act entitled "An act to regulate the construction of dams across navigable waters," approved June 21, 1906, as amended by the act approved June 23, 1910, and to provide for the improvement and development of waterways for the uses of interstate and foreign commerce.

The VICE PRESIDENT. The pending question is on the amendment proposed by the Senator from Montana [Mr. WALSH].

Mr. NEWLANDS. Mr. President, I desire to call attention to an amendment which I have offered to the pending water-power bill. The amendment is on the desks of Senators. It proposes to add to the water-power bill some 16 or more sections. The amendment covers the entire plan of organization embodied in the bill, popularly known as the Newlands-Broussard bill, which has been urged for years before this body. That bill is the output and the product of an agitation, which has been conducted ever since the time of Mr. Roosevelt's administration; an agitation which Mr. Roosevelt himself actively conducted, and to which he gave point by the organization of the Inland Waterways Commission, composed of two Senators, two Representatives, and certain chiefs of the scientific services of the Government, such as the Reclamation and Forestry Services, the Engineer Corps of the Army, and others, for the purpose of investigating conditions that related to the improvement of our rivers and presenting to the President a complete scheme of legislation regarding that subject as the basis of his recommendatory powers. The Members from the Senate were Senator Warner, of Missouri, and myself. The Members from the House were Messrs. Burton, of Ohio, and BANKHEAD, of Alabama, both of whom were subsequently elected to the Senate.

Whilst that investigation was pending I offered in the Senate a bill substantially the amendment now presented as an amendment to the water-power bill.

Mr. KENYON. Mr. President, I should like to ask the Senator from Nevada if there have been hearings on his bill? If so, have they been published, and where are they available?

Mr. NEWLANDS. Mr. President, there were hearings, for the bill has been introduced in various forms and has been referred to the Commerce Committee, of which I was at one time a member. There the general subject of waterway legislation was considered in different hearings upon different bills. There was a hearing upon this bill before the Committee on Commerce. The result of that hearing was that, as the Committee on Commerce of the Senate was unable to come to any conclusion regarding it, it submitted the bill to the Senate without recommendation. I made a report, the data of which I shall be glad to insert in the RECORD.

The Committee on Commerce, however, has been so intent upon the consideration of individual projects within the boundaries of the various States of the Union represented by members of the committee that it apparently never had time to pursue a general scheme of legislation providing for the union of the various scientific services of the country that relate to water, providing for cooperation with the States in the water development, and providing a sufficient fund for continuous work. The attention of the members of the committee in the main has been taken up with very important matters of legislation outside of waterway development, and, in association with that subject, with the consideration of specific projects that have been initiated in Congress, and to which the seal of the approval of the Corps of Engineers of the United States had been given.

Mr. WORKS. Mr. President——

Mr. NEWLANDS. I yield to the Senator.

Mr. WORKS. Mr. President, I should like to ask the Senator from Nevada whether his proposed amendment does not really cover what is included in the bill that is now before the Senate? In other words, would not the commission that his amendment provides for have full authority to determine what dams shall be built in navigable streams and to control the question of the use of water for purposes of navigation?

Mr. NEWLANDS. In my judgment, it would; and I wish to state that, if the amendment which I propose, embracing about 20 additional sections, is adopted as an amendment to the pending bill, then "the waterways commission" should be substituted for "the Secretary of War" in the preceding sections of the pending bill.

Mr. WORKS. That is just what I was going to suggest. There would evidently be a conflict between the bill as it is now before the Senate and the proposed amendment of the Senator from Nevada, and there would have to be something to harmonize the inconsistent provisions.

Mr. NEWLANDS. Yes.

Mr. WORKS. The idea suggested itself to my mind that the Senator's amendment should have been offered as a substitute

rather than as an amendment to the pending bill, because it does cover the subject, and, I think, much more satisfactorily than the bill which we are now considering.

Mr. NEWLANDS. I will state to the Senator from California that I will consider the matter during the discussion, and it may be better to take the course which he suggests.

Mr. KENYON. Mr. President, if I may ask the Senator a question, would the amendment which he has submitted, if it were adopted, obviate the necessity for the annual river and harbor bill? Does it cover the same questions as are involved in the river and harbor bill?

Mr. NEWLANDS. The proposal which I submit simply covers the rivers, not the harbors. My idea is that the harbors relate mainly to foreign commerce, while the rivers relate to interstate commerce. The harbors have been well attended to in the history of this country under the present system. The defect has been in the proper organization of the work upon our rivers, and one of the purposes of this amendment is to divorce the rivers from the harbors and to put river development under the practical control of a departmental commission, consisting of four department chiefs, with the President at the head.

I have caused to be put upon the desks of Senators a map which shows how the fund created by this proposed act will be apportioned in the different watersheds of the country, and I invite the attention of Senators to this map in connection with my remarks.

Mr. President, we are dealing with the subject of water. The purpose of the pending bill is to make the water of the country an asset. Hitherto it has been a liability. The water of our rivers, properly treated and managed and controlled, should be a national asset of vast value. Under existing conditions it is productive of great loss when massed in floods. To-day the entire lower Mississippi Valley is suffering from a destructive flood, which not only threatens great agricultural areas, but large towns and cities. Only a few months ago the State of Kansas, hitherto free from afflictions of this kind, was devastated by a flood involving a loss of $30,000,000. Two years or more ago Ohio was afflicted with a similar flood, causing a destruction aggregating between $50,000,000 and $100,000,000; and every year, whether it be on the lower Mississippi, on the Ohio, on the Missouri, on the Sacramento, or on the Columbia River, or their tributaries, the volume of loss inflicted upon the Republic by floods is constantly increasing.

Mr. President, water is one of the great elements, just as essential to mans' existence as air and earth. We can imagine nothing into which water does not enter as an element. It constitutes 75 per cent of our human structure, of our plant structure, and of animal life. It is the one thing which, applied to our desert plains, will make them productive and capable of maintaining large populations; and yet the main record that water has made in this country thus far has been one of destruction and loss.

Thus far how have we treated this water which falls from the heavens upon our mountains and plains? We have permitted it to flow from the small streams into the large streams, to mass in the lower reaches of the rivers and overflow lands and towns and cities, and to the waters thus massed and developing an enormous momentum, we oppose bank revetment and the artificial barriers, called levees, constructed farther back on the various rivers. Our legislation thus far in aid of navigation has been almost entirely limited to channel work, bank revetment, and levee construction, which serves the double purpose of maintaining a fixed channel and at the same time protecting the adjoining lands from overflow. In other words, we have allowed the water to reach its highest point of effectiveness in destruction before we attack the problem.

I ask, what is the sensible way of attacking this problem? It is to catch the waters and control them as soon as possible after they fall from the heavens, and to put them under restraint where they fall, by the construction wherever practicable of reservoirs that can be used for irrigation or for the development of water power or for the storage of water for intensive cultivation, and by so adapting our methods of cultivating the soil to the conservation of water as to enable the soil itself to drink up and absorb the maximum quantity of water that falls from the heavens, instead of allowing it to slip over the surface of the soil into our streams and creeks and rivers.

Mr. VARDAMAN. Mr. President——

The VICE PRESIDENT. Does the Senator from Nevada yield to the Senator from Mississippi?

Mr. NEWLANDS. I do.

Mr. VARDAMAN. I am very much interested in what the Senator is saying, if he shall be permitted to proceed in single file, but if he shall not, then if it were not a violation of the rule I should propose that we proceed to the consideration of this question in columns of fours. That method might shorten the time in which all Senators could be heard. There is so much noise in the Chamber that we can not hear anything the Senator says, and he is discussing a very important question. I should like to have order in the Chamber that I may hear what he says. One may not always agree with the learned Senator from Nevada, but whether I agree with the honorable Senator or not, I find him invariably interesting and instructive.

Mr. NEWLANDS. I was inquiring as to what was the logical and scientific method of treating this water, and I was insisting upon it that the thing to do is to seize the waters as soon as possible after they fall from the heavens and to place every possible obstruction upon the flow of those waters as they advance through our creeks and our rivers and our main streams to our gulfs and oceans, so that during this intervening period they can be put to every beneficial use and prevented from exercising any destructive influence.

The main difficulty with these great floods is that these masses of water, which ought to be distributed in the stream equally and evenly throughout the entire year, maintaining as nearly as possible a standard flow, are allowed, because of our want of care and vigilance, to gather together during certain seasons—one or two months in the spring—and to mass themselves to the destruction of all property and lives within their reach. The problem is simply to slow down the progress of these rivers from the remote interior to our gulfs and oceans in such a way as that a standard flow of the rivers can be maintained for navigation, the rivers never being either swollen by floods or attenuated by droughts, thus maintaining a standard flow for the ships of commerce.

Mr. President, this water is eternally taking its circular course, drunk up by the sun from the gulfs and the oceans, carried by the winds in clouds to the remote interior, and precipitated there upon the land as a benefaction to mankind. Yet thus far our main idea has been, instead of seizing those waters and putting them to a beneficial use, to hurry them on by every artificial means to the source from which they originally came, and hurry them on in such a way as to mass them for destruction.

How do we hurry them? Why, we have been destroying our forests, great natural reservoirs of moisture into which the waters fall from the heavens, and where they are stored in the leaves and the loose soil, and drunk up by the thirsty roots of the trees and vegetation, and thence the surplus gradually makes its way to the creeks and tributaries of our rivers. We have destroyed our forests, and the water which used to be absorbed by these forests is now hurried on into the creeks and rivers.

In the vicinity of every river, whether it is a main river or a tributary river, are vast areas of land called swamp lands, lands which are overflowed by the rivers, whether tributary or main. They constitute the natural reservoirs for the surplus waters that fall in our interior regions, and as the waters fall they are distributed and held over a large area instead of being precipitated rapidly into the rivers. We have been engaged in the reclamation of all those lands. In every State in the country where rivers are you will find such swamp lands. On the Mississippi River, all the way from Omaha down to St. Louis, are vast areas of swamp lands which they have been engaged in reclaiming; and what does reclamation mean? Why, that the surplus waters, the overflow waters of the rivers, instead of flowing over these lands, are prevented from flowing over them by levees erected, and so are forced into the streams themselves; and these waters, thus accumulating, constitute a part of the vexing force that threatens annihilation below Cairo and other stretches of other rivers resembling that vast stretch between Cairo and the mouth of the Mississippi River.

Every acre of land reclaimed for cultivation above Cairo means the destruction of a possible reservoir for so much water, which, instead of making its way precipitately down the main stream during the period of flood, would make its way gradually and slowly into the tributary streams, and thence into the main stream. The result is that upon these great rivers we have the contradictions of an enormous altitude and extreme expansion during the periods of flood, and just as extreme contraction at other times during periods of drought.

To what useful purposes can these waters be put? In the first place, in all the streams that have their source in arid or semiarid regions these waters can be used in the reclamation of the deserts, containing a soil as fruitful as any in the world, kissed by a kindly sun that in every way stimulates production, and needing only moisture to reach the fullness of production; and every gallon of water that is thus diverted over these arid plains is prevented from increasing the flood period, for it is

taken out of these streams during the period of the melting snows in the spring, carried over the plains, and prevented from reaching the lower levels of the river during the period of flood. That water, saturating the soil of the arid plains and aiding in plant production there, as to its surplus gradually seeps back to the stream from which it was originally taken and swells that stream during the summer period, the period of drought, when we need water for purposes of navigation.

The reason why the navigation of rivers has not been as successful in this country as it has been in such countries as France, Germany, and Austria is that there water is put to every beneficial use. Water is slowed up on its way to the oceans in order to put it to beneficial use, and in the slowing-up process retarding water the flow of the river is practically standardized throughout the entire year so as to permit of navigation, whereas in this country our rivers are either at one extreme or the other, the maximum of flood or the minimum of stream exhaustion.

If we pursue this method of retarding and slowing up by every known artificial device the progress of the waters, as soon as they fall from the heavens, toward the oceans, we put them to the beneficial use of irrigation, we put them to the beneficial use of water-power development, for the fall of water from one level to another is the cheapest source of power known in the world, and to-day hydroelectric energy enters more into the comfort and convenience of the average life of an American than any other element, contributing light, contributing power, and ultimately, contributing heat to the households of the land.

Then, too, this water, if slowed up, can be used even in the humid region during the period of drought. Why, in Germany they use irrigation as much as they do in the arid region. Why? Not because it is arid, not because they have not an abundance of rain, but because the fall of rain from the heavens is not scientifically adjusted anywhere in the world. No process has been invented for tapping the clouds as the interests of man require. The result is that they have periods of drought over there in the humid region just as they have periods of drought here; and they store these waters for use in the dry period, the result being a vast increase in the production of the soil, amply warranting the expenditure made in this kind of development.

Then the control of the river also means the development of swamp lands and the lower reaches of the river for purposes of production. It may be asked: "Well, if the result of reclaiming swamp lands on the tributary streams is to shed that water to the river and add to its accumulation in floods, is it not even more unwise to reclaim the flood lands on the lower reaches of the rivers, in regions resembling that vast area on the Mississippi between Cairo and the mouth?"

My answer to that question is: "Yes; if you do levee that land, if you do hem the waters in the stream in such a way as to prevent the natural overflow over millions of acres of land whose natural condition is that of swamp land, of course you add to the intensity of the flood in the channel itself." That is true; but, even in that region, if you pursue a comprehensive and scientific system of treating that vast area of swamp lands, you can take certain portions of them that are exceedingly low, and you can perhaps artificially increase their depth by dredging in such a way as to mass the flood waters in reservoirs, even in that region, in a contracted area, the contracted area, owing to its greater depth, holding as much water as a very much larger area of swamp land in its natural state would hold. Thus, as you increase the depth of the reservoirs you increase their capacity to hold water, and you increase the number of acres of land hitherto swamp land that you can devote to cultivation.

Then, in addition to that, there is a scientific way of treating the main river itself. Taking the Mississippi River as an example, all the waters upon nearly two-thirds of the Union finally make their way to the Mississippi River in Louisiana and Mississippi, and of course the accumulation is enormous; and yet it is entirely practicable to relieve the stream at that point by giving it another mouth, which would divide the stream above New Orleans, and thus enable a greater outflow into the Gulf. It would be quite possible, if necessary, to provide two or three or four such mouths. The fact is that there are three there now, naturally, but they join away below New Orleans; whereas if the Atchafalaya River were connected in some way with the main river it would add a fourth mouth to the river. That river, I believe, takes its source in the Red River just adjoining the Mississippi River.

So that by these various scientific processes for slowing up the progress of the water as it falls from 27 States in its progress to the ocean and thus minimizing the accumulation of these waters in floods, you can, by these various practical devices—storage and canals for irrigation of arid lands, storage for the development of water power, storage for the purpose of increasing the intensiveness of production of the humid region, storage in forests, storage in soil so scientifically cultivated as to increase absorption, control of swamp areas for reclamation, and, above all, the protection of a steady stream for navigation—write on one side of your ledger millions of dollars annually to the credit side of the waterway development of the country, and you can diminish the entries that are now being made every year of the losses that are the result of extensive floods.

We have been pottering with this subject for a hundred years or more. The American people, claiming the proud distinction of being one of the most intelligent peoples in the world, have been pottering with this subject as if it were a new subject; viewing it with suspicion and distrust; afraid to advance with confidence; and yet other parts of the world no so favored naturally have already solved the problem. When we were conducting the agitation for the irrigation of arid lands, an agitation that sprang from the West and took over 30 years in the accomplishment of its purpose, including 10 years of active agitation in the House of Representatives, I can recall that during that time we had to demonstrate to the people of the Middle West and to the people of the New England States that irrigation could be practiced, in face of the historical fact that for thousands of years irrigation has been practiced and centuries ago was the source of life of nearly two-thirds of the then known human race. Yet we had to take up that question historically and scientifically and demonstrate before chambers of commerce and boards of trade and in magazine articles and speeches on the floor of the Senate and House that irrigation was practicable. It took us years to demonstrate it.

I see to-day cautious men, cautious men living on the lower Mississippi itself, saying the only thing to do is to build the levees higher and higher in order to meet constantly increasing encroachments of the constantly accumulating floods, because the problem has got to be studied for the future, the whole country has got to be surveyed, plans have got to be made, and you have got to determine what? Determine the practicability. I have heard that statement from men whose constituencies are suffering every year from overflow, and who have opposed the great and comprehensive measure which is now before the Senate in this amendment simply because they think no demonstration has been made.

You have only to go to Germany and to France and to Austria to find that all the rivers and their tributaries have been highly artificialized; that in France the rivers have been connected with each other by artificial canals so that you can go just as completely from one part of France to another through rivers and the canals as you can go by rail itself.

You find the same demonstration in Germany, where they have developed not only all the incidental things connected with waterway development, the incidental benefits of irrigation and water-power development and swamp-land reclamation, but where they have developed the most magnificent system of transportation in the world, a system that is the handmaid of commerce, both domestic and foreign, and which involves a complete dovetailing of rail transportation, river transportation, and ocean transportation, all of them made the servants of commerce in the utmost perfection.

Yet we have done nothing, practically, with reference to our rivers except to fool with the channels, to dig out sand bars here and there, and to respond to the demands of local communities, not for the promotion of navigation but for the protection of private lands which are threatened with overflow.

We are told by the distinguished ex-Senator from Ohio, Mr. Burton, who is more familiar with our rivers and harbors than probably any other man in the United States, and who has made little practical application of his judgment to our rivers, that the improvement of our rivers for navigation is a failure; that the railways have monopolized and will monopolize traffic. Why? Because we have never perfected the rivers as an instrumentality of commerce or attempted to perfect them. We have contented ourselves with digging sand bars, and we have in some cases leveed the banks, but we have never artificialized a river, as the Germans and the French do, for the purposes of commerce.

What does the development of our rivers for purposes of commerce mean? It means the construction of wharves, warehouses, and transfer facilities, the acquisition of transfer sites, and a complete coordination with our railways. We have allowed our railways to sandbag our water carriers without protecting our water carriers by the law, and then we have failed to give our water carriers a perfected instrumentality, which means not only a steady channel, a steady flow of water, but wharves, warehouses, and transfer facilities and a coordination of rail and water carriage.

You might as well say that you could perfect railway transportation by building a railway across the continent, leaving out the rails every 10 miles and leaving out sidetracks, warehouses, and stations, as to contend that you can make a river an instrumentality of commerce under the conditions which have prevailed with reference to their development.

How have the water carriers been enabled to sustain themselves in this unequal conflict? Sandbagged by the railways during the period of navigability that put down their rates to the point of loss, without terminal facilities, without transfer facilities, without stations or warehouses, unprotected by the law, the individual carrier, the owner of a steamboat, has been compelled to struggle against these tremendous odds, and because he has not succeeded the former Senator from Ohio, after years of investigation, practically declares that the improvement of our rivers for purposes of commerce is a failure.

Would the Germans have succeeded under such a system? Did they allow the railways to sandbag the water carriers? Did they say, "We will perfect railways in every way with single and double tracks and sidetracks and stations and warehouses and the most perfect facilities for transportation, and all we will do on our rivers is to dredge a sand bar here and there, or here and there put up some levees for the protection of some swampland proprietor"? Did they content themselves with that, perfecting the railway system and allowing the river system to take care of itself?

No; they practically artificialized every river throughout its entire course and the tributaries, and not only that but they connected them by canals entirely artificial in their creation, and to-day waterway transportation is just as important as railway transportation, and it is important because it is the cheapest known method of transportation, for you can carry enormous bulk in barges and steamers. In a single barge itself you can carry as much as can be carried in an entire train. The cheapness of carriage to-day from Pittsburgh down to New Orleans of coal and iron indicates how cheap that transportation is.

Now, Mr. President, the Democratic Party is under a peculiar obligation to do something upon this great subject, for whilst the Republican Party for years has been contenting itself with general phrases the Democratic Party in two conventions has declared in the most specific terms, first, for the coordination of all the scientific services of the Government that relate to water so that their plans shall dovetail with each other; second, for the cooperation of the Nation with the State so that each can cooperate with the other in the formation of plans and the construction of works belonging to their respective jurisdictions; and, third, the creation of an ample fund for continuous work covering every watershed in the country.

I will ask to insert these various planks of the platform of 1908 and the platform of 1912 in the RECORD.

The PRESIDING OFFICER (Mr. VARDAMAN in the chair). If there is no objection, it will be so ordered.

The matter referred to is as follows:

DEMOCRATIC PLATFORM, 1908.

WATERWAYS.

Water furnishes the cheaper means of transportation, and the National Government, having the control of navigable waters, should improve them to their fullest capacity. We earnestly favor the immediate adoption of a liberal and comprehensive plan for improving every water course in the Union which is justified by the needs of commerce; and to secure that end we favor, when practicable, the connection of the Great Lakes with the navigable rivers and with the Gulf through the Mississippi River and the navigable rivers with each other by artificial canals, with a view of perfecting a system of inland waterways to be navigated by vessels of standard draft.

We favor the coordination of the various services of the Government connected with waterways in one service for the purpose of aiding in the completion of such a system of inland waterways, and we favor the creation of a fund ample for continuous work, which shall be conducted under the direction of a commission of experts to be authorized by law.

DEMOCRATIC PLATFORM, 1912.

WATERWAYS.

We renew the declaration in our last platform relating to the conservation of our natural resources and the development of our waterways. The present devastation of the lower Mississippi Valley accentuates the movement for the regulation of river flow by additional bank and levee protection below and the diversion, storage, and control of the flood waters above, and the utilization for the beneficial purposes in the reclamation of arid and swamp lands and the development of water power instead of permitting the floods to continue, as heretofore, agents of destruction.

We hold that the control of the Mississippi River is a national problem. The preservation of the depth of its water for the purpose of navigation, the building of levees to maintain the integrity of its channel, and the prevention of the overflow of the land and its consequent devastation, resulting in the interruption of interstate commerce, the disorganization of the mail service, and the enormous loss of life and property, impose an obligation which alone can be discharged by the General Government.

To maintain an adequate depth of water the entire year, and thereby encourage water transportation, is a consummation worthy of legislative attention and presents an issue national in its character. It calls for prompt action on the part of Congress, and the Democratic Party pledges itself to the enactment of legislation leading to that end.

We favor the cooperation of the United States and the respective States in plans for the comprehensive treatment of all waterways with a cooperative plan for channel improvement, with plans for drainage of swamp and overflowed lands, and to this end we favor the appropriation by the Federal Government of sufficient funds to make surveys of such lands, to develop plans for drainage of the same, and to supervise the work of construction.

We favor the adoption of a liberal and comprehensive plan for the development and improvement of our inland waterways with economy and efficiency, so as to permit their navigation by vessels of standard draft.

Mr. NEWLANDS. You will observe that they deal with the utmost amplification regarding this subject.

Mr. President, we pledged ourselves in 1908 to do this thing, and we did not do it, because we were not in power. We pledged ourselves in 1912, not only repeating the assurance of 1908, but supplementing it and amplifying it, and we have been in power three years. What has been done? The people of the Mississippi Valley will hold us to a responsibility upon this subject. The people gave their command in the platform of 1912. Have we sought to respond to it, or have we made the least effort toward a practical solution of this question?

I will admit, Mr. President, that we have had numerous and complicated problems to solve during the past three years, but Congress is so organized through its different committees that it is unnecessary to put all its work upon a single track. There is no reason why the contemporaneous operation of all the committees should not have resulted in the committee having jurisdiction of this subject bringing in a full and comprehensive measure of this kind.

The American people will hold us responsible unless we shall do something, and the necessity for action is now accentuated by the terrific flood on the Mississippi River to-day, by the flood that occurred in Kansas four or five months ago, and by the destructive flood that occurred in Ohio two years ago. We have instructions from our constituents, from the people themselves, assembled in convention, and we have had warning ever since of the results of inaction through the destructive floods that have devastated the country.

Now, I am very reluctant to intrude upon the pending bill, but, Mr. President, for 10 years I have been urging this measure. I find that the disposition of Congress is to deal with detached elements of the water question instead of the water question as a whole, and that if we do not look out we shall have legislation upon every detail without having legislated upon the subject in a full and comprehensive manner, and we will have our development a detached and disjointed development, not meeting in any way the requirements of the country and ultimately condemning the whole system to public disapproval.

My disposition was, when the Appalachian bill came up, to insist upon the consideration of this measure as an amendment to it. What was that bill? A bill which provided for the acquisition of mountain lands denuded of timber in the Appalachian Mountains and in the White Mountains. Under what power was that legislation sought? Under the interstate-commerce power. How? It was claimed that it affected navigation; that the effect of denuding these vast timber areas was to precipitate the water falling on them suddenly into streams, thus swelling the streams to enormous proportions and endangering navigation and preventing a stable flow of the streams.

At that time I proposed to offer as an amendment this measure, and I was dissuaded from doing so by the members of the committee having jurisdiction over it. They were afraid that the consideration of a big measure of this kind might imperil the bill, and I was in sympathy with the movement for the acquisition of large areas of denuded land at the source of streams.

I realized not only that those lands were shedding their waters into the streams just as a cemented surface would, but the soil was being stripped off of those lands and they were gradually being reduced to a condition of arditity, such as that which prevails in the mountains of China, where, as you view a mountani scene far distant, you do not observe great altitudes covered with trees and vegetation and green, but simply great, white, exposed surfaces, apparently of clay and stone, from which the soil has been stripped. That soil goes down into the streams and away into the ocean, where it serves no useful purpose. So I was for the acquisition of those lands as a part of a general system of conservation in this country—a system of conservation which would ultimately fit in with the great scheme of waterway development which I had in view. So, having received assurances from a number of the prominent men of that committee, assurances which I shall likely remind them of in the near future regarding this bill, I reconsidered my disposition to force this bill upon that measure. The measure went through, and for four or five years we have been buying those

lands, and yet we have not done a thing to promote the navigation which their purchase was intended to stimulate.

We have all kinds of schemes when it comes to take up detached elements of this great plan. There is a drainage organization now in existence, organized in the Southern States; and they say that the only way to accomplish their purpose of getting Federal aid in the drainage of private lands is to show that it is a great national problem, and to divorce it from every other subject; and they present legislation here, and individual constituencies are enlisting the activities of their representatives in this body and in the other body. They may be, for aught I know, very meritorious enterprises so far as the public good is concerned; but all that I am complaining of is that we are steadily taking hold of detached elements of this great plan, without treating it scientifically and comprehensively; and in the end we are going to spend a great deal more money and to spend it much more ineffectively than if we adopt the big plan.

So, with this experience before me, not only of detached legislation in the past, upon which I have hesitated to intrude, but legislation threatened in the immediate future taking up detached portions, I have concluded that the only way is to fight every one of these detached proposals, unless there is incorporated in the bill itself the provisions of this general bill for which I stand.

I recollect that whilst the public opinion of Congress may not be made up on this subject, the public opinion of the country is made up, and it has been expressed in the national platforms of both parties; it has been expressed in waterway convention after waterway convention. Every irrigation congress for the last four years has indorsed this bill specifically by name; the drainage congress even indorsed it in a recent meeting; chambers of commerce and boards of trade throughout the country have indorsed it; and it has received the indorsement of the legislatures of eight States, and included among those States are the widely separated States of Louisiana, of Wisconsin, and of South Dakota.

Mr. President, this river-regulation bill can be amalgamated with the pending bill. I am not sure as to all the details of the pending bill; but I have great confidence in the formative minds of the Senators who have evolved it with reference simply to a single phase of the question, that of water power It may have some defects which may be pointed out to me, but my general sympathy is with the general purpose of the bill. In my judgment about all the change you would have to make in this bill in order to harmonize it with this amendment, which contains as many sections as does the pending bill itself, would be to substitute the commission provided in the amendment for the Secretary of War as the source of power.

What is that commission? Why, the Secretary of War is in it. It is a commission consisting of four Secretaries, chiefs of departments. Do you ask why are four included? Simply because there are four departments that are to-day struggling with the different phases of the water question, and I wish to coordinate all those departments in teamwork. It would be utterly impracticable to take these services from the departments with which they are at present connected and in which they are organized. Therefore the only way to get them in teamwork is through the department chiefs, and to constitute them a waterway commission, with the President of the United States at the head, so that he will be in touch with this great constructive work, and so that his entire Cabinet will be in touch with it, for the members of the commission will be members of the Cabinet. In this way we shall insure teamwork between the four departments and the numerous scientific services, numbering, I believe, about 20, engaged in the consideration of the different phases of the water question under their jurisdiction.

Now, you ask me, how many scientific services of this kind are there? Well, there is a new one cropping up pretty nearly every day, or, at any rate, every year; but, according to my recollection, the important ones are these: In the War Department there is an Engineer Corps of the Army, which has jurisdiction over what? Over irrigation? No. Over water-power development? No. Over drainage? No. Over swamp-land reclamation? No; except perhaps in a limited degree; but which has jurisdiction over the channels of the rivers—the rivers themselves as instrumentalities of interstate commerce. That bureau was put in the bill as one of the instrumentalities for its operation.

Then we have in the Interior Department the Reclamation Service, which is engaged in the reclamation of arid lands, intimately associated with this question, with a vast engineering force employed by it. We have also the Geological Survey, a scientific organization, which, with great industry and service to the country, has for years, long before we entered upon reclamation, been pursuing a study of the waters of the country. Then we have in the Agricultural Department the Forestry Service, intimately related to the development of our rivers. We have also the drainage service. We have in the Department of Commerce the Bureau of Fisheries, the Coast and Geodetic Survey, and another service which I can not recall just now. Each one of these services is getting appropriations from Congress absolutely detached from all the others.

Mr. FLETCHER. Mr. President——

The PRESIDING OFFICER (Mr. MARTINE of New Jersey in the chair). Does the Senator from Nevada yield to the Senator from Florida?

Mr. NEWLANDS. Certainly.

Mr. FLETCHER. Mr. President, may I suggest to the Senator from Nevada that the bill now up for consideration contemplates enabling the development of the water power of the country under all conditions as they exist, either in dry weather or wet weather, in full streams, or in other conditions? It would, therefore, scarcely seem advisable that such development should be delayed and wait upon the working out of a great scientific plan covering the whole country, largely aimed to affect flood control; in other words, the Senator's plan, it seems to me, might well go on, if it be favored, without in anywise interfering with what might be done under this bill if it shall be passed and go into operation. There is no such relation in the bill to the general, broad scheme as to make it advisable, it seems to me, to delay this proposed legislation and to make its operation wait upon the development of this larger and more ambitious plan, because the Senator's plan would not contemplate taking out of any of the rivers as they are to-day any of the water that is in them.

It would not contemplate interfering with any power development that might be inaugurated under the bill that is now pending if it should become a law; and consequently it would seem unfair to delay operations that might be authorized under this bill until this broad plan could be worked out, which might require years of time. For instance, it would take a long time to complete the flood-control canals, if they were determined upon; and, inasmuch as the final working out of the Senator's plan as proposed by him would not interfere with what might be accomplished under this bill, is it not advisable for us to act upon the measure before us, and then consider the broader plan afterwards? It seems to me there would be no conflict, and there would be no possible loss or disadvantage if we proceeded under the present bill.

Mr. NEWLANDS. Well, Mr. President, there is much plausibility in the statement made by the Senator from Florida. It is the same argument that has been made always when legislation has been sought upon a detatched portion of the water question. It is an argument to which I have yielded again and again, to find that the detached portion is put to the front, and the great and comprehensive plan is put to the rear.

There is nothing in the measure, if it shall be amalgamated with the pending bill, to interfere with or delay in any way the operations that are sought for by the water-power bill. Those provisions will gradually be perfected by this body; and then that measure and the amendment which I propose to amalgamate with that great scheme will simply dovetail into a great, comprehensive plan for dealing broadly and comprehensively with the waters of the country.

Mr. CLAPP. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nevada yield to the Senator from Minnesota?

Mr. NEWLANDS. Certainly.

Mr. CLAPP. I desire to ask the Senator a question. As I understood him just now, the provisions of the pending water-power bill could be later enacted into law subsequent to the adoption of the Senator's plan. Am I correct in so understanding?

Mr. NEWLANDS. No; my idea is to have them both adopted at the same time. I propose to add the plan represented by the bill which I have been urging for some years as additional sections to the water-power bill, so that both will go into effect at the same time, and I provide that the water-power bill shall dovetail in with the provisions of the bill which I have been urging by giving the proposed waterways commission, consisting of the Secretary of War, the Secretary of the Interior, the Secretary of Commerce, and the Secretary of Agriculture, the exercise of the powers which in the water-power bill are vested in the Secretary of War alone.

Mr. CLAPP. I have not had time to compare the two bills; but do I understand that the Senator in the bill he offers as a substitute has taken care of the provisions sought to be incorporated in the pending water-power bill?

Mr. NEWLANDS. They will remain, as they may be perfected by the Senate in the consideration of the measure.

Mr. CLAPP. Will they remain in the Senator's substitute as they now stand? Will the same provisions remain that at present are incorporated in the pending bill?

Mr. NEWLANDS. They will remain if my amendment is agreed to, for my amendment simply adds the river-regulation bill to the power bill, and leaves the power bill intact, subject, of course, to such amendment as the wisdom of the Senate shall impose.

Mr. CLAPP. Is there not the difficulty I am about to suggest in the Senator's plan? Of course, if it were simply offered as an amendment to the pending bill, I realize that it would meet objection on account of the amount which it is proposed to appropriate for the purpose contemplated. Being placed where it involves the provisions of the pending bill and also arbitrarily involves the same amount, is it not going to defeat the entire measure? Is Congress prepared at this time to make the appropriation which the Senator's bill contemplates?

Mr. NEWLANDS. I think that is a very pertinent question, and I will address myself to it.

Mr. WORKS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nevada yield to the Senator from California?

Mr. NEWLANDS. Certainly.

Mr. WORKS. I should not regret at all if the proposed amendment of the Senator from Nevada should defeat the pending bill, because I am very much opposed to that bill on other grounds than those which have been mentioned; but the thing that is pressing upon my mind is that we are duplicating practically the same work by the bill and the amendment to it.

Here is a bill providing that the work contemplated shall be done at the discretion and under the direction of the Secretary of War. The proposed amendment provides that it shall be under the supervision of the Secretary of War and several other officers. The amendment of the Senator from Nevada is much more comprehensive, and, I think, is much better than the bill before the Senate. It is because of its comprehensive character and the amount of money that is involved in it that action upon it has been delayed. I think it is a matter that Congress should have dealt with long ago, and the Senator from Nevada is entitled to the gratitude of the country for his persistence in attempting to get this kind of legislation before the Senate and to secure its passage through the Congress.

As the Senator has said, independent measures covering one project alone have been constantly thrust into this question, and thereby the comprehensive measure which he proposes has been prevented from passage. I know that is true as to my own State, for, as the Senator knows very well, there is one project there which our people have very much at heart, and they are afraid that such a large bill will prevent the carrying out of that one measure which they have in mind and which is of interest to them alone. I think it is about time that we should take hold of this matter in a comprehensive way, as is proposed here, and secure some legislation that will deal with it in that way.

Mr. CLAPP. Mr. President, will the Senator from Nevada yield further to me?

The PRESIDING OFFICER. Does the Senator from Nevada yield further to the Senator from Minnesota?

Mr. NEWLANDS. I do.

Mr. CLAPP. I quite agree with the Senator from California [Mr. WORKS]; but the reason this larger provision has been obliged from time to time to give way is the very magnitude of the project—not in its ultimate effect, for I think it would be the wiser way of reaching the problem—but the very magnitude of it as presented in its incipiency.

I want to say in passing that I believe the time will come when the relief of the American people from some very burdensome monopolies that exist to-day will be brought about through the capacity of the American people, with their water powers, not only to relieve against the floods of the lower rivers, but also to relieve against the loss of water that imperils and interferes with navigation, and at the same time to furnish the American people with a large proportion of their motor power, their light, and their heat. Some day we are going to reach that condition. Necessity will force us to it, if nothing else will ever awaken us to the necessity of it.

I want to say that I join my friend the Senator from California in the statement that there are some things about the pending bill which I may not be overly enthusiastic about, and yet there are some things in the bill that are of the most vital importance in vesting the General Government with authority, where it should have authority, to deal with this very question of using water power as a direct benefaction to the people, some things I would dislike to see lost at this time. That being true, the thought occurs to my mind whether, instead of presenting in its entirety this plan, which in its magnitude and in the magnitude of the initial appropriation is calculated, to say the least, to dampen enthusiasm for it, it is not possible, step by step, to secure that power, that coordination, that development of legislative policy, so that the step taken to-day will coordinate with the step taken to-morrow, and establish the principle which, once established, will then bear more readily a burden of large proportions. As it stands to-day, it is an immense project that is presented in the alternative, in such a form that we must choose between accepting it and losing whatever merit there may be in the pending bill. It seems to me it is an unfortunate way of putting the matter before the Senate.

Mr. WORKS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nevada yield to the Senator from California?

Mr. NEWLANDS. I do.

Mr. WORKS. Early in the present session I introduced a bill providing for what I called an industrial army, one of the objects of which was to provide means by which the very work that the Senator in his amendment proposes to do should be performed by an industrial army provided for that very purpose. The provisions of the bill were confined to conditions on the Pacific coast, but it could be extended to cover the conditions that prevail along the Mississippi River.

I made some remarks upon that bill at the beginning of the session. It would very materially aid in carrying out the object which the Senator has in view if there could be provided some such body of men, which could be resorted to at any and all times to do whatever might be necessary to carry that project into effect.

I may later on offer that bill, or a portion of it, as an amendment to the pending bill. It would be more appropriate as an amendment to the amendment offered by the Senator from Nevada, because the two would work in admirably together. I do not know how much attention the Senator has given to the provisions of that bill; but if it could be embodied in such a measure as he has now, I think it would very materially aid in carrying out the object he has in view and is endeavoring to bring about.

Mr. NEWLANDS. Mr. President, I will state that my attention was drawn to the bill which the Senator introduced. It struck me that it incorporated an excellent idea, and that in entering upon constructive work by the National Government, such as is contemplated in this amendment—work of a large and comprehensive character, employing many men—we might well consider the wisdom of accepting the Senator's idea, and in some way making this great constructive force a part of the reserve military force of the United States.

Mr. WORKS. One of the objects of the bill that I introduced was to provide at the same time a reserve military force. I must say that I regarded that as the least important part of the bill, however, because I am not very much alarmed about any necessity for the use of military force for a long time to come. But in carrying out the entire object as a whole, I provided for the military training for a part of the time of this same body of men, who by their work in the open would be prepared for military service and would have the endurance required for that service, and at the same time making them an army for industrial work, which I regarded as very much more important than their organization for military purposes.

Mr. NEWLANDS. Now, Mr. President, I shall address myself to the question which has been raised by the Senator from Minnesota [Mr. CLAPP].

Mr. FLETCHER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nevada yield to the Senator from Florida?

Mr. NEWLANDS. I will ask the Senator to permit me first to answer the question of the Senator from Minnesota.

Mr. FLETCHER. I was going to make a suggestion in that connection. I will make this inquiry, so long as the Senator is going to address himself to that subject, if he will allow me. I see that the Senator estimates that an appropriation of $60,000,000 a year for 10 years will be required to accomplish this result.

Mr. NEWLANDS. Yes.

Mr. FLETCHER. What I wanted to ask the Senator also to respond to is the query whether that is a mere estimate, and whether the actual requirement might not exceed that by a considerable sum; and, consequently, if we were launched upon this great scheme, whether the Senator believes we would come

within the $600,000,000 or might greatly exceed it before we finished the project?

Mr. NEWLANDS. I will address myself to that suggestion also, Mr. President.

The Senator from Minnesota [Mr. CLAPP] suggested that the very large financial proportions of this bill might prevent its fair consideration at the present time, when there is an apparent deficit in the revenue and when we are contemplating large military expenditures that probably will require additional taxation.

First, as to the financial proportions of the bill, it is true, as the Senator from Florida says, that this bill calls for an appropriation of $60,000,000 annually for a period of 10 years—$600,000,000 in all—apportioning this vast sum fairly between the different watersheds of the country. About $10,000,000 annually is apportioned to the watersheds of the Atlantic Ocean; $5,000,000 annually to the Gulf watersheds, exclusive of the Mississippi River; $10,000,000 annually to the lower Mississippi, from Cairo down; $5,000,000 annually to the Ohio River and its tributaries; $5,000,000 annually to the upper Mississippi and its tributaries; $5,000,000 annually to the Missouri River and its tributaries; $5,000,000 annually to the Colorado River and its tributaries; $5,000,000 annually to the Sacramento and the San Joaquin Rivers, of California, and their tributaries; and $5,000,000 annually to the Snake and the Columbia Rivers, the latter two rivers traversing the great States of Oregon, Washington, and Idaho.

Six hundred million dollars is a large sum, and $60,000,000 annually is a large sum; but it is a very trifling sum compared with the amount that is annually expended in the development and increase of the railway transportation of the country, the interest upon which the American users of these railways are obliged to pay, and which in that sense constitutes just as much of a tax upon them as this particular expenditure. It has been estimated by Mr. Hill, of the Great Northern Railway, an acknowledged authority, that in the next five years it will be necessary for the railway systems to spend $5,000,000,000 in perfecting railway transportation—a billion dollars a year.

Why are we not appalled by the consideration of such a sum? Simply because we know that that expenditure will be so full of beneficial results as to warrant it, and that the increase in the business and transportation of the country will warrant the making of an expenditure of a billion dollars annually for five years, and warrant the payment by the American people of the interest upon that sum. We are not at all paralyzed when we think of that expenditure by private corporations of a quasi-public character, whose entire revenue is derived in the shape of rates which have the character of taxes fastened upon the transportation of the country. We are not alarmed. Why should we be alarmed about expending $600,000,000 in the next 10 years in perfecting the waterway transportation of the country, particularly when it has so many incidental advantages in the way of arid-land reclamation, water-power development, and swamp-land reclamation, as well as the promotion of navigation and of transportation?

Under this bill every watershed in the country will be covered, so that everybody will be interested. Work will progress contemporaneously. Projects will not be the result of a spoils system, the result of the power of an individual Senator or Congressman to advance a particular project in his State, and carry back the spoils to his own State as a recommendation for his retention in office. It will be a scientific system, under which science and business capacity and executive capacity will be united in the practical solution of the question.

In the second place, this amendment does not provide that that expenditure shall be made during the first year. It is to commence only with the year 1917, so that it presents no present problem of taxation. By 1917 it is very probable that the European war will be over, and many of the complications arising out of that war will have disappeared, so far as this country is concerned. I propose that during the intervening period the very moderate sum of a million dollars shall be expended in organization and plans, and also that a direct appropriation of $10,000,000 shall be made to relieve the conditions in the lower Mississippi, recognizing the obligation that rests upon us to meet that gigantic problem as speedily as possible.

The bill, therefore, will not add much to the budget of the next year—not more than $11,000,000; but, of course, we must at some time meet the question as to the raising of revenue that will cover an expenditure of this kind. We are to-day expending over a billion dollars annually, of which about $300,000,000 comes in as revenue from our Postal Service and is spent in the expenditures connected with that service, leaving a little over $700,000,000 to be derived from general taxation. Of that $700,000,000 over one-half is to-day spent upon wars, either future or past, $250,000,000 annually being our present expenditure for our Army and Navy, and $150,000,000 for the pension lists. So that out of a total net revenue, exclusive of the postal revenues, of a little over $700,000,000, $400,000,000 go to-day for military expenditures, and with the other $300,000,000 or more we are supporting the entire civil establishment of the country and doing the constructive work of the country.

Are these expenditures fairly apportioned? Ought we not to do more upon constructive work? In order to accomplish that work we must either reduce our military expenditures or increase our taxes, or go in debt. It is evident that we can not reduce our military expenditures. We must have the military force that will back up our assertion of our neutral rights. We are to-day asserting neutral rights throughout the world against the most powerful military countries of the world. Let us either abandon the assertion or back it up, not by aggressive force, not by a force organized for conquest, not by the organization of a force that is to increase the military spirit, but simply by the organization of the necessary force which must always lie behind the enforcement of law, whether it is international or domestic.

So it is probable that we shall have to increase the taxes for that purpose. Of course, one difficulty has been that we have had an unscientific military system instead of a scientific military system. Our large expenditure, for which we get less than any country in the world of a military character, is largely due to the inefficiency of our organization; and we shall have to establish in some way a greater efficiency as well as an increase of our military forces.

It may take $100,000,000 more of revenue to accomplish that, and we shall need $60,000,000 more for this constructive work. Well, why should we not raise it? Is the country bankrupt? Is ours a tax-burdened people? We have practically determined to do away with the burden of the stamp taxes, these war taxes which are an irritation to everybody.

We have practically determined to continue the sugar tax, but we will need more. Why should we not raise it frankly out of incomes and inheritances? You have to add only an additional 1 per cent to the existing tax to get $80,000,000 or $100,000,000 more. You have only to enlarge the area of the tax to get a considerable sum more. You have only to impose a tax on inheritances to raise a considerable sum, sharing that tax with the States themselves and arranging in some way that wherever the State imposes such a tax that tax shall be deducted from the tax imposed by the General Government to the extent, at least, of one-half. These two taxes, on incomes and inheritances, will give you all the money you want both for the military defense and the constructive work of the country.

This military expense will not be temporary; it will be continuous. Are we going to lay aside our plans for constructive work simply because we have to enlarge our Army and Navy? Germany to-day, in the very throes of war, imposing upon her people an enormous debt, which future generations will have to meet, is contemporaneously with her military expenditures making large constructive expenditures in that country. My attention was called only the other day to a statement from an authentic source of expenditures in Germany by the Empire of constructive work upon railways and rivers and plants such as are contemplated here, aggregating about $100,000,000; and if Germany in the struggle of war keeps up a constructive work side by side with its military expenditure can not the United States do it? If you are unwilling to tax, certainly the capacity of this country to contract debt is very large. We have expended on the Panama Canal over $400,000,000, over one-half of which has been raised from taxation, although that work contemplated a bond issue. Why should we not issue those bonds and put them in this waterway fund if we dislike to tax the people to-day for these expenditures? Why should we not have a waterways fund derived not only from taxation, but from a bond issue, a part of that bond issue being a part of the uncompleted bond issue of the Panama Canal?

This work is but a continuation of the work of the Panama Canal—an extension of it. It is work that is going to bring the entire Mississippi Valley in connection and communion with the Panama Canal and enable the restoration and the maintenance of industries in the Mississippi Valley that have been sadly affected by the economic changes caused by the creation of the Panama Canal and the cheapened freight between the Atlantic and Pacific coasts through the canal as contrasted with transportation from the Mississippi Valley by rail to the Pacific coast. The entire Mississippi Valley is entitled to the completion of the Panama Canal, which means the completion of the Mississippi River and every tributary of that river and the ultimate connection of all with the Great Lakes.

I am told that there have been serious economic changes made in the Middle West by the development of the Panama Canal by changes in the current of transportation and cheapening of transportation caused by the building of that canal and water communication from San Francisco to New York. If that is so, the Mississippi Valley is entitled to have its waterway transportation perfected by the artificialization of its rivers, and in this great scheme of preparedness, following the standards of Germany, and embracing not only the creation of military forces but an industrial preparedness, the development of the great Mississippi River and all its tributaries constitute a very essential part.

Mr. President, we must not only increase our military strength but we must increase our industrial strength. The question of preparedness is vital in the consideration of both. The perfection of our transportation system is the great problem upon which the solution of industrial preparedness rests.

There is a difference of opinion as to what the economic changes will be when this war ends. Some insist that the return of the armies to industrial life will mean the return of forces diminished by death and weakened by disability, and that their competitive force will not be as great as it was before the war. Others contend that such disadvantages will be more than balanced by the immediate training and discipline of armies of men, women, and children who during the war have been trained in industrial pursuits, and, added to the workers returning from the ranks, will constitute an industrial force unsurpassed in the history of commercial and manufacturing life.

I believe that the latter will be the condition myself. I believe that they will be so driven by poverty and debt to produce for sale in foreign countries that they will produce more cheaply than ever, and that instead of there being an increase of wages after the war owing to the reduction in the number of the male workers there will be a reduction in wages as the result of the great influx of the women and children workers, and that they will have the stimulus to enormous production, the stimulus of necessity and of want, and that meanwhile this country, driven to a higher wage scale by the manufacture of munitions of war, creating a desire in the employed to divide the profits with their employers, and spreading to all other industrial forces by force of example, we at the end of this war will have a higher wage scale, whilst they will have a lower.

What further advantage have they? They have the advantage of the most perfect transportation system in the world. Their ships are now interned in every harbor ready to sail to-morrow upon the termination of the war and to regain their control over mercantile seas. They have the most perfect domestic transportation system, dovetailing with rail and river, and dovetailing both with ocean steamers, and we shall have to contend not only in our own markets with them, we shall not only have to contend against the competition of foreign goods in our own markets, but we shall have to face competition with them in the markets which we have recently gained in other countries; and we shall therefore need every enlightened economic aid in an adjustment for preparedness. What better economic aid can there be than a perfected system of transportation by rail and river and ocean, and a diminution in the cost of the production of power by the enlarged development of our water-power facilities. Are we to hesitate to enter upon this phase of preparedness simply because military preparedness demands from us a larger sum than we have hitherto paid? I say no.

Mr. CLAPP. Will the Senator pardon me?

The PRESIDING OFFICER. Does the Senator from Nevada yield to the Senator from Minnesota?

Mr. NEWLANDS. Certainly.

Mr. CLAPP. In making an appeal for something that must appeal, whether we can see our way to do it now or not, to the judgment of every citizen, a great internal nation-wide development that means relief to the South, relief to the North, relief from monopoly, the building of great industries. Twice I have heard the Senator refer to the fact that in some way as related in time, for in no other way can it be related—related in time to that great work which we ought freely to take upon ourselves—there is some other great burden which he calls preparedness, and which seems to cast a shadow across the pathway of internal development on account of its cost.

The Senator has just described, in a measure, the condition of Europe when this awful strife is over. There may be a difference of opinion as to the industrial menace that will come from a country war stricken and poverty stricken, a humanity partially destroyed. I do not feel so certain about it, for it will take Europe some time to revive her fallen condition. But I should like to ask the Senator, even though he may see in that condition of Europe, which alas will be a mute appeal to the pity of the world, something that will invade our industrial life and require extraordinary effort on our part to meet that industrial crisis, can he see armed hosts spring from the graves of Europe when the war is over as a menace to this Nation? Can he see in the empty treasuries of Europe, already on the verge of bankruptcy and going down from day to day with marvelous rapidity, with millions going into their graves and on crutches, a war menace to this Republic?

It does seem to me that the Senator ought to be able to discriminate between those two, and while we should cheerfully embrace the great expense that is incident to this wonderful national plan of his, a plan that some day, perhaps not in his day or mine, will place his name among the great and enduring names of this country, why with that breadth of grasp and statesmanship should he couple with this great work constantly the suggestion of an unusual, an extraordinary, burden imposed on this country because of the supposed menace of the millions of dead and mangled men of Europe and the bankrupt treasuries of those nations?

Mr. NEWLANDS. Mr. President, I am very much in sympathy with the sentiment so eloquently expressed by the Senator from Minnesota regarding a possible exaggeration of the necessity for military preparedness. I admit the force of what he says as to the condition of all the warring forces at the end of the war. But I also realize that if they are prepared for anything it will be for war, through the organization of enormous military forces of unequaled discipline and experience, and that any one of those forces might be utilized with tremendous efficiency even at the close of a war that had brought universal distress and suffering.

Mr. CLAPP. Mr. President——

Mr. NEWLANDS. Will the Senator just permit me a moment?

Mr. CLAPP. With pleasure.

Mr. NEWLANDS. I do not exaggerate the fact. I indulge in no hysterical emotion regarding military preparedness. What I object to is the inefficiency of our military system as it stands to-day, and I want to see that system perfected. I would want to see it perfected even if the European war did not exist, because I do not like to see anything that rests under the American flag inefficiently organized, and I believe that our national defense has been inefficiently organized. I must reach that conclusion, when I see that with an expenditure of $25,000,000 annually, covering a period of some years, we are able to marshal a force of only about 100,000 men, and when I find that with an expenditure of a similar amount annually during the past five years these great European powers are enabled to assemble a force many times that number and many times more efficient.

I am only for a moderate expenditure. I would prefer to make it only $50,000,000 additional annually for the next five years for that purpose, and simply have a rational preparation for defense, a rational preparation for backing the decrees of the tribunals, both domestic and international, with a force that will inspire respect for those decrees. I do not share at all in the military spirit which seems to be so prevalent and which would make military systems and military sentiments abroad our guide here.

I yield to the Senator from Minnesota.

Mr. CLAPP. If this interruption has resulted in nothing more than the expression of the Senator's views, I am glad I made the interruption. Of course we should have efficiency, but efficiency does not necessarily involve an expenditure of hundreds of millions more. There has not been a suggestion of efficiency. The suggestion has been a program reaching far into the future, a program that in its fruition could not serve us if we were on the threshold of war to-day. While that program has been made and heralded, practically nothing is done to conserve the resources of a military nature which we do have on hand. Nine great battleships were authorized in the last four years; three of them are, or are about to be, commissioned, and there is scarcely a suggestion of the necessity of hastening the completion of those battleships. If war was imminent to-day, among the things we need would be ordnance, and $12,000,000 for ordnance has been stricken out of the estimates. If we were in danger to-day of war, the one thing that our soldiers would need would be arms and munitions, and not a voice in authority is raised, nor a hand in authority lifted, to prevent the exportation from this country of those arms and munitions that our own soldiers would so much need if there were anything in this cry of impending war.

I heartily agree with the Senator. What we do want is to go on with a reasonable development as heretofore and efficiency with what we have, and the modest estimate of $50,000,000 more might not be out of proportion. But here to-day with these great things appealing to us and demanding attention from us

we are met all the time with the statement that we may possibly stand this expense or that expense but grudgingly conceded along with the great added taxation that is proposed to be imposed upon the American people. Let us have efficiency. Let us strengthen our resources. Let us conserve our resources; but when we speak of our resources in view of an impending danger, do not let us neglect the resources that might be conserved to-day, and pile up a mountain of debt that can not end military preparation in its fruition only in years to come, when it could be of no possible service in view of any immediate danger.

I was glad to hear the Senator's statement. I am glad that he states that moderate, temperate view of the situation. We should continue a reasonable development as heretofore. We may well afford to somewhat modify our program. Instead of building so many great battleships we might well build some swift cruisers instead. We might well build supersubmarines and superaeroplanes, but this program has been heralded—it stands like a nightmare with its attendant and incident taxation—a program of great battleships extending far into the future that can have no possible relation to any immediate impending danger. Let us give some heed to our great internal problems; at least let us not ignore them.

Mr. NEWLANDS. Mr. President, my belief is that the Congress of the United States will, with its usual good sense, refuse to surrender to hysteria. In connection with this question of military preparedness I think, of course, that so far as Congress is concerned we are in a great confusion of ideas as to what should be done, and if we could only bring about in our congressional organization regarding legislation relating to the national defense something of the coordination which is proposed to be accomplished by this amendment in relation to our waterways we could have very quickly presented to the people of the United States for their consideration one plan with perhaps a minority plan upon which the attention of the country would be focused. As it is to-day, we have a plan presented by the late Secretary of War, we have another presented by the War College, another presented by the Chief of Staff, another presented by the chairman of the Committee on Military Affairs of the Senate, another by the chairman of the Committee on Military Affairs of the House, and numerous others presented by distinguished authorities. We are having four committees sitting at the same time upon the question of military preparedness—two House committees, the Committee on Naval Affairs, and the Committee on Military Affairs, and similar committees in the Senate. I may say five committees, for in the House they have a subcommittee of the Committee on Appropriations, whose jurisdiction extends over fortifications.

And what is the result? Instead of efficiency in the organization of our committees on the national defense we have disorder and confusion. All these committees are holding sessions at the same time, and the experts are passing around from one committee to another giving their views, which are printed in the so-called hearings. The newspapers are unable to keep up with the procession, and, therefore, because of the impossibility of reporting all, they practically report none of the hearings.

I called for the hearings the other day, thinking that I would inform myself upon the subject, and I received a stack from one committee, and was informed that there were similar stacks from all the others. The American people are intent upon the single question of national defense, a unit of which the Army and Navy are simply branches. And yet we have committees sitting on the branches, but never considering the unit or presenting to the American people any complete scheme of national defense.

What would be the rational thing to do, the logical thing to do under these conditions? It would be for the five committees that are engaged in the investigation of this question to create a joint subcommittee consisting of three or five from each, making a subcommittee either of 15 or 25, to have but one hearing as a subcommittee of their various committees. Then let them come in, either with a unanimous report or a majority and minority report, present it to the full committees for their consideration, and to the Congress of the United States, and above all, to the people before they are acted upon, for the Congress of the United States does not create public opinion, it obeys public opinion, and the sources of information ought to be open in some intelligent form to all the people of the United States before we take final action upon this subject.

How easy it would be for such a subcommittee to put to the military and naval authorities this request: Give us a plan for the best Army and Navy that you can secure for $300,000,000 annually for the next five years. Give us a plan for the best Army and Navy, the extent of the forces employed, the various constructions that will have to be made, that will be covered by an expenditure of $350,000,000 annually for the next five years; and from that up if they choose. Then we will have the plans in some form such as is presented by the great engineers of the country of great constructive works, with tables, and so arranged that the ordinary mind can take in all the complexities of the situation and form a judgment.

Instead of that these investigations are adding to the confusion of the hour and perhaps increasing our ignorance of the general subject, and we are all in a state of uncertainty and confusion. The result may be that we will have little satisfaction in our legislation.

Mr. CLAPP. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nevada yield to the Senator from Minnesota?

Mr. NEWLANDS. I would not wonder if as a result we will have an accidental system, a compromise of conflicting views, and containing views without coherence and without scientific adjustment. I yield to the Senator from Minnesota.

Mr. CLAPP. Mr. President, the Senator's analysis of that matter has certainly not only interested me, but it has revived memories of efforts that have been made here in the past along that same line. I think, however, the Senator overlooks one important thing. Before we can ever consider the military phase we have got to free ourselves from an influence that is baneful, that has no place in free government, and which interferes with the exercise of the best judgment. I refer to the relation of private greed to the matters of militarism and armament—a subject that was so thoroughly and eloquently taken up by the distinguished Senator from Iowa [Mr. CUMMINS] a few days ago, a subject that, in the action of the Senate Naval Committee in finally deciding to report a bill to establish an armor plant, evoked the threat of a great combination that it would penalize the United States in an increased price of armor plate if the Government dared to erect its armor plant. Well may we exclaim, "Upon what meat doth this our Cæsar feed, that he is grown so great?"

Sir, to my mind, the first and most vital issue of this Republic is for the American people to determine whether this Government shall be supreme or whether it shall be subject to the forces that have grown up under it. To my mind that is more vital than any other issue that to-day presents itself to the American people. The late Senator Dolliver, once upon this floor, speaking of the then arrogant power of privilege, said, "It has grown so bold and defiant that its hand has lost its cunning." It has grown more bold and defiant, until now we hear its threat to penalize this Government if the Government dare to take those steps which its representatives feel are essential to preserve ourselves along military and naval lines. Let us settle that challenge. The first step of this people should be to determine which is supreme in this Republic—the Government of the people or the forces that have grown up under our Government. That done, then I believe the plan of the Senator from Nevada [Mr. NEWLANDS] is not only wise, but that it is the only plan that will ever result in economy and which will bring order out of chaos.

There is no business in this country that could stand a year if the subordinates in that business, each one, went into the treasury and took out what he thought was necessary for his particular department or bureau. In the conduct of the business of a corporation around a common table there sits a board deciding how much can be expended and how much can be allotted to each particular department. Here we have no such common board, but each department comes through its respective committee, and with no restraint, save the withstanding of the committee as against the appeal of the department, the onslaught is made upon the Treasury. Is it any wonder, then, that a great Senator once said we could save one-third of the expenses of this Government by proper management? That seemed like an exaggeration, but I do not believe it was a very great exaggeration. However, until we adopt the plan outlined by the Senator from Nevada we shall have reckless expenditure, we shall have want of economy, and we shall have chaos where order ought to reign.

I am glad to have been here this morning upon the occasion of the Senator's speech on this subject. I think perhaps that as to much of it the time may not yet have come to put it into legislation, but it is this broad view that in the end is going to result in economy and result in order if we ever adopt one plan or the other. I want to most heartily commend the utterances of the Senator from Nevada upon these subjects.

Mr. NEWLANDS. Mr. President, I have taken up a great deal of time, much more time than I had anticipated taking. I wish to state to the Senator from Tennessee [Mr. SHIELDS], who is so ably presenting the pending bill, that my suggestion

of an amendment has no hostile purpose so far as his measure is concerned. Whilst I am not prepared to commit myself with reference to all the details of his bill, and think that doubtless it will be amended in some particulars by the wisdom of the Senate, yet I believe that it is in the right direction; but I believe that it should dovetail in as a part of a great system. For that reason I propose, if I can at this time, to incorporate the great system into the pending bill, so that the pending bill will become a part of it. I have urged that we should commence this great work immediately; that we should not be daunted by the expenditures involved; that they are trivial as compared with the benefits that will be received.

In answer to the suggestions that our military expenditures will require such large additional revenue as to make it impossible to undertake works of this kind, I have to say that I am opposed to any military expenditure that will halt in any way the proper constructive work of the country. So far as I am concerned, if $120,000,000 more of revenue are to be raised, I would be willing to divide that sum between military preparedness and transportation preparedness—$60,000,000 annually going to the great work covered by my amendment and $60,000,000 annually going to increase the efficiency of our military defense. Just as I insist upon methods of coordination, of cooperation, and of efficiency in conducting the great constructive works of the country under this amendment, so I insist upon coordination, cooperation, and efficiency in the preparation for the military defense; but if we will only adopt the methods that will secure these results, we shall be amazed how quickly we can solve the issues that are now presented to us.

There is no reason why we should not ourselves, without the action of these various committees having jurisdiction, provide for the subcommittee to which I refer. There is no reason why we should not insist that we should have a perfected plan of national defense, including both the Army and the Navy as a unit, which would be covered by an expenditure of $300,000,000 or $350,000,000, or any other sum that we name, and there is no reason why we should not within a very short time get definite plans from expert authorities under the direction that we give.

What man, in employing an architect, leaves the question of the cost of his building, of his structure, to the architect? He tells him, in the first place, the area that he wishes his building to cover, the height, the proportions, and then asks for plans. We, however, leave all these questions, without instruction practically, to our experts. The result is that every expert brings in a different plan, involving differing details and differing expenditures, and we are all in confusion. Let us focus the attention of the country, so far as military preparedness is concerned, upon one subcommittee, which will act for all these committees, and let that committee get definite information from the expert authorities as to the structure which it wishes to erect, in the shape of military preparedness, and we shall then have a quick solution of this subject.

Mr. JONES. Mr. President——

The PRESIDING OFFICER (Mr. VARDAMAN in the chair). Does the Senator from Nevada yield to the Senator from Washington?

Mr. NEWLANDS. Certainly.

Mr. JONES. I have been required to be out of the Chamber for a time and it may be that the Senator from Nevada has already covered what I am going to ask him about. If he has, however, I shall be glad to have him go over it again. I believe that I agree fully with the suggestions which the Senator makes in reference to the manner in which we should prepare for preparedness, but it seems to me that his amendment is going to reverse that position. I do not think we have any comprehensive survey or plan prepared or estimate submitted upon which to build the structure for which the Senator proposes to appropriate, and it occurred to me that it would be better for the Senator to propose a comprehensive survey that would bring to us estimates as to what could be accomplished and also its cost and then have that submitted to Congress. I think, however, that heretofore I have voted for some proposition of that kind in the way of a commission or something of the sort, which the Senator has proposed. I feel that there is very great merit in the suggestions he makes and in the plan he proposes; but it occurs to me that before we say we are going to appropriate the sum of $600,000,000 we ought to have very detailed surveys and estimates submitted by those who are especially qualified to pass judgment upon such matters. It also occurred to me that it would be better for the Senator to submit something of that kind if we are to vote upon the proposition at all. What would the Senator from Nevada say about that?

Mr. NEWLANDS. Mr. President, I have to say with reference to that that we have as to many of our rivers already plans upon which work could be commenced. For instance, we have a perfected plan with reference to the lower Mississippi River from Cairo down as to levee development; we have a perfected plan regarding the Sacramento and the San Joaquin Rivers in California. I believe also that there is a more or less perfected plan with reference to the Columbia River and the Snake River; certainly as to the Columbia River, though possibly thus far not extending to the Snake River. We have also plans for the Ohio, the Cumberland, and the Tennessee.

Mr. JONES. Mr. President, if the Senator will permit me there, I wish to say that my understanding of those plans is that they do not take into contemplation what the Senator contemplates in his amendment; they do not take into contemplation what can be done at the headwaters, what can be done in the way of irrigation, or what can be done by way of storage, and so on. For instance, in the Mississippi River those plans contemplate how high we can build the levees or how deep we must get the channels, while, as I understand the Senator's plan, it might do away with all this levee proposition; it might take care of these floods at their source. I have heard him make the remark that he wanted to take the water where it fell and as soon as it fell. If that is true, the plans which we have for the improvement of the lower Mississippi River might not come within his plan at all.

I think there is more force in his other suggestion than there is in his proposition of carrying out the plan that has been proposed, which does not have in view the great coordinate work that he has in contemplation in his plan. Take the Columbia River. All that the plan proposes there is to canalize the channel. It has not taken into account the proposition of the storing of water to be used for power and irrigation purposes. So I think as to practically all our rivers the plans we have had so far submitted may fit to some extent into his plan, but very little; and I should say that if we were to adopt the plans proposed by the Senator, we would want to hold up on those propositions that we have worked out thus far, because we might not include them in his plan, and they might not be necessary at all.

It occurs to me that we are really going contrary to the Senator's plan when we take up this proposed development by piecemeal. There is great merit in the suggestion which the Senator makes; but if we would appropriate $1,000,000 or $2,000,000 or $3,000,000 or $4,000,000 for a comprehensive survey, to be completed within a year or two years—not extending it over a long period of time, but appropriating enough money to put a sufficient number of experts with a sufficient force at work to make the comprehensive survey which he desires in a year or two years—then we would have accomplished something and taken a long step toward solving the problem about which the Senator has made, I think, some very valuable suggestions, not only in his speech but in the bill which he has prepared. I myself should like to vote for a proposition of that kind, and I would vote to put it on this bill, so far as that is concerned.

Mr. NEWLANDS. Mr. President, I do not propose to press this amendment to a vote now. I have simply been pressing it for the consideration of Senators in the hope that they would present suggestions of value that might be used in perfecting this amendment. I simply say, by way of preliminary, that I do not think the plan pointed out by the Senator from Washington [Mr. JONES] will do for this reason: I think it is absolutely essential that we should now commit this country seriously to a work of very large proportions, and that we should name the sum which we propose to apply to it in the bill; and I think we are entirely safe in saying that $600,000,000 will be expended in that work within the next 10 years, for I regard that as a moderate amount rather than a large one.

Now, as to the Senator's suggestion that we should make a survey. Why, that means a survey of all the waters in the United States, the rivers, their tributaries, the creeks, and all the small and large streams which constitute our waterway system. I do not know how many years would be consumed in a study of that kind; but I should be very much afraid that the work might be abandoned almost at any time; that the work would not be kept before the public eye; and that it would end as I have seen other appropriations of this kind end, notably the appropriation for the Missouri River.

Then, in addition to that, I believe that we have enough projects now, which have been well considered and approved, to exhaust the $60,000,000 which we provide for in this bill for the next three years, and I would expect during that time plans to be produced for the enlargement of the work.

Take the lower Mississippi River, to which the Senator refers. He says that the storage and slowing down of the waters above might do away with the necessity of constructing the levees and that the present plans call for the construction of levees at an additional expense, I believe, of about $63,000,000. I believe

that levee work should continue under whatever plan we adopt, because I do not believe we ought to surrender that vast area there to crocodiles, and I believe if we stop that levee work in the expectation hereafter of forming plans that will obstruct the flow of the water above, that that entire area will go back to a state of practical unproduction. So I would go on with those expenditures.

Mr. JONES. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nevada yield further to the Senator from Washington?

Mr. NEWLANDS. Certainly.

Mr. JONES. The Senator did not understand me as being in favor of that?

Mr. NEWLANDS. No; I did not; but the Senator suggested that the levee work might be suspended or that it might not be necessary to raise the levees to the height now contemplated. I believe that it will be necessary to raise the levees to the height contemplated. What I want to save is an expansion of the height of the levees in the future, for I am satisfied that, under existing conditions, the present height contemplated for those levees will not be sufficient. Just to the extent that we reclaim the swamp lands above and deprive the overflow waters of the areas over which they have been accustomed to spread, to that extent we will increase the pressure on the funnel below, and New Orleans is right at the neck of that funnel.

Mr. JONES. Mr. President, if the Senator will permit me, I understood from the argument which he has been making, that by the storage of the waters above and holding them back, we would do away with the great floods down below.

Mr. NEWLANDS. No; we will never do away with them; we may simply mitigate them.

Mr. JONES. I do not mean to suggest that we should not do whatever levee work may be necessary; but the Senator provides in his bill for surveys and for examinations, and he has been arguing that his bill is a broad and comprehensive one. Now, I do not see how we can secure a broad and comprehensive system without first having the foundation laid in a broad and comprehensive survey.

The Senator allots $50,000,000 for the 10 years, for instance, to the Northwestern States, Washington and Oregon and possibly a part of Idaho—I have not the map before me—but how are we going to start to expend that money? Should we not have some plan devised under which we will expend it? We may not need that much money, although, as the Senator suggests, we will probably need more, and I am willing to concede that is so; but if we start out in a piecemeal way, expending a little bit here, a little bit there, and a little bit yonder, under some plan that may have been prepared, without taking into view the comprehensive system which the Senator proposes, we will get back into even a worse system than we have now, and we will, under a plan that ought to work out in the most economical way, waste more money than we have been wasting in the past.

Mr. NEWLANDS. Mr. President, the Senator will find that 15 or 20 scientific services, such as the Engineer Corps of the Army, the Reclamation Service, the Forestry Service, the Drainage Service, and other services, have, as the result of exhaustive study in the past, plans under consideration which involve large expenditures of money. The purpose of this bill is to bring them together in one body, so that they will coordinate and so as to make their plans and their work dovetail. I have not the slightest doubt that, if you bring all these scientific services into conference to-day, within six months, out of the information which they have already obtained, out of the surveys which they have made, out of the plans and estimates which they have prepared, they will elaborate plans for large and efficient expenditures of money under this bill. As this work of investigation has been going on by each one of these scientific services in the past 15 or 20 years, each one of them presenting its claims upon Congress for appropriations, I assume that, when you get them together with a view to dovetailing their plans and making a common plan, they can accomplish their work very much more quickly than if they had not existed in the past and had not gone through this period of exhaustive research and work.

So I would object to the suggestion of the Senator as involving simply years of investigation regarding matters that have already been investigated by competent scientific bodies, and which only require cooperation and coordination to perfect, so that they will make a complete system. For instance, whilst I believe that on the Columbia and Snake Rivers, to which the Senator alludes, the Army engineers have prepared plans relating only to channel improvement, the Reclamation Service has also made surveys relating to arid-land reclamation and water-power development, and the system which I propose will involve the coordination of these two great engineering services in dovetailing existing plans and contemplated works.

Mr. CLAPP. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nevada yield to the Senator from Minnesota?

Mr. NEWLANDS. Certainly.

Mr. CLAPP. Mr. President, I wish to suggest to the Senator that, so far as plans have been prepared by the various branches of the Government service, it would require no great amount of time, except the coordination of those plans. The Senator is about the only one whom I now recall who has given much effort toward the adoption of this general plan. One can find now and then through the country men who appreciate it, but before any great movement can be inaugurated there would have to be a momentum and a force put behind it.

The very fact of an appropriation being made with a view of utilizing what would have to be utilized, of developing what would have to be developed under this general plan, would be the means, it seems to me, of bringing it to the attention of the public as it never has been brought before, awakening an interest in the different sections as it never has been awakened before; and, while at first blush it might seem like postponing the matter, I believe in the long run that time would be gained by adopting the suggestion of the Senator from Washington. To-day if you broach this matter, the answer is, "Why, we do not know anything about it; there is no general plan; we have no figures or anything else regarding it." It is true that in the various offices of the Government, to which the Senator from Nevada has referred, there are a good many figures; there is a great deal of data that could be used; but it has not gone before the public in any concrete form, except so far as the Senator has been able, very largely by his own efforts, to get it there. While the Senator is not called upon at this moment to decide the matter, it strikes me that it is worth considering as to whether the plan suggested by the Senator from Washington would not in the end be conducive to expedition.

Mr. NEWLANDS. Mr. President, upon a subsequent day I will present proofs that this plan already has the approval of public opinion in the shape of legislative indorsements, indorsements by waterway conventions and associations, chambers of commerce, boards of trade, and individual letters. I will also show that this plan has been in contemplation ever since Mr. Roosevelt's administration and that they had Mr. Roosevelt's approval whilst he was President. I can show numerous letters addressed to me upon the subject, showing his interest in it, his anxiety regarding it, and his desire that this plan should be pushed. I can also show the report of the Inland Waterways Commission, composed, as I have said, originally of two Senators and two Representatives, the two Representatives later entering the Senate, and also of the chiefs of the various scientific services, in which every essential feature of this bill is presented and indorsed, and that among those names appears the name of Mr. Burton. I regret to say that Mr. Burton has not since identified himself with any idea of constructive work in this direction. Mr. Burton's attitude has been mainly one of criticism and of cynicism with reference to river development; but there was the action of that commission, signed by Mr. Burton himself, who at that time indorsed the principles of this bill.

The bill has been presented at every session since, and I think that the public is much better informed regarding this question than the Senator from Minnesota is disposed to think, and that public judgment is as fully made up upon this question of broad and comprehensive work as it is upon any other question. I will give an illustration. The other day, just before the session of Congress began, I received a telegram from the governor of Kansas—a Republican, with whom I am in no political relations—stating that they had had a very destructive flood in that State, that their attention had been called to the bill which I had been urging, and requesting me to stop at Topeka in order to confer with the leading citizens of that State regarding it. I did so, and I found assembled at the governor's office about 100 of the leading men in the State, regardless of party—men of large enterprise, managers of railways, mayors of cities, and men of affairs generally. I found that they had been considering the bill carefully. The result of our deliberations was that they unanimously indorsed it, and the governor told me that the State of Kansas is behind this amendment. He told me that a request would be made of their Senators and their Members of Congress to support it.

Later on there was a luncheon at the Commercial Club, and there the matter was discussed. It was thoroughly understood, very intelligently considered, and a unanimous vote of approval given to this measure. In New Orleans itself, the leading newspaper of that city has been agitating and urging this plan for years, and the Louisiana Legislature has indorsed it; the State of Wisconsin has indorsed it, the State of South Dakota, and

I think the State of California, though I am not sure. At all events, about eight or more States have indorsed this amendment.

Mr. KENYON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nevada yield to the Senator from Iowa?

Mr. NEWLANDS. Yes.

Mr. KENYON. There is a bill known as the Ransdell bill.

Mr. NEWLANDS. Yes.

Mr. KENYON. How does that differ from the Senator's bill, or is it substantially the same?

Mr. NEWLANDS. As I understand, the Ransdell bill simply takes hold of the Mississippi River below Cairo and deals with that. The Senator from Louisiana is fearful of including that development in a great bill lest in the delay consequent upon the consideration of a great bill that enterprise may temporarily suffer, and he feels the absolute necessity of continuous work.

Mr. KENYON. What is the status of that bill?

Mr. NEWLANDS. That bill, as I understand, provides for carrying out quickly the plans of the Mississippi River Commission, which is composed partly of engineers of the Army and partly of civilians. It is a commissions that has the confidence of that region, and it has been engaged in cooperative work with the various States under a system by which the Government contributes a certain proportion toward the construction of these levees and the various levee districts contribute another proportion. Those levee districts, I am told, are, many of them, in a condition of embarrassment and of bankruptcy.

Mr. KENYON. Is that bill now before the Senate?

Mr. NEWLANDS. I believe it is. I do not know whether it is before the Senate or not, but——

Mr. KENYON. Is it on the calendar?

Mr. NEWLANDS. I do not know. I do not think it is; but it is being urged by the Senator from Louisiana. His position is this: He does not object to a big bill, but he is fearful that so much time will be lost in the consideration of a big bill that the work down there may temporarily suffer.

Let me say another thing: This amendment really makes that Mississippi River Commission, in which the Senator from Louisiana has so much confidence, one of the instrumentalities through which the work is to be done. The amendment does not seek to disturb any of the existing jurisdictions or any of the existing operations of these various scientific bureaus and commissions, but simply to bring them into harmony for cooperative work.

Mr. KENYON. Let me ask the Senator another question. If the Senator's bill should be passed, would that eliminate the necessity, if there be any kind of a necessity, for the passage of the bill of the Senator from Louisiana?

Mr. NEWLANDS. In my judgment it would.

Mr. KENYON. That is to say, it would cover the same subjects that are covered by the bill of the Senator from Louisiana [Mr. RANSDELL]?

Mr. NEWLANDS. Absolutely.

Mr. GALLINGER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nevada yield to the Senator from New Hampshire?

Mr. NEWLANDS. Certainly.

Mr. GALLINGER. Is it in contemplation, in the event of this great enterprise of the Senator's becoming law, to eliminate the annual river and harbor bill?

Mr. NEWLANDS. No. My idea is that the harbor bill would progress, but that the moneys for the rivers would be appropriated by this measure. As I understand, the bulk of the appropriations heretofore made in the river and harbor bill have been for the harbors.

Mr. GALLINGER. Would that take care of the creeks as well?

Mr. NEWLANDS. What bill?

Mr. GALLINGER. The comprehensive bill of the Senator from Nevada. Would that eliminate legislation for the creeks and other small waterways of the country that we constantly find in the river and harbor bill?

Mr. NEWLANDS. It would take care of all creeks that would properly form a part of an intelligent and scientific system.

Mr. KENYON. The creeks that have any water in them.

Mr. GALLINGER. If the Senator will permit me, can he tell approximately how much the Government has expended up to date on the Missouri and Mississippi Rivers?

Mr. NEWLANDS. No; I can not. I think about $600,000,000 has been expended by the Government on rivers and harbors. I do not know what proportion of it has been expended on those rivers.

Mr. GALLINGER. One hundred million dollars, probably, on those two great rivers?

Mr. NEWLANDS. On the whole Mississippi River? I should say so.

Mr. KENYON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nevada yield to the Senator from Iowa?

Mr. NEWLANDS. I do.

Mr. KENYON. May I suggest that in the debate on the river and harbor bill it was disclosed that over $140,000,000 had been spent on the Mississippi River.

Mr. GALLINGER. Yes. Can the Senator give us any good reason, any substantial reason, that would tend to clarify our minds and vision, when we come to the consideration of this subject, as to how it is that after having spent $140,000,000 on the Mississippi River there is not any commerce on that river?

Mr. NEWLANDS. I tried to explain that in my remarks when the Senator from New Hampshire was not present.

Mr. GALLINGER. I am sorry I was not present.

Mr. NEWLANDS. But I shall be glad to give the Senator an epitome of what I said on that subject.

The Senator's inquiry is as to how, logically, we can consider the expenditure of more money on the Mississippi River when the expenditure of $140,000,000 has done very little toward the promotion of navigation on that river. My answer is that that expenditure has been scattered most ineffectively over a great number of years; that the expenditure did not involve the comprehensive treatment of the entire river with a view to making it an instrumentality of commerce; that the work was done largely in detached places here and there, in the removal of sand bars and other obstructions or in the construction of levees, and so forth; but that there never has been an effort really to artificialize and perfect the Mississippi River as an instrumentality of commerce. That involves the establishment of transfer facilities and sites, the dovetailing of the river with the rails by a system of legislation and administration, the construction of the proper wharves, the erection of the proper stations and warehouses, and so forth. The river has thus far been developed practically as a railroad would be developed across the continent, with spaces, every mile or two, of rails left out, or without stations or side tracks. The Senator can understand how effective a railroad would be upon which a very considerable amount of money had been expended that was in that condition; and that has been practically the condition of the Mississippi River.

Mr. GALLINGER. Mr. President, if the Senator will permit me further, the method of building dikes along the Mississippi River, as I have observed, has been, as a rule, to build them only on one side of the river; and that has resulted in many cases in forcing the water to the other side and doing great damage to private property. As I understand, there are millions of dollars of claims filed against the Government now by parties who say that the Government improvement has resulted in destroying their property, and that the Government ought to be held responsible for it.

To take care of the waters of the Mississippi River permanently, would it not be necessary to dike the river on both sides to a very large extent, covering a large area? And if that is necessary, and then the Senator has constructed the terminals and various other things that he has enumerated as being necessary, does he think the $600,000,000 to which he has referred will much more than meet the requirements of the Mississippi River alone?

Mr. NEWLANDS. My answer to that is that the estimate of the engineers is that $63,000,000 will put the levees of the Mississippi River, from Cairo down, in a condition to withstand the invasion of the floods.

Mr. GALLINGER. To build levees on both sides?

Mr. NEWLANDS. Yes; to build all the levees that are necessary. It may not be necessary, of course, where there is a steep bank, to construct a levee, so that you would not necessarily have to have continuous levees on both sides of the river. Undoubtedly, as the Senator says, the construction of levees in some places has forced the water unduly upon other places and inflicted injury from which damage has resulted. I should, however, expect a capable board of engineers to construct these levees so as to avoid that difficulty as far as practicable; although, of course, there may be cases where such an injury is a necessary evil and must be paid for.

Mr. GALLINGER. If I have read the Senator's amendment correctly—and I have read it only casually—I think the Senator has in his mind a scheme, which to some extent is expressed in the amendment, of a very large expenditure in addition to

the mere diking of the river. I will ask the Senator if that is not true?

Mr. NEWLANDS. In that particular place?

Mr. GALLINGER. Anywhere where there is water.

Mr. NEWLANDS. Oh, this scheme involves an expenditure of $60,000,000 annually on all the rivers of the United States for a period of 10 years, $600,000,000 in all. I was stating, before the Senator came in, that it is stated by Mr. Hill that there will probably be a necessary expenditure of $5,000,000,000 during the next five years on the railways of the country; and I was contrasting that with the very moderate sum that is requested for the waterways, the latter development, in my judgment, being as essential as the former.

Mr. GALLINGER. Yes; but of course the Government does not furnish the money for the development of the railways of the country.

Mr. NEWLANDS. The one is in the hands of quasi public corporations, which collect rates from the public.

Mr. GALLINGER. But what I was desirous of getting information about was as to whether the Senator's scheme does not contemplate terminals——

Mr. NEWLANDS. It does.

Mr. GALLINGER. And various other matters that will greatly add to the $63,000,000 that he says the Mississippi River Commission has suggested as being enough to take care of the Mississippi River from Cairo down.

Mr. NEWLANDS. I should say that probably some expenditure would be required in that direction. I should, however, expect this commission as far as possible to accomplish that work by cooperation with the States, for which this amendment provides; but I do think, even if the States are not able to contribute, or are unwilling to contribute, that the use of the Mississippi River as a great national highway would warrant the Government in providing these transfer facilities, just as if it were constructing a Government railway it would provide station houses and sidetracks.

Mr. GALLINGER. I will ask the Senator a further question. There is a railroad on each side of the Mississippi River, on the bank on each side; is there not?

Mr. NEWLANDS. There is.

Mr. GALLINGER. Does the Senator think that it ever will be possible to have successful competition on the Mississippi River as against the railways?

Mr. NEWLANDS. I think so, if you will provide a sufficient length of river over which the boats can operate. This plan involves, ultimately, the complete navigation of the lower Mississippi River, the Ohio, the upper Mississippi River, and the Missouri, and some of their tributary streams, so that in that way there will be a larger area over which the boats can transact business. Then, in addition to that, I should hope there would be greater cooperation between the rails and the rivers, the rails hauling the more costly goods, and the rivers hauling the goods of large bulk and low cost.

Mr. GALLINGER. In other words, adopting the German system, so far as that is concerned?

Mr. NEWLANDS. Yes.

Mr. GALLINGER. But—and just there I regret that I did not hear the Senator's entire speech; I was unavoidably kept out of the Chamber—the Senator compares the scheme he has in mind or its results with the development in Europe.

Mr. NEWLANDS. Yes.

Mr. GALLINGER. The Senator knows—and he knows much more about that matter than I do—that the German canals were built long ahead of any railroads in Germany, and that that system was developed as a necessity for transportation before railroads were thought of. Does the Senator think that with this great system of railroads that we have, expanding every year—unfortunately, it has not expanded much during the last year for some reason or other—that we can go into a system of canal and river development that will enable us to perfect a system that will be at all comparable to that of Germany?

Mr. NEWLANDS. I think it would be entirely practicable, and I think it would be advisable, for this reason: It is true, as the Senator says, that the canalization of the German rivers preceded the construction of their railways, and their waterways then constituted practically their only perfected system of transportation; and the Senator argues from that that if the railway construction had come first it would not be necessary to develop the waterways, and that they would not be developed. My answer to that is that if that were the case the Germans would stop now the further development of their rivers; but, on the contrary, they are developing them more highly than ever, as I understand, and making very large expenditures upon them, and are not only canalizing the rivers themselves but are connecting them by canals; so that they seem to rely there upon the waterways as a necessary part of a cheap transportation system.

Mr. GALLINGER. Mr. President, I shall not detain the Senator longer. I thank him for permitting me to ask the questions I have asked him. I have not given much thought to this great scheme of the Senator's. I confess that I thought it was Utopian, and I have not entirely gotten that idea out of my mind yet. But as long as I chance to be here, associated with the distinguished Senator from Nevada, I am going to follow the development of his scheme with a great deal of interest. If it works out, as the Senator thinks it will, to the advantage of the American people, to the development of a transportation system much more desirable than we have at the present time, I will join the Senator from Minnesota in saying that the Senator from Nevada will have earned the gratitude of the country, and some time we will erect a monument to his memory.

Mr. NEWLANDS. The Senator is very kind in his expressions, and I hope that at all events we will all unite in erecting a monument to American intelligence and American efficiency in this great system. But I want, in a very good-natured way, to bring back to the Senator's memory a little matter of legislative history which I think ought to insure his sympathetic interest in this bill. That is that when the Senator from New Hampshire, with the Senator from Connecticut [Mr. BRANDEGEE], was very intent upon passing the bill for the acquisition of lands in the Appalachian Mountains and the White Mountains, which had been denuded of their forests, upon the assumption that those lands contributed in some way to the supply of rivers, and thus affected navigation and interstate commerce, I was then desirous of tacking my river-regulation bill as an amendment onto that bill; and there was some apprehension, I think, regarding it upon the part of those who were interested in that bill.

I wish to say that that bill was a very wise measure, in my judgment, and it had my entire sympathy; and at that time I thought it was a favorable opportunity, when a detached part of the water question was coming up, to put on as an amendment a general scheme of legislation. I forebore doing this at the urgent request of the Senators interested in the Appalachian bill, and my recollection is that the Senator from New Hampshire and the Senator from Connecticut, in return, indicated that when the opportunity offered they would be inclined to view with a good deal of hospitality the general legislation that I had in contemplation, and I have always relied upon their hearty cooperation in perfecting such a measure, just as I gave mine to the perfection of the measure which the Senator from New Hampshire and the Senator from Connecticut were backing.

Mr. GALLINGER. Doubtless we did flatter the Senator a little on that occasion, because we wanted his support. I have no doubt of that; but there never was a moment when I did not believe that the $7,000,000 that we got for the Appalachian and White Mountain Forest Reservation scheme would be lost in the shuffle if we added a $600,000,000 proposition to the bill.

Mr. NEWLANDS. Yes. But, Mr. President, the Senator could only logically support the measure that he was then supporting upon the assumption that those lands would ultimately be used as a part of a great and connected scheme of navigation; for certainly if our rivers are not to be used for navigation and are not to be used for interstate commerce, it was an unwise thing for the National Government to expend $7,000,000 for lands which could not be utilized in any way under any national power.

This bill simply provides a method under which all these various organizations, including the commission which the Senator had organized under the Appalachian and White Mountains bill, can be brought into teamwork for the development of a great and comprehensive and efficient system of developed waterways.

I believe the purchase that was then made was a wise one. I am told that additional appropriations are now being sought for that land-purchasing commission; but one of the criticisms I have to make of that entire system is that we are constantly legislating and constantly appropriating for detached portions of a waterway system without really organizing a waterway system in its completeness at all and without taking any steps to establish a complete waterway system. The lands acquired in this way will fit into a waterway system. They are utterly useless for purposes of interstate commerce or of navigation unless a waterway system is perfected; and I trust that the encouragement which the Senator gave me at that time for support of this measure will be realized.

Mr. NORRIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nevada yield to the Senator from Nebraska?

Mr. NEWLANDS. I do.

Mr. NORRIS. Before the Senator takes his seat I should like to get his view on a proposition that I think is directly connected with this bill, and that is the proposition of retarding the flow of the streams that go into the Mississippi; for instance, so that the waters may be put to other uses and not do damage at the lower end of the Mississippi, where they are not wanted.

I have often thought—and I have given the matter some study—that in the various reclamation schemes that have been developed, some of which have been put into operation in the West, where the water has been held back in reservoirs and used for irrigation purposes, instead of charging up to the reclamation fund the cost of the dams by which the water is held back it ought to be paid out of the general fund, the same as appropriations in the river and harbor bill are paid out of the general fund, because it results in preventing water from doing damage, although the water itself is used for beneficial purposes. But I confess I was somewhat disappointed by some articles I have read on the subject by some of our experts, who claim that the amount of water that we would prevent from going down the Mississippi by means of dams of that kind would be so small that they would not notice it.

I should like to ask the Senator if he has given to that subject the consideration that I think it deserves in connection with the very interesting plan he has outlined. Has the Senator any idea as to how much benefit we get in the way of prevention of floods in the lower Mississippi by the retention of the waters for irrigation purposes near their sources?

Mr. NEWLANDS. It is very difficult to state it with any mathematical exactness. My contention is that every device should be used to slow up the progress of the waters from the mountains and hills and plains upon which they fall down toward the Gulf and the ocean, and that just to that extent you diminish the height of the flood at the points of danger. There will not only be these diversions for reclamation, but there will be diversions for water power, for intensive cultivation, and there will also be the increased storage of moisture in the forests, and there will also be, probably, systems of agricultural development under which the ordinary field will be enabled to absorb more of the current fall of water and give it out to the small streams more slowly, and the general operation of all of these retarding processes will be to reduce very materially the volume of water that is to be thrown against a particular place of danger below. I can not with any mathematical accuracy say how much that will amount to; but the Senator can see how many devices can be multiplied in that direction and how, in doing that, we can increase the beneficial use of water. I should hope to see, for instance, vast areas of arid and semi-arid land that now have no water absorb these waters.

Mr. NORRIS. It has seemed to me always that we ought to differentiate between building a dam for the sole purpose and object of preventing the water from going farther down and the building of a dam which would have the same effect, but which provides for the use of water where it is kept. The plan under the present law is that the expense of building a dam, for instance, for irrigation must be paid by the people who use the water on their land. It would be right, in my judgment, if they should be made to pay a part of it; but if the water that we keep back materially decreases the danger below, and we feel bound to prevent damage below by a general appropriation, it would be only fair, it seems to me, that the expense of keeping back such water should be divided between the people who use the water and get a specific use of it and the general public that has been saved the expense of taking care of the water where it is a danger.

Mr. NEWLANDS. I quite agree with the Senator. He has made a perfect demonstration of the justice of such an apportionment, and I expect that to be done under this amendment.

Mr. NORRIS. There could be no doubt if such a very great amount of water is kept back in, let us say, for illustration, the Pathfinders Dam in Wyoming, at a time when it would do harm if permitted to go on down the river, it not only saves the people from expending money and saves it from doing damage farther down, but by putting it on the land, seeping through the land at a later season of the year when it is dry, it gets back into the river and thus helps to make the river navigable at a season of the year when it would otherwise be dry.

Mr. NEWLANDS. I will say to the Senator that I think he has very clearly stated the principles that should govern, and that this amendment provides for an apportionment of costs and benefits as between the National Government and those who are operating perhaps under State laws, the State government, or purely private interests. The Senator is quite correct in saying that every gallon of water which is held back by an irrigation enterprise to that extent helps navigation below if it tends to keep that gallon of water from adding to an existing flood.

Mr. NORRIS. And lets it out at the time when it is needed.

Mr. NEWLANDS. As well as adding to the river when it is attenuated.

Mr. NORRIS. That brings me to the other part of the Senator's plan. In the case we were holding back waters, let us say, to illustrate, in the State of Ohio, emptying into the Ohio River and then into the Mississippi, it would not be possible, at least as I understand it, for us to put those waters to beneficial purposes. In fact, I presume it would flood the ground, and there we would have to pay damages. Instead of being a benefit in the immediate community, it might be a damage. There might an entirely different question arise there from what would arise in the West, where we would use the water for irrigating purposes.

Mr. NEWLANDS. I can understand, of course, that the construction of a great reservoir in the humid region might involve some possible injury to adjoining lands, and in that case compensation would have to be made.

Mr. NORRIS. Is it in the Senator's mind that his plan would mean the building of dams through Ohio, Illinois, Indiana, and Iowa, for instance, for the purpose of holding back the water?

Mr. NEWLANDS. I would expect the commission to do the most businesslike thing. If it is wise for the Government to do so, in aid of navigation and to actually own and control it or lease the power, I would expect them to do that. If it could by some beneficial arrangement with a private corporation give it the power to construct a dam and create reservoirs for water-power development under proper conditions of control in the public interest, then I would expect them to do that. The powers of this amendment are ample to do either.

Mr. NORRIS. I think the powers are quite general, and as the Senator says they are ample, but at the same time it seems to me when we are called upon to pass on its we ought to be able to look it over and see, at least, approximately what the authorities provided in the bill could do under existing conditions. Suppose we were going to build dams through Ohio and Indiana where the land that would be overflowed is very valuable. The power that could be developed with flood waters there would be only a temporary affair unless we developed vast storage capacity to hold the water. There again we come into a condition that is entirely different from the West.

Let us take the Pathfinders Dam, to illustrate. There the water is dammed up in the river somewhere between 250 and 300 feet deep, running back 15 or 20 miles, covering a vast area of country, but there were no damages in flooding that, because it is a mountainous country, with rocks and among the hills, and the land is of no earthly value for agricultural purposes. They hold back enough water there and they hold back the flood waters. Those are the waters that they keep. They have to let go enough to keep the stream going as it would be in ordinary times, and they keep only the surplus water in the dam. It is possible there because, as I said, the only expense connected with it is to build the dam; but if you are going to undertake to do that in Ohio or some old settled part of the country, or in Iowa, in an agricultural community, the Senator can see that the damage we would have to pay would be something enormous.

Mr. NEWLANDS. I would not expect the commission to enter upon the construction of any dam that requires so large an expenditure for the dam site, and also for the area covered by the overflow, as to more than offset the benefits arising.

Mr. NORRIS. Now, there comes the difficulty, as I see it, in that part of the Senator's plan. Would you not have to do that in effect on the lower Mississippi River in holding back the water? You have to put the water in a dam if you hold it back.

Mr. NEWLANDS. In that case, of course, they would consider as to whether it was just to warrant a large expenditure; but I would not expect them to do a foolish thing. The Senator knows that many places are mountainous, and probably these reservoirs can be established on land which is of very little value. Then, in the Mississippi Valley region there are the mountain tributaries of the Ohio, for instance.

Mr. NORRIS. You would not find many such places in the State of Ohio.

Mr. NEWLANDS. No; not in the State of Ohio. But in the State of West Virginia, for instance, or the western part of Pennsylvania and at the headwaters of the Tennessee, which, I believe, are in Alabama and North Carolina.

Mr. NORRIS. You might find them there.

Mr. NEWLANDS. I would imagine that the land there is almost valueless in many places. Of course I can understand that there are locations where a dam would be a very expensive luxury because of the large area of cultivated land that would be necessary in order to hold the water.

Mr. NORRIS. I think most of the dams built in Ohio and Indiana and such localities would be small dams up the river

or stream a very short distance, so that there would not be very great damages as far as flooding the country is concerned, but while under the regular flow of the stream they might develop power, at the same time it would have no influence whatever over the damages that might occur farther down in the Mississippi Valley, because it would not hold the water back except to fill up the space behind the dam, and that would have to be done only once.

Mr. NEWLANDS. I can understand, of course, in such cases the dam construction would be very expensive.

Mr. NORRIS. I should like to ask the Senator another question about his proposed amendment, and I think it is quite an important one, upon which the Senator I think so far has not gone into any detail. He provides for cooperation between the municipalities and States. I wish the Senator would explain just what he means, what he thinks could be accomplished in that respect. How could they cooperate with the States?

Mr. NEWLANDS. For instance, with reference to municipalities, we will assume there is a town on the Mississippi River that has at present no proper transfer facilities, even if the river were navigated by boats, and it is necessary to construct wharves and warehouses and other structures that relate to the transportation business. It will be necessary perhaps to construct a retaining wall at considerable cost to fill in, and other things of that kind. I would expect that this commission would enter into a businesslike arrangement with that municipality and endeavor, if possible, to have the entire expenditure made by the municipality; and if the municipality is unable, to share in some fair proportion that expense. The idea is to make these rivers great national water highways, just as a railway is constructed, with all the proper transfer facilities and sidetracks and conveniences of transportation. Then a cooperating plan, I imagine, could be suggested and gradually perfected with the municipalities providing for a sharing of the expenditure, or perhaps the assumption of the whole by the Federal Government if the municipality would not be justified in entering into it.

There is now cooperation between the Mississippi River Commission and the various levee commissions of Mississippi and Louisiana and of other States. We make an annual appropriation, I think, of about $3,000,000 for levee construction. The Mississippi River Commission, consisting largely of Engineer officers of the Army and also of men who are skilled in that kind of engineering, civilians, administer that fund. The examination that I made demonstrated that they were making very businesslike arrangements with the proprietors of land, or rather with the levee commissions, who represented the land and who had the power of local assessment and taxation for benefits.

It seemed to me from what I saw of the situation that this national commission was exacting from the private owners and from the States as their representative a very full proportion of the cost. In some cases I imagine it has amounted to a hardship, because I am told that some of those levee commissions are in practical bankruptcy owing to the extraordinary expenditures they have been put to by reason of floods. That discretionary power has been given and it has been exercised wisely. I would have that extend to the entire area of the operations of this National Waterways Commission, so that they could cooperate with the States and municipalities and corporations and individuals and could apportion the cost and the benefits fairly according to the conditions and circumstances.

Mr. NORRIS. Now, let me ask the Senator another question.

The PRESIDING OFFICER. Does the Senator from Nevada yield to the Senator from Nebraska?

Mr. NEWLANDS. Certainly.

Mr. NORRIS. Of course, the object or the main object of the constitutional peg on which the Senator would hang the legislation would be to improve navigation.

Mr. NEWLANDS. Yes.

Mr. NORRIS. Does not the Senator think that included in that there ought to be some prevention of such things as have happened in the past? The Senator himself mentioned in the admirable address to which we have listened, that railroads would not be able to put a man with a boat out of business. There ought to be a regulation similar, perhaps, to what they have in Germany and France, so that when the rivers are developed for navigation purposes men who build boats and do business on the rivers would have the assurance that they would not be run out of business by the railroads.

Mr. NEWLANDS. I would welcome an amendment to my amendment which would further that purpose. The committee of which I am chairman—the Interstate Commerce Committee—has now certain bills before it intended to enforce a fair treatment of the water carriers by the rail carriers, and I have no doubt that, even if we do not include such legislation in this bill, it will be the subject of consideration by the Interstate Commerce Committees of both Houses. I will state that such legislation is in contemplation by the subcommittee on transportation, recently authorized by the Senate in a resolution now pending in the House.

Mr. NORRIS. I think it would be interesting if the Senator could give us an outline of the method which has been pursued in the past in Germany and France, for instance, where they have developed such a wonderful commerce on their rivers. What course have they taken to prevent railroads, for example, from reducing the rate below cost when navigation is opened and then putting it up high when navigation is closed—when they have driven the boats off the stream?

Mr. NEWLANDS. I do not know exactly what form their legislation has taken, but I understand the legislation is complete upon that subject and that the waterways are guarded by the legislation of both Germany and France.

Mr. SMOOT. The rates are made by the Government.

The PRESIDING OFFICER. Will the Senator from Nevada yield to the Senator from Utah?

Mr. NEWLANDS. Certainly.

Mr. SMOOT. I was simply going to say, Mr. President, that in Germany the water rates and also the railroad rates are made by the Government. The Government provides that the water rates at no time shall be more than a certain per cent less than the railroad rates. Of course, if we had the same power the German Government has in compelling railroads to observe rates, we could do the same that they do.

Mr. NEWLANDS. I think the Senator from Nebraska must have some conception by this time of the length and breadth of the interstate-commerce power.

Mr. NORRIS. Now, I should like to ask another question.

The PRESIDING OFFICER. Does the Senator from Nevada yield to the Senator from Nebraska?

Mr. NEWLANDS. Certainly.

Mr. NORRIS. The suggestion made by the Senator from Utah agrees with the little information I have on the subject, and that is that in Germany, for instance, they have a law which provides that railroads must charge a certain per cent above the water rates. I should like to ask the Senator from Nevada if that is true?

The PRESIDING OFFICER. The Senator from Nebraska asks the attention of the Senator from Nevada.

Mr. NEWLANDS. I beg pardon.

Mr. NORRIS. Is it true that in Germany they have a law which provides that the railroad rate must be a certain per cent higher than the water rate? Do they have a law that prohibits a railroad company, for instance, from making a rate that is lower?

Mr. NEWLANDS. I can not make any accurate statement upon that subject. Some years ago my attention was called to the subject and I looked into it, but I can not recall just what the nature of the legislation is. However, I do know that they preserve the equilibrium there.

Mr. NORRIS. As has been very well suggested by the Senator from Utah, in Germany the Government owns the railroads and can do that. It is my understanding that it was necessary, even though the Government did own many railroads, to pass a law to prohibit the Government-owned railroads from cutting under the rates on rivers. In France the Government does not own the railroads.

Mr. NEWLANDS. The Government does not own all the railroads in France.

Mr. NORRIS. There is a regulation there.

Mr. NEWLANDS. There is an equilibrium preserved.

Mr. NORRIS. In what way is it preserved there?

Mr. NEWLANDS. I could not state to the Senator what the exact form of the legislation is.

Mr. NORRIS. It occurred to me when the Senator was speaking on his proposed amendment in regard to having railroad rates and transportation on the river correspond and dovetail that it possibly had a tendency to lead toward the Government ownership of railroads.

Mr. NEWLANDS. Well, it may.

Mr. NORRIS. I should like to suggest to the Senator, if his joint resolution which passed the Senate the other day becomes a law and the joint committee is appointed and will take a trip to Europe, as it probably will, that they give special attention to that particular subject in connection with the so-called Borah amendment.

Mr. NEWLANDS. I will state to the Senator that if they take a trip to Europe I think the appropriation will have to be enlarged.

Mr. NORRIS. It would probably have to be extended unless the war closes. We could not run the risk of having Senators and Representatives go over there now, for fear that they would be held as hostages.

Mr. NEWLANDS. I want to say one thing about competition between rail and water. There is no doubt that in the past the railroads have been very potential in the creation of a public opinion, or rather in blocking public opinion, regarding the development of our waterways. They have been a discouraging influence everywhere. I think, however, that the railways now are beginning to realize that a large part of their transportation of bulky articles is comparatively noncompensatory, and as the density of traffic increases upon all the railroads you will find that there will be a disposition to confine them more to the carriage of goods of considerable price that will bear higher rates of transportation.

In the past railroad building has been in advance of the requirements of the country, and the result has been that they have been compelled to reach out for every kind of transportation, and they were naturally solicitous to absorb all the transportation that was being conducted upon the rivers and lakes and the coasts. Now, I think that the necessity for that is not so great and that they are also beginning to realize that the development of a complete system of transportation will tend to increase the density of the population. For instance, suppose we could have that entire flooded region, that swamp region from Cairo down to the Gulf, the richest region in the world possibly, capable of indefinite multiplication of production, capable of supplying the wants of a dense population such as Holland has, you can see that river improvement and navigation might tend to a very large increase in the transportation of freight by water. Yet there would be a very much larger increase of transportation by rail, and the railways will thus benefit by the development and increase in the population of the surrounding country caused by a thoroughly perfected system of transportation which will involve rail and river and ocean.

Mr. GALLINGER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nevada yield to the Senator from New Hampshire?

Mr. NEWLANDS. Certainly.

Mr. GALLINGER. Is it not a fact, I will ask the Senator, that instead of Germany having a law which provides that the railroads shall not charge more than the water carriers, Germany divides the freight, giving the heavy, bulky freight, the raw materials, to the steamboats and the higher-cost freight to the railroads, and in that way there is actually no competition. But, of course, I presume the Government holds its hand on both of them to see that they do not exact an inordinate rate of transportation.

I will ask the Senator, furthermore, because it is worthy of consideration, whether his investigations have carried him into the field of comparative transportation rates as between this country and European countries. In other words, is it not a fact that the railroads of this country are to-day transporting freight at a less cost per mile than the railroads of Europe? Has the Senator gone into that at all?

Mr. NEWLANDS. I believe that to be the case myself.

Mr. GALLINGER. The Senator believes it to be the case?

Mr. NEWLANDS. I think we have the most perfect system of railways in the world, and I think we have, on the whole, the cheapest transportation.

Mr. GALLINGER. That is, I think, sustained by statistics.

Mr. NEWLANDS. I think, however, our railroads have developed the transportation in bulk beyond any railway system in the world. Long trains, big cars, tremendous locomotives, and the reduction of grades have all tended to this result. But that does not minimize at all my view of the question that the waterways of the country should be developed not only for navigation but for all the other incidental uses, and that in the end the railways themselves will be benefited by it.

Mr. GALLINGER. I quite agree to that. In connection with the observation the Senator has just made that our railroad system has been developed to a much higher point than that of European countries, I recall the fact that I inquired in Germany how it happened that it had those little dinky engines that we would hardly tolerate on a country road in the United States, and the reply was that the Government would not permit them to use the large engines because they wanted the heavy freight to be carried by the waterways. Beyond a question our railroad system in this country is so superior to that of the European countries that there is no comparison between them.

Mr. NEWLANDS. That has been my experience and observation.

Mr. WORKS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nevada yield to the Senator from California?

Mr. NEWLANDS. Certainly.

Mr. WORKS. It has been suggested by the Senator from Nebraska that if the storm waters were stored, for example, in Iowa or Illinois or other of the Western States, the water could not be used for any purpose, as it might be in those Western States, where irrigation is necessary. I should suppose that if this plan were carried out the dams would not be constructed in actually navigable streams, but in the smaller streams that feed the navigable streams. Has the Senator considered to what extent the stored waters during times of storm might be used in times of low water by being released and thereby regulating and increasing the flow of water during a dry season?

Mr. NEWLANDS. I think that is a very valuable factor in the development of a river, in making a suitable stream.

Mr. WORKS. It seems so to me.

Mr. NEWLANDS. It is just as important that we should avoid a thin and attenuated flow of the river as it is high floods. We should maintain, as far as possible, a standard flow of the river, so as to carry boats of standard draft.

Mr. WALSH. Mr. President, I think it is quite understood by those who have followed the course of the debate thus far that the bill before us contemplates the transfer from the Secretary of the Interior to the Secretary of War of jurisdiction over the disposition of public lands that may be of very great value and importance. I say it transfers jurisdiction because the case is not one that is not already provided for by law.

Statutes have been enacted contemplating the disposition of just such lands as are affected by the provision of the bill under debate to which the amendment which I have offered is directed. The lands that are affected by the provisions of my amendment are those which will be flooded by the water backed up by the construction of the dam in a navigable stream; that is to say, in the first place, the provision contemplates lands which would be, or be a part of, a reservoir site. It is proposed to modify the existing law with reference to those lands. It is accordingly desirable that the provisions of the bill should be considered with reference to the law as it is to-day.

An act was passed in 1891, which applied only to irrigation projects, but by a subsequent statute was made applicable to lands which should be desired for reservoir sites to be used in the development of hydroelectric power. The act of 1891, in sections 18 and 19, provided as follows:

SEC. 18. That the right of way through the public lands and reservations of the United States is hereby granted to any canal or ditch company formed for the purpose of irrigation and duly organized under the laws of any State or Territory, which shall have filed, or may hereafter file, with the Secretary of the Interior a copy of its articles of incorporation, and due proofs of its organization under the same, to the extent of the ground occupied by the water of the reservoir and of the canal and its laterals, and 50 feet on each side of the marginal limits thereof; also the right to take from the public lands adjacent to the line of the canal or ditch material, earth, and stone necessary for the construction of such canal or ditch.

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SEC. 19. That any canal or ditch company desiring to secure the benefits of this act shall, within 12 months after the location of 10 miles of its canal, if the same be upon surveyed lands, and if upon unsurveyed lands, within 12 months after the survey thereof by the United States, file with the register of the land office for the district where such land is located a map of its canal or ditch and reservoir; and upon the approval thereof by the Secretary of the Interior the same shall be noted upon the plats in said office, and thereafter all such lands over which such rights of way shall pass shall be disposed of subject to such right of way.

In 1898 an act was passed which contained the following section:

SEC. 2. That rights of way for ditches, canals, or reservoirs heretofore or hereafter approved under the provisions of sections 18, 19, 20, and 21 of the act entitled "An act to repeal timber-culture laws, and for other purposes," approved March 3, 1891, may be used for purposes of a public nature; and said rights of way may be used for purposes of water transportation, for domestic purposes, or for the development of power as subsidiary to the main purpose of irrigation.

In 1897 another act was passed to this effect:

That all reservoir sites reserved or to be reserved shall be open to use and occupation under the right-of-way act of March 3, 1891. And any State is hereby authorized to improve and occupy such reservoir sites to the same extent as an individual or private corporation, under such rules and regulations as the Secretary of the Interior may prescribe.

Then, again, in 1901 an act was passed covering as well lands which might become the site of a dam to be used in the generation of hydroelectric power, which read as follows:

That the Secretary of the Interior be, and hereby is, authorized and empowered, under general regulations to be fixed by him, to permit the use of rights of way through the public lands, forest and other reservations of the United States, and the Yosemite, Sequoia, and General Grant National Parks, California, for electrical plants, poles, and lines for the generation and distribution of electrical power, and for telephone and telegraph purposes, and for canals, ditches, pipes and pipe lines, flumes, tunnels, or other water conduits, and for water plants, dams, and reservoirs used to promote irrigation or mining or quarrying, or the manufacturing or cutting of timber or lumber, or the supplying of water for domestic, public, or any other beneficial uses to the extent of the ground occupied by such canals, ditches, flumes, tunnels,

reservoirs, or other water conduits or water plants, or electrical or other works permitted hereunder, and not to exceed 50 feet on each side of the marginal limits thereof, or not to exceed 50 feet on each side of the center line of such pipes and pipe lines, electrical, telegraph, and telephone lines and poles, by any citizen, association, or corporation of the United States, where it is intended by such to exercise the use permitted hereunder or any one or more of the purposes herein named: *Provided*, That such permits shall be allowed within or through any of said parks or any forest, military, Indian, or other reservation only upon the approval of the chief officer of the department under whose supervision such park or reservation falls and upon a finding by him that the same is not incompatible with the public interest: *Provided further*, That all permits given hereunder for telegraph and telephone purposes shall be subject to the provision of title 65 of the Revised Statutes of the United States, and amendments thereto, regulating rights of way for telegraph companies over the public domain: *And provided further*, That any permission given by the Secretary of the Interior under the provisions of this act may be revoked by him or his successor in his discretion, and shall not be held to confer any right, or easement, or interest in, to, or over any public land, reservation, or park.

Mr. President, it is this last statute which, in its operation, gives rise to the necessity which the bill reported by the Committee on Public Lands is intended to meet. This whole subject of the disposition of power sites upon the public domain is dealt with in that particular act, so that if a dam is to be constructed in a navigable stream and upon land belonging to the Government of the United States, the Secretary of the Interior will have the right to dispose of those lands under the terms and provisions of this bill; but if the dam is built in an nonnavigable stream and upon land belonging to the Government of the United States, that land will be disposed of by the Secretary of the Interior, and under what may be very essentially different terms and conditions. I submit that a system of that character is intolerable, if it is not impossible.

Mr. President, what is the reason why the disposition of these particular lands should be taken out of the hands of the Secretary of the Interior, where they now rest, the same as the disposition of all other lands, and transferred to the Secretary of War? The subject of the disposition of power sites upon the public domain and the law governing the construction of dams in navigable streams have been the subject of very earnest debate and discussion for a period of 10 years. It is not now necessary to recite the extreme views entertained upon these matters by the contending and warring interests and individuals.

It is enough for the present purpose to say that in recent years and within that same period the eyes of the public in general have been directed upon the Secretary of the Interior, who is charged under the law with the administration of the law in relation to the disposition of the public lands, and the eye of the public has been particularly upon him with reference to the disposition of power sites. He stands in the spotlight before the people of the country with reference to that matter. Those of our citizens, actuated by the very highest motives, who believe that in the past frauds of a gigantic character have been perpetrated, by which the public lands have been diverted from the purpose that Congress intended they should subserve, have looked to the Secretary of the Interior to preserve the public interests with reference to them. He stands at all times, sir, "in that fierce light which beats upon a throne" with reference to this particular subject. He can not make an order concerning the disposition of any of these great public interests without everybody being advised of it. Therefore he is called upon to exercise the greatest degree of circumspection in connection with any permit which contemplates the disposition of these things.

The Secretary of War does not know anything about these matters. Whoever in the future may be chosen to occupy the exceedingly responsible position of Secretary of the Interior will in all probability be some man who has well-defined ideas in relation to this all-important subject—the disposition of power sites upon the public domain. The public will want to know where he stands with reference to that particular question. But the Secreatry of War, who is chosen with reference to entirely different duties, in all reasonable probability has never given any thought or study to the subject at all. He is not chosen with reference to any ideas he may have concerning the disposition of the public lands.

Mr. President, I referred a while ago to those two contending forces that have been debating for the entertainment and enlightenment and possibly for the benefit of the public for 10 years this question of the disposition of power sites on the public domain. I had hoped, sir, that in the preparation of this bill the gentlemen who have it in charge would endeavor, if possible, to find some middle ground upon which they could proceed, presenting some measure that might, to some extent at least, insure the support of all of those who are very desirous of having legislation upon this subject; but, Mr. President——

Mr. WORKS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from California?

Mr. WALSH. I will yield in just a moment, if the Senator will pardon me. But, Mr. President, if we are to get any legislation at all on this subject there must be concessions, certainly upon essential matters, and if this is deemed unessential by the gentlemen in charge of this bill, certainly they ought not to insist upon this provision remaining in the bill, which will unquestionably excite the persistent antagonism of those whom they choose to stigmatize as "conservationists."

Mr. WORKS. Mr. President, the Senator from Montana has touched the weakness and, I think, the vice of this whole effort at legislation—the effort to combine the use and disposition of the land with the use and the flow of the stream that runs past it. The provision under discussion accentuates that difficulty, for the simple reason that the Secretary of War has absolutely no jurisdiction over the land and has not, and should not have, any power of disposal, so far as the land is concerned. His jurisdiction rests upon the navigability of the stream, and upon that alone. However, I suggest to the Senator that the difficulty about it is the effort to combine these two together. That is where the Senator and I differ with respect to this legislation. I think the vice of it is that there is an attempt, through the civil ownership of the land, to vest in the Secretary of the Interior, and now in the Secretary of War, the power to control the use of water which belongs to the States.

Mr. WALSH. Mr. President, I should like to say to the Senator from California that I am entirely unable to understand how the combination of which he speaks can be avoided. If a dam is constructed in a navigable stream, it will of necessity flood public lands, if there are any public lands within the area that the backed waters cover. Some provision, as a matter of course, must be made for the acquisition by the permittee of the right thus to flood those public lands. I do not see how the Senator from California can escape that conclusion.

Mr. WORKS. Mr. President, the Senator evidently has not understood my suggestion. It is not simply a question of the taking of the land by reason of the overflow caused by the construction of the dam. It is proposed in this bill, and it is proposed in the other bill which the Senator has mentioned, to control the use or disposition of the water after it is stored. That is quite another thing. Of course, the Senator is right in saying that the land which the construction of the dam would cause to be overflowed would have to be acquired by the persons constructing the dam. There is no dispute between us respecting that matter at all.

Mr. WALSH. I understand now that the remarks of the Senator from California are addressed to some other feature of this bill. When the other feature of the bill is reached, I am sure that we will be very glad to hear the Senator upon that, because I know very well the general views which he entertains upon that subject, and he is entitled to very special consideration because of his long study of this subject and the interest which it has in his own State, but we have not as yet reached that point.

Mr. WORKS. The Senator in what he has been saying has reached that point, because the disposition of land for any purpose as between the Secretary of War and the Secretary of the Interior is now being discussed by the Senator from Montana, and it involves the whole question of the right to dispose of the land in connection with the use of the water.

Mr. WALSH. Mr. President, we have reached a point where we have to provide how the land to be flooded is to be acquired by the permittee who has the right to erect the dam, and the question is, To which officer shall he go to get that permit? That is the question that is now presented by the amendment.

Mr. SMOOT. Mr. President——

The VICE PRESIDENT. Does the Senator from Montana yield to the Senator from Utah?

Mr. WALSH. Certainly.

Mr. SMOOT. I should like to ask the Senator, in all seriousness, if the bill as drawn does not specifically state how that shall be done? I desire to read the language of the bill following the amendment which he has already offered.

Mr. KENYON. From what page is the Senator reading?

Mr. SMOOT. The amendment of the Senator from Montana is to be inserted on page 6, line 12, after the words "Secretary of War," "and the Secretary of the Interior." The bill provides that, with the authority of the Secretary of War, the grantee may—

occupy and use, to the extent necessary for the project, any lands of the United States, including the public lands—

Following that this provision is found:

And any part of the public lands may, on certification by the Secretary of War that the same is required for navigation purposes, be withdrawn by the President for said purpose as provided in the act entitled "An act to authorize the President of the United States to make withdrawal of public lands in certain cases, approved June 25, 1910"; and

for any land of the United States so used and occupied the grantee shall pay to the United States such reasonable charges based upon its value as land as may be fixed by the Secretary of War—

And so forth.

Now, I want to ask the Senator if that is not exactly similar to the case where lands have been withdrawn by the President of the United States for forest purposes? When lands in forest reserves are classified as agricultural lands by the Secretary of Agriculture and entry is allowed upon them, do not the entrymen secure a title through the Secretary of the Interior, although the Secretary of the Interior has no authority whatever as to the classification of land in forest reserves? The withdrawal order of the President prevents the lands from being entered by any citizen of the United States for any purpose until the lands have been classified; and, when so classified, it takes an order of the President of the United States to release the lands from his former order before any entry can be made on them. I can not see why the Secretary of War can not designate the lands referred to in this provision, because he certainly has authority over the navigable streams of the country, and the War Department Corps of Engineers will inform him of the lands that are to be flooded. Therefore he is, it seems to me, the proper official to designate the lands and to request the President to make the withdrawal order as provided in the bill.

It does seem to me that, if we now accept the amendment offered by the Senator from Montana, it will be the means of bringing about a conflict of authority which I think should be avoided.

Mr. WALSH. Mr. President, the Senator intended to ask me a question. It is not very clear in my mind exactly what the question is, but I might be able to clarify the subject in the minds of some of the other Senators on the floor, if not in the mind of the Senator from Utah, if I said that this provision has three separate and distinct clauses in it: First, that the permit shall be issued by the Secretary of War; second, that whenever the Secretary of War believes that certain lands now open to appropriation are necessary in the interest of navigation he may have those lands withdrawn; and, third, that when those lands are withdrawn, or are utilized, even if they are not withdrawn, under the permit, the charges for the use of that land shall be fixed by the Secretary of War. There are three propositions, which are divided by semicolons in the bill. One has not a thing to do with the other. The first is the one to which my amendment is addressed. The first is a plain proposition that when the permittee desires to make use of public lands the Secretary of War shall issue him a permit. I move to amend that by providing that the Secretary of War and the Secretary of the Interior shall issue the permit. The withdrawal proposition is an entirely separate matter.

Mr. JONES. Mr. President, I desire to occupy but a moment. It seems to me that we are overlooking the fact that we are disposing of these lands by legislation and not by an administrative order. We are proposing to dispose of these lands by this act itself, and we are simply leaving it to an administrative officer to carry out our declared intentions.

This bill provides for permits to be issued by the Secretary of War for the building of dams in navigable streams. The first thing for the Secretary of War to determine is not what public lands are to be taken, but what is the necessity for the building of such dams in the interest of navigation and the development of water power and what conditions must be imposed on such permits. Those are the essential things for the Secretary of War to pass upon. Anyone desiring such a permit will, of course, have a map prepared, and if it be found that any public land is very likely to be overflowed because of the dam the person seeking the permit will bring this fact to the attention of the Secretary of War. After the Secretary has considered the importance of building the dam and has determined the conditions under which it shall be built, then, as it seems to me, we say to him, "Give a permit to use whatever public land is necessary to be overflowed in order to conserve the purposes of navigation that you want promoted." I do not think he has any discretion, and he ought not to have any discretion, with reference to the use of the public land. Whenever he finds that a dam is necessary in the interest of navigation and that the conditions which he thinks ought to be complied with will be complied with, then those desiring to build the dam ought to have the use of the necessary public land. That is what we intend them to have by the passage of this legislation.

The purpose of the amendment of the Senator from Montana, as disclosed by the argument here, is purely to give to another officer the power to interfere with the granting of that permit by the Secretary of War in the interests of navigation, and to give it to an administrative officer, with the declared intention that he shall impose such conditions, not as Congress thinks ought to be imposed, but such as he thinks ought to be imposed for the use of the public land. I think that Congress ought to lay down the conditions under which permits shall be granted, and then it should be left to the administrative officer simply to administer what we declare to be the law. We ought to declare what our policy shall be and not leave it to some administrative officer to determine what the policy ought to be and change it possibly every two, three, or four years. We ought to say what we want done; and that is what I think we have said here. We have said that whenever a dam ought to be built for navigation purposes, and the Secretary of War fixes the conditions under which the dam for such purposes ought to be built, then the permittee shall have the use of the public lands.

The Senator from Montana has said that it will be almost impossible to carry that out, because the Secretary of the Interior has control over the disposition of the public lands. I do not think so. We are disposing of the land ourselves. It would be a very easy matter to provide that when the Secretary of War finds that the permittee must have certain land he shall certify a description of that land to the Secretary of the Interior. That would make it a matter of record in the Department of the Interior and would take care of that objection very fully.

Mr. SHIELDS. Mr. President, the Senator from Washington [Mr. JONES] has well expressed the purpose of this bill, and I only wish to add a few words to what he has so well said upon the subject.

The statutes which the Senator from Montana [Mr. WALSH] has read were passed under a provision of the Constitution authorizing the Congress to dispose of the public lands. Under the policy of the Government the jurisdiction over public lands has been given to the Secretary of the Interior, and where there is as a rule a conflict of that jurisdiction with that of any other department that policy ought to be maintained, but in all cases where a conflict arises between the departments it must be settled in favor of one or the other if we are to have a practical law.

I am not familiar with the method of withdrawing lands from the public domain for forest reserves; but, as I understand the Senator from Utah, the method prescribed by the statutes is exactly what is proposed to be done here—that they are withdrawn from the public domain upon a certification of the Secretary of Agriculture, the forest reserves being within the jurisdiction of that department.

This bill is predicated upon an entirely different clause of the Constitution. Congress gets its authority to enact it, if it has such authority, from an entirely different clause of the Constitution than that of the disposition of the public domain. The ground upon which Congress can consider the matter and enact this legislation is the commerce clause of the Constitution. It is the improvement of the navigable rivers of this country to which alone this bill relates. The jurisdiction over navigable waters has been given to the Secretary of War. In all matters relating to the development of navigation on the rivers it is proper that all powers should be vested in the Secretary of War. It is absolutely necessary in order to prevent confusion and the embarrassment of that department.

If the amendment is agreed to, there will be a conflict of jurisdiction, and each of these heads of departments can embarrass the other in the exercise of his proper jurisdiction. As was said by the Senator from Washington [Mr. JONES], the Secretary of the Interior then is given a check, where public lands are concerned, upon all the actions of the Secretary of War in developing navigation in the navigable rivers of the country. It is obvious that such a thing ought not to be done. It is confusing the jurisdiction of the two departments. The use of these public lands is a mere incident to navigation.

There is no possibility here of the interests of the people, as suggested by the Senator from Montana, being abused or injured. The Secretary of War is a cabinet officer equal in dignity with the Secretary of the Interior. One is just as much in the spotlight as the other in respect to his duties and his powers. There is no danger whatever in this clause of anyone being prejudiced. There is no more danger that the Secretary of War will abuse his authority, or be unfaithful to the people, than there is that the Secretary of the Interior will do so; and I can see no room for the argument presented by the Senator from Montana upon that subject.

The committee considering this bill have thought it best to give jurisdiction to the department having jurisdiction of it on the sole ground that Congress has the right to consider and enact it, and for that reason they vested this power in the Secretary of War.

Mr. WALSH. Mr. President, I wish to ask the Senator from Tennessee if this specific matter was debated by the committee?

Mr. SHIELDS. I will answer the Senator from Montana by saying that this bill has been more thoroughly considered than any bill I have had occasion to be connected with since I have been in the Senate. The bill was introduced at the last session of Congress, and the subcommittee in charge of it was composed of Senators some of whom had been here a long time and had had great experience in such matters. The then Senator from Ohio, Mr. Burton, was a member of that subcommittee. From what I know of these matters, and from the reports he had made upon various projects, and from his connection with the rivers and harbors bills and the improvement of the waterways of the country, I should say that he perhaps had more thorough knowledge of the subject than any other Member of the body at that time. Senators BANKHEAD, SIMMONS, and NELSON were also members of that subcommittee. The bill was read over and considered section by section by that subcommittee. I think two weeks or perhaps more were devoted to it. That bill was recommended favorably for passage, but was not reached at the last session. Substantially in the same form it was reintroduced at this session. The same subcommittee was appointed, except that Senator JONES, of Washington, took the place of Senator Burton; and it was again considered very fully and unanimously reported to the Committee on Commerce and unanimously reported to the Senate.

I can not remember the views that different Senators took in regard to different clauses or different provisions; but I will venture to say that every provision of the bill, including this one, was carefully considered, and every effort was made to report a bill that protected the authority of the United States over navigable streams, the sovereignty of the States, the riparian proprietors, and especial care and attention was given to protecting the interests of the consumers, for whose interest at last this bill is sought to be enacted into law. It was attempted to get a practicable, workable bill; and all the officers and all those who have been interested in water-power development have agreed that the previous legislation absolutely prohibited such development. It is the belief of the committee that this bill accomplishes the purposes for which they so earnestly worked.

Mr. WALSH. Mr. President, I understand the Senator to say that he has no recollection of this specific provision being the subject of debate before the committee. I want to inquire now of the Senator—because, of course, we all understand that there is only a handful of Senators in the Chamber at any time while this bill is under discussion; they go out to the cloakrooms, and when they come in they inquire where the committee stands on this matter—how many witnesses were examined by the committee in the hearings it held?

Mr. SHIELDS. None whatever. I hope the Senator does not think that any witnesses could have thrown any light upon the subject of his amendment. As to a full understanding, though, of all these matters, there are thousands of pages of hearings and of reports and of able articles written by parties who have given a great deal of attention and study to this matter, and upon all sides of the question.

Mr. WALSH. I should think the Secretary of the Interior might have thrown some light upon the wisdom of this change in the law.

Mr. SHIELDS. I can not see what light he could have thrown upon it or what information he could have given to that committee.

Mr. SMITH of Arizona. Mr. President, if the Senator will permit me right there, it is perfectly competent for Congress to dispose of the public land as it pleases, without the interposition of any Secretary or any department of the Government. Legislation has been crippled constantly, and I think materially injured, by taking too much advice not only from one but from all of the departments, until now we have the common rule of referring to them the simplest fact on earth that we ourselves know to be pertinent for their advice as to whether or not it ought to be made the subject of legislation. I have protested against it ever since I have been in either House of Congress.

Mr. WALSH. Mr. President, the Military Affairs Committee are now considering military measures. Would the Senator from Arizona think that they ought not to call before them the Secretary of War, to ask him what he thinks about those measures?

Mr. SMITH of Arizona. I think whenever they need information from the Secretary of War they ought to call for it, as they have done; but I do not think we should run to ask the advice of every Secretary, when we ourselves are just as well informed as the various Secretaries are. In other words, as Congress has the absolute power in the matter, it has the absolute responsibility; and what we want is not policies, not advice, but information from the departments. That used to be the old rule—that we asked simply for the facts of a case, and never for the views of the department as to the advisability of proposed action by Congress after it became acquainted with the facts.

I can see nothing except complications in the amendment of the Senator from Montana. Why do you want the Secretary of the Interior to say whether or not certain lands shall be utilized that the Secretary of War, under this bill, has said must be submerged in order to carry out the great purpose of navigation under the commerce clause of the Constitution?

When I refer to the Secretary of the Interior, I do not speak of the present incumbent, but of the office; for, while it may be graced now by the ablest and most patriotic man, it may be disgraced in 20 years by just the opposite kind of man. What I wish to call to the Senator's attention is that there is no need for anybody to pass upon this matter except the Secretary of War, under the power of Congress, which has told him to find the place where navigation ought to be improved, and he must find whether or not it should be done.

What good is done by the interposition of the Secretary of the Interior, except to raise the question as to whether or not the public lands are more valuable than navigation, and raise at once a conflict between these two jurisdictions, under which nothing would be done by either? That is what it amounts to. All the public lands that are submerged under this bill are submerged by order of Congress. Certainly nobody will want to locate the land after it is covered with water; and if the Secretary of War says that a dam should be built in a certain place for purposes of navigation, then it is not the business of any other department to say whether or not those submerged public lands ought to be submerged. Congress has passed upon the matter by giving the power to the Secretary of War, and that is all there is to it. The Secretary of War, under the survey, has to make a finding, and it is the easiest matter in the world for him to transmit the mere map of the lands submerged to the Secretary of the Interior, and enable him to keep his books straight. So that it is either merely a question of bookkeeping or it is a question of interposition by an entirely different authority, created for a different purpose, and having the question raised as to which is the more valuable—the land to be submerged or the dam which is to be built under this bill.

So I see nothing but complication in this amendment. I see no danger on earth to any public lands that are to be submerged by any navigable stream, and I am fearfully afraid that we are going to carry this word "navigation" a good deal further than I wish to see it carried. If they go any further than they have gone they will place under Federal jurisdiction the waters of every State, navigable or nonnavigable, if anywhere they empty into a navigable stream; and if that power is allowed to run up to every spring on every mountain side, we are at the mercy of the Federal Government in the development of every State west of the Mississippi River, or at least of the Rocky Mountains.

Mr. SMOOT. Mr. President, I want to say that the Secretaries of the Interior never have been backward in asking to be heard by any committee of the Senate whenever any question has been under consideration by a committee of the Senate. In connection with the bills that have been under consideration before the Public Lands Committee, including the power bill itself, the Secretary of the Interior has had representatives at the hearings, I believe, every day on which the hearings have been held. The Secretary of the Interior—not only the present one, but his predecessor—has appeared before the committee and presented his views on a number of bills. No committee of this body has ever denied the Secretary of the Interior the opportunity of appearing and testifying upon any bill that it had before it for consideration.

The Secretary of the Interior knew that this bill was being considered by the committee. If he had wanted to testify, all he would have had to do would have been simply to intimate it, and a time would have been set for him to appear before the committee, and he could have expressed whatever views he desired. Not only that, but he could have written his views to the chairman and they would have been presented to the committee by him and considered by it. I think it out of place to criticize the committee because of the fact that the Secretary of the Interior has not appeared before the committee upon this bill.

Mr. President, the amendment offered by the Senator from Montana [Mr. WALSH], if adopted, would change the whole theory of the bill. The bill would have to be changed from the beginning to the end. It seems to me that the bill as reported to the Senate has guarded every interest—not only the Government's interest but the interest of the consumer; and I call attention to the fact that under the bill the Secretary of

War is compelled to receive certain information before he can grant a permit. On page 7, beginning in line 17, the bill provides:

In granting permits hereunder and fixing conditions thereof, and in prescribing rules and regulations as to the maintenance and operation of any structure to which this act is applicable, the Secretary of War, before acting, shall have the report and advice of the Chief of Engineers.

So I can not see how it is possible to guard the interests of the Government, or the interests of the man who expects to put his money into the project, or the interests of the consuming public more thoroughly than is provided in this bill. I have enough confidence in the Secretary of War to think that when a report is made to him by his Chief of Engineers and in that report the statement is made that a small piece of public land lying adjacent to a navigable river is necessary for the purpose of developing electric power and increasing the efficiency of the river for navigation, the Secretary of War will select such public lands as his Chief of Engineers says is necessary for the project; and I believe that the flooding of a small piece of public land will be no detriment to the Government of the United States, but will be a benefit to navigation and to the development of electric power that is so needed along some of our navigable rivers.

I can not see why this amendment is offered, unless it is offered for the purpose of complicating the provisions of the bill. I am not going to express my views as to the object of it. The Senator, of course, knows the object he has. I do not believe it will help the bill in any way, shape, or form, but I do believe it will complicate the administration of the provisions of the bill if adopted.

Mr. KENYON. Mr. President, I should like to ask the Senator from Utah a question. Has this bill in its present form, if he knows, received the approval of the Secretary of War, or has it been submitted to the Secretary of War?

Mr. SMOOT. I think it, or a similar one, has been submitted to him. I have seen the report of the Secretary of War, and, while I do not want to say that the report was written on this bill, I have no doubt but that the principle of the bill has been approved by the Secretary of War.

Mr. SHIELDS. I should like to answer the Senator's question.

Mr. KENYON. I should be glad to have the Senator do so.

Mr. SMOOT. Yes; the chairman of the committee can answer the question better than I can.

Mr. SHIELDS. This bill is in substantial conformity to the views of the Secretary of War, as expressed by him in a paper that he read before the House Committee on Interstate Commerce.

Mr. KENYON. Was this bill itself, in its present form, submitted to the Secretary of War, and any opinion secured from him for the benefit of the committee?

Mr. SHIELDS. I could not say that this bill, in its present form, was, because there were some amendments made even in the Committee on Commerce; but this bill contains the elements, the substantial requisites, of the bill the Secretary of War advocated in the paper to which I have just referred. The bill, as introduced, was submitted to him.

Mr. KENYON. I am a member of the Committee on Commerce; but, as I remember, the day I was present the bill was read over, and there was some discussion of it, but not a very extended discussion, and not many of these questions were taken up, except, I think, in the last session. But I have been anxious to know whether the bill had been submitted to the Secretary of War and had been approved by him.

Mr. NELSON. Mr. President——

Mr. SHIELDS. The bill last year was approved by the Secretary of War. When the bill was first introduced at this session a copy of it was sent to him, and then another bill was introduced containing some amendments that the subcommittee thought ought to be made to it, and again a copy of it was sent to him. The committee never had any report from the Secretary of War, either favorable or unfavorable, and I am not aware of any objection that the Secretary of War had to any provision in the bill.

Mr. KENYON. Then I understand from the Senator that he does not know whether or not this bill, as it was before the committee, had received the approval of the Secretary of the War?

Mr. SHIELDS. I know that a similar bill had his approval.

Mr. NELSON. Mr. President, if the Senator from Tennessee will allow me, I desire to state that my recollection is that a bill almost identical with this in its provisions was referred to the Secretary of War during the last Congress and met his express approval.

Mr. KENYON. I will ask the Senator whether there is anything on record in the hearings from the Secretary of War with reference to his views upon this bill?

Mr. NELSON. We had no hearings before the committee.

Mr. KENYON. The subcommittee?

Mr. NELSON. The subcommittee. We had no hearings in the Senate. There were hearings on a bill in the House, but we had no hearings before the Senate committee. The bill, substantially as it is now, was considered by the Secretary of War during the last Congress, and met with his approval; and I think I can safely say for the subcommittee that because of that fact we did not deem it essential to get the express approval of the Secretary of War at this session, because we had it before, from the same Secretary of War.

Mr. WALSH. Mr. President, can the Senator from Minnesota inform us where we will find the letter or other approval of the Secretary of War?

Mr. NELSON. I think it is in the files of the Committee on Commerce. It never was printed. It was sent in like other reports. Nearly all bills pending before the Committee on Commerce that relate to rivers and harbors or kindred matters are referred by us to the Secretary of War, and we get his reports on those bills; but as a rule those reports are not printed, unless their printing is asked for.

While I am on my feet I want to say further, in reference to this proposition—and I will take only a moment—that if Senators will examine this section of the bill they will find that the determination of the question whether or not a dam ought to be built at a given place, whether or not that application shall be granted, is left to the judicial judgment of the Secretary of War. If he once determines that a dam for navigation purposes should be built at a given point, all the rest of the duties in connection therewith are ministerial. If it is determined that a dam may be constructed, we say by this law that the public lands of the United States may be occupied and flooded, and all the Secretary of War has to do is to determine the boundaries of the public land. What department of the Government, with its engineering force, can better determine before a dam is built the area of public lands that will be flooded than the War Department, through its engineering force?

Under this bill all the Secretary of War has to do is to describe the area to be flooded and then apply to the President for a withdrawal of the land; and then, farther on, it is for the Secretary of War to determine what compensation is to be paid for the use of the public land. It seems to me that it would be utter folly to complicate this legislation by putting in the head of another department. I can not for the life of me see what can be accomplished by it. All such improvements as are involved in this bill come properly under the War Department, which has a skilled and expert force of engineers. Why complicate it by injecting into it a department and a corps of officers that have nothing to do with this branch of the case?

I can not see what good can be accomplished of a reformatory character or how the public can be better protected. It will simply bring another check upon the development of water power in this country.

The VICE PRESIDENT. The question is on agreeing to the amendment of the Senator from Montana [Mr. WALSH].

Mr. WALSH. I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. BANKHEAD. I suggest the absence of a quorum.

The VICE PRESIDENT. A roll call has been ordered.

Mr. KENYON. Is it a roll call or a vote?

The VICE PRESIDENT. The Chair is uncertain. The Chair supposes that the Senator from Alabama has a right to suggest the absence of a quorum, no response having been given on the roll call. The roll will be called to disclose the presence of a quorum.

Mr. BANKHEAD. I do not quite understand the question.

The VICE PRESIDENT. The roll is being called on the suggestion of the Senator from Alabama that a quorum is absent.

Mr. BANKHEAD. Thank you.

The Secretary resumed and concluded the calling of the roll, and the following Senators answered to their names:

| | | | |
|---|---|---|---|
| Ashurst | James | Norris | Smith, S. C. |
| Bankhead | Jones | Oliver | Smoot |
| Brandegee | Kenyon | Overman | Sutherland |
| Catron | Kern | Owen | Tillman |
| Chamberlain | Lane | Page | Townsend |
| Chilton | Lee, Md. | Poindexter | Vardaman |
| Cummins | Lewis | Randell | Walsh |
| Curtis | McCumber | Robinson | Warren |
| du Pont | McLean | Shafroth | Weeks |
| Fletcher | Martin, Va. | Sheppard | Williams |
| Hitchcock | Martine, N. J. | Sherman | Works |
| Hollis | Myers | Shields | |
| Hughes | Nelson | Simmons | |
| Husting | Newlands | Smith, Ga. | |

The VICE PRESIDENT. Fifty-three Senators have answered to the roll call. A quorum is present. The question is on the

amendment of the Senator from Montana [Mr. WALSH] on which the yeas and nays have been ordered. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. CHILTON (when his name was called). I have a pair with the Senator from New Mexico [Mr. FALL] who is absent, and I withhold my vote.

Mr. CURTIS (when his name was called). I have a general pair with the junior Senator from Georgia [Mr. HARDWICK] and withhold my vote.

Mr. SUTHERLAND (when his name was called). I ask whether the Senator from Arkansas [Mr. CLARKE] has voted?

The VICE PRESIDENT. He has not.

Mr. SUTHERLAND. I have a pair with that Senator, but I am informed that he would vote as I intend to vote. I therefore feel at liberty to vote. I vote "nay."

Mr. SHAFROTH (when Mr. THOMAS's name was called). My colleague [Mr. THOMAS] is sick and can not be here to-day. He is paired with the senior Senator from North Dakota [Mr. MCCUMBER].

Mr. STONE (when his name was called). I have a general pair with the senior Senator from Wyoming [Mr. CLARK]. I transfer that pair to the senior Senator from Ohio [Mr. POMERENE] and vote. I vote "nay."

Mr. TOWNSEND (when his name was called). Has the junior Senator from Florida [Mr. BRYAN] voted?

The VICE PRESIDENT. He has not.

Mr. TOWNSEND. I have a pair with the junior Senator from Florida and withhold my vote.

Mr. WALSH (when his name was called). I have a general pair with the Senator from Rhode Island [Mr. LIPPITT]. I transfer that pair to the Senator from Kansas [Mr. THOMPSON] and vote "yea."

Mr. WILLIAMS (when his name was called). I have a pair with the senior Senator from Pennsylvania [Mr. PENROSE]. Being informed by his colleague that if he were present he would vote the same way I am about to vote, I vote "nay."

The roll call was concluded.

Mr. CURTIS. I wish to announce that the Senator from New Hampshire [Mr. GALLINGER] is paired with the Senator from New York [Mr. O'GORMAN]; that the Senator from Idaho [Mr. BRADY] is paired with the Senator from Oklahoma [Mr. GORE]; and that the Senator from Maine [Mr. BURLEIGH] is paired with the Senator from Indiana [Mr. SHIVELY].

Mr. MCCUMBER. I transfer my pair with the senior Senator from Colorado [Mr. THOMAS] to the senior Senator from Pennsylvania [Mr. PENROSE] and vote "nay."

Mr. WARREN. I wish to announce that my colleague [Mr. CLARK of Wyoming] is necessarily absent and that he is paired with the senior Senator from Missouri [Mr. STONE].

Mr. OWEN. I transfer my pair with the Senator from New Mexico [Mr. CATRON] to the Senator from Texas [Mr. CULBERSON] and vote "yea."

Mr. DILLINGHAM. I withhold my vote. I observe that the Senator from Maryland [Mr. SMITH] has not voted, and I have a pair with that Senator.

Mr. HOLLIS. I transfer my pair with the junior Senator from New York [Mr. WADSWORTH] to the senior Senator from Tennessee [Mr. LEA] and vote "yea."

Mr. GRONNA. I inquire if the senior Senator from Maine [Mr. JOHNSON] has voted?

The VICE PRESIDENT. He has not.

Mr. GRONNA. I have a pair with that Senator. If I can not transfer my pair, I shall withhold my vote.

Mr. SMITH of Georgia (after having voted in the negative). I have a pair with the senior Senator from Massachusetts [Mr. LODGE]. I transfer it to the junior Senator from Louisiana [Mr. BROUSSARD] and let my vote stand.

Mr. SHEPPARD. I wish to state that the Senator from Louisiana [Mr. BROUSSARD] is unavoidably detained on official business.

Mr. SHERMAN (after having voted in the negative). I am paired with the junior Senator from South Dakota [Mr. JOHNSON]. I transfer that pair to the senior Senator from South Dakota [Mr. STERLING] and allow my vote to stand.

The result was announced—yeas 20, nays 35, as follows:

YEAS—20.

| | | | |
|---|---|---|---|
| Ashurst | Husting | Lee, Md. | Norris |
| Chamberlain | James | Lewis | Owen |
| Cummins | Kenyon | Martine, N. J. | Poindexter |
| Hitchcock | Kern | Myers | Reed |
| Hollis | Lane | Newlands | Walsh |

NAYS—35.

| | | | |
|---|---|---|---|
| Bankhead | du Pont | McCumber | Oliver |
| Borah | Fletcher | McLean | Overman |
| Brandegee | Hughes | Martin, Va. | Page |
| Clapp | Jones | Nelson | Ransdell |
| Robinson | Simmons | Stone | Warren |
| Shafroth | Smith, Ga. | Sutherland | Weeks |
| Sheppard | Smith, Mich. | Swanson | Williams |
| Sherman | Smith, S. C. | Tillman | Works |
| Shields | Smoot | Vardaman | |

NOT VOTING—41.

| | | | |
|---|---|---|---|
| Beckham | Curtis | La Follette | Smith, Ariz. |
| Brady | Dillingham | Lea, Tenn. | Smith, Md. |
| Broussard | Fall | Lippitt | Sterling |
| Bryan | Gallinger | Lodge | Thomas |
| Burleigh | Goff | O'Gorman | Thompson |
| Catron | Gore | Penrose | Townsend |
| Chilton | Gronna | Phelan | Underwood |
| Clark, Wyo. | Harding | Pittman | Wadsworth |
| Clarke, Ark. | Hardwick | Pomerene | |
| Colt | Johnson, Me. | Saulsbury | |
| Culberson | Johnson, S. Dak. | Shively | |

So Mr. WALSH's amendment was rejected.

Mr. WALSH. On page 6, line 23, before the word "Secretary," I move to insert the word "said" and after the word "War" to insert "and the said Secretary of the Interior."

This presents exactly the same question, this giving to the Secretary of the Interior joint authority with the Secretary of War to fix the charge that shall be exacted for the use of the public lands which are flooded or utilized for dam purposes. It presents exactly the same question as that on which the Senate has just voted.

The VICE PRESIDENT. The question is on the amendment of the Senator from Montana.

The amendment was rejected.

Mr. WALSH. On page 6, line 22, I move to strike out the words "based upon its value as land." The bill reads as follows:

> And for any land of the United States so used and occupied the grantee shall pay to the United States such reasonable charges based upon its value as land as may be fixed by the Secretary of War.

If the amendment prevails the language will then be:

> And for any land of the United States so used and occupied the grantee shall pay to the United States such reasonable charges as may be fixed by the Secretary of War.

Mr. President, in my opinion the language here used has no significance, because if charges are fixed upon the value of the land taken it will, of course, be a value based upon its value as land. But, of course, some significance must be given to this language, and I have no doubt that the purpose was to require the Secretary of War in fixing the value of the land as a basis for his charges to value it as agricultural land at, say, a dollar and a quarter an acre. That is not the proper basis upon which to fix the value of property.

The question was presented by the Senator from Colorado [Mr. SHAFROTH] the other day. When land is condemned for public use and a jury is called upon to determine what its value is and what should be paid for it, the rule is that the jury must take into consideration what value that particular land has for any purpose to which it can be devoted. Why should any distinction be made here? I referred to the case of Boom Co. against Patterson at that time, reported in the ninety-eighth volume of the Supreme Court Reports. As my recollection is, I said at the time, I think, in the ninety-seventh volume. Let me refer to what is there said by the Supreme Court—and I shall read only a brief paragraph—concerning the basis upon which the estimate is to be made. That was the case of an attempt to condemn three islands in the Mississippi River. They were rocky, sterile islands, unfruitful in character; they were useless for any purpose of which anybody could think, except to tie a boom to. A boom company sought to condemn them, and insisted that their value for boom purposes could not be taken into consideration. The court, however, said:

> The views we have expressed as to the justness of considering the peculiar fitness of the lands for particular purposes as an element in estimating their value find support in the several cases cited by counsel. Thus, In the Matter of Furmen Street (17 Wend., 669), where a lot upon which the owner had his residence was injured by cutting down an embankment in opening a street in the city of Brooklyn, the Supreme Court of New York said that neither the purpose to which the property was applied nor the intention of the owner in relation to its future enjoyment was a matter of much importance in determining the compensation to be made to him, but that the proper inquiry was, "What is the value of the property for the most advantageous uses to which it may be applied?" In Goodwin *v.* Cincinnati & Whitewater Canal Co. (18 Ohio St., 169), where a railroad company sought to appropriate the bed of a canal for its track, the Supreme Court of Ohio held that the rule of valuation was what the interest of the canal company was worth, not for canal purposes or for any other particular use, but generally for any and all uses for which it might be suitable. And in Young *v.* Harrison (17 Ga., 30), where land necessary for an abutment of a bridge was appropriated, the Supreme Court of Georgia held that its value was not to be restricted to its agricultural or productive capacities, but that inquiry might be made as to all purposes to which it could be applied, having reference to existing and prospective wants of the community. Its value as a bridge site was, therefore, allowed in the estimate of compensation to be awarded to the owner.

So, Mr. President, here is a boom site on a navigable stream owned by the Government of the United States. We will as-

sume, as is ordinarily the case, that it is rocky in character, the stream having, by the processes of erosion, worked a channel through that solid rock. The rock has not perhaps any particular value for building purposes; it will produce nothing. What do you mean when you say that it must be paid for on the basis of "its value as land"?

Mr. HUGHES. The Secretary of War in the legislation now proposed is authorized to fix the charges?

Mr. WALSH. Yes, sir.

Mr. HUGHES. What redress has the applicant in case the Secretary fixes too heavy a charge?

Mr. WALSH. He has none. The Secretary of War is made the final arbiter.

Mr. HUGHES. Then the Secretary of War can, in his discretion, lay any charge he likes for this use in connection with the building of the dam; but I see the point the Senator makes is that we limit him, or are supposed to limit him, in this legislation to the value of the land as land?

Mr. WALSH. Exactly.

Mr. KENYON. I will ask the Senator from Montana what appeal or remedy the grantee would want if he gets a valuable water site upon a compensation or charge "based upon its value as land," which would be practically nothing?

Mr. WALSH. In my view this language really means nothing, because its value as land is all the value it has; but, of course, it is introduced here for the purpose of making some rule other than the rule that would ordinarily obtain in determining the value of the particular land that was to be appropriated.

Mr. KENYON. Why should not the grantee pay to the United States reasonable charges based upon its value as a water-power site?

Mr. WALSH. Undoubtedly he should.

Mr. KENYON. That is what he has got it for, and not as land.

Mr. WALSH. Mr. President, let me remark that here is a man who owns a piece of land——

Mr. SHIELDS. Mr. President——

The VICE PRESIDENT. Does the Senator from Montana yield to the Senator from Tennessee?

Mr. WALSH. I do.

Mr. SHIELDS. There is no such purpose in the bill as the Senator from Montana has imagined; but, to relieve him, I am perfectly willing that it be based upon its value as land for any purpose. There is no object here whatever in limiting the authority of the Secretary of War in this matter; but I agree——

Mr. SMOOT. If the Senator will yield a moment, I will call his attention to a provision of the bill that I think entirely covers the objection of the Senator. I think the Senator from Montana is in error when he makes the statement that this particular charge is to be fixed on the value of the land alone. This is what the bill provides:

> And in fixing such charges consideration shall be taken of the benefits accruing from the use and occupation of such lands to the interests of navigation, as well as to the business of said grantee.

In other words, the question of the value of the land is not what the mere land would be worth, lying idle as it is to-day, but the charges are to be fixed, based upon not only "the benefits accruing from the use and occupation of such lands to the interests of navigation," but it must be "as well as to the business of said grantee." So, Mr. President, under the wording of the bill the Secretary of War can take into consideration every item of advantage to the grantee.

Mr. SHIELDS. And at the same time, taking into consideration the use of it for navigation purposes.

Mr. SMOOT. Certainly. I think the theory of the bill is also to take into consideration the use of the land for navigation purposes.

Mr. SHIELDS. That is the theory of the bill; and there was no intention in any way to limit the Secretary of War in fixing the value of the land. Taken in connection with the whole matter, it is like some of these other amendments. There is absolutely nothing in the proposed amendment.

Mr. HUGHES. Mr. President, do I understand the Senator from Tennessee to say that he has no objection to the elimination of the language to which the Senator from Montana has called attention?

Mr. SHIELDS. I have no objection to adding, after the words "based upon its value as land," the words "for any purpose," which, in fact, is provided for in a subsequent section.

Mr. HUGHES. Would there be any objection to striking out the words "as land," which would seem to be what the Senator from Montana wants?

Mr. SHIELDS. I think the symmetry of the bill, in view of a subsequent clause, would be best maintained by adding the words I suggest, so as to read, "based upon its value as land for any purpose." Of course, as land it can not be valuable for anything but for the purposes for which it is susceptible of use.

Mr. WALSH. Will the Senator from Tennessee kindly explain to us what construction would be given to this provision, if the words indicated by my amendment are stricken out, different from the construction which should be given to it as it stands?

Mr. SHIELDS. Has the Senator any desire to change the verbiage of this bill merely because it is his amendment, when it means the same thing?

Mr. WALSH. No. I have indicated the purpose of the amendment, if the Senator followed me—and I supposed he was following me——

Mr. SHIELDS. I was offering the concession in order to comply with the views of the Senator and to obviate the construction of which he thinks the provision susceptible. Of course, it was never so intended, and the subsequent provision, which was read by the Senator from Utah [Mr. SMOOT], demonstrates that it was intended that the lands should be valued when disposed of to the grantee for every purpose for which they might be used.

Mr. WALSH. Mr. President, I trust that this debate will not degenerate into anything like a personal controversy between the Senator from Tennessee and myself.

Mr. SHIELDS. It certainly will not from any choice of mine.

Mr. WALSH. I am very anxious to speed the consideration of the passage of this bill. I have no pride whatever in the amendments which I have tendered. I asked the Senator from Tennessee in perfect good faith to explain to the Senate what is the meaning in this bill of the language which I propose to excise by my motion.

Mr. SHIELDS. It was the purpose to fix the value of the land, as in condemnation proceedings, based on every purpose for which it might be valuable and every use of which it might be susceptible; and the subsequent clause read by the Senator from Utah shows that that is so beyond any question.

Mr. WALSH. Let me ask the Senator from Tennessee, then, whether that would not be the case if the words I have indicated were not in the bill: that is to say, would not then the valuation of the land be based on every purpose, every use to which it might be put?

Mr. SHIELDS. I think it would hardly express it as well as the bill expresses it.

Mr. SMOOT. Mr. President, I have not before me a copy of the amendment which has been offered by the Senator from Montana. It is, however, a very important one, and I wish to ask the Senator having the bill in charge if he will not now consent to a recess or adjournment and allow the amendment to be printed, and then we can take it up to-morrow morning?

Mr. SHIELDS. I am perfectly willing that the amendment be passed over until to-morrow, but I prefer not to adjourn. We can proceed with the consideration of some other amendment for half an hour.

Mr. JONES. Mr. President, in that connection I want to suggest this as an effect of the amendment of the Senator from Montana. To strike out those words would leave it to the Secretary of War, whoever he may be, to determine the policy which shall be followed in the fixing of the charge for the use of the land; in other words, he would be able to fix the charge at so much per horsepower developed, regardless of the value of the land. It is the purpose of this bill to have Congress itself declare the policy and to declare the basis upon which charges shall be fixed, and not to leave it to the uncertain opinion of some Secretary, who might have an opinion to-day of one character and some other opinion at some other time.

Mr. SHIELDS. Mr. President, I will suggest to the Senator that the matter of fixing rates rests with the States. The Secretary of War has no such power. If the Secretary of War fixes the charges to be paid to the Government, that of itself tends to fix the rates that must be paid by the consumer for the power. That is just what I object to.

Mr. JONES. There is no disagreement between the Senator and myself upon that proposition. The committee made a concession to the sentiment in favor of fixing a charge upon Government lands taken for power purposes; but the committee did not want to leave the method that should determine the charge, which is in effect a policy, to some administrative officer. We know just what the Secretary of the Interior insists upon. It has been the policy of the Secretary of the Interior for several years to insist that the compensation that shall come to the Government for the use of the public lands in connection with

power development shall be based, not upon the land value in any way, but upon the horsepower developed. We concluded in this bill to determine ourselves the policy that should be followed, and to provide that the charges should be based upon the value of the land, and not upon the power developed.

Mr. WALSH. If the Senator from Washington will give me his attention for a moment——

Mr. JONES. Certainly.

Mr. WALSH. And allow me to remark that if that is what the committee desires to accomplish, then we should strike out the words "as land," so that it will read:

The grantee shall pay to the United States such reasonable charges based upon its value as may be fixed by the Secretary of War.

Mr. JONES. I will say to the Senator that I offered an amendment in the subcommittee to have the charge based upon the value of the land for any purpose for which it might be valuable. I was willing to go that far. The members of the subcommittee suggested this language as meaning the same thing; and it was agreeable to me. As the Senator from Tennessee [Mr. SHIELDS] has said, the purpose was to fix the charge for the land according to any purpose for which it might be used, and what he now suggests would be entirely agreeable to me; but the language which the Senator from Montana would leave in the bill would permit any Secretary of War to determine the basis upon which the charges should be made; and that is what the committee did not want to do. The committee felt that it was the duty of Congress to determine the policy that should be followed; and while I agree with the Senator from California [Mr. WORKS] that we ought not to put any tax on at all, and if this matter is to be discussed further, I should like to say something on that line. Yet, as a concession to the Senators who are in favor of exacting a charge for the use of the public land, we put this provision in the bill, not intending to restrict the charge according to the value of the land as mere agricultural land. The committee do not think that that is its effect; but if the Senator from Montana thinks that it is, we shall be willing to change that, so far as that is concerned, and to provide that the charge, whatever it may be, shall be based upon the land and not upon the power developed.

Mr. KENYON. Mr. President, I should like to ask the Senator, then, what the remainder of that section means? What can the Secretary of War take into consideration in fixing the charges?

Mr. JONES. I think that that makes clear the meaning. It was suggested that those words be put in for that purpose.

Mr. KENYON. That is, that the Secretary of War might take into consideration the use of the land for any other purpose?

Mr. JONES. Yes; I think so. I agree with that idea; but I would be perfectly willing, out of extra precaution, and because of the confidence I have in the judgment of the Senator from Montana, to put in additional words.

Mr. KENYON. Then, of course, there is a latitude allowed to the Secretary of War in fixing these charges?

Mr. JONES. Yes; that is true.

Mr. KENYON. So that it does not establish a policy, as the Senator suggests?

Mr. JONES. The land, and not the water power developed, must be taken as the basis of charges.

Mr. KENYON. And the Secretary of War can take into consideration any benefits accruing to the business of the grantee?

Mr. JONES. Oh, yes; but we do not want the Secretary of War to take into account the water power developed at so much per kilowatt hour as the basis for determining the charges.

Mr. KENYON. That is the policy of the bill?

Mr. JONES. Yes; that is the policy.

Mr. HUGHES. Mr. President, I do not know whether I understand the spokesmen of the different factions with reference to this matter. The Senator from Tennessee [Mr. SHIELDS] gave us to understand that it was the purpose of the bill to enable the Secretary of War to make the charges in accordance with the value of the land, the land, as the Senator from Montana [Mr. WALSH] has said, being put to its most advantageous use. Now, the Senator from Washington [Mr. JONES] does not seem to think that that was the intention of the bill, but that it was the intention of the bill to start the Secretary of War off with a certain policy. It does not seem to me that both parties can be satisfied, when the Senator from Montana is aiming to bring about one state of affairs and the Senator from Tennessee is aiming to bring about another state of affairs. So far as I am concerned, I should like to know just what is intended by this bill. I have definite ideas with reference to what I ought to do, but I have not very definite ideas with reference to what this language, apparently so ambiguous, will bring about.

Mr. WALSH. Mr. President, I will say to the Senator from New Jersey, if I may, that to my mind the ideas which the Senator from Washington would like to see incorporated in the bill as the governing feature of this part of it would be expressed if you should strike out the words "as land," so that it would read:

The grantee shall pay to the United States such reasonable charges, based upon its value, as may be fixed by the Secretary of War.

Mr. HUGHES. Would not that be satisfactory to the Senator from Montana?

Mr. WALSH. No; it would not. That is the point I wanted to speak of now. There is a very decided difference in policy. The Senator from Washington introduced a bill which has gone to the Committee on Irrigation of Arid Lands, or, at least, did during the last Congress, and was there considered. The Senator from Washington, I am sure, is very sincerely desirous of solving this problem, and he has his own ideas about how the thing ought to be done. That bill provides in substance, as this does, and as the power-site bill which is now before the Senate does, that a permit shall be granted for the use and occupancy of these sites for a period of 50 years, and that when the permit is granted the value of the land which is to be occupied by the permittee shall be determined either by agreement between the Secretary of the Interior and the permittee, or, in case they can not agree, then by proceedings similar to proceedings in eminent domain before the United State District Court, and that when the value of the land is thus determined the permittee shall pay an annual charge of 5 per cent upon the value of the land as the terms and conditions upon which he is entitled to occupy it.

The bill which came from the Committee on Public Lands, however, proposes that instead of determining the annual charge that shall thus be paid, the Secretary of the Interior shall fix an annual charge based upon the amount of power produced and sold. So that this amendment really presents two radically different policies—one contemplating that the amount to be paid shall be a certain percentage upon the value of the property used; the other contemplating that it shall be based upon the amount of power produced and sold, so that the more valuable the site shall become, by virtue of its use in the future, the more the man will pay. If it proves that it is not valuable, and he does not sell any power, his payments decrease proportionately.

The idea which is embodied in the bills coming from the House committee is expressed in the amendment which I propose, leaving it to the Secretary of War to base the annual charges which he makes upon such principles as to him seem proper. That would give him an opportunity to fix the annual charges upon the basis of the water power produced. This would embody the principle of the bill offered during the last session by the Senator from Washington.

Mr. HUGHES. I thank the Senator. I think he has made his position and that of the opponents of the amendment clear, but it still seems to me that the language I suggested would bring about the object that he seeks to bring about. For instance, if the Secretary of the Interior is authorized to lay a charge that is equal to the value, why would not that value, as the Senator said a while ago, be a value based upon the most advantageous use to which the property could be put?

Mr. WALSH. That is right. The Senator is absolutely correct about that. If the idea of the Senator from Washington is to find expression in the bill, to my mind you would cut out the words "as land."

Mr. HUGHES. "As land"?

Mr. WALSH. "As land." If the idea which I think ought to prevail should be adopted, you would cut out all of it, as I have suggested.

Mr. SHIELDS. Mr. President——

Mr. HUGHES. Just a moment. I must say that that does not appear at all clear to me. Do I understand the Senator to mean that he does not want the Secretary of War to pay any attention to value? Would not the horsepower generated have some relation to the value of the land?

Mr. WALSH. Undoubtedly. The power site would have a value depending to no small extent upon the probability of its being put to profitable use as a power site.

Mr. HUGHES. Why would not that be everything that the Senator desires?

Mr. WALSH. Because my idea about the matter is that it is a fairer method and a more just method not to speculate on what will be done in the future, giving the Secretary of War an opportunity to put an extraordinary value upon it at the outset. For instance, suppose he puts upon it a value, we will say, of $1,000,000. At 5 per cent that would be $50,000 a year that the permittee would have to pay. Now, he might not find a market for his power, and yet he would be obliged to pay this $50,000 a year for his power site worth a million dollars. Suppose, now, that he sold only, we will say, 20,000 horsepower, and the

rate was fixed at 10 cents a horsepower. He would pay in proportion to the amount of power he was able to develop and dispose of.

Mr. HUGHES. Yes; I think I get the Senator's idea.

Mr. SHIELDS. Mr. President, the Senator from Montana, in referring to the provisions of the public-land bills, failed to state, as I think, the real differences between the bills. This bill relates only to improvements in navigable rivers, and those improvements are to be made at the expense of the grantee. In other words, a dam with all navigation facilities needed, according to plans and specifications submitted to the Secretary of War, is to be constructed at the exclusive expense of the grantee. The Government is not out one dollar. The public-land bills relate entirely to improvements upon public lands, and the provisions there are for the use of those public lands. They relate to waters that are not navigable. There are no dams to be built, in cases under those bills, at the expense of the grantee, nor are those dams to be maintained at the expense of the grantee. The bills are entirely different; the basis of them is entirely different; and the rights and equities of the parties are entirely different.

This land that is to be allowed to the company making the improvement is not to be used exclusively for power purposes but primarily for navigation purposes, and there should be no extra charge upon the grantee growing out of the water power for that development. The Government in this case owns nothing and has no rights whatever in the water. There is a different theory in the public-land case.

I wish to say to the Senator from New Jersey [Mr. HUGHES] that the Senator from Washington [Mr. JONES] expressed the idea of the committee, and if I conveyed a different impression I was unfortunate in my statement of it.

Mr. POINDEXTER. Mr. President——

Mr. SHIELDS. I will yield to the Senator from Washington in a moment. The sole object is one of policy, as stated by the Senator from Washington. I can see no injury whatever that could occur to anyone by making the bill read, as I suggested, "based upon its value as land for any purpose." I will ask the Senator from Montana whether he will accept that amendment?

Mr. WALSH. Why, no; that does not conform at all to my idea, Mr. President.

Mr. SHIELDS. Then, in lieu of the Senator's amendment to strike out the words "based upon its value as land," I move that there be inserted, after the word "land," in line 22, the words "for any purpose," so as to make it read:

Based upon its value as land for any purpose.

Mr. POINDEXTER. Mr. President——

Mr. WALSH. If the Senator from Washington will pardon me just a moment, I will say that that, in my judgment, will express exactly the idea which was in the mind of the Senator from Washington. I do not accept it, because I do not assent to that theory at all.

Mr. POINDEXTER. Mr. President, I wanted to inquire of the Senator from Tennessee whether, in his judgment, anyone acquiring a franchise under this bill would be authorized to make the improvement that the bill contemplates. If the State has certain rights there, would it not be necessary for him also to obtain a permit from the State? It seems to me that there will be rather a confusing state of affairs if you are going to have divided authority and jurisdiction over this matter.

I suppose that in navigable waters the State controls the bed of the stream, just as it does the land between high and low water on the shore of the sea; and the Senator says the State has authority to control the water flowing in navigable streams. We propose in this bill to grant authority to use that water. However you may frame the language, that is what is going to be done. We are going to grant authority to erect a permanent structure on the bed of the stream. Will it not be necessary, under the Senator's theory, for the grantee also to acquire a grant from the State; or will it be necessary? I am very much interested in knowing what the Senator's idea is on that subject.

Mr. SHIELDS. The Senator will find, in reading the whole bill, that the grantee, when applying to the Secretary of War for a permit, must come vested with all the rights under the laws of the State where the plant is proposed to be constructed; and I think his idea is covered by those provisions. I will say that the rights of the State in the waters of navigable streams are different in different States. Where the common law is in force certain rules apply, and in certain States where the doctrine of prior appropriation prevails different rules apply; and so it is left in the bill to that. The grantee must comply with the laws of the State where the water power is located.

Mr. POINDEXTER. Does the Senator know of any State that has undertaken to grant franchises for the erection of dams in navigable streams, or for the development of water power in navigable streams?

Mr. HUGHES. I can cite one case.

Mr. SHIELDS. All the States had that power prior to the act of 1899, wherein Congress prohibited the erection of any structures in navigable waters without its consent. For 100 years the States controlled the matter entirely.

Mr. POINDEXTER. I understand that; but the Senator probably does not know of any State since the adoption of the Constitution that has undertaken to regulate the development of water power in navigable streams.

Mr. HUGHES. I can cite one instance to the Senator, if he is anxious to have one cited.

Mr. POINDEXTER. I should like to know where it is located.

Mr. HUGHES. The company is situated in my county. The dam is across the bed of a navigable stream.

Mr. NELSON. Mr. President, will the Senator yield to me?

Mr. POINDEXTER. I yield to the Senator from Minnesota.

Mr. NELSON. I can remember, at an early day in the State of Wisconsin, where hundreds of dams were erected under State legislation; and, as the Senator from Tennessee [Mr. SHIELDS] has well said, until this inhibitory law of 1909 or 1910 was passed there was nothing to restrain the States except the fact that the Federal Government might intervene if the dam interfered with navigation. But I have known of scores of dams in the State of Wisconsin that were erected under the act of the State legislature.

Mr. POINDEXTER. They were always erected, however, subject to the possible interference of the Congress of the United States.

Mr. NELSON. That is true in any case. We could not legislate so as to cut off the Government under the commerce clause.

Mr. HUGHES. If the Senator will permit me——

Mr. POINDEXTER. There is just one more remark I wanted to make. So far as the charges are concerned, there undoubtedly would be a conflict between the State authority and the Federal authority if the State should undertake to levy charges upon the plant to be developed under the terms of this bill.

RECESS.

Mr. SHIELDS. I move that the Senate take a recess until 12 o'clock to-morrow.

The motion was agreed to; and (at 6 o'clock p. m.) the Senate took a recess until to-morrow, Tuesday, February 22, 1916, at 12 o'clock meridian.

## HOUSE OF REPRESENTATIVES.

### MONDAY, *February 21, 1916.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

God of the Universe, Father of all souls, we lift up our hearts to Thee and pray most fervently for more religion and fewer isms; more faith, less doubt; more hope, less despair; more generosity, less greed; more benevolence, less malevolence; more peace, less war; more love, less hate; more heaven, less hell; that we may live together in harmony with Thee. For Thine is the kingdom, and the power, and the glory, forever. Amen.

The Journal of the proceedings of Saturday, February 19, 1916, was read and approved.

EULOGIES ON THE LATE SENATOR RICE, OF MINNESOTA.

Mr. MILLER of Minnesota rose.

The SPEAKER. For what purpose does the gentleman from Minnesota rise?

Mr. MILLER of Minnesota. To ask unanimous consent that that part of Saturday, March 11, beginning at 4 o'clock, and continuing to the end of the day, be set apart for the consideration of Senate concurrent resolution No. 13 and for eulogies relative to the life, character, and public service of Henry M. Rice, a Senator from Minnesota.

The SPEAKER. What date?

Mr. MILLER of Minnesota. Saturday, March 11, beginning at 4 o'clock.

The SPEAKER. The gentleman from Minnesota asks unanimous consent that on Saturday, the 11th of March, at 4 o'clock, the House consider the Senate concurrent resolution No. 13, touching the life, character, and public services of Senator Rice, of Minnesota. Is there objection?

There was no objection.

EXTENSION OF REMARKS.

Mr. CAPSTICK. Mr. Speaker, I desire unanimous consent to extend my remarks in the RECORD with reference to the Government shipping bill.

The SPEAKER. The gentleman from New Jersey [Mr. CAPSTICK] asks unanimous consent to extend his remarks in the RECORD on the shipping bill. Is there objection?

There was no objection.

Mr. MOORE of Pennsylvania rose.

The SPEAKER. For what purpose does the gentleman from Pennsylvania rise?

Mr. MOORE of Pennsylvania. To ask unanimous consent to extend my remarks in the RECORD on the subject of the tariff and taxes.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent to extend his remarks in the RECORD on the subject of tariff and taxes. Is there objection?

Mr. CARLIN. Reserving the right to object, has not the gentleman already made some remarks on that subject?

Mr. MOORE of Pennsylvania. I have, but not on this particular branch of the subject.

The SPEAKER. Is there objection?

There was no objection.

Mr. AUSTIN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the Clarke amendment to the Philippine bill.

The SPEAKER. The gentleman from Tennessee [Mr. AUSTIN] asks unanimous consent to extend his remarks in the RECORD on the Clarke amendment to the Philippine bill. Is there objection?

There was no objection.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Waldorf, one of its clerks, announced that the Senate had passed the following bill and concurrent resolution, in which the concurrence of the House was requested:

An act (S. 4014) to supplement existing legislation relative to the United States court for China and to increase the serviceability thereof; and

Senate concurrent resolution 13.

*Resolved by the Senate (the House of Representatives concurring)*, That the statue of Henry Mower Rice, presented by the State of Minnesota to be placed in Statuary Hall, is accepted in the name of the United States, and that the thanks of Congress be tendered to the State for the contribution of the statue of one of its most eminent citizens, illustrious for the purity of his life and his distinguished services to the State and Nation.

Second. That a copy of these resolutions, suitably engrossed and duly authenticated, be transmitted to the governor of the State of Minnesota.

PENSIONS.

Mr. RUSSELL of Missouri. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 3518) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors, with House amendment thereto, to insist on the House amendment, and to agree to the conference asked by the Senate.

The SPEAKER. The gentleman from Missouri asks unanimous consent to take from the Speaker's table the Senate bill 3518, with a House amendment, insist on the House amendment, and agree to the conference asked by the Senate. Is there objection?

There was no objection.

The SPEAKER announced the following conferees on the part of the House: Mr. SHERWOOD, Mr. BURKE, and Mr. SULLOWAY.

EXTENSION OF REMARKS.

Mr. FESS. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting an address delivered in the Congress of Argentina by Dr. Zeballos on the interference with commerce and neutral rights on the sea by Great Britain.

The SPEAKER. The gentleman from Ohio [Mr. FESS] asks unanimous consent to extend his remarks in the RECORD by printing an address delivered in the Congress of Argentina by Dr. Zeballos on the interference on the part of Great Britain with commerce on the high seas. Is there objection?

There was no objection.

CALENDAR FOR UNANIMOUS CONSENT.

The SPEAKER. This is Unanimous Consent Calendar day, and the Clerk will report the first bill.

BRIDGE ACROSS ST. LOUIS RIVER, MINN AND WIS.

The first business on the Calendar for Unanimous Consent was the bill (H. R. 3032) authorizing the County of St. Louis to construct a bridge across the St. Louis River between Minnesota and Wisconsin.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. LENROOT. Mr. Speaker, I ask unanimous consent that this bill go over without prejudice.

The SPEAKER. The gentleman from Wisconsin asks unanimous consent that this bill go over without prejudice. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the next one.

KENESAW BATTLE GROUND.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 9547) authorizing the acceptance by the United States Government from the Kenesaw Memorial Association of Illinois of a proposed gift of land on the Kenesaw battle field in the State of Georgia.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. STAFFORD. Mr. Speaker, reserving the right to object——

Mr. MANN. Let the bill be read.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

*Be it enacted, etc.*, That the Secretary of War be, and he is hereby, authorized and directed to accept from the Kenesaw Memorial Association, a corporation organized under the laws of the State of Illinois, a gift of certain land, with all the improvements thereon, comprising a part of the Kenesaw battle field, said land being described as lot No. 116 and the east half of lot No. 107 in the nineteenth district and second section, in the county of Cobb and State of Georgia, and upon which a monument has been erected to certain organizations that participated in the fighting on Kenesaw Mountain.

With a committee amendment, as follows:

On page 2, after the word "mountain," insert the following: "*Provided*, That no expense shall be incurred by the United States in carrying out the provisions of this act."

The SPEAKER. Is there objection?

Mr. STAFFORD. Mr. Speaker, reserving the right to object, I would like to inquire of the gentleman who is fathering this measure whether it is the purpose ultimately to have this 60 acres of land turned into a national park?

Mr. CANNON. The bill speaks for itself.

Mr. STAFFORD. The bill does not speak far enough.

Mr. CANNON. What will happen in the future I do not know, but I know what ought to happen in the future. The 60 acres of land referred to cover the site of one of the most severe battles of the Civil War, in which many Illinois people and many soldiers from other States, especially Ohio, and I believe some Wisconsin people lost their lives. These 60 acres of land were obtained—my recollection is that the State of Illinois appropriated $50,000 to erect monuments there, and, finally, after all this was done, this bill was introduced to convey that property to the United States.

There have been many such transactions as to cemeteries. Many battle grounds have been marked, and I have no doubt that if this bill passes and becomes a law the United States will take possession of that battle ground and preserve it.

Mr. STAFFORD. Is not that the real purpose of turning this land over to the Government, so that the United States will take care of it in the future?

Mr. CANNON. Absolutely.

Mr. STAFFORD. Can the gentleman, who is better informed in parliamentary history than any other Member of the House, tell us how many battle grounds of the Civil War have been taken over by the National Government and turned into national parks?

Mr. CANNON. Gettysburg, Antietam, Chickamauga, Mission Ridge, Lookout Mountain, Vicksburg, and many others. Not only that, but the cemeteries as well, scattered all over the Southland, and some I believe in the North, have been taken charge of by the Federal Government, and very properly, too. It was in the Congress before the last, as I recollect it, that the Confederate cemetery at Little Rock, Ark., was taken over by the Federal Government.

Mr. HAMLIN. And at Springfield, Mo.

Mr. CANNON. At Springfield, Mo., and at Little Rock. I think possibly I made the motion. If not, it was with my approval and my vote that it was placed under the care of the National Government.

Mr. HAMLIN. That was true at Springfield, Mo. I am sure, because I introduced the bill. This does not involve any expenditure on the part of the Government?

Mr. CANNON. Not at all.

Mr. STAFFORD. It will involve some future expense.

Mr. HAMLIN. What I mean is that the land is not to be purchased by the National Government?

Mr. CANNON. Not at all.

Mr. STAFFORD. The purpose is to turn it over to the Government.

Mr. HAMLIN. I think that is a very wise thing to do.

Mr. STAFFORD. I was wondering whether it was the intention to make a national park of every piece of land on which a battle has been fought in the history of the United States Government?

Mr. HAMLIN. I do not understand that the gentleman from Illinois is in favor of taking over every piece of land on which a battle may have been fought at some time.

Mr. CANNON. Not at all; but this was one of the most fiercely contested battles in the Southland. The One hundred twenty-fifth Illinois, a regiment that was raised in my own district, was almost destroyed there, as many other regiments were. Col. Harmon, a prominent citizen and lawyer, colonel of the One hundred twenty-fifth Illinois, lost his life there, and my recollection is that probably 30 per cent of the regiment lost their lives in that battle, to say nothing about the wounded.

Mr. MILLER of Minnesota. Will the gentleman from Illinois yield for an inquiry?

Mr. CANNON. Yes.

Mr. MILLER of Minnesota. As I understood from him, this will convey about 60 acres.

Mr. CANNON. Sixty acres, upon which the monuments have been erected.

Mr. MILLER of Minnesota. Of course that is only a small part of the battle field, is it not?

Mr. CANNON. Precisely; and still——

Mr. MILLER of Minnesota. Is any arrangement being made for extending this park to include more than 60 acres?

Mr. CANNON. Not that I know of.

Mr. MILLER of Minnesota. I am in hearty sympathy with the purpose of the bill, but I think it would really be better to have some provision made to extend the area to include the main part of the battle field.

Mr. CANNON. Whatever ought to be done to mark the battle ground properly, no doubt will be done, but that is a matter for the future. The State of Illinois initiated this movement, and appropriated, as I recollect, $50,000. I will not be certain about the amount.

Mr. SHERWOOD. Will the gentleman from Illinois yield?

Mr. CANNON. Certainly.

Mr. SHERWOOD. Where is this land located with relation to the battle field.

Mr. CANNON. On the battle ground.

Mr. SHERWOOD. Does this refer to the charge on Kenesaw Mountain on the 27th of June, 1864?

Mr. CANNON. Yes.

Mr. SHERWOOD. There was a very long line of battle that day. I was in that charge. The battle line was about 6 miles long.

Mr. CANNON. Yes.

Mr. SHERWOOD. I should like to know just where the land is located.

Mr. CANNON. I am not informed as to that.

Mr. SHERWOOD. That is where Gen. Harker was killed.

Mr. CANNON. Yes; and where Col. Harmon was killed. It was a most terrific contest.

Mr. SHERWOOD. I was there; I know.

Mr. CANNON. The gentleman, being there, knows far more about it than I do; but the State of Illinois has acquired this land and has erected monuments on it.

Mr. SHERWOOD. I am in favor of the bill; but I wanted to know just where the 60 acres are located.

Mr. CANNON. I believe it is at the point where the battle was most strenuous and where several Illinois regiments, especially the One hundred and twenty-fifth Illinois, lost very heavily.

Mr. SHERWOOD. It was strenuous all along the line.

Mr. CANNON. All along the line; yes.

The SPEAKER. Is there objection?

Mr. FITZGERALD. Reserving the right to object, is this Kenesaw Memorial Association composed of citizens of Illinois?

Mr. CANNON. Yes; and others.

Mr. FITZGERALD. Why do they not show their patriotism——

Mr. CANNON. They have shown their patriotism and have acquired the 60 acres of land and have erected these monuments, the State making the appropriation.

Mr. FITZGERALD. Why do they not continue such a good work?

Mr. CANNON. Does the gentleman mean why do they not buy the whole battle ground all along the line?

Mr. FITZGERALD. Every time two or three patriotic persons in Illinois or Ohio or somewhere buy a few acres of land and erect a monument thereon, and then get tired of their job, the United States assumes the responsibility of looking after it.

Mr. CANNON. I will ask the gentleman from Ohio [Mr. SHERWOOD], who was present and had a part in that contest at Kenesaw Mountain, if, considering the number of men who were engaged and the great violence both in attack and in defense, it was not quite equal to anything that happened—not to say at Gettysburg, but at Antietam or at Pittsburg Landing or at Chickamauga—but less men were engaged.

Mr. FITZGERALD. I object to that question on behalf of the gentleman from Ohio. I do not think the gentleman from Illinois ought to embarrass the gentleman from Ohio by asking such a question as that, by trying to get him to magnify this Battle of Kenesaw Mountain into the same rank with Gettysburg or Antietam or Spotsylvania or Chickamauga or some of the other noted battles. I do not think that is fair.

Mr. CANNON. The gentleman from Ohio [Mr. SHERWOOD] is quite competent to care for himself without the aid of my good friend from New York.

Mr. FITZGERALD. I know, but the gentleman from Illinois is slightly embarrassing my good friend from Ohio, and I do not think he ought to take advantage of him in that way.

Mr. MILLER of Minnesota. Will the gentleman from Illinois permit me to make an inquiry of the gentleman from New York?

Mr. FITZGERALD. I am not on the witness stand.

Mr. CANNON. I will.

Mr. MILLER of Minnesota. With reference to the question asked by the gentleman from New York as to why these should not be maintained by Illinois, I would like to ask for whom was the battle fought and for whom did the men die; was it for Illinois or the United States? [Applause.]

Mr. FITZGERALD. If the gentleman from Minnesota is so ignorant as to require an answer I will answer; but I assume that he knows more than he is willing to admit, and so I will not answer the question. [Laughter.]

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

Mr. CANNON. Mr. Speaker, I ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. CANNON. Mr. Speaker, I place in the RECORD a letter from Acting Secretary of War Breckinridge to Mr. L. J. Dawdy, secretary of the Kenesaw Memorial Association:

WAR DEPARTMENT,
*Washington, August 18, 1915.*

Mr. L. J. DAWDY,
*Secretary Kenesaw Memorial Association, Peoria, Ill.*

DEAR SIR: I have the honor to acknowledge receipt, by reference from the Department of Justice, of your letter addressed to Hon. T. W. Gregory, Attorney General, under date of 5th instant, in which you state that the Kenesaw Memorial Association now owns 60 acres of land on the battle field at Kenesaw, Ga., on which a monument costing $20,000 has been erected to the memory of those who fell on said field, and that the said association wishes to deed the same to the General Government. You also inquire whether a deed from the Kenesaw Memorial Association is all that is necessary for transfer of title.

In reply I beg to inform you that, while there are special provisions relating to the acquisition of land for national-cemetery purposes (sec. 4870, Rev. Stat.), there are none to cover the acquisition of land for the purpose in question, so that the Secretary of War would have no authority under existing law to accept the land which the Kenesaw Memorial Association offers to convey to the Government. You are therefore advised that, in order to carry out the association's desire, steps should be taken to obtain authority from Congress for the acceptance of the land.

Very respectfully,

HENRY BRECKINRIDGE,
*Acting Secretary of War.*

Also a letter to Mr. Dawdy:

DEPARTMENT OF THE INTERIOR,
UNITED STATES GEOLOGICAL SURVEY,
*Marietta, Ga., September 4, 1915.*

Mr. L. J. DAWDY,
*Kenesaw Memorial Association, Peoria, Ill.*

DEAR SIR: Having finished mapping the Kenesaw Mountain battle field, I leave here to-night. Have deferred writing to you until now, as I expected to hear from Maj. James, but have heard nothing of him.

Mr. V. B. Channell, who lives on your property, gave me what assistance I needed and pointed out the different trenches and points of interest, so I imagine I have included everything you want.

Very truly,

ROBERT COE,
*Assistant Topographer.*

Also a statement from Mr. Dawdy, of Peoria, Ill., touching the Battle of Kenesaw Mountain:

OFFICE OF THE KENESAW MEMORIAL ASSOCIATION,
*Peoria, Ill., February 15, 1907.*

The Kenesaw Memorial Association, organized under the laws of Illinois by the survivors of Dan McCook's brigade, now owns 65 acres of the Kenesaw battle field, where the brigade made its famous charge on Cheatham Hill June 27, 1864. The purpose of the association is to restore the earthworks, both Union and Confederate, to their condition at the time of the assault and to erect monuments to the memory of their comrades who fell there. This will require more money than the few survivors can raise by personal subscriptions, therefore application is made to the State legislature for assistance. To that end a bill (S. No. 188) has been introduced in the legisuature asking for an appropriation for the uses mentioned.

Those not familiar with the facts of that assault will no doubt ask why this brigade should ask this special favor, when there were so many Illinois troops which might seek a similar one. The answer is this: No other troops from Illinois had a similar experience—one which demonstrated that almost anything is possible for Illinois soldiers when properly led. This is said without any disparagement to other troops or their officers. Every soldier who saw much service, whether from Illinois or elsewhere, realized that all soldiers did not render like services. This was not their fault; it could not be otherwise, notwithstanding each equally well obeyed his orders. This fact was illustrated better at Kenesaw, perhaps, than on any other field, where Sherman made an attempt to break through Johnston's center and divide the Confederate Army. For that purpose four brigades of the Army of the Cumberland were selected to assault the center, which was well fortified with works and abatis in front. The remainder, or perhaps 30,000 men, of that Army were held in reserve, ready to rush through the breach had one been made, hence it was no fault of these reserves that they were not chosen to make the assault, but their good fortune; and every such reserve, like true soldiers and comrades, in their hearts prayed that the assaulting column might win out without great slaughter, as well as to concede to them all the glory that their achievement might entitle them to. Hence there can be no reason for believing that any other brigade will seek like aid, because there is not another brigade with a like achievement in that or any other war.

But to the facts of the assault. It was made by Mitchell's, Dan McCook's, Harker's, and Wagner's brigades in the order named, from right to left. The distance between the Union and Confederate works was about 400 yards—the former in the valley and the latter on the heights, perhaps 150 feet above the creek which the Federals had to cross. When the order was given these four brigades bounded over the Federal works, crossed a swampy branch, and started up the hill. This caused the Confederates to open with musketry and three different batteries, but notwithstanding this the Federals continued to climb the hill, and in spite of the deadly fire the works were reached by McCook's and Harker's brigades, out of breath and much fewer in numbers. The other brigades meeting with an enfilading fire from batteries, could not reach the works. Finally Harker's brigade fell back after losing many men, carrying with them their dying commander; thus leaving McCook's brigade on top of the hill in front of works almost impregnable. Their commander was mortally wounded on the works and borne to the rear; Col. Harmon, second in rank, assumed command and lived but a moment, when he, too, was borne to the rear. With dead and dying everywhere, Col. Dilworth, third in rank, took command and straightened out the lines, but the abatis prevented crossing in force. What should be done? Some were crouching behind their dead comrades still firing, while others with bayonet and tin cup were digging in the ground, determined to stay there notwithstanding they had lost more than 30 per cent, the losses being pretty evenly divided among the regiments, although one company of the Eighty-sixth Illinois lost 23 out of 40, or 57½ per cent, but all still clung to that hill for six days and nights without relief rather than surrender what had cost them so much. This brigade while thus near the Confederate works built works beneath the enemy's guns in open field, and both lines are there to-day, distant from each other only 30 paces, or less than 100 feet.

When the Light Brigade of Balaklava (made immortal by the lines of Tennyson) made its famous charge, it lost a less per cent than McCook, failed, and left the field. When Pickett's division made its renowned charge at Gettysburg it failed, in effect, and literally went to pieces, and was not reorganized until Lee had retreated into Virginia. No other charge was ever made with the same result as that of McCook. Grant at Vicksburg assaulted the works, but fell back again. The troops on either side of McCook's fell back to the place of starting, or nearly so. Where did any other troops render a like persistent heroic service? In what war or country has that tenacity of purpose been displayed as that of McCook's brigade at Kenesaw?

That brigade saw much heroic service. It opened the Battle of Perryville and made a splendid charge, although only 30 days from home. It opened the Battle of Chickamauga on Saturday morning, when it burned Reed's bridge; it closed that battle, firing the last shot on Sunday night, where the Government has erected tablets in evidence of that fact. It furnished the volunteers who rowed Sherman's troops across the Tennessee before the Battle of Mission Ridge, although they knew that the enemy's pickets lined the opposite shore It charged the Confederate works two months later at Jonesboro, where a Confederate brigade (Govan's) and a battery of 10 guns were captured. It has on its banners Perryville, Stone River, Chickamauga, Mission Ridge, Buzzard's Roost, Resaca, Rome, Newhope Church, Kenesaw, Peach Tree Creek, Atlanta, Jonesboro, Savannah, and Bentonville, where it helped to bury the last hope of the Confederacy.

Does anyone doubt that this brigade did not know what heroic service meant, or that they overestimate the character of their achievement on Cheatham Hill? Everyone must admit that Sherman's failure to divide the Confederate Army minimized the gallantry of the assaulting troops, but it was his mistake and not the fault of those who climbed that hill. Is not this brigade entitled to special recognition for an achievement without a parallel?

The forty-fourth assembly granted an appropriation two years ago without the least opposition, but the governor vetoed it because short of funds. Now conditions are better, we have good reasons for believing that the bill, if passed, will be approved. Since our former application the Federal Government has platted our land in manner similar to that of Chickamauga and Gettysburg, thus recognizing the merit of the old brigade.

McCook's brigade was composed of the following troops: Eighty-fifth, Eighty-sixth, and One hundred and twenty-fifth Illinois Infantry, and Battery I, Second Illinois Light Artillery, and Twenty-second Indiana and Fifty-second Ohio Infantry Regiments.

These statements can be verified by the official records of the War Department.

Respectfully, L. J. DAWDY, *Secretary.*

I also state that subsequent to the date of the letter the State of Illinois did appropriate for the monument which has been erected and the land acquired.

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. CANNON, a motion to reconsider the vote whereby the bill was passed was laid on the table.

WATER RESERVOIRS, DURANGO, COLO.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 28) to amend an act entitled "An act granting to the city of Durango, in the State of Colorado, certain lands therein described for water reservoirs," approved March 1, 1907.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That an act entitled "An act granting to the city of Durango, in the State of Colorado, certain lands therein described for water reservoirs," approved March 1, 1907 (34 Stat., 1053), be amended to read as follows:

"That the following-described tract of land situate in suspended township 38 north, range 7 west, New Mexico principal meridian, in La Plata County, Colo., within the San Juan Forest Reserve, to wit: A tract described by metes and bounds as per special survey approved by the Commissioner of the General Land Office on November 1, 1909: Beginning at corner No. 1, a cross at exact point on top of rock 'D. R. G.' on the northeast and 'P. L.' on the southwest face from which a basalt bowlder 54 by 36 by 33 inches bears north 39° east 43 links distant, marked 'B. I. O.'; a spruce 9 inches in diameter bears north 45° 10′ east 88½ links distant, marked 'Cor. No. 1, D. R. G., B. T.'; a spruce 10 inches in diameter bears east 88 links distant, marked 'Cor. No. 1, D. R. G., B. T.'; a spruce 12 inches in diameter bears south 19° 45′ east 84 links distant, marked 'Cor. No. 1, P. L., B. T.'; a spruce 10 inches in diameter bears north 20° 40′ west 247½ links distant, marked 'Cor. No. 1, P. L., B. T.'; thence north 20° 7′ east 74.24 chains to station No. 2; thence north 77° 2′ east 16.06 chains to station No. 3; thence north 8° 24′ east 36.36 chains to station No. 4, whence United States location monument Mount Valois bears north 38° 23′ east 76.31 chains; thence north 7° 28′ west 68.83 chains to station No. 5; thence north 10° 23′ east 77.19 chains to station No. 6, whence United States location monument Mount Bullion bears north 62° 16′ west 35.62 chains; thence north 87° 31′ east 19.52 chains to station No. 7, whence United States location monument Tempest bears south 4° 24′ west 70.69 chains; thence south 38° 37′ east 53.12 chains to station No. 8; thence south 85° 31′ east 24.45 chains to station No. 9; thence south 11° 50′ east 58.32 chains to station No. 10; thence south 56° 18′ east 59.32 chains to station No. 11; thence south 28° 46′ east 70.46 chains to station No. 12, Sheep Mountain; thence south 65° 32′ west 131.92 chains to station No. 13, United States location monument Mount Sheridan; thence south 52° 32′ west 14.51 chains to station No. 14; thence north 87° 7′ west 92.53 chains to station No. 1, point of beginning, containing 3,049.87 acres, more or less, situate in township 38 north, range 7 west, New Mexico meridian, including those four certain reservoirs claimed or occupied by said city of Durango, known as Reservoir No. 1, or Upper Park Reservoir; Reservoir No. 2, or Santa Maria Lake; Reservoir No. 3, or Lake Lilly; and Reservoir No. 4, or Lakeside Lake, subject to any former grant or conveyance affecting said lands, be, and the same are hereby, granted and conveyed to the city of Durango, county of La Plata, and State of Colorado, to have and to hold said lands to its use and behoof forever for the purposes of water storage and supply of its waterworks and the protection of its water supply, and for such purposes said city shall forever have the right, in its discretion, to control and use any and all parts of the said premises herein granted and conveyed in the construction of reservoirs, conduits, and flumes, and in the laying of pipes and mains, and in making such improvements as may be necessary to store, utilize, protect from pollution, and enjoy the waters contained in any natural or constructed reservoirs, basins, or waterways upon said premises: *Provided,* That the city of Durango shall pay for said land the sum of $1.25 per acre: *Provided further,* That the Forest Service of the United States Department of Agriculture shall have full power to patrol the said lands and to protect them from fire and trespass: *And provided further,* That the Forest Service may dispose of the timber upon the said lands, except so much thereof as may be growing within 100 feet from the margin of any natural or constructed reservoir, or of the main creeks within the said boundary flowing into such reservoirs, under such additional rules for lumbering, to protect said waters from pollution, as shall be prescribed by the Forester and approved by the mayor of the city of Durango: *And provided further,* That if said city shall fence all or any part of said lands it shall provide practicable gates in such fence at points to be designated by the supervisor of the San Juan Forest Reserve.

"SEC. 2. That if the said city of Durango shall at any time hereafter abandon the lands above described and cease to use the same for said purposes, said above-described lands shall revert to the Government of the United States."

The SPEAKER. Is there objection?

Mr. STAFFORD. Reserving the right to object, Mr. Speaker, I am acquainted with the purpose sought in this bill, but there is one amendment that I think should be adopted, and that is with reference to requiring the approval of the mayor of the city of Durango as to the amount of timber that should be cut outside of the 100-foot reservation. I can not conceive of any conditions where the United States foresters should be restricted to the approval as to the kind and amount of timber that should be cut on the land away from the 100-foot line.

Mr. TAYLOR of Colorado. I will try to explain that. As I understand it, a large part of this land is above what is known as timber line, the elevation above which no timber grows. Timber line in Colorado is usually about 11,000 feet elevation. I think there is very little timber of any value on most of this land.

Mr. STAFFORD. If it is not applicable, I do not wish to press the amendment. The bill provides that the Forest Service may dispose of the timber upon the land, with certain exceptions, "as shall be prescribed by the Forester and approved by the mayor of the city of Durango." I could not see why the mayor should hold up the disposition of such timber as the Forester deemed advisable should be cut.

Mr. TAYLOR of Colorado. That is the language of the original act of Congress of March 1, 1907, on this subject. I do not know why it was put in. The only change that I have made in that law is to change the courses and distances and amend the description so as to leave out about 307 acres and take in 37 acres.

Mr. STAFFORD. The gentleman agrees that it would be out of the ordinary to place a restriction on the United States Forester as to what timber he should cut on this land and that it should be viséed by the mayor of Durango.

Mr. TAYLOR of Colorado. I think the gentleman is correct. They do not use that language in legislation now, but I can see no harm in it, as it would probably apply to very little, if any, timber, anyway.

Mr. STAFFORD. If this land is above the timber line, I do not wish to press any amendment.

Mr. TAYLOR of Colorado. Mr. Speaker, I ask unanimous consent that this bill be considered in the House as in Committee of the Whole.

In brief, on March 1, 1907, Congress passed the act referred to (34 Stat., 1053), granting to the city of Durango, La Plata County, Colo., certain lands described by metes and bounds, "to have and to hold said lands to its use and behoof forever, for the purpose of water storage and supply of its waterworks and the protection of its water supply, and for such purposes said city shall forever have the right, in its discretion, to control and use any and all parts of the said premises herein granted and conveyed in the construction of reservoirs, conduits, and flumes, and in the laying of pipes and mains and in making such improvements as may be necessary to store, utilize, protect from pollution, and enjoy the waters contained in any natural or constructed reservoir, basins, or waterways upon said premises: *Provided*, That the city of Durango shall pay for said land the sum of $1.25 per acre."

The act also gives the Forest Service power to patrol said lands and to protect them from fire and trespass, and also gives the Forest Service the right to dispose of timber on said lands, except that growing within 100 feet from the margin of any natural or constructed reservoir, and so forth.

The city complied with all the requirements and paid for the land at the rate of $1.25 an acre, the amount paid being $3,852.85 for 3,049.87 acres, and the Government has retained that money ever since, and has never given the city the title to the land.

As above stated, the land was unsurveyed and the description was given by metes and bounds, courses and distances. It seems that before the patent was issued there was a second survey ordered, and this survey did not coincide with the former one. It was discovered that there were some errors in the description as to metes and bounds—the variations did not conform in all respects. The result was that the land described in that act of Congress contains 307 acres that is entirely over on another watershed outside of the drainage basin of the Florida River, and is of no earthly use to the city of Durango for reservoirs or drainage or otherwise in connection with its water supply, while the 37 acres that the city desired, and which is in that drainage basin, is not included in that survey. This bill merely amends that description so as to exclude that 307 acres and include the 37 acres that ought to have been in the former act of Congress.

When these discrepancies were discovered the Commissioner of the General Land Office declined to issue patent to the city and advised the city authorities that "no patent can be issued to the city on the present survey, and that action on its application 03778 will be withheld until such time as the city has opportunity to present the matter to Congress and secure an amendment to the grant by which the city will receive the lands as now described in the present survey."

I introduced this bill in pursuance of that recommendation of the Commissioner of the General Land Office for the purpose of correcting the description and perfecting the title of said city to the lands desired for the protection of its water supply and in pursuance of and conformity with the intention of the act of Congress of March 1, 1907. All of these matters are fully set out in the reports of the Interior Department and in the several reports of the Commissioner of the General Land Office to the city authorities of Durango. It will be shown from the records and the statement of the city attorney that the city authorities at all times acted with diligence and in entire good faith, paying for the land and receiving receiver's receipt for the same. But the patent was withheld because of this discrepancy. It has been a matter of great disappointment and much inconvenience and some financial loss to the city in being deprived of the title to this land all of these years through no fault whatever of the city. The Secretary of the Interior recommends the enactment of this amendment at the earliest convenient period, inasmuch as the matter has been so long delayed, and the city is anxious for some speedy legislation by which they may be entitled to the use of the land, and the committee therefore earnestly recommends the passage of this bill.

The SPEAKER. The gentleman from Colorado asks unanimous consent that the bill be considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. TAYLOR of Colorado, a motion to reconsider the vote whereby the bill was passed was laid on the table.

## APPOINTMENT OF ASSISTANT INSPECTORS, STEAMBOAT-INSPECTION SERVICE.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 4786) to provide for the appointment of certain assistant inspectors, Steamboat-Inspection Service, at ports where they are acutally performing duty, but to which they are at present detailed.

The Clerk read the bill, as follows:

*Be it enacted, etc.*, That the eighth paragraph of section 4414, Revised Statutes of the United States, be, and the same is hereby, amended so as to read as follows:

"And in addition the Secretary of Commerce may appoint, in districts or ports where the exigencies of the service require, assistant inspectors, at a salary for the port of New York of $2,000 a year each; for the port of New Orleans, La., the districts of Philadelphia, Pa., Baltimore, Md., the port of Boston, Mass., and the district of San Francisco, Cal., at $1,800 per year each; and for all other districts and ports at a salary not exceeding $1,600 a year each; and he may appoint a clerk to any such board at a compensation not exceeding $1,500 a year to each person so appointed. Every inspector provided for in this or the preceding sections of this title shall be paid his actual and reasonable traveling expenses incurred in the performance of his duties, together with his actual and reasonable expenses for transportation of instruments, which shall be certified and sworn to under such instructions as shall be given by the Secretary of Commerce."

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. BENNET. Reserving the right to object, Mr. Speaker, I would like to ask the chairman of the committee, or the gentleman who reported the bill, whether this affects in any way the men who are steamboat inspectors in the port of New York on a salary of $2,500 a year?

Mr. HARDY. It does not.

Mr. BENNET. This is only to make permanent those who are now temporary?

Mr. HARDY. It does nothing more than to give the right to appoint assistant inspectors where they are now detailed.

Mr. BENNET. It gives them a salary instead of depending upon fees?

Mr. HARDY. It does not change the present law as to salaries at all.

Mr. MOORE of Pennsylvania. Reserving the right to object, I would like to ask the gentleman why some limitation is not put on the number of men appointed?

Mr. HARDY. That is left to be fixed by the Committee on Appropriations. They can appoint none except those that are appropriated for, and that question you will see is dealt with fully in the testimony before the committee included in the report on the bill.

Mr. MOORE of Pennsylvania. The idea is to have this matter go finally to the Committee on Appropriations so that the Secretary may say how many men he needs.

Mr. HARDY. They determine the number and the pay except where the pay is now fixed by law, and we do not change that.

Mr. MOORE of Pennsylvania. Will the gentleman explain why we need these additional inspectors?

Mr. HARDY. I think I can explain it best by reading the testimony of Mr. Hoover, chief clerk of the Steamboat-Inspection Service. In answer to a question of mine he says:

Mr. HOOVER. The reasons are these: First, I should say that after July 1, 1905, boards of local inspectors were paid fixed salaries. Up

to that time they had been paid according to the number of steamers inspected, and we believed that that placed a premium upon defective and inefficient inspection by limiting the man's salary to the number of steamers that he inspected. Hence their salaries were fixed. Now, at the time that was done—and that law was effective July 1, 1905—these words in section 4414 in regard to appointing the assistant inspectors at districts where there were 225 steamers or upward to be inspected annually were not also mentioned, but it was the understanding of the department from that time on that the number of steamers that were inspected in a district did not have any effect whatsoever upon the salaries. Therefore there remained from that time to the present day these assistant inspectors who were appointed at certain of these ports and detailed to certain other ports. Now, the effect is that to-day some of these ports where assistant inspectors have been appointed have fallen below the 225-steamer limit, where assistant inspectors are to be appointed, you understand, and appreciating that it is not a fair basis, simply the number of steamers that are inspected in the district, to base the number of men who shall be employed there, we want to get away from that and have this amendment made which should have been made back in 1905. It has been our understanding from that time on that we proceeded correctly in having these assistant inspectors at the place where they were appointed, even though that number of steamers had fallen below 225. I may say that in the last year we have gone over these statutes trying to bring them up to date wherever we found them defective, and in our efforts to do that we found this place here. We first discovered it—or we did not discover it, but thought of it carefully—when we were getting up the last estimates, and it occurred to me we ought to have that corrected and do directly that which we have been doing indirectly; that is to say, if there happen to be ports where the exigencies of the service require assistant inspectors of course we can actually appoint them, but we can not actually appoint them until you gentlemen appropriate so we will have money to pay them.

Mr. MOORE of Pennsylvania. I wanted to find out if this is intended to do with such a disaster as that of the *Eastland*, or if it is a normal increase?

Mr. HARDY. It is not a normal increase. It is an arrangement to cure the necessity of evading the law, as is done now, by appointing assistant inspectors at one station and transferring them to another.

Mr. MOORE of Pennsylvania. This will improve the home service?

Mr. HARDY. That is the intention of it.

Mr. MOORE of Pennsylvania. This is to provide inspectors at the ports where they are needed?

Mr. HARDY. Yes.

Mr. MOORE of Pennsylvania. Without having to take them away from the port where they are needed and transfer them to some other port?

Mr. HARDY. Yes; and, further, to give such increase as can be shown to the Committee on Appropriations is necessary for the exigencies of the service.

Mr. MOORE of Pennsylvania. It has been the practice heretofore to withdraw men from a port like Philadelphia and transfer them to Cleveland. Is this intended to obviate that practice?

Mr. HARDY. This is intended to obviate the necessity for that practice.

Mr. MOORE of Pennsylvania. And it makes no difference in the salaries?

Mr. HARDY. None whatever. We have not changed the salaries.

Mr. ALEXANDER. Mr. Speaker, at this time Buffalo is the only port on the Great Lakes where there are more than 225 vessels inspected. It is necessary to appoint assistant inspectors at Buffalo and then assign them to Cleveland, Detroit, Chicago, or Milwaukee. The number of vessels has not been increasing, but the sizes are, and Buffalo will be the only port on the Great Lakes where more than 225 vessels are inspected. The purpose is simply to appoint assistant inspectors where they are needed. The number, of course, will be controlled by the Committee on Appropriations, after having heard the testimony as to the need for additional inspectors.

Mr. MOORE of Pennsylvania. The inspectors in any home port will be in better position to attend to their duties hereafter, if this bill is passed?

Mr. ALEXANDER. Yes; they will be at home.

Mr. MOORE of Pennsylvania. They are not to be picked up and sent somewhere else?

Mr. ALEXANDER. The report shows that the inspectors are sent to other ports when their services are needed in the local ports and inspection is not as rigid as it should be.

Mr. HUMPHREY of Washington. Mr. Speaker, reserving the right to object, I desire to ask the gentleman in charge of the bill why it is that the salaries fixed are, at New York, $2,000 a year; and then the other ports named, $1,800 a year; and then at those not named, $1,600 a year?

Mr. HARDY. Mr. Speaker, I will say that those questions were propounded in committee, as to why we had not changed the existing law, and the fact is that we were of opinion, and the department was fearful, that if we went to changing existing law there would be objection to taking up the bill, and we might not get through anything. It was therefore proposed that we leave the bill as to salaries just as it is now, leaving that to be determined by the Committee on Appropriations when the question of appropriation came up.

Mr. HUMPHREY of Washington. I wanted to call the gentleman's attention to what he probably knows. For instance, the Puget Sound district under this bill will be entitled to only $1,600 a year. In the number of vessels the Puget Sound district is second in the United States, and for many years has been first upon the Pacific coast. The proposition of fixing the salary at $1,800 at these other ports where the number of vessels does not begin to compare with those in the Puget Sound district seems very unfair.

Mr. HARDY. If we go into that we will have every port on top of us asking changes for its particular port. The gentleman's colleague is on the committee, and he agreed with us that it was best that this be done.

Mr. HUMPHREY of Washington. Was he present when this was considered?

Mr. HARDY. Yes.

Mr. HUMPHREY of Washington. Of course, if the bill fixed the salary now I would certainly object, because that discrimination ought not to be made.

Mr. HARDY. And the gentleman would be right.

Mr. HUMPHREY of Washington. The second district in the United States ought not to be put down toward the tail end.

Mr. HARDY. The gentleman is not alone in that inequality. It would involve a considerable investigation to determine the matter.

Mr. HUMPHREY of Washington. Does the gentleman think there will be any opportunity to correct that when it comes before the Committee on Appropriations? That committee would not have any authority to make that change.

Mr. HARDY. Not to change existing law, as I understand it, but a bill to revise the salaries of the inspectors would be a very different bill from this, which, in the language of the chief clerk, was simply to enable them to do directly the things they have been doing indirectly and in an evasive way heretofore, and also to give the benefit of home appointment to the inspectors that would serve at the different ports and avoid the expenditure of traveling from detailed places to places to which they were detailed.

Mr. ALEXANDER. I would say that one of the gentleman's colleagues from the State of Washington is a member of the committee.

Mr. HUMPHREY of Washington. I know he is.

Mr. ALEXANDER. And after considering the provisions of the bill, and considering the whole matter, realizing the serious problem that would be involved in a readjustment of the salaries, he thought it would be injudicious to undertake it in this bill.

Mr. HUMPHREY of Washington. It was reported unanimously, was it not?

Mr. HARDY. Yes; unanimously.

The SPEAKER. Is there objection?

Mr. STAFFORD. Mr. Speaker, reserving the right to object——

Mr. HUMPHREY of Washington. Mr. Speaker, reserving the right to object, I would like to ask my colleague, who is a member of this committee, a question about this bill, and that is if he thinks it is fully satisfactory, so far as our section of the country is concerned?

Mr. HADLEY. I do.

Mr. STAFFORD. Mr. Speaker, reserving the right to object, I would like to inquire whether the committee gave any consideration to the limit of the per diem allowance of expenses to which inspectors will be entitled? At present, as I understand the law, they are limited to a per diem of $5. Here the committee makes no limitation whatsoever as to the amount of actual traveling expenses, except that they "shall be reasonable." Will the gentleman have any objection—I do not believe there is anything in the report regarding this question—to inserting, after the word "duties," in line 10, the words "not exceeding $5 per diem"? That, I believe, is in consonance with existing law as to the inspectors in this service.

Mr. HARDY. If it is in consonance with existing law, it does not need to be inserted.

Mr. STAFFORD. Here we are enacting new law and making no limitation whatever. Under this provision the Secretary would be authorized to visé accounts running to eight, ten dollars, and more. I think there should be some limitation on the amount of reasonable expenditures that these inspectors may incur, and $5 is a reasonable amount.

Mr. HARDY. The gentleman will bear in mind that this bill applies only to one section of existing law.

Mr. STAFFORD. And this one section authorizes the allowance of actual and reasonable traveling expenses. Since this law was originally passed we have provided the limitation of the amount of per diem expenses. We are here reenacting this provision without any limitation, and by reason of that fact they would be entitled to any amount that the department would consider reasonable.

Mr. HARDY. Does the gentleman understand that the limitation of expenses he speaks of is included in another section of the law?

Mr. STAFFORD. Not another section under the general title of this law.

Mr. HARDY. If there is any limitation, it is not in section 4414 of existing law.

Mr. STAFFORD. I quite agree with the gentleman.

Mr. HARDY. Now 4414 only is being amended. The other section, which provides a limitation, of which the gentleman speaks, is not touched by this bill nor affected by it. There is no question you can take up a section of a bill and amend it without going into the amending of other clauses or affecting them. This is not to be amended in any respect touching that. Section 4414 is being amended with one purpose, and one purpose only, and that is to enable the service to do directly what it is now doing evasively or indirectly, but it does not affect the salary——

Mr. STAFFORD. I am acquainted with the full purpose, for we have had that matter up for consideration this year in the preparation of the legislative, executive, and judicial appropriation bill.

Mr. HARDY. That is just what I am going to say; we simply reenact 4414 just as it stands, with one single, solitary change, that allows these inspectors to be appointed instead of detailed.

Mr. STAFFORD. The restriction, so far as the per diem allowance is concerned, has been carried on the appropriation bill. I submit to the gentleman that by our reenactment of another provision, this being a later enactment of Congress, the department would have the right to authorize any allowance to these men provided they considered the amount reasonable.

Mr. HARDY. If the gentleman is right that the restriction of cost to $5 is put in by the Appropriation Committee, it would be again, and this law would be just the same——

Mr. STAFFORD. But I can not see why there should be any objection on the part of the committee to having a limitation in this bill.

Mr. HARDY. We dislike to go into the amendment of the law in other respects that we have not examined fully before the committee.

Mr. HULBERT. Will the gentleman yield?

Mr. STAFFORD. I will.

Mr. HULBERT. Do I understand the amendment suggested by the gentleman is in line 10, page 2?

Mr. STAFFORD. Yes.

Mr. HULBERT. Would not the effect of the amendment suggested by the gentleman limit the transportation to $5 per diem if it were adopted?

Mr. STAFFORD. It might. These expenses usually include their hotel expenses, sleeping-car expenses, and so forth.

Mr. HULBERT. Are not the words "traveling expenses" used in line 9?

Mr. STAFFORD. Yes.

Mr. HULBERT. Where is the provision for transportation in the bill?

Mr. HARDY. Look at line 11.

Mr. HULBERT. That is for the transportation of instruments, not individuals.

Mr. STAFFORD. There may be some other authorization of transportation charges.

Mr. ALEXANDER. The gentleman from Wisconsin, I think, is right. Beginning in line 7, on page 2, it provides:

> Every inspector provided for in this or the preceding sections of this title shall be paid his actual and reasonable traveling expenses incurred in the performance of his duty, together with his actual and reasonable expenses for transportation of instruments.

And I understand that is the only limitation under existing law.

My attention has never been called to the fact, if it is a fact, that excessive sums have been allowed for traveling expenses. The purpose of this bill, as explained by my colleague, is to provide for the appointment of these assistant inspectors at the ports where they are actually needed, rather than to appoint them at other ports like Buffalo and transfer them to the local ports, which, of course, involves travel pay and other incidental expenses. It will result in economy, we believe, and for that reason we have recommended it.

Mr. STAFFORD. I really think there should be some limitation as to the amount these inspectors should be allowed to use when traveling about the country.

Mr. ALEXANDER. I have no objection to it, however. My attention has never been called to the fact that the law has been abused.

Mr. STAFFORD. Would the gentleman like to have the bill passed over to another day in order to make an investigation?

Mr. ALEXANDER. Not on that account, because I quite agree with the gentleman if there is any abuse, it ought to be remedied by legislation, and that might be done now.

Mr. STAFFORD. Usually there is a limitation.

Mr. HARDY. Have you carefully thought out an amendment that would reasonably limit that possibility?

Mr. STAFFORD. I have prepared just this phrase, "not exceeding $5 per diem."

Mr. HULBERT. Mr. Speaker, will the gentleman yield?

Mr. STAFFORD. I will be glad to yield.

Mr. HULBERT. Will the gentleman consider the suggestion of incorporating in his amendment the further phrase "not including railroad fare or transportation"?

Mr. STAFFORD. Oh, yes. But I do not think it is necessary.

Mr. HARDY. I am afraid that if you paid his actual and reasonable traveling expenses, incurred in the performance of his duties, and were to limit that to not exceeding $5——

Mr. STAFFORD. Why not leave this matter to go over for two weeks, so as to give the members of the committee an opportunity to investigate that matter? There is no objection to the bill as it stands except as to that item.

Mr. HARDY. I really have no objection. If there is reason for putting the limitation there as to expenditure, I am willing to agree to it.

Mr. Speaker, I sk unanimous consent that the bill be passed informally and without prejudice.

The SPEAKER. The gentleman from Texas asks unanimous consent that this bill be passed without prejudice. Is there objection? [After a pause.] The Chair hears none.

MARINE INSPECTION SERVICE.

The next business on the Calendar for Unanimous Consent was the bill H. R. 4784, to provide for a change in the designation of the Steamboat-Inspection Service, and for other purposes.

The bill was read as follows:

> *Be it enacted, etc.*, That the Steamboat-Inspection Service of the Department of Commerce shall hereafter be known as the Marine Inspection Service, and the Supervising Inspector General shall be known as the Director of the Marine Inspection Service; and all the powers and duties possessed by the Supervising Inspector General shall be retained and exercised by the Director of the Marine Inspection Service. It is further provided that the Chief Clerk and Acting Supervising Inspector General shall hereafter be known as the Assistant Director of the Marine Inspection Service, and shall perform such duties as may be assigned to him by the Director or by the Secretary of Commerce.

The SPEAKER. Is there objection?

Mr. MOORE of Pennsylvania. Mr. Speaker, reserving the right to object, this change of designation in the Steamboat-Inspection Service would not in any way confer new powers upon the Director of the Marine Inspection Service in the matter of craft not using steam power?

Mr. ALEXANDER. Oh, no. It is simply changing the name of the service to make it more appropriate. At the time the law was enacted it only applied to vessels propelled by steam, but now the Steamboat-Inspection Service includes vessels mechanically propelled, whether by steam or by gasoline, and there are other new types of vessels, such as the Diesel type of oil engines, and this bill simply makes the title more appropriate and to apply to all classes of vessels subject to inspection whether propelled by steam or otherwise propelled.

Mr. MOORE of Pennsylvania. I have read the letter of the Secretary of Commerce to the gentleman from Missouri, indicating that this would aid in the administration of the work of the department, but I would like to know if the gentleman has any data as to the number of vessels using gasoline.

Mr. ALEXANDER. That includes the motor boats?

Mr. MOORE of Pennsylvania. Yes.

Mr. ALEXANDER. My general recollection is that there are——

Mr. MOORE of Pennsylvania. Three or four hundred thousand?

Mr. ALEXANDER. Two hundred thousand or more, and the number is increasing all the while.

Mr. MOORE of Pennsylvania. They would come under the new director?

Mr. ALEXANDER. They are already under the direction of the Steamboat-Inspection Service, but the title "Steamboat-

Inspection Service" is not apt as applied to all kinds of marine craft.

Mr. MOORE of Pennsylvania. It is a fact, is it not, that the number of vessels plying the inland waterways is increasing every year?

Mr. ALEXANDER. Yes.

Mr. MOORE of Pennsylvania. And that most of them now come under the direction of what will be the Director of the Marine-Inspection Service?

Mr. ALEXANDER. The gentleman is right about that.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. ALEXANDER, a motion to reconsider the vote by which the bill was passed was laid on the table.

BOY SCOUTS OF AMERICA.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 755) to incorporate the Boy Scouts of America, and for other purposes.

The bill was read, as follows:

*Be it enacted, etc.*, That Colin H. Livingstone and Ernest P. Bicknell, of Washington, D. C.; Benjamin L. Dulaney, of Bristol, Tenn.; Milton A. McRae, of Detroit, Mich.; David Starr Jordan, of Berkeley, Cal.; F. L. Seely, of Asheville, N. C.; A. Stamford White, of Chicago, Ill.; Ernest Thompson Seton, of Greenwich, Conn.; Daniel Carter Beard, of Flushing, N. Y.; George D. Pratt, of Brooklyn, N. Y.; Lee F. Hanmer, Jeremiah W. Jenks, Charles P. Neill, Frank Presbrey, Edgar M. Robinson, Mortimer L. Schiff, Lorillard Spencer, and James E. West, of New York, N. Y.; G. Barrett Rich, jr., of Buffalo, N. Y.; Robert Garrett, of Baltimore, Md.; John Sherman Hoyt, of Norwalk, Conn.; Charles C. Jackson, of Boston, Mass.; William D. Murray, of Plainfield, N. J.; and George D. Porter, of Philadelphia, Pa., their associates and successors, are hereby created a body corporate and politic of the District of Columbia, where its domicile shall be.

SEC. 2. That the name of this corporation shall be "Boy Scouts of America," and by that name it shall have perpetual succession, with power to sue and be sued in courts of law and equity within the jurisdiction of the United States; to hold such real and personal estate as shall be necessary for corporate purposes, and to receive real and personal property by gift, devise, or bequest; to adopt a seal, and the same to alter and destroy at pleasure; to have offices and conduct its business and affairs within and without the District of Columbia and in the several States and Territories of the United States; to make and adopt by-laws, rules and regulations not inconsistent with the laws of the United States of America, or any State thereof, and generally to do all such acts and things (including the establishment of regulations for the election of associates and successors) as may be necessary to carry into effect the provisions of this act and promote the purposes of said corporation.

SEC. 3. That the purpose of this corporation shall be to promote, through organization and cooperation with other agencies, the ability of boys to do things for themselves and others, to train them in scoutcraft, and to teach them patriotism, courage, self-reliance, and kindred virtues, using the methods which are now in common use by boy scouts.

SEC. 4. That said corporation may acquire, by way of gift, all the assets of the existing national organization of Boy Scouts, a corporation under the laws of the District of Columbia, and defray and provide for any debts or liabilities to the discharge of which said assets shall be applicable; but said corporation shall have no power to issue certificates of stock or to declare or pay dividends, its object and purposes being solely of a benevolent character and not for pecuniary profit to its members.

SEC. 5. That the governing body of the said Boy Scouts of America shall consist of an executive board composed of citizens of the United States. The number, qualifications, and terms of office of members of the executive board shall be prescribed by the by-laws. The persons mentioned in the first section of this act shall constitute the first executive board and shall serve until their successors are elected and have qualified. Vacancies in the executive board shall be filled by a majority vote of the remaining members thereof. The by-laws may prescribe the number of members of the executive board necessary to constitute a quorum of the board, which number may be less than a majority of the whole number of the board. The executive board shall have power to make and to amend the by-laws, and, by a two-thirds vote of the whole board at a meeting called for this purpose, may authorize and cause to be executed mortgages and liens upon the property of the corporation. The executive board may, by resolution passed by a majority of the whole board, designate three or more of their number to constitute an executive or governing committee, of which a majority shall constitute a quorum, which committee, to the extent provided in said resolution or in the by-laws of the corporation, shall have and exercise the powers of the executive board in the management of the business affairs of the corporation, and may have power to authorize the seal of the corporation to be affixed to all papers which may require it. The executive board, by the affirmative vote of a majority of the whole board, may appoint any other standing committees, and such standing committees shall have and may exercise such powers as shall be conferred or authorized by the by-laws. With the consent in writing and pursuant to an affirmative vote of a majority of the members of said corporation, the executive board shall have authority to dispose in any manner of the whole property of the corporation.

SEC. 6. That an annual meeting of the incorporators, their associates and successors, shall be held once in every year after the year of incorporation, at such time and place as shall be prescribed in the by-laws, when the annual reports of the officers and executive board shall be presented and members of the executive board elected for the ensuing year. Special meetings of the corporation may be called upon such notice as may be prescribed in the by-laws. The number of members which shall constitute a quorum at any annual or special meeting shall be prescribed in the by-laws. The members and executive board shall have power to hold their meetings and keep the seal, books, documents, and papers of the corporation within or without the District of Columbia.

SEC. 7. That said corporation shall have the sole and exclusive right to have and to use, in carrying out its purposes, all emblems and badges, descriptive or designating marks, and words or phrases now or heretofore used by the Boy Scouts of America in carrying out its program, it being distinctly and definitely understood, however, that nothing in this act shall interfere or conflict with established or vested rights.

SEC. 8. That on or before the 1st day of April of each year the said Boy Scouts of America shall make and transmit to Congress a report of its proceedings for the year ending December 31 preceding, including a full, complete, and itemized report of receipts and expenditures, of whatever kind.

SEC. 9. That Congress shall have the right to repeal, alter, or amend this act at any time.

The SPEAKER. Is there objection to the consideration of the bill?

Mr. MANN. Reserving the right to object, I would like to ask, first, if there is any limitation in this bill as to the amount of property that this corporation may acquire?

Mr. GARD. Only such as is necessary for its proper purpose, I believe.

Mr. MANN. Where is that in the bill? How could that be determined?

Mr. GARD. Section 2 of the bill provides in lines 13 and 14 for the holding of such real and personal estate as shall be necessary for corporate purposes.

Mr. MANN. And it says:

And to receive real and personal property by gift, devise, or bequest.

Of course, there is no limitation. We have been usually very careful about that.

Mr. GARD. If there is any desire on the part of the gentleman to propose an amendment of that kind, of course it will be entertained. I do not believe it will be very material, because no information has come to us about the possibility of any such bequest or there being any trouble about the language adopted and used in the bill.

Mr. MANN. Well, probably no trouble would ever arise, and yet when Congress allows grants and charters it is usual to take some care on the subject. Here is a corporation governed by an executive board, the size of which is not fixed. It is hard to tell what may happen in the course of time. No one knows who may get hold of it in the end.

Mr. GARD. Well, if the gentleman has any idea about making the bill nearer perfect from a sense of protection, I am sure the proponents of the bill will be very glad to adopt it. I may say, however, that it was thought that no such question would arise. But if, out of caution, the gentleman desires to present anything of that kind, we have no objection.

Mr. MANN. I have not prepared anything to present. We have had a number of these matters before Congress at various times, and have usually adopted certain precautions, most of which may be in this bill. I do not undertake to say.

Mr. GARD. The bill is the same as that which was passed last year. I may say to the gentleman from Illinois, and as modeled by the gentleman from Virginia [Mr. CARLIN] it is proposed to embrace all the protective language that the bills of its kind have had when presented to the House. It is not a matter where it was thought that any amount of money or property to any considerable extent would come under the board of managers. It is simply a matter for the protection of the membership and the insignia of the organization rather than the getting together of any amount of property, whether real or personal. I take it that the situation could hardly arise when any very considerable amount of property would come under the control of the management of this organization.

Mr. MANN. So long as it is an organization such as the Boy Scouts now constitute there would be no difficulty or question about it at all.

Mr. GARD. I think not.

Mr. MANN. Undoubtedly.

Mr. GARD. The character of the organization is not changed by the proposed incorporation.

Mr. MANN. But no one knows whether it will be changed hereafter at some time.

Mr. GARD. There is a reservation at the end of the bill that the Congress reserves the right to change or modify it at any time.

Mr. MOORE of Pennsylvania. Mr. Speaker, will the gentleman from Illinois permit me for just a moment?

The SPEAKER. Does the gentleman yield?

Mr. MANN. Yes.

Mr. MOORE of Pennsylvania. Does the gentleman recall a bill several years ago to incorporate the Grand Army of the Republic?

Mr. MANN. I remember it very distinctly.

Mr. MOORE of Pennsylvania. It contained features very similar to those in this bill, did it not?

Mr. MANN. I have no doubt that it did. That was a case where a few gentlemen wanted to incorporate the Grand Army of the Republic, so that they might be the officials instead of leaving it as it was, and the great mass of the Grand Army were not in favor of the bill; and after we had disposed of it here temporarily they heard of it, and they killed it very quickly themselves.

Mr. MOORE of Pennsylvania. Will the gentleman from Ohio [Mr. GARD] yield for a moment?

Mr. GARD. Certainly.

Mr. MOORE of Pennsylvania. I call your attention to the seventh section of this bill, not in a spirit of opposition at all because I would like to see the Boy Scouts incorporated. But does not section 7 confer certain sole and exclusive rights on this corporation that might lead to a possible violation of the patent and copyright laws of this country?

Mr. GARD. No, sir; I think not. Certain emblems and badges are already protected by the patent and copyright laws.

Mr. MOORE of Pennsylvania. Would not that section of it confer upon the corporation the exclusive right to issue certain emblems, and so forth, having all the sanction, as it were, of the patent and copyright laws? I call the gentleman's attention to this because it has arisen in another instance. There is a long-standing effort here to incorporate a mother's day association, and it has not succeeded. There is a division of opinion as to the right of one organization or another to use certain emblems exclusively, and that has been one of the hindrances to the passage of legislation in connection with mother's day.

Mr. GARD. I will say to the gentleman from Pennsylvania that I think this section will cover only the emblems and objects that are already protected by patent rights.

Mr. MOORE of Pennsylvania. Is the gentleman familiar with the recent legislation of Congress in the matter of national incorporations? Does the gentleman recall the last act of Congress incorporating a national society?

Mr. GARD. I do not.

Mr. MOORE of Pennsylvania. The German-American Alliance was one of the last incorporations, was it not?

Mr. GARD. This bill was favorably reported in the last Congress and placed on the Calendar for Unanimous Consent. I do not remember what was the last bill that was passed.

Mr. MOORE of Pennsylvania. I do not oppose this bill, for I think the cause is a very worthy one; I simply call to the gentleman's attention the points I have suggested.

The SPEAKER. Is there objection?

Mr. CHIPERFIELD. Mr. Speaker, reserving the right to object, may I make an inquiry of the gentleman?

Mr. GARD. Yes.

Mr. CHIPERFIELD. I have been very much interested in the Boy Scout movement, and somewhat actively, and I would be glad to have information from the gentleman as to whether the incorporators of this movement, as named in the bill, are named as incorporators practically with the consent or acquiescence of those who have heretofore been beneficially active in this movement? When I say "beneficially active," I do not mean those who have been following the general plan of the Boy Scouts on the outside, but those who have been earnestly seeking to promote this very valuable movement.

Mr. GARD. Yes; I will say to the gentleman that the list of incorporators given here was presented to the committee by those who represent that they have the interests of the organization at heart, and who have done all that they could consistently and properly to advance every interest of the organization.

Mr. CHIPERFIELD. And does the gentleman believe that this embraces practically all of those that are leaders, or will it exclude from the activities of the Boy Scout organization others who have been equally active and who have equally the interest of the organization at heart? In other words, is it an attempt to gain for those who are named incorporators the control of this movement in a manner that would not be beneficial, but on the contrary somewhat detrimental?

Mr. GARD. It was stated to us—and that is the only information we have—that the list of incorporators is fairly representative of all who have a real, genuine interest in the organization known as the Boy Scouts, and there was no desire, and no evidence of any desire, on the part of any select number of persons to be incorporated to the exclusion of any other number. Does that answer the gentleman?

Mr. CHIPERFIELD. It does, very satisfactorily.

The SPEAKER pro tempore (Mr. GARRETT). Is there objection?

Mr. MANN. Reserving the right to object, Mr. Speaker, when we passed the bill in the last Congress the committee recommended an amendment which was agreed to, striking out the word "national" from the language, "existing national organizations," on page 3. I do not now recall why the committee asked the House to strike out the word "national," but I see in the bill as now reported there is no such change.

Mr. GARD. There has been no such request.

Mr. MANN. The gentleman reported the bill in the last Congress. Can he tell why that was done before?

Mr. GARD. Yes; because it was the policy of the committee then, and is now, to make this incorporation limited to the District of Columbia. Therefore the word "national" was stricken out.

Mr. MANN. That is hardly an answer, because that language is "the existing national organization of boy scouts."

Mr. GARD. It may be that I have not the right reference. Will the gentleman call my attention again to what he refers to?

Mr. MANN. Page 3, line 8. I did not know but the gentleman might remember why the committee asked the House before to strike out the word "national."

Mr. GARD. I have no recollection of that. I do not deem it to be very material. It is a word descriptive of the organization and has no legislative effect.

Mr. MANN. I do not say that it is material. That is what I was trying to find out. It was material enough, in the opinion of the gentleman two years ago, to induce him to move to strike it out.

Mr. GARD. It may have been unintentionally incorporated by the framer of the bill.

Mr. MANN. Are all of these incorporators still living?

Mr. GARD. I understand so.

Mr. MANN. Are they all now identified with the boy scouts?

Mr. GARD. That is my understanding, but I do not positively know. If there has been any change, the bill provides that their successors may be appointed.

Mr. DAVIS of Texas. Mr. Speaker, I just happened to be called out of the Hall and have just gotten back onto the floor. A parliamentary inquiry. Is this the bill to incorporate the national boy scouts under a unanimous-consent proposition?

Mr. GARD. It is.

Mr. DAVIS of Texas. I have not had time to examine the matter, and I think that in justice to myself and to my obligation to the oath I have taken here I ought to have some time to investigate the contingent results, and I shall object for the present.

The SPEAKER pro tempore. The gentleman from Texas objects. The bill will be stricken from the calendar——

Mr. GARD. Do I understand that the gentleman from Texas objects?

Mr. DAVIS of Texas. I object until I have time to examine it. I am willing that it may go over without prejudice to the cause until I have time to investigate it.

Mr. CARLIN. Let me explain to the gentleman——

Mr. GARD. Probably the gentleman does not understand that this is merely to incorporate them in the District of Columbia.

Mr. DAVIS of Texas. I am willing that it shall go over without prejudice until I have time to investigate it.

Mr. GARD. It is not national in the sense that the gentleman probably thinks.

Mr. DAVIS of Texas. If it goes through Congress, I am afraid it will be construed to be national.

Mr. HARDY. Let the gentleman ask that it go over without prejudice.

Mr. DAVIS of Texas. Yes; that is what I ask.

The SPEAKER pro tempore. The gentleman from Texas objects to the present consideration of the bill, but asks unanimous consent that it may be passed without prejudice. Is there objection?

There was no objection.

### LEAVE TO EXTEND REMARKS.

Mr. ALMON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting a speech made by Senator OSCAR W. UNDERWOOD recently in Chicago on the subject of an adequate transportation system.

The SPEAKER pro tempore. The gentleman from Alabama asks unanimous consent to extend his remarks in the RECORD by inserting the matter indicated. Is there objection?

There was no objection.

Mr. HARDY. Mr. Speaker, I ask unanimous consent for leave to extend my remarks in the RECORD on the subject of preparedness.

The SPEAKER pro tempore. The gentleman from Texas asks unanimous consent to extend his remarks in the RECORD on the subject of preparedness. Is there objection?

There was no objection.

Mr. TAYLOR of Arkansas. I ask unanimous consent to extend my remarks in the RECORD on rural credits. I ask for five legislative days.

The SPEAKER pro tempore. The gentleman from Arkansas asks unanimous consent to extend his remarks on the subject of rural credits at any time during the next five legislative days. Is there objection?

There was no objection.

NEW ORLEANS, BATON ROUGE & VICKSBURG RAILROAD CO.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 540) for the relief of settlers within the limits of the grant to the New Orleans, Baton Rouge & Vicksburg Railroad Co.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and hereby is, authorized and directed to immediately take up and resume the adjustment and adjudication of all rights and privileges relinquished, granted, conveyed, and confirmed to the New Orleans Pacific Railway Co., as the assignee of the New Orleans, Baton Rouge & Vicksburg Railroad Co., by the act of Congress approved February 8, 1887, and entitled "An act to declare a forfeiture of lands granted to the New Orleans, Baton Rouge & Vicksburg Railroad Co., to confirm title to certain lands, and for other purposes," subject to all the provisions and conditions therein contained for the protection of actual settlers, their heirs, and assigns.

SEC. 2. That on the application of persons to make entry in accordance with the provisions of the act aforesaid, the rights only of those who were actual settlers at the date of definite location, their heirs, or other persons to whom they may have assigned their possessory rights prior to December 1, 1913, shall be given consideration as against the outstanding patent or patents to the New Orleans Pacific Railway Co.

SEC. 3. That in determining rights asserted by or on behalf of actual settlers, their heirs or assigns, proof showing actual settlement at the date of definite location and the existence of such settlement and occupancy at the present time shall be deemed prima facie evidence of the continuity of the settlement claim.

SEC. 4. That all claims adverse to the New Orleans Pacific Railway Co., or its successors in interest, which are not asserted as herein provided within the period of two years from the passage and approval of this act shall be deemed and considered forever barred.

The SPEAKER pro tempore. Is there objection?

Mr. STAFFORD. Mr. Speaker, reserving the right to object, the gentleman from Michigan [Mr. FORDNEY], on the eve of his leaving the city to attend the bedside of a near relative who is seriously ill, asked me to submit a request that this bill be passed over without prejudice for two weeks. The gentleman from Michigan is directly interested in this.

Mr. ASWELL. Mr. Speaker, I hope the gentleman will not object until I have time to state the importance of this bill.

Mr. STAFFORD. I have no objection at all to the gentleman making his statement. It was only for the purpose of expediting the business of the House that I made the statement. I will not press the objection at the present time.

Mr. MANN. I reserve the right to object.

Mr. STAFFORD. I have already reserved the right to object.

The SPEAKER pro tempore. The gentleman from Wisconsin reserves the right to object.

Mr. ASWELL. I hope the gentleman will not object to the consideration of this bill. It does not settle anything finally. It merely passes up to the Department of the Interior the adjustment of some 300 land cases involved in the New Orleans Pacific Railroad land grant by this Congress in 1871 and 1887. This bill has been favorably reported twice by the House Committee on the Public Lands. It was reported in the last Congress without a vote against it, and favorably reported again in this Congress. The bill passed this House on May 12, 1914, by unanimous consent. It has had a unanimously favorable report by the Committee on Public Lands in the Senate. It does not disturb anyone. It does not affect any lands in the United States except the lands in the eighth district of Louisiana. I sincerely hope that upon the broad principle of justice to the old settlers who have been living on these lands, some of them for 50 years, the gentleman will not object. These men have no money and no influence other than the merits of their case. Some of them have died since this bill was considered by this House in the last Congress. I do sincerely hope that gentlemen who are interested in the speculative mill companies who have purchased land in the South and have their headquarters in the Northwest—in Michigan—will look at this subject from the standpoint of justice to the poor man as well as to the more fortunately circumstanced. I hope no objection will be made to submitting this matter to the Interior Department. These settlers have been earnestly requesting and begging this Congress for 50 years for an opportunity to be heard, and to be given a chance to go before the Land Office and have their cases adjudicated by that department.

That is all the bill seeks to do and all the committee hopes to do. Furthermore, I wish to state to gentlemen of the House that the Department of the Interior—the Land Office—wrote every line and every syllable of this bill. It was written by the department and repeatedly indorsed by the department, approved twice by the Committee on the Public Lands, passed the House by unanimous consent, and was also favorably reported by the Senate Committee on Public Lands. If there is any bill that ever came before the House that could have more complete and unanimous support than this, I have not been able to discover it. I hope the gentleman will permit the bill to come up to-day for consideration, because it will not be long before these old men who came here last year and who now make this appeal will not be living.

I hope gentlemen will permit the bill to pass. I hope the gentleman will not object because of personal interest. I hope he will permit the bill to go through to-day.

The chairman of the Committee on the Public Lands is familiar with the bill, as are all members of the committee, and I think they will agree that what I have said is true and absolutely correct. I appeal to you to let it go through.

Mr. CRAMTON. Mr. Speaker, if the gentleman insists on this bill being considered to-day, I shall have to object.

Mr. FERRIS. Mr. Speaker——

Mr. STAFFORD. The reservation of the objection is still pending.

Mr. FERRIS. Yes. This bill was drafted this year by the department; it was drafted last year by the department; it was asked for last year by the department, and it is asked for again this year. We had long hearings last year. A large delegation of these old settlers journeyed up here to appeal to Congress. Some of them had lived on these lands for 50 years.

Mr. CRAMTON. Will the gentleman yield?

Mr. FERRIS. Yes.

Mr. CRAMTON. Does the gentleman think that inasmuch as some of us have our minds made up as to what we are going to do that it is necessary to take the time of the House in a one-sided discussion?

Mr. FERRIS. I am not going to take up much time; I do not generally occupy much time of the House. I do not consume time unless I think it is necessary.

Mr. MANN. Will the gentleman from Oklahoma allow me to ask him a question?

Mr. FERRIS. Certainly.

Mr. MANN. I see that the report on the bill states—

After the most painstaking investigation and the fullest consideration it is the deliberate opinion of this committee—

And so forth.

What is the usual character of the investigation by the committee and is not the opinion of the committee usually a "deliberate opinion"?

Mr. FERRIS. Oh, of course, the gentleman is not quoting my words.

Mr. MANN. I am quoting the words of the report.

Mr. FERRIS. The gentleman is quoting the words of the able gentleman from California, Mr. RAKER. He made up the report.

Mr. MANN. I am quoting the language of the report, and I wondered why it was necessary to assure the House that the Public Lands Committee had given "the fullest consideration" to the subject and when it reached the opinion it was not an ephemeral opinion but it was the "deliberate opinion" of the committee.

Mr. FERRIS. The gentleman is acquainted with the gentleman from California, and he knows that he is a forceful, able, capable gentleman, and that he is a very good linguist as well.

Mr. MANN. I am not disputing that.

Mr. FERRIS. Mr. Speaker, I will consume but a little time. The gentleman from Michigan has a right to make an objection, and so has the gentleman from Wisconsin, and is probably bound to make it. But I want to call attention to the proposition of holding off continually the relief of these settlers. The act of 1887 was a forfeiture act of the three and a quarter million acres grant to these railroads. The grant specifically said that if any lands were occupied by the settlers it did not pass under the grant. The Land Office was induced to erroneously issue a patent to the railroads for the whole tract. Ever since then the settlers have been trying to be heard and trying to find some tribunal where they could be heard. At last they have got their nose under the tent, and the gentleman from Louisiana [Mr. ASWELL] is entitled to great credit for his untiring efforts. If the gentleman from Michigan and the gentleman from Wisconsin will let the matter come before the House, I am not afraid of what the House will do, and I know that both of these gentlemen would be disposed to do full justice.

Mr. STAFFORD. Will the gentleman yield?

Mr. FERRIS. Yes.

Mr. STAFFORD. Does not the gentleman think it is only fair to a distinguished Member of the House, who is compulsorily called away to attend the sick bed of his sister who is fatally ill, when he makes a request that the bill be passed over for two weeks that that request should be granted?

Mr. FERRIS. Of course, this is not the bill of the gentleman from Michigan; neither is any part of the land grant in his district. I have no fault to find with the gentleman from Wisconsin, who is asked to do a specific thing, and my heart goes out to the gentleman from Michigan; but my heart also goes out to the 300 or 400 old settlers in Louisiana, who not only now but for the last 30 years have been striving to get their cases adjusted. A bill in identically this form passed the House unanimously last session.

Mr. STAFFORD. Yes; at a time when there were only a few in the House. It was taken up one day late in the afternoon, when the Unanimous Consent Calendar was not under consideration. The gentleman from Louisiana brought it up when only a handful of Members were here, and they were not acquainted with the matter, and it went through.

Mr. FERRIS. I do not agree with the gentleman's history at all.

Mr. STAFFORD. The RECORD will confirm what I say.

Mr. FERRIS. How will the RECORD confirm the number who were here?

Mr. STAFFORD. The gentleman knows that when the baseball games are on, in the latter part of the afternoon, the number of Members in the Chamber is very small.

Mr. FERRIS. We are not all baseball players; the gentleman from Wisconsin may be.

Mr. STAFFORD. "The gentleman from Wisconsin" is somewhat of a "fan," but I usually stay here and know what is going on.

Mr. FERRIS. I know of some gentlemen that I wish would play ball and let some of these bills go through.

Mr. CRAMTON. Mr. Speaker, the gentleman does not overlook the fact that, as a member of the Public Lands Committee, I listened to all the eloquence in the committee; and does he think now that he has any new supply of eloquence that could convert me this afternoon, or make him so hopeful of converting me?

Mr. FERRIS. Mr. Speaker, in response to the gentleman from Michigan [Mr. CRAMTON], it is not the most brilliant thing that I know of that a man will brace his shoulders against a door and say that because he has the right to render a single objection he can overthrow what would probably be an 80 or 90 per cent vote of the House if the Members had a chance to vote upon it. All that is asked here is simply to consider this bill. It is certainly entitled to that. If the gentleman feels gleeful about the proposition that by a single objection he can defeat a piece of legislation that practically everyone here will be for if they have a chance to vote for it, I assume he has that right. The gentleman from Louisiana [Mr. ASWELL] will undoubtedly do what he ought to do, and move to suspend the rules and pass this bill, in spite of a single objection. [Applause on the Democratic side.]

Mr. CRAMTON. Mr. Speaker, reserving the right to object, I do not know why the chairman of the committee, the gentleman from Oklahoma [Mr. FERRIS], should take so seriously my purpose to do here just what I stated to him I would do; and if permission of the chairman of my committee is necessary, I will secure his permission, although I had not supposed, as a member of that committee, that it was necessary for me to ask the permission of the chairman in order that I may be able to discharge what I, not he, think is my duty. I do not take kindly his attempt here to read to me a lecture as to what is my duty, and I will say to him that I propose to do here what I think is my duty.

I have given study to this bill, fully as much I think I am warranted in saying at this session of Congress, at least, as the gentleman from Oklahoma, and I have my own opinion as to where lie the equities. In my opinion these gentlemen for whom the gentleman from Oklahoma is appealing are nothing but squatters who had opportunity to apply for this land and acquire title in a legal way; but, being only squatters, and the adjacent land being almost worthless, they had no idea of securing title, and they let years go by. The act of 1887 was passed under which they claim right, and they did nothing to acquire any rights, and the act of 1896 was passed which, in my opinion, was a statute of limitations, and under that the Department of Justice, as I understand it, made a search to get all of the worthy claimants they could, and they got about 150 of them into a certain proceeding in the Federal court, and that case is now pending. There was a proper way in which they could get relief, but those who between the year 1887 and 1901, the expiration of the period of limitations, did not proceed in a legal and orderly way come here now and ask Congress, knowing nothing of the facts, and mighty little of the law, to divest of their title other people who bought this land as innocent purchasers, in good faith, at a large figure. We are asked to legislate those proper owners out and put these squatters in. Of course, I think that a little time should be granted to each side in a discussion of this kind, for that is only fair; but I intimated to the gentleman that I would not object to it absolutely to-day; that I would give him a chance to carry it over; but if he prefers, I will make the absolute objection.

Mr. LENROOT. Mr. Speaker, reserving the right to object, I merely want to make a statement which I think ought to be made before this bill is passed. I approved of the passage of the bill, and now approve it, but the report of the committee on this bill, or what purports to be the report of the committee, I do not think at all correctly states the views of the committee with reference to it. This report which I have read for the first time this morning undertakes to argue the legal rights of these various claimants. I think I was present at every session of the committee, and the committee, I am sure, has not undertaken either in reporting this bill or in any other way to determine those various questions, nor has it expressed any opinion with reference to it. What was sought to be done by this bill was merely to give authority to the Department of the Interior to review all of these questions and apply the law to the case as the department thought it should be applied, and as to whether or not the various statutes of limitations that are in controversy are applicable or not to this case, I am sure the committee never undertook to express any opinion on that question, although in the report of the committee it appears they have attempted to do so.

Mr. FERRIS. Mr. Speaker, will the gentleman yield?

Mr. LENROOT. Yes.

Mr. MANN. The report gives an opinion which is poor law, too.

Mr. FERRIS. I think both the gentleman from Illinois [Mr. MANN] and the gentleman from Wisconsin [Mr. LENROOT], as well as the other Members of the House, will understand that things get into a report, in argumentative phases, that the committee does not agree with. It is merely the opinion of the man who reports it. I have not read the report.

Mr. LENROOT. I will state to the gentleman that my only purpose in making this statement is that if this bill should eventually pass I would not like the Interior Department to be of the opinion that the Committee on Public Lands was of the opinion that the law was as stated in the report.

Mr. MANN. The report in one place says that a certain opinion is obviously correct, although to a lawyer I should say that it is most obviously incorrect.

The SPEAKER pro tempore. Is there objection?

Mr. CRAMTON. Mr. Speaker, reserving the right to object, does the gentleman prefer that I make the objection and send the bill off the calendar or does he prefer to have it passed over?

Mr. ASWELL. Mr. Speaker, I would very much prefer to consider it now, but my plan is to move to suspend the rules this afternoon and pass this bill. I am very frank to tell the gentleman that. If passing it will prevent that, then the gentleman better object, if he persists in his position.

Mr. CRAMTON. I am giving the gentleman his option as a matter of courtesy to him and not to the bill. Mr. Speaker, I object.

The SPEAKER. The gentleman from Michigan objects, and the bill is stricken from the calendar.

Mr. ASWELL. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. ASWELL. Well, the motion can be made to suspend the rules and pass the bill this afternoon.

The SPEAKER. Oh, yes; this proceeding has nothing to do with that. The Clerk will report the next bill.

### BRIDGE ACROSS MISSOURI RIVER IN MONTANA.

The next business in order on the Calendar for Unanimous Consent was the bill (H. R. 6854) permitting the Wolf Point Bridge & Development Co. to construct, maintain, and operate a bridge across the Missouri River in the State of Montana.

The Clerk read as follows:

*Be it enacted, etc.*, That the Wolf Point Bridge & Development Co., a corporation organized under the laws of the State of Montana, is hereby authorized to construct, maintain, and operate a bridge and approaches thereto across the Missouri River at a point suitable to the interests of navigation, from the north bank thereof in the county of Sheridan, State of Montana, to the south bank thereof in the county of Richland, State of Montana, all in section 22, township 27 north, range 47 east, Montana principal meridian, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The committee amendment was read as follows:

Page 1, line 5, strike out the word "is" and insert the words "its successors and assigns, be and are."

Mr. CRAMTON. Mr. Speaker, I desire to make the point of order that there is no quorum present. Mr. Speaker, I withdraw it.

The SPEAKER. The gentleman withdraws the point of order. Is there objection to the consideration of this bill?

Mr. STAFFORD. Reserving the right to object, I would like to inquire whether the applicant for this privilege is still an outlaw as viewed by the War Department? The report states that last year he purposely defied the War Department in the construction of this bridge. Has he now receded from his outlaw position and desires to come under the fold of the United States Government?

Mr. ADAMSON. Mr. Speaker, the only question in reference to this bill is whether or not the granting of authority to build a bridge in a community where the commerce desperately needs it will interfere with the dealing by the War Department and the Department of Justice with people who they accuse of having violated the law heretofore? The War Department does not object, as their report shows, to the construction of the bridge. That is all right with them; but they state for the information of the committee and Congress that heretofore a temporary structure was placed in the river in violation of law, without the consent of Congress; and then the department in reporting to Congress express the hope that if we do pass this bill it will legalize the structure which we authorize now. Of course that makes no trouble. If any gentlemen here are disposed to object to the granting of present consent for this construction of this bridge in a community that is absolutely dependent upon it for commerce, because somebody built a temporary structure in that river without authority of Congress last year, I will ask the author of the bill to make a statement and apologize for the conduct of those people and try to show that we ought not to interfere with the granting of this consent. I will refer the gentleman from Wisconsin to the gentleman from Montana [Mr. STOUT].

Mr. STAFFORD. Though I like the gentleman as much, I would prefer to have the former gentleman answer, and the gentleman from Montana can give other information——

Mr. ADAMSON. I will answer anything I know.

Mr. STAFFORD. The gentleman having first-hand acquaintance with the matter——

Mr. ADAMSON. I will give way to the gentleman from Montana.

Mr. STOUT. Mr. Speaker, I am perfectly willing to explain the bill and the details connected with this proposition. Wolf Point is a small town of some 800 or 1,000, located on the north bank of the Missouri River. South of the river there is no market place. It is a thickly settled community with several hundred farmers residing there, and there is only one way that those people can get their produce to market, and that is by crossing the Missouri River. Last year the citizens of Wolf Point, not one or two people, but practically the entire citizenship, made application to the War Department, not having been properly advised, for permission to build a bridge. Of course the department had no authority to grant such permission and advised them that it would be necessary to procure the enactment of a law. Well, I think, without the slightest intention of violating the law, they constructed a temporary bridge across the stream there, a pontoon proposition, to be pulled aside, for the purpose of enabling the farmers on the south side of the river, who otherwise would have to go 40 or 50 miles, to bring their produce across into the city. Their violation is technical, to say the most of it.

Mr. STAFFORD. Now, will the gentleman permit me? Is it proposed under this authorization to erect a permanent structure, not one of a pontoon character?

Mr. STOUT. Well, I really do not know what sort of a structure, but of necessity it has to conform to the specifications laid down by the War Department.

Mr. STAFFORD. I read from the report and I assume it is going to be of a pontoon character.

Mr. STOUT. I am not advised as to the character of the bridge they are going to build, but my judgment is, knowing the circumstances and conditions there, they will build a permanent structure across the river.

Mr. STAFFORD. I assume there was some temporary exigency that caused the citizens there to erect this pontoon bridge which conflicted perhaps with the ferriage rights of some private individuals, but I was rather surprised at the language of the late Assistant Secretary of War in his letter to the committee, in the last clause of which he says:

It is suggested that, under the circumstances, some modification of the bill may be desirable to show clearly whether it is the intention of Congress to legalize such structure as may be erected under the provisions of the bill if it becomes a law.

Of course the provisions of this bill only follow the usual form and convey no intimation whatsoever of any dispute or any question as to the legality of the temporary structure.

Mr. STOUT. I am utterly at a loss as to why he put that in.

Mr. ADAMSON. I hope the gentleman from Montana will either state, or correct me if I do not state it properly, that this is a community affair. The whole people there are interested in it, and they are providing this bridge for the benefit of the community, and do not expect to make any profit out of it.

Mr. STAFFORD. Can the gentleman inform us what was the moving reason for the Assistant Secretary of War using the language in the letter which I have just read?

Mr. ADAMSON. My own opinion is that the river usually freezes up, as I understand, in the winter, and all the traffic occurs in the spring and summer, and Congress was not in session and they could not get consent, so they haggled along with the War Department, and these people just started their pontoon bridge pending negotiations with the War Department. But I have no sort of idea that that entire community intended any contempt of the War Department or Congress or intended to violate the law.

But be that as it may, if any of them are guilty they can be prosecuted despite this bill. The whole community there now asks for this bill in order to erect a lawful structure.

Mr. STAFFORD. Mr. Speaker, I have no objection to the measure and no further question to ask.

The SPEAKER. Is there objection to the consideration of the bill? [After a pause.] The Chair hears none.

The question is on agreeing to the amendment.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. ADAMSON, a motion to reconsider the vote by which the bill was passed was laid on the table.

BRIDGE ACROSS MISSISSIPPI RIVER IN MINNESOTA.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 5767) to authorize the construction of a bridge across the Mississippi River between Anoka and Hennepin Counties, in the State of Minnesota.

Mr. DILLON. Mr. Speaker, there being a Senate bill, S. 2497, on the Speaker's table of similar tenor, I ask unanimous consent that it be taken up for present consideration.

The SPEAKER. The gentleman from South Dakota asks unanimous consent to take from the Speaker's table the bill S. 2497, being identical with the House bill, and to pass it in lieu of the House bill. Is there objection?

Mr. MANN. Let us have the Senate bill reported.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows

*Be it enacted, etc.*, That the Great Northern Railway Co., a corporation organized and existing under the laws of the State of Minnesota, its successors and assigns, be, and is hereby, authorized to construct, maintain, and operate a bridge across the Mississippi River, at a point suitable to the interests of navigation, about 7 miles above the city of Minneapolis, in the State of Minnesota, in accordance with the act of Congress entitled "An act to regulate the construction of bridges across navigable waters," approved March 23, 1906.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER. Is there objection to the consideration of the Senate bill in lieu of an identical House bill? [After a pause.] The Chair hears none.

The question is on agreeing to the Senate bill.

The bill was ordered to be read a third time, was read the third time, and passed.

The bill H. R. 5767, of similar tenor, was ordered laid on the table.

On motion of Mr. DILLON, a motion to reconsider the vote by which the bill S. 2497 was passed was laid on the table.

ASSETS OF INSOLVENT NATIONAL BANKS.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 3575) to amend section 5234 of the Revised Statutes of the United States so as to permit the Comptroller of the Currency to deposit upon interest the assets of insolvent national banks in other national banks of the same or of an adjacent city or town.

The bill was read, as follows:

*Be it enacted, etc.*. That section 5234 of the Revised Statutes of the United States be amended by adding at the end thereof the following: "*Provided*, That the Comptroller may, if he deems proper, deposit any of the money so made in any regular Government depositary, or in any national bank either of the city or town in which the insolvent bank was located, or of a city or town as adjacent thereto as practicable; if such deposit is made he shall require the depositary to deposit United States bonds or other satisfactory securities for the safe-keeping and prompt payment of the money so deposited. Such depositary shall pay upon such money interest at such rate as the Comptroller may prescribe, not less, however, than 2 per cent per annum upon the average monthly amount of such deposits."

The SPEAKER. Is there objection to the consideration of the bill?

Mr. MANN. Reserving the right to object, I would like to have the gentleman in charge of the bill make an explanation of it.

The SPEAKER. The gentleman from Massachusetts, Mr. ROGERS, is the author of the bill.

Mr. ROGERS. Mr. Speaker, this bill is to remedy an apparent injustice and an unbusinesslike practice which have prevailed for a good many years. A national bank fails in some city of the United States and a receiver is appointed by the Comptroller of the Currency, who proceeds to collect the assets. As fast as he collects the assets he turns them over to the Treasurer of the United States to the order of the comptroller, and they are retained by the Treasurer of the United States until the receiver has sufficient funds with which to pay a dividend. That may be weeks or months, or, in the case of protracted litigation, even years. The money lies in the Treasury of the United States without drawing a cent of interest, and the depositors are thus penalized in addition to the penalty which frequently follows as the result of the bank ultimately proving insolvent. Further, the money which formed the assets of the national bank in question is taken out of the community just at a time when the community needs its funds most. Stringency in the financial resources of the city or town and consequent additional failures often result.

This bill has the support of Secretary McAdoo, and has been indorsed in substance in the past by Comptrollers of the Currency in their annual reports.

Mr. MANN. Mr. Speaker, will the gentleman yield?

Mr. ROGERS. I yield.

Mr. MANN. The gentleman says this money is now deposited in the Treasury and lies there. In what account is it carried?

Mr. ROGERS. It is carried to the account of the Comptroller of the Currency.

Mr. MANN. Where is the money in the Treasury in the daily Treasury balance?

Mr. ROGERS. That I do not know.

Mr. MANN. Well, if money be deposited in the Treasury now, of course the Secretary of the Treasury has authority to deposit that money in any national bank that he chooses, has he not?

Mr. ROGERS. The Comptroller of the Currency has written me that he did not; that the money lay in the Treasury of the United States.

Mr. MANN. Oh, well; the Secretary of the Treasury has authority to deposit money in national banks. He might not deposit a special fund for that purpose. Possibly he could not turn the interest that is collected over to the receiver of the bank.

Mr. ROGERS. The Comptroller of the Currency wrote me that in order to accomplish the two purposes which this bill seeks to accomplish a change in the law would be necessary.

Mr. MANN. The statements are not exactly alike. But I receive letters occasionally, and I received one this morning, and this letter was from an intelligent man in the North, stating that the Government had collected a very large amount of illegal cotton tax, which was now lying in the Treasury. Of course, the money was collected, but it is not lying in the Treasury; the lying is outside.

Mr. ROGERS. But, even if the money were to draw interest, that interest would not inure to the benefit of the depositors of the national bank.

Mr. MANN. Now, the gentleman gives as a reason if a national bank in a small city fails that to take the money out of the city would be a great detriment to the community. But there are a great many cities which have only one national bank, but which have other banks, namely, State banks. Why does the proposition come to deposit this money in a national bank which in the ordinary case where it would make any difference means that the money will be taken out of that city and deposited in a national bank in another city? In a large city this would not amount to anything one way or another, so far as the money is concerned.

Mr. ROGERS. I followed that course because of the suggestion of the Comptroller of the Currency. Of course, I desired to draft a measure which would meet the approval of the comptroller and the Secretary of the Treasury. I do not know whether they would approve, for their part, such a suggestion as the gentleman has in mind. I suppose their theory may be that there is an additional measure of security in the case of deposits in a national bank over and above that which results in the case of money deposited in a State bank.

Mr. MANN. The statement is "United States bonds or other satisfactory security."

Mr. ROGERS. Is it not possible that their theory is that they have a direct personal control over national banks which is necessarily lacking over State banks?

Mr. MANN. Oh, well, I know why they do not approve the deposit of money in banks other than national banks. It is because they are seeking to use force in every way they can to compel the banks—State banks and trust companies—to come into the Federal Reserve System. Every place they can they knock. "Knock," the most offensive term, is the proper term to apply. They knock every effort made to do anything or deposit money in a State bank or trust company.

Mr. PLATT. Mr. Speaker, will the gentleman yield?

Mr. MANN. I have not the floor.

Mr. ROGERS. I will yield to the gentleman.

Mr. PLATT. The gentleman says a great many cities have only one national bank, but this would not make any difference in a large city. There are many cities of 10,000 inhabitants and more that have two or three national banks, and some have even four or five.

Mr. MANN. It would help those. But that is no reason for not helping a city that has only one national bank.

Mr. PLATT. There may be other national banks in towns within a few miles.

Mr. MANN. It would be no benefit to one city to have money taken out of one bank and deposited several miles away in another city.

Mr. PLATT. In my district national banks are to be found every 5 or 10 miles.

Mr. MANN. The gentleman represents a community where there is a thick population, and this bill would not make much difference there anyhow.

Mr. PLATT. I think it would.

Mr. MANN. The purpose of this bill is to take care of those regions of the country that are more sparsely settled, where it is difficult to obtain ready money. In the gentleman's locality any bank in the State can get all the money it wants in New York City at a moment's notice if it has the security.

Mr. ROGERS. This would help out the depositors in earning money while the receivership is continuing.

Mr. MANN. It will not help very much.

Mr. PLATT. I do not maintain that the bill is of much consequence to my district, in which there has been no bank failure for many years, in my own town none since 1829.

Mr. MANN. Oh, I am sure no bank would have the temerity to fail during the service on the Committee on Banking and Currency of the gentleman from New York.

The SPEAKER. Is there objection?

Mr. STAFFORD. I reserve the right to object.

Mr. SMITH of Minnesota. Mr. Speaker, I feel it would not be wise for the national banking system to authorize deposits of funds in the State banks over which the Federal Government has no control or inspection. I believe that is the reason for the limitation in the bill under consideration.

Mr. MANN. The gentleman knows that we have in recent years authorized the deposits of national funds in State banks.

Mr. SMITH of Minnesota. Under proper security.

Mr. MANN. Yes; and proper security is provided here.

Mr. SMITH of Minnesota. Even though that may be so, I do not believe it is good policy.

Mr. MANN. Well, that is a question. When we passed the bill there was no one here who raised any dissent.

Mr. STAFFORD. Mr. Speaker, I wish to call the attention of the author of the bill to the phraseology he has used in the bill. I notice that in the second line of the proviso he uses the same phraseology that is in the original section providing for the deposit of funds "so made," which were the result of the sale by the receiver of the property, but in the former part of the original section the language authorizes the receiver receiving the deposits and other funds which are not required to be sold. I wish to ask the gentleman whether, under a strict construction of his proviso, it would be limited only to those funds which accrue from the sale of the real property and the personal property, and not at all to the cash and deposits that come into the receiver's hands as of course. I direct the

gentleman's attention specifically to the last sentence of the present law:

Such receiver shall pay over all money so made to the Treasurer of the United States.

"So made," referring to the funds received from the sale of real and personal property, and not referring to the deposits of money in the bank. Now, in his proviso the gentleman uses this language:

*Provided*, That the comptroller may, if he deems proper, deposit any of the money so made—

and if it is to be construed together, it will relate only to the money accruing from the sale of real and personal property and not to the funds.

Mr. ROGERS. I think the gentleman ought to take the sentence as a whole as it stands in the present law. The beginning of that sentence reads in part as follows:

Such receiver shall take possession of the assets of every description of such association, collect all debts, dues, and claims belonging to it, and may sell or compound all bad or doubtful debts—

And so forth.

Mr. STAFFORD. Yes.

Mr. ROGERS. Then it goes on to deal with the physical assets, as the gentleman says.

Mr. STAFFORD. Yes; but the gentleman in his proviso uses the same language as in the last sentence, "so made," and I question whether that covers the assets, such as the funds on deposit or coming into his hands on the order of the court.

Mr. MANN. Mr. Speaker, will the gentleman yield?

Mr. STAFFORD. I will be glad to.

Mr. MANN. Does the gentleman from Wisconsin understand, as a matter of fact, that where a national bank fails and a receiver is appointed all the money in the bank is deposited in the Treasury of the United States at Washington?

Mr. STAFFORD. I thought the purpose of this was to enable the receiver to deposit such funds in a local bank.

Mr. MANN. I know the gentleman may have received that impression, both from the report and from the statement of the gentleman from Massachusetts [Mr. ROGERS], but I am sure that neither one of them intended to convey that impression. That certainly is not the case. The money is not sent to Washington.

Mr. STAFFORD. I gained that from the reading of the report, that the assets of the bank were immediately transferred to Washington.

Mr. MANN. We have had national banks fail in the city of Chicago for ten or twenty million dollars, but with a very large amount of money on hand. But that money is not sent to Washington.

Mr. STAFFORD. But I assume it is the purpose of that proviso to grant authority to the receiver to deposit not only the funds accruing from the sale of personal and real estate and other assets, but also the funds on deposit.

Mr. ROGERS. To authorize the Comptroller to do that.

Mr. STAFFORD. To authorize the Comptroller to give authority to the receiver to do that.

Mr. ROGERS. That is true.

Mr. STAFFORD. My point is that I think the gentleman's amendment is not broad enough, and that he should insert some broader language.

Mr. ROGERS. The Treasury Department has repeatedly ruled that it is this last sentence of the present section which stands in the way of such a course as my amendment is intended to permit, and therefore the Treasury Department has stated that such an amendment as I am now proposing will cure all the previous difficulties.

Mr. STAFFORD. But does the gentleman realize that he is using the same identical language in his proviso that is carried in the last section of the original law, and that refers only to funds resulting from the sale of personal and real estate, and therefore in his proviso he makes no provision whatsoever for the deposits that are not the result of the sale of real and personal property? A slight amendment would cure all that.

Mr. ROGERS. I question whether an amendment is necessary, because this is the section which authorizes the receiver to take possession of all assets of the national bank the solvency of which is in question. If that is true, it would seem that an amendment which is so phrased as to refer back to the rest of the section in its present form would be broad enough to include every kind of an asset, including the deposits which the gentleman mentions.

Mr. STAFFORD. Ah, but the gentleman follows in his proviso the sentence that relates to the funds resulting from the sale of personal and real property.

Mr. MANN. But the gentleman from Wisconsin will note that that is the only limitation in the law now, and he simply wants to remove that limitation.

Mr. STAFFORD. But as to all the other funds, has the Comptroller of the Currency now the authority to deposit those funds in the local national banks, or in such other banks as he sees fit, or in the Treasury of the United States? If such is the fact——

Mr. MANN. This proviso removes all the limitation that there now is, whatever it may be.

Mr. ROGERS. That is the opinion of the Treasury Department.

Mr. STAFFORD. If it is a fact, as the gentleman from Illinois [Mr. MANN] and the gentleman from Massachusetts [Mr. ROGERS] assert, then there is no reason for pressing my suggestion.

Mr. WINGO. Under the present law, whenever the receiver takes charge of the assets of a defunct bank the Comptroller of the Treasury can direct him what to do with them, subject to one limitation of the law, which is contained in the last sentence of the section sought to be amended. Now, if you amend the law as proposed by the bill under consideration, you will remove that one limitation, and the effect of it will be that the comptroller can direct all of the assets, including the funds received from the sale of real and personal property, to be deposited at interest in national banks. That will be the effect of it, according to my understanding and the understanding of the committee. For that reason we reported the bill unanimously.

Mr. STAFFORD. Mr. Speaker, when I read the bill and the report I was under the impression that the comptroller to-day is restricted as to all of the funds.

Mr. WINGO. Oh, no.

Mr. STAFFORD. But under the statement of the gentleman from Illinois [Mr. MANN] and the gentleman from Arkansas [Mr. WINGO] I see that my criticism is not well founded. Therefore I withdraw the suggestion.

Mr. WINGO. Under the law at present the comptroller can direct the disposition of the funds on hand, but as to funds which are received from the sale of property there is a limitation. This will remove that limitation and put all the funds under the direction of the comptroller.

Mr. ROGERS. In further response to the gentleman from Wisconsin [Mr. STAFFORD], I think it is fair to say that the practice of the Treasury Department and of the comptroller to-day is such that, even as to the funds which he mentions, a desirable change will be achieved, because this proposed amendment will put all assets on the same basis and will permit the Comptroller of the Currency to put all the funds upon interest in the particular community, whereas to-day he is putting no funds whatsoever at interest, there or elsewhere.

Mr. STAFFORD. The gentleman will agree that in reading the report referring to the defunct Pittsburgh bank and the $14,000,000 out on deposit anyone might very readily get the impression that those funds were taken out of the local community by reason of this section, of which revision is suggested by the gentleman.

Mr. ROGERS. Yes.

Mr. NORTON. Will the gentleman yield for a question?

Mr. ROGERS. I yield to the gentleman.

Mr. NORTON. What is the gentleman's understanding as to what is done with the cash that may be on deposit in the case of the failure of a national bank? For instance, say a national bank fails, having on hand cash amounting to $1,000,000. This cash is taken in charge by the receiver. What is done with that $1,000,000 in cash under existing law?

Mr. ROGERS. As I understand it, there are two things that are done. Part of the fund is retained in the vaults of the institution, and part of it is sent on to Washington and put into the Treasury of the United States. The proportion which is put in each place varies, of course, according to the exigencies of the particular situation.

Mr. NORTON. I understood the gentleman from Arkansas to state, in substance, that in a case of that kind the cash deposits might be placed by the receiver in banks in the town in which the bank failed, and that section 5234 of the Revised Statutes, the present law, did not restrict the depositing of cash assets of a bank that had failed.

Mr. WINGO. If the gentleman will permit me, it has been some time since I looked up this matter, and we have had no experience in my particular community with reference to that question, and so I am not sure; but as I understand the law, when the receiver takes charge of the assets, including the cash, he handles it all under the direction of the comptroller. Now, my recollection is, and the information furnished to the commit-

tee in the last Congress when we were considering the present bill was, that the receiver would keep in his immediate possession in the vaults of the defunct bank such funds as he and the comptroller thought were necessary. The remainder of the funds must under the law be deposited in the name of the Treasurer of the United States in a Government depository; but the law as it stands now puts a limitation on the funds that he gets from the sale of real estate and other assets. I understand that the cash on hand is handled by the receiver, subject to the direction of the comptroller, and that he follows the law and the directions of the comptroller and deposits the funds in the name of the Treasurer of the United States in a Government depository. That is my understanding of the information that came to the committee at the time of the consideration of the bill. Personally I have never had occasion to observe in particular the handling of the funds of any defunct bank.

Mr. NORTON. It has occurred to me that the gentleman was endeavoring to make a distinction between money received from the sale of property and the cash in the vaults at the time of the failure.

Mr. WINGO. I think there is; but the comptroller has repeatedly recommended a change. There is a limitation of law and a distinction with reference to the funds he takes in his possession when he takes charge and the funds that he gets by reason of the sale of property, and there should be no difference in the control of the two by the department. The object of this bill, I was informed, is to remove that limitation and to require payment of interest on funds deposited by the receiver.

Mr. ROGERS. It is important to add, as to the practical effect of the bill, that to-day, in case of a receivership of a national bank, there is no provision for interest as to any of the funds which are collected. This being so, the depositor does not care what the disposition or location of the fund is; he is kept out of his interest just the same, wherever it goes.

Mr. NORTON. I think that is a correct statement. I do not think there is any difference in handling the cash or the other funds received from the sale of property of a defunct national bank. If the funds of a national bank that has failed are deposited in any other bank, the receiver now would be held liable under his bond for such funds. That is the practical part of it. Would the gentleman from Massachusetts have any objection to an amendment providing that the funds might be deposited in a State bank as well as a National bank?

Mr. ROGERS. Only this. This bill has met with the approval of the Secretary of the Treasury and the Comptroller of the Currency; and, while I should not personally object to it, I am not quite sure that there is not some objection that I do not know about, not being an expert in such matters. I certainly shall not oppose any amendment of that kind.

Mr. SLOAN. Will the gentleman yield?

Mr. ROGERS. Yes.

Mr. SLOAN. The gentleman seems to concede the suggestion of the gentleman from Minnesota [Mr. SMITH] that we would discriminate in such matters in favor of national banks against the State banks. Does the gentleman think that should be done in a large community, considering the number of State banks providing additional means of security over the national banking system?

Mr. ROGERS. I did not mean to concede the suggestion. I said the bill in this form had been approved by the Secretary of the Treasury and the Comptroller of the Currency, and that I therefore hesitated to adopt any material change without knowledge of their attitude toward it.

Mr. SLOAN. But we do the legislating, do we not?

Mr. ROGERS. Precisely.

Mr. SLOAN. And we are not obliged to follow the executive department.

Mr. ROGERS. If the gentleman will permit me, I think, upon reflection, that the suggested change ought to be wholesome because, as the gentleman from Illinois said, there is abundant provision for security which must be exchanged for any such deposit in any bank.

Mr. SLOAN. In many counties in my State there are no national banks, and they are becoming less for a number of reasons, one of which is that the State banks provide for additional security for depositors beyond that provided by the national banking system, and if that is the case it does not seem fair to the State banking institutions that the Government should discriminate in the deposits of its funds. Further, I would suggest that this bill apparently is in the interest of the depositors, and being vouched for by the Secretary of the Treasury as he emphasizes it, does not the gentleman think that in the interest of depositors under the national banking system it would be salutary legislation to have a system either compulsory or voluntary guaranteeing bank deposits as they do in some States? In some States it is compulsory, and in others they authorize an orginization or association for guaranteeing bank deposits, both of which would materially strengthen the depositors, so that if there is a failure it would be bankers and others that would be interested, but the depositors would draw the funds and draw them promptly.

Mr. ROGERS. I would refer that question respectfully to the Committee on Banking and Currency and keep it comfortably clear of this particular measure.

Mr. WINGO. Will the gentleman yield?

Mr. ROGERS. Yes.

Mr. WINGO. The gentleman from Nebraska [Mr. SLOAN] suggests that there is a discrimination. There is no discrimination in this proposed bill. I am opposed to any discrimination against the State banks, as is the gentleman from Nebraska, but I think the present law is such if you strike out the word "national," in line 8 of the bill, the present law would require these deposits to be made in the national banks on account of the provisions that were made in the act revising the banking and currency law. Of course it is contended by those who procured the passage of the banking and currency act that the United States Government should not undertake to deposit any funds under its control in any institution except one chartered by it. So I should think if you cut out the word "national" you would still be confronted by the provision on the statute books which would require the comptroller to deposit the funds in a national bank.

It is not intended by this bill to make any discrimination; it is following the general law. The truth of the thing is, and the whole milk in the coconut is, although it goes about it in a roundabout way, the whole object is to require interest to be paid on the deposit of the funds held by the receiver of a national bank. That is the real purpose of the act and the only effect it will have.

Mr. SMITH of Minnesota. Mr. Speaker, reserving the right to object, I am afraid my distinguished friend from Nebraska [Mr. SLOAN] has misinterpreted my statement. I would be the last one to stand for discrimination against a State bank. What I meant to convey was the fact that this is a fund belonging to a national bank, belonging to the national banking system, and that there is no reason for turning it over to a State bank that is entirely under another jurisdiction and belonging to another system. If this was a Government fund I should say the State banks should be treated the same as a national bank; but it is a fund that belongs to the national banking system, and it should not be turned over to another system where there is no inspection by the National Government and it is not under the control of the Federal Government.

Mr. SLOAN. While it may have started in a system belonging to the national banks, it is a fund belonging to the local depositors, and has no relation to the funds of a national bank. If I understand the scope of the bill, it is simply taking care of the money belonging to the depositors, and it ought to be in the community where it belongs.

Mr. SMITH of Minnesota. But that depositor saw fit to patronize the national banking system, and the Government should not step in and turn it over to the State banking system. It should be continued in the system in which it started.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. This bill is on the Union Calendar.

Mr. ROGERS. Mr. Speaker, I ask unanimous consent that the bill be considered in the House as in the Committee of the Whole.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent that the bill be considered in the House as in the Committee of the Whole House on the state of the Union. Is there objection?

There was no objection.

The SPEAKER. The question is on the engrossment and third reading of the bill.

Mr. NORTON. Mr. Speaker, I have an amendment which I desire to offer, which I send to the desk and ask to have read.

The SPEAKER. The gentleman from North Dakota offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 1, line 8, after the word "any," insert the words "state or."

Mr. NORTON. Mr. Speaker, the amendment which I offer will in its effect permit the comptroller to place these funds in any State bank or in any National bank. I can not think of any good reason why the comptroller should not place these funds in a State bank in a town in which a National bank may have failed, providing sufficient security for the deposits be given to the Federal Government by the State bank. I do not believe we should longer proceed in this legislative body to enact legislation

that will discriminate against the State banks of the country. One of the most able and distinguished bankers in the State of Minnesota, a man who has charge of one of the largest banking institutions in that State, told me a few months ago that the Secretary of the Treasury while on a trip to the Pan Pacific International Exposition, and while incidentally making political speeches through the Western States, in going through the State of Montana spoke on the banking situation of the country in one of the largest cities of Montana. He was the guest while in this city of one of the officers and directors of one of the largest and strongest State banks in Montana. The banker gathered together the business men of the city at a large banquet to do honor to the Secretary of the Treasury, as the son-in-law of President Wilson, and as his chief representative in the Cabinet. In the course of the evening at this banquet Secretary McAdoo stated, so my informant told me, that he believed every State bank of the country should join the Federal reserve system, and further made the startling statement that he did not consider it safe for depositors to place their money in State banks. You can probably imagine how such a statement was received by the gathering that evening.

The Minnesota banker to whom I talked told me that those attending the banquet were surprised as they never had been in their life before. They had never imagined, he said, that a man occupying the high position occupied by Mr. McAdoo would make any such an outrageous statement concerning the State banking institutions of the country. My study of this question leads me to believe that in any further banking legislation we may enact we should not enact provisions of law such as are proposed by this bill. There is no good reason why we should deliberately discriminate against State banks.

Mr. SLOAN. Mr. Speaker, will the gentleman yield?

Mr. NORTON. Yes.

Mr. SLOAN. Is it not a fact that of all the 12 regional banks of the country only a few have paid expenses during the last year, and that only one of them has paid a dividend, and that into such organizations as that the Secretary of the Treasury is trying to drive the State banks of the country to put their money by the millions, into cold storage?

Mr. NORTON. Mr. Speaker, I will say to the gentleman in reply that I do not know as to whether the Federal reserve banks have been largely profitable in dividends or not. Whether they have or not, I am firmly convinced that the Federal reserve banking system is a good one and that it is rendering a splendid and valuable service to the commercial banking business of the country, and will continue to render such service. But because the Federal Reserve System has proven successful or otherwise is not any reason why we should enact legislation discriminating against the State banks of the country.

Mr. WINGO. Mr. Speaker, I hope the amendment pending will be adopted, for practical reasons. The gentleman from Illinois [Mr. MANN] has already suggested an illustration that will show the practical necessity for the amendment that is now pending, and that is this: Suppose in a small community where there are only two banks, one a State bank and the other a national bank, which is frequently the case in towns of from one to two or three thousand people, and suppose the national bank should fail. If the amendment offered be adopted, then if in the opinion of the comptroller the State bank that is left as the only bank in that community can give proper security, the funds that really belong to the community could be kept in it and deposited in the State bank. Of course if it were not a safe institution, if it could not give the proper security, the comptroller would not be required to deposit the money there, but he should be permitted to keep those funds in the local community as far as possible. For that reason I hope the amendment will be adopted.

With reference to the statement just made by the gentleman from Nebraska [Mr. SLOAN] respecting the Federal reserve act, I fear that he misconceived entirely the philosophy of the Federal reserve act.

Mr. SLOAN. Mr. Speaker, will the gentleman yield?

Mr. WINGO. In a moment. I do not know how he feels about it, but for one when I voted for that act I did not think that this Congress was undertaking to establish profit-making institutions throughout the country. I thought that the object of establishing Federal reserve banks was to mobilize the reserves of each particular part of the United States in districts, so as to have them readily available when banks in the districts needed additional currency, and that in order to do that, and in order to prevent an abuse of the privileges and rediscount provisions of the act, it was highly necessary that all temptations to make profits should be removed from those who held stock in those institutions, and that they should be used for one purpose, and that that was for the legitimate purpose of meeting the needs of the banks in their particular territories by reason of the necessity for additional currency or for an additional volume of money in time of panic. I now yield to the gentleman from Nebraska.

Mr. SLOAN. The gentleman is more familiar with the terms of this act than I, but is it not a fact that it provides a maximum dividend of 6 per cent from the reserve banks, and every member bank which enters the system is entitled under the law to expect a profit from its investment, not exceeding 6 per cent?

Mr. WINGO. Yes; but the gentleman, I think, has a wrong conception there. The 6 per cent provision was not intended to be put in to induce any bank to join the system, but was put in there with the deliberate intent to limit its earnings so that profit making could not be the spirit that would control and govern the operations of the institution. Now, the gentleman suggested something about State banks. I am not one of those who believe State banks should be outlawed simply because they will not go under the Federal Reserve System. Now, in a good many small communities of the country, by virtue of their local conditions, the State banks can more nearly meet the requirements of the community than a national bank. I know of a great many communities where a bank with five or ten thousand dollars capital stock can meet the needs of its community. I know in my State the State banking institutions are just as sound and safe as the national banking institutions. As a matter of fact, the State bankers complain that the examinations of the State banks of my State are more rigid and thereby bring a greater amount of security to the State than the examinations of the national-bank examiners. However, I am glad to say I believe the examinations of both the State and National banks are very well carried on in this country at this time, and I do not believe there should be any rivalry between the two, or that there should be any discrimination between the two in legislation at all.

Mr. BENNET. Will the gentleman yield?

Mr. WINGO. I will yield.

Mr. BENNET. I saw a statement in the paper the other day—I do not know as to its accuracy, and I want to ask the gentleman purely for information—that there was more money on deposit in the New York banks, in my city, by banks outside of New York City than there was at the time the Federal reserve bank act passed. Has the gentleman looked into that question at all?

Mr. WINGO. I have not looked into that question, but I doubt not that statement is true, and I suspect it is also true that there is more money on deposit in all the banks in all parts of the country in all the cities than there was at the time the act was enacted.

Mr. BENNET. Has the gentleman looked into the question as to the proportion of the deposits in the banks of New York from outside?

Mr. WINGO. No; I have not; but I have the idea—it would be just a mere assumption upon my part—that under the condition which has existed for the last 12 or 18 months there would naturally be a congestion of funds in New York City, because New York City practically is our outlet financially for our export and import business.

Mr. BENNET. Was not one of the purposes of the Federal reserve banking act to keep the funds of the various localities in the locality where apparently they first originated?

Mr. WINGO. Yes; that was one of the prime purposes.

The SPEAKER. The time of the gentleman has expired.

Mr. WINGO. Mr. Speaker, I ask for three minutes more so that I may be able to answer questions of the gentleman.

The SPEAKER. The gentleman from Arkansas asks unanimous consent to speak for three minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. BENNET. Then if it is a fact that the deposits in the New York banks of New York City have very largely increased, has there been a partial failure on the part of the Federal reserve banking act or was that foreseen when the act was passed?

Mr. WINGO. No; I should not think that anyone could have foreseen the extraordinary conditions which have existed for the past 12 or 18 months, and to be frank with the gentleman I do not believe that the Federal reserve system has been given a sufficient test as to determine whether or not it is going to be a proper solution of the problem which it was contended it solved. However, it is my candid judgment that the act is going to be a better act than some of us thought it would be at the time we voted for it. I am frank to say to the gentleman I voted for the act with considerable reluctance on account of some of the provisions in it, but I believe it is the part of wisdom always to give everything a fair trial; and in my candid judgment the Federal reserve act is going to demonstrate it is a

great deal better than I ever thought it would be when it was created.

Mr. BENNET. At any rate, the fact is it has not succeeded in keeping the money in the place where the money originated?

Mr. WINGO. Oh, the gentleman misunderstands me. I think it has served the purpose. The fact that by reason of extraordinary conditions that have existed and the extraordinary volume of the business of the country that has been carried on through the port of New York and thereby an abnormal amount of funds has been deposited in New York, does not mean that the reserve fund of member banks scattered over the country has not been kept in the reserve banks. However, bankers being human, are more or less influenced by the fact they make profit on the money they send to New York, and so far they have not made any large profit on the money they have placed in the reserve banks.

I will say to the gentleman that some of the bankers have resented some of the rulings and regulations that have been made by the Federal Reserve Board. Whether the complaints of the banks as to this are just I shall not say. I have an idea, though, that the Federal Reserve Board naturally thought that they ought to be cautious in the beginning, and I have not taken the time to see whether the criticism of those rulings and regulations was just or not. At present these and other things have retarded the development of the system fully by keeping the State banks from going into the system by reason of what they thought were some onerous regulations to which they would be subjected were they to join, but I think the board is acting honestly and making an effort to be both cautious and just.

The SPEAKER. The time of the gentleman from Arkansas has again expired.

Mr. RAGSDALE. Mr. Speaker——

The SPEAKER. Does the gentleman wish recognition?

Mr. RAGSDALE. Yes.

The SPEAKER. The gentleman from South Carolina is recognized for five minutes.

Mr. RAGSDALE. In reply to the question of the gentleman from New York [Mr. BENNET], I could state to him an additional reason for money being deposited in New York by banks all over the country. There is a restriction on country banks borrowing there that is not placed by the Federal Reserve Board. In nearly all of the outlying banks they are borrowers for a certain percentage of the year, while for a part of the time they are not borrowers. Many banks carry accounts in New York that they may become borrowers and thereby extend additional credit to their depositors. The system in New York is that in order to get the money they need, and especially in agricultural communities, for the purpose of carrying on their business, they must maintain during the period of time when they have a high-water mark in their deposits deposits in New York which can be utilized by New York in other parts of the country in order to prevent a scarcity of money there, and these deposits will always be carried in New York, no matter how many national reserve banks there are. The so-called New York system is not a New York system in fact, for it is a system composed of the greatest banking brains in America. They are men from all over the United States. They are put into the well-recognized New York banking institutions as having a thorough knowledge of all the banking conditions in this country, and with an intention to be fair to the financial interests all over this country. They run their banking business without regard to politics, and in my opinion they have played a great part in the development of this country. I have always found them absolutely fair, and they have my absolute respect in dealing with them.

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. RAGSDALE. Certainly.

Mr. MOORE of Pennsylvania. Was it not charged when the Federal reserve act was under consideration in the House that New York was the center of the money power of the United States?

Mr. RAGSDALE. Unquestionably.

Mr. MOORE of Pennsylvania. And that New York unduly gathered together and concentrated the money of the people of the United States?

Mr. RAGSDALE. I think it was so charged.

Mr. MOORE of Pennsylvania. Is it not a fact that New York, after the operation of two years of the Federal reserve act, is still the center of the money power?

Mr. RAGSDALE. Unquestionably.

Mr. MOORE of Pennsylvania. And there has been no change in the matter of New York's influence over the money of the country?

Mr. RAGSDALE. I do not see, so far as my experience in that line is concerned and information that I have gathered, that New York has lost any of its power. The truth of the matter is that I like the way that New York runs its banks and I do not like the way some other cities do. Having deposits from the North and South and East and West, and having trained experts who are familiar with the different conditions existing in different parts of the country, they can take deposits from the South, we will say, at the time it sells its cotton, and lend it in the West. Then when we plant our crops in the South and need loans money is loaned from New York that is there deposited from other sections. In other words, New York has utilized the money of the United States for extending credit throughout the United States.

Mr. MOORE of Pennsylvania. New York has simply adjusted itself to the Federal reserve act, and has as much business to do as it ever did?

Mr. RAGSDALE. More than it ever did before. When the Federal reserve act was first prepared the time limit was 45 days for rediscount privileges, and it was only after a bitter struggle beginning in the committee and carried into the caucus that the time for rediscounts was extended to 90 days and warehouse receipts allowed to be used as a basis for credit. The original Glass bill denied privileges to our banks and borrowers that New York banks had always permitted, and I often pointed to them in that fight as an argument for permitting amendments. New York never limited the South to six months, but this House refused six months' rediscount privilege until the Senator from South Carolina took it up anew in the Senate and there succeeded in extending the time to six months.

Mr. PLATT. Mr. Speaker, although the author of this bill, the gentleman from Massachusetts [Mr. ROGERS], has made most of the argument for it, I made the report and am supposed to be in charge of it. I want to say that the Committee on Banking and Currency hopes that this amendment will not be adopted. If it is adopted, it will be in direct conflict with the present law and will endanger the bill, which, if it should pass, would doubtless meet the presidential veto on the same grounds that the President vetoed the postal savings bill. The Federal reserve act says, among other things:

> No public funds of the Philippine Islands, or of the postal savings, or any Government funds shall be deposited in the continental United States in any bank not belonging to the system established by this act.

Now, I should have no great objection to striking out the word "national." That would not make much difference; but to put the words "State or National" in here will undoubtedly endanger the bill. I hope the amendment will not be carried.

Mr. BENNET. Mr. Speaker——

The SPEAKER. The gentleman from New York [Mr. BENNET] is recognized for five minutes.

Mr. BENNET. Mr. Speaker, I rise to extend my thanks to the gentleman from South Carolina [Mr. RAGSDALE] for the speech that he has just made. It is one of the fairest speeches in relation to the business of the city of New York that I have ever heard made. While I have no criticism to make of the House in general, yet I think I can say truthfully and accurately that praise of the city of New York is not so common here from outside of the city of New York that we can afford to let any of it pass without notice. What the gentleman said about our banking system in New York, of course, all of us from New York believe to be correct. I was very glad to hear it coming from one outside the State who has had dealings with our banks.

Now, as to the reason why the money comes to the banks in New York and other financial centers rather than to the Federal reserve cities, there is some criticism of the Federal Reserve Board. Out in a country village in New Jersey not long since I was talking with the country banker as to where he deposited his money, and he gave me the name of a bank in New York City where he deposited. I said, "Why do you not deposit in the Federal reserve bank?" At that time his Federal reserve bank was in Philadelphia. He said, "I would like to, but here is the situation: We know everybody that we loan money to out in the country. We know that they will pay. We know in a general way what their assets are, and we very rarely suffer a loss.

"If we send our paper to New York City they loan us money on it. If we send it to Philadelphia to be rediscounted we have got to send to a local manufacturer or business man here and have that man go into an inventory of everything that he has"; and, he said, "The truth and the fact is that a country banker can not do business in that way. The people all know us and call us by our first names, and we know all of them and call all of them by their first names, and they would regard it as an

insult and it would cause trouble in the community if we would try to get from the men the statements we must have in order to rediscount the paper."

I suppose that is one of the unavoidable incidents of the Government attempting to do a banking business, but inasmuch as the subject is up, I throw that observation into the general discussion for whatever it may be worth.

Mr. WINGO. Mr. Speaker, will the gentleman yield there for a question?

The SPEAKER. Does the gentleman from New York yield to the gentleman from Arkansas?

Mr. BENNET. Certainly.

Mr. WINGO. Do I understand the gentleman to be an opponent of the Federal Reserve System?

Mr. BENNET. No, sir; I want to see it work out.

Mr. WINGO. The gentleman believes it is a wise system and simply believes that it should be regulated?

Mr. BENNET. Yes; that is all.

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the Speaker announced that the ayes seemed to have it.

Mr. PLATT. I ask for a division, Mr. Speaker.

The SPEAKER. The gentleman from New York [Mr. PLATT] asks for a division.

The House divided; and there were—ayes 43, noes 5.

So the amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill as amended.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. ROGERS, a motion to reconsider the vote whereby the bill was passed was laid on the table.

The SPEAKER. The Clerk will report the next one.

BRIDGE ACROSS MISSISSIPPI RIVER, LANSING, IOWA.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 10238) granting the consent of Congress to the Interstate Bridge Co. to construct a bridge across the Mississippi River.

The Clerk read the bill, as follows:

*Be it enacted, etc.*, That the consent of Congress is hereby granted to the Interstate Bridge Co. and its successors and assigns to construct, maintain, and operate a bridge and approaches thereto across the Mississippi River at a point suitable to the interests of navigation at or near Lansing, in the county of Allamakee, in the State of Iowa, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

With a committee amendment as follows:

On page 1, line 7, strike out the word "navigations" and insert "navigation."

The SPEAKER. Is there objection?

Mr. MANN. Reserving the right to object, Mr. Speaker, where is this bridge?

Mr. HAUGEN. It is between Wisconsin and Iowa. It is halfway between La Crosse and Prairie du Chien. There is no other bridge for a distance of 120 miles between Dubuque and Prairie du Chien.

Mr. STAFFORD. Mr. Speaker, I would like to inquire if the company mentioned here is all ready to go ahead with the building of the bridge?

Mr. HAUGEN. I regret to say that I am not advised as to that. I asked for that information somewhat in detail, as to the corporation, but I have not the data at hand at the present time. But I understand a survey is being made by parties in Wisconsin, and that the work is now contemplated.

Mr. STAFFORD. Is it proposed to be a railroad bridge as well as a highway bridge?

Mr. HAUGEN. No. I understand it is a highway bridge, for the special convenience of the people on the Wisconsin and Iowa side.

The SPEAKER. The question is on agreeing to the committee amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill as amended.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. ADAMSON, a motion to reconsider the vote whereby the bill was passed was laid on the table.

The SPEAKER. The Clerk will report the next one.

MINERALS ON SITE OF POST-OFFICE BUILDING AT CALUMET, MICH.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 10487) reserving or excepting all ores or minerals on the lands, with the right of mining the same, on the site of the proposed post-office building at Calumet, Mich.

The Clerk read the bill, as follows:

*Be it enacted, etc.*, That the provision of the public building act approved March 4, 1913 (37 Stats., p. 878), which authorizes the acquisition of a suitable site for the post office at Calumet, Mich., be, and the same is hereby, amended as follows:

"*Provided*, That the Secretary of the Treasury may, in his discretion, accept a title which reserves or excepts all ores or minerals on the lands, with the right of mining the same."

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. This bill is on the Union Calendar.

Mr. JAMES. Mr. Speaker, I ask that the bill be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Michigan [Mr. JAMES] asks unanimous consent that the bill be considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. JAMES, a motion to reconsider the vote whereby the bill was passed was laid on the table.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Waldorf, one of its clerks, announced that the Senate had passed joint resolution and bill of the following titles, in which the concurrence of the House was requested:

S. J. Res. 101. Joint resolution authorizing the Secretary of War to loan, issue, or use quartermaster's and medical supplies for the relief of destitute persons in the districts overflowed by the Mississippi River and its tributaries, and making an appropriation therefor; and

S. 4480. An act providing for the establishment of two additional terms of the district court for the eastern district of North Carolina at Raleigh, N. C.

SENATE JOINT RESOLUTION AND BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills and joint resolution of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 1809. An act to create an additional judge in the district of New Jersey; to the Committee on the Judiciary.

S. 4480. An act providing for the establishment of two additional terms of the District Court for the Eastern District of North Carolina at Raleigh, N. C.; to the Committee on the Judiciary.

S. J. Res. 101. Joint resolution authorizing the Secretary of War to loan, issue, or use quartermaster's and medical supplies for the relief of destitute persons in the district overflowed by the Mississippi River and its tributaries, and making an appropriation therefor; to the Committee on Appropriations.

AQUEDUCT BRIDGE, WASHINGTON, D. C.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 759) to provide for the removal of what is now known as the Aqueduct Bridge, across the Potomac River, and for the building of a bridge in place thereof.

The bill was read, with the following committee amendment:

Strike out all after the enacting clause and insert the following:

"That the Secretary of War be, and he is hereby, authorized and directed to cause to be constructed a bridge across the Potomac River at or near what is now known as the Aqueduct Bridge, replacing said bridge with a substantial structure, at a cost of not more than $1,000,000.

"SEC. 2. That the Secretary of War is further authorized, if in his judgment it should be necessary, to acquire any lands, easements, rights, or property on each side of the Potomac River, by purchase or condemnation, as may be desired for the construction of said bridge and the approaches thereto.

"SEC. 3. That the Secretary of War is further authorized to make such contract for the removal of the present bridge and for the sale thereof as in his discretion may be proper, and to cover the proceeds of such sale, if any, into the Treasury of the United States.

"SEC. 4. That in the discharge of his duties hereunder the Secretary of War is hereby authorized and directed to employ the services of such engineers and other persons as he shall determine to be necessary to carry out the provisions of this act.

"SEC. 5. That the sum of $300,000, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the purpose of securing proper plans and for the payment of any lands, easements, rights, or property, and for the removal of the present structure, and immediately to commence the construction of said bridge and the approaches thereto.

"SEC. 6. That the said bridge shall be used as a highway for traffic, and for gas and water mains, power, telegraph and telephone wires or cables upon such conditions as may from time to time be prescribed by the Secretary of War: *Provided*, That the Washington & Old Dominion Railway, now using the Aqueduct Bridge, shall be permitted, with the approval of the Secretary of War, to change its location so as to cross with a double track the new bridge and approaches herein pro-

vided for, and to connect its railway, located in Alexandria County, Va., and in the District of Columbia with the tracks of said new bridge; and that all plans for such change are to be approved by the Secretary of war: *And provided further*, That a standard system of electric propulsion shall be installed by said railway on said new bridge, and no dynamo furnishing power to this portion of the road and said railway shall be in any manner connected with the ground, and that the cost of paving and maintaining in good condition between the tracks and 2 feet outside thereof shall be paid by said railway: *And provided further*, That any electric railway chartered or that may hereafter be chartered by Congress shall have the right to cross said new bridge upon terms mutually agreed upon with the said Washington & Old Dominion Railway, or in case of disagreement, upon terms determined by the Secretary of War, who is hereby authorized and directed to hear the interested parties and to fix the terms of joint trackage. And all electric railways, including the said Washington & Old Dominion Railway, using said new bridge shall, in addition to taxes and other charges prescribed by charter, pay monthly into the Treasury of the United States the sum of one-half of 1 cent for each passenger transported each way over said new bridge, and just and reasonable rates or charges on all freight transported thereon, and of these sums, when paid into the Treasury, one-half shall be credited to the District of Columbia.

"SEC. 7. That one-half of the entire expense of constructing said bridge, and its maintenance when constructed, including the amount appropriated in section 5 of this act, shall be paid by the District of Columbia, and shall be set aside and deducted by the Secretary of the Treasury from any funds in the Treasury belonging to the District of Columbia and not otherwise appropriated.

"SEC. 8. That the sum of $50,000, or so much thereof as may be necessary, is hereby appropriated, out of any moneys in the Treasury of the United States not otherwise appropriated, for the purpose of maintaining and repairing the present Aqueduct Bridge until the new bridge herein provided for is completed."

The SPEAKER. Is there objection?

Mr. PAGE of North Carolina. Mr. Speaker, reserving the right to object, I should like to ask a question of the chairman of the committee having the bill in charge.

Mr. ADAMSON. I yield to the gentleman.

Mr. PAGE of North Carolina. Noticing that there is no provision in this bill that the State of Virginia shall contribute a part of the cost of its construction, I will ask the gentleman, Does not the south end of this bridge reach over into Alexandria County, Va., and is not a very considerable benefit derived from this bridge by the State of Virginia?

Mr. ADAMSON. I will state in answer to the gentleman's question that I suppose it is well known that people travel from the District into Virginia and from certain portions of Virginia into the District of Columbia, and a great many of them use the present bridge.

Mr. CARLIN. It is on Government land.

Mr. PAGE of North Carolina. Was this matter brought to the attention of the Committee on Interstate and Foreign Commerce, as to whether or not the State of Virginia ought to contribute to the construction of the bridge?

Mr. ADAMSON. The subject was mentioned several times in the committee, and the chairman failed to discover any evidence of an inclination on the part of the State of Virginia to contribute. [Laughter.]

Mr. PAGE of North Carolina. Can the chairman of the committee tell me whether or not there has been any contribution on the part of the State of Virginia to the construction of any other bridges between the District of Columbia and the State of Virginia?

Mr. ADAMSON. I do not remember that any such has ever been brought to the attention of the chairman.

Mr. PAGE of North Carolina. Mr. Speaker, as the expression of one Member of the House, I am constrained to believe that unless there is some reason that I have not heard advanced, the Commonwealth of Virginia ought to contribute to the construction of these bridges spanning the Potomac River between the District of Columbia and the State of Virginia, for the reason that the inhabitants of the State derive a very considerable benefit from the construction of these bridges, which give them access to the markets in Washington that they would not otherwise have; and as they derive so large a benefit, it has occurred to me that they ought to participate in the expense of the construction.

Mr. ADAMSON. If the gentleman will permit, I will supplement my answer to his question by saying that the distinguished author of this bill, our amiable and patriotic colleague, the gentleman from Virginia [Mr. CARLIN], is virtuously indignant at even the suggestion of putting burdens on his constituents over in Alexandria County, and he has some sympathy for the rest of the State. I yield to the gentleman from Virginia.

Mr. CARLIN. Mr. Speaker, I desire to call the attention of the gentleman from North Carolina to the fact that the approaches and abutments of this proposed bridge will be entirely on property owned by the United States Government, and no part of it will be under the control of the State of Virginia. If Congress would give to Virginia the control over the bridge, or any part of it, I believe it would be a very easy matter to secure its construction, and it would be still easier if Congress would pay to Virginia the debt that the Government owes to that State. If that were done, we would be glad to build the bridge and present it to the people.

Mr. ADAMSON. I object to considering any plea of set-off here, Mr. Speaker.

Mr. CARLIN. I mention that so that my friend may be informed that this bridge will not rest upon Virginia soil.

Mr. PAGE of North Carolina. The gentleman from Virginia, however, does not set up the plea that this bridge is not used largely by the population of Alexandria County, Va., and he does not deny that they derive a very considerable benefit from it.

Mr. CARLIN. I was going to say to the gentleman, in connection with that, that this bridge is used by the people of the entire United States. It is the bridge that leads to Fort Myer, which is owned by the Government, and to the National Cemetery at Arlington; and it would be hardly fair to expect the State of Virginia to build a bridge for the use of the entire Nation. Virginia has no control over the bridge, and her citizens use it the same as citizens of other States have the right to use it. They may use it with more frequency, and more of them may use it in the course of the year, perhaps, than those of other States, but I doubt it. My own opinion is that a greater number of people from other States of the Union use that bridge in the course of a year than do the citizens of Virginia.

Mr. PAGE of North Carolina. Mr. Speaker, in this connection, as the gentleman from Virginia [Mr. CARLIN] speaks of the use of this bridge by the entire population of the United States, and as he says that it is a connecting link between the Capital of the Nation and the national cemetery and Fort Myer, I am wondering if the building of this new bridge, to cost $1,000,000, will lessen the pressure upon the Treasury of the United States for another scheme that he has—of building a memorial bridge to cross the Potomac River at another place.

Mr. CARLIN. Mr. Speaker, I have always made it a point never to cross a bridge until I get to it. [Laughter.]

Mr. PAGE of North Carolina. It may be some time before the gentleman crosses the memorial bridge.

Mr. ADAMSON. Mr. Speaker, I wish to interrupt my friends to say that they are broadening this inquiry very much; and I also wish to seek to compose the differences between them by suggesting to my friend from Virginia, who says that the State of Virginia has no interest in the bridge, that we are willing to pay to Virginia a part of the rent if she will help pay the cost.

Mr. CARLIN. I regret that that plan is not proposed in this bill, so that we might consider it here; but the bill as drawn, meeting with the approval of the committee, provides for the payment partially by the District of Columbia and partially by the Federal Government. I think that is based upon two reasons. We find that the present method of payment meets with the approval of the Secretary of War, who recommends it, and also meets with the approval of the District Commissioners, who are the representatives of the district government. They approve the proposition that the District of Columbia shall pay a part of the cost of the bridge. I have never heard it seriously suggested until now that the State of Virginia ought to be expected to build the bridge and turn it over to the Federal Government after it is built.

Mr. RAGSDALE. I would like to ask the gentleman from Georgia one question. What is the amount of the limit of cost of the construction of this bridge?

Mr. ADAMSON. One million dollars.

Mr. RAGSDALE. Is it limited to that?

Mr. ADAMSON. Yes.

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. ADAMSON. Yes.

Mr. MOORE of Pennsylvania. Does this bill provide that there shall be that ordinary supervision which is provided for in the general bridge act, protecting the interests of navigation?

Mr. ADAMSON. It is left entirely in the control of the Secretary of War. This is not the obstruction of a stream by private capital. It is something to be done by the Government itself. The Government retains the entire control over this bridge in every respect, as well as paying a part of the cost of it.

Mr. MOORE of Pennsylvania. The gentleman has not incorporated in this bill any provision that the bridge shall be subject to the provisions of the general bridge act.

Mr. ADAMSON. That is not done where the Government puts up the structure and has absolute control of it; it is assumed that the Secretary of War will do it.

Mr. MOORE of Pennsylvania. It ought to hold as against the Government.

Mr. ADAMSON. If the gentleman thinks so, I have no objection to inserting the words "at a point suitable to the interests

of navigation." The gentleman will understand that this is located on the site of the present Aqueduct Bridge or near it.

Mr. MOORE of Pennsylvania. I have noted with what great care the chairman of the Interstate and Foreign Commerce Committee always insists that bridge bills shall be subject to the general provisions.

Mr. ADAMSON. This is not a private structure; this is a structure put up by the Government with Government means and under the absolute control of the Government.

Mr. MOORE of Pennsylvania. Does that mean that when the Government provides the money to build a bridge there is no reason that it should respect the rights of navigation?

Mr. ADAMSON. The general bridge act does not undertake to deal with what the Government does at its own expense.

Mr. MOORE of Pennsylvania. Since the gentleman is so careful, as chairman of his committee, to protect the rights of navigation with respect to all other bridges, should not the rights of navigation be protected as to this structure?

Mr. ADAMSON. I think they will be without putting in that language, but if the gentleman thinks they will not be, I have no objection to putting in the words "at a point suitable to the interests of navigation."

Mr. MOORE of Pennsylvania. Is this to be a memorial bridge?

Mr. ADAMSON. No, sir; it is simply a replacing of the old Aqueduct Bridge. We want to put all of the money into the bridge.

Mr. MOORE of Pennsylvania. And the gentleman desires to spend the Government money constructing the bridge?

Mr. ADAMSON. Every bit of it into the bridge.

Mr. PAGE of North Carolina. One other question, Mr. Speaker. In section 5 of this bill I notice that—

> Three hundred thousand dollars, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the purpose of securing proper plans and for the payment of any lands, easements, rights, or property, and for the removal of the present structure, and immediately to commence the construction of said bridge and the approaches thereto.

That is a separate and distinct amount from the million dollars appropriated for the erection of the bridge.

Mr. ADAMSON. No part of this goes into the bridge, but we have determined that that amount is too large, and we propose to offer an amendment cutting it in half, making it $150,000. We did not believe that that large sum would be necessary to pay for the approaches, plans, and specifications, and we do not believe that $150,000 will be necessary, but we thought we would be on the safe side.

Mr. PAGE of North Carolina. Then you appropriate $50,000 for the purpose of maintaining and repairing the present structure?

Mr. ADAMSON. That was placed there on the recommendation of the War Department, which estimated the probable cost of repairs until the new bridge could be completed at $49,000. We have made a subsequent investigation, and find that the District itself has made some repairs, and we have concluded that this amount will not be needed for that purpose, and we propose to offer an amendment to cut it in half, making it $25,000.

Mr. PAGE of North Carolina. I was interested in knowing that these sums were going to be reduced from the present amount. Now, one other question. The gentleman from Georgia, of course, knows that the present Aqueduct Bridge, or the control of the piers, has been in charge of the War Department, whereas the roadway at the present time on the present bridge is under the control of the Commissioners of the District of Columbia. As I understand it, this bill proposes to put the new bridge entirely in the control of the War Department.

Mr. ADAMSON. Yes; the Aqueduct Bridge is a good deal like the orphan who when he was asked where he was raised said he never was raised; he sorter come up. The present bridge was built on a structure on which the old canal crossed the river. It came under the War Department and then under the District of Columbia, and then it got mixed up and came in sometimes under one and sometimes under the other, neither one giving it attention, until it is about to go down and leave the river without a crossing. The regulation has been divided and the upkeep has been divided, but we saw no reason for allowing it to continue. This is a navigable stream; the bridge is being built under the authority and at the expense of the Government, and we thought the United States should retain control of the bridge in every respect.

Mr. PAGE of North Carolina. In reply to the statement made by the gentleman I want to call attention to the fact that that part of the bridge which by the report of the War Department is considered unsafe and which necessitates a new bridge is that part which has been under the control of the War Department; that the roadway, so far as the evidence goes, in charge of the Commissioners of the District is not unsafe, and that if there has been any lack of performance of duty on the part of either one of these people having jurisdiction over the bridge it must be by the War Department.

Mr. ADAMSON. I do not mean by my remarks to criticize anybody; I was trying to emphasize the idea that the situation ought to be clarified.

Mr. PAGE of North Carolina. I concur with the gentleman that the bridge as a whole ought to be under the control of some one division of the Government and not divided in upkeep between the War Department and the District Commissioners. I am making no quarrel about that. The gentleman stated that the bridge was to be built at the expense of the Government, when by the terms of this bill one-half is to be built by the District of Columbia.

Mr. ADAMSON. We are going to make them pay one-half of the cost, but the Government is going to build it.

Mr. PAGE of North Carolina. I think that is proper—that it should be built under one jurisdiction and not under two. With the understanding, Mr. Speaker, that the appropriation of $300,000 is to be reduced to $150,000, and the $50,000 appropriation to be cut to $25,000, I shall not object to the consideration of the bill.

The SPEAKER. Is there objection to the consideration of the bill?

Mr. RAGSDALE. I object.

Mr. MANN. Will the gentleman from South Carolina reserve his objection?

Mr. RAGSDALE. Certainly.

Mr. MANN. Mr. Speaker, this is rather a long bill, containing some eight sections in the substitute as reported, and has some very nice questions in it. Everybody knows that there has to be something done about the Aqueduct Bridge. If I am compelled to vote for this bill as it stands on a motion to suspend the rules, I shall vote for it, and I think the House will vote that way, but would not it be better to let it come up and be considered in the House rather than to force it to a vote on a motion to suspend the rules?

Mr. PAGE of North Carolina. Mr. Speaker, I want to say to the gentleman that on a very thorough investigation on my part, the matter having been brought to my attention not for the first time at this session of Congress but during the last two sessions, both by the Commissioners of the District and the Engineer Department of the War Department, it is my judgment that there is no question but that an absolute necessity exists for the construction of a new bridge at this point. In other words, the present Aqueduct Bridge is in such condition now that the commissioners have recently, within the last two weeks, issued an order which prevents more than one street car being upon that bridge at a time. They have cut down the weight of the traffic, so that vehicles have had to diminish the load they carry in a great many instances while crossing this bridge. There is actual necessity that some legislation be had looking to construction of a new bridge, and I hope the gentleman will not object, assuring him that I have at heart the expenditure of the money.

Mr. ADAMSON. Mr. Speaker, will the gentleman further reserve his objection?

Mr. RAGSDALE. Certainly.

Mr. ADAMSON. When in a preceding Congress a similar bill was introduced we referred it to the War Department, and the War Department objected to the Government alone defraying the entire expense of the bridge. The committee visited the premises and we investigated the character of the bridge. We declared it dangerous then. In fact, a storm arose while some of us were on the bridge, and it frightened us, for we thought it was going to blow away, to shake down. We consulted Col. Langfitt, an expert in the War Department, and he made us a tabulated statement of the cost, on which we base this substitution of $1,000,000. He found that we could construct a good bridge there, one that would answer all the purposes, for between $900,000 and $1,000,000.

The War Department very strongly approved of the plan of constructing a bridge, but did not want to have the Government pay all of the money. The State of Virginia did not want to pay any of the money and the District of Columbia did not offer to pay for it. The committee was ready to report the bill in the last Congress if we could have found anyone willing to pay for the bridge. Finally, the District of Columbia agreed to pay half of the amount, and when the District agreed to do that and we became satisfied it could be constructed for $1,000,000, the War Department strongly recommended it be done, the Government paying one-half and the District one-half. I will state to the gentleman from South Carolina [Mr. RAGSDALE] that to

my certain knowledge, and to the knowledge of those members of the committee who have visited it several times, the construction of the bridge is absolutely necessary. If it be not constructed there will be great inconvenience and great loss of traffic. There are but two bridges now connecting this great city with the southern shore and there is no bridge adequate to answer the purposes and meet the demands of traffic.

Mr. MANN. Mr. Speaker, I was not addressing myself so much to the gentleman upon the merit of the bridge as upon the question of procedure. It is safer for us, it seems to me, to take this bill up and consider it in Committee of the Whole than it is to be forced to vote upon it sooner or later under a motion to suspend the rules, because I think that with the information that the House would obtain under the 40 minutes of debate, coupled with what it now knows, the House will be led to vote for the bill under suspension of the rules, where it would not have a chance to amend it. I hope the gentleman will give us a chance to consider the bill in such a manner that we can amend it.

Mr. RAGSDALE. Mr. Speaker, I note what all of the gentlemen have to say, but there are certain things in this bill that it seems to me should be amended before it goes any further. For instance, the Government proposes to expend $1,150,000 immediately, and one of the conditions of the bill is that the railroad company shall have the absolute right to double-track the bridge, and that in the future any agreement between that railroad company or any other railroad company shall turn this bridge over to them absolutely as they care to use it.

Mr. ADAMSON. Mr. Speaker, we have agreed upon offering an amendment changing that and leaving it absolutely in the control of the Secretary of War to make all provisions and terms on which any number of railroads may use the bridge.

Mr. RAGSDALE. Of course, I did not know all of that, and that is one of the most serious objections I have to the bill. As it is written now, the Government proposes to construct the bridge and absolutely relinquish the control of it to the railroad companies, who, by agreement, can put as little or as much traffic as they please upon it, and the Secretary of War, or anyone else under the terms of the bill, has no control whatever.

Mr. MANN. That is one of the reasons why I addressed the gentleman on the question of procedure, because, if not objected to, it will come before the House for consideration on each of its provisions, whereas, if a motion to suspend the rules is made, no one can amend the bill; no one can change it. Of course, you can defeat it theoretically, but practically it will carry on a motion to suspend the rules, although there are some things in the bill that ought to be changed. Whether it be correct or not—and I do not know whether it is—I have the impression sufficiently strong to make me believe that the Aqueduct Bridge matter is an emergency, and that if we do not construct something there or do something with this present bridge, it is liable to fall down and cause a disaster sooner or later that will be to the everlasting shame of Congress. That may not be correct, yet I have that impression.

Mr. ADAMSON. That is true.

Mr. MANN. I have had that impression forced upon me so strongly that I would vote for the bill the way it stands under suspension of the rules, although I think we ought to have a chance to amend it.

Mr. ADAMSON. Mr. Speaker, if the gentleman from South Carolina will permit me, I will read the amendment so as to satisfy him.

Mr. RAGSDALE. I do not think that is necessary, Mr. Speaker, in view of the statement of the chairman of the committee that an amendment will be offered correcting the condition to which I object. Therefore I withdraw the objection.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. This bill is on the Union Calendar.

Mr. ADAMSON. Mr. Speaker, I move that we go into the Committee of the Whole House on the state of the Union for the consideration of this bill.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the purpose of considering the bill H. R. 759, with Mr. CRISP in the chair.

The CHAIRMAN. The House is in the Committee of the Whole House on the state of the Union for the purpose of considering the bill, the title of which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 759) to provide for the removal of what is now known as the Aqueduct Bridge, across the Potomac River, and for the building of a bridge in place thereof.

Mr. ADAMSON. Mr. Chairman, I ask unanimous consent that we dispense with the first reading of the bill. The bill has been read already.

The CHAIRMAN. The gentleman from Georgia asks unanimous consent to dispense with the first reading of the bill. Is there objection? [After a pause.] The Chair hears none.

Mr. ADAMSON. Mr. Chairman, is it desired to have any general debate?

Mr. MANN. I would like to get some information. There was a very interesting conversation going on awhile ago, with the distinguished gentleman from Georgia engaged, as well as the distinguished gentleman from South Carolina and others. We could not hear on our side of the House what was said. I do not know just what the situation is. I have read considerably in the newspapers and heard as to the engineers, but I do not know just what the situation is about this bridge, whether there is a dispute as to where it is to be built or whether it is to ascertain what it can be built for, and all those things.

Mr. ADAMSON. Mr. Chairman, I apologize to the gentleman if he could not hear me. I thought I was lifting up my voice, even if I did not weep, so that he could hear me.

Mr. MANN. The gentleman will understand sometimes a conversation goes on, and the gentleman a good deal of the time faced the other way to talk to gentlemen on the other side.

Mr. ADAMSON. Mr. Chairman, I do not care to consume much time. I will briefly state, however, that I believe for five or six years the question has been agitated as to the reconstruction of this bridge. The Committee on Interstate and Foreign Commerce, however, did not take up the matter until during the Sixty-third Congress.

The gentleman from Virginia [Mr. CARLIN] introduced a bill, and the Committee on Interstate and Foreign Commerce immediately began the consideration of the question by a physical examination as well as by hearings and by consideration in the committee. We visited the locality and consulted with Army engineers. We had them make calculations and specifications. It was stated that the bridge could be enlarged and widened and constructed at the present place. The bridge is narrow, the street going out to it is narrow and approaches it at right angles, which makes it inconvenient and sometimes dangerous when traffic becomes congested there, so it was stated that we must either widen the bridge or widen the street at the elbow immediately at the conjunction of the street with the bridge, or we must move this end of the bridge farther east toward Thirty-fourth Street. I think myself it is unnecessary to go that far. I believe the whole situation can be remedied on the present site by widening out that space.

Mr. MANN. Will the gentleman yield?

Mr. ADAMSON. Certainly.

Mr. MANN. Is it then intended that they condemn part of that property for this bridge?

Mr. ADAMSON. It may be necessary if they locate at the present site to condemn a small amount of property. There would be a great deal less to be condemned than by coming farther this way.

Mr. MANN. The canal runs along there, does it not?

Mr. ADAMSON. It runs under the end of the bridge, the northern end of the bridge.

Mr. MANN. It would be swinging this end of the bridge around to the east and running across that little narrow strip?

Mr. ADAMSON. I do not think that will interfere with the canal if they located the bridge at that point.

Mr. MANN. I do not mean to interfere with the canal, but to swing that end around.

Mr. ADAMSON. I noticed a little brick building at the turn that might perhaps have to be removed. If they did, they would certainly get plenty of room.

Mr. PAGE of North Carolina. Will the gentleman allow me?

Mr. ADAMSON. I yield to the gentleman.

Mr. PAGE of North Carolina. The engineer of the War Department having charge of this bridge stated to me that it would be desirable in the construction of a new bridge to have the District of Columbia end several feet lower down the river and the Virginia terminus of the bridge practically where it is, for the purpose of having the bridge go at right angles with the river. At the present time the bridge does not run straight across the flow of the stream. There are certain advantages which the engineers say they gain in having the bridge run at right angles to the stream.

Mr. MANN. What advantage can they get? They can build the abutments at right angles to the stream.

Mr. PAGE of North Carolina. It is the purpose, as I understand it, to bring the Washington end of the bridge a little farther east than the end of the present bridge, not altogether, possibly, for the purpose I have stated, but in order to widen the bridge and make the approach to the same more accessible.

Mr. MANN. To see if I am correct in my recollection. I used to walk over there a good many times——

Mr. PAGE of North Carolina. I ride over it frequently now.

Mr. MANN. Recently I have ridden over it, and there is quite a little difference in that. There are two street car companies who take passengers to go over this bridge, one of them bringing passengers on a level with the bridge and the other taking passengers on a level away above the level of the bridge, where they come down steps. Is that correct?

Mr. PAGE of North Carolina. As I understand it, one line of cars now goes out to Great Falls, up the river.

Mr. MANN. I mean going toward the bridge.

Mr. PAGE of North Carolina. Going from the District across to Virginia?

Mr. MANN. Yes.

Mr. PAGE of North Carolina. Whether it is the same railroad I can not say to the gentleman.

Mr. MANN. Well, the Pennsylvania Avenue car line runs out there.

Mr. PAGE of North Carolina. They do not cross the bridge.

Mr. MANN. They do not cross the bridge, but they go to the approach on the left of the bridge. The F Street car line——

Mr. ADAMSON. Does not touch it at all.

Mr. MANN (continuing). Goes right to the end of the bridge, except up a stairway 50 or 100 feet, or more?

Mr. ADAMSON. Yes.

Mr. PAGE of North Carolina. The F Street line does; yes.

Mr. MANN. That is what I say. Now, they go down those stairways?

Mr. PAGE of North Carolina. Yes. The passengers do.

Mr. MANN. If you swing the bridge around 200 or 300 feet, that means much more inconvenience for anyone who goes on the F Street car line and wants to go across the bridge.

Mr. PAGE of North Carolina. I think the gentleman is mistaken about that, because they can go down the first street that is open, just by side of the present car barn, instead of going down the steps.

Mr. MANN. Oh, they might go down on a sliding board.

Mr. PAGE of North Carolina. There is a sidewalk and a paved street there.

Mr. MANN. There is a paved street, that was paved at one time with stone blocks, and that does not go clear down, and that has grass and weeds in it, and it is so steep that nobody can go down it. I recall the location very well. I used to ride over there on the street cars, and have walked over, though the last year I have only ridden over in somebody else's machine.

Mr. McLAUGHLIN. Will the gentleman from Georgia tell us why the State of Virginia should not be required to pay a part of the expense for the construction of this bridge?

Mr. ADAMSON. I give it up. If the gentleman from Virginia [Mr. CARLIN] takes the floor, possibly he can render an apology for that.

Mr. McLAUGHLIN. Am I to infer from that that the gentleman thinks there is no reason why the State should not contribute?

Mr. ADAMSON. The only reason I know as to why they do not contribute is that they are unwilling to do so.

Mr. PLATT. I wish to say in regard to the street car line, as I remember it the F Street line comes down perpendicularly with the river and turns around an elbow and goes east, where it would be possible for the passengers to come down the steps.

Mr. ADAMSON. If the gentleman had allowed me another minute I would have succeeded in explaining, I will say, in answer to the gentleman from New York [Mr. PLATT], the full geography of the situation.

Mr. PAGE of North Carolina. I am willing to yield to the gentleman from Georgia to clear up the situation.

Mr. ADAMSON. The Traction Co. car goes west and turns into the barn at the northern or Washington end of the bridge. That is, the material difference between the gentleman from North Carolina and myself was that he said it was the District of Columbia end of the bridge and I said it was the northern end. They are identical. The street on which the Traction Co. car runs does not stop, but goes on up north on the District of Columbia side.

Mr. PAGE of North Carolina. If the gentleman will permit——

Mr. ADAMSON. I have been up that road a hundred times, and I know.

Mr. PAGE of North Carolina. You speak of the Capital Traction as the green cars?

Mr. ADAMSON. I said the street.

Mr. PAGE of North Carolina. You do not mean the car track?

Mr. ADAMSON. I do not mean the car.

Mr. PAGE of North Carolina. The gentleman now has made himself clear. He did not do so before.

Mr. ADAMSON. If the gentleman had listened he would have seen the clarification in my remarks at the outset. I said the car turns into the barn, but the street runs on out on the north side of the river. The bridge is not at right angles with the river, but it is substantially at right angles with the street. The bridge, making a short turn, like my elbow, in a southerly direction, makes a short turn in a narrow street, turning into a narrow bridge that causes a tremendous congestion in the traffic. The F Street car line runs up on top of the hill, and it is reached from the level of the bridge by an almost interminable staircase, pretty easy to fall down, but pretty hard to climb up. I do not think that many people who wish to cross the river go up on that road. I think they go on that car line when they want to go up to Cabin John, Glen Echo, and other pleasure resorts on this side of the river. The Washington end of the bridge can be greatly improved, the engineers of the War Department say, by widening it and moving it a little farther east; some of them say as far east as Thirty-fourth Street.

Mr. PAGE of North Carolina. Which is a block.

Mr. ADAMSON. Two blocks. If they should bring it to Thirty-fourth Street, people could get off the F Street line and go down there. Thirty-fifth Street at that point is not used. The F Street car line there goes around an elbow. It goes one way and comes back the other. At Thirty-fifth Street there is no way to get down. As the gentleman from Illinois [Mr. MANN] has stated, the street is not kept open. The proposition is either to widen the bridge and move the end of it 50 or 100 feet farther east there, or else land the northern end of the bridge at Thirty-fourth Street, or somewhere near it, leaving the southern end of the bridge where it is.

I was going on to say, when I was interrupted, that my idea is like that of the gentleman from North Carolina—that the widening of the bridge is more important than putting the bridge at right angles with the river. The committee, when we were informed of the dangerous character of that bridge, proceeded to hunt money with which to build a new one.

We could not find it at that time. The District did not want to pay for it. The State of Virginia did not want to pay for it, and the War Deparment said that rather than spend a million dollars for that they would make use of the Highway Bridge, lower down the river; but as time went on, during the vacation, the dangerous character of the bridge became more apparent, and the public clamored more for a new bridge, and the District Commissioners decided that they would be willing to pay half of the construction of the bridge.

Mr. MADDEN. Mr. Speaker, will the gentleman yield there?

Mr. ADAMSON. Yes.

Mr. MADDEN. Has the committee made any calculation as to how much more the bridge will cost by reason of its being double-tracked for the accommodation of the street-car company than it would cost if it were not for the street-car tracks?

Mr. ADAMSON. We took that up with the engineers, and the best one, I may say, without disparagement to the other great men in the War Department, Col. Langfitt, prepared a statement on it for our committee, a statement which was convincing, in which he showed that a bridge of this character can be constructed for a little over $900,000.

Mr. MADDEN. The question I asked was how much more the bridge would cost because of the fact that the street-car companies would have double tracks on it than it would cost if there were no tracks?

Mr. ADAMSON. My answer was that the calculations took into consideration these street-car tracks.

Mr. MADDEN. The construction of the bridge must be such, on account of its use by the street cars, as to make it much more costly. My own judgment is that the bridge will cost at least 20 per cent more because of the double-tracking for the street cars than it would cost if there were no street car tracks upon it and without making it any more utilitarian for the public.

Mr. ADAMSON. I know; but our figures are made in view of the street car double-track construction. I have no doubt it would cost 20 per cent less if you did not include that.

Mr. MADDEN. The point I wanted to get at was whether or not the street car companies that will use this bridge ought not to pay 20 per cent of the cost of the bridge. Or does the committee conclude that the one-half cent per passenger to be charged would be equivalent to 20 per cent of the original construction cost?

Mr. ADAMSON. The committee gave consideration to that question and conferred with the members of the Committee on Appropriations and the Committee on the District of Columbia

and with the War Department, and we concluded that the railroad ought not to be a part owner of this bridge.

Mr. MADDEN. But they would be a part owner, would they not?

Mr. ADAMSON. We concluded that the best way to secure compensation for the use of the bridge by the railroad company was to make them be our tenants.

Mr. MADDEN. The principle, I believe, was established in a former Congress, when I was a member of the subcommittee on the District of Columbia years ago, when we were building the bridge to Anacostia.

The bridge was originally intended to cost about $300,000, as I recollect, but the increase in cost to a very much larger sum was occasioned by the fact that the street car companies were to be allowed to use the bridge. We concluded, then, that the street car companies ought properly to pay for the increased cost on account of their use of the bridge. The railroad companies objected, but we insisted. They finally came to our conclusion that they should participate in the cost, not in the ownership or the regulation but in the cost of construction, because of the fact that the bridge was to be constructed in a large measure for their use.

Mr. ADAMSON. That would only amount to paying the rent in a lump sum.

Mr. MADDEN. They ought to be compelled, in addition to that, to pay rent.

Mr. ADAMSON. You might call it in addition to that, but if not paid as purchase money it would be rent in a lump sum.

Mr. MADDEN. There is another thing that ought to be done, and that is if the State of Virginia is unwilling to pay any part of the cost of this bridge they ought to be compelled by the legislation that is enacted to at least purchase the ground upon which to build the bridge on the Virginia shore.

Mr. ADAMSON. We do not need any ground on that shore.

Mr. MADDEN. You do. You can not build a bridge without reaching Virginia.

Mr. CARLIN. Mr. Speaker, will the gentleman yield?

Mr. ADAMSON. Yes.

Mr. CARLIN. Does not the gentleman know that all the land on that side that would be used for the bridge belongs to the Government already? That end of the bridge is on Government soil.

Mr. MADDEN. Then the State of Virginia ought not to be allowed to act the part of dog in the manger, and be allowed to use the bridge and not pay for it.

Mr. CARLIN. Virginia pays one-half cent for each passenger that goes over. The passengers pay to the company, and the company pays it to the State of Virginia.

Mr. MADDEN. The State of Virginia does not.

Mr. CARLIN. They pay it after the people pay the State.

Mr. MADDEN. The people from all over the United States ride over that bridge more than the people of Virginia, and they are taxed.

Mr. ADAMSON. Perhaps the gentleman from Illinois might suggest a solution of this matter by laying an embargo on that bridge, as to its use on the part of the people of Virginia, until they pay their share.

Mr. MADDEN. The bridge ought not to be built until they have paid their share of it.

Mr. SIMS. Oh, Mr. Speaker, I think the gentlemen are pretty hard on the State of Virginia. It is just as essential that the people of Virginia and of Maryland should use that bridge as that we should use it. We ought to see to it that the market produce and food products are brought in here from the surrounding country just as cheaply as possible.

Mr. MADDEN. You can get to Virginia readily without going over this bridge.

Mr. PAGE of North Carolina. Mr. Speaker, will the gentleman yield?

Mr. ADAMSON. Yes; I yield to the gentleman from North Carolina.

Mr. PAGE of North Carolina. There are other bridges; and the provision, so far as the railroad company is concerned, as to contributing to this bridge, is identical with the provision that prevails in respect to the other bridge, namely the Highway Bridge, where they pay so much per passenger.

Mr. MOORE of Pennsylvania. Mr. Speaker, will the gentleman yield?

Mr. ADAMSON. Yes.

Mr. MOORE of Pennsylvania. When the gentleman was explaining this bill a little while ago I asked him why the usual general bridge act precaution was not incorporated in the bill, and he said the Government itself was building the bridge. The gentleman, however, did not object, as I understand, to an amendment providing that the bridge shall be built under the direction of the War Department, subject to the general bridge act.

Mr. ADAMSON. I do not think we would want it to be made subject to the provisions of the general bridge act, because it has no relation to Government structures.

Mr. MOORE of Pennsylvania. Why should it not be applicable in the construction of a bridge like this? The Potomac River is navigable and there is a great deal of traffic from vessels coming and going. There is no provision in the bill to protect navigation. There is no limitation upon the discretion of the Secretary of War. I am willing to have the bridge constructed, even at Government expense, although such a proposition coming from any other section of the country would perhaps be rejected instantly. But I should like to ask the gentleman whether he would agree to accept an amendment, to be inserted on page 2, line 24, after the word "constructed," which would provide that the Secretary of War be, and he is hereby, authorized and directed to cause to be constructed—

In accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters, approved March 23, 1906—

A bridge across the Potomac, and so forth? That would carry into this bridge bill the same provision that the gentleman, on behalf of the Committee on Interstate and Foreign Commerce, insists shall be put in every other bridge bill that comes into the House.

Mr. ADAMSON. Mr. Chairman, I certainly would decline to support an amendment placing this bridge under the terms of the general bridge act, because those provisions do not fit Government construction at all. The general bridge act is drawn to permit, under the consent of Congress and under the guidance and control of the Secretary of War, the construction of bridges by private capital, and there are a great many conditions prescribed there to protect the interests of navigation. I presume the language which the gentleman has in mind is—

at a point suitable to the interests of navigation—

Or he wants to draw language to protect the interests of navigation. I have no objection, except that it is absolutely unnecessary. This is a bill providing that the Government itself, through the War Department, which is the guardian of the interests of navigation, shall construct this bridge, which is to be under the control and for the use of the Government.

Mr. MOORE of Pennsylvania. The gentleman would not permit a bill to come from his committee authorizing the construction of a bridge across the Mississippi River, without having it covered by the provisions of the general bridge act, would he?

Mr. ADAMSON. If we were reporting a bill—which we never expect to do—to authorize the Secretary of War to construct at Government expense a bridge across the Mississippi River, and nobody else was to have any part or parcel in the construction of it, we certainly would not say anything about the general bridge act, because it has no relation to Government structures. If it were necessary to advise the Secretary of War of his duty and to instruct him to protect the interests of navigation in building this bridge, that is the language I would put in it. I would not say anything about the general bridge act.

Mr. SIMS. This bridge is above navigation any way. There is to be no draw in it.

Mr. MOORE of Pennsylvania. Will the gentleman yield to me a couple of minutes for a brief statement? The gentleman has the time.

Mr. ADAMSON. I intended to yield the floor, but I wanted the author of the bill [Mr. CARLIN] to make an explanation of it. Of course I will yield time to the gentleman from Pennsylvania. I have occupied the floor a great deal longer than I intended.

Mr. MOORE of Pennsylvania. Suppose this bridge was built with Government money as proposed and it was found that the spans of the bridge were so low that vessels could not pass under it?

Mr. CARLIN. Mr. Chairman, will the gentleman let me answer his question?

Mr. MOORE of Pennsylvania. It may be a fixed bridge.

Mr. CARLIN. Let me explain to the gentleman that this bridge as now located is above navigation.

Mr. MOORE of Pennsylvania. I think the stream is navigable at this point. The gentleman will not deny that the Potomac River is navigable at the point at which this bridge is to be constructed.

Mr. CARLIN. It is not navigable for such vessels as will be obstructed by a bridge of this sort.

Mr. ADAMSON. It is navigable, and under the general dam law which we hope to get through at some time and in some shape it can be made navigable for hundreds of miles farther up the river without expense to the Government. There has been a great deal of talk about the Great Falls and about power com-

panies and all that, and all in God's world that we need to do is to put through the general dam act, and there will be plenty of private money to develop the power under Government regulation, and to make that river navigable, and it will not cost the Government a cent. I am not willing to admit that it is not a navigable river, as suggested by the gentleman from Virginia [Mr. CARLIN].

Mr. CARLIN. I meant not navigable at present.

Mr. ADAMSON. I call the attention of the gentleman from Virginia to the fact that these streams with rocky banks and occasional rapids in them that are denounced as not navigable are the very ones that are most easily made navigable without expense to the Government, carrying with that development of navigation the accompanying benefits of the development of power for manufacturing, lighting, and transportation purposes.

Mr. CARLIN. I hope that will be done at some time.

Mr. ADAMSON. That will be done at some time, and if this generation is not wise enough to do it the Lord will raise up a generation that will be wise enough to do it. [Laughter.]

Mr. MOORE of Pennsylvania. I think the gentleman wants to protect the interests of navigation. I have always found him ready to do so.

Mr. ADAMSON. The gentleman overlooks my point. This is our bridge, built under our control and protection, and we do not have to put in the ordinary limitations on private capital, because private capital will not have anything to do with it.

Mr. MOORE of Pennsylvania. Exactly; but why should not the Government set an example to private owners? Why should the Government build a bridge with fixed spans, for instance, that will impede navigation, when the Government requires all private owners to provide for the needs of navigation.

Mr. ADAMSON. I have stated to the gentleman in the clearest language that I am capable of using that if it is necessary to instruct the War Department to protect the interests of navigation, I have no objection to putting into the bill the proper language to do that, and that proper language would be that the Secretary of War shall so construct the bridge as to protect the interests of navigation, not saying anything about the general bridge act.

Mr. MOORE of Pennsylvania. Will the gentleman accept that?

Mr. ADAMSON. I certainly will, as far as I am concerned.

Mr. MOORE of Pennsylvania. I will undertake to draft an amendment to cover that point, because in all sincerity I challenge the gentleman——

Mr. ADAMSON. I have too much affection for my friend to accept any challenge from him. I object to dueling anyway. If I had to fight, I would not take time to exchange papers. [Laughter.]

Mr. MOORE of Pennsylvania. My challenge is neither personal nor political. I love the gentleman too much to propose either, but I challenge the gentleman as a legislator to point out any line in this bill which proposes to protect the interests of navigation.

Mr. ADAMSON. I accept that challenge.

Mr. MOORE of Pennsylvania. Wherein does the bill protect the interests of navigation?

Mr. ADAMSON. It is assumed that the Secretary of War will do his duty and protect navigation. As an agent of the Government he is intrusted with the duty of taking our money and building a bridge over a navigable stream. I will not assume that he will not do it, but if the gentleman deems it necessary to advise him I am willing to do so.

Mr. MOORE of Pennsylvania. I am sorry to remind the gentleman that one Secretary of War often differs from another Secretary of War, and sometimes one Secretary of War does not remain in place long enough to carry out the plans of the preceding Secretary of War, and sometimes the Secretary of War does not agree with the President of the United States on some of these questions. And if it comes to the point that the Fine Arts Commission should build the bridge, the needs of navigation might suffer.

Mr. ADAMSON. I hope the gentleman will not put this under the Fine Arts Commission.

Mr. MOORE of Pennsylvania. We are appropriating a million dollars here for the construction of a bridge, and why not fix special directions as you do in other bills?

Mr. ADAMSON. The gentleman will remember that when we were down at Panama some people accused the Fine Arts Commission of causing the slides in the canal.

Mr. PAGE of North Carolina. Mr. Chairman, I want to ask a question for information. Is the river at this point a navigable stream, or has it been so declared?

Mr. ADAMSON. I do not think there is any doubt but that the Potomac River is navigable. Some parts may be better than others, but the Government has the right to allow it to be all made navigable, and there may be stretches above these rapids that people do actually navigate now. I do not know about that.

Mr. CARLIN. If the gentleman will yield, I will give him some information about that.

Mr. ADAMSON. I am going to yield soon to the gentleman so that he can give volumes of information.

Mr. SIMS. There would not be a canal there if it was navigable.

Mr. FESS. Will the gentleman yield?

Mr. ADAMSON. Yes.

Mr. FESS. How much Federal property do we own beyond the river, and would it be sufficient so that we could ignore entirely the interests of Virginia and vote for our own interests?

Mr. ADAMSON. You might build a fence on the other side to keep Virginia from coming across.

Mr. FESS. I think the gentleman does not catch my idea. Is the bridge so necessary for the General Government that we could afford to build that anywhere without regard to Virginia?

Mr. ADAMSON. The Secretary of War declined to pay the entire expense, because he said the use of the War Department would not justify it; that it was not sufficient, but the Government would pay half. We have over there Fort Myer and the cemetery at Arlington and the demonstration farm; we have considerable property there.

Mr. FESS. It does not compel a Member of Congress to vote for this proposition on the question of Virginia's rights?

Mr. ADAMSON. If we can only get the bridge authorized, I consider it a triumph.

Mr. LENROOT. Will the gentleman yield?

Mr. ADAMSON. Yes.

Mr. LENROOT. The bill appropriates $300,000 for the purpose of securing plans, for the payment of land, and for the removal of the present structure, and then section 8 appropriates $50,000 for the purpose of maintaining and repairing the present structure until the new bridge is completed. I would like to ask an explanation of some of the inconsistencies in these two provisions.

Mr. ADAMSON. What is that? I have not noticed any inconsistency.

Mr. LENROOT. Section 3 authorizes the Secretary of War to make a contract for the removal of the present bridge and the sale thereof.

Mr. ADAMSON. It does not say that he shall do that before he commences the new bridge.

Mr. LENROOT. Then, section 5 appropriates $300,000 for the plans and removal of the present structure, while in section 8 $50,000 is appropriated to repair and maintain the present structure.

Mr. ADAMSON. The gentleman was not in the Hall in the early consideration of the bill. We know that it is necessary to make plans and surveys and possibly to acquire some property. We placed in the bill $300,000 in accordance with outside suggestions, but after further deliberation we concluded that that sum was entirely unnecessary, and we shall offer an amendment reducing it to $150,000. If we find that it is not necessary, it will not be expended.

Mr. LENROOT. What was the necessity of providing for the removal of the structure at this time?

Mr. ADAMSON. That is the way the bill was drawn; but we considered it was not necessary to remove it, and we have cut the amount, or propose to cut the amount, believing that $150,000 will cover the preliminary expense and examination and plans and specifications and the possible acquisition of the property.

Mr. LENROOT. The gentleman thinks that that should be stricken out of section 5?

Mr. ADAMSON. It is not necessary to strike it out. I do not know what shape it will take; the plan may involve an immediate removal of it; I do not know.

Mr. ESCH. If the gentleman will pardon me, the bridge that is to be constructed may not be in alignment with the bridge now existing. If it is not, some of the piers in the existing bridge will have to be repaired, and very likely if the new bridge requires a year and a half or two years for construction it is necessary to provide funds to repair the existing bridge pending the construction of the new bridge.

Mr. LENROOT. By section 4 the Secretary of War is authorized to employ the services of such engineers and other persons as he shall determine to be necessary to carry out the provisions in this act. Is there any reason why the Army engineers should not supervise the doing of the work which the Government is constructing?

Mr. ADAMSON. If the Secretary of War does not find it necessary to employ outside engineers, he will not do it.

Mr. LENROOT. But here is the authorization for it. Is there any reason the gentleman can think of why it should not be constructed by Army engineers?

Mr. ADAMSON. Sometimes they are all busy. The gentleman knows that we are all now in a great state of agitation as to preparedness.

Mr. LENROOT. Does the gentleman think that, if this remains in the bill, outside engineers will be employed when Army engineers will not be employed?

Mr. ADAMSON. I take it that no more additional expense will be incurred than is absolutely necessary.

Mr. ANDERSON. Will the gentleman yield?

Mr. ADAMSON. Yes.

Mr. ANDERSON. I understood in a colloquy that the gentleman had early in the debate that it was the purpose to put the District end of the bridge a little lower down the river, and I was wondering whether in doing that any consideration was given to a change of the angle of the bridge.

As I recall it now—and I was over the bridge recently—there is a very abrupt turn, and I was wondering whether the engineers would take into consideration the changing of that turn so as to make it a little less abrupt than it is now.

Mr. ADAMSON. Mr. Chairman, I undertook to explain, in the outset of my remarks, that the bill contemplates the possibility of that, and we leave it to the discretion of the War Department as to whether they shall change that angle. It has been thought desirable to place the bridge more nearly at right angles with the current, if it can be done economically; but the committee thinks it more important to widen the bridge and relieve the congestion at the end of the bridge in that way than it is to secure a right angle with the current of the river.

Mr. ANDERSON. Mr. Chairman, I agree to that, but it does seem to me that some way ought to be found to lengthen the curve in such a way as to make it less abrupt. It is dangerous as it is now.

Mr. ADAMSON. That will be done. We will relieve that so as to relieve that congestion.

If no one else imagines that I can give him any information, I yield a few minutes to the gentleman from Virginia [Mr. CARLIN] for the purpose of answering questions, for he is surcharged with information.

Mr. CARLIN. Mr. Chairman, I think I know when the time has arrived for action and not for speaking. I realize that this House is now in a humor to pass this long-needed legislation. I think that we all agree that the necessity for this bridge exists, otherwise we would not to-day be asked to consider it. As to the question of how the Government is to be compensated by the railroads who may use the bridge, I confidently believe that this is one investment that will prove to be profitable to the Government. The electric railway now using the Highway Bridge pays to the Government about $12,500 a year, or, based upon a 4 per cent investment, in excess of one-third of the entire cost of the bridge. Using that as a basis for the present estimate, it would mean that the railway company now using this bridge would be paying for about 33 to 35 per cent of the cost of the bridge, and yet owning nothing except the right to use it. If the travel were increased so that the burden upon the bridge were thereby increased the revenue to the Government would necessarily increase, and I believe that on a 4 per cent basis you will find that the people who use the bridge and actually travel upon it will have paid about 50 per cent of the cost of the structure. It is one of the few investments that the Government can make, in my judgment, in bridge building that will turn out to be a revenue producer.

Mr. GREEN of Iowa. Mr. Chairman, will the gentleman yield?

Mr. CARLIN. Yes.

Mr. GREEN of Iowa. Is not the gentleman prepared to give us the figures as to the number of people who cross the bridge on the street cars?

Mr. CARLIN. I said that, based on an estimate of travel for the railroad now upon the Highway Bridge, and upon the same percentage of payment, it would amount to $12,500 a year to the Government; or, upon a 4 per cent basis, an investment of about $350,000, which is over one-third of the cost of the bridge.

Mr. GREEN of Iowa. That may be clear to the gentleman, but it would be much simpler to me if he could give me the number of passengers that cross the bridge, and then I could multiply that at the rate of one-half a cent per passenger and get the result myself.

Mr. CARLIN. I can not do that because no estimate has been kept of the passengers crossing the bridge, so far as I know, because that has not been the method of payment for the use of this bridge. That has been the method of payment for the Highway Bridge, but not this bridge.

Mr. GREEN of Iowa. The street car companies ought to be able to give it very easily.

Mr. CARLIN. They may be, but I can not give it to the gentleman because I have not got it. I assume, however, that it is equal to the travel on the other bridge, and on that assumption I have based the estimate that I have made.

Mr. STAFFORD. Mr. Chairman, will the gentleman yield?

Mr. CARLIN. Yes.

Mr. STAFFORD. Does the gentleman understand that the terms carried in this bill for the railroad pay, one-half of 1 cent for each passenger transported each way on this bridge, are identical in amount and terms with that governing the Highway Bridge?

Mr. CARLIN. Yes. Mr. Chairman, I will take the time of the House just for one moment more to answer the gentleman from Illinois [Mr. MADDEN]. After having admitted that he believed that a great majority of the travel across this bridge into Virginia was by citizens of other States, he then concluded that for that reason Virginia should pay for the bridge. It occurs to me that the gentleman's conclusions are wrong, though I am willing to admit the correctness of his statement. This is the National Capital. At Arlington there is perhaps the most interesting national cemetery in the country. Almost every visitor to the Capital, from wherever he may come, visits the national cemetery at Arlington, and in order to do so the natural journey is across the Aqueduct Bridge. If there were a military movement from Fort Myer desired to Washington City, the Government would have to move its cavalry across that bridge. The agricultural farm, the property of the United States Government, uses that bridge in carrying those who are interested in the operations there and the products of the farm which come from there. The Government to-day owns in Alexandria County twelve hundred and odd acres of land, worth from $1,500 to $2,500 an acre.

Mr. MANN. Mr. Chairman, will the gentleman yield?

Mr. CARLIN. Yes.

Mr. MANN. We have constructed a military road over there, have we not, leading from the Highway Bridge through the experimental farm and up to Arlington?

Mr. CARLIN. We have.

Mr. MANN. Why was that done?

Mr. CARLIN. That was done for two purposes, first, because the Congress of the United States refused to repair the Aqueduct Bridge so that it could be used—we have been six years trying to get this thing done—and in order to provide for an emergency military movement we had to build a road from the other bridge.

Mr. MANN. So that cavalry can come down the other way?

Mr. CARLIN. Well, it would depend upon which way the cavalry desired to go as to which would be the more desirable bridge. If the cavalry were going north from Washington or west from Washington they would cross the Aqueduct Bridge. If it were coming simply to Washington for use here, it could and would go by the Highway Bridge.

Now, as I have stated, the Government owns these valuable lands in Virginia, and, above all, the Government owns the land upon which this bridge is to be constructed; and it seems to me a remarkably narrow view for any gentleman to undertake to say that the State of Virginia ought to construct the bridge upon Government land, give control of that bridge to the Federal Government, and have nothing to do with it except to contribute to the payment. Virginia does not ask for anything to which she is not entitled. We are not supplicants for the charity of any Government of any people; but Virginia has the right to say through me to this Congress, and she ought to say it, that she has never been requested in any spirit of real earnestness to participate in the ownership of this bridge, and therefore she does not feel called upon to participate in the payment of it. If we were going to look to-day to the accounts between Virginia and the Federal Government, if we were going to open the ledger and see where the balance is, we would have no difficulty in finding where the obligation rests.

Mr. ANDERSON. Will the gentleman yield?

Mr. CARLIN. In a second. The White House which the President occupies to-day was built with money loaned to the Federal Government by the Commonwealth of Virginia when this Government was unable to borrow money from individuals, when it was small and helpless and needy. All the years have passed and that claim remains unpaid. The streets which were laid off in this Capital City, and in the original making of the Capital, when the lots themselves were laid off, Virginia loaned the money. The Government made an enormous profit out of the sale of the lots. Virginia is to-day unpaid. But we care nothing about this small matter of money. Virginia when she came and asked payment of the money never said it should

be paid into the treasury of Virginia, but she said, use it for the construction of an avenue from Washington to the tomb of the man whose name this city bears, in order that every American youth may travel to Mount Vernon and there be inspired by his visit. We never asked to put this money back into the treasury of Virginia; oh, no; but we said, put it where the people of the Nation, aye, the Nation that Virginia gave birth to, might enjoy its use. My countrymen, I warm up a little when I am upon this subject and I find I am about to launch into a speech. Nothing is further from my purpose; but I did feel that it was my duty, while gentlemen were trying to have it appear that the Government was doing so much for Virginia, to call attention to the fact that Virginia has done something for the Government. Why, it was only half a dozen miles from the Aqueduct Bridge in Virginia one Sunday morning after services in Christ Churchyard that Harry Lee, Washington, and others met, and that meeting shook the British throne and established this American Republic. [Applause.] And yet, my friends, after the admission of my friend the gentleman from Illinois that the United States uses this structure, to contend for its payment otherwise than by making it as we do to-day would be ludicrous.

Now, if any gentleman wishes to ask me a question, I shall be delighted to answer.

Mr. ANDERSON. The gentleman warmed up to such good purpose that I almost forgot the question I desired to ask him. The gentleman contends that because the Government owns the land on both sides of the river upon which this bridge will be located the State of Virginia ought not to be required to pay any part of the construction of the bridge. Now, I would like——

Mr. CARLIN. My further contention is that the State of Virginia has no control over the bridge.

Mr. ANDERSON. What benefit would the State of Virginia receive from the ownership of the bridge or part of the bridge which she will not have under present conditions?

Mr. CARLIN. The very fact that the Government receives the revenue by charging those who use the bridge, and it may turn out to be a very profitable investment.

Mr. ANDERSON. Are we to understand this to be a toll bridge?

Mr. CARLIN. Virginia would have the right to control it as she pleased if she owned the bridge, to make it a toll bridge if she so desired and charge the railroad for the use, which the Government does now, and puts it into the Treasury of the Government as the result of it. Virginia would not receive a nickel from it under the proposed bill.

Mr. MANN. Will the gentleman yield for a question?

Mr. CARLIN. I will.

Mr. MANN. How much is now collected from the Washington & Old Dominion Railway for the use of the present Aqueduct Bridge?

Mr. CARLIN. I do not believe they pay anything, but I do not know. I think they were admitted there upon the theory that the electric railway was an improved highway and that the people had the right to use it for walking or riding over the bridge. My impression is that they pay nothing now, but I do believe it will only be a matter of a few years when the revenues raised from the occupation of this bridge will equal 4 per cent on the investment of the Government.

Mr. STAFFORD. Will the gentleman yield?

Mr. CARLIN (continuing). And with the Government issuing bonds at 2½ and 3 per cent this is a profitable business to go into. Certainly, I will yield to the gentleman.

Mr. STAFFORD. At the present time the Old Dominion Railway only occupies one track running across the bridge. It has been suggested here that we provide a proper width to accommodate two tracks, which will increase the cost something like 20 per cent of the entire cost of construction. Has the gentleman considered, or has the committee considered, the necessity of providing a double track in place of a single track?

Mr. CARLIN. I can only say to the gentleman I was not a member of the committee which considered this bill, although I drew the bill and am its patron.

Mr. STAFFORD. This bill provides a double track.

Mr. CARLIN. Yes.

Mr. STAFFORD. We know that, as at present managed, there is no through service from Washington across this bridge; that the Old Dominion Railway service ends with the Georgetown side at the Washington terminus of the bridge.

What is the need, then, of levying this additional expense by giving them a right of way for the double track when a single track is at present used and seems to meet the needs of the Old Dominion Railway? It seems in this particular that the Old Dominion Railway is the one that is favored and not the public, or favored at the expense of the United States Treasury.

Mr. CARLIN. If the gentleman will permit me, I think the answer is perfectly simple. At present there is only one railroad occupying the bridge. It has the exclusive use to the bridge, but this bill provides that all railways may cross, if they please to do so, and that they must do so upon the terms fixed by the Secretary of War, and I assume that we are going to have additional travel in the future.

Now, as to the additional cost of the bridge by reason of that, I do not believe, notwithstanding what has been said, that it will be a dollar; and I will tell you why. In constructing the present Highway Bridge across the Potomac River the originals plans were carried out and completed before it was thought of putting an electric railway upon the bridge. The railways were then using what was known as the old Long Bridge. After the plan had developed the electric railway was allowed to cross that bridge. It laid its track upon the level of the general floor of the bridge. The whole surface, with the exception of a few inches occupied by the rail, is of asphalt, and the consequence is the part of the bridge which the track occupies is just as much a part of the bridge as if the track was not there. So the only additional cost is the cost to the railroad itself of laying its rails and electrifying the bridge for the operation of the cars.

Mr. STAFFORD. Of course that part of the bridge that is now used by the railroad is partly appropriated by the railroad and not used for vehicles?

Mr. CARLIN. The gentleman is mistaken. It is used entirely for vehicles, except when the cars are passing over or on the track.

Mr. STAFFORD. For instance, take the Rock Creek Bridge, on which cars go out to Chevy Chase, while vehicles may use the trackage between the tracks, nevertheless we know the vehicles use only the part that is on the side of the tracks; and I think if we are going to provide for double tracks, it will mean the making of the bridge much wider than contemplated if the tracks were not laid on the bridge.

Mr. CARLIN. I do not think so. Have you ever been over the Highway Bridge between Washington and Virginia?

Mr. STAFFORD. Not the Highway Bridge. I have crossed the Aqueduct Bridge many times.

Mr. CARLIN. I believe it is not wider than the Aqueduct Bridge, and yet they have two tracks on it, but the tracks are not a hindrance to other vehicles except when the cars are on the tracks.

Mr. MANN. The gentleman will say that the travel over the Highway Bridge is very scant?

Mr. CARLIN. I think there is a car every five or six minutes. There are something like 100 trains a day.

Mr. MANN. Probably nothing like every five or six minutes. But it is not real street-car service, like city service is?

Mr. CARLIN. They run a street-car service from Washington to some suburban points at street-car prices, and they sell tickets, I think, six for a quarter, just as they do in the city of Washington.

Mr. MANN. But the gentleman will not for a moment claim that the number of cars that go over that bridge is comparable with a number of cars on a street-car line in the city of Washington?

Mr. CARLIN. All I know is that it amounts to several millions of passengers a year that go over the bridge, and who pay fare.

Mr. MANN. Do they pay any revenue?

Mr. CARLIN. Yes, sir.

Mr. MANN. How much do they pay?

Mr. CARLIN. Twelve thousand five hundred dollars, I understand, a year. It amounts to about 4 per cent on $300,000; it may be a little less than the sum I have named.

Mr. LENROOT. Will the gentleman yield?

Mr. CARLIN. I will.

Mr. LENROOT. The gentleman stated that he drafted this bill.

Mr. CARLIN. I drafted the original bill.

Mr. LENROOT. The first section authorizes the construction of this bridge and limits the cost to $1,000,000. Section 5 appropriates $300,000 to commence the construction of the bridge and the approaches thereto. I want to ask the gentleman whether it was his thought that a limitation of $1,000,000 should include the approaches?

Mr. CARLIN. No; it is not; and I will tell you why. The lowest estimate of a bridge is within $1,000,000. This bill provides for the construction of the bridge at or near the present site, but does not compel its construction upon the present site.

Mr. HULBERT. Mr. Chairman, right at that point will the gentleman yield?

Mr. CARLIN. I will when I have answered this question. Therefore it may be found to be necessary, when they make the river soundings, to move this end of the bridge; and in doing that they may have to pay for some property on the Washington side of the river. I am very glad that it does not occur on the Virginia side, because in that event somebody might suspect that somebody in Virginia would make something out of this bridge. That is not possible on the Virginia side, but it is possible and even probable that on this side they will have to condemn some land.

Mr. LENROOT. The cost of the improvement may possibly become very great?

Mr. CARLIN. Yes. That is an engineering proposition to a large extent. Of course, they have to approach this bridge, as suggested by the gentleman from Pennsylvania [Mr. MOORE] in such a way that the bridge, when constructed, will not offer any obstruction to navigation.

Mr. LENROOT. Has the gentleman any estimate of the probable cost of these approaches?

Mr. CARLIN. No; and no one else has; because it is impossible to state within what limits this bridge will be constructed until the plans and surveys have been made.

Mr. LENROOT. It might run into another million dollars?

Mr. CARLIN. Oh, no. After talking the problem over with engineers and with others, I have not the slightest idea that it will approach the amount we have appropriated.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MANN rose.

The CHAIRMAN. The gentleman from Illinois is recognized.

Mr. HULBERT. Mr. Chairman, I simply want to thank the gentleman for yielding to me and answering my question. [Laughter.]

Mr. MANN. I will yield to the gentleman from Virginia, in order that he may answer the gentleman from New York.

Mr. HULBERT. The gentleman answered my question.

Mr. CARLIN. I thank the gentleman. I am always glad to give information when the House desires it.

The CHAIRMAN. Does the gentleman from Virginia desire time? The gentleman from Illinois [Mr. MANN] yielded to him.

Mr. MANN. I yielded to the gentleman to answer the question of the gentleman from New York.

Mr. LEVER. Mr. Chairman, will the gentleman from Illinois yield to me for a moment, not for a question, but a statement?

Mr. MANN. Yes.

Mr. LEVER. Mr. Chairman, there are some very pressing unanimous-consent bills on the calendar, and I suspect that probably some of this debate and the delay incident to it is aimed at another bill on the calendar, one in which I am interested. I do not think the gentleman from Illinois is a party to that matter.

Mr. MANN. I certainly am not.

Mr. LEVER. I will say that I am withdrawing the bill I am interested in, and I am going over to my office and going to work.

Mr. ADAMSON. The gentleman does not mean this bill. He means another bill.

Mr. CARLIN. I congratulate the gentleman on going to work. [Laughter.]

Mr. MANN. I am sorry the gentleman from South Carolina is delayed by the discussion on this bill, but when he says he is going to his office and is going to work, I can not help but smile, because I happen to know that he is the father for the first time of a little daughter, and he evidently is going home. [Applause.] We are all proud of it, and we extend to him and his better half our congratulations. [Applause.]

Mr. Chairman, ordinarily on unanimous-consent day we do not stop to discuss at any length bills that come before the House by unanimous consent, and it would not be a desirable practice. Yet in view of the situation as to the Aqueduct Bridge it did seem desirable to have Congress act upon it speedily. If there has been delay in the past, it has been because we have delayed it. It has not been because it has not in a way been called to the attention of Congress, and the situation is now such that there ought to be something done concerning the bridge. We ought to determine if we are not going to do anything, and let them close it up, or we ought to provide some method of taking care of the present bridge or constructing a new bridge; and without taking up time on unanimous-consent day there did not seem to be any chance of taking this bill up in a reasonable time except by unanimous consent. That is the only excuse I have for saying anything on the matter.

On this side of the Potomac River is the District of Columbia, and I understand our title runs over to and includes the low-water mark on the Virginia side.

Mr. JOHNSON of Kentucky. The high-water mark.

Mr. MANN. Yes; the high-water mark on the Virginia side, so that the District of Columbia and the Government outside of other ownership would own the title, probably, of the necessary supports for the bridge; certainly beyond the middle of the stream. But on the other side of the Potomac we have Fort Myer, and we have Arlington and the Arlington Agricultural Experiment Station, covering a large amount of land, and I suppose practically owning most of the way, if not all the way; certainly to the extent of a road from the bridge up to Fort Myer.

We have the Highway Bridge, which is down this way from the Aqueduct Bridge, which has now been connected with Arlington and Fort Myer by a very fine military road, not constructed for the purpose of troops marching, because, instead of running in a straight line, it curves around every possible thing it can curve around. There is not a straight line on it anywhere for any distance. That is one of the fancy things we have done.

But that road and bridge are not sufficient. I think sooner or later we must construct a new bridge to take the place of the Aqueduct Bridge for our own use; that the Government itself, for its own convenience, if there were nothing else involved, would have to build a bridge across the river at about that point. Of course, the people of the District of Columbia, engaged in business here on the one side, desire the people to come in from Virginia with their goods to sell and to make purchases, and the people engaged in business here who desire to live in Virginia and to go home and come back make it a desirable thing to have the bridge in the interest of the District of Columbia. However, there is a little feature, in addition to that, which I think has not been very fully described by my friend from Virginia [Mr. CARLIN]. You can build a bridge for the purposes of the Government that need not be a very wide bridge. It does not require quite as strong a superstructure or foundation. You could build a bridge for the use of the teams that come across it without making it a very wide bridge; but it is proposed here to have a street car line on the bridge; and while the bill provides for one or more street car lines and authorizes the Washington & Old Dominion Railway specifically to operate on the bridge, and provides for other street car lines, as a matter of fact there is no possibility of any other street car company using this bridge. It is a physical impossibility. The Pennsylvania Avenue line could use the bridge by running across to the Virginia side, but the passengers transfer there under the present system, and there would be no earthly object in having the Virginia line run its cars over to the District side and then, in addition to that, having the District line run its cars over to the Virginia side. One car line across the bridge would answer all purposes. And if, as sooner or later will likely happen, the Washington & Old Dominion Railway Co., the Virginia line, is absorbed by the District of Columbia line, the Pennsylvania Avenue line, that is the only car line that can possibly cross the bridge.

Mr. CARLIN. Will the gentleman yield?

Mr. MANN. Certainly.

Mr. CARLIN. I am sure the gentleman wants to be informed——

Mr. MANN. Just cut that out and make the statement.

Mr. CARLIN. The gentleman wants to be informed about the electric lines there.

Mr. MANN. I do not know whether I do or not.

Mr. CARLIN. The Falls Church railroad now has a track constructed to the southern approach of this bridge. That is an entirely different line from the Old Dominion.

Mr. MANN. It runs over the tracks of the Old Dominion Railway, does it not?

Mr. CARLIN. No; it does not come across the bridge at all now.

Mr. MANN. Possibly not. There may be a dozen lines from Virginia that come in there. I do not know.

Now, as a matter of fact hardly any visitor ever crosses this bridge on the street car line, or probably ever will. If one goes from Washington to Fort Myer by the car line, the most interesting thing he sees—and about the only interesting thing he does see on his way—is when crossing the Potomac River. The flowing water has a fascination for the eye everywhere. People voluntarily walk across the river—that is, visitors who go from this side. Of course the regular patrons who live over in Virginia get tired of walking across and looking at the water, and they come through on the car line. So the car line authorized on this bridge is purely and solely for the benefit of those people who live over in Virginia who come over into the District of Columbia. That is a proper place for people to live and this is a proper place to come to, but the bridge will have to be a good deal wider and a good deal stronger than would otherwise be required in order to accommodate these Vir-

ginia people. Only a few days ago we passed a law removing the Washington & Old Dominion Railway Co. from any control of the Public Utilities Commission of this District, except so far as their line is in the District of Columbia; and I believe the only place where it is in the District of Columbia is where it crosses the present Aqueduct Bridge, which a car seldom runs over. Now, how much more it is going to cost has not been ascertained. It will cost a good deal more money than the Government needs for a bridge to use for its purposes, and the additional cost will be for the benefit of the people in Virginia.

I understand very well that up to the present time real estate on the Virginia side has not been very much developed. In the movement of new building operations in Washington they have spread around the District of Columbia, but it is inevitable that the territory on the Virginia side will be developed. More or less development has been going on there now. Some Members of this House live over there already during the sessions of Congress, and doubtless more soon will live there.

Now, it is proposed to build a bridge at a starting price of $1,000,000, probably $250,000 being represented by the added cost of the bridge in order to accommodate people who live in the State of Virginia. It hardly seems to me that it is an answer to that proposition to say that when certain very distinguished Virginians in the early days of the Republic had secured the location of the Capital of the United States at this spot, and, in order to make that secure and without possible failure, had procured the State of Virginia to give the Government of the United States $100,000 to be expended here, which they never asked and never intended to be returned to them—it is hardly an answer to say, when we are to do something now for their present benefit, that their great grandfathers years ago did something in their own interest to secure the location of the Capital at Washington.

If these Virginians are receiving this benefit, if the Washington & Old Dominion Railway Co. and the Great Falls Railway Co. are going to use this bridge, why should not they pay that much of the cost of its construction as is caused by their use of the bridge?

The gentleman from Virginia [Mr. CARLIN] says they propose to pay half a cent a passenger, and he said a while ago that that would pay the interest at 4 per cent on the entire cost of the bridge. Well, that would mean 8,000,000 passengers a year. Now, if there is going to be 8,000,000 passengers a year going over the bridge into Virginia, that is going to be a tremendously valuable thing for Virginia. If they are going to have such a population as that go to and from the District of Columbia, amounting to 8,000,000 in the course of a year, certainly they ought to advance the money to pay for it. If it is going to develop their territory in that way, how can they escape the proposition?

Mr. CARLIN. Will the gentleman yield?

Mr. MANN. Yes.

Mr. CARLIN. The gentleman seems to miss the force of my argument; he only follows the words. I was trying to show that if they paid half a cent each way they would pay for the use of the bridge. The gentleman's remarks have confirmed me by saying that only Virginians will travel over the bridge, and therefore Virginia will pay the half cent, for I have no doubt that the railroad company will not carry them without making them pay the half cent.

Mr. MANN. That is a promise in the future. You propose to have us hold the sack—you want us to advance the money—but if your promise is good the value is to you, which you ought to pay for now.

Another thing I would like to ask about. The gentleman introduced a bill carrying a million and a half dollars. It authorizes the expenditure of a million in the substitute report. There is a disagreement whether that covers the approaches or not. The bill is not plain. The other day I was forced into the position of asking the House to authorize an increase in the appropriation or limitation for the Lincoln Memorial. I believe, as a general thing, in having people determine how much they will do things for. What guaranty is there here from any statement or information that has been yet secured which authorizes the reduction in this bill from a million and a half dollars to a million dollars? Was it because it looked as though a million dollars would be easier to get through, or because the gentleman from Virginia, in introducing the bill, made no investigation as to the cost of the bridge before he introduced it, and have they acquired additional information since the bill was introduced? This matter has been under consideration for a long time. Army and District engineers have investigated and reported upon this time and time again. When did the light appear that showed the difference in the cost between a million and a half dollars on December 6 and a million dollars on February 11?

Mr. ADAMSON. Will the gentleman yield?

Mr. MANN. Yes.

Mr. ADAMSON. I desire to state to the gentleman, in connection with his discussion, that there is no discrepancy. The committee made the amendment because the committee, after investigation, learned from the officials of the War Department that less than a million dollars would do this work and build this bridge.

Mr. MANN. I would like to see a statement of that kind from the War Department.

Mr. ADAMSON. We have it from Col. Langfitt.

Mr. MANN. Why does not the gentleman make them produce a statement in writing and put it into the report? Everybody knows that loose statements on the floor of this House amount to nothing, and that if we start to build this bridge we have to finish it.

Mr. ADAMSON. It would have made a rather lengthy report if we had considered it necessary to recite Col. Langfitt's letter, and I wish to assure the gentleman that I have not made any loose statement on the floor of the House. We had Col. Langfitt before the subcommittee two years ago, and we had him produce a statement as to what it would cost to construct it. The letter could be found somewhere. It is not a formal report from the Secretary of War, but it is information on which the committee acted in reducing the amount to $1,000,000.

Mr. MANN. The distinguished gentleman says that two years ago they had a letter from the colonel stating that this bridge could be constructed for $1,000,000, and yet the gentleman from Virginia [Mr. CARLIN], who is a very live wire here in reference to this bridge, in December last, after careful consideration and reconsideration of the subject, two years later than the colonel's letter, proposed to appropriate one million and a half for the construction of the bridge.

Mr. LENROOT. Mr. Chairman, will the gentleman yield?

Mr. MANN. Yes.

Mr. LENROOT. I desire to ask the gentleman from Georgia whether he will not put that letter in the RECORD?

Mr. ADAMSON. I will, if I can find it, and I think I can.

Mr. COOPER of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. MANN. Yes.

Mr. COOPER of Wisconsin. The gentleman from Georgia said that he had a letter from some engineer, a letter 2 years old, stating "this" bridge could be built. What bridge? Is it a bridge? If it is this bridge, there must be definite plans and designs. What can be built for this amount of money?

Mr. MANN. I think they have made a number of reports heretofore. That they have made definite plans I do not undertake to say, but I do not know, and no one here now can tell from a reading of this bill, whether this million dollars is to include the cost of the approaches to the bridge or even whether it is to include the land condemned for the approaches.

Mr. CARLIN. Mr. Chairman, will the gentleman yield?

Mr. MANN. In a moment.

Mr. COOPER of Wisconsin. Is there anything in this bill to show of what material the bridge is to be constructed?

Mr. MANN. No.

Mr. COOPER of Wisconsin. Is there anything in the bill to show how many arches there are to be in the bridge?

Mr. MANN. No.

Mr. COOPER of Wisconsin. Is there anything to show the height of the bridge above the water?

Mr. MANN. There is not anything to show that, but that practically is fixed, of course.

Mr. COOPER of Wisconsin. When they speak of "this" bridge, what bridge is referred to?

Mr. MANN. I suppose the gentleman refers to the Aqueduct Bridge. I remember very well that there were some very fancy pictures and specifications, blue prints, and so forth, very fancy, very extensive, for the memorial bridge the first term that I was in Congress, and that is nearly 20 years ago.

Mr. CARLIN. Mr. Chairman, will the gentleman yield?

Mr. MANN. Yes.

Mr. CARLIN. I can very easily explain the difference between $1,500,000, which was provided for in the bill as I introduced it, and the $1,000,000 as the bill appears now, as the committee has amended it. I was willing to build a much better bridge than the committee seems to have been willing to build.

Mr. MANN. I have now gotten the thing I wanted. Before this bridge is constructed, plans must be submitted to the Fine Arts Commission.

Mr. SIMS. Must be?

Mr. MANN. Must be. Does any gentleman here think that the Fine Arts Commission is going to cut out any of the beauties of the bridge which the gentleman from Virginia wanted to build?

Mr. CARLIN. Does the gentleman think that they ought to be cut out?

Mr. MANN. In order to build a plain structure?

Mr. CARLIN. Does the gentleman believe that they ought to cut out any of the attractiveness that ought to be in it?

Mr. MANN. I do not.

Mr. CARLIN. Nor do I.

Mr. MANN. But I want to know what the bridge is going to cost. The gentleman now says that some of them were cut out.

Mr. CARLIN. I did not cut them out, but the committee cut them out.

Mr. MANN. But the gentleman reduces it from a million and a half to a million dollars, but he does not think it ought to be done. What does that mean? They do not intend to do it.

Mr. SIMS. Will the gentleman yield?

Mr. MANN. I will.

Mr. SIMS. Will not that be rather an argument that may be used against authorizing the building of the memorial bridge that is to cost five, ten, or possibly twenty million dollars, and upon the reputation of which the Fine Arts Commission will live the balance of their lives?

Mr. MANN. That is not an argument, because the Aqueduct Bridge has been built, and we are still talking about the memorial bridge, but we put through Congress a provision two and a half years ago providing for a commission and plans to be drawn for a memorial bridge; but at that time it was not known there was anything specially the matter with the Aqueduct Bridge. We will build a memorial bridge in the course of time. Now, we had a little controversy going on a little while ago about the Fine Arts Commission in reference to the location of the power plant. I drove down there last night. Now, a commission of the members of the Architects' Institute or anybody else, whether they be Members of the House or the Senate, that will go and look at the site again for the proposed power plant and then insist that that site shall be subject to review by the Fine Arts Commission, as gentlemen are insisting, will certainly readily admit that no site, even for a bridge, can be selected without the approval of the Fine Arts Commission, which under the law must first approve the plans for the bridge; and, gentlemen, when they talk about a million-dollar bridge there with just a little turn in it, why, the probabilities are that before this bridge gets through the Fine Arts Commission it will rove around in curves back and forth more like the letter "S" than like a straight bridge.

Mr. SIMS. Has Congress the power to abolish this Fine Arts Commission?

Mr. MANN. The Congress has power, but it is not going to abolish the Fine Arts Commission. I am not endeavoring to reflect upon the Fine Arts Commission, except in reference to this power plant, and there, I think, they do not know what they are doing. I think the Fine Arts Commission will insist, and ought to insist, possibly, upon plans for this bridge, but you will not build it within a million dollars.

Mr. ESCH. Will the gentleman yield?

Mr. MANN. I will.

Mr. ESCH. Is it contemplated that this bridge will be under the jurisdiction of the Fine Arts Commission, it not being wholly in the District of Columbia, but between the District of Columbia and the State of Virginia?

Mr. MANN. It is wholly in the District of Columbia.

Mr. ESCH. Not the District of Columbia.

Mr. MANN. Oh, yes; all in the District of Columbia.

Mr. ESCH. Is not a little of it in Virginia?

Mr. CARLIN. And yet they want Virginia to pay for it.

Mr. ESCH. It is not wholly within the District of Columbia?

Mr. MANN. The approach on the Virginia side is under the control of the State of Virginia, but the bridge is wholly in the District of Columbia. I think that the District line runs over high-water mark on the other side; but that would not make any difference. A part is in the District of Columbia, and when we are paying for it on the ground that it is in the District of Columbia that is probably a sufficient reason for saying that it is in the District of Columbia.

Mr. CARLIN. Will the gentleman yield?

Mr. MANN. I will yield to the gentleman from Virginia, although I would like to get along.

Mr. CARLIN. I want to say to the gentleman, in the light of what has transpired, that if in the wisdom of the Fine Arts Commission, the Secretary of War, and others it would require a larger sum of money to build a proper structure, then I will certainly join with the gentleman from Illinois in trying to secure it, if necessary.

Mr. MANN. Well, I think the gentleman meant to say that he certainly hoped the gentleman from Illinois would join with him in endeavoring to secure it.

Mr. CARLIN. Well, I understood the gentleman to say he did not want anything omitted that ought to be there.

Mr. MANN. I do not want anything omitted that ought to be incorporated, but I think before we undertake these things, as a rule, at least we ought to know what we are doing and something about what it will cost. Now, this bill provides nothing in reference to power-plant companies, electric companies, or gas companies.

Mr. CARLIN. It does as reported, but it does not as introduced.

Mr. MANN. Where is it?

Mr. CARLIN. In the substitute.

Mr. MANN. Where in the substitute—oh, I see, on conditions—but that does not require the payment of rent.

Mr. CARLIN. It leaves that to the Secretary of War.

Mr. MANN. I do not know whether it does or not.

Mr. CARLIN (quoting):

That the said bridge shall be used as a highway for traffic, and for gas and water mains, power, telegraph and telephone wires and cables—

And so forth.

Mr. MANN. Does that authorize the Secretary of War to exact a rental?

Mr. CARLIN. It is proposed by the amendment, I think, which is suggested by the gentleman from Kentucky [Mr. JOHNSON] to strike out the language below, which would put it in the power of the Secretary of War, I think, to fix the terms. If it does not, it ought to do so.

Mr. MANN. I have found some difficulty in this. Here is a bill introduced and another bill reported. The gentleman refers to amendments that have been agreed upon that entirely change the substance of both bills. Those, of course, I do not know about and can not discuss. I would like to ask this about the bill: Section 3 of the bill authorizes the Secretary of War to contract for the removal of the present bridge and for the sale thereof. Section 5 makes an appropriation out of the National Treasury for the removal of the bridge. The last section of the bill provides for another appropriation for the maintenance of the bridge. That I can understand. Now, how is this bridge to be removed? At Government expense or by contract or at the expense of the contractor?

Mr. CARLIN. I think the bill anticipates that the Government would have the right to sell the bridge and provide for its removal by the person to whom it was sold.

Mr. MANN. Why should we make provision for the Government to remove it?

Mr. CARLIN. In the event there should be no purchaser, the Government would have to do this.

Mr. MANN. It is very evident that nobody has made much investigation to ascertain what you could do.

Mr. CARLIN. Not in reference to the sale of the bridge.

Mr. MANN. It is easy to ascertain whether this bridge can be sold or moved by contract, or not. It does not require very much learning to know that.

Mr. CARLIN. I tried to ascertain it, and the best I could find out about it was that it was probable that a purchaser might be found.

Mr. MANN. Is this bridge intended to be used all the time while the new bridge is under construction?

Mr. CARLIN. It will have to be used while the new bridge is under construction.

Mr. MANN. And anybody knows you can not come and ask for the removal and sale of it.

Mr. CARLIN. Why not?

Mr. MANN. It will have to be taken away piecemeal.

Mr. CARLIN. Only at the approaches.

Mr. MANN. If you erect a new bridge over this line, put in your foundations, and so forth, you have got to remove your bridge part at a time when you put up the new bridge.

Mr. CARLIN. Not if you build to the east or west of the new bridge.

Mr. MANN. It is not possible to build on the Virginia side, I guess, is it, either east or west?

Mr. CARLIN. Oh, yes; the Government can go either way.

Mr. MANN. Is it proposed to do that? Does the gentleman know, or are there any plans enough to know, whether it is proposed to build a new bridge either east or west of this, or build it where this bridge now is?

Mr. CARLIN. I think there has been enough said about it by those who would have the building of the bridge so that a very clear idea is had as to what will be done.

Mr. MANN. What will be done? Tell us.

Mr. CARLIN. I will tell you. Somewhere between Thirty-fourth Street and the present site will be found an approach for the new bridge. Of course it depends upon the soundings that will have to be made by the War Department for foundations, and so forth, and depending further upon the desirability of approaches from the section where the bridge would most likely land.

Mr. MANN. Do not make it too long. I would like to get at the point.

Mr. CARLIN. I am through with it.

Mr. MANN. Is it intended, in the gentleman's opinion, regardless of anything else, that the present bridge shall remain there while they are constructing the new bridge?

Mr. CARLIN. Yes, sir.

Mr. MANN. Then why do you make an appropriation now to remove the old bridge before you commence an appropriation to build a new bridge? Of all the ridiculous things I ever heard about, to bring a bill in here to furnish a new bridge, which does not even contain an appropriation for a new bridge, but does contain an appropriation for the removal of the old bridge, and the gentleman says the old bridge is not to be removed until the new bridge is completed, which will be years hence.

Mr. CARLIN. Well, I think the gentleman is a little ahead of what the bill provides for.

Mr. MANN. Oh, no; not nearly as far ahead as this bill for the removal of the old bridge is ahead.

Mr. CARLIN. The same paragraph that provides for the removal of the old bridge provides for the approaches of the new bridge. The money is not exclusively for that purpose, but is so intended, if any portion of it is needed. It might be used for that purpose. My own belief is that the Government will receive something in addition to the cost of removal by exposing the present bridge to public auction.

Mr. MANN. I read from section 5:

> That the sum of $300,000, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the purpose of securing proper plans and for the payment of any lands, easements, rights, or property, and for the removal of the present structure.

Yet the gentleman says the present structure is not to be removed until the new structure is completed, and he has no appropriation here for the new structure.

Mr. CARLIN. No appropriation for the new structure?

Mr. MANN. No.

Mr. CARLIN. Then I suggest that it be put in.

Mr. MANN. That is a part of this item, and it is proposed to reduce that, as suggested by the gentleman from Georgia [Mr. ADAMSON], so that there would be no appropriation for that purpose. Where is the appropriation for the new bridge?

Mr. CARLIN. For the million dollars?

Mr. MANN. Yes. Where is it?

Mr. CARLIN. I think the gentleman is possibly correct. The authorization is there. I think an appropriation ought to be included in this bill.

Mr. MANN. Well, now, that is another thing. What ought to be done, in the opinion of my distinguished friend from Virginia——

Mr. CARLIN. It is suggested to me that the appropriation will be carried in an appropriation bill.

Mr. MANN. I suggest that it would be just as easy to carry in a general appropriation bill an appropriation to remove the present structure as it is to carry in a general appropriation bill an appropriation for the new structure.

M. CARLIN. I have no objection to that.

Mr. MANN. It just shows how carelessly the bill has been prepared. It provides in one section that the contractors shall remove the old bridge. It provides in another section that the Government shall remove it at its own expense; and it makes an appropriation for the removal but not for the commencement of new construction.

Mr. PARKER of New Jersey. Does not the gentleman notice that an appropriation of $300,000 is made to commence new construction?

Mr. MANN. My friend from New Jersey was not in the Hall when this was discussed. It has been proposed in the committee to strike out all that in connection with the commencement of the new structure. I am sorry to have detained the committee so long. I reserve the balance of my time.

The CHAIRMAN. The gentleman from Illinois [Mr. MANN] reserves 20 minutes.

Mr. PAGE of North Carolina rose and was recognized.

Mr. ADAMSON. Mr. Chairman——

The CHAIRMAN. The Chair does not recognize the gentleman from Georgia [Mr. ADAMSON], because he has been previously recognized.

Mr. ADAMSON. I wanted to sound the committee on the tendency on general debate, with a view to ascertaining whether there is any prospect of reading the bill this evening.

Mr. PAGE of North Carolina. Mr. Chairman, I will say to the chairman of the committee that I do not propose to occupy the entire hour which is my right under recognition.

Mr. ADAMSON. I do not know, if I should move to rise, whether the committee would stay risen.

Mr. MANN. How much time does the gentleman desire to occupy?

Mr. PAGE of North Carolina. Not more than 15 minutes, unless some gentlemen become more inquisitive than I think they will.

Mr. MANN. Suppose we agree upon half an hour of general debate for the gentleman, and then rise?

Mr. ADAMSON. And then start reading the bill.

Mr. MANN. I mean rise now, and have half an hour's debate later.

Mr. ADAMSON. Mr. Chairman, I would be glad if we could finish the debate and start reading the bill, and then rise.

Mr. PAGE of North Carolina. Mr. Chairman, is this taken from my hour?

The CHAIRMAN. It is not.

Mr. MANN. I will yield time to the gentleman if he desires.

Mr. ADAMSON. Mr. Chairman, I ask unanimous consent, then, that general debate end in 30 minutes.

The CHAIRMAN. The Chair would like to ask, if the agreement goes through, is it desired to determine who shall control the time?

Mr. ADAMSON. The gentleman from North Carolina [Mr. PAGE] would control it.

Mr. MANN. The gentleman from North Carolina will have the control, but it could be arranged very easily.

Mr. ADAMSON. How much time does the gentleman from North Carolina desire to take?

Mr. PAGE of North Carolina. Fifteen minutes.

Mr. ADAMSON. The gentleman from South Carolina [Mr. RAGSDALE] wants 15 minutes. The general debate will end in one hour.

Mr. MANN. One hour's general debate, at the end of which time debate shall cease.

The CHAIRMAN. The Chair will put the request as it is submitted to the Chair. The gentleman from Georgia asks unanimous consent that the general debate close in one hour. Is there objection?

Mr. MOORE of Pennsylvania. Mr. Chairman, reserving the right to object, will the gentleman from Georgia indicate whether he wants to press this bill to its passage to-night?

Mr. ADAMSON. I should be glad to do so, but it has been intimated to me that I will have some trouble in doing it, so I may move that the committee rise.

The CHAIRMAN. The gentleman from Georgia asks unanimous consent that the general debate on the bill be closed in one hour. Is there objection?

There was no objection.

The CHAIRMAN. The Chair will state that if he is in the chair when this bill comes up again for consideration he will recognize the gentleman from North Carolina [Mr. PAGE].

Mr. ADAMSON. Let us have an understanding about who will use the hour.

Mr. MANN. The gentleman from North Carolina understands that there are two gentlemen who are to have 15 minutes apiece.

Mr. ADAMSON. I suppose if the gentleman from Illinois or myself should want any time, the gentleman from North Carolina would give it to us.

Mr. PAGE. I am sure there will be no trouble about that.

Mr. MANN. I suggest to the gentleman that there is no quorum here now.

Mr. ADAMSON. The only reason why I suggested that I might want to say something is that some one might ask me a question that I might want to elucidate.

I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. CRISP, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 759) to provide for the removal of what is now known as the Aqueduct Bridge across the Potomac River and for the building of a bridge in place thereof, and had come to no resolution thereon.

DAMS ACROSS THE SAVANNAH RIVER.

Mr. VINSON. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. VINSON. To endeavor to get unanimous consent or to suspend the rules to secure consideration for the bill (H. R. 157) to extend the time for the completion of dams across the Savannah River by authority granted to Twin City Power Co. by an act approved February 29, 1908, as amended by act approved June 3, 1912.

Mr. MANN. Oh, Mr. Speaker, I make the point of order that there is no quorum present.

Mr. VINSON. Then I will withdraw my request.

Mr. CRISP. I move that the House do now adjourn.

Mr. VINSON. I ask the gentleman from Illinois to withhold his point.

Mr. MANN. I withdraw the point of no quorum.

Mr. CRISP. I withdraw my motion.

Mr. MANN. But I will not withdraw it if you want to bring up any other bill to-night.

The SPEAKER. For what purpose does the gentleman from Georgia [Mr. VINSON] rise?

Mr. VINSON. It is my desire to make a motion to suspend the rules.

Mr. MANN. Then I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Illinois makes the point of order that there is no quorum present.

ADJOURNMENT.

Mr. CRISP. I move that the House do now adjourn.

Mr. ADAMSON. I move that the House do now adjourn.

The SPEAKER. Two gentlemen from Georgia move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 13 minutes p. m.) the House adjourned until to-morrow, Tuesday, February 22, 1916, at 12 o'clock noon.

## EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Charles W. Ostrander *v.* The United States (H. Doc. No. 766); to the Committee on War Claims and ordered to be printed.

2. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Nancy E. Reynolds, widow of Edward Reynolds, *v.* The United States (H. Doc. No. 767); to the Committee on War Claims and ordered to be printed.

3. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Stephen H. Reynolds *v.* The United States (H. Doc. No. 768); to the Committee on War Claims and ordered to be printed.

4. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Samuel B. Rowe *v.* The United States (H. Doc. No. 769); to the Committee on War Claims and ordered to be printed.

5. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Elizabeth Schissler, widow of John B. Schissler, *v.* The United States (H. Doc. No. 770); to the Committee on War Claims and ordered to be printed.

6. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Lydia Simms, widow of Alonzo F. Simms, *v.* The United States (H. Doc. No. 771); to the Committee on War Claims and ordered to be printed.

7. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Philander Skillman *v.* The United States (H. Doc. No. 772); to the Committee on War Claims and ordered to be printed.

8. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Weltha A. Smith, widow of Harrison W. Smith, *v.* The United States (H. Doc. No. 773); to the Committee on War Claims and ordered to be printed.

9. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Eliza Trimble, widow of David P. Trimble, *v.* The United States (H. Doc. No. 774); to the Committee on War Claims and ordered to be printed.

10. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Thomas T. Baldwin *v.* The United States (H. Doc. No. 775); to the Committee on War Claims and ordered to be printed.

11. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Josiah L. Barton *v.* The United States (H. Doc. No. 776); to the Committee on War Claims and ordered to be printed.

12. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Almira Beck, widow of William C. Beck, *v.* The United States (H. Doc. No. 777); to the Committee on War Claims and ordered to be printed.

13. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Robert L. Black *v.* The United States (H. Doc. No. 778); to the Committee on War Claims and ordered to be printed.

14. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Samuel C. Bradley *v.* The United States (H. Doc. No. 779); to the Committee on War Claims and ordered to be printed.

15. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Thomas M. Branman *v.* The United States (H. Doc. No. 780); to the Committee on War Claims and ordered to be printed.

16. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Pleasant B. Cashon *v.* The United States (H. Doc. No. 781); to the Committee on War Claims and ordered to be printed.

17. A letter from the Acting Secretary of War, transmitting, with a letter from the Chief of Engineers, reports on preliminary examination and survey of St. Clair River, Mich., with a view of securing a channel of adequate width and depth along the water front of Port Huron (H. Doc. No. 782); to the Committee on Rivers and Harbors and ordered to be printed, with illustrations.

18. A letter from the Acting Secretary of War, transmitting, with a letter from the Chief of Engineers, reports on preliminary examination and survey of Mianus River, Conn. (H. Doc. No. 783); to the Committee on Rivers and Harbors and ordered to be printed with illustrations.

19. A letter from the Acting Secretary of War, transmitting, with a letter from the Chief of Engineers, report on preliminary examination of Dividing Creek, N. J. (H. Doc. No. 784); to the Committee on Rivers and Harbors and ordered to be printed.

20. A letter from the Acting Secretary of War, transmitting petition of Mie Uratake, widow of Torahachi Uratake, for indemnity on account of death of husband, shot and killed by Private India Adams, Company K, Twenty-fifth United States Infantry, deceased and widow being subjects of Japan (H. Doc. No. 785); to the Committee on Foreign Affairs and ordered to be printed.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. LEVER, from the Committee on Agriculture, to which was referred the bill (H. R. 11861) to tax the privilege of dealing on exchanges, boards of trade, and similar places in contracts of sale of cotton for future delivery, and for other purposes, reported the same without amendment, accompanied by a report (No. 229), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. STEPHENS of Texas, from the Committee on Indian Affairs, to which was referred the bill (H. R. 9131) to amend an act entitled "An act for the relief of Indians occupying railroad lands in Arizona, New Mexico, or California," approved March 4, 1913, reported the same without amendment, accompanied by a report (No. 241), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the bill (S. 3391) to amend an act entitled "An act for the relief of Indians occupying railroad lands in Arizona, New Mexico, or California," approved March 4, 1913, reported the same without amendment, accompanied by a report (No. 242), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. McKELLAR, from the Committee on Military Affairs, to which was referred the bill (H. R. 11872) to establish and maintain military training colleges in the several States of the

Union, in Alaska, and in the District of Columbia, reported the same with amendment, accompanied by a report (No. 243), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

## REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. STEPHENS of Texas, from the Committee on Indian Affairs, to which was referred the bill (H. R. 10791) for the relief of the occupants of the Tuttle town site, reported the same with amendment, accompanied by a report (No. 228), which said bill and report were referred to the Private Calendar.

Mr. STEPHENS of Mississippi, from the Committee on Claims, to which was referred the bill (H. R. 10823) for the relief of the Farmers and Merchants' Bank, of Headland, Ala., reported the same with amendment, accompanied by a report (No. 230), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (H. R. 9458) for the relief of the heirs of Santos Benavides, reported the same with amendment, accompanied by a report (No. 231), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (H. R. 9459) for the relief of the heirs of S. P. H. Williams, reported the same with amendment, accompanied by a report (No. 232), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (H. R. 9994) for the relief of Samuel H. Walker, reported the same with amendment, accompanied by a report (No. 233), which said bill and report were referred to the Private Calendar.

Mr. EDMONDS, from the Committee on Claims, to which was referred the bill (H. R. 6167) for the relief of Dommick Taheny and John W. Mortimer, reported the same without amendment, accompanied by a report (No. 234), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (H. R. 10643) for the relief of Theodore Bagge, reported the same with amendment, accompanied by a report (No. 235), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (H. R. 947) for the relief of George T. Larkin, reported the same without amendment, accompanied by a report (No. 236), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (H. R. 10052) to reimburse J. T. Nance, reported the same with amendment, accompanied by a report (No. 237), which said bill and report were referred to the Private Calendar.

Mr. YOUNG of North Dakota, from the Committee on Claims, to which was referred the bill (H. R. 2554) for the relief of Mrs. Joseph Cameron, reported the same with amendment, accompanied by a report (No. 238), which said bill and report were referred to the Private Calendar.

Mr. EDMONDS, from the Committee on Claims, to which was referred the bill (H. R. 3255) for the relief of James Houyde, reported the same with amendment, accompanied by a report (No. 239), which said bill and report were referred to the Private Calendar.

Mr. STEPHENS of Texas, from the Committee on Indian Affairs, to which was referred the bill (H. R. 8203) to cancel the allotment of Davie Skootah on the Lummi Reservation, Wash., and reallot the lands included therein, reported the same without amendment, accompanied by a report (No. 240), which said bill and report were referred to the Private Calendar.

Mr. EDMONDS, from the Committee on Claims, to which was referred the bill (H. R. 5411) for the relief of Olaf Nelson, reported the same with amendment, accompanied by a report (No. 244), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (H. R. 6022) conferring jurisdiction on the Court of Claims to hear, determine, and render judgment in claims of the Sisseton and Wahpeton Bands of Sioux Indians against the United States, reported the same without amendment, accompanied by a report (No. 245), which said bill and report were referred to the Private Calendar.

## CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 9033) granting a pension to William Welsh; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 1468) granting a pension to Samuel C. Highsmith; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 6390) granting a pension to Charles B. McConn; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 7847) granting a pension to William H. Johnson; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 8601) granting a pension to William R. Prichard; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

## PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. ADAMSON: A bill (H. R. 11944) to prevent cheating and swindling in interstate and foreign commerce; to the Committee on Interstate and Foreign Commerce.

By Mr. BAILEY: A bill (H. R. 11945) providing for the erection of a public building at Tyrone, Pa.; to the Committee on Public Buildings and Grounds.

By Mr. MORRISON: A bill (H. R. 11946) to provide for the erection of a public building at Lebanon, Ind.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 11947) to provide for the erection of a public building at Noblesville, Ind.; to the Committee on Public Buildings and Grounds.

By Mr. TRIBBLE: A bill (H. R. 11948) to amend an act entitled "An act to regulate and improve the civil service of the United States"; to the Committee on the Judiciary.

Also, a bill (H. R. 11949) to amend an act entitled "An act to regulate and improve the civil service of the United States"; to the Committee on the Judiciary.

By Mr. DANFORTH: A bill (H. R. 11950) to amend section 17 of the United States bankruptcy law of July 1, 1898, and amendments thereto of February 5, 1903; to the Committee on the Judiciary.

By Mr. FERRIS: A bill (H. R. 11951) to authorize the sale of certain lands in Oklahoma, and for other purposes; to the Committee on the Public Lands.

Also, a bill (H. R. 11952) to amend section 12 of an act entitled "An act to authorize the Secretary of the Interior to issue patents in fee to purchasers of Indian lands under any law now existing or hereafter enacted, and for other purposes," approved May 29, 1908, and for other purposes; to the Committee on the Public Lands.

By Mr. HELVERING: A bill (H. R. 11953) to create in the War Department and the Navy Department, respectively, a roll designated as "the Civil War volunteer officers' retired list," to authorize placing thereon with retired pay certain surviving officers who served in the Army, Navy, or Marine Corps of the United States in the Civil War, and for other purposes; to the Committee on Military Affairs.

By Mr. STEPHENS of Mississippi: A bill (H. R. 11954) to provide for the establishment of a bureau of farm loans in the Department of Agriculture, and for making loans to farmers upon lands; to the Committee on Banking and Currency.

By Mr. TAGGART: A bill (H. R. 11955) to amend an act entitled "An act to regulate commerce"; to the Committee on Interstate and Foreign Commerce.

By Mr. SMITH of Idaho: A bill (H. R. 11956) authorizing the Secretary of the Interior to subdivide the southeast quarter of section 18, township 46 north, range 4 west, Boise meridian (the same being that portion of the town site of Plummer, Benewah County, Idaho, not yet platted), into 5-acre tracts for sale, and for other purposes; to the Committee on Indian Affairs.

By Mr. LEVER: A bill (H. R. 11957) to amend an act entitled "An act to authorize condemnation of land for sites of pub-

lic buildings, and for other purposes," approved August 1, 1898, and for other purposes; to the Committee on the Judiciary.

By Mr. McCLINTIC: A bill (H. R. 11958) to provide for the sale of certain Indian lands in Oklahoma, and for other purposes; to the Committee on Indian Affairs.

By Mr. MUDD: A bill (H. R. 11959) to aid the State of Maryland to construct a military and post road to be known as the National Defense Highway, connecting the United States Naval Academy grounds at Annapolis, the capital of Maryland, and the seat of the Federal Government, the District of Columbia; to the Committee on Roads.

By Mr. GANDY: A bill (H. R. 11960) giving the assent of Congress to the Missouri River Power Co. to construct a water power with appurtenant works on the Missouri River, and conferring on said Missouri River Power Co. the right to condemn land for such purpose; to the Committee on Interstate and Foreign Commerce.

By Mr. BRITT: A bill (H. R. 11961) to establish a fish-hatching and fish-cultural station within the tenth congressional district, State of North Carolina, and for other purposes; to the Committee on the Merchant Marine and Fisheries.

By Mr. HOWELL: A bill (H. R. 11962) to increase the limit of cost of public building at Park City, Utah; to the Committee on Public Buildings and Grounds.

By Mr. RAKER: A bill (H. R. 11963) to provide for furnishing equipment for establishing lights and day beacons in Lake Tahoe, Cal. and Nev., and for the maintenance of such lights and day beacons; to the Committee on Interstate and Foreign Commerce.

By Mr. FINLEY: A bill (H. R. 11964) authorizing the Secretary of War to donate to the Daniel Morgan Chapter, Daughters of the American Revolution, of Gaffney, in the State of South Carolina, four iron cannon or fieldpieces; to the Committee on Military Affairs.

By Mr. MURRAY: A bill (H. R. 11965) for the regulation of the use of the mails by stock exchanges and their members, and to amend certain sections of the Criminal Code of the United States, Compiled Statutes, relating to lotteries, and for other purposes; to the Committee on the Post Office and Post Roads.

Also, a bill (H. R. 11966) to create a national university at the seat of the Federal Government; to the Committee on Education.

By Mr. PAIGE of Massachusetts: A bill (H. R. 11967) to amend sections 4886 and 4887 of the Revised Statutes relating to patents; to the Committee on Patents.

By Mr. SMITH of Texas: A bill (H. R. 11968) to amend section 3 of an act entitled "An act providing for patents on reclamation entries, and for other purposes," approved August 9, 1912; to the Committee on Irrigation of Arid Lands.

By Mr. BYRNES of South Carolina: A bill (H. R. 11969) providing for a survey of the Savannah River at North Augusta, S. C.; to the Committee on Rivers and Harbors.

By Mr. TILSON: A bill (H. R. 11970) to regulate promotion in the Regular Army of the United States; to the Committee on Military Affairs.

By Mr. KAHN: Joint resolution (H. J. Res. 163) authorizing the President to appoint Prof. Charles E. Chapman, professor of history in the University of California, a delegate to the Buenos Aires Historical Congress, to be held in the city of Buenos Aires, Republic of Argentina, in July, 1916; to the Committee on Foreign Affairs.

## PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ADAIR: A bill (H. R. 11971) granting an increase of pension to Nancy A. Goontz; to the Committee on Invalid Pensions.

By Mr. AYRES: A bill (H. R. 11972) granting an increase of pension to William H. De Long; to the Committee on Pensions.

By Mr. BRITT: A bill (H. R. 11973) granting a pension to Emma Woodard; to the Committee on Pensions.

By Mr. BRUCKNER: A bill (H. R. 11974) granting a pension to Mary C. Cummings; to the Committee on Invalid Pensions.

By Mr. BRUMBAUGH: A bill (H. R. 11975) to correct the military record of Cornelius Hardin; to the Committee on Military Affairs.

Also, a bill (H. R. 11976) granting an increase of pension to Washington G. Marshall; to the Committee on Invalid Pensions.

By Mr. CAMPBELL: A bill (H. R. 11977) granting an increase of pension to Samuel H. McCormick; to the Committee on Invalid Pensions.

By Mr. CANNON: A bill (H. R. 11978) granting an increase of pension to John M. Canady; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11979) granting an increase of pension to Solomon F. Hallett; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11980) granting an increase of pension to George J. Beeman; to the Committee on Invalid Pensions.

By Mr. CANTRILL: A bill (H. R. 11981) granting an increase of pension to Catharine Hatton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11982) granting an increase of pension to Samuel W. Adams; to the Committee on Invalid Pensions.

By Mr. COOPER of Ohio: A bill (H. R. 11983) granting an increase of pension to Hiram Laughlin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11984) for the relief of William E. Heffner; to the Committee on Claims.

By Mr. DILL: A bill (H. R. 11985) granting a pension to Elizabeth Gilson; to the Committee on Invalid Pensions.

By Mr. EDMONDS: A bill (H. R. 11986) granting an increase of pension to Kathryn Bowers; to the Committee on Pensions.

By Mr. FOSTER: A bill (H. R. 11987) granting a pension to David N. Denind; to the Committee on Pensions.

Also, a bill (H. R. 11988) granting an increase of pension to John A. Schmahl; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11989) to remove the charge of desertion from the record of Joseph West; to the Committee on War Claims.

Also, a bill (H. R. 11990) to remove the charge of desertion from the record of Jubal Grant and to grant him an honorable discharge; to the Committee on Military Affairs.

Also, a bill (H. R. 11991) to remove the charge of desertion from the record of Jesse W. Jackson; to the Committee on Military Affairs.

Also, a bill (H. R. 11992) to remove the charge of desertion from the record of Andrew J. Askew; to the Committee on Military Affairs.

Also, a bill (H. R. 11993) to remove the charge of desertion from the record of Armstrong Hunter; to the Committee on Military Affairs.

By Mr. GODWIN of North Carolina: A bill (H. R. 11994) granting a pension to Clyde C. Dickinson; to the Committee on Invalid Pensions.

By Mr. HAMILL: A bill (H. R. 11995) granting an increase of pension to Fannie Wanamaker; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11996) to correct the military record of William Cronley; to the Committee on Military Affairs.

By Mr. HAMLIN: A bill (H. R. 11997) granting a pension to Martha Hoover; to the Committee on Pensions.

Also, a bill (H. R. 11998) granting an increase of pension to Wanton G. Moon; to the Committee on Invalid Pensions.

By Mr. HART: A bill (H. R. 11999) for the relief of Lewis M. Miller; to the Committee on Military Affairs.

By Mr. HELM: A bill (H. R. 12000) granting an increase of pension to Jeff. T. Short; to the Committee on Pensions.

By Mr. HICKS: A bill (H. R. 12001) granting an increase of pension to John H. Terry; to the Committee on Invalid Pensions.

By Mr. HILLIARD: A bill (H. R. 12002) for the relief of Daniel R. Keyt; to the Committee on Military Affairs.

By Mr. KENNEDY of Iowa: A bill (H. R. 12003) granting an increase of pension to Levi Perkins; to the Committee on Invalid Pensions.

By Mr. KING: A bill (H. R. 12004) to remove the charge of desertion from the military record of Thomas C. Hubbell; to the Committee on Military Affairs.

By Mr. LINTHICUM: A bill (H. R. 12005) for the relief of the State Mutual Building Association; to the Committee on Claims.

By Mr. LOBECK: A bill (H. R. 12006) granting a pension to Roy L. Dunn; to the Committee on Pensions.

By Mr. McCRACKEN: A bill (H. R. 12007) to remove the charge of desertion against Jacob Mull; to the Committee on Military Affairs.

By Mr. MAGEE: A bill (H. R. 12008) granting a pension to Rose Salisbury; to the Committee on Invalid Pensions.

By Mr. MAHER: A bill (H. R. 12009) granting an increase of pension to Eleanor C. Doyle; to the Committee on Pensions.

By Mr. MORRISON: A bill (H. R. 12010) granting a pension to William R. Pryor; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12011) granting an increase of pension to Hiram T. Grayson; to the Committee on Invalid Pensions.

By Mr. OAKEY: A bill (H. R. 12012) granting an increase of pension to Annie M. Stannard; to the Committee on Invalid Pensions.

By Mr. OLDFIELD: A bill (H. R. 12013) granting an increase of pension to James Latture; to the Committee on Invalid Pensions.

By Mr. RANDALL: A bill (H. R. 12014) granting an increase of pension to William J. Ellsworth; to the Committee on Invalid Pensions.

By Mr. ROWLAND: A bill (H. R. 12015) granting an increase of pension to Fannie M. Lorain; to the Committee on Invalid Pensions.

By Mr. RUSSELL of Ohio: A bill (H. R. 12016) granting an increase of pension to Hanson Harmon; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12017) for the relief of the People's Savings & Loan Association, of Sidney, Ohio; to the Committee on Claims.

By Mr. SELLS: A bill (H. R. 12018) granting an increase of pension to Perry Greene; to the Committee on Invalid Pensions.

By Mr. SHOUSE: A bill (H. R. 12019) for the relief of Liza Anne Teters; to the Committee on War Claims.

By Mr. SMITH of Idaho: A bill (H. R. 12020) granting an increase of pension to William Graham; to the Committee on Invalid Pensions.

By Mr. STEAGALL: A bill (H. R. 12021) granting a pension to Leon W. Sims; to the Committee on Pensions.

By Mr. TAVENNER (by request): A bill (H. R. 12022) for the relief of the estate of Moses M. Bane; to the Committee on Claims.

By Mr. WINGO: A bill (H. R. 12023) granting an increase of pension to James W. Stine; to the Committee on Invalid Pensions.

By Mr. WOODS of Iowa: A bill (H. R. 12024) granting an increase of pension to Parker T. Gibbs; to the Committee on Invalid Pensions.

By Mr. YOUNG of Texas: A bill (H. R. 12025) for the relief of the estate of A. B. Denton; to the Committee on Claims.

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## PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Memorial of I. L. A., urging appropriation for improvement of Great Lakes; to the Committee on Appropriations.

Also (by request), memorial of Worley Bible Class, of Bethany Baptist Church, of Washington, D. C., opposing the Cary bill to authorize boxing and prize fighting in the District of Columbia; to the Committee on the District of Columbia.

Also (by request), memorial of Worley Bible Class, of Bethany Baptist Sunday School, Washington, D. C., favoring prohibition in the District of Columbia without the referendum; to the Committee on the District of Columbia.

Also (by request), memorial of Worley Bible Class, of Bethany Baptist Church, Washington, D. C., favoring national censorship of films; to the Committee on Education.

Also (by request), memorial of Kentucky Sons of the American Revolution, urging preparedness; to the Committee on Military Affairs.

By Mr. AYRES: Petition of citizens of Milton, Kans., protesting against stamp tax on bank checks; to the Committee on Ways and Means.

Also, petition of citizens of Wichita, Kans., for the establishment of an international tribunal whereby military conflict may be avoided between Republics of the Western Hemisphere; to the Committee on Foreign Affairs.

Also, petition of various citizens of Wichita, Kans., for national prohibition; to the Committee on the Judiciary.

Also, petition of citizens of Andale, Kans., favoring an embargo on arms and ammunition; to the Committee on Foreign Affairs.

By Mr. BAILEY: Petitions of Trinity Reformed Church, of Altoona, and Juniata Presbyterian Church, of Juniata, Pa., favoring national prohibition; to the Committee on the Judiciary.

Also, petition of Mrs. George Wild, Mrs. Charles Alter, Mrs. Newton B. Swank, Mary E. Ogle, Florence D. Anderson, Mary E. Dibert, Mrs. Harvey G. Rose, Mrs. Curt Schrader, Mrs. George McGarry, Mrs. George Trefts, Mrs. S. H. Heckman, Mrs. E. S. Wright, Mrs. Edward Franke, Mrs. Dan R. Schnabel, Mrs. Charles Glock, Mrs. Thomas W. Barnes, Mrs. Frank D. Baker, Mrs. Harry L. Hager, Anna E. Higson, Hannah Shank, Eliza Huston, Amanda West, Roselia Shearer, Sarah C. Louther, Christian James, Lizzie Miller, Margaretta Barnett, Margaret L. Davis, Cora Galbraith, Alice Hayes, Jane Woy, L. J. Hart, Mrs. N. Owens, Rebecca Sherbine, Mrs. L. Dohoney, Frances E. Morgan, Mallah Berkebile, Mary M. Clrairn, Mrs. L. M. Gusley, Mrs. C. A. Matthews, Mrs. H. W. Slick, Mrs. C. C. Greer, Catherine Boyd, Mary T. Parkhurst, Ella A. Shryock, Catherine Gallagher, Anna Rinebolt, Bessie Beerman, Anna Haggerty, Helen McGraw, Z. Markel, Mary L. Butler, Clara Yeager, Agnes Schmadel, Tydvil Thomas, Mrs. John Blough, Mrs. Annie Imler, L. Helen Berkey, Clara A. Geer, and Amanda Davis, for increased armament; to the Committee on Military Affairs.

Also, petition of Vintondale Supply Co., S. P. Williams, Louis Rose, Samuel Brett, Paul Graham, and David Nevy, of Vintondale, Pa., for a tax on mail-order houses; to the Committee on Ways and Means.

By Mr. BRUMBAUGH: Evidence to accompany House bill 11646, granting a pension to Malinda A. Brooks; to the Committee on Invalid Pensions.

By Mr. BRUCKNER: Petitions of Charles H. Groezinger, Wilhelm Sunkenberg, Matthew A. McConnell, all of New York, favoring House bill 7625; to the Committee on Reform in the Civil Service.

By Mr. CANNON: Petition of sundry citizens of Illinois, opposing national prohibition; to the Committee on the Judiciary.

By Mr. DALE of New York: Petition of Dental Society of the State of New York, favoring bill to increase the efficiency of the Dental Corps of the United States Army; to the Committee on Military Affairs.

Also, petitions of Iola W. Wilcox, of Baltimore, Md., and other women of the United States, favoring woman-suffrage amendment; to the Committee on the Judiciary.

Also, petitions of organized labor of Massachusetts and sundry organizations of the United States, favoring passage of Burnett immigration bill; to the Committee on Immigration and Naturalization.

Also, petition of Daniel Moreau Harbinger, of Philadelphia, Pa., favoring increase in Navy; to the Committee on Naval Affairs.

Also, petition of J. P. Cooke, of Honolulu, Territory of Hawaii, favoring prohibition in Hawaii; to the Committee on the Territories.

Also, petition of the Merchants' Association of New York, favoring passage of House bill 9678, relative to pilotage of barges; to the Committee on the Merchant Marine and Fisheries.

Also, petition of John Brennessel, of Brooklyn, N. Y., favoring bill for pension for letter carriers; to the Committee on the Post Office and Post Roads.

By Mr. ELSTON: Memorial of Oakland City Council, favoring bill for new Federal building at Oakland; to the Committee on Public Buildings and Grounds.

By Mr. FLYNN: Petition of the Merchants' Association of New York, favoring passage of House bill 9678, relative to pilotage of steam barges; to the Committee on the Merchant Marine and Fisheries.

Also, petition of Dental Society of the State of New York, favoring bill to increase the efficiency of the Dental Corps of the United States Army; to the Committee on Military Affairs.

Also, petition of Journeymen Stonecutters Association of North America, metal trades department of American Federation of Labor, Tobacco Workers International Union, Louisiana State Federation of Labor, organized labor of Massachusetts, national executive board of the Amalgamated Association of Iron, Steel, and Tin Workers of North America, favoring passage of the Burnett immigration bill; to the Committee on Immigration and Naturalization.

Also, petition of R. Nicoll & Co., of New York, favoring increased appropriation for Department of Commerce; to the Committee on Appropriations.

By Mr. FOSTER: Petition of sundry citizens of Salem, Ill., against passage of House bill 4715, relative to increase in books for libraries; to the Committee on Interstate and Foreign Commerce.

By Mr. FULLER: Petition of building trades department, American Federation of Labor, favoring immigration bill; to the Committee on Immigration and Naturalization.

Also, petition of Rockford (Ill.) Chamber of Commerce, favoring new post-office building for Chicago; to the Committee on Public Buildings and Grounds.

Also, petition of Washington (D. C.) Lodge No. 15, Benevolent and Protective Order of Elks of the United States of America, against prohibition in the District of Columbia; to the Committee on the District of Columbia.

By Mr. GARNER: Petitions of Louisiana State Federation of Labor and other labor organizations of the United States, fa-

voring passage of the Burnett immigration bill; to the Committee on Immigration and Naturalization.

Also, petitions of Anna Local, No. 17, of the F. R. C. U. of Texas; Coppell Local Farmers' Union; New Hope Local Union, No. 460, Denton County, all in the State of Texas, favoring adoption of cotton-futures act similar to one now in force; to the Committee on Agriculture.

Also, petition of Lafayette (La.) Building Association and Greenville (Ohio) Building Association, favoring passage of House joint resolution 55, relative to building associations in revenue-emergency act; to the Committee on Ways and Means.

By Mr. GUERNSEY: Memorial of Snowflake Lodge, No. 319, International Order of Good Templars, of Mattawamkeag, Me., favoring national prohibition; to the Committee on the Judiciary.

Also, petition of citizens of Mattawamkeag, Me., favoring national prohibition; to the Committee on the Judiciary.

By Mr. HAMLIN: Papers to accompany House bill 10440, to increase pension of Francis M. Harlan; to the Committee on Invalid Pensions.

Also, papers to accompany House bill 7105, to grant pension to Mary C. Banks; to the Committee on Invalid Pensions.

Also, papers to accompany House bill 10528, to increase pension of Columbus L. Reese; to the Committee on Invalid Pensions.

By Mr. HAYES: Petitions of Woman's Christian Temperance Union of San Jose; Sea Bright Woman's Christian Temperance Union, of Santa Cruz; and Mountain View Women's Club, all in the State of California, favoring censorship of moving pictures; to the Committee on Education.

Also, memorial of Santa Cruz Chamber of Commerce, against Federal tax on gasoline; to the Committee on Ways and Means.

By Mr. HOWELL: Petition of citizens of Green River, Utah, against any increase of the Army or Navy as tending toward militarism; to the Committee on Military Affairs.

By Mr. HULBERT: Petition of the Medical Society of the State of New York, favoring preparedness; to the Committee on Military Affairs.

By Mr. HUMPHREY of Washington: Petition of 60 citizens of Seattle, Wash., favoring national prohibition; to the Committee on the Judiciary.

By Mr. KENNEDY of Rhode Island: Petition of Lyons Delany Co., of Pawtucket, R. I., favoring passage of bill for leave of absence to aged employees of Postal Service; to the Committee on the Post Office and Post Roads.

Also, petition of St. John's Club, of Ashton, R. I., against embargo on war munitions; to the Committee on Foreign Affairs.

Also, memorial of commissioned officers of Coast Artillery Corps, Rhode Island National Guard, favoring federalization of National Guard; to the Committee on Military Affairs.

Also, petition of W. S. Merrill, of Kingston, R. I., favoring national prohibition; to the Committee on the Judiciary.

Also, memorial of Haggai Lodge, No. 132, Independent Order B'nai B'rith, of Providence, R. I., against passage of Immigration bill; to the Committee on Immigration and Naturalization.

By Mr. KIESS of Pennsylvania: Petitions of Methodist Episcopal Church of Knoxville, Ministers' Association and citizens of Tioga County, and Methodist Episcopal Church of Mill Hall, all in the State of Pennsylvania, favoring national prohibition; to the Committee on the Judiciary.

By Mr. KING: Petition of the Young Peoples' Brotherhood of the Woman's Christian Temperance Union of Victoria, Ill., signed by 200 members, urging the adoption of a prohibition amendment to the Constitution; to the Committee on the Judiciary.

By Mr. KONOP: Petition of 430 citizens and business men of Marinette, Wis., protesting against prohibition in the District of Columbia; to the Committee on the District of Columbia.

By Mr. LEWIS: Petition of Independent Citizens' Union of Maryland, favoring national prohibition; to the Committee on the Judiciary.

Also, petition of Independent Citizens' Union of Maryland, favoring bill to amend naturalization laws; to the Committee on Immigration and Naturalization.

By Mr. MAGEE: Petition of Empire Lodge, International Order of Good Templars, of Syracuse, N. Y., favoring national prohibition; to the Committee on the Judiciary.

By Mr. MATTHEWS: Evidence supporting House bill 11841, to increase pension of John Albright; to the Committee on Invalid Pensions.

Also, evidence in support of House bill 11842, to correct the military record of Joseph Desotell; to the Committee on Military Affairs.

Also, petition of Methodist Episcopal Church, of McClure, Ohio, favoring prohibition in the District of Columbia; to the Committee on the District of Columbia.

Also, petition of 88 citizens of Bryan, 25 of Defiance, and Methodist Episcopal Church of McClure, all in the State of Ohio, favoring national prohibition; to the Committee on the Judiciary.

By Mr. MILLER of Delaware: Petitions of sundry citizens of Frederica and Wyoming, Del., favoring national prohibition; to the Committee on the Judiciary.

By Mr. MOORE of Pennsylvania: Petitions of Peter J. Fugellie, Lee D. Hartz, and others, of Philadelphia, Pa., against preparedness; to the Committee on Military Affairs.

By Mr. MORIN (by request): Memorial of Central Band of Pittsburgh, Pa., in reference to international relations; to the Committee on Foreign Affairs.

By Mr. NORTH: Petition of citizens of Jefferson County, Pa., protesting against the adoption of House bills 394, 718, 9435, and Senate bills 1082, 1257, and 1352; to the Committee on the District of Columbia.

By Mr. OAKEY: Memorial of Woman's Christian Temperance Union of Southington, Conn., favoring censorship of motion pictures; to the Committee on Education.

By Mr. SIMS: Petition of sundry citizens of McNairy, Tenn., favoring national prohibition; to the Committee on the Judiciary.

By Mr. SMALL: Petition of Bethel Baptist Church of Perquimans, N. C., and Epworth League of Murfreesboro, N. C., favoring national prohibition; to the Committee on the Judiciary.

By Mr. SMITH of Idaho: Petition of Waugh Methodist Episcopal Church, of Washington, D. D., favoring prohibition in the District of Columbia; to the Committee on the District of Columbia.

Also, papers to accompany House bill 6799, to establish a Sawtooth national park in State of Idaho; to the Committee on the Public Lands.

Also, papers to accompany House bill 11931, granting an increase of pension to Samuel McC. Reynolds; to the Committee on Invalid Pensions.

By Mr. SNELL: Petition of Local Union No. 13, International Brotherhood of Paper Makers, Ticonderoga, N. Y., favoring the passage of the Keating amendment in connection with the Barnhart printing bill; to the Committee on Printing.

By Mr. STEENERSON: Petition of Odin Lodge, International Order of Good Templars, of Crookston, Minn., for national prohibition; to the Committee on the Judiciary.

Also, petition of Hughes & Scully, Bray & Halvorson, and 28 other citizens of Crookston, Minn., for national prohibition; to the Committee on the Judiciary.

By Mr. STEPHENS of California: Petition of Phytopathological Society, Berkeley, Cal., favoring eradication of citrus canker; to the Committee on Agriculture.

Also, memorial of Knights of Columbus, Santa Monica, Cal., favoring October 12 as a holiday in District of Columbia; to the Committee on the District of Columbia.

Also, petition of Orange Grove Lodge of Locomotive Firemen and Engineers, of Los Angeles, Cal., favoring safety for employees and travelers; to the Committee on Interstate and Foreign Commerce.

Also, memorial of United Confederate Veterans, Los Angeles, Cal., favoring House bill 478, to pension Confederate veterans; to the Committee on Pensions.

Also, memorial of Automobile Club of Southern California, favoring remedial oil legislation; to the Committee on the Public Lands.

Also, memorial of Chamber of Commerce of Santa Ana, Cal., favoring adequate defense; to the Committee on Military Affairs.

Also, memorial of Northern Counties Association, of Redding, Cal., favoring Pitt River irrigation project; to the Committee on Irrigation of Arid Lands.

Also, petition of Labor Council of San Francisco, Cal., protesting against amendments to present seamen's law; to the Committee on Interstate and Foreign Commerce.

Also, letter from Merchants and Manufacturers' Association of Stockton, Cal., favoring national constitutional amendment prohibiting courts from declaring laws unconstitutional; to the Committee on the Judiciary.

Also, memorial of Woman's Navy League of San Diego, Cal., favoring adequate preparedness; to the Committee on Military Affairs.

Also, petition of C. H. Bruce and 115 others of San Pedro, Cal., protesting against appropriations for militarism; to the Committee on Appropriations.

Also, communication of Kullman, Salz & Co.; California Pharmaceutical Association, of San Francisco; and Baer Bros. and 5 others, of Bakersfield, all in the State of California, in favor of fixed price or resale bill; to the Committee on Interstate and Foreign Commerce.

Also, letters from Post Office Clerks, Journeymen Stone Cutters, Building Trades Department, and Machinists' Association, all of San Francisco, Cal., favoring the Burnett immigration bill; to the Committee on Immigration and Naturalization.

Also, resolutions of Chauffeurs' Union, Electrical Workers' Union, Building Trades' Union, Waiters' Union, Stationary Firemen's Union, Barbers' Union, Pattern Makers' Union, Pile Drivers' Union, Carpenters and Joiners' Union, Machinists' Union, Sprinkler Filters' Union, Stable and Garage Employees' Union, Cigarmakers' Union, and Cracker Packers' Union, all of San Francisco, Cal., favoring the printing of the industrial relations report; to the Committee on Printing.

Also, petition of Harry Harper, secretary Wild Life Defenders, Capitola, Cal., favoring wild-game legislation; to the Committee on the Public Lands.

Also, memorial of Lookout Mountain Post, Grand Army of the Republic, Berkeley, Cal., favoring pensions for ex-prisoners of war; to the Committee on Invalid Pensions.

Also, memorial of Northern California Counties Association, favoring House bill 348, to create Larsen (Cal.) volcanic national park; to the Committee on the Public Lands.

Also, resolutions from Royal Neighbors of America, Woodmen of the World, Bennett Corps, Woman's Relief Corps, Carpenters' Union 316, all of San Jose, Cal.; also Printers' Board of Trade, Electrical Contractors' Association, and Builders' Exchange, all of Alameda County, Cal., favoring the Hamill civil-service bill; to the Committee on Reform in the Civil Service.

Also, petition of Rev. John Makin and 28 others, favoring House bill 9814, for the relief of California-Oregon land-grant locators; to the Committee on the Public Lands.

Also, petition of Ladies Improvement Club, Sisson, Cal., favoring appropriation for public road from Sisson to Wagon Camp, Cal.; to the Committee on Appropriations.

Also, memorial of Pacific Protectorate Society, favoring additional immigration restrictions; to the Committee on Immigration and Naturalization.

Also, memorial of Peace Makers Committee, Los Angeles, Cal., protesting against additional expenditures for defense; to the Committee on Appropriations.

Also, petition of Michel Moyer and 51 others, of Elsinore, Cal., favoring prohibition in the District of Columbia; to the Committee on the District of Columbia.

Also, petition of Wesland Bros. and Sacramento Rule Packers' Association, protesting against House bill 9674, prohibiting interstate shipment of certain cold-storage products; to the Committee on Interstate and Foreign Commerce.

By Mr. TILSON: Petition of German-American Alliance of Meriden, Conn., favoring embargo; to the Committee on Foreign Affairs.

Also, petition of German-American Alliance of Meriden, Conn., for amendment of the naturalization laws; to the Committee on Immigration and Naturalization.

Also, petition of German-American Alliance of Meriden, Conn., opposing Federal legislation on the subject of prohibition; to the Committee on the Judiciary.

Also, petition of German-American Alliance of Meriden, Conn., opposing legislation to prohibit sale of intoxicating liquors in the District of Columbia; to the Committee on the District of Columbia.

By Mr. TIMBERLAKE: Resolution of Woman's Christian Temperance Union of Monte Vista, Colo., favoring the bill providing for prohibition of the manufacture and sale of intoxicating liquors in the District of Columbia; to the Committee on the Judiciary.

Also, memorial of Reformed Presbyterian Church of Greeley, Colo., favoring the adoption of a constitutional amendment preventing polygamy; to the Committee on the Judiciary.

By Mr. TINKHAM: Petition of Christopher F. Sweeney, Boston, Mass, in re document filed; to the Committee on the Judiciary.

By Mr. VAN DYKE: Petition of Baraca Bible Class, of St. Paul, Minn., for national prohibition; to the Committee on the Judiciary.

By Mr. WASON: Memorial of New Hampshire Weekly Publishers' Association, favoring legislation to permit the equitable exchange of newspaper products for the products of transportation companies; to the Committee on Interstate and Foreign Commerce.

## SENATE.

### TUESDAY, *February 22, 1916.*

*(Legislative day of Monday, February 21, 1916.)*

The Senate reassembled at 12 o'clock meridian, on the expiration of the recess.

Mr. SMOOT. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

| | | | |
|---|---|---|---|
| Ashurst | Jones | Phelan | Smoot |
| Bankhead | Kenyon | Pittman | Stone |
| Brandegee | Kern | Poindexter | Sutherland |
| Chamberlain | Lane | Reed | Swanson |
| Colt | McCumber | Saulsbury | Tillman |
| Dillingham | Martine, N. J. | Shafroth | Townsend |
| du Pont | Myers | Sheppard | Vardaman |
| Fall | Nelson | Sherman | Walsh |
| Fletcher | Norris | Shields | Warren |
| Gallinger | Oliver | Simmons | Williams |
| Hughes | Overman | Smith, Ga. | Works |
| Johnson, Me. | Page | Smith, S. C. | |

Mr. KERN. I desire to announce the unavoidable absence of my colleague [Mr. SHIVELY]. He is paired with the Senator from Maine [Mr. BURLEIGH]. This announcement may stand for the day.

The VICE PRESIDENT. Forty-seven Senators have answered to the roll call. There is not a quorum present.

Mr. KERN. I ask that the list of absent Senators be called.

The VICE PRESIDENT. The Secretary will call the names of the absentees.

The Secretary called the names of the absent Senators.

Mr. NEWLANDS, Mr. CHILTON, Mr. GRONNA, Mr. HARDING, Mr. BECKHAM, Mr. HITCHCOCK, Mr. LEE of Maryland, and Mr. ROBINSON entered the Chamber and answered to their names.

The VICE PRESIDENT. Fifty-five Senators have answered to the roll call. There is a quorum present.

#### WASHINGTON'S FAREWELL ADDRESS.

The VICE PRESIDENT. The recess order of last night has interfered with the regular order of the Senate. Unless there be some objection, the Chair proposes now to carry out the ancient order of the Senate of the United States. Is there any objection? [After a pause.]

The Chair is glad that this is the 22d day of February. In a time of stress and tumult, when men mad with the lust of passion and of war are seeking to tear up the ancient landmarks of civilization, remove the lighthouses and the buoys, when men of jaundiced eye are wondering whether this Republic of ours can long endure upon the principles on which our forefathers founded it, when every man, however patriotic he may be, is liable to misinterpretation and misjudgment in any and every thing that he may say, it is fit and proper that the great father of the Republic should be honored and revered in the United States Senate Chamber and that the concentrated wisdom of his lifetime in helping to form this Republic of ours and bequeathed to the future generations of the Republic in his farewell address should be listened to not only by the Senate of the United States, but by the people of the Republic.

The Chair has designated Senator JOHNSON of Maine to read this address.

Mr. JOHNSON of Maine read the address, as follows:

#### WASHINGTON'S FAREWELL ADDRESS.

*To the People of the United States.*

FRIENDS AND FELLOW CITIZENS: The period for a new election of a citizen to administer the executive government of the United States being not far distant, and the time actually arrived when your thoughts must be employed in designating the person who is to be clothed with that important trust, it appears to me proper, especially as it may conduce to a more distinct expression of the public voice, that I should now apprise you of the resolution I have formed to decline being considered among the number of those out of whom a choice is to be made.

I beg you at the same time to do me the justice to be assured that this resolution has not been taken without a strict regard to all the considerations appertaining to the relation which binds a dutiful citizen to his country; and that in withdrawing the tender of service, which silence in my situation might imply, I am influenced by no diminution of zeal for your future interest, no deficiency of grateful respect for your past kindness, but am supported by a full conviction that the step is compatible with both.

The acceptance of and continuance hitherto in the office to which your suffrages have twice called me have been a uniform

sacrifice of inclination to the opinion of duty and to a deference for what appeared to be your desire. I constantly hoped that it would have been much earlier in my power, consistently with motives which I was not at liberty to disregard, to return to that retirement from which I had been reluctantly drawn. The strength of my inclination to do this previous to the last election had even led to the preparation of an address to declare it to you, but mature reflection on the then perplexed and critical posture of our affairs with foreign nations and the unanimous advice of persons entitled to my confidence impelled me to abandon the idea.

I rejoice that the state of your concerns, external as well as internal, no longer renders the pursuit of inclination incompatible with the sentiment of duty or propriety; and am persuaded, whatever partiality may be retained for my services, that in the present circumstances of our country you will not disapprove my determination to retire.

The impressions with which I first undertook the arduous trust were explained on the proper occasion. In the discharge of this trust I will only say that I have, with good intentions, contributed toward the organization and administration of the Government the best exertions of which a very fallible judgment was capable. Not unconscious in the outset of the inferiority of my qualifications, experience, in my own eyes, perhaps still more in the eyes of others, has strengthened the motives to diffidence of myself; and every day the increasing weight of years admonishes me more and more that the shade of retirement is as necessary to me as it will be welcome. Satisfied that if any circumstances have given peculiar value to my services they were temporary, I have the consolation to believe that, while choice and prudence invite me to quit the political scene, patriotism does not forbid it.

In looking forward to the movement which is to terminate the career of my political life my feelings do not permit me to suspend the deep acknowledgment of that debt of gratitude which I owe to my beloved country for the many honors it has conferred upon me; still more for the steadfast confidence with which it has supported me; and for the opportunities I have thence enjoyed of manifesting my inviolable attachment, by services faithful and persevering, though in usefulness unequal to my zeal. If benefits have resulted to our country from these services, let it always be remembered to your praise, and as an instructive example in our annals, that under circumstances in which the passions, agitated in every direction, were liable to mislead amidst appearances sometimes dubious, vicissitudes of fortune often discouraging—in situations in which not unfrequently want of success has countenanced the spirit of criticism—the constancy of your support was the essential prop of the efforts and a guaranty of the plans by which they were effected. Profoundly penetrated with this idea, I shall carry it with me to my grave as a strong incitement to unceasing vows that heaven may continue to you the choicest tokens of its beneficence; that your union and brotherly affection may be perpetual; that the free Constitution, which is the work of your hands, may be sacredly maintained; that its administration in every department may be stamped with wisdom and virtue; that, in fine, the happiness of the people of these States, under the auspices of liberty, may be made complete by so careful a preservation and so prudent a use of this blessing as will acquire to them the glory of recommending it to the applause, the affection, and adoption of every nation which is yet a stranger to it.

Here, perhaps, I ought to stop. But a solicitude for your welfare, which can not end but with my life, and the apprehension of danger, natural to that solicitude, urge me, on an occasion like the present, to offer to your solemn contemplation, and to recommend to your frequent review some sentiments which are the result of much reflection, of no inconsiderable observation, and which appear to me all important to the permanency of your felicity as a people. These will be offered to you with the more freedom, as you can only see in them the disinterested warnings of a parting friend, who can possibly have no personal motive to bias his counsel. Nor can I forget, as an encouragement to it, your indulgent reception of my sentiments on a former and not dissimilar occasion.

Interwoven as is the love of liberty with every ligament of your hearts, no recommendation of mine is necessary to fortify or confirm the attachment.

The unity of government which constitutes you one people is also now dear to you. It is justly so; for it is a main pillar in the edifice of your real independence; the support of your tranquillity at home; your peace abroad; of your safety; of your prosperity; of that very liberty which you so highly prize. But as it is easy to foresee that from different causes and from different quarters much pains will be taken, many artifices employed, to weaken in your minds the conviction of this truth; as this is the point in your political fortress against which the batteries of internal and external enemies will be most constantly and actively, though often covertly and insidiously, directed; it is of infinite moment that you should properly estimate the immense value of your national union to your collective and individual happiness; that you should cherish a cordial, habitual, and immovable attachment to it; accustoming yourselves to think and speak of it as of the palladium of your political safety and prosperity; watching for its preservation with jealous anxiety; discountenancing whatever may suggest even a suspicion that it can, in any event, be abandoned; and indignantly frowning upon the first dawning of every attempt to alienate any portion of our country from the rest, or to enfeeble the sacred ties which now link together the various parts.

For this you have every inducement of sympathy and interest. Citizens by birth, or choice, of a common country, that country has a right to concentrate your affections. The name of American, which belongs to you in your national capacity, must always exalt the just pride of patriotism, more than any appellation derived from local discriminations. With slight shades of difference, you have the same religion, manners, habits, and political principles. You have, in a common cause, fought and triumphed together; the independence and liberty you possess are the work of joint counsels and joint efforts, of common dangers, sufferings, and success.

But these considerations, however powerfully they address themselves to your sensibility, are greatly outweighed by those which apply more immediately to your interest. Here every portion of our country finds the most commanding motives for carefully guarding and preserving the union of the whole.

The North, in an unrestrained intercourse with the South, protected by the equal laws of a common Government, finds in the productions of the latter great additional resources of maritime and commercial enterprise and precious materials of manufacturing industry. The South, in the same intercourse, benefiting by the same agency of the North, sees its agriculture grow and its commerce expand. Turning partly into its own channels the seamen of the North, it finds its particular navigation invigorated, and while it contributes in different ways to nourish and increase the general mass of the national navigation, it looks forward to the protection of a maritime strength, to which itself is unequally adapted. The East, in a like intercourse with the West, already finds, and in the progressive improvement of interior communications by land and water will more and more find, a valuable vent for the commodities which it brings from abroad or manufactures at home. The West derives from the East supplies requisite to its growth and comfort; and what is perhaps of still greater consequence, it must of necessity owe the secure enjoyment of indispensable outlets for its own productions to the weight, influence, and the future maritime strength of the Atlantic side of the Union, directed by an indissoluble community of interest as one Nation. Any other tenure by which the West can hold this essential advantage, whether derived from its own separate strength or from an apostate and unnatural connection with any foreign power, must be intrinsically precarious.

While, then, every part of our country thus feels an immediate and particular interest in union, all the parts combined can not fail to find in the united mass of means and efforts greater strength, greater resource, proportionably greater security from external danger, a less frequent interruption of their peace by foreign nations, and, what is of inestimable value, they must derive from union an exemption from those broils and wars between themselves which so frequently afflict neighboring countries not tied together by the same government, which their own rivalship alone would be sufficient to produce, but which opposite foreign alliances, attachments, and intrigues would stimulate and embitter. Hence, likewise, they will avoid the necessity of those overgrown military establishments, which under any form of government are inauspicious to liberty and which are to be regarded as particularly hostile to republican liberty. In this sense it is that your union ought to be considered as a main prop of your liberty and that the love of the one ought to endear to you the preservation of the other.

These considerations speak a persuasive language to every reflecting and virtuous mind, and exhibit the continuance of the Union as a primary object of patriotic desire. Is there a doubt whether a common government can embrace so large a sphere? Let experience solve it. To listen to mere speculation in such a case were criminal. We are authorized to hope that a proper organization of the whole, with the auxiliary agency of governments for the respective subdivisions, will afford a happy issue

to the experiment. It is well worth a fair and full experiment. With such powerful and obvious motives to union, affecting all parts of our country, while experience shall not have demonstrated its impracticability, there will always be reason to distrust the patriotism of those who, in any quarter, may endeavor to weaken its hands.

In contemplating the causes which may disturb our Union, it occurs as matter of serious concern that any ground should have been furnished for characterizing parties by geographical discriminations, northern and southern, Atlantic and western, whence designing men may endeavor to excite a belief that there is a real difference of local interests and views. One of the expedients of party to acquire influence within particular districts is to misrepresent the opinions and aims of other districts. You can not shield yourselves too much against the jealousies and heartburnings which spring from these misrepresentations; they tend to render alien to each other those who ought to be bound together by fraternal affection. The inhabitants of our western country have lately had a useful lesson on this head; they have seen, in the negotiation by the Executive, and in the unanimous ratification by the Senate of the treaty with Spain, and in the universal satisfaction at the event throughout the United States, a decisive proof how unfounded were the suspicions propagated among them of a policy in the General Government and in the Atlantic States unfriendly to their interests in regard to the Mississippi. They have been witnesses to the formation of two treaties, that with Great Britain and that with Spain, which secure to them everything they could desire, in respect to our foreign relations, toward confirming their prosperity. Will it not be their wisdom to rely for the preservation of these advantages on the union by which they were procured? Will they not henceforth be deaf to those advisers, if such they are, who would sever them from their brethren and connect them with aliens?

To the efficacy and permanency of your Union, a government for the whole is indispensable. No alliances, however strict, between the parts can be an adequate substitute; they must inevitably experience the infractions and interruptions which all alliances, in all times, have experienced. Sensible of this momentous truth, you have improved upon your first essay, by the adoption of a constitution of government, better calculated than your former, for an intimate union, and for the efficacious management of your common concerns. This government, the offspring of our own choice, uninfluenced and unawed, adopted upon full investigation and mature deliberation, completely free in its principles, in the distribution of its powers, uniting security with energy, and containing within itself a provision for its own amendment, has a just claim to your confidence and your support. Respect for its authority, compliance with its laws, acquiescence in its measures, are duties enjoined by the fundamental maxims of true liberty. The basis of our political systems is the right of the people to make and to alter their constitutions of government. But the constitution which at any time exists, until changed by an explicit and authentic act of the whole people, is sacredly obligatory upon all. The very idea of the power, and the right of the people to establish government, presuppose the duty of every individual to obey the established government.

All obstructions to the execution of the laws, all combinations and associations under whatever plausible character, with the real design to direct, control, counteract, or awe the regular deliberations and action of the constituted authorities, are destructive of this fundamental principle, and of fatal tendency. They serve to organize faction, to give it an artificial and extraordinary force, to put in the place of the delegated will of the Nation the will of party, often a small but artful and enterprising minority of the community; and, according to the alternate triumphs of different parties, to make the public administration the mirror of the ill concerted and incongruous projects of faction, rather than the organ of consistent and wholesome plans digested by common councils, and modified by mutual interests.

However, combinations or associations of the above description may now and then answer popular ends, they are likely, in the course of time and things, to become potent engines, by which cunning, ambitious, and unprincipled men will be enabled to subvert the power of the people, and to usurp for themselves the reins of government; destroying afterwards the very engines which have lifted them to unjust dominion.

Toward the preservation of your government and the permanency of your present happy state, it is requisite not only that you steadily discountenance irregular opposition to its acknowledged authority but also that you resist with care the spirit of innovation upon its principles, however specious the pretext. One method of assault may be to effect, in the forms of the Constitution, alterations which will impair the energy of the system; and thus to undermine what can not be directly overthrown. In all the changes to which you may be invited, remember that time and habit are at least as necessary to fix the true character of governments as of other human institutions; that experience is the surest standard by which to test the real tendency of the existing constitution of a country; that facility in changes, upon the credit of mere hypothesis and opinion, exposes to perpetual change from the endless variety of hypothesis and opinion, and remember, especially, that for the efficient management of your common interests in a country so extensive as ours, a government of as much vigor as is consistent with the perfect security of liberty is indispensable. Liberty itself will find in such a government, with powers properly distributed and adjusted, its surest guardian. It is, indeed, little else than a name where the government is too feeble to withstand the enterprises of faction, to confine each member of the society within the limits prescribed by the laws, and to maintain all in the secure and tranquil enjoyment of the rights of person and property.

I have already intimated to you the danger of parties in the State, with particular references to the founding them on geographical discrimination. Let me now take a more comprehensive view, and warn you in the most solemn manner against the baneful effects of the spirit of party generally.

This spirit, unfortunately, is inseparable from our nature, having its root in the strongest passions of the human mind. It exists under different shapes in all governments, more or less stifled, controlled, or repressed; but in those of the popular form it is seen in its greatest rankness, and is truly their worst enemy.

The alternate domination of one faction over another, sharpened by the spirit of revenge natural to party dissension, which in different ages and countries has perpetrated the most horrid enormities, is itself a frightful despotism. But this leads at length to a more formal and permanent despotism. The disorders and miseries which result gradually incline the minds of men to seek security and repose in the absolute power of an individual; and sooner or later the chief of some prevailing faction, more able or more fortunate than his competitors, turns this disposition to the purpose of his own elevation on the ruins of public liberty.

Without looking forward to an extremity of this kind, which nevertheless ought not to be entirely out of sight, the common and continual mischiefs of the spirit of party are sufficient to make it the interest and duty of a wise people to discourage and restrain it.

It serves always to distract the public councils and enfeeble the public administration. It agitates the community with ill-founded jealousies and false alarms; kindles the animosity of one part against another; foments occasional riot and insurrection. It opens the door to foreign influence and corruption, which finds a facilitated access to the Government itself through the channels of party passions. Thus the policy and the will of one country are subjected to the policy and will of another.

There is an opinion that parties in free countries are useful checks upon the administration of the government, and serve to keep alive the spirit of liberty. This within certain limits is probably true, and in governments of a monarchial cast patriotism may look with indulgence, if not with favor, upon the spirit of party. But in those of the popular character in governments purely elective it is a spirit not to be encouraged. From their natural tendency it is certain there will always be enough of that spirit for every salutary purpose. And there being constant danger of excess the effort ought to be, by force of public opinion, to mitigate and assuage it. A fire not to be quenched, it demands a uniform vigilance to prevent it bursting into a flame, lest instead of warming it should consume.

It is important likewise that the habits of thinking in a free country should inspire caution in those intrusted with its administration, to confine themselves within their respective constitutional spheres, avoiding in the exercise of the powers of one department to encroach upon another. The spirit of encroachment tends to consolidate the powers of all the departments in one, and thus to create, whatever the form of government, a real despotism. A just estimate of that love of power and proneness to abuse it which predominate in the human heart is sufficient to satisfy us of the truth of this position. The necessity of reciprocal checks in the exercise of political power, by dividing and distributing it into different depositories, and constituting each the guardian of the public weal against invasions of the others, has been evinced by experiments ancient and modern—some of them in our country and under our own eyes. To preserve them must be as necessary as to institute them. If, in the opinion of the people, the distribution or modification of the constitutional powers be in any particular

wrong, let it be corrected by an amendment in the way which the Constitution designates. But let there be no change by usurpation, for though this, in one instance, may be the instrument of good, it is the customary weapon by which free governments are destroyed. The precedent must always greatly overbalance in permanent evil any partial or transient benefit which the use can at any time yield.

Of all the dispositions and habits which lead to political prosperity, religion and morality are indispensable supports. In vain would that man claim the tribute of patriotism who should labor to subvert these great pillars of human happiness, these firmest props of the duties of men and citizens. The mere politician, equally with the pious man, ought to respect and to cherish them. A volume could not trace all their connections with private and public felicity. Let it simply be asked where is the security for property, for reputation, for life, if the sense of religious obligation desert the oaths which are the instruments of investigation in courts of justice? And let us with caution indulge the supposition that morality can be maintained without religion. Whatever may be conceded to the influence of refined education on minds of peculiar structure, reason and experience both forbid us to expect that national morality can prevail in exclusion of religious principle.

It is substantially true that virtue or morality is a necessary spring of popular government. The rule, indeed, extends with more or less force to every species of free government. Who that is a sincere friend to it can look with indifference upon attempts to shake the foundation of the fabric?

Promote, then, as an object of primary importance, institutions for the general diffusion of knowledge. In proportion as the structure of a government gives force to public opinion, it should be enlightened.

As a very important source of strength and security, cherish public credit. One method of preserving it is to use it as sparingly as possible, avoiding occasions of expense by cultivating peace, but remembering, also, that timely disbursements, to prepare for danger, frequently prevent much greater disbursements to repel it; avoiding likewise the accumulation of debt, not only by shunning occasions of expense, but by vigorous exertions, in time of peace, to discharge the debts which unavoidable wars may have occasioned, not ungenerously throwing upon posterity the burden which we ourselves ought to bear. The execution of these maxims belongs to your representatives, but it is necessary that public opinion should cooperate. To facilitate to them the performance of their duty, it is essential that you should practically bear in mind that toward the payment of debts there must be revenue; that to have revenue there must be taxes; that no taxes can be devised which are not more or less inconvenient and unpleasant; that the intrinsic embarrassment inseparable from the selection of the proper object (which is always a choice of difficulties) ought to be a decisive motive for a candid construction of the conduct of the Government in making it, and for a spirit of acquiescence in the measures for obtaining revenue which the public exigencies may at any time dictate.

Observe good faith and justice toward all nations; cultivate peace and harmony with all. Religion and morality enjoin this conduct, and can it be that good policy does not equally enjoin it? It will be worthy of a free, enlightened, and, at no distant period, a great nation, to give to mankind the magnanimous and too novel example of a people always guided by an exalted justice and benevolence. Who can doubt but, in the course of time and things, the fruits of such a plan would richly repay any temporary advantages which might be lost by a steady adherence to it; can it be that Providence has not connected the permanent felicity of a nation with its virtue? The experiment, at least, is recommended by every sentiment which ennobles human nature. Alas! is it rendered impossible by its vices?

In the execution of such a plan nothing is more essential than that permanent, inveterate antipathies against particular nations and passionate attachments for others, should be excluded; and that, in place of them, just and amicable feelings toward all should be cultivated. The nation which indulges toward another an habitual hatred, or an habitual fondness, is in some degree a slave. It is a slave to its animosity or to its affection, either of which is sufficient to lead it astray from its duty and its interest. Antipathy in one nation against another disposes each more readily to offer insult and injury, to lay hold of slight causes of umbrage, and to be haughty and intractable when accidental or trifling occasions of dispute occur. Hence, frequent collisions, obstinate, envenomed, and bloody contests. The nation, prompted by ill will and resentment sometimes impels to war the Government, contrary to the best calculations of policy. The Government sometimes participates in the national propensity, and adopts through passion what reason would reject; at other times it makes the animosity of the nation subservient to projects of hostility, instigated by pride, ambition, and other sinister and pernicious motives. The peace often, sometimes perhaps the liberty of nations, has been the victim.

So, likewise a passionate attachment of one nation for another produces a variety of evils. Sympathy for the favorite nation, facilitating the illusion of an imaginary common interest, in cases where no real common interest exists, and infusing into one the enmities of the other, betrays the former into a participation in the quarrels and wars of the latter without adequate inducements or justifications. It leads also to concessions to the favorite nation, of privileges denied to others, which is apt doubly to injure the nation making the concessions by unnecessarily parting with what ought to have been retained and by exciting jealousy, ill will, and a disposition to retaliate in the parties from whom equal privileges are withheld; and it gives to ambitious, corrupted, or deluded citizens who devote themselves to the favorite nation facility to betray or sacrifice the interests of their own country without odium, sometimes even with popularity, gilding with the appearances of a virtuous sense of obligation a commendable deference for public opinion or a laudable zeal for public good the base or foolish compliances of ambition, corruption, or infatuation.

As avenues to foreign influence in innumerable ways, such attachments are particularly alarming to the truly enlightened and independent patriot. How many opportunities do they afford to tamper with domestic factions, to practice the arts of seduction, to mislead public opinion, to influence or awe the public councils. Such an attachment of a small or weak toward a great and powerful nation dooms the former to be the satellite of the latter.

Against the insidious wiles of foreign influence—I conjure you to believe me, fellow citizens—the jealousy of a free people ought to be constantly awake, since history and experience prove that foreign influence is one of the most baneful foes of republican government. But that jealousy, to be useful, must be impartial, else it becomes the instrument of the very influence to be avoided instead of a defense against it. Excessive partiality for one foreign nation and excessive dislike for another cause those whom they actuate to see danger only on one side and serve to veil and even second the arts of influence on the other. Real patriots who may resist the intrigues of the favorite are liable to become suspected and odious, while its tools and dupes usurp the applause and confidence of the people to surrender their interests.

The great rule of conduct for us in regard to foreign nations is, in extending our commercial relations, to have with them as little political connection as possible. So far as we have already formed engagements, let them be fulfilled with perfect good faith—here let us stop.

Europe has a set of primary interests which to us have none, or a very remote relation. Hence she must be engaged in frequent controversies, the causes of which are essentially foreign to our concerns. Hence, therefore, it must be unwise in us to implicate ourselves by artificial ties in the ordinary vicissitudes of her politics or the ordinary combinations and collisions of her friendships or enmities.

Our detached and distant situation invites and enables us to pursue a different course. If we remain one people under an efficient government, the period is not far off when we may defy material injury from external annoyance; when we may take such an attitude as will cause the neutrality we may at any time resolve upon to be scrupulously respected; when belligerent nations, under the impossibility of making acquisitions upon us, will not lightly hazard the giving us provocation; when we may choose peace or war, as our interest, guided by justice, shall counsel.

Why forego the advantages of so peculiar a situation? Why quit our own to stand upon foreign ground? Why, by interweaving our destiny with that of any part of Europe, entangle our peace and prosperity in the toils of European ambition, rivalship, interest, humor, or caprice?

It is our true policy to steer clear of permanent alliance with any portion of the foreign world; so far, I mean, as we are now at liberty to do it; for let me not be understood as capable of patronizing infidelity to existing engagements. I hold the maxim no less applicable to public than private affairs, that honesty is always the best policy. I repeat it, therefore, let those engagements be observed in their genuine sense. But in my opinion it is unnecessary and would be unwise to extend them.

Taking care always to keep ourselves by suitable establishments on a respectable defensive posture, we may safely trust to temporary alliances for extraordinary emergencies.

Harmony and a liberal intercourse with all nations are recommended by policy, humanity, and interest. But even our commercial policy should hold an equal and impartial hand; neither seeking nor granting exclusive favors or preferences; consulting the natural course of things; diffusing and diversifying by gentle means the streams of commerce, but forcing nothing; establishing with powers so disposed, in order to give trade a stable course, to define the rights of our merchants, and to enable the Government to support them, conventional rules of intercourse, the best that present circumstances and mutual opinion will permit, but temporary, and liable to be from time to time abandoned or varied as experience and circumstances shall dictate; constantly keeping in view that it is folly in one nation to look for disinterested favors from another; that it must pay with a portion of its independence for whatever it may accept under that character; that by such acceptance it may place itself in the condition of having given equivalents for nominal favors, and yet of being reproached with ingratitude for not giving more. There can be no greater error than to expect or calculate upon real favors from nation to nation. It is an illusion which experience must cure, which a just pride ought to discard.

In offering to you, my countrymen, these counsels of an old and affectionate friend I dare not hope they will make the strong and lasting impression I could wish; that they will control the usual current of the passions, or prevent our Nation from running the course which has hitherto marked the destiny of nations, but if I may even flatter myself that they may be productive of some partial benefit, some occasional good; that they may now and then recur to moderate the fury of party spirit, to warn against the mischiefs of foreign intrigue, to guard against the impostures of pretended patriotism; this hope will be a full recompense for the solicitude for your welfare by which they have been dictated.

How far in the discharge of my official duties I have been guided by the principles which have been delineated the public records and other evidences of my conduct must witness to you and to the world. To myself the assurance of my own conscience is that I have at least believed myself to be guided by them.

In relation to the still subsisting war in Europe my proclamation of the 22d of April, 1793, is the index to my plan. Sanctioned by your approving voice, and by that of your representatives in both Houses of Congress, the spirit of that measure has continually governed me, uninfluenced by any attempts to deter or divert me from it.

After deliberate examination, with the aid of the best lights I could obtain, I was well satisfied that our country, under all the circumstances of the case, had a right to take and was bound in duty and interest to take a neutral position. Having taken it, I determined, as far as should depend upon me, to maintain it with moderation, perseverance, and firmness.

The considerations which respect the right to hold this conduct it is not necessary on this occasion to detail. I will only observe that, according to my understanding of the matter, that right, so far from being denied by any of the belligerent powers, has been virtually admitted by all.

The duty of holding a neutral conduct may be inferred, without anything more, from the obligation which justice and humanity impose on every nation, in cases in which it is free to act, to maintain inviolate the relations of peace and amity toward other nations.

The inducements of interest for observing that conduct will best be referred to your own reflections and experience. With me, a predominant motive has been to endeavor to gain time to our country to settle and mature its yet recent institutions, and to progress, without interruption, to that degree of strength and consistency which is necessary to give it, humanly speaking, the command of its own fortunes.

Though in reviewing the incidents of my administration I am unconscious of intentional error, I am nevertheless too sensible of my defects not to think it probable that I may have committed many errors. Whatever they may be, I fervently beseech the Almighty to avert or mitigate the evils to which they may tend. I shall also carry with me the hope that my country will never cease to view them with indulgence, and that, after 45 years of my life dedicated to its service, with an upright zeal, the faults of incompetent abilities will be consigned to oblivion, as myself must soon be to the mansions of rest.

Relying on its kindness in this as in other things, and actuated by that fervent love toward it which is so natural to a man who views in it the native soil of himself and his progenitors for several generations, I anticipate with pleasing expectation that retreat in which I promise myself to realize, without alloy, the sweet enjoyment of partaking, in the midst of my fellow citizens, the benign influence of good laws under a free government—the ever favorite object of my heart and the happy reward, as I trust, of our mutual cares, labors, and dangers.

GO: WASHINGTON.

UNITED STATES, *September 17, 1796.*

RECESS.

Mr. KERN. Mr. President, I move, out of respect to the memory of Washington, that the Senate stand in recess until to-morrow at noon.

The motion was unanimously agreed to; and (at 1 o'clock and 8 minutes p. m.) the Senate took a recess until to-morrow, Wednesday, February 23, 1916, at 12 o'clock meridian.

## HOUSE OF REPRESENTATIVES.

### TUESDAY, *February 22, 1916.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

We bless Thee, our Father in heaven, for the spirit of hero worship resident in the heart of man, which not only inspires him with gratitude, admiration, and praise for the hero, but inspires him to go and do likewise. The history of the world, sacred and profane, clusters round its heroes, whose deeds have marked the progress of mankind in all the ages. The nation that cherishes the memory of its heroes and strives to emulate their virtues will live and increase its usefulness. To-day millions not only in the United States of America but the lovers of liberty in all the world will pour out their gratitude, admiration, and praise for our immortal Washington. A hero in war, a hero in peace, a hero in shaping the destiny of our Republic. Time has not dimmed his glory, but has added infinitely to its splendor. A stainless character, unselfish in his devotion to right, truth, and justice. His memory a challenge to patriotism, integrity, and undying faith in a God of justice, love, and mercy. We thank Thee that he thus lives in the hearts of men, in the sacred institutions of our country. May we not only honor him in our thought but in our lives, that our Republic may continue to grow in all that makes a nation great.

Our fathers' God, to Thee,
Author of liberty,
To Thee we sing;
Long may our land be bright
With freedom's holy light;
Protect us by Thy might,
Great God, our King!

Amen.

The Journal of the proceedings of yesterday was read and approved.

WITHDRAWAL OF PAPERS.

Mr. SHOUSE, by unanimous consent, was given leave to withdraw from the files of the House without leaving copies papers in the case of P. C. Trump, Sixty-second Congress, no adverse report having been made thereon.

POST OFFICE BUILDING AT SANDUSKY, OHIO.

Mr. OVERMYER. Mr. Speaker, I ask unanimous consent for the present consideration of the bill S. 4308, to purchase a site and erect thereon a suitable building for post office and other governmental offices at Sandusky, Ohio, and for other purposes. It is on the Unanimous Consent Calendar but was not reached yesterday. The reason I am asking for unanimous consent is because the option upon the site upon which this building is to be erected will expire March 1, and I shall have no opportunity to call this up on unanimous consent day.

The SPEAKER. The gentleman from Ohio asks unanimous consent for the present consideration of Senate bill 4308. Is there objection?

Mr. STAFFORD. Let us have the bill reported.

The Clerk read the bill, as follows:

*Be it enacted, etc.*, That so much of section 3 of the public building act approved March 4, 1913, as authorizes the construction of a post-office building at Sandusky, Ohio, upon ground now owned by the United States, at a cost not exceeding $130,000, be, and the same is hereby, amended so as to read as follows:

"That the Secretary of the Treasury is hereby authorized and directed to contract for the acquisition, by purchase, condemnation, or otherwise, of a new site and for the erection and completion thereon of a suitable building, including fireproof vaults, mechanical equipment, and approaches, complete, for the use and accommodation of the post office and other governmental offices at Sandusky, Ohio, at a cost for said site and building of not exceeding $215,000.

"That the appropriations of $80,000 and $12,000 made by the act of Congress approved March 3, 1915 (38 Stats., 828), pursuant to said provision of the public building act of March 4, 1913, and for temporary quarters and moving expenses for the Government officials in the present building, be, and the same are hereby, reappropriated and made immediately available for the purchase of said new site and the commencement of said new building.

"And that the Secretary of the Treasury is hereby authorized and directed, upon the completion and occupancy of said new building, to sell the present public building and the site thereof in Sandusky, Ohio, at such time, in such manner, and upon such terms as he may deem advisable; to convey said property to the purchasers thereof by the usual quit-claim deed; and to deposit the proceeds of said sale in the Treasury of the United States as a miscellaneous receipt: *Provided*, That said property shall not be sold for less than $70,000."

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. JOHNSON of Washington. Mr. Speaker, reserving the right to object, I would like to ask the gentleman from Ohio if this increases the limit of cost of the building?

Mr. SWITZER. Does this bill carry an increase over the original bill?

Mr. OVERMYER. It carries an increase over the appropriation made three years ago, but that building was to be erected on the old site. They now have a bid of $80,000 for the old site, and there was appropriated a year ago $12,000 to erect quarters for the post office if it was built on the old site. That item will not now be necessary, so that in fact the appropriation carried in this bill will result in less cost to the Government in the end, when the old site is sold, than was considered by the original bill.

Mr. JOHNSON of Washington. How much less?

Mr. OVERMYER. Seven thousand dollars less.

Mr. STAFFORD. Reserving the right to object, I understand there is a special exigency which is the reason why the gentleman asks to call this up at this time?

Mr. OVERMYER. Yes; the options expire on the 1st day of March.

The SPEAKER. Is there objection?

Mr. CANTRILL. Reserving the right to object, I would like to ask if this bill has been favorably reported by the Committee on Public Buildings and Grounds?

Mr. OVERMYER. Yes; the bill has passed the Senate and been reported favorably by a committee of the House; it is on the Unanimous Consent Calendar, but was not reached yesterday.

The SPEAKER. Is there objection?

There was no objection.

Mr. OVERMYER. Mr. Speaker, I ask that the bill be considered in the House as in Committee of the Whole House.

The SPEAKER. The gentleman from Ohio asks unanimous consent that the bill be considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

Mr. MANN. Mr. Speaker, I offer the following amendment.

The Clerk read as follows:

Amend the bill S. 4308 by striking out all after line 2, page 1, down to and including line 4, page 2, and insert in lieu thereof the following:

"United States post office at Sandusky, Ohio, $215,000: *Provided*, That said limit of cost shall include the purchase of a new site, which is hereby authorized, and the building herein authorized shall be erected on the new site."

Mr. MANN. The reason for offering the amendment is to change the form of the bill.

The law which it is proposed to amend is section 3, authorizing the Secretary of the Treasury to erect buildings at places enumerated, and this authorization appears in one line devoted to Sandusky, Ohio: "United States post office at Sandusky, Ohio, $130,000."

The bill proposes to amend that line by inserting a long provision making a new authorization, which is unnecessary, and then adding two more paragraphs which do not belong to the original bill at all and have no relation to the original act, but which ought to be included as a new part of that legislation. If this amendment is adopted, I shall move to strike out the quotation marks of the balance of the bill and insert it as section 2.

Mr. OVERMYER. Mr. Speaker, I will accept the amendment.

The SPEAKER. The question is on the amendment offered by the gentleman from Illinois.

The question was taken, and the amendment was agreed to.

The SPEAKER. The Clerk will report the next amendment.

The Clerk read as follows:

Amend, page 2, line 5, at the beginning of the line, by inserting section 2 and striking out the quotation marks on page 2, lines 5, 15, and 24.

The SPEAKER. The question is on the amendment.

The amendment was agreed to.

The bill as amended was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. OVERMYER, a motion to reconsider the vote whereby the bill was passed was laid on the table.

DAMS ACROSS SAVANNAH RIVER.

Mr. VINSON. Mr. Speaker, I ask unanimous consent for the present consideration of the bill H. R. 157, to extend the time for the completion of dams across the Savannah River by authority granted to Twin City Power Co. by an act approved February 29, 1908, as amended by act approved June 3, 1912, which I send to the desk and ask to have read.

The Clerk read as follows:

*Be it enacted, etc.*, That the consent of Congress is hereby granted for the extension of the time allowed to the Twin City Power Co. to construct dams across the Savannah River authorized by an act of February 29, 1908, as amended by act approved June 3, 1912, until three years from the date fixed in the amending act for its completion, to wit, February 29, 1919.

SEC. 2. That the right to amend, alter, or repeal this act is hereby expressly reserved.

The SPEAKER. Is there objection?

Mr. FOSTER. Mr. Speaker, reserving the right to object, I would like to ask the gentleman from Georgia what work has been done upon this dam?

Mr. VINSON. Mr. Speaker, a million and a half of dollars have been invested in the buying of the property and in the excavation of the place where the dam is to be constructed. About 7,000 acres have been purchased along the Savannah River, extending some 20 miles in length and anywhere from 1 to 5 miles in width. All of that property has been purchased and paid for, and the power company has deeds to the property, and all flowage rights or rights that might be affected by the backing of the water have been also purchased.

Mr. FOSTER. This is to permit them to go ahead with the work?

Mr. VINSON. Yes. The time expires on the 29th, and if it is not passed now it will affect the corporation in the construction of that work.

Mr. RAINEY. Mr. Speaker, reserving the right to object, this is the Twin City Power Co. property?

Mr. VINSON. Yes.

Mr. RAINEY. How many times has the time been extended for the completion of this dam?

Mr. VINSON. I think it has been extended, probably, three times before; but the reason for that has been due to the fact that there was litigation extending over a period of about five years, from 1910 to 1915, and that litigation was just settled in the fall of last year. Also, there was an application made to change the plan of the construction of the dam which stayed in the War Office for a year. That litigation and the change of the plan necessarily delayed this concern in the construction of this dam.

Mr. RAINEY. How many dams are they going to build?

Mr. VINSON. One. The original act provided for the construction of two, but after consultation with the War Department and the company's engineers they decided to construct one dam, and that is the reason there has been a delay of a year.

Mr. RAINEY. Who owns the Twin City Power Co.?

Mr. VINSON. The Twin City Power Co. is a corporation incorporated under the laws of South Carolina. Mr. O'Connor, of New York, is the President of it. I do not know who the stockholders are. There is no other power company in that whole section except the Georgia-Carolina Power Co., and the object of this is to give more competition in the electrical current in that section.

Mr. RAINEY. What relation does this power company bear to the Electric Properties Co.?

Mr. VINSON. None that I know of. I am not acquainted with all of its holdings.

Mr. RAINEY. Did not the Electric Properties Co. make these investments?

Mr. VINSON. No; the Electric Properties Co. had an option on this, and this company had a litigation with the Electric Properties Co., and that brought about a delay of five years. I will state to the gentleman that the president says there has been invested actual money $1,250,000. They have done a great amount of excavation and have bought franchises into the city of Augusta.

Mr. RAINEY. Who is the president of the concern?

Mr. VINSON. Mr. O'Connor, of New York.

Mr. RAINEY. He has made so many statements that it is hard to tell which one is correct. In the first instance, he said they had invested $500,000, and then again he said over a million dollars. He made a mistake the first time of $500,000 and might have made a mistake of a million dollars the second time.

Mr. VINSON. That is substantiated by Judge Callaway, who is the attorney for this concern, and who was the partner of Justice Lamar, of the Supreme Court, and he states in his report that they have expended over $1,000,000 in the purchase

Harmony and a liberal intercourse with all nations are recommended by policy, humanity, and interest. But even our commercial policy should hold an equal and impartial hand; neither seeking nor granting exclusive favors or preferences; consulting the natural course of things; diffusing and diversifying by gentle means the streams of commerce, but forcing nothing; establishing with powers so disposed, in order to give trade a stable course, to define the rights of our merchants, and to enable the Government to support them, conventional rules of intercourse, the best that present circumstances and mutual opinion will permit, but temporary, and liable to be from time to time abandoned or varied as experience and circumstances shall dictate; constantly keeping in view that it is folly in one nation to look for disinterested favors from another; that it must pay with a portion of its independence for whatever it may accept under that character; that by such acceptance it may place itself in the condition of having given equivalents for nominal favors, and yet of being reproached with ingratitude for not giving more. There can be no greater error than to expect or calculate upon real favors from nation to nation. It is an illusion which experience must cure, which a just pride ought to discard.

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Our fathers' God, to Thee,
Author of liberty,
To Thee we sing;
Long may our land be bright
With freedom's holy light;
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Great God, our King!

Amen.

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"That the Secretary of the Treasury is hereby authorized and directed to contract for the acquisition, by purchase, condemnation, or otherwise, of a new site and for the erection and completion thereon of a suitable building, including fireproof vaults, mechanical equipment, and approaches, complete, for the use and accommodation of the post office and other governmental offices at Sandusky, Ohio, at a cost for said site and building of not exceeding $215,000.

"That the appropriations of $80,000 and $12,000 made by the act of Congress approved March 3, 1915 (38 Stats., 828), pursuant to said provision of the public building act of March 4, 1913, and for temporary quarters and moving expenses for the Government officials in the present building, be, and the same are hereby, reappropriated and made immediately available for the purchase of said new site and the commencement of said new building.

"And that the Secretary of the Treasury is hereby authorized and directed, upon the completion and occupancy of said new building, to sell the present public building and the site thereof in Sandusky, Ohio, at such time, in such manner, and upon such terms as he may deem advisable; to convey said property to the purchasers thereof by the usual quit-claim deed; and to deposit the proceeds of said sale in the Treasury of the United States as a miscellaneous receipt: *Provided*, That said property shall not be sold for less than $70,000."

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. JOHNSON of Washington. Mr. Speaker, reserving the right to object, I would like to ask the gentleman from Ohio if this increases the limit of cost of the building?

Mr. SWITZER. Does this bill carry an increase over the original bill?

Mr. OVERMYER. It carries an increase over the appropriation made three years ago, but that building was to be erected on the old site. They now have a bid of $80,000 for the old site, and there was appropriated a year ago $12,000 to erect quarters for the post office if it was built on the old site. That item will not now be necessary, so that in fact the appropriation carried in this bill will result in less cost to the Government in the end, when the old site is sold, than was considered by the original bill.

Mr. JOHNSON of Washington. How much less?

Mr. OVERMYER. Seven thousand dollars less.

Mr. STAFFORD. Reserving the right to object, I understand there is a special exigency which is the reason why the gentleman asks to call this up at this time?

Mr. OVERMYER. Yes; the options expire on the 1st day of March.

The SPEAKER. Is there objection?

Mr. CANTRILL. Reserving the right to object, I would like to ask if this bill has been favorably reported by the Committee on Public Buildings and Grounds?

Mr. OVERMYER. Yes; the bill has passed the Senate and been reported favorably by a committee of the House; it is on the Unanimous Consent Calendar, but was not reached yesterday.

The SPEAKER. Is there objection?

There was no objection.

Mr. OVERMYER. Mr. Speaker, I ask that the bill be considered in the House as in Committee of the Whole House.

The SPEAKER. The gentleman from Ohio asks unanimous consent that the bill be considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

Mr. MANN. Mr. Speaker, I offer the following amendment.

The Clerk read as follows:

Amend the bill S. 4308 by striking out all after line 2, page 1, down to and including line 4, page 2, and insert in lieu thereof the following:

"United States post office at Sandusky, Ohio, $215,000: *Provided*, That said limit of cost shall include the purchase of a new site, which is hereby authorized, and the building herein authorized shall be erected on the new site."

Mr. MANN. The reason for offering the amendment is to change the form of the bill.

The law which it is proposed to amend is section 3, authorizing the Secretary of the Treasury to erect buildings at places enumerated, and this authorization appears in one line devoted to Sandusky, Ohio: "United States post office at Sandusky, Ohio, $130,000."

The bill proposes to amend that line by inserting a long provision making a new authorization, which is unnecessary, and then adding two more paragraphs which do not belong to the original bill at all and have no relation to the original act, but which ought to be included as a new part of that legislation. If this amendment is adopted, I shall move to strike out the quotation marks of the balance of the bill and insert it as section 2.

Mr. OVERMYER. Mr. Speaker, I will accept the amendment.

The SPEAKER. The question is on the amendment offered by the gentleman from Illinois.

The question was taken, and the amendment was agreed to.

The SPEAKER. The Clerk will report the next amendment.

The Clerk read as follows:

Amend, page 2, line 5, at the beginning of the line, by inserting section 2 and striking out the quotation marks on page 2, lines 5, 15, and 24.

The SPEAKER. The question is on the amendment.

The amendment was agreed to.

The bill as amended was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. OVERMYER, a motion to reconsider the vote whereby the bill was passed was laid on the table.

DAMS ACROSS SAVANNAH RIVER.

Mr. VINSON. Mr. Speaker, I ask unanimous consent for the present consideration of the bill H. R. 157, to extend the time for the completion of dams across the Savannah River by authority granted to Twin City Power Co. by an act approved February 29, 1908, as amended by act approved June 3, 1912, which I send to the desk and ask to have read.

The Clerk read as follows:

*Be it enacted, etc.*, That the consent of Congress is hereby granted for the extension of the time allowed to the Twin City Power Co. to construct dams across the Savannah River authorized by an act of February 29, 1908, as amended by act approved June 3, 1912, until three years from the date fixed in the amending act for its completion, to wit, February 29, 1919.

SEC. 2. That the right to amend, alter, or repeal this act is hereby expressly reserved.

The SPEAKER. Is there objection?

Mr. FOSTER. Mr. Speaker, reserving the right to object, I would like to ask the gentleman from Georgia what work has been done upon this dam?

Mr. VINSON. Mr. Speaker, a million and a half of dollars have been invested in the buying of the property and in the excavation of the place where the dam is to be constructed. About 7,000 acres have been purchased along the Savannah River, extending some 20 miles in length and anywhere from 1 to 5 miles in width. All of that property has been purchased and paid for, and the power company has deeds to the property, and all flowage rights or rights that might be affected by the backing of the water have been also purchased.

Mr. FOSTER. This is to permit them to go ahead with the work?

Mr. VINSON. Yes. The time expires on the 29th, and if it is not passed now it will affect the corporation in the construction of that work.

Mr. RAINEY. Mr. Speaker, reserving the right to object, this is the Twin City Power Co. property?

Mr. VINSON. Yes.

Mr. RAINEY. How many times has the time been extended for the completion of this dam?

Mr. VINSON. I think it has been extended, probably, three times before; but the reason for that has been due to the fact that there was litigation extending over a period of about five years, from 1910 to 1915, and that litigation was just settled in the fall of last year. Also, there was an application made to change the plan of the construction of the dam which stayed in the War Office for a year. That litigation and the change of the plan necessarily delayed this concern in the construction of this dam.

Mr. RAINEY. How many dams are they going to build?

Mr. VINSON. One. The original act provided for the construction of two, but after consultation with the War Department and the company's engineers they decided to construct one dam, and that is the reason there has been a delay of a year.

Mr. RAINEY. Who owns the Twin City Power Co.?

Mr. VINSON. The Twin City Power Co. is a corporation incorporated under the laws of South Carolina. Mr. O'Connor, of New York, is the President of it. I do not know who the stockholders are. There is no other power company in that whole section except the Georgia-Carolina Power Co., and the object of this is to give more competition in the electrical current in that section.

Mr. RAINEY. What relation does this power company bear to the Electric Properties Co.?

Mr. VINSON. None that I know of. I am not acquainted with all of its holdings.

Mr. RAINEY. Did not the Electric Properties Co. make these investments?

Mr. VINSON. No; the Electric Properties Co. had an option on this, and this company had a litigation with the Electric Properties Co., and that brought about a delay of five years. I will state to the gentleman that the president says there has been invested actual money $1,250,000. They have done a great amount of excavation and have bought franchises into the city of Augusta.

Mr. RAINEY. Who is the president of the concern?

Mr. VINSON. Mr. O'Connor, of New York.

Mr. RAINEY. He has made so many statements that it is hard to tell which one is correct. In the first instance, he said they had invested $500,000, and then again he said over a million dollars. He made a mistake the first time of $500,000 and might have made a mistake of a million dollars the second time.

Mr. VINSON. That is substantiated by Judge Callaway, who is the attorney for this concern, and who was the partner of Justice Lamar, of the Supreme Court, and he states in his report that they have expended over $1,000,000 in the purchase

of land and flowage rights, obtaining title to over 7,000 acres of land.

Mr. RAINEY. How did the president of this company happen to know so little about it that he made a mistake of $500,000 in his estimate as to the amount of money invested?

Mr. VINSON. I do not know how he made that mistake. He has the books and he should know more than the attorney, but Judge Callaway says he knows of his own knowledge that they have spent this amount.

Mr. RAINEY. What have they done except to buy land?

Mr. VINSON. Here is what they have done. I read from the report:

After the plans of the company had been approved by the War Department in 1910, the company built a spur track from the Charleston & Western Carolina Railroad over to the site of its dam, and made large excavations for the dam, and in fact carrying them down to rock bed for a foundation, cleared all of the growing timber off of the site of the pond and put a sawmill there and sawed up a large quantity of the necessary timber to be used in its concrete work in connection with its construction.

Mr. RAINEY. They have just dug a hole there.

Mr. VINSON. It has been under the supervision of the engineer of that district, and he approves it in accordance with the plans and specifications.

Mr. RAINEY. But they have had nine years, and have just dug a hole where they want to build a dam.

Mr. VINSON. Five years of that time have been in litigation and one year in the War Department. The gentleman ought to take into consideration the fact that it was hard to finance the corporation in 1909 and 1910 on account of the depressed condition of the money market.

Mr. RAINEY. Have they got it financed now?

Mr. VINSON. I think they have. They want the time extended to 1919, and at that time, if the gentleman thinks they have not done anything, he can then object, but I trust that he will withdraw his objection at this time.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The Chair desires to call the attention of the gentleman from Georgia [Mr. VINSON] to the last two lines of section 1 of the bill where the date February 29, 1919, is mentioned. There never will be any such date "February 29, 1919." There is no such date and never will be.

Mr. VINSON. Then, Mr. Speaker, I offer an amendment making it the 28th of February, 1919.

The SPEAKER. The gentleman offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 2, line 2, strike out "twenty-ninth" and insert "twenty-eighth."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. ADAMSON, a motion to reconsider the vote by which the bill was passed was laid on the table.

PENSIONS.

Mr. HAYES. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from California rise?

Mr. HAYES. Mr. Speaker, I rise for the purpose of calling up House joint resolution 89, now on the Speaker's table, in order to move to concur in the Senate amendments.

The SPEAKER. The Clerk will report the title of the joint resolution.

The Clerk read as follows:

H. J. Res. 89, to amend an act entitled "An act granting pensions to certain widows and dependent children of soldiers and sailors of said war, approved February 25, 1915."

The Senate amendments were read.

The SPEAKER. The question is on concurring in the Senate amendments.

Mr. MANN. Mr. Speaker, will the gentleman from California yield just a moment?

Mr. HAYES. With pleasure.

Mr. MANN. Mr. Speaker, it seems more than passing strange that, when we pass a resolution to correct a clerical error in a pension bill, we can not pass a resolution correctly, but have to leave it to the Senate to put the resolution in proper form. We made a number of mistakes in the last Congress in some special pension bills in describing the pensioners. This is one of them. We passed a joint resolution the other day to correct that, and then did not know enough to correctly describe the act which we sought to amend. I do not know who drew the resolution—I suppose a clerk, and very likely a good clerk—but it does show a carelessness on the part, possibly, of all of us that, even while we are trying to correct an error which was inexcusable in the first place, we make another one and leave that to be corrected by the Senate.

The SPEAKER. The question is on concurring in the Senate amendments.

The question was taken, and the Senate amendments were concurred in.

The SPEAKER. With the consent of the House, the Chair wishes to make a remark or two about this unanimous-consent business. Some years ago the House fixed a Unanimous Consent Calendar. Under that rule the Speaker has no right even to recognize any gentleman to ask for unanimous consent unless the bill is on that calendar. What the Chair desires to say is that gentlemen who have bills and want them passed had better get them on the Unanimous Consent Calendar as quickly as they can.

Mr. MOON. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from Tennessee rise?

Mr. MOON. I rise to move that the House resolve itself into the Committee of the Whole House on the state of the Union——

Mr. MANN. There is a special order to-day.

The SPEAKER. Under a special order of the House, the gentleman from California [Mr. RAKER] will read Gen. George Washington's Farewell Address. [Applause.]

Mr. RAKER, from the Clerk's desk, read the address, as follows:

WASHINGTON'S FAREWELL ADDRESS.

*To the People of the United States.*

FRIENDS AND FELLOW CITIZENS: The period for a new election of a citizen to administer the executive government of the United States being not far distant, and the time actually arrived when your thoughts must be employed in designating the person who is to be clothed with that important trust, it appears to me proper, especially as it may conduce to a more distinct expression of the public voice, that I should now apprise you of the resolution I have formed to decline being considered among the number of those out of whom a choice is to be made.

I beg you at the same time to do me the justice to be assured that this resolution has not been taken without a strict regard to all the considerations appertaining to the relation which binds a dutiful citizen to his country; and that in withdrawing the tender of service, which silence in my situation might imply, I am influenced by no diminution of zeal for your future interest, no deficiency of grateful respect for your past kindness, but am supported by a full conviction that the step is compatible with both.

The acceptance of and continuance hitherto in the office to which your suffrages have twice called me have been a uniform sacrifice of inclination to the opinion of duty and to a deference for what appeared to be your desire. I constantly hoped that it would have been much earlier in my power, consistently with motives which I was not at liberty to disregard, to return to that retirement from which I had been reluctantly drawn. The strength of my inclination to do this previous to the last election had even led to the preparation of an address to declare it to you; but mature reflection on the then perplexed and critical posture of our affairs with foreign nations and the unanimous advice of persons entitled to my confidence impelled me to abandon the idea. I rejoice that the state of your concerns, external as well as internal, no longer renders the pursuit of inclination incompatible with the sentiment of duty or propriety, and am persuaded, whatever partiality may be retained for my services, that in the present circumstances of our country you will not disapprove my determination to retire.

The impressions with which I first undertook the arduous trust were explained on the proper occasion. In the discharge of this trust I will only say that I have, with good intentions, contributed toward the organization and administration of the Government the best exertions of which a very fallible judgment was capable. Not unconscious in the outset of the inferiority of my qualifications, experience in my own eyes, perhaps still more in the eyes of others, has strengethed the motives to diffidence of myself; and every day the increasing weight of years admonishes me more and more that the shade of retirement is as necessary to me as it will be welcome. Satisfied that if any circumstances have given peculiar value to my services they were temporary, I have the consolation to believe that, while choice and prudence invite me to quit the political scene, patriotism does not forbid it.

In looking forward to the moment which is intended to terminate the career of my political life my feelings do not permit me to suspend the deep acknowledgment of that debt of gratitude which I owe to my beloved country for the many honors it has conferred upon me; still more for the steadfast confidence with

which it has supported me, and for the opportunities I have thence enjoyed of manifesting my inviolable attachment by services faithful and persevering, though in usefulness unequal to my zeal. If benefits have resulted to our country from these services, let it always be remembered to your praise and as an instructive example in our annals that under circumstances in which the passions, agitated in every direction, were liable to mislead; amidst appearances sometimes dubious; vicissitudes of fortune often discouraging; in situations in which not unfrequently want of success has countenanced the spirit of criticism, the constancy of your support was the essential prop of the efforts and a guaranty of the plans by which they were effected. Profoundly penetrated with this idea, I shall carry it with me to my grave as a strong incitement to unceasing vows that Heaven may continue to you the choicest tokens of its beneficence; that your union and brotherly affection may be perpetual; that the free Constitution which is the work of your hands may be sacredly maintained; that its administration in every department may be stamped with wisdom and virtue; that, in fine, the happiness of the people of these States, under the auspices of liberty, may be made complete by so careful a preservation and so prudent a use of this blessing as will acquire to them the glory of recommending it to the applause, the affection, and adoption of every nation which is yet a stranger to it.

Here, perhaps, I ought to stop. But a solicitude for your welfare which can not end but with my life, and the apprehension of danger natural to that solicitude, urge me on an occasion like the present to offer to your solemn contemplation and to recommend to your frequent review some sentiments which are the result of much reflection, of no inconsiderable observation, and which appear to me all important to the permanency of your felicity as a people. These will be offered to you with the more freedom as you can only see in them the disinterested warnings of a parting friend, who can possibly have no personal motive to bias his counsel. Nor can I forget as an encouragement to it your indulgent reception of my sentiments on a former and not dissimilar occasion.

Interwoven as is the love of liberty with every ligament of your hearts, no recommendation of mine is necessary to fortify or confirm the attachment.

The unity of government which constitutes you one people is also now dear to you. It is justly so, for it is a main pillar in the edifice of your real independence, the support of your tranquillity at home, your peace abroad, of your safety, of your prosperity, of that very liberty which you so highly prize. But as it is easy to foresee that from different causes and from different quarters much pains will be taken, many artifices employed, to weaken in your minds the conviction of this truth, as this is the point in your political fortress against which the batteries of internal and external enemies will be most constantly and actively (though often covertly and insidiously) directed, it is of infinite moment that you should properly estimate the immense value of your national union to your collective and individual happiness; that you should cherish a cordial, habitual, and immovable attachment to it, accustoming yourselves to think and speak of it as of the palladium of your political safety and prosperity; watching for its preservation with jealous anxiety; discountenancing whatever may suggest even a suspicion that it can in any event be abandoned, and indignantly frowning upon the first dawning of every attempt to alienate any portion of our country from the rest or to enfeeble the sacred ties which now link together the various parts.

For this you have every inducement of sympathy and interest. Citizens by birth or choice of a common country, that country has a right to concentrate your affections. The name of American, which belongs to you in your national capacity, must always exalt the just pride of patriotism more than any appellation derived from local discriminations. With slight shades of difference, you have the same religion, manners, habits, and political principles. You have in a common cause fought and triumphed together. The independence and liberty you possess are the work of joint counsels and joint efforts, of common dangers, sufferings, and successes.

But these considerations, however powerfully they address themselves to your sensibility, are greatly outweighed by those which apply more immediately to your interest. Here every portion of our country finds the most commanding motives for carefully guarding and preserving the union of the whole.

The North, in an unrestrained intercourse with the South, protected by the equal laws of a common government, finds in the productions of the latter great additional resources of maritime and commercial enterprise and precious materials of manufacturing industry. The South, in the same intercourse, benefiting by the same agency of the North, sees its agriculture grow and its commerce expand. Turning partly into its own channels the seamen of the North, it finds its particular navigation invigorated; and while it contributes in different ways to nourish and increase the general mass of the national navigation, it looks forward to the protection of a maritime strength to which itself is unequally adapted. The East, in a like intercourse with the West, already finds, and in the progressive improvement of interior communications by land and water will more and more find, a valuable vent for the commodities which it brings from abroad or manufactures at home. The West derives from the East supplies requisite to its growth and comfort, and what is perhaps of still greater consequence, it must of necessity owe the secure enjoyment of indispensable outlets for its own productions to the weight, influence, and the future maritime strength of the Atlantic side of the Union, directed by an indissoluble community of interest as one nation. Any other tenure by which the West can hold this essential advantage, whether derived from its own separate strength or from an apostate and unnatural connection with an foreign power, must be intrinsically precarious.

While, then, every part of our country thus feels an immediate and particular interest in union, all the parts combined can not fail to find in the united mass of means and efforts greater strength, greater resource, proportionably greater security from external danger, a less frequent interruption of their peace by foreign nations, and what is of inestimable value, they must derive from union an exemption from those broils and wars between themselves which so frequently afflict neighboring countries not tied together by the same governments, which their own rivalships alone would be sufficient to produce, but which opposite foreign alliances, attachments, and intrigues would stimulate and embitter. Hence, likewise, they will avoid the necessity of those overgrown military establishments which, under any form of government, are inauspicious to liberty, and which are to be regarded as particularly hostile to republican liberty. In this sense it is that your union ought to be considered as a main prop of your liberty, and that the love of the one ought to endear to you the preservation of the other.

These considerations speak a persuasive language to every reflecting and virtuous mind, and exhibit the continuance of the Union as a primary object of patriotic desire. Is there a doubt whether a common government can embrace so large a sphere? Let experience solve it. To listen to mere speculation in such a case were criminal. We are authorized to hope that a proper organization of the whole, with the auxiliary agency of governments for the respective subdivisions, will afford a happy issue to the experiment. It is well worth a fair and full experiment. With such powerful and obvious motives to union affecting all parts of our country, while experience shall not have demonstrated its impracticability, there will always be reason to distrust the patriotism of those who in any quarter may endeavor to weaken its bands.

In contemplating the causes which may disturb our union, it occurs as matter of serious concern that any ground should have been furnished for characterizing parties by geographical discriminations—Northern and Southern, Atlantic and Western—whence designing men may endeavor to excite a belief that there is a real difference of local interests and views. One of the expedients of party to acquire influence within particular districts is to misrepresent the opinions and aims of other districts. You can not shield yourselves too much against the jealousies and heartburnings which spring from these misrepresentations; they tend to render alien to each other those who ought to be bound together by fraternal affection. The inhabitants of our western country have lately had a useful lesson on this head. They have seen in the negotiation by the Executive and in the unanimous ratification by the Senate of the treaty with Spain, and in the universal satisfaction at that event throughout the United States, a decisive proof how unfounded were the suspicions propagated among them of a policy in the General Government and in the Atlantic States unfriendly to their interests in regard to the Mississippi. They have been witnesses to the formation of two treaties—that with Great Britain and that with Spain—which secures to them everything they could desire in respect to our foreign relations toward confirming their prosperity. Will it not be their wisdom to rely for the preservation of these advantages on the union by which they were procured? Will they not henceforth be deaf to those advisers, if such they are, who would sever them from their brethren and connect them with aliens?

To the efficacy and permanency of your union a government for the whole is indispensable. No alliances, however strict, between the parts can be an adequate substitute. They must inevitably experience the infractions and interruptions which all alliances in all times have experienced. Sensible of this

momentous truth, you have improved upon your first essay by the adoption of a Constitution of Government better calculated than your former for an intimate union and for the efficacious management of your common concerns. This Government, the offspring of our own choice, uninfluenced and unawed, adopted upon full investigation and mature deliberation, completely free in its principles, in the distribution of its powers, uniting security with energy, and containing within itself a provision for its own amendment, has a just claim to your confidence and your support. Respect for its authority, compliance with its laws, acquiescence in its measures, are duties enjoined by the fundamental maxims of true liberty. The basis of our political systems is the right of the people to make and to alter their constitutions of government. But the constitution which at any time exists till changed by an explicit and authentic act of the whole people is sacredly obligatory upon all. The very idea of the power and the right of the people to establish government presupposes the duty of every individual to obey the established government.

All obstructions to the execution of the laws, all combinations and associations, under whatever plausible character, with the real design to direct, control, counteract, or awe the regular deliberation and action of the constituted authorities, are destructive of this fundamental principle and of fatal tendency. They serve to organize faction; to give it an artificial and extraordinary force; to put in the place of the delegated will of the nation the will of a party, often a small but artful and enterprising minority of the community, and, according to the alternate triumphs of different parties, to make the public administration the mirror of the ill-concerted and incongruous projects of faction rather than the organ of consistent and wholesome plans, digested by common counsels and modified by mutual interests.

However combinations or associations of the above description may now and then answer popular ends, they are likely in the course of time and things to become potent engines by which cunning, ambitious, and unprincipled men will be enabled to subvert the power of the people, and to usurp for themselves the reins of government, destroying afterwards the very engines which have lifted them to unjust dominion.

Toward the preservation of your Government and the permanency of your present happy state it is requisite not only that you steadily discountenance irregular oppositions to its acknowledged authority but also that you resist with care the spirit of innovation upon its principles, however specious the pretexts. One method of assault may be to effect in the forms of the Constitution alterations which may impair the energy of the system, and thus to undermine what can not be directly overthrown. In all the changes to which you may be invited remember that time and habit are at least as necessary to fix the true character of governments as other human institutions; that experience is the surest standard by which to test the real tendency of the existing constitution of a country; that facility in changes upon the credit of mere hypothesis and opinion exposes to perpetual change from the endless variety of hypothesis and opinion; and remember especially that for the efficient management of your common interests in a country so extensive as ours a government of as much vigor as is consistent with the perfect security of liberty is indispensable. Liberty itself will find in such a government, with powers properly distributed and adjusted, its surest guardian. It is, indeed, little else than a name where the government is too feeble to withstand the enterprises of faction, to confine each member of the society within the limits prescribed by the laws, and to maintain all in the secure and tranquil enjoyment of the rights of person and property.

I have already intimated to you the danger of parties in the State, with particular reference to the founding of them on geographical discriminations. Let me now take a more comprehensive view, and warn you in the most solemn manner against the baneful effects of the spirit of party generally.

This spirit, unfortunately, is inseparable from our nature, having its root in the strongest passions of the human mind. It exists under different shapes in all governments, more or less stifled, controlled, or repressed; but in those of the popular form it is seen in its greatest rankness and is truly their worst enemy.

The alternate domination of one faction over another, sharpened by the spirit of revenge natural to party dissension, which in different ages and countries has perpetrated the most horrid enormities, is itself a frightful despotism. But this leads at length to a more formal and permanent despotism. The disorders and miseries which result gradually incline the minds of men to seek security and repose in the absolute power of an individual, and sooner or later the chief of some prevailing faction, more able or more fortunate than his competitors, turns this disposition to the purposes of his own elevation on the ruins of public liberty.

Without looking forward to an extremity of this kind (which nevertheless ought not to be entirely out of sight), the common and continual mischiefs of the spirit of party are sufficient to make it the interest and duty of a wise people to discourage and restrain it.

It serves always to distract the public councils and enfeeble the public administration. It agitates the community with ill-founded jealousies and false alarms; kindles the animosity of one part against another; foments occasionally riot and insurrection. It opens the door to foreign influence and corruption, which find a facilitated access to the Government itself through the channels of party passion. Thus the policy and the will of one country are subjected to the policy and will of another.

There is an opinion that parties in free countries are useful checks upon the administration of the Government and serve to keep alive the spirit of liberty. This within certain limits is probably true, and in governments of a monarchical cast patriotism may look with indulgence, if not with favor, upon the spirit of party. But in those of the popular character, in governments purely elective, it is a spirit not to be encouraged. From their natural tendency it is certain there will always be enough of that spirit for every salutary purpose, and there being constant danger of excess, the effort ought to be by force of public opinion to mitigate and assuage it. A fire not to be quenched, it demands a uniform vigilance to prevent its bursting into a flame, lest instead of warming it should consume.

It is important, likewise, that the habits of thinking in a free country should inspire caution in those intrusted with its administration to confine themselves within their respective constitutional spheres, avoiding in the exercise of the powers of one department to encroach upon another. The spirit of encroachment tends to consolidate the powers of all the departments in one, and thus to create, whatever the form of government, a real despotism. A just estimate of that love of power and proneness to abuse it which predominates in the human heart is sufficient to satisfy us of the truth of this position. The necessity of reciprocal checks in the exercise of political power, by dividing and distributing it into different depositories, and constituting each the guardian of the public weal against invasions by the others, has been evinced by experiments, ancient and modern, some of them in our country and under our own eyes. To preserve them must be as necessary as to institute them. If in the opinion of the people the distribution or modification of the constitutional powers be in any particular wrong, let it be corrected by an amendment in the way which the Constitution designates. But let there be no change by usurpation; for though this in one instance may be the instrument of good, it is the customary weapon by which free governments are destroyed. The precedent must always greatly overbalance in permanent evil any partial or transient benefit which the use can at any time yield.

Of all the dispositions and habits which lead to political prosperity, religion and morality are indispensable supports. In vain would that man claim the tribute of patriotism who should labor to subvert these great pillars of human happiness—these firmest props of the duties of men and citizens. The mere politician, equally with the pious man, ought to respect and to cherish them. A volume could not trace all their connections with private and public felicity. Let it simply be asked, Where is the security for property, for reputation, for life, if the sense of religious obligation desert the oaths which are the instruments of investigation in courts of justice? And let us with caution indulge the supposition that morality can be maintained without religion. Whatever may be conceded to the influence of refined education on minds of peculiar structure, reason and experience both forbid us to expect that national morality can prevail in exclusion of religious principle.

It is substantially true that virtue or morality is a necessary spring of popular government. The rule indeed extends with more or less force to every species of free government. Who that is a sincere friend to it can look with indifference upon attempts to shake the foundation of the fabric? Promote, then, as an object of primary importance, institutions for the general diffusion of knowledge. In proportion as the structure of a government gives force to public opinion, it is essential that public opinion should be enlightened.

As a very important source of strength and security cherish public credit. One method of preserving it is to use it as sparingly as possible, avoiding occasions of expense by cultivating peace, but remembering also that timely disbursements to prepare for danger frequently prevent much greater disbursements to repel it; avoiding likewise the accumulation of debt, not only by shunning occasions of expense, but by vigorous exertions in time of peace to discharge the debts which unavoidable wars

have occasioned, not ungenerously throwing upon posterity the burthen which we ourselves ought to bear. The execution of these maxims belongs to your Representatives; but it is necessary that public opinion should cooperate. To facilitate to them the performance of their duty it is essential that you should practically bear in mind that toward the payment of debts there must be revenue; that to have revenue there must be taxes; that no taxes can be devised which are not more or less inconvenient and unpleasant; that the intrinsic embarrassment inseparable from the selection of the proper objects (which is always a choice of difficulties) ought to be a decisive motive for a candid construction of the conduct of the government in making it, and for a spirit of acquiescence in the measures for obtaining revenue which the public exigencies may at any time dictate.

Observe good faith and justice toward all nations. Cultivate peace and harmony with all. Religion and morality enjoin this conduct. And can it be that good policy does not equally enjoin it? It will be worthy of a free, enlightened, and at no distant period a great nation to give to mankind the magnanimous and too novel example of a people always guided by an exalted justice and benevolence. Who can doubt that in the course of time and things the fruits of such a plan would richly repay any temporary advantages which might be lost by a steady adherence to it? Can it be that Providence has not connected the permanent felicity of a nation with its virtue? The experiment, at least, is recommended by every sentiment which ennobles human nature. Alas! is it rendered impossible by its vices?

In the execution of such a plan nothing is more essential than that permanent, inveterate antipathies against particular nations and passionate attachments for others should be excluded, and that in place of them just and amicable feelings toward all should be cultivated. The nation which indulges toward another an habitual hatred or an habitual fondness is in some degree a slave. It is a slave to its animosity or to its affection, either of which is sufficient to lead it astray from its duty and its interest. Antipathy in one nation against another disposes each more readily to offer insult and injury, to lay hold of slight causes of umbrage, and to be haughty and intractable when accidental or trifling occasions of dispute occur.

Hence, frequent collisions, obstinate, envenomed, and bloody contests. The nation prompted by ill will and resentment sometimes impels to war the government contrary to the best calculations of policy. The government sometimes participates in the national propensity and adopts through passion what reason would reject. At other times it makes the animosity of the nation subservient to projects of hostility, instigated by pride, ambition, and other sinister and pernicious motives. The peace often, sometimes perhaps the liberty, of nations has been the victim.

So, likewise, a passionate attachment of one nation for another produces a variety of evils. Sympathy for the favorite nation, facilitating the illusion of an imaginary common interest in cases where no real common interest exists and infusing into one the enmities of the other, betrays the former into a participation in the quarrels and wars of the latter without adequate inducement or justification. It leads also to concessions to the favorite nation of privileges denied to others, which is apt doubly to injure the nation making the concessions by unnecessarily parting with what ought to have been retained and by exciting jealousy, ill will, and a disposition to retaliate in the parties from whom equal privileges are withheld; and it gives to ambitious, corrupted, or deluded citizens (who devote themselves to the favorite nation) facility to betray or sacrifice the interests of their own country without odium, sometimes even with popularity, gilding with the appearances of a virtuous sense of obligation a commendable deference for public opinion or a laudable zeal for public good the base or foolish compliances of ambition, corruption, or infatuation.

As avenues to foreign influence in innumerable ways, such attachments are particularly alarming to the truly enlightened and independent patriot. How many opportunities do they afford to tamper with domestic factions, to practice the arts of seduction, to mislead public opinion, to influence or awe the public councils! Such an attachment of a small or weak toward a great and powerful nation dooms the former to be the satellite of the latter. Against the insidious wiles of foreign influence—I conjure you to believe me, fellow citizens—the jealousy of a free people ought to be constantly awake, since history and experience prove that foreign influence is one of the most baneful foes of republican government. But that jealousy, to be useful, must be impartial, else it becomes the instrument of the very influence to be avoided, instead of a defense against it. Excessive partiality for one foreign nation and excessive dislike of another cause those whom they actuate to see danger only on one side, and serve to veil and even second the arts of influence on the other. Real patriots who may resist the intrigues of the favorite are liable to become suspected and odious, while its tools and dupes usurp the applause and confidence of the people to surrender their interests.

The great rule of conduct for us in regard to foreign nations is, in extending our commercial relations, to have with them as little political connection as possible. So far as we have already formed engagements, let them be fulfilled with perfect good faith. Here let us stop.

Europe has a set of primary interests which to us have none or a very remote relation. Hence she must be engaged in frequent controversies, the causes of which are essentially foreign to our concerns. Hence, therefore, it must be unwise in us to implicate ourselves by artificial ties in the ordinary vicissitudes of her politics or the ordinary combinations and collisions of her friendships or enmities.

Our detached and distant situation invites and enables us to pursue a different course. If we remain one people, under an efficient government, the period is not far off when we may defy material injury from external annoyance; when we may take such an attitude as will cause the neutrality we may at any time resolve upon to be scrupulously respected; when belligerent nations, under the impossibility of making acquisitions upon us, will not lightly hazard the giving us provocation; when we may choose peace or war, as our interest, guided by justice, shall counsel.

Why forego the advantages of so peculiar a situation? Why quit our own to stand upon foreign ground? Why, by interweaving our destiny with that of any part of Europe, entangle our peace and prosperity in the toils of European ambition, rivalship, interest, humor, or caprice?

It is our true policy to steer clear of permanent alliances with any portion of the foreign world, so far, I mean, as we are now at liberty to do it; for let me not be understood as capable of patronizing infidelity to existing engagements. I hold the maxim no less applicable to public than to private affairs that honesty is always the best policy. I repeat, therefore, let those engagements be observed in their genuine sense. But in my opinion it is unnecessary and would be unwise to extend them.

Taking care always to keep ourselves by suitable establishments on a respectable defensive posture, we may safely trust to temporary alliances for extraordinary emergencies.

Harmony, liberal intercourse with all nations, are recommended by policy, humanity, and interest. But even our commercial policy should hold an equal and impartial hand, neither seeking nor granting exclusive favors or preferences; consulting the natural course of things; diffusing and diversifying by gentle means the streams of commerce, but forcing nothing; establishing with powers so disposed, in order to give trade a stable course, to define the rights of our merchants, and to enable the Government to support them, conventional rules of intercourse, the best that present circumstances and mutual opinion will permit, but temporary and liable to be from time to time abandoned or varied as experience and circumstances shall dictate; constantly keeping in view that it is folly in one nation to look for disinterested favors from another; that it must pay with a portion of its independence for whatever it may accept under that character; that by such acceptance it may place itself in the condition of having given equivalents for nominal favors, and yet of being reproached with ingratitude for not giving more. There can be no greater error than to expect or calculate upon real favors from nation to nation. It is an illusion which experience must cure, which a just pride ought to discard.

In offering to you, my countrymen, these counsels of an old and affectionate friend I dare not hope they will make the strong and lasting impression I could wish—that they will control the usual current of the passions or prevent our Nation from running the course which has hitherto marked the destiny of nations. But if I may even flatter myself that they may be productive of some partial benefit, some occasional good—that they may now and then recur to moderate the fury of party spirit, to warn against the mischiefs of foreign intrigue, to guard against the impostures of pretended patriotism—this hope will be a full recompense for the solicitude for your welfare by which they have been dictated.

How far in the discharge of my official duties I have been guided by the principles which have been delineated the public records and other evidences of my conduct must witness to you and to the world. To myself, the assurance of my own conscience is that I have at least believed myself to be guided by them.

In relation to the still subsisting war in Europe my proclamation of the 22d of April, 1793, is the index to my plan. Sanctioned by your approving voice, and by that of your representatives in

both Houses of Congress, the spirit of that measure has continually governed me, uninfluenced by any attempts to deter or divert me from it.

After deliberate examination, with the aid of the best lights I could obtain, I was well satisfied that our country, under all the circumstances of the case, had a right to take, and was bound in duty and interest to take, a neutral position. Having taken it, I determined as far as should depend upon me to maintain it with moderation, preseverance, and firmness.

The considerations which respect the right to hold this conduct it is not necessary on this occasion to detail. I will only observe that, according to my understanding of the matter, that right, so far from being denied by any of the belligerent powers, has been virtually admitted by all.

The duty of holding a neutral conduct may be inferred, without anything more, from the obligation which justice and humanity impose on every nation, in cases in which it is free to act, to maintain inviolate the relations of peace and amity toward other nations.

The inducements of interest for observing that conduct will best be referred to your own reflections and experience. With me a predominant motive has been to endeavor to gain time to our country to settle and mature its yet recent institutions, and to progress without interruption to that degree of strength and consistency which is necessary to give it, humanly speaking, the command of its own fortunes.

Though in reviewing the incidents of my administration I am unconscious of intentional error, I am nevertheless too sensible of my defects not to think it probable that I may have committed many errors. Whatever they may be, I fervently beseech the Almighty to avert or mitigate the evils to which they may tend. I shall also carry with me the hope that my country will never cease to view them with indulgence, and that, after 45 years of my life dedicated to its service with an upright zeal, the faults of incompetent abilities will be consigned to oblivion, as myself must soon be to the mansions of rest.

Relying on its kindness in this as in other things, and actuated by that fervent love toward it which is so natural to a man who views in it the native soil of himself and his progenitors for several generations, I anticipate with pleasing expectation that retreat in which I promise myself to realize without alloy the sweet enjoyment of partaking in the midst of my fellow-citizens the benign influence of good laws under a free government—the ever-favorite object of my heart, and the happy reward, as I trust, of our mutual cares, labors, and dangers.

GO: WASHINGTON.

UNITED STATES, *September 17, 1796.*

[Applause.]

SWEARING IN OF A MEMBER.

Mr. HEFLIN, Mr. DUPRÉ, and Mr. BURNETT rose.

The SPEAKER. The gentleman from Alabama [Mr. BURNETT]

Mr. BURNETT. Mr. Speaker, my colleague, Mr. GRAY, from the first Alabama district, has arrived and desires to be sworn in. [Applause.]

Mr. OSCAR L. GRAY, a Representative from the State of Alabama, appeared before the bar of the House and took the oath of office.

COLLECTION OF STATISTICS OF COTTON.

Mr. HEFLIN. Mr. Speaker, I ask unanimous consent for the present consideration of a very important resolution (H. J. Res. No. 103). This resolution was unanimously reported by the Committee on the Census, and pertains to the collection of statistics of cotton used in the manufacture of gunpowder and explosive shells. I ask unanimous consent that it be considered at this time, and I do not think that there will be any opposition to it.

The SPEAKER. The gentleman from Alabama asks unanimous consent for the present consideration of the resolution named. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, this is in no sense an emergency matter, and I do not think it is a good resolution at all.

Mr. HEFLIN. I want to say, Mr. Speaker, that the last ginners' report will be announced on the 1st of March. The ginning season will be over, and it is important to have this information as soon as possible. We know now how much cotton is consumed by the spinners, and the department has authority to collect those statistics, and has collected them, but the department has no authority to collect these statistics, as was stated in the hearings before the committee. The chief statistician, Mr. Steuart, I will state, says that he is sure that more than a million bales of cotton has been consumed for this purpose in 12 months prior to January 1, 1916, but that he had no authority to go into these establishments and get this information. He has authority to collect statistics of raw cotton consumed by the spinners, but he has no authority to collect cotton partially prepared by other establishments and used at powdermills.

The statistics here sought are in great demand. Mr. Steuart stated that he had received thousands of letters from people all over the country asking how much cotton was being consumed for this purpose. It is very important to the producers to know this and it is important for the public to know it. And I will say to the gentleman from Illinois that it is proper that the Government should know how much cotton goes into the manufacture of powder and explosive shells, because when we go to put our preparedness program through we ought to know, and these statistics would tell us how much cotton would be required to manufacture a certain amount of powder and shells.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, if these gentlemen interested in such matters had been diligent a bill could have been introduced and brought before the House in the regular way a long time ago. This is not a proper way to consider such measures—to call them up without notice; passing them without consideration—and it is not an emergency matter. We have a Unanimous Consent Calendar and a Suspension Calendar, and I am forced to object.

Mr. HEFLIN. I will state to the gentleman that I have urged consideration of my resolution by the committee, and it was just reported two or three days ago. This is the first chance I have had to call it up.

The SPEAKER. The gentleman from Illinois objects.

Mr. HEFLIN. I will state to the gentleman that the committee just reported the bill a moment ago.

The SPEAKER. The objection ends it.

Mr. MANN. The committee was not diligent, then.

INCOME-TAX LAW.

Mr. DUPRÉ. Mr. Speaker, I ask unanimous consent to have read from the Clerk's desk certain correspondence between the gentleman from Tennessee [Mr. HULL] and myself regarding the income-tax law. The reading of this correspondence will consume about three minutes.

Mr. COX. Reserving the right to object, is three minutes all the time the gentleman from Louisiana will want?

Mr. MANN. I object.

The SPEAKER. The gentleman from Illinois objects. The gentleman from Tennessee [Mr. MOON] is recognized.

Mr. MANN. The gentleman can get in under general debate.

POST OFFICE APPROPRIATION BILL.

Mr. MOON. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the Post Office appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 10484) making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1917, and for other purposes, with Mr. RAINEY in the chair.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

For temporary and auxiliary clerk hire at first and second class post offices and temporary and auxiliary clerk hire at summer and winter resort post offices, $1,800,000: *Provided*, That when the needs of the Postal Service require the employment on holidays of clerks in first and second class post offices and letter carriers in the City Delivery Service, the employees who are required and ordered to perform holiday work shall be allowed compensatory time on one of the 30 days following the holiday on which they perform such service: *Provided*, That for the purpose of this act holidays shall be all National, State, and local holidays that are observed by other branches of the Federal Government.

Mr. MANN. Mr. Chairman, I reserve a point of order on that.

Mr. SISSON. Mr. Chairman, I make a point of order to the language on the bottom of the page, to the proviso beginning in line 23, which reads:

That for the purpose of this act they shall be all National, State, and local holidays that are observed by other branches of the Federal Government.

That is new legislation.

Mr. MANN. Mr. Chairman, I reserve the point of order on the paragraph.

Mr. SISSON. I make a point of order on that language.

The CHAIRMAN. On the proviso?

Mr. SISSON. Yes, sir.

Mr. MANN. The gentleman understands very well if he makes the point of order on that and it is sustained, and the rest is admitted, it makes it necessary to offer an amendment to the paragraph.

The CHAIRMAN. The Chair understands that the gentleman from Mississippi makes the point of order on the proviso and the gentleman from Illinois reserves the point of order on the entire paragraph.

Mr. MANN. I withdraw by reservation of the point of order.

Mr. SISSON. I make the point of order.

Mr. MOON. Mr. Chairman, there is no question about the point of order being well taken.

The CHAIRMAN. The point of order is sustained.

INCOME-TAX LAW.

Mr. DUPRÉ. Mr. Chairman, I move to strike out the last word. I offer the pro forma amendment in order to have read from the Clerk's desk the matter which I just now tried to have read by unanimous consent.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

FEBRUARY 18, 1916.

Hon. CORDELL HULL,
*House of Representatives, City.*

MY DEAR SIR: Certain newspapers, whether in ignorance of the provisions of the present income-tax law or from a desire to discredit it with the country, continue to assert from time to time that Congress in framing that statute exempted its own membership from the operation of the law, exempted likewise Federal officials, and failed entirely to subject thereto the salaries of State, county, or municipal officials.

With a view of clarifying the matter, I respectfully ask leave to propound to you some questions relative to these assertions, which I shall thank you to answer as categorically as possible. I, of course, am familiar with the income-tax law and anticipate the nature of your reply to these queries, but an authorized statement from you, who are generally regarded as the author of the income-tax features of the Underwood tariff law and whose deep study of and wide familiarity with the subject are generally admitted, will carry much more weight and conclusiveness than would attach to any utterance of mine and may accordingly serve to put an end to these repeated misstatements of fact and of law. Hence this letter.

The questions I desire to submit to you follow:

1. Are Members of the Senate and the House of Representatives in the Congress of the United States required to pay an income tax? Do they enjoy any immunity not accorded others having similar income?

2. Are Federal officials, whose salaries exceed the exemption limit given to all citizens, subject to the provisions of the income-tax law? What exemptions, if any, are there in this respect? Why, if such exemption is granted to the present President of the United States during the term for which he was elected, and those members of the Supreme and inferior courts of the United States who were on the bench at the time the Underwood tariff bill became a law, was such exemption provided for?

3. If the compensation of officials of a State, or any of its political subdivisions, was exempted from the income-tax law, "except when such compensation is paid by the United States Government," why was this done? Was this last clause —"except when such compensation is paid by the United States Government"—inserted especially to meet the case of United States Senators and Representatives, as to whose status, viz, whether they are Federal or State officials, there has been much discussion, a question which, by the way, was recently before the Supreme Court of the United States but was not decided by that tribunal. (See Lamar *v.* United States.)

I respectfully ask permission to make public this letter and your reply thereto.

With expressions of personal regard, I am,

Sincerely, yours,

H. GARLAND DUPRÉ.

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COMMITTEE ON WAYS AND MEANS,
HOUSE OF REPRESENTATIVES,
*Washington, D. C., February 19, 1916.*

Hon. H. GARLAND DUPRÉ,
*House of Representatives.*

MY DEAR SIR: I am in receipt of your letter of the 18th instant in which you propound certain questions relative to some of the provisions of the present Federal income-tax law.

I take pleasure in answering these questions as best I can. I am satisfied that you nor any other person who has read the law would ask these questions for personal information.

Replying to question 1, I would say that under the plain letter of the law Members of the Senate and House of Representatives of the United States are required to pay income tax upon their respective salaries and all other net income accruing to them from every source, less the statutory exemptions of $3,000 and $4,000 allowed to single and married persons, respectively. Senators and Members of the House of Representatives, of course, do not under the law secure the benefit of any deduction, exemption, or immunity of any kind not accorded to all other income-tax payers. So far as I know or have heard there was never a suggestion, an idea, or even a thought of so wording the law as to allow Representatives and Senators the slightest immunity or advantage over other individual taxpayers.

Replying to your second question, I would say that all Federal officials whose salaries exceed the exemption limits prescribed for the benefit of all citizens are subject to the provisions of the income-tax law, with this qualification, viz, "The compensation of the present President of the United States during the term for which he was elected and the judges of the Supreme Court and inferior courts of the United States now in office."

The reason for these temporary exemptions was obvious. The constitutional provision to the effect that the compensation received by the President for his services shall neither be increased nor diminished during the period for which he shall have been elected, and the further constitutional provision to the effect that judges, both of the Supreme and inferior courts, shall receive for their services a compensation which shall not be diminished during their continuance in office, as construed under the operation of former income-tax laws, are solely responsible for the temporary exemptions to which I have referred.

Chief Justice Taney, on February 16, 1863, filed with the Secretary of the Treasury an elaborate opinion, holding that an act of Congress retaining in the Treasury a portion of the compensation of Federal judges in office at the time of the enactment of the law was unconstitutional and void. This opinion was entered on the records of the United States Supreme Court by order of the Supreme Court itself.

On October 23, 1869, the Attorney General of the United States, Hon. E. R. Hoar, furnished an official opinion to the Secretary of the Treasury to the effect that the income-tax law did not "require or permit any deduction of an income tax from the salaries of the President or the justices of the Supreme Court." The law was administered accordingly.

It may be here remarked that the present law goes further in this respect than former income-tax laws, in that the present law expressly provides that the compensation of the successors of the President of the United States and of the judges of the Supreme and inferior courts in office at the time of its passage shall be taxed.

In reply to your third question, I would say that the compensation of all officers or employees of a State or any political subdivision thereof are exempt from the income tax under the law. This exemption is in compliance with a long line of United States Supreme Court decisions, holding that the Federal Government can not tax the instrumentalities of a State, and that a State can not tax the agencies or instrumentalities of the Federal Government. One of the leading cases directly in point is United States *v.* Baltimore & Ohio Railroad Co. (17 Wal., 322.)

Any provision in the present income-tax law imposing a tax on the salaries of State and county officials would have been void and of no effect.

I may here remark that the provision exempting the compensation of State and local officials in accordance with Supreme Court decisions and former practices of the Federal Government contained the added exception that when such compensation is paid by the United States Government no exemption lies. This clause was intended completely to foreclose any remote suspicion of an intention to exempt the compensation of United States Senators and Representatives in Congress.

You are at liberty to publish this letter.

Very truly,

CORDELL HULL.

During the reading of the foregoing, the following colloquy occurred:

The CHAIRMAN. The time of the gentleman has expired.

Mr. DUPRÉ. Mr. Chairman, I ask unanimous consent that the Clerk conclude the reading of the letter.

Mr. MOON. Why not put it in the RECORD?

Mr. DUPRÉ. I am afraid that the gentleman from Tennessee or other gentlemen may not read the RECORD.

The CHAIRMAN. The gentleman from Louisiana asks unanimous consent that the Clerk conclude the reading of the letter.

Mr. MOON. How long will it take?

Mr. DUPRÉ. About a minute.

Mr. MOON. All right.

The Clerk concluded the reading of the correspondence.

POST OFFICE APPROPRIATION BILL.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn and the Clerk will read.

The Clerk read as follows:

For pay of letter carriers at offices already established, including substitutes for letter carriers absent without pay, and for the promotion of 75 per cent of the letter carriers in first-class post offices from the fifth to the sixth grade and for the promotion of 75 per cent of the letter carriers in second-class offices from the fourth to the fifth grade, City Delivery Service, $39,100,000: *Provided*, That hereafter there shall be no distinction in salary made between letter carriers assigned to collection duty and letter carriers assigned to delivery duty: *And provided further*, That letter carriers whose salaries have been reduced as the result of any order of the Post Office Department, making the maximum salary $1,000 to be paid letter carriers assigned to collection duty, shall be restored to their former grades.

For pay of substitutes for letter carriers absent with pay, and of auxiliary and temporary letter carriers at offices where city delivery is already established, $2,675,000.

Mr. SISSON. Mr. Chairman, I make a point of order on the proviso beginning in line 7 and ending at the end of line 14.

Mr. MADDEN. Mr. Chairman, I would like to have the gentleman reserve that point of order, if he pleases, long enough to get an explanation of it.

Mr. SISSON. I will reserve the point of order, Mr. Chairman.

The CHAIRMAN. On both provisos?

Mr. SISSON. Yes; on both provisos.

Mr. MADDEN. Mr. Chairman, the classification law of 1907 provided that carriers and clerks be promoted automatically from one grade to another each year, and that the maximum salary paid to clerks and carriers should be $1,200. During the last year the Post Office authorities so construed the classification law as to set the meaning of the law aside. They decided that a carrier and a collector were two different employments, whereas the law itself makes no distinction whatever between a carrier and a collector, because collectors and carriers are letter carriers. One man delivers letters; the other man collects them, but each man carries the letters. And the result of the distinction made by the department was that a great many letter carriers, throughout the United States were, during the past year, reduced from $1,200 to $1,000, and the statement was made by

the authorities that this reduction was made because of the fact that the carriers were doing two distinct characters of work. But the law never contemplated that. And the exercise of discretion placed in the department was so used during the last year as to do a great injustice to men who had earned promotion from $800, the entrance salary, to $1,200, the maximum salary.

The system of efficiency adopted by the department and used throughout the country provides that men shall be rated according to the regularity with which they attend to their business, the efficiency with which they perform their work, the number of letters which they are able to throw within a given time, and a number of other conditions. And under this efficiency policy most of the men who were reduced, if not all, during the last year, from $1,200 to $1,000, had during all the period of their service in the Post Office Department earned a record of about 95 per cent out of a possible 100 per cent of efficiency. After they had earned this record of efficiency, and it had been given to them, they found themselves coming in from work, say at 6 o'clock at night, with no cloud anywhere upon the sky; with a clear record which they had earned by their efficiency, with a rating of 95 per cent out of a possible 100, and with a feeling of security that they had done their work well. They came back to work next morning and they found their records changed from 95 to 58. Now, why 58? Because under the rules of the department if a man's efficiency record reaches 58 by reason of demerits, or for any other cause, he is subject to a reduction in his salary.

But the presumption is that before his efficiency record can be lowered there must be some reason for lowering it, and that reason must presumably be because he has failed to perform his duty, has proven himself inefficient; that he has been negligent; that he has not delivered the letters that were placed in his charge; that he has taken too long to go over his route; that he has become disqualified to act in the grade in which he has been serving.

But there is no such charge made against the men whose records were lowered from 95 to 58; no charge whatever. They were arbitrarily reduced from 95 to 58 to bring them below the point where they could continue to draw the salary which they had earned by long years of efficient service. And when I tell you, Mr. Chairman and gentlemen of this committee, that this is a grave injustice to the men who have given the best years of their lives to the service of the Government, I simply say what everybody in the United States realizes. It can not be justified by any sort of argument or by any plan of economy that may be necessary to put into execution.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. MADDEN. I ask unanimous consent, Mr. Chairman, for five minutes more.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. CANNON. Mr. Chairman, will the gentleman yield?

Mr. MADDEN. I do.

Mr. CANNON. Who made this order?

Mr. MADDEN. The Postmaster General, or the First Assistant Postmaster General, who has direct jurisdiction.

Mr. CANNON. Over the Postmaster General?

Mr. MADDEN. Oh, he has no direct jurisdiction over the Postmaster General, but he has jurisdiction over the men. All the orders are issued or made by the Postmaster General.

Mr. CANNON. One other question.

Mr. MADDEN. Certainly.

Mr. CANNON. How many of these clerks were there?

Mr. MADDEN. They were carriers.

Mr. CANNON. How many carriers were reduced?

Mr. MADDEN. There were 215 of them reduced in Chicago, and I think something like 1,300 throughout the country.

Mr. CANNON. Now, the gentleman having studied the law, can these carriers bring action in the Court of Claims or in Federal courts to recover the $200 that was cut off?

Mr. MADDEN. I think they could but for this fact: In order to compel these men to submit to a reduction from $1,200 to $1,000 a year, they were required to sign a form letter, in which they set forth the fact that they recognized that the $1,200 was paid to the men because they were of a high grade of efficiency, and that they were no longer of that grade of efficiency that would justify their continuance in the grade, and that they asked to be reduced to $1,000 in order that they might be permitted to remain in the service, on condition, however, that opportunity would be afforded them later, if they could prove themselves worthy, for reinstatement to the higher grade.

These letters were prepared for the men. They were all of the same type. Every letter was of a form prepared by the local postmaster under whom these men were employed.

Mr. CANNON. Did any of them refuse, if the gentleman will allow me, to sign such statements?

Mr. MADDEN. Why, it would be perfectly absurd for the man who was dependent on the salary he was receiving to refuse, when he knew that refusal would separate him from the service; and his only recourse was, in order that he might be able to earn something to maintain his dependent family, to sign the letter which they required him to sign.

Mr. CANNON. Then the gentleman's contention is that the order was in violation of the law?

Mr. MADDEN. Absolutely.

Mr. CANNON. And that the letters were signed under duress?

Mr. MADDEN. There is no question whatever about that.

Mr. SLOAN. Mr. Chairman, will the gentleman yield?

Mr. MADDEN. I will.

Mr. SLOAN. Will the gentleman state what excuse or extenuation or justification the department submits for this rather high-handed proceeding?

Mr. MADDEN. Well, the first excuse is that they did not consider a letter carrier who collects letters as performing as high a grade of duty as the man who is a letter carrier and delivers letters. The First Assistant Postmaster General, in his statement before the Committee of the House during the consideration of this bill, stated that a blind man could collect letters; that he did not require any brains.

Mr. McKENZIE. Mr. Chairman, will the gentleman yield?

Mr. MADDEN. Yes.

Mr. McKENZIE. Were these reductions made solely in the class of men who did the collecting, or were the men who delivered letters also included?

Mr. MADDEN. The men were reduced from the position of carriers to the position of collectors, and their salaries were reduced from $1,200 to $1,000 because of the change of duty.

Mr. GRIFFIN. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Illinois yield to the gentleman from New York?

Mr. MADDEN. I do.

Mr. GRIFFIN. Does the classification act of 1907 make any such distinction?

Mr. MADDEN. Absolutely none; and I stated that in the opening of my remarks.

Mr. ALLEN. Mr. Chairman, will the gentleman yield?

Mr. MADDEN. Yes.

Mr. ALLEN. Was there not a provision in the joint resolution passed at the close of the last Congress, continuing the 1915 Post Office appropriations on account of the failure of the Post Office appropriation bill to pass—was there not a clause in the joint resolution providing that there should be no demotions of these men, or distinctions in those classes?

Mr. MADDEN. Yes. That was very distinctly set forth in the joint resolution. Instructions were given to the officers of the department, the Postmaster General and his assistants, in the joint resolution adopted by the last Congress continuing the 1915 appropriation, that no man should be reduced in compensation, and that all the men who had been reduced should be restored.

Now, in the face of the interpretation given the law by the Postmaster General and his assistants, the Committee on the Post Office and Post Roads saw nothing else whatever to do except to construe the law for them, and to reiterate what the law already says, that a letter carrier is a letter carrier, whether he collects or delivers mail. [Applause.] That is all that this does, and if those men have been reduced in compensation without lightening the burdens of their work, and the law has been violated by the Postmaster General, there is nothing on earth left for this body to do except to tell the Postmaster General what the law is and give him the direction which we have the right and the authority to give, to restore the men who have been unjustly reduced from the positions which they had earned by their efficiency to a position $200 less in grade.

Mr. SLOAN. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman yield?

Mr. MADDEN. Yes.

Mr. SLOAN. I understand the gentleman to say that this reduction of grade from 95 per cent to 58 per cent was purely arbitrary?

Mr. MADDEN. Oh, absolutely; because it was done over night, without cause.

Mr. SLOAN. Will the gentleman yield further?

Mr. MADDEN. Yes.

Mr. SLOAN. Before that reduction was made on the books were any of these men that were affected by it called in and given any opportunity to show cause why it should not be done?

Mr. MADDEN. There is a perfunctory letter, signed by the postmaster who ordered the reduction, to the First Assistant Postmaster General stating that he has for certain reasons authorized a reduction in the compensation of the men, and he also states that he gives the man five days in which to state his side of the case. But when a man comes to state his side of the case what happens? They present him with this form letter and say, "You do not have to sign this." But if he did not sign it he knew what would follow. And so he signed it, and went on his way rejoicing to tell his wife and his children how fortunate he was in having been reduced only $200 a year, after giving 20 years of efficient service, instead of being discharged for having committed no offense.

So that the time has come when even the gentleman from Mississippi [Mr. SISSON] ought to open the windows of his heart and let the sunshine in. I say to him, Open the windows of your heart and let the sunshine in; do not be a pessimist; be liberal enough to do justice; do not be like a blind man going into a dark room looking for a black hat that he knew was never there. [Applause on the Republican side.]

Mr. SISSON. Mr. Chairman, it was not intended that I should provoke much discussion in this matter; but I want to say to my friend from Illinois that my soul has always been open and I have always let the sunshine in; but in doing that the light comes in, and men see by the light, and so it is unnecessary to make an argument in answer to the statement made by the gentleman from Illinois that there is any obligation on the part of the Federal Government to take care of anybody. We ought to pay the employees of the Government reasonable and fair salaries for the services which they render the Federal Government, and I am rather getting tired of hearing men speak of holding positions in the Federal Government as if they had some vested title or some vested right to a position in the Government. There is no such thing as a vested right to an office or place. Now, as I understand the facts in this case, I understand the record will show that some of the carriers were not capable of performing the duties of delivering mail efficiently and rapidly to the people to whom the letters were directed, and instead of the department discharging them from the service it mercifully put them on this less important and lighter work and permitted them to remain in the service, setting them to gathering the mail, which is not as important as its distribution and delivery, because the mail, being placed in the boxes, it is only necessary for them to gather it up and put it into the receptacle or sack and take it to the post office, where it is distributed by others. The Post Office Department was endeavoring not only to practice some economy in the interest of efficient service, but instead of discharging these men who were inefficient to perform the higher and more arduous duties it mercifully made a division of the work and retained those men, at a thousand dollars a year, and I understand the gentleman to admit that it was optional with the men to take that reduction. In every department of this Government as men have grown inefficient by reason of age they have been reduced in salary and given lighter work. What we need in the civil service, if we need it at all, is a system under which men are advanced and rewarded for efficient, patient, and effective work and not for inefficiency.

Mr. Chairman, I sympathize with the man in the field and in the mine who may be unfortunate. He belongs to a forgotten class. He is the man whom nobody talks about here. You never hear any voice raised on this floor in his behalf, although he is the man who pays the bill. He is only important at election time—why not now? When the man in the little blacksmith shop back in the country, or the man working in the small shop in the great city is unfortunate, he is either an object of charity or he must live on what he has saved. But here we find men continually crying out that the Federal Government owes a man something beside a fair compensation because he is connected with the Federal service. All that it owes any man is a fair compensation. These positions are fought for. Men come and worry Congressmen to get the places. They worry the lives out of Representatives and Senators, and then after they get their names on the pay roll, they worry the life out of you for shorter hours and more pay. I would like to see one of these men who is thoroughly satisfied and thoroughly efficient. There is something wrong with the system somewhere, somehow. Either the rewards do not come quickly enough, or they do not deserve the rewards. But in this particular case you take away from the Postmaster General and the executive department the right which the manager of every business has; and if the Postmaster General is the right sort of a man, he ought to be given some discretion in these matters. You can not enforce your civil-service law, as it is written, without it.

I make the point of order, Mr. Chairman.

Mr. MOON. Will the gentleman withhold the point of order a moment?

Mr. SISSON. I reserve the point of order for a moment.

Mr. MOON. Mr. Chairman, I want to say that the point of order is well taken, if insisted upon. This is among the other new matters in this bill which are specifically pointed out in the rule that has been introduced and which we will ask for the consideration of at the close of the bill. Of course, I do not desire to take any time on the point of order. It is conceded.

I am, however, in sympathy with this new legislation proposed and advocated very ably by my friend from Illinois [Mr. MADDEN]. But there is not as much in this contention as might be thought at first. There are only a few persons who have been reduced by this order. Yet, as far as I am concerned, I am willing to see those few restored under the law. I have here a communication from the First Assistant Postmaster General on this subject, which reads as follows:

POST OFFICE DEPARTMENT,
FIRST ASSISTANT POSTMASTER GENERAL,
*Washington, February 21, 1916.*

Hon. JOHN A. MOON,
*House of Representatives.*

MY DEAR JUDGE MOON: Referring to the discussions in the House in relation to the Post Office appropriation bill now under consideration, it has been noted that various Members are stating in open debate that the reduction of letter carriers assigned to collection duty is an attempt on the part of the department to reduce old men who have spent years in the service to a lower grade of salary simply because of the fact that they have become in a measure less efficient by reason of their long continued service with the Post Office Department.

As stated before the Post Office Committee when the hearings were in progress, this is not a true condition. As a matter of fact, carriers over 60 years of age are now receiving an annual average salary of $1,163.94. Carriers under 60 years of age are receiving an annual average salary of $1,126. Only a small proportion of the men now employed as letter carriers and who are over 60 years of age have been reduced in salary because of the changes made in relation to placing the maximum compensation for collection service at $1,000 per annum.

I am submitting herewith a list of every letter carrier in the United States of the age of 60 years or more, the list showing the office at which these carriers are employed, their ages, salaries, years in the service, and the character of work which they perform. This table in itself clearly refutes the statement that collectors are generally old men, and that the reductions made affect these old men in the service.

From this table I beg leave to call your attention to the following figures in relation to the service of the men over 60 years of age in several of the larger cities:

| Office. | Number delivering mail. | Number collecting mail. |
|---|---|---|
| New York, N. Y. | 56 | 4 |
| Chicago, Ill. | 56 | 45 |
| Philadelphia, Pa. | 69 | 1 |
| Boston, Mass. | 84 | 22 |
| St. Louis, Mo. | 22 | 4 |
| Brooklyn, N. Y. | 43 | 10 |
| Detroit, Mich. | 19 | 1 |
| Baltimore, Md. | 34 | 4 |
| Minneapolis, Minn. | 15 | ..... |
| Cleveland, Ohio. | 17 | 1 |
| Pittsburgh, Pa. | 14 | 1 |
| Cincinnati, Ohio. | 19 | 1 |
| St. Paul, Minn. | 11 | ..... |
| Indianapolis, Ind. | 11 | 2 |
| Omaha, Nebr. | 12 | ..... |
| Milwaukee, Wis. | 9 | 2 |
| Columbus, Ohio. | 10 | ..... |
| Providence, R. I. | 17 | ..... |

[1] 6 of these 69 employees route mail for delivery and do not make actual deliveries.

In justice to the department, under the circumstances, I trust you will find it convenient to insert this letter and the attached table in the RECORD.

Very truly, yours,
DANIEL C. ROPER,
*First Assistant Postmaster General.*

From this letter it appears that as a matter of fact carriers over 60 years of age are now receiving an annual average salary of $1,163.94, and carriers under 60 years of age are receiving an annual salary of $1,126. It also appears that only a small portion of the men employed as letter carriers who are over 60 years of age have been reduced in salary because of the changes made in relation to placing the maximum compensation for collection service at $1,000 per annum.

With this letter from the First Assistant Postmaster General comes a statement giving the letter carriers by grades who are over 60 years of age. It shows of the $800 grade, 5; of the $900 grade, 3; of the $1,000 grade, 161; of the $1,100 grade, 99; of the $1,200 grade, 980; total number of carriers over 60

years of age, 1,248; average annual salary of carriers aged 60 and over on January 1, 1916, $1,163.94; average salary of carriers less than 60 years of age on the same date, $1,126; average annual salary of all carriers in the service on the same date, $1,127.45.

I ask unanimous consent to insert this statement in the RECORD in connection with my remarks.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent to insert the statement in his remarks. Is there objection?

There was no objection.

The statement is as follows:

*Statement of letter carriers 60 years of age and over.*

| Post office. | Age. | Salary. | Years in service. | Collecting or delivering. |
|---|---|---|---|---|
| ALABAMA. | | | | |
| Mobile | 62 | $1,200 | 23 | Delivering. |
| Do | 60 | 1,200 | 35 | Do. |
| ARKANSAS. | | | | |
| Hot Springs | 60 | 1,200 | 30 | Delivering. |
| CALIFORNIA. | | | | |
| Fresno | 64 | 1,200 | 31 | Delivering. |
| Los Angeles | 71 | 1,000 | 30 | Collecting. |
| Do | 61 | 1,200 | 22 | Delivering. |
| Do | 76 | 1,200 | 28 | Do. |
| Oakland | 63 | 1,200 | 28 | Do. |
| Riverside | 65 | 1,200 | 24 | Do. |
| Do | 62 | 1,200 | 26 | Do. |
| Sacramento | 64 | 1,000 | 30 | Collecting. |
| Do | 60 | 1,200 | 21 | Delivering. |
| San Francisco | 66 | 1,000 | 32 | Collecting. |
| Do | 61 | 1,200 | 36 | Delivering. |
| Do | 61 | 1,200 | 29 | Do. |
| Do | 62 | 1,200 | 23 | Do. |
| Do | 61 | 1,200 | 27 | Do |
| Do | 66 | 1,200 | 40 | Do. |
| Do | 63 | 1,200 | 37 | Do. |
| Do | 64 | 1,200 | 36 | Do. |
| Do | 65 | 1,200 | 31 | Do. |
| San Jose | 66 | 1,200 | 31 | Do. |
| Santa Cruz | 64 | 1,200 | 25 | Do. |
| Stockton | 67 | 1,200 | 27 | Do. |
| Ventura | 62 | 1,200 | 33 | Do. |
| COLORADO. | | | | |
| Denver | 64 | 1,200 | 29 | Delivering. |
| Do | 61 | 1,200 | 26 | Do. |
| Do | 62 | 1,200 | 22 | Do. |
| Do | 61 | 1,200 | 24 | Do. |
| Do | 64 | 1,200 | 32 | Do. |
| Do | 62 | 1,200 | 25 | Do. |
| Do | 62 | 1,200 | 24 | Do. |
| Pueblo | 62 | 1,200 | 25 | Do. |
| Do | 70 | 1,200 | 28 | Do. |
| CONNECTICUT. | | | | |
| Bridgeport | 66 | 1,000 | 27 | Collecting. |
| Hartford | 70 | 1,200 | 33 | Delivering. |
| Do | 65 | 1,200 | 28 | Do. |
| Do | 71 | 1,200 | 30 | Do. |
| Do | 73 | 1,200 | 30 | Do. |
| Do | 71 | 1,200 | 44 | Do. |
| Do | 61 | 1,200 | 25 | Do. |
| Do | 60 | 1,200 | 28 | Do. |
| Do | 74 | 1,200 | 45 | Do. |
| Do | 70 | 1,200 | 32 | Do. |
| Meriden | 61 | 1,200 | 26 | Do. |
| Do | 67 | 1,200 | 25 | Do. |
| Middletown | 61 | 1,200 | 26 | Do. |
| Do | 68 | 1,200 | 29 | Do. |
| New Britain | 69 | 1,200 | 23 | Do. |
| New Haven | 60 | 1,200 | 25 | Do. |
| Do | 64 | 1,200 | 30 | Do. |
| Norwalk | 60 | 1,100 | 25 | Do. |
| Norwich | 68 | 1,200 | 31 | Do. |
| Do | 60 | 1,200 | 29 | Do. |
| South Norwalk | 69 | 1,200 | 14 | Do. |
| DISTRICT OF COLUMBIA. | | | | |
| Washington | 64 | 1,000 | 25 | Collecting. |
| Do | 63 | 1,200 | 26 | Delivering. |
| Do | 75 | 1,200 | 43 | Do. |
| Do | 69 | 1,000 | 43 | Collecting. |
| Do | 60 | 1,200 | 27 | Delivering. |
| Do | 78 | 1,000 | 42 | Collecting. |
| Do | 71 | 1,200 | 36 | Delivering. |
| Do | 62 | 1,000 | 21 | Collecting. |
| Do | 69 | 1,200 | 40 | Delivering. |
| Do | 65 | 1,000 | 34 | Collecting. |
| Do | 65 | 1,200 | 36 | Delivering. |
| Do | 67 | 1,000 | 35 | Collecting. |
| Do | 69 | 1,000 | 43 | Do. |
| Do | 70 | 1,000 | 32 | Do. |
| Do | 66 | 1,200 | 35 | Delivering. |
| Do | 60 | 1,000 | 31 | Collecting. |
| Do | 66 | 1,000 | 23 | Do. |
| DELAWARE. | | | | |
| Wilmington | 69 | 1,200 | 28 | Delivering. |
| Do | 62 | 1,200 | 22 | Do. |
| Do | 73 | 1,200 | 23 | Do. |
| Do | 72 | 1,200 | 26 | Do. |

*Statement of letter carriers 60 years of age and over*—Continued.

| Post office. | Age. | Salary. | Years in service. | Collecting or delivering. |
|---|---|---|---|---|
| FLORIDA. | | | | |
| Jacksonville | 64 | $1,200 | 31 | Delivering. |
| Do | 62 | 1,200 | 25 | Do. |
| Do | 66 | 1,200 | 32 | Do. |
| GEORGIA. | | | | |
| Atlanta | 60 | 1,200 | 22 | Delivering. |
| Augusta | 63 | 1,200 | 35 | Do. |
| Savannah | 61 | 1,200 | 23 | Do. |
| ILLINOIS. | | | | |
| Alton | 64 | 1,200 | 25 | Delivering. |
| Bloomington | 60 | 1,200 | 22 | Do. |
| Do | 65 | 1,200 | 25 | Do. |
| Do | 64 | 1,200 | 27 | Do. |
| Do | 60 | 1,200 | 22 | Do. |
| Do | 61 | 1,200 | 20 | Do. |
| Chicago | 78 | 1,200 | 49 | Do. |
| Do | 77 | 1,200 | 46 | Do. |
| Do | 76 | 1,200 | 34 | Do. |
| Do | 74 | 1,000 | 32 | Do. |
| Do | 73 | 1,200 | 33 | Do. |
| Do | 73 | 1,200 | 31 | Do. |
| Do | 72 | 1,000 | 17 | Collecting. |
| Do | 71 | 1,000 | 24 | Do. |
| Do | 71 | 1,000 | 29 | Do. |
| Do | 71 | 1,200 | 34 | Delivering. |
| Do | 71 | 1,000 | 30 | Collecting. |
| Do | 70 | 1,000 | 31 | Do. |
| Do | 70 | 1,000 | 35 | Do. |
| Do | 69 | 1,000 | 32 | Do. |
| Do | 69 | 1,000 | 31 | Do. |
| Do | 68 | 1,200 | 33 | Delivering. |
| Do | 68 | 1,200 | 25 | Do. |
| Do | 67 | 1,200 | 33 | Do. |
| Do | 67 | 1,000 | 30 | Collecting. |
| Do | 67 | 1,000 | 32 | Do. |
| Do | 67 | 1,000 | 19 | Do. |
| Do | 67 | 1,200 | 34 | Delivering. |
| Do | 66 | 1,000 | 32 | Collecting. |
| Do | 66 | 1,200 | 31 | Delivering. |
| Do | 66 | 1,200 | 36 | Do. |
| Do | 66 | 1,000 | 36 | Collecting. |
| Do | 65 | 1,200 | 35 | Delivering. |
| Do | 65 | 1,000 | 26 | Collecting. |
| Do | 65 | 1,200 | 30 | Delivering. |
| Do | 65 | 1,000 | 30 | Collecting. |
| Do | 65 | 1,000 | 25 | Do. |
| Do | 65 | 1,200 | 48 | Delivering. |
| Do | 65 | 1,200 | 18 | Do. |
| Do | 64 | 1,000 | 32 | Collecting. |
| Do | 64 | 1,000 | 30 | Do. |
| Do | 64 | 1,000 | 29 | Do. |
| Do | 64 | 1,200 | 41 | Delivering. |
| Do | 64 | 1,200 | 31 | Do. |
| Do | 64 | 1,000 | 28 | Collecting. |
| Do | 64 | 1,200 | 26 | Delivering. |
| Do | 64 | 1,200 | 24 | Do. |
| Do | 64 | 1,200 | 35 | Do. |
| Do | 64 | 1,200 | 26 | Do. |
| Do | 64 | 1,000 | 30 | Do. |
| Do | 63 | 1,200 | 24 | Do. |
| Do | 63 | 1,200 | 27 | Do. |
| Do | 63 | 1,000 | 24 | Collecting. |
| Do | 63 | 1,200 | 30 | Delivering. |
| Do | 63 | 1,000 | 38 | Collecting. |
| Do | 63 | 1,200 | 35 | Delivering. |
| Do | 63 | 1,200 | 34 | Do. |
| Do | 63 | 1,000 | 24 | Collecting. |
| Do | 63 | 1,200 | 23 | Delivering. |
| Do | 62 | 1,000 | 23 | Collecting. |
| Do | 62 | 1,200 | 27 | Delivering. |
| Do | 62 | 1,000 | 22 | Collecting. |
| Do | 62 | 1,000 | 26 | Do. |
| Do | 62 | 1,200 | 27 | Delivering. |
| Do | 62 | 1,200 | 24 | Do. |
| Do | 62 | 1,200 | 27 | Do. |
| Do | 62 | 1,200 | 25 | Do. |
| Do | 62 | 1,000 | 22 | Do. |
| Do | 62 | 1,000 | 23 | Collecting. |
| Do | 62 | 1,000 | 30 | Do. |
| Do | 62 | 1,200 | 17 | Delivering. |
| Do | 62 | 1,000 | 26 | Collecting. |
| Do | 62 | 1,200 | 26 | Delivering. |
| Do | 62 | 1,000 | 22 | Collecting. |
| Do | 62 | 1,200 | 30 | Delivering. |
| Do | 61 | 1,200 | 31 | Do. |
| Do | 61 | 1,000 | 36 | Collecting. |
| Do | 61 | 1,000 | 25 | Do. |
| Do | 61 | 1,100 | 28 | Delivering. |
| Do | 61 | 1,000 | 18 | Collecting. |
| Do | 61 | 1,000 | 23 | Do. |
| Do | 61 | 1,200 | 26 | Delivering. |
| Do | 61 | 1,200 | 30 | Do. |
| Do | 61 | 1,000 | 29 | Collecting. |
| Do | 61 | 1,200 | 26 | Delivering. |
| Do | 61 | 1,000 | 35 | Collecting. |
| Do | 61 | 1,000 | 27 | Do. |
| Do | 61 | 1,000 | 27 | Do. |
| Do | 61 | 1,200 | 28 | Delivering. |
| Do | 60 | 1,000 | 22 | Collecting. |
| Do | 60 | 1,200 | 26 | Delivering. |
| Do | 60 | 1,200 | 26 | Do. |
| Do | 60 | 1,200 | 27 | Do. |
| Do | 60 | 1,000 | 25 | Collecting. |
| Do | 60 | 1,200 | 31 | Delivering. |

*Statement of letter carriers 60 years of age and over—Continued.*

| Post office. | Age. | Salary. | Years in service. | Collecting or delivering. |
|---|---|---|---|---|
| ILLINOIS—continued. | | | | |
| Chicago | 60 | $1,000 | 26 | Collecting. |
| Do | 60 | 1,200 | 24 | Delivering. |
| Do | 60 | 1,000 | 18 | Collecting. |
| Do | 60 | 1,000 | 26 | Do. |
| Do | 60 | 1,200 | 30 | Delivering. |
| Do | 60 | 1,000 | 18 | Collecting. |
| Do | 60 | 1,200 | 27 | Delivering. |
| Do | 60 | 1,000 | 29 | Collecting. |
| Do | 60 | 1,200 | 26 | Delivering. |
| Do | 60 | 1,200 | 28 | Do. |
| Do | 60 | 1,200 | 30 | Do. |
| Do | 60 | 1,100 | 18 | Do. |
| Elgin | 60 | 1,200 | 22 | Do. |
| Do | 72 | 1,000 | 25 | Collecting. |
| Jacksonville | 78 | 1,200 | 24 | Delivering. |
| Kankakee | 61 | 1,100 | 24 | Do. |
| Do | 60 | 1,200 | 24 | Do. |
| Mattoon | 77 | 900 | 24 | Do. |
| Quincy | 60 | 1,200 | 26 | Do. |
| Peoria | 67 | 1,200 | 26 | Do. |
| Rockford | 60 | 1,200 | 25 | Do. |
| Do | 63 | 1,200 | 30 | Do. |
| Rock Island | 60 | 1,200 | 26 | Do. |
| INDIANA. | | | | |
| Evansville | 61 | 1,200 | 24 | Delivering. |
| Indianapolis | 61 | 1,200 | 41 | Do. |
| Do | 60 | 1,200 | 38 | Do. |
| Do | 62 | 1,200 | 31 | Do. |
| Do | 69 | 1,200 | 28 | Do. |
| Do | 62 | 1,200 | 28 | Do. |
| Do | 61 | 1,200 | 31 | Do. |
| Do | 60 | 1,200 | 26 | Do. |
| Do | 75 | 1,200 | 30 | Do. |
| Do | 69 | 1,000 | 33 | Do. |
| Do | 61 | 1,200 | 27 | Collecting. |
| Do | 63 | 1,200 | 24 | Delivering. |
| Do | 71 | 1,200 | 46 | Do. |
| Do | 81 | 1,000 | 43 | Do. |
| Jeffersonville | 69 | 1,100 | 20 | Collecting. |
| Marion | 63 | 1,200 | 25 | Delivering. |
| Michigan City | 60 | 1,200 | 23 | Do. |
| Muncie | 60 | 1,200 | 22 | Do. |
| Peru | 60 | 1,100 | 22 | Do. |
| Shelbyville | 70 | 1,100 | 23 | Do. |
| South Bend | 65 | 1,000 | 26 | Collecting. |
| Terre Haute | 63 | 900 | 26 | Delivering. |
| IOWA. | | | | |
| Burlington | 64 | 1,000 | 36 | Collecting. |
| Cedar Rapids | 63 | 1,200 | 23 | Delivering. |
| Creston | 69 | 1,100 | 26 | Do. |
| Do | 71 | 1,000 | 26 | Collecting. |
| Council Bluffs | 73 | 1,100 | 26 | Delivering. |
| Davenport | 76 | 1,200 | 26 | Do. |
| Des Moines | 66 | 1,000 | 29 | Collecting. |
| Do | 66 | 1,200 | 25 | Delivering. |
| Dubuque | 62 | 1,200 | 26 | Do. |
| Do | 61 | 1,200 | 26 | Do. |
| Keokuk | 63 | 1,200 | 29 | Do. |
| Do | 62 | 1,200 | 24 | Do. |
| Mount Pleasant | 62 | 1,100 | 21 | Do. |
| Muscatine | 68 | 1,200 | 26 | Do. |
| KANSAS. | | | | |
| Atchison | 61 | 1,200 | 33 | Delivering. |
| Do | 65 | 1,200 | 29 | Do. |
| Fort Scott | 75 | 1,100 | 25 | Do. |
| Kansas City | 69 | 1,200 | 22 | Do. |
| Do | 69 | 1,200 | 24 | Do. |
| Ottawa | 62 | 1,100 | 27 | Do. |
| Do | 60 | 1,100 | 27 | Do. |
| Topeka | 64 | 1,000 | 26 | Collecting. |
| Winfield | 63 | 1,100 | 26 | Delivering. |
| KENTUCKY. | | | | |
| Bowling Green | 64 | 1,100 | 25 | Delivering. |
| Covington | 73 | 1,200 | 17 | Do. |
| Lexington | 67 | 1,200 | 24 | Do. |
| Do | 64 | 1,200 | 23 | Do. |
| Louisville | 64 | 1,200 | 28 | Do. |
| Do | 64 | 1,100 | 40 | Do. |
| Do | 61 | 1,200 | 28 | Do. |
| Do | 60 | 1,200 | 27 | Do. |
| Do | 65 | 1,200 | 29 | Do. |
| Do | 73 | 1,100 | 37 | Do. |
| Do | 62 | 1,200 | 22 | Do. |
| Do | 60 | 1,100 | 28 | Do. |
| Do | 64 | 1,200 | 32 | Do. |
| Newport | 66 | 1,200 | 26 | Do. |
| LOUISIANA. | | | | |
| New Orleans | 69 | 1,200 | 39 | Delivering. |
| Do | 62 | 1,000 | 24 | Collecting. |
| Do | 62 | 1,200 | 36 | Delivering. |
| Do | 60 | 1,200 | 23 | Do. |
| Do | 73 | 1,000 | 35 | Collecting. |
| Do | 70 | 1,200 | 34 | Delivering. |
| Do | 60 | 1,000 | 39 | Collecting. |
| Do | 70 | 1,000 | 29 | Do. |
| Do | 63 | 1,000 | 24 | Do. |
| Do | 62 | 1,200 | 28 | Delivering. |

*Statement of letter carriers 60 years of age and over—Continued.*

| Post office. | Age. | Salary. | Years in service. | Collecting or delivering. |
|---|---|---|---|---|
| MAINE. | | | | |
| Augusta | 66 | 1,200 | 28 | Delivering. |
| Bath | 61 | 1,100 | 24 | Do. |
| Lewiston | 60 | 1,200 | 24 | Do. |
| Portland | 64 | 1,200 | 36 | Do. |
| Do | 61 | 1,000 | 30 | Collecting. |
| Do | 61 | 1,200 | 28 | Delivering. |
| Do | 72 | 1,000 | 44 | Collecting. |
| Rockland | 61 | 1,100 | 27 | Do. |
| Waterville | 71 | 1,000 | 23 | Do. |
| MARYLAND. | | | | |
| Baltimore | 75 | 1,200 | 48 | Delivering. |
| Do | 72 | 1,200 | 51 | Do. |
| Do | 71 | 1,200 | 35 | Do. |
| Do | 61 | 1,200 | 27 | Do. |
| Do | 64 | 1,200 | 29 | Do. |
| Do | 62 | 1,200 | 21 | Do. |
| Do | 63 | 1,200 | 27 | Do. |
| Do | 61 | 1,200 | 27 | Do. |
| Do | 64 | 1,200 | 27 | Do. |
| Do | 61 | 1,200 | 27 | Do. |
| Do | 60 | 1,200 | 24 | Do. |
| Do | 68 | 1,200 | 25 | Do. |
| Do | 74 | 1,200 | 25 | Do. |
| Do | 63 | 1,200 | 28 | Do. |
| Do | 60 | 1,200 | 23 | Do. |
| Do | 64 | 1,200 | 25 | Do. |
| Do | 64 | 1,200 | 22 | Do. |
| Do | 63 | 1,200 | 29 | Do. |
| Do | 63 | 1,200 | 25 | Do. |
| Do | 64 | 1,200 | 25 | Do. |
| Do | 62 | 1,200 | 24 | Do. |
| Do | 67 | 1,200 | 25 | Do. |
| Do | 62 | 1,000 | 39 | Collecting. |
| Do | 62 | 1,000 | 24 | Do. |
| Do | 60 | 1,000 | 18 | Do. |
| Do | 63 | 1,100 | 25 | Delivering. |
| Do | 62 | 1,200 | 25 | Do. |
| Do | 69 | 1,200 | 25 | Do. |
| Do | 70 | 1,200 | 25 | Do. |
| Do | 60 | 1,200 | 29 | Do. |
| Do | 63 | 1,200 | 25 | Do. |
| Do | 63 | 1,200 | 25 | Do. |
| Do | 62 | 1,200 | 24 | Do. |
| Do | 60 | 1,200 | 30 | Do. |
| Do | 60 | 1,200 | 33 | Do. |
| Do | 73 | 1,200 | 22 | Do. |
| Do | 72 | 1,200 | 25 | Do. |
| Frederick | 60 | 1,100 | 25 | Do. |
| Do | 65 | 1,100 | 25 | Do. |
| MASSACHUSETTS | | | | |
| Amesbury | 62 | 1,100 | 28 | Delivering. |
| Attleboro | 69 | 1,100 | 22 | Do. |
| Boston | 64 | 1,200 | 40 | Do. |
| Do | 68 | 1,200 | 43 | Do. |
| Do | 65 | 1,000 | 42 | Collecting. |
| Do | 63 | 1,200 | 37 | Delivering. |
| Do | 60 | 1,000 | 38 | Collecting. |
| Do | 71 | 1,200 | 41 | Delivering. |
| Do | 71 | 1,200 | 31 | Do. |
| Do | 70 | 1,000 | 25 | Collecting. |
| Do | 60 | 1,200 | 35 | Delivering. |
| Do | 71 | 1,200 | 35 | Do. |
| Do | 61 | 1,200 | 36 | Do. |
| Do | 62 | 1,200 | 37 | Do. |
| Do | 62 | 1,200 | 29 | Do. |
| Do | 65 | 1,000 | 34 | Collecting. |
| Do | 71 | 1,200 | 30 | Delivering. |
| Do | 76 | 1,000 | 47 | Collecting. |
| Do | 60 | 1,200 | 37 | Delivering. |
| Do | 66 | 1,200 | 22 | Do. |
| Do | 74 | 1,000 | 42 | Collecting. |
| Do | 61 | 1,200 | 42 | Delivering. |
| Do | 72 | 1,000 | 39 | Collecting. |
| Do | 61 | 1,200 | 26 | Delivering. |
| Do | 72 | 1,000 | 41 | Collecting. |
| Do | 60 | 1,200 | 36 | Delivering. |
| Do | 69 | 1,000 | 34 | Collecting. |
| Do | 64 | 1,100 | 35 | Delivering. |
| Do | 68 | 1,000 | 42 | Collecting. |
| Do | 72 | 1,200 | 49 | Delivering. |
| Do | 62 | 1,200 | 40 | Do. |
| Do | 74 | 1,200 | 40 | Do. |
| Do | 60 | 1,200 | 33 | Do. |
| Do | 64 | 1,200 | 40 | Do. |
| Do | 61 | 1,200 | 39 | Do. |
| Do | 62 | 1,200 | 35 | Do. |
| Do | 60 | 1,200 | 26 | Do. |
| Do | 69 | 1,200 | 41 | Do. |
| Do | 62 | 1,200 | 32 | Do. |
| Do | 71 | 1,200 | 37 | Do. |
| Do | 61 | 1,200 | 39 | Do. |
| Do | 60 | 1,200 | 31 | Do. |
| Do | 63 | 1,200 | 36 | Do. |
| Do | 61 | 1,200 | 29 | Do. |
| Do | 73 | 1,000 | 49 | Collecting. |
| Do | 67 | 1,200 | 33 | Delivering. |
| Do | 68 | 1,200 | 42 | Do. |
| Do | 60 | 1,200 | 31 | Do. |
| Do | 69 | 1,200 | 42 | Do. |
| Do | 63 | 1,200 | 33 | Do. |
| Do | 64 | 1,200 | 39 | Do. |
| Do | 60 | 1,200 | 27 | Do. |
| Do | 65 | 1,200 | 32 | Do. |

*Statement of letter carriers 60 years of age and over*—Continued.

| Post office. | Age. | Salary. | Years in service. | Collecting or delivering. |
|---|---|---|---|---|
| MASSACHUSETTS—continued. | | | | |
| Boston | 67 | $1,200 | 42 | Delivering. |
| Do | 68 | 1,200 | 31 | Do. |
| Do | 62 | 1,200 | 28 | Do. |
| Do | 61 | 800 | 27 | Collecting. |
| Do | 67 | 1,200 | 42 | Delivering. |
| Do | 64 | 1,200 | 41 | Do. |
| Do | 74 | 1,100 | 42 | Do. |
| Do | 61 | 1,200 | 32 | Do. |
| Do | 66 | 1,000 | 42 | Collecting. |
| Do | 64 | 1,200 | 38 | Delivering. |
| Do | 67 | 1,000 | 38 | Collecting. |
| Do | 67 | 1,000 | 47 | Do. |
| Do | 63 | 1,200 | 25 | Delivering. |
| Do | 68 | 1,200 | 42 | Do. |
| Do | 68 | 1,200 | 35 | Do. |
| Do | 60 | 1,200 | 24 | Do. |
| Do | 69 | 1,200 | 40 | Do. |
| Do | 63 | 1,200 | 23 | Do. |
| Do | 75 | 1,200 | 37 | Do. |
| Do | 75 | 1,200 | 27 | Do. |
| Do | 72 | 1,200 | 42 | Do. |
| Do | 61 | 1,200 | 38 | Do. |
| Do | 72 | 1,000 | 25 | Collecting. |
| Do | 72 | 1,000 | 26 | Do. |
| Do | 76 | 1,200 | 26 | Delivering. |
| Do | 62 | 1,200 | 39 | Do. |
| Do | 63 | 1,200 | 29 | Do. |
| Do | 73 | 1,000 | 50 | Collecting. |
| Do | 79 | 1,000 | 44 | Do. |
| Do | 61 | 1,200 | 35 | Delivering. |
| Do | 61 | 1,200 | 30 | Do. |
| Do | 67 | 1,200 | 47 | Do. |
| Do | 61 | 1,200 | 31 | Do. |
| Do | 61 | 1,200 | 42 | Do. |
| Do | 61 | 1,000 | 41 | Collecting. |
| Do | 65 | 1,200 | 41 | Delivering. |
| Do | 69 | 1,200 | 42 | Do. |
| Do | 63 | 1,200 | 39 | Do. |
| Do | 61 | 1,200 | 27 | Do. |
| Do | 67 | 1,200 | 36 | Do. |
| Do | 63 | 1,000 | 32 | Collecting. |
| Do | 60 | 1,200 | 34 | Delivering. |
| Do | 60 | 1,200 | 29 | Do. |
| Do | 67 | 1,200 | 33 | Do. |
| Do | 60 | 1,200 | 35 | Do. |
| Do | 71 | 1,200 | 42 | Do. |
| Do | 69 | 1,000 | 34 | Collecting. |
| Do | 60 | 1,200 | 33 | Delivering. |
| Do | 60 | 1,200 | 21 | Do. |
| Do | 63 | 1,200 | 40 | Do. |
| Do | 63 | 1,200 | 26 | Do. |
| Do | 61 | 1,200 | 33 | Do. |
| Do | 75 | 1,200 | 42 | Do. |
| Do | 62 | 1,200 | 26 | Do. |
| Do | 71 | 1,200 | 41 | Do. |
| Do | 64 | 1,200 | 30 | Do. |
| Brockton | 60 | 1,200 | 29 | Do. |
| Do | 72 | 1,200 | 22 | Do. |
| Do | 60 | 1,200 | 29 | Do. |
| Clinton | 70 | 1,100 | 25 | Do. |
| Fall River | 63 | 1,200 | 34 | Do. |
| Do | 76 | 1,000 | 42 | Collecting. |
| Do | 65 | 1,200 | 26 | Delivering. |
| Do | 61 | 1,000 | 21 | Collecting. |
| Do | 66 | 1,200 | 32 | Delivering. |
| Fitchburg | 66 | 1,200 | 25 | Do. |
| Do | 63 | 1,200 | 26 | Do. |
| Gloucester | 64 | 1,200 | 31 | Do. |
| Do | 62 | 1,200 | 32 | Do. |
| Do | 60 | 1,200 | 32 | Do. |
| Haverhill | 67 | 1,200 | 33 | Do. |
| Do | 65 | 1,200 | 29 | Do. |
| Do | 69 | 1,200 | 29 | Do. |
| Holyoke | 63 | 1,200 | 33 | Do. |
| Do | 64 | 1,200 | 33 | Do. |
| Do | 63 | 1,200 | 33 | Do. |
| Do | 69 | 1,200 | 29 | Do. |
| Lawrence | 73 | 1,200 | 52 | Do. |
| Do | 61 | 1,000 | 23 | Collecting. |
| Do | 61 | 1,200 | 19 | Delivering. |
| Lowell | 67 | 1,200 | 33 | Do. |
| Do | 60 | 1,000 | 33 | Collecting. |
| Do | 60 | 1,200 | 26 | Delivering. |
| Do | 71 | 1,200 | 43 | Do. |
| Do | 60 | 1,100 | 16 | Do. |
| Do | 60 | 1,200 | 24 | Do. |
| Do | 69 | 1,200 | 41 | Do. |
| Do | 62 | 1,200 | 29 | Do. |
| Do | 69 | 1,200 | 37 | Do. |
| Leominster | 71 | 1,000 | 23 | Do. |
| Lynn | 70 | 1,200 | 44 | Do. |
| Do | 70 | 1,200 | 44 | Do. |
| Do | 60 | 1,200 | 24 | Do. |
| Marlboro | 61 | 1,100 | 28 | Do. |
| Milford | 65 | 1,100 | 25 | Do. |
| Natick | 70 | 1,100 | 23 | Do. |
| Do | 67 | 1,100 | 23 | Do. |
| New Bedford | 61 | 1,200 | 32 | Do. |
| Do | 63 | 1,200 | 27 | Do. |
| Do | 61 | 1,200 | 28 | Do. |
| Do | 65 | 1,200 | 42 | Do. |
| Do | 73 | 1,200 | 25 | Do. |
| Do | 76 | 1,200 | 26 | Do. |
| Newburyport | 61 | 1,200 | 24 | Do. |
| Do | 70 | 1,200 | 25 | Do. |

*Statement of letter carriers 60 years of age and over*—Continued.

| Post office. | Age. | Salary. | Years in service. | Collecting or delivering. |
|---|---|---|---|---|
| MASSACHUSETTS—continued. | | | | |
| Peabody | 62 | $1,100 | 25 | Delivering. |
| Do | 74 | 1,100 | 24 | Do. |
| Salem | 67 | 1,000 | 40 | Collecting. |
| Springfield | 60 | 1,200 | 30 | Delivering. |
| Winchester | 64 | 1,100 | 21 | Do. |
| Worcester | 69 | 1,200 | 44 | Do. |
| Do | 65 | 1,200 | 25 | Do. |
| Do | 65 | 1,200 | 24 | Do. |
| Do | 61 | 1,200 | 24 | Do. |
| Do | 65 | 1,200 | 33 | Do. |
| MICHIGAN. | | | | |
| Ann Arbor | 62 | 1,200 | 29 | Delivering. |
| Do | 62 | 1,200 | 29 | Do. |
| Do | 60 | 1,200 | 23 | Do. |
| Battle Creek | 67 | 1,200 | 24 | Do. |
| Bay City | 72 | 1,000 | 26 | Collecting. |
| Do | 71 | 1,100 | 25 | Delivering. |
| Do | 60 | 1,200 | 22 | Do. |
| Do | 75 | 1,000 | 28 | Do. |
| Coldwater | 67 | 1,000 | 24 | Collecting. |
| Do | 60 | 1,100 | 24 | Delivering. |
| Detroit | 61 | 1,200 | 30 | Do. |
| Do | 60 | 1,200 | 31 | Do. |
| Do | 66 | 1,000 | 25 | Collecting. |
| Do | 60 | 1,200 | 27 | Delivering. |
| Do | 61 | 1,200 | 32 | Do. |
| Do | 66 | 1,200 | 27 | Do. |
| Do | 65 | 1,200 | 32 | Do. |
| Do | 61 | 1,200 | 33 | Do. |
| Do | 66 | 1,200 | 25 | Do. |
| Do | 74 | 1,200 | 44 | Do. |
| Do | 61 | 1,200 | 27 | Do. |
| Do | 60 | 1,200 | 22 | Do. |
| Do | 60 | 1,200 | 21 | Do. |
| Do | 60 | 1,200 | 27 | Do. |
| Do | 65 | 1,200 | 36 | Do. |
| Do | 60 | 1,200 | 32 | Do. |
| Do | 63 | 1,200 | 22 | Do. |
| Do | 60 | 1,200 | 28 | Do. |
| Do | 62 | 1,200 | 27 | Do. |
| Do | 60 | 1,200 | 28 | Do. |
| Flint | 62 | 1,200 | 28 | Do. |
| Do | 64 | 1,200 | 24 | Do. |
| Do | 65 | 1,200 | 20 | Do. |
| Grand Rapids | 76 | 800 | 40 | Collecting. |
| Do | 68 | 1,200 | 36 | Delivering. |
| Do | 66 | 1,200 | 30 | Do. |
| Do | 63 | 1,200 | 30 | Do. |
| Do | 61 | 1,200 | 29 | Do. |
| Do | 60 | 1,200 | 33 | Do. |
| Hillsdale | 61 | 1,100 | 24 | Do. |
| Ionia | 61 | 1,100 | 26 | Do. |
| Jackson | 60 | 1,000 | 20 | Collecting. |
| Do | 62 | 1,200 | 21 | Delivering. |
| Kalamazoo | 65 | 1,200 | 30 | Do. |
| Lansing | 60 | 1,200 | 26 | Do. |
| Marquette | 67 | 1,200 | 28 | Do. |
| Port Huron | 63 | 1,200 | 23 | Do. |
| Saginaw | 63 | 1,200 | 26 | Do. |
| Ypsilanti | 73 | 1,100 | 28 | Do. |
| MINNESOTA. | | | | |
| Minneapolis | 76 | 1,200 | 42 | Delivering. |
| Do | 63 | 1,200 | 24 | Do. |
| Do | 61 | 1,200 | 22 | Do. |
| Do | 61 | 1,200 | 32 | Do. |
| Do | 61 | 1,200 | 28 | Do. |
| Do | 63 | 1,200 | 28 | Do. |
| Do | 65 | 1,200 | 27 | Do. |
| Do | 65 | 1,200 | 34 | Do. |
| Do | 70 | 1,200 | 33 | Do. |
| Do | 61 | 1,200 | 31 | Do. |
| Do | 61 | 1,200 | 29 | Do. |
| Do | 64 | 1,200 | 30 | Do. |
| Do | 62 | 1,200 | 28 | Do. |
| Do | 67 | 1,200 | 28 | Do. |
| Do | 64 | 1,200 | 26 | Do. |
| Rochester | 63 | 1,100 | 25 | Do. |
| St. Paul | 65 | 1,200 | 33 | Do. |
| Do | 62 | 1,200 | 32 | Do. |
| Do | 63 | 1,200 | 31 | Do. |
| Do | 66 | 1,200 | 37 | Do. |
| Do | 75 | 1,200 | 39 | Do. |
| Do | 61 | 1,200 | 33 | Do. |
| Do | 63 | 1,200 | 25 | Do. |
| Do | 62 | 1,200 | 30 | Do. |
| Do | 68 | 1,200 | 23 | Do. |
| Do | 68 | 1,200 | 20 | Do. |
| Do | 65 | 1,200 | 30 | Do. |
| Stillwater | 62 | 1,100 | 29 | Do. |
| Winona | 63 | 1,200 | 29 | Do. |
| MISSISSIPPI. | | | | |
| Greenville | 61 | 1,100 | 23 | Delivering. |
| MISSOURI. | | | | |
| Kansas City | 63 | 1,200 | 39 | Delivering. |
| Do | 75 | 1,000 | 28 | Collecting. |
| Do | 64 | 1,200 | 27 | Delivering. |
| Do | 67 | 1,200 | 40 | Do. |
| Do | 60 | 1,200 | 29 | Do. |
| Louisiana | 74 | 1,100 | 23 | Do. |

*Statement of letter carriers 60 years of age and over—Continued.*

| Post office. | Age. | Salary. | Years in service. | Collecting or delivering. |
|---|---|---|---|---|
| MISSOURI—continued. | | | | |
| St. Joseph | 69 | $1,000 | 14 | Collecting. |
| Do | 65 | 1,200 | 25 | Delivering. |
| Do | 65 | 1,060 | 25 | Collecting. |
| Do | 76 | 1,200 | 25 | Delivering. |
| St. Louis | 63 | 1,200 | 33 | Do. |
| Do | 60 | 1,200 | 34 | Do. |
| Do | 63 | 1,200 | 29 | Do. |
| Do | 70 | 1,200 | 51 | Do. |
| Do | 62 | 1,200 | 28 | Do. |
| Do | 65 | 1,000 | 27 | Collecting. |
| Do | 69 | 1,000 | 35 | Do. |
| Do | 60 | 1,200 | 33 | Delivering. |
| Do | 66 | 1,000 | 40 | Collecting. |
| Do | 65 | 1,200 | 37 | Delivering. |
| Do | 65 | 1,000 | 29 | Collecting. |
| Do | 62 | 1,200 | 30 | Delivering. |
| Do | 69 | 1,200 | 43 | Do. |
| Do | 65 | 1,200 | 42 | Do. |
| Do | 65 | 1,200 | 27 | Do. |
| Do | 66 | 1,200 | 37 | Do. |
| Do | 66 | 1,200 | 42 | Do. |
| Do | 66 | 1,100 | 40 | Do. |
| Do | 64 | 1,200 | 36 | Do. |
| Do | 69 | 1,200 | 42 | Do. |
| Do | 61 | 1,200 | 22 | Do. |
| Do | 63 | 1,200 | 29 | Do. |
| Do | 69 | 1,200 | 42 | Do. |
| Do | 63 | 1,200 | 21 | Do. |
| Do | 65 | 1,200 | 42 | Do. |
| Do | 75 | 1,200 | 40 | Do. |
| Sedalia | 68 | 1,200 | 24 | Do. |
| Do | 74 | 1,200 | 30 | Do. |
| NEBRASKA. | | | | |
| Beatrice | 68 | 1,200 | 24 | Delivering. |
| Lincoln | 72 | 1,200 | 31 | Do. |
| Do | 73 | 1,200 | 28 | Do. |
| Do | 60 | 1,200 | 28 | Do. |
| Omaha | 62 | 1,200 | 26 | Do. |
| Do | 72 | 1,200 | 28 | Do. |
| Do | 62 | 1,200 | 29 | Do. |
| Do | 64 | 1,200 | 27 | Do. |
| Do | 72 | 1,200 | 24 | Do. |
| Do | 62 | 1,200 | 18 | Do. |
| Do | 62 | 1,200 | 32 | Do. |
| Do | 61 | 1,200 | 28 | Do. |
| Do | 64 | 1,200 | 31 | Do. |
| Do | 75 | 1,200 | 42 | Do. |
| Do | 60 | 1,200 | 27 | Do. |
| Do | 62 | 1,200 | 27 | Do. |
| NEW HAMPSHIRE. | | | | |
| Concord | 62 | 1,200 | 25 | Delivering. |
| Dover | 61 | 1,100 | 25 | Do. |
| Do | 60 | 1,100 | 24 | Do. |
| Manchester | 62 | 1,200 | 25 | Do. |
| Do | 61 | 1,200 | 21 | Do. |
| Portsmouth | 69 | 1,200 | 26 | Do. |
| NEW JERSEY. | | | | |
| Asbury Park | 72 | 1,000 | 23 | Collecting. |
| Bayonne | 61 | 1,200 | 26 | Delivering. |
| Bridgeton | 78 | 1,100 | 28 | Do. |
| Camden | 72 | 900 | 27 | Collecting. |
| Do | 62 | 1,200 | 26 | Delivering. |
| Elizabeth | 61 | 1,200 | 30 | Do. |
| Do | 60 | 1,200 | 26 | Do. |
| Do | 60 | 1,200 | 42 | Do. |
| Do | 69 | 1,000 | 42 | Do. |
| Jersey City | 60 | 1,200 | 27 | Do. |
| Do | 74 | 1,200 | 50 | Do. |
| Do | 65 | 1,200 | 42 | Do. |
| Do | 73 | 1,200 | 42 | Do. |
| Do | 71 | 1,200 | 37 | Do. |
| Do | 67 | 1,200 | 36 | Do. |
| Do | 62 | 1,200 | 30 | Do. |
| Do | 61 | 1,200 | 32 | Do. |
| Hoboken | 65 | 1,200 | 42 | Do. |
| Millville | 70 | 1,100 | 25 | Do. |
| Do | 63 | 1,100 | 16 | Do. |
| Newark | 76 | 1,200 | 49 | Do. |
| Do | 70 | 1,200 | 40 | Do. |
| Do | 68 | 1,200 | 30 | Do. |
| Do | 68 | 1,200 | 28 | Do. |
| Do | 65 | 1,200 | 32 | Do. |
| Do | 64 | 1,200 | 25 | Do. |
| Do | 62 | 1,200 | 25 | Do. |
| Do | 61 | 1,200 | 23 | Do. |
| Do | 60 | 1,200 | 21 | Do. |
| New Brunswick | 60 | 1,200 | 25 | Do. |
| Do | 60 | 1,200 | 28 | Do. |
| Orange | 62 | 1,200 | 28 | Do. |
| Do | 61 | 1,200 | 23 | Do. |
| Paterson | 65 | 1,200 | 24 | Do. |
| Do | 65 | 1,200 | 24 | Do. |
| Do | 62 | 1,200 | 31 | Do. |
| Do | 64 | 1,000 | 24 | Collecting. |
| Plainfield | 60 | 1,200 | 25 | Delivering. |
| Trenton | 70 | 1,200 | 29 | Do. |
| Do | 69 | 1,200 | 26 | Do. |
| Do | 67 | 1,200 | 29 | Do. |
| Do | 64 | 1,200 | 27 | Do. |
| Do | 62 | 1,200 | 21 | Do. |

*Statement of letter carriers 60 years of age and over—Continued.*

| Post office. | Age. | Salary. | Years in service. | Collecting or delivering. |
|---|---|---|---|---|
| NEW JERSEY—continued. | | | | |
| Trenton | 61 | $1,000 | 27 | Collecting. |
| Do | 61 | 1,200 | 22 | Delivering. |
| Woodbury | 62 | 1,100 | 13 | Do. |
| NEW YORK. | | | | |
| Albany | 69 | 1,000 | 38 | Collecting. |
| Do | 64 | 1,200 | 41 | Delivering. |
| Do | 61 | 1,200 | 20 | Do. |
| Do | 64 | 1,200 | 25 | Do. |
| Amsterdam | 61 | 1,200 | 26 | Do. |
| Auburn | 67 | 1,200 | 35 | Do. |
| Do | 62 | 1,200 | 27 | Do. |
| Do | 65 | 1,200 | 35 | Do. |
| Do | 65 | 1,200 | 33 | Do. |
| Do | 67 | 1,200 | 33 | Do. |
| Do | 69 | 1,200 | 35 | Do. |
| Do | 69 | 1,200 | 26 | Do. |
| Binghamton | 62 | 1,200 | 30 | Do. |
| Do | 63 | 1,200 | 24 | Do. |
| Do | 66 | 1,200 | 30 | Do. |
| Do | 69 | 1,200 | 28 | Do. |
| Do | 72 | 1,200 | 25 | Do. |
| Brooklyn | 62 | 1,000 | 32 | Collecting. |
| Do | 65 | 1,200 | 30 | Delivering. |
| Do | 66 | 1,200 | 32 | Do. |
| Do | 62 | 1,000 | 30 | Collecting. |
| Do | 66 | 1,200 | 39 | Delivering. |
| Do | 74 | 1,000 | 26 | Collecting. |
| Do | 74 | 1,000 | 11 | Do. |
| Do | 75 | 1,000 | 39 | Do. |
| Do | 66 | 1,200 | 38 | Delivering. |
| Do | 60 | 1,200 | 36 | Do. |
| Do | 79 | 1,200 | 44 | Do. |
| Do | 60 | 1,200 | 39 | Do. |
| Do | 62 | 1,200 | 30 | Do. |
| Do | 60 | 1,200 | 21 | Do. |
| Do | 61 | 1,200 | 35 | Do. |
| Do | 67 | 1,200 | 37 | Do. |
| Do | 68 | 1,200 | 38 | Do. |
| Do | 62 | 1,200 | 35 | Do. |
| Do | 60 | 1,200 | 24 | Do. |
| Do | 60 | 1,200 | 31 | Do. |
| Do | 60 | 1,200 | 28 | Do. |
| Do | 60 | 1,200 | 30 | Do. |
| Do | 63 | 1,200 | 28 | Do. |
| Do | 60 | 1,200 | 28 | Do. |
| Do | 61 | 1,200 | 31 | Do. |
| Do | 68 | 1,200 | 43 | Do. |
| Do | 69 | 1,000 | 38 | Collecting. |
| Do | 61 | 1,200 | 31 | Delivering. |
| Do | 64 | 1,200 | 35 | Do. |
| Do | 70 | 1,200 | 37 | Do. |
| Do | 65 | 1,200 | 43 | Do. |
| Do | 65 | 1,200 | 30 | Do. |
| Do | 65 | 1,000 | 40 | Collecting. |
| Do | 72 | 1,200 | 45 | Delivering. |
| Do | 61 | 1,200 | 30 | Do. |
| Do | 61 | 1,200 | 31 | Do. |
| Do | 62 | 1,200 | 32 | Do. |
| Do | 61 | 1,200 | 29 | Do. |
| Do | 65 | 1,200 | 31 | Do. |
| Do | 60 | 1,200 | 37 | Do. |
| Do | 61 | 1,200 | 37 | Do. |
| Do | 60 | 1,200 | 27 | Do. |
| Do | 62 | 1,000 | 27 | Collecting. |
| Do | 74 | 1,200 | 44 | Delivering. |
| Do | 60 | 1,000 | 24 | Collecting. |
| Do | 68 | 1,200 | 39 | Delivering. |
| Do | 62 | 1,200 | 40 | Do. |
| Do | 61 | 1,200 | 28 | Do. |
| Do | 61 | 1,200 | 22 | Do. |
| Do | 67 | 1,200 | 39 | Do. |
| Do | 78 | 1,000 | 26 | Collecting. |
| Do | 63 | 1,200 | 32 | Delivering. |
| Do | 67 | 1,200 | 42 | Do. |
| Buffalo | 64 | 1,200 | 25 | Do. |
| Do | 69 | 1,200 | 29 | Router. |
| Do | 60 | 1,200 | 33 | Delivering. |
| Do | 62 | 1,100 | 41 | Router. |
| Do | 67 | 1,200 | 32 | Delivering. |
| Do | 60 | 1,200 | 21 | Do. |
| Do | 63 | 1,200 | 38 | Router. |
| Do | 61 | 1,200 | 32 | Delivering. |
| Do | 65 | 1,200 | 39 | Do. |
| Do | 63 | 1,200 | 36 | Do. |
| Do | 61 | 1,200 | 28 | Do. |
| Do | 70 | 1,200 | 29 | Router. |
| Do | 64 | 1,200 | 32 | Delivering. |
| Do | 60 | 1,200 | 25 | Do. |
| Cohoes | 61 | 1,100 | 25 | Do. |
| Cortland | 62 | 1,200 | 19 | Do. |
| Do | 62 | 1,200 | 25 | Do. |
| Elmira | 70 | 1,200 | 22 | Do. |
| Do | 65 | 1,200 | 35 | Do. |
| Do | 67 | 1,200 | 26 | Do. |
| Do | 61 | 1,200 | 26 | Do. |
| Do | 60 | 1,200 | 26 | Do. |
| Do | 64 | 1,200 | 32 | Do. |
| Do | 66 | 1,200 | 41 | Do. |
| Geneva | 71 | 1,200 | 27 | Do. |
| Glens Falls | 60 | 1,200 | 25 | Do. |
| Hornell | 78 | 1,200 | 25 | Do. |
| Do | 61 | 1,200 | 23 | Do. |
| Hudson | 86 | 1,200 | 26 | Do. |

*Statement of letter carriers 60 years of age and over*—Continued.

| Post office. | Age. | Salary. | Years in service. | Collecting or delivering. |
|---|---|---|---|---|
| NEW YORK—continued. | | | | |
| Jamestown | 61 | $1,200 | 26 | Delivering. |
| Do | 65 | 1,200 | 26 | Do. |
| Johnstown | 60 | 1,100 | 25 | Do. |
| Lockport | 60 | 1,200 | 25 | Do. |
| Middletown | 76 | 1,200 | 28 | Do. |
| Mount Vernon | 63 | 1,200 | 26 | Do. |
| New Brighton | 72 | 1,100 | 25 | Collecting. |
| New York | 80 | 1,200 | 42 | Delivering. |
| Do | 78 | 1,200 | 45 | Do. |
| Do | 77 | 1,200 | 33 | Do. |
| Do | 76 | 1,200 | 47 | Do. |
| Do | 74 | 1,200 | 42 | Do. |
| Do | 73 | 1,000 | 39 | Collecting. |
| Do | 73 | 1,200 | 47 | Delivering. |
| Do | 73 | 1,200 | 48 | Do. |
| Do | 73 | 1,200 | 34 | Do. |
| Do | 72 | 1,200 | 41 | Do. |
| Do | 72 | 1,200 | 30 | Do. |
| Do | 71 | 1,200 | 35 | Do. |
| Do | 71 | 1,200 | 48 | Do. |
| Do | 71 | 1,000 | 37 | Collecting. |
| Do | 71 | 1,200 | 34 | Delivering. |
| Do | 71 | 1,200 | 48 | Do. |
| Do | 70 | 1,200 | 46 | Do. |
| Do | 70 | 1,200 | 32 | Do. |
| Do | 70 | 1,200 | 27 | Do. |
| Do | 70 | 1,200 | 47 | Do. |
| Do | 69 | 1,200 | 47 | Do. |
| Do | 69 | 1,200 | 42 | Do. |
| Do | 69 | 1,000 | 39 | Collecting. |
| Do | 69 | 1,200 | 39 | Delivering. |
| Do | 68 | 1,200 | 44 | Do. |
| Do | 68 | 1,200 | 29 | Do. |
| Do | 69 | 1,200 | 30 | Do. |
| Do | 68 | 1,200 | 40 | Do. |
| Do | 68 | 1,200 | 42 | Do. |
| Do | 67 | 1,200 | 35 | Do. |
| Do | 67 | 1,200 | 40 | Do. |
| Do | 67 | 1,200 | 33 | Do. |
| Do | 67 | 1,200 | 33 | Do. |
| Do | 67 | 1,200 | 42 | Do. |
| Do | 67 | 1,200 | 43 | Do. |
| Do | 67 | 1,200 | 34 | Do. |
| Do | 66 | 1,200 | 42 | Do. |
| Do | 66 | 1,000 | 37 | Collecting. |
| Do | 66 | 1,200 | 31 | Delivering. |
| Do | 66 | 1,200 | 34 | Do. |
| Do | 66 | 1,200 | 41 | Do. |
| Do | 65 | 1,200 | 29 | Do. |
| Do | 65 | 1,200 | 42 | Do. |
| Do | 65 | 1,200 | 42 | Do. |
| Do | 65 | 1,200 | 30 | Do. |
| Do | 64 | 1,200 | 36 | Do. |
| Do | 64 | 1,200 | 33 | Do. |
| Do | 64 | 1,200 | 24 | Do. |
| Do | 64 | 1,200 | 40 | Do. |
| Do | 64 | 1,200 | 27 | Do. |
| Do | 64 | 1,200 | 37 | Do. |
| Do | 63 | 1,200 | 34 | Do. |
| Do | 63 | 1,200 | 37 | Do. |
| Do | 63 | 1,200 | 23 | Do. |
| Do | 63 | 1,200 | 42 | Do. |
| Do | 63 | 1,200 | 34 | Do. |
| Do | 63 | 1,200 | 35 | Do. |
| Do | 62 | 1,200 | 24 | Do. |
| Do | 62 | 1,200 | 40 | Do. |
| Do | 62 | 1,200 | 37 | Do. |
| Do | 62 | 1,200 | 37 | Do. |
| Do | 62 | 1,200 | 33 | Do. |
| Do | 62 | 1,200 | 30 | Do. |
| Do | 62 | 1,200 | 31 | Do. |
| Do | 62 | 1,200 | 29 | Do. |
| Do | 61 | 1,200 | 17 | Do. |
| Do | 61 | 1,200 | 40 | Do. |
| Do | 61 | 1,200 | 27 | Do. |
| Do | 61 | 1,200 | 36 | Do. |
| Do | 61 | 1,200 | 28 | Do. |
| Do | 61 | 1,200 | 35 | Do. |
| Do | 61 | 1,200 | 25 | Do. |
| Do | 61 | 1,200 | 25 | Do. |
| Do | 61 | 1,200 | 24 | Do. |
| Do | 61 | 1,200 | 31 | Do. |
| Do | 61 | 1,200 | 30 | Do. |
| Do | 61 | 1,200 | 35 | Do. |
| Do | 61 | 1,200 | 28 | Do. |
| Do | 61 | 1,200 | 38 | Do. |
| Do | 61 | 1,200 | 24 | Do. |
| Do | 61 | 1,200 | 34 | Do. |
| Do | 61 | 1,200 | 31 | Do. |
| Do | 61 | 1,200 | 23 | Do. |
| Do | 61 | 1,200 | 36 | Do. |
| Do | 61 | 1,200 | 39 | Do. |
| Do | 60 | 1,200 | 33 | Do. |
| Do | 60 | 1,200 | 33 | Do. |
| Do | 60 | 1,200 | 31 | Do. |
| Do | 60 | 1,200 | 21 | Do. |
| Do | 60 | 1,200 | 26 | Do. |
| Newburgh | 63 | 1,200 | 28 | Do. |
| Norwich | 64 | 1,100 | 24 | Do. |
| Ogdensburg | 61 | 1,200 | 28 | Do. |
| Olean | 60 | 1,200 | 23 | Do. |
| Port Chester | 61 | 1,200 | 23 | Do. |
| Port Jervis | 61 | 1,100 | 27 | Do. |
| Poughkeepsie | 63 | 1,200 | 24 | Do. |
| Do | 70 | 1,200 | 24 | Do. |

*Statement of letter carriers 60 years of age and over*—Continued.

| Post office. | Age. | Salary. | Years in service. | Collecting or delivering. |
|---|---|---|---|---|
| NEW YORK—continued. | | | | |
| Rochester | 70 | $1,200 | 40 | Delivering. |
| Do | 66 | 1,000 | 26 | Collecting. |
| Do | 60 | 1,200 | 29 | Delivering. |
| Do | 61 | 1,200 | 27 | Do. |
| Do | 78 | 1,200 | 50 | Do. |
| Do | 62 | 1,200 | 28 | Do. |
| Do | 67 | 1,200 | 38 | Do. |
| Do | 70 | 1,200 | 35 | Do. |
| Do | 63 | 1,200 | 21 | Do. |
| Do | 69 | 1,200 | 36 | Do. |
| Do | 60 | 1,000 | 25 | Collecting. |
| Rome | 68 | 1,200 | 25 | Delivering. |
| Do | 60 | 1,100 | 11 | Do. |
| Do | 60 | 1,200 | 25 | Do. |
| Silver Creek | 60 | 1,200 | 22 | Do. |
| Syracuse | 69 | 1,200 | 27 | Do. |
| Do | 72 | 1,200 | 36 | Do. |
| Do | 61 | 1,200 | 27 | Do. |
| Do | 75 | 1,200 | 46 | Do. |
| Troy | 62 | 1,200 | 33 | Do. |
| Do | 66 | 1,200 | 33 | Do. |
| Utica | 60 | 1,200 | 19 | Do. |
| Do | 73 | 1,000 | 23 | Collecting. |
| Watertown | 68 | 1,200 | 29 | Delivering. |
| Do | 62 | 1,200 | 33 | Do. |
| Do | 60 | 1,200 | 16 | Do. |
| Do | 63 | 1,200 | 29 | Do. |
| Do | 63 | 1,200 | 33 | Do. |
| Do | 62 | 1,200 | 26 | Do. |
| Watervliet | 63 | 1,100 | 25 | Do. |
| Do | 62 | 1,100 | 23 | Do. |
| West New Brighton | 62 | 1,100 | 25 | Do. |
| NORTH CAROLINA. | | | | |
| Asheville | 62 | 1,200 | 23 | Delivering. |
| Charlotte | 60 | 1,200 | 21 | Do. |
| Durham | 63 | 1,200 | 25 | Do. |
| Greensboro | 62 | 1,200 | 24 | Do. |
| Hickory | 69 | 1,100 | 7 | Do. |
| Raleigh | 65 | 1,200 | 26 | Do. |
| Wilmington | 64 | 1,200 | 27 | Do. |
| NORTH DAKOTA. | | | | |
| Fargo | 68 | 1,200 | 28 | Delivering. |
| Do | 62 | 1,200 | 27 | Do. |
| Do | 60 | 1,200 | 27 | Do. |
| OHIO. | | | | |
| Canton | 73 | 1,000 | 27 | Collecting. |
| Do | 60 | 1,200 | 16 | Delivering. |
| Chillicothe | 71 | 1,200 | 23 | Do. |
| Do | 60 | 1,200 | 27 | Do. |
| Do | 77 | 800 | 24 | Collecting. |
| Cincinnati | 63 | 1,200 | 30 | Delivering. |
| Do | 66 | 1,200 | 46 | Do. |
| Do | 73 | 1,200 | 30 | Do. |
| Do | 61 | 1,200 | 30 | Do. |
| Do | 76 | 1,000 | 48 | Collecting. |
| Do | 66 | 1,200 | 39 | Delivering. |
| Do | 62 | 1,200 | 35 | Do. |
| Do | 73 | 1,200 | 31 | Do. |
| Do | 62 | 1,200 | 33 | Do. |
| Do | 65 | 1,200 | 19 | Do. |
| Do | 74 | 1,200 | 31 | Do. |
| Do | 70 | 1,200 | 31 | Do. |
| Do | 65 | 1,200 | 26 | Do. |
| Do | 66 | 1,200 | 36 | Do. |
| Do | 61 | 1,200 | 24 | Do. |
| Do | 71 | 1,200 | 46 | Do. |
| Do | 70 | 1,200 | 40 | Do. |
| Do | 65 | 1,200 | 26 | Do. |
| Do | 63 | 1,200 | 30 | Do. |
| Do | 60 | 1,200 | 31 | Do. |
| Cleveland | 73 | 1,000 | 27 | Collecting. |
| Do | 63 | 1,200 | 32 | Delivering. |
| Do | 68 | 1,200 | 43 | Do. |
| Do | 61 | 1,200 | 22 | Do. |
| Do | 65 | 1,200 | 31 | Do. |
| Do | 68 | 1,200 | 33 | Do. |
| Do | 64 | 1,200 | 21 | Do. |
| Do | 64 | 1,200 | 38 | Do. |
| Do | 62 | 1,200 | 30 | Do. |
| Do | 64 | 1,200 | 36 | Do. |
| Do | 64 | 1,200 | 29 | Do. |
| Do | 62 | 1,200 | 34 | Do. |
| Do | 71 | 1,200 | 44 | Do. |
| Do | 68 | 1,200 | 42 | Do. |
| Do | 60 | 1,200 | 22 | Do. |
| Do | 64 | 1,200 | 25 | Do. |
| Do | 61 | 1,200 | 25 | Do. |
| Do | 60 | 1,200 | 30 | Do. |
| Columbus | 74 | 1,200 | 30 | Do. |
| Do | 61 | 1,200 | 28 | Do. |
| Do | 62 | 1,200 | 27 | Do. |
| Do | 63 | 1,200 | 26 | Do. |
| Do | 67 | 1,200 | 26 | Do. |
| Do | 60 | 1,200 | 36 | Do. |
| Do | 63 | 1,200 | 24 | Do. |
| Do | 61 | 1,200 | 25 | Do. |
| Do | 60 | 1,200 | 28 | Do. |
| Do | 63 | 1,200 | 30 | Do. |
| Dayton | 67 | 1,000 | 26 | Collecting. |
| Do | 69 | 1,100 | 26 | Delivering. |

*Statement of letter carriers 60 years of age and over*—Continued.

| Post office. | Age. | Salary. | Years in service. | Collecting or delivering. |
|---|---|---|---|---|
| OHIO—continued. | | | | |
| Dayton | 60 | $1,200 | 26 | Delivering. |
| Do | 62 | 1,200 | 23 | Do. |
| Do | 62 | 1,000 | 26 | Collecting. |
| Do | 60 | 1,200 | 26 | Delivering. |
| Do | 63 | 1,100 | 25 | Do. |
| Do | 61 | 1,200 | 26 | Do. |
| Defiance | 74 | 1,100 | 24 | Do. |
| Delaware | 65 | 1,100 | 25 | Do. |
| East Liverpool | 72 | 1,000 | 26 | Collecting. |
| Do | 60 | 1,200 | 26 | Delivering. |
| Fremont | 76 | 1,200 | 26 | Do. |
| Ironton | 62 | 1,100 | 23 | Do. |
| Lancaster | 60 | 1,100 | 24 | Do. |
| Mansfield | 68 | 1,200 | 26 | Do. |
| Do | 72 | 1,200 | 25 | Do. |
| Marietta | 61 | 1,200 | 25 | Do. |
| Masillon | 75 | 1,100 | 23 | Do. |
| Middletown | 62 | 1,200 | 29 | Do. |
| Newark | 64 | 1,200 | 26 | Do. |
| Do | 61 | 1,200 | 25 | Do. |
| Painesville | 61 | 1,200 | 17 | Do. |
| Portsmouth | 68 | 1,200 | 25 | Do. |
| Sandusky | 62 | 1,200 | 25 | Do. |
| Sidney | 60 | 1,100 | 24 | Do. |
| Springfield | 61 | 1,200 | 25 | Do. |
| Do | 65 | 1,200 | 33 | Do. |
| Steubenville | 60 | 1,200 | 13 | Do. |
| Toledo | 62 | 1,200 | 28 | Do. |
| Do | 62 | 1,200 | 31 | Do. |
| Do | 68 | 1,000 | 29 | Facing mail. |
| Do | 61 | 1,200 | 30 | Delivering. |
| Do | 66 | 1,000 | 33 | Collecting. |
| Do | 63 | 1,200 | 29 | Delivering. |
| Do | 66 | 1,200 | 37 | Do. |
| Do | 64 | 1,200 | 28 | Do. |
| Washington Court House | 74 | 1,100 | 24 | Do. |
| Wooster | 62 | 1,100 | 26 | Do. |
| Do | 62 | 1,100 | 20 | Do. |
| Zanesville | 60 | 1,200 | 25 | Do. |
| OREGON. | | | | |
| Portland | 65 | 1,000 | 25 | Collecting. |
| Do | 63 | 1,200 | 32 | Delivering. |
| Do | 69 | 1,000 | 23 | Collecting. |
| PENNSYLVANIA. | | | | |
| Beaver Falls | 62 | 1,200 | 26 | Delivering. |
| Bellefonte | 61 | 1,100 | 20 | Do. |
| Bethlehem | 68 | 1,200 | 25 | Do. |
| Do | 66 | 1,200 | 23 | Do. |
| Do | 60 | 1,200 | 26 | Do. |
| Braddock | 63 | 1,200 | 23 | Do. |
| Bradford | 61 | 1,200 | 25 | Do. |
| Carbondale | 65 | 1,100 | 25 | Do. |
| Do | 60 | 1,100 | 25 | Do. |
| Chester | 69 | 1,200 | 25 | Do. |
| Do | 70 | 1,100 | 20 | Do. |
| Do | 69 | 1,200 | 25 | Do. |
| Do | 65 | 1,200 | 25 | Do. |
| Corry | 72 | 1,200 | 26 | Do. |
| Easton | 70 | 1,200 | 28 | Do. |
| Do | 69 | 1,200 | 25 | Do. |
| Do | 60 | 1,200 | 36 | Do. |
| Erie | 61 | 1,200 | 23 | Do. |
| Greensburg | 69 | 1,200 | 25 | Do. |
| Harrisburg | 63 | 1,200 | 23 | Do. |
| Do | 62 | 1,200 | 20 | Do. |
| Do | 60 | 1,200 | 35 | Do. |
| Huntingdon | 68 | 1,100 | 26 | Do. |
| Do | 63 | 1,100 | 28 | Do. |
| Johnstown | 68 | 1,200 | 29 | Do. |
| Lancaster | 64 | 1,000 | 25 | Collecting. |
| Meadville | 64 | 1,200 | 28 | Delivering. |
| Do | 65 | 1,200 | 28 | Do. |
| Do | 64 | 1,200 | 28 | Do. |
| New Castle | 62 | 1,200 | 26 | Do. |
| Norristown | 65 | 1,200 | 28 | Do. |
| Oil City | 62 | 1,200 | 25 | Do. |
| Philadelphia | 67 | 1,000 | 35 | Collecting. |
| Do | 72 | 1,200 | 19 | Delivering. |
| Do | 68 | 1,200 | 25 | Do. |
| Do | 70 | 1,200 | 37 | Do. |
| Do | 60 | 1,200 | 30 | Do. |
| Do | 62 | 1,200 | 30 | Do. |
| Do | 61 | 1,200 | 28 | Do. |
| Do | 64 | 1,200 | 30 | Do. |
| Do | 67 | 1,200 | 29 | Do. |
| Do | 60 | 1,200 | 30 | Do. |
| Do | 67 | 1,200 | 38 | Do. |
| Do | 71 | 1,200 | 45 | Do. |
| Do | 61 | 1,200 | 28 | Do. |
| Do | 69 | 1,200 | 30 | Do. |
| Do | 67 | 1,200 | 33 | Do. |
| Do | 62 | 1,200 | 29 | Do. |
| Do | 62 | 1,200 | 33 | Do. |
| Do | 62 | 1,200 | 28 | Do. |
| Do | 61 | 1,200 | 30 | Do. |
| Do | 60 | 1,200 | 28 | Do. |
| Do | 73 | 1,100 | 34 | Router. |
| Do | 61 | 1,200 | 30 | Delivering. |
| Do | 69 | 1,200 | 33 | Do. |
| Do | 60 | 1,200 | 28 | Do. |
| Do | 77 | 1,200 | 34 | Do. |
| Do | 68 | 1,200 | 31 | Do. |

*Statement of letter carriers 60 years of age and over*—Continued.

| Post office. | Age. | Salary. | Years in service. | Collecting or delivering. |
|---|---|---|---|---|
| PENNSYLVANIA—continued. | | | | |
| Philadelphia | 60 | $1,200 | 30 | Delivering. |
| Do | 60 | 1,200 | 31 | Do. |
| Do | 69 | 1,200 | 27 | Do. |
| Do | 66 | 1,200 | 27 | Do. |
| Do | 62 | 1,200 | 25 | Do. |
| Do | 69 | 1,200 | 47 | Do. |
| Do | 60 | 1,200 | 30 | Do. |
| Do | 60 | 1,200 | 29 | Do. |
| Do | 66 | 1,200 | 36 | Do. |
| Do | 69 | 1,200 | 30 | Do. |
| Do | 60 | 1,200 | 28 | Do. |
| Do | 61 | 1,200 | 30 | Do. |
| Do | 64 | 1,200 | 28 | Do. |
| Do | 60 | 1,200 | 29 | Do. |
| Do | 60 | 1,200 | 27 | Do. |
| Do | 62 | 1,200 | 31 | Do. |
| Do | 60 | 1,200 | 29 | Do. |
| Do | 66 | 1,200 | 43 | Do. |
| Do | 60 | 1,200 | 28 | Do. |
| Do | 60 | 1,200 | 29 | Do. |
| Do | 64 | 1,200 | 28 | Do. |
| Do | 63 | 1,100 | 35 | Router. |
| Do | 62 | 1,200 | 29 | Delivering. |
| Do | 61 | 1,200 | 29 | Do. |
| Do | 62 | 1,200 | 29 | Do. |
| Do | 64 | 1,200 | 30 | Do. |
| Do | 62 | 1,200 | 28 | Do. |
| Do | 61 | 1,200 | 36 | Do. |
| Do | 68 | 1,100 | 39 | Router. |
| Do | 60 | 1,200 | 29 | Delivering. |
| Do | 61 | 1,200 | 25 | Do. |
| Do | 63 | 1,200 | 42 | Do. |
| Do | 78 | 1,200 | 49 | Do. |
| Do | 71 | 1,200 | 35 | Do. |
| Do | 68 | 1,200 | 17 | Do. |
| Do | 74 | 1,100 | 36 | Router. |
| Do | 67 | 1,200 | 36 | Delivering. |
| Do | 64 | 1,200 | 38 | Do. |
| Do | 71 | 1,200 | 35 | Do. |
| Do | 74 | 1,100 | 47 | Router. |
| Do | 66 | 1,100 | 44 | Do. |
| Do | 60 | 1,200 | 26 | Delivering. |
| Do | 63 | 1,200 | 26 | Do. |
| Do | 71 | 1,200 | 21 | Do. |
| Pittsburgh | 65 | 1,200 | 31 | Do. |
| Do | 64 | 1,200 | 25 | Do. |
| Do | 65 | 1,200 | 25 | Do. |
| Do | 62 | 1,200 | 27 | Do. |
| Do | 62 | 1,200 | 33 | Do. |
| Do | 67 | 1,200 | 30 | Do. |
| Do | 62 | 1,200 | 31 | Do. |
| Do | 61 | 1,000 | 24 | Collecting. |
| Do | 60 | 1,200 | 25 | Delivering. |
| Do | 66 | 1,200 | 43 | Do. |
| Do | 60 | 1,200 | 25 | Do. |
| Do | 60 | 1,200 | 25 | Do. |
| Do | 60 | 1,200 | 34 | Do. |
| Do | 66 | 1,200 | 41 | Do. |
| Do | 60 | 1,200 | 28 | Do. |
| Do | 67 | 1,200 | 29 | Do. |
| Pottsville | 64 | 1,200 | 29 | Do. |
| Do | 60 | 1,200 | 24 | Do. |
| Do | 69 | 1,100 | 18 | Do. |
| Punxsutawney | 62 | 1,000 | 25 | Collecting. |
| Reading | 60 | 1,200 | 25 | Delivering. |
| Do | 60 | 1,200 | 25 | Do. |
| Do | 63 | 1,200 | 24 | Do. |
| Do | 68 | 1,000 | 25 | Do. |
| Do | 62 | 1,200 | 27 | Do. |
| Scranton | 61 | 1,200 | 26 | Do. |
| Do | 71 | 1,200 | 30 | Do. |
| Do | 61 | 1,200 | 25 | Do. |
| Do | 62 | 1,100 | 25 | Do. |
| Shamokin | 71 | 1,200 | 25 | Do. |
| Sharon | 62 | 1,200 | 22 | Do. |
| Wilkes-Barre | 64 | 1,200 | 30 | Do. |
| Do | 65 | 1,200 | 28 | Do. |
| Do | 61 | 1,200 | 25 | Do. |
| Do | 72 | 1,200 | 33 | Do. |
| Williamsport | 69 | 1,200 | 33 | Do. |
| Do | 60 | 1,200 | 32 | Do. |
| Do | 60 | 1,200 | 26 | Do. |
| PORTO RICO. | | | | |
| Mayaguez | 60 | 1,100 | 15 | Delivering. |
| RHODE ISLAND. | | | | |
| Providence | 76 | 1,200 | 48 | Delivering. |
| Do | 71 | 1,200 | 36 | Do. |
| Do | 70 | 1,200 | 35 | Do. |
| Do | 69 | 1,200 | 41 | Do. |
| Do | 68 | 1,200 | 43 | Do. |
| Do | 66 | 1,200 | 42 | Do. |
| Do | 66 | 1,200 | 37 | Do. |
| Do | 66 | 1,200 | 42 | Do. |
| Do | 66 | 1,200 | 25 | Do. |
| Do | 64 | 1,200 | 41 | Do. |
| Do | 64 | 1,200 | 36 | Do. |
| Do | 63 | 1,200 | 34 | Do. |
| Do | 62 | 1,200 | 30 | Do. |
| Do | 61 | 1,200 | 27 | Do. |
| Do | 61 | 1,200 | 37 | Do. |
| Do | 60 | 1,200 | 20 | Do. |
| Do | 60 | 1,200 | 26 | Do. |
| Woonsocket | 61 | 1,200 | 28 | Do. |

*Statement of letter carriers 60 years of age and over*—Continued.

| Post office. | Age. | Salary. | Years in service. | Collecting or delivering. |
|---|---|---|---|---|
| SOUTH CAROLINA. | | | | |
| Charleston | 69 | $1,200 | 35 | Delivering. |
| Greenville | 60 | 1,200 | 23 | Do. |
| SOUTH DAKOTA. | | | | |
| Yankton | 75 | 1,100 | 23 | Delivering. |
| TENNESSEE. | | | | |
| Chattanooga | 60 | 1,200 | 32 | Delivering. |
| Do | 61 | 1,200 | 28 | Do. |
| Do | 60 | 1,200 | 30 | Do. |
| Knoxville | 60 | 1,200 | 20 | Do. |
| Do | 64 | 1,200 | 25 | Do. |
| Memphis | 62 | 1,200 | 29 | Do. |
| Do | 61 | 1,000 | 23 | Collecting. |
| Do | 70 | 800 | 35 | Do. |
| Do | 63 | 800 | 37 | Do. |
| Nashville | 70 | 1,200 | 29 | Delivering. |
| TEXAS. | | | | |
| Austin | 71 | 1,200 | 30 | Delivering. |
| Do | 63 | 1,200 | 27 | Do. |
| Do | 61 | 1,200 | 17 | Do. |
| Dallas | 65 | 1,200 | 25 | Do. |
| Fort Worth | 60 | 1,000 | 15 | Collecting. |
| Houston | 60 | 1,200 | 30 | Delivering. |
| Do | 60 | 1,200 | 29 | Do. |
| UTAH. | | | | |
| Ogden | 60 | 1,200 | 21 | Delivering. |
| Salt Lake City | 60 | 1,200 | 20 | Do. |
| VERMONT. | | | | |
| Bennington | 60 | 1,100 | 26 | Delivering. |
| Brattleboro | 62 | 1,200 | 29 | Do. |
| Rutland | 61 | 1,200 | 23 | Do. |
| St. Albans | 64 | 1,100 | 27 | Do. |
| Do | 66 | 1,100 | 27 | Do. |
| St. Johnsbury | 62 | 1,100 | 26 | Do. |
| VIRGINIA. | | | | |
| Charlottesville | 68 | 1,200 | 25 | Delivering. |
| Lynchburg | 64 | 1,200 | 27 | Do. |
| Norfolk | 76 | 1,000 | 42 | Router. |
| Petersburg | 71 | 1,200 | 29 | Delivering. |
| Do | 65 | 1,200 | 26 | Do. |
| Do | 63 | 1,200 | 25 | Do. |
| Portsmouth | 64 | 1,200 | 28 | Do. |

*Statement of letter carriers 60 years of age and over*—Continued.

| Post-office. | Age. | Salary. | Years in service. | Collecting or delivering. |
|---|---|---|---|---|
| VIRGINIA—continued. | | | | |
| Richmond | 64 | $1,200 | 30 | Delivering. |
| Do | 62 | 1,200 | 29 | Do. |
| Do | 65 | 1,200 | 41 | Do. |
| Do | 61 | 1,200 | 26 | Do. |
| Do | 61 | 1,200 | 27 | Do. |
| Staunton | 67 | 1,200 | 28 | Do. |
| Do | 64 | 1,200 | 25 | Do. |
| WASHINGTON. | | | | |
| Seattle | 65 | 1,200 | 28 | Delivering. |
| Do | 60 | 1,200 | 19 | Do. |
| Spokane | 63 | 1,200 | 26 | Do. |
| Tacoma | 62 | 1,200 | 27 | Do. |
| WEST VIRGINIA. | | | | |
| Grafton | 70 | 1,100 | 15 | Delivering. |
| Parkersburg | 71 | 1,200 | 25 | Do. |
| Do | 71 | 1,200 | 25 | Do. |
| Wheeling | 61 | 1,000 | 23 | Collecting. |
| WISCONSIN. | | | | |
| Appleton | 63 | 1,200 | 28 | Delivering. |
| Chippewa Falls | 69 | 1,100 | 27 | Do. |
| Do | 60 | 1,100 | 27 | Do. |
| La Crosse | 63 | 1,000 | 31 | Collecting. |
| Do | 64 | 1,200 | 29 | Delivering. |
| Madison | 68 | 1,200 | 29 | Do. |
| Marinette | 70 | 800 | 24 | Do. |
| Milwaukee | 66 | 1,200 | 26 | Do. |
| Do | 61 | 1,200 | 29 | Do. |
| Do | 60 | 1,200 | 27 | Do. |
| Do | 69 | 1,000 | 26 | Collecting. |
| Do | 60 | 1,200 | 26 | Delivering. |
| Do | 61 | 1,200 | 27 | Do. |
| Do | 67 | 1,200 | 27 | Do. |
| Do | 62 | 1,200 | 27 | Do. |
| Do | 62 | 1,200 | 19 | Do. |
| Do | 64 | 1,200 | 28 | Do. |
| Do | 68 | 1,000 | 33 | Collecting. |
| Platteville | 65 | 1,200 | 17 | Delivering. |
| Racine | 60 | 1,200 | 22 | Do. |
| Sheboygan | 63 | 1,200 | 28 | Do. |
| Do | 61 | 1,200 | 26 | Do. |
| WYOMING. | | | | |
| Laramie | 69 | 1,100 | 23 | Delivering. |

$800 GRADE.

| Years in service. | Ages. | | | | | | | | | | | | | | | | | | | | | | Total. |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | 60 | 61 | 62 | 63 | 64 | 65 | 66 | 67 | 68 | 69 | 70 | 71 | 72 | 73 | 74 | 75 | 76 | 77 | 78 | 79 | 80 | 81 | |
| 24 | | | | | | | | | | | 1 | | | | | | | | | | | | 1 |
| 27 | | 1 | | | | | | | | | | | | | | | | | | | | | 1 |
| 35 | | | | | | | | | | | 1 | | | | | | | | | | | | 1 |
| 37 | | | | 1 | | | | | | | | | | | | | | | | | | | 1 |
| 40 | | | | | | | | | | | | | | | | | 1 | | | | | | 1 |
| Total | | 1 | | 1 | | | | | | | 2 | | | | | | 1 | | | | | | 5 |

$900 GRADE.

| | | | | | | | | | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 24 | | | | | | | | | | | | | | | | | | 1 | | | | | 1 |
| 26 | | | | 1 | | | | | | | | | | | | | | | | | | | 1 |
| 27 | | | | | | | | | | | | | 1 | | | | | | | | | | 1 |
| Total | | | | 1 | | | | | | | | | 1 | | | | | 1 | | | | | 3 |

$1,000 GRADE.

| | | | | | | | | | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 11 | | | | | | | | | | | | | | | | 1 | | | | | | | 1 |
| 14 | | | | | | | | | | | 1 | | | | | | | | | | | | 1 |
| 15 | 1 | | | | | | | | | | | | 1 | | | | | | | | | | 1 |
| 17 | | | | | | | | | | | | | | | | | | | | | | | 3 |
| 18 | 3 | | | | | | | 1 | | | | | | | | | | | | | | | 1 |
| 19 | | | | | | | | | | | | | | | | | | | | | | | 1 |
| 20 | 1 | | | | | | | | | | | | | | | | | | | | | | 2 |
| 21 | | 1 | 1 | | | | | | | | | | | | | | | | | | | | 2 |
| 22 | 1 | | 1 | | | | | | | | | | | | | | | | | | | | 12 |
| 23 | 1 | 2 | 3 | | | | 1 | | | 1 | | 2 | 1 | 1 | | | | | | | | | 10 |
| 24 | 1 | 1 | 2 | 3 | 1 | | | 1 | | | 1 | 1 | | | | | | | | | | | 12 |
| 25 | | 1 | 1 | | 2 | 3 | 1 | | 1 | | 1 | | 2 | | | | | | | | | | 19 |
| 26 | 3 | 1 | 3 | | 1 | 2 | 1 | 1 | | 1 | | 1 | 3 | | 1 | | | | | 1 | | | 8 |
| 27 | | 3 | 1 | | | 1 | 1 | | | | | | | 2 | | | | | | | | | 3 |
| 28 | | | | | 1 | | | | | | | | | | | | 2 | | | | | | 9 |
| 29 | 1 | 1 | 1 | | 1 | 1 | 1 | | 1 | | 1 | 1 | | | 1 | | | | | | | | 10 |
| 30 | | 1 | 2 | | 3 | 1 | | 1 | | | | 2 | | | | | | | | | | | 4 |
| 31 | 1 | | | 1 | | | | | | | 1 | | | | | | | | | | | | 2 |
| 32 | | | 1 | 1 | 1 | | 2 | 1 | | 1 | 1 | | | | | | | | | | | | 4 |
| 33 | 1 | | | | | | 1 | | 1 | | 1 | | | | | | | | | | | | |

*Statement of letter carriers 60 years of age and over*—Continued.

$1,000 GRADE—Continued.

| Years in service. | Ages. | | | | | | | | | | | | | | | | | | | | | Total. |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | 60 | 61 | 62 | 63 | 64 | 65 | 66 | 67 | 68 | 69 | 70 | 71 | 72 | 73 | 74 | 75 | 76 | 77 | 78 | 79 | 80 | 81 | |
| 34 | | | | | | 2 | | | | 2 | | | | | | | | | | | | | 4 |
| 35 | | 1 | | | | | | 2 | | 1 | 1 | | | 1 | | | | | | | | | 6 |
| 36 | | 1 | | | 1 | | 1 | | | 1 | | | | | | | | | | | | | 4 |
| 37 | | | | | | | 1 | | | | | 1 | | | | | | | | | | | 2 |
| 38 | 1 | | | 1 | | | | 1 | | 1 | | | | | | | | | | | | | 4 |
| 39 | 1 | | | | | | | | | 1 | | | 1 | 1 | | | 1 | | | | | | 5 |
| 40 | | | | | | 1 | 1 | 1 | | | | | | | | | | | | | | | 3 |
| 41 | | 1 | | | | | | | | | | | 1 | | | | | | | | | | 2 |
| 42 | | | | | | 1 | 1 | | 1 | 1 | | | | | 1 | | | 2 | 1 | | | | 8 |
| 43 | | | | | | | | | | 2 | | | | | | | | | | | | 1 | 3 |
| 44 | | | | | | | | | | | | | 1 | | | | | | | 1 | | | 2 |
| 47 | | | | | | | | 1 | | | | | | | | | | 1 | | | | | 2 |
| 48 | | | | | | | | | | | | | | | | | | 1 | | | | | 1 |
| 49 | | | | | | | | | | | | | | 1 | | | | | | | | | 1 |
| 50 | | | | | | | | | | | | | 1 | | | | | | | | | | 1 |
| Total | 16 | 14 | 16 | 6 | 11 | 12 | 12 | 10 | 4 | 15 | 5 | 8 | 11 | 6 | 4 | | 3 | 4 | 2 | 1 | | 1 | 161 |

$1,100 GRADE.

| | | | | | | | | | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 7 | | | | | | | | | | 1 | | | | | | | | | | | | | 1 |
| 11 | 1 | | | | | | | | | | | | | | | | | | | | | | 1 |
| 13 | | | 1 | | | | | | | | | | | | | | | | | | | | 2 |
| 16 | 1 | | | | | | | | | | 1 | | | | | | | | | | | | 2 |
| 18 | 1 | | | 1 | | | | | | | | | | | | | | | | | | | 2 |
| 18 | 1 | | | | | | | | | 1 | | | | | | | | | | | | | 2 |
| 20 | | 1 | 1 | | | | | | | 1 | 1 | | | | | | | | | | | | 4 |
| 21 | | | 1 | | 1 | | | | | | | | | | | | | | | | | | 2 |
| 22 | 1 | | | | | | | | | 1 | | | | | | | | | | | | | 2 |
| 23 | | 1 | 1 | | | | | 1 | | 2 | 2 | | | | 1 | 2 | | | | | | | 10 |
| 24 | 2 | 3 | | | 1 | | | | | | | | | | 3 | | | | | | | | 10 |
| 25 | 4 | 2 | 4 | 4 | 1 | 4 | | | | | 2 | 1 | 1 | | | 1 | | | | | | | 24 |
| 26 | 1 | 1 | 3 | 2 | | | | | | 1 | 2 | | | 2 | | | | | | | | | 12 |
| 27 | 2 | 2 | 1 | | 1 | | 2 | | | | 1 | | | | | | | | | | | | 9 |
| 28 | 1 | 2 | 1 | | | | | | | | | | | | | | | | 1 | | | | 5 |
| 29 | | | 1 | | | | | | | | | | | | | | | | | | | | 1 |
| 34 | | | | | | | | | | | | | | 1 | | | | | | | | | 1 |
| 35 | | | | 1 | 1 | | | | | | | | | | | | | | | | | | 2 |
| 37 | | | | | | | | | | | | | | 1 | | | | | | | | | 1 |
| 39 | | | | | | | | | 1 | | | | | | | | | | | | | | 1 |
| 40 | | | | | 1 | | 1 | | | | | | | | | | | | | | | | 2 |
| 41 | | | 1 | | | | | | | | | | | | | | | | | | | | 1 |
| 42 | | | | | | | | | | | | | | | 1 | | | | | | | | 1 |
| 44 | | | | | | | 1 | | | | | | | | | | | | | | | | 1 |
| 47 | | | | | | | | | | | | | | | 1 | | | | | | | | 1 |
| Total | 16 | 12 | 15 | 8 | 6 | 4 | 4 | 1 | 2 | 9 | 6 | 1 | 1 | 4 | 6 | 3 | | | 1 | | | | 99 |

$1,200 GRADE.

| | | | | | | | | | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 13 | 1 | | | | | | | | | | | | | | | | | | | | | | 1 |
| 14 | | | | | | | | | | 1 | | | | | | | | | | | | | 1 |
| 16 | 2 | | | | | | | | | | | | | | | | | | | | | | 2 |
| 17 | | 2 | 1 | | | 1 | | | 1 | | | | | 1 | | | | | | | | | 6 |
| 18 | | | 1 | | | 1 | | | | | | | | | | | | | | | | | 2 |
| 19 | 2 | 1 | 2 | | | 1 | | | | | | | 1 | | | | | | | | | | 7 |
| 20 | 3 | 2 | 1 | | | 1 | | | 1 | | | | | | | | | | | | | | 8 |
| 21 | 9 | 1 | 3 | 1 | 1 | | | | | | | 1 | | | | | | | | | | | 16 |
| 22 | 10 | 7 | 5 | 1 | 1 | | 1 | | | 1 | 1 | | 1 | 1 | | | | | | | | | 28 |
| 23 | 5 | 8 | 4 | 7 | 2 | | 1 | | 1 | 1 | | 1 | | 1 | | | | | | | | | 31 |
| 24 | 10 | 7 | 8 | 8 | 4 | 4 | | 2 | 2 | 1 | 1 | | 1 | | | | | | 1 | | | | 49 |
| 25 | 15 | 12 | 12 | 8 | 10 | 6 | 4 | 2 | 7 | 5 | 2 | 3 | 3 | 1 | 1 | | 1 | | 1 | | | | 93 |
| 26 | 19 | 15 | 8 | 10 | 4 | 6 | 2 | 2 | 2 | 4 | | | 2 | | | | 4 | | | | | 1 | 79 |
| 27 | 13 | 13 | 14 | 4 | 8 | 2 | 2 | 2 | | 1 | 1 | 1 | | | | 1 | | | | | | | 62 |
| 28 | 15 | 15 | 10 | 6 | 8 | 5 | 1 | 3 | 2 | 4 | 2 | | 1 | 1 | | | 2 | | | | | | 77 |
| 29 | 14 | 9 | 13 | 8 | 4 | 4 | | 3 | 5 | 3 | 3 | 1 | | | | | | | | | | | 67 |
| 30 | 13 | 9 | 11 | 6 | 8 | 6 | 2 | 1 | 1 | 3 | | 5 | 1 | 2 | 2 | 1 | | | | | | | 71 |
| 31 | 8 | 9 | 6 | 1 | 5 | 4 | 3 | | 3 | | 1 | 1 | 1 | 2 | 1 | | | | | | | | 45 |
| 32 | 3 | 5 | 5 | 3 | 4 | 3 | 3 | 2 | | | 2 | | | | | | | | | | | | 30 |
| 33 | 8 | 4 | 7 | 5 | 2 | 4 | 1 | 8 | 2 | 2 | 2 | | 1 | 1 | | | | 1 | | | | | 48 |
| 34 | 3 | 1 | 1 | 5 | | 1 | 1 | 2 | | | 1 | 2 | | 1 | | | 1 | 1 | | | | | 20 |
| 35 | 4 | 4 | 3 | 3 | 2 | 3 | 1 | 2 | 1 | 2 | 2 | 5 | | | | | | | | | | | 32 |
| 36 | 4 | 6 | 1 | 2 | 6 | 2 | 3 | 3 | 1 | 1 | | 2 | 2 | | | | | | | | | | 33 |
| 37 | 2 | 2 | 3 | 3 | 1 | 1 | 4 | 1 | | 1 | 2 | 2 | | | | | | | | | | | 22 |
| 38 | 1 | 2 | | 1 | 3 | | 1 | 2 | 1 | | | | | | | | | | | | | | 11 |
| 39 | 1 | 3 | 1 | 2 | 1 | 1 | 2 | 1 | 1 | 2 | | | | | | | | | | | | | 16 |
| 40 | | 1 | 3 | 1 | 4 | | 2 | 2 | 1 | 2 | 3 | | | | 1 | 1 | | | | | | | 21 |
| 41 | 1 | 2 | | 2 | | 2 | 3 | | | 3 | | 3 | 1 | | | | | | | | | | 15 |
| 42 | | | | | 3 | 7 | 4 | 4 | 4 | 5 | | 1 | 1 | 1 | 1 | 1 | 1 | 1 | | | | 1 | 36 |
| 43 | | | | | | 1 | 2 | 1 | 4 | 1 | | 1 | | | | 2 | | | | | | | 12 |
| 44 | | | | | | | | | 1 | 1 | 2 | 2 | | | 2 | | | | | 1 | | | 9 |
| 45 | | | | | | | | | | | | | 1 | | 1 | | | | 1 | | | | 3 |
| 46 | | | | | | | 1 | | | | 1 | 2 | | | | 1 | | 1 | | | | | 6 |
| 47 | | | | | | | | 1 | | 2 | 1 | | | 1 | | 1 | | | | | | | 6 |
| 48 | | | | | | 1 | | | | | | 2 | | 1 | | 1 | 1 | | | | | | 6 |
| 49 | | | | | | | | | | | | | 1 | | | | 1 | | 2 | | | | 4 |
| 50 | | | | | | | | | | | | | | | 1 | | | | 1 | | | | 2 |
| 51 | | | | | | | | | | | 1 | | 1 | | | | | | | | | | 2 |
| 52 | | | | | | | | | | | | | | 1 | | | | | | | | | 1 |
| 57 | | | | | | | | | | | | | | | | 1 | | | | | | | 1 |
| Total | 166 | 140 | 123 | 87 | 81 | 67 | 44 | 44 | 41 | 46 | 28 | 35 | 19 | 15 | 10 | 11 | 11 | 3 | 6 | 1 | 1 | 1 | 980 |

*Statement of letter carriers 60 years of age and over*—Continued.

ALL GRADES.

| Years in service. | | Ages. | | | | | | | | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | 60 | 61 | 62 | 63 | 64 | 65 | 66 | 67 | 68 | 69 | 70 | 71 | 72 | 73 | 74 | 75 | 76 | 77 | 78 | 79 | 80 | 81 | Total. |
| 7 | | | | | | | | | | 1 | | | | | | | | | | | | | | 1 |
| 11 | 1 | | | | | | | | | | | | | | 1 | | | | | | | | | 2 |
| 13 | 1 | | 1 | | | | | | | | | | | | | | | | | | | | | 2 |
| 14 | | | | | | | | | | 2 | | | | | | | | | | | | | | 2 |
| 15 | 2 | | | | | | | | | | 1 | | | | | | | | | | | | | 3 |
| 16 | 3 | | | 1 | | | | | | | | | | | | | | | | | | | | 4 |
| 17 | | 2 | 1 | | | 1 | | | 1 | | | | 1 | 1 | | | | | | | | | | 7 |
| 18 | 4 | | 1 | | | 1 | | | | 1 | | | | | | | | | | | | | | 7 |
| 19 | 2 | 1 | 2 | | | 1 | | 1 | | | | | 1 | | | | | | | | | | | 8 |
| 20 | 4 | 3 | 2 | | | 1 | | | 1 | 1 | 1 | | | | | | | | | | | | | 13 |
| 21 | 9 | 2 | 5 | 1 | 2 | | | | | | | 1 | | | | | | | | | | | | 20 |
| 22 | 12 | 7 | 6 | 1 | 1 | | 1 | | | 2 | 1 | | 1 | 1 | | | | | | | | | | 33 |
| 23 | 6 | 11 | 8 | 7 | 2 | | 2 | 1 | 1 | 4 | 2 | 3 | 1 | 2 | 1 | 2 | | | | | | | | 53 |
| 24 | 14 | 11 | 10 | 11 | 6 | 4 | | 3 | 2 | 1 | 2 | 1 | 1 | | 3 | | | 1 | 1 | | | | | 71 |
| 25 | 19 | 15 | 17 | 12 | 13 | 13 | 5 | 2 | 8 | 5 | 5 | 4 | 6 | 1 | 1 | 1 | 1 | | 1 | | | | | 129 |
| 26 | 23 | 17 | 14 | 13 | 5 | 8 | 3 | 3 | 3 | 7 | | 1 | 5 | 2 | 1 | | 4 | | 1 | | | | 1 | 111 |
| 27 | 15 | 19 | 16 | 4 | 9 | 3 | 5 | 2 | | 2 | 1 | 1 | 1 | 2 | | 1 | | | | | | | | 81 |
| 28 | 16 | 17 | 11 | 6 | 9 | 5 | 1 | 3 | 2 | 4 | 2 | | 1 | 1 | | 2 | 2 | | 1 | | | | | 83 |
| 29 | 15 | 10 | 15 | 8 | 5 | 5 | 1 | 3 | 6 | 3 | 4 | 2 | | | | | | | | | | | | 77 |
| 30 | 13 | 10 | 13 | 6 | 11 | 7 | 2 | 2 | 1 | 3 | | 7 | 1 | 2 | 2 | 1 | | | | | | | | 81 |
| 31 | 9 | 9 | 6 | 2 | 5 | 4 | 3 | | 3 | 1 | 2 | 1 | 1 | 2 | 1 | | | | | | | | | 49 |
| 32 | 3 | 5 | 6 | 4 | 5 | 3 | 5 | 3 | | 1 | 3 | | | | 1 | | | | | | | | | 39 |
| 33 | 9 | 4 | 7 | 5 | 2 | 4 | 2 | 8 | 3 | 3 | 2 | | 1 | 1 | | | | 1 | | | | | | 52 |
| 34 | 3 | 1 | 1 | 5 | | 3 | 1 | 2 | | 2 | 1 | 2 | | 2 | | | 1 | 1 | | | | | | 25 |
| 35 | 4 | 5 | 3 | 4 | 3 | 3 | 1 | 4 | 1 | 3 | 4 | 5 | | 1 | | | | | | | | | | 41 |
| 36 | 4 | 7 | 1 | 2 | 7 | 2 | 4 | 3 | 1 | 2 | | 2 | 2 | | | | | | | | | | | 37 |
| 37 | 2 | 2 | 3 | 4 | 1 | 1 | 5 | 1 | | 1 | 2 | 3 | | 1 | | | | | | | | | | 26 |
| 38 | 2 | 2 | | 2 | 3 | | 1 | 3 | 1 | 1 | | | | | | | | | | | | | | 15 |
| 39 | 2 | 3 | 1 | 2 | 1 | 1 | 2 | 1 | 2 | 3 | | | 1 | 1 | | 2 | | | | | | | | 22 |
| 40 | | 1 | 3 | 1 | 5 | 1 | 4 | 3 | 1 | 2 | 3 | | | | 1 | 1 | 1 | | | | | | | 27 |
| 41 | | 1 | 1 | | 3 | 2 | 3 | | | 3 | | 3 | 2 | | | | | | | | | | | 18 |
| 42 | 1 | 2 | | 2 | | 8 | 5 | 4 | 5 | 6 | | 1 | 1 | 1 | 3 | 1 | 3 | | 1 | | 1 | | | 45 |
| 43 | | | | | | 1 | 2 | 1 | 4 | 3 | | 1 | | | | 2 | | | | | | 1 | | 15 |
| 44 | | | | | | | 1 | | 1 | 1 | 2 | 2 | 1 | | 2 | | | | | 2 | | | | 12 |
| 45 | | | | | | | | | | | | | 1 | | 1 | | | | 1 | | | | | 3 |
| 46 | | | | | | | 1 | | | | 1 | 2 | | | | 1 | | 1 | | | | | | 6 |
| 47 | | | | | | | | 2 | | 2 | 1 | | | 1 | 1 | 1 | | 1 | | | | | | 9 |
| 48 | | | | | | 1 | | | | | | 2 | | 1 | | 1 | 2 | | | | | | | 7 |
| 49 | | | | | | | | | | | | | 1 | 1 | | | 1 | | 2 | | | | | 5 |
| 50 | | | | | | | | | | | | | 1 | | 1 | | | | 1 | | | | | 3 |
| 51 | | | | | | | | | | | 1 | | 1 | | | | | | | | | | | 2 |
| 52 | | | | | | | | | | | | | | 1 | | | | | | | | | | 1 |
| 57 | | | | | | | | | | | | | | | | 1 | | | | | | | | 1 |
| Total.. | 198 | 167 | 154 | 103 | 98 | 83 | 60 | 55 | 47 | 70 | 41 | 44 | 32 | 25 | 20 | 17 | 15 | 5 | 9 | 2 | 1 | 1 | 1 | 1,248 |

*Letter carriers, by grades, age 60 years and over.*

| | |
|---|---|
| $800 grade | 5 |
| $900 grade | 3 |
| $1,000 grade | 161 |
| $1,100 grade | 99 |
| $1,200 grade | 980 |
| Total number of carriers age 60 years and over | 1,248 |
| Average annual salary of carriers age 60 years and over Jan. 1, 1916 | $1,163.94 |
| Average annual salary of carriers less than 60 years of age Jan. 1, 1916 | 1,126.00 |
| Average annual salary of all carriers in the service Jan. 1, 1916 | 1,127.45 |

Mr. MOON. So it will be seen that under no condition has there been very much reduction in these salaries, and it is possible that for their proper adjustment no other arrangement could have been made than that which has been made. But in view of the fact that there are a few—though very few—who may suffer from this arrangement, which is possibly the best the department could make, I have given my consent to this amendment; and I advise my good friend from Mississippi [Mr. SISSON], who sits here with the rule in his hand, which points out all of the legislation which is out of order, that we are going to make a strenuous effort to have this proposition included in the rule, unless his wisdom and judgment, so much superior to that of everybody connected with the Post Office Committee, should prevail.

Mr. TRIBBLE. Mr. Chairman, in this connection I desire to say that I rather sympathize with the proposition of my good friend from Illinois [Mr. MADDEN], who is usually right, and one of the best Members on the floor of the House; but I have not heard his voice raised in behalf of the rural carriers. He claims that injustice has been done to a certain class of city carriers. I desire to call his attention to the manner in which the civil service has eliminated rural carriers where automobile service has been installed.

Mr. MADDEN. Will the gentleman yield?

Mr. TRIBBLE. Certainly.

Mr. MADDEN. I want to say that I am in thorough sympathy with the rural-carrier proposition as outlined by the gentleman from Georgia.

Mr. TRIBBLE. I am glad to hear the gentleman say that. The salary of certain city carriers has been reduced by this bill, and the gentleman fights gallantly for restoration of salary. The rural carrier has been removed from the service entirely where the automobile has supplanted the horse, unless the carrier again takes a civil-service examination. I know of no other employee of the Government now serving under civil service required to be reexamined to hold his position, and I contend the civil service has discriminated against the rural carrier by requiring this examination.

Mr. MOON. If the gentleman will pardon me, I would like to have this go along in an orderly way, and would not the gentleman be willing to wait until we get to the provision for rural carriers and then perhaps we can have the time for debate extended?

Mr. TRIBBLE. This question is before the House, and I am not going to take up much time, and I desire to call attention to the fact that these men in the Rural Service have been for years and years on the routes, and the Civil Service Commission requires a new examination for automobile service over the same territory where the old carrier has served faithfully and well; and I say a reexamination to deliver mail in the same boxes, to the same patrons, and on the same roads is contrary to the fundamental principles of civil service. The old carrier knows every person on the route, he knows the names of the children who run to meet him day by day. Even the farm dog greets the carrier with a friendly wag of his tail, and I can not understand why he should be subjected to an examination to continue work he knows so well.

Mr. MOON. The civil-service law requires what shall be done, and we could not change that here.

Mr. TRIBBLE. My complaint is against the civil service. I am not criticizing the Post Office Department. The civil-service laws should be amended. I contend that the civil service has too much authority to adopt regulations. This Congress should legislate, and if you will insert the following language in this bill the civil service will recognize it as direction from this House. The following is my bill and amendment to this bill:

Carriers of rural mail now serving as carriers under civil service shall be eligible for appointment as carriers of rural mail on any kind

of automobile route that may be established without standing civil-service examination, and upon recommendation of the Representative in Congress of the district where the office is located from which the route operates the carrier now in service shall be appointed to new mail automobile route covering the territory of the carrier now in service. Such rural mail carrier shall not be rejected as carrier for automobile route unless so recommended by the Representative in Congress from the district where the office is located serving the route.

Mr. Chairman, the Civil Service Commission is clothed with too much authority. Members of Congress should have the authority to reject undesirable persons making eligible mark for positions in their respective districts, instead of a Civil Service Commission located in Washington. I am trying to amend the civil-service regulations in this regard. If there are undesirable persons, objectionable to the community to be served, on the eligible list by examination, then let the Member of Congress prevent the appointment and not let the commission in Washington force such person on the community against the best interest of the community. I trust the friends of civil service will join me in making this much-needed amendment. Such an amendment would render more popular the Civil Service Commission in the South and prevent the appointment of persons very objectionable to the people by this civil-service board in Washington.

Mr. COX. Mr. Chairman, so far as this item is concerned I do not care so much about it, because there is not much involved in it. But I can not refrain from replying to some extent to the argument made by the gentleman from Illinois [Mr. MADDEN]. He undertakes to criticize the Postmaster General, and if I remember his argument correctly, intimating that the Postmaster General is doing things here unlawfully; that he had no power and no authority to do the things which he has been doing.

Now, Mr. Chairman, I have not had the time, and I have not now the time, to digest the classification act of 1907, but I think the classification act of 1907 gave the Postmaster General the power to do the things that he undertook to do here. In other words, I think he had the law to do it.

Mr. TRIBBLE. Will the gentleman yield?

Mr. COX. I can not now.

Mr. TRIBBLE. I only wanted to say that I made no charge against the Postmaster General but the Civil Service Commission.

Mr. COX. I am not saying that the gentleman did. I am calling the gentleman's attention to section 3 of the act of July 16, 1914, which provides "that the appropriation herein made for officers, clerks, and other persons employed in the public service shall not be available for compensation to any person incapacitated otherwise than temporarily for the performance of such service."

Now the Postmaster General under that authority had a perfect right to determine whether or not these men engaged in the collection and distribution service were incapacitated for performing their work. The argument is unfair that the Postmaster General did what he did do arbitrarily, without any authority of law, and in open violation of law.

Let us see what the facts are. Gen. Roper testified before the committee as follows:

Mr. ROPER. There were 1,292 carriers receiving $1,100 and $1,200 and doing collection work February 4, 1915. Since that time 698 of these men have been assigned to distribution and delivery work where they are entitled to the maximum salary.

Then that disposes of 698 of the 1,292, disposed of at a maximum salary. Then he goes on:

Then 268 others remained as collectors at their own request and accepted smaller salaries. Of the remainder, 275, after due tests on delivery routes—that is, the postmasters were asked to permit them to demonstrate whether they could do that work—were found to be incapable of performing distribution and delivery work, and consequently were reduced because of that inefficiency to the $1,000 grade.

A strenuous argument has been made this morning that these men were coerced into signing a written agreement in which they agree to accept a less salary. I want to say, Mr. Chairman, that that statement is ex parte of the record. I do not know a word in the record in this case that either Postmaster General Burleson or Gen. Roper or any postmaster in the United States ever coerced or undertook to coerce a single one of these employees, compelling him to accept less than the maximum salary. There is not a word in the record about it.

Mr. Chairman, these 275 were reduced directly under the authority given to the Postmaster General under section 3 of the act of 1914. I wonder if the time has come when a great administrative officer of our Government shall be criticized and criticized severely on the floor of this House because he undertakes to improve the efficiency of the service. I do not care whether he improves it at the expense of economy or not, but certainly the time has come when some man ought to rise on the floor and defend a man charged with the administration of our great Government when he tries to bring about efficiency. But to refer again to these 275 men about which complaint is made, the record in this case shows that the postmasters in the various cities of this country after due test found that they were incompetent to do their work.

The CHAIRMAN. The time of the gentleman from Indiana has expired.

Mr. COX. Mr. Chairman, I ask unanimous consent to proceed for two minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. COX. Mr. Chairman, proceeding just a little bit further to read from the record of this case, Gen. Roper says:

In carrying out the Postmaster General's direction we found that of the total force of carriers (approximately 33,000), 1,292, who were receiving $1,100 or $1,200 a year, were engaged the greater part of their time in the simple work of collecting mail. We then directed the postmasters to assign these men to delivery work, and 698 of them were so assigned without any loss of salary. In this way 698 of the 1,292 assumed their proper duties and are now earning the maximum salaries. We were then told by the postmasters that of those remaining a number did not desire to undertake the higher-grade work, but preferred to continue on collection duty and receive less salary.

Why, a majority of these 275 men were mounted carriers, men engaged in collecting the mail, riding upon wagons. That is the truth about it—at least, if the record is true—and when you turn to read this record there is nothing you will find that bears out the argument that is made this morning against the Postmaster General. To repeat, I assert—and I assert it from the record of this case—that everything that the Postmaster General did in this matter he did under authority of law. He has done nothing unlawful, nothing illegal, but under the strong arm and the power of the law; and I rise here not so much because this little item is in dispute, so far as that is concerned, but to defend the Postmaster General against the unjust charge that he is, forsooth, undertaking to administer the great postal affairs of this country in open violation of law. It is not true.

Mr. STEENERSON. Mr. Chairman, I listened to the First Assistant Postmaster General's statement at the hearings and to his defense of this procedure in regard to these carriers, and I do not wish by my silence to sanction the statement that this action was taken arbitrarily and without any rhyme or reason. It is putting it a little strong, it seems to me, because the First Assistant Postmaster General in the hearings quoted the language cited by the gentleman from Indiana [Mr. Cox], that he was enforcing the law, to wit—

that appropriations herein made for the officers, clerks, and persons employed in the public service shall not be available for compensation of any persons incapacitated from performing such service.

His theory is perfectly defensible—in fact, it is, to my mind, as reasonable a theory of what the law means as any that has been advanced—and while sympathizing with the effort to take care of these superannuated carriers, and while I am willing to vote for a rule making this legislation in order, I do not wish by my silence to say that the department has violated the law in taking the action that it has. I concur almost entirely with the views expressed by the gentleman from Indiana [Mr. Cox] upon that point. I do not think the charge of arbitrary conduct and violation of law is sustained. On the contrary, it seems to me that it was an effort to increase the efficiency of the service. However, I believe that the law should be construed with mercy and consideration for those faithful employees, and I think that so construing it they might be left to remain in their positions and salaries.

Mr. SISSON. Mr. Chairman, I make the point of order.

The CHAIRMAN. The point of order is sustained. It is clearly new legislation. The Clerk will read.

The Clerk read as follows:

For pay of letter carriers, substitute and auxiliary letter carriers at offices where City Delivery Service is established during the year, $75,000: *Provided*, That substitute clerks in first and second class post offices, or substitute letter carriers in the City Delivery Service shall be paid at the rate of 35 cents an hour for vacation service, or for auxiliary service or for temporary service, or for temporary regular service, or temporary service of any other designation: *Provided further*, That substitute clerks in first and second class post offices or substitute letter carriers in the City Delivery Service when working in places of regular employees who are off duty without pay, shall be paid at the rate of 40 cents an hour.

Mr. SISSON. Mr. Chairman, I reserve the point of order for the purpose of asking the chairman of the committee what is the reason for the difference in the compensation of some clerks at 35 cents an hour and other clerks at 40 cents an hour. One class of clerks receives apparently 35 cents an hour for vacation service and another 40 cents an hour. Why the distinction?

Mr. TAGUE. Mr. Chairman, the reason for the distinction is that those who receive the 40 cents an hour are merely substi-

tutes who work a few days at a time. Those who receive 35 cents an hour are men who do a long service as substitutes in the department. For instance, they carry the whole vacation period, while the men who receive the 40 cents an hour work one hour or one day or an hour and a half and are paid approximately at that rate.

Mr. SISSON. Neither class of these people are permanent. They may or may not work at long intervals. I shall not make the point of order on the paragraph if I can get the committee to agree to compensate them at the same rate.

Mr. TAGUE. Mr. Chairman, the reason for the 40 cents an hour is that the men are compelled to report every morning in the year at 7 o'clock, whether they work or not, and they get paid for just the amount of service that they render. If they have one trip or one hour of work, they get paid at the rate of 40 cents an hour; but the men who are paid at 35 cents an hour get a full day's work or a full week's work or a full month's work. That is the reason for the difference.

Mr. SISSON. That is, the 35-cent men get a full week or a full month?

Mr. TAGUE. In many cases, yes. That is the way he is paid when he gets a full day's work or a full week's work—at the rate of 35 cents an hour. If he works for only an hour or an hour and a half or two hours he gets paid at the rate of 40 cents an hour.

Mr. SISSON. That might be what the gentleman intends, but it is not what this language says. This language says:

That substitute clerks in first and second class post offices or substitute letter carriers in the City Delivery Service—

And so forth.

When working in place of a regular employee. That is, when they take the place of a regular employee, and if that employee is off a month or two weeks on sick leave he gets 40 cents an hour, whereas the man who takes the place of another carrier would only get 35 cents an hour, and they both might work the same number of days under this bill.

Mr. TAGUE. This is for temporary regular service.

Mr. SISSON. I understand that. One may be temporary regular service and the other may be substitute carrier, but in effect it will result in the very condition of which I speak. Now, if this new law here should provide that where he works one hour or two hours or three hours or a week even, that he should get 40 cents an hour and the other 35 cents an hour, I would have no objection to that distinction, but your law does not read that way. That may be the intent and purpose, but you have one man working 30 days to take the place of a man who has taken his 30 days' leave of vacation and the other man comes in and takes the place of a substitute temporary regular carrier and he would get 35 cents and might work identically the same number of days. Now, if the amendment was so drawn that both of these men for the same service would get the same money, I would not have any objection to it, but your law does not read that way. I am willing to make the service for the substitute clerks, first and second class post office, 35 cents an hour and pay them like we do the others.

Mr. MADDEN. That is simply what we have been paying.

Mr. SISSON. But your law then makes a change.

Mr. MADDEN. The Postmaster General recommended a reduction of the item from 40 cents to 35 cents.

Mr. SISSON. My understanding of the reason for the reduction is this: You have two men working side by side. One man takes a certain place in the Post Office Department and works a week, 10 days, or 30 days. Alongside of him is a man who works about the same length of time and does the same service, and one is paid 35 cents an hour and the other 40 cents an hour which creates a dissatisfaction.

Mr. MADDEN. The truth of the matter is they ought all to be given 40 cents an hour and not 35 cents an hour. The fact of the matter is that we have been paying part 35 cents an hour and part 40 cents an hour. The Postmaster General wanted to reduce all to the 35-cent basis, but the committee concluded that they would let the law remain as it was.

Mr. SISSON. The committee allowed the compensation to remain as it was but changed the law.

Mr. MADDEN. No; the law is not changed.

Mr. SISSON. In the last bill which passed the committee made some changes.

Mr. MADDEN. In what respect?

Mr. SISSON. Well, the language is entirely different, but I would have to get the two and compare them. The compensation is the same.

Mr. MADDEN. The compensation is the same, and the language, if it has been changed at all, has been changed at the suggestion of the Postmaster General.

Mr. SISSON. I do not know at whose suggestion, but the fact is we changed the language and did not adopt the change of compensation.

Mr. MADDEN. We did not adopt the change of compensation because we thought the change of compensation was unjust and is not compensatory for the work that the men do.

Mr. SISSON. At the rate of 35 cents an hour, if they should work a month they would get at the rate of $100 a month.

Mr. MADDEN. Let me tell the gentleman, if I may——

Mr. SISSON. I am glad to find out just why we make this distinction in pay.

Mr. MADDEN. In the first place, in great cities like Boston, New York, Chicago, Philadelphia, St. Louis, San Francisco, New Orleans, and other great cities of America the men who pass the civil-service examination for the position of letter carriers are put on the substitute list.

Mr. SISSON. I understand that.

Mr. MADDEN. But I want to tell the gentleman—just a moment, I will not take up much time. I will get the gentleman more time if he desires it.

Mr. SISSON. I am much obliged. I do not want any more time, except to find out why the difference was made.

Mr. MADDEN. They serve four years as substitutes as a rule, and the average compensation during all of that four years' service amounts to about $30 a month. Every one of those men is obliged to pay at least 10 cents a day car fare, and sometimes 20 cents a day. When they are called away to serve, where they have any temporary employment—when they are called to serve in place of a man off on vacation—they are required to make a greater sacrifice than the man who is there a given period, working, say, a week at a time. There is a difference between 35 and 40 cents in the sacrifice that these two classes of men make, and they ought to be paid for that sacrifice.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SISSON. My time has expired.

Mr. MADDEN. I ask unanimous consent that the gentleman may be given five minutes more.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that the gentleman from Mississippi be given five minutes more. Is there objection? [After a pause.] The Chair hears none.

Mr. SISSON. I shall not use that much time. Now, how much difference is there between the number who will receive 40 cents an hour and those who will receive 35 cents an hour? What is the ratio of numbers?

Mr. MADDEN. Of course a man may serve at one rate this week and at another rate next week. It will depend altogether upon whether he is serving as an auxiliary substitute or serving in the capacity of a substitute in place of a man off on vacation. Those 40-cents-an-hour men are only employed during the summer vacation, that is all, just the summer vacation period.

Mr. SISSON. Mr. Chairman, I withdraw the point of order.

Mr. STAFFORD. Mr. Chairman, I move to strike out the last word.

I would like to suggest to the gentleman, the chairman of the committee and to the gentlemen of the committee, whether it would not be advisable to make this paragraph permanent law by inserting the word "hereafter"? The committee has decided these schedules of pay, which certainly ought to be approved by anyone who knows anything about the service, and I thought it would obviate the necessity of carrying this phraseology next year by inserting the word "hereafter." I did not know whether that suggestion would meet the approval of the chairman of the committee or not.

Mr. MOON. I have not considered that. I do not know whether it should be done now or not.

Mr. MANN. In that connection, if the gentleman will permit me to call attention to the fact, there is permanent law on the subject now as to temporary clerks and carriers. The act of two years ago provides:

That after June 30, 1914, the pay of substitute letter carriers employed in the places of regular employees absent from duty with pay and of auxiliary and temporary carriers employed at offices where the City Free Delivery Service is already established or may hereafter be established, and of substitute clerks employed in the places of regular employees absent from duty with pay, and of auxiliary and temporary clerks employed in first and second class post offices, shall be at the rate of 35 cents an hour.

That covers what is in the first proviso of this paragraph. That is permanent law. Now, unless you make this permanent law you simply change it for the one year in a little different language. What permanent law there may be in reference to the second proviso I do not recollect, though my recollection was——

Mr. MOON. In the second proviso it is 35 cents, as I understand it.

Mr. MANN. No; I think not. I think there are some provisions where the substitute for the employee absent without pay receives the same pay as the person for whom he is substituting.

Mr. MOON. Here is the act of June 30, 1914, which gives 35 cents an hour.

Mr. MANN. I just read that.

Mr. MOON. The first proviso?

Mr. MANN. The first proviso. It does not cover the case of substitutes who are serving for employees absent without pay. They are now paid 40 cents an hour. I think there was a provision of law designed to pay them practically the same salary as the person for whom they were substituting, they being absent without pay. It was designed for, and, I am sure for a while that it was, the law. It may have been changed to pay them 40 cents an hour. It seems to me that to change just for the year this first proviso in different language will confuse us hereafter, because the permanent law is not repealed. Why not make this in the same language that you had it two years ago, "that after June 30," as it read then, "1914, the pay," and so forth. That is the first proviso. That would really change the law. That is what the gentleman wants to do.

Mr. MOON. Mr. Chairman, so far as I am concerned I have no objection to that change. The committee has not considered the matter, but I will consult them in a moment.

Mr. MANN. I think it is confusing to leave it in that way, because you have two laws on the subject to accomplish the same purpose, and leave them on the statute books, the wording of each being different.

Mr. MOON. I move to amend by inserting "*Provided*, That hereafter," after the word "that."

The CHAIRMAN. Where does that amendment go on?

Mr. MOON. On top of page 15, line 1, after the words "*Provided further.*"

The CHAIRMAN. The Clerk will report the amendment of the gentleman from Tennessee [Mr. MOON].

The Clerk read as follows:

Amend page 15, by inserting after the word "that" in line 1, the word "hereafter."

Mr. MANN. Oh, no. In line 20, page 14, first.

The Clerk read as follows:

Page 14, line 20, after the word "that," insert the word "hereafter."

Mr. SISSON. Mr. Chairman, I make a point of order on that amendment.

Mr. MANN. Will the gentleman reserve for a moment the point of order?

Mr. SISSON. I do not care for it to become permanent law.

Mr. MANN. It is permanent law now.

Mr. SISSON. I would not want the permanent law with this difference of pay.

Mr. MANN. It does not affect the difference in pay at all.

Mr. SISSON. You mean the first provision?

Mr. MANN. That is all, and this would only apply to the first proviso.

Mr. SISSON. I have no objection to that, because that is the law now.

Mr. MANN. That is the law now, but in different language, and, as I say, it is confusing.

Mr. SISSON. In other words, if this point of order should not hold it would go back to the other law?

Mr. MANN. Exactly.

Mr. SISSON. Then I withdraw the point of order.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Tennessee [Mr. MOON].

The question was taken, and the amendment was agreed to.

The CHAIRMAN. Without objection, the pro forma amendment offered by the gentleman from Wisconsin [Mr. STAFFORD] is withdrawn, and the Clerk will read.

The Clerk read as follows:

For vehicle allowance, the hiring of drivers, the rental of vehicles, and the purchase and exchange and maintenance, including stable and garage facilities, of wagons or automobiles for, and the operation of, screen-wagon and city delivery and collection services, $5,565,000: *Provided*, That the Postmaster General may, in his disbursement of this appropriation, apply a part thereof to the leasing of quarters for the housing of Government-owned automobiles at a reasonable annual rental for a term not exceeding 10 years.

Mr. MANN. Mr. Chairman, I reserve a point of order on the paragraph.

The CHAIRMAN. The gentleman from Illinois reserves a point of order on the paragraph.

Mr. MOORE of Pennsylvania. Mr. Chairman, this appropriation has been made heretofore, has it not?

Mr. MOON. Oh, yes.

Mr. MOORE of Pennsylvania. It provides for the purchase of screen wagons and delivery wagons, automobiles, and so forth?

Mr. MOON. Yes.

Mr. MOORE of Pennsylvania. Will the gentleman state whether it is contemplated in any way to curtail the pneumatic-tube service by the substitution of automobiles?

Mr. MOON. I do not think so under this provision.

Mr. MOORE of Pennsylvania. Is the usual appropriation made for pneumatic-tube service?

Mr. MOON. Yes, in the same amount.

Mr. MOORE of Pennsylvania. I see on line 16, page 15, a provision for the transmission of the mail by pneumatic tubes or other similar devices, $976,000.

Mr. MOON. Yes.

Mr. MOORE of Pennsylvania. Is that the same amount that has been appropriated heretofore?

Mr. MOON. That is the same amount that has been appropriated heretofore. We made no change in the item because the commission on the pneumatic-tube service has not yet reported, and we have no further information.

Mr. MOORE of Pennsylvania. My inquiry is based on the fact that an inquiry is being made by the commission appointed by the Postmaster General as to the wisdom of continuing the pneumatic-tube service. The gentleman states that the commission not having reported, there is no change in the appropriation for pneumatic-tube service this year.

Mr. MOON. Not at all.

Mr. MOORE of Pennsylvania. There are existing contracts for this very desirable pneumatic-tube service that would be affected in certain cities if we began the substitution of automobile service.

Mr. MOON. Yes.

Mr. COOPER of Wisconsin. That is a rather unusual amount. Is that in accordance with existing contracts?

Mr. MOON. I understand so. It is purely automatic.

Mr. MOORE of Pennsylvania. Mr. Chairman, has my time expired?

The CHAIRMAN. No.

Mr. MOORE of Pennsylvania. I would like the gentleman from Tennessee to explain, if he will in my time, why it is desired to change the pneumatic-tube service. An inquiry is being made by the Postmaster General. I want to find out what the purpose of the inquiry is. Is it to obtain cheaper service or to do away with the pneumatic tube?

Mr. MOON. Does the gentleman mean the commission?

Mr. MOORE of Pennsylvania. Yes.

Mr. MOON. It is to ascertain the proper legitimate cost of this service and whether it ought to be continued where it is or extended further. Does the gentleman inquire as to the value of this whole service to the Postal Service?

Mr. MOORE of Pennsylvania. Then it is not intended to do away with the pneumatic-tube service?

Mr. MOON. No. It may result in an extension of it.

Mr. MANN. Mr. Chairman, may I ask the gentleman from Tennessee if this appropriation is not more than double that of the current appropriation?

Mr. MOON. For penumatic-tube service?

Mr. MANN. No; the one we have under consideration, for screen-wagon service. It is now $5,565,000. In the last appropriation it was $2,300,000, and in the appropriation last year it was $2,600,000.

Mr. MOON. It is an increase of $3,265,000.

Mr. MANN. What is the reason for this increase of more than 200 per cent?

Mr. MOON. It is a combination of the City Delivery Service, screen delivery, horse hire, and wagon service.

Mr. MANN. I could not hear the gentleman say just what this item now was a combination of in previous appropriations.

Mr. MOON. It is a combination of the appropriations for horse hire, City Delivery Service, screen-wagon service, and the bureau of the Second Assistant's office.

Mr. MANN. It can not be a combination of the City Delivery Service.

Mr. MOON. It is in the City Delivery Service.

Mr. MANN. What is to be covered by this appropriation, which is increased in this paragraph considerably over 100 per cent from the existing law?

Mr. STAFFORD. Will the Chairman permit me? I can elucidate the problem.

Mr. MOON. This is for horse hire and screen-wagon service.

Mr. MANN. The present law provides for horse hire and screen-wagon service at $2,300,000. This provides for the same thing, with a change to automobiles, $5,565,000. Now, I assume that somewhere they have cut something off. This is the screen-wagon service, and it expressly says so.

Mr. STAFFORD. If the gentleman will permit, this is a combination of two items. In prior appropriation bills we have

carried under the First Assistant Postmaster General an allowance to postmasters for the collection and delivery of mail by collectors with horse-drawn vehicles, and we have also carried under the Second Assistant Postmaster General an allowance for screen-wagon service. During the past year the Postmaster General has consolidated those two services, bringing the screen-wagon collection service and the former city delivery collection service into one item, and this appropriation is but $665,000 increase over the two combined appropriations of last year's appropriation bill.

Mr. MOON. If the gentleman will look on pages 112 and 133 of the hearings, he will find the reasons for the combination; screen-wagon service, $3,210,510; city delivery horse hire, $2,350,000; total amount, $5,560,510.

Mr. MANN. Now, what is the object in combining in one item what heretofore we had segregated in various items?

Mr. MOON. It is going under one bureau now and it was under two before.

Mr. MANN. That fact does not matter. The Post Office bill at best is made up largely of lump-sum appropriations, more so than any other appropriation bill that passes through Congress.

Mr. MOON. The explanation of the department is better than any I can give to the gentleman, and so I will read it. I read:

This service is a combination of the present screen-wagon service, which will be transferred from the bureau of the Second Assistant to this bureau on July 1, 1916, and city delivery horse hire. Expenditures will be made from this appropriation to reimburse city letter carriers for furnishing wagons or automobiles, for the rental of wagons or automobiles under contract or agreement from outside parties, and for the purchase, exchange, and maintenance, including stable and garage facilities, of wagons or automobiles for the delivery and collection of mail at city delivery offices and for the transportation of mail in bulk to and from railway depots.

The expenditures for these items for the fiscal year 1915 and the estimated expenditures for 1916 and 1917 follow:

| | 1915 | 1916 | 1917 |
|---|---|---|---|
| Screen-wagon service | $2,610,440 | $2,867,000 | $3,210,510 |
| City delivery horse hire | 2,060,000 | 2,200,000 | 2,350,000 |
| Total | 4,670,440 | 5,067,000 | 5,560,510 |
| Percentage of increase over previous year | 10.82 | 8.49 | 9.74 |

The proposed consolidation of these appropriations will make it possible to use the same equipment for the transportation of mail to and from railway depots, for city collection and delivery service, and for the necessary extension of both services. Experiments conducted under authority of Congress in the appropriation act of March 9, 1914, have demonstrated that these services can be administered more effectively and economically as one service. In 13 cities where it has been placed in operation during the past year an estimated saving at the annual rate of $48,637.62 has been effected.

The CHAIRMAN. Does the gentleman from Illinois [Mr. MANN] make a point or order?

Mr. MANN. No. I withdraw the point of order.

The CHAIRMAN. The gentleman from Illinois withdraws the point of order.

Mr. MADDEN. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Illinois [Mr. MADDEN] moves to strike out the last word.

Mr. MADDEN. While this appropriation was under consideration in the committee the Second Assistant Postmaster General was called and interrogated, and it was disclosed that he had substituted government ownership in the screen-wagon service in the city of St. Louis, in the city of Chicago, in the city of Indianapolis, in the city of Washington, and in the city of Philadelphia.

Mr. MOORE of Pennsylvania. Mr. Chairman, so that we can understand the gentleman's remarks, will he state what he is referring to?

Mr. MADDEN. I am referring to this appropriation of $5,565,000.

Mr. MOORE of Pennsylvania. What is the paper which the gentleman has in his hand?

Mr. MADDEN. This is just a memorandum that I have.

Mr. MOORE of Pennsylvania. I beg the gentleman's pardon. I thought it was a report.

Mr. MADDEN. I contended that it was not possible to conduct economically a screen-wagon service by automobiles owned and operated by the Government of the United States in the loop district of Chicago. That district is only about a mile square. The average distance of the run between the depot and the post office is five-eighths of a mile. The shortest run is 0.13 of a mile and the longest 2.16 miles. The average speed to be made, including stops, loading, and unloading time, can not exceed 1.6 miles an hour. I contended that automobiles operated under such conditions must, as a matter of necessity, be more extravagant than a service operated by horses and wagons.

To prove the force of my position I may say to the House that 98 per cent of all the movement of traffic in the loop district in Chicago, where the loading and unloading is done within the loop, is by wagon. But the Second Assistant Postmaster General says that he could do it more economically, and, of course, I do not want to take serious issue with him. He has already expended $210,000 for automobiles for use in Chicago, and I do not know how much more he will expend before he gets his Government ownership scheme complete. I presume that I would not overstate the case if I said that nearly a million dollars have been expended for automobiles by the Post Office Department within the last year. Whether they have had any authority to make the purchases or not, I do not know. But, however, they have made the purchases, and in response to a query from myself in the committee the Second Assistant Postmaster General made a report in which he sets forth the fact that in Chicago he will save $157,990; that in Detroit he will save $47,276.76; that in Philadelphia he will save $102,935.34; in St. Louis, $84,728.30; and he says that in the city of Washington during the last year he has saved $37,229.38, or a total of $430,160.14 in the five cities that I have mentioned.

My original purpose was to introduce some sort of a limitation on the right of the Postmaster General to institute this kind of service, under certain conditions, where I thought it would be more extravagant than the horses and wagons. But the statement made by the Second Assistant Postmaster General is entitled to some degree of consideration; but when I asked him in the face of his statement to the effect that he had saved $430,000 in a single year if he would be willing to accept a reduction in the amount appropriated equal to the amount of his saving on the face of his statement, he said he would not, because he did not know what the effect would be.

Mr. COX. Will the gentleman yield?

Mr. MADDEN. Yes.

Mr. COX. I am thoroughly with the gentleman from Chicago on this item. I think he is clearly right.

Mr. MADDEN. I do not want to introduce anything. I simply want to make a statement.

Mr. COX. I thought we agreed in the committee upon the gentleman's limitation, but I do not find it in the bill.

Mr. MADDEN. I have here the limitation that I intended to introduce; but I think, in the face of the statement made by the Second Assistant Postmaster General, it is only fair to give him a chance to try out his scheme, and I do not want to embarrass him. My limitation, if it was introduced, would provide—

That no part of this appropriation shall be expended for the purchase, hire, operation, or repair of automobiles or other motor vehicles in the conduct of screen-wagon service in any section of any city of the United States where the congestion makes it impossible to operate an automobile or other motor vehicle less than 30 miles within an eight-hour day, including waiting, loading, and unloading time.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MADDEN. I ask unanimous consent for two minutes more.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that his time be extended two minutes. Is there objection?

There was no objection.

Mr. MADDEN. Now, I had a talk with the Second Assistant Postmaster General about this, and he says he thinks it would be only fair to give him a chance to try out what he believes he can do. I want to be fair with him, and I want to give him that chance to try it out, but I think, too, that he ought to be fair with us, and that he ought to be willing to accept a reduction in the appropriation to the extent that he says he makes the saving. That is only fair, but he says he is unwilling to do that, because he does not know.

Now, this did not come out in the hearings. I talked with him personally afterwards about it. For example, he says he has made a saving of thirty-seven thousand and some odd hundreds of dollars in the city of Washington during the last year by the introduction of automobiles. He says that he has done for $18,000 what cost formerly $55,000. I said, "How many automobiles have you got in Washington?" He told me he had 14. Now, everybody knows that you can not operate 14 automobiles and pay the salaries of their chauffeurs for $18,000 a year. Why, the other day I saw a statement in one of the papers to the effect that the Secretary of Labor stated before the Appropriations Committee that it cost $1,368 for repairs on his automobile last year. Now, my contention is that the statement made by the Second Assistant Postmaster General to the effect that he can do for $18,000 in the city of Washington what it formerly cost $55,000 to do is erroneous. It can not be done. Well, what can be done? He can

not do for less than $42,000 what he says he is doing for $18,000, and anybody who has a head on him can figure it out for himself. But he says he has done it. Well, if he has done it he has done it without making the charges that ought to be made against the service. Of course, if you do not charge anything but the gasoline, the oil, and the repairs to the automobile it is easy enough to say that you can run 14 automobiles for a year for $18,000; but the man does not live who can employ a driver, buy the tires, repair the chassis of the automobile, pay the ordinary repairs to the machine, buy the gasoline, buy the grease and the oil and everything else that goes with it, and pay the insurance and the liability that is connected with it, without having that machine cost him at least $3,000 a year. I run automobiles myself, and I know what they cost, and the statement made by the Second Assistant Postmaster General can not be a statement of facts, because the man does not live who can do the things that he says he is doing.

The CHAIRMAN. The time of the gentleman has expired. The gentleman from Illinois withdraws the pro forma amendment.

Mr. MOON. Mr. Chairman, I know nothing about the facts personally that the gentleman from Illinois speaks of, but I have a letter from the postmaster at Chicago to the Second Assistant Postmaster General which I ask unanimous consent to put in the RECORD. It shows the opinion of the postmaster at Chicago on the subject.

The CHAIRMAN. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

The letter is as follows:

POST OFFICE DEPARTMENT,
SECOND ASSISTANT POSTMASTER GENERAL,
*Washington, February 7, 1916.*

Hon. JOHN A. MOON,
*Chairman Committee on the Post Office and Post Roads,*
*House of Representatives.*

MY DEAR CHAIRMAN: I am inclosing herewith copy of a letter from Postmaster D. A. Campbell, of Chicago, Ill., on the successful operation of the department's automobile service through the "loop" section, and in connection therewith beg to call your attention to the last four paragraphs of the letter, showing that the automobiles are operating through the "loop" with double the speed of the horse-drawn vehicles.

Very sincerely,

OTTO PRAEGER,
*Second Assistant Postmaster General.*

—

UNITED STATES POST OFFICE,
*Chicago, Ill., February 5, 1916.*

Hon. OTTO PRAEGER,
*Second Assistant Postmaster General,*
*Washington, D. C.*

SIR: In accordance with departmental instructions, additional motor-vehicle service on route 435045, superseding mail-messenger (former screen-wagon) service, operated by Contractor Seger on route 235081, was established at 12.01 a. m., February 1, 1916.

Mr. Corridon witnessed the midnight inauguration, as you are aware, and he has doubtless advised you that no insurmountable difficulties were encountered and that the service was in successful operation when he left here the following morning.

Although it was necessary to arrange an almost endless number of details with but few weeks' advance notice, yet this new service, comprising over 1,200 trips daily, has been handled successfully from the start, as evidenced by the fact that there were but nine instances on the first day, six on the second day, and four on the third day where trains were not connected on schedule time. In other words, the records indicate that 99.47 per cent of the mails were handled without delay during the first three days of operation.

This record speaks for itself, and it at least proves the ability of this service to handle the business properly, as far as concerns the supervision necessary for the expeditious dispatch of the mails. Furthermore, as soon as all concerned, including dispatchers and chauffeurs, become more familiar with their duties the record made during the past three days will be improved upon.

In this connection it may be stated that this record has never been equaled for the first few days' operation under any previous new contract, one of the contractors—who later rendered satisfactory service—having from 40 to 50 failures charged daily for several months during the early stages of the installation of the service.

In regard to the much-discussed question of speed, you are advised that we have already had enough experience to prove that autotrucks will be able to travel between depots in the loop district in many instances in less than one-half the time required for horse-drawn vehicles. As an illustration, this office has been advised that a heavy mail left Union Depot yesterday for Illinois Central Depot with but 11 minutes time in which to make train connections. It requires from 20 to 25 minutes to make this trip by wagon, but it was made by autotruck in 8 minutes, and this large quantity of mail for points between Chicago and New Orleans, which otherwise would have been delayed, made the train connection.

In regard to the cost of operation, it may be said it is already evident that in this respect also the outcome will be very satisfactory.

In my opinion the success of this new venture is assured; therefore it appears safe to congratulate the department without further delay.

Respectfully,

D. A. CAMPBELL, *Postmaster.*

Mr. MADDEN. Mr. Chairman, I want to say that a copy of that letter was sent to me and I know what it said. The postmaster at Chicago writes the Second Assistant Postmaster General congratulating him on the success of the introduction of the automobile service in that district. The letter was written at 9 o'clock in the morning of the day when the automobiles were substituted for wagons at 12 o'clock at night, and all the information they had on the subject was the result of a few hours' test with a single automobile. There you have the letter and you can tell what it is worth.

Mr. CANNON. Will the gentleman permit me to make a suggestion?

Mr. MADDEN. If I have the floor.

Mr. CANNON. As near as I can ascertain after personal experience, if you buy an automobile, pay for its running, all the expenses, the wear and tear, everything connected with it, taking into account depreciation, it will cost you upward of 40 cents a mile to run it.

Mr. MADDEN. Three thousand dollars a year to run it, if you run it.

Mr. CANNON. Now I am very skeptical about the use of automobiles in the mail service, especially in the country.

Mr. MANN. Mr. Chairman, I move to strike out the last two words. I would like to inquire of some one how many of these automobiles have been purchased by the department during the current fiscal year, and whether they are all of the same kind?

Mr. MOON. I will say that I do not know.

Mr. MADDEN. I do not know how many have been purchased, but I can say that in Chicago most of the machines have been purchased from the White Automobile Co. Bids were submitted by a number of companies. The Studebaker submitted a bid for a half-ton truck and the White Co. a bid for a half-ton truck. The Studebaker's bid was $975 apiece for a half-ton truck. The White Co.'s bid for the same-sized truck was $1,975, and was the highest bid. There was a difference of $1,000 in the two types of machine of equal capacity. The three-quarter-ton truck which the Studebaker Co. bid on was purchased, and the Second Assistant Postmaster General said the reason the half-ton truck was not purchased of the Studebaker Co. was that it was not so good a type of truck as the White truck; that the three-quarter-ton truck was a good type of truck. I do not know and I do not pretend to say, but it does not seem to me possible that between two half-ton trucks made by two bidding companies almost in the same class there could be $1,000 difference. That was the price paid, however. I do not know how many trucks have been bought, except in Chicago they have purchased 78. The price paid was $210,000, and the majority of them are White trucks, at a price $1,000 more than trucks of equal capacity and equal utility.

Mr. MANN. Mr. Chairman, I do not know what the facts are. I am not prone even to listen to scandalous charges concerning administrative officers which, as a rule, are not well founded. I have been informed by letter from some of the automobile people that the department practically buys nothing but White machines all over the country. Whether this is true or not I do not know. It is said that they provide, in the main, specifications which require White machines, and that they pay considerably higher prices for White machines than they could obtain the same service for from other companies. I do not know what the facts may be, but it would be very unfortunate if some one—certainly not the Second Assistant Postmaster General—if some one in the introduction of automobiles in the Postal Service was operating so as to give preference to the manufacturers of one kind of machine when there are so many manufacturers to-day making serviceable automobile trucks.

Mr. MOORE of Pennsylvania. Mr. Chairman, if the gentleman will permit, I wish to say to the gentleman from Illinois that, while I hesitated to make the statement made by his colleague [Mr. MADDEN] a while ago, it is rumored that in the investigation of the pneumatic-tube service in Philadelphia it has been incidentally connected with the purchase of trucks, and that the trucks have been purchased from the White Co. So it appears that the rumors are broadcast.

Mr. MANN. It might also be said that there was a good deal of scandal at different times about the pneumatic-tube service and its introduction, some of which very likely may have been justified, but whether it was justified or not, there is no reason for doing the same thing over again in reference to the purchase of automobile trucks.

The Post Office Department tries to be clean and above suspicion. Undoubtedly that is the desire of the officials in charge, but we all know perfectly well that there are some automobile concerns in the country who have salesmen that resort to most anything to sell their machines. I think the Post Office Depart-

ment ought to give them all a square deal [applause] and not draw specifications so that there is only one concern that can manufacture them, and sell them to the Government at a much higher price than can be obtained from other manufacturers.

M. "CIBBLE. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Georgia asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

The CHAIRMAN. The gentleman from Illinois withdraws his pro forma amendment, and the Clerk will read.

The Clerk read as follows:

For mail messenger service, $2,193,000.

Mr. HULL of Iowa. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 15, at the end of line 15, insert: "*Provided*, That no part of this appropriation shall be used unless a fair compensation be paid commensurate with the work to be performed."

Mr. COX. Mr. Chairman, I reserve a point of order on that.

Mr. HULL of Iowa. Mr. Chairman, I simply want to explain to the gentlemen of the committee that this is a class of service that is little understood. I believe that it is the most underpaid service that exists in this country to-day. All you gentlemen who represent districts that have small towns have these mail messengers in your districts, and they are receiving a wage that is not a living wage. I understand that the Post Office Department will say that the reason for this is that it is left to the lowest bidder. I wish to say with all due consideration for the gentlemen on the other side that this is not the case. I have been a postmaster for some 13 years, and during all that time I tried to get the wage of the mail messengers increased to a fair amount, but I never could succeed.

Mr. LOBECK. But that was under a Republican administration.

Mr. HULL of Iowa. Yes; I will admit that; but it is worse now than what it was before. Everything that the Republican administration in the way of economy did the present administration has indorsed, and has gone one better, several times better. I hope the gentlemen on the other side will let a little of this sunshine flow into their souls and remain there for at least 10 minutes.

Mr. MOON. Does the gentleman know that under the law this service can be terminated by the messenger on notice of 30 days?

Mr. HULL of Iowa. I understand that is so, but it is seldom done, because this service is usually performed by decrepit old men, who can secure no other position and who must take this pittance from the Government or starve.

Mr. MOON. But he has the right to do it if he wants to.

Mr. HULL of Iowa. Yes, to starve. Not only that, but although the job is supposed to be on a competitive basis, such is not a fact. You do not let the job to the lowest bidder unless the bid suits the fancy of the man higher up. The postmaster is told that an inspector will visit his office, and that he will be disciplined unless he secures a messenger at the price set by the department, wheedles, hires, or inveigles some poor unfortunate who is out of work to take the work for a sum that would make the lowest employee on the street blush with shame.

Mr. MOON. But the gentleman is talking about something he evidently knows nothing about.

Mr. HULL of Iowa. And I offer this amendment. This amendment is in conformity with the words of the gentleman from Mississippi [Mr. SISSON], who said the department was willing always to pay fair wages.

Mr. DILL. What is the wage received by these messengers?

Mr. HULL of Iowa. If you have a small town having a post office situated more than a quarter of a mile from the depot, then you must have a mail messenger, and I will venture the assertion that if any of the gentlemen here present will take enough time when they visit the town, they will find an old man working for this Government for probably $25 or perhaps $30 a month, and he has to get up before 6 o'clock in the morning and work practically all day until 8 or 9 o'clock at night, and furnish a rig to haul the mail from the depot to the post office. He will not be getting over $25 or $30 a month, and in some cases a great deal less. I say that that is not a living wage.

Mr. DILL. How much would these messengers receive under the proposed amendment?

Mr. HULL of Iowa. They would receive fair wages, based on the average wage paid in that town, and they are not receiving that now. If the opposition party insist on a point of order in order to dispose of this amendment, it puts itself squarely on record as opposed to a fair wage for the workingman.

Mr. COX. Mr. Chairman, I make the point of order.

The CHAIRMAN. The point of order is sustained.

The Clerk read as follows:

For the transmission of mail by pneumatic tubes or other similar devices, $976,000.

Mr. BENNET. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 15, at the end of line 17, insert:

"The Postmaster General is hereby authorized in his discretion, with the consent of the Secretary of the Treasury, to utilize for the transmission of mail the pneumatic tube connecting the customhouse and the appraiser's stores in the city of New York."

Mr. COX. Mr. Chairman, I make the point of order on that.

Mr. BENNET. Mr. Chairman, I will ask the gentleman to reserve it. If he will reserve it, I think I can convince him.

Mr. COX. I doubt that very much, but I will reserve it for five minutes.

Mr. BENNET. Mr. Chairman, I do not think the gentleman from Indiana [Mr. COX] will make the point, because I have better confidence in his business judgment. The situation in relation to this amendment is this: Connecting the customhouse and the appraiser's stores in New York City is a pneumatic tube, constructed and owned by the Government. It is being used for not to exceed 6 hours a day at 15-minute intervals. I have talked with gentlemen in the postal service of New York City, and with gentlemen in the customs service and in the appraiser's stores. The gentlemen in the Postal Service say that if they are given this tube they can, without any appreciable additional expense, operate it for 20 hours a day and lengthen the time in which a man can mail a letter to go on a foreign ship 2 hours for every ship. The foreign station is directly across the street from the appraiser's stores. I have talked with the appraiser, Mr. Tegue, a very good man, though a Democrat.

Mr. COX. I indorse that statement.

Mr. BENNET. I thought I would get the gentleman's attention finally. He agrees with me that that being a thing owned by the Government, the larger view ought to be taken, and that this permission, because that is all it is, ought to be given to the two departments to utilize that tube already there, constructed by the Government at Government expense, and which, if utilized as these two departments are willing to utilize it, without any great additional expense, will serve the convenience of every person in the United States who uses the foreign mail, because it will set back the time of the closing of the foreign mail for every ship some two hours.

Now, I hope the gentleman will not——

Mr. STAFFORD. Will the gentleman yield?

Mr. BENNET. I will.

Mr. STAFFORD. Will the gentleman inform the committee as to the nearest postal station from the customhouse which now has the pneumatic-tube service?

Mr. BENNET. There is a postal station in the customhouse.

Mr. STAFFORD. Is the present postal-tube service in the customhouse so situated that it can be extended to the Government-owned tube service running to the appraiser's stores?

Mr. BENNET. It is.

Mr. STAFFORD. What is the distance between the customhouse and the appraiser's stores?

Mr. BENNET. Two miles.

Mr. STAFFORD. Is the tube of the same size—8 or 10 inches?

Mr. BENNET. It is an 8-inch tube. It is the same size as the other tubes now being used in the city of New York, and the additional station will save the haul of the mail 2 miles, all the foreign mail. I hope, in view of that explanation, that the gentleman from Indiana will not make his point of order.

Mr. COX. Mr. Chairman, I make the point of order.

The CHAIRMAN. The point of order is sustained.

Mr. BENNET. Mr. Chairman, I offer another amendment.

I move to strike out, in line 17, the figures "976,000" and insert in lieu thereof the figures "1,146,000."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 15, line 17, strike out "976,000" and insert "1,146,000."

Mr. MADDEN. Mr. Chairman, I make the point of order against the amendment.

Mr. BENNET. Mr. Chairman, I will say to the gentleman from Illinois that the amendment is not subject to the point of order because under the act approved June 26, 1906, the Postmaster General was authorized to enter into a contract not exceeding, in the aggregate, $1,250,000, and the total I propose is $1,146,000. Therefore the amendment is not subject to the point of order.

Mr. MADDEN. I will reserve the point of order, anyway.

Mr. BENNET. I do not care; if the gentleman wants to make it, I will let the Chair rule on it.

Mr. MADDEN. I make the point of order.

Mr. BENNET. I send the law to the desk.

The CHAIRMAN. Does the gentleman from Illinois desire to be heard on the point of order?

Mr. MADDEN. No. I think it changes existing law, and therefore is subject to the point of order.

The CHAIRMAN. The Chair does not think it does.

Mr. MADDEN. Of course if it is not subject to the point of order——

The CHAIRMAN. And the Chair overrules the point of order.

Mr. BENNET. Mr. Chairman, the object of this amendment is to extend the pneumatic-tube service of the city of New York into the county of The Bronx and on to Washington Heights. Ten years ago, against the opposition of the then Post Office Department, the Congress of the United States provided for an adequate pneumatic-tube service in the city of New York, as the service was then desired, upon the promise of the representatives from New York City that if they were given adequate service there would be an increase in the postal receipts of New York City. Now, what have been the facts? In the 10 years between 1905 and 1915 while the population of the county of New York has not increased at all—oh, well, 100,000 in a total of over 2,000,000—the postal receipts of the city of New York have increased from $16,000,000 in 1905 to $30,000,000 in 1915. Now, this particular section which would be benefited by these tubes but which has not had the advantage of these tubes has had this history. In the same period the county of The Bronx has increased in population 128 per cent. The postal receipts have increased 160 per cent, not at all in proportion to the increase in postal receipts of the county of New York where there has been no increase in population. Now, why has there been the increase in the county of New York and not in the county of The Bronx? Because in a large city the question of the postal facilities is a competitive question. The post office competes with the telephone, it competes with the telegraph, and it competes with the private messenger. If I want to send a message from my office in Wall Street to any place south of One hundred and twenty-fifth Street, the northern terminus of the tube, I send a letter under a 2-cent stamp knowing that I can send the letter and get a reply the same day. If I want to send a message out into my district, which is north of One hundred and twenty-seventh Street, I use the telephone, the telegraph, or private messenger because I know I can not get a letter up there the same day and get a reply.

If this Congress will do for the county of The Bronx what the then Congress did for the county of New York 10 years ago in increasing its postal facilities, they will get something like the same rate of increase, and the county of The Bronx is entitled to a good deal of consideration. There are only two cities in the United States which are materially larger than that county, those being the cities of Chicago and Philadelphia—a county about the size of the cities of St. Louis and Boston—and there are 13 States—North and South Dakota, Rhode Island, New Hampshire, Montana, Utah, Vermont, New Mexico, Idaho, Arizona, Delaware, Wyoming, and Nevada—each one of which is smaller in its total population than this county which makes this little request for an expansion in its postal facilities, to which it is entitled on the ground of population; to which it is entitled on the ground of business; and to which it is entitled from the outlook in the future.

Mr. COX. Will the gentleman yield?

Mr. BENNET. Certainly.

Mr. COX. Suppose we increase the appropriation $170,000. We do not know whether that sum will be sufficient. Who prepared the data?

Mr. BENNET. I have. The cost of the pneumatic-tube service is $17,000 per annum per mile. This would extend the service 10 miles. It would take the service out to Washington Heights—would take it out to the present Station "R," or to the place where Station "R" will be when the new building is erected.

Mr. COX. Can the pneumatic-tube service be extended as cheaply now as it could 10 years ago?

Mr. BENNET. I will say to the gentleman this, that this is a patented article, and the maximum price that can be paid is provided for by statute.

The company builds the tube service. The Government has nothing to do with that.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. BENNET. May I have three minutes more?

Mr. HULBERT. Mr. Chairman, I ask unanimous consent that the gentleman's time be extended for five minutes.

The CHAIRMAN. The gentleman from New York [Mr. HULBERT] asks unanimous consent that his colleague's time be extended five minutes. Is there objection?

Mr. MOON. I move that all debate on this paragraph close in 10 minutes.

Mr. HULBERT. Reserving the right to object, I would like to have five minutes.

The CHAIRMAN. The gentleman from Tennessee [Mr. MOON] moves that all debate on this paragraph close in 10 minutes.

Mr. MOORE of Pennsylvania. I would like to ask the gentleman to make that 15 minutes.

Mr. MOON. Mr. Chairman, I move that it be done in an hour.

Mr. MOORE of Pennsylvania. The gentleman will not do that on my account.

Mr. MOON. Yes. We debated on this question once before.

Mr. MOORE of Pennsylvania. My remarks do not relate to the pneumatic-tube matter. It is on another item.

The CHAIRMAN. The gentleman from New York [Mr. HULBERT] asks unanimous consent that his colleague [Mr. BENNET] be permitted to address the House for five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. BENNET. Answering the question of the gentleman from Indiana [Mr. COX] I was about to say that the comparative cost of construction does not enter into the question, because under the contract the pneumatic-tube company, the owner of the patented device, has to construct, maintain, and operate these tubes.

Now, 10 years ago the then Representatives from New York City said that if these additional facilities were given to the city they would give them increased postal receipts, and we have redeemed that promise to the extent of $14,000,000 of increase over what the receipts were in 1905.

Mr. FINLEY. Will the gentleman permit a question?

Mr. BENNET. Certainly.

Mr. FINLEY. Who made that promise or guarantee?

Mr. BENNET. Every Member of Congress at that time representing the county of New York.

Mr. FINLEY. Did you give bonds?

Mr. BENNET. We did not have to do so. Our word was good.

Mr. HULBERT. I would like to ask my colleague from New York if the gentlemen who made the promise at that time did not make good?

Mr. BENNET. We certainly did. I am now speaking, I am sure, in behalf of my colleagues from New York when I say that we will make the same promise in relation to the postal facilities to Washington Heights and into the Bronx. In just one moment, because I do not intend to take the entire five minutes, it is difficult for one who is not familiar with it to conceive of the growth and progress that there is in one of the outlying sections of these large cities. I saw 40,000 people move into my own district in one year, the one I represented, the old seventeenth, and I call attention to the fact that the county of the Bronx, which my colleagues, Mr. HULBERT, Mr. OGLESBY, and myself, represent in part, has increased 128 per cent in 10 years. It is from communities like that that you have to get your profits for the Postal Service.

Mr. MEEKER. Will the gentleman yield?

Mr. BENNET. Certainly.

Mr. MEEKER. It seems to me that there is only one question before us here. I would like to ask the gentleman if he has any data as to the moving of all the mail in bulk? Is it the gentleman's opinion that the extension of the pneumatic-tube service would give to that district a service superior to the installation of the automobile service?

Mr. BENNET. It would give a service superior to the automobile service. And the way it would work out for the general good would be this, as I explained to the committee: In a large city—and the gentleman being from St. Louis, which is a large city, ought to know it—the service is competitive. It competes with the telephone, telegraph, and district messenger service, and the minute you increase the facilities you increase the receipts in a far greater ratio than you increase your expenditures. Taking the way the figures are arranged in connection with other cities, I do not think it is absolutely accurate; but from the way the figures are returned from New York City the profits to the service in New York City are, in round numbers, $20,000,000 a year out of $30,000,000 of receipts. That is certainly worth while getting.

Mr. MEEKER. Just one further question. Are we to understand, then, that the residents and the merchants of that district to which this service is going would prefer, of the two services,

to have the tube service to increase their receipts rather than the automobile service?

Mr. BENNET. Not for that reason; but they would prefer to have the tube service, because it would increase the rapidity of the delivery of their mail.

Mr. MEEKER. That would necessarily increase the receipts, would it not?

Mr. BENNET. It would increase the receipts. It does both.

Mr. MEEKER. But between the two they prefer the pneumatic-tube service to the auto service?

Mr. BENNET. Certainly.

Mr. HULBERT. I would like to ask my colleague if it is not true that the county of Bronx is separated from the county of New York by a river, and if the commerce on that river is not something in excess of $700,000,000 per annum, and that a number of bridges extend across that river, so that the installation of a pneumatic-tube service, by reason of the opening of the bridges to the passage of the commerce, would be superior to the automobile service?

Mr. BENNET. I will say to my colleague that a number of those bridges are closed from five to seven hours a day.

Mr. HULBERT. And is there not now a proposition before the War Department to extend the hours during which these bridges will be closed?

Mr. BENNET. Yes.

Mr. HULBERT. And is it not a fact that if these bridges are closed between those hours it will materially interfere with the delivery of mail matter between the city of New York and the county of Bronx?

Mr. BENNET. Certainly. If we had a tube going under the river, those outside things would not matter at all.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MOORE of Pennsylvania. Mr. Chairman, I move to strike out the last word.

I think it is the right and privilege of every Member of the House to speak for his constituency, and I do not hesitate to speak for mine when I think it proper to do so; nor do I think it becomes the chairman of any committee in charge of a bill upon the floor to get nervous because any particular Representative seeks to speak for his constituents.

Mr. FESS. Will the gentleman yield?

Mr. MOORE of Pennsylvania. I yield to the gentleman.

Mr. FESS. I would like to know if that is the only time any Member of the House has a right to speak?

Mr. MOORE of Pennsylvania. I will say that there are times when Members of the House in charge of bills may be a little testy about allowing discussion when there ought to be an opportunity for fair and open debate. Chairmen of committees sometimes seek to rush their bills through without giving Representatives a chance to say what they desire to say in conformity with the wishes of their constituents; and sometimes there may be reason for this. I do not intend to reflect upon the gentleman from Tennessee [Mr. MOON], because ordinarily he is one of the most courteous chairmen of committees now in control of the affairs of the House.

Mr. MOON. What has the gentleman now to say about him?

Mr. MOORE of Pennsylvania. The gentleman suggested a moment ago that I might take an hour, implying that I might hire a hall if I wanted to, in order to say a few words about the pneumatic-tube service.

Mr. MOON. I did not say anything about the gentleman talking an hour or about his hiring a hall.

Mr. MOORE of Pennsylvania. That was the inference to be drawn from the suggestion that the gentleman made about yielding an hour.

Mr. MOON. I did not propose to yield to the gentleman for an hour—not particularly the gentleman, but not to anybody.

Mr. MOORE of Pennsylvania. Of course, if the gentleman meant it to apply generally, I do not take it particularly to myself; but I want to say to the gentleman from Tennessee that this is my first appearance in the discussion of this bill.

Mr. MOON. Oh, the gentleman discussed it an hour ago.

Mr. MOORE of Pennsylvania. I asked the gentleman a few questions a while ago with a view to putting him on record. That is all. I know of no one else to whom I can go for more authentic information than to the chairman of the committee.

I desired to know of the gentleman whether the purchase of extra automobiles in the large cities by the Postal Department meant the disuse or abandonment of the pneumatic-tube service, and the gentleman said he understood that was not the purpose of the purchase of these automobiles; and that led the gentleman from Illinois [Mr. MANN] and his colleague [Mr. MADDEN] to make some comments on the purchase of automobiles by the Post Office Department, indicating that the Postal Service was buying a particular make of automobiles, when it might not be entirely fair to other automobile makers and when some competition should be afforded.

Now, what I intended to say is that the people in my city are not in favor of the abandonment of the pneumatic-tube service. I do not speak for the owner or the contractor having charge of the pneumatic-tube service. I have no interest in the people who control that service except that I insist they shall keep their contracts when they make contracts with the Government and that the Government shall deal fairly with them. But I want to express the views of substantial business men and users of the Postal Service, who do not believe that the use of automobiles, in which the mail matter must be carried from the post office to the railroad stations or to the post office from the stations, should be substituted for the pneumatic tubes.

With the auto service the mail must be carried out on the street and then lumbered along crowded highways to the railroad stations, where it must be rehandled, subject, of course, to accident and loss. I agree with the gentleman from New York [Mr. BENNET] and with his colleague [Mr. HULBERT] that it is a matter of great delay to the mails in large cities—this rehandling and these stoppages as between the post offices and the train sheds.

Mr. MADDEN. Mr. Chairman, will the gentleman yield there?

The CHAIRMAN. Does the gentleman from Pennsylvania yield to the gentleman from Illinois?

Mr. MOORE of Pennsylvania. Yes; I yield to the gentleman. He is an expert on postal affairs, and I am glad to yield to him.

Mr. MADDEN. Does the gentleman know the percentage of mail that goes through the tube in these large cities?

Mr. MOORE of Pennsylvania. I do not know much about the figures, but I know that all great trade bodies of my city, like the bourse, the commercial exchange, the chamber of commerce, the board of trade, and the maritime exchange, favor the continuation of the pneumatic-tube service, and have viewed somewhat with alarm the tendency on the part of the department to purchase, as a substitute, automobiles, which are conducted at great expense and at considerable risk, so far as the carrying of the mails is concerned, and at possible delay to the service. They object to the substitution of that service for the pneumatic-tube service, which is now working admirably in our city. I wanted to express these views on behalf of the people whom I represent, and I am very glad to have the opportunity to do so.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. FINLEY. Mr. Chairman, the amount of money carried here—$976,000—is amply sufficient to take care of all existing contracts for pneumatic-tube service in transporting the mail, and in addition to that there is added $9,200 to take care of adjustments made necessary by a change in the stations along the lines, so that there is nothing in this proposition here. It may be, and I have no doubt that it can be shown by the representatives from the various cities, that the pneumatic-tube service would be of value to their particular cities and various localities in those cities.

Now, what the gentleman says in reference to New York is equally true with reference to Cleveland, Ohio, Pittsburgh, Pa.; St. Louis, Mo.; and other cities that I might mention, including San Francisco, and so on; but the policy of the Government has been for many years not to extend this service at the present time, but to find out first how efficient it is from an economic standpoint.

I remember when Gen. Stewart was Second Assistant Postmaster General he made a statement that he would not advise an extension of this service at this time, and I presume that he is the greatest postal expert in this country. I believe that he is. I know that he is not prejudiced against the pneumatic-tube service, and I want to say to the gentleman from New York [Mr. BENNET] this, that a very small percentage of the mails in New York City is transmitted through the pneumatic tubes. It is a very small percentage indeed, although I do not remember the exact percentage, but it is a fact that when the automobile service was put on in New York City it added vastly to the expedition of the mails in New York City. There is no question about that. That is contained in the testimony in past years at the hearings before the Post Office Committee, so that I submit that this amendment here, adding some $56,000, I believe——

Mr. MOON. One hundred and seventy thousand dollars——

Mr. FINLEY. Yes; $170,000—is warranted. There are no conditions existing that would call for this additional appropriation. There is a commission studying this question now. What their report will be I do not know, but I presume it will be

a report covering the conditions as to the pneumatic-tube service in full. Then Congress will have full information. That commission is made up, I believe, largely of Members of the House and of the Senate. Their report has not come to us as yet, but when it does come we shall know more about the service than we do now.

The policy of Congress, even before that commission was appointed, was that this service should not be extended for the present. We have contracts outstanding calling for $976,000, including these adjustments that I speak of. We have provided for that. We are carrying in this bill every dollar that is necessary to carry out those contracts under existing law, and I submit that the amendment should be voted down.

Mr. HULBERT. Mr. Chairman, I desire to speak in opposition to the motion of the gentleman from Pennsylvania to strike out the last word.

It seems regretable indeed that gentlemen who are apparently not familiar with the conditions existing in the Borough and county of The Bronx in the city of New York should have the temerity to deny that those conditions do not render the exception which should prevail here. As I have attempted to bring out in the questions which I put to my colleague, the author of the amendment, we are faced with a situation, so far as the county of The Bronx is concerned, where, by reason of the constantly growing traffic carried upon the Harlem River, which separates the Borough of The Bronx from the Borough of Manhattan, and by reason of the necessity for opening the draw bridges upon that river, the people who live upon the other side of the Harlem River, who now number over 700,000, can place absolutely no reliance upon the mail service as at present conducted.

Mr. FINLEY. May I ask the gentleman, is the point to which he would extend the pneumatic tube a business section, or is it a residential section?

Mr. HULBERT. It is a business section.

Mr. FINLEY. All of it?

Mr. HULBERT. All of it, solid blocks of stores with residences, of course; and manufacturing and industrial establishments, just the same as the down-town district of New York City.

Mr. FINLEY. The point to which the gentleman would extend the tube line?

Mr. HULBERT. Yes; One hundred and forty-ninth Street and Third Avenue is in the heart of the business district of The Bronx.

Mr. MOON. Will the gentleman allow me to ask him a question?

Mr. HULBERT. Yes.

Mr. MOON. How many deliveries of mail have you per day in that part of the city?

Mr. HULBERT. I do not know how many, but I think seven.

Mr. MOON. I can tell the gentleman. There are nine.

Mr. HULBERT. I know there are nine in the business district down town, but I will ask the chairman of the committee if he is certain there are more than seven deliveries in the Borough of The Bronx?

Mr. MOON. There are seven deliveries in the residential district of New York.

Mr. HULBERT. What part of New York; Manhattan?

Mr. MOON. And nine in the business district, as against about four and two in other cities of the country. You have the pneumatic-tube service and the automobile service, and I think you had better wait a little.

Mr. HULBERT. Do not the results justify all we ask? Is there any other city which could turn in a profit to the Federal Government of $18,800,000 per annum with nine deliveries in the business district and seven in the residential district?

Mr. MOON. I am not objecting to your having them. I would be glad to have you have more if you need them, but I only want to make this impression upon you, that when New York is getting three or four times the service that other cities of the country are getting and it has got this tube and all of this special service, it would be very well for you to wait before you ask for anything more until the commission appointed by Congress to investigate this question can report and say whether you ought to have it or not.

Mr. HULBERT. I would say to the chairman of the committee that we are asking for more because the conditions existing in the Borough of The Bronx are so imperative that we can not wait until this commission makes its report; and upon that point I desire to say, Mr. Chairman——

Mr. MOON. Do you mean to say that the conditions are so imperative for another tube?

Mr. HULBERT. So imperative for another tube.

Mr. MOON. Why did you not bring us some evidence of that fact before the committee? You did not come before the committee.

Mr. HULBERT. No; I did not appear before the committee, because I did not have the opportunity. I know that the matter has been in the hands of the Postmaster General, and I believe that he is proceeding upon a false theory, as the Assistant Postmaster General has written that there were 20 miles of tubes to be installed, whereas, as a matter of fact, we are only asking for 3 miles, and it may be that your information in this matter is predicated upon the false assumption of the Postmaster General's Department that we want 20 miles, when, as a matter of fact, we are only asking for 3 miles' extension.

Mr. MOON. But, Mr. Chairman——

Mr. HULBERT. I decline to yield further when I have so little time.

The CHAIRMAN. The gentleman declines to yield.

Mr. MOON. Very well.

Mr. HULBERT. Now, we are making no complaint in regard to the tube service in the Borough of Manhattan; but part of my district is in the Borough of The Bronx, and I want to emphasize the fact that the commercial advancement of the Borough of The Bronx makes its accommodation by pneumatic-tube service just as essential as that of the Borough of Manhattan, and it is because the Borough of The Bronx has inadequate facilities that I urge the inclusion of this amendment for the purpose of giving us a 3-mile extension at a cost of $51,000 per annum to the Government.

Mr. MADDEN. The gentleman from New York [Mr. BENNET], the colleague of the gentleman who is now speaking, said they wanted 10 miles. Does the gentleman agree with his colleague?

Mr. HULBERT. My colleague was asking an extension in addition to that to which I am specifically directing your attention. My colleague asks an extension to Washington Heights, which is in his congressional district.

Mr. MADDEN. Would that make 13 miles, or 10 miles?

Mr. HULBERT. I think that would make 10 miles altogether.

Mr. MADDEN. Yours and his together would make 10 miles?

Mr. HULBERT. Yes; approximately.

Mr. MADDEN. Then you do want 10 altogether?

Mr. HULBERT. I am emphasizing my interest in the request of The Bronx Board of Trade, in my district, whose communications I have before me, and my constituents who will be accommodated, and the extension which they desire is for a distance of 3 miles.

Mr. MADDEN. And the gentleman does not care about his colleague?

Mr. HULBERT. I am sorry my effort to help him has not impressed the gentleman. My colleague is quite capable of representing his own district.

The CHAIRMAN. The time of the gentleman has expired. Without objection, the pro forma amendment is withdrawn. The question is on the amendment of the gentleman from New York [Mr. BENNET].

The question being taken, the amendment was rejected.

The Clerk read as follows:

For fees to special-delivery messengers, $2,000,000: *Provided*, That the full fee of 8 cents shall be paid to the special-delivery messenger employed by the Government.

Mr. STAFFORD. Mr. Chairman, I reserve a point of order on that proviso. I would like to have some explanation as to the reason for taking away the discretion of the Postmaster General.

Mr. MADDEN. It has always been understood that all fees for special-delivery letters were to be paid to the messengers, but it was ascertained that during the past year contracts had been let to messenger-service companies in one or two cities in the United States and that they were paid 7 cents for the delivery of each letter, while they employed the boys who ordinarily would have been employed at 8 cents to deliver the letters for 5 cents. It was to prevent the recurrence of that sort of practice that this provision was put in the bill.

Mr. STAFFORD. Is there any instance, to the knowledge of the gentleman, where the Postmaster General has declined to pay the 8-cent rate where the boys are receiving more than a certain maximum pay?

Mr. MADDEN. No; I think not.

Mr. STAFFORD. I thought the purpose was to restrict the authority of the Postmaster General so that in some districts where the fees of special messengers would be greater than a certain stated amount he would be unable to cut them down and have the revenue fall into the postal revenue.

Mr. MADDEN. It was to prevent the letting of contracts.

Mr. STAFFORD. Mr. Chairman, I withdraw the point of order.

The Clerk read as follows:

That section 3938 of the Revised Statutes is hereby amended to read as follows:

"All letters of domestic origin which can not be delivered by postmasters shall be sent to the Post Office Department, and such as contain inclosures of value, other than correspondence, shall be recorded. If the sender or addressee can not be identified, such letters shall be held for a period of one year awaiting reclamation. If within one year they have not been claimed, they shall be disposed of as the Postmaster General may direct. All other undeliverable letters shall be disposed of without record and not held for reclamation."

Mr. STAFFORD. Mr. Chairman, I reserve a point of order on the paragraph. As I read the new language it provides that in order to have the return of letters sent to the Dead Letter Office they must contain valuables. It does not provide for the return of letters where the sender or addressee may be subsequently discovered if the letter does not contain valuables.

Mr. MOON. I think the gentleman is correct.

Mr. STAFFORD. I would like to ask the gentleman a further question. Does the gentleman think that the law should be so changed so as not to provide for the return of letters sent to the Dead Letter Office which, upon being opened, discloses the name of the sender and can be returned?

Mr. MOON. I do not know any better way than to let the Postmaster General dispose of those letters after they have been held a year. It would save a great expense to the department, I am told.

Mr. STAFFORD. Mr. Chairman, I would like to have the paragraph amended along certain lines indicated, but I will not press the point of order, and I withdraw it.

The Clerk read as follows:

Railway Mail Service: For 15 division superintendents, at $3,250 each; 2 assistant superintendents, at $2,350 each; 15 assistant division superintendents, at $2,250 each; 118 chief clerks, at not exceeding $2,100 each; 459 clerks, grade 10, at not exceeding $1,800 each; 1,886 clerks, grade 9, at not exceeding $1,700 each; 549 clerks, grade 8, at not exceeding $1,600 each; 7,876 clerks, grade 7, at not exceeding $1,500 each; 1,003 clerks, grade 6, at not exceeding $1,400 each; 1,892 clerks, grade 5, at not exceeding $1,300 each; 4,493 clerks, grade 4, at not exceeding $1,200 each; 926 clerks, grade 3, at not exceeding $1,100 each; 193 clerks, grade 2, at not exceeding $1,000 each; 3,496 clerks, grade 1, at not exceeding $900 each; in all, $29,725,050: *Provided*, That clerks assigned as clerks in charge of crews consisting of more than one clerk shall be clerks of grades 5 and 10, inclusive, and may be promoted one grade only after three years' satisfactory and faithful service in such capacity.

Mr. MOON. Mr. Chairman, I offer an amendment, on page 18, line 5, after the word "five" and before the word "ten," to strike out the word "and" and insert the word "to."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 18, line 17, strike out the word "and" between the words "five" and "ten" and insert in lieu thereof the word "to."

The CHAIRMAN. The question is on the amendment.

The amendment was agreed to.

The Clerk read as follows:

For substitutes for clerks on vacation, $193,900.

Mr. VAN DYKE. Mr. Chairman, I offer an amendment to that paragraph; on page 19, line 10, I move to strike out the figures "$193,900" and substitute "$960,000."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 19, line 10, strike out the figures "$193,900" and insert in lieu thereof the figures "$960,000."

Mr. VAN DYKE. Mr. Chairman, my purpose in offering this amendment is because it is generally supposed by all Members of the House and others that the Government employees are at the present time receiving an annual vacation. This is not the fact, however, because the Postal Department employees, with the exception of a certain number, are receiving a vacation of but 15 days, while all other departments and employees receive 30 days. There are 15,029 employees in the Railway Mail Service who work 8 hours a day 313 days in the year who receive no annual vacation whatever. I do not believe it has been the purpose of Congress in the past to exclude or discriminate against this class of employees. I believe it would be their purpose, if so advised, to vote for sufficient funds to include that number of men in this provision which calls for substitutes for clerks on vacations.

Mr. MOON. Will the gentleman permit me to interrupt him?

Mr. VAN DYKE. Certainly.

Mr. MOON. The $193,900 appropriated in this bill is to pay for substitutes for clerks on vacation as now authorized by law.

Mr. VAN DYKE. I did not know that they differentiated as to what clerks should receive a vacation.

Mr. MOON. No clerk can receive pay or a vacation except those authorized, and this covers all authorized by law. If the gentleman were to have his appropriation increased, there would be no way in which the department could use the money.

Mr. VAN DYKE. I would like to ask the gentleman if he can tell what portion of the railway mail clerks should receive a vacation at the present time as authorized by law? Has there been any differentiation made?

Mr. MOON. Does the gentleman mean how many receive it?

Mr. VAN DYKE. Three thousand eight hundred and thirty-five receive a vacation according to the ruling of the department.

Mr. MOON. And they get the vacation pay.

Mr. VAN DYKE. They are made up mostly of office men, as a rule, and are not the men employed in the railway mail car.

Mr. MOON. Is not this what the gentleman wants, that he wants the law changed so as to give all a vacation?

Mr. VAN DYKE. I want the appropriation raised so that the department will be able to pay substitutes and give all a vacation.

Mr. MOON. The department could not pay it if it had the money.

Mr. VAN DYKE. I am asking for an appropriation sufficiently large at the present time so that it can.

Mr. MOON. But the department can not pay out money without authority of law.

Mr. VAN DYKE. Is there any provision which would prohibit the department from paying out that money if it was appropriated?

Mr. MOON. Certainly. You can not appropriate money without authority of law. There is no authority to appropriate for more clerks than are appropriated for.

Mr. ROUSE. I will say to the gentleman that this is $50,060 more than it was the year before.

Mr. VAN DYKE. But the gentleman has not made it sufficiently clear why the law will not permit of an appropriation of $960,000 so that all of the employees can receive vacations. I have never seen anything in the law that prohibits it.

Mr. FINLEY. The trouble is that there is no law covering a large percentage of the railway mail clerks. The law does not cover them all so that you can grant them that.

Mr. VAN DYKE. What provision allows the department to give 3,835 clerks a vacation at the present time?

Mr. FINLEY. There is specific law granting vacation to those who run six days a week. The clerk that runs on a main line where there are a number of clerks does not work six days a week on the train.

Mr. VAN DYKE. I might reply to the gentleman from South Carolina by saying that the matter of whether a man works eight hours a day for six days in the week or works the sum total of twenty-five hundred and odd hours a year should make no difference in the granting of a vacation. As a matter of fact, it is harder on the man who works for 16 hours one day and does not work the next day.

Mr. FINLEY. I am simply telling the gentleman what the law is as it is on the statute books. The trouble the gentleman encounters is that there is no law to give these clerks who run a certain number of days off and a certain number of days on a vacation with pay.

Mr. VAN DYKE. What law is there to prohibit it? I do not mean just that question, but the law which grants the privilege of appropriating $193,900 also grants the same power to appropriate $960,000, does it not?

Mr. FINLEY. It does not. The gentleman is mistaken. There is a specific law covering those clerks who run six days a week. There is no law covering those who are on a certain number of days and off a certain number of days. So that is the difference. If we appropriated $10,000,000 here, those clerks who work three days a week and are off three days a week would not get a cent of money.

Mr. VAN DYKE. That is the question I asked the chairman of the committee—if there was a specific law prohibiting it.

Mr. FINLEY. There is no law prohibiting it, but you have to have a law authorizing it.

Mr. VAN DYKE. It is the same proposition, as to whether or not the law would authorize the expenditure of that money if it was appropriated.

Mr. FINLEY. It would not.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Minnesota.

The amendment was rejected.

The Clerk read as follows:

For inland transportation of mail by electric and cable cars, $660,000: *Provided*, That the rate of compensation to be paid per mile shall not exceed the rate now paid to companies performing such service, except that the Postmaster General, in cases where the quantity of mail is large and the number of exchange points numerous, may, in his discretion, authorize payment for closed-pouch service at a rate per mile not to exceed one-third above the rate per mile now paid for closed-pouch serv-

ice; and for mail cars and apartments carrying the mails, not to exceed the rate of 1 cent per linear foot per car-mile of travel: *Provided further*, That the rates for electric car service on routes over 20 miles in length outside of cities shall not exceed the rates paid for service on steam railroads: *Provided, however*, That not to exceed $15,000 of the sum hereby appropriated may be expended, in the discretion of the Postmaster General, where unusual conditions exist or where such service will be more expeditious and efficient and at no greater cost than otherwise, and not to exceed $100,000 of this appropriation may be expended for regulation screen or motor screen wagon service which may be authorized in lieu of electric or cable car service.

Mr. MANN. Mr. Chairman, I move to strike out the last word. This item relates to the transportation of mail by electric roads, and so forth, and involves in a way the transportation of mails by steam railroads. I call attention to this in the hope that if a rule is reported it will present to the House the propositions involved in this bill in possibly a more intelligent manner than they are in the bill to-day. For instance, on page 35 of the bill there appears section 15—

That the following provision of law be inserted in the bill making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1917, and for other purposes, as part of the item "for inland transportation by railroad routes."

*Provided*, That when, during the weighing period—

And so forth.

Mr. Chairman, the bill contains, on page 17, an item for inland transportation of mail by railroad routes, and on page 35 occurs this item that a certain provision of law—and it is not a law—shall be inserted in the bill making appropriations at a certain place, but that is not where they insert it. I hope if a rule is brought in for the consideration of these matters that the Committee on Rules, or whoever prepares it, will so word it that it will authorize these propositions to be put in the bill where they belong. To insert an item in a bill with an appropriation and then 20 pages later insert an item that "the following provision of law" be inserted as a part of the item, which is 20 pages ahead of it, shows that some one fell down. I do not know who it was. If this bill should pass in the shape in which it is now, there would be a provision in it that there should be inserted in the bill—and after it is a law it is no longer a bill—as a part of an item for inland transportation by railroads, legislation 20 pages away from it in the bill.

Mr. MOON. But the legislation 20 pages away is not subject to a point of order and this is.

Mr. MANN. Oh, there is absolutely no distinction as to the point of order, whether it is in one place or another.

Mr. MOON. Yes; there is.

Mr. MANN. I know how it occurs. The department in making its estimate or request asked to have this item inserted as a part of the item for inland transportation by railroad routes, and whoever made up the bill, instead of inserting it in that place, took the caption and all and inserted it as a section. It was a direction as to where the item should be inserted, but instead of following the direction they but the direction in as a part of the bill.

Mr. MOON. Oh, well, the gentleman may be correct about that——

Mr. MANN. I know I am.

Mr. MOON. But that is a matter we will attend to when we get to it. That is 20 pages off.

Mr. MANN. There is no way of attending to it unless it is provided for in the rule.

Mr. MOON. We will attend to it.

Mr. MANN. Well, I do not know whether—certainly it would not have been attended to unless attention had been called to it.

Mr. MOON. The gentleman may be correct about that and may be incorrect.

Mr. MANN. That is the reason I am calling attention to it, so if a rule comes in making this in order, make it in order as a part of the item, "inland transportation of mail," instead of saying you insert it somewhere else as a provision of law as a part of an item which is 20 pages away from it.

Mr. MOON. I assume the Committee on Rules will have it right if it is stricken out when reached on a point of order.

Mr. MANN. I do not assume that the Committee on Rules or anybody else is going to correct all errors unless their attention is called to them.

Mr. MOON. The gentleman may be right about that, as far as that is concerned.

The CHAIRMAN. The time of the gentleman has expired.

Mr. STEENERSON. Mr. Chairman, I desire just to state to the committee that it is my recollection that the committee considered this proposed legislation in connection with the item for transportation of inland routes and we supposed that we had it in the right place. This must have been a mistake in making up the bill by the Clerk.

Mr. MOON. No, I think the gentleman is mistaken about that. The intention was to put it exactly where it is, but we expect to attend to it just the way we desire when it is reached.

Mr. STEENERSON. Is it not a fact that the committee considered this in connection with the item in the bill——

Mr. MOON. Mr. Chairman, I insist we get along with the bill and not talk about something that is 20 pages away.

Mr. MANN. Mr. Chairman, the gentleman from Minnesota says they put this item in the right place in the bill. It is connected with the item under consideration or I would not have presumed to discuss it. It is not the only place in the bill, as long as they desire to have their attention called to it, but section 13, on page 34, provides—

That the following be added as a proviso to the item "Inland transportation by railroad routes"—

And so forth, though it is nearly 20 pages away from the item. Section 16 provides—

That the following proviso be added to the item "Inland transportation by railroad routes" in the Post Office appropriation bill for the fiscal year 1917—

And so forth, though that is 20 pages from the item.

Section 17 does not cover that, but it has another bad fault in it. There are a number of other cases of that kind in the bill, made up with a pair of shears and a paste pot, without the necessary use of gray matter. [Laughter.]

Mr. MOON. We will attend to that when we reach it, and will not anticipate any trouble in this matter.

Mr. MANN. Anticipate it? I am calling attention to it some weeks after it should have been attended to. This bill was reported January 31, nearly a month ago.

Mr. MOON. The gentleman once voted for these sections exactly as they are.

Mr. MANN. It was reported exactly as they are—absolutely erroneously reported. No one would know what they meant if the bill should be passed without changing the law.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn.

There was no objection.

The Clerk read as follows:

For payment of limited indemnity for the loss of pieces of domestic registered matter, insured, and collect-on-delivery mail, $200,000.

Mr. MOON. Mr. Chairman, I move to amend, page 22, line 12, by inserting, after the word "the" and before the word "loss," the words "injury or," so as to make the section read:

For payment of limited indemnity for the injury or loss of pieces of domestic registered matter—

And so forth.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 22, line 12, after the word "the" and before the word "loss," insert the words "injury or."

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

Office of the Fourth Assistant Postmaster General: For stationery for the Postal Service, including blanks, books, printed and engraved matter, binding and carbon paper and other miscellaneous items for the money-order and registry systems; also the preparation, publication, and free distribution by postmasters to the public of pamphlet containing general postal information, $260,000.

Mr. MANN. Mr. Chairman, what is intended here by "free distribution by postmasters to the public of pamphlets containing general postal information"; to start a newspaper?

Mr. MOON. Will the gentleman please repeat what he said, if he is speaking to me?

Mr. MANN. This language in the bill, I believe, is unusual and new in reference to free distribution by postmasters to the public of a pamphlet containing general postal information. Has that been provided for heretofore?

Mr. MOON. What page is that?

Mr. MANN. Page 23, at the top.

Mr. MOON. I do not think so.

Mr. MANN. That is a very large increase of appropriation. Last year it was $165,000, and it is now $260,000. This would authorize the publication of a post-office newspaper.

Mr. MOON. Yes.

Mr. MANN. Is that the intention, does the gentleman know?

Mr. MOON. I think the department just asked for that additional sum for the purpose of extending that work. That is my recollection about it.

Mr. FINLEY. This is part of it, as I understand, that the parcel post is comparatively new to a great many people and is for the purpose of giving information about that and about other matters pertaining to the Postal Service. It has not been of such urgent necessity heretofore. I think that is it.

Mr. MANN. I thought we were doing that work, I do not know under what authorization.

Mr. FINLEY. They wanted specific authority, I understand.

Mr. MANN. It is not intended to publish a periodical——

Mr. FINLEY. No, no.

Mr. MANN. Or a magazine, like the Reclamation Service illegally does?

Mr. FINLEY. Nothing of that sort, it is my understanding.

The CHAIRMAN. Without objection the pro forma amendment will be withdrawn.

There was no objection.

Mr. MOON. Mr. Chairman, before we pass on this question I call the attention of the gentleman from Illinois to the real explanation of this matter, as contained on page 206. It says:

That includes the item "For blanks, books, and printed matter of urgent or special character, intaglio seals, and other miscellaneous items of immediate necessity for the registry system," and the item "For blanks, blank books, printed and engraved matter, binding and carbon paper for the money-order service."

In all, $260,000. That is the explanation of the department.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

For the purchase, exchange, and repair of typewriting machines, envelope-opening machines, and computing machines, copying presses, numbering machines, time recorders, and miscellaneous articles purchased and furnished directly to the Postal Service, $135,000.

Mr. MANN. Mr. Chairman, I reserve a point of order on the paragraph. What does this provision for the purchase of time recorders refer to? I see this item carries, for the first time, I believe, an appropriation for the purchase of time recorders for the use of the various post offices. What are those used for, may I ask?

Mr. MOON. Maybe they are for recording the time when the clerks come and go.

Mr. MANN. They have had that class of time recorders in the office for a long time.

Mr. MOON. The gentleman from South Carolina advises me they are for recording the first-class mail. We will find a statement of the department here in a moment.

Mr. MANN. I notice one of the gentlemen the other day inserted in the RECORD a very strong protest from that portion of the post-office clerks connected with the American Federation of Labor in reference to something of this kind. I do not know that it referred to time recorders.

Mr. MOON. Here is what Mr. Blakslee says about it:

Time recorders heretofore purchased from the appropriation for the City Delivery Service, incidental expenses, are now put under this specific appropriation for office appliances. In addition to that I think all the members of the committee have had information from local postmasters relative to the necessity for adding machines and typewriters in their various offices, and we want to reduce the unit of measurement whereby typewriting and adding machines are installed in post offices. We require a certain number of money-order transactions per year before an adding machine is granted to an office, and we want to reduce that number slightly. We also require a certain number of money-order transactions per year before a typewriter is issued to an office, and we want to reduce this unit of measurement. The effect of these reductions will be an increase in the number of typewriters and adding machines put into the service.

Mr. MANN. I am satisfied with the gentleman's statement. I withdraw the point of order.

The CHAIRMAN. The gentleman from Illinois withdraws the point of order and the Clerk will read.

The Clerk read as follows:

For rental and purchase of canceling machines, including cost of power in rented buildings, motors, repairs to motors, and miscellaneous expenses of installation and operation, $250,000.

Mr. MANN. Mr. Chairman, I move to strike out the last word. In times past we have had a great deal of discussion here in reference to these canceling machines. I notice the appropriation proposed now is $75,000 less than was carried in the bill as it passed the House last year. What is the reason for that?

Mr. MOON. Well, the committee thought that reduction might be made because of an unexpended balance, but the department does not agree with it. I will have this letter on that subject read by the Clerk, if it is desired.

The CHAIRMAN. Without objection, the Clerk will read.

The Clerk read as follows:

OFFICE OF THE POSTMASTER GENERAL,
*Washington, D. C., February 12, 1916.*

Hon. JOHN A. MOON,
*Chairman House Committee on Post Offices and Post Roads,*
*Washington, D. C.*

MY DEAR MR. MOON: My attention has been called to the report of the committee recommending a reduction of $50,000 in the item of purchase and rental of canceling machines in the Post Office appropriation bill now pending.

It is urgently recommended that this appropriation be increased to $300,000, as originally requested by the department, for the reason that the annual rental of machines now amounts to more than $250,000. The appropriation as it now stands would not cover the outlay for rental, and would leave no margin for operation of Government-owned machines already in the service and other similar items of expense. More important still, it would leave no margin to the department for the purchase of machines to equip the service at the end of the present rental contract period.

For many years the Post Office Department has been compelled to pay an exorbitant rental for canceling machines. Under present contracts we can buy machines of the different grades required for approximately the cost of rental for two years. At the same time many of these machines have lasted for 20 years or longer, with renewals of necessary parts from time to time. From the experience of the department with Government-owned machines it is certain that a very considerable saving can be effected by the purchase of all the canceling machines required for use in the Postal Service.

Under the policy adopted by the department a few years ago the margin left over after the necessary expenditures for rental and other items has been used to buy machines to equip the service on and after July 1, 1917, which is the end of the present rental-contract period. To reduce the appropriation $50,000, as proposed, would seriously interfere with the carrying out of this policy, and would compel the department in part to continue the present wasteful and objectionable rental-contract system.

Very truly, yours,

DANIEL C. ROPER,
*Acting Postmaster General.*

Mr. MOON. The appropriation for the last fiscal year, as I recollect, was $300,000.

Mr. MANN. The appropriation carried in the bill last year as it passed the House was $325,000.

Mr. MOON. The previous one, that became the law, was $300,000. Now, the unexpended balance of last year, as shown by the RECORD, was $48,650, and the committee thought they might get along with $250,000.

Mr. MANN. Now, Mr. Chairman, I think the committee has made a grave mistake in reference to this.

Mr. MOON. So it seems the department thinks.

Mr. MANN. There has been a controversy going on in this House for a good many years in reference to these canceling machines. We started out, I think, paying four or five hundred dollars a year rent for the machines. I do not know but that it was more than that—machines that probably did not cost that much to construct. Of course the persons from whom we rented maintained the machines and made the repairs. Originally there were only a few of them, but canceling machines are now used in all places where they have a large amount of first-class mail to cancel. We own a few machines, but we have a large number of machines under lease. The lease, I believe, expires on a certain considerable number of these machines on the 30th day of June next, a year from now—not this June, but a year from now. At the time this appropriation ends the lease expires. The lease expires with the fiscal year for which this appropriation is made.

Now, we have not made a sufficient appropriation, according to the Post Office Department, to more than pay the rental on the machines that we have rented. They say we have not enough to operate the machines we now own, but if we come up to the first day of July, 1917, in operating these leased machines, with no money at all to buy new machines, we have got to renew the leases on the terms of the men who own the machines. We pay, so the Post Office Department says, in leases in two years the cost of a machine that ought to last from 10 to 20 years. And yet we have been carrying for years a little extra, so that at the end of the fiscal year the department might use what was left over in the way of a balance to purchase machines so that the Government would own some of the machines, and we are supposed to cut that all out in the very year when it becomes most important. We could probably buy these machines and operate them by the Government and save $100,000 a year without any trouble at all.

Of course, we have to pay the rental on the machines that we have leased until July 1, 1917, and unless the committee is willing to make some increase in the appropriation we shall be absolutely in the hands and control of these men. I do not blame them. They want to get all they can out of the leasing of the machines rather than out of the selling of them.

I remember we were told here time and time again that we could not buy the machines, that they were only for lease; and we put provisions in the bill in years past authorizing the department to purchase the machines. We were told that we could only lease the machines at these exorbitant rates, while the department said as to these leases, "We will buy the machines." There was no trouble in buying them. There was competition, and we own some of the machines, although we will not be able to operate them with this limited appropriation. Certainly when the lease expires we ought to be in a position to protect ourselves from the exorbitant charges of these gentlemen who wish to lease the machines rather than to sell them.

Mr. MOON. Mr. Chairman, the last appropriation for this purpose was for $300,000. The unexpended balance was about $48,000. The committee felt that if we could get along with $50,000 less than theretofore it would be well that we do it, and the unexpended balance indicated that that could be done. But an explanation has been made of this matter by the Post-

master General since, and I feel sure that the explanation made by the gentleman from Illinois [Mr. MANN] as to the expiration of these leases is well worth the consideration of the House. I move to strike out $250,000 and insert $300,000, in line 22, page 25.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 25, line 22, strike out "$250,000" and insert "$300,000."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Tennessee.

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

For compensation to labor employed in the equipment shops at Washington, D. C., $155,000.

Mr. MANN. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Illinois moves to strike out the last word.

Mr. MANN. Mr. Chairman, I would like say to the gentleman in charge of the bill [Mr. MOON] and to the distinguished gentleman from North Carolina [Mr. KITCHIN] that my recollection is that it has been customary, while we hold sessions on Washington's Birthday, to pay some slight tribute by adjourning a few minutes earlier on that day than ordinarily. I think it is a wise custom to pursue, especially since we have got to this part in the bill when we are facing the rural service and the star route service. I hope the gentleman will now move to rise. It is now almost 5 o'clock.

Mr. MOON. Will the gentleman let the Clerk read until he reaches the bottom of the page? Then we will rise.

Mr. MANN. We have read down to the star-route service.

Mr. MOON. Well, we can take that up later. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. RAINEY, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 10484, the Post Office appropriation bill, and had come to no resolution thereon.

### MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Waldorf, one of its clerks, announced that the Senate had passed with amendments joint resolution of the following title, in which the concurrence of the House of Representatives was requested:

H. J. Res. 89. Joint resolution to amend an act entitled "An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war," approved February 25, 1915.

### ENROLLED BILL SIGNED.

Mr. LAZARO, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled joint resolution of the following title, when the Speaker signed the same:

H. J. Res. 89. Joint resolution to amend an act entitled "An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war," approved February 25, 1915.

### LEAVE OF ABSENCE.

Mr. WM. ELZA WILLIAMS, by unanimous consent, was granted leave of absence, indefinitely, on account of sickness.

### EXTENSION OF REMARKS.

Mr. HELVERING. Mr. Speaker, I desire to submit a request to extend my remarks in the RECORD on the subject of the Colombian treaty.

The SPEAKER. The gentleman from Kansas [Mr. HELVERING] asks unanimous consent to extend his remarks in the RECORD on the subject of the Colombian treaty. Is there objection?

There was no objection.

### ADJOURNMENT.

Mr. KITCHIN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 55 minutes p. m.) the House adjourned until to-morrow, Wednesday, February 23, 1916, at 12 o'clock noon.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. NEELY, from the Committee on the Judiciary, to which was referred the bill (H. R. 11152) to provide retirement pay in certain cases for judges of United States district courts in the Territories, reported the same without amendment, accompanied by a report (No. 251), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

## REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. ASHBROOK, from the Committee on Invalid Pensions, to which was referred the bill (H. R. 12027) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, reported the same without amendment, accompanied by a report (No. 246), which said bill and report were referred to the Private Calendar.

Mr. MILLER of Delaware, from the Committee on Claims, to which was referred the bill (H. R. 2814) for the relief of George W. Gamble, reported the same without amendment, accompanied by a report (No. 247), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (H. R. 1528) for the relief of Martin Huhn, reported the same with amendment, accompanied by a report (No. 248), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (H. R. 7239) for the relief of Philip H. Heberer, reported the same with amendment, accompanied by a report (No. 249), which said bill and report were referred to the Private Calendar.

## ADVERSE REPORT.

Under clause 2 of Rule XIII,

Mr. RUSSELL of Ohio, from the Committee on Claims, to which was referred the bill (H. R. 5095) to reimburse Simon Caro, reported the same adversely, accompanied by a report (No. 250), which said bill and report were laid on the table.

## PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. STEELE of Iowa: A bill (H. R. 12026) to provide for the purchase of additional ground and for erecting an addition to and making alterations in the Federal building at Sioux City, Iowa; to the Committee on Public Buildings and Grounds.

By Mr. KETTNER: A bill (H. R. 12028) for the purchase of a site for a public building at Redlands, San Bernardino County, Cal.; to the Committee on Public Buildings and Grounds.

By Mr. NOLAN: A bill (H. R. 12029) to amend section 8 of the act approved June 26, 1906, entitled "An act for the protection and regulation of the fisheries of Alaska"; to the Committee on the Merchant Marine and Fisheries.

By Mr. NORTON: A bill (H. R. 12030) to amend an act entitled "An act to provide for the disposal of certain lands in the Fort Berthold Indian Reservation, N. Dak.," approved August 3, 1914; to the Committee on Indian Affairs.

By Mr. COADY: A bill (H. R. 12031) to amend section 14 of the act of Congress approved July 1, 1898, and entitled "An act to establish a uniform system of bankruptcy throughout the United States," by making certain additions thereto; to the Committee on the Judiciary.

By Mr. FLOOD: A bill (H. R. 12032) providing for the erection of a public building in the city of Staunton, Va.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 12033) providing for the appointment of a board of survey for the purpose of selecting a suitable site for a naval armor plant at or near Glasgow, Va., and submitting an estimate of the cost thereof; to the Committee on Naval Affairs.

By Mr. ANTHONY: A bill (H. R. 12034) to authorize the President of the United States to appoint pay clerks, Quartermaster Corps, United States Army, as second lieutenants, Quartermaster Corps, United States Army; to the Committee on Military Affairs.

By Mr. TALBOTT: A bill (H. R. 12035) to provide for the abandonment of Piney Branch Road between Allison Street and Buchanan Street, NW., in the District of Columbia; to the Committee on the District of Columbia.

By Mr. CALLAWAY: A bill (H. R. 12036) to provide for the acquisition of a site and the erection of a public building thereon at Forth Worth, Tex., and for the remodeling, altering, etc., of the present post-office building; to the Committee on Public Buildings and Grounds.

By Mr. GARDNER: A bill (H. R. 12037) for making further and more effectual provision for the national defense, and for other purposes; to the Committee on Military Affairs.

By Mr. PARK: A bill (H. R. 12038) to provide for long-time loans at a low rate of interest in aid of agriculture, and for other purposes; to the Committee on Banking and Currency.

By Mr. JOHNSON of South Dakota: A bill (H. R. 12039) for the restoration of annuities to the Medawakanton and Wahpakoota (Santee) Sioux Indians, declared forfeited by the act of February 16, 1863; to the Committee on Indian Affairs.

By Mr. KENT: A bill (H. R. 12040) to provide for the classification of the public lands of the United States; to the Committee on the Public Lands.

By Mr. LEWIS: A bill (H. R. 12041) to establish a commission to be appointed by the Secretary of Agriculture to fix certain standards governing the quality of milk; to the Committee on Agriculture.

By Mr. CANDLER of Mississippi: A bill (H. R. 12042) to amend section 162 of the act to codify, revise, and amend the laws relating to the judiciary, approved March 3, 1911; to the Committee on the Judiciary.

By Mr. ADAMSON: A bill (H. R. 12043) extending the free privileges accorded employees of the Panama Canal to the attachés and employees of the American Legation at Panama and to certain officers of the Canal Zone court; to the Committee on Interstate and Foreign Commerce.

By Mr. VOLSTEAD: A bill (H. R. 12044) granting to the State of Minnesota certain public lands; to the Committee on the Public Lands.

By Mr. CLARK of Florida: A bill (H. R. 12045) to prevent the employment of aliens and naturalized citizens in certain cases and to prescribe punishment for its violation; to the Committee on the Judiciary.

By Mr. VOLSTEAD: A bill (H. R. 12046) to regulate the issue of stock, bonds, and other obligations of interstate carriers and to limit the payment of dividends by such carriers; to the Committee on Interstate and Foreign Commerce.

By Mr. McLEMORE: Resolution (H. Res. 147) requesting the President to warn all citizens of the United States to refrain from traveling on armed merchant vessels, etc.; to the Committee on Foreign Affairs.

By Mr. CASEY: Joint resolution (H. J. Res. 164) to purchase Mount Vernon; to the Committee on the Library.

By Mr. FULLER: Concurrent resolution (H. Con. Res. 17) authorizing and requesting the President to warn American citizens against taking passage on armed merchant vessels; to the Committee on Foreign Affairs.

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## PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ASHBROOK: A bill (H. R. 12027) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war; to the Committee of the Whole House.

By Mr. ALEXANDER: A bill (H. R. 12047) granting a pension to Barton Ellison; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12048) granting an increase of pension to Martha E. Haskins; to the Committee on Invalid Pensions.

By Mr. ANTHONY: A bill (H. R. 12049) granting a pension to Alexander R. Banks; to the Committee on Invalid Pensions.

By Mr. BOOHER: A bill (H. R. 12050) granting an increase of pension to Lucy C. Lyon; to the Committee on Invalid Pensions.

By Mr. BURGESS: A bill (H. R. 12051) for the relief of Mrs. C. H. Williams; to the Committee on War Claims.

By Mr. BURNETT: A bill (H. R. 12052) granting a pension to Wilburn Doyle; to the Committee on Pensions.

Also, a bill (H. R. 12053) granting a pension to Lee Frazier; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12054) granting a pension to Henry C. Betz; to the Committee on Pensions.

Also, a bill (H. R. 12055) granting an increase of pension to James H. E. Guest; to the Committee on Invalid Pensions.

By Mr. CALLAWAY: A bill (H. R. 12056) to correct the military record of Patrick T. Frazier; to the Committee on Military Affairs.

By Mr. DOOLING: A bill (H. R. 12057) granting a pension to Anna Maguire; to the Committee on Invalid Pensions.

By Mr. DUPRÉ: A bill (H. R. 12058) to remove the charge of desertion against Joseph K. Haggett; to the Committee on Military Affairs.

By Mr. ESCH: A bill (H. R. 12059) granting an increase of pension to Edwin D. Hall; to the Committee on Invalid Pensions.

By Mr. FESS: A bill (H. R. 12060) granting an increase of pension to Joseph Zimmermann; to the Committee on Invalid Pensions.

By Mr. FIELDS: A bill (H. R. 12061) for the relief of James W. McCane; to the Committee on Military Affairs.

Also, a bill (H. R. 12062) granting an increase of pension to Presley Sexton; to the Committee on Pensions.

By Mr. FLOOD: A bill (H. R. 12063) granting a pension to Myers Fertig; to the Committee on Pensions.

Also, a bill (H. R. 12064) granting a pension to Mary W. Taylor; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12065) granting a pension to George A. Doed; to the Committee on Pensions.

Also, a bill (H. R. 12066) granting a pension to Luthur M. Southall; to the Committee on Pensions.

Also, a bill (H. R. 12067) granting a pension to Samuel Armistead; to the Committee on Pensions.

Also, a bill (H. R. 12068) granting an increase of pension to Margaret H. Kerr; to the Committee on Pensions.

Also, a bill (H. R. 12069) for the relief of C. M. Parkins; to the Committee on Claims.

Also, a bill (H. R. 12070) for the relief of the heirs at law of James I. A. Trotter, deceased; to the Committee on Claims.

Also, a bill (H. R. 12071) for the relief of N. B. Woods; to the Committee on War Claims.

Also, a bill (H. R. 12072) for the relief of the heirs of John H. Caldwell, deceased; to the Committee on War Claims.

Also, a bill (H. R. 12073) for the relief of Moses Gwin, sr.; to the Committee on War Claims.

Also, a bill (H. R. 12074) to remove the charge of desertion from the military record of William H. Harlow, alias John Deen; to the Committee on Military Affairs.

By Mr. HAMILTON of New York: A bill (H. R. 12075) granting a pension to Olivia Pattison; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12076) granting a pension to Catherine Lawrence; to the Committee on Invalid Pensions.

By Mr. HUDDLESTON: A bill (H. R. 12077) for the relief of Harry C. Bradley; to the Committee on Claims.

By Mr. JOHNSON of South Dakota: A bill (H. R. 12078) granting a pension to Herbert L. Ellsworth; to the Committee on Pensions.

By Mr. KETTNER: A bill (H. R. 12079) for the relief of Orange Building & Loan Association, of Orange, Cal.; to the Committee on Claims.

By Mr. LAFEAN: A bill (H. R. 12080) granting an increase of pension to Cassandra E. Hain; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12081) granting an increase of pension to Jacob H. Wierman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12082) granting an increase of pension to Hollingsworth Gipe; to the Committee on Invalid Pensions.

By Mr. LINTHICUM: A bill (H. R. 12083) for the relief of the Ninth West Columbia Permanent Building Association; to the Committee on Claims.

By Mr. LOBECK: A bill (H. R. 12084) granting an increase of pension to Charles F. M. Morgan; to the Committee on Invalid Pensions.

By Mr. MOTT: A bill (H. R. 12085) granting a pension to Milo D. Heath; to the Committee on Pensions.

By Mr. NEELY: A bill (H. R. 12086) granting an increase of pension to William Goodwin; to the Committee on Invalid Pensions.

By Mr. PARKER of New York: A bill (H. R. 12087) granting an increase of pension to Leverett O. Wilsey; to the Committee on Pensions.

Also, a bill (H. R. 12088) granting an increase of pension to Sylvester S. McMurray; to the Committee on Invalid Pensions.

By Mr. RUBEY: A bill (H. R. 12089) granting an increase of pension to Robert Jolley; to the Committee on Invalid Pensions.

By Mr. RUSSELL of Missouri: A bill (H. R. 12090) granting an increase of pension to John C. Fissell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12091) granting an increase of pension to Francis H. Horn; to the Committee on Invalid Pensions.

By Mr. SHERWOOD: A bill (H. R. 12092) to remove the charge of desertion from the military record of James Burdett Lamson; to the Committee on Military Affairs.

By Mr. SHOUSE: A bill (H. R. 12093) granting a pension to Samantha Taylor; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12094) granting an increase of pension to Robert O. Moscript; to the Committee on Invalid Pensions.

By Mr. TINKHAM: A bill (H. R. 12095) granting an increase of pension to Eliza A. Schromm; to the Committee on Invalid Pensions.

By Mr. TILLMAN: A bill (H. R. 12096) granting a pension to Missouri Ruth Justice; to the Committee on Invalid Pensions.

By Mr. THOMPSON: A bill (H. R. 12097) granting a pension to William J. Givens; to the Committee on Pensions.

By Mr. TALBOTT: A bill (H. R. 12098) granting a pension to Ella Morrow; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12099) granting a pension to Esther Opher; to the Committee on Pensions.

Also, a bill (H. R. 12100) for the relief of Franklin Buchanan Sullivan; to the Committee on Naval Affairs.

By Mr. STEELE of Iowa: A bill (H. R. 12101) granting an increase of pension to Charles Decker; to the Committee on Invalid Pensions.

## PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ALLEN: Memorial of National Federation of Implement and Vehicle Dealers' Association, favoring a nonpartisan tariff commission; to the Committee on Ways and Means.

Also, petition of W. J. Klinefelte, of Cincinnati, favoring national prohibition; to the Committee on the Judiciary.

Also, petition of German Austro-Hungarian Relief Association of Cincinnati, Ohio, favoring an embargo on arms; to the Committee on Foreign Affairs.

By Mr. ALEXANDER: Petitions of E. C. Morgan, of Braymer; citizens of Maysville; Anti-Saloon League, and Woman's Christian Temperance Union of Maysville; and 74 citizens of Caldwell, all in the State of Missouri, for national prohibition; to the Committee on the Judiciary.

By Mr. BAILEY: Petition of J. Raugh, L. L. Evans, R. E. Yohn, L. I. Garver, A. D. Bechtol, D. H. Miller, L. C. Casteller, R. J. Miller, T. M. Simpson, C. J. Parks, and I. E. D. Stover, all of Bellwood, Pa., favoring national prohibition; to the Committee on the Judiciary.

By Mr. BROWNING: Petition of Lodge 9, International Order of Good Templars of Kearny, N. J., and sundry citizens of Camden, N. J., for national prohibition; to the Committee on the Judiciary.

By Mr. BURKE (by request): Resolution adopted by the Boys' Brigade of First Presbyterian Church of Sheboygan, Wis., asking for the passage of an amendment to the United States Constitution providing for national prohibition; to the Committee on the Judiciary.

By Mr. GARNER: Petition of Waco Branch, No. 404, N. A. of L. C., favoring the Penrose-Griffin bill and the Taylor-Martin salary bill; to the Committee on Pensions.

Also, petition of Farmers' Union of Lamar County, Tex., indorsing the United States cotton-futures act with exception of section 11; to the Committee on Agriculture.

By Mr. COOPER of Wisconsin: Petition of First Baptist Church of Delavan, citizens of Sharon, Wis., for national prohibition; to the Committee on the Judiciary.

By Mr. DALE of New York: Petition of American Association for Labor Legislation, favoring House bill 476, providing compensation for injured Federal employees; to the Committee on Labor.

Also, petition of Bard & Calkins, of New York, favoring Senator NEWLANDS's proposal to give consideration to the Federal Art Commission in regard to lighting plant in Washington; to the Committee on the District of Columbia.

Also, petition of Woman's Section of the Movement for National Preparedness, favoring preparedness; to the Committee on Military Affairs.

Also, memorial of Philadelphia Wool and Textile Association, favoring enactment of laws for protection of the sheep industry; to the Committee on the Public Lands.

By Mr. EAGAN: Memorial of Philadelphia Wool and Textile Association, of Philadelphia, in reference to protecting the sheep industry of the United States; to the Committee on the Public Lands.

By Mr. ESCH: Petition of Louisiana State Federation of Labor, in favor of the Burnett immigration bill; to the Committee on Immigration and Naturalization.

Also, petition of Tobacco Workers' International Union, favoring the Burnett immigration bill; to the Committee on Immigration and Naturalization.

Also, petition of Journeyman Stone Cutters' Association of North America, and National Lodge, Amalgamated Association of Iron, Steel, and Tin Workers, of Pittsburgh, Pa., in favor of the Burnett immigration bill; to the Committee on Immigration and Naturalization.

By Mr. FOCHT: Petition of citizens of Mount Union; W. M. C. A., of Susquehanna University, Selinsgrove; faculty of Susquehanna University, Selinsgrove; W. W. C. A., of Susquehanna University, Selinsgrove; citizens of Huntingdon; Church of the Brethren, of Huntingdon; Christian Endeavor Society of the Lutheran Church of Petersburg; citizens of Mifflin; First Baptist Sunday School of Huntingdon; Methodist Episcopal Church of Mount Union, all in the State of Pennsylvania, favoring national prohibition; to the Committee on the Judiciary.

By Mr. FULLER: Petition of National Federation of Post Office Clerks, favoring the Burnett immigration bill; to the Committee on Immigration and Naturalization.

Also, petition of committee on parks and playgrounds of the City Club of Chicago, favoring House bill 8668, creating a bureau of national parks; to the Committee on the Public Lands.

Also, petition of Walter J. Miller, of Chicago, Ill., favoring national prohibition; to the Committee on the Judiciary.

Also, petition of Local Union, No. 33, of Peoria, Ill., International Union of the United Brewery Workmen of America, protesting against national prohibition; to the Committee on the Judiciary.

By Mr. HASTINGS: Petition of Charles Penn and other citizens of Wagoner, Okla., for national prohibition; to the Committee on Alcoholic Liquor Traffic.

Also, papers to accompany House bill 5887; to the Committee on Military Affairs.

By Mr. HAMILTON of New York: Papers to accompany House bill 11828, for relief of Hadley S. Harth; to the Committee on Invalid Pensions.

By Mr. HEATON: Petition of W. F. Aurand and other citizens of Tamaqua, Pa., for national prohibition; to the Committee on the Judiciary.

By Mr. KENNEDY of Rhode Island: Petition of Laurel Hill Methodist Episcopal Church, of Bridgeton, R. I., for national prohibition; to the Committee on the Judiciary.

Also, memorial of Holy Name Society of St. Charles Church, Providence, R. I., favoring passage of Penrose-Griffin bill, granting indefinite leaves of absence to superannuated employees of the Postal Service; to the Committee on the Post Office and Post Roads.

By Mr. LAFEAN: Memorial of Worcester Chamber of Commerce of February 18, 1916, relative to Moon bill; to the Committee on the Post Office and Post Roads.

Also, memorial of Philadelphia Wool & Textile Co., relative to increasing the number of sheep in the United States; to the Committee on the Public Lands.

Also, petition of U. N. A. Post Office Clubs, relative to Penrose-Griffin bill; to the Committee on Pensions.

By Mr. LEWIS: Petition of sundry citizens of Maryland, in favor of Burnett immigration bill; to the Committee on Immigration and Naturalization.

Also, memorial of mayor, counselor, and aldermen of city of Annapolis, Md., in re House bill 6915; to the Committee on Reform in the Civil Service.

By Mr. MEEKER: Petitions of Brotherhood Railway Carmen of America, Local Lodge No. 432; Bottlers' Local Union No. 187; Order of Railroad Telegraphers, St. Louis Division, No. 2; St. Louis Electrotypers' Union, No. 36, all of St. Louis, Mo.; and Missouri State Federation of Labor, of Kansas City, Mo.; Metal Trades Department, of Washington, D. C.; Tobacco Workers' International Union of Louisville, Ky.; Louisiana State Federation of Labor, of Shreveport, La.; and Amalgamated Association of Iron, Steel, and Tin Workers, all praying for the passage of the Burnett immigration bill; to the Committee on Immigration and Naturalization.

Also, petition of 144 representative citizens of St. Louis, Mo., favoring adequate preparedness; to the Committee on Military Affairs.

Also, petition of Phil. J. Bauer, of St. Louis, Mo., in favor of the militia-pay bill; to the Committee on Military Affairs.

Also, petitions of William McKinley Council, No. 18, Boot and Shoe Workers' Union; Edwin H. Burr, of St. Louis, Mo.; Jour-

neymen Stone Cutters' Association of Indianapolis, Ind.; Massachusetts State Branch of American Federation of Labor, of Boston, Mass.; and International Brotherhood of Maintenance-of-Way Employees, of Detroit, Mich., praying for the passage of the Burnett immigration bill; to the Committee on Immigration and Naturalization.

By Mr. MOORES of Indiana: Petition of 428 citizens of Indianapolis, Ind., for national prohibition constitutional amendment; to the Committee on the Judiciary.

Also, petitions of three churches and six religious organizations of the State of Indiana, favoring national prohibition constitutional amendment; to the Committee on the Judiciary.

By Mr. MOON: Papers to accompany House bill 3068; to the Committee on Public Buildings and Grounds.

By Mr. NEELY: Petition of sundry citizens of the United States protesting against any tax on tooth paste; to the Committee on Ways and Means.

Also, petitions of First Baptist Church, of Grafton, W. Va., and Second United Presbyterian Church, of Wheeling, W. Va., for national prohibition; to the Committee on the Judiciary.

By Mr. POWERS: Memorial of Sons of American Revolution, asking that Congress adopt reasonable preparedness measures; to the Committee on Military Affairs.

By Mr. PRATT: Petition of 25 members of the Retail Liquor Dealers' Association, of Hornell, N. Y., Mr. George S. Peters, president, and Mr. E. J. Dealy, secretary, opposing the passage of Senate bill 1082, which provides for prohibition in the District of Columbia; to the Committee on the District of Columbia.

Also, petition of Rev. H. Kaufmann and Martin Link, both of Cohocton, N. Y., favoring an embargo on arms and munitions of war from the United States; to the Committee on Foreign Affairs.

Also, petition of the Musician's Protective Union, of Ithaca, N. Y., Mr. Aug. Schmidt, secretary, favoring the passage of the Burnett immigration bill; to the Committee on Immigration and Naturalization.

By Mr. RANDALL: Memorial of the Peacemakers' Committee of the Pacific Coast Church, against preparedness; to the Committee on Military Affairs.

By Mr. SLOAN: Petition of R. B. Casper et al. in favor of 1-cent postage; to the Committee on the Post Office and Post Roads.

By Mr. SMITH of Michigan: Papers to accompany bill for relief of Jacob Betzer (H. R. 11857); to the Committee on Military Affairs.

By Mr. SNELL: Resolution of the Senate and Assembly of the State of New York, protesting against the proposed Federal inheritance tax; to the Committee on Ways and Means.

By Mr. STINESS: Memorial of Coast Artillery Corps, Rhode Island National Guard, favoring federalization of the National Guard; to the Committee on Military Affairs.

Also, memorial of Haggai Lodge, Independent Order B'nai B'rith, of Providence, R. I., protesting against the passage of the Burnett immigration bill; to the Committee on Immigration and Naturalization.

Also, petition of New England Dry Goods Association, protesting against the passage of the so-called standard-price bill; to the Committee on Interstate and Foreign Commerce.

By Mr. TALBOTT: Petition of H. D. Hyder and other citizens, of Havre de Grace, Md., protesting against increase of Army and Navy; to the Committee on Military Affairs.

By Mr. TILSON: Petition of Young People's Society of Christian Endeavor, of Madison, Conn., favoring Federal censorship of films; to the Committee on Education.

By Mr. TIMBERLAKE: Petition of business men of Loveland, Fort Collins, Sterling, Fort Morgan, Boulder, Greeley, Colorado Springs, Timnalt, Berthoud, Wellington, Laird, Manitou, Arriba, Calhan, Seibert, Simla, Flagler, Hugo, Holyoke, Colorado City, Fountain, Sedalia, Keota, Littleton, Niwot, Lyons, Nunn, Fort Lupton, Brighton, Lafayette, Superior, Windsor, Longmont, Stratton, La Salle, Burlington, Milliken, Johnstown, Platteville, Iliff, Ovid, Erie, Louisville, Goodrich, Orchard, Vona, Otis, Ramona, Weldona, Hillrose, Snyder, Broomfield, Evans, Wiggins, Eckley, Ault, Eaton, Kersey, Merino, Sedgwick, Genoa, Yuma, Brush, Wray, Akron, Julesburg, Pierce, Eastonville, Elbert, Parker, Elizabeth, Limon, Grover, Haxtun, and Castle Rock, all in the State of Colorado, in support of a bill to provide a tax upon persons, firms, or corporations doing an interstate mail-order business; to the Committee on Ways and Means.

By Mr. WINGO: Petition of sundry citizens of Arkansas against militarism; to the Committee on Military Affairs.

## SENATE.

### WEDNESDAY, *February 23, 1916.*

*(Legislative day of Monday, February 21, 1916.)*

The Senate reassembled at 12 o'clock meridian, on the expiration of the recess.

The Vice President being absent, the President pro tempore took the chair.

#### DEVELOPMENT OF WATER POWER.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 3331) to amend an act entitled "An act to regulate the construction of dams across navigable waters," approved June 21, 1906, as amended by the act approved June 23, 1910, and to provide for the improvement and development of waterways for the uses of interstate and foreign commerce.

Mr. SMOOT. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Senator from Utah suggests the absence of a quorum. Let the Secretary call the roll.

The Secretary called the roll, and the following Senators answered to their names:

| | | | |
|---|---|---|---|
| Ashurst | Harding | Overman | Smith, S. C. |
| Bankhead | Hollis | Page | Smoot |
| Beckham | Hughes | Pittman | Sterling |
| Brandegee | Husting | Poindexter | Stone |
| Catron | James | Pomerene | Sutherland |
| Chilton | Jones | Robinson | Swanson |
| Clapp | Kenyon | Saulsbury | Tillman |
| Clarke, Ark. | Kern | Shafroth | Vardaman |
| Colt | Lodge | Sheppard | Walsh |
| Cummins | McLean | Sherman | Warren |
| Curtis | Martin, Va. | Shields | Williams |
| Dillingham | Martine, N. J. | Simmons | Works |
| du Pont | Nelson | Smith, Ariz. | |
| Fletcher | Norris | Smith, Ga. | |
| Gronna | Oliver | Smith, Mich. | |

Mr. CHILTON. My colleague [Mr. GOFF] is absent on account of illness. I will let this announcement stand for the day.

Mr. MARTINE of New Jersey. I desire to state for the day the absence of the senior Senator from New York [Mr. O'GORMAN], who is absent on official business.

Mr. SHAFROTH. I desire to announce the absence of my colleague [Mr. THOMAS] on account of illness.

Mr. SMITH of Arizona. I wish to announce the absence of the Senator from Louisiana [Mr. BROUSSARD], who is detained from the Senate on important public business.

The PRESIDING OFFICER (Mr. JAMES in the chair). Fifty-seven Senators have answered to their names. A quorum is present. The pending amendment is the one offered by the Senator from Montana [Mr. WALSH].

Mr. STONE. I ask the Senator from Tennessee [Mr. SHIELDS] in charge of the bill before the Senate to permit me to make a request of the Senate. It will take but a moment.

Mr. SHIELDS. I yield for that purpose.

#### ARMING OF MERCHANT VESSELS.

Mr. STONE. Mr. President, some days ago I asked leave of the Senate, which was granted, to print certain extracts from Moore's Digest of International Law which related especially to the declaration of Paris, which declaration concerns privateers. I thought that important, and it is important at this time; also that a certain paper written by Mr. Higgins and printed in the American Law Journal might also be printed in that document.

That was agreed to by the Senate, and it has been prepared or set up by the Printing Office. But I have asked that office to withhold it for the time being that I might make a request this morning that to that document, which is Senate Document 332, there might be added an extract from Moore's Digest of International Law relating to the subject and under the headline of "Arming of merchant vessels," and also to print as a part of that document an article by Dr. George Schramm, counselor of the German Imperial Navy Department, relating to the same subject; also a document written by W. J. M. von Eysinga, professor in Leiden University, which is a statement of the views of this author on the same subject from the standpoint of the author.

Also, Mr. President, to add to the same document certain matter which was printed as an appendix to a speech delivered by the Senator from Massachusetts [Mr. LODGE] on the 18th of the present month, or so much thereof as is not covered in the documents preceding which I have asked to have printed.

I should like to have these matters printed in this document for the convenient use of Senators considering what is an important matter at this time.

Also, I ask leave to include in the same document a paper written by Col. George Harvey, and which appears in the North American Review of May, 1915, entitled "The Government and the war." While that does not relate directly to the question of the arming of merchant vessels, it does very intimately concern our relations and our duty as a Nation to acute subjects that are of immediate and profound interest.

Mr. LODGE. Is that an article by Mr. Harvey?

Mr. STONE. It is. It is a matter of immediate interest, I say, to the questions concerning our relations to foreign Governments, and I think it would be of great interest and value to Senators who will take occasion to read the matter which I am asking to have printed as a Senate document.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Missouri? The Chair hears none, and it is so ordered.

DEVELOPMENT OF WATER POWER.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 3331) to amend an act entitled "An act to regulate the construction of dams across navigable waters," approved June 21, 1906, as amended by the act approved June 23, 1910, and to provide for the improvement and development of waterways for the uses of interstate and foreign commerce.

The PRESIDING OFFICER. The Secretary will state the pending amendment.

The SECRETARY. On page 6, line 22, the junior Senator from Montana [Mr. WALSH] proposes to strike out the words "based upon its value as land."

Mr. SHAFROTH. Mr. President, I wish to call attention to the purport of the amendment which is proposed by the Senator from Montana. It is in subdivision (f) of the second section of the bill. The provision I will read in full, so as to get the connection of the amendment:

That such grantee—

That is, the company which proposes to construct the improvement in the river for navigation—

in the construction, maintenance, and operation of such dam or diversion structure and accessory works may, with the authority of the Secretary of War, occupy and use, to the extent necessary for the project, any lands of the United States, including the public lands; and any part of the public lands may, on certification by the Secretary of War that the same is required for navigation purposes, be withdrawn by the President for said purpose as provided in the act entitled "An act to authorize the President of the United States to make withdrawal of public lands in certain cases, approved June 25, 1910"; and for any land of the United States so used and occupied the grantee shall pay to the United States such reasonable charges based upon upon its value as land as may be fixed by the Secretary of War; and in fixing such charges consideration shall be taken of the benefits accruing from the use and occupation of such lands to the interests of navigation, as well as to the business of said grantee.

The amendment of the Senator from Montana is to strike out the words "based upon its value as land," in the twenty-second line of the sixth page of the bill. The Senator from Washington [Mr. JONES] on Monday afternoon stated that that language was added and placed in the bill for a purpose; that it is was a compromise provision, and he thought it should stay.

There has been, as you know, a tendency manifested by the officers of the Interior Department for the past 20 years to claim the water which flows in both navigable and nonnavigable streams as something in which the United States has an interest, and they therefore seek to impose a charge of some kind for the water that is in the stream and upon the powers that are generated thereby. That would not be the case in an ordinary condemnation proceeding against a private individual. They could not impose any such restriction, royalty, or charge upon a company that might want to build a water-power plant.

It is on that account that the committee considered whether the Government should include a water value or charge for the lands that might be needed in the improvement of a river. Personally, I do not think the Government ought to get any amount whatever, because the work means the improving of the river. If the Government undertook that work, of course it would take its own land without cost. Improvement for navigation is the primary purpose of the construction under the bill. The Government should not hamper a contractor who might undertake to build a dam primarily for purposes of navigation. To load down the enterprise with charges because the Government happened to have some public land near the proposed site seems to me a policy that will not enlist the cooperation of those persons who desire to construct works of navigation at their own expense and turn them over to the Government.

Mr. President, it seems to me when we consider that under this bill not one dollar is to be expended by the Government, although the rivers are to be improved for navigation and the person undertaking the work receives simply a surplus of the waters, utilizing that which is now going to waste, and subjecting him to a charge imposed by the Secretary of War, without limitation, is a policy that will impair the very operation of the act itself. No man is going to undertake a work of that kind under those circumstances. That is one of the reasons why the leasing system has proved a failure wherever the Government has attempted it on its own account.

Mr. President, this is a measure that may bring to the United States Government in savings millions and millions of dollars. It takes the place to some extent of the rivers and harbors appropriations. Every one of the projects that is improved is going to be primarily for the benefit of the Government in the navigation of the stream.

Now, to cripple the proposed undertakings by declaring that we will make a charge and that that charge is not for the value of the land taken, but is in some way connected with the water that flows in the stream, and that therefore we should have a high charge for the purpose of getting a revenue from this source when the very purpose and object is to get a large improvement for the Government without any expense whatever—upon what ground can the Government base its right to any such contention? No one claims that the waters of the navigable streams belong to the United States Government. The Government has no ownership whatever in those streams; the State has ownership of the waters, and the National Government under the interstate-commerce clause of the Constitution is given the right to prevent obstructions to navigation—has a check upon the structures that may be authorized by the State governments. That being the case, upon what ground can the Government insist that there should be an element of charge imposed upon the owners or upon those who attempt to erect these structures in behalf of the Government?

It seems to me this bill goes far beyond a proper purpose in fixing any charge whatever upon public lands that may lie along a river where an improvement of the kind is desired by the Government. But to say that that land shall be appraised for all possible values that it may have to a particular enterprise is going far beyond the provisions that any measure should contain.

Mr. President, the Senator from Montana [Mr. WALSH] said that in condemnation suits a jury should take into consideration any use to which the land might be put. The contention which I made was that for all uses in the condemnation of land the value should be fixed. I do not see that there is much difference between us, although some of the decisions which I read were to that effect, and used the words "all purposes," and those which he read used in some instances the words "all purposes" and in other instances the words "any purpose."

Mr. President, it is not what the land would be worth to a company that might desire to construct one of these improvements in a river. No court has held that that should be estimated in fixing the value of the land. It can not take into consideration the benefits which that company might get; that is one of the elements that can not be taken into consideration. The value is the market value; and the market value takes into consideration whether there is any or a limited demand whatever for that land. On that account it seems to me that the contention which I make is correct, and that is that this land, if charged for, should be charged for as land only, and that under no circumstances should it be charged for upon a basis of benefit it might be to the company that would construct the dam.

Mr. President, what does this proposition do? It hampers development under the bill. These companies are not going on any of these navigable streams to improve navigation merely for fun; they are not going to do it unless they get a remuneration for it. If you restrict too much the remuneration which they should get, you are not going to get the work undertaken at all. If you are going to put into the hands of the Secretary of War the right to charge so much per horsepower, that means that in all probability but few of these enterprises will be attempted. It might be that in some favored locality where there might be a particularly great demand for power a company would take the risk anyway; but it must be remembered that the value of this land is not left to a jury; that it is not left to a commission; but that it is left to the Secretary of War—the opposite party—and that his finding is conclusive; there is no appeal from it. When you fix a rule as to what the Secretary of War shall charge and leave it absolutely in his power to fix that charge, without consulting the wishes of the man who wants to buy it, nor consulting a jury, nor consulting commissioners, you can readily see that you will not get the improvements under this bill that are desired.

Mr. President, in the public-land States we see the hardship of any attempt to impose a leasing system upon us; but the people of the original States do not seem to realize that condition to the extent at least that we do. They do not have the concrete examples before them.

The Senator from Alabama [Mr. BANKHEAD] has handed me a statement, which, he says, is directly applicable to what I have said, and I will read it. It is from the Dunbar case and states that in the case of the United States v. Chandler-Dunbar Co., 229 U. S., the Supreme Court held that land necessary and taken for the improvement of navigation should be valued as land and for what it is worth as land, and not what it might be worth for other purposes.

Mr. President, when this committee has followed that identical language, the language which the Supreme Court of the United States has used in a similar case when lands were necessary to be taken for the improvement of navigation, it seems to me that the action of the committee is eminently proper. To attempt to put upon a stream in which the Government does not own a drop of water charges upon horsepower that might be generated therefrom is nothing but the exercise of an arbitrary power which should not be sanctioned by the Congress of the United States.

Mr. President, suppose that in one of the Eastern States the proposition was advanced that the Federal Government should have some kind of right to impose a tax upon water power generated there. I ask would it not seem strange to Senators from those States? If there was a stream in which the Federal Government had no ownership whatever, and consequently had no right to dictate as to it, would it not be usurpation for the Federal Government to say "We want a part of this power," or "We want a royalty based on the power that you may generate in this enterprise," especially when the person undertaking the work is not coming to the Federal Government for the purpose of an appropriation, is not coming to the Federal Government for anything except that which is for the benefit of the Federal Government, namely, making the stream navigable, so that under the interstate-commerce law we may have better facilities for transporting our goods to market?

Mr. HITCHCOCK. Mr. President——

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Nebraska?

Mr. SHAFROTH. I yield to the Senator.

Mr. HITCHCOCK. I should like to ask the Senator from Colorado whether he favors bestowing valuable grants and privileges upon corporations to be used for profit without reserving any compensation to the city or the county or the State or the Nation which gives them?

Mr. SHAFROTH. Well, Mr. President, my view is this: Wherever I have had the power to exercise any influence whatever over legislation, I have always wanted and I want now strict public-utility commissions, for the purpose of preventing corporations from exacting from the people any larger returns than are absolutely necessary, and thereby making any franchise that might be granted of no greater value than that arising from the reasonable remuneration to which the corporation is entitled. In the State of Colorado we have such a commission. I endeavored in the best way possible to bring it about, and I believe that it is to the best interest of the people that there should be such bodies.

Of course, when there were no utility commissions there grew up an abuse of power. The Interstate Commerce Commission was to a large extent created for the purpose of preventing those abuses. Nearly every State in the Union now has utility commissions, and consequently, with the power of regulation being in the State over any corporation that might attempt to secure a franchise or to make money out of a franchise, there is a complete remedy. Inasmuch as the people of the States are to be affected by these charges, they are the ones who should regulate and who should control them.

Mr. President, I am fully aware—and the Senator from Nebraska no doubt is also—that whenever you make a charge of any kind upon a company which adds to the yearly amount of their expenses, you are going to have that reflected in the charge which they get out of the people; you are going to find that they will charge not only the amount which they pay to the Government, but they are going to multiply it two, or three, or four times when it is finally paid by the consumer, so that it is bad economics, in my judgment, to impose upon the public lands of the National Government any charge except such reasonable charge as may be necessary.

Mr. HITCHCOCK. Mr. President, I think the Senator has failed to answer the question. The point I am making is this: The argument which the Senator makes now was made years ago, and it was made in justification of making absolute gifts of public property to private corporations without any compensation; but that day has gone. In our cities and in our States the people have come to the conviction that when great grants are to be bestowed on private corporations adequate compensation should be provided for. We have seen the development of that idea. For instance, in our cities the street-car companies are compelled to divide their profits with the municipalities; and I see no reason why, when the Government of the United States unquestionably possesses these great resources and proposes to open them up to private corporations in the different parts of the country, it should not impose, for the benefit of the people, a reasonable charge to be paid into the Public Treasury.

It seems to me that the position taken by the Senator that the charge may be carried on to those who use the facilities is not one which should deter the Government from enacting it. These companies are likely to lay that charge on the people whether or not the Government receives the benefit of it. The only sure way to see that the people derive an immediate benefit from the bestowal of such grants is to provide in the bill that the beneficiaries shall pay reasonable compensation for what they get, and then we know that the people will get some return.

Mr. SHAFROTH. Mr. President, the difference between the Senator and myself is this: I believe in paying for these public lands what they are worth; I am willing to let a commission or a jury fix the amount which the lands are worth; but I do not believe that the United States Government should undertake to lay and collect a royalty when the companies which undertake to develop these enterprises pay for what the land is worth. When they do that, it seems to me they have done all that should be asked of them. When you attempt to impose on behalf of the United States Government conditions and terms, you are going beyond the power of the United States with relation to the matter.

Mr. SMITH of Arizona. Mr. President, will the Senator allow me to make a suggestion?

Mr. SHAFROTH. Certainly.

Mr. SMITH of Arizona. When this land shall have been paid for the Federal Government will have nothing to do with it any more. The Government will then be out of the scheme, and when the Government is entirely out of it you will find that the development will go on because the Government will not have power to lay an embargo on the right of the State to distribute the power generated by that State agency. When the land is purchased according to its proper value the necessity for the Senator's amendment passes away.

Mr. SHAFROTH. Mr. President, I thank the Senator for his suggestion.

Now I want, if I can have the attention of the Senator from Nebraska, to attempt to analyze what is in this bill and to show what the object of the proposed amendment is.

Mr. JONES. Mr. President, right there will the Senator allow me to make a suggestion?

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Washington?

Mr. SHAFROTH. Yes, sir.

Mr. JONES. When the conditions referred to by the Senator from Nebraska existed we did not have many public service commissions exercising the powers which they exercise now.

Mr. SHAFROTH. That is true. The evil grew up out of the fact that we did not have such public utility commissions. I want to ask the Senator whether he can not see the injustice of the situation? Where the development companies are willing to pay for the land, where those who may want to construct the improvement are willing to let a jury or a commission assess its value and to determine the fair value for which it would sell in the market, to exact anything more would be, it seems to me, simply to play the dog in the manger.

There is no right of eminent domain against the United States Government. Some authorities say the right of eminent domain as against the General Government does exist in the States, and it may be that there are a number of decisions that sanction that doctrine; but, Mr. President, there can be practically no right of eminent domain exercised as against the United States Government. Whenever a private individual starts a suit against the Government he knows that he can never succeed in it, except at the expenditure of such an enormous amount as to make his enterprise unprofitable. Therefore such right of eminent domain in practical effect does not exist. Now, what would the Senator think if no right of eminent domain could be exercised in behalf of a railroad company? Suppose a railroad company, after filing its charter and a map of its lines, goes out and tries to get the land needed for its tracks, and a farmer along the right of way—and the Government with rela-

tion to its land is really the private owner of the land, just as is the farmer in relation to his land—should say, "I will not let this railroad go through unless the railroad will give me a royalty on every ton that passes over its lines, or unless it will give me a dividend out of its earnings," I should like to know whether there is any justice in that and whether, if that should occur, the people universally would not say that it was a "holdup"?

Mr. NORRIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Nebraska?

Mr. SHAFROTH. I yield to the Senator.

Mr. NORRIS. I want to ask the Senator if he does not think there is a difference between an individual having the authority to make such a demand, who would only make a private profit out of it, and the Government exercising that right in behalf of all the people? The Government is the trustee for the people in this case.

Mr. SHAFROTH. No; because the power of this Government is a power under delegated authority. If it is desired to prescribe the terms upon which a corporation can operate in a State, it must be done by the State law. The people of the State are the ones who are interested; they have got to pay the toll. The theory that the States are not capable of attending to their own affairs is absolutely preposterous. They are more careful in respect to the manner in which grants shall be given than are the bodies composing the Congress of the United States.

Mr. NORRIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Colorado yield further to the Senator from Nebraska?

Mr. SHAFROTH. I yield to the Senator.

Mr. NORRIS. As I understood the Senator, he was using the case of an individual to illustrate what the Government ought to do. The Senator referred to the States and their authority; but he called attention to the fact, as I believe it to be, that there is a difference between an individual exercising what the Senator calls an "arbitrary right" and the Government exercising such a right. If there were no right of eminent domain and the individual landowner should say to the railroad company, "You can not build your railroad or make the improvement on my land, unless you do so-and-so," the only object of the individual having that right, if he possessed it, would be to hold up corporations and public-utility services trying to develop the country for the purpose of his own private gain; but if the Government exercises such an arbitrary right, as those of us who do not agree with the Senator believe it ought to exercise, it is acting in behalf of and as trustee for all the people whose land is being taken by the private corporation.

Mr. SHAFROTH. The trouble with the Senator's position is that when the United States Government owns land, it owns it as a proprietor. It has no municipal jurisdiction or sovereignty in a State; and if there is one thing that is recognized above another, it is that the State has an inherent power of sovereignty to tax every piece of land within its boundaries.

Mr. NORRIS. But still the Senator, as I understand, does not quite grasp the question that I have asked.

Mr. SHAFROTH. Why, I do.

Mr. NORRIS. He has used, as an illustration here, an individual. He says the Government is acting arbitrarily, because it happens to own some land upon which a private corporation wants to build a dam, and by virtue of its ownership in its arbitrary right it says, "You can not have that land unless you will do so-and-so." Now, to illustrate that the Government ought not to exercise such a right, the Senator says, "Suppose an individual undertook to do that, and prevented improvement."

Mr. SHAFROTH. Yes.

Mr. NORRIS. The question that I want the Senator to meet is this: Does he not realize that there is a difference between an individual trying to do that for his own individual, private gain and the Government trying to do that in order that it may regulate a public utility, and thus protect the rights of all the people, for whom the Government is the trustee?

Mr. SHAFROTH. Mr. President, I want to carry that illustration a little further and see whether the Senator would agree that the man would have a right to hold up a railroad company going through his farm. Suppose the farmer should say: "No, sir; you can not go through this land unless you put into the Treasury of the United States 3 per cent on your gross earnings." I should like to know whether anybody would sanction the right of an owner of property to make any such exactions and demands and thus defeat a public enterprise.

Mr. NORRIS. The difficulty with the Senator's question—and for that reason it is not a parallel, in my judgment—is that the individual does not represent and can not represent all of the people, while the Government can. If you gave to an individual the right to prevent any improvement or any use in the way of eminent domain of his property, it would necessarily give him the right to hold up these improvements for his private gain.

Mr. SHAFROTH. No; but, suppose he says that it shall be paid into the State treasury, or into the county treasury, or into the National Treasury, should that affect the right of a corporation to go through there?

Mr. NORRIS. But he is not the representative of the State treasury, or the county treasury, or the National Treasury. He is not the trustee. Somebody has to act for all the people, and, under our form of Government, it is those who represent the Government itself.

Mr. SHAFROTH. Mr. President, the United States, as a proprietor of lands, is in the identical condition as an individual proprietor, except that you can not tax the lands of the United States and you practically have no right of eminent domain; and, consequently, when you vest in an officer of the Government the power, practically, to put on charges that are exorbitant you are not doing the fair thing, it seems to me. If you want to leave this to a jury, all right and good. If you want to leave it to a commission or a court, all right and good. We do not ask in this bill that the lands be given for nothing, and we do not want any corporations in our State to get the lands for nothing. We want them to pay what the land is worth, but we do not want an indefinite statement giving the Secretary of War or any other individual—I care not who he may be—the power, without reference to the courts or without reference to a jury or without reference to a commission, to say, "We will impose this as a charge upon water," when the Federal Government does not own the water any more than I do.

Mr. HITCHCOCK and Mr. WALSH addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Nebraska?

Mr. SHAFROTH. I yield to the Senator from Nebraska.

Mr. HITCHCOCK. I want to ask the Senator whether or not the Government of the United States, on a navigable stream upon which it owns adjacent lands, now has the power to construct a dam and develop a water power on that site?

Mr. SHAFROTH. Oh, yes; I think so. I believe it would have to get the sanction of the State government, however.

Mr. HITCHCOCK. It is doing that very thing on these irrigation projects.

Mr. SHAFROTH. But it is no doubt getting the cooperation of the State government. My understanding as to the right of the National Government in the flowing navigable streams of the United States is that it is simply a right to prevent obstruction, that is all; and that is sanctioned by the interstate-commerce clause of the Federal Constitution.

Mr. HITCHCOCK. I will ask the Senator to follow me: If the Government of the United States, in the use of its own lands and in the control of navigable streams, has the power to construct a dam and develop a water power, which it is now doing, as the Senator knows, on certain irrigation projects——

Mr. SHAFROTH. Not on navigable streams, though.

Mr. HITCHCOCK (continuing). And sell the electric current or the water power at a large profit; if it transfers that power to a private corporation, why should it not exact a reasonable compensation for it? The Senator believes that if it sells its lands it should exact a reasonable compensation.

Mr. SHAFROTH. Certainly.

Mr. HITCHCOCK. Why, then, should it not exact a reasonable compensation when it transfers to a private corporation this very highly profitable opportunity?

Mr. SHAFROTH. Simply because it does not own the water; that is the reason. The Government has no more right to sell something that it does not own than I have a right to sell the water in the Mississippi River. That is the reason, and the distinction is plain and clear.

Mr. WALSH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Montana?

Mr. SHAFROTH. I want to say just a word, and then I will yield to the Senator from Montana. I am of the opinion that the United States Government has a right to construct these power plants only for a governmental purpose, and that governmental purpose is to improve navigation, and consequently that it has not the right to operate those plants for the other purpose. But suppose——

Mr. HITCHCOCK. Hold on; I desire to correct the Senator there.

Mr. SHAFROTH. Except incidentally.

Mr. HITCHCOCK. The Senator knows that the Government of the United States is building dams for irrigation purposes.

Mr. SHAFROTH. Not on navigable streams.

Mr. HITCHCOCK. The Senator knows that it is developing water power there and that it is selling electric current at the present time.

Mr. SHAFROTH. Oh, if nobody objects to it, of course it can do those things.

Mr. HITCHCOCK. Now, then, I ask the Senator this question: Should the Government transfer to a private corporation, operated for profit, this very valuable right practically for nothing, simply upon the payment of $1.25 an acre, or interest on $1.25 an acre, which is a mere trifle and is nothing at all? Why should this great and valuable right of the people of the United States be given away?

Mr. SHAFROTH. Oh, Mr. President, it is not given away; and instead of the United States attempting to do it, the State might attempt to do it with some degree of reason. But if the Senator is correct in saying that the United States, when it does not own the water—and the Supreme Court has decided time and time again that it does not own the water—can impose a royalty on the flow of water which does not belong to it, it seems to me you might impose any condition that would prevent an enterprise from going on, by royalties or high rates of some kind.

Mr. HITCHCOCK. The Senator knows that under the circumstances I have mentioned the State can not do it. The Government controls the land. The stream is a navigable stream, and the State has neither the land nor the jurisdiction to develop and transfer a water power.

Mr. SHAFROTH. It has jurisdiction over the water. It may be that because the Government of the United States has undertaken a policy of not disposing of its lands it is in a position where the State can not enforce it against the National Government; but as a matter of fact, the United States Government owns these lands and should own them as a proprietor only, and consequently the jurisdiction of the State ought to be in control of the situation, irrespective of what the National Government might desire.

I want to say to the Senator that in the decision in the case of Kansas against Colorado, Mr. Justice Brewer made this inquiry: "Where is the authority of the National Government to construct these irrigation works?" And said he did not find it in the Constitution. Mr. President, nobody has brought up the constitutionality of that, because nobody seems to be interested; or, if they are interested, not to a sufficient extent. The States will not bring it up, because they get some benefits from the construction of these dams in the States; but Mr. Justice Brewer, who wrote the opinion in the case of Kansas against Colorado, made the assertion that he could find no authority in the United States Government to undertake the construction of irrigation plants.

Mr. WALSH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Montana?

Mr. SHAFROTH. I yield to the Senator from Montana.

Mr. WALSH. Will the Senator tell us what his view about the matter is?

Mr. SHAFROTH. Oh, my view of the matter is that the United States Government should exercise its right.

Mr. WALSH. But the question is as to whether it has the right to carry on these irrigation projects.

Mr. SHAFROTH. I do not pretend to say. I say that when a Supreme Court justice makes that statement, it is entitled to very great weight; and strictly speaking, under a close construction of the Constitution, it seems to me it has not that right; but, of course, as a matter of fact, if no one protests against it, the question is not going to be raised.

Mr. WALSH. But that is aside from the line of argument the Senator was pursuing, and I should like to come back to it. The Senator was arguing—and I want to follow his line of argument—that the Government ought to sell lands such as those that we are now considering. Does the Senator understand that the bill itself does not contemplate that those lands are going to be sold, but that they are going to be leased only for a period of 50 years?

Mr. SHAFROTH. Oh, that may be. I do not know whether that is true or not. I hope this will not end in a leasing bill; and still, at the same time, the Government, by the exercise of its great power and its great influence, can do things which are really beyond the rights of the Government to do, and yet that does not make them right. I do not think it is right at all for the Federal Government to attempt to lease either water or land. I do not believe it ever was contemplated in the Constitution that that should be done.

Mr. WALSH. If the Senator will pardon me, I do not mean to say that it is right or that it is wrong. My amendment is addressed to a certain provision of this bill which contemplates, not the sale of these lands, but the leasing of these lands for a period of 50 years, and is addressed only to the question as to what kind of compensation shall be made—not whether or not any shall be made.

Mr. SHAFROTH. That may be. I have not any doubt of the Senator's statement; but the bill, as I understand, does not at the present time say that it shall be a rental. The Senator has put in the word "annual" before the word "charges," and that amendment has not come up as yet. If you make it an annual compensation or an annual charge, it might be that it would be so considered; but according to that, when the Secretary of War came to make an improvement of that kind and say "I want to pay this out; I do not want any leasing arrangement," the Senator would have the Secretary of War determine the question adversely, and perhaps prevent the development of the enterprise.

Mr. SUTHERLAND. Mr. President——

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Utah?

Mr. SHAFROTH. I yield to the Senator from Utah.

Mr. SUTHERLAND. Before the Senator gets too far away from the point, I understood him to say a moment ago that in the Kansas-Colorado case Mr. Justice Brewer had expressed the opinion that there was no constitutional warrant for the reclamation act. Did I correctly understand the Senator?

Mr. SHAFROTH. Yes; that is what I intended to say.

Mr. SUTHERLAND. I hope the Senator will reread that case. It is some time since I read it, but I think I very distinctly recollect that Mr. Justice Brewer expressed no opinion upon the subject as to whether or not the United States Government could provide for the irrigation of the public lands, but what he had reference to was the expenditure of money for the purpose of irrigating private lands. I had not supposed, since the irrigation law was passed, that there was any doubt whatever as to the validity of it so far as it applied to public lands, and I do not think the Senator from Colorado will find in the Kansas-Colorado decision any expression which indicates that there is any doubt about it.

Mr. SHAFROTH. It has been some time since I read that decision, but I remember very distinctly the statement that he made, that he found no authority in the Federal Constitution. Perhaps it was in the nature of a query—"Where does the authority exist for the purpose of building reservoirs?" I think that was the language, and it may have been applied to the question of the irrigation of private lands, but I think not. I think it covered the whole situation.

Mr. SUTHERLAND. That is not my recollection of it. I will send and get the case, in order to be sure about it.

Mr. SHAFROTH. Yes; I should be glad to have that done.

Mr. SUTHERLAND. But I want simply to make this observation: So far as I am concerned, I have no doubt whatever that the Government of the United States, having the power under the Constitution to dispose of public lands, has the power to put them in a condition to be disposed of. If, for example, the lands are in such a condition that they will not sell, the Government certainly would have the power to put them in a condition where they would sell. The lands in their arid condition will bring little, if anything; but if the Government provides for irrigating them, then the lands will bring a good price. The power to dispose of lands certainly includes the corollary power to put them in a condition to be disposed of.

Mr. SHAFROTH. Mr. President, it seems to me that we are drifting from the amendment, which proposes to strike out the words "based upon its value as land"; and it necessarily will follow that the Secretary of War can impose any kind of charges for horsepower used, or anything in the nature of a charge for the water itself, instead of for the land. When he does that, and it is recognized that the water does not belong to the United States Government, it seems to me we are putting in something there that is not right.

The Senator has referred to the fact that lands can be improved by the Government of the United States for the purpose of sale. I have not any doubt but that the court would uphold a leasing bill of the Federal Government for a limited period; but I have not any doubt also that if the bill contained a provision that the Government should never dispose of the lands, it would be held unconstitutional. It can very easily say that a period of 50 years is a very limited period in the history of a country, and that, therefore, it is only something in the nature of a partial disposition of the lands. But the lands are held for disposition by the Government; and though in any given instance the number of years that may be specified would be very

limited compared with the life of a nation, yet, notwithstanding, the intention of the framers of the Constitution was that the land at some time should be disposed of—that is the wording of the Constitution. I have no doubt that if there were contained in the act the statement that "these public lands are to be held forever by the Federal Government and not disposed of," it would absolutely impair the sovereignty of the State, which possesses the power of taxation upon all property that is within its borders, and, consequently, would be in violation of the rights of the State.

It seems to me, therefore, that the language which is used here, "based upon its value as land," expresses what you would have to pay for it if you were condemning land. If that is the case, that is all that the Government owns, and consequently it is all that the Government ought to receive for it; and inasmuch as under this bill you have the power vested in the Secretary of War, who can put even a high valuation upon the land, it ought to be satisfactory to everybody. But if you put in limitations of that kind, saying that you can impose a tax upon the water power for the purpose of getting a revenue from it, you will impede the building of these enterprises. The Government of the United States will not get its navigable streams improved for navigation; these men will not undertake an enterprise of that kind, and inevitably you will have failure; and that is the cause of the failure of all the leasing systems the Government has ever undertaken.

The Government undertook to lease the lead mines in 1807, and it took 40 years to repeal the act, but President Polk and President Van Buren declared the system had proved a failure and that it had not paid the Government, and that development had been absolutely checked.

Mr. President, we had a bill here providing for the leasing of coal lands in Alaska, and we heard the declaration made time and again that the people up there were eager for these leases. It was suggested that just as quickly as the President signed the bill there would be people ready to enter into leases for the Alaska coal land. It has been a year and a half since that law was enacted by Congress. I telephoned down to the Interior Department a short time ago and asked them whether any coal leases had been made in Alaska. No; not one.

Mr. HITCHCOCK. Mr. President——

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Nebraska?

Mr. SHAFROTH. I do.

Mr. HITCHCOCK. I think the Senator has brought up an admirable illustration. Of course he is mistaken when he says it was predicted here by the friends of the bill that its passage would be immediately followed by the leasing of land, because it was generally understood that until the railroad development had occurred there would not be any leasing of the land. Nevertheless, the illustration is admirable.

The Senator is taking a position on this bill very much the same as such Senators took who favored allowing the coal lands of Alaska to be frittered away and to pass into private control at practically nominal rates and lost to the people forever. I am taking a position here, the same as I took then, that these valuable resources of the United States should be held and only turned over to private individuals to operate and control temporarily upon just compensation to the people of the United States.

Mr. SHAFROTH. That is just the position that I take, while I do not take it in regard to the leasing system. You can put up the lands and invite all the competition you want, and whatever competition shows that the lands are worth, the Government should receive that amount. The lands should not be hung up for disposition under leases, by which policy it will be found that development will not take place and never could take place under governmental leases.

Mr. HITCHCOCK. It seems to me the same evil which resulted when valuable timberlands of the United States worth many dollars an acre passed into the hands of private individuals at $2.50 an acre will occur if this bill is passed without providing some reasonable compensation to be paid by the private corporations to the Government for the use of the valuable privilege.

Mr. SHAFROTH. The Government does not grant any privilege. The Government does not own the water, consequently it can not grant the privilege; and when any persons want to carry on one of these enterprises for the improvement of navigable streams they proceed as if they had the right of eminent domain. Whatever that land is worth in the market for whatever use it may be applied, I am perfectly willing it should be paid to the Government.

Mr. HITCHCOCK. I am amazed that the Senator should say that the Government of the United States can not grant this privilege if this bill does not pass, that rivers can not be dammed, that those power plants can not be developed, that those companies can not control them. If this bill does pass, the mere consent of the Government of the United States will permit those private companies to dam a navigable river and develop power to operate a power plant at a great profit. How in the face of that can the Senator say the Government of the United States can not do this thing which the bill proposes to do?

Mr. SHAFROTH. As an incident to a navigation scheme, of course, it can authorize it; but the purpose of this bill is to charge a certain amount for the flow of the water—to put it into horsepower, and charge so much a horsepower. That is the object and the purpose.

Mr. HITCHCOCK. The Senator does not speak to the point.

Mr. SHAFROTH. I am speaking to the point.

Mr. HITCHCOCK. He says the Federal Government can not bestow this right upon a private individual.

Mr. SHAFROTH. Of course, as a matter of fact, when you take into consideration that we pass a law and nobody is interested in disputing it, it might have the effect. But Congress has no more right to pass a law charging for water when it does not own the water than I have to say I will sell water that does not belong to me. It may be like the instances in early days, where a man would make a deed to 160 acres and would say, "I also grant to the said party the public range extending for 6 miles or 10 miles east." He has no power to do it; yet it was respected to a large extent by people, because he had the run of cattle there.

So, if I were to say I will sell the Mississippi River somebody might be able to try to do something in the way of utilizing the benefits, but if the Government does not own the water, what right have we to say we will sell the water in the stream?

Mr. HITCHCOCK. The Senator admits, if the bill passes, private corporations will be authorized to dam these navigable rivers, and they will be permitted to develop water power and convert it into electrical current and to sell it at profit. They derive that right from this bill from the Government of the United States.

Mr. SHAFROTH. No; they do not. They derive that right from the charter granted in the State where they are situated, authorizing them as corporations to do these things.

Mr. HITCHCOCK. But there is not a charter in any State.

Mr. SHAFROTH. That may be; but there is a grant of authority over it.

Mr. HITCHCOCK. The gist of it is that they derive the right and the power to operate from the Government of the United States. Now, I ask the Senator again, Why should these corporations receiving that valuable opportunity not pay something for it?

Mr. SHAFROTH. They are. These corporations are erecting dams across rivers to back the water up so ships and boats can navigate. They turn over to the Government an enterprise that cost them a million or two million dollars, and the Government is relieved of expense to that extent. Yet, notwithstanding all that public benefit, it is proposed to put a charge on every unit of horsepower that is generated. The Senator may think we can get improvements under such restrictions, but he will find that we will not.

Mr. HITCHCOCK. The Senator raises another point. That depends altogether on whether the Secretary of War makes a fair charge for this privilege. I say it is not thinkable after this bill passes, that the Secretary of War will make charges so extravagant that the bill can not be carried into effect.

Mr. SHAFROTH. It is not the fact that he might do something that is good, but it is the vesting of power in any man to determine this matter. I will give the Senator an illustration as to just what has been done. About 10 or 12 years ago there had been a great development of water power in the West, not on navigable streams, but on nonnavigable streams. The conservationists came to the House of Representatives; I was on the Committee on the Public Lands in the other House; probably 12 or 15 years ago they said the Government was being blocked in water-power development because certain persons were applying for water-power sites on streams and would not give up their claims when they failed to comply with the law, and inasmuch as it was difficult to remove the cloud from the titles, they wanted an act of Congress which would permit filing or applications for revocable permits. They said if a company was going ahead in good faith to build a plant there would be no trouble; the permit would never be revoked. They said we have in the law for national banks the power to repeal, amend, and revoke, but it has never been exercised.

These men said we have in the charters of the railway companies in the District of Columbia the right of Congress to revoke, and they are never revoked. For that reason they said there would be no danger whatever.

But, Mr. President, after this permit law was passed, a man in the Interior Department concluded that he would force a leasing system upon the West. Notwithstanding all the filings had been made under the laws of the United States in effect at that time, and everybody supposed that the permits would be scrupulously respected as in the past, one Secretary of the Interior, two days before he left the office, without assigning any reason whatever, after the plant had been constructed and when it was in full operation, when from its station near Glenwood Springs it was sending electricity over the main mountain range to supply the city of Denver with light and with power for running the street railways—under that authority he revoked its permit and 40 other permits and notified the permittees that if they would not enter into leases paying so much per horsepower he would command them to get off the public domain.

Now, that is the trouble. One Secretary may be all right, but we are legislating here for all time, and we should restrict them as to what they shall charge, and that, it seems to me, is the fair way. In fact, I think it is arbitrary to vest in any executive officer the power to determine these land values, because there is no appeal from his decision. There is no appeal to a jury or to a commission. There is no right to go to a court to complain of a wrong and arbitrary act. But even conceding, for the argument, that the power should exist in the Secretary of War, there is no reason on earth, it seems to me, to permit language to be used that will say that he can put into the charge for land an element of water which the Government of the United States does not own and never did own.

Mr. NORRIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Nebraska?

Mr. SHAFROTH. I yield to the Senator.

Mr. NORRIS. I should like to call the attention of the Senator to the fact that if the bill is unamended it leaves it in the discretion of the Secretary to deny every application.

Mr. SHAFROTH. Yes; I said that. I should like to construct a bill that would add more rights of determining these matters than this bill, but I can not amend it.

Mr. NORRIS. Based on that, I wish to ask the Senator if he would favor an amendment to section 1 of the bill that would provide instead of the Secretary of War giving the right to construct dams that that power should be left in Congress?

Mr. SHAFROTH. No; that might be very difficult to administer; it might be very difficult to get any charge whatever.

Mr. NORRIS. I should like to call the attention of the Senator to the fact that we can not build a bridge across a navigable stream without a special act.

Mr. SHAFROTH. Certainly we can not.

Mr. NORRIS. Although we have a general act. If you pass a general act providing what should be done, what provision should be made, like this bill, with a modification which would provide that instead of the Secretary of War giving the permit they should get a permit from Congress, does the Senator think that would be an improvement?

Mr. SHAFROTH. It is a little too cumbersome to do that. I want to say to the Senator the right of the Congress of the United States to act upon the question of bridges is under the clause of the Constitution providing for interstate commerce, which says it shall have the right to prevent obstructions. It is not an affirmative right at all. You can not construct a bridge across a river in a State without going to the legislature of the State.

Mr. NORRIS. I understand that.

Mr. SHAFROTH. That is the reason. It is simply a negative power—a veto power against obstruction to prevent navigation from being impaired.

Mr. NORRIS. But the Senator brought out my question from his objection to some of the propositions laid down by my colleague. We ought not to give this discretionary power, the Senator said, to any one man—it ought not to be given to a Secretary—but the very bill he is defending gives all the discretion to some Cabinet officer. I ask the Senator now——

Mr. SHAFROTH. I will state to the Senator I am discussing the amendment. There are a great many things in the bill I do not like.

Mr. NORRIS. Yes; but the objection the Senator makes is that he does not want to give the discretionary power to the Secretary of War.

Mr. SHAFROTH. And the corollary of that, of course, is that I want just as little discretionary power as we can give; and, inasmuch as this amendment enlarges that power instead of diminishing it, I am against it.

Mr. NORRIS. That is consistent from the Senator's standpoint. Now, the question I wish to ask the Seantor is whether he is willing to go further than that?

Mr. SHAFROTH. I might be willing to go further, because there has to be some kind of supervision as to navigation. Of course, the plans for a plant that goes into the stream there have to meet with the approval of the Secretary, and the Secretary can, if he wants, absolutely prohibit it. There is no doubt about that. Yet, at the same time, I must say that, in order to get some kind of legislation and some kind of development of this kind, a law granting some rights, even if they are beyond what I think should be granted, probably will result.

Mr. POINDEXTER. Mr. President——

Mr. SHAFROTH. I yield to the Senator from Washington.

Mr. POINDEXTER. I merely wish to qualify to some extent the statement the Senator made a minute ago in regard to the leasing of coal lands in Alaska. It may be true that no coal lands have been leased there, but there has not been an opportunity given to lease them. The coal lands have not been segregated into tracts. The report of the surveyor who has been working upon that survey has just been completed within the last two or three days.

Mr. SHAFROTH. I do not——

Mr. POINDEXTER. My statement will be very brief. I wish to add that there is no opportunity to develop coal mines in Alaska, under the leasing system or any other system, because there is no transportation. The Government is engaged under the law which we passed in building a railroad, but it is a long distance from the coal field as yet, and very little progress has been made on it. They have not started to build a railroad to the Bering River coal fields. They have begun to build a railroad to the Matanuska coal fields, but it is not yet completed.

Now, just one other remark in this connection——

Mr. SHAFROTH. I will ask the Senator this question right there. Does not the Senator suppose, if there had been any application for leasing, there would have been a survey made for the purpose of permitting the lease?

Mr. POINDEXTER. The survey is being pursued as rapidly as possible.

Mr. SHAFROTH. You can get a special survey for particular land if you want.

Mr. POINDEXTER. The man in charge of the work there is a very diligent and a very competent man. I do not think he has delayed the matter in any way at all, but under the law as it existed before the Alaska leasing bill was passed there were no coal mines developed, and the reason why the applications were canceled in most cases to which the Senator has referred was the very fact that they had not developed coal mines. The law required them to develop coal mines, and they failed to do it.

Mr. SHAFROTH. The reason why there has been no development there is because the lands were withdrawn from entry. That was the reason. They could not go on the lands and attempt to take them. I do not care what permit you establish to get the value of the land. If you want to appraise it as State lands are appraised and sell them at auction, all right and good; but I object to estimating the value of coal lands by the supposed quantity of coal in the lands and multiplying that by so much per ton. By imposing under a classification rule such exorbitant prices prevented the development of the West, and consequently the coal lands have not been taken up. Only 4,000 acres in all the United States were taken up under the coal-land laws of the United States in the past year, and according to that if the 4,000 acres were all taken up in my State alone it would take 200 years to acquire all the coal lands in that Commonwealth alone. That is development with a vim.

Mr. President, such high valuation of coal lands prevents acquisition and development, and results in a monopoly for the coal owners who own their land and are selling to the public. When they make a profit, and do not have to meet the competition of new companies, they will raise the price of the coal. They have raised the price out in that western country very much. Higher prices are paid now than would be if there had been competition.

I want to say that I am perfectly willing that you shall in every way curb these corporations to prevent monopoly. If you want to limit the area of coal lands which may be owned by a corporation or individual, all right and good. If you want to put in the clause against combinations and trusts, all right and good. It meets with my hearty approval.

Mr. SUTHERLAND. Mr. President——

Mr. SHAFROTH. I yield to the Senator from Utah.

Mr. SUTHERLAND. I do not rise to take issue with what the Senator is saying by way of stricture on the leasing proposition, because I heartily agree with him, but if it will not disturb the Senator to return a moment to the subject we were discussing a little while ago——

Mr. SHAFROTH. Very well.

Mr. SUTHERLAND. I have before me the decision in the Kansas-Colorado case. The court after quoting section 3 of Article IV of the Constitution, which is the clause which provides that Congress shall have the power to dispose of and make all needful rules and regulations respecting the territory or other property of the United States, and so on, said:

> The full scope of this paragraph has never been definitely settled. Primarily, at least, it is a grant of power to the United States of control over its property. That is implied by the words "territory or other property." It is true it has been referred to in some decisions as granting political and legislative control over the Territories as distinguished from the States of the Union. It is unnecessary in the present case to consider whether the language justifies this construction. Certainly we have no disposition to limit or qualify the expressions which have heretofore fallen from this court in respect thereto.

This next sentence is the one to which I particularly invite the Senator's attention:

> But clearly it does not grant to Congress any legislative control over the States, and must, so far as they are concerned—

That is, so far as the States are concerned—

> be limited to authority over the property belonging to the United States within their limits.

Which is, it seems to me, a very clear implication that in the mind of the court Congress would have the power to provide for a system of irrigation in so far as the public lands of the United States were concerned within the limits of a State, and, perhaps, within the limits of the Territories would have the right to go still further. I think it is important to call attention to that because——

Mr. SHAFROTH. But there is also another clause in that decision——

Mr. SUTHERLAND. If the Senator from Colorado will permit me to finish—I think it would be unfortunate to have the idea go to the country that there was any doubt in the mind of the Senate, and particularly in the minds of Senators who represent the arid States, as to the constitutionality of the reclamation act.

Mr. SHAFROTH. I wish the Senator from Utah would read the clause to which I referred. There is some statement in that decision as to the power of Congress to construct reservoirs, though I can not now call attention to it.

Mr. SUTHERLAND. There is——

Mr. SHAFROTH. I want to conclude what I have to say in regard to this matter.

Mr. SUTHERLAND. I want to say to the Senator that I have read over very carefully the portion of the decision which has any reference to this subject, and I do not find any such clause as the one to which the Senator refers.

Mr. SHAFROTH. Well, Mr. President, whether the United States has authority or not—which I do not think it has—to charge for water, when the Government of the United States does not even claim that it owns any part of the water even if it has the power, is it expedient for it to do it? The Government of the United States is inviting men of capital to come in and help improve the rivers in the United States by the construction of dams; that is the primary object; millions of dollars will be spent for the purpose of that development.

The Government gets the entire benefit of it; it gets, without the expenditure of a cent, construction that would cost the Government, under the river and harbor act, perhaps millions of dollars. Is it wise, even if the power exists, to load down such an enterprise by saying that, in addition to that expenditure, there shall be a charge for the land taken, and not only for the land, but there shall be charged a royalty on the water, which does not belong to the United States, and which, even if the water did belong to the United States, would be a charge which, of course, would be a tax upon the people. A tax upon the people of one part of a State or one part of the United States is not exactly fair, unless its benefits are given back to them. While this bill provides that the money received from this charge shall be used as a fund for the purpose of making improvements, yet, as a matter of fact, if there is an excessive charge which is imposed upon every person who burns electricity, you can readily see that it never comes back directly to him.

Mr. BRANDEGEE rose.

Mr. SHAFROTH. Does the Senator from Connecticut wish to ask me a question?

Mr. BRANDEGEE. I want to ask the Senator from Colorado a question before he takes his seat.

Mr. CUMMINS. Mr. President, I should like to ask the Senator from Colorado a question at this point.

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Iowa?

Mr. SHAFROTH. Yes, sir.

Mr. CUMMINS. The Senator from Colorado is making an argument against the amendment offered by the Senator from Montana [Mr. WALSH], which, as I understand, proposes to strike out the words "based upon its value as land." Without saying anything about the merits of the amendment, does not the Senator from Colorado think that the idea that he is combating so earnestly is in the text of the bill as it now stands?

Mr. SHAFROTH. Oh, yes. There are some portions of the bill to which I do not agree.

Mr. CUMMINS. No; I am speaking about this particular matter as it is now. The bill proposes to base the charges "upon its value as land." Then it proceeds:

> And in fixing such charges consideration shall be taken of the benefits accruing from the use and occupation of such lands to the interests of navigation, as well as to the business of said grantee.

Suppose the bill were left as it is even, and the amendment defeated, still the Secretary of War would be required to take into account the value of the land to the grantee and the business in which it proposes to engage.

Mr. SHAFROTH. Mr. President, I repeat that there are many provisions in the bill to which I do not agree, and I want to modify just as many of them as I can. It is quite likely that the statement which the Senator from Iowa has made has force in it, but I do not want it left by implication, at least that by striking out this clause—which was put in by the committee, as I understand, for the very purpose of negativing such an idea—that the Government would have the right to impose a charge upon the horsepower generated by the plant.

Mr. CUMMINS. That is the very point to which I was calling the attention of the Senator from Colorado.

Mr. SHAFROTH. It may be that other language does it.

Mr. CUMMINS. The committee has not accomplished its purpose, if that was its purpose; that is, to make the charge dependent solely upon the value of the land as land, because very clearly the Secretary of War is told to base it also upon its value to the business of the grantee.

Mr. SHAFROTH. That may be. If it is, I do not like that part of the proposed act; but I will look at it more closely.

Mr. President, it seems to me that this amendment ought not to be sustained whether the other language is in the bill or not. We can take that up when we come to it; but, as a matter of fact, this looks like an attempt to impose a charge for the water, which is something that the Government of the United States does not own, and which, so far as its expediency is concerned, would hamper and prevent enterprises of this kind from being undertaken. It seems to me it would be unwise to adopt the amendment offered by the Senator from Montana.

Mr. BRANDEGEE. Mr. President, will the Senator from Colorado yield to me?

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Connecticut?

Mr. SHAFROTH. I do.

Mr. BRANDEGEE. Before the Senator takes his seat, would he be kind enough to again read the extract from the Chandler-Dunbar case which he read to the Senate a while ago as to the rule of damages? I did not fully catch the language when he read it.

Mr. SHAFROTH. I shall be glad to do so. This is the extract:

> In the case of the United States *v.* Chandler-Dunbar Co. (229 U. S.), the Supreme Court held that land necessary and taken for the improvement of navigation should be valued as land and for what it is worth as land, and not for what it might be worth for other purposes.

Mr. BRANDEGEE. Mr. President, the Senator is not quoting the exact language of the court in that extract, is he?

Mr. SHAFROTH. This was handed to me by the Senator from Alabama [Mr. BANKHEAD]. I have not compared it with the decision, but that is the statement, which has evidently been taken from the spirit of the decision, if it be not its exact language.

Mr. BRANDEGEE. I was interested to learn whether it was somebody else's inference from the decision or whether it was the language of the court.

Mr. President, I think it is of a good deal of consequence as to what the rule of damages shall be if one of these private corporations is to take public lands. I think the rule should be just what it is in a condemnation proceeding.

Mr. SHAFROTH. That is what we are perfectly willing to do.

Mr. BRANDEGEE. And for that purpose I should like to have the Secretary read the extract from the Chandler-Dunbar decision, in Two hundred and twenty-ninth United States, which I have marked. I think it is one of the latest utterances of the court, and I think it is right in point. The case was decided in 1912.

The PRESIDING OFFICER. Without objection, the Secretary will read as requested.

The Secretary read as follows:

Having decided that the Chandler-Dunbar Co. as riparian owners had no such vested property right in the water power inherent in the falls and rapids of the river, and no right to place in the river the works essential to any practical use of the flow of the river, the Government can not be justly required to pay for an element of value which did not inhere in these parcels as upland. The Government had dominion over the water power of the rapids and falls and can not be required to pay any hypothetical additional value to a riparian owner who had no right to appropriate the current to his own commercial use. These additional values represent, therefore, no actual loss and there would be no justice in paying for a loss suffered by no one in fact. "The requirement of the fifth amendment is satisfied when the owner is paid for what is taken from him. The question is what has the owner lost, and not what has the taker gained." (Boston Chamber of Commerce *v.* Boston, 217 U. S., 189, 194, 195.)

Neither can consideration be given to probable advancement in the value of such riparian property by reason of the works to be constructed in the river by the Government or the use to which the flow of the stream might be directed by the Government. The value should be fixed as of the date of the proceeding and with reference to the loss the owner sustains, considering the property in its condition and situation at the time it is taken and not as enhanced by the purpose for which it was taken. (Kerr *v.* Park Commissioners, 117 U. S., 379, 387; Shoemaker *v.* United States, 147 U. S., 282, 304, 305.)

The exception taken to the inclusion as an element of value of the availability of these parcels of land for lock and canal purposes must be overruled. That this land had a prospective value for the purpose of constructing a canal and lock parallel with those in use had passed beyond the region of the purely conjectural or speculative. That one or more additional parallel canals and locks would be needed to meet the increasing demands of lake traffic was an immediate probability. This land was the only land available for the purpose. It included all the land between the canals in use and the bank of the river. Although it is not proper to estimate land condemned for public purposes by the public necessities or its worth to the public for such purpose, it is proper to consider the fact that the property is so situated that it will probably be desired and available for such a purpose. (Lewis on Eminent Domain, sec. 707; Boom Co. *v.* Patterson, 98 U. S., 403, 408; Shoemaker *v.* United States, 147 U. S., 282; Young *v.* Harrison, 17 Ga., 30; Alloway *v.* Nashville, 88 Tenn., 510; Sargent *v.* Merrimac, 196 Mass., 171.) Boom Co. *v.* Patterson was this: A boom company sought to condemn three small islands in the Mississippi River so situated with reference to each other and the river bank as to be peculiarly adapted to form a boom a mile in length. The question in the case was whether their adaptability for that purpose gave the property a special value which might be considered. This court held that the adaptability of the land for the purposes of a boom was an element which should be considered in estimating the value of the lands condemned. The court said, touching the rule for estimating damages in such cases:

So many and varied are the circumstances to be taken into account in determining the value of property condemned for public purposes that it is perhaps impossible to formulate a rule to govern its appraisement in all cases. Exceptional circumstances will modify the most carefully guarded rule, but, as a general thing, we should say that the compensation to the owner is to be estimated by reference to the uses for which the property is suitable, having regard to the existing business or wants of the community, or such as may be reasonably expected in the immediate future.

In Shoemaker *v.* United States, supra, lands were condemned for park purposes. In the court below the commissioners were instructed to estimate each piece of land at its market value, and that "the market of the land includes its value for any use to which it may be put, and all the uses to which it is adapted, and not merely the condition in which it is at the present time and the use to which it is now applied by the owner; * * * that if by reason of its location, its surroundings, its natural advantages, its artificial improvement, or its intrinsic character it is peculiarly adapted to some particular use—e. g., to the use of a public park—all the circumstances which make up this adaptability may be shown, and the fact of such adaptation may be taken into consideration in estimating the compensation." The court approved this instruction.

Mr. SHAFROTH. Mr. President, I thank the Senator very much for having that opinion read. It seems to me it supports, in every particular, the extract or the syllabus which I have read. It seems to me also that it shows that the Government of the United States would have a proprietary right only, and would not have jurisdiction over things which it does not own; that the Government holds property just exactly in the same way as private individuals hold property; and that when property is taken for an enterprise the same compensation should be paid the Government as should be paid to an individual. I regard any exaction which is beyond that as not authorized, as wrong, and as inimical to the development of the enterprises that would be undertaken under this bill.

Mr. BRANDEGEE. Mr. President——

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. BRANDEGEE. Mr. President, I agree with the Senator that the Government's control of property which it owns—for instance, public lands—is similar to that of a proprietor, a private person; and if the Government's property is to be taken, I think it ought to be taken and its value determined by the same rule which would govern the taking of the property of a private person; but clearly, under this decision, as it seems to me, if the property to be taken from the Government is a piece of land upon a navigable river which is peculiarly adapted as a power site, its availability for that purpose and its value for that purpose ought to be considered in determining the compensation to be paid for it.

Mr. SHAFROTH. It is an element which can be considered; there is no doubt about that; but it is the market value that determines, and the question of demand for it is one of the elements entering into it.

Mr. BRANDEGEE. Yes; but I got the idea that the Senator's claim was that its availability for a power purpose should not be considered, but that the land should be considered simply from the standpoint of its value as land, independently of the fact that it was on the bank of a navigable stream.

Mr. SHAFROTH. Well, no. I think all that would be asked would be that the amount of compensation should be that which the private individual would have under a condemnation suit.

Mr. BRANDEGEE. I entirely agree with the Senator, then, if that is his claim.

Mr. WORKS. Mr. President, I desire to address myself to the merits of the bill as a whole and not to the amendment offered by the Senator from Montana [Mr. WALSH].

There are a number of bills before the Senate and in committees dealing with the question that is now submitted to the Senate and involving the same principles. The present bill attempts to deal with two different purposes for which water may be diverted from a stream and used and the necessary structures placed in a navigable stream. One of them is under the jurisdiction and control of the National Government, represented by the Secretary of War. The other is peculiarly under the jurisdiction of the States. That is a matter over which the Federal Government has no jurisdiction and no power to act under the Constitution.

I desire to call to the attention of the Senate some of the provisions of this bill that lead me to that conclusion. The attempt that is being made in these several bills to trench upon the power and jurisdiction and sovereignty of the States has been very earnestly opposed by a number of Senators, especially those representing the western semiarid States, where irrigation is necessary. I have been amazed to find that some of the Senators who have heretofore earnestly opposed legislation of this kind are now not only not opposing the bill before the Senate, but, as I understand, are disposed to support it.

It has been said by some that this bill is less harmful in that respect than some of the others; and that may be true, Mr. President, if it is strictly limited to actually navigable streams. But the principle involved in this bill is precisely the same as that involved in the other bills against which we have been so earnestly contending.

Let me call attention to some of the provisions that are, to my mind, exceedingly objectionable from the point of view of those of us who have been opposing this kind of legislation.

In the very first section it is provided:

That the United States hereby authorizes any of the persons as hereinafter defined, after obtaining the permit of the Secretary of War as hereinafter provided, to construct, maintain, and operate a dam or dams or diversion structures and accessory works—

Now, mind you, Mr. President, the construction of diversion structures and accessory works can only be for the purpose of taking the water out of the stream to be used for irrigation or for the development of power, or for other purposes of like kind—

for the development and improvement of navigation and for water power or other purposes.

So far as this is an attempt to bring about the improvement of navigation, it is strictly within the powers of the National Government, and it is entirely proper that the Secretary of War should be authorized to issue the necessary permit for that purpose. The bill does not stop at that, however. It provides for the construction of these works "for water power or other purposes." Now, mark the effect of it. It is not confined even to the development of power. It goes to the extent of authorizing the Secretary of War to issue permits for the purpose of storing and diverting water for purposes of irrigation, over which I claim the National Government has no power or jurisdiction.

The Secretary of War has the undoubted right to pass upon the question as to whether a structure shall be placed in a navigable stream, but he acts solely upon the question as to whether or not it is an interference with navigation. The question as to whether the structure can be used for other purposes—for example, the development of power or the irrigation of lands—is a matter with which the Secretary of War and the Government have no concern. It does not rest within the power or the juris-

diction of the National Government to determine whether water shall be diverted from a flowing stream in one of the States for purposes of irrigation or for the development of power. There is an ingenious effort made here to combine the two and make it appear that they are for a legitimate purpose, but tacking on to it something that, so far as the National Government is concerned, is illegitimate and unauthorized.

In providing the conditions that may be imposed by the Secretary of War it will be found that he is given authority to prevent the construction of any works of this kind in a navigable stream for the purpose of developing power or for purposes of irrigation by a mere refusal upon his part to issue the permit, not upon the ground that it will interfere with navigation or obstruct a navigable stream—a matter upon which he has a perfect right to pass—but upon the ground that the works that are proposed to be placed in the river are not adequate for the purpose of developing power or for irrigation. That is a matter with which the Secretary of War has nothing whatever to do; it is not within his jurisdiction; and yet by this means power is attempted to be conferred upon the Secretary of War that directly interferes with the rights of the States to determine whether water shall be diverted for purposes of irrigation or development of power and what kind of structures shall be placed in the streams for those purposes.

Let me read a little further:

> And such grantee and such permit shall at all times be subject to the provisions of this act and also subject to such conditions as the Secretary of War shall, in accordance with the provisions of this act, make a part of such permit; * * * *Provided*, That when the power to be developed by the project and improvement of the stream for navigation is used or to be used for a public-utility purpose or purposes, the grantee must be a municipal corporation, or a political subdivision, or other agencies of a State, or a public-service agent of a State, or a public-utility corporation created and organized under the laws of a State or the United States, authorized to engage in the business of furnishing water, heat, or electric energy for public or private use, and whose rates and charges and service shall be subject to regulation by the laws of the State or a duly constituted commission or other agency of said State; but in any case where the State has not made provision for authorizing municipal corporations, political subdivisions, or other agencies of the State or public-utility corporations or agencies to engage in said business, the qualifications of the grantee prescribed in this proviso shall not apply.

That is to say, the attempt is made to give the National Government the jurisdiction over the control of the supply and use of the water and the rates in case a State has not provided a utility body to do that work. The State has the right to determine whether the rates shall be governed and controlled and regulated by a utility body or not, and certainly under the Constitution no jurisdiction of that kind can be extended to the National Government, because of the fact that the State fails to act; but that is precisely what is attempted to be done in the bill.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER. Does the Senator from California yield to the Senator from Idaho?

Mr. WORKS. I do.

Mr. BORAH. I understand that the Senator construes this bill to the effect that because a State has failed to perform some function which devolves upon the State, therefore the National Government can draw to itself the power to perform that function?

Mr. WORKS. That is precisely what I hold—that that is the construction that must be placed upon the bill.

Again:

> And no transfer of any such permit or of the rights thereunder granted, except by trust deed or mortgage issued for the bona fide purpose of financing the business of such grantee, shall be made by any grantee, without the approval of the Secretary of War, to any transferee not having the qualifications herein specified for a grantee hereunder.

Complete control is given the National Government to determine who shall take out and use the water and who shall divert it for public purposes. The State is helpless to provide for the diversion and distribution of the water, and is subject always to the will of the Secretary of War and such conditions as he may impose.

Now, let me go a little further. Section 2 of the bill provides the conditions that may be imposed by the Secretary of War in the issuance of the permits. First, it provides that "the plans and specifications for such dams and all accessory works, together with such drawings of the proposed construction and such maps," and so forth, "shall be submitted to the Secretary of War." That is entirely proper for one purpose—that is, to determine whether the structure will interfere with navigation—but the Secretary of War has no right to consider any other question except the one whether it does affect navigation. There is, however, no such limitation of his powers placed in the bill:

> Second. The project adopted, including the plans, specifications, and location for any dam and accessory work, shall be such as in the judgment of the Secretary of War shall be best adapted to a comprehensive plan for the improvement of the waterway in question for the uses of navigation and for the full development of its water power and for other beneficial public purposes, and best adapted to conserve and utilize the water resources of the region in the interests of navigation, the needs of the Government, and the public welfare.

What broader power could be conferred upon the Secretary of War in dealing with that question than is contained in this clause of the section? He may determine whether these works are adequate for the purpose, not of improving navigation—that he has a right to determine—but whether they are adequate for the purpose of diverting and using the water for any purpose, whether it be the development of power or irrigation or manufacturing or for domestic uses; because, as I have pointed out, in this section of the bill it is provided that the permit may be given for the purpose of developing power or for other purposes without any limitation.

Mr. JONES. Mr. President——

The PRESIDING OFFICER. Does the Senator from California yield to the Senator from Washington?

Mr. WORKS. I yield.

Mr. JONES. I take it that the Senator would like to have any dam that is constructed at any point on a stream take care not only of the navigation but also of these other possibilities, and I should like to ask him what suggestion he would have to make. Would he have our bill provide for the granting of a permit for navigation purposes, and then expect the permittee also to get a permit from the State specifying the character of the dam that he should construct in order to take care of these other desired developments?

Mr. WORKS. That is precisely what we must do if we follow the Constitution, because one is under the jurisdiction of the National Government, and the other—the diversion of the water for the purposes I have mentioned—is peculiarly within the jurisdiction and control of the State. I will say to the Senator from Washington that it may be a very nice thing to have the Government control this whole matter if it is properly done, and provision is made for the proper use of the water, but that is not the question. The question is whether it is the legal, the legitimate, way to do it. Another thing that impresses itself upon my mind is that the Secretary of War not only may do this thing for the benefit of the public and in the interest of the State, but he is given the power absolutely to refuse to do it and prevent the development of the water power or the distribution of water.

Mr. JONES. One other question, if the Senator will permit me. What would the Senator provide to take care of a situation like this: Suppose the Secretary of War grants a permit for the improvement of the navigation of a stream, and then the State refuses to permit further development or the building of a dam for any other purposes?

Mr. WORKS. That is precisely what the State has a right to do, and what it is its duty to do.

Mr. JONES. Would the Senator want the whole improvement blocked in that way?

Mr. WORKS. Why, certainly, if it is not in the interest of the public. The State will determine that question, and it is the only authority that has any right to determine it. The State may be of opinion that it ought not to be developed for power purposes, for example, if the permit is issued for that purpose, but that the water should be used for irrigation purposes; and it is proposed by this bill to cut off the right of the State to determine that question.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER. Does the Senator from California yield to the Senator from Idaho?

Mr. WORKS. I yield.

Mr. BORAH. Assuming, for the sake of the argument, that we can do what this bill undertakes to do—to wit, lodge in the Secretary of War the power to determine for what purposes this water shall be developed, including navigation and all other purposes—assuming it to be true that we could do that, suppose, then, that a State should determine that it wanted this water for irrigation purposes. The Secretary of War would have a right to say: "No; you must use this water for some other purpose, for supplying a city, for power purposes, or something of that kind," or for any other purpose that the Secretary of War might deem more desirable. In other words, if we can do what the bill purports to do, the State might desire the water for irrigation purposes, and might be entirely deprived of it for that purpose.

Mr. WORKS. Certainly; that is the effect of it, unquestionably.

Mr. WALSH. Mr. President——

The PRESIDING OFFICER. Does the Senator from California yield to the Senator from Montana?

Mr. WORKS. I yield.

Mr. WALSH. I am very much interested in the discussion which the Senator is pursuing, and I should like to get a rather clear idea about just exactly what he would do. Let us take the case of the rapids at Keokuk, and we will assume that the river has not been dammed there. Along what general principles and lines would the Senator proceed? One wants to erect a dam across there. What would the Senator provide?

Mr. WORKS. Mr. President, there is but one course to pursue. The State has the right to determine whether the water shall be taken out and used for any given purpose. The State may grant the permit to take out the water of a navigable stream the same as any other, as the Senator knows.

Mr. WALSH. Yes; we agree about that.

Mr. WORKS. The Secretary of War, if that permission were given, would have the right to determine whether this structure should be erected, determining that question with regard to its effects upon navigation, and nothing else.

Mr. WALSH. Well, yes. The Senator, then, as I understand him, would repose in the Secretary of War the power to say whether or not a navigable stream shall be dammed?

Mr. WORKS. As affecting the question of navigation only. The Secretary of War would have no right to determine whether the dam should be constructed or not, judging from the use that might be made of the water after it was taken out of the stream; and that is what this bill provides for.

Mr. WALSH. The Senator would, then, repose in the Secretary of War the right to say whether or not the dam should be erected?

Mr. WORKS. Why, of course, under the limitation that I have stated.

Mr. WALSH. Now, then, would the Senator repose in the Secretary of War the right to say anything at all about what kind of a structure should be erected?

Mr. WORKS. Certainly, in determining it upon the question of the effect upon navigation.

Mr. WALSH. I ask the Senator what more this bill provides than that the Secretary, to whom the application is made, must prescribe the terms and conditions under which the structure is to be erected?

Mr. WORKS. The Senator evidently has not been listening to what I said.

Mr. WALSH. Yes; quite intently.

Mr. WORKS. Then I have been unable to convey to him how I really construe the bill. My objection to it, stated briefly, is that the conditions imposed allow the Secretary of War to determine not whether this will have any effect upon navigation, but whether the works are adequate for the development and supply of the water as provided in the bill, which is quite another thing.

Mr. WALSH. The Secretary is authorized to pass upon the plans and specifications.

Mr. WORKS. Yes; but the bill provides for a good deal more than that.

Mr. WALSH. Let me make an inquiry of the Senator then. An application for a permit to dam a navigable stream is granted. What is there that puts a limitation upon the power of the Secretary to say that it shall be dammed at that particular place or not?

Mr. WORKS. Only the Constitution, if it is for the purpose of development of power. Let me read another subdivision of the third clause of this section:

(b) That such grantee shall furnish free of cost power for the operation of the same—

That is, in respect to certain works that are to be constructed or may be constructed by the Government—

(c) that in case such navigation facilities shall not be made a part of such original construction at the expense of the grantee, then, whenever the United States shall deem such navigation facilities necessary the grantee shall convey to the United States free of cost such of its land and its right of way.

It is a singular thing, Mr. President, that the Secretary of War is authorized to turn over to a private individual or a private corporation the right to enter upon a navigable stream and construct the necessary work for the improvement of navigation, to begin with. It is a function which belongs to the Government. To allow the Secretary to give out the right to somebody else by a mere permit to construct public works is to change the entire policy of the Government with respect to the construction of public improvements. But it must be assumed that if these works are to be constructed under a permit by the Government for the purpose of improving navigation they are to be beneficial to the Government and not hurtful. Certainly unless that is shown, and that is the reason for constructing these works, there is no reason why the Government should give its permit to a private individual to do the work. The bill itself provides that it is for the purpose of improving navigation.

If that is so and the Government is to receive a private benefit from the construction by a private individual, why should it charge him compensation for what is done for the benefit of the Government, and charge it up to the consumer, for that is just what will happen?

Mr. SHERMAN. Mr. President——

The PRESIDING OFFICER (Mr. HUGHES in the chair). Does the Senator from California yield to the Senator from Illinois?

Mr. WORKS. I yield to the Senator.

Mr. SHERMAN. What does the Senator think in reference to the ability of the Government along the Mississippi River, for instance, in the State of Iowa, to authorize a private grantee of the kind referred to in the section to enter upon the bank or the riparian rights in the State of Iowa, which I understand under their own decision extends to the middle channel of the Mississippi River, and make the contemplated improvement? The act for the admission of Iowa into the Union on the same footing as any of the thirteen original States, as I understand it, ipso facto vested in the State of Iowa the title to all the land between the high water or the ordinary stage of water and the center of the Mississippi River. It has been given the State of Iowa in trust for the people, there being only a regulation for purposes of navigation by the Government. What would be the power of Congress in that event to authorize the Secretary of War by a permit to vest in the private grantee the right to enter upon that territory and appropriate it for any purpose?

Mr. WORKS. The Government has no such authority.

Mr. NELSON. Will the Senator yield to me for a moment?

Mr. WORKS. Certainly.

Mr. NELSON. The Senator from Illinois [Mr. SHERMAN] is in error about the State of Iowa. Under their decisions, I think, the riparian owner owns only to the water's edge. It is in Illinois where you have the common-law doctrine that the riparian owner owns to the thread or center of the stream.

Mr. SHERMAN. Mr. President, if the Senator will examine, I think both the State decisions and the decisions of the Supreme Court of the United States, he will find this distinction. In Illinois the private riparian owner, a farmer or manufacturer, owns as private ownership to the center of the navigable channel ordinarily used by pilots in navigating the river. That private ownership you or I myself might own in perpetuity, and when we grant the fee of the land alongside it necessarily carries the bed of the river covered by the water to the center as private ownership. We can cut ice or grass, control the right of fishing, hunting, and the like as of a private ownership, and all the incidents which attach to the estate. This is a matter, however, controlled either by the legislature or by the supreme court decisions of the various States.

In the State of Iowa, if I remember the decision correctly, instead of the private ownership of the riparian owner of the bank being to the center of the stream, there being a strip of land that would inhere to the owner of the fee in Illinois, that strip of land lying between the bank of the river in its ordinary stage or in some stage, I think at high water, flood tide, to the center of the navigable stream belongs to the State. I know from knowledge that in some States and in Illinois, in the case of an inland lake, the title to the bed of the lake vests in the State.

Mr. NELSON. That is exactly what I said a moment ago substantially, but the Senator from Illinois made the mistake of mentioning the common-law right as applied to the State of Iowa.

Mr. SHERMAN. I think, Mr. President, I made no mistake. In trying to distinguish it in such a way I did not mention the common law. The common law in some States of the Union, that has been the rule for many years, adopting it from the Virginia statutes coming up by way of Kentucky. In certain States in the northwestern territory that is the rule, and among others Illinois, but in the State of Iowa the policy is different and the Supreme Court decision is different. The strip of land lying between the bank and the center of the stream has been changed either by decision or by the legislature so that the common-law rule does not apply. The common-law rule does not apply in the State of Iowa.

Mr. NELSON. That is exactly what I said.

Mr. SHERMAN. In reference to Iowa—and if the Senator will go back to what the reporter will write out he will see I said that in the State of Iowa that strip of land is held by the State of Iowa in trust for all the people of Iowa—I ask the Senator from California if that is so, how the Government would enter upon that strip of land and use it through granting a permit to any private owner? The common-law doctrine does apply in Illinois. It applies in certain other States following the east bank of the Mississippi River until Louisiana is reached, where the civil law lays down an entirely different rule.

Mr. WORKS. Mr. President, I was not at the time I was interrupted discussing the question of the acquisition of title to the land. I was considering solely the question of the use of the water. But I think it is thoroughly determined by the decision of the courts that the State has jurisdiction over the land bordering on and under the stream subject only to the right of the Government to use and control it for navigation purposes, and the Government has no other right respecting the land than that.

Mr. CUMMINS. Mr. President——

The PRESIDING OFFICER. Does the Senator from California yield to the Senator from Iowa?

Mr. WORKS. I yield.

Mr. CUMMINS. The Senator from Minnesota [Mr. NELSON] stated with exact precision the law in Iowa, and so did the Senator from Illinois state it accurately. The very point now mentioned by the Senator from California is bothering the people of Iowa a good deal. It will be remembered that a few years ago Congress gave to a company organized, I believe, in Maine—I can not remember the State—the authority to build a dam across the Mississippi River at Keokuk. The State of Iowa gave to that company the power to exercise the right of eminent domain in acquiring the riparian privileges; that is, certain lands were overflowed by the reason of the water, and the damages which arose in that way to the riparian owners was to be established through the process of eminent domain.

The question whether that company had a right to use the bed of the river—that is, between the ordinary high-water mark and the bed of the stream—is now in dispute in my State. The company proceeded to build a dam at a very large expense without the consent of Iowa, and occupied that part of the bed of the stream mentioned by the Senator from Illinois by its work and improvement, and it is yet to be determined in Iowa whether that company can lawfully maintain its existing structure.

Mr. WORKS. There may be a question in that instance whether the State of Iowa is concerned or the private owner of the land along the stream. When I speak of the State of Iowa I include the citizens of the State as well who may own the land to the center of the stream or to high-water mark, as the case may be. I read further:

In fixing such conditions, or any of them, the Secretary of War shall also take into consideration the probable cost to such grantee of construction and maintenance and operation and the probable consumers' rate required to produce a reasonable return upon the investment required of such grantee—

I maintain that is a matter over which the Secretary of War has no jurisdiction and about which he has no concern whatever. The question what may be realized by the person who accepts the permit or grant is purely a State matter and under State control under the provisions of the Constitution. And further—

As between contesting applicants for a permit hereunder having the legal qualifications required by this act—

This authorizes the Secretary to determine not the question whether they have complied with the legal requirements of the laws of the State authorizing them to divert and use the water but whether they have the qualifications provided for in this act—

and being equally well qualified to improve or develop waterways for the uses of interstate or foreign commerce, preference shall be given to that applicant which is best qualified to expedite and realize the maximum useful development of all the water resources of the region; and as between such contesting applicants which appear equally well qualified in such respect, then preference shall be given to that applicant which has first complied with the laws of the State or States in which the dam or diversion structure is to be constructed.

Now, that applies wholly to the question of the use of the water for purposes that are to be controlled by the State. The National Government has no concern about the qualifications of the applicants, so far as their ability to supply the water for these purposes is concerned. It is concerned only with respect to the navigation of the stream and nothing else.

I call attention now to section 5:

SEC. 5. That unless revoked for cause as provided in section 8 of this act the rights under any such permit shall continue for a period of 50 years from and after the date of the completing and putting into commercial operation of the initial installation required by the Secretary of War as provided in section 9 of this act, and after the expiration of said 50 years such rights shall continue until revoked for cause as provided in section 8 of this act or until terminated and compensation has been made to such grantee for its property as provided in section 6 of this act.

That gives the National Government the right to terminate the use of the water if it has been applied, for example, to irrigation, at the end of 50 years, and under the laws of the irrigated States the right that is procured for irrigation purposes is perpetual and becomes appurtenant to the land whenever it is applied to the land for purposes of irrigation.

This proposes to allow the Secretary of War to step in and limit the time when the waters shall be used and to deprive the State of the power to provide for the diversion of the water for a specific purpose for all time, which I think is not only unauthorized by the Constitution but it would be exceedingly unwise.

Mr. SUTHERLAND. It has the power to revoke for cause not in any manner connected with navigation.

Mr. WORKS. Certainly; there is no limitation at all. It is even a little worse than that. It provides for the Government taking over the works that are constructed, not only those in the stream but the diversion works as well. It authorizes the Government to take over those works for its own uses and purposes. Section 6 provides:

SEC. 6. That at any time after the expiration of said 50 years the United States may terminate the rights hereunder granted upon the giving to the grantee of one year's notice in writing of such termination, and upon the taking over by the United States of all the property of the grantee dependent in whole or in part for its usefulness upon the rights hereunder granted which are necessary and appurtenant or acquired—

Mark the words now—

and valuable or serviceable in the distribution of water, or in the generation, transmission, and distribution of power, and upon paying to the grantee the fair value of said property, together with the cost to the grantee of the lock or locks, or other aids to navigation, and all other capital expenditures, required by the United States, and assuming all contracts entered into by the grantee which have the approval of the duly constituted public authority having jurisdiction thereof.

That authorizes the Government not only to terminate the use of this water by the person who has received a permit and who has obligated himself to supply it for specific purpose, but the Government may terminate his right to supply the water or the power as the case may be and take it upon itself.

Now, what is going to be the result of that condition of things? Can the States regulate the rates to be charged by the United States when it becomes the owner of the plant and undertakes to perform the duties of a utility corporation? What control has the State over it under such circumstances as those?

That is precisely what this bill proposes to do, in the first instance, to take over the control of it in the hands of the permittee and finally to become the absolute owner of it and control it and supply the power or the water, as the case may be.

And further:

That in the valuation for rate-making purposes of the property of any such grantee there shall be included the cost to such grantee of the construction of the lock or locks, or other aids to navigation, and all other capital expenditures required by the United States, but no value shall be claimed or allowed for the rights hereby granted.

Let me turn to section 8, which provides:

SEC. 8. That any grantee who shall fail or refuse to comply with any of the provisions of this act or any of the conditions made a part of any permit issued hereunder or any regulation or lawful order of the Secretary of War, made in accordance with the provisions of this act, shall be deemed guilty of a misdemeanor.

The very act of complying with the laws of the State might be a violation of the permit and the conditions imposed by the Secretary of War. There is a direct conflict between the laws of the State of California and the conditions that are allowed to be imposed in this bill by the Secretary of War. What are you going to do under those circumstances? If the permittee undertakes to comply with the permit, he may run afoul of the State law, and if he violates the State law his permit is subject to forfeiture, and he is liable to punishment. The whole bill, the whole scope, the whole purpose of the bill is to take over the rights and power of the States and vest them in the National Government, and there is no escaping from that construction of it.

Mr. SHIELDS. Mr. President——

The PRESIDING OFFICER. Does the Senator from California yield to the Senator from Tennessee?

Mr. WORKS. I yield.

Mr. SHIELDS. I suggest to the Senator the clause he has just criticized, making it punishable to violate the orders and regulations of the Secretary of War, applies to the regulations and orders the Secretary of War to control pools above and below dams for navigation purposes, which is a matter Congress

has paramount jurisdiction of. Its laws and regulations made under those laws are, of course, paramount to any State regulation on the subject.

Mr. WORKS. I wish I might agree with the Senator from Tennessee, but he is quite mistaken in his construction of the section. These conditions that are imposed are not confined to navigation or the protection of navigation at all. They go far beyond that, as I have already pointed out.

This general provision is that for the violation of any of those conditions or any of the orders that are made by the Secretary of War, if they affect simply the question of the taking or the distribution of the water, it shall be cause of forfeiture. I am sure that the Senator from Tennessee, learned as he is in the law, would not contend for any such thing as that.

It is provided, in addition to the penalties imposed—

and in addition to said penalties the Attorney General may, on request of the Secretary of War, institute proper proceedings in equity in the district court of the United States in the district in which such structure or any of its accessory works are, in whole or in part, situated, for the purpose of having such violation stopped by injunction, mandamus, or other process.

Of course, if it were a question of interference with navigation, if the permittee were doing any act in violation of the conditions imposed by the Secretary of War that went to the question of navigation, this penalty would be entirely just and within the jurisdiction of Congress to enact, but if it relates not to the question of navigation, but to the supply of the water, that is quite another thing, and the Government of the United States has no authority whatever to deal with it.

I call attention also to section 9, which provides:

SEC. 9. That the grantee shall commence the construction of the dam and accessory works within two years from the date of the permit herein provided, and shall thereafter, in good faith and with due diligence, prosecute such construction, and shall, within such time as may be provided in the permit, complete and put in commercial operation such part of the ultimate development as the Secretary of War shall deem necessary to supply the reasonable needs of the then available market, and shall, from time to time thereafter, construct such portion of the balance of such ultimate development as said Secretary of War may direct and within the time specified by him so as to supply adequately the reasonable market demands until such ultimate development shall be completed—

And so forth.

Now, it will be seen, Mr. President, that in that case the authority to determine when the work shall commence and when it shall be completed is vested in the Secretary of War. I suppose there is not an irrigation State in the Union that does not have a statute providing when such work shall be done—when the work shall be commenced and when it shall be completed—in case of the diversion of water for power purposes or for irrigation. So in that respect the provisions of this bill come directly in conflict with the State statutes on that subject. I also call attention to section 10, which provides:

SEC. 10. The Secretary of War may lease to any applicant having the capacity of grantee as herein defined, and having complied with the laws of the State in which a dam is constructed or to be constructed by the United States, the right to utilize the surplus water power over and above that required for navigation at any navigation dam now or hereafter constructed, either with or without contribution by the applicant, and owned by the United States, and on such terms as may be deemed by the Secretary of War for the best interests of the United States.

There is a saving clause in that section which makes it necessary for the State to determine whether it is a proper case for the distribution of the water and there is a general provision in the bill, I may say, that it shall be subject to the provisions of the State laws in some respects; but the trouble about that is, that some of these provisions are diametrically opposed to the State laws. They can not be in conformity or subject to State laws. You must determine which one of them shall stand, because, as I shall show in a moment, they are directly opposed in their terms to the statutes of the States, and therefore one or the other of them must give way.

Mr. NELSON. Mr. President, if the Senator will allow me, I wish to state that section 10 is almost entirely divorced from the remainder of the bill. It relates simply to cases where the Government has constructed a dam with its own funds, and to the right of the Government in that case to lease or sell the surplus power created as an incident thereto. The Supreme Court has decided that question in the Sault Ste. Marie case, to the effect that in cases of that kind the Federal Government has the right to dispose of such surplus power. So that is no longer an open question. Besides, if the Senator will observe the amendment, municipalities of a State are given the preference.

But what I particularly desire to call the Senator's attention to is the fact that the other provisions of the bill do not apply to that section as it is now framed.

Mr. WORKS. That may be conceded, Mr. President, and it is upon quite a different footing. I concede the Government has a right to sell and dispose of anything it actually owns. I do not know just how far the Supreme Court went in the decision to which the Senator from Minnesota refers, but there certainly is a good deal of question whether the water of a stream, although it may be developed as surplus water by the Government, is not subject to State control. I should doubt whether the Supreme Court has made any decision to the contrary. It may be the Government would have the right to dispose of and sell such power the same as any owner of it, but the question is how shall it be regulated and by whom in the distribution and the use of it, which is another matter.

Mr. President, having considered some of the provisions of this bill that I think are exceedingly objectionable, I should like to compare the provisions of the bill with the statutes of California to a certain extent, in order to show that the provisions of the bill are diametrically opposed to the provisions of the State statutes respecting the construction of the necessary work and the taking out and use of the water. Let me read from the California statute on that subject, which was passed, I think, only a couple of years ago. Section 16 of that statute provides:

SEC. 16. Every application for a permit to appropriate water shall set forth the name and post-office address of the applicant, the source of water supply, the nature and amount of the proposed use, the location and description of the proposed head works, ditch, canal, and other works; the proposed place of diversion and the place where it is intended to use the water; the time within which it is proposed to begin construction, the time required for completion of the construction, and the time for the complete application of the water to the proposed use. If for agricultural purposes, the applicant shall, besides the above general requirements, give the legal subdivisions of the land and the acreage to be irrigated, as near as may be; if for power purposes, it shall give, besides the general requirements prescribed above, the nature of the works by means of which the power is to be developed, the head and amount of water to be utilized, and the use to which the power is to be applied; if for storage in a reservoir, it shall give, in addition to the general requirements prescribed above, the height of dam, the capacity of the reservoir, and the use to be made of the impounded waters; if for municipal water supply, it shall give, besides the general requirements specified above, the present population to be served, and, as near as may be, the future requirements of the city; if for mining purposes, it shall give, in addition to the general requirements prescribed above, the nature and location of the mines to be served and the methods of supplying and utilizing the water. (Cal. Stat., 1913, pp. 1012, 1021.)

Unless that statute is complied with, there can not legally be a dam constructed in any of the streams of the State of California for the storage and supply of water for any purpose. The permit of the Secretary of War would not authorize it. If there should be an attempt to construct a dam and to take out the water, it could be enjoined by the State authorities on the ground that the laws of the State had not been complied with, and the permit granted by the Secretary of War would give no jurisdiction to enter upon the stream for any such purpose, would give no title to the water, and no authority to use it for any purpose. Further, the statute provides in section 19:

SEC. 19. Immediately upon completion, in accordance with law, the rules and regulations of the State water commission, and the terms of the permit, of the project under such application, the holder of a permit for the right to appropriate water shall report said completion to the State water commission. The said commission shall immediately thereafter cause to be made a full inspection and examination of the works constructed and shall determine whether the construction of said works is in conformity with law, the terms of the approved application, the rules and regulations of the State water commission, and the permit. The said water commission shall, if said determination is favorable to the applicant, issue a license which shall give the right to the diversion of such an amount of water and to the use thereof as may be necessary to fulfill the purpose of approved application. (Cal. Stat., 1913, pp. 1012, 1023.)

Under the law of California one desiring to divert water from a stream must make application to the water commission for a permit to construct the dam and the diversion works. That is simply a permit that is subject, when the work is all done, to the approval of the State authorities. The grantee has no rights in the stream; he has no rights under that permit, except to construct the necessary works, subject to approval. If when the works shall be constructed, when they are inspected by the water commission, and it is found that they are not in compliance with the rules of the commission or with the laws of the State, they are not approved, and the grantee has no right to divert the water, and even when that is all done and the works approved he acquires no title to the water. The title to the water rests in the State, and he is only given a license to use it after having complied with the law.

Mr. SHERMAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from California yield to the Senator from Illinois?

Mr. WORKS. I yield to the Senator.

Mr. SHERMAN. I desire to ask the Senator from California in whom is the title to the water in a navigable stream when temporarily diverted, arrested, used, or transformed to any of the various purposes to which water is commonly applicable?

Mr. WORKS. The title to the water is always in the State. In some of the States it is made so by direct constitutional provision, providing that the title to the water shall be in the people of the State. I think that is so in Colorado; it may be so in Utah; I do not know how that is; but it is so in some of the States. I know it is not so in California.

Mr. WALSH. Mr. President——

The PRESIDING OFFICER. Does the Senator from California yield to the Senator from Montana?

Mr. WORKS. I yield to the Senator.

Mr. WALSH. The feature of this matter, which the Senator from California is now discussing, is as important to my State as it is to his State, as he will appreciate. I want to inquire of the Senator whether it is his understanding that this bill purports to give the right to a person to divert water from a stream without his having complied with the State law?

Mr. WORKS. Not quite that, I will say to the Senator. I do not think that is expressly stated or perhaps intended, but that is the effect of it; that is to say, the conditions of the permit with the conditions authorized to be imposed by the Secretary of War are in direct conflict with the State statute, and to enforce them would deprive the State of the power to grant a license as the laws of the State provide.

Mr. WALSH. That is what I want to know, for if that is the case I am as interested in it as the Senator from California can possibly be. This gives the Secretary of War authority to permit the construction of the dam in a navigable stream, but I am utterly unable to understand how it can be contended that it is not then necessary for the man to get the right to divert the water by the laws of the State. Does the Senator understand that this bill would operate to deny or to obviate that necessity?

Mr. WORKS. Undoubtedly, if this bill becomes a law and is enforced.

Mr. WALSH. So that if a man were granted a permit under this bill to erect a dam in the Sacramento River, that would give him the right, in defiance of the law of California, to empty that stream and carry the water away?

Mr. WORKS. Oh, not at all.

Mr. WALSH. Then, he would still be obliged, would he not, to comply with the law of California, which entitles him to divert water from the stream?

Mr. WORKS. No; not under the provisions of this bill, I will say to the Senator, because he must comply with certain conditions imposed by the Secretary of War, which are in conflict with the laws of the State——

Mr. WALSH. If the Senator will permit me further——

Mr. WORKS. Pardon me a moment—and by that means, under the authority of this bill, a man can be prevented from entering upon a stream and taking out water as provided by the laws of the State. Either one or the other of these provisions must give way.

Mr. WALSH. I can not see why. The Secretary of War may give him a right to construct a dam across a stream, but if he does not acquire the right under the laws of the State to divert the water, he will not be able to make use of his permit. I call the attention of the Senator to page 7 of the bill, which provides as follows:

> As between contesting applicants for a permit hereunder having the legal qualifications required by this act, * * * preference shall be given to that applicant which has first complied with the laws of the State or States in which the dam or diversion structure is to be constructed.

And the Senator from Tennessee [Mr. SHIELDS] has in conference with me suggested that that might be modified as follows:

> Preference shall be given to that applicant which has first acquired the right to divert the water of the stream by means of the dam to erect which the permit is sought and otherwise complied with the laws of the State.

If the bill were so amended, does the Senator then feel that it would encroach upon the rights of the State?

Mr. WORKS. Certainly.

Mr. SHIELDS. I should like to ask the Senator from Montana, in the same connection, to read from page 11 of the bill, line 22, or I will read it myself. It is as follows:

> *And provided further*, That nothing in this act shall be construed to prevent any State in which such dam with its appurtenant property is located, or in which such business is to be conducted, from making and enforcing any lawful regulations, with respect to the property or business of such grantee.

And then follows the provision that it shall be subject to State taxation.

Mr. President, I desire to ask the Senator from California if it is his opinion, when the elaborate statutory provisions of California have been complied with by an applicant, he has the right to erect a dam without getting permission from Congress or some Federal agency to whom the power to give consent is delegated?

Mr. WORKS. Certainly not, if it is on a navigable stream; but the Secretary of War, as I have tried to explain, has no authority to refuse the permission except upon the ground that it interferes with navigation. That is the extent of his jurisdiction.

Mr. SHIELDS. I call the attention of the Senator to the fact that this bill only relates to navigable streams.

Mr. WORKS. Yes; but its provisions are quite contrary to the view of the Senator. It undertakes absolutely to control not only the original diversion of the water and the construction of the dams or whatever may be constructed for that purpose but also the regulation and control of the water after it is diverted. Now, the clause——

Mr. WALSH. Will the Senator permit me to interrupt him again?

Mr. WORKS. If the Senator will wait one moment until I complete the sentence, I will then yield to him. Conceding that the National Government has the right to control the situation so far as navigation is concerned, it has no right to follow the water after it is taken out of the stream and control its use or the rates which shall be paid for its use. Now I yield to the Senator.

Mr. WALSH. I want to make another inquiry of the Senator: Suppose the water of a stream is entirely appropriated now——

Mr. WORKS. I think most of the waters in my State are entirely appropriated.

Mr. WALSH. And much the same condition obtains in my State; but if a permit were granted under this bill, the permittee would be required, would he not, to acquire the rights of the prior appropriators before he could make use of his permit?

Mr. WORKS. No; I think not if this bill is to control. He would under the State law.

Mr. WALSH. Then, it is the opinion of the Senator that this bill would permit him to deprive the prior appropriators of their rights?

Mr. WORKS. Under this bill, if the applicant secured the necessary permit from the State and complied with the laws of the State, and, in addition to that, secured a permit from the Secretary of War, he might, of course, enter upon the stream and divert the water; but the Secretary of War can absolutely prevent his entry upon the stream or his taking out the water, no matter what the State does. That is the most serious objection to it.

Mr. WALSH. That is, simply by being invested with the power to issue the permit?

Mr. WORKS. By having the power to issue a permit for purposes that are not within his jurisdiction at all and imposing conditions not imposed by State law.

Mr. SHIELDS. Under the act of 1899, prohibiting the riparian proprietors or others from erecting structures in navigable streams, all riparian proprietors are now prohibited from making water-power development in navigable streams, however fully they may have complied with any State laws on the subject, simply because the power of Congress over navigable waters is paramount. No one now can make any improvement on his own property in a navigable stream without first getting the consent of Congress by special act. That is one of the chief objects of this bill, namely, to provide a method by which the consent of the Federal Government, through the Secretary of War, can be obtained speedily and without the confusion and embarrassment that usually follow the enactment of special laws upon the subject.

Mr. WORKS. Under the law as it exists to-day, of course, one must make application to the Secretary of War for a permit in order to construct a bridge or to erect a dam in a navigable stream, but the whole theory of that legislation is that the Secretary of War has the right to protect navigation. That is the object of it, and therefore he may refuse a permit to anyone where the effect of the structure will be to interfere with or obstruct navigation, but in this bill he is authorized to deal with an altogether different question, the question of the development of power, over which, I insist, he has no jurisdiction at all, and to impose conditions upon that basis, which is outside of his jurisdiction.

Mr. NELSON. Mr. President, will the Senator from California allow me to interrupt him?

Mr. WORKS. Certainly.

Mr. NELSON. I think the Senator is in error when he intimates that the Secretary of War can now, under any circumstances, grant a permit. I call the Senator's attention to the

first sentence in the act of September 19, 1890, which reads as follows:

That the creation of any obstruction not affirmatively authorized by law to the navigable capacity of any waters in respect of which the United States has jurisdiction is hereby prohibited.

In other words, no dam can be erected in any navigable stream affecting its navigable capacity without the consent of Congress. The Secretary of War has no authority.

Mr. WORKS. That is precisely what I said. The National Government has full jurisdiction and control over navigable streams for navigable purposes. It has absolutely no control over the question of the diversion and use of water for other purposes.

There is another provision in this bill which gives the Secretary of War the right to determine when the work shall be commenced, when it shall be completed, and what additions shall be made to it, not for the purposes of navigation alone, but for the very purpose of supplying water for irrigation or power. Now let us see what the California statute provides on that subject:

SEC. 18. Actual construction work upon any project shall begin within such time after the date of the approval of the application as shall be specified in said approval, which time shall not be less than 60 days from date of said approval.

Under the statute of California the work must commence within 60 days; under the provisions of this bill it may be commenced in not less than two years from the time the permit is granted—

and the construction of the work thereafter shall be prosecuted with due diligence in accordance with this act, the terms of the approved application, and the rules and regulations of said commission; and said work shall be completed in accordance with law, the rules and regulations of the State water commission, and the terms of the approved application, and within a period specified in the permit; but the period of completion specified in the permit may, for good cause shown, be extended by the State water commission. And if such work be not so commenced, prosecuted, and completed the water commission shall, after notice in writing and mailed in a sealed, postage-prepaid and registered letter addressed to the applicant at the address given in his application for a permit to appropriate water, and a hearing before the commission, revoke its approval of the application. But any applicant the approval of whose application shall have been thus revoked shall have the right to bring an action in the superior court of the county in which is situated the point of the proposed diversion of the water for a review of the order of the commission revoking said approval of the application.

Thus we have a complete system of regulation in the State intended to secure an early application of the water to a beneficial use. To this end work is required to be commenced in not less than 60 days, and prosecuted with due diligence, under rules and regulations prescribed by the commission; in other words, the State, admittedly the only authority having jurisdiction over the matter, provides that the work must commence within 60 days and be prosecuted with diligence, and be completed under rules and regulations prescribed by the water commission.

Mr. BANKHEAD. Mr. President——

The PRESIDING OFFICER. Does the Senator from California yield to the Senator from Alabama?

Mr. WORKS. I yield to the Senator.

Mr. BANKHEAD. I should like to ask the Senator from California to point out specifically the provision of this bill which authorizes the diversion of water from a navigable stream?

Mr. WORKS. That is the object of the bill, principally.

Mr. BANKHEAD. To divert water from a navigable stream?

Mr. WORKS. Yes; of course.

Mr. BANKHEAD. I should like to have the Senator point out the provision to that effect.

Mr. WORKS. If water is diverted for power purposes, it goes back into the stream, but you can not generate power without a diversion of the water through pipes, or something of that sort.

Mr. BANKHEAD. Without diverting the water from the stream?

Mr. WORKS. Certainly.

Mr. BANKHEAD. Mr. President, I thought perhaps that the Senator was misled by the use of the term "diversion work." That term simply means that in the construction of the dam, the power house, and the machinery necessary to operate it such diversion structures as are necessary to turn the water from the pool onto the wheel may be erected. That is all that means. It has no reference whatever to diverting water from the main body of the stream.

Mr. WORKS. Mr. President, as a rule, water used for power purposes is not diverted from the stream except to return to it again; but that is entirely immaterial. It is a question of use, and I say whether or not you use the term "diversion" is quite immaterial.

Mr. BANKHEAD. One more word, and I am through. The Senator does not think for a moment, does he, that at one of these power sites the Secretary of War, under the provisions of this bill, will permit the water to be diverted from the main body of the stream so as to interfere with navigation?

Mr. WORKS. I do not know what the Secretary of War will do; I know what he may do under this bill.

Mr. BANKHEAD. He can not do that under the bill.

Mr. SMITH of Arizona. Mr. President, if the Senator from California will allow me, I desire to ask him a question in order to get his view of the matter. The Sacramento River, for instance, in his State is the only navigable stream of which I know in California, and that is only navigable on the lower stretches of the stream. Now, would it not be possible under this bill for the Secretary of War, if he should decide it to be necessary for the navigation of the Sacramento River, to have such dams and locks built as he saw fit, notwithstanding the law of the State of California as to the diversion of water?

Mr. WORKS. Of course.

Mr. SMITH of Arizona. He could do that?

Mr. WORKS. Certainly.

Mr. SMITH of Arizona. Now, this being a navigable stream, if it were desired to place in it an obstruction for power purposes alone, would it be possible for the Secretary of War to grant on such a navigable stream as the Sacramento, for instance, a permit to build a dam for power purposes? If he would not have such power, then would it not follow that the State law would apply on the upper stretches of that river, notwithstanding the passage of this bill, whenever it came to an individual enterprise designed to create power on a navigable stream above the point of its present navigability? In that case, would not the State law as to power immediately apply even after the Secretary of War gave a permit under this bill?

I am extremely sympathetic with the Senator's care to prevent too much of this use of the State water by the Federal Government and too much domination over it. We agree in that thoroughly; but I was thinking that possibly he might give a permit, and then the State of California under its law would govern itself where it was nothing in the world but a pure question of the creation of power.

Mr. WORKS. Undoubtedly. In any case, however, if the structure was on a navigable stream, the permission of the Secretary of War would have to be obtained.

I have pointed out some of the objectionable provisions of the bill and their conflict with the laws of the State of California, which I have simply taken as an illustration. The same thing would apply to other States, though not necessarily to the same extent, because we have very minute and strict regulations with respect to the diversion and use of water in California. I think probably some of the other States have not gone quite so far, but they all have rules and regulations governing such use. Let me, in respect of the law of the case, call the attention of the Senate to the case of Escanaba Co. against Chicago, One hundred and seventh United States, page 678, which involved the right of the States to legislate respecting the use of navigable streams over which, for purposes of commerce between the States, the Federal Government has jurisdiction. In dealing with this question the court said:

The power vested in the General Government to regulate interstate and foreign commerce involves the control of the waters of the United States which are navigable in fact, so far as it may be necessary to insure their free navigation, when by themselves or their connection with other waters they form a continuous channel for commerce among the States or with foreign countries. * * *

But the States have full power to regulate within their limits matters of internal police, including in that general designation whatever will promote the peace, comfort, convenience, and prosperity of their people. This power embraces the construction of roads, canals, and bridges and the establishment of ferries, and it can generally be exercised more wisely by the States than by a distant authority. They are the first to see the importance of such means of internal communication and are more deeply concerned than others in their wise management. Illinois is more immediately affected by the bridges over the Chicago River and its branches than any other State and is more directly concerned for the prosperity of the city of Chicago, for the convenience and comfort of its inhabitants, and the growth of its commerce. And nowhere could the power to control the bridges in that city, their construction, form and strength, and the size of their draws and the manner and times of using them be better vested than with the State or the authorities of the city upon whom it has devolved that duty. When its power is exercised so as to unnecessarily obstruct the navigation of the river or its branches, Congress may interfere and remove the obstruction. If the power of the State and that of the Federal Government come in conflict, the latter must control and the former yield. This necessarily follows from the position given by the Constitution to legislation in pursuance of it as the supreme law of the land. But until Congress acts on the subject the power of the State over bridges across its navigable streams is plenary.

That may have been one of the reasons why Congress provided by law that before bridges should be constructed the per-

mit or consent of the Secretary of War should be obtained; but it will be seen that the power of the National Government is strictly limited to the question of navigation. Further—

The doctrine declared in these several decisions is in accordance with the more general doctrine now firmly established—that the commercial power of Congress is exclusive of State authority only when the subjects upon which it is exercised are national in their character and admit and require uniformity of regulation affecting alike all the States. Upon such subjects only that authority can act which can speak for the whole country. Its nonaction is therefore a declaration that they shall remain free from all regulation.

Then, I want to refer to the case of Kansas against Colorado, which has been already referred to by other Senators, and some extracts read from it; but, as bearing upon the question I am now discussing, I want to call attention to some of the things that were said in the opinion in that case.

The case of Kansas against Colorado, Two hundred and sixth United States, 46, involved directly the power of the Federal Government to legislate respecting the irrigation of arid lands. It will no doubt be remembered that in that litigation, which was between two of the States, the United States sought to intervene and the Supreme Court held that it was not a proper party to the action, because it was not concerned in the use of the water. The question presented for decision is thus stated by the court:

Turning now to the controversy as here presented, it is whether Kansas has a right to the continuous flow of the waters of the Arkansas River, as that flow existed before any human interference therewith, or Colorado the right to appropriate the waters of that stream so as to prevent that continuous flow, or that the amount of the flow is subject to the superior authority and supervisory control of the United States. * * *

The primary question is, of course, of national control. For, if the Nation has a right to regulate the flow of the waters, we must inquire what it has done in the way of regulation. If it has done nothing, the further question will then arise, What are the respective rights of the two States in the absence of national regulation?

In discussing this question, as stated by the court, it was said:

Congress has, by virtue of the grant to it of power to regulate commerce "among the several States," extensive control over the highways, natural or artificial, upon which such commerce may be carried. It may prevent or remove obstructions in the natural waterways and preserve the navigability of those ways. * * *

That involves the question whether the reclamation of arid lands is one of the powers granted to the General Government. As heretofore stated, the constant declaration of this court from the beginning is that this Government is one of enumerated powers. "The Government, then, of the United States can claim no powers which are not granted to it by the Constitution, and the powers actually granted must be such as are expressly given or given by necessary implication." (Story, J., in Martin *v.* Hunter's Lessee, 1 Wheat., 304, 326.) "The Government of the United States is one of delegated, limited, and enumerated powers." (United States *v.* Harris, 106 U. S., 629, 635.)

Turning to the enumeration of the powers granted to Congress by the eighth section of the first article of the Constitution, it is enough to say that no one of them by any implication refers to the reclamation of arid lands. The last paragraph of the section, which authorizes Congress to make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the Government of the United States, or in any department or office thereof, is not the delegation of a new and independent power, but simply provision for making effective the powers theretofore mentioned. * * *

We must look beyond section 8 for congressional authority over arid lands, and it is said to be found in the second paragraph of section 3 of Article IV, reading:

"The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States, and nothing in this Constitution shall be so construed as to prejudice any claims of the United States or of any particular State."

It must be borne in mind that in this case the court is dealing with the question of the right of the Government to deal with arid land belonging to the Government. That is not the question now before the Senate. The question is as to the right of the Government to control and regulate the use of water for the irrigation of private lands, not the lands of the Government.

The full scope of this paragraph has never been definitely settled. Primarily, at least, it is a grant of power to the United States of control over its property. That is implied by the words "territory or other property." It is true it has been referred to in some decisions as granting political and legislative control over the Territories, as distinguished from the States of the Union. It is unnecessary in the present case to consider whether the language justifies this construction. Certainly we have no disposition to limit or qualify the expressions which have heretofore fallen from this court in respect thereto. But clearly it does not grant to Congress any legislative control over the States and must, so far as they are concerned, be limited to authority over the property belonging to the United States within their limits. Appreciating the force of this, counsel for the Government relies upon "the doctrine of sovereign and inherent power," adding, "I am aware that in advancing this doctrine I seem to challenge great decisions of the court, and I speak with deference." His argument runs substantially along this line: All legislative power must be vested in either the State or the National Government; no legislative powers belong to a State government other than those which affect solely the internal affairs of that State, consequently all powers which are national in their scope must be found vested in the Congress of the United States. But the proposition that there are legislative powers affecting the Nation as a whole which belong to, although not expressed in the grant of powers, is in direct conflict with the doctrine that this is a Government of enumerated powers. That this is such a Government clearly appears from the Constitution, independently of the amendments, for otherwise there would be an instrument granting specific things made operative to grant other and distinct things. This natural construction of the original body of the Constitution is made absolutely certain by the tenth amendment. This amendment, which was seemingly adopted with prescience of just such contention as the present, disclosed the widespread fear that the National Government might, under the pressure of a supposed general welfare, attempt to exercise powers which had not been granted. With equal determination, the framers intended that no such assumption should ever find justification in the organic act, and that if in the future further powers seemed necessary they should be granted by the people in the manner they had provided for amending that act. It reads, "The powers not delegated to the United States by the Constitution nor prohibited by it to the States are reserved to the States, respectively, or to the people * * *."

Mr. President, I have attempted to analyze this bill and to point out the provisions in it that I think are violations of the Constitution and of the rights of the States. There is a persistent effort just now by the Congress of the United States to take away from the State governments the powers that are vested in them by the Constitution and give them over to the National Government. You can see it exercised in various ways through the departments and through legislation that is being enacted, and this is one of the worst of the cases. It is one of the most important to the Western States. The waters that flow down their streams are the life of those States. Without them they would still be sheep pastures, instead of cultivated lands. I feel very strongly that this legislation is detrimental in many ways to the Western States. It is an attempt to usurp the power that rests in them to control the use of the water in which they are so greatly and so vitally interested.

It is for that reason that I have spent more time on this question than I otherwise would have done. If this were simply a question of the improvement of navigable streams, I should have no concern about it. If it were simply a provision authorizing the construction of dams in the streams for the purpose of developing power, I should not feel concerned about it, if only the power when developed, or the water when diverted for irrigation purposes, were left to the regulation and control of the States.

There is no reason why the Government should not lend its aid in the development of power. I make no objection to that. There is no reason why it should not permit the use of the navigable streams for purposes of that kind. No reason presents itself to my mind why the Government should not grant the right to construct dams and other structures in the streams for the very purpose of developing power, or even for the purpose of enabling the distribution of the water for irrigation purposes. But when the Government goes further than that, as it does in this bill, and attempts to determine when and under what circumstances the water may be diverted or used for such purposes, and when not, it is infringing upon the powers of the States.

Senators have looked rather lightly on this question, I think. They regard it as not a serious one, because of the fact that it is attempted, at least, to be confined to navigable streams. It would not be of any great importance in my State if it were confined to actually navigable streams. There is only one stream in the State of California that can be properly called a navigable stream, and that for only a part of the way. It is the principle that is involved in it that I am contending against.

I should not stand in the way of the passage of this bill by any means, if it were not for that attempt to reach out and take away from the States what belongs to them under the Constitution and vest it in the National Government. Not only is that the effect of this bill, but from its history I am perfectly satisfied that that is the prime object of it—to do that very thing. I have attempted to point out in what way it does conflict with the laws of my own State, and I think the laws of other States as well.

Mr. SHERMAN. Mr. President——

The PRESIDING OFFICER (Mr. JAMES in the chair). Does the Senator from California yield to the Senator from Illinois?

Mr. WORKS. I do.

Mr. SHERMAN. Before the Senator concludes his remarks, I should like to inquire his view with regard to this same attempted—and, as I consider, unwarranted—extension of the powers of the Government and increasing the reach of a certain department of the Government in relation to section 4, on page 8, which to me is a specific instance of the most obnoxious attempted usurpation of power. I will read the portion to which I refer:

When a grantee hereunder is a municipal corporation, or a political subdivision of a State, or a public-service agent of a State, or a public utility or service corporation, it may acquire the right to use or damage any lands or property—

Not alone on the public domain of the Government—

Any lands or property of others necessary to the construction, maintenance, or operation of any such dam or diversion structure or

of the works appurtenant or accessory thereto by the exercise of the right of eminent domain in the district court of the United States for the district in which such land or other property may be located, or in the State courts.

All of these municipal corporations or utility corporations are State created, and have by the laws, whether they be of special origin or whether they originate under the general statutes of the State, certain enumerated charter powers that mark the limitation of their activities, wisely imposed in order that corporations may have only the powers intended to be granted by the people representing the legislatures of the several States. Among them are certain corporations vested with the power of eminent domain to condemn private property for the uses of corporations supposed to be in the main of a public or quasi-public character. This power to condemn creates the right to take, only upon the payment of compensation, it is true; but it is the exercise of a sovereign right, ordinarily not possessed by any State-created corporation.

A company organized for the sole purpose of generating electric power in many of the States has no right to condemn under the State-created powers. This section would confer upon a State-created corporation of limited powers by an act of Congress the right of eminent domain. It would be further obnoxious, would it not, by attempting to confer upon a State-created corporation by an act of Congress the right to condemn in a United States court your property or mine and take us into strange and foreign jurisdictions, whereas now such power does not exist?

I can not think Congress has the right or the constitutional power to attempt such a thing.

Mr. WORKS. No; I think that provision would be unconstitutional, and some others to which I have called attention.

Mr. SHIELDS. Mr. President——

The PRESIDING OFFICER. Does the Senator from California yield to the Senator from Tennessee?

Mr. WORKS. I do.

Mr. SHIELDS. Will the Senator allow me to make a suggestion in answer to the proposition advanced by the Senator from Illinois?

Mr. WORKS. Certainly.

Mr. SHIELDS. I do not think the Senator from Illinois has read the entire section to which he objected.

Mr. WORKS. Mr. President, if the Senator will allow me, as he is addressing himself to the Senator from Illinois, I will yield the floor.

Mr. SHERMAN. I wished to get the views of the Senator from Tennessee upon this one question.

Mr. SHIELDS. Mr. President, I wish to read the entire section criticized by the Senator from Illinois [Mr. SHERMAN] on the subject of eminent domain. It is in these words:

When a grantee hereunder is a municipal corporation, or a political subdivision of a State, or a public-service agent of a State, or a public utility or service corporation, it may acquire the right to use or damage any lands or property of others necessary to the construction, maintenance, or operation of any such dam or diversion structure or of the works appurtenant or accessory thereto by the exercise of the right of eminent domain in the district court of the United States for the district in which such land or other property may be located, or in the State courts. The practice and procedure in any action or proceeding brought for that purpose in the district court of the United States shall conform as nearly as may be with the practice and procedure in similar actions or proceedings in the courts of the State where the property is situated.

I fully concur with the Senator from Illinois that ordinarily Congress can not vest powers in corporations of the several States, but there are exceptions to that rule. It was held in the case of Oregon Short Line Railway Co. against Schottowe, One hundred and sixty-second United States, that Congress could grant an additional franchise to State corporations.

Also, in the case of the Southern Pacific Railroad Co. against the United States, One hundred and eighty-third United States, it is said:

It is well settled that Congress has power to grant to a corporation created by a State additional franchises—at least, franchises of a similar nature.

Mr. President, corporations for the purpose of generating hydroelectricity for sale have been held in a large number of the States to be public utility companies. That was held by the Supreme Court of Tennessee in the case of Power Company against Webb, reported in One hundred and twenty-third Tennessee. Numerous courts of other States have so held. Other cases are cited in that case which support the holding there made.

But more recently the Supreme Court of the United States, in Mount Vernon-Woodberry Cotton Duck Co. against Alabama Interstate Power Co., a case coming up, I believe, by writ of error from the Supreme Court of Alabama, it was held that corporations of this kind are public utility companies; that they were incorporated for a public purpose and can exercise the power of eminent domain on the same principle that railroad corporations are authorized to exercise it.

The object of this provision was to authorize the corporation making the improvement to exercise the power of eminent domain in so far as the United States could exercise it if it was constructing the dam for navigation purposes. It is well settled that the United States has no power of eminent domain, generally speaking; there is no such power in the Constitution; but the power of eminent domain is an inherent power, a power of sovereignty vested in every government for governmental purposes. While Congress can not grant the power of eminent domain for any purpose whatever, other than a governmental purpose, it can always provide for its exercise to carry out any governmental purpose; and where it proposes to carry out that purpose through an agent, by a corporation created by it, or through a State corporation as an agent, it can grant it, and it can be exercised constitutionally, and it has been frequently done. Congress can either create a corporation to effect a Federal purpose, as in the case of the Panama Canal Corporation, or it can proceed directly to carry out that Federal purpose.

In this case it simply vests the power of eminent domain in these corporations as governmental agencies for improving the rivers for navigation. In my opinion Congress could not construct a dam in a river for power purposes solely, unless there was some further governmental purpose to be effected. I think under the power to raise and maintain armies it might build a dam and construct a factory for the purpose of generating hydroelectricity for the fixation of atmospheric nitrogen for the manufacture of explosives. But there is no such proposition in this bill. It provides solely for the governmental agency adopted for navigation purposes. Congress can adopt State laws or it can adopt State corporations wherever they come within a vested Federal power for the execution of a Federal power.

Mr. NORRIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Tennessee yield to the Senator from Nebraska?

Mr. SHIELDS. I yield.

Mr. NORRIS. While the Senator is on that particular section I wish to ask him a question in relation to the provision giving to the corporation the right to exercise eminent domain, either in a United States court or in a State court. Does the Senator believe that we ought to retain in the provision the part of it relating to the United States court? Would it not be sufficient and would it not better meet the end to be desired, as the Senator from Illinois has so well suggested, to confine it to the State court? That would not in any way interfere with the constitutionality of the provision, would it?

Mr. SHIELDS. I do not think it would.

Mr. NORRIS. Would the Senator object seriously if an amendment were proposed, when the proper time came, to strike out, commencing at line 1, page 9, these words:

In the district court of the United States for the district in which such land or other property may be located, or—

So that it would read:

That this corporation may exercise the right of eminent domain in the State courts.

Mr. SHIELDS. I do not care to go into the matter now. When we reach it I shall do so. I have not the reasons fully in my mind for giving the Federal court jurisdiction to the extent which I have referred to in the remarks I have just made. When the bill was first prepared it did not have this clause, and I was personally opposed to giving the Federal court jurisdiction in any case; but on a discussion of the matter in committee I yielded that opinion and came to the conclusion that, considering the governmental purposes that were involved—the improvement of rivers for navigation—and some other reasons that were advanced in favor of it, I yielded my individual views and this clause was inserted by the committee.

Mr. NORRIS. I should like to say to the Senator that I should like to have him present those reasons. As I look at it now, those words ought to be stricken out unless——

Mr. SHIELDS. I will say to the Senator that I will do it at a later time. We are discussing another amendment at this time.

Mr. NORRIS. I will not expect the Senator to do it now if he chooses to defer it.

Mr. CUMMINS. Mr. President, I wish to understand more clearly the Senator's position with regard to the subject he was discussing a moment ago in response to the statement of the Senator from Illinois, for it is one of the things which has bothered me a good deal about the bill. I think it is true

that the United States can confer upon a State corporation engaged in public work the right of eminent domain, provided the State corporation is executing a power which the Government could exercise.

Mr. SHIELDS. And in no other case, in my opinion.

Mr. CUMMINS. That is to say, if a State corporation proposes to build a series of dams and locks in a river not otherwise navigable for the purpose of making the river navigable, practically speaking, I have no doubt it could bestow upon that corporation the right of eminent domain, just as the Government itself could exercise that right if it were performing the work. But take a river that is not navigable, as we understand the term, a river which must be improved in order to be made of use in commerce. A State corporation is organized for the purpose of creating electric power. That is its only purpose. The Government has not decided to enter upon the stream for the purpose of making it navigable.

Does the Senator from Tennessee believe that under those circumstances the United States can give the State corporation the power of eminent domain even though the dam or dams which might be built would some time in the future be available in aid of navigation, when it was well known that the sole purposes of the corporation was to create power, and if the river is improved at all for navigable purposes it is only incidental? Does the Senator think that under those circumstances the State corporation is executing the power of the General Government?

Mr. SHIELDS. This brings up the question that we discussed an hour or two the other day as to what is a navigable stream. I do not understand that the criterion is whether the Government has improved the stream or not for navigation purposes. I do not think that has anything to do with it. The Government can not improve all the navigable waters or those which come within that definition, which are susceptible of improvement for navigation at one time, as we have recently found out by the defeat of the rivers and harbors bills in the two last sessions of Congress. In other words, it certainly will not do it. My opinion is that Congress can not vest in a corporation, Federal or State, the power to improve a stream that is not navigable. I think the sole jurisdiction of Congress over rivers is dependent upon the question of navigability. If the river is not navigable, then Congress has no power to improve it either directly or through an agent. If it is navigable it can do it directly or through an agent.

Now, as to what are navigable streams and what are not is a question of serious controversy. My own opinion is that only streams that can be navigated in the usual stages of the water for commercial purposes are navigable streams in the sense of the Constitution, and that the power of Congress ought to be limited to them.

Mr. CUMMINS. That, however, really assumes the very question that I was trying to elucidate. I understand perfectly how difficult it is for one to define the words "navigable waters" but, in a general way, I think we all know that there are certain streams which are capable of being used in their ordinary condition for the transportation of persons and property. There are certain other streams that can not be so used in their ordinary natural condition but in which flow enough water to furnish this essential for navigation, and in which the Government can create a navigable condition by either canalizing them or by locks and dams which will deepen the water in the beds of the streams. Although I do not commit myself to the proposition, I am assuming that a stream of the latter character is one of which Congress has jurisdiction.

Mr. SHIELDS. I understand that such has been the construction of the Constitution for many years.

Mr. CUMMINS. It is one which is navigable in that abstract or theoretical sense, and if the Government were to so decide it could under the commerce clause of the Constitution enter upon the work of improving it and making it usable in commerce. But now a public-utility corporation wants to put a dam in such a stream as that. It, of course, does not impede navigation; it does not obstruct navigation, for there is no navigation. There is no commerce upon it. It wants to build a dam in such a stream and that for the sole purpose of creating electric energy. Now, does the Senator think that with regard to such a stream under such circumstances the United States can bestow or give to such a corporation the power of eminent domain?

Mr. SHIELDS. I do, if it is a navigable stream. If it is held not to be a navigable stream I do not believe it could give it, and so at last we get back to the question of what is a navigable stream. In the United States against the Rio Grande Co. the court held it was a question of fact whether a stream is or is not navigable.

I will state to the Senator I would favor an additional section of the bill defining navigable streams. It is a difficult thing to legislate upon. It is a question for the courts. For many years, under permission of the States, the riparian proprietors could construct such structures or dams as they pleased. In 1890, and subsequently in 1899, statutes were passed which changed the rule and prohibited riparian proprietors or anyone else from placing obstructions to navigation in streams without the consent of Congress.

I think Congress might modify those acts by providing that they shall not apply to a stream of the character the Senator has just described, and I think that would be a very wholesome statute.

Mr. CUMMINS. I am very glad to hear the Senator from Tennessee state his views upon that subject. I have such an amendment and I intend to offer it at the proper time. But the question that we are discussing here is rather narrower than the definition of those streams to which the bill shall apply. I have been a little surprised with some of the declarations that have been made here this afternoon with regard to the power of the General Government over streams of the character I have described. I have heard it said that without any act of Congress at all it would be unlawful for a riparian owner to enter upon a stream of that sort and obstruct it or impede its flow in any way, and upon that theory is built the proposition that the Government ought to acquire a revenue from these projects, because it has something to grant. I do not see the Senator from Nebraska [Mr. HITCHCOCK] in the Chamber at this moment, but it is to his view of the subject that I am just now referring.

Mr. SHIELDS. The Senator did not hear me expressing any such opinions.

Mr. CUMMINS. It is my opinion that with regard to a stream which is only potentially navigable, that can not be used without improvement, the Government has no power to invest a State corporation with the privileges of eminent domain until it has entered upon the project of improving the stream, and unless the structure, whatever it may be, is a part of the project for making a stream actually usable in interstate or foreign commerce. I have not been able to satisfy myself that a great many of the powers that are attempted to be granted in the bill to the grantee of the Federal Government can be constitutionally conferred. We all realize that this is not a bill to encourage the improvement of rivers for navigation. The navigation is a mere constitutional peg upon which those who are trying to encourage the development of water power hang the measure. I am not objecting to that, because——

Mr. SHIELDS. The Senator realizes that that is the only possible ground on which Congress has any right to legislate upon the subject—that is, the improvement of navigation.

Mr. CUMMINS. I am not quite prepared to grant that. I think there is another. Of course it arises from the same clause in the Constitution. The distribution of electric power between the States is just as legitimate a subject of regulation under the commerce clause of the Constitution as is the regulation of a railway or the improvement of a river. There is no difference between the two.

Mr. SHIELDS. Unquestionably the distribution of electric power between the States is an interstate purpose and is in the control of the State.

Mr. CUMMINS. If it is manufactured for purposes of distribution among the States, it is within the commerce clause of the Constitution, precisely as all other factories are. The antitrust law would be a very meager and a very inadequate law if it did not reach the production for distribution as well as distribution itself. I know that in the old case, the Knight case, that distinction was sought to be made, but the decision, if not expressly overruled, has been abandoned a long time ago.

The difficulty that the Senator from Tennessee undoubtedly finds in the composition of this bill is that instead of confining it to the distribution of power, as between the States, he is attempting to control the distribution of the power in the States, simply because it is generated in a stream which is theoretically or abstractly navigable. It seems to me that is an effort that is bound to meet with great difficulty.

Mr. SHIELDS. I hope the Senator will not insist that that is my position.

Mr. CUMMINS. I doubt if the Senator will be successful in overcoming the obstacles that are in his way.

Mr. SHIELDS. I say most emphatically I do not believe the bill applies to streams merely theoretically navigable, but it has to be navigable in fact, and in no other sense will the bill apply to a stream.

Mr. CUMMINS. But the Senator from Tennessee agrees with me that a stream in which not a boat has sailed in 50 years, over which no business whatever is done in a commercial way, is a navigable stream, provided there is enough water flowing between the banks to bear or carry commerce, and provided the banks are of that description that will enable the Government to plant a dam in the stream and thus make it possible for boats to ply upon it. Now, that, according to the view of the War Department, is a navigable stream, because the War Department has already in my own State declared that one such stream as I have described is navigable in the law, although for more than half a century there has not been a boat on it larger than a skiff or a pleasure motor.

I had hoped that before the bill had reached a final conclusion it would be bottomed upon a foundation which is secure and safe and that when we attempted to regulate electric power or to encourage the development of electric power we would put our efforts upon the only safe, and, as I think, the only honest, foundation, namely, our authority to regulate the distribution of such power among the States, and not upon the power to regulate or to provide for the navigation of streams. I intend to take the subject up at a later time in connection with my amendment and to discuss it from that standpoint.

Mr. NELSON. Mr. President, this discussion seems to me to be a good deal academic, but there is one fact we must not lose sight of. If the Federal Government has no jurisdiction of the tributaries and feeders of a stream, the portions of a stream that are not navigable, in fact, at the moment, it would follow, if you carry that out to its legitimate conclusion, that each State could dam up the sources of the river and thereby cut off the water supply. Suppose that all the streams that flow into the Mississippi River from the Falls of St. Anthony down, the Minnesota River, the Des Moines River, the Wisconsin River—I can not name all of them, but in most of them there is in fact no navigation—if the Federal Government were cut off from all power over those tributary streams there would be cut off the water supply to that great navigable river, the Mississippi. Hence the Supreme Court in the Rio Grande case has properly said that the jurisdiction of the Federal Government not only extends to those portions of the stream that are in fact navigable, but that it extends also to those portions of the stream beyond that, to the little feeders.

There is another practical question to which I wish to call the Senator's attention, and that is this: Suppose the Senator can get a declaration that the Des Moines River is not a navigable river—suppose he cuts that off entirely—the practical result would be that capital would not invest in building dams there, knowing that ultimately the Federal Government would have jurisdiction over that stream.

We are confronted with this situation, Mr. President. For years there has been an effort to build dams for the purposes of navigation and of creating power throughout the country. Matters have been at a standstill, because of the failure of Congress to enact any legislation on the subject. We have had a law on our statute books that has proven a complete embargo to work of that kind, and I will call attention especially to the language of that law. It provides—

> That the creation of any obstruction not affirmatively authorized by law to the navigable capacity of any waters in respect to which the United States has jurisdiction is hereby prohibited.

It does not say "navigable streams," but it says any structures relating to the "navigable capacity of any waters" of the United States. That is the act of 1890, which has been in force ever since. In the face of that act, without authority from Congress or without authority from the War Department under some general law of Congress, naturally water-power development would not go on.

I want to reply to the constitutional feature of the argument of the Senator from Iowa [Mr. CUMMINS]. He said we could only bolster this up on the question of navigation. The paragraph of the Constitution under which we exercise this power is what is commonly called the commerce clause. It does not use the term "navigation." A dam erected in a river under modern appliances may not only serve to create a pool of water for ships or boats to navigate, but that same dam may serve to create power to propel the boats. Who can say that that power exercised in propelling boats that navigate on a stream does not come under the interstate-commerce power?

Our railroads are now talking in many instances—and in some they have carried it out—of applying electrical power, instead of steam generated by coal, to the operation of railroad trains. Suppose our steamboats resort to that same method of propulsion and suppose the Government creates the power dams, either itself or through its agents, and the dams not only create necessary water in which boats may float, but also furnish power to operate such boats, how can you make any distinction, under the interstate-commerce clause of the Constitution, between the water in which the boat floats and the power that is furnished to propel that boat in the stream?

So the power under the interstate-commerce clause—for it is much broader than the Senator from Iowa seems to think if he would limit it simply to the matter of floating a vessel or to what is commonly termed "navigation"—would include not only the water to float the ship, but the power to propel it; and one would be as much under the interstate-commerce clause of the Constitution, in my opinion, as would the other.

The time may come, Mr. President, when the steamboats that are plying on the Mississippi River from the Gulf clear up to the head of navigation at St. Paul, or between St. Paul and Minneapolis, will be run by electrical power, instead of being run by steam, as they now are. If that electrical power is furnished by the agency of the Government, why is not that as much under the interstate-commerce clause of the Constitution as is the building of wing dams along a river? In the building of wing dams we are spending millions of dollars on the Mississippi River to make it navigable, to make the water high enough to float boats. Have we not the same right under the same authority to create the power that will move the boats? Is not that a part of interstate commerce?

I can sympathize with the Senator from Iowa in his desire to have, for instance, the Des Moines River legislated upon in such a manner that it would not be considered a navigable stream; but he would find, if he secured such legislation, that he would be confronted by a practical proposition, and that is this: Nowadays it takes millions instead of thousands of dollars to erect a dam for electrical and navigation purposes combined. Who, I ask him, in the face of the decisions of the Supreme Court and of the provisions of the Constitution of the United States, will want to invest their millions of dollars in building big dams on the Des Moines River without the consent, either directly or indirectly, of Congress? Has the Senator ever thought of that question?

Mr. CUMMINS and Mr. SHERMAN addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Minnesota yield, and to whom?

Mr. NELSON. I yield to the Senator from Iowa.

Mr. CUMMINS. Mr. President, I have thought quite a great deal on that subject, but the Senator from Minnesota has failed, I think, to understand my position. I do not doubt the authority of Congress over streams that are tributary to the Mississippi River, and I would be very slow to withdraw that power if I could do it. The Mississippi River is a navigable stream—practically navigable. It must be supplied with water, and I agree with the Senator from Minnesota that the power of the Federal Government extends to the source of that water, wherever it may be, for the purpose of preventing its diversion so that the navigability of the Mississippi River might be impaired.

I agree also as to the illustration that the Des Moines River is a navigable stream under the decisions of the Supreme Court, and I would not have it otherwise. I am as anxious as anyone who lives in that locality can be that at some time or other the Government shall undertake to make the abstract navigability of the river a concrete fact. I do not expect that will be done in the near future, but I hope it will be done at some time.

Mr. NELSON. May I ask the Senator a question?

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Minnesota?

Mr. CUMMINS. Certainly.

Mr. NELSON. Is it not true that many years ago the Government of the United States, at the instance of the State authorities of Iowa or of the Territorial authorities—it may go back to that—gave to the Territory or to the State of Iowa a considerable land grant to improve the navigation of the Des Moines River?

Mr. CUMMINS. Unfortunately that is true. It is one of the instances of wasteful prodigality on the part of the Government. I think it was about 1850 that the Government gave to the State of Iowa a very large and valuable body of land to aid in the improvement of the Des Moines River. In some way—I need not particularize—that land passed into the hands of private owners; the river was not improved; the Federal Government lost almost an empire of fertile land; and the people of Iowa acquired nothing whatsoever.

Mr. NELSON. May I ask the Senator another question?

Mr. CUMMINS. Certainly.

Mr. NELSON. Is it not true that the grant ran to the State of Iowa, and that the State of Iowa conferred it upon a corporation that was to improve the river?

Mr. CUMMINS. That is also true.

Mr. NELSON. Then, if there was any negligence in the matter, it was the negligence of the State of Iowa in conferring the land grant on a corporation that did not carry out the purposes of the Government.

Mr. CUMMINS. Mr. President, I have not attempted to justify the State of Iowa. This happened in those days when land seemed to be of no value, and it was given, not only by the National Government but by the State, to every person or corporation who desired it; but, at any rate, the river was not improved. Two or three dams were built in the river, but nothing else was done. After that time Congress, by a deliberate act, declared the river not navigable. After the lands were lost and the improvement of the river seemed impossible, Congress declared the river nonnavigable. It remained in that situation for very many years. Then a very worthy Member of the other House conceived that it would be helpful if the river were again surveyed by the Government to ascertain whether or not it could be improved. A bill was passed for that purpose. It was one of many items in an old river and harbor appropriation bill. The Government sent its engineers to carefully survey the river over a distance of 200 miles, probably. The engineers reported that there was water enough there to make a navigable river, and that there were banks there within which water could be confined; but the board decided that there were so many other rivers in the country of more value to commerce that the improvement of this river could not be recommended; and there the matter rests. While I hope that the river may be utilized, I have no hope that it will be done in any short period.

Now see where this bill leaves us? The river is not one in which great enterprises can be founded. No large amount of power can be developed at any particular place, and, therefore, if the river, pending its development for navigation, is ever to be used for the purpose of creating power, it must be through small enterprises—community enterprises, if you please.

A man here wants to build a dam for the purpose of furnishing power for a grist mill, or a man there wants to dam the river for the purpose of furnishing power for a woolen mill; the authorities of the city in which I live want to dam the river for the purpose of furnishing light and power to the city; but, in order to secure the privilege of damming this river, which in its present condition is purely private in the sense in which we are using the term "public," there being no public lands on either side of it and no public interests connected with it, these little enterprises, capitalized at home, which do not ask credit in the great money centers of the world, must come to the Secretary of War and lay before him their plans for a proposed dam to accomplish their specific purposes. They hesitate about doing that, because the Secretary of War seems to them very far away, and he is surrounded by obstacles which are difficult to overcome. I am not disparaging or criticizing any particular Secretary of War, but the people of a little community out in Iowa hardly know how to reach the Secretary of War through the cordon of officers and employees who are always about him and who constantly surround him. They bring their plans to the Secretary of War, if they finally penetrate to the council of engineers. Their plans are such as will provide for their needs. They have no idea of furnishing a great community with light or power, and it is quite probable that the community as a whole is not interested in these enterprises. The Secretary of War says to them—I am paraphrasing what he could say under this bill—"This river which you are about to dam may 500 years hence become valuable in commerce, or 50 years hence it may be that the Government will desire to build dams along its course, and in that way create pools which can be used by boats for the transportation of persons and property"——

Mr. NELSON. Mr. President, will the Senator allow me to interrupt him?

Mr. CUMMINS. In just a moment I will yield to the Senator—"and, therefore, when you are building this dam you must so build it that it will become a part, and a proper part, of the scheme of development for navigation"; which is so far in the future that no one can visualize it and make it concrete. Now I yield to the Senator.

Mr. NELSON. Mr. President, it seems to me that the trouble with the Senator from Iowa in this matter—I concede the situation he describes—is in charging it to this bill. The difficulty in connection with the conditions which he describes is found in the act of September 9, 1890. That is what restrains the War Department. In the pending bill we place no such restrictions as are found in that act. There is nothing in this bill that forbids the construction of dams in navigable waters without the consent of the Secretary of War. That inhibition is in the act to which I have referred, and therefore if there is any error or mistake in the matter of embargo on dam construction, it can not be charged to this bill; but it must be charged to the act of September 9, 1890, from which I have quoted. Unless that law is changed or repealed, the passage of this bill will not affect that situation one way or the other.

Mr. CUMMINS. The Senator is partly right. The failure of this bill to pass would not remove the trouble which we now experience; but this bill is intended to establish a permanent policy with regard to navigable streams. The old act necessarily disappears with the passage of this bill, because, in the first place, we authorize the structures to be placed in those streams, with the approval of the Secretary of War, and all the legislation which has preceded this measure will be repealed, and necessarily so, because it can not stand in connection with the bill which we are now considering.

Let me suggest an instance of how the old law worked. A year or two ago I had occasion to confer with the Secretary of War with regard to a dam in the Des Moines River at Ottumwa, a city of from 25,000 to 30,000 people. Forty years ago, without authority from anybody, when it was not dreamed that the Federal Government had any relation whatever to a dam in the Des Moines River, there was a dam built across the river at Ottumwa. It was built to furnish power to the mills that were located at that point. Four or five years ago—six years ago, possibly—the city of Ottumwa became the owner of the dam. The pool above it furnished the city with water for supplying the needs of its people, and the power generated furnished the electricity with which the city was lighted, and such power as the city needed in connection with its water plant. The dam had grown old, and there was great danger that it would be swept away with the next high water. The city of Ottumwa wanted to reconstruct the dam, and proceeded with an election authorizing the municipality to issue bonds for that purpose and to enter into a contract for the rebuilding of the dam, when the Government interfered and said it could not be done. I took the matter up with the Secretary of War, insisting that this was not a navigable river in the sense in which those words are used in the statute. I then went to the Attorney General, but both of these Federal officers held that, although this river, as I have heretofore remarked, had not borne a single pound of commerce and trade for more than 50 years, it was nevertheless a navigable stream. They did not say that the water of the river could not be diverted so as to destroy the flow in the Mississippi River, into which it empties. Their position was that the river was navigable; that it was navigable under the definition of the Supreme Court of the United States, and that therefore any attempt on the part of the city of Ottumwa to strengthen or change the dam, which was absolutely necessary for a supply of water and of power, would be a violation of the law, and that they must, in the exercise of their duties, bring a suit for injunction to restrain any such change.

Of course this measure did not bring about that condition. I agree to that; but we are here proposing a condition under which, if that instance were to occur again, the city of Ottumwa must come to the Secretary of War and put before him the plans for the building of this dam, and then must build the dam of the height and the character that would be required if it were part of a great project for making the river navigable.

Mr. NELSON. Mr. President, will the Senator yield to me for a moment?

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Minnesota?

Mr. CUMMINS. Yes.

Mr. NELSON. With all due respect, I think the Senator from Iowa misapprehends the scope of this bill in the respect to which he refers. While it authorizes the Secretary of War to grant permits to build dams over navigable waters of the United States, there is no prohibition in the bill such as there is in the act which I have cited, nor is there anything that requires anybody to go to the Secretary of War before building a dam. It is simply voluntary. The act to which I have referred was cited in the Rio Grande case; and, if the Senator will examine that decision, as I presume he has done already——

Mr. CUMMINS. I am quite familiar with it.

Mr. NELSON. The Senator is aware of the fact, then, that the Supreme Court based its decision upon that act. It cited that act in its opinion, and it is because of that act that the War Department and the Attorney General made the ruling to which the Senator has referred. Now, if that act should be repealed, that question could not arise, because the question of navigability would be an open question before the War Department. There would be no inhibition. I call the attention of the Senator to the broad character of the act of 1890. It does not use the term "navigable stream" or "navigable waters"; it uses the term "the navigable capacity of any stream"; it uses that extremely comprehensive language.

I concede that if this act were repealed there would be no impediment in the case in Iowa to which the Senator refers.

Mr. CUMMINS. It certainly is true that the position of the Secretary of War and the Attorney General in the case to which I referred was taken under the act a part of which the Senator from Minnesota has just read; but I understand the bill now before us is intended to take the place of the old act. It certainly will, and it establishes a policy which I may assume will continue for years with regard to navigable streams.

Mr. NELSON. If the Senator will allow me, I should like to say a word in that connection. I do not want to interrupt him if it is disagreeable.

Mr. CUMMINS. No; not at all.

Mr. NELSON. It is not so much the purpose of the pending bill to change this situation as it is to remove the embargo as it exists to-day. Under the act that I have cited in the Rio Grande case, no dam can be built anywhere without an act of Congress. The primary purpose of this bill is to provide some method by which people can build these dams without coming to Congress in every instance. That is the primary purpose of it. Unless you repeal the act that is cited in the Rio Grande case, the embargo would continue as to every case except where the War Department gave you a permit. You would be in the same fix that you are to-day.

Mr. CUMMINS. I do not believe that the old act will be generally in force after the passage of this one, nor do I agree with the Senator from Minnesota that the words "navigable capacity" would have made any difference whatever in the instance to which I referred, because there was no suggestion of diminishing the flow of water. But if the Senator from Minnesota will look at the first section of this bill—he is familiar with it, of course—he will see that it is in and of itself an authority to construct dams in navigable waters, subject to the approval of the Secretary of War. That will repeal the former act that forbids constructions in navigable waters. Is that not true?

Mr. NELSON. If the Senator will allow me, it only repeals it in those instances where the right is granted to build a dam. Of course, in those cases it operates as a repeal to that extent, but in all other cases the statute remains.

Mr. CUMMINS. I do not think there could be any other cases than those to which the present bill would refer.

Mr. WORKS. Mr. President, I suggest to the Senator that this bill fixes the conditions upon which a permit of that kind can be issued, and it seems to me it is exclusive. It could not be granted without complying with that provision of the statute.

Mr. CUMMINS. I think that is true, and I think the Senator from Tennessee has practically so stated more than once during the course of this debate. I am in favor of granting permits to persons who desire to build dams in streams that are in fact navigable, as we in a common-sense way understand that word, subject to the approval of the Secretary of War. I think that is right, and I think it would give tremendous stability and strength to these enterprises if the person to whom the permit is issued shall have reasonable assurance that he may enjoy the privilege for a considerable period of time.

Mr. SHERMAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Illinois?

Mr. CUMMINS. I yield to the Senator from Illinois.

Mr. SHERMAN. While I have been very much interested in the development of the idea, I have not heard explained satisfactorily to me this granting of power to a State-created corporation, and I want to ask the Senator if before he yields the floor he will not elaborate somewhat on the explanation.

A great many States, either by special acts or by general incorporation acts, enable a certain association of men to become incorporated. Some of the corporations so created are vested with the power to condemn private property. Upon paying compensation they enter upon it and take it for their purposes. Other corporations engaged in business of as much moment and employing as much capital for the prosecution of the business are by the general policy expressed in these acts of the States denied the power of eminent domain. Does the Senator from Iowa or does the Senator from Tennessee think that this is an enabling act, so as to confer the power of eminent domain upon a State-created corporation that does not now possess it?

That is one inquiry. Another inquiry, which grows out of another section of the pending bill, is this: I propound them both at this time because I do not want to break in on the time of another Senator.

If, on one of these navigable streams, taking advantage of the water power, electricity is generated, under one section the power to regulate prices is taken from the State, in whatever way it exercises it, whether by the legislature or whether by a commission. I want to make this inquiry—and this is not an academic question, but a practical one. I take electricity through a wire and charge a storage battery to the extent of some 50 horsepower—if a battery of that capacity can be manufactured, and if not now, it will be—in the State of Iowa, on the Cooper Dam, over at the Keokuk end. I carry the charged battery to St. Louis and sell it in another State. My question is whether Congress can regulate the price at which I sell the electricity that goes into the battery; and I also propound the further inquiry, if you can not regulate it, why can you regulate the electricity carried over a wire and delivered to another State?

I do not think electric power differs from any other merchandise. It is merchandise, and where that merchandise is transferred from one State to another you can regulate the carrier transferring it. You can regulate anything that relates to the public service, except the price.

Mr. SHIELDS. I understand the Senator's proposition is that the power is a commodity.

Mr. SHERMAN. Yes; in the sense that I am using it, where it is stored in a battery and transferred.

Mr. SHIELDS. The generation of it is the manufacture of it, but when it is generated it becomes a commodity. The Federal Government can regulate the transportation of it from State to State, but the power to regulate its price and thus interfere with the freedom of contract is another question.

Mr. SHERMAN. The Government can not fix the price through an act of Congress on the merits of it any more than we would undertake to fix the price of boots or shoes manufactured in one place and transported over a State line into another.

Mr. SHIELDS. A shoe factory was in my mind. Can Congress regulate the price of shoes because they enter into interstate commerce? That is the Senator's proposition, is it not?

Mr. SHERMAN. Not necessarily.

Mr. SHIELDS. The same suggestion had occurred to me—whether or not the provision in the bill that the Interstate Commerce Commission could fix the price of the electricity or of the power when it entered into interstate commerce was valid, because it was not regulating the transportation of it but regulating the price, just the same as where you manufacture a thrashing machine in your State and ship it into another State and sell it. The mere fact that an article of commerce enters into interstate commerce does not give the Congress jurisdiction to regulate the price of it.

I think I appreciate the suggestion, and it had occurred to me; but I will suggest to the Senator from Illinois that here is the difficulty in that: This is a public-utility company. At common law the price of any commodity that affected the public interest generally—say bread, for instance—could be regulated, and it was frequently done by act of Parliament. The size of the loaves was regulated, although that comes under a different power; but the price of articles of food——

Mr. CUMMINS. The right to regulate the price of a loaf of bread would not come under the interstate-commerce power.

Mr. SHIELDS. No; I am speaking now of acts of Parliament. I say there were acts of Parliament to that effect, but they did not have such a Constitution as ours, and I do not think that would be a valid law in this country. Of course that would be a police measure and would come within the municipal control of the States; but Congress has no such power as that. Whether or not Congress has the right to regulate the price of this commodity, merely because it enters into interstate commerce, does present a question; and the only ground on which it can do so would be the ground that the power is generated by a public-utility company over which the Government has police powers in interstate commerce.

Mr. POINDEXTER and Mr. SHERMAN addressed the Chair.

The PRESIDING OFFICER. To whom does the Senator from Iowa yield?

Mr. SHERMAN. I wanted to complete the series of inquiries, so that the Senator can take them all at once.

Mr. CUMMINS. Very well; I yield first to the Senator from Illinois.

Mr. SHERMAN. If we enter upon a series of attempts here to regulate prices, where will it end? Heat can be generated from electricity, and we might transmit heat for various purposes over a State line. If we enter upon a series of attempts here to make prices, when will we complete our schedules? In other words, are we not invading a legitimate department of State activity, and, as the Senator from California says, attempting to transfer a vast mass of local powers to a department? In other words, is it not an absorption by the department of a great many powers that are local in character?

Mr. NELSON and Mr. SHIELDS addressed the Chair.

The PRESIDING OFFICER. To whom does the Senator from Iowa yield?

Mr. CUMMINS. I yield to the Senator from Minnesota.

Mr. NELSON. With the permission of the Senator from Iowa, I want to say to the Senator from Illinois that the principle that governed in this case was established by the Supreme Court of the United States as early as the case of Munn against Illinois, in which the Chief Justice said that wherever an employment or a service was charged with a public duty it was amenable to public control; and the court applied the rule in that case to the warehouses and elevators in the city of Chicago storing grain. It seems to me the principle of that case is broad enough to cover cases of the kind referred to here.

Mr. SHERMAN. The very charge there for a warehouse service was a schedule of prices created by an act of the Illinois General Assembly, and all the Supreme Court did in the case cited was to hold that that act was constitutional; that it was a regulation of a public utility calling for a proper exercise of legislative power.

Mr. POINDEXTER. Mr. President——

Mr. CUMMINS. I yield to the Senator from Washington.

Mr. POINDEXTER. It seems to me that to say that it is a public utility hardly meets the point made by the Senator from Illinois. Of course public utilities are subject to public regulation; but the question that the Senator raises is, What jurisdiction is to do the regulating? Is it the State or the Federal Government?

There is no jurisdiction in the Federal Government, as I understand, to regulate a matter merely because it is a public utility. It might be a public utility without having any aspects of interstate commerce at all; and, as I understand the inquiry of the Senator from Illinois, where would you find under the Federal Constitution the power of Congress to act in that case?

It is not proposed in this bill that Congress or any agency of the Federal Government should have any control or any regulatory power unless the product enters into interstate commerce. The Senator, however, says it is a commodity. Of course, if it is a commodity, disassociated from its passing or exchange from one State to another, the Federal Government would have no power to regulate it; but it seems to me it is an entirely different proposition from that. It is not simply a commodity. "Juice," as it is called, electric power, may be regarded in some senses as a commodity; but in the sense in which this bill deals with it it is an agency.

Mr. SHERMAN. Mr. President——

Mr. POINDEXTER. It is an agency which is continuously in motion from one State to another. The company engaged in handling it is constantly engaged in transmitting it from one State to another. It is impossible to separate the transmission from the production and the consumption. It is one continuous act. It is a current.

Mr. SHIELDS. I will say to the Senator that I found difficulty in separating the two. The question arose in preparing the bill.

Mr. POINDEXTER. It seems to me that it is more in the nature of an agency of commerce, such as a railroad train would be that passes from one State to another.

Mr. CUMMINS. If I may answer first what the Senator from Washington has said, I think he is in error with regard to the source of the power. The power to control or regulate in this bill is not based upon the fact that it may be interstate commerce. It grows out of the fact that the power was generated in a navigable river or stream. I think the two things are very widely separated.

Mr. POINDEXTER. Mr. President, I agree that Congress would have power to regulate the price because it grows out of a plant established in a navigable stream under a franchise of the Federal Government. Most of the advocates of this bill take a different view, however. They have placed it upon the power to regulate interstate commerce, and they have expressly left the regulation of the service, the charges, and the rates to the State authorities, except in those cases where it does enter into interstate commerce.

Mr. CUMMINS. Answering the Senator from Illinois, I have no hesitation in saying that the General Government can clothe a State corporation with the power of eminent domain to carry out a Federal function; but it can not clothe a State corporation with the power of eminent domain unless it is to execute some power that the Government itself might appropriately exercise.

The Senator's second question is a very difficult one, and no human being can answer it satisfactorily. We do not know in what classification electric power will finally fall. If the Cooper plant at Keokuk were to charge an electric battery and separate it from its connection with the machinery and then load that battery upon a train and transport it to St. Louis, I should be very slow to insist that we could fix the price of the current that charged the battery under our authority to regulate commerce among the States. But if instead of converting it into a commodity of that sort it were to run the current over a transmission line to St. Louis, so that the whole operation was a continuous one, I am inclined to think that it would be interstate commerce, and that the whole performance could be regulated by Congress. Even then I am not saying that Congress could fix the price of the service. That depends upon an entirely different proposition, because you would have to establish an analogy between the electric-producing plant, the line that connected it with the receiving end, and a railroad train or a railroad journey in order to reach that conclusion.

We have not yet, at least, determined that Congress can fix the price of goods that are to be transported from one State to another. We may come to that point at some time, but we have not yet reached it.

All of this, however, is very far from the point I was endeavoring to make, which is that with regard to streams that are not usable in commerce, and which must be improved in order that they may be used in commerce, it is almost a deception to insist that we are providing in this bill for an improvement in navigation. It is almost a fraud upon the Constitution itself to say that we can, or that we ought to, require these dams to be built in a way that will at some far-distant time facilitate or aid navigation, when we know that we are simply trying to encourage the use of the streams for the production of power. My view of the matter is that the latter streams not used now for navigation, and can not be used for navigation without improvement, ought to be put in an entirely different class and treated in an entirely different way.

Mr. JONES. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Washington?

Mr. CUMMINS. I do.

Mr. JONES. I agree, I think, with the Senator on that proposition, but it occurred to me that he misapprehended the effect upon the law of 1890 in the suggestion he made a while ago that the passage of this bill will do away with that law. I do not think it will. The law of 1890 reads as follows:

> That the creation of any obstruction not affirmatively authorized by law to the navigable capacity of any waters in respect of which the United States has jurisdiction is hereby prohibited.

Every permit granted under this bill for the construction of a dam would be an obstruction affirmatively authorized by law; so that the act of 1890 will continue in force with the passage of this bill. What I wanted to inquire of the Senator was whether it would meet the situation he has in mind if we expressly repealed the law of 1890, leaving it so that if anyone wanted to go into one of these streams and take the chance of being interfered with in the future he would be permitted to do it without coming to the Secretary of War, or even to Congress, and asking for a permit?

Mr. CUMMINS. I will answer the Senator from Washington by saying that I have proposed two amendments to this bill. The first amendment limits the application of the bill generally to those rivers which in their ordinary, natural condition are used in a substantial way for the transportation of persons and property, and such streams as have been or shall be improved by the Government in order to make them so usable. That classifies certain kinds of streams to which the bill applies just as it is. My second amendment provides that with respect to all other streams which are within the jurisdiction of Congress under its constitutional power, dams may be built by anybody who secures the right to build them, from riparian owners or the State, and they may be used until the Government enters upon the improvement of those streams in order to make them navigable, and that then they must be removed or reconstructed without expense to the United States. My third amendment provides that any person who desires to secure the privileges of this act upon a stream of the latter kind may make an application to the Secretary of War, and thereupon the permit may be granted to him with the same effect as though the stream were of a navigable character.

This provides for every possible case, and in my judgment it would really encourage the development of streams for power, and would get rid of the fiction that they were being improved for navigation.

I feel that it is true that in my State, under an arrangement of that sort, we would produce ten times as much electric power as we would produce under the bill as it is, imposing upon us as it does the necessity of coming to the Secretary of War and

of building such dams and structures and arrangements as the Secretary may believe necessary to facilitate navigation. I really want to encourage the community development. While I know it must be far from the intent of those who stand sponsor for it, the tendency of the bill is to encourage the development of power by great corporations and to discourage the development of power by small enterprises. It must necessarily be so.

Mr. SHIELDS. Mr. President, the Senator is mistaken in his construction of the bill. There is no discrimination between large and small enterprises. Everyone knows, of course, that a plant for generation of electricity can not be installed without the expenditure of a large sum of money.

Mr. CUMMINS. There is an actual discrimination in the bill.

Mr. SHIELDS. There is no intention to discriminate in any way, however.

Mr. CUMMINS. The Senator from Tennessee will admit that there is an actual discrimination in the bill, but I had not that in mind when I made the remark. I made the observation which I have just submitted for this reason. The great enterprises can adopt and execute the plans of the Secretary of War. The great enterprises can build dams that are fit and suitable for navigation. The small enterprises can not or they will not, because the matter involved will not be of sufficient magnitude to warrant them in building such dams as may be required for navigation.

Mr. SHIELDS. I do not admit there is any discrimination. The Senator will observe that the bill applies only to navigable waters upon which great enterprises can be placed. He must know that no development of any consequence has ever been made without costing immense sums of money. Take a case in my own State, the Hales Bar Dam, which was made by Mr. Brady with his own money, under a permit of Congress, in order that he might utilize the power there. By the provision of the act he was required to construct locks under the direction of the Secretary of War. The dam and locks cost him $9,000,000, and it made 35 miles of slack-water navigation and produced 58,000 horsepower.

The bill does not apply to small streams. There was no intention to give the Secretary of War jurisdiction over creeks and small rivers, or dams for gristmills or corncutters.

Mr. CUMMINS. That is just what the Senator has done in the bill. He did not intend it, I know.

Mr. SHIELDS. That is a difference of opinion.

Mr. CUMMINS. The Senator does not intend the bill to apply to the lesser enterprises that I have named, but nevertheless the bill does just that thing. I instance the Des Moines River. I am compelled always to go to my own State, because I am familiar with the waters there. The Des Moines River falls within the description of the first section of the bill. It is a navigable water in the eye of the law. We are just at this time preparing to build a dam in the river some 200 miles from its source for the purpose of supplying light, and incidentally power, to the city in which I live. It is for no other purpose. The power that can be generated will not be great enough to be transmitted throughout a wide territory, and the public-utility corporation to which the franchise has been granted must come to the Secretary of War, if the bill passes.

Mr. SHIELDS. If it is a navigable stream. Will the Senator allow me a moment to interrupt him? There is a stream of that kind in Tennessee now, the Little Tennessee River, running through the Great Smoky Mountains into North Carolina. A company is improving it at an expense of $4,000,000 by building a series of dams. I do not consider that river to be a navigable stream under the jurisdiction of Congress.

I wish to say again to the Senator that there is no difference between his views and those I entertain as to navigable rivers. As we have agreed outside of the Chamber our views are the same, and I have no doubt that the amendment the Senator will offer will be accepted.

Mr. CUMMINS. I know that. I very gratefully acknowledge the assistance the Senator from Tennessee has rendered me in preparing the amendment. But I want to impress the subject upon other Senators who are here. I do not want every man who desires to build a dam in the little rivers in my State which are theoretically navigable to be compelled to come to Washington and secure the approval of the Secretary of War and fulfill the hard and expensive conditions which he may impose for that sort of an improvement.

When it comes to a great enterprise that is intended to develop a vast amount of power intended to be transmitted over large territory, where immense capital is necessary, there is no one who yields more readily to the argument that it ought to be done through the intervention of the General Government than I. I am simply trying to preserve these smaller enterprises from the extinction which I think will follow without some such arrangement as I suggest and concerning which I have talked with the Senator from Tennessee. I will take it up at some other time.

Mr. BANKHEAD. I should like to ask the Senator from Iowa a question. He is perfectly familiar with the rivers in his State that he has been discussing. I should like to ask him if, in his judgment, there is a single solitary site on such a river that would induce capital to develop for the construction of power outside of a municipality? Does the Senator think there is?

Mr. CUMMINS. I do not.

Mr. BANKHEAD. Where would a private individual in this country go on a river and spend $1,000,000 or $2,000,000 to develop a power under the conditions that exist now? I very much fear that there is a very great misunderstanding about the development of power.

Mr. CUMMINS. Does the Senator from Alabama mean at any given point?

Mr. BANKHEAD. At any point on that river. You might go away at the head of it somewhere.

Mr. CUMMINS. I suppose, but connected by transmission lines.

Mr. BANKHEAD. I am not talking about transmission lines.

Mr. CUMMINS. There are at least three rivers in my State that could be improved so as to produce, I hesitate to say how much, power, but I should say 100,000 horsepower, but now, mark you, not at any given point.

Mr. BANKHEAD. I am talking about a number of dams connected by transmission lines.

Mr. CUMMINS. Connected by transmission lines.

Mr. BANKHEAD. Mr. President, the experience of all the development in this country by those who have invested their money in the construction of dams for the purpose of producing and generating power is that whenever you go to construct three or four or five dams for the purpose of creating power in order to get an amount sufficient that would justify the operation, the expense is prohibitive. It costs just as much to build one dam as it does another if built the same height and where the conditions are the same. If you are going to build three or four or five dams on a river and undertake to connect them up with transmission, you make the cost prohibitive.

I wish to state my belief on this point, after very carefully investigating this whole question of power. I think I have been on all the navigable rivers in this country for the purpose of making these investigations, not on my own account, but I have gone with the Committee on Rivers and Harbors and I have gone with the commission that was appointed by the President. I do not believe there are over three power sites on navigable rivers in the United States where you can produce 100,000 horsepower. I should like to have some Senator suggest where there are any more.

Now, you can not construct a water-power plant without paying 10 per cent interest on the money. It always costs 10 per cent, because it is an uncertain proposition. No one can tell in advance whether it is going to be a paying proposition or not. It is not a banking proposition. You must go to some one who has the money and who is willing to take the chances on the investment, and you are never able to sell your bonds for more than 80 or 85 cents on the dollar. I never knew of any that were sold for more than that. You never get bonds for less than 5½ or 6 per cent interest, and when you put it together you are building a dam with money costing you 10 per cent. That being the case, men are not going to invest their money. They are going to be very careful.

As I said the other day, on one river in my State $1,200,000 have been expended for navigation purposes. Seventeen locks have been built and completed and there is not a single, solitary horsepower that can be developed in the river. Why? There are seasons of the year perhaps when there would be a surplus of water, more water than is needed for navigation; but in a large period of the year, in what is known as the dry season, there is scarcely enough water. That is the case in all the navigable rivers in this country. Taking the best of them, the largest of them, many of the plants, if you make them available, must be supplemented with an auxiliary steam plant and water power created at an immense cost. I do not care what the cost may be, if the power is not constant and continuous it is not valuable. If you are able to sell, ten, fifteen, or twenty thousand horsepower, primary power, what is known as minimum power, the water flow of the river produces that amount and you sell it, and that is all you can sell at that price that pays a profit. No one is going to build a factory, no one is

going to build an electrical furnace, no one is going to build any sort of improvement to consume this power unless he has an assurance that he is going to get it every day in the year.

Mr. WORKS. Mr. President——

The PRESIDING OFFICER (Mr. JAMES in the chair). Does the Senator from Alabama yield to the Senator from California?

Mr. BANKHEAD. Certainly.

Mr. WORKS. What the Senator has said has led me to believe that this bill will be of very little importance. Where does the Senator think on any of the navigable streams water power could be developed to any great extent?

Mr. BANKHEAD. On a great many streams to a small extent. The Senator was talking about the growth of great monopolies. There are a number of places where you can build a small plant and produce five or six or eight or ten or twelve thousand horsepower, but I am talking about great power. There seems to be a nightmare through the Senate. There is Hillsboro down in the Senator's State, which cost $9,000,000 in cash of private capital, and it produced only 58,000 horsepower at a cost of $9,000,000, built by private capital, and it improved the navigation of the Tennessee River 35 miles. The gentlemen who built that dam and that lock at that cost said to the Government of the United States: "We make you a present of this. We have improved your river for 35 miles. We do not charge you anything for it. We give it to you. We agree to furnish the electric current to operate your locks and supply the light for all the buildings around used in connection with the dam. We have agreed to maintain this dam. We have to do that in self-defense, because if we do not our power will be destroyed." So the Government was absolutely relieved from any cost whatever and the river was improved for 35 miles, extending above the great industrial city of Chattanooga.

Does anyone say that in addition to that you must pay the Government so much horsepower or so much killowat-hour for the use of the surplus water? That is the contention of a great many Senators here. I do not think that is fair. Let me give a concrete illustration. Down on the Coosa River in my State a private corporation built a dam under an act passed by Congress about 15 years ago, and there is no limit to the power. It is in perpetuity. They have it for all time. Now, what happened? They went to work and built that dam in the rapids of the Coosa River, in the shoals portion of it, where there was no navigation, and they have made practical navigation through that stretch of river for 35 miles.

Suppose that money cost only 6 per cent, and it cost 10 per cent to my knowledge. I have no interest in the world in it, but I have those figures from gentlemen who did have an interest. Suppose it cost 6 per cent. There is an annual contribution to the Government of the United States of $180,000. In addition to that do you think they ought to be required to pay so much per horsepower or so much per killowatt hour?

That contribution to the Government, I understand, goes on as long as the water flows. There is no limit to their charter under their permit. They have it in perpetuity. So they are contributing annually to the Government in order to provide navigation on that part of the river, $180,000 a year as long as the dam lasts. If the Government had done that work, of course, it would have been the Government's money but it would have been the same amount of money, and perhaps more than the private corporation expended. As I said, this company maintains the dam, keeps it in repair. It is necessarily compelled to do that in order to preserve its power. It furnishes all the electric current that the Government needs in providing for the buildings necessary to its operation.

Now, that is what we want to accomplish, if we can, in other navigable rivers in this country. We want to provide in this bill, if we can, that private capital shall do it. The Government will not do it. The Government will never enter upon the improvement of a large number of rivers in the country solely for the purpose of navigation.

Mr. WORKS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from California?

Mr. BANKHEAD. I yield with pleasure.

Mr. WORKS. If that is the object of the Senator and it could be accomplished in this bill without going further, I should not have the slightest objection to its passage; I should favor it; but the trouble about the bill is one of the things I have suggested. You have undertaken to do more than that. You are undertaking to control the use of water after it has been developed, which I think is out of the question. It is not that I have any objection to accomplishing all that you really desire to accomplish; I would be glad to see it done; but the trouble about it is the bill goes very much further than that and pretends to control waters under the jurisdiction of the State. I want to have that distinctly understood.

Mr. BANKHEAD. In reply to what the Senator from California has said, I am delighted to know that he is in favor of the general proposition of the bill. I want to say to the Senator that the committee which had charge of the preparation of the bill had no intention whatever to accomplish any purpose except to improve the navigability of the rivers of the country and to develop power as an incident. Suppose there is a site where power can profitably be generated. It requires an immense amount of money to develop power to any extent as Senators will find if they examine the question. Suppose there is an available site upon any of the navigable rivers and a private corporation undertakes the work, for of course no individual would do it because they have to incorporate and get charter authority. So it must be a corporation. They go to work and get sufficient capital to develop that site on the plans and specifications that they must file with the Secretary of War to receive his approval, and a certificate or whatever else you call it that the navigability of the river will not be obstructed. That is the requirement. They go to work and develop this power. They give their work there, their money, and everything else to the National Government, and they expect to receive only whatever surplus power they may have after the navigation of the river is completely protected. How would you recompense those people who have spent their money, their time, and their energy and risked their credit for the great expense they have incurred, unless you give them the use of the surplus power and the surplus water that have been created?

Mr. WORKS. Mr. President, I say to the Senator that I should not see any objection to that at all. I think the right to the use of the water should be granted under those circumstances, subject to regulation and control by the State. That that is not done is the thing I am objecting to.

Mr. BANKHEAD. Well, Mr. President, the Senator from California is no more of a State-rights man than am I.

Mr. WORKS. Well, I am beginning to think I am.

Mr. BANKHEAD. I have always believed in that. Now, let the Senator tell us—and it is information we want, and we can only get information by asking and answering questions—let the Senator now tell us how this thing can be accomplished under the direction and control of the States? I am now talking about navigable rivers.

Mr. WORKS. It can be done in half a dozen lines without the slightest difficulty.

Mr. BANKHEAD. Well, let me know what they are.

Mr. WORKS. I may offer some amendments later on that will help the Senator out in that respect, if he really desires it.

Mr. BANKHEAD. I really do desire information on that subject, because I have never been able, Mr. President, to reach the conclusion that you could improve navigable streams in this country, and, after improving them, put them under the jurisdiction and control of the State governments.

Mr. WORKS. I do not favor putting the rivers under the control of the State governments at all. Evidently the Senator does not understand my position. What I should do would be to allow the States to control the use of the water, the rates, and how the water should be applied after it was diverted—and, as the Senator says, it is not always diverted, which is true—but in whatever way it might be taken out, that the rates should be controlled by the States, and the subject of water power controlled in that way.

Mr. BANKHEAD. If this private corporation I am talking about goes to work and spends this vast sum of money, builds a dam, improves the navigability of the river, and incidentally creates power, would the Senator be willing that the State should then levy an additional tax on that power?

Mr. WORKS. Not at all.

Mr. BANKHEAD. Then I confess that I do not quite understand the position of the Senator.

Mr. WORKS. I think the Senator from Alabama should understand my position without very great difficulty.

Mr. BANKHEAD. I know the Senator is usually very clear, Mr. President, but really I have not been able to understand him.

Mr. WORKS. I am not insisting that the State should derive any profit from it at all, or that the State should be entitled to make any additional charge, or any sort of charge. I am talking about the rate that is to be paid by the consumers, that the State should have the right to regulate that.

Mr. BANKHEAD. You have a commission there to regulate that.

Mr. NELSON. That provision is left in the bill.

Mr. WORKS. I know, but it is left in the bill under conditions.

Mr. BANKHEAD. The commission in the Senator's State will certainly see that the consumers are not charged exorbitant prices. If they do not do so, they will have neglected a plain duty. They have been created by the State for that purpose.

Mr. WORKS. The trouble about it is that the Secretary of War is placed in a position where he can arbitrarily prevent this improvement by refusing to permit it upon the ground that it interferes with navigation or for the reason that the parties are not able to supply the power or to perform the other duties that they are expected to perform under their permit. That is giving a power to the Secretary of War that does not rest in him at all.

Mr. BANKHEAD. The Secretary of War grants a permit of that sort to private parties. That always requires a bond for the performance of their contract, just as if they let a contract to a private party to build an ordinary navigation dam.

Mr. WORKS. Certainly; or to require a bond to secure the erection of such a dam as will not interfere with navigation. The Secretary of War has a right to control the situation so far as navigation is concerned; that I concede; but he has no right to go any further than that.

Mr. BANKHEAD. I do not think he can under this bill.

Mr. WORKS. Well, there is where the Senator and I differ.

Mr. BANKHEAD. I know the Senator disagrees with me; but, as I have said, when a corporation goes to the Secretary of War for a permit to build a dam in a navigable river, the first thing they do is to furnish their plans and specifications and an estimate of the cost. Those are submitted to the Secretary of War. The corporation says, "Under these plans, and so forth, we want a permit to build this dam." The Secretary of War says, "All right; I think it is a good project; I think you will improve the navigability of the river, and it is likely that you will incidentally create power. I am willing to give you a permit; but your estimated cost is so much, and you must furnish me a good bond to insure that you will carry out your contract and build this dam and lock under the specifications that you file." When these conditions have been complied with the permit is granted by the Secretary of War. There will not be any trouble about that.

Well, Mr. President, so far as I am concerned, I never had such a thought as has been suggested in this debate, and I am satisfied that the Senators who have served on that committee for three years never had such a thought. First, the late Senator from Ohio, Mr. Burton, was a member of the committee. When his term expired the Senator from Washington [Mr. JONES] was substituted. The Senator from Iowa [Mr. KENYON], the Senator from Minnesota [Mr. NELSON], the Senator from Tennessee [Mr. SHIELDS], and myself were members of it. There were five of us. We went over this question most thoroughly, I think, during the last Congress and this, and I believe that I can confidently say that no member of that committee ever supposed for one moment that the provisions of this bill would have the effect that is being insisted upon by certain Senators upon the floor; they never had a thought, they never had a desire or purpose to accomplish anything by the provisions of this bill except what is plainly stated on its face—that is, to build dams for the improvement of navigation, and incidentally to create power. That is all they had in view.

I know it has been stated in the newspapers and in other places that under the provisions of this bill we have given great encouragement to and have created a vast water-power monopoly. If that is true, such provisions ought not to be in the bill. If it is true, some Senator ought to be able to point out the provisions of the bill which make a situation like that possible. Let them be taken out of the bill. No Senator would desire to retain anything of that sort.

We all know, however, Mr. President, that for 10 years we have had so-called legislation on the statute books on this subject; we all know that for that period of time not a single, solitary dam has been built in this country under its provisions. Why? Why has all this development been neglected? Why have all the benefits that would naturally accrue from the operation of such a law been denied the people of this country? I believe it has been because the provisions of that law have been so harsh and have been such that capital would not think for one moment of investing money in such projects. Therefore nothing has been done.

I am free to say, Mr. President, that if we can not pass a bill at this time that is workable, if we can not pass a bill at this time that is going to improve our navigable rivers or stretches of navigable rivers that are now nonnavigable, to be made navigable under the provisions of this bill—if we can not at the same time perfectly protect the rights of the consumers, the rights of the States, and also protect the Government in all of its rights, then I do not want any bill. I would greatly prefer to have no bill at all than to accept one that would not be workable, because then we would be in a worse position than we now are. We would probably have to wait 15 or 20 years while we were trying out the provisions of a bill that could not operate before we could get any other legislation on the subject.

Let us get down to business. If there is anything fundamentally wrong about this bill, if there is anything about it which does not operate fairly, if there is anything about it that fails to protect absolutely, so far as law can protect, the consumers of power, if there is anything about it that does not guard the rights of the States so far as we can guard them, at the same time recognizing the fact that the Government is supreme when the question of navigation is presented, let us amend the bill; but let us have some legislation on the subject. I am not wedded to this bill, but I simply do not want it amended all out of shape so that it will be inoperative and ineffective when it shall pass.

Mr. WORKS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from California?

Mr. BANKHEAD. I do, of course.

Mr. WORKS. If the intention of this bill is what the Senator says it is—and I know it is, so far as he is concerned, or he would not say so—why can not there be a provision in the bill for the construction of these dams in such a way as to protect and promote navigation and the development of water power, and then follow it with a simple, plain provision that the power when developed shall be supplied under the rules and regulations and laws of the States?

Mr. BANKHEAD. That is in the bill.

Mr. WORKS. It is not in the bill, except in connection with conditions which are imposed in direct opposition to it.

Mr. BANKHEAD. Well, Mr. President, I am not a lawyer; but there were four or five good lawyers on the committee, and there is no question about the fact that they thought they were, as I have already stated, framing this bill along lines that were just and fair to the consumer and along lines that would take all possible care of and protect all the rights which the States possibly could have, and at the same time protect the rights and the interests of the Government.

The Senator from California will, of course, admit that so far as navigation is concerned, so far as the rules and regulations and statutes that refer to navigation of rivers are concerned, whenever they come into conflict with the State laws, the State laws must yield. The Government is supreme in that respect.

Mr. WORKS. There is no doubt about that.

Mr. BANKHEAD. Mr. President, this is all I care to say at this time, and I do not know that I shall have anything more to say during the discussion of this bill.

Mr. SMITH of Michigan. Mr. President——

The PRESIDING OFFICER. The Senator from Michigan.

Mr. SMITH of Michigan. Mr. President, I ask unanimous consent——

Mr. BANKHEAD. I still have the floor.

The PRESIDING OFFICER. The Chair thought the Senator had yielded the floor.

Mr. SMITH of Michigan. I beg pardon. I thought the Senator had yielded.

Mr. BANKHEAD. I had not sat down.

The PRESIDING OFFICER. The Chair thought the Senator from Alabama had concluded.

Mr. BANKHEAD. I yield.

### ADDRESS BY HON. HENRY CABOT LODGE (S. DOC. NO. 343).

Mr. SMITH of Michigan. Mr. President, I ask to have printed as a Senate document an address by the senior Senator from Massachusetts [Mr. LODGE] before the Washington Association of New Jersey at Morristown, N. J., February 22, 1916, on Washington's policy of neutrality and national defense.

The PRESIDING OFFICER. Without objection, it is so ordered.

### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed the bill (S. 2497) to authorize the construction of a bridge across the Mississippi River between Anoka and Hennepin Counties, in the State of Minnesota.

The message also announced that the House agrees to the amendments of the Senate to the joint resolution (H. J. Res. 89) to amend an act entitled "An act granting pensions to certain widows and dependent children of soldiers and sailors of said war," approved February 25, 1915.

The message further announced that the House insists upon its amendments to the bill (S. 3518) granting pensions and increase of pensions to certain soldiers and sailors of the Civil

War and certain widows and dependent relatives of such soldiers and sailors, disagreed to by the Senate, agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. SHERWOOD, Mr. BURKE, and Mr. SULLOWAY managers at the conference on the part of the House.

The message also announced that the House had passed the bill (S. 4308) to purchase a site and erect thereon a suitable building for post office and other governmental offices at Sandusky, Ohio, and for other purposes, with amendments, in which it requested the concurrence of the Senate.

The message further announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 28. An act to amend an act entitled "An act granting to the city of Durango, in the State of Colorado, certain lands therein described for water reservoirs," approved March 1, 1907;

H. R. 157. An act to extend the time for the completion of dams across the Savannah River by authority granted to Twin City Power Co. by an act approved February 29, 1908, as amended by act approved June 3, 1912;

H. R. 3575. An act to amend section 5234 of the Revised Statutes of the United States so as to permit the Comptroller of the Currency to deposit upon interest the assets of insolvent national banks in other national banks of the same or of an adjacent city or town;

H. R. 4784. An act to provide for a change in the designation of the Steamboat-Inspection Service, and for other purposes;

H. R. 6854. An act permitting the Wolf Point Bridge & Development Co. to construct, maintain, and operate a bridge across the Missouri River in the State of Montana;

H. R. 9547. An act authorizing the acceptance by the United States Government from the Kenesaw Memorial Association, of Illinois, of a proposed gift of land on the Kenesaw battle field, in the State of Georgia;

H. R. 10238. An act granting the consent of Congress to Interstate Bridge Co. to construct a bridge across the Mississippi River; and

H. R. 10487. An act reserving or excepting all ores or minerals on the lands, with the right of mining the same, on the site of the proposed post-office building at Calumet, Mich.

ENROLLED JOINT RESOLUTION SIGNED.

The message also announced that the Speaker of the House had signed the enrolled joint resolution (H. J. Res. 89) to amend an act entitled "An act granting pensions and increase of pension to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war," approved February 25, 1915.

PETITIONS AND MEMORIALS.

Mr. CURTIS presented memorials of sundry citizens of Paola, Ness City, Elmo, Waterville, Blue Rapids, Eudora, McPherson, Lebanon, Kansas City, Topeka, Burlingame, Emporia, Madison, Hanover, Navarre, Jamestown, Centralia, Damar, Dover, Randolph, Highland, Riley, Burr Oak, Norcatur, Dunavant, Mildred, Whiting, Meade, Yates Center, Berryton, Waldo, Moreland, Princeton, Hope, Pratt, Bennington, Holton, Syracuse, Redfield, Attica, Lakin, Broughton, Coldwater, Plainville, Oskaloosa, New Albany, Lindsburg, Scandia, Leonardville, Havensville, Nashville, Stockton, Sedgwick, Chapman, Effingham, and Linn, all in the State of Kansas, remonstrating against a tax on bank checks, which were referred to the Committee on Finance.

He also presented petitions of sundry citizens of Baldwin, Corbin, Hutchinson, and Topeka, all in the State of Kansas, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented memorials of sundry citizens of Wathena and Lawrence, in the State of Kansas, remonstrating against an increase in armaments, which were referred to the Committee on Military Affairs.

Mr. BRANDEGEE presented a petition of the Woman's Christian Temperance Union, of Southington, Conn., praying for Federal censorship of motion pictures, which was referred to the Committee on Education and Labor.

Mr. OLIVER presented petitions of sundry citizens of Pennsylvania, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented petitions of sundry labor organizations of Pennsylvania, praying for the enactment of legislation to further restrict immigration, which were referred to the Committee on Immigration.

He also presented a petition of sundry citizens of Tarentum, Pa., praying for the adoption of an amendment to the Constitution to prohibit polygamy, which was referred to the Committee on the Judiciary.

He also presented a memorial of Local Union No. 309, International Union of the United Brewery Workmen, of Rockwood, Pa., remonstrating against national prohibition, which was referred to the Committee on the Judiciary.

He also presented a petition of the Woman Suffrage Party of Philadelphia, Pa., praying for the adoption of an amendment to the Constitution granting the right of suffrage to women, which was ordered to lie on the table.

He also presented a memorial of the Society of Friends, of Philadelphia, Pa., remonstrating against an increase in armaments, which was referred to the Committee on Military Affairs.

Mr. POINDEXTER presented a petition of Centralia Lodge No. 1083, Brotherhood of Elks, of Centralia, Wash., praying for an increase in armaments, which was referred to the Committee on Military Affairs.

He also presented a memorial of the Joint Legislation Committee of the Direct Legislative League, of North Yakima, Wash., remonstrating against the enactment of legislation permitting private individuals to secure control of the natural resources, which was referred to the Committee on Public Lands.

He also presented a petition of the Manufacturers' Association, of Seattle, Wash., praying for the repeal of the so-called seaman's law, which was referred to the Committee on Commerce.

Mr. LODGE presented a petition of General Joseph P. Sanger Camp, No. 15, United Spanish War Veterans, of Lynn, Mass., praying for the enactment of legislation to grant pensions to widows and orphans of veterans of the Spanish-American War, which was referred to the Committee on Pensions.

He also presented petitions of sundry citizens of Massachusetts, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented a petition of 78 carriers and clerks of the post office at Brockton, Mass., praying for the enactment of legislation providing for an extended leave of absence to superannuated employees of the Postal Service, which was referred to the Committee on Post Offices and Post Roads.

Mr. SMITH of Michigan presented petitions of sundry citizens of Michigan, praying for prohibition in the District of Columbia, which were ordered to lie on the table.

He also presented memorials of sundry citizens of Michigan, remonstrating against prohibition in the District of Columbia, which were ordered to lie on the table.

He also presented a petition of the Retail Liquor Dealer's Association of Menominee, Mich., praying for a referendum vote on the subject of prohibition in the District of Columbia, which was referred to the Committee on the District of Columbia.

He also presented petitions of sundry citizens of Michigan, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented memorials of sundry citizens of Michigan, remonstrating against national prohibition, which were referred to the Committee on the Judiciary.

He also presented a petition of the Business Men's Association of Mount Clemens, Mich., praying for an increase in armaments, which was referred to the Committee on Military Affairs.

He also presented a petition of the Federation of Labor of Flint, Mich., praying for the enactment of legislation to further restrict immigration, which was referred to the Committee on Immigration.

He also presented a memorial of the Federation of Labor of Detroit, Mich., remonstrating against the repeal of the so-called Seamen's Law, which was referred to the Committee on Commerce.

He also presented petitions of the congregation of the First Congregational Church of Hudson; the Woman's Club, of Muskegon; the West Side Ladies' Literary Club, of Grand Rapids; and the Ladies' Literary Club, of Grand Rapids, all in the State of Michigan, praying for the enactment of legislation to prohibit interstate commerce in the products of child labor, which were referred to the Committee on Interstate Commerce.

He also presented petitions of sundry citizens of Port Huron and Detroit, in the State of Michigan, praying for the enactment of legislation to provide indefinite leave of absence for superannuated postal employees, which were referred to the Committee on Post Offices and Post Roads.

He also presented a petition of the Young People's Society of Christian Endeavor of the First Methodist Protestant Church of Detroit, Mich., praying for prohibition in the Philippines, which was referred to the Committee on the Philippines.

He also presented a petition of the Young People's Society of Christian Endeavor of the First Methodist Protestant Church of Detroit, Mich., praying for the enactment of legislation to pro-

hibit sectarian appropriations, which was referred to the Committee on Appropriations.

He also presented a petition of the Young People's Society of Christian Endeavor of the First Methodist Protestant Church of Detroit, Mich., praying for the enactment of legislation to prohibit the transmission through the mails or in interstate commerce of liquor advertisements in newspapers or other forms, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of the Young People's Society of Christian Endeavor of the First Methodist Protestant Church of Detroit, Mich., praying for the enactment of legislation to prohibit the exportation of intoxicating liquor to Africa, which was referred to the Committee on the Judiciary.

He also presented a petition of the Young People's Society of Christian Endeavor of the First Methodist Protestant Church of Detroit, Mich., praying for the enactment of legislation to prohibit the transmission through the mails or in interstate commerce of race gambling odds and bets, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of the Young People's Society of Christian Endeavor of the First Methodist Protestant Church of Detroit, Mich., praying for Federal censorship of motion pictures, which was referred to the Committee on Education and Labor.

Mr. NELSON presented a petition of the Chamber of Commerce of Brainerd, Minn., praying for the enactment of legislation to relieve the congested condition of freight on the eastern seaboard, which was referred to the Committee on Commerce.

He also presented a petition of the University Club of Minneapolis, Minn., praying for an increase in armaments, which was referred to the Committee on Military Affairs.

He also presented petitions of sundry citizens of Minnesota, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Minnesota, praying for the enactment of legislation to further restrict immigration, which were referred to the Committee on Immigration.

He also presented a petition of the Cassiopeia Club, of Minneapolis, Minn., praying for the enactment of legislation to prohibit the transmission through the mails or in interstate commerce of race-gambling odds and bets, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of the Cassiopeia Club, of Minneapolis, Minn., praying for Federal censorship of motion pictures, which was referred to the Committee on Education and Labor.

Mr. COLT presented a petition of the commissioned officers of the Coast Artillery Corps, Rhode Island National Guard, of Providence, R. I., praying that the Coast Artillery Corps of Rhode Island be placed under direct Federal control and be given a place in any Federal military force for the common defense, which was referred to the Committee on Military Affairs.

He also presented petitions of sundry citizens of Rhode Island, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. KERN presented petitions of sundry citizens of Indianapolis, Hebron, Greensburg, Freedom, and Monon, all in the State of Indiana, praying for national prohibition, which were referred to the Committee on the Judiciary.

### REPORTS OF COMMITTEES.

Mr. GRONNA, from the Committee on Indian Affairs, to which was referred the bill (S. 927) for the relief of Clarence Hazelbaker, reported it with an amendment and submitted a report (No. 159) thereon.

He also, from the Committee on Claims, to which was referred the bill (S. 67) for the relief of Mathilda P. Hansen, reported it with an amendment and submitted a report (No. 157) thereon.

He also, from the same committee, to which was referred the bill (S. 3933) to reimburse the Navajo Lumber & Timber Co., of Arizona, for a deposit made to cover the purchase of timber, submitted an adverse report (No. 158) thereon, which was agreed to, and the bill was postponed indefinitely.

Mr. SMOOT, from the Committee on Public Lands, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

S. 34. A bill granting to the State of Utah title to certain lands in said State for use as a fish hatchery (Rept. No. 162);

S. 35. A bill to authorize the Secretary of the Interior to issue patents for certain lands to the town of Myton, Utah (Rept. No. 161); and

S. 40. A bill to authorize agricultural entries on surplus coal lands in Indian reservations (Rept. No. 160).

Mr. JOHNSON of Maine (for Mr. SHIVELY), from the Committee on Pensions, to which was referred the bill (H. R. 11078) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, reported it with amendments and submitted a report (No. 163) thereon.

### OSAGE OIL LANDS.

Mr. OWEN. Mr. President, I ask permission, with the consent of the Senate, to make a report (No. 164) from the Committee on Indian Affairs, accompanied by a resolution, which I ask may be read.

The resolution (S. Res. 107) was read, as follows:

*Resolved*, That pending investigation by the Committee on Indian Affairs of the Senate, the Secretary of the Interior be, and he is hereby, requested to refrain for a period of two years or until further action by Congress from making any disposition by lease or sale of such quarter-section units of the lands on the Osage Reservation in the State of Oklahoma as have been developed by oil operators either under leases or subleases and are now producing oil, except such units as are now held by lessees who have accepted the terms of the resolution of the Osage Council of June 17, 1915, for leases to be made direct to them. Said developed lands thus withheld from lease, after the expiration of the term of the existing oil lease, may continue to be operated by the present oil operators who are now in possession of and operating the same at a royalty of not less than one-sixth on all leases of quarter-section units when the average production is less than 25 barrels per well per day, and a royalty of not less than one-fifth on all such leases when the average production exceeds 25 barrels per well per day, all royalties to be paid into the Treasury of the United States to the credit of the Osage Nation of Indians; and be it

*Further resolved*, That the Committee on Indian Affairs of the Senate, through a subcommittee of five members to be chosen by it, be, and it hereby is, authorized and directed to fully investigate the subject of the leasing of said lands and the methods of controlling and marketing the oil production of the Osage Reservation in Oklahoma and all affairs connected therewith, and that the said committee be empowered to send for persons and papers and to subpœna witnesses, to administer oaths, and to sit during the sessions of the Senate and during vacation, and said committee shall make full and complete report, together with its recommendation, to the Senate. The necessary expenses of said investigation shall be paid out of the contingent fund of the Senate.

Mr. OWEN. I ask that the resolution and accompanying report be printed and lie on the table until Monday next.

The PRESIDING OFFICER. The report will be printed and lie on the table.

### BILLS AND JOINT RESOLUTION INTRODUCED.

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. CHAMBERLAIN:

A bill (S. 4607) granting an increase of pension to Patrick Kine (with accompanying papers); to the Committee on Pensions.

By Mr. OWEN:

A bill (S. 4608) to correct the military record of Joseph Hawkins; to the Committee on Military Affairs.

A bill (S. 4609) granting an increase of pension to Mary C. Harvey (with accompanying papers); to the Committee on Pensions.

By Mr. NORRIS:

A bill (S. 4610) granting a pension Elvira H. Jackson; to the Committee on Pensions.

By Mr. BURLEIGH:

A bill (S. 4611) granting an increase of pension to Henry M. Chase;

A bill (S. 4612) granting an increase of pension to Ann M. Larabee;

A bill (S. 4613) granting an increase of pension to Alphonzo J. Cunningham; and

A bill (S. 4614) granting a pension to Annie M. Farrell; to the Committee on Pensions.

By Mr. SMITH of Michigan:

A bill (S. 4615) granting a pension to William C. Snook;

A bill (S. 4616) granting an increase of pension to John Spencer;

A bill (S. 4617) granting an increase of pension to John O. McMahon (with accompanying paper);

A bill (S. 4618) granting an increase of pension to David Kimball (with accompanying papers); and

A bill (S. 4619) granting an increase of pension to Hiram Blakely (with accompanying papers); to the Committee on Pensions.

By Mr. CURTIS:

A bill (S. 4620) to remove the charge of desertion against James B. Smock (with accompanying papers); and

A bill (S. 4621) for the relief of Charles Rayfield (with accompanying papers); to the Committee on Military Affairs.

A bill (S. 4622) for the relief of the heirs of Daniel W. Boutwell; and

A bill (S. 4623) for the relief of the estate of John McQuiddy, deceased (with accompanying papers); to the Committee on Claims.

A bill (S. 4624) granting a pension to George T. Anderson (with accompanying papers);

A bill (S. 4625) granting a pension to Sadie Jane Hodges (with accompanying papers);

A bill (S. 4626) granting a pension to Minnie A. Conwell (with accompanying papers);

A bill (S. 4627) granting an increase of pension to Jesse Holt (with accompanying papers);

A bill (S. 4628) granting an increase of pension to Thomas Williams (with accompanying papers);

A bill (S. 4629) granting an increase of pension to R. W. Duncan, alias "Pack" Duncan (with accompanying papers);

A bill (S. 4630) granting an increase of pension to Leonard Kempenar (with accompanying papers);

A bill (S. 4631) granting an increase of pension to Lulu E. Langdon (with accompanying papers);

A bill (S. 4632) granting a pension to Josiah C. Ury (with accompanying papers);

A bill (S. 4633) granting an increase of pension to Henry Thompson (with accompanying papers);

A bill (S. 4634) granting a pension to Joshua Baskins (with accompanying papers);

A bill (S. 4635) granting an increase of pension to Jeremiah Lloyd (with accompanying papers);

A bill (S. 4636) granting an increase of pension to Henry W. Batsford (with accompanying papers);

A bill (S. 4637) granting an increase of pension to Robert L. Hamill (with accompanying papers);

A bill (S. 4638) granting a pension to Charles F. Johnson (with accompanying papers);

A bill (S. 4639) granting an increase of pension to May O. Jones (with accompanying papers);

A bill (S. 4640) granting an increase of pension to Elizabeth Crowell (with accompanying papers);

A bill (S. 4641) granting an increase of pension to Eliza A. Reed (with accompanying papers);

A bill (S. 4642) granting an increase of pension to Robert F. Shinn (with accompanying papers);

A bill (S. 4643) granting an increase of pension to James Devine (with accompanying papers);

A bill (S. 4644) granting a pension to Sarah A. Walker (with accompanying papers);

A bill (S. 4645) granting an increase of pension to Joshua Puckett (with accompanying papers); and

A bill (S. 4646) granting a pension to Rozila D. Merrick (with accompanying papers); to the Committee on Pensions.

By Mr. POINDEXTER:

A bill (S. 4647) for the reappraisement and sale of certain suburban lots in the town site of Port Angeles, Wash., and repealing previous acts in regard thereto; to the Committee on Public Lands.

By Mr. JONES:

A bill (S. 4648) granting to the State of Washington public lands to aid in the construction and maintenance of public roads, to promote the study of forestry, to promote the study and development of horticulture, and to promote vocational education in the State of Washington; to the Committee on Public Lands.

A joint resolution (S. J. Res. 104) authorizing the delivering to McDowell Post, No. 22, Department of Washington and Alaska, Grand Army of the Republic, of two condemned cannon and a suitable outfit of cannon balls; to the Committee on Military Affairs.

### AMENDMENT TO INDIAN APPROPRIATION BILL.

Mr. NELSON (by request) submitted an amendment proposing to appropriate $428,672.33 to be placed upon the books of the Treasury to the credit of that portion of the Wisconsin Band of Pottawatomie Indians now residing in the States of Wisconsin and Michigan, being the balance of principal due with interest on the original sum of $447,339 at 5 per cent from January 18, 1908, to June 30, 1913, etc., intended to be proposed by him to the Indian appropriation bill (H. R. 10385), which was referred to the Committee on Indian Affairs and ordered to be printed.

### THE JUDICIAL CODE.

Mr. TILLMAN submitted an amendment intended to be proposed by him to the bill (S. 1412) further to codify, revise, and amend the laws relating to the judiciary, which was referred to the Committee on the Judiciary and ordered to be printed.

Mr. SMITH of South Carolina submitted an amendment intended to be proposed by him to the bill (S. 1412) further to codify, revise, and amend the laws relating to the judiciary, which was referred to the Committee on the Judiciary and ordered to be printed.

### DEVELOPMENT OF WATER POWER.

Mr. POINDEXTER submitted 14 amendments intended to be proposed by him to the bill (S. 3331) to amend an act entitled "An act to regulate the construction of dams across navigable waters," approved June 21, 1906, as amended by the act approved June 23, 1910, and to provide for the improvement and development of waterways for the uses of interstate and foreign commerce, which were ordered to lie on the table and be printed.

### LIEUT. ROY C. SMITH.

Mr. SMITH of Michigan submitted the following resolution (S. Res. 106), which was referred to the Committee on Naval Affairs:

*Resolved*, That the Committee on Naval Affairs, or a subcommittee thereof, are hereby authorized, empowered, and directed to investigate the charges preferred against Lieut. Roy C. Smith, formerly with the Asiatic Squadron, upon which his resignation was demanded after threatening trial by court-martial.

The said committee or subcommittee are, for this purpose, authorized to sit during the sessions or recesses of Congress, at such times and places as they may deem desirable or practicable, to send for persons and papers, to administer oaths, to summon and compel the attendance of witnesses, to conduct hearings, and have reports of same printed for use.

### NATIONAL CHILD-LABOR LAW.

Mr. KENYON. Mr. President, I desire to give notice that on to-morrow, Thursday, the 24th instant, following the routine morning business, I shall address the Senate on the question of a national child-labor law.

### PRESIDENTIAL APPROVAL.

A message from the President of the United States, by Mr. Sharkey, one of his secretaries, announced that the President, on February 21, 1916, had approved and signed the following joint resolution:

S. J. Res. 97. Joint resolution to appoint Alexander Graham Bell a member of the Board of Regents of the Smithsonian Institution.

### OCCUPATION OF KOREA (S. DOC. NO. 342).

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, which was read:

*To the Senate:*

In response to the resolution adopted by the Senate on February 21, 1916, requesting the President, if not incompatible with the public interests, to transmit to the Senate the correspondence, or so much thereof as in his opinion may be made public, had between the official representatives of the Government of the United States and the representatives of the Government of Korea relating to the occupation of Korea and the establishing of a protectorate over said country by Japan during, or as an incident of, the Russo-Japanese War of 1904–5, I transmit herewith a report by the Secretary of State on this subject.

The report of the Secretary of State has my approval.

WOODROW WILSON.

THE WHITE HOUSE,
*Washington, February 23, 1916.*

Mr. STONE. Mr. President, I ask that the message and accompanying papers lie on the table and be printed.

The PRESIDING OFFICER. The request of the Senator from Missouri will be complied with.

### POST-OFFICE BUILDING AT SANDUSKY, OHIO.

The PRESIDING OFFICER laid before the Senate the amendments of the House of Representatives to the bill (S. 4308) to purchase a site and erect thereon a suitable building for post office and other governmental offices at Sandusky, Ohio, and for other purposes, which were, on page 1, to strike out lines 9 to 12, inclusive, and lines 1 to 4, inclusive, on page 2, and insert:

"United States post office at Sandusky, Ohio, $215,000: *Provided*, That said limit of cost shall include the purchase of a new site which is hereby authorized, and the building herein authorized shall be erected on such new site."

On page 2, line 5, at the beginning of the line, insert "SEC. 2."

On page 2, to strike out the quotation marks in lines 5, 15, and 24.

Mr. POMERENE. I move that the Senate concur in the amendments of the House.

The motion was agreed to.

### MISSOURI RIVER BRIDGE, MONTANA.

H. R. 6854. An act permitting the Wolf Point Bridge & Development Co. to construct, maintain, and operate a bridge across

the Missouri River, in the State of Montana, was read twice by its title.

Mr. WALSH. The House bill is identical with Senate bill 788, which was passed by the Senate on January 6. In view of that fact, I ask for its present consideration.

The PRESIDING OFFICER. Is there objection?

Mr. SMOOT. Is it a Senate bill?

Mr. WALSH. No; it is a House bill.

The PRESIDING OFFICER. The Senate bill has been passed.

Mr. WALSH. The House bill is identical with the Senate bill which passed the Senate on January 6 last.

Mr. SMOOT. The Senator wishes to recall the Senate bill and to ask that the House bill be passed at this time?

Mr. WALSH. Yes.

Mr. SMOOT. Is the House bill exactly the same as the Senate bill which has been passed by the Senate?

Mr. WALSH. Exactly the same. I think there may possibly be a slight verbal change.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. WALSH. I enter a motion to reconsider the vote by which Senate bill 788 was passed. I move that the bill be recalled from the House of Representatives.

The motion was agreed to.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles and referred to the Committee on Commerce:

H. R. 157. An act to extend the time for the completion of dams across the Savannah River by authority granted to Twin City Power Co. by an act approved February 29, 1908, as amended by act approved June 3, 1912;

H. R. 4784. An act to provide for a change in the designation of the Steamboat-Inspection Service, and for other purposes; and

H. R. 10238. An act granting the consent of Congress to Interstate Bridge Co. to construct a bridge across Mississippi River.

H. R. 28. An act to amend an act entitled "An act granting to the city of Durango, in the State of Colorado, certain lands therein described for water reservoirs," approved March 1, 1907, was read twice by its title and referred to the Committee on Public Lands.

H. R. 3575. An act to amend section 5234 of the Revised Statutes of the United States so as to permit the Comptroller of the Currency to deposit upon interest the assets of insolvent national banks in other national banks of the same or of an adjacent city or town, was read twice by its title and referred to the Committee on Banking and Currency.

H. R. 9547. An act authorizing the acceptance by the United States Government from the Kenesaw Memorial Association of Illinois of a proposed gift of land on the Kenesaw battle field, in the State of Georgia, was read twice by its title and referred to the Committee on Military Affairs.

H. R. 10487. An act reserving or excepting all ores or minerals on the lands, with the right of mining the same, on the site of the proposed post-office building at Calumet, Mich., was read twice by its title and referred to the Committee on Public Buildings and Grounds.

EXECUTIVE SESSION.

Mr. KERN. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After eight minutes spent in executive session the doors were reopened.

Mr. BANKHEAD. I move that the Senate take a recess until 12 o'clock to-morrow.

The motion was agreed to; and (at 5 o'clock and 40 minutes p. m., Wednesday, February 23, 1916) the Senate took a recess until to-morrow, Thursday, February 24, 1916, at 12 o'clock meridian.

## NOMINATIONS.

*Executive nominations received by the Senate February 23 (legislative day of February 21), 1916.*

COAST GUARD.

ENGINEER IN CHIEF.

Charles A. McAllister, of New York, to be Engineer in Chief in the Coast Guard of the United States, to succeed himself.

PROMOTIONS IN THE ARMY.

INFANTRY ARM.

Lieut. Col. Frederick Perkins, Infantry, unassigned, to be colonel from February 21, 1916, vice Col. Charles M. Truitt, Twenty-second Infantry, retired from active service February 20, 1916.

Maj. Richard C. Croxton, Fifth Infantry, to be lieutenant colonel from February 21, 1916, vice Lieut. Col. Frederick Perkins, unassigned, promoted.

Capt. Lincoln F. Kilbourne, Twenty-sixth Infantry, to be major from February 21, 1916, vice Maj. Richard C. Croxton, Fifth Infantry, promoted.

COAST ARTILLERY CORPS.

First Lieut. Lloyd B. Magruder, Coast Artillery Corps, to be captain from February 18, 1916, vice Capt. Fred L. Perry, who died February 17, 1916.

Second Lieut. Thomas H. Jones, Coast Artillery Corps, to be first lieutenant from February 17, 1916, vice First Lieut. Clarence E. Seybt, resigned February 16, 1916.

Second Lieut. Laurence Watts, Coast Artillery Corps, to be first lieutenant from February 18, 1916, vice First Lieut. Lloyd B. Magruder, promoted.

## CONFIRMATIONS.

*Executive nominations confirmed by the Senate February 23 (legislative day of February 21), 1916.*

SOLICITOR FOR THE DEPARTMENT OF THE INTERIOR.

Alexander T. Vogelsang to be Solicitor for the Department of the Interior.

POSTMASTERS.

CALIFORNIA.

Walter D. Neilson, Del Monte.

FLORIDA.

G. W. Brown, New Smyrna.

ILLINOIS.

Elmer Lummis, Quincy.
Robert W. Perkins, Erie.

INDIANA.

Ralph W. McConnell, Oxford.

IOWA.

Lloyd L. Anspach, Bussey.
E. E. Cole, Woodbine.
Amos Ingalls, Greene.
Edgar W. Penly, Central City.

NEBRASKA.

Essie M. Beatty, Brady.
E. A. Brown, Friend.
A. R. Kovanda, Table Rock.
J. M. Liggitt, Farnam.

PENNSYLVANIA.

Laura Wood Weaver, Republic.

## HOUSE OF REPRESENTATIVES.

WEDNESDAY, *February 23, 1916.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Eternal God our heavenly Father, we seek Thee for light to guide and strength to sustain us in following that light; that liberty and justice may obtain for all in their civil, political, and religious rights; that "Thy kingdom may come and Thy will be done in earth as it is in heaven"; and that the golden rule be fulfilled to the glory and honor of Thy holy name through Jesus Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

PUBLIC BUILDING, SEDALIA, MO.

Mr. HAMLIN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the bill (H. R. 3662) to provide for the purchase of a site and the erection of a public building thereon at Sedalia, Mo., and I wish also to insert letters of the post-office inspector on the need for such a building.

The SPEAKER. The gentleman from Missouri [Mr. HAMLIN] asks unanimous consent to extend his remarks in the RECORD about a public building at Sedalia, Mo., and certain correspondence on the subject. Is there objection?

There was no objection.

PREPAREDNESS.

Mr. MOORE of Pennsylvania. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting a speech delivered in Philadelphia last night on the subject of preparedness by our colleague, the gentleman from Ohio [Mr. HOLLINGSWORTH].

The SPEAKER. The gentleman from Pennsylvania [Mr. MOORE] asks unanimous consent to extend his remarks in the RECORD by printing a speech delivered by the gentleman from Ohio [Mr. HOLLINGSWORTH] at Philadelphia last night on the subject of preparedness. Is there objection?

There was no objection.

CALENDAR WEDNESDAY.

The SPEAKER. This is Calendar Wednesday. The Clerk will call the committees.

The Committee on War Claims was called.

ADJUDICATION OF PRIVATE CLAIMS.

Mr. BYRNES of South Carolina. Mr. Speaker, I am directed by the Committee on War Claims to call up the bill (H. R. 6918) to relieve Congress from the adjudication of private claims against the Government.

The SPEAKER. The House automatically resolves itself into the Committee of the Whole House for the purpose of considering this bill, and the gentleman from Missouri [Mr. LLOYD] will take the chair.

The CHAIRMAN. The House in in Committee of the Whole for the consideration of the bill (H. R. 6918) to relieve Congress from the adjudication of the private claims against the Government, which the Clerk will report.

The bill was read.

Mr. BYRNES of South Carolina. Mr. Chairman, the purpose of this bill is made plain in its title—to relieve Congress from the adjudication of private claims against the Government. I think most of the Members of the House are familiar with the policy heretofore followed, but inasmuch as some of them may not be, I wish briefly to refer to it.

Heretofore whenever a bill has been introduced in the House relating to a claim growing out of the Civil War it has been considered by the Committee on War Claims, and when that committee has decided that the allegations are such that, if true, they would constitute a just and valid claim against the Government, the case has been referred to the Court of Claims for investigation. That same policy has been followed by the Senate.

The Court of Claims, following the instructions of Congress to investigate and report, has made findings to the House or to the Senate. When those findings have come to the House they have been investigated, and if the finding of the court is that the claimant was disloyal to the United States Government during the war, the claim has not been included in what has been known as the omnibus bill. But in those cases where the court found that the claimant was loyal and that his property was used and occupied or his stores and supplies taken, the amount found by the court to be the value of such use and occupation, or the value of such stores and supplies, has been included in the omnibus bill.

That bill has generally passed this House without very much opposition, but in the Senate it has been referred to a committee having jurisdiction not only over claims growing out of the Civil War but other classes of claims, and whenever the bill has passed the Senate, which has no Committee on War Claims, and has been returned to the House, it has generally included several classes of cases over which the conferees on the part of the House, coming from the War Claims Committee, have no jurisdiction and of which they have no knowledge. The result has been that year after year these bills have encountered obstacles, and generally in the closing hours of the session they have been defeated.

This policy has been unfair to the Court of Claims as well as unfair to claimants. It has made of the Court of Claims more of a commission than a court. The dockets of that court have been crowded with thousands of cases, and after a case has been investigated and dismissed by the House it has often been sent to the court again by the Senate, and the court has been unable to keep up with its business.

This policy is unfair to the claimant for the reason that one having a just and valid claim that has received a favorable finding at the hands of the Court of Claims has been unable to induce Congress thereafter to appropriate the money to pay the claim. An instance of that unfairness was contained in the last omnibus bill, in which bill claims were included for which favorable findings had been made during a period of 10 years, for no omnibus claims bill was passed by Congress from 1905 until 1915.

The pending bill, introduced by the gentleman from Illinois [Mr. MANN], seeks to do away with this burdening of Congress with the consideration of private claims. It seeks to have Congress consider these claims but once, to have the committee pass upon the question as to whether or not the allegations of the bill are such as, if true, would constitute a valid claim against the Government, and in such case to refer the claim to the court, with power to try it as the case would be tried in any court of ordinary jurisdiction, and to render judgment in the case.

Mr. HAMLIN. Will the gentleman yield right there?

Mr. BYRNES of South Carolina. I will.

Mr. HAMLIN. Do I understand the gentleman to say that under this bill the Committee on War Claims would have the right to refer a case to the Court of Claims, or would they be obliged to report to the House and let the House refer it to the Court of Claims?

Mr. BYRNES of South Carolina. Under this bill, a bill introduced by the gentleman from Missouri would be considered by the War Claims Committee; and if reported by that Committee, the House would decide whether it should go to the Court of Claims, and it would go there under the provisions of this law with power in that court to try the case and render final judgment.

Mr. HAMLIN. Then, this House would have nothing at all to do with it?

Mr. BYRNES of South Carolina. It would have nothing more to do with it after sending it to that court.

Mr. HAMLIN. But your War Claims Committee would have to report that bill to the House, and then the House could refuse to refer it to the Court of Claims, if it so desired.

Mr. BYRNES of South Carolina. Yes; the House could refuse to refer it, if it was not a case that the House thought should be sent there.

Mr. HAMLIN. And then if the House did refer it to the Court of Claims, the Court of Claims would adjudicate that case, and if they rendered a judgment in favor of the claimant, the Government would have to pay it without any further action on the part of Congress.

Mr. BYRNES of South Carolina. Except the ordinary course of referring the judgment to the Committee on Appropriations——

Mr. HAMLIN. I understand that; but if this bill should become a law, would it not be necessary for the claimant to present all of his evidence here in order to convince the House that he had a meritorious claim?

Mr. BYRNES of South Carolina. That he had a prima facie case.

Mr. HAMLIN. That is what I am getting at. Does the gentleman understand that the House would act on the evidence that would simply make out a prima facie case, and would he have to prove his case?

Mr. BYRNES of South Carolina. The gentleman knows the policy that has been pursued in the past in the consideration of these cases that are referred to the courts. Where the evidence offered made out a prima facie case, such as in the opinion of the committee deserved consideration by the Court of Claims, it has been sent to the court, and I have no doubt the committee will follow that policy in the future.

Mr. HAMLIN. I am in sympathy with the purposes of this bill as I understand it, but it occurred to me that if when this House refers this case to the Court of Claims it has no further opportunity to prevent the payment of the claim if the Court of Claims should find favorably for the claimant, then it becomes a judgment, and I think it ought to, and that is what I have contended for all the time. But if this becomes a law, will the House refer these claims to the Court of Claims on a showing or findings by the committee, knowing that they would be passed upon by the Court of Claims and become a judgment?

Mr. BYRNES of South Carolina. I think there will be no showing demanded except an ex parte showing because the Committee on War Claims never attempted to try the case when the proposition was to submit it to the Court of Claims.

Mr. HAMLIN. Every one knows that in the past the House would have another opportunity to pass on it and say whether they would pay it or not, but if this bill passes they would not have another opportunity, and it might require absolute proof by the claimant before they would send it to the Court of Claims.

Mr. BYRNES of South Carolina. If the House did that, it would be in conflict with the purpose of the bill which constitutes the Court of Claims as the tribunal before which the claimant is to appear and prove his case.

Mr. HAMLIN. I hope the House will not make that requirement.

Mr. IGOE. Will the gentleman yield?

Mr. BYRNES of South Carolina. Yes.

Mr. IGOE. Under this bill will the committee have the power to refer the bill to the Court of Claims without the House acting on the bill?

Mr. BYRNES of South Carolina. No; the same policy will be pursued that has always been pursued; a resolution will be reported to the House referring the case to the Court of Claims.

Mr. IGOE. At the present time can the committee refer any case under the three methods to the Court of Claims without the House acting on it?

Mr. BYRNES of South Carolina. No; the House must refer them.

Mr. FOSTER. Will the gentleman yield?

Mr. BYRNES of South Carolina. Certainly.

Mr. FOSTER. In reporting the resolution as has been done in the past, referring these cases to the Court of Claims, there is not much of any report made, but simply a statement of what the case was. Would it be the policy of the committee in case this bill becomes a law, to make a more extensive report to the House involving these claims than it has done in the past?

Mr. BYRNES of South Carolina. Of course I am not authorized to speak as to the policy of the committee, but my own idea is that the committee would make more of an investigation than in the past. The purpose of the bill is this: It provides in one section that every person in this country who believes that he has a claim growing out of the Civil War shall have two years in which to have it adjudicated, and that the Court of Claims shall have no jurisdiction after that time, the purpose being to get rid of this class of cases and relieve Congress of the burden of considering them. I think we ought to make such an investigation as shall make out a prima facie case to justify its being sent to the Court of Claims.

Mr. FOSTER. Is it the gentleman's idea that the committee in reporting these cases from the committee in a resolution would file the evidence showing that they had made out a prima facie case?

Mr. BYRNES of South Carolina. I do not know about printing the evidence, but I think the report would make some statement as to the facts of the case so that the House would have some information about it.

Mr. MEEKER. Will the gentleman yield?

Mr. BYRNES of South Carolina. Yes.

Mr. MEEKER. If this becomes a law, would the claims be referred directly to the Court of Claims?

Mr. BYRNES of South Carolina. I do not quite understand.

Mr. MEEKER. A claim comes in and is referred to the committee, and, if this new court was established, would it be passed right on to the court?

Mr. BYRNES of South Carolina. There is no new court established; the only thing the bill does is to provide that Congress shall give the Court of Claims power to try the case and render a final judgment instead of reporting back to the House its findings for Congress to again consider it. We limit to two years the time in which any claimant can file his claim.

Mr. MEEKER. And all of the claims would go to that court?

Mr. BYRNES of South Carolina. They would go to the Committee on War Claims, and if the claimant presented a prima facie case it would be referred by the House, as it has been in the past, to the Court of Claims for consideration, and once referred there the claimant has a right to try his case and have a final adjudication.

Mr. CAMPBELL. Will the gentleman yield?

Mr. BYRNES of South Carolina. Yes.

Mr. CAMPBELL. How many claims, roughly, are affected by this legislation?

Mr. BYRNES of South Carolina. That is impossible for me to answer, but in the natural course of events the number of claims which can be presented at this time that have any merit in them and are capable of proof demanded by the Court of Claims must necessarily be small. For, as the gentleman from Kansas knows, the investigation by the Court of Claims of the United States is no mere formal matter; it requires proof and demands witnesses who are cross-examined by attorneys representing the department.

Mr. CAMPBELL. I understand all that; but the Committee on War Claims has in hand now the most of the claims that would finally reach the Court of Claims under this act, has it not?

Mr. BYRNES of South Carolina. I can not say. I believe that the number of claims would be comparatively small, but I can not estimate the number.

Mr. CAMPBELL. Has the Committee on War Claims made any estimate of the amount of liability covered by the legislation now under consideration?

Mr. BYRNES of South Carolina. I could not attempt to estimate it, because it would be an impossibility. As I stated in the report on this bill, and I refer the gentleman to it, if he will take the amounts paid during the last 25 or 30 years, when it was easier for a claimant to secure proof, basing it upon that, the amount for which the Government would be liable under this act must necessarily be small. That is the only basis that I have.

Mr. CAMPBELL. It is suggested that there are about 10,000 claimants who would finally reach the Court of Claims under this act.

Mr. BYRNES of South Carolina. I could not answer the gentleman in respect to that. I will refer the gentleman at this time to another section of the bill. The bill has a committee amendment which has been read, which restores to the docket of the Court of Claims those cases dismissed under the Crawford amendment adopted during the closing hours of the last session. It is true that the judges of the Court of Claims state that by the Crawford amendment several thousand cases were disposed of. The greater number of those cases were not for use and occupation, or claims for stores and supplies, but claims known as draft cases and pay claims. They constituted the greater number of cases that were dismissed.

Mr. KINKAID. Mr. Chairman, will the gentleman yield?

Mr. BYRNES of South Carolina. Yes.

Mr. KINKAID. Will the bill, if passed, repeal the right to submit Indian depredation claims to the Court of Claims?

Mr. BYRNES of South Carolina. This bill would not affect the Indian depredation claims at all.

Mr. KINKAID. Only war claims?

Mr. BYRNES of South Carolina. Only war claims, and the bill specifically sets forth the class of cases affected by it.

Mr. KINCHELOE. Mr. Chairman, will the gentleman yield?

Mr. BYRNES of South Carolina. Yes.

Mr. KINCHELOE. If this bill should become a law, all that would be necessary to get a claim to the Court of Claims would be to show a prima facie and just claim; in other words, to show the same as a petition that is good on demurrer, with ex parte evidence to show before this committee, and then it would be referred to the Court of Claims for final adjudication?

Mr. BYRNES of South Carolina. The gentleman's understanding is correct.

Mr. DICKINSON. Mr. Chairman, will the gentleman yield?

Mr. BYRNES of South Carolina. Yes.

Mr. DICKINSON. Does this bill have any further effect than simply to reinstate these cases that have already been on the docket of the Court of Claims?

Mr. BYRNES of South Carolina. It does this: It reinstates them and then gives to that court the power to try the case and render final judgment in the case without referring it back to Congress.

Mr. DICKINSON. Does it give jurisdiction to consider any claims other than those that have already been upon the docket?

Mr. BYRNES of South Carolina. It does. It specifically says that the Court of Claims shall have no jurisdiction over claims referred to it after two years from the date of the passage of this act, so that at any time within two years from the passage of the act Congress would have the right to refer a claim to that court for consideration.

Mr. DICKINSON. Does the gentleman mean to say by that that where proof is ready to be presented and can be presented now, that has never been presented to the Court of Claims, bills can be introduced here with new proof and then referred to the Court of Claims during the next two years?

Mr. BYRNES of South Carolina. Two years after the passage of this act.

Mr. DICKINSON. Then the general purpose of the bill is to restore the jurisdiction of the Court of Claims, to open the matter up for two years, and then forever bar the presentation of any more claims?

Mr. BYRNES of South Carolina. The gentleman has stated the purpose exactly.

Mr. MOORE of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. BYRNES of South Carolina. Yes.

Mr. MOORE of Pennsylvania. Answering the gentleman from Kansas [Mr. CAMPBELL] a little while ago, the gentleman from South Carolina said something as to the number of claims that might arise under this bill?

Mr. BYRNES of South Carolina. I told the gentleman it was impossible for the committee to estimate, except in this way, that the report contains a statement of the amount paid for similar

claims for a number of years past, and we can only base any estimate upon those figures, having in mind, however, that it was much easier to secure proof in the past than it will be in the future because of inability to secure witnesses.

Mr. MOORE of Pennsylvania. I wanted to have this side of the House at least understand what the bill means. It pertains solely to war claims, does it not?

Mr. BYRNES of South Carolina. It pertains solely to claims arising out of the use and occupation of property and stores and supplies.

Mr. MOORE of Pennsylvania. Taken by the Union forces during the war from those who were still loyal to the Union?

Mr. BYRNES of South Carolina. Who were loyal to the Union.

Mr. MOORE of Pennsylvania. The question of disloyalty does not arise under this bill?

Mr. BYRNES of South Carolina. Well, it does require proof of loyalty.

Mr. MOORE of Pennsylvania. Proof of loyalty must be established?

Mr. BYRNES of South Carolina. Yes; under the provisions of this bill.

Mr. MOORE of Pennsylvania. Now, the gentleman from Kansas [Mr. CAMPBELL] said there might be 10,000 claims arising as the result of the passage of this bill?

Mr. BYRNES of South Carolina. No; the gentleman from Pennsylvania misunderstood him. What the gentleman from Kansas said was that he understood nearly 10,000 cases had been dismissed. The fact is, on the docket of the Court of Claims there were several thousand cases, and, as I have explained, they did not grow out of use and occupation or for stores and supplies, but included cases for back pay of officers and draft cases, and each claim making a separate case, amounted up to the thousands. I think there are about 3,000 draft cases.

Mr. MOORE of Pennsylvania. The gentleman remembers when we passed the last war-claims omnibus bill.

Mr. BYRNES of South Carolina. I remember it distinctly.

Mr. MOORE of Pennsylvania. How much money was carried in that bill?

Mr. BYRNES of South Carolina. The bill, which was the largest of those bills, carried $1,866,555; and I should say this to the gentleman, that that covered findings over a period of 10 years, from 1905 to 1915, for the reason that Congress had not in 10 years passed an omnibus bill, and these claims had gradually accumulated.

Mr. MOORE of Pennsylvania. To whom was this money paid—this $1,800,000?

Mr. BYRNES of South Carolina. It was paid to the claimants whom Congress named in the bill.

Mr. MOORE of Pennsylvania. I want to find out so the House can understand. Those claimants were the actual losers of the property, the actual owners?

Mr. BYRNES of South Carolina. In every case they were either the actual owners or the heirs of the actual owners.

Mr. MOORE of Pennsylvania. The gentleman understands that 50 years have elapsed since this damage was done, and presumably most of those who were directly damaged have died. Now who are the beneficiaries?

Mr. BYRNES of South Carolina. The beneficiaries are the heirs of those who were directly injured. I do not know that I can assent to the statement that the majority of them have died because I have not the information.

Mr. MOORE of Pennsylvania. Will the gentleman from South Carolina tell us to what extent the right to a claim may pass on down to the next generation?

Mr. BYRNES of South Carolina. This bill does not pass upon it and I am not in a position to state. I know this, that if this bill passes that after two years the court will have no jurisdiction and the question will not arise as to how far this distribution shall go, for under this bill claims not presented, not sent to the court, in two years will not have to be heard.

Mr. MOORE of Pennsylvania. Then they are barred forever?

Mr. BYRNES of South Carolina. They are barred forever.

Mr. MOORE of Pennsylvania. They are not prevented from coming to Congress?

Mr. BYRNES of South Carolina. Of course this Congress can not attempt to bind the actions of a future Congress, we realize that. We have no power to say what a future Congress shall do, and all we do say is that the Court of Claims will have no jurisdiction in cases submitted to them after two years; and the only way in which the Court of Claims could consider them would be by an act of Congress restoring to that court jurisdiction.

Mr. MOORE of Pennsylvania. Can the gentleman say about what volume of money would be necessary to pay existing claims, those now pending in the Court of Claims and in Congress?

Mr. BYRNES of South Carolina. I could not, for this reason: A great majority of the cases pending in the Court of Claims have no merit under the rulings and proof required by that court, and I dare say there are not 5 per cent of those now on file that would ever receive the favorable judgment of that court.

Mr. REAVIS. Will the gentleman yield?

Mr. BYRNES of South Carolina. I do.

Mr. REAVIS. The gentleman speaks of cases being on file in the Court of Claims. They are not on file, are they; were they not dismissed by the Crawford amendment?

Mr. BYRNES of South Carolina. I could not hear the gentleman.

Mr. REAVIS. This bill is for the purpose of reviving those claims which were dismissed, is it not? I say, these claims are not on file in the Court of Claims, but they were dismissed by that court under the authority of the Crawford amendment?

Mr. BYRNES of South Carolina. Yes; that is right.

Mr. REAVIS. This bill is designed to revive the claims which were dismissed——

Mr. BYRNES of South Carolina. It is.

Mr. REAVIS. And to centralize the responsibility of the Court of Claims by giving them jurisdiction either to enter judgment in favor of the claimant or to dismiss the claim?

Mr. BYRNES of South Carolina. That is the purpose of the bill.

Mr. MOORE of Pennsylvania. Were they dismissed after a hearing by the court or by Congress?

Mr. BYRNES of South Carolina. I will answer the gentleman in this way: When the omnibus bill was pending in the Senate on the 3d of last March an amendment was offered by Senator Crawford, known as the Crawford amendment, and was accepted by the Senate. It came over here, and it reached here during the late hours of March 3 or the early hours of March 4. As a member of the committee with the chairman, the gentleman from Texas [Mr. GREGG], I remember very distinctly reading the Crawford amendment at that time. There was no opportunity to submit it to the committee. The gentleman from Texas [Mr. GREGG] and myself were of the opinion, as a result from our casual reading of the amendment, that it referred only to cases which might be considered by Congress hereafter, and meant to provide that no case should be sent to the court hereafter. My idea has always been to fix some time when we should dispose of these cases, and so we readily agreed to it. It was brought up in the House; there was no debate on it—I should say this in justice to the House, that the House did not know the effect of the amendment—it was agreed to and went back to the Senate, where it was agreed to without any further debate and became the law.

The Court of Claims thereafter, on motion of one of the representatives of the Department of Justice, dismissed the pending cases on the ground that the Crawford amendment took from the court jurisdiction to further investigate those cases, and by that decision dismissed the several thousand cases from the docket.

Mr. MOORE of Pennsylvania. You propose to remedy that situation by this bill?

Mr. BYRNES of South Carolina. If the gentleman will allow me to go on, I will say that many of the claimants had presented their proof, argued their cases, and many of them had secured a favorable finding which had not been printed. They came to their Representatives in Congress to induce them to introduce bills restoring jurisdiction to that court, and there are before the committee a large number of such bills and a still larger number of private bills to restore claims which were at that time pending in the court.

The committee in recommending the passage of the bill introduced by the gentleman from Illinois [Mr. MANN], which provides the right to a claimant to go to the court within two years, thought it only fair that those people who had been given the right by Congress heretofore to go into that court, and had presented their proof and had been deprived of their right to secure a finding by reason of the Crawford amendment, should be placed on the same footing with those who under the terms of the bill of the gentleman from Illinois had the right to their day in court, and for that reason we offer the amendment restoring those claims to the docket and giving the court jurisdiction to dispose of them; to find against those who do not comply with the law and to find for those who have a just and valid claim against the Government under the law.

Mr. McLAUGHLIN. Will the gentleman yield to me?

Mr. BYRNES of South Carolina. I yield to the gentleman.

Mr. McLAUGHLIN. Section 6 of the bill provides that if a claim is presented by an association or corporation, or if the amount is above $500, evidently the claim can be presented by and paid to anyone, but if it is presented by an individual, and the amount is less than $500, it can be paid only to the widow or children, generally speaking. Is that true?

Mr. BYRNES of South Carolina. Under that section, as I read it, it is provided that the claimant, the actual owner of the property, could recover in case he is alive, and if he is not and the amount is less than $500, that his widow and children may recover without having an executor or administrator appointed.

Mr. McLAUGHLIN. That is true so far, but under this section would not an association or corporation, or even an individual, having a claim of over $500 be permitted to present the claim, and anyone, no matter how remotely interested he might be, present the claim and have it allowed before the court?

Mr. BYRNES of South Carolina. I do not so understand it.

Mr. McLAUGHLIN. I have not seen the bill before, and of course have not had time to examine this section 6; but, as the gentleman from South Carolina has it, it would seem to me that it would offer opportunity for claims by associations or corporations——

Mr. MOORE of Pennsylvania. Or assignees.

Mr. McLAUGHLIN. Or assignees, now in possession of or owned by claim agents or attorneys, who scour the country and find these claims. Now, if the statute of limitations is to run against anyone it looks as though it ought to run against these associations or corporations organized under the law and able to look after their own interests. If they have not presented their claims within 50 years they certainly ought to be barred.

There is another thing. As I read it a claim under $500 can be presented by and paid only to the widow or the children of the original claimant or sufferer, but if the claim is more than $500 a claim can be presented by anyone.

Mr. BYRNES of South Carolina. The gentleman will understand that the purpose of that provision in this bill, according to my understanding of it, is—the author can doubtless explain it better than I can, but my understanding is it refers to claims less than $500 and where there is no administrator—that the claimant should not be denied the right to receive that money where the claimant was the widow or children of the deceased owner. That is all there is to it. As a matter of fact, there is not one claim of a corporation in all these claims, as the gentleman would find if he would investigate them. Because you know that in the days of the Civil War we had not the corporate existence that we now have throughout the country.

Mr. McLAUGHLIN. Evidently there was an attempt here on the part of the committee to provide some protection for the widow or heirs of the owner who originally lost the property.

Mr. BYRNES of South Carolina. Yes.

Mr. McLAUGHLIN. But certainly section 6 as it stands does not offer any protection of that kind. The claim could be presented by anyone. Attorneys or claim agents, perhaps, could get them by assignment from those who did not know they had any claim or any right to make any presentation to the court.

Mr. CLARK of Florida. Will the gentleman yield for just a moment?

Mr. BYRNES of South Carolina. I yield to the gentleman from Florida.

Mr. CLARK of Florida. I have read this section 6, and it seems to me it confines it entirely to the widow or the children. Wherein does the gentleman get the idea that the assignee of the claimant, for instance, could present it and collect it?

Mr. McLAUGHLIN. There is nothing in the bill that says an assignee can not present a claim and collect it, and the gentleman knows very well that a very large number, a large percentage of claims, presented to the committees of this House having jurisdiction of them, are in the hands of assignees and claim agents, and they are worked up.

Mr. BYRNES of South Carolina. If the gentleman from Michigan will allow me——

Mr. CLARK of Florida. If the gentleman will permit me just a moment——

Mr. BYRNES of South Carolina. I will.

Mr. CLARK of Florida. I want to say to the gentleman that the section he refers to expressly stipulates they can only be collected by the widow or the heirs.

Mr. McLAUGHLIN. If less than $500. If more than $500, it can be collected by anyone.

Mr. BYRNES of South Carolina. No. If the gentleman from Michigan will allow me, that inference is not justified by the language. The purpose is to require payment to the executor or administrator, and when no demand is presented by a duly appointed executor or administrator, the court would not be presumed to pay to anybody having no right.

Mr. McLAUGHLIN. Certainly. If the amount is over $500—and I am not sure that it is any amount—if it is over $500, an assignee, or attorney, or agent, any kind of a man assuming to represent an original claimant, can put in a claim and, if allowed, collect it.

Mr. BYRNES of South Carolina. The only purpose of the section is to cover cases where executors and administrators have not been appointed; in the case of a small claim to let the widow and children recover, but if the claim is above $500 it does not affect existing law at all.

Mr. McLAUGHLIN. Take the case of a claim of over $500. Anyone can present it and collect the judgment. Is not that true under this section?

Mr. BYRNES of South Carolina. In the case of a claim under $500, where there is no executor or administrator, the widow or children could recover.

Mr. McLAUGHLIN. There is something here that squints in the direction of protection for the widow or children, but there is nothing here that says an agent can not get possession of the claim of the widow or children, even if the claim is below $500. The claim is in favor of the widow and children, but an assignee can urge the claim and collect the judgment.

There may be some reason or excuse for permitting, even at this late date, claims in favor of the widow and children of the original sufferer, but there certainly ought to be some provision in this bill and something put into the law that will bar associations or corporations, those who were certainly able to take care of their own interests and not let more than 50 years elapse without presentation of any claim at all.

Mr. BYRNES of South Carolina. May I read the general law to the gentleman?

Mr. McLAUGHLIN. Yes.

Mr. BYRNES of South Carolina. I read:

That all transfers and assignments hereafter made of any claim upon the United States, or any part or share thereof, or interest therein, whether absolute or conditional, and whatever may be the consideration therefor, and all powers of attorney, orders, or other authorities for receiving payment of any such claim, or any part or share thereof, shall be absolutely null and void, unless the same shall be freely made and executed in the presence of at least two attesting witnesses, after the allowance of such claim, the ascertainment of the amount due, and the issuing of a warrant for the payment thereof.

This was just handed to me by a member of the committee.

Mr. McLAUGHLIN. What law is that?

Mr. BYRNES of South Carolina. That is the general law.

Mr. McLAUGHLIN. What name do you give to it? In what law is that found? You refer here in the bill to several of these acts by name.

Mr. BYRNES of South Carolina. That is not referred to in the report at all. It is the general law. You will find it in Tenth Statutes at Large, page 170.

Mr. McLAUGHLIN. The gentleman does not insist that that is a protection to anyone? Legal papers are always executed in the manner stated.

Mr. BYRNES of South Carolina. I think that is so, and ought to be; but let me answer. This bill does not propose to change existing law in any way except to do this, that where there is a small claim under $500, where a widow has no executor or administrator appointed on the estate of her deceased husband, the courts will have the power to order the payment of the money to the widow or children. No assignment can be made until after the court has made a finding under the general law.

Mr. McLAUGHLIN. Oh, but anyone who may have that assignment from them can collect.

Mr. BYRNES of South Carolina. No. In all other respects the existing law will continue. All that the committee intended to do was to authorize the widow to receive payment where the amount was so small as not to justify the expense of having an executor or an administrator appointed.

Mr. McLAUGHLIN. It seems to me that this bill offers encouragement to the agents and attorneys in bringing up these claims and would assist them, and, so far as assisting widows and children is concerned, it would be an embarrassment to them.

Mr. BYRNES of South Carolina. It provides that it shall be of assistance to the widow and children. It does not mention assignees or claim agents.

Mr. McLAUGHLIN. It ought to mention them and disbar them from the privileges of the act.

Mr. BYRNES of South Carolina. You assume that they have the power and that this bill should exclude them. I understand

that that is the gentleman's position. The bill does not mention them.

Mr. HAMLIN. Mr. Chairman, will the gentleman yield to me for a moment?

Mr. CLARK of Florida. In just one moment. Will the gentleman from Michigan give me his attention for a moment?

Mr. McLAUGHLIN. Yes.

Mr. CLARK of Florida. I want to call the gentleman's attention to the general provision of the law, which is not affected at all by this bill. The law provides that there can be a transfer under certain conditions. I want to call the gentleman's particular attention to the conditions: It shall be "executed in the presence of at least two attesting witnesses after the allowance of such claim."

Now, then, surely there is not anybody who is going to transfer a claim for practically nothing after its allowance. I read again:

Its ascertainment and declaration, and a warrant issued.

The statute goes on to say:

After the allowance of such a claim, the ascertainment of the amount due, and the issuance of a warrant for the payment thereof.

Mr. McLAUGHLIN. Will the gentleman tell the House whether, in the claims presented before the committee of this House, they are presented always in the names of and by the original claimants, and that the hand of an assignee is not seen until the claim is finally allowed and the payment is all ready?

Mr. CLARK of Florida. I say to the gentleman that that is the law as it stands to-day, and this bill does not seek to change it and does not change it.

Mr. SLOAN. Mr. Chairman, will the gentleman yield?

Mr. BYRNES of South Carolina. I will.

Mr. SLOAN. It seems to me this House is interested in knowing how large a contract it is taking on its hands. Has not the Committee on War Claims made any effort to classify the claims that would be involved in this? For instance, is the gentleman from South Carolina [Mr. BYRNES] prepared to say what is the number of claims that were cut out by the Crawford amendment, and what the amounts were?

Mr. BYRNES of South Carolina. I can say to the gentleman that that is impossible, for the reason which I attempted to explain. The Crawford amendment cut out not only the claims referred to in this bill for stores and supplies and for use and occupation, but back-pay claims of all kinds. The gentleman can get as accurate an idea as is possible for any Member of this House to secure as to the amount affected by this bill by reading the report and ascertaining the amounts already paid for claims of a similar nature. During the period of 10 years from 1905 to 1915 the findings of the court amounted to about $1,500,000. The gentleman and I will agree that in the past it has been much easier for claimants to secure the proof upon which to present their cases than it will be during the next two years; and, in addition, in the very nature of things, the great majority of these claims have been paid; but that amount is the only basis which anyone could use for the purpose of estimating what the future would bring.

Mr. SLOAN. But it occurred to me that if the Crawford amendment cut out a large number of claims that were involved in the bill of last session the committee could very easily give a tabulation of those claims, the names and the amounts, and also an estimate of other claims. We are very much interested in knowing whether this involves a possible expenditure of $1,000,000 or of $100,000,000; and it seems to me that this committee, the servant of the House, in asking a large appropriation, ought to give the House some idea of how large it would be.

Now, I want to ask just one other question right here.

Mr. BYRNES of South Carolina. Go ahead.

Mr. SLOAN. When these claims were referred to the Court of Claims by the committee, assuming that the committee made some sort of an investigation to discover whether there was any merit, and the degree of merit, a classification of those claims based upon their apparent merit and a compilation of the figures along that line would be very important to a great many people, considering the state of the Treasury, to show whether we are proceeding to do something that will involve $1,000,000, which would not be much, or $100,000,000, which might be a great deal. I heard a very eloquent argument from that side of the Chamber the other day, based upon a large pension bill, which argument had its basis, in part at least, upon abandoned property, or property taken by the Government from loyal citizens. From the figures suggested there and the figures suggested here, and other matters that readily occur to one who thinks on the subject, it appears that we are undertaking a pretty large contract if we open up this bill to the extent now proposed.

Mr. BYRNES of South Carolina. Let me answer the gentleman. In the investigation by the committee there has not been a trial of the facts in the case, for the reason that the bill was referred to the Court of Claims for that purpose; and one of the evils of that system which this bill would correct would be to do away with that division of responsibility which left Congress relying upon the Court of Claims to investigate and left the Court of Claims relying upon Congress finally to pass upon the case. This bill seeks to concentrate the responsibility upon the Court of Claims, and when that responsibility is concentrated these claims will receive more careful consideration than heretofore.

The gentleman wants to know if the committee could not ascertain, from the bills pending in the Court of Claims which were dismissed by the Crawford amendment, the probable total of these claims. In reply to the gentleman I will say that on the docket of the Court of Claims there were a large number of these claims, but I do not believe that 5 per cent of them were cases in which judgments would be recovered by the claimant, and it would be entirely unfair to add up the totals of all cases referred to the Court of Claims; because, even though this committee and the House exercise caution in sending these cases, others have been sent to the court in the past by the Senate. This bill concentrates the responsibility; and if the gentleman fears that it will cause the payment of a large amount I will ask him this: The bill requires that the person who claims that the Government owes him money shall prove his loyalty to the Government, that his property was taken from him, and that it is a just debt. Does not the gentleman believe, if it is a just debt, if the claimant's property was taken, and if he was loyal to the Government, that upon the establishment of those facts the Government ought to pay the judgment?

Mr. SLOAN. I am in favor of the Government's paying all its honest debts; but in the matter of appropriating a large amount of money some of us are more interested in knowing what the maximum of a claim is, which might be figured out from these claims themselves, rather than the minimum as estimated by the gentleman, which he says is 5 per cent. We want to know what the hundred per cent is?

Mr. BYRNES of South Carolina. Even at 100 per cent I will say, as a Member of this House, that if the Court of Claims finds, after trying the case, that the man was loyal to the Government, that the Government took his property from him, and that it is a just debt, and it renders judgment in his favor, in my opinion such a judgment ought to be paid, and I would vote to pay it. And I will ask the gentleman, Does he not think it ought to be paid?

Mr. STAFFORD. Not if the claims were in the hands of claim agents.

Mr. SLOAN. The claimants having allowed their claims to run for 50 years, if they are now in the hands of heirs or proper parties, perhaps there would be no objection; but if they have become a matter of speculation, so that the original people who were damaged will never profit a penny, it would make a great deal of difference.

Mr. BYRNES of South Carolina. I agree with the gentleman about that.

Mr. SLOAN. I do not propose, as far as I am concerned, to commit myself to a proposition of this kind until I know what its probable maximum may be, and so far the gentlemen in charge of the bill have refrained or neglected to give any suggestion or estimate of how large a drain this might possibly be upon the Treasury of the United States.

Mr. BYRNES of South Carolina. The gentleman and I are in accord in that we do not want anybody to recover who is not entitled to do so, but we believe we have thrown about the bill all the safeguards that we can. I am sorry that it is impossible to estimate the amount that might possibly be recovered under it.

Mr. IGOE. The gentleman said in answer to a question some time ago that the committee did not have authority to refer claims to the Court of Claims without the consent of Congress. Now, if there are any claims at all that might come to the committee under the Bowman Act, why should they not refer them under section 1 of that act?

Mr. BYRNES of South Carolina. That was repealed.

Mr. IGOE. But it is referred to in this act.

Mr. BYRNES of South Carolina. Only as a reference to cases that have been sent to the court under that act that may be there.

Mr. IGOE. Are there any cases that might come under this act?

Mr. BYRNES of South Carolina. Not under this act. They have to come to the House.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. The gentleman from Nebraska [Mr. STOAN] is recognized in opposition to the bill.

Mr. REAVIS. Mr. Chairman, I want recognition as ranking member of the committee.

The CHAIRMAN. The Chair may not be advised about the situation, but the Chair understands that under the new rule there shall be two hours of general debate. One hour has been used in favor of the bill, now if there is anyone opposed to the bill he should be recognized. Is there anyone that wishes to be recognized in opposition to the bill?

Mr. SIMS. I wish to be recognized in opposition to the bill.

The CHAIRMAN. Is the gentleman opposed to the bill?

Mr. SIMS. I am opposed to it without amendment.

Mr. MANN. That is hardly fair.

Mr. SIMS. I do not wish to do anything that is not fair. I am willing that the gentleman from Nebraska should have the time on that side, but I do not want to be cut out.

Mr. REAVIS. I do not wish to cut the gentleman out.

Mr. SIMS. I know the gentleman does not, but that was the only way I could get in.

Mr. REAVIS. Mr. Chairman, am I recognized?

The CHAIRMAN. The gentleman from Nebraska is recognized.

Mr. REAVIS. Mr. Chairman, I yield 20 minutes to the gentleman from Illinois [Mr. MANN].

Mr. MANN. Mr. Chairman, this bill is designed to expedite the payment of claims which ought to be paid, and to prevent the payment of claims which ought not to be paid. The present system is not very satisfactory. Under the existing system we refer to the Court of Claims, by resolution of either House of Congress, claims for their finding of facts, and they report the finding of facts back to Congress. When the finding of facts is reported back fixing a certain amount, regardless of what the claim was, that practically is the judgment of the Court of Claims and ought to be paid. There are many of these findings that ought never to be paid, because they are not for property for which the Government ought to pay; and the fact that there are many of the claims which ought not to be paid and that it is very difficult to segregate the claims through the committee of the House which ought to be paid, prevents, in the main, the payment of any of the claims except by long delay. When any of the claims are paid, some of those which ought not to be paid at all creep in along with those which ought to be paid.

In the last Congress we passed an omnibus war-claims bill through the House without any consideration, it being impossible to give time to the consideration of an omnibus claims bill. That bill went to the Senate, and a good many of the items which the House put in were stricken out and a good many items which had been left out in the House bill were inserted in the Senate. In the end certain claims were allowed, as I discovered after the bill passed the House, and a good many claims included in the bill before it passed the House which the committee itself did not desire to have paid and were not in favor of paying that class of claims.

But it is impossible for a committee of the House to consider in a few days of time thousands of these claims and not make many mistakes, no matter how careful they may try to be. In addition to that we passed what is called the Crawford amendment, which I think was generally supposed by the few Members who knew there was such a proposition would only apply to claims in the future, but which in fact directed the dismissal of all of the war claims then pending in the Court of Claims.

We had just referred to the Court of Claims by several resolutions in the last House a large number of new cases. In the Congress preceding we had referred to the Court of Claims by resolution of the House uncontested a very large number of cases. Many of these cases had proceeded to a point of taking evidence, some almost to the point of having a finding of the court. Some had proceeded to the point of having a finding by the court. Where they had not proceeded to a finding of the court under the Crawford amendment the court was required to and did dismiss the cases. They made a report to Congress of the cases which were dismissed. I have been over the report casually, and a very large number of cases are cited. Of course, it was unfair for Congress to pass a resolution inviting a claimant to present his evidence to the Court of Claims, to hire an attorney, to take testimony at his expense, and then when he had been to that expense and trouble order a dismissal of the case without giving him any further show in the court. To that extent there would be undoubtedly a general consensus of opinion that the claimant ought to be reinstated in the court. I introduced the bill that is now pending, but it does not cover that subject. It is covered, however, by amendments to the bill. I think we have reached the time when the purpose of Congress is quite well settled about these claims, and it has become the settled purpose of Congress—eventually, at least—to pay claims to those who were loyal citizens of the Government whose property was taken for the use of the Army of the United States, or whose property was used in the way of buildings for the Army of the United States. That has become the sett'ed purpose of Congress.

Originally there were a great many divisions of opinion as to the character of cases in which property should be paid for by the General Government growing out of these war claims, but it has become practically the settled purpose of the Government—at present, at least—that we will not pay claims for the deliberate destruction of property. We have paid some of those claims unintentionally, and as time goes on, unless we wind it up, we will not only pay more of the claims, but we will invite everybody whose property was destroyed to make claims against the Government.

The discinguished gentleman from Tennessee [Mr. SIMS], who was long the able, careful, and diligent chairman of the Committee on War Claims, endeavored to prevent not only claims of that character, but even their reference to the Court of Claims for findings. Now, having determined practically the character of the cases which we will pay, the bill now before us is to authorize the Court of Claims to enter judgment in that character of cases, and will eliminate practically all other kinds of cases. And after two years it would eliminate any other cases at all which have not been brought to the attention of Congress before the expiration of the two years from the passage of the act.

Mr. GARRETT. Mr. Chairman, will the gentleman yield?

Mr. MANN. Yes.

Mr. GARRETT. I want to ask the gentleman if, in view of the fact that it is hoped that this law will look to a finality of these claims, he thinks that two years is a sufficient time?

Mr. MANN. I think it is.

Mr. GARRETT. Does not the gentleman think that at the conclusion of two years the Congress will again have this question up for a further extension of the matter?

Mr. MANN. I doubt it. Most of the claims have already been presented to Congress.

Mr. GARRETT. If the gentleman will permit me, I concur heartily in the idea that there should be an end to the consideration of these claims. All that I am anxious about is that we shall provide a sufficient time, so that it may be a real finality and not a mere temporary matter.

Mr. MANN. As a matter of fact, those who 50 years after the war have not discovered that they have a claim at all might properly be barred; but this will give them two years' time in which to bring the claims to the attention of their Member of Congress, who will then introduce a bill, and, under a resolution of the House or Senate, that bill will be referred to the Court of Claims, which will have, of course, longer time in which to make a finding and in which to enter judgment. Having determined the law under which we will proceed for the payment of these claims, we ought to pay the claims that we intend to pay and we ought to say that we do not intend to pay the other classes of claims. Of course we can not bind what a future Congress will do, but if we pass a bill like this I do not think that a future Congress is likely to open up a class of claims which is not covered under the provisions of this bill. There may be claims presented which ought to be paid from time to time, and doubtless will, and they doubtless will receive consideration from the Committee on War Claims, which would still have the power to report the claim; but the purpose and the theory of the legislation are to give these people an opportunity in a court of claims under restricted terms as to the court's jurisdiction and permit the court not merely to make a finding of fact but to confer upon the court the responsibility of entering a judgment and make the court a little more cautious about what it does, then pay the judgment and stop the other claims.

I would be very glad now to yield to anyone who desires to interrogate me.

Mr. STAFFORD. Mr. Chairman, I would like to have the gentleman clear up the question, so far as the right of an assignee of a claimant under this bill to be entitled to the same right as he is at present is concerned.

Mr. MANN. I take it that an assignee of a judgment would have the same right to one of these judgments that he would have as to any other judgment entered against the United States.

Mr. STAFFORD. My query is directed to an assignee of a claimant of the same character as is embodied in this bill—over $500?

Mr. MANN. The $500 part of it has nothing to do with it.

Mr. STAFFORD. I understand that it has not.

Mr. MANN. Section 4 of the original bill authorized the payment of judgments to widows and children where the claim was not over $500, without putting them to the expense of having an executor or administrator of an estate appointed. That is all that section does. It is a proper provision that I think no one will object to.

Mr. KINCHELOE. Mr. Chairman, I would like to ask the gentleman a question. If this bill becomes a law, will the heirs of the deceased claimant be entitled to prosecute these claims, however far removed?

Mr. MANN. That would depend upon the action of Congress. No claimant can go into the Court of Claims under this bill or any other bill unless the matter is referred to the Court of Claims by this House or the Senate. In order to have a claim referred to the Court of Claims, a bill is introduced in the House or in the Senate, defining what should be paid and to whom it should be paid. Then, if the House or the Senate desires, by resolution that bill is referred to the Court of Claims, and, under existing law, the Court of Claims makes a finding on the claim in the bill and returns that finding to the House of Congress which referred it to the court. Under this proposed law, within the character of cases described in the bill, the court would go further and enter a judgment, but the court would be given no original jurisdiction to take possession of a claim, and no claimant can get to the court without proceeding through the existing channels, which are either House of Congress, and the introduction of a bill.

Mr. KINCHELOE. Mr. Chairman, following that a little further, if the gentleman will permit, the point I am trying to ascertain is what tribunal would determine who should prosecute this claim—that is, the beneficiaries of the deceased claimant—and how remote could they be? Would the Congress, by resolution, say that, or would the committee or the court?

Mr. MANN. I thought I had made myself plain, but evidently I have not. A bill is introduced to provide payment to John Jones, or the estate of John Jones or the heirs of John Jones or some one else, for certain property claimed to have been taken by the Government of the United States. That bill is referred to the Court of Claims with the authority under the law for the Court of Claims to make an investigation and a finding. Then the claimants in that bill, having the bill before the court, make their claim before the court. I have no doubt that if we name some particular person in the bill, and that person dies, his estate may proceed with the claim as with any other claim.

Mr. SMITH of Michigan. I want to inquire to see if I understand rightly; the filing of a claim stops the running of the statute of limitation; that is the claim must not be determined within the two years——

Mr. MANN. No; the two years is a mere matter of time of reference to the Court of Claims.

Mr. SMITH of Michigan. I would like to inquire further. Something was said about this being a bill to define the character of claims. Is that determined by the property that was destroyed, or the justice of the claim that is presented?

Mr. MANN. The bill refers to certain claims in behalf of religious and eleemosynary institutions and fraternal organizations. A few years ago the court held that the question of loyalty could not be raised against a corporation, and that if the Government had used a lodge room of one of the fraternal orders or a church room of a church organization the Government was under obligation to pay for use and occupation. Thousands of those cases have been referred to the Court of Claims, and we have paid a great many of them. This bill would authorize the entry of judgment in cases of that character where the court heretofore has made findings in favor of the claimants. It would authorize the entry of judgment as to individuals where property was taken as supplies for the use of the Army, where cattle were taken, where grain was taken, where flour was taken for the actual use of the Army from loyal citizens. It would provide also for the payment of claims where real estate of loyal citizens was used for the use of the Army and anything of that kind.

In all of those classes of claims we now pay them practically without question, if they can be brought to the floor of the House. We do not pay claims which amount to other use of property in reference to the destruction or the damage of property, because the Union Army destroyed a great deal of property in the South, much of which belonged to citizens who can make proof that they were loyal to the Federal Government, but we never have undertaken to pay those intentionally, those cases being necessarily concomitant with war conditions.

Mr. SMITH of Michigan. That is the question I had in mind also.

Mr. BENNET. Will the gentleman yield?

Mr. MANN. I will.

Mr. BENNET. The gentleman has read the Bowman and Tucker Acts. Does the gentleman agree with me that if this bill becomes a law it will do away with the reference of these claims under the Bowman Act?

Mr. MANN. The Bowman Act has been repealed.

Mr. BENNET. It is printed here in the report as part of the existing statute.

Mr. MANN. The Bowman Act and the Tucker Act have both been repealed.

Mr. BENNET. I understand by a provision of the judicial code.

Mr. MANN. By section 151 of the judicial title, which takes the place of the Bowman and Tucker Acts and which does not authorize a committee of the House to make reference to the Court of Claims.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. McKELLAR. Mr. Chairman, I ask unanimous consent that the gentleman's time may be extended——

The CHAIRMAN. The time is in the control of the gentleman from South Carolina and the gentleman from Nebraska.

Mr. REAVIS. Mr. Chairman, I yield 10 minutes further to the gentleman from Illinois.

Mr. McKELLAR. Regardless of whether they have been dismissed heretofore, cases which have been referred to the Court of Claims are referred to that court again under this bill?

Mr. MANN. All claims where the court has heretofore made findings.

Mr. McKELLAR. Where no findings have been made, but where they have simply been referred?

Mr. MANN. All claims where the court has heretofore made findings and reported back to Congress, the court can now enter judgment on those findings, provided it comes within the class enumerated in the bill; or, if the court has not made findings, when it proceeds to the point of making a finding hereafter it will enter a judgment in those classes of claims. As I understand, it is the purpose to offer an amendment to the bill to dismiss war claims referred to the Court of Claims which do not authorize the court to enter a judgment under the description of the bill.

Mr. SLOAN. Will the gentleman yield?

Mr. MANN. I will.

Mr. SLOAN. I would like to ask the gentleman from Illinois if the legislation involved in this bill, together with what is already on the statute books, will exclude all classes of claims being allowed, save and except those being enumerated in the bill before us now?

Mr. MANN. Well, within the two years' time of filing of new claims. Of course, the committee can refer any kind of bills to the Court of Claims, and if the court could not enter judgment under the provisions of this act as to these other bills or claims referred within the two years the court would be required to make a finding and send it back to Congress. Of course, after the two years, if that remains the statute, no claims can be referred to the Court of Claims, and meanwhile the Court of Claims can not enter judgment on those claims. I think the probable effect of the bill will be to eliminate all of those claims except the classes of claims which we would pay now without question.

Mr. SLOAN. Just one further question. Is it a matter of statute or merely a matter of practice observed by this House for a series of years that these claims, based upon destruction of property incident to war or battle, are not included? Is that a matter of practice or a matter of statute?

Mr. MANN. I think it is a matter of practice on the part of the "gentleman from Illinois" [Mr. MANN] to go over all of these bills proposed to be referred to the Court of Claims, and if any of them provide for claims for destruction of property in recent years, to insist that that claim be taken out of the resolution or else to oppose the resolution, and with that opposition it is very difficult to pass such resolution, with so many items in it, and the committee itself has endeavored to keep those out, but many of them have in fact crept in under the guise of taking property for use and occupation when it was in fact destruction, because, when a claim is referred to the Court of Claims, the court has to make an examination and a finding of facts. We have not always been very careful to discriminate

between the findings of fact where the claim ought to be paid and where the claim ought not to be paid, and we have included in the past items in the omnibus claims bill, where the court, so far as it could, has indicated its express desire that claims shall not be paid until the issue is followed out and there was a finding of the Court of Claims. Accidents happen.

Mr. SLOAN. Might it not be advisable, then, that this bill be amended, so that these claims heretofore kept out by the vigilance of the gentleman from Illinois [Mr. MANN] would be kept out by statute?

Mr. MANN. I think it is perfectly legitimate to let them file their claims for two years' time. Of course, a bill of this kind is necessarily more or less of a compromise.

Mr. SIMS. Mr. Chairman, I want to ask the gentleman this question in order to get his judgment. I would like to ask if, under this bill that he has introduced and which has been amended, with regard to the cases that have been dismissed, heretofore referred to the court either by the action of the Senate or of the House under what was called the Tucker Act, the Court of Claims will have power to render a judgment against the Government in any case unless affirmative proof of loyalty is offered which is satisfactory to the court in the particular case?

Mr. MANN. I think affirmative proof of loyalty has to appear.

Mr. SIMS. Absolutely. Now, is it not a fact that in reporting on claims by the Court of Claims under what is called the Tucker Act the court reports the facts without reference to the question of loyalty?

Mr. MANN. I think not. Under the Bowman Act——

Mr. SIMS. I am not talking about the Bowman Act.

Mr. MANN. But I am. Under the Bowman Act the court must find the claimant was loyal before the claim can be presented at all. Under the Tucker Act the court proceeds with the case to a final finding, but makes the finding in the end as to loyalty.

Mr. SIMS. Now, does not the gentleman believe——

Mr. MANN. In other words, they do not have to make two bites of a cherry under the Tucker Act, while they do under the Bowman Act.

Mr. SIMS. Does not the gentleman believe that many payments have been made where they would not have been made if left to the court?

Mr. MANN. I think the members of the court will have to admit that they have not been as careful in making the findings as they have been in rendering judgment, but we have paid lots of claims which would not be paid under the provisions of this act.

Mr. SIMS. Therefore as to the cases that have been dismissed under the Crawford Act there will be fewer judgments than in the old way, if they were left to come up here and be paid by an appropriation by Congress.

Mr. MANN. Undoubtedly there will be fewer of them.

Mr. SIMS. Did not the Court of Claims originally have jurisdiction of any claim against the Government, and did not the legislation during the Civil War requiring the House to send claims to the court, and giving the court jurisdiction, grow out of conditions arising during the Civil War?

Mr. MANN. I do not recall as to the jurisdiction of the Court of Claims of any claims. I think not, though. The Court of Claims does not now have jurisdiction of injury claims.

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. MANN. I will.

Mr. MOORE of Pennsylvania. I want to ask the gentleman with reference to the matter of assignment of claims. These claims are all over 50 years old. The French spoliation claims are a hundred years old. The gentleman indicated in response to the gentleman from Wisconsin [Mr. STAFFORD] that an assignment would be valid and that the assignee would have an equal standing with the widow or the heir as to these war claims.

Mr. MANN. I think the assignee of a claim would have the same standing as to judgment in those claims as he would have in any other judgment against the United States. But I am not prepared to say what that standing is.

Mr. MOORE of Pennsylvania. The evil in the bill, if there is any evil in it, so far as I see, is its possible encouragement of claim agents 50 years after the close of the war, after the damage has been done.

Mr. MANN. I think the bill will rather discourage the claim agents. They have been very active. They constitute a considerable corps, and if anything misses them I do not know it.

They have all sorts of claims and get anything they please for prosecuting them. I am not sure but we ought to include in the bill a provision such as we included in the last omnibus bill. In that bill, which became a law, we put a provision that not over 20 per cent should be paid on account of services or advances by agent or attorney, and making it an offense to take more.

Mr. MOORE of Pennsylvania. Why not a limitation as to the date of assigning?

Mr. MANN. They can not prosecute these claims under assignments. They have to be prosecuted in the name of the original owner.

Mr. MOORE of Pennsylvania. Of course, we all want to help the widow or the legitimate heir of the original owner of the property, but claim agents——

Mr. MANN. These claims, however much claim agents may be interested in them, are not assigned so far as the assignments appear of record. They can not be prosecuted by the assignees.

Mr. MOORE of Pennsylvania. May I ask the gentleman why not?

Mr. GARRETT. There can be no legal assignment until after it is allowed under the general law.

Mr. MANN. I am not sure that that applies to all judgments.

Mr. MOORE of Pennsylvania. I think that point was raised in connection with the French spoliation claims. I think the gentleman himself discussed the matter of assignments in relation to the French spoliation claims.

Mr. MANN. I think the gentleman is mistaken. In all those claims the findings are always in favor of some estate or descendants of the party who was originally involved.

Mr. MOORE of Pennsylvania. The findings there had gone to a point where the Government in all fairness ought to pay.

Mr. MANN. Well, that is another proposition.

The CHAIRMAN. The time of the gentleman from Illinois has again expired.

Mr. MANN. I would like to have two minutes more.

Mr. REAVIS. I yield to the gentleman two minutes more.

Mr. MANN. I yield to my colleague.

Mr. CANNON. Does the bill provide that the court may fix the compensation of the attorney or the claim agent?

Mr. MANN. There is nothing in the bill on that subject.

Mr. CANNON. Ought it not to provide limiting the fee?

Mr. MANN. I am not sure, as I say, that there might not properly be a provision in there on that subject, similar to the one that was put in the last omnibus bill, though I am frank to say I did not include it in the original bill, because I think it is very desirable in the interest of the Government to enact legislation of this kind, and I was afraid that such a provision might at some stage of the proceedings be an obstacle. Somebody might throw dust, not that anyone knowingly would let that affect him.

Mr. CANNON. But is it not true that the history of claim agents in Washington is to milk the people without regard to age or sex or condition?

Mr. MANN. I think that is true.

Mr. CANNON. And therefore should not that privilege be taken from them, unless there is really something in the claim other than the solicitations of the agent?

Mr. MANN. I will be in favor of passing a law in reference to all claims fixing the amount of fees that can be paid to the attorneys or agents. I have no objection to such a provision here.

Mr. GARRETT. On that point will the gentleman permit an interruption?

Mr. MANN. I will if I have any time left.

Mr. GARRETT. This bill provides for the restoration to the docket of the Court of Claims of a large number of claims that were stricken from that docket under the Crawford amendment, in which a proof had already been taken. In those cases contracts had already been entered into between the claimants and the attorneys. I assume now, if I am correctly informed—I have not been into the details of it, or read the opinion in full—but there has been litigation over that amendment that was adopted by the Senate and agreed to by the House, limiting the fee to 20 per cent, and it has been held by one of the courts that in substance Congress could not pass an act which interfered with an existing contract.

Mr. MANN. I know of no limitation in the Constitution which prohibits Congress from interfering with the enforcement of contracts. I do not know what court rendered the opinion, but I am very sure that whatever court did it, it was an erroneous opinion and could not be sustained.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. REAVIS. Mr. Chairman, I yield 10 minutes to the gentleman from Iowa [Mr. TOWNER].

The CHAIRMAN. The gentleman from Iowa [Mr. TOWNER] is recognized for 10 minutes.

Mr. TOWNER. Mr. Chairman, I do not propose to discuss the details of the bill. I judge that defects may be corrected, if necessary, when the bill is before the House for consideration for that purpose. However, I do desire to call attention to the fact that this bill is a great step in advance in juridical procedure. It will mark, Mr. Chairman, as I believe, one further great step in the administration of justice.

Under the old rule no citizen had a right to bring any action against any Government that claimed the attribute of sovereignty. "The king could do no wrong." The rule was created in the era of the divine right of kings, and it was not recognized that in the relation between the citizen and his Government there was any legal obligation resting upon the Government which had any basis of right in favor of the citizen as against his sovereign. And, Mr. Chairman, when the United States created the Court of Claims, in which it gave to a tribunal the power to pass upon questions of fact and to advise the legislative powers of the Government as to whether a claim was or was not a just claim, that voluntary surrender of sovereignty was held by jurists all over the world as a step forward in the progress of juridical procedure.

And now, Mr. Chairman, we are about to take another step in that forward march. It was impossible for the Court of Claims to enter a judgment against the Government. It was thought at that time as perhaps unwise to go to that extent. The court was only allowed to render a decision as to the merits of the case, but was not allowed to order judgment on that decision against the Government. The Congress still reserved the right to pay the award or to refuse to do so, as it might determine. In many cases claims have been allowed by the Court of Claims that have not been paid by the Government.

That, Mr. Chairman, was never a proper or a just thing to do. When the Government creates courts for the determination of rights between individuals it ought to be willing on its part to submit its causes involving the determination of claims against it to be determined by a judicial tribunal, in accordance with the law and under the evidence, as in like causes between individuals. There can be no claim presented against the Government for determination in the Court of Claims that is not based upon some obligation of the Government resting upon legal grounds. It is only proper and right, it is only fairness and justice, Mr. Chairman, that the Government should submit its causes to an impartial tribunal for determination in the same manner that it requires its citizens to do. If there is a liability on the part of the Government or obligation that would be recognized in the courts as between individuals, we are not doing our full duty in the performance of those obligations to our citizens unless we give to them the right not only to bring their cases for determination in the courts of the land, but also making it obligatory on the part of the Government to pay them. And that great step, Mr. Chairman, is taken in this bill, because the language of the third section is that—

The Court of Claims shall have power to enter judgment upon its findings of fact in the following classes of claims referred to said court.

Mr. DICKINSON. Mr. Chairman, will the gentleman yield?

Mr. TOWNER. I will be glad to yield in a moment.

Mr. Chairman, the time will come, as I believe, when Congress will not fritter away its time in discussing these petty claims. The time will come when Congress will decide that all these cases shall be determined in the courts. The time will come when we will not have cast upon us the opprobrium of giving more attention to private claims than we give to the public business. The time will come when Congress will say that all this class of claims shall be determined in a court of justice between the Government and its citizens, just as now we require the adjudication of cases where individuals contest among themselves in the courts that are created in the land.

Now I yield to the gentleman from Missouri.

Mr. DICKINSON. Does the gentleman contend that if a judgment is rendered, as permitted under this bill, such a judgment will permit process and execution against the Government, just as in the case of a private citizen?

Mr. TOWNER. The gentleman knows very well that no execution can issue against the Government, but it determines finally the right of a claim, and it determines it so that it will be paid. The Supreme Court of the United States in certain classes of cases renders a judgment against a State, but it does not attempt to enforce that judgment if the State refuses to pay. I am not now discussing the power to enforce the right. I am only calling attention to the fact that we are now giving to the Court of Claims the right not only to pass upon questions of fact, but also the power of ordering that a judgment be entered against the Government. There would be no method of compelling the Government to pay the judgment, but that need not be considered.

Mr. DICKINSON. My inquiry was the result of the statement, as I understood it, that it would put a claimant against the Government in the same attitude as against an individual.

Mr. TOWNER. No; not as to enforcement of a judgment.

Mr. DICKINSON. The gentleman's language did not intend to go that far?

Mr. TOWNER. Oh, no; certainly not.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CANNON. Will the gentleman from Nebraska yield a minute to the gentleman from Iowa to enable me to ask him a question?

Mr. REAVIS. I yield to the gentleman from Iowa one minute, to allow the gentleman from Illinois to ask him a question.

Mr. CANNON. Does the gentleman claim that after a matter has been litigated between a citizen and a sovereign, and the judgment has gone in favor of the Government, it is not perfectly competent for Congress to legislate to pay the claim?

Mr. TOWNER. No one can enforce a judgment against the Government.

Mr. CANNON. The gentleman does not quite understand my question. After a judgment has gone against the claimant, Congress still has a free hand to legislate to pay the claim, and has done so in many cases where full settlement has been made, and full receipts have been given.

Mr. TOWNER. Certainly.

Mr. CANNON. Then how are you going to cut out the claim?

Mr. TOWNER. Because Congress will never voluntarily take upon itself the consideration of claims after a law has been passed and a method has been established to avoid taking them up in Congress. We have taken them up only because that has been our bad habit, one that I judge every man here would be glad to be rid of.

Mr. REAVIS. I now yield to the gentleman from Tennessee [Mr. SIMS] 10 minutes.

Mr. SIMS. Mr. Chairman, I want to say a word in explanation. I understood the chairman to say that one hour having been consumed in behalf of the bill, recognition would go to anyone who opposed the bill, or otherwise an hour to anyone who asked for recognition. So I immediately said I opposed the bill, if not amended, for the purpose of having an opportunity to discuss in general debate to some extent the provisions of the bill, not knowing that the gentleman from South Carolina [Mr. BYRNES] had any time remaining. But as he had only 10 minutes, I think as acting chairman he ought to have kept that for himself. The gentleman [Mr. REAVIS] very kindly agreed to yield to me 10 minutes, and I want it understood that I was not attempting in any way to monopolize the time, because if I had been recognized I would have yielded to the gentleman all of my time except the 10 minutes.

The gentleman from Illinois [Mr. MANN] introduced this bill on the 4th day of January, 1916. On the same day and for the same purpose on January 4 I introduced a bill (H. R. 6907), which I will ask unanimous consent to incorporate in my remarks.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent to incorporate a certain bill in his remarks. Is there objection?

There was no objection.

The bill is as follows:

A bill (H. R. 6907) to repeal section 5 of the act entitled "An act making appropriation for payment of certain claims in accordance with findings of the Court of Claims, reported under the provisions of the acts approved March 3, 1883, and March 3, 1887, and commonly known as the Bowman and the Tucker Acts, and under the provisions of section No. 151 of the act approved March 3, 1911, commonly known as the Judicial Code," and for other purposes.

*Be it enacted, etc.*, That section 5 of the act entitled "An act making appropriation for payment of certain claims in accordance with findings of the Court of Claims, reported under the provisions of the acts approved March 3, 1883, and March 3, 1887, and commonly known as the Bowman and the Tucker Acts, and under the provisions of section No. 151 of the act approved March 3, 1911, commonly known as the Judicial Code," be, and the same is hereby, repealed.

SEC. 2. That the Court of Claims shall have and take jurisdiction of all claims which were pending before it on March 4, 1915, and whereof it would have had and would have continued to have jurisdiction, but for the provisions of said repealed section, and also of all cases or claims wherein motions for new trial or for amendments of findings of fact made by claimants, had been overruled pro forma prior to March 4, 1915, but with leave or right to renew said motions; that as to such of said claims as may have been heretofore dismissed by said court for want of jurisdiction by reason of the terms of said repealed section, said court shall reinstate the same upon motion in that behalf made by the claimant at any time within two years after the date of this enactment.

SEC. 3. That all evidence or depositions heretofore taken or submitted in said cases or claims, even though taken after March 4, 1915, but prior to the dismissal of said cases or claims by said court, shall be considered

as having been legally taken or submitted, notwithstanding the provisions of said repealed section; and, where in any case testimony shall have been taken or submitted, under a reference of the claim to said court by a House of Congress, and it shall have been developed that such reference was in the name of the wrong person, such evidence may be thereafter considered by said court in connection with a claim presented in the name of the proper person, and involving the same subject matter.

SEC. 4. That the Court of Claims shall have the power to enter judgment upon its findings of fact in the following classes of claims heretofore referred to said court under the provisions of the acts approved March 3, 1883, and March 3, 1887, commonly known as the Bowman and the Tucker Acts, or under the provisions of section 151 of the Judicial Code, and in all such claims of the following classes as may be presented to said court by direct petition within two years from date of this enactment, namely:

First. In claims of religious, eleemosynary, educational, or fraternal organizations, for use and occupation of or injury to or destruction of buildings of such organizations, with their contents, and, where not situated at seat of war as heretofore defined by said court, of municipal or county organizations, for such use and occupation or for injury to real estate, by the forces of the United States, during or after the close of the Civil War; in all such claims the judgment, if for the claimant, shall be for the reasonable value of such use and occupation and for injury to such property by reason of such use and occupation, in excess of ordinary wear and tear: *Provided, however*, That judgment shall not be entered for any claimant in such case for the value of any buildings or other property wantonly destroyed, or for property damaged or destroyed as an incident to actual hostilities.

Second. In claims of individuals, associations, or corporations for stores or supplies furnished to or taken by the military or naval forces of the United States during said war or after the close thereof, including boats seized and used, otherwise than by the naval forces as prize of war, and for use and occupation of real estate by said forces during said war, or continuing after the close of hostilities incident to said war, and not embraced within the general class of claims described in the preceding paragraph; in all such cases the judgment, if for the claimant, shall be for the reasonable value of the stores or supplies so furnished or taken, at current market prices then being paid by the United States, or for the reasonable rental value of such use and occupation, including damages incidental thereto in excess of ordinary wear and tear: *Provided, however*, That in claims arising prior to the 1st day of May, 1865, the claimant, if a citizen, shall have been found by said court, upon preliminary inquiry, to have given no voluntary aid or comfort to the so-called government of the Confederacy by bearing arms, or serving as an official of said government or of any branch thereof, or voting in favor of secession, or by exchanging money or property for the securities of said government: *Provided further*, That if such claimant was an alien during said war, he shall have been found upon such preliminary inquiry to have remained neutral during said war, as against the United States; and unless, upon such preliminary inquiry, said court shall so find, then said court shall forthwith dismiss such claim: *Provided further*, That in cases where the stores or supplies furnished or taken, or the real estate so used and occupied, belonged to an undivided estate of a decedent, whether in the custody of an administrator or executor or not, the persons whose conduct shall be made the subject of such preliminary inquiry shall be the next of kin, distributees, devisees, or legatees of such decedent; and if legal title to such stores, supplies, or real estate was vested in a guardian of any minor, such preliminary inquiry shall relate solely to the conduct of such minor, and, in absence of evidence to the contrary, any minor who was under the age of 17 years on April 9, 1865, shall be presumed to have given no such aid or comfort: *Provided further*, That section 184 of the Judicial Code, and so much of section 161 of said code as is in conflict herewith, are hereby repealed.

Mr. SIMS. Now, I suppose both the gentleman from Illinois [Mr. MANN] and myself had substantially the same purpose in view. Our purpose was first to restore to the dockets of the Court of Claims the war claims that had been sent there by action of the House or Senate, which had been dismissed by the construction placed by the court upon the effect of the Crawford amendment, which has been referred to in this debate.

That same identical amendment was placed on the omnibus war claims bill by the Senate in the Sixty-second Congress, at which time Senator Crawford was chairman of the Committee on Claims in the Senate. It came over to the House, where all the amendments were disagreed to and the bill sent to conference. The gentleman from Georgia [Mr. LEE], the gentleman from Wisconsin [Mr. Morse], and myself were the conferees. At that time I took up that amendment and studied it, and had the advice of attorneys as to its effect, and we decided at that time that if the Crawford amendment remained in that bill it would have the identical effect that it finally was held to have by the Court of Claims, after it was incorporated in the omnibus-claims bill that passed the Sixty-third Congress. But the conferees never got to that part of the bill. It was near the end of the bill, and we disagreed as to other items, so that the Crawford amendment never came before the House at that time, and the House did not understand it. Now, I introduced this bill, and its provisions were taken largely from a bill introduced by the gentleman from Virginia [Mr. CARLIN] in a former Congress—the gentleman from Virginia [Mr. CARLIN] being on the Committee on the Judiciary—for the purpose of reinstating the claims dismissed by the court's construction of the Crawford amendment, and further to allow war claims to be presented to the Court of Claims by simple petition of the claimant for two years after the passage of the bill. There is the great difference between this bill which is now before us and the bill which I introduced.

In the first place, the Court of Claims would not render final judgment on many of these claims that were dismissed under the Crawford amendment, if they were treated in the usual way, and came to this House and got into the omnibus bill as they have done heretofore. Now, I want to call serious attention to the fact that this bill provides that outside of those dismissed claims, war claims hereafter referred to the court must be referred by action of the House or Senate just as heretofore.

Now, what has been our experience in the past? Some of you have been here long enough to remember. There was a time when the number of claims that might be referred under a Tucker Act resolution was arbitrarily limited to so many to a Member, and he could have no greater number than that during one Congress. These references usually came in in the form of an omnibus Tucker Act resolution, containing as many items as there were claims; and as a matter of course any attempt to delay consideration would exhaust every day when it was in order to consider such claims during an ordinary session of Congress. So by the arbitrary action of Congress it refused to consider more than a limited number. Consequently there was great delay in the presentation of claims, which delay ensued not because of the negligence of the claimants or their attorneys but by the arbitrary action of this House and possibly of the body at the other end of the Capitol. If this bill is passed the claims that went out of the court under the Crawford amendment can upon motion be reinstated, but you can not get consideration by the Court of Claims for any other claim that was not pending and on the docket of the court at that time except by the passage of a resolution, which is the well-known way of having this House or the Senate refer claims. Now, the claimant can not force us to pass a resolution under the Tucker Act. We can do it or let it alone. Public business may at any time prevent the consideration of resolutions under the Tucker Act and prevent sending to the Court of Claims these cases until it is too late. If you are going to open the court, open it in an unhampered way, so as to let in claimants whose claims have not been to the Court of Claims; let them file their petitions in the court and take the case there under the law, and let the court pass final judgment on it as well as those that you restore that had been dismissed.

We are discriminating against these claims for the reason that as to some we are requiring something hereafter to be done by this House or the Senate in order to go to the court. I think very few judgments are going to be rendered by the Court of Claims on any claim brought there hereafter by petition or otherwise. If a considerable number of these claims should be presented to Congress, and Congress refuses to send them to the Court of Claims, the war-claims trouble will be with you in an aggravated form, because the claimants will come here and say, "Why didn't you get our claims before the Court of Claims within the two years?" We would answer simply because the House and Senate would not send them there, or else it was so taken up by public business that it was prevented from sending them.

I think the bill ought to be amended so as to allow all claimants of the character mentioned in the bill to bring suits, file petitions in the Court of Claims, and let it be tried by the court under the law, judgment rendered, final in that case, just as it is or will be on the claims of others covered by this bill. Then we could say to these people afterwards: "You had your two years in which there was no limit, you had two years in which you did not have to go to Congress."

If you leave it like this bill leaves it, requiring the action of Congress in order to go to the court, and that action must be had in two years, as I say, you will have these war claims with us in even a more aggravated form. In two years we have two sessions, one is called the long session, in which there would be some time to consider these cases; but the short session is taken up practically always by public business. Besides, the House is going to be more careful in sending claims to the court to be tried upon which final judgment may be rendered than they were when we simply referred them to the court and they were reported back to us with findings, or at least the House and the Senate ought to be more careful, and we are going to find it impossible to get any great number of claims referred to the Court of Claims if this bill becomes a law unamended.

Mr. GUERNSEY. Will the gentleman yield?

Mr. SIMS. Yes.

Mr. GUERNSEY. When claims have been passed upon by the Court of Claims, will anything remain for Congress to do other than to appropriate the money to pay them?

Mr. SIMS. Under the bill every judgment will be certified to Congress and go into the sundry civil bill.

Mr. GUERNSEY. And that will be the end of it?

Mr. SIMS. Yes.

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. REAVIS. I will yield the gentlemen two minutes more.

Mr. SIMS. Mr. Chairman, I can not go into the amendments as I expected to, but I appeal to the committee having charge of the bill to so amend this bill that any individual citizen who has a claim of the class mentioned in this bill may file a petition and have it tried in court within two years and not leave it to the mercy of the Congress to be elected, or the present Congress, when important business may prevent them from sending these claims to the Court of Claims. If you do not do it, after it is all over there will be hundreds of bills come in here, and we will be pleaded with to pay them on the ground that we passed a bill promising relief under which relief became practically impossible, and Congress will be blamed.

Mr. OLIVER. Will the gentleman yield?

Mr. SIMS. Certainly.

Mr. OLIVER. Do I understand that under the act of March 11, which became effective January 1, 1912, claimants are not now authorized to bring suits in the Court of Claims and have judgment rendered thereon?

Mr. SIMS. The gentleman is referring to the captured and abandoned property act?

Mr. OLIVER. Yes.

Mr. SIMS. This has no effect on those claims. Mr. Chairman, I do not desire to consume any more time. I thank the gentleman from Nebraska for yielding 12 minutes of his time to me.

Mr. REAVIS. Mr. Chairman, how much time have I?

The CHAIRMAN. The gentleman has nine minutes remaining.

Mr. REAVIS. Mr. Chairman, the practice that has heretofore obtained with reference to the disposition of war claims has been luminously explained by the gentleman from Illinois [Mr. MANN]. Under the Bowman Act loyalty was jurisdictional. The first question of fact to be determined by the Court of Claims when a claim had been referred to it by the Committee on War Claims was the loyalty of the claimant. The burden of proof of loyalty was on the claimant, and if he failed in assuming that burden the claim was at once dismissed and returned to Congress with the finding of fact that the claimant was disloyal. That, of course, being jurisdictional, it was the ultimate and final determination of that claim.

Under the Tucker Act loyalty was not jurisdictional. I am informed by the Court of Claims, during the several days I spent in searching through those claims in that department of Government, that in a great many instances a claim would be submitted to the Court of Claims from the War Claims Committee under the Bowman Act, where an adverse finding would be made on account of loyalty, and that it would be returned to Congress with an adverse finding; that thereupon the same claim would be filed with the Committee on Claims and referred by the Committee on Claims under the Tucker Act to the Court of Claims, under which act loyalty was not jurisdictional. There ought to be some way devised at some time that would put an end to such practices. This bill provides that way. More than 50 years have elapsed since the cause of action was first created, and the demands are still insistent.

Mr. Chairman, one of the essential objects to be accomplished by this bill is the centralization of responsibility. Practically 10,000 cases arising out of war claims were dismissed upon the motion of the Department of Justice under the Crawford amendment. This bill is devised to reinstate those claims. I have gone over a great many of them, have made personal investigation of a great many of them. I have learned something of the history of how they got into that court, and the most fearful and wonderful thing that I have ever seen pertaining to the practice of law is the average contract signed by those claimants under which they employ their agents or so-called lawyers. The agents and lawyers under such contracts are to receive anywhere up to 50 per cent of the amount of the claim. The contract is champertous in the extreme. It is not enforceable as between the parties, because in every instance where the contract was called to my attention the attorney or the agent agrees to bear all of the expenses incident to the prosecution of the claim, and the claimant shall be put to no expense at all. In half of these cases that were in the Court of Claims where the question was raised by the court as to the authority or power of the agent or attorney to represent the claimant, where demand was made for the production of the power of attorney showing such authority, the only power of attorney that was ever submitted was a contract of the character that I have just described.

Mr. Chairman, as I see that my time is about expired I will ask the gentleman from South Carolina to be good enough to yield to me for a few minutes.

Mr. BYRNES of South Carolina. Mr. Chairman, I yield five minutes to the gentleman from Nebraska.

Mr. LOBECK. Mr. Chairman, will the gentleman yield?

Mr. REAVIS. Yes.

Mr. LOBECK. There are about 2,500 of these claims discarded in this measure for bounties, and so on, are there not?

Mr. REAVIS. That will come up by way of amendment. In many of the cases that were dismissed under the Crawford amendment, the claimant had gone to expense and trouble, under the authority of Congress, under the agreement of Congress, that it would pay the claim if valid. Testimony by way of depositions has been taken, and in some cases that were dismissed the claimant had not only gone to the expense of obtaining the testimony, of presenting the depositions to the court, but the cases had been argued and finally submitted, though taken under advisement by the court itself, when the Crawford amendment was enacted which resulted in a dismissal. I found in my research in the Court of Claims some claims that were valid. I found some men who have claims against this Government that the Government should pay, and this bill is devised for the purpose of reinstating all of the cases, permitting further inquiry to be made, giving them the benefit of testimony that was taken before the dismissal, so that they may be put to no additional expense, and in certain classes of claims to have a final determination by the Court of Claims.

Just one word on that. In allowing these claims heretofore, there has been no central responsibility. The Court of Claims would make a finding of fact. They were merely referees where certain references were made to them from this Congress, from the Committee on War Claims. In some instances they would return conclusions of law, but they had not the responsibility of judgment. It is the experience of all men that no one should be given the power of disposition unless that one should bear the responsibility of that disposition, and it is your experience and mine that a court that does not have the responsibility of judgment does not give the testimony the careful consideration it would if the responsibility of judgment rested upon it. As an illustration of that, there will be presented here an inspired amendment, which will come in the way of a committee amendment, to the effect that wherever the Court of Claims has made a finding of fact with reference to loyalty, nothing in this act shall prevent them from further investigation of the same testimony, nor are they to be bound by their original finding of fact.

What does that mean? It means that when the responsibility of judgment obtains under this bill they are going to be more careful in the investigation of testimony furnished, both on the part of the claimant and on the part of the Government. We are centralizing responsibility; we are getting rid of a great deal of detail with reference to private claims that Congress ought not to be annoyed with at all. We are putting it up to the Court of Claims—reinstate these cases, go through with them, find out from the evidence submitted, first, is the claimant loyal; second, has he a valid claim against the Government, and what is the amount of that claim, and then you take the responsibility of entering judgment. I think the bill for that reason should prevail.

The CHAIRMAN. The gentleman from South Carolina [Mr. BYRNES] is recognized for five minutes.

Mr. BYRNES of South Carolina. Mr. Chairman, I yield five minutes to the gentleman from Tennessee [Mr. HOUSTON].

Mr. HOUSTON. Mr. Chairman, I want to call attention to the statute about which some mention has been made, in regard to assignees bringing suit on these claims, and I want to read from that statute that has been the law for many years and let the House understand what it contains. It is as follows:

*Be it enacted, etc.*, That all transfers and assignments hereafter made of any claim upon the United States, or any part or share thereof, or interest therein, whether absolute or conditional, and whatever may be the consideration therefor, and all powers of attorney, orders, or other authorities for receiving payment of any such claim, or any part or share thereof, shall be absolutely null and void, unless the same shall be freely made and executed in the presence of at least two attesting witnesses, after the allowance of such claim, the ascertainment of the amount due, and the issuing of a warrant for the payment thereof.

Approved February 26, 1853.

I think that statute settles that question. All transfers made of any claim are absolutely void if made before the claim is allowed.

Mr. STAFFORD. Mr. Chairman, the gentleman from Nebraska [Mr. REAVIS] referred to a condition that virtually obviates the efficiency of that law by the champertous agreements

that claim agents enter into with the owners of these claims. Is there anything in the statute books that restricts the amount these claim agents who ferret out these claims can obtain, so as to prevent them from exacting exorbitant fees from the claimant?

Mr. HOUSTON. Well, there is no provision of that kind in this bill that is now pending.

Mr. STAFFORD. Is there any provision of law against it?

Mr. HOUSTON. There was a provision of this kind in the last omnibus bill, perhaps the one before.

Mr. STAFFORD. That failed of passage, did it not?

Mr. HOUSTON. There was a provision of that sort that did pass and became the law and was contested in the Supreme Court of the District here and held to be unconstitutional and void.

Mr. STAFFORD. That only applied to claims as carried in that law, or was it general in its character?

Mr. HOUSTON. It applied alone, I take it, to that bill. Now, the question of an amendment to this bill to cover that might be considered; an amendment to regulate contracts hereafter made would be wise and I would favor it. I do not think there should be any objection to such an amendment.

Mr. STAFFORD. What was the general scope of the provision in that bill? Will the gentleman enlighten the committee?

Mr. GARRETT. Twenty per cent.

Mr. HOUSTON. Mr. Chairman, I want to say one word more, and that is that the general provision of this bill makes no change in the existing law in regard to the character of property that shall be paid for and in regard to the parties who shall be entitled to collect for their property which was taken. It is just the same as the law heretofore. One of the main purposes of this is to expedite the payment of just claims which the Government ought to pay.

Now, we all know how difficult it is to get an omnibus bill through both Houses of Congress. In fact, I might recite from my own district a large number of claims which were found in favor of the claimants by the Court of Claims in 1904, 1905, 1906, and on up, none of which were paid until the passage of the omnibus bill in 1915. We had made every effort to get them paid and had passed a bill providing for their payment through the House twice, I believe. Ten years and more had elapsed before those claimants, who were justly entitled to their money, whose rights had been tried, whose cases had been proven and had been adjudicated in their favor, were paid. There is unavoidable delay in getting bills of this sort through Congress, and this made it impossible for those people to get what they were entitled to as held by the Court of Claims. Now, this will expedite the collecting of these just claims against the Government. The findings and judgments of the Court of Claims will only leave it for an appropriation to be made, and in that way it will expedite their settlement and render relief to a large body of claimants who are clearly entitled to it, and in addition to that it will follow the laws that we have been allowing claims under heretofore.

Now, Mr. Chairman, many of my constituents have just claims for property taken and used by the Federal troops during the Civil War and which come within the requirements of the rule and law established by Congress. When these people have claims which they are entitled to collect under these terms it is a denial of justice to fail to give them the right to have these claims adjudicated and settled. To compel claimants to wait 8, 10, and 11 years after their cases have been tried and decided in their favor is not fair and is not just. This bill, if it becomes a law, will in a great measure prevent this injustice.

The CHAIRMAN. The time of the gentleman has expired, all time has expired, and the Clerk will read the bill.

Mr. MANN. Mr. Chairman, I ask unanimous consent, before reading section 1 of the bill, that the two amendments proposed by the committee as sections 1 and 2 may be read and considered section by section.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that sections 1 and 2, proposed by the committee as amendments, shall be first considered. Is there objection?

Mr. GARRETT. Mr. Chairman, reserving the right to object, will not the gentleman also include in that section 5, to be read in its order; that is a new section which the committee put in?

Mr. MANN. That would come in in its order anyhow.

Mr. GARRETT. That is an amendment.

Mr. MANN. That would come in in its proper place when it is read, ordinarily.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

The Clerk read as follows:

After the title of the bill, insert the following as an amendment:

"*Be it enacted, etc.*, That section 5 of the act approved March 4, 1915, entitled 'An act making appropriations for the payment of certain claims in accordance with findings of the Court of Claims, reported under the provisions of the acts approved March 3, 1883, and March 3, 1887, and commonly known as the Bowman and the Tucker Acts, and under the provisions of section 151 of the act approved March 3, 1911, commonly known as the Judicial Code,' be, and the same is hereby, repealed."

The question was taken, and the amendment was agreed to.

The Clerk reads as follows:

Insert on page 2, as section 2, as follows:

"SEC. 2. That all suits in the Court of Claims which have heretofore been dismissed by the said court by reason of the provisions of section 5 of the said act shall, on motion of the claimants, be reinstated on the docket of the said court and proceeded with according to law, and that all evidence or depositions heretofore taken or submitted in said cases or claims, even though taken after March 4, 1915, but prior to the dismissal of said cases or claims by said court, shall be considered as having been legally taken or submitted, notwithstanding the provisions of said repealed section."

Mr. BYRNES of South Carolina. Mr. Chairman, I wish to offer an amendment to the committee amendment which I send to the Clerk's desk.

The CHAIRMAN. The Clerk will report it.

The Clerk read as follows:

Amend the committee amendment by inserting, on page 2, in line 7, after the word "claimants," the following: "made or filed within one year from the passage of this act."

Mr. SIMS. I want to ask the gentleman from South Carolina this question. Section 2, line 4, says:

That all suits in the Court of Claims—

And so forth.

Has the gentleman examined so as to know whether or not these cases sent to the Court of Claims by reference from either House of Congress are regarded as "suits"? In other words, does the word "suits" here correctly describe it? This language only authorizes them to reinstate "suits"? I have not examined the legal phraseology and I do not know.

Mr. BYRNES of South Carolina. What is the opinion of the gentleman?

Mr. SIMS. They are referred to the Court of Claims for a report. These claims are referred by action of the two Houses of Congess for a report on the law and the facts. Now, if that language describes what we intend to mean, of course it is all right. What follows seems to indicate that is what it means.

Mr. BYRNES of South Carolina. It means all cases or claims sent there.

Mr. SIMS. I want to ask the gentleman further: In the gentleman's amendment which is now pending, why does he limit it to one year?

Mr. BYRNES of South Carolina. I will say to the gentleman that the committee is actuated by its desire to limit the time for the reason that under the language of section 2 in the bill there is no limit, while a limit is placed upon the time in which the case can be sent under the provisions of the original bill; three years from now or five years from now every claimant whose claim was dismissed under the corporate amendment might come in and ask for a reinstatement.

Mr. SIMS. Why not make it two years instead of one, so as to harmonize with the other provision?

Mr. BYRNES of South Carolina. The Committee thought that it was in a different situation. It can be presumed that there is in the country some man who thinks he has a claim against the Government who might not hear of the passage of this bill for some time, and there may be a man who has a case pending in the Court of Claims that ought to have been prosecuted—the right given to him by Congress to present his claim to that court—and he is not in the same fix as the man who knows nothing about the passage of the bill.

Mr. SIMS. That is certainly a strong statement, but the gentleman will remember we have referred claims down there, and they stay until they are dismissed, and there is no prosecution of them, and afterwards the claimants come in and we send the claims down again.

Mr. BYRNES of South Carolina. That is true; and when a case is referred there, and the claimant does not for years come in and prosecute his case, Congress ought not to refer it to that court again.

Mr. SIMS. In other words, he has slept on his own rights after they were given to him?

Mr. BYRNES of South Carolina. Yes, sir.

The CHAIRMAN. The question is on the amendment of the committee to section 2.

The question was taken, and the amendment was agreed to.

Mr. REAVIS. Mr. Chairman, I offer the following amendment to section 2.

The CHAIRMAN. The gentleman from Nebraska offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend by adding, after the word "section," in line 14 of section 2, on page 2, the following:

"*Provided*, That this act shall not be construed to confer jurisdiction upon the Court of Claims to reinstate, hear, or determine any claim for reimbursement for money used to employ substitutes for military service in the Civil War."

Mr. REAVIS. Mr. Chairman, I am authorized to present that amendment as a committee amendment, and it arises out of the following condition:

In looking over the cases that were dismissed from the Court of Claims I encountered 2,096 claims from the State of Kentucky where the Government in 1864 sought to draft some of the citizens in that State into the northern Army. They resisted the draft and employed substitutes, at a cost of $300 apiece. Two thousand and ninety-six of those who employed substitutes for such military service are now before the Court of Claims, their claims being handled by one lawyer, for the purpose of being reimbursed for the money they were compelled to pay these substitutes for such military service. The theory is that the Government had no right to so conscript.

Mr. Chairman, I am not in favor of opening up the Treasury of this country to the rapacity of any man who in the hours of the country's peril refused to defend it. I am not in favor, Mr. Chairman, of giving any consideration to a claim that is founded either upon disloyalty or upon cowardice or upon both. I therefore ask for the adoption of the amendment.

Mr. MANN. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Will the gentleman from Nebraska yield?

Mr. REAVIS. I will.

Mr. MANN. I take it that under the provisions of this bill the court could not enter judgment in that class of cases in any event?

Mr. REAVIS. No, sir.

Mr. MANN. So the gentleman's amendment is to prevent the refiling of these claims which have been dismissed?

Mr. REAVIS. Yes, sir; and the amendment so provides. Probably the word "determination" in that amendment is redundant. But in any event the amendment is broad enough and sweeping enough to dispose of these cases summarily.

Mr. MANN. The only reason I asked the question was so that the Members of the House would understand that the bill would not authorize judgment in any case except those specifically provided for in the bill, and there would be no misunderstanding. The amendment, of course, is a proper amendment.

The CHAIRMAN. The question is on the committee amendment offered by the gentleman from Nebraska to section 2.

The question was taken, and the amendment was agreed to.

Mr. BENNET. Mr. Chairman, I move to amend the committee amendment by striking out, on line 8, page 2, the words "according to law."

The CHAIRMAN. The gentleman from New York offers an amendment which the Clerk will report.

The Clerk read as follows:

Amend, page 2, in line 8 of the committee amendment, by striking out the words "according to law."

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. BENNET].

The question was taken, and the amendment was rejected.

The CHAIRMAN. The question now is on the adoption of section 2 as amended.

Mr. SIMS. Has the amendment of the gentleman from Nebraska [Mr. REAVIS] been acted upon?

The CHAIRMAN. Yes, sir; it has been adopted.

Mr. SIMS. I wanted to offer an amendment to that section.

The CHAIRMAN. The gentleman can present the amendment.

Mr. SIMS. I wish to offer the following amendment:

On page 2, in line 14, after the word "section," strike out the period and insert a colon; to be followed by the following words: "*Provided*, That the terms of this section shall also apply to cases wherein a motion for new trial or for amendment of findings of fact had been made by the claimant, which motion had been overruled or denied without argument, prior to March 3, 1915, but with leave or right to the claimant to renew said motion."

The CHAIRMAN. The provision which was placed in this section by the gentleman from Nebraska [Mr. REAVIS] or the committee immediately follows the section.

Mr. SIMS. Then, I will say "at the end of the section as amended."

The CHAIRMAN. It has already been put in.

Mr. SIMS. I only want to amend that section.

The CHAIRMAN. The section was amended, but the last word was not "section."

Mr. SIMS. I wrote my amendment before the amendment offered by the gentleman from Nebraska was adopted. It reads:

*Provided*, That the terms of this section shall also apply to cases wherein a motion for new trial or for amendment of findings of fact had been made by the claimant, which motion had been overruled or denied without argument, prior to March 3, 1915, but with leave or right to the claimant to renew said motion.

It provides for preserving the right to have a motion for retrial considered where it has been made and has not been acted upon. I submit it to the committee as to whether or not there is any objection to it? I know of some cases which are in that condition. They have been decided adversely to the claimants, and motions have been made for a rehearing or a new trial, which are pending and have been dismissed.

The CHAIRMAN. Will the gentleman from Tennessee send his amendment to the Clerk's desk?

Mr. BYRNES of South Carolina. I will say to the gentleman from Tennessee that I believe the language of the bill now covers that.

Mr. SIMS. That is what I wanted to know.

Mr. BYRNES of South Carolina. That is our idea of the language in this section.

Mr. SIMS. If the section covers it, of course there is no use for the amendment.

Mr. Chairman, upon the statement of the chairman of the committee that the committee thinks it is already covered, I will withdraw the amendment.

Mr. BENNET. Mr. Chairman, I move to strike out, on page 2, the words "and proceeded with according to law."

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from New York.

The Clerk read as follows:

Page 2, in line 8, strike out the words "and proceeded with according to law."

Mr. BYRNES of South Carolina. Mr. Chairman, I make the point of order that that has already been acted upon.

The CHAIRMAN. Part of the amendment has been acted upon.

Mr. BENNET. Yes; but under the uniform rulings of the House for 50 years, including one by Mr. Speaker Blaine, it is not subject to a point of order.

The CHAIRMAN. The point of order is overruled.

Mr. BENNET. Mr. Chairman, I have not any particular zeal about the amendment, but simply want to call the attention of the committee to the fact that the words "according to law" are absolutely redundant. If a case is reinstated on the docket of the court and the court is directed to proceed, it can proceed in only one way. It is hardly necessary to tell those dignified and distinguished gentlemen composing the court that they must proceed according to law, and I do not think it confers very much credit upon our House to leave those words in.

Once in a while we do pass a ridiculous statute. I was looking over the statutes the other day and found one that was passed in the Fifty-ninth Congress, where we provided that "no sponge could be sold in any port or place in the United States less than 4 inches in diameter." [Laughter.] I do not know what particular State contains that port or place. When we are passing statutes, why not try to have the English as good as possible?

While it would require unanimous consent under the present parliamentary condition to strike out the words "according to law," I submit to the committee that it having been brought to their attention, it would possibly not do any harm to ask unanimous consent.

Mr. CLARK of Florida. Mr. Chairman, will the gentleman yield?

Mr. BENNET. Yes.

Mr. CLARK of Florida. Has this court any equitable jurisdiction?

Mr. BENNET. None except what is conferred upon it by statute.

Mr. CLARK of Florida. Then it is a court of law.

Mr. BENNET. It is a Court of Claims, proceeding under a jurisdiction conferred and altered from time to time by Congress.

Mr. CLARK of Florida. Which makes it a court of law.

Mr. BENNET. Not necessarily.

Mr. CLARK of Florida. Under that language, might not the court consider that they had equitable jurisdiction, and proceed accordingly to deal with claims not intended by Congress to be dealt with?

Mr. BENNET. If they did their action would be an absolute nullity.

Mr. CLARK of Florida. Who is to declare it a nullity?

Mr. BENNET. I would not undertake to say offhand.

Mr. CLARK of Florida. It would absolutely shut off all right of appeal under this bill.

Mr. BENNET. You do not cut off the right of the Comptroller of the Treasury to refuse to pay money out of the Treasury that is attempted to be gotten out of it in violation of law, and I undertake to say that if they started in to-day, having no jurisdiction to perform any act as to which jurisdiction has not been conferred and to render judgment, they would never get the money out of the Treasury, and it is absolutely unnecessary to say "according to law." That is the only way to proceed, anyway.

Mr. CLARK of Florida. What injurious effects would result from the words remaining in the bill?

Mr. BENNET. Only that the House, composed largely of lawyers, ought not to put any unnecessary words in a statute.

Mr. CLARK of Florida. Of course, we ought to be concise and we are enacting a law that the court established by statute shall proceed in accordance with the law that we establish.

Mr. BENNET. That is the only way they could proceed anyway.

Mr. CLARK of Florida. Does the gentleman know of any particular part, other than this, where they are directed to proceed?

Mr. BENNET. The entire remainder of the bill is a direction to proceed.

Mr. CLARK of Florida. A direction to proceed?

Mr. BENNET. I have no objection to the direction to proceed; but when you direct them to proceed, they can proceed only in accordance with law. But I have some doubts, Mr. Chairman, as to whether the words "and proceeded with" should be stricken out, and I ask unanimous consent, therefore, to withdraw the present amendment, having called the attention of the committee to the situation.

The CHAIRMAN. The gentleman from New York [Mr. BENNET] asks unanimous consent to withdraw his amendment. Is there objection?

There was no objection.

Mr. MANN. Mr. Chairman, I move to strike out the last word, so that the court will not think, because the gentleman from Florida [Mr. CLARK] and the gentleman from New York [Mr. BENNET] were not just for the moment familiar with section 151 of the Judicial Code, which expressly requires the court to ascertain the amount either legally or equitably due the claimant, that no one else in the House knew that that provision was in the law. I will say that all the rest of the House is presumed to be familiar with the fact that under section 151 the court is compelled to find either the amount legally due or the amount equitably due to the claimant.

Mr. BENNET. Mr. Chairman, the statement of the gentleman from Illinois is not at all in conflict with anything I said, and I restate my position, which is, that the Court of Claims is the court which can exercise any jurisdiction conferred upon it by Congress. I withdrew my first hasty statement to the gentleman from Florida, that it was not a court of equitable jurisdiction, I will be frank to say, not having in mind the exact language that has been read, but having in mind the fact that the Congress could confer upon the Court of Claims—there being nothing in the Constitution to the contrary—the precise jurisdiction that is conferred in section 151.

Mr. MANN. I did not mean to be understood as saying that there was anything in the statute in contradiction with what the gentleman said; but the court may read this debate hereafter, and they might think we are not familiar with that provision of the law.

Mr. BENNET. If this fixes the salaries of the judges, I am sure they will read it. If it fixes only their jurisdiction, I doubt if they would read it. [Laughter.]

Mr. MANN. The court is not composed of salary grabbers, as the gentleman no doubt knows.

Mr. BENNET. I believe that.

The CHAIRMAN. The question is on agreeing to the amendment to the amendment.

The amendment to the amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 3. That the Court of Claims shall have power to enter judgment upon its findings of fact in the following classes of claims referred to said court under the provisions of section 1 of the act of March 3, 1883 (Stat. L., vol. 22, p. 485), commonly called the Bowman Act, or section 14 of the act of March 3, 1887 (Stat. L., vol. 24, p. 507), commonly known as the Tucker Act, or section 151 of the Judicial Code.

Mr. MANN. Mr. Chairman, if there be any question about considering this section by paragraphs, I will ask unanimous consent that it may be considered paragraph by paragraph.

The CHAIRMAN. The Chair does not think there is any question about that.

Mr. MANN. I ask unanimous consent, Mr. Chairman, that this section be considered paragraph by paragraph. There may be some amendments that will be offered.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

The CHAIRMAN. The Clerk will report the committee amendment.

The Clerk read as follows:

Amend, on page 2, by inserting at the beginning of line 13 the words "section 3."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. BYRNES of South Carolina. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The gentleman from South Carolina offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 3, line 2, after the word "Code," insert the following: "And judgments so rendered by the court shall be final and conclusive, without any right of appeal by either party."

Mr. WATKINS. Mr. Chairman, I wish to state that this amendment which is offered is not a committee amendment.

Mr. BYRNES of South Carolina. It is offered as a committee amendment.

Mr. WATKINS. Then I will not oppose it, if that is the case, because I intend to stand by the action of the committee, though I did oppose this amendment in the committee, and I did not know that the committee had voted it up. I thought they had voted it down.

Mr. CANDLER of Mississippi. Mr. Chairman, I am very glad indeed that the gentleman from Louisiana [Mr. WATKINS] does not desire to oppose this amendment. I think it ought by all means to be adopted. If there is anything that the United States has been criticized for it is the failure of the Government of the United States promptly to meet and discharge its obligations. Many claims have piled up against the Government. Time flies, and still the Government does not pay. It demands prompt payment from its citizens and obliges them to respond, and if they do not do so the machinery of the law is put into force and effect to require them to do so. When the Government requires exact justice and prompt payment from its citizens, it ought to pay promptly any just obligation it has. Therefore I think this amendment certainly ought to be adopted and enforced after it is adopted, and the payment of just claims against the Government thereby expedited. "Uncle Sam" ought to pay promptly his just debts, and if he fails or refuses to do so he ought, in justice to his debtors, his citizens, to be required promptly to do so. [Applause.]

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from South Carolina [Mr. BYRNES].

The amendment was agreed to.

The Clerk read as follows:

First. In claims for use and occupation of buildings and their contents and appurtenances belonging to religious, eleemosynary, educational, or fraternal organizations, and, where not at the seat of war, to municipal and county organizations, by occupation by the United States military forces during the Civil War, or continuing after the close thereof, the judgment, if in favor of such organization, to be for the value of the use and occupation of its property by reason of such military use and occupation.

With the following committee amendment:

Page 3, line 8, after the word "military," insert the words "or naval."

The amendment was agreed to.

Mr. SIMS. Mr. Chairman, have the committee offered all the amendments which they desire to offer to this paragraph?

Mr. BYRNES of South Carolina. Yes.

Mr. SIMS. I want to offer an amendment, on page 3, line 10, to insert, after the words "occupation of" the words "and incidental injury to," so that it will read:

The judgment, if in favor of such organization, shall be for the value of the use and occupation of and incidental injury to its property by reason of such military use and occupation.

I do not know whether the committee are willing to accept that amendment or not. The incidental damage exceeds mere rent. I know we have often included it in bills which have been passed heretofore.

Mr. BYRNES of South Carolina. The committee have not considered this, but my recollection is that in all the bills referring cases to the Court of Claims that language has been used.

Mr. SIMS. This simply includes incidental injury as well as use.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Tennessee.

The Clerk read as follows:

On page 3, in line 10, after the word "of," insert "and incidental injury to."

Mr. MANN. Mr. Chairman, I hope this amendment will not be agreed to. The bill authorizes a judgment for the value of the use and occupation of the property. That is all we expect to pay. When you talk about incidental injury, that may be the destruction of the property by reason of war. Nobody knows. Nobody can tell what it means. I am utterly unwilling to accept, as far as I can prevent, an amendment of that sort going into the bill. It absolutely destroys the value of the bill. It may be that the court, in determining the value of the use and occupation, will take into consideration ordinary wear and tear of the property, but it is the value of the use and occupation that the court finds. When you propose to add to that the damage or destruction of the property, you open up a field that is as broad as the air and as high as the sky, and it ought not to be done. The gentleman from Tennessee [Mr. SIMS] has been one of those who in the past have protected the House from this very character of claims. The value of the use and occupation is all that the Government ought to be called upon to pay.

Mr. FOSTER. Will the gentleman yield for a question?

Mr. MANN. Certainly.

Mr. FOSTER. If the amendment of the gentleman from Tennessee should be adopted, would it not open up hundreds of millions of dollars of claims?

Mr. MANN. I think if the amendment of the gentleman from Tennessee is adopted, the bill will be blown through the ceiling.

Mr. FOSTER. I think we ought to blow it through the ceiling if this amendment is adopted.

Mr. SIMS. Mr. Chairman, I wish to explain the object and purpose of this amendment. I know the theory on which these claims are paid is that the measure of damage is the measure of benefit to the Government, and, as a general rule, it is the benefit that the Government receives and not the injury that the individual or corporation sustains. But use and occupation may be ordinary or extraordinary. To use a church, a schoolhouse, or a college simply as a place for soldiers to sleep in, or be sheltered in the ordinary way, may cause very slight damage, while the benefits to the Government resulting from the use may be very considerable. On the other hand, the use, even if very temporary, might have been worth very little, but the building might have been used for a hospital or have been used in such a way as to almost destroy it. In other words, the damage sustained may far exceed the mere rental value for ordinary purposes. Where the damage comes about as an act of war, or as an act of vandalism, where soldiers break out the windows just for the sake of breaking them, I concede that is of no benefit to the Government. The purpose is to pay for the use; but such use may have been of very little value to the Government, but the damage very great, by reason of it having been very rough and destructive use. Such things did occur. A troop of soldiers would so use a building as to damage it very greatly, and yet not go to the extent of constituting vandalism. It was carelessness, and all that sort of thing, and it does seem to me that the court might have discretion to include incidental injury due to the use and not due to vandalism or to a mere accident or incident of war.

Mr. MANN. Any injury was incidental to the use.

Mr. SIMS. Oh, certainly; that is true.

Mr. BYRNES of South Carolina. I wish to express the hope that the committee will not agree to the amendment.

Mr. SIMS. I do not want to go against the judgment of the committee. When I offered this amendment I did not know but that it would meet with the approval of the committee. If it does not meet with the approval of the committee, then, of course, I do not insist on it being adopted.

Mr. BYRNES of South Carolina. I will say to the gentleman from Tennessee that I believe that under the act——

Mr. SIMS. To save further time, I will ask unanimous consent to withdraw the amendment.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent to withdraw his amendment. Is there objection?

There was no objection.

The Clerk read as follows:

Second. In claims for stores or supplies furnished to or taken by the United States military or naval forces during the Civil War for their use, and in claims for use and occupation of real estate by said forces during said war, not embraced within the foregoing class, the judgment, if in favor of the claimant, to be for the value of the property so furnished or taken, or for the value of such use and occupation: *Provided*, That prior to the entry of judgment said court shall have found on preliminary inquiry, in claims arising prior to the close of hostilities, that the person who furnished such supplies or stores, or from whom they were taken, or the person whose real estate was used and occupied as aforesaid, did not give any aid or comfort to the rebellion, and, if such person was a citizen of the United States, that he was throughout said war loyal to the Government of the United States, and unless on such preliminary inquiry said court shall so find, said court shall not have jurisdiction to render judgment in such case, and the same shall without further proceedings be dismissed: *Provided further*, That in cases where stores or supplies were taken from an undivided estate of a decedent, whether in the custody of an administrator or executor or not, the person whose loyalty shall be the subject of such preliminary inquiry under the provisions of this paragraph shall be the next of kin, distributees, or legatees of such decedent.

The Clerk read the following committee amendment.

Page 3, line 24, strike out the word "rebellion" and insert the words "Southern Confederacy."

Mr. BYRNES of South Carolina. Mr. Chairman, I have an amendment which I think ought to be considered at this point.

Mr. MANN. Is it in connection with the committee amendment?

Mr. BYRNES of South Carolina. It is an amendment to the committee amendment.

The CHAIRMAN. The Clerk will report it.

The Clerk read as follows:

Substitute for the committee amendment the following: On page 3, beginning in line 24, strike out the following language: "did not give any aid or comfort to the rebellion, and if such person was a citizen of the United States, that he"——

Mr. BYRNES of South Carolina. That does not in any way affect the provision of loyalty. The language stricken out is simply surplusage. If the amendment is agreed to the bill will read—

or the person whose real estate was used and occupied as aforesaid was throughout said war loyal to the Government of the United States.

The CHAIRMAN. The question is on the amendment to the committee amendment.

The amendment was agreed to.

The committee amendment as amended was agreed to.

Mr. BYRNES of South Carolina. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 3, line 16, after the word "class," insert the following: "and not growing out of movement or temporary encampment of troops."

Mr. MANN. I think the word "handling" was in that amendment. Was it left out advisedly?

Mr. BYRNES of South Carolina. The committee considered that, and after careful consideration it was decided that the amendment as sent to the desk was better to cover the situation. Its purpose is to specifically define the liability that Congress desires to attach to the Government.

The CHAIRMAN. The question is on the adoption of the amendment.

The question was taken, and the amendment was agreed to.

Mr. BYRNES of South Carolina. Mr. Chairman, I have another amendment, which I send to the desk.

The Clerk read as follows:

Page 4, line 11, after the word "decedent," insert the following: "In any of the cases which under the provisions of this act the court is authorized to render judgment, and said judgment shall be adverse to the claimant, it shall not be necessary for the court to file the finding of fact, but the case shall be dismissed."

Mr. BYRNES of South Carolina. It is to save unnecessary expense that would be involved in having the court print its statement in dismissing the innumerable cases on the docket.

The CHAIRMAN. The question is on the amendment offered by the gentleman from South Carolina.

The question was taken, and the amendment was agreed to.

Mr. BYRNES of South Carolina. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

On page 3, line 14, after the word "claim," insert the following: "of private individuals."

Mr. BYRNES of South Carolina. I would like to say to the House that the purpose of that amendment is in line with the other to specifically provide for the liability of the Government. The Court of Claims has found great difficulty in the few cases it has had under consideration, where the claimant was a corporation, in passing on the question of loyalty or disloyalty of the corporation. As a matter of fact, there are very few cases that could possibly be affected by that, because at the time these causes of action arose there were very few corporations.

The CHAIRMAN. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

Mr. QUIN. Mr. Chairman, I offer the following amendment which I send to the desk and ask to have read.

The CHAIRMAN. The gentleman from Mississippi offers an amendment, which the Clerk will report.

The Clerk read as follows:

After the word "individuals" in the amendment just adopted, strike out the word "for" where it occurs next to the last word and insert "growing out of the."

The CHAIRMAN. Is that a committee amendment?

Mr. BYRNES of South Carolina. No, Mr. Chairman. The committee can not agree to that. It is even broader than the amendment offered by the gentleman from Tennessee and would include all damage and destruction of any kind that grew out of the use and occupation. It is the same question that was discussed a short time ago, the amendment being finally withdrawn by the gentleman from Tennessee. The language proposed is that all damages growing out of the use and occupation shall be paid for and would be broader than any language heretofore suggested.

Mr. MANN. It would cover everything under the sun.

Mr. BYRNES of South Carolina. Everything.

The CHAIRMAN. The question is on the adoption of the amendment offered by the gentleman from Mississippi [Mr. QUIN].

The amendment was rejected.

The Clerk read as follows:

SEC. 4. That the power to render judgment under the foregoing section shall extend to claims of the class aforesaid in which findings of fact have already been made or transmitted to Congress, and for which no appropriation has been made, as well as to such claims now pending in said court, and to claims of the class aforesaid which may be hereafter referred to said court under any act of Congress.

With the following committee amendment:

At the beginning of line 12, page 4, strike out "Sec. 2" and insert "Sec. 4."

The CHAIRMAN. The question is on agreeing to the committee amendment.

The amendment was agreed to.

Mr. BYRNES of South Carolina. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The CHAIRMAN. Is it a committee amendment?

Mr. BYRNES of South Carolina. No; it is not a committee amendment.

The CHAIRMAN. The gentleman from South Carolina offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 4, line 17, after the word "which" insert the words "have been or."

Mr. BYRNES of South Carolina. Mr. Chairman, the purpose of that amendment is this: As stated by the gentleman from Illinois [Mr. MANN] and others during the general debate, the purpose of the bill is to empower the Court of Claims to render final judgment in cases referred to it under the terms of this bill, and also in the cases restored to the docket of the court which were dismissed by the Crawford amendment. I think it necessary to insert that language in order to accomplish that, and I therefore ask that the amendment be agreed to. I will say to the gentleman from Illinois that the section provides—

That the power to render judgment under the foregoing section shall extend to claims of the class aforesaid in which findings of fact have already been made or transmitted to Congress.

As a matter of fact, that would include but very few findings, for the reason that since the passage of the omnibus bill in the last Congress the court dismissed all of the cases on the docket, and there are practically no findings that would come under that section.

Mr. MANN. What cases are there which have been referred to the Court of Claims which are not already covered by this section?

Mr. BYRNES of South Carolina. The section covers those that are pending, but as a matter of fact there are none pending, for they have all been dismissed.

The language "as well as to such claims now pending in said court," I take it, was intended to cover what I propose to cover by this amendment, but the fact that the court dismissed those cases leaves it so that there are none now pending, and the addition of the words "have been or" would empower the court to render judgment in those cases which are not pending but which will be pending if this bill is passed.

Mr. MANN. Suppose the court has dismissed a case which is not authorized to be reinstated under the terms of this act. Would not that permit that case to be reinstated?

Mr. BYRNES of South Carolina. No; because the language says "the power to render judgment under the foregoing section."

Mr. MANN. That is, the power to render judgment.

Mr. BYRNES of South Carolina. Yes.

Mr. MANN. That is the only place where there is any power to render judgment.

Mr. BYRNES of South Carolina. "The foregoing section" covers the class of cases. The purpose is simply to make sure that the court will have power and will finally adjudicate the cases that are restored under this bill to the docket and not send them back to Congress to be acted upon again. After considering the matter I became satisfied that that was the only way we could give them that power.

Mr. MANN. If the gentleman is satisfied I do not raise any question.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from South Carolina.

The amendment was agreed to.

Mr. BYRNES of South Carolina. Mr. Chairman, I now offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 4, line 19, after the word "Congress" insert "but findings heretofore made shall not prevent a reexamination of the case by the court at the instance of either party."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from South Carolina.

The amendment was agreed to.

Mr. SIMS. Mr. Chairman, I wish to offer an amendment, but the amendment of the gentleman from South Carolina having been adopted it changes the arrangement of my amendment somewhat. I understand the amendment of the gentleman from South Carolina strikes out the period.

Mr. BYRNES of South Carolina. Automatically, I suppose.

Mr. SIMS. My amendment comes after the word "Congress" and before the amendment just adopted, and is to insert these words:

And to all claims of the classes aforesaid which shall be presented to said court by direct petition within two years after the passage of this act.

That follows the word "Congress," striking out the comma, and immediately preceding the last amendment adopted. Mr. Chairman, I do not care really to discuss the matter, but——

Mr. STAFFORD. Let the amendment be reported.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 4, at the end of line 19, after the word "Congress" and before the amendment just adopted, insert, in line 19, "and to all claims of the classes aforesaid which shall be presented to said court by direct petition within two years after the passage of this act."

Mr. SIMS. Mr. Chairman, this simply would be a repetition of the remarks I made a while ago, but as the House was very thinly populated at that time I will repeat a little. I do not know whether the gentleman from Illinois was in or not.

Mr. MANN. I have been here.

Mr. SIMS. I beg the gentleman's pardon. I do not think the gentleman is ever out, and I do not desire to do him an injustice. Mr. Chairman, the object of this amendment is that persons who have claims, and they are not embraced in the claims which were dismissed by reason of the Crawford amendment, instead of coming to the House of Representatives or to the Senate and having them referred under the Tucker Act or the provisions of the law as it now exists, may file a petition in the court directly, and the court proceed just as though it was sent there under a reference from either of the two Houses. As I stated before, the reasons are that it is within the power of Congress, or its right, to prevent any further reference of claims at all, except those that are there by reason of former references, thus opening the doors of the court only conditionally—that is, provided you can get Congress afterwards to refer the claim. This will give the people an opportunity, without having to depend upon whether they can get a resolution reported by the committee and then adopted by either of the Houses and then have to proceed afterwards to a regular trial of the case within the two years—this amendment will enable them to go to the court immediately, and then there will certainly be no excuse for them to come to Congress and ask us after two years to send the case to the Court of Claims by way of a resolution or an act of Congress. I think this is the best way to wind up and get rid of these war claims in a just and liberal manner.

I have offered this amendment seriously and in sympathy with the bill which is before the committee. I want to give those who have not come to Congress an opportunity to go to the court without coming to Congress; and I am satisfied that every petition that is filed without coming to Congress will certainly not stand any higher in the court or have any advantage over those that have been sent there by action of either House of Congress. We know how difficult it is now. These are private bills and resolutions, and when matters of great public importance are pending such resolutions are not considered, and with a great number of paragraphs in a resolution referring claims to the court, by what we call a filibuster, it is possi-

ble to take up all of Fridays and use them entirely in the consideration of a single resolution. There can be within two years but two long sessions of Congress, and the short sessions amount to nothing, as far as private business is concerned. It seems to me we are holding out a hope and yet breaking it by providing a condition by which they can go to the court which may make it impossible to get to the court. This amendment will relieve the House of having to consider these resolutions and permit the court to render final judgments, and with the bill as now amended, without even an appeal to the Supreme Court of the United States or anywhere else, I am confident that people will get nothing more than justice in the way of liberal treatment that may come by way of petition. [Applause.]

Mr. FOCHT. Mr. Chairman, during my long association with the gentleman from Tennessee on this committee I have always been in hearty accord with him in respect to the payment of these deserving measures, and I want to bring to him and the other members of the committee a message from their old friend and chairman up in Pennsylvania, Thad. M. Mahon, that patriotic, loyal American. [Applause.] He has always told me that it was a disappointment, if not a sorrow, of his long and distinguished service here in Congress that the Government was so derelict in paying its honest debts, and I want to congratulate the committee upon its ability to frame a measure that now looks to the final accomplishment of the high purposes of that grand old commoner, my friend and your friend, of the seventeenth district. I am disappointed myself, however, Mr. Chairman, that there has apparently been no way by which the people living along the border line of Pennsylvania can be compensated for the enormous destruction of property during the invasion of Pennsylvania on June 30, 1864, when Gen. McCausland ordered Gilmore, his torchbearer, to set fire to the beautiful town of Chambersburg, two-thirds of which was consumed. It seems to have been impossible to get a bill through to relieve the people, although it is a most extraordinary and exceptional case from the fact that the men in that section of the State were at the time here in Washington defending the Capital, and consequently the town was uncovered and left defenseless, excepting by women and children. That was one of the high purposes of Mr. Manon, to secure reimbursement, as well as to see the people of the South, or wherever they may live, who have honest claims against the Government, receive payment for the same. At an early time I hope there may be a changed condition and a changed opinion and just conception in regard to these border claims and that this House will feel justified in permitting such a bill as I may offer to be passed. Again congratulating my friends, let me assure you that I will carry back to Thaddeus Mahon, who so long served as chairman of the Committee on War Claims, that most gratifying news that you are going to pay the bills the Government honestly owes, and I know that in these later years of life it will be a joy and a happiness to him as he sits by the fireside and hearthstone of his beautiful country seat in Franklin County, Pa. [Applause.]

Mr. Chairman, I ask permission to extend my remarks.

The CHAIRMAN. Is there objection to the request of the gentleman? [After a pause.] The Chair hears none.

Mr. BYRNES of South Carolina. Mr. Chairman, I trust the amendment will not be agreed to. The history of this resolution referring claims to the court for consideration does not justify the belief that any claimant who has a prima facie case would be denied the right to prove that case in the Court of Claims. Certainly, since the Sixty-second Congress, I know that there has never been any opposition in this House to the resolutions referring claims to that court for consideration. We have no reason to believe that in this term of two years, during which a claimant can come to his Member of Congress and ask for the introduction of a bill, a change will come over this House that would cause them to deny the right of that claimant to the consideration of his bill in the court. Now, in addition to that, the court is entitled to some protection at our hands. When the resolution is submitted to them, referring claims for consideration, they know, at least, that the committee has made an investigation and come to the conclusion that the allegations of that bill are such that if true would constitute a valid claim against the Government, and that it has made a prima facie investigation. If that is not done, it means that any man throughout the country who thinks he has a claim can come into the court, the dockets are burdened, and not until the facts are proved, and the time of the court is taken up, is it discovered that he has not the semblance of a claim against the Government. In practical operation it would mean that attorneys in the city of Washington who are engaged in the business would solicit these claims, filing innumerable petitions that would demand the consideration of that court, and in demanding it would block the efforts of any claimant who has a just and meritorious claim and deny him the privilege of presenting it. I do not think it will accomplish anything that this bill does not now give to a claimant who has a just claim, and I believe, on the other hand, it would prove a burden to that court. For that reason I ask that it be not agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Tennessee [Mr. SIMS].

The question was taken, and the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 3. That no claim for the use or occupation of property during the Civil War shall be referred to said court after the expiration of two years from the passage of this act.

Also the following committee amendment was read:

Amend, on page 4, by striking out all of section 3, from lines 20 to 23, inclusive, reading as follows:

"SEC. 3. That no claim for the use or occupation of property during the Civil War shall be referred to said court after the expiration of two years from the passage of this act."

Mr. MANN. The amendment is to strike out that and insert section 5.

The CHAIRMAN. The Clerk will report the addition to the amendment.

The Clerk read as follows:

And insert the following:

"SEC. 5. That the Court of Claims shall have no jurisdiction over any claim referred to said court after the expiration of two years from the passage of this act under the provisions of this act, or over any claim for the use and occupation of property, or for stores and supplies taken, which may be referred to said court after the expiration of said time under the provisions of section 151 of the act approved March 3, 1911, commonly known as the Judicial Code."

The CHAIRMAN. The question is on the amendment of the committee to strike out section 3 and insert the committee amendment, section 5.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

SEC. 4. That in the settlement of all claims embraced within the foregoing provisions, where the person, not being an association or corporation, from whom the property was taken is dead and the amount due is less than $500 and no demand is presented by a duly executor or administrator, the court may allow the amount found due to the widow, if there is a widow, and if the decedent left no widow, or the widow is dead at the date of entry of judgment, then to the children or to their issue per stirpes.

The CHAIRMAN. The Clerk will report the other committee amendment.

The Clerk read as follows:

Amend, page 5, line 10, by striking out "Section 4" and inserting "Section 6."

The CHAIRMAN. The question is on the amendment of the committee.

The question was taken, and the amendment was agreed to.

Also the following committee amendment was read:

Page 5, after the word "taken," in line 13, insert "or whose property was used and occupied."

The CHAIRMAN. The question is on the committee amendment.

The question was taken, and the amendment was agreed to.

Also the following committee amendment was read:

In line 14 strike out the dollar sign and the figures "500" and insert the words "five hundred dollars."

The CHAIRMAN. The question is on agreeing to the committee amendment.

The question was taken, and the amendment was agreed to.

Mr. BYRNES of South Carolina. Mr. Chairman, I have an amendment which I wish to have read.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 5, line 15, after the word "duly," insert the word "qualified."

Mr. MANN. Mr. Chairman, I have no objection to the word "qualified," but I think probably it ought to be as it was in the bill, namely, "appointed." This is an error of the Printing Office, and we do not often get an error from the Printing Office through the proof readers, but the bill as introduced said "by a duly appointed executor or administrator."

Mr. BYRNES of South Carolina. I ask unanimous consent to withdraw that amendment and offer in place thereof to amend by adding the word "appointed" after the word "duly."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Insert, after the word "duly," in line 15, the word "appointed."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

Mr. REAVIS. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from Nebraska offers an amendment, which the Clerk will report.

The Clerk read as follows:

On page 5, after section 6, add the following new section:

"SEC. 7. That it shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum which in the aggregate exceeds 20 per cent of the amount recovered, for services rendered, and any contract executed after the passage of this act providing for compensation in any sum exceeding said 20 per cent shall be void. Any person violating the provisions of this section by exacting, collecting, withholding, or receiving any sum in excess of said 20 per cent shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not exceeding $1,000."

Mr. REAVIS. The sole purpose of that amendment, Mr. Chairman, is the preventing, so far as possible, these claim agents and attorneys from exacting the tremendous compensation that most of their contracts call for. I would be very glad indeed if it were possible to make void the contracts already made; but, believing that to be impossible, I have proposed the amendment, so that any contracts made in the future for compensation exceeding 20 per cent of the net sum received shall be void.

I would like exceedingly if the committee would accept that as a committee amendment.

Mr. GREEN of Iowa. Mr. Chairman, will the gentleman yield there?

Mr. REAVIS. I will.

Mr. GREEN of Iowa. While I see the force of what the gentleman has just stated with reference to contracts previously made, would it be possible to make this amendment apply to all sums which may be recovered by virtue of this act?

Mr. REAVIS. Well, I have incorporated in that amendment the provision that anyone who shall receive or accept or withhold more than 20 per cent of the net amount received shall be guilty of a misdemeanor, and that contracts made in the future or subsequent to the passage of this act shall be declared void. I think that is as far as we can go.

Mr. GREEN of Iowa. So that the gentleman thinks that as the amendment now stands it would cover the matter I have referred to?

Mr. REAVIS. So far as punishment is concerned, yes. But it would only cover the contractual matter made after the passage of this act.

Mr. SIMS. Mr. Chairman, will the gentleman yield there?

The CHAIRMAN. Does the gentleman from Nebraska yield to the gentleman from Tennessee?

Mr. REAVIS. I do.

Mr. SIMS. Is it intended that this amendment will apply to cases that are now out of court and which may be reinstated?

Mr. REAVIS. The purpose of the amendment is to prevent these sharks from robbing these people on any cases in court or cases hereafter to get into court.

Mr. SIMS. Many of these cases that have been dismissed have to be taken up again and the work done under contracts previously made providing for a greater fee than the gentleman's amendment permits?

Mr. REAVIS. Yes.

Mr. SIMS. Now, if they are reinstated, and the attorneys go to work, under contracts previously made, would the gentleman's amendment make invalid their contracts?

Mr. REAVIS. It would make it a misdemeanor to collect any sum exceeding 20 per cent.

Mr. SIMS. In other words, an attorney receiving more than 20 per cent would be subject to the penalty?

Mr. REAVIS. Yes.

Mr. SIMS. For work done under a previous contract?

Mr. REAVIS. Yes.

Mr. SIMS. Does the gentleman think it ought to be made a misdemeanor to comply with the contract after the work is all done? Of course, as to future work, I heartily agree with the gentleman.

Mr. REAVIS. These cases are of a class. A case is brought in behalf of 2,096 people. Just one of those cases has been tried. That is merely an illustration I am using to answer the gentleman's question. Now, just one of those cases is tried, and 1,999 of them are never tried; and when you consider that a man gets 20 per cent on 2,096 cases after having tried only one case, you must realize that he is already well paid.

Mr. SIMS. All these cases that have been dismissed are of the classes covered by this bill, for expenses furnished, where the attorney has the contract and has done the work, and the party making the contract was sui juris, not acting as administrator or executor. Would you make a penalty against such an attorney for exacting his fee?

Mr. REAVIS. I would; and just such a contract is made in most of these cases, and it is absolutely void. No attorney can agree to pay the expenses of his client and the court expenses of his client. It is champertous in the extreme.

Mr. SIMS. The gentleman believes it is against public policy?

Mr. REAVIS. Yes.

Mr. SIMS. I agree with the gentleman in principle.

Mr. REAVIS. Yes; I believe it is against public policy, and I am not in favor of a man exacting more than 20 per cent on cases that will be reinstated or cases that will be brought in the future. I think 20 per cent is adequate.

Mr. SIMS. An amendment of that sort was placed on the last omnibus war-claims bill in the Senate, applying to the amounts appropriated under that act. Some suits have been brought to test the validity of that amendment—I do not know how many—and one has been decided by the court, while others are pending and will ultimately be taken on appeal to the Supreme Court, with this item inserted, that there is a vested right in the contract after the attorney has complied with the contract. I know that Congress is not bound by the same provision as the States are, but these cases are now pending, and no doubt they will be decided many a long day before the cases under this bill will be tried. But will not this provision prevent proceedings in small claims? In my section the claims are usually small, and the people are unwilling to pay a fee in advance, and would rather surrender a quarter or a third of the recovery or else let them go.

Mr. REAVIS. All they have to do is to come here and file their claim with Congress, and have it referred to the Court of Claims.

Mr. SIMS. They do not need a lawyer in the Court of Claims?

Mr. REAVIS. Very few of them need a lawyer; no one of them needs to have a lawyer unless there is involved a question of law requiring a lawyer. The gentleman states that the provision of the Senate that was attached to the omnibus war-claims bill has been the subject of litigation since. As I understand the determination of these cases that have been so far decided, the decision was not that the attorney had a vested right in the contract, but the determination was upon the proposition that when the Senate attached to that bill a provision which made void all contracts the court determined that that was violating the provisions of a contract already fully executed, and therefore was void. This amendment escapes that by making it apply to all contracts hereafter executed.

Mr. SIMS. Hereafter executed, not hereafter made?

Mr. REAVIS. Yes.

Mr. SIMS. I understand that under that decision, after the work was done, the right under the contract vested in the attorney could not be interfered with.

Mr. REAVIS. I suggest that there could be no contract up to to-day.

Mr. SHERLEY. Oh, Mr. Chairman, if the gentleman please, is that quite accurate? There might be a contract to perform service that was an enforceable contract. The fact that those services are performed after this legislation is enacted would not necessarily make invalid that contract by a provision such as the gentleman suggests.

Mr. REAVIS. That is doubtless true; but there could be no contract whereby an attorney or an agent contracted with a claimant that he would prosecute that case to judgment, because until the passage of this bill the claim could not pass into judgment.

Mr. SHERLEY. I do not think that quite follows, either. A man may have entered into a contract with a client that he will prosecute certain of these claims, which were then capable of being adjudicated by the Court of Claims. Congress takes some action which deprives the court of further jurisdiction. It then takes the action proposed here to-day, whereby the Court of Claims is again given jurisdiction of the subject matter.

Mr. MANN. A different subject matter.

Mr. REAVIS. The great difficulty is that the Court of Claims has never had jurisdiction to enter judgment in these cases.

Mr. SHERLEY. Oh, well, we are not necessarily dealing with that phase of it. The Court of Claims had jurisdiction to make certain findings.

Mr. REAVIS. Findings of fact.

Mr. SHERLEY. And a contract was entered into that we will assume was a valid contract at that time. Now, I doubt exceedingly whether by the provision that you are proposing here you can nullify that contract. I think you can affect future contracts, but the fact that the court lost its jurisdiction and gets it reestablished by this legislation does not necessarily interfere with the validity of a contract that at the time it was entered into was a valid contract.

Mr. REAVIS. As I view that, the cases that were pending before the Court of Claims prior to the passage of the Crawford amendment are no longer in existence.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SIMS. There is another matter which I wish to state, and I have yielded my time to other gentlemen.

Mr. MANN. I ask unanimous consent that the gentleman from Tennessee have five minutes.

The CHAIRMAN. Unanimous consent is asked that the gentleman from Tennessee may proceed for five minutes. Is there objection?

There was no objection.

Mr. SIMS. The object of this bill is simply to reinstate the claims which were dismissed by the Crawford amendment.

Mr. REAVIS. Yes.

Mr. SIMS. And to all intents and purposes to put them in the same condition as though the Crawford amendment had never passed. Now, is it not a very fine distinction to say that because judgment can now be rendered by the Court of Claims, the old contract providing for the payment of one-third, or whatever it may be, shall not apply? It may be good law, but it is mighty poor morals. Of course, if there was any misrepresentation or fraud in the obtaining of the contract, that is an entirely different matter.

Mr. REAVIS. Does the gentleman want me to answer that, or does he want me to listen to a speech?

Mr. SIMS. Suppose the gentleman had a claim against the Government for $500, and he should go to an attorney and say, "Now, if you will prosecute this claim, I will give you a contingent fee, one-third of the amount recovered, whatever it is." Does the gentleman think he should be permitted to take advantage of a law which was passed afterwards, which he never asked for or sought, and so avoid the payment of the fee after the work had been done and the contract carried out in good faith by the lawyer so employed?

Mr. REAVIS. In the first place the contingency has not happened that would make due the payment of the attorney's fee. If he had a cause of action against the claimant, it would not be one arising out of the contract. In my judgment he could not sue for the amount that would be due him under the contract, because the contract had never been completed; but could only prosecute an action upon the quantum meruit, for the value of the labor he actually performed. Now, these cases are no longer in existence. There never was a case in existence that the Court of Claims could enter judgment upon. The old cases are dismissed. They are off the docket. We are passing legislation that permits those cases to be put on the docket again, and to give to the Court of Claims jurisdiction to enter final judgment upon them, something that never existed before.

Mr. SIMS. And you hold that under those circumstances you now have the moral and legal right to say that even in those cases where the work has been performed the attorney shall not get more than 20 per cent.

Mr. REAVIS. I mean to say that if morality had the smallpox, the average Court of Claims lawyer has never been exposed. [Laughter.]

Mr. SIMS. That may be true. The gentleman may know more about that than I do.

Mr. HOUSTON. Will the gentleman yield?

Mr. SIMS. Certainly.

Mr. HOUSTON. I want to call attention to this fact, that there are a number of cases pending in the Court of Claims now, or that were pending until they were dismissed by virtue of the Crawford amendment and the action of the court after that amendment was passed. In these cases a great deal of the work has been performed by attorneys, in fact most of it in some cases. Now, the object and purpose of a part of the amendment that is offered by the gentleman is that all contracts hereafter made shall be limited to a 20 per cent fee, which I heartily favor and approve. But the same amendment imposes a penalty, and makes it a misdemeanor for any attorney to collect more than 20 per cent for services rendered, although they were rendered in pursuance of a contract heretofore made, the work having been done already. Now, if the holding of the court of the District of Columbia is sustained, you can not prevent these attorneys from getting their contractual fee. If that is so, it would not be right to undertake to do this by the imposition of a penalty, making it a misdemeanor to collect more than 20 per cent.

Mr. McKELLAR. If you were an attorney representing one of these claims that had been dismissed under the Crawford amendment, and if the claim is now reinstated, you would not be compelled to go on with your contract unless you desired to do so; and if your client comes in under this bill, and you are thereby given permission to proceed with the prosecution of the claim, would you not be obliged to take that permission subject to all the conditions that go with it?

Mr. HOUSTON. If I had made a contract, and had performed the services and completed my contract, and by virtue of the act of Congress and the holding of the court, jurisdiction of my case was lost, and then reinstated by an act of Congress, I certainly should feel that I stood in the same attitude in which I would have stood if there had been no such legislation by Congress and no such action by the court.

Mr. McKELLAR. You might feel that way, but would it change the legal status?

Mr. HOUSTON. The legal status would be identically the same. It would be restored to its former attitude, according to my opinion.

Mr. McKELLAR. I do not think so. I think the legal status would be just such as this bill would give you, and that is all.

Mr. HOUSTON. The point I want to make is this: If it is not within our power to enact a law which will prevent these men from getting their contractual rights, it is not right for us to pass a criminal statute—if that is possible, which I doubt—that would accomplish the same purpose.

Mr. SHERLEY. Manifestly, if we can not make a contract invalid we can not make a penalty for carrying out a valid contract.

Mr. HOUSTON. That is unquestionably true to my mind. Now, Mr. Chairman, I find that the Supreme Court of the District of Columbia, in the case of I. M. Moyers and Charles F. Consaul versus Thomas Fahey, in passing upon a clause in the omnibus bill passed by the last Congress limiting counsel fees to 20 per cent of the recovery, held that—

> A provision in such an act of appropriation, attempting to limit the compensation of counsel whose services were rendered in the Court of Claims under such a contract, and which statutory provision would have the effect of abrogating such contract in part, is in contravention of the fifth amendment to the Federal Constitution prohibiting deprivation of liberty or property without due process of law; and a plea of such enactment fails to state any legal ground of defense to an action by the attorney for recovery of the agreed fee.

Now, Mr. Chairman, while I earnestly approve that part of the proposed amendment providing that in contracts hereafter made counsel fees shall not be more than 20 per cent of the recovery, it seems to me that the attempt to limit the fee to 20 per cent where the parties had contracted for a larger fee by making the acceptance of more than 20 per cent a misdemeanor is an attempt to do something that is impossible. The decision of the Supreme Court of the District of Columbia unquestionably bears out this view. I am always for the interests of the claimant and I would love to see them protected from unreasonable fees by laws sanctioned by the Constitution as construed by the courts of the country.

Mr. HASTINGS. Mr. Chairman, I am quite in sympathy with the amendment offered by the gentleman from Nebraska [Mr. REAVIS]. As has been stated in the House, there are no claims now pending before the Court of Claims. We are providing means whereby they can go into the Court of Claims; in other words, we are providing that claims may be reinstated, and we can provide the conditions upon which they may be reinstated. In my judgment, we can provide that no attorney who comes into the court petitioning for reinstatement of one of these cases shall receive more than a certain amount.

I am in sympathy with the bill, but I want the poor people who suffered the loss away back yonder to get it, and if I am going to vote for the bill I want them to be the real beneficiaries. I want it to be understood that I am not going to vote for it if three-quarters or 90 per cent of it is going to the attorneys before the Court of Claims. I favor the bill but I also favor the amendment and trust it will be adopted.

Mr. SHERLEY. Mr. Chairman, I should not bother the committee to say anything if it was not for the statement made by the gentleman from Oklahoma who has just taken his seat. Most of us will go as far as he in protecting the real claimants from the outrageous charges of attorneys. But some of us like to try to make our legislation effective. It is one thing to want to do something, and it is another thing to be able to do it. It is unfair to suggest that those of us who raise what is to say the least a close question as to the power to declare void a contract previously entered into are doing it in the interest of claim attorneys. For my part, I think the greatest abuse in connection with all the claims, both war and pension claims, grows out of the avarice of the attorneys who dig them up and have them frequently instituted in order that they may obtain exorbitant fees.

The question that is involved here seems to be somewhat confused in the minds of certain Members. There is a very marked difference between creating a forum and interfering with a contract. A contract has been entered into that we will

assume is an enforcible contract—if it is not, we need not bother about it one way or the other—for a certain rate of compensation. Certain work is done in pursuance of the contract. There comes a condition whereby the court's jurisdiction is taken away from the subject matter of the contract. That is not voiding the contract, it simply for the time being prevents the further prosecution of the claim. Then the action of Congress serves to re-create in the court jurisdiction of the subject matter of the contract. It does not follow to my mind at all that because you are reestablishing the jurisdiction of the Court of Claims that you can reach back and say that a contract touching the recovery of certain moneys through the establishment of a claim shall not be enforced if it provides beyond a certain percentage of fees.

Mr. McKELLAR. Will the gentleman yield?

Mr. SHERLEY. Yes.

Mr. McKELLAR. If we can put conditions on the reinstatement of these cases, why can not we put another that is reasonable, a provision carrying out the general purposes of the act?

Mr. SHERLEY. Because I do not consider that the contract has ceased to be in existence, and if it was a valid contract in existence that we could not touch heretofore, I do not see how this act necessarily gives us power to invalidate it now.

Mr. McKELLAR. Will not the gentleman concede that when we passed the act taking away the jurisdiction of the Court of Claims that not only the contract ceased to exist but that the claim itself ceased to exist?

Mr. SHERLEY. The gentleman is failing to note the distinction between the existence of a forum with the right to adjudicate and the matter of the claim to be adjudicated. You may have a claim and have no forum for its adjudication.

Mr. LENROOT. Will the gentleman from Kentucky yield?

Mr. SHERLEY. I will.

Mr. LENROOT. I would like the gentleman's opinion as to whether or not the court has not jurisdiction to a certain extent over attorneys' fees relating to claims against the Government, and why Congress can not nullify a contract as being unconscionable?

Mr. SHERLEY. I did hold somewhat that view until the Court of Claims took a different view. I am not so certain about it now.

Mr. ALMON. Mr. Chairman, one of the purposes of this bill is to repeal section 5 of what is commonly known as the omnibus war claims bill, approved March 4, 1915, known as the Crawford amendment, and to reinstate on the docket of the Court of Claims those claims dismissed after the adoption of the Crawford amendment.

This amendment prohibited further consideration by the Court of Claims of claims for property taken or destroyed by the Federal Army during the Civil War.

Another purpose is to relieve Congress from the adjudication of private claims against the Government by having the Court of Claims to try the case and enter final judgment.

I believe that it is generally conceded that the Crawford amendment should be repealed, and that the practice in vogue heretofore relative to the method Congress has adopted in having claims passed upon for property taken or destroyed during the Civil War is not desirable and results have been unsatisfactory in many ways. It has, no doubt, resulted in the payment of some claims which should not have been paid, and the failure to pay many just and meritorious claims which should have been paid. I hope that this bill will be so amended before it is finally passed by Congress that every claimant who has a just and honest claim against the Government will be furnished a means by which he will be given an opportunity to establis'; and have adjudicated his claim on its merits. Many of my constituents have just and honest claims against the Government for property taken during the Civil War. The fact that their claims are half a century old is no reason why the Government should not pay them, if they are just claims and can be established by legal proof.

It is an undoubted fact that the people of the South never have received at the hands of this Government that fair treatment which they should have received since the Civil War in the matter of consideration of their claims for property taken for use of the Federal Government.

The case of Grant, in the first Court of Claims report, shows that court entertained war claims during the war; but that was stopped by act of Congress taking away the jurisdiction of the court to hear such claims. Then came a period of some years when no door was open to such claims. The Southern Claims Commission was established by act of March 3, 1871, and, as shown by reports of the War Claims Committee in recent years, that commission was of little benefit, and proceedings before it were largely a farce, because evidence submitted in ordinary legal manner was liable to be overturned and offset by ex parte reports of special agents or detectives employed by the commission. The jurisdiction of that commission was very narrow also, so that many claims did not come within its jurisdiction at all.

Then came the Bowman Act of March 3, 1883, which practically had the effect of permitting those whose claims had been tried by the Southern Claims Commission and had been rejected or which had been rejected by the War Department to have their claims referred to the Court of Claims for mere findings of fact. That jurisdiction was an improvement on the claim commission, because at least the procedure was in accordance with court forms. Many claims could not be considered under that act, so the Tucker Act of March 3, 1887, was passed, which gave more relief. Under those acts, however, the Court of Claims could not enter judgments, and, even if favorable findings were made, claimants and their lawyers never knew whether the claims would ever be paid or when, and recently the war-claims act of March 4, 1915, was the first appropriation act for payment of such claims during a period of more than 10 years.

Section 151 of the Judicial Code, approved March 3, 1911, repealed the Bowman and Tucker Acts and became a substitute for them, but still gave the Court of Claims power to make findings of fact only in these war claims.

In so far as this pending bill now under discussion gives the Court of Claims power to enter absolute judgments, I am most heartily in favor of its passage. It is something that should have been enacted years ago, so that claims would be either finally won in the court, and be thereafter promptly paid by Congress, on estimates made each session by the Treasury Department; or, if lost, the claims would be finally disposed of by the court.

I have been much interested, however, in the bill introduced by the gentleman from Tennessee [Mr. SIMS], to which he has referred in his comments on the pending bill. I believe his bill is a far better bill than the one now under discussion, and I regret very much that it was not reported out by the committee in the place of the present one.

Mr. Chairman, I have the honor of representing in this body the district in Alabama formerly represented by that distinguished and gallant soldier, Gen. Joe Wheeler, whose fame as a warrior was attained during the War between the States. He served many years in this body, and only left this floor to accept a commission from the hands of President McKinley as a general in the Army of the United States in the War with Spain. This former general of the Confederacy, Mr. Chairman, took his place in the Army of the reunited country alongside that distinguished son of the Old Dominion State, Fitzhugh Lee, and it has seemed to me that nothing could more clearly typify the absolute wiping out of former sectional lines in this country—nothing could more plainly mark the passing of the day when the North of this country could be distinguished from the South than the presence in our Army of these two former warriors of the Confederacy.

I had supposed that the time had arrived when the Representatives of the whole American people gathered together in this body would welcome anything that would tend to bury, and bury deeply, the last vestiges of discrimination on the statute books between those who happened to reside in the South during the Civil War from those who happened to live in the North.

At the instance of that revered and beloved former Senator from Alabama, Joseph F. Johnston, now gone to his last rest, legislation was had only two or three years ago that removed from the books the statute which prevented collection of claims for back pay due prior to 1861 by former officers of the United States Army who later had resigned and entered the Confederate Army.

The consideration of that measure in the other body of Congress was marked by a very beautiful and patriotic speech, delivered by the senior Senator from Massachusetts [Mr. LODGE].

Yet, when we now come to provide for consideration of the claims of the people of the South for compensation for property taken for use of the Federal Army, we are confronted by an apparent demand that the former conditions laid upon collection of recovery be again imposed, in all their rigor of reconstruction days.

Mr. Chairman, it would be useless for me to contend that a man who served in the Confederate Army as a soldier should be paid by the United States for supplies consumed by the Federal Army during the Civil War, but I do submit that the thought of the gentleman from Tennessee, in his bill, is the correct one on this point, and that is that if the owner of the supplies did not bear arms against the General Government; if

he did not serve the Confederacy or local governments in any manner; if he did not vote for secession; and if he gave no aid to the credit of the Confederacy, by exchanging his property or money for its securities, then that person or his heirs ought to be paid for his private property taken for public use.

Old men and old ladies, who had no more to do with the bringing about of the secession of the Southern States than unborn babes, and who had no more to do with the waging of the war than babes, had property taken from them. Yet, under the terms of this pending bill, neither they nor their heirs or representatives can secure compensation for Army supplies unless they can establish an affirmative loyalty to the Union. The same statement also applies to the cases of young ladies, minors, who had absolutely nothing to do with the war, but who obviously could not prove any affirmative loyalty to the Federal Government or to any government, because they had no occasion to do anything, one way or the other.

Mr. Chairman, I submit that this requirement should be made more reasonable and fair, and that the suggestion contained in the bill of the gentleman from Tennessee [Mr. SIMS] should be adopted and made a part of this measure. If not included in it by the action of this House, then I earnestly hope that another body may see fit to take a broader and fairer view of the matter—one more consistent with the present spirit of our country and of our age—and will amend this bill along the line suggested.

Now a few words only as to one or two other phases of the subject suggested by discussion here. Some gentlemen have expressed a very deep solicitude lest these claims have been bought up by so-called claim agents, who will profit largely by this enactment.

That idea has been pretty effectively exploded here, I think, but I will call attention again to the fact that section 3477 of the Revised Statutes makes illegal any assignment or attempted assignment of a claim against the United States until after the claim has been allowed and after the warrant for its payment has been actually issued. In short, a claim can not be sold or assigned, and I do not suppose any person would be so foolish as to attempt to buy an assignment of a claim in the face of this statutory prohibition. If so, he will find that he has bought nothing.

Then it has also been suggested that proof of these claims is a mere formality; that one claim is just like others of its class, and so forth. While as a practicing lawyer I never happened to represent any of these claims, and probably would have declined employment in any event, in such an uncertain matter, yet my general information is sufficient to cause me to say that the idea mentioned is erroneous. Save for the fact that the main issues are the same in most of these cases, the actual proof of every case is necessarily peculiar to that particular case. The cases do not resemble one another any more than do jury cases that are tried before the ordinary civil courts. The facts of every case are different from those in other cases.

I know that some claimants have had as their local counsel in my own district members of the legal profession who stand at the head of the bar. Witnesses are examined and cross-examined. Attorneys representing the United States act for the Government at every stage of the proceedings. These facts are all set forth in clear terms by the report of the War Claims Committee on the last war claims omnibus bill of last Congress. These claims are not like pension claims, which can be proven up by use of blanks which merely have to be filled in. They are, in effect, separate suits, and have to be conducted by counsel in the same manner as ordinary suits, with the same incidental questions of evidence, of law governing title, descents, distributions, and so forth, as ordinary suits.

These Civil War claims have also been criticized here because of their age. It is true that they ought to have been paid years ago. But whose fault is it that they were not considered and paid long ago? Is it not the fault of Congress itself?

During the war Congress took away the right to present such claims to the Court of Claims. The claimants were not responsible for that action, obviously. From 1864 down to the present time, Mr. Chairman, these claimants have never had a legal remedy or a way opened to them for presenting and prosecuting one of these claims. All they could do was to exercise the constitutional right of petition to Congress. That right might or might not be productive of any results. We all know how nearly impossible it is to secure the attention of Congress to private matters, and it is my information, gathered mostly from official reports, that for many years it was almost impossible to secure the right from Congress to go into the Court of Claims with one of these claims.

So far as this bill now under consideration gives to the Court of Claims the right to enter judgment on good claims it is certainly a step in the right direction. It should be amended in the matter of proof of loyalty, as has been suggested by the gentleman from Tennessee [Mr. SIMS]. It should also give the right to petition the court directly, and without requiring the claimants to first secure permission of Congress.

Mr. Chairman, while I do not approve this bill in all respects by any means, while I think we should amend it very materially in several regards, yet I shall vote for it, even though I deem it unsatisfactory, because it appears to be the best that we can secure at the present time. Its enactment may give relief to some of my constituents that I know have just claims, some of whom have already adduced evidence in support of their claims before the Court of Claims. However, I still trust that before it becomes a law it may be so amended as to approach nearer to the securing of full and substantial justice than it can do in its present form.

Among the nations of the earth the United States has a reputation for fair dealing that is enviable. As the result of the Boxer uprising in China we secured and had in our hands a fund of several million dollars to cover compensation to our citizens for damages then suffered by them in China. We scrutinized all those claims most carefully in the Court of Claims and then turned back to China all the residue of the fund after satisfaction of the judicially ascertained claims against the fund. In short, we followed the golden rule in so doing.

In our treatment of claims of our own citizens, however, we can find no very great source of pride. Let us hope that with the enactment of this bill in some form we may be starting our Government upon a path that will lead ultimately to the doing of exact justice to all who may have proper claims against the Government, so that right may be done to all.

Mr. GREEN of Iowa. Mr. Chairman, I agree with the gentleman from Nebraska [Mr. REAVIS] when he states that the recovery for services rendered under this bill would be rather in the nature of a quantum meruit than under some former contract. The contract which was made previously applied to conditions as they existed at that time. The contract did not take into consideration and was not made in view of the fact that Congress would subsequently pass some legislation which would aid the attorney in the prosecution of these claims.

Mr. McKELLAR. Mr. Chairman, will the gentleman yield?

Mr. GREEN of Iowa. Yes.

Mr. McKELLAR. Is not the situation just this? Here is an attorney who has represented a claimant whose claim has been thrown out of the Court of Claims by an act of Congress. The attorney has a dormant interest in that claim, and the client has a dormant interest in it. If Congress puts jurisdiction back in the Court of Claims, can it not also impose conditions upon both the attorney and the claimant?

Mr. GREEN of Iowa. I was about to come to that point a little later, but I wish to further emphasize that which I just stated, that the contract being made as applied to certain former conditions, when Congress creates altogether different conditions it has no application to those conditions which have just been created. As the gentleman said, it would be a strange doctrine indeed if Congress was not permitted when it passed a statute providing for the payment of certain money to certain claimants to determine also how and in what manner that money should be paid. If that is not the case it is new doctrine to me.

Mr. REAVIS. Does the gentleman understand that by the legislation that is now before the House we are legislating for the benefit of the claimant or the lawyer?

Mr. GREEN of Iowa. We are legislating for the benefit of the claimant, as the gentleman has already shown. I think the gentleman's amendment ought to pass.

Mr. SMITH of Minnesota rose.

Mr. GREEN of Iowa. I yield to the gentleman from Minnesota.

Mr. BYRNES of South Carolina. Mr. Chairman, I ask unanimous consent that debate on this paragraph and all amendments thereto close.

Mr. GREEN of Iowa. Mr. Chairman, I have not yet yielded the floor. I yield to the gentleman from Minnesota.

Mr. SMITH of Minnesota. Is it not true that the subject matter of the contract entered into by the attorney is the same now as it was before the action of Congress?

Mr. GREEN of Iowa. The subject matter is the same, but that does not determine the validity of the contract or its application.

Mr. SMITH of Minnesota. The act of Congress simply determines the method of collecting or not collecting this claim.

Mr. GREEN of Iowa. The act of Congress simply puts validity into a claim that now has none, and the contract was made when there was no validity in it.

Mr. SMITH of Minnesota. I am just as sincere in wanting to see the claimant protected here as the gentleman from Iowa, but I am sure that if this amendment is adopted it will be of no use or service except as to future contracts.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. BYRNES of South Carolina. Mr. Chairman, I move that all debate on this paragraph and all amendments thereto close in three minutes.

The motion was agreed to.

Mr. HOUSTON. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. BENNET. Mr. Chairman, in the city of New York we recently had a decision in a case somewhat analogous, the case of Levine against the Metropolitan Street Railway Co., where some 15 years after the case had been finally disposed of in our highest court, because of gross fraud in the manner of its disposition, it was reopened, and all contracts arising in connection with the case were held to adhere to the original case. It seems to me that unless we had arranged in some other way that contracts made originally in connection with these claims will continue with the claims when we revive them by this legislation. The gentleman from Kentucky says, in opposition to the views of the gentleman from Iowa, that he also held those views, but there had been a decision of the court the other way, and it seems to me if that is so, while we may have our opinion as to the decision of the Court of Claims, nevertheless that is the law.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SHERLEY. Mr. Chairman, I move to amend the amendment. After the word "that," insert the word "hereafter."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend the amendment by inserting after the word "that," in the first line, the word "hereafter."

Mr. HOUSTON. Let us have it read as amended.

The Clerk read as follows:

SEC. 7. That hereafter it shall be unlawful, etc.

Mr. MANN. I thought that amendment had been agreed to.

The CHAIRMAN. The question is on the amendment to the amendment.

The question was taken, and the amendment to the amendment was rejected.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Nebraska.

The question was taken, and the amendment was agreed to.

Mr. BYRNES of South Carolina. Mr. Chairman, I move that the committee do now rise and report the bill to the House with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. LLOYD, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 6918 and had directed him to report the same back with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The SPEAKER. Is a separate vote demanded on any amendment? If not, the Chair will put them in gross.

The question was taken, and the amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. BYRNES of South Carolina, the motion to reconsider the vote by which the bill was passed was laid on the table.

WITHDRAWAL OF PAPERS.

By unanimous consent, Mr. BORLAND was granted leave to withdraw from the files of the House, without leaving copies, the papers in the case of John H. Shaw, Sixty-third Congress, no adverse report having been made thereon.

EXTENSION OF REMARKS.

Mr. PARK. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from Georgia rise?

Mr. PARK. Mr. Speaker, I rise to ask unanimous consent to extend my remarks in the RECORD on the subject of rural credits.

The SPEAKER. The gentleman from Georgia asks unanimous consent to extend his remarks in the RECORD on the subject of rural credits. Is there objection? [After a pause.] The Chair hears none.

Mr. HILL. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from Connecticut rise?

Mr. HILL. Mr. Speaker, I desire to make a like request and to submit as a part of my remarks an official letter written by the War Department to me on the question of the establishment by private capital of high-explosive plants in the United States.

The SPEAKER. The gentleman from Connecticut [Mr. HILL] asks leave to extend his remarks in the RECORD and to include the document mentioned.

Mr. HILL. I desire, Mr. Speaker, to include both the letter which I wrote to the department and the one I received from them.

The SPEAKER. The gentleman's letter and the reply from the department. Is there objection? [After a pause.] The Chair hears none.

CAPTURED AND ABANDONED PROPERTY.

Mr. BYRNES of South Carolina. Mr. Speaker, I call up the bill H. R. 8246.

The SPEAKER. The gentleman from South Carolina calls up the bill the title of which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 8246) to revive the right of action under the act of March 12, 1863 (12 Stat. L., p. 820).

The SPEAKER. The House automatically resolves itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 8246, and the gentleman from Missouri [Mr. LLOYD] will take the chair.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 8246, with Mr. LLOYD in the chair.

The CHAIRMAN. The House is in the Committee of the Whole House on the state of the union for the consideration of the bill the title of which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 8246) to revive the right of action under the act of March 12, 1863 (12 Stat. L., p. 820).

Mr. BYRNES of South Carolina. Mr. Chairman, the bill which has just passed the House provided that all claimants having claims growing out of the use and occupation of property or for stores and supplies taken would have the right to have their claims referred to the Court of Claims for investigation and final adjudication. There is another class of cases growing out of the war which are not included under the provisions of the bill introduced by the gentleman from Illinois, but which arise under what is known as the captured and abandoned property act. On March 12, 1863, this act was passed by Congress, providing for the seizure and sale of property abandoned in what was then called the insurrectionary district. The act provided that the cotton—for it was generally cotton—should be sold and the net proceeds placed in the Treasury to the credit of the owner of the cotton. Claimants were given two years after the close of the war in which to file claims for the recovery of their money. The act provided, as this act provides here, that only loyal persons could recover. Many claims were filed under the right given them by this act of Congress, but because of the condition that prevailed many claimants did not file their claims or attempt to recover amounts which were to their credit in the Treasury. The Supreme Court decided in 1869 that officially the war ended August 20, 1866. Claimants had, therefore, until August 20, 1868, in which to file their claims, but this decision of the Supreme Court was not filed until December 18, 1869. Most of the claimants believed that the time for the filing of claims had expired long before 1868, and therefore did not file their claims. Consequently, when the Supreme Court filed its decision that the war did not end until August 20, 1866, they were unable to avail themselves of the right that the Supreme Court thought it was giving them. Since that time many private acts have been passed by Congress giving the claimants the right to go to the Court of Claims and prove their cases under this captured and abandoned property act.

In the report I have filed with this bill there is set forth the amount of money that has been paid under this captured and abandoned property act. According to a circular of the Treasury Department issued in 1900 the amount of this fund that remained at that date was $4,992,349.92, and that same circular called attention to the fact that in a great number of cases it was ascertained from the records in the Treasury that were taken at the close of the war from the Confederate Government that the greater part of this cotton seized under the captured and abandoned property act, and which has not been paid for, was cotton that had been sold to the Confederate States, and that therefore the alleged claimants had no title to that property. The amount that the records show as the property of the

Confederate States is so nearly the amount that remains of this captured and abandoned property act that the Treasury circular contained this statement:

It will be noticed that the amount received from the sale of the Confederate cotton about equals the amount of the proceeds of captured and abandoned cotton which remained after the payment of judgment—

And so forth.

And it is therefore estimated by the committee that the amount that would be affected by the passage of this bill could not possibly exceed $500,000. I believe from the investigations we have made that that is a most liberal estimate.

Mr. STAFFORD. I notice in reading the report that the gentleman estimates the amount that can possibly be recovered, if this bill is passed, to be $500,000, but there is no mention in the report of what that estimate is based upon. I would like to inquire upon what he predicates the estimate?

Mr. BYRNES of South Carolina. I was just telling the basis. The balance of this fund was $4,992,349.92, and the Treasury statement in 1900 says that the records of the Confederacy which they have in their possession show that the cotton to the amount of about $4,400,000 that was captured and the proceeds of which are in the Treasury had been sold to the Confederate States, and, that being so, there is but $500,000 of that fund to which claimants could prove title. If the title was in the Confederate government and not in claimants they of course could not recover.

Mr. STAFFORD. Well, how general are these claims? It seems to me, if the gentleman will permit, very strange that a law, passed back in 1867, was it?

Mr. BYRNES of South Carolina. In 1863, originally.

Mr. STAFFORD. And then revived.

Mr. BYRNES of South Carolina. Since that time some private claims have been passed, as I have stated just now.

Mr. STAFFORD. And for nearly 50 years no legislative action has been taken on this character of claims except by special bills?

Mr. BYRNES of South Carolina. Yes, sir.

Mr. STAFFORD. And now 50 years afterwards you attempt to open the matter again and grant the same claimants the right to present these claims in the Court of Claims. What is the purpose of renewing this at this late day?

Mr. BYRNES of South Carolina. I will answer the gentleman. Ever since I have been on this War Claims Committee I do not know of any man who has gotten a claim under it——

Mr. STAFFORD. What is the spur back of it? There must be some spur back of it to revive all of this ancient matter.

Mr. BYRNES of South Carolina. If the gentleman will let me answer him, I will do so. I believe that of the claims growing out of the war the class of cases affected by this bill have more justice in them than any others, for this reason: The Supreme Court decided in the Padelford case, in the Klein case, and in other cases that this was a trust fund; that the cotton was sold and that it was never intended to divest the owner of the title to his cotton; that the Government provided the net proceeds should be turned into the Treasury and the claimants should have the right for two years after the close of the war to come in and prove title to their property. The court decided, I say, several times that it was a trust fund. Now, the statute of limitations runs against it. Several times since that committees of this House and of the Senate have reported bills similar to this—six times in this House—and they have died upon the calendar. They were never acted upon. One member of the Committee suggests to me that away back in the Forty-ninth Congress they were presented and favorably reported, and down to this day they have been favorably reported. Now, if there ever was a class of cases where a man was entitled to his claim it is when you tell him his money was taken, that it was not used to carry on the war but was placed in the Treasury to his credit. If he was given two years after the close of the war, and because of the condition of things then prevailing in this country he failed to file his claim, and now the statute of limitations runs against what the Supreme Court has declared to be a trust fund, he should not be denied the right to come in and prove his case; and if the court shall find for him, he will get nothing but what is his own; and if the court does not find for him, the Government is not hurt.

Mr. STAFFORD. Has the gentleman advanced any reason why the claimants were prevented from filing their claims within the period originally authorized to present them?

Mr. BYRNES of South Carolina. When did the war close? That question is debated to-day. It has been debated in Congress for years. Many of these claimants, I have no doubt, believed that it ended in April, 1865, with the surrender of Lee. We know now that even with the facilities for transportation and transmission of intelligence, improved as they are, that there are some men in this country who do not read the CONGRESSIONAL RECORD and do not know of the acts passed by Congress. It can be assumed——

Mr. STAFFORD. Those who have claims against the Government are too rapidly informed by claim agents, whose sole business is in ferreting out claims against the Government and in searching for unknown claimants.

Mr. BYRNES of South Carolina. I agree with the gentleman, and I have no more affection for them than he has.

Mr. STAFFORD. What assurance have we that a large part of this will not go to the claim agents?

Mr. BYRNES of South Carolina. If the gentleman will offer a similar amendment to that which was offered to the other bill, I will support it——

Mr. STAFFORD. It will prevent these claims from going into the hands of the claim agents, who are the originators and instigators of a lot of this legislation.

Mr. BYRNES of South Carolina. I agree with you, although they are not the originators of this particular legislation.

Mr. MAPES. Will the gentleman explain what steps have been taken to preserve the proof of the claims of these claimants?

Mr. BYRNES of South Carolina. I will tell the gentleman why these claims appeal to me more than any other claims.

When a man brings a claim under this bill, if the records of the Treasury Department do not show that it was his property, he can not recover. If the records do show that his property was taken from him and the proceeds placed in the Treasury, I think you will agree with me that he ought to have his chance.

Mr. MAPES. Is the proof required confined to the books of the Treasury entirely?

Mr. BYRNES of South Carolina. That is the final proof, and the only proof that will be conclusive. That is the conclusive proof. This is simply a revival of the original act, in the exact language of that act which was passed at the close of the Civil War, and it gives claimants no greater right now than Congress then gave them.

Mr. MAPES. It would be difficult, would it not, to prove an ordinary claim 50 years afterwards?

Mr. BYRNES of South Carolina. The Government is represented by the Department of Justice, and the claimant has to prove, as the gentleman will notice by reading the language of the bill, that the property was taken from him, and if the attorney acting for the Department of Justice produces the records of the Treasury Department and proves that the property was not taken from him, of course that is the end of it.

Mr. MAPES. Would it not be difficult for the Government to prove that the property was not taken by the Government, and ought not the claimant to be required to show from the records of the Treasury Department that the property was taken?

Mr. BYRNES of South Carolina. Well, I have no objection to that. I know that the Court of Claims certainly will not hold otherwise, when this bill provides that he shall, to the satisfaction of the Court of Claims, prove "his ownership of said property and his right to the proceeds thereof." The Court of Claims, in construing this very act years ago, required that that proof be made, and this is merely a revival of the act passed at the close of the war. Under that act it was necessary to prove that the proceeds were turned into the Treasury, and certainly the decision of the court in those cases would govern now; and if the Department of Justice, on calling for the records of the Treasury Department, should prove that you did not have any money turned into the Treasury the Court of Claims would not find for you.

Mr. LENROOT. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from South Carolina yield to the gentleman from Wisconsin?

Mr. BYRNES of South Carolina. I yield.

Mr. LENROOT. There is no trouble about the identity of present claimant? That will be wholly a matter of oral proof?

Mr. BYRNES of South Carolina. Yes; it would have to be.

Mr. LENROOT. The act also requires that the original claimant shall prove that he did not give aid or comfort to the rebellion. That is in the words of the original act?

Mr. BYRNES of South Carolina. Yes.

Mr. LENROOT. What possible opportunity could the Government have to meet any contention in that direction that is made 50 years after the events transpired?

Mr. BYRNES of South Carolina. I will say to the gentleman from Wisconsin that it would have the same opportunity that the claimant would have, the proponent; the same opportunity that he would have under the bill just passed, or under any other bill, and the burden is on him.

I will go further and say, however—because otherwise I would not be dealing frankly with the gentleman, and I always

love to be—the bill provides that he shall be loyal. But the Supreme Court decided in the case of Klein that this was a trust fund, and that the Government never intended to divest the owner of the title to his property, and that a man was entitled to recover where he was pardoned, took the oath of allegiance, and lived up to it.

In the year 1863 the Congress gave to the President of the United States the right to pardon a man, attaching to that pardon any condition that he might deem wise. Of course the Executive had that power anyway, as was decided afterwards by the Supreme Court, but if any legislative authority was needed it was given to him. The President did exercise that pardoning power and restored property rights, and under the terms of this bill, under this very act, at that time, in the case of Klein, a claim was made where proof of loyalty was not required, because the Supreme Court held that the President of the United States at that time had pardoned the man and demanded as a condition to that pardon that he take the oath of allegiance, and that inasmuch as he did it his rights of property were restored to him. That being the condition, it was unfair to say, after he had given that oath of allegiance in return for amnesty, that he could not recover the proceeds of the sale of the property so taken from him.

Mr. LENROOT. Notwithstanding that, this bill does make necessary the proof of loyalty.

Mr. BYRNES of South Carolina. I simply submit to this House whether it ought not to do for these people now what this Congress did at the close of the war, when there was far greater feeling arising out of the war than there is now.

Mr. LENROOT. And at that time the Government had opportunity to ascertain the facts regarding the loyalty of any claimant, but now it must be a prima facie showing on an ex parte case, and the Government can not meet any contention made by the claimant, provided a prima facie case is made.

Mr. BYRNES of South Carolina. What the gentleman says may be so as to claims for stores and supplies, and it may be so as to claims for use and occupation of property; but here the absolute and conclusive proof is in the books of the Government itself, and when the books show, for instance, that you had property taken and the proceeds were placed in the United States Treasury, that fact is beyond dispute, and the only fact you have in mind is proof as to loyalty. Proof as to loyalty is demanded in the bill just passed.

I do not believe that it is impossible for the Government to prove the disloyalty of a man. Take that part of the country that I come from. Suppose some man came here and claimed he was loyal. He would have a much harder time in securing proof to convince anybody that he was loyal to the Government at that time than you would have to secure proof that he was disloyal, because he is known and a hundred witnesses could be procured. The Government takes testimony in such cases. When a witness is presented he is cross-examined. When any man comes from any town in this country, do you mean to tell me that the Department of Justice, with the superior agencies in its control, can not go into that town and find witnesses who would testify that he was not loyal?

I believe that in this class of cases that is the only question in controversy. The rest of the question must be settled by the books in the Treasury. Cases of this kind are unlike cases with respect to claims for stores and supplies and property taken, which must be supported by oral testimony.

Mr. McLAUGHLIN. Is there anything in the law or this bill proposed as an amendment which would prevent a claim that has once been considered and passed upon adversely by Congress being again considered by a committee and referred to the Court of Claims?

Mr. BYRNES of South Carolina. This bill provides that within two years the claims must be filed. It does not prohibit the filing of a claim or the consideration by Congress of a claim which some years ago was presented to Congress and was not acted upon. As I stated to the gentleman just now, bills similar to this one have been reported six times in the House. Changes of administration have not affected them, but the justice of their cause has appealed to the committee, regardless of party, and the committees that have investigated the subject have reported these bills to Congress. If a man had a bill presented at that time or at any time in the past and Congress did not pass it, he would have the right to have it sent to the Court of Claims.

Mr. McLAUGHLIN. The gentleman does not quite answer my question. Suppose a bill was presented to the committee and considered and reported to the House, and the House acted upon it and rejected it. I do not talk about probabilities now; but is it possible for that bill to be presented again to the committee and then referred to the Court of Claims for its consideration?

Mr. BYRNES of South Carolina. There is nothing in this bill to prohibit it.

Mr. McLAUGHLIN. I have in mind bills that were presented here and considered at length, and the action of the House was unfavorable. Is it possible that this bill is so framed that those bills can again be presented to the committee, and be referred by the committee or by action of Congress to the Court of Claims for consideration?

Mr. BYRNES of South Carolina. This bill does not make any prohibition of such action, and under the gentleman's statement I would say yes, that if the committee decided to send it to the Court of Claims, it would go there. I have no knowledge of the bills that the gentleman refers to, or what condition prevailed. I presume they must have been bills presented to Congress, asking for a direct appropriation; and if they were not passed it was for the reason that this committee has followed the policy of refusing to pay claims unless they have been passed upon by the court.

Mr. McLAUGHLIN. But where all the facts were presented to Congress, and the entire matter was fully considered and passed upon and the claim was rejected, and Congress with full knowledge of the circumstances rejected the claim, is there any way under this bill, if it passes, by which it would be possible for that claimant again to present his claim and have it go directly to the Court of Claims for consideration? Should not this bill contain some provision barring those whose claims have once been passed upon by this Congress?

Mr. RAGSDALE. Will the gentleman permit an interruption for a moment?

Mr. BYRNES of South Carolina. In a moment. I will say to the gentleman from Michigan candidly that I do not think the bill should contain such a prohibition, for this reason: I have knowledge of such claims being presented to the Committee on Claims. As a member of the committee I have always been opposed to paying claims that have not been passed upon by the court, because we have consistently followed the policy of referring these cases to the Court of Claims, where they could receive more careful consideration than the Congress or the Committee on Claims could possibly give to them. Now, if a man presented such a claim to the committee during the last three Congresses, I know I have not voted in favor of them, nor has any member of the committee. A different policy prevailed. We did not believe Congress ought to act on those cases, because we did not have the facts at hand to enable us to tell whether the claim should be paid or not.

If such a bill was presented to the House Congress undoubtedly acted just as the War Claims Committee did and rejected it. Many Members of the House would have been actuated by the same idea that prevails in the committee to-day, that Congress should not pass a claim when the Court of Claims has not considered it. Now, we should not preclude that man from going down to the Court of Claims and having his case tried on its merits, because at the best he can only get the money that the Treasury has set aside to his credit, and at the worst the Government will not lose anything.

Mr. McLAUGHLIN. The gentleman from South Carolina is a member of that committee and is much more familiar with what the committee has done and the course it is pursuing now and is more familiar with the course pursued by the Court of Claims than I am, but I have understood that when these claims were presented to the Court of Claims that the court simply determined the state of facts and did not enter judgment on the merits of the case but reported to Congress the finding of facts.

Mr. BYRNES of South Carolina. That is true.

Mr. McLAUGHLIN. In case the bill is presented and the committee has sent it to the Court of Claims and that court has made a finding of facts, reporting it back to Congress, and Congress has acted upon it and rejected the claim, is there any way by which that claim can again, through the committee or otherwise, reach the Court of Claims?

Mr. BYRNES of South Carolina. There is nothing in this act to prohibit it.

Mr. McLAUGHLIN. Does not the gentleman think there ought to be something to prohibit it?

Mr. CLARK of Florida. If the gentleman from South Carolina will permit me——

Mr. BYRNES of South Carolina. I yield to the gentleman from Florida.

Mr. CLARK of Florida. I do not believe that Congress has the power to pass any kind of a law that would prevent a future Congress considering any claim, no matter how many times it has been considered here. If we did pass that sort of a law, then a subsequent Congress would have a right to do as it pleased.

Mr. McLAUGHLIN. These claims are different; they are old and stale. This discussion has brought out the fact, as it has many times before, that the claims are stale, and it seems to me there is good reason for dealing with claims of this kind in a different way than with ordinary claims brought before Congress. After a measure has passed through all the proceedings that I have outlined, been considered by a committee of this House, sent to the Court of Claims where there has been a finding of facts, reported back to Congress, discussed on the floor and adversely acted upon, that action ought to be final as to these stale claims, it seems to me.

Mr. CLARK of Florida. How can the gentleman consider these as stale claims when they have been knocking at the door of Congress ever since the Forty-ninth Congress? Committee after committee has brought in bills to the same effect, and they have been passed by Congress, but delayed Congress after Congress and not passed now, and those ought not to be denounced as stale cases.

Mr. McLAUGHLIN. The gentleman is referring to this particular measure as not being stale, but claims that will be presented for consideration by claimants asking payment for money out of the Treasury; those claims are stale because no damage has been inflicted for 50 years.

Mr. CLARK of Florida. The French spoliation claims are still with us and will be for 50 years to come.

Mr. McLAUGHLIN. Does the gentleman put these claims on the same footing and in the same class as the French spoliation claims?

Mr. CLARK of Florida. I do not, but I say that you can not get rid of any stale claims being presented to a subsequent Congress.

Mr. McLAUGHLIN. I am not complaining because the claims are stale, I am complaining because if this act is passed claims once before Congress and once before the Court of Claims, once adversely acted upon by Congress, can be brought up and considered again.

Mr. CLARK of Florida. And there is no amount of law which will make it impossible.

Mr. McLAUGHLIN. There ought to be a law that will make it impossible.

My BYRNES of South Carolina. Mr. Chairman, I have no idea that it would be a very dangerous proposition to reenact this law for the reason the gentleman from Michigan suggests. I agree that if the Court of Claims found in any case the records in the Treasury Department did not show that the man was entitled to property——

Mr. McLAUGHLIN. The Court of Claims does not report that the claimant is entitled to anything; it simply reports the state of facts.

Mr. BYRNES of South Carolina. If they reported the State of facts showing that the claimant did not own the property, the claimant would have no standing, and the bill is not intended to help him. Under this bill the records of the Treasury Department would be conclusive evidence, and if a man had a claim and the Court of Claims considered it and reported that the records did not show that the property was taken from him and Congress acted on that, if he has so little sense as to go again and petition the Court of Claims asking for consideration, and if they found again that the records of the Treasury Department did not show that the property was taken, the court has power to render judgment, and we must presume that the court would render the same judgment that it did before, and dismiss the case.

Mr. McLAUGHLIN. Heretofore they simply reported facts and returned the facts to Congress, and then Congress passed on the merits of the claim, saying whether or not under that state of facts the claimant is entitled to recover the money from the Government. All the statements of the gentleman to the effect that the Court of Claims determines so-and-so is not correct; it determines nothing as to the merits of a claim, and never has.

Mr. BYRNES of South Carolina. It determines the facts.

Mr. McLAUGHLIN. But it never had anything to do with the merits of the claim.

Mr. BYRNES of South Carolina. The gentleman and I do not differ very much on it. His idea is that because the claim has been acted upon by Congress the claimant should not have the right to present his case in the Court of Claims. The reason I do not assent to it is this——

Mr. McLAUGHLIN. If the gentleman agrees with me, why does he not assent to it and permit the bill to be amended?

Mr. BYRNES of South Carolina. If the gentleman will wait a minute, I will tell him. If the Court of Claims had reported in its findings of fact that the records of the Treasury showed that property had not been taken from a particular claimant, I do not think he ought to have another day in court; but I can conceive it possible that the Court of Claims may have reported in some case that property had been taken from a man and the proceeds placed to his credit in the Treasury; that that claim had been sent up here to Congress and that Congress had failed to act upon it, or that when it did act upon it it came to the conclusion that because the claim had not been filed within the time provided by law the bill should not be passed. If that were true, I do not think this man ought to be denied the right at this time to come into that court and present his case for trial.

Mr. McLAUGHLIN. When a matter is presented to Congress and it has been favorably acted upon, there is no record made of the reasons or the arguments that actuated or moved the Members of Congress in voting on the measure.

Mr. BYRNES of South Carolina. No.

Mr. McLAUGHLIN. When a bill is presented and defeated it is presumed that it was not a meritorious measure. When a matter comes from the Court of Claims and a bill is presented to Congress with the idea that the state of facts determined by the Court of Claims justifies the claimant in asking Congress to pay him money, and Congress considers all statements of fact from the Court of Claims, hears the arguments and the reports of the committee and acts adversely, that ought to settle it. It seems to me that in this class of cases there ought to be a bar to further presentation of the claim. I have in mind a case in the last Congress, presented, I think, by one the Members from the State of Tennessee, favorably reported upon by the Committee on War Claims, and the Court of Claims had made a report that property of the officer in question, of the Confederate Army, had been taken and had been sold and the proceeds of the sale covered into the Treasury of the United States, and was there at the time of considering the bill. Based upon that, a bill in behalf of the claimant was presented to the House and the House spent considerable time in considering it and acted unfavorably upon it. I have that one case in mind, and I think it will be altogether wrong for the law to permit that claim ever to be presented again, and if we now permit another presentation of claims when we are trying to fix the matter up so as finally to get rid of claims of that kind and do some measure of justice—full justice, if you please—there ought to be a provision in the bill preventing the presentation of claims of that kind.

Mr. CARLIN. Mr. Chairman, will the gentleman yield?

Mr. BYRNES of South Carolina. Not now. The gentleman's position I understand thoroughly; but I answer him in this way: This bill is in line with the bill which we have just passed, to rid the Congress of the consideration of these claims. If this bill is passed, any man who thinks that he has a claim under the captured and abandoned property act has a right to come into the court and present his claim, and if, under the law passed at the close of the war he has a just claim and the records of the department show his property was taken from him and his money placed to his credit in the Treasury, he will be given judgment, and he ought to have judgment for it.

Mr. McLAUGHLIN. It would depend upon the circumstances under which the property was taken. In one case I might favor prompt payment to the former owner; in another case I might be altogether opposed to payment.

Mr. BYRNES of South Carolina. If he comes within this law, the law of Congress, he is entitled to it, and if he does not come within it, that court has no power to give him judgment.

Mr. CARLIN. Mr. Chairman, will the gentleman now yield?

Mr. BYRNES of South Carolina. Yes.

Mr. CARLIN. As I understand the suggestion, the suggestion of my friend, it is based upon the idea that the claims which have already been refused by the action of Congress might be considered under this bill.

Mr. BYRNES of South Carolina. Yes.

Mr. CARLIN. Is not the answer to that this: That the court would find itself bound by the action of Congress under the general rule that where there has been legislative construction of the matter itself the court will carry out that legislative construction? I think you would find, therefore, that this bugaboo would amount to nothing, because the court would feel itself bound by the legislative construction.

Mr. McLAUGHLIN. Yes; under the laws and statutes as they were at the time, but here is a new statute which practically confers new rights upon claimants, imposes new duties, confers new powers, additional powers upon the Court of Claims, and it seems to me what the gentleman from Virginia says would not obtain in case this bill should pass without the amendment I suggest.

Mr. BENNET. Will the gentleman yield?

Mr. BYRNES of South Carolina. I yield to the gentleman from New York.

Mr. BENNET. There is a lady living in Long Island City, N. Y., whose father during the late Civil War kept a jewelry store in New Orleans, and after Gen. Butler occupied that city they took the jewelry out of their store and sold it. That gentleman was a very noted adherent of the Confederacy, he had equipped a regiment or two at his own expense. Now, under this bill would it be possible for that lady to go to the court, under the captured and abandoned property act, and secure a judgment for the value of that jewelry taken out of that store in New Orleans in 1862 or 1863?

Mr. BYRNES of South Carolina. If the gentleman whose jewelry was taken from him under the captured and abandoned property act, could prove that it was sold and trace it into the Treasury and show that its net proceeds were placed to his credit under this act, he could; otherwise he could not, because the courts have held in the construction of this very act that he must prove that the net proceeds of his property were turned into the Treasury and placed to his credit.

Mr. BENNET. And notwithstanding the gentleman's very notorious disloyalty?

Mr. BYRNES of South Carolina. I will say to the gentleman no answer can be better than that of the Supreme Court of the United States to that. I said just now that the court held in its decision under the captured and abandoned property act that a man who was disloyal would be entitled to recover, because it has been held time and again that when they took the oath of allegiance their property rights were restored; for when President Lincoln said, "If you take the oath of allegiance your property rights will be restored," and they took the oath and were loyal thereafter, good faith demanded that the Government live up to the pledge of the President that their property rights were restored. Last week we paid a deserving tribute to Lincoln. I voted for the completion of the Lincoln Memorial, as did Members from my State and many from my section; but if Lincoln could be here he would say to the gentlemen, I think, that greater than any memorial monument erected to him along Potomac Park would be your action in redeeming his pledge made to those people that if they took the oath of allegiance their property rights would be restored. [Applause.]

Mr. BENNET. I am not saying at all I disagree, but I am simply wanting to get the purpose of the act. And now I desire to follow that up by another question.

Mr. BYRNES of South Carolina. I will say this, that the best illustration is the decision of the Supreme Court. This act gives no greater right than that given at the close of the war.

Mr. BENNET. There is another case of a man living in Ohio, a loyal man, who had a line of steamers on the Mississippi at the beginning of the war. That line of steamers was seized by the Confederate States. However, they made him work them, too, which of course by superior force they had the right to do. After he had worked them some time, Banks or Butler captured everything down there. He remained down there and ran these steamers for the Federal Government. He got a permit either from Butler or Banks to go across the line and negotiate with the Confederate authorities for pay for the work that he had done and for the use of his steamers, and they gave him quite a quantity of cotton in payment. He brought that back across the line under permit of these Federal generals and subsequently it was seized because the permit was not from the President but from the generals, a mere technicality. Now, I want to ask the gentleman whether this act would help out that Ohio man, who seems, as far as I can say, to have been misused by everybody all around. Now, that property was not strictly—or was that property "captured and abandoned property"?

Mr. BYRNES of South Carolina. I do not quite understand the gentleman. Did the gentleman say that it was purchased from the Confederacy? Where the property was purchased from the Confederacy he can not recover.

Mr. BENNET. I do not think the gentleman heard all my question. This man was a loyal man from Ohio and he was caught down the river with a line of steamers, and the Confederate authorities, having the power, not only took his steamers but made him work the steamers. Then when Gen. Butler or Gen. Banks came down and captured that territory he got back his steamers which were left and he got permission from the Federal generals to go through the lines to the Confederate authorities; and they, out of a sense of justice, paid him in the only thing they had to pay with—they paid him in cotton. And acting under that authority, the permission of these Federal generals, he brought that cotton back to the line; and when he got it back to the line somebody ordered it seized, because under the law of 1862, I think, the permit to go through the lines and get cotton must come from the President and not from the generals. And they took his cotton and sold it and put the proceeds in the Treasury. Now, I ask the gentleman if that comes within the statute or if it does not?

Mr. BYRNES of South Carolina. The gentleman asks me a very interesting question, and I will tell him if they did not want him to recover they never should appoint me to fill the vacancy on the Court of Claims, because I would find for him.

Mr. BENNET. You would be in his favor?

Mr. BYRNES of South Carolina. I would be in his favor.

I call the gentleman's attention to the nonintercourse act. The question is whether or not that was a purchase for the Confederacy, whether he purchased with his labor or not. I believe the gentleman has such a case that he ought to have the right under this bill to go into the Court of Claims and try his case. I think it is for that court to decide whether or not he is entitled to it. If this bill passes the gentleman from New York has a chance to prove his case, and if it does not pass he has no chance. He ought not to have the right to go under a private bill introduced by the gentleman from New York or anybody else, because that is an unfair proceeding to have one man go down and have his case adjudicated in the court and others not be given that right. This bill gives the right to that court to settle it and relieves Congress from the burden of considering it. If Congress does not grant this right these people are going to come to Congress and present bills, and I do not blame them, because they have more justice in them than any other war claims ever presented here.

Mr. BENNET. Does not the gentleman see the predicament I am in? The gentleman is an able and brilliant lawyer——

Mr. BYRNES of South Carolina. I must deny both allegations.

Mr. BENNET (continuing). And is familiar with this class of legislation, and I, being from New York City, am not very familiar with it. I am asking him frankly. I will have to vote on this bill. Does this cover the case of that particular claim?

Mr. BYRNES of South Carolina. I will tell the gentleman as frankly that in my opinion it would. But I believe the gentleman's sense of justice will impel him to vote for this bill, not with regard to one particular case, but because it may cover others. The gentleman is a lawyer, and I think he will agree that his client, or his Ohio friend as a client, in that court ought to receive justice at the hands of the court if he can prove his property was turned into the Treasury. Do you not think so?

Mr. BENNET. I can see the justice in that, of course; and limiting my remarks for the moment to the particular case I have described, it does seem to me that that man was about the most thoroughly abused man that I ever heard of.

Mr. BYRNES of South Carolina. About the worst I ever heard of, too.

Mr. STAFFORD. Will the gentleman yield?

Mr. BYRNES of South Carolina. Gladly.

Mr. STAFFORD. Though this bill proposes to merely revive the law of the sixties, nevertheless it differs from the bill that we passed this afternoon in that you grant to the claimants the right to go into the Court of Claims direct, whereas in the committee this afternoon we voted down an amendment granting to all who had claims for use and occupation and for stores appropriated by the Union Army the right to present their claims directly to the Court of Claims. Why should not Congress, through the Committee on War Claims, 50 years after the claims arose, first pass upon the question of the prima facie character of the rightfulness of these claims before submitting them to the Court of Claims along the lines embodied in the bill which has passed the House?

Mr. BYRNES of South Carolina. I will answer the gentleman. The only reason is this: There is very little room for argument in it, because this is the only class of cases that we know of that are susceptible of proof by the records of the Treasury Department. There is no question about this class of cases. In the claims for use and occupation there is the question as to whether there was destruction, whether there was incidental damage, and other questions intervene, but no such questions can arise here. The only question that can arise is, Is the claimant, according to the Treasury Department books, entitled to this money?

Mr. STAFFORD. Is not there this difference, that when this act of Congress was originally passed loyalty was one of the conditions precedent to the maintenance of the claim?

Mr. BYRNES of South Carolina. Under this act the language is not changed.

Mr. STAFFORD. Since the amnesty proclamation of President Lincoln there would be many that would be covered into this act, who were not originally covered into it because of this loyalty provision.

Mr. BYRNES of South Carolina. Because of the decision of the Supreme Court; yes.

Mr. STAFFORD. Should not the Congress, through the Committee on War Claims, determine that question of loyalty, so that we should not vote these claims to those who were disloyal in time of the war, notwithstanding the decision of the Supreme Court?

Mr. BYRNES of South Carolina. I do not think so, for the reason that if at a time shortly after the close of the Civil War, when there was bitter feeling growing out of the war, the Supreme Court, as then constituted, and looking into this bill nearer to the time it was passed, could say that Congress never intended to take this property away from those people, and could say further that the President of the United States, when he granted that amnesty, did not intend to deceive them, but intended to restore to them their property rights, I do not think that the gentleman from Wisconsin or any other Member of Congress should take the position that Congress now should do what was not done even then by the court or anybody else.

Mr. STAFFORD. Congress only granted this relief to those who were loyal. This is the first instance where any Congress proposes to grant relief to claimants who were disloyal. Why should Congress pay the claims of those who were disloyal?

Mr. BYRNES of South Carolina. Because this property was not taken to carry on the war, but was, according to the Supreme Court, converted into a trust fund.

Mr. STAFFORD. The question is whether we should now open the door to all those claimants who were disloyal to the Government in the time of the Civil War. That is a very fundamental question in this case, as I view it.

Mr. BYRNES of South Carolina. For the reason I stated just now, that when the President of the United States granted a pardon upon the condition that where a man took the oath of allegiance his property rights should be restored to him, and those rights were given to him, no Congress should come now and take them away from him. Any man who advocates that being done, in the face of the decision of the Supreme Court, is not treating those people with the fairness and justice to which they are entitled, when their property was not converted into money for use in carrying on the war, but was specifically placed in the Treasury as a trust fund.

Mr. Chairman, I reserve the remainder of my time.

The CHAIRMAN. The gentleman has four minutes remaining.

Mr. CANDLER of Mississippi. This bill applies only to cases where the property was sold and the money was turned into the Treasury of the United States, and it has been held all these years in the Treasury as a trust fund for the benefit of the claimant.

Mr. BYRNES of South Carolina. That money was turned into the Treasury. That is substantially a correct statement.

Mr. MOORE of Pennsylvania. Is that a separate fund?

Mr. BYRNES of South Carolina. In answer to the gentleman from Pennsylvania, I will say that it was held as a separate fund for many years, and later, by a resolution, it was covered into the general funds of the Treasury.

Now, Mr. Chairman, I move that the committee rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. LLOYD, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 8246) to revive the right of action under the act of March 12, 1863 (12 Stat. L., 820), and had come to no resolution thereon.

### RURAL DELIVERY.

Mr. SMITH of Michigan. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the Post Office appropriation bill, by incorporating a petition and a resolution of the grange upon the subject of rural delivery.

The SPEAKER. The gentleman from Michigan asks unanimous consent to extend his remarks in the RECORD on the Post Office appropriation bill. Is there objection?

There was no objection.

Mr. SCHALL. Mr. Speaker, I ask unanimous consent to extend my remarks on the same subject.

The SPEAKER. The gentleman from Minnesota [Mr. SCHALL] asks unanimous consent to extend remarks in the RECORD on the Post Office appropriation bill. Is there objection?

There was no objection.

### LEAVE OF ABSENCE.

Mr. CARLIN. Mr. Speaker, I ask unanimous consent that the subcommittee of the Committee on the Judiciary investigating the impeachment charges of the gentleman from Illinois [Mr. BUCHANAN] against H. Snowden Marshall, district attorney for the southern district of New York, be excused from attendance on the sessions of the House for the next two weeks.

The SPEAKER. The gentleman from Virginia [Mr. CARLIN] asks unanimous consent that the subcommittee of the Judiciary Committee investigating the impeachment charges which the gentleman from Illinois [Mr. BUCHANAN] made against the district attorney for the southern district of New York be excused from attendance on the sessions of the House for two weeks. Is there objection?

Mr. MANN. Reserving the right to object, what will be the effect of this?

Mr. CARLIN. The effect of this will be that the subcommittee, finding it necessary to hold hearings in the city of New York, will be unable to attend the sessions of the House.

Mr. MANN. Supposing there is a call of the House and an order for the arrest of absentees. There would be nothing in the RECORD to show the names of the gentlemen who constitute the subcommittee, so that the warrant would be issued against all members of it unless the gentleman names the members.

Mr. CARLIN. I can relieve that situation by stating that the subcommittee consists of Mr. CARLIN of Virginia, Mr. GARD of Ohio, and Mr. NELSON of Wisconsin.

The SPEAKER. The gentleman from Virginia asks unanimous consent that the members of the subcommittee of the Judiciary Committee investigating the impeachment charges against the district attorney for the southern district of New York—Messrs. CARLIN of Virginia, GARD of Ohio, and NELSON of Wisconsin—be excused from attendance on the sessions of the House for two weeks. Is there objection?

There was no objection.

### ADJOURNMENT.

Mr. KITCHIN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 2 minutes p. m.) the House adjourned until to-morrow, Thursday, February 24, 1916, at 12 o'clock noon.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. DILLON, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (S. 3873) to authorize the counties of Minidoka and Cassia, State of Idaho, to construct a bridge across Snake River, reported the same without amendment, accompanied by a report (No. 253), which said bill and report were referred to the House Calendar.

Mr. SMITH of Texas, from the Committee on Irrigation of Arid Lands, to which was referred the bill (H. R. 11156) to authorize the Secretary of the Interior to cause to be appraised and to sell the Boise & Arrowrock Railroad, and for other purposes, reported the same without amendment, accompanied by a report (No. 252), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

## PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. HUMPHREY of Washington: A bill (H. R. 11881) granting to the State of Washington public lands to aid in the construction and maintenance of public roads, to promote the study of forestry, to promote the study and development of horticulture, and to promote vocational education in the State of Washington; to the Committee on the Public Lands.

By Mr. SHACKLEFORD: A bill (H. R. 12102) to acquire by purchase, condemnation, or otherwise, additional land for the post office at Columbia, Mo.; to the Committee on Public Buildings and Grounds.

By Mr. LANGLEY: A bill (H. R. 12103) to authorize the acquisition of a site and the erection of a Federal building at Whitesburg, Ky.; to the Committee on Public Buildings and Grounds.

By Mr. RANDALL: A bill (H. R. 12104) authorizing the Postmaster General to use and permit the use of any meter appliance or other device to imprint evidence of postage paid and used for the prepayment of postage at the lawful rate on first-class matter; to the Committee on the Post Office and Post Roads.

By Mr. GARDNER: A bill (H. R. 12105) to incorporate the Playground and Recreation Association of America; to the Committee on the Judiciary.

By Mr. GODWIN of North Carolina: A bill (H. R. 12106) to convert the premises connected with Fort Johnston, in the town of Southport, N. C., into a public park; to the Committee on Military Affairs.

By Mr. HULBERT: A bill (H. R. 12107) to amend section 4463 of the Revised Statutes of the United States; to the Committee on the Merchant Marine and Fisheries.

By Mr. LANGLEY: A bill (H. R. 12108) to establish a fish hatchery and biological station at Booneville, Ky.; to the Committee on the Merchant Marine and Fisheries.

Also, a bill (H. R. 12109) to authorize the acquisition of a site and the erection of a Federal building at McKee, Ky.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 12110) to authorize the acquisition of a site and the erection of a Federal building at Hindman, Ky.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 12111) to authorize the acquisition of a site and the erection of a Federal building at Salyersville, Ky.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 12112) to authorize the acquisition of a site and the erection of a Federal building at Jenkins, Ky.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 12113) to authorize the acquisition of a site and the erection of a Federal building at Booneville, Ky.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 12114) to authorize the acquisition of a site and the erection of a Federal building at Inez, Ky.; to the Committee on Public Buildings and Grounds.

By Mr. RODENBERG: A bill (H. R. 12115) to provide for the erection of a public building at Highland, in the State of Illinois; to the Committee on Public Buildings and Grounds.

By Mr. FERRIS: A bill (H. R. 12116) to alter and amend an act entitled "An act granting lands to aid in the construction of a railroad and telegraph line from the Central Pacific Railroad, in California, to Portland, in Oregon," approved July 25, 1866, as amended by the acts of 1868 and 1869, and to alter and amend an act entitled "An act granting lands to aid in the construction of a railroad and telegraph line from Portland to Astoria and McMinnville, in the State of Oregon," approved May 4, 1870, and for other purposes; to the Committee on the Public Lands.

By Mr. LANGLEY: A bill (H. R. 12117) to authorize the acquisition of a site and the erection of a Federal building at Hazard, Ky.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 12118) providing for the erection of a public building at Pikeville, Ky.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 12119) providing for the erection of a public building at Paintsville, Ky.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 12120) providing for the erection of a public building at Prestonsburg, Ky.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 12121) to establish a mine rescue station and an experiment station for analyzing and testing coals, lignite, and mineral substances at or near Jenkins, Ky.; to the Committee on Mines and Mining.

By Mr. HAUGEN: A bill (H. R. 12122) to establish a national park, to be known as the Mississippi Valley national park, near Prairie du Chien, Wis., and McGregor, Iowa; to the Committee on the Public Lands.

By Mr. DILL: A bill (H. R. 12123) to appropriate money to build and maintain roads on the Spokane Indian Reservation; to the Committee on Indian Affairs.

By Mr. BORLAND: Resolution (H. Res. 148) directing the Federal Trade Commission to investigate and report to the House of Representatives the facts relating to violations of the antitrust laws of the United States; to the Committee on the Judiciary.

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## PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ALMON: A bill (H. R. 12124) granting a pension to Louis P. Mattkin; to the Committee on Pensions.

Also, a bill (H. R. 12125) granting a pension to Robert H. Roberts; to the Committee on Pensions.

Also, a bill (H. R. 12126) granting an increase of pension to Robert S. Roberson; to the Committee on Pensions.

By Mr. BACHARACH: A bill (H. R. 12127) for the relief of William S. Schenck; to the Committee on Military Affairs.

By Mr. BORLAND: A bill (H. R. 12128) granting an increase of pension to Martha J. Peers; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12129) granting an increase of pension to Lida E. Colville; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12130) granting an increase of pension to Josephine M. Walker; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12131) granting an increase of pension to Susan A. McVey; to the Committee on Invalid Pensions.

By Mr. BURKE: A bill (H. R. 12132) granting an increase of pension to Frances Powell; to the Committee on Invalid Pensions.

By Mr. BURNETT: A bill (H. R. 12133) granting a pension to Andrew J. Gilbert; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12134) granting an increase of pension to Amos L. Griffith; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12135) to reimburse D. H. Carpenter, postmaster at Seddon, Ala., for money and stamps stolen from said post office at Seddon, Ala., and repaid by him to the Post Office Department; to the Committee on Claims.

By Mr. BYRNS of Tennessee: A bill (H. R. 12136) granting a pension to Harry Wynn; to the Committee on Pensions.

By Mr. DICKINSON: A bill (H. R. 12137) granting an increase of pension to Mildred J. Stolp; to the Committee on Invalid Pensions.

By Mr. DILL: A bill (H. R. 12138) granting an increase of pension to Margaret J. Burbridge; to the Committee on Invalid Pensions.

By Mr. EDWARDS: A bill (H. R. 12139) for the relief of the estate of Anton Borchert, deceased; to the Committee on War Claims.

By Mr. FOCHT: A bill (H. R. 12140) granting an increase of pension to Caroline Smith; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12141) granting an increase of pension to James F. Cummins; to the Committee on Pensions.

By Mr. FOSTER: A bill (H. R. 12142) granting a pension to Sarah Jane Boggs; to the Committee on Pensions.

Also, a bill (H. R. 12143) granting a pension to Columbus O. Perkins; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12144) granting an increase of pension to Samuel B. Bowman; to the Committee on Invalid Pensions.

By Mr. GALLIVAN: A bill (H. R. 12145) for the relief of Joseph Manning; to the Committee on Claims.

By Mr. HAMILL: A bill (H. R. 12146) granting an increase of pension to Carrie M. Gillespie; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12147) granting an increase of pension to Sarah F. Bowker; to the Committee on Invalid Pensions.

By Mr. HAYDEN: A bill (H. R. 12148) to correct the military record of Joinville Reif; to the Committee on Military Affairs.

By Mr. HILLIARD: A bill (H. R. 12149) granting a pension to James Gallagher; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12150) for the relief of Richard A. Schwab; to the Committee on Claims.

By Mr. HULL of Iowa: A bill (H. R. 12151) granting an increase of pension to Orson C. Tappan; to the Committee on Pensions.

Also, a bill (H. R. 12152) granting a pension to Julia M. Ashby; to the Committee on Pensions.

By Mr. KEARNS: A bill (H. R. 12153) granting a pension to Connell O. Jennings; to the Committee on Pensions.

Also, a bill (H. R. 12154) for the relief of the Portsmouth Savings & Loan Co., Portsmouth, Ohio; to the Committee on Claims.

By Mr. KEATING: A bill (H. R. 12155) granting an increase of pension to Jesus Ochoa; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12156) granting an increase of pension to James I. Clark; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12157) granting an increase of pension to Joseph Clucas, to the Committee on Invalid Pensions.

By Mr. KENNEDY of Iowa: A bill (H. R. 12158) granting an increase of pension to William H. Sullivan; to the Committee on Invalid Pensions.

By Mr. KEY of Ohio: A bill (H. R. 12159) granting an increase of pension to Margaret J. Grimes; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12160) granting an increase of pension to Amos J. Moore; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12161) granting a pension to Harry J. Dobbins; to the Committee on Pensions.

By Mr. KREIDER: A bill (H. R. 12162) granting an increase of pension to Cyrus T. Bowman; to the Committee on Invalid Pensions.

By Mr. LANGLEY: A bill (H. R. 12163) granting an increase of pension to Robert Elliott; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12164) granting an increase of pension to Louisa Fields; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12165) granting an increase of pension to Elijah C. Duff; to the Committee on Invalid Pensions.

By Mr. McFADDEN: A bill (H. R. 12166) granting an increase of pension to Andrew W. Seward; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12167) granting an increase of pension to John J. Kiersted; to the Committee on Invalid Pensions.

By Mr. McKINLEY: A bill (H. R. 12168) granting an increase of pension to Samuel C. Walden; to the Committee on Invalid Pensions.

By Mr. MAPES: A bill (H. R. 12169) granting a pension to N. Jennie Warren; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12170) for the relief of John Shields; to the Committee on Military Affairs.

By Mr. MOONEY: A bill (H. R. 12171) granting an increase of pension to James H. Larimer; to the Committee on Invalid Pensions.

By Mr. OLDFIELD: A bill (H. R. 12172) granting an increase of pension to William H. Lilly; to the Committee on Pensions.

By Mr. REAVIS: A bill (H. R. 12173) granting an increase of pension to Evalina Cady Benedict; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12174) for the relief of Daniel H. Blakeney; to the Committee on Military Affairs.

By Mr. RICKETTS: A bill (H. R. 12175) granting an increase of pension to William W. McDonald; to the Committee on Invalid Pensions.

By Mr. ROBERTS of Massachusetts: A bill (H. R. 12176) to compensate James J. Moore for the loss of sight of both eyes, caused by an injury received while in the employ of the United States Government; to the Committee on Claims.

By Mr. SANFORD: A bill (H. R. 12177) for the relief of Charles H. Palmer; to the Committee on Military Affairs.

Also, a bill (H. R. 12178) granting an increase of pension to Philip H. Smith; to the Committee on Invalid Pensions.

By Mr. SCULLY: A bill (H. R. 12179) granting an increase of pension to Annie M. Sweeney; to the Committee on Invalid Pensions.

By Mr. SELLS: A bill (H. R. 12180) granting an increase of pension to Oliver P. Chambers; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12181) granting an increase of pension to R. H. M. Donnelly; to the Committee on Invalid Pensions.

By Mr. SHOUSE: A bill (H. R. 12182) granting an increase of pension to Isaac G. Thompson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12183) granting an increase of pension to Sarah L. Robinson; to the Committee on Invalid Pensions.

By Mr. SPARKMAN: A bill (H. R. 12184) granting an increase of pension to Daniel Palmer; to the Committee on Invalid Pensions.

By Mr. STINESS: A bill (H. R. 12185) granting an increase of pension to Mary Louise Bates; to the Committee on Invalid Pensions.

By Mr. SWEET: A bill (H. R. 12186) granting a pension to William Griffin; to the Committee on Pensions.

Also, a bill (H. R. 12187) to reimburse Lieut. George D. Graham, dental surgeon, United States Army, for rent of quarters at Honolulu, Hawaii; to the Committee on Claims.

By Mr. WATSON of Pennsylvania: A bill (H. R. 12188) granting a pension to Lillian R. Flowers; to the Committee on Invalid Pensions.

By Mr. WHEELER: A bill (H. R. 12189) granting an increase of pension to John W. Cummings; to the Committee on Invalid Pensions.

By Mr. WOOD of Indiana: A bill (H. R. 12190) granting an increase of pension to Jack Willis; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12191) granting an increase of pension to Thomas S. Bostick; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12192) granting an increase of pension to John McKinley; to the Committee on Invalid Pensions.

## PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ALLEN: Memorial of citizens of Norwood, Ohio, urging relief of Jewish people from oppression; to the Committee on Foreign Affairs.

Also, petition of German-American Alliance of Ohio, against prohibition in the District of Columbia; to the Committee on the Judiciary.

Also, petition of Delhi Methodist Sunday School, Cincinnati, Ohio, favoring national prohibition; to the Committee on the Judiciary.

By Mr. AYRES: Petition of citizens of Oxford, Kans., protesting against any large increase in armaments; to the Committee on Military Affairs.

Also, petition of citizens of Wichita, Kans., asking support of bill which prohibits the use of the names of any church or religious society for purposes of trade and commerce; to the Committee on Interstate and Foreign Commerce.

By Mr. BACHARACH: Memorial of Religious Society of Friends of Pennsylvania, New Jersey, Delaware, and Maryland, against preparedness; to the Committee on Military Affairs.

By Mr. BAILEY: Petitions of C. H. Canan, John L. Moore, James Moore, George Trefts, J. Earl Clifton, John Beltzner, August C. Allborn, L. D. Leberknight, Walter H. Statler, J. A. Northwood, Samuel E. Manger, C. E. Brunner, C. S. Uphouse, E. F. Miller, E. T. Cooper, H. W. Barclay, Bruce H. Campbell, Francis B. Hamilton, Robert Barclay, John B. Campbell, H. J. Stockton, E. W. Hykes, D. C. Steele, O. W. Saylor, J. C. Rutledge, Earl A. McKeever, Otis Rummell, Warren Griffin, C. A. Bowman, J. C. Linton, Arthur McKeever, C. W. Metzgar, William M. Emeigh, W. P. Keifer, W. D. Galbreath, F. H. Overdorf, C. S. Varner, C. J. Sloan, J. S. Harvey, R. McClenahan, C. E. Walker, John H. Bowman, S. E. Kimmel, R. J. Bowman, W. B. Rogers, S. P. Slonaker, V. L. Todd, J. W. Fletcher, Dr. George Hay, Charles H. Alter, G. T. Morgan, H. G. Nickel, E. F. Moberly, D. C. Thomas, D. C. Speck, S. Alexander, F. W. Otto, Dr. George W. Wagoner, Seward D. Davis, W. A. G. Lape, Charles C. Greer, J. G. Benford, W. W. Hoffman, John Gartland, R. E. Brady, J. H. Ludwig, H. C. Veerhoff, Tudor Griffith, E. E. Werry, P. F. Dolan, Thomas Slater, Gilbert Brown, Frank Faith, Karl Sievers, William E. Forster, Henry Kern, Thomas H. Dupert, R. A. Coyle, R. D. Barbour, B. D. Cramer, J. R. Guyer, J. M. Thompson, John F. Overdorff, H. M. Bracken, Thomas D. Ashman, L. C. Pritner, B. K. Urmston, R. W. Jones, Joseph Pfiffer, Lawrence J. Schry, O. F. Luttinger, W. A. Benford, Don T. Davis, Charles L. McClain, J. A. Guyer, D. W. Coleman, R. A. Sloan, F. A. Yeager, A. E. Hess, August Luke, Rielly Allan Strayer, Andrew Sarlouis, Charles Lavering, W. H. McDonald, E. L. Patch, Taylor Smith, Stanford Rager, George Boff, S. S. Caldwell, Steve Ott, Samuel Kinsky, jr., Joe Congleton, Roy Harris, Noah Evans, J. C. McCutcheon, J. F. Cameron, Henry Kujat, Howard Rorabaugh, Sam Konski, J. M. Daum, Dave Smith, Alvin Sherbine, Patrick Leahey, D. W. Sorber, A. B. Curry, Charles Schultz, Charles A. Moore, Thomas D. Davies, Clayton Grove, Daniel Wagner, Samuel H. Rhodes, I. T. Fleck, Emery Lawry, F. L. Gahagan, S. F. Menoher, B. A. Boring, Willis Fisher, William P. Boger, Wilson T. Bosler, James T. Zimmerman, Lewis H. John, R. S. Hanson, M. Earl Lohr, D. H. Wheatly, S. T. Laubach, J. B. Peterson, J. Reese, McClure Rawland, J. M. Taber, Rev. G. D. Brooks, D. M. Harris, Harry Hager, W. E. Lawrence, N. F. Keiffer, W. W. Evans, J. A. Jackson, Frank Pfaff, Raymond Maley, Irvin Stutzman, T. L. Freeman, S. Amos Lawrence, Roy S. Stutzman, Clarence A. Block, B. F. White, William R. Lewis, Charles M. Stewart, Emery W. Morgan, Adam J. Frye, Louis T. Miller, H. H. MacFarland, Clair B. Barr, E. C. Long, F. C. Faukmeyer, John H. Doty, W. F. Hill, M. A. Buckey, A. G. Wilson, E. P. Garrity, R. E. Wilder, Gustave A. Jahn, W. R. Webster, Dr. Frank D. Geer, Frank C. Hager, D. M. Stackhouse, H. J. Meehan, E. S. Wright, H. W. Hoffman, A. V. Lerg, H. R. Greer, H. Campbell, Alfred Slater, W. J. Wilford, J. M. Seese, W. H. Miller, D. H. Rauch, H. A. Whitaker, R. H. Henderson, John W. Good, M. Appel, C. T. Harrison, jr., Stephen Traverton, L. J. O'Loughlin, J. P. Carmody, Philip J. Hoffman, G. B. Barrick, H. K. Getty, C. W. Parkhurst, George K. Shyrock, Dennis Cronin, Joseph Bernt, J. B. Henderson, E. T. Gray, W. W. Gaskins, William J. Martin, George S. Schubert, Benjamin E. Bosler, Peter H. Jones, David P. Petrikin, John McKinney, L. A. Wakefield, Edward Rosevear, Ralph A. Butter, David Cohoe, T. R. Parfitt, S. P. Haddle, Earl Everhart, Kay Schrengast, William W. E. Moore, C. S. Carney, John P. Adams, William N. Kurtz, Charles J. Tittle, Emery E. West, Clyde S. Miller, C. E. Warfel, G. D. Worthington, George Stakerman, Robert N. Benford, John T. Ellenberger, John E. Flick, P. M. Smith, J. W. Long, C. C. Thomas, John W. Tittle, D. J. Snavely, W. H. Ullery, A. D. Hollabaugh, Andrew Kronse, William S. Mardis, C. M. Miller, Harry F. Raab, W. S. Howell, E. S. Hargraves, H. Jeschonek, John Quinn, F. W. Stein, Leo J. Cavanaugh, William C. Hughes, Louis Berkheimer, S. Brehm, J. P. Byrne, J. S. Claar, David B. Hull, Thomas Jackson, Ross Keiser,

N. K. Materick, W. Manthe, P. J. Mermin, J. C. Heinze, Philip Williams, W. E. Kehler, A. L. Brydon, S. A. Statler, S. J. Harchar, J. J. McGrath, S. Fitzgerald, E. J. Young, Edward C. Sloan, O. P. Gibson, Walter P. Bader, James O. Raab, John H. Morley, C. S. Roudebush, J. C. Pender, R. C. Davis, F. C. Kress, Dr. J. B. Lowman, J. Browning, Jacob Ringold, W. E. Grove, Dr. J. B. McAneny, W. J. Heslop, Frank S. Clark, A. L. Ryan, R. W. Roberts, James Gillin, George A. Gonder, Emil Young, M. D. Shearer, J. Roger Nelson, William Taylor, Robert J. Shank, George W. Barnett, Sam J. Lery, William H. Heinlein, Harry W. Slick, F. W. Buchanan, R. F. Boyle, Harry K. Hunt, E. Allendorfer, H. B. Harki, A. C. Snook, C. B. Millhoff, James Jefferson, Frank G. Scharman, H. T. Tomb, W. D. Haight, H. L. Hill, C. M. Hammer, W. O. Lubkin, Charles E. Hays, C. M. Harris, L. W. Hornick, J. H. Speck, Joseph Sloan, L. A. Lohr, Jeremiah Barnett, W. R. Slick, C. F. Schrader, James D. Williams, David Stewart, M. G. Martin, Syl. J. O'Brien, R. C. Custer, Charles H. McAlteer, Philip Hertzinger, Thomas Curen, J. B. Watson, H. Beckwith, H. H. Thompson, W. E. Eagle, G. M. Harshberger, Hon. George M. Wertz, John L. Sechler, George B. Hutchinson, David E. Rees, Wayne A. Sarcka, Wilson J. France, W. H. McWilliams, M. C. Truxal, Charles W. Berlin, H. K. Schroch, Robert D. Laughner, Frank Massey, sr., Walter J. Kress, W. J. Harris, R. C. Geiheim, James R. Harding, I. W. Tingley, G. R. Thorn, D. G. Rees, L. E. Patterson, J. P. Hosack, John M. Rose, Albert W. Waters, E. O. Hykes, W. H. Thomas, A. Lewis, A. C. Prosser, E. Israeli, C. T. Ward, H. W. Wilson, Neil McLaughlin, Thomas J. Edwards, W. H. Oldham, W. E. Miller, T. J. Flaherty, R. Waring, Claude Ober, William H. Ensminger, jr., S. J. Graff, E. Davis, H. G. Sanford, John Sides, jr., Louis A. Sheehan, H. M. Beegle, Lemon Kauffman, E. R. Cresswell, H. L. Hoadley, H. F. Raab, A. P. Miller, H. A. Somerville, Charles S. Moore, Harry Wissinger, Leo Reddinger, George C. Mallory, Francis Ray, Harry E. Bowser, George Hershline, Leo McCollam, John Gray, R. A. Shryock, George Walker Williams, E. E. Keifer, R. B. Riedel, jr., E. M. Carter, Richard Mitchell, W. H. Zimmerman, Morgan V. Jones, Alexander McKeever, Joseph Morgan, Philip R. Cleaver, J. C. Wilson, N. B. Swank, W. S. Weaver, William A. Kramer, G. M. Gurley, C. A. Matthews, H. Schultz, D. R. Ream, W. H. Dull, H. E. Hoover, William H. Roaf, G. A. Colbrant, William B. Gilmour, R. T. Evans, Leo J. Buettner, T. J. Harris, Lewis P. Shelly, J. Wilbur Werry, Lucus W. Barnes, George Bird, Clark L. Dishong, Harry Moch, Charles Orms, Sam C. Stewart, Ray C. Stearns, A. H. Walters, Harry Hesselbein, Duncan McCready, Howard E. Heffley, James Piper, sr., C. Stuart Fink, Thomas Jones, L. B. Ashcom, A. Smith, W. J. Baum, Robert E. Bowers, Eben James, Walter R. Berkey, Jesse A. Davis, Homer R. Ressler, Walter R. Nichols, J. F. McCleary, Robert L. Taney, John D. Walker, P. C. Walters, E. C. Bell, all of Johnstown; J. M. Over, of Blue Knob; H. E. Burchfield and J. S. Burkhart, of Altoona; A. H. George, of Garman; A. T. Noll, H. W. Noel, and T. F. Noel, of Gallitzin; J. A. Claar, William E. George, James Marshall, Carl Schaller, and George Schaller, of Lilly; Jere Ritchy and Jere Earnest, of Myra; W. B. Caldwell, of Nanty Glo; G. H. Rice, of South Fork; and W. H. Marshall, of Portage, all in the State of Pennsylvania, for increased appropriations for national defense; to the Committee on Appropriations.

By Mr. BYRNS of Tennessee: Papers to accompany bill for pension to Harry Wynn; to the Committee on Pensions.

By Mr. CARY: Petition of American Association of Masters, Mates, and Pilots, relative to overworked officers and crews of vessels and number and length of tow of barges; to the Committee on the Merchant Marine and Fisheries.

Also, memorial of Wisconsin Branch of the Railway Mail Association, favoring bills for relief of railway postal clerks; to the Committee on the Post Office and Post Roads.

By Mr. CHARLES: Petition of Paul F. Unger, for the reporting by the Committee on Foreign Affairs on a measure placing an embargo on munitions of war; to the Committee on Foreign Affairs.

By Mr. COOPER of Ohio: Petition of First Reformed Church of Warren, Ohio, for national prohibition; to the Committee on the Judiciary.

Mr. COOPER of Wisconsin: Petition of Methodist Episcopal Church of Footville, Wis., favoring national prohibition; to the Committee on the Judiciary.

By Mr. DALE of New York: Petition of New York State Court, Guardians of Liberty, against House bill 491, abridging freedom of the press; to the Committee on the Post Office and Post Roads.

Also, petition of the National Lumber Manufacturers' Association of Chicago, relative to utilizing our forest resources, etc.; to the Committee on Agriculture.

Also, petition of Central Labor Union of White Plains, of New York, and other labor organizations of the United States, favoring Burnett immigration bill; to the Committee on Immigration and Naturalization.

Also, petition of Chamber of German-American Commerce of New York, relative to interference with mails by belligerents; to the Committee on the Post Office and Post Roads.

By Mr. DARROW: Petition of George P. Martin, department commander of Vermont, Grand Army of the Republic, and Capt W. R. Humphrey and 100 other members of the Grand Army of the Republic of Vermont, in behalf of passage of bill (H. R. 582) to increase the pensions of those who have lost a limb or limbs or who are totally disabled in military or naval service of the United States; to the Committee on Invalid Pensions.

By Mr. DOOLITTLE: Petition of citizens of Council Grove, Kans., protesting against a stamp tax on bank checks; to the Committee on Ways and Means.

By Mr. EAGLE: Petition of some 1,100 citizens of Houston, Tex., asking for the publication of the testimony and reports of the Commission on Industrial Relations; to the Committee on Printing.

By Mr. FOCHT: Evidence in support of House bill 10606, for the relief of William A. Ellis; to the Committee on Pensions.

Also, petition of Presbyterian Sabbath School and citizens of Alexandria, Pa., favoring national prohibition; to the Committee on the Judiciary.

By Mr. FOSTER: Petition of citizens of Allendale, Ill., urging destruction of Grand Rapids Dam, which creates damage to lands; to the Committee on Rivers and Harbors.

By Mr. FULLER: Petition of Retail Dealers of Streator, Ill., favoring tax on mail-order houses; to the Committee on Ways and Means.

Also, petition of Local Union No. 157, Rockford, Ill., Cigar Makers' International Union of America, favoring Burnett immigration bill; to the Committee on Immigration and Naturalization.

By Mr. FLYNN: Petitions of Central Labor Union of White Plains, N. Y.; Chicago (Ill.) Federation of Labor; and Iron City Central Trades Council, of Pittsburgh, Pa., favoring Burnett immigration bill; to the Committee on Immigration and Naturalization.

By Mr. GORDON: Petition of the Dunham Avenue Christian Church, of Cleveland, Ohio, praying for enactment of House joint resolutions 84 and 85; to the Committee on the Judiciary.

By Mr. HAMLIN: Papers to accompany House bill 11998, to increase pension of Martin G. Moon; to the Committee on Invalid Pensions.

Also, papers to accompany House bill 11997, to increase pension of Martha Hoover; to the Committee on Invalid Pensions.

By Mr. HASTINGS: Petition of Charles M. Lewallen, in support of the bill (H. R. 11283) to correct his military record; to the Committee on Military Affairs.

By Mr. HAYES: Petitions of sundry citizens of Daly City, Cal., against preparedness; to the Committee on Military Affairs.

Also, petition of Willow Glen (Cal.) Woman's Christian Temperance Union, favoring censorship of moving pictures; to the Committee on Education.

Also, petition of Woman's Christian Temperance Union of Gilroy, Cal., favoring national prohibition; to the Committee on the Judiciary.

By Mr. HILL: Petitions of 26 citizens of Darien, People's Presbyterian Church, of Bridgeport, and citizens of Fairfield, all of Connecticut, favoring national prohibition; to the Committee on the Judiciary.

Also, petition of Woman's Christian Temperance Union of East Danbury, Conn., favoring censorship of moving pictures; to the Committee on Education.

Also (by request), petition of M. Heinzelman and 11 others, of Danbury, Conn., favoring embargo on arms, etc.; to the Committee on Foreign Affairs.

By Mr. HILLIARD: Memorial of Denver Lodge, No. 120, Independent Order of Odd Fellows, favoring bill relative to leave of absence of clerks in the Postal Service; to the Committee on the Post Office and Post Roads.

By Mr. HOLLINGSWORTH: Petitions of W. R. Hervey and 36 citizens of Wayne Township Presbyterian Sunday School, of Brilliant, and citizens of Salem and vicinity, all in the State of Ohio, favoring national prohibition; to the Committee on the Judiciary.

By Mr. KENNEDY of Rhode Island: Petition of Park Place Congregational Church, of Pawtucket, R. I., favoring national prohibition; to the Committee on the Judiciary.

By Mr. KETTNER: Resolutions by the Brawley Chamber of Commerce, and the Improvement Club, of Big Pine, all in the State of California, favoring the Hamill bill, H. R. 5757; to the Committee on Reform in the Civil Service.

Also, resolution of Coronado Camp, No. 59, United Spanish War Veterans, Coronado, Cal., favoring establishment of marine base at San Diego, Cal.; to the Committee on Military Affairs.

Also, petition of certain members of Aurantia Chapter, Daughters of the American Revolution, Riverside, Cal., favoring preparedness; to the Committee on Military Affairs.

Also, resolutions passed by Camp Hi Bledsoe, No. 1201, U. C. V., Santa Ana, Cal., favoring House bill 478; to the Committee on Pensions.

By Mr. KEY of Ohio: Petitions of I. C. Cunningham, of Marion, Ohio, and sundry citizens of Mount Gilead, Ohio, favoring national prohibition; to the Committee on the Judiciary.

By Mr. KIESS of Pennsylvania: Petitions of Sunday school of Methodist Episcopal Church of Woolrich, and citizens of Lock Haven, and 51 citizens of Mansfield, Pa., favoring national prohibition; to the Committee on the Judiciary.

Also, petition of citizens of Shingle House, Pa., against preparedness; to the Committee on Military Affairs.

By Mr. LONGWORTH: Petitions of First Baptist Sunday School of Madisonville and citizens of Hamilton County, Ohio, favoring national prohibition; to the Committee on the Judiciary.

By Mr. MILLER of Pennsylvania: Petitions of sundry churches and citizens of the State of Pennsylvania, favoring national prohibition; to the Committee on the Judiciary.

By Mr. MOORE of Pennsylvania: Petition of Nord German Beneficial Society and other societies of Philadelphia, Pa., against national prohibition; to the Committee on the Judiciary.

Also, petitions of Rev. John E. Kiber, John H. Gwynn, and others, and Methodist Episcopal Church, all of Somerton, Pa., favoring national prohibition; to the Committee on the Judiciary.

Also, petitions of Bad Militaer Verein and other societies of Philadelphia, Pa., favoring amendments to naturalization laws; to the Committee on Immigration and Naturalization.

Also, petitions of Conrad Schneider and other citizens of Philadelphia, Nord German Beneficial Society and other societies of Philadelphia, Pa., favoring bill to prohibit exportation of arms, etc.; to the Committee on Foreign Affairs.

By Mr. MORIN (by request): Memorial of Central Bund of Pittsburgh, Pa., in reference to our foreign relations; to the Committee on Foreign Affairs.

Also (by request), memorial of Philadelphia Wool and Textile Association, in re increasing the number of sheep in the United States; to the Committee on the Public Lands.

Also (by request), memorial of Central Bund of Pittsburgh, Pa., opposing national prohibition; to the Committee on the Judiciary.

Also (by request), petition of Pennsylvania Men's League for Woman Suffrage and the Congressional Union for Woman Suffrage, in favor of woman suffrage; to the Committee on the Judiciary.

Also (by request), memorial of the Men's Club of Wayne, Pa., in favor of preparedness; to the Committee on Military Affairs.

Also (by request), memorial of Erie Central Labor Union, of Erie, Pa.; International Brotherhood of Maintenance of Way Employees of Detroit, Mich.; Louisiana State Federation of Labor, of Shreveport, La.; Journeymen Stonecutters' Association of Indianapolis, Pa.; Tobacco Workers International Union of Louisville, Ky.; Metal Trades Union of Washington, D. C.; International Association of Machinists of Washington, D. C.; Massachusetts State Branch, American Federation of Labor, of Boston Mass.; Chicago Federation of Labor, favoring the Burnett immigration bill; to the Committee on Immigration and Naturalization.

By Mr. OAKEY: Petition of Milldale Woman's Christian Temperance Union, favoring censorship of motion pictures; to the Committee on Education.

By Mr. PRATT: Petition of A. Hohl, of Slaterville Springs, N. Y., favoring an embargo on arms and munitions of war; to the Committee on Foreign Affairs.

By Mr. RANDALL: Memorial of Sierra Madre Club, of Los Angeles, Cal., favoring the establishment of the Sierra Madre National Park in California; to the Committee on the Public Lands.

Also, memorial of Chamber of Commerce of Los Angeles, Cal., favoring appropriations for improvements in the Yosemite Valley National Park; to the Committee on the Public Lands.

By Mr. ROWE: Petition of Central Federated Union of New York, in re certain bills now before Congress; to the Committee on Foreign Affairs.

Also, memorial of Congressional Union for Woman Suffrage, favoring the Susan B. Anthony amendment; to the Committee on the Judiciary.

Also, memorial of National Guard Association of New York, favoring Federal control of the National Guard; to the Committee on Military Affairs.

Also, memorial of General Wayne Council, No. 48, of Brooklyn, N. Y., favoring the Burnett immigration bill; to the Committee on Immigration and Naturalization.

Also, petition of sundry citizens of Brooklyn, N. Y., favoring House bill 702; to the Committee on Ways and Means.

Also, petition of International Union of United Brewery Workmen of America, Local Union No. 345, and sundry citizens of Wisconsin, opposing Senate bill 1082; to the Committee on the Judiciary.

Also, petition of P. W. Gubbins, of Brooklyn, N. Y., favoring House bill 7625; to the Committee on Reform in the Civil Service.

By Mr. ROBERTS of Massachusetts: Evidence in support of bill to compensate James J. Moore for loss of sight of both eyes caused from an injury received while in the employ of the United States Government; to the Committee on Claims.

By Mr. ROGERS: Petition of citizens and Paige Street Baptist Bible School and F. B. Church, of Lowell, Mass., favoring national prohibition; to the Committee on the Judiciary.

By Mr. SANFORD: Papers to accompany House bill 11853, for Martin W. Joralemon, alias Martin Whitbeck; to the Committee on Military Affairs.

By Mr. SCULLY: Petition of Congressional Union for Woman Suffrage, favoring Susan B. Anthony amendment; to the Committee on the Judiciary.

Also, petition of O. Hindefeld, of Long Branch, N. J., favoring embargo on arms, etc.; to the Committee on Foreign Affairs.

Also, petition of Joseph Dixon Crucible Co., of Jersey City, N. J., favoring tax on dyestuffs; to the Committee on Ways and Means.

Also, memorial of board of directors of New Orleans Association of Commerce, relative to railway mail pay; to the Committee on the Post Office and Post Roads.

Also, petition of Emanuel N. Haiser, of Newark, N. J., against any further tax on liquors; to the Committee on Ways and Means.

Also, petitions of Martin Beron, of Newark, and other citizens of New Jersey, against prohibition in the District of Columbia; to the Committee on the District of Columbia.

By Mr. SELLS: Petition of faculty and students of Murphy's College, at Sevierville, Tenn., favoring national prohibition; to the Committee on the Judiciary.

By Mr. SHACKLEFORD: Memorial of Mrs. J. P. Tally and 34 others, of Pilot Grove, Mo., favoring prohibition in the District of Columbia; to the Committee on the District of Columbia.

By Mr. SLAYDEN: Petition of German-American Alliance, against sale and export of arms, etc.; to the Committee on Foreign Affairs.

By Mr. SMITH of Michigan: Papers to accompany House bill 10973, for relief of Israel Boyer; to the Committee on Military Affairs.

By Mr. SNYDER: Petition of Bacon Relief Corps, Grand Army of the Republic, of Utica, N. Y., favoring increase of pensions to certain widows of the Civil War; to the Committee on Invalid Pensions.

Also, memorial of Fort Stanwix Chapter, Daughters of the American Revolution, Rome, N. Y., favoring national preparedness; to the Committee on Military Affairs.

Also, memorial of Guiding Star Council, Daughters of Liberty, of Utica, N. Y., favoring Burnett immigration bill; to the Committee on Immigration and Naturalization.

By Mr. STINESS: Memorial of Holy Name Society, St. Charles Parish, Providence, R. I., favoring legislation in interest of aged employees of Postal Service; to the Committee on the Post Office and Post Roads.

By Mr. SULLOWAY: Memorial of Manchester (N. H.) Council, No. 29, Knights of Columbus, favoring Columbus Day as national holiday in District of Columbia; to the Committee on the District of Columbia.

By Mr. TINKHAM: Petition of citizens of Boston and Lynn Counties, Mass., for Christian amendment to the Constitution of the United States; to the Committee on the Judiciary.

By Mr. VAN DYKE: Petition of voting citizens of S. W. First Baptist Church, St. Paul, Minn., favoring national prohibition; to the Committee on the Judiciary.

## SENATE.

THURSDAY, *February 24, 1916.*

*(Legislative day of Monday, February 21, 1916.)*

The Senate reassembled at 12 o'clock meridian, on the expiration of the recess.

The VICE PRESIDENT resumed the chair.

Mr. SMOOT. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

| | | | |
|---|---|---|---|
| Ashurst | Husting | Overman | Smith, S. C. |
| Bankhead | James | Page | Smoot |
| Beckham | Jones | Pittman | Sterling |
| Brandegee | Kenyon | Poindexter | Sutherland |
| Catron | Kern | Reed | Swanson |
| Clapp | Lane | Robinson | Tillman |
| Clarke, Ark. | Lee, Md. | Saulsbury | Townsend |
| Colt | Lodge | Shafroth | Underwood |
| Curtis | McLean | Sheppard | Vardaman |
| Dillingham | Martin, Va. | Sherman | Warren |
| Gallinger | Martine, N. J. | Shields | Williams |
| Harding | Myers | Simmons | Works |
| Hardwick | Nelson | Smith, Ariz. | |
| Hollis | Norris | Smith, Ga. | |
| Hughes | Oliver | Smith, Mich. | |

Mr. MARTINE of New Jersey. I desire to state that the senior Senator from New York [Mr. O'GORMAN] is absent from the Senate on official business.

Mr. KERN. I wish to state that my colleague [Mr. SHIVELY] is unavoidably absent. He is paired with the Senator from Maine [Mr. BURLEIGH]. This announcement will stand for the day.

Mr. WORKS. I desire to announce that the Senator from Iowa [Mr. CUMMINS], the Senator from West Virginia [Mr. CHILTON], the Senator from Florida [Mr. FLETCHER], and the Senator from Montana [Mr. WALSH] are detained from the Senate on committee duty.

Mr. SHAFROTH. I desire to announce the absence of my colleague [Mr. THOMAS] on account of sickness.

The VICE PRESIDENT. Fifty-seven Senators have answered to the roll call. There is a quorum present.

### ENROLLED JOINT RESOLUTION SIGNED.

The VICE PRESIDENT announced his signature to the enrolled joint resolution (H. J. Res. 89) to amend an act entitled "An act granting pensions and increase of pension to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war," approved February 25, 1915, which had heretofore been signed by the Speaker of the House of Representatives.

### LOYALTY OF HUNGARIAN-AMERICAN CITIZENS.

Mr. JAMES. Mr. President, I ask unanimous consent to present and have printed in the RECORD resolutions adopted at a mass meeting of American citizens of Hungarian birth held at the Garden Theater, New York City, on the 30th of January, 1916. At this meeting I had the honor to deliver an address on Americanism to this great patriotic gathering of emigrant citizens and also to read a telegram from President Wilson, which I desire to have appear in the RECORD, together with the resolutions.

The VICE PRESIDENT. Without objection, it is so ordered.

The matter referred to is as follows:

The following resolutions were read and passed by acclamation at the great mass meeting of American citizens of Hungarian birth held at the Garden Theater in New York on the afternoon of January 30, 1916:

"Resolutions.

"Whereas we, American citizens of Hungarian birth, are firmly and unshakably convinced of the absolute loyalty to this country, first, last, and all the time of all American citizens of Hungarian origin, a conviction born of our knowledge of their principles, conduct, and traditions; and

"Whereas immediate and effectual protest and protection are needed by these loyal citizens, resident in many States of the Union, against the insinuations, suggestions, and accusations of disloyalty of American citizens born in any one of the central-power States, brought not alone from interested and subterranean sources but also from quarters unconsciously biased by them; and

"Whereas public opinion in this country has been led to connect, without proof or justification, the loyal American citizens of Hungarian birth with the real or alleged plottings of foreign agents; and

"Whereas these insinuations, suggestions, and accusations and this misguided public opinion have aroused a feeling of suspicion and antagonism in this country against citizens of Hungarian origin; and

"Whereas the present campaign of preparedness through the strengthening of the Nation's Army and Navy, laudatory and timely though it may be, is not adequate without some plan for broader schooling and propaganda of a kind to unite all the people of America still more closely: Be it therefore

"*Resolved*, That we, here gathered together, representing the American citizenry of Hungarian origin, with a renewal of the pledge of their and our unwavering loyalty, protest against the constant, systematic, and increasing campaign of vilification consciously and unconsciously carried on by the agencies mentioned above; and be it further

"*Resolved*, That this meeting, with the certainty that what it attempts is within its rights on the strength of the American citizenship of its members, take the proper steps to safeguard the rights of American citizens of Hungarian birth; to show their real light to the eyes of the Nation; to devise means of dissipating the present groundless and unjust attitude of suspicion and antagonism; to prevent its continuance and the possibility of its recurrence at any future time; and be it further

"*Resolved*, That the means and action decided upon by this meeting shall be directed toward the realization of an ever more complete absorption in and by the Nation of the racial stocks that go to the making up of its citizenship; and be it further

"*Resolved*, That we respectfully enlist the sympathy and aid of our President and of our National Legislature in bringing about so imperative, ideal, and patriotic a conclusion; and be it finally

"*Resolved*, That a copy of these resolutions be sent to the President and each Member of Congress."

### GREETINGS FROM PRESIDENT WILSON.

The telegram from President Wilson was as follows:

"Hon. OLLIE M. JAMES,
"*St. Regis, New York City:*

"May I not send my warmest greetings to the meeting, and will you not express for me my very deepest and sincerest confidence in the entire loyalty and patriotism of the great body of our fellow citizens who have strengthened and enriched America by adding their energy to our own out of the nations which have joined their stocks to make a great America?

"WOODROW WILSON."

### MUSKINGUM RIVER, OHIO, CONTRACT.

Mr. HARDING. Mr. President, I wish the Senate would be gracious enough to allow me unanimous consent to submit a committee report and give immediate action to an important local bill. It will take only just a moment.

If I may at this time offer an explanation, it is a bill with the unanimous approval of the Committee on Commerce directing the Secretary of War to abrogate a contract for a power plant on the Muskingum River, a tributary of the Ohio in my State. The reason for the immediate passage of the bill is that the company which secured the contract found the plan of building a power plant on the Muskingum utterly impracticable. It has already paid the Government $8,000 in rental and must abandon the project. The Secretary of War gave informal approval to its cancellation, but owing to the retirement of the Secretary of War and conditions in the War Department it is impossible to get a formal expression.

The matter has been fully discussed in the committee, and it is quite unanimous that the right thing to do is to cancel the contract. I should like to have the Senate hear the report and pass the bill.

The VICE PRESIDENT. Is there any objection?

Mr. GALLINGER. Mr. President, I think if we are going into that matter at all, we ought to have a little time for morning business. Some of the rest of us have matters that we think are reasonably important.

Personally, Mr. President, I regret that the morning business is being cut out by recesses instead of an adjournment of the Senate. There are nearly 100 bills on the calendar that ought to be considered. Not one of them is of interest to me, but every one is of interest to some Senator. It seems to me that we ought to give some little attention not only to the calendar but to routine morning business.

I will suggest to the Senator having in charge the unfinished business, that he might consent to half an hour or thereabouts of to-day that we might present routine morning business, not going to the calendar but that we might present certain matters, such as the Senator from Ohio is interested in, and in that way make some progress in matters other than the consideration of this bill, which has been before the Senate for 17 days, and no one sees any hope of its being concluded. If we are going to have our morning business cut out day by day by recesses of the Senate to consider this bill, which has taken so much time, to be followed by another bill, I understand, that will take equally as much time, I think an injustice is being done to the Senate by that procedure.

I do not object, of course, to the request of the Senator from Ohio.

The VICE PRESIDENT. Is there objection? The Chair hears none.

Mr. HARDING. I am directed by the Committee on Commerce, to which was referred the bill (S. 4026) authorizing and directing the Secretary of War to abrogate a contract lease of land and water power on the Muskingum River, Ohio, to report it favorably with an amendment, and I submit a report (No. 165) thereon. I ask for the present consideration of the bill.

There being no objection, the bill was considered as in Committee of the Whole. The amendment was to add at the end of the bill the following words: "The Secretary of War is hereby directed to collect no rental under lease other than that already paid in full for the first year of the contract," so as to make the bill read:

*Be it enacted, etc.*, That the Secretary of War be authorized, and he is hereby directed, to abrogate a contract lease entered into on the 28th day of February, 1913, between said Secretary of War, for the United States of America, and William W. Mills, of Marietta, Ohio, and S. D. Camden and Henry H. Archer, of Parkersburg, W. Va., for the land and water power at Dams Nos. 3, 4, 5, and 6 on the Muskingum River, in the State of Ohio. The Secretary of War is hereby directed to collect no rental under lease other than that already paid in full for the first year of the contract.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

STATUE OF JAMES BUCHANAN.

Mr. WILLIAMS. I desire, by unanimous consent, of course, to make a favorable report from the Committee on the Library and to have the joint resolution to which it refers go to the calendar.

Mr. BRANDEGEE. Mr. President, these matters are now proceeding by unanimous consent. I do not object to this report; but, Mr. President, day after day we have been taking a recess here and cutting out all morning business. The result is that yesterday, all during the consideration of the unfinished business, Senators would drop in from time to time and by unanimous consent proceed to transact morning business while the unfinished business was under consideration.

Now, I am opposed to that, and I shall object to any further unanimous consent for the transaction of morning business until we can take an adjournment and have the regular morning hour.

Mr. GALLINGER. Mr. President, pending the request of the Senator from Mississippi, I ask unanimous consent that three-fourths of an hour be devoted to morning business to-day.

Mr. HARDWICK. Not less.

Mr. GALLINGER. Not less than three-fourths of an hour.

Mr. SHIELDS. I did not understand the Senator's request. Is it for to-day or hereafter?

Mr. GALLINGER. Simply for to-day.

Mr. SMITH of Georgia. Mr. President, it would be better for us to adjourn to-day and have the regular morning hour to-morrow, and then we would all be prepared for it. A good many of us have not brought matters we would have brought if there was to be morning business transacted to-day because we knew we would not have any morning hour; but I think we ought to adjourn to-day and transact morning business to-morrow.

Mr. GALLINGER. If we can have the assurance that we will adjourn to-day and have the morning hour to-morrow, it will suit my convenience; but otherwise I shall ask the Senate to give us a little time to transact the usual morning business this morning.

Mr. SHIELDS. I would object to laying aside the unfinished business for morning business this morning. I will not interfere, however, with any reasonable request upon that matter, so far as I am concerned; but yesterday the Senate took a recess until this morning, and I think there were Senators desirous of addressing the Senate on the subject of this bill, and we should proceed with the unfinished business.

Mr. HARDWICK. I wish to ask just one question. Will we have an adjournment of the Senate to-day?

Mr. SHIELDS. I shall offer no objection.

Mr. HARDWICK. All right.

Mr. SMITH of Georgia. I think that will give us all an opportunity to have morning business transacted.

Mr. GALLINGER. With that understanding, I have no further suggestion to make.

The VICE PRESIDENT. Is there objection to the report submitted by the Senator from Mississippi being received?

Mr. BRANDEGEE. I did not object to that, but I shall object to the transaction of any further morning business this morning.

The VICE PRESIDENT. The joint resolution will be stated by title.

The SECRETARY. A joint resolution (S. J. Res. 93) authorizing the erection on the public grounds in the city of Washington, D. C., of a statue of James Buchanan, a former President of the United States. (S. Rept. 166.)

The VICE PRESIDENT. The joint resolution will be placed on the calendar.

DEVELOPMENT OF WATER POWER.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 3331) to amend an act entitled "An act to regulate the construction of dams across navigable waters," approved June 21, 1906, as amended by the act approved June 23, 1910, and to provide for the improvement and development of waterways for the uses of interstate and foreign commerce.

Mr. NORRIS and Mr. WORKS addressed the Chair.

The VICE PRESIDENT. There is objection to any further morning business.

Mr. NORRIS. I was going to address myself to the bill. I do not want to interfere with the Senator from California, however.

Mr. WORKS. I simply desire to offer an amendment and to have it printed and lie on the table.

During the debate on yesterday the Senator from Alabama [Mr. BANKHEAD] rather challenged me to offer an amendment to the bill that would cover what he really desires and at the same time not be offensive to my own views as to what this legislation should be. I am always glad to oblige the Senator from Alabama, and I now offer an amendment in the nature of a substitute for the bill and ask that it be printed and lie on the table.

The VICE PRESIDENT. It will be so ordered.

Mr. NORRIS. The Senator from Iowa [Mr. KENYON], I observe, gave notice that he would address the Senate to-day. I was not aware of that when I addressed the Chair for the purpose of submitting some remarks on the amendment which is now pending. I understand that the Senator from Iowa is prepared to go on, and I am perfectly willing to yield the floor and allow him to proceed.

Mr. KENYON. I wish to state that I shall take about an hour, so that Senators can retire and be back at that time.

Mr. GORE. Mr. President——

The VICE PRESIDENT. Does the Senator from Iowa yield to the Senator from Oklahoma?

Mr. KENYON. I do.

Mr. GORE. I desire to offer a concurrent resolution, and ask that it be printed and go over under the rule.

The VICE PRESIDENT. Is there objection?

Mr. BRANDEGEE. I object.

The VICE PRESIDENT. There is objection. It can not be received.

Mr. GORE. I ask that the resolution may be read.

The VICE PRESIDENT. There is objection. The unfinished business is before the Senate and nothing can be received except by unanimous consent.

Mr. GORE. I understood a moment ago that unanimous consent had been granted for morning business.

The VICE PRESIDENT. No; it had not been granted, and there is objection.

Mr. WILLIAMS. Not knowing the character of the request, I reserve the right to object after I am acquainted with it.

The VICE PRESIDENT. There is not any doubt about what the rule is. When the unfinished business is before the Senate it requires unanimous consent in order to give way for any purpose whatever.

Mr. WILLIAMS. I understand that, but I wish to reserve the right to object under the rule.

The VICE PRESIDENT. The objection has been made. The Chair is not responsible for it. He is simply enforcing the rule.

Mr. WILLIAMS. Objection has been made?

The VICE PRESIDENT. Objection has been made.

Mr. WILLIAMS. Oh, well; I did not so understand. I beg the Chair's pardon.

NATIONAL CHILD LABOR LAW.

Mr. KENYON. Mr. President, I want to address myself for not more than the time of the morning hour in the discussion of a bill that is not before the Senate, but which is in committee and will soon be here. I speak at this time especially because of some influences that are being brought to bear against the bill.

During the closing days of the last session the House passed what was known as the Palmer-Owen Child Labor Act. It was

passed too late for action by the Senate, but it was reported from the Senate Committee on Interstate Commerce during the closing days of the session with some amendments. It was, however, never acted upon by the Senate. To that bill I want now to draw the attention of the Senate. It is now known as the Owen-Keating bill.

I know, Mr. President, that we are in a period of reaction; that anyone seeking to secure legislation along humanitarian lines is regarded as a dreamer, a sentimentalist, and a reformer, and the term seems to have become with many one of reproach. However, at the risk of such seemingly opprobrious epithets, I am going to plead, as best I may, with the Senate to take action at this session for the enactment of a national child-labor law. The fight for such a law commenced in Congress about 1907, a bill then being introduced by Senator Beveridge, and championed by him with great ability and courage. I have introduced the Beveridge bill, with a few changes, at every session since I have been a Member of the Senate, but it has never gotten very far. Representative COPLEY introduced in the House a child-labor bill on a somewhat different principle; and the Senator from Oklahoma [Mr. OWEN] introduced in the Senate a bill, which is the same, I understand, as the Keating bill in the House, which was reported from the committee with amendments at the last session of the Senate. In order to have the record complete, without reading them, I ask to insert, as a part of my remarks, at this point these various bills.

The VICE PRESIDENT. Without objection, permission to do so will be granted.

The bills referred to are as follows:

A bill (H. R. 8234) to prevent interstate commerce in the products of child labor, and for other purposes.

*Be it enacted, etc.*, That no producer, manufacturer, or dealer shall ship or deliver for shipment in interstate commerce the product of any mine or quarry situated in the United States which has been produced, in whole or part, by the labor of children under the age of 16 years, or the product of any mill, cannery, workshop, factory, or manufacturing establishment situated in the United States which has been produced, in whole or in part, by the labor of children under the age of 14 years or by the labor of children between the ages of 14 years and 16 years who work more than eight hours in any one day, or more than six days in any one week, or after the hour of 7 o'clock p. m., or before the hour of 7 o'clock a. m.

SEC. 2. Proof of the presence within 60 days prior to the shipment of such product therefrom (1) in a mine or quarry of a child under the age of 16 years, or (2) in a mill, cannery, workshop, factory, or manufacturing establisnment (a) of a child under the age of 14 years, or (b) of a child between the ages of 14 years and 16 years for more than eight hours in any one day or more than six days in any one week, or after the hour of 7 o'clock p. m., or before the hour of 7 o'clock a. m. shall be prima facie evidence that such product has been produced in whole or in part by the labor of such a child.

SEC. 3. That the Attorney General, the Secretary of Commerce, and the Secretary of Labor shall constitute a board to make and publish from time to time uniform rules and regulations for carrying out the provisions of this act.

SEC. 4. That for the purpose of securing proper enforcement of this act the Secretary of Labor, or any person duly authorized by him, shall have authority to enter and inspect at any time mines, quarries, mills, canneries, workshops, factories, and manufacturing establishments and other places in which goods are produced or held for interstate commerce; and the Secretary of Labor shall have authority to employ such assistance for the purposes of this act as may from time to time be authorized by appropriation or other law.

SEC. 5. That it shall be the duty of each district attorney to whom the Secretary of Labor shall report any violation of this act, or to whom any State factory or mining or quarry inspector, commissioner of labor, State medical inspector, or school-attendance officer, or any other person shall present satisfactory evidence of any such violation to cause appropriate proceedings to be commenced and prosecuted in the proper courts of the United States without delay for the enforcement of the penalties as in such cases herein provided.

SEC. 6. That any person who violates any of the provisions of section 1 of this act, or who refuses or obstructs entry or inspection authorized by section 4 of this act, shall for the first offense be punished by a fine of not more than $200 and for each subsequent offense shall be punished by a fine of not more than $1,000 nor less than $100, or by imprisonment for not more than three months, or by both fine and imprisonment, in the discretion of the court: *Provided*, That no dealer shall be subject to conviction under the provisions of this act who shall establish a guaranty issued by the person by whom such goods were manufactured or produced, resident in the United States, to the effect that in the manufacture and production of such goods, neither in whole nor in part, had children been employed or permitted to work in any mine or quarry under the age of 16 years, or in any mill, cannery, workshop, factory, or manufacturing establishment under the age of 14 years, or between the ages of 14 years and 16 years who worked more than eight hours in any one day or more than six days in any one week or after the hour of 7 o'clock p. m. or before the hour of 7 o'clock a. m., and in such event the guarantor shall be amenable to any prosecution, fine, or penalty to which the person seeking the protection of such guaranty would otherwise have been subject under the provisions of this act. Said guaranty, to afford the protection above provided, shall contain the name and address of the person giving the same.

SEC. 7. That the word "dealer" or the word "person" as used in this act shall be construed to include any individual or corporation or the members of any partnership or other unincorporated association. The term "ship or deliver for shipment in interstate commerce" as used in this act means to ship or deliver for shipment from any State or Territory or the District of Columbia to or through any other State or Territory or the District of Columbia.

SEC. 8. That in prosecutions under this act each shipment or delivery for shipment shall constitute a separate offense.

SEC. 9. That this act shall take effect from and after one year from the date of its passage.

An act to prevent interstate commerce in the products of child labor, and for other purposes.

*Be it enacted, etc.*, That it shall be unlawful for any producer, manufacturer, or dealer to ship or deliver for shipment in interstate commerce the products of any mine or quarry which have been produced, in whole or in part, by the labor of children under the age of 16 years, or the products of any mill, cannery, workshop, factory, or manufacturing establishment which have been produced, in whole or in part, by the labor of children under the age of 14 years, or by the labor of children between the age of 14 and 16 years who work more than eight hours in any one day, or more than six days in any week, or after the hour of 7 o'clock postmeridian or before the hour of 7 o'clock antemeridian.

SEC. 2. That the Attorney General, the Secretary of Commerce, and the Secretary of Labor shall constitute a board to make and publish from time to time uniform rules and regulations for carrying out the provisions of this act.

SEC. 3. That for the purpose of securing proper enforcement of this act the Secretary of Labor, or any person duly authorized by him, shall have authority to enter and inspect at any time mines, quarries, mills, canneries, workshops, factories, and manufacturing establishments in which goods are produced for interstate commerce.

SEC. 4. That it shall be the duty of each district attorney to whom the Secretary of Labor shall report any violation of this act, or to whom any State factory or mining or quarry inspector, commissioner of labor, State medical inspector, or school-attendance officer, or any other person shall present satisfactory evidence of any such violation to cause appropriate proceedings to be commenced and prosecuted in the proper courts of the United States without delay for the enforcement of the penalties as in such cases herein provided.

SEC. 5. That any person, partnership, association, or corporation, or any agent or employee thereof manufacturing, producing, or dealing in the products of any mine, quarry, mill, cannery, workshop, factory, or manufacturing establishment who shall violate any of the provisions of section 1 of this act, or who shall refuse or obstruct the entry or inspection authorized by section 3 of this act, shall be guilty of a misdemeanor and shall be punished by a fine of not more than $1,000 nor less than $100, or by imprisonment for not more than one year nor less than one month, or by both fine and imprisonment, in the discretion of the court: *Provided*, That no dealer shall be subject to conviction under the provisions of this section, who shall establish a guaranty issued by the person by whom such goods were manufactured or produced, and residing in the United States, to the effect that in the manufacture and production of such goods, neither in whole nor in part, had children been employed or permitted to work in any mine or quarry under the age of 16 years, or in any mill, cannery, workshop, factory, or manufacturing establishment under the age of 14 years, or between the ages of 14 and 16 years who worked more than eight hours in any one day, or more than six days in any week, or after the hours of 7 o'clock postmeridian or before the hour of 7 o'clock antemeridian. Said guaranty, to afford the protection above provided, shall contain the name and address of the person giving the same, and in such event such person shall be amenable to any prosecution, fine, or penalty to which the person seeking the protection of such guaranty would otherwise have been subject under the provisions of this act. The word "dealer" as used in this act shall be construed to include only any individual or corporation, or the members of any partnership or other unincorporated association who is a wholesaler or jobber.

SEC. 6. That in prosecutions under this act each shipment or delivery for shipment shall constitute a separate offense.

SEC. 7. That this act shall take effect from and after one year from the date of its passage.

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A bill to prevent the employment of children in factories and mines.

*Be it enacted, etc.*, That six months from and after the passage of this act no carrier of interstate commerce shall transport or accept for transportation the products of any factory, canning mill, workshop, or mine in which children under 14 years of age are employed or permitted to work, which products are offered to said interstate carrier by the firm, person, or corporation owning or operating said factory or mine, or any officer or agent or servant thereof, for transportation into any other State or Territory than the one in which said factory is located.

SEC. 2. That no carrier of interstate commerce shall transport or accept for transportation the products of any factory or mine offered it for transportation by any person, firm, or corporation which owns or operates such factory or mine, or any officer, agent, or servant of such person, firm, or corporation, until the president or secretary or general manager of such corporation or a member of such firm or the person owning or operating such factory or mine shall file with said carrier an affidavit to the effect that children under 14 years of age are not employed in such factory or mine.

SEC. 3. That the form of said affidavit shall be prescribed by the Secretary of the Department of Labor. After the first affidavit is filed a like affidavit shall be filed, on or before July 1 and on or before December 31 of each year, with the interstate carrier to which such factory or mine offers its products for transportation; and after the first affidavit subsequent affidavits shall also state that no children under 14 years of age are employed or permitted to work in said factory or mine or have been employed or permitted to work in said factory or mine at any time during the preceding six months.

SEC. 4. That any officer or agent of a carrier of interstate commerce who is a party to any violation of this act or who knowingly violates any of the provisions of this act shall be punished for each offense by a fine of not more than $10,000 nor less than $1,000, or by imprisonment for not more than six months nor less than one month, or by both said fine and imprisonment, in the discretion of the court. Any person by this act required to file the affidavit herein provided for who fails or refuses to file such affidavit or who shall make a false statement in said affidavit shall be punished by a fine not exceeding $20,000 nor less than $5,000, or by imprisonment not exceeding one year nor less than three months, or by both said fine and imprisonment, in the discretion of the court.

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A bill to further regulate interstate and foreign commerce by prohibiting interstate transportation of the products of certain forms of child labor, and for other purposes.

*Be it enacted, etc.*, That the labor of children in certain industries and under certain conditions hereinafter described is hereby defined as antisocial child labor, and that this act shall be known, referred to, and cited as the Federal child-labor act.

SEC. 2. That the employment of a child under 14 years of age in any mill, factory, cannery, workshop, manufacturing or mechanical

establishment, or of a child under 16 years of age in any coal mine, coal breaker, coke oven, quarry, or in any establishment where poisonous or dangerous acids, gases, or dyes are used, manufactured, or packed, or in any establishment wherein the work done or materials or equipment handled are dangerous to the life and limb or injurious to the health or morals of such a child, is hereby designated and defined as antisocial child labor and as detrimental to the general welfare and debasing to commerce.

SEC. 3. That it shall be the duty of the Secretary of Labor, within six months after the passage of this act, to classify and make public a list of such businesses or industries as are included within those described in section 2 of this act, together with a list of the products of such businesses or industries; and it shall be the duty of the Secretary of Labor to revise from time to time said public list as the changing character of industrial establishments or additional information received by the Secretary of Labor shall warrant and require.

SEC. 4. That any person, firm, or corporation which owns or operates a business or establishment designated in section 2 of this act and included within those businesses or industries listed by the Secretary of Labor as herein required, may make or cause to be made by his duly authorized agent an affidavit to the effect that no antisocial child labor is employed in his business or establishment, and that the products thereof are not produced with the aid of antisocial child labor. When such an affidavit in the form duly approved by the Secretary of Labor is filed with the Secretary of Labor, the Secretary of Labor shall issue a certificate to the maker of the said affidavit, or to the person, firm, or corporation in whose behalf said affidavit is made, giving authority to said person, firm, or corporation to stamp or label the goods and products of such business or establishment in the following manner: "Registered under the Federal child-labor act, Serial No. ——." The serial number certified by the Secretary of Labor shall be the number given to the affidavit on file by virtue of which said certificate is made as herein provided.

SEC. 5. That six months from and after the passage of this act no carrier of interstate commerce shall knowingly accept for initial interstate transportation or knowingly transport initially in interstate commerce the goods or products of any business or establishment described in section 2 of this act and included within those businesses or industries listed by the Secretary of Labor as herein provided which have been made with the aid of antisocial child labor or have been made in any business or establishment in which antisocial child labor is employed; and no jobber, wholesaler, manufacturer, producer, or other dealer in such goods and products shall knowingly make initial shipment or knowingly offer for initial shipment in interstate commerce any such goods or products so made: *Provided, however,* That in case any such goods or products the interstate transportation whereof is hereby prohibited shall be presented for transportation and transported, stamped and labeled "Registered under the Federal child-labor act, serial No. —," as provided in section 4 of this act, the carrier, jobber, wholesaler, or other dealer in such goods or products, excepting the manufacturer or producer thereof, responsible for such interstate transportation shall be presumed to have been ignorant of the fact that such goods or products were of the character prohibited by this act.

SEC. 6. That within six months from and after passage of this act the Secretary of Labor shall examine the laws of the several States relating to the employment of child labor and give public notice and certify to the governor of each of the several States whether or not, in the opinion of the Secretary of Labor, the law of each particular State substantially prohibits and effectively prevents antisocial child labor as herein defined; and the Secretary of Labor shall from time to time make such revision of his certificate regarding the laws of the several States as the changes therein, or additional information by him received, shall warrant or require; and for the purposes of this act the judgment and decision of the Secretary of Labor as to whether the laws of a particular State substantially prohibit and effectively prevent antisocial child labor as herein defined shall be final. The provisions of this act prohibiting interstate transportation of the products of antisocial child labor as herein defined shall not apply either to the carrier of interstate commerce or to the manufacturer, producer, jobber, wholesaler, or other dealer offering for interstate transportation, or accepting for or transporting in interstate transportation, any initial shipment from a State certified by the Secretary of Labor as prohibiting and preventing antisocial child labor into any other State or Territory.

SEC. 7. That any officer or agent of any carrier of interstate commerce, or of any person firm, or corporation, or any other person who knowingly is a party to any violation of this act, or who knowingly violates any provision of this act, shall be punished for each offense by fine of not more than $5,000 nor less than $100, or by imprisonment for not more than one year, or by both said fine and imprisonment, in the discretion of the court. Any person making affidavit to the Secretary of Labor, as provided in section 3, and making a false statement in such affidavit, or any person stamping or labeling goods or products in the manner provided in section 4 of this act, without authority from the Secretary of Labor as provided in said section, shall be punished by fine not exceeding $5,000 nor less than $100, or by imprisonment not exceeding one year, or by both said fine and imprisonment, in the discretion of the court.

SEC. 8. That any person required, for the protection of a carrier of interstate commerce, to make a written statement as to whether or not goods or products are offered for initial shipment as herein defined, or have been produced with the aid of antisocial child labor, who knowingly makes a false statement in writing in response to such inquiry, shall be fined not exceeding $5,000 nor less than $100; and any carrier of interstate commerce is hereby empowered and permitted to refuse to accept for interstate transportation any goods or products regarding which the shipper refuses to make such written statement upon demand of said carrier.

SEC. 9. That the term "interstate transportation" as used in this act is hereby defined as all transportation which is a part of interstate commerce comprised within the term "commerce among the several States" as used in the Constitution of the United States. The term "business or establishment" as used in this act is hereby defined as any place where work is done for compensation of any sort. The word "person" as used in this act is hereby defined to include any individual, male or female, any partnership or other unincorporated or incorporated organization, or any municipality, public or private institution or organization. The masculine pronoun wherever used in this act shall include other genders, and the singular number shall include the plural. The term "goods or products" shall include any substance, article, or chattel of any kind made or produced or upon which or in connection with which any kind of work is done in any business or establishment as defined in this act. The term "initial shipment" or "initial transportation" or similar term as used in this act is hereby defined as the first shipment or transportation of goods or products in interstate transportation subsequent to their production or manufacture.

Mr. KENYON. Mr. President, the question of a national child-labor law is not a partisan question. The Republican national convention practically declared for it; the Progressive convention declared for it; and the Democratic House of Representatives has twice passed it by tremendous majorities. Since 1907, when former Senator Beveridge commenced his fight for a child-labor law, a large number of the States of the Union have passed laws against child labor, and the awakened moral conscience of the people of this country has been instrumental in securing the passage of those bills in various States.

At this time when the attention of Congress is riveted upon the proposition of preparedness—preparedness for war, getting ready to kill people—it might be advantageous to pause and consider, as a part of real preparedness, a preparedness for peace, to comprehend, if we can, the larger vision of our country's future. Preparedness for war and for peace demands the conservation of the citizenship of the Nation and the stopping of child labor in factories and mines and dangerous employments where children are injured and stunted, and so enters into the broader question of preparedness because it relates vitally to the future citizenship of the Republic, to the moral fiber of our people.

The Nation is concerned in raising strong men to protect it and strong mothers to raise the soldiers of the future, if occasion shall arise, but it is fully as much interested, if not more so, in raising strong men and women to fight the battles of peace in the trenches of private life, to preserve the great civilization of the future. The greatest asset of the Nation is its children, and the character of its citizenship depends upon the conservation of its children.

I desire to discuss this question in three divisions:

First. The need of child-labor laws;

Second. The need of a national child-labor law; and

Third. The constitutional question involved in a national child-labor law.

FIRST, WHY A CHILD-LABOR LAW AT ALL?

That raises the question: Why child labor?

The answer is simple: It is to get cheap labor, to increase profits and dividends, the placing of commercialism before humanity.

Pastor Stöcker, in a speech on child and female labor in the German Reichstag, said:

> We have put the question the wrong way. We have asked: How much child and female labor does industry need in order to flourish, to pay dividends, and to sell goods abroad? Whereas we ought to have asked: How ought industry to be organized in order to protect and foster the family, the human individual, and the Christian life?

When I listened to a number of well-fed, prosperous manufacturers contending before the committee a few days ago for the right to employ children and for the right of children to work, I thought of the words of Ernest Crosby, that great bard militant, who spoke for certain of our "captains of industry." He made them say:

So we draw up the armies of trade,
And invade,
With the children in front to fall first, as is meet—
Children of mill and of sweatshop and mine,
And behind them the women stand,
Jaded and wan in line;
Then comes the hosts of the diggers and builders, artisans, craftsmen, and all.
It is fine.
It is grand!
Let them fall:
We are safe in the rear with the loot in our hand.

According to the occupation statistics of the 1910 census the number of children between 10 and 15 years of age engaged in gainful occupations as compared with the number in 1880 is as follows:

In 1910, 1,990,225, or 18.4 per cent.
In 1900, 1,750,178, or 18.2 per cent.
In 1880, 1,118,356, or 16.8 per cent.
In 1910, male, 1,353,139; female, 637,086.
In 1900, male, 1,262,411; female, 485,767.
In 1880, male, 825,187; female, 293,169.
In 1910, male, 24.8 per cent; female, 11.9 per cent.
In 1900, male, 26.1 per cent; female, 10.2 per cent.
In 1880, male, 24.4 per cent; female, 9 per cent.

It should be stated that of these figures in the census of 1910 there were engaged in agricultural pursuits 1,431,254, and in nonagricultural pursuits 558,971. It is hopeful that there was a marked decrease in the number engaged in nonagricultural

pursuits, and that less were engaged in these pursuits in 1910 than in 1900.

The injury arising from child labor is twofold: First, to the State, and, second, to the child itself.

AS TO THE STATE.

Child labor is not economical labor. It reduces the standard of wages; it makes pauperism, crime, disease. Efficient labor must be intelligent labor. Child labor is not intelligent labor. There is nothing to be said in its favor except that at certain times, when great misfortune comes upon families, the labor of children is said to be absolutely necessary to preserve the lives of the families. This is not, however, a good argument. Far better would it be to have some system of pensioning children or pensioning families. It would be more economical and cheaper for the Nation than to lose or dwarf its child life. Think of the economic waste in the destruction of the power of the child when grown to manhood.

We seem to have inherited child labor from England. It was a bad inheritance. A study of child labor in the United States, by Edith Abott, in the American Journal of Sociology for July, 1908, and rewritten in Woman in Industry in 1910, goes into the matter quite thoroughly as to the employment of children in early colonial times in this country.

Child labor, of course, was born of greed—the desire to have cheaper labor and increased profits. England had been employing children and women in trades for centuries. At an early day what was known as the poor law was passed in England, in which it was declared that idleness was "the mother and root of all thefts, robberies, and evil acts, and other mischiefs," and one of the curative measures was one advocating the employment of children. The Elizabethan poor law exacted the "setting to work of children of all such whose parents shall not be thought able to keep and maintain their children." It is little wonder, with the English notions upon child labor, that there were importations of children to the colonies in the early days and that child labor grew up in this country.

Gov. Moore, of New York, in 1767 reported to the lords of trade that "every house swarms with children, who are set to work as soon as they are able to spin and card." In Washington's papers is found an account relative to two early New England manufactories which had advanced beyond that of the one established at Philadelphia in that the work was carried on at factories instead of at home, but the machinery had not advanced beyond the primitive hand wheels.

I wish to insert these words found in Washington's Papers, referring to the Boston duck manufactory, without taking the time to read them.

The VICE PRESIDENT. In the absence of objection, permission is granted.

The matter referred to is as follows:

They have 28 looms at work and 14 girls spinning with both hands—the flax being tied to their waist. Children—(girls)—turned the wheels for them, and with this assistance each spinner can turn out 14 pounds of thread per day when they stick to it.

He further states that at the Haverhill duck manufactory the work was further advanced:

One small person turns a wheel which employs 8 spinners, each acting independently of each other, so as to occasion no interruption to the rest if any one of them is stopped, whereas at the Boston manufactory of this article each spinner had a small girl to turn the wheel.

Mr. KENYON. Alexander Hamilton, in his report on manufactures, brought out the fact that women and children so employed would be "more useful and the latter more early useful than they would otherwise be." He referred to the cotton industry of England, in which it was estimated that four-sevenths of all those employed were women and children, the greater number of which were children and many of them of tender age. Children were looked upon, in the early stages of the nineteenth century, and valued according to the amount of labor they could perform and the amount of revenue that could be produced from their services in some mill.

The factory act was passed by Parliament in 1802 limiting the hours to 12 a day.

Dr. McKelway, who has taken a great interest in this subject, in an article, says:

This was the beginning of a hundred years of battle for a proper standard of legislation on this vital subject, to which England has but just attained. If it were not such a tragedy that the remedial measures should have been so slowly adopted, it would be a humorous study, the various protests of the manufacturers and other employers of child labor—

And we have the same protests now—

to the effect that their business would be ruined by the next small advance proposed. Dickens satirizes this in Hard Times, when he mentions how often Coketown had been "destroyed" and how often the ultimatum had been delivered by the factory owners that they would prefer pitching their mills "into the Atlantic Ocean" rather than submit to the proposed restriction, whatever it happened to be.

The result of child labor in England can not be cited as any argument advancing the strength of the British Empire. In fact, exactly the opposite argument could be made. Recent writers have claimed that the failure of England in the present war to make any showing in accordance with her high honor and tradition is due to industrialism, which has crushed out the hope and the aspiration of English workingmen and has stunted her children in factories and mills. Be that as it may, during the Boer War it is true that in Manchester, the home of the factory child, 8,000 out of 12,000 recruits were rejected as utterly unfit, and of the 4,000 retained only a scant 1,000 were really up to the requirements, and it is said that comparisons of the records of the Crimean War half a century before proved that the average height had decreased 3 inches and the average weight about 30 pounds. As one of the magazines expressed it:

The men that faced the Malakoff and stormed Sebastopol were no more * * *; then the typical Englishman that went to war—the John Bull of tradition—was broad-shouldered and deep-chested, a ruddy-cheeked giant, then the brawn and endurance of the Englishman were a proverb. Against him Hooligan, anæmic, neurotic, emaciated, too often degenerate, dull of wit and feeble of will, showed like a figure of fright.

True the recent words of Chesterton—

Hamlets breaking, homesteads drifting, peasants tramping, towns erased;
Lo, my Lords, we gave you England, and you gave us back a waste.
Yea, a desert, labeled "England," where you know (and well you know)
That the village Hampdens wither and the village idiots grow,
That the pride of grass grows mighty and the hope of man grows small.
Will you call on croft and village? Let the rabbits hear your call.
Would you call upon the people? Would you waken these things, then?
Call on God, whose name is pity; do not ask too much of men.

Of course some men in England like Shaftesbury, with the interest of humanity close to their heart, made a fight against child labor; also Robert Owen and Sir Robert Peel. They were opposed by some of the strongest of English statesmen, and the fight known as the factory movement gave rise to a great conflict between individualism and collectivism. Dicey, in his lectures upon the relation between law and public opinion in England during the nineteenth century, has discussed this question at considerable length. I had intended to read therefrom, but I will not do so on account of the lack of time.

Shaftesbury, the greatest of England's humane statesmen, uttered anathemas against the men who would not assist him in his war against oppression. In his private diary he wrote:

I had to break every political connection, to encounter a most formidable array of capitalists and mill owners.

Bright was a bitter opponent to the movement. Cobden was hostile, though not as hostile as Bright. Gladstone, even, gave no support to the 10-hour bill. However, in 1864, Gladstone came to the support of the factory acts. England had commenced to see the effect upon the State of stunting the children and working the women long hours in mills and factories. Likewise, cruelty had been practiced toward children and had its effect on public sentiment.

A parliamentary leader, Michael Sadler, member of Parliament, wrote some verses in the great movement for factory legislation, describing one of the whipping scenes. I quote it:

"Father, I'm up, but weary,
I scarce can reach the door,
And long the way and dreary;
Oh, carry me once more!"

Her wasted form seemed nothing;
The load was at his heart,
The sufferer he kept soothing
Till at the mill they part.
The overlooker met her,
As to her frame she crept.
And with his thong he beat her,
And cursed her as she wept.

All night with tortured feeling,
He watched his speechless child,
While, close beside her kneeling,
She knew him not, nor smiled.
Again the factory's ringing
Her last perceptions tried;
When, from her straw bed springing,
"'Tis time!" she shrieked, and died!

For two centuries England had permitted her children to be exploited for private profit. Lord Macaulay once made a prophecy to the English people, which has been fulfilled to the letter:

Your overworked boys will become a feeble and ignoble race of men, the parents of a more feeble progeny; nor will it be long before the deterioration of the laborer will injuriously affect those very industries to which his physical and moral interests have been sacrificed.

The present war up to this time would seem to indicate the fulfillment of Macaulay's prophecy.

This Republic must learn the lesson. How can there be any more important question in its preparation for defense and in its preparation for peace than that there be justice to all its people. Justice is denied the children growing up if they do not have the right of childhood and to become fully developed men and women. It is unjust to all the people of the Nation that its citizens should be destroyed in this manner, for, after all, the real purpose of the Nation is the development of the best in citizenship and in life. Battleships and armies and commerce do not in themselves make a nation. Wealth, prosperity, and industrial life are not sufficient. Men and women, strong, courageous, full of hope, ready to grasp opportunity, high ideals, lives devoted to service, ready to die for principle, are what make great a nation. Dwarfed, stunted, hopeless children can not keep up ideals. What kind of fathers and mothers will they make? As every argument is against war morally, economically, and biologically, so is every argument against child labor from the standpoint of the Nation. It is the duty of Congress to wake up and solve this problem. We pay attention to the development of hogs and cattle and the conservation of forests and streams and water power; why not child conservation? If child labor is necessary to sustain any industry, that industry ought to go down.

The situation, as I have heretofore shown by figures, is markedly better, but the wrong still exists—exists to a marked degree. I shall not take the time to go into circumstances of child labor of the various factory and mining interests of the country, but those who desire to avail themselves of the facts can secure much information in the way of pamphlets issued by the National Child Labor Committee, having an office in New York. The whole matter as to the State, seems to me, can be summed up in a resolution said to have been framed by the great advocate of child-labor laws, Jacob Reis, being a resolution adopted by the Protestant Episcopal Convention of 1904 and readopted by the convention of 1907:

> The employment of children in factories depresses wages, destroys homes, and depreciates the human stock. Whatever interferes with the proper education and nurture of the child contradicts the best interests of the Nation. We call, then, on Christian employers and on Christian parents to endeavor after such betterment of the local and general laws as shall make the labor of children impossible in this Christian country.

THE NEED OF A CHILD-LABOR LAW FOR THE CHILD ITSELF.

More important from the standpoint of justice than the effect upon the State of child labor is the effect upon the child itself. The child, brought into the world without its consent, has some indisputable rights; one is the right to grow up and develop and be what God and nature intended the child should be. No one is contending that children should not work in healthful pursuits or be taught along lines to follow in after life. The old saying of the rabbi is true: "He who teaches his son no trade is as one who teaches him theft." The warfare is not against children working out-of-doors or teaching children a trade by which they may earn their living. Everyone believes that work that builds up is good for children—the child's work is a part of his very education—but the warfare is against a very different class of labor; against labor that tears down in the grimy dust and smoke of factories, the endless and dizzy whirl of machinery, the bad air, poor ventilation, that stunts the life of the little ones. It is this labor that the conscience of the American people is against. Shall we deny to children the divine right to grow up to men and women physically, mentally, morally—not to have their childhood coined into dollars; no chance to dream, to play. It would be better for the Nation to turn them out of these factories, pension them if necessary—far cheaper in the end—let them roam the hills, play by the streams, wander in the woods, out where "there are sermons in stones and books in babbling brooks," there in communication with nature learning to be better and happier citizens, no rancor of injustice in their hearts, not growing up to despise industrial relations that close the door of opportunity to them. A happy citizenship is always a better citizenship. The Senator from Massachusetts, in debate a few weeks ago, said:

> The body of an innocent child floating dead in the water, the victim of the destruction of an unarmed vessel, is to me a more poignant spectacle than an unsold bale of cotton.

True, indeed. Also is not an emaciated child, dull-eyed, with stunted little body, without hope, discouraged and despondent, a more pitiful spectacle than an unmanufactured bale of cotton? Many of these children are slowly being ground to death in the whirl of factory machinery. They would be better floating dead upon the water—that would be a quick death—instead of the long, weary, poisoned way they travel to the grave.

"THE WAGES OF YOUTH—IS DEATH."

[By Lillian Lauferty, in New York Evening Journal.]

The wages of Sin is Death, we know,
And we pay the price, since this is so;
For we've learned the toll of the road we go.

But the wages of Youth is Death to-day,
And a fearsome price the children pay
For our light and food and ribbons gay.
They spin and delve and hew and sell
Shy babes and mothers of men as well
Must work in the dark o'er the pit of Hell.

Shall we never face our debt of Greed,
That coins our gold from their sorry need
And makes "Success" its only creed?
Shall we never face our debt of Sin
For the youth and joy there might have been
Had the factory gates not snapped it in?

The wages of Youth is Death to-day.
Shall only the babes and the mothers pay,
As they trudge to doom on their darkened way?

I insert at this point, without stopping to read it, a little poem, by Dr. Henry Van Dyke, on "Child Labor."

The matter referred to is as follows:

CHILD LABOR.

Ah, who are these on whom the vital bloom
Of life has withered to the dust of doom?
These little pilgrims prematurely worn
And bent as if they bore the weight of years?
The childish faces, pallid and forlorn,
Too dull for laughter and too hard for tears?
Is this the ghost of that insane crusade
That led ten thousand children long ago,
A flock of innocents, deceived, betrayed,
Yet pressing on through want and woe
To meet their fate, faithful and unafraid?
Nay, for a million children now
Are marching in the long, pathetic line,
With weary step and early wrinkled brow;
And at their head appears no holy sign
Of hope in heaven:
For unto them is given
No cross to carry, but a cross to drag.
Before their strength is ripe they bear
The load of labor, toiling underground,
In dangerous mines and breathing heavy air
Of crowded shops; their tender lives are bound
To service of the whirling, clattering wheels
That fill the factories with dust and noise;
They are not girls and boys.
But little "hands," who blindly dumbly feed
With their own blood the hungry god of Greed.

Mr. KENYON. I ask to insert a statement of the National Child Labor Committee, which has been published, and which I will not read.

The PRESIDING OFFICER. Without objection, it is so ordered.

The matter referred to is as follows:

AMERICA AGAINST CHILD-LABOR EVIL.

Over 87,000,000 Americans have said that children under 14 ought not to work in factories. Of the 78,000,000 who live in mining States, 41,000,000 have forbidden children under 16 to work in mines. Forty-five million have on their statute books an eight-hour day for children and 58,000,000 a night-work prohibition for all under 16 years.

How many Americans are willing to go on record as opposing such restrictions? Next Friday they will assemble at Washington for the third hearing on the Palmer-Owen bill, which forbids the shipment in interstate commerce of goods produced in establishments where these four provisions are not applied.

The friends of the bill were heard early in March and a dozen speakers were at that hearing. Miss Jane Addams did not attend the hearing, but she is heartily in favor of the bill. She has summed up her reasons for supporting it: "Because our social and industrial problems are interstate problems, it becomes increasingly obvious that they must be regulated through Federal legislation. Ever since the attempt made years ago by Senator Beveridge I have hoped to see a national child-labor law. Hitherto in our efforts to enforce child-labor laws we have not only inspected the factories, but we have tried to follow the child into the factory from the home and the school. In contrast to this, the method applied in the Palmer-Owen bill now pending in Congress and in all the Federal child-labor bills that have been introduced is to discover the violations of the law by tracing the suspected product. I believe that this will be a comparatively simple process and one particularly well adapted to America, since our business men are more accustomed to dealing with industrial affairs from the material side than from the human."

The child-labor committee of Virginia—that stronghold of States' rights—the executive council of the Massachusetts Board of Trade, and the Los Angeles Chamber of Commerce are among the many organizations in all parts of the country that have indorsed the bill. The National Child Labor Committee is asking its members—particularly those who live in the States with lower standards of legislation—to write to their Representatives at Washington indorsing the bill. Owen R. Lovejoy, general secretary of the committee, said:

"Many of our members are manufacturers and large employers of labor who are earnest advocates of such restrictions upon the employment of children as are provided in the Palmer-Owen bill. We have frequently had cordial cooperation from them in State campaigns, and, taking the country as a whole, I believe that there is little sympathy with those employers who published recently a statement of 'What one State is doing to destroy industry,' and enumerated the common humane provisions of the labor laws, including the 14-year age limit, the regulation of hours of older minors, and the posting provisions that are recognized as necessary for the enforcement of the law. I can not believe that the American people will ever agree that to prohibit child labor would destroy industry. But whether the Federal law will pass at the present session depends largely upon the outspoken support of our friends."—Statement by National Child Labor Committee.

NEED OF A NATIONAL CHILD-LABOR LAW.

Mr. KENYON. I have discussed hurriedly the question of "Why a child-labor law," and I want to say just a word on the question "Why a national child-labor law." As nearly all the States of the Union have adopted child-labor laws, the question naturally arises, "What is the use of a national law?"

State child-labor laws are not as well enforced as a national law would be. There should be a uniform standard. Some of the States permit child labor over 14, others over 16, some over 12. It is perfectly apparent that it tends to bring about a condition of unfair competition, where the manufacturer of one State may employ children over 12 or 14, and in another adjoining State can not employ them under 16. Likewise the different States in their laws differ as to night work, differ as to the method of proving age, as to the certificates for employment. Systems of inspection are different. One State is interested in the children of another State. It is not merely a State problem, and laws are better enforced in Federal

*Child labor—Digest of*

[This table was published in Bulletin No. 2, U. S. Bureau of Education, 1914, pp. 56–77, with

| States. | Employments prohibited. | Hours of labor. | Certificate required for employment. | By whom certificate is issued or approved. |
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| Alabama.....<br>General Laws, 1915. | Under 14: In any gainful occupation, except agricultural or domestic service.<br>Boys over 12 may be employed in business offices and mercantile establishments in cities under 25,000 population.<br>No boy under 12, no girl under 18 in cities over 25,000 population to engage in street occupations.<br>Under 16: In any mill, factory, or manufacturing establishment unless attending school for 8 weeks in every year, 6 weeks to be consecutive, and absolute prohibition as to certain enumerared occupations and trades dangerous to life or limb, or injurious to the health or morals of child. | Under 16: Not more than 60 hours a week, nor more than 11 hours a day, or before 6 a. m. or after 6 p. m.<br>Street occupation: Not after 8 p. m. or before 5 a. m. | Under 16: Age and school certificate to be filed with employer. | Superintendent or principal of schools or county superintendent of education. |
| Arizona.....<br>Laws, 1912. | Under 14: In any mill, factory, workshop, mercantile establishment, tenement house, store, business office, telegraph or telephone office, restaurant, bakery, barber shop, apartment house, bootblack stand or parlor, or in the distribution or transportation of merchandise or messages, or in any business whatsoever during school hours.<br>Under 16: At any dangerous machinery or trade.<br>Under 18: Extra hazardous occupations. | Boys under 16 and girls under 18: Not more than 48 hours a week, nor more than 8 hours a day, nor before 7 a. m. or after 7 p. m. | Under 16: Age and schooling, showing that the child is 14. | Superintendent of city, county, or town schools. |
| Arkansas.....<br>Laws, 1907, 1911. | Between 12 and 14: In any mine, factory, workshop, mercantile establishment, or in any other manner during school. Labor of child absolutely necessary for own or parent's support may excuse from school attendance.<br>Under 12: May work during vacation in the preservation of fruits and vegetables. | Under 14: Between 7 p. m. and 6 a. m. or for more than 60 hours a week or more than 10 hours a day. | Under 14: Certificate of school attendance and affidavit of parents as to age and date of birth, filed with employer. | ..... |
| California.....<br>Statutes and Amendments to the Codes, 1915. | No boy under 16 nor girl under 18 to be engaged in street occupations in cities over 23,000 population.<br>Under 18: In any mercantile or manufacturing or mechanical establishment, workshop, office, laundry, place of amusement, restaurant, hotel, apartment house, or in the distribution or transmission of merchandise, messages, or in any other place of labor during school hours.<br>Under 16: Absolute prohibition as to certain enumerated occupations, and trades dangerous to life or limb, or injurious to the health or morals of child. | Under 16: Not more than 8 hours a day, nor more than 48 hours per week, nor between 10 p. m. and 5 a. m. | Between 15 and 16: Age and schooling certificate.<br>Minor 14 years of age may obtain permit to work outside of school hours.<br>Over 12: If labor is needed for support of parent.<br>Between 15 and 18: For theatrical employment. | Superintendent of schools of the city or by person authorized by local school trustees. |
| Colorado.....<br>Laws, 1912. | Under 14: At any gainful occupation in any theater, concert hall, or place of amusement where intoxicating liquors are sold, or in any mercantile institution, store, office, hotel, laundry, manufacturing establishment, bowling alley, elevator, factory, or work shop, or as messenger or driver thereof; nor at any gainful work when the public schools are in session.<br>Under 16: In any business or vocation injurious to the morals or dangerous to the life or limb of the child. | Under 14: Before 7 a. m. or after 8 p. m.; not more than 8 hours a day for anyone under 16. | Between 14 and 16: Age and school certificate. | Superintendent of schools, or if there is no superintendent, by some one authorized by school board. |
| Connecticut.....<br>Laws, 1911, 1913, 1915. | Under 14: In any mechanical, mercantile, or manufacturing establishment; in any employment during school hours.<br>Under 16: In any acrobatic, immoral, etc., occupation, or at machines or trades dangerous to health or morals of child.<br>No female under 16: In any capacity requiring continuous standing.<br>Under 18: As operator of elevator running at a speed of over 200 feet a minute. | Under 16: Not more than 58 hours a week in mercantile establishments, and not more than 55 hours a week in mechanical or manufacturing establishments, and not after 6 p. m. | Between 14 and 16: An age and school certificate filed with employer. | Secretary of State board of education or a school superintendent. |
| Delaware.....<br>Laws, 1913. | Under 12: In any cannery or packing establishment other than those engaged in canning or packing fruit and vegetables.<br>No boy under 12 nor girl under 16: To sell newspapers.<br>Under 14: In any mill, factory, workshop, mercantile or mechanical establishment, tenement house, manufactory, or workshop, office, office building, restaurant, boarding house, bakery, barber shop, hotel, bootblack stand, public stable, garage, laundry, or as a driver, or in any brick or lumber yard, or in the construction and repair of buildings, or in the transmission of messages, or with dangerous machinery, or in any occupation when the public schools are in session.<br>Under 15: In occupations dangerous to the life or limb or injurious to the health or morals. | Under 16: Not more than 6 days a week nor more than 54 hours a week, nor before 7 a. m. or after 6 p. m.<br>Street trade: Not between 8 p. m. and 6 a. m. | Under 16: A certificate of age and schooling filed with employer; on termination of employment certificate to be returned to the official issuing it. | Superintendent of city of Wilmington or by superintendents of the counties or some one authorized by them. |

courts than in State courts. It is a national problem. There children are growing up to be citizens of the Nation as well as the State.

When Sumner was told that slavery was sectional, he replied, "That while slavery might be sectional, freedom was national"; and the freedom of children, to work out their destiny, is a national problem. Senator Beveridge, in his speech in the Senate some years ago, said: "Childhood labor in any State lowers manhood labor in every State." Childhood labor in some States means bayonets at Lawrence, Mass. Child labor in one State may mean a strike in another State for a living wage. Child labor is a national sore and requires a national surgical operation.

I ask, Mr. President, to insert at this point a digest of the child-labor laws of all the States of the Union.

The PRESIDING OFFICER (Mr. ROBINSON in the chair). Is there objection? The Chair hears none.

The matter referred to is as follows:

*comparative State legislation.*

the exception of the data for 1914-15, which was added by way of bringing the table down to date.]

| Proof of age required for certificate. | Minimum educational qualifications required for certificate. | Physical examination for certificate. | "Vacation certificate." | Law enforced by whom. | Penalty for violation. |
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| Birth record, or passport, or certificate of baptism, or affidavit. | ..... | ..... | ..... | State prison inspector. | Employer: Fine of not less than $10, nor more than $100; second or subsequent offense, fine of not less than $100 nor more than $500.<br>For making false affidavit: Fine of not less than $5 nor more than $20; second or subsequent offense, imprisonment for not more than 90 days. |
| School record, passport, birth certificate, baptismal certificate, affidavit of parent. | Read and write legibly, simple sentences in the English language, and instruction equivalent to 5 yearly grades in the common school branches. | ..... | ..... | Factory and other duly authorized inspectors, and school attendance officers. | Employees or parent, fine of $5 to $200 or imprisonment 10 to 30 days. |
| ..... | Read or write name and simple sentences in English, school attendance for 12 weeks of the preceding year. | ..... | ..... | ..... | For making false affidavit: Fine not exceeding $100.<br>Employer: Fine of not less than $100. |
| Birth certificate or passport or certificate of baptism, or school enrollment record, or affidavit of parent. | Prescribed grammar school course. | Physician appointed by school board, or other public medical officer to certify, that applicant has been examined, has reached normal development of minor of this age, is in sufficiently sound health to do work intended. | Between 12 and 15: Permit to be signed by school officer, issued for regular vacation and filed with employer. | Commissioner of Bureau of Labor Statistics, deputies and agents, attendance officer of school district. | Any violator: Not less than $50 or more than $200, or imprisonment not exceeding 60 days, or both.<br>Violator of street trade provision: Fine of not more than $50, or imprisonment not exceeding 60 days, or both. |
| Last school census, certificate of birth or baptism, register of birth with town clerk, records of the public or parochial schools; affidavit. | Read at sight and write legibly simple sentences, unless a regular attendant at an evening school. | ..... | ..... | State factory inspector; truant officers. | Parent or guardian, $5 to $25; persons authorized to sign the employment certificate, $5 to $100; employer, $5 to $100; second violation by anyone, $100 to $500, or imprisonment not to exceed 90 days, or both. |
| The person issuing the certificate may require an affidavit from the parent. | To read with facility, to write legibly simple sentences, to perform the operation of the fundamental rules of arithmetic. | School authorities may cause any child to be examined by a reputable physician. | Child between 14 and 16 in good physical condition may obtain certificate for summer vaction period. | State factory inspector, State board of education, school visitors, school boards. | Every person employing or permitting the employment: Not more than $100.<br>For acrobatic, etc., or immoral employment: Not more than $250, or imprisonment not exceeding 1 year, or both. |
| Birth certificate, passport, baptismal certificate, school census, affidavit. | Read intelligently and write legibly simple sentences in the English language. | ..... | Vacation certificates permit the child to work the entire year, excepting when required to attend school. | Factory inspector..... | Anyone employing or permitting a child to work, $5 to $50 for first offense; $50 to $200 or imprisonment for not more than 30 days for second offense; for third offense, not less than $200, or imprisonment for not more than 60 days, or both. Any person authorized to issue employment certificates, $5 to $100. |

*Child labor—Digest of comparative*

| States. | Employments prohibited. | Hours of labor. | Certificate required for employment. | By whom certificate is issued or approved. |
|---|---|---|---|---|
| District of Columbia..... Laws, 1913. | No boy under 10 and no girl under 16: In street trade.<br>Under 14: In any acrobatic or mendicant occupation, factory, workshop, mercantile establishment, store, business office, telegraph or telephone office, restaurant, hotel, apartment house, club, theater, bowling alley, laundry, bootblack stand, or in the distribution or transmission of merchandise or messages, or at any work for wages during the hours the public schools are in session; judge of juvenile court may permit a child between 12 and 14 to work if parents actually need the support of the child. | Under 14: Not before 6 a. m. nor after 7 p. m.; not more than 8 hours a day nor more than 48 hours a week.<br>Street trade: Not between 10 p. m. and 6 a. m. | Under 16: Age and schooling certificate filed with employer; permit to sell papers in public places required. | Superintendent of public schools or one authorized by him. |
| Florida..... Compiled laws, 1914. | No boy under 10 or girl under 16: To sell newspapers.<br>Under 12: In any store, office, or in the transmission or sale of merchandise, or in the transmission of messages in city of over 6,000 population.<br>Under 14: In any mill, factory, workshop, mechanical establishment, laundry, or on stage of any theater.<br>Under 16: At dangerous machinery and operations, employments injurious to health and morals.<br>No female: In any capacity requiring continuous standing.<br>Under 18: Cleaning machinery in motion.<br>Under 21: In saloon or barroom. | Between 13 and 16: Not more than 9 hours a day or 54 hours a week, nor before 5 a. m. or 8 p. m.<br>Under 18: As messenger, not before 5 a. m. or after 10 p. m. | Under 16: Employment certificate containing personal data of child, to be filed with employer. | County superintendent of schools. |
| Georgia..... Laws, 1914. | Under 14: In any mill, factory, laundry, manufacturing establishment, or place of amusement.<br>Between 12 and 14: Orphan or child supporting parent excepted. | Under 14½: Not between 7 p. m. and 6 a. m. | Needy child over 12: Certificate issued only for 6 months.<br>Between 14 and 14½: Certificate to contain affidavit as to legal age and attendance of school to be filed with employer. | Superintendent of schools. |
| Hawaii..... Revised Laws, 1915. | Female under 16: In any mercantile institution, office, laundry, manufacturing establishment, canning establishment, sugar mill, workshop, restaurant, hotel, apartment house, or in the distribution or transmission of merchandise or messages. | Female under 16: Not between 9 p. m. and 6 a. m. | ..... | ..... |
| Idaho..... Laws, 1911. | Under 14: In any mine, factory, workshop, mercantile establishment, store, telegraph or telephone office, laundry, restaurant, hotel, apartment house, or in the distribution or transmission of merchandise or messages, nor in any such business during public-school hours.<br>Under 16: Unless he meets educational requirements.<br>Under 16: In theatrical performances or in any business injurious to the health or morals or dangerous to the life or limb of the child.<br>Under 21: In saloons or barrooms, as messenger for certain enumerated purposes. | Under 16: Not before 6 a. m., nor after 9 p. m., nor more than 54 hours a week, nor more than 9 hours a day. | Between 14 and 16: Employer shall keep a record of the names, ages, and place of residence. | |
| Illinois..... Hurd's Revised Statute, 1906; Laws, 1911. | Under 14: In any acrobatic, mendicant, etc., occupation, mercantile institution, store, office, hotel, laundry, manufacturing establishment, bowling alley, factory, or workshop, as messenger or driver thereof, or at any employment for wages while the public schools are in session.<br>Under 16: In theater, concert hall, or place of amusement, where intoxicating liquors are sold, passenger or freight elevator, mines, extra hazardous or occupations dangerous to life or limb, injurious to health, or depraving to morals.<br>No female: In any capacity requiring constant standing.<br>Under 21: Selling obscene, etc., literature. | Under 14: Not more than 8 hours a day nor before 7 a. m. or after 6 p. m.<br>Under 16: Not more than 48 hours a week, nor more than 8 hours a day, nor before 7 a. m. or after 7 p. m. | Between 14 and 16: Certificate of age and schooling. | Superintendent of schools or some one authorized by him. |
| Indiana..... Burns's Annotated Statutes, 1914. | Under 14: In any gainful occupation other than farm work or domestic service. Children between 12 and 14 may work in canneries between June 1 and Oct. 1.<br>Under 16: In any tobacco warehouse, cigar or other tobacco factory, hotel, theater, or place of amusement, or in any employment injurious to health or morals, or in the operation of dangerous machinery.<br>Boys under 16 and girls under 18: In any brewery, distillery, saloon, concert hall, or any other establishment where malt or alcoholic liquors are manufactured, packed, wrapped, or bottled, or in the manufacture of matches and explosives.<br>Girls under 18: In any capacity that requires constant standing. | Under 16: Not more than 48 hours a week nor more than 8 hours a day without the written consent of the parent, but in no event more than 54 hours a week or 9 hours a day; not before 7 a. m. nor after 6 p. m. | Between 14 and 16: Age and schooling certificate to be filed by employer. | Executive officer of the common-school corporation. |
| Iowa..... Code of 1897, Supplement 1907, Acts 1911, 1913. | Under 14: In any mine, manufacturing establishment, factory, mill, shop, laundry, slaughterhouse, or packing house, or in any store or mercantile establishment where more than 8 persons are employed, or in operating any freight or passenger elevator.<br>Under 16: In any occupation where life and health are endangered or morals depraved, or work requiring handling of explosives.<br>Girl under 16: In any capacity compelling constant standing.<br>Boy under 16 and girl under 18: In cleaning machinery while in motion. | Under 16: Not before 6 a. m. nor after 9 p. m.; not more than 10 hours a day, exclusive of noon intermission. | Employer required to post a list of children under 16, giving name, date of birth and date when employed. | ..... |

*State legislation*—Continued.

| Proof of age required for certificate. | Minimum educational qualifications required for certificate. | Physical examination for certificate. | "Vacation certificate." | Law enforced by whom. | Penalty for violation. |
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| Certificate of birth or baptism or other religious record, register of birth, or affidavit of parent. | Read at sight and write legibly simple sentences in the English language; must have attended school at least 130 days during the school year previous to applying for such school record. | The person issuing the certificate must certify that the child is physically able to perform the work he or she intends to do. | ..... | Inspectors and truant officers. | Whoever employs or permits a child to be employed, not more than $50. For continuing violation: $20 a day; every person authorized to sign the certificate, not more than $50. |
| School record, certificate of birth or baptism or affidavit of parent. | Read and write legibly simple sentences in English. | In doubtful cases medical officer to examine child as to physical fitness. | ..... | State labor inspector.. | Employer: Fine of not more than $50. For each day of continuing violation: Fine of not less than $5 nor more than $20. False affidavit: Fine of not less than $10 nor more than $50. |
| Any competent evidence. At the expiration of 11 years from the passage of this act, certified copy of birth registration certificate. | Attendance of school for not less than 12 weeks of the 12 months preceding the issuance of certificate. | ..... | ..... | Commissioner of labor. | Any violation: misdemeanor. |
| ..... | ..... | ..... | ..... | ..... | Employer: Fine of not less than $50 nor more than $200, or imprisonment for not more than 60 days, or both. |
| ..... | Read at sight and write legibly simple sentences in the English language and has received instruction in spelling, English grammar, and geography, and is familiar with the fundamental operations of arithmetic up to and including fractions or has similar attainment in another language. | ..... | ..... | Probation officers or school trustees. | Employer and parent, not more than $50; for theatrical, dangerous, and immoral employment, $50 to $250, or imprisonment not exceeding 6 months, or both. For continuing violation, $5 to $10 a day. |
| Last school census: Certificate of birth or baptism, register of birth, records of public or parochial schools, affidavit of parent. | Read at sight and write legibly simple sentences, unless the child is a regular attendant at an evening school. | ..... | ..... | Factory inspector..... | Parents, $5 to $25; employer, $5 to $100; person authorized to sign employment certificate, $5 to $100. Violator of provision regarding obscene, etc., literature: Not exceeding $500, or imprisonment not exceeding 6 months, or both. |
| Certificate of birth or baptism, passport, or first school enumeration in which the age of the child appears, or by affidavit. | Passed the fifth grade..... | Official issuing certificate certifies that child is physically fit. | ..... | Inspector, attendance officer. | Any violator: Fine from $5 to $200, to which may be added imprisonment for not more than 10 days; second or subsequent offense, imprisonment for not less than 10 nor more than 30 days. |
| Authenticated birth or baptismal record, school record, or parents' affidavit together with that of two disinterested persons. | Equal to or completion of 8th grade. | ..... | ..... | Commissioner of bureau of labor statistics, factory inspectors, State mine inspectors, county attorneys, mayors, chiefs of police, city and town marshals, sheriffs, or anyone authorized by the judge of a court of records. | Employer and parent: Fine not exceeding $100 or imprisonment not exceeding 30 days. |

*Child labor—Digest of comparative*

| States. | Employments prohibited. | Hours of labor. | Certificate required for employment. | By whom certificate is issued or approved. |
|---|---|---|---|---|
| Kansas.....<br>Statutes, 1909. | Under 14: In any factory, workshop not owned or operated by the child's parent, any theater, or packing house, operating elevators, acrobatic or mendicant occupations, or in or about any mine or in any business or service whatever during public school hours.<br>Under 16: In any occupation or at any place dangerous or injurious to life, limb, health, or morals. In extreme cases of emergency or domestic necessity, child between 8 and 14 may be employed. | Under 16: Not more than 8 hours a day nor more than 48 hours in a week, nor before 7 a. m. or after 6 p. m. | Between 14 and 16: Employers shall obtain an age certificate. | Superintendent of schools, principal or teacher authorized by school board. |
| Kentucky.....<br>Statutes, 1915. | Under 14: In any factory, workshop, mercantile, printing, or moving-picture establishment, store, office, bakery, laundry, restaurant, hotel, apartment house, theater, or in distribution or transmission of merchandise or messages, or any kind of employment during public school hours.<br>Boy under 14 and girl under 18: In 1st to 3d class cities in street trade occupations.<br>Boy between 14 and 16: In street trade occupations unless certain requirements are fulfilled.<br>Under 16: In any occupation dangerous to life or limb, or injurious to health or morals of child, enumerated or to be decided by health officer.<br>Under 18: In cleaning machinery while in motion.<br>Female under 18: In street trade. | Under 16: Not more than 48 hours a week nor more than 8 hours a day, nor before 7 a. m. nor after 6 p. m.<br>Between 14 and 16: Street trade not before 6 a. m. nor after 8 p. m<br>Under 21: As messenger not before 6 a. m. nor after 9 p. m. | Between 14 and 16: Employer to procure and keep on file employment certificate. | County superintendent of schools. |
| Louisiana.....<br>Annotated Revision of the Statutes, 1915. | Under 14: In any mill, factory, mine, packing house, manufacturing establishment, workshop, laundry, millinery or dressmaking stores or mercantile establishments, hotel, restaurant, theater, concert hall or place of amusement where intoxicating liquors are made or sold, bowling alley, bootblacking, freight or passenger elevator, messenger service, or any other occupation except agricultural pursuits, or if child is sole dependence of infirm parent, etc.<br>Between 14 and 16: Above enumerated, unhealthful or dangerous occupations unless age certificate is procured.<br>Under 16: On stage.<br>Under 21: In cleaning machinery in motion. | Under 18: Not more than 10 hours a day or 60 hours a week; 1 hour for dinner is not included in 10 hours. Longer working day for persons in store and mercantile establishments on Saturdays and 20 days before Christmas.<br>No boy under 16 nor girl under 18: Before 6 a. m. or after 7 p. m., with the above exception. | Between 14 and 16: Age certificate.<br>Between 14 and 18: Employer to keep posted list containing names, age, and place of residence. | State factory inspector or factory inspector appointed by mayor of New Orleans. |
| Maine.....<br>Acts, 1907, 1909, 1913. | Under 14: In any manufacturing or mechanical establishment, telephone or telegraph office, or in delivery and transmission of telephone or telegraph messages.<br>Between 14 and 16: In the above-mentioned occupations during public school hours unless excused.<br>Under 15: In operating elevator.<br>Under 16: In mendicant, immoral, etc., occupations.<br>Under 18: In operating elevator running at a speed of over 200 feet a minute. | Males under 16 and females under 18: Not more than 10 hours a day nor more than 58 hours a week; may contract with consent of parents for more, but not exceeding 6 hours a week or 60 hours a year. | Between 14 and 16: An age and schooling certificate. | Superintendent of schools. |
| Maryland.....<br>Acts, 1912, 1914. | Boy under 10 and girl under 16: In selling newspapers in cities of 20,000 population.<br>Under 12: In canning, packing, or mercantile establishments, store, office, boarding houses, place of amusement, club, or in the distribution, transmission or sale of merchandise.<br>Under 14: In mill, factory, workshop, mechanical establishment, tenement house manufactory or workshop, office building, restaurant, bakery, barber shop, hotel, apartment house, bootblacking, public stable, garage, laundry, as driver, in brick or lumberyard, construction or repair of buildings, in messenger service, or in any employment during public school hours.<br>Under 16: In certain enumerated occupations dangerous to life and limb, or injurious to health or morals of child.<br>Female under 18: In any capacity requiring constant standing.<br>Under 18: In certain enumerated occupations as in connection with blast furnaces, cleaning machinery in motion, handling of explosives, etc.<br>Under 21: In barroom or saloon. | Under 16: Not more than 10 hours. No female: More than 8 hours.<br>Under 21: In messenger service in cities of 20,000 population not before 6 a. m. or after 10 p. m.<br>Newspaper selling: Not after 8 p. m. or before 6 a. m. | Under 16: Employer to procure employment certificate. | Seven inspectors to be appointed by the Maryland Bureau of Statistics. |
| Massachusetts.....<br>Acts and resolves, 1913. | Boy under 12 and girl under 18: In street trades in cities of over 5,000 population.<br>Under 14: In factory, workshop, manufacturing, mechanical, or mercantile establishment, barber shop, bootblacking, public stable, garage, brick or lumber yard, telephone exchange, telegraph or messenger office, construction or repair of buildings, tenement-house industry, or any other work for compensation during public school hours.<br>Under 16: In tunnel, bowling alley, pool or billiard room, in operating certain enumerated hazardous machines, or in any occupation dangerous to health or morals of child.<br>Under 18: In places where intoxicating liquors are sold, or in occupation dangerous or injurious to such child.<br>Under 21: In saloon or barroom. As messenger for immoral purposes. | Under 16: Not more than 48 hours nor more than 8 hours a day, nor before 6.30 a. m. or after 6 p. m.<br>No boy under 16: In street trade befor 5 a. m. or after 9 p. m.<br>No boy under 18 nor girl under 21: Not more than 10 hours a day nor more than 54 hours a week, nor before 5 a. m. or after 10 p. m., nor in the manufacture of textile goods after 6 p. m.<br>Under 21: As messenger not before 5 a. m. or after 10 p. m. | Between 14 and 16: Employment certificate to be procured by employer.<br>Between 16 and 21: Additional educational certificate showing literacy. | Superintendent of schools. |

*State legislation*—Continued.

| Proof of age required for certificate. | Minimum educational qualifications required for certificate. | Physical examination for certificate. | "Vacation certificate." | Law enforced by whom. | Penalty for violation. |
|---|---|---|---|---|---|
| School census; affidavit of parent to employer. | Read and write the English language. | ..... | ..... | State factory inspector, State inspector of mines. | Employer, $25 to $100 or imprisonment 30 to 90 days. Violation of provision regarding acrobatic, etc., occupations: Fine not exceeding $250 or imprisonment not more than 1 year, or both. |
| Birth certificate, passport, certificate of baptism, school census or school enrollment record, or affidavit of parent. | Read intelligently and write legibly simple sentences in English and completed satisfactorily course equivalent to the first five yearly grades in reading, spelling, writing, English language, geography, and fundamental operations in arithmetic including common fractions. | Certificate by appointed physician or other public medical officer as to normal development of child and physical ability to perform work which it intends to do. | ..... | Labor inspector and truant officer. | Employer and parent, first offense: Fine of not less than $5 nor more than $50. Second offense: Fine of not less than $15 nor more than $100, or imprisonment for not more than 30 days or both.<br>Third or subsequent offense: Fine of not less than $100 or imprisonment for not less than 30 days or both.<br>For every day of continuing violation: $5 to $20.<br>Employer hindering inspecting officer: Fine, $15 to $100.<br>Selling to unauthorized street trader: Fine, $15 to $100. |
| Certificate of birth or baptism, register of birth, record of school, passport, or affidavit of parent. | ..... | Certificate from city or parish physician as to physical fitness to perform work or service intended to do. | ..... | Commissioner of labor and industrial statistics, deputies and factory inspectors. | For fraud in obtaining certificate: Fine $10 to $50.<br>Violation of hours of employment: Fine $25 to $50 or imprisonment from 10 days to 6 months, or both.<br>Violation of provision for night work: Fine $25 to $100 or imprisonment for 10 to 60 days, or both.<br>Penalty for misrepresenting age of child: $10 to $25 or imprisonment 10 to 30 days.<br>For attempt to deceive inspector: Fine $5 to $15 or imprisonment 10 to 30 days.<br>Employer: Fine $25 to $50, or imprisonment 10 days to 6 months. |
| Town clerk's record, certificate of baptism, passport, or other document satisfactory to the superintendent. | Read at sight and write simple sentences in the English language, and perform simple arithmetical problems involving the fundamental processes. | Person issuing certificate may require a health certificate. | ..... | Commissioner of labor. | Employer or parent, $1 to $50. Those authorized to sign age and schooling certificate, $25 to $50.<br>Violation of provision for mendicant, etc., occupation: Fine not exceeding $100 or imprisonment not exceeding 60 days; and regarding elevators: Fine $25 to $100. |
| Birth certificate, passport, affidavit of parent, school census. | Read intelligently and write legibly simple sentences in the English language and has completed a course of study equivalent to five yearly grades in reading, spelling, writing, English language and geography, and is familiar with the fundamental operations of arithmetic up to and including fractions. | Certificate signed by a physician that child is physically able to do the work applied for. | Vacation certificate for child ..... | Attendance officers, factory inspectors. | Employer for exceeding hours of employment: Fine of not less than $100.<br>For illegal employment: First offense: Fine of not more than $50. Second offense: Fine not more than $200 or imprisonment for not more than 30 days, or both.<br>For hindering inspectors: Fine of not more than $100 or imprisonment for not more than 30 days. |
| Birth certificate, baptismal certificate, or passport or immigration record, or other official or religious record, or record of school register. Statement by appointed physician as to age of child, accompanied by parents' statement. | Ability to read, write, and spell in the English language as required for the completion of the fourth grade. | Certificate of physician stating that child has been thoroughly examined and is in sufficiently sound health and physically able to to perform the work it intends to do. | ..... | Truant officers, attendance officers, police officers, factory inspectors. | Employer: Fine of $10 to $50, or imprisonment not exceeding 30 days, or both, for first offense.<br>For subsequent offense: Fine $20 to $200, or imprisonment not exceeding 60 days, or both. Penalty for hindering inspector, fine $25 to $200, or imprisonment not exceeding 60 days, or both. For furnishing articles for unlawful sale by minors, and for violation by officer, $10 to $200, or imprisonment not exceeding 60 days, or both. Penalties for false statements and unlawful street trade. |

*Child labor—Digest of comparative*

| States. | Employments prohibited. | Hours of labor. | Certificate required for employment. | By whom certificate is issued or approved. |
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| Michigan..... Laws, 1915 | Under 14: In any mercantile institution, store, office, hotel, laundry, manufacturing establishment, mine, bowling alley, theater, elevator, factory or workshop, or messenger service.<br>Under 16: In any theater, variety, moving-picture or burlesque show, or other kind of playhouse, music or dance hall, pool room, or billiard room.<br>Male under 18 and female under 21: In cleaning machinery in motion, distillery, etc., in any hazardous employment or occupation, injurious to health or depraving to morals.<br>Female under 21: In any capacity requiring constant standing.<br>Under 21: In any theater, concert hall, or place of amusement where intoxicating liquors are sold. | Males under 18: Not more than an average of 9 hours a day or 54 a week, nor more than 10 hours a day, and not between 6 p. m. and 6 a. m.<br>Messenger service not between 10 p. m. and 5 a. m. | Under 16: Permit to be filed by employers. | Superintendent of schools or county commissioner of schools. |
| Minnesota..... Laws, 1905, 1913. | Under 14: In any factory, mill, or workshop, in any mine, in the construction of any building, or about any engineering work, or in any employment during the school term except for theatrical exhibitions or concerts on consent of mayor or president of the council.<br>Under 16: At dangerous machinery or in any employment dangerous to the life, health, or morals of such children.<br>Female under 16: In any work requiring constant standing.<br>Under 18: In acrobatic, mendicant, etc., occupations. | Under 16: Not more than 48 hours in a week nor more than 8 hours in a day, or before 7 a. m. or after 7 p. m. Messenger service: Not before 5 a. m. nor after 9 p. m. | Between 14 and 16: Age and employment certificate. | Superintendent of schools or, if none, by chairman of school board. |
| Mississippi..... Laws, 1914. | Boys and girls under 14: In any cotton mill, or knitting mill, factory, manufacturing establishment, or cannery.<br>Under 16: In any occupation without consent of parent. | Boys under 14 or girls under 16: Not more than 8 hours a day or more than 48 hours a week nor between 7 p. m. and 6 a. m. | Permission of parent or guardian of child under 16 and affidavit that child is 16 to be obtained by employer. | ..... |
| Missouri..... Laws, 1911. | Boys under 10 and girls under 16: Selling newspapers, etc.<br>Under 14: In acrobatic, mendicant, etc., or in any gainful occupation, except at agricultural pursuits and in domestic service.<br>Under 16: In any employment dangerous to life and limb or injurious to the health or morals. | Under 16: Not more than 48 hours in a week nor more than 8 hours a day, nor between 7 p. m. and 7 a. m. | Employment certificate. | Superintendent of schools or, if none, by someone authorized by the board. |
| Montana..... Laws, 1907, 1913. | Under 14: In any employment while the public schools are in session. Needy children may be excused from school attendance.<br>Under 16: In any mine, smelter, workshop, factory, steam, electric, hydraulic, or compressed air railroad, passenger or freight elevator, or where any machinery is operated, as messenger, or in any occupation dangerous, unhealthy, or detrimental to morals of child. | ..... | Between 14 and 16: Age and schooling certificate. | Superintendent of schools; in other districts, clerk board of trustee. |
| Nebraska..... Revised Statutes, 1913. | Under 14: In any theater, concert hall, or place of amusement, or any place where intoxicating liquors are sold, or in any mercantile institution, store, office, hotel, laundry, manufacturing establishment, bowling alley, passenger or freight elevator, factory or workshop, or as a messenger or driver therefor, or in any business or service when the public schools are in session. Needy children may be excused from school attendance.<br>Under 16: In any work dangerous to life or limb or injurious to child's health or morals. | Under 17: Not more than 48 hours a week nor more than 8 hours a day, nor before 6 a. m. or after 8 p. m. | Between 14 and 16: Employment certificate to be filed by employer. | Superintendent of schools or, if none, by someone authorized by the school district officers. |
| Nevada..... Acts, 1913. | Under 14: In any business or service whatever during public-school hours.<br>Under 16: In any employment dangerous to life or limb, or injurious to health or morals of child. State board may determine trade, occupation, etc., of such nature.<br>Under 18: In mendicant, immoral, etc., occupations.<br>Under 21: In barroom. | No boy under 16 nor girl under 18: More than 8 hours a day or more than 48 hours a week. May work longer in agricultural or domestic service.<br>Under 18: As messenger not before 5 a. m. or after 10 p. m. | Males under 14 and females under 16: Written permit. | Judge of county district court. |
| New Hampshire..... Laws, 1911, 1913, 1915. | Boy under 10 and girl under 16: In street trade.<br>Under 14: In any mill, factory, workshop, quarry, mercantile establishment, tenement house, manufactory or workshop, store, business office, telegraph or telephone office, restaurant, bakery, hotel, barber shop, apartment house, bootblack stand or parlor, or in the distribution or transmission of merchandise or messages, acrobatic or mendicant occupations.<br>Under 16: In occupations under unsanitary or unhealthy conditions.<br>Under 18: In selling obscene, etc., literature.<br>Under 21: In barroom. | Under 18: Not more than 10½ hours a day or 55 hours a week. If work of female is performed between 8 p. m. and 6 a. m., employment to be considered as night work and not to exceed 8 hours of such period, or 48 hours a week. If employed only 2 nights during week, work may be for 55 hours a week. | Between 14 and 16: Employment certificate. | Superintendent of schools or, if none, by a person authorized by school board. |
| New Jersey..... Laws, 1911, 1914. | Under 14: In any factory, newspaper plant, printery, mercantile establishment, workshop, mill, commercial laundry, or place where manufacture of goods of any kind is carried on, or in any mine or quarry.<br>Under 16: In operation of any hazardous machinery or occupation menacing the safety of such child, or in any trade or occupation exposing to excessive heat, cold, muscular exertion, or other physical risk or harmful to health and future working efficiency of such child. | Under 16: Not more than 8 hours a day or 48 hours a week, nor after 7 p. m. or before 7 a. m.<br>Between 10 and 16: Steel trade not between 7 p. m. and 6 a. m.<br>Under 21 in any first class city, or under 18 in any other municipalities as messenger: Not between 10 p. m. and 5 a. m. | Under 16: Age, schooling, and working certificate. | Supervisor of school exemption certificates. |

*State legislation*—Continued.

| Proof of age required for certificate. | Minimum educational qualifications required for certificate. | Physical examination for certificate. | "Vacation certificate." | Law enforced by whom. | Penalty for violation. |
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| Passport, record of birth or baptism, or other religious record. If none of these can be produced, a statement from a physician of the board of health certifying the age of the child. | Read and write legibly simple sentences in the English language and has passed satisfactorily the work of public school up to and including the work of the sixth grade. | In doubtful case as to age of child, physician officially connected with department of health to certify as to age and physical ability of child. | Limited vacation permits granted. Child to report once a month to person who issued permit. | Factory inspectors.... | Any violator: Fine not less than $10 nor more than $100, or imprisonment not less than 10 nor more than 90 days. |
| School record, birth certificate or affidavit of parent. | Read and write simple sentences in English; instruction in reading, spelling, writing, English grammar, and geography, and familiarity with the fundamental operation in arithmetic, including fractions. | In doubtful cases of physical fitness the medical officer of the board of health. | Child of 14: Between Apr. 1 and Nov. 1 if help is required in any permitted occupation in or about the home of parents. | Department of Labor and truant officers. | Employer or parent: Fine of not less than $25 or more than $50 for every day of continuing offense after begin notified, $5 to $25.<br>For false statements: Fine not exceeding $50. |
| ..... | ..... | ..... | ..... | Sheriff of county, factory inspectors. | Employer: Fine of $50 to $100 or imprisonment for 10 to 60 days, or both. For failure of employer to give information $10 to $100. |
| School record, passport, certificate of birth or baptism or other religious record, affidavit of parent. | Read and write legibly simple sentences in the English language. | Persons issuing certificate may request a medical officer of the board of health or a licensed physician to determine physical fitness. | ..... | Factory inspector..... | Violation of any provisions, fine of not more than $100 or by imprisonment not exceeding one year, or both. |
| Some satisfactory proof. | Read intelligently and write legibly the English language. | Upon request of truant officer physical examination of child to ascertain age. | ..... | Truant officers..... | Employer or parent: Fine of not less than $25 nor more than $500, or imprisonment from 30 days to 6 months, or both. |
| School record, passport, certificate of birth or baptism or other religious or official record, affidavit of parent. | Completion of eighth grade or its equivalent, and read and write legibly simple sentences in English. | In doubtful cases of physical fitness, a medical officer of the board of health, or a physician approved by the State board of inspectors. | ..... | Deputy commissioner of labor, truant officer, and county attorney. | Employer and parent, not more than $50 for first offense; for every day employed after notice has been served, $5 to $25; persons authorized to sign certificates, not more than $50. |
| Upon demand by State superintendent or authorized person employed to furnish satisfactory evidence. | ..... | ..... | ..... | Attendance officer..... | Employer or parent: Fine of not less than $5 nor more than $200, or imprisonment from 10 to 30 days. For continuing violation: Fine $5 to $20 a day. |
| School record, passport, certificate of baptism, or public record. | Completed course of study presented for the elementary schools and read understandingly and write legibly in the English language. | Certificate from a medical officer of the board of health, or a physician designated by school board. | Vacation certificate for period not exceeding 3 months. | Truant officers; State factory inspector. | Employer or parent, $5 to $200 or imprisonment 10 to 30 days, or both; for every day after notice, $5 to $20; persons authorized to sign certificates, $5 to $200 or imprisonment; superintendents of schools, $5 to $25. |
| Birth certificate, passport, or certificate of baptism, affidavit of parent, or physician's certificate. | Attendance of school at least 130 days during the 12 months preceding date of application; read intelligently and write legibly simple sentences in English, and completion of fifth grade. | Certificate from medical inspector appointed by board of education that child is able to work. | ..... | Attendance officers.... | Employer: Fine of $50 for each offense, or imprisonment for not more than 90 days. Violation of street trade regulations: Fine of $50 or imprisonment not exceeding 1 year. For fraud in obtaining certificate: $1,000, or imprisonment with or without hard labor. |

*Child labor—Digest of comparative*

| States. | Employments prohibited. | Hours of labor. | Certificate required for employment. | By whom certificate is issued or approved. |
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| New York..... Acts, 1913, 1914. | Boy under 12: Selling newspapers..... Under 14: In acrobatic, etc., occupations or any other employment during school hours. Under 16: In factory, mercantile establishment, business or telegraph office, restaurant, hotel, apartment house, theater or other place of amusement, bowling alley, barber shop, shoe-polishing establishment, in messenger service, in operating certain enumerated dangerous machinery or in certain occupations, as operating elevator, handling explosives, etc. Under 18: In any trade, process of manufacture, or occupation dangerous or injurious to health. | Boy over 12: Selling newspapers between close of school and 6.30 p. m. Boy over 14: Between 5.30 and 8 p. m. Under 16: Not more than 8 hours a day nor more than 48 hours a week, nor before 8 a. m. or after 6 p. m. No female over 16: In any mercantile establishment not more than 9 hours a day nor more than 54 hours a week except during week preceding Christmas. Under 21: As messenger not between 10 p. m. and 5 a. m. | Between 14 and 16: Employment certificate. | Board or department of health or health commissioner. |
| North Carolina..... Laws, 1913. | Under 12: In any mine, factory, or manufacturing establishment. Between 12 and 13: In any factory except as an apprentice, and then only after having attended school 4 months in preceding 12. Labor of child necessary for own or parents' support may excuse from school attendance. | Under 16: Not between 9 p. m. and 6 a. m., and not more than 60 hours a month. | Under 16: Certificate of age and schooling. | A certificate from parent giving name and age of child and, if under 13 and more than 12, stating that child has attended 4 months in preceding 12. |
| North Dakota..... Laws, 1911, 1913. | Under 14: In any mine, factory, workshop, mercantile establishment, store, business office, telegraph office, restaurant, hotel, apartment house, or in the distribution or transmission of merchandise or messages, or in any business whatever during the hours the public schools are in session, unless necessary for support of family. Under 16: In any employments dangerous to life or limb or where health may be injured or morals depraved. Female: Employment requiring constant standing. | Under 16: Not more than 48 hours in a week nor more than 8 hours in a day, nor before 7 a. m. or after 7 p. m. | Between 14 and 16: Employment certificate. | Superintendent of schools; if none, clerk of school board. |
| Ohio..... Laws, 1913, 1914. | Under 14: In any acrobatic, mendicant, etc., occupations. Under 15: In any business whatever during public-school hours. Males under 15 and females under 16: In any mill, factory, workshop, mercantile or mechanical establishment, tenement house, manufactory or workshops, store, office, office building, restaurant, boarding house, bakery, barber shop, hotel, apartment house, bootblack establishment, public stable, garage, laundry, place of amusement, club, or as driver, in any brick or lumber yard, construction or repair of buildings, distribution, transmission, or sale of merchandise. Boys under 15 or females under 21: In the transmission of messages. Under 16: In any occupation dangerous to life or limb, or injurious to the health or morals. Under 18: In blast furnaces, dynamos, as telegraph operators, etc. Under 21: In saloon or barroom. | Boys under 16 and girls under 18: Not more than 6 days a week, nor more than 48 hours a week, nor more than 8 hours a day, nor between 6 p. m. and 7 a. m. Boys under 18 and girls under 21: Not more than 6 days a week, nor more than 54 hours a week, or between 10 p. m. and 6 a. m. Boys under 18 as messenger: Not between 9 p. m. and 6 a. m. | Boys under 15 and girls under 16: Age and schooling certificate. | Superintendent of schools; if none, clerk of the board of education. |
| Oklahoma..... Revised laws, 1910. | Under 14: In any factory, factory workshop, theater, bowling alley, pool hall, or steam laundry. Under 15: In any occupation injurious to health or morals, or especially hazardous to life or limb. Under 16: In underground mine or quarry in the operation of certain enumerated machinery or in certain manufactures. Female under 16: In any capacity compelling constant standing or in selling newspapers. | Under 16: Not more than 8 hours a day nor more than 48 hours a week, except in agricultural or domestic service. No boy under 16 nor girl under 18: Between 6 p. m. and 7 a. m. | Under 16: Age and schooling certificate. | County superintendent of public instruction. |
| Oregon..... Laws, 1910, 1911, 1913. | Under 14: In any factory, workshop, mercantile establishment, store, business office, restaurant, bakery, hotel, apartment house, or in any other business during school hours. Under 16: In telegraph, telephone or public messenger service, or in logging operations. Under 18: In operating passenger or freight elevator or as logging engineer. Minors: In any occupation detrimental to health or morals. | Under 16: Not more than 10 hours a day, and not before 7 a. m. nor after 6 p. m. Under 18 as messenger: Not between 10 p. m. and 5 a. m. | Under 16: Age and schooling certificate. | Secretary of the board of inspection of child labor. |
| Pennsylvania..... Laws, 1915. | Male under 12 and minor female: In street trading. Under 14: In any establishment or occupation. Between 14 and 16: In any employment unless attending a school approved by the State superintendent of public instruction for 8 hours a week. Male under 16 and minor female: As messenger, bootblack, etc. Under 16: In the operation of dangerous machinery, or in certain enumerated manufactures. Under 18: In certain employments as engineer, fireman, chauffeur of automobile or aeroplane, in handling explosives, etc., or other occupations dangerous to life or limb, or injurious to health or morals. | Under 16: Not more than 9 hours a day nor more than 51 hours a week, nor before 6 a. m. or after 8 p. m. Working day to include school attendance. No street trade between 8 p. m. and 6 a. m. Under 21 as messenger: Not between 8 p. m. and 6 a. m. | Between 14 and 16: Employment certificate. | Superintendent of schools or supervising principal. |
| Porto Rico..... Laws, August, 1913. | Under 10: In any lucrative employment..... Under 14: In begging or in occupations dangerous or injurious to health and morals, or in any lucrative occupation unless meeting educational requirements. Needy children excepted. Boy under 12 and girl under 14: In street occupation during public school hours. Female under 16: In any capacity requiring constant standing. | Under 16: Not more than 7 hours a day or more than 42 hours a week, nor in any agricultural estate more than 8 hours a day nor more than 48 hours a week, nor in any lucrative occupation between 6 p. m. and 6 a. m. | Under 18: Age certificate | Municipal secretary..... |

*State legislation*—Continued.

| Proof of age required for certificate. | Minimum educational qualifications required for certificate. | Physical examination for certificate. | "Vacation certificate." | Law enforced by whom. | Penalty for violation. |
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| Birth certificate, passport, or baptismal certificate, or affidavit, or physician's certificate. | Attended school not less than 130 days during the 12 months next preceding his fourteenth birthday, or during the 12 months next preceding his application, is able to read and write simple sentences in English and completed first 6 grades. | Medical officer of department to examine child as to physical condition. | ..... | Board of health or commissioner of health. | For violation of child-labor law, first offense: Fine of not less than $20 nor more than $50. For each subsequent offense: Fine of not less than $50 nor more than $200. |
| ..... | School attendance 4 months in the preceding 12. | ..... | ..... | County superintendent shall investigate and report to the solicitor of the judicial district. | Employer or parent guilty of a misdemeanor. |
| School record, passport, certificate of birth or baptism, or other religious record, public record, affidavit of parent. | Read and legibly write simple sentences in English, and instruction in geography and fundamentals of arithmetic; attendance of school for not less than 120 days during year previous to the fourteenth birthday or to the application. | In doubtful cases of physical fitness by a medical officer of board of health. | ..... | School board, peace officers. | Any violator: Fine of not less than $20 nor more than $50. |
| Passport, certificate of birth or baptism, or other religious record, public register, school census. If none of the above, a certificate from the school physician. | Sixth-grade test if a male and seventh grade if a female. | A certificate of the school physician or of the board of health that child is physically fit for any permitted occupation. | May be granted boys under 16 and girls under 18. | Factory inspectors, truant officers, and others. | Employer or parent, $5 to $50; for a second offense, $50 to $200, or by imprisonment for not more than 30 days, or both; for a third offense, not less than $200 or imprisonment not more than 60 days, or both. For every day after notice an employer, $5 to $20. Persons signing any certificate, $25 to $100.<br>For false statements: Fine $25 to $100.<br>For hindering inspector: $25 to $200 or 10 to 30 days, or both. |
| Last school census, certificate of birth, or the register of city or county, or an affidavit by a physician, or school record, or an affidavit by parent if the child appears to be proper age. | Read and write simple sentences in English. | In doubtful cases by medical officer of the board or department of health. | ..... | Factory inspector, truant officer. | Any violator: Fine $10 to $50 or imprisonment of not less than 10 or more than 30 days, or both. |
| Last school census, passport, certificate of birth, or baptism, or other religious record or register of birth. | Literacy; school attendance 160 days during year preceding 14th or year preceding application for school record; instruction in reading, spelling, writing, English grammar, geography, fundamentals in arithmetic, including fractions. | ..... | Between 12 and 14: Permit for suitable work during vacation period. | Board of inspectors of child labor; industrial welfare commissioner. | Employer: Fine $10 to $25 for first offense, $25 to $50 for second offense, and imprisonment from 10 to 30 days for third or subsequent offense.<br>Parent: Fine $5 to $25.<br>Violation of provision regarding logging operations: Fine $10 to $100, or imprisonment 30 days to 6 months, or both. |
| Birth certificate or baptismal certificate, passport, or other religious record, affidavit of parent. | Completion of 6th grade, instruction in English language, spelling, reading, arithmetic, geography, and history of United States. | Certificate of physical fitness signed by physician approved by board of school directors. | Between 14 and 16: Vacation employment certificate for work outside of school hours. | Commissioners of labor and industry, attendance officer and police. | Any violator: Fine of not less than $10 nor more than $100 or imprisonment for not more than 10 days, or both. |
| Birth register, affidavit of parents. | Prepared for admission to 4th grade of public rural schools or passed 6th grade of public graded school. | ..... | ..... | Bureau of labor..... | Employer: Fine $25 to $100 for first offense. Fine of $100 to $1,000 for subsequent offense. |

*Child labor—Digest of comparative*

| States. | Employments prohibited. | Hours of labor. | Certificate required for employment. | By whom certificate is issued or approved. |
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| Rhode Island.....<br>Laws, 1909, 1910, 1912, 1913, 1915. | Under 14: In any factory, manufacturing or business establishment.<br>Under 16: In any acrobatic, mendicant, etc., occupation, or in cleaning machinery while in motion.<br>Under 21: Selling or serving intoxicating liquors. | Under 16: Not more than 10 hours a day, nor more than 54 hours a week, and not between 8 p. m. and 6 a. m. except Saturdays and the 4 days preceding Christmas.<br>Under 21: As messenger not between 10 p. m. and 5 p. m. | Under 16: Age and employment certificate. | School committee or some person appointed by the committee. |
| South Carolina.....<br>Code 1912, acts 1912. | Under 12: In any mine, factory, or textile establishment.<br>Under 14: As messenger. | Under 16: Between 8 p. m. and 6 a. m., unless to make up lost time, but not later than 9 p. m. and not more than 11 hours a day or 60 hours a week.<br>Under 18: As messenger, not between 10 p. m. and 5 a. m. | Under 14: Sworn statement from parent to employer regarding child's age for obtaining permit. | Permit issued by Commissioner of agriculture, commerce, and industries. |
| South Dakota.....<br>Acts 1903, 1913. | Under 14: In any factory or workshop, mine, or any mercantile establishment, excepting during vacation of public school.<br>Under 16: Any occupation dangerous to life, health, or morals. Needy children may obtain certificate for certain hours.<br>Under 21: In barroom. | Under 16: Not more than 10 hours a day or 60 hours a week; but on Saturday and for 10 days prior to Christmas child may work until 10 p. m. | Under 14: Age and schooling certificate. | County superintendent of schools. |
| Tennessee.....<br>Acts 1911; Sept., 1913. | Under 14: In any mill, factory, workshop, laundry, telegraph, or telephone office, or in the distribution or transmission of merchandise or messages, or in any business during school hours.<br>Under 16: Occupations dangerous to life or limb. | Under 16: Not more than 10½ hours a day nor more than 58 hours a week, and not between 6 p. m. and 6 a. m.<br>Under 18: As messenger not between 10 p. m. and 5 a. m. | Between 14 and 16: Sworn statement by parent, giving place and date of birth of child. | ..... |
| Texas.....<br>Revised Criminal Statutes, 1911; acts, 1911. | Under 15: In any manufacturing or other establishment using dangerous machinery, any distillery, brewery, or in the manufacture of goods for immoral purposes, or where the child's health may be impaired or morals debased.<br>Under 17: In any quarry or mine.<br>Minor: In saloon. | ..... | ..... | ..... |
| Utah.....<br>Laws, 1911, 1915. | Boy under 12 and girl under 16: In street occupation.<br>Under 14: In manufacture of paints, colors, or white lead; manufacturing, packing, or storing of explosives; manufacture of goods for immoral purposes; in any quarry, any mine, coal breaker, laundry, tobacco warehouse, cigar factory, or factory where tobacco is manufactured or prepared; distillery, brewery, or any other establishment where malt or alcoholic liquors are manufactured, packed, wrapped, or bottled; theater, concert hall, saloon, or in operating any automobile, motor car, truck, elevators, lifts, or hoisting machines; in bowling alleys; or in any other employment declared by the State board of health to be dangerous to lives or limbs, or injurious to the health or morals of such child.<br>Under 21: In barrooms, as messenger to immoral resorts. | Boy under 14 and girl under 16: Not more than 54 hours a week, except domestic service, fruit or vegetable packing, or farm work.<br>Under 14: No street trade after 9 p. m.<br>Under 21: In cities of first or second class as messengers between 9 p. m. and 5 a. m. | At 14: Employment certificate. | Superintendent of schools, or if none, by a person authorized by the school board. |
| Vermont.....<br>Laws, 1906, 1910, 1912. | Under 12: In any mill, factory, quarry, workshop, or in delivering messages.<br>Under 14: In any mill, factory, quarry, or workshop wherein more than 10 persons are employed.<br>Under 16: All employments dangerous to life or limb and injurious to health. In railroading, mining, manufacturing, or quarrying, or in a hotel, bowling alley, or in delivering messages, except during vacation and after school, unless elementary school course has been completed.<br>Female under 18: In any capacity requiring constant standing.<br>Under 21: In barroom. | Under 16: Not more than 9 hours a day, nor more than 50 hours a week, nor between 8 p. m. and 7 a. m.<br>Under 18: Not more than 11 house a day, nor 58 hours a week, unless to make up lost time. | Under 16: Employment certificate. | Town or union superintendent. |
| Virginia.....<br>Code of 1910; Laws, 1912; Acts, 1914. | Boy under 10 and girl under 16: To sell newspapers.<br>Under 14: In any factory, workshop, mine, mercantile establishment, laundry, bakery, brick or lumber yard, or during school hours. In cities of 5,000 population in messenger service.<br>Under 21: In any place where intoxicating liquors are manufactured, bought, sold, or shipped, except hotel or mercantile establishment. Child may be employed in parent's business. | Under 14: Not after 7 p. m. in the distribution, transmission, or sale of merchandise.<br>Under 16: Not more than 10 hours a day, nor before 7 a. m. or after 9 p. m.<br>Under 18: In the last-named occupation between 10 p. m. and 5 a. m. | Under 16: Employer to secure employment certificate. | Notary public..... |
| Washington.....<br>Codes and Statutes, 1910; Acts, 1913. | Under 14: In any factory, mill, workshop, or store at any time.<br>Under 15: For any purpose during school hours unless child presents a certificate.<br>Under 16: In any mine.<br>Under 18: In mendicant, etc., occupations, or employment in any industry or occupation under conditions detrimental to health or morals.<br>Under 19: As public messenger in any city of the first class.<br>Needy children between 12 and 14 may be employed: In occupations not dangerous or injurious to health or morals. | ..... | Under 15: Age and schooling certificate. Judge may issue permit to child between 12 and 14. | Superintendent of schools, or county superintendent. |
| West Virginia.....<br>Laws, 1901, 1911. | Under 14: In any factory, mill, workshop, or manufacturing establishment, or in any business whatever during public school hours, without written permission from the State commissioner of labor or county superintendent.<br>Under 15: In acrobatic and immoral occupations or in saloons, etc.<br>Under 18: In mendicant occupations. | ..... | Between 14 and 16: Employment certificate. | Superintendent of schools or, if none, by a person authorized by the local school board. |

*State legislation*—Continued.

| Proof of age required for certificate. | Minimum educational qualifications required for certificate. | Physical examination for certificate. | "Vacation certificate." | Law enforced by whom. | Penalty for violation. |
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| Birth certificate, baptismal certificate, passport. | Read at sight and write legibly simple sentences in English. | Physical examination by a licensed physician to ascertain sufficiently sound health and fitness of child for lawful employment. | ..... | Factory inspector..... | Any violator: Fine of not more than $500. Violation of provision regarding messengers: First offense: Fine $20 to $50. Second offense: $50 to $100 or imprisonment for 10 days to 6 months, or both. |
| Statement of parent..... | ..... | ..... | ..... | Commissioner of agriculture, commerce, and industries. | Any violator: $10 to $50, or imprisonment for not more than 30 days. |
| ..... | Read and write simple sentences in English, or a regular attendant of some school, or during the past 12 months has attended school as required by law. Illiterates between 14 and 16 to attend school. | ..... | ..... | Places of employment subject to visitation by the county superintendent. | Any violator: Fine of not less than $10 nor more than $100, or imprisonment for not more than 30 days, or both. |
| Statement of parent... | Read and write simple sentences in English. | ..... | ..... | Shop and factory inspector. | Employer or parent: Fine of not less than $25 nor more than $150. |
| ..... | ..... | ..... | ..... | Commissioner of labor or deputies. | Employer: Fine of not less than $50 nor more than $200; each day constitutes a separate offense. |
| School record..... | Read and legibly write simple sentences in English and school attendance not less than 100 days the year previous to arriving af the age of 14, or during the year previous to applying for certificate. | ..... | ..... | Inspectors, truant officers. | Employer or parent: $25 to $200 or imprisonment 10 to 30 days, or both.<br>For hindering, etc., inspector: Fine of not less than $10 nor more than $25 or imprisonment not exceeding 15 days. |
| ..... | Completion of course prepared for elementary schools or equivalent. | ..... | ..... | County and municipal courts and justices. Truant officers and all informing officers authorized to make complaint. | Any violator: Fine of not less than $5 nor more than $200, and upon a second conviction may be so fined or imprisoned for not more than 6 months. |
| Birth certificate, passport, or certificate of baptism, or school census or record, or affidavit of parent. | ..... | ..... | ..... | Commissioner of labor, factory inspectors. | Employer or parent: Fine of $25 to $100.<br>For employment in places where intoxicating liquors are manufactured, etc., and exceeding hours of labor, fine $5 to $10. |
| ..... | Reasonable proficiency in branches taught in first four grades. | ..... | ..... | Attendance officer..... | Employer or parent: Fine not exceeding $25.<br>Violation of messenger service provision: Fine of not less than $10 nor more than $500, or imprisonment not exceeding 6 months, or both. |
| School record, passport, school census, affidavit. | Read and write legibly simple sentences in English and instruction equivalent to that of the first 4 grades. | In cases of doubt, a certificate from a medical officer of the board of health or by a physician appointed by the board. | ..... | Prosecuting attorney, truant officer, factory inspector. | Any violator: Fine of not less than $10 nor more than $100. |

*Child labor—Digest of comparative*

| States. | Employments prohibited. | Hours of labor. | Certificate required for employment. | By whom certificate is issued or approved. |
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| Wisconsin. Statutes, 1911; acts, 1913, 1915. | Boy under 12 and girl under 18: Selling newspapers.<br>Under 14: In obscene or immoral employment, or in any factory, manufactory or mercantile establishment, laundry, telegraph, telephone, public messenger service, delivery of merchandise or in any gainful occupation or employment.<br>Under 16: In streets trades during school hours, or in any employment dangerous to life or limb, injurious to health or depraving to morals of such child.<br>Female under 18: In any street trade.<br>Under 18: In mine, blast furnace, operating elevator or dangerous machinery, handling explosives, etc., or as telegraph operators.<br>Female under 21: In any capacity requiring constant standing. | Under 16: Not more than 48 hours a week nor more than 8 hours a day, or between 6 p. m. and 7 a. m., including 4 hours' attendance at continuation school. Longer hours in domestic service and farm labor.<br>No boy under 16 in cities of first class: Selling newspapers after 7.30 p. m. or before 5 a. m.<br>Boy between 14 and 16: Complying with all legal requirements, may deliver newspapers between 4 a. m. and 6 a. m.<br>Under 21: In cities of first to third class as messenger not between 8 p. m. and 6 a. m. | Between 14 and 16: Age and schooling certificate. | Commissioner of labor, factory inspector, judge of the county or municipal court, judge of juvenile court. |
| Wyoming. Laws, 1915. | Under 14: Child employed in public messenger service to deliver any message, package, etc., to any brewery, distillery, saloon, concert hall, or other establishment where malt or alcoholic liquors are manufactured, packed, wrapped, bottled, or sold, or to any premises used for immoral purposes, or in operating enumerated dangerous machinery, or in manufacture of goods for immoral purposes.<br>Under 16: In improper exhibitions or vocations injurious to morals or health or dangerous to life or limb of such child.<br>Female under 18: In any capacity requiring constant standing. | Under 14: Not more than 9 hours a day nor more than 56 hours a week, except in farm work or domestic service. | | |

Mr. KENYON. It is a startling thing that the invention of machinery to lessen the cost of production has been the chief instrumentality in the enslavement of children. It is somewhat of a coincidence that one of the great laborers for the children in Great Britain was Robert Owen. He tells us in his autobiography that "children were received as early as 6 years, the pauper authorities declining to send them at any later age." These little children worked from 6 in the morning until 7 in the evening, and after that they were supposed to be educated.

A century later the bill for the emancipation of children in this country is fathered by a Senator of the same name as Robert Owen, who performed a mighty work in England to improve the lot of the child slaves.

The question of child labor is involved in an adequate wage for the head of the family, enough wage to pay for decent shelter, raiment, and food. Child labor is no more the result of poverty than poverty is the result of child labor. Statistics do not entirely show it, because, as has been said, "you can not put tired eyes, pallid cheeks, and languid little limbs into statistics."

Industrialism must cease exploiting the play land of childhood. Dr. Stephen S. Wise, Jewish rabbi, of New York, said in an address at Faneuil Hall, "Science may cry, save the child for the sake of the future; religion, for the sake of God; education, for the sake of the people; democracy, for the sake of the State; industry, for the sake of efficiency; conscience cries, save the child for its own sake."

Of course poverty can not be eradicated in this Nation; conditions, however, can be better. Why do men want to achieve by denying others the rights which justice should accord them? It has always been true, and always shall be, that the strong must bear the burdens of the weak. Those of property in the land must help to educate the children of those who have not. How much better to put the children in schools instead of mines and factories. We are proud as a Nation of our system of schools. They are the great melting pots. Out of them come broad national spirit, a love of country, and devotion to those institutions we prize. The children of the Republic should have the opportunity of attending schools—every child who desires—and the Nation must provide the means, if necessary, for the children so to do.

One of the most interesting books with relation to child labor I want to quote a little from, but I shall read only one quotation. It is Spargo's book on the Bitter Cry of the Children. One little incident I want to read:

In a New York kindergarten one winter's morning a frail, dark-eyed girl stood by the radiator warming her tiny blue and benumbed hands. She was poorly and scantily clad, and her wan, pinched face was unutterably sad with the sadness that shadows the children of poverty and comes from cares which only maturer years should know. When she had warmed her little hands back to life again the child looked wistfully up into the teacher's face and asked:

"Teacher, do you love God?"

"Why, yes, dearie; of course I love God," answered the wondering teacher.

"Well, I don't; I hate him," was the fierce rejoinder. "He makes the wind blow, and I haven't any warm clothes. He makes it snow, and my shoes have holes in them. He makes it cold, and we haven't any fire at home. He makes us hungry, and mamma hadn't any bread for our breakfast. Oh, I hate him."

True are the words of Ella Wheeler Wilcox:

In this boasted land of freedom there are bonded baby slaves,
And the busy world goes by and does not heed.
They are driven to the mill, just to glut and overfill
Bursting coffers of the mighty monarch, Greed.
When they perish we are told it is God's will.
Oh, the roaring of the mill, of the mill.

Spargo says on page 146:

If all the people of this great Republic could see little Anetta Fachini, 4 years old, working with her mother making artificial flowers, as I saw her in her squalid tenement home at 11 o'clock at night, I think the impression upon their hearts and minds would be far deeper and more lasting than any that whole pages of figures could make. The frail little thing was winding green paper around wires to make stems for artificial flowers to decorate ladies' hats. Every few minutes her head would droop and her weary eyelids close, but her little fingers still kept moving, uselessly, helplessly, mechanically moving. Then the mother would shake her gently, saying: "Sleep not, Anetta. Only a few more, only a few more." And the little eyes would open slowly and the tired fingers once more move with intelligent direction and purpose.

Some one has told of the march of Mother Jones, with her little army of child toilers, to Oyster Bay in order that the President might see for himself some of the children employed in the mills. Among this army there were children from 8 to 11 years of age—some of them 11 years old who had worked two years. All these children are asking and all the friends of this legislation are asking is merely a chance for the children to have their childhood.

About a year ago Life presented a startling picture: Poor, emaciated children, ill-clad, illy fed, sadness written into their countenance, marching up to the President of the United States and imploring him for legislation which would merely give them a chance to grow up.

Another picture in one of our papers greatly impressed me: A long line of children going to the factory just at dawn, pails in their hands, sleepy eyes, laggard footsteps, a great line of tired children, and the smoke of the factory, by the skill of the artist, had been woven into a flag which floated over the top of the picture, and underneath was marked the words, "By the dawn's early light." Such scenes are common in this country, but such scenes ought to be impossible.

IT IS ONLY THE CHILDREN GOING TO WORK.

[By Hudson Maxim.]

A whir of dust is sweeping the hill
Between the gray dawn and the huge black mill;
There's a drift of rags and of skinny bones,
With skeleton feet on the ruthless stones.
What specters are these in the witching light—
This ghostly rear guard of the night,
Wearily treading the trail of the dark,
Arousing the morn before the lark?
What wights are they, so gaunt and lean,
With lagging face and drowsy mien,
Who under the dim lamp's flickering glow
Wind into the cavernous mill below?
A sortie of ghouls aloose from the tomb,
Or a rabble of wraiths begot of the gloom?
No—goblins and ghouls such task would shirk—
It is only the children going to work!

*State legislation*—Continued.

| Proof of age required for certificate. | Minimum educational qualifications required for certificate. | Physical examination for certificate. | "Vacation certificate." | Law enforced by whom. | Penalty for violation. |
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| Birth certificate, school record, passport, or such other proof as may be satisfactory. | Literacy, familiarity with fundamental operations in arithmetic, instruction in spelling, reading, writing, English grammar, geography, or completion of fifth grade and attendance of school within 12 months preceding date of certificate, or attendance of night school. | ..... | Child between 12 and 14 may be given a permit for certain employments. | Commissioner of labor, factory inspector, truant officer, police officer. | Any violation: Fine of not less than $10 nor more than $200, or imprisonment not exceeding 30 days. |
| ..... | ..... | ..... | ..... | ..... | Employer: Fine of not less than $25 nor more than $100, or imprisonment for not less than 30 nor more than 90 days, or both. |

I went into a cotton mill in the South some years ago with a friend who is a stockholder in the company. Little children were working there; the room seemed full of fragments that you could not help swallowing. Knowing my views on this subject, as we came out he was in an apologetic frame of mind and said: "I have never been in that mill before. I shall not be very happy when I get my dividends on the stock. I do not like to see those children working there."

In another place Spargo says:

In the bituminous mines of West Virginia boys of 9 or 10 are frequently employed. I met one little fellow 10 years old in Mount Carbon, W. Va., last year, who was employed as a "trap boy."

Think of what it means to be a trap boy at 10 years of age. It means to sit alone in a dark mine passage hour after hour, with no human soul near; to see no living creature except the mules as they pass with their loads, or a rat or two seeking to share one's meal; to stand in water or mud that covers the ankles, chilled to the marrow by the cold draughts that rush in when you open the trapdoor for the mules to pass through; to work for 14 hours—waiting, opening and shutting a door, then waiting again—for 60 cents; to reach the surface when all is wrapped in the mantle of night and to fall to the earth exhausted and have to be carried away to the nearest "shack" to be revived before it is possible to walk to the farther shack called home.

A factory inspector of Illinois some years ago found a child 4 years old who earned 19 cents in an afternoon stringing beads.

In the wonderful book of Spargo he closed with these inspiring words, page 269:

Some there are, the despised builders of humanity's temples, who are laboring to give this vast heritage to the children of all the world. They build patiently, for they have faith in their work.

And this is their faith: That the power of the world springs from the common labor and strife and conquest of the countless ages of human life and struggle; that not for a few was that labor and that struggle, but for all. And the common labor of the race for the common good and the common joy will give blossoms, and babies the fullness of life which sordid greed with its blight makes impossible.

Can not Congress be of the faith of the builders?

I insert, without objection, a statement issued by the Executive Council of the American Federation of Labor entitled "Boycott Child Labor Out of Existence," without stopping to read it.

The matter referred to is as follows:

BOYCOTT CHILD LABOR OUT OF EXISTENCE.

No dividends, no profits can compensate for the waste and the wrong of child labor. The greatest thing that any nation has is its men and its women. No nation can be greater than the masses of its men and women. There is no more deadly certain way to undermine national power than to deny its children rights necessary to most complete development of heart, mind, and body.

Child labor denies these opportunities, not only to the individuals themselves, but to their children and their children's children. The effect of the wrong and waste is cumulative, sapping the life force of the nation.

Many industries in our country are soulless corporations as heartless as the "ogres" that were said to eat children. They have taken these little ones and have done their most to them. They have set dreary, tiresome tasks for little hands, they have permitted little feet to tread in dangerous places—all that they might have higher profits.

Statistics of child labor, however appalling, are a most inadequate method of evaluating the incalculable—the effect of child labor upon human minds, bodies, and ideals. Child labor robs children of a chance to grow, a chance to learn, and a chance to dream. It robs them of the chance to attain the fullest development of manhood and womanhood. It leaves them with a sense of the world's injustice burned into their inmost beings.

Children will become better citizens when the wrong of child labor is abolished. They will become healthier, more capable men and women when uninjured by premature overwork. They will become greater men and women when removed from associations that degrade and injure.

Child labor is not essential to any industry. An industry which can not be profitably conducted without using child labor is not necessary to society and is abhorrent to the social conscience. Men and women with hearts do not wish to encourage or to indorse in any degree those who profit by child labor. But often they are placed in the unfair position of giving seeming approval through patronage because they do not have access to information that will enable them to act in accordance with their sense of justice and their conviction of right.

It is due to those who earnestly desire the welfare of the nation's children that they should have the opportunity to help in the conservation and protection of the children.

It is a most solemn obligation due the children that all organizations for human welfare should use every available agency to promote humanity's progress.

Therefore, we, the executive council of the American Federation of Labor, as authorized representatives of the greatest humanitarian movement of the country, declare that any who profits by the toil of children at all or by the labor of other minors required to toil more than eight hours a day, is unfair and unworthy of the patronage of true patriots and those who desire human welfare.

Declaration adopted by the executive council of the American Federation of Labor, Washington, D. C., May 13, 1914.

Mr. KENYON. I also ask permission to insert the child-labor laws of a number of foreign countries.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Iowa? The Chair hears none, and it is so ordered.

The matter referred to is as follows:

AUSTRIA.

EMPLOYMENTS PROHIBITED.

Under 12: In any industrial establishment.

Under 14: Regularly in factories, mines below ground, or industries detrimental to child's health or physical development or interfering with legal school requirements.

Under 18: In lead smelters, at certain operations producing lead poisoning.

The ministers of commerce and interior may interpret and amplify these provisions, also designate those industries in which young persons may not work at all or only under certain conditions.

HOURS OF LABOR.

The maximum working day, without distinction of age, consists of 11 hours. Young persons between 12 and 14 shall not work more than 8 hours, and boys over 14 may be employed in mines in shifts of 12 hours.

The ministers are allowed to make exceptions to this rule in case of need.

REST PERIODS.

If not more than five hours are worked before or after the midday rest, the rest period (one-fourth hour each) in these periods of employment may be omitted, but not the midday rest of one hour. Rest periods amounting to one and one-half hours, including a midday rest of one hour, have also been established for railway building and construction work undertaken by railways. Young persons employed in the mining industry must be allowed a rest period after four hours'

work; the total duration of their rest periods must be longer by one hour than those allowed to adults, and they must not be employed in any other manner during such rest periods.

There are a large number of exceptions from this legal regulation.

NIGHT WORK.

Young persons under 16 are prohibited from working between 8 p. m. and 5 a. m., but the ministers are given power to make certain exceptions, and the exemptions to this provision are quite numerous. Young persons between 14 and 16, under a regular system of alternate shifts, may be employed at unlimited night work in glass industry, iron and steel works, in scythe-blade factories assisting workmen at the fires, or in paper and pulp manufacture, in enamel-ware factories from 8 p. m. to 9 p. m., in mines until 11 p. m., in white-bread bakeries as apprentices at the table four hours. Limited night work in silk mills, etc.

ADMINISTRATION.

The general control of the administration of the law is divided between the minister of commerce, concerning industrial workers, and the minister of public works, concerning mines and smelting works. The industrial inspection service in the ministry of commerce is, unlike that of Germany, highly centralized. Inspectors are appointed by the minister and are under the immediate direction and control of a central inspector who is the industrial expert of the ministry and advises the minister in cases of appeal from decision of inferior officers.

SOURCES OF INFORMATION.

Industrial Code, sections 93-96; L. June 17, 1883; United States Bureau of Labor Statistics Bulletins Nos. 117, 118, 142; Bureau of Labor Bulletin No. 89.

## BELGIUM.

EMPLOYMENTS PROHIBITED.

Under 14: In mines, pits, quarries, on building operations; in works, mills, factories, workshops, hotels, public houses, offices of industrial and commercial undertakings; in establishments which are classed as dangerous, unhealthy, or noxious, and in which work is carried on by means of steam boilers or mechanical power; in ports, on quays, or in railway stations or in connection with transport by water or land. The law applies to both public and private undertakings, even when they serve the purposes of trade training or of a benevolent institution, except to work carried on in undertakings in which only members of the family are employed under the supervision of the father, mother, or guardian, provided that such work is not classed as dangerous, unhealthy, or noxious and that no steam boilers or mechanical power are used. But children of 13 holding a leave certificate issued according to act relating to school attendance may be employed, and the King may, until the establishment of the fourth grade, but not after January 1, 1920, sanction the employment of children between 12 and 14 for a certain number of hours a day, certain number of days, and under certain conditions, taking into consideration the claims of elementary and technical instruction, nature of the occupation, and requirements of the particular industry, occupation, or trade.

Under 16 and females between 16 and 21: The King may prohibit the employment of any work exceeding their strength or liable to prove dangerous to them or unhealthy, or allow the same at certain hours, days, or under certain conditions. Royal decree of December 26, 1892, prohibits employment in 46 especially dangerous industries.

HOURS OF LABOR.

Children under 16 and females between 16 and 21 not to work more than 12 hours a day.

The King may regulate the hours of work for children under 16 and females between 16 and 21 for certain employments and according to the requirements of the particular industries, occupations, and trades.

By royal decrees issued before the outbreak of the European war the 12-hour maximum working day for young persons was reduced in a number of industries to 8 hours in type foundries, 8 and 10 hours in the building trades (8 hours, November to February; 10 hours, March to October); 9 and 10 hours in the furniture industry and in auxiliary building trades (9 hours, October to March; 10 hours, April to September); 10 hours in stone quarries in the open air, in the newspaper-printing trade, in art trade, in paper factories, in tobacco and cigar factories, in the pottery and terracotta industry, in the manufacture of looking-glasses, in zinc rolling mills, in the manufacture of tools and metal, domestic utensils (10 hours for workers of 12 to 14 years of age, 11 hours other protected workers), in bell foundries, braziers' works and arms factories, in subsidiary clothing trades, in tanneries, in shoemaking, harness making, leather work, the manufacture of hats, lingerie, buttons, gloves, umbrellas and canes, dyeing, and the manufacture of articles of fashion; 10 hours and 20 minutes in crystal glass factories; 10½ hours in mines and pits in the coal mines of Mariemont for male young persons of 14 to 16 years of age (10 hours for transportation work below ground; 9 hours for female young persons of 16 to 21 years of age above ground), in coke ovens and briquette factories, in tool-repair shops attached to stone quarries (10 hours in other shops of this kind), in large-scale establishments of the iron and steel industry, in sugar factories, in the manufacture of matches, in the plate-glass factories; 11 hours in fish canneries, in specified subsidiary clothing trades—knitting, passementerie making, lace making, embroidery making, in large-scale machine factories, in the linen, hemp, and jute industry; 11½ hours in the woolen-goods industry; 11½ hours (66 hours per week) in the cotton industry.

It will be seen from the above that in nearly all industries a 10 or 10½-hour maximum working-day has been substituted for the 12-hour working-day, except in textile industries and machine construction.

REST PERIODS.

One and one-half hours rest periods must be allowed during working time of 12 hours. By royal decree the rest periods for particular employments may be regulated for children under 16 and females between 16 and 21, and before the establishment of the German civil government royal decrees had changed the system of 1½ hours rest periods for some industries. In the case of young persons employed in the crystal and hollow-glass industry, whose total hours of labor are 10 hours and 20 minutes, two rest periods of 20 minutes each must be allowed in the morning and afternoon and one of half an hour at midday. The total duration of rest periods amounts altogether to 1 hour in the leather, felt, underclothing industry and other branches of the clothing industry (working day, 10 hours), in the machine industry (working day, 11 hours), to one-eighth of the working time in the mining industry below ground when interruptions occur caused by the nature of the work. In the match industry the workers must leave the workrooms during the rest periods. In the spinning and weaving industries the machines must be stopped during rest periods, and in the machine industries and a few other industries the workers must be allowed to leave the premises.

NIGHT WORK.

Children under 16 and females regardless of age shall not work between 9 p. m. and 5 a. m. By royal decree boys over 14 and females may be employed between 9 p. m. and 5 a. m. at work necessitating such employment, and boys in mines at certain classes of work, and the governors may permit night work for boys over 14 for all trades and industries on account of urgent necessity. The exceptions allowed by royal decree before the outbreak of the war were quite numerous. Complete night work after cessation of work due to urgent necessity or in exceptional circumstances. Work may be performed in fish-preserving factories by boys 14 to 16 and girls 16 to 21 between 9 and 12 p. m. 30 days in the year. The total period must not exceed 12 hours and must be interrupted by three rest periods of altogether 1½ hours. Night shift 9 p. m. to 5 a. m. for children 14 to 16 allowed in the manufacture of crystal glass, night shift not exceeding 10½ hours; in the manufacture of plate glass no night work, except in the smelting process; in blast furnaces, iron, steel, etc., works, foundries, etc., shift 10½ hours; paper factories, night shift, 10 hours, including three rest periods of a total of 1½ hours; in sugar and beet-sugar factories, in enamelware factories during one week in every fortnight, 11 hours, rest periods 1½ hours; in coal mines below ground (to 4 a. m. for children 12 to 13), night shift 9 hours as cutters, road men, and in gathering up mine timber; rest periods, one-eighth of the period of employment on the surface of mines in night work for children; at coke ovens and in recovery of by-products of 11½ hours, rest periods, of which principal rest must be of 1 hour's duration.

ADMINISTRATION.

The execution of the law shall be supervised by special officials appointed by the Government, without prejudice to the duties incumbent on the regular police authorities. The general administration of all the labor laws as exercised before the establishment of the German civil government is centered in the office of labor (office du travail), which is at present a part of the ministry of industry and labor (ministère de l'industrie et du travail), and is divided into two main sections: (1) The central administration and (2) the provincial service. The central administration consists of (*a*) the central administrative authorities, (*b*) the medical factory inspectors, and (*c*) the female inspectors. So far as the labor laws relate to industrial and commercial establishments, they are enforced by that factory-inspection department, and so far as they relate to mines, quarries, and metallurgical establishments the enforcement is in the hands of the mining engineers and their assistant delegate inspectors. In relation to the laws concerning labor of young persons and children the inspectors must ratify the ages of the children and note the conditions under which they work. These laws apply not only to factories, shops, and classified establishments but also to transportation agencies on land and water, ports, stations, etc., and to all public and private establishments, as well as those having professional or philanthropic establishments. The enforcement by the inspectors, however, does not apply to establishmetns in which only the members of the family are employed under the authority of the father and mother, provided such establishments are not classed as dangerous, unhealthy, or unsuitable and the work is not done by the aid of steam power or mechanical motors.

SOURCES OF INFORMATION.

Act to amend the act of December 13, 1889, relating to the employment of women, young persons, and children (dated May 26, 1914), contained in Bulletin of the International Labor Office, Volume X, Nos. 1, 2, page 14. According to article 3 of this amendment the laws in force were consolidated into one act and promulgated by the German civil governor in the Gesetz und Verordnungsblatt für die okkupierten Gebiete Belgiens, No. 20, December 17, 1914. Reprint in Bulletin of the International Labor Office, Volume X, Nos. 1, 2, page 61. Lois et règlements concernant la police du travail et le Régime des établissements classés. Bruxelles, 1906.

United States Bureau of Labor Statistics Bulletins Nos. 117, 118, 142; Bureau of Labor Bulletin No. 89.

## DENMARK.

EMPLOYMENTS PROHIBITED.

Under 10: In working any agricultural machinery.

Under 12: Only if under the direct and continual supervision of parent.

Under 14: Or before completion of compulsory school attendance. In any undertaking subject to the inspection department, including factories, workshops conducted as factories, bakeries and confectionery businesses, together with other concerns carrying on handicrafts or industries in which at least 6 workmen are employed or machinery run by elementary or mechanical power is used; where any machinery liable to cause danger to life or health while in motion and run by mechanical power is used, except in agricultural pursuits, in restaurants in serving alcoholic drinks.

Under 16: In operating elevator, in tending dangerous or special care-requiring machinery without supervision.

Minister of the interior may issue detailed regulations regarding dangerous machinery. By order of the minister, on the recommendation of the labor council, the age limit may be raised to 18 if certain classes of work stated above or other employments are specially laborious, prejudicial to health, or dangerous.

Under 18: In printing establishments at stereotyping, in rag assorting.

On the proposal of a communal authority the employment of children attending school or young persons under 18 may be restricted or entirely prohibited by order of the minister of the interior after consultation with the labor council.

Specimen by-laws for the city of Copenhagen. Notification of May 23, 1903.

Under 12: In delivery of goods or as messenger, in bowling alleys, restaurants, or places of amusement, or commercial occupations in behalf of persons other than parents.

HOURS.

Young persons under 18 not to work more than 10 hours a day, and if attending technical or trade schools hours shall be arranged in such a manner as not to prevent attendance after 6 p. m.

By-laws for city of Copenhagen.

Children over 12 under school obligations not to work more than 6 hours a day, including one-half hour rest period, and not during school hours.

REST PERIODS.

A rest period of one-half hour must be allowed to young persons under 18 after a maximum of four and one-half hours consecutive working hours in factories, workshops, or bakeries.

NIGHT WORK.

Young persons under 18 not to work between 8 p. m. and 6 a. m. By way of exception limited night work (8 p. m. to 6 p. m.) of young persons over 15 may be granted by the minister of the interior upon proposal and recommendation of the labor council, provided that this night work is necessary for industrial training.

ADMINISTRATION.

The director of labor and factory inspection at the ministry of the interior is responsible for the administration of the labor laws. Inspectors are appointed jointly by the ministers of the interior and justice seeing to the enforcement of the law. A labor council acts as an advisory board to the minister of the interior for the issuance of new orders and in cases specified by law. The by-laws are enforced by the local police authorities.

SOURCES OF INFORMATION.

Lovtidende: April 29, 1913, page 481; April 11, 1901, page 317; November 1, 1902, page 554; June 11, 1904, page 518; April 6, 1906, page 635; May 7, 1906, page 523; June 4, 1908, page 680; July 17, 1907, page 226; July 22, 1908, page 759; January 23, 1908, page 25; May 10, 1912, page 104; June 8, 1912, page 155.

Bulletin des Internationalen Arbeitsamtes, volume 1, page 13; volume 2, pages 510, 644; Bulletin of the International Labor Office, volume 1, pages 13, 177; volume 3, pages 45, 145; volume 8, pages 39, 272, 278, 324; International Labor Office, First Comparative Report on the Administration of Labor Laws, Inspection in Europe, London, 1911.

FRANCE.

EMPLOYMENTS PROHIBITED.

Under 13: In factories and work as actors or in theater cafés, etc.

Between 12 and 13: Child may begin work if qualified by prescribed educational and medical certificate of fitness.

Under 18: In certain dangerous industries and trades enumerated in decree May 13, 1893, modified by decree March 21, 1914, and in certain establishments allowed only under restricting conditions.

HOURS OF LABOR.

Maximum working-day for children under 18 years of age, 10 hours.

REST PERIODS.

One hour rest periods during the daily working time.

NIGHT WORK.

No person under 18 to engage in night work from 9 p. m. to 5 a. m. Exceptions: In case of cessation of work due to an accidental interruption or to events beyond human control. Young persons from 13 years upward employed in fish, fruit, and vegetable preserving factories may work at night for not more than 10 hours in the 24 and not more than 90 days in the year. Night work may be authorized temporarily in the case of factories where fish barrels are made (90 days); butter factories, cheese factories, glue and gelatine factories (60 days); and pastry factories where fresh butter is used (30 days). Children between 12 and 18 may be employed at night in handling tools, in the preliminary gatherings, in assisting in the blowing and casting operations, in transporting the articles to and removing them from the annealing furnaces. Night shifts must not exceed 10 hours. Rest period of 2 hours. Night work authorized for children between 13 and 18 employed in metallurgical works: Assisting in the work of charging; in auxiliary refining, rolling, forging, and wire-drawing work; the preparation of molds for casting objects; arranging the plates, sheets, pipes, and wires—10 hours. Rest period, 2 hours. In paper factories, assisting the adult workmen employed at machines, cutting, sorting, arranging, rolling, and finishing the paper, 10 hours; rest period, 2 hours. Sugar and beet-sugar factories: Children 13 to 18 may be engaged 10 hours in any period of 24 hours in washing, weighing, and sorting the beet roots, manipulating the sirup and water taps, assisting at the diffusing batteries and at the distilling apparatus, cutting the muslin for the filters, washing the apparatus, and working up the sugar into tablets, work in enamelware factories, and bakeries. Children between 16 and 18 may be employed 120 days in the year in urgent work in the repairing of ships and power machines.

ADMINISTRATION.

Labor and factory inspection is under the jurisdiction of the ministry of labor and social welfare. The director of labor, under this ministry, has charge of the inspection of mines and quarries as well as of industrial inspection. Although the bureau of inspectional service has a chief, who receives all the reports from the division inspectors, the department of labor inspection can not be said to have a centralized form of organization. Each of the 11 division inspectors is the real head of his territory and has sole executive power over the departmental inspectors in his district. Uniformity of applications of the laws is insured by the Conseil Supérieur du Travail, assisted by the annual conferences of the division inspectors.

SOURCES OF INFORMATION.

Code du Travail et de la prévoyance sociale. Paris, 1914. Librairie Dalloz. United States Bureau of Labor Statistics Bulletins Nos. 117, 118, and 142; Bureau of Labor Bulletin No. 89.

GERMANY.

EMPLOYMENTS PROHIBITED.

The law distinguishes between one's own and others' children.

*Others' children.*

Under 12: In workshops, commercial, transportation, and building enterprises, preparation of paints, occupations in cellars, hotels, restaurants, taverns, delivery of goods, or as messengers.

Under 13, and even at a later age if an educational certificate has not been obtained: In factories, mines, and quarries, surface and underground, enumerated workshops, salt works, brick works, stone breaking, chimney sweeping, street cleaning, tobacco industry, cleaning boilers, or in all establishments where mechanical power is used.

Under 14: In street trading and peddling, iron and steel rolling mills, hammer works, or in public theatrical exhibitions or other public performances.

Under 16, and females: At certain enumerated employments, in quarries, chicory industry, junk and rag sorting, sugar refineries, Dinas and chamette fire-brick works, in connection with chromate, lead, and glass works, in mines, unless a physician's certificate has been obtained, or in physically exhausting work, or in excessively hot work places.

Under 18: At certain enumerated employments in connection with grinding of Thomas slag metal or in occupations endangering health or detrimental to morals.

*One's own children.*

Under 10: In any employment except delivering goods or other errands.

Under 12: In workshops where elementary or mechanical power is used, in hotels, taverns, or restaurants.

*For later ages.*

Same provisions apply as for others' children.

The foregoing regulations may be amplified by orders from the Federal council, by State legislation, and police regulations.

HOURS OF LABOR.

Child under 14 not to work more than 6 hours in 24. During school period only 3 hours. Maximum working day for young persons between 14 and 16, 10 hours a day, or 60 hours per week; girls, 58 hours per week; exceptions in cases of urgent necessity.

REST PERIODS.

Rest periods of 2 hours for those young persons only who are employed for 10 hours. One hour's rest is prescribed for midday and two rest periods each of one-half hour for forenoon and afternoon. A midday rest of 1 hour is all that is required in the case of 8-hour shifts, provided that work is not performed for more than 4 hours before the rest period. Half an hour only is required for young persons who are employed during 6 hours. Exceptions necessitated by accidents or uncontrollable events in view of the nature of the work are provided for; and the Federal council has the right to permit general exceptions for particular industries.

Rest periods may by special request be regulated differently by the higher administrative authorities or the Imperial Chancellor; the workmen, however, or the workmen's committee must previously be given an opportunity to express their views concerning such regulation.

The federal council has made use of the authority conferred upon it by article 139a as regards the glass industry and large-scale establishments of the iron industry, and has abrogated the prohibition of night work for male young persons.

Rest periods are regulated in these two industries as follows:

1. In the glass industry the 10-hour maximum working day must be interrupted by rest periods amounting altogether to 1 hour. Interruptions of less than 15 minutes duration are not taken into consideration. But the higher administrative authorities may allow exceptions, if it is shown that the work is not very tiring and that a number of interruptions occur which give sufficient rest.

2. In large-scale establishments of the iron industry, rest periods amounting to not less than 2 hours must be allowed in every shift lasting longer than 8 hours. Interruptions in work of less than 15 minutes duration are not counted as rest periods. The rest periods may, however, be reduced to 1 hour in the case of shifts of less than 11 hours.

NIGHT WORK.

Night work prohibited for children under 12 between 8 p. m. and 8 a. m. Male young persons between 14 and 16 not to work between 8 p. m. and 6 a. m., and females of this age not after 5 p. m. on Saturdays and days before holidays.

ADMINISTRATION.

The Industrial Code is based upon imperial legislation, and therefore the general law for the protection of workers are uniform throughout the States of the German Empire. The administration of the labor laws, however, is a matter of State control, each State having the sole jurisdiction over the administration and the regulation of industrial inspection within its boundaries. Within each State the King or head of the State has the appointive power of State councilors, and the ministry of interior or of commerce and industry has the jurisdiction over the factory-inspection department in the State. There is therefore no uniformity in the organization of the administrative functions of factory inspection, each State having the form of organization which seems best suitable for its purposes. The imperial supervision over the administrative organizations of each State is very slight. The budget of the factory-inspection department of each State is a matter of State control; the reports of the inspectors are directed to the minister of the interior, to the minister of state, or to the minister of commerce and industry. The federal council (Bundesrat) may issue special rules and regulations for all the States, but does not interfere in the administrative functions of the factory departments of the States. In Prussia the organization is based upon a territorial district division, and is entirely decentralized in that there is practically no organized union of all the district inspectors nor any supreme head or director of the whole factory-inspection force. On the other hand, in Baden we find a highly centralized form of organization with a responsible director at the head of the department, with a general functional assignment of most of the inspectors, although there is also a territorial subdivision. Between these two extremes of the forms of organization there are a number of States like Saxony, Bavaria, Wurttemberg, and others where the form of organization in some respects approaches that of Baden, while in others it is similar to that of Prussia.

Prussia: At the head of the factory-inspection department in Prussia is the ministry of commerce and industry, which issues the special rules and regulations for the administrative guidance of the inspectors, passes upon the qualifications and examinations of the inspectors and appoints all the industrial inspectors and their assistants. The State is divided for administration purposes into government circuits, which correspond to the jurisdiction of the police and other government authorities.

Baden: The inspectorial organization of Baden is strictly centralized, with one chief who has the title of superior state councilor (Ober Regierungsrat) and is the director of the whole factory-inspection department in Baden. The inspectors work in conjunction with the police.

SOURCES OF INFORMATION.

March 30, 1903, R. G. Bl., page 113; February 17, 1904, R. G. Bl., page 62; June 16, 1905, R. G. Bl., page 548; February 17, 1907, R. G. Bl., page 36; February 21, 1907, R. G. Bl., page 65; May 16, 1907, R. G. Bl., page 235; July 1, 1907, R. G. Bl., page 404; December 28, 1908,

R. G. Bl., page 667; May 31, 1909, R. G. Bl., page 471; July 3, 1909, R. G. Bl., page 546; November 25, 1909, R. G. Bl., page 968; December 6, 1909, R. G. Bl., page 969; November 24, 1911, R. G. Bl., page 958; December 20, 1911, R. G. Bl., page 976; May 20, 1912, R. G. Bl., page 311; December 13, 1912, R. G. Bl., page 565; March 7, 1913, R. G. Bl., page 125; March 9, 1913, R. G. Bl., page 129; December 8, 1913, R. G. Bl., page 777; November 11, 1914, R. G. Bl., page 474.

Gewerbeordnung für das Deutsche Reich und Ergäuzungshaft. Berlin, 1910, 1912. Guttentag'sche Sammlung.

United States Bureau of Labor Bulletin No. 89; Bureau of Labor Statistics Bulletins Nos. 117, 118, 142.

### GREAT BRITAIN.

#### EMPLOYMENTS PROHIBITED.

Under 11: In street trading.

Under 12: In any factory, workshop, or mine.

Between 12 and 13: As above, unless certificate of physical fitness is received, a certain school standard is passed, and school is attended regularly half time.

Boy under 13: In any mine below ground.

Between 13 and 14: In factories, workshops, or underground mines full time, unless proper physical certificate is obtained.

Under 14: In any other occupation if employed half time under factory and workshop act, 1901; in lifting, carrying, or moving anything likely to injure child, or in any occupation injurious to child's life, limb, health, or education.

Under 16: In public exhibitions, or selling in places where intoxicating liquors are sold, or in performing for profit abroad without license.

Male under 16 and female under 18: In any public exhibition endangering life or limb of such young person.

Under 18: In dangerous or unhealthy trades.

Specimen by-laws (county of London) supplementing employment of children act, 1903.

Under 11: In any employment.

Under 14: In barber's or hairdresser's shop, or selling or delivering of intoxicating liquors, except when sold in sealed vessels, in laundry coming under factory regulations.

Boy under 14 and girl under 16: In street trading.

Boy under 16: In street trading, unless exempt from school and permit is obtained.

#### HOURS OF LABOR.

Maximum working-day for young persons under 18, 10½ hours a day and 7½ hours on Saturdays. In textile factories, 10 hours a day, or 55½ hours a week, and from 6 or 7 a. m. to 6 or 7 p. m., respectively; and in other factories the same hours or from 8 a. m. to 8 p. m. In domestic workshops to work only between 6 a. m. and 9 p. m. ordinary days; from 6 a. m. to 4 p. m. on Saturdays. Children under 14 attending school shall not work more than 20 hours a week, and on school days not more than 3½ hours, nor between 8.30 p. m. and 6 a. m.; when school is closed not more than 8 hours a day, nor between 9 p. m. and 6.30 a. m. Boy under 16 shall not exercise street trading between 9 p. m. and 6 a. m.

#### REST PERIODS.

Within an equal working-day (6 to 6, 7 to 7, also 8 to 8 o'clock in nontextile factories and workshops) rest periods, amounting to altogether 2 hours must be allowed on full workdays in textile factories and workshops, and rest periods amounting to altogether 1½ hours must be allowed in nontextile factories. In both cases 1 hour must be allowed before 3 o'clock in the afternoon, and a rest period of half an hour must be allowed on Saturdays. On the other hand, a rest period of at least half an hour must be allowed after every 4½ hours in textile factories and workshops, and after every 5 hours in nontextile factories and workshops. The latter rest periods are also prescribed in print works, bleaching and dyeing works, which are otherwise treated as textile factories and workshops. There are exceptions and modifications to the foregoing regulations applying to nontextile factories and workshops.

#### NIGHT WORK.

No night work for children under 18.

Exceptions: On account of unavoidable circumstances, an extended period of employment from 6 a. m. to 7 p. m. is allowed in certain factories; in establishments engaged in the process of preserving fish or fruit night work may be allowed. Night work of children between 14 and 18 is allowed in the manufacture of plate glass; total hours of labor must not exceed 60 hours per week; rest period of one-half hour must be allowed after 5 hours' working in tin and lead rolling mills, night shifts 12 or 8 hours; rest periods 1½ hours, number of night shifts 7 in 2 weeks, at blast furnaces, and 6 shifts in other establishments; same provision for paper factories. Night work for children above 16 in those departments of sugar refineries in which the knocking out and cutting of loaf sugar is performed; in book and newspaper printing establishments children 14 to 18 authorized to do night work, shift 12 hours, including rest periods of altogether 1½ hours, not more than 6 night shifts in a fortnight. England is the only state allowing children 16 to 18 to do night work with a maximum working-day of 12 hours in 24 hours in newspaper-printing offices in which the printing is done only twice during the week. Lace factories may employ children 16 to 18 between 4 a. m. and 10 p. m.; boys over 14 may be employed in a mine below ground at night; on the surface of mines the employment of boys under 16 is prohibited between the hours of 9 p. m. and 5 a. m.; children between 16 and 18 may be employed in the part of a bake house in which the process of baking bread is carried on between 5 a. m. and 9 p. m., including 7 hours' rest. Night work is allowed to persons 16 to 18 in any class of nontextile factories and workshops, provided that employment will not injure their health and it is necessary by reason of the nature of the operations.

#### ADMINISTRATION.

The administration of the laws for the protection of children is divided. The general control of the administration of the factory, workshop, and mines acts is in the hands of the secretary of state for the home department, who has power to make orders not laid before Parliament and special orders to be laid before Parliament on a variety of subjects in pursuance of the acts, either imposing additional regulations or allowing occupiers special powers or exemptions, and applying either in general or to specified kinds of work places. He may further issue regulations for dangerous trades. Thus the secretary for the home office has very wide powers under the acts, and these powers are freely used. Factory and mine inspectors are appointed by the home office and see to the enforcement of the laws. While the central authorities are responsible for the execution of the laws concerning children working in factories, workshops, and mines, by the employment of children act, relating to children employed in other occupations and trades, it is left to the local authorities to make by-laws, subject to confirmation by the secretary of state, to supplement and amplify the provisions of the act. Thus the local authorities alone are directly responsible for the execution of the enactments. These local laws vary considerably, and do not contribute to effective administration. The county, town, or urban district council make the by-laws, and the enforcement is in the hands of public-control committee, watch committee, police or school-attendance committee.

#### SOURCES OF INFORMATION.

Factory and workshop act, 1891 (54, 55Vict., ch. 75); 1895 (58, 59 Vict., ch. 37); 1901 (1 Edw. VII, ch. 22); 1907 (7 Edw. VII, ch. 39).
Prohibition of child labor underground act, 1900 (63, 64 Vict., ch. 21).
Employment of children act, 1903 (3 Edw. VII, ch. 45).
Prevention of cruelty to children act, 1904 (4 Edw. VII, ch. 15).
Children act, 1908 (8 Edw. VII, ch. 67).
Dangerous performances act, 1897 (60, 61 Vict., ch. 52).
Children (employment abroad) act, 1913 (3 and 4 Geo V, ch. 7).
Child labor in the United Kingdom, by Frederic Keeling, London, 1914.
British Association for Labor Legislation. Report on the administration of labor laws in the United Kingdom. London.
United States Bureau of Labor Bulletin No. 80, January, 1909.
United States Bureau of Labor Statistics Bulletins No. 117, 118, 142.
Bulletin of the International Labor Office, Volume IX, Nos. 8, 9, and 10, page 7.

### ITALY.

#### EMPLOYMENTS PROHIBITED.

Under 12: In factories, workshops, building operations, or above ground in mines, quarries, and pits.

Under 14: In mines, quarries, and pits below ground, unless steam, electricity, or similar motive power is used; no female, of whatever age, shall be employed in such work.

Under 15, and no female under 21: Unless provided with physician's certificate, or in any dangerous processes, or in processes requiring excessive physical exertion or injurious to health.

Over 13: May work in the rice industry.

Over 14: May be employed in sulphur mines of Sicily to fill and empty ovens.

#### HOURS OF LABOR.

Children under 15 not to work more than 11 hours a day, and children attending school not more than 10 hours; in the rice industry work not to begin until an hour after sunrise and to cease an hour before sunset.

#### REST PERIODS.

One-hour rest periods if the hours of labor are between 6 and 8; 1½ hours if the work period is 8 to 11 hours; and 2 hours if more than 11 hours.

#### NIGHT WORK.

Night work is classed as injurious and prohibited for children between 12 and 15 between 6 p. m. and 6 a. m. (October 1 to March 31) and 9 p. m. and 5 a. m. (April 1 to September 30); in bakeries prohibited between 9 p. m. and 4 a. m., and on Saturdays between 11 p. m. and 4 a. m. The minister of agriculture, industry, and commerce may alter these limits in those regions in which special climatic or economic conditions require it upon the favorable recommendation of the board of health of the Province concerned.

A war measure allows the temporary suspension of the prohibition of night work for women and children in cases where it is necessary in regard to work to be carried out directly on behalf of the State or to other indispensable requirements of public interests, or in the event of happening beyond the control of human power.

#### ADMINISTRATION.

Under the direction of the minister of agriculture, industry, and commerce the labor office is intrusted with the enforcement of the law. Divisional and regional inspectors of industry, mining engineers and assistants, and the officers of the judicial police visit the establishments and see to the proper execution of the law. The organization is very similar to the French system.

#### SOURCES OF INFORMATION.

Testo unico della legge sul laver della donne e dei fanciulli approvato con Regio Decreto, 10 Novembre, 1907, n. 818. Reprint in English in Bulletin of the International Labour Office, Volume II, No. 4, p. 578; F. L. No. 886, 26 giugno 1913, concernente i requisiti di istruzione dei fanciulli per l'ammissione a lavoco negli stabilimenti industriali. R. decreto 30 agosto 1914 concernente la temperanca sospensione del divieto del lavero notturne delle donne e dei fanciulli. Reprint in English in Bulletin of International Labour Office, Volume X, Nos. 1, 2, page 73. United States Bureau of Labor Bulletin No. 89; United States Bureau of Labor Statistics, Bulletins No. 117, 118.

### NETHERLANDS.

#### EMPLOYMENTS PROHIBITED.

Under 13, or compelled to attend school: In any employment.

Under 14: In construction or restoration and other enumerated work.

Under 15: In construction of cesspools, reservoirs, or cisterns, in charge of winches or cranes, in peat industry, in occupations in which wages are calculated otherwise than on a basis of hours of work, if the work under those conditions endangers health.

Under 16: At certain employment in the linen industry, or at sorting rags, in mines underground.

Under 17 and females: In transportation, dangerous performances, tending to electrical machinery or apparatus, in manufacture of coal briquettes, in factory or workshops which do not comply with specified sanitary provisions, or at certain employment connected with machinery, or at certain processes.

Under 18 and females: In certain specified kinds of work, or work under certain specified circumstances, dangerous to health, life, or morals; i. e., manufacture or treatment of explosive substances.

#### HOURS OF LABOR.

Maximum working day of 10 hours, or 58 hours a week, and no work on Saturdays after 1 p. m. for young persons under 17 and females.

Young persons shall have opportunity to attend schools after 5 p. m. Permission may be granted under certain conditions for longer working hours, but not exceeding 12 hours a day or 66 hours a week on 7 consecutive days.

NIGHT WORK.

Child under 14: Not allowed to do errands between 9 p. m. and 7 a. m. No night work between 7 p. m. and 6 a. m. for young persons and females. Street trading prohibited between 9 p. m. and 5 a. m. There are a number of exceptions regarding night work of young persons over 14 and females in certain enumerated industries; i. e., fish smoking, drying, and salting works, peat work, glass factories, in establishments driven by wind and water power.

ADMINISTRATION.

The minister of agriculture, industry, and commerce supervises the administration of the law. For purpose of enforcement the country is divided into nine districts; at the head of each is a chief of the inspection service, to whom the staff of inspectors has to report.

SOURCES OF INFORMATION.

Staatsblad, 1889, No. 48; 1895, No. 138; 1876, No. 359; 1902, No. 185; 1903, No. 107; 1906, Nos. 97, 204, 243; 1909, Nos. 244, 290; 1911, Nos. 319, 352, 353, 355, 356; 1912, Nos. 282, 283, 284.

Bulletin of International Labour Office, London, volume 7, pages 47–91; volume 9, No. 6, pages 226–228.

NORWAY.

EMPLOYMENTS PROHIBITED.

Under 14, or under compulsion to attend school: In factories, workshops, industrial establishments where mechanical power is used, in stonecutting or quarries where at least 5 workers are employed, in surface mining, transmutation shops, foundries or similar establishments, in undertakings, maunfacturing, or using explosives, glass manufacture, construction work, or in any other industrial or technical establishment employing at least 5 workers, in bakehouses, in cleaning and oiling machinery while in motion, or operating enumerated machinery.

Under 16, and females: In mines, underground, without permit, or at any work injurious to health or physical development.

Under 18: In tending to boilers or machinery requiring special care.

Over 12: May be employed at light work not detrimental to physical development on presentation of physician's certificate.

Royal decrees and orders of the competent minister may, on advice of the labor and inspection service, extend the provisions of the law to other classes of work and enterprises.

HOURS.

10 hours constitute the working day for young persons under 18; 58 hours during the week.

Children between 12 and 14 not to work more than 5 hours, and children attending school not more than 7 hours a day.

REST PERIODS.

One hour rest periods during working day.

NIGHT WORK.

Young persons under 18 prohibited from working at night between 8 p. m. and 6 p. m.

Young persons over 16 may work for 8 hours at night in establishments requiring such work on the authorization of the inspection service, i. e., glass industry.

ADMINISTRATION.

The general administration of the law is exercised by the ministry of shipping, commerce, and industry, with a labor office as expert advisor and an inspection service to enforce the law. In every commune where there are establishments subject to the provisions of the law, there shall be a local inspection authority chosen by the communal council. The local inspection authority and the factory inspector or mining officer concerned cooperate as far as possible.

SOURCE OF INFORMATION.

Norsk Lovtindende: September 10, 1909, page 418; July 25, 1910, page 453; April 24, 1906, page 189; July 29, 1911, page 426.

Bulletin of the International Labor Office, volume 2, page 100; volume 8, page 310.

Annuaire de la Législation du Travail, Bruxelles, 13e année, 1909, pages 576–591.

PORTUGAL.

EMPLOYMENT PROHIBITED.

Under 12: Industrial establishments, mines, quarries, shipyards, factories, workshops, or in any other industrial occupation, and in certain employments stated and enumerated.

Under 14: In underground work.

Under 16: In acrobatic and other public exhibitions.

Above age limits include females of all ages.

Over 10: May be employed in certain industrial establishments if certain school and physical requirements have been complied with.

HOURS.

Children from 10 to 12 years, and boys between 14 and 16, in occupation underground not to work more than 6 hours a day, 36 hours a week; males between 12 and 16 years, and girls between 12 to 21 years, 10 hours daily, 60 hours weekly.

REST PERIODS.

One hour rest periods during work period.

NIGHT WORK.

Children under 12 and females of all ages prohibited from working at night. Night work for children between 12 and 14 is authorized in establishments with continuous fire and foundries, and is prohibited in mines; length of night shift, 10 hours. This night shift may not be worked on more than 3 consecutive days, or it may be replaced by a permanent 8-hour night shift. In cases where the work partly falls during the day and partly during the night, night work must not exceed 6 hours.

ADMINISTRATION.

The minister of public works, commerce, and industry (ministerio do fomento) and the director general of commerce and industry at this ministry have general control of the administration of the labor law, assisted by the superior council of commerce and industry, local industrial commissions and inspection service.

SOURCE OF INFORMATION.

Collecção da legislação Portugulza (O Diraito), April 14, 1891, page 86; June 24, 1911, page 428; Carnairo de Moura, Dircito Industrial Portuguez, System atisado, Lisboa 1898, pages 70–119; International Labor Office, First Comparative Report on the Administration of Labor Laws, Inspection in Europe, London, 1911, page 98.

RUSSIA.

EMPLOYMENTS PROHIBITED.

Under 12: In factories, mines, or manufacturing establishments.

Under 15: At employment dangerous to health specified by law No. 57, 1884, or to be determined by the authorities.

HOURS OF LABOR.

Children between 12 and 15 not to be employed more than 8 hours in factories, mines, or manufacturing establishments.

The general maximum working day consists of 11½ hours, 10 hours on Saturday, and eves of holidays, without distinction of age.

REST PERIODS.

One hour rest periods.

NIGHT WORK.

Children under 15 prohibited from working at night between 9 p. m. and 5 a. m. in textile factories. There are practically no restrictions on night work regarding other industries. Children may be employed in night shifts from 6 to 10 hours.

ADMINISTRATION.

Factory inspectors in conjunction with the police see to the enforcement of the law under the supervision of the governor.

Instructions are given out by the department of industry in the ministry of finance.

SOURCE OF INFORMATION.

Industrial Code, articles 47–61, 107–121; Reichsgesetzblatt 1900, No. 23; Die Fabrikgesetzgebung des Russischen Reiches, Riga, 1913.

United States Bureau of Labor Statistics, Nos. 117, 118.

SPAIN.

EMPLOYMENTS PROHIBITED.

Under 10: In any industrial establishment. Children over 9 able to read and to write may be admitted to work.

Under 16: In mines, quarries, underground work, cleaning machinery while in motion, in the glass and crystal industry, in establishments at enumerated work dangerous to life and injurious to health.

HOURS OF LABOR.

Children under 14 not to work more than 6 hours a day in any industrial establishment nor more than 8 hours a day in any commercial undertaking.

General working day consists of 11 hours.

REST PERIODS.

One hour rest periods during the working time.

NIGHT WORK.

Children under 14 are forbidden to work at night between 7 p. m. and 5 a. m. Young persons under 18 may work 48 hours a week in night shifts. Self-governing boards (juntas de reformas sociales) have the power to subject particular industries to a prohibition of night work of young persons under 18.

ADMINISTRATION.

The Spanish system of centralization is unique. The institute of social reform at the ministry of the interior acts as central inspectorial authority. Regional inspectors supervise the work of the district inspector and their assistants (ayudantes o auxiliares). They are assisted by autonomous boards appointed in every industrial municipality for a term of 4 years, and consisting of not more than 6 workmen and an equal number of employers, the priest and medical officer under the presidency of the mayor (alcade). A committee appointed by these so-called local committees for social reform (junta provincial de reformas sociales) is to sit at the capital of the province under the presidency of the governor of the province and act in a consultative capacity.

SOURCES OF INFORMATION.

Laws March 13, 1900; July 26, 1878; July 23, 1903; August 12, 1904; January 24, 1908; March 21, 1909; February 8, 1911.

Royal decree January 27, 1908, contained in Institute de reformas sociales, Legislacion del Trabajo, Madrid, 1908.

United States Bureau of Labor Statistics Bulletins Nos. 117, 118.

International Labor Office, First Comparative Report on the Administration of Labor Laws, Inspection in Europe, London, 1911.

SWEDEN.

EMPLOYMENTS PROHIBITED.

Under 12: No employment.

Boy under 13 and girl under 14: At industrial work carried on in a workshop on certain specified scale, unless complying with educational and physical requirements.

Under 15: At underground work, in mine or quarry.

Under 18: At any employment involving risk of accident or of overexertion or of any other injurious effect on the minor's health or physical development or of imperiling the morals of the minor.

HOURS OF LABOR.

The legal maximum working day consists of 10 hours, or 60 hours a week, except for children under 13, who may not work more than 6 hours a day, or 36 hours hours a week, and under 14 more than 8 hours a day, or 48 a week.

REST PERIODS.

Sweden is the only State which leaves it to the employers to allow rest periods as they please. The law provides that the 10-hour working day of young persons under 18 shall be interrupted by "suitable rest periods," but does not regulate the rest periods.

NIGHT WORK.

Young persons under 18 shall not be employed at night between 7 p. m. and 6 a. m. Exceptions: Children over 16 may work in night shifts not exceeding 8 hours in mines, iron and steel works, rolling mills, blast furnaces, factories and other establishments with continuous fires, sawmills and establishments annexed to them. Young persons must not, however, be employed for two consecutive nights, and 8 hours' rest must be allowed between the two shifts. But they may be employed at night continuously every third week in establishments working on the three-shift system.

ADMINISTRATION.

The supervision of the observance of the law and the directions given by virtue of its authority shall be undertaken under the superintendence and direction of the chief factory inspection authority by special inspec-

tion officers, viz, factory inspectors, inspectors of mines, subinspectors, and communal inspection authorities.

SOURCES OF INFORMATION.

Law of June 29, 1912 (Lag om arbetarskydd) Svensk Författrings-Samling, 1912, No. 206, page 471.

Bulletin of the International Labour Office, Volume VIII, No. 2, page 84.

United States Bureau of Labor Statistics Bulletins Nos. 117, 118.

SWITZERLAND.

EMPLOYMENTS PROHIBITED.

Under 14 or subject to compulsory school attendance: In factories, workshops, industrial undertakings where several workers are employed.

Under 16: In establishments where normal hours of labor are exceeded, at all work in chemical factories at which poisonous substances are used or gases and fumes are generated, or at dangerous machinery. The Federal Council may further designate occupations at which young persons under 16 may not be employed.

HOURS OF LABOR.

The working day is 10 hours, 9 hours on Saturday and on days before holidays. Restrictions apply to all employees, irrespective of sex or age, and may not be evaded by giving out work to be done at home or by doing voluntary work in the factories after the prescribed hours. Children under 16 still attending to their religious instructions and schooling, the daily hours of such attendance, together with their hours of labor in the factory, must not exceed the prescribed maximum of 10 hours.

REST PERIODS.

One-hour rest periods during the working day.

NIGHT WORK.

No night work for children under 18. In exceptional cases the Federal Council may authorize the night work of children between 14 and 18 in establishments with continuous operation and with a system of alternate shifts, if the work of young persons is considered to be indispensable, and in particular when it appears to be necessary to give them a thorough training. Night shifts must not exceed 10 hours and must be followed by an unbroken rest period of at least 11 hours, including the hours 10 p. m. and 5 a. m.

ADMINISTRATION.

The immediate administration of the law is decentralized and rests with the cantonal governments, but is subject to general supervision by the Federal Council and the Federal board of inspectors. The Federal Council may appoint functional inspectors for special industries or kinds of inspection. There is created an advisory council, consisting of specialists and of representatives of the employers and employees, in equal number, to advise the Federal Council in the drafting of rules and regulations for the enforcement of the law.

SOURCES OF INFORMATION.

L. June 18, 1914: Amtliche Sammlung der Bundesgesetze und Verordnungen der schweizerischen Eidgenessenschaft, 1914, page 535. United States Department of Labor Statistics, Bulletins Nos. 117, 118, 142; Monthly Review of the United States Bureau of Labor Statistics, volume I, August, 1915, No. 2.

Mr. KENYON. Before I take up the question of the constitutionality of a national child-labor law, which is the debatable proposition, I want to call the attention of the Senate to the forces opposing this bill. Mr. President, this is not a sectional question. I do not know why it is that when a child-labor law is mentioned there are a few manufacturers from one or two States of the Union who immediately seem to think that it is an assault upon their industries. I do not think the three or four manufacturers who appeared before the committee seeking to speak for the South really represented the sentiment of the South at all. They were much like the three tailors of Tooley Street who met and resolved, "We, the people of England."

There were placed in the record of the committee clippings from a large number of southern papers favoring this bill. I want to see this bill lifted above sectionalism. I know there is no one in this Chamber who deplores sectionalism more than I do. I have an affection for the people of the South. I would be the last one ever to say a word in criticism of them or any of their industries. I have known too well, in times of trouble, the kindness and great-heartedness of the southern people. I want to put in the RECORD a list of some of the papers in the South which have supported and are supporting this measure. I have resolutions here, which I will not take the time to read, from farmers' associations in the South; but I am going to call attention to the Progressive Farmer, published in Raleigh, N. C., of a late date—February 19. In advising the Members of Congress what bills they should support, it says:

Since southern manufacturers, with their vast wealth and influence, have used their power to prevent suitable child-labor legislation by State action, nothing remains but for the National Government to handle this matter.

That, I understand, is one of the strong farm papers of the South.

In the House of Representatives, out of 150 Members from Southern States, there were only 45 votes against this bill. There were nine southern delegations that voted solidly for it—Maryland, West Virginia, Kentucky, Arkansas, Oklahoma, Arizona, Missouri, New Mexico, and Louisiana—if my information is not in error.

So while I hold no brief to speak for the southern section of this country I think I could produce sufficient evidence on the issue to an unprejudiced jury that the people of the South are not against the bill.

But, Mr. President, there are forces against the bill that I want to call attention to. I am not criticizing the manufacturers who came before the committee from the South and gave their testimony. They were perfectly honest and sincere, I think, about it, and believe that in certain mills down there—and it is doubtless true—that the children working in those mills may be better off than up in the farming mountainous country, and it may be true that some of those mills have good sanitary conditions and are probably not unhealthy.

There is another force in this country, though, that is working against this bill, and that is an organization—I perhaps ought not to say it of the entire organization—but the part of the organization that is working against it has a good deal of nerve to come into the committee rooms of Congress and fight legislation in view of past legislative history. I do not believe the representation of that organization here speaks for the entire organization.

There was an investigation some time ago of lobbying, and I have some three volumes of the evidence here. I think there are some 10 or 12 more volumes. A system of attempted corruption in legislation was unearthed by that committee under the able chairmanship of the distinguished Senator from North Carolina [Mr. OVERMAN], and we see now before the Interstate Commerce Committee the chief argument against this bill made by the counsel of that institution, the National Association of Manufacturers or the National Council of Industrial Defense, one the child of the other.

Mr. Emery, who made the constitutional argument of many hours, said he represented, as I remember, the testimony of 4,000 manufacturers; but when pinned down in the evidence it was apparent that he represented 26 directors, and it never had been submitted to this general association. But Senators who are receiving the pamphlet now being sent out against this bill, signed by Mr. Emery, counsel of the National Council for Industrial Defense, and Mr. Kirby, as chairman, had better take up the investigation of the lobby and find out the relationship of this gentleman to what has gone on in the past here.

Before I get into that, I am going to read only a few of the letters I have here which I think are rather interesting. When the question came up in the House involving this same constitutional proposition years ago it was referred to the Committee on the Judiciary, of which Judge Jenkins, of Wisconsin, was the chairman. It was not the identical question, because that was the question of an appropriation. That committee returned a report that the proposition involved was unconstitutional because it was going into the State to regulate manufacture. So I want to keep the question of Judge Jenkins, the chairman of the committee, in mind.

Mr. Mulhall, chief lobbyist for the association in the past, wrote some very interesting letters to Mr. Emery, the chief constitutional arguer now against the bill, and I quote from just one or two of them. This is found at page 1744 of Volume II:

MY DEAR JAMES: * * * I arrived in Chippewa Falls on Sunday morning about 4.30 a. m. and at 10 a. m. I called at the home of Judge Jenkins, and found him there and had a long and pleasant interview with him. Judge Jenkins gave me to understand that Mr. Kasson is East at the present time and that they do not expect him back until Thursday of this week; but a short time after I arrived at his home he called a meeting of some of his close political friends, and we had an interview regarding the situation in this district, which lasted for about two hours.

From the information I could get from those gentlemen, it appears to me that we have got a good fighting chance to win this district, providing that you can do as you told Judge Jenkins you would do to aid him, by raising some funds in the East so he could put the necessary workers going here as soon as possible to do so. The judge remembered the promise you made him in Washington and is very anxious to hear from you at the earliest moment.

Mr. REED. To whom is that letter?

Mr. KENYON. This letter is to Mr. Emery, a man who has been before the committee and argued for five hours against this bill, written by a gentleman known as Col. Mulhall, with exposing whom I think the Senator from Missouri had much to do.

I have been somewhat encouraged by the work of the past 24 hours, and I certainly believe that if we can raise the necessary funds to carry on the work here, that we will redeem this district and surprise the LA FOLLETTE forces, who feel at the present time so very confident.

That is a letter from the chief lobbyist, Mulhall, to the patriotic gentleman who wants to defeat legislation in the interest of the children of this country.

Again, in another letter, at page 1747:

I suppose that you have written to Mr. Emery as well as to me, because I should like to know just what he thinks about the situation. I am not as familiar with his promises to Judge Jenkins as I would like to be, and Mr. Van Cleave should have this before him for his guid-

ance. However, I shall write Mr. Emery direct as soon as I have had a chance to look this over with Mr. Van Cleave. We must fix the situation up one way or the other.

Mr. REED. From whom is that letter?

Mr. KENYON. That letter is to "My Dear Martin," to Mulhall.

Mr. REED. From whom was it?

Mr. KENYON. From Schwedtman, who was secretary to the president of the association, Mr. Van Cleave.

Seemingly in reply to this correspondence is a letter from Mr. Emery, the eminent lobbyist, which the Senator from Missouri asked to have read, because he made the inquiry and asked him to read it:

MY DEAR COLONEL: You no doubt have me on your black list for apparent neglect of your very interesting and exhaustive letters. I found it necessary to attend a southern convention at Atlanta, Ga., and left here on family matters immediately on my return. I realize very keenly the critical nature of the Wisconsin situation, and I hope we have some lines out that will secure practical assistance within a few days. The extreme heat of the past week has apparently driven out of New York every man whom we have been most anxious to see, which has prevented the work I have been most anxious to do here in connection with the Jenkins decision.

That word evidently should be "election."

I am attending after to-morrow a convention of the State Bankers' Association, at which I expect to find some of the men I am most anxious to see.

Mr. REED. By whom is that letter?

Mr. KENYON. This is a letter by James A. Emery. I will only refer to one more, a letter from Mr. Mulhall to Mr. Schwedtman. These three gentlemen all seem to be involved, one in the mud as deep as the rest are in the mire. Mulhall writes Schwedtman June 2, 1909:

I had a telegram from Mr. Emery on Friday night, calling me to New York on Saturday morning. We had a conference in relation to the Washington situation, and he stated what he wished me to do and gave me to understand plainly what he wishes done while he is absent. He has put it up to me to fix the Judiciary Committee and the Labor Committee while he is away, and I feel certain I can have this done, as we have been working upon this for some time. It looks as though we would meet with success all along the line.

* * * * * * *

I particularly note—

Says the genial colonel—

what you say about our new president, Mr. John Kirby. You are right, dear old brother, for both you and I are too well drilled in military tactics to do anything else but strictly obey orders and do all we can for the grand association that we have the honor to serve.

I do not believe the National Association of Manufacturers countenanced the action of Emery.

Mr. REED. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Missouri?

Mr. KENYON. I do.

Mr. REED. I think it is pertinent to the remarks the Senator has just made to epitomize the result of those hearings.

Mr. KENYON. How long will that take?

Mr. REED. About one minute and a half.

The evidence clearly shows that the three men who were engaged in managing this association were Mr. Schwedtman, Col. Mulhall, and Mr. Emery, and that Mr. Kirby gave his acquiescence to many things. Whether he knew the details or not may be said to be a question. My conclusion after reading this evidence was that the national council for industrial defense was, in fact, these four men, and that the members were composed for the most part from good institutions that had been induced to join upon the belief that they were simply to be kept advised of certain legislative proceedings.

The method employed by these four gentlemen was to send out alleged information to all the members and ask them to bombard Congress with letters and telegrams of remonstrance. So any movement started by these four men going out in the form of a circular letter to all this great membership would result in hundreds and perhaps thousands of letters and telegrams being sent to Congress, all based upon the statements they sent out.

An examination of the statements they did send out in many cases shows, in the first place, that they stated only one side of a proposition; that in many instances they misstated the facts, and in many instances misstated the law. So the letters which came to Congress at that time were based on this misinformation, and I have not the slightest doubt that every statement they send out now with reference to this bill is equally one sided, unfair, and unjust. Hence the protests which come, being based on that kind of information, ought to be considered in the light of the facts on which they are made.

Mr. KENYON. I thank the Senator for the suggestion, and I will call attention to the fact that in the bulletin they are sending out they refer to this proposed law as making it "a penal offense, punishable by fine or imprisonment, for any person to either ship or offer for shipment in interstate commerce any commodity produced in whole or part, in any mine or quarry, by the labor of a child under 14, or in any manufacturing establishment or cannery by the labor of a child under 16, or in any of such places by children under 16," which is an absolutely untruthful statement right there, confirming the statement of the Senator from Missouri that they made errors. I wish to take up the important question of the constitutionality of this proposed law.

CONSTITUTIONALITY OF A NATIONAL CHILD-LABOR LAW.

The power of Congress to pass a national child-labor act is based upon section 8 of the Constitution. The objections to said power of Congress are based upon the fifth and tenth amendments to the Constitution. I insert them at this point:

THE CONSTITUTION OF THE UNITED STATES.

Section 8. The Congress shall have power:

(3) To regulate Commerce with foreign nations, and among the several States, and with the Indian tribes.

AMENDMENTS TO THE CONSTITUTION.

ARTICLE V.

No person shall be held to answer for a capital or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service, in time of war, or public danger; nor shall any person be subject, for the same offense, to be twice put in jeopardy of life or limb; nor shall be compelled, in any criminal case, to be a witness against himself; nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use without just compensation.

ARTICLE X.

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

The third division of section 8 of the Constitution is a general clause giving the power to regulate commerce with foreign countries, among the several States, and with Indian tribes. The amendments to the Constitution which bear on the constitutionality of this act are, of course, the fifth amendment, commonly know as the due process of law amendment, and the tenth, relating to the powers not delegated to the United States by the Constitution or prohibited by them to the States, being reserved to the States, respectively, or to the people.

It is not necessary, I know, with the Senate, composed of many lawyers who know constitutional questions better than I do, and it is perhaps somewhat presumptuous for me to review in detail the decisions of the Supreme Court on the question of the power of Congress over interstate commerce. I am not going to do that, although I am going to place excerpts in the RECORD.

I think some propositions, however, may be accepted as being fairly well established.

The power is the same as the power to regulate commerce with the Indian tribes, the same as the power to regulate foreign commerce. I realize, however, that there may not be an entire agreement about that proposition, because the regulation of foreign commerce inheres in sovereignty and would not depend upon this clause of the Constitution. Certainly it is true, however, as to the power over foreign commerce conferred by section 8 of the Constitution. The power to regulate foreign commerce is complete. The power to regulate commerce embraces the power to prohibit. The courts can not inquire into the motives of Congress. From those propositions it can be argued, as it has been argued in the Senate in the past, that Congress has absolute power to prohibit any commodity from being transported in interstate commerce.

I am going to discuss that proposition a little later. For the purpose of a national child-labor law and its constitutionality one does not have to take the position that Congress has the power to prohibit the transportation of all articles of commerce, but can stand, I believe, on a firm foundation in contending that Congress has the power not only to prohibit the transportation in interstate commerce of anything that is injurious to commerce itself, but that may be detrimental to public health, public morals, and public welfare, and that this applies either to the use to be made of the commodity or the method of its production. In other words, that the regulation of commerce may be not only for commerce itself but for the general public welfare. Now, that is outside of the fifth amendment.

Mr. HUGHES. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from New Jersey?

Mr. KENYON. I do.

Mr. HUGHES. I wish to call the Senator's attention to the fact and ask him on what theory Congress enacted a law known as the phossy-jaw bill, regulating the manufacture of matches?

Mr. KENYON. Of course, that is on a different theory. That is under the general power of taxation of Congress, because it is in the power of Congress to tax anything out of existence just as it taxed the circulation of the State bank notes out of existence.

Mr. HUGHES. But it was admitted that the tax proposed and actually laid would make it impossible for that industry to continue. So, it seems to me that Congress has the power to deny the right of the manufacturer to carry on his business in such way as to be a detriment to the public health and the general welfare, and if Congress can do it by means of a tax which is never meant to be laid, they can do it in some other way.

Mr. KENYON. That, of course, goes to the question of power, and is under an entirely different power in the Constitution than the regulation of interstate commerce. I will refer to that later. In the oleomargarine case, covering the identical question which the Senator raises, the Supreme Court sustained the proposition involved, even though it was virtually a tax to crush out the oleo industry instead of a tax to raise money, and everybody knows that; but the Supreme Court said: "You can not go into the motives of Congress." We have pending here the power-dam bill. There the question is involved; and everybody knows that the bill is being passed not for navigation at all—possibly I should not say "at all"—but the prime purpose is to get hydroelectric power. Everybody understands that, and every Senator in this body knows it. There will be a very small percentage of the construction of these dams that will help navigation. But, as was said here yesterday by the distinguished Senator from Tennessee [Mr. SHIELDS], the peg we hang it on is that we have a right to pass such a bill to help navigation. So Congress does many things—to which I had intended to refer, but time forbids—really indirectly which it would not have the power to do directly.

Whenever the attempt has been made to enact a national child-labor law it has been at once contended—

That Congress can not prohibit the transportation of an innocuous commodity in interstate commerce, and that articles made by children are not in themselves harmful to the public welfare.

That such a law is an attempt to regulate the manufacturing business of the State instead of a regulation of commerce, and violative of both the fifth and tenth amendments to the Constitution.

That the right to manufacture is inherent in citizenship; that the power exists outside of the Constitution and beyond the same.

That the deprivation of right to ship in interstate commerce is violative of the fifth amendment.

That the power to regulate interstate commerce does not mean the power to prohibit; that regulation implies there will be no prohibition.

That Congress has no power to control the manufacture of goods in the State destined for interstate shipment, and, secondly, can not control the labor of persons engaged in manufacturing products intended for shipment in commerce.

These propositions cover in general the constitutional questions that arise with reference to a national child-labor law. As to some of the bills, however, now introduced and pending, another question might arise, to wit, that even if Congress has the power to prohibit the transportation in interstate commerce of goods made by child labor, has it the power to prohibit in interstate commerce all the products of factories or mines where child labor is employed? I think that is a difficult proposition and more of an administrative question, to which I will refer later and discuss it, if I have time.

There are a number of authorities seeming to sustain some of the propositions hereinbefore set forth as urged against the constitutionality of a national child-labor law. The subject is reviewed in Watson on the Constitution, volume 1, page 523. He reaches the conclusion that Congress has no power to pass a child-labor act or an act prohibiting the instrumentalities of commerce to goods made by women working over eight hours per day in factories; that it amounts to Congress controlling the manufacture in States of goods destined for interstate or foreign commerce; that such regulations belong to the State and resided there before the Constitution was adopted, and such power was never surrendered by the States to the General Government; and I think he makes the objection about as clearly as anyone else has done.

I referred some time ago to the report of the House committee, holding that this proposition was unconstitutional. That was many years ago. I ask to insert here that report as a part of my remarks, without reading it.

The PRESIDING OFFICER. In the absence of objection, permission to do so will be granted.

The report referred to is as follows:

These subjects were considered by the Judiciary Committee of the House of Representatives, which arrived at the following conclusion:

"It seems to be the unanimous judgment of the courts, whose opinion must prevail, that, under the Constitution, Congress is powerless to prevent a monopoly in manufacture, or control or regulate a manufacturer of products for interstate-commerce shipment or the business or business matters of such manufacturer, agriculture, horticulture, stock raising, domestic fisheries, mining, or any other branch of human industry, or interfere with good order or public morals, lives, health, or property of citizens of the States (except in exceptional cases where jurisdiction is ceded by the States to the United States or an officer of the United States is interfered with in the discharge of some governmental duty, etc.), or limit or restrict the right to acquire control or dispose of property, or regulate the price at which property can be bought or sold, or make criminal the aims, purposes, and intent of persons in the acquisition and control of property.

"Therefore it plainly follows that Congress can not even exercise any jurisdiction or authority over women and children employed in the manufacture of products for interstate-commerce shipment, and certainly it will not be claimed by the foremost advocate of a centralized Government that Congress can exercise jurisdiction or authority over women and children engaged in the manufacture of products for intrastate shipment.

"The fact is, when the product is manufactured it is not known whether the same will be interstate commerce or intrastate commerce. It is not extreme or ridiculous to say that it would be just as logical and correct to argue that Congress can regulate the age, color, sex, manner of dress, height, and size of employees, and fix their hours of labor, as to contend that Congress can exercise jurisdiction over the subject of woman and child labor.

"The jurisdiction and authority over the subject of woman and child labor certainly falls under the police power of the States, and not under the commercial power of Congress. The suggestion contained in the resolution shows how rapidly we are drifting in thought from our constitutional moorings. Undoubtedly it is the earnest wish of all who desire the prosperity of the Nation that the proper line should always be drawn between the power of the States and the power of the Nation. Certainly there is no warrant in the Constitution for the thought or suggestion that Congress can exercise jurisdiction and authority over the subject of woman and child labor. If those performing such labor are abused, and conditions are such that the same should be improved, it rests for the States to act. The failure of the States to act will not justify unconstitutional action by Congress.

"Unquestionably Congress has the power to investigate conditions, ascertain facts, and report upon any subject. In the opinion of your committee, there is no question as to the entire want of power on the part Congress to exercise jurisdiction and authority over the subject of woman and child labor.

"In fact, it is not a debatable question. It would be a reflection upon the intelligence of Congress to so legislate. It would be casting an unwelcome burden upon the Supreme Court to so legislate. The agitation of such legislation produces an uneasy feeling among the people and confuses the average mind as to the power of Congress and the power of the States. The lives, health, and property of the women and children engaged in labor are exclusively within the power of the States, originally and always belonging to the States, not surrendered by them to Congress. Such is the emphatic language of the Supreme Court. If a question of good order and morals, it is the same. The argument has long since been made by others, and the committee can not add to it. The assertion of such power by Congress would destroy every vestige of State authority, obliterate State lines, nullify the great work of the framers of the Constitution, and leave the State governments mere matters of form, devoid of power, and ought to more than satisfy the fondest dreams of those favoring centralization of power.

"The National Government is too weak to undertake the exercise of the police power of the States. In a short time this great Nation would be worse than a ship in mid-ocean in a great storm, without a rudder or compass. The division of power was wise and beneficial. Time, study, and experience approve it, and we should not attempt in an unconstitutional way the destruction of the substructure of our Government. If, then, these two great powers of police and commerce are separate and independent, the power of the States sovereign, where is the authority for saying that Congress can invade and impair that power entire and independent in the States? The right and power of both the States and Nation must be respected and upheld.

"The committee is of opinion that Congress has no jurisdiction or authority over the subject of woman and child labor, and has no authority to suppress any abuses of such labor or ameliorate conditions surrounding the employment of such laborers." (Second sess., 59th Cong., H. R. No. 7304, 7.)

Mr. KENYON. Prentice and Eagan on the "Commerce clause of the Constitution" is another authority. Speaking of foreign commerce, and then turning to interstate commerce, the authors say:

Over interstate commerce no such extensive authority has been claimed. The right to engage in such commerce is one of the rights reserved to the people and one of the immunities of citizenship. Congress can not lay an embargo on interstate commerce. * * * The purpose with which the grant was made—to secure freedom of transportation throughout the country unembarrassed by differing regulations at State lines—measures not only the power of the States but also the power of Congress.

Chief Justice Marshall said on one occasion—I do not now remember the title of the case—that it was a matter of public history that the object of vesting in Congress the power to regulate commerce with foreign nations and among the several States was to insure uniformity of regulation against conflicting or discriminating State legislation.

The somewhat discredited Knight case is generally referred to as an authority against such a law (156 U. S., 1), and it has been before the committee. In that case the court said:

The fact that an article is manufactured for export to another State does not of itself make it an article of interstate commerce,

and the intent of the manufacturer does not determine the time when the article or product passes from the control of the State and places it in commerce, "and commerce begins where manufacture ends."

I do not believe the Knight case is regarded as authority in any court at this time. It has been thoroughly discredited. The dissenting opinion—which was the strongest opinion—of Justice Harlan has generally been accepted by lawyers and by courts as stating the proposition far better from a legal standpoint than it is stated by the majority opinion. I have always felt where anyone brought the Knight case into court to sustain a proposition that his case was in legal extremis.

Bowman against Chicago & North Western, One hundred and fifteenth United States Reports, page 611, and Kidd against Pierson, One hundred and twenty-eighth United States Reports, page 20, are also generally cited as against the full power of Congress over interstate commerce. In Kidd against Pierson the court said:

The functions of commerce are different. The buying and selling and the transportation incident thereto constitute commerce; and the regulation of commerce in the constitutional sense embraces regulation at least of such transportation.

In re Greene, Fifty-second Federal Reports, page 112, the court said:

Congress can not regulate the method of manufacture within the State.

Of course it can not. No one is contending for that under this proposed law.

In Willoughby on the Constitution, volume 2, pages 738 to 741, is a discussion of the Federal regulation of child labor. Referring to the Beveridge bill, the author states:

There has been no concealment, and, indeed, the bill bears sufficient evidence upon its face, of the fact that the purpose of the law is rather a regulation of the manner in which certain goods are manufactured or produced than of their transportation across State lines.

The author further goes on to claim that whatever injury is done by the employment of children in factories and mines is done when the article is in the process of manufacture or production, and over this manufacture the Federal Government has no control; and the author condemns the Beveridge child-labor law as unconstitutional, unless, the author states—

one will go to the point of claiming that Congress has arbitrary power to exclude from interstate commerce any commodity that it chooses so to do—

and concludes the discussion by the general conclusion that the Beveridge bill would be an attempt on the part of the Federal Government to regulate a matter reserved for the control of the States.

Mr. SUTHERLAND. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Utah?

Mr. KENYON. I do.

Mr. SUTHERLAND. The Senator from Iowa is reading from Prof. Willoughby, who, I understand, is of Johns Hopkins University?

Mr. KENYON. Yes.

Mr. SUTHERLAND. I have before me a statement, which purports to have been made by Prof. Willoughby recently, in which he apparently recants.

Mr. KENYON. Yes; I have that statement also, I will say to the Senator; but I should be glad, if the Senator has it, if he would read it and comment on it. It is from an unpublished memorandum of Prof. Willoughby.

Mr. SUTHERLAND. Yes.

Mr. KENYON. I should like to have the Senator read it at this point.

Mr. SUTHERLAND. It reads as follows:

This distinction between conditions of production and purposes or methods of use of commodities, though a real one, will probably not be held controlling. In neither case has Congress a direct regulative power—over neither the conditions of production nor the mode or use of consumption. If, therefore, in either case the prohibition can be construed to be, in fact, a regulation of interstate or foreign commerce, neither the ultimate effect nor the legislative intent embodied in the law may be inquired into by the courts. In result, then, it is to be admitted—

This is the particular part I had in mind—

that the lottery case is authority for the doctrine that interstate carriers may be prohibited from carrying, or shippers or manufacturers from sending, from State to State and to foreign countries, commodities produced under conditions so objectionable—

This is the meat of the proposition—

as to be subject to control as to their manufacture by the State under an exercise of their police power or of the character designed or appropriated for the use which might similarly be forbidden by law.

Mr. KENYON. I thank the Senator. I had that reference and intended to place it in my remarks. I will say, too, that Gov. Baldwin, of Connecticut, in an article or an address, to which I will refer a little later, has taken almost the same ground as Prof. Willoughby in his recantation.

It was contended by Senator Beveridge in his argument upon his bill that Congress had the absolute power to prohibit the transportation of any article in interstate commerce. That is, of course, a very broad claim. My own judgment is that if Congress attempted so to do, arbitrarily and without any reason therefor founded upon public health, public morals, or public welfare, it would bump up pretty hard against the fifth amendment to the Constitution.

The clause of the Constitution giving this right to control commerce would sustain the position of Senator Beveridge, because it is an absolute power, if there were nothing else in the Constitution; but that power must be exercised with reference to the limitations of the Constitution found in the fifth amendment, so that——

Mr. OVERMAN. Mr. President, may I ask the Senator a question?

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from North Carolina?

Mr. KENYON. I do.

Mr. OVERMAN. Has Congress a right to prescribe directly the hours of labor or the age at which a child shall work?

Mr. KENYON. I think it has not.

Mr. OVERMAN. In the Senator's opinion as a lawyer, it has not?

Mr. KENYON. It has not.

Mr. OVERMAN. I think everybody will agree with the Senator that that is true. Now, I come to the question I was going to ask. Can Congress do indirectly that which it can not do directly?

Mr. KENYON. We have done it. The Senator from New Jersey [Mr. HUGHES] has instanced the phossy-jaw law and I have instanced the oleomargarine act.

Mr. OVERMAN. Another principle came into play in those instances. Action was taken by Congress in those cases because of the deleterious effect of the article itself. It is now proposed to prescribe that cotton goods, under certain circumstances, shall not enter into interstate commerce. Nobody contends that they are injurious or that their effect is immoral. It is upon those grounds that Congress has always held that certain goods should not be shipped in interstate commerce.

Mr. KENYON. I will answer the Senator in this way: I have no hesitancy in saying, of course, that if Congress should pass an act that children should not work more than a certain number of hours in North Carolina upon articles to be shipped in interstate commerce, Congress would have gone beyond its power. But we do not say that. Cotton or anything else can be manufactured in the mills of North Carolina employing children 4 years old, if they can work at that age. The proposed legislation which I am discussing does not stop that. The products of such factories in North Carolina can be sold in North Carolina. The proposed legislation does not stop children working, but simply says that if they are employed under a certain age the instrumentalities of commerce shall be withdrawn from those goods.

Mr. OVERMAN. Then is not the purpose of this bill to do that which Congress can not do?

Mr. KENYON. No; the purpose of this bill is to do just what Congress can do, and that is to stamp out child labor.

Mr. OVERMAN. What is the purpose of the bill?

Mr. KENYON. To stamp out child labor.

Mr. OVERMAN. Is not the purpose of the bill to regulate the hours of labor and the ages of employees?

Mr. KENYON. No; it is not. If manufacturers want to go on employing children, they can do so; the proposed legislation does not stop them.

Mr. OVERMAN. I understand the Senator's point; but is not the real purpose of the bill to provide that mill employees shall not work a greater number of hours than the hours prescribed in the bill and shall not employ operatives under the age specified?

Mr. KENYON. I understand that even under such a bill as has been enacted in Massachusetts the mill owners can have children of the age not prohibited work eight hours and then others work another eight hours, and carry on business in that way.

Mr. OVERMAN. I will ask the Senator frankly if it is not the purpose of this bill to have Congress do indirectly that which it can not do directly?

Mr. KENYON. Well, I do not say Congress can not do it directly. If it is in the power of Congress to pass an act under the commerce clause, then it does not make any difference what effect that act may have upon the manufacturing interests of any State or the agricultural interests of any State, or anything else, so long as it does not bump up against the fifth amendment to the Constitution.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Idaho?

Mr. KENYON. I had agreed to conclude in a reasonable time, but I know if we get this constitutional question going we will never get through. However, I will yield to the Senator, because I always like to hear from him.

Mr. BORAH. I think I ought not to tempt the Senator.

Mr. KENYON. No; go ahead; I will be glad to hear the Senator.

Mr. BORAH. I was going to say that the question submitted by the Senator from North Carolina is to some extent met by the Northern Securities case. In that case it was contended that Congress was attempting to regulate the sale and transfer of stock in a State corporation, and that the effect of the legislation was to regulate and to designate how and under what circumstances stock in a corporation might be bought and sold within a State; but the court said, in effect, that the object and the purpose were to regulate interstate commerce, and the fact that in the exercise of this indisputable power, the transfer of stock in a private corporation, a matter which of itself would be within the power of the State alone to control, could not be considered as impeaching the act of Congress.

Mr. HARDWICK. Will the Senator from Iowa yield to me for just a moment? I will not take very long.

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Georgia?

Mr. KENYON. I do.

Mr. HARDWICK. I merely want to suggest to the Senator from Idaho [Mr. BORAH] that the difference between that proposition and this is obvious. There Congress was dealing with transactions that affected directly a great agency of interstate commerce, affected the agency itself. This is a different proposition entirely, as the Senator will find on reflection.

Mr. BORAH. Mr. President, I do not want to enter upon the discussion of that question in the time which belongs to the Senator from Iowa. We may discuss that later.

Mr. KENYON. I was going to refer to that a little later. I am very much obliged to the Senator from Idaho. Those who take this view of Senator Beveridge's bill take the position that the question is one not of power, but one of discretion. Congress has the power to declare war to-morrow with any nation—I presume that power is still left in Congress; I hope so.

Mr. SMITH of Michigan. I do not know.

Mr. JONES. I doubt that very much.

Mr. KENYON. But it is not probable that it will declare war. Congress is supposed to exercise its power in a reasonable and common-sense way; but the argument that because power may be abused it does not exist is untenable. I am giving the other side of the question without in any way committing myself to the doctrine.

Mr. OVERMAN. Mr. President——

Mr. KENYON. Just a moment.

Mr. OVERMAN. I dislike to interrupt the Senator if he does not want to be interrupted.

Mr. KENYON. Would the Senator mind waiting just a minute, until I conclude this branch of the discussion?

Mr. OVERMAN. I will not interrupt the Senator. I expect to submit some remarks on this question a little later in my own time.

Mr. KENYON. I would be very glad to have the Senator interrupt me in just a moment or two.

The Supreme Court of the United States has never squarely announced the doctrine contended for by Senator Beveridge. It has gone a long way, of course, in the Lottery case, but even in that case the question was left as an open one. As heretofore suggested, a strong argument can be made in favor of his contention from a long line of authorities, reaching from Gibbons *v.* Ogden down to a point as late as December 13, 1915, when the case of Weber *v.* Fread was decided by the Supreme Court. One has basis for the claim that the power of Congress over interstate commerce is absolutely complete, that it is the same as the power to regulate commerce with the Indian tribes, the same as the power to regulate foreign commerce, and that in the exercise of that power Congress may prohibit the transportation of any commodities, and that the motive of Congress in the exercise of that power can not be inquired into by the courts.

The argument can be further substantiated by reference to the fact that Congress has taken out of interstate commerce articles not in themselves deleterious, such as trust-made goods, goods made by convicts, bars of metal bearing the stamp U. S. A. assay, property owned by the railroads, as discussed in what is known as the Commodity Clause cases. Then we have the incidences of the prohibition of commerce in loose hay, explosives, and the like, which injure commerce itself; but of course that is a different question. Then, of course, the taking out of commerce of articles injurious to public health and public welfare, such as infected cattle, impure food and drugs.

Congress has also excluded misbranded liquors, and colorable C. O. D. shipments of liquors, likewise liquors shipped into States to be used in violating the law of the States. So that the range of the activity of Congress as to excluding articles from interstate commerce has been a wide one, covering articles in themselves injurious to commerce, articles that would be injurious only in the use of same by the consumer, articles intended to be used in defrauding, and so forth.

Relative to the power of Congress to prohibit the shipment of any article in interstate commerce, such questions are propounded as: Does Congress have the right to prohibit the shipment of corn, hay, or wheat in interstate commerce? Has it the power to prevent the shipment of goods in interstate commerce except those made by red-headed men or short-haired women? Can it prohibit the shipment of any goods except those made by union labor, and so forth, and so on ad infinitum? Of course, the answer could be made, as was made by Senator Spooner to questions propounded to him in the discussion of the oleomargarine-tax matter, that such situations could never arise. They could arise only if Congress should become absolutely crazy, which is perhaps too violent an assumption.

I can not myself agree with the position taken by Senator Beveridge that Congress could prohibit anything in interstate commerce. I can not harmonize that position with the fifth amendment to the Constitution. I do not see a way around the doctrine of such cases as the Austin case (179 U. S., 345), in which the court said:

> Whatever produce has from time immemorial been recognized by consent or law as a fit subject for barter and sale, particularly if its manufacture has been made the subject of Federal regulation and taxation, must, we think, be recognized as a legitimate article of commerce, although it may, to a certain extent, be within the police power of the States. Of this class is tobacco.

But I do believe that an enactment of Congress absolutely prohibiting the transportation in interstate commerce of intoxicating liquors would now be held by the Supreme Court to be constitutional.

Mr. OVERMAN. That is on another principle—that intoxicating liquors are injurious to mankind.

Mr. KENYON. Well, that is the very question.

Mr. BORAH. Is not that injurious at the other end? May we not consider the producers as well as consumers?

Mr. OVERMAN. No; I think not. Cotton goods are not injurious to anybody, but liquor is.

Mr. BORAH. But the making of the article is injurious to mankind under those conditions.

Mr. OVERMAN. The making of it is a matter for the State and not for the General Government. In the case of whisky, it is the article itself which goes into commerce that is deleterious.

Mr. KENYON. I suppose the Senator means deleterious to the consumer, not to the producer. It is an article that a substantial sentiment of the country believes is injurious to the public welfare, and if that question were put up to the Supreme Court they would have to consider it. If it did not shock their sense, as Prof. Parkinson in his argument said, of the reasonableness of things, they would hold it constitutional.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa further yield to the Senator from Idaho?

Mr. KENYON. I do.

Mr. BORAH. Suppose the article in and of itself is not injurious or deleterious, is there no way in which Congress may keep it out of the channels of interstate trade?

Mr. KENYON. Why, of course. How is a lottery ticket, in itself, injurious to anybody?

Mr. BORAH. Then you come back to the proposition—and it is the one proposition which, it seems to me, settles this question—that so far as the channels of interstate trade are concerned, the Congress of the United States may exercise the police power.

Mr. KENYON. I will discuss the police-power proposition later. Of course police power on the part of the Federal Government is rather contrary to our notions of delegated power, and yet our Supreme Court has gone right up to the limit of saying that there is a Federal police power; in other words, that regulations of interstate commerce are not void because they may in themselves have the qualities of police regulations.

Mr. BORAH. It is not necessary to go so far as to say that the Federal Government has general police powers. But must we not conclude that the Federal Government enjoys the police power with reference to those particular matters which have

been specially delegated to Congress, and one of them is interstate commerce? May it not exercise the police power with reference to policing the channels of interstate trade?

Mr. KENYON. I shall be very glad to have that question discussed. I am trying to reach the point where I was going to throw this matter open to discussion.

To prohibit the shipment in interstate commerce of articles such as wheat, corn, and iron, which could not be harmful in any way to the public welfare, but which are necessary and beneficial, would certainly be, in my judgment, an excessive, unreasonably arbitrary exercise of power, not due process of law, and violative of the fifth amendment to the Constitution.

Those in support of a national child-labor law, however, do not need to go to the extreme of Senator Beveridge's position. There is very late authority for the doctrine that if the carrying of certain articles in interstate commerce results in a use of those articles deleterious to public welfare Congress has the right to prohibit such transportation. These authorities go so far as the consideration of the question of the use by the consumer. I will agree that they do not go to the question of the production, and that is the only difference in the contention for a national child-labor law. The lottery cases and the white-slave case are in reference to what may happen at the end of the transportation; but the use to be made of a commodity after it reaches its destination is no more a part of interstate commerce than is the way in which an article may be produced, and I admit that that is the difficult proposition in this matter. The power of Congress to regulate or prohibit the transportation in interstate commerce of articles which in their use are injurious to public health, public morals, or public welfare is a power well established by these later cases.

I want to review, in order that I may have them in logical order in my argument, the general line of authorities.

I desire to insert in the RECORD, without reading, a number of citations and quotations therefrom. First, Gibbons against Ogden; then quotations from Mr. Justice Joseph Story's Commentaries on the Constitution; from the License Cases in Fifth Howard; from United States against Forty-three Gallons of Whisky, Ninety-third United States Reports, where the Supreme Court held that the power of Congress was absolute as to the Indian Tribes; from Brown against Houston, One hundred and fourteenth United States Reports, in which the court held that the power to regulate commerce among the several States is granted to Congress in terms as absolute as is the power to regulate commerce with foreign nations; Crutcher against Kentucky, One hundred and forty-first United States Reports, where the same principle is laid down; some extracts from Bowman against Chicago and North Western Railroad, One hundred and twenty-fifth United States Reports; Pittsburg Coal Co. against Bates, One hundred and fifty-sixth United States Reports; and Addyston Pipe & Steel Co. against United States, One hundred and seventy-fifth United States Reports.

The PRESIDING OFFICER. In the absence of objection, it will be so ordered.

The matter referred to is as follows:

In Gibbon against Ogden (9 Wheaton, 197), the court says:

It is the power to regulate that is prescribed by the rule by which commerce is to be governed. This power, like all others vested in Congress, is complete in itself, may be exercised to its utmost extent, and acknowledges no limitatons other than are prescribed in the Constitution.

If, as has always been understood, the sovereignty of Congress, though limited to specified objects, is plenary as to those objects, the power over commerce with foreign nations and among the several States is vested in Congress as absolutely as it would be in a single government having in its constitution the same restrictions on the exercise of power as are found in the Constitution of the United States.

The greatest of all commentators on the Constitution, Justice Joseph Story (vol. 2, p. 1060, ed. of 1833), says:

Foreign and domestic intercourse has been universally understood to be within the national power. How, otherwise, could our theory of prohibition and nonintercourse be defended? From what other source has been derived the power of laying embargoes in a time of peace and without any reference to war or its operations? Yet this power has been universally admitted to be constitutional, even in times of the highest political excitement.

In the License cases (5 How., 504), at page 577, Chief Justice Taney says:

And Congress, under its general power to regulate commerce with foreign nations, may prescribe what article of merchandise shall be admitted and what excluded; and may therefore admit or not, as it shall deem best, the importation of ardent spirits.

Page 578—

The power to regulate commerce among the several States is granted to Congress in the same clause and by the same words as the power to regulate commerce with foreign nations and is coextensive with it.

Gibbons against Ogden is reaffirmed in nearly every decision that involves questions of interstate commerce. See United States *v.* Coombs et al. (12 Pet., 78).

In United States *v.* 43 Gallons of Whiskey (93 U. S., 194) the court says:

And Congress now has the exclusive and absolute power to regulate commerce with the Indian tribes—a power as broad and as free from restrictions as that to regulate commerce with foreign nations.

Under this power Congress has passed laws directing the manner in which trade and intercourse with the Indians shall be carried on, and forbidding anyone, under certain penalties, to give or sell liquor to an Indian in charge of an agent, or to introduce it into an Indian country; and these laws have been sustained by the courts.

In Brown *v.* Houston (114 U. S., 622), on page 630, it is said:

The power to regulate commerce among the several States is granted to Congress in terms as absolute as is the power to regulate commerce with foreign nations.

In Crutcher *v.* Kentucky (141 U. S., 47), on page 57, the court says:

It has frequently been laid down by this court that the power of Congress over interstate commerce is as absolute as it is over foreign commerce.

* * * * * * *

The prerogative, the responsibility, and the duty of providing for the security of the citizens and the people of the United States in relation to foreign corporate bodies, or foreign individuals with whom they may have relations of foreign commerce, belong to the Government of the United States and not to the governments of the several States; and confidence in that regard may be reposed in the National Legislature without any anxiety or apprehension arising from the fact that the subject matter is not within the province or jurisdiction of the State legislatures. And the same thing is exactly true with regard to interstate commerce as it is with regard to foreign commerce. No difference is perceivable between the two.

In case of Bowman *v.* Chicago, etc., Railway Co. (125 U. S., 465), on page 482, the court says:

The same necessity perhaps does not exist equally in reference to commerce among the States. The power conferred upon Congress to regulate commerce among the States is indeed contained in the same clause of the Constitution which confers upon it power to regulate commerce with foreign nations. The grant is conceived in the same terms, and the two powers are undoubtedly of the same class and character and equally extensive.

* * * * * * *

Again, on page 485—

So far as these regulations made by Congress extend, they are certainly indications of its intention that the transportation of commodities between the States shall be free, except where it is positively restricted by Congress itself, or by the States in particular cases by the express permission of Congress.

In Pittsburg, etc., Coal Co. *v.* Bates (156 U. S., 577), on page 587, the court says:

The power to regulate commerce among the several States was granted to Congress in terms as absolute as is the power to regulate commerce with foreign nations.

In Addyston Pipe & Steel Co. *v.* United States (175 U. S., p. 211), the court says on page 228:

Under this grant of power to Congress, that body, in our judgment, may enact such legislation as shall declare void and prohibit the performance of any contract between individuals or corporations where the natural and direct effect of such a contract will be, when carried out, to directly, and not as a mere incident to other and innocent purposes, regulate to any substantial extent interstate commerce. And when we speak of interstate, we also include in our meaning, foreign commerce. * * *

Page 229:

The provision in the Constitution does not, as we believe, exclude Congress from legislating with regard to contracts of the above nature while in the exercise of its constitutional right to regulate commerce among the States. On the contrary, we think the provision regarding the liberty of the citizen is, to some extent, limited by the commerce clause of the Constitution, and that the power of Congress to regulate interstate commerce comprises the right to enact a law prohibiting the citizen from entering into those private contracts which directly and substantially, and not merely indirectly, remotely, incidentally, and collaterally, regulate to a greater or less degree commerce among the States.

Mr. KENYON. Then I will ask permission to place a rather lengthy quotation from the lottery case in the RECORD. The lottery case has probably been as provocative of discussion as any case ever decided by the Supreme Court.

The PRESIDING OFFICER. In the absence of objection, it is so ordered.

Mr. KENYON. In the lottery case (188 U. S., 321) it was practically contended that the power to regulate did not include the power of absolute prohibition. The court said, on page 357:

As a State may, for the purpose of guarding the morals of its own people, forbid all sales of lottery tickets within its limits, so Congress, for the purpose of guarding the people of the United States against the "widespread pestilence of lotteries" and to protect the commerce which concerns all the States, may prohibit the carrying of lottery tickets from one State to another. In legislating upon the subject of the traffic in lottery tickets, as carried on through interstate commerce, Congress only supplemented the action of those States—perhaps all of them—which, for the protection of the public morals, prohibit the drawing of lotteries, as well as the sale or circulation of lottery tickets within their respective limits. It said, in effect, that it would not permit the declared policy of the States, which sought to protect their people against the mischiefs of the lottery business, to be overthrown or disregarded by the agency of interstate commerce.

In the lottery case, page 358, the court says:

If the carrying of lottery tickets from one State to another be interstate commerce, and if Congress is of opinion that an effective regulation for the suppression of lotteries carried on through such commerce is to make it a criminal offense because lottery tickets to be carried from one State to another, we know of no authority in the court to hold that the means thus devised are not appropriate and necessary to protect the country at large against a species of interstate commerce which, although in general use and somewhat favored in both National and State legislation in the early history of the country, has grown into disrepute and has become offensive to the entire people of the Nation. It is a kind of traffic which no one can be entitled to pursue as of right.

That regulation may sometimes appropriately assume the form of prohibition is also illustrated by the case of diseased cattle, transported from one State to another. Such cattle may have, notwithstanding their condition, a value in money for some purposes, and yet it can not be doubted that Congress, under its power to regulate commerce, may either provide for their being inspected before transportation begins, or, in its discretion, may prohibit their being transported from one State to another. * * *

Mr. KENYON. I want to insert a review of the lottery case by Edward B. Whitney, of New York, published in the Michigan Law Review in 1903, which is a most complete discussion of the lottery case.

The PRESIDING OFFICER. Without objection, it is so ordered.

The matter referred to is as follows:

What is the true theory of this decision? Is the congressional power derived from the fact that the tickets are evil in themselves or deleterious in their effects? Is it to be followed only when the courts shall concur with Congress in considering any articles which may in future be prohibited to be similar evils, or has Congress a general power to prohibit any article whatever which in its own unreviewable legislative discretion it may consider deleterious? Has Congress the power to exclude any and therefore every article from interstate commerce and thus put an end to interstate commerce altogether? I think that the latter is the true analysis and the true scope of the decision, although the conservative language of the court leaves the question to some extent open for further argument. The court found no implied power in Congress upon which the legislation could be based. Congress has no general police power. It has no power to supervise the morals of our citizens, to prevent crime, or to restrain extravagance. This lack of general police power and lack of general power to suppress lotteries is pointed out by the dissenting justices, nor is it claimed by the majority of the court. The decision is squarely based upon one of the express powers of the Constitution—the power to regulate commerce. The dissenting justices maintain that this express power could not be invoked, because the power to regulate does not include the power to prohibit. The majority of the court, while not definitely committing themselves to the proposition that every prohibition is included within the power to regulate, maintains "the proposition that regulation may take the form of prohibition," and that whenever the general public opinion of the Nation may have come to regard an article of commerce, however once approved and favored, as "grown into disrepute" and offensive, so that commerce is considered both by the court and by Congress as polluted by the presence of that article, the removal of that pollution by exclusion of the article is within legislative authority. The next step forward the court declines to forecast. Statesmen, however, must attempt to forecast it, because they are confronted with the question whether Congress may deal with the problem of monopoly by exclusion of monopoly-made articles from transportation between the States.

It seems to me that Congress will ultimately be held to have the power to exclude any article from interstate commerce, because the power to regulate (which has now been decided to include the power to prohibit) is one of the enumerated powers of the Government. There is a radical distinction between the enumerated and the non-enumerated or implied powers. Presumptively, a power expressly granted by the Constitution is unlimited, unless limitations are implied from another section of the instrument.

Mr. KENYON. As the Senator referred to Prof. Willoughby, it is interesting to note the view of a very distinguished authority on constitutional law, Gov. Baldwin, of Connecticut. I think he was formerly chief justice of his State—I am not certain of that, but I think he was—and professor of constitutional law at Harvard. While he does not support the policy of this legislation, it seems clear that he considers it well within the power of Congress to enact. In a presidential address before the American Academy of Political and Social Science he said:

Would it not again be an admissible regulation to provide that no goods should be the subject of interstate commerce until they had been inspected by Federal officers, or unless, as manufactured goods, they had been manufactured at an establishment conducted in a way approved by Federal authority? Long steps in these directions have, indeed, been already taken by the acts of Congress as to pure food and the inspection of packing houses. The Constitution of the United States is, in my opinion, flexible enough to bear a construction supporting legislation by Congress in such directions far in advance of anything hitherto attempted.

Chief Justice Marshall expressed that thought in the following sentence, from Gibbon against Ogden, which I do not think anyone here or elsewhere can improve upon:

The power over commerce, like all others vested in Congress, is complete in itself, may be exercised to its utmost extent, and acknowledges no limitations other than are prescribed in the Constitution.

Then, I also quote Prof. Willoughby on the lottery case and his suggestions as to the fifth amendment. I also quote from Ware & Leland against Mobile County, Two hundred and ninth United States Reports; the Northern Securities case, One hundred and ninety-third United States Reports; and the Second Employers' Liability case, Two hundred and twenty-third United States Reports; also from the brief of Solicitor General Bowers, which was one of the best briefs ever prepared on the questions involved in interstate commerce.

Prof. Willoughby, referring to the lottery case, said:

In result, then, it is to be admitted that the lottery case is authority for the doctrine that interstate carriers may be prohibited from carrying, or shippers or manufacturers from sending, from State to State and to foreign countries commodities produced under conditions so objectionable as to be subject to control, as to their manufacture, by the States under an exercise of their police powers, or of a character designed or appropriate for a use which might similarly be forbidden by law. Furthermore, the case is probably authority for the power of Congress to provide laws directed against manufacturers and shippers generally, rather than against the commodities produced or sold by them, and excluding them from interstate and foreign commerce so long as they fail to conform to conditions which, if imposed by State law, would be upheld as proper police measures.

Interesting also is Prof. Willoughby's suggestion as to the fifth amendment and the constitutional limitations upon the power claimed:

The question as to the extent to which Congress is limited by the due process of law requirement when exercising the power granted it by the commerce clause is one not wholly free from difficulty, but this much at least is clear, that Congress may not, under the guise of an exercise of its commerce power, any more than it may under the guise of any of its other powers, work a direct deprivation of a particular property right or a direct impairment of a specific contract right. From this it follows that, granting that an individual has a vested right to engage in interstate or foreign commerce, he can not be arbitrarily excluded therefrom, either as a shipper or carrier or importer, except in so far as such exclusion may be held to be incidental to the regulation of such commerce.

Referring to the Lottery case, in Ware & Leland *v.* Mobile County (209 U. S., 405), on page 410, the court says:

In that case the Federal act prohibiting the transmission of lottery tickets was sustained because of the actual carriage in interstate traffic of the tickets themselves.

In the very famous case, Northern Securities Co. *v.* United States (193 U. S., 197), on page 335, the court says:

By the express words of the Constitution Congress has power to "regulate commerce with foreign nations and among the several States, and with the Indian tribes." In view of the numerous decisions of this court, there ought not, at this day, to be any doubt as to the general scope of such power. In some circumstances regulation may properly take the form and have the effect of prohibition. (In re Rahrer, 140 U. S., 545; Lottery case, 188 U. S., 321, 355, and authorities there cited.) Again and again this court has reaffirmed the doctrine announced in the great judgment rendered by Chief Justice Marshall for the court in Gibbons *v.* Ogden (9 Wheat. 1, 196, 197), that the power of Congress to regulate commerce among the States and with foreign nations is the power "to prescribe the rule by which commerce is to be governed"; that such power "is complete in itself, may be exercised to its utmost extent, and acknowledges no limitations other than are prescribed in the Constitution"; that "if, as has always been understood, the sovereignty of Congress, though limited to specified objects, is plenary as to those objects, the power over commerce with foreign nations and among the several States is vested in Congress as absolutely as it would be in a single government having in its constitution the same restrictions on the exercise of the power as are found in the Constitution of the United States"; that a sound construction of the Constitution allows to Congress a large discretion "with respect to the means by which the powers it confers are to be carried into execution, which enable that body to perform the high duties assigned to it in the manner most beneficial to the people"; and that if the end to be accomplished is within the scope of the Constitution, "all means which are appropriate, which are plainly adapted to that end and which are not prohibited, are constitutional."

Page 342, the court further says:

Is there, then, any escape from the conclusion that, subject only to such restrictions, the power of Congress over interstate and international commerce is as full and complete as is the power of any State over its domestic commerce?

In the Second Employers' Liability cases (223 U. S., 1), on page 48, the court quotes with approval from the brief of the late Solicitor General (Bowers):

Interstate commerce is an act. Congress, of course, can do anything which, in the exercise by itself of a fair discretion, may be deemed appropriate to save the act of interstate commerce from prevention or interruption, or to make that act more secure, more reliable, or more efficient.

The court held that Congress, in the exercise of its power over interstate commerce, could regulate the relations of common carriers, by railroad and their employees, while both are engaged in such commerce, subject always to the limitations prescribed by the Constitution and to the qualification that the particulars in which those relations are regulated must have a real or substantial connection with the interstate commerce in which the carriers and their employees are engaged.

Of course, the case of Adair against the United States (208 U. S., 161), goes off on a different theory. The rule there prescribed is with relation to the discharge of an employee who was a member of a labor organization. The court says (p. 178):

Manifestly, any rule prescribed for the conduct of interstate commerce, in order to be within the competency of Congress under its power to regulate commerce among the States, must have some real or substantial relation to or connection with the commerce regulated.

And the court held there was no logical connection between the carrying on of interstate commerce and membership in a

labor organization. Further, Two hundred and eighth United States, 180:

We need scarcely repeat what this court has more than once said, that the power to regulate interstate commerce, great and paramount as that power is, can not be exerted in violation of any fundamental right secured by other provisions of the Constitution.

And the court held that the provision was in violation of the fifth amendment.

To the same effect is the Coppage case in Kansas, which went to the Supreme Court of the United States.

The case of Hoke against the United States (227 U. S., 308), known as the white-slave case, is one of the most interesting and decisive on this question. The court there said (p. 322):

Our dual form of government has its perplexities, State and Nation having different spheres of jurisdiction, as we have said, but it must be kept in mind that we are one people; and the powers reserved to the States and those conferred on the Nation are adapted to be exercised, whether independently or concurrently, to promote the general welfare, material and moral. This is the effect of the decisions, and surely if the facility of interstate transportation can be taken away from the demoralization of lotteries, the debasement of obscene literature, the contagion of diseased cattle or persons, the impurity of food and drugs, the like facility can be taken away from the systematic enticement to and the enslavement in prostitution and debauchery of women and, more insistently, of girls.

The court in that case discussed the pure food and drug act. Congress could not prohibit the manufacture of that article, referring to an article manufactured in the State; it could not prohibit its sale within a State, but it can prohibit its transportation between the States, and, as the court said, *by that means defeat the motives and evils of its manufacture*. So that if it is in fact a regulation of commerce, it does not make any difference how it affects the manufacturer.

If this be true, while Congress can not provide as to who shall be employed within a State in its manufacturing enterprises or the age or hours of service, yet it can prevent the transportation between the States of articles made by the labor of mere children, which labor is condemned by the best judgment of mankind as destructive of the growth and development of children.

In the case of Hipolite Egg Co. *v.* United States (220 U. S.), under the pure food and drug act, the court said:

The statute rests, of course, upon the power of Congress to regulate interstate commerce, and, defining that power, we have said that no trade can be carried on between the States to which it does not extend, and have further said that it is complete in itself, subject to no limitations except those found in the Constitution. We are dealing, it must be remembered, with illicit articles—articles which the law seeks to keep out of commerce, because they are debased by adulteration, and which law punishes them and the shipper of them.

The law makes these adulterated articles outlaws of commerce. Can it not also make articles made by child labor outlaws of commerce? Why not?

The pure-food act is also construed in McDermott *v.* Wisconsin (228 U. S., 115), where the plenary power of Congress over interstate commerce is sustained. In that case Justice Day said:

Congress may itself determine the means for barring articles from interstate commerce; and so long as they do no violence to the other provisions of the Constitution, Congress is itself the judge of the means to be employed in exercising the powers conferred on it in this respect.

In Wilson *v.* United States (232 U. S., 563), another late case, it is held that the white-slave act has the quality of a police regulation, although enacted in the exercise of the power to regulate interstate commerce. The court says (page 567):

The prohibition is not in terms confined to transportation by common carrier, nor need such a limitation be implied in order to sustain the constitutionality of the enactment. As has already been decided, *it has the quality of a police regulation*, although enacted in the exercise of the power to regulate interstate commerce.

Now, as to the immoral woman transported in interstate commerce, there is no harm to commerce in the woman on the train being transported; not a particle. It is the immoral act at the end of the journey.

Weber against Fread, decided by the Supreme Court December 13, 1915, a very late case, arose under the act of July 31, 1912, making it unlawful to bring into the United States films of prize fights which would be used for public exhibition. Now, what was there in the film of a prize fight that could be injurious to commerce? Nothing. It was the use to which it was to be put that was harmful to public morals. I grant you that case does not cover the question of its production. That is the only difference. That is a pretty thin ledge to stand on.

Mr. OVERMAN. That is the line of difference now.

Mr. KENYON. That is the only line of difference there is.

Mr. REED. That power was also the power of Congress to prohibit bringing articles into the country.

Mr. KENYON. Yes; that is true.

Mr. REED. That is different.

Mr. KENYON. But it is the same in principle as to the use to be made at the other end.

Mr. REED. But the power to regulate commerce between the States is not the same as the power to regulate commerce with foreign ports.

Mr. KENYON. I am not going to consent to the Senator's statement; but the power to regulate interstate commerce and foreign commerce and commerce with the Indian tribes is in the same clause of the Constitution. I said a while ago that I do not believe that clause is necessary as to foreign commerce, because it inheres in sovereignty.

Mr. REED. Yes.

Mr. BORAH. Mr. President, there would not be any question but that we could prohibit the importation of corn into this country; would there?

Mr. KENYON. Not a particle.

Mr. BORAH. Then it must be different from what it is between the States.

Mr. KENYON. Except the corn of some citizen of the United States. Then you would be taking his property.

Mr. OVERMAN. We prohibit interstate commerce in corn and wheat——

Mr. KENYON. Just a minute. Does the Senator from Idaho think that the term "person," as used in the fifth amendment, would apply to one who is not a citizen of the United States?

Mr. BORAH. No. I think there is a difference between the power of Congress under the interstate-commerce clause with reference to foreign and domestic commerce. I do not think the fifth amendment has anything at all to do with the matter of bringing things into this country.

Mr. KENYON. I do not either, unless it is imported by a citizen of this country.

Mr. BORAH. I thought the Senator was misunderstood in his statement. That was the reason why I called attention to that.

Mr. KENYON. But I do say that the Supreme Court has said time and time again that the power to regulate interstate commerce is the same as the power to regulate foreign commerce.

Mr. BORAH. It has used that language; and yet the distinction has been made by the court that there is a difference in the exercise of the power, because there is no doubt of our ability to prohibit the importation into this country of anything we desire to prohibit.

Mr. KENYON. I agree with the Senator. It grows out of the question of sovereignty.

Mr. SUTHERLAND. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Utah?

Mr. KENYON. I do.

Mr. SUTHERLAND. Let me ask the Senator from Iowa if this is not true: In so far as Congress refers the exercise of its authority to the commerce clause, the power over interstate commerce and over foreign commerce is precisely the same. But in dealing with foreign commerce we may go beyond and outside the limitations of the commerce clause, and may do what we do by virtue of our sovereignty. In other words, the Government of the United States has inherent sovereign powers in dealing with foreign nations, but it has no inherent sovereign powers in dealing with matters which relate to the States alone.

Mr. REED. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Missouri?

Mr. KENYON. I do.

Mr. REED. That was the thought that I had in mind, and I thought the Senator from Iowa was not expressing himself as he really intended to, and that is the reason why I called attention to it—not in an antagonistic spirit at all.

Mr. KENYON. I do not think we disagree. I accept the suggestion as true, and the statement of the Senator from Utah is as I have always understood it. I meant to say that, but no doubt I was unfortunate in my language.

In the case of Weber *v.* Fread, to which I have referred, the court said:

The ground relied on for the relief was the averment that the prohibition of the act of Congress in question was repugnant to the Constitution because in enacting the same "Congress exceeded its designated powers under the Constitution of the United States and attempted, under the guise of its powers under the commerce clause, to exercise police power expressly reserved in the States."

The court also said:

But in view of the complete power of Congress over foreign commerce and its authority to prohibit the introduction of foreign articles recognized and enforced by many previous decisions of this court, the contentions are so devoid of merit as to cause them to be frivolous.

It was contended in that case that the question at issue was not one of regulation of foreign commerce, because the real purpose was to forbid the exhibition of the films after they were brought in, and such was a subject to which the power of Congress did not extend. The court held this contention to be of no merit; further, that it rested upon the erroneous assumption that the motive of Congress in exerting its plenary power could be taken into view for the purpose of refusing to give effect to such power when exercised.

A few days ago the Supreme Court passed on the question of the power to exclude from commerce medicines carrying with them untruthful statements. That was in the Seven Cases *v.* The United States, decided January 10, 1916. It has not been reported in any of the reporters as yet. But, of course, there it is true that the untruthful statement went along in commerce with the article, and that gave them their interstate character.

On the question of the distinction in the power of Congress to prohibit deleterious commodities in commerce and otherwise, the recent enactment of Congress with reference to intoxicating liquors is interesting. In State of West Virginia *v.* Adams Express Co. the court says:

> That the Congress has power to outlaw and exclude absolutely or conditionally from interstate commerce intoxicating liquors or any other deleterious substance has been very often decided. The distinction is between things deleterious and things beneficial or innocuous. The power to regulate is the power to make reasonable rules of admission or exclusion. The power to exclude intoxicants absolutely or conditionally does not import the power to exclude sound wheat.

I have reached a point now where I merely want to sum up from these authorities, and I shall be very glad for any suggestion or any questions. I think any candid lawyer, if he will be candid with himself, must say that he can not be absolutely certain one way or another on this proposition, but that the leaning is so strong toward its constitutionality that Congress ought to hesitate under those circumstances before denying the right to have the question determined by the Supreme Court.

I simply want to make these points and a summary of a few cases. Under the commerce clause of the Constitution the power to regulate commerce is complete and plenary. If the commerce clause existed without anything else in the Constitution to limit it, we could prohibit the shipment of anything in commerce.

Mr. OVERMAN. Will the Senator allow me to ask him a question there? When does the jurisdiction of Congress begin as to interstate commerce?

Mr. KENYON. When the article is offered to commerce.

Mr. OVERMAN. When it is started on its way?

Mr. KENYON. When it is offered on its journey as commerce. The Senator goes to a railroad office and buys a ticket——

Mr. OVERMAN. When it is put on the platform and ready to be shipped then it becomes interstate commerce. Here you propose to limit the production of cotton mills while it is in the mills.

Mr. KENYON. No; that is just where we do not agree. We do not propose to limit it at all. You may go on with your cotton mills, and if you have a market in your State you can employ all the children you want to employ. We simply say that there is a public conscience in this country, a moral health in this country, and that public morals is against child labor.

Mr. OVERMAN. I agree with that.

Mr. KENYON. You can go on in your State if you are not going to carry those child-labor goods out to other States, but when you do, those people have a right to know. You have no right to ship it to a place where it offends the moral conscience, and if you attempt so to do we will withdraw the instrumentality of commerce.

Mr. SUTHERLAND. Is not what the Senator says with reference to a child-labor law exactly the situation with reference to the existing lottery ticket law? If Louisiana desires to maintain a lottery and confines the operation to her own State and sells the tickets in her own State there is nothing in the congressional law on that subject which would interfere with her. It merely affects the interchange among the States.

Mr. KENYON. Allow me to suggest to the Senator from Utah. I like to have his opinion, and I hope that some day he will be where he will have to pass on these questions. He would adorn the highest court of the Nation. Take the lottery case. Here is something that troubles me about the lottery case. The lottery ticket is a part of a great gambling scheme. It is not simply the way the ticket is to be used at the end of a journey. It is connected with the inception of the whole fraudulent scheme. Does the Senator see any difference between that and merely something that is going at the end of the journey to be used to debauch the public?

Mr. OVERMAN. There is a difference. Cotton goods do not debauch anyone at the end of a journey. A lottery ticket debauches everyone who engages in them.

Mr. HUGHES. Before the Senator leaves that point——

Mr. KENYON. I am not going to leave it yet. We will say that the Senator from New Jersey [Mr. MARTINE] is buying goods. Here is a mill employing children and one not employing children. I think I know the Senator from New Jersey well enough to know that he would patronize the mill that is not employing children. He has a right to know what he buys. He knows he is buying an article, but he can not tell which are made by children and which are not made by children. He knows that in his State they would not be made by children. He has a right to know by whom the goods were made. In other words, the consumer has some right on the moral health proposition, because the people of this country do not want to encourage the labor of mere children by buying products from the mills employing them. So you have to consider the consumer in that matter, too. It does affect the consumer, and the consumer can not tell by looking at it. He can put a microscope on it and he can not tell whether it was made by a child or made by a man 50 years old. He has a right to know, because there is a moral health to our civilization and our people just as well as there is a mental or physical health. I yield to the Senator from New Jersey.

Mr. HUGHES. If the Senator will allow me, I wish to refer to the situation in reference to the Louisiana lottery about which the Senator from Utah made a point. It never occurred to me before. The Senator is assuming that the difference between that thing and the one we propose to deal with by the proposed legislation is that a fraudulent scheme is carried on by the instrumentality of commerce. The Senator must remember that there is nothing necessarily fraudulent about the Louisiana lottery. The Senator, of course, remembers that many governments, only a very few years ago, and some governments now, carry on lotteries. When I went to Panama they sold lottery tickets on the church steps on Sunday morning.

Mr. KENYON. Where?

Mr. HUGHES. At Panama.

Mr. KENYON. The Senator was on his way to church?

Mr. HUGHES. No; I think I had started out of church when I found them. I wish the Senator to admit some difference, because the Senator's environment would necessarily make him think that any gambling proposition would spring directly from the devil. It seems to me that if the United States can deny instrumentalities of commerce to the Louisiana lottery, there being no law of the United States, at least the Louisiana lottery offending against no law of the United States, it could stand just as well in the eyes of the law as cotton or any other industry.

Mr. KENYON. I hope the Senator did not understand me as indicating that the lottery case does not give the absolute power to Congress to prohibit anything that might be offensive to public morals. I was simply raising the question for the better judgment, as I regard it, of the Senator from Utah. The argument I have heard advanced before the committee as to a distinction between the lottery case and the law of this bill. I think there is no appreciable difference.

Mr. HUGHES. I called the Senator's attention to the fact that I did not think there was any distinction between two industries, neither of them offending against the law of the United States.

Mr. KENYON. I agree with the Senator.

Mr. HUGHES. The Federal Congress denies the instrumentalities of commerce to one, and there is no reason why it should not, if it chooses, deny the instrumentalities of commerce to the other.

Mr. KENYON. I agree with the Senator, but I also like to look at the other side of the proposition and see if I can find a flaw in the argument. It is helpful to always look fairly at both sides of a proposition.

Mr. SUTHERLAND. In the Lottery case, before the passage of the act of Congress, the business had been outlawed by the people in substantially all the States in the Union. It was opposed to the moral sense of practically all the people of the country. My understanding of the reason which underlies the decision is that it was based upon the thought that the lottery ticket was connected with a business which had been outlawed. The Senator said a moment ago with reference to the liquor business, I think, that we might prohibit absolutely the transportation of intoxicating liquors among the States. I am very much disposed to think that if Congress would take the position that intoxicating liquor was an outlawed thing and would repeal its laws with reference to the taxation of intoxicating liquors,

the inspection of its manufacture, and so on, it would then have the power to absolutely prohibit it from entering into the channels of interstate commerce.

If the Senator will allow me further, it is apparently a question as to the stage of public sentiment. There was a time 75 or 100 years ago when no one particularly objected to lotteries. Very likely if it had been attempted at that time to prohibit the transportation of lottery tickets in interstate commerce the Supreme Court might not have upheld the act of Congress. But in the meantime a great change occurred in the sentiment of the people. The thing had become outlawed and was opposed to the overwhelming moral sense of the people. Then Congress could step in and say it is an outlawed thing and we will deny to it the right of interchange among the States.

Mr. KENYON. That would come within the legislative discretion of Congress.

Mr. SUTHERLAND. Exactly.

Mr. KENYON. To be exercised reasonably. If unreasonably exercised the court could step in.

Mr. SUTHERLAND. It seems to me that the question must, to a certain extent, turn upon the proposition whether or not the States in pursuance of their police power have a right to prohibit the thing.

Mr. KENYON. That would be one way of getting public sentiment.

Mr. SUTHERLAND. Obviously the State would have no power to prohibit the growth of wheat or the growth of corn or the interchange of wheat and corn among the people of a State.

Mr. OVERMAN. May I ask the Senator from Utah a question?

Mr. SUTHERLAND. I have about finished, if the Senator will permit me to conclude. Obviously the State would have no power to do that. That would not be the exercise of the police power, but obviously the State has power and has exercised the power to forbid lotteries, and it has exercised the power to forbid the employment of immature children as a great evil.

Mr. KENYON. In all but two of the States, I think.

Mr. SUTHERLAND. That may be correct, in all but two States. That being so, the question, to my mind, very largely turns upon whether or not Congress may not say this thing, under the lawful exercise of the police power of the States, has been forbidden the right of existence, and Congress may now step in in support of the moral sentiment and the attitude of the States in having outlawed it and prevent the dissemination of the evil, the development of the evil, by denying it the right of transportation among the States.

Mr. OVERMAN. The Senator from Utah is familiar with the lottery cases, as he is familiar with all cases in the Supreme Court, as I have found, for I have served with him in the committee. I wish to know if he read the opinion of Judge Harlan in that case where he said the court has gone about as far as it will go, and in fact notified the profession that it had gone about as far as it will go.

Mr. SUTHERLAND. The court does not quite say that.

Mr. OVERMAN. In effect it says that. Judge Harlan himself said it.

Mr. SUTHERLAND. The court in effect says that the decision of the court is confined to the facts of that case.

Mr. OVERMAN. That is really the same expression, that it is about as far as we will ever go on that subject.

There is another question I wish to ask the Senator. There is a moral sentiment also in this country for an eight-hour law. Could Congress prohibit wheat and corn from entering into commerce where any labor was employed in the production of wheat and corn for more than eight hours a day?

Mr. SUTHERLAND. No; I do not think Congress could. It is possible I may change my mind about that in the future, of course, but that is my present view.

Mr. OVERMAN. Then what is the difference between fixing the hours in the mills and fixing the hours on the farms?

Mr. SUTHERLAND. Let me say, if the Senator from Iowa will permit me——

Mr. KENYON. Very well.

Mr. SUTHERLAND. I think it is very different. The statement I made a moment ago I think illustrates the difference. I do not think that a State could prohibit the production of wheat in a State, wheat itself being an entirely innocuous thing. That being so, I do not think that Congress could forbid its transportation in interstate commerce. It can not be made an outlawed thing, in other words. Neither has it thus far been held that the hours of labor may be restricted in a healthful out-of-doors employment like farming. The power to fix by legislation the eight-hour day seems to be limited to employments of such a character that long hours of labor are detrimental to the health of the individuals engaged in them.

Mr. BRANDEGEE. Will the Senator from Iowa yield to me for a moment?

Mr. KENYON. I yield to the Senator from Connecticut.

Mr. BRANDEGEE. I wish to suggest to the Senator from Utah I have heard the argument before the committee on this matter, and in every case which has been called to my attention, where the power of Congress to prohibit interstate transportation of a commodity has been upheld, it has been on the ground that the commodity transported was in itself noxious or dangerous to health or morals. In the bill it is not the thing itself that is noxious. The only claim of the advocates of the bill is that something that was done in the home State in the manufacture of the article is against the public welfare. This is the only instance, so far as I know, where Congress is attempting to prohibit in interstate commerce a perfectly legitimate article of commerce for the purpose of accomplishing a police regulation in a State. It is not the child labor that is prohibited from transportation; it is the legitimate product of commerce. I think that is the distinction in this case.

Mr. KENYON. How does the Senator distinguish the Lottery case? The lottery ticket itself is not a harmful thing; it is the use to which it is put.

Mr. BRANDEGEE. The lottery ticket in itself was a harmless piece of paper, but it was a contract between the gambling shop and the consumer. The lottery ticket, together with the circular, report, and instructions which went with the ticket through the United States mails, was a part of the paraphernalia of the gambling institution itself, and hence in that way was per se noxious, just as much as the acts of the officials of the company or sending the prize money would be.

Mr. KENYON. Take the White Slave case; the transportation of the immoral woman herself did not injure interstate commerce.

Mr. BRANDEGEE. No; but the result of the transportation and the purpose of it was an immoral transaction.

Mr. KENYON. So the production of goods in the way they are produced is immoral, according to the general sentiment of the Nation. You have your standard as to matters that are immoral and you finally get down to the crux of the matter. On the question of general welfare, is production any different from consumption?

Mr. SUTHERLAND. We have forbidden transportation in interstate commerce of game taken in violation of the State laws. Game is a wholesome article of food. There is no objection to that. It is not deleterious in any way. While it may be distinguished in other respects from the question which the Senator from Connecticut propounded in this particular respect there is no distinction.

Mr. BRANDEGEE. The distinction that I recall the court made in that case was that game was not an article of interstate commerce at all but it was the property of the State, and it was differentiated in that way.

Mr. SUTHERLAND. That is true so far as that goes, but after it has been reduced to possession——

Mr. BRANDEGEE. Then there was no title in it. It ought to be interstate commerce.

Mr. KENYON. Now, take the shipment of cattle from an infected area. Congress prohibited that. Some of those cattle are just as good as any cattle could be and some are not. You are prohibiting the shipment in commerce of a perfectly innoxious article.

Mr. BRANDEGEE. But the purpose is to prevent the distribution of the diseased cattle. It is to suppress a danger from being spread over the country. It is not an attempt to regulate the internal affairs of a sovereign State, which has all the power it has not expressly delegated.

If the Senator has a single case I should like to have him produce it, where the Supreme Court up to date has ever held that Congress has the power to prohibit the interstate transportation of an article perfectly legitimate in itself.

Mr. KENYON. The lottery case.

Mr. BRANDEGEE. The Senator will admit that the power sought to be exercised in that legislation goes right up to the verge and the limit of the furthest extent he has advocated.

Mr. KENYON. I do. I say this legislation goes into a new field.

Mr. BRANDEGEE. And if Judge Baldwin's opinion is correct on the subject, which the Senator cited, is it not almost equivalent to saying that wherever, in the opinion of Congress, the public welfare is to be promoted, irrespective of the opinion of the localities of the several States, that there Congress has the power under the commerce clause of the Constitution to regulate the internal affairs of the States if Congress thinks it is for the public welfare?

Mr. KENYON. Of course, regulating the internal welfare of the States is one way to put it. Such regulation, however, is merely incidental to the regulation of commerce. Congress has power to prohibit transportation in interstate commerce of articles that are made in such a way or to be used in such a way that they may threaten or diminish or tend to destroy the high standard of our civilization. Congress determines that standard in the exercise of its legislative discretion. So I have no question in my mind that Congress could pass a law preventing the shipment in interstate commerce of goods made in factories where women work over eight hours a day.

Mr. BRANDEGEE. Or where women work at all.

Mr. GALLINGER. Or men.

Mr. KENYON. There is a distinction between men and women. Now, that illustrates the difficulty of this situation. The Supreme Court in the New York case, as to the bakers, discussed the question of men's work. It is quite different from the decision of the Supreme Court in the California case and the Oregon case, where they discussed the working of women as being on a different basis entirely, as the Senator from New Hampshire knows as well as anyone. That illustrates when you get to the Supreme Court the question is simply of reasonable or unreasonable regulation. If my friend from Utah [Mr. SUTHERLAND] were on the Supreme Court, I would not have much question about the decision. If my friend from North Carolina [Mr. OVERMAN] was there, I would guess the other way.

Mr. GALLINGER. Mr. President, there is simply one question I am going to ask. I am interested in the Senator's discussion of the matter. Yesterday I received a letter from a very prominent citizen of my State, a man who has the esteem of our entire citizenship, in which he very calmly discussed this matter. He asked me, it is true, to vote against the bill.

Mr. KENYON. Is he a manufacturer?

Mr. GALLINGER. He is a manufacturer without guile.

Mr. KENYON. There are those, I know.

Mr. GALLINGER. Yes; he has a large establishment that never has had a strike, and where he has the most contented class of men that could be conceived in his employ. He made this point, that if this legislation is constitutional on the ground that it is detrimental to children to work under certain conditions, may the next step not be that it is detrimental to the health of men to work 10 hours in some establishment where they are only working 8 hours in another establishment, and whether we may not go to the point to say that we have a right, based upon the theory of this legislation, to exclude from interstate commerce goods produced by men who are working 10 hours, or probably 12 hours a day, and in that way doing detriment to their health and very likely to their offspring?

That was the point raised, and I should like to ask the Senator, in all seriousness, if that is not a possibility?

Mr. KENYON. I am very glad to answer the Senator as best I may, though I doubt very much whether the man who suggests a question like that to the Senator could be absolutely without guile.

Mr. GALLINGER. If the Senator knew the man he would agree with me that he is a man who holds to the highest ideals of proper life in every regard.

Mr. KENYON. I want to answer the Senator's question fairly. Of course, he could have gone further and asked if Congress could go to the extent of saying no article shall be shipped as interstate commerce unless it is produced by a colored man in the light of the moon, and so forth.

Mr. GALLINGER. I do not think that is a fair comparison. He put it on the point that it was a detriment to health. They very seriously argue in certain quarters that men ought not to work more than eight hours. Indeed, I observed that a gentleman haranguing an audience in Boston Commons said a little while ago that no human being ought to work more than six hours a day. It was upon that basis my correspondent submitted the matter to me.

Mr. KENYON. Now, let me answer the Senator, since he propounded the question. First, the power to regulate commerce is limited by the fifth amendment. If a bill could be passed here providing, as the Senator's friend suggests, that no goods shall be transported in interstate commerce from a factory where men work over eight hours, when they get to the Supreme Court they must take up the general situation of the country as bearing upon reasonableness what the States have done about it, what the sentiment is in the country, and what effect that has upon the country as bearing on the question, whether it is reasonable or unreasonable, whether it is arbitrary or not, and if unreasonable and arbitrary, it is unconstitutional.

That is the best answer I can give. So the Senator can group all that he might ask under that rule.

Mr. GALLINGER. I will say to the Senator that I propounded the interrogatory more particularly for the reason that I propose to send my friend the very able speech which the Senator has made, and I will go further and say that, as a layman, I had very seriously wondered whether this proposed law in constitutional or not. I remember that when Senator Beveridge was so eloquently discussing it, the leading lawyers of this body at that time said to me it was unconstitutional clearly. But I go further and say that, as at present advised, I propose to vote for the bill, leaving the question of its constitutionality to be determined by the courts. I asked my question in entire good faith.

Mr. KENYON. And I tried to answer in the best of faith.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Idaho?

Mr. KENYON. I do.

Mr. BORAH. Does not the Senator accept the proposition that the Federal Government has police power with reference to channels of interstate trade?

Mr. KENYON. I say that the Government is a Government of delegated powers. I do not well see just how it can have what are commonly known as police powers in the States. I do not think it makes much difference what you call it, the Government has what practically amounts to police power in the regulation of interstate commerce.

Mr. BORAH. Of course the Federal Government is a Government of delegated powers, but there has been delegated to the National Government the exclusive power to regulate interstate commerce. No other power can police the channels of interstate trade. The States can not do it, and if the National Government can not do it no one can do it.

Mr. KENYON. I agree with the Senator. It is a question, then, what police power belongs to the States.

Mr. BORAH. If you are dealing with the subject of interstate trade and the channels of trade that are being overlooked by the National Government on the ground of public welfare and the morals of the people, it must be the police power, is it not? What other kind of power would it be? It could not be anything but police power. While they do not call it that in so many words, that is what it is. It could not have been anything with reference to interstate commerce which sustained the white-slave act. There is no principle which has ever been laid down by the Supreme Court with reference to interstate commerce upon which that could be based unless it is upon the proposition that, so far as the channels of interstate trade are concerned, the Government has the right to exercise the police power.

Mr. BRANDEGEE. The Supreme Court of the United States was careful to refrain from stating that it was the police power or that the Nation had any police power. What it said was that the undoubted power of Congress to regulate commerce among the States would not be allowed to be defeated, because the means which they took to regulate commerce might partake of the nature of police power, which is quite a different thing from saying what is known in the States as police power.

Mr. BORAH. I do not think the Supreme Court did hesitate to say——

Mr. BRANDEGEE. Well, they refrained.

Mr. BORAH. I do not think they refrained entirely from saying it, either, because they placed it absolutely upon the question of protecting the morals of interstate trade. What is it except the police power by which you protect the morals of interstate trade? It is not interstate commerce in the technical sense in which we use the term; it is the police power, pure and simple.

Mr. BRANDEGEE. It is the regulation of commerce by power, and it is purely an academic question whether you call it police power or not. It is the power to regulate commerce.

Mr. KENYON. That is exactly what I have been saying. It does not make any difference what you call it. I argued that question the other day—perhaps I did not argue it, but visited it out—with the Senator from Connecticut, that there was a police power; but in our talk he rather got my mind confused about there being a national police power as we understand the term. However, it is the same thing whatever we call it—the right to protect the channels of commerce.

Mr. BORAH. I do not claim that there is the general police power which obtains within the State, but I claim with reference to these special delegations or the delegation of power over a particular subject, that with reference to that subject the National Government may exercise the police power.

Mr. SUTHERLAND. Why not compromise by calling it "power analogous to police power," and let it go at that?

Mr. BORAH. I think that would be all right; but I prefer the other proposition, because it is the correct proposition.

Mr. KENYON. I advise the Senator from Idaho not to get very near the Senator from Connecticut on that proposition or he will confuse his mind.

Mr. BORAH. I will only say that Cooley, in his Constitutional Limitations, years ago very clearly laid down in a paragraph—which I thought I had in my desk, but which I find I have not—that the National Government had the right to exercise the police power with reference to the channels of interstate trade.

Mr. GALLINGER. If the Senator will permit me to have the RECORD correct, I want to say, in reference to the gentleman to whom I referred, my correspondent, that he is conducting a business in which he employs neither women nor children.

Mr. OVERMAN. Mr. President, before the Senator from Iowa goes on, I should like to understand his position. I do not know whether I understand it correctly or not. In a colloquy between the Senator from Iowa and the Senator from Utah, did I understand him to say that the Supreme Court, in deciding a great constitutional question, as he called it, decided it according to what the public sentiment of the country is?

Mr. KENYON. Oh, no; I did not mean that at all. If I said that, I was very unhappy in the use of my language.

Mr. OVERMAN. I did not think the Senator meant that.

Mr. KENYON. I said that the Senator from Utah would view this perhaps in one way if he were on the Supreme Bench, while the Senator from North Carolina would view it the other way. The court would undoubtedly take into consideration what the States had done as representative of the general sentiment upon this subject as bearing upon the question of whether it was a reasonable or unreasonable regulation.

Mr. OVERMAN. Then, they ought to be governed by the public sentiment as to their decision on a great constitutional question?

Mr. KENYON. The Senator can say that if he wants to, but he can not say it as coming from me.

Mr. OVERMAN. That is what I understood the argument would lead to.

Mr. KENYON. I do not say any such thing or anything like it. The question came up of goods made by those in slavery——

Mr. OVERMAN. It is not so much what the Senator says as what the Senator from Utah has stated, that the Supreme Court would be governed——

Mr. KENYON. I beg the Senator's pardon.

Mr. OVERMAN. It is what the Senator from Utah said, and I understood the Senator from Iowa to agree to it.

Mr. KENYON. I think we will compromise that by going on.

Mr. SUTHERLAND. I do not understand what I am charged with having said.

Mr. KENYON. I do not understand it, either.

As to the question of whether Congress could pass a law prohibiting the shipment of goods made by those in slavery, a question which had never been suggested in the past, I do not believe there is anyone now but would believe that in the present state of the public mind Congress could do that very thing. I think there have been some bills with reference to the importation of rubber goods from foreign countries made by those in slavery. The chairman of the Interstate Commerce Committee in the other House introduced a bill that no person should ship in interstate commerce for purposes of slaughter bull calves less than 2 years of age or heifers less than 7 years of age—pretty healthy-sized heifers. [Laughter.] That gentleman is a great lawyer, and I presume he considered his bill was constitutional. That bill was for the preservation of the meat supply and went to a question of the general welfare. I want to hurry on and finish, Mr. President. I have stated before the proposition that if the power exists the effect on the manufacturing interests of the State or the agricultural interests is immaterial. This proposed law does not regulate manufacturing within the States.

The States can employ their children just as they please; they can carry on their business just as they please; but we can withdraw from them the instrumentalities of interstate commerce. The only difference in the decision is whether or not the consumer and the producer are alike considering this question. I read from the Hoke case with reference to manufacturing, and I have heretofore asserted that the consumer is interested in the problem of knowing what goods he is to use. I have also discussed the fifth amendment and the question of keeping out of commerce wheat, oats, and so forth, and stated that the question of the violation of the fifth amendment depends on whether it is an unreasonable and arbitrary regulation. I want to lay down the proposition, too, that the fifth and fourteenth amendments are alike, and that an act which is not inhibited under the one, as taking without due process of law, is not inhibited under the other. Due process under the fourteenth amendment has been defined in many cases, as in the Oregon case and the California case, affecting a law governing the hours of service for women. How can there be any difference? If the fixing of the hours for service for women in a State in a manufacturing institution does not violate the fourteenth amendment, then certainly legislation by Congress is such that results in that very thing as to children does not violate the fifth amendment. I do not see any difference as affecting the due-process clause of the Constitution between the situation in the California and in the Oregon cases or, indeed, in the Illinois case, which involved child labor, and this present situation.

A child-labor act of Illinois of 1903 was construed in the case of Sturges & Burn Manufacturing Co. against Beauchamp, Two hundred and thirty-first United States, page 320; it was held that a classification in employment of labor of persons below 16 years of age is reasonable and does not deny equal protection of the laws. It was also held that the Illinois child-labor law was not unconstitutional as denying due process of law, as depriving the employer of liberty of contract, or of his property by requiring him at his peril to ascertain the age of the person employed. The court says:

> The Federal question presented is whether the statute as construed by the State court contravenes the fourteenth amendment. It can not be doubted that the State was entitled to prohibit the employment of persons of tender years in dangerous occupations.

It also held that the State could compel employers at their peril to ascertain whether those they employed were, in fact, under the age specified, saying:

> The proposition of absolute requirements of this sort is a familiar exercise of the protective power of the Government.

A very important case is Muller *v.* Oregon (208 U. S., 412), passing on the Oregon statute of 1903, which provides that no female shall work in certain establishments more than 10 hours a day, held not to be unconstitutional so far as respects laundries. It was contended that the statute was a violation of the fourteenth amendment; that it prevented parties making their own contracts; that it did not apply equally to all persons similarly situated; that it was not a valid exercise of the police power.

The court says on page 421:

> It is undoubtedly true, as more than once declared by this court, that the general right to contract in relation to one's business is part of the liberty of the individual, protected by the fourteenth amendment to the Federal Constitution; yet it is equally well settled that this liberty is not absolute and extending to all contracts and that a State may, without conflicting with the provisions of the fourteenth amendment, restrict in many respects the individual's power of contract. Without stopping to discuss at length the extent to which a State may act in this respect, we refer to the following cases in which the question has been considered: Allgeyer *v.* Louisiana (165 U. S., 478); Holden *v.* Hardy (169 U. S., 366); Lochner *v.* New York (198 U. S., 45).

The court took the view that the limitation placed upon the woman's contractial power as to the power she should labor was not imposed solely for her benefit, but also largely for the benefit of all. So also might be argued the limitation as to children laboring—for the benefit of all.

In Miller *v.* Wilson (236 U. S., 373), the Californian case arising out of their State statute limiting the hours of labor for women, the court said:

> As the liberty of contract guaranteed by the Constitution is freedom from arbitrary restraint—not immunity from reasonable regulation to safeguard the public interest—the question is whether the restrictions of the statute have reasonable relation to a proper purpose.
>
> It is manifestly impossible to say that the mere fact that the statute of California provides for an 8-hour day, or a maximum of 48 hours a week, takes the case out of the domain of legislative discretion. This is not to imply that a limitation of the hours of labor of women might not be pushed to a wholly indefensible extreme, but there is no ground for the conclusion here that the limit of the reasonable exertion of protective authority has been overstepped. Nor, with respect to liberty of contract, are we able to perceive any reason upon which the State's power thus to limit hours may be upheld with respect to women in a millinery establishment and denied as to a chambermaid in a hotel.
>
> Dealing with practical exigences, the legislature may be guided by experience. (Patsone *v.* Pennsylvania, 232 U. S., 138, 144.) It is free to recognize degrees of harm, and it may confine its restrictions to those classes of cases where the need is deemed to be clearest. As has been said, it may "proceed cautiously, step by step," and "if an evil is specially experienced in a particular branch of business," it is not necessary that the prohibition "should be couched in all-embracing terms."

The case of Jacobson *v.* Massachusetts (127 U. S., 11) was an act relating to compulsory vaccination, and the law was held valid as a proper exercise of the police powers with reference to public health and not against the fourteenth amendment.

In Holden *v.* Hardy (169 U. S., 366) the court there considered an act of the Legislature of Utah. That act limited the employment of workmen in underground mines to eight hours per day, except in cases of emergency. That act was held to be a valid exercise of the police powers of the State.

In Hawley *v.* Walker (232 U. S., 718) the question was the constitutionality of an act prohibiting the employment of "females over 18 years of age" to work in "any factory, workshop, telephone or telegraph office, millinery, or dressmaking estab-

lishment, restaurant, or in the distributing or transmission of messages more than 10 hours in any one day or more than 54 hours in any one week." The constitutionality of the law was sustained.

In Riley *v.* Massachusetts the plaintiff in error was convicted upon the charge of employing a woman in a factory at a different hour from that specified in a notice posted in accordance with the statute relating to the hours of labor. The general provision of the statute being found to be valid, the particular requirements which were the subject of special objection were also upheld as administrative rules designed to prevent the circumvention of the purpose of the law.

I am citing these cases merely on the question of the fourteenth amendment, as there have been hardly any cases on the fifth amendment.

The Senator from North Carolina [Mr. OVERMAN] says we can not do indirectly what we can not do directly. Congress has taxed out of existence undesirable cotton-future contracts, although it could not directly regulate the making of cotton-future contracts. It has undertaken to tax opium out of existence. It has levied a tax upon the circulatory notes of State banks for the express purpose of destroying their circulation. It has levied a tax on oleomargarine not to raise revenue, but to exterminate colored oleomargarine; and in McCray *v.* United States (195 U. S., 27), known as the oleomargarine case, the court said:

> From this it follows, as we have also previously declared, that the judiciary is without authority to avoid an act of Congress exerting the taxing power, even in a case where to the judicial mind it seems that Congress had, in putting such power in motion, abused its lawful authority by levying a tax which was unwise or oppressive or the result of the enforcement of which might be to indirectly affect subjects not within the powers delegated to Congress.

On the question of national police power, I wish Senators would read the late decisions of the Supreme Court of the United States. For instance, the case of L. Lawrence Weber against Frederick S. Freed, decided December 13, 1915, which refers to this subject and also to another subject which has been discussed here. In that case the court say:

> But in view of the complete power of Congress over foreign commerce and its authority to prohibit the introduction of foreign articles, recognized and enforced by many previous decisions of this sort, the contentions are so devoid of merit as to cause them to be frivolous.

That was on the question of the power of Congress. The court further say:

> Moreover, the proposition plainly is wanting in merit, since it rests upon the erroneous assumption that the motive of Congress in exerting its plenary power may be taken into view for the purpose of refusing to give effect to such power when exercised.

In the Hoke case the court say:

> The principle established by the cases is the simple one, when rid of confusing and distracting considerations, that Congress has power over transportation "among the several States"; that the power is complete in itself, and that Congress, as an incident to it, may adopt not only means necessary but convenient to its exercise, and the means may have the quality of police regulations. (114 U. S., 196, 215; Cooley Constitutional Limitations (7th ed.), 856.) We have no hesitation, therefore, in pronouncing the act of June 25, 1910, a legal exercise of the power of Congress.

Again, in a very late case, the Eckman case, decided January 10, 1916, the court say:

> So far it is objected that this measure, though relating to articles transported in interstate commerce, is an encroachment upon the reserved powers of the States, the objection is not to be distinguished in substance from that which was overruled in sustaining the white-slave act (36 Stat., 825). (Hoke *v.* United States, 227 U. S., 308.) There, after stating that "if the facility of interstate transportion" can be denied in the case of lotteries, obscene literature, diseased cattle and persons, and impure food and drugs, the like facility could be taken away from "the systematic enticement and the enslavement in prostitution and debauchery of women," the court concluded with the reassertion of the simple principle that Congress is not to be denied the exercise of its constitutional authority over interstate commerce, and its power to adopt not only means necessary but convenient to its exercise, because these means may have the quality of police regulations.

Now, Mr. President, I have taken a great deal more time than I should have done. I do not know, if Congress has a doubt about the constitutionality of a proposed legislative enactment, just what its duty is. That is for each Member to determine. It is a principle of constitutional law, however, that all legislation, whether of Congress or of the States, must be taken to be valid unless the contrary is clearly shown. Of course, when a law comes before a court for interpretation it is to a certain extent limited by the fact that every presumption is in favor of consitutionality. Hence Congress should carefully consider constitutional questions. But it does seem to me that a mere question in one's mind as to whether or not a court may hold a statute unconstitutional is not enough to warrant voting against a measure even where it may fairly be said to be a somewhat doubtful question. The simple question here in the last analysis and in summing it all up is, Is this law a regulation of commerce? If so, no effect on manufacturing can be considered. That is entirely immaterial, provided there is no violation of the fifth amendment to the Constitution. So I have worked out in my own mind this principle—I do not know whether it will stand, but I believe it will, and I believe the day is coming when it will be recognized—that Congress has the right to exclude from interstate commerce anything that tends to imperil the standards of public health, public morals, public safety, and public welfare, which in the judgment of Congress are proper standards for the civilization of our age.

Now, Mr. President, I want to say in conclusion that I have been hurried. I did not expect to take over an hour's time, but one thing has led to another.

Mr. SHERMAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Illinois?

Mr. KENYON. I do.

Mr. SHERMAN. I am sure I do not want to break in on the continuity of the Senator's remarks or to encroach upon the time which he wishes to make use of; but, if the Senator is about to conclude, I should like to ask him if this question at last does not resolve itself into whether it is a proper exercise of the police power applied to interstate commerce? I have reflected for some time on that, running through several years, and I have resolved the doubt in favor of the power, and shall support this bill accordingly.

However, before the Senator concludes, I want to ask him to direct his remarks to this phase of the power that is either existing or not, as the case may be: The primary purpose of this regulation is to prevent child labor, not in the States where it may be lawful, where it is not now prohibited by State enactment, but to prevent child labor generally throughout the United States.

Mr. KENYON. To stamp it out.

Mr. SHERMAN. Yes, sir. That is, as I understand, the purpose of this remedial legislation. Now, keeping that in mind, Mr. President, in the case of the oleomargarine law, whatever the other motives may have been for its enactment, one motive was to prevent deception. Oleomargarine is not necessarily unwholesome; it does not possess any deleterious qualities when taken into the human system, but it is so similar to the natural product that, to prevent the deception, a tax, which is in a large measure prohibitive, was imposed upon it, and sustained as an exercise of the police power—not to prevent interstate traffic in a deleterious substance, but a deceptive traffic in a lawful substance, in order that the general public might be protected from deception. That is one ground on which such a law might be sustained. Another is that a thing which is in itself lawful in its origin may become in its use, applied to the general public, hurtful or contrary to either the public health or morals or, in general, contrary to the public welfare.

The lottery tickets to be issued were lawful in the State of their origin, but became unlawful because of their general effect upon the public, and were accordingly properly excluded from interstate commerce. If deception is used in connection with a lawful article, lawful in the place of its origin, the general public may be protected by an act of Congress against the unlawful imposition of that article upon the general public whereby a deception is effectually carried out.

Now, what is the difference, does the Senator think, between such a case as that and protecting the general public throughout the United States against the effects of child labor by excluding from interstate commerce, as a necessary and very effective means of stopping child labor, articles manufactured by child labor?

Mr. KENYON. Mr. President, I have discussed that subject and advanced that theory some time ago when the Senator was probably absent. I have said that the consumer was interested in the question of how the goods which he purchased were made and had a right, in contemplation of the general moral health of the Nation, to know whether the goods were made by child labor or not. If they were, he might not want to use them. So I do not want to go back to that if the Senator will excuse me; but I am glad of the Senator's statement and to have it added to my remarks.

Mr. CLAPP. Mr. President, will the Senator pardon another interruption?

The PRESIDING OFFICER (Mr. PHELAN in the chair). Does the Senator from Iowa yield to the Senator from Minnesota?

Mr. KENYON. Certainly.

Mr. CLAPP. That point was made before the committee; and, while it may not be important, I for one would not want to be placed in the attitude of accepting that challenge as made before the committee. I do not believe that we have got to base this proposed legislation on the proposition that the consumer has the right to know. I believe we can put it upon the basis that the citizens of any State and of every State have a right

to be protected against the effects upon the citizenship of child labor; and I believe the sooner we come right out and put it on that broad ground the better it will be for all concerned.

Mr. KENYON. I trust the Senator did not understand that I took any other position than that.

Mr. CLAPP. No. I merely had in mind that that suggestion was in a way acquiesced in in the committee.

Mr. KENYON. We have been having a general discussion here of both sides of it. I have stated time and time again my view of the situation. There is little doubt in my mind as to the constitutionality of the measure, because of the power of Congress in the interest of the general public welfare to take out of interstate commerce those things that are injurious to the public welfare.

Now, Mr. President, I merely want to say that I have been interested in child-labor legislation for a good many years. It has appealed to me. In congressional life I know we have a good many disappointments. It seems frequently as if it were not worth while, and that there was not very much being accomplished of particular benefit to our fellow men. I feel, however, that there are compensations in public life as in this instance, where the opportunity is presented to help in a modest, humble way to fight the battle for the children of this country. I do hope that we are to be given an opportunity to vote upon this bill at no distant date. It will mark a milestone in the progress of legislation enacted for the benefit of humanity.

Mr. President, from the humble manger of Bethlehem came the greatest social worker of the world. He gave His life as an act of social service. Inspirational are his utterances concerning children:

> But whoso shall offend one of these little ones which believe in me, it were better for him that a millstone were hanged about his neck and that he were drowned in the depth of the sea.
>
> Even so it is not the will of your Father which is in heaven that one of these little ones should perish.
>
> But Jesus said, Suffer little children, and forbid them not to come unto me; for of such is the kingdom of heaven.

If we destroy them, we destroy the hope, the dream, the faith, the prayer that the kingdom of heaven may some day come to earth.

In a book by Markham, Lindsey, and Creel is a little statement which I want to read. It is as follows:

> Of late years we have fallen into a journalese habit of asking what Christ would have thought of this or that, or what He would have done in such and such a place. For instance, writers and preachers have surmised as to the Master's feelings and actions were He set down in Chicago or put in charge of a newspaper or given control of a department store, etc., etc., all of which has been interesting rather than important.
>
> No one, however, has yet written a book or preached a sermon on "What Christ would have thought of child labor." Yet it is quite an obvious title, for the slightest consideration of the Gospels will show that Jesus was incessantly and passionately interested in the welfare and happiness of children as well as in the securement of industrial and economic justice for those who perform the world's toil.
>
> Christ in the last analysis was an agitator, a rebel, an insurgent. He swept his barren, wretched land like a flame, crying out against burdens too grievous to be borne, striking terrible blows at ancient evils and established injustice. He preached heroic love and service, and the brotherhood of man was as much on his lips as the fatherhood of God. In no sense is that wonderful career at all intelligible save when considered as a heroic attempt to substitute a more wholesome and brotherly environment for cruel industrial conditions.
>
> We may have to guess what Jesus would do if He came to Chicago or if He edited a daily paper, but we can tell authoritatively what He would do if brought face to face with the present child-labor problem of the United States.
>
> * * * * * * *
>
> Imagine Him in a Gulf coast shed of a cold, raw morning before the dawn, holding in his lap a whimpering, chilled, sleep-sick lad of 8 or 9 and looking at the little fingers with holes eaten into them by the acid that exudes from the head of a shrimp! Or amid the noise and dust of the anthracite coal breakers, where boys just entering their teens dare disease and death! Or in the dark inner rooms of a city tenement, where babies work 10 to 15 hours a day, making artificial flowers!
>
> * * * * * * *
>
> A nation that builds its religions about Jesus of Nazareth and erects thousands of churches to His glory and still permits its industrial machine to mangle nearly 2,000,000 little children is a nation that is on the road to spiritual death.

Mr. President, those who advocate this kind of legislation may be called altruists, sentimentalists, reformers, or what not. It makes little difference to them. They will go on with the fight, a fight that must eventually be crowned by victory. Justice, not charity, is the need of the age. Justice is the foundation of all social order. The old order passeth: Men crippled in industrial pursuits, women's backs bent by long hours of toil, children destroyed by labor in mines and factories, their little lives ground into dividends. The new order cometh where it shall be easier for every day men and women to live and enjoy life, to have their little homes, to develop ideals, to realize hopes. We have the right to the vision of a broad humanitarian nation interested in humanity as well as prosperity. That vision is becoming a reality, although possibly slowly; then happy, healthy children, strong vigorous men, home-making mothers and wives, a people not devoted to the principle of each for himself, but rather to the principle of each for the other; a nation whose only throne is justice, a republic whose mission is to keep open wide the doors of opportunity not only for those of to-day but for the children of to-morrow.

The PRESIDING OFFICER (Mr. PHELAN in the chair). The question is on the amendment offered by the Senator from Montana [Mr. WALSH].

Mr. NORRIS. Mr. President, the particular amendment now before the Senate offered by the Senator from Montana [Mr. WALSH] is of itself not of very great importance. It applies to a rental charge made only in cases where the permittee or grantee uses public lands. I presume that if this bill is enacted into law in its present form or, for that matter, in any other modified form, there will be comparatively few instances in connection with navigable streams where Government land will be used; but notwithstanding that, Mr. President, there is a very important and, as I believe, fundamental principle involved in this amendment. The particular place in the bill where it is provided that public lands shall be used is the only place in the bill where there is any provision made for rental for any of the privileges given to permittees or grantees. It is provided that the charge that shall be made shall be based upon its value as land, and it is admitted by those who are behind the bill in its present form that that particular provision—the one I have read and the one which the amendment of the Senator from Montana seeks to strike out—was put into the bill to prevent the making of a lease by the Secretary of War in which he should charge a rental or make a charge on any other basis than that connected with the land; in fact, that he should thereby not be allowed by the law to make a charge on the horsepower developed.

That brings before us at once the question whether, in these leases, we ought to give to the Secretary of War, or any other authority to whom we may delegate the power to make these leases, the power to charge for the horsepower developed. I concede to begin with that this is a very important and fundamental principle upon which honest men may honestly disagree; and while I am very decidedly of the opinion, from what study I have given to this subject, that we ought to give to the Secretary of War such authority and such power, and that he ought to exercise it, I am perfectly willing to concede that it is a question with two sides to it, and I have no fault to find with the Senator or the individual who takes a different viewpoint. That is the point that I want now to discuss. I think it is the real question involved in the Senator's amendment, although fundamentally I would carry it much further if I could, and make it apply to all cases, whether any Government land is used or not.

Mr. President, I believe we ought to give to the Secretary of War the power to charge a rental based upon the development of the power at the particular point where the permittee is allowed to dam the stream and build an obstruction, and in my judgment he ought to have this authority, because I believe it would tend to regulate the charges and in the end redound to the benefit of the consumer of the electricity that is developed at that point. That is the reason why I favor it. I believe it is the belief of those who favor that kind of a provision that it is a regulatory power, and places in the hands of the Secretary authority of law that will regulate and in the end prevent monopoly and give to the consumer of power a lower rate.

We must remember, Mr. President, that in dealing with this question we are only trustees. We are not dealing with our personal property. We are not here giving rights to dam streams and build obstructions in navigable waters that we personally own. The Secretary of War, if this bill is passed, will be a trustee, and we are acting now in the capacity of a trustee. The Secretary of War, if this bill is passed, will be acting in that capacity, representing all of the people of the United States. The particular land upon which the dam is to be built, so far as this amendment applies, at least, is Government land, owned by all the people. If through that ownership we can regulate a power that is to be developed there for the benefit of the communities, the people at large, we ought not to give away that right. We ought to protect that right as fully as though we were individuals dealing with something that we personally owned, making a lease of it to some one who wanted to operate it; and it is on that theory that I believe we ought to provide by law sufficient authority for the person who represents all the people of the country—the Secretary of War, in this case—so that he will not fritter away the rights that the people own.

I can easily conceive that there might be, and would be, probably, in the practical operation of this law, many cases where

the permittee, the person who was applying for the right to build this dam, would come in direct competition, let us say, with some other corporation which was developing in that vicinity hydroelectric energy that was produced by steam. For the purpose of illustration let us say it cost the steam company $10 a horsepower to develop their power. Let us say that the man who developed water power on this Government stream could develop and get his power to the market for $5 per horsepower.

When the man who developed the horsepower has his power ready to sell, does anybody believe that he would put it on the market for any lower price than was necessary to get the business away from the man who was developing power by steam? In that case, if the steam man had to pay $10 and the water man $5, then if he should sell the power at a price, let us say, of $9.50 per horsepower, he would get the business. Suppose there was a charge of $1 on the horsepower that had to go to the Government. He would sell it for exactly the same price as though there was no charge made by the Government. In other words, coming in competition with other power that cost more money, he would get his power on the market just enough below his competitor to get the business; and if that figure was not above the actual cost and the rental fee that he paid to the Government, he would get and operate the business.

Why, then, should not the Government or the Secretary of War or the Congress, representing the people of the United States, owning the land upon which this power dam is to be built, give to the person that we are going to designate in this law to represent the people of the United States sufficient authority so that in making the lease in that kind of a case he would be able to get for the owners of that property—the people of the United States—a fair rental that would still permit the permittee or the grantee to operate and get the business and still make a very large and liberal profit?

There might be other instances where it would be to the interest, perhaps, of large corporations owning power plants, either steam or water, located in a certain community where there was an additional water-power site in a navigable stream, to make application under this law, if it were passed, for the purpose of developing power at that additional site, with no intention of developing it to its full capacity, for the purpose, perhaps, of preventing somebody else from getting it and developing it to its full capacity, and thus putting it in competition with some established business, with the effect of lowering the rates to the consumer. Suppose the Secretary of War, in representing the people, the owners of this land that is going to be taken away, should say to the proposed permittee: "I will lease you this particular site for the development of power, and I will provide in the lease that if you develop it to its full capacity and sell it, then the amount of rental shall be nominal only; but if you develop only half of it, then the lease shall provide that you must pay a dollar, two dollars," or some other sum that he might set, "for the power you develop." That would give him a leverage of a regulatory nature by which he could compel the development of the entire power; and I take it that that is what all of us want. We want the maximum amount of power developed. It is only by the development of the maximum amount of power that the best results and the lowest price can come to the consumer and the greatest development of the country or the community can take place.

Suppose there is another locality where, after this bill becomes a law, some man makes application to the Secretary of War for the development of power by the building of a dam in a navigable stream—let us say in the vicinity of some city, some village, or perhaps several cities—and the Secretary of War, when he applies, if he had the authority to demand any rental, would say to the applicant, "Now, if you develop this power and sell it to this municipality, where it will go directly to the people of the community, the citizens of that municipality, I will charge you a rental that is only nominal, practically nothing; but if you develop this power and sell it to another corporation, and that corporation in turn sells it to the municipality, or perhaps to another corporation, and they sell it to the municipality, then the rental that I will charge you"—and it must be so provided in the lease—"shall be a higher rate." In other words, again he would use his power to cut out the middleman and get the electricity at the lowest possible price to the actual consumer.

We know in the practical application, not only of things of this kind, but in various other things, that there are often various corporations organized, and one corporation develops and sells to another corporation that will take power over a line 40 or 50 miles, and that corporation sells it to another corporation, and that corporation sells it to another one that distributes it, and all of these overhead charges must be paid; all of this machinery must be oiled. In the end the consumer pays it all. That must necessarily follow. That condition would be relieved or done away with if the Secretary of War, or the person representing the owners of the property where the dam is built—that is, the people of the United States—should say, "We will charge you one rental if you sell to some intermediate corporation, but we will charge you another rental, at a much lower figure, if you will sell directly to the municipality whose citizens it is desired should be supplied with electric light and electric power."

I might go on, Mr. President, and show in a great many instances how this power to charge a rental would be used to regulate the price that the consumer must pay. The first instance I gave will demonstrate, I think, that in many cases where the power developed by the water is going to come into competition with a higher-priced power, they can just as well charge a reasonable fee and let it go to the people of the United States, and the consumer would still pay the same price that he would have to pay if no charge were demanded in the way of a rental by the Government. The only object of it all is to give to the people of the country the widest possible development and the lowest possible price.

Now I want to read an extract from an article written by Mr. Lane, the Secretary of the Interior. He wrote this article with reference to a bill providing for power development of nonnavigable streams on the public lands of the United States, which was pending before the Public Lands Committee, and which has since been reported, and is now on the calendar; and I am only going to read that part of it which applies as well to this bill as to that one. In fact, I am only discussing now the particular question which is before the Senate. There are some other propositions involved in this bill that, in my judgment, are fundamental, and in due time I expect to discuss them. For instance, I expect to discuss the policy of this bill as outlined in section 6, ordinarily referred to as the recapture proposition, and I expect to offer an amendment which will strike out that section and insert a new one. I consider that perhaps more important than the question which is now before the Senate; but that question and this one, in my humble judgment, are fundamental.

The principles underlying each one of those two questions are exactly the same as applied to dams constructed across navigable streams and as applied to dams constructed on streams that are in the public land. While Secretary Lane's article was written with reference to the streams flowing in the public lands of the United States, and not navigable, what he said on that point—on both of those points, in fact, although I will only read one now—applies just as fully to this bill as to that one.

I believe it will be conceded by all that Secretary Lane is one of the best-qualified men to speak on this subject of any man in the United States. There are many others just as good, some of them, perhaps, here in the Senate, but we will all concede that he is one of the public leaders of public thought on important questions that relate to the welfare of the people. No man questions his ability or his honesty, and I think we ought to look with a great deal of respect upon the sober and honest judgment of such a man, especially when he is in the position that he occupies, where he has control on the part of the Government of all the streams flowing through public lands, because he has jurisdiction in his department over all of the public lands of the United States.

What price or consideration should be exacted?

He has been discussing the question of rental, advocating it, and urging that the authority ought to be given to the proper officer to demand it. Now he comes to the price, and in discussing that, as I remember it now, he goes into the policy that ought to be adopted by the Government or an officer if the law gave him the authority to demand a rental such as I have been speaking of. The Secretary says:

> As already intimated, a nominal charge of 5 per cent of the agricultural value of the land would be useless and inadequate and would not justify the trouble and cost of collection.

That applies particularly to the language of the bill as it stands now—that this rental shall be the value of the land as land; and as the Senator from Montana, who makes the motion, has so well pointed out, as a rule this land would have practically no value as land. It would be among the rocks of a stream, and as far as its land value is concerned it would be nil.

But the Secretary goes on:

> The gift of such a resource would not inure to the benefit of the consumer or the general public, but to the promoter. Furthermore, the authorities agree that a charge of some kind should be imposed as a regulative measure. The Government could, if it followed the precedent of private owners, charge not less than 5 per cent of the value of the lands for power purposes; but this would be a heavy charge upon the developer, which he in turn would endeavor to recover from the consumer.

I want to pause there before I read further, because I agree so fully with what he has said there that I want to comment on it just a little.

If it were a private person, as the Secretary says, who had the authority that the Government has to demand any condition that he may see fit before he permits this development, he would demand a charge that would, perhaps, be, as the Secretary says, at least 5 per cent of the value of these lands for power purposes. He would get, in other words, all he could out of it. But that charge, if made on the value of the land for power purposes, would make a sum that I concede and the Secretary concedes, and I think all concede, would be so great that in most instances the man who had to pay it would be compelled to recoup himself by charging a higher price for the product to the consumer.

So we want, on the one hand, not to take from the people of the United States these valuable rights that are worth millions and give them to men who want only to make money out of the project—and I do not find fault with them at all on that account—give them absolutely to them without any recompense to the real owners, the public, and give them to them for a term of 50 years, and, if this bill is not changed, in reality, as I think I will be able to show when that part of the bill comes up, in perpetuity. A valuable right, belonging to all the people, belonging to our children and our children's children, should not be given to people whose only object is to make money for themselves out of it, without some recompense to the owners of the property and to their posterity.

As the Secretary said, no one who asserts that the Secretary has a right to demand a rental value is claiming that we should make this price high, not as high as a private individual would, because, after all, the object is to give to the people of the country the use and benefit of the development of this power and at as low a price as possible. As I said, the only reason why we want to give to the Secretary the right to charge a rental is to put in his hands a power to regulate, although incidentally, in cases like the first instance I gave, it would probably result in quite a large income to the Government.

The Secretary goes on:

> We should charge nothing at first, during the period while the plant is building and finding a market, except perhaps a charge merely sufficient to pay the expenses of administration.

Of course there would be some instances where power would be developed where the market is already there waiting for the power. In that case the charge could commence at once.

> This period of nominal charge might be 5 or 10 years. The charge should then gradually and moderately increase as the years go by according to a scale fixed in the lease or permit at the outset, and in every instance premiums should be put on low rates to the consumer. In other words, the lower the rate to the consumer, the lower should be the charge on the part of the Government.

I think that states it in a nutshell.

> Also some premium should be placed upon the full development of the power possibilities of any given site.

That is another important consideration. Unless there is some power to regulate it will very often occur that men will get possession and the right to develop sites when the real intention is to prevent their full development by somebody else in order to protect the exorbitant prices that they have been, through some other corporation, perhaps, able to charge the consumer in that community.

> The main object, however—

Says the Secretary—

> is to secure development for the benefit of the consumer, and the regulative charge can be readily fixed upon a sliding scale which will go up or down, according to the treatment of the consumer by the producer.

Mr. President, the Secretary has a great deal else to say in this article. Some of it does not apply to this bill and other parts of it apply to another part of the bill. That is all of the Secretary's article I am going to read now. I think he outlines fully, as I in my weak way tried to do, that those who favor giving the power to the Secretary to charge a rental favor it, because they believe that in many instances it will regulate and lower the price that the consumer will have to pay and in other instances it will bring a large amount of money into the Treasury of the United States and not increase the price which the consumer has to pay for the product.

Mr. President, the Senator from Alabama [Mr. BANKHEAD] yesterday just before the Senate closed made a very forceful presentation of the other side of this proposition, and in doing so he gave some illustrations. He told us of the development of a power down in Alabama, and if you heard the remarks that he made, or, if you did not, if you will read the RECORD of to-day you will find he said repeatedly that these men under a special act of Congress built a dam in the Coosa River; that they have made the river navigable for 35 miles; that they are paying to the Government $180,000 a year for the privilege of building this dam and making the river navigable.

If you analyze his statement closely, however, you will find that they do not pay the $180,000 or any other amount to the Government. They have a perpetual right, and pay absolutely nothing for it; $180,000 is the interest on the investment at 6 per cent, and if they pay it to anybody it is to Wall Street. In the graphic description the Senator portrayed he showed how these men with their hard-earned cash had gone to the Government and said, "Here, Uncle Sam, we built a dam; it has cost us $3,000,000. We have made this river of yours navigable for 35 miles. Here it is. Take it; it is yours. And to show you we are real patriots we will give you $180,000 a year in addition. It is all yours."

That is philanthropy, Mr. President, with a vengeance. I have wondered about these men who, out of the goodness of their patriotic hearts, have gone out and built that dam and turned it over to the Government, paying the Government $180,000 a year. And, as the Senator from Alabama said, the permit is perpetual; it will never end. It is going to run through all eternity. How are those poor men going to keep up that work? What a sad spectacle that this great Government of ours should sit idly by while Uncle Sam, with his grasping fingers, goes out and makes these people pay. He does not make them. They are willing; they pay it right along, $180,000 a year from now until the end of time, and then some. Will not these poor fellows get out of money? What will they do when they become bankrupt and can not make this payment?

Mr. President, we ought to give some consideration to these men. We gave them a perpetual franchise on the Coosa River. They built a dam there. These men who I presume through many years of toil and strife, walking between the plow handles or by the sweat of their faces earning their bread and their living in the harvest field, or in the mine, or in the factory, after years of this toil accumulated a little money and built a dam and gave it to the Government. Mr. President, there were tears almost in the Senator's voice, and I remember the tender-hearted Senator from California [Mr. WORKS] was moved almost, I thought, in interrupting him to an apology for some objection he had made to the bill just a few minutes before.

We ought to do something for these men. I wondered if we would give them a pension, if it would not be satisfactory. If we would treat them with the same consideration that we do the old soldiers who risked their lives to protect the country and give them $25 or $30 a month, it would assist them in making this payment of $180,000 a year.

Mr. President, Congress ought never to have passed a law that would give to any man or to any corporation a perpetual right that would run as long as the Government stands to dam the navigable streams of this country, especially without holding in its hands somewhere some power or some restraint by which we could regulate the price that such men must charge for the product. It will be found that this dam is a valuable asset. I complain not of the men who built it. I am not finding fault with them. They were and are honorable and engaged in an honorable and legal business. They went into it to make money. They are making money, and the men who will go into it in the future will go into it to make money. We want to pass a law that will be so inviting that it will entice money to invest. I admit that.

But it does not follow, Mr. President, that we should pass a law that would in effect turn over these great rights that ought to belong and in fact are the heritage of all the people to the perpetual use and profit of men who go into it simply for financial gain. There ought to be a power of restraint in the Government that would have a regulatory effect upon the power that is produced, and that would protect the consumer when he buys and consumes the product generated at these water-power dams.

If we provide that the Secretary of War shall have the right to charge a rental value along the line, for instance, indicated by the Secretary of the Interior, Mr. Lane, who can deny but what such power vested in the person who represents the Government would have, as he has outlined there, a good effect upon the regulation of power that shall be developed from these dams?

It seems to me, therefore, Mr. President, that we can not reach any other conclusion than that not only ought the amendment of the Senator from Montana to be adopted and this language stricken out, but there ought to be, and probably will be offered later on, an amendment that would give to the Secretary the right to charge a rental in all cases and give him some discretion in its application. It can not be said that it would be a hardship against the man who gets permission to develop the power because the regulation in regard to rental

would be included in his lease. He would have 50 years at least in which no one could interfere with his right under that lease to enjoy the privileges that are given, and then at the close of the 50 years he or his successors would have the right to make a renewal under certain conditions, or if the Government took it over, and that ought to be in the bill, he should be paid for all the expense and all the investment that is fair and just and that he ought to be remunerated for. But this particular provision goes only so far, if it carries, as to give to the Secretary of War the right to exercise a wise discretion in making a lease and charging in the lease a reasonable and a fair rental for the power developed.

Mr. JONES. Mr. President, I had not intended to discuss the general propositions in the bill at any length. I shall probably submit some remarks hereafter with reference to some amendments that may be offered. But the discussion has taken such a wide range that I think I shall notice some of the general propositions advanced and then submit some remarks in reference to the particular amendment which is now pending.

We have had represented in the discussion thus far the two extremes of this controversy. We have just had from the Senator from Nebraska [Mr. NORRIS] a discussion of the extreme so-called conservation views, and yesterday afternoon we had the extreme position taken on the other side by the Senator from California [Mr. WORKS]. So we have a situation here where there are some Members of the Senate who are disposed to vote against the bill because it does not go far enough and others who propose to vote against it because it goes too far. The result of this situation must be necessarily a compromise. That is the result of all controversies of this kind in a legislative way. Concessions must be made here and concessions made there if we would get anything.

I think it is well to consider the situation we are in now. In 1890 a provision was passed making it an offense to put any obstruction in a navigable stream without the consent of the Secretary of War, or without a special permit at any rate. Under that condition of things very little was done. In 1906 a general law was passed under which permits might be secured from Congress, the permittee being required to comply with the terms of the general act. The act of 1906 was not very successful; there was not very much done under it; but in 1910 the act of 1906 was amended. The act of 1910 was not so liberal even as the act of 1906. Under that a few permits were granted, but very few dams were built.

Finally a controversy arose over the propositions that are now involved in this controversy. The executive department finally concluded that even if Congress should pass an act granting a party a permit to put in a dam under the provisions of the general act, it would not approve such a permit unless a provision were inserted requiring the payment of a charge and also a limitation in time. One or two bills were vetoed, and from that time until now there has been an absolute bar to the inauguration of any of this work, and even the passage of any legislation looking toward permits.

That is the situation which confronts us. Unless we solve it in some way we will have none of this work done. With reference to the situation I think I shall read an extract from the testimony of Secretary Garrison, late Secretary of War, taken before a committee investigating this subject, in which he describes very concisely the condition of things:

> As just said, the first general dam act was that of 1906, which was rewritten in the second or amended general dam act of 1910. The first act was less illiberal than the second, which is the existing law. Whatever may be asserted to the contrary, the department knows, and everybody who has taken the trouble to ascertain the facts also knows, that reasonable development has not taken place under the act. Reasonable development can never take place under the act. The act prohibits it. This is no new discovery. It is conceded by all who have familiarized themselves with the operation of the act. (See final report, National Waterways Commission, S. Doc. No. 469, 62d Cong., 2d sess.) That there have been applications made for permits to erect dams and power structures under the act and granting of the same by Congress does not constitute construction, nor is it any testimony as to the virtues of that act. The real test comes when permittees attempt to raise money under the act. An applicant merely sees an opportunity to develop power and comes to Congress for permission. It costs practically nothing to make such an application. If the financing fails, the permittee loses only his time. The process is a good gamble. It is analogous to paying down money to secure an option on property. The real test of the general dam act lies in the record of what has been accomplished under it.
>
> Under the first act 25 subsequent enabling acts were passed.

That is, 25 permits from Congress in pursuance of the provisions of the general act.

> Under these enabling acts only 6 plants have been constructed, and the remainder of the permits have lapsed under the time limitations, presumably because the projectors could not finance under the terms of the act. Activity in water-power development throughout the country has increased enormously since 1910, but under the present law, passed in that year, the applications for permits to construct dams on navigable streams have been less in number than they were from 1906 to 1910. Congress, under the 1910 act, has passed only 14 enabling acts, and only 2 power plants have been constructed under them. Reducing the thing to percentages, the percentage constructed under the act of 1906 was 24, while that under the act of 1910 was 14. I have been informed that two of the plants to which I have referred as having been constructed under the act of 1906 were made financially possible because, in one case, of a very large and unusually profitable market which surrounds the risk; and, in the second, the plant was but a small adjunct to a large power system held in fee, and the fee properties were made a lien under the bonds, so the company was placed in a position where it had to have more power or acknowledge its failure to supply its customers. The total capacity of the plants constructed under the acts of 1906 and 1910 is something less than 140,000 horsepower. The past five years have been remarkably active in water-power development in places at sites beyond the jurisdiction of the Federal Government, and better power sites on the navigable streams of the country have been passed over for less available ones not under Federal jurisdiction. I think we have every reason to believe that under reasonable Federal laws there would be a very early development on the navigable waters of the United States of considerably more than a million horsepower.

Mr. President, that shows the condition we are in now. It shows the problem this committee has been trying to solve. We have also recognized the sentiment in the country and the conflicting views with reference to what should be done in order to solve this matter.

I unite with the Senator from Nebraska in conceding freely to those who do not agree with me the utmost honesty and sincerity of purpose in their views. As a matter of fact, we are all seeking the same thing. He quoted from an article prepared by the Secretary of the Interior in which it was stated that the object to be accomplished by this legislation is to bring about the widest possible development of power at the cheapest possible price to the consumer. That is what we are all after; that is what we want; and that is what the committee has honestly tried to do in framing this measure.

There are many provisions in the bill which I would rather not see in it, but I do believe that it is a fair, reasonable measure, and that it will, to a very great extent, accomplish the purpose desired by all. We have endeavored in the bill to get a workable measure; that is, to get one that would induce capital to invest in these great enterprises, because it must be understood that capital can not be compelled to go into these enterprises. We must induce capital to go into them.

The Senator from Alabama [Mr. BANKHEAD] yesterday pointed out the difficulty and the risk and the expense that capital must go to and must assume in undertaking these works, and he did it far better than I could do. But one thing we all know—that we can not compel capital to invest in these plants, and that we must offer inducements satisfactory to capitalists, or we will not get the investment made, the work done, and these great enterprises developed.

Now, the committee has tried to make this bill so that capital will go into these enterprises. I will say that we have assurances from those who represent capital that if the bill is enacted in substantially the present form they will invest in many of these great enterprises. That is what we desire.

We have also desired to respect as nearly as possible and to confine ourselves to the jurisdiction of the National Government, and we have also endeavored to protect the rights of the States and to respect their sovereignty, and, above all, have we endeavored to protect the rights and interests of the consumers of the country.

I sometimes think that those who argue along the lines of the Senator from Nebraska [Mr. NORRIS] overlook the interest of the consumers of the country in the desire to get some money into the Federal Treasury or to make the man who puts his money into these propositions pay something. The Senator from Nebraska referred to the enterprise indicated by the Senator from Alabama [Mr. BANKHEAD], wherein the Senator from Alabama said that these people pay to the National Government $180,000 a year. Where did that money come from? That money came from the consumers of the power.

Mr. NORRIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Nebraska?

Mr. JONES. Certainly, I yield.

Mr. NORRIS. I suppose the Senator did not hear me say that, as a matter of fact, from an analysis of the statement made by the Senator from Alabama, the people building the dam do not pay the Government anything. The $180,000 represents the interest on the amount they invested in the building of the dam. They do not pay anything to the Government, as a matter of fact.

Mr. JONES. Then, of course, if they do not pay anything, that amount is not taken from the consumer.

Mr. NELSON. But, according to the statement of the Senator from Alabama, the Government got 35 miles of navigable water they did not have before.

Mr. JONES. Yes; and probably the Senator from Alabama can point out other things that the Government got.

Mr. BANKHEAD. Mr. President——

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Alabama?

Mr. JONES. Certainly.

Mr. BANKHEAD. I stated that the improvement made by the company has cost them $3,000,000. They have expended $3,000,000 in constructing the dam, which made navigation as complete as possible on that river for 35 miles. They turned all that over to the Government for its use. My suggestion was that they were paying an interest of $185,000 on the structure and that the Government was getting the benefit of the whole of it.

Mr. JONES. The Senator from California [Mr. WORKS] criticized the bill on yesterday and pointed out wherein he thinks the bill invades the jurisdiction of the States. I think there is no disagreement between the Senator from California and myself with reference to the desirability of respecting the sovereign rights of the States and of the Federal Government. I do not want the Federal Government to invade the rights of the States at all. There are some provisions in the bill that, as I said, I should like to have left out, largely because of what I think is, to a certain extent, an invasion of the rights of the States; but I do not believe that the bill goes anything like as far as the Senator from California contends.

What does the bill do? The bill grants the right to construct dams in navigable streams. It is not the Secretary of War that gives the right. As a matter of course we give it by the bill, but we say that it shall not be granted except upon the compliance of the permittee with certain conditions laid down in the bill itself as our legislative act. We say that the United States authorizes any of the persons as hereinafter defined to construct, maintain, and operate a dam in navigable streams after obtaining the permit of the Secretary of War as hereinafter provided, and we specify what the conditions of that permit shall be. So, while, of course, there is nothing in the bill that compels the Secretary of War to grant a permit, yet as an administrative officer he will certainly endeavor to carry out the purposes and intention of the act, and he must act within the limits of the powers defined in the grants made by the act.

The Senator from California, I understand, contends that the Secretary of War has authority over irrigation and power and all that sort of thing. I do not think so. This is what we do. We grant the right after they have received a permit from the Secretary of War to construct dams for navigation for the development of power or other purposes.

Mr. WORKS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from California?

Mr. JONES. Certainly.

Mr. WORKS. The Senator concedes that the Secretary of War is authorized to impose the conditions upon which the right to construct a dam is founded.

Mr. JONES. I am going to point out just what we do provide.

Mr. WORKS. But if the Secretary of War is authorized to impose those conditions, and they are different conditions from those imposed by the States, in order to secure the same right to the use of the water, that would be an infringement of the right of the State, would it not?

Mr. JONES. I think so, but I will try to point out a little different position from that under the act. We find this situation throughout the country. Here are great power possibilities in navigable streams by the construction of a dam that is necessary to take care of the navigation. There are many other potential possibilities that would not be cared for, while if a dam were required to be constructed of such a capacity as to develop power that could be used not only for navigation purposes but for other purposes, great good would be conserved. For instance, we have many places where, in addition to getting navigation, we can develop power for manufacturing purposes. If the dam is put in only for navigation, manufacturing purposes are not developed and are not conserved. Here is another place where not only manufacturing plants could be established, but, as out in our part of the country, thousands of acres of desert land could be irrigated and great wealth created by the construction of a dam of proper height developing a sufficient amount of power. If that is not taken into account, there is a great natural resource that is practically wasted. We have taken that into account in this bill; and we think that, wherever in a navigable stream there are power possibilities, such a construction should be had as will make available power necessary for the development of all these other industries, but we do not give to the Secretary of War the power to say what industries shall be developed or how they shall be developed. We do not give him any control over them at all. All we do is to give him the power to require certain conditions with reference to the building of a dam, and he can not go any further than that.

Mr. WORKS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from California?

Mr. JONES. Yes; I yield to the Senator.

Mr. WORKS. I disagree with the Senator upon that point, and I am a little bit afraid that he is allowing the necessities of his constituents to influence his judgment with respect to the constitutional questions that are involved in this inquiry. I should like, however, to ask the Senator whether he sees any reason why there should not be a plain and simple provision in the bill authorizing the Secretary of War to grant the right to construct dams of this kind, imposing only such conditions as would protect and preserve the navigability of the stream without imposing conditions that really affect the disposition and use of the water.

Mr. JONES. Mr. President, I do not believe that under this bill we give the Secretary of War any power with reference to the disposition and use of the water.

Mr. WORKS. Very well. I am asking the question from my own point of view, and I ask the Senator for an answer from that point of view.

Mr. JONES. Well, probably if I were to answer from that point of view, I might have the same opinion as has the Senator, but I do not think that is the viewpoint of the bill.

Mr. WORKS. Then, why should there be a provision in the bill that would raise such a controversy with respect to its meaning as it is now presented to the Senate, when it could be made perfectly clear?

Mr. JONES. Well, Mr. President, I confess that I may be influenced somewhat by the necessities of my constituents and the necessity of conserving a great many of the great natural resources all over the country. I want to conserve those if we possibly can do so. I believe they could be conserved properly under the suggestion made by the Senator from California; but I do not believe we can possibly pass legislation of that kind. I want legislation under which we can get development. I am not one of those—and I do not say that the Senator from California is one of those, for I do not think he is—I am not one of those who insist upon a certain plan, a certain course, and certain legislation, or nothing; but if I can get legislation framed in what I think is a practical way, just as near the lines of what I think it ought to be, I am going to stand for it, unless it is clearly contrary to the Constitution.

Mr. CLAPP. Mr. President, take the case which the Senator illustrates. I am very much interested in the argument which the Senator from California [Mr. WORKS] has been making, but I confess I have not yet seen the force of it. An improvement for the benefit of navigation is clearly a matter of Federal regulation. As I understand it, if, in addition to the improvement of navigation, power may be developed so far as the dam in cases of a literal improvement of navigation is concerned, it can only be built under Federal authority; and you have to go to the Federal Government for that authority.

Mr. WORKS. Mr. President, I tried to explain yesterday what my views were upon that subject.

Mr. CLAPP. I know the Senator from California did.

Mr. WORKS. Of course, you have to go to the Secretary of War for authority; but here, I will say to the Senator from Minnesota, this bill is seeking to do something more than to secure that authority under which the Secretary of War should exercise his jurisdiction to protect navigation; and it undertakes to give him the right to impose conditions that affect the distribution, use, and application of the water itself, which does not belong to the Government.

Mr. CLAPP. I understand those matters are left to the State.

Mr. WORKS. They are left to the State in this bill.

Mr. CLAPP. Of course, some control has got to be in the Congress. It may be delegated to the Secretary of War. When you add to the improvement that is necessary for navigation, an additional burden, you have got, so far as the exercise of that additional burden is related in its effect upon and to navigation, to leave that with Congress, delegated by Congress, of course, to the Secretary of War. I have not yet seen where this bill goes beyond that in the exercise of what is in the improvement in excess of that required for navigation. I should like to see that pointed out, if it is in the bill.

Mr. JONES. Mr. President, this illustrates the difference of opinion that arises over legal construction and shows what differences of opinion we have among lawyers. I remember several years ago, when this controversy was on, that I introduced a

resolution in the Senate directing the Judiciary Committee of the Senate to make a report with reference to the jurisdiction of the Federal Government and the jurisdiction of the State governments upon these very propositions, in the hope that, if we got a report from that body of great lawyers, giving their opinion definitely as to the respective powers of the States and of the National Government, we should have no trouble, then, in framing our legislation. That resolution stayed with that committee for quite a good while, and they wrestled with it; but they were not able to agree among themselves. The Senator from Minnesota [Mr. NELSON] prepared a splendid and exhaustive report, giving his views with reference to the matter; the Senator from New York [Mr. O'GORMAN], and the Senator from Texas [Mr. CULBERSON], I think, also prepared a report.

Mr. NELSON. Mr. President, will the Senator from Washington yield to me?

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Minnesota?

Mr. JONES. Certainly.

Mr. NELSON. The report to which the Senator from Washington refers was a report of a subcommittee consisting of the Senator from West Virginia [Mr. CHILTON], the then Senator from New York [Mr. Root], and myself; and it was a report that the subcommittee unanimously agreed to.

Mr. JONES. I am glad the Senator states that, for I did not know that the subcommittee had unanimously agreed. I thought the report was largely the report of the Senator from Minnesota.

Mr. NELSON. No; it was the report of the subcommittee, and they were unanimous.

Mr. JONES. Then the Senator from New York [Mr. O'GORMAN] and the Senator from Texas [Mr. CULBERSON] joined in a report, but the full committee never made any report; they could not apparently reach an agreement. So the whole controversy was again relegated to discussion in the Senate, and we have it here with us.

Where there is this great difference of opinion with reference to our legal powers and our legal rights, I am going to resolve any doubts that I may have in favor of doing what I think will conserve our great natural resources and bring about the greatest development; and that is what I think this bill does.

Now, I want to call the attention of the Senator from Minnesota to just what we say about this. We say that the United States authorizes any person to construct a dam—I am leaving out many words, but this is the idea—for the development and improvement of navigation. That is clearly within our power; but as I said a while ago, there are places where far more power can be developed than is necessary for navigation, and that power can be used for various purposes. Congress is the only authority that can give consent to put that dam in the stream. We can withhold that consent—we have that power—and we have the right to do it, so far as that is concerned. In the exercise of that authority it seems to me that it is fair and right and just and within our power to require that the dam be built in such a way as to develop the highest possible water development at that place, no matter what the power may be used for. So we say "and for water power or other purposes." We do not say how the power shall be used; we do not say whether this power after it is developed shall be used for irrigation or for manufacturing or for any other purpose; but we simply say, as a condition to putting this dam across this stream, that the dam shall be constructed so as to bring about the greatest possible development. I believe that is not only within our rights as well as our power, but that it is also within our duty.

Mr. CLAPP. Mr. President——

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Minnesota?

Mr. JONES. I yield.

Mr. CLAPP. I think it would be plainer, perhaps, to the layman if, instead of saying that the Government must consent, we should say that, independent of navigation, no dam could be placed at all without the consent of Congress or of the Federal Government. That being true, what infringement is there in it of the right of a State for the Federal Government, independent now of any navigation purpose, to insist that when the Federal Government does consent to the damming of a river within the jurisdiction of Congress that river shall be of the highest efficiency at that point? I can not see, for the life of me, how that invades the rights or the prerogatives of the States. Beyond that, as I understand, it does not go. The power can be used for any purpose they see fit.

Mr. JONES. That is true.

Mr. CLAPP. The extent of the so-called interference is that, as a prerequisite to the consent, the plan must involve the most complete use of the water at that point for power, supercharged in this case upon the improvement, and its use for navigation. Is not that the correct view?

Mr. JONES. Yes; the Senator has simply placed my point in a little different way and much clearer than I did; and I am very glad indeed that he has done so, because that is the situation and that is the point I am trying to make.

Mr. CLAPP. Well, now, if that is true, are we not getting somewhat far afield in the discussion, or bringing in here the question of the relative power of the States and the Federal Government, for clearly no one will question that a dam could not be placed upon a navigable water without or against the consent of the Federal Government?

Mr. JONES. Well, some of our great legal lights do not look at in that way. They see that it is an invasion of State sovereignty; but I do not so see it.

Mr. NELSON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Minnesota?

Mr. JONES. I do.

Mr. NELSON. If the Senators will allow me, I wish to call their attention to the proviso on page 2, showing how carefully the rights of the public are guarded as well as the rights of the States, and the fact that the use of the water power is not limited merely to electrical purposes. Here is the proviso:

*Provided*, That when the power to be developed by the project and improvement of the stream for navigation is used or to be used for a public-utility purpose or purposes the grantee must be a municipal corporation, or a political subdivision, or other agencies of a State, or a public-service agent of a State, or a public-utility corporation created and organized under the laws of a State or the United States, authorized to engage in the business of furnishing water, heat, or electric energy for public or private use.

Could there be anything stronger than that? That language shows that the corporation created must be one created by the State and equipped with that special power.

Mr. JONES. We do not limit in any way the manner in which this power shall be used after the dam is constructed, but we simply say that a dam of a certain kind may be constructed by a certain qualified grantee; and that is all there is to it; at least, that is the way I look at it.

Mr. CLAPP. And that authority can not be granted by any other power except the Federal Government?

Mr. JONES. No.

Mr. BANKHEAD. Mr. President, I should like to ask the Senator from Washington if he does not think that, under the provisions of this bill, whenever power is created or electric current is created, the very moment it leaves the switchboard it becomes subject to the laws of and subject to regulation by the State through its commission?

Mr. JONES. I do, absolutely.

Mr. BANKHEAD. There is no question about that.

Mr. JONES. And all the accessory works and the dam itself, after they are built, are the property of the grantee and subject to the control of the State, so far as taxation and purposes of that kind are concerned.

Mr. BANKHEAD. Absolutely; and that settles the whole question.

Mr. JONES. Absolutely. You can not find anything anywhere in this bill to the contrary.

Mr. SHIELDS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Tennessee?

Mr. JONES. Certainly.

Mr. SHIELDS. There is provision not only that all the property shall be subject to the laws of the State, but even that the business of the company shall likewise be subject to the laws of the State, so as to make it just as much subject to the laws of the State as is any citizen of the State.

Mr. JONES. Certainly; that is correct.

Now, I want to call attention to what the conditions are which we say the Secretary of War must put in the permit. We do not leave it to his discretion at all, but we say that the Secretary of War must put in the permit these conditions: First. The plans and specifications for the dam, showing the location, so as to give a full understanding of the subject, and they must have been submitted to the Chief of Engineers, and when the plans and specifications are approved they become a part of the permit. I see nothing there to invade the rights and powers of the States.

Second. The project adopted—

That is, the character and extent of the dam that is to be constructed for the impounding of the water—

including the plans, specifications, and location for any dam and accessory work, shall be such as, in the judgment of the Secretary of War, shall be best adapted to a comprehensive plan for the improvement of the waterway in question for the uses of navigation and for the full development of its water power, and for other beneficial public purposes.

We can not determine in our legislation how high a dam must be or how long it must be, and so we must leave some discretion to somebody to ascertain the facts and all the conditions surrounding the proposed development; but we do say—and I think we can properly say—that before any dam shall be built in a navigable stream the plans must show that that dam will be sufficient to subserve not only the interests of navigation but any other interests that may be developed under it.

We can not leave that to anybody more appropriately than to the Secretary of War, who has his Engineer Corps to investigate. So the Secretary of War, in determining the character of the dam necessary to take care of all possible development, must do it within the limits laid down by this legislation; in other words, we fix the standard that must control the Secretary of War; and there is nothing in it that invades the powers of the States, for we do not say to him "You can control the disposition of the power developed for manufacturing purposes or for irrigation purposes or for anything of that kind." All that we say to him is that "You shall see that the plans for the dam shall be such that when the dam is constructed it will furnish the greatest possible power development." It then falls on the laws of the State absolutely. That is the extent of the power of the Secretary of War. It does not go any further than granting the permit for the construction of the dam, except possibly, in one or two instances later on, to which I may hereafter refer.

Third. As a part of the conditions of this permit the Secretary of War shall put certain things in it, for instance:

(a) That this grantee shall preserve navigation facilities.

Nobody can object to that. It further requires that the locks shall be constructed and turned over to the Government free. That is in the interest of navigation.

(b) That such grantee shall furnish power free to the Government to operate the lock—

Not for any other purposes. Then, in case the navigation facilities shall not be a part of the original plan, that shall be taken care of afterwards.

It also provides that the grantee shall reimburse the United States for the investigation of these plans. There is no invasion there of the rights of the States.

Then it is provided that such grantee shall pay a reasonable charge in consideration of the benefits that may accrue to him by the operation and maintenance of reservoirs and other works which the Government may put in, which may result in maintaining a permanent flow of water from which he gets the benefit for his other power. There is no invasion there and no charge there for anything that is not clearly within the jurisdiction of the United States.

Then, if the public lands are included within the lands which are overflowed, they may be taken, and the Secretary of War may grant a permit for the use of the lands.

Then we go on to put in a provision that there shall be reasonable charges for the use of this land based upon its value as land.

If I had my way about it, I would strike out every word in that proviso from the word "ten," in line 20, on that page, in these words:

And for any land of the United States so used and occupied the grantee shall pay to the United States such reasonable charges, based upon its value as land, as may be fixed by the Secretary of War; and in fixing such charges—

I would cut all that out. I would not charge a man who is going to put his money into a great enterprise like this a single dollar for one foot of Government land that may be overflowed and which may be necessary in the development of this great industry; and I would do that, not in the interest of the grantee, but in the interest of the consumers, who have to pay for the power which they get.

I will refer to that proposition a little bit later on, but I thought right here I would simply state briefly my position, because every dollar which the grantee has to pay as a legitimate expense must be allowed by any public-service commission in the fixing of rates. So, when our friends on the other side contend for the imposition of a tax, it seems to me that they are simply contending for the imposition of a burden upon the consumer. I want the consumers of the country to get this power and this service just as cheaply as possible; in other words, in accordance with the statement read by the Senator from Nebraska [Mr. NORRIS] from the article by Secretary Lane, I want this power developed at the lowest possible price to the consumer. How you can lower the price by imposing a tax I have never yet been able to figure out, and yet that is what those who contend for the levying of a tax, in my judgment, necessarily do. They must increase the cost to the consumer.

Mr. WALSH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Montana?

Mr. JONES. Certainly.

Mr. WALSH. Mr. President, the Senator from Washington, I dare say, recognizes that in granting a franchise by municipalities in our day and age the grantee of the franchise is ordinarily required to pay something into the Public Treasury as a consideration for the franchise. Is that not correct?

Mr. JONES. That may be true.

Mr. WALSH. In the same way that goes to increase the cost to the consumer, does it not?

Mr. JONES. I think so.

Mr. WALSH. How, then, does the Senator account for the general acquiescence in that policy?

Mr. JONES. I do not account for it; I do not justify it.

Mr. WALSH. Does the Senator think it is wrong?

Mr. JONES. Where there is a regulative body to fix the rate to be charged by the grantee of a franchise, so that those who use its product are assured, just as nearly as they can be assured, the lowest possible rates and best possible service, I do not think there ought to be a charge.

Mr. WALSH. Then let me ask the Senator whether he is familiar with the arrangement under which the subways in New York City are now operated?

Mr. JONES. No; I am not, except in a general way.

Mr. WALSH. Or the street railways in the city of Chicago?

Mr. JONES. I do not see the pertinency of these suggestions to my argument.

Mr. WALSH. The Senator knows, does he not, that both of those corporations pay a large fund annually into the treasury in consideration of the privileges they enjoy?

Mr. JONES. I suppose so, but I do not think that the people benefit nearly so much from that as they would from a lower-priced service.

Mr. WALSH. My question was simply to bring out the fact that there was nothing extraordinary about this matter at all.

Mr. JONES. I do not dispute that.

Mr. WALSH. And that the public view at the present time is that public-utility organizations ought to return something to the Public Treasury.

Mr. JONES. But there is a different condition there from that obtaining here. In the cases to which the Senator has referred those who get the service are about the only ones who are affected, and they also get the full benefit of the charge imposed. It is entirely different in the case of water-power development. The tax that you propose to levy upon a number of these people may go a thousand miles away or 500 miles away. They may get no benefit from it themselves at all.

Mr. WALSH. I fully agree with the Senator as to that; and an amendment which I submitted awhile ago proposes that whatever may be realized shall go into a fund for the improvement of the stream; I think it might go to improve the very stream from which the revenues are derived.

Mr. JONES. It would be absolutely unjust otherwise, and might be unjust even in that case.

Mr. SHIELDS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Tennessee.

Mr. JONES. I will yield in just a moment. Take the point the Senator has just brought out; take one river in my State, where they have this power development. You put a tax on, and the people who pay that tax will not get any benefit from the navigation improvement of that stream, because it will be clear outside of their territory. I do not think that is just; I do not think it is fair to a man who is trying to develop a farm on sagebrush land to impose upon him a tax to improve a portion of the stream that will be of no benefit to him. Now I yield to the Senator from Tennessee.

Mr. SHIELDS. I should like to ask the Senator from Montana [Mr. WALSH], in connection with his reference to the fact that the street railway companies in New York pay annually into the city treasury a considerable sum of money, upon what ground is that payment made? Is it a privilege tax, a payment for the franchise?

Mr. WALSH. It is for the privilege of occupying the public streets and property underneath the surface of the streets.

Mr. SHIELDS. And the franchise of operating a street railway upon those streets?

Mr. WALSH. I suppose so.

Mr. SHIELDS. Is not that the real ground?

Mr. WALSH. That is the real ground, as I understand.

Mr. SHIELDS. A franchise?

Mr. WALSH. Yes, sir.

Mr. SHIELDS. In the same connection, I will ask the Senator from Montana if he approves the public-land bill that has been reported?

Mr. WALSH. In its general features, I do.

Mr. SHIELDS. There is a provision in that bill for the payment of rents on public lands occupied, the rents to go into the Public Treasury, and immediately to be paid out, one half to the State wherein the improvements are located and the other half into the irrigation fund, which is, of course, within practically the same States; is it not?

Mr. WALSH. Yes, sir; it is utilized in the same States.

Mr. SHIELDS. The amendment offered to this bill by the Senator was that the revenues which he thought ought to be paid were to be paid into the Treasury as a fund for the improvement of rivers generally.

Mr. WALSH. Yes.

Mr. SHIELDS. And if the improvement was made upon, say, the Tennessee River in the State of Alabama the revenue derived from it might be used to improve a river in the Senator's State.

Mr. WALSH. It might, under that general provision. I have said to the Senator that it was hurriedly drawn. I should be very glad to amend it so that the improvement should be made upon the very river from which the resources came.

Mr. SHIELDS. Is it not a fact that all the charges that are provided to be paid in this bill were so limited, and the Senator proposed to amend it so as to put them in a general fund?

Mr. WALSH. I do not understand so. The provision was only for the payment of charges for the use of headwater improvements, and all those charges went into a general headwater improvement fund. Those headwater improvements might be made in any river, under the bill, so that I did not disturb that feature by the amendment that I proposed.

Mr. SHIELDS. I think the Senator is mistaken. Under section 10, where provision is made for payment of the excess of water arising from dams built solely by the Government, it is also provided that the fund shall be kept for the maintenance and improvement of that particular river, is it not?

Mr. WALSH. I have not that particular provision of the bill in mind.

Mr. SHIELDS. But the amendment proposed by the Senator was that all charges under this bill should go into a general fund.

Mr. WALSH. I supposed we had disposed of that amendment.

Mr. SHIELDS. The Senator referred to it.

Mr. WALSH. I rose simply to invite the attention of the Senator from Washington to the fact that in this day and age we require public-utility organizations to pay something to the Public Treasury for the privileges they enjoy; and if the Senator will pardon me, I will say that about the only right a city has in its streets is to make use of them for the passage of persons and vehicles over them, just exactly the same as the right of the Government in a navigable stream is to look after navigation. It seems to me the right to occupy a stream with a dam is very similar to the right to occupy a street with a street railway, and therefore it seemed to me that we might very properly apply the modern policy to the grant of a privilege to occupy navigable streams.

Mr. SHIELDS. Now, Mr. President, if the Senator from Washington will bear with me——

Mr. JONES. Certainly.

Mr. SHIELDS. I wish to call attention to a distinction first, in answer to the Senator's last proposition, and then I want to refer to the first one. The cities, the counties, and States that have control of streets and other public highways have no power to rent them. They only have the power to provide for transportation upon them. The Government has the power to regulate commerce upon the streams, but no power to permit anyone to place a dam across them for any other purpose, creating power or anything else. The streams, their beds and waters, belong to the riparian proprietors and the States, and this bill simply permits those proprietors to exercise their ownership and use their own property. The United States controls the right to travel and transport merchandise and passengers over them, but has no other authority over them.

Referring to the first question, the Senator gives the illustration of the street railways in the city of New York. We agree that what the city charges for is the franchise of operating a street railroad upon the streets of the city, just as it charges for other franchises. The city does not charge for use of the streets, but for the business of operating a street railway. That is the basis of the charge. In this case the Government is not charging a franchise fee for the use of its lands. There is a difference between real estate and a franchise, in a franchise tax and taxes on real land. We levy an excise tax or a privilege tax for pursuing a certain business or exercising a certain privilege, an ad valorem tax upon property. The charge proposed is a rent, not of the waters, not of the river, but a rent for the real estate belonging to the Government, and the illustration that has been given is totally inapplicable. The Federal Government has no power to charge for the franchise of developing water power and generating electricity, but the States have such charge and the bill provides for such taxation.

Mr. JONES. Mr. President, without examining each of the sections here, I pass over several as to which I can not see myself how they invade the jurisdiction of the State. In section 9 I can see——

Mr. NELSON. Mr. President, will the Senator allow me to call attention to section 7, which clearly controverts the position of the Senator from California?

Mr. JONES. Certainly.

Mr. NELSON. Section 7 reads:

> That whenever all or any part of the power produced at any dam or diversion structure authorized hereunder is offered or disposed of by the grantee to the public, or for a public-utility purpose, all charges, rates, and service—

Not only charges and rates but the service itself—

> by any grantee hereunder shall be subject to regulation in accordance with the laws of the State within which the service is rendered.

So that not only the rates and charges but the character of the service to be rendered are left absolutely under the control of the State.

Mr. JONES. Expressly to the State.

Mr. NELSON. Yes.

Mr. JONES. That is true.

Section 9 places it within the power of the Secretary of War to require the grantee to make development of his works as the demands may make necessary. I can see where that may confer upon the Secretary of War a power that could well be left, after the interest of navigation is taken care of, to the public-service commissions of the States, and probably it is within their authority; but the reason why we put that in is because we do not want this work unduly delayed. We want the dam constructed as rapidly as possible, or at least as rapidly as may be necessary to meet the other developments that may take place in connection with it, and so we put in that provision. Personally I should be glad to see it go out, but we have to harmonize these conflicting views with reference to this legislation.

The Senator from California said that the right for irrigation ought to be a perpetual right and there ought not to be any 50-year limit. I agree with him in that. Of course, when a man gets an irrigation right he ought to have a perpetual right, and I would prefer myself to have no limit of time placed upon these grants. I think this ought to be a permanent proposition. It must be a permanent proposition. As long as the rates to be charged by the grantee are subject to the control of public-service corporations and must be fair, just, and reasonable, what difference does it make if it lasts for a thousand years? After 50 years whoever gets the plant can not charge any more than is just and fair and reasonable. Is it contemplated that we should take it away from the first grantee just because he has had it for 50 years and give it over to somebody else?

But the committee put in this limit of 50 years. Why? Simply because of the great demand and sentiment throughout the country in favor of that proposition. I do not believe, in practical effect, it will injure anybody, because we provide here that whoever takes over this plant, even if it is the Government, must assume all the contracts that have been undertaken by the grantee; and I think that insures the perpetual conduct of this work. So that even with this limitation of 50 years here I think the irrigator gets a perpetual irrigation right.

Mr. WALSH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Montana?

Mr. JONES. I do.

Mr. WALSH. I ask for information: Was not that provision in the act of 1910?

Mr. JONES. I do not remember whether that was in the act of 1910 or not.

Mr. WALSH. I do not think so.

Mr. SHIELDS. My recollection is that the act of 1910 provides that it shall not be for a term exceeding 50 years.

Mr. WALSH. Yes.

Mr. JONES. That may be true. I had forgotten it.

Mr. WALSH. So that in that respect the committee simply adopted the policy which found its expression in law in 1910?

Mr. JONES. If it is in that law, of course that is correct; but my recollection is that one of the great controversies, and the question raised by the President in the veto of these permits, was that they not only did not fix any charge, but they did not fix any limit of time. It may be in the act of 1910, but I very much doubt it.

Mr. SHIELDS. I think the Senator is mistaken as to its not being in it, but it is in the language I have stated. The great objection is that the lease automatically expired in the time limit—if it was 50 years; say, in 50 years—and just left the property all loose, at the mercy of the winds. If the Government did not take it over, and there was no new lease, the owner could do nothing with it, and of course it all went to wreck and ruin and the property was destroyed.

Mr. JONES. Of course, that would be a very unwise provision. Capital could not go in under a proposition of that kind.

Mr. SHIELDS. That is the case under the present law.

Mr. JONES. Industries could not be developed under a proposition of that kind. That, then, is probably one of the reasons why we have not had any development. But I was just noticing the suggestion of the Senator from California with reference to the limitation of irrigation rights, and that is my view of it—that this is, in effect, for all practical purposes, a perpetual right.

I am not going to take up the particular terms of the bill any further and refer to them, except as I may desire to do so a little bit further on.

Mr. NELSON. Mr. President, will the Senator allow me?

Mr. JONES. Certainly.

Mr. NELSON. The provision of the act of 1910, as to time, is as follows:

*Provided also,* That the authority granted under or in pursuance of the provisions of this act shall terminate at the end of a period not to exceed 50 years from the date of the original approval of the project.

Mr. JONES. That shows that the Senator from Tennessee was correct. I had not looked at the act, but I just had my impression from what I knew was the contention along about that time. Of course, that would cause the permittee, along about the time of the termination of his lease, to let his works go down and his service become bad, and would be bad not only for him but also for the public.

Now, Mr. President, I want to come more particularly to the amendment proposed by the Senator from Montana [Mr. WALSH].

Mr. CUMMINS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Iowa?

Mr. JONES. Certainly.

Mr. CUMMINS. Before the Senator passes to that point, I should like his opinion with regard to the rule that is established for ascertaining the value of the property at the end of the period of 50 years, or whenever the permit is terminated by notice.

Mr. JONES. I will say to the Senator that I have not given that special consideration. The Senator in charge of the bill is far better able to construe that provision than I am, and I would prefer to have the Senator from Iowa put his inquiries to him with reference to that.

Mr. CUMMINS. In view of that suggestion, I will defer any discussion of it until later.

Mr. JONES. I have not given that subject special consideration.

Mr. SHIELDS. I shall be very glad to explain it to the Senator at the proper time.

Mr. STONE. Mr. President, will the Senator permit me to make an inquiry?

Mr. JONES. Yes.

Mr. STONE. Mr. President, I have been detained from the Senate most of the day. I understand that there were some suggestions made during the morning that the Senate should adjourn this evening instead of taking a recess. I should like to ask whether unanimous consent was given to that proposal.

The PRESIDING OFFICER. The Chair is informed that there was only an understanding; not a unanimous-consent agreement.

Mr. SMOOT. Unanimous consent was not asked, but it was understood.

Mr. KERN. I will state to the Senator from Missouri that there was no unanimous-consent agreement.

Mr. SHIELDS. There was no unanimous consent asked, as I remember; but the Senator from New Hampshire [Mr. GALLINGER], as I remember, rather addressed the request to me, and I said I would have no objection to it. The request, of course, was made to me as being in charge of this bill. Of course, I could not speak for the Senate, but I did make that statement.

Mr. NELSON. Mr. President, if the Senator will yield, I do not think there was any unanimous-consent agreement at all, or anything in the nature of it, about adjourning. One or two Senators expressed a desire that the Senate should adjourn; but no agreement of any kind that I can recall was made, and I was here during all the morning business.

Mr. STONE. Of course, I would be reluctant to interfere with any arrangement that was made. I could not if there was any unanimous-consent agreement made, and I would not if I could.

It seems to me that it is very essential that this important bill which the Senator from Tennessee has in charge should be pressed with the greatest urgency and insistence, for I know that there are other very important measures on the eve of being brought into the Senate. A great deal of time has been expended on this bill, and we ought to bring it to a vote and dispose of it. I can not conceive why we should waste two hours or more to-morrow morning in what would probably be, as usual, useless or somewhat random discussion.

Mr. SMOOT. Mr. President, will the Senator yield to me?

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Utah?

Mr. JONES. I do.

Mr. SMOOT. I think the idea of the Senator from New Hampshire [Mr. GALLINGER] and the Senator from Connecticut [Mr. BRANDEGEE] was that we should have a morning hour in order that bills could be introduced and committee reports made. That would not take more than 15 or 20 minutes; but there was no idea expressed here that the full two hours should be expended in morning business, and I do not believe there would be any objection at all, just as soon as the regular morning business is through, to taking up the unfinished business. If the Senator from Tennessee would ask unanimous consent or move to take up the bill, I have no doubt it would be immediately placed before the Senate. I will say to the Senator, however, that this morning at least a half dozen or more Senators offered committee reports and bills, and others were on the floor desiring to do so, and all of it had to be done by unanimous consent; and the thought was to allow a short time for morning business, so that it could be done regularly, and then take up the water-power bill immediately.

There is no desire that I know of, on the part of anybody, to have this bill drag out any longer than necessary. I will say to the Senator, however, that the point in this bill that is now being discussed is the vital point in the bill, and a great many of the amendments that have been offered are dependent upon the amendment now before the Senate. If it fails, many of them, of course, will not be discussed at all.

Mr. STONE. I could not intelligently discuss that point. I do not know enough about it. I simply remarked that it was very important, I think, and evident to every Senator that we ought to get rid of the bill as soon as possible.

Mr. SMOOT. That is true.

Mr. STONE. Now, I should like to ask unanimous consent that we adjourn to-night to meet at the usual hour, 12 o'clock to-morrow, with the understanding that only the ordinary morning business shall be transacted, and that at 12.30 the Senate will resume the consideration of the pending bill.

Mr. SMOOT. Twelve-thirty or before.

Mr. STONE. Or before.

Mr. GALLINGER. Does that mean that only 30 minutes will be given for morning business?

Mr. STONE. Yes.

Mr. GALLINGER. Mr. President, I think we ought not to agree to that. It was distinctly stated this morning that if no effort was made to secure the consideration of morning business, which I intended to make by motion, if necessary, we would have an adjournment to-night until the usual time. The Senator from Tennessee [Mr. SHIELDS] acceded to that. The junior Senator from Georgia——

Mr. SHIELDS. Mr. President, while the Senator from New Hampshire was absent from the Chamber a few moments ago I stated that he had made that request, had addressed it to me as the Senator in charge of the bill, and that I stated that I had no objection to an adjournment. But I will call the Senator's attention to the fact that in the conversation in regard

to it, I do not not know whether the Senator from New Hampshire made the statement or some other Senator made the statement that the morning hour might be limited to 30 minutes if an adjournment were taken, and in that way very little time would be lost.

Mr. GALLINGER. I suggested that if we could have 45 minutes this morning that would be satisfactory.

Mr. SHIELDS. I wish to proceed with this bill, and if I had control of the matter I would take a recess and devote all the time to it. I am sorry that it has taken so much time, but I do not think those who favor the bill have consumed all the time. We are very anxious to have the bill before the Senate every minute possible until it is disposed of.

Mr. GALLINGER. I have no responsibility whatever about the legislation of this Congress, and do not assume to speak with the slightest earthly authority; but I want to call the attention of the Democratic side of the Chamber to the situation we are in.

In former sessions we have tried to keep the calendar clear by taking a little time to unobjected cases, a couple of times a week, perhaps. There are nearly 100 bills on the calendar now, and they are accumulating with great rapidity, and apparently no effort is being made to have any action taken in connection with those bills. I would gladly waive that, however, if we could have an understanding that we should transact the ordinary morning business; but I would not like the Senator from Missouri to insist that it should be discontinued at 12.30. I think if the Senator would ask unanimous consent that we should take an adjournment to-night, and transact the ordinary morning business to-morrow, not including the consideration of the calendar, we would all agree to it.

Mr. SHIELDS. I will call the attention of the Senator to the fact that for several days the morning business has not consumed as much as 30 minutes.

Mr. GALLINGER. I think that is likely so, and I think for that reason it will not take more than 30 minutes to-morrow, but it might do so.

Mr. SHIELDS. And I should like further, in speaking about the time this bill has consumed, to call attention to the fact that other matters have been injected into it. Even to-day at least two hours and a half, or perhaps three hours, were devoted to the child-labor bill. Of course the friends of the bill are not responsible for that.

Mr. GALLINGER. The Senator from Tennessee has been very courteous in all matters of that kind. I stated this morning that the bill had been before the Senate for 17 days—I think that is correct; possibly 18—but it is true that the entire time has not been consumed in the discussion of the pending bill.

My anxiety about the matter is that there does not seem to be any reason for us to hope that the bill is ever going to be finally disposed of. It is dragging along; long speeches are being made; a pile of proposed amendments is accumulating; and I confess that as a member of the minority, hoping that we may get a short time for recreation this summer, I have been solicitous that we might not get through until the snow flies next fall. I understand that another power bill, or a bill of that nature, is to follow the one that is now under consideration, and, if the newspapers are correct, that is going to result in a very long debate. But, however that may be——

Mr. MYERS. Mr. President, I understand that another power bill will follow this one, and one of much more importance than this one, in my opinion.

Mr. GALLINGER. I inferred that was so, from what the newspapers said.

Mr. SMITH of Georgia. The Senator from Montana does not mean that it is certain to follow this bill. He means that he wants it to follow this bill.

Mr. SHIELDS. I do not know whether the other power bill is going to follow this bill or not. I am not interested in that bill, but I do not agree that it is a more important measure than this one. I wish to say to the Senator from New Hampshire, however, that the Senator in charge of this bill is not responsible for the 40 or 50 amendments that have been offered to it.

Mr. GALLINGER. No; certainly not.

Mr. SHIELDS. And further, in regard to the pending bill being before the Senate for 17 days, I will state that it has been laid aside for other matters continually, and in fact not more than 4 or 5 days at the outside have been devoted to the consideration of the bill, notwithstanding the strenuous efforts of the friends of the bill to keep it before the Senate.

Mr. STONE. Mr. President, we ought not to consume much time in this discussion. If it is agreeable to the Senator, I will ask unanimous consent that when the session of the Senate closes to-day it adjourn until noon to-morrow, and that the ordinary routine morning business shall be transacted, and only that, and that at its conclusion the consideration of the unfinished business shall be resumed.

Mr. GALLINGER. I think that will be satisfactory.

Mr. SHIELDS. I shall be glad to have that done.

Mr. WALSH. Mr. President, before consent to that is given I desire to say a word that may bring some reassurance to the Senator from New Hampshire touching the other water-power bill. One of the Senators here a few moments ago stated the fact that the controverted questions in both the bills are very largely the same, and the discussion which is now going on develops very well the line-up upon those questions, so that if the other bill shall follow immediately, as I hope very sincerely it will, and as it ought, I feel perfectly certain that the discussion of it will proceed with very much greater rapidity than the discussion of this bill has proceeded, for, as a matter of fact, the points upon which the differences will develop are substantially the same.

I desire to say now that I am speaking about this matter that I should regard it as exceedingly unfortunate if the discussion of the other bill were put off until some time in the future when all this discussion will have been forgotten and it will be necessary again in the consideration of that bill to traverse the path over which we have progressed in the discussion of this measure with so much labor. If we should go to the consideration of other important measures, the military bills, the appropriation bills, and then come back to that bill after a lapse of 30 or 60 days, everyone will appreciate that everything we have gone over must be gone over again. So I sincerely trust that we shall go on with that bill, and I feel like giving to the Senator from New Hampshire the assurance that in all probability it will progress with reasonable rapidity.

Mr. SMITH of Georgia. Mr. President, I should like to suggest that we might meet earlier or hold in session later. It seems to me that the amount of time we have consumed on two measures suggests the advisability of staying in session longer and pressing the measures more continuously. I am interested and have charge of a measure which is the first on the calendar. We had it up one morning, and my understanding was, and I thought it was the general understanding, that it was to be taken up each morning, but instead of pursuing that course we recessed. Now, if another power bill is to come in next, and then some other bill——

Mr. SHEPPARD. If the Senator will permit me, he must not forget that there is still another water-power bill to be considered, the bill for prohibition in the District of Columbia.

Mr. SMITH of Georgia. I think some regard ought to be had to the place where a bill stands on the calendar. If the measure which I have reported to the Senate were to follow the other measures on the calendar, I would concede their right to take precedence. I did not endeavor to press the measure until it became first on the calendar, but now that it is there I think it but right to press it and to insist on it, and not with perfect amiability to yield to a different direction.

Mr. STONE. Will the Chair please state the request for unanimous consent so that it may be understood?

The PRESIDING OFFICER. The Senator from Missouri asks unanimous consent to take up after the routine morning business to-morrow Senate bill 3331——

Mr. STONE. If the Chair will permit me, the request I have made, I think, was not stated quite fully by the Chair. My request was this, that when the Senate closes to-day's session it adjourn until noon to-morrow, and that no business whatever shall be transacted except ordinary routine morning business, and that at the close of that business the Senate will resume the consideration of the unfinished business.

The PRESIDING OFFICER. The Senator from Missouri makes a request for unanimous consent as stated by him. Is there objection?

Mr. VARDAMAN. The roll should be called.

The PRESIDING OFFICER. The Chair hears no objection to the request of the Senator from Missouri, and without objection it is so ordered.

Mr. VARDAMAN. I make the point of order that before any unanimous-consent agreement can be entered into the roll has to be called.

Mr. SHAFROTH. That is when unanimous consent is asked to take a vote on a bill.

Mr. SMOOT. On a bill or joint resolution.

The PRESIDING OFFICER. The Chair is of the opinion that the rule applies only to a vote on the passage of a bill.

Mr. GALLINGER. That is right.

The PRESIDING OFFICER. The pending question is on the amendment of the Senator from Montana [Mr. WALSH], on which the Senator from Washington [Mr. JONES] has the floor.

Mr. STONE. I will ask the Senator who has the floor if it would be convenient for him to postpone his remarks until to-morrow?

Mr. JONES. That course will be entirely agreeable to me.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented a petition of sundry citizens of Chicago, Ill., praying for an increase in armaments, which was referred to the Committee on Military Affairs.

He also presented a petition of the Association of Oldest Inhabitants of the District of Columbia, praying for an appropriation for the construction of a new National Guard armory in the District of Columbia, which was referred to the Committee on the District of Columbia.

He also presented a memorial of the New York State Bar Association, remonstrating against the enactment of legislation further to codify, revise, and amend the laws relating to the judiciary, which was referred to the Committee on the Judiciary.

He also presented a petition of Lincoln Road Chapter of the Epworth League, of the Lincoln Road Methodist Episcopal Church, of Washington, D. C., praying for prohibition in the District of Columbia without the referendum, which was ordered to lie on the table.

Mr. LEE of Maryland presented petitions of sundry citizens of Maryland, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. OLIVER presented petitions of sundry citizens of Pennsylvania, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Pennsylvania, praying for the adoption of an amendment to the Constitution to prohibit polygamy, which were referred to the Committee on the Judiciary.

He also presented petitions of sundry labor organizations in Pennsylvania, praying for the enactment of legislation to further restrict immigration, which were referred to the Committee on Immigration.

He also presented a petition of the Woman's Trade Union League, of Philadelphia, Pa., praying for the enactment of legislation to prohibit interstate commerce in the products of child labor, which was referred to the Committee on Interstate Commerce.

He also presented a petition of the Men's Club, of Wayne, Pa., and a petition of the Assembled Patriotic Societies of Pennsylvania, praying for an increase in armaments, which were referred to the Committee on Military Affairs.

He also presented a memorial of sundry citizens of Kinzua, Pa., remonstrating against the adoption of certain proposed changes in the postal laws, which was referred to the Committee on Post Offices and Post Roads.

He also presented a memorial of Local Union No. 67, International Union of the United Brewery Workmen, of Pittsburgh, Pa., remonstrating against national prohibition, which was referred to the Committee on the Judiciary.

He also presented a petition of Captain James S. Hinchman Camp, Sons of Union Veterans, of Somerset, Pa., praying for the enactment of legislation to increase the pensions of widows of veterans of the Civil War, which was referred to the Committee on Pensions.

Mr. McLEAN presented petitions of the congregations of the Methodist Episcopal Church of Higganum and the Peoples Presbyterian Church of Bridgeport; of the Woman's Christian Temperance Union of Hartford; the Woman's Christian Temperance Union of Chester; and of sundry citizens of Danbury, all in the State of Connecticut, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented petitions of Local Union No. 671, United Textile Workers of America, of Willimantic; of Local Union, United Brewery Workmen, of Meriden, and of the Central Labor Union of Norwich, all in the State of Connecticut, praying for the enactment of legislation to further restrict immigration, which were referred to the Committee on Immigration.

He also presented a petition of the Young People's Society of Christian Endeavor of Madison, Conn., and a petition of the Woman's Christian Temperance Union of Milldale, Conn., praying for Federal censorship of motion pictures, which were referred to the Committee on Education and Labor.

He also presented petitions of sundry citizens of New Haven and Meriden, in the State of Connecticut, praying for the placing of an embargo on munitions of war, which were referred to the Committee on Foreign Relations.

He also presented a petition of Gargill Council, No. 64, Knights of Columbus, of Putnam, Conn., praying for the enactment of legislation to make October 12 a legal holiday, which was referred to the Committee on the Judiciary.

He also presented a petition of the Dwight Place Mothers' Club, of New Haven, Conn., praying for the enactment of legislation to prohibit interstate commerce in the products of child labor, which was referred to the Committee on Interstate Commerce.

He also presented a memorial of Court Schiller, No. 117, Foresters of America, of Meriden, Conn., remonstrating against national prohibition, which was referred to the Committee on Military Affairs.

He also presented a petition of the Dental Association of Hartford, Conn., praying for the enactment of legislation to increase the Dental Corps of the Army, which was referred to the Committee on Military Affairs.

He also presented a petition of Court Schiller, No. 117, Foresters of America, of Meriden, Conn., praying for the adoption of certain changes in the naturalization laws, which was referred to the Committee on the Judiciary.

He also presented a petition of the Chamber of Commerce of Danbury, Conn., praying for the enactment of legislation to grant pensions to civil-service employees, which was referred to the Committee on Civil Service and Retrenchment.

Mr. POINDEXTER presented petitions of the congregations of the Baptist Church of Seattle and the First Methodist Episcopal Church, of Spokane, and of the Queen Anne Woman's Christian Temperance Union, of Seattle, all in the State of Washington, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented a memorial of Ellemeham Grange, No. 442, Patrons of Husbandry, of Oroville, Wash., and a memorial of Buena Vista Grange, No. 415, Patrons of Husbandry, of Prosser, Wash., remonstrating against the adoption of a system of rural credits, which were ordered to lie on the table.

He also presented a petition of the King County Dental Society, of Seattle, Wash., praying for an increase in the Dental Corps of the Army, which was referred to the Committee on Military Affairs.

He also presented resolutions of Whitman Pomona Grange, No. 2, Patrons of Husbandry, of Pullman, Wash, favoring a strong naval auxiliary merchant marine and also the manufacture of munitions of war by the Government, which were referred to the Committee on Naval Affairs.

Mr. PHELAN presented a petition of Local Branch Daughters of the American Revolution, of Riverside, Cal., praying for an increase in armaments, which was referred to the Committee on Military Affairs.

He also presented a petition of Lookout Mountain Post, No. 88, Grand Army of the Republic, of Berkeley, Cal., praying for the enactment of legislation to grant pensions to ex-prisoners of war of the Civil War, which was referred to the Committee on Pensions.

He also presented a petition of Local Union No. 256, Laundry Wagon Drivers' Union, of San Francisco, Cal., praying for the printing of the report of the Commission on Industrial Relations, which was ordered to lie on the table.

He also presented a petition of the Trades and Labor Council, of Vallejo, Cal., praying for the enactment of legislation to provide subsidies to hospitals maintaining standards of equipment, diet, etc., which was referred to the Committee on Public Health and National Quarantine.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. SIMMONS:

A bill (S. 4649) to carry out the findings of the Court of Claims in favor of Thomas M. Brower and John M. Brower; to the Committee on Claims.

A bill (S. 4650) to provide for the storing and cleansing of imported Mexican peas, commonly called "garbanzos," wheat, barley, and other grains; to the Committee on Finance.

By Mr. McLEAN:

A bill (S. 4651) for the relief of John M. Squire; to the Committee on Military Affairs.

By Mr. CHAMBERLAIN:

A bill (S. 4652) granting an increase of pension to Elmore Y. Chase (with accompanying paper); and

A bill (S. 4653) granting a pension to William B. Hanley (with accompanying papers); to the Committee on Pensions.

EXECUTIVE SESSION.

Mr. STONE. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 1 hour and 15 minutes spent in executive session the doors were reopened,

and (at 6 o'clock and 20 minutes p. m.) the Senate adjourned until to-morrow, Friday, February 25, 1916, at 12 o'clock meridian.

## NOMINATIONS.

*Executive nominations received by the Senate February 24 (legislative day of February 21), 1916.*

### POSTMASTERS.

#### ALABAMA.

W. T. McCord to be postmaster at Alabama City, Ala., in place of J. S. Franklin. Incumbent's commission expired February 19, 1916.

#### CALIFORNIA.

R. A. Berry to be postmaster at Berkeley, Cal., in place of C. S. Merrill. Incumbent's commission expired February 21, 1916.

Cary D. McNeil to be postmaster at Corona, Cal., in place of W. L. Brown. Incumbent's commission expires March 13, 1916.

#### ILLINOIS.

Andrew J. Gillogly to be postmaster at Sidell, Ill., in place of T. B. Williams. Incumbent's commission expired January 18, 1916.

James Wyatt to be postmaster at Chrisman, Ill., in place of J. F. Newlin. Incumbent's commission expired January 11, 1916.

#### KANSAS.

Everett G. Gillidett to be postmaster at Plains, Kans., in place of Everett G. Gillidett. Incumbent's commission expires March 8, 1916.

#### NEBRASKA.

Reginald H. Kloppel to be postmaster at Leigh, Nebr., in place of Henry C. Hooker. Incumbent's commission expired February 8, 1916.

#### NORTH CAROLINA.

M. F. Bond to be postmaster at Edenton, N. C., in place of W. J. Leary, sr. Incumbent's commission expired February 1, 1916.

Lamuel B. Wynne to be postmaster at Williamston, N. C., in place of J. R. Mobley. Incumbent's commission expired February 1, 1916.

#### OKLAHOMA.

C. O. Berry to be postmaster at Vinita, Okla., in place of S. E. Wallen. Incumbent's commission expired February 8, 1916.

George H. Overbeck to be postmaster at Buffalo, Okla., in place of D. G. Rogers. Incumbent's commission expired February 1, 1916.

#### PENNSYLVANIA.

H. A. Koller to be postmaster at Glen Rock, Pa., in place of J. V. Wambaugh. Incumbent's commission expires March 1, 1916.

Ephraim A. Swanson to be postmaster at Youngsville, Pa., in place of J. H. Fuellhart. Incumbent's commission expired December 12, 1915.

#### SOUTH DAKOTA.

T. M. Simmons to be postmaster at Huron, S. Dak., in place of S. P. Malone. Incumbent's commission expired January 24, 1916.

#### TENNESSEE.

A. C. Bowers to be postmaster at National Soldiers' Home, Tenn., in place of R. H. Bailey. Incumbent's commission expired January 24, 1910.

Mary B. Buford to be postmaster at Lynnville, Tenn., in place of R. T. Hickman. Incumbent's commission expires March 4, 1916.

Robert E. Cullom to be postmaster at Hartsville, Tenn., in place of Clarence V. Gwin. Incumbent's commission expires March 4, 1916.

#### WASHINGTON.

R. P. Turnley, jr., to be postmaster at Rosalia, Wash., in place of W. P. Ward. Incumbent's commission expired February 13, 1916.

#### WISCONSIN.

Charles E. Prindle to be postmaster at Niagara, Wis., in place of C. E. Prindle. Incumbent's commission expired January 20, 1915.

## CONFIRMATIONS.

*Executive nomination confirmed by the Senate February 24 (legislative day of February 21), 1916.*

### POSTMASTER.

#### ARKANSAS.

I. V. Echols, Cotton Plant.

# HOUSE OF REPRESENTATIVES.

## THURSDAY, *February 24, 1916.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

We bless Thee, Infinite Spirit, our heavenly Father, that the door to the holy of holies is ever ajar, that those who will may enter in and receive the touch of infinite wisdom, love, and purity which reveals the broader view of life and inspires to nobler living and greater usefulness. Touch us, we beseech Thee, with Thy holy spirit that we may be prepared for the duties, great or small, which we shall be called upon to fulfill in the providence of Thy plans and purposes to-day and always. In the spirit of the Master. Amen.

The Journal of the proceedings of yesterday was read and approved.

### RIVER AND HARBOR APPROPRIATION BILL.

Mr. SPARKMAN, by direction of the Committee on Rivers and Harbors, reported the bill (H. R. 12193) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, which was read the first and second time, and, with the accompanying report (No. 254), referred to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. HUMPHREY of Washington. Mr. Speaker, I reserve all points of order on the bill.

The SPEAKER. The gentleman from Washington reserves all points of order on the bill.

Mr. HUMPHREY of Washington. Mr. Speaker, I ask unanimous consent that the minority may have five days in which to file their views.

The SPEAKER. The gentleman from Washington [Mr. HUMPHREY] asks unanimous consent that the minority may have five days within which to file their views. Is there objection?

Mr. SPARKMAN. Mr. Speaker, I would like to give notice that I desire to call up this measure as soon as possible. I do not know when it can be reached, but I would like to call it up after the Post Office appropriation bill is disposed of and such other measures as may be before the House. I understand there is one before the House that comes up under a rule, and if I can get it up before that time I would like to do so.

The SPEAKER. The Chair will state that the Chair will first recognize the gentleman from Tennessee [Mr. BYRNS], to call up the legislative appropriation bill, when the opportunity arises.

Mr. SPARKMAN. Mr. Speaker, I merely want to suggest that I hope no such time will be granted, under unanimous consent, as will interfere with the taking up of the bill at the proper time.

The SPEAKER. The Chair can assure the gentleman that that will not occur within five days. Is there objection to the gentleman from Washington having five days in which to file minority views? [After a pause.] The Chair hears none.

### POST-OFFICE APPROPRIATION BILL.

Mr. MOON. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 10484, the Post Office appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the Post Office appropriation bill, with Mr. RAINEY in the chair.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

For pay of rural carriers, substitutes for rural carriers on annual leave, clerks in charge of rural stations, and tolls and ferriage, Rural Delivery Service, and for the incidental expenses thereof, $53,000,000: *Provided*, That not to exceed $20,000 of the amount hereby appropriated may be used for the compensation of clerks in charge of rural stations.

Mr. TOWNER. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 27, after line 6, amend by adding the following as a new paragraph:

"That the Rural Free Delivery Mail Service shall be extended as rapidly as practicable, so as to furnish as nearly as possible all the rural population of the United States with daily mail delivery, excepting Sundays and legal holidays. That in the reorganization of existing routes and in the establishment of new routes it shall be the duty of the Postmaster General of the United States to furnish as nearly as practicable an every-day, all-the-year-around service, excepting Sundays and legal holidays, to every family in all rural communities, except as provided in this act. That in the reorganization of such service and in the extension thereof such service shall mean delivery by the carrier at the home of each family on such route wherever practicable. That when in individual instances such delivery at the home is impracticable, such service may be effected by delivery at road intersections when the distance is not more than one-half mile from the place of delivery to the home of said family. Such service, however, shall not be considered as a compliance with law except in exceptional instances, and it shall be the duty of the Postmaster General to furnish, as far as possible, delivery of mail at the home of each family on all rural routes now established or which hereafter shall be established.

That hereafter rural mail routes shall be divided into two classes, to be known as—

(a) Standard horse-drawn vehicle rural mail routes, and

(b) Standard motor-vehicle rural mail routes.

That a standard horse-drawn vehicle rural mail route shall be 24 miles in length. That the Postmaster General in the reorganization of existing routes and in the establishment of new routes where a daily delivery is practicable and where dirt roads constitute the major portion of the route to be traveled shall approximate such routes to such standard.

That a standard motor-vehicle rural mail route shall be 50 miles in length. That the Postmaster General, in the reorganization of existing routes and in the establishment of new routes where hard-surfaced roads are available or hereafter shall be established, and where a daily mail service is practicable by motor delivery, shall approximate such routes to such standard. That no standard motor-vehicle route shall be established which shall be less than 40 miles in length.

That where existing rural routes are now established on dirt roads and such routes exceed the standard horse-drawn vehicle route by 20 per cent or more, the Postmaster General is directed to reorganize such routes to conform aproximately to the length of such standard horse-drawn vehicle routes, to wit, 24 miles. That where existing rural routes are now established on hard-surfaced roads and such routes exceed the standard motor-vehicle routes by 20 per cent or more the Postmaster General is hereby directed to reorganize such routes to conform approximately to the length of such standard motor-vehicle routes, to wit, 50 miles.

That in cases where daily service on standard horse-drawn vehicle routes has been established, and an average of less than 3,000 pieces of mail per month are handled for three consecutive months, the service shall be reduced to a triweekly service. That daily service shall be established and maintained on standard horse-drawn vehicle routes wherever in the reorganization of routes or the establishment of new routes an average of 3,000 or more pieces of mail per month will be handled for three consecutive months. That wherever a triweekly service has been established and an average of 3,000 or more pieces of mail per month have been handled for three consecutive months, such triweekly service shall be increased to daily service.

That in cases where daily service on standard motor-vehicle routes has been established and an average of less than 6,000 pieces of mail per month are handled for three consecutive months, the service shall be reduced to a triweekly service. That daily service shall be established and maintained on such standard motor-vehicle routes wherever in the reorganization of routes or the establishment of new routes an average of 6,000 or more pieces of mail per month will be handled for three consecutive months. That wherever a triweekly service has been established and an average of 6,000 or more pieces of mail per month have been handled for three consecutive months, such triweekly service shall be increased to daily service.

That on standard horse-drawn vehicle rural mail routes 24 miles in length the rural mail carrier shall receive an annual salary of $1,200, to be paid monthly. For every mile above said 24 miles or major fraction thereof the carrier shall receive the sum of $30 in addition to said annual salary. For every mile or major fraction thereof below said 24 miles the annual salary of the carrier shall be reduced in the sum of $30.

That on standard motor-vehicle rural mail routes 50 miles in length the rural mail carrier shall receive an annual salary of $1,800, to be paid monthly. For every mile above said 50 miles or major fraction thereof the carrier shall receive in addition to said annual salary the sum of $30. For every mile or major fraction thereof below said 50 miles the annual salary of the carrier shall be reduced in the sum of $30.

That on standard horse-drawn vehicle routes and on standard motor-vehicle routes, in cases where a triweekly service has been established, the salary of the carrier for such triweekly service shall be one-half the amount that would accrue to such carrier if the service had been a daily service, as provided in sections 9 and 10 of this act.

That nothing herein contained shall be construed to prevent the use of motor vehicles on standard horse-drawn vehicle rural mail routes now existing or which hereafter shall be established.

That all acts or parts of acts, and all executive orders issued by the Postmaster General, or under his authority, which are inconsistent with the provisions of this act are hereby repealed.

Mr. MOON (interrupting the reading of the foregoing). Mr. Chairman, I make the point of order against the proposed amendment.

Mr. TOWNER. Mr. Chairman, the amendment has not yet been completely read. I do not insist that it shall be read, if it may be placed in the RECORD, and I ask unanimous consent that the further reading of the amendment be dispensed with.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent that the further reading of the amendment be dispensed with. Is there objection?

Mr. MOON. I do not object, but it is understood that the point of order is made on the whole amendment.

Mr. TOWNER. Certainly, with the understanding also that the full amendment will be printed. I will now ask the gentleman in charge of the bill if he will withhold the point of order until we can have some debate upon this Rural Delivery Service?

Mr. MOON. I will do so, if we can have unanimous consent to take up, first, an amendment proposed by the gentleman from New Hampshire [Mr. SULLOWAY], as there will be no discussion about it.

Mr. TOWNER. Very well.

Mr. MOON. Then we can fix some time for debate.

Mr. TOWNER. That is satisfactory.

Mr. MOON. Then, Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The CHAIRMAN. The gentleman from Tennessee offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 27, line 4, before the word "*Provided*" insert:

"That the maximum yearly salary shall be paid to the rural carrier on Lake Winnepesaukee, who furnishes his own equipment."

Mr. MOON. Mr. Chairman, I will state to the House that this provision has been carried heretofore in the bill, except in the last bill, when it was left out inadvertently. The gentleman from New Hampshire [Mr. SULLOWAY] understands the situation fully, and inasmuch as this matter has been carried heretofore, and as that seems to be a very arduous service, which takes the whole time of the carrier, and the service is altogether by boat, I think it should be agreed to.

Mr. CAMPBELL. This applies to only one rural route?

Mr. MOON. Yes; to one rural route.

Mr. CAMPBELL. That is up in New Hampshire?

Mr. MOON. Yes. It is extra hazardous and arduous work. I yield to the gentleman from New Hampshire.

Mr. SULLOWAY. Mr. Chairman, this route is the first water rural-mail route ever established in this country. At the time this service was begun on Lake Winnipesaukee, where there are some 350 or 360 named islands, there were a very limited number of people on them, because there was no way of communication or of getting provisions or anything else. With the establishment of this route business increased and land went up to a high rate per foot, or whatever it may be measured by, and people gathered in there until there are now over 2,000 homes on these islands. They are cottages for summer homes. There are also a number of hotels, summer schools, and camps, and probably 20,000 or 25,000 people are on those islands during the summer months. This route is very profitable to the Government. This carrier has built his own boat. I am not familiar with boat building, but I have been on the boat, and I want to say it must have cost him at least $6,000. It is really not adapted to any other purpose, being built with a postal station, and he carries tons and tons of mail. There is a city from which he starts his boat—Laconia, N. H.—with over 10,000 population. It is a manufacturing town and a stirring business community. This carrier operates, I think, some six months or more, and during the season when people are at their summer homes he handles as much mail as does the post office at Laconia, with its 10,000 inhabitants. Unless there are some questions to be asked, I do not desire to take any more time.

The CHAIRMAN. The question is on the amendment of the gentleman from Tennessee.

The question was taken, and the amendment was agreed to.

Mr. TOWNER. Mr. Chairman, may we have an agreement in regard to the time?

Mr. MOON. Well, how much time does the gentleman desire?

Mr. TOWNER. I should think we ought to have an hour on each side, I will say to the gentleman.

Mr. MOON. On what?

Mr. TOWNER. I should think we ought to have at least an hour on each side.

Mr. MOON. To discuss this amendment?

Mr. TOWNER. Yes, sir. It means, of course, a consideration of the whole question of rural routes.

Mr. MOON. There are two or three other amendments that will require time for discussion, and I suggest to the gentleman that the other amendments that are to be offered be read now. I will make the point of order on them, and they will be pending, and we will take an hour for discussion of all amendments.

Mr. TOWNER. An hour on each side?

Mr. MOON. No: that is too much. We have had 16 hours of debate on this bill and about 4 hours' debate on this question.

Mr. STEENERSON. We have not heard of any other amendments so far.

Mr. MOON. There are two or three, probably, to be offered over here.

Mr. STEENERSON. It seems to me we had better dispose of this amendment first.

Mr. MOON. I am advised that there are four amendments that will be proposed, and my suggestion was that we let those amendments be now introduced, and I will make the point of order on them all, and then the gentleman can open up the discussion on this full paragraph for such time as may be proper. I think an hour would be plenty of time for both sides.

Mr. TOWNER. I will say I have no objection to that if we can have some time over here. I think there are quite a number of gentlemen——

Mr. MOON. I think, Mr. Chairman, that with 16 hours' debate, and very much of it devoted to this subject, we ought not now take up too much time.

Mr. STEENERSON. Let it run along and see.

Mr. MOON. No; I can not do that. I am not going to open up that question that way.

Mr. TOWNER. Well, how much time would the gentleman be willing to grant?

Mr. MOON. Well, I would be willing to agree to 40 minutes on a side. I do not mean on each side of this aisle, but each side of this question.

Mr. STEENERSON. Who will control the time?

Mr. MOON. Let the Chair control the time.

Mr. TOWNER. No; let Mr. STEENERSON control the time on this side and the chairman on the other side.

Mr. MOON. But the chairman of the committee and Mr. STEENERSON are together on this question.

Mr. TOWNER. Very well; that does not make any difference, I will say to the gentleman, because what is desired is to have an opportunity to discuss this proposition.

Mr. STEENERSON. It seems to me that is very reasonable.

Mr. TOWNER. What was the suggestion?

Mr. STEENERSON. Forty minutes on a side—80 minutes altogether.

Mr. TOWNER. Very well; if that is all we can get.

Mr. MOON. I will make this proposition to the gentleman: That we take an hour and twenty minutes and discuss this question, the gentleman from Minnesota controlling half the time and I will control the other half.

Mr. STEENERSON. That will be perfectly satisfactory to the gentleman from Minnesota, unless the gentleman from Iowa wishes to control the time.

Mr. TOWNER. No.

Mr. GREEN of Iowa. I will say that there are a number who have not spoken on the bill at all, and I think they ought to be heard at this time.

Mr. STEENERSON. Could not the gentleman make that two hours?

Mr. MOON. The truth about it is, if I did my full duty, I would make the point of order on this paragraph right now; but out of consideration for the gentlemen, understanding as they do that this point of order is to be made, I am willing to let them have two hours and go ahead with the debate, I controlling half and the gentleman from Minnesota controlling half. That applies to the section and all amendments.

Mr. Chairman, I will ask unanimous consent that gentlemen who have amendments offer them now and they be considered as pending, and I will make the point of order on all pending amendments.

Mr. GOOD. With two hours of debate?

Mr. MOON. One hour to a side, half to be controlled by the gentleman from Minnesota and half by myself.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent that amendments be now offered to this paragraph to be considered as pending, to be taken up in their order, and at the expiration of two hours' debate, half of which time is to be controlled by the gentleman from Tennessee——

Mr. MADDEN. Mr. Chairman, before that is decided, let me make a suggestion, that the debate be under the five-minute rule.

Mr. STEENERSON. That is understood, is it not?

The CHAIRMAN. The Chair did not understand it that way.

Mr. TOWNER. Mr. Chairman, I would like to have 10 minutes.

Mr. STEENERSON. We will say nothing about it.

The CHAIRMAN. The question is on the motion of the gentleman from Tennessee that unanimous consent be granted that all amendments to this paragraph be now presented and be considered as pending, to be taken up in their order after the expiration of two hours' debate on this paragraph, half of the time to be controlled by him and half of the time to be controlled by the gentleman from Minnesota [Mr. STEENERSON].

Mr. MOON. And that a point of order be considered as now being made on all amendments.

The CHAIRMAN. And a point of order shall be considered as made to all amendments. Is there objection to the request of the gentleman from Tennessee?

Mr. LINTHICUM. Reserving the right to object——

Mr. CLARK of Florida. Mr. Chairman, under that agreement, I desire to offer these two amendments and have them read.

The CHAIRMAN. Does the gentleman from Maryland [Mr. LINTHICUM] want to make an objection?

Mr. LINTHICUM. I want to reserve the right to object to the unanimous consent.

The CHAIRMAN. To the request of the gentleman from Tennessee [Mr. MOON] the gentleman from Maryland objects.

Mr. LINTHICUM. I want to find out whether there is to be two hours of general debate, and then if the amendments are to be taken up or whether the amendments are to be taken up in the two hours' debate.

The CHAIRMAN. The Chair understands the amendments are to be taken up at the expiration of the two hours' debate, the two hours' debate to be made on the amendments at this time.

Mr. MOORE of Pennsylvania. And with no debate on the amendments after the two hours?

The CHAIRMAN. No debate on the amendments after the two hours.

Mr. CLARK of Florida. Mr. Chairman, I desire to offer my amendment.

The CHAIRMAN. The gentleman from Florida offers an amendment, which the Clerk will report.

Mr. MOON. These are amendments to the paragraph, I understand.

Mr. CLARK of Florida. Yes.

The CHAIRMAN. The Clerk will report the amendment to the paragraph just offered by the gentleman from Florida.

The Clerk read as follows:

Amendment by Mr. CLARK of Florida: Page 27, in line 6, after the word "stations," insert the words:

"*And provided further*, That no part of the money herein appropriated for Rural Delivery Service shall be used in payment of any expense upon any motor-vehicle route more than 35 miles in length."

Mr. CLARK of Florida. That is amendment No. 2. The other is No. 1.

Mr. MOORE of Pennsylvania. Mr. Chairman——

The CHAIRMAN. The Clerk will report the other amendment.

The Clerk read as follows:

Page 27, line 6, after the word "stations," insert the words:

"*And provided further*, That no part of the money herein appropriated for Rural Free Delivery Service shall be used to cover any expense upon any motor-vehicle route until the majority of the patrons to be served by such motor-vehicle route shall by written petition ask the Post Office Department to establish such motor-vehicle route."

Mr. CANDLER of Mississippi. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from Mississippi offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. CANDLER of Mississippi: Strike out the period and insert, at the end of line 6, page 27, the following:

"*Provided*, That the Postmaster General is authorized and directed to pay, out of the appropriations already made for the fiscal year 1915, to all letter carriers in the Rural Free Delivery Service during the fiscal year ended June 30, 1915, their executors and administrators, the difference between what they received for their said services and the amount that would have been paid to them in accordance with the proviso contained in joint resolution making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1916, approved March 4, 1915."

The CHAIRMAN. That will be known as amendment No. 3. The Clerk will report the next amendment as No. 4.

The Clerk read as follows:

After line 6, page 27, strike out the period and insert:

"*Provided further*, That no part of the sums hereby appropriated for the rural mail service for the fiscal year 1917 shall be available until so much as may be necessary of the sum appropriated for the rural mail service for the fiscal year 1915, unexpended and still available, shall be paid to all letter carriers in the Rural Free Delivery Service during the fiscal year ending June 30, 1915, their executors and administrators, to make the total for the fiscal year equal the amount that would have been paid to him in accordance with the proviso contained in the joint resolution making appropriations for the services of the Post Office Department for the fiscal year ending June 30, 1916, approved March 4, 1915."

Mr. GOOD. Mr. Chairman——

The CHAIRMAN. The gentleman from Iowa [Mr. GOOD] offers an amendment, which will be amendment No. 5, and which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. GOOD: On page 27, at the end of line 6, change period to colon and add:

"*Provided further*, That no part of the sum hereby appropriated shall be used to pay the salary of any rural carrier using a horse-drawn vehicle and carrying mail over any route the major portion of which is over a dirt road, the total length of which exceeds 26 miles."

Mr. HULL of Iowa. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The gentleman from Iowa [Mr. HULL] offers an amendment, which will be No. 6, and which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. HULL of Iowa: Page 27, line 6, after the word "stations," insert:

"*Provided*, That in the payment of sums from this appropriation as salary to rural route carriers the money so paid, when any rural route is reestablished, shall, upon the filing of application by the person who was carrier at the time the rural route was abandoned requesting that he be reappointed, go to said carrier unless there was just cause for his removal from the service at the time the rural route was abandoned or just cause has since arisen."

The CHAIRMAN. The Clerk will report amendment No. 7, offered by the gentleman from Iowa [Mr. HULL].

The Clerk read as follows:

Page 27, line 6, after the word "stations," insert:

"*Provided*, That such sums as may be necessary may be used from the money hereby appropriated to restore the rural routes to the efficiency they had attained prior to March 4, 1915, and it shall be mandatory on the Post Office Department to so restore said routes when a majority of the patrons request in writing such restoration."

The CHAIRMAN. Are there any other amendments? The amendment originally introduced by the gentleman from Iowa [Mr. TOWNER] will be called "amendment A."

Mr. MOON. Mr. Chairman, I reserve points of order on all the amendments.

The CHAIRMAN. The Chair understands a point of order is reserved as to each amendment. Are there any other amendments? If not, the gentleman from Tennessee [Mr. MOON] is recognized.

Mr. STEENERSON. Mr. Chairman, I understood that amendment numbered A would be discussed first.

Mr. MOON. I do not care what one you discuss first, so that the debate is limited to two hours.

Mr. STEENERSON. If that is agreed to, I will yield to the gentleman from Iowa [Mr. TOWNER], the author of amendment A. Does the gentleman from Tennessee desire to use time now, or can I yield to the gentleman from Iowa?

Mr. MOON. The gentleman can go ahead now.

Mr. STEENERSON. Mr. Chairman, I yield 10 minutes to the gentleman from Iowa [Mr. TOWNER].

The CHAIRMAN. The gentleman from Iowa [Mr. TOWNER] is recognized for 10 minutes.

Mr. TOWNER. Mr. Chairman, I would like to have the attention of the committee, if I may, for a moment. I would like to ask the gentleman from Tennessee a question. As I understand it, the estimate of the department for the rural service for this year was $48,500,000. Is not that true?

Mr. MOON. That is correct.

Mr. TOWNER. And the committee, on consideration, made the appropriation what it is now in the bill, $53,000,000?

Mr. MOON. That is also correct.

Mr. TOWNER. As I understand it, during the years 1915 and 1916 a like sum was appropriated, was it not, for this rural service?

Mr. MOON. Yes.

Mr. TOWNER. And that the department in those years used only about $50,000,000 instead of the amount appropriated. Is that correct?

Mr. MOON. There was quite a large unexpended balance, the exact amount of which I have not ascertained.

Mr. TOWNER. I will ask the chairman of the Committee on the Post Office and Post Roads this: Does he not think that, considering the attitude of the department toward this service, and considering the fact that the department has refused to use the amounts appropriated in prior years for the purpose intended—does not the gentleman think now we ought to pass some legislation on this bill that will compel the department to use this money for the purposes which Congress intended it to be used for?

Mr. MOON. Does the gentleman want me to answer that question?

Mr. TOWNER. Yes, sir; I certainly do.

Mr. MOON. I will say this, that I have always been and am now in favor of a full and proper and legitimate extension of this service, and I believe that every dollar that is appropriated that can be properly and wisely used for that purpose in the service ought to be used for the extension of the service. But I am aware of the fact that there are 4,320 rural routes in the United States where the carriers are getting $1,200 a year and performing only four hours a day of service, and other routes where they are performing only two hours a day. I think the department ought to handle this money economically, so as to secure for the Government a full maximum eight hours of service if there is a possibility of readjustment; and if, by further readjustments, as to the length and improvement of the service, the Government can save the money, I think it is a wise thing to do it.

Mr. TOWNER. Let me ask the chairman this further question: Was it not the intention of the committee, in raising the estimate of the department from $48,500,000 to $53,000,000, to restore the Rural Route Service to what it was before the reorganization plan, that was instituted in April of this last year, went into effect?

Mr. MOON. Oh, no; no, indeed. The department and the committee had no such purpose. The purpose was to give ample money not only for the maintenance of the routes as they now are but for the extension of this service. I for one, as a member of that committee, would not think for a moment of the wisdom of interfering with the discretion of the department in the changes of these routes where the service could be done as effectually as it has been done heretofore for less money.

Mr. TOWNER. Then it is not the purpose of the committee to take any action that will restore the service as it was before these changes were instituted?

Mr. MOON. I will tell the gentleman that there are but a few of these routes where these changes have been made, and wherever there has been any inconvenience to the people, or where the service is not as good as it has been, that will be remedied, as the department has assured us, so as to give the best possible service to the people everywhere, as was done in a case in Michigan, in the district of Mr. BEAKES. But the gentleman will realize that when there are States that have a large number of routes upon which practically only a fourth service is being done by carriers it is wise on the part of the department to make changes so as to get the full benefit of the pay which they are giving the carrier and give the full corresponding benefit to the people. Take the State of Georgia, for example—and I want to ask, Mr. Chairman, permission here to place in this RECORD a statement showing the number of routes that have been affected by the orders there and in other States, and the reasons for the orders, and in that connection some correspondence from the department covering this question. I ask that I be permitted to do that by unanimous consent.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent to insert certain correspondence in the RECORD. Is there objection?

There was no objection.

The correspondence referred to is as follows:

I have tabulated here the route, the location, the length of the same, and the number of hours of service rendered by the individual carriers on such individual routes. I show here that there are 4,320 carriers in the Rural Delivery Service who are working to-day less than four hours per day. I show here that they are serving routes from 20 to 31 miles in length. I show that there are 54 such routes in the State of Alabama; that there is 1 in the State of Arizona; that there are 12 in the State of Arkansas; that there are 45 in California; 34 in Colorado; 29 in Connecticut; 24 in Delaware; 41 in Florida; 186 in Georgia; 5 in Idaho; 324 in Illinois; 516 in Indiana; 298 in Iowa; 166 in Kansas; 28 in Kentucky; 7 in Louisiana; 48 in Maine; 31 in Maryland; 33 in Massachusetts; 342 in Michigan; 259 in Minnesota; 27 in Mississippi; 27 in Missouri; 5 in Montana; 44 in Nebraska; 1 in Nevada; 50 in New Hampshire; 46 in New Jersey; 6 in New Mexico; 300 in New York; 73 in North Carolina; 110 in North Dakota; 285 in Ohio; 130 in Oklahoma; 23 in Oregon; 139 in Pennsylvania (this record, however, is subsequent to the recent revision in Pennsylvania; otherwise there would have been 300 or more except for the revision in that State); 10 in Rhode Island; 112 in South Carolina; 38 in South Dakota; 12 in Tennessee; 117 in Texas; 43 in Vermont; 52 in Virginia; 32 in Washington; 5 in West Virginia; 173 in Wisconsin; and 1 in Wyoming.

I may say that in making up this list you will find in every one of these tabulations hundreds of illustrations of where the carrier is performing but two hours service per day, according to actual count kept by himself and not by us.

The CHAIRMAN. And getting how much money?

Mr. BLAKESLEE. $1,200 per year.

OFFICE OF THE POSTMASTER GENERAL,
*Washington, D. C., February 19, 1916.*

Hon. JOHN A. MOON,
*House of Representatives.*

MY DEAR MR. MOON: I note in the CONGRESSIONAL RECORD, dated February 14, page 2931, last paragraph of column 1, that Representative GREENE of Massachusetts states that he filed a number of letters with reference to the service at South Westport and Westport which failed to receive any consideration, and I am therefore submitting for your information a copy of this bureau's reply made to Mr. GREENE in answer to the last communication presented by him bearing on this particular service, the circumstances of which are not materially

different from many of the complaints against the changes in the service in Bristol County, Mass.

Sincerely, yours,

A. S. BURLESON,
*Postmaster General.*

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POST OFFICE DEPARTMENT,
FIRST ASSISTANT POSTMASTER GENERAL,
*Washington, February 21, 1916.*

Hon. JOHN A. MOON,
*House of Representatives.*

MY DEAR JUDGE MOON: Under date of the 17th instant, in response to an inquiry over the telephone from Representative LAFEAN, I transmitted, for his information, certain data in relation to correspondence between this office and postmasters prior to the issuance of an order regulating the delivery of mail on holidays.

It was hoped that the information conveyed to the Representative might be inserted in the CONGRESSIONAL RECORD in order that the department's attitude in relation to holiday service would be made plain. I am transmitting herewith a copy of the letter to Mr. LAFEAN and trust you may find the opportunity to place same in the RECORD.

Very truly, yours,

DANIEL C. ROPER,
*First Assistant Postmaster General.*

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FEBRUARY 17, 1916.

Hon. D. F. LAFEAN,
*House of Representatives.*

MY DEAR MR. LAFEAN: In response to your inquiry over the telephone, I am transmitting herewith for your information the following data in relation to the correspondence between this office and certain postmasters prior to the issuance of the order of November 19 regarding one delivery of mail by carriers on all holidays.

On November 12, 1915, the following letter was sent to the postmasters at several of the largest post offices:

"As many protests have been received by the department against the complete suspension of mail delivery by carrier on holidays, I wish to secure your opinion as to the advisability of establishing the uniform practice of requiring at least one delivery on all holidays. Reference is made to section 284, Postal Laws and Regulations."

In reply to this letter I am quoting paragraphs from the letters of the postmasters to show the practical unanimity of opinion that the interests of the service demands that at least one carrier delivery be made on all holidays:

"Letter carriers and other post-office employees should be allowed to observe holidays whenever the convenience of the patrons will so permit. It is important that prompt delivery be made of a very large percentage of first-class matter. Many letters are mailed in the belief that they will be delivered on holidays, the same as other days, and messages which otherwise would be sent by telegraph are sent by mail. I believe it to be almost a necessity that one delivery of mail be made on each holiday and that on Christmas the carriers should work full time.

"I can see no objection to the observance of local holidays, provided one delivery of mail is made in all cases where such holidays are generally observed by the business houses. In my opinion, however, the number of local or State holidays to be observed at any post office should not exceed three per annum."

"If no delivery were made at all on holidays a post office might as well be closed entirely as on Sunday, for undoubtedly many patrons would call and demand their mail, and the inconvenience resulting would affect not only the patrons but the employees of the office, who would be required to secure their mail and deliver it to them when called for. I believe that one delivery on a holiday should be sufficient to accommodate the public and that after the carriers have left on that delivery the post office should be closed, provision being made for handling the mail for the remainder of the day as it is taken care of on Sunday."

"In reply to your letter of the 12th instant regarding the establishing of a uniform service providing at least one delivery of mail on all holidays, I have strongly held to the opinion that handling of mail is a matter of clear necessity; consequently, as postmaster, I have observed the effecting of one complete delivery of mail by carrier service on each national holiday.

"Again, those patrons who are holders of boxes have a decided advantage over patrons who receive their mail by carrier service. If the Postal Service fails to perform delivery of mail by carriers there is no denial of the service given holders of boxes. The matter should be consistently carried out. The work is current and must be accomplished in regular order."

"It is my belief that at least one delivery of mail should be made throughout the entire city at all free-delivery offices on all holidays, as some portion of the business interests in each city are necessarily compelled on account of the nature of their business to keep their offices open on any holiday that may be observed. I am personally of the opinion that section 284, Postal Laws and Regulations, should be amended by adding 'At all free-delivery offices at least one delivery of mail should be made by letter carriers.'

"This office has always made it a practice to give at least one carrier delivery throughout the entire city on all holidays. Inclosed herewith are several holiday schedules observed in this office. It is the opinion of this office that at least one carrier delivery should be given on each holiday."

"In the business section one delivery is made, beginning at 8 a. m. In other sections the first and second deliveries are made as usual, the first beginning at 7 a. m. and the second at 9.30.

"This applies to all hodidays, with the single exception of Thanksgiving Day, which is almost universally observed, and business is not as heavy as on other holidays. On this holiday one delivery is made throughout the city.

"I consider this service not only essential but necessary for the needs of the service and to relieve congestion on the following morning.

"I am not as conversant with the requirements of other cities as I am in this, but it is my firm opinion that at least one delivery on holidays is a public necessity."

Very truly, yours,

DANIEL C. ROPER,
*First Assistant Postmaster General.*

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OFFICE OF THE POSTMASTER GENERAL,
*Washington, D. C., February 19, 1916.*

Hon. JOHN A. MOON,
*Chairman Committee on the Post Office and Post Roads,*
*House of Representatives.*

MY DEAR MR. MOON: Under date of February 16, 1916, a letter was addressed from the office of the Fourth Assistant Postmaster General to Hon. F. W. MONDELL, House of Representatives, stating that:

"In the CONGRESSIONAL RECORD of February 12, 1916, page 2779, you are quoted as follows:

"'Why, there have been routes discontinued in my State in the last two or three years that have been running for 10, 20, and 30 years, and no service has been put in operation to fully take the place of the service thus discontinued.'

"In view of the importance of the matter referred to in your statement, it is requested that you advise this office at your earliest convenience as to any routes discontinued in the State of Wyoming that have not been superseded by equally good service and the name of any post office in the State not now receiving adequate mail facilities."

The inference to be drawn from the statement above referred to is grossly misleading, and in order to correct what is undoubtedly a false impression I inclose a list of star routes in the State of Wyoming having a less frequency of service than six times a week, with the annual cost of each route and the cancellations of the post offices supplied thereon, it being assumed that all offices with service of six times a week or more have adequate mail facilities. The department has contracted to pay $103,944.52 per annum for service on these routes, the primary purpose of which is the mail supply of post offices which only produce in postal revenue approximately $15,208 per annum. The productiveness is, therefore, only about 14.63 per cent of the cost, and as the post offices involved are of the fourth class practically the entire amount produced is returned to postmasters as compensation.

This information should be particularly valuable to your committee when viewed in the light of section 3965 of the Revised Statutes, which requires that—

"The Postmaster General shall provide for carrying the mail on all post roads established by law as often as he, having due regard to productiveness and other circumstances, may think proper."

Yours, very truly,

A. S. BURLESON,
*Postmaster General.*

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*Star routes in the State of Wyoming having less frequency of service than six times a week, with annual cost of each route and productiveness of the post offices supplied thereon, as awarded for the contract term from July 1, 1914, to June 30, 1918.*

| Number. | Termini. | Times a week. | Cost. | Cancellations of offices supplied. |
|---|---|---|---|---|
| 64103 | Manhattan-Sundance | 3 | $376.25 | $110.00 |
| 64104 | Sundance-Horton | 2 | 825.00 | 206.00 |
| 64107 | Sundance-Downing | 3 | 624.00 | 62.00 |
| 64108 | Donald-Aladdin | 2 | 400.00 | 72.00 |
| 64109 | Mona-Aladdin | 2 | 588.00 | 108.00 |
| 64111 | Alva-Belle | 2 | 310.80 | 54.00 |
| 64112 | Hulett-Rockypoint | 3 | 1,501.82 | 270.00 |
| 64113 | Moorcroft-Hulett | 3 | 2,000.00 | 669.00 |
| 64114 | Carlile-Oshoto | 2 | 373.75 | 32.00 |
| 64115 | Bertha-Moorcroft | 2 | 800.00 | 62.00 |
| 64116 | Barber-Arvada | 1 | 440.00 | 26.00 |
| 64120 | Carroll-Banner | 3 | 350.00 | 42.00 |
| 64123 | Cowley-Raymond | 2 | 240.00 | 44.00 |
| 64127 | Shell-Cloverly | 3 | 440.00 | 78.00 |
| 64129 | Otto-St. Joe | 3 | 339.43 | 40.00 |
| 64133 | Cody-Valley | 3 | 1,872.00 | 236.00 |
| 64134 | Wapiti-Cody | 2 | 900.00 | 76.00 |
| 64141 | Thermopolis-Anchor | 3 | 1,780.00 | 360.00 |
| 64150 | Barnum-Mayoworth | 3 | 900.00 | 144.00 |
| 64152 | Gillette-Wright | 1 | 750.00 | 48.00 |
| 64153 | Hampshire-Newcastle | 2 | 1,062.42 | 216.00 |
| 64154 | Buckhorn-Cambria | 3 | 1,375.00 | 298.00 |
| 64156 | Newcastle-Boyd | 3 | 1,090.00 | 78.00 |
| 64157 | Spencer-Edgemont (S. Dak.) | 2 | 900.00 | 66.00 |
| 64161 | Douglas-Esterbrook | 3 | 1,475.00 | 294.00 |
| 64162 | Hammond-Labonte | 1 | 325.00 | 41.00 |
| 64163 | Douglas-Ross | 3 | 3,500.00 | 126.00 |
| 64164 | Boxelder-Glenrock | 3 | 1,008.00 | 120.00 |
| 64165 | Casper-Salt Creek | 2 | 2,300.00 | 326.03 |
| 64170 | Ervay-Waltman | 2 | 570.00 | 48.00 |
| 64171 | Arminto-Kaycee | 2 | 2,227.27 | 858.00 |
| 64172 | Badwater-Arminto | 2 | 429.52 | 54.00 |
| 64173 | Shoshoni-Depass | 2 | 700.00 | 60.00 |
| 64174 | Holt-Depass | 2 | 498.00 | 56.00 |
| 64175 | Pilot-Riverton | 2 | 1,000.00 | 180.00 |
| 64176 | Pavillion-Metzler | 2 | 398.00 | 70.00 |
| 64177 | Pilot-Lenore | 2 | 825.00 | 80.00 |
| 64179 | Fort Washakie-Dubois | 3 | 3,748.28 | 222.00 |
| 64182 | Dallas-Hailey | 2 | 665.00 | 70.00 |
| 64183 | Pinedale-South Pass City | 3 | 4,650.00 | 740.00 |
| 64184 | Newfork-Boulder | 3 | 250.00 | 80.00 |
| 64186 | Teton-Wilson | 2 | 414.62 | 118.00 |
| 64187 | Zenith-Jackson | 2 | 285.00 | 42.00 |
| 64189 | Cheney-Jackson | 3 | 500.00 | 74.00 |
| 64194 | Etna-Freedom | 3 | 245.26 | 40.00 |
| 64196 | Kendall-Cora | 1 | 625.10 | 28.00 |
| 64199 | Halfway-Ball (no office) | 3 | 470.00 | 102.00 |
| 64202 | Viola-Labarge | 3 | 646.49 | 90.00 |
| 64203 | Canyon Ranche-Fontanelle | 3 | 600.00 | 228.00 |
| 64204 | Hamsford-Kemmerer | 2 | 691.86 | 40.00 |
| 64213 | Farson-Rock Springs | 1 | 1,042.08 | 260.00 |
| 64221 | Hanna-Shirley | 2 | 2,002.70 | 235.00 |
| 64222 | Medicine Bow-Difficulty | 1 | 350.00 | 76.00 |
| 64224 | Marshall-Medicine Bow | 2 | 896.92 | 116.00 |
| 64226 | Toltec-Garrett | 1 | 499.98 | 66.00 |
| 64228 | Laramie-Morgan | 3 | 1,113.00 | 186.00 |
| 64232 | Buckeye-Centennial | 3 | 408.00 | 54.00 |

*Star routes in the State of Wyoming having less frequency of service than six times a week, etc.*—Continued.

| Number. | Termini. | Times a week. | Cost. | Cancellations of offices supplied. |
|---|---|---|---|---|
| 64235 | Grant-Wheatland | 3 | $994.00 | $90.00 |
| 64236 | Dover-Grant | 2 | 300.00 | 40.00 |
| 64237 | Wheatland-Owen | 3 | 1,550.00 | 140.00 |
| 64238 | Wyman-Owen | 2 | 366.00 | 25.00 |
| 64239 | Lakeview-Wheatland | 2 | 598.50 | 60.00 |
| 64241 | Junction-Binford | 3 | 1,184.00 | 86.00 |
| 64242 | Fishcreek-Binford | 2 | 416.00 | 52.00 |
| 64244 | Macfarland-Glendo | 2 | 600.00 | 30.00 |
| 64246 | Sunrise-Frederick | 3 | 400.00 | 46.00 |
| 64250 | Empire-Torrington | 2 | 288.0 | 42.00 |
| 64251 | Allen-Torrington | 2 | 381.03 | 54.00 |
| 64254 | Iowa Center-Chugwater | 3 | 689.45 | 92.00 |
| 64255 | Phillips-Chugwater | 3 | 736.67 | 108.00 |
| 64258 | Granite Canon-Hecla | 3 | 330.00 | 55.00 |
| 64260 | Cheyenne-Little Bear | 3 | 1,050.00 | 163.00 |
| 64264 | Golden Prairie-Salem (no office) | 3 | 600.00 | 96.00 |
| 64266 | Willow-Manville | 1 | 285.00 | 32.00 |
| 64267 | Foxton-Orin | 1 | 360.00 | 24.00 |
| 64269 | Torrington-Lagrange | 3 | 1,732.74 | 344.00 |
| 64273 | Sussex-Kaycee | 2 | 1,280.00 | 256.00 |
| 64271 | Kirtley-Lusk | 2 | 900.00 | 86.00 |
| 64273 | French-Saratoga | 3 | 1,801.24 | 58.00 |
| 64274 | Rock River-Garrett | 2 | 2,000.00 | 158.00 |
| 64275 | Neiber-Dickie | 2 | 1,080.00 | 88.00 |
| 64283 | Ten Sleep-No Wood | 3 | 2,400.00 | 426.00 |
| 64286 | Jackson-Moran | 3 | 3,000.00 | 476.00 |
| 64287 | Miller-Waltman | 2 | 1,575.00 | 151.00 |
| 64288 | Lusk-Warren | 3 | 1,920.00 | 264.00 |
| 64298 | Arlington-Rock River | 2 | 500.00 | 50.00 |
| 64299 | Bosler-Moore | 3 | 1,495.00 | 174.00 |
| 64300 | Uva-Grayrocks | 2 | 365.00 | 46.00 |
| 64301 | Little Medicine-Medicine Bow | 2 | 999.00 | 55.00 |
| 64302 | Meeteetse-Pitchfork | 3 | 1,125.00 | 286.00 |
| 64304 | Encampment-Big Creek | 3 | 1,320.00 | 140.00 |
| 64305 | Painter-Cody | 1 | 999.00 | 87.00 |
| 64306 | Flattop-Jireh | 2 | 240.00 | 120.00 |
| 64308 | Passaic-Clearmont | 1 | 416.00 | 45.00 |
| 64310 | Big Piney-Mason | 1 | 275.00 | 27.00 |
| 64311 | Coldspring-Douglas | 2 | 1,250.00 | 80.00 |
| 64312 | Casso-Glendo | 2 | 300.00 | 68.00 |
| 64316 | Bondurant-Daniel | 2 | 1,750.00 | 295.00 |
| 64317 | Merna-Daniel | 2 | 728.00 | 90.00 |
| 64322 | Rawlins-Split Rock | 2 | 2,500.00 | 102.00 |
| 64323 | Pedro-Leo | 1 | 360.00 | 52.00 |
| 64324 | Kelly-Grovont | 3 | 180.00 | 115.00 |
| 64325 | Terhune-Belle | 1 | 116.67 | 40.00 |
| 64327 | Holmes-Albany | 2 | 900.00 | 140.00 |
| 64328 | Burge-Van Tassell | 2 | 398.67 | 50.00 |
| 64330 | Torrington-Stewart | 3 | 1,380.00 | 192.00 |
| 64331 | Weston-Gillette | 1 | 650.00 | 60.00 |
| 64332 | Casper-Alcova | 3 | 1,350.00 | 350.00 |
| | Total | | 103,944.52 | 15,208.00 |

POST OFFICE DEPARTMENT,
FOURTH ASSISTANT POSTMASTER GENERAL,
*Washington, December 23, 1915.*

Hon. WILLIAM S. GREENE,
*House of Representatives.*

MY DEAR MR. GREENE: I am in receipt of your communication of the 21st instant, inclosing a letter from the postmaster at Westport in protest against the transfer of route No. 1 from his office to South Westport, Mass., as ordered effective the 16th instant. I have noted that the postmaster bases his objections against the change on the supposition that the change in the distributing point of this route will result in the substitution of inferior service, in that the mail collected along the line of travel between Westport and South Westport will have to lay over in the latter post office until the following morning before being dispatched, whereas this was not the case when the route was operated from Westport.

In reply I beg to state that while the facts are substantially as stated by the postmaster, he has failed to mention that mail formerly received at his office at 10.30 a. m. is now delivered on day of receipt, whereas previously such mail was not delivered to the patrons by the carrier until the following day. It has been uniformly held that where it is impracticable to secure both the delivery and dispatch of mail on day of receipt at railroad point that preference should be given to the former as being the more important. This has been found to be the universal opinion of the patrons in all sections throughout the country where it has been left for them to decide whether the schedule should be arranged so as to effect the delivery of mail on day of receipt or the dispatch of mail on day collected.

It also seems that I am justified in inviting attention to the fact that under the recent revision of the service, which made possible the discontinuance of one route in this territory, that practically 50 per cent of the patrons formerly served by route No. 1 from Westport, and who reside in that section of territory taken over by the extension of routes No. 1, from North Dartmouth, and No. 1, North Westport, are afforded not only the advantage of delivery of mail on day of receipt at railroad point, which was not formerly their privilege, but also a similar dispatch of mail collected.

Sincerely, yours,

JAS. I. BLAKSLEE,
*Fourth Assistant Postmaster General.*

—

OFFICE OF THE POSTMASTER GENERAL,
*Washington, D. C., February 21, 1916.*

Hon. JOHN A. MOON,
*Chairman Committee on the Post Office and Post Roads,*
*House of Representatives.*

MY DEAR JUDGE MOON: I inclose for your information a copy of a communication this day addressed to Hon. CALVIN D. PAIGE in reference to certain remarks of his appearing in the CONGRESSIONAL RECORD of February 14 concerning changes in the Rural Service in Worcester County, Mass.

Sincerely, yours,

A. S. BURLESON,
*Postmaster General.*

—

FEBRUARY 21, 1916.

Hon. CALVIN DE WITT PAIGE,
*House of Representatives.*

MY DEAR MR. PAIGE: Referring to your remarks appearing in the CONGRESSIONAL RECORD of February 14, 1916, concerning the revision of the Rural Service in Worcester County, Mass., I beg to state that a careful review is being made by a representative of the department of the present arrangement of the service in this county, with the object of perfecting such modifications therein as are shown to be necessary to promote the best interests of the service, and there has been transmitted to the inspector assigned to the investigation all complaints growing out of the changes in the service, with directions that they be given careful consideration to the end that all meritorious cases may be properly adjusted.

As to your reference of the denial of the request of Capt. Horace B. Parker for the extension of route No. 1 from Brookfield, I note that you refer to this as a motor route and that the extension involved 2¼ miles additional travel. Our records show, however, that there were eight families concerned, two of which reside less than two-tenths of a mile from the direct line of the route, leaving but six to be materially benefited. A total travel of 5.6 miles is involved, exclusive of certain omissions, which would effect a net increase of 3.5 miles. It would therefore seem that the department was fully justified in declining to take favorable action on the request.

I may also add that the route in question is now 28.4 miles in length and is not a motor route, nor has the carrier ever made application or been authorized to use any other conveyance in the performance of service than a horse and wagon.

Sincerely, yours,

A. S. BURLESON,
*Postmaster General.*

—

OFFICE OF THE POSTMASTER GENERAL,
*Washington, D. C., February 21, 1916.*

Hon. JOHN A. MOON,
*Chairman Committee on Post Office and Post Roads,*
*House of Representatives.*

MY DEAR MR. MOON: I inclose for your information copy of a letter this day addressed to Hon. THOMAS D. SCHALL, Representative from Minnesota, in regard to his remarks on Rural Delivery Service, as extended in the CONGRESSIONAL RECORD of February 19, 1916.

Very truly, yours,

A. S. BURLESON,
*Postmaster General.*

—

FEBRUARY 21, 1916.

Hon. THOMAS D. SCHALL,
*House of Representatives.*

MY DEAR MR. SCHALL: My attention has been called to your remarks as extended in the CONGRESSIONAL RECORD of February 19, 1916, page 3295, concerning the revision made by the department in the rural delivery routes in your district, at the post offices of Osseo, Robbinsdale, St. Louis Park, Hopkins, Rogers, Wayzata, Long Lake, Maple Plain, Loretto, and St. Bonifacius. The statements made in criticism of the rearrangement of these routes is so widely at variance with the facts as reported to the department that if permitted to go unchallenged might possibly create an impression in the minds of the uninformed that the department is obstinately endeavoring to change these routes to the detriment of the patrons served.

In the revision of the Rural Delivery Service throughout the country the department has exercised the greatest care in selecting post-office inspectors for this work. The men thus selected are especially qualified by reason of their general knowledge of the subject, their familiarity with the topographic conditions of the territory under readjustment, and the special adaptability for this class of work because of their wide experience in projecting and changing the rural routes. The changes in Hennepin County, Minn., in which the above-named offices are located, were recommended by an inspector who had formerly been engaged in rural-delivery work in this county and who for a number of years had the best means of becoming acquainted with all the conditions affecting the service, and of knowing the requirements on each particular route, so that by reason of this peculiar situation the department is convinced that the reorganization of the rural routes in Hennepin County has been accomplished with as few complaints as would be possible in the circumstances.

The experience of the department in such cases is that some few patrons who suffer a slight inconvenience will loudly protest against the entire readjustment as though endeavoring to create the impression that all the patrons served have been inconvenienced, or that inferior service has been provided throughout the entire county. Investigation has shown, however, that the complainants have been unduly alarmed by rumors and reports, and that they have misapprehended entirely the arrangements made by the department for their mail supply. Some of these complaints have actually preceded the revision itself, as evidenced by letters published with your remarks which bear dates of November 6, November 11, and November 12, 1915, whereas the readjustment of the routes in Hennepin County did not become effective until November 15, 1915. As a further example of the ease with which this situation has been magnified and the department placed in a false light before the public, it is only necessary to state that the records show that with all the changes made in the entire county of Hennepin, very few roads are omitted and not to exceed 59 families have been required to move their mail boxes a short distance, less than one-half mile, while, on the other hand, direct service has been extended to 228 families who have heretofore been deprived of the benefits of Rural Delivery Service. To revert to the old conditions would deprive these 228 families of the direct service they are now receiving.

The transfer of the route from St. Louis Park to Linden Hills Station of the Minneapolis post office has resulted in a decided improvement in the service, as St. Louis Park is still supplied on the route and the carrier stops at this office on his outward trip to receive all mail coming addressed thereto for the former patrons of the St. Louis Park route, while he again passes that office near the completion of his trip, giving all patrons exactly the same service as before

the change, the only difference being that the carrier is attached to the Linden Hills Station instead of the post office at St. Louis Park, which is certainly not a detriment to the service. Changes have also been made at the other offices named in your remarks, but these are mostly transfers in base of supply from one post office to another. The department has never attempted, however, to provide each patron of the Rural Delivery Service with mail from a particular office, and you will no doubt concede that the extent of the Rural Delivery System and the millions of patrons served thereby would absolutely preclude the adoption of any plan that would guarantee such service.

Yours, very truly,

A. S. BURLESON,
*Postmaster General.*

—

OFFICE OF THE POSTMASTER GENERAL,
*Washington, D. C., February 21, 1916.*

Hon. JOHN A. MOON,
*Chairman Committee on the Post Office and Post Roads,*
*House of Representatives.*

MY DEAR JUDGE MOON: I am inclosing for your information a copy of an inquiry this day addressed to Hon. WILLIAM H. CARTER, of Massachusetts, concerning certain remarks made by him on the floor of the House February 17, which are so at variance with the policy of the department that I deem it proper to request that he furnish me with the name of the person or persons connected with the department responsible for such utterances.

Sincerely, yours,

A. S. BURLESON,
*Postmaster General.*

—

FEBRUARY 21, 1916.

Hon. WILLIAM H. CARTER,
*House of Representatives.*

MY DEAR MR. CARTER: It is noted in the CONGRESSIONAL RECORD of February 17, page 3133, that in connection with the discussion of the Post Office appropriation bill you state that—

"The department says it is making these changes (referring to the rural routes) to save money, * * * and that when one visits the Post Office Department to seek relief he is told that the people should not complain if their mail was three to five hours late.

"We are told that they should not complain if they should have to change their post-office address, as they are fortunate to get any mail to their homes at all."

The foregoing statements are so at variance with the policy of the department that I would respectfully request that you furnish me with the name of the person or persons connected with the department responsible for such utterances.

Sincerely, yours,

A. S. BURLESON,
*Postmaster General.*

Mr. MOON. Mr. Chairman, in the State of Georgia there are 188 routes where the carriers are performing less than four hours' duty per day. Now, the gentleman will realize that when we are paying for a maximum route of that length, 25 miles, and the carrier is out only four hours in the whole day, that is not a corresponding return to the Government for the salary paid. There ought to be a readjustment in such cases. That is true in a number of cases that the gentleman will find in his own State and in the State which I, in part, represent. These matters have to be readjusted in 43,780 of these routes. The complaint is coming from only a few hundred routes, but they have influence. There is no question about that. It sounds as though there were 10,000 frogs in the pond instead of one; but I want to say to the gentleman in that connection, that if he will look to the letter of the department—their promise in this matter to readjust this service—I think he will be satisfied, as was the gentleman from Michigan.

Mr. TOWNER. Mr. Chairman, the gentleman is using up my time.

Mr. MOON. I will give the gentleman more time if I do—but inasmuch as the gentleman fears that, I will yield now.

Mr. TOWNER. Oh, no, no; I have no objection whatever to the statement that the chairman of the committee is making.

Mr. MOON. I think perhaps I have said all I ought to say in reply to the question of the gentleman. I do not want to take his time.

Mr. TOWNER. Mr. Chairman, I want to ask one further question of the gentleman. Does he not approve of legislation which would compel the department to restore the old service?

Mr. MOON. No. I think that in every business concern—and this is nothing but a very great business concern—discretion ought to be left to the officers to perform the duty required under the statute in the wisest and best way possible. We can not sit here intelligently and by a general rule tell the Postmaster General that he shall do this and that on a route of shorter or longer distance. You have to leave that general discretion to the executive officer. This matter will all be worked out. Of course while there are about 433 complaints out of forty-three thousand and odd, there will not be very great trouble in working it out. I know the gentlemen who are offering these amendments and who are bringing about this discussion are doing it in good faith, and I know that they want to assure their constituents of their interest; and I want to assure them and their constituents also that this department is making the very best effort to put everything in correct shape. There is to be not only one revision but two revisions of these routes, so that all the people can have the full benefit of the service.

Mr. CAMPBELL. Mr. Chairman, will the gentleman from Iowa yield to me at this time?

Mr. TOWNER. If the gentleman will give me five minutes of his time, I will be very glad to.

Mr. CAMPBELL. I want to ask the gentleman from Tennessee a question in the time of the gentleman from Iowa, if I may.

Mr. STEENERSON. I will give the gentleman one minute.

Mr. MOON. I am only occupying the time at the request of the gentleman from Iowa [Mr. TOWNER] to answer his question. That is not a matter that I can control.

Mr. TOWNER. I yield to the gentleman.

Mr. CAMPBELL. Mr. Chairman, will the gentleman from Tennessee include the legislation now proposed by so many Members of the House in the rule that he is asking at the conclusion of the consideration of the bill? The Members of the House are asking certain legislation so that the House can determine what the policy of the Government shall be with regard to these matters.

Mr. MOON. Mr. Chairman, if the gentleman will be candid with himself, he will realize at once that new legislation proposed in this shape by gentlemen to meet some condition in their district can not be general in its character.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. MOON. Mr. Chairman, I will yield the gentleman 10 minutes.

Mr. CAMPBELL. But if the gentleman will permit me——

Mr. MOON. One moment. The committee ought to consider this legislation, the department ought to be consulted about this legislation. These things ought to be done in an orderly and proper way. You can not do that here upon an amendment on the floor of this House in a few minutes or under a rule. All I can say to the gentleman is this: That if these questions shall come before the committee for consideration, as in the case of the gentleman from Ohio who has offered a bill, they will be taken up and considered, and when we have reached a proper conclusion with reference to that amendment, and its connection with the whole body of the law, which it is intended to supplement, a bill will be reported if we deem it wise, but we can not undertake to accept the gentleman's suggestion now without consideration.

Mr. CAMPBELL. I think the gentleman from Tennessee and I may be candid with one another with respect to this matter. The gentleman from Tennessee is urging the adoption of a rule containing about 30 pages of legislation upon the ground that it is legislation that will fail if it is not attached as a rider to this appropriation bill. Does not the gentleman know that the legislation urged by so many Members of Congress and of interest to so many people of the country will also fail with respect to rural service if it is not included as a rider on the appropriation bill?

Mr. MOON. Possibly so; but the gentleman must recognize this distinction: The legislation that we are offering is legislation that has been maturely considered, and this is legislation that has not been.

Mr. CAMPBELL. Maturely considered where—not in the House?

Mr. MOON. In the committee, with the advice of the department. So far as the gentleman's statement is concerned, "not in the House," he is correct, because there is nothing very maturely considered here. That is done in the committees, but it so happens that the very legislation to which he refers has in the most part been considered in the House and passed heretofore.

Mr. CAMPBELL. Is it the policy of the Post Office Committee to consider legislation urged by the department rather than legislation urged by the Members of the House of Representatives?

Mr. MOON. No. The policy of the committee is to consider legislation urged by both, and to submit our judgment on both, regardless—I will not say regardless—notwithstanding the views that either may entertain.

Mr. CAMPBELL. But in this case the will of the department is yielded to, and the will of the Members of the House meets no response from the committee.

Mr. MOON. No; that is not it. The will of the department is not yielded to in many matters, but the legislation which the gentleman speaks of is not only recommended by the department and approved by the committee, but the legislation asked for under the rule is legislation that this House has heretofore passed, but which failed of passage in the Senate.

Now, Mr. Chairman, I did not intend to take up any of the time of the gentleman from Iowa [Mr. TOWNER], but he requested me to answer a question, and I have taken as little of

his time as possible, and in compensation for the time that has been taken I yield him 10 minutes.

Mr. TOWNER. I thank the gentleman for his generosity. I think it is due to the House that we should have from the chairman a frank statement regarding the conditions. I think it may be safely assumed now that it is not the intention to enact any legislation at this time to cure the evils of which so many millions of people in the United States now complain.

We are not asking very much. We are asking only for a restoration of the service that existed prior to the time when this reorganization scheme of the department was instituted, on about the 1st of April of last year, that is all. My amendment seeks only to reestablish the old standards. It seeks to put on the service only such limitations as will guarantee to the people who have had this service an every-day, all-the-year-round service if possible. Now, under the reorganization scheme of the department they have lengthened the routes on dirt roads from a standard, not established, but really recognized, of 24 miles. They have lengthened these routes to more than 30 miles in many instances. Besides that they have established on dirt roads motor-vehicle routes of 50 to 60 miles in length.

Nowhere in this country, I think—at least, with very few exceptions—has such service been given to the people on these routes as they are entitled to receive. It will not do to say that the department should have this discretion and may be presumed to use it wisely, because we know that the department does not yield to the opinion of the patrons of the routes and the desires of the people who are to be served. We know now that the department holds a different view with regard to this service from that which is held generally by the people. We know now that the department believes that these routes ought to be let out to the lowest bidder instead of a regular salary being paid to the rural carrier. We know now that the department withheld for a year the salaries that we intended should be given the carriers and that we fixed as the pay of rural carriers, and that, although the department had no authority for so doing except their own arbitrary determination, they did so because they thought the carriers ought not to have such salary. Gentlemen talk about this service only requiring the time of the carriers for four hours a day. This statement rests upon no other foundation except that the Fourth Assistant Postmaster General selected certain routes in the United States, and during the month of July, the only month in all the year when roads are universally good throughout the United States, the only month, practically, in which it is possible to use motor-vehicle routes everywhere on dirt roads, and, basing his statement on such a showing, he says that these men are only engaged four hours a day. He did not take the time in January; he did not take the time when the roads were bad; he did not take the time when motor vehicles could not be used at all. So, when the department is endeavoring in every way possible to discredit this service, when it is endeavoring to withhold in every possible way the appropriations which we have made for the benefit of this service and which Congress intends shall be paid for the upbuilding of this service, when the department is diverting or withholding these appropriations to the detriment of the service in every possible way, it seems that the time has come when we are justified in saying that we can not longer trust the department to carry out the wishes and intentions of Congress.

So, Mr. Chairman, we endeavor now to do something, if we possibly can, to restore this service to its old standard, as it ought to be. The point of order may be properly made against this particular amendment, but I judge there are other amendments which will be offered, against which it will be difficult to sustain a point of order. The Members of this House are only endeavoring to do that which we believe is the purpose and intention of Congress to give to this service in order to make it efficient, in order to make it what the people desire and what they have practically determined should be the service that is necessary and proper.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MOON. I yield 10 minutes to the gentleman from Mississippi [Mr. CANDLER].

Mr. CANDLER of Mississippi. Mr. Chairman and gentlemen of the House, as is well known the written law in reference to the Rural Delivery Service in the United States covers only a very little part of our statutes. Practically all the legislation is contained in appropriations which have been made for the service. The first appropriation was only $10,000. Then $10,000 more was added, and afterwards $20,000 more, making $40,000, under which the experimental service was begun. By reason of the fact that it started simply through an appropriation, without Congress providing the course in which it should flow, it has continued along that line up to the present time. Therefore I agree with the distinguished gentleman from Iowa [Mr. TOWNER] that the time has come when this House should adopt some legislation governing this service, which permeates every part of the United States of America. There is no service in this Government which is more important. There is none which reaches and affects more people than the Rural Delivery Service, because it goes to the homes and firesides, to the wives and children, of all the people throughout the country in the rural districts, and is the greatest service that has ever been given to them in the history of this Republic. A service that reaches so many people and involves so many interests, and reaches so far into the minute affairs of the people of this country, ought to be controlled by the representatives of the people, and ought not to be left to an executive officer to decide the manner in which it shall be administered. [Applause.] We are directly responsible to the people, and I am willing to shoulder my part of the responsibility. We are charged with the duty of enacting laws, and the duty of the executive officers is to enforce the law. When an executive officer does that, then he puts the responsibility where it belongs—upon the representatives of the people, the Members of this House—and he is not justified in exercising that responsibility himself. [Applause.] Therefore I heartily favor some legislation that will regulate and direct and control this service in accordance with the wishes of the people, and in accordance with their purposes and desires, as expressed by the representatives of the people here, who keep in contact with their constituents and know their desires. It should not be decided upon in some place far removed from them by men who do not have the opportunity to come in direct contact with the people and know their sentiments, desires, and purposes. [Applause.] So much for that. I wish I had time to discuss it further.

Now, I have offered two amendments here. The effect of both of them is to require that the amount which has been appropriated by Congress to pay the rural letter carriers their salaries be paid to them by the Post Office Department. Gentlemen, the history of this legislation is this:

In the Post Office appropriation bill for the fiscal year 1915, which was passed by Congress in March, 1914, provision was made for an increase in compensation for rural letter carriers from $1,100 to $1,200 per year, and it was the general understanding that a proportionate increase would be applied to all routes. The phraseology of the bill was identical with that used in all previous bills increasing the compensation of rural carriers.

But with the beginning of the fiscal year 1915 the Postmaster General adopted a new and unexpected basis of compensation, which resulted in withholding from about 90 per cent of the carriers a part of the increase intended by Congress and from a large number the total increase. According to statements made only about 10 per cent of the total number of carriers received the full amount appropriated by Congress.

The Postmaster General's new salary scale was promulgated the last of July, 1914, and promptly upon learning that the will of Congress had been thwarted the House Post Office Committee reported a bill fixing the pay of rural carriers specifically on 2-mile gradations up to 24 miles and withdrew from the Postmaster General any and all discretion in the matter. This provision was a part of what was known as the Moon railway-mail pay bill, which passed the House about August 10 or 12, 1914, and the rural-carrier feature was made retroactive to July 1, 1914.

When the House Post Office Committee reported the Post Office appropriation bill for the fiscal year 1916 the same specific gradation of salaries for rural carriers was provided. In the meantime the Moon railway-mail pay bill was held up in the Senate, and the Senate Post Office Committee reported the Post Office appropriation bill for the fiscal year 1916 before any action was taken on the Moon bill. An amendment was offered to the Post Office appropriation bill for the fiscal year 1916 fixing the pay of carriers upon the basis intended by Congress for the fiscal year 1915, but the amendment went out on a point of order raised by Senator BRYAN. Senator BRYAN'S point of order was based upon the statement that the amount involved had not been estimated for by the Postmaster General and would require an increase in the appropriation, and upon this representation the President of the Senate sustained the point of order, while, as a matter of fact, not a dollar additional appropriation would have been required, as the full amount had been provided for in the appropriation for the fiscal year 1915.

Failure of the Postmaster General to pay rural carriers upon the basis which Congress intended worked a severe hardship upon the rural carrier body. Many of the carriers had purchased new equipment, which they expected to pay for out of

the increased compensation, and when no increase was allowed, or perhaps only a small part of the amount intended by Congress, it seriously embarrassed the carriers.

The total amount not paid out by the Postmaster General and still due rural carriers is approximately $3,189,724.37. This amount already has been appropriated by Congress, and it is now only necessary to order and direct the Postmaster General to make the payments in accordance with the will and intent of Congress. Not one dollar of additional appropriation will be required.

Not one dollar additional appropriation, my friends, if the amendment which I have offered is adopted, will be necessary, for the amount is already appropriated and is now available, and all that is necessary is to require by law that the Post Office Department pay it out to these earnest, faithful, and conscientious servants of the public, who are daily serving the people amid storm and snow, sleet and rain, as well as sunshine, and rendering them faithful service every day that goes over their heads. The Good Book says that the laborer is worthy of his hire. These men have performed the service faithfully, they have performed it efficiently, and not only under human writ but under Divine Writ they are entitled to their hire. We have appropriated the money for them and they are entitled to receive it. [Applause.]

Mr. TOWNER. Will the gentleman yield?

Mr. CANDLER of Mississippi. I will, with pleasure.

Mr. TOWNER. I understand the gentleman to contend that his amendment is in order and he will insist upon its consideration by the House?

Mr. CANDLER of Mississippi. Certainly.

Mr. TOWNER. And if the first amendment the gentleman offered is not in order——

Mr. CANDLER of Mississippi. Then I contend that the second amendment is unquestionably in order.

Mr. TOWNER. As a limitation upon the appropriation bill?

Mr. CANDLER of Mississippi. Yes; as a limitation upon the appropriation bill; and the second amendment will bring about the same result if adopted that the direct legislation which is provided for in the first amendment would accomplish. Therefore I appeal to the chairman of this great committee to let us have a vote upon the first amendment and let the Members of this House express by their votes their desires in reference to it. If the first amendment goes out on a point of order, the second amendment, I contend, is in order.

Mr. TOWNER. What is the second amendment?

Mr. CANDLER of Mississippi. It is a limitation upon the appropriation provided in this bill that the appropriation shall not be expended until this other appropriation is expended in accordance with the law heretofore passed by Congress.

Mr. MOON. The gentleman will hold up $53,000,000 until the carriers are paid more money?

Mr. CANDLER of Mississippi. Oh, no; if this amendment is adopted the Post Office Department will adjust and pay the amounts which are just and long past due, and which the carriers are entitled to receive, and then proceed with the administration and execution of this law. Nothing will be held up.

Mr. MOON. The gentleman would not seriously insist on such a thing as that?

Mr. KINCHELOE. Will the gentleman permit me to ask him a question for information?

Mr. CANDLER of Mississippi. Yes.

Mr. KINCHELOE. As I understand the import of the gentleman's amendment, does it go to the increase of the salaries of those who already draw $1,200 or those who draw a less amount?

Mr. CANDLER of Mississippi. No; it would not increase any salary. It would simply require salaries already fixed by law to be paid out of the appropriation already made and now available.

Mr. KINCHELOE. With the maximum up to $1,200?

Mr. CANDLER of Mississippi. Yes. Each one to receive a proportionate amount.

Mr. REAVIS. Will the gentleman yield?

Mr. CANDLER of Mississippi. I will.

Mr. REAVIS. In case the second amendment is adopted, the holding-up process referred to by the chairman of the committee would be done by the department and not by Congress?

Mr. CANDLER of Mississippi. Absolutely. The department would be responsible for the result; and, in my judgment, they would go ahead immediately and adjust those claims and pay them, and then this appropriation would be available. If the department should hold these settlements back, the responsibility would not rest with the Congress of the United States, but would rest with the executive department of the Government.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CANDLER of Mississippi. I appeal to all gentlemen here to give this amendment their approval. [Applause.]

Mr. STEENERSON. Mr. Chairman, I yield one minute to the gentleman from Kansas [Mr. CAMPBELL].

Mr. CAMPBELL. Mr. Chairman, I desire to offer an amendment, which I send to the Clerk's desk.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read the amendment, as follows:

Amend page 27, line 6, by striking out the period at the close of the line, to insert a colon in lieu thereof, and add the following:

"*Provided further*, That no part of the amount herein appropriated for the Rural Delivery Service for the fiscal year 1917 shall be available unless and until the Postmaster General shall prescribe and fix by regulative order a standard of length for horse-drawn vehicle routes on dirt roads which shall be 24 miles, and that all rural-mail routes now established which exceed such standard by 20 per cent or more shall be reorganized to conform approximately to such standard, and that all rural routes of this class which shall hereafter be established shall conform approximately to such standard and not exceed by 20 per cent or more such standard length of 24 miles; that a standard of length for motor vehicle rural-mail routes shall be established, which shall be 50 miles, and such routes shall be established only on hard-surfaced roads; that all motor routes now established on dirt roads shall be discontinued and reorganized to conform to the standard for horse-drawn vehicle routes on dirt roads, and that hereafter no motor vehicle mail routes shall be established except on hard-surfaced roads. That no rural mail routes of either class shall hereafter be reorganized or established which shall exceed in length by 20 per cent or more the standards herein fixed. No order shall be made and nothing herein contained shall be interpreted to prevent the use by the carrier of motor vehicles on horse-drawn vehicle routes on dirt roads. The order herein provided to be issued by the Postmaster General shall not be revoked or modified during such fiscal year 1917."

[During the reading of the above amendment, the time of the gentleman from Kansas expired, and he was granted time in which to have the reading of the amendment concluded.]

Mr. MOON. Mr. Chairman, I make the point of order on that amendment.

The CHAIRMAN. Points of order, as the Chair understands, are reserved on all amendments. The gentleman from Kansas has used three minutes.

Mr. STEENERSON. I yield five minutes to the gentleman from Iowa [Mr. GREEN].

Mr. GREEN of Iowa. Mr. Chairman, I am in favor of the amendment offered by my colleague, the gentleman from Iowa [Mr. TOWNER], but, as I understand, it will likely go out on a point of order, I shall direct my remarks to the general situation of the Rural Delivery Service as applied to the other amendments which have been offered.

Mr. Chairman, strange things are done in the name of economy, and strange things have been done in the name of economy in reference to rural routes. There is a true economy and there is a false economy. There is a true economy in obtaining efficiency when service can be obtained at a smaller price. There is a false economy in dispensing with service in order that we may expend a lesser sum.

The Post Office Department at present is like people who are buying automobiles and economizing on their household and food supplies. The department is to-day buying automobiles to be used in the screen-wagon service, when we are told that they can not be run at a rate on an average of over 3 miles an hour, and is cutting down the Rural Route Service in order to obtain this money. The American people desire economy, but they desire economy with efficiency. If they get their money's worth when it is paid out, they are usually satisfied, and that is the condition of the people of my district.

Now, the gentleman from Tennessee, the distinguished chairman of the committee, has spoken of the services rendered by these rural carriers somewhat slightingly. Mr. Chairman, I undertake to say that there is no class of Government employees from whom we get so much for the money as we do from the rural carriers. The carrier has to furnish several horses and feed them, and also a wagon; and he is a unique character. He is a hostler, a driver, a sort of clerk and cashier, a mail sorter, a collector, and all sorts of things I can not remember now—there are so many—in which he has to qualify. He must be a wagon mender, a chauffeur, an expert mechanic, and sometimes has to be a road mender and a snow shoveler. For all this he is paid the munificent sum of $1,200 a year.

The gentleman says he only performs at times four hours' service. If he is talking about facts at all, he is talking simply about the time he might be out on the road during a summer day, when the roads are like a pavement, and means that the carrier could run around the route with his car in that length of time. The fact that the carrier must be up early caring for his team, must take an hour for sorting his mail, must attend to his horses again at night, his work upon the road is only part of his work.

Now, Mr. Chairman, these members of the rural carrier service are men of high character. I have never heard of any of them charged with dishonesty. They want to render good serv-

ice, and there is nothing so discouraging to a man who wants to perform good service as to set before him a task that is utterly impossible for him to perform, and that is what the department has been doing in a large number of these cases. Out in my district there is one route over 31 miles in length, where the carrier says he has four horses and a wagon and an automobile, and still he can not get over the route during the winter weather and in the condition of the roads that then obtains. I suppose the department thinks he ought, in addition, to have a flying machine, because that is the only way by which he could possibly complete his deliveries within the day.

Mr. Chairman, Congress has plainly intimated its intention to the department as to how these routes should be carried on and what money should be expended upon them. In utter defiance of the intention of this House and this Congress, as expressed by the legislation which they have enacted, the Postmaster General has seen fit to take the money from the rural routes and expend it in some other manner. Such being the case, what we ought to do now is to express not merely our intention but our directions in positive terms of injunction, so that it will no longer be disregarded by the department, and the people of our districts will receive the service to which they are entitled. [Applause.]

It is useless simply to appropriate the money. We must direct how it shall be used. It is idle to say that the people have nothing of which to complain. The chorus of complaints which is sounding in our ears would not be made if it were not well founded, and it is strange that the department should be so deaf to it. But if the administration will not hear now, the citizens of the States whose rural service has been demoralized will speak next November in a tone which will compel attention.

Mr. STEENERSON. Mr. Chairman, I yield 5 minutes to the gentleman from Iowa [Mr. HULL].

Mr. HULL of Iowa. Mr. Chairman, I would like to have the attention of the chairman of this committee for a few minutes. I would like to ask him a question that I have asked for the last four or five months, and which has not been answered. I have asked it of the department and I have asked it on the floor of this House. Where did the department find its authority to go into my district, take from the farmers in my district the money that is appropriated to carry on the rural-route service for this fiscal year by the last Congress and devote it to some other purpose?

Mr. MOON. I do not think any such thing has been done.

Mr. HULL of Iowa. There has.

Mr. MOON. I would like to have the proof. I do not believe it.

Mr. HULL of Iowa. The last Congress appropriated $53,000,000 to carry on service that was then established, and some department chief has gone into my district and taken therefrom some 12 or 15 routes, and they are not running to-day and that money is not going into my district. Therefore I ask you where they got that authority?

Mr. MOON. The law does not require that anything shall go into your district, as far as that is concerned. They can take every rural route out of it under the law. If the district is not any better represented, it ought to be done when a proposition of that sort is made here.

Mr. HULL of Iowa. I want to ask the gentleman another question.

Mr. MOON. All right.

Mr. HULL of Iowa. Did the Postmaster General or anyone in his department ask your committee to grant him this authority?

Mr. MOON. To go into your district?

Mr. HULL of Iowa. To change these rural routes?

Mr. MOON. The general law gives him the authority.

Mr. HULL of Iowa. I will ask you that again: Did he come to your committee and ask you for that authority?

Mr. MOON. As to changing from rural routes to motor routes and others, the resolution passed here a year ago gives that authority.

Mr. HULL of Iowa. I asked the gentleman from Tennessee a question and he has not answered it.

Mr. MOON. If you will look at the act establishing this service and the general organic act that empowers the executive officer—the Postmaster General—to administer the functions of that office, you will not have any trouble as to finding out where the authority comes from.

Mr. HULL of Iowa. I ask you, did he come to your committee and ask for the authority?

Mr. MOON. He would not have to come to our committee. He has the act of Congress authorizing it. He has the general act, that establishes his office, authorizing him to do so.

Mr. HULL of Iowa. Did the gentleman come to you and ask for this authority?

Mr. MOON. Why, no. He does not have to come to me nor the committee. It is the Congress; they have given him the authority.

Mr. HULL of Iowa. I will ask you another question: What has become of the $3,000,000 that you saved—the $3,000,000 that you did not use on the rural routes?

Mr. MOON. Did not use on any rural routes?

Mr. HULL of Iowa. Yes.

Mr. MOON. It went into the surplus in the General Treasury.

Mr. HULL of Iowa. Then you plead guilty of taking the money of the farmers in the Northwest and South and East to finance the Government?

Mr. MOON. I would like to know where the farmers get anything to do with this.

Mr. HULL of Iowa. Well, you will probably find out next November. [Applause and laughter on the Republican side.]

Mr. MOON. The gentleman from Iowa seems to totally misapprehend the whole question of the power and authority of the Post Office Department.

Mr. HULL of Iowa. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD and yield back the remainder of my time.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent to extend his remarks in the RECORD.

Mr. MOON. I do not want to object, but if they will be extended along the line he talked I feel that it would be very much to the discredit of the House to let such remarks go into the RECORD. [Laughter.]

Mr. HULL of Iowa. Why not let the House instead of you judge. And I hope you will read them.

Mr. Chairman, two facts stand out prominently in the present rural-route issue: First, there was general satisfaction among the patrons of these routes prior to last spring; second, there is now general dissatisfaction among the patrons of the routes that have been changed. If anyone takes issue with this last statement, I cite in its support the multitude of protests by the farmers in my own district against the changes that have been made, the innumerable protests that have come from practically every district in the State of Iowa, the almost universal complaint that has come from all over the United States; and lastly, the mighty protest that has been voiced in the Capitol and on the floor of the House, by Senators and Congressmen alike, regardless of party affiliations.

This flow of oratory, this flood of bills, this mighty protest from Congressmen, located all over the United States, simply voices the sentiments of a vast concourse of people scattered through a majority of the States of the Union. The rural communities are indignant at this abridgment of their rights, indignant that a department of this Government, supposed to be established and maintained to develop rural service, should deliberately take upon itself the arbitrary power to curtail the advantages which this Government has accorded them.

That this arbitrary power which the Post Office Department assumed has been without the authority of the Government of the United States is evidenced by the fact that the head of this Department since Congress convened has asked for such authority and been refused. Surely he would not have asked for that which has already been accorded him; surely he would not have sought a privilege already his own right. To substantiate this usurpation of the legislative power by an administrative department, I want to state that on October 12, 1915, I sent to the Hon. James I. Blakslee, Fourth Assistant Postmaster General, the man who has been responsible for this rural-route medley, that has occurred, the following telegram:

DAVENPORT, IOWA, *October 12, 1915.*

JAMES I. BLAKSLEE,
*Fourth Assistant Postmaster General, Washington, D. C.*

DEAR SIR: No letter received and no answer to my last telegram. I again urge you to investigate the proposed changes in Rural Route Service before instituting them. If you can not grant my request, will you explain where your department received authority to abandon what Congress established and made appropriation to keep running for this fiscal year. Two mass meetings to-morrow, and people of entire district demand of me an explanation. I again urge courtesy of immediate answer, so that I may explain to them.

HARRY E. HULL.

That telegram has never been answered. Rather, it has never been answered directly. It was answered indirectly when the Postmaster General appeared before the Committee on the Post Office and Post Roads and asked to be given authority to make the changes that had already been made. In other words, he asked the Congress of this United States to legalize an illegal act committed by the department of which he was the head. This usurpation of rights, this malfeasance of the prerogative

of the Government, has brought about the present deplorable condition, has caused the demoralization that now exists in the rural service.

All this chaotic condition has been brought about in the name of economy. But there has been no economy, rather has there been useless extravagance. Economy means equal or increased efficiency at a less cost. The present status of the rural-route situation in the United States represents approximately a 50 per cent decreased efficiency with less than a 5 per cent decrease in cost. In this theory, that the action of the Post Office Department has been penny wise and pound foolish, I am borne out by that most august body, the Committee on the Post Office and Post Roads, which saw fit to ignore the recommendation of the Post Office Department, reducing the appropriation about $5,000,000 and to authorize in this bill the same amount as that of last year.

When the Post Office Department reduced the efficiency of the Rural Route System it struck a vital blow at the very arteries of that which has made this country great—the farmer and the rural community. Little by little during the last two decades have the farmers of this country been coming into their own. Nothing has been more instrumental in bringing this about than the rural routes. Rural mail delivery has brought the farmer in touch with city life; it has brought him in touch with the market where the product of his toil must go; it has brought him in touch with the great industrial centers of the world; it has helped him to buy and to sell; it has helped him to reap a just reward for his economy, his thrift, and his unceasing labor. The rural route has made the farm a more desirable place to live; it has encouraged the development of land; it has added a market value to the price of the farm; and it has been one of the most important factors not only in the development of rural life, but in the industrial evolution that has taken place in the entire country. When the department saw fit to decrease the efficiency of this rural-route service under the guise of economy it struck at the very foundation of that which has caused this wonderful development.

In support of what has been done the statement has been made that the farmers ought not to object; that if they did not get quite as good mail service as formerly the Government gave them this service, and they, forsooth, should be satisfied with anything that might be handed to them. In reply I would like to ask, who is the Government of this United States? Is it the Post Office Department here in Washington? Is it Congress? Or do these same farmers and rural communities make up as important, if not the most important, part of this Government? The farmers themselves pay in the funds that keep these routes in operation; they support their own rural-route system, and they have the right to demand that it be as efficient as their own money can make it.

Such being the case, the farmer can justly claim that he has a vested right in the rural routes that have been established; and that having been established, the Government has no authority to change them to his injury. In the community in which I live the value of land is determined on whether or not a rural route runs by the door. Farms on these routes are worth from two to three to five dollars more per acre than the farms which have not these advantages. The farmers now realize that easy access and direct communication with the markets and the industrial centers lends an added value to the property so situated, and its values are so adjusted. In taking away or decreasing the efficiency of a route you are taking away a portion of the asset on which the value of his property is placed, and this the Government has no right to do.

It might be timely here to go a little into the history of the inauguration of rural routes in the United States. This wonderful department of the mail service had its inauguration under the wise and beneficent policy of the Republican Party. It was during the administration of the late President Harrison that the first money, the small sum of $10,000, was appropriated by Congress to establish the first rural route. Then our Democratic brethren came into power and concluded that the Government had no right to waste such a sum on such a foolhardy proposition, and during the Cleveland administration the money was not used. When McKinley was elected, and the Republicans once more assumed their own, the active work of establishing rural routes was really begun. Its immeasurable value was instantly recognized by the farmers, from all over the country came calls for additional routes, its scope grew by leaps and bounds, from thousands the appropriations grew into hundreds of thousands, and then millions, until to-day it is recognized as one of the most important, if not the most vital part, of the mail service of the United States.

This wonderful development has taken place entirely under the wise and judicious management of the Republican Party. Under its régime there was almost universal satisfaction, and it remained for the present administration to inaugurate a policy which has not only retarded the development of the rural routes but has actually placed them in a state of deterioration.

The mail service of the United States was originally planned and developed for the cities. No thought was taken of the rural communities, and the men who produced the wealth were left to depend on community centers for their intercourse with the world. The mail system, as devised and established in cities and towns, was never intended to be placed on a paying basis. The central idea always has been efficient service with a due regard for expenditure, but efficiency first. Since the rural route was established efficiency has been the central idea in its development. It has become recognized as one of the greatest public utilities in this country, and its far-reaching value can never be measured in dollars and cents. No petty policy of false economy should be allowed to interfere with its continued development.

The farmers and the rural communities of this country have a right to demand better mail service than they are now receiving. They have a right to insist that not only shall the backward step that has been taken, in the last few months, be discountenanced, but they have the right, and they will insist, that the rural-route service shall progress until every farmer shall receive his mail at his door equally with every man who resides in the city.

Another factor that the post office has disregarded in its ruthless dissection of the rural routes, is the community interests. When these routes were first established, they were so arranged to cover the area which centered in the town from where they started. In this town the farmer, who received his mail on the route branching out from it, did his business. It was there that he had his bank account, there he bought his groceries, there he sold his grain, and there he got his market prices. When the parcel post was established it gave an added value to his rural route. With the telephone, he could call up his grocer, his butcher, or other business man, place an order, and have it delivered at his home before night. This excellent service gave him all the advantages of living in town.

Under this revision policy that has been put into effect during the last year no attention whatever has been paid to this community interest. The result has been that the farmers have been placed on rural routes emanating from towns where they have no business and no social interests. Under this new arrangement the farmer can not call up his merchant in the city and have his goods delivered, because the route he has been placed upon starts from there no longer. In other words, he has been cut off from all of the business and social life he has been accustomed to, by this revision. This has caused more demoralization than any one thing the Post Office has done since the rural routes have been established.

These are the conditions that exist in the rural service in the United States to-day. The action of the Post Office Department has retarded the development of this great public utility, and in doing so has placed its stamp of disapproval on the development of rural life and rural interests. There is one thing that this administration has not reckoned with, however, and that is the awakened consciousness of power, in the farmer and the small-town resident. No longer will they sit supinely by and let a Government department here in Washington override their interests. There is a universal demand that the rural routes be restored, first, to the status that they occupied prior to these changes which have taken place in the last few months, and, second, that they be developed along the line of efficiency first and economy next. These demands must be complied with or the voice of the people will speak with no uncertain terms at the coming election.

Mr. STEENERSON. Mr. Chairman, I yield to the gentleman from Ohio [Mr. KEARNS] two minutes.

The CHAIRMAN. The gentleman from Ohio [Mr. KEARNS] is recognized for two minutes.

Mr. KEARNS. Mr. Chairman, I want to offer the following amendment and have it read.

The CHAIRMAN. The gentleman from Ohio [Mr. KEARNS] offers an amendment, No. 9, which the Clerk will report.

Mr. MOON. I reserve a point of order on it, Mr. Chairman.

The CHAIRMAN. To which a point of order is reserved by the gentleman from Tennessee. The Clerk will read.

The Clerk read as follows:

Mr. KEARNS moves to amend, page 27, line 6, by striking out the period at the close of the line, inserting a colon in lieu thereof, and adding the following:

"*Provided further*, That no part of the amount herein appropriated for the Rural Delivery Service for the fiscal year 1917, shall be available unless and until the Postmaster General shall prescribe and fix by regulative order a standard of length for horse-drawn vehicle routes on dirt roads which shall be 24 miles, and that all rural mail routes now established which exceed such standard by 20 per cent or more shall

be reorganized to conform approximately to such standard, and that all rural routes of this class which shall hereafter be established shall conform approximately to such standard and not exceed by 20 per cent or more such standard length of 24 miles, that a standard of length for motor vehicle rural mail routes shall be established, which shall be 50 miles, and such routes shall be established only on hard-surfaced roads which will furnish an every-day service all the year round; that all motor routes now established on dirt roads shall be discontinued and reorganized to conform to the standard for horse-drawn vehicle routes on dirt roads, and that hereafter no motor vehicle mail routes shall be established except on hard-surfaced roads. That no rural mail routes of either class shall hereafter be reorganized or established which shall exceed in length by 20 per cent or more the standards herein fixed. No order shall be made and nothing herein contained shall be interpreted to prevent the use by the carrier of motor vehicles on horse-drawn vehicle routes on dirt roads. The order herein provided to be issued by the Postmaster General shall not be revoked or modified during such fiscal year, 1917."

Mr. STEENERSON. Mr. Chairman, has the gentleman's time expired?

The CHAIRMAN. Yes. The gentleman had two minutes. It has expired.

Mr. STEENERSON. I will yield two minutes more to the gentleman. He wants to explain his amendment.

The CHAIRMAN. The gentleman from Ohio [Mr. KEARNS] is recognized for two minutes more.

Mr. KEARNS. Mr. Chairman, the reason why I have introduced this amendment is because the bill uses the words "hard-surfaced roads" in the establishment of motor-drawn vehicle routes. Now, it is a fact that there are many of our hard-surfaced roads that can not be traveled during some three or four months in the year, and consequently, I know, the patrons who live on such routes do not want a change unless they can receive the same service practically every day in the year.

Now, in my own county, the county where I live, they are establishing two motor routes over roads that can not be traveled more than seven months out of the year, and all of these patrons are objecting to this change. They know that the Post Office Department of the Government has not been properly advised or these routes would not be established.

I took up this matter with the Post Office Department and told that department that the routes it was establishing were not practicable. The department informed me that it had sent a man, an inspector, over these roads and had learned that a motor-drawn vehicle could be driven over these newly established routes throughout the entire year. I want to say to the Post Office Department and to that inspector who made the inspection that there is not a public road or public highway in Clermont County that I have not been over at all times, and I know that on those two particular routes there is as much as 20 miles on each of them that can scarcely be traveled on horseback during these three or four months, not to speak of travel by a motor-drawn vehicle.

Now, in one of those routes that has been established, 24 miles in length, one of the carriers undertook, last summer, to use his automobile, and he found he could not do it. He found it was not practicable even in the summer, let alone in the winter months.

Mr. Chairman, I do not know what influence has been brought to bear upon the Fourth Assistant Postmaster General to induce him to make this revolutionary change in the entire rural-route system. Whatever may have been that influence, or from whatever source it came, I know it did not come from the people who are the patrons of this service.

I know it has been charged upon the floor of this Chamber that this is a political move upon the part of the administration. I do not know whether that charge is founded upon truth or whether it is false. I hope that there may be no foundation for the charge, because it would be a dangerous precedent for such an important department of our Government to undertake to play politics in the discharge of this important branch of the Government.

If it is partisan politics that has caused the Fourth Assistant Postmaster General to adopt this plan of hampering, if not almost completely destroying, the usefulness of the rural carrier system, I would say to him that he can not put in force his program without assaulting the interests of Democrats and Republicans alike. I believe there are now on my desk letters and petitions of protest bearing the signatures of thousands of voters in the sixth congressional district of Ohio, and while I am not acquainted with the politics of all of these petitioners and correspondents, I think I am safe in saying that there are as many of one political faith as another. The indignant protest of the Democratic patron is just as loud and as insistent as that of the Republican patron.

Anyone who is acquainted with the rural routes throughout the country readily recognizes that some of our so-called macadam roads are as wholly unfit for the use of automobiles a greater part of the year as are our dirt roads, and this accounts for the reason why I have offered this amendment, asking that no part of this appropriation be allowed to be used for the maintenance of motorized vehicles unless the entire route would permit of the use of such vehicles practically the entire year. Otherwise the service would be completely destroyed for that part of the year that the automobiles could not be used, and I have personal knowledge that the two routes established in Clermont County can not be traversed by automobiles for some four or five months during any one year. And what is true of the two routes proposed to be established in Clermont County, I am advised, is true of every other county in my district. And what is true of my district, I take it, is true of every other district in the State of Ohio, and I would guess from the speeches I have heard upon this floor and from private conversations I have had with Members that the same conditions prevail throughout the United States. Therefore this proposed change in this department is practically destroying the free delivery of mail to the farmers and the small villages throughout the United States.

Certainly the farmer, the country manufacturer, and merchant are entitled to some consideration and some benefit from the Government that is giving in such a generous and lavish way to the people of the cities. The patrons of the city offices have four and five and sometimes a dozen deliveries of mail per day. Surely the people of the rural districts are entitled to some consideration, and without exception there is not a rural neighborhood in the entire country that is affected by this proposed change but is protesting with all the energy it can command.

There is another phase of this question that is entitled to great consideration. If these motor routes are established, as is proposed by the department, patrons who for years have been receiving their mail from a certain office and have established business enterprises and are receiving their mail over a rural route, are now compelled to receive their mail, against their protest, from another office entirely removed from their own locality. This will cause long and continued delays in delivery. It will mean they will have to pursue an educational program with all their correspondents. This will mean they will have to notify all of their old-time correspondents and business associates of the change in post office, which will mean, for a long while, a confusion in their mail.

There is another phase of this question that will work a hardship upon both the patron and the carrier. Men who have devoted years of their time in carrying mails and have consequently become proficient in this line of work will be thrown out of employment and their positions surrendered to men new in the business and in many instances incompetent.

If a point of order is sustained by the Chair to the amendment which I have proposed, I will then be glad to vote for the first amendment offered by the gentleman from Florida [Mr. CLARK]. It seems to me there can be no point of order raised against his amendment, and it seems to me further that it is eminently fair, as it takes the power of destroying a rural route at the pleasure of the Fourth Assistant Postmaster General out of that gentleman's hands and places it in the hands of the patrons of that route. Whenever they want a change, or a majority of them want a change, under that amendment they can secure it and not before, and surely there could be no objection urged to the adoption of that amendment. It places the power of creating and destroying it in the hands of those who are most vitally interested, and whenever a majority of them decide they want to motorize their route they have it in their power to do so. That is the basic principle upon which our Government was founded, and surely at this late day there ought not to be anyone bold enough to question the fairness of such an amendment. I had not thought to talk upon this subject until just a few moments ago, but as this matter is of such vital importance to my own district I take advantage of the opportunity to address the membership of this House that was offered to me by the gentleman from Minnesota [Mr. STEENERSON], who has the disposal of the time on this side of the aisle, and I therefore, Mr. Chairman, want to thank him for this privilege.

Mr. STEENERSON. Mr. Chairman, I yield to the gentleman from Pennsylvania [Mr. MOORE] four minutes.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. MOORE] is recognized for four minutes.

Mr. MOORE of Pennsylvania. Mr. Chairman, I notice in the report of the Fourth Assistant Postmaster General that no reference is made to any income derived from the rural mail service. Apparently no reference to receipts from this service is made in the report of the Postmaster General himself, and so far as I observe from the records we have had no data on that subject since 1911.

In 1911 the Free Rural Delivery Service cost the Government $37,126,812. We collected in postage on matter collected on rural routes $7,570,000 in that year, a net loss to the Government of $29,500,000 for this service in 1911. We propose now to appropriate $53,000,000 for this service for the coming year.

Now, I want to submit a word or two about the history of the Free Rural Delivery Service, concerning which most of our friends from the country districts are intensely interested. I make no reference to politics in this statement, because the Free Rural Delivery Service was first suggested by a Republican Postmaster General, and I am in favor of the service.

Mr. GOOD. Mr. Chairman, will the gentleman yield for a question?

Mr. MOORE of Pennsylvania. Yes.

Mr. GOOD. The gentleman is complaining about losses to the rural service. Will the gentleman explain what proportion of the $60,000,000 loss that the Government sustains for carrying second-class mail matter was caused by some notable publications from Philadelphia?

Mr. MOORE of Pennsylvania. I think it is argued that that is all for the benefit of the consumer of mail matter in the country districts, and that the return comes back to the post office through correspondence created by the preference given to these publications. I think that is the argument. I observe that the gentleman smiles approvingly.

Now, why the Postmaster General and the Fourth Assistant have not given us any figures with regard to receipts since 1911, I do not know. I would be very glad, indeed, if some member of the committee would explain. I am in favor of the Rural Free Delivery Service. It was established by a Republican administration, and I do not wish to see it unduly curtailed; but I wish to call attention to a section of the report of the Postmaster General which indicates that the fact is constantly before the head of the department that the public receives the maximum return for the money expended, and that there is an ever-increasing cost per patron served. In this House we hear so often of favoritism to those who live in the great cities and of the burdens we lay upon our brethren in the country that I want to call attention to the facts as to the Free Rural Delivery.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MOORE of Pennsylvania. Will the gentleman give me two minutes more?

Mr. STEENERSON. I have not the time.

Mr. MOON. I yield two minutes to the gentleman.

Mr. MOORE of Pennsylvania. I thank the gentleman. Of course I am not in any way reflecting upon the service, because I believe in it. I have always stood for better means of communication between the city and the country; but inasmuch as the burden of taxation, consequent upon recent legislation at least, falls heaviest upon the man in the city who is usually most abused, I think it is fair to observe that we are now giving to our brethren in the country a service costing the city man as well as the country man at least $53,000,000, upon which there is probably a net loss of $45,000,000. If I have overstated the loss, or the amount of this contribution by the city man as well as the country man to the country exclusively, of course I stand to be corrected. In view of the fact that we are considering a great public service, the Rural Free Delivery, it does seem fair that the man who receives the direct benefit of it, the man remote from centers of population, should understand that the burden which is levied upon all the people is very largely in his interest, and that it falls heaviest upon those centers of population which contribute most to the taxes of the country. I wish this borne in mind sometime when those questions are discussed in the House which involve new forms of taxation to be placed upon the centers of population. We vote freely for the improvement of new routes and postal roads. Only recently many of us from the cities voted for $25,000,000 to extend the country roads. The burden of that taxation will be levied most heavily upon those who had already paid for their roads in the cities. I mention this, because it is to be hoped that we shall understand each other better as between the country and the city, the factory and the farm. [Applause.]

Mr. STEENERSON. I yield three minutes to the gentleman from Iowa [Mr. DOWELL].

Mr. DOWELL. Mr. Chairman, when the present Fourth Assistant Postmaster General took charge of the Rural Service. I believe nearly every community within the United States was entirely satisfied with that service. I think there was but little complaint from any source with reference to the efficiency of the service, and it occurs to me that it is one of the amazing things that when he took possession of this office this official proceeded immediately to the rearrangement and readjustment of the Rural Service, and by so doing dissatisfied nearly everyone in the rural communities of the country. I am unable to understand just why this readjustment was made. It has been charged upon the floor of this House that one of the reasons for the readjustment was to discharge a large number of faithful, efficient, and trustworthy public servants, the rural mail carriers, who are under civil service, and who are in a classified list, and who otherwise could not be dismissed except for cause, in order that their places may be filled by political appointments. I do not pretend to know the truth of this charge, but I sincerely hope it is not true, because I do not want to believe that a great department of this Government would demoralize a great service like the Rural Service of this country in order to discharge political obligations. But I do charge the fact to be that, so far as this service is concerned, since this rearrangement and readjustment, the service has been crippled and the people are not receiving the efficient service that they received before.

Some days ago the distinguished chairman of the Committee on the Post Office and Post Roads [Mr. MOON] stated on the floor of the House that there would be a rearrangement of these rural routes where they were not satisfactory. I want to say in reply that any business management of this Government would have required this investigation before this change was made, and if he had properly investigated, these changes would not have occurred. I want to say that no business man would have demoralized this service without first making an investigation as to what he could and could not do. [Applause on the Republican side.]

The statement of the distinguished chairman, Mr. MOON, that there would now be an inspection in some of these places where objections have been made comes rather late, it seems to me. I am hopeful, however, that this investigation he refers to will be made and so far as possible the mistakes made by the department may be corrected. But I have seen no satisfactory evidence that the department intends to correct these mistakes and give to the patrons of these rural routes the service they are entitled to receive, and Congress should take action in this matter, for I see no relief elsewhere.

Much has been said about the rural carriers, and I want to add that when you take into consideration the fact that these men must furnish their own equipment at their own expense, and when you find that after they have paid all of these expenses, including the upkeep and depreciation, that they receive much less pay than the Government is paying for other like service, the intimation coming from the department that these men are not earning what they receive should not carry any weight here.

From the remarks of the Fourth Assistant Postmaster General before the committee reporting this bill, I take it he believes that this service should be placed under the contract system. I have not the time to discuss this question now, but I believe everyone is and ought to be willing to pay a reasonable and fair compensation for this service, one that will maintain the rural carrier and his family in a reasonable and respectable manner.

This Government should demand an efficient service and should be willing to pay a fair and reasonable wage for that service.

The bill under consideration makes sufficient appropriation for carrying on the Rural Free-Delivery Service in the efficient way it was carried on prior to the so-called readjustment, and an amendment to this bill should be adopted now requiring the Postal Department to expend this money in the manner Congress has intended it should be expended, by giving to the farmers of the country a good and efficient rural service. Nothing short of this will be satisfactory.

Mr. STEENERSON. I yield five minutes to the gentleman from Ohio [Mr. MATTHEWS].

Mr. MATTHEWS. Mr. Chairman, I understood the chairman of the Postal Committee to say a few moments ago that only a very small per cent of the large number of rural free-delivery routes in the United States were affected by the recent action of the Post Office Department. As my district happens to be one which is very seriously affected, I want to take just a few moments in explaining conditions as they exist there.

I have listened with a great deal of interest to what has been said on the floor of this House in connection with the Rural Free Delivery Service, a service in which the people of my district are deeply interested and which until the past few months was fairly satisfactory. Having started some 13 or 14 years ago, it has been built up and gradually extended, until now practically all rural communities are having, or rather were having, their mails delivered promptly each day of the week except Sunday in a manner that caused little, if any, complaint.

Now comes the Postmaster General and, by his proposed plan of motorizing the service, simply disarranges all existing conditions and demoralizes the service to such an extent that I have been deluged with letters and petitions protesting in vigorous terms against the changes proposed. In several instances, in two counties of my district, protests have come in signed by every patron of the office, giving good reasons why they did not want the proposed changes made, all of which have been filed with the Post Office Department. The stereotyped reply comes back that it is in the interest of economy. Economy that cripples a service and makes it, in many instances, worse than no service is surely a false economy.

Mr. RICKETTS. Will the gentleman yield for a question?

Mr. MATTHEWS. Yes.

Mr. RICKETTS. Was not the old service universally satisfactory?

Mr. MATTHEWS. It was entirely satisfactory. I am just coming to that. On the rural routes in my district at present the mail is delivered at the nearest point on the route that passes any farmhouse. If the proposed changes are made, a large number of people will have to go from a quarter to three-quarters of a mile to some crossroad corner to get their mail, and in many instances patrons claim their mail will be from 12 to 24 hours late.

The proposed motor route will pass the corner one-quarter of a mile from my house. It might as well be 4 miles, for that matter. What do they expect me to do when any large packages come as registered mail? Do they expect me to be on the corner two or three hours waiting for the mailman? Have been working for years to work up a mail-order trade on honey in the cities, and that will be all gone with a change in the route.

And there are many other farmers in the same condition.

Another man writes:

I understand the Government proposes to establish one auto route for the two routes now out of Pandora. I am one of the trustees of Riley Township, and I know we have 6 or 7 miles of dirt road or unimproved roads, and I believe our mail would be a day late on account of the train coming into Pandora so late in the forenoon, and others would be compelled to go a half mile to get their mail.

Another man writes from Payne, Ohio:

All of our papers will be several days late. We would positively discontinue our daily papers.

The above are but samples of scores of similar letters received during the past few weeks. I never knew of so much universal dissatisfaction, or of such large numbers of people so thoroughly aroused and so highly incensed as they are over the proposed disruption of their mail service.

We have a large number of good, improved roads in my district. Many are still unimproved and in the late fall, winter, and early spring are utterly unfit for automobile service. In the winter we frequently have deep snow, which often drifts in places several feet deep. So that for at least three or four months of each year a motor service is impracticable, if not impossible. To change to horse service for this period would cause confusion and delay, and I doubt if any carrier can be found who is willing to do so. Very few, if any, of them are able to keep an automobile and a horse and wagon in addition.

Another complaint comes from the residents and business men of several small towns, which at present have two or more rural routes running out of the towns. Under the proposed plan these routes are to be discontinued and hundreds of patrons forced to receive their mail from some other, larger town. The people in these small towns are justly indignant, claiming that their towns will be injured and lose its identity. They fear, and with good reason, that the postal receipts at their office will fall so low that in a short time it will be discontinued. The people living in these small towns have as much pride and interest in their town as do the people living in larger towns.

Another feature is that many of the carriers have been in the service for years, starting in at $60 per month, and have given good, faithful, and efficient service, none of whom are to be transferred or allowed to take over an automobile route unless they take a civil-service examination in competition with all comers. For instance, one carrier writes me as follows:

When I made my examination 13 years ago last October, in 1902, the department says that the position would hold for life, or as long as that part of the service would be in force, unless the carrier would disobey the civil-service rules or for criminal offenses. Under the new way the old carrier would stand no show to retain his position as he would be treated the same as a new man taking the examination, only he would be entitled to one-half of 1 per cent for each year of service up to six years, which would be 3 per cent at the most. On March 2, 1916, it will be 13 years that I served as rural carrier from this office; during this time I have never been accused of any wrong, nor did any wrong. Have performed my duties as carrier faithfully; in fact, have risked my life at different times to serve my route and my patrons, the very best that any man could expect to do. I was 35 when I started on my job; have devoted the best part of my life in serving the United States faithfully. Now, when the pay is fair, which it surely was not when I started, they come along and start something which surely will not be a success, and an injustice to the farmers, and to throw the old carriers in the scrap pile.

They were told when they entered the service that it would be a life job so long as they were efficient. Now it appears that merit and long, faithful service are of no avail. They are brought into competition, in many instances, with young men just out of school and who will undoubtedly pass a better examination at any of these so-called civil-service examinations than the average carrier who has grown old in the service, and who if thrown out will be unfitted for any other business.

The long experience and efficient service of the present carriers unquestionably fits them to render service that will be far more acceptable to the public than can be expected from a score of new, inexperienced carriers, no matter if their grades are somewhat better than the present force. To say the least, it looks like an injustice was being done to hundreds of public servants, many of whom have taken a civil-service examination years ago, been faithful to their trust, and now must walk the plank to make room for others. No such thing could happen anywhere except in the public service. [Applause.]

Mr. MADDEN. I yield five minutes to the gentleman from Iowa [Mr. GOOD].

Mr. GOOD. Mr. Chairman, during the past three years three distinctive visitations have come to the farmers of the Middle West, each of which increased in its destructiveness to the interest of the farmer. First, in 1913, our farmers lost about $40,000,000 by hog cholera. Then, in 1914, the foot-and-mouth disease spread over the Central West, resulting in tremendous loss to our farmers; but in 1915 there came a visitation, directed from the Post Office Department, which was more destructive to the real interests of the Central West than any that had preceded it. [Applause.] That was a disruption of the Rural Delivery Service of the Central West. I do not believe that the Members of this House who represent rural communities or who represent city communities, where no such change has been made in the rural routes, can have any idea of the effect of the order of the Postmaster General, by which rural routes were discontinued by the wholesale and new routes were established where there were no roads, over creeks where there were no bridges, over roads that are impassable, changes which require men to change their post-office addresses without their consent, and compel them to select a post office as their post-office address from 8 to 10 miles farther from their home than the one which had been their post-office address for many years. There is absolutely no rhyme or reason for these changes made by the Post Office Department, or, rather, by clerks in the Office of the Fourth Assistant Postmaster General. As has been stated here on the floor of the House, if the department had sent inspectors over the routes where it was thought it was necessary to make changes, and caused an investigation to be made, and, after complete investigation by a man who had gone over the route, a change was made, no complaint would have been heard, but that was not the policy pursued. Clerks down here in the Post Office Department, drawing salaries of about $1,200 a year, were set to work on these various routes, made 10 or 15 years ago, made only after a personal inspection of a post-office inspector. I recall one case where a postal route was established shortly after the rural service was established over an old military road. That route was changed, the military road was abandoned, and the route was established over narrow east and west roads, which are but little used, where the snow drifts so that the carrier can not pass over these narrow roads after a snowstorm. If Members will take the time to consider the inconvenience of the farmers and stock raisers who are to-day receiving their mail and daily papers and their reports of the live-stock market some 24 hours later than they did before the changes were made, I think they will understand the real grievance of the men who live on the farm, who have had this service, and who believe they are entitled to the continuance of it.

The amendment I have offered is a limitation on this appropriation and absolutely places the rural service where the Postmaster General can not use a dollar of this money to pay the salaries of the rural carriers over dirt roads if that route is more than 26 miles long. That is 2 miles more than the standard route, and it was drawn intentionally with that in view, in order to give the Postmaster General some leeway in establishing these routes. Twenty-four miles is about all that a carrier can carry the mail over a dirt road, and experience has caused the Post Office Department to make a 24-mile route over a dirt road a standard route, and my amendment provides that he can extend that to 26 miles where necessary, but that he can not do what he has been doing recently and make rural routes over dirt roads as long as 32 miles and thus demoralize the service. [Applause.]

Mr. MOON. Mr. Chairman, it is very delicious to hear my friend again. I have heard that speech three times since this

bill has been under consideration, and I hope when he revamps it and sends it out to the people he will put it in a shape that will be entirely acceptable.

Mr. GOOD. Mr. Chairman, if that is true, then somebody else has been making my speech, because this is the first I have made on the subject. [Laughter.]

Mr. MOON. I am quite ready to agree to that, for I think one man wrote all of these speeches and these gentlemen are all repeating them as best they can. [Laughter.] There is absolutely nothing in this contention. There are a few disorganized routes, due to the fact of changes that turned out to be improper and that are now being readjusted.

Mr. LLOYD. Mr. Chairman, will the gentleman yield?

Mr. MOON. Yes.

Mr. LLOYD. Mr. Chairman, I wish to interrupt at this point just to say that if the Post Office Department had disorganized the rural routes in the district in Tennessee which the gentleman from Tennessee represents, he would never make that statement.

Mr. MOON. Mr. Chairman, I want to say that when I say that the Post Office Department disorganized a few routes, I, of course, do not mean, as the gentleman from Missouri [Mr. LLOYD] must know, that there was any intention to disorganize them, but that in readjusting routes it is a fact that he ought to know that it inevitably happens that some person must be inconvenienced and the route to that extent, so far as the interest of that person is concerned, disorganized.

With respect to Tennessee, my position is this: I said to the Post Office Department that, as far as my district was concerned, they could go into it and change every route in it if they wanted to, if they would make a better public service, or if they failed in doing that then that I shall be satisfied with a proper readjustment that may be made in the public interest. My good friend Mr. GOOD, and others here, speak of this as though it were a political matter. There is nothing political in it, not a particle. The gentleman says these routes were changed by a clerk in the Post Office Department.

Mr. GOOD. Mr. Chairman, will the gentleman yield?

Mr. MOON. Yes.

Mr. GOOD. I said that the routes established were made not by clerks in the Post Office Department and were not made by inspectors as they were originally established.

Mr. MOON. The routes were originally established by inspectors, every one of them.

Mr. GOOD. Certainly.

Mr. MOON. They were reviewed and revised by inspectors.

Mr. LLOYD. Mr. Chairman, will the gentleman yield?

Mr. MOON. I can not yield.

Mr. LLOYD. But the gentleman wants to state the truth.

Mr. MOON. I never state anything but the truth.

Mr. LLOYD. The truth is that in the district I represent the changes were made here, and not made through inspection at all.

Mr. MILLER of Pennsylvania. And that is so in my district—never an inspector came there.

Mr. MOON. I want to say that the gentleman from Missouri is a little bit too fast. I was not talking about what has been done recently at all in the changes made. I was speaking of those routes in their inception, and I say it is true, and no truthful man can deny it.

Mr. LLOYD. I do not deny that at all.

Mr. MOON. The gentleman ought not to have spoken so quickly, because he had not reached the point where he could properly speak on this question. What I said was this, and I repeat it, and there is no honest, truthful man who will gainsay it: I said that these services were established at first by inspectors; that they were reinspected and established and arranged to suit the department, and so the gentleman from Missouri jumps in and undertakes to say I had made a statement that was not correct. I say it is correct, as far as I have stated; but I propose to state, and do state now, that these routes recently changed were in part changed upon the action and advice of inspectors and were in part changed in the office from maps and files that contain the facts, and were readjusted in that way. In some instances the inspectors were not on the ground at all and in some they were. [Applause.] There is no question about that.

Now, why could not they in the office make a change that would save the Government money from maps? The result shows that thousands of those changes made have been satisfactory, and only a few hundred have not been satisfactory. Now, gentlemen undertake to say that there are some politics connected with this.

Mr. REAVIS. Will the gentleman yield?

Mr. MOON. Of course; I will yield to anybody. That is the reason I let the debate run on in this way, when it ought to have been closed up long ago.

Mr. REAVIS. Do I understand the gentleman to justfy the conduct of inspectors and clerks in taking the chance of revising routes from maps and blue prints in the city of Washington without going over the routes and making a personal investigation?

Mr. MOON. I think that where the facts are all known that might be done, and that where the facts are not known, or where there is an uncertainty, it ought not to be done.

Mr. REAVIS. What does the gentleman mean by saying where the facts are known?

Mr. MOON. I just stated that many of these routes have been revised several times, and there are maps of all routes and all connecting lines and all facts necessary and essential to establish the new routes. Now, in many instances that is done, and there are no complaints. In many instances I am sure there are just complaints. I am not undertaking to say everything has been done wisely and justly; I think some have been done improperly, but I do not think we should be foolish about it. It is a matter of business that has to be settled, and the department is trying to settle it, and doing the best it can, so what is the use of continually discussing the matter and abusing the executive officers? Gentlemen charge it was done for political purposes.

Mr. GOOD. Will the gentleman yield?

Mr. MOON. Yes.

Mr. GOOD. Does the gentleman refer to anything I might have said as indicating political purposes?

Mr. MOON. I do not know whether the gentleman said it or not, but if what I said does not fit——

Mr. GOOD. It does not fit me because what I have said has no politics in it.

Mr. MOON. I do not know that he said it was for political purposes.

Mr. REAVIS. Does not the gentleman believe a disorganization of a route by the office of the Fourth Assistant Postmaster General is more the result of incompetence than of politics? [Laughter on the Republican side.]

Mr. MOON. No; I do not think it is incompetence. I want to say, so far as politics is concerned, the gentleman who has been doing this work is a well-recognized Republican who has been in this department for years——

Mr. REAVIS. If he is a Republican, he has departed largely from the faith since he has been under a Democratic administration.

Mr. MOON. Every class of sinners sometimes repent and come home, and I reckon he had the right to do it. [Laughter on the Democratic side.]

Mr. HULL of Iowa. The gentleman complains about gentlemen saying there are politics in this.

Mr. MOON. Oh, no; the gentleman is mistaken. I do not care what gentlemen say about it.

Mr. HULL of Iowa. The gentleman referred to it.

Mr. MOON. I referred to it, but it is utterly immaterial, and why should gentlemen disturb themselves about it?

Mr. HULL of Iowa. The gentleman will admit this is politics, that they took $3,000,000 and put it into the general deficiency that the Democratic Party had created. That part is Democratic politics, is it not?

Mr. MOON. I do not see any politics in connection with that. I think the gentleman is just a little bit off and does not know what he is talking about.

Mr. HULL of Iowa. This administration has a deficiency, has it not, in the General Treasury?

Mr. MOON. Deficiency of what?

Mr. HULL of Iowa. In the General Treasury.

Mr. MOON. No; there is no deficiency in the General Treasury that I know of. Now, Mr. Chairman, I will yield to the gentleman from Missouri [Mr. RUCKER] five minutes. I will ask the Chairman how much time I have left.

The CHAIRMAN. The gentleman has 30 minutes.

[Mr. RUCKER addressed the committee. See Appendix.]

Mr. STEENERSON. Mr. Chairman, I yield to the gentleman from Indiana [Mr. WOOD] five minutes.

Mr. WOOD of Indiana. Mr. Chairman, the first outrage committed by this administration on the Rural Free Delivery System in Indiana was committed in Tippecanoe County, and it was done on the 1st day of September, 1915. An order was issued whereby all of the old carriers, without any cause, were discharged. For 24 days a new set of carriers, who had taken no examination, were placed upon the roll to handle the Rural

Free Delivery System over these new routes. What is the result? They tell us there are but few complaints coming from over the country. We have had that reiterated here two or three times by the distinguished chairman of this committee. I believe that there has not been a single change in all the United States, if they were made upon the same basis that the changes were made in Indiana, but that the same complaint has arisen that is now arising there. Yet when we go to the department and say to those in charge that these routes are not working and the people are not being provided with their mail delivery as they should be provided they say, "Give it a chance." From the 1st day of September, in Tippecanoe County, down to this actual hour, in fair weather and in foul, this new system has been in vogue, and petition after petition has come from the people along these changed routes to the department complaining of their failure, and they still say, "Give them a chance." Some of them are 50 miles and some are 60 miles long. Some of the patrons, who were getting their mail at 9 or 10 o'clock in the morning under the old system, can not now get it until the next morning. Formerly they had their mail delivered at the door. Now many of them have to walk across an entire section in order to get it. And still they say, notwithstanding this evidence accumulating all the time, "Let it have a fair trial." They have inaugurated other systems of this character that will go into effect upon the 1st day of April, and if they are carried out as they have been laid out it will be absolutely impossible for six months out of the year for people living along these routes to get their mail with any degree of certainty as to time.

How do they establish these routes? Sometimes they do send out an inspector, as has been stated here, but they do not send an inspector out over these routes when the roads are muddy and the snows are deep. They send them out in fair weather, and they then test out what is the utmost that the carrier can do, and they arrange the route accordingly. In some cases, I say, they have made the routes 60 miles long.

Now, then, they can not do this work even when the weather is good. A number of the carriers placed on these routes in Tippecanoe County have resigned. Two of them resigned in the last 10 days, because it is absolutely impossible for them to do good work, and a number of others are now threatening to resign. So you see a fair trial has been given. The department knows that the system is not working, and as evidence of that fact they have called in their inspectors, who are scattered out all over this country in making their changes, and have said to them, "The fire in Congress is getting too hot, and we will defer any further work along this line until Congress adjourns."

Gentlemen, the old routes as established were doing excellent service. No complaint as to them was made. These rural routes were established for the benefit of the farmer, and even if the system costs more than it brings in, it is compensated in many other ways. It was one of the primary functions of rural routes to encourage the farm boy and the farm girl to remain on the farm, in order that life there might be made more pleasant, and in order that they might have access to many more of the comforts and accommodations enjoyed by those who are living in the cities throughout the country. We are hearing the cry all over this country, "Back to the farm," yet we are by this act discouraging the very thing that we are preaching for. The farmer of this country, after the rural free-delivery system was established, could be informed every morning with reference to the markets. He knew as well as the city gentleman did what the prevailing markets were. Now he can not obtain that information until the next day if he depends upon the Rural Free Delivery Service for his mail. Many of the farmers living within 2 miles of the cities on these rural delivery routes have quit the rural routes and send into the town for their mail, in order that they may have their mail every day. Some have asked to be changed from one route to another, and yet those petitions have been refused. They say, "Give us a fair chance." A fair chance has been given, and the new service has been found wanting in every particular. [Applause on the Republican side.]

The CHAIRMAN. The time of the gentleman from Indiana has expired.

Mr. STEENERSON. Mr. Chairman, I yield three minutes to the gentleman from Nebraska [Mr. SLOAN].

The CHAIRMAN. The gentleman from Nebraska [Mr. SLOAN] is recognized for three minutes.

Mr. SLOAN. Mr. Chairman, the constant drift from the country to the city is a matter deplored by all Americans. It is a drift that can not be stayed or diminished by positive mandate of law. It is one that should be stayed by making the country more profitable and delightful to live in than the city. Civic society and the interest and activity of individuals may control and modify many of the conditions which will stay this drift. Advanced schools, sanitation, and modern conveniences of the home, the telephone, and the automobile, all will aid. But one great factor in making country life desirable and of which the Government has absolute monopoly is the United States mail. Its extension to the rural communities more than anything else that the Government has established makes country life profitable, comfortable, and convenient.

In this proposition we have before us to-day I understand the purpose of this committee in appropriating $4,500,000 more than was asked by the department is to promote the efficiency of the service more than in the sordid question of possible economy. I think the committee wisely added this appropriation to emphasize to the offending department the desire of Congress that we should have efficiency and not sordid economy or pinch-penny gain.

I believe, Mr. Chairman, that the standard set in this House by the chairman, like the standard fixed by the Post Office Department, is altogether too high. When our genial and distinguished chairman of the Committee on the Post Office and Post Roads says that the service has not been injured in his district it is drawing altogether too strong a bow. Because it would have been, of course, lese majeste or contempt of court for the department to have gone to the stronghold of Tennessee represented by our chairman, Mr. MOON, and there assailed the rural routes as they have been assailed elsewhere throughout the United States. Such temerity would not have been tolerated.

Mr. MOON. The gentleman is mistaken about complaints being made throughout the whole United States. There are only about 430 routes where complaints have been made in the United States.

Mr. SLOAN. Well, as I say, the gentleman's district as a standard is altogether too high, also the department's standard was too high when the July schedule was selected to measure the gauge of routes throughout the United States. In January, when the mud is deep or the drifts of snow are high, a reasonable idea might have been obtained as to the practicability of these routes recently established. Instead of that the department took July, when the roads were good and the facilities for movement were the best. In July farmers receive and send less mail than in any other month. They take and read less papers and magazines. Roads are better. It was as highly improper to have selected July as a standard month as to have selected John D. Rockefeller as the standard of the ordinary property holder in the United States, or Jesse L. Willard as the standard of strength, or the chairman of the committee [Mr. MOON], or the Speaker of the House [Mr. CLARK], or the majority leader [Mr. KITCHIN], or the minority leader [Mr. MANN] as standards for the rest of us here to approximate. I believe, Mr. Chairman, that the standard of schedules should not only have included January, but should have included July and May and October and November, so that a fair average of all these months under the varying conditions would have been reached. This would have been a fair basis for the schedules of the rural routes. These the chairman of the committee could have defended. Now, no one can defend them, or at least no one on this floor has undertaken their defense.

I am not complaining as to my district at present, because thus far we have not been assailed. But from what has been going on I know that my district is not immune, and I trust that from this increased appropriation, with its excellent purpose and the speeches that are delivered in this debate, the gentleman who presides over the fourth division of the Post Office Department will "take a tumble to himself" and understand that he is expected not to make money out of the Post Office Department, but that he is to serve the American people in this important function of government and obey the will of Congress, which reflects the sentiment of the American people. [Applause on the Republican side.]

The CHAIRMAN. The time of the gentleman from Nebraska has expired.

Mr. STEENERSON. Mr. Chairman, I yield to the gentleman from Pennsylvania [Mr. MILLER] two minutes.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. MILLER] is recognized for two minutes.

Mr. MILLER of Pennsylvania. Mr. Chairman, the distinguished chairman of this committee made the remark when he was on his feet that these changes were made by inspectors. Now, the only department of the Government that I have visited, or ever visited——

Mr. MOON. The gentleman misunderstood me. I said the first routes were established by inspectors and revised by inspectors, and many of these changes were made by inspectors, but some were not.

Mr. MILLER of Pennsylvania. Mr. Chairman, the only Government department in this city that I have visited during the last three months is the Post Office Department; and I will say for the officials that they have treated me with the utmost courtesy, but have not granted anything that I wanted. [Laughter.] The Fourth Assistant Postmaster General is a most genial gentleman. He is the friend of three gentlemen in my county who are most distinguished Democrats and who are very excellent friends of mine. Since last March with some of them I have been trying to get the Fourth Assistant Postmaster General to send inspectors into my district, and particularly into my own home county, and I believe that the postmaster of my home town tried to show to the department the fallacy of what they were doing. I wrote the department, but I never obtained an answer to my letter, and there never was an inspector, to my knowledge, sent into my county or into my district to look over these new routes.

The people of my district do not want a cheap post-office service. That is the only department of the Government that comes pretty close to paying its way. What the people want is good service, and they do not care if it costs twice what it costs now, if they get good service. They are the people who need it, and I think the Post Office Department, before making these radical changes, should have sent inspectors over the district to see whether they were proper to be made. The trouble is that the routes were made by clerks in the department here from blue prints, and I could not take a blue print and lay out a postal route in my own county that would be satisfactory to the people. The only way it could be done would be to go upon the ground. [Applause.]

In a general way the Post Office Department has rendered satisfactory service, so far as I know. I can speak for my home county. No more gentlemanly officials have, to my knowledge, served as postmasters. They are intelligent, courteous, and possibly partisan in their politics; but I have never counted that as a fault, so that the partisanship is not offensive and does not affect the efficiency of the official. The partisanship of the present post-office officials in the district I represent, so far as I have personal knowledge, does not affect their efficiency.

What I object to is that the changes made in the rural routes, particularly in my home county, have been injurious to the service, and in many instances patrons on the routes put to great inconvenience in receiving their mail. In many instances patrons who, before these changes were made, received their mail from the city near their homes, where they did all their trading, their express, freight, and telegraph business, now receive it from a village several miles from their homes, a village where they never had, and do not now have, any commercial business. One typical illustration: A Mr. McLean has a fruit and truck farm. He lives near Greenville, a town of 6,000 to 8,000 inhabitants. Three railroads pass through the town. He sold to the people of the town or shipped from the town his produce. The change made last summer started his mail from a small village on the main line of one of the three railroads. Greenville is his shipping, express, and telegraph point, and the place where he transacts all his business. To extend a route, now starting from Greenville, less than one-half mile would give him his mail from Greenville. I have gone to the department once and written three times to get some relief, but have failed.

I do not believe the Fourth Assistant Postmaster General refuses relief in the many cases I have asked for relief out of political reasons or because he does not wish to accommodate my constituents; he refuses because of false notions of economy. Every department of the Government is a burden on the citizen. It takes money out of his pocket and returns nothing. Every man, woman, and child that mails a letter contributes to the Government and gets some return. I wish I could persuade the Fourth Assistant Postmaster General to cultivate a larger vision and be more generous in the administration of his great office.

Mr. STEENERSON. I yield to the gentleman from Ohio [Mr. RICKETTS].

Mr. RICKETTS. Mr. Chairman, a very large part of my district is agricultural, and my people are generally opposed to this new scheme, which has curtailed the rural service. In the last 10 days I have simply been deluged with letters with reference to this matter. I wrote the department about it and tried to get some information regarding it. It was 10 days before I could get an answer, and the answer was entirely evasive and unsatisfactory.

Mr. Chairman, I do not wonder at the heated debate upon the floor of this House in relation to the rural system. The old system was entirely, and almost universally, satisfactory to everybody. It was practical and efficient and has had much to do with putting the country districts in touch with the world and current events of history. These rural routes were originally laid out by inspectors who went upon and over the ground and took pains to select such territory as would supply the greatest number of people with mail and at the same time keeping in mind the condition of the roads throughout the year over which the route was to be established.

The new scheme of the department is impractical, unsatisfactory, and has met with the condemnation and disapproval of a very large per cent of the patrons where the new scheme has been put into operation. It is regrettable, indeed, to think that the Post Office Department would undertake to force and foist upon the people a rural delivery system that was impracticable and unsatisfactory. The rural carriers have established the fact that they are men of character and integrity throughout the Nation; that they have at heart only to render the very best service of which they are capable to the patrons of their respective rural routes. Their service has been efficient in every way, and to their credit it may be said that very few, if any, of the rural carriers have been criticized for dishonesty or lack of service. In the sleet and snow, in the rain and in sunshine, day after day, they have performed their duties, without a murmur or complaint, and it has been the policy of Congress to increase their pay from year to year in proportion to and commensurate with the service rendered.

The Post Office Department, disregarding the appropriation made last year for this service, has undertaken to divert and thwart that appropriation by substituting this new scheme of rural service, which is a serious blow at the very vitals of this Nation, for this service is vitally important to each and every citizen of the Nation.

Several items of new legislation are reported in the Post Office bill, but the Rural Delivery Service is ignored. The chairman and several members of the Post Office Committee have tacitly agreed to consider and report a special bill covering this feature of the Postal Service. To many of the Members of this House who are deeply interested in the subject this seems to be a perilous recourse.

When it is considered that a very large amount of important legislation is yet to be enacted, and in view of the fact that every effort will be made to bring this session of Congress to a close as early as possible, it seems extremely doubtful whether or not any further postal bills could be considered and passed. Therefore it has seemed to the House that the only safe course that could be pursued, in order to protect the rural system and Rural Free Delivery Service, is by the adoption of amendments to the present Post Office appropriation bill, which we are now considering, covering rural-delivery legislation. Some eight or nine amendments have been offered along this line, many of which are pertinent and would protect this service if enacted into law.

It is evident that a large number of the Members of Congress from different districts throughout the United States are favorable to this legislation, but it seems to have been the intention of the Committee on the Post Office and Post Roads to raise the point of order, with reference to these amendments, and thereby defeat them.

The Rural Delivery System is a great public service, in which the people of the country districts and the people of the city districts are mutually interested.

Rural delivery has been in operation for about 20 years, and the experience gained in all that time has proven that for satisfactory service a horse and wagon route should not exceed approximately 24 miles in length. The value of rural mail delivery is based, primarily, upon the regularity of the service, and no route should be of greater length than will permit the observance of regular schedules at all seasons of the year, and especially is this necessary if parcel post is to fulfill the expectations of Congress. As a matter of fact, long routes requiring 8, 10, or 12 hours for carriers to cover are among the serious hindrances to the development of Parcel Post Service, for the obvious reason that the longer the route the greater the time of delivery from the shipper to the consignee, therefore the greater risk to farm products by breakage and decay.

Seven months' experience with 50 or 60 mile motor routes has demonstrated the practical failure of that service to give satisfaction to the patrons, and such routes should be prohibited, except, possibly, in territories where the entire length could be made up of hard-surfaced roads. There are but few miles of this character of road in this country.

In the district that I have the honor to represent the department is now proposing to motorize the rural service, and thus render it less efficient.

The present policy of the Post Office Department in abolishing a large number of routes, and attempting to cover that

territory with the remaining routes, has proven a serious hardship to rural-delivery patrons. Generally speaking, that policy is designed to economize in the cost of the service. The department claims to have greatly extended the service under its reorganization scheme, but the official figures show that on July 1, 1913, there were 42,805 routes in operation. On July 1, 1915, there were 43,866 routes, while on December 1, 1915, there were only 42,993 routes, making a net decrease for the preceding five months of 873 routes, and a total net increase for the two years and five months, from July, 1913, to December, 1915, of only 188 routes. Hence it is plain that if the department's claim of an extension is correct, it has been at the cost of much extra labor to rural carriers by extended routes of already 24 miles or more in length to, in some cases, 30 miles or more, without additional compensation, and resulting, in many instances, in serious delay in the delivery of the mail.

Another item of legislation which should be taken care of is the matter of back pay due the rural carriers for the fiscal year 1915. The amount involved was appropriated by Congress in March, 1914, and when the bill was passed Congress intended that the Postmaster General should follow the old-established basis in awarding the increased pay. But instead a new basis was devised, which deprived more than 37,000 rural carriers of a substantial part, and a large number of rural carriers of the entire amount, of the increase intended by Congress. When the House learned of the Postmaster General's action in August, 1914, prompt steps were taken and a bill was passed directing the department to adjust the carriers' salaries in accordance with the intention of Congress. That bill was held up in the Senate until the close of the Sixty-third Congress, and the House is now being urged to repeat its enactment of August, 1914, and direct the Postmaster General to pay the carriers the amounts withheld.

As before stated, the appropriation has already been made and is still unexpended and available. No further appropriations will be required, and it is only necessary to direct the Postmaster General to obey the will of Congress.

Why is it that the Post Office Department has not carried out the intention and requirements of Congress? Why is it that the department should ignore Congress, which is made up of the Representatives of the people? Should not the will of the people, through Congress, be carried out? Has the Post Office Department the right to abrogate and disregard and ignore the demands of the American people, as made through their Representatives in Congress? The answer is for you.

Mr. Chairman, there is another matter that I want to call to your attention, and that is the fact that in this new scheme of reorganizing the Rural Free Delivery System the new routes were not inspected personally by representatives of the Post Office Department, but, in many instances—in fact, in most instances—these new routes were mapped out in the Post Office Department by clerks under salary, who obtained their information from reprints and from suggestions made by postmasters who are in harmony with the present scheme of the present Post Office Department to reorganize the Rural Free Delivery System. The patrons of the free-delivery routes were not consulted. They were not given a chance to express an opinion one way or the other with reference to the new change that was proposed or to make any suggestions with reference to the efficiency of the present service. In other words, the Post Office Department has arbitrarily adopted a new scheme of rural free-delivery service without having first learned or even attempted to learn whether or not the new scheme would meet with the approbation of those who were to be affected by its enforcement.

This department undertakes to say that the purpose of the new scheme is economy. I want to say to you, Mr. Chairman and gentleman of the committee, that, in my judgment, this sort of economy could be well denominated "false economy."

I want to call the attention of this committee to one letter that I received from one of the constituents of the district which I have the honor to represent, in which he says, and I quote him:

> Let me say to you that during my 10 years of experience as postmaster of this city, during which time a county rural service was laid out and made effective for my county, there are 10 routes established emanating from this post office, and it will be absolutely impractical to motorize any of them. I doubt if there is a single one of them that can be joined with another route and give to the patrons as good service as they are now receiving and have received for the past 10 years.

He further says in this letter to me:

> I know every foot of the 10 routes that leave the county seat and post office of my county, and I am writing you in the interest not only of the local carriers but in the interest of the citizens who are patrons of these various routes and who are now enjoying the benefit of rural free-delivery mail service. The most of these patrons are now benefited by this service, and to attempt the use of motors would lessen the number and bring about dissension, disagreement, and trouble for the management of the local office.

He further says:

> I have no interest in this matter except to see the present service maintained with the same efficiency as it has been maintained in the past.

This is only one of hundreds of letters that I have received opposing this new scheme.

And in conclusion, Mr. Chairman and gentlemen of the committee, I want to say that I am willing to vote for any one of these amendments which will protect the Rural Free Delivery System for the people of the district which I have the honor to represent and for the people of the Nation as well. [Applause.]

Mr. STEENERSON. I yield to the gentleman from Wisconsin [Mr. BROWNE].

Mr. BROWNE of Wisconsin. Mr. Chairman, I am heartily in favor of the Towner and Candler amendments. I can not see why the rural service should not be extended. When we think that in some of the larger cities they have mail deliveries, even in the residence districts, numbering seven in a day and in the business portions nine deliveries in a day, it seems as if our rural population ought to have at least reasonable facilities for getting their mail. All of them certainly have not reasonable facilities at the present time.

I believe, Mr. Chairman, that the rural free delivery is of mutual benefit to the inhabitants of the city and the country.

When rural delivery of mail is extended the way I hope to see it some day it will bring sixty millions of people who dwell in the cities in quick communication with the forty millions of people who dwell in the country, to the advantage and profit of both.

Our rural free delivery began in a small way in the year 1896, in the McKinley administration. James A. Gary was Postmaster General. It was a belated reform, and there is no reason why the people should not have had it 25 years before they did.

The rural delivery of mail was a success from the start, and the service has been extended very rapidly, and the people were somewhat surprised when it was understood that a sweeping reorganization of the Rural Delivery Service throughout the United States was to be made and that many rural routes were to be discontinued.

If the Towner amendment is adopted it means that there shall be no halt in the extension of our rural delivery, but that it shall be extended.

I, for one, do not believe in going backward in a great movement that has proven such a wonderful disseminator of knowledge and medium for the extension of business and has given as much satisfaction and happiness to such a large and deserving part of our population.

THERE SHOULD BE A MAIL BOX IN FRONT OF EVERY HOME.

I will not be satisfied until our Rural Delivery Service is extended so that there will be a mail box in front of every home in this land and an opportunity for the daily delivery of mail to every citizen.

The residents of small cities, some of them less than 3,000 inhabitants, have their mail delivered three or four times a day in the business portions and at least twice a day in the residence portions, notwithstanding the fact that 90 per cent of the business men in most of such cities could get their mail at the post office with very little inconvenience.

The most remote inhabitant of the large cities has his mail delivered at his door several times a day, although he may reside 8 or 10 miles from the post office, and even in some residence districts in large cities, as I have stated, there are as high as seven deliveries of mail a day.

In some of our large cities mail is shot through pneumatic tubes at an expense to the Government of $976,000 per year.

No question is raised about expense, nor should be, for giving the most perfect service to the inhabitant of the city, whether he be a taxpayer or not. But when we ask for an extension of the rural routes and the establishment of new ones to accommodate taxpaying farmers that are obliged to travel from 1 to 3 miles for their mail we are met by the cry of economy—the same cry that we hear when we ask for national aid for our rural highways.

Our farmers work the hardest and the longest hours per day of any of our citizens.

The eight hours a day observed by most of our farming population means eight hours in the forenoon and eight hours in the afternoon, at the end of which time they ought not to be obliged to go a couple of miles to get their mail.

PARCEL POST.

The parcel post has been of inestimable benefit to the people, and the present Postmaster General and the Post Office Department are deserving of great praise for the way in which they handle it.

The parcel post has not only accommodated millions of people and saved them money, but it has made business and advanced our general prosperity.

In 1912, the year before the establishment of the parcel post, the express companies carried 317,000,000 packages, which was a little over 3 packages per person for the total population of the United States. They received for this an average rate of 50 cents per package.

In 1915 these same express companies carried 280,000,000 pieces, at 24 cents per piece, while the parcel post carried 400,000,000 packages, at 14 cents per piece, not counting packages of less than 1 pound. Thus, there were 373,000,000 more packages carried after the parcel post was established than before, which shows how it increased business, how it brought millions of people together in business and trade that were unable to do business with each other through the medium of the express companies. In other words, the express companies killed almost as much business as they transacted. Take these figures I have quoted and see how the express companies have lowered their rates since the parcel post and see what a saving the parcel post has been to the people.

They say that the Government can not do business as cheaply as an individual. I am reliably informed that the Government is handling packages by parcel post at just one-half what it costs the express companies. The use of the simple postage stamp, a Government device, does away with the services of thousands of bookkeepers. The Government pays higher wages to its post-office employees than the express companies, but its business methods are far ahead, which accounts for the cheapness of the service.

PARCEL POST NOT ACCESSIBLE TO PEOPLE LIVING OFF FROM RURAL ROUTES.

Anyone who lives one-half mile or more from a rural route is practically cut off from the use of the parcel post.

An extension of the rural routes would greatly increase the business of the parcel post. This would be a great benefit to both the dwellers in the city as well as the country.

The parcel post has been not only a great blessing to the people, but it has been more than self-supporting. The Government has made money from it as a revenue producer.

Every day more people are availing themselves of the benefits of the parcel post, and the more it is extended the greater the revenues of the Government will be.

I believe the extension of rural free delivery will broaden and greatly increase the usefulness of the parcel post.

I also believe that Government aid for rural post roads will also materially increase the usefulness of the parcel post.

Improvement of our rural roads and extension of our rural free delivery, in my mind, will benefit the people more than anything that has been done for them by the Government in a generation.

The farmers in all sections of the United States are demanding that this Government appropriate money for these two great national improvements.

There is no more important person measured in influence upon the life of the Nation than the farmer. He has been called the "nation builder." Every year he produces about $10,000,000,000 worth of wealth. His products not only supply the demands of a home market, but find their way abroad to turn the balance of trade in our favor and bring to our shores the golden stream of wealth. Upon the farmers' prosperity depends the prosperity of the Nation.

In a country like ours, where we all labor together to produce the national wealth and all share the burdens of taxation, all are therefore entitled to all the national conveniences and advantages.

The farmer is as much entitled to the daily delivery of mail as the dweller in the city. It is not only a matter of right but a matter of national importance, in a people's Government like ours, that the 40,000,000 of people residing in the rural districts should have direct and immediate communication with the 60,000,000 of people who dwell in the cities; that information on all subjects, books, newspapers, market reports, and so forth, should circulate quickly throughout the land; that no home in America should be so remote that it is not visited daily by a United States letter carrier.

MAIL CARRIERS.

While I am upon this subject I want to say a word about our rural mail carriers. I have had the opportunity of meeting a great many farmers in going through my district and have made inquiry about the kind of treatment they were getting from our rural mail carriers, and I have heard no complaint, but much praise.

I know personally most every rural carrier in my district and have met with them at their gatherings both in the district and State, and they are men of excellent habits—a sturdy, industrious, intelligent, and efficient body of men.

When you consider that each rural carrier on an average has to keep three horses, or the equivalent, and other equipment, the depreciation and the upkeep reduces the salary received so that it only amounts to a living wage.

I am utterly opposed to ever resorting to the contract system, the way the Government did in carrying our mail on the star routes. If we did it would mean that a few contractors would make themselves rich out of their contracts, and the men that did the work would have to do it below cost and could not give us efficient service. There is no more reason for adopting such a system in regard to rural mail carriers than city mail carriers or other Government employees, and can not be justified. I believe that the recommendation of the Post Office Department in this respect is unwise.

GOVERNMENT OWES RURAL CARRIERS.

If the Candler amendment passes, the rural carriers will get the full pay the Government promised them. There was $3,189,724.27 of the appropriation made by Congress in the Post Office appropriation bill of 1915. In the bill which passed Congress March, 1914, provision was made for an increased compensation for rural carriers from $1,100 to $1,200 per year for the fiscal year 1915. The Postmaster General adopted a new basis of compensation July, 1914, four months after the appropriation was passed, which resulted in withholding from the carriers $3,189,724.37 that Congress had voted them. This amount of money is due these men. The bill referred to giving the carriers this amount is worded exactly the same as all previous bills increasing the compensation of rural carriers, and if the amendment presented by the gentleman from Mississippi [Mr. CANDLER] prevails it will not add a dollar to this appropriation; it will simply direct the Postmaster General to make the payments in accordance with a law passed by Congress two years ago.

After Congress passed this law granting them an increase many carriers improved their equipment so they could render the public better service.

If a person in business violated a contract with an employee, like this great Government has done in this case, such a person not only would be liable legally but such business morality would drive them out of the community.

I sincerely hope that the amendment will pass and that these deserving Government employees will be given what Congress voted to give them.

Mr. STEENERSON. I yield to the gentleman from Minnesota [Mr. MILLER].

Mr. MILLER of Minnesota. Mr. Chairman, the people whom I represent are largely found in two separate communities, one a city, the other a mining district, and yet in addition I have quite an extended area that is being rapidly filled up by settlers and farmers.

During recent years in these rapidly growing and developing communities they have constructed excellent roads and entered upon the work of complying with all the requirements of the Post Office Department for rural routes. During the past two years inspectors came and inspected several of them, recommending their establishment, but I got a reply in every instance that the department could not establish the rural routes because of lack of funds. That continued up until this summer, according to my best information, when I found to my surprise that $3,000,000 of the fund appropriated for the purpose was turned back into the Treasury. I also found that in adjoining communities, as well as in my own, some of the rural routes heretofore established have been curtailed and injured. I say this attack upon the Rural Mail Service among the farming population of the United States is a dastardly outrage committed by the present administration of the Post Office Department, and it is up to the Members of this House to put upon it the stamp of their strong disapproval. [Applause.]

Mr. STEENERSON. I yield two minutes to the gentleman from Pennsylvania [Mr. HOPWOOD].

Mr. HOPWOOD. Mr. Chairman, in my district we had a very satisfactory rural service until, as my friend Judge MILLER said, it was blue printed from this end of the line and 7 carriers in the county were put out of the service, reducing it from 32 to 25 rural carriers in the county. The result was that many of the districts were necessarily enlarged, and many roads where rural service had theretofore been given were cut

out entirely, making the people go half a mile away from their front gates, where they had been getting their mail, to some other road.

In some cases 20 families were cut out and they were compelled to go to some crossroads corner half a mile away, where 20 or 30 boxes would be placed, to get their mail. The service has been very unsatisfactory since then, and I have received more letters and had more trouble about the rural service than any other one thing since I came to represent that district. So, therefore, I want to add my word of disapprobation to this method of saving a little money in this rural service by cutting out the very best thing that the country people can get from the Government. The people, both in the country and in the city, should get the very best possible mail service that can be given to them. [Applause.]

While I am in favor of an economical administration of all governmental affairs, I do not think that our people desire a cheap Postal Service at the expense of an efficient and prompt delivery of the mails.

This Nation having once established a rural mail delivery can not afford to restrict or limit that service, but should, from year to year, advance and render such service better and more efficient.

I realize that our friends on the other side are struggling to keep down the deficit brought about by their destructive tariff legislation and do not care to carry out the program outlined by the President to lay additional stamp taxes, commonly designated as war taxes, to keep the Treasury from becoming bankrupt, so they are compelled to resort to such measures as this to save a few dollars.

Let our farmers and people living in country districts have increased mail facilities instead of curtailing that they have heretofore had.

Mr. STEENERSON. I yield to the gentleman from Pennsylvania [Mr. FOCHT].

Mr. FOCHT. Mr. Chairman, as this seems to be a rural-delivery experience meeting in regard to the service the farmers are receiving, or rather not receiving, I want to add a word and say that I have also had correspondence with the department in regard to the inefficient delivery in my district. Numerous petitions of protest have been sent in, also hundreds of letters, and I have received from the department very courteous replies, many of them couched in choicest and rarest diction, indeed often voluminous, but not yet in any single instance did I receive any results for my constituents. I want to say in this brief minute that not only Republicans are finding fault with this restricted service, but many Democrats also, and I wish to here read into the RECORD a letter written by a life-long Democrat as indicating the widespread feeling of indignation among all parties in my district. [Applause.]

LEWISBURG, PA., *February 24, 1916.*

Hon. BENJAMIN K. FOCHT,
*The Champlain, 1424 K Street NW., Washington, D. C.:*

Replying to your telegram, the following letter appeared in the Saturday News, September 18, 1915:

"As your editor is our Congressman, I beg of him to try and have our rural mail routes restored as they had been prior to September 15, 1915. Under a ruling of the Post Office Department a number of us who are patrons of the Mifflinburg rural route will now be served by the carriers of the Lewisburg rural routes. I find that all the patrons are very much dissatisfied with this change. Instead of people getting their mail at 8.30 a. m., we will not get it until 10.30 a. m. or later. Then again, when the roads get bad in the fall and winter it will be impossible for the rural carriers to get around to all the patrons, as they can not travel with their autos when there is snow on the ground, and you know how our roads drift in our section of the State, and there are many other reasons. The Mifflinburg post office will lose 108 families who are patrons now and who will be served from Lewisburg. A number of patrons will be obliged to move their mail boxes to the main highways, quite a distance from their homes. The reason for this is because the carriers who passed over some roads and retraced so people could be properly served will not dare go in those roads.

"I wrote a letter to the Post Office Department protesting against this change, but without avail. They seem to think they know better what the people need than we do who have lived here all our lives.

"Our rural delivery was in a fine condition, with all patrons satisfied. Route No. 1, out of Mifflinburg, has been in existence since 1905. I was one of the prime movers to have this route established, which took a lot of time to accomplish, and now when it is in such fine working condition, with a carrier who has always done his duty toward his patrons, and he has not, to our 'knowledge, made one error in the many money orders he handled for us, we are turned down, and to make such a ruling is to demoralize the only thing we country people have as a convenience.

"The farmer is the backbone of the country and needs his daily mail the same as the city man does his, and I pray of you when next Congress meets to bring this before the House and have us put back where we were.

"Having been a rock-ribbed Jeffersonian Democrat all my life and voted for 35 years and never missed an election in that time, I have always worked hard to get our men elected, but with defeat after defeat nothing hurt me as much as this unjust ruling of the Post Office Department. Had they sent on an inspector here over these routes before they concluded to make this change, he would have said this change was not necessary, but if the majority of the people would have told him they wanted this change, why then we would be satisfied.

"I hope you will give this matter attention and that we country people will be served as in the good old times of the past.

"Yours, respectfully,

"HARRY W. SPANGLER.

*"Lewisburg, Pa., R. F. D. 1, instead of Mifflinburg, Pa., R. F. D. 1."*

Mr. STEENERSON. Mr. Chairman, I have used up all of my time, and I will state to the gentleman from Tennessee that I would like to have two minutes more if I can.

Mr. MOON. Mr. Chairman, I am glad to find that the gentleman is in that situation. I now yield 15 minutes to the gentleman from Florida [Mr. CLARK].

Mr. CLARK of Florida. Mr. Chairman, I yield first to the gentleman from Virginia [Mr. SAUNDERS].

Mr. SAUNDERS. Mr. Chairman, if I were asked to point out the greatest boon that national legislation has conferred upon the farmers during the last 20 years, I would promptly and unhesitatingly reply: "Rural Delivery Service." Not only is this service of inestimable value in itself, but it is responsible for another great service which was impossible of attainment until the way was prepared by the establishment of the rural delivery routes. I refer of course to the Parcel Post Service. The branch of governmental activities which operates this twin service, has disseminated knowledge, extended business, and afforded satisfaction, and happiness, to a large class of our citizens. From the very beginning rural delivery demonstrated its utility. It grew in popular favor, not by slow and tedious steps, but by leaps and bounds, so that it has been difficult for the Government to meet the clamorous and ever-insistent demands of the public for extensions, and improvements in the service. Great however as have been the improvements in rural delivery, wonderful as are the present facilities afforded in the rural communities, they fall far short of the conveniences, and opportunities provided for the residents of the cities. Practically every man in these cities has his mail delivered at his doors more than once a day, although in the larger cities he may live many miles from the post office. For the convenient, and expeditious handling of the mail in some of these cities expensive pneumatic tubes have been laid, through which the mail is shot at great expense to the Government but to the vast advantage of the service. Still the farmers do not begrudge these facilities to the urban dwellers. They recognize that owing to the comparatively small area of the cities, and the superior condition of their streets, improved facilities can be provided for the city people at a reasonable cost, when the cost of the same facilities under country conditions, would be prohibitive.

But while the country people, with that reasonableness which has always characterized them, are not insisting that they should be provided with the same facilities, which are enjoyed by their more fortunate brethren in the cities, yet they do insist that the present rural facilities both with respect to mails, and parcels, should be continually expanded, and extended. At this time when Congress is being asked to appropriate gigantic sums to meet remote, and improbable contingencies, the farmers are agreed that their interests should be advanced by adequate appropriations for the three great national improvements of a domestic character, to wit: Rural delivery, parcel post, and Government-aided rural roads. These three improvements are tied, and linked together in the most intimate fashion. They are interdependent, and mutually sustaining. Rural delivery made possible parcel post. Better roads will make possible undreamed of developments in the extension of both rural mail delivery, and parcel delivery. Improve the system of rural mail delivery, and you improve its yokemate, the parcel post. Improve rural roads, and you make possible vast improvements in rural delivery service. Improve the roads, rural delivery, and parcel post, and you improve the conditions of life in the rural districts. Improve the general conditions of life in the rural communities, and you will confer far-reaching benefits upon both the residents of the cities, and of the country. The farmers are entitled to an improved service on the rural routes, for the very simple and obvious reason that with better service, he will secure better information upon the subjects in which he is interested, and with better information, more promptly afforded, he will be in an improved position to deal intelligently with his own immediate affairs, as well as with the larger affairs of the Nation. I agree fully with the statement that there is no more important person, measured in influence upon the life of the Nation, than the farmer. He has been called the "nation builder." Every year he produces about $10,000,000,000 worth of wealth. His products not only supply the home market, but find their way abroad to turn the balance of trade in our favor, and bring to our shores the golden streams of wealth. Upon the farmer's prosperity depends the prosperity of the Nation.

I give my fullest assent to this thought. It has been stated in another form. "Burn down your cities," said a great orator, and they will be rebuilt. Destroy the producing capacity of your farms, and grass will grow in the streets of your proudest cities. The farmer of to-day is reading more than his father, or his grandfather. He is no longer satisfied with a weekly paper that he had to send perchance 10 miles to secure. He wants his daily market reports, and is entitled to them, he wants his daily paper, his magazines, his information on all subjects. In a measure, he is securing these things through the present routes, but he desires them to be more abundantly, and expeditiously afforded through improvements, and extensions of his service. The figures of the parcel post are astounding. This service "has made business, and advanced general prosperity." Hundreds of thousands of farmers who were formerly hindered by location, and distance from using the express routes, are now receiving a better and cheaper service through the medium of the parcel post. The figures which I cite below, are instructive, and impressive. "In 1912, the year before the parcel post went into effect, the express companies carried, in round numbers, 317,000,000 packages, or a little over three packages per person, for the total population of the United States. They received for this an average rate of 50 cents per package. In 1915 the same companies carried 280,000,000 pieces, at 24 cents per piece. Note the saving to the public in this item of cost. For the same year, the parcel post carried 400,000,000 packages, at 14 cents per package not counting packages of less than a pound." Thus through the medium of the parcel post, how many thousands of people have been brought into business relations, not only to the advantage of the parties immediately concerned, but of the whole business world. Whenever general business activity is promoted, action, and interaction is stimulated in unexpected directions, employment is afforded, wages are caused to be paid, and a state of general civic betterment is brought to pass.

But while the farmers are interested in the continual expansion and development of the Rural Mail Service, they are also interested in the regularity and efficiency of that service, once it is established. Indeed regularity is one prime element of efficiency. Within the last six or eight months the Post Office Department has conducted somewhat extensive experiments in motorizing the service in various States. These experiments have affected both the carriers and the public. They have affected the carriers for the reason that many routes have been consolidated, thereby eliminating many carriers. They have affected the public for the reason that consolidations have been effected through rearrangements and changes in the location of the routes. These changes may have been an inevitable sequence of the use of motors, or inevitably required in order that motors might be used, but none the less as a result of these rearrangements the last state of many patrons of the routes affected was far worse than their former condition. Many persons who were immediately on the old routes find themselves perchance a mile or more from the new routes. Moreover, another feature of these rearrangements has been to transfer the starting point of the new route to a strange office. Of course in time this would adjust itself, but for a while certainly such a change will be an interruption and inconvenience to the regularity of service to the individual patron, whose correspondents through years have been accustomed to write to him at a familiar and long-established office. Moreover, regularity of service on a route is of the essence in another particular.

The patrons of a route who are not within sight of their boxes are concerned to know within a few minutes when the carrier will arrive at their respective boxes, in order to know when to meet him both with respect to incoming and outgoing mail. It is no little trouble, inconvenience and at times loss, to send a messenger with mail to a box a half mile, or a mile away, only to find that the carrier has passed, or perchance will not arrive for a half hour, or more as a result of delays on the route. Now the carriers on the horse served routes, are soon able to serve their routes, except under extraordinary conditions with almost clocklike regularity. The patrons know to within a few minutes, when their respective boxes will be served, and are therefore able to make their arrangements accordingly. Ordinary rain, snow, or mud, may be disagreeable to the carriers, but are merely negligible interruptions to his service. But these conditions are entirely changed when the ordinary dirt roads are undertaken to be served by motor cars throughout the year. For a good portion of the time the service may be satisfactory. A carrier with a modern motor car when the roads are dry, even though bad, can serve a 50-mile route more readily and expeditiously than he can serve a 25-mile route on horseback, or with a horse-drawn vehicle.

But when winter sets in throughout the greater portion of the United States, motor service is seriously interrupted, if not rendered impossible, on most of our roads. In one section this interruption may be caused by mud, in another by snow. Frequently it is a combination of both that makes trouble for the carrier. The CONGRESSIONAL RECORD is filled with protests from patrons of routes which have been rearranged, lengthened, and motorized. Many patrons who were immediately on the former routes, complain of the inconvenience of the present service, as it immediately affects them under the present conditions. Others whose location on the route has not been changed, complain of the irregularity of the service afforded. This question of motorization is really a question of roads. Conceivably in some communities blessed with first-class roads, the motor car can be used to the same advantage, and with the same facility that it is used in the cities. I freely admit that the Government should utilize every agency that will enable it to provide the public with a more efficient, extensive and economical service. In time the horse-drawn vehicle may go, just as in time dirt roads will be superseded by hard roads. But these ideals belong to the distant future. Theory should not outrun the teachings of experience, or the limitations of actual conditions.

The public generally have been satisfied with the service afforded on the rural routes. They are eager for extensions, and improvements in that service, but experiments looking to improvements should be patiently and thoroughly tried out on a limited scale, and under the test of actual conditions, before any extensive rearrangements of the present routes are undertaken. Reduced and irregular service in the name of economy, is poor economy, and will create intense dissatisfaction upon the routes affected. Motor service on many of the routes if proposed to be operated during the entire period of the year, is an impossibility, unless the ideal of regularity is proposed to be abandoned. An irregular service, for the reasons that have been given, will be unsatisfactory. The carriers take a pride in their work, difficult and exacting as it is, at times. They are pleased when their patrons are pleased. They are pleased when they complete their schedules on time, and are willing to spare no efforts, to maintain the service on a high scale of efficiency. They know what they can do with their present routes and their present equipment. They have thoroughly tried them out. They also know from hard experience, the actual conditions on their routes, and whether motor cars are feasible under average country conditions. Many of the carriers are buying cars, for use on their present routes during the entire summer, and portions of the spring and fall, but on these routes, when weather or road conditions are forbidding, they return to the use of the horse.

But before routes are disarranged, and relocated, and the service rendered irregular, and unsatisfactory, the actual conditions of those routes should be carefully studied on the ground, the suggestions of the carriers, should be received, and the patrons consulted. It is poor economy to eliminate faithful carriers, and consolidate routes, when the immediate result of the change is inferior and irregular service. The public, and the carriers will welcome improvements, but every suggested change, however plausible it may appear when worked out on paper, is not of necessity an improvement. The fable of the dog who dropped a juicy piece of meat, in order to secure the shadow that he saw in the water, is in point in this connection. The present service is a good and satisfactory one. By the way of rearrangements, and extensions, it is being continually improved. No rash, or hasty experiments should be made. Above all listen to what the public has to say, before action is taken. If they say: "Let well enough alone"; take that advice, unless you are very sure that you have something better, something that under the test of actual conditions will be readily proved to be better. In that event, the public will be prompt to accept and approve the change. They know as well as anyone, a good thing when they see it. But it is well to, "Be sure that you are right" before proceeding with innovations upon established and satisfactory conditions.

Mr. CLARK of Florida. Mr. Chairman, I have offered two amendments, and as the point of order has been made to both of them I desire to read them and call the attention of the Chair to some authorities. The first amendment I offered is as follows:

On page 27, line 6, after the word "stations," insert the words: "*And provided further,* That no part of the money herein appropriated for Rural Delivery Service shall be used to cover any expense upon any motor-vehicle route until a majority of the patrons to be served by such motor-vehicle route shall, by written petition, ask the Post Office Department to establish such motor-vehicle route."

I have offered the second amendment because if the first be defeated I want it adopted. The second amendment reads as follows:

Page 27, line 6, after the word "stations," insert the words:
"*And provided further*, That no part of the money herein appropriated for Rural Delivery Service shall be used in payment of any expense upon any motor vehicle route more than 35 miles in length."

Of course, if the first amendment is adopted, I shall ask leave to withdraw the second amendment. A point of order has been made to both amendments. I insist that the point is not well taken as to either of them; that both of them are limitations upon an appropriation and come well within the rule. I desire to call the attention of the Chair to Hinds' Precedents, volume 4, page 671. A bill was pending, and certain amendments were offered. One amendment was offered by Mr. Macon, of Arkansas, which was held to be out of order. Reference to that will be found at the bottom of page 669. On page 671 the language occurs:

A little later Mr. JOHN J. FITZGERALD, of New York, proposed to the same paragraph the following amendment:
"*Provided*, That no part of the amount hereby appropriated shall be expended for transporting coal between New York, N. Y., and Manila, P. I., at a rate greater than $5 a ton."

The Chairman stated that he "inclined to the opinion that this was a limitation." I proposed to call the attention of the Chair to the analogy between that amendment and the amendment which I offer. The amendment offered by Mr. FITZGERALD was to an act relating to vessels carrying goods, and his amendment sought to fix a limitation on the amount they could charge; that is to say that it should not be greater than $5 a ton. In this pending bill a large amount of money is appropriated for Rural Delivery Mail Service, and I propose by my amendment to fix a limitation to the effect that none of the money so appropriated shall be used for motor-vehicle routes unless those routes shall be established in a particular way; that is to say that a majority of the patrons to be served shall first ask for the establishment of the route—purely, it occurs to me, a limitation upon the expenditures proposed to be made. I have not the time to read them all, but I think the Chair will find a number of decisions supporting the contention I am making. I am willing to admit that the decisions are not altogether uniform; but a very large number of decisions hold, and it seems to me the great weight of authority is to the effect that where the Congress appropriates money, it has the right to attach conditions to the expenditures of that money. With that statement as to the point of order I want now to call attention briefly to the merits of the proposition.

In my State, Mr. Chairman, and particularly in my district, what we call the flatwoods roads in the dry seasons of the year are the best roads in the country, but during the rainy season, which begins along in June and lasts for three or four months, those roads are simply overflowed, and it is utterly impossible for the three or four months of the year mentioned for a motor vehicle to traverse those roads at all, and yet these motor routes have been established on roads of that character. The routes have been laid out into motor-vehicle routes, as some gentleman suggested, by blue prints, maps, and things of that sort by employees here in Washington, but even if an inspector had gone to my district and gone over a road in the dry time, he could not have told anything about the condition of the road after the rainy season began in that State, and we always have three or four months when it rains every day. Now, I have made appeals to the department. I have sent petition after petition to the department, letter after letter, and protest after protest from the people who live in the community, who know the roads; from the country physician who travels the roads and knows the roads better than any other living man, because no man knows the country roads of his community better than the country physician, and yet in face of all these protests and petitions, the Fourth Assistant Postmaster General, directed, I presume, by the underlings who claim to have made these investigations, simply says that a motor-vehicle service can be maintained there. We know it can not be, because we know the roads and we know the condition of them; and in one instance in my district, in one county, they have consolidated two routes and established a motor route in lieu of them, by which 40 families who had theretofore been receiving mail on the two rural horse-drawn vehicle routes were absolutely cut out of all mail altogether, except the star route, and it is well known that you can not buy stamps from a star-route mail carrier, and you can not purchase money orders, and you can not have a number of things done which a rural carrier can do for you.

Now, on that particular route I have constituents who for 40 and 50 years have been getting their mail addressed to them at a little office called Aucilla. Those people are now informed that their post-office address is hereafter to be Monticello, miles away from Aucilla. There is a sentiment clinging to a post office with these old people, Mr. Chairman, and I think as long as they have not removed their places of residence their post-office address should not be changed without their consent. I believe that every American citizen should have the absolute right to say himself where his mail shall be addressed, but the Post Office Department assumes to itself the right to take away from him the privilege of having his own post office and tells him he must hereafter get his mail at another place.

Now, Mr. Chairman, I hope that this amendment that I have offered will prevail. I want to appeal to those gentlemen upon the floor who have been professing their love for the farmer day after day and week after week and term after term of Congress; I want to appeal to them to help him now while they have got the chance to help him, and if they will put this amendment in the bill they will put it in the hands of the people themselves. And let me ask what possible objection can there be to allowing these routes to be established only upon petition by the patrons to be served by the routes? It seems to me there can be none, and I make this appeal in behalf of the farmers of this land, who deserve the best at the hands of this Government.

Mr. Chairman, I yield the balance of my time to the gentleman from Oklahoma [Mr. HASTINGS]. [Applause.]

Mr. Chairman, under the leave to extend my remarks in the RECORD on the subject matter contained in the amendment I offered, I desire to call attention to the loose method, as it appears to me, by which these motor-vehicle routes are put into operation. The Fourth Assistant Postmaster General appears to pay no attention whatever to the wishes of the people in the community to be affected. More than that, he seems to think that the statements as to conditions made by the local people are entitled to no weight. He also seems to act upon the idea that the Member of Congress in whose district it is proposed to establish a motor-vehicle route knows nothing of road conditions in his district. All these sources of information appear to be of absolutely no value to the Fourth Assistant Postmaster General in determining the feasibility of operating a motor-vehicle route in a given community, and, having discarded them, he is left to two methods of securing his information. One is from a map and the other is from a report made by an inspector detailed for that purpose. I believe every fair man will concede that it is utterly impossible to determine the feasibility of any route to be served by a motor vehicle from an examination of a map, and I shall therefore consume no space in arguing that the map plan is not practical; and yet the map must have been used in some cases, because a distinguished Member of this body told me that in his district there was a mountain, on one side of which there was a horse-drawn vehicle rural route, and another route of the same kind on the other side of the mountain, and that the department performed the wonderful feat of consolidating these two into one motor-vehicle route.

Dismissing the proposition of establishing these routes from an examination of the map, let us consider for a moment the method of establishing motor routes on the reports of inspectors. These inspectors are generally strangers, who in the first instance know nothing, except in the most general way, about either the country they are sent to inspect or the people who live in that country, and the inspectors are generally men who do not know very much of rural life and rural conditions.

Now, one of these gentlemen is sent to a certain place to inspect and report. He reaches the place, gets a team, and rides over the road upon which it is proposed to establish the motor route, comes back to town and makes his report. I submit, Mr. Chairman, that it is utterly impossible for this man upon this superficial examination to make a report which is worth a continental. I insist that before he can make a report of any value, even if he was an experienced man in rural affairs, he must have gone over the road at the different seasons of the year and have examined it under different conditions. I know roads in my State which, under favorable conditions in the dry season, are almost as good as macadam roads, and when the rains come and flood them they are practically impassable. Why, Mr. Chairman, a few weeks ago a motor-vehicle route was established at a certain place in my district. This route was to be 50 miles in length. Three young men were certified as eligible for carrier on this route, and although the salary was $1,800 per year, every one of the three, one after another, declined to take the place. They declined because they said it was utterly impossible to operate a car over that road for that distance daily. Unfortunately in my district we have not the system of good, hard roads enjoyed by some other communities, and which we hope to have and enjoy in the near future.

Also, Mr. Chairman, unlike some other communities we are not blessed with a garage every few miles on our country roads,

as some other communities are, and therefore if a carrier in my district on a 50-mile motor route should have the misfortune to have a breakdown of some kind 25 miles from home, he could not get his car to a garage, and the Lord only knows when he could deliver that mail. Under my amendment, motor routes can and will be established just as soon as the roads are so improved as to justify it.

Mr. Chairman, free rural mail delivery is a great blessing to the American farmer. For all his toil, his taxes, and his patriotic love of country, this great boon of the free delivery of his mail is about all he sees of governmental beneficence, and I beg this House to preserve it.

The CHAIRMAN. The gentleman yields back five minutes.

Mr. HASTINGS. Mr. Chairman, I yield two minutes of my time, if I may, to the gentleman from Virginia [Mr. SAUNDERS].

Mr. MOON. Mr. Chairman, I believe I have control of the time, and when a gentleman leaves the floor the time belongs to me. Does the gentleman from Virginia desire to speak?

Mr. SAUNDERS. Yes, sir.

Mr. MOON. How much time does the gentleman want?

Mr. SAUNDERS. I will take such time as can be given me.

Mr. PARK. Will the gentleman yield to me?

Mr. MOON. I will yield to the gentleman from Virginia [Mr. SAUNDERS] one minute.

Mr. SAUNDERS. I just want to submit a few remarks in connection with the point of order.

Mr. MOON. We had better wait for that until the gentleman from Oklahoma concludes. I yield the gentleman from Oklahoma three minutes.

The CHAIRMAN. The gentleman from Oklahoma is recognized for three minutes.

Mr. HASTINGS. Mr. Chairman, the Post Office appropriation bill under consideration presents many questions for thoughtful inquiry. It carries an aggregate appropriation of $320,509,879. It is the largest of the appropriation bills, and appropriates more money for the Post Office Department than ever heretofore appropriated, made necessary because of the growth of the service.

For the fiscal year ending June 30, 1915, there was appropriated $313,364,667 for the Postal Service, and this amount was continued by resolution for the year ending June 30, 1916. Of course, all the branches of the public service are important, and all appropriations from the Treasury should be closely scrutinized, but no other branch of our Government affects in a more personal way every citizen of this Republic.

A few days ago we passed the Indian appropriation bill, carrying in round numbers about $9,000,000. This bill is of great importance to certain States where Indians live, but every citizen in every State is keenly interested in the proper administration of the Post Office Department.

This appropriation bill is interesting also from the fact that the Post Office Department is self-sustaining. For the years 1913 and 1914 there was, in round numbers, a surplus of $4,500,000. Because of business depression incident to the war in Europe there was a deficit last year of between eleven and twelve million dollars.

GROWTH OF THE POST OFFICE DEPARTMENT.

In looking over the various items of this bill I was forcibly impressed with the growth of this department. There is not much information available concerning the Postal Service prior to 1775. Its history is divided into four periods:

First. Prior to 1693 only municipal districts existed. Letters were left at certain central places and notices posted as to when they would be collected, and private arrangements were made for their conveyance and delivery. This service was gradually extended and developed into the Postal System. The court at Boston, Mass., in 1677, upon petition of the merchants, appointed John Hayward to receive and convey letters according to directions. This is said to have been the first post office ever established, if indeed it could be called one.

In July, 1683, under an order of William Penn, a post office was established at Philadelphia, with Henry Waldy as postmaster. The mail went out once a week to certain points and the date of departure was posted in the most conspicuous places.

England had no general post offices until the act of Parliament signed June 9, 1657.

Second. The post from 1693 to 1707 was conducted under what was known as the Neale patent, which was a charter of the American post, under which the Postmaster General for America was authorized to appoint the necessary officers. Under this patent cooperation of the various Colonies was obtained and the Postal Service started in 1693, connecting the larger cities along the Atlantic coast. Riders were engaged, going from point to point over certain routes at regular stated intervals. Neale assigned the patent and all its rights to Andrew Hamilton, a man of large estates and at one time governor of Pennsylvania and New Jersey Colonies. He died in 1703. To him is largely due the establishment of the post in the Colonies. He secured concert of action among them.

The first newspaper in the Colonies was published by John Campbell at Boston in 1704, and the first issue contained the following notice:

All persons in country and town may have said news letter weekly upon reasonable terms, agreeing with John Campbell, postmaster, for the same.

No postage was required for newspapers until 1758, when an annual charge was made of 9 pence for 50 miles. Carrying mail by stage was inaugurated in 1756 between New York and Philadelphia, and from New York to Boston in 1772.

Third. In 1707 the Postal Service passed directly under the management of the General Post Office in England, and Dr. Benjamin Franklin, among others, was at one time the deputy in charge of the Post Office Department in the Colonies and had entire supervision of the service.

Fourth. The Continental Congress on July 25, 1775, provided for the appointment of a Postmaster General for the United Colonies, with a salary of $1,000 per annum, and Benjamin Franklin was unanimously elected by the Congress for one year and until his successor was appointed. This position was also held by Richard Bache, of Pennsylvania, a son-in-law of Franklin, and in 1782 by Ebenezer Hazard, of New York.

The rates of postage were fixed by the act of October 18, 1782, and distance, as well as weight, was taken into consideration in fixing the amount of postage. During the Revolutionary War rates were very largely increased, but at the close of the war they were reduced to about double the sum paid at the commencement of the war.

After the inauguration of President Washington Samuel Osgood, of Massachusetts, was appointed the first Postmaster General on September 26, 1789.

Only 75 post offices were in existence in 1789, and the amount expended for the three months up to the close of the fiscal year, June 30, 1789, was $7,560. The report of the Postmaster General shows that at the close of the fiscal year, June 30, 1915, there were 56,380 post offices throughout the United States and a gross expenditure by the department of $298,546,026. The year 1901 shows the largest number of post offices, when there were 76,945. The number has gradually decreased because of the rapid extension of the rural mail service and the appointment of rural carriers. Many of the small offices have been discontinued from time to time. The first appropriation for post offices was made in 1837 and amounted to $3,500,000. Prior to that time the disbursements were paid out of the receipts.

RURAL DELIVERY.

By the act of March 3, 1893, Congress appropriated $10,000 to experiment with the Rural Mail Delivery, but the money was not used. Another appropriation of $20,000 was made by the act of July 16, 1914, but was not used. A third appropriation was made on June 9, 1896, of $10,000. The first experimental service was established on October 1, 1896, when three routes were started in West Virginia. The service has been rapidly extended, and on June 30, 1915, there were 43,878 rural-delivery routes, operating out of 18,813 post offices, and of this number 1,180 routes were in the State of Oklahoma. Because of the consolidation of routes, the number has since been reduced to 1,085. Fifty-three rural routes are in my district.

The amount carried in this bill for Rural Delivery Service is $53,000,000. In my judgment, no appropriation is more beneficial to the people than this one. It gives to country people the same mail advantages as those enjoyed by people living in the cities and towns, and enables them to take daily and weekly papers and magazines and keep abreast of the times, so that they may become as well informed upon the current topics of the day as citizens residing in towns and cities.

This service should be greatly extended. Since being elected to Congress I have taken a very deep interest in the question of increasing the number of rural routes in my district. I have written hundreds of letters advising patrons along proposed routes that it is necessary and how to get up petitions to secure them, the number of patrons required under the rules of the department, and the number of miles regarded as a standard route. I have encouraged them to get up such petitions and forward them to the department and have cooperated with them in every way in order to secure the establishment of additional routes. When once established, the patrons along a route can be depended on to see that the roads are kept in good condition, and they will not for any reason permit a route to be discontinued.

When first established, a route delivers mail triweekly, until the report of the postmaster out of whose office the service goes

shows that mail in sufficient quantities is delivered along the route to justify a daily service. A report of this kind will not be considered until the route has been in operation six months.

There are many petitions pending consideration for the establishment of new routes in my district. They have been referred to inspectors and a report is awaited in each case. The patrons along these proposed routes have been urged to see that the roads are placed in passable condition.

Inasmuch as the receipts of the Post Office Department were in excess of the disbursements prior to the outbreak of the war in Europe, and inasmuch as receipts are expected to increase over disbursements when the war is ended to an amount estimated between ten and fifteen million dollars, bills have been introduced in Congress to expend this money upon roads traversed by rural route carriers. This disposition of the money meets with my hearty approval, and while a law to this effect can not be enacted now, I sincerely hope the question will be agitated and pressed upon the attention of Congress at the close of the war, when business conditions again become normal in the United States.

PARCEL POST.

The parcel post was established January 1, 1913. It has been greatly extended by the Post Office Department and by legislation since that time. At present it is coming into close competition with the express companies, and has been the cause of lowering express rates throughout the United States. On this account it is of great value to the people generally. The rates from time to time have been very much reduced and the size and weight of packages have been increased. Almost everything can now be sent in this way. The man on the farm can have his customers at the various markets, and through the parcel post can supply them with poultry and dairy products, meats, vegetables, fruits, and, in fact, everything grown upon the farm. When the people generally become familiar with how to use this service to advantage, and when they learn that practically everything can be sent by means of the parcel post, as well as how to pack their products so that they can be sent in this manner at an extremely low cost, this service will be very much more used and in time supplant the express companies altogether.

POSTAL SAVINGS.

By the act of June 25, 1910, Congress established postal savings depositories and authorized various postmasters to accept postal savings to the amount of $100 from each depositor for any one calendar month until the aggregate amount reached $500. Congress recently during this session amended this act by increasing the amount any depositor may make to $2,000, of which not to exceed $1,000 may be interest bearing.

The records show that most of these deposits are made by foreign-born wage earners, who are either suspicious of or not familiar with the methods of banking in the United States. There is now deposited under the present Postal Savings System about $73,000,000, to the credit of 560,000 depositors. Under the previous law, when the limit of any account was $500, it is interesting to note that there were 30,000 of such accounts, and 22,000 of these depositors were foreign born.

It is believed that since the passage of the act authorizing a deposit of $2,000, of which one-half may be interest bearing, much money will be brought out of hiding, and without any additional expense to the Government the aggregate amount placed on deposit will be greatly increased. Any system which encourages thrift and saving and at the same time brings money out of hiding and places it in circulation is of great value to the development of the country.

On June 30, 1915, $324,189.03 was deposited to the credit of postal savings depositors in Oklahoma.

DROP LETTERS.

I have introduced a bill to provide for 1-cent postage on drop letters for two reasons:

First. The records show that a local-delivery letter does not cost the Government for handling it more than one-fourth of 1 cent, and a charge of 2 cents upon such a letter, in my opinion, is not justifiable.

Second. I believe the people along rural routes and in cities and the managers of factories and large mercantile establishments would use the mails more extensively if the rate were lowered. The revenue of the department would not be greatly diminished as a result of this legislation.

Congratulations are due the great army of postal employees for the splendid service they are rendering the people of the country. [Applause.]

Mr. HASTINGS. Mr. Chairman, I ask leave to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Oklahoma? [After a pause.] The Chair hears none.

Mr. MOON. I yield to the gentleman from Georgia [Mr. PARK].

Mr. PARK. Mr. Chairman, I send the following amendment to the Clerk's desk to be read.

The CHAIRMAN. The gentleman from Georgia offers an amendment, which will be numbered 10. The Clerk will report the amendment. Where does the gentleman want this amendment to go, at the end of the paragraph?

Mr. PARK. At the end of the paragraph.

The Clerk read as follows:

At the end of paragraph, page 2, line 6, insert the following: "That no rural route to be served by automobile of 50 miles or longer shall be authorized and established until it clearly shall appear that the service can be in effect for 12 months in the year on a regular schedule every day in the year."

Mr. PARK. Mr. Chairman, I offer the amendment in the interest of regularity and efficiency of the service, and unless the service shall be regular, unless the farmer knows that he is to get his mail, unless he knows when to go to meet the carrier with his package that is to go by parcel post or meet the carrier daily at a given time, it is of very little service to him.

The proof to be submitted by which an auto route shall be established should come from those most nearly affected by the change proposed; the people on the route, the carrier, the inspector, the postmaster, and the officials in charge of construction and repair and maintenance of roads should be heard from, and from all these sources the facts should be ascertained.

Regularity of service makes for efficiency; without it efficiency is destroyed. If a carrier must maintain an automobile when the roads are good for the service and two horses and buggies to serve the route when the roads are bad, there is no way to determine with certainty a carrier's pay, and no way to determine, except by weather conditions, when the route will be served by automobile or by horse and buggy.

No people are more worthy of the confidence and support of this Government than the faithful carriers, who travel the roads in storm and rain, in foul and fair weather, and before so radical a change shall be made by the Post Office Department every precaution should be taken to see that the service is not impaired.

The people in the rural districts derive more benefit from the Rural Free Delivery Service than from most all the benefits conferred upon them by the National Government, and we should be careful how we tamper with this great service to the rural population of our country.

If any changes shall be made, I favor only changes that will increase efficiency of service and in no way impair it.

Mr. GREEN of Iowa, Mr. PARK, Mr. WOODS of Iowa, Mr. BENNET, Mr. SLOAN, Mr. KINKAID, and Mr. MILLER of Pennsylvania by unanimous consent obtained leave to extend their remarks in the RECORD.

Mr. MOON. Mr. Chairman, I ask unanimous consent that all gentlemen who have spoken may be permitted to extend their remarks in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Tennessee?

Mr. MANN. The universal ruling has been that the Committee of the Whole can not grant that authority; it can only be obtained in the House.

Mr. MOON. Mr. Chairman, I withdraw the request.

The CHAIRMAN. The gentleman from Tennessee withdraws his request for unanimous consent.

Mr. BURNETT. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Alabama [Mr. BURNETT] asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. SMALL. Mr. Chairman, I make the same request.

The CHAIRMAN. The gentleman from North Carolina asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. CARAWAY. Mr. Chairman, I make the same request.

The CHAIRMAN. The gentleman from Arkansas asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. MOON. Mr. Chairman, I yield to the gentleman from Georgia [Mr. EDWARDS].

Mr. EDWARDS. Mr. Chairman, I want to speak briefly in support of the amendment offered by the gentleman from Florida

[Mr. CLARK]. It is clear to my mind that the change of routes ought not to be left entirely with the Post Office Department. I think the amendment offered by the gentleman from Florida will correct an evil of which a great number of us are complaining. Radical changes in the Rural Free Delivery Service have without doubt caused considerable trouble throughout the country. If it were left to a majority of the patrons on the routes affected to say whether or not they wanted routes converted into a motor-vehicle route or a change made, it would give a great deal better satisfaction to the people than to arbitrarily make the changes as is now done by the department. I hope the amendment offered by the gentleman from Florida will be held in order. I think it is clearly a limitation on this appropriation and is in order, and I hope it will prevail, because we need some legislation that will let the Post Office Department know how Congress feels about this matter. [Applause.]

The CHAIRMAN. The gentleman from Tennessee [Mr. MOON] has four minutes left.

Mr. MOON. Mr. Chairman, my colleague from Tennessee [Mr. AUSTIN] wants to abuse the Democratic Party and the administration a little, and I give him three minutes for that purpose. [Laughter.]

Mr. AUSTIN. Mr. Chairman, I am afraid I can not do the subject justice in three minutes. I want to offer the following amendment, and I hope that no Member will lodge a point of order against it:

At the end of line 6, page 27, insert the following:
"That no rural free delivery route shall be discontinued or changed without the written approval of the Member of Congress who represents the district in which the route or routes are located."

[Applause.]

This is power and authority which ought to be given to the direct representatives of the people. They are supposed to know more about the requirements of the Rural Free Delivery Service, the improvements that can be made by changing or discontinuing routes in their respective districts, than the bureau officials located in Washington, perhaps several hundred or thousand miles away.

Now, in my district we have suffered from the attempt to economize, and I want to say to the present administration, although I doubt whether I have very much influence with it, but it is advice which I would submit to my own party, namely, that the last place to begin making a record for economy is at the expense of an efficient Postal Service. [Applause.] There are many other ways of saving money to the Government without taking from the people what they have enjoyed for years, namely, a daily mail service. If our Democratic friends want to raise a sufficient amount of money to continue the efficient and satisfactory Postal Service which they inherited from the Republican administration, let them increase the tariff and raise this revenue from the flood of foreign-made goods coming in now on the free list. [Applause on the Republican side.]

A route was changed in my district recently, and the carrier was unable for a week to deliver the mail on account of a flood in a creek or river; yet a man in good faith, in the department here, looking over a blue-print map, reached the conclusion that he could do it. It was all a theory, like most other things that emanate from this administration; it was not practical. [Applause on the Republican side.] There has never been a criticism of a Republican or Democratic administration, and the charge of "pork barrel" has never been lodged, against an extension and improvement of the Postal Service, which reaches every home in this country; and this administration has not done a more unpopular thing and one that will injure it more at the polls in November, and the Lord knows they are going to be injured enough on that occasion, than to curtail and cripple the Postal Service in this country.

Now, I want to say in closing my little speech that we have one of the best and most efficient men at the head of this committee, Judge MOON. I usually follow him. He has done more to improve the Postal Service and give us needed legislation for the various postal officials than the chairman of any committee in my knowledge in half a century. I can not follow him in everything. I can not follow him on the railway pay proposition, because I think the railroad corporations in this country should have just as fair a deal as a private corporation or an individual, and when there is a serious dispute it should be submitted to the Interstate Commerce Commission to adjust and settle. But upon other propositions, where there are no politics involved, I am willing to follow my colleague, who represents the district next to mine, which I think perhaps has a good influence upon him. [Applause.]

The CHAIRMAN. The time of the gentleman from Tennessee [Mr. AUSTIN] has expired. Has the gentleman an amendment?

Mr. AUSTIN. Yes; I have.

The CHAIRMAN. The Clerk will report it.

The Clerk read as follows:

At the end of line 6, on page 27, insert the following:
"That no rural free-delivery route shall be discontinued or changed without the written approval of the Member of Congress who represents the district in which the route or routes are located."

Mr. MOON. Mr. Chairman, I make the point of order on that amendment.

The CHAIRMAN. The gentleman from Tennessee has one minute left.

Mr. MOON. I yield that to the gentleman from Wyoming [Mr. MONDELL.]

Mr. MOORE of Pennsylvania. Mr. Chairman, what became of the point of order on the amendment of the gentleman from Tennessee [Mr. AUSTIN]?

Mr. AUSTIN. My colleague made it, but I hope to persuade him to withdraw it later on.

Mr. MOORE of Pennsylvania. A parliamentary inquiry. Are the rulings on the points of order to be held until the close of the discussion?

Mr. MADDEN. Discussion has closed.

The CHAIRMAN. The gentleman from Tennessee [Mr. MOON] has one minute.

Mr. MOON. The Chair can rule on the points of order.

The CHAIRMAN. The time of the gentleman from Tennessee [Mr. MOON] has expired. All time has expired.

Mr. SAUNDERS. Mr. Chairman, I desire to be heard on the point of order.

The CHAIRMAN. The Chair is not going to pass upon all these points of order at the present time. As to amendment A, offered by the gentleman from Iowa [Mr. TOWNER]; amendment No. 3, offered by the gentleman from Mississippi [Mr. CANDLER]; amendment No. 8, offered by the gentleman from Kansas [Mr. CAMPBELL]; amendment No. 9, offered by the gentleman from Ohio [Mr. KEARNS]; amendment No. 10, offered by the gentleman from Georgia [Mr. PARK]; and amendment No. 11, offered by the gentleman from Tennessee [Mr. AUSTIN]—the Chair sustains points of order as to all of these amendments.

The gentleman from Florida [Mr. CLARK] offered amendments which are numbered 1 and 2, and upon those amendments the Chair will hear from the gentleman from Tennessee [Mr. MOON] and from any other gentleman who wants to discuss them.

Mr. STAFFORD. Mr. Chairman, may we have those amendments again reported?

The CHAIRMAN. Without objection, the Clerk will again report amendment numbered 1, offered by the gentleman from Florida.

The Clerk read as follows:

Amendment numbered 1, offered by Mr. CLARK of Florida:
"Page 27, line 6, after the word 'stations,' insert the words '*And provided further*, That no part of the money herein appropriated for Rural Delivery Service shall be used to cover any expense on any motor vehicle route until a majority of the patrons to be served by such motor vehicle route shall by written petition ask the Post Office Department to establish such motor vehicle route.'"

Mr. MOON. Mr. Chairman, I think that that amendment clearly changes the law, and therefore is obnoxious to the rule.

Mr. SAUNDERS. Mr. Chairman, I desire to call the attention of the Chair to certain precedents that are directly in point, and clearly show that this amendment is in order.

There is a great body of decisions on the question of whether amendments are in order as limitations, or out of order as being legislation. Many of these decisions seem to be impossible of reconciliation, so shadowy is the dividing line in many instances between limitation, and legislation. In other words a real twilight zone exists in this field. But I desire to call the attention of the Chair to a precedent found on page 640 of Hinds' Precedents. The Post Office appropriation bill being then under consideration, the committee had reached the section providing for railway-postal service, $5,700,000. To this provision Mr. Tawney submitted the following amendment:

*Provided*, That no part of the amount now hereby appropriated shall be expended for the use of cars in the railway-postal service that have been used in said service for a period of more than 15 years.

A point of order was directed against this amendment on the ground that it was legislation. This point was raised by the chairman of the Committee on the Post Office and Post Roads. Without undertaking to read all that is stated in the ruling, I desire to call the attention of the Chair to the fact that the point of order was overruled.

Permit me to call your attention to a precedent found on page 679, section 3998, in which a proviso was offered to the effect that money for a bridge should not be available until the corporation using it should fulfill certain conditions. Without the proviso it was perfectly clear that the bridge would be re-

paired out of the sum appropriated without condition, or limitation on the expenditure.

The effect of the proviso, treated as a limitation, was to require certain things to be done by a railway corporation before the appropriation would be available. This was in effect a change of law secured however by a limitation upon the application of the appropriation. Permit me to call your attention to another precedent on the same page.

The CHAIRMAN. Page 679?

Mr. SAUNDERS. Yes; page 679, section 3999, "A proposition that no part of an appropriation should be paid until the passing of a title," was held to be a limitation. The point of order to this amendment was made by the gentleman from Illinois [Mr. CANNON]. The amendment was this:

That no part of this appropriation shall be available or be paid to said bank until the title to the bank shall be completed and the title to the old customhouse property passed under the laws of New York to the said bank.

Mr. CANNON made the point of order that that amendment was legislation, but the Chair overruled the point.

Let me call your attention to one further precedent that is so precisely in point that I do not see how the most subtle consideration can possibly differentiate it from the proposition now before the committee. This precedent is on page 681, and is found in section 4002. To a provision for the payment of the expenses of certain judges, a provision that no part of the money should be expended, except on an itemized statement, was held in order. The gentleman from Arkansas [Mr. MACON] offered the following amendment:

*Provided*, That no part of said sum herein appropriated shall be used for the payment of the expenses of said district judges, unless said certificates contained an itemized statement of said expenses.

It is perfectly clear that without this proviso the judges were not required to set out any items in their certificates of expenses. In other words, the Government was empowered to pay these expenses on a simple certificate of the amount. But under the terms of the proviso, the Government could not pay a single one of the judges contemplated in the appropriation, unless this judge filed a statement which contained an itemized account of his expenses. The usual point of order was made that the proviso was legislation, and not a limitation. But the point of order was overruled.

Under existing law the department is authorized to convert a horse-drawn route into a motor-vehicle route, without any limitation on its authority, but under the amendment this action can not be taken until there is filed in the department a petition signed by a majority of the patrons on the route requesting the change. This is a clear limitation on the authority of the department. It is a condition which must be complied with, before the authority of the department can be set in motion.

It seems to me that it is perfectly clear under these precedents, without regard to a great body of additional precedents that might be cited, that this amendment is a limitation, and therefore is in order.

Further I would like to call the attention of the Chair to one or two other precedents that are not in Hinds' Precedents, but were made recently and are available. One of them was made by the gentleman from Illinois [Mr. FOSTER] presiding over the Committee of the Whole during the consideration of the Indian bill. The other was made a year before that by the gentleman from Tennessee [Mr. BYRNS], presiding over the same committee during the consideration of the same bill. Doubtless the decisions are available at the desk.

The CHAIRMAN. The Chair is familiar with the decisions.

Mr. SAUNDERS. I desire to call the attention of the Chair to the fact that by the amendments affected by those rulings the money appropriated could not be availed of until a tribunal referred to in said amendments, had passed on certain propositions. Certainly these amendments were more nearly legislation than what is proposed by the amendment under consideration.

Mr. MOON. Mr. Chairman, I do not care to discuss the question at length, but it appears to me that the proposed limitation is in the nature rather of a subterfuge than a legitimate limitation. The law provides for 50-mile routes. He proposes to change the law, not by the enactment of law in new terms but by an alleged limitation that carries with it the consent of the people along the route to the change of the route before the Postmaster General can perform his function of disbursing this fund under the law. It seems to me that if the position of the gentleman is correct, then there is but little reason in the proposition that there shall be no new legislation upon appropriation bills.

Mr. TOWNER. Mr. Chairman, concerning this amendment and other amendments that provide limitations on expenditures I desire to make a few suggestions to the Chair. They apply not only to this amendment but to others of that character.

Of course the Chair understands, as do all gentlemen familiar with our parliamentary law, that we are now interpreting Rule XXI, and it is the duty of the Chair to determine whether or not these cases present such a limitation on appropriations, or, rather, the statement of conditions upon which the appropriations shall be used, as really to bring them within the exceptions that are provided for under the terms of that rule. It will not be a sufficient objection, Mr. Chairman, to say that they constitute new legislation, because in a sense every provision upon an appropriation bill constitutes new legislation. The only question for the Chair to decide is as to whether or not it really constitutes such a limitation upon the appropriations as ought to be considered and passed upon by the Committee of the Whole House, which is now considering this bill.

I desire to call the particular attention of the Chair to Hinds' Precedents, volume 4, page 621, section 3926. In this case the Post Office appropriation bill was under consideration, and the Clerk read the following provision of the bill:

For compensation to 25 rural agents, at $1,600 each; 15 rural agents, at $1,500 each; 15 rural agents, at $1,400 each; 19 rural agents, at $1,300 each; 65 rural agents, at $1,200 each; and 10 rural agents, at $1,000 each, $196,200.

To this Mr. William W. Kitchin, of North Carolina, offered the following as an amendment:

Insert, in line 18, page 24, after the word "dollars," "*Provided*"—

And to this language I ask the Chairman's careful attention—

"*Provided*, That no part of this appropriation shall be paid to any rural agent who after the 1st day of July, 1904, shall make a recommendation against the establishment of any route on account of the condition of the road over which said route extends or is proposed to extend."

After debate, the Chair held that that was a limitation and in order. Certainly if that could be held as a limitation, the amendment offered by the gentleman from Florida must certainly be within the rule.

I want now to call the attention of the Chair to a decision found on page 636, of volume 4 of Hinds' Precedents, section 3942. In that case the Agricultural appropriation bill was under consideration in Committee of the Whole House on the state of the Union, and the Clerk had read the paragraph relating to agricultural colleges, when Mr. Charles B. Landis, of Indiana, proposed this amendment:

*Provided*, That no part of the appropriation shall be available for the Agricultural College of Utah until the Secretary of Agriculture shall be satisfied, and shall so certify to the Secretary of the Treasury, that no trustee, officer, instructor, or employee of said college is engaged in the practice of polygamy or polygamous relations.

Some debate having taken place, and Mr. William H. King, of Utah, having suggested a point of order, the Chairman said:

There are two reasons why the Chair would be inclined to overrule the point. In the first place, it comes rather late, and in the second place, the amendment seems to be a limitation upon this appropriation.

The amendment having been agreed to, Mr. King offered the following amendment:

And that no person shall be appointed a teacher or trustee of said college who has been engaged in any lynching and until proof shall have been furnished, to the satisfaction of the Secretary of Agriculture, that such teacher or trustee has not been guilty of adultery or fornication.

Mr. Charles H. Grosvenor, of Ohio, made the point of order that the amendment was not in order.

The Chairman said:

Let the Chair state to the gentleman that the ruling on the other amendment was that that was a limitation upon the appropriation—providing that no part of this appropriation shall be paid to the agricultural college, in general terms, until it was ascertained that no teacher or trustee was a polygamist. That is a general statement of that amendment. That was a limitation upon the appropriation. Then comes this independent proposition, involving legislation. * * * The Chair sustains the point of order.

Thereupon Mr. King offered the following, and to this I call the particular attention of the Chair:

*Provided*, That no part of this appropriation shall be available for the agricultural college of Indiana or any other State or Territory until the Secretary of Agriculture shall be satisfied, and shall so certify to the Secretary of the Treasury, that no trustee, officer, instructor, or employee of said college is engaged in the practice of polygamy or polygamous relations or is guilty of adultery or fornication.

In other words, Mr. Chairman, the form of the amendment was changed until it became a limitation upon the appropriation by its express terms.

To this amendment Mr. Grosvenor made the point of order.

The Chairman overruled the point of order and held that the amendment was in order.

Now, Mr. Chairman, there might be many cases cited along this line. I am only calling attention to these for the purpose of showing to the Chair that these cases which I have cited are much stronger upon the objectionable features that the chairman of the committee calls attention to than the present one. It can be said, as I have said before, that any of these propositions in a sense is new legislation. It can not be said in this case that they are repealing legislation, because there is no legislation in existence regarding these things. There has never been any. Most of the rural-route regulation rests entirely upon departmental order. We are not repealing existing law. Neither are we in these cases making law. The proposed amendments are not to be considered as affecting anything except this particular appropriation for this particular year; and I submit that under the precedents, when it is so limited, when it does not change existing law, when it is not making a permanent law for the government of future Congresses, when it is only intended as a limitation on the manner in which the money shall be used, which we are now appropriating for the ensuing year, it certainly is within the rule, and it is proper for Congress to have that power.

Congress ought to have the right to say how this money shall be used, and if the proposed amendment is not contradictory to existing law, if it is only a limitation on the appropriation, the authorities are ample and universal to the proposition that it is proper, and the point of order will not lie against it.

The CHAIRMAN. The Chair is ready to rule. The law on this subject is found in the proviso to the act of March 4, 1915, fixing the pay of rural carriers, page 1227, Statutes at Large, volume 38, and reads as follows:

*Provided*, That in the discretion of the Postmaster General the pay of carriers who furnish and maintain their own motor vehicles, and who serve routes not less than 50 miles in length, may be fixed at not exceeding $1,800 per annum.

The law does not limit motor-vehicle routes to 50 miles in length; does not require that these routes shall be at least 50 miles in length; but authorizes the Postmaster General to fix the compensation of carriers who operate motor vehicles on routes at least 50 miles in length at a sum not exceeding $1,800 per annum.

The amendment—No. 1—which we are considering, offered by the gentleman from Florida [Mr. CLARK], provides that no part of the money appropriated for rural-delivery service shall be available to cover any expense upon any motor-vehicle route unless a majority of the patrons to be served on that route have requested by written petition the Post Office Department to establish such motor-vehicle route.

Examining the precedents, the Chair finds that on January 11, 1905, while the Army appropriation bill was under consideration in Committee of the Whole, an amendment was proposed to the enacting paragraph—

That the following sums be, and they are hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the support of the Army for the year ending June 30, 1906—

To this effect: That no part of the moneys appropriated in the act should be expended for the support and maintenance of more than 30,000 men, including officers and enlisted men. That amendment was offered by Mr. John S. Little, of Arkansas. A point of order was made to this amendment, and, after the matter was debated, the Chairman held that the amendment appeared to be drawn in conformity with a large number of precedents in the form of limitations.

"The amendment," the Chairman held, "discloses the fact that it does not in terms cut down the number of officers or enlisted men in the Army, but limits the appropriation in the bill to a certain number of officers and enlisted men, to wit, to 30,000," and the Chair held that the amendment seemed to be in strict conformity with a number of other amendments to which points of order had been overruled, and that this merely placed a limitation on the use of money appropriated in that act, and overruled the point of order.

The Chair has listened to the reading of these numerous other authorities to which attention has been called, and it seems to the Chair that the authorities are in perfect harmony on this question. The amendment offered by the gentleman from Florida [Mr. CLARK] is a limitation. It prevents the expenditure of the moneys appropriated for Rural Delivery Service upon motor-vehicle routes which have not been established in compliance with a petition signed by a majority of the patrons of the route. The Chair thinks the amendment is in order, and overrules the point of order.

Mr. CLARK of Florida. Mr. Chairman, I now ask unanimous consent to withdraw the second amendment which I offered.

The CHAIRMAN. The gentleman from Florida [Mr. CLARK] asks unanimous consent to withdraw amendment No. 2. Is there objection?

There was no objection.

The CHAIRMAN. The question now is on the amendment offered by the gentleman from Florida.

Mr. MADDEN. Mr. Chairman, I think it would be most unfortunate if this House should adopt the amendment offered by the gentleman from Florida——

Mr. CLARK of Florida. Mr. Chairman, I submit that debate is exhausted on this amendment.

The CHAIRMAN. The Chair understands that debate is exhausted under a previous agreement.

Mr. MADDEN. Very well.

Mr. LLOYD. Mr. Chairman, I ask unanimous consent that amendment No. 1 be again reported.

The CHAIRMAN. Without objection, the Clerk will again report the amendment.

There was no objection, and the Clerk again reported amendment No. 1.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Florida.

The question was taken; and on a division (demanded by Mr. MOON) there were—ayes 131, noes 33.

So the amendment was agreed to.

Mr. MOON. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MOON. I understand that the amendment provides that no part of this appropriation shall be used until the demand of the amendment is complied with?

The CHAIRMAN. The Chair so understands the amendment.

Mr. SMITH of Michigan. Mr. Chairman, I desire to make a parliamentary inquiry as to whether or not the motor routes already established come under this amendment?

The CHAIRMAN. The amendment will speak for itself. The Chair does not care to construe the legal effect of this amendment. Without objection, the Clerk will again report amendment No. 4, offered by the gentleman from Mississippi [Mr. CANDLER].

There was no objection, and the Clerk again reported amendment No. 4, offered by the gentleman from Mississippi [Mr. CANDLER].

The CHAIRMAN. The Chair will hear the gentleman from Mississippi on the point of order.

Mr. CANDLER of Mississippi. Mr. Chairman, I contend that this amendment is in order, because it is clearly a limitation on the appropriation made in the bill. The provision in the bill is an appropriation of $53,000,000 for the Rural Delivery Service.

This amendment provides that the money shall not be expended until the salaries of the rural carriers are paid out of the money heretofore appropriated in accordance with the joint resolution fixing the amount of the salaries which those carriers were to receive, and hence the amount that they were to receive is fixed and definite and the money out of which these payments are to be made has already been appropriated and the limitation is to the effect that this appropriation shall not be expended until after the money heretofore appropriated is paid out in accordance with the provisions in the statute heretofore enacted. Now, then, it seems to me that one of the precedents referred to a moment ago by the gentleman from Virginia [Mr. SAUNDERS] is directly in point. That provision is—

That no part of such sum herein appropriated shall be used for the payment of expenses of such district judges unless said certificates contain an itemized statement of said expenses.

That is found on page 681 of Hinds' Precedents. I call attention to another, on page 678, paragraph 3997. The gentleman from New York [Mr. FITZGERALD] offered an amendment as follows:

*Provided*, That no part of the money herein appropriated for dredging, improving, and building retaining walls in and about the reserve basin shall be expended until there has been prepared ready for submission to Congress at its next session an estimate of the completed cost of such reserve basin.

And on page 680, section 4000:

*Provided*, That none of the above amounts appropriated for the naval station at Fort Royal shall be available or used until the United States shall have acquired all right and title to the land claimed by Agnes A. Niver adjacent to the land where the dry dock now is, and involved in litigation in the United States Court of Claims—

And so forth.

That was put upon a future contingency and as a limitation upon the appropriation. This amendment makes the limitation

contingent upon the payment of the money and the adjustment of the salaries previously authorized to be paid for which an appropriation has already been made and says that this money shall not be expended for this service until these salaries are adjusted and paid in accordance with the specific act of Congress.

The CHAIRMAN. Let the Chair call the attention of the gentleman from Mississippi to his amendment. His amendment recites that the amounts provided for in this paragraph shall not be expended until there shall have been paid to letter carriers, their executors or administrators, out of the appropriation for the fiscal year ending June 30, 1915, last year, enough money to make up a certain amount that they did not receive. That amounts to a reappropriation of an unexpended balance for the year ending June 30, 1915, the last fiscal year.

Mr. CANDLER of Mississippi. No, sir; it provides that this shall be paid out of money already appropriated. The money is already appropriated under a provision of an act of Congress and is now available and can be paid out to-morrow.

The CHAIRMAN. But that money is now back in the Treasury again.

Mr. CANDLER of Mississippi. No, sir; it does not go back to the Treasury until three years after the appropriation. It is now in the Post Office Department and is available, and the report of the Auditor for the Post Office Department shows the specific amount is now in the Post Office Department already appropriated and now available, and it can not go back and will not go back until three years after the appropriation was made.

The CHAIRMAN. In any event the gentleman's amendment, in fact, provides for an appropriation of an unexpended balance in addition to the amount carried in this clause, does it not?

Mr. CANDLER of Mississippi. No, sir; it simply provides that the unexpended balance already appropriated and now available be paid out before this other money shall be used.

Mr. MOON. Mr. Chairman, I would suggest there is no possible connection between the two appropriations. If the gentleman's position is correct, you could not spend a dollar under this bill until you had gone back and settled up with these carriers.

Mr. CANDLER of Mississippi. That is true; and that is the reason it is a limitation, and therefore in order.

Mr. MOON. It is not a limitation at all. If that sort of a holding could be made, there would be no use in having a rule on the subject. It is utter nonsense, in my opinion.

Mr. CANDLER of Mississippi. It may be nonsense to the distinguished gentleman from Tennessee, but it is good, honest, common sense to us who believe these letter carriers should be paid what is justly due them.

The CHAIRMAN. Does the gentleman from Iowa want to be heard?

Mr. TOWNER. Mr. Chairman, I desire only to call attention to the impression that I think exists with regard to the reappropriation proposition. The adoption of this amendment would not mean a reappropriation of the amounts affected. It should be remembered that this money was appropriated for the particular purpose of paying the carriers. It should be remembered that it was not used. It should be remembered that it is now in the Treasury for that purpose. It should be remembered that it is subject to the order of the Postmaster General whenever he shall decide that it shall be paid out in accordance with the law. He has so far said only part of this money shall be paid, not all of it. Now, the gentleman's proviso is simply this, not that a new sum shall be appropriated, Mr. Chairman, not that a new amount shall be made payable subject to his order, but only that he shall do that which, in fact, he has already been directed to do—to order it to be paid out to the men who are entitled to it under the law. That is all. The money is now in the Treasury; it is now available; it is not a new appropriation. It is only asking that this appropriation for this year shall not be available until the order has been issued by the department carrying out the provisions of a law already made.

Mr. NORTON. Mr. Chairman, I desire to say just a few words on the point of order that has been made. While I should like to see such a provision enacted as this amendment proposes, it seems to me clearly that the amendment proposed is not a limitation on this appropriation but is a requirement that something be done with an appropriation that has already been made and is, in fact and effect, entirely new legislation. While it is contended by the gentleman introducing the amendment that it is a limitation upon the appropriation that is made in this bill, it has no direct reference to how this appropriation or any part of it may be expended. On the other hand, it provides how a part of an appropriation made by a preceding Congress shall be expended. It seems to me that the point of order made is clearly well taken and should be sustained.

Mr. COX. Mr. Chairman, just a word on the point of order. I think the point of order is well taken. There is no connection whatever between the proposed appropriation in the pending bill and the appropriation in the preceding bill. The preceding appropriation was for the current fiscal year 1916. This is an appropriation for the fiscal year 1917. Now, in the distribution or the paying out of the appropriation made for the fiscal year 1916 the Postmaster General paid that out under the law which gave to him the discretionary power to fix salaries and the amount of payment made to each rural route carrier in the United States.

I do not remember just exactly when that law was passed, but it was some 12 or 15 years ago. Now, you can not go back, in my judgment, by this limitation and bring forward an appropriation that was made for a year past. If any funds remain undisposed of at the end of two years they are covered into the Treasury of the United States, and the gentleman's amendment or proposed limitation is a violation of that section of the statute which plainly declares that all unexpended balances at the end of two years must be covered into the Treasury of the United States.

Mr. CARTER of Oklahoma. Will the gentleman yield?

Mr. COX. For a question.

Mr. CARTER of Oklahoma. When the gentleman first started he said he did not believe the point of order was well taken. He did not mean to say that, did he?

Mr. COX. I think it is well taken.

The CHAIRMAN. The Chair thinks this may make it necessary for the Postmaster General to expend certain sums that might not otherwise be expended, under this clause "unexpended and still available." The Chair thinks the point of order should be sustained, and sustains the point of order to amendment No. 4, offered by the gentleman from Mississippi [Mr. CANDLER]. The Clerk will report amendment No. 5, offered by the gentleman from Iowa [Mr. GOOD].

The Clerk read as follows:

On page 27, at the end of line 6, change period to colon, and add: "*Provided, further*, That no part of the sum hereby appropriated shall be used to pay the salary of any rural carrier using a horse-drawn vehicle to carry the mail over any route the major portion of which is over dirt roads, if the total length of such route exceeds 26 miles."

Mr. GOOD. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. GOOD. I understand the amendment of the gentleman from Florida [Mr. CLARK] was adopted, and that amendment is interposed at the same point where I have introduced this amendment. That being the case, my amendment ought to be modified so as to follow the amendment offered by the gentleman from Florida.

The CHAIRMAN. The Clerk will insert before the amendment of the gentleman from Iowa the words "*And provided further*," without objection. Is there objection to so modifying the amendment? [After a pause.] The Chair hears none.

The Chair will hear from the gentleman from Iowa [Mr. GOOD] on the point of order.

Mr. GOOD. Mr. Chairman, I can not conceive how this amendment is subject to a point of order. In specific terms it provides that no part of the money hereby appropriated shall be used to pay the salary of any rural carrier carrying mail over a rural route the major portion of which is over dirt roads if that route is more than 26 miles in length. The law does not specify the length of any rural route. There is no law on that subject. There is no legislation upon it. This amendment is intended simply to provide that the Postmaster General can not pay out a dollar of this fund to a rural-route carrier——

Mr. COX. Will the gentleman yield for a question?

Mr. GOOD. When I finish the statement. If the rural route established is over dirt roads, or where a major portion of it is over a dirt road, if that route is more than 26 miles in length. It is clearly a limitation that can not be construed in any sense as legislation.

Mr. COX. Will the gentleman yield for a question?

Mr. GOOD. Certainly.

Mr. COX. Is the gentleman able to point to any law relating to any establishment of rural routes, from the time they were first organized down to the present time, declaring anything about the kind of a road over which the route should be carried?

Mr. GOOD. No.

Mr. COX. Then is this not clearly a change in existing law?

Mr. GOOD. Then the gentleman would hold, according to that reasoning, that the amendment that the Chair just held in order, offered by the gentleman from Florida [Mr. CLARK], was out of order and the point of order should be sustained?

Mr. COX. I think there is a clear distinction between the gentleman's amendment and the amendment offered by the gentleman from Florida. I think the gentleman's amendment brings in another element here which does change existing law, because it seems to bring in and designate a particular kind of road over which mail is to be carried, while there is no law up to this time which designates the kind of a road.

Mr. GOOD. My amendment does nothing of the kind. The amendment simply provides that if the mail is carried over a route the major portion of which is of dirt roads, then nothing shall be paid for rural carrier service over that route if the length of the route is more than 26 miles.

Mr. STEENERSON. Now, under existing law the department has established a standard route of 24 miles?

Mr. GOOD. Yes.

Mr. STEENERSON. And they have established in my district, for instance, more than half the routes——

Mr. GOOD. There are some in my district of 32 miles.

Mr. STEENERSON. And they have been running for years. Now, if you adopt this amendment it would deprive the people of my district on over half of the routes of any service whatever.

Mr. GOOD. Where is there any law establishing these routes?

Mr. STEENERSON. The executive department has established routes of 26 or 28 or 30 miles. Most of them in my district are more than 26 miles. By this so-called limitation are you going to deprive those people of any service whatever?

Mr. GOOD. Unquestionably if this is adopted it will change department law, but it will not change the statutes of the United States in a single particular.

Mr. FINLEY. Will the gentleman yield?

The CHAIRMAN. Will the gentleman from Iowa yield to the gentleman from South Carolina?

Mr. GOOD. Yes.

Mr. FINLEY. Is the gentleman aware that the longest routes in the country, generally speaking, are those west of the Mississippi River, and particularly in the State of Kansas and other States that are arid to some extent and have not the amount of rainfall we have east of the river, and a great many of those routes are 30 miles long, and some 32, some 33, and some 35 miles? Now, what would the gentleman do? Would he deprive those people of Rural Delivery Service?

Mr. GOOD. No.

Mr. FINLEY. At present they are served by horse-drawn vehicles, and the gentleman's amendment would cut out each and every route in all that section—routes more than 26 miles in length.

Mr. GOOD. I will answer the gentleman's question. If I had my way about it, I would draw a provision which would be more workable than this. I would draw a provision that would permit the Postmaster General in such cases to extend that rural service. But if I write in this amendment, giving authority to establish rural routes of more than 26 miles where the major portion of the route is over dirt roads, say, 30 miles, then I will do just what the department is doing, and thereby destroy the rural service. I think the gentleman has seen today, by the evidence displayed in this House, that the department shall not be allowed to make a law in regard to the rural service in violation of the express wish of Congress.

Mr. FINLEY. I have seen all that, and I appreciate it fully. Now, I will say this to the gentleman, that if his amendment prevails nine-tenths of all the rural routes of the United States that exceed 26 miles in length will be deprived of rural service.

Mr. GOOD. The gentleman knows that that is a small part of the service. If the gentleman will read his own committee's hearings, he will find that on these long routes the major portion of them is not over dirt roads.

Mr. FINLEY. In Kansas——

Mr. GOOD. In the eastern part of Kansas, to which the gentleman refers, I know something about, and in the eastern part of Nebraska they are having the same trouble that we are having elsewhere; but I am not talking about the semiarid country.

Mr. FINLEY. I have in mind the rural routes in my own district.

Mr. GOOD. The gentleman is talking about Kansas. In the eastern part of Kansas, where the rainfall is the same as in the eastern part of Nebraska and the western part of Missouri and Iowa, it is impossible to have these long routes and at the same time give the people any sort of effective service.

Mr. FINLEY. I will say again, if the gentleman's amendment is carried here, it will militate against those people who are served by rural routes now more than 26 miles long, and it should be voted down.

Mr. GOOD. The gentleman is making an argument on the merits of the proposition. I understood the chairman wanted to hear argument upon the question as to whether or not this was a limitation.

Mr. COX. Mr. Chairman, I want to make just one suggestion. I undertake to say that it can not be found anywhere in the organic act establishing rural routes where the law undertakes to define the kind and character of the road over which the route should pass.

Now, the Chair judicially knows that in this country there are all kinds of roads, some dirt roads, some rock roads, and some gravel roads. There being no law requiring a certain standard road over which the route must pass before it can be established, my point is, if I can make myself plain, that the gentleman's amendment seeks to make a particular kind and character of road, to wit, that of a dirt road, and bring it in here as a law, and make it a part of this appropriation bill, which is in violation of the rules of this House. You can not incorporate general legislation upon an appropriation bill except under certain conditions, which, of course, the gentleman's amendment does not come under.

To make myself a little plainer, it is a violation of the rules of this House, because it seeks to place upon this appropriation bill general legislation—that of establishing the kind and character of the road over which the route must pass before the salaries carried under this appropriation can be paid. It is clearly subject to a point of order.

The CHAIRMAN. The Chair thinks the amendment is not subject to a point of order. It does not limit the route to 26 miles, but it limits the expenditures provided for in this paragraph to roads the major portion of which are over dirt roads and which are 26 miles or under, and makes permissible expenditures on routes that are over 26 miles. The Chair thinks that the point of order should be overruled. The question is on agreeing to amendment No. 5, offered by the gentleman from Iowa [Mr. GOOD].

Mr. RICKETTS. Mr. Chairman, may we have the amendment again reported?

The CHAIRMAN. Without objection, the Clerk will again report the amendment.

The Clerk read as follows:

On page 27, at the end of line 6, change the period to a colon and add: "*And provided further*, That no part of the sum hereby appropriated shall be used to pay the salary of any rural carrier using a horse-drawn vehicle to carry the mail over any route the major portion of which is over dirt roads if the total length of such route exceeds 26 miles."

Mr. STEENERSON. Mr. Chairman, I would like to have unanimous consent to debate this amendment for five minutes.

The CHAIRMAN. The gentleman from Minnesota asks unanimous consent for five minutes in which to discuss the amendment on the merits. Is there objection?

Mr. GOOD. Mr. Chairman, reserving the right to object, I understand the gentleman is against this amendment, and if he is to discuss it I want a similar length of time.

Mr. FOSTER. I object, Mr. Chairman.

The CHAIRMAN. Objection is heard. The question is on agreeing to the amendment offered by the gentleman from Iowa.

Mr. AUSTIN. Mr. Chairman, I ask that the amendment be again reported.

The CHAIRMAN. The amendment has just been reported, but if there is no objection the amendment will be again reported.

There was no objection.

The amendment was again read.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Iowa [Mr. GOOD].

The question was taken, and the Chairman announced that the "noes" seemed to have it.

Mr. GOOD. Mr. Chairman, I ask for a division.

The CHAIRMAN. The gentleman from Iowa [Mr. GOOD] asks for a division.

The committee divided; and there were—ayes 25, noes 79.

So the amendment was rejected.

The CHAIRMAN. Without objection, the Clerk will report amendment No. 6, offered by the gentleman from Iowa [Mr. HULL].

The Clerk read as follows:

Page 27, line 6, after the word "stations," insert:
"*Provided*, That in the payment of sums for this appropriation as salary to rural-route carriers the money so paid when any rural route is reestablished shall, on the filing of an application by the person who was the carrier at the time the rural route was abandoned, requesting that he be reappointed, go to said carrier, unless there was just cause for his removal from the service at the time the rural route was abandoned or just cause has since arisen."

Mr. HULL of Iowa. Mr. Chairman, this amendment is simply intended to put the former carriers back on their jobs which they lost when these routes were motorized.

Against my protest last fall this department motorized one route in my county of Muscatine. They thereby took two men who were under the civil service and put them out of a job. I asked for an inspection, and the department inspected the route——

Mr. MOON. Mr. Chairman, is this on the point of order or on the merits?

The CHAIRMAN. The Chair wishes to hear the gentleman on the point of order. The Chair does not care to hear a discussion of the merits.

Mr. HULL of Iowa. Well, deferring to the Chairman, it seems to me that the ruling of the Chair on a previous amendment here to-day makes this in order.

The CHAIRMAN. The Chair thinks this amendment is not in order. The Chair does not think this is a limitation. The point of order is sustained to amendment No. 6, offered by the gentleman from Iowa [Mr. HULL]. The Clerk will report amendment No. 7, offered by the gentleman from Iowa [Mr. HULL].

The Clerk read as follows:

Amendment offered by Mr. HULL of Iowa: Page 27, line 6, after the word "stations," insert:

"*Provided*, That such sums as may be necessary may be used from the money hereby appropriated to restore the rural routes to the efficiency they had attained prior to March 4, 1915, and it shall be mandatory on the Post Office Department to so restore said route when a majority of the patrons request in writing such restoration."

Mr. MOON. Mr. Chairman, I make a point of order against the amendment.

The CHAIRMAN. Does the gentleman from Iowa desire to be heard on the point of order?

Mr. HULL of Iowa. I will submit it without debate.

The CHAIRMAN. The point of order is sustained. This disposes of all amendments offered to this section. The Clerk will read.

The Clerk read as follows:

That if the revenues of the Post Office Department shall be insufficient to meet the appropriations made by this act, a sum equal to such deficiency of the revenue of said department is hereby appropriated, to be paid out of any money in the Treasury not otherwise appropriated, to supply said deficiencies in the revenues for the Post Office Department for the year ending June 30, 1917, and the sum needed may be advanced to the Post Office Department upon requisition of the Postmaster General.

Mr. NOLAN. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from California offers an amendment, which the Clerk will report.

The Clerk read as follows:

Beginning with line 12, on page 27, add a new paragraph, as follows: "That section 6 of the act of August 24, 1912 (ch. 389, 37 Stat., p. 555), be amended to read as follows:

"'No postal employee in the classified service of the United States shall be removed or reduced in rank and compensation except for such cause as will promote the efficiency of the service and for reasons given in writing, and the person whose removal or reduction is sought shall have notice of the same and of any charges preferred against him, and be furnished with a copy, including evidence, and also be allowed a reasonable time for personally answering the same in writing and to submit evidence or affidavits to the Civil Service Commission, with opportunity for an oral hearing, at which the employee may be represented by counsel, and witnesses shall be sworn and the testimony recorded; and the Civil Service Commission shall have the power to issue and enforce process to secure the attendance of witnesses, administer oaths, to require any Government official or employees to produce books or papers relating to the charges under investigation, to issue commissions to its district commissioners for the taking of testimony, which shall be taken in the county where the witness resides when the same can be conveniently done: *Provided*, That the Civil Service Commission may remand the case with such orders as may seem to it proper in the premises, and its judgment and decrees shall be final.'"

Mr. MOON. I make a point of order against that amendment.

The CHAIRMAN. Does the gentleman from California desire to be heard on the point of order?

Mr. NOLAN. I will ask the gentleman from Tennessee to reserve his point of order. I should like to be heard on the merits.

Mr. MOON. In order that the gentleman may have five minutes, I will reserve the point of order for five minutes.

Mr. NOLAN. Mr. Chairman, the purpose of this amendment is to amplify the antigag law passed in the Sixty-second Congress. It is to give the postal employees of this country a fair trial and the right of appeal. It provides that they shall have the right to a copy of the charges, including the evidence, and also to be allowed a reasonable time for personally answering the same in writing, and to submit evidence or affidavits to the Civil Service Commission, which is the appellate tribunal, with opportunity for an oral hearing, at which the employee may be represented by counsel and witnesses be sworn and the testimony recorded.

Under the present system a departmental official can prefer charges against any postal employee in this country, and he has only the opportunity to see the written charges. He has no right to see the testimony introduced against him, and no right of appeal unless he can convince the Civil Service Commission that he is being discriminated against for religious or political reasons. This is an amendment in the interest of fair dealing to the employees. They want the right to see the evidence, and they ought to have the right to see the evidence that is introduced to substantiate the charges. They ought to have the right to an oral hearing. They ought to have the right to a court of appeals, and the proper court of appeals would be the Civil Service Commission, which would have the right to designate local civil-service representatives to hear these charges and give the individual a fair trial. Now, postal employee after postal employee has been dismissed, almost without a hearing, without opportunity to hear the testimony in support of the charges, and without the right of appeal from the decision of the department when he was denied a fair trial, and it is not in line with the spirit of the antigag law passed in the Sixty-second Congress. The purpose of this amendment is to give to the postal employees of the Government of the United States the same right that they would enjoy in a civil or criminal court in this country, provided they were charged with an offense against the law. It is about time that Congress should recognize the discrimination that has been practiced against civil-service employees, and that they be given a fair trial, and that the opportunity for prejudiced department officials to vent their spleen upon the postal employees or any other employees of the civil service whenever they see fit should be taken away. The amendment is offered in that spirit, and while it is probably subject to a point of order, it must be given consideration either in this appropriation bill or in a separate bill reported to this House.

The following letter from Thomas F. Flaherty, secretary-treasurer of the National Federation of Post Office Clerks, explains the need of the right of appeal and the right to a hearing for postal employees:

NATIONAL FEDERATION OF POST OFFICE CLERKS,
*Washington, D. C., February 18, 1916.*

Mr. JOHN I. NOLAN,
*House of Representatives, Washington, D. C.*

MY DEAR MR. NOLAN: I am addressing you upon a matter of vital importance to the postal employees of the country—the granting to them of the right of appeal and the right to a hearing upon charges affecting their salaries and positions—and I ask your support of the proposed amendment to the civil-service laws which will accomplish this result.

As you are aware, there is a bill now pending before the Committee on Reform in the Civil Service, H. R. 9921, introduced by Representative KEATING, of Colorado, which seeks to give all classified civil-service employees the right to appeal to the United States Board of Mediation and Conciliation, an unbiased, detached tribunal, in cases of demotion or dismissal. This is a meritorious measure, and I trust Congress will give it the consideration it deserves; but pending action on this bill, and as a matter of legislative expediency, I ask that you endeavor to amplify the legislation enacted by the Sixty-second Congress, August 24, 1912, known as the antigag law, which provided that the employee whose removal or demotion was sought must be notified in writing; but it further provided that no hearing was to be given except at the discretion of the officer making the removal or demotion.

Postal employees have found the present law inadequate, as it permits no appeal from the arbitrary judgment of the department official. He is complainant, judge, jury, prosecuting attorney, and high chief executioner. The hapless employee has only the doubtful privilege of seeing the written charges against him. Should he see fit to make reply, the department need give it no serious consideration. Its decision in the case is final; the employee has no appeal. It is this weakness in the law that operates to the disadvantage and frequently to the great injustice of efficient employees. This amendment merely strengthens the law by granting the employees the right of an oral hearing before the Civil Service Commission or its authorized representative, at which the employee may be represented by counsel and the testimony recorded.

At present the commission refuses to review or to assume jurisdiction to investigate a case unless it is alleged, with offer of proof, that the removal was made for political or religious reasons. In all other cases the employees must submit to the arbitrary judgment of their department heads.

It is not the purpose of this legislation to interfere with the proper administrative functions of the department. There should be no obstacles in the way of the removal of inefficient or undesirable employees. But the mere charge of inefficiency by the head of an office, when the real cause is prejudice, vindictiveness, or personal or political reasons, should at least be subject to review. An employee entering the service must prove his fitness in a competitive examination. His character and references are thoroughly investigated. He is not appointed permanently until he has proved his adaptability for the work during a six months' probationary period. Therefore, if there is such a severe test as to a man's ability to obtain the place, why should there not be some test as to his fitness to hold the position? The Civil Service Commission is very zealous in guarding the front door of the civil service, but heretofore the back door has been left wide open. The commission will not permit the political head of a department to select his subordinates, and yet it has heretofore taken the position that he could have practically free rein in getting rid of subordinates by use of the very elastic terms "inefficiency" and "insubordination."

Perhaps to the postal worker more than any other Government employee should this right to an appeal be given. A postal worker's job is everything to him. Men who have only a post-office training, only a knowledge of the details of post-office work, must sell their services to the only bidder—the Government. They can not start a rival business; they can not offer to work for a competitor. Unlike the craftsman or the stenographer or any other worker with expert knowledge, the postal expert can not capitalize his training. There is but one market for his wares—the post office. His job, his life, his

all, should not be dependent upon the whim of a supervisory official, a biased inspector or an inefficient department head.

There is nothing revolutionary in this proposal to clothe the Federal Civil Service Commission with the power to review testimony and listen to oral arguments. Many State and municipal civil-service bodies now exercise a similar function. In New York City and in the State of Massachusetts some of the civil-service employees even have the right to a court review.

Postal employees' organizations are a unit in their desire to get some legislative relief to curb the tyrannical power now vested in the department heads. The various classes of employees, the clerks, the city and the rural carriers, and the railway mail clerks have adopted resolutions in their respective conventions asking for corrective legislation. Some prefer a trial board selected from the employees whenever disciplinary action is contemplated by the officials; personally I prefer the right to appeal to a tribunal, nonpolitical in its character, such as the United States Board of Mediation and Conciliation, but as a matter of legislative expediency I think this enlargement of the powers of the Civil Service Commission will bring the relief sought.

No department head should fear a review of his judgment if he is fair and just and desires to see justice done to his most lowly subordinate. As a matter of fact, he should welcome such a hearing, for then the charge can never be made by the dismissed employee that he was not accorded a fair hearing.

The unanimity of opinion among postal employees as to the need of legislation such as is here proposed indicates only too plainly that workers in the service have suffered from unjust, despotic actions of departmental officials. In my report to the San Francisco Convention of the National Federation of Post Office Clerks, September, 1915, I said on this subject:

"One of the most glaring defects in the Federal civil service is the inadequate protection afforded the employees against unjust dismissals. The theory of civil service, as I see it, is that it protects the public interest by taking the power to appoint employees from the political heads of the Government departments. Yet these political heads possess the absolute power to dismiss employees.

"Existing law provides that an employee whose dismissal is sought must be notified in writing, but it also provides that no hearing shall be given except in the discretion of the officer making the removal. The employee has no appeal from the arbitrary judgment of the department head, unless it is alleged, with offer of proof, that his removal was made for political or religious reasons. Thus we find the Postal Department acting as complainant, judge, jury, prosecuting attorney, and high chief executioner. The employee has the doubtful privilege of seeing the charges preferred against him. If he makes answer to them, the department is not even obliged to read this reply.

"If the civil-service employees are to have the right of a hearing and the right of appeal—rights which should be fundamental in this country—it is necessary that a detached tribunal, separate from the department concerned, be authorized to review charges, hear testimony, and investigate evidence the employee may have to submit.

"As stated, the Civil Service Commission now refuses to review cases of dismissals unless a religious or a political issue is raised. Either the commision's powers should be enlarged or a tribunal created to review cases and hear testimony. If a new tribunal be established, the employees should have representation upon it.

"The need of a court of appeals to which employees can turn for a review of the judgment of the official recommending dismissal is imperative. Both the service and the men require it. Many State, municipal, and foreign civil-service laws have been perfected to take the arbitrary power of dismissal from the transient political heads of departments, and the Federal Government can with profit follow this example by strengthening its civil-service laws in this respect.

"The right of an appeal from the judgment of a higher official is not merely a refuge for the inefficient; it is rather an effort to protect the efficient against inefficient administration. I concede that a Government official, charged with the responsibilities of conducting the affairs of his department economically and properly, should have sufficient leeway to rid the service of incompetents. But surely it is not unreasonable to ask an administrative official who seeks the dismissal of an employee for inefficiency, to submit his evidence of the unfitness of this employee to unbiased judges. This is simple justice in accord with our ideals of fair play.

"To the post-office clerk, more than any other civil-service employee, is this question of the right to a hearing and appeal of paramount importance. A clerk in fitting himself for post-office work unfits himself for occupation outside the post office. He must perforce depend absolutely upon the service for his livelihood. Unlike other artisans, a post-office clerk can not apply his knowledge generally; it is not of universal application; there is no competing postal service to which he can sell his skill and expertness. His position with the Government is everything to him and he should be fully protected in the right to hold it. He is entitled to have some appeal from the offhand judgment of his transient political superiors upon a matter of such consequence to him, the service, and the public.

"In view of the importance of this issue to the entire civil service of the Government, I urge this convention to take positive action, either by the appointment of a special committee to act with the legislative representative or by specific instructions to the executive committee, so that the next Congress may be advised of the necessity of protecting Federal civil-service employees against summary dismissals."

THE FAIRMONT (W. VA.) CASES.

Probably there is no better example to be found anywhere in proof of the need of this appeal legislation than the cases of the 25 clerks and carriers at Fairmont, W. Va., who resigned in concert because of the unjust treatment accorded three of their fellow workers. These men were subsequently arrested, tried for conspiracy, and fined sums ranging from $500 down to $5. While awaiting trial, one of the men, W. H. Fisher, a letter carrier, committed suicide.

I call your attention particularly to the resignations turned into the department by these men. You will note that the same thought—a lack of confidence in the administration of the civil service—runs through them all.

The February Union Postal Clerk printed the following article on the Fairmont trouble:

THE LESSON OF THE FAIRMONT STRIKE—THE MEN LOST FAITH IN THE CIVIL-SERVICE LAWS.

"Postal employees throughout the service were astounded to learn on November 17, 1915, that 25 clerks and carriers of the Fairmont (W. Va.) post office had resigned in concert as a protest against the unjust treatment accorded three of their fellow workers, who had been dismissed without a hearing. It was felt that the provocation must have been great to drive the ordinarily docile postal worker to such drastic action. And it was.

"We are printing the signed resignations of the men who walked out. These men were not irresponsible youths. Four of them had served 17 years in the service; three had served 13 years; all but eight had served 3 years or more. Their collective opinion of the civil service and its administration in the Postal Service is an opinion that comes with experience. And the men were about unanimous in pronouncing civil-service laws inadequate in so far as affording protection against official incompetency is concerned.

"These 24 resignations are that many indictments against the civil service as an institution and the present postal administration. Seventeen of the men expressed their helplessness to protest against the alleged incompetency of the postmaster. He was the political appointee of the present administration and the men felt the futility of appealing over his head to Washington for relief. Eighteen of the men quit as a protest against the dismissal of three fellow employees. They knew what every postal employee knows—the department can "get" you, and you have no appeal, no chance for a hearing. They feared the departmental wrath and forestalled it by resigning. Fifteen of the men recorded the view that the civil-service laws afford no protection to employees against unjust attacks of political officials. This is a self-evident truth. Five of the men expressed the thought that the inspector, the eye of the department, as he is known to be, was unfair in his attitude and biased in his judgment. Anyone familiar with the farcical investigations conducted by inspectors will readily believe this complaint well grounded.

"The same thought runs through all the resignations. The same idea that nothing would be done to remedy the wrong inflicted—if wrong had been inflicted—permeates each letter. The men lost faith in the adequacy of the civil-service laws, they lost hope in securing justice from the postal administration. And there was no appeal from the arbitrary judgment of the Washington officials who sit in the high places and pass sentence with such an unswerving degree of righteousness that no mere employee may, with safety, question their wisdom.

"These Fairmont resignations question the wisdom of trying to conduct a Postal Service as it is now conducted. Unless the lesson is heeded and this arbitrary power taken from the hands of political and department bureaucrats the danger of employees, especially employees who have not been educated through organization in the efficacy of their own power to obtain legislative relief, resorting to drastic action is ever present.

"It is because we of the federation realize the need of protecting the civil service as an institution from the clutches of those who care nothing for it, and less for those who work within it, that we are asking the Congress for the right of a hearing before a detached tribunal when charges affecting vitally our personal interests are preferred against us.

"Read and analyze these resignations. Mark the important sections and mail the article to your Congressman, telling him to make such an occurrence impossible in his district by voting for the Keating bill, which gives employees the right to appeal from the findings of a post-office inspector and the hasty subsequent judgment of a departmental official."

WHY THEY RESIGNED.

SIR: I herewith tender my resignation as clerk in the Fairmont (W. Va.) post office, to take effect November 16, 1915, at midnight.

The present postmaster, Charles E. Manley, is entirely incompetent to manage the affairs of the Fairmont post office, and also the said Charles E. Manley will be involved in a public scandal in a short time that will make the office of postmaster a disgrace to Fairmont, and I do not care to remain under the circumstances.

Respectfully,

A. L. B. DUDLEY,
*Assistant Superintendent Mails.*

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SIR: I do hereby tender my resignation as clerk in the post office at Fairmont, W. Va., to take effect at midnight on the day this letter is mailed, for the following reasons:

Since Charles E. Manley has taken charge of the Fairmont post office there has been a continual uproar and dissatisfaction among all the employees of the Fairmont post office, for the reason that Manley is discourteous to his clerks and has made his threats on the streets "to the victor belongs the spoils," and from the treatment given Messrs. Brand, Cochran, and Burton he has signified that the threat is to be carried out.

I regret to give up my position, but I feel that I can not afford to lower my dignity to serve under a man of his caliber and questioned character.

Very respectfully,

RUSSELL CLAYTON, *Clerk.*

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SIR: I tender my resignation, effective November 16, at midnight; the reason why, for injustice against Mr. Brand and other employees, also because I have been mistreated by Charles E. Manley, as I am an Italian by birth, but am an American citizen, and have been called by Charles E. Manley "blackhander" any time he had a chance; and as I am a gentleman, I can not stand it any longer.

And the said Charles E. Manley, now postmaster, is not fit to be a postmaster, as he is ignorant and no gentleman.

Very respectfully,

F. A. CIRMOS, *Clerk.*

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SIR: As a clerk in the Fairmont (W. Va.) post office, please accept my resignation, to take effect this date, for the following reasons:

I have been in the employ of the post office for 13 years and have never had a complaint from the patrons of the office or from the department, but owing to the discharge of Assistant Postmaster Wilbur H. Brand, Clerk Perry D. Burton, and Carrier George P. Cochran without any just cause, I do not feel that I have any protection under the present postmaster, Charles E. Manley, who is unfit, incompetent, and discourteous to his employees, and also owing to the discourteous and disrespectful treatment received by me at the hands of Mr. A. J. Knight, post-office inspector, and I do not feel that the civil service gives any protection to my position.

This resignation to take effect at 12 o'clock midnight.

Respectfully,

W. L. SATTERFIELD, *Clerk.*

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SIR: I herewith resign my position in the Fairmont post office, the same to take effect at midnight on November 16, 1915, for the following reasons:

First. For the reason that W. H. Brand, Perry D. Burton, and George P. Cochran were removed from the service without a just cause.

Second. For the reason that the civil service affords no protection to post-office clerks whatsoever.

Third. I have been employed in the post office at Fairmont, W. Va., since December 1, 1911, and during that time my services have been entirely satisfactory to both our former postmaster, A. Howard Fleming, and the patrons of the office, and I do not wish to have unjust charges filed against me.

Very respectfully,

CHARLES L. BARTLETT, *Clerk.*

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SIR: I have been employed in the Fairmont post office for the past eight years, as both stamp clerk and general-delivery clerk, and since Charles E. Manley has been postmaster things have been so unpleasant I feel that I can no longer endure the embarrassing things I have to face at the windows, as it seems Charles E. Manley, postmaster, has told every patron that he intends to fire all the clerks in the office—sure there is some fire where there is so much smoke—so I hereby tender my resignation, to take effect at midnight November 16, 1915, with the kindest feelings toward the administration.

Very respectfully,

CHARLES A. ROBINSON, *Clerk.*

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SIR: I herewith tender my resignation as mailing clerk in the Fairmont post office, to take effect at once.

The present postmaster, Charles E. Manley, is discourteous. As a representative of the Post Office Department at Washington, D. C., he is ignorant, unfair to his employees, and has made his threats to disregard the civil-service rules, which have been carried out by your representative, Mr. A. J. Knight, post-office inspector, who has taken the postmaster's advice rather than the testimony that was given him.

I feel that there is no longer any protection given employees, and I do not care to work under a man that is so unfair.

Very truly,

J. A. COCHRAN, *Clerk.*

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SIR: I hereby tender my resignation as substitute clerk in the post office at Fairmont, W. Va., for the following reasons:

First. Because of the charges preferred and acted upon against W. H. Brand, Perry Burton, and George P. Cochran, which, in my opinion, are grossly unjust.

Second. I have always been a man of truth and veracity, and Charles E. Manley, on a previous date asked me to tell a falsehood for him, and owing to the position which I was holding then, I was either compelled to comply with the same or receive a reprimand from Charles E. Manley, postmaster.

Third. I know that he is incompetent, for the reason that he is not informed in post-office work, and never will be, as he is not competent of being instructed. Effective at midnight, November 16, 1915.

Very respectfully,

JOHN F. SHAFFER, *Substitute Clerk.*

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SIR: I hereby tender my resignation as clerk in the Fairmont, W. Va., post office, to take effect at midnight, November 16, 1915, for the following reasons:

As a result of the very unpleasant conditions in the post office since the present postmaster, Charles E. Manley, has taken charge, and owing to his inability to conduct the post office, and his discourtesy to the clerks.

And in view of the fact that the civil service is being ignored in the dismissal of employees, I feel that it would do me honor to resign my position before I am forced out of the service through charges which may be preferred against me unjustly, as has been done heretofore with my fellow employees.

Very respectfully, HARVEY A. PITZER, *Clerk.*

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SIR: You will please accept my resignation as clerk in the Fairmont post office, to take effect at midnight on November 16, 1915, for the reason that I do not care to work under the direction of Charles E. Manley, postmaster at Fairmont, W. Va.

He is uncouth and ignorant, and unfit to occupy the position he is trying to fill; therefore I consider it beneath my dignity to work under him and recognize him as my superior.

Yours, truly, FRANK R. BARNES, *Clerk.*

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SIR: I hereby tender my resignation as clerk in the Fairmont, W. Va., post office, to take effect at midnight November 16, 1915, for the following reasons:

First. That after eight years' service, without a spot or blemish against my efficiency as a clerk, I feel that I am unable any longer to work under the direction of the present postmaster, Charles E. Manley. He is ignorant, uncouth, illiterate, discourteous to employees, and in every particular absolutely incompetent to fill the position he now occupies.

Second. That he has repeatedly made the assertion in public that he proposed to clean house and remove all Republicans from the service and replace them with Democrats, without regard to their character or ability.

Third. In view of the action taken by the said postmaster, resulting in the removal of Wilbur H. Brand, Perry D. Burton, and George P. Cochran, under the civil service, and supposed to have the same protection thereunder as I have, I feel that it is only a matter of time until the said postmaster and the Democratic administration would succeed in depriving me of the position I now and have occupied under civil service. Feeling that the civil-service rules and regulations are no longer a protection to employees thereunder and that all positions will be given to Democrats, I can no longer serve in the position I now occupy with the same degree of enthusiasm and efficiency, therefore I feel that it would be right that I tender my resignation, which I now do, to take effect to-day.

Very respectfully, RAYMOND HALLER, *Clerk.*

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SIR: During the administration of former Postmaster A. Howard Fleming, my association in the Fairmont post office was very pleasant, but since the present postmaster, Charles E. Manley, took charge of the office, there has never been the pleasant, genial feeling among the employees that formerly existed.

It has been my understanding that post-office clerks were protected by the civil service, until I recently witnessed the dismissal of my fellow employees, Wilbur H. Brand, Perry D. Burton, and George P. Cochran, after they had exonerated themselves.

I have the knowledge that very serious charges will be filed with your department against Charles E. Manley, postmaster, in which I have been required to testify against him, and I feel it my duty to myself to hand you my resignation, to take effect at once.

Very respectfully,

SYLVESTER CLAYTON,
*Superintendent of Mails.*

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SIR: I wish to resign my position as city letter carrier at the Fairmont, W. Va., post office, for the reason that I believe some of my fellow workmen have been improperly removed from the service, and after Mr. A. J. Knight pretended to investigate the charges, he evidently gave out as a result of his investigation a Washington news article casting a reflection upon the honesty of all the employees of the Fairmont post office. Charles E. Manley has also been discourteous to one of my fellow employees in particular, Walter I. Willey, and I also feel that the civil service offers little protection; this resignation to take effect to-day.

Very respectfully, E. B. HARDEN.

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SIR: Owing to the unpleasant conditions existing in the Fairmont post office, as a result of charges falsely brought against my fellow employee, which caused his dismissal from the service, and the recommendation of the inspector investigating the charges, caused a Washington news article to be published throughout West Virginia, casting a certain reflection upon the honesty of all my fellow workmen, and also because I believe the civil service of the United States no longer protects me, I desire to resign my position as city letter carrier; the same to take effect to-day.

Very respectfully, WILL H. FISHER.

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SIR: This letter is to inform you that I have decided to leave the Postal Service, because of the dismissal of some of my fellow workmen, which I believe was grossly unjust, and also because of the uncalled-for and very discourteous treatment received by Walter Willey, substitute letter carrier, at the hands of Postmaster Charles E. Manley, and for the further reason that I believe the civil service of the United States offers no protection. This resignation effective to-day at the close of business.

Very respectfully, JAS. W. PHILLIPS.

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SIR: I desire to resign my position as city letter carrier in the Fairmont, W. Va., post office, effective at the close of business to-day, since I feel that injustice has been done to my fellow employees in their removal from the service, and I feel that the civil service no longer protects me.

Very respectfully. CHARLES O. HAYHURST.

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SIR: I wish to inform you that conditions in the Fairmont post office have not been very pleasant since Charles E. Manley took charge of the office; since he has gone to the department and filed trumped-up charges against some of my fellow employees, resulting in their removal from the service. Because Mr. Manley is permitted to remove employees unjustly, I feel that it would be honorable for me to tender my resignation as city letter carrier at the Fairmont post office, to take effect to-day.

Very respectfully, J. T. KRAMER.

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SIR: I desire to resign my position as city letter carrier in the Fairmont post office, effective at the close of business to-day, since I feel that injustice has been done to my fellow employees in their removal from the service, and I feel that the civil service no longer protects me.

Very respectfully,

HARRY C. PITZER.

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SIR: I desire to give up my position as city letter carrier in the Fairmont, W. Va., post office, for the reason that I believe great injustice has been done by Charles E. Manley, postmaster, in removing some of my fellow employees from the service on trumped-up charges, and as a result of their investigation by Mr. A. J. Knight, post-office inspector, the Washington news article of November 13, 1915, cast reflection upon the honesty of every employee in the Fairmont post office, this article being published broadcast in West Virginia. This resignation to take effect to-day.

Very respectfully. W. G. SATTERFIELD.

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SIR: I am tendering my resignation as city letter carrier in the Fairmont post office, the same to take effect to-day. The reason why I do this is that I believe some of my fellow employees have been unjustly removed from the Postal Service, by the use of trumped-up charges, and when a postmaster is permitted to overstep the bounds of justice in removing employees in this manner, there is certainly no use for the civil service.

Very respectfully, H. S. KOPP.

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SIR: I desire to resign my position as city letter carrier at the Fairmont, W. Va., post office, the same effective this evening. The reason I wish to leave the service is because of the seeming unjust and unfair treatment received at the hands of Charles E. Manley by some of my fellow employees, he filing unjust charges against them resulting in their dismissal from the service, and also for the reason that the civil service of the United States affords no protection.

Very respectfully,

EDWARD E. HALE.

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SIR: I am not pleased with the manner in which some of my associates in the post office have been removed from the service by false charges preferred against them by our postmaster, which has caused many of the employees to lose confidence in the civil service, and Mr. Manley, the postmaster, has tried to even evade the postal laws in appointing city carriers. This is my resignation, effective to-day.

Very respectfully,

HYSON CHRISTIE.

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SIR: It is not my desire to remain any longer as substitute city letter carrier in the Fairmont post office, because I am convinced that some of my closest friends and fellow workmen have been unfairly removed from the Postal Service; and as long as these conditions exist and the postmaster is permitted to dismiss employees on trumped-up charges, I fail to understand the purpose of the civil service of the United States.

This resignation effective to-day.

Very respectfully, JOSEPH F. BENDER.

SIR: I hereby tender my resignation as substitute city letter carrier at the Fairmont, W. Va., post office, the same to take effect now.

My reason for leaving the service is that I have been most discourteously treated by the present postmaster, he having cursed me in his private office, and demanding my resignation at once, in the presence of Assistant Postmaster Wilbur H. Brand.

The unfair and unjust dismissal of some of my fellow employees from the Postal Service is also a reason for my resignation.

Very respectfully,

WALTER S. WILLEY.

NAMES AND RECORDS OF MEN WHO QUIT.

W. H. Brand: Assistant postmaster; appointed May 1, 1898; removed November 16, 1915.

Perry D. Burton: Clerk, in charge Monongah branch; appointed July 1, 1908; removed November 16, 1915.

Raymond Haller: Distributor; appointed May 20, 1906; resigned November 16, 1915.

F. A. Cirmo: General-delivery clerk; appointed July 1, 1914; resigned November 16, 1915.

Sylvester Clayton: Superintendent of mails; appointed July 22, 1903; resigned November 16, 1915.

J. A. Cochran: Chief dispatcher; appointed October 4, 1902; resigned November 16, 1915.

Russell Clayton: Stamp clerk; appointed December 1, 1912; resigned November 16, 1915.

C. A. Robinson: General-delivery clerk; appointed December 1, 1906; resigned November 16, 1915.

H. A. Pitzer: Chief clerk; appointed October 1, 1908; resigned November 16, 1915.

A. L. B. Dudley: Assistant superintendent of mails; appointed September 26, 1899; resigned November 16, 1915.

Flosse Montgomery: Stamp clerk; appointed June 12, 1914; resigned November 16, 1915.

C. L. Bartlett: Money-order clerk; appointed December 4, 1911; resigned November 16, 1915.

Frank R. Barnes: Dispatcher; appointed June 16, 1913; resigned November 16, 1915.

W. L. Satterfield: Night dispatcher; appointed October 1, 1902; resigned November 16, 1915.

John F. Shaffer: Substitute clerk; appointed July 1, 1914; resigned November 16, 1915.

CARRIERS.

James W. Phillips: Appointed December 1, 1898; resigned November 16, 1915.

W. H. Fisher: Appointed December 1, 1898; resigned November 16, 1915.

H. S. Kopp: Appointed December 1, 1907; resigned November 16, 1915.

Charles O. Hayhurst: Appointed October 1, 1902; resigned November 16, 1915.

Walter I. Willey: Appointed July 1, 1914; resigned November 16, 1915.

Harry C. Pitzer: Appointed February 13, 1912; resigned November 16, 1915.

E. E. Hale: Appointed March 1, 1912; resigned November 16, 1915.

W. G. Satterfield: Appointed May 1, 1903; resigned November 16, 1915.

Hyson Christie: Appointed April 1, 1913; resigned November 16, 1915.

J. F. Bender: Appointed December 1, 1914; resigned November 16, 1915.

B. B. Harden: Appointed May 1, 1905; resigned November 16, 1915.

P. B. Henry: Appointed July 1, 1907; resigned November 16, 1915.

J. T. Kramer: Appointed December 1, 1914; resigned November 16, 1915.

NEWSPAPER COMMENTS.

That the public generally is aware of the need of curbing the arbitrary power of departmental officials by granting the employees the right of a hearing and appeal is shown in the following news items gathered at random from the press of the country:

[From the Washington (D. C.) Star.]

A DEPARTMENTAL APPEALS COURT.

Representative KEATING'S bill to give the classified civil-service employees a right of appeal to the Federal Board of Mediation and Conciliation in cases of demotion or dismissal is inspired by certain instances of alleged injustice in the Post Office Department. The suggestor of the bill, an officer of the National Federation of Post Office Clerks, declares that there has been a loss of confidence in the efficacy of the civil-service laws for the protection of the worker. It is undeniable that civil-service employees are subject to dismissal virtually without citation of cause if the head of the department so wills. And it can not be denied that the exercise of this power tends to demoralize the service. No business establishment can succeed on the basis of causeless dismissals. The United States should be conducted on the same principle. The essential spirit of the civil-service law is one of guaranty of tenure during good behavior and efficiency. Theoretically political considerations are eliminated. Actually, in practice, unfortunately they have not been, and tenure is uncertain in some departments.

Whether the medium proposed by the Keating bill, the Board of Mediation and Conciliation, is the most effective possible as a check against baseless, unwarranted demotions and dismissals is to be considered. Theoretically the Civil Service Commission itself has jurisdiction over this question, but actually the clerks have no appeal under the present system from any arbitrary action. By means of manipulated efficiency records, it may be, a showing of incapacity can be made against a clerk whose position is wanted. Only through the operation of some sort of appeals board or court of review can devices of this kind be checked to give the civil employee that degree of protection from partisan action and injustice that the civil-service law in its essence theoretically provides.

[From the Milwaukee Leader.]

A NATIONAL BLACK LIST.

The largest industry in America, if not in the world, is the United States Postal Service. In this service there prevails a most vicious system of blacklisting.

As Thomas F. Flaherty, secretary-treasurer of the National Federation of Post Office Clerks, put it, "A postal clerk might as well have his hands cut off as be dismissed from the service." Such a clerk is practically debarred forever from working at the only trade he knows.

This blacklisting is done at the whim of a bunch of politically appointed inspectors, who peep through slits cut into the walls where the clerks are working. The word of these inspectors holds against anything the clerks may say.

The only protection against this vicious autocratic autocracy is an organization of the postal employees strong enough to procure a share in the management of the industry for the employees. This every little would-be tyrant in the post office will fight.

[From the New York Chief.]

IS THE GOVERNMENT "ON THE SQUARE"?

With the introduction in Congress of a bill providing a "court hearing" for employees who have a grievance the question arises, Is the Government on the square? The workings of the Government are so varied and complex that heads of departments, of bureaus and divisions, or others in authority can not be laid down by rule, nor can their doings be recorded and gauged according to results obtained, as in commercial work. Personal dislikes, jealousies, political and religious differences, and other reasons offer those in power temptations to oust otherwise efficient and faithful employees, and the unfortunate employee has no redress.

Uncle Sam requires an applicant for a position in his service to be entirely efficient and well qualified. Many appointees study and make sacrifices for months and years in order to qualify for appointment. When appointed, he represents the best worker in his line. What a pity he is at the mercy of a petty officer who may for some reason take a dislike to him.

Skilled employees working for any of the great industrial concerns not only receive good pay for their services, but they are protected against any discrimination by the boss. They stand together. The employer knows that he must give a fair deal.

Must the Government be forced to give its employees a fair deal as the skilled workmen force the manufacturer to give them a square shake? The employees of the Government are of a class that would make no unreasonable demands, nor should it be necessary for them to place their needs before the Government in the form of demands. It is only necessary that they make their needs plain, so that they will be understood and appreciated, and the Government will do the rest.

The law provides courts that the people may have justice. If a man interferes with or takes away the rights of another he is invited to talk to the judge. When an employee is reduced in salary for no reason other than the personal whims of a man in authority, that employee is deprived of his constitutional rights, and he should at least have an opportunity to state his case before an impartial judge or board.

[From the Rural Free Delivery News, official organ of the Rural Letter Carriers' Association.]

A CIVIL-SERVICE COURT OF APPEALS.

The case of the assistant postmaster at Winnetka, Ill., whose cold-blooded, arbitrary dismissal from the Postal Service and reinstatement by a peremptory order of the President, has laid emphasis upon the growing need of a civil-service tribunal to which appeals of dismissed employees may be made. The Winnetka case is the only instance that has come to our attention wherein the Chief Executive of the Nation has intervened to save a postal employee from the autocratic power of departmental officials.

While the alleged offense of the assistant postmaster was trivial, it was perhaps more serious than the charges which in many instances have been preferred against rural carriers. At all events the charges in the Winnetka case were direct and covered a specific alleged offense, while in many cases of dismissed rural carriers the charges were vague, general, and indirect, and covered no specific violation of the postal laws and regulations.

A case in point is that of Carrier Marion Enyeart, of Warren, Ind., the record of which will be found on another page in this issue of the Rural Free Delivery News. The charges against Enyeart were so vague and indefinite that proper answer could not be made. Particulars were demanded by the accused, but the request was ignored, and in due course the carrier was dismissed without knowledge of a specific charge or opportunity to face his accusers. Such procedure smacks too strongly of despotism to be long tolerated in a free country in this enlightened age.

The remedy is a civil-service court of appeals to which all charges against civil-service employees should be referred for investigation and action. Charges should be as specific as in any other court, and the accused should be given opportunity to face his accusers, present witnesses, and do everything possible in his own defense, and the decision of the court should be based upon the law and the evidence in the case.

Civil service to-day is a joke and a farce. Examinations are held to determine the relative fitness of applicants, but under the present system there is no assurance that the candidate making the best grade will be appointed, and after appointment and perhaps years of faithful, efficient service there is no guaranty of permanent employment. The simple charge "for the good of the service," by an official of a few months or even a few weeks' experience in office, is sufficient to cause the dismissal of a faithful employee with a clean record.

The civil-service laws should either be repealed altogether or amended and strengthened so as to give assurance of permanent employment as a reward for efficient service. Arbitrary power of dismissal by officials upon flimsy and vague charges, without full opportunity for defense, should be withdrawn. The substance of reward for faithful service should be made more substantial and the shadow of fear of unjust dismissal more shadowy.

[From the Civil Service News, Chicago, Ill.]

FOR RIGHT OF HEARING IN THE FEDERAL SERVICE.

Several bills to provide for the right of hearing for merit employees in the United States service in cases relating to dismissal are pending in Congress. Tenure during good behavior and efficiency in service is one of the foundation principles of every civil-service act. But the Federal law, lacking the so-called trial clause of the best municipal and State civil-service statutes, has been found wanting as to the approved means for putting that principle into effect.

To the objection that the Federal service is scattered over a vast area, rendering the holding of trials difficult, there is a complete answer in the district system followed by the United States Civil Service Com-

mission as to examinations. If district examining officers can conduct impartial examinations, district trial officers could conduct impartial trials.

Let Congress provide a trial clause for the Federal civil-service law and thus remedy one of its greatest defects.

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[From the Union Postal Clerk, official magazine National Federation of Post Office Clerks.]

APPEAL RIGHTS FOR POSTAL WORKERS ASKED.

The Keating bill, sponsored by Congressman EDWARD KEATING, of Colorado, chairman of the labor group in the House, seeks to grant to employees in the classified civil service the right to appeal from the judgment of their respective department heads in cases affecting their wages, rights, and positions.

The Keating bill enables the worker who feels that his dismissal or demotion has been unjustified to appeal to the United States Board of Mediation and Conciliation by filing a written statement setting forth the cause for the appeal and specifying the relief sought and submitting any evidence germane to the case. The board shall have power to appoint investigators, to subpœna witnesses, to take testimony, administer oaths, and to require any Government official or employee to produce books or papers relating to any appeal under investigation. Testimony shall be taken in the county where the witness resides, when the same can be conveniently done.

The big principle, for which this federation has led the fight—the right of appeal—is embodied in the Keating bill. It will strip from the political heads of departments their arbitrary power to demote, degrade, and dismiss. With the Board of Mediation empowered to review decisions and examine records the departmental bureaucrats, whose shameful misuse of supreme power has cowed the service workers into pitiful subjection, will proceed more cautiously in future in visiting their political or personal vengeance against the lowly subordinate. The mere fact that their official actions will be subject to scrutiny by an outside tribunal will cause the zealous head-hunters to be less free in swinging the ax.

By endeavoring to extend the powers of a board already in existence rather than create a new court the Keating bill overcomes two obstacles at the start. It will cost but little, if anything, and it will not meet with the opposition existing in Congress to the creation of additional courts or commissions.

The Board of Mediation already performs a function closely akin to the duties the Keating legislation requires of it. The board has salaried officials, trained investigators, offices, and office help; all the machinery is at hand to bring relief, hope, and a greater degree of freedom to the workers of the Postal Service.

The Keating bill is No. 9921. Have your local labor bodies indorse it. Write your Congressman and tell him why you want the bill to pass. It is your bill of rights. It is worth a great deal to you. It safeguards your job. Act at once!

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[From the Scranton (Pa.) Republican.]

FAIR PLAY IN THE CIVIL SERVICE.

Recently there was introduced in the National House of Representatives by Congressman EDWARD KEATING, of Colorado, a bill which provides a measure of fair treatment for Government employees in the classified civil service.

The bill merely extends to the man who is working under civil-service regulations the privilege enjoyed by every American citizen, namely, the right to an impartial hearing by an unbiased tribunal whenever he is accused or dismissed or penalized for some alleged infraction of the regulations under which he is employed.

While all must agree that proper discipline is essential to honest service, there have been numerous instances of injustice toward subordinates by persons in "a little brief authority," and it is to remedy this that the Keating bill was introduced in Congress.

As a general proposition the civil service is beneficial to those who are employed under it as well as to the public. It makes for that degree of efficiency which every conscientious worker attains when his position is fairly secure against unfair discrimination, and is, therefore, a valuable adjunct of the public service, for which reason it deserves to be protected in its integrity against the antics of those who may be inclined to violate its principles for personal or political reasons.

The proposed Keating bill aims to correct a great evil. It gives the worker the right to appeal against the exercise of arbitrary authority unjustly exercised and to obtain from the United States Board of Mediation and Conciliation a full hearing of all the facts in his case whenever he may be demoted or dismissed.

The details are fully set forth in the bill. Its passage will have the effect of causing officials in authority to act justly toward subordinates. The measure does not encourage insubordination, it does not diminish proper discipline, but its enactment will have the effect of protecting employees in the positions that were obtained by them through rigid preparation and patient effort.

The civil-service system is capable of abuse by those who should be the most persistent in upholding it, and there can be none too many safeguards against inequity in this respect. Every employee working under its provisions is entitled to such a full and impartial hearing as the Keating bill provides whenever he feels that he has been unjustly dealt with.

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[From the Globe-Democrat, St. Louis, Mo.]

DISCIPLINE IN THE POST OFFICE.

Necessity for discipline in the various post offices of the country is recognized by all thoughtful citizens On the other hand, one realizes the possibility of gross injustice an unchecked martinet might do to helpless subordinates. As we have frequently pointed out, the position of the postal clerk is unique. The postal business is a Government monopoly. If the clerk quits or is discharged he can find no other market for the special information and special skill he has acquired. His utter helplessness in a contest with his superior is so obvious as to throw discredit on the strange story that St. Louis postal clerks had formed a secret league to embarrass the postmaster, who has it in his power to ruin their future. The fact that the postmaster, according to his own admissions in his service publication, discharged two employees, whom he suspected falsely, as we know, of being responsible for the appearance of certain matters in the Globe-Democrat, is an evidence of the danger of the unrestricted power now exercised. The right of appeal from the decision of a judge who is also prosecuting attorney, witness, and jury, should be conceded. The whole future of an employee should not be at the mercy of the whim of one man, moved by mixed motives and often strongly prejudiced. The fact that persons suspected of breathing intimations reflecting on the postmaster are remorselessly pursued while there has been no rebuke of signers of articles in the newspapers giving the postmaster credit for achievements which the record proves belonged to his predecessor, tends to shake public confidence in the lofty disinterestedness of the postmaster's policy of repression.

While we are not prepared to judge of all the questions discussed in the comprehensive article by Thomas F. Flaherty, secretary-treasurer of the National Federation of Post Office Clerks, published yesterday, his ex parte statement is very persuasive. Some of his findings are supported by an independent investigation. He raises some points which should challenge the attention of Congress, since the good of the service and the human rights of the postal employees are both involved.

The CHAIRMAN. The Chair thinks the amendment is subject to the point of order, and sustains the point of order.

Mr. STEENERSON. Mr. Chairman, I move to strike out the last word. A great deal has been said here to-day in reference to the administration of the postal laws, especially with relation to the rural service. Reference has been made to the desire of the department to economize in that service. It has been pointed out, I think, that this attempt to economize has been disastrous to the efficiency of the service, and it has affected the country generally without regard to political complexion. It has affected the Democratic districts as well as the Republican districts, so that partisanship in that regard can not be charged, but the fault, it seems to me, lies in the theory of the Post Office Department as to what their duties are. I tried to point that out in my opening remarks, but I will repeat it. Two years ago, on account of the failure of the Underwood law to produce sufficient revenue for the Government, there being a large general deficit in the Treasury, the Post Office Department proposed to save $20,000,000 by putting the rural service on the contract basis, and they brought in that proposition to the committee, and in other ways they wanted to economize—not because the Postal Service was not then self-sustaining, but because they said they wanted to make up the general deficit. I criticized it at that time. This year they have a new reason, as I believe, and that is that they are wrestling with a white elephant in the person of the parcel post. They claim in their statements that they are making $10,000,000 on the parcel post, but I think their own figures will convince any unbiased man of the fact that they are losing from $16,000,000 to $30,000,000 on that item, and, for that reason, there is now a postal deficit. They are trying to make good for mistakes they have made in that branch by curtailing the rural service, and that is the cause of all their trouble.

If these gentlemen who belong to the majority party would go to the President of the United States or to the Postmaster General and convince him that the rural service should not be the victim of their mistakes in other directions, I think the policy could and would be corrected. The fault is in the policy of the department in carrying on this service. To obtain efficient service there must be a large discretion vested in the administrative officers, and the more we hamper the discretion of the department the more trouble we are going to get into. I believe that the discretion lodged in the Post Office Department, when wisely exercised, will restore the rural service to its former efficiency. I will undertake to say that if you will give me, or any other good Republican who has a sound theory of the purposes of the service, the authority as Postmaster General for 60 days it would be restored to its former efficiency in every branch and every section of the country. I speak of this because this clause provides for taking out of the Treasury the sum required to make up for the deficit.

Mr. GOOD. Mr. Chairman, will the gentleman yield?

Mr. STEENERSON. Yes.

Mr. GOOD. The gentleman's idea is that we can not make a good official out of a bad one, but that we must relegate to the people at the polls the correction of that evil?

Mr. STEENERSON. Yes. My theory is that you can drive a horse to water but that you can not make him drink. These men have the law, but they refuse to exercise any discretion in the proper direction and serve the people as they ought to be served. The only thing to do is to discharge them and get new administrative officers. [Applause on the Republican side.]

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn.

There was no objection.

Mr. BENNET. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BENNET. We are about to begin now the reading of the numbered sections. Will they be considered by the entire numbered section or by paragraphs?

Mr. FINLEY. They will be considered by sections.

Mr. BENNET. Each numbered section is divided into paragraphs, and my inquiry is whether they are to be considered by paragraphs or by sections.

Mr. MOON. They are by sections.

Mr. BENNET. Each numbered by itself?

Mr. MOON. Yes.

Mr. BENNET. Will the whole section be read before it is in order to make the point of order?

Mr. MOON. Yes.

Mr. STAFFORD. The railway mail proposition is one entire section.

Mr. MOON. Yes.

Mr. STAFFORD. It would be better, if we are to have an opportunity to amend it, to have it read by paragraphs, rather than to consider it in bulk.

Mr. MOON. Mr. Chairman, I ask the Clerk to read section 2.

Mr. BENNET. Mr. Chairman, I would like an answer to my inquiry.

The CHAIRMAN. The Chair will hold that it will be read by sections.

The Clerk read as follows:

SEC. 2. That hereafter the Postmaster General shall have authority and he is hereby empowered to assess and collect a sum of money, or fee, not in excess of 75 per cent of the present rates of bonds now in force, from each officer and employee of the Postal Service with the United States of America through the Post Office Department who are now, or hereafter may be, required by law to give bond, and to create and establish with the money or moneys derived from such assessments and collections a guaranty fund to indemnify the United States of America for losses incurred because of, or by reason of, the failure of any of the said officers or employees to faithfully perform and discharge, or for improperly performing and discharging, the duties and obligations imposed on the said officers or employees by reason of their acceptance of such office or employment, and a sum of money or fee not in excess of the rates of bonds now in force from each contractor with the United States of America through the Post Office Department who are now, or hereafter may be, required by law to give bond by reason of their acceptance or execution of such contract.

And the Postmaster General is further authorized and empowered to prescribe such regulations as may be necessary to create and maintain a guaranty fund and to pay in full from such guaranty fund any person or persons who have incurred or suffered loss or losses for which the United States is liable: *Provided*, That any officer or employee may give bond, with surety or sureties approved by the Postmaster General, in lieu of and in the place of, an assessment for or contribution to the said guaranty fund: *Provided further*, That the Postmaster General may, in his discretion, require and secure a bond for the faithful and proper performance and discharge of the duties and obligations of any office or employment in addition to the assessment for and contribution to the said guaranty fund: *And provided further*, That the premium of such bond shall be charged against and paid from the said guaranty fund: *And provided further*, That the establishment and operation of said system shall be without additional cost to the Government.

Mr. BENNET. Mr. Chairman, I make the point of order on the section.

Mr. MOON. Mr. Chairman, I think the point of order is well taken and ought to be sustained.

The CHAIRMAN. The Chair sustains the point of order.

Mr. LINTHICUM. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD upon this section.

The CHAIRMAN. Is there objection?

Mr. MOON. Mr. Chairman, no remarks have been made upon the section. How is the gentleman going to extend remarks that have not been made upon the section?

Mr. MADDEN. I suggest to the gentleman that it will be up for debate later on, and he will have an opportunity to speak upon it.

Mr. LINTHICUM. Mr. Chairman, I withdraw my request.

Mr. MOORE of Pennsylvania. Mr. Chairman, may I ask the gentleman in what way it will come up later on?

Mr. MADDEN. Under a rule.

Mr. MOORE of Pennsylvania. Has that been decided upon?

Mr. MOON. Mr. Chairman, I will state to the House that my information is that the Committee on Rules will bring in a rule that has been agreed upon which will make in order all of this matter which we strike out of the bill.

Mr. STAFFORD. Does that include those small items that have previously been stricken out?

Mr. MOON. It includes every single item in this bill which was subject to the point of order.

Mr. STAFFORD. It may meet the same fate that it did two years ago.

Mr. BENNET. Of course, the gentleman understands that there is a possibility that the House will vote down the rule.

Mr. MOON. Of course. This is a matter under the control of the House, and if the House wants to vote down the rule, I certainly would be the last man to object to it.

Mr. BENNET. Therefore the gentleman from Maryland might not get another opportunity to extend his remarks.

Mr. MADDEN. The gentleman will have an opportunity to talk on the rule.

Mr. FINLEY. Mr. Chairman, I demand the regular order.

The CHAIRMAN. The regular order is demanded, and the Clerk will read the next section.

The Clerk read as follows:

SEC. 3. That the third proviso of the act of May 4, 1882 (22 Stat. L., chap. 116, p. 54), be amended as follows:

"If any person shall hereafter perform any service for any contractor or subcontractor in carrying the mail, he shall, upon filing in the department his contract for such service and satisfactory evidence of its performance, thereafter have a lien on any money due such contractor or subcontractor for such service to the amount of same; and if such contractor or subcontractor shall fail to pay the party or parties who have performed service as aforesaid the amount due for such service within two months after the expiration of the month in which such service shall have been performed the Postmaster General may cause the amount due to be paid said party or parties and charged to the contractor: *Provided*, That such payment shall not in any case exceed the rate of pay per annum of the contractor or subcontractor."

Mr. MANN. Mr. Chairman, I move to strike out the last word. Does the gentleman know whether this provision is one of the provisions that have been reported to the Senate by the committee over there as a Senate amendment to the postal savings-bank bill?

Mr. MOON. I will say to the gentleman this and several other sections of this bill have been placed upon the postal bill in the Senate amendment, but we thought it wise not to leave them off here until some action is taken upon that bill. In the event that that bill is passed there and the House concurs in those amendments it will only be necessary to strike out those matters from this bill.

Mr. MANN. My recollection is that the bill the other day in the Senate was sought to be taken up, and there was some likelihood of its being taken up.

Mr. MOON. I think it is likely, and if it is taken up and passed and comes over here and is concurred in it will be unnecessary to further consider this section, but we thought it best to leave all on until some action was taken over there. I will ask the Clerk to read.

The CHAIRMAN. The pro forma amendment will be considered as withdrawn——

Mr. MANN. Mr. Chairman, this is the first time I have been taken off the floor.

Mr. MOON. I thought the gentleman had finished.

Mr. MANN. I was going to ask why this language was put in here.

Mr. MOON. I can tell the gentleman in a moment. Does the gentleman desire to go back to that section?

The CHAIRMAN. The Chair understood that the gentleman had yielded the floor.

Mr. MOON. I did also, otherwise I would not have asked the Clerk to proceed.

Mr. MANN. What is the purpose of this provision?

Mr. MOON. I can best state it in the words of the department:

Under existing law when a contractor on a mail route fails to compensate a carrier for service performed for such contractor within two months after the expiration of the quarter in which such service shall have been performed, the Postmaster General may cause the amount due to be paid to the carrier and charged to the contractor; and to wait two months after the expiration of the quarter in such cases imposes undue hardship upon the carrier, to whom it would be a great help if the Postmaster General were authorized to act as indicated when two months had elapsed after the expiration of the month rather than the quarter in which the service was performed.

Mr. MANN. Of course, I have read the provision in the bill and know that part of it; and let me ask the gentleman: This bill is in the interest of the subcontractors?

Mr. MOON. I think so.

Mr. MANN. What object has the Government in inviting men to take contracts for the carrying of mail and then subletting them? At times in the past that was the greatest evil with the star-route service that ever came before Congress in connection with any service.

Mr. MOON. I think the purpose of the Government is an equitable one, in view of the fact that the men who do the work should get the pay, and that the time in which they should get it should be as short as possible under existing conditions.

Mr. MANN. It is an invitation in the screen-wagon service for a man to get a contract with no intention whatever of doing the work, but with the intention of subletting the contract to somebody else who will really do the work. I am inclined to think——

Mr. MOON. We can not say what is in the minds of men about these things.

Mr. MANN. What did the gentleman say?

Mr. MOON. We can not tell what the minds of men may be about a matter of that sort.

Mr. MANN. But we can tell whether that will be in the interest of subcontractors, whereas I should rather see legislation in favor of seeing the contractor who makes the contract carry it out.

Mr. MOON. Well, that is all right; but the gentleman realizes that the men who actually do the work are the men who ought to be paid.

Mr. MANN. Oh, I realize the fact that always under ordinary conditions the subcontractor ought to have a lien for his

work, but this is a different thing entirely from furnishing material. Here is a case where a man takes a contract intending to sublet it and make a profit, a rake-off for himself, with no intention of doing the work.

Mr. MOON. Well, this is a mere change of the law in one respect, and I will call attention——

Mr. MANN. I understand.

Mr. MOON. The department says:

To wait two months after the expiration of the quarter in such cases imposes undue hardship upon the carrier, to whom it would be a great help if the Postmaster General were authorized to act as indicated when two months had elapsed after the expiration of the month rather than the quarter in which the service was performed.

It shortens the time, that is all.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn.

There was no objection.

The Clerk read as follows:

SEC. 5. That whenever in the judgment of the Postmaster General the bids received for any star route are exorbitant or unreasonable, or whenever he has reason to believe that a combination of bidders has been entered into to fix the rate for star-route service, the Postmaster General be, and he is hereby, authorized, out of the appropriation for inland transportation by star routes, to employ and use such means or methods to provide the desired service as he may deem expedient, without reference to existing law or laws respecting the employment of personal service or the procurement of conveyances, materials, or supplies.

Mr. STAFFORD. Mr. Chairman, I reserve a point of order largely for the purpose of obtaining information from some member of the committee. I wish to inquire as to what character of means it is contemplated the Postmaster General would use when he finds that a contract price on a star route is exorbitant or unreasonable? Here under this new authorization you allow him—

To employ and use such means and methods to provide the desired service as he may deem expedient.

Under that phraseology I take it he will be authorized to purchase an automobile delivery car and operate it on some of these far-western mountainous routes, or even to purchase horse-drawn vehicles for that character of service. I can not conceive what other means he would employ, because he may invite other bids if he finds the first exorbitant, and here he is authorized to disregard those bids and inaugurate a service of his own liking. This I consider very broad authority to be vested in the Postmaster General. Perhaps it is expedient and necessary, but I would like to ask some member of the committee what the hearings disclosed as to the methods he is to follow if he finds these prices exorbitant.

Mr. FINLEY. Mr. Chairman, I will say this to the gentleman——

Mr. STAFFORD. Can the gentleman direct me to the page of the hearings?

Mr. FINLEY. I have a letter here from the department.

Mr. STAFFORD. Is there anything in the hearings in support of this proposed paragraph?

Mr. FINLEY. There was in former years this condition——

Mr. STAFFORD. I do not care for former years. I do not recall any consideration, while I was a member of the Post Office Committee, on this special item.

Mr. FINLEY. I do.

Mr. STAFFORD. What year? Will the gentleman kindly refresh my memory?

Mr. FINLEY. In the last several years. The facts are these, if the gentleman wishes an answer. If he has not finished, I will wait until he gets through.

Mr. STAFFORD. I am asking if there is any testimony in the hearings.

Mr. FINLEY. There is nothing in this year's hearings. The facts are that sometimes the bids are exorbitant, at other times they are unreasonable, and on occasion there are combinations of bidders. Now, it is only in those three instances where this provision would apply. There is no question about it that there are combinations of bidders at times.

If the gentleman knows anything of the star-route service, he is aware of that fact. At times the bids are unreasonably high—higher than the service warrants—higher than there is any necessity for in order to compensate properly for the service rendered. And occasionally they are unreasonable. Now, it is only in those three instances where the Postmaster General seeks authority and power to make other arrangements. And, as I take it, there would not be many of those instances. In the congressional district which I represent there are less than 150 miles of star-route service, all told—less than 100, probably—but if one of those contracts is advertised, or if one is advertised in the gentleman's district, and the bids are unreasonably high, it does not follow that the Postmaster General, as a matter of efficiency in the Postal Service, or as a matter of business economy, would accept one of those bids; not at all. And those conditions do exist, I will say to the gentleman.

Mr. STAFFORD. I stated in my prefatory statement that I would concede that such conditions exist; but my question was what character of means he is going to employ when he finds such conditions existent.

Mr. FINLEY. He would employ reasonable means; and, I take it, he would secure some one who had not bid and make an arrangement with them for carrying the mail until such time as the service could be contracted for on a proper basis. There is nothing intended here, so far as I know, calculated to give the Postmaster General authority to purchase automobiles and all of that.

Mr. STAFFORD. The gentleman will agree that the phraseology here will bear the construction to authorize him to purchase automobiles or other vehicles?

Mr. FINLEY. Then the gentleman, as I understand it, contends that he would institute a Government-conducted service?

Mr. STAFFORD. Well, there are other provisions of this bill where you authorize the Postmaster General to go into a Government owned and operated service so far as screen wagons are concerned.

Mr. FINLEY. That is very true.

Mr. STAFFORD. But I want to know whether it was contemplated, so far as the hearings show, that he purposed to extend the same policy on star routes where the bids were exorbitant?

Mr. FINLEY. I think the gentleman is unduly alarmed about that. There is no such intention so far as the committee is apprised, and I am satisfied there is not.

Mr. STAFFORD. I realize that there are instances where the department may be held up by a combination of local bidders, and there must be some means devised authorizing the Postmaster General to protect the Government by rejecting those bids. I thought the power would be sufficient if you would authorize him to call for new proposals rather than under this phraseology, which would carry the construction of authorizing the purchase of automobile trucks and other vehicles and performing a service under direct Government control.

Mr. FINLEY. Under the present law he has the right to reject any and all bids and to call for new proposals.

Mr. STAFFORD. He wants some further power which he has not at present and maybe establish a service by the purchase of some Government-owned vehicles.

Mr. FINLEY. I will say to the gentleman that probably there are not a great many instances where this condition that is complained of exists, but there are some where the service, as conducted and bid for under contracts now, is unreasonably high, and it is only intended to reach those cases. There are not many of them. It is not intended to conduct the Government service, so far as I am aware.

Mr. STAFFORD. Of course the gentleman appreciates that in the far western country since the increase of limit of weight the present Postmaster General provided for parcel-post packages of 20 to 50 pounds. The large supply houses are utilizing the mails by shipment of merchandise by parcel post which formerly went by freight, and naturally when this freightable parcel-post mail is carried on star routes the star-route carrier virtually becomes a freight purveyor rather than a postal purveyor, and that condition might incline the Postmaster General on those exceptional routes to purchase automobile trucks in order to carry this service at what he regards as a reasonable price.

Mr. FINLEY. He might use the railroad to transport freight if he saw fit.

Mr. STAFFORD. In these western communities where the star-route service is in vogue it is impossible to reach those inland post offices by railroad service. They are removed 30, 50, and sometimes 150 miles from the railroads and have to be covered by star routes.

Mr. FINLEY. I am aware of that; but I know of one instance where the railroad could be used for the transportation of freight. I know of one case in the far West where the railroad can be used, and where he would use the most available means in order to carry the mail and expedite the carriage of it. So I think no real objection can be lodged against this.

Mr. STAFFORD. Mr. Chairman, if I thought that the Postmaster General would utilize this authority for going into the business of operating automobile trucks on isolated star routes in the Western States, or in any other part of the country, I would make a point of order, because I do not believe we should launch out upon that policy at the present time. But I realize that there are instances where the Postmaster General

ought to have authority, in order to prevent the Government from being held up by collusion among bidders, and therefore I withdraw the point of order.

Mr. MANN. I reserve the point of order.

The CHAIRMAN. The gentleman from Illinois reserves the point of order.

Mr. MANN. I judged, when I read this paragraph, that probably one of the purposes, undisclosed to the committee, was the introduction of aeroplanes in the Postal Service. The Postmaster General now has the authority to reject exorbitant bids and to reject bids where there is a combination among bidders. This confers no new authority upon him there. But this paragraph provides that the Postmaster General may employ such means or methods to provide the desired service as he may deem expedient, without reference to the existing law with reference to the employment of personal services or conveyances or materials or supplies.

The Post Office Department for several years has sought the privilege of carrying the mail over some of these star routes by aeroplanes. Perhaps that privilege ought to be given them, but up to date Congress has not directly done it. Now, it is the easiest thing in the world to say that a bid is exorbitant or that there is a combination among bidders. If there is more than one bidder, it is easy to say that there is a combination of bidders, in the opinion of the Postmaster General, and his decision is not subject to review; and thereupon he can put into service an aeroplane service, no matter how much it may cost. There is absolutely no limitation in the bill at all.

My friend from Wisconsin [Mr. STAFFORD] is afraid the Postmaster General will put in an automobile service. I have no doubt he will, because the House this afternoon, having expressed a decided opinion against the introduction of the automobile service in the Post Office Department, the Postmaster General and the officials under him, following the usual course of this administration, will do what they can in opposition to the wishes of the House. [Applause on the Republican side.] They will install automobile service in the star-route service where they can not put in the aeroplane service; and the aeroplane service being more expensive than the automobile service, the probabilities are that they will install the aeroplane service where it is possible to use it. [Laughter on the Republican side.]

Mr. STAFFORD. Mr. Chairman, will the gentleman permit an interruption?

Mr. MANN. Yes.

Mr. STAFFORD. I suppose the gentleman knows that the Second Assistant Postmaster General last year, in advocacy of the establishment of the aeroplane service, advanced the reason that it would shorten the star routes in mountainous States and thereby give quicker dispatch to the carriage of letter mail and merchandise?

Mr. MANN. I remember the subject very well, indeed, and that is the reason why I have said what I have. I have no doubt whatever that one of the purposes of this section, undisclosed to the committee, was to authorize the employment of aeroplane service, and perhaps that is the best thing that can be said of the section.

Mr. FINLEY. Mr. Chairman, will the gentleman yield?

Mr. BENNET. Mr. Chairman, I reserve a point of order on the paragraph.

Mr. MANN. I yield to the gentleman from South Carolina [Mr. FINLEY].

Mr. FINLEY. Mr. Chairman, I have the following letter from the Postmaster General, which I wish to read. Here it is:

POST OFFICE DEPARTMENT,
OFFICE OF THE POSTMASTER GENERAL,
*Washington, D. C., January 15, 1916.*

Hon. JOHN A. MOON,
*House of Representatives.*

MY DEAR JUDGE MOON: In letting contracts for the four-year term beginning July 1, 1914, in the fourth contract section, which includes about 4,500 routes in the Western and Southwestern States, it was found that many of the bidders were asking exorbitant rates to perform the required service. Owing to the limitations imposed by existing law, the department was forced to the necessity of accepting in many instances bids which were clearly exorbitant, and for the protection of the Government in such cases it would appear that the Postmaster General ought to be clothed with authority to provide, under similar circumstances, such service as he might deem expedient, and in order to render this possible I recommend that the following be enacted into law:

"That whenever in the judgment of the Postmaster General the bids received for any star route are exorbitant or unreasonable, or whenever he has reason to believe that a combination of bidders has been entered into to fix the rate for star-route service, the Postmaster General be, and he is hereby, authorized, out of the appropriation for inland transportation by star routes, to employ and use such means or methods to provide the desired service as he may deem expedient, without reference to existing law or laws respecting the employment of personal service or the procurement of conveyances, materials, or supplies."

Sincerely, yours,

A. S. BURLESON,
*Postmaster General.*

Mr. MANN. Mr. Chairman, if it were not for the fact that this is a serious subject it would seem like opera bouffe. A few minutes ago the gentleman from Wisconsin [Mr. STAFFORD] intimated that this section would authorize the Postmaster General to utilize automobiles in the star-route service, and the distinguished gentleman from South Carolina [Mr. FINLEY] stated that that was not the intention of the committee. He said they had no such thought. When I suggested that the section would authorize the use of aeroplanes, the gentleman from South Carolina read a letter from the Postmaster General, stating that the very purpose of the section is to permit the use of automobiles and not aeroplanes. [Laughter to the Republican side.]

Mr. FINLEY. If the gentleman will permit——

Mr. MANN. Certainly.

Mr. FINLEY. It is simply to change the law, so that contractors for carrying star-route mail may use automobiles.

Mr. MANN. That is not a change of the law at all. The fact is that the gentleman from South Carolina has not looked at this bill since it was reported on January 31.

Mr. FINLEY. Oh, the gentleman is mistaken.

Mr. MANN. Well, then, the gentleman has looked at it since. [Laughter.] So much the worse. The argument in the letter from the Postmaster General relates to the next section of the bill and not to this section at all. [Laughter on the Republican side.] The gentleman probably forgot. I was charitable to him. He probably did not know that the next section was in the bill. That next section relates to star-route contracts. That was the section of the law that the Postmaster General refers to in his letter.

The CHAIRMAN. If there be no objection, the pro forma amendment will be considered as withdrawn.

Mr. MANN. I reserved the point of order.

Mr. BENNET. I reserve a point of order.

Mr. MOON. If it is the intention of the gentlemen ultimately to make the point of order, I would be glad to have them make it now. It is subject to a point of order.

Mr. MANN. I will say frankly, as far as I am concerned, that I do not intend to make the point of order. I am perfectly willing to withdraw it.

Mr. BENNET. I have reserved the point of order, and I will state with equal frankness that if there is nothing in the section different from what I now see I shall not make the point of order.

Mr. MOON. I just wanted to suggest that if it was the gentleman's ultimate purpose to make the point of order the discussion would be useless. I have no objection to the discussion, of course.

Mr. BENNET. I simply desire to call the attention of the committee, and particularly the attention of the gentleman from Illinois, to the fact that under this section, in accordance with prior rulings, the Postmaster General would have the absolute right to operate star routes with aeroplanes. If the gentleman will recall, in the Sixtieth Congress the question came up as to whether in the Signal Service of the Army "war balloons," as they were called in an amendment then offered, could be used. Our friend, James Breck Perkins, than whom a better scholar or a sweeter and kinder gentleman never served in this House, was Chairman of the Committee of the Whole House on the state of the Union. The question was debated extensively, for possibly a couple of hours, and the Chairman, in rulings of that scholarly character, which always distinguished his public utterances, held that so long as the War Department had the authority to maintain a Signal Service, the method through which they should maintain it would be governed in accordance with the rules governing a work in progress, and permitted the inclusion of the words "war balloons"; whereupon the House increased the appropriation $500,000 for the express purpose of utilizing war balloons in connection with the Signal Service.

Now, I think the gentleman from Illinois is quite correct in saying that there is no reason at all why the Postmaster General may not use aeroplanes, if he wishes to do so. I find nothing in the postal laws that compels him to use a wagon, an automobile, a snow plow, or anything else on a star route, and under one section he is permitted expressly to use a canal boat. So, if he thinks an aeroplane is the better vehicle to use on a star route, and he advertises for bids, he can under this section use aeroplanes.

Mr. MANN. If the gentleman will yield——

Mr. BENNET. Certainly.

Mr. MANN. I do not think he could advertise for bids, but the Postmaster General may purchase aeroplanes and operate them and never ask for bids, because there is no limitation whatever.

Mr. BENNET. The gentleman is quite correct. Under this section as it stands the Postmaster General would have the

right to buy a hundred aeroplanes at any price. And I might say that illustrates the unwisdom of this method of legislation. I am not going to make a point of order against it, because I am in favor of progress, and if the Postmaster General, who is the Postmaster General until March 4, 1917, wants to use aeroplanes, progressive people ought not to interfere with him.

Mr. SLOAN. If there be objection on the part of the gentleman or anybody else to aeroplanes in the star route service, under the rule stated by the gentleman from Illinois [Mr. MANN] could not their use be prevented by simply adopting an amendment providing affirmatively that the department shall use automobiles and aeroplanes; and then having made a positive command, we would expect it to be entirely disobeyed under the rule of the department? [Laughter.]

Mr. BENNET. I should expect that to be done, but that would not get you anywhere, because now they can use them if they want to, and can refrain from using them if they want to.

Mr. Chairman, I withdraw the point of order.

Mr. COX. Mr. Chairman——

The CHAIRMAN. The gentleman from New York [Mr. BENNET] withdraws the point of order. The gentleman from Indiana——

Mr. MOORE of Pennsylvania. I want to offer an amendment.

The CHAIRMAN. The gentleman from Pennsylvania is recognized.

Mr. MOORE of Pennsylvania. Mr. Chairman, I move that all of the paragraph after the word "expedient," in line 24, on page 30, be stricken out.

The CHAIRMAN. The gentleman from Pennsylvania offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 30, line 24, after the word "expedient," insert a period and strike out the remainder of the paragraph, which reads as follows: "Without reference to existing law or laws respecting the employment of personal service or the procurement of conveyances, materials, or supplies."

Mr. MOORE of Pennsylvania. Mr. Chairman, the tendency to give to the administrative departments discretion over and above existing law is growing in this House. It is a tendency that ought to be resisted. The administrators of the law should be governed by the law like all other good citizens, and it seems to me we ought not by express provision permit the Postmaster General, or any other officer of the Government, to conduct himself without the pale of the law. I offer this amendment in good faith, and at the same time desire to comment briefly upon the tendency to which I have referred.

A short time ago we passed by, subject to a point of order, the paragraph proposing to create what in effect will be a new Government bureau, to organize and give surety bonds on behalf of the Government to its employees. This is a departure in the way of governmental control that ought not to be tolerated at this time, yet we are told when objection is made to the paragraph that it is to be adopted in another way by a rule. The ordinary citizen of the United States does not understand this practice of legislation by rule, and since I may not have an opportunity to refer to it under the provisions of the rule when it comes in, I should like to say now that government by rule is an obnoxious form of government. Gentlemen in this House have the privilege of introducing bills to create any kind of legislation. They have the right to suggest that there shall be a law creating a surety department in the Government. They do not bring it in in that way so that there may be debate upon the floor, so that it may go before a committee as all other matters of legislation have to go to be considered in the committee with hearings upon either side, but they put it into an appropriation bill which comes out of a powerful committee, and then, when a point of order is made upon the ground that it is new legislation and can not be considered on an appropriation bill, they blandly tell the House that they propose to do by indirection what they can not do by direction, and force this legislation upon the House and down the throats of the people of the country by what is known as a rule. That rule is going to cover a multitude of sins when it comes in. I am surprised that it should have been agreed to so readily as it was. It did not become public property until within this last half hour that a rule was to be brought in forcing these matters down the throats of the Members of this House, but apparently we are going to be gagged. We are to be gagged on the question of the creation of a surety department, we are to be gagged on the question of increased railway mail pay, and we are to be gagged on a series of other questions, not by the ordinary method of procedure, but by the method which comes in the form of a rule.

Mr. FINLEY. Mr. Chairman, will the gentleman from Pennsylvania yield?

Mr. MOORE of Pennsylvania. Yes.

Mr. FINLEY. In the days when the Republicans were in power did the gentleman ever vote for any rules that were brought in? In fact, did he not vote for every one that the Committee on Rules brought in?

Mr. MOORE of Pennsylvania. I have never voted for a rule which proposed to do what is proposed to be done in this case; and in this respect I wish to say that the Committee on the Post Office and Post Roads, as highly as I esteem its members, has brought in numerous propositions which have been objected to upon this floor legally and which ought never to have been brought in in the form in which they were brought in, because they prevented the House from debating the propositions. At one time our taking over for Government control not only the railroad lines but the telegraph and telephone lines of the country was contemplated—a stupendous proposition—which should never have passed without the most careful and deliberate consideration. [Applause on the Republican side.]

Mr. FOSTER. Mr. Chairman, our good friend, the gentleman from Pennsylvania, has just delivered himself of some criticisms upon what he anticipates may come. I judge he does this because he will probably not be present when, as he thinks, this outrageous rule may be brought into the House, so he wants to get in to-night so that it may be known how he stands on the proposition.

Mr. MOORE of Pennsylvania. Mr. Chairman, I concede that it was my purpose to tell the House and the country what they would be up against in a short while, as soon as this rule comes in. We have no knowledge as to what the rule will provide, whether we will have debate on the rule or not, and if we are to be gagged some time we may as well be forewarned about it.

Mr. FOSTER. Of course, the country and the House is very much indebted to the gentleman for his knowledge beforehand.

Mr. MOORE of Pennsylvania. I am pleased to have been able to tell the country.

Mr. FOSTER. This rule has been reported—that is, voted out of the committee for more than a week—and I suppose the gentleman had just awakened to the fact that a rule——

Mr. MOORE of Pennsylvania. The gentleman from Pennsylvania was here the whole of last week; can the gentleman from Illinois say as much? I think the gentleman will not answer that question.

Mr. FOSTER. Mr. Chairman, I can not yield. So at a time like this, when the committee has brought in some legislation which is out of order on the bill, but in the interest of the Government and the people of the United States, I will say possibly not in the interest of a few individuals who might be specially benefited if this legislation were not adopted, now the gentleman finds fault with the Democratic majority for bringing in a rule which is in the interest of the people of the country.

Mr. MANN. Will the gentleman yield?

Mr. FOSTER. Just a moment. The great trouble with the gentleman's party when it was in power was in bringing in rules that were not in the interest of the people. I yield to my colleague.

Mr. MANN. Has a rule been agreed upon?

Mr. FOSTER. A rule has been agreed upon.

Mr. MANN. A week or two ago?

Mr. FOSTER. Week before last.

Mr. MANN. Why did not the committee report it to the House as two other rules were reported to the House, so that the Members of the House might know what was in the rule?

Mr. FOSTER. I will say to my colleague this rule was reported from the Committee on Rules with the distinct understanding that these paragraphs should be read and whatever was left of them in the bill were then not to be included in the rule, so that is the reason——

Mr. MANN. Then the rule has not been agreed upon?

Mr. FOSTER. Oh, yes; the rule has been agreed upon, with the distinct understanding with every member of the committee—this procedure agreed upon by every member of the committee—but I do not mean to be understood that all members agreed to the rule.

Mr. MANN. Do I understand the gentleman to say a committee of this House, reporting a rule or a bill, can say that they favored it and give the man who makes the report the authority to leave out such-and-such a section if he wants to do so?

Mr. FOSTER. I will say to my colleague this: At the solicitation of members upon the minority side of the Committee on Rules that distinct understanding was made, that whatever was left of this bill should be reported as that rule and not

reported before the bill had been read through. Now, I think there is nothing unfair about that; I think there is nothing but what the House knows and what every Member ought to know and every member of that committee does know.

Now, that is a fair statement; it is a fair action by the Committee on Rules, and it was a fair treatment of that side of the House on this proposition.

Mr. MANN. We have not been able to learn yet what is going to be in the rule. The gentleman says it was agreed upon two weeks ago. No one can tell except the gentleman from Tennessee, who said a moment ago that anything stricken out of the bill on a point of order would be included as in order under the rule.

Mr. FOSTER. That was the distinct understanding.

Mr. MANN. Why did not they make a rule to say that and introduce it in the House?

Mr. FOSTER. That might have been done, but it would have been no fairer or better.

Mr. MANN. Why not say the Committee on Rules reports a rule and anything the Post Office Committee reports in the Post Office bill is in order, no matter what the rules of the House are?

Mr. FOSTER. That is simply a matter of procedure.

Mr. MANN. Then the Committee on Rules could tell the House, and we would all know what it is. As it is now, it is all in the information of my distinguished friend.

Mr. FOSTER. I will say my colleague is not usually taken by surprise, and I am sure he will be able to inform that side of the House of the exact condition——

Mr. MANN. The only reason I will not be taken by surprise——

Mr. FOSTER (continuing). And I am sure my colleague will not be surprised in this case.

Mr. MANN (continuing). Is that I try not to be surprised at anything and to be prepared for the alternative, whatever it is. I do not know which alternative will be presented.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FOSTER. Mr. Chairman, I would like two minutes more.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois? [After a pause.] The Chair hears none.

Mr. FOSTER. I think the gentleman from Illinois is always alert and intelligent upon these propositions, and that he will not be taken by surprise in reference to this matter.

Mr. MANN. Nothing, no matter how bad it is, coming from the Democratic Committee on Rules will take me by surprise. [Laughter and applause on the Republican side.]

Mr. FOSTER. Well, I will say this in reply to my colleague, that I am sure he is not taken by surprise, whether it is good or bad; but in this case I feel sure my colleague recognizes the importance and the great benefit to the people of the country of this legislation.

Mr. FITZGERALD. Will the gentleman yield?

Mr. FOSTER. I believe the intelligence and the patriotism of my colleague is such that while he may criticize the Democrats and keep up his usual procedure of doing so, that he is not going to object except politically to the procedure in this case.

Mr. FITZGERALD. The gentleman knows that, no matter how bad anything done by the Democratic Party as to rules has been, it is infinitely better than the best that can be done by a Republican Committee on Rules.

Mr. FOSTER. I think everybody agrees to that.

Mr. MANN. That is a "me, too," proposition. We have heard it so often I think he would get something new.

Mr. FOSTER. It is the old, old story; but it is so good it should be told frequently to that side of the House.

Mr. MANN. Your best claim always is to try to copy something that we did that is bad.

Mr. FITZGERALD. And no matter what our side has done, it is never as bad as what that side of the House does.

Mr. BENNET. Mr. Chairman, I move to amend the amendment of the gentleman from Pennsylvania by striking out the last word of his amendment.

I do that for the purpose of asking the gentleman from Illinois [Mr. FOSTER] to modify one of his statements. I do not think that either one of us is at liberty to disclose what took place in the Committee on Rules, but I think if the gentleman will reflect he will change that part of his remarks in which he said that the particular course which he indicated was taken at the solicitation of the minority. That is not my recollection. I shall not go further into details.

Mr. FOSTER. If the gentleman from New York will permit, I realize I ought not to make a statement of things that occurred in committee, but I felt this matter should be stated to the House, and so I stated it, because the gentleman from Pennsylvania had made some criticisms. Now, let me say I shall not go into this matter at this time, but I think the gentleman from New York [Mr. BENNET] will recall that it was made possible in coming to an agreement in this matter, by a suggestion made by some one upon the majority side of the committee in answer to one on the minority side, that this matter should be proceeded with in this way, and it was agreed to. Now, I think there was no question about that. I do not mean that the minority agreed to the rule, but I mean they agreed to this procedure.

Mr. BENNET. Nor did we desire this particular method of procedure.

Mr. FOSTER. I think there was no objection to that.

Mr. BENNET. I do not think there was any objection.

Mr. FOSTER. I do not think I heard any.

Mr. BENNET. It was not made at the solicitation of the minority at all. We had no interest in having the rule reported.

Mr. FOSTER. I think the first suggestion, if the gentleman will recall, came from his side of the committee, that this procedure ought to be followed.

Mr. BENNET. Well——

Mr. FOSTER. I do not think I am wrong about that, and I do not think I am violating any secrets of the committee in stating it.

Mr. BENNET. I will not say anything about what took place in the committee. I will say that my recollection differs slightly from the gentleman's recollection, not materially, but slightly. But I want to say to the gentleman from South Carolina, who talked about voting for rules, that it is quite true when the Republicans were in power they did report rules, but that the tendency of the Congress since the Democrats came into power to rely on rules is regrettable. I have looked up the Sixty-first Congress and compared it with the Sixty-third Congress, because each was a Congress of three sessions, and each dealt with a tariff bill, and in other respects the Congresses were analogous. In the Sixty-first Congress, a Republican Congress, when we had, at least toward the last, a more or less nominal majority, we succeeded in getting through with 22 rules. In the Sixty-third Congress, a Democratic Congress, with 140 majority, that Congress required 34 rules. In other words, they increased the number of rules over the Republican Congress 50 per cent.

Mr. FITZGERALD. Will the gentleman yield?

Mr. BENNET. Certainly.

Mr. FITZGERALD. Is it not a fact that the Sixty-first Congress only passed 22 special rules because they could not get enough votes to pass any more? That is when they had all the insurgents over there, and they could not get them to vote for any rule at all.

Mr. BENNET. No; when we needed any votes to carry anything through we could get some Democrats. [Laughter on the Republican side.] I do not recall that we ever had to refrain from reporting a rule because of any feeling that we would not get the votes necessary. We got along with 22 rules because we operated under the rules of the House, and if the Democratic majority would attempt more of that and had attempted more of that in the Sixty-third Congress they would have stood higher in the estimation of the country, because, whether the House is Republican or Democratic, there is a feeling throughout the country, when we are unable to operate under our rules, that we are not exhibiting the highest degree of intelligence; and it is a serious reflection on this House when we are increasing in so short a time as two Congresses the number of special rules required by 50 per cent.

Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. The gentleman from New York asks unanimous consent to withdraw his pro forma amendment. Is there objection?

There was no objection.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Pennsylvania [Mr. MOORE].

The question was taken, and the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 6. That section 3949 of the Revised Statutes be amended to read as follows:

"All contracts for carrying the mail shall be in the name of the United States and shall be awarded to the lowest bidder tendering sufficient guaranties for faithful performance in accordance with the terms of the advertisement: *Provided, however*, That such contracts require due celerity, certainty, and security in the performance of the service; but the Postmaster General shall not be bound to consider the bid of any person who has wilfully or negligently failed to perform a former contract."

Mr. BENNET. Mr. Chairman, I reserve a point of order for the purpose of asking for an explanation.

The CHAIRMAN. The gentleman from New York reserves a point of order.

Mr. BENNET. Mr. Chairman, I would like to know what is intended to be done by the amendment.

Mr. STAFFORD. The gentleman from South Carolina [Mr. FINLEY] explained this section when he was attempting to explain the other section.

Mr. FINLEY. What is it that the gentleman wishes to know?

Mr. BENNET. What is the change of existing law that is made by this amendment?

Mr. FINLEY. It enlarges the discretion of the Postmaster General to reject bids of every person who has willfully or negligently failed to perform a former contract.

Mr. BENNET. Is it the proviso that is new?

Mr. FINLEY. Well, there is something preceding the proviso.

Mr. BENNET. This seems to be a change of regulation, of section 3949 of the regulations, and it does seem as if the House should have some explanation.

Mr. FINLEY. I would say to the gentleman that the first five lines there change the existing law very little, practically none. The proviso is what carries the change.

Mr. BENNET. In view of the explanation, I withdraw the point of order.

The CHAIRMAN. The gentleman withdraws the point of order.

Mr. HUMPHREY of Washington. Mr. Chairman, I reserve a point of order.

The CHAIRMAN. The gentleman from Washington reserves a point of order.

Mr. HUMPHREY of Washington. Mr. Chairman, I wanted to inquire whether, if this change of law were made, it would help in the movement of the mails. I will give an illustration: I have a brother who lives in New York City, in one of the suburbs, and it takes from two to three days for a letter that I mail here to reach him. I can get on a train and be in his house in five hours and a half, but if I get a letter from him or if he gets one of my letters and it reaches him in less than 48 hours we think it is doing well.

Mr. MOORE of Pennsylvania. Why does not the gentleman take the letter with him when he goes over? [Laughter.]

Mr. HUMPHREY of Washington. The reason that I do not take it with me is that I mail it and get there first. [Laughter.]

Mr. MOORE of Pennsylvania. Ahead of the letter?

Mr. HUMPHREY of Washington. Yes; ahead of the letter a couple of days.

Now, if there is anything in this change of law that will hasten the delivery of mail between here and New York, I will withdraw the point of order. I happen to have a communication here from the Merchants' Association of New York, and while I am on my feet I want to call your attention to the fact that it seems to take 92 hours to deliver a letter from one portion of the city of New York to another. I do not suppose this provision will help that situation, but I can give specific instances if anybody is interested in hearing them and wants to know of them. I have a letter here which says that the report of the Merchants' Association shows that bulletins mailed out by the Merchants' Association before noon on Saturday did not reach the Borough of Richmond——

Mr. BENNET. That is on Staten Island——

Mr. HUMPHREY of Washington. Until Wednesday at 9.15 o'clock, taking for a 6½-mile journey the leisurely time of 93 hours. [Laughter.]

Mr. MADDEN. Maybe there was not a boat running.

Mr. HUMPHREY of Washington. Perhaps this paragraph may to some extent remedy that condition so that we can get a letter to New York in 24 hours. If so, I will withdraw my point of order.

The CHAIRMAN. The gentleman withdraws his point of order, and the Clerk will read.

The Clerk read as follows:

SEC. 7. That the limit of weight of mail matter of the first class shall be the same as is applicable to mail of the fourth class: *Provided*, That no article or package exceeding 4 pounds in weight shall be admitted to the mails under the penalty privilege unless it comes within the exceptions named in the acts of June 8, 1896 (ch. 370, 29 Stat. L., p. 262), and June 26, 1906 (ch. 3546, 34 Stat. L., p. 477).

Mr. STAFFORD. Mr. Chairman, I reserve a point of order on this section, for the purpose of obtaining some information. Are we to understand that by the adoption of this amendment the weight limit of first-class mail will be 4 pounds, or will it be 50 pounds?

Mr. FINLEY. The reason stated by the department for desiring the passage of this section is as follows:

The weight limit of mail matter of the first class is now fixed by law at 4 pounds. Persons desiring to mail matter of this class weighing more than 4 pounds are therefore greatly inconvenienced, and there is consequently a demand for an increase of the weight limit of such matter.

I will say to the gentleman that there will be no loss to the Government by the adoption of this provision.

Mr. STAFFORD. It proposes to increase the mailable weight of first-class matter to 50 pounds?

Mr. FINLEY. I do not know. If it is so increased, the revenues of the Government will be increased accordingly.

Mr. STAFFORD. I am simply asking for the purpose of ascertaining the extent and purpose of this section. Have the committee had any hearings on this matter?

Mr. FINLEY. I think not.

Mr. STAFFORD. No hearings! The committee just accepted the recommendation of the department?

Mr. FINLEY. There were hearings before. These provisions have been brought into the House before, and there were hearings at that time.

Mr. STAFFORD. Can the gentleman inform me when this identical provision was offered in the House and when hearings were had upon it?

Mr. FINLEY. I do not recall. I think it has been here before.

Mr. STAFFORD. I think it is entirely new.

Mr. FINLEY. The revenues of the Government are derived to a very large extent from first-class mail, and any increase in weight will be paid for according to the rate fixed by law, so it can only make for the benefit of the Government.

Mr. STAFFORD. I withdraw the reservation of the point of order.

Mr. MANN. I reserve a point of order. Although I think it is quite hopeless, I am going to endeavor to obtain information. Here we have a proposition upon which there have been no hearings, about which the gentlemen in charge of the bill appear to know but little, if anything; and if it should go out on a point of order, it is proposed to make it in order by a rule. It seems surprising that such a course should be pursued. Certainly if you are going to violate the ordinary rules of the House and make things in order which, under the rules of the House, would not be in order, gentlemen in charge of the measure ought to have a full understanding upon the propositions which are offered. This proposition apparently increases the weight limit of first-class mail matter to 50 pounds. Clearly it does so. What does this proviso in reference to the penalty privilege amount to? Does that cover franked matter—mail franked by Members of Congress, for instance? Does it limit them to 4 pounds? Here is a new limitation:

No article or package exceeding 4 pounds in weight shall be admitted to the mails under the penalty privilege—

Unless it comes within certain exceptions. Does that affect, for instance, the boxes that Members of Congress have the privilege of sending home under their franks—the boxes furnished to them by the Government?

Mr. FINLEY. If the gentleman from Illinois will read it, it says:

Under the penalty privilege.

The penalty privilege is not that which applies to the mail of Members of Congress.

Mr. MANN. That is what I want to know.

Mr. FINLEY. I assumed that the gentleman knew that. I think he served on the Post Office Committee once, and is well informed on postal matters. It reads here as plainly as can be:

Under the penalty privilege.

Mr. MANN. Was it during my service on the committee that these hearings were had upon this proposition?

Mr. FINLEY. Mr. Chairman, I will say that it was during the gentleman's service on the committee that the penalty privilege was the law of the land.

Mr. MANN. I thought it was during my service on the committee that these hearings were had, because the nearest I ever was to the Committee on the Post Office and Post Roads was either to look into the room from the outside or to pay a complimentary call upon its distinguished chairman.

Mr. MOON. What is that? [Laughter.]

Mr. MANN. I can assure the gentleman from Tennessee that that was not a partisan remark. [Laughter.]

Mr. MOON. It is about the first one that my good friend has not made.

Mr. MANN. Well, I am different from my good friend from Tennessee, because he never made any, and I have made one.

Mr. MOON. Oh, I have made a few.

Mr. MANN. If you are going to admit all first-class matter up to 50 pounds, why should there be any limitation as to what the Government needs to send?

Mr. MOON. Mr. Chairman, the gentleman has heard read the reason of the department for it, has he not? The weight limit of mail matter of the first class is now fixed at 4 pounds.

Mr. MANN. Oh, I knew that.

Mr. MOON. Then the gentleman knows that persons desiring to mail matter of this class weighing more than 4 pounds are greatly inconvenienced, and, in consequence, there is a demand for an increase in the limit of weight. That is what the department thinks. There is a demand for an increase in the limit of weight on account of the fact of its being limited as it is now.

Mr. MANN. I will say to the gentleman that I have made no inquiry about that. What I have made inquiry about is the limitation in the proviso, where you limit the amount of Government mail to 4 pounds. If you are going to increase the limit of first-class mail from 4 to 50 pounds, why should not the Government have the same right as an ordinary individual?

Mr. MOON. I do not know why the Government should not.

Mr. MANN. That is what I thought.

Mr. MOON. Chapter 370 of the act to regulate mail matter of the fourth class provides:

That mailable matter of the fourth class shall embrace all matter not embraced in the first, second, or third class which is not in its form or nature liable to destroy, deface, or otherwise damage the contents of the mail bag or harm the person or anyone engaged in the Postal Service, and is not above the weight provided by law, which is hereby declared to be not exceeding 4 pounds for each package thereof, except in case of single books weighing in excess of that amount, and except for books and documents published or circulated by order of Congress, or printed or written official matter emanating from any of the departments of the Government or from the Smithsonian Institution, or which is not declared nonmailable under the provisions of section 3893 of the Revised Statutes as amended by the act of July 12, 1876, or matter appertaining to lotteries, gift concerts, or fraudulent schemes or devices.

The Government does not send mail matter under the frank that is usually in excess of 4 pounds for a single item, except occasionally a book.

Mr. MANN. The Government can not do it now because there is law forbidding it, but frequently the Government desires to. I have known cases repeatedly under the Government where, instead of sending one package weighing over 4 pounds, it was divided up into a dozen packages, each weighing less than 4 pounds, in order to send the same thing by mail, but at a much greater expense. Now, it is proposed to remove the limit of 4 pounds for ordinary mail matter, and why should it not be removed as to governmental matter?

Mr. MOON. I think the reason is clear in this, that generally the weight sent by the Government is less than 4 pounds.

Mr. MANN. That would be a very good reason for increasing the possibility of weight to 50 pounds.

Mr. SMITH of Idaho. Mr. Chairman, I desire to confirm the statement of the gentleman from Illinois [Mr. MANN] in regard to the necessity of frequently dividing Government mail into separate packages if this provision is adopted. Land offices are scattered over the public-land States. They frequently, in fact every month, send on their reports to the General Land Office. The quantity of mail frequently amounts to two or three hundred pounds; and if this provision prevails, they will have to tie up in 4-pound packages these reports, at the expense of a great deal of time and some annoyance, and it would be necessary to have scales in the office to weigh them, to see that they do not exceed the 4-pound limit.

Mr. MOON. Is this official work?

Mr. SMITH of Idaho. Yes; the land cases of the local land offices, with the records, are sent on to the General Land Office. They send on these reports and they are so bulky they amount to probably two or three hundred pounds, and the register will be required to tie them up in 4-pound packages and send them in that way, because of the provision which is proposed.

Mr. MOON. What amendment would the gentleman suggest?

Mr. SMITH of Idaho. It seems to me we should leave that provision out entirely.

Mr. MANN. Strike out the proviso?

Mr. MOON. Strike out altogether the language referring to this?

Mr. MANN. Strike out the proviso and raise the first-class mail limit from 4 to 50 pounds, and it would apply to Government matter as well as to matter mailed by private individuals.

Mr. FINLEY. If the gentleman from Illinois will permit, I think I can give some of the history of this matter. In 1907 in the Post Office hearings the fact was developed that the Government was shipping iron safes through the mail to post offices throughout the country; was shipping post-office equipment, and so on; and that officers at Army posts were mailing under the penalty or franks billiard tables, furniture, and so forth.

Mr. MANN. If they were, they were violating the law.

Mr. FINLEY. And that was the reason for this legislation at that time.

Mr. MANN. I understand. I do think the 50-pound limit would be injurious.

Mr. FINLEY. That is what I know about the history of this legislation, that it was necessary, or thought necessary, at that time, and it did stop that practice, or rather practices, on the part of the department and Army-post officers.

Mr. MOON. Does the gentleman desire to amend the bill?

Mr. MANN. I think the proviso ought to go out. That is my own opinion about it. The gentleman from Wisconsin thinks it ought not.

Mr. STAFFORD. I think it would be a mistake to strike out the proviso.

Mr. BENNET. Mr. Chairman, I am reserving the point of order.

Mr. HILL. Mr. Chairman, about a month or six weeks ago this provision of this law was called to my attention, and I went to the chairman of the committee and asked him if it was not solely for the purpose of enabling the Treasury Department to ship money by mail instead of by express, as they had previously done under the provisions of this act, and if it was I wanted to enter my protest, because under the weight of the statement it did not seem to me it was fair to the railroad companies to have this done.

Mr. MANN. The gentleman has the wrong provision.

Mr. HILL. I am confident this is the provision, but I will ask the gentleman from Tennessee [Mr. MOON] if this is not the provision about which I had the conversation with him?

Mr. MOON. If it is so, I am not aware of it, but it may possibly be so; I have no information along that line.

Mr. HILL. The gentleman very kindly consented to a hearing in regard to that matter, but my attention is called by the gentleman from Illinois to the provision on the next page, which simply shows my unfamiliarity with this whole law, and I was quite confident it was the section about which I had the conversation. There is somewhere here such a provision, which is unfair and unjust, and I do not see why it should be allowed. If this is not the provision, I confess my error, and I will wait until we reach it.

Mr. BENNET. Mr. Chairman, I make the point of order.

The CHAIRMAN. Does the gentleman from Tennessee want to be heard on the point of order?

Mr. MOON. No; but I am surprised, after the understanding with the gentleman that we should discuss this matter for an hour, he should make the point of order on it instead of making it at the beginning.

Mr. BENNET. The gentleman from Tennessee is not as fair as he usually is. The understanding we had was in relation to the preceding paragraph, and that understanding I kept to the letter.

Mr. MOON. I hope if the gentleman makes the point of order he will make it at the beginning of a matter that is subject to the point of order. We have wasted an hour of the public's time here in discussion.

The CHAIRMAN. Does the gentleman make the point of order?

Mr. MANN. I desire to say that pretty nearly all the discussion amounts to nothing, because we did not get any information.

Mr. BENNET. Mr. Chairman——

Mr. FINLEY. Mr. Chairman, I demand the regular order.

Mr. BENNET. I make the point of order.

The CHAIRMAN. The point of order is sustained.

Mr. SMITH of Idaho. Mr. Chairman, I ask unanimous consent to go back a few lines, so that I may introduce an amendment.

The CHAIRMAN. To what point?

Mr. SMITH of Idaho. Two or three lines; to line 12.

The CHAIRMAN. On this page?

Mr. SMITH of Idaho. Yes.

The CHAIRMAN. The gentleman from Idaho asks unanimous consent to go back to paragraph ending in line 12 of page 31 of the bill.

Mr. FINLEY. I object, Mr. Chairman.

The CHAIRMAN. Objection is heard. The Clerk will read.

The Clerk read as follows:

SEC. 8. That so much of section 1 of the "Act making appropriations for the service of the Post Office Department for the fiscal year

ending June 30, 1913, and for other purposes," approved August 24, 1912, which provides that the Post Office Department shall not extend or enlarge its present policy of sending second-class matter by freight trains, is hereby repealed.

Mr. BENNET. Mr. Chairman, I reserve a point of order on the paragraph.

The CHAIRMAN. The gentleman from New York [Mr. BENNET] reserves a point of order on the paragraph.

Mr. MOON. What paragraph is that?

The CHAIRMAN. Paragraph 8.

Mr. MOON. Mr. Chairman, I move that the committee do now rise.

The CHAIRMAN. The point of order will be pending.

The gentleman from Tennessee moves that the committee do now rise.

The motion was agreed to; and Mr. FLOOD having taken the chair as Speaker pro tempore, Mr. RAINEY, Chairman of the Committee of the Whole House on the state of the Union, reported that the committee had had under consideration the bill H. R. 10484, the Post Office appropriation bill, and had come to no resolution thereon.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Waldorf, one of its clerks, announced that the Senate had passed the following resolution:

*Resolved*, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (S. 788) permitting the Wolf Point Bridge & Development Co. to construct, maintain, and operate a bridge across the Missouri River, in the State of Montana.

The message also announced that the President had, on February 21, 1916, approved and signed joint resolution of the following title:

S. J. Res. 97. Joint resolution to appoint Alexander Graham Bell a member of the Board of Regents of the Smithsonian Institution.

ENROLLED BILL SIGNED.

Mr. LAZARO, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title, when the Speaker signed the same:

H. R. 6854. An act permitting the Wolf Point Bridge & Development Co. to construct, maintain, and operate a bridge across the Missouri River in the State of Montana.

ENROLLED JOINT RESOLUTION PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. LAZARO, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following joint resolution:

H. J. Res. 89. Joint resolution to amend an act entitled "An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war," approved February 25, 1915.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

Mr BYRNS of Tennessee, from the Committee on Appropriations, reported the bill (H. R. 12207) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1917, and for other purposes, which was referred to the Committee of the Whole House on the state of the Union and, with the accompanying report (No. 256), ordered to be printed.

Mr. GOOD. Mr. Speaker, I reserve all points of order on the bill.

EXTENSION OF REMARKS.

Mr. CHURCH. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER pro tempore. The gentleman from California [Mr. CHURCH] asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

RETURN OF A BILL.

The SPEAKER pro tempore laid before the House the following:

IN THE SENATE OF THE UNITED STATES,
*February 21 (calendar day, February 23), 1916.*

*Resolved*, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (S. 788) permitting the Wolf Point Bridge & Development Co. to construct, maintain, and operate a bridge across the Missouri River in the State of Montana.

Attest:

JAMES M. BAKER,
*Secretary.*

By H. M. ROSE,
*Assistant Secretary.*

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

ADJOURNMENT.

Mr. MOON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 25 minutes p. m.) the House adjourned until to-morrow, Friday, February 25, 1916, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, a letter from the Secretary of the Treasury, transmitting copy of a communication from the Secretary of the Interior, submitting an estimate of appropriation in the sum of $16,344 for expenses in connection with the recently completed Columbia Hospital for Women and Lying-in Asylum, Washington, D. C. (H. Doc. No. 786), was taken from the Speaker's table, referred to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. MURRAY, from the Committee on Pensions, to which was referred the bill (H. R. 12194) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, reported the same without amendment, accompanied by a report (No. 255), which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. SPARKMAN: A bill (H. R. 12193) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes; to the Committee of the Whole House on the state of the Union.

By Mr. DANFORTH: A bill (H. R. 12195) to amend section 17 of the United States bankruptcy law of July 1, 1898, and amendments thereto of February 5, 1903; to the Committee on the Judiciary.

By Mr. MORRISON: A bill (H. R. 12196) to extend temporarily the time for filing applications and fees and taking action in the United States Patent Office in favor of nations granting reciprocal rights to United States citizens; to the Committee on Patents.

By Mr. GOODWIN of Arkansas: A bill (H. R. 12197) authorizing Ashley County, Ark., to construct a bridge across Bayou Bartholomew; to the Committee on Interstate and Foreign Commerce.

By Mr. McARTHUR: A bill (H. R. 12198) to establish a board of maritime control of the United States and define its powers and duties; to the Committee on the Merchant Marine and Fisheries.

By Mr. BENNET: A bill (H. R. 12199) to authorize the Postmaster General to grant sick leaves, and for other purposes; to the Committee on the Post Office and Post Roads.

Also, a bill (H. R. 12200) to improve the efficiency of the postal system in New York City; to the Committee on the Post Office and Post Roads.

By Mr. MURRAY: A bill (H. R. 12201) for the regulation of the use of the mails by cattle, cotton, fruit, tobacco, grain, or stock exchanges, and their members, and to amend certain sections of the Criminal Code of the United States, Compiled Statutes, relating to lotteries, and for other purposes; to the Committee on the Post Office and Post Roads.

By Mr. MONDELL: A bill (H. R. 12202) to prohibit the issuance of passports for use on the armed vessels of a belligerent country; to the Committee on Foreign Affairs.

By Mr. DUPRÉ: A bill (H. R. 12203) to construct and equip a light vessel for the Passes at the entrances to the Mississippi River, La.; to the Committee on Interstate and Foreign Commerce.

By Mr. SIEGEL: A bill (H. R. 12204) to authorize the Secretary of the Treasury to audit and adjust certain claims of the city of New York; to the Committee on Claims.

By Mr. SCOTT of Michigan: A bill (H. R. 12205) to amend an act entitled "An act to reduce tariff duties and to provide revenues for the Government, and for other purposes," approved October 3, 1913; to the Committee on Ways and Means.

By Mr. WATSON of Pennsylvania: A bill (H. R. 12206) to provide for the purchase of a site and the erection of a public

building thereon at Doylestown, Pa.; to the Committee on Public Buildings and Grounds.

By Mr. BYRNS of Tennessee: A bill (H. R. 12207) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1917, and for other purposes; to the Committee of the Whole House on the state of the Union and ordered to be printed.

By Mr. MONDELL (by request): A bill (H. R. 12208) adding certain lands to the Teton National Forest, Wyo.; to the Committee on the Public Lands.

By Mr. HILLIARD: Joint resolution (H. J. Res. 165) urging American citizens to refrain from taking passage on armed merchantmen and for the adjustment of any loss sustained by reason of the observance of the provisions of this resolution; to the Committee on Foreign Affairs.

By Mr. WICKERSHAM: Concurrent resolution (H. Con. Res. 18) for the conservation and protection of food fish and other marine animals and waterfowl outside the 3-mile or territorial limits of the United States, Great Britain, Russia, and Japan; to the Committee on Foreign Affairs.

By Mr. FARR: Concurrent resolution (H. Con. Res. 19) recognizing the fundamental right of distinct races of people to establish and maintain their political autonomy and government; to the Committee on Foreign Affairs.

By Mr. ROWE: Memorial of the Legislature of the State of New York, protesting against a Federal inheritance tax; to the Committee on Ways and Means.

## PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. MURRAY: A bill (H. R. 12194) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors; to the Committee of the Whole House.

By Mr. AUSTIN: A bill (H. R. 12209) granting a pension to Isaac N. Walker; to the Committee on Pensions.

By Mr. BARNHART: A bill (H. R. 12210) for the relief of Richard Hogan; to the Committee on Military Affairs.

By Mr. BELL: A bill (H. R. 12211) granting an increase of pension to Mrs. Brinkley Jackson; to the Committee on Pensions.

By Mr. BENNET: A bill (H. R. 12212) granting an increase of pension to Anna Kirk; to the Committee on Invalid Pensions.

By Mr. BORLAND: A bill (H. R. 12213) granting an increase of pension to Verlinda Rinehart; to the Committee on Invalid Pensions.

By Mr. BRUCKNER: A bill (H. R. 12214) granting an increase of pension to Catherine E. Stamp; to the Committee on Invalid Pensions.

By Mr. BRUMBAUGH: A bill (H. R. 12215) granting a pension to Charlotte Parker; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12216) granting an increase of pension to David Krouse; to the Committee on Invalid Pensions.

By Mr. BURNETT: A bill (H. R. 12217) for the relief of W. H. Cleeve; to the Committee on Claims.

By Mr. CANTRILL: A bill (H. R. 12218) granting an increase of pension to Henry C. Willis; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12219) granting an increase of pension to Mary Dougherty; to the Committee on Invalid Pensions.

By Mr. CONNELLY: A bill (H. R. 12220) granting an increase of pension to Bathsheba Newman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12221) granting an increase of pension to Charles Cain; to the Committee on Invalid Pensions.

By Mr. CONRY: A bill (H. R. 12222) providing for the refund of duties collected on flax-preparatory machines, parts, and accessories imported subsequently to August 5, 1909, and prior to January 1, 1911; to the Committee on Claims.

By Mr. COPLEY: A bill (H. R. 12223) granting an increase of pension to Michael Kouth; to the Committee on Invalid Pensions.

By Mr. COSTELLO: A bill (H. R. 12224) authorizing the assignment of and fixing the hours of employment of United States gaugers, storekeepers, and storekeeper-gaugers; to the Committee on Ways and Means.

By Mr. CRISP: A bill (H. R. 12225) granting a pension to James W. Pritchett; to the Committee on Invalid Pensions.

By Mr. DIXON: A bill (H. R. 12226) granting an increase of pension to Boston W. Van Osdol; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12227) granting an increase of pension to Greenberry Giltner; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12228) granting an increase of pension to John Pope; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12229) granting an increase of pension to Taylor Edwards; to the Committee on Invalid Pensions.

By Mr. EAGAN: A bill (H. R. 12230) granting an increase of pension to Anna M. Kahn; to the Committee on Invalid Pensions.

By Mr. FORDNEY: A bill (H. R. 12231) granting a pension to Dell J. Harrington; to the Committee on Pensions.

Also, a bill (H. R. 12232) granting a pension to Mary E. Johnson; to the Committee on Pensions.

Also, a bill (H. R. 12233) granting a pension to Polly R. Parker; to the Committee on Invalid Pensions.

By Mr. GODWIN of North Carolina: A bill (H. R. 12234) granting a pension to Elizabeth M. Fortman; to the Committee on Pensions.

By Mr. HAMLIN: A bill (H. R. 12235) granting a pension to Lydia A. McKnight; to the Committee on Invalid Pensions.

By Mr. HENSLEY: A bill (H. R. 12236) granting an increase of pension to Benjamin F. Fry; to the Committee on Invalid Pensions.

By Mr. HICKS: A bill (H. R. 12237) granting a pension to Anna L. Hancock, widow, Orrell Hancock, Eleanor I. Hancock, and George L. Hancock; to the Committee on Pensions.

By Mr. HINDS: A bill (H. R. 12238) for the relief of Jennie H. Anderson; to the Committee on Claims.

By Mr. HUMPHREY of Washington: A bill (H. R. 12239) for the relief of George D. Root; to the Committee on Claims.

By Mr. KAHN: A bill (H. R. 12240) for the relief of John Brodie; to the Committee on Claims.

By Mr. LA FOLLETTE: A bill (H. R. 12241) to reimburse certain employees of Alaskan Naval Coal Expedition, 1912; to the Committee on Claims.

By Mr. McGILLICUDDY: A bill (H. R. 12242) granting an increase of pension to George F. Cooper; to the Committee on Invalid Pensions.

By Mr. McKENZIE: A bill (H. R. 12243) for the relief of Hany E. Cain; to the Committee on Claims.

By Mr. MOORE of Pennsylvania: A bill (H. R. 12244) for the relief of the D. B. Martin Co., of Philadelphia, Pa.; to the Committee on Claims.

By Mr. OVERMYER: A bill (H. R. 12245) granting an increase of pension to David E. Lindsey; to the Committee on Invalid Pensions.

By Mr. RICKETTS: A bill (H. R. 12246) granting an increase of pension to John Ebert; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12247) granting an increase of pension to Hattie B. Golden; to the Committee on Invalid Pensions.

By Mr. SHERLEY: A bill (H. R. 12248) for the relief of the estate of Mary H. S. Robertson, deceased; to the Committee on War Claims.

By Mr. SHOUSE: A bill (H. R. 12249) granting an increase of pension to David Thompson McFarland; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12250) granting an increase of pension to I. F. Moore; to the Committee on Invalid Pensions.

By Mr. STEPHENS of Texas: A bill (H. R. 12251) for the relief of the estate of F. G. Faucett; to the Committee on Claims.

By Mr. TILLMAN: A bill (H. R. 12252) granting a pension to John Fite; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12253) granting a pension to John Cohea; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12254) granting a pension to J. W. Sawyers; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12255) granting a pension to John Marrs; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12256) granting a pension to Jintela Osbon; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12257) granting a pension to Crittenden Kirkpatrick; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12258) granting a pension to S. C. Robinson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12259) granting a pension to James King; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12260) granting a pension to Abe Males; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12261) granting a pension to William Neal; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12262) granting a pension to John G. Rhea; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12263) granting a pension to Flora Johnson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12264) granting a pension to Nancy S. Jones; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12265) granting an increase of pension to John W. Hudson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12266) for the relief of the heirs of Duvall Martin and Isabella Martin; to the Committee on War Claims.

By Mr. TRIBBLE: A bill (H. R. 12267) for the relief of Wallace L. Bell; to the Committee on Claims.

By Mr. WATSON of Pennsylvania: A bill (H. R. 12268) granting a pension to Melvin B. Krause; to the Committee on Pensions.

Also, a bill (H. R. 12269) granting a pension to William L. Carpenter; to the Committee on Invalid Pensions.

By Mr. THOMAS S. WILLIAMS: A bill (H. R. 12270) granting a pension to John C. Robinson; to the Committee on Invalid Pensions.

By Mr. WILSON of Illinois: A bill (H. R. 12271) granting a pension to Ruth Campbell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12272) granting a pension to Kate Harman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12273) granting an increase of pension to James Reynolds; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12274) for the relief of Michael Carter; to the Committee on Military Affairs.

## PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Memorial of Oldest Inhabitant Association of the District of Columbia, urging that an armory be built at Thirteenth and B Streets NW.; to the Committee on the District of Columbia.

Also (by request), resolution in support of House joint resolution 39; to the Committee on Foreign Affairs.

By Mr. BAILEY: Petitions of citizens and Men's Bible Class, Temple Lutheran Church, of Altoona; Epworth League, Chapter 7022, St. John's Methodist Episcopal Church, of Barnesboro; Sunday School of Hyndman Reformed Church, of Hyndman; and sundry citizens of Juniata, all in the State of Pennsylvania, favoring national prohibition; to the Committee on the Judiciary.

By Mr. BEALES: Petition of citizens of Chanceford Township, York County, Pa., against preparedness; to the Committee on Military Affairs.

Also, evidence in support of House bill 982, granting pension to Susanna Olewiler, of York, Pa.; to the Committee on Invalid Pensions.

Also, petition of International Brotherhood of Maintenance of Way Employees, favoring the Burnett immigration bill; to the Committee on Immigration and Naturalization.

Also, evidence in support of House bill 8838, to correct the military record of Jeremiah Stover; to the Committee on Military Affairs.

By Mr. CARY: Petition of retail liquor dealers of Erie County, N. Y., against prohibition in District of Columbia; to the Committee on the District of Columbia.

By Mr. CHARLES: Petitions of sundry citizens of Schenectady, N. Y., favoring embargo on arms, etc.; to the Committee on Foreign Affairs.

By Mr. COLEMAN: Petitions of 17 citizens and Brushton Methodist Episcopal Church, of Pittsburgh, Pa., favoring national prohibition; to the Committee on the Judiciary.

By Mr. DALE of New York: Petition of Short Line Railroad Association and Merchants' Association, of New York, relative to railway mail pay; to the Committee on the Post Office and Post Roads.

Also, memorial of the Merchants' Association of New York, relative to national defense; to the Committee on Military Affairs.

Also, memorial of American Fair Trade League, relative to amendments to Stevens standard-price bill; to the Committee on Interstate and Foreign Commerce.

Also, petition of the United Master Butchers of America, relative to Federal cold-storage law, conservation of live stock, etc.; to the Committee on Agriculture.

By Mr. DIXON: Petition of United Brethren Church; citizens of Columbus; 50 citizens of Columbus; Epworth League of Methodist Church of Columbus; and Young People's Christian Endeavor Union of Columbus, all in the State of Indiana, for passage of House joint resolutions 84 and 85, proposing an amendment to the Constitution of the United States for Nationwide prohibition; to the Committee on the Judiciary.

By Mr. EAGAN: Petition of New Jersey Woman's Christian Temperance Union, in favor of House joint resolutions 84 and 85 and other legislation; to the Committee on the Judiciary.

By Mr. ESCH: Petition of Peter Hemmersbach and 28 others, of Melvina, Wis., protesting against passage of bills relative to prison-made goods; to the Committee on Labor.

Also, papers in support of House bill 12059, granting an increase of pension to Edwin D. Hall; to the Committee on Invalid Pensions.

By Mr. FESS: Petitions of 17 citizens of Xenia and Central Methodist Episcopal Church Sunday School, of Springfield, Ohio, favoring national prohibition; to the Committee on the Judiciary.

By Mr. FLYNN: Petition of National Legislative and Information Bureau, Order of Railway Conductors, Brotherhood of Railroad Trainmen, Brotherhood of Locomotive Engineers, and Brotherhood of Locomotive Firemen and Engineers, favoring passage of Senate bill 5194 and House bill 9047, to promote safety of employees and travelers on railroads; to the Committee on Interstate and Foreign Commerce.

By Mr. GRIEST: Memorial of Men's Club of Wayne, Pa., favoring preparedness; to the Committee on Military Affairs.

By Mr. HAMLIN: Papers to accompany House bill 10441, for the relief of F. M. Marsh; to the Committee on Military Affairs.

By Mr. HAYES: Memorial of sundry citizens of Ventura, Cal., against preparedness; to the Committee on Military Affairs.

Also, petition of sundry citizens of San Jose, Cal., favoring national prohibition; to the Committee on the Judiciary.

By Mr. HEATON: Protest of Local Union No. 225, of International Union of United Brewery Workman of America, of Pottsville, Pa., against national prohibition; to the Committee on the Judiciary.

By Mr. HENSLEY: Petition of Charles H. Fake, of Bonne Terre, Mo., against a tax on gasoline; to the Committee on Ways and Means.

By Mr. HILL: Petition of A. C. Church, East Norwalk, Conn., favoring national prohibition; to the Committee on the Judiciary.

By Mr. HINDS: Petitions of sundry citizens of Portland and Mystic Lodge, International Order of Good Templars, favoring national prohibition; to the Committee on the Judiciary.

By Mr. IGOE: Petition of Mrs. Wilmoth Evans Bettis, regent, and other members of the Jefferson Chapter, Daughters of the American Revolution, of St. Louis, Mo., favoring preparedness; to the Committee on Military Affairs.

By Mr. KENNEDY: Petition of Carpenters' District Council of Rhode Island, favoring the passage of Burnett immigration bill; to the Committee on Immigration and Naturalization.

Also, memorial of Washington Park Methodist Episcopal Church, of Providence, R. I., favoring national prohibition; to the Committee on the Judiciary.

By Mr. KIESS of Pennsylvania: Petition of sundry citizens of Lawrenceville, Pa., favoring national prohibition; to the Committee on the Judiciary.

By Mr. LAFEAN: Petition of Military Order of Loyal Legion of the United States and others, favoring national defense; to the Committee on Military Affairs.

By Mr. LEWIS: Petitions of Mary B. Rinehart, of Le Gore, Md., and Daisie McDonald, of Frederick, Md., favoring the Burnett immigration bill; to the Committee on Immigration and Naturalization.

Also, petitions of 30 citizens of Mount Airy, Md.; Mount Airy Lodge, Independent Order of Good Templars, of Mount Airy; and Wesley Grove Lodge, Independent Order of Good Templars, of Woodfield, Md., in favor of national prohibition; to the Committee on the Judiciary.

By Mr. LONDON: Petitions indorsing House joint resolution 38, calling upon the President to convene a congress of neutral nations to offer mediation to the nations at war, from Polotzker Workingmen's Benevolent Society, of New York City; Workmen's Circle, of Rock Island, Ill., Branch 395; 63 citizens of Milltown, Mont., and vicinity; Branch 94, Workmen's Circle, Stamford, Conn.; Branch 340, Workmen's Circle, Baltimore, Md.; National Workmen's Committee, Chicago, Ill.; Jewish Branch, Socialist Party, Rockford, Ill.; Jewish Branch, Socialist Party, Meriden, Conn.; Local Waterbury, Socialist Party, Waterbury, Conn.; Workmen's Circle, Branch 48, Bridgeport, Conn.; Progressive Ladies' Aid Society, Meriden, Conn.; Jewish Branch, Socialist Party, Waterbury, Conn.; Hebrew Mutual Benefit Association, Stamford, Conn.; Coatmakers' Union, Local 36, Baltimore, Md.; Poale Zion Society, Baltimore, Md.; Workmen's Circle, Branch 197, San Antonio, Tex.; Jewish National Committee, Chicago, Ill.; Branch 22, Workmen's Circle, New Britain, Conn.; Socialist Party Local,

of Portsmouth, Ohio; American Branch, Socialist Party, Springfield, Mass.; Central Federated Union, New York City; Socialist Party of Oil City, Pa.; Joint Board of Cloak and Skirt Makers' Union, of Greater New York; Branch 351, Workmen's Circle, New York City; Branch 429, Workmen's Circle, Long Branch, N. J.; Cigarmakers' Progressive International Union, Branch 149, Brooklyn, N. Y.; 3 citizens of Fremont, Oreg.; 51 citizens of Itasca County, Minn.; Fountain Square Branch, Socialist Party, Marion County, Ind.; Mothers' Club, Henry Street Settlement, New York City; Socialist Consumers' League, New York City; United Hebrew Trades of the State of New York; Loyal Alliance Club, Brooklyn, N. Y.; Young America Branch, No. 227, Workmen's Circle, Chicago, Ill.; Local Tulsa, Socialist Party, Tulsa, Okla.; Branch 398, Workmen's Circle, Baltimore, Md.; Vest Makers' Union, Local No. 117, Amalgamated Clothing Workers of America, Baltimore, Md.; Branch 482, Workmen's Circle, Baltimore, Md.; Socialist Party of Berlin, N. H.; City Central Committee, Socialist Party, Duluth, Minn.; Independent First Odesser Sick Benefit Association, New York City; United Cloth Hat and Cap Makers of America, New York City; Progressive Club, Branch 9, Workmen's Circle, Baltimore, Md.; United Mine Workers of America, Local Union No. 1131, Coalton, Okla.; Educational League, Branch 67, Workmen's Circle, Baltimore, Md.; Hebrew Youths' Educational Club, Waterbury, Conn.; Workmen's Circle, Branch 176; Glenora Local, Socialist Party, Glenora, La.; Coat Pressers' Union, Amalgamated Garment Workers of America, New York City; City Central Committee, Socialist Party, Racine, Wis.; National Workmen's Committee on Jewish Rights, Minneapolis, Minn.; Branch North Wales, Socialist Party, Montgomery County, Pa.; Ukrainian Federation, Socialist Party of the United States; Pants Markers' Union, Local 114, Baltimore, Md.; Poale Zion Society, San Antonio, Tex.; Basters' Union, Local 241, Baltimore, Md.; American Brotherhood of Moghileff, of Chicago, Ill.; Progressive Bobker Young Men's Benevolent Society, New York City; Jewish National Workers' Alliance, Branch 82, New Haven, Conn.; Poale Zion Society, Baltimore, Md.; Branch 232, Workmen's Circle, New Haven, Conn.; Pants Pressers' Union, Local 59, Baltimore, Md.; Cloak Makers' Union No. 4, Baltimore, Md.; National Alliance, Branch 96, Chicago, Ill.; 50 citizens of Prescott, Mich.; Socialist Party of Rock Island, Ill.; joint meeting of Workmen's Circle Branches, Providence, R. I.; William Pierce, citizen, Canton, Ohio; and Aberdeen Local No. 2, Aberdeen, Wash.; to the Committee on Foreign Affairs.

Also, petition of George Stronberg, Akron, Colo. (minor), asking the chairman of the Committee on Foreign Affairs to "stop the war"; to the Committee on Foreign Affairs.

By Mr. MEEKER: Petitions of United Brotherhood of Carpenters and Joiners of America, Local No. 257; Metal Trades Council, both of St. Louis, Mo.; the Iron City Central Trades Council of Pittsburgh, Pa.; and Chicago Federation of Labor, of Chicago, Ill., praying for the passage of the Burnett immigration bill; to the Committee on Immigration and Naturalization.

Also, petitions of the Commandery of the State of Missouri of the Military Order of the Loyal Legion of the United States, and the Jefferson chapter of the Daughters of the American Revolution, both of St. Louis, Mo., favoring adequate preparedness; to the Committee on Military Affairs.

By Mr. McCLINTIC: Petition of citizens and members of the Mennonite Church of Friends, Okla., against preparedness; to the Committee on Military Affairs.

By Mr. McGILLICUDDY: Petition of Victory Lodge, International Order of Good Templars of Lisbon and Fall, Me., favoring national prohibition; to the Committee on the Judiciary.

By Mr. MILLER of Delaware: Petitions of sundry citizens of Wyoming, Lincoln, Lewes, and Camden, Del., favoring national prohibition; to the Committee on the Judiciary.

By Mr. MOSS of West Virginia: Petitions of 104 and more citizens of Parkersburg and Vienna and Wesley Senior Epworth League of Parkersburg, W. Va., favoring national prohibition; to the Committee on the Judiciary.

By Mr. MOTT: Petitions of 135 voting citizens of Pulaski and Pulaski Lodge, International Order of Good Templars of Pulaski, N. Y., favoring national prohibition; to the Committee on the Judiciary.

By Mr. OVERMYER: Petition of Woman's Christian Temperance Union of Norwalk, Ohio, favoring prohibition in Porto Rico; to the Committee on Insular Affairs.

Also, petition of Christian Endeavor Union of Norwalk, Ohio, asking for Federal censorship of motion pictures; to the Committee on Education.

Also, petition of the Christian Endeavor Union of Norwalk, Ohio, favoring amendment to pure food and drug law relative to false statement of curative powers of medicine; to the Committee on Agriculture.

Also, petition of Christian Endeavor Union of Norwalk, Ohio, favoring national prohibition; to the Committee on the Judiciary.

By Mr. PADGETT: Petitions of Nunnelly Methodist Episcopal Church South, of Nunnelly, Tenn., and Shipps Bend Methodist Episcopal Church South, of Centerville, Tenn., favoring national prohibition; to the Committee on the Judiciary.

By Mr. PRATT: Petition of Joseph Bimberg Sons Co., packer of leaf tobacco, of Elmira, N. Y., opposing the passage of the Burnett immigration bill; to the Committee on Immigration and Naturalization.

Also, petition of Union No. 280 of the Cigarmakers' International Union of America, of Owego, N. Y., E. M. Reynolds, secretary, favoring the passage of the Burnett immigration bill; to the Committee on Immigration and Naturalization.

Also, petition of Nordeus Enighet Lodge, No. 72, International Order of Good Templars, and 154 individual citizens of Corning, N. Y., favoring the passage of House joint resolution 84, by Mr. WEBB, of North Carolina, and House joint resolution 85, by Mr. SMITH of Idaho, proposing an amendment to the Constitution of the United States for nation-wide prohibition of the beverage traffic in intoxicating liquors; to the Committee on the Judiciary.

By Mr. RAKER: Petition of Los Angeles Chamber of Commerce, urging appropriation of moneys for the building of roads in the Yosemite National Park; to the Committee on Appropriations.

By Mr. ROWE: Petition of W. P. Billings, of New York City, in favor of House bill 9814; to the Committee on the Public Lands.

Also, petition of Carl Diederich, of Brooklyn, N. Y., in favor of the Stevens bill; to the Committee on Interstate and Foreign Commerce.

Also, petition of Michael Raphael, of Brooklyn, N. Y., in favor of House bill 6915; to the Committee on Pensions.

Also, petition of F. C. Barton, of New York, favoring the establishment of a nonpartisan tariff commission; to the Committee on the Judiciary.

Also, memorial of A. Beller & Co., of New York, in favor of enacting dye legislation; to the Committee on Ways and Means.

Also, memorial of International Association of Machinists of Washington, in favor of the Burnett immigration bill; to the Committee on Immigration and Naturalization.

Also, petition of John P. Cahill, of New York City, in favor of House bill 7625; to the Committee on Reform in the Civil Service.

Also, petition of Julius Wile, Sons & Co., of New York, protesting against prohibition in the District of Columbia; to the Committee on the District of Columbia.

Also, memorial of International Union of United Brewery Workmen of America, Local Union No. 24, of Brooklyn, N. Y., protesting against national prohibition; to the Committee on the Judiciary.

Also, petition of George I. Peerce, of Brooklyn, N. Y., in favor of the Kern-McGillicuddy bill; to the Committee on the Judiciary.

By Mr. SMITH of Idaho: Petitions of 40 citizens of Cambridge and Bonnus Ferry, Idaho, and citizens and Woman's Christian Temperance Union of Marydel, Del., favoring national prohibition; to the Committee on the Judiciary.

Also, papers to accompany House bill 12020, granting an increase of pension to William Graham; to the Committee on Invalid Pensions.

By Mr. STINESS: Petition of Union No. 1831, United Brotherhood of Carpenters and Joiners, of Arctic, R. I., favoring the Burnett immigration bill; to the Committee on Immigration and Naturalization.

By Mr. TEMPLE: Petition of the Men's Bible Class of the First Presbyterian Church of New Castle, Pa., for national prohibition; to the Committee on the Judiciary.

Also, petition of Nichels Aufsten and 35 other citizens of Cannonsburg, Pa., favoring House joint resolution 38; to the Committee on Foreign Affairs.

By Mr. VARE: Memorial of Philadelphia Section of the Navy League, relative to preparedness; to the Committee on Military Affairs.

By Mr. WASON: Memorial of the congregation of the Methodist Episcopal Church of Lancaster, N. H., favoring national prohibition; to the Committee on the Judiciary.

Also, memorial of the Epworth League of the Methodist Episcopal Church of Lancaster, N. H., favoring national prohibition; to the Committee on the Judiciary.

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